

FEB 18 1976

Mr. O. W. Hancock
Chairman
Pickens County Democratic
Executive Committee
Carrollton, Alabama 35447

Dear Mr. Hancock:

This is in reference to the reapportionment of the Pickens County Democratic Executive Committee, which was submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your submission was received on December 20, 1975.

After a careful examination of the submitted change, including consideration of demographic and geographic data, and comments from interested parties, we cannot conclude as we must under the Voting Rights Act, that the use of four multi-member districts combined with numbered posts utilized to elect members to the Pickens County Democratic Executive Committee, will not have a racially discriminatory effect. Recent Supreme Court decisions, to which we feel obligated to give great weight, indicate that the combination of the above features may have the effect of abridging minority voting rights in Pickens County. E.g., White v. Regester, 412 U.S. 755 (1973); Whitcomb v. Chavis, 403 U.S. 124 (1971). We note that the use of either single member districts or voting precincts (used previously to elect committee members), if fairly drawn and properly apportioned, might eliminate any racially discriminatory effect.

For the foregoing reasons, I must on behalf of the Attorney General interpose an objection to the combination of the multi-member districts and numbered post requirements. We have reached this conclusion reluctantly because we fully understand the complexities involved in devising a plan of this nature so as to satisfy the needs of the county and its citizens and simultaneously, to comply with mandates of the Federal Constitution and laws. We are persuaded, however, that the Voting Rights Act compels this result.

Because issues relating to this matter are presently pending before the United States District Court for the Northern District of Alabama in Corder v. Kirksey, Civil Action No. 73-M-1086 (N.D. Ala.), I am taking the liberty of providing the Court with a copy of this response. Of course, Section 5 permits seeking approval of all changes affecting voting by the United States District Court for the District of Columbia irrespective of whether the changes have previously been submitted to the Attorney General.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division