

BJ 166-012-43  
#68-32-VRA5-1

MAR 18 1970

Honorable Robert Morgan  
Attorney General  
State of North Carolina  
P. O. Box 629  
Raleigh, North Carolina 27602

Dear Mr. Attorney General:

This is in reference to the Constitution of the State of North Carolina, as amended (1969) which was submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965.

Article VI, Section 4 of the Constitution as amended requires an applicant, as a qualification for registration as a voter, to be able to read or write any section of the Constitution in the English language. It is our view that this provision clearly imposes a literacy requirement for registration and that such a requirement, if enforced, would violate the provisions of Section 4(a) of the Voting Rights Act of 1965. The Voting Rights Act amendments of 1970 extends the ban on literacy tests included in Section 4(a) of the 1965 Act to all states and political subdivisions. Therefore, I must, on behalf of the Attorney General interpose an objection to Section 4 of Article VI of the Constitution of the State of North Carolina, as amended (1969).

Should you wish to present justification for the provision objected to or evidence that its enforcement would not violate Section 4 of the Voting Rights Act of 1965 and the 1970 Amendments Act, we will consider the matter further. Of course, as provided by Section 5 of this Act, you have the alternative of instituting an action in the United States District Court for the District of Columbia for a declaratory judgment that the article objected to does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color.

Sincerely,

JERRIS LEONARD  
Assistant Attorney General  
Civil Rights Division