



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

April 3, 1995

Honorable Bennett Baquet
Mayor
P. O. Box 390
Ville Platte, Louisiana 70586

Dear Mayor Baquet:

This refers to the 1994 redistricting plan for the board of aldermembers for the City of Ville Platte in Evangeline 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 January 31, 1995; supplemental information was received on March 15, 22 and 27, 1995.

We have considered carefully the information you have provided, as well as information in our files regarding prior submissions by the city, and comments and information from other interested persons. According to 1990 Census data, the city has a total population of 9,037, of whom 4,209 or 47 percent are black. The city's voting age population is 40 percent black, and black registrants represent 46 percent of the city's registered voters as of March 1995. As we observed during our review of the city's 1993 redistricting plan, the black share of the city's population has grown dramatically since 1980 from 33 to 47 percent, and that growth appears to be continuing, as reflected by significant increases in the black share of the city's registered voters since 1990 from 40 to 46 percent.

The city is governed by a six-member board of aldermembers, five of whom are elected from single-member districts with the sixth member elected at large. The mayor of the city is also elected at large. No black person in recent times has been elected to the at-large aldermanic or mayoral seat, despite several candidacies in 1993 and 1994. The two black representatives on the aldermanic board are elected from the city's two majority-black single-member districts. Our review of elections in the city reveals an apparent pattern of racially polarized voting.

On December 13, 1993, the Attorney General interposed an objection under Section 5 to the city's 1993 redistricting plan for the five single-member aldermanic districts. Like the existing plan, the objected-to plan included two districts with black majorities in total and voting age population in Districts B and E. District E, located in the southwestern portion of the city and adjacent to District D, had a 98 percent black population. District D was maintained with a 39 percent black population. Our review of the redistricting process that resulted in the objected-to plan indicated that black population had been overconcentrated in District E, for the apparent purpose of avoiding the creation of a third majority-black district in District D, and thereby limiting minority electoral opportunity to only two seats on the six-member board. On April 19, 1994, the Attorney General declined to withdraw the objection to the 1993 redistricting plan.

The instant 1994 redistricting plan is virtually identical to the objected-to plan in terms of the minority percentages proposed for the districts; the 1994 plan, like the objected-to plan, includes two districts (Districts B and E) with majority-black populations. The black share of the District E population is 98 percent and adjacent District D has been drawn so as to include a population only 42 percent black.

Our review of the redistricting process indicates that black community leaders, including the black aldermembers, opposed the 1994 plan, and sought the adoption of a plan that would decrease the packing of black population in District E in order to increase the black percentage in adjacent District D. This would result in the creation of three districts in which black voters would have an equal opportunity to elect their candidates of choice to the aldermanic board. Several alternative redistricting plans were prepared by the city that would appear to have achieved this result, but in a racially divided vote the city rejected these alternatives in favor of a plan that included only two majority-black districts and continued the packing of black voters in District E.

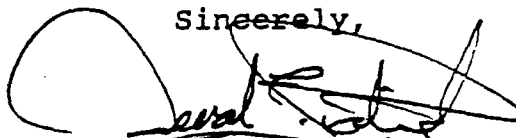
Without a satisfactory nonracial explanation, the city appears to have engaged in a redistricting approach, similar to the approach that resulted in the objected-to plan, which avoids the creation of a third majority-black district by packing black population into District E. This has the effect of unnecessarily limiting minority electoral opportunity to two of the six seats on the aldermanic board, and suggests that the plan may have been adopted to protect incumbents and ensure a continuing white majority on the board of aldermembers. See Garza v. Los Angeles County, 918 F. 2d 763, 771 (9th Cir. 1990), cert. denied, 111 S. Ct. 681 (1991).

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 1994 redistricting plan for the City of Ville Platte.

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 1994 redistricting plan continues to be legally unenforceable. Clark v. Roemer, 500 U.S. 646 (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 City of Ville Platte plans to take concerning this matter. If you have any questions, you should call Ms. Zita Johnson-Betts (202-514-8690), an attorney in the Voting Section.

Sincerely,



DeVal L. Patrick

Assistant Attorney General
Civil Rights Division