THE VOTING RIGHTS ACT OF 1965(C): CONGRESS AND THE VOTING RIGHTS ACT

This final part of the Voting Rights Act case follows the 1965 Voting Rights Act from its introduction through its signing. The Administration's bill was introduced in the House on March 17, 1965, as HR 6400 by Representative Emanuel Celler (D-NY), chairman of the House Judiciary Committee, which would have jurisdiction over the bill. On the following day the Administration's bill was introduced in the Senate as S1564 by 66 co-sponsors. Senator James Eastland (D-Miss.), chairman of the Senate Judiciary Committee, was not among the co-sponsors.

The Administration's bill was not the only major voting rights measure introduced. A bipartisan group of 10 liberal Senators* had been working on a very stringent voting rights bill for many weeks before the Selma marches. Their staffs had prepared detailed drafts of a voting rights bill and had circulated them for criticism and revision. The violence in Selma intensified their efforts to complete a final draft, and on March 11, 1965, the Senators announced that they would submit their bill on the following Monday, March 15, 1965. The Senators and their staffs consulted with the Justice Department in preparing their bill, and in their final forms the Administration and bipartisan bills were quite similar in direction. However, the Senators went farther than did the Administration in two particulars. First, they proposed that poll taxes, as well as literacy tests, be banned. Second, the bipartisan bill also proposed to trigger the federal registration machinery in areas with or without literacy tests where fewer than twenty-five per cent of voting age Negroes were registered in 1964. In comparison, the Administration's trigger was 50 per cent of the total voting age population.

On the morning of March 15, the bipartisan group of Senators presented their proposed voting rights act (S1517). Senator Douglas stated that their bill was not a rival to the Administration's forthcoming proposals, but rather an alternative approach which could produce "a healthy dialogue over the issues." A third voting rights measure (HR 7112) was introduced on April 5 by Representative William M. McCulloch (R-Ohio), ranking minority member of the House Judiciary Committee and backed by House Minority Leader Gerald R. Ford.**

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* Case (R-N.J.), Clark (D-Pa.), Cooper (D-Ky.), Douglas (D-Ill.), Fong (R-Haw.), Hart (D-Mich.), Javits (R-N.Y.), Kennedy (D-N.Y.), Proxmire (D-Wis.), and Scott (R-Pa.).

** Senate Majority Leader Everett Dirksen generally supported the Administration bill.

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The Judiciary Committees

After a bill is introduced, it normally is referred to the committee which has jurisdiction over the substantive area of the law that the bill will affect; that committee then has control over the bill's future. The committee has authority to hold hearings on the bill, to amend the bill, and to report the bill back to the floor of the House or Senate for further action by the entire body. Many bills "die in committee" because the committee decides not to report those bills back to the floor. Since the full membership of the House or the Senate cannot act on a bill that is bottled up in committee, the committee's decision to report a bill is crucial to its enactment into law. The committee chairman normally can control that decision.

The Judiciary Committees of the House and Senate have jurisdiction over voting rights legislation. This posed no problem for the legislation in the House since Judiciary Committee Chairman Celler had been a strong supporter of previous civil rights bills. The situation in the Senate, however, was quite different: Judiciary Committee Chairman Eastland had been a consistent opponent of civil rights legislation and had used his powers as committee chairman to block such legislation.* Supporters of voting rights legislation could use one of two parliamentary maneuvers to neutralize Eastland's power. First, the Senate could refer the voting rights bill to the Judiciary Committee with instructions to report the bill no later than a certain date; this tactic had been used to defeat Eastland's opposition to the Civil Rights Act of 1960. Second, the Senate could vote to ignore committee jurisdiction entirely and thereby bypass referral to the Judiciary Committee; this tactic had been used to protect civil rights legislation in 1957, 1962, and 1964. The bipartisan leadership of the Senate chose the first route and moved that S 1564 be referred to the Judiciary Committee with instructions to report the bill no later than April 9. The leadership's motion was vigorously opposed by several Southern Senators, who argued that 15 days was not enough time for the committee to adequately study the proposed legislation. Nevertheless, the Senate agreed to the leadership's motion by a vote of 67-13, on March 18.

The Senate Hearings

The Senate Judiciary Committee held hearings on the Administration's bill (S 1564) and the Senate-originated bill (S 1517) between March 23 and April 5, 1965. The chief witness at the hearings was Attorney General Katzenbach, who spent three days on the Hill explaining and defending the Administration's proposals. Most attacks came from the conservative Southern Senators. Senator Ervin (D-NC), who was widely regarded in the Senate as a constitutional law expert, attacked the voting rights bill as an ex post facto law that punished states and localities for acts not illegal when committed and as an interference with the constitutional power of the states to set voter qualifications.**

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*The members of the Senate Judiciary Committee were Bayh (D-Ind.), Burdick (D-N.D.), Dodd (D-Conn.), Eastland (D-Miss.), Ervin (D-N.C.), Hart (D-Mich.), Johnston (D-S.C.), Kennedy (D-Mass.), Long (D-Mo.), McClellan (D-Ark.), Tydings (D-Md.), Dirksen (R-Ill.), Fong (R-Haw.), Hruska (R-Neb.), Javits (R-N.Y.), and Scott (R-Pa.).

