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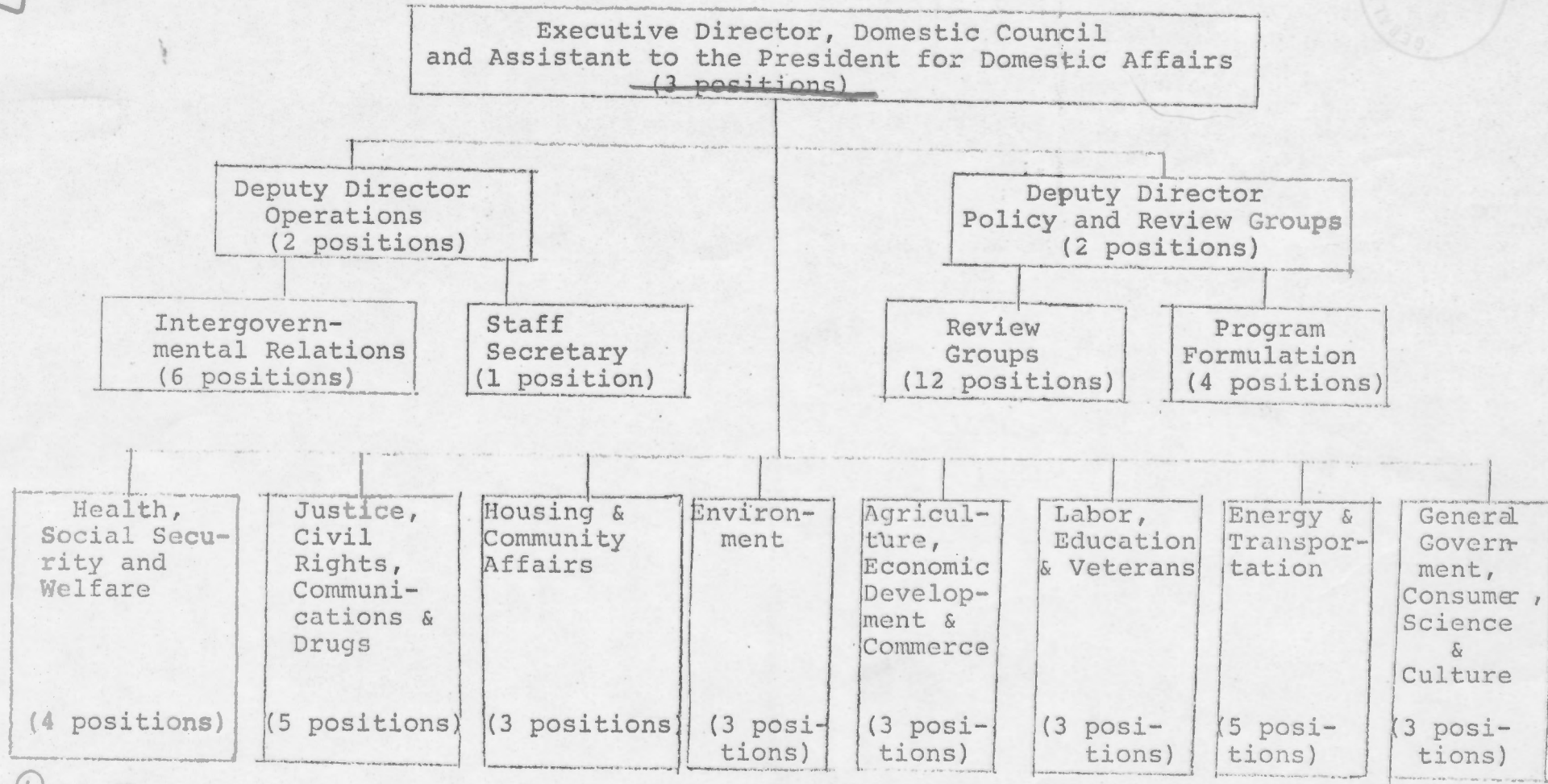
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President
MEETING WITH THE VICE PRESIDENT,
JIM LYNN, JIM CANNON
THURSDAY, JULY 10, 1975
5:30 p.m.
The Oval Office

Dictate

[1975]

B



Prof 2
Sec 1
Total 4

McCulloch Bill. Rep. William 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 ~~McCulloch~~ *McCulloch* ~~leadership~~ *leadership* bill: *Ford*

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.

Permitted actions of a federal examiner to be challenged within ten days before a federal hearing officer appointed by the Civil Service Commission. The hearing officer would have ten days to render a decision.

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.

Authorized registrants in a voting district in which a pattern of discrimination had been established to bypass local registrars if they had reason to believe they would be subject to coercion and intimidation. Officials acting under color of law to coerce and intimidate qualified voters would be subject to fines up to \$5,000, imprisonment up to five years, or both.



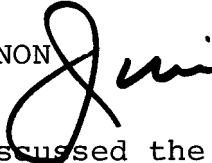
THE WHITE HOUSE

WASHINGTON

May 7, 1975

MEMORANDUM FOR THE VICE PRESIDENT

FROM : JIM CANNON



Some weeks ago we discussed the possibility of Congressional leaders establishing review groups which would parallel the Domestic Council review groups. As an example, I suggested that Transportation might offer such an opportunity.

This is a problem. For Transportation alone, eleven Committees of the House and eleven Committees in the Senate have some responsibility.

As a first step toward finding a way by which Congress could take a comprehensive and balanced approach to broad policy questions, I suggest that I talk informally with a couple of foresighted Members to see if I can come up with an idea.

A memorandum outlining Transportation jurisdiction is attached.

Attachment

THE WHITE HOUSE

WASHINGTON

April 22, 1975

MEMORANDUM FOR: JIM CANNON

THROUGH: JIM FALK *F*

FROM: PAT DELANEY *PD*

SUBJECT: TRANSPORTATION JURISDICTION
IN CONGRESS

In a previous memo from you to the Vice President, dated March 31st, it was suggested that consideration be given to a broader policy concerning transportation and the following recommendation was made:

RECOMMENDATION: That you discuss informally with leaders of Congress the importance of establishing Congressional groups which will parallel the Administration's review groups.

Following that memo you asked which committees in the House and Senate are involved in long-range transportation legislation. This memo seeks to answer that question and give you a view of the various jurisdictional problems concerning transportation.

