



U.S. Department of Justice
Office of the Attorney General

Counselor to the Attorney General

*file:
Chicago voting
case*

September 14, 1982

NOTE FOR THE AG:

This is a very important voting rights case in Chicago. Brad is proposing that we intervene in on-going litigation, challenging the reapportionment of Chicago City Council seats. Brad believes that the evidence will show an intention to discriminate against ~~xxx~~ blacks and Hispanics, in violation of section 2 (Chicago is, of course, not a covered jurisdiction under Section 5). The case is aptly summarized by John Roberts' 1-pager, and by Brad's 2 1/2 page memo.

I recommend approval and signature.

Memorandum



Subject	Date
Attorney General Certification to Authorize Intervention in Voting Rights Cases	September 14, 1982

To The Attorney General From John Roberts *JR*

Attached for your approval and signature is a proposal from Brad Reynolds that the Department intervene in three pending voting rights cases in Chicago. The lawsuits were initiated by blacks and Hispanics and challenge the reapportionment of the fifty districts which send representatives to the Chicago City Council. The suits are based on the Fourteenth and Fifteenth Amendments to the Constitution as well as the newly-amended section 2 of the Voting Rights Act.

Although section 2 does not, as you know, require proof of discriminatory intent, Brad Reynolds believes that the actions complained of in these suits -- redrawing districts to fragment black and Hispanic majorities -- were in fact based on discriminatory intent. He also believes that it is important for the Department to participate in this litigation, so that we can more properly focus the private plaintiffs' allegations and in general have a major role in shaping judicial interpretations of the new section 2.

Under 42 U.S.C. §2000h-2, you must certify in writing that the case is of general public importance before the Department can intervene. Brad Reynolds, Bruce Fein, and the Deputy recommend approval, and I concur. I agree with Brad that it is critical that the Department participate in the developing process of giving meaning to the vague terms of the new section 2, and help courts avoid the outcomes which we argued against and which the proponents of an amended section 2 assured us were never intended.