

Honorable Joe W. Alford
Mayor, Town of Sidon
Post Office Box 453
Sidon, Mississippi 38954

OCT 28 1977

Dear Mayor Alford:

This is in reference to the two annexations to the Town of Sidon, Leflore County, Mississippi, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was received on August 29, 1977. Although we noted your request for expedited consideration, we were unable to comply.

In regard to the 1966 annexation, the Attorney General does not interpose any objection to the change in question. 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 change.

In regard to the 1972 annexation, we have given careful consideration to the change involved and supporting materials supplied by you, as well as information available to us from our coverage of elections in the Town of Sidon. On the basis of our analysis, we are unable to conclude, as we must under the Voting Rights Act, that the annexation to the Town of Sidon will not have a discriminatory effect on blacks in the Town.

Our analysis reveals that prior to the annexation, blacks represented approximately 41.4% of the population of the Town of Sidon. Following the annexation of the exclusively white area, blacks represented approximately 33.4% of the population of the Town. The addition of white voters resulting from the annexation, in conjunction with the at-large election system with a full slate requirement, must be reviewed in light of the legal principles developed by the courts in cases such as the City of Richmond v. United

States, 422 U.S. 358 (1975) and City of Petersburg v. United States, 354 F. Supp. 1021 (D.D.C. 1972), aff'd 410 U.S. 962 (1973). Essentially, these cases require an analysis of an annexation submission to examine the impact of the boundary expansion on minority voting rights, both statistically and in the context of the local electoral system, with due consideration to the historic patterns of minority electoral participation. See also Whitcomb v. Chavis, 403 U.S. 124 (1971); White v. Regester, 412 U.S. 755 (1973); and Blacks United for Lasting Leadership, et al. v. City of Shreveport, et al., 71 F.R.D. 623 (W.D. La. 1976); appeal pending, Nos. 76-3619 and 76-4210 (5th Cir.).

In light of these decisions, it is incumbent on us to examine not only the percentage of dilution of the black population in Sidon resulting from the addition of white residents, but also the effect of the electoral system in Sidon on black candidates. In particular, we have noted that in the September 13, 1977 special election, that a black candidate would have been elected under Sidon's plurality system for municipal elections if the ballots rejected for failure to vote for five candidates had been counted. Consequently, we must conclude that the addition of white voters in the annexed area, in the context of the electoral system and indications that racial bloc voting exists, has made it more difficult for blacks to elect a candidate of their choice to office in the Town of Sidon. Accordingly, I must, on behalf of the Attorney General, interpose an objection to the 1972 annexation to the Town of Sidon.

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 the annexation 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. In addition, you may ask the Attorney General to reconsider his objection (see our Section 5 Guidelines, 28 C.F.R. Sections 51.21, 51.23 and 51.24) as a result of the town's taking steps to "neutralize to the extent possible any adverse effect upon the political participation of black voters . . .". City of Petersburg v. United States, supra, 354 F. Supp. at 1031. However, until such time as the objection may be withdrawn or a judgment from the District of Columbia Court obtained, the legal effect of the objection by the Attorney General is to make the change in question unenforceable.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division