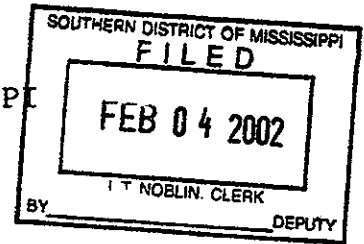


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



JOHN ROBERT SMITH,
SHIRLEY HALL, AND
GENE WALKER

PLAINTIFFS

V.

CIVIL ACTION NO. 3:01-CV-855WS

ERIC CLARK, Secretary of State
of Mississippi; MIKE MOORE,
Attorney General for the State
of Mississippi; RONNIE MUSGROVE,
Governor of Mississippi; MISSISSIPPI
REPUBLICAN EXECUTIVE COMMITTEE; AND
MISSISSIPPI DEMOCRATIC EXECUTIVE
COMMITTEE

DEFENDANTS

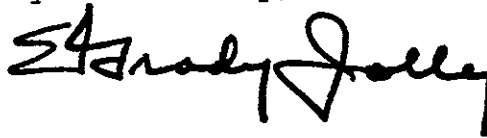
ORDER

Attached hereto is this court's congressional redistricting plan for the State of Mississippi, along with an analysis thereof. This court proposes to implement this plan absent the timely preclearance of the redistricting plan adopted by the State Chancery Court, which is now pending for preclearance before the United States Attorney General.


The parties are hereby directed to show cause by written objections, why this court's redistricting plan, if implemented, would not satisfy all state and federal statutory and constitutional requirements; and to make any other critical comments and suggestions with respect to the plan that the parties deem appropriate. Said objections, comments and suggestions must be filed with the Clerk of the United States District Court for the Southern District of Mississippi no later than 4:00 p.m. on Friday, February 9. Failure to object in accordance with this order will

be deemed a waiver of all further objections to this plan.


SO ORDERED, this the 4th day of February, 2002.



