JW MARRIOTT HOTEL
HOUSTON GALLERIA

Oct 1, 90

Joann

I came across this old file on Gov. Clements - which probably should have been passed on long ago -

Primarily it contains all the info on the Voting Rights Act Braunfeld was the League got into with the Gov over over misunderstanding of his words - He ended up coming around after Sen. Dole's compromise - but that didn't get in the papers -

Perhaps this could go to the SW Collection sometime -

Best - Diana

5150 Westheimer, Houston, Texas 77056 (713) 961-1500

Statement on voting act disputed

By JIM CRAIG
Post Washington Bureau

WASHINGTON — Gov. Bill Clements Thursday told a Senate panel he and leaders of several minority organizations in Texas "collectively and unequivocally" support a 10-year extension of the Voting Rights Act as it is currently written.

Within hours of Clements' remarks before the Senate Judiciary Subcommittee on the Constitution, however, three of the five minority organizations the governor said joined him in his position began backing away from their endorsement as described by the governor.

Clements said he opposes efforts to extend the 1965 law to allow voting rights violations to be proven by showing only that an election law change produces discriminatory results. That is the so-called "results," test, which has been included in the House version of the extension measure.

The governor, instead, agreed with the Reagan administration-backed "intent" provision which is in the current law. It requires that intent to discriminate be established before a voting law violation can be found.

Clements said he supports President Reagan's desire for a straight 10-year extension and favors a "reasonable" bail-out provision to allow states to escape federal scrutiny of their election law changes and racial voting patterns.

The House-passed bill requires that all the voting jurisictions in a state be granted bail-out before the state can be exempted. In Texas, Clements said, that means one of the 254 counties or 1,102 school districts could prevent the state from bailing out.

Recalling a press conference in Austin last month, Clements told the Senate panel he and the state directors of the League of United Latin American Citizens (LULAC), American G.I. Forum, Image, NAACP and the League of Women Voters endorse the extension of the Voting Rights Act "as it is currently constituted and applied to Texas."

In his testimony, Clements quoted Oscar Moran, state director of LULAC, as saying his organization supports a 10-year extension of the act as it is presently worded.

National LULAC officials quickly reacted, saying Moran (who could not be reached for comment) was speaking only for himself and had no authority to speak for LULAC members. LULAC officials said the organization supports the legislation already approved in the House.

Diana Clark, president of the League of Women Voters of Texas, sent the governor a telegram saying as one of those who joined him in the Texas press conference last month, she had understood his position to be in support of the extension bill which has already passed the House which included the so-called "results" language.

"We regret the misunderstanding," Clark said, but the league supports the House-passed legislation.

The NAACP state conference in Texas, in a statement, denied "Governor Clements' assertions that the NAACP supports a simple 10-year extension (of the act) with the intent language proposed by President Reagan. The Texas state conference as well as the national NAACP strongly supports the House-passed bill."

The Houston Post/Fri., Feb. 5, 1982/ 9A

Clements opposes House changes on voting rights

By DAVE MONTGOMERY
Star-Telegram
Washington Bureau

WASHINGTON — Texas Gov. Bill Clements, appearing before a Senate subcommittee, today endorsed extension of the 1965 Voting Rights Act but opposed House-passed changes that he said would damage a law that has dramatically increased the voting power of Texas minorities.

The Republican governor's statements essentially put him in step with the Reagan administration's position on the Voting Rights Act and at odds with national civil rights and minority leaders who are pushing the House-passed legislation to strengthen the 17-year-old law.

But, to the delight of Republican senators on the committee, Clements said his position — and, thus, that of the administration — is supported by "an unprecedented coalition" of Texas chapters of the National Association for the Advancement of Colored People, the League of United Latin American Citizens, the League of Women Voters and other minority organizations.

Although national leaders of those groups strongly support the House bill, Clements told the Senate Judiciary subcommittee that "it is not unusual for Texas organizations to differ" with their national leadership. After Clements' testimony, however, Hispanic representatives present at the subcommittee hearing cornered reporters to contradict the governors' statements.

"The governor is confused," said Rolando Rios of San Antonio, the legal director for an Hispanic research organization who followed Clements as a witness before the subcommittee. Most of the groups mentioned by Clements, Rios contended, support the House bill.

The Voting Rights Act will expire in August unless Congress extends it. Texas is one of 22 states covered by the law, which requires federal approval of major election procedures to gauge their impact on minorities. In recent cases involving Texas, the U.S. Justice Department rejected the state's legislative and congressional reapportionment plans on the grounds that they discriminate against blacks and Hispanics.

Clements, in supporting a 10-year extension of the landmark civil rights law, said the act "has been good for Texas" by increasing minority voter registration and giving minorities greater access to political office. From 1976 to 1980, he said, Hispanic voter registration in the Southwest rose 44 percent.

"To minority citizens," Clements said, "the act is a very real guarantee that their right to vote will be protected. I feel that this precious protection and its essential result — the confidence of minority voters in the election process — must be continued."

Addressing major elements of the congressional debate, Clements said he would support a "reasonable" provision enabling Texas and other states covered by the act to "bail out" if they could show significant improvement in improving minority voting rights.

But he opposed the bail-out provision in the House bill, saying the exemptions are "so stringent and cumbersome" that Texas would be unable to meet them.

"It could, therefore, take only one of Texas' 254 counties to prevent the state from becoming exempt or one out of 1,102 school districts in the state of Texas from preventing the state from bailing out," said Clements.

Clements also supported the Reagan administration's position to base discrimination tests under the law on intent — a standard which national civil rights groups contend would severely weaken enforcement of the act.

"Our goal," Clements said, "is to reach a point where all Texans have full confidence that their right to vote is fully protected without need for indefinite feder oversight."

Clements infuriates minorities

By DAVE MONTGOMERY
Star-Telegram Washington Bureau

WASHINGTON — Gov. Bill Clements touched off angry disavowals from civil rights leaders after testifying Thursday that Texas minority groups oppose further revisions of the 1965 Voting Rights Act.

The Republican governor made the statements before a Senate Judiciary subcommittee hearing as he recommended a 10-year extension of the landmark civil rights law — but without changes in a House-passed bill supported by a national coalition of minority groups.

Contrary to the national coalition's position, Clements said, Texas branches of the League of United Latin American Citizens, the League of Women Voters, the National Association for the Advancement of Colored People and other minority organizations share his view that the House-passed bill would damage the 17-year-old law.

The House bill would require states to meet stringent new tests for discrimination. Clements quoted Oscar Moran, LULAC's Texas director, as saying: "When the machine is working, let's not fine-tune it." But Arnold Torres, LULAC's Washington representative, later issued a statement accusing Clements of staging "a political maneuver" to dupe Moran and other Texas minority representatives into supporting his position.

"Poor Oscar was hoodwinked," Torres said Thursday. "The governor did not fully inform Mr. Moran and others what he was asking their support of."

Clements told the subcommittee that the Texas minority groups formed "an unprecedented coalition" to announce their position on the act at a Jan. 22 news conference after a meeting in the governor's office.

Torres, however, argued that Clements misled the minority groups. "His position and this attempt at manipulation substantiate his categorical insensitivity to the minorities of this state," the LULAC representative declared.

Moran said he would decline comment on the dispute until after reviewing the governor's statements in Washington.

"The only thing I can tell you for sure is that we had a press conference," Moran said. "I want to see a text of everything. It's hard to figure out what was said and what wasn't said."

Another disavowal came from Diana Clark, president of the Texas League of Women Voters, who sent the governor a telegram protesting his statements in Washington. "The League of Women Voters must disassociate itself from the testimony of Texas Gov. Bill Clements," Ms. Clark said. The league "understood the governor's position to be in support" of the House bill, she added.

"We regret this misunderstanding," she continued, saying the league's groups in Texas and all other states "are strongly behind" the House bill.

At a Jan. 21 league meeting in Texas, Clements had said he would support "modifications in the act," but would oppose any change to "weaken the act."

The Republican governor's statements essentially put him in step with the Reagan administration's position on the Voting Rights Act.

"The governor is confused," said Rolando Rios of San Antonio, the legal director for a Hispanic research organization and who followed Clements as a witness before the subcommittee. Most of the groups mentioned by Clements, Rios contended, support the House bill.

The Voting Rights Act will expire in August unless Congress extends it. Texas is one of 22 states covered by the law, which requires federal approval of major election procedures to gauge their impact on minorities. In recent cases involving Texas, the U.S. Justice Department rejected the state's legislative and congressional reapportionment plans on the grounds that they discriminate against blacks and Hispanics.

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Addressing major elements of the congressional debate, Clements said he would support a "reasonable" provision enabling Texas and other states covered by the act to "bail out" if they could show significant improvement in protecting rights.

But he opposed the bail-out provision in the House bill, saying the exemptions are "so stringent and cumbersome" that Texas would be unable to meet them. Under the House bill, he said, a state cannot bail out of the law unless all of its political subdivisions meet the same standards.

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Editorials

The budget battle

Last year, caught up in the euphoria of the 1980 election and what was generally regarded as a clear mandate from the electorate for change, President Reagan pretty well had his way with Congress, particularly with regard to financial matters.

The president wanted drastic budget cuts, and, after a fight, Congress gave them to him.

The president wanted substantial individual tax cuts, and, after a fight, Congress granted them.

In each instance, when Congress grew balkly, Reagan took his message directly to the people, and irresistible pressures were brought to bear on the lawmakers.

The big question now, as Congress prepares to take on the president in the battle of the 1983 budget, is: Will Reagan once again be able to use his significant personal persuasive powers to overcome growing opposition within Congress to the new budget, which calls for a staggering $91.5 billion deficit, a figure skeptics claim is unrealistically low.?

Obviously, the White House inner circle believes he will. The president has already embarked upon the initial trip in behalf of his budget and the entire economic package it is designed to save. Given his past successes in garnering public support, doubters would be well-advised to hedge any bets against him.

However, the cruel realities of the current economic and political situation will combine to work against Reagan's chances. The recession shows few signs of relenting. Unemployment figures continue at a higher level than at any time since the Great Depression. The inflation rate is down slightly, but interest rates are still so high that they discourage borrowing, leaving such interest-sensitive industries as automobiles and housing virtually crippled. The people have grown impatient.

As vital as all those considerations are, however, the most important single obstacle to the the Reagan budget — which calls for a $13 billion cut in social service programs while boosting defense spending by $22.1 billion — is the fact that 1982 is a congressional election year.

Many of the conservative Democrats and the moderate-to-liberal Republicans whose support was vital to passage of the Reagan program last year will be much more difficult to keep in line this time around. It well may be that Congress will simply refuse to go along with the administration this time on further social program cuts. It is almost certain that some realistic accommodations will have to be reached on proposed defense spending.

Hard questions need to be asked of a budget that is so far out of kilter, particularly considering the fact that it is the product of the same people who not long ago were predicting a balanced budget and who were saying that deficits were the cause of this nation's economic problems.

It is incumbent upon Congress to ask those hard questions, not in an attempt to play politics in an election year but in an honest effort to provide the American people with the kind of legislative leadership they deserve.

And, election year or not, Congress needs to be reminded that the desire on the part of the American people to see a reduction in the size of the federal government still burns brightly.

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And, election year or not, Congress needs to be reminded that the desire on the part of the American people to see a reduction in the size of the federal government still burns brightly.

Strange advocacy

With friends like Gov. Bill Clements Texas civil rights groups don't need enemies.

Clements told a Senate committee that he supports a simple extension of the Voting Rights Act and that his position on that issue reflects the wishes of Texas civil rights groups.

The governor said he met last month with an unprecedented coalition consisting of the Texas state directors of the League of United Latin American Citizens, American GI Forum, Image, the National Association for the Advancement of Colored People and the League of Women Voters and that all those groups supported a simple extension of the existing act.

"I don't think there's any question" that the civil rights groups support a simple extension, he said. And he added that it was not unusual for Texas civil rights organizations to differ with their national organizations.

But there apparently has been a colossal misunderstanding. In the words of the warden in *Cool Hand Luke* "a failure to communicate." Spokespersons for all those groups deny emphatically that the governor's stance reflects their positions on the issue.

All of them say they support the Voting Rights Act extension bill that has been passed by the House.

"We understood the governor's position to be support of the House of Representatives-passed version, which restores the original understanding of Congress that (the) effect of discrimination would be a determining factor. We regret this misunderstanding," said a representative of the League of Women Voters of Texas.

Attorney General William French Smith, apparently with the blessing of President Reagan, is pushing for a bill in the Senate that would replace the effect of discrimination test with a requirement that civil rights attorneys prove the existence of an intent to discriminate.

A simple extension of the Voting Rights Act also would amount to installing an intent test, because the U.S. Supreme Court intepreted the Voting Rights Act that way when it ruled on a lawsuit challenging the municipal electoral system in Mobile, Ala. The court ruled in favor of Mobile city commissioners because no intent to discriminate was proven. Since that landmark decision, no such lawsuits have been filed because intent to discriminate is impossible to prove.

Perhaps Gov. Clements did not understand at the time of his meeting with the coalition that a simple extension was tantamount to requiring proof of intent. If he departed from that meeting harboring such a misunderstanding, it was probably because he did too much talking and too little listening.

The Houston Post/Sat., Feb. 6, 1982/ 15A

3 groups back Clements on voting act

By FELTON WEST
Chief, Post Austin Bureau

AUSTIN — Leaders of three Texas Latin American organizations came to the defense of Republican Gov. Bill Clements on Friday and reaffirmed their accord with his support of extending the federal Voting Rights Act "as is," despite efforts in Congress to strengthen the law.

Clements took that position in testimony before a U.S. Senate subcommittee Thursday, after he and leaders of five Texas organizations on Jan. 22 held a news conference here to show a united front in support of extending the law and opposing changes that would weaken it.

THURSDAY, THOUGH, AFTER Clements testified, two of the state organizations — the League of Women Voters and the National Association for the Advancement of Colored People — parted company with the governor.

Diana Clark, League of Women Voters president, said there had been a "misunderstanding" and the LWV "must dissociate itself" from Clements' testimony. She said she understood the governor backed a House-passed bill that would strengthen the Voting Rights Act by requiring only the showing of discriminatory results to prove violations of the act. The present law requires a showing of intent to discriminate. The League strongly supports the House bill and a similar Senate bill that would install the "results" test, Clark said.

The NAACP state conference also came out in support of the House-passed bill, although state NAACP president A.C. Sutton had, along with Clark, joined Clements to support extension of the act on the books.

Clements said Friday the League and the NAACP might have changed their positions since the news conference and the meetings that led up to it, but "there was no misunderstanding." He pointed out the Jan. 22 announcement of their accord spoke of extension of the act "as it is presently constituted," and said there had been no discussion of the House-passed bill to change the law when the groups' representatives took the stand with him.

CLEMENTS PRODUCED NEW statements from three of those who participated in the Jan. 22 news conference reaffirming their stand.

Ed Bernaldez, state chairman of the American G.I. Forum, said Clements' Senate subcommittee testimony was consistent with the stand the five groups took Jan. 22.

Joe Garcia, state president of IMAGE, took a similar stand.

Oscar Moran, state director of LULAC, was the fifth person who appeared with Clements Jan. 22 backing extension of the act "as is." National LULAC leaders said Thursday, though, Moran spoke only for himself and LULAC backs the House-passed bill.

Moran joined Clements' news conference Friday, however, and insisted he and the state LULAC organization supported — and still back — Clements position, despite the national LULAC stand.

On other subjects in his news conference, Clements:

■ Attacked Democratic Attorney General Mark White for refusing to let him spend state funds for "outside counsel" in the state legislative redistricting lawsuit before a Dallas federal court and said he would ask the court to approve such a lawyer. Clements said he had talked with House Speaker Bill Clayton, for whom White also refused to approve outside counsel, and Clayton also planned to ask the court for such counsel.

The governor said as a member of the Legislative Redistricting Board that drew the House and Senate redistricting plans disapproved by the U.S. Justice Department and challenged in the federal court White has a conflict of interest in representing him.

■ Said he is still "highly suspicious and skeptical and "wary" of President Reagan's "New Federalism" program swapping welfare and Medicaid program support with the states and turning over about other federal programs to the states and will remain so till he sees how the program emerges from Congress, although he fully supports "the president's concept."

■ Again refused to apologize to Vincent Nathan, the federal-court-appointed master for Texas prisons, for having said erroneously a week ago Nathan and his monitors were under investigation by a Houston federal grand jury for "misbehavior" in doing their jobs in the prisons. Clements also said although U.S. Attorney Daniel Hedges "blocked" a grand jury investigation by not taking state lawyers evidence before the jury, the state would "pursue all avenues available to see that this is brought to the attention of the proper authorities."

Voters league chief acknowledges error

By Sam Kinch Jr.
Austin Bureau of The News

AUSTIN — Texas League of Women Voters President Diana Clark of Dallas conceded Friday that Gov. Bill Clements was "absolutely correct" when he said the league and a minority-group coalition agreed to support extension of the Voting Rights Act as it is written.

Ms. Clark had criticized Clements Thursday for misstating the coalition's position when Clements testified in Washington on the Voting Rights Act extension.

Clements, in effect, testified against both a House-passed bill that strengthens voting rights protections and the Reagan administration proposal, which makes it more difficult to challenge election changes as discriminatory. He repeated his own position — in favor of the voting law "as presently constituted" — and said the coalition of the league and black and Hispanic groups had agreed on the position.

Ms. Clark immediately issued a news release disassociating the league from Clements' statement and saying the policy difference was the result of a "misunderstanding."

She said that when Clements said he supports the Voting Rights Act "as it is presently constituted," she thought he meant support of the House-passed version of extending the law.

Friday, after re-reading what Clements and the coalition agreed on, Ms. Clark said the "presently constituted" phrase was part of the position paper. "Those words slipped right by me," she said.

In fact, the Texas League of Women Voters supports the House-passed version of the Voting Rights Act rather than extension of the present law, Ms. Clark said, and she did not notice the "presently constituted" phrase at the time the league endorsed the position paper.

Ms. Clark said Thursday she was "very disappointed that (Clements) evidently . . . was endorsing the (Reagan) administration proposal."

But Clements, at a news conference, said he doesn't like either the House-passed bill or the Reagan-backed bill. "There isn't any misunderstanding," the governor said. "I am for the Voting Rights Act as it is now written."

He said he opposes the so-called "intent" section of the Reagan bill, which would make discrimination more difficult to prove under the law.

The governor also released statements from spokesmen for three Mexican-American organizations, saying Clements' version of the Voting Rights Act coalition position paper was correct.

Clements' testimony stuns rights groups

By Jack M. Kneece
Washington Bureau of The News

WASHINGTON — In testimony that stunned civil-rights groups in Texas, Gov. Bill Clements told a Senate committee Thursday that he supports Voting Rights Act changes proposed by President Reagan.

The groups — which oppose Reagan's suggestions — had been expecting Clements to say that he, too, objected to changes that would weaken the act and that the groups favored the House-passed version of the legislation.

Instead, Clements, who testified the groups had authorized him to speak in their behalf, told the Senate Subcommittee on the Constitution that the coalition supported a simple extension of the act, which includes neither the Reagan nor the House-passed changes.

The coalition immediately began sending telegrams of protest to the subcommittee chairman, Sen. Orrin Hatch, R-Utah.

The coalition includes the League of United Latin American Citizens, American GI Forum, Image, the NAACP and the League of Women Voters, according to Clements.

President Reagan's proposal includes "bail-out" and "intent" provisions.

The "bail-out" version proposed by Reagan would make it easier than the House bill for states to exempt themselves from Justice Department clearance of election law changes.

The "intent" proposal, not included in the House bill, would require civil rights litigants to prove that any disproportion between the racial makeup of an elected body and that of its community was deliberate.

The House bill would allow the composition of an elected body whose members do not reflect the community's racial makeup to represent *prima facie* evidence of discrimination.

Ralph Neas, executive director of the Washington-based Leadership Conference on Civil Rights, representing 157 national rights and civic groups, said several Texas affiliates of the conference were sending telegrams of protest to Hatch.

