

IN THE UNITED STATES DISTRICT COURT
 FOR THE MIDDLE DISTRICT OF GEORGIA
 ALBANY DIVISION

MATHIS KEARSE WRIGHT, JR.,)	
)	
Plaintiff,)	
)	
v.)	CASE NO.: 1:14-cv-42 (WLS)
)	
SUMTER COUNTY BOARD OF)	
ELECTIONS AND REGISTRATION,)	
)	
Defendant.)	
_____)	

PLAINTIFF’S FIRST REQUEST FOR JUDICIAL NOTICE

Plaintiff requests the Court to take judicial notice of the evidence below pursuant to Federal Rule of Evidence 201. The evidence consists of statutes, judicial opinions, and objections by the Attorney General under Section 5 of the Voting Rights Act, 52 U.S.C. § 10304 (formerly 42 U.S.C. § 1973c), to voting changes proposed for the Sumter County Board of Education. As provided in *Lamar v. Micou*, 114 U.S. 218 (1885): “The law of any State of the Union, whether depending upon statutes or upon judicial opinions, is a matter of which the courts of the United States are bound to take judicial notice, without plea or proof.” *Id.* at 223. The rule in *Lamar* has been consistently and universally applied. *See Kamen v. Kemper Fin. Servs., Inc.*, 500 U.S. 90, 99 (1991); *United States v. White*, 258 F.3d 374, 382 n.9 (5th Cir. 2001); *Hardy-Latham v. Wellons*, 415 F.2d 674, 677 n.2 (4th Cir. 1968); *United States v. Dávila-Nieves*, 670 F.3d 1, 7-8 (1st Cir. 2012). Copies of the Section 5 objection letters are attached as Exhibits pursuant to Federal Rule of Evidence 201(c)(2).

I. Constitutional and Statutory Provisions

1. 1777 Ga. Const., Art. IX (limiting the right to vote to “male white inhabitants, of the age of twenty-one years”).

2. Georgia Laws 1859, p. 54 (making it actionable per se to “impute to any white woman of this State, carnal knowledge and connection with a slave, negro, or free person of color”).

3. 1861 Ga. Const., Art. V, § 542.1 (limiting the franchise to “free white male citizens of this State”).

4. Code of Georgia of 1861, §§ 4496, 4500 (making it a crime to teach “any slave, negro, or free person of color, to read or write”).

5. 1865 Ga. Const., Art. V, § 639.1 (limiting the franchise to “free white male citizens of this State”).

6. 1865 Ga. Const., Art. V, § I, para. 9 (prohibiting interracial marriage).

7. Ga. Laws 1866, p. 59 (restricting attendance at schools to “white” inhabitants).

8. Ga. Laws 1866, p. 239 (defining “persons of color” as “all negroes, mulattoes, mestizoes, and their descendants, having one-eighth negro, or African blood, in their veins”).

9. Ga. Laws 1866, p. 241 (making it a misdemeanor for any official to issue a marriage license to an interracial couple).

10. Ga. Laws 1866, p. 156 (“ordained colored ministers” authorized to marry “persons of African descent only”).

11. Ga. Laws 1866, pp. 156-57 (“an Act to prescribe and regulate the relation of parent and child among persons of color in this state”).

12. Ga. Laws 1868, pp. 294-95 (Resolution of the House of Representatives expelling the twenty-five negro members elected to it because “[f]ree persons of color . . . are, under the Constitution of the State of Georgia, ineligible to seats on the floor of this House.”).

13. Ga. Laws 1870, pp. 398, 427-28; Ga. Laws 1890-91, pp. 157-58; Ga. Laws 1899, pp. 66-67; Ga. Laws 1931, Ex. Sess., p. 107; Ga. Laws 1931, p. 204 (providing for segregation in common carriers, and civil and criminal penalties for violations).

14. Ga. Laws 1871, p. 74 (imposing payment of a poll tax as a condition for voting).

15. Ga. Laws 1871, p. 265 (abolishing elected offices in majority black McIntosh County).

16. Ga. Laws 1872, p. 279 (abolishing locally elected school boards in favor of appointments by racially exclusive grand juries).

17. Ga. Laws 1873, p. 25 (changing residency in the State from six months to one year, and in the counties from thirty days to six months, as a requirement for voting).

18. Ga. Laws 1874, p. 109 (providing for an annual report of the Comptroller General of the amount of all taxes paid by “colored taxpayers in this State”).

19. 1877 Ga. Const., Art. II, § I, para. II (adopting a cumulative poll tax).

20. Ga. Laws 1890, p. 210 (giving political parties the exclusive power to regulate and conduct primary elections).

21. Ga. Laws 1891, p. 157 (requiring racial segregation on railroads and street cars).

22. Ga. Laws 1894, pp. 115, 117 (requiring racial designation of voters in the voters’ book, “that is to say, whether white or colored”).

23. Ga. Laws 1897, pp. 71, 73 (requiring the “keeping separate and apart of white and colored convicts when not at work, and when actually engaged in work to be kept separate and apart as far as practicable”).

24. Ga. Laws 1908, pp. 1119, 1123-24 (requiring segregation in employment and accommodations at state prison farms “and in awarding the labor of convicts to counties and municipalities”).

25. Ga. Laws 1908, pp. 27-31 (the law, labeled the “Disfranchising Act,” established a literacy test, poll tax, property ownership requirement and good character test for voting).

26. Address of Governor Hoke Smith to the Georgia Legislature, June 24, 1908, concerning Ga. Laws 1908, pp. 10-11, 16-21 (referring to the new registration legislation as the “Disfranchisement Act” and urging the legislature to maintain “the purity of the ballot box”).

27. Ga. Laws 1908, pp. 58-59 (limiting voting for the Governor and members of the General Assembly in the general election to those who had paid all taxes due by at least six months before the election and requiring voter registration lists to show the race of all voters).

28. Ga. Laws 1905, pp. 127, 129 (providing for the segregation of the races in the Georgia State Reformatory).

29. Ga. Laws 1913, p. 115 (implementing a system of permanent registration requiring all voters to submit to examination by a board of registrars).

30. Ga. Laws 1925, pp. 286-87 (denying a license to any white person to operate a billiard room patronized by “negroes” or to any “negro” to operate a billiard room patronized by whites and requiring a sworn affidavit of compliance with this statute).

31. Ga. Laws 1927, pp. 272-79 (redefining “persons of color” as those with “any ascertainable trace of either Negro or African, West Indian, or Asiatic Indian blood in their

veins,” and all descendants of such persons; defining white persons as those of “the white or Caucasian race, who have no ascertainable trace of either Negro, African, West Indian, Asiatic Indian, Mongolian, Japanese, or Chinese blood”; providing for the registration of persons by race by the State Registrar of Vital Statistics; that no person, anyone whose ancestors has been duly registered as a “colored person,” shall be deemed a white person; providing that “it shall be unlawful for a white person to marry any save a white person”; that making a false statement as to race in any marriage license is a felony; that performing an illegal marriage is a misdemeanor; that refusing to execute or give racial information on a marriage license is a misdemeanor; and that failure of an Ordinary to comply with the registration provisions is a misdemeanor).

