

MAY 30 1973

William A Wiltshire, Esquire
Wiltshire and Wilman
Attorneys at Law
Post Office Drawer 527
120 South Broadway
McComb, Mississippi 39648

Dear Mr. Wiltshire:

This is in reference to your letter dated January 11, 1973, with which you enclosed a copy of the Ordinance of the City of McComb City, Mississippi, expanding the city's existing municipal boundaries by annexing two tracts contiguous to the city, which Ordinance was submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, and received by this Department on February 7, 1973. Additional information was requested on April 2, 1973, and some of the data was received on March 31, 1973.

The deadline for decision is 60 days after receipt of all necessary information, and would end today. We have received within the last 24 hours a petition signed by 186 residents of Beartown alleging, in effect, their efforts to be reannexed to the city have been continuing ones and have been unsuccessful. The contention is made that the city has followed a policy of selective annexation which has as its purpose or effect, excluding the Beartown

residents from the city because of their race. Due to the shortness of time remaining, we have been unable to fully evaluate these contentions but do conclude, that if the city had such a selective policy, actions taken pursuant thereto would be objectionable under the Voting Rights Act.

The Attorney General's regulations provide that if the Attorney General is unable to resolve conflicting facts within the 60 day period he shall object. See 28 C.F.R. 51.19. Accordingly, I must on behalf of the Attorney General interpose an objection to the use of the expanded city limits for voting purposes. Because of unusual circumstances here we are undertaking an expedited consideration of the issues raised in connection with this submission and will reexamine the matter as soon as possible. If at that time we determine that the objection interposed here should be withdrawn, we will so advise you.

Would you please assist us in resolving the conflict now before the Attorney General by providing us with the following information:

1. Copies of any letters, petitions or other documents city officials have received since 1965 requesting annexation of areas contiguous to McComb, and in particular, any such documents relating to the Beartown or South McComb area. This should include any record of conversations with persons concerning requested annexations.
2. Copies of any documents reflecting the costs of annexing section I of your submission.
3. Any information the city may have showing improvements which have been made to the Beartown area since February 1964.

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If you have any questions concerning this letter,
please contact my office or Gerald W. Jones (202-739-2167)
of my staff.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division