



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

December 16, 1983

Griffin Norquist, Esq.
Bridgforth, Love, Norquist
& Stewart
203 South Main Street
Yazoo City, Mississippi 39194

Dear Mr. Norquist:

This is in reference to the proposed supervisor redistricting plan, realignment of voting precincts and polling place changes for Yazoo 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 of the redistricting plan, precinct and polling place changes was received on June 6, 1983, and your submission of additional polling place changes was received on July 11, 1983. Additional information to complete your submissions was received on October 17, 1983.

We have given careful consideration to the information you have provided, as well as to Bureau of Census data and comments and information provided by other interested parties. At the outset, we note that three of the newly devised supervisor districts are significantly malapportioned: District 3 is underpopulated by 5.44 percent; District 4 is underpopulated by 14.75 percent; and District 5 is overpopulated by 20.41 percent. Thus, under the proposed plan, the residents of District 5, the district with the largest black population, are underrepresented in comparison to voters in the remaining districts. In contrast, the district with the smallest black population, District 4, is the most overrepresented and District 3, a district in which black residents comprise a large percentage of the population but have not been able to elect supervisor candidates of their choice in the context of the racially polarized voting that exists, also is underpopulated. The boundaries of Districts 3 and 4 are adjacent to those of District 5, and minor modifications of the proposed plan would remedy both the malapportionment in the plan and, at the same time, provide black residents in District 3 with a more realistic opportunity to elect candidates of their choice.

Although county officials have acknowledged that the proposed plan violates the one-person, one-vote requirement, they have failed to correct the malapportioned districts. Nor has the county provided any justification for maintaining the gross underrepresentation of the one effective majority-black district.

In addition, the proposed plan unnecessarily fragments the black community in Yazoo City into three districts. Although the existing plan similarly fragments the black community in Yazoo City, our information is that during the recent reapportionment process, the black community specifically requested that the county correct the fragmentation and devise a plan that affords the black community an opportunity to elect candidates of their choice in at least two districts. We further understand that the black community proposed a plan that increased the percentage of black population in District 3 and lessened the impact of the fragmentation on black voting strength. The county rejected the black community's recommendations and, instead, adopted a "least change" plan designed to minimize black voting strength, primarily in Yazoo City.

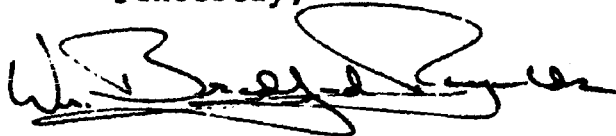
Under Section 5, Yazoo County bears the burden of proving the absence of both discriminatory purpose and effect in the proposed county redistricting plan. City of Rome v. United States, 446 U.S. 156, 183 n. 18 (1980); Beer v. United States, 425 U.S. 130, 140-141 (1976). While we have concluded that the proposed plan does not have a discriminatory effect under Section 5, since it does not lead to "a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." Beer v. United States, *supra*, 425 U.S. at 141, we are unable to conclude that the plan is without a racially discriminatory purpose.

Under these circumstances, then, I must, on behalf of the Attorney General, interpose an objection to the county's supervisor redistricting plan. Because the precinct and polling place changes are based on the boundaries of the proposed districts, I can make no determination with respect to them at the present 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 a 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 Yazoo County 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", written over a horizontal line.

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division