

Reagan Administration Attacked As Voting Rights Hearings Begin

By Mary Thornton
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The Reagan administration was attacked bitterly by blacks and other civil rights advocates yesterday as a Senate Judiciary subcommittee began hearings on extension of the 1965 Voting Rights Act.

Benjamin Hooks, executive director of the NAACP and chairman of the Leadership Conference on Civil Rights and the Black Leadership Forum, testified that he could not point to "any action of this administration that would give any hope of comfort to minorities."

The administration is backing what civil rights groups say would be a crippling amendment to the House-passed version of the voting bill. It would make state and local electoral procedures illegal only if they could be shown to be discriminatory in intent, and not simply in effect.

In an interview last night with CBS News, President Reagan reiterated his desire for extension of the act, and said, "I believe I can support the House version . . . I don't know of anything in it that would justify a veto."

Hooks said the administration position "signals black people that civil rights is not a high priority. We have agitated, we have lobbied . . . talked to the president, the vice president, members of the Cabinet. It is the main item on the agenda of black America . . . They listen but don't hear."

Sen. Edward M. Kennedy (D-Mass.) said to Attorney General William French Smith, "You appear before this committee when there is a serious crisis of confidence in this administration, in its commitment to many millions of people in this country, most of whom are women and

minorities whose skins are not white."

Citing the recent administration decision to give tax-exempt status to some private schools that discriminate, Kennedy asked, "How can a significant group of Americans whose skin is not white, let alone the majority of Americans who care deeply, have much confidence in your attitude on voting rights?"

Smith, bristling, retorted, "The president does not have a discriminatory bone in his body."

Chairman Orrin G. Hatch (R-Utah) threatened to clear the hearing room when the audience, made up largely of civil rights advocates waiting to testify, erupted in hisses and laughter. "We're going to show respect for [Smith] and the president of the United States who, I know, does not have a discriminatory bone in his body," Hatch said.

Both sides in the dispute agree the key sections of the voting rights law should be extended when it expires in August, but there are sharp differences over the intent test and a number of other provisions.

Smith called the Voting Rights Act the centerpiece of legal protections against infringements on minority voting power, and said that, despite its success in producing registration of millions of black and other minority-group members, "The sad truth [is] that racial discrimination in the electoral process still exists in certain . . . jurisdictions."

But Smith held out for the intent standard rather than the effect criterion approved overwhelmingly by the House last October on a 389-to-24 vote. Civil rights groups say an intent standard would make it tougher, and in some cases impossible, to prove voting rights violations. A group of 62 senators, large

enough to guarantee passage and end a filibuster, has joined in co-sponsoring the House bill in the Senate.

But intent proponents say the House standard could destroy the American political structure.

Smith said, "Quotas would be the end result . . . The only ultimate logical result would be proportional representation. I don't see how anyone could seriously advocate that."

Hatch warned that two-thirds of the municipal governments in the country have an at-large election system that could be interpreted as harmful to minority representation.

Sponsors of that bill repeatedly asked Smith how lawyers can prove intent, especially in cases dating back to the early 1900s in which local officials may have been dead for years.

Sen. Charles McC. Mathias Jr. (R-Md.), a former city attorney, said, "Any city or attorney worth his salt is not going to allow his mayor or his city council to be caught with the intent to discriminate."

Sen. Howard M. Metzenbaum (D-Ohio) said, "You know and I know, as former practicing lawyers, that proving intent is so unbelievably difficult. I have difficulty understanding why the administration is not on the side of the overwhelming majority of the House and the overwhelming majority of the Senate on this issue."

Smith replied, "The easy thing to do would be to do exactly what you are proposing. It would be the popular, happy thing to do. But I think our function should be more than that."

The administration also objects to a House provision that would extend indefinitely a portion of the Voting Rights Act that required nine states and parts of 13 others to obtain federal approval for any voting law changes because of past discriminatory practices. The administration would like that extended 10 years.

Both sides are recommending a "bailout" provision to allow states and local jurisdictions falling under that category to be freed from the requirements after a certain number of years of good behavior.

Meanwhile, as hearings on the extension continued yesterday before a Senate Judiciary subcommittee, Rep. Henry J. Hyde (R-Ill.) said the House bill passed only because many members were afraid to cross civil rights groups threatening to brand them as racists. He said many members who favor voting rights objected to the measure but voted for it anyway.

"By the time it reached the floor, suggestions that alternate views should be considered were quickly met with harsh charges that any deviation whatsoever . . . merely reflected 'code words' for not extending the act," he said.

"This intimidating style of lobbying had the ironic effect . . . of limiting serious debate and creating a wave of apprehension among those who might have sincerely questioned some of the bill's language," Hyde said. "No one wishes to be the target of racist characterizations."

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Stand on Voting Act And Civil Rights Defended by Smith

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Attorney General William French Smith summoned reporters to the Justice Department yesterday to defend the administration's position on the Voting Rights Act and civil rights in general.

Asked about charges that recent administration decisions have been racist, Smith replied, "I say it's just totally untrue. It's categorically not so. The fact that the president is taking the position he's taking is based entirely on the merits. There has been no retreat on the overall question of discrimination."

Smith said the House-passed extension of the Voting Rights Act backed by civil rights groups and now co-sponsored by 62 members of the Senate is not what the Reagan administration wants, but he would not say whether President Reagan would veto such a bill if it comes to his desk.

Wednesday night in a CBS interview with Dan Rather, Reagan first said he would not veto the House-approved bill. "I don't know of anything that is in it that would make me veto it," he said.

But after a brief break in which he met with two White House officials, Reagan said that he had misspoken and that he was in fact willing to accept only a simple 10-year extension of the existing law with some modification to allow "bailout" for covered states after a period of good behavior.

The House bill goes beyond a simple extension of the act on one important issue: the test to be used in deciding whether state and local electoral laws are illegal. The House bill says it is enough to prove such laws have discriminatory effects. The administration is backing what civil rights groups say would be a crippling amendment that would make state and local election procedures illegal only if it could be proved that they were adopted with discriminatory purposes in mind.

The administration says an effect test would lead, as Smith put it again yesterday, "to quotas in the political process."

Proponents say the administration's quotas talk is a red herring, and that it would be impossible in many cases to meet the intent test; the law thus could rarely be enforced, they say.