

JUN 23 1975

DJ 166-012-3
V8192

Mr. W. H. Jolly, Sr.
Attorney at Law
213 North 5th Street
Columbus, Mississippi 39701

Dear Mr. Jolly:

This is in response to your letter dated April 21, 1975, in which the method of electing the members of the Lowndes County Board of Education from district to at-large was submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your submission was completed on April 24, 1975.

Our investigation indicates that there are two predominantly black beats (districts) in Lowndes County. The at-large voting change has the effect of merging these black majority districts with the larger white population thereby diluting the voting strength which blacks have by virtue of their residential concentrations in Lowndes County. Beer v. United States, 374 F. Supp. 363 (D. D.C. 1974); Zimmer v. McKeithen, 485 F.2d 1297 (5th Cir. 1973). We also note that the Supreme Court has expressed a preference for single-member districts in Connor v. Johnson, 402 U.S. 690, 692 (1971). On the basis of these court decisions and of all the available facts and circumstances, the Attorney General is unable to conclude, as he must under the

Voting Rights Act, that a change from district to at-large elections for the members of the Board of Education of Lowndes County will not have a racially discriminatory effect on voting. Accordingly, the Attorney General must interpose an objection to the submitted change.

Of course, you are permitted under Section 5 of the Voting Rights Act to seek a declaratory judgment in the District Court for the District of Columbia that the submitted change does not have the purpose or effect of denying or abridging the right to vote on account of race or color. However, until such a judgment is obtained the legal effect of the Attorney General's objection is to render the submitted change unenforceable.

If you have any questions about the matter or if you desire to discuss it in more detail, please feel free to contact Alexander M. Peters (202--739-4488), the attorney to whom it is assigned. If you reply in writing, please refer to file number V8192.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division