



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

November 30, 1982

Mr. Paul J. Cancienne  
President, Assumption Parish  
Police Jury  
P.O. Box 518  
Napoleonville, Louisiana 70390

Aubert D. Talbot, Esq.  
District Attorney  
P.O. Drawer 97  
Napoleonville, Louisiana 70390

Dear Messrs. Cancienne and Talbot:

This is in reference to the reapportionment and the realignment of voting precincts for the Police Jury and for the School Board in Assumption 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. The submission of the police jury plan was completed on October 1, 1982, and the submission of the school board plan was received on October 7, 1982.

In connection with these submissions, we note that the two governing bodies have utilized coterminous lines in the past and currently have adopted identical redistricting plans. We further note that the School Board has adopted and incorporated by reference the entire submission of the redistricting plan of the Assumption Parish Police Jury as the supporting documentation for its submission.

With these considerations in mind, we have reviewed carefully the materials provided by the Assumption Parish Police Jury, as well as Census data and other information obtained during the course of our review. At the outset, we note that the existing plans provide for four wards with a majority black population and that the submitted plans provide for only two such wards. In addition, it appears that the number of wards in which blacks constitute a majority of the voting age population has been reduced from two to one. We also note that under the proposed plans the black population, which previously accounted for more than 62 percent of the population in Ward No. 4, has been fragmented without any apparent justification, so that blacks now constitute only 39.5 percent of that ward without a corresponding increase elsewhere.

Even though we note that the black proportion of the population in Assumption Parish decreased from 37.3 percent in 1970 to 31.7 percent in 1980, the drastic reduction in minority voting strength resulting from these plans does not appear to be warranted by any legitimate governmental interest and, in our view, constitutes a retrogression in minority voting strength prohibited by the Voting Rights Act. See Beer v. United States, 425 U.S. 130 (1976). Furthermore, the manner in which the black population in existing Ward 4 has been fragmented suggests that the plans may have been drawn with an invidious racial purpose. See Busbee v. Smith, Civil Action No. 82-0665 (D. D.C. July 22, 1982).

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of proving that a submitted change has no discriminatory purpose or 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. 51.39(e)). In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that that burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must interpose an objection to the proposed reapportionment plans and the corresponding and related realignment of voting precincts.

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 these changes have 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 plans and realignment of voting precincts for the Assumption Parish Police Jury and School Board legally unenforceable. See also 28 C.F.R. 51.9.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, I request that the two of you inform us of the course of action the Assumption Parish Police Jury and the Assumption Parish School Board, respectively, plan 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.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Bradford Reynolds". The signature is written in a cursive style with a large, looping initial "W".

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