

April 15, 2015

By email & USPS mail

Hon. Matthew G. Robinson
Mayor of Hazelwood City, Missouri
415 Elm Grove Lane
Hazelwood, MO 63042

mgrobinson@hazelwoodmo.org

Dear Mayor Robinson:

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 eight (8) City Council wards in the City of Hazelwood.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

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 Hazelwood City Council members is available at <http://www.hazelwoodmo.org/city-government/city-council/council-members>.

As mayor, you also serve as the ninth City Council member and are elected at-large. CHARTER OF THE CITY OF HAZELWOOD, MO., art. II, § 1.

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

⁴ 42 U.S.C. § 1973(a) (2000 ed.).



opportunity of Black voters in Hazelwood to participate equally in the political process and to elect candidates of their choice. Fortunately, the Hazelwood City Council has the power to adopt a more representative 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 Hazelwood City Council ward plan likely violates federal law in two important respects. *First*, the Equal Protection Clause requires Hazelwood’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

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).



discrimination and therefore must be justified by the State.”¹⁰ *Second*, Section 2 prohibits voting 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 federal requirements. First, the City Council wards are severely malapportioned, with a 17.3 percent total population deviation. This fact, in and of itself, establishes a *prima facie* constitutional violation. Second, while Black people constitute 28 percent of the voting-age population in Hazelwood,¹⁴ the current ward plan may dilute Black voting strength, in violation of Section 2, by packing the Black community into Ward V and Ward VI and by cracking the remainder of Black voting strength through the failure to create a third majority-minority ward.¹⁵ Although Black people constitute nearly a third of the Hazelwood population, only a fourth of the wards are majority-minority. Though “only in a rare case will the population ratios match the fractions of the number of districts” precisely, creating a third majority-minority ward would bring Hazelwood closer to proportionality.¹⁶ To date, no Black person is sitting on the City Council — nor has any Black person ever done so.¹⁷

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

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, *Hazelwood (city) Quick Facts*, <http://quickfacts.census.gov/qfd/states/29/2931276.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 *Stabler*, 129 F.3d at 1022.

¹⁷ *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.¹⁸ Municipal elections held in April are “likely to draw significantly fewer voters than an election held simultaneously with a general election in November,”¹⁹ including in off-years when Black turnout across St. Louis County is “significantly less” than white turnout.²⁰ For example, in the April 2014 municipal election, the Hazelwood-area’s voter turnout was an abysmal 5.4 percent,²¹ but, in the November 2014 election, turnout county-wide was significantly higher, at 44.4 percent.²² The Missouri law that sets annual municipal elections in April likely constitutes a “structural flaw . . . [that] is indicative of [a] Section 2 violation.”²³ The City’s existing ward plan compounds the

¹⁸ 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.”); CHARTER OF THE CITY OF HAZELWOOD, MO., art. XI, § 1.

¹⁹ *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).

²⁰ *Corbett v. Sullivan*, 202 F. Supp. 2d 972, 984-85 (E.D. Mo. 2002) (recognizing the discriminatory effect of off-year elections 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”).

²¹ CITY OF HAZELWOOD, ST. LOUIS COUNTY, MISSOURI, GENERAL MUNICIPAL ELECTION, OFFICIAL FINAL RESULTS, April 8, 2014, https://www.stlouisco.com/portals/8/docs/document_library/elections/eresults/el140408/M040.HTM.

²² ST. LOUIS COUNTY, MISSOURI, GENERAL ELECTION, OFFICIAL FINAL RESULTS, Nov. 4, 2014, http://www.stlouisco.com/Portals/8/docs/document_library/elections/eresults/el141104/el45.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/>.

²³ *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.”).



deleterious effect of that law²⁴ and, along with other structural factors,²⁵ 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 city manager, chief of police, the City's Prosecuting Attorney, and other municipal employees; (3) drafting the city budget; (4) setting policing priorities; and (5) entering into municipal contracts.²⁶ The fact that the Hazelwood City Council continues to make such critical decisions without the unfettered representation of the City's Black community is

²⁴ Low Black voter turnout and any paucity of Black candidates may result from a sense of futility in participating in a ward scheme, like Hazelwood'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.’”).

²⁵ In addition to the potentially discriminatory nature of Hazelwood's ward plan, other voting practices, such as the staggered terms for City Council members, *see* CHARTER OF THE CITY OF HAZELWOOD, MO., art. II, § 1, likely enhance the discrimination that Hazelwood'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, the lower socioeconomic status of Black people in Hazelwood, as compared to whites, may further hinder 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, Black residents suffer unemployment at a higher rate (10.5 percent) than white residents (4.7 percent); and nearly four times as many Black families live in poverty (14.1 percent) than white families (3.9 percent). U.S. CENSUS BUREAU, *2008-2012 American Community Survey 5-Year Estimates*, <http://factfinder.census.gov> (last visited April 15, 2015).

