



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

JAN 02 1992

Mr. Billy R. Bennett
President, Richland Parish
Police Jury
P. O. Box 668
Rayville, Louisiana 71269

Dear Mr. Bennett:

This refers to the 1991 redistricting plan for police jury districts, the realignment of voting precincts, and the creation of seven additional voting precincts in Richland 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 November 4, 1991.

We have considered carefully the information you have provided, as well as information and comments from other interested parties. We note at the outset that according to the 1990 Census, 37 percent of the population of Richland Parish is black, with most of the black population in the parish being located in the towns of Delhi and Rayville. The proposed plan provides for one majority-minority district in Rayville and one majority-minority district in Delhi.

Our analysis indicates that the black population in the town of Rayville is sufficiently concentrated that readily available or discernible alternatives can be drawn that would provide black voters the opportunity to elect candidates of their choice in two districts. This result, however, seems to have been avoided through the overconcentration of black population into one district in Rayville and the fragmentation of the remaining black population in and around Rayville into several majority white districts. Even though the parish appears to have been made aware of the interest on the part of black citizens to have their voting potential better recognized, the parish has failed to offer any persuasive explanation for its failure to cure the overconcentration and fragmentation of black population evident in the proposed plan.

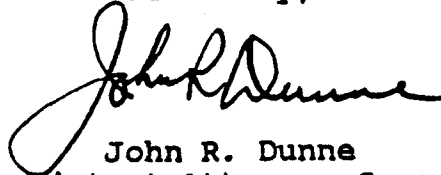
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 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 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 or color. 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 redistricting plan continues to be legally unenforceable. Clark v. Roemer, 59 U.S.L.W. 4583 (U.S. June 3, 1991); 28 C.F.R. 51.10 and 51.45.

The realignment of voting precincts and the addition of seven precincts are directly related to the proposed redistricting. Therefore, the Attorney General is unable to make a final determination at this time with regard to those changes. 28 C.F.R. 51.22(b) and 51.35.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action Richland Parish plans to take concerning this matter. If you have any questions, you should call Richard B. Jerome (202-514-8696), an attorney in the Voting Section.

Sincerely,



John R. Dunne
Assistant Attorney General
Civil Rights Division