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DJ 166-012-3

NOV 21 1973

Mr. Ancil L. Cox, Jr.
Attorney for the City
of Shaw
Cox and Moore
P. O. Box 606
Cleveland, Mississippi 38732

Dear Mr. Cox:

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 of the City of Shaw passed on September 4, 1973 which changes the office of city clerk from an elective to an appointive position.

We have considered both the ordinance in question and supporting information as well as data compiled by the Bureau of the Census and information and comments from interested parties. On the basis of this information 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 denying or abridging the right to vote on the basis of race or color. I must, therefore, on behalf of the Acting Attorney General interpose an objection to the implementation of this ordinance.

While we realize the difficulties caused by these conclusions, 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 has 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