

SEP 3 1974

Mr. Jack B. Evans
Attorney for the City of Thomson
Neal Building
Thomson, Georgia 30824

Dear Mr. Evans:

This is in reference to the new charter for the City of Thomson, Georgia, submitted to the Attorney General pursuant to section 5 of the Voting Rights Act of 1965. Your submission was received on July 5, 1974.

We have given careful consideration to the submitted charter changes and supporting information as well as information and comments obtained from other sources. Except as indicated below, the Attorney General does not object to the implementation of the new charter provisions. However, after carefully considering the proposed changes, we are unable to conclude, as we must under the Voting Rights Act, that those provisions of the new charter requiring numbered posts and staggered terms for the election of councilmen and the majority requirement for mayor do not have a discriminatory racial effect. I must, therefore, on behalf of the Attorney General, interpose an objection to the implementation of these aspects of the charter.

Our analysis shows that where, as in Thomson, there is increasing participation in the political process by the black community, the use of numbered posts, staggered terms and majority requirements have the potential for reducing the opportunity for minority

voters to elect candidates of their choice. See White v. Regester, 412 U.S. 755 (1973), affirming Graves v. Barnes, 343 F. Supp. 704 (W.D. Texas 1972), Whitcomb v. Chavis, 433 U.S. 124 (1971). Under such circumstances, the Attorney General cannot certify that no such effect will ensue.

Of course, Section 5 permits you to seek a declaratory judgment from the District Court for the District of Columbia that this plan neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race. Until such a judgment is rendered by that court, however, the legal effect of the objection of the Attorney General is to render unenforceable these changes in the method of electing the mayor and council members in the City of Thomson.

We note also that in items 5 and 6 of your submission you refer to certain annexations which have been made to the City of Thomson. Of course, under Section 5 annexations, like other voting changes, are unenforceable unless and until preclearance has been obtained either from the District Court for the District of Columbia or the Attorney General. Should you choose to submit to the Attorney General, we will be able to consider those annexations if you will send us the following:

1. Copies of ordinance numbers 297, 300, 303, 306, 310, 311, 317, 320, 321 and 322 which annexed property into the city.
2. The acreage of each area annexed.
3. The population by race of each area at the time of annexation, or at the present time if that is more readily available (if exact figures are not known, your best estimates will suffice).

4. The location of each annexation on a city map (the map we received previously only showed the aggregate annexed area).
5. The usage of the land--commercial, residential, etc.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division