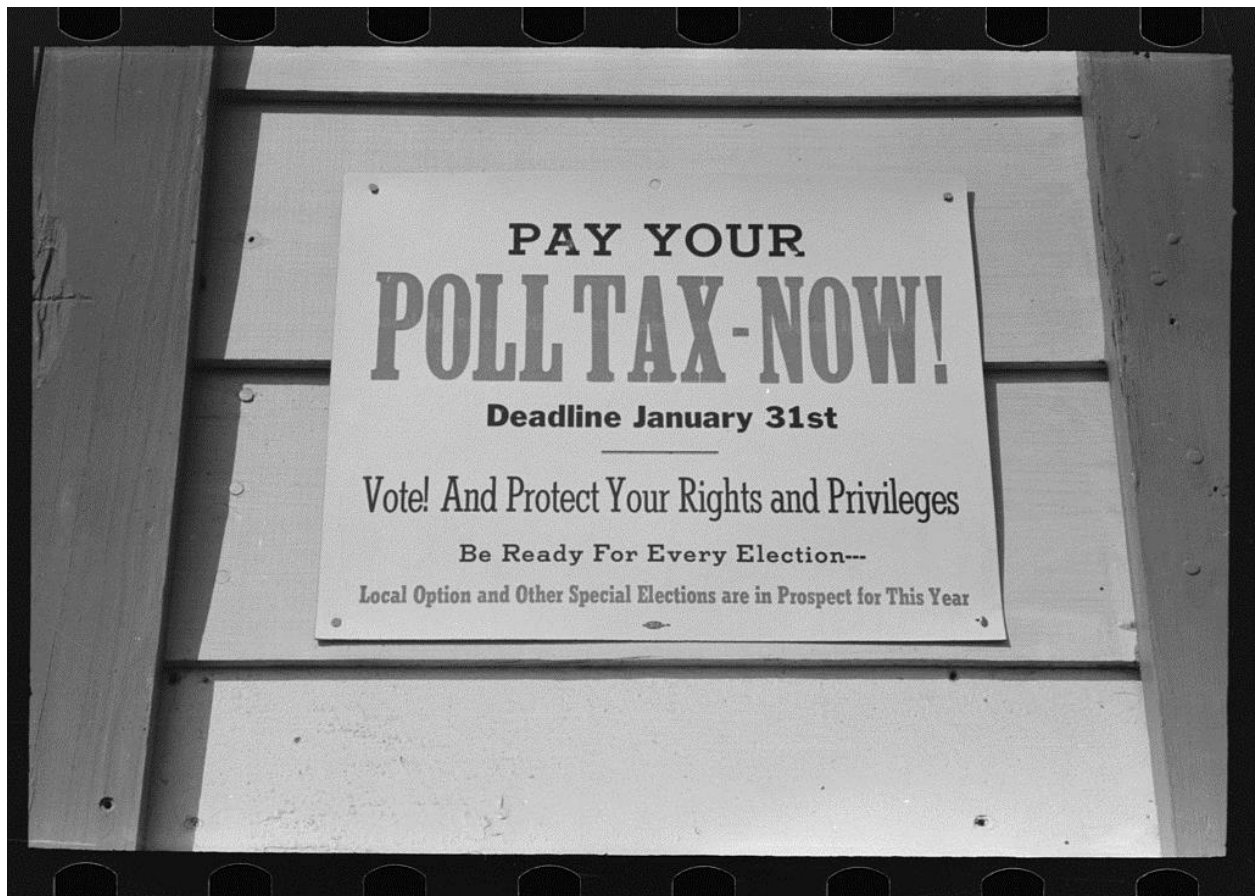


D. "Pay your poll tax now"



E. "Rosa Parks's poll tax receipt"

For Collection Period Beginning Oct. 1, 1956 and Ending on Feb. 1, 1957

POLL TAX RECEIPT

COUNTY OF MONTGOMERY, ALA., 5-21- 1957 N^o 2425

