



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

September 12, 1994

Ms. Kathy Moreau
Secretary
St. Landry Parish Police Jury
P. O. Box 551
Opelousas, Louisiana 70571-0551

Dear Ms. Moreau:

This refers to the polling place change for St. Landry 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 June 27, 1994, request for additional information on July 13, 1994.

We have considered carefully the information you have provided, information from the 1990 Census, and comments from other interested persons. The proposed change involves relocating the polling place for Ward 2, Precinct 4 (which lies entirely within the town limits of Sunset) from its current location at the Sunset Community Center to the Sunset Town Hall. According to the information you have provided, 47 percent of the population in this precinct is black.

We understand that no public hearings were held on the proposed change, either by the Town of Sunset, or by St. Landry Parish. Thus, there appears to have been no effort made by the town or parish to advertise the change before it was adopted or to seek public input, either from the community at large or from the black community in particular, who comprise nearly half the population of this precinct.

Our inquiries following receipt of your submission among black persons in Sunset indicate an almost complete lack of awareness that the change had been adopted. Upon being informed of the change nearly all these persons expressed vehement opposition to the Town Hall as the proposed polling place location based on perceptions, apparently rooted in past history of racial discrimination in the town, that many black voters would not feel welcome in the Town Hall and may be dissuaded from voting at all. Many of these persons suggested that a preferable polling location for the precinct would be the public library at the former high school, located only a short distance away from the Town Hall. We understand that this location also meets state standards.

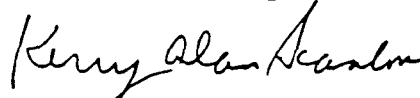
Statements made by the aldermember proposing the change indicate that his proposal to change the polling place was based in part on his concern that white voters in his district did not feel comfortable voting at the Community Center, which is located in a majority black neighborhood. (No evidence that any voters had suffered discrimination at the Community Center polling place was offered). Thus, it appears that the decisionmaking process considered the presumed desires of white voters, but made no effort to consider the desires of black voters. The depth of opposition to the proposed site in the minority community indicates that had appropriate procedures been followed to solicit that community's views, the ultimate decision regarding the polling place change would likely have been different, particularly in view of the presence of an available alternative location that appears to be acceptable to both white and black citizens.

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); 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 polling place change for Ward 2, Precinct 4.

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. See 28 C.F.R. 51.44. In addition, you may request that the Attorney General reconsider the objection. See 28 C.F.R. 51.45. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the proposed polling place change continues to be legally unenforceable. See Clark v. Roemer, 500 U.S. 646 (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 St. Landry 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,

A handwritten signature in cursive script that reads "Kerry Scanlon".

Kerry Scanlon
Acting Assistant Attorney General
Civil Rights Division



Office of the Assistant Attorney General

Washington, D.C. 20035

October 21, 1997

Ms. Kathy Moreau
Secretary
St. Landry Parish Police Jury
P.O. Box 551
Opelousas, Louisiana 70571-0551

Dear Ms. Moreau:

This refers to your request that the Attorney General reconsider and withdraw the September 12, 1994, objection interposed under Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, to the proposed polling place change for Ward 2, Precinct 4 for St. Landry Parish, Louisiana. We received your request on August 22, 1997; supplemental information was received on October 2 and 10, 1997.

On September 12, 1994, the Attorney General interposed an objection to the proposed polling place change for Ward 2, Precinct 4 (which is located entirely within the Town of Sunset) from its location at the Sunset Community Center to the Sunset Town Hall. In the letter notifying the city of that determination, we noted that 47 percent of Ward 2, Precinct 4 population is black and that the polling place change had been adopted without public hearing by the town or the parish. Our inquiries among black persons in Sunset following our receipt of the submission indicated a lack of awareness on their part about the proposed change and vehement opposition to the use of the Sunset Town Hall as a polling place location based largely on perceptions, apparently rooted in a past history of racial discrimination, that many black voters would not feel welcome in the town hall, and might be dissuaded from voting at all. We also noted the suggestion of many of these persons that the polling place be relocated to the public library (formerly a high school and prior polling place location for this precinct). The library, we understood, is located only a short distance away from the town hall and meets state standards. Finally, we noted that although the views of white voters in the precinct who did

not feel comfortable voting at the Sunset Community Center (which is located in a majority-black neighborhood) were considered in the decision-making process, the views of black voters who reside in the precinct were not sought. In light of all of these circumstances, we concluded that the parish had not sustained its burden under Section 5 of the Voting Rights Act of showing that a submitted change has neither a discriminatory purpose nor effect.

On August 11, 1997, the parish again proposed (without benefit of public hearing by the parish or the town) that the polling place location for Ward 2, Precinct 4 be moved from the Sunset Community Center to the Sunset Town Hall and submitted the change for review pursuant to Section 5 by letter dated August 18, 1997. No reference was made in this letter to our prior objection to the same change. Upon inquiry by our staff, parish officials indicated their awareness of the prior objection and, in a subsequent letter dated October 2, 1997, requested that the parish's submission be considered a request for reconsideration of the September 12, 1994, objection.

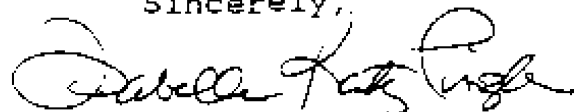
We have reconsidered our earlier determination on the polling place change for Ward 2, Precinct 4 based on the information you have advanced in support of your request, along with the other information in our files and comments received from other interested persons.

Neither your August 18, 1997 nor your October 2, 1997, letter include any additional relevant information or legal argument in support of your request that would impact upon our conclusion as to the purpose or effect of the submitted change. See the Procedures for the Administration of Section 5, 28 C.F.R. 51.45. Consequently, I remain unable to conclude that St. Landry Parish has carried its burden of showing that the 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). Therefore, on behalf of the Attorney General, I must decline to withdraw the objection to the polling place change for Ward 2, Precinct 4 in St. Landry Parish.

As we previously advised, you may 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. We remind you that until such a judgment is rendered by that court, the objection by the Attorney General remains in effect and the proposed change continues to be legally unenforceable. See Clark v. Roemer, 500 U.S. 646 (1991); 28 C.F.R. 51.10.

Sincerely,

A handwritten signature in cursive script, reading "Isabelle Katz Pinzler".

Isabelle Katz Pinzler
Acting Assistant Attorney General
Civil Rights Division