

SENATOR SAM ERVIN SAYS



Senate debate on the proposed five-year extension of the Voting Rights Act of 1965 has again focused attention on how a so-called civil rights law can ignore constitutional principles if such a law affects only Southern States.

The Voting Rights Act of 1965, which has since been upheld in a split decision of the Supreme Court, is an iniquitous piece of legislation designed to usurp the undoubted constitutional powers of seven Southern States to prescribe voting qualifications. Last year the Administration proposed to extend the Act for a period of five years, but to make it applicable to all of the States by deleting the so-called "trigger" formula from the Act. That formula brought states and counties under the Act, if a state or county had a literacy test in effect on November 1, 1964 and if less than 50 percent of the voting age residents were registered or voted in the 1964 Presidential election.

Under the automatic "trigger" formula of the 1965 Act, five Southern States and certain counties in two other Southern States became subject to punitive action by the Federal Government. Federal voting examiners could move in automatically to supervise voter registration in these areas.

Not only was the 1965 Act Southern-oriented, but it violated the constitutional powers given the States to prescribe voter qualifications in a tyrannical fashion which no Court would sanction for the punishment of a common criminal. In essence, what Congress did in writing the 1965 Voting Rights Act, and what the Supreme Court subsequently approved in the case of South Carolina v. Katzenbach, was to enact a bill of attainder to condemn certain State officials and the peoples of their States without giving them a judicial trial.

The No. 13 hole on Beaver Lake Golf Club in Asheville is the longest par five hole in this country. It is 690 yards long.

Moreover, this Act actually took away the rights given to the States in four separate provisions of the Constitution.

On December 11th, the House passed the Administration's proposal to extend the 1965 Voting Rights Act for a period of five years. The bill as it came to the Senate did have the virtue of uniform application to all of the States.

In the Senate, however, Sen-

ators Hart and Scott offered a substitute bill which sought to leave the 1965 Act provisions applicable only against seven Southern States and extend the existing law for another five years.

I shall offer an amendment to provide that if the 1965 Act is extended for another five years that the statistical base be changed to the 1968 Presidential election. It seems to me to be basically unfair to say that no matter what positive actions the States and voters take to register between 1964 and 1968, the seven Southern States cannot be exempt from the automatic power of the Federal Government to supervise voter registration within their borders. I hope my amendment will prevail.

One of the unfortunate things

about the present day is that people and public officials are willing to ignore the Constitution to accomplish what they seek. It would be well indeed for the Nation to heed Washington's sage advice concerning any dissatisfaction with the Constitution when he said in his Farewell Address:

"Let there be no change by usurpation, or even though a

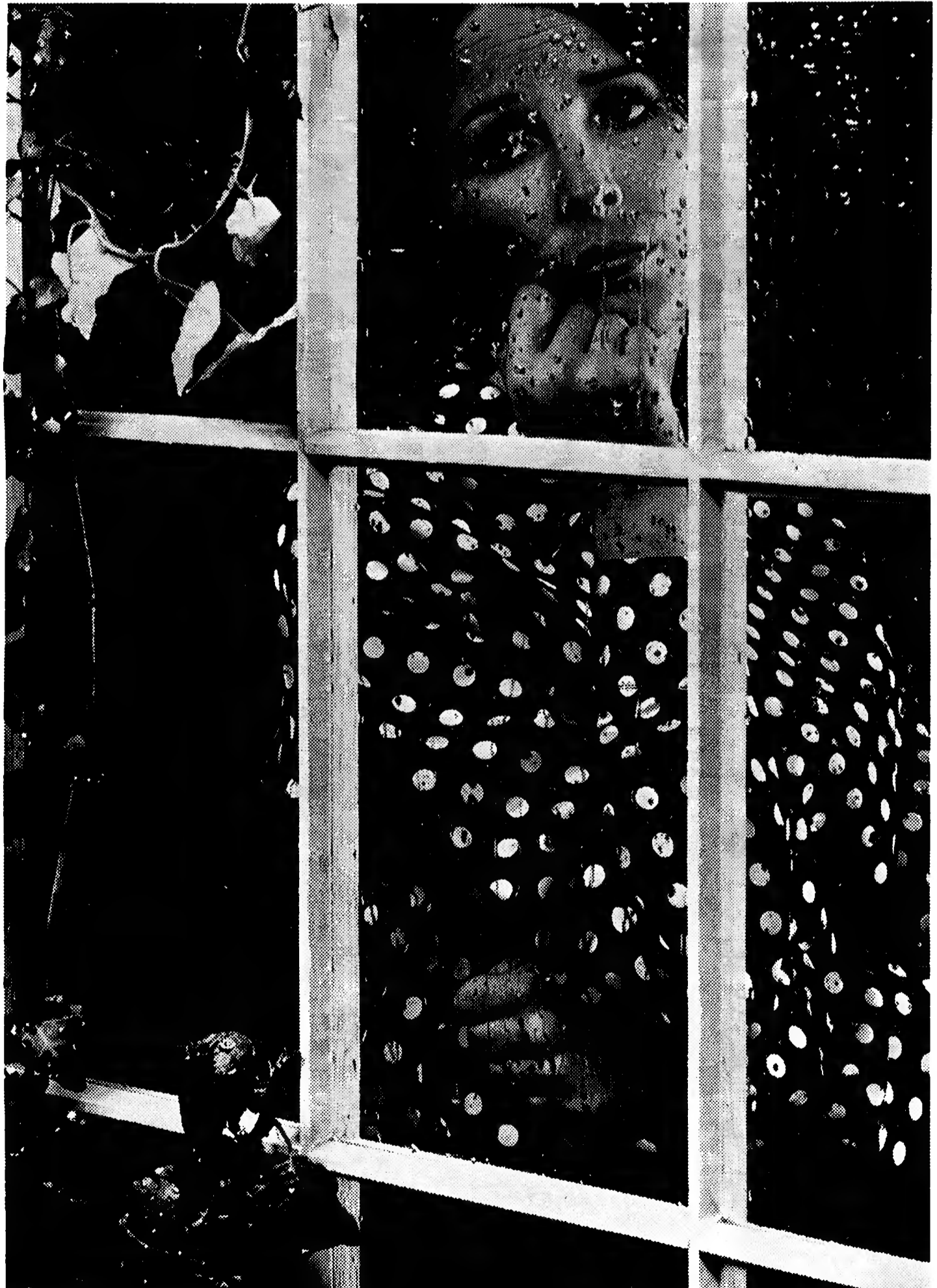
change may seem good in one instance, usurpation is the customary weapon by which free government is destroyed."

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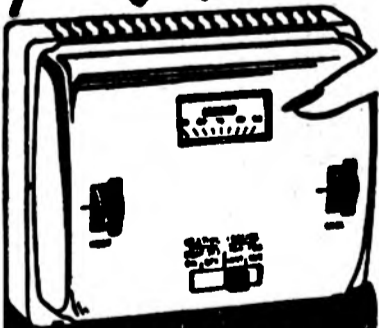
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