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M.C.

OFFICIAL BUSINESS

APPALACHIAN REGIONAL DEVELOPMENT

Committee on Public Works: Subcommittee on Economic Development resumed hearings to examine the structure and operation of Appalachian regional development programs, receiving testimony from Senator Huddleston; Governor Julian Carroll, of Kentucky, representing the Appalachian Regional Commission; Governor Ray Blanton, of Tennessee; Donald Whitehead, Federal Cochairman, and Harry Teter, Jr., Executive Director, both of the Appalachian Regional Commission.

Hearings were recessed subject to call.

COMMITTEE BUSINESS

Committee on Rules and Administration: Committee, in closed session, ordered favorably reported the following measures:

S. Res. 60, to authorize additional staff for Senators to assist them in matters pertaining to their committee responsibilities (with an amendment in the nature of a substitute);

S. Res. 165, requesting an additional \$400,000 for expenses of Select Committee to Study Governmental Operations with Respect to Intelligence Agencies;

S. Res. 169, requesting an additional \$50,000 for expenses of Committee on Interior and Insular Affairs;

S. Res. 137, to print as a Senate document compilation entitled "Majority and Minority Leaders of the Senate" (with technical amendments);

S. Res. 168, to print as a Senate document report of the American Revolution Bicentennial Board;

H. Con. Res. 177, to print as a House document a revised edition of publication entitled "History of the United States House of Representatives;"

H. Con. Res. 178, to print copies of hearings in the House of Representatives on amnesty;

S. Con. Res. 44, providing for the appointment of a Joint Committee on Arrangements for the Commemoration of the Bicentennial of the United States of America; and

An original resolution to authorize the purchase of 1976 Capitol Historical Society calendars.

Also committee approved (a) a revision in the Senate Travel Regulations to conform with Public Law 94-22, so as to increase the amounts of reimbursable travel expenses of Federal employees; and (b) several contracts between Senate committees and certain individuals.

House of Representatives

Chamber Action

Bills Introduced: 44 public bills, H.R. 7524-7567; 7 private bills, H.R. 7568-7574; and 10 resolutions, H.J. Res. 478-480, H. Con. Res. 292-294, and H. Res. 503-506 were introduced.

Pages H4851, H4853

Bills Reported: Reports were filed as follows:

H.R. 83, to amend the Internal Revenue Code of 1954 to exclude from gross income gains from the condemnation of certain forest lands held in trust for the Klamath Indian Tribe, amended (H. Rept. 94-250);

H.R. 5559, to amend section 883(a) of the Internal Revenue Code to provide for exclusion of income from the temporary rental of railroad rolling stock by foreign corporations, amended (H. Rept. 94-251);

H.R. 4573, to establish time limitations in applying for civil service retirement, amended (H. Rept. 94-252);

H.R. 7053, to eliminate subsequent to the death of an individual named as having an insurable interest, the annuity reduction made in order to provide a survivor annuity for such an individual, amended (H. Rept. 94-253);

H. Res. 504, providing for the consideration of H.R. 5884, to authorize appropriations for carrying out the provisions of the International Economic Policy Act of 1972, as amended (H. Rept. 94-254);

H. Res. 505, providing for the consideration of H.R. 6860, to provide a comprehensive national energy con-

servation and conversion program (H. Rept. 94-255); and

H. Res. 506, providing for the consideration of S. 818, to authorize U.S. payments to the United Nations for expenses of the United Nations peacekeeping forces in the Middle East (H. Rept. 94-256).

Page H4851

Late Reports: Committee on Rules received permission to file certain privileged reports by midnight tonight.

Page H4779

Legislative Program: Majority leader announced certain changes in the legislative program for the remainder of the week.

Pages H4779-H4780

Suspensions: House voted to suspend the rules and pass the following bills:

Equal Credit Opportunity Act Amendments: H.R. 6516, to amend the Equal Credit Opportunity Act to include discrimination on the basis of race, color, religion, national origin, and age.

