DJ 166-012-3
A3009
A2991

DEC 27 1977

Mr. William T. Harrison
Harrison and Conwill
Attorneys at Law
Post Office Box 557
Columbiana, Alabama 35051

Dear Mr. Harrison:

This is in reference to Ordinance Nos. 132 and 133, which annex areas of land to the City of Alabaster, Alabama, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Both submissions were received on October 25, 1977.

By letter of December 20, 1977, we informed you that the Attorney General would not interpose an objection to Ordinance No. 133. Since that time we have considered Ordinance No. 132 and, because both submissions involved annexations, we have found it necessary to reconsider our initial determination with respect to Ordinance No. 133.

You will recall that on July 7, 1975, an objection was interposed on behalf of the Attorney General to six annexations to the City of Alabaster, on the ground that these annexations impermissibly diluted minority voting strength. On May 3, 1976, we declined to withdraw this objection.

Ordinance No. 132 brings into the city approximately 20 acres of land. We understand that houses are under construction at this time on part of the land, that these houses are in a fairly expensive price range, and that the area is located next to a white residential area in the city. Ordinance No. 133 brings into the city

approximately 100 acres of land. We understand that it is expected to be developed residentially and that it is also adjacent to a white residential area of the city. Our information regarding elections in the City of Alabaster continues to demonstrate that the city elects its councilmen at-large with a majority requirement and a numbered post system, that there is a pattern of racial bloc voting in city elections, and that blacks are located within the city in a cognizable residential area. Under these circumstances, the annexations of potentially white residential areas may further dilute the vote of Alabaster's black population.

As we stated to you in our July 7, 1975, letter of objection and in subsequent letters in which the Attorney General refused to withdraw that objection, should the city undertake to elect its councilmen from single-member districts the Attorney General will reconsider his objections to this and previous annexations by the City of Alabaster.

In the meantime, however, the factors that led to our objection of July 7, 1975, prevent us from determining, as we must under the Voting Rights Act, that the instant annexations will not abridge the right to vote on account of race or color. Therefore, on behalf of the Attorney General, I must interpose objections to Ordinance Nos. 132 and 133. In regard to Ordinance No. 133, we have reconsidered our prior response to this submission under the provision of Section 5 of the Voting Rights Act, as amended in 1975, which provides that when the Attorney General affirmatively indicates that no objection will be made within the sixty day period following receipt of a submission, the Attorney General may reexamine the submission if additional information comes to his attention during the remainder of the sixty day period which would otherwise require objection in accordance with this section.

Of course, as provided by Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that these annexations have neither the purpose nor the effect of denying or abridging the right to vote on account of race or color. However, until such a judgment is rendered by that Court, or until the objections have been withdrawn by the Attorney General, the legal effect of the objections is to render the annexations in question legally unenforceable insofar as they affect voting in the City of Alabaster.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division