



Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 22, 1983

James W. Burgoon, Jr., Esq.
Fraiser, Burgoon and Abraham
103 Fulton
Greenwood, Mississippi 38930

Dear Mr. Burgoon:

This is in reference to the proposed reapportionment of the justice court districts in Leflore 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 submission on June 24, 1983.

Our analysis shows that under the current system, Leflore County has five justice court districts, four of which have nonwhite majorities in excess of 60 percent. The most heavily black district, moreover, is overpopulated by 36.7 percent while the single existing white majority district is underpopulated by 11 percent. Under the proposed plan, which provides for three justice court districts, only one district is in excess of 60-percent black.

Under Section 5, the submitting authority must establish that the proposed change does not have a racially discriminatory purpose and will not have a racially discriminatory effect. In the instant context, a comparative analysis of the existing plan and the proposed plan leads us to conclude that the latter would, if approved, have a retrogressive effect on the ability of black voters--who comprise more than 59 percent of the county-wide population--to participate meaningfully in justice court elections under the suggested redistricting. Under these circumstances, I must, on behalf of the Attorney General, interpose an objection to the proposed reapportionment of the Leflore County justice court districts.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that this 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, Section 51.44 of the guidelines permits you to 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 However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the proposed reapportionment of the justice court districts legally unenforceable. 28 C.F.R. 51.9.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action Leflore County plans to take with respect to this matter. If you have any questions, feel free to call Carl W. Gabel (202-724-8388), Director of the Section 5 Unit of the Voting Section.

Sincerely,

A handwritten signature in black ink, appearing to read "Wm. Bradford Reynolds", written over a horizontal line.

~~Wm.~~ Bradford Reynolds
Assistant Attorney General
Civil Rights Division