

December 6, 2021

Sent via email

Tangipahoa School Board
59656 Puleston Road
Amite, LA 70422

Re: Tangipahoa Parish School Board Compliance with Section 2 of the Voting Rights Act

Dear Members of the Tangipahoa School Board:

We write to express our concern that the Tangipahoa Parish School Board Policy Committee (the “Policy Committee”) may act on flawed testimony offered during the Committee’s November 2, 2021 meeting.¹ During that meeting, Dannie Garrett from Strategic Demographics testified before the Policy Committee for over 40 minutes with respect to redistricting of the Tangipahoa Parish School Board. Mr. Garrett’s testimony was flawed in several ways.

First, Mr. Garrett provided uncorrected demographic data to the Policy Committee. Mr. Garrett testified that Tangipahoa’s total population is approximately 61% white and 24.5% Black. He also testified that 27.2% of the population identified itself as “any part Black.” His testimony incorrectly understates Tangipahoa Parish’s Black population. Even using the most restrictive definition of “Black,” Tangipahoa Parish’s Black population under the 2020 Census is still significantly higher than what Mr. Garrett reported.

Here are the correct demographic figures for Tangipahoa Parish from the 2020 Census for both total population and 18+ population:

	Total Population	18+ Population
Non-Hispanic White ²	79,825 (59.95%)	64,198 (63.25%)
Nonwhite and/or Hispanic	53,332 (40.05%)	37,293 (36.75%)
Any Part Black (<i>including Hispanic</i>)	41,879 (31.45%)	29,217 (28.79%)
Black Alone (<i>including Hispanic</i>)	40,039 (30.07%)	28,327 (27.91%)
Black Alone (<i>excluding Hispanic</i>)	39,770 (29.87%)	28,165 (27.75%)
Total	133,157	101,491

¹ This letter follows up from our August 16, 2021 letter to the School Board, as well as our September 10, 2021 letter to your attorney Ashley Bass, concerning redistricting of the Tangipahoa Parish School Board. Those letters are available here: <https://bit.ly/3nBgNvi>.

² The Non-Hispanic white population plus the Hispanic white population is 81,336, or 61.08%.

Second, Mr. Garrett stated, “last time you had two majority-minority districts . . . and that will be the target again this time.”³ Mr. Garrett did not explain why the “target” is two majority-minority districts, nor did he explain why he did not evaluate whether it is possible to draw a third majority-minority district. For the reasons explained in our August 16, 2021 and September 10, 2021 letters, the Tangipahoa Parish School Board has an affirmative obligation to ensure its compliance with the Voting Rights Act, including whether it is necessary to develop a third majority-minority district to provide Black voters with an equal opportunity to elect candidates of their choice. For the reasons we explained, Section 2 of the Voting Rights Act (“Section 2”) likely requires three majority-minority districts.

Third, Mr. Garrett offered unsupported assertions concerning how high the Black population in the majority-minority districts must be to satisfy Section 2. Specifically, he stated, “if the majority-minority districts fell below 60%, I would be very concerned that on its face the plan might violate the Voting Rights Act.” Mr. Garrett additionally expressed concern that districts with Black populations less than 60% would not “perform” for candidates preferred by Black voters. Mr. Garrett did not explain how he arrived at this number nor did he offer for the record any analysis that would support it. Moreover, we have confirmed that Mr. Garrett’s concern is misplaced. We have conducted an analysis of the map we provided on September 10, 2021 (Appendix 1), which contained three majority-minority districts, and have confirmed that all three majority-minority districts would reliably perform for candidates preferred by Black voters.⁴ Indeed, should the School Board simply accept Mr. Garrett’s testimony and adopt a racial target of 60%, without conducting the required analysis of voting patterns to determine whether such a target is necessary to comply with Section 2 of the Voting Rights Act, it would likely violate the Equal Protection clause of the U.S. Constitution. As the U.S. Supreme Court held in *Cooper v. Harris*, 137 S. Ct. 1455 (2017), packing minority voters in districts in greater numbers than necessary to comply with Section 2 constitutes a form of racial gerrymandering that violates the Equal Protection clause.⁵

³ It is unclear whether Mr. Garrett meant by the term “majority-minority,” but for the purpose of this letter we refer to the term to mean a district in which the Black voting age population is a majority.

