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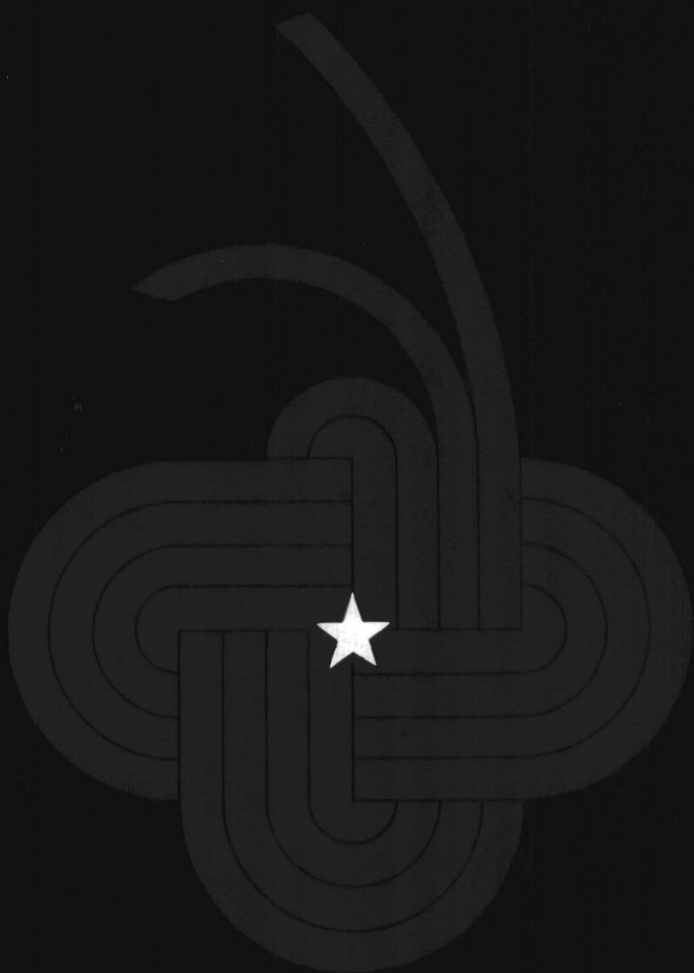
# Reapportionment in Texas

Texas Advisory Committee  
to the United States  
Commission on Civil Rights

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A pamphlet of the Texas Advisory Committee to the United States Commission on Civil Rights. The report is the result of the committee's study of the reapportionment process in Texas. It is available for sale to the public for \$1.00. For more information, contact the Texas Advisory Committee.

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# **THE UNITED STATES COMMISSION ON CIVIL RIGHTS**

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to discrimination or denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such time as the Commission, the Congress, or the President shall deem desirable.

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## **PREFACE**

The Constitution of the United States prohibits discrimination in voting based on race, color, or previous condition of servitude. Despite this prohibition and legislation passed to enforce it, numerous practices have been used by units of government to deny minority citizens the ability to exercise fully their right to vote. Some of these practices have included intimidation, harassment, the use of literacy tests, and the requirement of a poll tax.

While some of the practices no longer exist, certain strategies are employed by office holders in power that adversely affect the voting strength of minorities. One of these strategies is reflected at times in the process of reapportionment or redistricting wherein the boundary lines of election districts are redrawn on the basis of revised census data.

This publication is to inform citizens of the basic elements of the reapportionment process and to call attention to its importance on the local and county level. Past research by the Texas Advisory Committee has shown that there is a significant underrepresentation of minorities elected as county commissioners, justices of the peace, and constables. With reapportionment, the potential exists to increase the number of minority Texans elected to these positions.

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## BACKGROUND

The U.S. Commission on Civil Rights, in carrying out its mandate to investigate complaints alleging denial of the right to vote by reason of race, color, religion, sex, or national origin, has continually gathered information on voting rights issues around the country. As the "eyes and ears" of the Commission, the State Advisory Committees have played a major role in keeping the Commission informed on these issues.

