

Sweeping Voting Rights Bill Proposed in 1965

President Johnson March 17 submitted to Congress a comprehensive voting rights bill designed to "strike down restrictions to voting in all elections -- federal, state, and local -- which have been used to deny Negroes the right to vote." In areas to which the bill would apply -- six Southern states and numerous counties and electoral subdivisions of other states -- all restrictions on voting other than age, residence, conviction of a felony without subsequent pardon, or mental incompetence would be abolished. If enacted substantially in its present form, the measure would be the strongest voting rights legislation to gain Congressional approval in 90 years.

In a televised address before an extraordinary Joint Session of Congress, Mr. Johnson March 15 issued a strong call for summary action on the measure. The President declared that "...the time for waiting is gone... outside this chamber is the outraged conscience of a nation -- the grave concern of many nations -- and the harsh judgment of history on our acts."

The proposed legislation received impetus from a month-long series of events in Selma, Ala., in which state and local authorities continually interfered with Negro demonstrations dramatizing discriminatory voter registration practices.

The Administration bill was the product of a series of conferences at which Senate Republican and Democratic leaders participated with top Justice Department officials in the actual drafting of the measure. Central figures in the talks were Senate Majority Leader Mike Mansfield (D Mont.), Senate Minority Leader Everett McKinley Dirksen (R Ill.), Senate Minority Whip Thomas H. Kuchel (R Calif.), Attorney General Nicholas deB. Katzenbach and Deputy Attorney General Ramsey Clark.

Selma Campaign

The 1964 Civil Rights Act was intended by its proponents to take the civil rights struggle "out of the streets and into the courts." But in several states the Negro was still denied the right to vote, either by strict requirements set by local officials, through administration of a stiff literacy test, or -- if he appealed to a court -- through unfavorable court action or through litigation periods so slow that in effect he was denied his vote in the election in question.

The Rev. Martin Luther King Jr., president of the Southern Christian Leadership Conference, decided to take the voting rights movement back into the streets in Selma, Ala., beginning Jan. 18 to "dramatize" to the nation the existing bars to Negro voting in many Southern states. Through the Selma campaign, King and other civil rights leaders hoped to arouse the nation's conscience by pointing out these difficulties.

King chose Selma for a number of reasons. By law, registration takes place only two days a month in Dallas County, of which Selma is the county seat. The actual registration process is lengthy because of the detailed requirements involved. An applicant must fill in more

than 50 blanks, write from dictation a part of the Constitution, answer four questions on the governmental process, read four passages from the Constitution and answer four questions on the passages, and sign an oath of loyalty to the United States and to Alabama. Negro registration in Dallas County has lagged substantially behind white registration. Figures from the 1960 census show that Dallas County is 57.6 percent Negro. Its voting-age population is 29,515 -- 14,400 whites and 15,115 Negroes. Yet when the Selma campaign began Jan. 18, of those 9,877 who were registered to vote, 9,542 were white and 335 were Negro. Between May 1962 and August 1964, only 93 of the 795 Negroes who applied to register were enrolled, while during the same period, 945 of the 1,232 applications from whites were accepted.

On April 13, 1961, the Justice Department had filed a suit to enjoin the Dallas County registrars from discriminating against Negro applicants. A Federal District Court Nov. 1, 1963, issued a permanent injunction against discrimination. In response to a motion for supplementary relief, stating that discrimination still prevailed, Federal District Judge Daniel H. Thomas Feb. 4, 1965, ordered the Board of Registrars to speed its voter registration processes, adding that if all those eligible and desiring to vote were not enrolled by July 1, he would appoint a voting referee under terms of the 1964 Civil Rights Act.

The civil rights leaders, dismayed by the results of previous court orders, continued to protest in the streets and in the courts. Negroes were joined by whites from all parts of the country. Clergymen of all faiths traveled to Selma to participate in the drive. The professed goal continued to be an agreement by the Board of Registrars to remain open every day until all Negroes who wished to vote were registered. However, a larger goal -- to arouse public sentiment in favor of a new voter rights law -- was also being effectively achieved. King made no secret of his hopes for the movement. He said Feb. 5, "We plan to triple the number of registered Negro voters in Alabama for the 1966 Congressional elections, when we plan to purge Alabama of all Congressmen who have stood in the way of Negroes." He added that "a state that denies people education cannot demand literacy tests as a qualification for voting."

Although the peaceful marches, by their size and frequency, attracted public attention, it was three violent actions which most aroused public sentiment. A 26-year-old Selma Negro, Jimmie Lee Jackson, who said he was shot in the stomach and clubbed by Alabama state troopers Feb. 18, died Feb. 26. A white Unitarian minister from Boston, Rev. James J. Reeb, 38, died March 11 of skull fractures inflicted when he was clubbed on the head by white men March 9 in Selma. And state troopers March 7, acting on orders from Gov. George C. Wallace (D Ala.), used tear gas, night sticks and whips to halt a march from Selma to Montgomery, the state capital, severely injuring about 40 marchers. Attorneys for civil rights groups immediately filed petitions with the U.S. District Court in Montgomery for a temporary restraining order against Wallace and the state troopers.

businesses to urging communities and smaller businesses to join the attack on discrimination.

A less optimistic view, however, was taken by Roy Wilkins, executive director of the NAACP. "As far as the Negro worker is concerned, the skilled and craft local and the building and construction trade are closed unions operating closed shops," he said.

RELATED DEVELOPMENT -- The President's Committee on Equal Employment Opportunity March 18 announced a program to coordinate anti-discrimination efforts in the construction industry by appointing area coordinators in 20 metropolitan areas. The coordinators would not actually be responsible for enforcing compliance with the non-discrimination clauses in contracts. This responsibility would remain with the "predominant interest agency" in each area, as designated by the Committee (GSA in some areas, HHFA in others, etc.). The coordinators would be charged with seeing to it that all federal agencies in an area act as one in regard to equal employment opportunity, working directly with the federal agencies in the field, contractors, sub-contractors, apprenticeships committees, unions, building trades councils and the like. The President's Committee has had the most difficulty in obtaining compliance with non-discrimination requirements in the construction industry, especially in view of the "closed" nature of a number of the highly skilled unions involved.

