



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

December 15, 1986

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 polling places; a polling place change; the elimination of a polling place; and the realignment of voting precincts 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 October 14, 1986.

We have considered carefully the information you have provided in support of the instant redistricting along with that furnished in connection with our review of the 1983, 1984, and 1985 plans, as well as information and comments from other interested parties. At the outset, we note that our objections to each of the county's three prior redistricting submissions were based upon the significant and seemingly unnecessary fragmentation of the black community in the South Indianola area. Our review of the plan presently before us shows improvement, but without additional information I remain unable to grant preclearance.

The proposed plan modifies the redistricting plan to which we objected on November 18, 1985. Some of the modifications were apparently made in response to requests by members of the minority community and, as a result, predominantly black residential subdivisions in South Indianola are for the most part no longer split by the boundary between Districts 1 and 3. We are concerned, however, with what seems to be continued fragmentation of black residents in the South Indianola area. Given the availability of alternative districting plans which would in fact eliminate this fragmentation, while adhering to the county's nonracial redistricting criteria, we cannot accept your representation that the concerns leading to our earlier objections have been effectively "minimized."

As in the county's prior redistricting submissions, our principal quandary is that no adequate explanation has been advanced for the continued fragmentation of the South Indianola area. The burden remains with the submitting authority to demonstrate that its proposal is free from discriminatory purpose and retrogressive effect. Given the circumstances, we cannot conclude on this record that the configuration has been shown to satisfy the Section 5 standard. For that reason, as with the previous plans, I must, on behalf of the Attorney General, object to this most recent Sunflower County redistricting effort.

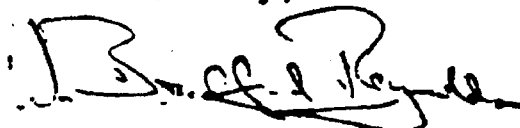
Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that this change has neither the purpose nor will have the effect of denying or abridging the right to vote on account of 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 at this time.
28 C.F.R. 51.20(b).

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 Sandra S. Coleman (202-724-6718), Director of the Section 5 Unit of the Voting Section.

In view of the pendency of McLaurin v. Sunflower County, GC 83-247-WK-0, we have taken the liberty of providing a copy of this letter to the court and to Victor McTeer, Counsel for the plaintiff class in that litigation.

Sincerely,



Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division