



ASSISTANT ATTORNEY GENERAL

United States Department of Justice

WASHINGTON, D.C. 20530

JAN 18 1979

Mr. Earnest L. Langley
Witherspoon, Aiker & Langley
Attorneys at Law
P. O. Box 1818
Hereford, Texas 79045

Dear Mr. Langley:

This is in reference to the adoption of a numbered place requirement for election to the Board of Trustees of Hereford 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 received on November 20, 1978.

We have given careful consideration to the information presented by you and to information and comments from other interested parties. Under Section 5 of the Voting Rights Act, the submitting authority has the burden of proving that a proposed change will not have a racially discriminatory purpose or effect. (See Georgia v. United States, 411 U.S. 526 (1973) and 28 C.F.R. 51.19). Given the potentially discriminatory effect which the courts have found present in numbered place systems (see Dunston v. Scott, 336 F. Supp. 206 (E.D. N.C. 1972)), we are unable to conclude that the burden of proving that the implementation of a numbered place system in Hereford I.S.D. will not have such an effect has been met. Accordingly, on behalf of the Attorney General, I must interpose an objection to the implementation of a numbered place system of election in Hereford I.S.D.

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 or effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. In addition the Procedures for the Administration of Section 5 (28 C.F.R. 51.21 (b) and (c), 51.23, and 51.24) permit you to request the Attorney General to reconsider the objection. However, until the objection is withdrawn or the judgment from the District of Columbia Court obtained, the effect of the objection by the Attorney General is to make the change to a numbered place system legally unenforceable.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us within twenty days of your receipt of this letter of the course of action the Hereford Independent School District plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Voting Section Attorney David Hunter at 202--633-3849.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division