

April 15, 2015

By email & USPS mail

Hon. Thomas Schneider
Mayor of Florissant City, Missouri
Florissant City Hall
955 Rue St Francois
Florissant, Mo 63031

mayorschneider@florissantmo.com

Dear Mayor Schneider:

The NAACP Legal Defense and Educational Fund, Inc. (LDF)¹ writes to you at the urging of the Missouri State Conference of the NAACP, the Mound City Bar Association, the Black Leadership Roundtable, and Clergy United. At their request, LDF has been closely investigating the configuration of the nine (9) City Council wards in the City of Florissant.² LDF, along with this letter's other signatories, is deeply concerned that the City's current electoral system may violate both the United States Constitution's "one-person-one-vote" principle,³ due to malapportionment, and Section 2 of the Voting Rights Act of 1965, as amended ("Section 2").⁴ We believe that the City's current electoral plan may undermine the opportunity of Black voters in Florissant to participate equally in the political process and to elect candidates of their choice. Fortunately, the Florissant City Council has the power to adopt a more representative

¹ Since its founding in 1940, LDF has been a pioneer in the struggle to secure and protect the rights of Black people and other people of color in Missouri and elsewhere by using legal, legislative, public education, and advocacy strategies. *See, e.g., Shelby Cnty., Ala. v. Holder*, 133 S. Ct. 2612 (2013) (LDF defending Section 5 of the Voting Rights Act (VRA) before the Supreme Court); *Missouri v. Jenkins*, 495 U.S. 33 (1990) (LDF successfully suing Missouri to require remedial action in a school desegregation case); *Shelley v. Kraemer*, 334 U.S. 1 (1948) (LDF successfully suing to bar Missouri state courts from enforcing racially restrictive housing covenants).

LDF has been a separate entity from the NAACP, and its state branches, since 1957.

² The list of current Florissant City Council members is available at <http://www.florissantmo.com/departement/official.php?structureid=13>.

³ *Reynolds v. Sims*, 377 U.S. 533 (1964).

⁴ 42 U.S.C. § 1973(a) (2000 ed.).



method of electing its members⁵ and avoid potentially costly⁶ and lengthy⁷ litigation. We, therefore, write to encourage the City Council to pursue a readily available, fair, and inclusive approach to elections that complies with the Constitution, the Voting Rights Act, and other applicable laws.⁸

The current Florissant City Council ward plan likely violates federal law in two important respects. *First*, the Equal Protection Clause requires Florissant’s wards to be “of nearly equal population, so that each person’s vote may be given equal weight in the election of representatives.”⁹ A plan with a total maximum population deviation of less than 10 percent is generally permissible; however, deviations that exceed 10 percent “create[] a *prima facie* case of discrimination and therefore must be justified by the State.”¹⁰ *Second*, Section 2 prohibits voting

⁵ Redistricting and the creation of additional majority-minority districts are a common remedy to discriminatory voting schemes. *See, e.g., Bone Shirt v. Hazeltine*, 461 F.3d 1011, 1022-24 (8th Cir. 2006); *Stabler v. Cnty. of Thurston, Neb.*, 129 F.3d 1015, 1021-24 (8th Cir. 1997).

⁶ *See, e.g., Voting Rights Act: An Examination of the Scope and Criteria for Coverage Under the Special Provisions of the Act, Hearing Before the Subcomm. on the Constitution of the H. Comm. on the Judiciary*, 109th Cong. 80, 84-85 (2005) (detailing the actions of Charleston County, South Carolina, which fought, unsuccessfully, to overturn a Section 2 liability finding concerning its at-large electoral system at the cost of *two million dollars* in public funds); *see also* NAACP LEGAL DEF. & EDUC. FUND, INC., THE COST (IN TIME, MONEY, AND BURDEN) OF SECTION 2 OF THE VOTING RIGHTS ACT LITIGATION (2015), [http://www.naacpldf.org/files/case_issue/Section 2 of the Voting Rights Act Costs.pdf](http://www.naacpldf.org/files/case_issue/Section%20of%20the%20Voting%20Rights%20Act%20Costs.pdf); PATRICIA LOMBARD & CAROL KRAFKA, FED. JUDICIAL CTR., 2003-2004 DISTRICT COURT CASE-WEIGHTING STUDY 5-6 tbl. 1 (2005) (finding that voting rights cases consume the sixth most judicial resources out of the sixty-three types of cases analyzed).

