



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

June 21, 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 1992 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 response to our February 26, 1993, request for additional information on April 20, 1993.

We have considered carefully the information you have provided as well as comments from other interested parties. The 1990 Census showed that black residents comprise 46.3 percent of the total population in Iberville Parish. Most of the black population in the parish is concentrated in the City of Plaquemine, in the Rosedale area at the extreme northern edge of the parish, in an eastern portion of the parish separated by the Mississippi River and in the Town of White Castle southeast of Plaquemine.

The school board consists of 15 members elected from single-member districts. The existing redistricting plan divides the black concentrations in the parish such that, according to the 1990 Census, black residents comprise population majorities in five of the 15 districts, and comprise between 44 and 49 percent of the total population in five other districts. The Town of White Castle (61.1 percent black) is divided roughly in half between Districts 14 and 15, both of which have white population

majorities. Several black population concentrations in and around Plaquemine are contained in majority-white Districts 5, 6 and 7. There appears to be a pattern of racially polarized voting in elections in Iberville Parish. Consequently, while black voters have elected candidates of their choice in each of the five majority-black districts, they apparently have not been able to do so in any of the five districts in which the total population is between 44 and 49 percent black.

The proposed plan maintains the basic existing arrangement of five majority-black districts. Under the proposed plan, the Town of White Castle, which has sufficient population by itself to form an equally populated single-member district, continues to be divided between Districts 14 and 15, both of which retain white population majorities. In addition, under the proposed plan there are several significant concentrations of black population in and around the City of Plaquemine that are fragmented into majority-white Districts 6 and 7, and there appears to be a concentration of black residents in District 8 significantly beyond the level necessary for black voters to elect candidates of their choice. Thus, there appears to be a basis in the Plaquemine area as well for an additional district in which black voters would have a realistic opportunity to elect candidates of their choice.

The school board rejected an alternative redistricting plan that combined White Castle into a district in which 61.1 percent of the total population was black. We recognize that the rejected alternative plan reduced the black share of the population in District 12, but our analysis of the proposed plan shows that no districts other than Districts 14 and 15 would need to be affected by a plan that merged White Castle into one district and merged the remainder of Districts 14 and 15 into another district. Thus, it does not appear that the rejected alternative plan represented the only means available to address the fragmentation of White Castle. Nor does it appear that the school board seriously considered the suggestion that the school board adopt the single-member district plan used by the police jury, in which six of the 13 districts have black voting age population majorities. While the school board is not required by Section 5 to adopt any particular plan, it is not free to adopt a plan that perpetuates the unnecessary fragmentation of black population concentrations.

The explanations provided in your submission in response to these concerns appear largely to be justifications for maintaining the status quo and thereby protecting the interests of the incumbent board members. We recognize that the protection of incumbents may not in and of itself be an inappropriate consideration, but it may not be accomplished at the expense of

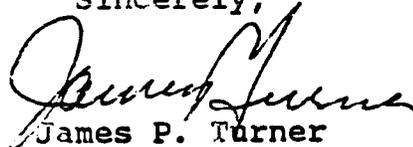
minority voting potential. See Garza v. County of Los Angeles, 918 F.2d 763, 771 (9th Cir. 1990), cert. denied, 111 S. Ct. 681 (1991). In light of the failure to adequately explain the reasons for dividing the majority-black White Castle community of interest, and the fragmentation and packing of the black population in and around Plaquemine, it appears that the proposed plan was designed, at least in part, to unnecessarily limit the opportunity for black voters to elect candidates of their 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. 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 1992 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 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. Clark v. Roemer, 111 S. Ct. 2096 (1991); 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 Iberville Parish School District plans to take concerning this matter. If you have any questions, you should call Robert A. Kengle (202-514-6196), an attorney in the Voting Section.

Sincerely,



James P. Turner
Acting Assistant Attorney General
Civil Rights Division