

JAN 12 1981

George G. Williamson, Esq.  
City Attorney  
320 Elm Street  
P. O. Box 687  
Mendenhall, Mississippi 39114

Dear Mr. Williamson:

This is in reference to the annexation to the City of Mendenhall in Simpson County, Mississippi, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on November 14, 1980.

To determine that a change in the composition of Mendenhall's population resulting from annexations does not have the purpose and will not have the effect of abridging the right to vote on account of race or color, the Attorney General must be satisfied either that the black population percentage has not been appreciably reduced and that voting is not racially polarized or that, nevertheless, the city's electoral system will afford black citizens representation reasonably equivalent to their political strength in the enlarged community. See City of Richmond v. United States, 422 U.S. 156 (1975), and City of Rome v. United States, 100 S. Ct. 1560 (1980). See also 45 C.F.R. 31.15.

We have given careful consideration to the information you have provided, as well as to comments and information provided by other interested parties. In addition to evidence of a general pattern of racially polarized voting in Mendenhall elections, we have noted that no black candidate has ever won election to the Mendenhall board of aldermen under the at-large method of election which incorporates partisan primaries and a full-slate requirement. We have been presented with and have considered geographic information indicating that no minority persons will reside in the area to be annexed to the City of Mendenhall. Our analysis of the submitted data

indicates that the submitted annexation would immediately reduce Mendenhall's black population percentage by some one percent, and ultimately by approximately two percent after anticipated development has taken place. In the context of Mendenhall's at-large election system, with its partisan primary feature and full-slate requirement, this dilution will not be counterbalanced by an ability on the part of the black community to achieve representation reasonably equivalent to its strength in the enlarged community. See City of Richmond, supra.

Under the circumstances we are, therefore, unable to conclude, as we must under Section 5, that the submitted annexation will not have the proscribed discriminatory purpose or effect. Accordingly, I must, on behalf of the Attorney General, interpose an objection to the submitted annexation.

Should the City of Mendenhall adopt an electoral system that would afford black voters an opportunity to elect candidates of their choice, the Attorney General would withdraw this objection. Our analysis has shown that the adoption of a fairly drawn single-member district plan would afford black voters such a fair opportunity.

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. 51.21(e) and (c), 51.23, and 51.24) 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 obtained, the effect of the objection by the Attorney General is to make the annexation legally unenforceable.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us within twenty days of your receipt of this letter what course of action the City of Mendocino plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Ms. Doris Kelly (202-724-7399) of our staff, who has been assigned to handle this submission.

Sincerely,

James P. Turner  
Acting Assistant Attorney General  
Civil Rights Division