



Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

22 FEB 1983

Lynn E. Williams, Esq.
Parish Attorney
P.O. Box 1471
East Baton Rouge, Louisiana 70821

Dear Mr. Williams:

This is in reference to the consolidation of the parish and city councils (Resolution No. 19075 (1982)); an increase in the number of single-member districts from eleven to twelve (Resolution No. 19448 (1982)); the redistricting plan; the realignment of voting precincts; the creation of Voting Precinct No. 24 and the establishment of a polling place therefor (Parish Ordinance No. 5995 (1982)) for East Baton Rouge 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. Your submission was completed on December 22, 1982.

We have given careful consideration to the information you have supplied as well as that available from our files, the Bureau of Census, and other interested parties. Our analysis shows that blacks comprise 31 percent of the population of East Baton Rouge Parish and 36 percent of the population in the City of Baton Rouge and that approximately 70 percent of the black population in East Baton Rouge Parish resides in the City of Baton Rouge. The parish council as it existed prior to the submitted change would consist of eleven members with seven elected from city districts and four elected from districts outside the city. The seven city members of the council operate as a separate governing body in city matters. Of the seven city council seats, blacks have substantial majorities in districts from which three members would be elected.

The proposed change before us would allow for the election of twelve members from twelve single-member districts, three of which have black majorities. However, all twelve council members would vote on all affairs in the parish, including city matters. Thus, concerning affairs of the City, where most of the blacks are located, the potential black representation would change from three out of seven members to three out of twelve members, resulting in an impermissible retrogression of the position of blacks voters in the City of Baton Rouge. Beer v. United States, 425 U.S. 130 (1976).

In addition, our analysis reveals what appears to be an unnecessary packing of the black population into proposed District No. 2 (96.04%) and No. 7 (88.27%). District No. 2 is adjacent to a district with a 27.87 percent black population (District No. 3) and District No. 7 is adjacent to a district with a 40.91 percent black population (District No. 5), suggesting that, absent such packing, another district giving blacks a fair opportunity to elect a candidate of their choice would be likely. The result is an overall minimization of the voting strength of black residents in the Baton Rouge area which has a discriminatory effect within the meaning of Section 5 of the Voting Rights Act, as amended, 42 U.S.C. 1973c.

Under Section 5, the submitting authority has the burden of showing 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 there is no basis for objecting in this instance. Therefore, on behalf of the Attorney General, I must object to the submitted changes.

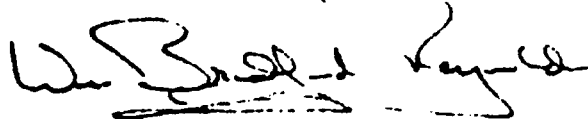
We recognize that East Baton Rouge Parish well may have a legitimate governmental interest in fully consolidating its parish and city governing bodies. However, in doing so, we believe the Parish must be governed by the principle established in cases such as City of Richmond v. United States,

422 U.S. 358, 370 (1975), which hold that changes in electorates of this kind, which inherently dilute the voting strength of the minority, can only be precleared if the new plan of election affords to the minority "representation reasonably equivalent to their political strength in the enlarged community." Should the Parish adopt a districting plan that does this, we will be happy to reconsider this matter.

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 or color. 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 for whatever reason you think appropriate. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the proposed consolidation, the redistricting of the parish council, the increase of councilmembers from 11 to 12, and the other related changes legally unenforceable. See also 28 C.F.R. 51.9.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action East Baton Rouge Parish plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Sandra S. Coleman (202-724-6718), Deputy Director of the Section 5 Unit of the Voting Section.

Sincerely,



Wm. Bradford Keynolds
Assistant Attorney General
Civil Rights Division

October 28, 1983

Lynn E. Williams, Esq.
Parish Attorney
P. O. Box 1471
Baton Rouge, Louisiana 70821

Dear Mr. Williams:

This is in reference to the consolidation of the parish and city councils (Res. No. 19075 (1982)), the increase in the number of single-member districts from eleven to twelve (Res. No. 19448 (1982)), and the reapportionment plan (Res. No. 20547 (1983)) for the City of Baton Rouge and East Baton Rouge 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 August 29, 1983.

The Attorney General does not interpose any objection to the reapportionment plan. In view of this decision, we have undertaken a reconsideration of the proposed consolidation of the parish and city councils and the increase in council membership from eleven to twelve members to which we previously objected on February 22, 1983. Based on that review, the Attorney General withdraws that objection since, in our view, the new reapportionment plan fairly reflects black voting strength in the consolidated area. However, we 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 either the reapportionment plan or the consolidation. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.48).

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

cc: Public File