On the "bail-out" provison, Reagan said in a statement Nov. 7 that he favors a "bail-out" procedure to allow the nine states covered under the law to remove themselves from pre-

See CLEMENTS' on Page 5A.

Clements' testimony dismays civil-rights groups

Continued from Page 1A.

clearance.

"The 'bail-out' provisions (in the House-passed bill) are so stringent and cumbersome it is doubtful that any covered jurisdiction could become exempt," Clements said.

"For example," he said, "the proposed House legislation provides that every jurisdiction in a covered state must be granted 'bail-out' before the state can achieve bailout.

"It could, therefore, take only one of Texas' 254 counties to prevent the state from becoming exempt or one out of 1,102 school districts in the state of Texas from preventing the state from 'bailing out,' " Clements said.

Clements said he would not favor "bail-out" unless it was acceptable to Texas minority organizations.

Clements said he met last month with "an unprecedented coalition consisting of the Texas state directors of the League of United Latin American Citizens, American GI Forum, Image, the NAACP and the League of Women Voters," and said these groups support a simple extension of the existing act.

But Neas said Clements' statement was not true. He said the groups support the House-passed version, as do their national offices.

When questioned by Hatch, Clements said, "I don't think there's any question" that Texas civil rights groups favor a simple extension of the present act.

He added it is not unusual for Texas civil rights organizations to differ with the national offices.

Later in the day, Texas League of Women Voters President Diana Clark of Dallas said the organization "must disassociate itself" from Clements' testimony. "We understood the governor's position to be support of the House of Representatives-passed version, which restores the original understanding of Congress that (the) effect of discrimination would be a determining factor. We regret this misunderstanding. The League of Women Voters in Texas and in every other state stands strongly behind Senate Bill S-1992."

Clements told the League of Women Voters during a Jan. 21 election-law conference in Austin that "while there are modifications (of the Voting Rights Act) I could support, I will not support any change that would weaken the act."

Clements later said at a news conference with Ms. Clark and representatives of minority groups that the governor's office and Secretary of State David Dean, a Clements appointee, support extension of the Voting Rights Act "as is," unless the minority groups and LWV could agree on proposed amendments.

The NAACP state conference, in a statement, also denied "Gov. Clements' assertions that the NAACP supports a simple 10-year extension (of the act) with the intent language proposed by President Reagan."

"The Texas state conference as well as the national NAACP strongly supports the House-passed bill," the NAACP statement said.

Sen. Dennis DeConcini, D-Ariz., questioned Clements about his testimony. Clements insisted he was accurately reporting the groups' positions.

Clements quoted Oscar Moran, state director of the United Latin American Citizens, as saying, "Let's not mess up a machine that has worked well in the past."

Arnold Torres, executive director of the organization, speculated Moran thought he was endorsing enactment of the House bill without change. Torres said Moran had no authority to take any different position.

"Unfortunately," Torres told United Press International, "Mr. Moran was either confused or cajoled by the governor of Texas into supporting the governor's position."

Another civil rights spokesman said officials of several organization mistakenly believed they were endorsing the unchanged House bill at a Jan. 22 news conference with Clements.

Clements offers varied tax ideas

By SAM KINCH JR.
Austin Bureau of The News

AUSTIN — While he still plans on as much as $1.4 billion in state tax relief, Gov. Bill Clements said Friday that he approves of a local-option county sales tax, may endorse a hospital-district sales tax and probably will support higher interest rates on at least some loans.

Clements' most comprehensive statement on pocketbook issues before next Tuesday's convening of the legislature was, therefore, a good-news, bad-news mixture for consumers.

The multimillionaire Republican governor still refused to say how his proposed tax relief measure would be designed to help taxpayers, preferring to wait until his Jan. 22 "state of the state" message to lawmakers.

But Clements vowed that his tax relief proposal will be both "visible" and "in the spirit that it actually gets accomplished."

"Whatever we do, we're going to make it stick and make it get right down to the taxpayer where it can't be circumvented by some local authority," he said.

He said previous attempts by the state to provide property tax relief through school districts, for example, produced "absolutely zilch" in actual taxpayer benefits because school taxes were not decreased. He implied that his 1981 proposal will not reduce property taxes.

But a reduction in the state sales tax might be offset by higher local taxes.

Clements said he will support a county sales tax — presumably a penny on the dollar, as cities can levy with voter approval — in order to give county governments an alternative to the property tax. But he categorically rejected giving the cities the right to increase the current 1-cent city sales tax and extending the local-option sales tax to school districts.

At the same time, Clements said, "hospital districts are a different matter" and may need to be given a sales-tax option. But he indicated he will back a hospital sales-tax levy only if the districts that operate teaching hospitals are taxing property to their maximum ability and diligently are trying to collect bills from out-of-county indigent patients.

Clements' signals were even more mixed in response to an almost-unanimous lending industry's request for repeal of virtually all constitutional and statutory limits on interest rates.

Generally, Clements said he expects the legislature to enact "a significant change from what we have now" because artificial interest-rate limits "are not working" because they don't reflect the real cost of money.

Without committing himself to an overall policy of repealing all interest limits, the governor said a prime lending rate of 20 percent and interest rates of 10 percent make current limits unreasonable.

"Those who can least afford to get hurt (by high interest) are getting hurt the worst (by the lack of money for lending at regulated rates)," he said.

Banks, savings and loans, credit unions and rate-regulated lending companies have united in a drive for higher interest ceilings or no limits at all.

On other subjects, in his final news conference before the legislature convenes Tuesday, Clements said:

- He will trim $600 million or more from the $26.3 billion Legislative Budget Board spending bill but won't say where cuts will be made until Jan. 22.
- Speaker Billy Clayton's proposed $1 billion "rainy day" water projects fund isn't dead but may have to be scaled down.
- Initiative and referendum has "a 50-50 chance, no better than that" despite the fact that 70 percent of Texans favor it.
- A 15-bill package of anti-crime bills probably will be passed, including wiretaps in drug cases and a ban on drug paraphernalia shops.
- A federal order for desegregation of Texas colleges is "purely speculative" unless it is issued, rather than threatened, next week.
- Texas "blue laws" should be repealed because "they have outlived their usefulness."
- The governor would support a stronger state officials' ethics law but sees no need for additional enforcement against political action committees.
- Although 53 percent of Texas prison inmates work in agriculture, many of those are in vocational training so that 40 percent are being prepared for jobs on the outside.

FEB 1 1982

WILLIAM P. CLEMENTS, JR.
GOVERNOR

OFFICE OF THE GOVERNOR
STATE CAPITOL
AUSTIN, TEXAS 78711

January 28, 1982

Ms. Diana Clark
League of Women Voters of Texas
1212 Guadalupe, Suite 109
Austin, Texas 78701

Dear Ms. Clark:

I want to express my appreciation for the opportunity to address the League of Women Voters' recent conference on Election Laws and Practices. It was a pleasure for me to visit with a group that has such an outstanding tradition of providing voter service in Texas.

Thank you for all your efforts. Your ideas and suggestions are always welcome.

Sincerely yours,

Bill Clements

William P. Clements, Jr.

WPCJr:kfj

MAY 13 1982 DC—
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SD

WILLIAM P. CLEMENTS, JR.
GOVERNOR

OFFICE OF THE GOVERNOR
STATE CAPITOL
AUSTIN, TEXAS 78711

May 10, 1982

Ms. Diana Clark
President
League of Women Voters of Texas
1212 Guadalupe, Suite 109
Austin, Texas 78701

Dear Diana:

I want to take this opportunity to again thank you for joining with me last Friday in endorsing the compromise Voting Rights Act recently reported out of the U. S. Senate Judiciary Committee.

I have every confidence that Congress will soon act on the measure. To that end, I have written President Reagan commending him for his support of the compromise bill and each member of Texas' Congressional delegation urging their full support of the compromise bill.

Again, your full support and cooperation in this matter is greatly appreciated.

Sincerely,

Bill Clements

William P. Clements, Jr.
Governor

WPCJr:dsm

REMARKS PREPARED FOR GOVERNOR WILLIAM P. CLEMENTS, JR.
U. S. SENATE JUDICIARY SUBCOMMITTEE ON THE CONSTITUTION
WASHINGTON, D.C. / FEBRUARY 4, 1982

CHAIRMAN HATCH AND MEMBERS OF THE SUBCOMMITTEE ON THE CONSTITUTION:

IT IS A PRIVILEGE TO BE HERE TODAY AS EXTENSION OF THE VOTING RIGHTS ACT IS UNDOUBTEDLY THE MOST SIGNIFICANT CIVIL RIGHTS ISSUE FACING CONGRESS.

DURING MY FIRST BID FOR GOVERNOR OF THE STATE OF TEXAS IN 1978, ON NUMEROUS OCCASIONS I PUBLICLY ENDORSED AND SUPPORTED THE VOTING RIGHTS ACT. I AM HERE TODAY TO TELL YOU THAT AS GOVERNOR, MY SUPPORT OF THE ACT HAS NOT WAIVERED. THE VOTING RIGHTS ACT HAS BEEN GOOD FOR TEXAS.

THERE IS NO DOUBT THAT TEXAS CAME UNDER THE PROVISIONS OF THE VOTING RIGHTS ACT IN 1975 BECAUSE OF A RECORD OF PAST, OFTEN SYSTEMATIC, DISCRIMINATION AGAINST MINORITY VOTING. THERE IS EQUALLY NO DOUBT THAT SUCH PRACTICES TO A GREAT EXTENT HAVE BEEN ABANDONED. ALTHOUGH TEXAS' COVERAGE UNDER SECTION 5, THE PRECLEARANCE PROVISION OF THE ACT, REMAINS IN FULL FORCE AND EFFECT UNTIL 1985, NONETHELESS, ISOLATED INSTANCES OF DISCRIMINATION REMAIN AND I BELIEVE THAT EXTENSION OF THE VOTING RIGHTS ACT IN TEXAS WILL HELP TO ERADICATE THEM.

THE REQUIREMENTS OF THE VOTING RIGHTS ACT DO NOT FOR THE MOST PART, TOUCH NOR DO THEY INCONVENIENCE NON-MINORITY VOTERS IN TEXAS. TO MINORITY CITIZENS, THOUGH, THE ACT IS A VERY REAL GUARANTEE THAT THEIR RIGHT TO VOTE WILL BE PROTECTED. I FEEL THAT THIS PRECIOUS PROTECTION AND ITS ESSENTIAL RESULT -- THE CONFIDENCE OF MINORITY VOTERS IN THE ELECTION PROCESS -- MUST BE CONTINUED. UNDER NO CIRCUMSTANCES WILL I SUPPORT CHANGES RESULTING IN A WEAKENING OF THE ACT.

TEXAS' RECORD UNDER THE VOTING RIGHTS ACT HAS BEEN EXCEPTIONALLY GOOD. SINCE 1975 ON A NATIONWIDE BASIS, TEXAS HAS SUBMITTED ALMOST HALF OF ALL ELECTION CHANGES THE JUSTICE DEPARTMENT HAS CONSIDERED FOR PRE-CLEARANCE, AND WE HAVE DRAWN ONLY ONE-SEVENTH OF THE OBJECTIONS MADE. FURTHERMORE, ONLY 0.8 PERCENT OF OUR SUBMISSIONS UNDER THE VOTING RIGHTS ACT HAVE DRAWN OBJECTIONS AS COMPARED TO A 3.7 PERCENT RATE OF OBJECTION FOR ALL OTHER STATES.

THIS RECORD, COUPLED WITH CHANGES IN STATE LAW, SUCH AS THE REQUIRED USE OF BILINGUAL ELECTION MATERIALS AND THE FACT THAT LEADERS OF MINORITY ORGANIZATIONS HAVE STATED THAT MINORITY VOTER REGISTRATION IN TEXAS HAS INCREASED SIGNIFICANTLY SINCE 1975, CLEARLY DEMONSTRATE THE PROGRESS TEXAS HAS MADE IN ENSURING THAT ALL MINORITY CITIZENS ARE OFFERED THE UNQUALIFIED RIGHT TO VOTE.

LET ME CITE SOME EXAMPLES WHICH CLEARLY INDICATE THE POSITIVE EFFECT OF THE VOTING RIGHTS ACT IN TEXAS.

-- THE MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND, A MAJOR HISPANIC INTEREST GROUP HAS REFERRED TO THE VOTING RIGHTS ACT AS "THE CORNERSTONE OF HISPANIC EFFORTS TO SECURE MEANINGFUL POLITICAL ACCESS THROUGH THE SOUTHWEST."

-- A RECENT STUDY BY THE SOUTHWEST VOTER REGISTRATION EDUCATION PROJECT SHOWED A 29.5 PERCENT INCREASE IN HISPANIC VOTER REGISTRATION NATIONWIDE BETWEEN 1976 AND 1980. IN THE SOUTHWEST, HISPANIC REGISTRATION ROSE 44 PERCENT.

-- THE APRIL 4, 1981 ELECTION OF HENRY G. CISNEROS AS MAYOR OF SAN ANTONIO MADE HIM THE FIRST MEXICAN-AMERICAN MAYOR OF ANY MAJOR U.S. CITY.

-- A 1980 STUDY BY THE TEXAS ADVISORY COMMITTEE TO THE U.S. CIVIL RIGHTS COMMISSION SUGGESTED THE VOTING RIGHTS ACT HAS HAD A POSITIVE EFFECT IN INCREASING MEXICAN-AMERICAN AND BLACK REPRESENTATIONAL PROPORTIONS. IN INSTANCES WHERE THE VOTING RIGHTS ACT HAS NOT APPLIED, THERE HAS BEEN LITTLE OR NO CHANGE.

-- FINALLY, ON JANUARY 22, 1982, I WAS JOINED NOT ONLY BY DAVID A. DEAN, SECRETARY OF STATE, BUT ALSO BY AN UNPRECEDENTED COALITION CONSISTING OF THE TEXAS STATE DIRECTORS OF THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS, AMERICAN G. I. FORUM, IMAGE, THE NAACP, AND THE LEAGUE OF WOMEN VOTERS FOR THE PURPOSE OF COLLECTIVELY AND UNEQUIVOCALLY ENDORSING EXTENSION OF THE VOTING RIGHTS ACT AS IT IS CURRENTLY CONSTITUTED AND APPLIED TO TEXAS. THE UNION OF THESE ORGANIZATIONS FOR THE PURPOSE OF ENDORSING AN EXTENSION OF THE VOTING RIGHTS ACT SENDS A VERY CLEAR MESSAGE TO THE CONGRESS AND TO YOUR SUBCOMMITTEE: THE VOTING RIGHTS ACT HAS BEEN GOOD FOR TEXAS AND THE ACT SHOULD BE EXTENDED AS PRESENTLY CONSTITUTED. IN FACT, OSCAR MORAN, THE TEXAS STATE DIRECTOR OF THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS RECENTLY STATED "THE VOTING RIGHTS ACT HAS BEEN GOOD FOR TEXAS AND LULAC SUPPORTS A 10-YEAR EXTENSION OF THE ACT AS PRESENTLY CONSTITUTED -- WHEN THE MACHINE IS WORKING, LET'S NOT FINE TUNE IT."

I APPLAUD PRESIDENT REAGAN'S ENDORSEMENT OF A 10-YEAR EXTENSION OF THE VOTING RIGHTS ACT. AS GOVERNOR OF TEXAS, I ALSO APPLAUD HIS POSITION IN FAVOR OF "REASONABLE" BAIL-OUT PROVISIONS FOR STATES AND OTHER POLITICAL SUBDIVISIONS.

HOWEVER, TO QUALIFY MY LAST STATEMENT, SHOULD THERE BE A "REASONABLE" BAIL-OUT PROVISION ACCEPTABLE TO THE TEXAS MINORITY ORGANIZATIONS MENTIONED PREVIOUSLY THAT DOES NOT IN ANY WAY JEOPARDIZE THE INTEGRITY AND INTENT OF THE VOTING RIGHTS ACT, THEN AND ONLY THEN WILL I SUPPORT THE PROVISION. TO MY KNOWLEDGE, NO "REASONABLE" BAIL-OUT PROVISION HAS BEEN OFFERED THAT IS ACCEPTABLE TO ALL TEXAS PARTIES.

THE BAIL-OUT PROVISIONS, SET FORTH IN H. R. 3112 ARE SO STRINGENT AND CUMBERSOME, IT IS DOUBTFUL THAT ANY COVERED JURISDICTION COULD BECOME EXEMPT. FOR EXAMPLE, THE PROPOSED HOUSE LEGISLATION PROVIDES THAT EVERY JURISDICTION IN A COVERED STATE MUST BE GRANTED BAIL-OUT BEFORE THE STATE CAN ACHIEVE BAIL-OUT. IT COULD, THEREFORE, TAKE ONLY ONE OF TEXAS' 254 COUNTIES TO PREVENT THE STATE FROM BECOMING EXEMPT OR ONE OUT OF 1,102 SCHOOL DISTRICTS IN THE STATE OF TEXAS FROM PREVENTING THE STATE FROM BAILING OUT. THEREFORE, I CANNOT SUPPORT THE "BAIL-OUT" PROVISION IN H.R. 3112.

I ALSO SUPPORT PRESIDENT REAGAN'S ENDORSEMENT THAT THE BILINGUAL BALLOT PROVISION OF THE CURRENT VOTING RIGHTS ACT BE EXTENDED SO THAT IT IS CONCURRENT WITH OTHER SPECIAL PROVISIONS OF THE ACT.

THE USE OF SPANISH, IN ADDITION TO ENGLISH, FOR REGISTRATION AND VOTING ON THE TEXAS BALLOT HAS AFFORDED FULL MINORITY PARTICIPATION IN TEXAS' ELECTORAL PROCESS AND IT MUST BE CONTINUED. THE BILINGUAL BALLOT PROVISION ENSURES FULL PARTICIPATION BY TEXAS' HISPANIC POPULATION IN THE STATE'S ELECTION PROCESS.

WITH RESPECT TO SECTION 2, I AM IN FAVOR OF EXTENDING THE ACT AS IS. I WOULD AGAIN LIKE TO QUOTE MR. MORAN OF LULAC, "LET'S NOT MESS UP A MACHINE WHICH HAS WORKED WELL IN THE PAST." THE U.S. SUPREME COURT HAS RULED THAT SECTION 2 IS NO MORE THAN A RESTATEMENT OF THE 15TH AMENDMENT OF THE U. S. CONSTITUTION AND THE TESTS TO PROVE THAT LAWS ARE UNCONSTITUTIONAL ARE THE SAME AS CHALLENGING THE VALIDITY OF THE ACT UNDER THIS SECTION. ONE MUST SATISFY THE SAME STANDARD AS CHALLENGING IT UNDER THE 14TH OR 15TH AMENDMENT OF THE U.S. CONSTITUTION.

EXTENSION OF THE VOTING RIGHTS ACT AS IT IS PRESENTLY CONSTITUTED FOR TEN YEARS SHOULD BE THE CORRECT DECISION FOR THIS SUBCOMMITTEE TO REACH. IF IN FACT, A "REASONABLE" BAIL-OUT PROVISION IS OFFERED, WHICH MEETS THE SATISFACTION OF ALL OF THE TEXAS PARTIES AND DOES NOT DILUTE THE INTENT OF THE ACT, THEN I WILL SUPPORT SUCH A PROVISION. FINALLY, THE "INTENT" STANDARD FOR DETERMINING DISCRIMINATION MUST BE RETAINED.

I WILL CONTINUE FULL COOPERATION WITH FEDERAL AUTHORITIES. OUR GOAL, OVER THE COURSE OF THE ACT'S EXTENSION PERIOD, IS TO REACH A POINT WHERE ALL TEXANS HAVE FULL CONFIDENCE THAT THEIR RIGHT TO VOTE IS FULLY PROTECTED WITHOUT NEED FOR INDEFINITE FEDERAL OVERSIGHT.

