



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

APR 10 1992

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 the police jury and board of education, the realignment of precincts, and the establishment of seven additional precincts in Madison 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 most recent response to our request for additional information on February 11, 1992.

We have carefully considered the information you provided, as well as information from other interested persons. The 1990 Census shows that blacks comprise about 60 percent of the population in Madison Parish. The police jury and the school board each has eight members elected from single-member districts, and at least since the 1970s, the two bodies have employed the same districting plan. Currently, there are four black members on both the police jury and school board.

In light the pattern of racially polarized voting that appears to prevail in parish elections, the proposed plan would maintain the opportunity of black voters to elect half the membership of the police jury and school board. The plan does so by continuing to pack the parish's black residents into four districts--Districts 3, 4, 5 and 6--where the black share of the population ranges from 85 to 100 percent. Proposed District 7, which abuts District 6 (96% black in population), is the district with the next highest share of black population. Although blacks comprise 50 percent of the population in this district, whites comprise a majority (57%) of the voting age population in the district and an even greater majority of the registered voters (77% according to the parish's March 1992 figures). It is

readily apparent that with few changes to the proposed plan, the packing of blacks in four districts could be lessened so as to increase the opportunity for black voters to affect elections in District 7.

Our analysis indicates that a specific purpose behind the proposed plan was to ensure that black voters would have a realistic opportunity to elect only four of the eight members of each body. Indeed, the white members of the police jury and school board seek to justify the proposed plan based upon the need to placate alleged concerns among whites about a black majority on either body.

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); 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 1991 redistricting plan for the police jury and school board.

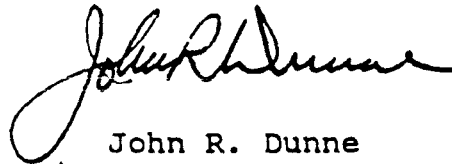
Because the precinct changes are directly related to the objected-to redistricting plan, the Attorney General will make no determination at this time with regard to these matters. 28 C.F.R. 51.22(b).

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 plan continues to be legally unenforceable. Clark v. Roemer, 111 S. Ct. 2096 (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 the police jury

and board of education of Madison Parish plan 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,

A handwritten signature in cursive script, appearing to read "John R. Dunne".

John R. Dunne
Assistant Attorney General
Civil Rights Division