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Justice Department on Trial

Under the Voting Rights Act of 1965 it is the Justice Department's responsibility to certify the nondiscriminatory nature of any state legislation that affects voting procedures. The question of discrimination against minority groups was clearly at issue when the Arizona Legislature passed a law that "purged" the state's voting rolls by requiring all voters to re-register at ten-year intervals. As many of Arizona's Indians, Mexican-Americans and Negroes live in isolated rural areas, the effect of the new law was to lower the percentage of re-registrants among those segments of the population—and this was surely its intention. Yet Attorney General Mitchell approved the law. Instead of protecting minority voting rights, the Justice Department appeared to be acting against the spirit of the Federal statute.

Common Cause, the citizens' lobby headed by John W. Gardner, has now brought suit to force the Attorney General to rescind his earlier approval of the Arizona law. The legal action challenges the Justice Department's fact-finding and calls it acceptance of the re-registration requirement "capricious."

Special circumstances add significance to the court test. Two years ago Attorney General Mitchell lobbied hard but unsuccessfully to relieve the Justice Department of the responsibility for policing such changes in state voting procedures. It is reasonable to doubt the department's enthusiasm for its supervisory functions. The suit therefore aims quite properly at a review not only of the department's specific rulings but of the process by which such rulings are arrived at and of the standards applied in protection of minority rights.

The significance of the suit transcends Arizona's re-registration requirements. The real question is whether the Justice Department, instead of acting as guardian of citizens' rights, has ignored or acquiesced in partisan and discriminatory efforts to keep the power of the ballot out of the hands of disadvantaged minority groups.