



Office of the Assistant Attorney General

Washington, D.C. 20035

OCT 15 2001

The Honorable Geoffrey Connor
Acting Secretary of State
P.O. Box 12060
Austin, Texas 78711-2060

Dear Secretary Connor:

This refers to the 2001 Senate redistricting plan for the State of Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on August 17, 2001; supplemental information was received on September 7, 17, 18, 19, and October 3, 2001.

The Attorney General does not interpose any objection to the specified change. 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 change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Under the Voting Rights Act, a court may not address the validity of a covered voting change, such as a redistricting plan, until it has received the requisite preclearance under Section 5. Connor v. Waller, 421 U.S. 656 (1975). Because it is our understanding that this plan is being challenged under various state and federal statutes in pending litigation in Balderas v. State of Texas, C.A. No. 6:01-CV-158 (E.D. Tex.) and in state court proceedings in Brown v. Perry, Cause No. GN100812 (353d Judicial Dist., Travis Cty., Tex.), we are providing a copy of this letter to the Courts and to counsel of record in these actions.

Sincerely,

Ralph F. Boyd, Jr.
Assistant Attorney General
Civil Rights Division