

JSP:SMS:bhj  
D.J. 166-012-3  
V9109

SEP 3 1975

Mr. Stanley E. Michels  
Chairman, Law Committee  
Democratic Party, New York County  
342 Madison Avenue  
New York, New York 10017

Dear Mr. Michels:

This is in reference to your submission to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965 of the Amendment to the Statement and Call of the County Committee of the Democratic Party, New York County, dated June 16, 1975, which Amendment effected a merger of the two district leadership areas in the Manhattan portion of the 62nd Assembly District. Your submission was received on July 5, 1975.

We have given careful consideration to the submitted change and the supporting information as well as data compiled by the Bureau of the Census and information and comments from interested parties. Our analysis reveals that there are significant concentrations of Black, Puerto Rican and Chinese people residing in the district leadership area denominated as Part A, and in areas near or contiguous to Part A. Similar concentrations are absent in many portions of Part B. We have been presented with no information, nor has any otherwise come to our attention, which would show that these minority

groups do not constitute a significant political minority whose voting strength would be minimized through their submergence into a two member district in which they constitute far less meaningful proportions.

In view of these circumstances, we cannot conclude that the New York County Democratic Committee has sustained its burden of proving that the submitted change does not have the effect of denying or abridging the right to vote on account of race or color. For that reason, I must, on behalf of the Attorney General and consistent with Section 51.19 of the administrative guidelines (28 CFR 51.19) interpose an objection to the voting change involved in the consolidation of representational parts A and B of the 62nd Assembly District.

Of course, Section 5 permits you to seek a declaratory judgment from the District Court for the District of Columbia that this change neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race.

Finally, we note that the creation of the two district leadership areas within the Manhattan portion of the 62nd Assembly District, accomplished subsequent to the 1972 statewide reapportionment, has never met the preclearance requirements of Section 5. We suggest that you may wish to submit this prior change to the Attorney General in the near future so that all Section 5 issues relating to the leadership areas may be resolved.

Sincerely,

J. Stanley Pottinger  
Assistant Attorney General  
Civil Rights Division



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

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Address Reply to the  
Division Indicated  
and Refer to Initial and Number

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SEP 4 1975

Honorable Richard Owen  
United States District Court for the  
Southern District of New York  
Foley Square  
New York, New York 10007

Re: Freed v. Feuer, et al., Civil Action  
No. 1975-3285 (S.D. N.Y.)

Dear Judge Owen:

We are enclosing a copy of our response of September 3, 1975 to the submission by the Democratic Party, under Section 5 of the Voting Rights Act of 1965, of the consolidation of two district leadership areas in the Manhattan portion of the 62nd Assembly District. As the letter indicates, the Attorney General has interposed an objection to the change in question.

We originally represented to the Court when we participated as Amicus Curiae at the July 17, 1975 hearing in the above-captioned case that we expected to reach a determination on the merits of the Section 5 question no later than August 1, 1975. We apologize for not being able to meet this commitment.

Sincerely,

J. STANLEY POTTINGER  
Assistant Attorney General  
Civil Rights Division

By: *S. Michael Scadron*  
S. MICHAEL SCADRON  
Attorney, Voting Section

