

SEP 15 1978

DJ 166-012-3  
A3849

Mr. Charles Stripling  
Superintendent  
Mitchell County Public Schools  
P. O. Box 273  
Camilla, Georgia 31701

Dear Mr. Stripling:

This is in reference to Act No. 832 (1970) enacted by the General Assembly of the State of Georgia regarding the method of selecting members of the Mitchell County Board of Education, submitted to the Attorney General pursuant to Section 3 of the Voting Rights Act of 1965, as amended. Your submission was completed on July 17, 1978 upon receipt of information provided by your attorney, Mr. William F. Tyson, Jr.

We have given careful consideration to the change involved and the supporting materials, as well as information and comments from other interested parties. With the exception noted below, the Attorney General does not interpose any objections to the change in the method of selecting members of the Mitchell County Board of Education from appointment by the Grand Jury to election by the qualified voters in Mitchell County. However, we feel a responsibility to point out that Section 3 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of the change.

While the Attorney General does not object to the change in the method of selecting members of the board, we cannot reach a like conclusion with respect to the system adopted for the

election of these board members. On the basis of our analysis, we are unable to conclude, as we must under the Voting Rights Act, that the imposition of at-large elections which incorporate the use of residency districts, the majority vote requirement and designated posts will not have a racially discriminatory effect. Under recent Supreme Court decisions, to which we feel obligated to give great weight, election systems containing such features have been found to have the potential for minimizing and cancelling out the voting strength of racial minorities. See White v. Regester, 412 U.S. 755 (1973); Simmons v. Moseley, 423 P. 2d 1237, (5th Cir. 1973), *aff'd sub nom. East Carroll Parish School Board v. Marshall*, 424 U.S. 636 (1976); Moynihan v. Sides, 371 F. 2d 269 (5th Cir. 1973).

Our analysis reveals that although blacks constitute forty nine percent of the population of Mitchell County only one black has ever been elected to the Mitchell County Board of Education. Our analysis further reveals that bloc voting along racial lines likely exists in Mitchell County. Under these circumstances and in view of the above cited court decisions, I must, on behalf of the Attorney General, interpose an objection to the election system as set forth in the provisions of Act No. 232.

Of course, Section 5 permits you to seek a declaratory judgment from the United States District Court for the District of Columbia that this change does not have the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. However, until such judgment is rendered by that Court, the legal effect of the objection by the Attorney General is to render this change legally unenforceable.

Sincerely,

James P. Turner  
Acting Assistant Attorney General  
Civil Rights Division