



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

October 29, 1993

John A. Gregory, Esq.
P. O. Box 466
Okolona, Mississippi 38860

Dear Mr. Gregory:

This refers to the 1993 redistricting plan for the board of aldermembers of the City of Okolona in Chickasaw 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 June 28, 1993, request for additional information on August 30, 1993.

We have considered carefully the information you have provided, as well as Census data, and information and comments from other interested parties. The black share of Okolona's population increased from about 42 percent to about 50 percent between 1980 and 1990, according to the Census. Black persons comprised about 43 percent of the city's voting age population in 1990 and now comprise almost 45 percent of the city's registered voters. The city's six-member board of aldermembers is elected from single-member districts; the mayor, who votes only in the case of ties, is elected at large.

Under the existing redistricting plan, there are two districts with black majorities among the voting age population, Wards 3 and 4. Both of those districts have black voting age population percentages in excess of 70 percent. In the context of the apparent pattern of racially polarized voting in city elections, black voters consistently have elected their candidates of choice from these two districts, but have had no electoral success in contests for the other aldermanic seats or for mayor. The proposed redistricting plan increases the black share of the population in Wards 3 and 4 and creates a third district, Ward 6, in which black persons would comprise a majority of the voting age population (about 55-56% black in voting age population).

During the redistricting process, leaders of the black community raised concerns about the distribution of the city's black population among Wards 3, 4 and 6, which are located in the northern portion of the city. They contended that the distribution in the proposed plan would have the effect of minimizing black voting strength by unnecessarily limiting opportunities for black voters in Ward 6 to elect a candidate of their choice. In this regard, the configuration of Ward 3, which abuts both Wards 4 and 6, suggests a design to maintain the black share of the population in Ward 3 at a very high level while constraining the increase of the black share of the population in Ward 6.

Against this backdrop, we have examined the city's explanations for the boundary lines in the proposed plan and find them unpersuasive. First, nothing offered by the city suggests that an increase in the black population concentrations in Wards 3 and 4 was requested by members of the black community or was necessary to continue to provide black voters a realistic opportunity to elect their chosen candidates in those districts. Second, the city contends that it was mathematically or demographically impossible to draw three districts from which black voters would constitute at least 65 percent of the voting age population, a figure that had been raised by members of the black community during the redistricting process. Our analysis indicates, however, that such a plan is easily achievable and readily discernible upon a proper examination of census data.

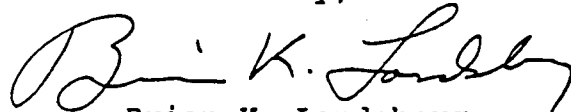
Finally, the city suggests that increasing the black population proportion of Ward 6 would require the displacement of the Ward 6 incumbent (at that time), contravening one of the city's stated redistricting criteria. Our analysis reveals, however, that that incumbent would not have to be displaced in order to increase the black percentage in Ward 6. Under these circumstances, the city has failed to provide a legitimate nonracial explanation for the redistricting choices at issue.

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. 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 1993 redistricting plan for the City of Okolona.

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. See 28 C.F.R. 51.44. In addition, you may request that the Attorney General reconsider the objection. See 28 C.F.R. 51.45. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the 1993 redistricting plan continues to be legally unenforceable. See Clark v. Roemer, 111 S. Ct. 2096 (1991); 28 C.F.R. 51.10.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action the City of Okolona plans to take concerning this matter. If you have any questions, you should call George Schneider (202-307-3153), an attorney in the Voting Section.

Sincerely,

A handwritten signature in cursive script that reads "Brian K. Landsberg". The signature is written in dark ink and is positioned above the typed name.

Brian K. Landsberg
Acting Assistant Attorney General
Civil Rights Division