



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

NOV 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 police jury redistricting plans, adopted on May 21 and August 27, 1991, for Franklin 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. On September 24, 1991, we received your response to our request for additional information on the May 21 plan and your submission of the August 27 plan.

We have considered carefully the information you have provided, as well as comments and information from other interested persons. At the outset, we note that the Franklin Parish Police Jury consists of 11 members elected from single-member districts. Currently, two of the districts (Districts 4 and 10) have black population, voting age population, and registration majorities, and have elected black jurors in the past decade. The police jury districts also elect the members of the parish school board, and Districts 4 and 10 similarly have elected blacks to that body. In addition, in the last ten years blacks consistently have sought election to both the police jury and school board from District 6, which currently is about 50 percent black in population but majority white in voting age population and registration. With one exception (the 1984 school board election), these efforts have been unsuccessful. This election history, buttressed by our review of the precinct returns in police jury and school board elections, indicates that elections in Franklin Parish are characterized by a pattern of racially polarized voting.

We note, also, that from the beginning of the 1991 redistricting process, the black community urged upon the police jury the notion that a fair plan should include three districts in which black voters would have an opportunity to elect candidates of their choice. Our analysis indicates that this was readily achievable given the location and size of black population concentrations in the parish. Neither of the submitted plans, however, meets that goal, for reasons that have not been adequately explained. In this regard, we understand that the black community particularly requested the inclusion of an additional district with an effective black majority in the southern portion of the parish, where current District 6 is located. That area includes significant black concentrations in and around the nearby towns of Wisner and Gilbert, and a compact district could be drawn in a manner which would include these concentrations so as to provide a significant electoral opportunity to black voters in that area. Instead, District 6 is drawn in both submitted plans in such a way as to cause the submergence of the black population in and around both of these towns into districts with white voting age population majorities, in addition to unnecessarily fragmenting the black concentration on the east side of Wisner.

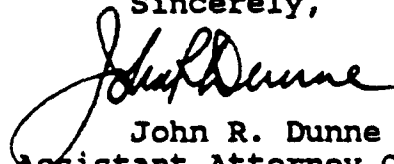
Concerns also have been raised over what appears to be an unnecessary minimizing of black voting strength in black majority District 4. As currently configured, black voters apparently have been able to elect their preferred candidates in this district, and the August 27 plan (but not the May 21 plan) does not lower the district's black population percentage. Nonetheless, the district includes only a bare black majority in voting age population and black population concentrations have been fragmented from the district at several points along the district's borders. Given the prevailing pattern of polarized voting, the parish has not adequately explained its rejection of requests by black leaders to provide a greater opportunity for black voters in this district.

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 both the May 21 and August 27, 1991, redistricting plans.

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 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, 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 redistricting plans continue 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.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action Franklin Parish plans to take concerning this matter. If you have any questions, you should call Mark A. Posner (202-307-1388), an attorney in the Voting Section.

Sincerely,



John R. Dunne
Assistant Attorney General
Civil Rights Division