RECEIVED OF Rosa Louise Parks Male ☐ Female ☒

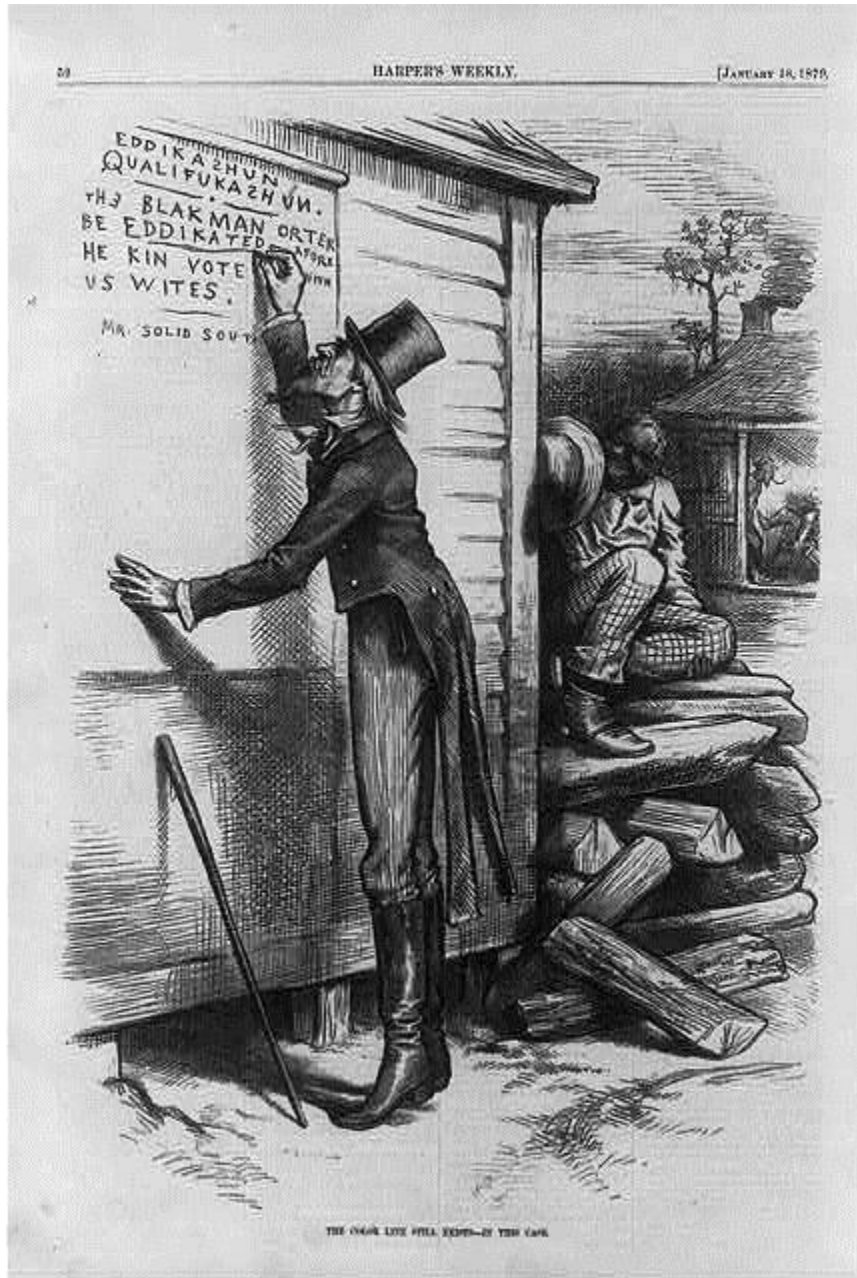
Dollars (\$ 1.50)

For Poll Taxes at \$1.50 per year for the following years: 1956 (☒) 1957 ()

District No. _____ Precinct No. This Year 27 Precinct No. Last Year _____ Color Coe

