

Redrawing districts is state's purview, lawyer says

Justice Dept. won't interfere, he says

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BATON ROUGE — President Barack Obama's top civil rights lawyer told Louisiana lawmakers Wednesday that the Justice Department has no intention of micromanaging how the Legislature grapples with redrawing elected district lines on the heels of the first post-Hurricane Katrina census.

The process will be particularly sensitive given the challenge of drawing 105 state House districts and 39 state Senate districts for the 2011 elections without diluting the influence of African-American voters whose interests are protected by the Voting Rights Act of 1965.

"We cannot offer advisory opinions," Assistant U.S. Attorney General Tom Perez told a joint legislative session. "When you submit a plan, we can obviously then trigger a process."

Perez heads the Justice

Department's Voting Rights Division, which must review all Louisiana districting plans and other election law changes. Responding to a question from House Speaker Jim Tucker, R-Algiers, Perez said the post-Katrina population shift, in particular its effect on minorities, "is one of the \$64,000 questions that will have to be answered."

"We have to wait and see what the data shows," he said. "Given the events of the past decade, it's critically important here to make sure that every person is indeed counted."

In general, federal officials require states to show a good-faith effort to avoid regression in the number of districts where minorities constitute enough of a majority of the population to make election of a minority representative likely. To reach desired goals, federal courts allow districts to vary in population by as much as 5 percent from the mean. But court precedent also discourages gerrymandering that produces a district with no clear geographic identity.

Perez said repeatedly that approval hinges on proving that a plan has "no discriminatory

purpose" and will yield "no discriminatory effect" when implemented.

Voting Rights Section chief Robert Berman said, "One thing that is critical to remember is that our analysis looks at the situation as it exists today. What is happening with the population on the ground with the situation that is there now?"

Tucker said he did not interpret that as a license to reduce the number of majority African-American districts, even if they must be redistributed to areas outside New Orleans.

Separately, Perez suggested that the partisan makeup of Louisiana's legislative redistricting committees should not affect federal approval of new district boundaries.

The issue, which has been roiling since Tucker, a Republican, shuffled several committee assignments last month, came to the fore as black Democrats told the Obama administration officials of their concerns.

Without naming Tucker or specifically referencing his realignment maneuver, Rep. Herbert Dixon, D-Alexandria, and Sen. Karen Carter Peterson, D-New Orleans, each asked

Perez about the potential fallout of a partisan imbalance in the House and Governmental Affairs Committee.

The legislative process that produces a plan should be open and inclusive, Perez said, but otherwise the logistics are left to lawmakers. "We each have a job to do," he said. Seating legislative committees is "the job that you all have. Then we have the job of reviewing the submission that you put forth."

Berman, however, stressed to lawmakers that should any challenge to the lines arise, including a third-party challenge, the department and the courts would consider several factors about the process. He and Perez urged anyone with complaints or concerns to submit them to the department as part of the record.

Tucker said he sees no legal problem with the 2-to-1 advantage that Republicans now enjoy on the panel, a margin that contrasts with the 50-50 party split in the lower chamber, which also includes three independents and two vacancies in heavily Democratic districts. He said he took the Perez statements as endorsing that position.

Nonetheless, the speaker repeated his intentions to add two Democrats to the panel.

Dixon, meanwhile, disputed the idea that Perez dismissed Democrats' concerns: "I think he

was purposefully evasive."

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