



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 21, 1992

Ms. Mary Edna Wilson
Secretary/Treasurer
East Carroll Parish Police Jury
400 First Street
Lake Providence, Louisiana 71254

Dear Ms. Wilson:

This refers to the 1992 police jury redistricting plan, a realignment of precincts, the establishment of eleven subprecincts, and the 1992 special election schedule to implement the redistricting plan for East Carroll 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 the submission of the redistricting plan and precinct changes on June 22, 1992. We received the submission of the special election schedule on June 1, 1992; supplemental information was received on July 30, 1992.

We have considered carefully the information you have provided, as well as comments from other interested parties. As you are aware, on December 20, 1991, the Attorney General interposed a Section 5 objection to the initial redistricting plan adopted by the police jury following the 1990 Census. The objection was based on the plan's minimization of black voting strength through the unnecessarily high concentration of black voters in four districts in the Lake Providence area, and the failure of the parish to provide a satisfactory nonracial explanation for its redistricting choices. Although the parish is 65 percent black in population, our analysis indicated that the plan -- operating in the context of polarized voting -- likely would have limited blacks to an electoral opportunity in just four of the nine single-member districts.

After careful scrutiny of the 1992 plan, we cannot conclude that it remedies the aspects of the 1991 plan which rendered that plan objectionable. The new plan involves minimal changes from the prior redistricting, and continues to unnecessarily overconcentrate blacks in the four overwhelmingly black Lake Providence districts, thereby minimizing the opportunity of black voters to elect candidates of their choice in other districts. While the plan provides for slight increases in the black population percentages in two other districts in the Lake Providence area (Districts 3 and 5), the plan nevertheless appears calculated to prevent black voters from having any realistic opportunity to elect more than four members of the police jury. Our review continues to find no satisfactory explanation for limiting black political participation in this manner.

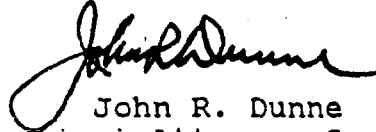
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); 28 C.F.R. 51.52. In light of the considerations discussed above, I 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 1992 redistricting plan for the police jury.

With respect to the precinct changes and the special election schedule, no Section 5 determination is necessary or appropriate since these changes are directly related to the redistricting plan. 28 C.F.R. 51.22.

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 redistricting plan 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 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 East Carroll Parish plans to take concerning this matter. If you have any questions, you should call Delora L. Kennebrew (202-307-1319), Deputy Chief 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