32. Ga. Laws 1931, p. 134 (changing the name of the School of Agriculture and Mechanical Arts to that of State Teachers and Agriculture College for Negroes).

33. Ga. Code of 1933, § 35-225 (requiring racial segregation in hospitals).

34. Ga. Code of 1933, § 77-9904 (requiring racial segregation in prisons).

35. Ga. Code of 1933, § 77-613 (requiring racial segregation in training schools).

36. Ga. Code of 1933, §§ 18-206, 18-209 (requiring racial segregation in public transportation).

37. Ga. Code of 1933, § 92-6307 (requiring racial segregation of tax records).

38. Ga. Laws 1937, p. 682 (providing for a “colored division on the Georgia Training School for Girls”).

39. Ga. Laws 1938, p. 185 (providing for racially segregated tax digests).

40. 1945 Ga. Const., Art. VII, § 2-5404 (requiring that all endowments to charitable institutions “established for white people, shall be limited to white people, and all endowments to institutions established for colored people, shall be limited to colored people”).

41. 1945 Ga. Const., Art. VIII, § 1, para. 1 (requiring “[s]eparate schools. . . for the white and colored races”).

42. 1945 Ga. Const., Art. I, § I, para. XVIII (providing that “[t]he social status of the citizen shall never be the subject of legislation”).

43. Ga. Laws 1945, p. 397-98 (providing that “[c]olored and white children shall not attend the same schools; and no teacher receiving or teaching white or colored pupils in the same schools shall be allowed any compensation out of the common school fund”).

44. Ga. Laws 1947, pp. 1183-86 (allowing tax exemptions for endowments for schools and requiring segregation in connection therewith).

45. Ga. Laws 1949, pp. 1204-27 (enacted after abolition of the white primary; establishing various devices to be used for discrimination, including a purge law and registration requirement of literacy or ability to answer 10 of 30 factual questions correctly).

46. Ga. Laws 1955, pp. 185-87 (House Resolution asking Congress to call a convention to amend the Constitution of the United States to require the armed services to assign members to racially segregated units).

47. Ga. Laws 1955, p. 174 (prohibiting the use of state or local funds for any school system “which does not provide separate schools for white and colored children throughout the entire district or system and in which all the white and colored children attending public schools do not attend separate schools”).

48. Ga. Laws 1955, pp. 9-10 (House Resolution urging Congress to call a convention to amend the Constitution of the United States to strip federal courts of jurisdiction in school cases).

49. Ga. Laws 1955, pp. 4-5 (House Resolution urging the Congress to call a convention to amend the Constitution of the United States to vest “exclusive and complete power” over schools in the states).

50. Ga. Laws 1956, pp. 642-48, 815-16 (interposition resolution defying United States Supreme Court and federal government’s power to interfere with racial segregation).

51. Ga. Laws 1956, pp. 605-06 (State Patrol and Georgia Bureau of Investigation authorized to make arrests and enforce State’s segregation laws).

52. Ga. Laws 1956, pp. 397-98 (House Resolution urging Congressional delegation from Georgia to oppose federal school bill which would authorize denial of financial aid to states refusing to desegregate schools).

53. Ga. Laws 1956, pp. 6-9 (authorizing the Governor to close any public school system and providing for grants from public funds to enable students to attend private schools).

54. Ga. Laws 1956, pp. 22-23 (authorizing state and local governments to dispose of any property comprising parks, swimming pools, or other property “dedicated to public use for recreational or park purposes”).

55. Ga. Laws 1956, pp. 756-64 (providing for cut-off of state funds upon admission of black students to state university).

56. Ga. Laws 1956, p. 38 (adopting a new state flag incorporating the design of the Battle Flag of the Confederacy).

57. Ga. Laws 1957, pp. 553-68 (House Resolution calling for impeachment of the United States Supreme Court Justices and charging connections between communism and racial integration).

58. Ga. Laws 1957, pp. 348-51 (House Resolution urging Congress to enact legislation “to declare that the 14th and 15th Amendments to the Constitution of the United States were never validly adopted and that they are null and void and of no effect”).

59. Ga. Laws 1957, pp. 44-48 (authorizing the Governor to call out the militia in cases of “unlawful assemblage”).

60. Ga. Laws 1957, p. 658 (statute aimed at civil rights lawyers and civil rights lawsuits making it a crime to “engage in exciting and stirring up” litigation).

61. Ga. Laws 1958, pp. 269, 274-83 (establishing new discriminatory registration requirements, including purge law, vague reading and writing tests, and a requirement that illiterates answer 20 of 30 questions in order to become registered).

62. Ga. Laws 1958, pp. 13-14 (House Resolution censoring President Eisenhower for sending “airborne storm troopers of the United States Army into a sovereign state to enforce integration of the races at bayonet point in the Central High School of Little Rock, Arkansas,” and charging that “the President sacrificed the honesty and integrity of our highest executive office on an altar of political expediency to appease the NAACP and other radical, communist-sympathizing organizations”).

63. Ga. Laws 1959, pp. 15-17 (authorizing the Governor to close any public school “to preserve the good order, peace and dignity of the State,” and establishing criminal sanction in conjunction therewith).

64. Ga. Laws 1959, p. 18 (authorizing the Governor to close the University System of Georgia “to preserve the good order, peace and dignity of the State”).

65. Ga. Laws 1959, pp. 383-85 (House Resolution requesting Congress to amend the Constitution of the United States “to grant to the several States the same right to control its public school system as has been granted to Alaska”).

66. Ga. Laws 1960, pp. 147-49 (municipal school systems deprived of power to levy taxes upon admitting any blacks to white schools).

67. Ga. Laws 1960, pp. 1187-91 (House Resolution noting that “there has been ingrained forever in the hearts and minds of all Georgians the custom of segregation of the races in the schools of the state,” and declaring that “the great majority of the members of this Assembly who were elected on a pledge to maintain segregated schools at all costs are not willing to retreat from that position” and creating a committee to study the closing of all public schools).

68. Ga. Laws 1960, p. 1135 (increasing the penalty for stirring up civil rights litigation from a misdemeanor to a felony).

69. Ga. Laws 1960, p. 142 (making it a crime to refuse to leave the premises of an establishment after being requested to do so by the owner).

70. Ga. Laws 1961, pp. 31-35 (authorizing local referenda to close public schools).

71. Ga. Laws 1961, pp. 35-38 (establishing tuition grants to enable “school children to attend private schools of their choice in lieu of public schools”).

