U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

March 26, 1984

J. Thomas King, Esq.
Adamsville City Attorney
9131 Parkway East
Birmingham, Alabama 35206

Dear Mr. King:

This refers to the fifty-eight annexations to, and the deannexation from, the City of Adamsville in Jefferson County, Alabama, 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 January 26, 1984.

To determine that a change in the composition of the city's population resulting from these annexations and the deannexation does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, the Attorney General must be satisfied either that the black population percentage has not been reduced appreciably and that voting is not racially polarized or that, nevertheless, the city's electoral system will afford black citizens representation reasonably equivalent to their political strength in the enlarged community. See City of Richmond v. United States, 422 U.S. 358 (1975), and City of Rome v. United States, 466 U.S. 156 (1980). See also the Procedures for the Administration of Section 5 (28 C.F.R. 51.12(e)).

We have considered carefully the information you have provided, as well as comments and information provided by other interested parties. Our analysis shows that those annexations occurring in 1980 and earlier years, as well as the deannexation, do not have a significant effect on minority voting

strength. Accordingly, the Attorney General does not interpose any objections to those changes. 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 changes. 28 C.F.R. 51.48.

On the other hand, the 1981 and 1982 annexations virtually doubled the population of the city by adding 2,439 whites but only seven blacks. This has resulted in a 13.7 percent reduction in the voting strength of the black community, a reduction which, in the context of the city's at-large and numbered post election system, constitutes a retrogression in the voting strength of the minority community. See City of Rome v. United States, supra.

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), and 28 C.F.R. 51.39(e). In view of the circumstances discussed above, I am unable to conclude, as I must under Section 5, that that burden has been sustained with respect to the post-1980 annexations. Accordingly, I must, on behalf of the Attorney General, interpose an objection to the 1981 and 1982 annexations. However, should the City of Adamsville adopt an electoral system that would afford black voters a fair opportunity to realize their voting strength in the enlarged city, the Attorney General would reconsider the objection. Our analysis has shown that the adoption of a fairly drawn single-member district plan likely would afford black voters such an opportunity.

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 1981 and 1982 annexations 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 City of Adamsville plans to take with respect to this matter. If you have any questions, 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

cc: Ms. Leslie Satterwhite
City Clerk

U.S. Department of Justice

Washington, D.C. 20530

JUL 27 1984

J. Thomas King, Esq.
King, King & King
9131 Parkway East
Birmingham, Alabama 35206

Dear Mr. King:

This refers to the change in the method of election from at large to single-member districts; the districting plan; the establishment of five polling places; Act No. 84-740 (H.B. 25), which amends Sections 11-43-2 and 11-43-80, Code of Alabama 1975, to provide that the six-month deadline for establishing wards prior to an election be waived to comply with the Voting Rights Act; and the postponement of the July 10, 1984, election for the City of Adamsville in Jefferson County, Alabama, 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 your submission on July 3, 1984; supplemental information was received on July 17, 1984.

The Attorney General does not interpose any objections to the changes in question. 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 changes. In addition, as authorized by Section 5, the Attorney General reserves the right to reexamine this submission if additional information that would otherwise require an objection comes to his attention during the remainder of the sixty-day review period. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.42 and 51.48).

The City of Adamsville has also requested that the Attorney General reconsider his March 26, 1984, objection under Section 5 to the 1981 and 1982 annexations. In this regard, we note that the redistricting plan and related changes contained in your submission of July 3, 1984, now provide a method

election which affords the black population "representation reasonably equivalent to their political strength in the enlarged community." City of Richmond v. United States, 422 U.S. 358, 370 (1975). As such, these recently submitted changes provide the basis for the withdrawal of the objection to the 1981 and 1982 annexations. Thus, pursuant to the reconsideration guidelines (28 C.F.R. 51.47), the objection interposed to these annexations to the City of Adamsville is hereby withdrawn. 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 changes. 28 C.F.R. 51.48.

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

By:

Gerald W. Jones
Chief, Voting Section

cc: Honorable Leand C. Adams, Jr.
Mayor

cc: Mr. O. L. Salterwhite
City Clerk