

APR 25 1978

Honorable Allan Stovall
County Judge
Edwards County
Post Office Box 340
Rocksprings, Texas 78880

Dear Judge Stovall:

This is in reference to the redistricting of commissioner precincts in Edwards County, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on February 27, 1978.

We have given careful consideration to the information furnished by you as well as Bureau of the Census data and information and comments from interested parties. Our analysis reveals that, according to the 1970 Census, Mexican Americans constitute approximately 44% of the population of Edwards County and are concentrated in the City of Rocksprings. No Mexican Americans have been elected to the Commissioners Court under the prior districting plan. Under the submitted redistricting plan, the Mexican American population in the county has been almost evenly distributed among the four commissioner precincts. The result of this division of a highly concentrated minority group is to minimize and thus dilute minority voting strength since it assures that Mexican Americans will not represent a majority of the population in any one commissioner precinct. See Kirksey v. Board of Supervisors of Hinds County, 554 F.2d 139 (5th Cir. 1977), cert. denied, 90 S.Ct. 512 (1977), and Robinson v. Commissioners Court, 505 F.2d 674 (5th Cir. 1974). Our analysis further reveals that rational and compact alternative districting could achieve population equality among the four commissioner precincts while at the same time achieving a precinct system that would more accurately reflect Mexican American voting strength in Edwards County.

Therefore, on the basis of our analysis, we are unable to conclude, as we must under the Voting Rights Act, that the submitted redistricting of commissioner precincts in Edwards County does not have the purpose and will not have the effect of discriminating on account of membership in a language minority group. Accordingly, on behalf of the Attorney General, I must interpose an objection to the redistricting plan for Edwards County.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that this change has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. In addition, the Procedures for the Administration of Section 5 (28 C.F.R. 51.2(b), 51.23, and 51.24) permit you to request the Attorney General to reconsider the objection. However, until the objection is withdrawn or the judgment from the District of Columbia Court obtained, the effect of the objection by the Attorney General is to make the redistricting plan for Edwards County legally unenforceable.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division