

JUN 30 1971

John C. Love, Esquire
Love and Love
Attorneys at Law
120 West Washington Street
Hoschawko, Mississippi 39090

Dear Mr. Love:

This is in response to your letter of May 3, 1971, submitting to the Attorney General under Section 5 of the Voting Rights Act of 1965 a plan of Attala County, Mississippi changing the method of electing the County Board of Supervisors from a district-by-district system of election to a system of electing supervisors for posts representing specific district but elected on a county-wide basis.

We appreciate the difficulties your county may have encountered in formulating a plan to comply with the one person, one vote requirements of the Fourteenth Amendment. However, after careful consideration of your submission, I feel constrained to inform you that the Attorney General objects to its implementation in Attala County. In this regard, it appears that the Courts have determined that the revisions to Section 2870 of the Mississippi Code in 1966 and 1968 are not operable and that therefore a Mississippi County Board of Supervisors lacks the power to choose a system of electing its members at-large from designated districts. Sheffield v. Itawamba County Board of Supervisors, C. A. No. 30452 (5th Cir. February 19, 1971); Dyer v. Love, 397 F. Supp. 974 (N. D. Miss. 1969). These determinations have been made in light of

Rivley v. Patterson sub nom Allen v. State Board of Elections, 397 U.S. 544 (1969) and our subsequent objection, under Section 5 of the Voting Rights Act of 1965, to changes in Section 2870 authorizing at-large elections. In light of these decisions, there appears no doubt that as a matter of operative state law, your county lacks statutory power to order that which you have submitted to us and is foreclosed from meeting its one person, one vote obligations except by drawing new district lines which comply with Fourteenth and Fifteenth Amendment standards.

Should you wish to discuss the details of this letter with one of our attorneys, may I suggest that you call Gerald W. Jones, Chief of the Voting and Public Accommodations Section, (telephone 202 779-3167). If your county wishes to adopt and submit a redistricting plan, it will of course receive our prompt and careful consideration.

Sincerely,

DAVID L. NORMAN
Acting Assistant Attorney General
Civil Rights Division