THERE IS NO DOUBT THAT IF EACH OF US COULD SIT DOWN AND DRAFT A VOTING RIGHTS ACT THAT THERE WOULD BE AS MANY VARIATIONS AS THERE ARE DRAFTS. THE MESSAGE I BRING TO YOU FROM TEXAS TODAY IS THAT THE CURRENT VOTING RIGHTS ACT HAS BEEN GOOD FOR TEXAS. THE GROUPS I MENTIONED AND MYSELF STRONGLY URGE YOUR EXPEDITED ACTION TO EXTEND THE ACT <u>AS IS.</u> ELECTION YEAR IS UPON US. MINORITY GROUPS NEED TO BE ASSURED OF THEIR CONTINUED PROTECTION.

LET'S NOT PROCRASTINATE FURTHER AND SPEND ENDLESS TIME DECIDING WHETHER THE CURRENT VOTING RIGHTS ACT WILL BE MADE MORE LIBERAL OR MORE CONSERVATIVE, MORE RESTRICTIVE OR LESS RESTRICTIVE. LET THE POLITICAL DEMAGOGUERY END AND EXTEND THE VOTING RIGHTS ACT IMMEDIATELY AS IS.

I WILL BE PLEASED TO RESPOND TO ANY QUESTIONS THE SUBCOMMITTEE MEMBERS MAY HAVE.

THANK YOU.

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OFFICE OF GOVERNOR WILLIAM P. CLEMENTS, JR.
JANUARY 22, 1982

FOR IMMEDIATE RELEASE:

Governor William P. Clements, Jr., was joined today by Secretary of State David A. Dean; Oscar Moran, Texas State Director, LULAC; Ed Bernaldez, Texas State Chairman, American G. I. Forum; Jose Garcia, Texas State President, IMAGE; A. C. Sutton, President, Texas Chapter, NAACP; and Diana Clark, President, League of Women Voters of Texas, for the purpose of collectively and unequivocally endorsing extension of the Voting Rights Act.

Governor Clements in noting that both he and each of the organizations support extension of the Voting Rights Act as it is presently constituted, stated that, "should there be offered a reasonable "bail-out" provision acceptable to all the Texas parties, then I will support the provision. I would not support any change or modification which jeopardizes the integrity and intent of the Voting Rights Act."

Governor Clements stated, "I am extremely pleased and encouraged by Texas' widespread support for extension of the Act. It has been good for Texas! Clearly, Texas' coverage by the Act has resulted in necessary changes in state laws to promote minority voter registration and participation in the electoral process along with excellent rates of minority voter registration. These facts demonstrate the progress Texas has made in ensuring all minority citizens are afforded the unqualified right to vote."

Governor Clements noted that, both he and Secretary Dean intend to continue full cooperation with federal authorities with the goal of reaching a point where all Texans have full confidence that their right to vote is fully protected without need for indefinite federal oversight. Governor Clements concluded by noting that he will be in Washington , D.C., on February 4, 1982, to testify before the U.S. Senate Judiciary Subcommittee on the Constitution in support of extension of the Voting Rights Act.

# # #

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Telegram

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PMS REVEREND A C SUTTON PRESIDENT TEXAS STATE CONFERENCE OF BRANCHS

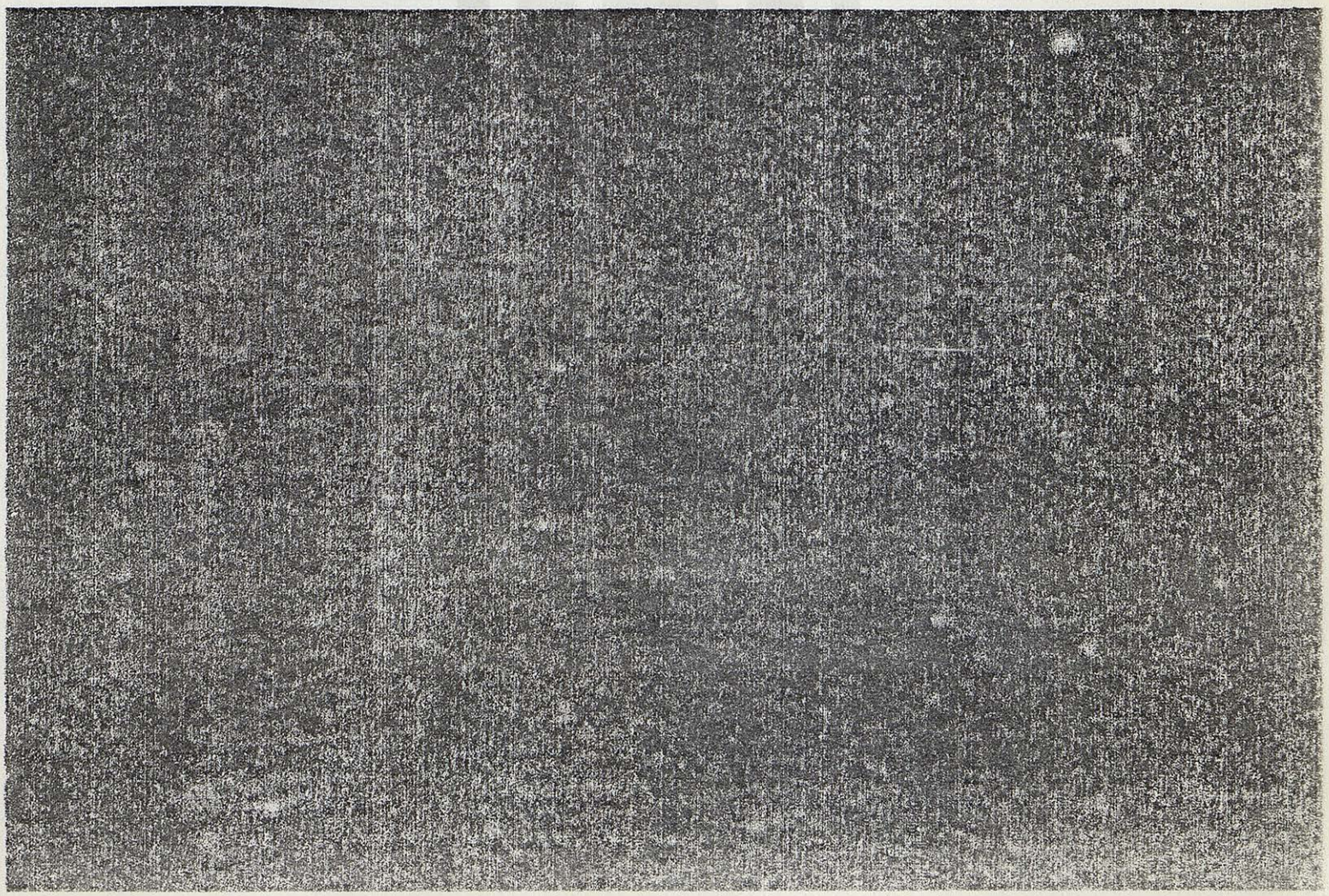
NAACP RPT DLY MGM, DLR

1310 VIRGINIA BLVD

SAN ANTONIO TX 78203

THE NAACP ENDORSES THE MATHIAS KENNEDY DOLE BILL TO EXTEND THE VOTING RIGHTS ACT WHICH WAS VOTED OUT OF THE SENATE JUDICIARY COMMITTEE MAY 4 BY 17 TO 1 VOTE THE BILL INCLUDES A "RESULTS" STANDARD OF PROOF WITH CLARIFYING LANGUAGE FROM WHITE VERSES REGESTER FOCUSING ON ACCESS TO THE VOTING PROCESS AND EXPRESSLY STATING THAT THE LEGISLATION ESTABLISHES NO RIGHT TO PROPORTIONAL REPRESENTATION THERE IS A 25 YEAR CAP OR LIMIT TO SECTION 5 PRECLEARANCE AND A MANDATORY REVIEW BY THE CONGRESS AFTER 15 YEARS THE BILINGUAL ASSISTANCE PROVISIONS IN SECTION 203 ARE EXTENDED UNTIL 1992 AND SECTION 208

W.U. 1201-SF (R5-69)



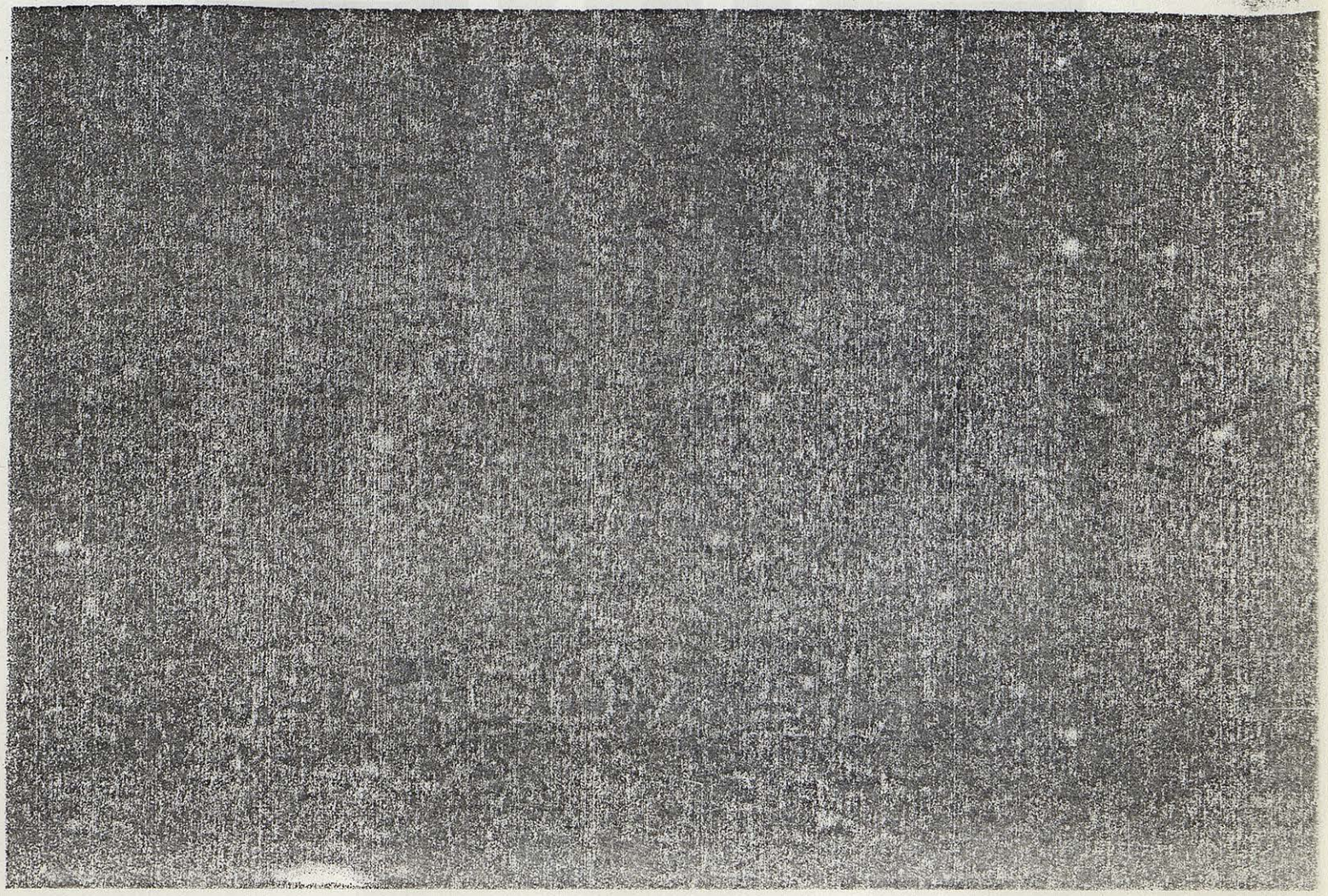
western union

Telegram

ADDS A PROVISION WHICH ALLOWS THE BLIND DISABLED OR ILLITERATE TO HAVE ASSISTANCE IN THE POLLING BOOTH THE DOLE COMPROMISE PRECLUDES THE VOTERS EMPLOYER OR AGENT FROM GIVING POLLING BOOTH ASSISTANCE AN AMENDMENT OFFERED BY SENATE EAST WAS PASSED 10 TO 8 WHICH ALSO PRECLUDES AN OFFICER OR AGENT OF THE EMPLOYEES UNION FROM GIVING VOTING BOOTH ASSISTANCE THE NAACP ENDORSES THE MATHIAS KENNEDY DOLE BILL AS A GOOD FAIR AND EFFECTIVE MEASURE AND DIRECTS ITS STATES CONFERENCES BRANCHES YOUTH AND COLLEGE UNITS TO URGE THEIR SENATORS TO SUPPORT THE MEASURE WITHOUT WEAKENING AMENDMENTS AND CALL ON SENATE LEADERSHIP TO BRING THE MEASURE SWIFTLY TO THE SENATE FLOOR PRESIDENT REAGAN BACKS THE BI-PARTISAN MEASURE AND SAID HE HOPED "IT WILL NOW PAVE THE WAY TOWARD SWIFT EXTENSION OF THE VOTING RIGHTS ACT BY THE ENTIRE CONGRESS"

ALTHEA T L SIMMONS DIRECTOR WASHINGTON BUREAU NAACP

W.U. 1201-SF (R5-69)



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WASHINGTON DC 20005
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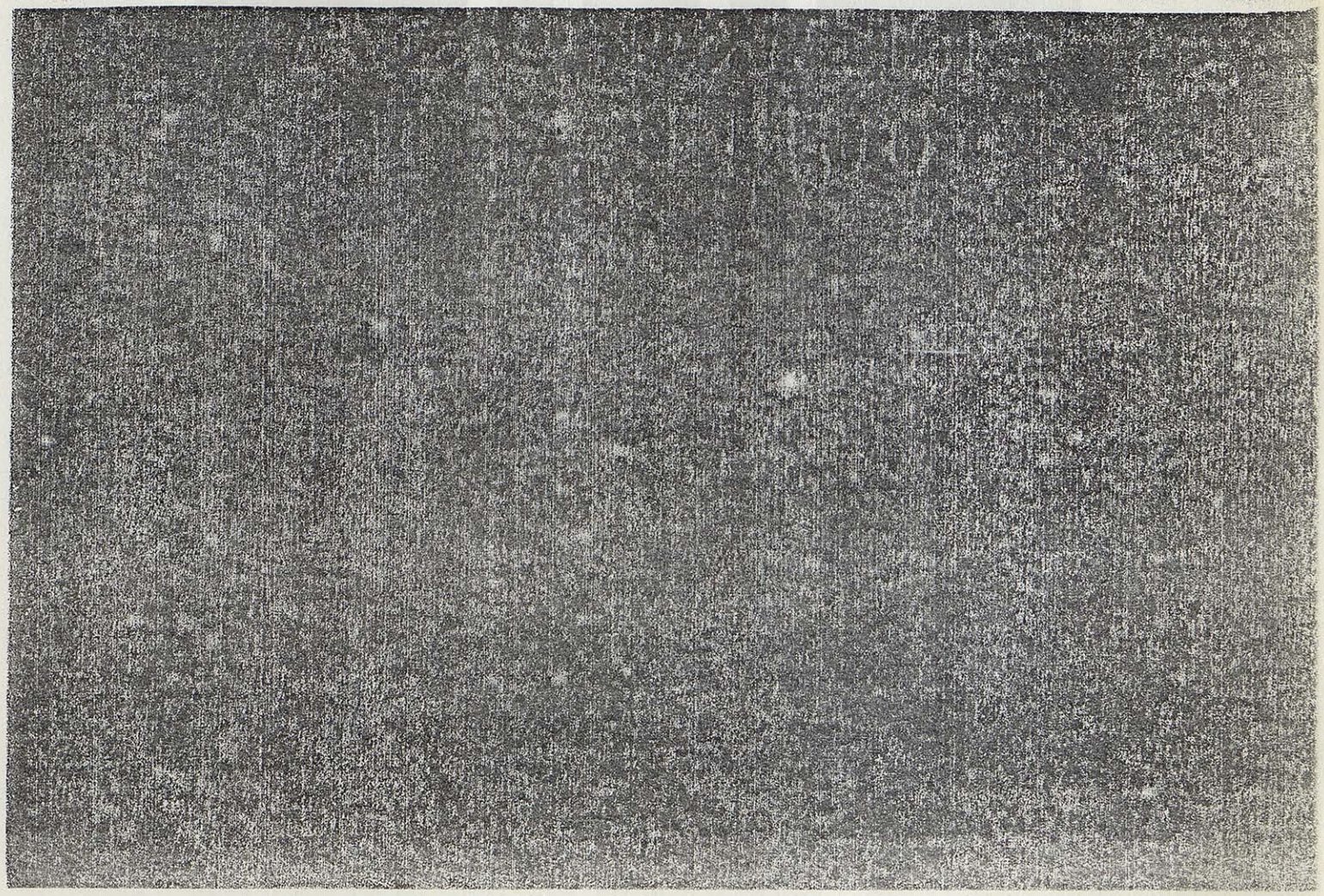

OFFICE OF GOVERNOR WILLIAM P. CLEMENTS, JR.
May 7, 1982
FOR IMMEDIATE RELEASE:

Governor William P. Clements, Jr., and Secretary of State David A. Dean were joined today by Oscar Moran, Texas State Director LULAC, Ed Bernaldez, Texas State Chairman, American G. I. Forum, Jose Garcia, Texas State President, IMAGE, A. C. Sutton, President, Texas Chapter NAACP and Diana Clark, President, League of Women Voters of Texas, for the purpose of endorsing the compromise Voting Rights Act recently passed by the U. S. Senate Judiciary Committee.

Governor Clements and the five state representatives noted that in late January, 1982 an agreement among the parties was made to meet again following Congressional action on a Voting Rights Act. Each of the state representatives today joined with Governor Clements and Secretary Dean in endorsing the Senate Judiciary Committee's compromise Voting Rights Act which continues to protect the voting rights of Texas' minorities.

Governor Clements stated, "I am extremely pleased by the unanimity achieved today by the Texas parties and it is our collective desire that Congress act favorably and swiftly on this compromise bill and that the measure receive final action in the very near future."

Governor Clements concluded by stating, "I have continuously supported the Voting Rights Act since 1978 as a candidate for Governor and my longstanding commitment to ensuring equal access of Texas' minorities to the polls and protection of their voting rights is well known."

Memorandum

The State of Texas
Office of State-Federal Relations
800 Maryland Avenue, S.W. • Suite 255
Washington, D.C. 20024
202/488-3927

William P. Clements, Jr.
Governor

Daniel N. Matheson, III
Director

Date: May 5, 1982

To: David Dean

From: Peggy Stocker

Re: Voting Rights Act Update

The Senate Judiciary Committee yesterday voted 14-4 to accept a bipartisan compromise of S. 1992, the extension of the 1965 Voting Rights Act. The compromise further defines what constitutes a "discriminatory result" under the Act. It requires the courts to look at the "totality of circumstances" in a jurisdiction to determine if the political processes leading to the nomination or election of candidates are equally accessible to participation by minorities and non-minorities The compromise addresses the "results" issue by making the number of minorities elected (i.e. the result) just one factor to consider when ascertaining whether a violation has occurred.

The compromise authored by Senators Bob Dole (R-Kan.), Edward Kennedy (D-Mass.) and Charles Mathias (R-Md.) was opposed by Judiciary Committee Chairman Strom Thurmond (R-S.C.), Constitution Subcommittee Chairman Orrin Hatch (R-Utah), and Senators Jeremiah Denton (R-Ala.) and John P. East (R-N.C.). Several amendments were offered by Senator East, but the only one which was accepted by the committee was language to disallow voting assistance to those unable to read or write. S. 1992, as amended, was approved by the Committee 17-1. Committee staff hope to see the bill on the Senate floor some time next week. It is anticipated that the Senate will accept it, and according to today's Washington Post, the House "is expected easily to approve the Dole-Kennedy-Mathias compromise."

