



U.S. Department Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

APR 10 1987

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

Dear Mr. Selle:

This refers to the adoption of the four district, one at-large method of election and the districting plan for the City of Cottonport in Avoyelles 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 information to complete your submission on February 9, 1987.

We have considered carefully the information you have provided, as well as comments and information from other interested parties. At the outset, we note that the changes involved here are ameliorative with respect to black electoral opportunities when compared with the present at-large elections system. At the same time, we have learned that alternative configurations were suggested to, but disregarded by, the City that would appear to better insure equal voting opportunities for the minority population.

It is not our responsibility under Section 5 to insist that the City adopt a plan that maximizes the vote for any particular racial group. At the same time, the City has the burden of proving that the submitted change is free of discriminatory purpose. See Georgia v. United States, 41 U.S. 526 (1973); Busbee v. Smith, 549 F. Supp. 454 (D. D.C. 1982), aff'd, 459 U.S. 1166 (1983). See also Section 51.52(a) of the Procedures for the Administration of Section 5 (52 Fed. Reg. 497-498 (1987)).

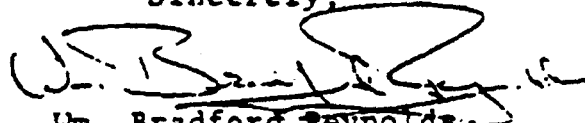
In this instance, it has been alleged that the City's adoption of the instant 4-1 plan, and rejection of other alternatives, was inspired by race. We have sought a response to that charge that would satisfactorily rebut the suggestion of wrongful purpose, but the City has not yet provided sufficient information to sustain its burden in this regard. Until it does, I must, on behalf of the Attorney General, object to the proposed method of election and districting plan which you have submitted.

cc: Public File

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 51.45 (52 Fed. Reg. 496 (1987)) of the guidelines permits you to request that the Attorney General reconsider the objection. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the proposed changes legally unenforceable. See Section 51.10 (52 Fed. Reg. 492 (1987)).

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action the City of Cottonport plans to take with respect to this matter. If you have any questions, feel free to call Mark A. Posner (202-724-8388), Deputy Director of the Section 5 Unit of the Voting Section.

Sincerely,

A handwritten signature in black ink, appearing to read "Wm. Bradford Reynolds". The signature is written in a cursive style with a large, sweeping initial "W".

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division