



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

March 8, 1993

Honorable Gregory N. Marcantel
Mayor
P.O. Box 1249
Jennings, Louisiana 70546

Dear Mayor Marcantel:

This refers to the 1992 redistricting plan for the City of Jennings in Jefferson Davis 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 January 5, 1993.

We have carefully considered the information you have provided as well as comments and information from other interested parties. According to the 1990 Census Jennings has a total population of 11,305, of whom 26.2 percent are black. Approximately 82 percent of the city's black population resides in a geographically concentrated area in the south central portion of the city.

Our analysis of your submission indicates that under the city's existing plan, a large portion of the south-central black population concentration is located in District 3 (84.8 percent black in population), with most of the remainder of that black population concentration located in District 7 (28.9 percent black in population); both of these districts are overpopulated. Under the proposed redistricting plan, most of the city's south-central black population concentration remains in District 3 (62.5 percent black in population), but the remainder of the city's south-central black population concentration is divided between District 6 (43.2 percent black in population) and District 7 (20.6 percent black in population).

The city's redistricting process occurred after Jefferson Parish had obtained Section 5 preclearance for its police jury redistricting plan, in which the population of the districts is very close to the population of the city's districts. The police jury plan divides the city's south-central black population concentration between two districts. The city considered at

least one alternative redistricting plan that maintained this historic pattern of dividing the south-central black population concentration primarily between two districts. In that plan, which was supported by representatives of the black community, District 3 had a black population of 67.6 percent and District 6 had a black population of 54.3 percent and a black voting age population of 51.3 percent.

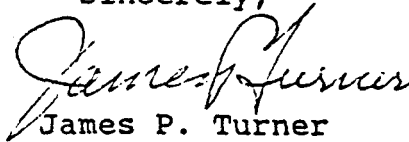
In the context of the apparent pattern of racially polarized voting in the City of Jennings, the alternative plan was recognized in the public debate as providing black voters a better opportunity than the adopted plan to elect more than one councilmember of their choice. In addition, we note that by the time of the city's redistricting, black voters had been able to elect candidates of their choice from police jury Districts 3 and 6. While the city is not required by Section 5 to adopt a plan that maximizes minority voting strength, by the same token it is not free to reject a particular plan simply because it would enhance minority voting strength. Our analysis reveals that the city council chose the submitted plan over the alternative plan largely because it would limit the opportunity for black citizens to elect candidates of their choice to no more than one seat on the council. No persuasive, non-racial justification has been offered for the seemingly unnecessary fragmentation of the city's south-central black population concentration in the proposed plan.

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 redistricting 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 proposed change 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 city's 1992 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 this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action the City of Jennings plans to take with respect to this matter. If you have any questions, you should call Robert Kengle (202-514-6196), an attorney in the Voting Section.

Sincerely,

A handwritten signature in cursive script, appearing to read "James P. Turner".

James P. Turner
Acting Assistant Attorney General
Civil Rights Division