

V8673

JSP:AMP:mrk  
DJ 166-012-3  
V8673, V8674

JUN 16 1975

Mr. John W. Prewitt  
Attorney for the Warren County  
Board of Supervisors  
P. O. Drawer 750  
Vicksburg, Mississippi 39180

Dear Mr. Prewitt:

This is in response to your letter dated April 1, 1975, in which you submit polling place changes in the Yokana and Jonestown voting precincts of Warren County, Mississippi, to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your submission was received on April 16, 1975.

The Attorney General does not interpose any objection to the polling place change in the Yokana voting precinct. 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 change.

We have completed our investigation and review of the polling place change in the Jonestown voting precinct. Our investigation and analysis indicates that the proposed polling place change is approximately 5 miles from the predominantly black area in the Jonestown precinct, that there is no public transportation to the polling place, that the character of the neighborhood in which the proposed polling place is located is white residential, and that a

request by members of the black community for a more convenient additional or alternative site has been denied for the stated reason that insufficient time exists to establish the polling place before the 1975 elections.

On the basis of these facts and circumstances, and in view of the fact that the first election to be held this year is at least two months away, the Attorney General is unable to conclude, as he must under the Voting Rights Act, that the proposed change in the Jonestown precinct will not have a racially discriminatory effect on voting. Therefore, on behalf of the Attorney General, I must interpose an objection to the implementation of the polling place change in the Jonestown precinct.

Pursuant to a conversation between you and Alexander B. Peters of my staff on June 16, 1975, you indicated that a polling place convenient to the black population concentration in the Jonestown precinct might be available for use during the upcoming elections. This is to inform you that should another polling place be selected for the Jonestown precinct, this Division will consider any submission of that polling place on an expedited basis if that voting change is submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act. Moreover, if a polling place convenient to the precinct's black voters is designated in addition to, rather than instead of, the Y.M.C.A., we will consider withdrawing our objection to use of the Y.M.C.A. as a polling place in the Jonestown precinct.

Of course, Section 3 permits you to seek a declaratory judgment from the United States District Court for the District of Columbia that this change neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. However, until such a judgment is rendered by that Court, the legal effect of the objection by the Attorney General is to render the polling place change in the Jonestown precinct unenforceable.

Sincerely,

J. Stanley Pottinger  
Assistant Attorney General  
Civil Rights Division