

DEC 26 1972

DJ 166-012-3

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

Dear Mr. Attorney General:

This letter is in reference to your submission to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965 of Act Numbers 1585 and 2445, Acts of Alabama, Regular Session 1971, which we received May 30, 1972. Additional information pertinent to Act Numbers 1585 and 2445 was received from July 5, 1972, through August 24, 1972. Further information relevant to your submission was requested on October 20, 1972, and received October 24, 1972.

We have considered the submitted changes and supporting information as well as data compiled by the Bureau of the Census and information and comments from interested parties, including local and state officials of Alabama. On the basis of this information the Attorney General will not object to the provisions in Act Number 1585 abolishing Justice of the Peace Courts or to the changes in Act Number 2445 which establish Justice Courts for each county.

However we are unable to conclude as we must under the Voting Rights Act, that the provision in Act Number 2445 making the office of judge for the Justice Courts appointive will not have the purpose or effect of abridging the voting rights of racial minorities. Therefore, on behalf of the Attorney General, I must interpose an objection to that provision.

We recognize the state's legitimate interest in reforming its court system to conform to constitutional mandates. Our decision to object, however, is based on information indicating that in many counties in which Justice of the Peace Courts existed prior to Act Number 1585, Negroes have sought and won election to that office and our belief, based on relevant accumulated data, that the opportunity similarly to win election as judge of the newly created Justice Courts is effectively negated by the appointive provisions of Act Number 2445.

While we realize the difficulties caused by these conclusions, we are persuaded that the Voting Rights Act requires this result. Of course, Section 5 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,

DAVID L. NORMAN  
Assistant Attorney General  
Civil Rights Division