Unlike the House version (H.R. 3112), which passed in the House last October and which makes permanent the preclearance provision, S. 1992 extends preclearance for only another 25 years. Additionally, the compromise version provides for a congressional review of the law in 15 years. Under current law, the preclearance provision, which requires Texas to preclear all election changes through the Justice Department, is due to expire this year.

Also under current law, the provision which requires Texas to provide bilingual voting materials is due to expire in 1985. Under S. 1992, the minority language provision would be extended until 1992.

(continued)

(continued)

In addition, Texas would be affected by S. 1992 in the following ways:

1) The State would be eligible for bailout in 1984 providing each political subdivision had met the bailout criteria as set forth in H.R. 3112.
2) Providing the State had not qualified for bailout by 2007, in 25 years, it would no longer be required to preclear election changes since the law expires at this time.

I will continue to monitor this legislation and will keep you informed of its progress. Attached are articles from The New York Times, The Washington Post and The Wall Street Journal.

AMENDMENT NO. ---------- Calendar No. ------

M

Purpose: ----------

IN THE SENATE OF THE UNITED STATES— ------- Cong., ------- Sess.

S. 1992

H.R. ---------- (or Treaty ----------)

SHORT TITLE

(title) To amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes.

( ) Referred to the Committee on ----------
and ordered to be printed

( ) Ordered to lie on the table and to be printed

INTENDED to be proposed by DOLE, DECONCINI, GRASSLEY, MATHIAS, KENNEDY, METZENBAU

Viz: Strike all after the enacting clause and insert in lieu thereof the following:

SEC. 1. That this Act may be cited as the Voting Rights Act Amendments of 1982.

SEC. 2. Subsection (a) of section 4 of the Voting Rights Act of 1965 is amended by striking out "seventeen years" each place it appears and inserting in lieu thereof "nineteen years".

(b) Effective on and after August 5, 1984, subsection (a) of section 4 of the Voting Rights Act of 1965 is amended --

(1) by inserting "(1)" after "(a)";

(2) by inserting "or in any political subdivision of such State (as such subdivision existed on the date such determinations were made with respect to such State), though such determinations were not made with respect to such subdivision as a separate unit," befo

with respect to which each place it appears;

(3) by striking out "in an action for a declaratory judgment" the first place it appears and all that follows through "color through the use of such tests or devices have occurred anywhere in the territory of such plaintiff.", and inserting in lieu thereof "issues a declaratory judgment under this section.";

(4) by striking out "in an action for a declaratory judgment" the

through the use of tests or devices have occurred anywhere in the territory of such plaintiff.", and inserting in lieu thereof the following:

"issues a declaratory judgment under this section. A declaratory judgment under this section shall issue only if such court determines that during the ten years preceding the filing of the action, and during the pendency of such action—

"(A) no such test or device has been used within such State or political subdivision for the purpose or with the effect of denying or abridging the right to vote on account of race or color or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection) in contravention of the guarantees of subsection (f)(2);

"(B) no final judgment of any court of the United States, other than the denial of declaratory judgment under this section, has determined that denials or abridgements of the right to vote on account of race or color have occurred anywhere in the territory of such

State or political subdivision or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection) that denials or abridgements of the right to vote in contravention of the guarantees of subsection (f)(2) have occurred anywhere in the territory of such State or subdivision and no consent decree, settlement, or agreement has been entered into resulting in any abandonment of a voting practice challenged on such grounds; and no declaratory judgment under this section shall be entered during the pendency of an action commenced before the filing of an action under this section and alleging such denials or abridgements of the right to vote;

"(C) no Federal examiners under this Act have been assigned to such State or political subdivision;

"(D) such State or political subdivision and all governmental units within its territory have complied with section 5 of this Act, including compliance with the requirement that no change covered by section 5 has been enforced without preclearance under section 5, and have repealed all changes covered by section 5 to which the Attorney General has successfully objected or as to which the United States District Court for the District of Columbia has denied a declaratory judgment;

"(E) the Attorney General has not interposed any objection (that has not been overturned by a final judgment of a court) and no declaratory judgment has been

denied under section 5, with respect to any submission by or on behalf of the plaintiff or any governmental unit within its territory under section 5; and no such submissions or declaratory judgment actions are pending; and

"(F) such State or political subdivision and all governmental units within its territory—

"(i) have eliminated voting procedures and methods of election which inhibit or dilute equal access to the electoral process;

"(ii) have engaged in constructive efforts to eliminate intimidation and harrassment of persons exercising rights protected under this Act; and

"(iii) have engaged in other constructive efforts, such as expanded opportunity for convenient registration and voting for every person of voting age and the appointment of minority persons as election officials throughout the jurisdiction and at all stages of the election and registration process.

"(2) To assist the court in determining whether to issue a declaratory judgment under this subsection, the plaintiff shall present evidence of minority participation, including evidence of the levels of minority group registration and voting, changes in such levels over time, and disparities between minority-group and non-minority-group participation.

"(3) No declaratory judgment shall issue under this subsection with respect to such State or political subdivision if

such political and governmental units within its territory have, during the period beginning ten years before the date the judgment is issued, engaged in violations of any provision of the Constitution or laws of the United States or any State or political subdivision with respect to discrimination in voting on account of race or color or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection) in contravention of the guarantees of subsection (f)(2) unless the plaintiff establishes that any such violations were trivial, were promptly corrected, and were not repeated.

"(4) The State or political subdivision bringing such action shall publicize the intended commencement and any proposed settlement of such action in the media serving such State or political subdivision and in appropriate United States post offices. Any aggrieved party may intervene at any stage in such action.";

(5) in the second paragraph—

(A) by inserting "(5)" before "An action"; and

(B) by striking out "five" and all that follows through "section 4(f)(2).", and inserting in lieu

thereof "ten years after judgment and shall reopen the action upon motion of the Attorney General or any aggrieved person alleging that conduct has occurred which, had that conduct occurred during the ten-year periods referred to in

this subsection, would have precluded the issuance of a declaratory judgment under this subsection. The court, upon such reopening, shall vacate the declaratory judgment issued under this section if, after the issuance of such declaratory judgment, a final judgment against the State or subdivision with respect to which such declaratory judgment was issued, or against any governmental unit within that State or subdivision, determines that denials or abridgements of the right to vote on account of race or color have occurred anywhere in the territory of such State or political subdivision or (in the case of a State or subdivision which sought a declaratory judgment under the second sentence of this subsection) that denials or abridgements of the right to vote in contravention of the guarantees of subsection (f)(2) have occurred anywhere in the territory of such State or subdivision, or if, after the issuance of such declaratory judgment, a consent decree, settlement, or agreement has been entered into resulting in any abandonment of a voting practice challenged on such grounds."; and

(6) by striking out "If the Attorney General" the first place it appears and all that follows through the end of such subsection and inserting in lieu thereof the following:

"(6) If, after two years from the date of the filing of a declaratory judgment under this subsection, no date has been set for a hearing in such action, and that delay has not been the result of an avoidable delay on the part of counsel for any party, the chief judge of the United States District Court for the District of Columbia may request the Judicial Council for the Circuit of the District of Columbia to provide the necessary judicial resources to expedite any action filed under this section. If such resources are unavailable within the circuit, the chief judge shall file a certificate of necessity in accordance with section 292(d) of title 28 of the United States Code."

"(7) The Congress shall reconsider the provisions of this section at the end of the 15 year period following the effective date of the amendments made by this Act."

"(8) The provisions of this section shall expire at the end of the 25 year period following the effective date of the amendments made by this Act."

SEC. 3. Section 2 of the Voting Rights Act of 1965 is amended to read as follows:

Sec. 2(a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), as provided in subsection (b).

(b) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the state or political subdivision are not

equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one "circumstance" which may be considered, provided that nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

SEC. 4. Section 203(b) of the Voting Rights Act of 1965 is amended by striking out "August 6, 1985" and inserting in lieu thereof "August 6, 1992".

SEC. 5. Title II of the Voting Rights Act of 1965 is amended by adding at the end the following section:

VOTING ASSISTANCE

"SEC. 208. Any voter who requires assistance to vote by reason of blindness, disability or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer."

SEC. 6. Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date of the enactment of this Act.

AMENDMENT NO. ---------- Ex. ---------- Calendar No. ----------

Purpose: To eliminate the requirement that States and local political subdivisions permit voting assistants to accompany illiterates into the polling place

IN THE SENATE OF THE UNITED STATES— 97th Cong., 2nd Sess.

S. 1992

H.R. ---------- (or Treaty ----------)

SHORT TITLE

(title) Dole Proposal

( ) Referred to the Committee on ----------
and ordered to be printed

( ) Ordered to lie on the table and to be printed

INTENDED to be proposed by Mr. East

Viz:

Section 5 is amended by deleting the following:

", disability or inability to read or write",

and inserting in lieu thereof:

"or disability".

REMARKS PREPARED FOR GOVERNOR WILLIAM P. CLEMENTS, JR.
LEAGUE OF WOMEN VOTERS' ELECTION LAWS AND PRACTICES CONFERENCE
AUSTIN, TEXAS / JANUARY 21, 1982

AS SOMEONE WHO HAS BEEN A CANDIDATE, A VOTER, AND NOW GOVERNOR, I WANT TO THANK THE LEAGUE OF WOMEN VOTERS FOR YOUR CONTINUING AND DILIGENT EFFORTS TO IMPROVE OUR ELECTION AND GOVERNMENTAL PROCESSES.

ELECTIONS ARE OFTEN EXTREMELY EXCITING -- AS I CERTAINLY KNOW FROM MY EXPERIENCE IN 1978 -- BUT I ALSO KNOW THAT THE PLANNING AND WORK THAT GOES INTO CONDUCTING A FAIR AND IMPARTIAL ELECTION DOES NOT HOLD THE SAME GLAMOR. IT'S TO THE CREDIT OF THE LEAGUE OF WOMEN VOTERS THAT YOU HAVE DEVOTED YOURSELVES TO THIS ESSENTIAL TASK DURING THE 61 YEARS OF YOUR EXISTENCE. OUR SOCIETY OWES YOU A GREAT DEAL OF APPRECIATION FOR THE PROGRESS YOU HAVE HELPED US ACHIEVE.

CITIZEN PARTICIPATION IS THE BEDROCK OF OUR GOVERNMENT; YOU CONTINUE TO SET AN OUTSTANDING EXAMPLE FOR THE PEOPLE OF OUR STATE AND NATION; AND I WANT TO WELCOME YOU TO AUSTIN FOR THIS MEETING.

YOUR CONFERENCE IS WELL-TIMED. IN ABOUT 3 MONTHS, WE IN TEXAS WILL HAVE OUR PRIMARY ELECTIONS, AND IN ABOUT 9 MONTHS, WE WILL HOLD OUR GENERAL ELECTION. IN THE COMING YEAR, THERE WILL ALSO BE NUMEROUS MUNICIPAL AND OTHER LOCAL ELECTIONS.

THE BALLOT FOR STATE OFFICES -- PARTIALLY BECAUSE OF REDISTRICTING -- WILL BE LONGER THAN USUAL THIS YEAR. TEXANS WILL CAST THEIR VOTES FOR GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, TREASURER,AGRICULTURE COMMISSIONER, AND LAND COMMISSIONER. THEY WILL ALSO VOTE FOR SEVERAL SEATS ON THE TEXAS SUPREME COURT, THE TEXAS COURT OF CRIMINAL APPEALS AND VARIOUS DISTRICT AND APPEALS COURT JUDGES AROUND THE STATE. IN ADDITION, VOTES WILL BE CAST FOR ONE UNITED STATES SENATOR, ALL OF OUR UNITED STATES REPRESENTATIVES, AND ALL OF OUR STATE SENATORS AND STATE REPRESENTATIVES.

THE MEN AND WOMEN SEEKING THESE OFFICES -- WHETHER THEY ARE REPUBLICANS, DEMOCRATS, OR MEMBERS OF OTHER POLITICAL PARTIES -- ALL SHARE A COMMON CONCERN: THEY WANT TO SEE OUR ELECTIONS CONDUCTED IN A FAIR AND IMPARTIAL MANNER.

IT DOESN'T MATTER WHETHER WE'RE TALKING ABOUT A SCHOOL BOARD RACE IN A TOWN OF 700 OR THE GOVERNOR'S RACE. EVERY ELECTION IS A TEST OF OUR DEMOCRATIC SYSTEM AND ITS ABILITY TO FUNCTION.

TEXAS HAS EXPERIENCED SEVERAL CLOSE ELECTIONS AND A DIFFERENCE OF A RELATIVELY FEW VOTES HAS ALTERED THE COURSE OF OUR STATE.

IN THE 1861 GOVERNOR'S RACE, FRANCIS LUBBOCK DEFEATED INCUMBENT EDWARD CLARK BY ONLY 124 VOTES OUT OF 57,000 VOTES CAST.

E.J. DAVIS WAS ELECTED GOVERNOR BY 800 VOTES OUT OF NEARLY 80,000 CAST IN WHAT HISTORIANS OFTEN CALL ONE OF THE MOST SCANDAL-MARRED ELECTIONS IN OUR STATE'S HISTORY.

IN THE 1948 DEMOCRATIC PRIMARY ELECTION FOR THE UNITED STATES SENATE, LYNDON JOHNSON DEFEATED COKE STEVENSON BY ONLY 87 VOTES OUT OF 988,000 VOTES CAST.

AS MANY OF YOU WILL REMEMBER, I WON BY 17,000 VOTES OUT OF 2.3 MILLION CAST, AND I CAN ASSURE YOU THAT AS MUCH AS ANYONE ELSE I FULLY UNDERSTAND THE NEED FOR PROPERLY CONDUCTED ELECTIONS. EVERY VOTE DOES INDEED COUNT, AND WE MUST ENSURE THAT THEY ARE PROPERLY CAST AND COUNTED.

IN MY OWN ELECTION IN NOVEMBER, 1978, THERE WERE SOME ANXIOUS HOURS ONCE THE POLLS HAD CLOSED. WE WERE UP ALL NIGHT, AND IT WAS NOT UNTIL LATE THE NEXT MORNING THAT IT BECAME CERTAIN THAT I HAD BEEN ELECTED.

THEN CAME THE RECOUNT PROCESS AND THAT STRETCHED OUT FOR SEVERAL WEEKS. IT WAS A LONG, CUMBERSOME, AND EXPENSIVE PROCESS. DURING THE INITIAL COUNT AND THEN THE RECOUNT, I WAS IMPRESSED BY THE WORK OF MANY OF OUR ELECTION OFFICIALS IN TEXAS, BUT I WAS EQUALLY UNIMPRESSED BY MANY OTHERS WHO DEMONSTRATED A REAL IGNORANCE OF THE ELECTION LAWS AND THEIR OWN DUTIES.

DURING THE RECOUNT, WE FOUND OURSELVES IN THE POSITION OF HAVING TO HIRE ATTORNEYS AND CONTACT OUR COUNTY CHAIRMEN TO PERSONALLY SEE THAT LOCAL ELECTION OFFICIALS IN SOME AREAS KNEW THEIR JOBS AND WERE DOING IT PROPERLY. MANY TIMES, THAT WAS NOT THE CASE.

CONDUCTING FAIR AND IMPARTIAL ELECTIONS IS ONE OF THREE KEY CHALLENGES WE FACE. WE MUST ALSO BETTER INFORM OUR FELLOW CITIZENS OF THE IMPORTANCE OF THEIR VOTE AND OF WHAT EXACTLY IS AT STAKE IN EACH ELECTION -- WHAT THE ISSUES ARE.

THE PEOPLE OF AMERICA TO A LARGE DEGREE HAVE SHAPED THE COURSE OF OUR HISTORY THROUGH ELECTIONS. WE HAVE PARTICIPATED IN ALMOST EVERY MAJOR DECISION -- EITHER DIRECTLY OR INDIRECTLY -- BY VOTING DIRECTLY ON AN ISSUE OR BY VOTING FOR THE PEOPLE WHO MAKE DECISIONS.

AMERICANS HAVE ELECTED SOME OF THE GREATEST LEADERS IN THE WORLD. ON THE OTHER HAND, HISTORY SUGGESTS THAT MAYBE SOME OF OUR CHOICES HAVEN'T ALWAYS BEEN THE BEST. THIS POINTS UP THE CRITICAL NEEDS FOR DOING THE BEST JOB WE CAN TO INFORM THE PUBLIC OF THE ISSUES AND CHOICES THEY HAVE.

OUR THIRD CHALLENGE IS TO GET MORE AND MORE PEOPLE INVOLVED IN THE ELECTION PROCESS.

WE HAVE A LONG WAY TO GO. AS OF NOVEMBER, 1981, THERE WERE APPROXIMATELY 6.7 MILLION REGISTERED VOTERS IN TEXAS OUT OF AN ELIGIBLE POPULATION OF 9.9 MILLION. THAT MEANS THAT ONLY TWO-THIRDS OF THOSE WHO COULD BE REGISTERED, ARE REGISTERED. FURTHERMORE, OF THOSE WHO ARE REGISTERED TO VOTE, ONLY 12 PERCENT VOTED IN THE 1981 CONSTITUTIONAL AMENDMENTS ELECTION HERE IN TEXAS. SO, ONLY 9 PERCENT OF THE VOTING AGE POPULATION OF TEXAS -- THE PEOPLE ENTITLED TO VOTE -- ACTUALLY DID VOTE.

EVEN IN A HIGHER-PROFILE ELECTION LIKE THE PRESIDENTIAL ELECTION OF 1980, ONLY TWO-THIRDS OF THE REGISTERED VOTERS IN TEXAS CAST THEIR BALLOTS, AND LESS THAN HALF OF ALL THE VOTING AGE POPULATION ACTUALLY VOTED.

NATIONWIDE, THE TURN-OUT WASN'T THAT MUCH BETTER. ONLY 53 PERCENT OF THE ELIGIBLE VOTERS PARTICIPATED IN THE 1980 PRESIDENTIAL ELECTION -- THE LOWEST RATE OF VOTER PARTICIPATION SINCE 1948. ALMOST 74 MILLION AMERICANS WHO WERE ELIGIBLE TO VOTE DID NOT DO SO.

THE PERCENTAGE OF VOTER PARTICIPATION IN PRESIDENTIAL ELECTIONS HAS DECREASED STEADILY SINCE THE 1960 ELECTION WHEN 63 PERCENT OF THE ELIGIBLE VOTING AGE POPULATION CAST THEIR BALLOTS.

THIS DROP IN VOTER PARTICIPATION HAS OCCURRED DESPITE EVER-IMPROVING COMMUNICATIONS AND BETTER LAWS GOVERNING VOTER REGISTRATION AND VOTING. WE NO LONGER HAVE A POLL TAX; PEOPLE BETWEEN THE AGES OF 18 AND 21 HAVE BEEN GIVEN THE RIGHT TO VOTE; RESIDENCE REQUIREMENTS HAVE BEEN EASED; AND THE VOTER REGISTRATION PROCESS HAS BEEN MADE MORE ACCESSIBLE.

SECRETARY OF STATE DAVID DEAN, IN HIS REMARKS TO YOU TODAY, WILL OUTLINE A MASSIVE NEW VOTER REGISTRATION PROJECT TO BE CONDUCTED BETWEEN NOW AND APRIL 2 OF THIS YEAR -- THE DEADLINE FOR TEXANS WHO WANT TO VOTE IN THE MAY 1 PRIMARY.

I SUPPORT THIS NEW VOTER REGISTRATION DRIVE ONE HUNDRED PERCENT. TO KICK-OFF A STATEWIDE MEDIA CAMPAIGN FOR THE DRIVE, I INTEND TO DESIGNATE A VOTER REGISTRATION WEEK IN TEXAS.

WE WILL BE ASKING FOR THE SUPPORT OF CHAMBERS OF COMMERCE, GROCERY STORE CHAINS, LABOR ORGANIZATIONS, THE N.A.A.C.P, L.U.L.A.C., AS WELL AS MANY OTHER GROUPS, AND OF COURSE, THE LEAGUE OF WOMEN VOTERS.

