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VOTING RIGHTS

HEARINGS

BEFORE

SUBCOMMITTEE NO. 5

OF THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH CONGRESS

FIRST SESSION

ON

H.R. 6400

AND OTHER PROPOSALS TO ENFORCE THE 15TH AMENDMENT
TO THE CONSTITUTION OF THE UNITED STATES

MARCH 18, 19, 23, 24, 25, 29, 30, 31; AND APRIL 1, 1965

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This must be on the theory that these poll taxes are being used to violate the 15th amendment. If that is so, the poll tax could be banned entirely by the bill. The bill acts like the poll tax is a little bit unconstitutional. Well, it is either unconstitutional or it is not.

Mr. MATTHIAS. I think that is a good distinction. I thank the gentleman very much.

The CHAIRMAN. Mr. McCulloch.

Mr. McCULLOCH. Mr. Chairman, I would like to ask one final question and it will be directed both to Mr. Biemiller and to Mr. Harris.

Would either or both of these gentleman know of any Federal statute that requires a State or political subdivision thereof to pray to a Federal court to validate a State or local statute or ordinance before that statute or ordinance is effective?

Mr. HARRIS. I don't think of any just offhand. I would be glad to look into the matter and if I can find any, I will be glad to drop you a line.

Mr. McCULLOCH. I think that would be helpful. That is one of the features of this legislation that gives concern to some people. If there is a precedent, it would be helpful for the record.

The CHAIRMAN. Thank you very much, Mr. Meany and Mr. Harris and Mr. Biemiller. We appreciate your coming and taking time out of your busy schedule to present this testimony.

Mr. MEANY. Thank you, Mr. Chairman.

The CHAIRMAN. Our next witness is Father John F. Cronin, associate director of the Social Action Department of the National Catholic Welfare Conference.

I understand he speaks likewise for the Commission on Religion and Race, National Council of Churches of Christ in the United States of America, and the Social Action Commission of the Synagogue Council of America.

We are glad to welcome you, sir. Father, will you please identify those who are at the table with you?

STATEMENT OF REV. JOHN F. CRONIN, ON BEHALF OF THE COMMISSION ON RELIGION AND RACE, NATIONAL COUNCIL OF CHURCHES OF CHRIST IN THE UNITED STATES OF AMERICA; SOCIAL ACTION DEPARTMENT, NATIONAL CATHOLIC WELFARE CONFERENCE, AND SOCIAL ACTION COMMISSION, SYNAGOGUE COUNCIL OF AMERICA; ACCOMPANIED BY RABBI RICHARD HIRSCH, SYNAGOGUE COUNCIL OF AMERICA; DR. ROBERT W. SPIKE, EXECUTIVE DIRECTOR, COMMISSION ON RELIGION AND RACE OF THE NATIONAL COUNCIL OF CHURCHES; AND DR. J. OSCAR LEE, ASSOCIATE DIRECTOR

Reverend CRONIN. At my right is Rabbi Richard Hirsch, representative of the Synagogue Council of America. Immediately at my left is Dr. Robert Spike of the Commission on Religion and Race of the National Council of Churches, of which he is executive director. With him is the associate director, Dr. Oscar Lee.

We come here as spokesmen for the Racial Action and Social Action Departments of the National Council of Churches, the National Catholic Welfare Conference, and the Synagogue Council of America.

Twenty months ago we, representatives of religious groups in the United States, came before Congress to petition with one voice for racial justice. At that time, we asserted that—

The right to vote is a human right which is guaranteed by the basic law of the land * * *. Those human rights which men look to government to protect are called civil rights. The churches and the synagogues, indeed our free society as a whole, look to the state to incorporate these rights into its legal system and to insure their observance in practice.

We come before you today because the conscience of the Nation has again been stirred, in an unprecedented way, by the wanton denial of a basic American right—the right to vote. Men of good will everywhere have been shocked by the naked and cynical use of violence to deny that right. In the past months hundreds of ministers, rabbis, priests, and nuns accompanied by thousands of lay people, have responded to the call of conscience by identifying themselves with those Americans who are deprived of their rights on the basis of race or color.

By their presence, they have offered their spiritual support, prayers, and pastoral care in many communities where men have endeavored unsuccessfully to register and to vote.

We know by firsthand experience, that in many communities, men not only risk jobs and economic security, but life itself when the attempt is made by Negroes to register and to vote.

Now is the time to act. As religious bodies, we believe it imperative that the Congress respond to the moral indignation of the Nation by the enactment of the Voting Rights Act of 1965. This legislation will enforce the 15th amendment to the Constitution of the United States and will effectively supplement the Civil Rights Acts of 1957, 1960, and 1964.

We support the proposition that—

No voting qualifications or procedure shall be imposed or applied to deny or abridge the right to vote on account of race or color.

Therefore, we urge that the formula prescribing the geographical areas to be covered be broad enough to apply to all areas in which persons attempting to register and to vote experience difficulty because of race or color.

We believe that any provision that would unnecessarily delay and complicate the prompt registration of citizens is intolerable. Once the need for Federal examiners has been established, we wish to stress the necessity for making access to their services available immediately.

Congress should do everything in its power to prevent the frustration of the purpose of the bill through intimidation or economic coercion. Therefore, we urge that the penalties provided in section 7 be extended to cover every type of intimidation and coercion which is employed to deny persons the opportunity to register as well as to vote.

