



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 2, 1982

Roy D. Bates, Esq.  
City Attorney  
Post Office Box 147  
Columbia, South Carolina 29217

Dear Mr. Bates:

This is in reference to the redistricting for the City of Columbia in Richland County, South Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. Your submission of supplemental information was received on June 3, 1982.

In order to complete the submission by the City of Columbia, on May 10, 1982, we requested certain additional information which, in our view was necessary for the required analysis. Included in the request was certain information concerning the alternate plans considered by the city council. This information is needed to enable us to evaluate the submission of a redistricting plan properly. Wilkes County, Georgia v. United States, 450 F. Supp. 1171 (D. D.C. April 20, 1978), aff'd, 439 U.S. 949 (1978). I note that in your letter of May 27, 1982, you declined to forward this information because "[w]e do not consider statistics for other plans relevant to this submission."

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has no discriminatory purpose or effect. See, e.g., Georgia v. United States, 411 U.S. 526 (1973); see also, Procedures for the Administration of Section 5, 28 C.F.R. 51.39(e). In this case, we have not been presented with information sufficient to enable us to conclude that the plan meets the statutory standards. I also point out that Section 51.38 of the Procedures for the Administration of Section 5 provides that

if the submitting authority has not provided information in response to a request by the Attorney General, the Attorney General, consistent with the burden of proof imposed under Section 5, may object to the change. Therefore, on behalf of the Attorney General, I must object to the redistricting plan for the City of Columbia.

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 these changes have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race, color or membership in a language minority group. In addition, the Procedures for the Administration of Section 5 (28 C.F.R. 51.44) permit you to request the Attorney General to reconsider the objection, which he will readily do upon receipt of the information not yet provided. However, until the objection is withdrawn or the judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the redistricting plan legally unenforceable. See also 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 City of Columbia plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Carl W. Gabel (202-724-8388), Director of the Section 5 Unit of the Voting Section.

Sincerely,

A handwritten signature in black ink, appearing to read "Wm. Bradford Reynolds". The signature is fluid and cursive, with a long horizontal stroke at the end.

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division



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Washington, D.C. 20530

17 DEC 1982

Roy D. Bates, Esq.  
City Attorney  
Post Office Box 147  
Columbia, South Carolina 29217

Dear Mr. Bates:

This is in reference to your request that the Attorney General reconsider his August 2, 1982, objection under Section 5 of the Voting Rights Act of 1965, as amended, to the districting of councilmanic districts for the City of Columbia in Richland County, South Carolina. Your request was initially received on September 8, 1982, and supplemented on November 2, 1982.

We have carefully reviewed the information that you have provided to us, as well as comments from other interested parties. Our initial concern was predicated on the city not having met its burden of proving that the district lines were drawn without a racially discriminatory purpose or effect. We have now reviewed the information, comments and materials which recently have been provided and pursuant to the reconsideration guidelines promulgated in the Procedures for the Administration of Section 5 (28 C.F.R. 51.47), the objection interposed to the districting of councilmanic districts 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. See also 28 C.F.R. 51.48.

Sincerely,

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division

cc: Public File