



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

October 25, 1991

Randall P. Serrett, Esq.  
Assistant District Attorney  
Courthouse Building, Suite 200  
300 Iberia Street  
New Iberia, Louisiana 70560-4583

Dear Mr. Serrett:

This refers to the police jury redistricting plan, the school board redistricting plan, the realignment of voting precincts, and the establishment of four additional voting precincts and the selection of polling places in St. Martin 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 August 26, 1991.

We have considered carefully the information you have provided, as well as comments and information from other interested persons. At the outset, we note that the police jury and the school board each have nine members elected from single-member districts, and that the two bodies have jointly adopted and submitted a redistricting plan based on the 1990 Census. The existing plan includes two districts in which black citizens constitute a majority of the population and, in the context of an apparent pattern of racially polarized voting, it appears that only in these districts do black voters have an opportunity to elect candidates of their choice. Approximately one-third of the parish population and the parish's registered voters are black.

We understand from your submission that, after surveying the electoral circumstances present in this parish and after some discussion, the redistricting committee empaneled to develop a plan for the police jury and school board determined that it should give "[e]very possible consideration" to drawing a third district with a black population majority so as to more fairly

reflect black voting strength in the parish. In this regard, it appears that several reasonably available or readily discernible alternatives could have accomplished that result by reconfiguring the districts in the southwestern portion of the parish, without affecting the remainder of the redistricting plan.

Nonetheless, the proposed plan continues to include only two districts with black population majorities, and indeed the black proportion in the district with the third highest black percentage (District 3) is in fact unexplainedly reduced. This appears to be the result of several factors considered by the parish which, contradictorily, seem calculated to produce a plan of "least change" rather than one that would fairly recognize black voting strength. For example, contrary to the advice of black leaders, the parish apparently was unwilling to reduce the black population percentage in any district, although this necessarily precluded developing a third black majority district. The parish also appears to have established an artificial percentage standard as to what would constitute a meaningful black majority district, essentially ignoring the input from black leaders that a district with a somewhat lesser black population percentage would still provide to black voters a meaningful electoral opportunity.

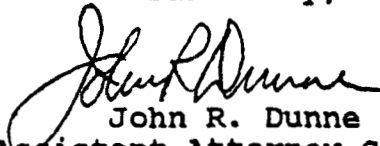
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 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 police jury and school board 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 supervisor redistricting plan continues to be legally unenforceable. Clark v. Roemer, 59 U.S.L.W. 4583 (U.S. June 3, 1991); 28 C.F.R. 51.10 and 51.45.

With respect to the precinct and polling place changes, the Attorney General will make no determination concerning these matters at this time since they are directly related to the objected-to change. See also 28 C.F.R. 51.35.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action St. Martin Parish plans to take concerning this matter. If you have any questions, you should call Mark A. Posner (202-307-1388), an attorney in the Voting Section.

Sincerely,

  
John R. Dunne  
Assistant Attorney General  
Civil Rights Division