



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

April 11, 1983

W. Hugh Sibley, Esq.
Assistant District Attorney
P.O. Box 399
Greensburg, Louisiana 70441

Dear Mr. Sibley:

This is in reference to the redistricting plan for the police jury and the school board and the realignment of voting precincts in St. Helena 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 was completed on February 8, 1983.

We have given careful consideration to the information which you have provided, as well as to information and comments from other interested parties. Our analysis reveals that black citizens constitute 51.4 percent of the total population of St. Helena Parish and that bloc voting along racial lines seems to exist. Further, the apportionment plan presently in effect provides the black community with three districts (Nos. 2, 3, and 5) in which blacks constitute more than 60 percent of the population and thus have the potential for electing a candidate of their choice to the school board and police jury. The proposed plan, however, unnecessarily reduces the number of districts (from three to two) in which blacks are likely to have this potential.

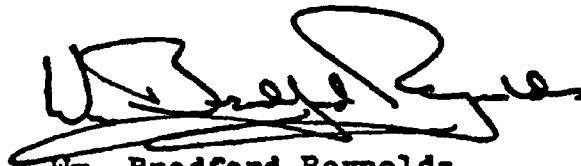
According to 1980 Census data, we find that only two of the existing districts (Nos. 2 and 6) were significantly malapportioned; we also note that minor adjustments to District Nos. 1, 2, and 6 would likely result in districts with nearly equal population without adversely affecting minority voting strength. In this regard, it appears that the minority community's suggestion of making only the changes in the existing plan that were necessary was ignored; on the other hand, we note that suggestions from the white community, which necessitated changes in five of the six districts, were not only accommodated but resulted in an impermissible retrogression of the position of the black voting strength in St. Helena Parish. See Beer v. United States, 425 U.S. 130 (1976).

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that submitted changes have 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). 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 the redistricting plan for the police jury and the school board and the realignment of voting precincts in St. Helena Parish.

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 the judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the submitted changes 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 St. Helena Parish plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Sandra S. Coleman (202-724-6718), Deputy Director of the Section 5 Unit of the Voting Section.

Sincerely,



Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division