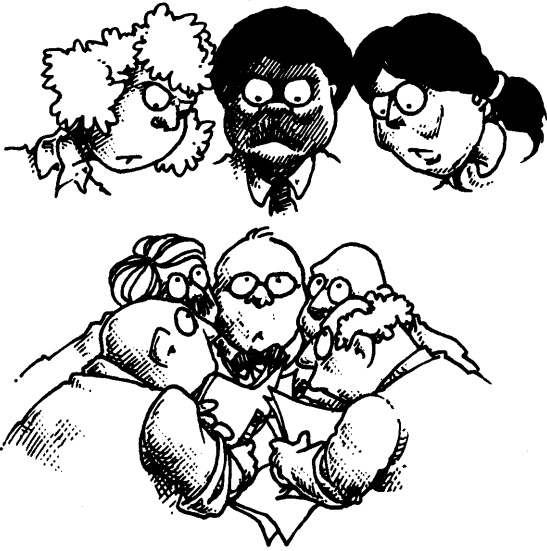
The Texas Advisory Committee has made a special effort to keep informed of the political participation of minorities in the State. In 1980, the Committee released a ten-year assessment of civil rights in Texas. One of those reports, *A Report on the Participation of Mexican Americans, Blacks, and Females in the Political Institutions and Process in Texas: 1968-1978*, contains the following observation:

"Almost every aspect of the Texas political system—especially the arena of electoral politics—has an extensive history of legal barriers to full and effective participation and representation by Mexican Americans and blacks."

Because of its assessment that minorities in Texas have a low participation rate in the political process, the Texas Advisory Committee is submitting this statement to the U.S. Commission on Civil Rights and the people of the State dealing with one very important aspect of that process: reapportionment.

It is hoped by the Committee that this information will be helpful in providing insight into the reapportionment process and thereby increase the political participation of all citizens.

The late Earl Warren, former Chief Justice of the United States Supreme Court, frequently stated that the most important and far-reaching decisions of the courts involved reapportionment or redistricting. He felt that these decisions were even more significant than those dealing with school desegregation, employment or any of the other areas of civil rights. The requirement to redistrict or reapportion applies to all single-member districts from which public officials are elected. In Texas, this includes members of the U.S. Congress, the State Senate and the House of Representatives, the county commissioners, justices of the peace, constables, and members of city councils in most of the State's largest cities.



Many statewide organizations such as the National Association for the Advancement of Colored People, the League of United Latin American Citizens, the League of Women Voters, and the Mexican American Legal Defense and Education Fund, carefully monitor the Congressional and State legislative reapportionment process. There are, however, 254 counties in Texas and each elects four (4) county commissioners, as well as justices of the peace and constables. Most of the election districts from which each of these officials are elected will be reapportioned or redistricted during this year. The Texas Advisory Committee to the U.S. Commission on Civil Rights cannot overstate the importance of this reapportionment process.

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## THE PROCESS OF REAPPORTIONMENT

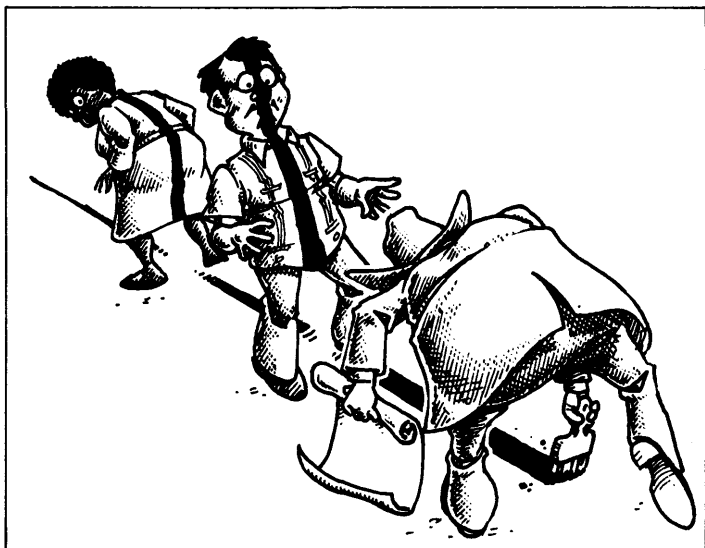
The process of reapportionment is a deceptively simple one. Basically, it involves dividing up the population so that each elected official represents an equal number of persons. Sometimes this is referred to as the one-person-one-vote principle. It is important to note, however, that it is the size of the population, not the number of registered voters, that must be used to reapportion. Since the courts have said that population must be used as the basis for reapportionment, the publication of the census has become the point at which the process of reapportionment begins. The census data are now available and each unit of government which elects its representatives by single-member districts is bound by law to consider whether in the light of population shifts redistricting is necessary.

