



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

June 6, 1983

Mr. Thomas P. Lewis
Amite County Chancery Clerk
P. O. Drawer J
Liberty, Mississippi 39645

Dear Mr. Lewis:

This is in reference to the redistricting of supervisor and justice court districts; the realignment of voting precincts; the administrative reregistration of voters; and the polling place change in Amite 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 the information to complete your submission on April 5, 1983.

We have made a careful analysis of the information you have provided along with Bureau of the Census data. We also have received and carefully considered a significant number of comments submitted by citizens of Amite County.

Under Section 5, the submitting authority has the burden of showing that the proposed voting change was not enacted with a discriminatory purpose and will not have a retrogressive effect on minority voting strength. Beer v. United States, 425 U.S. 130 (1976); City of Richmond v. United States, 422 U.S. 358 (1975); Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.39(e)). In amending the Voting Rights Act in 1982, Congress expressed an intention "that a Section 5 objection also follow if a new voting procedure itself so discriminates as to violate Section 2 [of the Voting Rights Act]." S. Rep. No. 97-417, 97th Cong., 2d Sess. 12 n. 31 (1982).

In evaluating your submission in light of this legal standard, our analysis shows that the proposed changes in the supervisor districts will not have a retrogressive effect on black voters. However, our review of the totality of the circumstances presented by this redistricting reveals that the proposed apportionment plan was designed to minimize black voting strength in the county and has the result of depriving black voters of an equal opportunity to participate in the political process and to elect candidates of their choice to the board.

In particular, we note that black citizens requested but were denied an opportunity to participate in the development of the plan at issue. No satisfactory explanation was provided to our request as to why the board proceeded in this manner. After the plan was prepared initially by a consultant, black citizens voiced strong opposition and protested that the plan denied them a fair opportunity to elect candidates of their choice from any of the five districts. Yet, the plan was adopted by the board without alteration. Our analysis confirms that the submitted plan, in the context of prevailing patterns of racial bloc voting, does not offer black voters an equal opportunity to elect candidates of their choice to the board.

Moreover, an alternate redistricting plan submitted to the board by the black community was summarily rejected without explanation. While we express no opinion as to the merits or demerits of that alternative, the board's refusal to give serious consideration to the views of some 47 percent of the county population, and its failure to explain such an attitude in response to our specific inquiry in the March 21, 1983 letter, forecloses preclearance. This is particularly so in light of an admittedly long history of racial discrimination in Amite County, the effects of which have not been eliminated completely, and evidence that the board of supervisors has not been responsive to the needs and concerns of black citizens.

In light of these considerations, the county has failed to meet its burden under Section 5 of the Voting Rights Act of demonstrating that the proposed plan for reapportionment of supervisor districts has neither a discriminatory purpose or effect. Accordingly, on behalf of the Attorney General, I must interpose an objection to the plan.

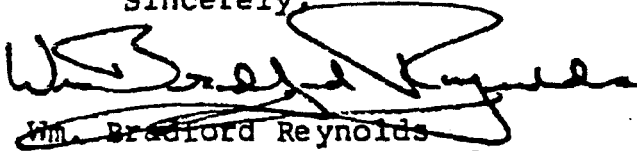
With regard to the proposed justice court districts, our analysis reveals that the proposed districting does not "fairly reflect the strength of black voting power as it exists" in Amite County. Mississippi v. United States, 490 F. Supp. 569, 581 (D. D.C. 1979). Our analysis also shows that easily discernible alternatives would divide the county into two districts of substantially equal population in such a manner that minority voting strength would be fairly recognized. Under these circumstances, I am unable to conclude that the county has satisfied the burden of proof imposed by Section 5. Accordingly, on behalf of the Attorney General, I also must interpose a Section 5 objection to the proposed justice court districts.

The remaining voting changes included in your submission appear to be dependent upon the redistricting plans, and in light of the objection to those plans, we will make no determination as to the remaining voting changes at this time.

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 or color. In addition, Section 51.44 of the guidelines permits you to request that the Attorney General 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 redistricting of supervisor and justice court districts legally unenforceable. 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 Amite County plans to take with respect to this matter. If you have any questions, feel free to call Paul F. Hancock (202-724-3095), Assistant for Litigation of the Voting Section.

Sincerely,


Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division