



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 11 1991

John T. Lamar, Jr., Esq.
Attorney, Board of Supervisors
216 South Ward Street
Senatobia, Mississippi 38668

Dear Mr. Lamar:

This refers to the second redistricting of supervisor districts 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 your submission on August 12, 1991; supplemental information was received on September 5, 1991.

We have considered carefully the information you have provided, as well as comments provided by other interested parties. At the outset, we note that on July 2, 1991, the Attorney General interposed an objection under Section 5 with respect to the first supervisor redistricting plan adopted by the county following the 1990 Census. As set forth in our letter, preclearance was withheld because the plan would "preclude black voters from having a meaningful opportunity to participate in the political process and elect candidates of their choice, by fragmenting black population concentrations in and around the cities of Senatobia and Coldwater, as well as in rural areas." We also noted that the county had potentially minimized black voting strength by including in one of the districts affected by this fragmentation (District 4) "an area west of Senatobia near the District 4 boundary where a subdivision has been approved for construction, which is expected to be occupied by white residents." Following the objection, members of our staff met with representatives of the county to further discuss the concerns underlying the objection.

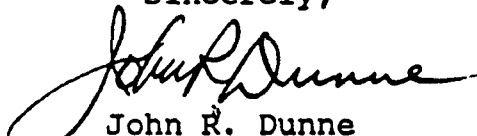
The redistricting plan which is now before us for review only partially addresses the fragmentation contained in the objected-to plan. It alters the boundary between Districts 2 and 3 to include most, but not all, of the black community in and around Coldwater in District 2. However, it appears that by following Interstate 55, that boundary continues to fragment a portion of the black community in this area into District 3. With respect to District 4 and the fragmentation in Senatobia and nearby rural areas, the plan replicates the lines included in the objected-to plan. The county has not sought to explain its decision not to address the concerns expressed in the July 2, 1991, objection letter, and neither has it offered any information indicating that those concerns were ill-founded.

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). In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that your burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the county's second post-1990 supervisor redistricting plan.

As previously noted, under Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed 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, you may 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 supervisor redistricting plan 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.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action Tate County plans to take concerning this matter. If you have any questions, you should call Mark A. Posner (202-307-1388), an attorney in the Voting Section.

Sincerely,


John R. Dunne
Assistant Attorney General
Civil Rights Division