

JSP:JPT:JKT:wmd:vm
DJ 166-012-3
X9082, 9242-9245

Mr. Noel B. Coolidge, President
Interim Board of Trustees
Proposed Westheimer Independent
School District
Suite 200, 777 South Post Oak Blvd.
Houston, Texas 77056

Dear Mr. Coolidge:

This is in reference to the January 15, 1977, special election implementing a new governmental body, the Westheimer Independent School District of Harris 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 December 17, 1976. In accordance with your request expedited consideration has been given this submission pursuant to the procedural guidelines for the administration of Section 5 (28 C.F.R. Section 51.22).

We have given careful consideration to the materials and information you have submitted, as well as information and comments from other interested parties. We have given particular attention to the relative potential for minority members in the affected area to achieve adequate representation in school affairs under the status quo and under the proposed change. In the course of our review, we have received comments from interested persons alleging that one of the reasons for the proposal to create the Westheimer District was to separate the predominately white-anglo Westheimer area from the HISD because of the emerging minority political influence on the HISD board. Such comments point out that the Westheimer district was first proposed shortly after the 1969 HISD elections where minority-backed candidates first gained control of the board and shortly after the HISD had been ordered to undertake substantial

school desegregation. The materials which accompany your submission do not refute such allegations. In addition it appears that minority residents in the proposed Westheimer District will have no realistic opportunity to achieve the sort of representation in the proposed Westheimer Independent School District that they now enjoy in the Houston Independent School District. Finally, minority parents in the Houston Independent School District whose children, in order to enjoy the benefits of a desegregated education, attend schools located in what would be the Westheimer Independent School District would be disfranchised with respect to all matters relating to the education of their children.

For the above reasons, therefore, we are unable to conclude, as we must under the Voting Rights Act, that the submitting authority has met its burden of showing that the proposed change does not have the purpose and will not have the effect of discriminating on account of race or membership in a language minority group. Consequently, I must on behalf of the Attorney General interpose an objection to the January 15, 1977, special election implementing a new governmental body, the Westheimer Independent School District.

The effect of this objection is to make the election legally unenforceable. Of course, the Voting Rights Act provides that a declaratory judgment that this change does not have the proscribed purpose or effect may be sought in the United States District Court for the District of Columbia notwithstanding this objection.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division