



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

October 25, 1991

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

Dear Mr. Selle:

This refers to the 1991 redistricting plan for police jury districts in West Feliciana 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 27, 1991.

We have considered carefully the information you have provided as well as Census data and comments and information from other interested parties. At the outset, we note that the demography among the existing districts appears to have undergone significant change in the past ten years. The plan precleared under Section 5 in 1983 provided for black majority districts of 68 and 69 percent and had a total deviation from the ideal of less than 10 percent. The existing plan now provides for two black majority districts of only 55 and 59.5 percent, but has a total deviation of nearly 70 percent. Both black majority districts are overpopulated, one by 22 percent and the second by 9 percent, while one of the three white majority districts is underpopulated by 48 percent.

Despite these changes, the parish has proposed a plan that maintains a total deviation of 68 percent. The parish proposes to increase the overpopulation of one of the black majority districts from 9 to 12 percent, maintain the overpopulation of the other majority black district, and retain an adjoining white majority district at 48 percent below the ideal. The plan also appears unnecessarily to divide black population concentrations in several areas and to submerge the voting potential of certain cohesive black population concentrations by unnecessarily incorporating areas of white residential development in the black majority districts.

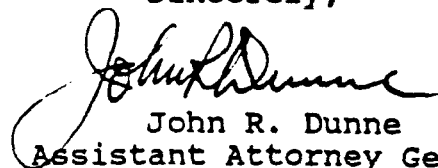
The parish has not explained adequately its failure to remedy the fragmentation or to eliminate the racial consequences of the significant malapportionment in the proposed plan, both of which would appear calculated to minimize minority voting strength. Our analysis indicates that readily available or easily discernible alternative configurations would not require such underrepresentation of black voters or submergence and fragmentation of cohesive black populations and, in fact, would afford to black voters a more realistic opportunity to elect candidates of their choice in the black majority districts.

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 police jury 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 police jury redistricting plan continues to be legally unenforceable. Clark v. Roemer, 59 U.S.L.W. 4583 (U.S. June 3, 199); 28 C.F.R. 51.10 and 51.45.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action West Feliciana Parish plans to take concerning this matter. 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