



U.S. Department of Justice

Civil Rights Division

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Office of the Assistant Attorney General

Washington, D.C. 20530

September 30, 1991

Conrad Mord, Esq.  
816 Morse Avenue  
Tylertown, Mississippi 39667

Dear Mr. Mord:

This refers to the redistricting plan for the board of supervisors, board of education and board of election commissioners in Walthall 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 last submittal of information necessary to review these matters on August 1, 1991.

We have considered carefully the information you have provided, along with information available to us from other sources. We note at the outset that although blacks comprise 42 percent of the total population and 37 percent of the voting age population in Walthall County, there is no district in either the existing or proposed plan with a black majority in voting age population. Our analysis reveals that the redistricting plan unnecessarily fragments the county's black population concentrations and that it is feasible to devise alternative plans that eliminate that fragmentation and produce districts with black majorities in voting age population. In light of the pattern of racially polarized voting that appears to characterize elections in the county, the proposed plan would not provide black citizens the opportunity to elect a representative of their choice in any district.

Moreover, the county was aware of these concerns about the redistricting plan prior to its adoption and chose to disregard the concerns. Instead, the county decided to make only a minor change in the districts and otherwise to leave in place the existing plan despite its consequences for black citizens.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of demonstrating that a proposed change does not have a racially discriminatory purpose or effect.

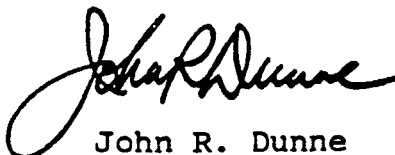
Georgia v. United States, 411 U.S. 526 (1973). In addition, preclearance shall be withheld where "necessary to prevent a clear violation of amended Section 2" of the Voting Rights Act. 28 C.F.R. 51.55(b)(2). In this connection, we note that while the submitted plan will not diminish black voting strength in the county, the county chose to adopt a plan that does not provide the black community with a realistic opportunity to elect a candidate of their choice in any district. In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that the submitted plan is entitled to preclearance. Therefore, on behalf of the Attorney General, I must object to the 1991 redistricting plan for the board of supervisors, board of education and board of election commissioners in Walthall County.

We note that under Section 5, you have the right to seek from the United States District Court for the District of Columbia a declaratory judgment preclearing the proposed 1991 redistricting plans for the board of supervisors, board of education and board of election commissioners. In addition, you may 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 1991 redistricting plan for the board of supervisors continues to be legally unenforceable. Clark v. Roemer, 59 U.S.L.W. 4583 (U.S. June 3, 1991); 28 C.F.R. 51.10 and 51.45.

Because we have concluded that the existing plan denies black citizens an opportunity equal to white citizens to participate in the political process and to elect representatives of their choice in violation of Section 2 of the Voting Rights Act, as amended, 42 U.S.C. 1973, we are currently considering appropriate enforcement action.

If you have any questions, you should call Steven H. Rosenbaum (202-307-3143), Deputy Chief of the Voting Section.

Sincerely,



John R. Dunne  
Assistant Attorney General  
Civil Rights Division