

United States Department of Justice

WASHINGTON, D.C. 20530

FEB 1, 1979

Mr. Dennis D. Clark
City Manager.
City of Beeville
100 West Corpus Christi Street
Beeville, Texas 78102

Dear Mr. Clark:

This is in reference to the adoption of the single-member district method of electing the City Council of the City of Beeville, the designation of five single-member districts for that purpose, and other electoral changes occasioned by the adoption of the new electoral method, effected by Ordinance No. 1106 (1973) and by the approval of Proposition One by the electorate of the City of Beeville in the election of April 3, 1973, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, as amended. Your submission was completed on December 4, 1978.

Under Section 5 the submitting jurisdiction has the burden of proving both that the change in question was not adopted with a discriminatory purpose and that its effect will not be discriminatory. See Beer v. United States, 425 U.S. 130 (1976); Wilkes County v. United States, 450 F. Supp. 1171 (D.D.C. 1978), affirmed, 47 U.S.L.W. 3391 (Dec. 4, 1978) (No. 78-70); Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.19.

Mexican Americans constitute approximately 55 percent of the population of Beeville. The City Council of Beeville has five members, who are elected to staggered two-year terms. Prior to the adoption

of the changes in question, members of the council were elected at-large, and candidates favored by the Mexican American electorate had frequently been elected. The charter amendment providing for the single-member district system of electing council members was adopted in what appears to have been a referendum polarized between Mexican American and Anglo voters, with predominantly Mexican American precinct one voting against the proposition by a significant margin and predominantly Anglo precinct two voting in favor by an equally significant margin. Our analysis of the demographic data and maps you have provided indicates that the effect of the adoption of the single-member district plan may be to restrict the influence of the Mexican American electorate in Beeville to districts one and two, although under the prior at-large system or under alternative single-member district plans Mexican Americans could potentially have greater influence.

According to the statistics you have provided, there are significant differences in population among the five districts. The population of district one, the district with the smallest population, is only equal to 53.3 percent of the population of district five, the district with the greatest population. We cannot determine that districts more equal in population would not have enhanced the electoral strength of Mexican Americans. Reservations with respect to the reliability of the statistics you have provided also prevent us from determining that the submitted plan does not have a discriminatory effect. According to the registered voter and voting age population statistics for the five wards that you have provided, 126.0 percent of the voting age population of district one are registered to vote, while only 57.8 percent of the voting age population of district five are registered. These statistics suggest that either the population or the registration statistics you have provided are inaccurate.

Under these circumstances I am unable to conclude as I must under the Voting Rights Act, that the single-member district method of election established by Ordinance No. 1106 neither has a discriminatory purpose

nor will have a discriminatory effect. Accordingly, on behalf of the Attorney General, I must interpose an objection pursuant to Section 5 to the submitted method of election and other related electoral changes.

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 the single-member district method of election established by Ordinance No. 1106 does not have the purpose and will not 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. 51.21(b) and (c), 51.23, and 51.24) permit you to request reconsideration of this objection by the Attorney General. However, until the judgment from the District Court is obtained or the objection withdrawn, the effect of the objection by the Attorney General is to make the method of election established by Ordinance No. 1106 legally unenforceable. As a result, the at-large system previously in effect remains the legal electoral system for the City of Beeville.

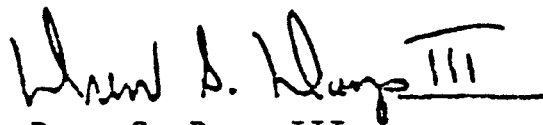
If you choose to ask the Attorney General to reconsider this objection, the following information would be helpful:

1. An explanation of the voter registration rates that appear to exist for the five districts of the City of Beeville.
2. Elections returns by precinct or other information that would show whether Mexican Americans and Anglos constitute separate voting blocs in Beeville.
3. Information that will show why Beeville adopted the single-member district method of election over the at-large system or other alternatives and why the particular plan contained in Ordinance No. 1106 was adopted instead of alternatives. In particular,

we find in the materials you have provided references to meetings of Subcommittee No. 2 of the Charter Revision Commission on December 14 and 26, 1972, and to a meeting of the Commission on February 8, 1973, but minutes of these meetings were not provided. In addition, the minutes of the February 9, 1973, City Council meeting indicate that Ordinance No. 1106 was adopted unanimously, although we have been informed that Messrs. Martinez and Munoz voted against the adoption of the ordinance. A clarification of these matters would assist our reconsideration.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us within twenty days of your receipt of this letter of the course of action the City of Beeville plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Voting Section Attorney David Hunter at 202/633-3849.

Sincerely,

A handwritten signature in dark ink, appearing to read "Drew S. Days III", with a horizontal line underneath the name.

Drew S. Days III
Assistant Attorney General
Civil Rights Division