



Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

November 22, 1994

Honorable Billy Cobb
Mayor
P.O. Box 270
Winnsboro, Louisiana 71295

Dear Mayor Cobb:

This refers to twelve annexations (Ordinance Nos. 549 (1970), 558 (1971), 613 (1976), 624 (1977), 641 (1978), 673 (1982), 699 (1984), 738 and 745 (1987), 752 (1988), 760 (1989), and 797 (1992)) and the 1993 board of aldermembers redistricting for the City of Winnsboro in Franklin 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 submissions on September 23, 1994.

Our analysis of Ordinance No. 797 (1992) indicates that this annexation received the requisite preclearance on July 13, 1992. (A copy of our letter is enclosed.) Accordingly, no further determination by the Attorney General is required or appropriate under Section 5. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.35).

The Attorney General does not interpose any objection to the remaining specified annexations. 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 changes. See 28 C.F.R. 51.41.

We have considered carefully the information you have provided, as well as comments and information from other interested persons, with regard to the 1993 redistricting. According to the 1990 Census, Winnsboro has a total population of 5,755, of whom 48.6 percent are black, an increase of 2.3 percentage points since 1980. A comparison of 1990 and 1994 voter registration figures for the city indicates that the demographic trend revealed by the 1990 Census has continued at an accelerated pace.

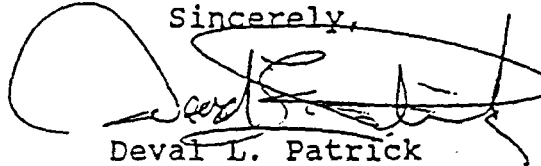
Currently, the board of aldermembers consists of five members elected from single-member districts. The proposed redistricting plan contains two districts with black population majorities of 82 percent or higher, significantly higher than what would appear to be necessary to afford black voters the opportunity to elect candidates of their choice. Of the remaining districts, the one with the highest minority percentage is District 3 at 32 percent black. This plan was adopted over the objections of the lone black aldermember, who argued that a plan more fairly reflecting minority voting strength in the city would have provided black voters greater influence in a third district. Of the ten redistricting plans prepared by the city's demographers, eight contained a third district with a black percentage higher than that in the proposed plan. The proposed plan avoids the higher black population by dividing a black population concentration between Districts 3 and 4, and thus limits minority electoral influence to a level that would not appear to reflect fairly the growing minority voting strength in the city.

We have examined the city's stated reasons for adopting the proposed plan and rejecting alternative plans and find them unpersuasive. 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 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 1993 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. 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 1993 redistricting 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 the City of Winnsboro 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 black ink, appearing to read "Deval L. Patrick". The signature is stylized with a large, sweeping initial "D" and a long horizontal stroke.

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

Enclosure