E. GRADY JOLLY
UNITED STATES CIRCUIT JUDGE

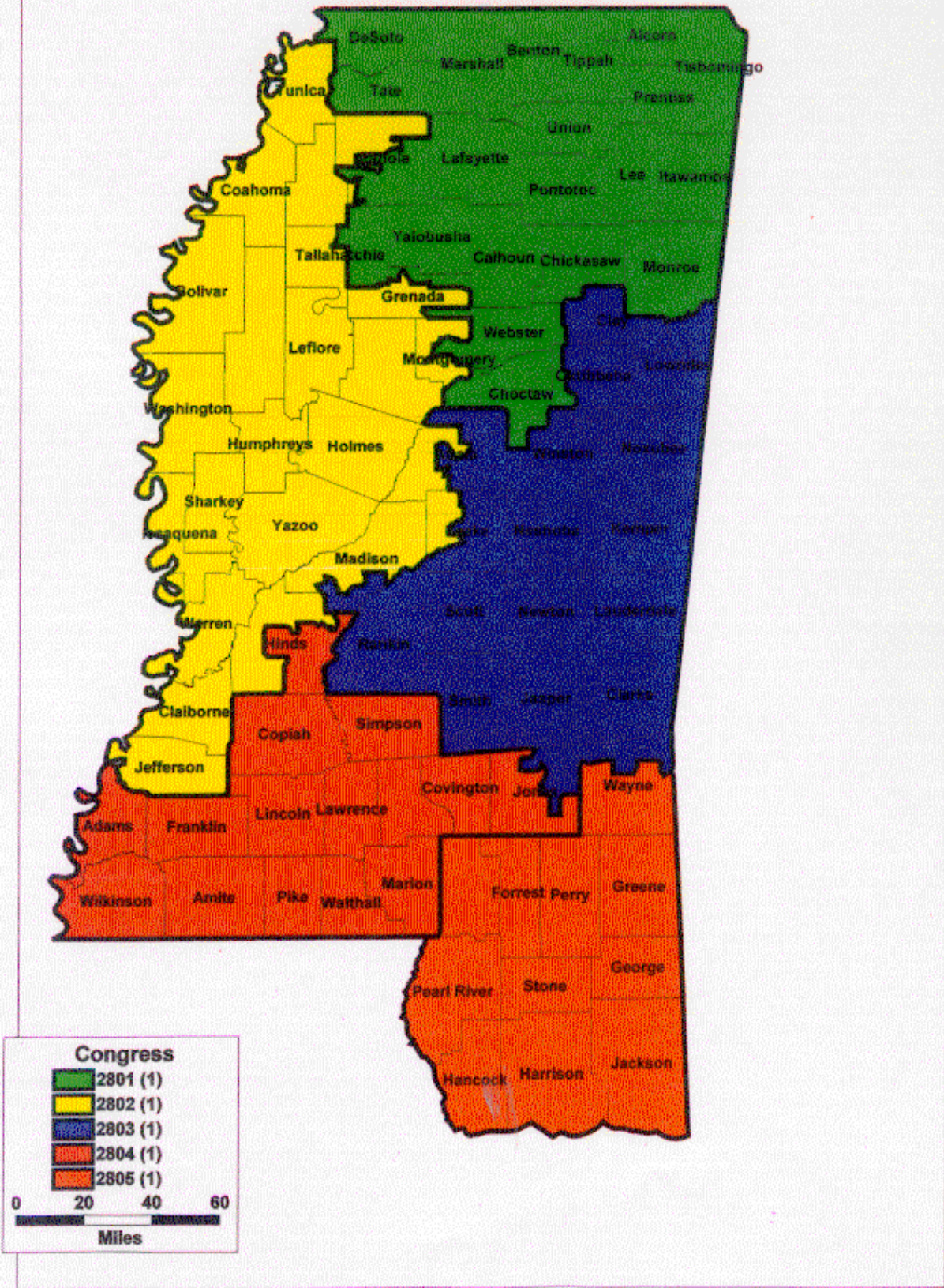


HENRY T. WINGATE
UNITED STATES DISTRICT JUDGE



DAVID C. BRAMLETTE, III
UNITED STATES DISTRICT JUDGE

Current Congressional Districts



Plan: Congressional Redistricting Plan
Plan Type:
Administrator:
User:

Population Summary Report

Monday February 4, 2002

7:54 AM

DISTRICT	POPULATION	DEVIATION	% DEVN.	[18+_Pop]	[18+_Blk]	[% 18+_Blk]
1	711,160	-5	0.00	521,745	124,207	23.81%
2	711,164	-1	0.00	501,887	297,121	59.20%
3	711,164	-1	0.00	523,593	158,994	30.37%
4	711,170	5	0.00	522,246	104,937	20.09%

Total Population: 2,844,658
Ideal District Population: 711,165
Summary
Population Range: 711,160 to 711,170
Ratio Range: 1.00
Absolute Range: -5 to 5
Absolute Overall Range: 10.00
Relative Range: 0.00% to 0.00%
Relative Overall Range: 0.00%
Absolute Mean Deviation: 3.00
Relative Mean Deviation: 0.00%
Standard Deviation: 4.12

Political Subdivisions Split Between Districts

Monday February 4, 2002

7:50 AM

Number of subdivisions not split:

County 74

Number of subdivisions split into more than one district:

County 8

Number of subdivision splits which affect *no* population:

County 0

Split Counts

County

Cases where a County is split among 2 Districts: 8

Number of times a County has been split into more than one district: 8

Total of County splits: 16

County	District	Population
<i>Split Counties :</i>		
Hinds	2	218,968
Hinds	3	31,832
Jasper	3	7,212
Jasper	4	10,937
Jones	3	2,235
Jones	4	62,723
Leake	2	11,361
Leake	3	9,579
Madison	2	27,631
Madison	3	47,043
Marion	3	9,742
Marion	4	15,853
Webster	1	9,544
Webster	3	750
Winston	1	134
Winston	3	20,026

Plan: Congressional Redistricting Plan
 Plan Type:
 Administrator:
 User:

Plan Components Report

Monday, February 4, 2002

8:02 AM

District 1	Population	[18+ Pop]	[18+ Blk]
Alcorn County	34,558	26,310	2,645
Benton County	8,026	5,867	1,942
Calhoun County	15,069	11,270	2,892
Chickasaw County	19,440	13,874	5,196
Choctaw County	9,758	7,044	1,934
Clay County	21,979	15,643	8,129
DeSoto County	107,199	77,005	8,063
Grenada County	23,263	16,945	6,385
Itawamba County	22,770	17,257	1,065
Lafayette County	38,744	31,170	6,908
Lee County	75,755	54,793	11,904
Lowndes County	61,586	43,963	16,500
Marshall County	34,993	25,695	12,185
Monroe County	38,014	27,673	7,757
Panola County	34,274	24,193	10,518
Pontotoc County	26,726	19,351	2,527
Prentiss County	25,556	19,170	2,330
Tate County	25,370	18,502	5,385
Tippah County	20,826	15,620	2,297
Tishomingo County	19,163	14,724	465
Union County	25,362	18,783	2,554
Webster County			
VTD: Bellefontaine	550	413	44
VTD: Big Black	420	301	5
VTD: Bluff Springs	287	210	96
VTD: Cadaretta	227	191	22
VTD: Clarkson	673	492	38
VTD: Cumberland	505	359	65
VTD: Eupora 1	1,440	1,011	517
VTD: Eupora 2	701	537	73
VTD: Eupora 3	881	672	115
VTD: Fame	489	372	8
VTD: Fay	219	166	12

