U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General *Washington, D.C. 20530*

22 JAN 1982

Jeffrey A. Davis, Esq.
Reynolds, Allen, Cook,
Pannill & Hooper
1100 Milam Building, 16th Floor
Houston, Texas 77002

Dear Mr. Davis:

This is in reference to the redistricting of the commissioners precincts of Uvalde County, Texas, 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 received initially on October 29, 1981, and was completed by a corrective supplement on November 23, 1981.

We have made a careful analysis of the information that you have provided, the events surrounding the enactment of the change, the information in our files with respect to prior plans and elections in Uvalde County, and comments and information provided by other interested parties. On the basis of that analysis, we are unable to conclude that the new plan for the redistricting of commissisoners precincts does not have a discriminatory purpose or effect.

Our review of this matter shows that Uvalde County, like other Texas counties, is divided into four commissioners precincts, which are required, under the Fourteenth Amendment, to be equalized in population following decennial censuses. According to the 1980 census, the population of Uvalde County is 22,441, of whom Mexican-Americans constitute 55.5 percent. Because the plan previously in use had been held in violation of the one-person, one-vote requirement of the Fourteenth Amendment (Mata v. White, C.A. No. DR-79-CA-27 (W.D. Tex. Feb. 7, 1980)) the county, in 1981, adopted a new plan, which provides districts of relatively equal population.

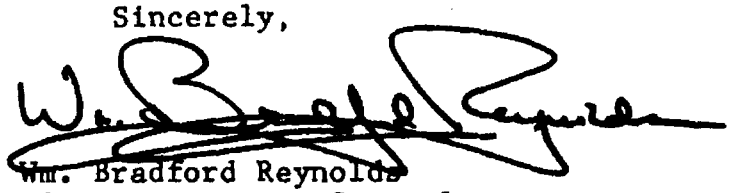
Our analysis of the submitted plan indicates that its likely effect will be to dilute the voting strength of Mexican-American residents of Uvalde County. Our research indicates that polarized voting between Anglos and Mexican-Americans exists. Under the proposed plan Mexican-American voters will be able to elect a candidate of their choice to the commissioners' court in only one district, although Mexican-Americans now constitute a majority of the county's population. It would appear, also, that the plan unnecessarily fragments the Mexican-American community by placing an overly large number of Hispanics into Precinct 2 and dividing the remainder between Precincts 1 and 4, with the result that Mexican-American voters will not have a substantial influence on the election of commissioners in but one precinct. Moreover, our research further indicates that a plan which creates districts as equal in population as the adopted plan, and creates two districts in which Mexican-Americans would have a reasonable opportunity to elect candidates of their choice, could have been drawn without difficulty.

Under these circumstances we are unable to conclude, as we must under the Voting Rights Act, that the submitted plan does not have the purpose and will not have the effect of abridging the right to vote on account of membership in a language minority group. See Beer v. United States, 425 U.S. 130, 141 (1976); Wilkes County v. United States, 450 F. Supp. 1168, 1177-78 (D.D.C. 1978), affirmed 439 U.S. 999 (1978); Georgia v. United States, 411 U.S. 538 (1973). Accordingly, on behalf of the Attorney General, I must interpose an objection to the redistricting plan.

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 neither has 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 (Section 51.44, 46 Fed. Reg. 878) 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 is obtained, the effect of the objection of the Attorney General is to make the 1981 plan legally unenforceable.

Because of the pending litigation concerning the districting of the commissioners precincts of Uvalde County, Mata v. White, supra, I am taking the liberty of providing a copy of this letter to the court and to counsel for the plaintiffs.

Sincerely,



Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

cc: Dorwin W. Suttle
United States District Judge

Jose Garza, Esq.

Jerry White
Uvalde County Judge