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WFR:CMG:SDR:cyw:grl
DJ 166-012-3
EB036

Terry K. Floyd, Esq.
Lee, MacMillan & Floyd
Suite 400 First Federal Plaza
Brunswick, Georgia 31520

DEC 12 1982

Dear Mr. Floyd:

This is in reference to the redistricting of commissioner districts and the designation of additional voting precincts and polling places in Glynn County, Georgia, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1573c. Your submission was received on May 11, 1982.

We have given careful consideration to the information you have supplied as well as that available from our files, the Bureau of Census and other interested parties. At the outset, we note that the information submitted by the board of elections conflicts with information contained in the 1980 Census reports concerning the current population in the existing and in the proposed plans. For example, the number of persons shown by the Census to reside in District 5 in both the existing and proposed plans is different from the figures shown in your submission. Our review of Census data shows that 76.5 percent, instead of 73.2 percent, of those residing in existing District 5 and 60.4 percent, rather than 61.13 percent, of those residing in proposed District 5 are black. These differences have been discussed with Mr. Cecil Little, Chairman of the Glynn County Board of Elections, and Ms. Elizabeth Ratliff, Glynn County Registrar of Voters, by a member of my staff and we have not been able to resolve the discrepancies.

While this conflict in supporting data makes our analysis more difficult, we note that in this instance either set of statistics evidences an impermissible retrogression in the voting strength of the minority group. Assuming the

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data presented by the board to be accurate, the black population percentage in District 5 (the only majority black district) in the existing reapportionment plan declines from 73.2 percent to 61.13 percent. In the context of the racially polarized voting that seems to exist in Glynn County, this change significantly diminishes the opportunity of blacks in the county to elect representatives of their choice, particularly since Census data shows that the black proportion of the population actually increased during the 1970-1980 period. See Feer v. United States, 425 U.S. 130 (1976).

Under these circumstances, we are unable to conclude, as we must under the Voting Rights Act, that the newly devised districts do not have the purpose or effect of discriminating on account of race. Accordingly, on behalf of the Attorney General, I must interpose an objection to the submitted redistricting.

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 (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 proposed redistricting of commissioner districts in Glynn County, Georgia, legally unenforceable.

We also note that, as stated in the letter of submission (p. 8), "[t]he redistricting will require the designation of four additional precincts and polling places." Since implementation of these additional precincts and polling places are dependent upon the submitted redistricting plan, the Attorney General will make no determination with regard to this aspect of the submission. See 28 C.F.R. 51.20(b).

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

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division