



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

October 17, 1994

Mr. Gary Joiner
Precision Cartographics
P.O. Box 44144
Shreveport, Louisiana 71104

Dear Mr. Joiner:

This refers to the redistricting of councilmanic districts for the City of Minden in Webster 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 August 15, 1994, request for additional information on August 18, 1994.

We have considered carefully the information you have provided, census data, and information from other interested parties. We note that the black population percentage of Minden has risen steadily since 1970, and blacks now comprise more than 48 percent of the population. Under the current districting plan, two districts have large black majorities, two districts have large white majorities, and one district has a 39 percent black population.

The city's population is such that the existing malapportionment easily could have been cured by simple shifts of population from overpopulated districts to underpopulated districts, with little "ripple" effect on other districts. In the case of District 3, this would have meant adding an adjacent majority black area in District 4, resulting in an increase in the black percentage of District 3 to 46 percent or more. Such a change would have reflected more accurately the city's changing population with minimal disruption of existing boundaries.

Instead, the city chose to redraw district boundaries radically. There are major population transfers among the districts, and the resulting boundaries are oddly shaped. District 3 has had a substantial increase in population, but remains limited to a 39 percent black population.

This limitation in District 3 does not appear to result from any natural redistricting process, or respond to any identifiable governmental interest. Rather, the redistricting appears to have been specifically designed to limit the prospect that the rising black voting strength in the city would be reflected in its council elections.

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 councilmanic 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 redistricting plan continues to be legally unenforceable. Clark v. Roemer, 500 U.S. 646 (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 Minden plans to take concerning this matter. If you have any questions, you should call George Schneider (202-307-3153), an attorney in the Voting Section.

Sincerely,



Deval L. Patrick
Assistant Attorney General
Civil Rights Division