



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

June 1, 1982

Honorable Charles Emile Bruneau, Jr.
Member, Louisiana House of Representatives
1002 American Bank Building
New Orleans, Louisiana 70130

Mr. David R. Poynter
Clerk, Louisiana House of Representatives
Post Office Box 44062
Capitol Station
Baton Rouge, Louisiana 70804

Dear Messrs. Bruneau and Poynter:

This is in reference to Act No. 1 of the First Extraordinary Session of the Louisiana Legislature of 1981, providing for a new plan of apportionment for the Louisiana House of Representatives, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §1973c. Your submission was completed on March 30, 1982.

We have given careful consideration to the materials you have submitted, as well as comments and information provided by a number of other interested parties, and relevant decisions of the federal courts. Under Section 5, the submitting authority must show that a voting change does not have a discriminatory purpose and would not "lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." Beer v. United States, 425 U.S. 130, 141 (1976); see also, City of Richmond v. United States, 422 U.S. 358 (1975).

Applying these principles to Act No. 1, we note that the proposed redistricting plan impacts adversely upon black voting strength in several areas of the state. Overall, the plan has the net effect of reducing the number of House districts with black majorities. In Orleans Parish, for instance, the number of such districts is reduced from eleven to seven. While this reduction may be justified to some extent by the general loss of parish population in comparison to overall statewide population gain, the loss of so many black majority districts in that parish has not been satisfactorily explained, especially since the black percentage of the population in Orleans Parish has increased from 45 to 55 percent over the past ten years.

Of particular concern in this regard is the uptown New Orleans area of the parish, where the configuration of proposed Districts 90 and 91 appears to result in a needless dilution of minority voting strength. While we understand that incumbency considerations may explain in part why District 90 spans three parish wards, including noncontiguous portions of Ward 12, our analysis shows that there are other means of addressing that concern without adversely impacting on the minority voting strength in the area.

Another problem in New Orleans involves the Ninth Ward. Under the proposed plan, a black majority district in this ward is eliminated for no apparent justifiable reason, leaving only one majority black House district out of the five emanating from that 61 percent black ward.

In the area encompassing the parishes of East Baton Rouge, East Feliciana, St. Helena and West Feliciana, we note additional fragmentation and dilution of minority voting strength. No satisfactory explanation has been offered for the configuration in this area that includes portions of three of the four parishes in District 62. A district more consistent with the State's announced criteria could be drawn without causing any retrogression by combining East and West Feliciana Parishes with all of St. Helena, one of the "Florida" Parishes. This would leave intact East Baton Rouge Parish which has by itself sufficient population to support nine House districts. Under the existing plan, there are three majority black House districts in this parish, which are reduced to two by the current proposal. Our analysis indicates that all of East Baton Rouge Parish can be subdivided fairly in a manner that does not result in any retrogression of minority voting strength.

Finally, in the City of Alexandria, in Rapides Parish, we note that Districts 25 and 26 have been expanded to meet "one-person, one-vote" constitutional requirements by combining the predominantly black area with largely white suburban areas. This configuration results in an unnecessary dilution of minority voting strength in both districts, which could easily have been avoided by combining adjacent black neighborhoods in central city Alexandria to form one of the districts. No compelling justification has been provided for the alignment submitted.

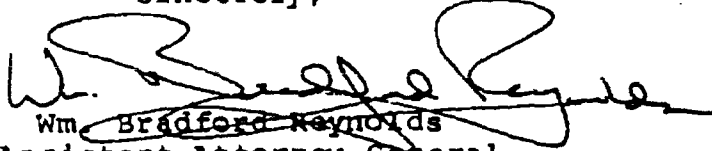
In view of these circumstances, therefore, we are unable to conclude that the proposed plan does not have the purpose or effect of discriminating on the basis of race or color. Accordingly, I must, on behalf of the Attorney General, interpose an objection to the reapportionment of the Louisiana House of Representatives contained in Act No. 1 of the First Extraordinary Session of the Louisiana Legislature of 1981.

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 has neither 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. §51.44) 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 is obtained, the effect of the objection by the Attorney General is to make the reapportionment of the Louisiana House of Representatives by Act No. 1 of the First Extraordinary Session of the Louisiana Legislature of 1981 legally unenforceable.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action the State of Louisiana plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Carl W. Gabel (202-724-8388), Director of the Section 5 Unit of the Voting Section.

Since we understand that there is now pending litigation concerning the reapportionment of the Louisiana House of Representatives (Major v. Treen, C.A. No. 82-1192-H (E.D. La.)), I am taking the liberty of providing a copy of this letter to the Court.

Sincerely,


Wm. ~~Bradford Reynolds~~
Assistant Attorney General
Civil Rights Division