TITLE VIII -- REGISTRATION AND VOTING STATISTICS

The Law -- Title VIII directs the Census Bureau to gather registration statistics based on race, color and national origin and to determine to what extent such groups have voted in such geographic areas as the Civil Rights Commission recommends. A similar survey must also be conducted on a nationwide basis in connection with the 1970 Census.

Effect -- In January the Civil Rights Commission asked the Census Bureau to gather registration and voting statistics by race in Alabama, Mississippi and Louisiana. In a supplemental fiscal 1965 budget request, the Census Bureau asked for \$7.5 million to conduct such censuses. The amount was included in a fiscal 1965 supplemental appropriation bill but eliminated by a point of order on the House floor April 6 because it would be used in fiscal 1966 as well. Dr. A. Ross Eckler, Acting Director of the Census, told CQ that there would be a lead time of about six months between appropriation of funds and an actual census, leaving time for pre-testing of questions.

TITLE IX -- INTERVENTION AND REMOVAL OF CASES

The Law -- Title IX made reviewable in higher federal courts the action of federal district courts in remanding a civil rights case to state courts. (Under previous law, such a federal court order was not reviewable and a case had to be disposed of in the state courts -- often a protracted process -- before it could again be appealed through the federal courts.)

Title IX also authorized the Attorney General to intervene in private suits where persons alleged denial

of equal protection of the laws and where he certified that the case was of "general public importance."

Effect -- The removal section has yet to be construed fully by the federal courts.

The Justice Department utilized its new power of intervention Jan. 4 when it asked a U.S. District Court in Shreveport, La., for the right to intervene on behalf of a group of Negro students whose parents filed suit Dec. 2 against alleged discriminatory conduct by Bossier Parish school officials. It employed its power again to intervene in March in the Alabama federal court case relating to the civil rights march from Selma to Montgomery. (Weekly Report p. 428, 377)

TITLE X -- COMMUNITY RELATIONS SERVICE

The Law -- Title X created a Community Relations Service in the Department of Commerce to aid communities in resolving disputes relating to discriminatory practices.

Effect -- President Johnson appointed former Gov. LeRoy Collins (D Fla. 1955-60) to be director of the new Community Relations Service on July 2, the same day he signed the 1964 Civil Rights Act into law. The CRS received a fiscal 1965 appropriation of \$1.1 million and began to assemble a staff of persons trained in conciliation work. By March 31, it had filled all but four out of its 51 authorized staff positions.

Reports indicated that the CRS, carrying out its conciliation services with the minimum of publicity prescribed in the 1964 Act, had achieved a good measure of success in resolving local problems. As of March 31, it had handled cases in 96 communities in 23 states, including all 11 states of the old Confederacy. Of the 96 cases, 33 were listed as closed and 63 were still active. Access to public accommodations was involved in 28 cases, school desegregation in 17, public facilities desegregation in 4, housing and real estate in 10, general community tension in 22, law enforcement in 5, employment and labor practices in 11, and miscellaneous problems in 10 (Some cases involved multiple problems).

Greatest national attention was drawn to CRS activities when President Johnson dispatched Gov. Collins to Selma, Ala., in March 1965, to attempt mediation of the tensions aroused by Negro voting rights demonstrations there.

In a Feb. 3 speech in Nashville, Tenn., Collins said the "doomsday" prophecies of opponents of the 1964 Act "have not dawned" and that compliance with the law was better than many backers had expected. In the 19 states not having their own public accommodations laws, he said, there had been desegregation in more than two-thirds of the hotels, motels, chain restaurants, theatres, sports facilities, parks and libraries. "Whereas formerly the desegregated facility was the notable exception," Collins said, "it is now the segregated facility which stands out as the exception -- and consequently attracts the most notoriety." Despite the progress achieved, however, Collins said "the nation is still a long, lonely way down the road from the full enjoyment of civil rights by all citizens. Americans are still being degraded, cheated, threatened, terrorized and even brutally murdered -- for no other reason than that they are Negroes or allies of Negroes."

On March 16, Negro leaders presented to the court a detailed plan for the proposed march. On March 17, Judge Frank M. Johnson issued the injunction requested by the Negro leaders. At the same time he denied a Justice Department request for an order to prohibit interference with civil rights demonstrations in addition to the march from Selma to Montgomery, and he denied a petition from Gov. Wallace for an injunction forbidding the march. In a strongly worded opinion accompanying the injunction, Judge Johnson said, "It seems basic to our constitutional principles that the extent of the right to assemble, demonstrate and march peaceably along the highways and streets in an orderly manner should be commensurate with the enormity of the wrongs that are being protested and petitioned against. In this case the wrongs are enormous." Admitting that the order was going to the "outer limits" of what the Constitution allowed in peaceful assembly, the Judge added that "the wrongs and injustices inflicted upon these plaintiffs...have clearly exceeded...the outer limits of what is constitutionally permissible." The march then began again March 21. It ended five days later when King led a crowd estimated at about 30,000 to the steps of the Alabama capitol in Montgomery, where Jefferson Davis had been inaugurated president of the Confederacy.

On their march, the demonstrators had trudged 50 miles, pitching tents or sleeping in the open at planned intervals along their route. On the third day, 300 marchers walked 11 miles in a downpour and then camped in ankle-deep mud.

The marchers were protected by nearly 3,000 federalized National Guard troops and regular forces. President Johnson had federalized nearly 2,000 National Guardsmen at the request of Gov. Wallace, who declared that his state was unable financially to provide for the protection of the marchers.

