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DRAFT REMARKS ON THE POLL TAX

Prepared at the request
of
Honorable Claude Pepper

By

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Mr. Speaker,

In moving ceremonies here in the Capitol, the President within recent days signed into law the historic "Voting Rights Act of 1965." Reports appearing ⁱⁿ the press indicate that the Administration is moving vigorously on all fronts to make real the promise of the right of every citizen to vote. According to these reports, selected Civil Service employees have already been sent to register voters in nine counties in three states. Simultaneous with these events, the Justice Department, pursuant to the authority of the act requiring a legal test of the constitutionality of the few remaining poll tax laws, has filed suit in one state. Similar action is expected in the three other jurisdictions where the most basic of all our constitutional rights is placed on a monetary standard.

My Spanish-speaking constituents have an old saying that "el tiempo da gusto a todos."

Roughly translated, this means that given time our finest hopes become a reality. As one who, beginning as early as 1941, challenged the validity of the poll tax as a condition for the exercise of the right to vote, I am particularly heartened by the events of the past few days. Although I would have preferred the outright ban of the committee bill, I am confident that the provision of the conference report which was signed into law will lay the groundwork for a judicial holding that the poll tax as a condition for the exercise of the right to vote is in violation of the Constitution of our land.

My authorship in the other body of S. 1280 in the 77th Congress was motivated not only by what I felt to be the clear mandate of our fundamental law, but also because it proposed "that which was best for the South itself and that which is right for the whole

country." 88 Cong. Rec. 9046 (1942) While time has wrought a great many changes, my feeling in this particular remains essentially unchanged.

That early bill, like that so recently laid upon our statute books, was the subject of a lively controversy. It was received by declarations that "What happens in the States is none of your business." I said then, and I repeat now, "I am a southerner by direct lineage for over 200 years. I have not within more than two centuries had an ancestor who was not born in and who did not die in the South, where some day I shall sleep with my own ancestors. Some of them wore the tattered raiment of the revolutionaries in the revolution. Others did their best with other patriots in subsequent wars. Some, who wore the gray in the Civil War, sleep in heroes' graves." 88 Cong. Rec. 9046 (1942).

Mr. Speaker, I did not then, and I do not question any other person's attitude or his right to maintain it. I do not say that he is right or wrong. I early sponsored legislation to abolish the poll tax and I voted for the recent enactment because of a sentiment equally conscientious and a policy which I believe to be fraught with more good for the South we love than would be a contrary attitude.

To those who view the abolition of the poll tax as an unwarranted interference with State prerogatives to establish voter qualifications, I can only say that when the States are acting properly in the prescription of qualifications, fitness to vote, aptitude to vote, they are unlimited in their power. However, when they go beyond the scope of proper qualifications and impose onerous burdens, then it becomes the duty of Congress to correct the

situation and to preserve the right of every elector to vote.

I recall vividly the words of then Senator Barkley, later the much loved Veep, who in debate on an amendment to the absentee voting bill to repeal the poll tax stated:

"I do not believe in the poll tax qualification for voting. In my judgment it is essentially a property qualification. Long ago the American system of democracy got away from the property qualification as a prerequisite for voting." 88 Cong. Rec. 6939 (1942).

It was obvious then, and remains true today that the poll tax does not act as a screen to determine the fitness of the electorate. It operates as a handicap which denies the privilege of the ballot to a very large percentage of the country, both whites and Negroes. Its effect as a restriction on voting, rather than a qualification for voting, was emphasized by the Senate

Judiciary Committee in 1943 which stated:

"We believe that there is no doubt that the prerequisite of the payment of a poll tax in order to entitle a citizen to vote has nothing whatever to do with the qualifications of the voter, and that this method of disenfranchising citizens is merely an artificial attempt to use the language of the Constitution, giving the States power to set up qualifications which in fact have no relation whatever to qualifications."
(S.Rept. 532, 78th Cong.).

Earlier, in a report on my own proposal, the Committee clearly stated that the purpose of the poll tax was to discriminate. (S.Rept. 1662, 77th Cong.).

At that time, Mr. Speaker, eight States had poll tax requirements. Today, that number has dwindled to four. Yet, the negative effects of the requirement persists. It is interesting to note that these four states which still require the payment of a poll tax were among the six States

with the lowest voter participation in the 1964 presidential elections. (Ala., 36.0%; Miss., 33%; Tex., 44%; Va., 41%).

Mr. Speaker, Congress has witnessed a long and bitter struggle to abolish the poll tax as a prerequisite for voting, so that no American must pay for the privilege of exercising his constitutional privilege, the right to vote. Now we have fulfilled, I believe, the fundamental promise of ^{the} system the framers put into motion so long ago. "El tiempo da gusto a todos!"

Again, I commend the able chairman of the Judiciary Committee and his associates for taking the price tag off the franchise in America.