Panel OKs black blood law repeal

By JOHN LaPLANTE
Capitol News Bureau

A House committee voted without objection Monday to repeal a Louisiana law — reportedly the last of its kind in the nation — that declares a person to be black if he has one-thirty-second "black blood."


Charles Castille, attorney for the Department of Health and Human Resources, said the Office of Vital Statistics doesn't use the law anyway. He said a person's race is listed on his birth certificate according to information provided by the parents.

The law allows state officials to change the race designation on a birth certificate from white to black if they determine that a person has one-thirty-second "black blood."

Frazier said race cannot be figured from a mathematical equation, and a person's race cannot be established by the makeup of his blood.

He said the law is antiquated and arbitrary.

No one objected to the bill, but some members of the House Civil Law and Procedures Committee noted a potential technical problem that required the removal of a second provision in the bill.

The provision would make it easier for a person to challenge the racial designation on his or her birth certificate.

In a recent court case, Susie Guillory Phipps of Sulphur was denied a request to change her race from black to white because, according to the law, she had to prove that the designation on her birth certificate is wrong "beyond a doubt," which is considered impossible.

Frazier's bill would have allowed racial designations to be changed if the person proves his case by the "preponderance of evidence," the same standard used in most civil cases.

However, attorneys on the committee noted that the state constitution prohibits passing bills that have two different purposes.

Although Frazier said his bill clearly has a single purpose — to clean up an antiquated law — he said he realizes that technically it could be considered a different purpose.

The second provision was stripped from the bill. Frazier said he probably can add that provision to another bill that has already passed a committee.

The shortened bill, now only repealing the one-thirty-second standard, was passed without objection and now goes to the full House for discussion.