⁷ *See, e.g., 1 Voting Rights Act: Section 5 of the Act – History, Scope, and Purpose: Hearing Before the Subcomm. on the Constitution of the H. Comm. on the Judiciary*, 109th Cong. 101 (2005) (“2 to 5 years is a rough average” for the length of Section 2 lawsuits).

⁸ LDF has successfully litigated numerous Section 2 cases against jurisdictions across the country with discriminatory electoral systems. *See, e.g., Ga. State Conference of the NAACP v. Fayette Cnty. Bd. of Comm’rs*, 950 F. Supp. 2d 1294 (N.D. Ga. 2013), *rev’d in part and vacated in part on other grounds*, 775 F.3d 1336 (11th Cir. 2015); *Terrebonne Parish NAACP v. Jindal*, No. 14-069, 2014 WL 3586549 (M.D. La. July 21, 2014); *Dillard v. Chilton Cnty. Comm’n*, 615 F. Supp. 2d 1292 (M.D. Ala. 2009).

⁹ *Connor v. Finch*, 431 U.S. 407, 416 (1977). Article I, § 2 of the Missouri Constitution also prohibits malapportionment. *Armentrout v. Schooler*, 409 S.W.2d 138, 144 (Mo. 1966).

¹⁰ *Voinovich v. Quilter*, 507 U.S. 146, 161 (1993) (internal quotation marks and citations omitted).



standards, practices, or procedures that were either enacted with racially discriminatory *intent*, or that have racially discriminatory *results*.¹¹ A chief purpose of Section 2 is to prohibit “minority vote dilution,” which can occur either by “the dispersal of [B]lack[] [people] into districts in which they constitute an ineffective minority of voters or from the concentration of [B]lack[] [people] into districts where they constitute an excessive majority.”¹² These dilutive practices are referred to as “cracking” and “packing,” respectively, and serve to minimize Black voters’ influence and their ability to elect candidates of choice.¹³

Here, the City Council’s electoral plan likely violates both requirements. First, the City Council wards are severely malapportioned, with a 25.3 percent total population deviation. This fact, in and of itself, establishes a *prima facie* constitutional violation. Second, while Black people constitute 24 percent of the voting-age population in Florissant,¹⁴ the current ward plan may dilute Black voting strength, in violation of Section 2, by packing the Black community into the malapportioned Ward IX — which has a 12.5 percent population deviation—and by cracking the remainder of Black voting strength through the failure to create a second majority-minority ward.¹⁵ At present, there is no Black member of the City Council, and the malapportioned majority-minority Ward IX has elected the only person of color to the City Council. No Black person has represented this City Council ward — or any other — to date.¹⁶

¹¹ 42 U.S.C. § 1973(a).

¹² *Thornburg v. Gingles*, 478 U.S. 30, 46 n.11 (1986).

¹³ *Voinovich*, 507 U.S. at 153-54.

¹⁴ U.S. CENSUS BUREAU, *Florissant (city) Quick Facts*, <http://quickfacts.census.gov/qfd/states/29/2924778.html> (last visited April 15, 2015).

¹⁵ *Bone Shirt v. Hazeltine*, 336 F. Supp. 2d 976, 980, 1052 (D.S.D. 2004) (finding that the packing of voters of color into a single district, where in fact they could have constituted a majority in several, violated Section 2), *aff’d*, 461 F.3d 1011 (8th Cir. 2006); *see also Stabler*, 129 F.3d at 1022-23 (upholding a Section 2 remedy where the creation of a third majority-minority district resulted in less of a disparity in proportional minority representation than the prior plan and more closely approximated substantial minority proportionality).

¹⁶ *Supra* note 2.



Moreover, a Missouri statute that requires municipal elections to be held in April every year likely exacerbates the harmful effect of the City’s ward configuration.¹⁷ Municipal elections held in April are “likely to draw significantly fewer voters than an election held simultaneously with a general election in November,”¹⁸ including in off-years when Black turnout across St. Louis County is “significantly less” than white turnout.¹⁹ For example, in the April 2012 municipal election, the Florissant-area’s voter turnout was an abysmal 11.51 percent,²⁰ but, in the November 2012 election, turnout was an incredible 74.56 percent.²¹ The Missouri law setting annual municipal elections in April likely constitutes a “structural flaw . . . [that] is indicative of [a] Section 2 violation.”²² The City’s existing ward plan compounds the deleterious effect of that

¹⁷ See MO. REV. STAT. 115.121.3 (2014) (“The election day for the election of political subdivision . . . officers shall be the first Tuesday after the first Monday in April each year; and shall be known as the general municipal election day.”); FLORISSANT, MO., MUNICIPAL CODE § 107.020.

