

JSP:PD:WG:bmp
DJ 166-012-3

JUL 26 1974

Mr. John F. Ward, Jr.
Special Counsel
Evangelina Parish School Board
770 North Street
Baton Rouge, Louisiana 70802

Dear Mr. Ward:

This is in reference to the reapportionment plans for the Evangelina Parish School Board and Police Jury, both of which were submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your submission was received on July 15, 1974. In accordance with your request, expedited consideration has been given to this matter under the procedural guidelines for the administration of Section 5 (28 C.F.R. 51.22).

We have reviewed all the material provided by the parish, have given careful consideration to the points raised by you during your July 23, 1974 meeting with members of my staff and have weighed the information we have received from interested parties. On the basis of all the available facts and applying the standard required by Section 5, we cannot conclude, as we must under the Act, that the proscribed racial effect does not exist.

In evaluating the Evangelina Parish plans we carefully considered, inter alia, the fact that an agreement between Police Jury and School Board members for the establishment of common voting districts required substantial negotiations, and that another set of lines for both political bodies may be difficult to formulate.

We are also aware that the seven districts have interests which are particular to each geographic area. Our information reflects that there are schools in each district which, for the most part, serve the individuals living there and that there has been some population movement in the Parish which would raise questions about the precise racial composition in the rural area near Villa Platte.

Notwithstanding the circumstances which evince that the lines you have drawn have a practical political basis, we believe that these plans, while an improvement over the districts submitted on May 2, 1974, do not eliminate all the objectionable features set forth in our June 25 letter and iterated during your meeting with my staff. The new proposal does create another single-member district, which would have a black population majority. However, the amended lines do not remedy the continued dilutive effect of submerging still sizeable concentrations of black voters into majority-white, multi-member districts. In addition, the amended plans retain the same features which magnify this dilution and to which our June 25 objection was also explicitly directed, namely a majority requirement, an anti-single shot rule, staggered terms for school board members and a numbered post system in the 1974 school board elections.

The facts you have furnished have been helpful in reviewing the new plans, but the available information is not sufficient to conclude that the cases cited in our earlier letter are now inapposite. In Russie v. Governor of Louisiana, 333 F. Supp. 452, 458 (E.D., La. 1971), for example, the court said that "[s]ingle-member districts are always to be preferred if the use of multi-member districts tends to dilute the voting strength of any minority group." We find no basis to disregard this direction in Evangeline Parish.

While we appreciate the complexities involved in designing reapportionment plans this close to the scheduled 1974 elections, we are persuaded that, based upon our findings and upon those legal precedents which we cited in our letter of June 25, we are unable to conclude, as we must under the Voting Rights Act, that these plans will not have the effect of denying or abridging the right to vote on account of race or color. I must, therefore, on behalf of the Attorney General, interpose an objection to the implementation of these plans.

As we have previously noted, Section 5 permits you to seek a declaratory judgment from the District Court for the District of Columbia that these plans neither have the purpose nor will have the effect of denying or abridging the right to vote on account of race. Until such a judgment is rendered by that court, however, the legal effect of the objection of the Attorney General is to render unenforceable these redistricting plans.

Sincerely,

J. STARLEY POTTINGER
Assistant Attorney General
Civil Rights Division