



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

20 JAN 1982

Mr. Alex K. Brock
Executive Secretary-Director
State Board of Elections
Suite 801 Raleigh Building
5 West Hargett Street
Raleigh, North Carolina 27601

Dear Mr. Brock:

This is in reference to Chapter 1130 - Special Session 1981 (H.B. 1428) providing for the reapportionment of the North Carolina State House of Representatives. Your submission, pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, was initially received on November 6, 1981, and was thereafter supplemented with additional information on November 21, 1981.

As you know, on November 30, 1981, an objection was interposed to a 1968 amendment to the North Carolina Constitution which provided that no county shall be divided in the formation of a Senate or Representative district. In objecting to the 1968 amendment, we observed "that the prohibition against dividing the 40 covered counties in the formation of Senate and House districts predictably requires, and has led to the use of, large multi-member districts." Our analysis of the 1968 constitutional amendment also showed "that the use of such multi-member districts necessarily submerges cognizable minority population concentrations into larger white electorates." Thereafter, on December 7, 1981, an objection was interposed to a proposed redistricting plan for the State Senate. In objecting to the Senate reapportionment plan, we noted several instances where the State's seeming adherence to the 1968 constitutional prohibition against the division of counties had resulted in the submergence of cognizable black communities into large, predominantly white, multi-member districts.

We have considered carefully all of the information submitted in support of the House redistricting plan as well as information and comments from other interested parties. Our analysis and review of the House plan reveal, as did our review and analysis of the Senate reapportionment, that the use of large multi-member districts effectively submerges sizeable concentrations of black population into a majority white electorate. In Guilford County, for example, the use of a county-wide district submerges a significant concentration of black citizens in the city of Greensboro, and at present, Guilford County does not have a black representative in the House even though black persons comprise over one-third of Greensboro's population. On the other hand, under a single-member district election system, black voters in Greensboro likely would be able to elect a candidate of their choice to the North Carolina House of Representatives. In other areas of the State covered under the Voting Rights Act, such as in Cumberland County, concentrations of black citizens likewise suffer a submergence of their voting strength as a result of large, multi-member districts.

Our analysis also shows that the plan has other dilutive effects on black voting strength in covered areas of the State. For instance, in the Bertie, Gates, Halifax, Hertford, Martin and Northampton counties area (District 5), the State proposes to reduce the black percentage from 57.5% to 51.7% in this 3-member district. Black voters in the current multi-member district have been able to elect a candidate in District 5. Thus, the proposed reduction in black population percentage in that district would appear to be a retrogression in the position of racial minorities with respect to their effective use of the electoral franchise. Beer v. United States, 425 U.S. 130, 141 (1976).

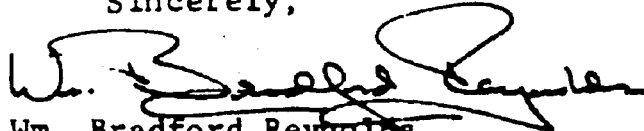
As we noted in our December 7, 1981 letter concerning the Senate reapportionment plan, we understand that the submergence of minority voting strength occurring in that reapportionment plan may well have been a result of the State's adherence to the 1968 constitutional prohibition

against dividing counties during redistricting. It would appear that the State's use of the 1968 constitutional provision as a guide in its House redistricting effort has similar consequences here. In view of these proscribed effects, however, I am unable to conclude, as I must under the Voting Rights Act, that the proposed House reapportionment plan is free of a racially discriminatory purpose and effect. Accordingly, on behalf of the Attorney General, I must interpose an objection to the House plan as it relates to the covered counties.

Of course, I am fully aware that counsel for the State has indicated a desire to have a number of State representatives meet with us to present additional arguments and information supporting the redistricting plan. As always, we are willing to meet with you or other State officials in an effort to resolve the issues that exist and, in that regard, a meeting is scheduled for Friday, January 22, 1982. You can be assured that we will give full consideration to any new information presented. However, because of the time constraints under Section 5, a determination must be made at this time.

If you have any questions concerning this matter, 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