DJ 166-012-3

AUG 7 1972

Mr. B. Rabun Faulk
Twiggs County Attorney
Jeffersonville, Georgia 31044

Dear Mr. Faulk:

This is in reference to your submission to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965 of four polling place changes, received July 3, 1972, and 1971 Georgia Laws, No. 649, received July 5, 1972. Additional information pertinent to Act No. 649 was received July 19 and 21.

We have considered both submitted plans and supporting information as well as data compiled by the Bureau of the Census and information and comments from interested parties. On the basis of this information the Attorney General will not object to the polling place changes.

With respect to Act No. 649, however, on the basis of the information available to us we are unable to conclude, as we must under the Voting Rights Act, that this plan 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. I must, therefore, on behalf of the Attorney General interpose an objection to the implementation of this plan.

Our decision is based on the finding that Negro voter registration in the Jeffersonville-Bluff district and the Tarversville-Shady Grove district exceeds white voter registration, whereas registered Negro voters are in the minority county-wide. Thus the voting strength of the Negro community would be minimized and effectively cancelled out by submergence into one county-wide multi-member district under this plan. See Whitcomb v. Chavis, 403 U.S. 124 (1971); Allen v. Board of Elections, 393 U.S. 544 (1969); Burns v. Richardson, 384 U.S. 73 (1966); Fortson v. Dorsey, 379 U.S. 433 (1965); Kirksey v. Johnson (C.A. 5, No. 71-1491, April 27, 1972); Graves v. Barnes (W.D. Tex. No. A-71-CA-142, Jan. 27, 1972); application for stay denied, ____ U.S. ____ (No. A-795, Feb. 7, 1972); Sims v. Amos, (M.D. Ala., No. 1744-N, Jan. 3, 1972); Bussie v. Schaffner (E.D. La., No. 71-202, Aug. 24, 1971). The dilutive effect of the multi-member district device on black voting strength in Twiggs County is magnified by the election of commissioners from residency districts -- essentially a post system -- and the requirement of a majority of votes to elect in a primary and general election. The racially discriminatory effect of such devices in the context of multi-member districts has been recognized in Graves v. Barnes, supra, Slip Opinion at 38; Dunston v. Scott (E.D. N.C., No. 2666 - Civil, Jan. 10, 1972), Slip Opinion at 17, n. 9; and Sims v. Amos, supra.

We have reached our conclusion reluctantly because we understand fully the complexities involved in designing a reapportionment plan which meets the

needs of the county and its citizens and, at the same time, complies with the mandates of the Federal Constitution and laws. We are persuaded, however, that the Voting Rights Act requires this result.

Of course, Section 5 permits you to seek a declaratory judgment from the District Court for the District of Columbia that this plan neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race. Until such a judgment is rendered by that court, however, the legal effect of the objection of the Attorney General is to render unenforceable this reapportionment plan.

Sincerely,

DAVID L. NORMAN
Assistant Attorney General
Civil Rights Division