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DJ 166-012-3

JAN 12 1972

Mr. Bernard E. Boudreaux, Jr.  
Assistant District Attorney  
Sixteenth Judicial District  
Franklin, Louisiana 70538

Dear Mr. Boudreaux:

This is in reference to the reapportionment plan for the St. Mary Parish School Board, which was submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965.

As you may know, the statute amending provisions of Louisiana law dealing with the election and apportioning of police jurors and the redistricting of police jury wards (Act No. 445 passed during the 1968 Louisiana legislative session) was submitted to the Attorney General pursuant to Section 5. The implementation of this statute, along with the provisions authorizing the creation of special school board election districts not identical with police jury ward boundaries and also authorizing at-large elections for school board members (Act No. 561), were objected to by him on June 26, 1969. Because of our earlier objection to the enabling legislation, I must advise you that the Attorney General cannot approve your school board reapportionment plan which creates special school board election districts different from the police jury ward boundaries. In the case of Dyer v. Love, 307 F. Supp. 974 (E.D. Miss. 1969), the court ruled that as a result of the Attorney General's objection to the implementation of a state statute authorizing at-large elections for boards of supervisors in Mississippi, the supervisors "do not have statutory power or authority to provide" for such elections.

Although we understand the difficulties a school board must overcome in drawing new election districts for a parish, we must conclude that the Attorney General of the United States is without power to supersede the Louisiana legislature by carving out exceptions for particular parishes.

Sincerely,

DAVID L. NORMAN  
Assistant Attorney General  
Civil Rights Division