

D.J. 166-012-3  
V9073-9896

NOV 17 1975

Mr. Terry L. Readdick  
Attorney at Law  
Suite 401  
First Federal Plaza  
P. O. Box 1396  
Brunswick, Georgia 31520

Dear Mr. Readdick:

This is in reference to Act No. 398 (1966) and Act No. 292 (1967) enacted by the Georgia General Assembly which you submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your submission was received on September 18, 1975.

We have given careful consideration to the submitted changes and the supporting information. Based on this information and the information obtained during our investigation, we are unable to conclude that the changes will not have a racially discriminatory effect. Therefore, on behalf of the Attorney General, I must object to the implementation of Act 398 (1966) and Act No. 292 (1967), under Section 5 of the Voting Rights Act of 1965.

Our analysis indicates that the elimination of the residency requirement for one of the three Commission seats from Brunswick combined with the use of staggered terms result, in no two seats in Brunswick or in the County being elected simultaneously. In our view, and under recent court decisions, this factor, plus the imposition of a majority vote requirement, has the potential for impermissibly diluting black voting strength in the County. See, e.g., White v. Regester

412 U.S. 755 (1973); Whitcomb v. Chavis, 403 U.S. 124 (1971).

Under the Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, a copy of which is enclosed for your convenience, the submitting authority has the burden of showing that the submitted change does not have the purpose or effect of discrimination based on race or color, 51 C.F.R. 51.19. Because of the potential dilution in voting strength of minority persons, we have concluded that this burden of proof has not been sustained.

Of course, Section 5 permits you to seek a declaratory judgment from the United States District Court for the District of Columbia that this plan neither has the purpose nor the effect of denying or abridging the right to vote on account of race or color. However, until such a judgment is rendered by that Court, the legal effect of the objection by the Attorney General is to render unenforceable such plan.

It is our understanding that the disposition of this matter by the Attorney General may have a bearing on litigation pending before the United States District Court for the Southern District of Georgia, i.e., Holtzendorf et. al., v. Glynn County, Georgia, et. al. C.A. No. CC-275-22. Accordingly, we are forwarding a copy of this letter to that Court and the attorneys of record therein.

Sincerely,

J. Stanley Pottinger  
Assistant Attorney General  
Civil Rights Division