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## Correspondence, John C. Stennis, John V. Tunney, April 10, 1975

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*✓ For Senator Stennis'*  
*28-Civil Rights Info.*  
**United States Senate**

COMMITTEE ON ARMED SERVICES

WASHINGTON, D.C. 20510

T. EDWARD BRASWELL, JR., CHIEF COUNSEL AND STAFF DIRECTOR

April 10, 1975

The Honorable John V. Tunney  
Chairman, Subcommittee on Constitutional Rights  
Senate Committee on the Judiciary  
Washington, D. C.

Dear Mr. Chairman:

I am enclosing herewith a statement in which I express my opposition to S. 407 and S. 1279, which are currently being considered by your Subcommittee. I will appreciate it very much if you would make this statement a part of today's hearing record.

I would have preferred to have presented this statement in person but today is the regular meeting day of the Armed Services Committee and important matters before that Committee require that I attend and preside.

With appreciation for your courtesy in this matter,  
I am

Your friend,

John C. Stennis  
United States Senator

JCS:kh  
Enc.

Statement by Senator John C. Stennis

Before

Subcommittee on Constitutional Rights

U. S. Senate Committee on the Judiciary

Mr. Chairman, and members of the Subcommittee, I appreciate the privilege of presenting this statement to you on one of the more important issues to come before the Congress this session. That is the so-called "extension" of the Voting Rights Act of 1965.

As I understand it, the Subcommittee is now considering S. 407 by Senator Griffin (for himself, Senator Mathias and Senator Hugh Scott); S. 903 by Senator Allen (for himself and Senator Harry F. Byrd, Jr.); and S. 1279 by Senator Phillip A. Hart (for himself and Senator Hugh Scott).

S. 407 and S. 1279 would purportedly "extend" the Voting Rights Act of 1965. As I pointed out in a statement on the floor of the Senate on March 18th with respect to similar bills, the so-called "extension" of the Act is a misnomer or misconception and I hope this will be clearly understood when the bills are considered.

S. 903 by Senator Allen proposes the repeal of Sections 4 and 5 of the 1965 Act. I am 100 percent in favor of this bill, but my remarks today are directed primarily to S. 407 and S. 1279, both of which I oppose strongly.

The fact is that, except for the nationwide ban on literacy tests, the only thing that is extended by either S. 407 or S. 1279 is the period of punishment for those states put and kept under Federal servitude by the original act and the Voting Rights Act amendments of 1970.

I understand that Senator Griffin's bill (S. 407) is the administration bill. It would extend from 10 to 15 years the time within which political subdivisions covered by the Act would have to wait before being able to apply to the court for exemption from the Act. Senator Hart's bill (S. 1279) goes even farther. It would extend the sentence imposed in 1965 for another 10 years for a total of 20.

Both bills would extend the nationwide ban against literacy tests--the Griffin bill for 5 more years; the Hart bill permanently. While there is sound constitutional grounds to objecting to Federal interference with the rights of States to fix voter qualification, this provision of the law, at least, is nationwide, not sectional in character. I will not discuss it further today.

I ask that members of the Subcommittee not be misled by the siren song which comes from many cause organizations and pressure groups that we are just "extending" the law. This is just not correct. The law is permanent law and does not need extension. Except for the ban on literacy tests the so-called "extension" is nothing more or less than

extension of the punishment of seven sovereign states for alleged crimes committed 10 years and more ago. I fail to see how this measures up to the basic concepts of American justice or even accords with the fundamental principles of common decency.

Let me make the picture clear. The states primarily involved are Alabama, Georgia, Louisiana, Mississippi, South Carolina and Virginia, and 39 counties (originally 40) in North Carolina. These were all caught by the triggering criteria of Section 4(b) of the 1965 law. Under this they were punished by being deprived of the right to prescribe the qualifications of their voters or to enact new voting laws without the approval of either the U.S. District Court for the District of Columbia, or the United States Attorney General. However, the law did provide that any state, if it had not used any proscribed literacy test or device for a period of five years, might apply to the U.S. District Court for the District of Columbia for a declaratory judgement which would take it out from under the law and restore to it its constitutional rights. While the law was oppressive, harsh and unreasonable, it at least promised an opportunity for parole after five years.

However, the civil rightists, do-gooders and pressure groups were not about to let these southern states off this leniently. Back they came in 1970, when the 5 year period would have expired, and demanded an "extension" of the Act. The main thrust of the "extension" was to insure

that the southern states remained proscribed for an additional period. This was done. The 1970 law extended from five to ten years the time period before which these states could apply to the court for exemption from Section 4(a).

This ten year period will expire on August 6, 1975, unless there is further legislation. Let me stress that even without further legislation, the states will not automatically come out from under the law. They will have to petition the United States District Court for the District of Columbia, which probably is not overly sympathetic to the South. They will have to prove their cases and obtain a favorable declaratory judgement. Even after having done so they will still be on probation since the court will retain jurisdiction and the Attorney General can come in within five years and show that the state has adopted some voting law which infringes on the rights of the minority and have the state brought back under the Act.

As bad as this is, it is at least based on something at least remotely related in some way to due process. It gives the proscribed state its day in court to attempt to prove that it is entitled to resume its full sovereignty as a state in the field of voting rights. However, the cause and pressure groups are still not satisfied. They are back again with the demand that the seven southern states be further punished for either five or ten years additionally.

To me this defies justice, logic, equity and common decency. The original bill, back in 1965, was allegedly designed to prevent voting discrimination. In doing so, by using carefully designed criteria, it itself discriminated against seven sovereign states but at least it promised that such discrimination could end in five years. However, the discrimination against these states was then extended for 5 years longer in 1970 and now we are faced with the demand that another 5 or 10 years be tacked onto this unfairness. By this process it can be extended in perpetuity.

Let me point out that, while the Supreme Court has generally upheld the constitutionality of the Act, the opinions indicate very clearly that the temporary nature of the law was an important factor in supporting its constitutionality. It seems clear that we have gotten this law out of the temporary category. The law has already been on the books for 10 years and it is now proposed to keep the southern states in bondage for 10 years more. I don't know how "temporary" temporary is, but, at the very least, this is an unwarranted dilution of the Federal principle under which this nation has operated for 200 years.

The question comes down to this: Are we going to have a true and indistructable union comprised of equal states or are we to destory this union, in an unauthorized manner, by keeping seven southern states in continual subjugation as far as voting rights are concerned.

We have a situation where 10 years after the 1965 law was passed we in the South have experienced almost every insult and injustice that the Federal bureaucratic mind can conceive. Now we are asked to endure this situation--with no proof of added guilt--for another 5 or 10 years.

Is this the manner in which a democracy dispenses even-handed justice? I think the answer to any reasoning person must be "no." When we continue to deprive sovereign states of their basic rights for a period of 20 years after commission of the offense, we turn our backs on logic, equity, reason and common sense and, in so doing, threaten the fundamental principles of participatory democracy without which this country cannot endure.

I ask that, in considering these bills, you discard sentiment and preconception that might exist. Let the appeal be to your logic and reason, not to passion or reverse prejudice. Ask yourself why the punishment and humiliation of these southern states should be further extended by the Congress under the facts as we now find them. Above all, ask yourself why it is not the right thing, the just thing, the due process of law thing, to allow these states, after August 6, 1975, to go before the court in the District of Columbia and at least have the opportunity to establish their right to rejoin their sister states with



full equality in the voting rights field. If you agree that, as a matter of justice, we are entitled to our day in court, then you will recommend that S. 407 and S. 1279 be reported unfavorably.

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