Plan: Congressional Redistricting Plan
 Type:

Administrator:
 User:

	Population	[18+ Pop]	[18+ Blk]
District 1 (continued)			
Webster County (continued)			
VID: Grady	409	310	40
VID: Mantee	572	454	39
VID: Mathiston	897	656	79
VID: North Walthall	263	190	7
VID: South Walthall	302	228	44
VID: Tomnolen	709	517	63
Webster County Subtotal	9,544	7,079	1,267
Winston County			
VID: Gum Branch	134	103	12
Winston County Subtotal	134	103	12
Yalobusha County	13,051	9,711	3,347
District 1 Subtotal	711,160	521,745	124,207
District 2			
Attala County	19,661	14,562	5,321
Bolivar County	40,633	28,587	17,107
Carroll County	10,769	8,134	2,788
Claiborne County	11,831	8,724	7,145
Coahoma County	30,622	20,514	13,183
Copiah County	28,757	21,014	9,939
Hinds County			
VID: 1	297	251	143
VID: 10	731	546	526
VID: 11	984	745	698
VID: 12	1,062	764	758
VID: 13	1,309	955	942
VID: 15	488	410	67
VID: 16	2,132	1,530	1,115
VID: 18	1,227	899	858
VID: 19	1,148	854	845
VID: 2	940	710	695
VID: 20	1,880	1,237	1,213
VID: 21	1,022	637	573
VID: 22	2,605	1,817	1,770
VID: 23	2,484	1,680	1,672
VID: 24	2,382	1,345	1,195
VID: 25	2,463	1,511	1,394
VID: 26	1,328	844	709
VID: 27	1,931	1,512	1,492
VID: 28	2,053	1,630	1,612
VID: 29	1,037	804	799
VID: 30	1,426	995	984
VID: 31	1,939	1,452	1,438
VID: 38	1,442	1,007	562
VID: 39	1,695	1,154	1,061
VID: 4	1,121	743	732

Plan: Congressional Redistricting Plan
Type:

Administrator:
User:
Population

[18+ Pop]

[18+ Blk]

District 2 (continued)

Hinds County (continued)

VTD: 40	2,391	1,752	1,683
VTD: 41	2,818	2,004	1,965
VTD: 42	3,156	2,319	1,791
VTD: 43	4,359	2,968	2,350
VTD: 47	3,107	2,444	2,015
VTD: 5	1,995	1,702	725
VTD: 50	968	706	648
VTD: 51	1,013	677	662
VTD: 52	2,319	1,598	1,536
VTD: 53	585	391	374
VTD: 54	1,149	887	742
VTD: 55	1,848	1,226	1,127
VTD: 56	1,027	610	586
VTD: 57	1,436	940	910
VTD: 58	2,025	1,477	1,428
VTD: 59	3,079	1,797	1,730
VTD: 6	2,314	1,751	936
VTD: 60	987	597	545
VTD: 61	2,406	1,524	1,429
VTD: 62	2,545	1,631	1,430
VTD: 63	1,062	772	763
VTD: 64	1,101	821	800
VTD: 66	231	160	158
VTD: 67	2,186	1,408	1,191
VTD: 68	4,122	2,842	1,767
VTD: 69	2,083	1,340	841
VTD: 70	1,230	774	388
VTD: 71	2,069	1,391	698
VTD: 72	2,477	1,506	865
VTD: 73	1,887	1,367	570
VTD: 74	1,597	1,099	406
VTD: 75	1,430	943	423
VTD: 76	2,526	1,891	474
VTD: 77	2,601	1,798	596
VTD: 80	3,625	2,332	2,135
VTD: 81	2,131	1,614	1,477
VTD: 82	2,252	1,564	1,495
VTD: 83	4,481	3,123	2,854
VTD: 84	420	326	295
VTD: 85	3,943	2,759	2,733
VTD: 86	2,615	1,506	1,407
VTD: 87	2,095	1,381	957
VTD: 88	2,927	2,091	1,614
VTD: 89	2,114	1,433	902
VTD: 90	1,666	1,213	494
VTD: 91	3,212	2,090	1,643
VTD: 92	3,598	2,481	1,106
VTD: 93	1,845	1,293	773
VTD: 94	3,657	2,442	1,830

