JUN 25 1974

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

Dear Mr. Ward:

This is in reference to the reapportionment plans for the Evangeline 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. These submission were received May 2, 1974.

We have given careful consideration to the submitted changes and the supporting material as well as to information and comments from interested parties. Even though we have endeavored to comply with your request for expedited consideration, because of the delay in obtaining clarification from your office on certain aspects of the submission, we have been unable to respond as soon as initially had been anticipated. However, on the basis of our evaluation of all the factors involved, we cannot conclude that the submitted plans have neither the purpose nor the effect of abridging the right to vote because of race or color.

Our objection is based upon two aspects of this plan - the submergence of significant concentrations of Negro voters into majority-white multi-member districts, particularly the six member district 6, and the magnification of this dilution of Negro voting strength by the

utilization of a majority vote requirement, an anti-single shot requirement, staggered terms for school board members and a numbered post system in the 1974 school board elections.

A number of recent cases we find pertinent to our analysis and consideration of this submission involving, as it does, multi-member districts, numbered posts, majority runoff requirement, and an anti-single shot provision. The most recent cases are Zimmer v. McKeithen, No. 71-2649 (5th Cir. Sept. 12, 1973) (en banc), and Turner v. McKeithen, No. 71-2221 (5th Cir. Dec. 28, 1973). These two cases are but the latest in a series which have made it clear that at-large elections are discriminatory where there is a history of discrimination against a minority race and the discrimination has had some residual effect on members of the minority race or has had the effect of shaping people's attitudes so that race is a factor in politics. See also, White v. Regester, 412 U.S. 755 (1973), aff'g Graves v. Barnes, 343 F. Supp. 704 (W.D. Texas 1972); City of Petersburg v. United States, 354 F. Supp. 1021 (D.D.C. 1972), aff'd, 410 U.S. 962 (1973); Sims v. Amos, 336 F. Supp. 924 (M.D. Ala. 1972), aff'd, 409 U.S. 942 (1972); Fortson v. Governor of Louisiana, 333 F. Supp. 452 (E.D. La. 1971), aff'd as to invalidity of multi-member districts, 457 F. 2d 796 (5th Cir. 1971); Georgia v. United States, 411 U.S. 526 (1973); Taylor v. McKeithen, 407 U.S. 191 (1972). The racially discriminatory effect of the numbered post system has been recognized in White v. Regester, supra; Dunston v. Scott, 336 F. Supp. 206 (D. N.C. 1972); and Sims v. Amos, supra, and in Stephenson v. West, C.A. No. 72-45, (D.S.C., Apr. 7, 1972), the anti-single shot device similarly was invalidated.

In view of these legal precedents, to which we feel obligated to give great weight, and on the basis of our findings, therefore, we cannot conclude, as we must under the Voting Rights Act, that the reapportionment plans will not have the effect of abridging the right to vote on account

of race or color. For that reason I must, on behalf of the Attorney General, interpose an objection to the implementation of the submitted plans.

We have reached this conclusion reluctantly because we fully understand the complexities facing the parish in designing reapportionment plans to satisfy the needs of the parish and its citizens and simultaneously to comply with the mandate of the federal Constitution and laws. We are persuaded, however, that the Voting Rights Act compels 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 the submitted redistricting plans.

We should further point out that a review of our records indicates that no polling place or precinct changes in Evangeline Parish have been properly submitted to the United States District Court for the District of Columbia for judicial review or to the Attorney General for administrative review as required by Section 5 of the Voting Rights Act of 1965. If our information is correct, it is necessary that any and all such changes made since 1965, including those changes which will be implemented in conjunction with any reapportionment plans for the School Board and Police Jury, either be brought before

the District Court for the District of Columbia or submitted to the Attorney General. Changes in procedure which affect voting are unenforceable unless and until the Section 5 preclearance requirements have been met.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division