

5/22/69

MAY 26 1969

DJ 166-012-3
~~#68-23 VRA5-1~~

Honorable A. F. Summer
Attorney General of Mississippi
New State Capitol Building
Jackson, Mississippi 39205

Dear Mr. Attorney General:

On April 4, 1969, the Honorable Joe T. Patterson and Mr. William Allain of your office, conferred with Attorney General Mitchell in Washington, D. C. At that time, General Patterson submitted, pursuant to Section 5 of the Voting Rights Act of 1965, copies of laws and a resolution enacted by the 1965 Extraordinary Session of the Mississippi Legislature.

We have carefully examined and considered this material. The Attorney General interposes no objections to the implementation of the amendments to Sections 3209.6, 3209.7, 3210, 3212, 3212.5 and 3235 of the Mississippi Code, and the amendments to the Mississippi Constitution made pursuant to Senate Concurrent Resolution No. 103, except to note that in so far as those statutes as amended and the amendments to the Constitution require literacy in order to register to vote, or to perfect that registration, that aspect of their implementation is suspended by force of Section 4 of the Voting Rights Act of 1965.

The Attorney General also interposes no objection to the implementation of the amendment to Section 3825.5-04 or to the repeal of Sections 3212.7, 3213, and 3217-01 through 3217-15.

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However, as provided for by Section 5 of the Voting Rights Act, the Attorney General's failure to interpose any objections to the above enactments and to the amendments to the Constitution of Mississippi, will not bar an action to enjoin their enforcement because of racially discriminatory purpose or effect.

With regards to the repeal of Section 3273 of the Mississippi Code, which provided for assistance to illiterate voters in casting their ballots, I must, on behalf of the Attorney General, interpose an objection to the repeal of this statute. The obligation of the State of Mississippi and its election officials in primary and general elections to "provide to each illiterate voter who may request it such reasonable assistance as may be necessary to permit such voter to cast his ballot in accordance with the voter's own decision," was established in United States v. Mississippi, 256 F. Supp. 344 (S.D. Miss., 1966). On the basis of the material before me, I have concluded that a denial of assistance to illiterate voters would have the effect of denying and abridging the right to vote on account of race or color.

Should you wish to present justification for the repeal of Section 3273, the Attorney General will gladly reconsider his position in light of these facts. 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 the repeal of Section 3273 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