



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

January 14, 1983

Mr. Kenneth Selle  
President, Tri-S  
Associates Inc.  
P.O. Box 130  
Ruston, Louisiana 71270

Dear Mr. Selle:

This is in reference to the reapportionment of the school board in Winn Parish, Louisiana, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. Your submission was completed on November 15, 1982.

We have reviewed carefully the materials provided by the parish and the Bureau of the Census and information obtained from our files during the course of our review. The plan under review proposes to continue the basic configuration of the currently existing plan which has been subjected to constitutional challenges in the lawsuit styled Ferguson v. Winn Parish Police Jury and School Board. As you know, this Department has determined previously in the context of the Ferguson litigation that the existing plan as it affects the City of Winnfield does not satisfy Fifteenth Amendment standards. The constitutional deficiency which we found to exist was caused by the concentration of black residential areas into one district with the result that black citizens would be unable to elect candidates of their choice in other districts within the city.

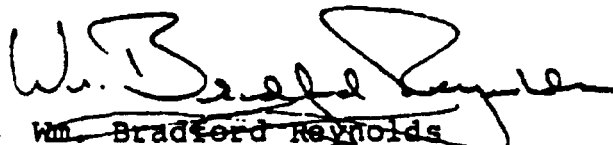
Our review of the proposed plan reveals the same constitutional deficiency. A significant portion of the black population of the City of Winnfield is concentrated in District No. 1 and that district is estimated to be 89 percent black in total population. As a result of this concentration of black citizens into District No. 1, other districts contain black population percentages which will not allow black citizens a fair opportunity to elect a candidate of their choice. Our review leads us to conclude that under a fairly drawn plan, black citizens would have a fair opportunity to elect candidates of their choice in two of the districts within the City of Winnfield.

Our analysis of the submitted plan leads us to conclude that the plan perpetuates the constitutional violation which we represented previously to the Ferguson court; additionally, the analysis reveals that the plan does not fairly recognize minority voting strength. See Beer v. United States, 425 U.S. 130, 141 (1976). Where, as here, no determination has yet been made as to the lawfulness of the existing plan under Section 5 or the Fifteenth Amendment, plaintiff's burden with respect to any new redistricting submission "is to demonstrate that the reapportionment plan ... fairly reflects the strength of black voting power as it exists." See Mississippi v. United States, 490 F. Supp 569, 581 (D. D.C. 1979); Wilkes County v. United States, 450 F. Supp. 1171 (D. D.C. 1978). Accordingly, on behalf of the Attorney General, I must object to the proposed plan.

Of course, as provided in Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that this change has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. In addition, the Procedures for the Administration of Section 5 (28 C.F.R. 51.44) permit you to request the Attorney General to reconsider the objection. However, until the objection is withdrawn or the judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the reapportionment plan legally unenforceable. See also 28 C.F.R. 51.9.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action the Winn Parish School Board plans to take with respect to this matter... If you have any questions concerning this letter, please feel free to call Carl W. Gabel, (202-724-8388), Director of the Section 5 Unit of the Voting Section.

Sincerely,



~~Wm. Bradford Reynolds~~  
Assistant Attorney General  
Civil Rights Division