



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

September 17, 1993

Mr. Dale Reed
Secretary-Treasurer
Evangeline Parish Police Jury
Courthouse Building
Ville Platte, Louisiana 70586-4490

Dear Mr. Reed:

This refers to the realignment and elimination of voting precincts in Evangeline 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 May 21, 1993, request for additional information on July 19, 1993.

We have considered carefully the information that you have provided as well as 1990 Census data, information contained in previous Section 5 submissions concerning Evangeline Parish's redistricting of its school districts and information and comments from other interested parties. According to the 1990 Census, black voters constitute 26 percent of parish's total population and 23 percent of the voting age population.

In 1993, we interposed a Section 5 objection to the Evangeline Parish school district's 1992 redistricting plan, noting that the parish's demographic characteristics were such that readily available or discernible alternatives would have provided black voters the opportunity to elect their candidates of choice in three districts rather than the two of the thirteen districts contained in the proposed plan. The school district subsequently revised its plan by creating an additional district which does afford black voters such an opportunity. We precleared the second plan on July 19, 1993.

We understand that under Louisiana law, the election districts for parish school districts must follow parish precinct lines and that there are limitations on the number of voting precincts that a school district may "split" in order to accommodate a redistricting. Information made available to us suggests that the precleared school district plan splits more voting precincts than appears to be permitted under Louisiana law.

Against this backdrop, we have before us the proposed precinct changes whereby the police jury proposes to reduce the number of voting precincts in the parish from 69 to 46. Information made available to us suggests that a racially fair thirteen-member redistricting plan, such as that used for the school board, could not be accomplished by adhering to the existing 69 precincts and is even less feasible under the parish's proposed precincts. Under these circumstances, it was reasonably foreseeable that the decision by the police jury to adopt the proposed precinct lines could adversely affect the ability of the school board to adopt a plan that complied with state law and the requirements of Section 5.

During the redistricting process in March and April, 1993, the school board recognized this apparent conflict between the demands of state law and the Voting Rights Act and, through its demographer, explored the possibility of voting precinct adjustments that would eliminate this conflict. We understand that these efforts were rebuffed by the police jury, purportedly on the grounds that a racially fair redistricting plan for the school board could be drawn consistent with state law. Although this claim was repeated in your response to our request for additional information, you have provided no information to support it.

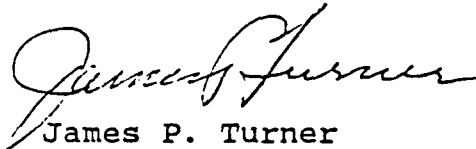
Under state law, the police jury has the authority to draw precinct lines in a manner that would avoid the apparent conflict between state law and Voting Rights Act compliance. The parish contends, however, that the proposed reduction has been undertaken because the number of existing precincts are costly and unnecessary to fulfill the parish's needs. While considerations of cost may in some circumstances justify a reduction in the number of voting precincts, they may not be used to hinder the implementation of a racially fair redistricting 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. Georgia v. United States, 411 U.S. 526 (1973); 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 submitted voting precinct changes.

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 changes have 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. See 28 C.F.R. 51.11 and 51.45. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the proposed changes continue to be legally unenforceable. See Clark v. Roemer, 111 S.Ct. 2096 (1991); 28 C.F.R. 51.10.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action Evangeline Parish plans to take concerning this matter. If you have any questions, you should call George Schneider (202-307-3153), an attorney in the Voting Section.

Sincerely,



James P. Turner
Acting Assistant Attorney General
Civil Rights Division