

APR 16 1976

Mr. James W. Smith, Jr.
County Attorney
Frio County
P. O. Drawer V
Pearcall, Texas 78061

Dear Mr. Smith:

This is in response to your letter of January 19, 1976, in which you submitted to the Attorney General resolutions of the Frio County Commissioners' Court of July 13 and August 13, 1973, which redistricted the four commissioner precincts and established new voting precincts, respectively, pursuant to Section 5 of the Voting Rights Act of 1965. Your letter and the attached materials were received by this Department on February 23, 1976.

We have considered the submitted changes and supporting materials as well as information and comments received from other interested parties. Our review and analysis show that the commissioner precinct lines as drawn unnecessarily dilute Mexican-American voting strength in the county. According to the 1970 Census, Frio County is 69.1% Mexican-American, 29.3% Anglo and 1.1% black. According to information available to us, proposed Commissioner Precinct 3 is approximately 97% Mexican-American and deviates from the norm of an ideal (population) district of 2,790 by 499, thereby exceeding the norm by 17.9%. Meanwhile, Commissioner Precinct 2, approximately 60% Anglo, is 674 (-24%) people under the norm. Thus, it would appear that the precinct with the highest percentage of Mexican-Americans is the most under-represented while the precinct with the highest percentage of Angles is the most overrepresented.

Our analysis further reveals that there is a history of ethnic bloc voting in Frio County. There is substantial evidence, including the absence of any Mexican-American representation on the 8-member reapportionment committee responsible for the plan under review, that Mexican-Americans are not afforded access to the political process in Frio County. When all of these considerations are noted, together with the configuration of the plan, particularly the elongated shape of Precinct 1 which emerges with only a 48% Mexican-American population, we cannot conclude, as we must under the Voting Rights Act, that this reapportionment does not have the purpose or effect of abridging the right to vote of the Mexican-American citizenry.

Accordingly, in view of our analysis and recent court decisions to which we feel obligated to give great weight, e.g., White v. Regester, 412 U.S. 755 (1973); Robinson v. Commissioners' Court, Anderson County, 505 F.2d 674 (1974), I must, on behalf of the Attorney General, interpose an objection to the 1973 redistricting of Frio County. In addition, since it is our understanding that state law requires that voting precinct lines conform with commissioner precinct lines, this objection also renders unenforceable any resulting changes in voting precincts.

Of course, as provided by Section 5 of the Voting Rights Act, you have the alternative of instituting an action in the United States District Court for the District of Columbia seeking a declaratory judgment that the present submission does not have the purpose and will not have the effect of denying or abridging the right to vote to members of a language minority group in the county. However, until and unless such a judgment is obtained, the 1973 Frio County redistricting plan is legally unenforceable. Therefore, since it is our

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understanding that primary elections are scheduled for two commissioner precincts on May 1, 1976, I would appreciate your advising me by April 23, 1976, of the steps you intend to take with respect to that election.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division