

SEP 10 1971

Mr. Albert J. Lilly, Jr.
Attorney for the Commonwealth
for Caroline County
Post Office Box 441
Bowling Green, Virginia 22427

Dear Mr. Lilly:

This is in response to your submission, on behalf of Caroline County, Virginia, of a redistricting plan and precinct realignment. The submission was made to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c.

The Attorney General will not at this time interpose an objection to the submitted redistricting plan. You should be aware, of course, that Section 5 provides that this failure to object does not preclude future legal action should it later be determined that the change violates the Fifteenth Amendment.

We have received complaints from some of the citizens of Caroline County to the effect that the great distance between Port Royal and the residences of voters previously assigned to Sparta precinct will discourage many black voters from exercising their voting rights. In light of your request that we provide an expedited response to your submission of precinct changes, we are unable in the time available to conclude that the precinct realignment affecting these voters will not have the effect of abridging voting rights on account of race and accordingly must interpose an objection to the implementation of that part of the precinct realignment.

Section 5 provides that you may bring an independent action in the District Court for the District of Columbia for a declaratory judgment that the objected to change has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. Until such a judgment is obtained, however, the effect of this objection is to render unenforceable the assignment of the former voters at Sparta to Port Royal precinct.

It is our understanding that there are no contested races in the September primary election in Port Royal Election District. For this reason, our limited objection to your precinct realignment should have no adverse effect upon the conduct of primary elections in Caroline County. The operation of this objection, however, will make it illegal to conduct future elections in Port Royal District without creating a suitable polling place and precinct for the voters mentioned above at or near the town of Sparta or at some other convenient location. As soon as action has been taken by the appropriate local officials to create such a precinct, its submission here would receive our prompt and careful consideration.

Sincerely,

DAVID L. NORMAN
Assistant Attorney General
Civil Rights Division