



Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

6 SEP 1983

Henry L. Crisp, Esq.  
Crisp, Oxford & Gatewood  
P. O. Box J  
Americus, Georgia 31709

Dear Mr. Crisp:

This is in reference to the proposed redistricting plan for the school district in Sumter County, Georgia, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on July 6, 1983.

As you know, on December 17, 1982, we interposed an objection to the initial redistricting effort by the Sumter County School District. At that time we noted that, in the context of circumstances that exist in Sumter County, the burden on the school district under Section 5 is to establish that the proposed redistricting was not adopted with a racially discriminatory purpose and that it would not have such an effect when compared "with options for properly apportioned single-member district plans," citing Wilkes County, Ga. v. United States, 450 F. Supp. 1171, 1178 (D. D.C. 1978), *aff'd*, 439 U.S. 999 (1978). We further noted that black persons comprise more than 43 percent of the population of the school district, and that a readily available alternative plan existed which would have fairly recognized black voting strength. In light of the school district's failure to offer legitimate reasons for avoiding that plan, and in light of the suggestion of racial purpose implicit in the board's refusal to open the redistricting process at all to minority citizens, we were compelled to conclude that the Section 5 burden had not been met; accordingly, an objection was interposed.

According to the materials you have presented, your newest proposed redistricting plan contains districts with black majorities of 65.05 percent, 63.13 percent, and 54.88 percent. While exact data are not available, it appears clear that the already nominal (54.88%) black majority district actually has been reduced somewhat by recent annexations from the area of that district to the City of Americus. We have regrettably been afforded no information regarding the impact of these annexations on the proposed plan, nor has it been explained why the school board refrained from sharing such information with us.

Our independent analysis suggests that, with the annexations taken into account, the present proposal fails to offer black voters a realistic opportunity to elect candidates of their choice. In light of this fact, and given the availability of alternative plans providing for more effective black majority districts, we are unable to conclude that the current submission satisfies the Section 5 requirement of avoiding any racially discriminatory effect. 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. Accordingly, on behalf of the Attorney General, I must object to the proposed redistricting now under submission.

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 this change has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. In addition, Section 51.44 of the guidelines permits you to request that the Attorney General reconsider the objection. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the instant redistricting plan legally unenforceable. 28 C.F.R. 51.9.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action the Sumter County School District plans to take with respect to this matter. If you have any questions, feel free to call Carl W. Gabel (202-724-8388), Director of the Section 5 Unit of the Voting Section.

Sincerely,



Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division