²⁶ *See, e.g.,* CHARTER OF THE CITY OF HAZELWOOD, MO., art. I, § 3, art. II, § 11, art. III, § 1.



alarming. It is in fact precisely *because* malapportioned and dilutive ward configurations, like Hazelwood’s ward plan, can act to deny residents equal representation and prevent the effective exercise of the fundamental right to vote²⁷ that courts have repeatedly struck down such discriminatory configurations under the Constitution and Section 2.²⁸

The substantial underrepresentation of Black people on the Hazelwood 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 30 percent of Hazelwood’s total population, Black officers comprise only 3 percent of the police force.²⁹ Yet, Black residents are overrepresented among those people whom police search and arrest. The Missouri Attorney General reports that, although white people who are stopped are searched only 4.7 percent of the time, Black people are searched in 9.4 percent of stops.³⁰ Proportionally more contraband is uncovered in the searches of white motorists, with 25 percent of the searches of whites leading to the discovery of contraband compared to 16 percent of searches of Black motorists.³¹ But, Black

²⁷ *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).

²⁸ *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).

²⁹ Chris Spurlock & Walker Moskop, *Does the Police Force Reflect the Population?*, ST. LOUIS DISPATCH, Aug. 23, 2014, available at http://www.stltoday.com/news/multimedia/special/does-the-police-force-reflect-the-population/html_27fd2734-4765-5036-a9d3-fcaf98aff365.html.

³⁰ MISSOURI ATTORNEY GENERAL’S OFFICE, VEHICLE STOPS REPORT (2013), available at <https://ago.mo.gov/docs/default-source/public-safety/2013agencyreports.pdf?sfvrsn=2>.

³¹ *Id.*



motorists (7.2 percent) are three times more likely to be arrested than white motorists (2.4 percent).³²

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.³³ 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.”³⁴ Importantly, in addition to finding that these racial disparities in law enforcement practices had a discriminatory effect in violation of federal civil rights law,³⁵ 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.³⁶

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.³⁷ Moreover, recognizing that “[e]xtraordinary action is warranted in Ferguson,” the Supreme Court of Missouri intervened by assigning a judge of the Missouri Court of Appeals to handle all cases pending in the Ferguson municipal court.³⁸ The Court acknowledged that the practices of

³² *Id.*

³³ 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].

³⁴ *Id.* at 2.

³⁵ *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).

³⁶ *Id.* at 70, 76-78.

³⁷ 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>.

³⁸ 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>.



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.”³⁹

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.⁴⁰ Similarly, the Municipal Judge in Ferguson is nominated by the City Manager and elected by the City Council.⁴¹ 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.⁴² 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.⁴³

Indeed, as you know, the Ferguson City Attorney and Prosecuting Attorney, Stephanie Karr, also serves as the Prosecuting Attorney in Hazelwood.⁴⁴ The DOJ report found that Ms. Karr and a Hazelwood city clerk had repeatedly assisted Ferguson city officials in dismissing tickets for themselves and their friends, even as these same officials were discriminatorily imposing harsh fines and fees on Black residents to raise city revenue.⁴⁵ The DOJ also found that

³⁹ *Id.*

⁴⁰ DOJ REPORT at 7.

⁴¹ *Id.* at 8.

⁴² *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).

⁴³ *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>.

⁴⁴ DOJ REPORT at 74.

⁴⁵ *Id.* at 74-75.



Ms. Karr had engaged in retaliatory conduct against citizens who attempted to raise legal claims in Municipal Court, and in other forms of misconduct.⁴⁶

The City Council of Hazelwood 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.⁴⁷ The need “to promote reconciliation, to reduce and eliminate bias, and to bridge gaps and build understanding” is not “confined to any one city.”⁴⁸ It extends to “every community across the United States,” including Hazelwood.⁴⁹ 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.”⁵⁰

Because Hazelwood 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 interrelated issues of racial discrimination.⁵¹ 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

⁴⁶ *Id.* at 43-44.

⁴⁷ 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>.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ 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>.

⁵¹ *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.



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.⁵²

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.⁵³

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.

⁵² CHARTER OF THE CITY OF HAZELWOOD, MO., art. I, § 4.

⁵³ Indeed, a recent lawsuit is challenging 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>.



Sincerely,

A handwritten signature in blue ink, appearing to be "J M".

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

CC (via email): Carol A. Stroker, City Council Member, castroker@hazelwoodmo.org
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