



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

Mr. Kibbie Pillette
President, Vermilion Parish
School Board
P. O. Drawer 520
Abbeville, Louisiana 70511-0520

DEC 30 1992

Dear Mr. Pillette:

This refers to the 1992 redistricting plan for the school board of the Vermilion Parish School District in Vermilion 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 initial submission on November 2, 1992; supplemental information was received on November 30 and December 3, 1992.

We have carefully considered the information you have provided, as well as Census data and information and comments from other interested parties. The 1990 Census shows that black persons constitute 13.9 percent of the population of the school district. Both the existing and proposed plans include one district with a sizeable minority population (District F). According to 1990 Census data, District F in the existing plan is 65.4 percent black; under the proposed plan, District F is 55.3 percent black but is only 48.4 percent black in voting age population. The eastern boundary for this district is drawn in a manner which seems unnecessarily to fragment minority population concentrations into the adjacent overwhelmingly white District G.

Our analysis of the proposed plan indicates that the ten percentage point reduction in the minority percentage in District F, in the context of the parish's electoral history and apparent pattern of racially polarized voting, is likely to affect adversely the ability of minority voters to elect their candidates of choice in the one district in which they have successfully done so in the past. As evidenced by alternative plans developed by the school district's demographer during its redistricting process, the school district has shown that it is possible to avoid the identified fragmentation and dramatic

reduction in the black percentage in District F. For example, District F under alternative Plan E which is 61.4 percent black in population and 54.9 percent black in voting age population avoids to a significant extent the retrogression in minority voting strength occasioned by the proposed plan.

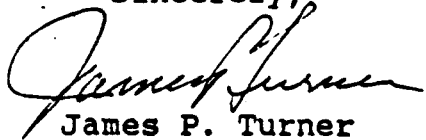
We have noted the school district's explanation that the fragmentation of the minority population between proposed Districts F and G is occasioned by the district's adherence to existing voting precinct boundaries in the redistricting process. While avoiding the splitting of precincts may, under certain circumstances, be a proper redistricting criterion, we cannot preclear a plan where the goal of maintaining whole voting precincts is achieved at the expense of fairly recognizing minority voting strength.

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 the school district's burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the submitted 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 redistricting plan 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 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 Vermilion Parish School Board plans to take concerning this matter. If you have any questions, you should call Ms. Zita Johnson-Betts (202-514-8690), an attorney in the Voting Section.

Sincerely,



James P. Turner
Acting Assistant Attorney General
Civil Rights Division