



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

November 9, 1992

Honorable Eric Martin
Mayor
P. O. Box 379
St. Martinville, Louisiana 70582

Dear Mayor Martin:

This refers to the 1991 councilmanic redistricting plan of the City of St. Martinville in St. Martin 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 response to our request for additional information on September 9, 1992.

This also refers to your submission pursuant to Section 5 of the September 21, 1992, annexation. We received your submission on October 7, 1992.

We have carefully considered the information you have provided, as well as information from other interested persons. With respect to the annexation, the Attorney General does not interpose any objection to this change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41 and 51.43).

We are unable, however, to reach the same conclusion with respect to the redistricting plan. According to the 1990 Census, the City of St. Martinville has a total population of 7,137, of whom 59 percent are black. The city council consists of five members, elected from single-member districts. The existing

districting plan, which was adopted in 1977, has three districts with substantial black majorities. Thus, in the context of the polarized voting that appears to exist in local elections, the existing plan would seem to provide black voters with a clear opportunity to elect candidates of their choice in three districts.

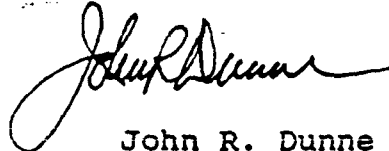
Under the proposed plan, the city retains essentially unchanged the overconcentration of blacks in Districts 4 (99% black population) and 5 (84% black population) while substantially reducing the black population percentage in District 3, from 73 percent to 61 percent. While it may be that black voters in proposed District 3 will continue to have some opportunity to elect their preferred candidate, our examination of the political circumstances in the city indicates that this reduction will meaningfully lessen black political opportunity in this district and thus in the plan as a whole. In addition, our analysis indicates that there are a variety of readily discernible redistricting options that would allow the city to correct the existing population malapportionment while preserving black political opportunity in District 3, with no significant reduction in black voting strength in Districts 4 and 5. Thus, it would seem that the proposed plan occasions a prohibited "retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." Beer v. United States, 425 U.S. 130, 141 (1976).

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 the city's burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the 1991 councilmanic redistricting plan.

We note that under Section 5 the city has the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed 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 councilmanic 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 St. Martinville city council plans to take concerning this matter. If you have any questions, you should call Mark Posner (202-307-1388), Special Section 5 Counsel 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

cc: Mr. Richard Minvielle
Sellers, Dubroc & Associates, Inc.