**See Article I, Section 2, of the Constitution.

Katzenbach answered that the Fifteenth Amendment, which makes it unconstitutional for a state to deprive a citizen the right to vote on account of his race, limited the states' power to set voter qualifications and made past discriminatory practices illegal. Katzenbach argued that the federal registration mechanism was not a "punishment" for the South, but an attempt to implement the Fifteenth Amendment.

Other conservatives also attacked the Administration bill. For example, Chairman Eastland contended that the bill had been deliberately designed so as not to apply to the President's home state of Texas; Katzenbach denied the charge. The Administration bill was also subject to attack by liberals, particularly by Senator Javits, a co-sponsor of the Senate-originated proposal (S 1517), who argued in favor of S 1517's ban on poll taxes and its more inclusive trigger provision. Katzenbach stated his agreement with the intent of these measures but argued that the Fifteenth Amendment might not provide enough constitutional support for a ban on poll taxes and that the trigger proposed in S 1517, which relied on black registration levels, required more accurate data on voter registration by race than were presently available. Katzenbach suggested that constitutional amendments were necessary to eliminate the poll tax and to reduce the voting age to 18, another liberal proposal. (See Appendix A for material on the poll tax.)

The Committee also received testimony from other witnesses, including opponents of voting rights legislation, whose allegations ranged from assertions that such legislation, was an unnecessary addition to the laws already on the books to charges that the legislation was part of a communist conspiracy to control the Deep South by establishing "Negro rule." A lawyer from Georgia argued that it was unconstitutional to use "arbitrary percentages" as the triggering mechanism for the bill's judicial and administrative remedies.

As the Senate hearings drew to a close, the Administration and Senator Dirksen agreed upon several relatively minor changes in the Administration's bill which were designed to meet the criticisms which had surfaced during the hearings. These changes exempted from the bill's trigger areas where less than 20 per cent of the voting-age population was non-white; authorized federal courts to order the appointment of federal voting examiners and to suspend discriminatory literacy tests and other devices; and empowered federal courts to suspend discriminatory poll taxes. The bill's supporters hoped that this last change would appease those liberals who wanted a complete ban on poll taxes while remaining within the constitutional protection of the Fifteenth Amendment.

These changes were incorporated in a revised version of S 1564 that was submitted to the Committee. However, liberals on the committee* successfully amended the bill to include an outright ban on the use of poll taxes and a second trigger based upon black voter registration levels. Under this provision, federal examiners would automatically be appointed in any area where fewer than 25 percent of voting age non-whites were registered to vote. The amendments also authorized the use of poll watchers to observe election procedures, authorized examiners to order registration without requiring the applicant to prove that he

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*The Committee included four cosponsors of S 1517, the voting rights bill originally proposed by a bipartisan group of ten liberal Senators.

had first been turned down by local registrars within the past 90 days, and made it a federal criminal offense for private citizens as well as public officials to interfere with the exercise of voting rights. By these amendments, S 1564 came to look much more like S 1517, the Senate-originated bill. The Committee also added two Dirksen-sponsored amendments, one reducing from 10 to 5 years the time needed for an area to clear itself of a finding of discrimination, and the other exempting from the automatic trigger provisions states or subdivisions which could show that the percentage of their voting age population voting in the most recent presidential election exceeded the national average or that at least 60 per cent of their voting age population was registered, and that they had not discriminated.

As amended, S 1564 was reported out of committee by a 12-4 vote shortly before midnight on April 9--just minutes before the deadline set by the Senate when it referred the bill to the committee. Four Southern Democrats--Eastland, Ervin, McClellan (Ark.) and Johnston (S.C.)--voted against the bill. Because the 12 man majority split 10-2 on the questions of the poll tax ban (with minority leader Dirksen voting against the ban) and the Dirksen escape provisions, the bill went to the Senate floor "without recommendation".

The House Hearings

Between March 18 and April 1, a subcommittee of the House Judiciary Committee held hearings on HR 6400 and 121 other voting rights measures. Subcommittee Chairman Celler opened the hearings by calling for summary passage of the Administration bill. Attorney General Katzenbach, again the leading witness, reiterated his argument that case by case litigation was an ineffective method of securing minority voting rights; he cited the various suits against Dallas County and Sheriff Jim Clark as examples. Katzenbach again gave his opinion that the bill was constitutional and emphasized that its target was "massive discrimination".

Various white, black and Hispanic civil rights leaders criticized the Administration bill for not going far enough. Congressmen Lindsay (R-N.Y.) and Cramer (R-Fla.) pointed out that the bill failed to cover areas without literacy tests or areas where over half the voting age population voted, no matter how blatant the actual discrimination against minority voters. Roy Wilkins of NAACP, Joseph Rauh of the Civil Rights Leadership Conference, and James Farmer of CORE called for an outright ban on the poll tax. Wilkins and Reverend Theodore M. Hesburgh of the United States Civil Rights Commission attacked the bill's requirement that complainants attempt to register with state officials before the federal registration apparatus could be used; Hesburgh stated that in certain areas "just attempting to [register to] vote is tantamount to suicide." In the same vein, Wilkins and George Meany of the AFL-CIO called for "broader measures" to protect minority registrants and voters from intimidation. Herman Badillo, Vice President of the Legion of Voters, Inc., of New York City, called for elimination of his state's requirement that voters be literate in English, claiming discrimination against New York City's large Hispanic population.