I WANT TO TAKE THIS OCCASION TODAY TO STATE TO YOU MY SUPPORT OF ANOTHER MEASURE THAT I THINK IMPROVES PARTICIPATION IN OUR ELECTION PROCESS. I'M REFERRING TO THE VOTING RIGHTS ACT, AND I BELIEVE THAT EXTENSION OF THIS ACT COULD WELL BE THE MOST SIGNIFICANT CIVIL RIGHTS ISSUE FACING CONGRESS.

THERE IS NO DOUBT THAT TEXAS CAME UNDER THE PROVISIONS OF THE VOTING RIGHTS ACT IN 1975 BECAUSE OF A RECORD OF PAST, OFTEN SYSTEMATIC, DISCRIMINATION AGAINST MINORITY VOTING. THERE IS EQUALLY NO DOUBT THAT SUCH PRACTICES TO A GREAT EXTENT HAVE SINCE BEEN ABANDONED. NONETHELESS, ISOLATED INSTANCES OF DISCRIMINATION REMAIN, AND I BELIEVE THAT EXTENSION OF THE VOTING RIGHTS ACT IN TEXAS WILL HELP TO ERADICATE THEM.

FOR THE MOST PART, THE REQUIREMENTS OF THE VOTING RIGHTS ACT DO NOT TOUCH OR INCONVENIENCE NON-MINORITY VOTERS IN TEXAS; BUT TO MINORITY VOTERS, THE ACT IS A VERY REAL GUARANTEE THAT THEIR RIGHT TO VOTE WILL BE PROTECTED. I FEEL THAT THIS PROTECTION AND ITS ESSENTIAL RESULT -- THE CONFIDENCE OF MINORITY VOTERS IN THE DEMOCRATIC PROCESS -- MUST BE CONTINUED. WHILE THERE ARE MODIFICATIONS I COULD SUPPORT, I WILL NOT SUPPORT ANY CHANGE THAT WOULD WEAKEN THE ACT.

TEXAS' RECORD UNDER THE VOTING RIGHTS ACT HAS BEEN QUITE GOOD. WHILE WE HAVE SUBMITTED ALMOST HALF OF ALL ELECTION CHANGES THE JUSTICE DEPARTMENT HAS CONSIDERED FOR PRE-CLEARANCE, WE HAVE DRAWN ONLY ONE-SEVENTH OF THE OBJECTIONS MADE. FURTHERMORE, ONLY 0.8 PERCENT OF OUR SUBMISSIONS UNDER THE VOTING RIGHTS ACT HAVE DRAWN OBJECTIONS AS COMPARED TO A 3.7 PERCENT RATE OF OBJECTION FOR ALL OTHER STATES.

THIS RECORD, ALONG WITH CHANGES IN STATE LAW -- SUCH AS THE REQUIRED USE OF BILINGUAL ELECTION MATERIALS -- AND THE EXCELLENT RATES OF MINORITY VOTER REGISTRATION, DEMONSTRATE THE PROGRESS OUR STATE HAS MADE IN ENSURING THAT ALL MINORITY CITIZENS ARE AFFORDED THE UNQUALIFIED RIGHT TO VOTE.

I CAN ASSURE YOU THAT THE STATE OF TEXAS INTENDS TO CONTINUE ITS FULL COOPERATION WITH FEDERAL AUTHORITIES UNDER THE VOTING RIGHTS ACT. OUR GOAL, OVER THE COURSE OF ANY EXTENSION PERIOD, IS TO REACH A POINT WHERE ALL TEXANS HAVE FULL CONFIDENCE THAT THEIR RIGHT TO VOTE IS FULLY PROTECTED WITHOUT THE NEED FOR INDEFINITE FEDERAL OVERSIGHT.

I APPLAUD PRESIDENT REAGAN'S ENDORSEMENT OF A 10-YEAR EXTENSION OF THE ACT. IT HAS BEEN GOOD FOR TEXAS, AND I WILL GO TO WASHINGTON ON FEBRUARY 4 TO TESTIFY BEFORE A SENATE JUDICIARY SUBCOMMITTEE IN FAVOR OF EXTENSION OF THE VOTING RIGHTS ACT.

IF WE BETTER ADDRESS THESE THREE CHALLENGES -- CONDUCTING FAIR ELECTIONS, INFORMING OUR FELLOW CITIZENS OF THE ISSUES AND CHOICES, AND THIRD, GETTING MORE PEOPLE TO VOTE -- THE END RESULT WILL BE A BETTER SOCIETY.

VOTING IS A BASIC RIGHT, AND UNLESS WE VOTE, WE JEOPARDIZE ALL OUR OTHER RIGHTS AND FREEDOMS.

OUR ELECTION SYSTEM IS NOT PERFECT, BUT I AM CONVINCED THAT IT IS WITHOUT A DOUBT THE BEST IN THE WORLD.

THIS SYSTEM HAS BEEN IMPROVED THROUGHOUT OUR HISTORY. THE 15TH AMENDMENT TO THE U.S. CONSTITUTION, RATIFIED IN 1870, GAVE MINORITIES THE RIGHT TO VOTE; THE 19TH AMENDMENT, RATIFIED IN 1920, EXTENDED THE RIGHT TO VOTE TO WOMEN; THE 24TH AMENDMENT IN 1961 ELIMINATED THE POLL TAX; AND THE 26TH AMENDMENT IN 1971 MADE THOSE CITIZENS BETWEEN THE AGE OF 18 AND 21 ELIGIBLE TO VOTE.

WE MUST CONTINUALLY WORK TO IMPROVE OUR ELECTION SYSTEM. THE MORE PEOPLE WE GET INVOLVED IN OUR ELECTIONS, THE BETTER OFF OUR NATION WILL BE. ELECTIONS ARE THE BASE ON WHICH WE BUILD THE KIND OF GOVERNMENT WE WANT. ELECTIONS ARE THE ONE PART OF OUR SYSTEM IN WHICH EVERYONE CAN EXPRESS THEMSELVES. WE MUST ALWAYS WORK TO ENSURE THAT THIS EXPRESSION IS NEVER ENDANGERED IN ANY WAY.

THE BEST ELECTION SYSTEM IN THE WORLD CAN BE MADE BETTER AND THROUGH OUR CONTINUED EFFORTS, IT WILL BE BETTER. IF WE ARE TO MAINTAIN THE LIBERTIES OUR FOREBEARERS WON FOR US, AND IF WE ARE TO ENHANCE OUR QUALITY OF LIFE IN THE UNITED STATES AND TEXAS, THEN WE MUST EXERCISE THE MOST PRECIOUS RIGHT OF ALL -- THE RIGHT TO VOTE.

YOU CAN COUNT ON ME IN THIS REGARD, AND I WANT YOU TO KNOW THAT I AM COUNTING ON YOU, THE LEAGUE OF WOMEN VOTERS TO PLAY AN INTEGRAL ROLE. BECAUSE OF YOUR OUTSTANDING RECORD, I AM HIGHLY CONFIDENT THAT WE CAN DO WHAT IS RIGHT FOR TEXAS.

THANK YOU VERY MUCH.

# # #

JAN 26 1982

STATE OF TEXAS
OFFICE OF THE SECRETARY OF STATE
POST OFFICE BOX 12697, CAPITOL STATION
AUSTIN, TEXAS 78711

David A. Dean
SECRETARY OF STATE

January 22, 1982

Ms. Diana Clark
League of Women Voters
1212 Guadalupe, Suite 109
Austin, Texas 78701

Dear Diana:

As per your request, attached please find a copy of the speech I delivered yesterday at the League's Conference on Election Laws and Practices.

I was extremely pleased, as was Governor Clements, that you played such an important role in today's press conference on extension of the Voting Rights Act. Your full participation was greatly appreciated and the endorsement by the Texas League of Women Voters will go a long way in ensuring passage of a strong Act which serves the State's needs.

Again, I enjoyed the opportunity to address the membership and look forward to working with you in the future.

Sincerely,

David

David A. Dean
Secretary of State

DAD:dsm

Attachment

JAN 26 1982

REMARKS PREPARED FOR DAVID A. DEAN
LEAGUE OF WOMEN VOTERS
CONFERENCE ON ELECTION LAWS AND PRACTICES
AUSTIN, TEXAS/ JANUARY 21, 1982

PRESIDENT CLARK AND MEMBERS OF THE LEAGUE OF WOMEN VOTERS:

IT IS INDEED A PLEASURE AND PRIVILEGE FOR ME TO ADDRESS YOU TODAY. I WANT TO FIRST COMMEND THE LEAGUE FOR ITS ACTIVE PARTICIPATION IN THE STATE'S ELECTORAL PROCESS, AND THANK YOU FOR YOUR TOTAL SUPPORT AND COMMITMENT. IT IS BECAUSE OF THE ACTIVE SUPPORT OF THE LEAGUE OF WOMEN VOTERS THAT TEXAS HAS BEEN ABLE TO PROVIDE ITS CITIZENS WITH A NON-PARTISAN ADMINISTRATION OF ELECTIONS STATEWIDE, AND MORE IMPORTANTLY, WITH AN EFFICIENT ELECTION SYSTEM. YOUR PRESENCE HERE TODAY AT THIS CONFERENCE ON ELECTION LAWS AND PRACTICES CLEARLY SIGNIFIES THE DEDICATION AND PURSUIT OF YOUR ORGANIZATION TO THE PROPER AND FAIR ADMINISTRATION OF OUR STATE'S ELECTION LAWS.

I WOULD LIKE TO ADDRESS MY REMARKS TO THE CURRENT ACTIVITIES OF THE SECRETARY OF STATE'S OFFICE AND THE GOALS I HAVE SET FOR THE OFFICE.

UPON ASSUMING THE OFFICE OF SECRETARY OF STATE ON OCTOBER 22, 1981, I MADE A PLEDGE TO GOVERNOR CLEMENTS THAT AS THE

STATE'S CHIEF ELECTION OFFICER, AN EQUITABLE VOTING PROCESS WOULD BE PROVIDED TO ALL TEXANS IN A TOTALLY NON-PARTISAN MANNER. IT IS GRATIFYING THAT TO DATE, MY OFFICE HAS HAD THE OPPORTUNITY TO PUT THIS PLEDGE INTO ACTION ON NUMEROUS OCCASIONS AND NO DIFFERENCE OF OPINION HAS RESULTED BETWEEN THE SECRETARY OF STATE'S OFFICE AND TEXAS' DEMOCRATIC AND REPUBLICAN PARTY LEADERSHIP.

SHORTLY AFTER ASSUMING OFFICE, I LEARNED THAT FUNDS APPROPRIATED TO CONDUCT TEXAS' 1982 PRIMARY ELECTIONS WOULD FALL ALMOST A MILLION DOLLARS SHORT OF THE ESTIMATED $6.4 MILLION REQUIREMENT.

IN THE LAST DAYS OF THE 67TH LEGISLATIVE SESSION, $5.5 MILLION WAS APPROPRIATED TO FINANCE THE 1982 PRIMARY ELECTIONS. AND IN A LAST MINUTE PIECE OF LEGISLATION, THE LEGISLATURE VOTED TO INCREASE THE MAXIMUM ALLOWABLE PAY FOR ELECTION JUDGES AND ELECTION WORKERS. ALTHOUGH THE LEGISLATURE WAS PUT ON NOTICE, THAT ADDITIONAL MONEY WAS NEEDED FOR THE PAY RAISE, NONE WAS APPROPRIATED. WHILE THIS PROBLEM WAS CREATED BY NEITHER POLITICAL PARTY NOR THE SECRETARY OF STATE'S OFFICE, IT CLEARLY HAD TO BE DEALT WITH IMMEDIATELY.

ON NOVEMBER 10, OF LAST YEAR, BOB SLAGLE, STATE DEMOCRATIC CHAIRMAN AND CHET UPHAM, STATE REPUBLICAN CHAIRMAN AND I MET TO DISCUSS THE PROBLEM AND TO HOPEFULLY ARRIVE AT A REASONABLE SOLUTION.

WE DISCUSSED MANY OPTIONS FROM REDUCING EXPENDITURES AND

MANPOWER TO RELYING EXCLUSIVELY ON THE USE OF VOLUNTEERS. NONE OF THESE OPTIONS WOULD SOLVE THE PROBLEM ON A STATEWIDE BASIS. WE DID, HOWEVER, AGREE AND ENDORSE THE OPTION OF RAISING ADDITIONAL FUNDS FROM NON-GOVERNMENTAL SOURCES WHICH WOULD INVOLVE SOLICITING CONTRIBUTIONS FROM CITIZENS, CORPORATIONS, AND UNIONS TO HELP FUND THE STATE PRIMARIES. AN INTERNAL REVENUE SERVICE OPINION ON THE TAX STATUS OF SUCH CONTRIBUTIONS HAS BEEN SOLICITED.

MEETINGS WITH TEXAS' LEGISLATIVE LEADERSHIP AND POLITICAL PARTY COUNTY CHAIRMEN WERE HELD TO INFORM THEM OF THE PROBLEM AND THE SOLUTION JOINTLY PROPOSED. THE COUNTY CHAIRMEN WERE PLEASED WITH OUR EFFORTS AND IN PARTICULAR OUR INVOLVEMENT OF TEXAS' TWO POLITICAL PARTIES IN THE DECISION-MAKING PROCESS.

AN IRS RULING IS NOT EXPECTED BEFORE THE END OF THIS MONTH, HOWEVER, REPORTS RECEIVED INDICATE THAT THE RULING WILL BE FAVORABLE. IF HOWEVER, THE RULING IS NOT FAVORABLE OR IF SUFFICIENT FUNDS CANNOT BE RAISED TO OFFSET THE DEFICIT, ALL OF THE RESOURCES OF MY OFFICE WILL BE USED TO MINIMIZE THE INCONVENIENCES WHICH WILL NO DOUBT BE EXPERIENCED BY VOTERS ON MAY 1ST, 1982.

THE ELECTIONS DIVISION OF MY OFFICE IS ENGAGED IN SEVERAL PROJECTS WHICH I WOULD LIKE TO MENTION TO YOU. THE FIRST OF THESE IS A MASSIVE VOTER REGISTRATION PROGRAM. AS GOVERNOR CLEMENTS SAID, OVER 9 MILLION OF THE STATE'S POPULATION OF 14.2 MILLION, ARE ELIGIBLE TO REGISTER AND

VOTE. AS OF NOVEMBER 3, 1981, TEXAS HAD 6.6 MILLION REGISTERED VOTERS, OR APPROXIMATELY 67.2 PERCENT OF THE STATE'S ELIGIBLE VOTERS. I BELIEVE THAT THIS PERCENTAGE CAN BE INCREASED.

--AS OUTLINED BY GOVERNOR CLEMENTS, EACH CHAMBER OF COMMERCE, GROCERY-STORE CHAIN AND ORGANIZATION SUCH AS THE AFL-CIO, NAACP, LULAC, AND THE LEAGUE OF WOMEN VOTERS, ETC. WILL BE CONTACTED AND REQUESTED TO CONDUCT A VOTER REGISTRATION DRIVE. THE LEAGUE CAN BE OF GREAT ASSISTANCE IN THIS EFFORT AND YOUR SUPPORT WOULD BE GREATLY APPRECIATED.

--SECONDLY, A STATEWIDE MEDIA CAMPAIGN PROMOTING THE VOTER REGISTRATION EFFORT IS UNDERWAY. PUBLIC SERVICE ANNOUNCEMENTS URGING PERSONS NOT CURRENTLY REGISTERED TO VOTE TO DO SO WILL BE CARRIED BY TEXAS' TV AND RADIO STATIONS. CONCURRENTLY, TEXAS' NEWSPAPERS WILL BE REQUESTED TO REMIND THEIR READERS TO REGISTER TO VOTE. AS GOVERNOR CLEMENTS STATED, HE WILL KICK-OFF THE CAMPAIGN PROCLAIMING A "VOTER REGISTRATION" WEEK FOR TEXAS.

--AS A RESULT OF THE "SUNBELT" EXPLOSION, TEXAS' POPULATION INCREASED TWICE AS FAST AS THE REST OF THE NATION DURING THE 1970'S. THE PERCENTAGE OF THE STATE'S POPULATION GROWTH RESULTING FROM IN-MIGRATION WAS 58.3 PERCENT, OR 1.7 MILLION. NO DOUBT THIS PATTERN WILL CONTINUE WITH THE STATE'S POPULATION EXPECTED TO REACH 22 MILLION BY THE YEAR 2000. CLEARLY, THESE NEW TEXANS REPRESENT A LARGE POTENTIAL SOURCE OF VOTERS AND MY OFFICE WILL BE CONTACTING THEM TO REGISTER TO VOTE.

--FINALLY, IN AN EFFORT WHICH HAS NEVER BEFORE BEEN UNDERTAKEN IN TEXAS THE ADMINISTRAIORS OF TEXAS' INDFPENDENT SCHOOL DISTRICTS WILL BE CONTACTED AND ENCOURAGED TO CONDUCT VOTER REGISTRATION OF THEIR SENIORS.

A SECOND PROJECT UNDERWAY BY THE ELECTIONS DIVISION OF MY IS A "BALLOT INTEGRITY PROGRAM". THE RIGHT TO VOTE MUST BE PROTECTED THROUGHOUT THE ELECTION PROCESS, AND SAFEGUARDING THE INTEGRITY OF THE ELECTION BALLOT RESTS WITH THE SECRETARY OF STATE. THE BALLOT INTEGRITY PROGRAM IS DESIGNED TO ASSIST POLITICAL PARTIES, CANDIDATES, AND ELECTION OFFICIALS BY ENSURING THAT QUALIFIED VOTERS VOTE AND THAT THEIR VOTES ARE PROPERLY COUNTED AND REPORTED.

ANOTHER PROJECT WHICH WILL BE OF INTEREST IS THE RESULTS OF AN ELECTION ANALYSIS WHICH WERE MADE PUBLIC TODAY. BASED ON THE FACTS THAT ONLY 12.2 PERCENT OF THE STATE'S ELIGIBLE VOTERS PARTICIPATED IN THE NOVEMBER 3, 1981 CONSTITUTIONAL AMENDMENT ELECTION, AT AN ESTIMATED COST OF $2.5 MILLION TO STATE AND LOCAL GOVERNMENTS, OR $3.00 PER VOTE CAST, A STUDY WAS COMMISSIONED TO PROVIDE INSIGHT AS TO WHY AN ALARMING 87.8 PERCENT OF THE ELECTORATE WERE NOT MOTIVATED TO VOTE. LET ME ADD THAT NO UNIQUE CIRCUMSTANCES SURROUNDED THE NOVEMBER ELECTION WHICH WOULD HAVE DETERRED VOTERS FROM EXERCISING THEIR RIGHT TO VOTE.

WHILE THE ANALYSIS DID NOT ATTEMPT TO DRAW CONCLUSIONS, THE FINDINGS SUGGEST ADDITIONAL EFFORTS TO EDUCATE TEXAS CITIZENS

ON PROPOSED CONSTITUTIONAL AMENDMENTS MAY BE NEEDED, ALSO PROPOSED CONSTITUTIONAL AMENDMENTS PERHAPS SHOULD BE INCORPORATED ON THE GENERAL ELECTION BALLOT ONLY WHEN ISSUES OF "STATE" AND "LOCAL" INTEREST ARE PRESENT, AND THE NUMBER OF CONSTITUTIONAL AMENDMENTS PRESENTED TO TEXAS VOTERS IN AN ELECTION MIGHT NEED TO BE LIMITED. THE ANALYSIS WAS DESIGNED TO BE HELPFUL AND BE OF INTEREST TO TEXAS' STATE LEADERSHIP, OFFICE HOLDERS, AND CANDIDATES FOR ELECTION, AND IS A PROJECT WHICH WILL BE CONTINUED IN THE FUTURE.

I WOULD LIKE TO REEMPHASIZE GOVERNOR CLEMENTS' STATEMENTS ON THE VOTING RIGHTS ACT. THE ACT HAS BEEN GOOD FOR TEXAS AND AS THE STATE'S CHIEF ELECTION OFFICER, YOU MAY BE ASSURED THAT THE LETTER OF THE ACT WILL BE STRICTLY ENFORCED UNDER MY ADMINISTRATION.