72. Ga. Laws 1961, p. 595 (proposed constitutional amendment that “[f]reedom from compulsory association at all levels of public education shall be preserved inviolate”).

73. Ga. Laws 1962, Ex. Sess., p. 30 (adopting countywide voting for state senators in counties with more than one senator and imposing a majority vote requirement).

74. Georgia House Journal, Feb. 5, 1964, p. 680; Feb. 10, 1964, p. 896 (condemning the proposed Civil Rights Act of 1964 as a “diabolical attempt to usurp” the rights of citizens).

75. Georgia House Journal, Ex. Sess., June 16, 1964, p. 876 (calling the one person, one vote decision in *Reynolds v. Sims* “the saddest day in American history”).

76. Ga. Laws 1964, Ex. Sess., pp. 49-50 (prohibition against registrar and deputy registrar seeking office or nomination for six months after serving as registrar).

77. Ga. Laws 1964, Ex. Sess., p. 49 (giving local registrars total discretion in appointment of deputy registrars).

78. Ga. Laws 1964, Ex. Sess., p. 57 (adopting a literacy test for voting).

79. Ga. Laws 1964, Ex. Sess., pp. 58-60 (adopting a more stringent and discriminatory good character and understanding test for voting).

80. Ga. Laws 1964, Ex. Sess., pp. 174-75 (adopting a statewide majority vote requirement).

81. Ga. Laws 1964, Ex. Sess., p. 89 (adopting a statewide numbered post provision).

82. Ga. Laws 1968, pp. 903-04 (purge law).

83. Ga. Laws 1968, pp. 899-900 (requirement that registration be conducted only at specifically designated, stationary locations).

84. Ga. Laws 1968, pp. 977-78 (majority vote requirement for municipal elections).

85. Ga. Laws 1968, pp. 913-14 (requiring a designated post system for multiple seat municipal elections).

86. Ga. Laws 1970, pp. 380-83 (majority vote requirement for elected office).

87. Ga. Laws 1970, pp. 369-70 (requiring a designated post system for multiple seat elections).

88. 1976 Ga. Const., Art. II, §1, para. III, §§ 1, 2 (carrying forward the traditional literacy test combined with a “good character and understanding” test; the effect of this provision was suspended in Georgia by operation of the Voting Rights Act of 1965).

89. 1976 Ga. Code § 34-605 (requirement that chief registrar be a freeholder).

90. Ga. Laws 1976, p. 1301 (providing that “[f]reedom from compulsory association at all levels of public education shall be preserved inviolate.”).

II. Judicial Decisions

1. *Bryan v. Walton*, 14 Ga. 185, 198 (1853) (“the status of the African in Georgia, whether bond or free, is such that he has no civil, social or political rights or capacity, whatever, except such as are bestowed on him by Statute”).

2. *Wolfe v. Georgia Ry. & Electric Co.*, 58 S.E. 899, 901 (Ga. Ct. App. 1907) (“We take judicial notice of an intrinsic difference between the two races.”).

3. *King v. Chapman*, 62 F. Supp. 639, 650 (M.D. Ga. 1945) (finding the refusal to allow a black person to vote in Georgia’s white Democratic primary to be in violation of the Fourteenth and Fifteenth Amendments).

4. *Reece v. Georgia*, 350 U.S. 85, 87 (1955) (reversing the dismissal of a jury discrimination claim and noting that “no Negro had served on the grand jury in Cobb County for the previous 18 years”).

5. *Thornton v. Martin*, 1 R. R. L. Rptr. 213, 215 (M.D. Ga. Nov. 23, 1955) (the removal of black voters from the rolls in Randolph County “constituted an illegal discrimination against them on account of their race and color,” and ordering their restoration to the voter rolls).

6. *Harris v. Echols*, 146 F. Supp. 607, 610 (S.D. Ga. 1956) (noting the purging of blacks from the voter rolls in Pierce County because they lacked “understanding [of] the Constitution or the duties of citizenship that is required by law”).

7. Grand Jury Presentments re Koinonia Farms, Inc., a biracial communal group operating a farm and selling farm products near Americus, Georgia, 2 R. R. L. Rptr. 682, 684, 686 (Ga. Apr. 15, 1957) (in its report to the court the grand jury concluded that residents of Koinonia had themselves dynamited their roadside stand, burned down one of their houses, and committed other acts of violence for purposes of “propaganda” and “pecuniary gain,” and that while “the evidence is insufficient to convict of Communism in a Court of Law . . . there exists extremely close kinship between the Communist Party and Koinonia.”).

8. *United States v. Raines*, 362 U.S. 17, 19, 25 (1960) (rejecting arguments by registration officials in Terrell County that the Civil Rights Act of 1957, which forbids racial intimidation and coercion in voting, was unconstitutional, and reversing the dismissal of a suit against the officials who were alleged to have discriminated on racial grounds against Negroes who desired to register to vote).

9. *United States v. Raines*, 189 F. Supp. 121, 125, 127, 129-30, 132, 135 (M.D. Ga. 1960) (finding that Terrell County registration officials “engaged in acts and practices which deprive[d] Negro citizens” of the right to vote and permanently enjoining them for continuing their discriminatory practices, noting that while the county was 64% black, only 48 blacks—compared to 2,810 whites—were registered to vote in 1958).

10. *Wood v. Georgia*, 370 U.S. 375, 379, 395 (1962) (reversing the conviction of a Bibb County sheriff of contempt of court for criticizing a grand jury investigation of “negro block voting”).

11. *Anderson v. Courson*, 203 F. Supp. 806, 809-10 (M.D. Ga. 1962) (holding unconstitutional “segregation in voting places” in Albany and Dougherty County; blacks voted in the city auditorium and whites in the county courthouse).

12. *United States v. Bibb County Democratic Executive Committee*, 222 F. Supp. 493, 494-95, 499 (M.D. Ga. 1962) (finding segregated voting in Bibb County in violation of the Fourteenth and Fifteenth Amendments, *i.e.*, requiring segregated polling places, segregated voting machines, and publication of election returns on a racially designated basis).

13. *Harris v. Chappell*, 8 R. R. L. Rptr. 1355, 1356-57 (M.D. Ga. Nov. 1, 1963) (finding unconstitutional Georgia’s insurrection statute under which four civil rights activists were being held by the Sheriff of Sumter County without bail and ordered them released on bail, and citing *Herndon v. Lowry*, 301 U.S. 242 (1937), and *Wright v. Georgia*, 373 U.S. 284 (1963)).

14. *United States v. Jones County Democratic Executive Committee*, 8 R. R. L. Rptr. 1091, 1092-93 (M.D. Ga. June 26, 1963) (invalidating segregated voting in Jones County).