Pages H4780-H4791

Forest Pest Control Act Amendments: S. 441, to amend the Forest Pest Control Act of June 25, 1947.

Pages H4791-H4793

U.S. Postal Service employees: H.R. 5774, to amend section 1006 of title 39, United States Code, relating to the eligibility of U.S. Postal Service employees for transfer to other positions in the executive branch.

Pages H4793-H4795

Emergency Livestock Credit: By voice vote, the House agreed to the conference report on S. 1236, to extend the Emergency Livestock Credit Act of 1974; clearing the measure for the President.

Pages H4795-H4797

Voting Rights Act Amendments: House continued consideration of H.R. 6219, to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and to make permanent the ban against certain prerequisites to voting; but came to no resolution thereon. Proceedings under the 5-minute rule will continue tomorrow.

Took the following action in the Committee of the Whole:

Rejected:

A substitute amendment that sought to amend sections 4 and 5 of the act relating to the trigger mechanism and preclearance process by providing that in jurisdictions where black citizens and minorities of Spanish heritage comprise more than 5 percent of the population, and where in the previous Federal election 50 percent of those minorities did not vote, the preclearance, Federal register, and poll watcher provisions of the Voting Rights Act would apply until the next Federal election (rejected by a recorded vote of 134 ayes to 269 noes);

An amendment that sought to insert a new section that would provide three requirements for States and political subdivisions to meet in order to be exempted from section 5 of the act (rejected by a recorded vote of 134 ayes to 279 noes);

An amendment that sought to reduce the period of purity from 10 to 5 years for the "bailout provision" during which time the States are required to adhere to the special provisions of the act (rejected by a division vote of 36 ayes to 55 noes);

An amendment that sought to repeal the preclearance procedures contained in section 5 of the act (rejected by a recorded vote of 105 ayes to 300 noes);

An amendment that sought to ban literacy tests until August 6, 1985, in lieu of a permanent suspension (rejected by a recorded vote of 89 ayes to 318 noes);

An amendment that sought to strike title II of the bill relating to the trigger mechanisms in the application of the Voting Rights Act (rejected by a recorded vote of 104 ayes to 305 noes); and

An amendment that sought to delete the words "Alaskan Natives" in the definition of language minorities (rejected by a recorded vote of 145 ayes to 264 noes).

Pages H4797-H4831

Subcommittee To Sit: Subcommittee on Cemeteries and Burial Benefits of the Committee on Veterans' Affairs received permission to sit during the sessions of the House on June 10, 16, and 23.

Page H4831

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H4853-H4856.

Referrals: Three Senate-passed measures were referred to the appropriate House committees.

Page H4850

Quorum Calls—Votes: One quorum call and six recorded votes developed during the proceedings of the House today and appear on pages H4779, H4806, H4818, H4822, H4824, H4826, H4829.

Program for Wednesday: Met at noon and adjourned at 7:18 p.m. until noon on Wednesday, June 4 when the House will consider the President's veto of H.R. 4481, emergency employment appropriations; continue consideration of H.R. 6219, Voting Rights Act Amendments; and consider H.R. 4035, Emergency Petroleum Allocation Act Amendments (open rule, 1 hour of debate).

Committee Meetings

FEDERAL INSECTICIDE ACT EXTENSION

Committee on Agriculture: Began markup of H.R. 6387, to extend the Federal Insecticide, Fungicide, and Rodenticide Act for 2 years, and related bills, and will resume markup on Thursday, June 5.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction continued hearings with Air Force witnesses.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held an executive hearing on NSA fiscal year 1976 budget and committee investigative report.

TREASURY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government held a hearing on general management and agency operations, Federal management policy, and Indian Tribal claims.

SHIP TRANSFERS

Committee on Armed Services: Subcommittee on Seapower and Strategic and Critical Materials held a hearing on and voted against the transfer of three landing craft (LCM-8) to Panama, and one LST to Ecuador. Testimony was heard from Stephen Winship, Director, Office of Security Assistance and Sales, Department of State; Rear Adm. Robert J. Hanks, Director, Security Assistance Division, Department of the Navy.



