



Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

July 25, 1983

C. R. Montgomery, Esq.  
Montgomery & Smith-Vaniz  
P.O. Drawer 284  
Canton, Mississippi 39046

Dear Mr. Montgomery:

This is in reference to the creation of the Ridgeland Municipal Separate School District and the method of electing members to the board of trustees for that district in Madison 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 May 25, 1983.

We have given careful consideration to the materials you have submitted, together with information provided by other interested parties. At the outset, we note that the population of the existing Madison County School District (MCSD) will be reduced from 24,813 (45.1 percent black) to 9,898 (72.2 percent black), and that the proposed Ridgeland School District will contain a total population of 14,914 (27.2 percent black). The creation of the new school district will result in the transfer of about 60 percent of the current MCSD's total population and 36.2 percent of the current MCSD's black population to the new district.

Our analysis reveals that the creation of the Ridgeland School District will reduce significantly the influence of black voters throughout the area of the present MCSD. These voters now have the opportunity to influence meaningfully the administration of a school district which consists of about 25,000 persons. Under the proposed plan, that influence will be limited, in major part, to a district of less than

10,000 persons and the 4,052 black people who will be part of the newly proposed Ridgeland School District will have virtually no input or representation in the election process contemplated in the new district, where elections will be at-large and racial bloc voting seems to exist. In that context, the creation of the Ridgeland School District has resulted in a retrogression in the influence and power of black voters both in the new district and in the remaining MCSD by significantly reducing their voting strength.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has no discriminatory purpose or effect. See 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 light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that that burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the creation of the Ridgeland Municipal Separate School District and the method of electing members to the board of trustees for the district.

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 a judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the creation of the Ridgeland Municipal Separate School District and the method of electing members to the board of trustees for the district 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 the Madison County School District plans to take with respect to this matter. If you have any questions, feel free to call Carl W. Gabel (202-724-8388), Director of the Section 5 Unit of the Voting Section.

Sincerely,

A handwritten signature in black ink, appearing to read "Wm. Bradford Reynolds". The signature is written in a cursive style with a large, prominent initial "W".

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division

JUL 27 1984

Jerris Leonard, Esq.  
The Farragut Building  
Suite 1020  
900 Seventeenth Street, N. W.  
Washington, D. C. 20006

Dear Mr. Leonard:

This refers to your request that the Attorney General reconsider the July 25, 1983, objection under Section 5 of the Voting Rights Act of 1965, as amended, to the creation and the method of selecting members for the Ridgeland Municipal Separate School District (RMSSD) in Madison County, Mississippi. On July 25, 1984, we received the latest information submitted by you in support of your request for reconsideration. Pursuant to your further request, expedited consideration has been given this matter pursuant to the Procedures for the Administration of Section 5 (28 C.F.R. 51.32).

We have reviewed the information you have provided to us most recently, as well as that previously available to us. Based upon all of the circumstances as I presently understand them, the objection to the creation of the Ridgeland Municipal Separate School District is being withdrawn.

Sincerely,

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division

cc: C. R. Montgomery, Esq.