The Committee Reform Amendments (H.Res. 988), adopted October 8, 1974, sought to rationalize committee jurisdictions, but there are still overlaps that occur in many fields, and transportation is one. Several standing committees have some jurisdiction in that policy area. However, the revamped Public Works and Transportation Committee, established by H.Res. 988, has the primary responsibility. Senate consideration of transportation is also split among several standing committees. These split jurisdictions make difficult the development of a comprehensive and balanced approach to that field as a whole.

House and Senate committees with jurisdiction over transportation matters have both short-term and long-range responsibilities. Long-range analysis, for example, is now a specific responsibility of House Committees under H.Res. 988. To be specific, all standing committees (except Appropriations and Budget) "shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that committee."

The following summarizes House and Senate committee jurisdiction over major aspects of transportation. Also included are committee chairmen.

HOUSE

<u>Committee</u>	<u>Responsibility</u>
<u>Appropriations</u> George H. Mahon of Texas	Funding Federal-aid transportation modes
<u>Armed Services</u> Melvin Price of Illinois	Authorizing development of new military transportation, e.g., new types of aircraft
<u>Budget</u> Brock Adams of Washington	Recommending budget authority for transportation
<u>District of Columbia</u> Charles C. Diggs of Michigan	METRO
<u>Government Operations</u> Jack Brooks of Texas	Creation of Federal transportation agencies General oversight of all Federal transportation programs and activities
<u>Interstate and Foreign Commerce</u> Harley O. Staggers of West Virginia	Railroads Motor vehicle safety Energy allocation (FPC, REA) Travel and tourism
<u>Merchant Marine and Fisheries</u> Leonor Sullivan of Missouri	Merchant Marine Barge traffic not subject to ICC Offshore ports

<u>Committee</u>	<u>Responsibility</u>
<u>Merchant Marine and Fisheries</u> Leonor Sullivan of Missouri	Merchant Marine Barge traffic not subject to ICC Offshore ports
<u>Public Works and Transportation</u> Robert E. Jones of Alabama	Civil Aviation Highways Mass Transit Barge traffic subject to ICC Ports and harbors
<u>Science and Technology</u> Olin E. Teague of Texas	Astronautical R&D Civil Aviation R&D Space Programs Special oversight of all nonmilitary R&D
<u>Ways and Means</u> Al Ullman of Oregon	Tax expenditures affecting transportation, e.g., tax subsidies for ship building Trust Funds (Airport, for example)

SENATE

<u>Aeronautical and Space Sciences</u> Frank E. Moss of Utah	Space programs
<u>Armed Services</u> John C. Stennis of Mississippi	Authorizing development of military transportation, e.g., new military aircraft
<u>Appropriations</u> John . McClellan of Arkansas	Funding of Federal-aid transportation modes
<u>Banking, Housing and Urban Affairs</u> William Proxmire of Wisconsin	Mass Transit

<u>Committee</u>	<u>Responsibility</u>
<u>Budget</u> Edmund S. Muskie of Maine	Recommending budget authority for transportation
<u>Commerce</u> Warren G. Magnuson of Washington	Merchant Marine Civil aviation ICC Tourism Motor vehicle safety Railroads Energy regulations
<u>District of Columbia</u> Thomas F. Eagleton of Missouri	METRO
<u>Finance</u> Russell B. Long of Louisiana	Tax expenditures affecting transportation, e.g., tax subsidies for ship building Trust funds
<u>Government Operations</u> Abraham A. Ribicoff of Connecticut	Creation of Federal trans- portation agencies General oversight of all Federal transportation programs and activities
<u>Labor and Public Welfare</u> Harrison A. Williams of New Jersey	Railway labor
<u>Public Works</u> Jennings Randolph of West Virginia	Highways, Roads and Streets Rivers, Harbors and Ports Bikeways Highway safety

NOTE:

1. There have been various jurisdictional disputes between Congressional Committees that have produced delays in the enactment of legislation, e.g., Mass Transit in 1974 (between House Public Works and House Banking and Currency) .

2. Current methods of handling jurisdictional conflicts:
 - A. Speaker may refer measures simultaneously for concurrent consideration or for consideration in sequence (H.Res. 988) .
 - B. The House Rules Committee can arbitrate any jurisdictional battle.
 - C. The Speaker, subject to House approval, can create Ad Hoc Committees.
3. H.Res. 988 also authorized the House Committee on Government Operations to prepare an oversight report (H. Rept. 94-61) on the oversight plans of all standing committees and to "assist in coordinating all the oversight activities of the House during such Congress."

89TH CONGRESS
1ST SESSION

H. R. 7896

A BILL

To guarantee the right to vote under the fifteenth amendment to the Constitution of the United States.

By Mr. McCulloch + Ford

MAY 5, 1965

Referred to the Committee on the Judiciary



From: Carol Mauer
6-30-75

89TH CONGRESS
1ST SESSION

H. R. 7896

IN THE HOUSE OF REPRESENTATIVES

and MR. FORD MAY 5, 1965
Mr. McCulloch introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To guarantee the right to vote under the fifteenth amendment to the Constitution of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act shall be known as the "Voting Rights Act
4 of 1965".

DEFINITIONS

5
6 SEC. 2. (a) The phrase "literacy test" shall mean any
7 requirement that a person as a prerequisite for voting or
8 registration for voting (1) demonstrate the ability to read,
9 write, understand, or interpret any matter, or (2) demon-
10 strate an educational achievement or knowledge of any par-
11 ticular subject.

I—O



89TH CONGRESS
1ST SESSION

H. R. 7895

A BILL

(b) A person is "denied or deprived of the right to register or to vote" if he is (1) not provided by persons acting under color of law with an opportunity to register to vote or to qualify to vote within two weekdays after making a good-faith attempt to do so, (2) found not qualified to vote by any person acting under color of law, or (3) not notified by any person acting under color of law of the results of his application within seven days after making application therefor.

(c) The term "election" shall mean any general, special, or primary election held in any voting district solely or in part for the purpose of electing or selecting any candidate to public office or of deciding a proposition or issue of public law.

(d) The term "voting district" shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

(e) The term "vote" shall have the same meaning as in section 2004 of the Revised Statutes (42 U.S.C. 1971 (e)).

