

APR 14 1978

Mr. William T. Armstrong  
Foster, Lewis, Langley, Gardner  
& Banack  
Attorneys at Law  
1655 Frost Bank Tower  
San Antonio, Texas 78205

Dear Mr. Armstrongs:

This is in reference to the reapportionment of commissioner precincts in Medina County, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was received on March 13, 1978. In accordance with your request expedited consideration has been given this submission pursuant to the procedural guidelines for the administration of Section 5 (28 C.F.R. 51.22).

We have given careful consideration to the information furnished by you as well as Bureau of the Census data and information and comments from other interested parties. On the basis of our analysis, we are unable to conclude, as we must under the Voting Rights Act, that the submitted reapportionment of commissioner precincts in Medina County will not have a discriminatory effect on the minority community of the county.

Our analysis reveals that, according to the 1970 Census, Mexican Americans constitute approximately 47% of the population of Medina County. Under the present plan, the county's population is disproportionately distributed among the four precincts, violating the one person-one vote principle. Mexican Americans constitute 56.69% of the population in Precinct 1 and 49.68% of Precinct 3. While we recognize that the proposed plan substantially remedies the one person-one vote problems in the existing plan, in our view the effect of the new plan is to perpetuate denial of access by Mexican Americans to the political process in Medina County.

cc: Public File  
A4881

In spite of the Mexican American 56.69% population majority in Precinct 1 that group has been unable to achieve representation on the County Commission. We are, therefore, unable to conclude that the new plan's precincts having 55.66% and 50.89% Mexican-American majorities would serve to remove the political disadvantage currently suffered by the minority community in Medina County. See, e.g., Kirksey v. Board of Supervisors of Hinds County, 554 F.2d 139 (1977).

Under these circumstances, therefore, I must, on behalf of the Attorney General, interpose an objection to the reapportionment plan for Medina County here under submission.

We have noted that widespread publicity was given and public input was invited in connection with the adoption of this plan. We further note that at least two other plans were considered, one of which was offered by the Mexican American Legal Defense and Educational Fund (MALDEF). The MALDEF plan, while noncontiguous due to the inclusion in Precinct 1 of all of several separate segments of Census enumeration district (ED) 7, contains a precinct with a significant Mexican-American majority of 74% and could easily be modified to remove the contiguity problems while only slightly increasing the deviation.

Sections 51.23 to 51.25 of the Attorney General's Section 5 guidelines (28 C.F.R. 51.23-51.25) permit reconsideration of the objection should you have new information bearing on the matter or should the County Commission alter its plan so as to alleviate the dilutive effects discussed above. We are aware of the upcoming elections scheduled for May 6, 1978, and in view of that the Attorney General will be happy to expedite any such request for reconsideration. In any event please notify us immediately, by telephoning Voting Section Attorney David H. Hunter at 202/739-3849, of the action the Commissioners Court plans to take.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the District Court for the District of Columbia that this change has neither the purpose nor the effect of abridging the right to vote on account of race, color or membership in a language minority group. However, until such time as the objection may be withdrawn or a judgment from the District of Columbia Court is obtained, the legal effect of the objection by the Attorney General is to render the change in question unenforceable.

Sincerely,

Drew S. Days III  
Assistant Attorney General  
Civil Rights Division