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## Senator Stennis Civil Rights Correspondence B03F20L07

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29 Civil Rts Gen

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## United States Senate

COMMITTEE ON ARMED SERVICES  
WASHINGTON, D.C. 20510

March 22, 1972

MEMORANDUM TO: SENATOR STENNIS

FROM : JOHN HAILMAN

RE : Supreme Court Decision Striking Down Tennessee Law  
Requiring One Year Residence to Vote

Yesterday, March 21, 1972 the U. S. Supreme Court struck down by 6-1 vote the Illinois law requiring one year's residence in the State before being allowed to vote for U. S. Congressman and in state and local elections. Justice Thurgood Marshall, in a 30-page opinion (which will not be available to the public until Thursday or Friday and of which I have ordered a copy), stated that any residency requirement over 30 days was unreasonable, unnecessary and violated the Equal Protection clause of the 14th Amendment and the "right to travel freely interstate." The decision invalidates the voter residency laws of 49 states, all except Minnesota.

The court's decision was not unexpected and was in line with earlier opinions on residency requirements to take state bar exams and receive welfare benefits. New Justices appointed by President Nixon, Rehnquist and Powell, did not participate. Chief Justice Burger was the lone dissenter, stating he thought a one year residency requirement a reasonable time for a new voter to familiarize himself with local state issues and policies to vote intelligently in a local election.

The Court's decision coincided with the 1970 Act of Congress requiring only a 30-day residence in a state in order to be eligible to vote in a federal presidential election. The Washington Post reported some local clerks said they were happy with the ruling since they now can keep only one set of voter registration books for presidential elections, and elections to U. S. Congress and all state offices, whereas before the ruling they would have had to keep two sets. Other clerks may feel, however, a severe additional administrative burden because of many new registrations for upcoming elections. Some parties to the lawsuit estimated some 5 to 8 million additional voters might now be eligible, or roughly an 8% increase in voters nationally. The New York Times speculated that this would have little political impact, however, since the newly eligible voters appear to be spread about equally over the country.

The lawsuit was brought by a law professor at Vanderbilt U. in Nashville, Tennessee, who had just moved there from New York.