



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

NOV 18 1985

Tommy McWilliams, Esq.
Townsend, McWilliams & Holladay
P. O. Box 107
Indianola, Mississippi 38751

Dear Mr. McWilliams:

This refers to the redistricting of supervisor districts; the creation of four additional voting precincts; the establishment of four additional polling places; a polling place change; and the elimination of a polling place in Sunflower 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 September 17, 1985.

We have considered carefully the information you have provided in your submission along with that furnished in connection with our review of the 1983 and the 1984 plans, as well as information and comments from other interested parties. At the outset, we note that, except for minor changes in rural portions of some district boundaries, the plan now before us is the same as the one to which we found it necessary to interpose an objection on June 7 of this year. Yet, nothing submitted in support of the new proposal seeks to address in any way the objectionable features of the earlier plan.

In an effort again to make those concerns clear, we note that twice before the Attorney General has interposed objections pursuant to Section 5 to plans for reapportioning the supervisor districts in Sunflower County. In each instance our concerns centered on the manner in which the boundary lines were drawn within the City of Indianola. For example,

in our June 7, 1985 letter of objection I noted the following:

My personal familiarity with the cohesiveness of the black residential areas at issue causes great concern over the manner in which these neighborhoods have been fragmented. The railroad tracks form a natural boundary within Indianola and it is well recognized that this boundary divides neighborhoods as well as communities of interest. Yet in devising the submitted plan, the railroad tracks apparently were ignored as a potential district boundary line. As a result, some black citizens residing in subdivisions such as Green Acres and Woodburn are fragmented from their neighbors residing in the same subdivisions and assigned to District 3; it is difficult to conclude that these residents share more common interests with the citizens in the northern portion of Indianola than they do with their own neighbors.

No nonracial explanation has been furnished by the board of supervisors as to why the district boundaries of the submitted plan continue to meander through the streets of the black community in so divisive a manner, particularly in light of the strong opposition of the black community to this manner of plan drawing. In fact the submission indicates that the fragmentation of the black community was devised consciously to assure that the black population percentage of any district would not increase appreciably.

While with regard to the instant submission, we did receive a letter from Mr. McTeer, plaintiff's counsel in McLaurin v. Sunflower County, No. GC83-247-WK-0, urging preclearance of the plan, neither his letter nor the submission by the county contains any information that would provide us a basis for reassessing our previous concerns about the plan. On the other hand, information coming to our attention from other sources indicates that there is continued opposition to this plan among minorities in Sunflower County because of the continued fragmentation of the Indianola black community.

In view of these circumstances and because, as when we objected to the previous plan, no adequate explanation for the seemingly unnecessary fragmentation of black communities

has been forthcoming, we are unable to conclude that this configuration has been drawn without the proscribed purpose. For that reason, as with the previous plans, I must, on behalf of the Attorney General, object to this the most recent Sunflower County 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 this change has 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 Sunflower County supervisor redistricting legally unenforceable. 28 C.F.R. 51.9.

With regard to the submitted voting precincts and polling places we note that these changes were made because of the proposed redistricting plan. Thus, the Attorney General is unable to make a determination on these changes as this time.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action Sunflower County plans to take with respect to this matter. If you have any questions, feel free to call Ms. Sandra S. Coleman (202-724-6718), Director of the Section 5 Unit of the Voting Section.

In view of the ongoing litigation in McLaurin v. Sunflower County, No. GC83-247-WK-0, we have taken the liberty of providing the court with a copy of this letter.

Sincerely,



Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division



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APR 9 1986

Tommy McWilliams, Esq.
Townsend, McWilliams & Holladay
P. O. Box 107
Indianola, Mississippi 38751

Dear Mr. McWilliams:

This refers to your request that the Attorney General reconsider the November 18, 1985, objection under Section 5 of the Voting Rights Act of 1965, as amended, to the redistricting of supervisor districts in Sunflower County, Mississippi. We received your letter on January 21, 1986. In addition, pursuant to your request for a conference, I met with you on March 26, 1986.

We have reviewed carefully the information and arguments set forth both in your letter and at the meeting and we note that, for all intents and purposes, that information and those arguments are essentially the same as those provided previously. It appears that the county recognizes that our concern in this redistricting effort has been what appears to us to be the unnecessary fragmentation of Indianola's black community among three districts. Also, we are aware that a plan that remedies such fragmentation may "reduc[e] substantially the black majority in District 3," but we do not agree with your view that, in the context of the circumstances presented in Sunflower County, "such a dilution in voting strength in District 3 would be in direct contravention of the terms of the Voting Rights Act."

The concept of dilution (or retrogression) as applied to a redistricting plan must consider the plan as a whole rather than as individual districts and thus a reduction in the racial composition of one district does not necessarily violate the Voting Rights Act. Of course, the minority population reduction in one district normally would be expected to be offset by an increase in one or more other districts resulting in the overall enhancement of the opportunity for effective political participation by the minority portion of

the electorate as a whole. In the context of Sunflower County, it appears that a plan that remedies the unnecessary fragmentation of Indianola's black community could be accomplished through a modest adjustment of lines in the Indianola area, which would thereby fairly reflect the voting strength of the county's black community as it exists without violating the Voting Rights Act.

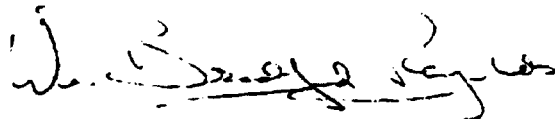
At present, however, we find nothing sufficiently new or different in the factual information or the legal arguments contained in the request for reconsideration to provide a basis for the withdrawal of the November 18, 1985, Section 5 objection. Therefore, on behalf of the Attorney General, I must decline to withdraw the objection.

Of course, Section 5 permits you to seek a declaratory judgment from the United States District Court for the District of Columbia that this change has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color, irrespective of whether an objection has been interposed by the Attorney General. However, as previously noted, until such a judgment is rendered by the court, the legal effect of the objection by the Attorney General is to render the redistricting plan for the Sunflower County Board of Supervisors legally unenforceable. See the Procedures for the Administration of Section 5 (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 Sunflower County plans to take with respect to this matter. If you have any questions, feel free to call Steve Rosenbaum (202-724-6718), Acting Director of the Section 5 Unit of the Voting Section.

In view of the ongoing litigation in McLaurin v. Sunflower County, No. GC83-247-WK-0, we have taken the liberty of providing the court with a copy of this letter.

Sincerely,



Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division