



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

JUL 27 1987

Honorable Charles A. DeVaney
Mayor
Municipal Building
Augusta, Georgia 30911

Dear Mayor DeVaney:

This refers to the eight annexations (Ordinance Nos. 5370, 5371, 5372, 5373, 5374, 5379, 5385, and 5386 (1986)) to the City of Augusta in Richmond 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. We received the information to complete your submissions on May 28, 1987.

We have considered carefully the information you have submitted, as well as information and comments from other interested parties. The information reveals that the total population of the City of Augusta has decreased in recent decades to a 1980 population of 47,532. The black population has increased as a percentage of the total population and, as of 1980, 53.5 percent of the city's total population was black.

We are aware that the city has undertaken an ambitious annexation program in order to promote growth. While the city's efforts to increase its size do not, *per se*, violate the Voting Rights Act, we are concerned regarding the annexation standards applied to black and white residential areas. In this regard, it appears that the city's present annexation policy centers on a racial quota system requiring that each time a black residential area is annexed into the city, a corresponding number of white residents must be annexed in order to avoid increasing the city's black population percentage. Our information indicates that several black communities adjacent to the city actively have sought annexation but that such annexation requests have been delayed or denied until a white residential area containing approximately the same number of people can be identified for annexation. We are aware of efforts by the city's Annexation Office to conduct door-to-door surveys in identifying areas for annexation and it appears that these efforts have been concentrated in white residential areas to balance the black residential areas that actively have sought annexation. The annexations now submitted for Section 5 review appear to have been effectuated pursuant to this racial quota policy.

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 of the Procedures for the Administration of Section 5 (52 Fed. Reg. 497-498 (1987)). Annexations, like all other voting changes, must be effectuated without regard to race. Our review of the Augusta annexations, however, reveals that the city's annexation policy centers, to a significant extent, on race, and that such policy has an invidious impact on black citizens. In light of these considerations, I cannot conclude, as I must under the Voting Rights Act, that the city has satisfied its burden of proof imposed by Section 5. Therefore, on behalf of the Attorney General, I must object to the instant annexations.

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 51.45 of the guidelines (52 Fed. Reg. 496-497 (1987)) 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 instant annexations legally unenforceable. See Section 51.10 (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 Augusta 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

JUL 15 1988

Honorable Charles A. DeVaney
Mayor
Municipal Building
Augusta, Georgia 30911

Dear Mayor DeVaney:

This refers to five annexations (Ordinance Nos. 5451, 5469, 5470, 5471, and 5476 (1987)); the request for reconsideration of the July 27, 1987, objection to eight annexations (Ordinance Nos. 5370, 5371, 5372, 5373, 5374, 5379, 5385, and 5386 (1986)); and the change in the method of election for the city council from eight members elected at large to ten members elected from single-member districts and three elected at large with voting limited to two positions; the districting plan; the adoption of a majority vote requirement for the single-member district seats; the increase in the size of the city council from eight to thirteen members and the implementation schedule for the City of Augusta in Richmond 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. We received your initial submissions on April 27 and May 13, 1988; supplemental information was received on May 26, 1988.

With regard to the change in the method of election and the districting plan, the Attorney General does not interpose any objections. 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. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41). In addition, we have determined that because the method of election provides minority voters with an equal opportunity to participate in the political process and to elect candidates of their choice to office and because the city has

consented to an annexation policy that would annex properties without regard to race, the Attorney General will withdraw the objections interposed to previously submitted annexations and interpose no objection to the newly submitted annexations. See also 28 C.F.R. 51.48.

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division