



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

August 19, 1994

Mr. Gerald Stanley
Superintendent of Schools
P.O. Box 792
Lake Providence, Louisiana 71254-0792

Dear Mr. Stanley:

This refers to the 1994 redistricting plan for the school board in East Carroll 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 responses to our request for additional information on June 6 and July 7, 12, and 19, 1994; other supplemental information was provided on July 26 and August 1, 1994.

We have considered carefully the information you have provided, as well as Census data, information contained in your submissions of two earlier redistricting plans following the 1990 Census, and information and comments received from other interested parties. As you know, the black share of the parish's population increased from 60 percent in 1980 to 65 percent in 1990. We have interposed Section 5 objections to the two previous redistricting plans for the school board, which is elected from nine single-member districts. In both instances, the plans seemed to minimize black voting strength by the unnecessarily high concentration of black voters in Districts 6 through 9, and the failure to create one or more additional districts in which black voters would have a realistic opportunity to elect candidates of their choice. We noted that the parish had failed to provide a legitimate nonracial justification for its rejection of alternatives that would have provided the black community representation more commensurate with their voting strength in the parish.

In July 1993, we granted Section 5 preclearance to a redistricting plan for the East Carroll Parish police jury that is identical to the school board's proposed redistricting plan. However, in reviewing the submitted redistricting plan for the school board, we have taken into account the circumstances under which the proposed plan was adopted.

Our investigation has revealed that prior to the 1993 elections, school board members discussed with their demographer the possibility of creating their own redistricting plan different than the police jury redistricting plan. We were told that such efforts were abandoned after the 1993 elections, in which viable black candidates lost their election bid for the police jury in Districts 3 and 5. Instead of proceeding with its initial approach, the school board undertook to adopt the police jury plan without adequate notice to the public of its intentions and without adequate notice of the public hearings. In addition, despite the existence of alternative plans, none were discussed at the public hearing. Indeed, the school board's adoption of the police jury plan was accomplished without the knowledge of black leaders and unsuccessful black police jury candidates, who would have spoken in opposition to the school board's adoption of the proposed plan and advocated the adoption of an alternative plan.

Further, we do not find persuasive the school board's explanation that it adopted the police jury redistricting plan in order to avoid voter confusion. The school board was not concerned about the voter confusion resulting from their continued use of the 1982 redistricting plan for the school board in its District 5 special election conducted at the same time as the police jury election; District 5 in the 1982 redistricting plan differs geographically and demographically from District 5 in the police jury plan. Likewise, the school board did not appear to be concerned about voter confusion or expediency and simplicity during their later (post-1993 elections) consideration of making modifications to the police jury plan to accommodate incumbents.

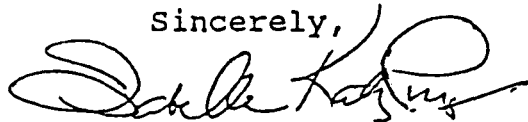
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.52). In 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 1994 redistricting plan for the 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. 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 1994 redistricting plan continues to be legally unenforceable. Clark v. Roemer, 111 S. Ct. 2096 (1991); 28 C.F.R. 51.10 and 51.45.

Since the Section 5 status of the East Carroll Parish School Board redistricting plan is a matter before the court in Knight v. McKeithen, C.A. No. 94-848-A-2 (M.D. La., Filed July 7, 1994), we are providing copies of this letter to the court and counsel of record in that case.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action the East Carroll Parish School Board plans to take with respect to this matter. If you have any questions, you should call Special Section 5 Counsel Mark A. Posner at (202-307-1388).

Sincerely,



Isabelle Katz Pinzler
Acting Assistant Attorney General
Civil Rights Division

cc: Honorable John V. Parker
United States District Judge

Counsel of Record