



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

AUG 30 1993

Mr. W. T. Lewis  
Superintendent of Bossier  
Parish Schools  
P.O. Box 2000  
Benton, Louisiana 71006-2000

Dear Mr. Lewis:

This refers to the 1992 redistricting plan and the renaming of districts from letters to numbers for the Bossier Parish School District in Bossier 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 June 29, 1993.

The Attorney General does not interpose any objection to the renaming of the districts from letters to numbers. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

We cannot reach the same conclusion with regard to the proposed redistricting plan. We have considered carefully the information you have provided, as well as Census data and information and comments received from other interested parties. According to the 1990 Census, black residents comprise 20.1 percent of the total population in Bossier Parish. The Bossier Parish School District, which is coterminous with the parish, is governed by a twelve member school board elected from single-member districts. Under both the existing and proposed districting plans, not one of the twelve single-member districts is majority black in population. Currently, there are no black members on the school board.

In light of the pattern of racially polarized voting that appears to prevail in parish elections, the proposed plan, adopted by the parish police jury and recommended by the school board's consultant, would appear to provide no opportunity for black voters to elect a candidate of their choice to the school board. We note that under the proposed plan, the school board district with the highest black population percentage, District 4, is 45 percent black. The information provided in your submission indicates that prior to the adoption of the proposed redistricting plan, members of the black community appeared before the school board and requested that the board draw a redistricting plan that would fairly reflect black voting strength in the parish by creating two majority black districts.

We are mindful of the fact that we granted Section 5 preclearance to an identical redistricting plan for the Bossier Parish police jury in July 1991. However, in reviewing the submitted redistricting plan for the school board, we have taken into account new information, particularly the 1991 police jury elections held under the 1991 redistricting plan and the 1992 redistricting process for the school board. During that process, it appears that an alternative plan that would have provided for two districts which are approximately 62 and 56 percent black in total population was presented to the school board at a public hearing.

Our analysis of this alternative, preferred by members of the black community, shows that black residents are sufficiently numerous and geographically compact so as to constitute a majority in two single-member districts. Apparently, the school board rejected this plan and engaged in no efforts to accommodate the requests of the black community, instead adopting the redistricting plan adopted by the parish police jury. While the school board is not required by Section 5 to adopt any particular plan, it is not free to adopt a plan that unnecessarily limits the opportunity for minority voters to elect their candidates of choice.

We have considered the school board's explanation that the proposed plan was adopted in order to avoid voter confusion by having the same districting plans for both school board and police jury elections. In addition, the school board has indicated that the need to avoid split precincts, pursuant to state law, limited its ability to adopt a redistricting plan with majority black districts.

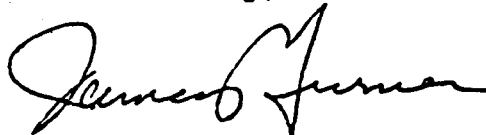
We do not find either of these arguments persuasive. We understand that during the 1980's the school board and police jury used different districting plans as a result of the reapportionment of their respective districts following the 1980 Census and no evidence has been presented to show that voter confusion resulted. And while we are aware that state law prohibits precinct splits in school board redistricting plans, we also note that state law allows police juries to realign precincts and such a realignment in Bossier Parish could have facilitated the development of a school board redistricting plan with majority black districts. The information that you have provided discloses no evidence that the school board ever sought a precinct realignment that would have allowed the drawing of such a plan.

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 addition, preclearance must be withheld where a change presents a clear violation of Section 2. 28 C.F.R. 51.55(b)(2). In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that the proposed redistricting plan meets the Act's preclearance requirements. 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 Bossier Parish School District plans to take with respect to this matter. If you have any questions, you should call Gaye Hume (202-307-6302), an attorney in the Voting Section.

Sincerely,



James P. Turner  
Acting Assistant Attorney General  
Civil Rights Division