EXHIBIT 19

U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

Honorable Michael Bowers
Attorney General
132 State Judicial Building
Atlanta, Georgia 30334

11 FEB 1982

Dear Mr. Attorney General:

This is in reference to the Congressional reapportionment provided for in Act No. 5 (1981), 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 January 22, 1982. In accordance with your request we have expedited our consideration of this matter.

We have given careful consideration to the information that you have supplied, along with relevant Census data and comments and information provided by other interested persons. Our analysis shows that, for the most part, the plan meets the requirements of Section 5. There continue to be concerns, however, regarding contentions which have been made to us regarding the proposed congressional districts in Fulton and DeKalb Counties as they affect the Atlanta metropolitan area.

At the outset, we note that proposed district 5 is 57.3% black in total population and that that figure represents a seven percentage point increase in black population from existing district 5, the one district which appears to offer the minority community some opportunity to elect a candidate of its choice. Thus, under Beer v. United States, 425 U.S. 130 (1976), the plan must be considered one which "enhances the position of minorities in respect to their effective exercise of the election franchise" and therefore cannot be said to have a racial "effect" within the meaning of Section 5.

However, Beer teaches also that "[i]t is possible that a legislative reapportionment could be a substantial improvement over its predecessor in terms of lessening racial discrimination, and nonetheless continue so to discriminate on the basis of race or color as to be unconstitutional." Beer v. United States, supra, 425 U.S. at 142, n. 14.

In respect to the latter teaching, the proposed plan divides an apparently cohesive black community of Fulton and DeKalb Counties between districts 5 and 4. The Georgia Senate proposed to assign this black community, which has grown significantly in the past decade, to one congressional district and the resulting district 5 proposed by the Senate was projected to be 69% black in total population. In regard to this circumstance, our letter of November 27, 1981, requested the state to provide any available information to rebute contentions that this described minority community was divided in the submitted plan in order to dilute minority voting strength and to minimize the chances of that community's electing a candidate of its choice to Congress.

The state's response essentially was that the minority community in this two county area is not "cohesive". However, other information indicates that the black residents of this area do share common interests, even though their economic status may vary. Our information also demonstrates a wide variation in economic status among the areas which were included in proposed district 5.

We also have been advised that the Senate's plan for the Atlanta area was rejected in order to preserve, to the extent possible, separate districts for Fulton and DeKalb Counties. The information we have, however, is conflicting. For example, the plan before us assigns to district 4 a substantial area of northern Fulton County, which area previously had been in district 5; and county lines in the Atlanta metropolitan area are crossed in other places. Thus, on the basis of information currently in hand, we are unable to conclude that an effort to preserve county lines necessitated the fragmentation of the black community. Also relevant

to our review is your statement that the portion of the black community which was included in proposed district 5 is "less politically active", which may explain the fact that even though district 5 has been increased in black percentage the district "has a 54% white voter registration."

As you know, 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, e.g., Georgia v. United States, 411 U.S. 526 (1973); see also, Procedures for the Administration of Section 5, 28 C.F.R. 51.39(e) (46 Fed. Reg. 878). In this case, we have not been presented with information sufficient to enable us to reject the claims that the line between districts 4 and 5 was drawn to minimize the voting strength in that area. Under these circumstances, and in view of the fact that you have requested a decision at this time, I am unable to conclude that the State has satisfied the burden of proof required by Section 5. Thus, I am required to interpose a Section 5 objection, on behalf of the Attorney General, to the submitted plan. However, if additional information is available regarding this issue, we would be willing to reconsider this objection pursuant to the applicable provisions of the Procedures for the Administration of Section 5. See 28 C.F.R. 51.44.

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 these changes have 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. However, until the objection is withdrawn or a judgment from the District of Columbia court is obtained, the effect of this objection is to render the congressional redistricting as authorized by Act No. 5 (1981) legally unenforceable.

If you have any questions concerning this letter, please feel free to call Carl Gabel (202-724-8388), Director of the Section 5 Unit of the Voting Section.

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division