Countersigned By John Daves State Comptroller. J. M. Stockett Tax Collector

F. "The color line still exists"



G. Voting Rights Act Reauthorization and Amendments Act

Calendar No. 523

109TH CONGRESS }
2d Session }

SENATE

{ REPORT
109–295 }

**FANNIE LOU HAMER, ROSA PARKS, CORETTA SCOTT
KING, AND CÉSAR E. CHÁVEZ VOTING RIGHTS ACT RE-
AUTHORIZATION AND AMENDMENTS ACT OF 2006**

JULY 26, 2006.—Ordered to be printed

Mr. SPECTER, from the Committee on the Judiciary,
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany S. 2703]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to which was referred the bill (S. 2703) to amend the Voting Rights Act of 1965 having considered the same, reports favorably thereon with an amendment and recommends that the bill (as amended) do pass.

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The legislation would extend for 25 years certain expiring provisions of the Voting Rights Act. Under current law, the Department of Justice (DOJ) certifies the appointment of federal observers to work at polling sites when it has received 20 or more written complaints from residents regarding voting rights violations. OPM, through its Voting Rights Program, works closely with DOJ to assign voting rights observers to locations designated by the department. OPM currently has about 1,000 intermittent employees who serve as neutral monitors at particular polling sites on election days. Since 1966, OPM has deployed 26,000 observers to 22 states.

The legislation would amend current law to authorize the Attorney General to assign federal observers without using the certification process to election sites if he or she has had a reasonable belief that violations of the 14th or 15th amendment have occurred or will occur at a polling site. Based on information from OPM and the current cost of operating the observer program, CBO estimates that the Voting Rights Program would spend about \$4 million in general election years and about \$3 million in other years.

Intergovernmental and private-sector impact: Section 4 of UMRA excludes from the application of the act any legislative provisions that enforce constitutional rights of individuals. CBO has determined that S. 2703 would fall within that exclusion because it would protect the voting rights of minorities and those with limited proficiency in English. Therefore, CBO has not reviewed the bill for mandates.

Previous CBO estimate: On May 17, 2006, CBO transmitted a cost estimate for H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, as ordered reported by the House Committee on the Judiciary on May 10, 2006. The two versions of the bill are similar and CBO's cost estimates for these bills are identical.

Estimate prepared by: Federal Costs: Matthew Pickford; impact on state, local, and tribal governments: Sarah Puro; impact on the private-sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

V. REGULATORY IMPACT EVALUATION

In compliance with rule XXVI of the Standing Rules of the Senate, the Committee finds that no significant regulatory impact will result from the enactment of S. 2703.

VI. HISTORY OF THE VOTING RIGHTS ACT OF 1965

In 1965, Congress at last began to fulfill our Nation's promise of full participation in the democratic process for all Americans by passing the Voting Rights Act. That Act created permanent, nationwide protection for every American citizen, protections that remain vital to voters today. It also created certain temporary provisions, which were reauthorized and expanded in 1970,¹ 1975,² 1982,³ and (with respect to language assistance) 1992.

¹ Voting Rights Act Amendments of 1970, Pub. L. 91-285, 84 Stat. 314.

² Pub. L. 94-73, 89 Stat. 402 (1975).

³ Voting Rights Act Amendments of 1982, Pub. L. 97-205, 96 Stat. 134.

Prior to the enactment of the Voting Rights Act, African-Americans and other minorities were prevented from exercising their constitutional rights through violence, intimidation, and systematic and deliberate State action.

Tragically, there are too many examples of this overt hatred and discrimination to detail them all in this record. But understanding the environment of bigotry that led to the Act's passage helps to understand its applicability today and in the future.

