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BY THE COMPTROLLER GENERAL

Report To The Chairman, Subcommittee On Civil And Constitutional Rights, Committee On The Judiciary House Of Representatives

OF THE UNITED STATES

Justice Can Further Improve Its Monitoring Of Changes In State/Local Voting Laws

The 1965 Voting Rights Act, as amended, was designed to prevent discriminatory practices that deny U.S. citizens belonging to racial or language minorities their constitutional right to vote and otherwise participate in the electoral process equally with other citizens. The Department of Justice is responsible for enforcement of this act.

A 1978 GAO report on Justice's activities to enforce and administer the act contained numerous recommendations to improve Justice's efforts. GAO found, in its current study, that Justice has taken positive steps to improve its monitoring of changes in State/local voting laws. However, problems still exist which require Justice's attention. These problems entail identifying voting changes implemented by a jurisdiction without Justice's prior approval as required by law, assuring that voting changes objected to by Justice are not implemented by the jurisdiction, and requiring jurisdictions to submit all required documentation to support a voting change.

UNITED STATES GENERAL ACCOUNTING OFFICE

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GAO/GGD-84-9
DECEMBER 19, 1983

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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON D.C. 20548

B-130961

The Honorable Don Edwards
Chairman, Subcommittee on
Civil and Constitutional Rights
Committee on the Judiciary
House of Representatives

Dear Mr. Chairman:

This report is in response to your November 23, 1981, request to review the manner in which the Justice Department has enforced section 5 of the 1965 Voting Rights Act, as amended, and to provide a status report on steps taken by Justice to correct the problems we identified in an earlier report on February 6, 1978. This report discusses the positive steps Justice has taken and the actions Justice needs to take to further improve its administration and enforcement of the act.

As agreed with your office, unless you publicly announce the contents of the report earlier, we plan no further distribution until 30 days from the date of the report. At that time we will send copies to the Attorney General, congressional committees having a jurisdictional interest in voting rights matters, and other interested parties. Additionally, we will make copies available to others upon request.

Sincerely yours,

Charles A. Bowsher
Comptroller General
of the United States

COMPTROLLER GENERAL'S
REPORT TO THE CHAIRMAN,
SUBCOMMITTEE ON CIVIL
AND CONSTITUTIONAL RIGHTS,
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

JUSTICE CAN FURTHER IMPROVE ITS MONITORING OF CHANGES IN STATE/LOCAL VOTING LAWS

D I G E S T

To protect the fundamental constitutional voting rights of citizens belonging to racial or language minorities, section 5 of the Voting Rights Act requires certain states and political subdivisions to submit proposed changes in voting laws, practices, and procedures to the Attorney General for approval prior to implementation. These changes encompass such items as redistrictings and annexations (changes in the boundaries of a voting unit); voter qualifications and eligibility; registration, balloting and vote counting procedures; and the eligibility or method of selecting candidates for public office.

The Chairman of the Subcommittee on Civil and Constitutional Rights, House Committee on the Judiciary, asked GAO to review the manner in which Justice has enforced and administered section 5 of the 1965 Voting Rights Act, as amended, and to provide a status report on actions taken by Justice to correct the problems that GAO identified in its 1978 report [1] on enforcement of the act.

Since GAO's prior report Justice has taken the following actions to improve its enforcement and administration of the act.

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[1] "Voting Rights Act--Enforcement Needs Strengthening" (GGD-78-19, dated February 6, 1978).

Tear Sheet

GAO/GGD-84-9
DECEMBER 19, 1983

--Published in 1981 new guidelines that jurisdictions should follow when submitting proposed changes.

--Reorganized its Civil Rights Division to streamline the management and administrative processes, enhance the professional development of staff, and better utilize attorneys' time and define the role of paralegals.

--Improved the process of reviewing proposed voting changes submitted by jurisdictions so that all changes submitted are acted on within the 60 day time period required by law.

--Improved the accuracy of its computerized data base and improved procedures for reviewing proposed voting changes submitted by jurisdictions. (See pp. 12, 13, and 33 to 40.)

Even though Justice has taken these actions to enhance its enforcement of the act, problems still exist which require additional actions by Justice. These include identifying voting changes implemented by a jurisdiction without Justice's prior approval, as required by law, ensuring that voting changes objected to by Justice are not implemented by the jurisdictions, and requiring jurisdictions to submit all required documentation to support a voting change.

IDENTIFY CHANGES NOT SUBMITTED FOR APPROVAL

GAO recommended in its 1978 report that Justice take steps to systematically verify that affected jurisdictions are not implementing changes in voting procedures and practices without first obtaining Justice's approval for the changes. Justice disagreed with that recommendation because it believed its procedures of relying on local civil rights groups to identify jurisdictions violating the act were adequate.

Subsequent to the issuance of GAO's 1978 report, other studies by various civil rights organizations have shown that problems still exist in that changes have been implemented without obtaining the required approval from Justice. One study conducted during 1979 and 1980 identified 1,000 changes in six southern states that had not been submitted to Justice for approval prior to implementation. Another study issued in 1981 identified legal actions that have been initiated by various civil rights groups against jurisdictions that have implemented changes without obtaining Justice's approval.

On the basis of GAO's follow up work and the studies by outside organizations, GAO believes that Justice should not rely solely on civil rights groups to identify jurisdictions not submitting voting changes for review by Justice. As a result of placing reliance on outside organizations to identify violations by jurisdictions, elections have taken place before Justice was notified of relevant violations. (See pp. 13 to 16.)

ENSURE THAT CHANGES OBJECTED TO ARE NOT IMPLEMENTED

GAO recommended in its 1978 report that Justice develop systematic procedures to monitor compliance by states and localities with objections made by Justice on proposed changes. Justice said it disagreed because individuals and organizations who comment on proposed changes are notified when Justice objects to a change, and Justice believed these groups were in the best position to notify it of any changes implemented.

Subsequent to GAO's prior report, reviews and studies by Justice and the U.S. Commission on Civil Rights have shown that jurisdictions are still implementing changes objected to by Justice. In 1981, both Justice and the Commission identified changes implemented that Justice had objected to. Justice's study of 262

objections identified 11 changes Justice had objected to which had been implemented. As of June 1983, seven objections had been resolved or were once again under review by Justice for approval while four were still being analyzed by Justice. In all instances, 3 to 7 years had elapsed since Justice posed the objection and became aware that a jurisdiction had implemented a change even though Justice had objected to it. Consequently, several elections were conducted under procedures which Justice had considered discriminatory. (See pp. 16 and 17.)

OBTAIN ALL REQUIRED SUPPORTING DOCUMENTATION

GAO found during its earlier review that about 59 percent of the sampled 271 submissions for voting changes submitted by various jurisdictions to Justice did not contain all the data required by federal regulations. For example, data required but not submitted included information about boundaries being changed, racial distribution of existing and proposed voting units, and reasons for and anticipated effects of changes. As a result, GAO in its prior report recommended that Justice reassess its submission regulations and more clearly define what data were needed for its review of proposed changes. Although Justice disagreed and stated that no improper decisions were made because of a lack of sufficient information, it did take steps to improve the overall submission process by issuing new procedural guidelines.

GAO's current review of 285 of the 1,218 annexation and redistricting submissions (changes in boundaries of a voting unit), approved between January 1979 and February 1982, showed that jurisdictions were still not submitting all data required by federal regulations. Of the 285 sampled cases, 49 percent did not contain a statement of the anticipated effect of the change on members of racial or language minority groups, and 38 percent of

the cases did not contain a statement of the reasons for the change. To ensure that required and pertinent data are submitted or subsequently obtained, Justice should require that all data be obtained or that a statement be included in the file detailing why the data was not considered necessary to arrive at a decision. This would provide greater assurance that decisions made were based upon all pertinent data without unduly limiting Justice's ability to deal flexibly with each submission. (See pp. 17 to 19.)

RECOMMENDATIONS TO THE ATTORNEY GENERAL

GAO recommends that the Attorney General:

--Modify Justice's procedures for identifying jurisdictions that implement voting changes without submitting them to Justice for prior approval and/or implementing changes Justice has objected to. This modification should include, on a selective basis, a review of state and/or local laws when Justice has reason to believe, or outside organizations have indicated, that jurisdictions may be violating the act.

--Ensure that all required data are submitted by a jurisdiction to support a proposed voting change, or that a statement be placed in the file detailing why data were not considered necessary to arrive at a decision.

AGENCY COMMENTS

Justice, in comments dated August 25, 1983, stated that it has already taken action to identify jurisdictions not complying with the act's requirements. Also Justice said it is developing a system to insure that all data on proposed voting changes required by regulations are obtained, or that the files are documented regarding why such data were not needed to arrive at a decision.

GAO believes the actions taken or planned should enhance Justice's enforcement and

administration of the act. However, with regard to identifying jurisdictions that do not comply with the act, Justice has taken the position that it relies on outside organizations to identify such jurisdictions. GAO agrees that this is one way to enforce the act's requirements. However, there is no assurance that these organizations will identify all violations and elections have been held where changes were not cleared or approved by Justice.

In this regard, GAO believes Justice needs to take a more active role in identifying jurisdictions that are not complying with the act. This role should be accomplished by establishing procedures for reviewing, on a selective basis, state and/or local laws for jurisdictions that outside organizations have indicated or Justice believes are not complying with the act. This active role by Justice would complement its existing procedures of relying on outside organizations to identify jurisdictions that violate the act as well as enhance the identification of those that violate the act but which Justice has not been advised about by outside organizations. (See pp. 20 to 22 and 41.)

