



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

March 30, 1993

Mr. David A. Creed
Executive Director
North Delta Regional Planning
and Development District, Inc.
2115 Justice Street
Monroe, Louisiana 71201

Dear Mr. Creed:

This refers to the 1992 redistricting plan for the school board in West Carroll Parish, Louisiana, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your response to our request for additional information on January 29, 1993.

We have considered carefully the information you have provided, as well as Census data and information and comments received from other interested parties. The 1990 Census shows that black residents make up 26.7 percent of the total population in West Carroll Parish. The black population in West Carroll Parish is concentrated in the eastern portion of the parish, in the Town of Oak Grove and in smaller concentrations to the north and south of that town. Under the existing districting plan, the school board district with the highest black population percentage is District 1, which is 29.7 percent black in total population. Our analysis indicates that there appears to be a pattern of racially polarized voting in parish elections.

The information provided in your submission indicates that prior to the adoption of the proposed plan members of the black community appeared before the school board to request that the board draw a redistricting plan that united the black population concentrations in the eastern portion of the parish into a

majority-black district. This request was based upon the assertion, which does not appear to have been disputed, that black voters would be unable to elect a candidate of their choice to the school board under the plans prepared by the school board's demographers. An alternative plan that provided for a district approximately 65 percent black in total population was presented to the school board at a public hearing. The school board rejected the suggestion by one of its members that an effort be made to accommodate the requests of the black community and instead adopted one of the redistricting plans prepared by its demographers.

The information you have provided identifies the need to avoid split precincts as a reason that the school board did not pursue a plan with a majority black district, and we are aware of the provisions of state law (Act 925 (1992)), which limit precinct splits in school board redistricting plans. State law, however, allows police juries to realign precincts and such a realignment in West Carroll Parish could have facilitated the development of a school board redistricting plan with a black majority district. The information you have provided shows that the school board did not request that the police jury make precinct changes to accomplish this result, even though the school board had requested the police jury to make a precinct change for other purposes. Moreover, although it appears that the members of the school board made their decision to adopt a plan without a majority black district prior to October 6, 1992 (the date on which the proposed plan was adopted), there is no indication in the materials you have provided that Act 925 or its provisions were even discussed before that meeting.

Under these circumstances, it does not appear that the board's redistricting decisions were premised upon the provisions of Act 925, or that the board sought to work within the provisions of Act 925 to develop a plan with a majority black district. While the board is not required by Section 5 to adopt any particular plan, our analysis indicates that a school board plan can be drawn with a reasonably compact district in which black residents would constitute a majority of the voting age population. The school board's actions appear to have been motivated by a desire to preclude such a possibility, and you have failed to identify what governmental interest would be impaired by attempting to secure a precinct realignment that would enable such a plan to be drawn.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.52). In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that your burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the 1992 school board redistricting plan.

We note that under Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed change has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. In addition, you may request that the Attorney General reconsider the objection. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the 1992 redistricting plan continues to be legally unenforceable. Clark v. Roemer, 111 S. Ct. 2096 (1991); 28 C.F.R. 51.10 and 51.45.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action the West Carroll Parish School District plans to take with respect to this matter. If you have any questions, you should call Robert Kengle (202-514-6196), an attorney in the Voting Section.

Sincerely,



James P. Turner
Acting Assistant Attorney General
Civil Rights Division