



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

Mr. E. Kenneth Selle
President, Tri-S Associates, Inc.
P. O. Box 130
Ruston, Louisiana 71270

DEC 20 1991

Dear Mr. Selle:

This refers to the 1991 redistricting plan for the police jury and board of education of East Carroll 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 October 21 and November 25, 1991.

We have considered carefully the information you have provided, as well as comments and information from other interested persons. At the outset, we note that blacks constitute 65 percent of the parish's population, an increase of five percentage points since 1980, and constitute nearly 60 percent of the registered voters. As was done following the 1980 Census, the police jury and school board have adopted identical redistricting plans this year for their nine-member boards. The plans include four districts (Districts 6 through 9) in the Lake Providence area with remarkably high black population percentages (95%, 98%, and two at 99%). Two other proposed districts also include significant population in the Lake Providence area, District 3 which is 49 percent black and District 5 which is 58 percent black. While black voters obviously will have the opportunity to elect candidates of their choice in proposed Districts 6 through 9, in the context of the racially polarized voting which appears to exist in parish elections, they will have minimal opportunity to elect their preferred candidates in the other districts. In this regard, although proposed District 5 is majority black in population, it includes only a bare black majority in voting age population and whites constitute a majority of its registered voters. Our review of past elections in the district indicates that white voters likely would continue to control this district's electoral outcomes under the proposed plan.

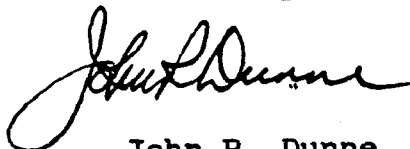
During the redistricting process, representatives of the black community strongly opposed the submitted plan on the ground that it minimizes black voting strength by overconcentrating blacks in the four, heavily black Lake Providence districts, and indicated that a fairly drawn plan would allow blacks the opportunity to elect their preferred candidates in one or more additional districts. While we recognize that the demographic patterns in the parish are such that several districts inevitably will have very high black population percentages, our analysis indicates that districting options are readily available which would avoid the minimizing of black voting strength occasioned by the overconcentration of black population into a limited number of districts which characterizes the submitted plan. We have not been provided any persuasive nonracial explanation for the parish's choice of the proposed districting configuration.

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); 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 1991 redistricting plan for the police jury and school board.

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. 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.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action the police jury and board of education of East Carroll Parish plan 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