

APR 22 1972

Mr. John F. Ward, Jr.
Burtus, Roberts and Ward
Attorneys at Law
706 Louisiana Avenue
Baton Rouge, Louisiana 70807

Dear Mr. Ward:

This is in reference to the proposed redistricting plan which was submitted to the Attorney General by you on behalf of the East Feliciana Parish School Board on February 23, 1972, as required by Section 5 of the Voting Rights Act of 1965.

We have given careful consideration to the proposed reapportionment plan and supporting information received from other sources. Our review and analysis reveals that, whereas there previously existed 2 election districts, only 1 of which was multi-member, the number of election districts under the proposed plan has been reduced to 2, three of them being multi-member. We note that in setting up 2 of these multi-member districts (Districts 1 and 2) significant black concentrations have been joined with heavily white areas in a way which reduces the number of School Board members elected from black-majority districts from 6 out of 12 under the existing system to 3 out of 12 under the proposed plan. We note further that the dilutive effect on the black voting strength in the Parish under the proposed plan appears to be greater than under possible alternatives of which the Board presumably was aware, such as the two reapportionment plans adopted by the Parish Jury to which no objection was interposed by the Attorney General and the plan suggested by the plaintiff in the case of London, et al. v. East Feliciana Parish Police Jury, et al.

(Civil Action No. 71-304, E.D. La.).

As I have indicated on other occasions, although multi-member districts are not inherently discriminatory (Whitcomb v. Chavis, 402 U.S. 124 (1971)), recent federal court decisions indicate that the use of multi-member districts which have the effect of minimizing or concealing the voting strength of racial minorities contravenes constitutional protections. The discriminatory effect of such multi-member districts has been recognized by the Supreme Court and by three-judge federal courts in recent cases involving statewide reapportionment plans in Texas, Alabama, and Louisiana. See Malinski v. Chavis, supra; Anderson v. Barnett, No. 71-13-14 (E.D. Texas, Jan. 1971), opinion written for stay denied, 513 F.2d 1001 (Feb. 7, 1972) (opinion by Justice Powell); Linn, Farris and United States v. Arns, No. 71-13-15 (E.D. La., Jan. 3, 1971); Bessie v. The Governor of Louisiana, No. 71-135 (E.D. La., August 24, 1971).

In view of the foregoing considerations, I am unable to conclude, as we must under the Voting Rights Act, that the use of multi-member districts in the proposed plan of school board reapportionment under the circumstances here involved will not have the effect of discriminating against black voters in East Feliciana parish. For that reason I vote, on behalf of the Attorney General, to impose an objection. We have reached this conclusion reluctantly because we recognize the complexities of designing a reapportionment plan which satisfies the needs of the parish and its citizens and, simultaneously, complies with federal constitutional standards and laws. However, we are persuaded that the Voting Rights Act demands this result.

Should you or the Board, however, have any new or additional information which you would like for us to consider concerning this plan, we will be happy to receive it or to arrange a conference for that purpose. Of course, I should like to add that the Voting Rights Act permits seeking approval of all changes affecting voting by the United States District Court for the District of Columbia, irrespective of whether the change previously had been submitted to the Attorney General.

If a new plan is proposed it will receive our prompt and careful consideration.

Sincerely,

DAVID L. ROGAN
Assistant Attorney General
Civil Rights Division

cc: Honorable E. Gordon West
Chief Judge, United States
District Court for the
Eastern District of Louisiana
Baton Rouge, Louisiana 70801

Robert A. Bennett, Esq.
P. O. Box 510
7413 Cantrich Street
Baton Rouge, Louisiana 70808