



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

AUG 30 1993

Honorable Donald E. Walker  
Mayor  
204 North Cedar Street  
Tallulah, Louisiana 71282

Dear Mayor Walker:

This refers to the 1993 redistricting plan for the City of Tallulah in Madison 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 July 1, 1993.

We have carefully considered the information you provided, as well as information from other interested persons. According to the 1990 Census, blacks comprise 73% of the population of Tallulah. The city is governed by a five-member city council elected from single-member districts. Under the existing plan, three of the districts (Districts 3, 4, and 5) are nearly 100 percent black in population, and a fourth black-majority district (District 2) is 59 percent black in population (and 54 percent black in voting age population). The proposed plan maintains the very high black percentages in Districts 3, 4, and 5, while reducing the black percentage in District 2 to 50 percent (and the voting age percentage to 45%). The fifth district in both plans has a substantial white majority.

Our analysis indicates that, although existing District 2 is substantially underpopulated, there are a number of districting options available which would satisfy the constitutional one-person, one-vote requirement but would not occasion any reduction in black voting strength in this district. In that regard, the city's plan appears to unnecessarily fragment black population between proposed Districts 1 and 2. This population currently is located in District 5, which is the most overpopulated district, and it appears that the city would have better achieved its goal of maintaining the existing district lines to the extent possible if this population had not been fragmented and placed entirely in

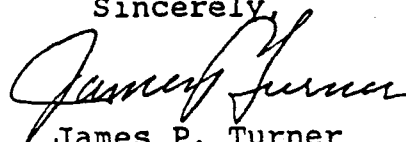
District 2. By including a portion of this population in District 1, the city altered a district which already was close to the ideal size. We note that the city rejected a plan presented by its demographers (Alternative Plan 3), which would appear to conform even more closely to the city's stated redistricting criteria but would have avoided the reduction in black voting strength in District 2. We have received no nonracial explanation for these districting choices.

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 1993 redistricting plan for the city council.

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 1993 redistricting plan 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 City of Tallulah plans to take concerning this matter. If you have any questions, you should call Mark A. Posner (202-307-1388), Special Section 5 Counsel in the Voting Section.

Sincerely,



James P. Turner  
Acting Assistant Attorney General  
Civil Rights Division