U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

18 FEB 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 on February 4, 1982. As pointed out in your submission, the fact that there is pending litigation, a hold over of incumbent commissioners and the need to prepare for the May 1, 1982 election, all require an expedited review of this submission. The analysis which follows is therefore based on the facts presently available to us. We are prepared, of course, to consider any supplemental information you may wish to provide.

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 commissioners 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 provided for districts of relatively equal population. The 1981 plan was submitted for preclearance pursuant to Section 5 of the Voting Rights Act and on January 22, 1982, a timely objection was interposed.

As with the previous plans, our analysis of the current plan under submission indicates that its inevitable effect will be to dilute the voting strength of Mexican-American residents of Uvalde County. For instance, our review shows that this plan, as did the 1981 plan, unnecessarily fragments the Mexican-American community by placing a large number of Mexican-Americans in Precinct 2, while dividing the remaining Mexican-American concentration in the City of Uvalde between Precincts 1 and 4. The plan accomplishes this result through the use of a strange hourglass configuration for which the county has presented no explanation reflecting a legitimate state interest.

This fragmentation has the effect of minimizing the potential voting strength of the Mexican-American citizens of Uvalde County. Under the proposed plan Mexican-Americans stand a clear chance of electing a candidate of their choice to the commissioners court in only one precinct, although they constitute a majority of the county's population. In this regard, while we note the county's representation that proposed Precinct 4 is 65% Mexican-American, our analysis of the census data indicates that the percentage is well below that figure. We are particularly concerned about this discrepancy because applying the stated percentages accompanying your latest submission to the percent populations provided result in between 500 to 600 more Mexican-Americans in the county than established by the census count. Without a clarification of these inconsistencies, we are unable to preclear the current submission. As stated in the January 22, 1982, letter of objection, our research indicates that a logically formulated plan, including districts which meet one-person, one-vote standards, and two districts in which Mexican-Americans would have a reasonable opportunity to elect candidates of their choice, can be 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: Fred Shannon
United States District Judge

Jose Garza, Esq.

Jerry White
Uvalde County Judge