



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

September 21, 1992

L. Lane Roy, Esq.
Roy and Hattan
P. O. Drawer 91850
Lafayette, Louisiana 70509

Dear Mr. Roy:

This refers to the 1992 redistricting plan for the Lafayette Parish School District in Lafayette 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 May 22, 1992, request for additional information on July 21 and September 3, 1992.

We have considered carefully the information you have provided as well as comments from other interested parties. According to the 1990 Census, black residents comprise 22.4 percent of the total population and 20.2 percent of the voting age population in Lafayette Parish. The present nine-member single-member district election system and districting plan have been in effect since 1989. Since 1989 the school board has had two black members elected from Districts 3 and 4, in which 76.5 percent and 65.7 percent of the total population were black, according to the 1990 Census. We note that Districts 3 and 4 are both underpopulated by over 20 percent under the existing plan.

Under the proposed redistricting plan black residents would comprise 56.2 percent and 56.4 percent of the total population, and 49.7 percent and 50.1 percent of the voting age population, in Districts 3 and 4, respectively. Our analysis of the information you have provided indicates that the extent of the reduction in the black share of the population in Districts 3 and 4 was not necessary to satisfy the one person, one vote requirement. Alternative redistricting plans were available that satisfied that requirement without decreasing the black share of the population in Districts 3 and 4 as much as in the proposed plan.

In addition, we note that since the proposed redistricting plan was adopted, state law has been modified in a way that would appear to allow the school board's redistricting plan to split existing precincts. Our analysis indicates that a redistricting plan that splits some of the existing precincts would be able to

lessen the decrease in the black percentages in Districts 3 and 4 compared to the existing plan.

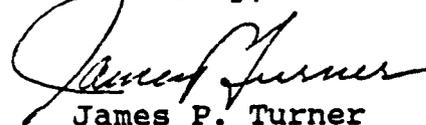
The proposed plan's reduction of the black share of the population in Districts 3 and 4 must be assessed in the context of the racially polarized voting patterns that prevail in the parish. In these circumstances, the proposed plan appears to lessen the opportunity for black voters to elect candidates of their choice to the parish school board. Beer v. United States, 425 U.S. 130 (1976).

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 proposed redistricting plan for the Lafayette Parish School District.

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. 28 C.F.R. 51.10 and 51.45.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action the Lafayette Parish School District plans to take concerning this matter. If you have any questions, you should call Delora Kennebrew (202-307-3718), a Deputy Chief in the Voting Section.

Sincerely,



James P. Turner
Acting Assistant Attorney General
Civil Rights Division

cc: Ms. Loretta Gayle
Lafayette Areawide Planning Commission