

DJ 156-012-3

OCT 8 1971

Mr. John R. Pleasant
Attorney at Law
1804 NIG South Towers
Post Office Box 1818
Shreveport, Louisiana 71102

Dear Mr. Pleasant:

This is in reference to the reapportionment plan for the Cade Parish School Board, which was submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965.

As you may know, the statute amending provisions of Louisiana law dealing with the reapportionment and reorganization of Louisiana school boards (Act No. 561 passed during the 1968 Louisiana legislative session) was submitted to the Attorney General pursuant to Section 5. The implementation of this statute, along with provisions authorizing the reapportionment and reorganization of parish police juries (Act No. 445), was objected to by him on June 26, 1969. In the case of Eyer v. Love, 307 F. Supp. 974 (E.D. Miss. 1969), the court ruled that as a result of the Attorney General's objection to the implementation of a state statute authorizing at-large elections for boards of supervisors in Mississippi, the supervisors "do not have statutory power or authority to provide" for such elections.

The preamble to the resolution of the Caddo Parish School Board which you have submitted indicates that the reapportionment is "required . . . under the provisions of Act 319 of 1970 . . ." We note that the provisions of Act 319 amend and reenact Subpart A-1 of Part II of Title 17 of the Louisiana Revised Statutes of 1950 containing Sections 71.1 through 71.5. Sections 71.1 through 71.5 were added to the Louisiana Revised Statutes of 1950 by Act 561 - the implementation of which was, as noted above, objected to by the Attorney General on June 20, 1969. Inasmuch as our records do not indicate that Act 319 has been submitted to the Attorney General or that it was the subject of a writ for declaratory judgment in the District Court for the District of Columbia, it is our view that its provisions may not be given effect until compliance with Section 5 of the Voting Rights Act of 1965 has been completed. Parkins v. Matthews, 400 U.S. 379 (1971); Allen v. State Board of Elections, 393 U.S. 544 (1969); Sheffield v. Itawamba County Board of Supervisors, 439 F.2d 35 (1971); and Eyer v. Love, 307 F. Supp. 274 (M.D. Miss. 1969).

In addition, we note that the Caddo Parish School Board is at present organized under R.S. 17:61 of the Louisiana Revised Statutes of 1950. While I appreciate that because it was specially created by the Louisiana legislature the Caddo Parish School Board may possess peculiar powers and may face peculiar difficulties in drawing a new apportionment plan, it does not appear that the Caddo Parish School Board has such powers absent reliance on Sections 71.1 through 71.5 of the Louisiana Revised Statutes. Accordingly, I must advise you that the Attorney General cannot approve the school district reapportionment and reorganization plan based on the provisions of those Acts which have not met the requirements of Section 5 of the Voting Rights Act of 1965.

Although we understand the difficulties a school board must overcome in drawing new election districts which meet the requirements of state and federal law, we must conclude that the Attorney General of the United States is without power to supersede the Louisiana legislature by carving out exceptions for particular school boards.

Sincerely,

DAVID L. NORMAN
Assistant Attorney General
Civil Rights Division