In the meantime, sympathy marches and demonstrations had been called in every part of the country, all marked by calls for federal action. Republicans and Northern Democrats in both houses of Congress urged strong voting rights legislation. The National Assn. for the Advancement of Colored People March 8 called on the President to send troops to Selma to guard against recurrences of brutality against the marchers by state troopers. Several clergymen criticized the President for avoiding federal intervention to assure Negro voting rights as well as freedom from police brutality. The United Steelworkers Union March 12 sent telegrams to Gov. Wallace asking him to protect the rights of all Alabamans and to President Johnson urging him to take all steps necessary to protect lives in Alabama. In front of the White House in Washington, pickets maintained a round-the-clock vigil. There were sit-ins at the Capitol, in the White House and during rush hour across Pennsylvania Avenue in front of the White House, as well as demonstrations at the Justice Department. It was against this backdrop that the Administration submitted to Congress its voting rights proposals.

Administration Bill

The Administration proposal was based on the 15th Amendment to the Constitution, which maintains that no person shall be denied the right to vote "on account of race, color, or previous condition of servitude" and gives Congress the power to enforce its terms.

The bill called for a voter registration process supervised by federal voting examiners in states or electoral subdivisions which fail to meet standards embodied in the measure for allowing qualified applicants to vote. States or voting districts falling short of the bill's standards would be those in which literacy tests or similar devices were used as a qualification for voting on Nov. 1, 1964, and where the Director of the Census determined that less than 50 percent 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. If one condition but not the other existed in an area in November of 1964, the bill would not apply.

Prior Approval Provision. Before a state or local government whose voter-qualification law is nullified by the bill may enforce any new law, that government would have to obtain prior approval in a three-judge court in the District of Columbia, with the right of direct appeal to the Supreme Court. Federal judges outside the District of Columbia would thus be prohibited from hearing such cases. When asked during hearings March 18 before the House Judiciary Committee whether the intent of that provision was to exclude Southern judges from hearing such cases, Attorney General Nicholas de B. Katzenbach replied that the provision was added in order to simplify implementation of the Act. Katzenbach said otherwise three judicial circuits would be handling cases arising from the bill, and would establish different procedures in their adjudication.

Triggering Device. The machinery of the bill actually would be triggered when the Attorney General certified to the Civil Service Commission that discrimination against voters existed in a particular area or state to which the bill was applicable and that corrective federal action was necessary. The Attorney General would either make the certification on his own initiative or after receiving and deeming legitimate 20 or more written complaints from residents of an applicable area who claimed that they have been denied the right to vote on the grounds of race or color. The Civil Service Commission then would appoint as many federal examiners as were considered necessary to supervise voting registration in the voting district where discrimination occurred.

Role of Examiners. When federal examiners took over the registration process, literacy tests and similar devices would be automatically barred from use. State standards regarding such requirements as age, residence, conviction of felonies without subsequent pardon, and mental incompetence would remain in force. Other than being required to meet the non-discriminatory state standards, the applicant would be required only to fill out a simple form giving his name, address, and length of residence.

If state and local officials denied a federally registered applicant the right to vote, the examiner could go into a federal district court and get an order impounding the ballots until persons entitled to vote had been permitted to do so.

States and Areas Affected. The formula set forth in the bill would apply to six Southern states and to Alaska in their entirety. Voting percentages in all seven states fell below 50 percent in the November 1964 general election. Administration officials have said they regard Alaska as a special case, however, because of the long distances voters must travel in the extreme cold, and because of the state's large military population.

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The six other states immediately affected by the bill and their 1964 voting percentages are: Mississippi, 33 percent; South Carolina, 38 percent; Alabama, 36 percent; Virginia, 41 percent; Georgia, 43 percent; and Louisiana, 47 percent. A voting district in any of these states which had more than 50 percent of voting age population registered and voting in the November 1964 election would nevertheless be subject to the provisions of the bill.

Voting examiners also could be appointed in 34 counties of North Carolina and one county each in Arizona, Maine, and Idaho. Since the bill would not apply to a state which does not have a literacy test, regardless of how low the voting participation may be, the following areas would be exempted, even though they had less than 50 percent participation in the November 1964 general election: 19 Arkansas counties, the District of Columbia, five Florida counties, two Kansas counties, 13 Kentucky counties, three Maryland counties, one Missouri county, two Oklahoma counties, 22 Tennessee counties and 137 Texas counties. (See Chart p. 88)

Although 18 states had literacy tests in November 1964, Administration officials have said they were used to keep Negroes away from the polls only in the six states immediately affected by the bill.

Appeal of Federal Action. A state or electoral district in which the bill had been invoked would have judicial recourse. Such a state or political subdivision would be permitted to file suit in a three-judge federal court in the District of Columbia to the effect that there had been no discrimination against voters on the basis of race or color for a ten-year period preceding the filing of the suit. If such a case were successful, the Act would become inapplicable in the area represented by the petitioner. However, the Act could not be declared inapplicable in the case of any state in which a U.S. court had found voting discrimination in the preceding 10 years. Administration officials pointed out that past court judgments finding voter discrimination in Alabama, Louisiana and Mississippi cases ensured that the laws of those states could not be exempted for at least ten years. Judgments in suits regarding Georgia counties ensured that Georgia could not be exempted under the provisions of the bill for at least five years. Only Virginia and South Carolina, of the states covered by the bill, could technically seek exemption. The Government would be prepared to introduce evidence that discrimination had in fact occurred in those states.

Penalties for Interference. Intimidation, vote fraud, or other interference with rights ensured by the bill would carry upon conviction a maximum fine of \$5000, maximum imprisonment of five years, or both.

Poll Taxes. The bill did not go so far as to ban poll taxes in state and local elections. It provided, however, that no voter applicant could be denied the ballot for failure to pay a poll tax if he offers to pay during the year of the election in which he wishes to vote. The federal examiner was authorized to collect the tax and pass it on to state or local officials. An Administration spokesman said the poll tax provision of the bill would assuage situations in which poll taxes had to be paid as much as 19 months before the election.

Outlook

Bipartisan Support. Strong bipartisan support for the Administration bill appeared certain in the Senate. The picture was less clear in the House, however, where a

number of Republicans indicated preference for a Republican bill. Twenty-three similar versions of the GOP bill, introduced in February and March by liberal Republicans, would provide for a federal registration process in any area in which at least 50 persons certified that they had been denied the ballot or had been delayed in registering on the basis of race or color. House Democratic leaders nevertheless have expressed confidence that the Administration bill would pass without great delay or impairing amendments.

