



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

June 21, 1982

Richard Crawford Grizzard, Esq.  
Commonwealth's Attorney  
Southampton County  
P. O. Box 406  
Courtland, Virginia 23837

Dear Mr. Grizzard:

This is in reference to the redistricting of Southampton County, Virginia, 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 April 20, 1982.

We have given careful consideration to the information provided by the County as well as to the information available from the 1980 Census of Population and Housing Advance Reports. As a result, our analysis shows that the information submitted by the County is conflicting with respect to the population of the existing districts as well as the population of the proposed districts. For example, our review shows that the present population figures for the existing election districts correlates with the total population for the county's magisterial districts, although the configuration of these two sets of districts appear to be quite different. In addition, other data provided by the county reflect discrepancies which make it impossible for us to determine the effect of the new districting plan upon the minority community.

The Attorney General's Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.39(e), provides, in part, that

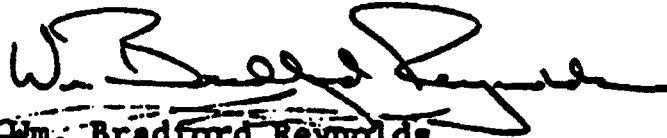
(I)f the evidence as to the purpose or effect of a change is conflicting and the Attorney General is unable to determine that the submitted change does not have the prohibited purpose or effect, an objection shall be interposed to the change.

Because of the state of confusion in the data submitted by the county in support of its redistricting, we are unable to conclude, as we must under the Voting Rights Act, that the proposed redistricting does not have the purpose and will not have the effect of discriminating on the basis of race or color. Accordingly, on behalf of the Attorney General, I must interpose an objection to the use of the redistricting plan here 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, color or membership in a language minority group. In addition, the Procedures for the Administration of Section 5 (Section 51.44, 46 Fed. Reg. 878) permit you to request the Attorney General to reconsider the objection. Should you decide to request such reconsideration it would be useful to us to have whatever you can provide by way of clarifying and supplementing the data you already have 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 legally unenforceable.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action Southampton County 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,

  
Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division

WBR: CWG: HEW: dyw  
DJ 166-012-3  
E2757

7 SEP 1982

Richard C. Grizzard, Esq.  
Commonwealth's Attorney  
Southampton County  
P.O. Box 406  
Courtland, Virginia 23837

Dear Mr. Grizzard:

This is in reference to your request that the Attorney General reconsider his June 21, 1982, objection under Section 5 of the Voting Rights Act of 1965, as amended, to the redistricting of Southampton County, Virginia. Your letter was received on July 9, 1982.

Pursuant to the reconsideration guidelines promulgated in the Procedures for the Administration of Section 5 (28 C.F.R. 51.47), we have reviewed the submitted information regarding the present district populations and the clarification of the present and proposed district lines. Accordingly, the objection interposed to the redistricting 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 28 C.F.R. 51.48.

Sincerely,

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division

cc: Public File