



ASSISTANT ATTORNEY GENERAL

United States Department of Justice

WASHINGTON, D.C. 20530

AUG 17 1979

Mr. G. V. Jackson, Jr.
Office of the City Clerk
City of San Antonio
P. O. Box 9066
San Antonio, Texas 78285

Dear Mr. Jackson:

This is in reference to the polling place location for Precinct 205 for the April 7, 1979 municipal election in San Antonio, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on June 18, 1979.

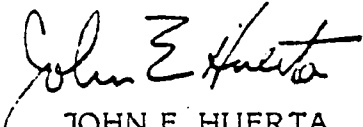
We have given careful consideration to the information provided by you as well as information and comments from other interested parties. Our analysis reveals that District 6 is majority Mexican-American, that Precinct 205 is heavily Mexican-American, and that a pattern of racial bloc voting exists in District 6. Our analysis further reveals that the location of the polling place for Precinct 205 at Our Lady of the Lake University, although a suitable location for future elections, was on April 7, 1979 inaccessible to voters because of construction that blocked the two main thoroughfares leading to the university. The inaccessibility of the polling place was further aggravated by the lack of public notice concerning the exact location of the polling place on the campus.

Under Section 5 the submitting jurisdiction has the burden of proving that the voting change was not adopted with a discriminatory purpose or effect. See Beer v. United States, 425 U.S. 130 (1976); Wilkes County v. United States, 450 F. Supp. 1171 (D.D.C. 1978), affirmed U.S. Law Week 3391 (Dec. 4, 1978) (No. 78-76). See also 28 C.F.R. 51.19. The facts described above lead us to conclude that you have not sustained your burden of demonstrating that the polling place change for Precinct 205 did not have the purpose or effect of discriminating against Mexican-American voters in District 6 at the April 7, 1979 election. Accordingly, on behalf of the Attorney General, I must interpose an objection to that location.

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 has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. In addition, the Procedures for the Administration of Section 5 (28 C.F.R. 51.21(b) and (c), 51.23, and 51.24) 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 obtained, the effect of the objection by the Attorney General is to make the change in polling place location legally unenforceable.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us within twenty days of your receipt of this letter of the course of action the City of San Antonio plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call the Director of the Section 5 Unit Mr. John P. MacCoon at 202-724-7439.

Sincerely,


JOHN E. HUERTA
Acting Assistant Attorney General
Civil Rights Division

Jane Macon, Esq.
City Attorney
Post Office Box 9066
San Antonio, Texas 78285

24 MAR 1980

Dear Ms. Macon:

This is in reference to your request for reconsideration of the objection interposed on August 17, 1979, to the change in polling place location of Precinct 205 for the April 7, 1979, municipal election in San Antonio, Texas. The final supplement of your request was received on February 29, 1980.

In our letter of objection of August 17, 1979, we noted that our analysis at that time revealed that the location of the polling place for Precinct 205 at Our Lady of the Lake University was objectionable because of an apparent lack of notice of the location of the polling place in this predominantly Mexican-American precinct, and because of the inaccessibility of the polling place caused by construction work on 24th Street. These conclusions were based in part upon information provided by the former city clerk, Mr. G.V. Jackson, Jr., that the city did not provide notice of the exact location of the polling place on the campus of Our Lady of the Lake University, nor of the alternate routes of entry to the polling place other than the partially closed 24th Street entrance.

Subsequent to our August 17, 1979, objection you have adduced new and substantial evidence that the information previously supplied to us by the city clerk and others was erroneous. You have demonstrated that notice of the exact location of the polling place for Precinct 205 was published bilingually in two newspapers serving San Antonio, and that signs indicating alternate routes of access to the polling place were situated at several locations on election day. Furthermore, your random survey of voters in Precinct 205 has demonstrated that voters were generally familiar with the campus of Our Lady of the Lake University and the alternate routes of access to the polling place other than those blocked by construction on 24th Street. You have also presented information which shows that the voter turnout in Precinct 205 was not significantly different from that in comparable precincts during the April 7, 1979, municipal elections.

After a careful analysis of the newly submitted information and comments from other interested parties, I conclude that an objection is no longer warranted. Therefore, on behalf of the Attorney General, I withdraw the objection previously interposed to the polling place change for Precinct 205 during the April 7, 1979, municipal election in San Antonio.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division