



U.S. Department of Justice

Civil Rights Division

Writing Section  
P.O. Box 66128  
Washington, D.C. 20035-6128

FEB 7 1992

Mr. Clement Guidroz  
President, Pointe Coupee Parish  
Police Jury  
P.O. Box 290  
New Roads, Louisiana 70760

Dear Mr. Guidroz:

This refers to the 1991 redistricting plan for police jury districts, the realignment of voting precincts, and the voting precinct and polling place changes for Pointe Coupee 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 December 9, 1991.

We have considered carefully the information you have provided, as well as information and comments from other interested parties. According to the 1990 Census, 41 percent of the population of Pointe Coupee Parish is black, with concentrations of black population located in the rural, northwestern section of the parish and in and around the City of New Roads in the eastern portion of the parish.

In the northern portion of the parish, the proposed plan creates one district (District 1) at 55 percent black and a second district (District 2) at 40 percent black. Although proposed District 1 is majority black in total population, it includes only a bare black majority in voting age population and its black percentage is decreased from the existing level of 58 percent black. In the process, the boundary between Districts 1 and 2 seems unnecessarily to fragment the black population concentration in that area. Our review of past elections suggests that District 1, as drawn, does not afford black voters a meaningful opportunity to elect candidates of their choice, while remedying the referenced fragmentation likely would provide an opportunity.

In the New Roads area, the proposed plan includes two districts with remarkably high black population percentages (95 percent in District 12 and 89 percent in District 7); District 3 is 65 percent black. The configuration of the districts in this area suggests, however, that black population has been packed into two districts with the result that the black percentage in other districts, particularly District 8, have been kept at minimal levels. While black voters obviously will have the opportunity to elect candidates of their choice in Districts 12 and 7, and perhaps in District 3, in the context of the racially polarized voting which appears to exist in parish elections, they will have little, if any, opportunity to elect their preferred candidates in any other district.

During the redistricting process, representatives of the black community strongly opposed the submitted plan on the ground that it minimizes black voting strength by overconcentrating blacks in the two, heavily black New Roads districts and by fragmenting black population in the northern area of the parish. They indicated that a fairly drawn plan would provide greater representation for black voters on the parish police jury. Our analysis reveals easily discernible alternative districting options which would avoid the minimizing of black voting strength occasioned by the overconcentration and fragmentation of black population evident in the submitted plan. We have not been provided any persuasive nonracial explanation for the parish's choice of the proposed districting configuration.

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, particularly in view of information available to us which suggests that the development of the proposed plan occurred in a closed environment, with no opportunity for meaningful input by the minority community. Therefore, on behalf of the Attorney General, I must object to the redistricting plan presently under submission.

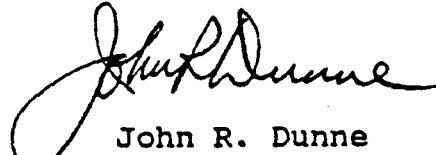
We note that under Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed change has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. In addition, 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, 111 S. Ct. 2096 (1991); 28 C.F.R. 51.10 and 51.45.

The realignment of voting precincts and the voting precinct and polling place changes 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 Pointe Coupee 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,

A handwritten signature in cursive script, appearing to read "John R. Dunne".

John R. Dunne  
Assistant Attorney General  
Civil Rights Division