AUG 20 '71

DJ 166-012-3

Honorable Jack P. F. Gremillion
Attorney General
State of Louisiana
Baton Rouge, Louisiana

Dear Mr. Attorney General:

This letter is in reference to the enactments amending Sections 35 and 35.1 of Title 24 of the Louisiana Revised Statutes of 1950 reapportioning districts for the Louisiana Senate and House of Representatives. These reapportionment enactments were submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c, as construed by the Supreme Court, Fairley v. Patterson, 393 U.S. 544, 569 (1969); Perkins v. Matthews, 400 U.S. 379, 394 (1971).

Your submission was initially received on July 2, 1971, and additional material necessary to evaluate the changes was received on July 21 and July 26, 1971.

We have given careful, and expedited, consideration to the submitted changes and the supporting information as well as information received from private citizens and data supplied by the Bureau of the Census.

However, after consideration of the proposed plan to reapportion the legislature, I must inform you that the Attorney General is unable to conclude that the reapportionment plan does not have the purpose and will not have the effect of abridging the right of Negro citizens of Louisiana to vote on account of race or color. For the reasons set forth below, on behalf of the Attorney General, I must interpose an objection to the proposed reapportionment of the House of Representatives and State Senate.

In the limited time available, we have identified several districts in widely scattered parts of the state in both houses of the legislature where there appears to be a discriminatory racial effect as defined in decisions such as Gomillion v. Lightfoot, 364 U.S.C. 339; Sims v. Baggett, 247 F. Supp. 96; and, Allen v. Board of Elections, 393 U.S. 544. Since any modification of these districts will necessarily affect other districts, and because time restrictions prevent a more detailed analysis, this objection is directed to the entire plan.

For example, the House plan allocates the 105 members to 53 districts made up of 28 single member districts and 25 multi-member districts electing up to 8 members. In Orleans Parish, the 1970 census indicates there are 593,471 persons of whom 267,244, or approximately 45 per cent, are black. The parish is divided into 11 districts electing 18 representatives, seven from single member districts. Notwithstanding the existence of a number of identifiably black residential neighborhoods, only two districts, No. 43 and No. 52 (2 members) have a black majority population, and in No. 52, the black voting age population is less than a majority.

In determining whether this result was occasioned by the way the district boundaries were drawn, we found that District 43, the present residence of the state's only black legislator, is an extraordinarily shaped 19-sided figure that narrows at one point to the width of an intersection, contains portions of three present districts, and suggests a design to consolidate in one district as many black residents as possible. Census data show 33,364 blacks, 3,133 whites, and 101 other races in this district. The district is also over-populated from the ideal population of 34,697, by more than 5.5 per cent.

On the other hand, District 52, an adjoining district electing two members, is made up of parts of two former districts and contains, according to the census, 33,010 blacks, 26,452 whites, and 233 other races, or about 55 per cent black. We compute the voting age population, however, at 19,079 (49.62%) black, 19,369 white, and according to state records, the registered voters are 12,582 white and 8,884 blacks. This district is significantly underpopulated (29,847 per member) and the proximity to overpopulated District 43 suggests that the two could have been easily equalized. Moreover, our analysis show no compelling reason for this district being a two member district and none has been suggested, although were it divided into two single member districts along a north-south axis similar to other districts in this area, one of the resulting districts would have had a clear preponderance of black voting age population.

On the Senate side, we find that although the two Orleans house districts discussed above (43 and 52) are adjacent districts and have a joint population (96,293)

well within the deviation from the ideal (93,401) used for single member senate districts; in the plan, they were not combined in what would have been a heavily majority black district. Instead a new boundary was constructed using all of House District 52 and part of House District 43, and combining them with majority white Districts 44, 45 and most of District 46. The result is two member senate district 23 with a nominal black population majority of 52.6 per cent (92,332 black, 82,886 white) but a calculated voting age population of 53,359 black (47.0 per cent) and 60,150 whites.

Another example of apparent racial effect resulting from the selection of house districts in Orleans is District 48. This is a three member district made up of two non-contiguous parts separated by the Mississippi River with one situated over a mile downstream from the other. According to the census, this district is populated by 45,478 blacks (48.5%), 47,724 whites, and 530 other for a total of 93,732 persons. The northern segment of the district, however, is 33,145 white, 43,407 black (56.3%). The racial character of this district was thus reversed by adding in the non-contiguous southern part (14,579 white, 2,046 black). We have been unable to discover any community of interest between these two sections and also note that a logical subdivision of the northern segment would have resulted in at least one predominantly Negro district.

We have found similar racial effects in the formation of districts in other parts of the state. House District 33, for example, combines populous Caddo

Parish (Shreveport) with adjoining DeSoto Parish. DeSoto has a majority black population which is merged into Caddo's predominantly white population to form a seven member district elected at large.

On the Senate side, however, an entirely different plan is used for this area in which DeSoto is joined with only a portion of Caddo and with Bienville and Claiborne Parishes to form a white majority district separated in two parts by Bossier and Webster Parishes. While all six parishes are denominated as Senate District 2, the district in fact is subdivided into three divisions with Shreveport electing two senators, Bossier and Webster electing one, and the above described split district electing the other.

In evaluating the rural areas of the state we find similar problems. For example, there are three majority Negro parishes, Madison, East Carroll and Tensas which lie next to each other along the Mississippi River and share many common interests such as forming State Judicial District Six. The joint population of these parishes (37,689) is well within deviation from the ideal used in other districts and could have formed a single member house district. Instead, Madison and East Carroll were joined with the majority white inland parishes of Richland and Franklin to form two member majority white District 39. Tensas was joined with majority white Concordia Parish to form single member District 40. In the senate plan for this area the three subject parishes remained separate and two other parishes were added to House District 39 to form Senate District 4.

Accordingly, our review of this plan indicates that there are apparent racially discriminatory effects in both houses of the legislature in widely disparate parts of the state, and that to correct these effects the plan would have to be substantially revised in whole or in part. If the legislature undertakes such revision you may wish to call to its attention the opinion of the District Court for the Southern District of Mississippi in Connor v. Johnson (C.A. No. 3870, S.D. Miss., May 18, 1971). In that case, the court in drafting its own reapportionment plan indicated a preference for minimizing the number of multi-member districts. We make this suggestion only because many of the inferences of discriminatory effect in the present proposal involve multi-member districts.

We have reached the conclusions set forth in this letter reluctantly because we fully understand the complexities facing any state in designing a reapportionment plan to satisfy the needs of the state and its citizens and, simultaneously, to comply with the mandates of the federal Constitution. We are persuaded, however, that the Voting Rights Act compels this result. Under that Act, of course, the only function of the Attorney General is to object or approve submitted legislation and we are not authorized nor would it be appropriate for us to recommend alternative approaches. Much of our analysis was based on information furnished by the U.S. Census Bureau and, should it be of use to you in understanding our determination or in advising the legislature further, we would be pleased to make it available.

I should like to add that the Voting Rights Act of 1965 permits seeking approval of all changes affecting voting by the United States District Court for the District of Columbia irrespective of whether the change has previously been submitted to the Attorney General.

Inasmuch as the United States District Court for the Eastern District of Louisiana has deferred proceedings in pending cases involving this reapportionment plan awaiting the determination of the Attorney General under the Voting Rights Act, I am taking the liberty of furnishing a copy of this letter to the Court.

Sincerely,

David L. Norman

DAVID L. NORMAN
Assistant Attorney General
Civil Rights Division