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ABBREVIATIONS

ACLU	American Civil Liberties Union
CFR	Code of Federal Regulations
GAO	General Accounting Office
MALDEF	Mexican American Legal Defense and Educational Fund
U.S.C.	United States Code

CHAPTER 1

INTRODUCTION

The 1965 Voting Rights Act, as amended (42 U.S.C. 1973 et seq.) is one of the most significant pieces of civil rights legislation ever enacted. The act was designed to prevent the discriminatory practices denying U.S. citizens belonging to racial or language minorities their right to vote and otherwise participate in the electoral process equally with other citizens. Previous federal voting rights legislation was relatively unsuccessful in removing discriminatory barriers to voting. The Voting Rights Act has been more successful because it enabled the federal government to intervene directly in the electoral process of certain states and localities instead of relying on litigation to enforce the law.

At the request of the Chairman, Subcommittee on Civil and Constitutional Rights, House Committee on the Judiciary, we reviewed the Department of Justice's enforcement of section 5 of the Voting Rights Act (42 U.S.C. 1973c). (See app. I). Section 5 of the act requires approval by either the Justice Department or the U.S. District Court for the District of Columbia of a change in voting laws, practices, or procedures prior to their implementation. This process is commonly referred to as preclearance review. The changes subject to preclearance review are wide ranging. For example, they encompass redistrictings and annexations (changes in boundaries of a voting unit); voter qualifications and eligibility; registration, balloting, and vote counting procedures; and the eligibility or method of selecting candidates for public office.

In summary, we were asked to determine whether Justice had over the years changed its standards for reviewing voting changes submitted by covered jurisdictions. We agreed with the chairman's office that such a determination would be made by reviewing annexation and redistricting voting changes that Justice had reviewed. We were also asked to review the policies

and procedures Justice used in deciding to withdraw its objections to proposed changes. Further, we were asked to include a status report on actions Justice has taken to correct problem areas that we discussed in our 1978 report to several members of the Congress.[1]

PROVISIONS FOR FEDERAL INVOLVEMENT IN POLITICAL PROCESS

The Voting Rights Act, as amended, contains both general and special provisions. The general provisions apply nationwide, while the special provisions in sections 4 through 9 and the minority language provisions in section 203 apply only to certain jurisdictions. (See p. 4.) The general provisions of the act protect the right of all U.S. citizens to vote regardless of race or color. These provisions include sections that prohibit the use of poll taxes, literacy, or related tests and devices and discriminatory voting qualifications, prerequisites, standards, practices, or procedures; and provide for examiners and observers to be appointed by the courts to deal with obstacles to voting.

The special and minority language provisions of the act provide additional protection for minority citizens residing in those jurisdictions falling within the criteria of sections 4(b) and 203 of the act. These provisions distinguish the act from earlier attempts to protect the voting rights of minority groups by establishing administrative procedures, which are meant to be temporary, for eliminating discrimination in voting. The provisions authorized direct federal involvement in the electoral process of covered states and localities and constitute the act's strongest enforcement mechanisms. These provisions (1) require federal preclearance of election law changes, practices, or procedures, (2) authorize the Attorney General to ensure fair elections by using observers and examiners to list eligible voters and observe the election process at polling places, and (3) require the use of languages other than English in the election process of voting jurisdictions covered by the minority language provisions.

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[1]"Voting Rights Act--Enforcement Needs Strengthening" (GGD-78-19, dated February 6, 1978).

Section 5 requires states or political subdivisions covered by the special provisions of the act to submit any proposed change in its voting laws, practices, or procedures to the Attorney General or the U.S. District Court for the District of Columbia for preclearance. The preclearance requirements of section 5 take effect upon a section 4(b) determination by the Attorney General that a jurisdiction falls within the criteria provided in that section and, therefore, is subject to the section 4(a) prohibition against denying the right to vote because of a failure to comply with a test or device. Under section 203, jurisdictions covered by the minority language provisions, may seek permission from the U.S. District Court to provide election materials only in English.

Jurisdictions must prove that the proposed change does not have a discriminatory purpose or effect; that is, prove that neither the purpose nor the effect of a change is to deny or abridge the right to vote on account of race, color, or minority language. Jurisdictions may not enforce or administer changes unless either (1) the Attorney General does not object to the proposed changes within 60 days following the submission, or (2) the U.S. District Court issues a declaratory judgment that the proposed changes are not discriminatory in purpose or effect.

On June 29, 1982, Public Law 97-205 was enacted which amended various provisions of the Voting Rights Act. Section 4 was amended to enable a covered state or jurisdiction that meets certain criteria to be declared exempt from coverage of the special provisions beginning on August 5, 1984. A state or jurisdiction can seek a declaratory judgment from the District Court for the District of Columbia for an exemption from coverage by the special provisions of the act. To obtain the exemption, the jurisdictions must show that they used no discriminatory voting practices and complied with all decisions of the Justice Department or the District Court for the District of Columbia on its proposed voting changes during the preceding 10 years. Section 5 was amended to establish a termination date of 25 years, to be reconsidered on June 29, 1997.

ENFORCEMENT RESPONSIBILITY

The Attorney General has primary responsibility for enforcing the act. Regulations provide that within the Department of Justice, responsibility for determinations under section 5 has

been assigned to the Assistant Attorney General, Civil Rights Division. With the exception of decisions involving objections to proposed changes submitted by covered jurisdictions, the Chief of the Voting Section of the Civil Rights Division is authorized to act on behalf of the Assistant Attorney General. Within the Voting Section, the section 5 unit, headed by a director, is responsible for reviewing proposed changes submitted by those jurisdictions covered by the act. If a change is found to have a discriminatory purpose or effect, the unit, through the Voting Section, recommends to the Assistant Attorney General that an objection be interposed to the change.

In addition to Justice's activities in administering the Voting Rights Act, two other governmental units play a role in its administration--the Office of Personnel Management and the Bureau of the Census of the Department of Commerce. The Office of Personnel Management is responsible for providing examiners and/or observers authorized by the courts or requested by the Attorney General. Examiners list people to vote and also receive complaints during elections. Observers monitor elections in order to see if all eligible voters are allowed to vote and ballots are accurately counted. The Director, Bureau of the Census, is responsible for compiling statistical data on registration, voting statistics, and population for states and localities meeting conditions for coverage under the act.

STATES AND LOCALITIES COVERED BY THE ACT

The Attorney General determines, on the basis of the information developed by the Bureau of the Census, which states and localities will be subject to or covered by the statutory special and minority language provisions. Due to 1970 and 1975 amendments to the 1965 act, there are now three statutory criteria provided in section 4(b) for determining whether the prohibitions provided in section 4(a) and the section 5 preclearance requirements apply to a jurisdiction. A fourth criterion contained in section 203 pertains only to coverage under the act's bilingual provision and to whether a jurisdiction may conduct an election only in the English language.

The four criteria used in making the determinations are:

1. The jurisdiction maintained on November 1, 1964, a test or device as a condition for registering or voting, and less than 50 percent of its total voting age population were registered on November 1, 1964, or voted in the 1964 presidential election.

2. The jurisdiction maintained on November 1, 1968, a test or device as a condition for registering or voting, and less than 50 percent of the total voting age population were registered on November 1, 1968, or voted in the 1968 presidential election.

3. The jurisdiction maintained on November 1, 1972, a test or device as a condition for registering or voting, and less than 50 percent of the citizens of voting age were registered as of November 1, 1972, or voted in the 1972 presidential election. (A test or device automatically exists if the jurisdiction provided registration, voting, or other electoral process materials only in English when more than 5 percent of the citizens of voting age in the jurisdictions were members of a single language minority.)

4. More than 5 percent of the citizens of voting age in the jurisdiction are members of a single language minority group, and the illiteracy rate of such persons as a group is higher than the national illiteracy rate.

Once it is determined that a jurisdiction falls within one or more of these statutory criteria, the coverage is automatic. Under the above criteria, 926 jurisdictions in 21 states were subject to preclearance review by Justice as of August 1983. This includes nine states covered entirely. (See app. II.)

OBJECTIVES, SCOPE, AND METHODOLOGY

The Chairman requested us to review section 5 enforcement activities involving:

--Any changes in Justice's standards for reviewing voting changes. (It was agreed with the Chairman's office that such a determination would be made by reviewing annexation and redistricting changes reviewed by Justice.)

--Policies and procedures dealing with the withdrawal of objections raised by Justice to voting changes and related matters.

--Actions taken by Justice to implement GAO's 1978 recommendations.

To ascertain Justice's actions taken with regard to our prior recommendations, we requested in January 1982 a status report from Justice detailing the actions they had taken on our prior report. (See app. IV.) In addition, we analyzed the actions taken to determine whether the earlier problems identified had been corrected. To accomplish this latter objective we

--reviewed Justice's current regulations and procedures,

--analyzed 285 cases randomly selected from 1,218 submissions cleared by Justice without objection during the period January 1979 to February 1982 on proposed redistricting and annexation changes, and

--analyzed all 56 withdrawals of objections made by the Justice Department during the period June 10, 1971, through June 30, 1982.

To accomplish the other objectives of the review, we

--discussed with Voting Section officials the changes which have occurred since 1970 in reviewing section 5 submissions,

--discussed enforcement of the act with officials of the Federal Election Commission and the Office of Personnel Managment,

--performed literature and legislative history searches,

--monitored hearings on extending the act, and

--judgmentally selected civil rights groups involved with the voting rights area and met and discussed their concerns about enforcement of the act (the groups contacted included the U.S. Commission on Civil Rights, National Association for the Advancement of Colored People, Southern Regional Council, and Georgia Legal Defense Organization).

