

SEP 20 1974

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 my letter of September 3, 1974, advising you of the Attorney General's provisional determination with respect to R-1445 changing the form of government in Bamberg County, which was submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act on July 22, 1974. As we indicated in that response, expedited consideration was given to that submission in accordance with our procedural guidelines for the administration of Section 5 (28 C.F.R. 51.22).

Our September 3, 1974, response focused on the residency requirement and staggered term features of the proposed new system of government and, on the basis of information then available to us, formed the basis for the Attorney General's objection. In that regard, I advised you that

(O)n behalf of the Attorney General, I must interpose an objection to the implementation of the change insofar as it requires residency requirements and staggered terms in conjunction with the election of candidates at large.

Thus, in our prior response, the Attorney General did not object to the at-large feature of the plan.

Section 51.22 of 28 C.F.R., under which we rendered our September 3 expedited determination, provides, in pertinent part, that:

When a submitting authority demonstrates good cause . . . the Attorney General may consider the submission on an expedited basis. . . . When a decision not to object is made within the 60-day period . . . the Attorney General may re-examine the submission if additional information comes to his attention during the remainder of the 60-day period which would require objection in accordance with Section 51.19.

Section 51.19 of the guidelines provides, in part, that:

(I) If the evidence as to the purpose or effect of the change is conflicting, and the Attorney General is unable to resolve the conflict within the 60-day period, he shall, . . ., enter an objection and so notify the submitting authority.

On September 17, 1974, a delegation of black citizens of Bamberg County visited with representatives of this Division and presented petitions signed by more than 600 persons in opposition to the utilization of the at-large system of election in Bamberg County. Basically,

the delegation raised issues as to the validity of our previous presumptions that the at-large voting system, in the context of plurality win and the ability to single-shot vote, provides blacks a realistic opportunity to elect candidates of their choice in Bamberg County. In this connection, they cite the 1972 municipal elections in Denmark where it is claimed that in face of such a "single-shot" effort by blacks, white candidates withdrew to an extent that the field of candidates was reduced to a point which made any single-shot effort of blacks (a minority of registered voters) ineffective. In addition, we have been advised that voter registration efforts among blacks in the county have been frustrated and that those elected to office have not sought to protect black interests nor to satisfy black needs.

These claims raise serious questions as to which, I am sure you will understand, we are unable to resolve within the 60 days allowed the Attorney General to render his final determination under Section 5, which in this case expires on September 20, 1974, since we have not had the opportunity to fully explore and evaluate the information thus received. Therefore, in accordance with the Attorney General's guidelines for the administration of Section 5 (28 C.F.R. 51.19), I must interpose an objection to the at-large feature of the new system of government in addition to those objections previously registered in my letter of September 3, 1974. However, you may be assured that I will have my staff expedite its consideration of this matter and, as soon as we can determine the merits of the claims, will advise you of our ultimate determination.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division