



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

June 19, 1987

Hubbard T. Saunders IV, Esq.
Crosthwait, Terney & Noble
P. O. Box 2398
Jackson, Mississippi 39225-2398

Dear Mr. Saunders:

This refers to the 1987 supervisor redistricting plan and the realignment of voting precincts for Washington 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 April 20, 1987.

We have considered carefully the information you have provided, as well as comments and information from other interested parties. At the outset, we note that according to the 1980 Census, Washington County is 55.6 percent black and, in absolute numbers, has the second largest black population in the state. However, no black has been elected to the board of supervisors in modern times, despite numerous black candidacies over the past 16 years. Our analysis indicates that this lack of success is due in large part to what appears to be a pattern of racially polarized voting in county elections.

The county's major population center is the City of Greenville, located in the northwestern portion of the county. In an apparent effort to draw upon this population center, each of the five districts in the submitted plan is drawn into the City of Greenville which, due to the city's location, necessarily results in a rather contorted configuration of district lines outside the city. However, of serious concern to us under the Voting Rights Act is the fact that 60 percent of the county's black population is located in a fairly compact area of Greenville north of Highway 82 and each of the five supervisor districts fragments a substantial portion of that population so that the black community in the city is almost evenly distributed among the five districts. As a result, only one of the five districts (District 4) has a meaningful black voting age population majority. Even though the district lines in this plan do not vary significantly from those contained in the previously precleared 1982 plan,

the changes that were made appear to have been made in a manner calculated to maintain black voting strength at a minimum level, and the county has not presented any nonracial justification for the seemingly unnecessary fragmentation of the black population concentration in the city.

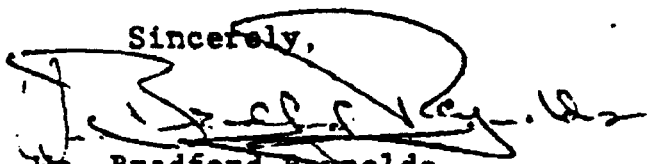
Under Section 5 of the Voting Rights Act, the county has the burden of showing that a submitted change is free of discriminatory purpose and effect. See Georgia v. United States, 411 U.S. 526 (1973); Busbee v. Smith, 549 F. Supp. 494 (D. D.C. 1982), aff'd, 459 U.S. 1166 (1983); see also Section 51.52(a) of the Procedures for the Administration of Section 5 (52 Fed. Reg. 497-498 (1987)). In view 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. Accordingly, on behalf of the Attorney General, I must object to the proposed redistricting plan which you have submitted.

Of course, as provided by Section 5 of the Voting Right Act, you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that this change has 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 51.45 of the guidelines (52 Fed. Reg. 496-497 (1987)) 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. Section 51.10 (52 Fed. Red. 492 (1987)).

With respect to the proposed realignment of voting precincts, because the realignment is directly related to the redistricting plan, the Attorney General will make no determination on this change at this time. Section 51.22(b) (52 Fed. Reg. 493 (1987)).

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action Washington County plans to take with respect to this matter. If you have any questions, feel free to call Mark A. Posner (202-724-8388), Deputy Director of the Section 5 Unit of the Voting Section.

Sincerely,


Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division