Rep. Emanuel Celler (D N.Y.), chairman of the House Judiciary Committee, introduced the Administration bill (HR 6400) March 17 and ordered Committee hearings for the following day.

The Senate March 18 voted 67-13 to send the bill to the Judiciary Committee with instructions that it be reported by April 9. There had been speculation that the Senate might wait for a House bill in order to bypass the Judiciary Committee, headed by Sen. James O. Eastland (D Miss.), a strong opponent of civil rights legislation.

A massive Southern filibuster in the Senate appeared unlikely. Statements of Southern opposition have been mild in comparison with past reactions to proposed civil rights legislation. Senate Majority Whip Russell B. Long (D La.), who opposed the 1964 Civil Rights Act, said he did not expect a filibuster and indicated he might support the bill. Sen. J. W. Fulbright (D Ark.), another foe of the 1964 Act, said, "The probabilities are I'll vote for the bill." The harshest Southern reaction came from Sen. Allen J. Ellender (D La.), who said he hoped to filibuster "as long as God gives me breath." Any serious attempt to filibuster the bill would be weakened by the fact that the long-time floor captain of such actions, Sen. Richard B. Russell (D Ga.), is seriously ill and is not expected to be fully recovered for some time.

Criticism of Bill

A wide spectrum of criticism, from civil rights advocates as well as constitutional authorities and opponents of civil rights legislation, developed as Congressional committees began work on the Administration bill. Objections fell into the broad categories of constitutional questions, inadequacies of coverage, and practical problems posed by the measure. Some critics of the proposed law, and even some of its supporters, thought the Administration arguments for various provisions of the bill had to be "stretched" to fit constitutional provisions and existing precedents. None, however, would predict invalidation of the Administration bill by the present U.S. Supreme Court.

Proposed Amendments, GOP Bills

Administration-Dirksen Amendments. The Administration, in consultation with the Senate Republican leadership, April 5 agreed to broaden the bill as follows:

- Permit the Attorney General to initiate suits in federal district courts alleging discrimination against voter applicants. If the court determined that there had been discrimination, the Civil Service Commission would assign federal voting examiners to that locality. This provision would cover states that did not have literacy tests as well as those that did.

- Exempt from the bill's triggering mechanism a state or county where less than 20 percent of the voting-age public was non-white.

● Permit federal courts, on suits filed by the Attorney General, to suspend indefinitely any state poll tax they determined had been used to discriminate against voters. (Non-discriminatory poll taxes would remain in force.)

McCulloch Bill. Rep. William M. McCulloch (R Ohio), ranking minority member of the House Judiciary Committee, April 5 introduced a voting rights bill (HR 7112) backed by House Minority Leader Gerald R. Ford (R Mich.), who had called for improvement of the Administration bill drafted in cooperation with Senate Minority Leader Dirksen. The House leadership bill:

Authorized appointment of a federal voting examiner within a district whenever the Attorney General received and considered meritorious 25 or more complaints from district residents alleging discrimination against race or color in registering or voting. If the examiner found that 25 or more had been denied the right to register or vote, he would register them.

Authorized examiners to consider a sixth-grade education evidence of literacy, and in other cases to administer state literacy tests, provided the tests were fair and non-discriminatory.

When a hearing officer had determined that 25 or more persons in a voting district had been denied the right to vote because of race or color, a pattern or practice of discrimination would be established. The Civil Service Commission could then appoint as many additional examiners and hearing officers as necessary to register all other persons within the county who might be subject to discrimination. The decision of a hearing officer could be appealed in the local federal court of appeals, but the motion would have to be filed within 15 days of the hearing officer's decision.

Lindsay Bill. Rep. John V. Lindsay (R N.Y.), a member of the House Judiciary Committee who played a major role in broadening the Civil Rights Act of 1964, April 6 introduced a voting rights bill (HR 7191) which:

Prohibited poll taxes in all elections.

Established a National Voting Rights Board to enforce voting rights by appointing federal examiners to register all qualified persons where a pattern of discrimination existed. Examiners would be appointed to districts in which the Board established that 25 or more persons had been denied the right to vote because of race or color. Examiners would also be appointed when the Civil Rights Commission notified the President that voting discrimination had taken place within a voting district. Examiners would administer state literacy tests but could exempt anyone with a sixth-grade education.

When the Board, together with the Civil Rights Commission and the Attorney General, determined that threats, coercion or intimidation had jeopardized the chances for a fair election in a voting district where examiners were assigned, the President could authorize election supervisors to conduct elections following local procedures.

Extended the life of the Civil Rights Commission for ten years from the date of enactment.

Committees Act

The Senate Judiciary Committee and House Judiciary Subcommittee No. 5 April 9 both approved voting rights bills substantially broader than the measure submitted by the Administration (S 1564, HR 6400). The revised Senate bill, by a vote of 12-4, was ordered reported "without recommendation." HR 6400, as marked up by the Subcommittee, was sent to the full Committee by a vote of 10-1.

Sweeping provisions added by both committees included a ban on poll taxes as a qualification for voting in state and local elections, appointment of federal poll-watchers to ensure that qualified persons were allowed to vote, and extension of the Administration bill's criminal penalties for intimidation and interference with voter rights to include the acts of private citizens as well as state and local officials.

Senate. In a move to reach "pockets of discrimination" not covered in the original version of the bill, the Committee added a triggering mechanism which would provide for the appointment of federal voting examiners in states and election districts in which less than 25 percent of the adult nonwhite population was registered. Appointment of the examiners would automatically abolish state literacy tests or similar devices. In conducting the registration process of a voting district, the federal examiner would apply only legitimate state voting requirements such as age, residence, conviction of felonies without subsequent pardon, and mental incompetence.

