

**COMMITTEE ON THE JUDICIARY  
SUBCOMMITTEE ON THE CONSTITUTION  
Oversight Hearing on "The Voting Rights Act: An  
Examination of the Scope and Criteria for  
Coverage Under the Special Provisions of the Act"**

**OCTOBER 20, 2005**

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Good morning Chairman Chabot, Rep. Nadler, and distinguished committee members. Thank you for the opportunity to testify before you today. I will focus my comments on the bailout provisions of the Voting Rights Act (VRA), but would like to state at the beginning that the Act should be extended and the bailout provisions be retained largely in their present form.

The marches, protests, and struggles of the civil rights community and the Nation culminated in 1965 with the passage of the VRA – the crown jewel of the civil rights movement. Individual adjudication of voting disputes had been ineffective in securing minority citizens an equal opportunity to cast their ballots. In 1965, Congress took a fresh and unique approach, establishing a formula subjecting certain jurisdictions to administrative or judicial preclearance of changes affecting voting, and setting up a means for those jurisdictions to bailout from coverage at a later date.

Under the original Act, a jurisdiction was “covered”, and required to preclear all changes affecting voting, if it (1) maintained a racially discriminatory test or device as a prerequisite to voting or casting a ballot; and (2) if either less than 50 percent of its voting age residents were not registered to vote or less than 50 percent of its voting age residents actually voted and the time of the 1964 Presidential election. The coverage formula was modified in 1970 and 1975.

Between 1965 and 1982, these covered jurisdictions could bailout from coverage by demonstrating in an action for declaratory judgment before a three-judge panel of the United States District Court of the District of Columbia that no test or device had been used over a certain time period in a manner that was racially discriminatory in either purpose or effect. Political subdivisions, such as counties, were prohibited from bailing out separately if they were located within a state that was covered in its entirety.<sup>1</sup>

In 1982, Congress enacted two major revisions to the bailout provisions. First, political subdivisions could bailout separately from their covered jurisdictions. Second, the bailout criteria were changed to “recogniz[e] and reward[] their good conduct, rather than require[] them to await an expiration date which is fixed regardless of the actual record.”<sup>2</sup>

Thus, since the 1982 amendments to the bailout provisions became effective (in 1984), the bailout requirements have been as follows. A covered jurisdiction must first demonstrate that in the past 10 years:

- (1) no test or device has been used to determine voter eligibility with the purpose or effect of discrimination;
- (2) no final judgments, consent decrees, or settlements have been entered against the jurisdiction for racially discriminatory voting practices;

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<sup>1</sup> *City of Rome v. United States*, 446 U.S. 156, 167 (1980).

<sup>2</sup> 1982 S. Rep. No. 417, 97<sup>th</sup> Cong., 2d Sess. 46, *as reprinted in* 1982 U.S.C.C.A.N. at 222.

- (3) no federal examiners have been assigned to monitor elections;
- (4) there has been timely submission of all voting changes and full compliance with §5; and
- (5) there have been no objections by the Department of Justice or the District Court for the District of Columbia to any voting changes.<sup>3</sup>

Second, the jurisdiction bears the burden of proving at the time bailout it sought that:

- (1) any dilutive voting or election procedures have been eliminated;
- (2) constructive efforts have been made to eliminate any known harassment or intimidation of voters;
- (3) it has engaged in other constructive efforts at increasing minority voter participation such as, expanding opportunities for convenient registration and voting, and appointing minority election officials throughout all stages of the registration/election process.<sup>4</sup>

The current bailout formula was an important step towards achieving the goals of the Voting Rights Act. It gave covered jurisdictions an incentive to move beyond the *status quo*, and to improve accessibility to the entire electoral process for minorities. As the 1982 Senate Judiciary Committee report stated, “the goal of the bailout ... is to give covered jurisdictions an incentive to eliminate practices denying or abridging opportunities for minorities to participate in the political process.”<sup>5</sup>

I believe that there is evidence that the bailout provisions have done precisely that. The bailout provisions actually “provide[d] additional incentives to the covered jurisdictions to comply with laws protecting the voting rights of minorities, and ... improve[d] existing election practices.”<sup>6</sup>

The Supreme Court has indicated that a strong Congressional record demonstrating the existence of discrimination is required when legislating in this area.<sup>7</sup> In 1970, 1975 and 1982, Congress gathered extensive information and data, collecting evidence on voter discrimination. In 1970, the Act was extended because while there was a significant increase in black voter registration, there was continued racial discrimination in the electoral process (*e.g.*, switching from single-member districts to at-large elections, redrawing boundaries, minority candidates prevented from running, illiterate voters being denied assistance, racial discrimination in selection of poll officials, harassment, intimidation) and the fact that voter registration rates for black voters lagged behind the rate for white voters.<sup>8</sup> Similarly, at the time of the 1975 extension, the minority registration rates had improved, but still lagged behind whites and restrictions on

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<sup>3</sup> 42 U.S.C. §1973b(1)(A-E) (2005).

