

8 AUG 1980

Richard G. Sedgeley, Esq.
1301-609 Yannin Building
Houston, Texas 77002

Dear Mr. Sedgeley:

This is in reference to the adoption of numbered posts by the Cleveland Independent School District in Liberty 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 June 12, 1980.

Under Section 5, the District has the burden of proving that the submitted change to numbered posts will not result in a retrogression in the position of black voters in the district and that it will not transgress constitutional limits with respect to black voters. See Bear v. United States, 425 U.S. 130 (1976). See also 28 C.F.R. 51.19.

We have given careful consideration to the information you have provided as well as to comments and information provided by other interested parties. In particular, we have noted that there is evidence of a general pattern of racially polarized voting in the Cleveland Independent School District. On the basis of our review, it does not appear that the adoption of numbered posts, given the racially polarized voting patterns mentioned above, will continue to afford blacks a fair opportunity to elect representatives of their choice.

Under the circumstances we are unable to conclude, as we must under Section 5, that the submitted change does not have a racially discriminatory purpose or effect. Accordingly I must, on behalf of the Attorney General, interpose an objection to the adoption of the change to numbered posts now under submission.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the United States 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, 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 However, until the objection is withdrawn or the judgment from the District of Columbia Court obtained, the effect of the objection by the Attorney General is to make the adoption of the numbered post scheme 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 what course of action the Cleveland Independent School District plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Andrew Karron (202-724-7403), of our staff, who has been assigned to handle this submission.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division