The revised bill also retained the original provision that a federal registration apparatus could be invoked in states and voting districts that had literacy tests and less than 50 percent of voting age population registered or voting in the November 1964 general election. The Committee added an additional condition, however, that would exclude states and subdivisions otherwise covered if less than 20 percent of eligible voters, according to the 1960 Census, were non-white. (Under this provision, Virginia would be excluded on a state-wide basis, although numerous Virginia counties would still come under the bill.)

The Committee then redefined the "escape" provisions for the states or areas included in the above definitions to exempt them from appointment of federal voting examiners if a U.S. District Court in the District of Columbia, acting pursuant to a suit brought by a state or subdivision, were to issue a declaratory judgment finding:

(1) That no literacy test had been used in the area in the previous five years to deprive persons of the right to vote because of race or color; or

(2) (a) That the percentage of voting age persons in that state or district in the 1964 Presidential election exceeded the national average (62.0 percent), or (b) that 60 percent of the persons meeting residence requirements in the state or district were actually registered to vote; or applying to either (a) or (b) and that there had been no discrimination against voters in the area.

In such legal proceedings, the burden of proof would be on the petitioning state or locality. The Committee bill also reduced from 10 to 5 years the period for which a state would have to prove it had not discriminated. It also stipulated that new voting laws enacted in states or localities where examiners have been appointed would have to be approved by a three-judge court in the District of Columbia before they could go into effect.

House. As referred to the full Committee, HR 6400 also retained the original triggering device and added a second formula to deal with "pockets of discrimination." The supplementary formula chosen by the House Subcommittee differed from its counterpart provision in S 1564, however, in that it authorized the Attorney General, on his own initiative or on receipt of 20 complaints, to initiate suits alleging discrimination. If the court found that discrimination existed, examiners could be assigned to that state or voting district. Duties of examiners would be the same as under S 1564.

Low Voter Turnout Areas

The charts below show the states and counties of the United States where less than 50 percent of the voting age population cast ballots for President in 1964, or where the figure was only slightly over 50 percent. Under proposed voting rights legislation, it would be possible to appoint federal examiners to register voters if (a) the Attorney General certified that an area was using literacy tests or similar devices as a prerequisite for registration to vote and (b) the Director of the Census Bureau certified that less than 50 percent of the voting age persons in such a state or subdivision of a state voted in the 1964 Presidential election. Note, however, that this provision would apply only in those states with literacy tests. Such states are marked with an asterisk (*) below. States without literacy tests would not be covered by this portion of the proposed 1965 act. Several states with low voter turnouts but no literacy tests are included in the chart below, however, and are marked by a dagger (§).

The 50 percent "trigger" mechanism of the bill could apply either to entire literacy test states or to subdivisions (counties or cities) thereof. If an entire state were under 50 percent, then every county and city within it would be covered, even if some areas in the state were individually over 50 percent. This criterion would apply, based on the 1964 statistics, to Alabama, Alaska, Georgia, Louisiana, Mississippi, South Carolina and Virginia. For those states, the listing below includes only selected counties, since the entire state would be covered. For states where the statewide voting figure was over 50 percent, but individual areas less than 50 percent, every county under 50 percent is listed.®

Statewide percentages of voter participation are computed on final, official Presidential election returns for all parties, compared to the Census Bureau's estimate, as of Nov. 1, 1964, of the number of persons of voting age in each state. (Voting age is 21 in all states except Georgia and Kentucky, where it is 18, Alaska, where it is 19, and Hawaii, where it is 20). The Census Bureau's gross population figures include all residents of voting age, even aliens, military personnel, the mentally incompetent and new residents not yet eligible to vote. High military personnel populations, for instance, are thought to be largely responsible for low voter turnouts (in percentage terms) in Alaska and Hawaii.

Individual county or city voting age population figures were last computed in the 1960 Census and are used below in computing percentages below the statewide level.

	Voting Age Population	Voted in 1964 for President	Percent Voting
NATIONAL FIGURE	113,931,000	70,642,496	62.0
*Alabama	1,915,000	689,817	36.0
Selected Counties:			
Baldwin (Southern tip touching Gulf of Mexico)	26,763	13,411	50.1
Calhoun (East-Anniston)	53,775	16,845	31.3

	Voting Age Population	Voted in 1964 for President	Percent Voting
Crenshaw (South Central)	8,517	3,824	44.9
Dallas (Central-Selma)	29,515	6,610	22.4
DeKalb (Northeastern)	24,319	11,694	48.1
Jefferson (Birmingham)	372,479	139,205	37.4
Madison (Huntsville)	65,182	27,505	42.2
Mobile (Mobile)	172,382	70,202	40.8
Montgomery (Central-Montgomery)	95,967	30,524	31.8
Tuscaloosa (West Central-Tusca- loosa, site of Univer- sity of Alabama)	62,408	19,263	30.9
Washington (Southwestern)	7,590	4,026	53.0
*Alaska	138,000	67,259	48.7
*Arizona	879,000	480,770	54.7

Selected Counties:

Apache (East) (Only county in state under 50 percent)	13,045	3,892	29.8
Coconino (North Central)	21,108	11,037	52.3
Maricopa (Phoenix-Mesa)	380,637	265,326	69.7
Pima (Tucson)	153,736	101,278	65.9
Yavapai (Central, rural)	18,210	13,556	74.4
Yuma (Southwestern)	26,286	14,410	54.8
‡Arkansas	1,124,000	560,426	49.9

Selected Counties:

Bradley (Southeastern)	8,209	4,102	50.0
Garland (Hot Springs)	30,775	21,629	70.2

* State with literacy test. If there was less than a 50 percent turnout in the 1964 Presidential election, either statewide or in a subdivision, federal voting examiners could be appointed under the proposed 1965 voting rights act.
 ‡ State has no literacy test, so it would not be covered by the 50 percent feature of the proposed 1965 voting rights act. Listed here for purposes of comparison.