<sup>4</sup> 42 U.S.C. §1973b(1)(F) (2005).

<sup>5</sup> 1982 S. Rep. No. 417, 97<sup>th</sup> Cong., 2d Sess. 46, 60, *as reprinted in* 1982 U.S.C.C.A.N. at 238.

<sup>6</sup> *Id.*, at 222

<sup>7</sup> *City of Boerne*, 521 U.S. 507, 525 (1997).

<sup>8</sup> Paul F. Hancock and Lora L. Tredway, *The Bailout Standard of the Voting Rights Act: An Incentive to End Discrimination*, 17 Urb. Law. 379, 393-394 (1985).

registration, casting a ballot, running for office, intimidation and vote dilution still existed.<sup>9</sup> In 1982, the Commission on Civil Rights report documented continued resistance by individuals and local jurisdictions to increased minority participation in elections and to complying with the Voting Rights Act.

I have served as legal counsel to all of the jurisdictions that have bailed out since the 1982 amendments to the VRA. All of them are in Virginia and are listed in Appendix A.

Local jurisdictions with which I have worked have expressed to me several advantages that they derive from the current bailout formula. For instance, by requiring them to prove a ten-year record of good behavior and to demonstrate improvements to the elections process for minorities, these covered jurisdictions are afforded a public opportunity to prove it has fair, non-discriminatory practices. Second, while bailouts come with some costs (on average about \$5,000 for legal expenses), it is still less costly than making § 5 preclearance submissions indefinitely. Finally, once bailout is achieved local jurisdictions are afforded much more flexibility and efficiency in making routine changes, such as moving a polling place.

For all of its advantages, however, only a few jurisdictions have bailed out. Some argue § 5 should be retained *because* jurisdictions have not been achieving bailout on a mass scale, and that this is evidence there are still many problems with the election processes in these jurisdictions.<sup>10</sup> This assumes that jurisdictions are applying and being denied. Yet not a single jurisdiction that has sought bailout since 1982 has been denied a bailout. The real problem is that jurisdictions are just not applying. (See Appendix A). Why is this?

One reason might be that smaller localities just do not know the bailout option is available to them, or it seems too complicated or time consuming. For the vast majority of jurisdictions, the process is relatively straightforward and easy. Perhaps many local governments have become accustomed to § 5's requirements, or are not willing to invest the time to get with the leaders of the minority community in their area to discuss why the local government is interested in bailout out. Whatever the reason, I would recommend that when the legislation is reauthorized, Congress suggest the Department of Justice provide more information to localities about how to achieve bailout and encourage them to do so.

Another reason posited for the lack of bailouts is that the criteria are thought to be too difficult to meet. That is not the case. Most of the factors to be demonstrated are easily proven for jurisdictions that do not discriminate in their voting practices.

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<sup>9</sup> *Id.* 397, fn. 93-98.

<sup>10</sup> Cf. Vernon Francis et al., *Preserving a Fundamental Right: Reauthorization of the Voting Rights Act*, Lawyers' Committee for Civil Rights Under Law, at 11, June 2003.

One factor, proving §5 compliance, is often cited as the most difficult to meet because opponents to bailout are likely to be able to find some small change that was not precleared. But this is not an obstacle either.

There are several reasons why demonstrating § 5 compliance should be retained as part of the bailout formula. First, DOJ will allow a jurisdiction that inadvertently failed to submit a few changes to submit those changes for preclearance at the time bailout is sought, and thus the preclearance is nunc pro tunc. Second, the legislative history shows that Congress thought that for changes which “are really *de minimis*” the “courts and Department of Justice have used and will continue to use common sense.”<sup>11</sup> While this process of going back and making these § 5 submissions can be time-consuming, it ensures full compliance with the Act and is faithful to the language and spirit of the law.

Most jurisdictions who have sought bailout since 1982 have had to make few such submissions of previously implemented but unprecleared changes (See Appendix A). However, some county officials know that political subdivisions, such as towns and cities, within the county, have not made any submissions. This affects the county’s ability to obtain an expedited bailout. In King’s County, California, for example, a county that has advised DOJ that it desires a bailout, 40-50 submissions have been required on behalf of localities. The County has had to bear this expense, especially since some of which do not even exist anymore. Furthermore, King’s County does not have authority to compel certain localities to make §5 submissions.

