

Thomas H. Crawford, Jr., Esq.
Cooper, Mitch & Crawford
Suite 201 - 409 North 21st Street
Birmingham, Alabama 35203

1 FEB 1980

Dear Mr. Crawford:

This is in reference to the annexation of land to the City of Pleasant Grove, Jefferson County, Alabama, by Act No. 79-419 (1979) of the Alabama Legislature, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on December 3, 1979.

We have given careful consideration to the materials you have submitted, as well as information and comments of other interested parties. We note that the City of Pleasant Grove today contains some 6,500 persons, all of whom are white; that areas adjacent to the annexed area have been developed for exclusively white residential use; that similar development is planned for the annexed area, and that several identifiably black areas have petitioned for annexation to the City of Pleasant Grove, but that the city has taken no steps to annex those areas, despite the passage of a considerable length of time. We have also noted reports of activities indicating the presence of considerable antagonism toward black persons in the vicinity of Pleasant Grove.

Under Section 5 of the Voting Rights Act the submitting authority has the burden of proving that a submitted change has no discriminatory purpose or effect. See, e.g., Georgia v. United States, 411 U.S. 526 (1973); 23 C.F.R. 51.19. See also Gomillion v. Lightfoot, 364 U.S. 339 (1960). In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that that burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the annexation to the City of Pleasant Grove embodied in Act No. 79-419 (1979) of the Alabama Legislature.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that this change has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. In addition, the Procedures for the Administration of Section 5 (28 C.F.R. 51.21(b) and (c), 51.23, and 51.24) permit you to request the Attorney General to reconsider the objection; such a reconsideration would be appropriate if and when the City of Pleasant Grove demonstrates that its annexation policy is free of racial selectivity. However, until the objection is withdrawn or the judgment from the District of Columbia Court obtained, the effect of the objection by the Attorney General is to make the annexation legally unenforceable.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us within twenty days of your receipt of this letter what course of action the City of Pleasant Grove plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Mr. John K. Tanner (202--724-7399) of our staff, who has been assigned to handle this submission.

Sincerely,

DREW S. DAYS III
Assistant Attorney General
Civil Rights Division

cc: Lynda Knight, Esq.
Assistant Attorney General