



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

November 29, 1985

Alvin L. Layne, Esq.  
Layne and Layne  
P. O. Box 839  
Lyons, Georgia 30436

Dear Mr. Layne:

This refers to Act No. 76, H.B. No. 327 (1985), which provides for a change in the method of electing the city council from at large with four residency districts to election from four single-member districts and one at-large seat and a districting plan for the City of Lyons in Toombs County, Georgia, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received the information to complete your submission on September 30, 1985.

We have considered carefully all of the information you have provided, together with Bureau of the Census data and information and comments from other interested parties. As we understand it, the submitted plan would elect four of the city's five councilmembers from single-member districts and one at large. Most of the city's black population has been placed in District 1, which is 90 percent black, while the remaining black population has been split among the other three districts, with the largest portion in District 4, which is 24 percent black.

In selecting this election method and the districting plan to implement it, our analysis shows that a number of other readily discernible district configurations, both with and without an at-large seat, were available to the city which would have more accurately reflected the black voting strength in the City of Lyons than does the submitted plan.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has no discriminatory purpose or effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.39(e)). In developing a districting plan such as the one under review, the Voting Rights Act does not allow a covered jurisdiction to fragment or manipulate cohesive minority residential areas for the purpose of achieving a configuration other than the one that would logically follow from the nonracial development of a districting plan. See Connor v. Finch, 431 U.S. 407, 425 (1977). The city is not precluded from considering some at-large representation among its councilmembers, but its obligation to assure equal opportunity to its minority constituents requires that whatever plan is adopted fairly reflects minority voting strength as it exists. I remain unpersuaded that this standard can be met under the submitted plan with its excessive concentration of blacks in a single district and no potential for meaningful voter participation of blacks in any other.

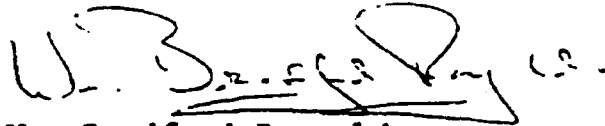
In light of these considerations, I cannot conclude, as I must under the Voting Rights Act, that the city's burden has been sustained in this instance. For that reason, on behalf of the Attorney General I must object to the change in the method of election and the districting plan chosen to effectuate it.

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 these changes have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. In addition, Section 51.44 of the guidelines permits you to request that the Attorney General reconsider the objection. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the change in the method of election and the districting plan legally unenforceable. 28 C.F.R. 51.9.

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To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action the City of Lyons plans to take with respect to this matter. If you have any questions, feel free to call Steven H. Rosenbaum (202-724-8388), Attorney/Reviewer of the Section 5 Unit of the Voting Section.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Bradford Reynolds". The signature is stylized and somewhat cursive, with a large loop at the end.

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division