⁴ For example, Black-preferred candidates for the 2019 primary election for Louisiana State Treasurer and 2019 general election for Secretary of State each received a majority of the votes within the three majority-minority districts in the illustrative map in Appendix 1.

⁵ See also *Bethune-Hill v. Va. State Bd. of Elections*, 137 S. Ct. 788, 797–802 (2017) (finding that the Virginia General Assembly conducted a functional analysis to establish that a 55% Black-voting age population threshold was appropriate in only one of 12 challenged districts, and remanding for further deliberations on the other 11 districts); *Bethune-Hill v. Va. State Bd. of Elections*, 326 F. Supp. 3d 128, 180 (E.D. Va. 2018) (on remand from the Supreme Court, ruling that 11 legislative districts were unconstitutional racial gerrymanders because “the legislature did not undertake any individualized functional analysis in [those] districts to provide ‘good reasons to believe’ that the 55% threshold was appropriate,” as the narrow-tailoring component of strict scrutiny requires); *Ala. Leg. Black Caucus*, 575 U.S. at 275–78 (holding that the Voting Rights Act does not require districts to have “a particular

A failure by the School Board to comply with Section 2 may lead to costly and unnecessary litigation (which often results in millions of dollars in legal fees).⁶ In order to avoid the risk of unnecessary litigation, we urge you to direct your demographic consultant to prepare a map with three majority-minority districts for your consideration and/or consider adopting the illustrative map that we previously provided to the School Board's attorney on September 10, 2021, re-attached as Appendix 1 to this letter.

We are happy to discuss our concerns with you or your demographic consultant, or provide any other assistance to help ensure the Tangipahoa Parish School Board establishes a districting plan that satisfies its obligations under the Voting Rights Act, the U.S. Constitution, and other requirements and considerations. Please feel free to contact LDF Redistricting Counsel Michael Pernick at (917) 790-3597 or by email at mpernick@naacpldf.org with any questions or to discuss these issues in more detail.

Sincerely,

/s/ Michael Pernick

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numerical minority percentage," but concerns itself rather with "a minority's ability to elect a preferred candidate of choice").

⁶ NAACP Legal Defense and Educational Fund, Inc., *The Cost (in Time, Money, and Burden) of Section 2 of the Voting Rights Act Litigation as of February 21*, NAACP Legal Defense and Educational Fund, <https://www.naacpldf.org/wp-content/uploads/Section-2-costs-2.19.21.pdf>.

