

MAY 17 1974

Mr. P. A. Yeapanis
City Attorney
2400 Washington Avenue
Newport News, Virginia 23607

Dear Mr. Yeapanis:

This is in reference to Ordinance No. 1844 of the Code of the City of Newport News which readdresses four polling places and actually changes the polling place for Benbigh District, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your submission was received on March 18, 1974.

The Attorney General does not interpose any objection to the four polling places receiving only new address designations and involving no actual relocations.

However, we have carefully considered the submitted change of polling place from the Courthouse to the R. C. Nelson Elementary School along with supporting material as well as information received from private citizens. The total of the information available to us includes numerous comments objecting to the polling place relocation because of the inconvenience of the increased distance from the

predominantly black area north of Warwick Boulevard in the Benhigh District that such a move represents. These objections address allegations that such an inconvenience amounts to a significant, potential impairment of the exercise of the franchise to the special detriment of the district's black voters. Moreover, due to the increased distance black voters would have to travel to the new polling place coupled with the fact that there is no public transportation to the school area, this move presents a significant and unnecessary hardship for black voters who would rely on public transportation, as with the former polling place, to reach the new location.

Section 5 of the Voting Rights Act allows the implementation of changes such as those here involved if the United States District Court for the District of Columbia or the Attorney General determines that such changes do not have a racially discriminatory purpose or effect. As provided in Section 51.19 of the Attorney General's procedural guidelines (28 C.F.R. 51.19), the submitting authority has the burden of proof in such matters. While we have weighed carefully all the information before us, we cannot conclude that the polling place change to the R. C. Nelson Elementary School will not have the effect of denying or abridging the right to vote on account of race or color. Consequently, on behalf of the Attorney General I must interpose an objection to this polling place change.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the polling place change neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race. However, until and unless such a judgment is obtained, this polling place change remains unamendable.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division