Plan: Congressional Redistricting Plan
 Type:

Administrator:
 User:
 Population

[18+ Pop]

[18+ Blk]

District 2 (continued)

Hinds County (continued)

VTD: 95	910	657	179
VTD: 96	2,828	2,143	713
VTD: 97	659	486	109
VTD: Bolton	1,894	1,406	938
VTD: Brownsville	754	556	315
VTD: Byram 1	4,541	3,264	471
VTD: Byram 2	2,063	1,567	168
VTD: Cayuga	491	375	218
VTD: Chapel Hill	1,378	980	454
VTD: Clinton 1	4,406	3,713	543
VTD: Clinton 2	5,301	3,717	558
VTD: Clinton 3	4,439	3,352	740
VTD: Clinton 4	2,201	1,602	192
VTD: Clinton 5	1,590	1,231	57
VTD: Clinton 6	3,697	2,710	714
VTD: Cynthia	1,005	714	516
VTD: Dry Grove	1,076	798	221
VTD: Edwards	3,715	2,552	1,893
VTD: Jackson State	1,658	1,596	1,579
VTD: Learned	924	661	308
VTD: Old Byram	2,930	2,183	201
VTD: Pinehaven	2,749	1,932	823
VTD: Pocahontas	620	483	310
VTD: Raymond 1	3,346	2,237	911
VTD: Raymond 2	4,264	3,595	1,316
VTD: Spring Ridge	4,297	3,046	1,070
VTD: St. Thomas	560	390	374
VTD: Terry	5,242	3,958	1,442
VTD: Tinnin	901	611	143
VTD: Utica 1	1,297	953	388
VTD: Utica 2	1,396	965	732
Hinds County Subtotal	218,968	155,226	98,716
Holmes County	21,609	14,670	10,899
Humphreys County	11,206	7,541	5,052
Issaquena County	2,274	1,645	962
Jefferson County	9,740	6,937	5,851
Leake County			
VTD: Conway	961	684	434
VTD: East Carthage	1,645	1,270	178
VTD: North Carthage	2,035	1,396	324
VTD: Ofahoma	660	463	372
VTD: Singleton	1,495	1,104	243
VTD: South Carthage	1,380	1,174	590
VTD: Thomastown	860	642	323
VTD: West Carthage	1,506	974	664
VTD: Wiggins	819	586	408
Leake County Subtotal	11,361	8,293	3,536

Plan: Congressional Redistricting Plan
 Type:

Administrator:
 User:
 Population

[18+_Pop]

[18+_Blk]

District 2 (continued)			
	Population	[18+_Pop]	[18+_Blk]
Leflore County	37,947	26,667	16,855
Madison County			
VTD: Bible Church	964	509	493
VTD: Camden	1,714	1,119	920
VTD: Cameron	120	96	47
VTD: Canton Pct. 7	707	519	459
VTD: Canton Precinct 1	2,644	1,824	1,187
VTD: Canton Precinct 2	2,511	1,886	795
VTD: Canton Precinct 3	603	413	260
VTD: Canton Precinct 4	3,332	2,263	1,820
VTD: Canton Precinct 5	1,732	1,082	1,070
VTD: Couparle	49	41	33
VTD: Gluckstadt	3,432	2,519	336
VTD: Liberty	2,118	1,426	1,262
VTD: Luther Branson School	1,207	800	655
VTD: Mad. Co. Bap. Fam. Lf.Ct.	2,013	1,188	1,185
VTD: Magnolia Heights	1,916	1,308	1,006
VTD: New Industrial Park	577	378	315
VTD: Sharon	855	553	455
VTD: Tougaloo	605	584	581
VTD: Virilia	532	369	173
Madison County Subtotal	27,631	18,877	13,052
Montgomery County	12,189	8,925	3,611
Quitman County	10,117	6,880	4,375
Sharkey County	6,580	4,409	2,833
Sunflower County	34,369	24,775	16,387
Tallahatchie County	14,903	10,427	5,666
Tunica County	9,227	6,324	4,062
Warren County	49,644	35,476	14,147
Washington County	62,977	43,144	25,780
Yazoo County	28,149	20,136	9,854
District 2 Subtotal	711,164	501,887	297,121
District 3			
Adams County	34,340	25,149	12,301
Amite County	13,599	10,068	3,967
Covington County	19,407	13,813	4,347
Franklin County	8,448	6,142	1,979
Hinds County			
VTD: 14	1,672	1,476	201
VTD: 17	853	694	40
VTD: 32	1,362	1,038	61
VTD: 33	1,252	934	16
VTD: 34	2,184	1,700	10
VTD: 35	2,401	1,773	160

