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APR 1 1974

Mr. George D. Zuckerman
Assistant Attorney General
In Charge of Civil Rights Bureau
State of New York
Two World Trade Center
New York, New York 10067

Dear Mr. Zuckerman:

This is in reference to your submission to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965 of Chapters II, 76, 77, and 78, New York Laws of 1972, insofar as they relate to the Congressional, Senate and Assembly District Lines in Bronx, New York and Kings Counties. The submission was received by this Department on January 31, 1974.

We have given careful consideration to the submitted changes and the supporting information as well as data compiled by the Bureau of the Census and information and comments from interested parties. Except as noted below, the Attorney General does not object to the implementation of the submitted redistricting legislation. However, on the basis of all the available demographic facts and comments received on these submissions as well as the state's legal burden of proving that the submitted plans have neither the purpose nor the effect of abridging the right to vote because of race or color, we have concluded that the prescribed effect may exist in parts of the plans in Kings and New York Counties.

In the New York County senate plan, the lines defining district 28 in West Harlem appear to reduce significantly the minority voting strength in that area. Significant portions of minority neighborhoods in that area (district 27 under the prior plan) have been removed to proposed district 29 with apparent dilutive effect. We have been presented with no persuasive justification for this effect and reasons-also alternatives appear to be available.

Similarly, in the Kings County senate and assembly plans, a parallel problem exists. Senate district 18 appears to have an abnormally high minority concentration while adjoining minority neighborhoods are significantly diluted into surrounding districts. In the less populous proposed assembly districts, the minority population appears to be concentrated into districts 53, 54, 55 and 56, while minority neighborhoods adjoining those districts are diluted into a number of other districts. As with the congressional plan we know of no necessity for such concentration and believe other internal alternatives exist.

First, with respect to the Kings County congressional redistricting, the lines defining district 12 and surrounding districts appear to have the effect of overly concentrating black neighborhoods into district 12, while simultaneously fragmenting adjoining black and Puerto Rican concentrations into the surrounding majority white districts. We have not been presented with any compelling justification for such concentration and our own analysis reveals none. More over, it appears that other rational and compact alternative districting could achieve population equality without such an effect.

Finally, in the New York County assembly districting, the lines describing districts 70, 71, 72 and 74 appear to have the effect of unnecessarily diluting the voting strength of black and Puerto Rican residents. The result is that district 71 is an oddly shaped district over four miles long with a minority population of approximately 46 per cent.

On the basis of our findings, therefore, we cannot conclude, as we must under the Voting Rights Act, that these portions of these redistricting plans will not have the effect of abridging the right to vote on account of race or color. For that reason I must, on behalf of the Attorney General, interpose an objection to the implementation of the unconnected portions of the submitted plans.

We have reached this conclusion reluctantly because we fully understand the complexities facing the state in designing reapportionment plans to satisfy the needs of the state and its citizens and simultaneously, to comply with the mandates of the federal Constitution and laws. We are persuaded, however, that the Voting Rights Act compels this result.

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

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Until such a judgment is rendered by that Court, however, the legal effect of the objection of the Attorney General is to render unenforceable the specified portions of the redistricting plans.

Sincerely,

J. STANLEY PORTINER
Assistant Attorney General
Civil Rights Division