



Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

Mr. Wade M. Crumbley
Attorney at Law
80 Macon Street
McDonough, Georgia 30253

MAY 27 1980

Dear Mr. Crumbley:

This is in reference to Act No. 679 which provides for the election of members of the Board of Commissioners from five single-member districts and for the election of a chairperson on an at-large basis, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on April 26, 1980.

Under Section 5 Henry County has the burden of proving that the change presented by this new single-member district plan, together with the election of a chairperson on an at-large basis, was not adopted with a discriminatory purpose and that the adoption of that system does not have a racially discriminatory effect. See Beer v. United States, 425 U.S. 130 (1976); Wilkes County v. United States, 450 F. Supp. 1171 (D. D.C. 1978), aff'd 439 U.S. 999 (1978). See also 28 C.F.R. 51.19.

The Henry County Board of Commissioners is presently constituted of five members, each of whom is elected on an at-large basis for a four-year term under a majority vote requirement with staggered terms. This method of election has not satisfied the requirements of Section 5 and is the subject of litigation pending in the United States District Court for the Northern District of Georgia, Head v. Henry County Board of Commissioners, C. A. No. C 79-2063A (N.D. Ga.). Prior to the adoption of the present method of election, commission members had been elected from single-member districts. On July 23, 1979, the Attorney General interposed an objection to the change to at-large elections and advised the Board of Commissioners that our analysis of population data indicated that a fairly-drawn single-member district plan could be fashioned which would probably contain at least one district with a population majority of blacks. Our review of your proposed single-member district plan does not persuade us that your present proposal provides as much access by blacks

to the political process as existed under the previous system of five single-member districts or a fairly drawn alternative single-member district system. Your submission indicates that alternate single-member district plans, satisfying one-person, one-vote standards, were available to the Board of Commissioners for their consideration and adoption. (See Wilkes County, supra.) We have analyzed those and other alternatives and have determined that by comparison the proposed plan contained in this submission has a retrogressive effect on the voting strength of black citizens of Henry County, as well as being malapportioned to the detriment of black voters.

In addition, that portion of the Act which provides for the election for the Board of Commissioners of a chairperson, with full voting rights, has the effect of further diluting the voting strength of black citizens of Henry County.

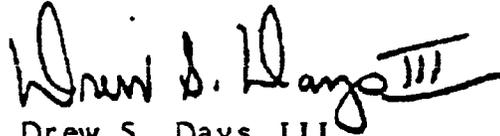
Under these circumstances I am unable to conclude, as I must under the Voting Rights Act, that the method of election established in Act No. 679 has neither a discriminatory purpose nor a discriminatory effect.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the election system established by Act No. 679 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, the Procedures for the Administration of Section 5 (28 C.F.R. 51.21(b) and (c), 51.23, and 51.24) permit you to request reconsideration of this objection by the Attorney General. However, until the judgment from the District Court is obtained or the objection withdrawn, the effect of the objection by the Attorney General is to make the proposed single-member district method of electing members of the County Commission of Henry County legally unenforceable.

To enable the Department to meet its responsibility to enforce the Voting Rights Act, please inform us within twenty days of your receipt of this letter of the course

of action Henry County plans to take with respect to this letter. If you have any questions concerning this letter, please feel free to call John Tanner at 202/724-7399.

Sincerely,

A handwritten signature in black ink, reading "Drew S. Days III". The signature is written in a cursive style with a prominent "D" and "S".

Drew S. Days III
Assistant Attorney General
Civil Rights Division