Plan: Congressional Redistricting Plan
 Type:

Administrator:
 User:
 Population

[18+ Pop]

[18+ Blk]

Districts (continued)			
	Population	[18+ Pop]	[18+ Blk]
Hinds County (continued)			
VID: 36	1,739	1,383	436
VID: 37	1,636	1,306	420
VID: 44	3,002	2,290	463
VID: 45	2,789	2,281	76
VID: 46	2,367	1,875	262
VID: 78	4,337	3,674	433
VID: 79	2,990	2,289	867
VID: 8	1,412	1,211	143
VID: 9	1,836	1,585	74
Hinds County Subtotal	31,832	25,509	3,662
Jasper County			
VID: Bay Springs Beat 3	1,721	1,287	524
VID: Bay Springs Beat 4	2,170	1,513	865
VID: Garlandville	105	81	43
VID: Holders Church	1,366	1,003	546
VID: Louin	1,234	862	424
VID: Montrose	616	451	235
Jasper County Subtotal	7,212	5,197	2,637
Jefferson Davis County	13,962	9,998	5,269
Jones County			
VID: Bruce	530	428	14
VID: Centerville	504	375	2
VID: Hebron	1,201	838	541
Jones County Subtotal	2,235	1,641	557
Kemper County	10,453	7,795	4,231
Lauderdale County	78,161	57,370	19,661
Lawrence County	13,258	9,635	2,859
Leake County			
VID: Ebenezer	956	687	374
VID: Edinburg	946	714	4
VID: Freeny	1,368	958	86
VID: Good Hope	1,044	776	197
VID: Lena	861	625	325
VID: Madden	996	741	87
VID: Renfroe	608	465	60
VID: Salem	758	569	65
VID: Sunrise	669	507	22
VID: Walnut Grove	1,373	973	540
Leake County Subtotal	9,579	7,015	1,760
Lincoln County	33,166	24,324	6,716
Madison County			
VID: Bear Creek	2,461	1,749	500
VID: Flora	1,756	1,301	349
VID: Highland Colony Bap. Ch.	2,137	1,440	294
VID: Lorman-Cavalier	1,531	1,148	409

Plan: Congressional Redistricting Plan
 Type:

Administrator:
 User:
 Population

[18+ Pop]

[18+ Blk]

District 3 (continued)

	Population	[18+ Pop]	[18+ Blk]
Madison County (continued)			
VTD: Madison 1	1,651	1,149	19
VTD: Madison 2	3,585	2,582	63
VTD: Madison 3	3,853	2,658	173
VTD: Madisonville	427	323	81
VTD: Main Harbor	1,953	1,574	51
VTD: Ratliff Ferry	1,075	795	410
VTD: Ridgeland 1	3,565	2,836	503
VTD: Ridgeland 3	3,990	3,138	1,027
VTD: Ridgeland 4	2,571	2,221	468
VTD: Ridgeland First Meth. Ch.	2,941	1,964	529
VTD: Ridgeland Tennis Center	5,472	4,050	307
VTD: Smith School	499	380	39
VTD: Trace Harbor	1,820	1,277	34
VTD: Victory Baptist Church	3,788	2,449	69
VTD: Whispering Lake	1,968	1,383	128
Madison County Subtotal	47,043	34,417	5,453
Marion County			
VTD: Broom	831	590	202
VTD: Carley	1,389	1,016	128
VTD: Cedar Grove	820	573	167
VTD: Darbun	447	347	47
VTD: Foxworth	1,691	1,187	347
VTD: Goss	837	614	101
VTD: Kokomo	985	718	191
VTD: Morgantown	777	581	8
VTD: Pittman	919	669	7
VTD: Stovall	907	607	253
VTD: White Bluff	139	96	2
Marion County Subtotal	9,742	6,998	1,453
Neshoba County	28,684	20,583	3,609
Newton County	21,838	16,126	4,495
Noxubee County	12,548	8,697	5,751
Oktibbeha County	42,902	33,877	11,179
Pike County	38,940	28,154	12,331
Rankin County	115,327	85,452	13,901
Scott County	28,423	20,293	7,220
Simpson County	27,639	19,920	6,110
Smith County	16,182	11,731	2,354
Walthall County	15,156	10,853	4,242
Webster County			
VTD: Maben	750	528	138
Webster County Subtotal	750	528	138
Wilkinson County	10,312	7,648	4,992