¹⁸ *NAACP v. Hampton Cnty. Election Comm’n*, 470 U.S. 166, 178 (1985) (holding that the Voting Rights Act reaches various election practices, including discriminatory election dates); see also *Harvell v. Blytheville Sch. Dist. No. 5*, 71 F.3d 1382, 1388 (8th Cir. 1995) (en banc) (recognizing the impact of “varying election dates, the number of seats up for election, and the presence or absence of other ballot issues that may draw the electorate to the polls” on limiting Black political participation).

¹⁹ *Corbett v. Sullivan*, 202 F. Supp. 2d 972, 984-85 (E.D. Mo. 2002) (recognizing the discriminatory effect of off-years on Black voter turnout in St. Louis County Council elections); see also S. REP. NO. 97-417, at 143-144 & n.137 (1982), reprinted in 1982 U.S.C.C.A.N. 177, 316 & n.405 (noting that “off-year elections” are one of the “objective factors” that are indicative of a Section 2 violation given that “‘off-year’ elections tend to result in disproportionately low voter turn-out among minorities”).

²⁰ FLORISSANT TOWNSHIP, ST. LOUIS COUNTY, MISSOURI, GENERAL MUNICIPAL ELECTION, OFFICIAL FINAL RESULTS, Apr. 3, 2012, http://www.stlouisco.com/portals/8/docs/document_library/elections/eresults/el120403/twnflo.htm.

²¹ FLORISSANT TOWNSHIP, ST. LOUIS COUNTY, MISSOURI, GENERAL ELECTION, OFFICIAL FINAL RESULTS, Nov. 6, 2012, http://www.stlouisco.com/portals/8/docs/document_library/elections/eresults/el121106/twnflo.htm; cf. Brian Schaffner, Wouter Van Erve, & Ray LaRaja, *How Ferguson Exposes the Racial Bias in Local Elections*, WASH. POST (Aug. 15, 2014) (demonstrating that April elections depress Black voter turnout relative to white voter turnout in Ferguson), available at <http://www.washingtonpost.com/blogs/monkey-cage/wp/2014/08/15/how-ferguson-exposes-the-racial-bias-in-local-elections/>.

²² *United States v. Village of Port Chester*, 704 F. Supp. 2d 411, 444 (S.D.N.Y. 2010) (“[H]olding local elections at a time when only the most engaged and politically astute citizens—those citizens who feel the most enfranchised—are likely to vote will almost certainly result in the diminished influence of groups who feel generally excluded from the political fabric of the community.”).



law²³ and, along with other structural factors,²⁴ undercuts Black voters' access to the political process.

The decisions of the City Council have enormous consequences for the City's Black community. For example, the City Council presides over key decisions, including: (1) adopting ordinances; (2) hiring the police chief and officers, and other municipal employees; (3) drafting the city budget; (4) setting policing priorities; and (5) entering into municipal contracts.²⁵ The

²³ Low Black voter turnout and any paucity of Black candidates may result from a sense of futility in participating in a ward scheme, like Florissant's here, in which the Black community faces little chance of electoral success. *See Harvell*, 71 F.3d at 1388 (“[B]lack voters need have only looked at their plurality successes in 1974 and 1975 to realize that they faced a much lower possibility of success under the present [discriminatory] scheme.”); *McMillan v. Escambia Cnty., Fla.*, 748 F.2d 1037, 1045 (5th Cir. 1984) (holding, in response to the defendants' claim that no Black candidate had run for office in recent years, that “the lack of [B]lack candidates is a likely result of a racially discriminatory system”); *United States v. Marengo, Cnty. Comm'n*, 731 F.2d 1546, 1568 (11th Cir. 1984) (“Both Congress and the courts have rejected efforts to blame reduced [B]lack participation on ‘apathy.’”).

²⁴ In addition to the potentially discriminatory nature of Florissant's ward plan, other voting practices, such as the staggered terms for City Council members, *see* FLORISSANT, MO., MUNICIPAL CODE § 107.020, likely enhance the discrimination that Florissant's Black citizens experience. *See, e.g., Harvell*, 71 F.3d at 1390 (“The majority vote requirement, staggered terms, and at-large structure also tend to suppress minority voters' influence.”); *Buckanaga v. Sisseton Indep. Sch. Dist. No. 54-5*, 804 F.2d 469, 475 (8th Cir.1986) (“The Supreme Court has held that staggered terms promote the dilution of minority voting strength because they limit the number of seats, create more head-to-head contests between white and minority candidates, which highlight the racial element and minimize the influence of single-shot voting.”).

