

DSD:JAS:wmd
DJ 166-012-3
All96

JUN 21 1977

Honorable J. S. Haddock, Jr.
Judge, Probate Court
Charlton County
Post Office Box 427
Salkston, Georgia 31537

Dear Judge Haddock:

This is in reference to Act No. 360 of the 1975 Session of the General Assembly of the State of Georgia, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was received on April 22, 1977.

Act No. 360 creates an elected board of education for Charlton County and changes the office of Charlton County School Superintendent from elective to appointive. Except as specified below, the Attorney General does not interpose any objection to Act No. 360. 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.

Under Sections 2, 3, and 9 of Act No. 360, the members of the Board of Education will be elected at large from the county, with residency districts, numbered posts, and staggered terms. In addition, although Act No. 360 does not so specify and your submission is silent on the question, we understand that a majority vote is required.

We have given careful consideration to these changes as well as to the supporting information you provided, demographic information, comments from interested parties, and relevant court decisions. See White v. Roemer, 412 U.S. 755 (1973); Firksey v. Board of Supervisors of Hinds County, No. 75-2212 (5th Cir. May 31, 1977), and Simmer v. McKeithen, 435 F.2d 1297 (5th Cir. 1973), aff'd sub nom. East Carroll Parish School Board v. Marshall, 424 U.S. 636 (1976). Our analysis reveals that

blacks have not been elected to office in Charlton County under elective systems such as that provided by Act No. 360, that fairly drawn single member districts would give blacks a more realistic opportunity to elect a candidate of their choice, and that voting along racial lines is present in Charlton County. In these circumstances we are unable to conclude that the system of elections required by Sections 2, 3, and 9 will not have a racially discriminatory effect.

Accordingly, on behalf of the Attorney General, I must interpose an objection to Sections 2, 3, and 9 of Act No. 360 (1975).

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the District Court for the District of Columbia that this change does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color. In addition, our guidelines (28 C.F.R. Sections 51.21, 51.23, and 51.24) permit reconsideration of the objection should you have new information bearing on the matter. However, until such time as the objection may be withdrawn or a judgment from the District of Columbia Court obtained, the legal effect of the objection by the Attorney General is to render the changes in question legally unenforceable.

Because an election has already been held pursuant to Act No. 360, we request that you inform us within 30 days of your receipt of this letter of the steps that will be taken to comply with Section 5 of the Voting Rights Act.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division

Weekly Report ☒
Summary ☐

DJ 166-012-3
All96-1197

AUG 29 1977

Honorable J. S. Haddock, Jr.
Judge, Probate Court
Charlton County
Post Office Box 427
Milledgeville, Georgia 31537

Dear Judge Haddock:

This is in reference to your request that the Attorney General reconsider his June 21, 1977 objection under Section 3 of the Voting Rights Act of 1965, as amended, to Act Nos. 360 and 1222, concerning the election of the School Board members and County Commissioners of Charlton County. Your request for reconsideration was received on June 29, 1977.

We have carefully considered the information you have provided, but find that it fails to provide a basis for our withdrawing the objections that were interposed. In particular, we have reanalyzed voting patterns in the county and find that our original conclusion, that racial bloc voting exists, is still warranted. Therefore, I am on behalf of the Attorney General declining to withdraw the objection to those sections of Act Nos. 360 and 1222.

As you know, Section 3 permits your seeking a declaratory judgment in the United States District Court for the District of Columbia that these changes neither have the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. However, until such a judgment is rendered by that court, the legal effect of the objections by the Attorney General is to render the changes in question legally unenforceable.

- 2 -

It is our understanding, based on the July 20, 1977 letter of Robert W. Harrison, Jr., County Attorney, and the August 15, 1977 telephone conversation between Joseph A. Sappay of the Voting Section staff and Mr. Harrison, that legislation to remedy the features found objectionable in Act Nos. 369 and 1221 is in preparation. If we can be of assistance in this regard, please feel free to call Mr. Sappay.

Sincerely,

Crow S. Days III
Assistant Attorney General
Civil Rights Division