

THE PROPOSED 1965 VOTING RIGHTS BILL

The voting rights bill now before Congress was submitted by President Johnson on March 17. It is substantially broader than previous legislation, as it covers all elections, federal, state and local, and would remove all voting restrictions other than age, residence, felony conviction without pardon, or mental incompetence, in the areas in which it would apply. The bill is based on the voting rights provision of the 15th Amendment, which gives Congress the power to prevent denial of voting rights "on account of race, color, or previous condition of servitude." It provides for supervision of voter registration by federal voting examiners in states or electoral subdivisions of states which fail to meet standards embodied in the bill. These states or districts are defined as those where literacy tests or similar devices were used on November 1, 1964, and where less than 50% of the persons of voting age residing in the area were registered to vote on that date or actually voted in the 1964 Presidential election. The bill applies only to states or districts in which both conditions existed.

If a state or local government whose registration laws have been nullified in a three-judge court in the District of Columbia, with the right of direct appeal to the Supreme Court.

The bill's sanctions would come into play when the Attorney General informs the Civil Service Commission that discrimination exists in a particular state or district. The Attorney General may take such action on his own initiative or after receiving 20 or more written complaints from residents, which he judges to be bona fide. No court finding would be necessary. The Civil Service Commission would then appoint federal examiners to supervise voter registration in the district or districts involved. Once federal examiners entered an area, state laws governing

voter registration on the basis of age, residence, felony conviction and mental incompetence would remain in effect, but literacy tests would be barred, and the applicant would be required only to fill out a form giving his name, address and length of residence.

The following six southern states and one northern state would be affected in their entirety by the Administration's Bill: Mississippi, South Carolina, Alabama, Virginia, Georgia, Louisiana and Alaska. In addition, 34 North Carolina counties, and one county each in Maine, Arizona and Idaho would be affected. States seeking legal recourse against the bill may file suit in a three-judge federal court in the District of Columbia, maintaining that no discrimination against voters had occurred in the last 9 years. However, the Act could not be declared inapplicable in any state in which a U. S. court had found voter discrimination in the preceding 10 years. This provision ensures that the states of Alabama, Louisiana and Mississippi will come under the coverage of the Act for at least ten years following its passage, and the state of Georgia will do so for the next five years.

Various amendments have been offered to this administration bill, both by the Administration itself and by the House and Senate. The Senate bill, now passed, provides that federal examiners shall be appointed in all states and districts where less than 25% of the adult nonwhite population was registered. However, another provision would exclude from the coverage of the bill those states or districts with literacy tests and less than 50% of the voting-age population registered, but in which less than 20% of the eligible voters were nonwhite. Under this provision, Virginia would be excluded on a state-wide basis, though many of its counties would still fall under the bill. Senate amendments also broadened the state's opportunities for appeal from the enforcement of the act, by reducing the period during which no discrimination had occurred from 10 to 5 years, and in other ways. Furthermore, a district

within a state covered by the bill could free itself from sanctions by satisfying the Attorney General that more than 50% of the nonwhite voting-age population was registered. In states and districts without literacy tests, the Attorney General may bring suit against them, and the court authorize the appointment of examiners for as long as necessary.

Finally, a Senate amendment provides for the appointment of poll-watchers by the Attorney General in areas where Federal examiners have been appointed, to ensure that newly registered voters are actually allowed to vote and their votes tabulated. Under this provision, the courts may impound ballots until all those qualified by the examiners are allowed to vote and their ballots are counted.

The Senate version of the Voting Rights Bill was passed on May 26 and sent to the House. The House version, which is substantially similar, has been approved by the Judiciary Committee but not yet reported out. It differs mainly in the inclusion of an outright ban on all poll taxes, a feature which failed to pass the Senate, and is unlikely to survive in the final act. The final form will be produced, either by House acceptance of the Senate version, or by compromise of a joint Committee, sometime in July.

The number of registered Negroes in Louisiana now comprises 13.7% of the total of all voters. Louisiana, as is clear from the above figured, is one of the most extreme areas of Negro disenfranchisement. With the new voting rights bill, and vigorous voter registration and political organization campaigns by civil rights groups, this disenfranchised community can become an important political power in the state, rising from 13 to approximately 30% of the voting population.

Appendix: Listed below are selected parish figures for Louisiana and county figures for the five other southern states automatically falling under the provisions of the bill as it now stands. These figures

indicate some of the worst voter registration situations in the nation, and demonstrate how the law would come into effect.

	Voting Age Population	Voted in 1964 for President	Percent Voting
Louisiana:			
Caddo Parish	129,523	52,377	40.4
East Baton Rouge	124,893	63,787	51.1
Jefferson	113,073	69,735	61.7
Orleans	383,247	163,395	42.6
Cameron	3,881	2,447	63.0
East Carrol	7,173	1,749	24.4
West Feliciana	7,367	1,120	15.2
Mississippi:			
Tunica County	7,833	1,044	13.3
South Carolina:			
York County	41,995	15,638	37.2
Alabama:			
Dallas County	29,515	6,610	22.4
Georgia:			
Chattahoochee	9,891	439	4.4
Virginia:			
Norfolk County	174,799	51,546	29.5