



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

SEP 3 1991

John W. Dulaney, Jr., Esq.
Dulaney & Dulaney
P.O. Box 188
Tunica, Mississippi 38676

Dear Mr. Dulaney:

This refers to the 1991 redistricting plan for the board of supervisor districts, the realignment of voting precincts, and one polling place change for Tunica 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 initial submission on May 14, 1991; supplemental information was received on June 26 and July 5, 1991.

We have considered carefully the information you have provided, as well as 1990 Census data and comments provided by other interested parties. At the outset we note that the county's total population is 75 percent black, but that black voters have been successful in electing candidates of their choice to only two of the five seats on the board of supervisors. Our election analysis indicates that bloc voting along racial lines exists to a significant degree.

In addition to the polarized voting patterns that seem to exist, we note also the continuing disparities between black and white voter registration and turnout levels in Tunica County. These disparities, in turn, appear to be the result of the lingering effects of historical barriers to black electoral participation, which seemingly are exacerbated by the county's adherence to a structure of precincts and polling places that accrue to the benefit of white voters. For example, five of the county's ten polling places are located in the City of Tunica, which has a high proportion of white population, but only five

additional polling places serve the entire remainder of the county, which is predominantly black. In District 3, although a high proportion of the voters in the district are resident in a predominantly black community known as White Oak, the polling place for that precinct (Evansville precinct) is located outside the black community at a substantial distance. We understand that when the existing building at that location recently was lost by fire, the county chose to construct a new facility on the existing site rather than to relocate the polling place to an available building in the White Oak community.

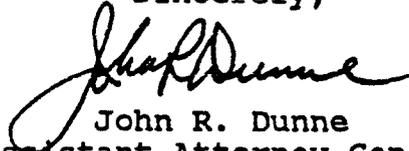
Under our Section 5 guidelines, one factor relevant to our review of a redistricting effort is "[t]he extent to which available alternative plans satisfying the jurisdiction's legitimate interests were considered." 28 C.F.R. 51.59(e). In adopting the proposed scheme, the board here rejected at least one alternative that appears to have fairly and logically respected both black and white population concentrations without entirely reworking the existing plan. The main difference seems to have been that the alternative would have afforded black voters an opportunity to elect their candidate of choice as supervisor in at least three districts rather than the two provided for under the proposed plan.

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). Our review of the considerations discussed above, along with the other information coming to our attention, has raised concerns which we have not to this point been able fully to resolve. Because this marks the end of the 60-day period, and since I cannot conclude, as I must under the Voting Rights Act, that the county's burden has been sustained in this instance, on behalf of the Attorney General, I must object to the 1991 redistricting plan for board of supervisor districts. However, if you request reconsideration as provided for under our guidelines, 28 C.F.R. 51.45, we will continue our review of the matter and will advise you promptly of our determination. In the meantime, you should be aware that until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the 1991 redistricting plan for the board of supervisor districts 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.

The realignment of voting precincts and the polling place change are directly related to the proposed 1991 redistricting plan for board of supervisors. Therefore, the Attorney General will make no determination at this time with regard to those changes. See 28 C.F.R. 51.22(b) and 51.35.

If you have any questions, you should call Lora L. Tredway (202-307-2290), an attorney in the Voting Section.

Sincerely,



John R. Dunne
Assistant Attorney General
Civil Rights Division



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

John W. Dulaney, Jr., Esq.
Dulaney & Dulaney
P. O. Box 188
Tunica, Mississippi 38676

DEC 16 1991

Dear Mr. Dulaney:

This refers to the 1991 redistricting plan for board of supervisor districts, the realignment of voting precincts, and a polling place change for Tunica 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.

As we indicated in our September 3, 1991, letter interposing an objection to the proposed 1991 redistricting plan, we have continued to evaluate the materials previously submitted by the county, as well as other information, including that provided at your September 10, 1991, meeting with members of our staff and the results of the 1991 elections held pursuant to the subject plan. Our further analysis demonstrates that the county's burden under Section 5 has been appropriately met. Accordingly, pursuant to Section 51.48(b) of the Procedures for the Administration of Section 5 (28 C.F.R.), the objection interposed to the 1991 redistricting plan for the board of supervisor districts is hereby withdrawn. In addition, the Attorney General does not interpose any objection to the other specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

John R. Dunne
Assistant Attorney General
Civil Rights Division