



March 14, 2012

VIA ELECTRONIC AND FIRST CLASS MAIL

Mayor James Ireton
Council President Terry Cohen and Members of the City Council
City of Salisbury
125 North Division Street
Salisbury, Maryland 21801-4940

Dear Mayor Ireton, President Cohen, and Members of the City Council:

AMERICAN CIVIL
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PRESIDENT

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C. CHRISTOPHER BROWN
GENERAL COUNSEL

We write on behalf of the American Civil Liberties Union of Maryland and the Wicomico County Branch of the NAACP, concerning the City of Salisbury's election system and the upcoming redistricting process. As you likely are aware, the City of Salisbury remains under a 1987 Consent Decree that established the City's existing election system in order to resolve a legal challenge. *See Billy Gene Jackson, et al. v. City of Salisbury, Md.*, Civil Action No. Y-86-587 (D. Md. 1987). (Copy attached). That challenge was brought by the ACLU and C. Christopher Brown, one of the undersigned lawyers, under Section 2 of the Voting Rights Act.

We believe that due to substantial demographic changes in the City of Salisbury since entry of the *Jackson* Consent Decree, the existing election system – establishing one single-member, majority-black district electing one council member, and one majority-white, multimember district electing four council members – itself now violates the Voting Rights Act. 42 U.S.C. §1973 *et seq.* This is because it sets up structural restrictions upon the electoral influence of the City's minority residents and enhancements of the influence of white residents disproportionate to their numbers in population. Although the decree permits changes to the district lines in order to accommodate population changes over time, it does not permit wholesale changes to the election structure without court approval. Yet, it is not possible to cure the violations while maintaining the election structure required by the Consent Decree.

Accordingly, we wanted to advise you that we are planning to re-open the 1986 litigation and to seek court approval for a modification of the Consent Decree. In so doing, we would be happy to work cooperatively with the City in order to achieve a fair outcome for all residents of the Salisbury community. Please contact one of us, or have your counsel contact us, if you would like to discuss this matter.

We appreciate your cooperation.

Sincerely,



C. Christopher Brown
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410-962-1030



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Cc: Mark Tilghman, Esq.
Victor Goode, Esq., NAACP National Legal Department

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LIBERTIES UNION OF
MARYLAND