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SAW
5/18/78

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Litigation Involving Louisiana Parish Jails

On May 2, 1978, you approved the filing of a suit under the Revenue Sharing Act, 31 U.S.C. §1242(g), to desegregate the Natchitoches Parish (Louisiana) jail. In my memorandum to you of April 21, 1978, requesting your approval to file that suit, I advised you that other similar cases were being prepared.

By this memorandum, I am now seeking your approval to file six additional actions to desegregate parish jails in Louisiana. Four suits, involving the parishes of Bienville, Jackson, Union, and Webster, are essentially identical to the Natchitoches Parish case that you have already approved.

With respect to Acadia Parish, a private action for injunctive relief styled Breaux v. Phelps has been filed. I am recommending that you approve our intervention in that action pursuant to Title IX of the Civil Rights Act of 1964 and the Revenue Sharing Act.

With respect to Vernon Parish, we have also received several complaint letters, thereby allowing us to sue under Title III of the Civil Rights Act of 1964 (our traditional desegregation tool) as well as the Revenue Sharing Act.

cc: Records
Chrono
Walker
Lawrence
Trial File
Hold
Days, ~~Turner~~ Turner, Huerta

PSL
5/24/78

In all six instances, racial segregation is clear and, in most cases, admitted by the responsible officials.

If these suits are filed without accompanying consent decrees, the 1976 Crime Control Act, 42 U.S.C. §3766(c)(2)(B), requires that all LEAA grant payments to the defendants be suspended unless the court grants relief to the contrary. LEAA advises us that only one of these six parishes (Vernon) has any current active grants. Several of the other parishes have small remaining balances on old grants which would most probably be completely drawn down before any litigation could be initiated. The grant to Vernon Parish expires June 30. Thus, even if suits were filed without consent decrees, it is likely that no suspension of LEAA funds will be involved. Suspension of Revenue Sharing funds is not automatically triggered by filing suit, but it is available to us as a litigation tool. See, 31 U.S.C. §1242(g).

All six jails are located in the Western District of Louisiana and we will coordinate with the United States Attorney for that District prior to any filing or negotiation.

We have received formal notice from the United States Attorney, Edward L. Shaheen of his concurrence in filing these actions.

Drew S. Days, III
Assistant Attorney General
Civil Rights Division