



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 23, 1991

Benjamin E. Griffith, Esq.
Griffith & Griffith
P.O. Drawer 1680
Cleveland, Mississippi 38732

Dear Mr. Griffith:

This refers to the redistricting plan for the board of supervisors, the creation of two voting precincts and the polling places therefor, and the realignment of voting precincts 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 your initial submission of these changes on August 7, 1991; supplemental information was received on August 16, 1991.

We have given careful consideration to the information you have provided, as well as to Census data, and comments and information from other sources. We note that the plan submitted is intended to remedy the concerns expressed in the July 15, 1991, letter of the Attorney General objecting to an earlier plan drawn by the county.

Our July 15, 1991, objection was based on the continuing fragmentation of the black population in the City of Cleveland and the reduction in the black population percentage in District 4 through the manner in which precincts were manipulated in making the necessary population adjustments among the five supervisor districts. Analysis of the plan now under submission reveals that it, too, fails to address the fragmentation in the City of Cleveland, and maintains the percentage of minority voters in districts (except District 3) at levels that do not provide black voters with an equal opportunity to participate in the political process and elect candidates of their choice. In particular, the submitted plan reduces the black total population and voting age population in District 1. In this regard, we note

that the county rejected several alternative redistricting plans which would have addressed these concerns, one of which would have resulted in three supervisor districts in which over 65 percent of the voting age population would have been black.

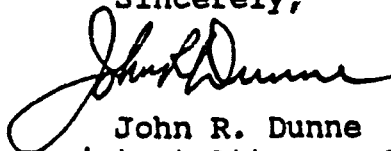
Section 5 requires the county to demonstrate that the proposed change "does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color." 42 U.S.C. 1973c. In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that the burden has been sustained in this instance. Accordingly, on behalf of the Attorney General, I must object to the redistricting plan for the board of supervisors.

We note that under Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed change will 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, you may 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 redistricting plan for the board of supervisors continues to be legally unenforceable. Clark v. Roemer, 59 U.S.L.W. 4583 (U.S. June 3, 1991); 28 C.F.R. 51.10 and 51.45.

Inasmuch as the creation of two voting precincts and the polling places therefor, and the realignment of voting precincts is directly related to the redistricting plan, the Attorney General will make no determination with regard to these related changes at this time. 28 C.F.R. 51.22(b).

To enable us to meet our responsibilities under the Voting Rights Act, and in light of the impending county elections, please inform us of the action Bolivar County plans to take concerning this matter. If you have any questions, you should call Richard Jerome (202-514-8696), an attorney in the Voting Section.

Sincerely,



John R. Dunne
Assistant Attorney General
Civil Rights Division