

NOV 27 1978

DSD:DDH:TL:rjs
DJ 166-012-3
A6056

Mr. Breed C. Mounger, Sr.
Mounger & Mounger
Post Office Box 231
Tylertown, Mississippi 39667

Dear Mr. Mounger:

This is in reference to the redistricting of Walthall County, Mississippi, submitted to the Attorney General pursuant to Section 3 of the Voting Rights Act of 1965, as amended. Your submission was completed on September 27, 1978.

In our review of this redistricting plan for the Board of Supervisors of Walthall County we have given careful consideration to the information you have provided as well as to the information and views of other concerned persons and have been guided by the relevant case law. See Bear v. United States, 425 U.S. 130 (1976); White v. Regester, 412 U.S. 755 (1973); Kirby v. Board of Supervisors of Hinds County, 554 F.2d 139 (5th Cir. 1977).

Although blacks constitute more than 40 percent of the residents of Walthall County, blacks hold no elected county offices, and blacks did not participate in or were not consulted concerning the redistricting plan adopted on February 15, 1978. Under the old plan, blacks constituted 45.2 percent of the total population of District 3, which was only 3.1 percentage points above ideal district size; and 55.3 percent of the population of District 5, which was only 7.5 percentage points above ideal size. These two districts, which were compact under the old plan, contained the greatest percentages of black population and were the closest to ideal size of any of the five districts. Under the new plan, the percentage of

blacks of the population of Districts 3 and 5 has been reduced, although considerations of equal population did not compel the alteration of these districts and an increase in their black percentages could have been readily accomplished, no other district with a black population majority has been created, and the compactness of District 3 has been destroyed. Under these circumstances I am unable to conclude, as I must under the Voting Rights Act, that the redistricting plan for Waltham County neither has a racially discriminatory purpose nor will have a racially discriminatory effect. Accordingly, on behalf of the Attorney General, I must interpose an objection pursuant to Section 5 to the submitted plan.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the districting plan for Waltham County does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color. In addition, the Procedures for the Administration of Section 5 (28 C.F.R. 51.21(b) and (c), 51.23, and 51.24) permit you to request reconsideration of this objection by the Attorney General. However, until the judgment from the District Court is obtained or the objection withdrawn, the effect of the objection by the Attorney General is to make the redistricting plan legally unenforceable.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us within thirty days of your receipt of this letter of the course of action Waltham County plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Voting Section Attorney David Hunter at 202/633-3849.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division