U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

18 MAY 1982

William G. Kelly, Jr., Esq.
Davenport, Files, Kelly and Marsh
1101 Royal Avenue
Monroe, Louisiana 71201

Dear Mr. Kelly:

This is in reference to the reapportionment of the Monroe City School Board and the change from six to seven board members under the proposed plan. Your submission, pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. §1973c, was received on March 19, 1982.

Under Section 5, the Monroe City School Board, as the submitting authority, bears the burden of showing the absence of both a racially discriminatory purpose and effect in the voting changes submitted for Section 5 pre-clearance. City of Rome v. United States, 446 U.S. 156, 183 n. 18 (1980); Beer v. United States, 425 U.S. 130, 140-41 (1976). Having given careful consideration to all of the information you have provided, as well as other information made available to us, we are unable to conclude that the proposed plan satisfies the requirements of the Act.

From our analysis it appears, first of all, that the proposed plan over-concentrates black voters into three high percentage majority black districts, despite evidence that a plan with more compact and contiguous districts would have been less disruptive of existing constituencies. In accomplishing that result the proposed plan creates a non-contiguous District VI which gives that district a "strangely irregular" shape, unexplained by any compelling state interest. See Gomillion v. Lighfoot, 364 U.S. 339 (1960).

The 1980 Census population figures show that the black population increased 10% in Monroe over the last decade such that the racial composition of the city now is 50.8 percent white and 48.6 percent black. Under the existing Board reapportionment plan, this rise in black

population is reflected by three districts with substantial black majorities, two districts with substantial white majorities, and one which can be termed a swing district (District III). The proposed plan increases the number of school board districts from six to seven, with four being majority white and three being majority black. Not only does such an apportionment give credence to the complaint of several black citizens in Monroe that the proposed reapportionment and membership increase are part of an attempt to limit the influence of the black minority on school board actions, it also evidences a clear retrogression in the position of blacks, contrary to the teaching of Beer v. United States, supra.

In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that the city has met its burden under Section 5. Therefore, on behalf of the Attorney General I must object to the submitted changes.

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 these changes neither have the purpose nor will have the effect of denying or abridging the right to vote on account of race, color or membership in a language minority group. In addition, the Procedures for the Administration of Section 5 (Section 51.44, 46 Fed. Reg. 878) permit you to request the Attorney General to 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 changes in district lines and the number of board members legally unenforceable.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action the Monroe City School Board plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Carl W. Gabel (202-724-8388), Director of the Section 5 Unit of the Voting Section.

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division