

OCT 20 1978

Mr. Samuel C. Cashio
District Attorney
18th Judicial District
State of Louisiana
Post Office Box 357
Maringouin, Louisiana 70577

Dear Mr. Cashio:

This is in reference to the polling place change to the Gladden Tractor Shed in Ward 2, Precinct 1 of Pointe Coupee Parish, Louisiana, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was received on August 21, 1978.

On September 20, 1978, we advised you that the Attorney General interposed no objection to this polling place change, but that

"the Attorney General reserves the right to reexamine this submission if additional information that would otherwise require an objection comes to his attention during the remainder of the sixty-day period".

Since our letter of September 20, 1978, this Department has received information which has caused us to reevaluate this matter. On the basis of that further review and analysis, we can no longer conclude that the use of the Gladden Tractor Shed site as a polling place will not have a discriminatory effect on black voters in the precinct.

cc: Public File

Drew S. Days III
Assistant Attorney General
Civil Rights Division

Sincerely,

According to information coming to our attention since the time of our prior consideration of this matter, activities at this polling place on election day during the September 16, 1978, election made black voters feel unwelcome at the site and some of the reported conduct associated with election day activities there was threatening and intimidating to black citizens. In addition, we understand that this new polling place is located in a sparsely populated, remote area, that the site is less convenient than alternative sites in the town of Innis, Louisiana, the location of the former polling place, and that voters, many of whom are black, must travel through Innis in order to get to the Gladden Tractor Shed, the facilities of which are poor in comparison to alternative sites in Innis such as, for example, the Innis fire station.

Under these circumstances and as indicated above, we are unable to conclude that the change to this polling place does not have the effect of denying or abridging the right to vote on account of race or color. Therefore, on behalf of the Attorney General, I must interpose an objection to the use of the Gladden Tractor site as the polling place location for Ward 2, Precinct 1, for future elections. Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that this change does not have the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. In addition, the procedures for the Administration of Section 5 (28 C.F.R. 51.21(b) and (c), 51.23, and 51.24) permit you to request the Attorney General to reconsider the objection. However, until the objection is withdrawn or the judgment from the District of Columbia Court obtained, the effect of the objection by the Attorney General is to make further use of the Gladden Tractor Shed as a polling place unlawful.

APR 17 1979

Mr. Samuel C. Cashio
District Attorney
10th Judicial District
State of Louisiana
Post Office Box 357
Maringouin, Louisiana 70757

Dear Mr. Cashio:

This is in reference to the reconsideration of the October 20, 1978 objection pursuant to Section 5 of the Voting Rights Act, as amended, to the use of the Gladden Tractor Shed as the polling place in Ward 2, Precinct 1 of Pointe Coupee Parish, Louisiana. Your request for reconsideration was received on February 11, 1979.

As you know, the Attorney General only has the authority under Section 5 to object to voting changes that are made with a racially discriminatory purpose or that will have a racially discriminatory effect. Under this standard, we have considered the information you have provided to us, have conducted further inquiry of our own, and have reconsidered the information previously before us. On the basis of this analysis and review it is our conclusion that the Parish has satisfied its burden of proving that the use of the Gladden Tractor Shed as the polling place in Ward 2, Precinct 1 did not have a racially discriminatory purpose and has not had and will not have a racially discriminatory effect. In particular, the Gladden Tractor Shed appears to be more convenient to black residents of the precinct than had previously appeared to be the case. Accordingly, on behalf of the Attorney General, I am withdrawing the objection interposed on October 20, 1978. However, I feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of the voting change in question.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division