Several amendments to the bailout provisions were proposed in 1982 which would have made it easier for states to bailout even before each of the political subdivisions within the state had bailed out, and each was rejected.<sup>12</sup> That would have made little sense then and makes no sense now either.

A better solution may be to allow towns, cities and other local governmental units within a covered county to bailout independently. Then, once each has bailed out, the county can pursue bailout without having to bear the time or expense of making submissions on behalf of each town or city or other governmental unit within its borders. If this were to become law, the town-county relationship under a new bailout law would mirror the existing county-state relationship under the current bailout law. Just like states right now must continue to make submissions even though some of its counties have bailed out (Virginia being the only example), so too would counties be obliged to comply with § 5 until such time as the county seeks a bailout.

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<sup>11</sup> 1982 S. Rep. No. 417, 97<sup>th</sup> Cong., 2d Sess. 46, 48, *as reprinted in* 1982 U.S.C.C.A.N. at 226.

<sup>12</sup> H.Amdt. 266 to H.R. 3112, 97<sup>th</sup> Cong., 1<sup>st</sup> Sess., *offered* Oct. 5, 1981 would have allowed a state to bailout if two-thirds of its political subdivisions bailed out, and H.Amdt. 272 to H.R. 3112, *offered* Oct. 5, 1981 and S.UP.Amdt. 1029 to S. 1992, *offered* Jun. 18, 1982, both would have allowed a state to bailout if the state met all the criteria, even if its political subdivisions did not. Each was rejected, because the 15<sup>th</sup> amendment places the burden of protecting the electoral franchise on the States.

To consider the merits of this possible amendment to the bailout law, Congress could examine § 5 in covered states to see if allowing a bailout to jurisdictions within the state has proven to be problematic from an enforcement or compliance perspective. If counties can bailout now in a state like Virginia that is completely covered (and, as noted above they can and have done so), has exempting parts of a state from preclearance obligations or other special remedial provisions caused any problems from an enforcement perspective? I am not aware of any. In any event, such research would shed light on whether Congress might want to allow a local government to bailout within a covered county.

The remedial provisions of the VRA, including the bailout provision, must be proportional to the injury and the Supreme Court, in the past, has found parts of the VRA to be constitutional for precisely this reason. After passage of the Voting Rights Act in 1965, the Supreme Court held in *South Carolina v. Katzenbach*, 383 U.S. 301, 326 (1966), that Congress had the remedial authority under the 15<sup>th</sup> Amendment to enact the special remedial provisions of the Voting Rights Act, including §§4 and 5. Again, in 1980, the Supreme Court stated in *City of Rome v. United States*, 446 U.S. 156, 177, that § 5 preclearance “is an appropriate method of promoting the purposes of the Fifteenth Amendment, even if it is assumed that § 1 of the Amendment prohibits only intentional discrimination in voting.” And most recently in *Lopez v. Monterey County*, 525 U.S. 266, 282-283 (1999), “[l]egislation which deters or remedies constitutional violations can fall within the sweep of Congress’ enforcement power even if in the process it prohibits conduct which is not itself unconstitutional and intrudes into legislative spheres of autonomy previously reserved for the states.”

The §5 preclearance provisions have clearly worked, as evidenced by the steady submissions of voting changes to the United States Attorney General (around 20,000 a year), and the sharp reductions in the number of objections (See Appendix B). I believe this reduction in the number of objections is attributable in part to the fact that many jurisdictions now are keenly aware of what they cannot do. They know they cannot regress minority voting rights.

In sum, the standards for bailout that currently exist are workable and practical, although I believe Congress might wish to examine the practicality of allowing local governmental subunits within a covered county to bailout. Jurisdictions subjected to the Act’s special remedial provisions, such as the preclearance provisions, have an effective opportunity to bailout today. Moreover, the bailout provisions are tailored in such a way as to require a covered jurisdiction to prove nondiscrimination in voting on the very issues that Congress intended to target when it enacted the special remedial provisions in the first place. Thanks to the Voting Rights Act, we are headed toward a day when there will be no discrimination that affects the ability of any person to register to vote or to cast a ballot, and our democracy will be better for it.

Thank you.

