



U.S. Department of Justice
Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

December 20, 1985

Griffin Norquist, Esquire
Bridgforth, Love, Norquist
& Stewart
203 South Main Street
Yazoo City, Mississippi 39194

Dear Mr. Norquist:

This refers to the proposed supervisor redistricting plan, the realignment of voting precincts, and the polling place change in Yazoo 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 the information to complete your submission on October 21, 1985.

We have considered carefully the information you have provided, as well as Bureau of the Census data and comments and information provided by other interested parties. At the outset, we note that minor modifications have been made to the plan to which the Attorney General objected on December 16, 1983, in order to cure the malapportionment that was present in that plan.

Our analysis shows, however, that, as in the earlier plan, this proposal continues to unnecessarily fragment the black community in Yazoo City into three districts. While the submitted plan results in two districts in which the black community has a sizeable percentage, and a third district with a bare majority of the total population, the Voting Rights Act does not permit the drawing of district lines that are designed to achieve a particular racial percentage. In this instance, the selection of the City of Yazoo as the meeting point for all five districts had the calculated effect of fragmenting the black voters so as to insure that the black community's opportunity for meaningful participation in the electoral process would be minimized. We have yet to receive a satisfactory explanation for this approach.

It is clear that the County can accomplish redistricting in accordance with the one-person, one-vote requirement without the needless fragmentation that has been an integral part of its efforts to date. Whichever alternative the County chooses will satisfy the Voting Rights Act so long as the County can show that its choice is free of discriminatory purpose and effect. 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)).

While (as with the previous plan) we do not find that this proposal has a discriminatory effect under Section 5 -- since it does not lead to "a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise" (Beer v. United States, 425 U.S. 130, 141 (1976)) -- we are unable to conclude that the present submission is without a racially discriminatory purpose. Under these circumstances then, I must, on behalf of the Attorney General, interpose an objection to the county's supervisor redistricting plan.

Because the precinct and polling place changes are based on the boundaries of the proposed districts, I can make no determination with respect to them at this time. See 28 C.F.R. 51.20(b).

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 Circuit is obtained, the effect of the objection by the Attorney General is to make the redistricting plan legally unenforceable. 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 Yazoo County plans to take with respect to this matter. If you have any questions, feel free to call Sandra S. Coleman (202-724-8388), Director of the Section 5 Unit of the Voting Section.

Sincerely,



Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

cc: Honorable E. Grady Jolly
United States Circuit Judge