The effort to give all voters full access to the ballot box was thwarted systematically and violently. In 1961, the Student Non-violent Coordinating Committee began a black voter registration drive in McComb, Mississippi, led by "Robert Moses, a black field secretary who had quit his job as a private-school mathematics teacher in New York to work full time on voter registration in the South." Abigail Thernstrom, *Whose Vote Counts?* 14 (Harvard University Press, 1987). "Moses was attacked and beaten by a cousin of the sheriff; a co-worker was ordered out of a registrar's office at gunpoint and then hit with a pistol; a black sympathizer was murdered by a state representative; another black who asked for Justice Department protection to testify at the inquest was beaten (and three years later killed); a white activist's eye was gouged out; and, finally, twelve SNCC workers and local supporters were fined and sentenced to substantial terms in jail." *Id.* And those were just a few of many incidents.

The "usual" legislation, however, had failed to break the usual pattern of black disfranchisement. Voting rights litigators in the South in the early 1960s had learned several lessons. The first concerned the literacy test. "No matter from what direction one looks at it," V.O. Key had written in 1949, "the Southern literacy test is a fraud and nothing more." It was no less a fraud in 1965. In the 1960s, southern registrars were observed testing black applicants on such matters as the number of bubbles in a soap bar, the news contained in a copy of the Peking Daily, the meaning of obscure passages in state constitutions, and the definition of such terms as habeas corpus. By contrast, even illiterate whites were being registered. Booker T. Washington had believed that "brains, property, and character" would "settle the question of civil rights," but eighty years after the founding of Tuskegee Institute blacks with brains, property, and character in the city of Tuskegee still found themselves unable to demonstrate their literacy. "If a fella makes a mistake on his questionnaire, I'm not gonna discriminate in his favor just because he's got a Ph.D.," the chairman of the Board of Registrars self-righteously maintained. *Id.* at 15.

"The long struggle for black voting rights during the Twentieth Century crested on the Edmund Pettus Bridge in Selma, when peaceful demonstrators were savagely attacked by law enforcement officers on March 7, 1965." Testimony of Chandler Davidson, *An Introduction to the Expiring Provisions of the Voting Rights Act and Legal Issues Relating to Reauthorization*, Hrg. before the Senate Judiciary Committee (May 9, 2006). This "Bloody Sunday, was filmed by news photographers and immediately telecast around the world. It shocked the conscience of America, and at the behest of President Lyndon Johnson, a bipartisan Congress passed the Voting Rights Act a few months later." *Id.*

The Voting Rights Act of 1965 was designed to “foster our transformation to a society that is no longer fixated on race,” to an “all-inclusive community, where we would be able to forget about race and color and see people as people, as human beings, just as citizens.” *Georgia v. Ashcroft*, 539 U.S. 461, 490 (2003) (quoting Rep. John Lewis). The Act includes a permanent provision, section 2, that applies to every voter in America. “As amended by Congress in 1982, it prohibits any voting qualification or practice that results in denial or abridgement of voting rights on the basis of a citizen’s race, color, or membership in one of four language-minority groups: speakers of Spanish or of Native American, Native Alaskan, and Asian languages.” Testimony of Chandler Davidson, *supra*. The Act also includes several temporary provisions that “Congress renewed and expanded * * * in 1970, 1975, and 1982, the last time for 25 years.” *Id.*

Congress’s enactment of the Voting Rights Act presaged an immediate and breathtaking transformation. The Voting Rights Act of 1965 had a concrete impact on individuals’ lives. “Maynard Jackson’s mother (in her middle age) was the first black in Atlanta to obtain a library card; in 1973 her son was elected mayor. In Selma, Alabama, in 1965, Andrew Young placed his life in jeopardy on behalf of black voting rights; only seven years later he was the first black congressman elected from the Deep South since Reconstruction.” Abigail Thernstrom, *Whose Vote Counts?* 1 (Harvard University Press, 1987).