FINDINGS

SEC. 3. (a) Congress hereby finds that large numbers of United States citizens have been and are being denied

1 the right to register or to vote in various States on account
2 of race or color in violation of the fifteenth amendment.

3 (b) Congress further finds that literacy tests have been
4 and are being used in various States and political subdi-
5 visions as a means of discrimination on account of race or
6 color. Congress further finds that persons with a sixth-grade
7 education possess reasonable literacy, comprehension, and
8 intelligence and that, in fact, persons possessing such edu-
9 cational achievement have been and are being denied or
10 deprived of the right to register or to vote for failure to
11 satisfy literacy test requirements solely or primarily because
12 of discrimination on account of race or color.

13 (c) Congress further finds that the prerequisites for vot-
14 ing or registration for voting (1) that a person possess good
15 moral character unrelated to the commission of a felony, or
16 (2) that a person prove qualifications by the voucher of
17 registered voters or members of any other class, have been
18 and are being used as a means of discrimination on account
19 of race or color.

20 (d) Congress further finds that in any voting district
21 where twenty-five or more persons have been denied or de-
22 prived of the right to register or to vote on account of race
23 or color and who are qualified to register and vote, there
24 exists in such district a pattern or practice of denial of the



1 right to register or to vote on account of race or color in
2 violation of the fifteenth amendment.

3 APPOINTMENT OF EXAMINERS; PRESUMPTION OF PATTERN
4 OR PRACTICE

5 SEC. 4. (a) Whenever the Attorney General certifies
6 to the Civil Service Commission (1) that he has received
7 complaints in writing from twenty-five or more residents
8 of a voting district each alleging that (i) the complainant
9 can satisfy the voting qualifications of the voting district, and
10 (ii) the complainant has been denied or deprived of the
11 right to register or to vote on account of race or color within
12 ninety days prior to the filing of his complaint, and (2) that
13 the Attorney General believes such complaints to be merito-
14 rious, the Civil Service Commission shall promptly appoint
15 an examiner for such voting district who shall be responsible
16 to the Commission.

17 (b) A certification by the Attorney General shall be
18 final and effective upon publication in the Federal Register.

19 (c) The examiner shall examine each person who has
20 filed a complaint certified by the Attorney General to deter-
21 mine whether he was denied or deprived of the right to
22 register or to vote within ninety days prior to the filing of
23 such complaint, and whether he is qualified to vote under
24 State law. A person's statement under oath shall be prima
25 facie evidence as to his age, residence, and prior efforts to



1 register or otherwise qualify to vote. In determining wheth-
2 er a person is qualified to vote under State law, the examiner
3 shall disregard (1) any literacy test if such person has not
4 been adjudged an incompetent and has completed the sixth
5 grade of education in a public school in, or a private school
6 accredited by, any State or territory, the District of Colum-
7 bia, or the Commonwealth of Puerto Rico, or (2) any re-
8 quirement that such person, as a prerequisite for voting or
9 registration for voting (i) possess good moral character
10 unrelated to the commission of a felony, or (ii) prove his
11 qualifications by the voucher of registered voters or members
12 of any other class. If applicable State law requires a literacy
13 test, those persons possessing less than a sixth-grade educa-
14 tion shall be administered such test only in writing and the
15 answers to such test shall be included in the examiner's
16 report.

17 (d) If the examiner finds that twenty-five or more of
18 those persons within the voting district, who have filed com-
19 plaints certified by the Attorney General have been denied
20 the right to register or to vote and are qualified to vote under
21 State law, he shall promptly place them on a list of eligible
22 voters, and shall certify and serve such list upon the offices
23 of the appropriate election officials, the Attorney General,
24 and the attorney general of the State, together with a report



1 of his findings as to those persons whom he has found quali-
 2 fied to vote. Service shall be as prescribed by rule 5 (b)
 3 of the Federal Rules of Civil Procedure. The provisions of
 4 section 8 (d) and 8 (e) shall then apply to persons placed
 5 on a list of eligible voters.

6 (e) A finding by the examiner under subsection (d)
 7 shall create a presumption of a pattern or practice of denial
 8 of the right to register or to vote on account of race or color.

9 CHALLENGES

10 SEC. 5. (a) A challenge to the factual findings of the
 11 examiner, contained in the examiner's report, may be made
 12 by the attorney general of the State or by any other person
 13 upon whom has been served a certified list and report of
 14 persons found qualified to vote, as provided in section 4 (d).
 15 Such challenge shall be made by service upon the attorney
 16 general and upon the Civil Service Commission as prescribed
 17 by rule 5 (b) of the Federal Rules of Civil Procedure. Such
 18 challenge shall be entertained only (1) if made within ten
 19 days after service of the list of eligible voters as provided
 20 in section 4 (d), and (2) if supported by the affidavit of at
 21 least two persons having personal knowledge of the facts
 22 constituting grounds for the challenge.

23 (b) Upon service of a challenge the Civil Service Com-
 24 mission shall promptly appoint a hearing officer who shall
 25 be responsible to the Commission, or promptly designate a



1 hearing officer already appointed, to hear and determine
 2 such challenge. A challenge shall be determined within
 3 seven days after it has been made. A person's fulfillment
 4 of literacy test requirements, if not disregarded by the ex-
 5 aminer as provided for in section 4 (c), shall be reviewed
 6 solely on the basis of the written answers included in the
 7 examiner's report required by sections 4 (c) and 4 (d).

8 ESTABLISHMENT OF A PATTERN OR PRACTICE

9 SEC. 6. A pattern or practice of denial of the right to
 10 register or to vote on account of race or color is established
 11 (a) if a challenge to a finding under section 4 (d) has not
 12 been made within ten days after service of the list of eligible
 13 voters on the appropriate State election officials and the
 14 attorney general of the State, or (b) upon a determination
 15 by a hearing officer that twenty-five or more of those persons
 16 within the voting district, who have been placed on the list
 17 of eligible voters by the examiners, have been denied or de-
 18 prived of the right to register or to vote and are qualified to
 19 register and to vote. The listing of additional persons pre-
 20 scribed in section 8 shall not be stayed pending judicial re-
 21 view of the decision of a hearing officer.

