

21 DEC 1979

George Wikoff, Esq.
City Attorney
City of Port Arthur
P. O. Box 1089
Port Arthur, Texas 77640

Dear Mr. Wikoff:

This is in reference to the referendum election on collective bargaining (Ordinance No. 79-108) scheduled for January 19, 1980, in the City of Port Arthur, Jefferson 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 November 20, 1979.

On March 24, 1978, an objection was interposed on behalf of the Attorney General to voting changes occasioned by the consolidation of the Cities of Lakeview, Pear Ridge and Port Arthur. The basis for this objection was the dilutive effect on minority voting strength.

It is our position that Section 5 requires that no election in which the voting changes occasioned by the consolidation are to be implemented, except elections likely to provide a basis for curing the dilutive effects of the consolidation, may be conducted by the City of Port Arthur until this objection is removed.

The special referendum election called for January 19, 1980, does not have the potential for remedying the objection interposed on March 24, 1978. It would, however, permit persons living in Pear Ridge and Lakeview—the areas whose consolidation with Port Arthur has been objected to—to vote along with residents of the pre-consolidation city. Under the circumstances, this would constitute a violation of Section 5. Accordingly, on behalf of the Attorney General I must object to the submitted referendum election.

cc: Public File

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 However, until the objection is withdrawn or the judgment from the District of Columbia Court obtained, the effect of the objection by the Attorney General is to make the referendum election legally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 City of Port Arthur plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Mr. Jess Vigil (202/724-6676) of our staff, who has been assigned to handle this submission. Please refer to File No. C7763 in any written response to this letter so that your correspondence will be properly channeled.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division