Plan: Congressional Redistricting Plan
 Type:

Administrator:
 User:
 Population

[18+ Pop]

[18+ Blk]

District 3 (continued)

Winston County			
VTD: American Legion	1,989	1,338	1,061
VTD: Bethany	242	186	21
VTD: Betheden-Loakfoma	363	278	87
VTD: Bond	915	673	164
VTD: Calvary	339	258	80
VTD: County Agent	1,792	1,188	941
VTD: Crystal Ridge	385	287	65
VTD: Dean Park	404	269	239
VTD: E.M.E.P.A.	1,357	1,007	266
VTD: Elementary School	834	610	285
VTD: Ellison Ridge	436	343	73
VTD: Fairground	2,044	1,583	579
VTD: Ford School	429	334	46
VTD: Hinze	69	52	1
VTD: Liberty	594	413	238
VTD: Lobutchia	292	206	96
VTD: Louisville Electric	224	158	40
VTD: Louisville High School	429	305	68
VTD: Lovorn Tractor	297	244	16
VTD: Mars Hill	343	262	43
VTD: Nanih Waiya	1,378	1,005	169
VTD: Nanih Waiya-Handle	573	410	86
VTD: New Hope	271	222	13
VTD: Noxapater	1,618	1,200	344
VTD: Old National Guard Armory	904	750	59
VTD: Sinai	369	276	147
VTD: Vowell	263	201	99
VTD: Zion Ridge	873	602	494
Winston County Subtotal	20,026	14,660	5,820
District 3 Subtotal	711,164	523,593	158,994

District 4

Clarke County	17,955	13,147	4,185
Forrest County	72,604	54,801	16,378
George County	19,144	13,560	1,076
Greene County	13,299	10,088	2,768
Hancock County	42,967	32,163	1,975
Harrison County	189,601	140,213	26,665
Jackson County	131,420	95,072	17,952
Jasper County			
VTD: Antioch	614	456	48
VTD: Claiborne	617	449	213
VTD: Cooks Mill	770	527	468
VTD: Fellowship	234	181	54
VTD: Heidelberg	2,265	1,573	1,158
VTD: Midway	525	375	213
VTD: Mossville	1,452	1,058	235

Plan: Congressional Redistricting Plan
Type:

Administrator:
User:
Population

[18+ Pop]

[18+ Blk]

Districts (continued)

Jasper County (continued)

VTD: Palestine	189	141	91
VTD: Philadelphia	578	425	297
VTD: Ras	147	113	61
VTD: Rose Hill	941	708	275
VTD: Stringer	1,660	1,266	74
VTD: Vossburg	945	608	543
Jasper County Subtotal	10,937	7,880	3,730

Jones County

VTD: Anthonys Florist	927	582	414
VTD: Antioch (280673 10)	596	472	0
VTD: Blackwell	135	93	3
VTD: Calhoun	3,275	2,525	43
VTD: Cameron Center	709	515	131
VTD: Cooks Ave. Comm. Ctr.	878	626	608
VTD: County Barn	1,861	1,498	317
VTD: Currie	270	185	169
VTD: Ellisville Court House	1,507	1,216	254
VTD: Erata	642	485	233
VTD: Gitano	447	335	84
VTD: Glade School	1,932	1,480	24
VTD: Johnson	1,001	706	4
VTD: Lamar School	1,768	1,292	356
VTD: Landrum Comm. Ctr.	740	570	1
VTD: Laurel Courthouse	1,771	1,291	352
VTD: Maple Street YWCA	472	329	302
VTD: Mason School	2,078	1,668	39
VTD: Matthews	867	627	61
VTD: Moselle	1,820	1,351	185
VTD: Myrick	1,832	1,359	8
VTD: National Guard Armory	2,353	1,606	1,151
VTD: Nora Davis School	1,790	1,293	1,145
VTD: Oak Park School	1,805	1,109	1,078
VTD: Old Health Dept.	499	307	268
VTD: Overt	1,301	954	12
VTD: Pendorf	646	493	14
VTD: Pinegrove	1,510	1,168	84
VTD: Pleasant Ridge	892	694	5
VTD: Powers Comm. Ctr.	1,595	1,158	233
VTD: Rainey	1,567	1,174	1
VTD: Roosevelt	601	427	323
VTD: Rustin	1,144	853	0
VTD: Sandersville Civic Center	1,390	1,044	92
VTD: Sandhill	924	716	1
VTD: Shady Grove	4,332	3,150	572
VTD: Sharon	3,508	2,604	375
VTD: Shelton	1,130	854	180
VTD: Soso	1,600	1,175	502
VTD: South Jones	1,357	1,047	191
VTD: Stainton	1,882	1,445	458