We performed our work at the Department of Justice in Washington, D.C., from January 1982 through June 1983.

We agreed with the Chairman's office that we would limit our analysis to annexation and redistricting changes. Our sample of 285 submissions was statistically valid at a 95 percent confidence level, with a plus or minus 5 percent error rate. Our review of these submissions included evaluating whether or not Justice determined if the proposed change would have the purpose or effect of denying or abridging the right to vote on account of race or color. In this regard, we did not attempt to second guess Justice's decisions to approve the proposed change. Our review also included an examination of the levels of officials involved in the review process, the period of time required to review them and the extent required data was submitted with the submissions. At the Chairman's request, our review also included a determination as to whether or not individuals outside of Justice's Civil Rights Division, or congressional or executive branch persons, have sought to influence the divisions decisions.

We analyzed all 56 withdrawals of objections by the Justice Department from June 10, 1971, through June 30, 1982. We determined whether Justice's withdrawal was based on changes in fact or law and whether the initiator of the withdrawal action was Justice or the submitting jurisdiction. We also reviewed the time elapsed between the posing of an objection and its withdrawal and the extent to which the objection was enforced prior to its withdrawal.

We determined the status of Justice's implementation of our prior recommendations by obtaining a written response of its position or actions taken as of February 1, 1982, and following up on each of the prior recommendations to verify

--the changes that had been implemented as a result of our prior recommendations and

--whether the evidence supported the need for further action by Justice.

Our review was performed in accordance with generally accepted government auditing standards.

CHAPTER 2

STATUTORY STANDARDS ARE CONSISTENTLY APPLIED BY JUSTICE IN MAKING OBJECTION AND WITHDRAWAL DECISIONS

In accordance with section 5 of the Voting Rights Act, the Attorney General must determine if a voting change will have the purpose or effect of denying or abridging the right to vote on account of race, color, or language minority. This determination is applied on a case-by-case basis when Justice decides (1) whether to object to a voting change proposed by a jurisdiction subject to preclearance review or (2) whether to withdraw an objection upon reconsideration. An objection may be reconsidered either upon request by the submitting jurisdiction or on the initiative of the Attorney General. The Assistant Attorney General, Civil Rights Division, has been delegated authority by the Attorney General for making objection and withdrawal decisions.

Our review of redistricting and annexation cases showed that the Civil Rights Division consistently applied the discriminatory purpose or effect analysis in making preclearance, objection and withdrawal decisions under section 5 of the Voting Rights Act. Its decisions have been made in accordance with existing legal standards and established procedures. We found no evidence that the division had applied arbitrary administrative standards in making decisions. Also, on the basis of our review of correspondence files, we found no evidence that parties outside of the division influenced its decisions.

PROCEDURES FOR PRECLEARANCE AND RECONSIDERATION REVIEWS

When the Civil Rights Division receives a voting change proposal, it assigns the proposal to an equal opportunity specialist within the section 5 unit of the division's voting section. The specialist conducts a factual analysis on the basis of material presented by the submitting jurisdiction and relevant information provided by individuals or groups. The typical analysis includes a demographic profile of the community affected by the proposed change, the results of previous elections, and an assessment of the change's impact on minority participation in the electoral process. Particular attention is given to a change which dilutes minority representation among the electorate. For example, a change which is likely to

result in diluting a minority's voting strength by more than 2 percent receives close scrutiny.

The factual analysis is reviewed in draft form by the director of the unit. Generally, the director prepares a legal analysis of the proposed change that is based on the specialist's findings and recommendations and current legal standards, including relevant court decisions. [2]

In many instances of routine changes, if the director of the section 5 unit concludes that the submitting jurisdiction has met the burden of proof and is satisfied that the proposed change does not have a discriminatory purpose or effect, he makes the final decision to clear the change without objection. In more complex and potentially controversial changes, such as redistrictings and annexations where the minority voting strength would be greatly diluted, the chief of the Voting Section also reviews the unit's recommendations. Where the director concludes that the burden of proof has not been sustained and is not satisfied that the change is nondiscriminatory, he recommends to the chief of the Voting Section that an objection be made. With the section chief's views incorporated the matter is then referred to the Assistant Attorney General, Civil Rights Division, for final action. In cases where unreconcilable controversy exists among the staff over a change, material facts for both views will be presented to the Assistant Attorney General for a decision. However, most staff disagreements often are resolved within the Voting Section itself.

In those cases where the Civil Rights Division poses an objection to a voting change, the submitting jurisdiction may request the division to reconsider the objection at any time.[3] In addition, the Civil Rights Division may, at any

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[2] Over the past several years the Civil Rights Division has changed its procedures for administering preclearance reviews. Prior to 1976, before the section 5 unit was established, both the factual and legal analyses were generally performed by staff attorneys. Between 1976 and 1979, the factual analysis was performed by paralegals. In a 1979 reorganization, the division reclassified most of the section 5 unit's paralegal staff to equal opportunity specialist positions.

[3] Prior to 1981, Department of Justice regulations required that jurisdictions request reconsideration within 10 days after being notified of an objection. Justice officials told us that this time limit was removed because it was found not to be practical.

time, reconsider an objection on its own. The procedures for reconsideration are basically the same as for a preclearance review. Regardless of which party initiates action, however, according to the act the decision to withdraw must be based on a substantial change in fact or law sustaining the jurisdiction's burden of proof that the voting change does not have a discriminatory purpose or effect.

DECISIONS TO CLEAR WITHOUT OBJECTION

Between January 1979 and February 1982, the Civil Rights Division cleared without objection 1,218 cases involving annexation or redistricting changes. We randomly selected 285 of the 1,218 cases to determine whether the division consistently considered the discriminatory purpose or effect of the change in granting a clearance. We also determined whether the division cleared the voting change in accordance with established administrative procedures and in a timely manner. In this regard, we reviewed correspondence pertaining to the cases to ascertain whether parties outside of the Civil Rights Division had a material influence on the final decision to clear without objection. Our review was limited to post-1978 annexation and redistricting changes in order to keep the analysis manageable and because division records prior to 1979 were not sufficiently complete and accurate to permit the selection of a statistically valid sample.

Records for the 285 cases reviewed showed that the division's review was completed within 60 days as required by the act and followed established administrative procedures concerning the review level and sequence in which reviewed. Records were also reviewed to try and determine if parties outside of the Civil Rights Division influenced division decisions. Obviously, this is very difficult to substantive. However, on the basis of our review of the divisions correspondence files we found no evidence that the division's decisions were influenced by outside parties. The correspondence received from the outside parties was mainly confined to questions on the status of a preclearance review, estimated completion date, or facts about a particular case. A few of the letters requested the Department to expedite its review of certain cases, but those cases were not completed any faster than cases for which an expedited review was not requested.

DECISIONS TO WITHDRAW OBJECTIONS

Between June 10, 1971, and June 30, 1982, the Civil Rights Division withdrew 56 objections that it had made under section 5 of the Voting Rights Act. These cases represented all of the withdrawals made by the division since the act became effective in 1965. The withdrawals covered a wide range of voting practices and procedures, such as redistrictings, reapportionments, annexations, method-of-election, and bilingual assistance to minority language groups. Forty-nine of the withdrawals occurred after the affected jurisdiction requested a reconsideration of the original objection. The remaining seven withdrawals occurred after reconsideration was initiated by the Civil Rights Division for a variety of reasons such as interpretation of court decisions, additional information provided by the submitting jurisdiction at the request of Justice, or further investigation by Justice. (See app. III.)

We analyzed all 56 cases to determine the basis for the division's decision to withdraw, the timing of its decision, and whether the decision was made in accordance with established administrative procedures. Records showed that division officials often differed and engaged in vigorous debate. However, the records contained material supporting that the final withdrawal decisions were based on changes in fact or law. The records also indicate all decisions were made in accordance with established procedures in all 56 cases. In 25 cases, the division withdrew its objection after the jurisdiction submitted additional information that clarified the voting change and, in the division's opinion, sustained the burden of proof. In 18 cases, the division withdrew its objection after the jurisdiction amended its proposed change to overcome the original objection. In the remaining 13 cases, objections were withdrawn as a result of court decisions (7 cases) or other reasons such as further investigation by Justice of the proposed change or a legal opinion issued by the State (6 cases). (See app. III.)

CONCLUSIONS

The Civil Rights Division has consistently applied the discriminatory purpose or effect analysis in making preclearance, objection, and withdrawal decisions under section 5 of the Voting Rights Act. Its decisions have been made in accordance with existing legal standards and established procedures. We found no evidence that the division has applied arbitrary administrative standards in making decisions or has been materially influenced in its decisionmaking by outside parties.

CHAPTER 3

FURTHER IMPROVEMENTS ARE NEEDED TO ENHANCE ENFORCEMENT OF THE ACT

Our prior review of Justice's activities in enforcing and administering the Voting Rights Act resulted in the issuance of a report in February 1978 [4] that contained numerous recommendations for improving Justice's enforcement efforts. As a result of our recommendations, Justice took positive steps to improve its enforcement and administration of the Voting Rights Act. However, our current review identified certain problem areas which require Justice's attention to enhance the enforcement of the act.

Changes made by Justice as a result of our prior recommendations have improved its management of enforcement activities. These changes are summarized below and detailed in appendix IV.

