



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

DEC 23 1991

Ms. Robbie Shirley
Secretary-Treasurer
Concordia Parish Police Jury
New Courthouse Highway, 84 West
Vidalia, Louisiana 71373

Dear Ms. Shirley:

This refers to the redistricting of police jury districts, the realignment of voting precincts, the subdivision of six voting precincts, and the creation of and changes in polling places for Concordia 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 response to our request for additional information on October 23, 1991.

We have considered carefully the information you have provided as well as comments and information from other interested parties. At the outset, we note that the demography of the existing districts appears to have undergone significant change in the past ten years. The plan precleared under Section 5 in 1982 provided for District 1 as a dual-member, majority black district at 68 percent; no other district had a black percentage greater than 37 percent. Since then, the black population in District 2 has nearly doubled, raising its black percentage from 33 percent to 53 percent under the existing plan, while the black percentage in District 1 has remained virtually the same.

Despite these demographic changes, the parish's proposed plan provides for only one majority black district and, in doing so, reduces the black percentage in District 2 by over 6.5 percent and appears unnecessarily to fragment black population concentrations among Districts 1, 2, 4 and 5A. Further, our analysis indicates that the police jury was well aware of the minority community's desire to have another district in which black voters have an equal opportunity to participate and to elect a candidate of their choice to the police jury and that several alternative districting configurations which would have

provided for an additional majority black district. The parish has failed to offer any persuasive nonracial explanation for its failure to cure the fragmentation of black concentrations and adopt a plan which would have more fairly recognized black voting strength.

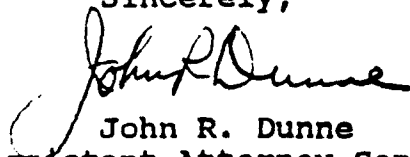
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 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 police jury redistricting plan presently under submission.

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, color, or membership in a language minority group. 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 proposed supervisor redistricting plan continues to be legally unenforceable. 28 C.F.R. 51.10 and 51.45.

With regard to the realignment of voting precincts, the elimination of a voting precinct, the subdivision of six voting precincts, and the creation of and changes in polling places, it is apparent that these changes were made to accommodate the changes in the police jury district lines. Since these changes are dependent on the objected-to redistricting plan, the Attorney General is unable to make a final determination with respect to them at this time. 28 C.F.R. 51.22(b).

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action Concordia Parish plans to take concerning this matter. If you have any questions, you should call Sandra S. Coleman (202-307-3718), Deputy Chief, Voting Section.

Sincerely,



John R. Dunne
Assistant Attorney General
Civil Rights Division