



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

15 NOV 1982

Mr. Charles A. Sabo
Chairman, Greensville County
Board of Superiors
P. O. Box 908
Emporia, Virginia 23847

Dear Mr. Sabo:

This is in reference to the ordinance which redistricts the election districts into two double-member districts; the ordinance which creates an at-large position on the board of supervisors; and the ordinance which realigns voting precincts and creates Voting Precinct 4B and the polling place therefor in Greensville County, Virginia. Your submission was completed on September 14, 1982.

We have made a careful analysis of the information you have provided. We have also considered comments and information provided by other interested parties. On the basis of our analysis, we are unable to conclude that the proposed plan for the redistricting of the election districts from single-member into two double-member districts and the creation of a fifth at-large position on the Board of Supervisors and the accompanying changes do not have a discriminatory purpose and effect.

Our review of this matter indicates that Greensville County is presently divided into four single-member districts. According to the 1980 Census, the total population in the County is 10,903 persons of whom 6,175 (56.6%) are black. Because the present plan was malapportioned (standard deviation of + 39.6), the county in 1982 adopted the plan before us in review.

Our analysis reveals that, early in its redistricting process, the Board of Supervisors determined to retain the single-member districting system of election. Pursuant to the Board's instructions, the Board's redistricting consultant devised six single-member plans. Two additional single-member plans were submitted by an attorney from Virginia Legal Aid. We further note that the failure of the board to agree on any

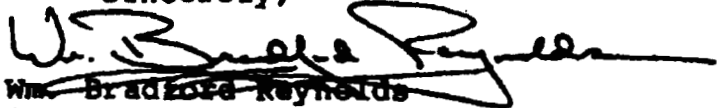
of those plans apparently related, in part, to the racial composition and number of minority districts in Greenville County. This issue was apparently resolved by the adoption of the submitted multi-member district plan devised by Supervisor Wiley. This plan, coupled with the fifth at-large member, merges districts with politically active black voters with districts which are politically inactive, thereby reducing the electoral capability of black candidates. Under the present four single-member district plan, there is an opportunity for black voters to elect one and possibly two candidates of their choice. Under the proposed plan, however, there is a serious question of whether black voters will have an opportunity to elect more than one candidate of their choice to the five Supervisor positions. This is a clear retrogression of black voting strength that is prohibited by Beer v. United States, 425 U.S. 141 (1975).

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of proving 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)). Under these circumstances, we are unable to conclude, as we must under the Voting Rights Act, that the submitted plan coupled with the fifth member ordinance does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race. Accordingly, on behalf of the Attorney General, I must interpose an objection to the proposed redistricting plan, the fifth member ordinance and the accompanying changes.

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 these changes have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race, color or membership in a language minority group. In addition, the Procedures for the Administration of Section 5 (28 C.F.R. 51.44) permit you to request the Attorney General to reconsider the objection. However, until the objection is withdrawn or the judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the proposed redistricting of the election district, the proposed fifth member ordinance and the accompanying changes legally unenforceable. See also 28 C.F.R. 51.9.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action Greensville County plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Sandra Coleman (202-724-6781), Deputy Director of the Section 5 Unit of the Voting Section.

Sincerely,



~~Wm. Bradford Reynolds~~
Assistant Attorney General
Civil Rights Division