--In 1981 Justice published new guidelines which discussed the content of submissions that covered jurisdictions should include when submitting proposed changes. These guidelines gave jurisdictions more detailed instructions about the submission process.

--Justice reorganized its Voting Section's section 5 unit to more clearly define the role of paralegals, streamline the unit's management and administrative processes, enhance the professional development of its staff, and better utilize attorneys' time.

--Justice improved the accuracy of its computerized data base and developed procedures for increased computer utilization for managing the preclearance review process. This enables it to utilize the information received and assure the accuracy and completeness of the data base.

--Justice improved its preclearance review process so that all changes submitted are acted on within the 60 day time limit required by law. All 285 randomly selected cases

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[4] "Voting Rights Act--Enforcement Needs Strengthening" (GGD-78-19, February 6, 1978).

included in our current review were acted upon within the time limit.

Even though Justice has taken positive steps to improve its enforcement efforts, areas still exist that need Justice's attention. These are summarized below and detailed on the following pages.

--Jurisdictions have implemented changes without first obtaining preclearance from the Justice Department.

--Jurisdictions have implemented changes that Justice has objected to.

--All data required by Justice regulations was not being submitted by jurisdictions to support proposed changes.

As a result of the above problems, we believe Justice needs to modify its procedures so as to enhance the enforcement of the act's requirements that (1) all covered jurisdictions submit changes for preclearance and (2) jurisdictions do not implement changes over Justice's objections. This modification should include, on a selective basis, a review of state and/or local laws when Justice has reason to believe or outside organizations have indicated that jurisdictions may be violating the act. Such an active role by Justice would complement its existing procedures of relying on outside organizations to identify jurisdictions that violate the act and enhance the enforcement of the act and the protection of all citizens constitutional right to vote. In addition, Justice needs to require that all data is submitted supporting a proposed change or, at least, note in its files why certain required data was not considered necessary to arrive at a decision. This would provide a sound basis and historical trail supporting the appropriateness of Justice's decisions.

INCREASED EFFORTS NEEDED TO IDENTIFY UNSUBMITTED CHANGES

The preclearance process by which Justice reviews proposed changes in voting qualifications, standards, practices, or procedures in covered jurisdictions is intended to be a key means of assuring minority voting rights. Its chief purpose is to

prevent changes in election laws and practices that discriminate against racial and language minorities. The implementation of a change without Justice's preclearance review required by the act negates the intended protections.

In our 1978 report we recommended that Justice take steps to systematically identify jurisdictions not submitting changes for preclearance. The recommendation was made because we had concluded that Justice's efforts were sporadic and fell short of an effective systematic procedure. Justice did not believe its procedures for monitoring compliance with preclearance review requirements needed revision. It cited a number of actions taken to publicize section 5 preclearance requirements, including letters to the municipal league in each state with a covered county, letters to counties not submitting proposed changes, various speaking engagements by Justice representatives, and the wide distribution within covered jurisdictions of revised and final section 5 guidelines.

In our prior report, we discussed efforts by Justice which had identified changes which have been implemented by covered jurisdictions without obtaining the required preclearance. For example, in 1975, the Department reviewed state laws enacted in nine states between 1970 and 1974 and uncovered 316 unsubmitted changes. During our current review, we discussed this matter with Justice officials and expressed the opinion that this showed that a problem existed. Justice officials told us that similar reviews have not been made because of resource limitations.

Subsequent to the issuance of our prior report, studies by various civil rights organizations also have shown that proposed changes have been implemented without preclearance by Justice. The Southern Regional Council, which covers 11 states, conducted a study during 1979 and 1980 that reviewed state laws enacted from 1965 to 1980 in the states of Alabama, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina. The basic study methodology was to review new state laws and compare them to changes submitted to Justice which were contained in Justice's automated system of proposed section 5 changes. The study identified 1,000 changes which had not been submitted to

Justice for preclearance. The Southern Regional Council provided its data regarding possible unsubmitted changes in the State of Louisiana (47 were identified) to Justice in August 1982. As of July 1983, the information on Louisiana was still under review by Justice. The problems identified by the Council in the other states even though Justice has repeatly requested this information had not been submitted to Justice as of July 1983 because the Council had not finalized its report.

In September 1981, the U.S. Commission on Civil Rights issued a report entitled "The Voting Rights Act: Unfulfilled Goals" to the President of the Senate and the Speaker of the House of Representatives which discussed numerous activities under the Voting Rights Act. A section of this report dealt with noncompliance with section 5 preclearance requirements. The report cited the following:

--In 1980, the American Civil Liberties Union's (ACLU) southern regional office sued several counties in Georgia that failed to preclear changes from single member districts to at-large election systems. In numerous other lawsuits in 1977, ACLU also challenged other types of election law changes made by Georgia counties but not precleared with Justice. In all suits, the jurisdictions were required to revise their procedures and submit changes to Justice for clearance. Some of the changes were approved, while others were objected to by Justice and not implemented.

--The Mexican American Legal Defense and Educational Fund (MALDEF) identified instances in which local jurisdictions failed to seek preclearance of proposed changes. For example, MALDEF officials filed suit to enjoin elections from being held in Lockhart, Texas, until the city charter (passed in 1973) was precleared. A district court upheld the suit on March 2, 1979, and Justice objected to the changes on September 14, 1979.

The aforementioned studies demonstrate the need for Justice to modify its procedures to actively identify jurisdictions not submitting proposed changes for preclearance. In our opinion, increased efforts should be made to identify unsubmitted changes to ensure that all changes are precleared as required by the Voting Rights Act. Such procedures should include, on a selective basis, a review of state and/or local laws to identify

those jurisdictions that Justice has reason to believe or outside organizations have indicated have implemented changes without prior approval by Justice. In this way, Justice would be taking a more active role rather than relying on outside groups to identify jurisdictions that are not complying with the act.

BETTER ASSURANCE NEEDED OF COMPLIANCE WITH JUSTICE'S OBJECTIONS

In those instances when Justice has objected to a proposed change, some jurisdictions have implemented the change notwithstanding Justice's objection. This could negate the protection to minorities afforded by the Voting Rights Act.

In our 1978 report, we concluded that noncompliance with Justice's objections to proposed changes was a problem and recommended the development of systematic procedures to monitor compliance by states and localities. Justice did not agree that revisions to procedures for monitoring compliance with objections were needed because those individuals and organizations who commented on a proposed change were notified when Justice posed an objection. Justice believed that these groups were in the best position to notify it of the implementation of any changes that Justice had objected to.

According to reviews and studies made by Justice and the U.S. Commission on Civil Rights, noncompliance with Justice's objections by states and localities has continued to occur since 1978. In June 1981, Justice reviewed all objections posed since January 1, 1975, to determine whether states and local jurisdictions had complied by not making such changes. Justice's review principally involved a consideration of data in submission files and telephone calls to interested individuals in the covered jurisdictions to determine the circumstances. Justice reviewed 262 objections and initially determined that 11 objections were not complied with and the voting changes were implemented despite its objections. As of June 1983, seven of the objections had been resolved or are once again under preclearance review and four are still under review to determine noncompliance.

In all cases, 3 to 7 years had elapsed since Justice posed the objection and became aware that a jurisdiction had implemented a change even though Justice had objected to it. Consequently, several elections were conducted under procedures which Justice had considered discriminatory. For example:

--The majority vote requirement in a Georgia county was objected to in October 1975 but Justice's subsequent review showed that the requirement was in effect in 1981.

--Several annexations made between July 1975 and December 1977 in an Alabama county were the subjects of objections. However, according to Justice's files, as of April 1981 the city had carried out its proposed annexations in spite of Justice's objections.

The U.S. Commission on Civil Rights, in its 1981 report on the Voting Rights Act, stated that it had found that jurisdictions have implemented changes without prior approval or implemented changes Justice had objected to. The Commission concluded there should be an affirmative responsibility on the Attorney General to vigorously enforce compliance and develop systematic procedures to review whether jurisdictions were complying with requirements to submit proposed changes and to ensure that changes were not implemented over Justice's objections.

We agree with the Commission's position. We believe Justice needs to modify its procedures to identify the voting changes that jurisdictions implement over its objections and resolve them in a timely manner. One way to accomplish this is, on a selective basis, review state and/or local laws when Justice believes or outside organizations have indicated that jurisdictions are not complying with the act. We believe such a procedure would compliment Justice's existing procedures of relying on outside organizations to bring violations to its attention, specifically in situations as noted above, where elections have been held when violations were not brought to Justice's attention by outside organizations.

REQUIRED SUBMISSION DATA NOT ALWAYS OBTAINED

In our 1978 report, we recommended that Justice reassess its submission regulations to determine what data was needed for

its review of various types of proposed changes. The recommendation was based on a review of 271 submissions, 59 percent of which did not have all the data required by federal regulations.

Although Justice disagreed with our prior recommendation and stated that no improper decisions were made due to the lack of sufficient information, it did take steps to improve the overall submission process. The 1971 procedural guidelines for the administration of section 5 were revised and published in final form in 1981 to incorporate amendments in the law and legal decisions since 1971 (such as Supreme Court rulings) and to give jurisdictions more detailed instruction about the submission process.

