

APR 20 1973

D.J. 166-012-3

Mr. Frank O. Crosthwait, Jr.  
City Attorney  
City of Indianola  
100 Court Street  
Indianola, Mississippi 38751

Dear Mr. Crosthwait:

This is in reference to your submission to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965 of an ordinance changing the manner of electing aldermen in Indianola, Mississippi. On February 21, 1973, we requested additional information necessary to evaluate this submission and the requested data were received by this Department on February 23, 1973. Therefore, the 60-day period within which the Attorney General may interpose an objection expires April 24, 1973.

Our analysis of this matter reveals that this ordinance would impose a numbered-post requirement for city councilmen on present Mississippi election procedures for multi-member offices. In our view an electoral system as modified by this change significantly reduces the potential for minority candidates to win election to multi-member offices in jurisdictions where there has been a pattern of racial bloc voting. The history of black participation in the electoral process in Indianola suggests the existence of such a pattern in your city. The Attorney General has interposed objections under Section 5 of the Voting Rights Act to similar numbered-post systems in a number of other jurisdictions. Accordingly, we are

unable to conclude, as we must under the Voting Rights Act, that implementation of the designated post requirement will not have a racially discriminatory effect and, therefore, I must, on behalf of the Attorney General, interpose an objection under Section 5. However, as the law provides, a declaratory judgment that this change does not have the proscribed purpose or effect may be sought in the United States District Court for the District of Columbia notwithstanding this objection.

Sincerely,

J. STANLEY POTTINGER  
Assistant Attorney General  
Civil Rights Division