15. *Allen v. State*, 110 Ga. App. 56, 57-58 (1964) (the evidence showed that all the persons on the grand and trial jury lists for the Sumter County Superior Court were white and that the tax digests from which the names were drawn were racially segregated).

16. *Whitus v. Balkcom*, 333 F.2d 496, 498 (5th Cir. 1964) (finding that: “No Negro has ever served on a grand jury or on a petit jury in Mitchell County.”).

17. *United States v. Mathews*, 9 R. R. L. Rptr. 225, 226-27 (M.D. Ga. Jan. 27, 1964) (enjoining the Terrell County Sheriff and other county officials from intimidating or prosecuting persons to prevent them from registering or voting).

18. *Heart of Atlanta Motel, Inc. v. United States*, 231 F. Supp. 393, 396 (N.D. Ga. 1964) (rejecting a claim that the Civil Rights Act of 1964 was unconstitutional, and enjoining racial segregation in the Heart of Atlanta Motel).

19. *Willis v. Pickrick Restaurant*, 231 F. Supp. 396, 401-02 (N.D. Ga. 1964) (rejecting defendants' claim that the Civil Rights Act of 1964 was unconstitutional, and enjoining racial segregation in an Atlanta restaurant owned by soon-to-be governor Lester Maddox).

20. *Gamble v. Grimes*, 11 R. R. L. Rptr. 2028 (N.D. Ga. July 26, 1966) (finding discrimination in jury selection in Harris County; blacks were 57% of the population but in 1955 there were no blacks on the grand jury list and only 2.3% on the trial jury list; and ordering that petitioner be granted a new trial).

21. *Bond v. Floyd*, 385 U.S. 116, 137 (1966) (holding that Julian Bond, a civil rights activist, had been unlawfully excluded from the Georgia legislature in violation of his "right of free expression under the First Amendment").

22. *Bell v. Southwell*, 376 F.2d 659, 660-61, 664 (5th Cir. 1967) (setting aside an election in Sumter County because of "gross, unsophisticated, significant, and obvious racial discrimination," including segregated voting lists and polling booths, intimidation of black voters by whites, and the arrest of black voters attempting to vote in white polling booths).

23. *Sims v. Georgia*, 389 U.S. 404, 407-08 (1967) (finding blacks had been unconstitutionally excluded from juries in Charlton County).

24. *Pullum v. Greene*, 396 F.2d 251, 252, 255 (5th Cir. 1968) (finding that prior to 1966 no blacks were included on jury lists in Terrell County).

25. *Jones v. Smith*, 420 F.2d 774, 777 (5th Cir. 1969) (finding "an impermissible disparity in the racial composition" of lists from which juries were drawn in Fulton County).

26. *Turner v. Fouche*, 396 U.S. 346, 351 (1970) (finding that in majority black Taliaferro County only 11 blacks were on the 130 member grand jury list).

27. *Edwards v. Sammons*, 437 F.2d 1240, 1241 (5th Cir. 1971) (noting the purging of 150 black residents of Fort Valley in Peach County from the voter rolls for failure to pay city taxes, alleged to be in violation of the Fourteenth Amendment).

28. *Broadway v. Culpepper*, 439 F.2d 1253, 1259-60 (5th Cir. 1971) (finding a disparity between the black population and the percentage of blacks on the jury list in Baker County).

29. *United States v. Georgia*, 351 F. Supp. 444, 446-47 (N.D. Ga. 1972) (enjoining enforcement of a Georgia house redistricting plan because it incorporated features to which DOJ had previously objected under Section 5 of the Voting Rights Act, 52 U.S.C. § 10304 (formerly 42 U.S.C. § 1973c), *i.e.*, multi-member districts, numbered post requirements, and majority runoffs).

30. *Georgia v. United States*, 411 U.S. 526, 535 (1973) (affirming the decision in *United States v. Georgia*, 351 F. Supp. 444 (N.D. Ga. 1972), and rejecting the state's claim that Section 5 of the Voting Rights Act was now unconstitutional).

31. *Sheffield v. Cochran*, Civ. No. 374-14 (S.D. Ga. 1974) (successful challenge to at-large elections in Dublin).

32. *Bond v. White*, 508 F.2d 1397, 1398-99 (5th Cir. 1975) (DOJ objected under Section 5 to a change in the method of electing the Twiggs County Commission from districts to at-large, but the county proceeded to hold elections under the objected-to procedure until enjoined by the federal court).

33. *Foster v. Sparks*, 506 F.2d 805, 808 (5th Cir. 1975) (finding that “black and female citizens in Quitman County have long been greatly underrepresented in the organs of county government,” including service on grand and trial juries).

34. *Pitts v. Busbee*, 395 F. Supp. 35, 39-41 (N.D. Ga. 1975) (a challenge to at-large elections in Fulton County in which the court found: there was “a history of undisputable, pervasive de jure racial segregation in Georgia and Fulton County”; “the Fulton County government has never become equally open to participation by black and white members of the community”; no black person had ever been elected to the county commission under the challenged plan; the county had refused for racial reasons to build public housing or permit anyone else to do so; there were no black department heads; virtually every suspect voting procedure was in effect, including majority vote and numbered post requirements; at-large elections in Fulton County “grossly minimize” the possibility of blacks electing candidates of their choice; noting the “racist campaign tactics” used against Andrew Young by his white opponent in their 1970 congressional campaign).

35. *Brown v. Reames*, Civ. No. 75-80 (M.D. Ga. Dec. 16, 1977) (the district court dismissed the complaint challenging at-large elections for the Harris County commission but the court of appeals vacated and remanded, *Brown v. Reames*, 618 F.2d 782 (5th Cir. 1980), and on remand the parties agreed to a single-member district plan which was enacted by the legislature and precleared by the Attorney General on April 16, 1984. The district court noted that prior to 1972, no black person ever served as a poll worker).

36. *Thomasville Branch of NAACP v. Thomas County*, Civ. No. 75-34 (M.D. Ga.) (successful challenge to at-large elections in Thomas County).

37. *Howard v. Board of Commissioners of Walton County*, Civ. No. 75-67-ATH (M.D. Ga. July 29, 1976) (successful challenge to at-large elections in Walton County).

38. *Jones v. Brooks*, Civ. No. 75-52 (M.D. Ga. 1976) (challenging jury discrimination in the Alcovy judicial circuit).

39. *Grovner v. Poppell*, Civ. No. 275-71 (S.D. Ga. 1977) (challenging jury discrimination in the Atlantic judicial circuit).

40. *Criterion Club of Albany v. Board of Commissioners of Dougherty County, Ga.*, Civ. No. 76-63 (M.D. Ga.) (successful challenge to at-large elections in Dougherty County). *See Criterion Club of Albany v. Bd. of Comm'rs of Dougherty Cnty., Ga.*, 594 F.2d 118, 119 (5th Cir. 1979) (noting that the case was settled by adoption by the legislature in 1978 of a plan “providing the opportunity for the election of at least two blacks to the County Commission”).

