



Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 9, 1983

Benjamin E. Griffith, Esq.  
Jacobs, Griffith, Eddins  
& Povall  
P.O. Box 159  
Cleveland, Mississippi 38732

Dear Mr. Griffith:

This is in reference to the redistricting of justice court districts in Bolivar 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 June 10, 1983. Although we noted your request for expedited consideration, we have been unable to respond until this time.

We have given careful consideration to the materials you have submitted, along with Bureau of the Census data and comments and information from other interested parties. We note that the proposed districting plan provides two districts in which black citizens constitute an acceptable majority of the eligible voters. Nonetheless, the boundary lines selected to achieve this result intentionally have been drawn so as to track closely many of the proposed supervisor district lines.

The Attorney General interposed a Section 5 objection to the supervisor lines on June 13, 1983, because they reflected a conscious effort needlessly to fragment black residential areas within the City of Cleveland. We continue to regard the present meandering lines cutting through the cohesive black residential area in Cleveland as suggestive of a calculated effort to fragment black voting strength in the region, and your submission provides no nonracial justification for charting such a course.

Section 5 requires the county to demonstrate that the proposed apportionment of justice court districts "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." 42 U.S.C. 1973c. See also Georgia v. United States, 411 U.S.

526 (1973) and 28 C.F.R. 51.39(e). There is admittedly no impermissible retrogressive effect involved in the justice court submission, but in light of the considerations discussed above, I am unable to conclude that you have satisfied your burden of demonstrating that the proposed plan is free of discriminatory purpose. See Beer v. United States, 425 U.S. 130 (1976). Here, it is clear that similar results can be achieved without the fragmentation of a cohesive black residential area in the City of Cleveland. Accordingly, on behalf of the Attorney General, I must object to the redistricting plan for justice court districts.

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 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 redistricting plan 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 Bolivar County plans to take with respect to this matter. If you have any questions, feel free to call Sandra S. Coleman (202-724-6718), Deputy Director of the Section 5 Unit of the Voting Section.

Sincerely,



Charles J. Cooper  
Acting Assistant Attorney General  
Civil Rights Division