22 JUDICIAL REVIEW

23 SEC. 7. A petition for review of the decision of a hear-
 24 ing officer may be filed in the United States court of appeals
 25 for the circuit in which the person challenged resides within

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1 fifteen days after service of such decision by mail on the per-
 2 son petitioning for review, but no decision of a hearing
 3 officer shall be overturned unless clearly erroneous.

4 LISTING OF PERSONS FOUND ELIGIBLE

5 SEC. 8. (a) Upon establishment of a pattern or practice,
 6 as provided in section 6, the Civil Service Commission shall
 7 appoint such additional examiners for the voting district as
 8 may be necessary who shall determine whether persons
 9 within the voting district are qualified to register and to
 10 vote. In determining whether such persons are so qualified
 11 the examiners shall apply the same procedures and be subject
 12 to the same conditions imposed upon the initial examiner
 13 under section 4 (c), except that a person appearing before
 14 such examiner need not have first attempted to apply to a
 15 State or local registration official if he states, under oath,
 16 that in his belief to have done so would have been futile or
 17 would have jeopardized the personal safety, employment,
 18 or economic standing of himself, his family, or his property.
 19 Such examiner shall in the same manner as provided in sec-
 20 tion 4 (d), certify and serve lists of eligible voters and any
 21 supplements as appropriate at the end of each month, upon
 22 the appropriate election officials, the Attorney General, and
 23 the attorney general of the State, together with reports of his
 24 findings as to those persons listed.

25 (b) Challenges to the findings of the examiners shall be



1 made in the manner and under the same conditions as are
2 provided in section 5.

3 (c) The Civil Service Commission shall appoint and
4 make available additional hearing officers within the voting
5 district as may be necessary to hear and determine the chal-
6 lenges under this section.

7 (d) Any person who has been placed on a list of
8 eligible voters shall be entitled and allowed to vote in any
9 election held within the voting district unless and until the
10 appropriate election officials shall have been notified that
11 such person has been removed from such list in accordance
12 with section 10. If challenged, such person shall be en-
13 titled and allowed to vote provisionally with appropriate
14 provision being made for the impounding of their ballots,
15 pending final determination of their status by the hearing
16 officer and by the court.

17 (e) Examiners shall issue to each person placed on a
18 list of eligible voters a certificate evidencing his eligibility
19 to vote.

20 (f) No person shall be entitled to vote in any election
21 by virtue of the provisions of this Act unless his name shall
22 have been certified and transmitted on such list to the offices
23 of the appropriate election officials at least forty-five days
24 prior to such election.



1 APPLICATION AND PROCEDURE

2 SEC. 9. (a) Consistent with State law and the pro- 2
3 visions of this Act, persons appearing before an examiner 3
4 shall make application in such form as the Civil Service 4
5 Commission may require. Also consistent with State law 5
6 and the provisions of this Act, the times, places, and pro- 6
7 cedures for application and listing pursuant to this Act and 7
8 removals from eligibility lists shall be prescribed by regula- 8
9 tions promulgated by the Civil Service Commission. The 9
10 Commission shall, after consultation with the Attorney Gen- 1
11 eral, instruct examiners concerning the qualifications re- 1
12 quired for listing. 1

13 (b) Notwithstanding time limitations as may be estab- 1
14 lished under State or local law, examiners shall make them-
15 selves available every weekday in order to determine
16 whether persons are qualified to vote.

17 (c) Times, places, and procedures for hearing and de-
18 termination of challenges under sections 5 and 8 (b) shall
19 be prescribed by regulation promulgated by the Civil Service
20 Commission, provided that hearing officers shall hear chal-
21 lenges in the voting district of the listed persons challenged.

22 REMOVAL FROM VOTER LISTS

23 SEC. 10. Any person whose name appears on a list, as
24 provided in this Act, shall be entitled and allowed to vote in
25 the election district of his residence unless and until the

1 appropriate election officials shall have been notified that
2 such person has been removed from such list. A person
3 whose name appears on such a list shall be removed there-
4 from by an examiner if (1) he has been successfully chal-
5 lenged in accordance with the procedure prescribed in sec-
6 tions 5 and 7, or (2) he has been determined by an ex-
7 aminer (a) not to have voted or attempted to vote at least
8 once during four consecutive years while listed or during
9 such longer period as is allowed by State law without requir-
10 ing reregistration, or (b) to have otherwise lost his eligi-
11 bility to vote: *Provided, however,* That in a State which
12 requires reregistration within a period of time shorter than
13 four years, the person shall be required to reregister with
14 an examiner who shall apply reregistration methods and
15 procedures of State law not inconsistent with the provisions
16 of this Act.

17 QUALIFICATIONS OF EXAMINERS AND HEARING OFFICERS

18 SEC. 11. Examiners and hearing officers appointed by
19 the Civil Service Commission shall be existing Federal
20 officers and employees who are residents of the State in which
21 the Attorney General has issued his certification. Examiners
22 and hearing officers shall subscribe to the oath of office re-
23 quired by section 16 of title 5, United States Code. Exam-
24 iners and hearing officers shall serve without compensation
25 in addition to that received for such other service, but while



1 engaged in the work as examiners and hearing officers shall
 2 be paid actual travel expenses, and per diem in lieu of
 3 subsistence expenses when away from their usual place of
 4 residence, in accordance with the provisions of sections 835
 5 to 842 of title 5, United States Code. Examiners and hear-
 6 ing officers shall have the power to administer oaths.

7 TERMINATION OF LISTING

8 SEC. 12. The listing provisions of this Act shall be
 9 applied in a voting district until, within any twelve-month
 10 period, less than twenty-five persons within the voting dis-
 11 trict have been placed on lists of eligible voters by examiners.

12 ENFORCEMENT

13 SEC. 13. (a) Whenever a person alleges to an examiner
 14 within twenty-four hours after the closing of the polls that
 15 notwithstanding his listing under the provisions of this Act
 16 he has not been permitted to vote or that his vote was not
 17 properly counted or not counted subject to the impounding
 18 provision, as provided in section 8 (d), the examiner shall
 19 notify the United States attorney for the judicial district if
 20 such allegation, in his opinion, appears to be well founded.
 21 Upon receipt of such notification, the United States attorney
 22 may forthwith apply to the district court for a temporary or
 23 permanent injunction, restraining order, or other order, and
 24 including orders directed to the State and State or local
 25 election officials to require them (1) to permit persons listed

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1 under this Act to vote, (2) to count such votes, or (3) for
2 such other orders as the court may deem necessary and
3 appropriate.

