



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

March 26, 1993

Angie Rogers LaPlace, Esq.
Assistant Attorney General
P.O. Box 94125
Baton Rouge, Louisiana 70804-9125

Dear Ms. LaPlace:

This refers to Act No. 975 (1991), which reduces the number of justices of the peace and constables from eight to two and provides a redistricting plan for justice of the peace/constable districts in Morehouse 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 January 25, 1993.

We have considered carefully the very limited information you have provided. Your initial submission contained virtually none of the information required and explicitly described in our published administrative guidelines for submissions of districting plans and changes in electoral systems. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.52 through 51.60). As a result, we made a timely written request for additional information with regard to this submission on January 24, 1992. 28 C.F.R. 51.37.

Your response to our request for additional information, which we received after a delay of one year, fails to provide much of the information that was requested, including population data by race for the existing and proposed justice of the peace and constable districts and legible maps of the existing and proposed justice of the peace and constable district boundaries. From the maps provided, which are of poor quality, we cannot determine the dividing lines between the existing and proposed districts.

Nor have you provided certain basic information we requested regarding the process that led to the proposed changes. Although your response to our request for additional information contains a portion of minutes for a January 14, 1991, Morehouse Parish police jury meeting, page 59 of those minutes is missing and none of the pages provided contains the requested information regarding the justice of the peace and constable changes. In addition, your response failed to provide any election returns, even though at a minimum the 1992 Fourth Congressional District elections clearly fall within the class of election returns that were requested. Nor have you provided an explanation for your failure to supply the documents and information necessary to complete your submission.

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. In failing to provide the information necessary to complete your submission, you have failed to sustain your burden of proof regarding the submitted voting changes, which appear to have the potential to significantly reduce the opportunity for black citizens to elect candidates of their choice to the positions of justice of the peace and constable. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.40 and 51.52). Therefore, on behalf of the Attorney General, I must object to Act No. 975 (1991), which reduces the number of justices of the peace and constables from eight to two and provides a redistricting plan for justice of the peace and constable districts.

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 reduction in the number of constables and justices of the peace, and the districting plan therefor, continues to be legally unenforceable. Clark v. Roemer, 111 S.Ct. 2096 (1991); 28 C.F.R. 51.10 and 51.45.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action the State of Louisiana and Morehouse Parish plan to take concerning this matter. If you have any questions, you should call Robert Kengle (202-514-6196), an attorney in the Voting Section.

Sincerely,

A handwritten signature in cursive script, appearing to read "James P. Turner".

James P. Turner
Acting Assistant Attorney General
Civil Rights Division