Numerous amendments or alternate bills were offered in response to such liberal criticisms, but Chairman Celler cautioned against burdening the bill with changes that might decrease its chances of passage. Such proposals included plans for new elections in areas of proven discrimination or reduction in the Congressional representation of such areas.

Southern subcommittee members and witnesses again attacked the bill as unconstitutional, politically motivated, and unduly intrusive in state and local affairs. However, on April 9 the subcommittee voted 10-1 to send an amended HR 6400 to the full Judiciary Committee, and on June 1 the full Committee formally reported the bill to the House. The amended bill included an outright ban on the use of poll taxes as a voting requirement in state and local elections, leading Senate leaders Mansfield (Majority) and Dirksen (Minority) to predict that "the Senate will almost certainly send that bill to conference" if the full House retained the ban.*

Although the Committee's majority report affirmed the bill's necessity, nine of the committee's eleven Republican members submitted a separate statement criticizing HR 6400 as a "hastily conceived, patchwork response to the nation's demand for social justice." Citing the "grave constitutional risks" presented by the bill's "cumbersome [trigger] mechanisms", the Republicans submitted their own bill, HR 7896, which authorized the appointment of federal examiners where 25 or more valid complaints of discrimination had been made; the bill allowed non-discriminatory state standards to remain in effect. The Republican bill also directed the Attorney General to litigate against the enforcement of discriminatory poll taxes, although one of the nine Republicans preferred an outright ban on the tax.

Three Southerners on the Committee submitted a separate statement criticizing the trigger mechanism as "arbitrary and unjustifiable", the flat ban on poll taxes as not based on a solid finding that the tax was discriminatory, and the Attorney General's veto power over new voting standards in affected areas as "unconscionable". Other Southerners also criticized the bill as unnecessary, discriminatory, and intrusive.

For five weeks HR 6400 was lodged in the House Rules Committee under Chairman Howard W. Smith (D-Va.). (Under House procedure, each bill must have a "rule", assigned by the Rules Committee, stating the terms under which floor action will proceed.) Congressman Celler started proceedings to "discharge" the bill from the Rules Committee, but on July 1 an "open rule" was granted, authorizing ten hours of floor debate on the bill and amendments. The rule also permitted the Republican bill to be offered as a substitute for HR 6400.

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*The Senate Judiciary Committee had included a similar ban in its version of the voting rights bill, but the full Senate had dropped the provision. See below under Senate floor action.

Action by the Full Houses

Once a bill has been reported to the full chamber, floor debate, consideration of amendments, and (generally) a vote on the bill are the next steps. In the House, given the overwhelming support for a voting rights bill and the ten-hour limit on debate, early passage appeared likely, although there promised to be lively debate on the Republican alternative and on the poll tax ban, as well as on the merits and constitutionality of the measure as a whole. To these issues the Senate added the complication of the filibuster under Senate rules, a Senator holding the floor may speak for as long as he wishes (and is able) and may yield the floor as he sees fit. In the past, Southern Senators had frequently used the threat or reality of unlimited debate to defeat civil rights legislation; only a two-thirds favorable vote of the Senate on a "cloture" motion could cut off a filibuster.

Senate Floor Action

As Senate debate on the voting rights bill opened on April 22, it was not clear whether Southerners would filibuster. As it turned out, they did not, following instead a strategy of offering for "lengthy discussion" numerous amendments, most of which were overwhelmingly defeated. The debate on the bill was principally over these amendments and, more importantly, between supporters of the bill who disagreed on whether to include a flat ban on the poll tax.*

These debates were interspersed with regular Senate business, as Senate leaders decided not to call early or late sessions--a device used in 1964 to wear down a Southern filibuster against the 1964 Civil Rights Act. Although it was generally believed that sufficient votes existed to invoke cloture, throughout the four-week debate President Johnson, White House legislative aide Laurence O'Brien, Senator Dirksen, and others worked hard to line up votes for the bill.

Throughout the debate, the principal Southern argument was the bill's alleged unconstitutionality. Article I, Section 2 of the Constitution, which deals with the manner of election of Representatives, provides as follows (Paragraph 1):

> The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

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*Attorney General Katzenbach felt that liberals created more problems for the bill's managers than conservatives, frequently offering amendments (such as the poll tax ban) that Katzenbach felt were unnecessary or unconstitutional or both.

The 17th Amendment, which changed the method of election of Senators to direct popular vote, provides in Section 1:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof . . . The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

Southern Senators such as Sam Ervin of North Carolina, also charged that the bill discriminated against the South and that the appointment of federal examiners would constitute punishment without trial.

