



Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

April 24, 1987

Roy W. Griffis, Jr., Esq.
Assistant City Attorney
P. O. Box 247
Macon, Georgia 31298

Dear Mr. Griffis:

This refers to the deannexation (Act No. 590, S.B. 298 (1984)) from the City of Macon in Bibb and Jones Counties, Georgia, 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 February 23, 1987.

We have considered carefully the information you have provided, data from the 1970 and 1980 Censuses, and information from other interested parties. Our analysis indicates that the area proposed for deannexation has a population of approximately 395 persons, 88 percent of whom are black, and that approximately 225 blacks in the area are of voting age. While removal of this population from municipal Ward 1 would result in only a slight reduction in that ward's black population percentage (from 53.6 to 53 percent), we note that opposition to this initiative was overwhelming among those black residents slated for deannexation.

The city's explanation is that the deannexation was adopted in order to remove a state legislator from the local legislative delegation for the City of Macon. It appears, however, that this could have been accomplished through alternate and much less drastic means. It also appears that race may well have been not only a factor, but a principal factor, in the deannexation decision. Under such circumstances, and absent any persuasive evidence to the contrary, I find it difficult to accept that race was not a consideration in the action that occasioned this deannexation.

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 Section 51.52(a) of the Procedures for the Administration of Section 5 (52 Fed. Reg. 497-498 (1987)). 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 here under submission.

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 51.45 (52 Fed. Reg. 496 (1987)) 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. See Section 51.10 of the guidelines (52 Fed. Reg. 492 (1987)).

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 Macon plans to take with respect to this matter. If you have any questions, feel free to call Sandra S. Coleman (202-724-6718), Director of the Section 5 Unit of the Voting Section.

Sincerely,



Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division