

ret. 12/13/69

DEC 13 1969

Mr. Thomas J. Espy, Jr.
City Attorney
Post Office Box 163
Summerville, Georgia 30747

Dear Mr. Espy:

This is in reference to the Ordinance prescribing changes in election procedures, attached to your letter of October 15, 1969 and marked "Exhibit A," which was submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965.

The Attorney General will not at this time interpose objections to Paragraphs 1 through 6 and 8. However, I am sure you are aware that the failure to object does not bar any subsequent action to enjoin the enforcement of these provisions.

Paragraph 7, Section (b) is objectionable in its entirety. The standards referred to have been superseded by the Voting Rights Act of 1965, Section 4 (a), (b) and (c). Paragraph 7, Section (c) is objectionable insofar as it only requires a challenged elector to be notified and given an opportunity to answer "if practical." Such latitude has in the past been shown to be an effective tool through which discrimination may be practiced.

Should you wish to present justification for the changes to which I have objected, or propose procedures which will insure against racially discriminatory effects in their implementation, the Attorney General will reconsider his position. Of course, as provided by Section 5 of the Voting Rights Act, you have the alternative of instituting an action in the United States District Court for the District of Columbia for a declaratory judgment that the objected

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to changes do not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color.

Please do not hesitate to contact my office if we can be of further assistance to you in this matter.

Sincerely,

JERRELS LEONARD
Assistant Attorney General
Civil Rights Division