



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

October 15, 1991

Mr. R.U. Johnson
President, DeSoto Parish Police Jury
P.O. Box 898
Mansfield, Louisiana 71052

Dear Mr. Johnson:

This refers to the 1991 redistricting of the police jury, the realignment of voting precincts, the creation of seven voting precincts, and seven polling place changes in DeSoto 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 request for additional information on August 15 and September 18, 1991.

We have given careful consideration to the information you have provided, as well as the 1990 Census data and comments provided by other interested parties. With respect to the polling place changes, the Attorney General does not interpose any objection. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

We are, however, unable to reach a similar conclusion with regard to the police jury redistricting in DeSoto Parish. We note that blacks constitute 44 percent of the population of the parish, and that the single-member district method of electing the police jury is the product of successful voting rights litigation. Both the initial court-ordered single-member redistricting plan and the one that followed it (precleared in 1986) drew four districts in which blacks were a majority of the population. The 1990 Census shows that the existing plan now contains five districts with black population majorities.

The proposed plan, however, reduces the number of black majority districts to three. While two districts (nos. 4C and 4D) contain clearly effective black population majorities, the proposed plan contains only one other district with a lesser black population majority compared to three such districts in the existing plan, thus reducing the potential for blacks to elect additional representation to the police jury.

Decreases in the proportion of the minority population in such districts are of special concern where racial polarization characterizes elections. Our examination of election returns indicates that racial bloc voting continues to exist to a significant degree in DeSoto Parish. It therefore appears that the net loss in the redistricting plan discussed above results in a significant retrogression in minority voting strength in the parish as a whole. See Beer v. United States, 425 U.S. 130 (1976).

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 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. Therefore, on behalf of the Attorney General, I must object to the submitted 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 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.

With respect to the submitted precinct changes, the Attorney General will make no determination at this time since they are directly related to the objected-to change. 28 C.F.R. 51.35.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action DeSoto Parish plans to take concerning this matter. If you have any questions, you should call George Schneider (202-307-3153), an attorney in the Voting Section.

Sincerely,



John R. Dunne
Assistant Attorney General
Civil Rights Division