4 (b) No person, acting under color of law, shall—

5 (1) fail or refuse to permit to vote any person who
6 is entitled to vote under any provision of this Act; or

7 (2) willfully fail or refuse to count, tabulate, and
8 report accurately such person's vote; or

9 (3) intimidate, threaten, or coerce, or attempt to
10 intimidate, threaten, or coerce, any such person entitled
11 to vote under any provision of this Act for voting or
12 attempting to vote; or

13 (4) intimidate, threaten, or coerce, or attempt to
14 intimidate, threaten, or coerce, any person for urging or
15 aiding voting or attempted voting by persons entitled to
16 vote under any provision of this Act.

17 (c) No person, acting under color of law or otherwise,
18 shall intimidate, threaten, or coerce, or attempt to intimi-
19 date, threaten, or coerce, any person for exercising any
20 powers or duties under section 4, 5, 6, 7, 8, 9, or 10 of this
21 Act.

22 (d) No person shall in any matter within the jurisdic-
23 tion of an examiner or a hearing officer, knowingly and
24 willfully falsify or conceal a material fact, or make any
25 false, fictitious, or fraudulent statement or representation, or



1 make or use any false writing or document knowing the
 2 same to contain any false, fictitious, or fraudulent statement
 3 or entry.

4 (e) Any person violating any of the provisions of sub-
 5 section (b), (c), or (d) shall be fined not more than
 6 \$5,000, or imprisoned not more than five years, or both.

7 (f) All cases of civil and criminal contempt arising
 8 under the provisions of this Act shall be governed by sec-
 9 tion 151 of the Civil Rights Act of 1957 (42 U.S.C. 1995).

10 (g) The district courts of the United States shall have
 11 jurisdiction of proceedings instituted pursuant to this sec-
 12 tion and shall exercise the same without regard to whether
 13 an applicant for listing under this Act shall have exhausted
 14 any administrative or other remedies that may be provided
 15 by law.

16 INTERFERENCE WITH ELECTIONS

17 SEC. 14. (a) No person shall, for any reason—

18 (1) fail or refuse to permit to vote in any State
 19 any person who is qualified to vote under the provisions
 20 of the law of such State which are not inconsistent with
 21 the provisions of Federal law; or

22 (2) willfully fail or refuse to count, tabulate, and
 23 report accurately such person's vote; or

24 (3) intimidate, threaten, or coerce, or attempt to
 25 intimidate, threaten, or coerce, any such person for the

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1 purpose of preventing such person from voting or at-
2 tempting to vote; or

3 (4) intimidate, threaten, or coerce, or attempt to
4 intimidate, threaten, or coerce, any person for the pur-
5 pose of preventing such person from urging or aiding
6 voting or attempted voting.

7 (b) No person shall, within a year following an elec-
8 tion, (1) destroy, deface, mutilate, or otherwise alter the
9 marking of a paper ballot cast in such election, or (2) alter
10 any record of voting in such election made by a voting ma-
11 chine or otherwise.

12 (c) No person shall knowingly or willfully give false
13 information as to his name, address, or period of residence
14 in a voting district for the purpose of establishing his eligi-
15 bility to register or vote, or conspire with another individual
16 for the purpose of encouraging his false registration to vote
17 or illegal voting, or pay or offer to pay or accept payment
18 either for registration to vote or for voting.

19 (d) Any person violating any of the provisions of sub-
20 section (a), (b), or (c) shall be fined not more than
21 \$10,000, or imprisoned not more than five years, or both.

22 (e) The foregoing provisions of this section shall be
23 applicable only to general, special, or primary elections held
24 solely or in part for the purpose of selecting or electing presi-
25 dential electors, Members of the United States Senate,



1 Members of the United States House of Representatives, or
 2 Delegates or Commissioners from the territories or posses-
 3 sions.

4 RELIEF FROM ENFORCEMENT OF POLL TAX

5 SEC. 15. (a) Congress hereby finds that the constitutional
 6 right to vote of large numbers of citizens of the United States
 7 is denied or abridged on account of race or color in some
 8 States by the requirement of the payment of a poll tax as
 9 a prerequisite to voting in State or local elections. To assure
 10 that the right to vote is not thus denied or abridged, the
 11 Attorney General shall forthwith institute in the name of
 12 the United States actions for declaratory judgment or injunc-
 13 tive relief against the enforcement of any poll tax, or other
 14 tax or payment, which, as a condition precedent to voting
 15 in State or local elections, has the purpose or effect of
 16 denying or abridging the right to vote on account of race
 17 or color.

18 (b) The district courts of the United States shall have
 19 jurisdiction of such actions which shall be heard and deter-
 20 mined by a court of three judges in accordance with the
 21 provisions of section 2284 of title 28 of the United States
 22 Code. It shall be the duty of the judges designated to hear
 23 the case to assign the case for hearing at the earliest prac-
 24 ticable date, to participate in the hearing and determination
 25 thereof, and to cause the case to be in every way expedited.



1 (c) Appeal from judgments rendered under this section
2 shall be to the Supreme Court in accordance with section
3 1253, title 28, United States Code.

4 APPROPRIATIONS

5 SEC. 16. There are hereby authorized to be appropriated
6 such sums as are necessary to carry out the provisions of this
7 Act.

8 SEPARABILITY

9 SEC. 16. If any provision of this Act or the application
10 thereof to any person or circumstances is held invalid, the
11 remainder of the Act and the application of the provision to
12 other persons not similarly situated or to other circumstances
13 shall not be affected thereby.





Office of the Attorney General
Washington, D. C. 20530

July 1, 1975

MEMORANDUM FOR THE PRESIDENT

FROM THE ATTORNEY GENERAL *ERK*

SUBJECT: EXTENSION OF THE VOTING RIGHTS ACT

Soon after its return from the July 4th recess, the Senate will take up the bill extending the Voting Rights Act of 1965. The Act expires on August 1, 1975. A bill extending and expanding the Act passed the House on June 4 by a vote of 341 to 70. The House-passed bill is being held at the desk in the Senate and a similar bill is pending before the Senate Judiciary Committee.

