



United States Department of Justice

WASHINGTON, D.C. 20530

ASSISTANT ATTORNEY GENERAL

William T. Armstrong, Esq.
Foster, Lewis, Langley,
Gardner & Banack
1655 Frost Bank Tower
San Antonio, Texas 78205

11 DEC 1979

Dear Mr. Armstrong:

This is in reference to the redistricting of county commissioner precincts, justice of the peace precincts and voting 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 October 12, 1979.

We have given careful consideration to the information you have provided as well as to that available from Bureau of the Census data and from other interested parties. Our analysis reveals that the proposed change in the line dividing Commissioner Precincts 1 and 3 does little to change the situation to which the Attorney General interposed an objection on April 14, 1978. A comparison of the 1979 plan with the 1978 plan reveals an increase in the minority population of 1.47 percent in proposed Precinct 3. When compared with the only legally enforceable plan (pre-1978), an increase of 7.20 percent (49.68 to 56.88) is noted in Precinct 3, while Precinct 1 has been reduced by 12.26 percent from 56.69 percent to 44.43 percent in minority population.

As we indicated in our letter of April 14, 1978, Mexican Americans have been unable to achieve representation on the County Commission with a population majority of 56.69 percent in existing Commissioner Precinct 1. An increase of .19 percent as represented by the 56.88 percent total minority population in Precinct 3 would hardly seem to change this situation. Although Mexican Americans will have a population majority in Precinct 3, they likely will be unable to elect a candidate of their choice because of the fall-off in that percentage due to a smaller voting age population and a lower registration rate among Mexican Americans, and because of the racially polarized voting pattern that seems to exist in Medina County.

In addition, as indicated in our letter of April 14, 1978, it has been demonstrated that the minority population of Medina County is concentrated in such a way as to make it possible to develop a plan that would include a district which would include a minority percentage of the population at a level that would assure minority voters meaningful access to the political process. See, e.g., Mississippi v. United States, C.A. No. 78-1425 (D. D.C. June 1, 1979) and United Jewish Organizations v. Carey, 430 U.S. 144 (1977). Furthermore, we have been presented with no justification for the continued substantial fragmentation of the Mexican American community in the City of Hondo.

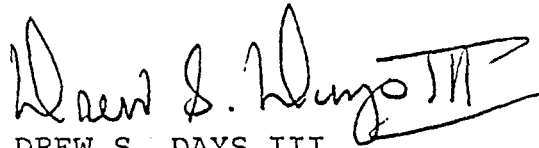
Under Section 5 the submitting authority has the burden of proving that the change in question is neither retrogressive nor unconstitutional with respect to protected minorities. Beer v. United States, 425 U.S. 130, 141-142 (1976). Under the circumstances I must conclude that, for the same reasons described in my letter of objection of April 14, 1978, Medina County has again failed to sustain its burden of proof. Therefore, on behalf of the Attorney General, I must object to the submitted reapportionment plan.

With regard to the changes in the justice of the peace precincts and the voting precincts, no determination will be made at this time pending resolution of the redistricting issue since the realignments of the justice of the peace and voting precincts are dependent upon the change in Commissioner precinct lines.

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, color, or membership in a language minority group. 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 redistricting of the commissioner precincts 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 what course of action the County plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Ms. Donna Clarke (202--724-7440) of our staff, who has been assigned to handle this submission.

Sincerely,

A handwritten signature in dark ink, appearing to read "Drew S. Days III". The signature is written in a cursive style with a horizontal line extending from the end.

DREW S. DAYS III
Assistant Attorney General
Civil Rights Division