

D.J. 166-012-3  
X8929

2-4-77

Mr. Daniel A. Manning  
Town Attorney  
Town of Williamston  
Post Office Box 506  
Williamston, North Carolina 27892

Dear Mr. Manning:

This is in reference to the ordinance of August 2, 1976 amending the charter of the Town of Williamston to implement four-year staggered terms for the Mayor and the members of the Town Board of Commissioners, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on December 7, 1976.

We have examined carefully the information you have provided, along with information and comments from other interested parties. Our analysis reveals that although blacks constitute a substantial proportion of the population of the Town of Williamston, they have only recently achieved representation on the Board of Commissioners. The imposition of staggered terms in the context of the at-large system of election in the Town of Williamston would result in a reduction of the number of positions to be filled and the attending field of candidates at any given election, thus limiting the potential for black voters to elect a candidate of their choice.

Under these circumstances, and in view of recent court decisions such as Bear v. United States, 425 U.S. 130 (1976); Georgia v. United States, 411 U.S. 526 (1973); and Graves v. Barnes, 343 F. Supp. 704 (W.D. Tex. 1972),

aff'd sub nom. White v. Regester, 412 U.S. 755 (1973), we are unable to conclude, as we must under the Voting Rights Act, that the staggering of the terms of the Mayor and members of the Town Board of Commissioners will not have a racially discriminatory effect. Consequently, I must on behalf of the Attorney General interpose an objection to the staggering of terms occasioned by the ordinance of August 2, 1976.

Of course, Section 5 permits seeking approval of all changes affecting voting by the United States District Court for the District of Columbia irrespective of whether the changes have previously been submitted to the Attorney General. However, until such a judgment is rendered by that Court, the legal effect of the objection by the Attorney General is to render the change in question legally unenforceable.

Sincerely,

J. Stanley Pottinger  
Assistant Attorney General  
Civil Rights Division

AUG 3 1977

Mr. Daniel A. Manning  
Town Attorney  
Town of Williamston  
Post Office Box 506  
Williamston, North Carolina 27892

Dear Mr. Manning:

This is in reference to your request that the Attorney General reconsider his February 4, 1977 objection under Section 5 of the Voting Rights Act of 1965, as amended, to the imposition of staggered terms for the Mayor and 5 members of the Board of Commissioners for the Town of Williamston, North Carolina. Your request for reconsideration was received on June 7, 1977.

We have given careful consideration to the information you have forwarded in addition to the information and data which you had previously provided this office in connection with our original examination of the change in question.

Our analysis reveals that under a staggered terms method of election, the opportunity for minority representation is negligible without the support of a considerable percentage of white voters. Further, there is no indication that a black candidate, other than Mr. Honeyblue, has ever gained such support. As a result we are unable to conclude that the change in question does not have an impermissible negative impact on the voting potential of the black citizens in the Town of Williamston. Under these circumstances we do not perceive a basis for the withdrawal of the Attorney General's objection.

Of course, as provided by Section 5 of the Voting Rights Act, you have the alternative of instituting an action in the United States District Court for the District of Columbia seeking a declaratory judgment that the imposition of staggered terms does not have the purpose and will not have the effect of denying or abridging the right to vote of blacks in the Town of Williamston. Unless and until such judgment is obtained, however, as previously noted, the effect of the objection by the Attorney General is to render the change in question legally unenforceable.

Sincerely,

Drew S. Days III  
Assistant Attorney General  
Civil Rights Division