Department of Justice
Washington

June 10, 1975

MEMORANDUM FOR

Mr. James M. Cannon
Assistant to the President
for Domestic Affairs
The White House

Subject: Voting Rights Act

On June 4, 1975, the House passed H.R. 6219, which extends and expands the Voting Rights Act of 1965, by a vote of 341 to 70. Ninety-five of the 138 Republicans voting voted in favor of H.R. 6219, and 65 of 96 Members of Congress from states which are presently covered by the Act, or in which political subdivisions which have been the subject of active enforcement of the Act are covered approved the Bill. Twenty-six of 54 members of Congress from the six covered southern states and North Carolina voted in favor of the Bill. Fourteen Representatives from the State of Texas supported the Bill, while six opposed it. The Senate Judiciary Subcommittee on Constitutional Rights has scheduled mark-up for June 11, 1975. Senator Tunney, Chairman of the Subcommittee, plans to put H.R. 6219 on the Senate calendar if the Senate Judiciary Committee fails to take action on a bill by the July 4th recess.

I. Provisions of H.R. 6219.

A. Major Provisions

1. Title I of H.R. 6219 provides for a ten year extension of the special provisions of the Act 1/

1/ The special provisions of the Act consist of

(1) Attorney General power to dispatch examiners to register voters; (2) same with regard to observers to watch election day activities; and (3) the requirement that all covered states and counties submit new election laws to the Attorney General or the federal district court in D.C. for approval.

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and converts the nationwide ban on tests and devices into a permanent ban.

2. Title II expands the coverage of the special provisions of the Act based on a 1972 trigger formula. Any jurisdiction which in 1972 had greater than 5 percent "language minority" citizens of voting age, 2/ less than 50 percent voter participation, and provided election materials only in the English language, would be subject to the special provisions of the Act (see footnote 1). It appears that the effect of this trigger formula will be to bring the States of Texas and Alaska and approximately 40 scattered counties within coverage of the Act.

3. Title III of H.R. 6219 bans English only elections in states or political subdivisions in which greater than 5 percent of the voting age citizens are members of any single "language minority" 3/ and in which the illiteracy rate of that minority is greater than the national illiteracy rate. Title III requires that all jurisdictions in which the ban is applicable provide election and registration materials in the language of the applicable minority. A jurisdiction may bail out by bringing suit in United States District Court and demonstrating that the illiteracy rate of the applicable minority is equal to or less than the national illiteracy rate.

4. H.R. 6219 amends Section 3 of the Voting Rights Act of 1965 to allow private parties, in addition to the Attorney General, to seek the remedies provided by that section. 4/ Section 3 is also amended to allow for the use

2/ Defined in the Bill as persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage.

3/ See footnote 2.

4/ Section 3, as presently written, allows the Attorney General in a suit brought in any jurisdiction not covered by the special provisions of the Act to enforce the guarantees of the Fifteenth Amendment to seek the following relief: (1) the suspension of tests and devices, (2) the preclearance of changes in electoral laws and practices, (3) the appointment of Federal examiners, and (4) the appointment of Federal observers. While the courts have not yet interpreted Section 3, the language of the section and the nature of the remedies indicate that the court would have discretion in granting Section 3 remedies.



of Section 3 remedies in cases brought to enforce the voting guarantees of the Fourteenth Amendment in addition to the Fifteenth Amendment.

5. H.R. 6219 amends the Act to require that the Bureau of the Census conduct biannual election surveys in all jurisdictions covered by the special provisions of the Act following each Congressional election beginning with the 1974 election. Such surveys will include a count of citizens of voting age by race, color, or national origin, and a determination of the extent to which such persons are registered to vote and have voted in the elections surveyed. The Bill provides that no person shall be compelled to provide the information requested in the survey.