In response, the bill's supporters argued that the bill was not intended as a punishment but as a necessary and long overdue step in the implementation of the 15th Amendment, which provides as follows:

> 1.The right of the citizens of the United States to vote shall not be denied by the United States or by any State on acount of race, color, or previous condition of servitude.
>
> 2.The Congress shall have power to enforce the provisions of this article by appropriate legislation.

While the debate over the construction and application of these Constitutional provisions went on, Senate leaders were working to end other debates among the bill's supporters. The principal such debate was whether the voting rights bill should flatly ban the poll tax or simply direct the Attorney General to challenge it in court. Also at issue was a provision that exempted from the bill's coverage a state or locality which could prove that 60 percent or more of its voting age residents were registered; supporters of a strong bill argued that states could turn this provision into a loophole by stepping up white registration. A leadership bill deleting both the poll tax ban and the escape mechanism was introduced on April 30 and became the pending business of the Senate.

The next few weeks of debate saw the introduction and defeat of several proposed amendments to the leadership bill. On May 6, the Senate defeated on a 25-64 roll call an amendment offered by Senator Ervin to eliminate the automatic trigger and authorize the appointment of federal examiners only after a federal district court had made a finding of discrimination. On May 12, a 28-62 vote defeated another Ervin proposal, this one to substitute local federal district courts for the three-judge federal district court for the District of Columbia in proceedings arising under the trigger formula. The bill's supporters felt that the original provision would guarantee uniform and expeditious handling of cases--and possibly a court friendlier to the Justice Department and to blacks. A 14-53 roll call on May 14 rejected an Ervin proposal to prevent the suspension of fairly administered literacy tests, while a 19-60 margin on May 17 stopped a proposal by Herman Talmadge (D-Ga.) to eliminate the Attorney General's power to veto new voting standards in states covered by the law. Katzenbach had called the District of Columbia jurisdiction and the Attorney General veto the most vulnerable parts of the bill.

Meanwhile, the leadership had successfully defused the drive to include a flat poll tax ban in the bill. An amendment to reinstate the ban in the leadership bill, offered by Senator Edward Kennedy (D-Mass.), was narrowly defeated on May 11 on a 45-49 roll call vote. Attorney General Katzenbach continued to speak out against the ban, and President Johnson had let it be known that he supported Katzenbach. Finally, on May 19, the Senate adopted 69-20 a Mansfield-Dirksen amendment that included a Congressional declaration that poll taxes infringed the right to vote and directed the Attorney General to challenge such taxes in court.

With the poll tax issue out of the way, the bill's supporters could unite in the drive for passage. On May 21, the bill's manager, Senator Philip Hart (D-Mich.) filed a cloture motion, after Senator Allen Ellender (D-La.) had three times blocked Senator Mansfield's request for unanimous consent to limit debate. On May 25, the Senate for the second time in history voted for cloture in connection with a civil rights bill, by a margin of 70-30.* On May 26, the 25th day of debate, the Senate voted 78-18 to formally substitute the Mansfield-Dirksen bill for the Judiciary Committee bill, and on the same day the substitute measure was approved 77-19, with 47 Democrats and 30 Republicans voting for and 17 Democrats (all Southern) and 2 Republicans (Tower of Texas and Thurmond of South Carolina) voting against.

House Floor Action

House debate on HR 6400 opened on July 6 with Congressman Celler, the bill's floor manager, calling the measure a means of eliminating the "legal dodges and subterfuges" that had vitiated prior voting rights laws, and Congressman Smith, Rules Committee Chairman, labelling the bill an "unconstitutional" vendetta against the South "dripping in venom."

Although numerous amendments were proposed and rejected, the major issue in the ten-hour House debate was a move to substitute the Republican bill, HR 7896, for the Judiciary Committee bill. Congressman McCulloch (R-Ohio), principal sponsor of HR 7896, called the automatic trigger mechanism "pure fantasy--a presumption based on a presumption" and inadequate as a remedy; he also attacked HR 6400 as a violation of the states' right to determine voter qualifications.

The Republican bill attracted supporters of voting rights legislation who feared that the poll tax ban and the automatic trigger were unconstitutional, although President Johnson criticized the Republicans for what he called an effort to "dilute" the voting rights bill. Republican rank-and-file support for HR 7896 was holding firm until, on July 7, Congressman William Tuck (D-Va.) urged opponents of civil rights legislation to vote for the Republican bill as the lesser of two evils. Fearing to be labelled anti-civil rights, Republicans began to defect; a motion on July 9, just prior to the final vote, to substitute HR 7896 for HR 6400 was defeated 171-240.

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*With all 100 Senators present and voting, 67 votes were needed to invoke cloture.

These were not the only defections in the brief debate: several Southerners announced their support for HR 6400 and drew standing ovations. Majority Whip Hale Boggs (D-La.), in announcing his intention to vote for the bill, said that "the fundamental right to vote must be a part of the great experiment in human progress under freedom which is America."* On July 9, the House approved HR 6400 by a 333-85 roll call vote, with 112 Republicans and 221 Democrats in favor and 24 Republicans and 61 Democrats against.

