



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 22, 1983

Mr. E. Kenneth Selle
President, Tri-S
Associates, Inc.
P. O. Box 130
Ruston, Louisiana 71270

Dear Mr. Selle:

This is in reference to the 1982 and 1983 redistricting plans; the realignment of voting precincts; and the renumbering of districts for the police jury in 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 the information to complete your submission on June 23, 1983. Although we noted your request for expedited consideration, we have been unable to respond until this time.

We have reviewed carefully the materials provided by the parish, the Bureau of the Census, and information obtained from interested parties during the course of our review. At the outset, we note that the 1978 redistricting plan was drawn by representatives of the police jury and subsequently approved by the court in NAACP of New Roads, Louisiana, et al. v. Pointe Coupee Parish Police Jury, et al., Civ. Action No. 78-754-B. Such plans are subject to Section 5 review. McDaniel v. Sanchez, 452 U.S. 130 (1981). The 1978 redistricting plan was submitted for Section 5 review on July 9, 1979; on September 7, 1979, we requested additional information in order to review the plan properly. We also notified the parish, by mail, on October 30, 1980, and July 11, 1983, that we had not received the additional information which had been requested. That information still has not been provided.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has no discriminatory purpose or 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. 51.38). Although the

parish is approximately 42-percent black in total population, under the most recently adopted plan black citizens would comprise more than 60 percent of the population in only one of the eleven districts. At a minimum, this is retrogressive in comparison to the 1978 court-approved plan. Moreover, our analysis reveals that the black population in the recognizable minority population areas located in Districts 4, 6, 7, and 9 has been fragmented without any apparent justification. Such unexplained fragmentation suggests that the plan may have been drawn with racial purpose. See Busbee v. Smith, 549 F. Supp. 494 (D. D.C. 1982), aff'd, 51 U.S.L.W. 3552 (U.S. Jan. 24, 1983). In addition, it appears that the black community's suggestions in developing a redistricting plan were ignored during most of the redistricting process.

In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that the parish has sustained its burden in this instance. 28 C.F.R. 51.39(c). Therefore, on behalf of the Attorney General, I must object to the redistricting plan submitted on June 23, 1983.

Because the redistricting plans submitted on December 10, 1982, and May 12, 1983 (both of which formed the basis for the plan submitted on June 23, 1983), are no longer enforceable, the Attorney General will make no determination with regard to these earlier submissions. 28 C.F.R. 51.33.

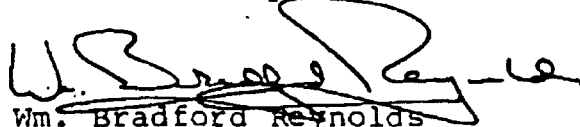
Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that these changes have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. In addition, Section 51.44 of the guidelines permits you to 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 effect of the objection by the Attorney General is to make the 1978 and 1983 redistricting plans legally unenforceable. 28 C.F.R. 51.9.

Finally, because the realignment of voting precincts and the renumbering of districts appear to be dependent upon the objected-to redistricting plans, the Attorney General will make no determination with respect to these changes at this time. 28 C.F.R. 51.33.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action Pointe Coupee Parish plans to take with respect to

this matter. If you have any questions, feel free to call Carl W. Gabel (202-724-8388), Director of the Section 5 Unit of the Voting Section.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Bradford Reynolds", written over a horizontal line.

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division