41. *Bowdry v. Hawes*, Civ. No. 176-128 (S.D. Ga. 1978) (successful challenge to at-large elections for McDuffie County Commission; adoption of at-large elections for McDuffie County board of education found in violation of Section 5; successful challenge to at-large elections in Thomson).

42. *Butler v. Underwood*, Civ. No. 76-53 (M.D. Ga. Aug. 31, 1976, Dec, 14, 1978) (successful challenges to at-large elections in Morgan County and the city of Madison).

43. *Berry v. Doles*, Civ. No. 76-139 (M.D. Ga. Nov. 19, 1979) (successful challenge to at-large elections in Peach County).

44. *Berry v. Doles*, 438 U.S. 190 (1978) (remanding for consideration of a remedy for Peach County’s implementation of a voting change without first seeking Section 5 preclearance).

45. *Holloway v. Faust*, Civ. No. 76-28 (M.D. Ga.) (successful challenge to at-large voting for Terrell County commission).

46. *Merritt v. Faust*, Civ. No. 76-28-AMER (M.D. Ga. July 21, 1978) (adoption of at-large elections for Terrell County board of education found to be in violation of Section 5).

47. *Holloway v. Raines*, Civ. No. 77-27-Amer (M.D. Ga. Feb. 1, 1979) (successful suit challenging at-large elections for the City of Dawson).

48. *Avery v. Wilkes County Board of Commissioners*, Civ. No. 176-38 (S.D. Ga. Jan. 17, 1979) (successful challenge to at-large elections in Wilkes County).

49. *Cross v. Baxter*, Civ. No. 76-20 (M.D. Ga. July 24, 1984) (successful challenge to at-large elections in Moultrie). *See also Cross v. Baxter*, 604 F.2d 875, 880 n.8 (5th Cir. 1979) (finding racially polarized voting in Moultrie, Georgia).

50. *Sullivan v. DeLoach*, Civ. No. 176-238 (S.D. Ga. Sept. 22, 1977) (successful challenge to at-large elections in Waynesboro).

51. *Sapp v. Rowland*, Civ. No. 176-94 (S.D. Ga. 1977) (challenging jury discrimination in the Augusta judicial circuit).

52. *NAACP Branch of Coffee County v. Moore*, Civ. No. 577-25 (S.D. Ga. 1978) (successful challenge to at-large elections for Coffee County Commission, Coffee County Board of Education, and the city of Douglas).

53. *McIntosh County NAACP v. McIntosh County*, Civ. No. 277-70 (S.D. Ga.) (successful challenge to at-large elections in McIntosh County).

54. *Wilkerson v. Ferguson*, Civ. No. 77-30 (M.D. Ga. April 7, 1980) (successful challenge to at-large elections for Sumter County Commission; successful challenge to at-large elections in Americus).

55. *Newton County Voters League v. City of Covington*, Civ. No. 77-1802A (M.D. Ga.) (successful challenge to at-large elections in Covington).

56. *McIntosh County Branch of NAACP v. City of Darien*, Civ. No. 277-71 (S.D. Ga.) (successful challenge to at-large elections in Darien, following reversal and remand in *McIntosh County Branch of NAACP v. City of Darien*, 605 F.2d 753 (5th Cir. 1979)).

57. *Paige v. Gray*, 437 F. Supp. 137, 153-58 (M.D. Ga. 1977) (successful challenge to at-large elections in Albany, in which the court found that: the city functioned “in every respect . . . as a racially segregated community”; schools, voting, the library, the city auditorium, tennis courts, swimming pools, public housing, juries, municipal employment, taxicabs, theaters, and city busses were segregated; the Democratic party was “in the hands of an all-white committee”; the black community “has just never had the opportunity or been permitted to enter into the political process of electing city commissioners”; the at-large system was “winner take all” and was “invidiously discriminatory” in violation of the Fourteenth and Fifteenth Amendments).

58. *Barrow v. State*, 239 Ga. 162, 167 (1977) (the grand and trial juries in Oglethorpe County were “illegally constituted” because they “overrepresented . . . white males”).

59. *Berry v. Cooper*, 577 F.2d 322, 324 (5th Cir. 1978) (recognizing that jury lists in Peach County “were unconstitutionally composed” and discriminated on the basis of race and sex).

60. *Wilkes County, Georgia v. United States*, 450 F. Supp. 1171, 1174-76 (D.D.C. 1978) (denying Section 5 preclearance to at-large elections in Wilkes County because of their discriminatory purpose and effect, and finding “racial bloc voting exists in the county,” “past discrimination in voting against black residents,” and “the virtual total control of the electoral process by white persons”).

61. *Hamilton v. Board of Commissioners of Richmond County*, Civ. No. 178-226 (S.D. Ga.) (successful challenge to at-large elections in Richmond County).

62. *Mann v. Cox*, 487 F. Supp. 147, 155 (S.D. Ga. 1979) (finding “discrimination in jury selection” against women and blacks in Bulloch County).

63. *Love v. Deal*, Civ. No. 679-37 (S.D. Ga. May 27, 1980; April 7, 1983; May 26, 1983) (successful challenge to at-large elections for Bulloch County Commission; adoption of at-large elections for Bulloch County School Board found in violation of Section 5; successful challenge to at-large elections in Statesboro).

64. *Jones v. Cowart*, Civ. No. 79-79 (M.D. Ga. June 11, 1980) (successful challenge to at-large elections in Calhoun County).

65. *McKenzie v. Giles*, Civ. No. 79-43 (M.D. Ga. July 5, 1980) (successful challenge that at-large elections had been adopted for the Dooly County Commission and Board of Education in violation of Section 5 and Section 2).

66. *McKenzie v. Dooly County, Georgia*, Civ. No. 86-95 (M.D. Ga. Aug. 8, 1986) (successful challenge to malapportioned plan for the Dooly County Commission and which also under represented blacks).

67. *Head v. Henry Board of Commissioners*, Civ. No. 79-2063A (N.D. Ga. June 17, 1980) (successful challenge to at-large elections in Henry County).

68. *Cochran v. Autry*, Civ. No. 79-59 (M.D. Ga. May 1984) (successful challenge to at-large elections for Mitchell County Commission and Board of Education).

69. *McRae v. Board of Education of Henry County*, 491 F. Supp. 30 (N.D. Ga. 1980) (enjoining further use of at-large elections for Henry County school board for failure to seek preclearance under Section 5).

70. *Davenport v. Isler*, Civ. No. 80-42 (M.D. Ga. June 23, 1980) (enjoining use of at-large elections for the Clay County Commission for failure to seek preclearance under Section 5).

