



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

20 DEC 1982

Mr. Wayne Hatcher, Jr.
Vice-President
Tri-S Associates, Inc.
P. O. Box 130
Ruston, Louisiana 71270

Dear Mr. Hatcher:

This is in reference to the 1978 and 1982 reapportionment plans for the police jury and school board in LaSalle 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. Your submission of the 1982 plans was completed on October 20, 1982; your submission of the 1978 plans was received on October 20, 1982.

We have reviewed carefully the materials provided by the parish, the Bureau of the Census and information obtained from other parties during the course of our review. At the outset we note that the 1978 reapportionment plans were drawn by representatives of the police jury and the school board and subsequently approved by the court in Pritchard v. LaSalle Parish School Board, No. 770878 (W.D. La. 1978). Such plans are subject to Section 5 review. McDaniel v. Sanchez, 452 U.S. 130 (1981).

We also note that the black population in the recognizable minority housing concentrated areas located in District Nos. 6, 7 and 9 has been fragmented without any apparent justification under both the 1978 and 1982 reapportionment plans. Such fragmentation suggests that the plans may have been drawn with an invidious racial purpose. See Busbee v. Smith, Civil Action No. 82-0665 (D. D.C. July 22, 1982).

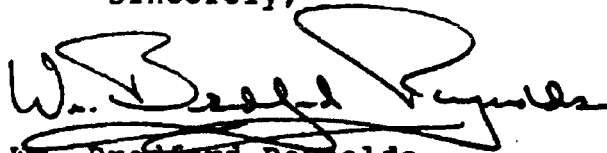
Because the pre-1978 reapportionment plans were held in the Pritchard litigation to be unconstitutionally malapportioned, we are guided by Wilkes County v. United States, 450 F. Supp. 1168 (D. D.C. 1978) and Mississippi v. United States, 490 F. Supp. 569 (D. D.C. 1979), in reviewing these plans. Wilkes County requires us to view the submitted plans in relation to fairly drawn alternative plans (450 F. Supp. at 1177). The lesson in Mississippi is that each of the adopted plans should reflect, "the strength of black voting power as it exists" (490 F. Supp. at 581). In this regard, our analysis shows that blacks likely would be able to elect a representative of their choice from one of the nine districts in a plan which satisfies these requirements. The submitted plans, by fragmenting black population concentrations, do not afford this potential.

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. 51.39(e)). In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that that burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to both the 1978 and 1982 reapportionment plans.

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, the Procedures for the Administration of Section 5 (28 C.F.R. 51.44) permit you to request the Attorney General to reconsider the objection. However, until the objection is withdrawn or the judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make these plans legally unenforceable. See also 28 C.F.R. 51.9.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action LaSalle Parish plans to take with respect to this matter. If you have any questions concerning this letter, please 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 "Wm. Bradford Reynolds". The signature is stylized with a large, sweeping initial "W" and a long, horizontal flourish at the end.

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division