



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

MAY 26 1992

Mr. Ray Yarbrough
President, Morehouse Parish
Police Jury
P. O. Box 509
Bastrop, Louisiana 71221-0509

Dear Mr. Yarbrough:

This refers to the 1992 redistricting plan for police jury districts and the realignment of voting precincts in Morehouse 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 submission on March 24, 1992.

We have considered carefully the information you have provided, as well as Census data, information from your submission of the 1991 redistricting plan, and information and comments from other interested parties. Our letter of September 27, 1991 interposing a Section 5 objection to your 1991 redistricting plan noted that although blacks constitute 41.5 percent of the total population of the parish only three of the 11 proposed districts had black majorities among the voting age population. We stated that this appeared to be due principally to two factors: the overconcentration of black population in districts in the City of Bastrop and the unjustified adherence to a criterion of not combining rural and city populations in individual districts. We observed that the elimination of this overconcentration and the relaxation of the city/rural distinction would provide for as many as five districts with significant black voting-age population majorities.

The parish has submitted a new redistricting plan that provides for four districts in which blacks would be a majority of the voting age population. Our analysis reveals that the submitted plan fails to eliminate some of the existing fragmentation of black population concentrations, thereby precluding the development of a plan that had more than four districts with black majorities among the voting age population. In addition, the submitted plan appears calculated to retaliate against an incumbent black police juror who has been an active proponent of alternate redistricting plans by placing him in a district with a white voting age population majority. During the redistricting process which followed our objection, the parish rejected alternative districting approaches that did not suffer from these apparent problems and has failed adequately to articulate a nonracial explanation for its rejection of this plan.

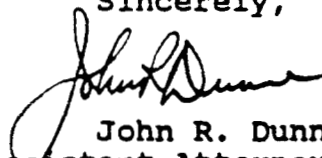
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.52). 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 1992 redistricting plan for police jury districts.

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 1992 police jury redistricting plan continues to be legally unenforceable. Clark v. Roemer, 111 S.Ct. 2096 (1991); 28 C.F.R. 51.10 and 51.45.

The Attorney General will make no determination at this time with regard to the realignment of voting precincts as it is directly related to the 1992 redistricting plan. See 28 C.F.R. 51.22(b).

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action Morehouse Parish plans to take concerning this matter. If you have any questions, you should call Colleen Kane (202) 514-6336, an attorney in the Voting Section.

Sincerely,

A handwritten signature in cursive script, appearing to read "John R. Dunne".

John R. Dunne
Assistant Attorney General
Civil Rights Division