



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

July 12, 1982

C. Nathan Davis, Esq.
Lee and Davis
P. O. Box 1376
Albany, Georgia 31702

Dear Mr. Davis:

This is in reference to the redistricting of commissioner districts in Dougherty County, Georgia, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. Your submission was completed on May 13, 1982.

We have made a careful analysis of the information that you have provided, the 1980 Census data, the events surrounding the enactment of the change, the information in our files with respect to the preclearance of the existing plan, and comments and information provided by other interested parties. On the basis of our analysis we are unable to conclude that the new plan for the redistricting of the commissioner districts does not have a discriminatory purpose or effect.

Our analysis of the plan under submission indicates that its inevitable effect will be to dilute the voting strength of black citizens in Dougherty County. For instance, our review shows that the black population of Dougherty County has increased substantially over the period from 1970 to 1980. This increase in black population, together with a reduction in the white population, is not reflected in the results of the redistricting contained in the submitted plan. Indeed, our analysis shows that the proposed plan reduces the black proportion in all but one of the six districts and in the process seems unnecessarily to concentrate black citizens in the two districts which are majority black.

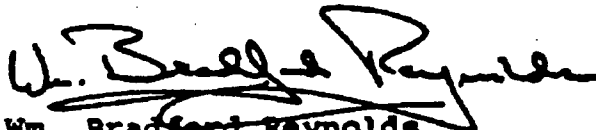
The Voting Rights Act proscribes any change which would "lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." Beer v. United States, 425 U.S. 130.

141 (1976). In view of the circumstances discussed above we cannot conclude that the county has shown the absence of such an effect in this case. Accordingly, on behalf of the Attorney General, I must interpose an objection to the redistricting plan.

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 this change has 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 redistricting of the commissioner districts legally unenforceable.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action Dougherty County plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Carl W. Gabel (202-724-8388), Director of the Section 5 Unit of the Voting Section.

Sincerely,



Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division