LET ME TAKE ONE MORE MINUTE FOR ADDITIONAL OBSERVATIONS ON ELECTION YEAR 1982. THIS WILL NO DOUBT BE A VERY INTERESTING AND IMPORTANT TIME. REPUBLICANS SENSE VICTORY AND WANT TO CONTINUE THEIR SUCCESSES. CONSERVATIVE DEMOCRATS WANT TO GAIN GROUND WHILE LIBERAL DEMOCRATS WANT TO TRY TO HOLD THEIR GROUND. TEXAS' PRIMARIES WILL BE MORE CONTESTED THAN EVER BEFORE AND WE WILL SEE MORE HEAD ON CONFRONTATIONS IN THE GENERAL ELECTION THAN EVER BEFORE.

THE INCREASE IN THE STATE'S POLITICAL ACTION COMMITTEES AND THE NATIONAL ATTENTION FOCUSED ON TEXAS, WITH EVERY HOUSE, SENATE, AND CONGRESSIONAL SEAT UP FOR GRABS, ALONG WITH

NEARLY EVERY STATEWIDE OFFICE WILL CLEARLY MAKE 1982 A HIGH WATER MARK FOR TEXAS POLITICS. FOR THOSE OF US THAT AREN'T CANDIDATES, IT IS GOING TO BE A FUN TIME.

MILI KOSA, THE DIRECTOR OF MY ELECTIONS DIVISION AND TWO OTHERS ON MY ELECTIONS STAFF, ARE SCHEDULED TO ADDRESS YOU LATER IN TODAY'S PROGRAM ON THE ADMINISTRATION OF TEXAS' ELECTION LAWS. NO DOUBT THEIR PRESENTATIONS WILL PROVIDE YOU WITH FURTHER INSIGHT INTO BOTH THE COMPLEXITIES AND SAFEGUARDS OF OUR ELECTION LAWS.

LET ME ENCOURAGE YOU, AS YOU HAVE SUGGESTIONS, COMMENTS, OR IDEAS ABOUT OUR ELECTION LAWS OR THEIR ADMINISTRATION, TO PLEASE GET IN TOUCH WITH MY OFFICE. I TRULY BELIEVE THAT OUR GOALS AND OBJECTIVES IN THIS AREA ARE VERY SIMILAR AND I LOOK FORWARD TO WORKING WITH YOU TO THOSE ENDS.

THANK YOU.

League of Women Voters of Texas • League of Women Voters of Texas Education Fund
1212 Guadalupe Suite 109 • Austin, Texas 78701 • Tel. 512/472-1100

PRESS RELEASE

I will not support that wd weaken the act
Hatch, Kennedy, Mathias,
Clements, Dean,

CONTACT: Diana Clark (214) 528-1096 FEBRUARY 4, 1982
FOR IMMEDIATE RELEASE

Diana Clark, President of the League of Women Voters of Texas, sent the following telegram to Governor William P. Clements and Secretary of State David Dean today:

"The League of Women Voters of Texas must disassociate itself from the testimony of Texas Governor Clements before the Senate Judiciary Subcommittee on extension of the Voting Rights Act. We understood the Governor's position to be support of the House of Representatives-passed version which restores the original understanding of Congress that effect of discrimination would be a determining factor. We regret this misunderstanding. The League of Women Voters in Texas and in every other state stands strongly behind Senate Bill S-1992."

The League based its original understanding of the Governor's position on remarks he made before members attending an Election Laws Conference in Austin, January 21, where he said, in part, "I feel that this protection (of the VRA) and its essential result--the confidence of minority voters in the democratic process--must be continued. While there are modifications I could support I will

February 4, 1982

William P. Clements
Governor of Texas
State Capitol
Austin, Texas

Secretary of State
David Dean
State Capitol
Austin, Texas

Dear Governor Clements and Secretary Dean,

I want to amplify my reasons for my telegram to you earlier today in which I disassociated the League of Women Voters of Texas from support of part of your testimony before the Senate Judiciary Sub-Committee.

It had been my understanding from your remarks to us in January that you were supporting the House-passed version of the Voting Rights Act with the option of possible amendment of the bail-our provisions. In my haste, I misunderstood your words "presently constituted' in your press release. I now see that you meant extension of the ACT exactly as it is now, not the House version known as S-1992 in the Senate.

The reason the League of Women Voters of Texas is not supporting the present Act is because of the necessity for challengers to prove intent to discriminate. The House version and S-1992 amend the original Act so that standards of evidence for proving voting discrimination in cases brought under the permanent provisions will be the same as the standards for review of voting changes. In other words, it would make it clear that voting discrimination could be proved by showing direct and indirect evidence of discriminatory effect, as well as purpose. We believe this is an important amendment which restoresthe original understanding of Congress that the effect of discrimination would be a determining factor in any challenge. In our letter of January 21, 1981 to Secretary Dean, we make this position clear.

We do not disagree with the portion of your testimony on bailout provisions but we believe S-1992 should be amended rather than the original act in this regard.

No one is more distressed than i over this misunderstanding. I hope you will reconsider your support of the Voting Rights Act without amendments as outlined above.

Sincerely,

Diana Clark
President

FEB 11 1982

FEB 12 1982

STATE OF TEXAS
OFFICE OF THE SECRETARY OF STATE
POST OFFICE BOX 12697, CAPITOL STATION
AUSTIN, TEXAS 78711

David A. Dean
SECRETARY OF STATE

February 11, 1982

Ms. Diana Clark, President
League of Women Voters of Texas
1212 Guadalupe, Suite 109
Austin, Texas 78701

Dear Diana:

I appreciate your sharing with me your reasons for disassociating the League of Women Voters from Governor Clements' testimony on the Voting Rights Act last week in Washington, D.C.

Clearly, the League of Women Voters has a difference of opinion as to Section 2 of the Act. Both Governor Clements, myself, and the Texas Chapters of IMAGE, LULAC and the American G. I. Forum, believe that substantial progress has been achieved under the current Voting Rights Act and it should be extended as is for a ten-year period. Further, there should be no liberal or conservative amendments added to the current Act which would have the effect of weakening or diluting its intent. In our opinion, an effect test would merely amount to a "proportional representation by race" standard. Changes to Section 2 represent a dramatic change for our jurisprudence system. Neither Governor Clements, myself, or the three organizations mentioned previously, intend to change our position at this time. Our position has been developed after deliberate study of the issues and has remained consistent from the very beginning. I have enclosed for your review and information, articles which further explain our support for an "intent" standard.

I appreciate your taking the time to explain the misunderstanding in your letter of February 4, 1982. You know full well that neither Governor Clements or myself would intentionally misquote or misrepresent the League of Women Voters position. Further, I regret any inconvenience which may have occured to you with respect to the misunderstanding.

It is my hope that we can continue to work together on other projects of mutual interest, in particular the voter registration drive this Spring. I look forward to visiting with you personally in the near future. Please let me know when you will be in Austin so we can arrange a meeting.

Sincerely,

David A. Dean
Secretary of State

DAD:dsm

Attachments

JAN 28 1982

STATE OF TEXAS
OFFICE OF THE GOVERNOR
AUSTIN, TEXAS 78701

WILLIAM P. CLEMENTS, JR.
GOVERNOR

January 22, 1982

Ms. Diana Clark
1212 Guadalupe, Suite 109
Austin, Texas 78701

Dear Diana:

I appreciate your joining with me today at my press conference for the purpose of endorsing extension of the Voting Rights Act. Our collective endorsement of extension of the Act will no doubt result in a clear message to Washington, of the State of Texas' unequivocal support of the legislation.

You may be assured that I will carry your message to Washington on February 4, 1982, when I will be testifying before the U. S. Senate Judiciary Subcommittee on the Constitution in support of continuation of the Act.

Again, your total support, as evidenced today, is greatly appreciated.

Sincerely,

Bill Clements

William P. Clements, Jr.
Governor

WPCJr:dsm

JD
DC
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GK
SO
LAD

January 21, 1982

Mr. David A. Dean
Secretary of State
P. O. Box 12697, Capitol Station
Austin, TX 78711

Dear Mr. Dean:

Thank you for your recent letter in which you told us the good news that you and Governor Clements will be going to Washington to testify in favor of extending the Voting Rights Act. The League of Women Voters of Texas is dedicated to working toward extension of this Act which we feel is the single most important piece of legislation passed to insure full political participation for minorities.

Opponents of this extension are concentrating on a few major areas. The first, of course, is that the Voting Rights Act has done its job and should be allowed to expire. Citing statistics, they point to the enormous increases in voter registration and increased minority voting patterns. Indeed the Voting Rights Act has accomplished what a hundred years and countless court cases could not accomplish: the enfranchisement of hundreds of thousands of minority Americans.

But the League believes that 17 years can only begin to make up for a history of exclusion from the political process. Language minorities, moreover, have been covered under the Act for less than 6 years. The extension of the bilingual election provision, we feel, is mandatory, especially in Texas. Though data have shown increases in registration and voting among language minorities, the League does not believe it has become an accepted way of life in the conduct of elections in our state. We fear a return of old discriminatory practices if this provision is allowed to expire.

Another argument against extension advanced by the opposition is that the Voting Rights Act provisions should be extended nationwide. In point of fact, the Act does apply nationwide and the triggering provisions of Section 5 allow any jurisdiction in the United States to be brought under federal scrutiny should it be found guilty of practicing discrimination as covered under this Act. The nationwide argument, which the League opposes, appears to be aimed at overloading the Justice Department to the point of making the law impossible to administer, thereby effectively killing the Voting Rights Act. It is also questionable if the inclusion of all states would stand the test of constitutionality since no record of nationwide voter discrimination has been established.

As you know, one of the important provisions of the VRA is the section that would make it clear that under the provisions which make discrimination in the right to vote illegal for the whole country (Section II of the Act), an action is discriminatory if it has the effect of discrimination. As court interpretations of the Act now stand (Mobile v. Bolden), one must prove that the framers of the action had the intent to discriminate.

This intent test is, of course, impossible to prove in the vast majority of cases, especially in voting rights/civil rights matters. We believe that an intent standard is tantamount to gutting the enforcement of the Act. The Kennedy-Mathais bill, as written, does not call for an intent test but restores to the law the original understanding of Congress--that of effect rather than intent. Senator Hatch, before whom you will be testifying, is an avowed opponent of the Voting Rights Act and indeed killed the fair housing bill by insisting that an intent test be written in that bill. The League expects him to repeat this action with this bill.

On a brighter note, expension of the bail-out provision to include individual counties is most welcomed by the League and one we feel should make the entire bill more palatable to opponents. The League will be working with local jurisdictions encouraging them to take advantage of this new provision and watching their compliance carefully.

Enclosed you will find an article from a recent newspaper which elucidates our opposition. As a native of Georgia, may I assure you they are serious and intractable in their views. On a broader scale, complacency about how much times have changed and how much progress has been made may be our toughest obstacle to overcome in the upcoming debate. But we in the League of Women Voters can never be complacent about attempts to close doors that took so long to open, or to bar those that are just beginning to open. The goal of full political participation for minorities demands an open door policy.

If the League can be of any further assistance, please do not hesitate to ask.

Sincerely yours,

Jeanette R. Davis
Government Director
3701 High Meadows
Abilene, TX 79605

Enclosure

February 4, 1982

William P. Clements
Governor of Texas
State Capitol
Austin, Texas

Secretary of State
David Dean
State Capitol
Austin, Texas

Dear Governor Clements and Secretary Dean,

I want to amplify my reasons for my telegram to you earlier today in which I disassociated the League of Women Voters of Texas from support of part of your testimony before the Senate Judiciary Sub-Committee.

It had been my understanding from your remarks to us in January that you were supporting the House-passed version of the Voting Rights Act with the option of possible amendment of the bail-our provisions. In my haste, I misunderstood your words "presently constituted' in your press release. I now see that you meant extension of the ACT exactly as it is now, not the House version known as S-1992 in the Senate.

The reason the League of Women Voters of Texas is not supporting the present Act is because of the necessity for challengers to prove intent to discriminate. The House version and S-1992 amend the original Act so that standards of evidence for proving voting discrimination in cases brought under the permanent provisions will be the same as the standards for review of voting changes. In other words, it would make it clear that voting discrimination could be proved by showing direct and indirect evidence of discriminatory effect, as well as purpose. We believe this is an important amendment which restoresthe original understanding of Congress that the effect of discrimination would be a determining factor in any challenge. In our letter of January 21, 1981 to Secretary Dean, we make this position clear.

We do not disagree with the portion of your testimony on bailout provisions but we believe S-1992 should be amended rather than the original act in this regard.

No one is more distressed than i over this misunderstanding. I hope you will reconsider your support of the Voting Rights Act without amendments as outlined above.

Sincerely,

Diana Clark
President

W.U. 476-7857

Nancy at LAD

Telegram to Governor W.B. Clements

Secretary of State David Dean

Senators, Hatch, Kennedy, Mathias

The League of Women Voters of Texas ~~today~~ must disassociate itself ~~with~~ from the testimony before the Senate subcommittee (yesterday) of Texas Governor William B. Clements on a simple extension of the voting rights act.

We ~~unfortunately misunderstood~~ the Governor's position ~~and~~ ~~for~~ as to be support for the House of Representatives passed version which ~~reinstates the intent of Congress which does not call for an intent test, but~~ which restores the original understanding of Congress that effect of discrimination would be a determining factor. We regret this misunderstanding a The LWV in Texas ~~and all around~~ in every other State stands strongly behind S-1992

Quick press rel

Call others

27.83 each
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Clements balks

Governor joins Republicans opposing 'sin tax' increases

By SARALEE TIEDE
Austin Bureau

AUSTIN — Gov. William P. Clements Jr. has been sending a message to the White House in recent weeks: Don't count on the Republican governor to support what the Republican president thinks is good for the country if that is contrary to Clements' view of what's good for Texas.

The solid Republican front further splintered Friday when Clements, who led the Reagan campaign in Texas, took aim at an option considered by the President to balance the budget by boosting federal taxes on gasoline, cigarettes and most alcoholic beverages.

"I'm absolutely opposed to that," Clements said at his weekly press conference. "It's in contradiction to the new federalism where the states looked for more responsibility and less interference from the federal government."

Clements added his voice to that of Republican Gov. Richard Snelling of Vermont, chairman of the National Governors Association, who recently wrote Reagan opposing an increase in "sin taxes."

"The governors share your desire to return revenue sources to the state, not to remove them. It is hard to see what federalism objectives are to be served by a federal increase in these taxes which any state can, if it wishes, increase to meet its own needs," Snelling wrote.

Clements said he had also expressed his views to the Reagan administration.

Reagan has told aides to look for another way to raise revenue and reduce the budget deficit.

"I don't want the federal government raising the gasoline tax by four cents a gallon, then playing a benevolent Santa Claus and giving us one cent of it back," Clements said. "I want us to be able to raise it if we decide to and keep it ourselves."

Nor was that Clements' only criticism of administration ideas. He said he would have to take a hard look at the plan to turn financing of food stamps over to the states in exchange for full federal financing of the Medicaid program that provides health care for the poor.

"I ain't going to buy a pig in the poke," he said. "We're talking about billions of dollars and I'm suspicious of any federal agency bearing gifts. That makes me very nervous."

If states are going to take full responsibility for programs, then the states should be "captain of the ship," the governor continued.

"We don't want more government interference, but less," he said.

Clements' tempered his harsh words by adding that Reagan was doing extremely well as president.

"In trying to administer a country as complex as ours, undoubtedly there will be some slips," he said. "I don't think these kinds of slips and flaps are too important. It's pretty much true of any administration, including my own."

Nevertheless, the governor has long made it clear he won't hold his tongue when he disagrees with the President. He lashed out last year against the Justice Department's immigration policy, though he later withdrew his opposition. He is now questioning Reagan's plan to abolish the Department of Energy.

He differed with the Justice Department decision to oppose Texas' appeal from U. S. District Judge William Wayne Justice's sweeping prison order.

Clements also isn't toeing the Reagan line on extension of the Voting Rights Act. Friday, appearing with the heads of Texas civil rights organizations, he said he "unequivocally" supports extension of the act.

"I would not support any change or modification which jopardizes the integrity and intent of the Voting Rights Act," the governor said, after being praised by Texas League of Women Voters President Diana Clark for being the first governor of a state covered by the act to endorse its extension.

The Reagan administration currently supports a change that would require proof there was intention to discriminate before local election decision could be dislodged by the Justice Department. Civil rights organizations oppose that amendment.

But Clements said the only change in the present law he now supports is an amendment that would exempt those localities that demonstrate long-time compliance with the law. But he will support such a change only if it is "acceptable to all Texas parties," he said.

The National Association for the Advancement of Colored People has endorsed the "bailout" provision approved by the House. That provision allows cities or counties with a 10-year record of compliance to escape Justice Department supervision.

DALLAS TIMES HERALD, Saturday, Jan. 23, 1982

Clements raps plan to raise excise taxes

HOUSTON POST JAN 2 3 '82

Post News Services

AUSTIN — Gov. Bill Clements said Friday he is strongly opposed to any attempt by the federal government to increase excise taxes on gasoline, liquor or tobacco.

Clements told a news conference he has expressed his opposition to the Reagan administration, and predicted Reagan will reconsider and then drop plans to seek such increases.

The governor said excise taxes have historically been left with the state, and said any increases in the gasoline tax should be made by Texas and not the federal government.

"I don't want the federal government raising our Texas state gasoline tax by 4 cents a gallon, then acting like a benevolent Santa Claus and giving us 1 cent of it," he said. "If we raise our gasoline tax, I want us to keep 100 percent of the revenue."

Clements refused to say who in the Reagan administration he had talked to in expressing his opposition to the taxes, but told reporters, "I have a strong suspicion that all this will be reconsidered, and we are talking about things that are not going to happen."

He also expressed strong reservations about suggestions that the food stamp program be transferred from the federal government to the states.

Also at the news conference, Clements introduced a group of minority organization leaders who support his call for extension of the U.S. Voting Rights Act, which gives federal authorities the power to monitor Texas elections.

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Influence of contribution denied

FT WORTH STAR TELEGRAM JAN 23 82

By KEN HERMAN
Associated Press

AUSTIN — Gov. Bill Clements said Friday he has asked for the state attorney general's opinion concerning a proposed deep-water port after a request from a coastal senator — not because of a campaign contribution from a lawyer involved in the project.

In August, Clements rejected a proposal to use state-backed bonds to help build the port, proposed to be constructed 12 miles off Freeport. On Dec. 1, however, he asked Attorney General Mark White for an opinion on the proposal.

Prominent bond attorney Hobby McCall, who made a $10,000 contribution to Clements, represents the businessmen pushing the offshore oil-unloading port.

Clements said the contribution had nothing to do with his request for an attorney general's opinion. At a Friday news conference, he said he remains opposed to the use of state-backed bonds for the project.

"My position is absolutely consistent. Under no circumstances. . . would I ever approve of the state's credit being put behind the building of this port," he said.

Nevertheless, Clements asked for the opinion at the request of Sen. Buster Brown, R-Lake Jackson. The governor said he did not talk to longtime friend McCall about the port.

"Sen. Brown, in whose district this port would be, made a strong plea to me to ask for an attorney general's opinion," Clements said. "This came through Brown as an important piece of business for his senatorial district. He had been asked and prodded by his constituents to see what could be done or could not be done in this regard."

By using the state's credit, the builders of the port could save hundreds of thousands of dollars on the $200 million project. Clements said the state should not be involved in the project.

Clements was asked what McCall's $10,000 contribution means in terms of access to the governor.

"It means he's fairly prosperous as a bond lawyer," he said. "I'm grateful to him for his help and support. I've only known him for 55 or 60 years."

Also at the news conference, Clements introduced a group of minority organization leaders who support his call for extension of the U.S. Voting Rights Act, which gives federal authorities the power to monitor Texas elections.