® There are 11 states which have literacy tests but no counties with less than 50 percent participation in the 1964 Presidential election. Those states, with the statewide participation figure: California 64.7; Connecticut 71.8; Delaware 71.1; Hawaii 52.5; Idaho 75.8; Massachusetts 71.3; New Hampshire 73.2; New York 63.2; Oregon 69.9; Washington 71.5; Wyoming 73.2.

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	Voting Age Population	Voted in 1964 for President	Percent Voting		Voting Age Population	Voted in 1964 for President	Percent Voting
Jefferson (Pine Bluff)	44,789	22,969	51.3	Monroe (Southwestern tip)	28,431	13,778	48.5
Miller (Southwestern- Texarkana)	18,617	9,492	50.9	Union (Northeast)	3,962	1,450	36.6
Pulaski (Central - Little Rock)	146,633	78,289	53.4	*Georgia	2,636,000	1,139,352	43.2
Sebastian (West Central - Fort Smith)	40,665	23,493	57.8	Selected Counties:			
Union (South Central - El Dorado)	29,315	15,580	53.1	Bibb (Central-Macon)	87,241	43,472	49.8
Counties with less than 50 percent:				Chatham (Savannah)	115,681	56,317	48.7
Chicot	10,372	4,903	47.3	Chattahoochee (West Central)	9,891	439	4.4
Clark	12,144	6,037	49.7	Cobb (Marietta)	67,859	37,510	55.3
Clay	12,648	5,321	42.1	De Kalb (Just East of Atlanta)	160,574	86,642	54.0
Columbia	15,454	7,533	48.7	Dougherty (Albany)	44,060	18,024	40.9
Crittenden	23,440	8,302	35.4	Fulton (Atlanta)	364,941	166,807	45.7
Cross	10,248	4,580	44.7	Glascok (Northeast, rural)	1,632	970	59.4
Desha	10,905	5,236	48.0	Lanier (South Central, rural)	2,914	1,380	47.4
Drew	8,432	4,121	48.9	Muscogee (Columbus)	97,211	33,471	34.4
Greene	14,846	7,037	47.4	Richmond (East Central - Augusta)	86,100	35,026	40.7
Hempstead	12,050	5,891	48.9	Schley (West Central - rural)	1,864	954	51.2
Howard	6,877	3,063	44.5	*Hawaii	395,000	207,271	52.5
Lafayette	6,286	2,967	47.2	*Idaho	386,000	292,477	75.8
Lee	10,502	4,011	38.2	County with less than 50 percent:			
Lincoln	8,198	3,882	47.4	Elmore	8,909	4,167	46.8
Mississippi	36,377	14,911	41.0	‡Kansas	1,323,000	857,901	64.8
Monroe	9,015	4,237	47.0	Counties with less than 50 percent:			
Phillips	22,639	9,790	43.2	Geary (Fort Riley)	16,902	5,745	34.0
St. Francis	16,366	7,038	43.0	Leavenworth (Fort Leavenworth)	31,206	13,089	42.2
Woodruff	7,488	3,693	49.3	‡Kentucky	1,976,000	1,046,105	52.9
‡ District of Columbia	517,000	198,597	38.4	Selected County:			
‡ Florida	3,516,000	1,854,481	52.7	Jefferson (Louisville)	385,494	227,823	59.1
Selected Counties:				Counties with less than 50 percent:			
Broward (Fort Lauderdale - Hollywood)	216,526	153,670	71.0	Bourbon	11,762	5,316	45.2
Dade (Miami Beach, Coral Gables, Hialeah)	613,021	326,421	53.2	Boyle	14,355	6,962	48.5
Duval (Jacksonville)	262,234	160,481	61.2	Christian	38,159	12,630	33.1
Orange (Orlando)	159,551	87,132	54.6	Clark	13,476	6,237	46.3
Counties with less than 50 percent:				Daviess	42,596	20,755	48.7
DeSoto (South - Central)	7,682	3,763	49.0	Hardin	46,118	11,264	24.4
Gadsden (North Central)	23,972	9,763	40.7	Harlan	28,489	13,428	47.1
Hillsborough (Tampa)	245,064	121,905	49.7				

1965 Voting Rights Crisis - 7

	Voting Age Population	Voted in 1964 for President	Percent Voting		Voting Age Population	Voted in 1964 for President	Percent Voting
Hopkins	24,904	11,297	45.4	*Mississippi	1,243,000	409,146	32.9
Letcher	16,326	8,063	49.4	Selected Counties:			
Lyon	4,357	2,006	46.0	Harrison			
Meade	10,190	4,136	40.6	(Biloxi, Gulfport)	64,764	21,694	33.5
Oldham	8,978	3,884	43.3	Hinds (Jackson)	103,974	41,890	40.3
Scott	10,397	4,639	44.6	Neshoba (Philadelphia)	11,708	5,724	48.9
*Louisiana	1,893,000	896,293	47.3	Lauderdale (Meridian)	39,730	14,874	37.4
Selected Parishes:				Tunica (N.W. corner)	7,833	1,044	13.3
Caddo				Tishomingo (N.E. corner)	8,427	2,911	34.5
(Shreveport)	129,523	52,377	40.4	Wilkinson (S.W. corner)	6,460	1,576	24.4
East Baton Rouge				†Missouri	2,696,000	1,817,879	67.4
(Baton Rouge)	124,893	63,787	51.1	County with less than 50 percent:			
Jefferson				Pulaski			
(New Orleans sub- urbs to the coast)	113,073	69,735	61.7	(Fort Leonard Wood)	25,454	5,239	20.6
Orleans				*New York	11,330,000	7,166,015	63.2
(New Orleans)	383,247	163,395	42.6	Selected County:			
Cameron				New York			
(smallest of all Louisiana counties)	3,881	2,447	63.0	(Manhattan)	1,257,867	645,557	51.3
East Carroll				*North Carolina	2,753,000	1,424,983	51.8
(N.E. corner)	7,173	1,749	24.4	Selected Counties:			
West Feliciana				Forsyth			
(on Mississippi border)	7,367	1,120	15.2	(Winston-Salem)	112,171	61,891	55.2
*Maine	581,000	380,965	65.6	Guilford			
Selected Counties:				(Greensboro-High- point)	144,040	75,604	52.5
Cumberland				Mecklenburg			
(Portland)	112,100	73,209	65.3	(Charlotte)	157,937	96,171	60.9
Penobscot				Wake			
(Bangor)	73,715	43,215	58.6	(Raleigh)	99,655	54,195	54.4
County with less than 50 percent:				Counties with less than 50 percent:			
Aroostock				Anson	13,065	5,865	44.9
(Farthest North and largest in area of Maine's Counties)	55,787	27,546	49.4	Beaufort	19,933	9,685	48.6
†Maryland	1,995,000	1,116,457	56.0	Bertie	12,417	4,263	34.3
Selected Counties:				Bladen	14,320	6,685	46.7
Baltimore County				Camden	3,042	1,404	46.1
(Baltimore City suburbs)	290,428	195,023	67.1	Caswell	10,155	4,306	42.4
Baltimore City	588,395	316,805	53.8	Chowan	6,332	2,483	39.2
Montgomery				Craven	31,236	12,113	38.8
(Suburbs of Washington, D.C.)	193,991	155,667	80.2	Cumberland	77,068	22,957	29.8
Counties with less than 50 percent:				Edgecombe	27,845	11,766	42.2
Cecil				Franklin	15,396	6,651	43.2
(Eastern Shore)	26,961	13,184	48.9	Gates	5,058	2,258	44.6
St. Mary's				Granville	18,580	7,220	38.8
(Southern)	19,403	8,709	44.9	Greene	8,061	3,613	44.8
Worcester				Halifax	30,262	13,709	45.3
(Eastern Shore)	14,598	6,686	45.8	Hertford	11,708	4,947	42.2
				Hoke	7,745	3,033	39.2

