

28 FEB 1977

Mr. J. R. Gilfoy  
City Attorney  
City of Lexington  
P. O. Drawer 30  
Lexington, Mississippi 39095

Dear Mr. Gilfoy:

This is in reference to the change in the method of electing the Board of Aldermen for the City of Lexington, Mississippi, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was received on December 28, 1976.

We have given careful consideration to the information furnished by you as well as Bureau of the Census data and information and comments from interested parties. Our analysis reveals that although blacks constitute 52% of the population of the City of Lexington, no black has ever been elected to the Board of Aldermen. We further note the existence of a majority vote requirement for primary elections and a full slate requirement for municipal elections.

Recent court decisions suggest that the use of an at-large election system under circumstances such as those existing in Lexington would have the

effect of minimizing or diluting the voting strength of the black population. See White v. Regester, 412 U.S. 755 (1973); Whitcomb v. Chavis, 403 U.S. 124 (1971).

Under these circumstances, I am unable to conclude, as I must under the Voting Rights Act, that the use of an at-large election system in the City of Lexington will not have the effect of discriminating on account of race. I must, therefore, on behalf of the Attorney General, interpose an objection to the implementation of the at-large election system.

Of course, as provided by Section 5, you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that this change has neither the purpose nor the effect of denying or abridging the right to vote on account of race or color. Until such judgment is rendered, however, the legal effect of the objection by the Attorney General is to make the change in question unenforceable.

Sincerely,

DREW S. DAYS, III  
Acting Assistant Attorney General  
Civil Rights Division