See also this file 31 May 71.

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VOTE LAW POLICY STIFFENED BY U.S.

States in South Must Prove Changes Are Nonracial

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WASHINGTON, May 25—The Justice Department has reversed itself and decided henceforth to block the enactment of all new election laws in the South unless the states can prove that the statutes do not foster racial discrimination.

The move represented a victory for a bipartisan bloc of liberal Senators, who had been working in private for months to persuade Attorney General John N. Mitchell to adopt a more stringent interpretation of the Voting Rights Act.

Under that act, passed in 1965 and extended last year, all changes in state and local election laws in seven Southern states must be cleared by the Attorney General or a rarely used special Federal court to make sure they do not dilute black voting strength.

Mitchell Has Refused

For the last eight or nine months, Mr. Mitchell has refused to block such election law changes when he was unable to determine within a 60-day review period whether or not they would have discriminatory effects.

Under a new set of guidelines, reported this morning by Senator Hugh Scott, Republican of Pennsylvania, and made public later by the Justice Department, the Attorney General will not allow such changes in election laws to go into effect when he cannot decide whether or not they have "a racially discriminatory purpose or effect."

The effect of the guidelines will be to put the burden of proving that new election laws do not discriminate on the states. Liberal members of Congress have regarded this all along as the intent of the Voting Rights Act.

The Justice Department communicated its decision yesterday to the Senators who had been most active in seeking it: Mr. Scott, the minority leader; Philip A. Hart, Democrat of Michigan, and Jacob K. Javits, Republican of New York.

Letter-Writing Drive

Over the last several months, these Senators organized a campaign of letter-writing to Mr. Mitchell by their colleagues, law professors and prominent lawyers and held a series of conferences with Justice representatives, pressing their position.

The Senators had periodic difficulty restraining some of their colleagues from making public speeches denouncing the Attorney General's handling of the Voting Rights Art. They believed—correctly, as it developed—that a revised policy could be negotiated if no public political charges were made.

The voting rights law froze election laws in the states with the poorest records of black voting participation, Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginai and parts of North Carolina. It required them to use the clearance procedure for all changes.

The necessity for such review has increased recently as a number of these states have been required to pass rapportionment statutes and have decided to reregister their voters.

When the Voting Rights Act came up ofr extension last year, Mr. Mitchell opposed continuing this screening requirement, maintaining that the Justice Department could proceed against any state law that proved to be discriminatory after it had been enacted.

When a Mississippi law that would have created a new open primary came before Mr. Mitchell last year for clearance, the Attorney General reported at the end of his 60 days' review that the evidence was contradictory as to whether it involved discrimination and thus he would not block its taking effect.

Late last month, a Federal court in Mississippidecidedthat the state could not put the law into effect because it had not been properly cleared by Mr. Mitchell. The case was filed by supporters of Mayor Charles Evers of Fayette, who argued that the law was designed to frustrate his campaign for Governor. Mr. Evers is black.