

Of Arkansas's Exemption From the Voting Rights Law

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FOR ARKANSAS, the real meaning of the Voting Rights Bill of 1965 is obviously in what it doesn't do. And that makes the story of the bill really the story of an amendment.

As the bill stands now, on the lip of Senate passage, Arkansas is completely exempt from its provisions for federal registrars wherever there is vote discrimination. Prospects are for final Congressional approval of the bill with the exemption remaining a part of the measure.

The Arkansas exemption came in the form of an amendment offered by Senators J. William Fulbright and John McClellan and accepted by the Senate. It provides simply that no federal registrars can go into a state which has, by the constitutional route, set up a hindrance-free voting registration system. To further bracket Arkansas within the meaning of the amendment, the constitutional registration system will have had to be instituted between Nov. 1, 1964 and March 1, 1965.

Fulbright, who was the chief architect of the amendment, was moved to offer it in the first place by the probability that the voting bill would apply to some Arkansas counties where less than 25 per cent of the Negroes are registered, as well as the possibility that it could apply to every Arkansas county because of the disenfranchisement of all Arkansas voters by legal tangles.

But perhaps the most interesting part of the amendment story lies in the machinations and intrigue that went into its acceptance by the Senate.

Having decided that Arkansas ought to be exempt from the bill, Fulbright set out upon the often torturous path of legislative negotiation and compromise.

The senator's reputation for calm and intelligence give him credentials equally acceptable among Northern liberals, Southern conservatives and the harried Senate leadership. He was able, therefore, to convince all elements in the polyglot Senate that his objective was just and equitable, something no other Southerner might have accomplished.

It helped that Arkansas had not had any history of voter discrimination, as attested by the U. S. Civil Rights Commission which failed twice to detect any. Those close to the situation say this was the predicate that stood Fulbright in the best stead.

Even so, the negotiations that went on were worthy of something out of a 19th Century European court. Fulbright's amendment was first broached to the Senate Democratic Policy Committee, which is sort of the leadership's strategy board. The committee turned to the Justice Department for clearance. After

some language changes in the amendment, clearance was given.

All of this took place, as they say in diplomacy, on the staff, or ministerial, level. Then Fulbright went personally to Majority Leader Mike Mansfield of Montana and Senator Philip Hart of Michigan, a member of the bill-drafting Judiciary Committee who was in charge of the bill on the floor. They reacted well and when they checked with Justice directly, acquiesced.

Then, Senator Everett M. Dirksen of Illinois, the Minority Leader and very much a force to be reckoned with on the bill, had to be consulted. Staff work in this regard almost broke down over a Dirksen aide's suggestion that the amendment be made more inclusive and its language be put in the present tense so it might apply more broadly to other states and situations. The haggling was finally overcome when Fulbright and Dirksen got together personally.

There was one more hurdle. Senator Jacob Javits, Republican of New York, was worried that the amendment might preclude the Census Bureau from counting Arkansas noses to insure that registration was above the discrimination level. The language was changed again, this time to Javits's satisfaction. The way seemed clear.

By the end of the week during which all this took place everything had been tidied up and Fulbright took the floor to propose his and McClellan's amendment. After his explanation, only Hart and Senator John Stennis of Mississippi had comments. Stennis, whose state is one of the bill's chief targets, wanted to make sure that Arkansas wasn't getting off too easily. Both Fulbright and Hart assured him it wasn't because the Arkansas shift to a permanent registration system came well before the voting rights bill was ever thought of, and, if the state doesn't register everyone impartially, it would come fully under the terms of the bill.

With that, the Senate adopted the amendment by voice vote and thereby tacked an interesting footnote onto the civil rights story of 1965.

In the Dictionary

FULBRIGHT HAS achieved fame of another sort. He has made the dictionary. Webster's newest edition carries the senator's name as a noun, synonymous with certain scholarships on a student exchange basis.

In the same connection, Massachusetts Institute of Technology recently forwarded to Fulbright a letter it had received from an 18-year-old Greek student. In halting English, Simos Stathis wrote, "Should it be possible, please inform me if it will be possible to grant me a full or half bright as the financial possibilities of my very good father are rather limited."

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