



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

October 25, 1991

Mr. H. C. Peck, Jr.
President, Catahoula Parish
Police Jury
P. O. Box 258
Harrisonburg, Louisiana 71340

Dear Mr. Peck:

This refers to the 1991 redistricting plan for police jury districts, the realignment of voting precincts, a polling place change, and the creation of ten additional voting precincts and polling places in Catahoula 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 August 5, 1991, request for additional information on August 26, 1991.

We have considered carefully the information you have provided, as well as information and comments from other interested parties. We note at the outset that according to the 1990 Census, 26 percent of the population of Catahoula Parish is black, yet the parish's proposed plan provides for only one black majority district. The parish's black population is situated in such a way that readily available or discernible alternatives would include at least one additional black majority district, but this result seems to have been avoided through the overconcentration of black population into one district in the Jonesville area and fragmentation of black population concentrations in the Sicily Island area. Even though the parish appears to have been made aware of the interest on the part of black citizens to have their voting potential better recognized, the parish has failed to offer any persuasive explanation for its failure to cure the overconcentration and fragmentation of black population evident in the proposed plan.

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).

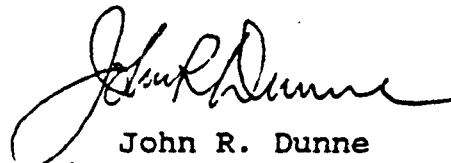
In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that your burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the redistricting plan presently under submission.

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 proposed 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, the polling place change, and the addition of ten precincts and polling places are directly related to the proposed redistricting. Therefore, the Attorney General will make no determination at this time with regard to those changes. 28 C.F.R. 51.22(b) and 51.35.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action Catahoula Parish plans to take concerning this matter. If you have any questions, you should call Richard B. Jerome (202-514-8696), an attorney in the Voting Section.

Sincerely,



John R. Dunne
Assistant Attorney General
Civil Rights Division