B. Minor Provisions

1. H.R. 6219 provides for the award of attorney's fees to the prevailing party (other than the United States) in suits brought to enforce the voting guarantees of the Fourteenth and Fifteenth Amendments.

2. The Bill codifies 28 C.F.R. 51.22, which allows the Attorney General to give expedited review of Section 5 submissions.

3. The Bill amends Title III of the Voting Rights Act (Eighteen Year Old Voting Age) to remove provisions made superfluous by the ratification of the 26th Amendment to the Constitution. The Bill retains Title III's enforcement provisions, but modifies them to authorize Attorney General enforcement of the 26th Amendment.

4. Section 10 of the Voting Rights Act (the Poll Tax) is amended to reflect the provisions of the 24th Amendment to the Constitution.

5. The Voting Rights Act is amended to provide for criminal penalties for persons who vote more than once in a single Federal election.



II. Implications of H.R. 6219.

A. Ten year extension and permanent ban on the use of tests or devices.

The President proposed a five year extension of both the special provisions of the Act and the national ban on the use of tests or devices as a prerequisite to registration and voting. The difference between a five year extension and a ten year extension is one of degree, and I have indicated in my testimony before the House and the Senate that we would not quarrel with a legislative judgment to go with a ten year extension. 5/ By making permanent the national ban on tests or devices Congress is taking a course which presents more risks in terms of constitutionality, and it should be suggested that it would make more sense to tie the extension of the special coverage with the nationwide ban on literacy tests, so that both are extended for the same period of time.

B. Expansion of Coverage of the Special Provisions of the Act

We have said that the matter of expanding the special provisions of the Act to cover jurisdictions with substantial populations of Spanish heritage and other minorities

5/ Congressman Wiggins proposed a substitute bill on the floor of the House which would appear to serve as permanent nation-wide voting rights legislation. In response to a request for our opinion of the Wiggins substitute we indicated that although the goal of permanent voting legislation is a laudable one, presently, the paramount concern of Congress in this area should be extension of the Act. We also indicated that the Wiggins substitute constitutes a radical change in the law, and should not be enacted without prior committee hearings and mature, reflective consideration.

How so?



depends uniquely upon Congressional examination of its need, and have explicitly declined to take an Administration position on the need for or appropriateness of such legislation. In response to questioning, we have advised the Congress that in our view such a provision would be constitutional. Aside from the question of need, expansion of the Act would be of great symbolic value to Mexican-Americans and Puerto Ricans. As shown by the final vote in the House, opposition to H.R. 6219 seems minimal, even by Representatives from Texas and Alaska.

There are, however, several drafting deficiencies in this provision of H.R. 6219 which should be brought to the attention of the Senate as it considers extension of the Act:

1. Title II of H.R. 6219 places the burden of determining which jurisdictions provided election and registration materials in English only in 1972 upon the Attorney General. In light of the burden upon resources which this provision places upon the Attorney General and in light of the fact that the various jurisdictions already know what their practice was in 1972, we believe it would make more sense for the provision to place the burden upon jurisdictions to demonstrate that English only election and registration materials were not used in the 1972 election. And since the judgments involved in deciding whether particular practices constitute an English-only election within the meaning of the act are discretionary rather than ministerial, it would seem preferable to provide as well that the determination of the Attorney General that English only election and registration materials were used in 1972 be subject to judicial review.

2. H.R. 6219 provides that covered jurisdictions shall provide election materials, including ballots, in the native language of the applicable minority. The

difficulty and expense of operating bilingual elections could be reduced without adverse effect to language minority voters if the provision of sample ballots in the language of the minority group could satisfy the bilingual ballot requirement.

3. Title II of H.R. 6219 would require all political subdivisions within a covered state, such as Texas, to provide election and registration materials bilingually, regardless of whether any persons of the applicable language minority actually lived in that subdivision. This problem could be solved by exempting from the bilingual requirement any subdivisions in which the applicable language minority constitutes less than five percent of the voting age citizen population.

