

JUL 29 1976

Mr. Russell R. Murphy  
Assistant Superintendent  
Marshall Independent School  
District  
Marshall, Texas 75679

Dear Mr. Murphy:

This is in reference to the change to a majority vote requirement for election to the Board of Trustees for Marshall 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 May 31, 1976.

We have given careful consideration to the information furnished by you as well as Bureau of the Census data 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 a majority vote requirement will not have a racially discriminatory effect in the conduct of elections in Marshall Independent School District.

Our analysis reveals that blacks constitute a substantial proportion of the population of Marshall 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, indicate that a majority vote requirement in the context of at-large elections has 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 majority vote requirement for election to the Board of Trustees for Marshall 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 or color. 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