



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

NOV 24 1993

Mr. Charles P. Bujol
Superintendent of Schools
Iberville Parish School District
P.O. Box 151
Plaquemine, Louisiana 70765-0151

Dear Mr. Bujol:

This refers to the 1993 redistricting plan for the Iberville Parish School District in Iberville 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 submission on September 27, 1993.

We have considered carefully the information you have provided, as well as Census data, information contained in your submission of a 1992 redistricting plan and information and comments received from other interested persons. According to the 1990 Census, black residents constitute 46.3 percent of the total population and 43.4 percent of the voting age population in Iberville Parish. The school district, which is coterminous with the parish, is governed by a 15-member school board elected from single-member districts. There are five black members on the school board elected from the five black-majority single-member districts under the existing plan.

On June 21, 1993, the Attorney General interposed a Section 5 objection to the school district's 1992 redistricting plan. The 1992 plan, like the existing plan, had only five black-majority districts of 15. Our objection letter, noting the apparent pattern of racially polarized voting, focused on that plan's treatment of black population concentrations in and near the Town of White Castle and the City of Plaquemine, which prevented two additional black-majority districts from being drawn. Moreover, our analysis showed that the school board's redistricting process appeared to be designed to so limit black voting strength in an attempt to protect the interests of white incumbents.

The redistricting plan now before us changes the objected-to plan only in the White Castle area. As a result of those changes, the submitted plan has a new district in that area with a black majority. Because the submitted plan makes no changes in the Plaquemine area, the same fragmentation and overconcentration of that area's black population, which we identified previously, continues to exist.

We have examined the school board's explanations for rejecting alternative redistricting plans that attempted to address the identified concerns in both the White Castle and the Plaquemine areas and thereby create two additional black-majority districts. The school board contends that changes to the objected-to plan in the Plaquemine area would require state law limits on splitting parish voting precincts to be violated. Our analysis shows, however, that the school board has not in the past applied this criterion consistently, since the previously adopted plan to which we objected also contained more split voting precincts than state law allows.

Furthermore, we note that state law limits on voting precinct splits in school board redistricting plans may be addressed by police jury realignments of voting precincts. Here, the school board could have, but did not, request such a realignment so as to facilitate the drawing of a plan that fairly reflects black voting strength in the parish. Nor does it appear that the school board considered using the policy jury redistricting plan, which has obtained Section 5 preclearance, as a way to address the split precinct issue.

Finally, the school board suggests that protecting incumbents explains the rejection of alternative redistricting plans that created an additional black majority district in the Plaquemine area. While we recognize that incumbency protection is not in and of itself an inappropriate consideration, it may not be accomplished at the expense of minority voting potential. See Garza v. County of Los Angeles, 918 F.2d 763, 771 (9th Cir. 1990), cert. denied, 111 S.Ct. 681 (1991). The school board's failure to provide an adequate justification for the continued fragmentation and packing in Plaquemine suggests that the proposed redistricting plan was developed, at least in part, to limit unnecessarily the opportunity for black voters to elect their candidates of choice to the school board.

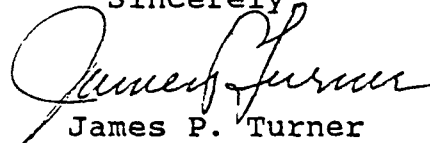
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.52).

In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that your burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the 1993 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, color, or membership in a language minority group. See 28 C.F.R. 51.44. In addition, you may request that the Attorney General reconsider the objection. See 28 C.F.R. 51.45. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the 1993 redistricting plan continues to be legally unenforceable. See Clark v. Roemer, 111 S. Ct. 2096 (1991); 28 C.F.R. 51.10.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action the Iberville Parish School District plans to take concerning this matter. If you have any questions, you should call Gaye L. Hume (202-307-6302), an attorney in the Voting Section.

Sincerely,



James P. Turner
Acting Assistant Attorney General
Civil Rights Division