

News from Senator

BOB DOLE



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DOLE ANNOUNCES VOTING RIGHTS COMPROMISE

WASHINGTON -- Senator Robert Dole (R.-Kan) announced today that he and Senators DeConcini (D.-Ariz), Grassley (R.-Iowa), Kennedy (D.-Mass), and Mathias (R.-Md), will offer a compromise version of the Voting Rights Act for Senate Judiciary Committee consideration during the Committee sessions scheduled for this week. Dole, who is a key Republican member of the Committee, indicated that they have been working on the compromise for the last two weeks.

Under the Voting Rights Act of 1965, certain states and political subdivisions with a history of discrimination are required to preclear any voting changes with the Department of Justice or Federal District Court in Washington. In August of this year, some of these jurisdictions will be eligible to bailout of this preclearance requirement. Civil rights groups have argued that there is still a need for preclearance, and thus are pushing for legislation to extend this requirement.

Last August, the House passed a bill extending the preclearance provisions of the Act for an indefinite period of time. The House bill contains a provision, however, which would allow covered jurisdictions to bailout of the preclearance requirements if they could show that they were free of a violation of the Act for the ten years preceding the application for the exemption. In addition, the House bill contained a controversial amendment to Section 2 of the Act, which is the basic guarantee that voting rights will not be denied or abridged on account of race, color, or membership in a language minority. In 1980, the Supreme Court held, in the case of Mobile v. Bolden, that plaintiffs must prove discriminatory intent before a violation of Section 2 can be established. The House bill would overturn the Mobile decision by amending Section 2 to prohibit any voting practice which has a discriminatory result, regardless of the purpose behind it.

The House bill was introduced in the Senate by Senators Mathias and Kennedy last fall with 65 cosponsors. Nevertheless, it has encountered opposition in the Judiciary Committee, where many Committee members have argued that the results standard contained in the House bill would be interpreted to require proportional representation. Civil rights groups and other supporters of the House language have argued, however, that the courts applied a results standard in voting rights cases prior to the controversial Mobile decision, and that these pre-Mobile standards did not mandate proportional representation. House bill proponents also asserted that discriminatory intent was too difficult to prove to make enforcement of the law effective, and that if the basic right to vote has been denied or abridged, plaintiffs shouldn't have to show that the violation was intentional to obtain relief.

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