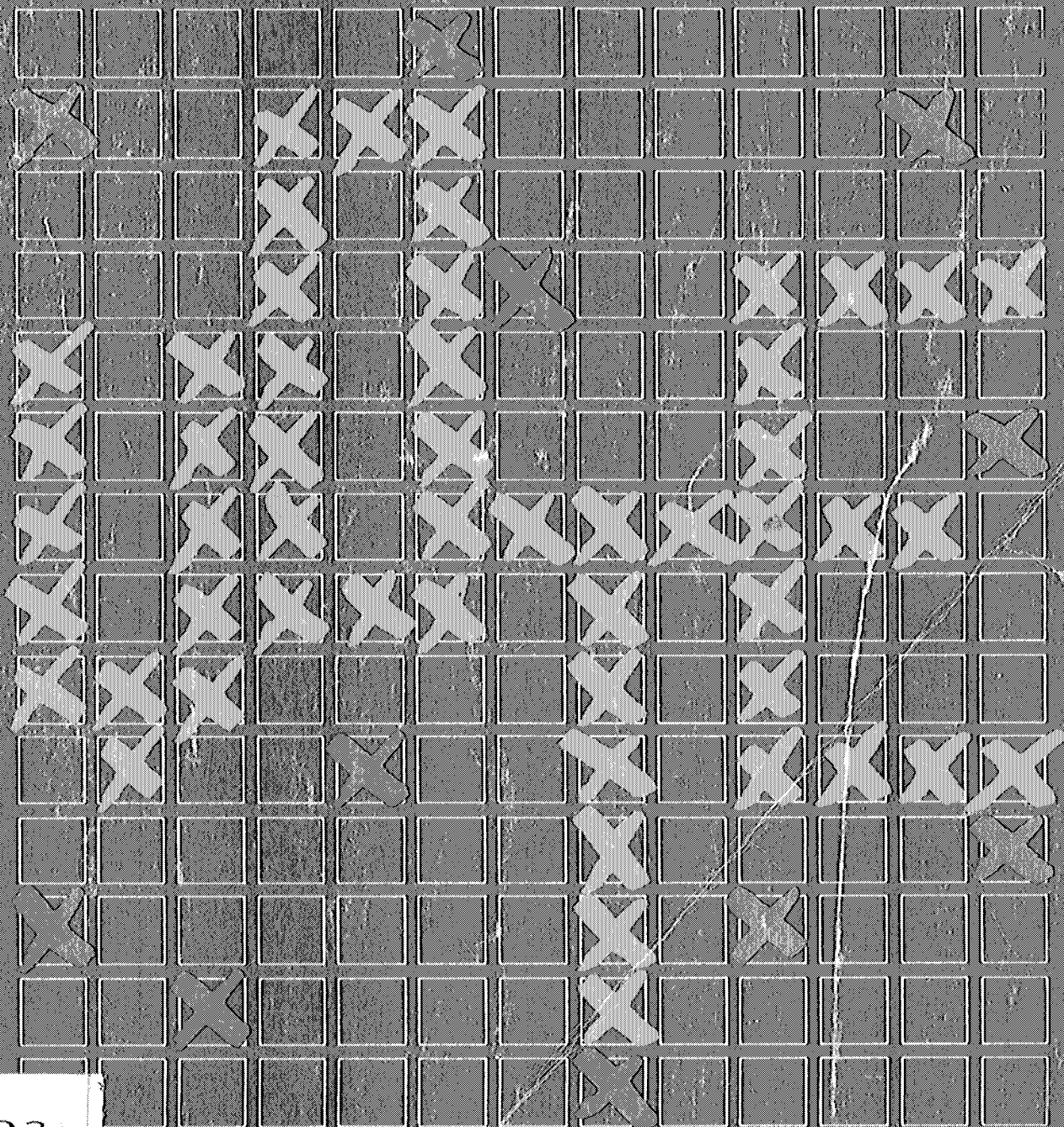


# The Voting Rights Act: Unfulfilled Goals



KF  
4893  
.A852  
1981

**UNIVERSITY OF MARYLAND**

**SCHOOL OF LAW  
LIBRARY**

**BALTIMORE, MARYLAND**

### **U.S. COMMISSION ON CIVIL RIGHTS**

The U.S. Commission on Civil Rights is a temporary, independent, bipartisan agency established by Congress in 1957 and directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, handicap, or national origin, or by reason of fraudulent practices;
- Study and collect information concerning legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;
- Appraise Federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;
- Serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin;
- Submit reports, findings, and recommendations to the President and the Congress.

