

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
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AUG 24 2007  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

REV. CHRIS AUGUSTINE, REV.  
VERNON SIMON and REV.  
CHARLES GUILLORY

CIVIL ACTION NO. 1:06CV1662

VERSUS

JUDGE DRELL

AVOYELLES PARISH POLICE JURY,  
ET AL

MAG. JUDGE KIRK

**OPPOSITION TO PETITION TO ENJOIN THE SEPTEMBER 2007  
QUALIFYING AND OCTOBER 2007 GENERAL ELECTIONS**

In response to the petition filed, the Avoyelles Parish Police Jury and its members file the following opposition.

1.

Defendants deny the allegations of paragraph one as there is no basis for an injunction of this election scheduled in the Fall of 2007.

2.

Defendants deny the allegations of paragraph two. The parties have NOT agreed in conference or any other setting that African – Americans are mal-apportioned nor under-represented on the Avoyelles Parish Police Jury nor that elections in Avoyelles Parish are polarized along racial lines. The defendants by a unanimous vote have asked their expert to propose a three-minority district that would comply with all laws. That requires public meetings, approval by the justice department and if contested, approval by this court. In no way can that be interpreted as agreeing that Avoyelles is mal-apportioned and under-represented on the Avoyelles Parish Police Jury.

3.

The allegations of paragraph three are denied. The defendants are attempting to create three minority districts, but only if they comply with the normal rules associated with reapportionment and comply with the desires of the voting public.

4.

The allegations of paragraph four are denied. The defendants have a proposed plan and are currently holding public meetings on the plan. The defendants may reject the plan if it does not conform to all requirements.

5.

The allegations of paragraph five are admitted. There is no good cause to delay qualifying or the election since there was no retrogression in the redistricting of the Police Jury and elections have been held in two separate census decades, 1999 and 2003 with basically the same districts with no opposition.

6.

The allegations of paragraph six are denied. The parish is not mal-apportioned. The previous fifteen-member jury had three minority members constituting a twenty percent representation. The current nine-member jury has two minorities constituting a twenty-two percent representation. The voting percentage in Avoyelles for minorities has ranged from 24% to 28%.

7.

The allegations of paragraph seven are denied. In fact, the petition of the plaintiffs should be dismissed on summary judgment. There is no agreement to how the reapportionment should take place. In fact, the plaintiffs have been proposing the School Board plan that would not be appropriate for the Police Jury.

8.

The allegations of paragraph eight are denied. Further there is no irreparable harm in that there is no evidence of a mal-apportioned Avoyelles Parish Police Jury. In fact, to continue to allow candidates to serve beyond the four year terms would cause irreparable harm in that other candidates currently running would not be able to be elected and the public will not have any choice to elect candidates. These districts have been in existence with two minority districts (22%) since the election of 1999 and 2003.

9.

The allegations of paragraph nine are denied. To delay the elections would cause irreparable harm in that at least four of the nine candidates are not running for reelection, yet would continue to serve without being elected. There has been no proof or evidence of mal-apportionment and no retrogression has occurred.

10.

The allegations of paragraph ten are denied. If the election is stayed, the rights of citizens to elect the candidate of their choice in majority – majority districts and majority- minority districts would be effected and there has been no showing of an equal protection violation nor a violation of the Voting Rights Act.

11.

The allegations of paragraph eleven are denied. Two elections have occurred since decreasing the districts from fifteen to nine. No objections have been raised for nearly ten years. The United States Department of Justice pre-cleared the districts for the 1999 election and the 2003 election after the 2000 census. There is no showing of a mal-apportioned Avoyelles Parish Police Jury. The election should be allowed to continue, especially since it is less than two weeks from qualifying.

12.

The allegations of paragraph twelve are admitted. The parties cannot agree on any allegation that the Avoyelles Parish Police Jury being in violation of any constitutional or statutory right. In fact, it is the position of the defendants that they are not in violation.

13.

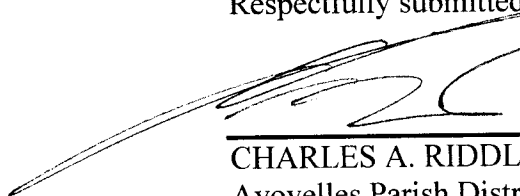
Further answering, defendants aver, that any attempt to adopt proposed plans without full public notice and the pre-clearance process would be a violation of the Voting Rights Act.

14.

Plaintiffs are asking the court to violate the rights and processes built into the Voting Rights Act solely because they desire to add a minority member without concern over whether it is proper or legal. Asking the court to substitute its judgment in lieu of the deliberate process built into the Voting Rights Act would cause harm to the election process foundation upon which this country was built. Wherefore, defendants respectfully pray,

1. That this petition be denied summarily;
2. That if a hearing is held that after hearing the arguments and reviewing the law that this petition be denied.
3. That the plans proposed by the defendant be allowed to go through the process designed by the Voting Rights Act to determine if the plan meets the standards required by our constitution and statutes.
4. That the qualifying and elections be allowed to continue as scheduled.
5. That any claim for attorney's fees be denied.
6. That this petition be dismissed at plaintiffs cost.

Respectfully submitted



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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION**

**CHRIS AUGUSTINE, ET AL**

**CIVIL ACTION NO. 1:06CV1662**

**VS.**

**JUDGE DRELL**

**AVOYELLES PARISH POLICE JURY**

**MAG. JUDGE KIRK**

**CERTIFICATE**

I hereby certify that a copy of the above and foregoing Opposition to Petition to Enjoin the September 2007 Qualifying and October 2007 General Elections has been provided to the following counsel of record by United States mail, postage prepaid and properly addressed.

- Mr. Charles D. Jones  
Attorney at Law  
141 DeSiard Street  
Suite 315  
Monroe, Louisiana 71201

Marksville, Louisiana, this 23<sup>rd</sup> day of August, 2007.

  
**CORY P. ROY**

**CHARLES A. RIDDLE, III**  
**AVOYELLES PARISH DISTRICT ATTORNEY**  
**12<sup>th</sup> JUDICIAL DISTRICT**

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August 23, 2007

Clerk of Court  
Western District of Louisiana  
105 Federal Building  
515 Murray Street  
Alexandria, Louisiana 71301

Re: Civil Action No. 1:06CV1662  
Chris Augustine, et al  
v.  
Avoyelles Parish Police Jury

Dear Ladies:

Enclosed are the original and one copy of an Opposition to Petition to Enjoin the September 2007 Qualifying and October 2007 General Elections. Please (1) file the original and (2) return one time-stamped copy to me in the enclosed self-addressed, stamped envelope. *Ydone*

*uh*  
By copy of this letter, I am providing Judge Drell and opposing counsel with a copy of this filing.

With best wishes, I remain

Yours very truly,

OFFICE OF THE DISTRICT ATTORNEY

BY: *Cory P. Roy*  
Cory P. Roy  
Assistant District Attorney

CPR/hlc  
Enclosure

Clerk of Court  
Western District of Louisiana  
August 23, 2007  
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Cc: Honorable Dee Drell  
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