

JUL 25 1975

Mr. A. M. Edwards, Jr.
129 Jordan Avenue
West Point, Mississippi 39773

Dear Mr. Edwards:

This is in reference to the redistricting of the Board of Supervisors of Clay County, Mississippi, and the attendant polling place changes that occurred with that redistricting, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your submission was received on June 26, 1975.

We are presently evaluating the redistricting plan, and we will respond to your submission of that plan as soon as possible. We have, however, been able to complete our evaluation of the polling place changes which you submitted, and this letter will serve as our response under Section 5 to those polling place changes.

The Attorney General does not interpose an objection to the polling places located in the currently submitted Supervisory Beats 3, 4 and 5. 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.

Our investigation and analysis of the polling place changes located in currently submitted Supervisory Beats 1 and 2 indicates that the proposed polling places are in the City of West Point, i.e. in the western part of Beats 1 and 2, that there is approximately a 5-10 mile distance from certain rural areas of Beats 1 and 2 to the polling place, that most of the white population in Beats 1 and 2 lives in West Point, that the predominant majority of the substantial population of these districts living outside West Point is black, and that county officials believe that additional polling places requested by the black community cannot be instituted.

In this connection, we note that in a major case regarding the scope and application of Section 5 the Supreme Court recognized that changes in polling place locations can operate to occasion a significant detrimental racial effect. In Perkins v. Matthews, 400 U.S. 379, 387 (1970), the Court stated:

Even without going beyond the plain words of the statute, we think it clear that the location of polling places constitutes a 'standard, practice, or procedure with respect to voting.' The abstract right to vote means little unless the right becomes a reality at the polling place on election day. The accessibility, prominence, facilities, and prior notice of the polling place's location all have an effect on a person's ability to exercise his franchise.

On the basis of the facts and circumstances noted above, the Attorney General is unable to conclude, as he

must under the Voting Rights Act, that the proposed changes in the currently submitted polling places in Supervisory Beats 1 and 2 will not have a racially discriminatory effect on voting. Therefore, on behalf of the Attorney General, I must interpose an objection to the implementation of the polling place changes in the currently submitted Supervisory Beats 1 and 2.

The guidelines for the administration of Section 5 allow for a request for reconsideration of an objection if a submitting authority can produce information not previously available which demonstrates that the change in question does not have a racially discriminatory purpose or effect. See 28 C.F.R. §§51.23, 51.24. In this regard, we will consider withdrawing our objection if we receive from you a request for reconsideration accompanied by information showing that additional satisfactory polling places will be utilized in Beats 1 and 2 for the 1975 county elections.

Of course, Section 5 permits you to seek a declaratory judgment from 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 the Court, the legal effect of the objection by the Attorney General is to render the polling place changes unenforceable.

If you have any questions with regard to the information requested, please feel free to contact Alexander M. Peters of my staff (202--739-4488) who

has been assigned to this matter. Please refer to file No. V9083 in your response to this letter.

Sincerely,

J. Stanley Pottlager
Assistant Attorney General
Civil Rights Division