Plan: Congressional Redistricting Plan
 Type:

Administrator:
 User:
 Population

[18+ Pop]

[18+ Blk]

District 4 (continued)			
	Population	[18+ Pop]	[18+ Blk]
Jones County (continued)			
VID: Tuckers	1,683	1,262	33
VID: Twenty-Sixth St. Fire Stn	803	655	76
VID: Union	1,216	902	28
VID: West Jones	1,667	1,262	240
Jones County Subtotal	62,723	46,557	10,650
Lamar County	39,070	28,134	3,241
Marion County			
VID: Balls Mill	1,071	806	169
VID: City Hall Beat 3	828	598	205
VID: Courthouse Beat 4	1,324	1,018	123
VID: East Columbia	2,107	1,390	988
VID: Hub	919	662	324
VID: Jefferson Middle School	688	437	420
VID: Morris	1,545	1,129	308
VID: National Guard Beat 1	2,666	1,866	116
VID: Pinebur	956	691	166
VID: Popetown Beat 2	1,914	1,434	301
VID: Sandy Hook	535	408	108
VID: South Columbia	860	713	569
VID: Union (28091103)	440	329	12
Marion County Subtotal	15,853	11,481	3,809
Pearl River County	48,621	35,515	3,927
Perry County	12,138	8,655	1,692
Stone County	13,622	9,966	1,777
Wayne County	21,216	15,014	5,112
District 4 Subtotal	711,170	522,246	104,937
State totals	2,844,658	2,069,471	685,259

ANALYSIS OF FACTORS CONSIDERED

Population Equality

The United States Constitution requires a good-faith effort to ensure, as nearly as is practicable, that a State's congressional districts contain equal population. This court has made every effort to achieve absolute population equality without splitting voting precincts. The population deviation range is from +5 people in District 4 to -5 people in District 1. The effort to achieve population equality among the districts explains in significant part why some counties must be split.

Majority-Minority District

The Voting Rights Act requires that one congressional district be maintained in the State with an appropriate majority of black voting age residents. This district is represented on the map as District 2. Based on the figures from the 2000 Census, District 2 under the currently existing five-district plan has a black voting age population of 61%. Any significant variation in that percentage -- up or down -- constitutes retrogression of the voting rights of black residents of District 2 under § 5 of the Voting Rights Act. Under this court's redistricting plan, the black voting age population in District 2 is 59.20%. The effort to maintain the appropriate majority of black voting age citizens in District 2 further explains why some counties must be split.

Compactness

The court has attempted to achieve, as nearly as possible, four compact districts. The ability to create compact districts is limited by the distribution of population. Sparsely populated districts necessarily will be less compact than heavily populated districts as a result of the population equality principle. Furthermore, a more compact plan cannot be drawn for two reasons: First, it would not be possible to prevent retrogression in District 2; and, secondly, it would be a barrier to including as much as possible of the currently existing districts 3 and 4 in the new District 3.

County and Municipal Boundaries

The plan splits eight counties: Hinds, Jasper, Jones, Leake, Madison, Marion, Webster, and Winston. We note that eleven counties are split under the currently existing five-district congressional plan adopted by the Mississippi Legislature in 1992. We attach a copy of that currently existing plan for reference.