Redistricting is important because whoever controls the drawing of boundaries for the districts determines who is likely to be represented and the characteristics of the representatives. The process will help determine whether elected officials will be minority or non-minority, and urban or rural. In turn, the makeup of the elected bodies determines, in a large part, what type of legislation will be passed, how the goods and services will be divided among the people, how local tax revenues will be generated and spent, and who will receive certain jobs on the local, county and State level.



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## HISTORY OF REAPPORTIONMENT IN TEXAS



Advisory Committee studies and periodic analysis by the news media have indicated clearly that elected officials in Texas do control the reapportionment/redistricting process. Frequently this results in a marked tendency to dilute the votes of minority persons. Recognized minority group communities such as barrios and black neighborhoods have often been divided by the redrawing of election district boundaries so that it is virtually impossible to elect Mexican Americans or blacks to office.

Take the election of county commissioners. Four commissioners are elected in each Texas county and each commissioner is elected from one of four election districts. If blacks, for example, constitute a majority in one of the districts, the chance of electing a black commissioner appears good. However, if district boundaries are drawn as they have been in the past so as to ensure that no district contains a black majority, the election of a black commissioner will be difficult if not impossible.

As a consequence of longstanding redistricting practices, the first black county commissioner in Texas was not elected until 1976. While there are more Mexican American commissioners, the vast majority serve in South Texas counties where Mexican Americans account for 60 to 90 percent of the population.

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## WHAT SOME CITIZENS HAVE DONE

The nature of reapportionment will be determined by those elected officials who are currently in office. Citizens can have an effect on this process by expressing informed interest, encouraging their representatives to act in accordance with established reapportionment standards, and monitoring the developments.

Reapportionment in Texas is now taking place. The population data from the U.S. Census were received by the Governor of the State on April 1, 1981. These data have been made available to the cities and counties in Texas. Some units of government will move very quickly to reapportion while others may refuse to take any action at all. In either event, citizens can make a difference as indicated in the following examples of citizen participation.

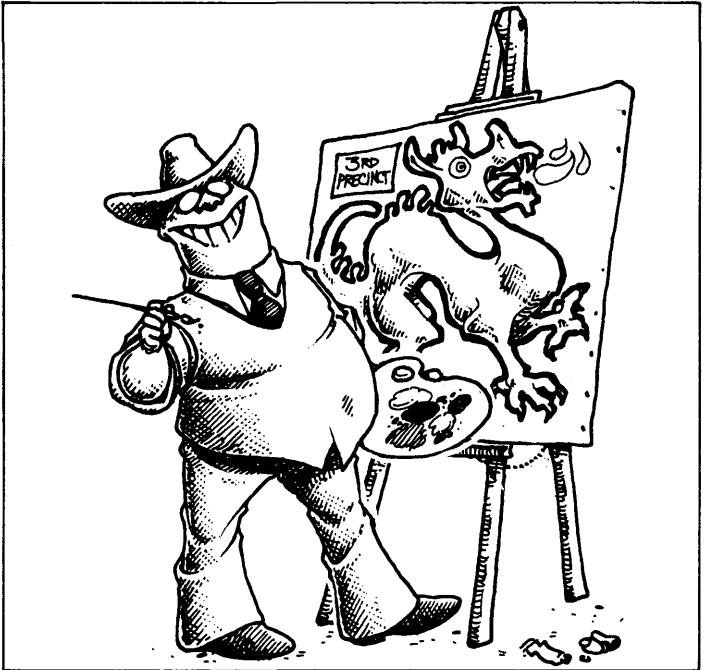
In some cases persons interested in the reapportionment process at the county level have visited the county judge or have appeared at a meeting of the commissioners' court to express their interest in reapportionment. After talking to the judge or the commissioners, they have followed up on the conversation with a letter reiterating their interest and requesting notice of any activity or meeting at which the reapportionment process will be discussed.

In such a meeting with the judge or the commissioners, these persons have indicated their concern that the election districts resulting from the reapportionment process be drawn fairly. Some people refer to unfairly drawn lines as gerrymandering. Gerrymandering may result in diluting the political force of minority people by dividing or sometimes even by overconcentrating them. Equitable drawing of district lines helps to ensure that a minority candidate has a reasonable opportunity of being elected.

