MAR 20 1972

SPECIAL DELIVERY

Mr. W. d. Fedric
City Attorney
City of Grenada
Grenada, Mississippi 38901

Dear Mr. Fedric:

This is in reference to your submission under Section 5 of the Voting Rights Act of 1965 of changes in election laws with regard to City Council elections in the City of Grenada, Mississippi.

Your submission was initially received on January 17, 1971, and additional information necessary to evaluate the submission was received on February 10, 1972. As you requested, however, we have expedited our consideration of the submission in view of your upcoming election schedule.

After a careful analysis and review of the demographic facts involved and recent court decisions, we are unable to conclude, as we must under the Voting Rights Act, that the changes submitted will not have a racially discriminatory effect. All candidates for city council now must run at-large whereas before four of the six were elected by districts. We note that two of these candidates also must run for numbered posts. It is our understanding also that a majority of votes is required to win, and that approximately 43% of Grenada's population is black.

Our analysis of recent federal court decisions dealing with issues of this nature, and to which we feel obligated to give great weight, leaves us unable to conclude, with respect to these changes, that the combination of at-large election, numbered posts, and a majority requirement would not occasion an abridgement of minority voting rights in Grenada. The reasoning of these recent cases is illustrated by the decision of the federal district court in North Carolina which commented with respect to numbered posts in multi-member districts, (which involve at-large election), "It is clear that the numbered seat law may have the effect of curtailing minority voting power." (Scott v. Dunston, E.D. N.C., No. 2666-Civil, Slip Opinion, n. 9 at p. 17, (Jan. 10, 1972)). Similarly, the three-judge court considering the Texas legislative reapportionment found both the majority requirement and the numerical post requirement tended to abridge minority voting power and "highlight the racial element where it does exist." Graves v. Barnes, W.D. Tex., No. A-17-CA-142, Slip Op. at p. 38. See, also, Sims, Farr, and U.S.A. v. Amos, No. 1744-N, (M.D. Ala., January 3, 1972); Bussie v. The Governor of Louisiana, No. 71-202 E.D. La., August 24, 1971. And the Supreme Court, while not holding the at-large election feature of multi-member districts unconstitutional, per se, has recognized the potentially discriminatory effect such form of election can have by submerging a cognizable racial minority into a white majority. See Whitcomb v. Chavis, 403 U.S. 124 (1971).

For the foregoing reasons, I must on behalf of the Attorney General interpose an objection to the change to at-large election of the four previous ward councilmen and the addition of the post requirement to the former at-large positions. We have reached this conclusion reluctantly because we fully understand the complexities involved in devising a reapportionment plan to satisfy the needs of the City and its citizens and, simultaneously, to comply with the mandates of the Federal Constitution and laws. We are persuaded, however, that the Voting Rights Act compels this result.

Of course, Section 5 permits seeking approval of all changes affecting voting by the United States District Court for the District of Columbia irrespective of whether the changes have previously been submitted to the Attorney General.

Sincerely,

DAVID L. NORMAN
Assistant Attorney General
Civil Rights Division