## APPENDIX A

### Bailouts Filed Since 1982 Amendments to VRA (Chronological)

<u>Name of Jurisdiction</u>	<u>Bailout Filed Date</u>	<u>Bailout Granted Date</u>	<u>% Black</u>	<u>% Hispanic</u>	<u># of Unprecleared Changes (if any)</u>	<u># of Years Post-Bailout Reporting Required</u>
Fairfax City, VA	September 25, 1997	October 21, 1997	4.5%	5.2%	0	0
Frederick County, VA	April 19, 1999	September 9, 1999	1.7%	0.5%	0	0
Shenandoah County, VA	April 21, 1999	October 15, 1999	1.1%	0.7%	31	5
Roanoke County, VA	August 11, 2000	January 24, 2001	2.5%	0.5%	6+	4
Winchester City, VA	December 22, 2000	May 31, 2001	9.1%	5.9%	0	4
Harrisonburg City, VA	February 14, 2002	April 17, 2002	5.5%	7.2%	0	3 (If requested by the DOJ)
Rockingham County, VA	March 28, 2002	May 21, 2002	1.3%	2.7%	1	1
Warren County, VA	August 30, 2002	November 25, 2002	4.7%	1.5%	7	3
Greene County, VA	September 8, 2003	January 19, 2004	6.1%	1.1%	1	2

### Bailouts Currently Pending

<u>Name of Jurisdiction</u>	<u>Bailout Filed Date</u>	<u>Bailout Granted Date</u>	<u>% Black</u>	<u>% Hispanic</u>	<u># of Unprecleared Changes (if any)</u>	<u># of Years Post-Bailout Reporting Required</u>
Augusta County, VA	September 23, 2005	(Pending)	3.9%	0.8%	3	0
Kings, County, CA	(Pending)	N/A	8.3%	43.6%	40-50 (est.)	N/A

## Bailouts Filed Since 1982 Amendments to VRA (Alphabetical)

<u>Name of Jurisdiction</u>	<u>Bailout Filed Date</u>	<u>Bailout Granted Date</u>	<u>% Black</u>	<u>% Hispanic</u>	<u># of Unprecleared Changes (if any)</u>	<u># of Years Post-Bailout Reporting Required</u>
Fairfax City, VA	September 25, 1997	October 21, 1997	4.5%	5.2%	0	0
Frederick County, VA	April 19, 1999	September 9, 1999	1.7%	0.5%	0	0
Greene County, VA	September 8, 2003	January 19, 2004	6.1%	1.1%	1	2
Harrisonburg City, VA	February 14, 2002	April 17, 2002	5.5%	7.2%	0	3 (If requested by the DOJ)
Roanoke County, VA	August 11, 2000	January 24, 2001	2.5%	0.5%	6+	4
Rockingham County, VA	March 28, 2002	May 21, 2002	1.3%	2.7%	1	1
Shenandoah County, VA	April 21, 1999	October 15, 1999	1.1%	0.7%	31	5
Warren County, VA	August 30, 2002	November 25, 2002	4.7%	1.5%	7	3
Winchester City, VA	December 22, 2000	May 31, 2001	9.1%	5.9%	0	4

## Bailouts Currently Pending

<u>Name of Jurisdiction</u>	<u>Bailout Filed Date</u>	<u>Bailout Granted Date</u>	<u>% Black</u>	<u>% Hispanic</u>	<u># of Unprecleared Changes (if any)</u>	<u># of Years Post-Bailout Reporting Required</u>
Augusta County, VA	September 23, 2005	(Pending)	3.9%	0.8%	3	0
Kings, County, CA	(Pending)	N/A	8.3%	43.6%	40-50 (est.)	N/A

