

JUN 9 1981

William C. Spencer, Esq.
Crutcher, Spencer & Brown
115 S. Market Street
P. O. Drawer 5
Holly Springs, Mississippi 38635

Dear Mr. Spencer:

This is in reference to the redistricting plan for the City of Holly Springs in Marshall 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. Your submission was completed on April 10, 1981.

We have carefully considered the submitted materials, 1980 Census data, the comments of other interested persons and relevant court decisions. The statistics provided by the city in support of the submitted redistricting plan show an estimated city population of 7,269 of whom 4,327 or 59.5 percent are black; that Ward 1 would have 1,825 persons of whom 81.9 percent would be black; Ward 2 would have 1,825 persons of whom 62.5 percent would be black; Ward 3 would have 1,802 persons of whom 48.1 percent would be black; and Ward 4 would have 1,817 persons of whom 45.5 percent would be black.

However, according to 1980 Census data, the city's population is 7,265 of whom 4,618 or 63.3 percent are black. Our analysis of the submitted plan, using Census data, shows that Ward 1 would have 2,543 persons of whom 80.8 percent would be black; Ward 2 would have 2,649 persons of whom 61.2 percent would be black; Ward 3 would have 1,251 persons of whom 38 percent would be black; and Ward 4 would have 1,443 persons of whom 43.5 percent are black. Thus, our analysis has revealed that, even though the city's statistics reflect a well apportioned plan for the election of its council, this conclusion is not supported by Census data just recently published. To the contrary, Census data

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show that the two wards containing the bulk of the black population (wards 1 and 2) are substantially overpopulated (underrepresented) while the predominantly white wards (wards 3 and 4) are substantially underpopulated (overrepresented). According to 1980 Census data the plan results in an overall deviation of over 70 percent with the burden of this malapportionment falling on the black electorate.

As you can see, the facts we have before us are conflicting with respect to the impact of this plan on black voters, and, to this point, we have been unable to resolve this conflict. In that regard, the Attorney General's Section 5 procedures provide that if he is unable to resolve conflicting facts within the sixty-day period he shall object. (See Section 51.39(e), 46 Fed. Reg. 878.) Accordingly, I must on behalf of the Attorney General interpose an objection at this time to the use of the redistricting plan here under submission. However, we will continue our consideration of the issues involved and will attempt to resolve the conflict as soon as possible. At that time we will advise you further as to whether the objection will be continued or withdrawn.

If you have any questions concerning this letter, please feel free to call Carl W. Cabel (202-724-7439), Director of the Section 5 Unit of the Voting Section.

Sincerely,

James P. Turner
Acting Assistant Attorney General
Civil Rights Division