The House bill differed from the Senate's in several respects:

> (1) The House version provided a flat ban on the use of poll taxes as a requirement for voting in state and local elections. The Senate version directed the Attorney General "forthwith" to institute proceedings against such levies.
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> (2) The "massive discrimination" trigger in the Senate bill exempted states or political subdivisions in which less than 20 percent of voting age population was non-white.
>
> (3) The Senate version contained provisions which: (a) provided an additional triggering formula to bring the federal registration machinery to bear on states and political subdivisions in which less than 25 percent of the voting age population of the Negro race or any other race or color was registered to vote, and (b) waived English language literacy requirements for persons educated through the sixth grade in a school under the American flag where instruction was in a language other than English.

These differences made it necessary to refer the two bills to a conference committee, composed of House and Senate members, who would attempt to reach a compromise they could recommend to their respective houses.

Final Action, Implementation, and Aftermath

The conference committee quickly resolved most of the differences separating the two houses, but the House poll tax ban proved a more difficult hurdle. It was not until July 29, after civil rights leaders had urged the House conferees to drop their insistence on the ban, that agreement on a compromise bill was reached. The conference report filed on August 2 accepted the House version of the triggering formula, thus deleting both the Senate's 20 percent escape clause and its 25 percent additional trigger (see above); accepted the Senate's waiver of English language literacy; and dropped the House's poll tax ban in favor of the Senate's provision on the tax.

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*A Boggs amendment to provide a relief mechanism for Southern states offered on July 9 was voted down 155-262; the proposal would have allowed states and localities to seek the withdrawal of federal examiners if they could prove they had registered 50 percent or more of their voting age Negro populations, had complied with the orders of federal examiners, and would not "backslide" into discrimination.

The House adopted the report 328-74 on August 3, and the Senate did likewise on August 4 by a 79-18 vote. President Johnson signed into law the Voting Rights Act of 1965 on August 6. (See Appendix B for text of the law.) At a signing ceremony televised from the Capital rotunda, the President said that the Act would "strike away the last major shackle" of the Negro's "ancient bonds."

In speculating on why what had seemed impossible to many six months earlier--the passage of a voting rights law in 1965--had now been accomplished, Attorney General Katzenbach offered these ideas:

> The time was right because one, LBJ had a long record in civil rights and was very sympathetic and two, you had the demonstrations in Selma and the public opinion which followed. Also, the major difference between the '64 Act and the '65 Act was that no politician was prepared to defend discrimination in voting, not even a Southern politician. . . . And I cannot emphasize how important the support of the President was to members of Congress. It must also be stressed how important a role Martin Luther King played. He was good at dramatizing the voting problems and convincing members of Congress that the black community in the South was in support of voting legislation. The legislation would have never happened just because of what Dr. King did but it never could have happened without him.

Implementation of the new law--suits against the poll tax, suspension of literacy tests, and appointment of federal examiners--got under way quickly. The central provisions of the Act were soon challenged in federal court and were upheld by the Supreme Court in South Carolina v. Katzenbach, 383 U.S. 301, 86 S. Ct. 803, 15 L.Ed. 769 (1966).

APPENDIX A

The Poll Tax*

The 1965 attempt to include a flat ban on poll taxes in the voting bill marked the first time that Congress had given serious consideration to prohibiting the tax in state and local elections. It was only after 30 years of futile efforts that anti-poll tax forces in 1962 gained approval for a constitutional amendment (ratified as the 24th Amendment in 1964) banning the tax in federal elections. Similar statutes had been passed by the House in 1942, 1943, 1945, 1947 and 1949, but the bills never came to a vote in the Senate. (1964 Almanac, p. 381)

Twenty-seven states in 1965 imposed a poll tax, but it was used as a voter qualification in only four Southern states--Alabama, Mississippi, Texas and Virginia.

Poll taxes as a requirement for voting in the United States occurred in two different eras. The levies were introduced in some states during the early days of the nation as a substitute for property qualifications, which had been enacted as voting prerequisites. The intent of the early levies was to enlarge the electorate. These taxes were gradually eliminated, and by the time of the Civil War, few states still had them.

During the second era of the poll tax, which began in the early 1890s, levies were imposed by Southern states as one of a number of devices to restrict suffrage. Poll taxes tied to the right to vote were adopted in 11 Southern states--Florida (1889), Mississippi and Tennessee (1890), Arkansas (1892), South Carolina (1895), Louisiana (1898), North Carolina (1900), Alabama (1901), Virginia and Texas (1902) and Georgia (1908).

The levies were ostensibly adopted to "cleanse" elections of mass abuse, but the records of constitutional conventions held in five Southern states during the period contained statements praising the poll tax as a measure to bar the Negro as well as the poor white from the franchise. Many historians have asserted that these measures were taken to limit the popular base of agrarian revolution inspired by the Populist party.

