



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

George C. Cochran, Esq.  
Counsel, Grenada County  
2216 Lee Loop  
Oxford, Mississippi 38655

JUN 2 1987

Dear Mr. Cochran:

This refers to the redistricting of the board of supervisors districts in Grenada 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 the information to complete your submission on April 3, 1987.

We have considered carefully the information you have provided, as well as comments and information from other interested parties. At the outset, we note that the instant redistricting seems to be prompted, at least in part, by pending litigation, in Cobbs v. Grenada County Board of Supervisors, No. WC 84-136-LS-D (N.D. Miss.), challenging the present districting plan under the 14th Amendment, the 15th Amendment, and Section 2 of the Voting Rights Act.

According to the information available to us, blacks constitute a majority status which enables them to elect a candidate of their choice in one of the five districts in the existing districting plan. While you have sought to show that the proposed plan provides blacks with a realistic opportunity to elect candidates of their choice in two of the five districts, the affected black constituency firmly disagrees with that assessment of the plan, and our analysis shows that there may be merit to their position. Our information is that the minorities in Grenada were not afforded any meaningful input into this plan, and indications are that the plan was drawn in a manner calculated to minimize black voting strength as evidenced by the seemingly unnecessary movement of blacks in the city which results in the fragmentation of black neighborhoods for no apparent nonracial reason. We have sought, to no avail, a satisfactory response from the county to these concerns.

Under Section 5 of the Voting Rights Act the county has the burden of showing that the submitted change is free of discriminatory purpose and effect. See Georgia v. United States, 411 U.S. 526 (1973); Busbee v. Smith, 549 F. Supp. 454 (D. D.C. 1982), aff'd 459 F. Supp. (1983). See also Section 51.52(a) of the Procedures for the Administration of Section 5 (52 Fed. Reg. 497-498 (1987)). In view of the circumstances noted above, I cannot conclude that the burden has been met in this instance. Accordingly, I must, on behalf of the Attorney General, object to the proposed redistricting which you have submitted.

Of course, Section 5 of the Voting Rights Act allows you 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 and we note that such a suit already has been filed by the county. However, until such a judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the redistricting legally unenforceable. Section 51.10 (52 Fed. Reg. 492 (1987)).

Sincerely,

A handwritten signature in black ink, appearing to read "Wm. Bradford Reynolds", written over a horizontal line.

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division