## **APPENDIX B**

Alabama				
Justice Department Objections 1985 --1994			Justice Department Objections 1995 - 2004	
Houston County (80-1180, 84-1513)	10/15/1985		Tallapoosa County (97-1021)	2/6/1998
Greensboro (Hale Cty.) (85-1532)	10/21/1985		Alabaster (Shelby Cty.) (2000-2230)	8/16/2000
Marengo County (86-2012; 86-2013)	2/10/1986		<b>Total: 2</b>	
Dallas County (86-1882)	6/2/1986			
Bay Minette (Baldwin Cty.) (85-1442, 85-1443, 85-1445)	10/6/1986	withdrawn 6/22/87		
Alexander City (Tallapoosa Cty.) (86-2037)	12/1/1986	withdrawn 12/7/87		
Prichard (Mobile Cty.) (86-2037)	2/3/1987			
Leeds (Jefferson, St. Clair, and Shelby Clys.) (85-1578, 85-1579, 86-1960, 87-1615)	5/4/1987			
Marion (Perry Cty.) (87-1706)	5/5/1987			
Dallas County School District (87-1555)	6/1/1987			
Roanoke (Randolph Cty.) (87-1722)	3/15/1988			
Tallassee (Elmore and Tallapoosa Clys.) (88-1891)	12/19/1988			
State (89-1469) and Dothan (Dale, Henry, & Houston Clys.) (89-1285, 89-4040)	6/12/1989			
Foley (Baldwin Cty.) (86-1811)	11/6/1989	withdrawn 7/1/96		
State Democratic Party (89-1264)	12/1/1989			
Dallas County (90-1693)	6/22/1990			
Valley (Chambers Cty.) (89-1242)	10/12/1990	withdrawn 7/27/92		
Democratic Party (Perry Cty.) (90-1837)	12/3/1990			
Valley (Chambers Cty.) (90-1663)	12/31/1990	withdrawn 12/9/91		
Democratic Party (Lamar Cty.) (90-1769)	1/25/1991			
Democratic Party (Limestone Cty.) (90-1789)	1/28/1991			
State (91-0518)	11/8/1991	withdrawn 3/18/96		
State (91-4215)	12/23/1991			
State (92-1176)	3/27/1992			
Dallas County (92-1001)	5/1/1992			
Dallas County (92-2503)	7/21/1992			
Selma (Dallas Cty.) (92-4187)	11/12/1992			
Greensboro (Hale Cty.) (92-3376)	12/4/1992			
Dallas County (92-4848)	12/24/1992			
Selma (Dallas Cty.) (93-0110)	3/15/1993			
Foley (Baldwin Cty.) (93-1106)	8/30/1993	withdrawn 7/1/96		
State (93-3476)	11/16/1993	withdrawn 3/18/96		
Greensboro (Hale Cty.) (93-4223)	1/3/1994			
State (89-1439)	1/31/1994			
State (93-3195-96) (93-2322)	4/14/1994	withdrawn 3/18/96		
<b>Total: 35</b>				

## Mississippi

Justice Department Objections 1985 - 1994			Justice Department Objections 1995 - 2004		
State (86-3683)	7/1/1986		Adams County (94-4463)	1/30/1995	
Yazoo County (84-3024)	7/7/1986		State (94-4538)	2/6/1995	
Sunflower County (86-3763)	12/15/1986		Monroe County (95-0118)	3/20/1995	
Pike County School District (83-2512)	2/9/1987		Chickasaw County (94-4316)	4/11/1995	
Grenada County (87-3101)	6/2/1987		Union County (95-1234)	6/20/1995	
Washington County (87-3308)	6/19/1987		Aberdeen (Monroe Cty.) (95-1120)	12/4/1995	
Quitman County (87-3225)	9/28/1987		Grenada (Grenada Cty.) (96-3225)	3/3/1997	
Belzoni (Humphreys Cty.) (86-3627)	10/1/1987		State (95-0418)	9/22/1997	
Monroe County (87-3200)	1/12/1988		Grenada (Grenada Cty.) (96-2219)	8/17/1998	
Grenada Municipal Separate School District (Grenada Cty.) (87-3098-3099)	5/9/1988		McComb (Pike Cty.) (97-3795)	6/28/1999	withdrawn 9/20/1999
Greenville (Washington Cty.) (88-4074)	2/10/1989	withdrawn 2/14/90	Kilmichael (Montgomery Cty.) (2001-2130)	12/11/2001	
State (87-3282)	3/31/1989		<b>Total: 11</b>		
Houston Municipal Separate School District (Chickasaw Cty.) (87-3067)	4/14/1989				
Chickasaw County (89-2646)	2/27/1990				
State (88-4035)	5/25/1990				
Cleveland Constitutional School District (Bolivar Cty.) (90-3474)	10/2/1990				
Simpson County (90-3602 & 90-3604)	10/5/1990				
Monroe County (90-3575)	4/26/1991				
Tate County (91-1137)	7/2/1991				
State (91-1402)	7/2/1991				
Bolivar County (91-1457)	7/15/1991				
Hinds County (91-1503)	7/19/1991				
Union County (91-0800)	8/2/1991				
Lee County (91-1096)	8/23/1991				
Bolivar County (91-2939)	8/23/1991				
Amite County (91-1504)	8/23/1991				
Tunica County (91-1438)	9/3/1991	withdrawn 12/16/91			
Benton County (91-1097)	9/9/1991				
Harrison County (91-1401)	9/9/1991				
Jefferson Davis County (91-1559)	9/13/1991				
Montgomery County (91-1139)	9/16/1991				
Clarke County (91-1392)	9/24/1991				
Okibbeha County (91-1451)	9/30/1991				
Walthall County (91-1421)	9/30/1991				
Marshall County (91-1375)	9/30/1991				
(Cont. on next page)					

