



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

May 23, 1983

Lucien C. Gwin, Jr., Esq.
Handy, Fitzpatrick, Gwin
& Lewis
P.O. Box 1344
Natchez, Mississippi 39120

Dear Mr. Gwin:

This is in reference to the redistricting of supervisor and justice court districts; the realignment of voting precincts and the polling place changes for Adams 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 submission on March 24, 1983. Although we noted your request for expedited consideration, we have been unable to respond until this time.

We have given careful consideration to the information you have provided, as well as to Bureau of the Census data and comments and information provided by other interested parties. According to the 1980 Census, over 48 percent of the population in Adams County is black. Almost 58 percent of the county's population lives in the City of Natchez and that city is over 52 percent black. The county is divided into five supervisor districts, one of which has a black majority of eligible voters.

The 1980 Census reveals that the present supervisor districts are malapportioned, and we are aware that the county determined to remedy the malapportionment by limiting changes to adjustment of those portions of the districts located within the City of Natchez. Our analysis shows that District 5 of the existing plan contains the largest population of any of the districts and almost 75 percent of the population residing in the portion of District 5 within the City of Natchez is black. To remedy the overpopulation of District 5, the proposed plan understandably assigns more than 1,300 persons, virtually all of whom are black, from District 5 to District 3. The logical

result of adding such a significant number of blacks to District 3 would be the creation of a second black majority district, even though District 3 would have to lose some of the population increase it had thereby obtained. The proposed plan, however, avoids the creation of a second black majority district by making a number of other boundary alterations within the City of Natchez, many of which appear to be unnecessary, with the result that District 3 emerges at only 45 percent black in total population. Not only does the plan fail to reflect fairly black voting strength, its configuration in the Natchez area results in districts which inexplicably are not compact and regularly shaped.

We are also aware that black citizens of Adams County have voiced strong opposition to the proposed plan and that black organizations specifically suggested that the board of supervisors consider the creation of a second black majority district. Information available to us indicates that the board did not seriously consider that request; yet, as described above, our own analysis suggests that, because of racial residential patterns within the City of Natchez, the creation of a second black majority district would be the expected result of the application in this situation of your own stated nonracial criteria used to remedy malapportionment.

Section 5 requires the county to demonstrate that the proposed reapportionment of supervisor districts "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." 42 U.S.C. 1973c. 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 the burden has been sustained in this instance. City of Richmond v. United States, 422 U.S. 358 (1975); Connor v. Finch, 431 U.S. 407, 425 (1977); Busbee v. Smith, 549 F. Supp. 494 (D. D.C. 1982), aff'd, 51 U.S.L.W. 3552 (U.S. Jan. 24, 1983); Terrazas v. Clements, 537 F. Supp. 514, 530-536 (N.D. Tex. 1982). Thus, on behalf of the Attorney General, I must object to the redistricting plan for the supervisor districts. Inasmuch as the realignment of voting precincts and the polling places are directly related to this redistricting, the Attorney General will make no determination with regard to these related changes. 28 C.F.R. 51.20(b).

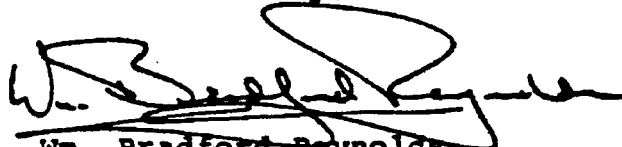
Concerning the redistricting of the justice court districts, the Attorney General interposes no objection. However, we feel a responsibility to point out that the failure to object does not bar any subsequent litigation to enjoin enforcement of the change. In addition, we note that the proposed plan apparently has been drawn to conform in some areas to the lines of the

newly proposed supervisor districts. Since an objection to those districts is being interposed at this time, we wish also to note that should any remedial alteration in the supervisor district lines result in future changes in the justice court district boundaries, such changes will have to meet Section 5 preclearance requirements.

Of course, as provided by Section 5 of the Act, you have the right to seek a declaratory judgement from the United States District Court for the District of Columbia that the submitted supervisor district lines 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 judgement from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the supervisor redistricting plan legally unenforceable. See also 28 C.F.R. 51.9.

To enable this Department to meet its responsibility to enforce the Act, please inform us of the course of action Adams County plans to take with respect to this matter. If you have any questions concerning this matter, please feel free to call Mr. Jeremy Schwartz (202-724-3200) of our staff.

Sincerely,



Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division