*State with literacy test. If there was less than a 50 percent turnout in the 1964 Presidential election, either statewide or in a subdivision, federal voting examiners could be appointed under the proposed 1965 voting rights act.

†State has no literacy test, so it would not be covered by the 50 percent feature of the proposed 1965 voting rights act. Listed here for purposes of comparison.

1965 Voting Rights Crisis - 8

	Voting Age Population	Voted in 1964 for President	Percent Voting		Voting Age Population	Voted in 1964 for President	Percent Voting
Hyde	3,301	1,641	49.7	Macon	7,527	3,292	43.7
Lenoir	29,553	13,234	44.8	Mauzy	25,033	12,321	49.2
Martin	13,735	6,332	46.1	Montgomery	30,419	12,992	42.7
				Morgan	7,921	3,799	48.0
Nash	32,554	15,550	48.1	Obion	17,211	8,174	47.5
Northampton	13,482	6,233	46.2	Robertson	16,404	7,581	46.2
Onslow	39,003	9,726	24.9	Rutherford	30,347	13,668	45.0
Pasquotank	14,345	6,649	46.3	Tipton	14,912	6,894	46.2
Perquimans	5,110	2,399	46.9	Trousdale	3,027	1,475	48.7
Person	14,221	6,902	48.5	Warren	13,881	6,781	48.8
Pitt	36,196	16,466	45.5	Weakley	15,710	7,845	49.9
Robeson	42,275	17,387	41.1	White	9,308	4,186	45.0
Scotland	12,498	5,073	40.6	†Texas	5,922,000	2,626,811	44.4
Union	24,467	11,437	46.7	Selected Counties:			
Vance	17,525	8,638	49.3	Bexar			
Warren	9,929	4,758	47.9	(San Antonio)	377,990	162,520	43.0
Wayne	45,103	17,346	38.4	Dallas			
Wilson	31,336	12,240	39.1	(Dallas)	570,267	304,158	53.3
‡Oklahoma	1,493,000	932,499	62.5	Harris			
Counties with less than 50 percent:				(Houston)	722,957	382,985	53.0
Comanche (Fort Sill)	51,381	21,521	41.9	Tarrant			
Jackson (Altus Air Force Base)	17,181	8,260	48.1	(Fort Worth)	320,355	154,158	48.1
*South Carolina	1,380,000	524,756	38.0	Other Counties with less than 50 Percent:			
Selected Counties:				Anderson	17,544	8,181	46.6
Charleston				Atascosa	9,968	4,516	45.3
(Charleston)	113,408	47,073	41.5	Austin	9,016	3,915	43.4
Lexington				Bastrop	10,428	5,049	48.4
(Columbia suburbs)	33,556	16,848	50.2	Baylor	3,824	1,794	46.9
Richland (Columbia)	111,720	45,245	40.5	Bee	12,264	4,832	39.4
Aiken (Suburbs of Augusta, Ga.)	43,686	25,089	57.4	Bell	55,160	17,512	31.7
Greenville				Bosque	7,509	3,721	49.5
(Greenville)	120,970	46,645	38.5	Bowie	36,260	17,410	48.0
York (Rock Hill)	41,995	15,638	37.2	Brazos	24,944	12,019	48.2
Jasper				Brown	16,380	7,293	44.5
(Farthest South)	6,022	2,595	43.1	Burleson	6,797	3,147	46.3
Horry				Caldwell	10,236	4,629	45.2
(Atlantic Coast-North Carolina border)	34,947	13,737	39.3	Cameron	74,389	25,659	34.5
†Tennessee	2,239,000	1,144,046	51.1	Cass	14,020	6,292	44.9
Selected Counties:				Cherokee	21,319	8,537	40.0
Davidson				Coleman	8,347	4,105	49.2
(Nashville)	242,933	124,722	51.3	Collin	25,723	11,193	43.5
Hamilton				Collingsworth	3,876	1,872	48.3
(Chattanooga)	142,979	78,746	55.1	Comanche	8,339	3,819	45.8
Knox (Knoxville)	151,999	85,260	56.1	Coryell	13,909	4,564	32.8
Shelby (Memphis)	359,532	212,023	59.0	Dallam	3,863	1,759	45.5
Counties with less than 50 Percent:				Dawson	10,531	4,868	46.2
Clay	4,102	1,818	44.3	Denton	27,605	13,494	48.9
Crockett	8,519	3,690	43.3	DeWitt	12,712	5,573	43.8
Fayette	11,652	5,558	47.7	Dimmit	4,856	1,688	34.8
Gibson	27,791	12,733	45.8	Ector	49,494	22,386	45.2
Giles	13,762	6,318	45.9	Ellis	26,183	10,062	38.4
Hardeman	12,725	5,125	40.3	El Paso	166,101	55,927	33.7
Haywood	11,792	4,697	39.8	Falls	13,096	5,151	39.3
Lake	5,155	2,403	46.6	Fannin	16,277	7,200	44.2
Lauderdale	12,289	5,727	46.6	Fayette	13,614	5,677	41.7
Lincoln	14,294	6,589	46.1	Foard	1,999	980	49.0
				Fort Bend	22,252	9,699	43.6
				Freestone	7,803	3,892	49.9
				Frio	5,084	2,117	41.6
				Gaines	6,626	3,201	48.3
				Garza	3,703	1,827	49.3

