U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

May 14, 1984

Billy B. Bowman, Esq.
Brewer, Deaton & Bowman
P. O. Drawer B
Greenwood, Mississippi 38930

Dear Mr. Bowman:

This refers to the two annexations (in 1967 and 1979) to and the two polling place changes for the City of Greenwood in Leflore County, Mississippi, 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 submission on March 15, 1984; supplemental information was received on April 3, 1984.

The Attorney General does not interpose any objections to the polling place changes. 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. 51.48).

With respect to the annexations, however, we cannot reach a similar conclusion. 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 28 C.F.R. 51.39(e). To determine that a change in the composition of a city's population resulting from annexations 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, the Attorney General must be satisfied either that the population percentage of the affected minority has not been appreciably reduced and that voting is not along racial lines, or that the city's electoral system nevertheless will afford representation to minority citizens which is reasonably equivalent to their political strength in the enlarged community. See City of Richmond v. United States, 422 U.S. 358 (1975), and City of Rome v. United States, 446 U.S. 156 (1980).

We have given careful consideration to the information provided with regard to the annexations as well as to comments and information provided by other interested parties. Our analysis reveals that racial bloc voting exists in the city and that the addition of 1,102 whites and 64 blacks resulting from these two annexations reduces by 2.7 percent a black voting strength which, in the absence of the annexations, likely would be approaching 50 percent of the City of Greenwood. Even though a substantial number of black candidates have sought election, none has been elected to serve on the Greenwood City Council under the present at-large electoral system with its majority vote and numbered position features.

Under these circumstances, we are unable to conclude, as we must under Section 5, that the 1967 and 1979 annexations do not have the proscribed discriminatory purpose or effect. Accordingly, on behalf of the Attorney General, I must interpose an objection to both 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 51.44 of the guidelines permits you to request that the Attorney General reconsider the objection. In that connection, should the city adopt an electoral system such as a fairly drawn, single-member district plan that would afford black voters a realistic opportunity to elect candidates of their choice, it would be appropriate to request reconsideration and withdrawal of the objection to the annexations. 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 annexations legally unenforceable insofar as they affect voting. 28 C.F.R. 51.9.

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 Greenwood plans to take with respect to this matter. If you have any questions, feel free to call Carl W. Gabel (202-724-8388), Director of the Section 5 Unit of the Voting Section.

In addition, because of the pending litigation (Jordan v. City of Greenwood, Civ. No. GC77-52-WK-P (N.D. Miss.)), I am sending a copy of this letter to the Honorable William C. Keady, United States District Judge, Northern District of Mississippi.

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General *Washington, D.C. 20530*

NOV 30 1984

Charles M. Deaton, Esq.
Brewer, Deaton & Bowman
P. O. Drawer B
Greenwood, Mississippi 38930

Dear Mr. Deaton:

This refers to the change in the form of government from the commission form of government (mayor and two commissioners) to a mayor-council form of government (mayor and seven councilmembers); the change in the method of election from at-large to single-member districts; and the districting plan for the City of Greenwood in Leflore County, Mississippi, 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 submission on November 2, 1984. In accordance with your request, expedited consideration has been given the matter pursuant to the Procedures for the Administration of Section 5 (28 C.F.R. 51.32).

The Attorney General does not interpose any objections to the changes in form of government, the method of election, or the districting plan. 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. In addition, as authorized by Section 5, the Attorney General reserves the right to reexamine this submission if additional information that would otherwise require an objection comes to his attention during the remainder of the sixty-day review period. See also 28 C.F.R. 51.42 and 51.48.

The city also has requested that the Attorney General reconsider his May 14, 1984, objection under Section 5 to the 1967 and 1979 annexations to the city. In view of the districting plan and related changes contained in your

submission of November 2, 1984, and precleared above, the city now provides a method of election which affords its black population "representation reasonably equivalent to their political strength in the enlarged community." City of Richmond v. United States, 422 U.S. 358, 370 (1975). Therefore, in accordance with our reconsideration guidelines (28 C.F.R. 51.47), the objection interposed to these annexations to the City of Greenwood is hereby withdrawn. However, as with the other changes precleared here, you should be aware that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of these changes.

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

cc: Willie J. Perkins, Esq.
North Mississippi Rural
Legal Services

U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General *Washington, D.C. 20530*

OCT 5 1984

Billy B. Bowman, Esq.
Brewer, Deaton & Bowman
P. O. Drawer B
Greenwood, Mississippi 38930

Dear Mr. Bowman:

This refers to your request that the Attorney General reconsider the May 14, 1984, objection under Section 5 of the Voting Rights Act of 1965, as amended, to the two annexations to the City of Greenwood in Leflore County, Mississippi. We received your letter on August 6, 1984.

We have reviewed carefully the information that you have provided to us in support of your request. As we understand it, you seek the withdrawal of the Attorney General's objection due to the fact that the city is obligated under the District Court's decision in Jordan v. City of Greenwood, Civ. Action No. GC 77-52-WK-P, to develop a single-member districting plan for the election of Greenwood's city council.

In City of Richmond v. United States, 422 U.S. 356 (1975), the Supreme Court has noted that annexations which dilute minority voting strength should receive Section 5 preclearance if the city adopts a method of election which fairly recognizes the minority voting strength in the enlarged city. In keeping with that principle, our May 14, 1984, letter of objection to the instant annexations pointed out that should the city adopt an electoral system, such as a fairly drawn single-member district plan, it then would be appropriate for the city to request withdrawal of the objection.

While the court's order in this case, which we understand the city has not appealed, is an important step in the process, our information is that the city has not yet adopted a districting plan in accordance with that decree. For that reason it is not possible at this time for us to make the required determination under the Richmond criterion. When such a plan is adopted, however, it would be appropriate to submit it for Section 5 review and simultaneously to request reconsideration for the objection to the annexations.

In view of the above considerations, we find that your request for the action you seek is premature. Accordingly, I must, on behalf of the Attorney General, decline to withdraw the objection at this time. However, I note that you are required by the court order to adopt a plan by November 1, 1984, and we are prepared to give that plan our prompt attention once it is received.

Because of the pending litigation, I am sending a copy of this letter to the Honorable William C. Keady, United States District Judge, Northern District of Mississippi.

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division