

DJ 166-012-3
X1770

MAY 21 1976

Mr. R. L. Burton
Superintendent
Trinity Independent School District
Trinity, Texas 75862

Dear Mr. Burton:

This is in reference to the change to a numbered post provision for the election of the Board of Trustees of Trinity Independent School District, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on March 22, 1976.

We have given careful consideration to the information furnished by you. On the basis of our analysis, we are unable to conclude, as we must under the Voting Rights Act, that the use of numbered posts will not have a racially discriminatory effect in the conduct of elections in Trinity Independent School District.

Our analysis reveals that blacks constitute a substantial proportion of the population of Trinity Independent School District and that bloc voting along racial lines may exist. Under these circumstances, recent court decisions, to which we feel obligated to give great weight, suggest that the combination of such features as designated posts and at-large elections have the potential for abridging minority voting rights. See White v. Regester, 412 U.S. 755 (1973); Whitcomb v. Chavis, 403 U.S. 124 (1971).

Accordingly, on behalf of the Attorney General I must interpose an objection to the implementation of the numbered post provision of electing the Board of Trustees for Trinity Independent School District. Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the 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. Until such judgment is rendered by that Court, however, the legal effect of the objection by the Attorney General is to make the change in question legally unenforceable.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division