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1/13/75

Dec. 1974  
Return -  
J.R.



SUBJECT: Voting Rights Act Extension

Attached at Tab A is Attorney General Saxbe's memorandum setting forth his recommendation of a simple extension of the Voting Rights Act for five years.

This would extend:

- (1) a nation-wide literacy test ban;
- (2) provisions authorizing the Attorney General to send Federal examiners to observe elections and to register voters;
- (3) provisions forbidding certain States or political subdivisions from changing their voting laws without prior approval by the Attorney General or the Federal District Court for the District of Columbia.

The Attorney General's memorandum is complete with one exception: it intentionally omits exploring the possibility of extending the affect of the Act's limitations on changing of voting laws to the entire Nation. As you are aware, the current formula in the Act was specifically tailored to apply only to the South. As Reverend Jesse Jackson claimed during your recent meeting with black leaders, "There are more blacks denied the right to vote in Chicago than live in the entire State of Mississippi." Clarence Mitchell, on the other hand, asks that you only support a simple extension of the Voting Rights Act--no doubt because he is a savvy enough politician to realize that the entire bill, the symbolic flagship of the civil rights legislative victories, might not be renewed at all if it sought to cover the entire Nation.

This political situation is further complicated by the fact that the Republicans urged expansion of the Act to the entire Nation in 1970 with the fairly obvious hope that it would kill the effort to extend the Act entirely.

The basic question is whether you wish to run the political risk of directing the Department of Justice to examine on the merits the question of whether the Voting Rights Act should be expanded to apply to the entire Nation. Such a directive would certainly leak and would be seen as the first step in another Republican effort to torpedo the extension of the legislation. This is a rather unique situation, for even asking to know the true facts can get you into political hot water.

Options:

TK9

Accept Attorney General Saxbe's recommendation to ask for a simple extension of the Voting Rights Act for five more years.

\_\_\_\_\_ Direct the Department of Justice to prepare its analysis and recommendation as to whether the Voting Rights Act formula should be changed to apply to the entire Nation.

\_\_\_\_\_ Defer any action until confirmation of a new Attorney General and request that he examine the Voting Rights Act problem de novo.

