

August 6, 1971

Mr. Upshaw C. Bentley  
Clarke County Attorney  
Post Office Box 1744  
Athens, Georgia 30601

Dear Mr. Bentley:

This is in reference to the application of Clarke County for approval of Act. No. 257 of the General Assembly of Georgia which changes the method of selection of the members of the Clarke County Board of Education and provides for education districts, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act.

I have carefully examined the data you and the Clarke County officials have furnished, as well as the information gathered by my staff. While I understand the complexities involved in drafting a plan such as this, I feel constrained to object on behalf of the Attorney General to the implementation of this submission. The available population statistics reflect that the education districts called for by the Act substantially deviate from the "one-man, one-vote" requirements applied by the Supreme Court in Kirkpatrick v. Priesler, 394 U.S. 528 (1969). The five districts in Athens appear to be substantially under represented, while the three outside of Athens are over represented. Moreover, available statistical information indicates that the population disparity between District 1, the most heavily black in the County, and District 3 is over 29%. Census Bureau statistics also show that the districts with the largest white population majorities are the ones which are most over represented. Thus, the deviation from Kirkpatrick requirements has not only one-man, one-vote effects, but also implicit racial effects as well.

In addition, it has been alleged by some Clarke County residents that the plan's reduction of the size of the Board from eleven to eight members and the consequent

division of the County into eight, rather than eleven districts, unnecessarily reduces the potential for effective political participation by black citizens in the proposed districts. Although available facts are inconclusive with respect to such allegations, when combined with the population disparities described above, we are unable to conclude, as we must under the Voting Rights Act, that the plan does not have a racially discriminatory effect.

Should you wish to submit an alternative plan or additional information concerning the education districts as presently drawn, the Attorney General will give the matter prompt and careful consideration. I am enclosing for your information proposed guidelines which generally describe the Department's enforcement procedures under Section 5 of the Voting Rights Act. Of course, as provided by Section 5 of the Voting Rights Act of 1965, you have the alternative of instituting an action in the United States District Court for the District of Columbia seeking a judgment declaring that the present submission does not have the effect of denying or abridging the right to vote or to cast an effective ballot on account of race or color.

Sincerely,

DAVID L. NORMAN  
Acting Assistant Attorney General  
Civil Rights Division