### **MEMBERS OF THE COMMISSION**

Arthur S. Flemming, *Chairman*

Mary F. Berry, *Vice Chairman*

Stephen Horn

Blandina Cardenas Ramirez

Jill S. Ruckelshaus

Murray Saltzman

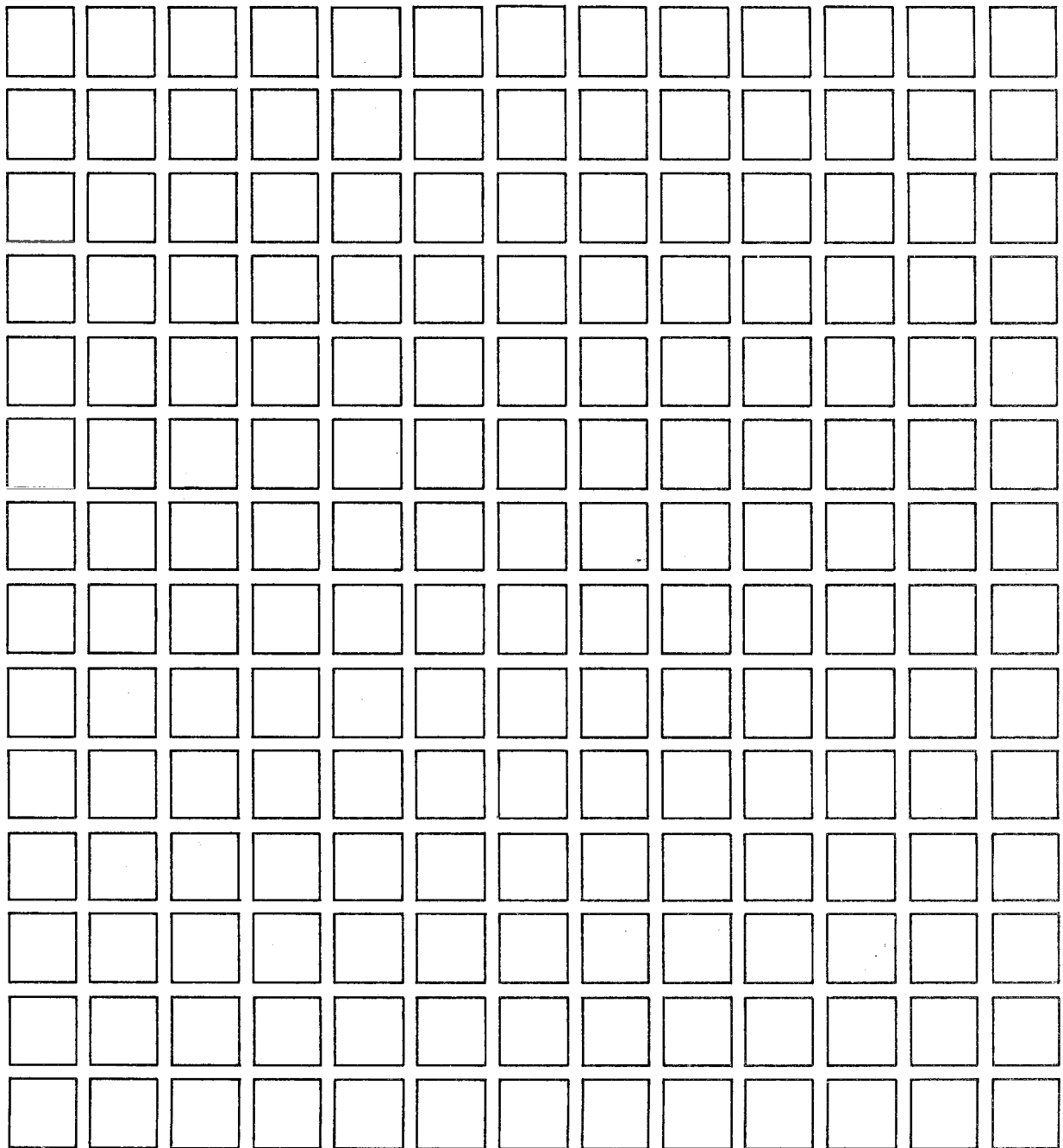
John Hope III, *Acting Staff Director*

# The Voting Rights Act: Unfulfilled Goals

UNIVERSITY OF MARYLAND

SCHOOL OF LAW  
LIBRARY

BALTIMORE, MARYLAND



KF  
4893  
.A552  
1981

## LETTER OF TRANSMITTAL

THE U.S. COMMISSION ON CIVIL RIGHTS

Washington, D.C.

September 1981

THE PRESIDENT

THE PRESIDENT OF THE SENATE

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

Sirs:

The U.S. Commission on Civil Rights presents this report to you pursuant to Public Law 85-315, as amended.

