



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

NOV 19 1991

Jeffrey T. Hollimon, Esq.
P.O. Box 664
Petal, Mississippi 39465-0664

Dear Mr. Hollimon:

This refers to the redistricting of supervisor districts, the realignment of voting precincts, and an additional polling place in Perry 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 response to our July 22, 1991, request for additional information on September 20 and 23, 1991.

We have given careful consideration to the materials you have submitted, as well as to information and comments from other interested parties. We note at the outset that according to the 1990 Census, 22.5 percent of the population of Perry County is black, yet no black person has ever been elected as county supervisor. There are significant concentrations of black population in the county that seem to have been fragmented, unnecessarily, among three of the five supervisor districts, namely Districts 1, 4 and 5.

During the redistricting process, the county appears to have been aware of the interest on the part of black citizens to have their voting potential better recognized, especially by creating a district that combines concentrations of black population in one district, thus providing to black voters an opportunity to elect candidates of their choice to the board of supervisors. While we have noted the county's claim that it is impossible to draw a majority black district, the information provided does not support this conclusion. Although a bi-racial committee was involved in the redistricting process, it is not clear that the committee had independent and meaningful input into the process.

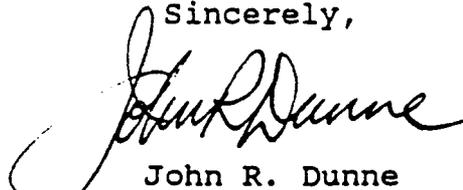
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.52). In view of the concerns noted above, however, I am unable to conclude, as I must under the Act, that the county has carried its burden with regard to the submitted changes. Accordingly I must, on behalf of the Attorney General, interpose an objection to the proposed redistricting plan for supervisors in Perry County.

We note that under Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed 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, you may 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 redistricting plan for the supervisor districts continues to be legally unenforceable. Clark v. Roemer, 59 U.S.L.A. 4583 (U.S. June 3, 1991); 28 C.F.R. 51.10 and 51.45.

With respect to the realignment of voting precincts and the additional polling place, the Attorney General will make no determination at this time since these changes are directly related to the objected-to change. 28 C.F.R. 51.22(b) and 51.35.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action Perry County plans to take concerning this matter. If you have any questions, you should call Richard B. Jerome (202-514-8696), an attorney in the Voting Section.

Sincerely,



John R. Dunne
Assistant Attorney General
Civil Rights Division