71. *City of Rome v. United States*, 446 U.S. 156, 161 (1980) (denied preclearance under Section 5 to the city's majority vote, numbered posts, staggered terms requirements, and annexations because of their discriminatory effect given the predominance of racial bloc voting, and rejected the city's claim that Section 5 was unconstitutional).

72. *NAACP, DeKalb County Chapter v. Georgia*, 494 F. Supp. 668, 679 (N.D. Ga. 1980) (enjoining new county policy prohibiting neighborhood registration drives in DeKalb County absent preclearance under Section 5).

73. *Brown v. Scarborough*, Civ. No. 80-27 (M.D. Ga. 1980) (successful challenge to at-large elections in Early County).

74. *Thompson v. Mock*, Civ. No. 80-13 (M.D. Ga. June 27, 1980) (enjoining at-large elections for the Miller County commission and school board for failure to seek preclearance under Section 5).

75. *Boddy v. Hall*, Civ. No. 82-406 (M.D. Ga. May 1984; June 1984) (successful challenges to at-large elections for the Baldwin County commission and board of education).

76. *Hughley v. Adams*, Civ. No. 80-20N (N.D. Ga. July 1980) (enjoining further use of an at-large plan for the Pike County school board objected to by the Attorney General under Section 5).

77. *Hughley v. Adams*, 667 F.2d 25 (11th Cir. 1982) (a remedial districting plan adopted by the Pike County school board could not be implemented absent preclearance under Section 5).

78. *Lodge v. Buxton*, 639 F.2d 1358, 1376-79 (5th Cir. 1981) (successful challenge to at-large elections in Burke County, in which the court found: there was discrimination in employment, the provision of services, and appointments to boards and commissions; schools and juries were segregated; public funds were diverted to support a private school established to circumvent desegregation; blacks had a depressed socio-economic status; “Black suffrage was ‘virtually non-existent’”; blacks were excluded from participating in the affairs of the Democratic party; and the evidence of racial bloc voting was “clear and overwhelming”), *aff’d sub nom. Rogers v. Lodge*, 458 U.S. 613, 622 (1982) (affirming the “District Court’s finding that the at-large system in Burke County was being maintained for the invidious purpose of diluting the voting strength of the black population”).

79. *Robinson v. Kimbrough*, 652 F.2d 458, 460 (5th Cir. 1981) (finding that in 1974 the population of Harris County was approximately 40% to 45% percent black and 50% female, but from 1969 to 1974 the percentages of blacks on the jury lists was approximately 10% to 15% and for women was 0% to 2%).

80. *Searcy v. Williams*, 656 F.2d 1003, 1010 & n.9 (5th Cir. Unit B 1981) (invalidating the self-perpetuating method of selecting members of the Thomaston school board because it “has clearly operated purposefully to further discrimination” in violation of the Fourteenth Amendment).

81. *Bailey v. Vining*, 514 F. Supp. 452, 454-62 (M.D. Ga. 1981) (successful challenge to at-large elections in the city of Eatonton, the Putnam County Commission, and Board of Education, in which the court found: voting was racially polarized; schools and juries had been segregated; few blacks were employed by the city or county or had been appointed to local boards and commissions; the municipal housing authority was operated on a racially segregated

basis; the swimming pool was white-only until 1968; public funds had been used to pave the road to an all-white private school, which opened following the desegregation of public schools; the golf course, operated on land owned by the county, was segregated; voting lists were maintained on a segregated basis; no blacks were appointed as deputy registrars until after the law suit was filed in 1976, and there were virtually no black election officials in the city and rural precincts; blacks were excluded from participating in the affairs of the Democratic party; majority vote and numbered post requirements were in effect; blacks had a depressed socio-economic status which hindered their ability to support candidates for public office; despite the fact that blacks were 49% of the population, no black had ever won a contested at-large election in the county in the present century; blacks “have not had equal access to the political processes in Putnam County”).

82. *Edge v. Sumter County School District*, 541 F. Supp. 55, 56 (M.D. Ga. 1981) (“On July 13, 1973 the Attorney General interposed an objection to the change [to at-large elections for the board of education]. In spite of this objection the at-large system has been utilized for Board elections up to the present time.”).

83. *Edge v. Sumter County School District*, 775 F.2d 1509, 1510 (11th Cir. 1985) (“No black person has ever served on the county school board”; “In 1964, prior to the Voting Rights Act, Georgia law provided that the Sumter County grand jury appoint school board members.”).

84. *Busbee v. Smith*, 549 F. Supp. 494, 500, 517 (D.D.C. 1982) (noting that Georgia’s 1970 congressional reapportionment plan fragmented concentrations of black voters and discriminated against potential black candidates; denied preclearance to Georgia’s 1980 congressional plan and finding that “the divergent utilization of the ‘community of interest’

standard is indicative of racially discriminatory intent,” and that the chair of the house reapportionment committee, Joe Mack Wilson, “is a racist”).

85. *Birt v. Montgomery*, 709 F.2d 690, 699 (11th Cir. 1983) (the statistics show “an absolute disparity of underrepresentation” of blacks and women on the jury pool lists in Jefferson County).

86. *Concerned Citizens for Better Government for Evans County v. DeLoach*, Civ. No. 483-343 (S.D. Ga. Jan. 13, 1984) (successful challenge to at-large elections in Evans County).

87. *Concerned Citizens for Better Government for Evans County v. DeLoach*, Civ. No. 483-343 (S.D. Ga. Apr. 18, 1984; July 27, 1984) (successful challenges to at-large elections in Claxton and Hagan).

88. *Tomlin v. Jefferson County Board of Commissioners*, Civ. No. 683-23 (S.D. Ga. Sept. 1983) (successful challenge to at-large elections in Jefferson County).

89. *United States v. Lowndes County*, Civ. No. 83-106 (M.D. Ga.) (successful challenge to at-large elections in Lowndes County and the city of Valdosta). A similar challenge to at-large elections for Valdosta was also filed by the NAACP, *Lowndes County Chapter of NAACP v. Tillman*, Civ. No. 83-108-VAL (M.D. Ga.).

90. *Mims v. Tift County*, Civ. No. 83-9 (M.D. Ga.) (successful challenge to at-large elections in Tift County).

91. *Thrower v. City of Decatur*, Civ. No. 83-1855 (N.D. Ga.) (successful challenge to at-large elections in Decatur).

92. *NAACP v. City of Milledgeville*, Civ. No. 83-145-01 (M.D. Ga.) (successful challenge to at-large elections in Milledgeville).

93. *Wilson v. Powell*, Civ. No. 383-14 (S.D. Ga. Nov. 1984) (successful challenge to the grand jury method of appointing members of the Johnson County school board and the adoption of single member districts).

