



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

October 8, 1991

Mr. Troy L. Smith
President, Jackson Parish Police Jury
Courthouse
Jonesboro, Louisiana 71251

Dear Mr. Smith:

This refers to the redistricting of police jury districts, a precinct realignment, the establishment of seven additional precincts and polling places, a precinct name change, and a polling place change in Jackson 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 responses to our request for additional information on August 1 and August 9, 1991.

We have carefully considered the information you have provided, as well as Census data and information and comments from other interested parties. At the outset, we note that the Jackson Parish Police Jury consists of ten members elected from single-member districts and that this electoral system appears to operate in the context of an ongoing pattern of racially polarized voting. Under both the existing and the submitted plans, there are two districts in which blacks constitute a clear majority of the voting age population and registered voters and, consequently, have an opportunity to elect candidates of their choice. However, the manner in which the black population in the parish has been divided suggests that the overall configuration of this plan will tend to minimize the black voting potential in the parish.

For example, in the existing plan, District 2 includes a near majority of black registered voters. That district's electoral history in the 1980s shows that, despite racially polarized voting, black voters were able to elect a candidate of their choice in this district in 1983 and narrowly missed doing so in 1987. In the proposed redistricting, the police jury has reduced the black population and electoral influence in District 2 by further fragmenting from the district a politically active black community known as Saint Rest even though alternative plans had been drawn for the police jury which included this community in District 2. Such an alternative was strongly advocated by a large delegation of this community's residents and the parish has advanced no nonracial reason for its decision to transfer this community to a district in which it will have little electoral influence.

Similarly, in the Jonesboro area, the allocation of the black and white population concentrations between Districts 5 and 10 also illustrates the problem. It would appear that the black population is "packed" unnecessarily into District 10 with only a marginal electoral minority of blacks in District 5. In our July 23, 1991, letter requesting additional information, we inquired as to the parish's justification for the proposed district lines in this area, but received no response.

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). We are also guided by the principle that the Act ensures fair election opportunities in a jurisdiction, but does not require proportional results for any given minority group. In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that the parish has sustained its burden in this instance. Therefore, on behalf of the Attorney General, I must object to the 1991 redistricting plan for the Jackson Parish Police Jury.

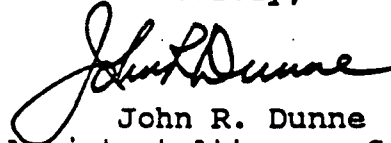
We note that under Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed change has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. In addition, 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 1991, redistricting plan continues to be legally unenforceable. Clark v. Roemer, 59 U.S.L.W. 4583 (U.S. June 3, 1991); 28 C.F.R. 51.10 and 51.45.

Because the precinct and polling place changes contained in your submission appear to be dependent on the submitted redistricting plan, the Attorney General will make no determination with respect to them at this time. 28 C.F.R. 51.35.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action Jackson Parish plans to take concerning this matter. If you have any questions, you should call Mark A. Posner (202-307-1388), an attorney in the Voting Section.

Sincerely,



John R. Dunne
Assistant Attorney General
Civil Rights Division