Lauderdale County (91-2342)	10/7/1991	
Forrest County (91-1506)	10/7/1991	
Tate County (91-2967)	10/11/1991	
Leflore County (91-1463)	10/21/1991	
Sunflower County (86-3763)	10/25/1991	
Perry County (91-1598)	11/19/1991	
Pearl River County (91-1579)	11/25/1991	
Attala County (91-2449)	1/13/1992	
State (92-0993)	3/30/1992	
Tallahatchie County (91-3011)	4/27/1992	
State (91-3975)	5/1/1992	
Sunflower County (92-1415)	5/21/1992	
Marshall County (92-3602)	10/13/1992	
Amite County (92-2548)	11/30/1992	
Greenville (Washington Cty.) (92-4012)	2/22/1992	
Lee County (93-0126)	3/22/1993	
Chickasaw County (92-4440)	3/26/1993	
Gloster (Amite Cty.) (92-4396)	3/30/1993	
Charleston (Tallahatchie Cty.) (93-1053)	6/4/1993	
Monroe County (93-0356)	9/17/1993	
Okolona (Chickasaw Cty.) (93-1558)	10/29/1993	
State (90-4933)	11/24/1993	
Canton (Madison Cty.) (93-0115)	12/21/1993	
<b>Total: 58</b>		

## South Carolina

Justice Department Objections 1985 - 1994			Justice Department Objections 1995 - 2004	
Hampton County School District Nos. 1 and 2 (85-3312; 85-3826)	6/28/1985		Bennettsville (Marlboro Cty.) (94-2216)	2/6/1995
Spartanburg (Spartanburg Cty.) (84-3504)	7/16/1985	withdrawn 10/6/87	Spartanburg County School District (Spartanburg Cty.) (94-2743)	11/20/1995
Orangeburg County (82-2622)	9/3/1985		Gaffney Board of Public Works (Cherokee Cty.) (95-2790)	3/5/1996
Sumter (Sumter Cty.) (83-2952, 84-3510, 84-3511, 84-3512)	10/21/1985		State (97-0529)	4/1/1997
Batesburg (Lexington and Saluda Ctys.) (85-3334)	2/24/1986		Horry County (97-3787)	5/20/1998
Sumter (Sumter Cty.) (86-4439, 86-4440, 86-4441)	4/10/1986	objection to annexations withdrawn 10/17/86	Charleston (Berkely and Charleston Ctys.) (2001-1578)	10/12/2001
Summerville (Dorchester Cty.)	10/10/1986	withdrawn 10/17/88 upon change in method of election	Greer (Greenville and Spartanburg Ctys.) (2001-1777)	11/2/2001
Consolidated School District of Aiken County (Aiken and Saluda Ctys.) (86-4090)	10/14/1986		Sumter County (2001-3865)	6/27/2002
Dorchester County School District No. 4 (Dorchester Cty.) (86-4224)	12/1/1986	withdrawn 2/12/87	Union County School District (Union Cty.) (2002-2379)	9/3/2002
Bamberg County (R1027; R1374)	12/29/1986		Clinton (Laurens Cty.) (2002-1512) (2002-2706)	12/9/2002
Edgefield County School District (Edgefield Cty.) (86-4224)	5/22/1987		Cherokee County School District No. 1 (Cherokee Cty.) (2002-3457)	6/16/2003
Rock Hill (York Cty.) (87-3969)	6/28/1988		North (Orangeburg Cty.) (2002-5306)	9/6/2003
School District No. 4 (Dorchester Cty.) (87-3809)	7/18/1988		Charleston County School District (2003-2066)	2/26/2004
Richland County (88-4728)	9/23/1988		Richland-Lexington School District No. 5 (2002-3766)	6/25/2004
Lancaster (Lancaster Cty.) (88-4655)	6/13/1989		<b>Total: 14</b>	
Beaufort County (89-3281)	7/18/1989			
Bennettsville (Marlboro Cty.) (90-4137)	2/2/1990			
Kershaw County (90-4108)	2/5/1990			
Anderson County School District (89-3259)	4/23/1990			
North Charleston (Charleston, Berkely, and Dorchester Ctys.) (90-4005)	5/3/1990			
Chester (Chester Cty.)	5/7/1990			
York (York Cty.) (90-4221)	8/10/1990			
State (90-3986)	10/15/1990			
Rock Hill (York Cty.) (91-2478)	1/17/1992			
Johnston (Edgefield Cty.) (92-1181)	6/5/1992			
Orangeburg County (92-0473)	7/21/1992			
(Cont. on next page)				

