



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

SEP 10 1992

Mr. Joseph Roy Jarreau
President, Pointe Coupee Parish
Police Jury
P.O. Box 290
New Roads, Louisiana 70760

Dear Mr. Jarreau:

This refers to the 1992 redistricting plan for police jury districts and the voting precinct 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 submission on July 13, 1992; supplemental information was received on July 21 and 30, and August 11 and 18, 1992.

We have carefully considered the information you have provided, as well as information and comments from other interested persons. As you are aware, on February 7, 1992, the Attorney General interposed an objection under Section 5 to the police jury's 1991 redistricting plan. That plan divided the parish -- which is 41 percent black in population according to the 1990 Census -- into 12 districts with four districts in which black residents would constitute a majority of the population. Our analysis indicated that, in the context of polarized voting in parish elections, the plan unnecessarily minimized black voting strength by fragmenting the black population in the northwestern portion of the parish and by overconcentrating blacks in two districts in the eastern New Roads area. It appeared that the plan had been developed with no opportunity for meaningful input by the black community and the parish did not offer any persuasive nonracial explanation for the districting configuration selected.

The 1992 plan, in the northwestern area, raises the black share of the population in District 1 to 60 percent, in contrast to the 1991 plan which had reduced that percentage from 58 percent in the existing plan to 55 percent. The parish also reports that blacks will constitute 58 percent of the registered voters in this district. In these circumstances, it appears that District 1 will offer black voters a substantial electoral opportunity.

In the New Roads area, we found that the 1991 plan provided blacks an electoral opportunity in at least two and perhaps three districts -- Districts 7 and 12, in which blacks were packed (89% and 95% black in population, respectively), and District 3, which was 65 percent black in population. We concluded that the unnecessary and unjustified overconcentrations in the former two districts minimized black voting strength in other districts, particularly District 8. In response, the parish has reduced the black percentage in District 12 and increased the black percentage in District 8 from 45 percent in the 1991 plan to 67 percent. However, this does not appear to lead to any overall increase in black electoral opportunity because, concomitantly, the parish also significantly reduces the black share of the population in District 3 (to 52%). In proposed District 3, whites are a majority of the voting age population and the registered voters and given the pattern of racially polarized voting it is unlikely that black voters would be able to elect their preferred candidate. The parish also retains the high black concentration in District 7.

Our analysis of the demography of the New Roads area indicates that the type of exchange contemplated by the parish's 1992 plan is unnecessary, and that addressing the overconcentration in District 7 should yield a plan in which black voters have an opportunity to elect candidates of their choice in four districts in the north-central and northeastern area of the parish. As before, the parish has not set forth any persuasive nonracial explanation for its districting choices.

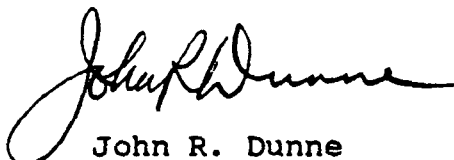
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 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 1992 redistricting plan.

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.

With regard to the voting precinct changes, no determination is necessary or appropriate since these changes are directly related to the proposed redistricting plan. 28 C.F.R. 51.22(b).

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 Mark A. Posner, Special Section 5 Counsel in the Voting Section, at (202) 307-1388.

Sincerely,



John R. Dunne
Assistant Attorney General
Civil Rights Division