

[FACSIMILE]

Mr. Thomas Watkins
Watkins & Eager
Attorneys at Law
Post Office Box 650
Jackson, Mississippi 39205

JUL 14 1971

Dear Mr. Watkins:

This is in reference to the proposed redistricting plan which was submitted to the Attorney General by you on behalf of Hinds County, Mississippi, under Section 5 of the Voting Rights Act of 1965.

We have given careful consideration to the submitted changes and supporting information as well as data compiled by the Bureau of the Census, court records and information we have received from private citizens. On the basis of this information we are unable to conclude that the changes submitted by Hinds County satisfy the constitutional requirements to which Section 5 is directed.

In comparing the data compiled by Comprehensive Planners, Inc., with that found by the Bureau of the Census for the county's supervisors' districts prior to redistricting, we find substantial and apparently irreconcilable discrepancies in the population and location of residents of Hinds County. It is our view that for purposes of reapportionment and Voting Rights Act evaluation the figures supplied by the Bureau of Census must be accepted as accurate.

Unfortunately, these compilations are not made in such a way that one can determine either the households or population figures for the new districts submitted by Hinds County.

Thus, we have encountered a problem similar to the problem faced by the three-judge panel during the hearing on remand in Connor v. Johnson, when the court attempted to accurately determine the population of these same districts for purposes of satisfying the one man, one vote requirement of the Fourteenth Amendment, but found that such a determination could not be made on the basis of all available information. We note that the three-judge panel in Connor v. Johnson rejected the five new supervisor districts as appropriate districts for the five state senatorial districts because of the plaintiffs' contention that the supervisor districts failed to reapportion the county in a constitutional manner. Similarly, without an accurate measure of the numeric and racial composition of the submitted districts, we cannot conclude that these districts satisfactorily avoid the Fifteenth Amendment prohibitions against discriminatory dilution on the ground of race or color.

We have attempted diligently to obtain and apply all available information bearing on the racial effect of the submitted supervisors' districts. In doing so, we find that the district boundary lines are located within the City of Jackson in a manner that suggests a dilution of black voting strength will result from combining a number of black persons with a larger number of white persons in each of the five districts. Although on the basis of the limited facts available we do not imply the apparent dilution was purposeful, the Voting Rights Act prohibits approval of any change which has either a discriminatory

purpose or effect. Moreover, our discussions with you, Mr. John M. Putnam and Mr. Robert B. Hardy have revealed that such district lines within the City of Jackson were not based on any compelling governmental need and appear to be located fortuitously without any compelling governmental justification for their location. Our analysis persuades me that the specific location of the lines is not related to numeric population configurations or considerations for district compactness or regularity of shape.

Under these circumstances I must interpose an objection on behalf of the Attorney General to the implementation of the submitted Hinds County supervisors' districts.

With respect to the reregistration of voters which has been conducted in Hinds County, it is our understanding that under Mississippi law no person will be denied the right to vote in the forthcoming elections if he has been properly registered on either the old or the new set of books for the required statutory period. Based on this understanding, the Attorney General will not interpose an objection to the reregistration at this time. Because of our objection as noted above to the redistricting, however, the proposed districts cannot be used under any circumstances to deny any registrant the right to vote. Of course, federally registered voters must be permitted to vote in all elections held in 1971, notwithstanding which set of books is used or what districting formula may be applied in Hinds County.

I am not unmindful of the problems created by this action coming, as it does, so close to the county's scheduled August primary election. I

assure you of our continuing interest in conducting our responsibilities under the Voting Rights Act in a way that will achieve the purposes of the Act while minimizing any disruption to local authorities. To that end I offer the full cooperation of this office in dealing with these problems.

Sincerely,

DAVID L. NORMAN
Acting Assistant Attorney General
Civil Rights Division