Since the turn-of-the-century imposition of the poll taxes, seven Southern states dropped the levies. North Carolina, which repealed its poll tax with the granting of womanhood suffrage in 1920, was the first. Other states repealing the tax, all during periods of keen interest in political races, were: Louisiana (1934), Florida (1937), Georgia (1945), South Carolina (1951), Tennessee (1953) and Arkansas (1964). In each of the first six states to drop the tax, voter participation increased sharply in the next election following repeal, decreased in subsequent elections and then rose again. In a widely respected 1958 study entitled "The Poll Tax in the South," Frederic D. Ogden of the University of Alabama political science faculty estimated that 5 percent of the initial increase in each state could be attributed to the repeal of the poll tax.

Of the four Southern states which still levied poll taxes as a voter qualification, attempts had been made in all but Mississippi to repeal or alter them.

Constitutional amendments to repeal poll taxes were rejected by Virginia voters in 1949 and Texas voters in both 1949 and 1963. Alabama voters in 1953 amended the state constitution to reduce the cumulative effect of the poll tax from a maximum of 24 years and maximum payment of $36 to two years with a ceiling of $3. In May 1965, the Alabama State Senate voted overwhelmingly to approve a constitutional amendment repealing the tax. Action on a similar measure in the

*Source: 1965 Congressional Quarterly Almanac, pp. 546 and 549.

Appendix A (continued)

Alabama House was deferred until a later session. The Texas legislature in May 1965 approved a 1966 referendum to repeal the tax.

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Backers of the . . . anti-poll tax amendment contended that the outright ban of the tax was justified because the tax represented "in a broad enough area and in enough circumstances an abridgement upon the right to vote." Imposition of the tax, they said, was not a qualification for voting but rather a "burden upon the right to vote," which they contended was clearly in violation of the 15th Amendment to the Constitution.

Supporters of the bill who favored judicial proceedings against the poll tax countered that a Congressional ban might be unconstitutional because the mere imposition of the tax was not discriminatory; Congress, therefore, would have no authority to ban the payment of such taxes as a qualification to vote. Discrimination, they contended, resulted from the prejudicial application of the tax, which should be contested through the federal courts. Opponents of the amendment further asserted that the constitutional footing of the poll tax ban was "all the more infirm because of the fact that we have deemed it wisest to abolish the poll tax in federal elections by the route of constitutional amendment."

APPENDIX B

VOTING RIGHTS ACT OF 1965

For Legislative History of Act, see p. 2437

PUBLIC LAW 89-110; 79 STAT. 437

[S. 1564]

An Act to enforce the fifteenth amendment to the Constitution of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

This Act shall be known as the "Voting Rights Act of 1965".

Sec. 2. No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State

19. 42 U.S.C.A. § 242h.
20. 42 U.S.C.A. § 246(c).
21. 42 U.S.C.A. § 246(c).
22. 42 U.S.C.A. § 247a.

Source: U.S. Code Congressional and Administrative News, 89th Congress, 1st Session, 1965, pp. 480-490.

or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

Sec. 3. (a) Whenever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court shall authorize the appointment of Federal examiners by the United States Civil Service Commission in accordance with section 6 to serve for such period of time and for such political subdivisions as the court shall determine is appropriate to enforce the guarantees of the fifteenth amendment (1) as part of any interlocutory order if the court determines that the appointment of such examiners is necessary to enforce such guarantees or (2) as part of any final judgment if the court finds that violations of the fifteenth amendment justifying equitable relief have occurred in such State or subdivision: *Provided*, That the court need not authorize the appointment of examiners if any incidents of denial or abridgement of the right to vote on account of race or color (1) have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for the purpose or with the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color, it shall suspend the use of tests and devices in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

(c) If in any proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that violations of the fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate and during such period no voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be enforced unless and until the court finds that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color: *Provided*, That such qualification, prerequisite, standard, practice, or procedure may be enforced if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the court's finding nor the Attorney General's failure to object shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

Sec. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under subsection (b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color: *Provided*, That no such declaratory judgment shall issue with respect to any plaintiff for a period of five years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this Act, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of such plaintiff.

An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subsection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color.

If the Attorney General determines that he has no reason to believe that any such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment.

(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a state which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964.

A determination or certification of the Attorney General or of the Director of the Census under this section or under section 6 or section 13 shall not be reviewable in any court and shall be effective upon publication in the Federal Register.

(c) The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or

(4) prove his qualifications by the voucher of registered voters or members of any other class.

(d) For purposes of this section no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(e) (1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.

(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that in States in which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English.

Sec. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: *Provided*, That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the Attorney General's failure to object nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin

enforcement of such qualification, prerequisite, standard, practice, or procedure. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

Sec. 6. Whenever (a) a court has authorized the appointment of examiners pursuant to the provisions of section 3(a), or (b) unless a declaratory judgment has been rendered under section 4(a), the Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b) that (1) he has received complaints in writing from twenty or more residents of such political subdivision alleging that they have been denied the right to vote under color of law on account of race or color, and that he believes such complaints to be meritorious, or (2) that in his judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to him to be reasonably attributable to violations of the fifteenth amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the fifteenth amendment), the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment, the Civil Service Commission shall appoint as many examiners for such subdivision as it may deem appropriate to prepare and maintain lists of persons eligible to vote in Federal, State, and local elections. Such examiners, hearing officers provided for in section 9(a), and other persons deemed necessary by the Commission to carry out the provisions and purposes of this Act shall be appointed, compensated, and separated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity: *Provided*, That the Commission is authorized, after consulting the head of the appropriate department or agency, to designate suitable persons in the official service of the United States, with their consent, to serve in these positions. Examiners and hearing officers shall have the power to administer oaths.

