

AUG 3 1973

Honorable William J. Baxley
Attorney General
State of Alabama
Montgomery, Alabama 36104

Dear Mr. Attorney General:

This is in reference to your submission to the Attorney General pursuant to Section 3 of the Voting Rights Act of 1965 of Act No. 1483, Acts of Alabama, Regular Session 1971, which we received June 4, 1973.

We have considered the submitted changes and supporting information, data compiled by the Bureau of the Census as well as the opinion and decree in Thomas v. Miss, 317 F. Supp. 179 (S.D. Ala., 1970). On the basis of this information we cannot conclude, as we must under the Voting Rights Act of 1965, that these changes will not have a racially discriminatory effect on the voting rights of racial minorities. Consequently, on behalf of the Attorney General I must interpose an objection to the candidate qualification provisions outlined in Act 1483. While we recognize the state's legitimate interest in eliminating frivolous candidacies, it is our judgment that to require such a large number of signatures or the filing of a "peoplers oath", in view of the population, registration and economic statistics of the City of Mobile may well discourage or prohibit minority candidates from seeking election.

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While we realize the difficulties caused by conclusions here, we are persuaded that the Voting Rights Act requires this result. Of course, Section 3 permits you to seek a declaratory judgment from the District Court for the District of Columbia that the changes herein found objectionable neither have the purpose nor will have the effect of denying or abridging the right to vote on account of race.

Sincerely,

J. STANLEY FOTTINGER
Assistant Attorney General
Civil Rights Division