

AUG 27 1973

Mr. Michael W. Herndon
Attorney for the Board of Education
for the City of Thomasville
108 North Crawford Street
Thomasville, Georgia 31792

Dear Mr. Herndon:

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This is in reference to Act No. 418 of the 1973 Georgia General Assembly which changes the method of electing members of the Board of Education in the City of Thomasville, which you submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965.

The plan which was submitted, Act 418, differs very little from the original plan, to which the Attorney General interposed an objection on August 24, 1972. The plan retains, partially, the same features, namely, majority requirement and numbered posts, to which our objection of August 1972 was directed. The modification in the plan merely substitutes a residency requirement for the numbered post requirement in three of the seven board of education positions. In our view, there is little difference between the racial effect of at-large voting with majority and residency requirements and at-large voting with majority and numbered post requirements. In either situation, and for the reasons pointed out in our August 24, 1972, letter, the dilutive effect on minority voting rights would be the same. Consequently, we are unable to conclude, as we must under the Voting Rights Act, that this plan will not have the effect of

denying or abridging the right to vote on account of race or color. I must, therefore, on behalf of the Attorney General, interpose an objection to the implementation of this plan.

Of course, Section 5 permits you to seek a declaratory judgment from the District Court for the District of Columbia that this plan neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race. Until such a judgment is rendered by that court, however, the legal effect of the objection of the Attorney General is to render unenforceable this change in the method of electing members of the Board of Education in Thomasville.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division