This document presents the Commission's evaluation of the current status of minority voting rights in jurisdictions covered by the special provisions of the Voting Rights Act of 1965, as amended. The information contained in this report was obtained by the Commission from staff interviews, court decisions, U.S. Department of Justice objection letters, and individual complainants.

Despite increased political participation by minorities in many jurisdictions covered by the special provisions of the Voting Rights Act, minorities continue to face a variety of problems which the act was designed to overcome. This report documents resistance and hostility on the part of many citizens to increased minority participation in virtually every aspect of the electoral process. It also documents the resistance of numerous local jurisdictions to following either the letter or spirit of the preclearance provisions of the Voting Rights Act. We, therefore, conclude that the special protections of the Voting Rights Act, as amended, should be extended for an additional 10 years.

We urge your consideration of the facts presented and the Commission's recommendations for corrective action.

Respectfully,

Arthur S. Flemming, *Chairman*

Mary F. Berry, *Vice Chairman*

Stephen Horn

Blandina Cardenas Ramirez

Jill S. Ruckelshaus

Murray Saltzman

John Hope III, *Acting Staff Director*



## **ACKNOWLEDGMENTS**

The Commission is indebted to Michael Goldstein, Henry Gordon, Margaret Guzman-Robbins, and Wanda Johnson, who prepared this report under the supervision of Thelma A. Crivens, project director. The Division Chief for this project was Helen Franzwa Loukas. Additional contributions were made by the following current or former employees: Jandel Allen, Paula Compton, Howard Garrison, Keith Harvest, Margaret Hodge, and O'Dell Lewis. Appreciation also is extended to the following staff members who provided support and assistance in the production of the report: Elaine G. Robinson, staff secretary, Teresita Blue, Diane Ferrier, Lorraine Jackson, Jeanette Johnson, Connie Lee, Cathy Somers, Virginia Williams, Candy Wilson, and Audrey Wright. Finally, the Commission wishes to acknowledge the contributions of its regional offices and members of its State Advisory Committees.

The report was prepared under the overall supervision of Caroline Davis Gleiter, Assistant Staff Director, Office of Program and Policy Review.





# CONTENTS

|   |    |
|---|----|
| <b>1. Introduction</b> .....  | 1  |
| <b>2. The Voting Rights Act and Its Effects</b> .....                           | 4  |
| General Provisions.....   | 4  |
| Special Provisions.....   | 5  |
| Federal Observers and Examiners .....   | 9  |
| The Effect of the Voting Rights Act .....                                       | 11 |
| Minority Elected Officials .....  | 11 |
| Minority Registration .....   | 16 |
| Conclusion .....  | 21 |
| <b>3. Registration</b> .....  | 22 |
| Harassment and Intimidation .....   | 22 |
| Access to Registration.....   | 24 |
| Purging and Reregistration .....  | 27 |
| Conclusion .....  | 28 |
| <b>4. Voting</b> .....  | 29 |
| Polling Places.....   | 29 |
| Assistance at the Polls .....   | 31 |
| Harassment and Intimidation .....   | 34 |
| Minority Election Officials .....   | 35 |
| Absentee Voting .....   | 35 |
| Vote Buying .....   | 37 |
| Conclusion .....  | 37 |
| <b>5. Fair Representation and Candidacy</b> .....                               | 38 |
| Boundary Foundation .....   | 38 |
| Voting Rules.....   | 39 |
| Election Systems, Voting Rules, and Opportunities for Minority Representation . | 40 |
| Election Systems, Voting Rules, and Minority Political Participation .....      | 41 |
| Local Election Systems and Voting Rules.....                                    | 42 |
| State and Federal Election Systems and Voting Rules .....                       | 55 |
| Candidacy.....  | 58 |
| Conclusion .....  | 61 |
| <b>6. Preclearance and Noncompliance</b> .....                                  | 64 |
| Department of Justice Submissions and Objections .....                          | 64 |
| Noncompliance.....  | 70 |
| Conclusion .....  | 73 |
| <b>7. The Minority Language Provisions of the Voting Rights Act</b> .....       | 76 |
| The Minority Language Provisions .....  | 76 |

|  |           |
|--|-----------|
| Minority Language Assistance From the Perspective of Minority Language Groups.....                           | 78        |
| Bilingual Registration Services .....  | 78        |
| Publicity About Bilingual Services .....   | 80        |
| Cooperation of Local Election Officials .....  | 82        |
| Federal Enforcement of the Minority Language Provisions .....  | 83        |
| Conclusion .....   | 88        |
| <b>8. Findings and Recommendations .....</b>   | <b>89</b> |
| Findings .....   | 89        |
| Recommendations .....  | 91        |
| <br>Statement of Commissioner Stephen Horn on the Minority Language Provisions of the Voting Rights Act..... | <br>94    |