The information or documents a jurisdiction is required to submit is outlined in section 51.25 of title 28, Code of Federal Regulations (CFR). These include such items as a copy of any ordinance, enactment, regulation, or order containing a proposed change, notification of the effective date of the change, statements relating to the authority, effect and reasons for the change, and any other information the Attorney General determines is required for his evaluation. Our current review showed that proposed annexation and redistricting changes did not contain some of the required data. We reviewed a random sample of 285 annexation and redistricting changes approved during the period January 1979 to February 1982 to determine the extent to which the required data was contained in the submission. None of the proposed changes we reviewed contained all of the required data. Specifically, we found the following:

--Forty-nine percent of the cases sampled did not contain a statement of the anticipated effect of the change on members of racial or language minority groups as required by 28 CFR 51.25 (m).

--Thirty-eight percent of the cases sampled did not contain a statement of the reasons for the change as required by 28 CFR 51.25 (l).

--Sixty-six percent of the cases sampled did not contain a statement that the change had not yet been enforced or administered or an explanation of why such a statement could not be made as required by 28 CFR 51.25 (j).

Our review showed that when submissions lack required or pertinent data, Justice sometimes obtained the missing data through correspondence or telephone conversations. In other

cases, Justice said that the missing information could easily be inferred from the submission or was not considered crucial to its rendering a decision. However, in many instances we believe Justice made its decision without receiving all required data from the jurisdiction with its original submission, or subsequently obtaining the required data from jurisdictions or other sources.

Although the revision of the procedural guidelines for section 5 administration was a positive step, Justice needs to ensure that required data, where pertinent, is submitted with each proposed change or obtained before Justice makes its decision. To insure that required and pertinent data are submitted or subsequently obtained, Justice should require analysts to list missing data in each submission file and track the items until obtained. For items missing from a particular submission, even though considered unnecessary, the analyst should state in the file why the data was not obtained. Such a checklist, used in this way, would provide greater assurance that decisions made were based upon all pertinent data without unduly limiting Justice's ability to deal flexibly with each submission.

CONCLUSIONS

Since the issuance of our prior report in February 1978, Justice has made numerous changes to improve its administration and enforcement of the Voting Rights Act. These improvements included (1) issuing revised guidelines to covered jurisdictions, (2) defining more clearly the role of paralegals, (3) streamlining it management and administrative processes, (4) improving its computerized data base and increasing its use in the management process, and (5) performing preclearance reviews in a timely manner.

We believe, however, that areas still exist that require Justice's attention to further enhance enforcement and ensure that the rights of racial or language minorities are not hindered. We believe that Justice should modify its procedures to identify those covered jurisdictions that implement voting changes that have not been precleared or changes that Justice has objected to. Such modification should include, on a selective basis, reviews of state and/or local laws when Justice believes or outside organizations have indicated that jurisdictions are not complying with the act. Justice also needs to ensure that all data required by its regulations are submitted by the covered jurisdiction or that a record is made detailing why certain data was not considered necessary to arrive at a

decision. Such a process would establish a record showing that all decisions made by Justice were based on all pertinent data without limiting its ability to deal flexibly with each submission.

RECOMMENDATIONS TO THE ATTORNEY GENERAL

We recommend that the Attorney General:

--Modify Justice's procedures for identifying jurisdictions that implement voting changes without submitting them to Justice for prior approval and/or implement changes even though Justice has objected to them. This modification should include, on a selective basis, a review of state and/or local laws when Justice has reason to believe or outside organizations have indicated that jurisdictions may be violating the act. Such an active role by Justice would complement its existing procedures of relying on outside organizations to identify jurisdictions violating the act and enhance the enforcement of the voting rights act and the protection of all citizens right to vote.

--Ensure that all required data are submitted by a jurisdiction to support a proposed voting change, or that a statement be placed in the file detailing why data was not considered necessary to arrive at a decision.

AGENCY COMMENTS AND OUR EVALUATION

The Department of Justice, by letter dated August 25, 1983, (see app. v), said that in general our report accurately described its actions in administering and enforcing the requirements of section 5 of the Voting Rights Act. It also stated that, it was especially pleased that GAO found its actions have been fair, impartial and apolitical in dispatching the important duties Congress assigned to the Attorney General. Justice added that the message conveyed in the report provides encouragement for the Department to move forward positively and aggressively in its administration and enforcement of section 5 and it was

also pleased that the report specifically recognizes the many steps it has taken to improve its enforcement activities.

Justice said that it has already taken corrective action regarding our recommendations dealing with jurisdictions that either implement changes without obtaining prior approval or changes that Justice has objected to. Justice stated that this action will continue in an effort to gain compliance with section 5 by each specially covered state, county, city, school board and special purpose district--thousands in all.

Justice said that suggestions from all sources are being considered in an effort to devise a means to better disclose instances where covered jurisdictions implement new voting standards, practices, or procedures without first obtaining preclearance under section 5. Justice added it will continue to emphasize its policy of initiating litigation against jurisdictions which refuse to seek preclearance of covered changes after they have been notified of their need to do so as well as continue to encourage state and local civil rights organizations to assist in enforcing section 5 requirements.

With regard to the implementation of objected to changes, Justice stated that its enforcement efforts have reached a stage where each and every objected to change is monitored effectively to assure compliance. Justice believes that its actions in this area will assure compliance with future objections promptly and effectively. The monitoring is to be accomplished by Justice attorneys contacting local organizations to ascertain if the objected to change was implemented. However, the procedures do not establish when or how often such monitoring will take place.

We are encouraged by the actions taken by Justice to overcome the problems with jurisdictions implementing changes without preclearance and jurisdictions implementing objected to changes. We believe these actions should enhance Justice's monitoring of changes to state/local voting laws. However, Justice has taken the position that it relies on outside organizations to identify jurisdictions that implement changes not precleared or objected to. We agree that this is one way to enforce the act's requirements. But we believe because there is no assurance that these organizations will identify all violations, and because elections have been held when violations had taken place, that Justice should not rely solely on these organizations to ensure enforcement of the act and the protection of all citizens fundamental constitutional right to vote. In this regard, we believe Justice needs to take a more active role in

identifying jurisdictions not complying with the act. This could be accomplished by establishing procedures for reviewing, on a selective basis, state and/or local laws for jurisdictions that outside organizations have indicated or Justice believes may not be complying with the act. This active role by Justice would complement its existing procedures of relying on outside organizations to identify jurisdictions that violate the act as well as enhance the identification of jurisdictions that violate the act but which Justice has not been advised about by outside organizations.

With regard to our third recommendation--ensure that all required data are submitted by a jurisdiction to support a proposed voting change, or that a statement be placed in the file why data were not considered necessary to arrive at a decision--Justice said that a system to comply with this recommendation is being developed. Justice also said that the system is being designed to ensure that each file contains all the pertinent information that was considered necessary to support Justice's decision.

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November 23, 1981

Charles A. Bowsher
Comptroller General of the
United States
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Bowsher:

In keeping with our responsibility to evaluate the effective implementation of legislatively mandated programs, we ask you to review the Department of Justice's enforcement of Section 5 of the Voting Rights Act of 1965, as amended, from 1970 to the present. We anticipate that such a review would be limited to the headquarters office in Washington, D.C. It would be most appropriate if we could have an interim report in February or March of 1982 in preparation for our hearings regarding the authorization request of the Justice Department's Civil Rights Division.

We ask that your review include a status report on steps taken by the Department to correct problem areas identified in your 1978 Report to the Congress, e.g. developing a mechanism to monitor the non-submission of voting changes, and to determine whether objected to changes have been implemented. Two other areas which require monitoring are requests by the Department for additional information from a submitting jurisdiction and requests for resubmission.

In addition, we look forward to an assessment of whether there have been any changes over the years in the Department's practices and procedures in evaluating Section 5 changes. We would suggest that this is best accomplished by reviewing the files of changes to which no objection was interposed. These files should readily enable you to track the recommendations at the various levels of review, e.g. para-legal, attorney/advisor, chief of the Voting Section, Assistant Attorney General for Civil Rights or other Department officials. Are there instances where DOJ personnel outside of the Civil Rights Division, or congressional or executive branch persons have sought to influence the Division or Department's decision?

Charles A. Bowsher
November23, 1981
Page Two

To assure a manageable review, susceptible to objective criteria, we suggest you limit your analysis to changes involving annexations and redistrictings. To the extent that there have been changes in standards, it should be made clear whether that is due to changing legal standards or to standards imposed by Division or Department personnel.

For example, Section 5 has an intent or effect standard. Have there been instances where the failure to find discriminatory intent by a jurisdiction has resulted in the Department's decision not to object? Is there any evidence to suggest the Department has applied different practices over the years, e.g. having the Voting Section prepare different letters, with supporting arguments, justifying both an objection or no objection to a submission and then submitting both letters to the Assistant Attorney General.

Finally, we ask that your review include an analysis of the policies and procedures used in the Department's decisions to withdraw objections. Are there regulations or internal procedures which govern this process? Are there instances where such regulations/procedures have not been complied with? Is the process initiated by the jurisdiction's request or can the Department initiate the process on its own? Does your review suggest a pattern or infer a policy as to how soon after the objection has been interposed the request for withdrawal must be made? What is the basis for withdrawal? Must the decision to withdraw be based upon a finding of changed circumstances or have there been instances where the Department's failure to enforce the objection been a basis for withdrawal?

Your assistance in these matters will be most appreciated. My staff is available to work closely with you in this review and will contact you to discuss this request in greater detail.

