

11 JUL 1983

Lucien C. Gwin, Jr., Esq.  
Handy, Fitzpatrick, Gwin  
& Lewis  
P.O. Box 1344  
Natchez, Mississippi 39120

Dear Mr. Gwin:

This is in reference to the redistricting of supervisor and justice court districts in Adams 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 initial submission on May 27, 1983, supplemental information was received on May 31, 1983, and June 2, 1983.

We have made a careful analysis of the information you have provided and considered as well comments from citizens of Adams County. With respect to the supervisors' redistricting plan, we note that the plan was drawn in an effort to remedy the concerns which led to the May 23, 1983, Section 5 objection to the prior redistricting plan. That objection was based principally on the manner in which the City of Natchez had been divided so as to avoid the creation of a second black-majority district (District 3) through resort to a number of seemingly needless boundary alterations designed to minimize black voting strength. The new plan appears in large measure to address our earlier concern. It was, however, from all reports drawn without affording representatives of the black community any opportunity to participate in the redistricting process, without adherence to customary public notice and hearing procedures, and without even allowing the sole black member of the board of supervisors to take part in the plan-drawing process.

cc: Public File

We have asked for an explanation why the board adopted this "closed-door" policy with respect to the current plan, and no response has been forthcoming. Under Section 5, the submitting authority has the burden of showing that the proposed voting changes do not have the purpose or will not have the effect of denying or abridging the right to vote on account of race or color. 42 U.S.C. 1973c. See 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)).

Where, as here, representatives of the black community that is the focal point of the board's redistricting efforts are not only ignored, but openly denied the chance for input, a strong inference of wrongful purpose is established. If District 3 is to receive approval in its present configuration, the board must show that those most affected by the decision were fully heard and their views were carefully considered--or else must provide a satisfactory nonracial justification for proceeding otherwise. Neither requirement has been met here and we have received far too many complaints about the redrawn plan to ignore this abuse of process. Accordingly, I must on behalf of the Attorney General, interpose a Section 5 objection to the supervisors' redistricting plan.

Regarding the districting plan for justice court judges, the Attorney General does not interpose any objection to the change in question. 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 change. See 28 C.F.R. 51.48.

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 submitted supervisor district lines 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 supervisors' redistricting plan legally unenforceable. 28 C.F.R. 51.9.

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To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action Adams 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