

SEP 3 1974

Ms. Treva G. Ashworth
Assistant Attorney General
Wade Hampton Office Building
Post Office Box 11549
Columbia, South Carolina 29211

Dear Ms. Ashworth:

This is in reference to Act 1240 staggering the terms of the Board of Fire Control of the Duncan Chapel Fire District and Act 1227 staggering the terms of the Council of the Town of Bishopville, Lee County, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your submission was received July 5, 1974.

I have given careful consideration to the submitted changes and supporting information. Our analysis indicates that, in the context of the demographic characteristics of the Town of Bishopville which is 49% black; recent court decisions in voting rights cases such as Georgia v. United States, 411 U.S. 526 (1973) and Graves v. Barnes, 343 F. Supp. 704 (W.D. Tex. 1972), aff'd, White v. Regester, 412 U.S. 755 (1973); the existence in south Carolina of the opportunity to single-shot vote; and the at-large system of election in Bishopville, the reduction of the field of candidates which would result from the imposition of staggered terms for the election of city councilmen in Bishopville would have the effect of limiting the potential for black voters to elect a candidate of their choice and, thus, constitute a

cc: Public File (Rm. 920)

dilution of black voting strength. Under such circumstances, the Attorney General cannot conclude, as he must under the Voting Rights Act of 1965, that the implementation of staggered terms for the Council of the Town of Bishopville will not have the effect of denying or abridging the right to vote on account of race or color. I must, therefore, on behalf of the Attorney General, interpose an objection to the implementation of Act 1227.

Of course, Section 5 permits you to seek a declaratory judgment from the United States District Court for the District of Columbia that this plan neither has the purpose nor effect of denying or abridging the right to vote on account of race or color. However, until such a judgment is rendered by that Court, the legal effect of the objection by the Attorney General is to render unenforceable the staggered term plan for the Town of Bishopville.

With respect to Act 1240 which staggers the terms for the Board of Fire Control for the Duncan Chapel Fire District, we understand that the population of that district is approximately 95% white. In the context of that racial composition, we do not perceive the racially dilutive effect which would ensue from the Bishopville situation. Consequently, the Attorney General does not interpose an objection to the implementation to Act 1240. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar subsequent judicial action to enjoin the enforcement of such a change.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division