"I am extremely pleased and encouraged by Texas' widespread support for the extension of the act. It has been good for Texas," he said.

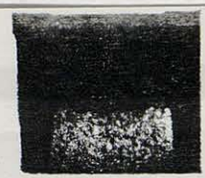
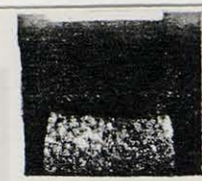
Clements will go to Washington to testify at a Feb. 4 Senate subcommittee hearing on extending the act.

He was joined by officials from the League of United Latin-American Citizens, the National Association for the Advancement of Colored People, the Texas League of Women Voters, the American GI Forum and IMAGE, a Mexican-American group.

Clements' support of the act drew praise from state Sen. Peyton McKnight, a contender for the Democratic nomination for governor.

"You know, I'm a person who likes to give credit where credit is due," McKnight said in a release. "This is one time, finally, that Bill Clements has done something good."



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BM-Voting Rights

Governor Pluge for Extension Voting Rights Act,

AUSTIN, Texas AP - Gov. Bill Clements joined today with the Texas League of Women Voters and several minority groups in supporting extension of the federal Voting Rights Act.

Clements told a news conference he would appear Feb. 4 before the U.S. Senate Judiciary Subcommittee in support of extension of the act that requires election prosyy4s in a number of state to be overseen by federal officials.

"I am extremely pleased and endouraged by Texas' widespread support for extension of the act. It has been tood for Texas," Clements said. "Clearly Texas' coverage by the act has resulted in necessary changes in state laws to promote minority voter registration and participation in the electoral process along with excellentbates of minority vote registrx4zn"

Diana Clark, presiPf the Texas Lwague of Women Voters, that to the beg of her knovledge, elements was the first governor of any state covered by the act to "come out so forcefully for its extension."

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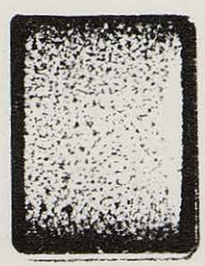
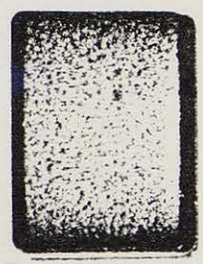

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Backing extension of Voting Rights Act

Clements gets opponent's pat on back

Chronicle
Austin Bureau

AUSTIN—Gov. William P. Clements Jr. got a left-handed pat on the back from an opponent for his support of extension of the federal Voting Rights Act.

Clements and representatives of minority and voter groups joined Friday in publicly stating support for the act's extension.

Clements said he likes the act as it now stands, requiring Texas governments to receive U.S. Justice Department approval of changes in election laws and practices to ensure they do not discriminate against protected minorities.

Gubernatorial candidate Peyton McKnight congratulated Clements on his endorsement, saying, "It's a measure most of us Democratic candidates for governor have supported for many years."

Saying he likes to give credit where it is due, McKnight said, "This is one time, finally, that Bill Clements has done something good."

Joining them on the VRA bandwagon Friday was Attorney General Mark White, who said, "I have always supported the protections of the Voting Rights Act. I continue to support those protections, and the extension of those protections."

When White was secretary of state under then-Gov. Dolph Briscoe, who opposed the voting rights legislation, White testified against putting Texas under its strictures.

He then called the act "a revisitation of Reconstruction."

"The application of the punitive sections (of the act) to the state is a fraud and an insult," he said, arguing that Texas already had passed the necessary laws to protect voting rights.

In June of last year, White testified at an Austin hearing on voting rights and did not specifically endorse extension of the key part of the act. White said local officials should be required to seek Justice Department approval only if local residents object to an electoral change. White said Texas law already protects Texas voters, calling the Texas voter registration law "the best in the nation."

Clements, groups support extension of voting act

Austin Bureau of The News

AUSTIN — Extension of the federal Voting Rights Act, which requires Justice Department clearance of all Texas election changes to ensure no discrimination, won support Friday from a coalition of minority-group representatives, the League of Women Voters and Republican Gov. Bill Clements.

The voting law also became a potential issue among Democratic gubernatorial candidates.

Clements said the law "has been good for Texas," in terms of promoting voter registration and participation among blacks and Mexican-Americans, and he will testify for the extension in Washington on Feb. 4. Clements' Secretary of State David Dean said the Voting Rights Act "has been a positive ingredient," enhancing minority rights.

The position was endorsed by representatives of the League of United Latin American Citizens, the American GI Forum, the Mexican American organization IMAGE, the Texas NAACP and the League of Women Voters.

LWV president Diana Clark of Dallas also praised Clements as the first governor of a state covered by the Voting Rights Act "to come out so forcefully in favor of its renewal."

The coalition has discussed House-passed provisions that would allow all or part of a state to be exempted from the law's coverage after 1985, Clements said. But Clements said he would not support a change in the so-called "bail-out" section unless the minority groups and LWV agreed to do so.

The Voting Rights Act, which now applies to all of 13 states and parts of nine others, requires that state and local governments submit to the U.S. Justice Department all proposed changes in election law or procedure. Civil rights lawyers then must "pre-clear" the changes — declare that they are not discriminatory against minorities — before they can be implemented, although states can appeal the decisions.

Although Clements and Dean did not mention it, extension of the Voting Rights Act this year really would not affect Texas. The reason is that the state is locked into the law's coverage, even if it is not extended, until 1985. And under the provision, an easier "bail-out" section exists that could remove all Texas counties from the law's requirements.

Clements said he regards the issue as "nonpartisan" in Congress, even though some Republicans have opposed it.

But Sen. Peyton McKnight, D-Tyler, a Democratic candidate for governor, said Clements should try to get his fellow Republicans to support the extension. McKnight also said that "most of us Democratic candidates for governor have supported (the Voting Rights Act) for many years."

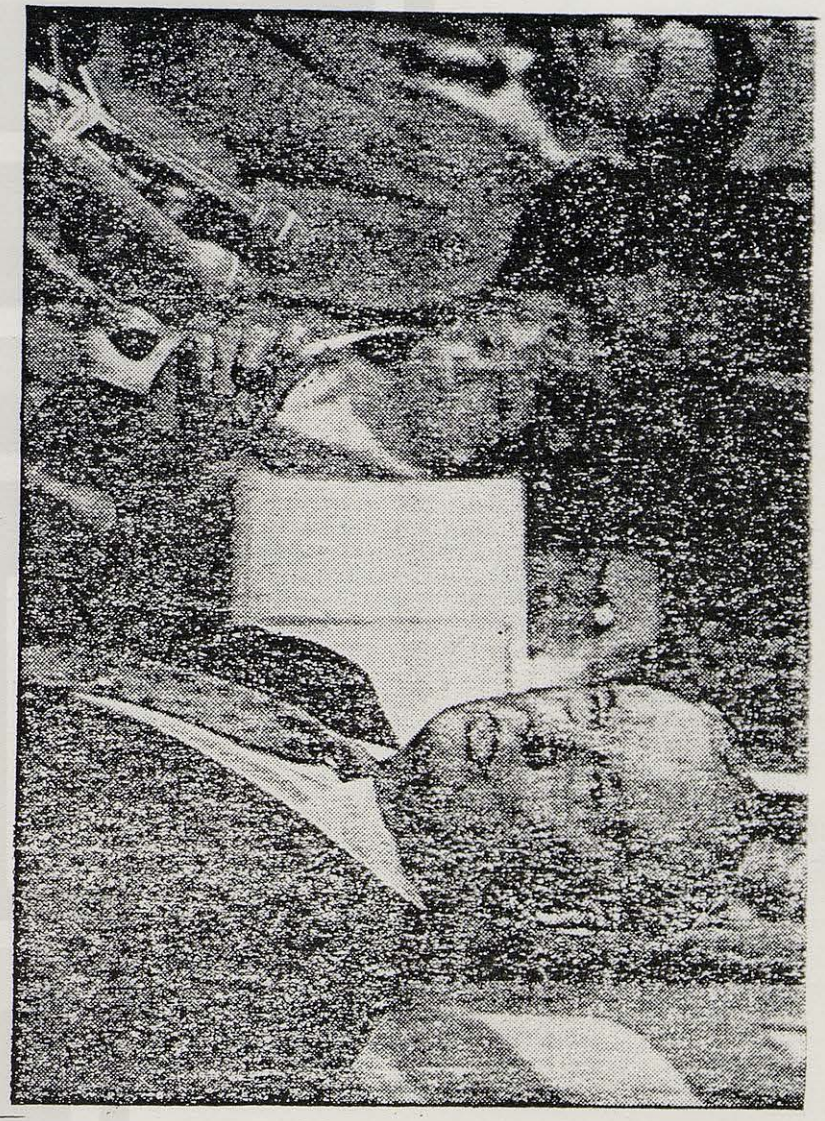
McKnight and Land Commissioner Bob Armstrong have, in fact, said the law should be extended and said they favored its application to Texas in 1975 when the first expansion of the 1965 act was considered in Congress.

Atty. Gen. Mark White, who was Texas secretary of state, opposed the measure's "preclearance" section at the time, in both Austin and Washington. He said the law would impose federal lawyers' concept of discrimination on state and local officials, who he said were elected to make decisions for Texans.

White said Friday he always has supported the voting rights goals of the law and "I continue to support those protections and extension of those protections."

Clements and Dean have said that while Texas governments have made about half of all the election-law changes submitted to the U.S. Justice Department by states covered by the VRA, only a few Texas changes have been rejected by federal civil rights lawyers.

Asked if he was trying to isolate White, a potential opponent in November, on the Voting Rights Act issue, Clements said, "No, I really don't know what his position is."



Bill Clements backs extension of the Voting Rights Act in Austin Friday.

United Press International

STATE OF TEXAS
OFFICE OF THE SECRETARY OF STATE
POST OFFICE BOX 12697, CAPITOL STATION
AUSTIN, TEXAS 78711

David A. Dean
SECRETARY OF STATE

February 2, 1982

Ms. Diana Clark
President
League of Women Voters of Texas
1212 Guadalupe, Suite 109
Austin, Texas 78701

Dear Diana:

Attached for your review and information are copies of newspaper articles regarding your presence and participation in Governor Clements' January 22, 1982 Press Conference. In addition, it is my pleasure to provide you copies of pictures taken at the January 22 Press Conference.

Again, I want to thank you for your participation in this historic event.

Sincerely,

David

David A. Dean
Secretary of State

DAD:dsm

Attachments

League of Women Voters of the United States 1730 M Street, N.W., Washington, D. C. 20036 Tel. (202) 296-1770

news release

Contact: Vicky Harian
296-1770, ext. 245

FOR RELEASE:
Wednesday, Jan. 27, 1982

LEAGUE URGES SUPPORT FOR STRONG VOTING RIGHTS ACT EXTENSION

Citing examples of persistent discriminatory attitudes and practices that limit the participation of minority citizens in the political process, League of Women Voters President Ruth J. Hinerfeld today documented the need for S 1992, a strong extension of the Voting Rights Act of 1965.

In testimony before the Subcommittee on the Constitution of the Senate Judiciary Committee, Hinerfeld said the legislation has strong grassroots support in all regions of the country. She noted that while substantial progress has been made under the Act, particularly in the area of voter registration, "the Voting Rights Act and Section 5 must continue to play a major role in order to remove subtle and invidious barriers to effective minority representation.

"The Voting Rights Act has been of great symbolic importance to the nation as a statement of national commitment to equal access of all to the ballot. The passage of S 1992 -- a strong, fair, widely endorsed bill -- would be a signal to the nation that this commitment still stands," she said.

The League of Women Voters surveyed state and local Leagues in areas covered by Section 5 of the Act, and its testimony included numerous examples of practices and procedures that serve to discourage minority registration. These examples, said Hinerfeld, convey a climate that "is still hostile to the idea of equal participation and representation of

OVER

minority citizens in all facets of political life."

Practices and procedures most often cited by local Leagues include inconvenient registration times and places, lack of outreach to the minority community, and unwillingness of registration officials to cooperate or work with community groups or to voluntarily take steps that would make registration more convenient and accessible.

Hinerfeld noted that there is little evidence to indicate that covered jurisdictions are ready to accept full minority political participation without the effective protections of Sections 2 and 5 of the Act.

"The Voting Rights Act's effectiveness lies in the potent combination of remedial measures in Section 2 and the preventative mechanisms of Section 5, working in tandem to eliminate longstanding discriminatory election schemes and prevent new ones from taking their place," Hinerfeld said.

"Without Section 5, attempts to make discriminatory voting changes would go unchallenged and enforcement of the Voting Rights Act would be a futile exercise," she said.

Hinerfeld also said that the evidence reported by local and state Leagues indicates that the bailout provisions contained in S 1992 should not be weakened. She added that the League hopes the bailout section "will provide a strong incentive to many jurisdictions covered by Section 5 who wish to comply fully with the letter and the spirit of the Voting Rights Act."

The League noted its support for the provision in S 1992 that adds language to Section 2 prohibiting practices that result in the denial or abridgment of voting rights. "It is hoped," said Hinerfeld, "that this key change will firmly establish that both intent and effect are legitimate grounds for overturning old forms of discrimination as well as preventing new ones."

The League also reaffirmed its support for extending the Act's bilingual election provisions first enacted in 1975. "We believe that the bilingual election provisions have played an important role in increasing the voter participation and representation of language minorities," said Hinerfeld.

S 1992, with 61 cosponsors, is identical to HR 3112, which was passed by the House of Representatives in October 1981 by an overwhelming margin of 389-24.

# # #

League of Women Voters of the United States 1730 M Street, N.W., Washington, D. C. 20036 Tel. (202) 296-1770

news release

STATEMENT BY RUTH J. HINERFELD,

PRESIDENT, LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

ON POSTPONEMENT OF SENATE HEARINGS

ON THE VOTING RIGHTS ACT

JANUARY 20, 1982

I can think of no other way of assessing this postponement than to describe it as a politically contrived action to weaken the Voting Rights Act. This is only the latest episode in the Administration's long record of delaying and dissembling on this issue.

Since the fall of 1980, the League of Women Voters, the Leadership Conference on Civil Rights, all of the 157 organizations in the Leadership Conference coalition, have been working on the renewal of the Voting Rights Act, which expires in only six and one-half months. Renewal legislation was introduced in the Congress, in both houses, early in 1981. In the early spring of 1981 we began urging the Administration to announce support of the extension legislation. We met with the Attorney General in May. He asked a number of general questions. We met with the Attorney General in June. He asked the same questions again.

Meanwhile, the President asked the Attorney General to report his recommendations on the Act by October 1, 1981. It was not until November that the President finally issued a policy statement about renewal of the Act. He did not endorse the House-passed bill and instead, apparently at the last-minute urging of the Attorney General, supported amendments to weaken the Act.

MORE

Now we have been asked to suffer a postponement of these hearings -- another postponement -- for the hearings were originally scheduled for January 13. We had asked for the Senate hearings to begin last fall.

I mention all of this so you will know how long this Administration has had to come out with a policy or with their own bill if they so desired. There can be no other way to view this postponement than as part of a political strategy to weaken the Voting Rights Act. It is not coincidental that those who will be hurt most by a weakening of the Voting Rights Act are those that are most adversely affected by the anti-civil rights actions and the economic policies of this Administration.

This postponement announcement comes on the heels of the President's regrettable action on the IRS school tax issue, an action that would weaken enforcement of Title VI of the 1964 Civil Rights Act. I am sorry to say that we believe there seems to be a callous disregard for the poor, for minorities, for civil rights and for civil liberties in this Administration and among some members of Congress.

President Reagan has said, "The right to vote is the crown jewel of American liberties and we will not see its luster diminished." It is unfortunate that, by its actions, this Administration is indeed dimming that luster.

The League of Women Voters believes there is no right more fundamental to our democracy and our form of government than the right to vote. If even a few are denied that right, the rights of all of us are denied, and our country's foundation will be in jeopardy. We believe, along with 389 members of the House of Representatives and 61 members of the Senate, that S 1992 (HR 3112) is the way to protect that precious right to vote.

# # #

I. CONSTITUTIONALITY

South Carolina v. Katzenbach, 383 U.S. 301 (1966).

In an opinion by Chief Justice Warren, the Supreme Court held the original provisions of the 1965 Voting Rights Act to be a constitutionally permissible method of protecting the right to vote. The Court upheld the preclearance provisions of Section 5 under the rationale that " exceptional conditions can justify legislative measures not otherwise appropriate." Id. at 334. Because Congress had found from its own evidentiary investigation that "unique circumstances" existed in the covered jurisdictions, the preclearance provisions were held justified. Id. at 335. Justice Black dissented on the Section 5 issues.

Katzenbach v. Morgan, 384 U.S. 641 (1966).

In an opinion by Justice Brennan, the Supreme Court upheld Section 4(e) of the 1965 Act which provided that certain persons educated in Spanish in Puerto Rican schools would not have to comply with the literacy tests imposed by certain states as a precondition to voting. This provision rendered New York literacy tests invalid as applied to those persons. The Court held that this step was within the power of Congress under Section 5 of the Fourteenth Amendment to enforce that Amendment's guarantee of equal protection of the laws, even though a court might not have held that the New York law was unconstitutional. The only question to be determined by the Court was whether Congress had a reasonable basis for its conclusion that such action might be necessary to protect minority rights. Justices Harlan and Stewart dissented, arguing that Congress had no right to strike down a state statute unless a court would have found that statute unconstitutional.

City of Rome v. United States, 446 U.S. 156 (1980).

In an opinion by Justice Marshall, the Supreme Court held that a political subdivision within a covered state could not bail out under Section 4(a) independently from the state itself, even though that subdivision had proven that it had not been guilty of discrimination for the previous seventeen years. The Court also held that where exceptional circumstances exist Congress had the power under Section 2 of the Fifteenth Amendment to prohibit practices that have only disparate racial impact with no discriminatory intent. In dissent, Justice Powell said that the Act should be interpreted to permit subdivisions to bail out from the preclearance requirements even though the state itself could not bail out. Justice Powell went on to say that in the absence of an independent bail-out, Section 5 of the Act would be unconstitutional. Justices Rehnquist and Stewart concluded in dissent that Congress does not have the power under Section 2 of the Fifteenth Amendment to prohibit pratices having only a disparate racial impact where the governmental unit had affirmatively proven that it had not been guilty of any discriminatory intent for a period of seventeen years. The majority also held that the city had not carried its burden of proving that certain annexations and electoral changes did not have a disadvantageous effect on minority voters.

II. JURISDICTIONS COVERED UNDER SECTION 5

United States v. Board of Commissioners, 435 U.S. 110 (1978).

In an opinion by Justice Brennan, the Supreme Court held that all governmental units within a covered jurisdictions were required to submit all covered changes under Section 5 of the Voting Rights Act. The Court rejected arguments that only states and "political subdivisions" were required under Section 5 to make submissions, and that Section 4(c)(2) defined political subdivisions to include only those governmental units which register voters, and not those which do not. In dissent, Chief Justice Burger and Justices Stevens and Rehnquist concluded that only those governmental units which meet the definition of political subdivisions should be required to submit changes. In separate concurrences, Justices Blackmun and Powell expressed reservations as to the correctness of the decision, but believed it to be compelled by Allen. Justice Blackmun also remarked that he considered Congressional action in 1970 and 1975 to have been an endorsement of the Allen rule.

Gaston County v. United States, 395 U.S. 285 (1969).

In an opinion by Justice Harlan, the Supreme Court held that Gaston County, North Carolina, had not met the criteria for bailout in Section 4(a) of the Act in that it had not proven that its literacy tests had not been used with either the purpose or effect of denying or abridging the right to vote on the grounds of race. The Court affirmed a finding of the district court that the county's previous maintenance of a segregated school system had resulted in inferior education for its black citizens. The inability of many blacks to pass the literacy tests was a result of this prior discrimination, and the test therefore had the effect of denying or abridging their right to vote because of racial discrimination. Justice Black dissented because of his view that the preclearance provisions of the Act were unconstitutional.