Sec. 7. (a) The examiners for each political subdivision shall, at such places as the Civil Service Commission shall by regulation designate, examine applicants concerning their qualifications for voting. An application to an examiner shall be in such form as the Commission may require and shall contain allegations that the applicant is not otherwise registered to vote.

(b) Any person whom the examiner finds, in accordance with instructions received under section 9(b), to have the qualifications prescribed by State law not inconsistent with the Constitution and laws of the United States shall promptly be placed on a list of eligible voters. A challenge to such listing may be made in accordance with section 9(a) and shall not be the basis for a prosecution under section 12 of this Act. The examiner shall certify and transmit such list,

and any supplements as appropriate, at least once a month, to the offices of the appropriate election officials, with copies to the Attorney General and the attorney general of the State, and any such lists and supplements thereto transmitted during the month shall be available for public inspection on the last business day of the month and in any event not later than the forty-fifth day prior to any election. The appropriate State or local election official shall place such names on the official voting list. Any person whose name appears on the examiner's list shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from such list in accordance with subsection (d): *Provided*, That no person shall be entitled to vote in any election by virtue of this Act unless his name shall have been certified and transmitted on such a list to the offices of the appropriate election officials at least forty-five days prior to such election.

(c) The examiner shall issue to each person whose name appears on such a list a certificate evidencing his eligibility to vote.

(d) A person whose name appears on such a list shall be removed therefrom by an examiner if (1) such person has been successfully challenged in accordance with the procedure prescribed in section 9, or (2) he has been determined by an examiner to have lost his eligibility to vote under State law not inconsistent with the Constitution and the laws of the United States.

Sec. 8. Whenever an examiner is serving under this Act in any political subdivision, the Civil Service Commission may assign, at the request of the Attorney General, one or more persons, who may be officers of the United States, (1) to enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote, and (2) to enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated. Such persons so assigned shall report to an examiner appointed for such political subdivision, to the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

Sec. 9. (a) Any challenge to a listing on an eligibility list prepared by an examiner shall be heard and determined by a hearing officer appointed by and responsible to the Civil Service Commission and under such rules as the Commission shall by regulation prescribe. Such challenge shall be entertained only if filed at such office within the State as the Civil Service Commission shall by regulation designate, and within ten days after the listing of the challenged person is made available for public inspection, and if suported by (1) the affidavits of at least two persons having personal knowledge of the facts constituting grounds for the challenge, and (2) a certification that a copy of the challenge and affidavits have been served by mail or in person upon the person challenged at his place of residence set out in the application. Such challenge shall be determined within fifteen days after it has been filed. A petition for review of

the decision of the hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the person petitioning for review but no decision of a hearing officer shall be reversed unless clearly erroneous. Any person listed shall be entitled and allowed to vote pending final determination by the hearing officer and by the court.

(b) The times, places, procedures, and form for application and listing pursuant to this Act and removals from the eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission and the Commission shall, after consultation with the Attorney General, instruct examiners concerning applicable State law not inconsistent with the Constitution and laws of the United States with respect to (1) the qualifications required for listing, and (2) loss of eligibility to vote.

(c) Upon the request of the applicant or the challenger or on its own motion the Civil Service Commission shall have the power to require by subpena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter pending before it under the authority of this section. In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a hearing officer, there to produce pertinent, relevant, and nonprivileged documentary evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

Sec. 10. (a) The Congress finds that the requirement of the payment of a poll tax as a precondition to voting (i) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such persons as a precondition to their exercise of the franchise, (ii) does not bear a reasonable relationship to any legitimate State interest in the conduct of elections, and (iii) in some areas has the purpose or effect of denying persons the right to vote because of race or color. Upon the basis of these findings, Congress declares that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting.

(b) In the exercise of the powers of Congress under section 5 of the fourteenth amendment and section 2 of the fifteenth amendment, the Attorney General is authorized and directed to institute forthwith in the name of the United States such actions, including actions against States or political subdivisions, for declaratory judgment or injunctive relief against the enforcement of any requirement of the payment of a poll tax as a precondition to voting, or substitute there-

for enacted after November 1, 1964, as will be necessary to implement the declaration of subsection (a) and the purposes of this section.

