DJ 166-012-3
V8418
V8796

JUN 13 1975

167

Honorable Philip R. Taylor
Chairman, Board of Elections of
Macon/Bibb County, Georgia
Macon, Georgia 31201

Dear Mr. Taylor:

This is in reference to Act No. 112 (H.B. No. 1024) of the 1975 Georgia General Assembly, to the polling place change for the Vineville No. 10 Precinct, and to the City of Macon May 13, 1975, Reapportionment Ordinance, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. These submissions were received on May 19, 1975. In accordance with your request, expedited consideration has been given to the submissions pursuant to the procedural guidelines for the administration of Section 5 (28 C.F.R. §51.22).

Based upon a careful examination of the information you have furnished, demographic data relating to the City of Macon and Bibb County, and a review of all other relevant facts available, the Attorney General does not interpose an objection to Act No. 112 (H.B. No. 1024) of the 1975 Georgia General Assembly, or to the polling place change for the Vineville No. 10 Precinct. Nevertheless, we feel a responsibility to point out that Section 5 of the Voting Rights Act of 1965 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.

While the Attorney General does not object to the above changes, we are unable, however, to reach a like conclusion with respect to the City of Macon May 13, 1975, Reapportionment Ordinance. Our analysis shows that this Ordinance would provide a five-ward plan with 51.33% and 52.62% black majorities, respectively, in Wards 3 and 4. Our analysis also shows that Wards 3 and 5 are oddly shaped in an elongated manner in such a way as to contain, along with Ward 4, a portion of the City's black residential areas and a significant number of the City's white residential areas. There appears to be no particular justifiable governmental interest served by the size and location of these wards. Thus, we must conclude that this plan does not satisfy Fifteenth Amendment considerations under recent court decisions where comparable election systems have been found to be invalid where the effect of their use is to minimize or cancel out the voting strength of racial minorities. See, e.g., White v. Regester, 412 U.S. 755 (1973); Petersburg, v. United States, 410 U.S. 962 (1973); aff'g 354 F. Supp. 1021; Turner v. McKeithen, 490 F. 2d 191 (5th Cir. 1973); Zimmer v. McKeithen, 485 F. 2d 1297 (5th Cir. 1973); Yelverton v. Driggers, 370 F. Supp. 612 (M.D. Ala. 1974); Pitts v. Busbee, No. C74-1060A (N.D. Ga. June 2, 1975).

Our analysis also shows that blacks constitute a substantial minority of the population in the City of Macon, but have little chance of electing a candidate of their choice under the City Ordinance's system of elections. On the other hand, Act No. 112 (H.B. No. 1024) of the 1975 Georgia General Assembly, demonstrates the availability of an alternative that does not have that effect. In this regard, we note that Act No. 112, to which we today interpose no objection, by providing five fairly drawn wards with 60.02% and 65.62% black majorities, respectively, in Wards 3 and 4, coupled with the district-wide election of two out of three Aldermen in each ward, gives blacks, voting as a group, a much greater potential for electing candidates of their choice than does the May 13, 1975, Ordinance. Under these circumstances, we cannot conclude, as must under the Voting Rights Act of 1965, that the implementation of the City of Macon May 13, 1975, Reapportionment Ordinance will not have a racially discriminatory effect. I must, therefore, on behalf of the Attorney General, interpose an objection to said Ordinance.

Of course, as provided by Section 5 of the Voting Rights Act of 1965, you have the alternative of instituting action in the United States District Court for the District of Columbia seeking a declaratory judgment that said Ordinance 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.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division