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D.J. 166-012-3
V8909

SEP 23 1975

Mr. David E. Henderson
Henderson, Baxter and Davidson
Attorneys at Law
P. O. Box 363
New Bern, North Carolina 28560

Dear Mr. Henderson:

This is in reference to Chapter 287, Session Laws of 1967 of North Carolina, and the 1973 redistricting act for the Craven County Board of Education (H.B. 463, S.B. 605) retified on May 26, 1973, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your completed submissions were received on July 23, 1975.

We have given careful consideration to the submission and the supporting materials. On the basis of our analysis, however, we have been unable to conclude that the method of election of members of the Board of Education provided by Chapter 287, Session Laws of 1967, will not have the effect of abridging voting rights on account of race.

In comparing the population data which you furnished with data published by the Bureau of the Census (as of 1970) we find substantial and apparently irreconcilable discrepancies. For this reason we have been unable to determine what precisely will be the racial impact of the proposed districts. Since under Section 5 of the Voting Rights Act the burden of proof is upon the submitting authority

our inability to complete our analysis of your submission at this time must result in an objection. (26 C.F.R. 31.19).

As provided by the Section 5 guidelines, 24 C.F.R. 31.23 and 31.24 (copy enclosed), we will examine any information not previously available to us in support of a request to reconsider the objection to your submission. We would be happy to meet with you if you so desire to discuss in detail the problems we have and to attempt to resolve the conflicting data discussed above.

If you have any questions about the foregoing or if we may assist you in any way please do not hesitate to call John F. MacCorm, the staff attorney assigned to this matter, at 202-739-1552. We look forward to resolving these matters through our mutual cooperation.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

MAR 15 1976

Mr. David S. Henderson
Henderson, Baxter and Davidson
Attorneys at Law
Post Office Box 363
New Bern, North Carolina 28560

Dear Mr. Henderson:

This is in reference to your request for reconsideration by the Attorney General of his September 23, 1975, objection to changes in the method of electing the Craven County Board of Education, pursuant to 28 C.F.R. §51.23. Your request for reconsideration together with supporting information was received on January 15, 1976.

We have examined the new population figures which you have furnished, based on the Census Bureau Enumeration Districts. In reviewing these population statistics together with the 1967 and 1975 changes in the manner of electing the County School Board presented previously in your submission, the Attorney General will not interpose any further objection to your submission of July 25, 1975, and the objection to the submitted changes in my letter of September 23, 1975, is hereby withdrawn.

However, we feel a responsibility to point out that Section 5 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 such changes.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

cc: Public File
V8909