

NOV 21 1973

JSP:NF:MF:bmp  
DJ 166-012-3

Mr. William A. Bacon  
Bacon and Smith  
Attorneys at Law  
Bankers Trust Plaza Building  
Post Office Box 15  
Jackson, Mississippi 39205

Dear Mr. Bacon:

This is in reference to your submission to the Attorney General under Section 5 of the Voting Rights Act of 1965, concerning the incorporation of Pearl in Rankin County, Mississippi which was received by the Attorney General on September 24, 1973.

After a careful examination of the demographic characteristics of Pearl City and Rankin County, we are unable to conclude, as we must under the Voting Rights Act, that the voting rights of black persons will not be abridged or denied on account of their race or color under the incorporation plan as submitted. Our investigation reveals that there are areas with significant numbers of black persons living on the outskirts of Pearl City who were excluded, despite their desire to be included.

In view of the irregular Southern boundary line which circumvents an area populated by blacks and the decision in Comillion v. Lightfoot, 364 U.S. 329 (1960) which stands for the proposition that district lines may not be drawn to abridge the right to vote of a minority, we must conclude that the incorporation plan has an unconstitutional racial effect.

For the foregoing reasons, I must on behalf of the Acting Attorney General interpose an objection to the incorporation of Pearl. We have reached this conclusion reluctantly because we recognize the immense necessity of incorporation. We are persuaded, however, that the Voting Rights Act of 1965 compels this result. In view of the foregoing the changes in polling place locations you have sent to the Attorney General for review are premature and we therefore do not undertake to review them at this time.

Of course, as provided by Section 5, you have an alternative of instituting an action in the United States District Court for the District of Columbia for a declaratory judgment that the changes do not have the purpose and will not have the effect of denying or abridging the right to vote on account of race.

Sincerely,

J. STANLEY POTTINGER  
Assistant Attorney General  
Civil Rights Division