



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

John C. Pridgen, Esq.  
Davis, Pridgen & Jones  
Post Office Box 397  
Vienna, Georgia 31092

31 JUL 1980

Dear Mr. Pridgen:

This is in reference to Act No. 237 (H.B. No. 680) (1967) which provides for at-large elections from residency districts to six-year staggered terms for members of the Board of Commissioners of Dooly County, Georgia, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on June 3, 1980.

Under Section 5 Dooly County has the burden of proving that the at-large electoral system was not adopted with a discriminatory purpose and that the operation of the at-large 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 Dooly County Board of Commissioners is composed of three members who are elected to six-year, staggered terms with a majority vote requirement. Although blacks constitute 50.7 percent of the population of the county (according to the 1970 Census), no black has ever been elected to the County Commission. Prior to the adoption of Act No. 237 (1967), the Commission was elected from single-member districts. Our analysis indicates that a fairly-drawn single-member district system would probably contain at least one district with a population majority of blacks. Analysis of precinct returns demonstrates that voting in Dooly County generally follows racial lines, at least to the extent of rendering very improbable the election of a black candidate for County Commission in the context of at-large elections.

Under these circumstances I am unable to conclude, as I must under the Voting Rights Act, that the at-large method of election established by Act No. 237 has neither a discriminatory purpose nor a discriminatory effect. Accordingly, on behalf of the Attorney General, I must interpose an objection pursuant to Section 5 to the submitted change in method of election.

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 at-large election system established by Act No. 237 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 at-large method of electing members of the County Commission of Dooly 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 Dooly County plans to take with respect to this letter. If you have any questions concerning this letter, please feel free to call Ms. Hallue Wright at 202-724-7170.

Sincerely,

A handwritten signature in black ink, reading "Drew S. Days III". The signature is written in a cursive style with a horizontal line underlining the name.

Drew S. Days III  
Assistant Attorney General  
Civil Rights Division