94. *Brown v. Bailey*, Civ. No. 84-223 (M.D. Ga.) (successful challenge to at-large elections for Butts County Commission; successful challenge to at-large elections in Jackson).

95. *Baker v. Gay*, Civ. No. 284-37 (S.D. Ga. Oct. 7, 1985) (successful challenge to at-large elections for the Camden County commission and board of education).

96. *Cook County Voter Education Project v. Walker*, Civ. No 84-044 (M.D. Ga. July 11, 1985) (at-large elections adopted for Cook County school board found in violation of Section 5).

97. *Raines v. Hutto*, Civ. No. 84-321 (M.D. Ga.) (successful challenge to at-large elections for the Crawford County commission and board of education).

98. *LOVE v. Conaway*, Civ. No. 484-39 (S.D. Ga.) (successful challenge to at-large elections in Effingham County).

99. *Culver v. Krulic*, Civ. No. 484-139 (S.D. Ga. Nov. 5, 1984) (successful challenge to at-large elections for Screven County commission and to malapportioned districts for the Screven County school board).

100. *Reid v. Martin*, Civ. No. 84-60 (N.D. Ga. 1985) (successful challenge to at-large elections for the Spalding County board of commissioners and the Griffin city council).

101. *Carter v. Tootle*, Civ. No. 484-219 (S.D. Ga. Oct. 1984) (successful challenge to at-large elections in Tattnall County).

102. *Carter v. Jarrell*, Civ. No. 84-87 (M.D. Ga.) (successful challenge to at-large elections in Taylor County).

103. *Brown v. City of Camilla*, Civ. No. 84-248 (M.D. Ga.) (successful challenge to at-large elections in Camilla).

104. *Carrollton Branch of NAACP v. Stallings*, Civ. No. 84-122-6 (N.D. Ga. Sept. 17, 1988) (successful challenge to at-large elections in Carroll County). *See also Carrollton Branch of NAACP v. Stallings*, 829 F.2d 1547, 1559, 1560, 1563 (11th Cir. 1987) (noting that “no black has ever been elected to any county office in Carroll County”; that there was evidence the system had been adopted with a discriminatory purpose; and “that there [wa]s substantial evidence in the record to indicate that Carroll County experiences racially polarized voting in county-wide elections”).

105. *Moore v. Shingler*, Civ. No. 84-71 (M.D. Ga.) (successful challenge to at-large elections in Donalsonville).

106. *Rush v. Norman*, Civ. No. 84-150 (N.D. Ga.) (successful challenge to at-large elections in Newnan).

107. *McCoy v. Adams*, Civ. No. 84-240 (M.D. Ga. Nov. 14, 1986) (successful challenges to at-large elections in Camilla and Pelham).

108. *Dantley v. Sutton*, Civ. No. 84-165 (M.D. Ga. April 18, 1986) (successful challenge to at-large elections in Rochelle).

109. *Ware County Voter Education Project v. Parks*, Civ. No. 584-070 (S.D. Ga.) (successful challenge to at-large elections in Waycross).

110. *Keebler v. Burch*, Civ. No. 284-26 (S.D. Ga. May 22, 1984) (at large elections adopted for Wayne County school board found in violation of Section 5).

111. *Macon County Voter Education Project v. Bentley*, Civ. No. 84-126 (M.D. Ga. Apr. 14, 1988) (at-large elections for Macon County school board found adopted in violation of Section 5).

112. *Marion County Voter Education Project v. Hicks*, Civ. No. 84-117-N (N.D. Ga. Sept. 28, 1984) (at-large elections for Marion County school board found adopted in violation of Section 5).

113. *Meriwether County Voter Education Project v. Hicks*, Civ. No. 84-117-N (N.D. Ga. Sept. 28, 1984) (at-large elections adopted for Meriwether County school board found in violation of Section 5).

114. *Toombs County Branch of NAACP v. Culpepper*, Civ. No. 84-21 (S.D. Ga. Dec. 12, 1986) (at-large elections adopted for Toombs County school board found in violation of Section 5).

115. *Carter v. Taylor County Board of Education*, Civ. No. 84-81-COL (M.D. Ga. Feb. 28 1986) (at-large elections adopted for Taylor County school board found in violation of Section 5).

116. *Smith v. Carter*, Civ. No. 585-088 (S.D. Ga. Mar. 31, 1986) (successful challenge to at-large elections for the Charlton County commission and school board).

117. *Bacon v. Higdon*, Civ. No. 85-40 (M.D. Ga. Jan. 10, 1986) (successful Section 2 challenge to at-large elections for the Greene County commission and school board).

118. *McBride v. Marion County Commission*, Civ. No. 99-CV-134 (M.D. Ga. June 13, 2000) (successful challenge to at-large elections for the Marion County commission. Among the court's findings were: "Racially polarized voting prevails in elections in the county"; "no black candidate has been elected to any county office in Marion County in which voting occurs on an

at-large basis”; “Black citizens in Georgia and its political subdivisions (including Marion County) have suffered from a history of official racial discrimination in voting and other areas.”).

119. *Simmons v. Monroe County Commission*, Civ. No. 85-125 (M.D. Ga.) (successful challenge to at-large elections in Monroe County).

120. *Smith v. Gillis*, Civ. No. 385-42 (S.D. Ga. April 1986) (successful Section 2 challenge to at-large elections for the Treutlen County commission and board of education, and the Soperton city council.).

121. *Hall v. Holder*, Civ. No. 85-242 (M.D. Ga.) (successful challenge to at-large elections in Cochran).

122. *Hall v. Holder*, 955 F.2d 1563, 1572-74 (11th Cir. 1992) (finding “racially polarized voting” in Bleckley County and that Bleckley County “had deprived blacks of the opportunity to participate in public life and government, even prohibiting blacks from registering to vote and from voting”), *rev’d on other grounds sub nom. Holder v. Hall*, 512 U.S. 874 (1994).

123. *Strickland v. Lamar County Board of Commissioners*, Civ. No. 86-167 (M.D. Ga.) (challenge to at-large elections for the Lamar County commission and board of education).

124. *Chatman v. Spillers*, Civ. No. 86-91 (M.D. Ga. June 1992) (successful challenge to at-large elections in Butler). *See also Chatman v. Spillers*, 44 F. 3d 923, 925 (11th Cir. 1995) (ordering the district court to “order special elections within thirty (30) days from the issuance of the mandate in this case in the manner suggested by the plaintiffs.”).

125. *Dent v. Culpepper*, Civ. No. 86-173 (M.D. Ga. Nov. 23, 1987) (successful Section 2 challenge to at-large elections in Cordele).

126. *Freeze v. Jesup*, Civ. No. 286-128 (S.D. Ga.) (successful challenge to at-large elections in Jesup).

