

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

ESSEX COUNTY, VIRGINIA,)	
)	
Plaintiff,)	
)	
v.)	
)	
ALBERTO R. GONZALES,)	
Attorney General for the)	C.A. No. 1:06-cv-1631
United States of America, <i>et al.</i>)	
)	Three-Judge Court
)	(MBG, RBW, RMU)
Defendants.)	
_____)	

JOINT REPORT TO THE COURT

By Order dated December 15, 2006, this three-judge Court directed “the parties to advise the court no later than Tuesday, January 2, 2007 at 5:00 p.m. whether plaintiff Essex County has in fact publicized the proposed settlement of this action as required by 42 U.S.C. 1973b(a)(4)...” Order at 2. Pursuant to that order, the plaintiff and defendants submit this Report to the Court.

Inadvertently, the County did not publicize the proposed settlement of this action and is in the process of doing so now. Plaintiff Essex County offers by way of explanation and background details of the notice of intended bailout provided to date. As shown in the attached Declaration of John Crump, Secretary of the Essex County Electoral Board, the County first publicized its intentions to seek a bailout in the only local paper of general circulation for three successive weeks back in April and May 2006. That Notice was also posted: at all eight post offices in the County; at the county courthouse; at the county library; and at the county voter registration office. Though not required to do so, the County’s Notice also stated that the County would hold a public

hearing on the bailout issue on May 18 at 7:00 p.m. The May 18th public hearing was held and no member of the general public appeared.

Thereafter, the Department of Justice attorneys continued their independent investigation into whether Essex County was eligible to bail out, which included interviews with members of the black community in Essex County. Once these interviews were concluded, and having reviewed other information and documents provided to them, Departmental attorneys were satisfied that there was in fact a factual basis for Essex County to bail out. The parties then drafted the proposed stipulation of facts and consent decree, and these documents were then submitted to the three-judge Court for approval. Inadvertently, after the settlement agreement had been reached with the Department of Justice, the County did not publish a notice that a settlement of this action had been reached.

As noted in the attached sworn Declaration of Electoral Board Secretary John Crump, since this Court's December 15 order, the County has contacted the only county newspaper of general circulation, the Rappahannock Times, and intends to publish for three successive weeks (starting December 27, 2006) not only a notice of the proposed settlement, but also the entire proposed settlement document itself. The County also intends to post the notice and the settlement document at all eight post offices in the County, as well as at other county offices. In addition, the notice will also provide members of the general public with a website address from which they can download the proposed settlement document electronically. Finally, the notice provides the public with the name and telephone number of the Registrar of Voters to obtain more information.

As required by the December 15 order, plaintiff Essex County intends to file with this Court a Report to the Court by February 1, 2007, detailing all steps that the County has taken to fulfill the notice of proposed settlement requirement under the Voting Rights Act.

Respectfully submitted,

For Plaintiff ESSEX COUNTY:

/s/ J. Gerald Hebert
J. GERALD HEBERT
Attorney at Law
5019 Waple Lane
Alexandria, Va. 22304
(703) 628-4673 (Office)
DC Bar No. 447676
Email: jghebert@comcast.net

**For the Defendants Alberto R. Gonzales
and Wan J. Kim:**

JEFFREY A. TAYLOR
United States Attorney

/s/ Gaye L. Tenoso
JOHN TANNER
GAYE L. TENOSO
CHRISTY McCORMICK
SONYA L. SACKS
Attorneys, Voting Section
Civil Rights Division
United States Department of Justice
Room 7254 - NWB
950 Pennsylvania Ave., N.W.
Washington, DC 20530
(202) 514-2386