



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

July 23, 1984

R. Bruce Warren, Esq.
Whitehurst, Cohen and Blackburn
P. O. Drawer 47
Thomasville, Georgia 31799

Dear Mr. Warren:

This refers to Act No. 27, H.B. No. 762 (1983), which establishes a single-member district method of election and the districting plan for the county commissioners in Thomas County, Georgia, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received the information to complete your submission on May 22, 1984.

We have reviewed carefully the information you provided, as well as 1980 Census data and comments and information provided by other interested parties. According to the 1980 Census, Thomas County has a total population of 38,098, of whom 38.4 percent are black. We are aware that the court in Thomasville Branch of NAACP v. Thomas County, Civ. No. 75-34 (M.D. Ga., Jan. 26, 1983), found that the at-large method of election, implemented in the context of the factual circumstances present in Thomas County, violates Section 2 of the Voting Rights Act.

We are aware that the county initially considered adoption of a plan whereby the county would be governed by a six-member board with five members elected by district and one elected at-large. Under that proposal two of the districts were perceived to be districts in which black voters would have a reasonable opportunity to elect candidates of their choice to office. That plan was shelved when the plaintiffs requested that the at-large member be elected by a plurality rather than a majority vote.

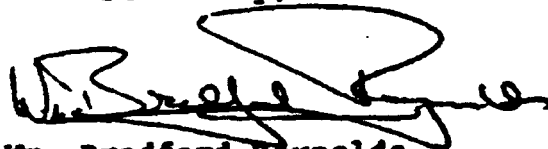
The county then requested the Georgia State Reapportionment Office to devise a new plan providing for an eight-member governing body elected by single-member districts and requested that the number of districts in which black voters could elect candidates of their choice be limited to two. The submitted plan was drawn in accordance with that instruction. We are aware that the reapportionment office subsequently drew another eight-member plan without the limitation proposed by the county and that such alternate plan provides for three districts in which black voters would have a fair opportunity to elect candidates of their choice to office.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has no discriminatory purpose or effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.39 (e)). Under these factual circumstances we are unable to conclude that the submitted plan was free of the prohibited racially discriminatory purpose. Accordingly, on behalf of the Attorney General, I must object to the changes embodied in Act No. 27.

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 these changes have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. In addition, Section 51.44 of the guidelines permits you to request that the Attorney General reconsider the objection. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the changes embodied in Act No. 27 legally unenforceable. 28 C.F.R. 51.9.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action Thomas County plans to take with respect to this matter. If you have any questions, feel free to call Sandra S. Coleman (202-724-6718), Deputy Director of the Section 5 Unit of the Voting Section.

Sincerely,



Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division