This memorandum summarizes the major provisions of the pending legislation and poses the options for action by the President. One caveat is in order: the recommendations are based on my view of the purposes and need for the proposals, not on any perceptions as to the sentiment of a majority in Congress. The provisions are as follows:

- (1) ten-year extension of the special remedies of the Act;
- (2) permanent nationwide prohibition of literacy tests;

- (3) extension of the special remedies of the Act to "language minority" citizens;
- (4) requirement of bilingual elections; and
- (5) exemption from the Act's special remedies.

1. Ten-year extension of the special remedies of the Act. The Administration previously proposed a five-year extension of the special remedies of the Act. These remedies include the automatic suspension of literacy tests or other tests or devices as prerequisites to voting or registration within the covered States and political subdivisions */ and granting of authority to the Attorney General to dispatch examiners to register voters and to send observers to monitor election day activities in the covered jurisdictions. In addition, all covered States and political subdivisions must submit all new election laws to either the Attorney General or the Federal district court in the District of Columbia for approval prior to their effective date. Both bills would extend these special provisions for ten years. This means that those

*/ The special remedies of the Act apply to all States or political subdivisions which maintained any test or device as a prerequisite for registration or voting on November 1, 1964 or November 1, 1968 and which had less than 50 percent voter participation or registration in the Presidential election in 1964 or 1968, respectively. The phrase "test or device" is defined in Section 4(c) as including, inter alia, "any requirement that a person as a prerequisite for voting or registration for voting . . . demonstrate the ability to read, write, understand or interpret any matter . . . "

States and political subdivisions covered by the Act and presently eligible for automatic release in August 1975 would not be so eligible until 1985. Similarly, those jurisdictions eligible for release in 1980 would not be eligible until 1990.

The reasons favoring a ten-year extension are three-fold. First, after the 1980 census many election districts will require redistricting. The preclearance procedures of the Act will be especially important during this period, it is argued, since they will provide an effective safeguard against attempts to gerrymander districts in a racially discriminatory manner. This argument is, to some degree, documented by the fact that approximately one-third of the Department's objections have been to redistricting at the State, county, and city level. Second, evidence adduced at Congressional hearings indicates that extension of the Act for more than five years hence would be more difficult from a political standpoint.

Proponents of a simple five-year extension argue that significant gains have taken place in the South in ensuring nondiscriminatory exercise of the franchise; that another five years may be sufficient to accomplish the goals of the Act; and that in 1980 a reexamination can be undertaken to determine whether the panoply of remedies is still necessary.

2. Permanent nationwide prohibition of literacy tests.

In the 1970 amendments to the Act, Congress for the first time

extended the prohibition on the use of literacy tests to cover the entire nation for a period of five years. The new bill, which would extend the Act generally for a 10-year period, would also impose permanent nationwide prohibition on literacy tests.

Supporters of the permanent nationwide ban argue that literacy tests are inherently discriminatory because minority citizens have received inferior educational opportunities, and that in any event, literacy has not been shown to have any necessary relation to the ability to be informed about current affairs and vote intelligently. It is asserted that the broadcast media allow citizens to be well informed despite illiteracy, and that the unessential nature of a literacy test is demonstrated by the fact that only 14 States still retain such a test in their statute books.

Opponents of the permanent ban, including the Department of Justice, have argued that the proposal raises constitutional problems, since Congressional authority to impose such a ban under the Fifteenth Amendment becomes increasingly doubtful as the effects of past discrimination recede. Congressional authority to impose the ban under the Fourteenth Amendment is also unsettled. The Department believes, however, that the prohibition would be upheld for the present, although at some time in the future its legality may be open to serious question.

We have therefore stated that it is our judgment that a five- or ten-year extension would be more appropriate than a permanent ban.

3. Extension of the special remedies of the Act to "language minority" citizens. The bill would also expand the special provisions of the Act to cover States or political subdivisions which in 1972 (a) had greater than five percent of "language minority" citizens of voting age, (b) had less than 50 percent voter participation, and (c) provided election materials only in the English language. The bill defines "language minority" citizens to include American Indians, Asian Americans, Alaskan natives, and persons of Spanish heritage. All States and political subdivisions meeting the above criteria would be subject to the special remedies of the Act, including the preclearance procedures requiring that all new election laws be submitted to the Attorney General or the Federal district court for prior approval. In addition, English-only elections would be banned for ten years within the covered areas and bilingual elections would be required. It appears that the effect of the provision would be to extend the coverage of the Act to include the States of Texas and Alaska and about 40 counties scattered throughout the nation.

Proponents of the provision argue that it is necessary to remedy the systematic pattern of voting discrimination against

language minorities and that such discrimination was documented during the Congressional hearings. Although many forms of discrimination are alleged, the most serious example is the failure of States and local jurisdictions to provide adequate bilingual registration and election materials to non-English-speaking citizens. It is urged that, as a result, the registration and voting statistics of language minorities are significantly below those of the Anglo-American majority. Moreover, the need for the provision is evidenced by the fact that it received substantial support from Congressmen representing jurisdictions that would be covered by the special provisions. Fourteen representatives from the State of Texas supported the bill, for example, while only six opposed it.

Those opposing the bill argue that the application of all the Act's special remedies to the covered jurisdictions is not supported by the evidence and that a prohibition on English-only elections would suffice. In particular, it is asserted that the preclearance requirement would constitute an unjustified intrusion on the jurisdictions involved, since the alleged discrimination results mainly from English-only elections, and not from other kinds of practices that would be covered by the preclearance procedure. Further, it can be argued that the special remedies do not constitute the sole means for combatting discrimination since under the present Act individual acts of discrimination can be enjoined and those committing the acts prosecuted.

4. Requirement of bilingual elections. The bill would also ban English-only elections in States or political subdivisions in which greater than five percent of the voting age citizens are members of any single "language minority" (Asian Americans, American Indians, and Alaskan natives and persons of Spanish heritage) and in which the illiteracy rate of that minority is greater than the national illiteracy rate. The bilingual election provision would therefore cover those areas where a concentration of a language minority exists, principally Texas, Arizona, Alaska, approximately 40 counties in California and political subdivisions in Colorado, Connecticut, Florida, Hawaii, New Mexico, New York, North Carolina, Oklahoma, South Dakota, Utah and Virginia. The more stringent remedies discussed above would cover those areas that also have low voting participation -- a factor that supposedly indicates discrimination.