With kind regards,

Sincerely,

Don Edwards

Don Edwards
Chairman
Subcommittee on Civil and
Constitutional Rights

DE:idw

Jurisdictions Subject to the Preclearance Requirement of the Voting Rights Act

State	Total number of covered jurisdictions	Jurisdictions covered under the minority language provisions
Alabama	statewide	none
Alaska	statewide	statewide
Arizona	statewide	statewide
California*	4	3
Colorado*	1	1
Connecticut**	3	none
Florida*	5	5
Georgia	statewide	none
Hawaii*	1	none
Idaho*	1	none
Louisiana	statewide	none
Massachusetts**	9	none
Michigan**	2	2
Mississippi	statewide	none
New Hampshire**	10	none
New York*	3	2
North Carolina*	40	1
South Carolina	statewide	none
South Dakota*	2	2
Texas	statewide	statewide
Virginia	statewide	none

* counties

** jurisdictions smaller than counties such as towns

Summary Data on the 56 Objections Withdrawn by Justice Through June 30, 1982 (in chronological order by the date of withdrawal)

State/County/Locality	Type of change	Date of objection	Date of withdrawal	Approximate number of months between the date of objection and withdrawal	Circumstance leading to the withdrawal
1. State of Virginia	Redistricting	05-07-71	d/06-10-71	1.1	Interpretation of court decision by Justice.
2. Louisiana/Webster	Method of election	08-06-71	d/09-14-71	1.1	Proposed change illegal under State law.
3. Louisiana/East-Baton Rouge	Reapportionment	08-06-71	10-01-71	1.8	Court ordered new plans.
4. State of Louisiana	Reapportionment	06-26-69	04-14-72	33.6	Legal opinion from State Attorney General clarifying the intent of the act.
5. Georgia/Harris	Method of election	12-05-72	03-30-73	3.7	Additional information provided.
6. Mississippi/ Pike/McComb (note a)	Annexation	05-30-73	d/09-12-73	3.4	Investigation by Justice.
7. Georgia/Dougherty Albany	Election dates	01-07-72	12-07-73	23.0	Election dates revised.
8. Mississippi/ Rankin/Pearl	Incorporation	11-21-73	01-03-74	1.4	Resolution adpoted to amend the change.
9. State of Arizona	Election procedures	10-09-73	03-15-74	5.2	One-time use of the change made continuance of the objection unnecessary. Also it was not considered discriminatory.

State/County/Locality	Type of change	Date of objection	Date of withdrawal	Approximate number of months between the date of objection and withdrawal	Circumstance leading to the withdrawal
10. South Carolina/ Charleston/ McClellanville	Annexation	05-06-74	10-21-74	5.4	Resolution adopted to amend the changes.
11. Virginia/Suffolk	Polling place	09-23-74	10-24-74	1.0	Additional information provided.
12. Georgia/ Meriwether	Method of election	07-31-74	10-25-74	2.8	Additional information provided.
13. South Carolina/ Charleston/ Charleston	Annexation	09-20-74	05-13-75	7.6	Submission of new plans.
14. Texas/Harris	Method of election	03-05-76	03-11-76	.2	Additional information provided.
15. North Carolina/ Craven	Method of election	09-23-75	03-15-76	5.7	Additional information provided.
16. Virginia/ Lynchburg	Annexation	07-14-75	04-12-76	8.9	The city changed its method of election.
17. Texas/Ward/ Monahans	Method of election	03-11-76	06-01-76	2.7	Additional information showed less evidence of racial bloc voting.
18. Mississippi/Grenada Grenada	Annexation	02-05-75	06-25-76	16.7	The city annexed black area and redistricted.

APPENDIX III

State/County/Locality	Type of change	Date of objection	Date of withdrawal	Approximate number of months between the date of objection and withdrawal	Circumstance leading to the withdrawal
19. Mississippi/Grenada Grenada	Annexation	05-02-75	06-25-76	13.8	The city annexed black area and redistricted.
20. Georgia/Fulton (note c)	Method of election	05-22-74	07-02-76	25.3	Interpretation of Supreme Court decision by Justice.
21. Texas/Victoria	Consolidation	04-02-76	08-16-76	4.4	Additional information provided.
22. Alabama/ Jefferson/ Fairfield	Annexation	04-10-75	10-08-76	17.9	Additional information and conclusions in a court suit showed less dilution and racial bloc voting than first determined.
23. South Carolina/ Bamberg	Redistricting	07-30-76	11-01-76	3.0	Additional information provided.
24. Texas/Bexar/ San Antonio	Annexation	04-02-76	01-24-77	9.7	Method of election changed.
25. Mississippi/ Warren/ Vicksburg	Annexation	10-01-76	04-28-77	6.9	Method of election changed.
26. Mississippi/Lee	Polling place	04-04-77	08-19-77	4.5	County submitted proposal to eliminate discriminatory conditions.

APPENDIX III

State/County/Locality	Type of change	Date of objection	Date of withdrawal	Approximate number of months between the date of objection and withdrawal	Circumstance leading to the withdrawal
27. Georgia/Rockdale	Method of election	07-01-77	d/09-09-77	2.3	Low minority population.
28. New York/New York	Polling place	09-03-74	11-14-77	38.3	Negotiations for more polling places.
29. Texas/Ft. Bend/ Lamar	Bilingual assistance	10-03-77	11-15-77	1.1	Bilingual procedures changed.
30. Georgia/Walton/ Monroe	Method of election	10-13-76	11-25-77	13.4	Additional information provided.
31. Texas/Tarrant/ Ft. Worth	Method of election	01-16-78	02-17-78	1.0	Additional information provided.
32. Texas/Caldwell/ Prairie	Method of election	04-11-77	03-07-78	10.8	Additional information provided. Changed method of election.
33. Louisiana/Caddo/ Shreveport	Annexation	03-31-76	05-12-78	26.3	City annexed black area and changed method of election.
34. California/Yuba	Bilingual procedures	05-26-76	05-19-78	23.8	Bilingual procedures changed.
35. Georgia/Fulton/ College Park	Annexation	12-09-77	05-22-78	5.4	Additional information and new redistricting plan submitted.

State/County/Locality	Type of change	Date of objection	Date of withdrawal	Approximate number of months between the date of objection and withdrawal	Circumstance leading to the withdrawal
36. North Carolina/ Edgecombe/ Rocky Mount	Annexation	12-09-77	06-09-78	6.0	Additional information and new redistricting plan submitted.
37. Georgia/Chatham/ Savannah (note b)	Annexation	06-27-78	10-02-78	3.2	Additional information provided.
38. Texas/Midland/ Midland (note c)	Method of election	08-06-76	11-13-78	27.2	Additional information provided.
39. Texas/Brazos (note a)	Redistricting	06-30-78	d/11-15-78	4.5	Additional information provided.
40. Georgia/Lanier/ Lakeland	Method of election	10-17-78	02-09-79	3.7	Additional information provided.
41. Louisiana/Pointe Coupe	Polling place	10-20-78	04-17-79	5.9	Justice's investigation refuted charges of harassment.
42. Georgia/Mitchell	Method of election	09-15-78	05-03-79	7.6	Similarity to court case in which the district court granted declaratory relief to the jurisdiction.

APPENDIX III

State/County/Locality	Type of change	Date of objection	Date of withdrawal	Approximate number of months between the date of objection and withdrawal	Circumstance leading to the withdrawal
43. Texas/Harris/ Houston (note c)	Annexation	06-11-79	09-21-79	3.3	The city redistricted and adopted a new method-of election.
44. Texas/Bexar/ San Antonio	Polling place	08-17-79	03-24-80	7.2	Additional information provided.
45. Arizona/Apache	Polling place	03-20-80	05-07-80	1.6	Additional information provided.
46. Georgia/Floyd Rome	Annexation	08-01-75	08-05-80	59.5	Method of election changed. Following court decision.
47. Texas/Comal	Redistricting	02-01-80	09-22-80	7.7	Additional information provided.
48. State of Louisiana	Form of government	02-07-80	10-10-80	8.1	Justice's interpretation of Supreme Court case (Mobile V. Bolden) (446 U.S. 55, 1980)
49. Louisiana/East Baton Rouge/ Baton Rouge	Form of government	02-07-80	10-10-80	8.1	Justice's interpretation of Supreme Court case (Mobile V. Bolden (446 U.S. 55, 1980)
50. Texas/Victoria/ Victoria	Annexation	09-03-80	03-13-81	6.3	Method of election changed.

APPENDIX III

State/County/Locality	Type of change	Date of objection	Date of withdrawal	Approximate number of months between the date of objection and withdrawal	Circumstance leading to the withdrawal
51. Georgia/Bulloch/ Statesboro	Method-of-election	02-02-81	05-13-81	3.3	Justice stated compatible with position taken in a similar situation.
52. Mississippi/ Hinds/Jackson (note b)	Annexation	12-03-76	07-23-81	55.7	Additional information provided.
53. North Carolina/ Craven/ New Bern	Annexation	09-29-80	10-05-81	12.5	Additional information provided.
54. Alabama/Montgomery/ Montgomery (note a)	Redistricting	01-05-82	d/02-23-82	1.6	Additional information provided.
55. Alabama/Perry	Voting machines	10-26-81	04-19-82	5.8	Resolution adopted to change.
56. Louisiana/East Carroll/Lake Providence	Annexation	12-01-72	d/05-21-82	113.7	Minority population became the majority to render the objection no longer valid.

a/Objection interposed because of the need to make decision within 60 days. The Department of Justice continued to review the submission after interposing the objection.

b/The change had been implemented (elections held) prior to the objection being withdrawn.

c/A section 5 enforcement suit was brought to enjoin implementation of the change.

d/Withdrawal of the objection was initiated by the Department of Justice.

