



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

C. Havird Jones, Jr., Esq.  
Assistant Attorney General  
P.O. Box 11549  
Columbia, South Carolina 29211

30 AUG 1982

Dear Mr. Jones:

This is in reference to the redistricting of county council and school board districts in Williamsburg 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 was completed on June 29, 1982.

As you know, 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 order to prove the absence of a racially discriminatory effect, Williamsburg County must demonstrate, at a minimum, that the proposed county redistricting plan will not lead to "a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." Beer v. United States, 425 U.S. 130, 141 (1976). While the county is under no obligation to maximize minority voting strength, the county must demonstrate that the plan "fairly reflects the strength of [minority] voting power as it exists." Mississippi v. United States, 490 F. Supp. 569, 581 (D. D.C. 1979), citing Beer v. United States, supra, 425 U.S. at 139 n. 11 and 141; and City of Richmond v. United States, 422 U.S. 358, 362 (1975).

We have analyzed carefully the submitted plan and have, as the law requires, viewed the districts "from the perspective of the most current available population data," City of Rome v. United States, 446 U.S. 156, 186 (1980) (i.e., the 1980 Census data). That analysis has revealed a noticeable dilution or fragmentation of the minority vote in Williamsburg County. For example, under the existing

plan four of the seven districts have black majorities substantial enough to enable the black community to elect councilmembers of its choice to the county's governing body. Under the proposed plan, the black electorate likely will have a realistic opportunity for such success in only three of the seven districts, even though they represent over 62 percent of the county's population. In addition, we have noted the strangely irregular-shaped districts that have been employed in accomplishing this result.

Under these circumstances, and in light of the existing patterns of racial bloc voting that exist, we are unable to conclude, as we must, that the County has met its burden of proving that the plan meets the requirements of the Act and is free of a racially discriminatory purpose or effect. Accordingly, I must on behalf of the Attorney General, interpose an objection to the redistricting plan for county council and school board districts, pursuant to Section 5 of the Voting Rights Act of 1965.

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. 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 of county council and school board districts 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 Williamsburg County plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Sandra S. Coleman (202-724-6718), Deputy 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 large initial "W" and "B".

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division

cc: William E. Jenkinson, Esq.  
County Attorney