



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

July 16, 1984

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

Dear Mr. Kelly:

This refers to the reapportionment of the Monroe City School Board and the change from six to seven board members under the proposed plan in Ouachita 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. Your submission was completed with the supplemental material we received from you on June 15, 1984.

We have considered carefully the information you have provided, data obtained from the 1980 Census, as well as information provided by other interested parties, and that contained in our files relating to the redistricting plan previously considered and objected to on May 18, 1982. At the outset, we note that the proposed plan does appear to address the problem of noncontiguity in District 6. However, other than that change, our analysis shows that the instant plan is virtually the same as, and suffers from the same deficiencies as, the plan which was the subject of our prior objection.

Our review of this submission indicates that despite a substantial increase (30 percent) in the black population since the 1970 Census, and the racially polarized voting that exists in the school district, the proposed plan needlessly continues to concentrate blacks into three of the seven new districts--and thereby avoids what would appear to be a logical placement of some of those black voters in a fourth district where they would be able to have a greater influence in the election of that district's school board representative. Under the existing plan blacks have the opportunity to elect a representative of their choice in one-half of the existing system's

six districts. With 48.5 percent of the city's population, the black electorate should not be deprived under a new plan of their existing voting strength. Yet, the current proposal appears to do just that, without adequate explanation.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has no discriminatory purpose or 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. 51.39(e)). In light of the considerations discussed above, I must conclude that the plan described in your submission constitutes an impermissible "retrogression" in the position of blacks under Beer v. United States, 425 U.S. 130, 140-141 (1976), and thus has a discriminatory effect. Accordingly, on behalf of the Attorney General, I must, under Section 5 of the Voting Rights Act, object to the redistricting plan here under review.

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 this 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, Section 51.44 of the guidelines permits you to 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 effect of the objection by the Attorney General is to make the redistricting plan legally unenforceable. 28 C.F.R. 51.9.

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, 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