

OCT 3, 1977

Mr. J. W. Booher  
Assistant Superintendent for  
Business  
Lamar Consolidated Independent  
School District  
Administration Building  
930 East Stadium Drive  
Rosenberg, Texas 77471

Dear Mr. Booher:

This is in reference to the bilingual election procedures for the Lamar Consolidated Independent School District, Fort Bend County, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on August 4, 1977.

In regard to the bilingual written materials used by the school district, the Attorney General does not interpose any objection to the change in question. 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 school district's bilingual oral assistance program, we have given careful consideration to the information furnished by you as well as 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 Lamar Consolidated Independent School District's bilingual oral assistance program does not have a discriminatory effect on Mexican Americans in the school district.

Our analysis reveals that Mexican Americans constitute a significant proportion of the population of the Lamar Consolidated Independent School District and that a substantial proportion of the Mexican Americans need assistance because they are illiterate in both English and Spanish. Leaders in the Mexican American community consider it very important that people chosen to provide assistance in Spanish be identified with the Mexican American community in order for language minority citizens to participate fully and effectively in the electoral process. In addition, Section 55.16 of the Interpretative Guidelines on the Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups (41 Fed. Reg. 29990 (1976)) sets forth the following as a guide for compliance with the language minority requirements of the Voting Rights Act:

A jurisdiction is more likely to achieve compliance with these requirements if it has worked with the cooperation of and to the satisfaction of organizations representing members of the applicable language minority group.

The school district has supplied no information revealing contacts or communications with representatives of Mexican Americans in the community who would be knowledgeable about the need for bilingual oral assistance and who would be able to suggest Mexican Americans to provide such assistance. Neither have our contacts with the Mexican American community established that any such contacts or consultations by the school district have been made. More importantly, however, information we have received from the Mexican American community indicates that Mexican Americans in fact consider the oral assistance that is available inadequate to assure effective voting by those needing assistance.

Under Section 5 of the Voting Rights Act the burden is on the submitting authority to establish that the change submitted does not have a discriminatory effect. (See 28 C.F.R. 51.19). Our analysis does not show that the Lamar Consolidated Independent School District has carried that burden. Accordingly, I must, on behalf of the Attorney General, interpose an objection to the bilingual oral assistance program for the Lamar Consolidated Independent School District.

However, if you have information showing that our understanding of the school district's bilingual oral assistance program is incorrect, or if the school district changes its oral assistance program to more accurately reflect the needs of the Mexican American community, you may ask the Attorney General to reconsider his objection. See our Section 5 Guidelines, 28 C.F.R. Sections 51.21, 51.23 and 51.24. Such information might include, for example, evidence of consultations with Mexican American groups in the school district and the use of interpreters suggested by such groups, appointment of Mexican Americans as election judges and clerks, rather than just interpreters, and other evidence of input from Mexican Americans in the community in the formulation of the school district's bilingual program.

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 does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race, color or membership in a language minority group. However, until such time as the objection may be withdrawn or a judgment from the District of Columbia Court obtained, the legal effect of the objection by the Attorney General is to make the change in question unenforceable.

Sincerely,

Brew S. Hays III  
Assistant Attorney General  
Civil Rights Division

NOV 15 1977

Mr. J. W. Booher  
Assistant Superintendent for  
Business  
Lamar Consolidated Independent  
School District  
Administration Building  
930 East Stadium Drive  
Rosenberg, Texas 77471

Dear Mr. Booher:

This is in reference to your request that the Attorney General reconsider his October 3, 1977, objection under Section 5 of the Voting Rights Act of 1965, as amended to the bilingual oral assistance program for the Lamar Consolidated Independent School District, Fort Bend County, Texas. Your request for reconsideration was received on October 17, 1977. 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 information which you have recently forwarded as well as information and comments from interested parties. We have taken particular note of the fact that you have consulted with representatives of the Voter Registration and Education Project in Fort Bend County and assigned Mexican American clerks suggested by them to the polling places used by the school district. On the basis of this, it is our opinion that the school district's bilingual oral assistance program will now assure that language minority citizens who need assistance to effectively realize their right to vote will receive such assistance.

Therefore, on behalf of the Attorney General, I am withdrawing the objection to the bilingual oral assistance program for the Lamar Consolidated Independent School District. The decision to withdraw the objection is based on our understanding that the oral assistance procedures now in effect (i.e. consultations with Mexican American groups in the community on the need for and provision of oral assistance) will be used for all elections conducted by the school district.

Sincerely,

Drew S. Days III  
Assistant Attorney General  
Civil Rights Division