

AUG 1 1969

Honorable MacDonald Gallion  
Attorney General of Alabama  
State Capitol  
Montgomery, Alabama

Dear Mr. Attorney General:

This is in reference to Act No. 243, enacted on May 11, 1967 by the Alabama Legislature at the 1967 Special Session. In the case of Hadnett v. Amos, 394 U.S. 358 the Supreme Court of the United States held that this act was within the purview of Section 5 of the Voting Rights Act of 1965. Following this decision, copies of the act were submitted to the Attorney General pursuant to Section 5.

We have carefully examined and considered this law. The Garrett Act prevents newly organized political groups from trying first to have their candidates elected in a party primary before determining to run as independents. A newly organized group, such as the National Democratic Party of Alabama, which directs a major effort at Negro voters newly registered under the Voting Rights Act, cannot, under this system, first attempt to prevail in the Democratic Party primary before turning to independent candidates. Nor could it wait until the day of the primary before deciding whether to run independently. Because of these factors and because of the experience of the NDPA prior to the general election of 1968, I have concluded that the Garrett Act will have the effect of discriminating against Negro voters on account of their race, and of denying them an effective voice in general elections held in Alabama.

In the absence of information showing the contrary, I must, on behalf of the Attorney General, interpose objections to the implementation of this act.

Should you wish to present justification for the changes in election procedures provided for by the Garrett Act, the Attorney General will gladly reconsider his position. Of course, as provided for by Section 5 of the Voting Rights 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 such changes in election and voting procedures do 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