Dorchester County (92-0373)	8/28/1992	
(Cont. on next page)		
Norway (Orangeburg Cty.) (92-0156)	11/9/1992	
Marion County School District (Marion Cty.) (92-2803)	1/5/1993	
Marion County (92-2802)	1/5/1993	
Lee County School District (Lee Cty.) (92-4139)	2/8/1993	
Lee County (92-2259)	2/8/1993	
Batesburg-Leesville (Lexington and Saluda Ctys.)(92-4640)	6/1/1993	
Johnston (Edgefield Cty.) (93-1658)	7/6/1993	
State (94-1394)	5/2/1994	
Lee County (94-109) and Lee County School District (94-1722) (Lee Cty.)	6/6/1994	
Hemingway (Williamsburg Cty.) (93-4248)	7/22/1994	
Florence and Williamsburg Counties (93-5026, 93-4959)	7/22/1994	
Barnwell (Barnwell Cty.) (94-0431)	8/15/1994	withdrawn 2/13/95
Georgetown County School District (Georgetown Cty.) (94-2274)	10/3/1994	
North Charleston (Berkely, Charleston, and Dorchester Ctys.)	10/17/1994	withdrawn 8/20/96
Spartanburg County School District (Spartanburg Cty.) (94-2743)	12/13/1994	
<b>Total: 42</b>		

**Texas**

Justice Department Objections 1985 - 1994			Justice Department Objections 1995 - 2004		
Rusk Independent School District (Cherokee Cty.) (83-0174)	1/18/1985		State (94-4077)	2/17/1995	
Liberty-Eylau Independent School District (Bowie Cty.) (84-0121)	2/26/1985		Edwards Underground Water Conservation District (Gonzales Cty.) (94-0333)	3/2/1995	
Dawson County (84-0343)	8/6/1985		Andrews (Andrews Cty.) (94-2271)	6/26/1995	
El Campo (Wharton Cty.) (84-1364)	11/8/1985		State (95-2017)	1/16/1996	
Lynn County (85-0895)	11/18/1985		Webster (Harris Cty.) (96-1006)	3/17/1997	withdrawn 4/7/98
Terrell County (85-0674)	1/13/1986		State (98-1365)	9/29/1998	withdrawn 10/21/98
Plainview Independent School District(Hale Cty.) (86-0674)	4/10/1986		Galveston (Galveston Cty.) (98-2149)	12/14/1998	withdrawn 02/04/02
El Campo (Wharton Cty.) (86-1633)	7/18/1986		Lamesa (Dawson City) (99-0270)	7/16/1999	
Trinity Valley Community College District (Anderson, Henderson, Hunt, Kaufman and Van Zandt Ctys.) (86-0002)	10/14/1986		Sealy Independent School District (Austin Cty.) (99-3823)	6/5/2000	
Wharton Independent School District (Falls Cty.) (87-0487)	12/29/1986		Haskell Consolidated Independent School District (Haskell, Knox, and Throckmorton Ctys.) (2000-4426)	9/24/2001	
Marlin Independent School District (Falls Cty.) (87-0487)	6/22/1987		State (2001-2430)	11/16/2001	
Crockett County (87-0300)	10/2/1987		Waller County (2001-3951)	6/21/2002	
Columbus Independent School District (Colorado and Austin Ctys.) (87-0025)	1/4/1988		Freeport (Brazoria Cty) (2002-1725)	8/12/2002	
Hondo Independent School District (Frio and Medina Ctys.) (87-0952)	1/22/1988		<b>Total: 13</b>		
Marshalltown Independent School District(Harrison Cty.) (87-0060)	4/18/1988				
San Patricio County (87-1132)	6/14/1988				
Jasper (Jasper Cty.) (88-0951)	8/12/1988	withdrawn 12/24/91			
Lynn County (85-0895)	9/26/1988				
El Campo (Wharton Cty.) (88-1471)	2/3/1989				
Dallas County (88-0363)	2/27/1989				
Baytown (Chambers and Harris Ctys.)(88-0634)	3/20/1989				
Refugio Independent School District (Refugio Cty.) (88-1251)	5/8/1989				
Cuero (DeWitt Cty.) (89-0326)	10/27/1989				
Denver City (Yoakum Cty.) (88-1530; 88-1533)	2/5/1990				
Nolan County Hospital District (89-0794)	2/12/1990				
San Patricio County (89-0874)	5/7/1990				
State (90-0015)	11/5/1990				
(Cont. on next page)					

