



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 28, 1992

Ms. Robbie Shirley
Secretary-Treasurer
Concordia Parish Police Jury
New Courthouse Highway, 84 West
Vidalia, Louisiana 71373

Dear Ms. Shirley:

This refers to the reduction of police jury members from nine to seven, the change in method of election of police jury members from three dual-member and three single-member districts to seven single-member districts, the 1992 districting plan, the realignment of voting precincts, and the creation of and changes in polling places for Concordia 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 submission on June 29, 1992; supplemental information was received on August 17 and August 19, 1992.

We have considered carefully the information you have provided as well as comments and information from other interested parties. We also have considered the circumstances that occasioned the Attorney General's December 23, 1991, objection to the parish's 1991 redistricting plan. As we noted in our December 23, 1991, objection letter, demographic changes in existing districts in the past ten years witnessed a change in the existing plan from one dual-member, majority black district of 68 percent when the plan was precleared in 1982, with no other district having a black percentage greater than 37 percent, to a situation which, under 1990 census data, showed a continued black majority in the dual member district plus a single member district with a black population which had increased from 33 percent to 53 percent. Because the previously submitted plan seemed unnecessarily to fragment black population concentrations and did not fairly recognize black voting strength as it then existed, an objection was interposed to that plan.

The presently proposed plan would reduce the number of members for the police jury from nine to seven, and eliminate the use of dual member districts in favor of all single-member districts. Of the seven proposed districts, two districts would have black population majorities of 68 percent or greater, and none of the remaining five districts would have a black population percentage in excess of 46 percent.

Information coming to our attention during our consideration of both this and the prior submissions indicates that the police jury has been well aware of the minority community's desire to have another district in which black voters would have an equal opportunity to participate and to elect a candidate of their choice to the police jury. It is evident that in response to the December 23, 1991, objection, the police jury considered several alternative districting configurations which would have provided for such an additional majority black district. Indeed, we understand that the parish in fact adopted a nine member plan which included a majority black dual-member district as well as a majority black single-member district but that that action was later rescinded in favor of the instant plan in which two of the seven members would be elected from districts which are majority black.

While we have noted that reducing costs for the parish by eliminating two police juror seats has been advanced as reason for this action, we also note that this was asserted by members of the police jury only after a nine-member redistricting plan that would have provided black voters an opportunity to elect candidates of their choice to three of the nine police jury seats had been adopted. In addition, it appears that the police jury did not give serious consideration to an alternative seven-member plan offered by one of the police jurors that would have more fairly recognized areas of black population growth in the parish. Under these circumstances it does not appear that the objective of cost savings was in fact a substantial reason for adoption of the proposed plan, and the parish has failed to offer any other nonracial explanation for its rescission of a nine-member plan that more fairly would have recognized black voting strength.

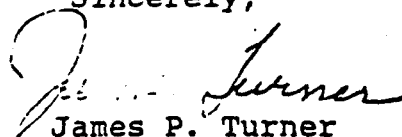
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R.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

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, color, or membership in a language minority group. 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 supervisor redistricting plan continues to be legally unenforceable. 28 C.F.R. 51.10 and 51.45.

With regard to the realignment of voting precincts and the attendant changes in polling places, it is apparent that these changes were made to accommodate the changes in the police jury district lines. Since these changes are dependent on the objected-to redistricting plan, the Attorney General is unable to make a final determination with respect to them at this time. 28 C.F.R. 51.22(b).

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action Concordia Parish plans to take concerning this matter. If you have any questions, you should call Robert A. Kengle (202-514-6196), an attorney in the Voting Section.

Sincerely,



James P. Turner
Acting Assistant Attorney General
Civil Rights Division