

JUL 9 1973

Mr. F. Durwood Ruggar  
Attorney at Law  
Bank of Hollandale Building  
Post Office Drawer 307  
Hollandale, Mississippi 38748

Dear Mr. Ruggar:

This letter is in reference to your submission to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965 of an Ordinance of the City of Hollandale passed on February 28, 1972, to change the office of City Clerk from an elective to an appointive office.

It is my understanding that no election was held this year for City Clerk, although all other municipal offices were filled. Rather, pursuant to the February 28, 1972 Ordinance the incumbent clerk was temporarily appointed to continue in that position. Our investigation also reflects that members of the black community in Hollandale were interested in supporting a candidate or candidates for the clerk's post this year. The effect of these actions is to deprive black voters of the City the opportunity to run for office or to vote for candidates for that position. In Sellers v. Trussell (M.D. Ala., 1966) 253 F.Supp. 915, the Court reached the same conclusion, on a very similar set of facts.

Under these circumstances, we are unable to conclude, as we must under the Voting Rights Act, that the Ordinance referred to above does not have the purpose and will not have the effect of abridging the voting rights of racial minorities. Therefore, on behalf of the Attorney General, I must interpose an objection to that provision.

While we realize the difficulties caused by these conditions, we are persuaded that the Voting Rights Act requires this result. Of course, Section 5 permits you to seek a declaratory judgment from the District Court for the District of Columbia that the change herein found objectionable neither have the purpose nor will have the effect of denying or abridging the right to vote on account of race.

Sincerely,

J. STANLEY POTTINGER  
Assistant Attorney General  
Civil Rights Division