The Voting Rights Act of 1965 had a concrete impact on Americans’ attitudes and beliefs. In 1975, only 20% of African-Americans said they had good friends who were white; by 2003, the figure had jumped to 88%. And the proportion of whites with good friends who were African American soared from 9% to 82%. Testimony of Abigail Thernstrom, *Understanding the Benefits and Costs of Section 5 Pre-Clearance*, Hrg. before the Senate Judiciary Committee (May 17, 2006).

Similarly, the Voting Rights Act had a concrete impact on America’s political landscape. The covered jurisdictions that once sponsored violence against minority voters now elect hundreds of minorities to elected office. In Georgia, the voting age population is 27.2% African-American, and African-Americans comprise 30.7% of its delegation to the U.S. House of Representatives and 26.5% of the officials elected statewide. U.S. Census Bureau Report on 2004 Election; *The Bullock-Gaddie Voting Rights Studies: An Analysis of Section 5 of the Voting Rights Act* (2006). Black candidates in Mississippi have achieved similar success. The State’s voting age population is 34.1% African-American, and 29.5% of its representatives in the State House and 25% of its delegation to the U.S. House of Representatives are African-American. *Id.* As of 2003, Texas had elected 2,000 Latinos to office; two years before, California voters had sent 757 Latinos to office. *Id.* America has had two African-American Secretaries of State, Colin Powell and Condoleezza Rice—both of whom have been touted as formidable candidates for President of the United States, and two African-American Supreme Court Justices, legendary civil rights lawyer Thurgood Marshall, and former head of the Equal Employment Opportunity Commission Clarence Thomas.

Congress is once again confronted with the expiration of several of the Voting Rights Act's temporary provisions. The five provisions of the Voting Rights Act set to expire in June and August of 2007 are sections 4, 5, 6, 8, and 203.⁴

VII. EXPIRING PROVISIONS OF THE VOTING RIGHTS ACT OF 1965

Five provisions of the Voting Rights Act are set to expire in June and August of 2007.

Section 4(b) of the Act sets out a formula to identify discriminatory, or "covered," jurisdictions. 42 U.S.C. § 1973b(b). In 1965, a political subdivision was covered under section 4(b) if (1) it used a literacy test or other device as a condition for voter registration on November 1, 1964, and (2) either less than 50% of eligible persons were registered to vote on that date or less than 50% of such persons voted in the Presidential election of that year. *Id.* Congress has since added similar triggers using data from 1968 and 1972. *Id.* Congress has also added jurisdictions with a significant population of non-English speakers. 42 U.S.C. § 1973b(f).

Section 5 provides that if a jurisdiction is covered under section 4(b), then all voting laws in that jurisdiction must be pre-approved either by the Justice Department or the federal district court for the District of Columbia, with the burden of proof on the jurisdiction to show an absence of discriminatory purpose or effect. 42 U.S.C. § 1973c.

Section 203 requires covered jurisdictions to provide bilingual elections for American Indians, Asian Americans, Alaskan Natives, or persons of Spanish heritage who are not proficient in English.

Sections 6 and 8 ensure that minority voters may register to vote and cast their ballots. Section 6 provides for federal election examiners to prepare and maintain lists of eligible voters in covered jurisdictions. Section 8 provides for federal election observers to ensure that all voters are permitted to cast their ballots and that all ballots are properly counted.

VIII. THE HOUSE AND SENATE RECORDS

The Senate Judiciary Committee held nine hearings regarding the bill, S. 2703, at which the Committee received testimony from 46 witnesses. In addition, the House Judiciary Committee held 12 hearings featuring 46 witnesses. The total record consists of over 15,000 pages. The House and Senate owe thanks to the many groups dedicated to the civil rights of Americans which, over the past two years, have collected and analyzed evidence regarding voting rights in America.

Just as it did for each previous enactment and reauthorization of the Voting Rights Act in 1965, 1970, 1975, and 1982, the Senate collected data consisting of statistics, findings by courts and the Justice Department, and first-hand accounts of discrimination.

⁴ Sections 7 and 9, which provide additional procedures for examiners appointed under section 6, expire together with section 6.