Another abridgment of human rights is the poll tax which historically has been and is now being applied to deprive persons of the right to vote because of race or color. We recommend strongly that the proposed legislation eliminate the poll tax as a prerequisite to registration or voting.

These observations flow from our concern to condemn clearly and unequivocally the injustice of voting discrimination and to call for a remedy that is both prompt and completely effective. They are a reaffirmation of positions previously taken by our organizations.

On February 23, 1961, the general board of the National Council of Churches declared:

The denial of the right to vote contradicts the professed ideals and undermines the democratic heritage upon which this Nation was founded. It is a violation of justice that prevents the exercise of responsible citizenship which is necessary for the creation of the good society.

The Catholic bishops of the United States on August 25, 1963, stated that:

* * * no Catholic with a good Christian conscience can fail to recognize the rights of all citizens to vote.

The Synagogue Council of America has stated that:

The right to vote and participate in the affairs of government is necessary both to the establishment of the dignity of man and the strengthening of democratic life.

Mr. Chairman, and members of the committee, it is our task as religious leaders to help articulate the conscience of America. Good and dedicated men have died in recent months because they have sought to insure a right deeply rooted in our concept of human dignity and basic democracy.

As religious men, they respected and honored the sacred dignity of every man.

As loyal Americans, they strove to relive the spirit of Lexington and Concord, when the embattled colonists revolted from the mother country in order to insure the right of self-government.

The eyes of the entire world have been focused on recent events in our Nation. Men in every continent are waiting to see if, in fact, we will live up to the ideals we so freely profess.

It is not too much to say that the honor of America lies in the hands of this Congress. We know that you will not fail this sacred trust.

Mr. Chairman, that is the end of our testimony. We have a brief appendix which I would ask you to put in the record; it lists the denominations and religious organizations that join in presenting this statement.

The CHAIRMAN. The list will be inserted in the record.
(Document referred to follows:)

APPENDIX

TESTIMONY TO JUDICIARY COMMITTEE

MARCH 25, 1965.

The following denominations and religious organizations join in presenting this statement:

The Central Conference of American Rabbis.
The Rabbinical Assembly of America.
The Rabbinical Council of America.
The Union of American Hebrew Congregations.
The Union of Orthodox Jewish Congregations.
The United Synagogue of America.
The Unitarian Universalist Association.
The National Council of Catholic Men.
The National Council of Catholic Women.
The National Council of Catholic Youth.
The National Catholic Conference for Interracial Justice.
National Catholic Social Action Conference.
National Federation of Catholic College Students.
Newman Club Federation.

The African Methodist Episcopal Zion Church.

The Church of the Brethren.

The Episcopal Church, Department of Christian Social Relations.

The International Convention of Christian Churches, Coordinating Committee on Moral and Civil Rights.

Lutheran Church in America, Board of Social Ministries.

United Church of Christ.

United Presbyterian Church in the United States of America.

The Executive Committee, General Board of Christian Social Concerns, the Methodist Church.

Father CRONIN. Thank you, Mr. Chairman.

The CHAIRMAN. We are indeed grateful for you gentlemen coming here and expressing the opinions we have just heard. Your appearance symbolizes the interest and concern of our religious denominations of this country. We certainly realize that we cannot accept the franchise of some people, but deny it to others. These marches that are now going on in Alabama testify to the need of some remedial legislation. We hope that together we will be able to bring it forth.

Mr. ROGERS.

Mr. ROGERS. No questions.

The CHAIRMAN. Mr. Donohue?

Mr. DONOHUE. No questions.

The CHAIRMAN. Mr. Lindsay?

Mr. LINDSAY. My thanks and congratulations to each of you.

The CHAIRMAN. Mr. Mathias?

Mr. MATHIAS. Thank you very much.

The CHAIRMAN. Thank you very much, gentlemen, for your testimony. We appreciate your coming down here today.

Father CRONIN. Thank you very much, Mr. Chairman.

The CHAIRMAN. The next witness is Mr. Herman Badillo, commissioner of the Department of Relocation of the City of New York.

Mr. Badillo, identify those who are at the table with you.

STATEMENT OF HERMAN BADILLO, VICE PRESIDENT, LEGION OF VOTERS; ACCOMPANIED BY: MRS. IRMA VIDAL SANTAELLA, PRESIDENT, LEGION OF VOTERS, INC., AND MR. GERENA VALENTIN, PRESIDENT, NATIONAL ASSOCIATION OF PUERTO RICAN CIVIL RIGHTS, INC.

Mr. BADILLO. My name is Herman Badillo, and I am here as vice president of the Legion of Voters.

On my left is Mrs. Irma Vidal Santaella, president of the Legion of Voters, Inc. On my right is Mr. Gerena Valentin, president of the National Association of Puerto Rican Civil Rights, Inc.

We are all here with a delegation of representatives from 125 organizations which are active in the Puerto Rican community of New York City and New York State. Some of them are here. I would like to have them stand so that they may be identified. The others are on the way.

We are here to speak on behalf of more than 750,000 Puerto Ricans who are residents of New York State and who are being denied the right to vote by means of the requirement of a literacy test in the State of New York as well as by other devices. Of course, much of what we have to say applies with equal force to Negro citizens in