



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

April 18, 1994

Kenneth E. Downs, Esq.  
Board Attorney  
Board of Supervisors  
P. O. Box 60  
Carrollton, Mississippi 38917

Dear Mr. Downs:

This refers to the 1993 redistricting plan for the board of supervisors and related precinct and polling place changes for Carroll 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 responses to our request for additional information on February 15, and March 18, 25, 28 and 29, 1994.

We have carefully considered the information you have provided, as well as information from other interested persons. According to the 1990 Census, Carroll County has a total population of 9,237, of whom 39 percent are black; the black share of the voting age population in the county is 35 percent. The county is governed by a board of supervisors consisting of five members elected from single-member districts.

Under the existing plan, black persons constitute a majority (66 percent and 51 percent, respectively) of the total population in two board of supervisor districts (District 4 and District 5). However, black persons represent a majority (61 percent) of the voting age population in only one of those districts, District 4. Our review of elections in the county reveals a pattern of racial bloc voting that inhibits the opportunity for black voters to elect candidates of their choice outside of District 4.

In developing the proposed plan, we understand that the county had several goals, in addition to satisfying the one person, one vote requirement. These included creating two districts in which black persons would represent a majority of the voting age population, maintaining existing district boundaries, retaining incumbents in their districts and equalizing the land area in each district. Like the current plan, the resulting plan would provide for two districts -- Districts 4 and 5 -- in which black persons would represent a majority of the total population (73 percent and 54 percent, respectively), but only one district, District 4, in which black persons would constitute a majority of the voting age population (68 percent). Districts 4 and 5 adjoin one another in the central and southeastern portions of the county where the county's black residents are concentrated. Given these demographic patterns, our analysis indicates that the county could have prepared a plan which achieved virtually all of its redistricting goals and created two districts in which black persons represent a substantial majority of the voting age population. Instead, the proposed plan unnecessarily fragments black population concentrations in the Carrollton and Black Hawk areas. The county has not provided an adequate nonracial explanation for this fragmentation.

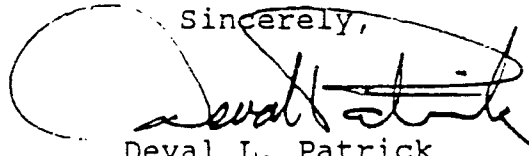
Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.52). In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that your burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the proposed redistricting plan.

We note that under Section 5 the county has the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed 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, the county 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 redistricting plan for the board of supervisors continues to be legally unenforceable. Clark v. Roemer, 111 S. Ct. 2096 (1991); 28 C.F.R. 51.10 and 51.45.

With respect to the precinct and polling place changes, the Attorney General will make no determination concerning these changes since they are directly related to the objected-to change. 28 C.F.R. 51.22(b).

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action the county plans to take concerning this matter. If you have any questions, you should call Mark A. Posner (202-307-1388), Special Section 5 Counsel to the Voting Section.

Sincerely,

A handwritten signature in black ink, appearing to read "Deval Patrick", written over a large, loopy flourish that starts under the word "Sincerely," and extends to the right.

Deval L. Patrick  
Assistant Attorney General  
Civil Rights Division