

DEC 1 1972

**Mr. George F. Fox, Jr.
Town of Lake Providence
Lake Providence, Louisiana 71254**

Dear Mr. Fox:

This is in reference to your submission under Section 5 of the Voting Rights Act of 1965 of the 1968 annexation to the Town of Lake Providence, Louisiana.

In examining an annexation under Section 5 of the Voting Rights Act it is incumbent on the Attorney General to determine whether the annexation - either in purpose or effect - results in racial discrimination in voting. In making this evaluation we apply the legal principles which the courts have developed in the same or analogous situation. Moreover, it is also significant that Section 5 only prohibits implementation of changes affecting voting and provides that such changes may not be enforced without receiving prior approval by the Attorney General or by the District Court for the District of Columbia. Our proper concern then is not with the validity of the annexation but with the changes in voting which proceed from it.

In the case of Lake Providence, we can summarize our consideration as follows: The Town of Lake Providence elects representatives to its governing body on an at-large basis. Approximately 158 white voters have been added to the registration lists as a result of the

"Island" annexation. In addition we are aware that the town council rejected a request for annexation from the predominantly black area known as "Milltown" at the same time the "Island" annexation was approved and that an application from another black area was rejected in 1971. In the case of Lake Providence, where registration is substantially evenly divided between the races, the addition of a seemingly few white voters can have a significant impact on black voting strength. Accordingly, I am unable to certify as I must under section 5, that the change does not have a racially discriminatory purpose or effect. Therefore, under the Voting Rights Act the Attorney General must register an objection to its implementation.

You may, of course, wish to consider means of accomplishing annexation which would avoid producing an impermissible adverse racial impact on voting, including the use of single-member districts. See Petersburg v. United States (D.C. D. C.) C.A. 509-72. Moreover, Section 5 permits seeking approval of voting changes by the United States District Court for the District of Columbia irrespective of any previous submission to the Attorney General.

As this annexation is presently the subject of litigation in Jackson v. Land (W.E. La.) C.A. 15845, I am taking the liberty of furnishing a copy of this letter to the Court.

Sincerely,

DAVID L. NORMAN
Assistant Attorney General
Civil Rights Division