



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 10, 1984

E. C. Clements, Esq.
Attorney, Issaquena County
Board of Supervisors
210 Locust Street
Rolling Fork, Mississippi 39159

Dear Mr. Clements:

This is in reference to the redistricting of the supervisor districts and justice court districts in Issaquena 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 December 12, 1983.

We have given careful consideration to the information you have provided as well as Census data and information from other interested parties. According to the 1980 Census, Issaquena County has a total population of 2,513 persons, of whom 1,397 (55.6%) are black. Our analysis of past election returns and other information discloses that voting along racial lines prevails in Issaquena County and that, in spite of the overall black majority in the population, only one black has succeeded in winning election to the board of supervisors.

With specific regard to the submitted supervisor district reapportionment, our analysis reveals that, in the existing plan, only District 1 was significantly overpopulated; Districts 2 and 3 were underpopulated but Districts 4 and 5 both deviated less than five percent from the ideal district. In fact, we note that the boundaries of District 5, involving only a 1.59 percent deviation, remain the same in the proposed plan as in the existing plan. On the other hand, with respect to District 4 which, under the existing plan is approximately 63 percent black and is only 4.57 percent above the ideal population, a number of black residents were transferred from District 4 into District 3, increasing the deviation in District 4 to 5.17 percent below the ideal

population. This seemingly minor transfer is significant in that it reduced the black population in District 4 from 63 percent to 59 percent. We have been unable to find any legitimate justification for this reapportionment resulting as it does in what appears to be an unnecessary reduction of minority voting strength in District 4. Beer v. United States, 425 U.S. 130 (1976).

With regard to the redistricting of the justice court districts, we note that the county's demographer drew and presented to the board two plans: one which provided for a district with a 65-percent black population and a second plan which provided for a district with a 60-percent black population. The county chose to adopt the latter, which appears calculated to deprive blacks of a meaningful opportunity to gain representation on the Justice Court in light of the black voting age population in each of the resulting districts. See State of Mississippi v. Smith, C.A. 82-0956 (D. D.C. 1982). We find unpersuasive the only explanation advanced by the county for its choice of plans, namely, the fact that the adopted plan reduces the deviation between the two districts to .4 percent as compared to a 1.5 percent deviation in the rejected alternative.

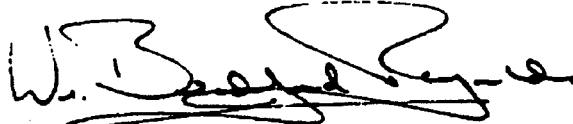
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has no discriminatory purpose or effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.39(e)). In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that that burden has been sustained with respect to either of the plans under review. Therefore, on behalf of the Attorney General, I must object to the proposed reapportionment of the supervisor and justice court districts in Issaquena County.

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 both redistricting plans 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 Issaquena County plans to take with respect to these matters. 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,

A handwritten signature in black ink, appearing to read "Wm. Bradford Reynolds". The signature is stylized and somewhat cursive, with a large loop at the end.

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division