

## House Resolution 914

By: Representatives Mangham of the 62<sup>nd</sup>, Mobley of the 58<sup>th</sup>, Stephenson of the 60<sup>th</sup>, Post 1, Thomas of the 43<sup>rd</sup>, Post 1, Dukes of the 136<sup>th</sup>, and others

## A RESOLUTION

1 Expressing sincere regret in the position of the State of Georgia in the pending appeal before  
2 the United States Supreme Court in the case of *Georgia v. Ashcroft*, Docket No. 02-182, and  
3 to make clear that any previous legislative vote or action should not be misconstrued as a  
4 support of minority vote dilution; and for other purposes.

5 WHEREAS, the pending appeal before the United States Supreme Court in the case of  
6 *Georgia v. Ashcroft*, Docket No. 02-182, is an appeal from the decision of the United States  
7 District Court for the District of Columbia which found that the Senate map adopted during  
8 the 2001 Special Session of the General Assembly (Ga. L. 2001, Ex. Sess., p. 2; Act  
9 No. 1EX6) violated Section 5 of the federal Voting Rights Act of 1965, as amended, because  
10 the plan had the effect of denying or abridging the right to vote on the basis of race; and

11 WHEREAS, the United States District Court for the District of Columbia therefore refused  
12 to grant preclearance to that first Senate redistricting plan; and

13 WHEREAS, the Georgia General Assembly subsequently passed a second Senate  
14 redistricting plan during the 2002 regular session, known as HB 1667 (Ga. L. 2002, p. 148;  
15 Act No. 444); and

16 WHEREAS, the second Senate redistricting plan included a clause requiring the state to  
17 return to the plan struck down by the United States District Court for the District of  
18 Columbia if, at some future time, the first Senate plan was judged not to be illegal; and

19 WHEREAS, the second Senate redistricting plan was approved by the United States District  
20 Court for the District of Columbia as in compliance with the federal Voting Rights Act of  
21 1965, as amended, and was used in the 2002 elections; and

1 WHEREAS, the State of Georgia has appealed the orders of the district court striking down  
2 the first Senate plan and preclearing the second Senate plan, arguing that the first Senate plan  
3 did not violate the federal Voting Rights Act of 1965 and should have been precleared; and

4 WHEREAS, it is not in the best interests of the citizens of this state to urge the adoption of  
5 a Senate redistricting plan which has been judged to violate the federal Voting Rights Act  
6 of 1965; and

7 WHEREAS, the people of this state deserve to have a Senate redistricting plan that is  
8 unquestionably in compliance with the federal Voting Rights Act of 1965 and to have finality  
9 in the issue of redistricting so they can reasonably rely on the districts that have been  
10 approved; and

11 WHEREAS, the possibility of changing district lines yet again will be damaging to the  
12 interests of the people of this state, particularly when the change contemplated would be to  
13 revert to a plan that a district court found violated the federal Voting Rights Act of 1965; and

14 WHEREAS, African American citizens in Georgia deserve to have their voices heard and  
15 not have their votes diluted in a plan that the United States Department of Justice Voting  
16 Rights Division, the minority citizens who intervened in the case, the Georgia Coalition for  
17 the People's Agenda, and the United States District Court for the District of Columbia all  
18 believe weakens minority voting rights; and

19 WHEREAS, through the appeal to the United States Supreme Court, the State of Georgia  
20 is attempting to cause such a weakening of minority voting rights; and

21 WHEREAS, the appeal to the United States Supreme Court is therefore not in the best  
22 interests of the citizens of the State of Georgia; and

23 WHEREAS, it is only appropriate that this body urge the State of Georgia to dismiss the  
24 appeal not only to save the taxpayer money being spent unnecessarily on this appeal, but  
25 more importantly, to preserve the voting rights of individuals across the state.

26 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that  
27 the members of this body express sincere regret that the State of Georgia has refused to  
28 dismiss the appeal currently pending before the United States Supreme Court in the case of  
29 *Georgia v. Ashcroft*, and thereby has ignored the needs of the people of the state.

1 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized  
2 and directed to transmit appropriate copies of this resolution to the State of Georgia, the  
3 Clerk of the United States Supreme Court, and each Justice of the United States Supreme  
4 Court.