

MAR 16 1981

Mr. S. Gene Chance  
Superintendent, Liberty  
Public Schools  
P.O. Box 671  
Liberty, Texas 77575

Dear Mr. Chance:

This is in reference to the adoption of the numbered positions system by the Liberty 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, 42 U.S.C. 1973c. Your submission was completed on February 12, 1981.

We have given careful consideration to the information furnished by you as well as information and comments by interested parties. Our analysis reveals that blacks constitute a substantial proportion of the population of the Liberty Independent School District and that bloc voting along racial lines appears to exist. It would seem that the addition of the numbered positions system in the District, when the number of voters, by race and voting pattern in the past are considered, will make it more difficult for black voters to elect candidates of their choice and will inhibit their full and equal participation in the District's political process.

Under Section 5 of the Voting Rights Act the submitting authority has the burden of proving that a submitted change has no discriminatory purpose or effect. See, *e.g.*, Georgia v. United States, 411 U.S. 526 (1973); see also Section 51.39(e) of the Procedures for the Administration of Section 5 (46 Fed. Reg. 878). For the foregoing reasons, I must on behalf of the Attorney General interpose an objection to the imposition of the numbered positions system in the context of at-large elections.

cc: Public File

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 (Section 51.4, 46 Fed. Reg. 878) 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 However, until the objection is withdrawn or the judgment from the District of Columbia Court obtained, the effect of the objection by the Attorney General is to make the use of the numbered positions system legally unenforceable.

We understand from your telephone conversation of March 6, 1981, with Mr. Jones of our Voting Section that you do not plan to implement the change in next month's election in view of the objection. If our understanding is correct, please confirm it within twenty days of your receipt of this letter. If you have any questions concerning this letter, please feel free to call Carl W. Gabel (202-724-7439), Director of the Section 5 Unit of the Voting Section.

Sincerely,

JAMES F. TURNER  
Acting Assistant Attorney General  
Civil Rights Division