

JUN 8 1971

DI 166-012-3

Mr. Marvin Gates  
Gates & Amos  
Attorneys at Law  
Post Office Box 426  
226 Fifth Avenue  
Bay Springs, Mississippi 39422

Dear Mr. Gates:

This is in reference to your letter of April 6, 1971 enclosing a submission of the Jasper County reregistration of voters and changes in the location of polling places. This submission was made by you on behalf of the County Board of Supervisors pursuant to Section 5 of the Voting Rights Act of 1965 and was received at this Department on April 9, 1971.

The Attorney General will not interpose any objection at this time to that part of your submission concerning changes in the location of polling places. However, I am sure that you are aware that this failure to object does not bar any future legal action to enjoin enforcement of these changes.

After careful consideration of your reregistration of voters program, however, I must inform you that the Attorney General is unable at this time to conclude that the reregistration, as submitted, does not have the purpose and effect of denying or abridging the right of Negro citizens of Jasper County to vote on account of race or color. For this reason, on behalf of the Attorney General I must interpose an objection to the reregistration.

The information you have furnished indicates that voters of Jasper County were not provided adequate notice and opportunity to reregister. For example, the schedule of precinct visits published by the Circuit Clerk in the Jasper County News implies that persons must reregister at the times and places specified and fails to inform the voters of the available alternatives. In addition, it implies that each voter must bring with him a legal description of the property on which he lives in order to retain his status as a qualified elector.

Under the county's plan the only method for informing voters of the necessity and procedures for reregistration was by written notice published in the county newspaper. It is my understanding that no effort was made by the registration officials to reach voters who do not read the newspaper, including illiterate voters, by radio announcements, by a personal contact campaign or by direct mail. The manner in which the reregistration was conducted resulted in the reregistration of less than 75% of the voters and the failure of over 25% of the black voters to requalify.

Also, as you are aware, Jasper County is a political subdivision in which over 650 voters have been federally registered and that the removal of such voters from voting lists, even though pursuant to a reregistration, cannot be accomplished except as provided by pertinent federal regulations. Your 1970 reregistration purged all of these federally registered voters without conforming to the federal regulations, and your latest statistics indicate that 300 of these federally registered voters are still not reregistered.

As a consequence of the Attorney General's objection to the Jasper County reregistration, no otherwise qualified county elector can be lawfully denied the right to vote in any election conducted in the county on the basis of the fact that he has not

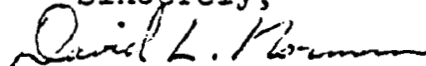
reregistered since January 5, 1970. Thus, the names of all such qualified persons should be included on the lists sent to the polling places for all elections until corrective action has been taken and the objection withdrawn. Steps should also be taken to insure that the voters whose status is reinstated are adequately informed of their right to vote in the upcoming elections.

We realize that the timing of this objection may prevent the county from taking any action to remedy the objectionable aspects of the 1970 reregistration prior to the 1971 primary and general elections. However, following these elections the county may wish to take such corrective action. In this regard, we suggest that the county initiate a new program adequately advising the electorate of Jasper County of the requirement to reregister subsequent to January 5, 1970, and of the procedures for doing so. This program should also provide increased opportunities to reregister, including longer precinct visits as has been done by other Mississippi counties during reregistration.

Please understand that this objection is based on information presently available to us, and the Attorney General's action does not bar you from bringing additional facts to his attention that would warrant reconsideration of the decision to object. Also, the Voting Rights Act of 1965 permits seeking approval of all changes affecting voting in the United States District Court for the District of Columbia irrespective of whether the change has previously been submitted to the Attorney General.

If you have any questions concerning the effect of the Attorney General's objection or if I can assist you and the board in meeting their obligation under the Voting Rights Act, please feel free to contact me or my staff.

Sincerely,



DAVID L. NORMAN  
Acting Assistant Attorney General  
Civil Rights Division