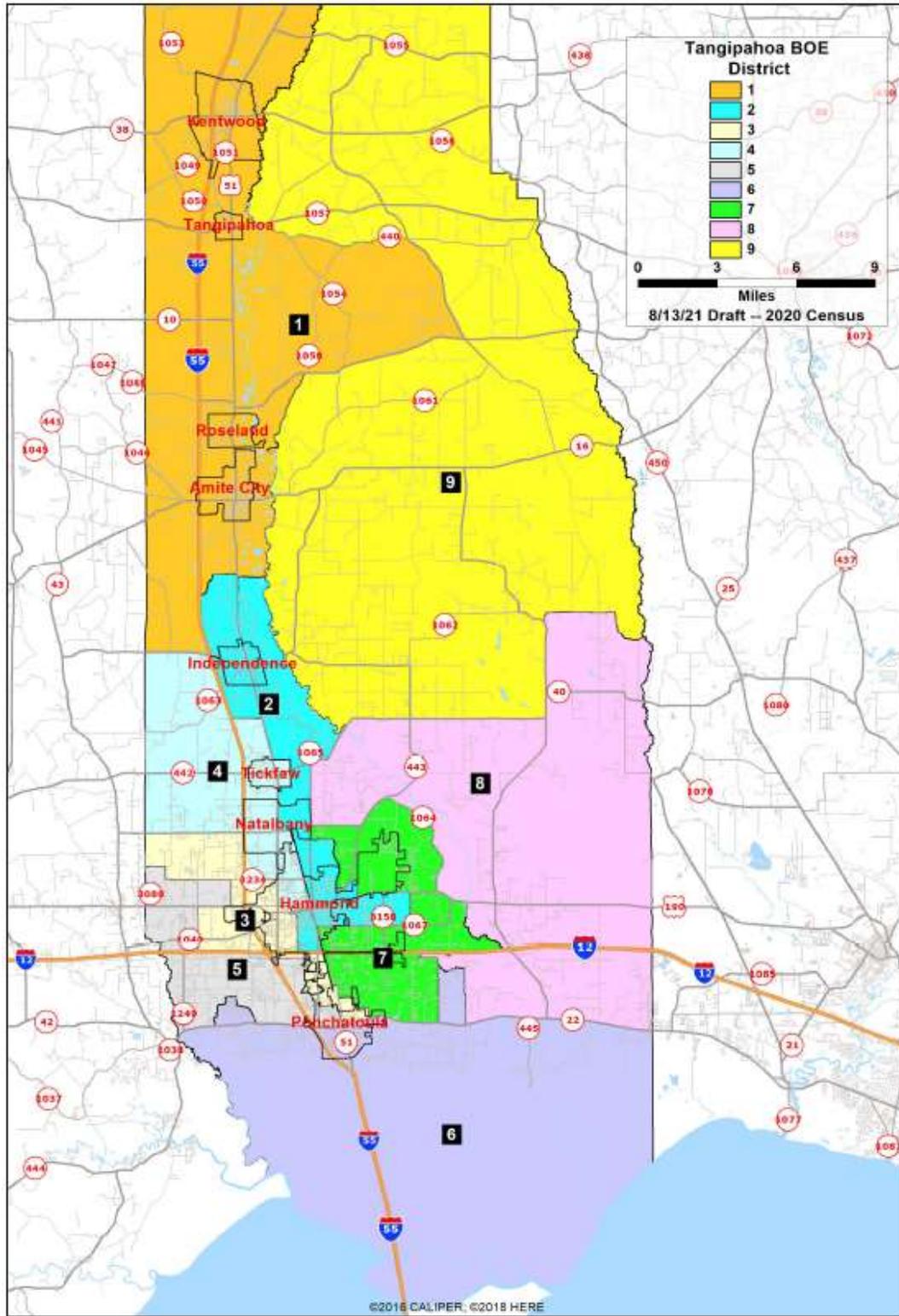
cc: Ashley Bass
Melissa Stilley
Ronald Genco
Bret Schnadelbach

NAACP Legal Defense and Educational Fund, Inc. (“LDF”)

Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in education, economic justice, political participation, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that increase access to the electoral process and prohibit voter discrimination, intimidation, and suppression. LDF has been fully separate from the National Association for the Advancement of Colored People (“NAACP”) since 1957, though LDF was originally founded by the NAACP and shares its commitment to equal rights.

APPENDIX 1

Illustrative Map with Three Majority-Minority Opportunity Districts Drawn Using 2020 Census Data



APPENDIX 2

Demographics for Illustrative Map (Appendix 1)

District	2020 Census Population	Population Deviation	Deviation Percent	BVAP	BVAP Percent
1	14563	-232	-1.57%	6373	57.50%
2	15155	360	2.43%	5733	50.18%
3	15189	394	2.66%	5830	52.68%
4	14578	-217	-1.47%	3190	26.72%
5	14764	-31	-0.21%	1923	16.87%
6	14763	-32	-0.22%	1430	12.71%
7	14806	11	0.07%	2116	19.04%
8	14275	-520	-3.51%	997	9.28%
9	15064	269	1.82%	1625	14.17%