October 2, 2015

The Honorable Loretta E. Lynch
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Dear Madam Attorney General:

We write to urge the Department of Justice (DOJ) to investigate whether Alabama’s closure of Department of Motor Vehicle (DMV) offices in counties with the highest minority populations, when the state recently enacted a photo ID law requiring voters to present a photo ID to vote, complies with Section 2 of the Voting Rights Act of 1965 (VRA), 42 U.S.C. § 1973. We ask DOJ to take legal action to block the law if your investigation confirms, as we believe it will, that the law will have a discriminatory impact on minorities’ ability to vote, and to request that the courts require Alabama to “preclear” its voting laws pursuant to Section 3 of the VRA.

Since the VRA was enacted 50 years ago, the Anti-Defamation League (ADL) has been a strong supporter of DOJ’s implementation efforts. We regard the VRA as one of the most important and most effective civil rights laws ever passed, and appreciate the impact it has had in eliminating discriminatory barriers to full civic participation for millions of Americans. There is no question that it has sparked significant advances for equal political participation at all levels of government.

Until the U.S. Supreme Court struck down part of the VRA in 2013 in Shelby County v. Holder, 133 S. Ct. 2612 (2013), Alabama was subject to preclearance requirements pursuant to Sections 4 and 5 of the VRA. In 2011 Alabama passed a photo ID law requiring voters to present a photo ID from a limited list of accepted documents, including drivers’ licenses, in order to vote.1 Alabama did not seek preclearance for the law, but announced immediately after the U.S. Supreme Court’s decision in Shelby County v. Holder that the voter ID law would go into effect for the primary elections in 2014.2

Beginning on October 1, 2015, thirty-one of Alabama’s DMV offices will no longer provide Drivers’ License Services.3 This means that residents in the following counties will have to travel to another county to obtain a driver’s license: Bibb, Bullock, Butler, Calhoun, Chambers, Cherokee, Choctaw, Clay, Cleburne, Coosa, Crenshaw, Fayette, Franklin, Geneva, Greene, Hale, Henry, Jackson, Lamar, Lawrence, Lowndes, Macon, Perry, Pickens, Randolph, Sumter, Tallapoosa, Washington, Wilcox, and Winston.4 Of the nine counties with the highest

---

4 Id.
percentage of black residents in the state, as of October 1, 2015, eight no longer have DMV offices that will issue drivers' licenses. Of the six counties in Alabama that were more than 70 percent black at the time of the 2010 census, all have ceased offering drivers' licenses to residents. In order to obtain a driver's license to vote, residents of those counties will now have to travel to at least another county. We believe this policy, in combination with Alabama's photo voter ID requirement, will disproportionately impact minorities and prevent eligible voters from exercising their fundamental right to vote.

Before the passage of the VRA in 1965, Southern states passed many laws aimed at disenfranchising minority voters, from poll taxes to literacy tests, consistently passing new laws when the courts struck down others. In *South Carolina v. Katzenbach*, 38 U.S. 301 (1966) the U.S. Supreme Court upheld the constitutionality of the VRA, describing the efforts to disenfranchise minority voters as "an insidious and pervasive evil which had been perpetuated in certain parts of our country through unremitting and ingenious defiance of the Constitution."

To be sure, the United States and Alabama are very different today than they were 50 years ago. Yet almost immediately after the Supreme Court’s decision in *Shelby County* essentially gutted the heart of the VRA, Alabama enacted a sweeping photo voter ID law. Combined with the new policies severely restricting access to drivers' licenses – one of the few documents accepted as photo voter ID in Alabama – in the counties with the highest black populations, we are concerned that Alabama may once more be acting in "ingenious defiance" of the Constitution. We urge the DOJ to take action not only to block this law with Section 2 of the VRA, but to request that the courts require Alabama to preclear future voting laws pursuant to Section 3.

We stand ready to work with you on this crucial endeavor, complementing the Department’s efforts by using the tools at our disposal to restore the right to vote to every eligible American.

Sincerely,

Deborah M. Lauter  
Director, Civil Rights

---

5 *State and County Quick Facts: Alabama*, U.S. Census Bureau, [http://quickfacts.census.gov/qfd/states/01000.html](http://quickfacts.census.gov/qfd/states/01000.html) (last visited (Oct. 1, 2015)). See also, *Alabama Black Population Percentage By County*, Index Mundi (last visited Oct. 1, 2015) (showing that the following counties have the highest percentage of black residents in Alabama, in descending order: Macon, Greene, Sumter, Lowndes, Wilcox, Bullock, Dallas, Perry, and Hale. Of those, only Dallas County has a DMV office that will issue drivers' licenses).