(c) The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

(d) During the pendency of such actions, and thereafter if the courts, notwithstanding this action by the Congress, should declare the requirement of the payment of a poll tax to be constitutional, no citizen of the United States who is a resident of a State or political subdivision with respect to which determinations have been made under subsection 4(b) and a declaratory judgment has not been entered under subsection 4(a), during the first year he becomes otherwise entitled to vote by reason of registration by State or local officials or listing by an examiner, shall be denied the right to vote for failure to pay a poll tax if he tenders payment of such tax for the current year to an examiner or to the appropriate State or local official at least forty-five days prior to election, whether or not such tender would be timely or adequate under State law. An examiner shall have authority to accept such payment from any person authorized by this Act to make an application for listing, and shall issue a receipt for such payment. The examiner shall transmit promptly any such poll tax payment to the office of the State or local official authorized to receive such payment under State law, together with the name and address of the applicant.

Sec. 11. (a) No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of this Act or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under section 3(a), 6, 8, 9, 10, or 12(e).

(c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than $10,000 or imprisoned not more than five years, or both: *Provided, however*, That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegates or Commissioners from the territories or possessions, or Resident Commissioner of the Commonwealth of Puerto Rico.

(d) Whoever, in any matter within the jurisdiction of an examiner or hearing officer knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

Sec. 12. (a) Whoever shall deprive or attempt to deprive any person of any right secured by section 2, 3, 4, 5, 7, or 10 or shall violate section 11(a) or (b), shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(b) Whoever, within a year following an election in a political subdivision in which an examiner has been appointed (1) destroys, defaces, mutilates, or otherwise alters the marking of a paper ballot which has been cast in such election, or (2) alters any official record of voting in such election tabulated from a voting machine or otherwise, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(c) Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or interferes with any right secured by section 2, 3, 4, 5, 7, 10, or 11(a) or (b) shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(d) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote and (2) to count such votes.

(e) Whenever in any political subdivision in which there are examiners appointed pursuant to this Act any persons allege to such an examiner within forty-eight hours after the closing of the polls that notwithstanding (1) their listing under this Act or registration by an appropriate election official and (2) their eligibility to vote, they have not been permitted to vote in such election, the examiner shall forthwith notify the Attorney General if such allegations in his opinion appear to be well founded. Upon receipt of such notification, the Attorney General may forthwith file with the district court an application for an order providing for the marking, casting, and counting of the ballots of such persons and requiring the inclusion of their votes in the total vote before the results of such election shall be deemed final and any force or effect given thereto. The district court shall hear and determine such matters immediately after the filing of such application. The remedy provided in this subsection shall not preclude any remedy available under State or Federal law.

(f) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law.

Sec. 13. Listing procedures shall be terminated in any political subdivision of any State (a) with respect to examiners appointed pursuant to clause (b) of section 6 whenever the Attorney General notifies the Civil Service Commission, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote, (1) that all persons listed by an examiner for such subdivision have been placed on the appropriate voting registration roll, and (2) that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision, and (b), with respect to examiners appointed pursuant to section 3(a), upon order of the authorizing court. A political subdivision may petition the Attorney General for the termination of listing procedures under clause (a) of this section, and may petition the Attorney General to request the Director of the Census to take such survey or census as may be appropriate for the making of the determination provided for in this section. The District Court for the District of Columbia shall have jurisdiction to require such survey or census to be made by the Director of the Census and it shall require him to do so if it deems the Attorney General's refusal to request such survey or census to be arbitrary or unreasonable.

Sec. 14. (a) All cases of criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1995).

(b) No court other than the District Court for the District of Columbia or a court of appeals in any proceeding under section 9 shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or section 5 or any restraining order or temporary or permanent injunction against the execution or enforcement of any provision of this Act or any action of any Federal officer or employee pursuant hereto.

(c) (1) The terms "vote" or "voting" shall include all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

(2) The term "political subdivision" 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.

(d) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpenas for witnesses who are required to attend the District Court for the District of Columbia may be served in any judicial district of the United States: *Provided*, That no writ of subpena shall issue for witnesses without the District of Columbia at a greater distance than one hundred miles from the place of holding court without the permission of the District Court for the District of Columbia being first had upon proper application and cause shown.

Sec. 15. Section 2004 of the Revised Statutes (42 U.S.C. 1971),[23] as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), and as further amended by section 101 of the Civil Rights Act of 1964 (78 Stat. 241), is further amended as follows:

(a) Delete the word "Federal" wherever it appears in subsections (a) and (c);

(b) Repeal subsection (f) and designate the present subsections (g) and (h) as (f) and (g), respectively.

Sec. 16. The Attorney General and the Secretary of Defense, jointly, shall make a full and complete study to determine whether, under the laws or practices of any State or States, there are preconditions to voting, which might tend to result in discrimination against citizens serving in the Armed Forces of the United States seeking to vote. Such officials shall, jointly, make a report to the Congress not later than June 30, 1966, containing the results of such study, together with a list of any States in which such preconditions exist, and shall include in such report such recommendations for legislation as they deem advisable to prevent discrimination in voting against citizens serving in the Armed Forces of the United States.

Sec. 17. Nothing in this Act shall be construed to deny, impair, or otherwise adversely affect the right to vote of any person registered to vote under the law of any State or political subdivision.

Sec. 18. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

Sec. 19. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Approved August 6, 1965.

23. 42 U.S.C.A. § 1971.