A chief criticism of this provision is that there is no apparent reason why States should not have the option of providing sample ballots and other assistance in the minority language while still retaining English as the only language for use on official State documents such as the ballots themselves. For example, rather than requiring bilingual official ballots, the States could assist language minorities in understanding the voting system by posting sample ballots in different languages outside the polling booth. It would obviously be less intrusive on State prerogatives to allow the States the choice between this option and bilingual ballots. Moreover, there is

some question whether it is wise to start down the road of required bilingualism in the publication of official State materials with its implication for a Quebec-type movement here in the United States.

5. Exemption from the Act's special remedies. The Act presently provides that a covered jurisdiction may exempt itself or "bail out" from the Act's special coverage if it can overcome a rebuttable presumption that it employed a discriminatory test or device as a prerequisite to registration or voting within the last 10 years. A recent case involving the State of Virginia illustrates the difficulty of using this formula since the literacy tests employed in many of the southern States 10 years ago are presumed to have discriminated against minorities.

Neither bill attempts to change the bail-out formula. An amendment by Congressman Butler to modify the formula to lessen the requirements of proof failed by a vote of 279 to 134. This amendment would have permitted a presently covered State to exempt itself from the special provisions if (1) the minority vote was over 60 percent; (2) the State remained untainted by discrimination complaints for five years; and (3) the State initiated an "affirmative action" plan to increase minority voter participation. In a letter to the Subcommittee considering this amendment, the Assistant Attorney General in

charge of the Civil Rights Division expressed the view that while the present bail-out provision is adequate and no amendment is necessary, a provision along the lines of the Butler Amendment is consistent with the goals of the Act.

A modification of the bail-out formula -- allowing the covered political subdivisions a reasonable opportunity to obtain an exemption from the Act's special remedies -- would give these subdivisions an incentive to take those measures necessary to assure equal access to the ballot box. The Butler Amendment seems deficient because of its reliance on an affirmative action plan with the vagaries inherent in such a proposal. A better formulation, for example, would provide an exemption for those political subdivisions that prove that (1) the minority vote is over 60 percent and (2) there is not more than a five percent difference between the voting turnout of blacks as compared to that of whites. */ Both factors evidence an absence of discriminatory voting practices. If they were not present in succeeding elections during the 10-year period, the remedies could be reimposed.

*/ The percentages given are for the purposes of explaining the concept. The optional percentages to be used in the formula will require further computation.

ISSUES

1. Extension of the special remedies of the Act.

Options:

- A. Continue to support a five-year extension.
- B. Acquiesce in a Congressional judgment that a ten-year extension is more appropriate.

Recommendation:

Option B. This option, taken in tandem with an amendment modifying the exemption from the Act's special remedies (Option 5(b)), would impose the special remedies on those States where there still appear to exist some vestiges of discriminatory practices. The special remedies, including preclearance of voting law changes, would apply during that period of time most susceptible to discriminatory practices, namely the several years following the 1980 census. If, however, these special remedies are to apply for 10 years, it would seem only reasonable to permit the political subdivisions to bail out when the evidence of discrimination no longer exists.

Decision:

Option A _____ Option B _____

2. Permanent nationwide prohibition of literacy tests.

Options:

- A. Support the permanent ban.
- B. Recommend five- or ten-year extension of present ban (the number of years to be the same for special remedies).

Recommendation:

Option B, for the reasons stated.

Decision:

Option A _____ Option B _____

3. Extension of the special remedies of the Act to "language minority" citizens.

Options:

- A. Oppose any special coverage for language minority citizens.
- B. Remedy discriminatory effects by (1) requiring bilingual-type elections and (2) maintaining a vigilant enforcement policy to eliminate acts of discrimination.
- C. Support application of all the special remedies for language minority citizens.

Recommendation:

Option B, for the reasons earlier stated.

Decision:

Option A _____ Option B _____
Option C _____

4. Requirement of bilingual elections.

Options:

- A. Support the requirement of official bilingual ballots in minority language areas.
- B. Oppose the requirement.
- C. Grant the States the option to provide either official bilingual ballots or other assistance equally helpful in understanding the ballot such as providing sample ballots.

Recommendation:

Option C, for reasons stated previously.

Decision:

Option A _____ Option B _____
Option C _____

5. Exemption from the Act's special remedies:

Options:

- A. Oppose any change in the bail-out formula.
- B. Support a modified bail-out formula.

Recommendation:

Option B, for the reasons stated in the recommendation with respect to the extension of the special remedies of the Act (Option 1(b)).

Decision:

Option A _____

Option B _____

THE WHITE HOUSE

WASHINGTON

July 2, 1975

June Copy

WEEKLY DOMESTIC REPORT FOR THE PRESIDENT

1. Uranium Enrichment

ERDA has established two boards to negotiate with private groups. One will deal with the diffusion process and will have its first meeting next week with uranium enrichment associates.

The other board will deal with the centrifuge process and will start meeting with private groups within a few weeks.

Our priority now is getting your legislation enacted. For lead-off administration witnesses, I suggest:

- Kissinger--International aspects and nuclear safeguards.
- Zarb--Overall energy outlook and the role that nuclear power will play in the future.
- Seamans and Fri--The overall ERDA approach and the specifics of your legislative proposal.
- Lynn -- How this benefits the taxpayer.
- Dunlop --What this means to jobs.
- Morton -- How this affects the growth of the country.

To propose these administration witnesses, Marsh, Friedersdorf, and I might visit with Senator Pastore and other members of the Joint Atomic Energy Committee.

When?
Wed -
Rosen 14TH

Check w/ Boert
HOK on or 14th
Pastore's want
for him to
check for

2. Cincinnati Environmental Meeting

After the dedication of the E.P.A. research facility tomorrow, you will meet with 20 environmentalists. The group has been put together by Henry Diamond and John Quarles. Russ Train, Russ Peterson, and Frank Zarb will also attend.

As you know, the environmental community feels that you have come down on the opposite side of every major issue that they've been interested in. They will probably differ with your position on strip mining and auto emissions. It's our understanding, however, that they view this as their first opportunity to begin a dialogue with you on environmental issues, and we expect it to be a responsible meeting.

I will have a briefing paper for you late this afternoon.

Voting Rights

Coyotes

We have finally identified the central problems and issues on coyotes, and will staff a decision paper today, for delivery to you tomorrow.

