



February 28, 2008

VIA TELECOPY AND U.S. MAIL

The Honorable Judith Davis, Mayor
Greenbelt City Council
25 Crescent Road
Greenbelt, Maryland 20770

Dear Mayor Davis and Members of the City Council:

AMERICAN CIVIL
LIBERTIES UNION OF
MARYLAND FOUNDATION
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C. CHRISTOPHER BROWN
GENERAL COUNSEL

I write on behalf of the American Civil Liberties Union of Maryland and the Prince George's County Branch of the NAACP, to register our concerns about the City of Greenbelt's municipal election system, and to offer to collaborate with you to undertake reform that will make the system a fairer and more inclusive one, fully representative of Greenbelt's racially diverse citizenry.

As you may be aware, 2000 Census data shows that as of that time, African Americans comprised 41.3 percent of Greenbelt's overall population, and 37.9 percent of its voting age population. Further, Asians comprised 12.9 percent and Latinos 5.7 percent of the voting age population, giving the City a voting age population that is at least 56.5 percent minority. This reflects a dramatic increase in the City's racial diversity over the decade from 1990 to 2000. In view of Greenbelt's increasingly rich diversity, it is troubling to us – as it likely is to you -- that the City Council remains an all-white body, just as it has always has been.

In order for City government to keep pace with its changing population, to truly serve its residents, and to meet its obligations under the federal Voting Rights Act, the ACLU and NAACP believe it is appropriate for Greenbelt to consider changing its election system, to ensure that the system is racially fair. We hope we can be of assistance to you as you navigate this challenging process. ACLU attorneys have been involved extensively in voting rights litigation, and both the NAACP and ACLU regularly work with local government leaders and community activists to redistrict their election systems in compliance with the Constitution and the Voting Rights Act. We also are fortunate to have on our national staff a demographer who has many years of experience in mapping redistricting plans for communities across the United States.

Historically, at-large election systems like Greenbelt's have been found to thwart full participation in the electoral process by minority voters and candidates, thus running afoul of Section 2 of the Voting Rights Act, 42 U.S.C. §1973. *See, e.g., United States v Village of Port Chester*, 2008 WL 190502 (S.D.N.Y. January 17, 2008) (invalidating at-large election system as denying Hispanic population of the Village an equal opportunity to participate in the political process and to elect representatives of their choice); *Cane v. Worcester County, Maryland*, 840 F.Supp. 1081, 1085 (D.Md. 1994), *citing White v. Regester*, 412 U.S. 755 (1973) (at-large system violates Voting Rights Act where it "operates to dilute the vote of minority voters, or limits their opportunity to participate in the political processes and to elect legislators of their choice.") The at-large structure can

systematically exclude minority-preferred candidates in circumstances where “the majority, by virtue of its numerical superiority, will regularly defeat the choices of minority voters.” *Thornburg v. Gingles*, 478 U.S. 30, 49 (1986).

We believe this to be the case in Greenbelt. Our preference, however, is not to challenge the system in Court, but to work with you on reforming the system through a cooperative effort.

There are different reform options to address this problem. Courts have traditionally addressed concerns about minority vote dilution by changing to a system of single-member districts. *Mahan v. Howell*, 410 U.S. 315, 333 (1973). ACLU demographer William Cooper has drawn up a plan (attached) illustrating one way a single-member district plan could be structured in Greenbelt to comply with the Voting Rights Act and traditional districting principles. This plan is not the only possible district plan; Rather, it is submitted to show that it is possible for Greenbelt to reform its election system through districting in a way that would increase racial fairness and help to ensure that City Council is representative of the City’s diverse community. Moreover, there exist other “alternative” systems, such as cumulative voting or preference voting, that would achieve compliance with the Voting Rights Act while retaining the at-large election structure. We understand that the City has previously heard a presentation by Fair Vote staff about some of the alternative systems, so you already have some familiarity with those. We are happy to discuss all the options with you to find the approach that you think will work best for the Greenbelt community.

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Please contact me or Prince George’s NAACP President June Dillard to set up a mutually convenient time for us to meet to begin discussion of this matter. I can be reached at 410-889-8550 extension 120, and Ms. Dillard can be reached at 301-392-1868. We look forward to hearing from you.

Sincerely,

Deborah A. Jeon
Legal Director

cc: June White Dillard, Esq., NAACP
Earl S. Adams, Esq., NAACP
Jamel R. Franklin, Esq.