C. Nationwide Ban on English only Elections.

In my testimony before the Senate Subcommittee I indicated that the nationwide ban on English only election and registration materials in jurisdictions with substantial populations of language minority citizens merely codifies existing case law, and that it is therefore unobjectionable. We have indicated, however, that a similar provision, drafted by the Staff of the Civil Rights Commission, and endorsed by the Commission, is more directly tied to the actual need for bilingual election materials, and is therefore preferable to the Title III provisions of H.R. 6219. In my view, the Senate should be encouraged to adopt the Commission's suggested provision.

D. Authority for private persons to seek to invoke the remedies of Section 3.

I suggested in my testimony before the Senate Subcommittee that the amendments to Section 3 contained in H.R. 6219 present two problems: 1) The remedies contained in Section 3 are extraordinary, and their use has been restricted to suits brought by the Attorney General. 6/

6/ To date the Attorney General has not sought to invoke Section 3 remedies in a Fifteenth Amendment suit. However, I have indicated before the House and Senate that it is our intention to make use of this provision in the future.

Although giving private persons the right to request such remedies in suits brought to enforce the guarantees of the Fifteenth Amendment may result in more effective enforcement of those guarantees, the right to seek Section 3 remedies in a private action should be limited to suits involving systematic denials of Fifteenth Amendment rights. In addition, provision should be made for notification of the Attorney General that Section 3 remedies are being sought in such a suit, and for the Attorney General's right to intervene in the suit. 2) The proposed amendments to Section 3 would allow private persons to seek to invoke Section 3 remedies in suits to enforce the voting guarantees of both the Fourteenth and Fifteenth Amendments, including suits to enforce the one-person one-vote requirements of the Fourteenth Amendment. In this respect the provisions of H.R. 6219 are overbroad, and should be limited to suits brought to enforce the guarantees of the Voting Rights Act.

E. Census Survey

Although it is important to gather accurate statistics on voter participation in order to effectively carry out the goals of the Voting Rights Act, the survey required by H.R. 6219 presents problems. The Census is required to make biannual voting surveys starting with the 1974 election. It is apparently too late to conduct a survey of voting in 1974 which would yield useful results. In addition the provision requires biannual surveys. Given the substantial cost of each survey as proposed, to repeat the survey at such frequent intervals is difficult to justify. It would be more reasonable to have surveys every four years. Moreover we understand that the Bureau of the Census has estimated that an effective survey under this provision would require the biannual expenditure of 50 million dollars. Title VIII of the Civil Rights Act of 1964 requires the Bureau of the Census to conduct surveys of voter participation in primary and general elections in jurisdictions

designated by the United States Commission on Civil Rights, while this provision requires surveys only of general elections. Although the Commission has made such designations, surveys have not been conducted, because funds have not been authorized. However, if funds were authorized for Title VIII surveys, it is likely that they could produce more relevant information, particularly regarding primary elections. In light of the expected cost of the surveys required by H.R. 6219, it would be preferable to recommend that instead funds be authorized to carry out the surveys authorized by Title VIII.

F. Minor Provisions

1. The provision authorizing the award of attorney's fees is consistent with other civil rights legislation, and I have indicated that we have no objection to the general proposition. However, because the provision allows the award of attorney's fees in Fourteenth, as well as Fifteenth Amendment voting suits, it would allow the prevailing party attorney's fees in reapportionment suits, which have nothing to do with racial discrimination. In this respect the attorney's fees provision of H.R. 6219 may be unintentionally overbroad. In addition, while the language of the provision clearly authorizes the award of attorney's fees to any prevailing party, including a State or political subdivision, there was some indication in the floor debate that some Judiciary Committee members interpreted the provision only to authorize attorney's fees for prevailing parties who were suing to enforce the voting guarantees of the Fourteenth and Fifteenth Amendments.

2. Although I have suggested that the codification of 28 C.F.R. 51.22 contained in H.R. 6219 is unnecessary, there appears to be no reason to object to such a provision.

3. The provisions to amend the Voting Rights Act to reflect the ratification of the 24th and 26th Amendments to the Constitution are likewise unnecessary, but unobjectionable.

