



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

12 DEC 1983

George E. Glaze, Esq.
Glaze and McNally
120 North McDonough Street
Jonesboro, Georgia 30236

Dear Mr. Glaze:

This is in reference to the redistricting of councilmanic districts for the City of College Park in Clayton and Fulton Counties, Georgia, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received the information to complete your submission on October 11, 1983.

We have reviewed carefully the information you supplied, as well as 1980 Census data and comments and information provided by other interested parties. We note that according to the 1980 Census, College Park had a total population of 24,632, of whom 11,886 (48.3%) were black. From all that appears, this represents a significant increase from the minority percentage of the 1970 Census and represents a dramatic increase in the minority percentage since the time of the estimation of population by Public Research and Management, Inc. in 1976.

In spite of the enormous increase in minority population, the city appears to have made a conscious effort to maintain effective minority voting strength at the level established in 1976. In doing so, the proposed plan increases the fragmentation of the minority community in a manner that adversely affects minorities by packing black population into one district (District No. 2 at 90 percent black) and dividing the rest of the black population concentration between four other districts. Nor does there appear to be any legitimate reason for the strangely irregular lines that meander throughout Census Block No. 319, a highly concentrated

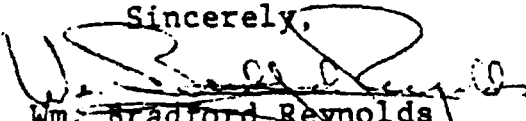
black community. Such fragmentation and irregularity of shape in the context of the voting patterns that exist in the city and the fact that the city seems not to have welcomed but, rather, to have avoided input from the black community in the reapportionment process, are all probative of racial purpose. See Busbee v. Smith, 549 F. Supp. 494, 517 (D. D.C. 1982), aff'd, 51 U.S.L.W. 3552 (U.S. Jan 24, 1983); Mississippi v. United States, 490 F. Supp. 569, 581 (D. D.C. 1979), aff'd, 444 U.S. 1050 (1980); Terrazas v. Clements, 537 F. Supp. 514, 530-536 (N.D. Tex. 1982).

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing 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)). In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that that burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the redistricting of the councilmanic districts for the City of College Park.

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 or color. In addition, Section 51.44 of the guidelines permits you to request that the Attorney General reconsider the objection. However, until the objection is withdrawn or a judgment from the District of Columbia Court obtained, the effect of the objection by the Attorney General is to make the redistricting plan legally unenforceable. 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 the City of College Park plans to take with respect to this matter. If you have any questions, feel free to call Sandra S. Coleman (202-724-6718), Deputy Director of the Section 5 Unit of the Voting Section.

Sincerely,


Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division