



Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

Terry K. Floyd, Esq.  
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Suite 406, First Federal Plaza  
Brunswick, Georgia 31520

16 AUG 1982

Dear Mr. Floyd:

This is in reference to the constitutional amendment authorizing the Georgia Legislature to create a charter commission to study various aspects of the governmental operations of the City of Brunswick and Glynn County (Proposed Amendment No. 49, H. Res. No. 139-291, 1966 Sess.); the creation of the charter commission (Act No. 126 (1979)); the charter for the consolidation of the County of Glynn and the City of Brunswick; the apportionment of the consolidated government, and the referendum by which county residents will vote on the charter in the State, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. Your submission was completed on June 15, 1982.

The Attorney General does not interpose any objection to the enabling constitutional amendment. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.48).

With respect to the other changes, we have given careful consideration to the information you have supplied as well as that available from our files, the Bureau of Census, and other interested parties. Our analysis shows that the majority-black population of the City of Brunswick will be submerged in the majority-white population of Glynn County, resulting in diminished opportunities for blacks to elect representatives of their choice to govern their affairs. Whereas at present blacks have been successful in electing candidates of their choice to the city commission and have the potential for electing a majority of the city commission, they will not be in a position to exert such influence in the consolidated government in the context of racial bloc voting that appears to exist in Glynn County.

We also note that the electoral system adopted by the charter commission for the consolidated government does not "fairly recognize ... the minority's political potential" in the new entity. City of Richmond v. United States, 422 U.S. 358, 378 (1975). Six members of the consolidated government's Board of Commissioners would be elected from single-member districts and one at-large. In the context of racial bloc voting in the county, blacks will not be able to elect representatives of their choice unless they constitute a majority of the electorate in a commission district. While two of the single-member districts have black population majorities, our information reveals that blacks would constitute a majority of the voting age citizens in only one of those districts (No. 5). Even if blacks were able to elect a representative of their choice from that district (a fact that has not been demonstrated since registered voter figures were not provided in response to our request), they would be underrepresented in the new government, as blacks constitute 26.37 percent of the county's population.

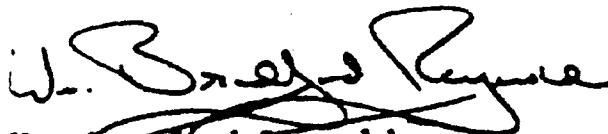
In addition, the manner in which the referendum to vote on the consolidated government charter will be held (i.e., on a countywide basis), has the effect of diminishing the political voice of blacks, who constitute a majority in the City of Brunswick, but not whites, who comprise a majority of Glynn County. This method of holding a referendum represents a departure from previously followed procedures which would have preserved the referendum voting strength of blacks in the county (i.e., in 1966, when the constitutional amendment authorizing the General Assembly to create a charter commission to study consolidation, separate referenda were conducted in the city and in the county outside the city and, in order for the amendment to be approved, it had to be approved by votes in both jurisdictions).

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 Georgia v. United States, 411 U.S. 526 (1973); see also 28 C.F.R. 51.39(e). In view of the information before us we conclude that the submitting authority, has failed to meet its burden to show that the consolidation, the drawing of the districts, and the holding of the referendum will not dilute black voting strength. See White v. Regester, 412 U.S. 755 (1973); Wilkes County, Georgia v. United States, 450 F. Supp. 1171 (D. D.C.), aff'd, 439 U.S. 999 (1978). Accordingly, on behalf of the Attorney General I must object to these changes.

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, color or membership in a language minority group. In addition, the Procedures for the Administration of Section 5 (28 C.F.R. 51.44) permit you to request the Attorney General to reconsider the objection. However, until the objection is withdrawn or the judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the consolidation and accompanying referendum legally unenforceable. 28 C.F.R. 51.9.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action the Charter Commission plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Carl W. Gabel (202-724-8388), Director of the Section 5 Unit of the Voting Section.

Sincerely,



Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division