4. The provision for criminal penalties for any person voting more than once in any single Federal election should not be opposed, although it has little to do with general purposes of the Voting Rights Act.

III. Conclusion.

It is my view that H.R. 6219 is basically sound legislation, and that we should lend our assistance in correcting the drafting flaws outlined above. If the President so desires, we could prepare a draft of H.R. 6219 which incorporates our suggested changes.

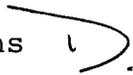

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

cc: William Skidmore
Richard Parsons

THE WHITE HOUSE

WASHINGTON

June 11, 1975

MEMORANDUM FOR : Jim Cannon
FROM : Dick Parsons 
SUBJECT: Voting Rights Act

On June 4, 1975, the House passed, by a vote of 341 to 70, H.R. 6219, extending and expanding the Voting Rights Act of 1965 (hereinafter referring to as "the Act").

This bill differs from the measure recommended by the President last January in six significant respects:

1. It would extend for 10 years (instead of 5) the "special" provisions of the Act.
2. It would make permanent (instead of extending for 5 years) the national ban on literacy tests as a prerequisite to registration and voting.
3. It would broaden the "special" provisions of the Act to cover jurisdictions having substantial Mexican-American or Native-American populations.
4. It would prohibit English-only elections in jurisdictions with substantial language-minority voting-age populations.
5. It would amend the Act to allow private parties, as well as the Attorney General, to seek relief from discriminatory practices through judicial imposition of the "special" provisions of the Act to "Northern" jurisdictions.
6. It would require that the Bureau of the Census conduct election surveys in all jurisdictions covered by the "special" provisions of the Act following each Congressional election.

The Senate is about to mark up its version of a Voting Rights extension bill. This presents the President with an opportunity to clarify, or even change, his position on this issue if that is desirable. For example:

1. The President could indicate to the Senate that, in light of the substantial modifications to the Act made by the House, he believes that the Senate ought to expand the provisions of the Act to apply to all jurisdictions within the United States.

This would be applauded by Southerners, but would be perceived by those in the civil rights movement as an attempt to torpedo extension of the Act.

2. The President could, in response to an inquiry from Senate Judiciary (probably Hruska), indicate his desire to see the Act modified so as to apply to all jurisdictions, if possible. If this is not possible, however, the Act should be extended in its current form.

This might appease some Southerners (although I doubt it) and would probably be viewed with suspicion by civil rights advocates. Further, if not carefully orchestrated, it could give impetus to efforts to block even simple extension of the Act.

3. The President could make known his objections to any one or more of the modifications to the Act made by the House and not originally recommended by him.

As you know, Stan Pottinger feels that certain of the House modifications are objectionable (e. g. , making the literacy test ban permanent, requiring a biennial Bureau of the Census election evaluation, etc.) and he would like our support in having these objectionable features cleaned up by the Senate.

4. The President could take no action at this time. In approving the bill extending the Act, however, the President could acknowledge the great strides which have been made by the South over the past 10 years under the Act and direct the Attorney General to vigorously exercise his authority to root out and eliminate voting discrimination in the North.

This offers some appeasement to the Southerners without alienating the civil rights community.

I favor #4.

THE WHITE HOUSE

WASHINGTON

June 12, 1975

MEMORANDUM FOR: Jim Cannon
FROM: Dick Parsons *Dick*
SUBJECT: Voting Rights Act

The Constitutional Rights Subcommittee of the Senate Judiciary Committee yesterday completed mark-up action on a Voting Rights extension bill.

I am informed that the Senate mark-up is, for all practical purposes, identical to H. R. 6219, passed by the House last week.

The marked-up bill will be reported to the full Committee very shortly. No one seems to have any good intelligence on what the full Committee will do with the bill. Senator Tunney, Chairman of the Subcommittee, has indicated his intention to put H. R. 6219 on the Senate calendar if the full Committee fails to take action on the marked-up bill by the July 4 recess, however.

