


FEB 5 1975



Mr. W. H. Fedric  
City Attorney  
P. O. Drawer 310  
Grenada, Mississippi 38901

Dear Mr. Fedric:

This is in reference to the 1973 annexation to the City of Grenada, Mississippi, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your submission was completed on December 7, 1974.

We have given careful consideration to the submission and the supporting materials, including the information contained in the Urban Fringe Study of Grenada by Urban Consultants, Inc., along with data published by the Census Bureau and information received from interested parties. On the basis of our analysis, however, we have been unable to conclude that this annexation will not have the effect of abridging voting rights on account of race.

Our information shows that the 1973 annexation to the City of Grenada is the 8th successive annexation to the city since November 1, 1964. With the exception of one annexation in 1965 of a school and recreation area, all of these annexations appear to have been exclusively white residential areas.

In addition, the submitted information reveals an area of concentrated black population immediately contiguous to the City of Grenada which is not part of the city but which, as a result of the City's annexation activity since 1962, is now surrounded on three sides by the City of Grenada corporate boundaries. According to our information, this area, known as Pine Hill, desires annexation and has communicated that desire to the City to no avail.

One of the basic issues we review in connection with annexation is whether the annexation is part of a pattern by a city to annex areas with entirely one racial composition to the exclusion of other areas with an entirely different racial composition. Under Gomillion v. Lightfoot, 364 U.S. 339 (1960), a city can no more exclude black residents from the city by refusing to annex black neighborhoods than it can exclude black residents from the city by evicting or deannexing its black voters. In either event, this effectively prevents black residents from participating as voting members of the municipality.

We are mindful of the fact that the 1973 annexation herein submitted consists primarily of seven commercial establishments and vacant commercially zoned land. Nevertheless, the annexation involves the addition of 57 white residents to the city and no black residents. We do not perceive such a situation as insignificant when viewed in the context of six other annexations to the City of Grenada since November 1, 1964, which also added only white residents.

We also recognize the fact that the Urban Fringe Study, financed in part by a federal grant under Section 701 of the Housing Act of 1954 and prepared by Urban Consultants, Inc., recommends that Unit 8 (of which the contiguous black area of Pine Hill is part) be annexed next along with Unit 4. However, according to our information the Grenada City Council has not committed itself to following the recommendations of this fringe study in that regard and apparently is under no legal obligation to do so. In any event, even if the city council were so committed there are no indications of any time frame within which Unit 8 would be annexed.

Under Section 5 of the Voting Rights Act, the City of Grenada has the burden of proving that the annexation has neither the purpose nor the effect of denying or abridging the right to vote on account of race or color. (28 C.F.R. 51.19) Given the history of the seven successive all white residential annexations since November 1, 1964, and the unsuccessful attempts by an adjacent black area to get the city to initiate an annexation ordinance in its behalf, we conclude that the burden of proof has not been met. I must, therefore, on behalf of the Attorney General, interpose an objection to this expansion of the City of Grenada's corporate boundaries.

As provided by the Section 5 guidelines, 28 C.F.R. 51.23 and 51.24 (copy enclosed), if you think that important and relevant considerations were not called to our attention concerning this annexation, we will examine any information not

previously available to us in support of a request to reconsider the objection to your submission. Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the District Court for the District of Columbia that this annexation neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race.

Our information indicates that the City of Grenada has implemented all of the other annexations made to the city since November 1, 1964, but, according to our records, none of them were brought before the United States District Court for the District of Columbia or were submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Additionally, we note that, in a private suit, Walker v. James, N.D. Miss. C.A. No. WC-68-12, to enjoin the implementation of a new City of Grenada ordinance changing the method of electing the city councilmen to an at-large basis, a three judge federal district court issued an order on June 12, 1969, enjoining the further implementation of that voting change until Section 5 preclearance requirements had been met. Thus, the City of Grenada was put on notice by the district court at that time as to the requirements of Section 5, but the City has implemented 2 annexations since that court order and continued to implement 5 unsubmitted prior annexations without instituting the necessary procedures to satisfy the requirements of Section 5 of the Voting Rights Act.

