

MAR 5 1970

Mr. Julius L. Lotterhos, Jr.
Henley, Lotterhos & McDavid
Attorneys at Law
P. O. Box 509
Hazlehurst, Mississippi 39083

Dear Mr. Lotterhos:

This is in reference to the changes in supervisory district lines which were submitted to the Attorney General by you on behalf of Copiah County, Mississippi, as required by Section 5 of the Voting Rights Act of 1965. Members of my staff wish to thank you for the assistance you have provided us in making our determination on the validity of these proposed changes.

I have carefully reviewed the proposed changes personally, and while I understand the complexities involved in a reapportionment such as this I feel constrained to object on behalf of the Attorney General to the implementation of this submission. The available demographic information suggests that the boundary between proposed District 4 and proposed District 5 follows no natural or logical geographic pattern and will result in diminishing the percentage of Negro population in District 4 while increasing it in District 5. Our study has also persuaded me that there are alternative means of redistricting which would not have this effect. In short, I cannot conclude that such a boundary was drawn without regard to the race of the residents as the law requires.

Our study of the submission has not focused directly on the other proposed boundaries in your submission since I assume all are inter-related and inter-dependent.

Should you wish to submit an alternative plan of redistricting, the Attorney General will give it prompt and careful consideration. However, before any new proposal is submitted, you may wish to seek an opinion from Mr. Will S. Wells or some other member of the Mississippi Attorney General's Office as to the import of Section 2870 of the Mississippi Code upon your submission. I make this comment since our review has disclosed that the version of Section 2870 in effect at the time the Voting Rights Act was passed requires a unanimous vote of all members of the county board in a redistricting matter. It is not clear from the information available to us whether the vote in the case of Copiah County was unanimous. While there was a 1966 revision of Section 2870, this revision was objected to by the Attorney General of the United States on May 21, 1969. Another revision in 1968 was never submitted to the Attorney General nor adjudicated in the United States District Court for the District of Columbia. Thus, neither of these revisions would presently have any effect.

Of course, as provided by Section 5 of the Voting Rights Act, you have the alternative of instituting an action in the United States District

- 3 -

Court for the District of Columbia seeking a judgment declaring that this present submission 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.

Sincerely,

JERRIS LEONARD
Assistant Attorney General
Civil Rights Division