

MAR 7 1977

Mr. Kenneth C. DeJean  
Assistant Attorney General  
State of Louisiana  
Department of Justice  
Baton Rouge, Louisiana 70804

Dear Mr. DeJean:

This is in reference to Article VIII, Section 10(b), of the Louisiana Constitution of 1974, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on January 6, 1977.

Under the present system voters residing in the City of Monroe are eligible to vote in elections for the Ouachita Parish School Board as well as the Monroe City School Board. The change proposed by Article VIII, Section 10(b), of the Louisiana Constitution of 1974 provides that only residents of Ouachita Parish residing outside the city limits of the City of Monroe may vote in elections for the Ouachita Parish School Board.

We have given careful consideration to this proposed change and to the supporting materials you have provided, as well as to information and comments from other interested parties and relevant demographic

data and court decisions. Our analysis reveals that 38.7% of the residents of the City of Monroe are black; 27.5% of the Ouachita Parish residents are black and that 17.2% of the residents of Ouachita Parish outside the City of Monroe are black. Thus, the black percentage of the electorate for the Ouachita Parish School Board would be reduced from 27.5 to 17.2%. In addition, the disenfranchisement which would result from removing the parish school board franchise from Monroe residents would fall upon 68% of the blacks living in the parish since that proportion of the black population resides in Monroe. Furthermore, the only black serving on the parish school board would be removed by this change. According to information furnished by the Ouachita Parish School Board, over 3000 students residing in the City of Monroe attend Ouachita Parish schools, some of which are located in Monroe. Many of the other facilities of the parish school system are located within Monroe and taxes collected in Monroe are used to finance the parish schools. Thus it appears to us, and the United States District Court for the Western District of Louisiana has found, (see Rutledge, et al. v. State of Louisiana, et al., Civil Action No. 15,773, (W.D. La., Aug. 11, 1971)), that the residents of the City of Monroe have a substantial interest in the parish school system that could justify their being permitted to vote in the parish school elections.

In that context, given the racial composition of the City of Monroe and the remainder of the parish, and the dilution of black voting strength caused by the disfranchisement of city voters, we are unable to conclude, as we must under the Voting Rights Act, that this change does not have the purpose and will not have the effect of discriminating on the basis of race or color. Accordingly, I must, on behalf of the Attorney General, interpose an objection to Article VIII, Section 10(b) of the Louisiana Constitution.

Of course, Section 5 permits seeking approval of all changes affecting voting by the United States District Court for the District of Columbia irrespective of whether the changes have previously been objected to by the Attorney General. However, until such a judgment is rendered by that Court, the legal effect of the objection by the Attorney General is to render the change in question legally unenforceable.

Sincerely,

Drew S. Days, III  
Acting Assistant Attorney General  
Civil Rights Division