

MAY 23 1971

DJ 166-012-3
#68-17-VRA5-10

Mr. John C. Spang
Secretary
Police Jury
Parish of Ascension
Donaldsonville, Louisiana 70346

Dear Mr. Spang:

This is in reference to your letters of March 10, 1971, April 29, 1971 and May 20, 1971 which together constituted a submission of the reapportionment plan and creation of one new polling place for Ascension Parish, Louisiana. This submission was made by you on behalf of the Police Jury of Ascension Parish pursuant to Section 5 of the Voting Rights Act of 1965 and was received by this Department in completed form on May 25, 1971.

The Attorney General will not object at this time to that portion of your submission concerning the creation of a new polling place at the Lousteau Ford automobile dealer showroom near Conzales, Louisiana. However, please be aware that this failure to object does not bar any future legal action to enjoin enforcement of this change.

After careful consideration of your proposed plan to reapportion the Police Jury Wards of Ascension Parish, however, I must inform you that the Attorney General is unable at this time to conclude that the reapportionment plan does not have the purpose and effect of denying or abridging the right of the Negro citizens of Ascension Parish to vote on account of race or color. For this reason, on behalf of the Attorney General I must interpose an objection to your proposed reapportionment.

Although I appreciate the complexities encountered by the Police Jury in reapportioning Ascension Parish, particularly in view of the natural barrier formed by the Mississippi River in the southwest portion of the Parish, I nevertheless must conclude that the plan proposed by the Parish Police Jury will have the effect of diluting the voting strength of the Negro citizens of the Parish.

Prior to reapportionment, Ascension Parish was divided into nine single-member wards and one multi-member ward. Three of these single-member wards contained black majorities. The proposed reapportionment plan has four multi-member wards and only two single-member wards. Only one of the proposed wards, a single-member ward, will have a black majority. In addition, according to the Parish's proposal, each of the three areas of black population in the Parish north of the Mississippi River, that is, the prior Ward 5, Ward 6 and census enumeration district number 12, have each been aligned with larger areas of white population creating three multi-member districts which have controlling white majorities. Although the courts have held that multi-member districts are not illegal

See, Forson v. Dorsey, 379 U.S. 433 (1965); Burns v. Richardson, 384 U.S. 73 (1966); Kilgartin v. Hill, 386 U.S. 120 (1967), such districts may be subject to challenge if they "operate to minimize or cancel out the voting strength of racial or political elements of the voting population." Whitecomb v. Shavis, No. 92 S.T. 1970, June 7, 1971.

Further, the Parish's proposal poses substantial Fourteenth Amendment problems. Although equalizing population should be the primary concern in any reapportionment, the Parish's plan appears to be unduly concerned with maintaining existing political boundaries. The consequence of this undue concern is a reapportionment plan which provides for a population imbalance totaling 20.7% from equal representation. This deviation from voting equality exceeds any approved by the courts. See Abate v. Mundt, 403 U.S. _____ (June 7, 1971), Halls v. Rockefeller, 394 U.S. 542 (1969), and Kirkpatrick v. Preisler, 394 U.S. 526 (1969).

Please understand that this objection is based on information presently available to us, and the Attorney General's action does not bar you from bringing additional facts to his attention that would warrant reconsideration of the decision to object. Also, the Voting Rights Act of 1965 permits seeking approval of all changes affecting voting in the United States District Court for the District of Columbia irrespective of whether the change has previously been submitted to the Attorney General.

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If you have any questions concerning the effect of the Attorney General's objection or if I can assist you and the police jury in meeting their obligation under the Voting Rights Act, please feel free to contact me or my staff.

Sincerely,

DAVID L. NORMAN
Acting Assistant Attorney General
Civil Rights Division