



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

March 23, 1984

John K. Keyes, Esq.  
City Attorney  
P. O. Box 1569  
Collins, Mississippi 39428-0546

Dear Mr. Keyes:

This refers to the annexation (Ordinance No. 382 (1982)) to the City of Collins in Covington 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 the information to complete your submission on January 23, 1984.

To determine that a change in the composition of the city's population resulting from this 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, the Attorney General must be satisfied either that the black population percentage has not been reduced appreciably 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. 358 (1975), and City of Rome v. United States, 466 U.S. 156 (1980). See also the Procedures for the Administration of Section 5 (28 C.F.R. 51.12(e)).

We have considered carefully the information you have provided, as well as comments and information provided by other interested parties. In addition to evidence of a general pattern of racially polarized voting in city elections, we note that no black candidate has ever won election to the Collins Board of Aldermembers under the at-large method of election which incorporates partisan primary and a full-slate voting requirement. We have been presented and have considered demographic information indicating that far fewer minority persons than majority group members will reside in the proposed annexed area. Our analysis thus indicates that the submitted annexation will reduce the city's black population percentage by more than two percent which, in the context of

Collins' at-large election system, constitutes a significant dilution of the minority's voting strength. See City of Rome v. United States, supra. The city has presented nothing to show that this dilution will be counterbalanced by an ability on the part of the black community to achieve representation reasonably equivalent to its strength in the enlarged community.

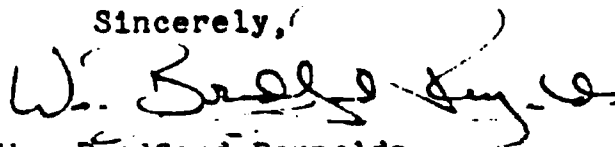
Under the circumstances, therefore, we are unable to conclude, as we must under Section 5, that the submitted annexation will not have a discriminatory purpose or effect. Accordingly, I must, on behalf of the Attorney General, interpose an objection.

Should the City of Collins adopt an electoral system that would afford black voters a fair opportunity to realize their voting strength in the enlarged area after annexation or explain adequately how the existing system does so, the Attorney General would withdraw the objection. In this connection, our analysis has shown that the adoption of a fairly drawn single-member district plan would afford black voters such an opportunity, as possibly would a change to a plurality election system without the full-slate requirement.

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 or color. In addition, Section 51.44 of the guidelines 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 annexation (Ordinance No. 382 (1982)) legally unenforceable. See also 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 Collins plans to take with respect to this matter. If you have any questions, feel free to call Sandra S. Coleman (202-724-6718), Deputy Director of the Section 5 Unit of the Voting Section.

Sincerely,



Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division



U.S. Department of Justice

Civil Rights Division

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Office of the Assistant Attorney General

Washington, D.C. 20530

October 15, 1984

John K. Keys, Esq.  
City Attorney  
P. O. Box 1569  
Collins, Mississippi 39428-0546

Dear Mr. Keys:

This refers to the change in the method of electing the five-member city council from at-large to election from four single-member districts and one at-large, the districting plan, and the establishment of three voting precincts and three polling places for the City of Collins in Covington County, Mississippi, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 1973c. We received your submission on August 17, 1984.

The Attorney General does not interpose any objections to the changes 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 changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.48).

The city also has requested that the Attorney General reconsider his March 23, 1984, objection under Section 5 to the March 16, 1982, annexation of 2,369 acres. In our view the districting plan and the accompanying change in the method of electing the city council precleared above provide a method of election which affords the black population in Collins "representation reasonably equivalent to their political strength in the enlarged community." City of Richmond v. United States, 422 U.S. 358, 370 (1975). Accordingly, these changes provide the basis for a withdrawal of the March 23, 1984, objection to the March 16, 1982, annexation and, pursuant to our procedural guidelines (28 C.F.R. 51.47), that objection is hereby withdrawn.

However, as with our decision not to object to the method of election, districting plan, and related changes discussed above, we should point out that, under Section 5 of the Voting Rights Act, the Attorney General's withdrawal of the objection does not bar any subsequent judicial action to enjoin the enforcement of voting changes occasioned by this annexation. See also 28 C.F.R. 51.48.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Bradford Reynolds". The signature is fluid and cursive, with a large loop at the end.

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division