



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

Nat G. Troutt, Esq.
Troutt and Moore
210 South Ward Street
Senatobia, Mississippi 38668

NOV 26 1984

Dear Mr. Troutt:

This refers to the redistricting of supervisor districts and the realignment of voting precincts therefor in Tate 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 September 26, 1984.

We have considered carefully the materials you have submitted, together with Bureau of the Census data and information provided by other interested parties. At the outset, we note that the instant plan does reduce to some extent the fragmentation we noted in our August 16, 1983, objection to the county's earlier plan. However, our analysis of the instant submission indicates that district lines in the present proposal still have been drawn in a manner which seems needlessly to separate significant concentrations of the black community in the City of Senatobia. As before, the result is that in none of the proposed districts do blacks constitute a majority of the voting age population, even though they constitute over one-third of the county's voting age population. In this regard, we note that a simple and minor further adjustment to the boundary line between Districts 1 and 4 within the City of Senatobia would leave District 4 with about a 58-percent black population majority which, incidentally, we understand is approximately the percentage that the county initially represented to the black community would result from its redistricting process.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of establishing the absence of any racially discriminatory purpose or 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. 51.39(e)). In Connor v. Finch, 431 U.S. 407, 425 (1977), the Supreme Court noted that "unexplained departures from the results that might have been expected to flow from the [county's] own neutral guidelines can lead * * * to a charge that the departures are explicable only in terms of a purpose to minimize the voting strength of a minority group." See also Busbee v. Smith, 549 F. Supp. 494, 517 (D. D.C. 1982). While, as with your previous submission, our analysis here has revealed no retrogressive effect in the proposed plan, application of the above legal standard demonstrates that the county has not satisfied its burden of showing the absence of a discriminatory purpose. Accordingly, on behalf of the Attorney General, I must interpose an objection to the proposed supervisor redistricting plan.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right 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. In addition, Section 51.44 of the guidelines permits you to 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 effect of the objection by the Attorney General is to make the redistricting plan legally unenforceable. 28 C.F.R. 51.9.

Because the realignment of voting precincts included in your submission is directly related to the supervisor redistricting plan, and in light of the objection to the plan, the Attorney General will make no determination with respect to the precinct changes. 28 C.F.R. 51.33

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action Tate County plans to take with respect to this matter. If you have any questions, feel free to call Poli A. Marmolejos (202-724-8388), Attorney Supervisor in the Section 5 Unit of the Voting Section.

Sincerely,



~~Wm. Bradford Reynolds~~
Assistant Attorney General
Civil Rights Division