



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

May 9, 1988

Holmes S. Adams, Esq.
Brunini, Grantham, Grower & Hewes
P. O. Drawer 119
Jackson, Mississippi 39205

Dear Mr. Adams:

This refers to the consolidation of county and city school districts to become the Grenada Municipal Separate School District; the establishment of a five-member board of trustees and the method of selection--two elected at large in the "added territory" and three appointed by city governing body; Chapter 410, H.B. No. 200 (1966), which changed the method of selection--entire board appointed (two by county board of supervisors and three by city governing body); Chapter 409, S.B. No. 2202 (1966), which repealed (deleted) the appointment of added territory trustees; Chapter 400, H.B. No. 672 (1968), which reinstated the appointment of "added territory" trustees by county board of supervisors, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received the information to complete your submission on March 9, 1988, as submitted by the State of Mississippi for the Grenada Municipal Separate School District in Grenada County, Mississippi.

We have reviewed carefully the information you have provided, as well as comments from other interested parties. The Attorney General does not interpose any objection to the consolidation of the county and city school districts to become the Grenada Municipal Separate School District nor to the resulting five-member board of trustees, two members of which were to be elected from the county area of the district with three members being appointed by the city. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

With respect to the subsequent change in the method of selecting the board of trustees whereby all members were to be appointed, we cannot reach a like conclusion. In this regard, we note that under the previously existing divided system, the county school district elected a five-member board by single-member districts and that even under the consolidated system as initially constituted, two of the board members would be elected at large from that portion of the county outside the city limits. In the context of the racial polarization that exists in Grenada County, it would seem that the change in the school district's method of selection so that these two county representatives also would be appointed, would be retrogressive to the significant black voting strength in the outlying area of the county.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has no discriminatory purpose or effect. See Georgia v. United States, 411 U.S. 526 (1973); see also 28 C.F.R. 51.52(a). In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that that burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the method of selecting the school board trustees for the Grenada Municipal Separate School District as modified by Chapter 410 (1966), Chapter 409 (1966), and Chapter 400 (1968).

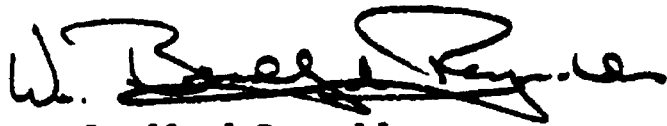
While we have precleared the school district consolidation which incorporates the change to a 3-2 system of selecting the board of trustees, we feel a responsibility to note our understanding that Section 37-7-203 of the Mississippi Code presently requires that for any county in which a municipal separate school district embraces the entire county, one board member is to be elected from each of the county's supervisor districts. In view of that provision, we ask that you advise us within 30 days whether the school district intends to implement that provision of Mississippi law since, absent such action by the school district, we will have a further responsibility to consider legal action to insure that the school district's board selection plan complies with Section 2 of the Act.

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 these changes have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. In addition, Section 51.45 of the guidelines permits you to request that the Attorney General reconsider the objection.

However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the method for the selection of the board under which the school district has been operating legally unenforceable. 28 C.F.R. 51.10.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, we again request that you inform us of the course of action the Grenada Municipal Separate School District plans to take with respect to this matter. If you have any questions, feel free to call Sandra S. Coleman (202-724-6718), Director of the Section 5 Unit of the Voting Section.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Bradford Reynolds". The signature is stylized and somewhat cursive, with a large initial "W" and a long, sweeping underline.

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division