

MAR 23 1976

Mr. W. F. Leigh  
Attorney at Law  
Western Insurance Building  
Pecos, Texas 79772

Dear Mr. Leigh:

This is in reference to the imposition of a numbered posts requirement in the election of aldermen for the Town of Pecos City, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was received November 17, 1975 and completed on January 23, 1976.

We have given careful consideration to the submitted change and the supporting information as well as data compiled by the Bureau of the Census and information and comments from interested parties. On the basis of our analysis we are unable to conclude, as we must under the Voting Rights Act, that the imposition of the numbered posts voting requirement in the context of at large elections for aldermen with staggered terms will not have the proscribed discriminatory effect. Our analysis, moreover, indicates a strong possibility that racial bloc voting exists in Pecos City. Recent Supreme Court decisions, to which we feel obligated to give great weight, indicate that the combination of the above features may have the effect of abridging minority voting rights under circumstances such as exist in Pecos City. See White v. Regester, 412 U.S. 755 (1973); Whitcomb v. Chavis, 403 U.S. 124 (1971).

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For the foregoing reasons, I must on behalf of the Attorney General interpose an objection to the imposition of the numbered post requirement in Pecos City. Of course, Section 5 permits your seeking a declaratory judgment from the United States District Court for the District of Columbia that the change does not have the proscribed purpose or effect. However, until such a judgment is rendered by that court, the legal effect of the objection by the Attorney General is to render the changes in question legally unenforceable.

Sincerely,

J. Stanley Pottinger  
Assistant Attorney General  
Civil Rights Division