

SEP 23 1974

Mr. Joshua Pretlow, Jr.
City Attorney
Post Office Box 1037
Suffolk, Virginia 23434

Dear Mr. Pretlow:

This is in reference to the consolidation of precincts in Suffolk, Virginia, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your submission was received on July 23, 1974.

The Attorney General does not interpose any objection to the consolidations which result in the new Airport Precinct and the new Kings Fork Precinct nor to the location of the polling place in the new Kings Fork 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 a change.

With respect to the location of the polling place for the new Airport Precinct, we have considered carefully your supporting materials, as well as information received from private citizens. Information received by us from blacks reveals opposition to the new polling place; they allege inconvenience to voters in the exercise of their franchise and that the new site will impose an

cc: Public File (Rm. 920)

inordinate burden upon the black voters in the old Pleasant Hill-Saratoga Precinct. We also understand that there is no public transportation to the new polling place, that many black voters traditionally walked to the polling place in the old precinct and that not all of the voters in the old precinct have sufficient private transportation to enable them to vote, due to the increased distance to the polls.

Section 5 of the Voting Rights Act allows the implementation of changes such as those here involved if the United States District Court for the District of Columbia or the Attorney General determines that such changes do not have a racially discriminatory purpose or effect. As provided in Section 51.19 of the Attorney General's procedural guidelines (28 C.F.R. 51.19), the submitting authority has the burden of proof in such matters. While we have weighed carefully all the information before us, we cannot conclude that the polling place change to the Stanisac Lumber Company will not have the effect of denying or abridging the right to vote on account of race or color. Consequently, on behalf of the Attorney General I must interpose an objection to this polling place change.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the polling place change neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race. However, until and unless such a judgment is obtained, this polling place change remains unenforceable.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

OCT 24 1974

Mr. Jacob L. Woodward
Secretary, Suffolk Electoral
Board
Post Office Box 1561
Suffolk, Virginia 23434

Dear Mr. Woodward:

This is in response to your letter dated September 25, 1974, and received on September 30, 1974. In your letter you requested reconsideration by the Attorney General of his September 23, 1974, objection to the location of the polling place for the new Airport Precinct on the basis of additional information and pursuant to 28 C.F.R. §51.23. In accordance with your request, expedited consideration has been given to this submission pursuant to the procedural guidelines for the administration of Section 3 (28 C.F.R. §51.22).

We have made a re-evaluation of the polling place location in view of additional information received by this Department from city officials in our meeting with the delegation from Suffolk on October 2, 1974. Our re-evaluation in this matter also considered the views of responsible black citizens in the City of Suffolk. In consideration of these factors the Attorney General will not impose any further objection to your submission of July 23, 1974, and the objection to your submission in my letter of September 23, 1974, is hereby withdrawn.

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.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division