



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

Howard E. McClain, Esq.  
Thomas and McClain  
P. O. Box 498  
Adel, Georgia 31620

JUN 29 1982

Dear Mr. McClain:

This is in reference to Act No. 888 (H.B. No. 1159 (1970)), which creates the office of the city manager; Act No. 855 (H.B. No. 1553 (1976)), which amends the City Charter and extends the city corporate limits; the December 7, 1981, annexation (Ordinance No. 81-5) and twenty-one other annexations (listed in the Appendix to this letter) to the City of Adel in Cook County, Georgia, 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 April 30, 1982.

The Attorney General does not interpose any objection to Act No. 888 (1970), which creates the office of city manager. 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.

With regard to the other changes, we have given careful consideration to the information provided by the City of Adel as well as information available from the 1980 Census of Population and Housing Reports. At the outset, we note that the information submitted by the city conflicts with information contained in the 1980 Census reports relative to the current population of the areas annexed by the city in a number of important respects. For example, the numbers of black and white persons shown by the Census for Annexations 1, 7, 15 and 21 do not agree with data submitted by the

city. This conflict in supporting data makes it difficult, if not impossible, for us to determine the effect on the black community of the annexation and extension of corporate limits submitted by the City of Adel.

The Attorney General's Procedures for the Administration of Section 5, 28 C.F.R. 51.39(e), provides, in part, that:

[I]f the evidence as to the purpose or effect of a change is conflicting and the Attorney General is unable to determine that the submitted change does not have the prohibited purpose or effect, an objection shall be interposed to the change.

Because of the state of confusion created by the discrepancies between the data submitted by the City in support of its annexations and the Census information, and because of the inadequacies of the City's data we are unable to conclude, as we must under the Voting Rights Act, that the annexations and Act No. 855 (H.B. No. 1553 (1976)) submitted by the City of Adel do not have the purpose and will not have the effect of discriminating on the basis of race or color.

In addition, our analysis shows that, assuming the data presented by the City to be accurate, the annexations in question would seem to result in an overall dilution in the black voting strength of between 2.5 and 3 percent, a significant reduction in view of the apparent existence of racial bloc voting in the City. For this reason, as well as the fact that the information in support of the submission is conflicting, we cannot conclude that the City has carried its burden of showing the absence of a discriminatory effect. Accordingly, on behalf of the Attorney General, I must interpose an objection to the annexations here under submission and to Act No. 855 (H.B. 1553 (1976)).

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, color or membership in a language minority group. In addition, the Procedures for the Administration of Section 5 (28 C.F.R. 51.44-46) 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 annexations submitted by the City of Adel and listed in the Appendix attached hereto, and Act No. 855 (H.B. 1553 (1976)) legally unenforceable insofar as they affect voting.

To enable this Department to meet its responsibility to enforce the Voting Rights, please inform us of the course of action the City of Adel 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