In this court's plan today, Jasper and Marion Counties are split as part of the effort to maintain as much of currently existing district 4 in new District 3 as is feasible, subject to the constraints of population equality. Furthermore, Jasper County is split in a particular way to avoid splitting the town of Bay Springs. Hinds, Leake, and Madison Counties are split as part of the effort to prevent retrogression in District 2, as well as to help achieve population

equality. Jones County is split so as not to remove the incumbent from his district and also to help achieve population equality. Webster County is split to avoid dividing the town of Maben, which lies partially in Oktibbeha County and partially in Webster County, among two districts. Winston County is split to help achieve population equality. The only municipality that is split is the City of Jackson. Mayor Johnson testified in Chancery Court that he preferred that the City be represented by two congressmen. In sum, the county splits are necessitated by: the population equality requirement; preservation of the majority-minority district at an appropriate percentage; preservation of the cores of currently existing districts 3 and 4; and avoiding having incumbents districted out of their residences.

Historical and Regional Interests

The plan preserves as much as possible, given the constraints of population equality and § 5 of the Voting Rights Act, the cores of the Mississippi River/Delta region, East Central Mississippi, Southwest Mississippi, North Mississippi, and the Gulf Coast region.

Universities and Military Bases

The plan is drawn to assure that the 4 major research universities are also in separate districts. The military bases located in Lowndes, Lauderdale, and Harrison Counties are also in separate districts under this court's plan.

Growth Areas

The plan is drawn to provide that each district has at least one major growth area. District 1 contains DeSoto and Lee Counties, as under the currently existing five-district plan. District 2 contains the Nissan Plant/Gluckstadt area of Madison County, as it does under the currently existing five-district plan, and the Byram and Clinton areas of Hinds County, which are in district 4 under the currently existing five-district plan. District 3 contains southern Madison County and Rankin County. District 4 contains the Gulf Coast area.

Combination of Currently Existing Districts 3 and 4

In drawing District 3, consideration was given to including as much of the currently existing districts 3 and 4 in the new combined District 3 as possible. The new District 3 contains all or part of 14 counties from each of the currently existing districts 3 and 4, respectively.

The new District 3 includes the portion of Jones County which contains the incumbent's residence. It includes all or part of 14 of the 19 counties that comprise currently existing district 3: Jasper, Jones, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith, and Winston; however, it is necessary to eliminate: the portions of Attala County and Wayne County that are in currently existing district 3 for concerns of retrogression and population equality, respectively; and all of Clarke, Clay, and Lowndes Counties, primarily because of population equality.

The new District 3 includes all of Jefferson Davis County, which contains the residence of the incumbent for currently existing district 4. It includes all or part of 14 of the 15 counties that comprise currently existing district 4: Adams, Amite, Covington, Franklin, Hinds, Jefferson Davis, Jones, Lawrence, Lincoln, Marion, Pike, Simpson, Walthall, and Wilkinson; however, it is necessary to eliminate Copiah County for reasons of population equality with District 2 and to prevent retrogression of voting rights of black residents of District 2.

Protection of Incumbent Residences

No incumbent would be required to move in order to run in the district in which he resides.

Distance of Travel Within District

As is expected to occur when the number of districts is reduced from five to four, the distances of travel within the districts are increased. The distance of travel within District 1 is approximately the same size as under the plan submitted by the plaintiffs, and is substantially less than it is under the plan submitted by the intervenors. The new District 2 is slightly larger than currently existing district 2, but this is unavoidable in the light of the population deficit in currently existing district 2, which grew more slowly than any other district in the State. The distance of travel within new District 3 is dictated by the effort to combine currently existing districts 3 and 4, as well as by the effort

to keep the four major research universities in separate districts. The distance of travel in new District 4 is slightly greater than it is in currently existing district 5. This is necessitated by the effort to include in District 3 as much of currently existing district 4 as is feasible. The distance of travel within new District 4 is substantially less than that within district 4 in the plan submitted by the plaintiffs.

SUMMARY

In sum, the court has attempted to apply all appropriate neutral factors that are recognized by the United States Supreme Court and federal redistricting courts. As noted, these factors include, first, the constitutional demand for population equality among the districts, and secondly, the Voting Rights Act requirement that one equally populated district be drawn to include a majority of black residents of voting age. While respecting county, city and precinct lines and compactness of each district, the court sought to give appropriate value to the following factors: that District 3 should include as much as possible of the currently existing districts 3 and 4; that growth areas, research universities and military bases should be placed in separate districts if otherwise practicable; that historical and regional interests should be respected; that no incumbent should be required to move; and that travel distances within the districts be as minimal as possible, consistent with the other requirements. When all feasible adjustments were made for these

factors, further adjustments were necessary to satisfy one person-one vote requirements, and retrogression concerns.

Congressional Redistricting Plan
Smith v. Clark
United States District Court
Southern District of Mississippi
February 4, 2002

