



Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

Robert R. Horger, Esq.
Orangeburg County Attorney
P. O. Box Drawer 329
Orangeburg, South Carolina 29116

SEP 3 1985

Dear Mr. Horger:

This refers to the reapportionment of councilmanic districts in Orangeburg County, South Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1937c. We received information to complete your submission on July 11, 1985.

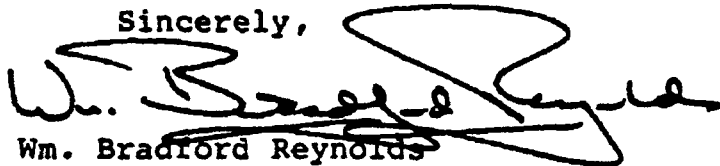
We have considered carefully the information provided in your submission, as well as that from other interested parties. The 1980 Census indicates that because of population changes since 1970, it was necessary to reapportion county council districts. Our review of the information submitted to us revealed that several alternative plans were developed and considered by county officials, but that the plan ultimately selected, and submitted, failed to give any meaningful recognition to the significant increase in the county's minority population over the past decade.

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)). While the Act imposes no obligation on a jurisdiction to maximize minority voting strength, it does prohibit the drawing of a redistricting plan so as to unfairly minimize the voting strength of black citizens. See Busbee v. Smith, 549 F. Supp. 494 (D. D.C. 1982). In light of the county's failure to reflect in its submitted redistricting the measurable increase in the county's minority voters, and the absence of a satisfactory explanation for this oversight, I cannot conclude, as I must to preclear this plan, that Orangeburg County has met its burden under Section 5 in this instance. Therefore, on behalf of the Attorney General, I must object to the reapportionment of council districts to be occasioned by County Resolution 84-2-3 (1985).

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 this change has 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 reapportionment Resolution 84-2-3 (1985) of no legal effect.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Wm. Bradford Reynolds", written over a horizontal line.

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division