1965 Voting Rights Crisis - 9

	Voting Age Population	Voted in 1964 for President	Percent Voting
Goliad	3,255	1,541	47.3
Gonzales	10,758	4,545	42.2
Grayson	46,076	19,728	42.8
Gregg	41,449	20,584	49.7
Grimes	7,733	3,247	42.0
Guadalupe	16,608	7,308	44.0
Hale	20,056	9,594	47.8
Hardeman	5,229	2,532	48.4
Harrison	26,281	11,930	45.4
Haskell	6,875	3,421	49.8
Hays	11,011	5,064	46.0
Henderson	13,521	6,714	49.6
Hidalgo	87,533	33,756	38.6
Hill	15,660	6,696	42.7
Hockley	11,867	5,733	48.3
Hopkins	12,326	5,651	45.8
Houston	12,247	5,366	43.8
Howard	23,028	9,367	40.7
Hudspeth	1,815	665	36.6
Hunt	24,758	9,879	39.9
Jasper	12,640	5,537	43.8
Johnson	21,823	9,642	44.2
Jones	12,045	4,920	40.8
Kaufman	19,048	6,694	35.1
Kenedy	435	146	33.6
Kerr	11,541	5,608	48.6
Kinney	1,429	594	41.6
Kleberg	15,403	6,230	40.4
Knox	4,799	2,216	46.2
Lamar	21,918	8,905	40.6
La Salle	3,063	1,212	39.6
Lavaca	12,732	5,517	43.3
Leon	6,168	3,022	49.0
Liberty	18,012	8,257	45.8
Limestone	13,307	5,263	39.5
Lubbock	84,831	39,463	46.5
McCulloch	5,745	2,761	48.0
McLennan	91,322	39,346	43.1
Madison	4,395	1,945	44.2
Marion	4,681	2,303	49.2
Martin	2,798	1,297	46.3
Matagorda	14,344	6,555	45.7
Maverick	7,164	2,661	37.1
Medina	10,214	4,992	48.9
Milam	13,806	5,709	41.3
Mitchell	6,510	3,159	48.5
Montague	10,018	4,856	48.5
Morris	7,206	3,594	49.9
Nacogdoches	16,936	7,519	44.4
Navarro	21,909	8,953	40.9
Nolan	11,476	5,162	45.0
Nueces	115,697	54,558	47.1
Orange	32,706	15,645	47.8
Palo Pinto	12,853	5,541	43.1
Polk	8,152	3,700	45.4
Potter	65,061	24,419	37.5
Reagan	2,106	1,022	48.5
Red River	9,913	4,654	46.9
Reeves	9,237	3,595	38.9
Robertson	9,586	4,247	44.3
Rockwall	3,534	1,755	49.7
Runnels	9,146	4,132	45.2

	Voting Age Population	Voted in 1964 for President	Percent Voting
San Augustine	4,439	1,940	43.7
San Patricio	22,225	9,380	42.2
Scurry	11,443	5,137	44.9
Shelby	12,493	5,711	45.7
Smith	51,573	25,472	49.4
Somervell	1,772	854	48.2
Stephens	5,973	2,874	48.1
Sutton	2,125	1,051	49.4
Taylor	58,166	22,620	38.9
Terrell	1,476	658	44.6
Titus	10,514	5,219	49.6
Tom Green	37,897	16,443	43.4
Tyler	6,286	3,037	48.3
Upton	3,376	1,604	47.5
Uvalde	9,255	4,326	46.7
Val Verde	12,923	4,902	37.9
Van Zandt	12,404	5,676	45.7
Victoria	25,285	12,367	48.9
Walker	13,435	4,436	33.0
Waller	6,685	3,149	47.1
Ward	8,191	3,954	48.3
Washington	12,186	4,962	40.7
Webb	32,998	11,182	33.9
Wharton	21,117	9,020	42.7
Wichita	72,057	27,730	38.5
Wilbarger	11,302	4,742	41.9
Willacy	9,443	3,388	35.9
Williamson	21,248	9,202	43.3
Winkler	7,388	3,679	49.8
Wise	10,698	5,241	49.0
Wood	11,403	5,606	49.2
Young	11,040	4,996	45.2
Zapata	2,325	1,147	49.3
Zavala	5,964	2,385	40.0
*Virginia	2,541,000	1,042,267	41.0
Selected Counties:			
Arlington			
(suburbs of			
Washington, D.C.)	107,578	54,363	50.5
Fairfax			
(suburb of			
Washington, D.C.)	149,715	79,517	53.1
Norfolk			
(Independent city)	174,799	51,546	29.5
Richmond			
(Independent city)	144,227	62,890	43.6
Bath			
(Mountain area)	3,316	1,286	38.8
Accomack			
(Eastern shore of			
the Chesapeake Bay)	19,290	6,683	34.6
Lee			
(Furthest West of			
Virginia counties)	14,172	8,626	60.9
Greensville			
(One of southern-			
most counties)	8,384	4,519	53.9

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