T. 6/19/68

SJP:KLJ:JAB:kaj:efw
~~DJ 166-0-6~~ DJ 166-012-3
~~#10 000-4~~

Mr. Arthur K. Bolton
Attorney General
132 Judicial Building
40 Capitol Square
Atlanta, Georgia 30334

Dear Mr. Bolton:

This letter is in reply to your letter of April 19, 1968 submitting to the Attorney General, pursuant to Section 5 of the Voting Rights Act of 1965, the amendments to the Georgia Election Code adopted by the Georgia General Assembly in the 1968 Session.

As you are aware, the Voting Rights Act of 1965 provided for the suspension of literacy tests and other devices in certain states and counties where, in the judgment of the Congress, such tests and devices had been used to discriminate on account of race. Georgia was one of the states covered by this suspension.

Due to the suspension of the test previously required by the state, it is reasonable to anticipate that there are now more registered electors who require assistance than in 1964 when it appears that unlimited assistance to illiterate voters was allowed by the Georgia Election Code. One of the principle bases for Congress' action in suspending the tests was to insure that equal voting rights would be enjoyed by Negroes.

On this background, it is my judgment that the State of Georgia has a special burden in justifying the reduction, in Section 13 of Act No. 997,

cc: ✓Records
Chrono
Pollak
Dunbaugh
Johnson
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Trial File
Chaney (Rm. 1311)

of the number of illiterate electors who may be assisted by an individual able elector. Such justification would have to meet the standards set out in U.S. v. State of Mississippi, 256 F. Supp. 344 (S.D. Miss., 1966) and Morris v. Fortson, 261 F. Supp. 538 (N.D. Ga., 1966). As you are aware, the court in Morris said that limiting to one the number of illiterate electors who may be assisted by an able elector was unreasonable but the allowance of ten was reasonable.

Your submission with your letter of April 19, 1968 did not include any facts which show the reasonableness of the reduction to five other than your illustration concerning the capacity of a normal passenger vehicle.

Under these circumstances, I must, on behalf of the Attorney General, interpose an objection to the change contained in Section 13 of Act No. 997. Should you wish to present a justification for the reasonableness of the change, the Attorney General would be pleased to reconsider his position in light of those facts.

Sincerely,

STEPHEN J. POLLAK
Assistant Attorney General
Civil Rights Division