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October 13, 1976

Honorable Leo Darley
County Judge
County Courthouse
Uvalde, Texas 78801

Dear Judge Darley:

This is in reference to the reapportionment of Commissioner's Court Precincts in Uvalde 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 August 14, 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 shows that, according to the 1970 Census, Uvalde County is 50.7% Mexican-Americans, 47.5% Anglo and 1.8% Black. Information available to us indicates that Commissioner Precinct 2 under the redistricting plan has an overwhelming concentration of Mexican-Americans, and in addition exceeds the norm of an ideal (population) district by a percentage of at least 11%. The other precincts, two of which are substantially underrepresented, apparently have deviations of similar scope resulting in a total deviation range in excess of 20%. Thus, it would appear that the precinct with the highest percentage of Mexican-Americans is the most underrepresented while at least two of the remaining precincts, each with evident Anglo population majorities, show deviations indicating overrepresentation.

We note that the reapportionment is based on registered voter statistics. Our experience indicates that Mexican-Americans generally have a lower rate of voter registration than do Anglos. Thus an apportionment based on registration data is likely to have a dilutive effect on the vote of Mexican-Americans. See Ely v Klahr, 403 U.S. 108, 113-15 (1971) (Douglas, J., concurring). Our analysis further shows that there is evidence that Mexican-Americans have not been afforded access to the political process in Uvalde County. When these considerations are noted, together with the configuration of the plan, particularly with the elongated hour-glass shape of precinct 1 which is developed with the Mexican-American population in the minority, 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 citizens of Uvalde County.

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 (1975); Robinson v. Commissioner's Court, Anderson County, 505 F.2d 674 (1974), I must, on behalf of the Attorney General, interpose an objection to the 1973 redistricting of Uvalde County.

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 redistricting plan 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 Uvalde redistricting plan is legally unenforceable.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division