**Tables**

|   |    |
|---|----|
| 2.1. Black Elected Officials in Southern States Covered Under the Preclearance Provisions of the Voting Rights Act, July 1980.....  | 12 |
| 2.2. Change in Number of Black Elected Officials in Southern States Covered Under the Preclearance Provisions of the Voting Rights Act, April 1974–July 1980 .....                              | 14 |
| 2.3. Blacks as Percentage of Population and Elected Officials in Southern States Covered Under the Preclearance Provisions of the Voting Rights Act, July 1980.....                             | 15 |
| 2.4. Black Elected Officials as Percentage of all Elected Officials in Southern States Covered Under the Preclearance Provisions of the Voting Rights Act, July 1980.....                       | 15 |
| 2.5. Black Elected County Officials in Southern States Covered Under the Preclearance Provisions of the Voting Rights Act, in Counties with 20 Percent or More Black Population, July 1980..... | 17 |
| 2.6. Black Elected County Officials in Southern States Covered Under the Preclearance Provisions of the Voting Rights Act, in Counties with 50 Percent or More Black Population, July 1980..... | 17 |
| 2.7. Hispanic Elected Officials, by State, 1979–1980 .....  | 18 |
| 2.8. Hispanics as Percentage of Population and Elected Officials, by State, 1979–1980 .....   | 18 |
| 2.9. Hispanic Elected Officials, as Percentage of all Elected Officials, by State, 1979–1980 .....  | 19 |
| 2.10. Percentage of Voting Age Population Reported Registered in Jurisdictions Covered by Section 5 of the Voting Rights Act, by Race and Ethnicity 1976 .....                                  | 19 |
| 2.11. Estimated Voting Age Population and Registered Voters, by State and Race, 1980.....   | 20 |
| 6.1. Changes Submitted Under Section 5 and Reviewed by Department of Justice, by State and Year, 1975–80.....   | 66 |
| 6.2. Objection Letters From the Department of Justice, by State and Year, 1975–80 .....   | 67 |
| 6.3. Objections Interposed by the Department of Justice, by State, 1975–80 .....  | 68 |

|   |    |
|---|----|
| 6.4. Changes Submitted Under Section 5 to Which Objections by Department of Justice were Interposed, by Type of Change, 1975-80.....                                  | 69 |
| 6.5. Cases Involving Noncompliance with an Objection by the Attorney General in Which the Department of Justice was the Plaintiff, Defendant, or Amicus, 1975-80..... | 74 |
| 7.1. U.S. Attorneys Interviewed and Number of Jurisdictions Subject to Section 203 and Applicable Minority Language Group, by U.S. Attorney District.....             | 85 |

## Appendices

|   |     |
|---|-----|
| Appendix A  |     |
| Table A.1 Jurisdictions Discussed in Report .....   | 95  |
| Appendix B Jurisdictions Covered Under the Voting Rights Act of 1965 as Amended in 1970 and 1975                                  |     |
| Table B.1 Coverage Limited to the Original Special Provisions of the Voting Rights Act.....                                       | 97  |
| Table B.2 Coverage Limited to the Minority Language Provisions of the Voting Rights Act.....                                      | 98  |
| Table B.3 Combined Coverage Under the Preclearance Provisions and the Minority Language Provisions of the Voting Rights Act ..... | 100 |
| Appendix C Observer and Examiner Statistics   |     |
| Table C.1 Observation of Elections Under the Voting Rights Act of 1965 .....  | 101 |
| Table C.2 Counties Designated for Federal Examiners and Number of Persons Listed by Examiners .....                               | 103 |
| Appendix D Minority Elected Officials   |     |
| Table D.1 Black Elected County Officials in Southern Counties with 20 Percent or More Black Population, July 1980.....            | 105 |
| Table D.2 Hispanic Elected County Officials in Counties in Texas with 20 Percent or More Hispanic Population, July 1980 .....     | 113 |
| Appendix E The Voting Rights Act of 1965, as Amended.....   | 115 |
| Appendix F Commission Statute: Defame/Degrade Procedures .....  | 136 |
| Appendix G Defame/Degrade Responses   |     |
| Chapter 3.....  | 140 |
| Chapter 4.....  | 157 |
| Chapter 5.....  | 187 |
| Chapter 7.....  | 236 |
| Appendix H Voting Problems Discussed in Report .....  | 260 |



## The Voting Rights Act: Unfulfilled Goals

NEXT .....Part B