

DJ 1660012-3

JUL 20 1973

Honorable Daniel R. McLeod
Attorney General
State of South Carolina
Post Office Box 11549
Columbia, South Carolina 29211

Dear Mr. Attorney General:

This is in reference to Act No. 1205 reapportioning the South Carolina Senate districts which was originally submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, on May 9, 1972.

On June 30, 1972 we notified you that no objection would be interposed to the senate redistricting because the Attorney General was "constrained to defer" to a determination made on May 23, 1972 by the three-judge court in Twigg, et al. v. West, et al. (D.S.C. Nos. 71-1106, 71-1123, 71-1211). The Attorney General's decision not to object was subsequently challenged in the District Court for the District of Columbia, Harper, et al. v. Richardson, et al. (C.A. No. 1607-72). On August 11, 1972 the District Court entered an order suspending the 60-day period within which the Attorney General may enter an objection to changes submitted to him pursuant to Section 5. On May 16, 1973 the Court ordered the matter "remanded to the Attorney General of the United States for a reasoned decision in accordance

with his statutory responsibilities" and required him to report to the Court within 60 days. Notice of appeal to the Court of Appeals for the District of Columbia was filed. Stay applications were denied in the District Court on June 11, 1973 and in the Circuit Court on July 13, 1973.

On July 16, 1973, in response to the Court's order, the Attorney General filed a decision based on a re-consideration of Act No. 1205, again deferring to the decision of the three-judge court in the Twigg case. This opinion indicated that but for the decision in Twigg, the Attorney General would have objected to the Senate plan. On July 19, the District Court ordered the Attorney General to consider the Senate plan "without regard to the decision of the Three Judge District Court in Twigg v. Wash." Copies of the orders of the District Court and the Attorney General's decision of July 16, 1973 are enclosed for your information.

Pursuant to the Order of July 19, 1973 and for the reasons set forth in the Attorney General's decision of July 16, 1973 and in our March 6, 1972 letter objecting to Act 932, an earlier Senate plan, I am unable to conclude that Act No. 1205 does not have the effect of abridging voting rights on account of race. Therefore, on behalf of the Attorney General, I must interpose an objection to the implementation of the election procedure set forth in that statute.

Of course, as provided for by Section 5, you may institute an action in the District Court for the District of Columbia for a declaratory judgment that Act No. 1205 does not have the purpose and will not have the effect of abridging the right to vote on account of race, notwithstanding this objection.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division