

SEP 3 1974

JSP:GWJ:RAS:rb
D.J. 166-012-3

Mr. John C. Love, Sr.
Attorney for the Board of
Supervisors of Attala County
120 West Washington Street
Kosciusko, Mississippi 39090

Dear Mr. Love:

This is in reference to the redistricting plan for Attala County, Mississippi, submitted to the Attorney General pursuant to Section 3 of the Voting Rights Act of 1965. This submission was completed on July 6, 1974.

Based on a careful examination of the information you have furnished, the data supplied to us by Comprehensive Planners, Inc., and a review of all other relevant facts available, I believe that several features of the Attala County plan would have the effect of unnecessarily diluting the voting strength of the black community. For instance, with respect to Seat 4, which presently is 64% black and less than 500 below the ideal population, the boundary lines have been redrawn in such a manner that more than 130 blacks are removed from that seat and more than 600 whites added, resulting in a proposed Seat 4 which is only 52% black. Also, the predominantly black neighborhoods in Kosciusko, (the north central, south central, and southeastern sections), have been divided among proposed Seats 2, 3, and 5. Such fractionalizing of the black voting strength, under the circumstances existing in Attala County, would,

in our judgment, constitute a violation of Fifteenth Amendment rights. See Beer v. United States, 374 F. Supp. 363 (D.D.C. 1974). Therefore, we cannot conclude, as we must under the Voting Rights Act, that the redistricting plan does not have the purpose or effect of abridging the right to vote on account of race. For that reason I must, on behalf of the Attorney General, interpose an objection to the Attala County reapportionment plan.

I am mindful that the district lines, to some extent, were drawn to insure equal road mileage in each supervisor's district. While it well may be that such factors are otherwise legitimate considerations in reapportioning, we do not believe that the equalization of road mileage can justify boundaries which would abridge Fifteenth Amendment rights. See Dunn v. Blumstein, 405 U.S. 330 (1972). That is particularly true where, as here, it is our understanding that road mileage was considered of secondary importance throughout the redistricting and that unequal road mileage will not cause significant problems in the administration of the County.

Of course, as provided by Section 5 of the Voting Rights Act, you have the alternative of instituting an action in the United States District Court for the District of Columbia seeking a declaratory judgment that the present submission does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division