



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

18 JUL 1983

James W. Henley, Esq.
Henley, Lotterhos & Henley
P.O. Box 509
Hazlehurst, Mississippi 39083

Dear Mr. Henley:

This is in reference to the proposed redistricting plans for supervisor and justice court districts, and accompanying voting precinct and polling place changes in Copiah County, Mississippi, submitted pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your initial submission on May 6, 1983; supplemental information was received on May 18, 1983.

We have thoroughly reviewed the information you have provided, together with information provided by interested citizens and materials accompanying your initial redistricting proposal. With respect to the proposed justice court districts, we note that neither district has a black population majority, while three of the existing districts are over 55 percent black. Thus, neither district offers black voters an opportunity to elect a candidate of their choice. As you are aware, however, a compact district combining the western portion of the county with the adjacent black population concentrations in and abutting Hazlehurst and Crystal Springs would yield a black majority in excess of 70 percent in one district, which would offer black voters equal access in the opportunity to elect members of the justice courts.

With respect to the districts proposed for elections of the board of supervisors, we note that these districts also will be used for elections of constables, election commissioners, and members of the county school board. Accordingly, the limited voting strength of the black population which would be manifested by the proposed redistricting plan will have a pervasive impact on the access of black citizens to equal and fair consideration by the Copiah County government. Under the existing districts, no black citizen has won election to county office. Instead, our analysis reveals that elected county officials have failed to respond to the needs of their black

constituents. We cite particularly the election commission, which has appointed 64 white and no black poll managers, and 19 white and one black bailiffs for the 1982 general election. Such results are significant in a county with a population which is over 48 percent black.

While the proposed plan increases the black majorities in Supervisor Districts 1 and 4, in doing so it unnecessarily fragments minority communities, existing voting relationships, and existing election precincts. One noteworthy effect would seem to be the undermining of recent efforts by black citizens in existing District 4 particularly, and the separation of politically active black communities so as to minimize their influence. The proposed lines also appear to depart from stated criteria by exacerbating existing inequalities in road mileage and assessed valuation, and may result in additional unnecessary costs and confusion as a result of the need for extensive voter reidentification. By comparison, a simple alteration of boundaries between Districts 4 and 5 would result in a significant black majority in District 4 (i.e., about 66%) without disturbing any racially neutral interest which the county has identified, and a similar, black majority would result in District 1 from a change in boundary between proposed Districts 1 and 3.

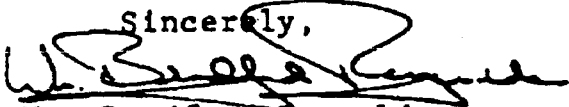
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has no discriminatory purpose or effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.39(e)). In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that that burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the proposed redistricting plans.

We recognize the time constraints under which the county is operating, and are anxious to cooperate in the implementation of redistricting plans which allow equal access for black and white citizens alike. We, therefore, stand ready to assist you in any way we can in developing a redistricting plan that satisfies the requirements of the Fifteenth Amendment and the Voting Rights Act.

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 the judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the redistrictings and accompanying voting precinct and polling place changes legally unenforceable. 28 C.F.R. 51.9.

If you have any question concerning the matters discussed in this letter, please do not hesitate to contact Mr. John K. Tanner (202-724-5897), of our staff.

Sincerely,


Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division