

April 4, 1971

AIR MAIL SPECIAL DELIVERY

Mr. Lawson Keller
Attorney for the Warren County
Board of Supervisors
Wiggins Building
1801 Cherry Street
Vicksburg, Mississippi 39180

Dear Mr. Keller:

This is in reference to the proposed redistricting plan which was submitted to the Attorney General by you on behalf of Warren County, Mississippi under Section 3 of the Voting Rights Act of 1965. This will also confirm your telephonic discussion on April 3, 1971 with Deputy Assistant Attorney General James Turner.

I wish to thank you for your cooperation in providing supplemental data and information with respect to this submission. As we have previously explained, it is our position that the statutory period of 60 days which the Attorney General has to consider such plans runs from the time the submitting authority provides the supporting data necessary to evaluate the plan. Under this interpretation the statutory period expired on April 4, 1971. We note that you do not concur in this view and have reserved at all stages your contention that the statutory period has run without an objection having been entered by the Attorney General.

As Mr. Turner explained, since receiving this submission we have also received the 1970 Census data from the Bureau of Census and have associated it with the submission as the official determination

of population and location of residents of Warren County. In comparing the data compiled by Comprehensive Planners with that found by the Bureau of Census we find substantial and apparently irreconcilable discrepancies. For example, the following chart compares the population in the existing beats:

	<u>CPI DATA</u>	<u>1970 CENSUS</u>
Beat 1	8,170	9,887
Beat 2	10,568	7,968
Beat 3	9,895	6,217
Beat 4	4,134	7,539
Beat 5	10,917	15,872
Total	43,775	47,981

In trying to reconcile these figures we counted the number of black and white homes shown on the CPI maps and compared them with the households listed by race in the 1970 Census, but found similar variances:

	<u>CPI DATA</u>			<u>1970 CENSUS</u>		
	<u>White</u>	<u>Black</u>	<u>Percent</u>	<u>White</u>	<u>Black</u>	<u>Percent</u>
Beat 1	1,890	675	26.7	1,758	1,036	37.4
Beat 2	1,657	1,275	24.8	1,091	1,910	60.1
Beat 3	1,124	1,495	57.1	1,159	1,013	46.6
Beat 4	1,256	618	33.6	1,178	1,193	50.3
Beat 5	2,946	475	13.8	3,121	613	16.7
Total	8,259	4,512	35.3	8,194	5,395	39.6

It is our view that for purposes of reapportionment and Voting Rights Act evaluation the figures supplied by the Bureau of the 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 proposed for Warren County. Since the CPI

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maps, when compared with the Census data are so far off, it is our judgment that there is no way to determine from the available data whether the proposed districts comply with the one-man one-vote principle (see Kirkpatrick v. Preisler, 394 U.S. 526) or whether there is a proscribed discriminatory effect on the basis of race.

We note, for example, that the Census shows existing Seats 2, 3 and 4 have a black population majority. Under the principles announced by the Supreme Court in Allen v. Board of Supervisors, 393 U.S. 544, we must examine such plans to determine if any dilution of such majorities has a discriminatory purpose or effect. The apparent unreliability of the CBI information prevents us from making the required analysis.

Under these circumstances it is not possible for the Attorney General to approve the proposed redistricting. Where, as here, an objection is entered on behalf of the Attorney General the Voting Rights Act provides that the submitting authority may litigate the issue in the District Court for the District of Columbia. However, because of the unusual circumstances that appear here, I would be pleased to have the attorneys familiar with this submission meet with you either in Vicksburg or Washington, to provide you the data from the 1970 Census, and solicit any additional information or views that you may wish to offer. Moreover, in view of the availability of the 1970 Census data, you may wish to ask C.P.I. to reverify that the proposed Seats comply with the one-man one-vote principle.

I want to assure you that we will continue to examine the Seats and seek additional information on this matter. Should we subsequently be able to make the required analysis we will promptly advise you and, if no basis for objection appears, immediately notify

you in writing. In addition, should the Board submit any changes in the proposed districts we will make every effort to expedite our consideration to the end that scheduled elections may be held without disruption.

Finally, I understand that a reregistration of all Warren County voters is now in progress and would like to call two matters to your attention in connection therewith. First, it is our view that a reregistration of voters is a "change" subject to Section 5 of the Voting Rights Act and, therefore, can be implemented only after the requisite litigation or Attorney General approval as required therein. Secondly, we believe the reregistration may have the effect of removing federally listed persons from the rolls and therefore should be accomplished through the federal examiner. The procedure for this are set forth in Civil Service Commission regulations (45 C.F.R. 501.502, Appendix D). Members of my staff will be pleased to discuss these matters with you at your early convenience.

I am advised that arrangements have been made to meet with you and representatives of Comprehensive Plans in Vicksburg at your office at 11:00 a.m., April 9, 1971. This will serve to confirm those arrangements.

Sincerely yours,

JERRIE INOARD
Assistant Attorney General
Civil Rights Division

FEB 13 1973

Mr. John W. Prewitt
Attorney, Warren County
Board of Supervisors
Prewitt & Braddock
Corner Adams and Grove Street
Vicksburg, Mississippi 39180

Dear Mr. Prewitt:

This is in reference to the supplemental data which we received on December 15, 1972, regarding the redistricting plan for Warren County, Mississippi, which had been previously submitted under Section 5 of the Voting Rights Act of 1965.

As you know, on April 4, 1971, an objection was interposed on behalf of the Attorney General to the implementation of the redistricting plan based on our conclusion that no determination could be made from the available data as to the number and location of black and white county residents. On June 24, 1971, we received a recompilation of the population data, and on August 23, 1971, we declined to withdraw our objection based on our conclusion that the type of informities in the population data which we found to exist in the initial submission had not been successfully avoided in the recompilation. In our letter to you of June 16, 1972, we indicated that we would consider any data which accurately reflects the populations resulting from your redistricting plan. Based upon our examination of the data contained in your most recent communication we have determined that the information

is sufficient for purposes of conducting our evaluation of the redistricting plan under Section 5.

Accordingly, we have given careful consideration to the submitted changes and supporting information as well as comments we have received from interested parties. On the basis of this information we are unable to conclude, as we must under Section 5, that the changes submitted will not have a prohibited racial effect in Warren County.

We fully understand that the officials of Warren County did not participate in the formulation of the redistricting plan and that the proposal was drawn without instruction from the county concerning shape and locations of the new districts. Our evaluation of the redistricting plan nevertheless reveals that the effect of the proposed district boundary lines is to fragment areas of black population concentrations, thereby minimizing the total number of black persons residing in each of the districts and diluting black voting strength in Warren County.

Moreover, it does not appear that the district lines are drawn as they are because of any compelling governmental need and they do not reflect population concentrations in the county or considerations of district compactness or regularity of shape. Under these circumstances, we find no basis for withdrawing the objection to the implementation of this redistricting plan interposed by our letter of April 4, 1971.

We have reached this conclusion reluctantly because we fully understand the county's position with regard to the origin of the redistricting plan and the complexities facing the county in designing

and implementing a new redistricting plan to satisfy the needs of the county and its citizens and, simultaneously, to comply with the mandates of the federal Constitution and laws. We are persuaded, however, that the Voting Rights Act compels this result.

Of course, Section 5 permits you to seek a declaratory judgment from the District Court for the District of Columbia that this plan neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race. Until such a judgment is rendered by that Court, however, as we have stated on numerous occasions involving this redistricting plan, the continuing legal effect of the objection of the Attorney General is to render the redistricting plan unenforceable.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division