



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

2 MAY 1983

Mr. Paul J. Cancienne
President, Assumption Parish
Police Jury
P.O. Box 518
Napoleonville, Louisiana 70390

Aubert D. Talbot, Esq.
District Attorney
P.O. Drawer 97
Napoleonville, Louisiana 70390

Dear Messrs. Cancienne and Talbot:

This is in reference to the reapportionment and the realignment of voting precincts for the police jury and for the school board in Assumption 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. We received the submission of the police jury plan on March 3, 1983; we received the submission of the school board plan on March 10, 1983.

As with the previous submissions, we note again that the two governing bodies have utilized coterminous lines in the past and currently have adopted identical redistricting plans. We note that the school board again has adopted and incorporated by reference the submission of the redistricting plan of the police jury as the supporting documentation for its submission. We further note that these redistricting plans were undertaken in an effort to correct the deficiencies found by us to exist in the plans to which the Attorney General interposed an objection on November 30, 1982.

With these considerations in mind, we have reviewed carefully the materials provided by the police jury, as well as Census data and other information obtained during the course of our review, including data sent in connection with the earlier submissions. At the outset we note, as we have previously, that the existing plans provide for four wards with a majority black population (65%, 62%, 52%, and 52%), including two with black population majorities of more than 60 percent. In contrast, the submitted plans provide for only three black majority wards (61%, 55%, and 51%), only one of which contains a black population of more than 60 percent. Under the proposed plans, the black population, which previously accounted for more than 62 percent of the population in Ward No. 4, has been decreased by over six percent without any apparent justification, so that blacks now constitute only 55.9 percent of the total population and 52.9 percent of the voting age population in that district, with no compensating increase elsewhere. Our analysis shows that easily devisable alternatives would have retained the black population in Ward No. 4 at more than 60 percent.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of proving that a submitted change has no discriminatory purpose or effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.39(e)). Voting changes, such as the instant ones, have the prohibited effect if they result in a retrogression of black voting strength. See Beer v. United States, 425 U.S. 130 (1976). In light of the considerations discussed herein, I cannot conclude, as I must under the Voting Rights Act, that there has been no such retrogression in the plans now before us. Therefore, on behalf of the Attorney General, I must object to the amended plans and to the corresponding and related realignment of voting precincts.

Of course, as provided by 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 these changes have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. In addition, Section 51.44 of the guidelines permits you to request that the Attorney General 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 plans and the realignment of voting precincts for the Assumption Parish Police Jury and School Board legally unenforceable. 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 Assumption Parish plans to take with respect to this matter. If you have any questions, feel free to call Carl W. Gabel (202-724-8388), Director of the Section 5 Unit of the Voting Section.

Sincerely,

A handwritten signature in black ink, appearing to read "Wm. Bradford Reynolds", with a large, stylized flourish at the end.

Wm. Bradford Reynolds
Assistant Attorney General.
Civil Rights Division