

AUG 7 1974

Ms. Treva Ashworth
Staff Attorney
Office of the Attorney General
Wade Hampton Office Building
P. O. 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 R 1151 (1974) which consolidates Calhoun County School Districts 1 and 2 and provides for a seven member board of trustees elected at large. Your submission was received on June 8, 1974.

We have considered the submitted plan along with Census Bureau data and information and comments from interested parties. After a careful examination of the plan for electing members to the Board and an analysis of recent Court decisions, we are unable to conclude, as we must under the Voting Rights Act, that the use of the at-large election system with staggered terms will not have a racially discriminatory effect. Our investigation reflects that there are significant concentrations of black citizens in parts of Calhoun County and that the requirement that all candidates must be voted on County-wide and staggering the terms would result in the dilution and minimization of the voting strength of black citizens.

As found in Zimmer v. McKeethen, 485 F. 2d 1297 (5th Cir. 1973) and White v. Regester, 412 U.S. 755 (1973), the fact that a minority racial or ethnic group may constitute a majority of the population in a county does not automatically remove the possibility of Fifteenth Amendment dilution, a possibility that would exist here under the proposed method of electing members of the Board of Trustees.

For the foregoing reasons, I must on behalf of the Attorney General interpose an objection to the use of an at-large voting system and staggered terms for electing members to the Board of Trustees for the Calhoun County School District. We have reached this conclusion reluctantly because we fully understand the complexities involved in devising a reapportionment plan to satisfy the need of the County and its citizens and simultaneously comply with the mandate of the Federal Constitution and Laws. We are persuaded, however, that the Voting Rights Act compels this result.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division