

Mr. Douglas Prewitt
Assistant Superintendent
Lufkin Public Schools
Post Office Drawer 1407
Lufkin, Texas 75901

Dear Mr. Prewitt:

This is in reference to the imposition of the numbered place feature and majority vote requirement for the election of school board members in the Lufkin Independent School District, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on January 26, 1977. Although we noted your requests for expedited consideration, we have been unable to respond until this time.

We have given careful consideration to the information furnished by you, as well as demographic data, the decision in David v. Garrison, C.A. No. TY-73-CA-113 (E.D. Texas Jan. 27, 1975), and information furnished by other interested parties. Our analysis reveals that blacks constitute approximately 28 percent of the population of the school district, that with one exception blacks have not been elected to the school board, and that bloc voting along racial lines may exist.

Under these circumstances, recent Supreme Court decisions, to which we feel obligated to give great weight, indicate that the combination of the numbered place and majority requirements with an at-large election system may have the effect of abridging minority voting rights. See White v. Regester, 412 U.S. 755 (1973); Beer v. United States, 425 U.S. 130 (1976); United Jewish Organizations v. Carey, 45 U.S.L.W. 4221 (U.S. March 1, 1977). We are unable to conclude, as we must under the Voting Rights Act, that these requirements will not have a racially discriminatory effect.

Accordingly, I must on behalf of the Attorney General interpose an objection to the imposition of the numbered place system and the majority vote requirement for electing school board members in the Lufkin 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 to numbered place and majority vote legally unenforceable.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division