June 23, 1975

MEMORANDUM FOR: Jim Cannon
FROM: Dick Parsons
SUBJECT: Voting Rights Act

Pursuant to your request, here are some ways in which the Voting Rights Act could be amended to apply nationwide,

As you are no doubt aware, the Voting Rights Act currently "applies" to all 50 States; however, because of the use of a special triggering mechanism, the most onerous portions of the Act "impact" almost exclusively on the Southern States.

Specifically, the "special provisions" of the Act (empowering the Attorney General to dispatch Federal examiners and observers to register voters and to watch election-day activities, and requiring that all amendments to State or local election laws be cleared with the Attorney General) apply only to State or local jurisdictions which, on November 1, 1964, or November 1, 1968:

- maintained a test of device as a prerequisite to voting; and
- had less than 50 per cent of their voting-age residents registered to vote or actually vote in the 1964 or 1968 Presidential election.

In terms of extending the impact of the Act to all 50 States, I see two basic alternatives:

Alternative 1: Permit the "Special Provisions" of the Act to Expire. Most of the provisions of the Voting Rights Act apply to, and impact upon, all 50 States. Only the "special provisions" of the Act are limited to "triggered" States. These "special provisions" are also temporary, and expire on August 6, 1975. By simply allowing them to expire, that portion of the Act which impacts only upon Southern States will be eliminated.



Pro: This would accomplish the objective of achieving uniformity of application and impact of the Voting Rights Act.

Con: The President has already strongly endorsed extension of the "special provisions" of the Voting Rights Act.

Alternative 2: Extend the "Special Provisions" of the Act to all States by Eliminating or Modifying the Current "Trigger" Mechanism. This can be done in one of three ways:

- (1) by eliminating the "trigger" formula;
- (2) by increasing the percentage of eligible voters who must participate in an election to an unattainably high level; e.g., 75 per cent; or
- (3) by changing the formula so that jurisdictions with an unacceptably low level of minority-voter participation would be "triggered."

Pro: Each of these would accomplish the objective of achieving uniformity of application and impact of the Voting Rights Act.

Con: An amendment to the Voting Rights Act extending the "special provisions" to all 50 States would never receive Congressional approval. Moreover, extension of the "special provisions" to the Northern States is not likely to result in significantly increased protection for black voters, since the kinds of discrimination practiced in the North are different than those practiced in the South (which "special provisions" were designed to correct). Finally, extension of the "special provisions" to all 50 States would place an enormous additional burden on the Justice Department's Civil Rights Division, and would require substantial increases in that Division's budget and personnel.

Changing the formula so as to "trigger" States in jurisdictions with unacceptably low levels of minority-voter participation is somewhat more reasonable, but was tried in the House of Representatives (by Wiggins) and defeated badly.



[NOTE: Elimination of the triggering mechanism, with slight modification of the "special provisions," was tried in 1970, without success.]



THE WHITE HOUSE

WASHINGTON

June 24, 1975

MEMORANDUM FOR: Jim Cannon
FROM: Dick Parsons D.
SUBJECT: Voting Rights Act of 1965

Pursuant to your request, attached is a draft of a letter from the President to Senator Hruska concerning extension of the Voting Rights Act of 1965.

For what it's worth, I would strongly recommend that this letter not be sent.

As I indicated yesterday, the recommending of any significant amendments to the Voting Rights Act at this time can be interpreted, at best, as a rather obvious political gesture and, at worst, as an outright attempt to kill extension of the Voting Rights Act. My belief is that it would be interpreted by most as an attempt to kill the Act.

An alternative that occurred to me last night is sending the Senate Judiciary Committee a letter indicating our intention to, over the next 12 to 18 months, prepare an Omnibus Voting Rights Bill, applicable nationwide. We should note in this letter, however, that immediate extension of the temporary provisions of the current Voting Rights Act is required to avoid a lapse in coverage. Obviously, this does not go as far as some would like, but I think it is a step in the right direction.

What do you think?