5. New York City Financial Situation

Recent disclosures from both the State and City Controllers' office indicate that both the short and long term financial problems of New York City are greater than originally thought two months ago.

The State solution, the "Big Mac" corporation, is helpful, but will unlikely solve the financial problem, even for this year.

Cost of
all
environmental
strip
mining
3.
4.

① MARSH
② MAY
③ LEV

9/10 of 10 pages to prep

A fundamental and long-range solution of New York City's basic problems is beyond the fiscal capacity of the State and the City. In addition, the disruption of services which is now occurring could become very dangerous this summer.

It is likely that the Federal government will be asked to get involved in the problem.

6. Highway Message

Your Highway Message will be ready to go to Congress next Monday, July 7, 1975. We have invited seven Governors to come in to discuss your program with you on Monday and then to be present for the Signing Ceremony. Those Governors invited are:

Bennett	Kansas
Askew	Florida
Rampton	Utah
Evans	Washington
Noel	Rhode Island
Bond	Missouri
Ray	Iowa

7.9

US 7.1

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unusual way
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Company
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for
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Conduct
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DRAFT

July 10, 1975

Dear Roman:

This is in response to your letter of _____, in which you request my position on the Voting Rights Act of 1965.

I strongly believe that the right to vote is the foundation of freedom, and that this right must be protected.

That is why when this issue was first being considered in 1965, I co-sponsored with Representative William McCulloch of Ohio a voting rights bill which would have effectively guaranteed the Constitutional right to vote to all eligible citizens in the United States.

After it became clear that the McCulloch-Ford Bill would not pass, I voted for the most practical alternative, the Voting Rights Act of 1965; and in 1970 I supported extending the Act.

Last January, when this issue first came before me as President, I proposed that Congress again extend for five years the temporary provisions of the Voting Rights Act of 1965.

Since I transmitted my proposal, however, the House of Representatives has passed a bill (H.R. 6219) which differs substantially from that which I recommended. The most significant of these differences are: (1) The House bill would extend the temporary provisions of the Act for ten years, instead of five; and (2) the House bill would extend the temporary provisions of the Act so as to include discrimination against language minorities, thereby extending application of the Act from the present seven States to eight additional States, in whole or in part.

In light of the House extension of the Voting Rights Act for ten years and to eight more States, I believe that the time has come to extend the Voting Rights Act nationwide.

This is one nation, and what is right for fifteen States is right for fifty States.

Numerous civil rights leaders have pointed out that substantial numbers of Black citizens have been denied the right to vote in many of our large cities in areas other than the seven Southern states where the present temporary provisions apply. We cannot permit discrimination in voting in any part of this nation.

As I said back in 1965, when I introduced legislation on this subject, a responsible, comprehensive voting rights bill should "correct voting discrimination wherever it occurs throughout the length and breadth of this great land."

Now, ten years later, it is even more clear to me that a Voting Rights Act should apply in the same way to all voting jurisdictions and safeguard the voting rights of every citizen in every State.

I recognize that extension of the temporary provisions of the Act to all States will necessitate modifications of the law. These should be accomplished promptly, since the voting Rights Act expires August 6, 1975; and it is imperative that the Act be extended.

I shall be grateful if you will convey to the members of the Senate Committee on the Judiciary my views on this important matter.

Sincerely,

~~the~~ under #1, [7/10/75]

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June 6pm

THE WHITE HOUSE

WASHINGTON

July 10, 1975

WEEKLY DOMESTIC REPORT FOR THE PRESIDENT

1. *OK*

Voting Rights

Marsh and Hartmann have reviewed the draft letter. If you agree, I would like to discuss it personally with Ed Levi, Senator Hruska, and Senator Griffin.

- Mark Smith

2.

Coyotes

You have our paper on coyotes. I understand we will be meeting at 9:15 a.m. tomorrow morning.

Mitch who should testify for Weinman

3.

Highway Legislation

Your Monday Message to the Congress got a good reception from the press and the Governors, but there is strong opposition in Congress. The Senate will begin hearings on July 17 and the House on July 23.

4.

Uranium Enrichment

I met on Wednesday with Senator Pastore about Administration witnesses. He agrees with our list, and indicated he may want to call others in the Administration. He said he will call his committee together next week and determine a date for hearings to begin.

5.

Title IX

We have reviewed the section of the regulations that was of such concern to Coaches Glenn E. Schembechler, Darrell Royal, and Barry Switzer. Cap Weinberger, Justice, and Dick Parsons believe the section as sent to Congress does follow the law that Congress passed. Any change will require an Amendment to the legislation, such as prepared by Representative James O'Hara.

9/8?

** ① Meet w/ Rep Leadership
② Message to Congress?*

** CAP*

*AL Due
John Smith
Bob Smith
Bob Smith*

6. Regulatory Reform

With Rod Hills and Paul MacAvoy, we will put together the next steps in this major effort, and a timetable.

7. Murphy Commission

Brent Scowcroft and I will follow up with the timetable as you discussed with Rumsfeld: That is, comments from the Department heads into the White House by July 20; broader questions on which they have comments by July 25; and a memorandum to you on the subject no later than July 27.

8. Gun Control Legislation

The legislation implementing your Crime Message has not yet been sent to the Congress because we have been unable to agree upon a definition of the term "Saturday Night Special."

The Department of Justice, the Bureau of Alcohol, Tobacco and Firearms, and the Domestic Council believe that your bill should utilize the same basic definitional approach that is used in current law--which is based on both the quality and the concealability of a weapon. Concern was expressed by Counsel's office on behalf of Senator Hruska, however, that unless your bill also refers to retail price, it would not be acceptable to conservatives. It now appears that, regardless of the definition of "Saturday Night Special," Senator Hruska may not want to introduce the bill.

I recommend we introduce the legislation in its current form and respond to Congressional objections when made.

9. Information Books

We do have ready for distribution to your senior staff the information books now being provided to you and the Vice President, and will start distributing them this week.

*Gives them . 2 ap
for pen conference*

10. Post Office

Jim Lynn was inadvertently omitted from the meeting with Postmaster General Ben Bailar and Bill Usery on Wednesday. Subsequently, he told me that OMB has already been working with Bailar on their budget and labor situation.

*OK to shift
to OMB*

[7/10/75]

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