



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

NOV 30 1992

Andrew J. Whalen III, Esq.
Mullins & Whalen
P. O. Box 133
Griffin, Georgia 30224-0133

Dear Mr. Whalen:

This refers to the 1992 redistricting plan for commissioners for the City of Griffin in Spalding 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. We received your response to our September 8, 1992, request for additional information on October 1, 1992.

We have considered carefully the information you have provided as well as data from the 1990 Census and information from other interested parties. The Census shows that the total population of the city is 47.8 percent black, a 5.3 percentage point increase since 1980. Voter registration data provided in your submission indicate that black voter registration continues to lag significantly behind that of whites, a pattern previously noted in the 1985 voting rights litigation which produced the current electoral system. In addition, racially polarized voting, also previously observed, appears to continue to characterize elections in the city.

The city is governed by a board of commissioners composed of seven members: one elected at large, and six elected from single-member districts. Under the existing districting plan, it appears that black voters have the opportunity to elect candidates of their choice to only two seats--Districts 1 and 2. The proposed plan preserves black electoral opportunity in these

two districts. The city's claim that the proposed plan affords black voters a realistic opportunity to elect candidates of their choice in District 6 is questionable in light of racially polarized voting in city elections and the fact that the majority of the registered voters in this district are white.

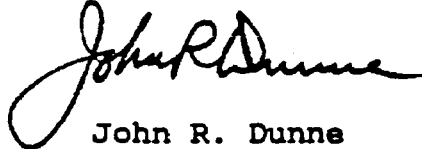
Moreover, demographic analysis of the proposed plan reveals that a significant area of minority population concentration has been fragmented by the line dividing proposed Districts 4 and 6. It appears that it would have been possible to reduce this fragmentation, and in the process create a third district in which black voters would have a clear opportunity to elect candidates of their choice. Indeed, one such alternative plan was presented to the board of commissioners for its consideration during the redistricting process. Although we have invited the city to address with more specificity claims that the city's redistricting choices were motivated by the desire to limit minority electoral opportunity unfairly, the city has failed to do so.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory 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. 51.52). In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that your burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the redistricting plan.

We note that under Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed 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, you may request that the Attorney General reconsider the objection. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the redistricting plan continues to be legally unenforceable. Clark v. Roemer, 111 S.Ct. 2096 (1991); 28 C.F.R. 51.10 and 51.45.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action the City of Griffin plans to take concerning this matter. If you have any questions, you should call George Schneider (202-307-3153), an attorney in the Voting Section.

Sincerely,

A handwritten signature in cursive script, appearing to read "John R. Dunne".

John R. Dunne
Assistant Attorney General
Civil Rights Division