



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

DEC 24 1991

Mr. E. Kenneth Selle
President, Tri-S Associates, Inc.
P. O. Box 130
Ruston, Louisiana 71270

Dear Mr. Selle:

This refers to the 1991 redistricting plans for police jury and school board districts and the realignment of voting precincts in Webster 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 25, 1991.

We have considered carefully the information you have provided as well as Census data and comments and information from other interested parties. At the outset, we note that the police jury and school board utilize identical single-member districting plans and propose to continue doing so. The existing plans (precleared in 1982) provided for black majority districts of 59, 67, and 77 percent (according to 1980 Census data). Over the past ten years significant demographic changes have occurred in the parish. According to 1990 Census data, the black majorities in the existing plans now are 64, 79, and 99 percent. One of the black majority districts (District 10) is severely underpopulated, while a contiguous white majority district (District 7) with a significant black population is overpopulated.

We understand that black elected officials as well as a representative of the parish chapter of the NAACP urged that the redistricting process be the vehicle for adopting a plan which would more fairly reflect black voting strength in the parish by providing for four majority black districts. Our analysis of population concentrations in the Minden area indicates that a plan containing such an additional majority black district is a realistic possibility. The parish, however, appears to have ignored these requests for more equitable representation and,

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instead, adopted a plan which transfers heavily black precincts into District 10, further packing black voters into a district where they already constitute the overwhelming majority. In the process, the parish avoided a logical opportunity to recognize black voting potential more fully in adjoining District 7 where black voting strength in fact was significantly weakened, apparently to protect the incumbent in that district. Of course, while incumbency protection is not in and of itself an inappropriate consideration, it may not be accomplished at the expense of minority voting strength. See Garza v. Los Angeles County, 918 F.2d 763, 771 (9th Cir. 1990), cert. denied, 111 S. Ct. 681 (1991).

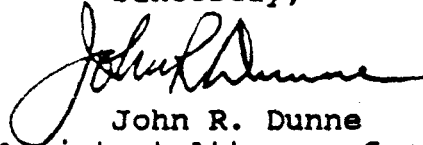
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also, the Procedures for the Administration of Section 5 (28 C.F.R.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

The Attorney General will make no determination with regard to the realignment of voting precincts because it is directly related to the objected-to police jury redistricting plan.

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 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, you may request that the Attorney General reconsider the objection. See 28 C.F.R. 51.11 and 51.45. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the proposed police jury and school board redistricting plans continue to be legally unenforceable. See Clark v. Roemer, 111 S. Ct. 2096 (1991); 28 C.F.R. 51.10.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action Webster Parish plans to take concerning this matter. If you have any questions, you should call George Schneider (202-307-3153), an attorney in the Voting Section.

Sincerely,



John R. Dunne
Assistant Attorney General
Civil Rights Division