



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

July 7, 1986

Griffin Norquist, Esq.
Bridgforth, Love & Norquist
P. O. Box 48
Yazoo City, Mississippi 39194

Dear Mr. Norquist:

This refers to the redistricting plan for the board of supervisors 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 your submission on May 6, 1986.

We have considered carefully the information you have provided, as well as information received from other interested parties and that in our files relating to our earlier review under Section 5 of the supervisor redistricting plans adopted by the county in 1983 and 1984. At the outset, it becomes readily apparent that, in adopting the submitted plan, the county has continued to adhere to the "least change" approach used in the 1983 and 1984 plans, and that the submitted plan is essentially no different from those earlier proposals. As you know, the Attorney General interposed objections under Section 5 to both the 1983 and the 1984 plans because both of them seemed unnecessarily to fragment the black community in Yazoo City, thus minimizing the opportunity of black voters meaningfully to participate in the electoral process. Without adequate explanation, the current plan continues this fragmentation, splitting the black community between Districts 1, 3, 4, and 5, and we continue to be unaware otherwise of any satisfactory justification for this result.

While the Voting Rights Act does not require the drawing of district lines that guarantee the election of racial minorities, the Act does prohibit line drawing that is designed to minimize black electoral strength by artificially limiting the black population in a particular district. Busbee v. Smith, 549 F. Supp. 494 (D. D.C. 1982), aff'd, 459 U.S. 1166 (1983). Our analysis indicates that the fragmentation present in the submitted plan, as in the earlier plans, is designed to minimize the black population in District 3, the district with the second highest black population percentage.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also Procedures for the Administration of Section 5 (28 C.F.R. 51.39(e)). As with its predecessors, we are unable to conclude that the county has carried its burden of showing that the current proposal was adopted without a racially discriminatory purpose. Accordingly, I must, on behalf of the Attorney General, interpose an objection to the county's supervisor 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 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 Mark A. Posner (202-724-8388), Attorney Reviewer in 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
- cc: Honorable Tom S. Lee
United States District Judge
- cc: Honorable Henry T. Wingate
United States District Judge