



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

Robert P. Shepard, Esq.  
Murphy and Shepard  
309 Cox Street  
Lucedale, Mississippi 39452

27 JUL 1982

Dear Mr. Shepard:

This is in reference to the four annexations to the City of Lucedale in George County, Mississippi, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. Your submission was completed on May 28, 1982.

To determine that a change in the composition of Lucedale's population resulting from annexations does not have the purpose and will not have the effect of abridging the right to vote on account of race or color, the Attorney General must be satisfied either that the black population percentage has not been appreciably reduced and that voting is not racially polarized or that, nevertheless, the city's electoral system will afford black citizens representation reasonably equivalent to their political strength in the enlarged community. See City of Richmond v. United States, 422 U.S. 358 (1979), and City of Rome v. United States, 446 U.S. 156 (1980). See also 28 C.F.R. 51.12(e).

We have given careful consideration to the information you have provided, as well as comments and information provided by other interested parties. In addition to evidence of a general pattern of racially polarized voting in Lucedale elections, we noted that no black candidate has ever won election to the Lucedale Board of Aldermen under the at-large method of election which incorporates partisan primary and a full-slate requirement. We have been presented with and have considered demographic information indicating that few minority persons will reside in the areas to be annexed to the City of Lucedale. Our analysis of the submitted data indicates that the submitted annexations, when reviewed as a single and unified whole, will reduce Lucedale's black population percentage by 3.3 percent. See City of Rome v. United States, 446 U.S. 156 (1980). In the context of Lucedale's at-large election system, this dilution will not be counterbalanced by an ability on the part of the black community to achieve representation reasonably equivalent to its strength in the enlarged community.

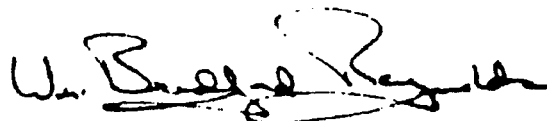
Under the circumstances, we are unable to conclude, as we must under Section 5, that the submitted annexations will not have a discriminatory purpose or effect. Accordingly, I must, on behalf of the Attorney General, interpose an objection to the submitted annexations.

Should the City of Lucedale adopt an electoral system that would better afford black voters a fair opportunity to realize their voting strength in the enlarged area after annexations, the Attorney General would withdraw this objection. Our analysis has shown that the adoption of a fairly drawn single-member district plan would afford black voters such an opportunity, as would a change to a plurality election system with single shot voting.

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 these changes have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race, color or membership in a language minority group. In addition, the Procedures for the Administration of Section 5 (28 C.F.R. 51.44) permit you to request the Attorney General to reconsider the objection. However, until the objection is withdrawn or the judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the annexations legally unenforceable. See also 28 C.F.R. 51.9.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action the City of Lucedale plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Sandra S. Coleman (202-724-7570), Deputy Director of the Section 5 Unit of the Voting Section.

Sincerely,



Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division



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Office of the Assistant Attorney General

Washington, D.C. 20530

APR 18 1988

Robert P. Shepard, Esq.  
Murphy and Shepard  
309 Ratliff Street  
Lucedale, Mississippi 39452

Dear Mr. Shepard:

This refers to the change in method of election from at large to four single-member districts and one at-large position, the districting plan, and the establishment of three additional polling places for the City of Lucedale in George County, Mississippi, 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 submission on February 17, 1988. This also refers to our reconsideration of the July 27, 1982, objection to four annexations to the city.

The Attorney General does not interpose any objections to the change in method of election, the districting plan, and the three additional polling places. In addition, because the changes being precleared at this time provide a method of election which affords the minority group "representation reasonably equivalent to their political strength in the enlarged community" (City of Richmond v. United States, 422 U.S. 358, 370 (1975)), the objection interposed on July 27, 1982, to four annexations is hereby withdrawn. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.46). However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes. See also 28 C.F.R. 51.41.

Sincerely,

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division