

[FACSIMILE]

DLN:JEK:clk
D.J. 166-012-3

Mr. Joseph F. Keogh
Parish Attorney
East Baton Rouge Parish
Baton Rouge, Louisiana 70821

AUG 6 1971

Dear Mr. Keogh:

This is in reference to the application of East Baton Rouge Parish for the approval of a change in the membership of the Parish Council of East Baton Rouge Parish which the Parish proposes to implement under the Plan of Government of East Baton Rouge Parish.

I have examined carefully the information furnished by the Parish concerning the change proposed to be implemented. While I understand the difficulties inherent in formulating any form of reapportionment plan, features of the proposal you submitted raise problems which I feel obligated to bring to your attention.

Our study of this proposal shows that the addition of a member to the Parish Council from Ward 3 results in a representation from that ward of 22,793 per member, or 12.1% less than the ideal representation of 25,924. On the other hand, representation in Ward 2 is 36,809 per member or 42% over the local representation per member. Thus, the total variation in representation on the Council would be 54.1%.

Developments in the law as to the requirements of a constitutionally acceptable reapportionment plan, as exemplified in Kirkpatrick v. Priesler, 394 U.S. 526 (1969), show that the variation in representation in the East Baton Rouge proposal deviates so far from the "one-man, one-vote" requirements applied by the

Supreme Court as to make this plan legally unenforceable. Under these circumstances, it is not possible for us to evaluate the impact of the plan under the Fifteenth Amendment and the Voting Rights Act and we are technically required to enter an objection to the plan. I suggest that the Parish Council may wish to devise another plan of reapportionment which meets the "one-man, one-vote" requirements. Of course, such plan also would have to be submitted under Section 5 of the Voting Rights Act and would receive our prompt consideration.

I am enclosing for your information proposed guidelines which generally describe the Department's enforcement procedures under Section 5.

Sincerely,

DAVID L. NORMAN
Acting Assistant Attorney General
Civil Rights Division

OCT 1 1971

DJ 166-012-3

Mr. Joseph F. Keogh
Parish Attorney
The City of Baton Rouge
and Parish of East Baton Rouge
P. O. Box 1471
Baton Rouge, Louisiana 70821

Dear Mr. Keogh:

This is in response to your letters of August 24 and September 20, 1971, regarding my letter of August 6, 1971, in which we interposed an objection to the plan of the East Baton Rouge Parish Council to change its membership by adding a member from Ward 3 in accordance with the Plan of Government of East Baton Rouge Parish.

I have noted your assurance in your August 24 letter that the addition of a member from Ward 3 is merely an interim measure pending a complete reapportionment which will be accomplished and submitted for Section 5 approval prior to the 1972 council elections. I also note from your letter of September 20 that the Court in Morris Jacobs, et al. v. City of Baton Rouge, et al., Civ. Action No. 71-228, on August 13, 1971, ordered such a reapportionment and submission under Section 5 no later than one year from that date.

In consideration of the Court's order and your assurance, the Attorney General will not object to the interim addition of a council member from Ward 3.

Sincerely,

DAVID L. NORMAN
Assistant Attorney General
Civil Rights Division