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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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TEXAS *v.* UNITED STATES

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

No. 97–29. Argued January 14, 1998– Decided March 31, 1998

In 1995, the Texas Legislature enacted a comprehensive scheme (Chapter 39) that holds local school boards accountable to the State for student achievement in the public schools. When a school district falls short of Chapter 39's accreditation criteria, the State Commissioner of Education may select from 10 possible sanctions, including appointment of a master to oversee the district's operations, Tex. Educ. Code Ann. §39.131(a)(7), or appointment of a management team to direct operations in areas of unacceptable performance or to require contracting out of services, §39.131(a)(8). Texas, a covered jurisdiction under §5 of the Voting Rights Act of 1965, submitted Chapter 39 to the United States Attorney General for a determination whether any of the sanctions affected voting and thus required preclearance. While the Assistant Attorney General for Civil Rights did not object to §§39.131(a)(7) and (8), he cautioned that under certain circumstances their implementation might result in a §5 violation. Texas subsequently filed a complaint in the District Court, seeking a declaration that §5 does not apply to the §§39.131(a)(7) and (8) sanctions. The court did not reach the merits of the case because it concluded that Texas's claim was not ripe.

Held: Texas's claim is not ripe for adjudication. A claim resting upon "'contingent future events that may not occur as anticipated, or indeed may not occur at all,'" is not fit for adjudication. *Thomas* v. *Union Carbide Agricultural Products Co.*, 473 U. S. 568, 581. Whether the problem Texas presents will ever need solving is too speculative. Texas will appoint a master or management team only after a school district falls below state standards and the Commissioner has tried other, less intrusive sanctions. Texas has not pointed to any school district in which the application of §39.131(a)(7) or (8) is currently

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foreseen or even likely. Even if there were greater certainty regarding implementation, the claim would not be ripe because the legal issues Texas raises are not yet fit for judicial decision and because the hardship to Texas of withholding court consideration until the State chooses to implement one of the sanctions is insubstantial. See *Abbott Laboratories* v. *Gardner*, 387 U. S. 136, 149. Pp. 4–6.

Affirmed.

SCALIA, J., delivered the opinion for a unanimous Court.