



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

Ms. Kay Cupp
Secretary, Franklin Parish
Police Jury
210 Main Street
Winnsboro, Louisiana 71295

AUG 10 1992

Dear Ms. Cupp:

This refers to the 1990 reduction in the size of the police jury from eleven to five members, the five-member redistricting plan adopted in 1992 (which superseded the five-member redistricting plan adopted in 1990), the 1992 realignment of precincts, and the schedule for conducting a special election this year pursuant to the 1992 redistricting plan 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. We received your most recent submittal of information with regard to the reduction in the police jury size, the redistricting plans, and the precinct realignment on June 11, 1992; supplemental information with regard to the special election schedule was received on July 30, 1992.

We have considered carefully the information you have provided, as well as information provided by other interested persons. According to the 1990 Census, Franklin Parish has a total population of 22,387, of whom 31.4 percent are black, and is governed by an eleven-member police jury elected from single-member districts. As you are aware, on November 25, 1991, the Attorney General interposed a Section 5 objection to alternative redistricting plans for the police jury, each of which maintained the jury at its present size of eleven members. In the objection letter, we noted that parish elections evidence a pattern of racially polarized voting and that, in this context, it appeared that the redistricting plans included only two districts in which black voters would have a realistic opportunity to elect candidates of their choice. Our analysis revealed that the parish had rejected requests from the black community that the post-1990 plan include three districts in which black voters could elect their preferred candidates and, although such a plan was readily achievable, the parish did not adequately explain the reasons for rejecting that approach.

The police jury now proposes to revive its 1990 proposal to reduce the size of the police jury to five members and has submitted a corresponding redistricting plan. It appears that there is broad agreement that a reduction in the police jury size is an appropriate response to the economic difficulties being experienced by the parish. However, the black community has opposed any reduction that would limit black voters to an opportunity to elect a juror in just one district. In that regard, the black community as well as the police jury's initial demographer consistently maintained that a reduction to five members would have such a flaw while, on the other hand, a reduction to seven members would permit the adoption of a plan with two viable black majority districts.

The 1992 five-member plan includes a black majority district in the Winnsboro area in which it appears that black voters would have a substantial electoral opportunity. The parish has not demonstrated, however, that black voters will have a similar opportunity in the 1992 plan's second black majority district, which is only 53 percent black in voting age population, is quite tortured in shape, and extends half the length of the parish. In this regard, our analysis indicates that the parish had a variety of options in responding to our November 25, 1991 objection, including the adoption of a fairly apportioned eleven-district plan or seven-district plan (in which, respectively, it appears that blacks would constitute substantial majorities and would have the opportunity to elect candidates of their choice in three or two districts). Instead, the parish has selected an option that appears less likely to fairly reflect black voting strength in the parish.

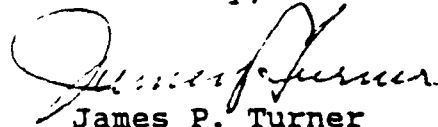
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 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 reduction in the size of the police jury to five members.

With respect to the 1992 five-member redistricting plan, the precinct realignment, and the special election schedule, no Section 5 determination is necessary or appropriate since these changes are directly related to the reduction in the police jury size. 28 C.F.R. 51.22. In addition, no determination is necessary with respect to the 1990 five-member plan since it was superseded by the 1992 plan.

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 reduction in the police jury size 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 reduction in size 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 Franklin Parish plans to take concerning this matter. If you have any questions, you should call Mark A. Posner (202-307-1388), Special Section 5 Counsel in the Voting Section.

Sincerely,



James P. Turner
Acting Assistant Attorney General
Civil Rights Division