

AUG 3 1979

Mr. Albert J. Post
City Attorney
City of Reidsville
Municipal Building
220 West Morehead Street
Reidsville, North Carolina 27320

Dear Mr. Post:

This is in reference to the staggered terms for the City Council of the City of Reidsville (Rockingham County), North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on June 4, 1979.

We have given careful consideration to the information furnished by you as well as to comments from interested parties. We note that the effect of this change will be to reduce the maximum number of council positions available in any one election from five to three. Our analysis reveals that although blacks constitute a substantial proportion of the population of the City of Reidsville, and have achieved representation on the city council, there is widespread concern among the black community that the restriction on the available number of positions to be filled at each election will have the effect of diminishing the opportunity for blacks to elect candidates of their choice. This concern would appear to find support in the fact that all three of the black persons who were elected successively to the council over the last eleven years initially obtained incumbency by placing fifth, a position that would not have resulted in their election under the proposed change.

Under these circumstances, and in the context of at-large elections with a plurality sufficient for election, we are unable to conclude that the imposition of staggered terms will not have a racially discriminatory effect. Accordingly, I must on behalf of the Attorney General interpose an objection to the change from non-staggered to staggered terms. 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. In addition, the Procedures for the Administration of Section 5 (28 C.F.R. 51.21(b) and (c), 51.23, and 51.24) permit you to request the Attorney General to reconsider the objection. 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.

To enable this Department to meet its responsibility to enforce the Voting Rights Act please forward your submission to us, or otherwise contact us with respect to this matter, within 20 days of your receipt of this letter. If you have any questions regarding this matter or if we may assist you in any way, please do not hesitate to contact Ms. Linda Harvey (202/724-7403) of our staff, who has been assigned to handle this submission. Please refer to File No. 02649 in any written response to this letter so that your correspondence will be properly channelled.

Sincerely,

/s/

JOHN E. HUERTA
Acting Assistant Attorney General
Civil Rights Division

2 2 OCT 1979

Mr. Albert J. Post
City Attorney
Griffin, Post, Deaton & Horsley
100 South Scales Street
Reidsville, North Carolina 27320

Dear Mr. Post:

This is in reference to your request that the Attorney General reconsider his August 3, 1979 objection under Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c to the change to staggered four year terms for city councilmen. Your request was received on August 23, 1979.

We have carefully reviewed the information that you have provided to us, as well as comments and information provided by other interested parties. However, we have not found a basis for the withdrawal of the Attorney General's objection. Therefore, on behalf of the Attorney General, I must decline to withdraw the objection.

Of course, Section 5 permits you to seek a declaratory judgment from the District Court for the District of Columbia that this enactment has neither the purpose nor the effect of denying or abridging the right to vote on account of race or membership in a language minority group irrespective of whether the change has previously been submitted to the Attorney General. As previously noted, 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 unenforceable.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division

cc: Public File