127. *Maxwell v. Moore*, Civ. No. 686-024 (S.D. Ga.) (successful challenge to at-large elections in Lyons).

128. *Glover v. Long County*, Civ. No. 287-20 (S.D. Ga. April 1987) (successful Section 2 challenge to at-large elections for the Long County commission).

129. *Teague v. Wilcox County*, Civ. No. 87-80 (M.D. Ga. July 30, 1987) (successful challenge to at-large elections in Wilcox County).

130. *United States v. City of Augusta*, Civ. No. 187-004 (S.D. Ga. 1989) (successful challenge to at-large elections in Augusta).

131. *Woodard v. Mayor and City Council of the City of Lumber City, Georgia*, Civ. No. 387-027 (S.D. Ga. Jan. 5, 1989) (successful Section 2 challenge to at-large elections in City of Lumber City). *See also Woodard v. Mayor and City Council of the City of Lumber City, Georgia*, 676 F. Supp. 255 (S.D. Ga. 1987) (enjoining use of a 1973 majority voter law for failure to get preclearance under Section 5).

132. *Brown v. McGriff*, Civ. No. 387-019 (S.D. Ga. Aug. 1, 1988) (successful Section 2 challenge to at-large elections in Eastman).

133. *Wallace v. City of Ludowici*, Civ. No. 287-147 (S.D. Ga.) (successful Section 2 challenge to at-large elections in Ludowici).

134. *Warren County Branch of NAACP v. Haywood*, Civ. No. 187-167 (S.D. Ga.) (successful challenge to at-large elections in Warrenton).

135. *Clark v. Telfair County*, Civ. No. 287-25 (S.D. Ga. Oct. 26, 1988) (successful challenge to at-large elections for Telfair County sole commissioner).

136. *Amadeo v. Zant*, 486 U.S. 214, 218, 224 (1988) (finding that Putnam County officials intentionally underrepresented black people and women on grand and trial juries).

137. *Mayfield v. Crittendon*, Civ. No. 88-56 (M.D. Ga.) (successful challenge to at-large elections in Hart County).

138. *Neely v. Webster County*, Civ. No. 88-203 (M.D. Ga. March 16, 1990) (settling a challenge to the sole commissioner form of government in Webster County by increasing the size of the county government with elections from districts).

139. *Howard v. Commissioners of Wheeler County*, Civ. No. 390-057 (S.D. Ga. Jan. 13, 1993) (settling a challenge to the sole commissioner form of government in Wheeler County by increasing the size of the county government with elections from districts).

140. *Brooks v. State Board of Elections*, 848 F. Supp. 1548, 1560 (S.D. Ga. 1994) (“Georgia has a history chocked full of racial discrimination at all levels. This discrimination was ratified into state constitutions, enacted into state statutes, and promulgated in state policy. Racism and race discrimination were apparent and conspicuous realities, the norm rather than the exception.”).

141. *Johnson v. Miller*, 864 F. Supp. 1354, 1379 (S.D. Ga. 1994) (“we have given formal judicial notice of the State’s past discrimination in voting, and have acknowledged it in the recent cases”).

142. *Johnson v. Miller*, 922 F. Supp. 1556, 1568, 1570-71 (S.D. Ga. 1995) (because of racial bloc voting a district containing “the percentage of black registered voters as close to fifty-five percent as possible was necessary . . . to avoid dilution of the Fifth District minorities’ rights”).

143. *Abrams v. Johnson*, 521 U.S. 74, 107 (1997) (noting “Georgia’s long, well-documented history of past discrimination in voting”) (Breyer, Stevens, Souter, and Ginsburg, JJ., dissenting).

144. *Georgia v. Ashcroft*, 195 F. Supp. 2d 25, 94 (D.D.C. 2002) (denying preclearance to two state senate districts finding, *inter alia*, “the presence of racially polarized voting”), *vacated and remanded on other grounds*, 539 U.S. 461 (2003).

III. Section 5 Objections

1. Letter from J. Stanley Pottinger, Assistant Attorney General, to Henry L. Crisp, July 13, 1973, copy attached as Exhibit 1 (“the requirement that all candidates [for the Sumter County school board] must be voted on county-wide would result in the dilution and minimization of the voting strength of black citizens.”).

2. Letter from Wm. Bradford Reynolds, Assistant Attorney General, to Henry L. Crisp, December 17, 1982, copy attached as Exhibit 2. DOJ found that:

Our analysis also has revealed evidence of racially polarized voting, non-responsiveness on the part of the school board members to the particularized needs of the black community, and other factors which, in the context of a history of racial discrimination in the county, increase the likelihood that the proposed redistricting plan will deny black voters an equal opportunity to elect representatives of their choice.

DOJ further concluded:

The information which has been provided also suggests that the submitted plan was designed with the purpose of minimizing minority voting strength in the school district. Thus, it appears that the board consciously did not consider the alternative plan proposed by the ACLU because of racial considerations and similarly did not obtain or seek input from the minority community, which comprises 43 percent of the district’s population.

3. Letter from Wm. Bradford Reynolds, Assistant Attorney General, to Henry L. Crisp, September 6, 1983, copy attached as Exhibit 3. DOJ found that:

[T]he present proposal fails to offer black voters a realistic opportunity to elect candidates of their choice [to the Sumter County school board]. . . . Nor are we able to conclude, in light of the continuing exclusion of effective participation by black citizens and their representatives in the redistricting process, that this discriminatory result was unintended.

This 14th day of October, 2014.

Respectfully submitted,

s/M. Laughlin McDonald

M. LAUGHLIN McDONALD
American Civil Liberties Union
Foundation, Inc.
2700 International Tower
229 Peachtree Street, N.E.
Atlanta, Georgia 30303
Tel: (404) 500-1235
Fax: (404) 565-2886
lmcdonald@aclu.org

s/Chara F. Jackson

CHARA F. JACKSON
CHAD M. BROCK
American Civil Liberties Union
of Georgia
1900 The Exchange, Suite 425
Atlanta, Georgia 30339
Tel: (770) 303-8111
Fax: (770) 303-0060
cfjackson@acluga.org
cbrock@acluga.org

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

This is to certify that I have on this day served the foregoing document on all the parties in this case using the CM/ECF system, which will send electronic notice of filing to the following:

William Dallas Nesmith, III
P.O. Box 295
Americus, GA 31709
229-931-4427
wnesmith@sumtercountyga.us

Anne Ware Lewis
Bryan P. Tyson
Strickland Brockington Lewis LLP
1170 Peachtree St. NE Suite 2200
Atlanta, GA 30309
678-347-2200
awl@sblaw.net
bryan.tyson@sblaw.com

Attorneys for Defendant

Submitted this 14th day of October, 2014.

s/M. Laughlin McDonald
M. LAUGHLIN McDONALD

Attorney for Plaintiff