

APR 24 1974

Ms. Treva Ashworth  
Staff Attorney  
Office of the Attorney General  
Wade Hampton Office Building  
Post Office Box 11549  
Columbia, South Carolina 29211

Dear Ms. Ashworth:

This is in reference to your submission pursuant to Section 5 of the Voting Rights Act of 1965 of Act 8913 (1974) which provides that candidates for the Dorchester County Council be elected in an at-large election system. Your submission was received on February 21, 1974.

We have considered the submitted plan along with Census Bureau data and information and comments from interested parties. Our analysis reveals that even though blacks constitute over 35% of the population (1970 Census) in Dorchester County no black has ever been elected to the county council in modern times and there is a history of racial bloc voting. We further note the existence of the majority vote requirement in South Carolina.

Recent court decisions suggest that the employment of an at-large voting system under circumstances such as those existing in Dorchester County would operate to minimize or dilute the voting strength of the minority and, thus, have an invidious discriminatory effect. See White v. Regester, 412 U.S. 755 (1973); Whitcomb v. Chavis, 403 U.S. 124 (1971); Linger v. McKeithen, 415 F.2d 1297 (5th Cir. 1973); Turner v.

McZeithen, No. 71-2221 (5th Cir. December 28, 1973); City of Petersburg v. United States 354 F. Supp. 1071 (D.D.C. 1972), aff'd, 410 U.S. 962 (1973). The Supreme Court in the Whitcomb case identified an assortment of factors which might contribute to such dilution. In White v. Register the Court upheld the lower court's ban against at-large voting systems in Bexar and Dallas Counties, Texas, upon determining the presence there of several elements which the Court considered as satisfying the Whitcomb test. These included a majority vote requirement and lack of success of black candidates, two factors shown by our analysis to exist here.

In view of these court decisions and on the basis of all the available facts and circumstances, the Attorney General is unable to conclude, as he must under the Voting Rights Act, that Act R913 will not have a discriminatory racial effect on voting. Therefore, on behalf of the Attorney General, I must interpose an objection to the implementation of the at-large election system embodied in Act R913.

Because of the pendency of the proceedings in DeLee, et al. v. Brenton, et al., Civ. Action No. 73-902 (D.S.C.), and the court's order of January 2, 1974, therein, I am taking the liberty of furnishing a copy of this letter to the court and counsel in that case.

Sincerely,

J. STANLEY POTTINGER  
Assistant Attorney General  
Civil Rights Division