



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

NOV 30 1992

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

Dear Mr. Saunders:

This refers to the 1992 supervisor redistricting plan and the related precinct realignment for Amite 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 response to our request for additional information on October 1, 1992.

According to the 1990 Census, Amite County has a total population of 13,328, of whom 45 percent are black. The board of supervisors is elected from five single-member districts, which also are used to elect the county school board and the election commission. As you are aware, on August 23, 1991, the Attorney General interposed an objection under Section 5 to the initial supervisor redistricting plan adopted by the county following the 1990 Census. As explained in our objection letter, the 1991 plan effectively reduced the black share of the population in one of the two existing black majority districts, from 62 percent (in existing District 3) to 58 percent (in proposed District 5). Our analysis indicated that the reduction was unnecessary and, in the context of the electoral circumstances present in the county (including a pattern of racially polarized voting), the reduction appeared to be significant. In addition, it appeared that the county had failed to offer a persuasive, nonracial justification for its redistricting choices.

The 1992 redistricting plan provides for two black majority districts. As compared to the existing plan, the county proposes to slightly increase the black population percentage in District 2 (from 61.4% to 62.5%), a district in which black voters have elected candidates of their choice. However, the county again proposes to reduce the black population percentage in the other black majority district, District 3 (from 61.9% to 60.2%), a district in which black voters previously have had only limited success in electing their preferred candidates.

We have considered carefully the information the county has provided with regard to the purpose and effect of the new plan, as well as comments from other interested persons. While the reduction in black voting strength in District 3 is quantitatively small, we are not convinced that it does not have the potential to adversely affect black political opportunity. In this regard, we note that the district currently has but a narrow black majority in voting age population (56.9%) and the new plan narrows that majority even further (to 55.2%). At the time the instant plan was adopted, the county had before it an alternative plan (also prepared by the county's demographer), which did not occasion such a retrogression in black voting strength, and which otherwise is nearly identical to the proposed plan.

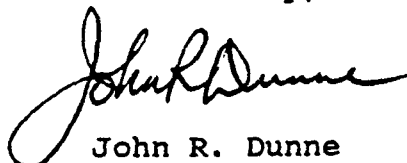
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.52). In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that your burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the 1992 supervisor redistricting plan.

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 1992 supervisor redistricting plan continues to be legally unenforceable. Clark v. Roemer, 111 S.Ct. 2096 (1991); 28 C.F.R. 51.10 and 51.45.

With respect to precinct realignment, the Attorney General will make no determination at this time since it is directly related to the objected-to change. 28 C.F.R. 51.22(b).

To enable us to meet our responsibility to enforce the Voting Rights Act, and in light of the impending county elections, please inform us of the action Amite County plans to take concerning this matter. If you have any questions, you should call Mark A. Posner (202-307-1388), Special Section 5 Counsel in the Voting Section.

Sincerely,

A handwritten signature in cursive script, appearing to read "John R. Dunne".

John R. Dunne
Assistant Attorney General
Civil Rights Division