

APR 4 1977

Mr. W. P. Mitchell
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Voge & Clayton
Attorneys at Law
115 North Broadway
Post Office Box 29
Tupelo, Mississippi 38801

Dear Mr. Mitchell:

This is in reference to the reregistration of voters for Lee County, Mississippi, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on February 3, 1977.

We have given careful consideration to this change and to the supporting materials you have provided as well as to comments from other interested parties and relevant demographic data. Our analysis has revealed the following facts and circumstances: Black residents of Lee County were not involved in the formulation of the plan for reregistration, there are no black deputy registrars in the county, nor are blacks in any other way intended to be involved in the conduct of the reregistration. No notice of the need for reregistration will be sent by mail to currently registered voters, and personal reregistration is required. Reregistration at the county courthouse will be available only during regular work hours and will be possible only on a small number of Saturdays. Plans for the availability of reregistration in the county's voting precincts appear to be uncertain but, in any event, limited. Finally, a substantial proportion of the residents of the county already have recently been required to reregister by the City of Tupelo, which we understand contains the greatest concentration of blacks in the county.

cc: Public File
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In this context, the Attorney General is unable to conclude, as he must under the Voting Rights Act, that this change will not have the effect of discriminating on the basis of race or color. Accordingly, I must, on behalf of the Attorney General, interpose an objection to the reregistration of voters in Lee County, Mississippi.

However, if you have information showing that our understanding of the proposed reregistration procedures is incorrect, or if the county changes its proposed reregistration to make the process more convenient and accessible to the minority community, you may ask the Attorney General to reconsider his objection. See our Section 5 guidelines, 28 C.F.R. Sections 51.21, 51.23, and 51.24. Such changes might include, for example, the establishment of evening hours and more frequent Saturday registration at the county courthouse; more frequent availability of registration in the various precincts, with Saturday and evening hours; notice by mail to all registered voters of the need to reregister, and the appointment of black deputy registrars.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the District Court for the District of Columbia that this reregistration does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color. However, until such time as the objection may be withdrawn or a judgment from the District of Columbia Court obtained, the conduct of a reregistration of voters by Lee County would violate Section 5.

Sincerely,

Draw S. Days III
Assistant Attorney General
Civil Rights Division