



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

July 18, 1995

Mr. David A. Creed
Executive Director
North Delta Regional Planning
and Development District, Inc.
2115 Justice Street
Monroe, Louisiana 71201

Dear Mr. Creed:

This refers to the reduction in the number of police jury members from 12 to 7, the redistricting plan, the realignment of voting precincts, and the creation of additional voting precincts and polling places in Webster Parish, Louisiana, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973. We received your further response to our request for additional information on May 19, 1995.

We have considered carefully the information you have provided, as well as information provided by other interested persons. According to the 1990 Census, Webster Parish has a total population of 41,989, of whom 13,277 (31.6%) are black. The twelve-member police jury is elected from single-member districts.

Following the publication of the 1990 Census figures, the parish adopted and submitted for preclearance a redistricting plan to comply with one-person, one-vote requirements. The existing malapportioned plan contained three districts with strong black majorities, one of which, the Census revealed, was nearly 100 percent black. On December 24, 1991, the Attorney General interposed an objection to the proposed plan, observing that the parish's means of addressing the malapportionment included further packing of black population into the district where black voters already constituted an overwhelming majority, while weakening black voting strength in adjacent District 7. The parish, we noted, had ignored requests from black elected

officials for more equitable representation. Black elected officials as well as representatives of the parish chapter of the NAACP urged that the redistricting process be the vehicle for adopting a plan which would more fairly reflect black voting strength in the parish by providing for four majority black districts. Our analysis of population concentrations in the Minden area indicated that a plan containing such an additional majority black district was a distinct possibility if racial packing was avoided.

Subsequently, the parish adopted and, in August 1992, preclearance was obtained for a plan which established District 7 as the fourth black majority district (54.6% black total population; 48.9% black voting age population), while maintaining three districts with strong black majorities and significantly reducing the packing of black voters.

The parish now proposes to reduce the size of the police jury to seven members, providing black voters with the opportunity to elect candidates of their choice in two districts. Accordingly, black voters will have the opportunity to elect a smaller proportion of the police jury that they would under the existing twelve-member plan. Under these circumstances, the proposed reduction and districting plan represents a retrogression in the position of minority voters, a result prohibited under Section 5. See Beer v. United States, 425 U.S. 130 (1976).

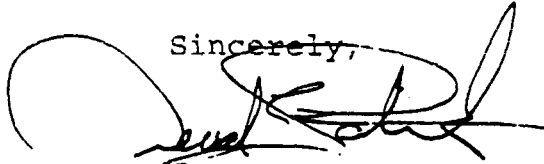
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.52). In light of the considerations discussed above, I cannot conclude that your burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the reduction in the size of the police jury.

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, color, or membership in a language minority group. 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 reduction in the size of the police jury continues to be legally unenforceable. Clark v. Roemer, 500 U.S. 646 (1991); 28 C.F.R. 51.10.

Because the redistricting plan and precinct and polling place changes are dependent upon the proposed reduction in the size of the police jury, no determination with regard to these changes is necessary or appropriate. See 28 C.F.R. 51.22.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action Webster 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 black ink, appearing to read "Deval Patrick", written over the word "Sincerely,".

Deval L. Patrick
Assistant Attorney General
Civil Rights Division