



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

APR 25 1994

Mr. Walter Lee
Superintendent of DeSoto Schools
201 Crosby
Mansfield, Louisiana 71052

Dear Mr. Lee:

This refers to the 1992 redistricting plan for the DeSoto Parish School Board in DeSoto 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 further response to our May 17, 1993, request for additional information on February 22, 1994; supplemental information was received on April 12, 1994.

We have carefully considered the information you have provided as well as 1990 Census data, information contained in the submissions of the 1991 and 1992 redistricting plans for the DeSoto Parish police jury, and comments and information provided by other interested parties. According to the 1990 Census, black persons comprise 44 percent of the total population and 42 percent of the voting age population in DeSoto Parish. The school board, like the police jury, has eleven members elected from single-member districts.

The submitted redistricting plan has four districts in which black persons would comprise a majority of the population, but only three of these districts have black voting age population majorities. We note that the school board adopted the proposed

plan after the DeSoto Parish police jury completed its redistricting process in June of 1992. On October 15, 1991, the Attorney General interposed a Section 5 objection to a redistricting plan for the eleven-member police jury which provided for three districts that were majority-black in voting age population. During the review of the police jury plan, our examination showed the presence of racially polarized voting patterns in parish elections--patterns that appear to be present in school board elections as well. In 1992, the police jury obtained Section 5 preclearance for a revised redistricting plan in which black persons comprised voting age population majorities ranging from 54 to 76 percent in four districts.

We have examined the school board's adoption of the submitted plan against this backdrop. It appears that the redistricting process was carried out with little opportunity for public input. The proposed plan was tentatively approved in November 1992 nearly a month before what appears to have been the only public hearing held on redistricting the school board. The tape of the hearing and the transcript of the school board meeting following the hearing indicate that the final approval of the plan was a mere formality, as the majority of the board allowed no substantive discussion of alternative plans at this meeting.

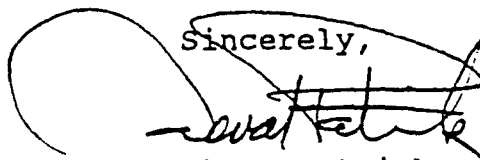
Among these alternatives was the other plan considered at the November 1992 school board meeting. This plan includes four districts with black voting age majorities (ranging between 58 and 75 percent) and, like the precleared police jury plan, would appear to provide black voters the opportunity to elect candidates of their choice in four districts. In addition, this plan split fewer existing parish voting precincts and would therefore be easier and less costly to administer than the submitted plan. The school board has failed to provide any legitimate, nonracial explanations for its decision to reject these fairer alternatives and instead adopt a plan that would appear to limit the opportunity of black voters to elect their candidates of choice to only three districts.

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 1992 redistricting plan for the DeSoto Parish school board.

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. 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 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 DeSoto Parish School Board plans to take concerning this matter. If you have any questions, you should call George Schneider (202-307-3153), an attorney in the Voting Section.

Sincerely,

A handwritten signature in black ink, appearing to read "Deval Patrick", written over a large, stylized flourish that loops back to the left.

Deval L. Patrick
Assistant Attorney General
Civil Rights Division