

MAR 19 1976

Mr. John R. Slater  
Superintendent, Orange Grove  
Independent School District  
Drawer L  
Orange Grove, Texas 78372

Dear Mr. Slater:

This is in reference to the imposition of a numbered post requirement in the election of the School Board, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was received on January 19, 1976.

We have given careful consideration to the submitted change and the supporting information as well as the data compiled by the Bureau of the Census and 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 imposition of the numbered post voting requirement in the context of at large elections for members of the Board of Trustees with staggered terms will not have a racially discriminatory effect. Recent Supreme Court decisions, to which we feel obligated to give great weight, indicate that the combination of the above features may have the effect of abridging minority voting rights in the Orange Grove Independent School District. E.g., White v. Regester, 412 U.S. 755 (1973); Whitcomb v. Chavis, 403 U.S. 124 (1971).

For the foregoing reasons, I must on behalf of the Attorney General interpose an objection to the numbered post requirement in the context of at-large elections. Of course, Section 5 permits your seeking a declaratory judgment from the United States District Court for the District of Columbia that the change does not have the proscribed purpose or effect.

Sincerely,

J. Stanley Pottinger  
Assistant Attorney General  
Civil Rights Division