



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

April 1, 1985

James W. Burgoon, Jr., Esq.
Fraiser, Burgoon & Abraham
P. O. Drawer 1640
Greenwood, Mississippi 38930-1640

Dear Mr. Burgoon:

This refers to the board of supervisors and justice court redistricting plans and concomitant precinct realignment, the abolition of the Central Greenwood Precinct and its polling place, the creation of the Mississippi Valley State University Precinct, and the polling place changes for the Schlater and Northeast Greenwood Precincts 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 the information to complete your submission on January 30, 1985.

The Attorney General does not interpose any objections to the board of supervisors' redistricting, the creation of the Mississippi Valley State University Precinct, or the polling place changes for the Schlater and Northeast Greenwood Precincts. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.48).

With respect to the justice court redistricting, we note at the outset that the proposed plan provides for two districts with black majorities. We also understand, however, that an earlier version of the redistricting provided for two significantly more effective black majority districts, and that that plan was changed so as to lower the black population percentage in each and to include into a single district all four of the announced black candidates, two of whom would have been candidates in each of the black majority districts

under the earlier proposal. At the same time, the resulting proposal seems unnecessarily to fragment the black population concentration in the City of Greenwood and, according to our analysis, all of these results appear to have been accomplished at the expense of natural boundaries and by the county's failure to observe its stated racially neutral redistricting criteria. No nonracial explanation has been offered for this departure, and we have been unable otherwise to discern any,

With respect to the abolition of the Central Greenwood Precinct and its polling place and the assignment of those voters to the West Greenwood or courthouse box, we note that the change purports to be in response to limited facilities, including parking, at the fire station. Nothing presented has shown, however, that the courthouse is equipped to accommodate the more than doubled number of voters that would result, either in terms of parking or within the building itself, without creating crowding, delays, and confusion significantly greater than what now exists. In fact, the proposed change appears to place particular burdens on the voters of Central Greenwood, virtually all of whom are black, in terms of their access to the franchise. According to our information, alternative sites are available within the existing Central Greenwood Precinct which would better serve the county's stated interests while avoiding the inconvenience to black voters inherent in the change here under submission.

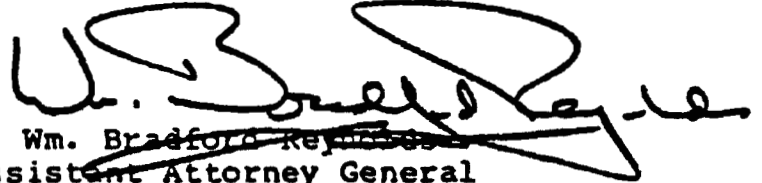
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has no discriminatory purpose or effect. See Georgia v. United States, 411 U.S. 526 (1973); see also 28 C.F.R. 51.39(e). In light of the circumstances discussed above, I am unable to conclude, as I must under the Voting Rights Act, that that burden has been met with respect to either the justice court redistricting or the abolition of the Central Greenwood Precinct and polling place. Accordingly, on behalf of the Attorney General, I must interpose objections to both of these changes.

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 these changes have 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 justice court redistricting and the abolition of the Central Greenwood Precinct and polling place legally unenforceable. See also 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 Robert S. Berman (202-724-8388), Attorney Supervisor of the Section 5 Unit of the Voting Section.

Sincerely,

A handwritten signature in black ink, appearing to read "Wm. Bradford Reynolds", is written over the typed name and title.

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