Furthermore, lower levels of homeownership and income, as well as higher levels of mobility, poverty, and unemployment amongst Black residents of Florissant, as compared to white residents, may further restrict Black voters' ability to participate equally in the political process. *See Gingles*, 478 U.S. at 69 (“[P]olitical participation by minorities tends to be depressed where minority group members suffer effects of prior discrimination such as inferior education, poor employment opportunities, and low incomes.”); *Harvell*, 71 F.3d at 1390 (“[T]he recognized historic effects of discrimination in the areas of health, employment, and education impact negatively on minority political participation.”). As of 2012, fewer Black residents (73.8 percent) had resided in their current home over the previous year than white residents (92.2 percent); Black residents also suffer unemployment at a higher rate (8.8 percent) as compared to white residents (5.5 percent); and twice as many Black families lived in poverty (8.3 percent) in the past year than white families (4.1 percent). U.S. CENSUS BUREAU, *2008-2012 American Community Survey 5-Year Estimates*, <http://factfinder.census.gov> (last visited April 15, 2015).

²⁵ *See, e.g.,* CHARTER OF THE CITY OF FLORISSANT, MO., art. I, § 1.3, art. II, § 2.4; FLORISSANT, MO., MUNICIPAL CODE § 110.100.



fact that the Florissant City Council continues to make such critical decisions without the unfettered representation of the City's Black community is alarming. It is in fact precisely *because* malapportioned and dilutive ward configurations, like Florissant's ward plan, can act to deny residents equal representation and prevent the effective exercise of the fundamental right to vote²⁶ that courts have repeatedly struck down such discriminatory configurations under the Constitution and Section 2.²⁷

The substantial underrepresentation of Black people on the Florissant City Council, and the potential limitation on their ability to exercise their right to elect candidates of their choice, is especially of concern given the background of stark racial disparities in the City, particularly in the context of law enforcement. While Black people constitute 27 percent of the City's total population, Black officers comprise a mere 8 percent of the City's police force.²⁸ Black residents, however, are significantly overrepresented among those people whom police stop and search. Black motorists "are four times more likely than expected" to be stopped by Florissant police officers and, while Black residents are a quarter of the population, they "comprise 57 [percent] of Florissant Police Department stops."²⁹ The search rate of Black people is "equally disproportionate, with white[] [people] searched 8 [percent] of the time, and [B]lack[] [people] 15.8 [percent]. Ironically, contraband was found in 12 [percent] of stops with white residents,

²⁶ *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).

²⁷ *See, e.g., LULAC v. Perry*, 548 U.S. 399, 436-442 (2006) (holding that the defendant State violated Section 2 by cracking a community of color to take away its opportunity to elect a candidate of choice); *Gingles*, 478 U.S. at 34 ("[T]he use . . . of multimember districts in five North Carolina legislative districts violated [Section] 2 by impairing the opportunity of [B]lack voters to participate in the political process and to elect representatives of their choice.") (quotation marks and citation omitted); *Stabler*, 129 F.3d at 1021-23 (holding that the failure to create a third majority-minority district despite an increase in the voter of color population indicated that the defendant city had "maintained its current districting system with a discriminatory intent" in violation of Section 2); *Perkins v. City of West Helena, Ark.*, 675 F.2d 201, 215 (8th Cir. 1982) (holding that the defendant city's refusal to reapportion "to insure proportionate representation for the citizens of the two 'black' wards [is] evidence [that] is probative of a finding that [the city's electoral] system is being maintained for a discriminatory purpose"), *aff'd*, 459 U.S. 801 (1982).

²⁸ Doug Moore, *St. Louis County Police Forces Often Don't Reflect Communities*, ST. LOUIS DISPATCH, Aug. 24, 2014, available at http://www.stltoday.com/news/local/metro/st-louis-county-police-forces-often-don-t-reflect-communities/article_a29dc3e4-91bb-5cf5-9b30-9ebb95c5e1c6.html.

