



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

October 21, 1985

Honorable John C. Jay, Jr.
Mayor
P. O. Drawer 1
Greensboro, Alabama 36744-0573

Dear Mayor Jay:

This refers to the January 22, 1985, deannexation from the City of Greensboro in Hale 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 August 21, 1985.

We have considered carefully the materials you have submitted, as well as information and comments from other interested parties. Information available to us indicates that there is a long history of discrimination against black citizens in Greensboro, that racial bloc voting in local elections exists, and that there is an absence of black elected officials in the municipality. With respect to the instant change, we note that the city voted to deannex the property shortly after it became known that subsidized public housing would be built on the property and that there was a strong perception in both the white and black communities that such housing would be occupied largely or exclusively by black persons, most of whom likely would come from other areas within the city. At the same time, we note the city's contemporaneous refusal to change its electoral system so as to allow greater opportunities for effective black participation in the city's electoral process.

These circumstances suggest that the deannexation involved here likely would result in the ultimate removal of a significant number of potential black voters from the city. Moreover, the city's decision apparently was made in direct response to resistance on the part of white voters to having

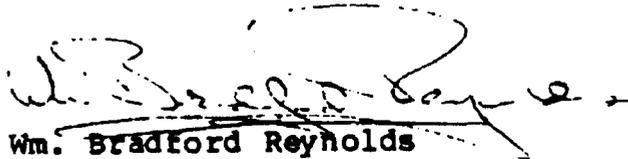
the area rezoned for subsidized public housing and such racially motivated action is unacceptable. You have not provided additional information which might establish a nonracial basis for the city's actions.

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 light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that that burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the deannexation.

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 this change has 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 deannexation legally unenforceable as it would affect the voting rights of persons anticipated to become residents of that area. 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 Greensboro plans to take with respect to this matter. If you have any questions, feel free to call John K. Tanner (202-724-8388), Attorney-Reviewer of the Section 5 Unit of the Voting Section.

Sincerely,



Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

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