

JUN 12 1973

Mr. Thompson L. Clarke
Attorney At Law
St. Joseph, Louisiana 71336

Dear Mr. Clarke:

This is in reference to your submission under Section 5 of the Voting Rights Act of 1965 of the 1973 annexation to the Town of Newellton. The sixty days which the Attorney General has to interpose an objection to the implementation of your proposed plan expires on June 12, 1973.

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 the Town of Newellton, we can summarize our consideration as follows: The Town of Newellton elects representatives to its governing body

on an at-large basis. Approximately 72 white voters have been added to the registration lists as a result of the annexation. Where, as here, voter registration is substantially evenly divided between the races, the addition of a seemingly few white voters can have a significant diluting impact on black voting strength. In fact, the 72 white voters added by the instant annexation has the effect of changing the present black voter majority in Newelton to a black voter minority. In view of such circumstances, I am unable to certify, as I must under Section 5, that the change does not have a racially discriminatory purpose or effect, and therefore I must, on behalf of the Attorney General, interpose an objection to its implementation.

You may, of course, wish to consider the adoption of procedures which would avoid producing an impermissible adverse racial impact on voting, including the use of single-member districts. See Petersburg v. United States, 354 F. Supp. 1021 (D. D.C. 1972). In this connection I note that Louisiana law provides the Mayor and Board of Aldermen of towns such as Newelton with the power to determine whether the town shall be divided into wards. 33 LRS §382. 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.

Finally, during our consideration of this submission we discovered that five previous annexations to the Town of Newelton have been made since 1964 and thus would come within the purview of Section 5 also. Based upon information which you supplied to us regarding the population of the areas involved in those annexations, we have sufficient information to evaluate these changes

and therefore will consider those annexations submitted. Based on our analysis, the Attorney General does not interpose an objection to those annexations. However, we feel a responsibility to point out that Section 5 expressly provides that our failure to object does not bar any subsequent judicial action to enjoin the enforcement of those changes, should such action become necessary.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division