²⁹ Thomas Harvey, *et al.*, ARCHCITY DEFENDERS, MUNICIPAL COURTS WHITE PAPER 15, (2014), available at <http://s3.documentcloud.org/documents/1279541/archcity-defenders-report-on-st-louis-county.pdf>.



and only 7.4 [percent] of stops involving [B]lack residents.”³⁰ These disproportionate stops of Black residents and motorists are part and parcel of Florissant’s overreliance on various fines. Incredibly, in 2013, Florissant issued “roughly one warrant for every six residents” and the City collected \$695,201.32 from warrants, making fines collection its third largest source of revenue.³¹

Recently, in nearby Ferguson, the U.S. Department of Justice (DOJ) found substantially similar racial disparities in the stopping, searching, and ticketing of Black motorists, and concluded that Ferguson officials had engaged in a pattern of egregious unlawful conduct, in violation of both the Constitution and federal law.³² The DOJ observed that these and other racial disparities had the harmful effect of “sow[ing] deep mistrust between parts of the community and the police department, [thus] undermining law enforcement legitimacy among African Americans in particular.”³³ Importantly, in addition to finding that these racial disparities in law enforcement practices had a discriminatory effect in violation of federal civil rights law,³⁴ the DOJ concluded that Ferguson’s persistent failure to address these racial disparities, among other things, established that Ferguson had engaged in intentional racial discrimination, in violation of the Fourteenth Amendment.³⁵

The magnitude of these violations was such that, within days of the release of the DOJ report, Ferguson’s City Manager, Chief of Police, and Municipal Judge all resigned.³⁶ Moreover, recognizing that “[e]xtraordinary action is warranted in Ferguson,” the Supreme Court of

³⁰ *Id.* at 15-16.

³¹ *Id.* at 34.

³² See U.S. DEP’T OF JUSTICE, CIVIL RIGHTS DIV., INVESTIGATION OF THE FERGUSON POLICE DEPARTMENT 4 (2015), available at http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf [hereinafter DOJ REPORT].

³³ *Id.* at 2.

³⁴ *Id.* at 69-70 (concluding that the practices violated Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and the Safe Streets Act of 1968, 42 U.S.C. § 3789d).

³⁵ *Id.* at 70, 76-78.

³⁶ See John Eligon, *Ferguson Police Chief Thomas Jackson Joins Exodus of City Officials*, N.Y. TIMES, Mar. 11, 2015, available at <http://www.nytimes.com/2015/03/12/us/police-chief-joins-exodus-in-ferguson.html>.



Missouri intervened by assigning a judge of the Missouri Court of Appeals to handle all cases pending in the Ferguson municipal court.³⁷ The Court acknowledged that the practices of Ferguson’s municipal court had undermined “public trust and confidence,” and that reforms were needed “to ensure that the rights of defendants are respected and to help restore the integrity of the system.”³⁸

While the DOJ’s report focused on the practices of Ferguson’s police department and its municipal court, it did not by any means shield the Ferguson City Council from scrutiny. The report noted that Ferguson’s City Manager, who supervises the Ferguson Police Department, reports to and is hired by the City Council itself.³⁹ Similarly, the Municipal Judge in Ferguson is nominated by the City Manager and elected by the City Council.⁴⁰ And, finally, the report demonstrated that the Ferguson City Council played an instrumental role in “set[ting] maximizing revenue as the priority for Ferguson’s law enforcement activity,” which exacerbated the racial biases in Ferguson’s law enforcement and municipal court practices.⁴¹ The recent decision of the Ferguson City Council to accept the resignation of the City Manager underscores the central role that it plays in all aspects of the city’s governance.⁴²

Indeed, as you know, the Municipal Judge in Ferguson, Ronald J. Brockmeyer, also served as the Florissant city prosecutor from 2002 until his recent resignation on March 12,

³⁷ Press Release, Supreme Court of Missouri, Supreme Court of Missouri Reassigns Ferguson Municipal Division Cases (Mar. 9, 2015), *available at* <http://www.courts.mo.gov/pressrel.nsf/3966cdf827e0d8d7862565ec00679fb1/7f70e2b78919dca486257e030077b4ec?OpenDocument>.

³⁸ *Id.*

³⁹ DOJ REPORT at 7.

⁴⁰ *Id.* at 8.

⁴¹ *Id.* at 9; *see also id.* at 10 (“City, police, and court officials for years have worked in concert to maximize revenue at every stage of the enforcement process.”); *id.* (noting a February 2011 report requested by the City Council regarding maximizing fine collections through the municipal court system); *id.* at 13 (discussing a March 2012 report regarding fine collections that the City Manager relayed to the City Council).

⁴² *See* John Eligon, *Ferguson City Manager Cited in Justice Department Report Resigns*, N.Y. TIMES, Mar. 10, 2015, *available at* <http://www.nytimes.com/2015/03/11/us/ferguson-city-manager-resigns.html>.



