



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 7 1991

William E. Ready, Esq.
County Attorney
P.O. Box 927
Meridian, Mississippi 39302-0927

Dear Mr. Ready:

This refers to the redistricting of the supervisor districts and the realignment of voting precincts for Lauderdale 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 on July 3, 1991; supplemental information was received on August 2 and August 7, 1991.

We have given careful consideration to the information and materials you have provided, as well as to Census data and information and comments from other interested parties. At the outset, we note that, according to the 1990 Census, 34.7 percent of the population of Lauderdale County is black, an increase from 1980 which appears to have occurred largely within the City of Meridian, where blacks constitute over 45 percent of the population according to the 1990 Census, compared to 37.7 percent in 1980. This increase is reflected primarily in the concentration of black residents in the central and southeastern portions of the city.

The county's proposed redistricting plan appears unnecessarily to fragment the concentration of the black community within the City of Meridian into three separate districts, creating one district with a black majority and two districts with black populations of 36 percent and 37 percent, respectively. This configuration was chosen despite opposition from leaders of the black community, who expressed strong

preference for a plan which would unite the black residents in central and southeast Meridian into one district so as to create two black majority districts within the county. Indeed, several alternative plans providing for two black majority districts were presented to the county during the redistricting process and would appear more fairly to reflect black voting strength in the county, but all were rejected in favor of the proposed plan.

While we have noted the county's assertion that the fragmentation of the black community in Meridian enhances black voting strength by providing black voters an opportunity to influence three votes on the board of supervisors, there are significant indications that other motivations may have been at work. Information available to us suggests that the county's rejection of the alternative plans was motivated, in large part, by a desire to maintain districts conducive to the re-election of incumbents and to limit the number of supervisor districts in which black voters would have an equal opportunity to elect a candidate of their choice. In the context of the electoral history and the pattern of racially polarized voting which seems to exist in Lauderdale County, the conclusion is much more likely that black voters will not be able to exert any meaningful influence on elections in Districts 4 and 5 of the proposed plan.

While we recognize that the desire to protect incumbents may not in and of itself be an inappropriate consideration, it may not be accomplished at the expense of minority voting potential. Garza v. Los Angeles County, 918 F.2d 763, 771 (9th Cir. 1990), cert. denied, 111 S. Ct. 681 (1991); Ketchum v. Byrne, 740 F.2d 1398, 1408-09, (7th Cir. 1984), cert. denied, 471 U.S. 1135 (1985). Where, as here, the protection afforded several white incumbents is provided at the expense of black voters, the county bears a heavy burden of demonstrating that its choices are not tainted, at least in part, by an invidious racial purpose.

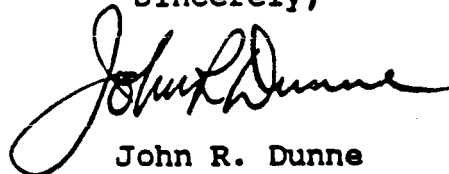
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5. In view of the circumstances set forth above, however, I am unable to conclude, as I must under the Act, that the county has sustained its burden in this instance. Accordingly I must, on behalf of the Attorney General, interpose an objection to the proposed redistricting plan for supervisor districts for Lauderdale County.

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 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, 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 justice court districts 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.

With respect to the submitted realignment of voting precincts, the Attorney General will make no determination at this time since they are directly related to the objected-to change. 28 C.F.R. 51.22(b) and 51.35.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action Lauderdale County, Mississippi, plans to take concerning this matter. If you have any questions, you should call Lee Rubin (202-307-2897), an attorney in the Voting Section.

Sincerely,



John R. Dunne
Assistant Attorney General
Civil Rights Division