

MAY 5 1976

Mr. Jack Schulze  
Superintendent, Pettus  
Independent School District  
Post Office Box 16  
Pettus, Texas 78146

Dear Mr. Schulze:

This is in reference to the imposition of a numbered post provision and the bilingual election procedures for the Pettus Independent School District, Bee 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 March 6, 1976.

The Attorney General does not interpose any objection to the bilingual election procedures for the Pettus Independent School District. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such change.

In regard to the addition of the numbered post voting requirement to the at-large election of school board members, after carefully examining this change with supporting information and comments from interested parties, as well as analysis of recent court decisions, we are unable to conclude, as we must under the Voting

Rights Act, that the imposition of the numbered post requirement in the context of the at-large election system for the school board will not have a racially discriminatory effect. Our analysis reveals that Mexican-Americans constitute a substantial proportion of the population of the Pettus Independent School District and that there are significant indications that bloc voting along ethnic lines exist. Under such circumstances, recent Supreme Court decisions, to which we feel obligated to give great weight, indicate that the combination of the above features would have the effect of abridging minority voting rights. In our analysis we have given careful scrutiny to the factors enunciated in White v. Regester, 412 U.S. 755 (1973) and its progeny. See, also, Zimmer v. McKeithen, 485 F.2d 1297 (5th Cir. 1973) and Graves v. Barnes, 378 F. Supp. 640 (W.D. Tex. 1974).

For the foregoing reasons, I must on behalf of the Attorney General interpose an objection to the imposition of the numbered post feature for electing school board members in the Pettus Independent School District. Of course, Section 5 permits seeking approval of all changes affecting voting by the United States District Court for the District of Columbia irrespective of whether the changes have previously been submitted to the Attorney General. However, until such a judgment is rendered by that court, the legal effect of the objection by the Attorney General is to render the change in question legally unenforceable.

Please advise us within 20 days of the steps that you intend to take to comply with this decision.

Sincerely,

J. Stanley Pottinger  
Assistant Attorney General  
Civil Rights Division