

JUN 16 1972

DJ 166-012-3

Mr. Bertrand DeBlanc
District Attorney
15th Judicial District
Courthouse Building
Lafayette, Louisiana 70501

Dear Mr. DeBlanc:

This is in reference to the proposed Lafayette Parish School Board reapportionment plan which you submitted to this Department in person on April 13, 1972, pursuant to Section 5 of the Voting Rights Act of 1965. Supplemental information was received on May 5, 1972, and May 18, 1972.

We have considered the submitted plan and supporting information as well as data compiled by the Bureau of the Census and information and comments from interested parties. On the basis of the information available to us we are unable to conclude, as we must under the Voting Rights Act, that the reapportionment plan 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 this plan.

Our decision is based on the finding that the boundary lines of new Wards 2, 3, and 4 unnecessarily divide heavily Negro residential areas into the three wards. The location of the boundaries between these wards does not appear to be dictated by one-man, one-vote considerations nor by considerations of district compactness or regularity of shape.

Our objection is also predicated on the fact that the voting strength of the Negro community is further minimized and effectively cancelled out by submergence into a series of majority-white three member districts. See Whitcomb v. Chavis, 403 U.S. 124 (1971); Allen v. Board of Elections, 393 U.S. 544 (1969); Burns v. Richardson, 384 U.S. 73 (1966); Fortson v. Dorsey, 379 U.S. 433 (1965); Liascomb v. Jonsaon (C.A. 5, No. 71-1451, April 27, 1972); Graves v. Barnes (W.D. Tex. No. A-71-CA-142, Jan. 27, 1972), application for stay denied, _____ U.S. _____ (No. A-795, Feb. 7, 1972); Sims v. Amos, (M.D. Ala., No. 1744-N, Jan. 3, 1972); Russie v. McKeithen (E.D. La., No. 71-202, Aug. 24, 1971). The dilutive effect of the multi-member district device on the black population concentrations in Lafayette Parish is magnified by the election of the representatives in each district on a staggered basis - essentially a post system - and the requirement for a majority of votes to elect in a primary election. The racially discriminatory effect of such devices in the context of multi-member districts has been recognized in Graves v. Barnes, supra, Slip Opinion at 38; Dunston v. Scott (E.D. N.C., No. 2666 - Civil, Jan. 10, 1972), Slip Opinion at 17, n. 9; and Sims v. Amos, supra.

We have reached our conclusion reluctantly because we understand fully the complexities involved in designing a reapportionment plan which meets the needs of the parish and its citizens and, at the same time, complies with the mandates of the Federal Constitution and laws. We are persuaded, however, that the Voting Rights Act requires this result.

Of course, Section 5 permits you to seek a declaratory judgment from the District Court for the District of Columbia that this plan neither has 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 this reapportionment plan.

Sincerely,

DAVID L. BARKAN
Assistant Attorney General
Civil Rights Division