



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

January 4, 1993

James David Caldwell, Esq.
District Attorney
P.O. Box 1389
Tallulah, Louisiana 71254

Dear Mr. Caldwell:

This refers to the September 1992 redistricting plan for the police jury and school board in 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 initial submission on November 2, 1992; supplemental information was received on December 23, 1992.

We have considered carefully the information you have provided, as well as Census data, information contained in your submissions of two earlier redistricting plans following the 1990 Census, and information and comments received from other interested parties. As you know, the black share of the parish's population increased from 60 percent in 1980 to 65 percent in 1990. We have interposed Section 5 objections to the two previous redistricting plans for the police jury and school board, each of which is elected from nine single-member districts. In both instances, the plans seemed to minimize black voting strength by the unnecessarily high concentration of black voters in Districts 6 through 9, and the failure to create one or more additional districts in which black voters would have a realistic opportunity to elect candidates of their choice. We noted that the parish had failed to provide a legitimate nonracial justification for its rejection of alternatives that would have provided the black community representation more commensurate with their voting strength in the parish.

Analysis of the plan now under submission reveals that it, too, continues the approach of overconcentrating blacks in four Lake Providence districts, with black total population figures ranging between 90 and 99 percent and, at the same time, holding the black population in other districts at ineffectual levels. Although total black population percentages in two other

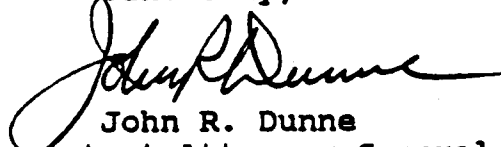
districts have been increased--District 3 to 58 percent and District 5 to 66 percent--the parish has failed to demonstrate, in the context of the history of racial discrimination and current high poverty levels among blacks in the parish, along with the parish's electoral history and pattern of racially polarized voting, that the new plan affords black voters a realistic opportunity to elect candidates of their choice in any but the four overwhelmingly black districts. Indeed, the latest redistricting proposal tends only to underscore the unexplained rejection of available alternative redistricting plans, which would provide black voters a realistic opportunity to elect one or two additional candidates of their choice.

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

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action East Carroll Parish plans to take with respect to this matter. If you have any questions, you should call George Schneider (202-307-3153), an attorney in the Voting Section.

Sincerely,



John R. Dunne
Assistant Attorney General
Civil Rights Division