



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

April 11, 1983

Julius Lotterhos, Esq.
Henley, Lotterhos & Henley
P. O Box 509
Hazelhurst, Mississippi 39083

Dear Mr. Lotterhos:

This is in reference to the redistricting of supervisor districts; the realignment of voting precincts; the creation of three voting precincts and polling places therefor, and two polling place changes in Copiah 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. Your submission was completed on February 10, 1983.

We have made a careful analysis of the information you have provided, as well as comments and information provided by other interested parties. At the outset, we note that the district lines in the submitted plan depart dramatically from the configuration of the existing plan, without an adequate explanation for why such a rearrangement of districts was necessary. This raises particular concerns in light of the ease with which it appears that the county could have met its constitutional responsibilities simply by adjusting the boundaries of existing districts with no adverse impact on minority voting strength.

In this context, our review has revealed still unanswered questions as to why the county chose to adopt multi-sided districts which seem to go out of their way to fragment black concentrations in the county. While the new majority-black districts contain an equal percentage of black voters as were present in the existing majority-black districts, the proposed configuration is such as to lead inescapably to the conclusion that it will necessarily result in racial voter discrimination in these areas. Congress specifically declared such "results," if adequately demonstrated, to be unlawful in its amendment to Section 2 of the Voting Rights Act last year.

In addition, under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that submitted changes are free of discriminatory purpose. See Georgia v.

United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.38). Based on the information we have received, and the absence of a satisfactory explanation for the strange configuration adopted in the proposed redistricting, I am unable to conclude, as I must, that this burden has been met in this instance. Therefore, on behalf of the Attorney General, I must object to the redistricting plan.

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 submitted changes 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 Copiah County plans to take with respect to this matter. If you have any questions concerning this matter, please feel free to call Carl W. Gabel (202-724-8388), Director of the Section 5 Unit of the Voting Section.

Sincerely,



Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division