



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

September 27, 1991

Mr. Ray Yarbrough  
President, Morehouse Parish  
Police Jury  
P. O. Box 509  
Bastrop, Louisiana 71221-0509

Dear Mr. Yarbrough:

This refers to the 1991 redistricting plan for police jury districts, the realignment of voting precincts, and the establishment of additional voting precincts and polling places for Morehouse 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 your response to our July 5, 1991, request for additional information on July 29, 1991.

We have considered carefully the information you have provided, as well as Census data and information and comments from other interested parties. We note at the outset that even though blacks constitute 41.5% of the total population and nearly 37% of the voting age population in the parish and even though a large majority of that black population is concentrated in and near the City of Bastrop, only 3 of the 11 police jury districts have a majority of voting age population. Thus, in the context of the pattern of racially polarized voting that appears to characterize elections in the parish, the proposed plan would seem to provide black voters with a realistic opportunity to elect candidates of their choice in only 3 of the parish's 11 districts.

Our analysis has disclosed two fairly obvious reasons for these results. First, in making its redistricting choices, the parish appears to have followed rigidly a criterion of creating separate rural and urban districts. Thus, while there is black population contiguous to, but just outside of the city limits of

the City of Bastrop, the parish's unyielding adherence to the city-rural distinction seems unnecessarily to fragment black population and submerge that population in white-majority districts. Such strict adherence also appears to result in rural district configurations that similarly divide and submerge black population concentrations. Second, we note that, even if the city-rural distinction is observed, the parish's proposed plan unnecessarily overconcentrates black population in the city in a way that seems to dilute black voting potential.

Our analysis indicates, however, that without such overconcentration of black population in the City of Bastrop a third black majority district could be created in that area and that, with only a slight deviation from the absolute city-rural distinction, logical and reasonable configurations of black and white voting populations would provide for as many as five districts with significant black voting-age population majorities.

We recognize that a primary motivation in adhering to the city-rural distinction and in configuring the proposed districts was to ensure that incumbent police jurors retained their existing districts as much as possible. While protecting incumbency certainly is not in and of itself an inappropriate consideration, it may not be accomplished at the expense of minority voting potential. Garza v. Los Angeles County, 918 F.2d 763, 771 (9th Cir. 1990), cert. denied, 111 S. Ct. 681 (1991); Ketchum v. Byrne, 740 F.2d 1398, 1408-09 (7th Cir. 1984), cert. denied, 471 U.S. 1135 (1985).

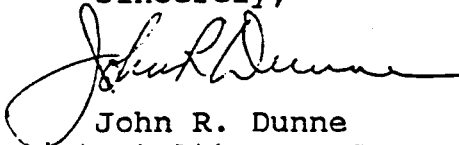
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.52). In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that your burden has been sustained in this instance, particularly in view of information available to us which suggests that the development of the proposed plan occurred in a closed environment, with no opportunity for meaningful input by minority voters, and that minority incumbents and voters were misled and discouraged from pursuing reasonable alternative plans. Therefore, on behalf of the Attorney General, I must object to the 1991 redistricting plan for police jury districts.

We note that under Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed 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, you may 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 1991 police jury redistricting plan continues to be legally unenforceable. Clark v. Roemer, 59 U.S.L.W. 4583 (U.S. June 3, 1991); 28 C.F.R. 51.10 and 51.45.

The realignment of voting precincts and precinct and polling place changes are directly related to the 1991 redistricting plan. Accordingly, the Attorney General will make no final determination at this time with regard to these related changes. 28 C.F.R. 51.22(b).

To enable us to meet our responsibility to enforce the Voting Rights Act, and in light of the impending parish elections, please inform us of the action Morehouse Parish plans to take concerning these matters. If you have any questions, you should call Lora L. Tredway (202) 307-2290, an attorney in the Voting Section.

Sincerely,



John R. Dunne  
Assistant Attorney General  
Civil Rights Division