

MAY 7 1971

Mr. C. S. Hatter, Jr.
City Attorney
Department of Law
402 City Hall
Richmond, Virginia 23219

Dear Mr. Hatter:

As you know, the Supreme Court recently held in Perkins v. Mathews, 400 U.S. 379, 388-89 (1971), that "[c]hanging boundary lines by annexations which enlarge the city's number of eligible voters . . . constitutes the change of a 'standard, practice, or procedure with respect to voting,' within the meaning of section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. This letter concerns your submission of a 1969 annexation to the city of Richmond.

Municipal annexations are, of course, commonly undertaken for a variety of reasons and affect a number of areas of concern to local governments. Section 5 is not addressed to annexations per se; but the Attorney General is obliged under section 5 to be concerned with the voting changes produced by an annexation. In the present instance, the city of Richmond elects representatives to its governing body on an at-large basis; its population is approximately evenly divided between whites and blacks. The submitted change would increase the city's population by approximately 43,000 new residents of whom a very small minority is Negro. In the circumstances of Richmond, where representatives are elected at large, substantially increasing the number of eligible white voters inevitably tends to dilute the voting strength of black voters. Accordingly,

the Attorney General must interpose an objection to the voting change which results from the annexation.

You may, of course, wish to consider means of accomplishing annexation which would avoid producing an impermissible adverse racial impact on voting, including such techniques as single-member districts. See Chavis v. Whitcomb, 305 F. Supp. 1364 (S.D. Ind. 1969). Moreover, section 3 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.

Sincerely,

DAVID L. BORNAN
Acting Assistant Attorney General
Civil Rights Division