Freeport (Brazoria Cty.) (90-0164)	11/13/1990	
(Cont. on next page)		
Grapeland (Houston Cty.) (90-0960)	12/21/1990	
Dallas (Collin, Dallas, Denton, Kaufman & Rockwall Ctys.) (89-0245)	3/13/1991	
Lubbock County Water Control and Improvement District No. 1 (Lubbock Cty.) (90-4938)	3/19/1991	
Refugio Independent School District (Refugio Cty.) (90-1268)	4/22/1991	
Dallas (Collin, Dallas, Denton, Kaufman & Rockwall Ctys.) (89-0425, 91-0642)	5/6/1991	
State (90-0003)	8/23/1991	withdrawn 8/4/92
Houston (Harris, Montgomery and Fort Bend Ctys.) (91-2353)	10/4/1991	
State (91-3395)	11/12/1991	
Del Valle Independent School District (Travis Cty.) (91-3124)	12/24/1991	
El Campo (Wharton Cty.) (91-0530)	1/7/1992	
State (92-0070)	3/9/1992	
State (92-0146)	3/10/1992	
Gregg County (91-3349)	3/17/1992	
Calhoun County (91-3549)	3/17/1992	
Galveston County (91-3601)	3/17/1992	
Castro County (91-3780)	3/30/1992	
Monahans-Wickett-Pyote Independent School District (Ward Cty.) (91-3272)	3/30/1992	
Ellis County (91-4250)	3/30/1992	
Lubbock Independent School District (Lubbock Cty.) (91-3910)	3/30/1992	
Terrell County (91-4052)	4/6/1992	
Bailey County (91-3730)	4/6/1992	
Cochran County (91-4049)	4/6/1992	
Hale County (91-4048)	4/10/1992	
Deaf Smith County (91-4051)	4/10/1992	
Gaines County (91-3990)	7/14/1992	
Wilmer (Dallas Cty.) (90-0393)	7/20/1992	
Del Valle Independent School District (Travis Cty.) (7-31-92)	7/31/1992	
Ganado (Jackson Cty.) (92-0319)	8/17/1992	withdrawn 1/22/93
Castro County (92-4027)	10/6/1992	
Galveston (Galveston Cty.) (92-0136)	12/14/1992	
Atlanta Independent School District (Cass Cty.) (92-3754)	2/19/1993	
(Cont. on next page)		

Carthage Independent School District (Panola Cty.) (92-4890)	3/22/1993	withdrawn 1/3/94	
Corsicana Independent School District (Navarro Cty.) (92-4186)	3/22/1993		
Lamesa (Dawson Cty.) (92-0907)	4/26/1993		
Bailey County (93-0880)	5/4/1993		
Castro County (93-0917)	5/10/1993		
(Cont. on next page)			
McCulloch County (93-0075)	6/4/1993		
Bailey County (93-0194)	7/19/1993		
Wharton County (92-5239)	8/30/1993		
Edwards Underground Water District (93-2267)	11/19/1993		
Marion County (93-3983)	4/18/1994		
State District Court (93-2585)	5/9/1994		
Harris County Criminal Court at Law (Harris Cty.) (93-2664)	5/31/1994		
Fort Bend County Court at Law (Fort Bend Cty.) (93-2475)	5/31/1994		
Mexia Independent School District (Limestone Cty.) (93-4623)	6/13/1994		
Tarrant County (94-3012)	8/15/1994		
Edna Independent School District (Jackson Cty.) (94-0866)	8/22/1994		
Morton (Cochran Cty.) (94-1303)	9/12/1994		
San Antonio (Bexar Cty.) (94-2531)	10/21/1994		
Karnes City (Karnes Cty.) (94-2366)	10/31/1994		
Judson Independent School District (Bexar Cty.) (94-4175)	11/18/1994		
<b>Total: 79</b>			

Virginia				
Justice Department Objections 1985 - 1994			Justice Department Objections 1995 - 2004	
Franklin (86-4549) (Independent city)	3/11/1986	withdrawn 5/18/87	Dinwiddie County (99-2229)	10/27/1999
Fredericksburg (87-4154)	4/7/1988		Northampton County (2001-1495)	9/28/2001
Newport News (88-5098)	7/24/1989		Pittsylvania County (2001-2026)	
State (91-1483)	7/16/1991		(2001-2501)	4/29/2001
Powhatan County (91-2115)	11/12/1991		Cumberland County (2001-2374)	7/9/2002
Newport News School District (92-3887)	2/16/1993		Northampton County (2002-5693)	5/19/2003
Chesapeake School District (93-4561)	6/20/1994	withdrawn 8/28/95	Northampton County (2002-3010)	10/21/2003
<b>Total: 7</b>			<b>Total: 7</b>	