GAO's 1978 Recommendations, Justice's Comments or Actions, and GAO's Evaluation

The following sections discuss the recommendations contained in our February 6, 1978, report; Justice's June 7, 1978, comments on the recommendations; actions taken by Justice; and our evaluation.

1. GAO'S PRIOR RECOMMENDATIONS

We recommended that the Attorney General improve compliance activity by developing procedures for (1) periodically informing jurisdictions of their submission responsibilities, (2) systematically identifying jurisdictions not submitting voting changes, (3) monitoring whether states and localities are implementing election law changes over the Department's objection, and (4) soliciting the views of interest groups and individuals. (See p. 20 of the prior report.)

Justice's response to the recommendations

The Justice Department said it did not believe procedures for monitoring compliance with objections to voting change submissions required revision. Justice stated that it had a registry of 408 organizations and individuals who are notified of voting change submissions. According to Justice, those who comment on the submissions are notified if the Department interposes an objection. In the Department's opinion, these groups and persons are in the best position to notify Justice if objections are being implemented.

Actions taken by Justice

The Department's position remains unchanged. However, Justice has taken numerous actions since the report was issued. Specifically:

--In 1978, a letter was sent to the municipal league of each state with a covered county explaining section 5 of the Voting Rights Act's requirements. Also, in 1978 a letter requesting submission of changes was sent to counties in Texas which had not yet submitted changes involving the use of minority language ballots during elections.

--From 1980 through February 1982, representatives of the Department accepted invitations to speak to organizations of local officials in Georgia, Florida, Louisiana, Mississippi, and Texas. In 1980, the Assistant Attorney General for the Civil Rights Division spoke to the National Conference of State Legislatures.

--In 1980 and 1981, respectively, proposed and final revised section 5 guidelines were sent to all covered State and county jurisdictions and to the National League of Municipalities. In 1981, a review was conducted to determine the status of compliance with every objection interposed under section 5 since January 1, 1975. Justice representatives also accepted invitations to speak at conferences sponsored by organizations in Alabama, Texas, Mississippi, and Georgia.

GAO's comments on Justice's actions

In general, Justice has taken action which implements two of the four recommendations. However, Justice needs to enhance its efforts to identify jurisdictions not submitting proposed changes for preclearance and those that implement changes objected to by Justice. (See pp. 13 to 17 of this report.)

2. GAO'S PRIOR RECOMMENDATIONS

We recommended that the Attorney General improve the preclearance review program by (1) reassessing submission guidelines to determine data needed for the review of various types of change submissions and (2) implementing procedures for achieving more timely submission reviews. (See p. 20 of the prior report.)

Justice's response to the recommendations

Justice did not agree that the preclearance review process needed improvement. Justice said that experience with the evaluation and analysis of proposed voting changes did not support a conclusion that it had made any improper decisions on the basis of insufficient information as the report suggested. Further, Justice stated that experience had shown that when sufficient information was lacking, an objection to the implementation of the change was interposed as provided for in its procedures. As for a timely review of proposed voting changes, Justice said that for the most part its reviews were timely.

Justice stated that its concerns with timely reviews were different from ours. Justice's primary concern was that, in some instances involving difficult decisions, the decisionmaker had not been given a comfortable lead time to make a decision. Although this was a concern, it had not resulted in any improper decisions.

Actions taken by Justice

Justice's position remains unchanged. The procedural guidelines for the administration of section 5, published in 1971, were revised and published in final form in 1981 to incorporate changes in the law since 1971 and to give jurisdictions more helpful instruction about the submission process. Reviews of submissions continued to be timely and were made more efficient by a reorganization of the Voting Section's section 5 unit in 1979 which redefined and upgraded the role of the analysts, streamlined the unit's management functions and administrative processes, and enhanced the professional development of the unit's staff. Procedurally, further efficiency was introduced in 1981 through a process of reviewing analysts' recommendations in draft form within the unit.

GAO's comments on Justice's actions

Our current review showed that Justice was complying with the 60-day requirement to render its decision on the proposed change. Thus, it has implemented our second recommendation. However, with regard to the first recommendation, Justice needs to continue to ensure that the jurisdiction submits all the data required to support the proposed voting change or that the file contains an explanation of why the required data was not needed to arrive at a decision. (See pp. 17 to 19 of this report.)

3. GAO'S PRIOR RECOMMENDATIONS

We recommended that the Attorney General improve the efforts to maintain submission information by (1) implementing procedures for locating submission files and (2) making necessary corrections to the computer data base and developing procedures for increased computer utilization in managing the election law review process. (See p. 20 of prior report.)

Justice's response to the recommendations

The Department improved its recordkeeping and filing procedures and developed procedures for increased computer utilization for managing its review process. This also involved the hiring of an administrator experienced in the use of computerized information retrieval systems.

Actions taken by Justice

In 1979, the following actions were taken: Justice began to maintain section 5 files on easily retrievable and updatable microfiche; Justice introduced a new computer program and remote terminals to better preserve and utilize information about section 5 submissions; and Justice developed new procedures to ensure the accuracy and completeness of the data base.

GAO's comments on Justice's actions

In our opinion, Justice has complied with both recommendations. Justice's actions have improved its file maintanence and, in fact, during our current review Justice was able to locate all requested files. In addition, its actions have improved its computerized data base, which is now being used more extensively in the review process.

4. GAO'S PRIOR RECOMMENDATIONS

We recommended that the Attorney General, in cooperation with the Civil Service Commission (predecessor of the Office of Personnel Management), develop data on cost, minority participation, and impact for evaluating the examiner and observer programs and perform a thorough evaluation of these programs, paying particular attention to the various minority viewpoints on needed program improvements. (See p. 25 of the prior report.)

Justice's response to the recommendations

Justice said it planned to take no action on the recommendations because in its view a comprehensive program evaluation system was already in place.

Actions taken by Justice

Justice reexamined the federal observer program procedures on the basis of its experiences at elections held in 1978. As a result, over one dozen program modifications were recommended in March 1979, which the Department stated had been implemented in subsequent elections. The changes Justice made addressed, in part, the concerns which prompted our 1978 recommendations. The changes made were directed toward improving the understanding of the observer role and deployment of observers by the parties involved--observers, local election officials, attorneys, and minority citizens.

GAO's comments on Justice's actions

The program modifications in the observer program made by the Justice Department in March 1979 as a result of reexamination should achieve the improvements we sought in our 1978 report.

5. GAO'S PRIOR RECOMMENDATIONS

We recommended that the Attorney General, before reassessing staff requirements for the Voting Section, (1) expand the Voting Section paraprofessionals' responsibilities to allow attorneys more time to be involved in litigative matters and (2) develop and initiate a systematic approach to more extensively identify litigative matters in the voting rights area.

Justice's response to the recommendations

Justice agreed with the recommendations that paraprofessionals' responsibilities should be expanded and that programs should be developed to achieve a more systematic approach to voting rights litigation. The Voting Section paralegal staff has been expanded and four paraprofessionals now assist attorneys in preparing lawsuits, two more than were assigned before our previous audit. Also, Justice developed a procedure by which paralegals assigned to section 5 analysis would be able to carry their work one step further and prepare litigation recommendations for attorneys' review with regard to jurisdictions that are not in compliance with outstanding section 5 objections.

Actions taken by Justice

Justice stated that although paralegals may assist attorneys in election-connected fieldwork, it would hesitate to have paralegals supplant field attorneys. Justice said that the nonlitigative function was an important part of its enforcement program and while paralegal involvement can and will be expanded, paralegals cannot supplant attorneys. Paralegals perform an extensive and important role in support of litigation. They and the equal opportunity specialists (the analysts in the Voting Section's section 5 unit) also assist attorneys in election-connected fieldwork. Moreover, one of the goals sought and accomplished by the reorganization of the section 5 unit was to provide greater coordination with the Justice Department's civil rights voting litigation recommendations. Justice stated that in its voting rights litigation activity priority had been given to litigation to enforce the special provisions of the act. Justice has reviewed pending private lawsuits to determine whether government participation would assist in clarifying the law following a Supreme Court decision in 1980 with respect to the evidence necessary to prove that methods of election unlawfully dilute minorities' voting strength. This led to an investigation, which is continuing, into the voter registration practices of 26 counties in Georgia.

GAO's comments on Justice's actions

In general, we believe Justice's actions accomplish the basic intent of our prior recommendations and no further action has been recommended.

6. GAO'S PRIOR RECOMMENDATIONS

To improve the effectiveness of the act's implementation, we recommended that the Attorney General:

--Consider placing responsibility for enforcing compliance in jurisdictions subject only to the language provisions with the Department of Justice's Civil Rights Division at headquarters rather than U.S. Attorneys' Offices.

--Assist election administrators in developing compliance plans and performing needs assessments; determine what clarifications are needed to the implementation guidelines and, if necessary, modify them accordingly.

--Seek the establishment of an information system which would include cost, dissemination, and usage data for evaluating the cost effectiveness of various methods of providing language assistance and giving proper feedback to election administrators to assist them in providing effective minority language assistance. At a minimum, the Attorney General should attempt to seek periodic collection of the information for analysis purposes.

--Assess to what extent financial hardships are incurred in implementing the language provisions to determine if federal funds are necessary to assist states and jurisdictions in effectively implementing these provisions. (See p. 43 of prior report.)

Justice's response to the recommendations

Justice said it decided to leave the responsibility for enforcing compliance in jurisdictions subject to the language provisions with the U.S. Attorneys' Offices but required coordination with the Civil Rights Division.

