

D.J. 166-012-3

AUG 24 1971

Mr. E. S. Sell, Jr.
County Attorney
Bibb County
Macon, Georgia 31201

Dear Mr. Sell:

This is in reference to your letter to this Department received June 25, 1971, concerning the changes in the mode of selection and number of members on the Bibb County Board of Education and Orphanage.

At the outset, I wish to make it clear that the Attorney General in no way opposes a change by the Bibb County Board of Education from appointive to elective membership. However, our information indicates that Bibb County has a population which is approximately 34% black and that prior to the change, two of the school board members were black. Under the at-large feature of the change such representation may be a practical impossibility. We are, therefore, unable to conclude that the proposed change will not have a discriminatory effect. On behalf of the Attorney General, therefore, I must interpose an objection to the change submitted.

Of course, as provided by Section 5, you have the alternative of instituting an action in the United States District Court for the District of

Columbia seeking a judgment declaring that the present submission does not have the effect of denying or abridging the right to vote on account of race. Also, should you wish to submit an alternative plan or additional information concerning the proposed plan, the Attorney General will give the matter prompt and careful consideration. I am enclosing for your information proposed guidelines which generally describe the Department's enforcement procedures under Section 5 of the Voting Rights Act of 1965.

Sincerely,

DAVID L. NORMAN
Assistant Attorney General
Civil Rights Division