Changes affecting voting such as annexations are legally unenforceable until such time as compliance with the requirements of Section 5 have been satisfied. Because the Attorney General's responsibility for enforcing the Voting Rights Act of 1965 includes an obligation to insure that the requirements of Section 5 are fully met for voting changes, we request that you inform us within 10 days after the receipt of this letter whether the city intends to submit the other seven annexations to the Attorney General under Section 5 or whether the city intends to seek a declaratory judgment in the District Court for the District of Columbia with respect to them. If the City of Grenada chooses to submit to the Attorney General, we would like to receive the submissions within 30 days after the receipt of this letter.

Sincerely,

J. STANLEY POTTINGER  
Assistant Attorney General  
Civil Rights Division

D.J. 166-012-3  
V5023; V8422-8428

MAY 2 1975

Mr. W. H. Fedric  
City Attorney  
City of Grenada  
P. O. Drawer 310  
Grenada, Mississippi 38901

Dear Mr. Fedric:

This is in reference to your requested reconsideration of the Attorney General's objection to the 1973 annexation to the City of Grenada, Mississippi, and to the seven annexations made to the City of Grenada, Mississippi, between 1965 and 1971, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your submission and request for reconsideration were received on March 4, 1975.

We have given careful consideration to these submissions and the supporting materials, including all of the information supplied by the City of Grenada officials who attended a conference with members of my staff on March 4, 1975. On the basis of our analysis, however, we have been unable to conclude that six of the seven annexations from 1965 to 1971 and the 1973 annexation will not have the effect of abridging voting rights on account of race.

Our information shows that, with the exception of the unpopulated school annexation in 1965, all of the annexations to the city since November 1, 1964,

have added only white residents. In addition, the submitted information indicates that between 1962 and November 1, 1964, the City of Grenada made three other annexations which also included only white residents.

As I indicated in my letter of February 5, 1975, one of the basic issues we review in connection with an annexation is whether the annexation is part of a pattern by a city to annex areas with entirely one racial composition to the exclusion of other areas with an entirely different racial composition. Under Gomillion v. Lightfoot, 364 U.S. 339 (1960), a city can no more exclude black residents from the city by refusing to annex black neighborhoods than it can exclude black residents from the city by evicting or deannexing its black voters. In either event, this effectively prevents black residents from participating as voting members of the municipality.

Our analysis reveals an area of concentrated black population immediately contiguous to the City of Grenada which is not part of the city, but which, as a result of the city's annexation activity since 1962, is now surrounded on three sides by the City of Grenada corporate boundaries. It is our understanding that this area, known as Pine Hill, desires annexation to the city, has repeatedly communicated this desire to City of Grenada officials, and recently submitted a formal petition to be annexed.

A second basic issue which we review in a Section 5 analysis of an annexation is whether the annexation has an unremedied dilutive effect on the voting strength of a racial minority within the city.

Our analysis of 1960 and 1970 Census statistics and statistics supplied by Grenada city officials indicates that, all other things being equal, the black population in the City of Grenada (which was 48.5% in 1960) would have been in a majority in 1970 had the City of Grenada not made the ten all-white residential annexations since 1962. This fact is significant in the context of Grenada where not only the mayor but two of the six councilmen are elected by the city at large. Thus, the clear effect is a reduction of the proportional voting strength of the black residents of the City of Grenada by this series of all-white annexations made to the city including the seven made since November 1, 1964. The issue is whether this reduction in black voting strength has a racially discriminatory effect on voting within the meaning of the Voting Rights Act. We conclude that it does.

I must, therefore, on behalf of the Attorney General, decline to withdraw the February 5, 1975 objection to the 1973 annexation and interpose an objection to the expansion of the City of Grenada's corporate boundaries by the six other residential annexations made between 1965 and 1971. The Attorney General does not interpose any objection to the school annexation in 1965.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the District Court for the District of Columbia that these annexations neither have the purpose nor will have the effect of denying or abridging the right to vote on account of race.



Unless and until such a judgment is obtained, however, the voting changes occasioned by the annexations objected to are unenforceable.

Sincerely,

J. Stanley Pottinger  
Assistant Attorney General  
Civil Rights Division