Justice said it would take no action on the recommendation that it assist election administrators in developing plans and determining what clarifications are needed to the implementation guidelines.

Justice said it would not take any actions to establish an information system which would include cost, dissemination, and usage data to evaluate the cost effectiveness of various methods of providing language assistance and to give proper feedback to election administrators. According to Justice, no action would be taken because the Federal Election Commission's Clearing House on Election Administration was developing a system which Justice would use. Further, Justice said the development of such a system lies with the Commission and not the Justice Department.

Justice said that the task of assessing any financial hardships incurred by states and jurisdictions in implementing the language provisions in order to determine whether federal funds ought to be made available was a function more appropriately performed by Congress with the assistance of GAO.

Actions taken by Justice

Justice's position remains unchanged. Coordination between U.S. Attorneys' Offices and the Civil Rights Division has led, among other things, to the filing and successful resolution of such cases as United States v. City and County of San Francisco (ensuring access to voter registration and voting for Chinese- and Spanish-speaking citizens) and County of Placer (California) v. United States (a suit to be exempt from the special provisions of the act), while the Civil Rights Division itself successfully litigated Doi v. Bell (a suit to be exempt from special provisions of the act) and United States v. San Juan County, New Mexico (insuring bilingual assistance for Navajo voters).

Communications to assist election administrators have continued to include correspondence, conversations and speeches emphasizing that compliance with the bilingual requirements should take a common sense approach to furnishing bilingual materials and assistance. Other assistance in this area has come from the Federal Election Commission's Clearing House on Election Administration, which has conducted workshops in regions of the country where the bilingual requirements apply and has issued a handbook for election administrators that sets out low-cost steps for furnishing bilingual election services. Testimony on the issues involving costs incurred by jurisdictions in complying with the language minority provisions was given by representatives of civil rights organizations. The Congress, therefore, will be able to assess whether any of these costs constitute hardships and, if so, whether federal funds should be made available in this connection.

GAO's comments on Justice's actions

We continue to believe that enforcement of the minority language provisions would be enhanced if the responsibilities were consolidated in the Civil Rights Division. However, because Justice has shown positive results from its coordination efforts, we believe Justice has complied with the intent of our prior recommendation to enhance its enforcement of the act's language provisions. With regard to the remaining recommendations, we believe the steps taken by Justice and the Federal Election Commission will enhance the program.

APPENDIX V

U.S. Department of Justice

August 25, 1983

Washington, D.C. 20530

Mr. William J. Anderson
Director
General Government Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Anderson:

This letter responds to your request to the Attorney General for the comments of the Department of Justice (Department) on your draft report entitled "Enforcement of the Voting Rights Act--Progress Made But Improvements Still Needed."

In general, we find that the General Accounting Office (GAO) report accurately describes the Department's actions of administering and enforcing the requirements of Section 5 of the Voting Rights Act. We are especially pleased that GAO found the actions to have been fair, impartial and apolitical in dispatching the important duties Congress assigned to the Attorney General for preventing discrimination against minorities in their exercise of the voting franchise. GAO's findings of even-handedness in the Department's review of State and local redistricting plans are especially welcome at a time when the Department is continuing to review, and to object to, the record number of redistricting plans that are being submitted under Section 5.

The message conveyed in the report provides encouragement for the Department to move forward positively and aggressively in its administration and enforcement of Section 5, particularly in view of GAO's independent, third-party recognition and approval of the Department's actions as expressed in two areas of the report:

> Our review of redistricting and annexation cases which Justice cleared without objection and cases in which objections were withdrawn showed no evidence that the Civil Rights Division based its preclearance and/or withdrawal decisions on arbitrary administrative standards. Further, we found no evidence that the decisions were materially influenced by outside parties.
>
> * * * *
>
> The Civil Rights Division has consistently applied the discriminatory purpose or effect analysis in making preclearance, objection and withdrawal decisions under section 5 of the Voting Rights Act. Its decisions have been made in accordance with existing legal standards and established procedures. We found no evidence that the division has applied arbitrary administrative standards in making decisions or has been materially influenced in its decisionmaking by outside parties, including congressional and executive branch personnel.

We are also pleased that the GAO report specifically recognizes the many steps the Department has taken to improve its enforcement of Section 5. These steps involved issuing new guidelines for submitting proposed voting changes, reorganizing the Voting Section's Section 5 unit, and developing procedures for increased computer utilization and improved accuracy of the computerized records and data system. These efforts are among the factors that have led to the Department's unprecedented accomplishments under Section 5 in recent years. While the initial actions taken to improve enforcement and administration of the Voting Rights Act were done within the existing resources of the Civil Rights Division, the Division recognizes that problem areas still exist and has requested additional resources in 1984 to enhance the Voting Section's ability to more vigorously enforce the Voting Rights Act.

Two* of the three areas in which GAO recommends that action be taken to strengthen enforcement of Section 5 are areas in which the Department is already taking corrective action. Moreover, this corrective action will continue in an effort to gain compliance with Section 5 by each specially covered State, county, city, school board and special purpose district--thousands of jurisdictions in all.

Suggestions from all sources are being considered in an effort to devise a means to better disclose instances where covered jurisdictions implement new voting standards, practices or procedures without first obtaining preclearance under Section 5. The Department will continue to emphasize its policy of initiating litigation against jurisdictions which refuse to seek preclearance of covered changes after they have been notified of their need to do so, as well as continue to encourage State and local civil rights organizations to assist in enforcing Section 5 by (1) bringing lawsuits to enjoin the use of unprecleared discriminatory changes in specially covered jurisdictions, and (2) bringing to our attention any covered voting changes that have not been submitted for review by the Department or by the federal district court in Washington, D.C.

There are several means being used by the Department to obtain disclosure of noncompliance with Section 5. One of the first decisions by the Supreme Court with respect to the Voting Rights Act recognized that there is a private right of action for individuals to enforce Section 5 by bringing lawsuits to enjoin the use of unprecleared voting changes. Allen v. State Board of Elections, 393 U.S. 544, 557 (1969). Such actions by private individuals always have been an important element in assuring compliance with Section 5, and we encourage the continued filing of Section 5 enforcement suits by others as well as by the Department.

As another information source, we always have sought, and have found indispensable, information from civil rights organizations regarding violations of federal civil rights laws. This is particularly true with respect to jurisdictions preparing to use, or using, new voting practices that are subject to Section 5 but have not been precleared. Members of the Civil Rights Division staff routinely speak with staff members of civil rights organizations about situations involving possible violations of the Voting Rights Act in general, and about specific submissions under Section 5.

In addition to the above, at every opportunity the Department has encouraged civil rights organizations to provide information on violations of federal

GAO note: In view of comments, GAO deleted the proposal that Justice encourage state and local civil rights organizations to assist it in identifying jurisdictions which violate the act.

civil rights laws, and we believe most organizations have done so with one notable exception: as the GAO report notes, for over two years the Southern Regional Council claims to have had information on numerous changes which have not been submitted for preclearance, but they have provided information on only 47 of those changes. Since the Southern Regional Council has not responded to our several requests for information, we welcome any suggestions on how this information might be obtained.

Currently, we believe our enforcement efforts have reached a stage where each and every objection is monitored effectively to assure compliance. The GAO report notes that of 262 objections interposed since January 1, 1975, only 4 (or under 2%) were still under review, and only 11 (or 4%) involved a long interval between the time of objection and the initiation of follow-up action. As a result of the Department's accomplishments to date, lengthy intervals no longer will occur between an objection and its resolution.

The foundation for the Department's present efforts primarily centers around reorganization of the Section 5 unit, which GAO cited as one of the positive steps taken toward improving enforcement efforts. The reorganization established three teams of Equal Opportunity Specialists, each team being responsible for analyzing Section 5 submissions for a particular group of States. Each group of States in the Section 5 unit is identical to the group of States assigned to the three teams of attorneys in the Voting Section.

Earlier this year, a fourth team of attorneys was established in the Voting Section to focus on violations of Section 2 of the Act, as amended. Concurrently, the decision was made that one of the primary functions of the existing three attorney teams would be to recommend and pursue litigation where necessary to enforce Section 5, particularly to enforce the Department's objections under Section 5. Accordingly, the lead attorney of each team was made responsible for coordinating outstanding Section 5 objections, outstanding requests for submission, and outstanding requests for additional information with the corresponding Equal Opportunity Specialist team leader. We are confident that the establishment of this new coordination function between the analysts and attorneys in the Voting Section will assure compliance with future objections promptly and effectively.

In making decisions under Section 5, the Department considers all available pertinent data. Jurisdictions are not required to provide information which is unnecessary in making a determination in a particular case, even though the information may be listed in the Department's guidelines as being among the items that generally should accompany an initial submission under Section 5. This approach results in files which include and discuss pertinent data but do not discuss the absence of information which is not pertinent. In using the above procedure, GAO recommends that a statement be placed in the file as to why certain data were not considered necessary to support Justice's decision. A system to comply with the recommendation is being developed. In addition, the system is being designed to assure that each file contains all the pertinent information that was considered. This latter effort can be accomplished with relative ease now that all supporting paper files have been replaced with updatable microfiche for maintaining permanent records.

We appreciate the opportunity to provide our comments on the report while it is in draft form. Should you have need for any additional information, please feel free to contact me.

Sincerely,

Wm. D. Van Stavoren, Acting

for Kevin D. Rooney
Assistant Attorney General
for Administration

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