2015.⁴³ Mr. Brockmeyer’s resignation came after the DOJ found that he had helped Ferguson to disproportionately impose harsh fines on its Black residents to raise revenue, while dismissing tickets for himself and his friends.⁴⁴ The DOJ also found that Mr. Brockmeyer had improperly sent individuals to jail simply for being unable to pay a fine.⁴⁵

The City Council of Florissant should be mindful of the significance of this report. Attorney General Eric Holder noted that the DOJ’s report is “only the beginning” of a reform process in which DOJ will engage not only with Ferguson, but also with “surrounding municipalities” on these issues.⁴⁶ The need “to promote reconciliation, to reduce and eliminate bias, and to bridge gaps and build understanding” is not “confined to any one city.”⁴⁷ It extends to “every community across the United States,” including Florissant.⁴⁸ As Vanita Gupta, the Acting Assistant Attorney General for the DOJ’s Civil Rights Division, stated, “[i]t would be a mistake for any of [the] neighboring jurisdictions to fold up their hands. They should absolutely take note of this report.”⁴⁹

Because Florissant shares some of the striking racial disparities that led the DOJ to conclude that Ferguson city officials had violated the Constitution and federal civil rights laws, we urge the City Council to embrace this important opportunity to proactively address the City’s

⁴³ Jeremy Kohler, *Brockmeyer Resigns as Prosecuting Attorney in Florissant and Vinita Park*, ST. LOUIS DISPATCH, Mar. 12, 2015, available at http://www.stltoday.com/news/local/crime-and-courts/brockmeyer-resigns-as-prosecuting-attorney-in-florissant-and-vinita-park/article_5272300e-022a-5970-aaff-d71758c23c56.html.

⁴⁴ DOJ REPORT at 74.

⁴⁵ *Id.* at 48-49.

⁴⁶ Eric Holder, U.S. Attorney General, Update on Investigations in Ferguson, Missouri (Mar. 4, 2015), <http://www.justice.gov/opa/speech/attorney-general-holder-delivers-update-investigations-ferguson-missouri>.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Campbell Robertson, Shaila Dewan & Matt Apuzzo, *Ferguson Became Symbol, But Bias Knows No Border*, N.Y. TIMES, Mar. 7, 2015, available at <http://www.nytimes.com/2015/03/08/us/ferguson-became-symbol-but-bias-knows-no-border.html>.



interrelated issues of racial discrimination.⁵⁰ The first part of this process includes adopting a method of election for the City Council that is fair and does not have the potential to dilute the voting strength of the City's Black community. Importantly, even without litigation, the City Council has the statutory authority and legal obligation to work expeditiously to address these nascent issues of inadequate and unequal representation that we have identified in this letter.

We, therefore, urge the City Council, under your leadership, to work jointly with LDF, the Missouri NAACP, the Mound City Bar Association, the Black Leadership Roundtable, and Clergy United to work toward becoming a more equitable and inclusive body and to ensure that Black voters are not being denied the equal opportunity to elect the candidates of their choice. Such cooperation could bring the City into compliance with the Constitution, Section 2, and all other applicable laws and avoid the prospect of future costly and lengthy litigation.⁵¹

We welcome the opportunity to meet with you *in-person* to work cooperatively to resolve this important matter. Please respond to this letter *in writing* by **May 1, 2015** with a proposed meeting date. More generally, feel free to contact Deuel Ross or Victorien Wu directly by phone at (212) 965-2200 or email at dross@naacpldf.org or vwu@naacpldf.org with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Ifill".

Sherrilyn Ifill
Christina Swarns
Deuel Ross
Victorien Wu
NAACP LEGAL DEFENSE
AND EDUCATIONAL FUND, INC.

⁵⁰ Cf., e.g., Valerie Schremp Hahn, *Ferguson Proposes Municipal Court Reforms, Adding Police Review Board*, ST. LOUIS DISPATCH, Sept. 8, 2014, available at http://www.stltoday.com/news/local/govt-and-politics/ferguson-proposes-municipal-court-reforms-adding-police-review-board/article_bfb4e505-527f-5f70-bab9-1e41a5b2380e.html.

⁵¹ Indeed, a recent lawsuit has challenged the method of electing the Ferguson-Florissant School District Board of Education. See Editorial, *Race and Voting Rights in Ferguson*, N.Y. TIMES, Jan. 4, 2015, available at <http://www.nytimes.com/2015/01/05/opinion/race-and-voting-rights-in-ferguson.html>.



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