

865.

SYNOPSIS—DISAPPROVAL, OF SYNOPSIS FOR PROPOSED LAW TO PROHIBIT INTERMARRIAGE OF WHITE PERSONS AND NEGROES.

COLUMBUS, OHIO, August 15, 1927.

MR. VERNON D. FULCRUT, *Columbus, Ohio.*

DEAR SIR:—You have submitted to me under date of August 8, 1927, for my certification under the provisions of Section 5175-29e, General Code, a synopsis of a proposed law to be embodied in an initiative petition. Said synopsis being in the following language:

“To prohibit the intermarriage of white persons and negroes, and to provide a penalty for the violation of said law.”

The pertinent part of Section 5175-29e is as follows:

“ATTORNEY GENERAL SHALL CERTIFY WHETHER SYNOPSIS IS A TRUTHFUL STATEMENT OF PROPOSED LAW OR AMENDMENT. Whoever proposes to file an initiative or referendum petition may submit to the Attorney General a fair and impartial synopsis of such proposed law or amendment and if such synopsis is a truthful statement of the contents and purpose of such proposed law or amendment he shall so certify. Such synopsis together with the Attorney General's certification may be printed in capital letters immediately following the notice provided for in Section 5175-29f. The text of the proposed law or amendment shall be printed in full at the end of each part of the petition.”

I am returning the same to you herewith without my certification for the reason that said synopsis is not a complete, truthful statement of the proposed law or amendment, because in addition to prohibiting intermarriage of white persons and negroes and providing a penalty for such intermarriage, it also makes it unlawful for any person authorized to solemnize marriages to perform a marriage ceremony in such cases, and provides a penalty for so doing. It also makes such a marriage null and void. In addition the proposed law defines a “negro” for the purposes of the act.

The synopsis as offered, makes no reference to the above subjects, and for this reason I can not make the certification requested.

I would consider the following to be a fair and impartial synopsis of the proposed law, to-wit:

“To prohibit and make unlawful the intermarriage of white persons and negroes and to make such marriages null and void; to make it unlawful for any person authorized to solemnize marriages to perform such marriage ceremony; to provide a penalty for violation of said law; and to define a ‘negro’ for the purposes of the act.”

Respectfully,
EDWARD C. TURNER,
Attorney General.