The pertinent Federal legislation in this connection is the Voting Rights Act of 1965. This Federal law requires that the covered jurisdiction (unit of government) submit its changes to the U.S. Department of Justice and prove that such changes are not discriminatory. Each county in Texas that draws an apportionment plan must get the approval of the Department of Justice before the new plan can be implemented.

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# THE STANDARDS FOR REAPPORTIONMENT



The adequacy of reapportionment plans are generally judged against two major standards:

1. The districts should be approximately equal in population;
2. Recognized communities of interest, such as the area of the city or county where minority groups live, should be maintained intact.

Equal population among districts is achieved by referring to the census data. In areas with more than 10,000 persons, the census will report the population by census tract and by city block. It is thus relatively easy to use the census data. It is usually said that the persons planning reapportionment should strive for absolute population equality among the districts. But the courts have allowed small deviations, usually no more than 10 percent, when they are required by geographical features or are necessary to avoid dilution of the minority vote.

It is also said that in addition to being equal in population, the election districts must be compact and contiguous.

This means that each district should be drawn so that all parts are in relatively close proximity. Stated another way, districts which resemble dragons or centipedes with long

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noses are strongly discouraged and usually disapproved. Dilution of the minority vote is avoided by drawing reapportionment plans in such a way as to avoid the division of existing communities of interest. That is, minority neighborhoods should be kept intact as much as possible. In a State such as Texas, this is the most important criterion.

There are other facts that may be considered in the reapportionment process. The most significant are geographic in nature. These include the location of rivers, streams, mountains and the like. Frequently, these natural boundaries are used to make up the borders of the districts. In addition, the residence location of incumbents and the equalization of road mileage are sometimes considered. While it is proper to take these secondary matters into consideration, they seldom, if ever, justify substantial departures from the equal population or the no-minority-dilution standards.

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## **MORE INFORMATION IS AVAILABLE**

The Texas Advisory Committee to the U.S. Commission on Civil Rights considers the reapportionment process now underway one of the most important civil rights issues of the decade. This is true for many reasons. Among them is the significant fact that the new Administration in Washington has indicated that much of the money coming to State and local governments will be in the form of block grants. If minority concerns are to be addressed in the use of these funds, it is critical that there be minority influence in the election of officials to these levels of government.

Because of the importance of this issue, the Texas Advisory Committee has asked the Southwestern Regional Office of the U.S. Commission on Civil Rights to serve as a clearinghouse to provide additional information and references to sources of assistance. The materials available are those which have grown out of the Commission's study of this vital issue, and they are available to individuals and groups who request them.

Contact: **U.S. Commission on Civil Rights**  
**Southwestern Regional Office**  
418 South Main  
San Antonio, Texas 78204  
(512) 229-5570

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## TEXAS FACTS

Texas is the second largest State in the Union in size and the third largest in population, according to the 1980 Census of Population. There are 14,228,383 persons in Texas, of whom 2,985,643 (21%) are Mexican American and 1,710,250 (12%) are black. There are more counties in Texas (254) than in any other State.

Of the 1,016 county commissioners in Texas, only 4 (less than 1%) were black and 54 (5.3%) were Mexican Americans in 1978. If elected in proportion to their percentage of the State's population, at least 213 Mexican Americans and 122 blacks would serve as county commissioners. Of the 150 State Representatives in Texas, only 19 (13.6%) are Mexican American and 13 (9%) are black. If elected in proportion to their percentage of the State's population, Mexican Americans and blacks would number 32 and 18 respectively in the State's House of Representatives.

Of 31 State Senators in Texas, only 3 (10%) are Mexican American and there are no blacks. If elected in proportion to their percentage of the State's population, at least 7 Mexican American and 4 blacks would serve as State Senators.

Of the 24 members of the U.S. Congress from Texas, only 2 (8%) are Mexican American and 1 (4%) is black. According to the 1980 census Texas will be allotted 27 Congressmen. If blacks and Mexican Americans were elected to the Congress on the basis of their proportion of the population, there will be 3 blacks and 5 Mexican Americans.

*NOTE:* None of the foregoing is meant to imply that minorities *ought* to attain office, or can *only* attain office through the questionable practice of racially polarized voting. The Advisory Committee's chief concern is that some redistricting practices are designed deliberately to mitigate against the election of highly qualified minority officer seekers.

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