Nixon, Congress Control Future of Voting Rights Act

By John P. MacKenzie
Washington Post Staff Writer

The future of the Voting Rights Act, one of the Johnson Administration's proudest achievements, will soon be in the hands of Richard M. Nixon and the 91st Congress.

Civil rights enforcers in the outgoing Administration have begun to worry about one of the almost forgotten features of the far-reaching 1965 law —its life span of five years. It dies next year.

The Act, which put six deep South states and parts of a seventh into a virtual election receivership, suspended literacy tests and outlawed a host of devices used by white registrars to keep black voters from expressing themselves.

Registration Soars

Because of the law, Negro registration has soared in the South to 3.2 million. A record 51.4 per cent of adult Southern Negroes voted in the 1968 election while nonwhite voting declined in the North and West. There are nearly 400 new black office-holders in Southern localities.

But the law expires by its own terms on Aug. 8, 1970. When it was passed over bitter Southern opposition, five years was thought to be ample time to put the Negro on his feet politically so that he could enforce his other rights at the voting booth. But in the view of concerned officials like Attorney General Ramsey Clark, the black voter has not achieved security from white reprisal when the Federal examiners and poll watchers are no longer available.

Clark warned last month's Southwide Conference of Black Elected Officials in Atlanta that "many of the most important sanctions and controls" of the law will disappear "in what then seemed a long time and now seems no time."

Within 20 months "there will be the opportunity for jurisdiction to reinstate qualifications to vote through subjective tests such as literacy." Then, Clark said, "state legislatures may prescribe new standards, new procedures, for voting throughout this land."

The Attorney General called on Negro leaders to redouble their registration efforts while the Act is in force and urged that the Nation "provide for the future by extending the sanctions of the Act for years to come."

Challenge for Nixon

The idea poses a challenge for Nixon, who said during the campaign that he doubted the need for further civil rights legislation. After noting that President Eisenhower signed in 1957 the first civil rights legislation in a century, Nixon said, "I do not see any significant area where additional legislation could be passed that would be helpful in opening doors that are legally closed."

Nixon, who was elected without the help of the Negro voter, would face an added problem even if he were to decide that the voting law de-

serves a new lease on life. That problem is that Sen. Strom Thurmond (R-S.C.) and other GOP conservatives might blow the lid off any attempt at Party unity at that point.

To Clark's civil rights chief, Assistant Attorney General Stephen J. Pollak, the prime value of the Act is that Federal poll watchers can be dispatched where needed. They are usually sent where Negro voting population. Negro candidates or racial issues make it especially important to ensure a fair election.

Justice Department lawyers, armed with the bargaining power that goes with the authority to designate examiners and observers, often have been able to persuade local voting officials, on a "voluntary" basis, to treat Negroes equally with whites and thereby call off any heavy Federal presence on election day. For example, where election officials occasionally send a mobile registration center into rural areas to accommodate remote white farms, Federal lawyers have insured that the same services extend to Negroes.

By Charles Del Vecchio—The Washington Post

Voting law's future troubles Attorney General Clark.

If Nixon fails to request extension of the Act, congressional liberals are certain to seek it on their own. If Congress doesn't act, the courts may take up some of the slack.

Already a special three-judge court in Washington, where Southern governments must sue to get out from under the Act, has held that literacy tests may not be reinstated in districts where segregated education has produced "unequal educational opportunities" for Negroes. That decision is now on appeal to the Supreme Court.

The Federal judiciary under Nixon may or may not side with the Washington court in these cases. But, since the 1965 law has done the work of hundreds of pre-1965 lawsuits, many civil rights workers would feel, in any case, more secure if Congress continued to speak out on the subject.