



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

December 6, 1983

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 redistricting of councilmanic districts for the City of New Iberia in Iberia 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 October 7, 1983.

We have reviewed carefully the information you supplied, as well as 1980 Census data and comments and information provided by other interested parties. We note that according to the 1980 Census, New Iberia had a total population of 32,905, of whom 9,473 (28.8%) were black. From all that appears, this represents a significant increase from the minority percentage of the 1970 Census and even represents an increase in the minority percentage since the time of the Special Census taken in New Iberia in 1976.

In spite of the increase in minority population, the city appears to have made a conscious effort to maintain effective minority voting strength at the level established in 1976. Thus, the proposed plan provides for only one district (District No. 2) in which black voters likely are able to elect a candidate of their choice to the city council despite repeated requests by the minority community that the city consider alternate plans which would better reflect minority voting strength as it exists in New Iberia. Not only were such requests ignored, but also the

city elected to adhere to district lines that needlessly fragmented the minority community. Since the existing court-ordered plan was never precleared, there is no reason to insist on perpetuating its configuration, particularly where (as here) to do so produces discriminatory effects and no legitimate nonracial reason has been offered.

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 the redistricting of the councilmanic districts for the City of New Iberia.

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 this 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, 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 redistricting plan legally unenforceable. 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 the City of New Iberia plans to take with respect to this matter. If you have any questions, 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