City of Rome v. United States (See I above)

III. CHANGES COVERED UNDER SECTION 5

Allen v. State Board of Elections, 393 U.S. 544 (1969).

In an opinion by Chief Justice Warren, the Supreme Court held that private litigants could bring suit before a three-judge district court in their local districts to argue that state laws had not been precleared under Section 5. The Court held that the preclearance provisions were applicable, not only to changes in laws directly affecting registration and voting, but all changes "which alter the election law of a covered State in even a minor way." Id. at 566. The Court specifically held that the change from a district system to an at large system was covered, as was the changing of a particular office from elective to appointive. Also covered were changes in procedures for qualifications of independent candidates and for casting write in votes. Justice Harlan dissented, concluding that Section 5 covered only "those states laws that change either

voter qualifications or the manner in which elections are conducted." Id. at 591. Justice Black again dissented because of his conviction that Section 5 was altogether unconstitutional.

Perkins v. Matthews, 400 U.S. 379 (1971).

In an opinion by Justice Brennan, the Supreme Court held that a local Federal district court was without jurisdiction to determine whether or not a particular change had the purpose or effect of denying or abridging the right to vote. Rather, the only function of a local court was to determine whether or not the change is subject to preclearance under Section 5 of the Act. The Court went on to hold that the municipal annexations and changes in locations of polling places must be precleared. Chief Justice Burger and Justice Blackmun separately concurred under the authority of Allen. Justices Black and Harlan dissented on the basis of their opinions in Allen.

Georgia v. United States, 411 U.S. 526 (1973).

In an opinion by Justice Stewart, the Supreme Court concluded that legislative reapportionments must be precleared under Section 5. The Court also held that the Attorney General could object to a submission even though he could not conclude that a change had either the purpose or effect of denying or abridging the right to vote. The Attorney General could validly place the burden of proof on the submitting jurisdiction, and could interpose an objection whenever that jurisdiction failed to prove that a change did not have such a purpose or effect. Chief Justice Burger concurred, while reiterating his reservations about Allen. Justices White, Powell, and Rehnquist dissented on the grounds that the Attorney General should not put the burden of proof on the submitting jurisdictions.

IV. MUNICIPAL ANNEXATIONS UNDER SECTION 5

City of Petersburg v. United States, 410 U.S. 962 (1973).

The Supreme Court wrote no opinion but summarily affirmed a judgment of the district court finding that Petersburg's annexation of a predominantly white area could not be approved under Section 5 because it would have the purpose or effect of denying or abridging the right to vote on the basis of race. The district court also ordered that the annexation could be permitted if the at large government of the city were to be changed to a council of single member districts. This is one of only two cases in which the Supreme Court has found a municipal annexation to be in violation of Section 5. The result in this case was later explained by a majority of the Court in an opinion by Justice White in City of Richmond v. United States, 422 U.S. 358 (1975). The Court explained that the annexation of the white area coupled with an at large form of government tended "to exclude Negroes totally from participation in the governing of the city through membership on the city council." Id. at 370. This effect could be cured by the establishment of a ward system which would afford them representation "reasonably equivalent to their political strength in the enlarged community" Ibid. The Court specifically noted that the mere fact that the blacks made up a smaller percentage of the city after the annexation did not amount to a violation of the Act.

City of Richmond v. United States, 422 U.S. 358 (1975).

In an opinion by Justice White, the Court applied the same test it had applied without an opinion in the Petersburg case. The district court had disapproved an application by Richmond to annex white areas while changing to the single member system. The Court did not have occaision to rule as to whether the annexation standing alone would have constituted a violation of the Act, but it reversed the district court and remanded for reconsideration in light of its explanation of the Petersburg case. In dissent, Justices Brennan, Douglas, and Marshall concluded that the annexation had been motivated by discriminatory purpose. Moreover, they felt that by reducing the percentage of blacks in the city of Richmond, the annexation had the effect of denying or abridging the right to vote.

City of Rome v. United States (See I above)

V. SCOPE OF SECTION 2

City of Mobile v. Bolden, 446 U.S. 55 (1980).

In this case, the district court had found that Mobile's election of its city government at large had the effect of discriminating against black voters, and it ordered a new governing board be created consisting of a mayor and a city council with members elected from single member districts. The Supreme Court reversed, but there was no majority opinion. In an opinion joined by Chief Justice Burger and Justices Powell and Rehnquist, Justice Stewart concluded that Section 2 of the Voting Rights Act had the same meaning as the Fifteenth Amendment itself, and therefore reaches only the intentional abridgements of the right to vote. In dissent, Justice Marshall explicitly agreed that the provisions of Section 2 of the Act were congruent with the protection of the Fifteenth Amendment, but he concluded that proof of discriminatory impact was sufficient to secure relief under the Fifteenth Amendment. Id. at 105n.2. Justice Brennan agreed with Justice Marshall's interpretation of the Fifteenth Amendment, but no member of the Court explicitly disagreed with the conclusion that Section 2 had the same meaning as that Amendment. Justice Stewart's opinion concluded that the Fifteenth Amendment was satisfied wherever all races have access to the ballot, and that claims of "vote dilution" must be tested under the equal protection clause of the Fourteenth Amendment. Justices Stevens and Marshall explicitly disagreed, finding that dilution cases could also be brought under the Fifteenth Amendment. Justice Stewart concluded that there was insufficient evidence of discriminatory intent in the creation and maintenance of Mobile's form of government; he did not explicitly state that proof of such intent would have sufficed to justify relief. Justices Brennan, White, and Marshall concluded in dissent that there was adequate proof of discriminatory intent, and that such intent justified the relief granted by the district court. Justice Blackmun joined in the reversal, even though he expressed some sympathy for the viewpoint of the dissenters, because he felt that the relief ordered by the district court was too drastic. Justice Stevens in his concurrence indicated that the question of intent in municipal goverment cases should be largely irrelevant.

He concluded that so long as there was any rational justification for an at large form of government, it should be upheld by the courts, even though some of its supporters might have discriminatory motives.

VI. MUNICIPAL GOVERMENTS UNDER THE FOURTEENTH AND FIFTEENTH AMENDMENTS

Gomillion v. Lightfoot, 364 U.S. 339 (1960).

An act of the Alabama Legislature had redrawn the boundaries of the city of Tuskegee in such a way as to remove from the city almost all of the black voters without removing any of the white voters. Whereas the city had previously been in the form of a square, its new boundaries had twenty-eight sides over a much smaller area. In an opinion by Justice Frankfurter, the Court concluded this removal of black voters from the city denied them the right to vote in contravention of the Fifteenth Amendment. In a separate concurrence, Justice Whittaker held that the Fifteenth Amendment had not been violated, because all persons of every race were permitted to vote in the areas in which they resided. However, he found that the action violated the Fourteenth Amendment because blacks had been clearly segregated out of the city.

Beer v. United States, 425 U.S. 130 (1976).

Under the 1960 census, the city of New Orleans was governed by a council made up of five members elected from single member districts and two members elected at large. The 1970 census revealed that 45% of the city's population and 35% of its voters were non-white. The city submitted to the Attorney General a reapportionment plan which preserved the two at large seats, created two districts with black population majorities, and for the first time created one district with a black voter majority. The Attorney General and the district court rejected the plan because it would produce black representation on the council roughly proportional to black population in the city. The district court added that the city should abolish the two members elected at large. In an opinion by Justice Stewart, the Supreme Court reversed. The Court held that the district court had no authority under Section 5 of the Act to consider the existence of the at large seats, since those seats had been in existence prior to 1964. Moreover, the Court held that Section 5 prohibits only those voting changes which result in "retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." Id. at 141. Because this plan created more black majority districts than the plan that it replaced, it should have been approved under Section 5. Justices White, Marshall, and Brennan all dissented. They would have held that Section 5 prohibits the approval of a plan which does not result in an approximation of proportional representation where there is also evidence of bloc voting and certain bars to participation in the electoral process.

City of Mobile v. Bolden (See V above)

VII. LEGISLATIVE DISTRICTS UNDER THE FOURTEENTH AND FIFTEENTH AMENDMENTS

Whitcomb v. Chavis, 403 U.S. 124 (1971).

In an opinion by Justice White, the Supreme Court held that multi-member state legislative districts are not necessarily unconstitutional. In dictum the Court states that multi-member districts in some circumstances might be proven to work as an unconstitutional dilution of the voting power of the minority voters within the district. In this case the Court found that minority voters had ample opportunity to participate in the selection of Democratic candidates, but that Republicans regularly defeated those candidates. The disadvantage to the minority voter was based not upon race, but upon partisan affiliation. Justices Douglas, Brennan, and Marshall dissented, finding that the dilution of the minority vote had already been proven to the district court. They also indicated that there was no need to prove discriminatory intent. In a separate dissent, Justice Harlan argued that the entire question of dilution could not be managed by the courts in a neutral and objective way, and concluded that the courts should stay out of reapportionment altogether.

White v. Regester, 412 U.S. 755 (1973).

In an opinion by Justice White, the Supreme Court affirmed a decision of a district court in Texas requiring that state legislators from Dallas and San Antonio be elected from single member districts rather that at large in their respective counties. This is the first and only case in which the Supreme Court has found that multi-member districts actually dilute the minority vote. In Dallas the Court emphasized that blacks did not have a fair opportunity to participate in the nominating process of the Democratic party. In San Antonio the Court emphasized that language and cultural barriers made it difficult for Mexican-Americans to have their views represented in a delegation elected at large.

United Jewish Organizations v. Carey, 430 U.S. 144 (1977).

This case involved the Attorney General's rejection of New York's 1972 legislative redistricting as it applied to Brooklyn, which is covered under the Act. The Attorney General originally ruled that there were an insufficient number of districts with non-white populations large enough that non-white candidates could win an election. The Attorney General indicated that a non-white population of 65% was necessary to create a safe non-white seat. In a new plan adopted in 1974, the Legislature met the objections of the Attorney General, but in so doing, divided a community of Hasidic Jews which had previously resided in a single district. The Attorney General approved the plan, but the Jews went to court claiming that they had been the victims of racial discrimination. The Supreme Court rejected their efforts, but was unable to produce a majority opinion. Justices Brennan, Blackmun, and Stevens joined an opinion by Justice White which heldcthat the Legislature could legitimately use racial quotas in order to create a plan which would be acceptable under Section 5 of the Act. From the record made in the district court, it did not appear that the Legislature had done any more than comply with the requirement that minority voting strength not be decreased. Justices White Stevens and Rehnquist went on to say that, even absent the requirements of the Act, the Constitution permits a state to draw lines in such a way that the percentage of non-white districts would approximate the percentage of non-whites in the population, so long as whites were

in the population, so long as whites were likewise provided with fair representation. Justices Stewart and Powell rejected the argument that race consciousness is unconstitutional per se. They found this plan constitutional because there was no purpose of invidious discrimination. Chief Justice Burger dissented, finding that the use of a quota system in redistricting offended the Fifteenth Amendment and that an effort to require an effort to comply with the Voting Rights Act could not cure that infirmity.

INTENT v. RESULT

The Voting Rights Act debate will focus upon a proposed change in the Act that involves one of the most important constitutional issues to come before Congress in many years. Involved in this debate are fundamental issues involving the nature of American representative democracy, federalism, civil rights, and the separation of powers. The following are questions and answers pertaining to this proposed change. It is not a simple issue.

WHAT IS THE MAJOR ISSUE INVOLVED IN THE PRESENT VOTING RIGHTS ACT DEBATE?

The most controversial issue is whether or not to change the standard in section 2 by which violations of voting rights are identified from the present "intent" standard to a "results" standard. There is virtually no opposition to extending the provisions of the Act or maintaining intact the basic protections and guarantees of the Act.

WHO IS PROPOSING TO CHANGE THE SECTION 2 STANDARD?

Although the popular perception of the issue involved in the Voting Rights Act debate is whether or not civil rights advocates are going to be able to preserve the present Voting Rights Act, the section 2 issue involves a major change in the law proposed by some in the civil rights community. No one is urging any retrenchment of existing protections in the Voting Rights Act. The issue rather is whether or not expanded notions of civil rights will be incorporated into the law.

WHAT IS SECTION 2?

Section 2 is the statutory codification of the 15th Amendment to the Constitution. The 15th Amendment provides that the right of citizens to vote shall not be denied or abridged on account of race or color. There has been virtually no debate over section 2 in the past because of its non-controversial objectives.

DOES SECTION 2 APPLY ONLY TO 'COVERED' JURISDICTIONS?

No. Because it is a codification of the 15th Amendment, it applies to all jurisdictions across the country, whether or not they are a 'covered' jurisdiction that is required to "pre-clear" changes in voting laws and procedures with the Justice Department under section 5 of the Act.

WHAT IS THE RELATIONSHIP BETWEEN SECTION 2 AND SECTION 5?

Virtually none. Section 5 requires jurisdictions with a history of discrimination to "pre-clear" all proposed changes in their voting laws and procedures with the Justice Department. Section 2 restates the 15th Amendment and applies to all jurisdictions; it is not limited either, as is section 5, to changes in voting laws or procedures.

WHAT IS THE PRESENT LAW WITH RESPECT TO SECTION 2?

The law with respect to the standard for identifying section 2 (or 15th Amendment) violations has always been an "intent" standard. As the Supreme Court reaffirmed in a decision in 1980, "That Amendment prohibits only purposefully discriminatory denial or abridgement by government of the freedom to vote on account of race or color." Mobile v. Bolden 446 U.S. 55.

DID THE MOBILE CASE ENACT ANY CHANGES IN EXISTING LAW?

No. The language in both the 15th Amendment and section 2 proscribes the denial of voting rights "on account of" race or color. This has always been interpreted to require purposeful discrimination. Indeed, there is no other kind of discrimination as the term has traditionally been understood. Until the Mobile case, it was simply not at issue that the 15th Amendment and section 2 required some demonstration of discriminatory purpose. There is no decision of the Court either prior to or since Mobile that has ever required anything other than an "intent" standard for the 15th Amendment or section 2.

WHAT IS THE STANDARD FOR THE 14TH AMENDMENT'S EQUAL PROTECTION CLAUSE?

The "intent" standard has always applied to the 14th Amendment as well. In Arlington Heights v. Metropolitan Authority, the Supreme Court stated, "Proof of a racially discriminatory intent or purpose is required to show a violation of the equal protection clause of the 14th Amendment." 429 U.S. 253 (1977). This has been reiterated in a number of other decisions, Washington v. Davis 426 U.S. 229 (1976); Massachusetts v. Feeney 442 U.S. 256 (1979). In addition, the Court has always been careful to emphasize the distinction between de facto and de jure discrimination in the area of school busing. Only de jure (or purposeful) discrimination has ever been a basis for school busing orders. Keyes v. Denver 413 U.S. 189 (1973).

WHAT PRECISELY IS THE "INTENT" STANDARD?

The "intent" standard simply requires that a judicial fact-finder evaluate all the evidence available to itself on the basis of whether or not ot demonstrates some intent or purpose or motivation on the part of the defendant individual or community to act in a discriminatory manner. It is the traditional test for identifying discrimination.

DOES IT REQUIRE EXPRESS CONFESSIONS OF INTENT TO DISCRIMINATE?

No more than a criminal trial requires express confessions of guilt. It simply requires that a judge or jury be able to conclude on the basis of all the evidence available to it, including circumstantial evidence of whatever kind, that some discriminatory intent or purpose existed on the part of the defendant.

THEN IT DOES NOT REQUIRE "MIND-READING" AS SOME OPPONENTS OF THE "INTENT" STANDARD HAVE SUGGESTED?

Absolutely not. "Intent" is proven without "mind-reading" thousands of times every day of the week in criminal and civil trials across the country. Indeed, in criminal trials the existence of intent must be proven "beyond a reasonable doubt". In the civil rights area, the normal test is that intent be proven merely "by a preponderance of the evidence".

WHAT KIND OF EVIDENCE CAN BE USED TO DEMONSTRATE "INTENT"?

Again, literally any kind of evidence can be used to satisfy this requirement. As the Supreme Court noted in the Arlington Heights case, "Determining whether invidious discriminatory purpose was a motivating factor demands a sensitive inquiry into such circumstantial and direct evidence as may be available. 429 U.S. 253, 266. Among the specific considerations that it mentions are the historical background of an action, the sequence of events leading to a decision, the existence of departures from normal procedures, legislative history, the impact of a decision upon minority groups, etc.

DO YOU MEAN THAT THE ACTUAL IMPACT OR EFFECTS OF AN ACTION UPON MINORITY GROUPS CAN BE CONSIDERED UNDER THE "INTENT" TEST?

Yes. Unlike a "results" or "effects"-oriented test, however, it is not dispositive of a voting rights violation in and of itself, and it cannot effectively shift burdens of proof in and of itself. It is simply evidence of whatever force it communicates to the fact-finder.

WHY ARE SOME PROPOSING TO SUBSTITUTE A NEW "RESULTS" TEST IN SECTION 2?

Ostensibly, it is argued that voting rights violations are more difficult to prove under an "intent" standard than they would be under a "results" standard.

HOW IMPORTANT SHOULD THAT CONSIDERATION BE?

Completely apart from the fact that the Voting Rights Act has been an effective tool for combatting voting discrimination under the present standard, it is debatable whether or not an appropriate standard should be fashioned on the basis of what facilitates successful prosecutions. Elimination of the "beyond a reasonable doubt" standard in criminal cases, for example, would certainly facilitate convictions. We have chosen not to adopt it because there are competing values, e.g. fairness and due process.

WHAT IS WRONG WITH THE "RESULTS" STANDARD?

First of all, it is totally unclear what the "results" standard is supposed to represent. It is a standard totally unknown to present law. To the extent that its legislative history is relevant, and to the extent that it is designed to be similar to an "effects" test, the main objection is that it would establish as a standard for identifying section 2 violations a "proportional representation by race" standard.

WHAT IS MEANT BY "PROPORTIONAL REPRESENTATION BY RACE"?

The "proportional representation by race" standard is one that evaluates electoral actions on the basis of whether or not they contribute to representation in a State legislature or a City Council or a County Commission or a School Board for racial and ethnic groups in proportion to their existence in the population.

WHAT IS WRONG WITH "PROPORTIONAL REPRESENTATION BY RACE"?

It is a concept totally inconsistent with the traditional notion of American representative government wherein elected officials represent individual citizens not racial or ethnic groups or blocs. In addition, as the Court observed in Mobile, the Constitution "does not require proportional representation as an imperative of political organization.

COMPARE THEN THE "INTENT" AND THE "RESULTS" TESTS?

The "intent" test allows courts to consider the totality of evidence surrounding an alleged discriminatory action and then requires such evidence to be evaluated on the basis of

whether or not it evinces some purpose or motivation to discriminate. The "results" test, however, would focus analysis upon whether or not minority groups were represented proportionately or whether or not some change in voting law or procedure would contribute toward that result.

WHAT DOES THE TERM "DISCRIMINATORY RESULTS" MEAN?

It means nothing more than is meant by the concept of racial balance or racial quotas. Under the "results" standard, actions would be judged, pure and simple, on color-conscious grounds. This is totally at odds with everything that the Constitution has been directed towards since the Reconstruction Amendments, Brown v. Board of Education, and the Civil Rights Act of 1964. The term "discriminatory results" is Orwellian in the sense that it radically transforms the concept of discrimination from a process or a means into an end or a result.

ISN'T THE "PROPORTIONAL REPRESENTATION BY RACE" DESCRIPTION AN EXTREME DESCRIPTION?

Yes, but the "results" test is an extreme test. It is based upon Justice Thurgood Marshall's dissent in the Mobile case which was described by the Court as follows: "The theory of this dissenting opinion... appears to be that every 'political group' or at least every such group that is in the minority has a federal constitutional right to elect candidates in proportion to its numbers." The House Report, in discussing the proposed new "results" test, admits that proof of the absence of proportional representation "would be highly relevant".

BUT DOESN'T THE PROPOSED NEW SECTION 2 LANGUAGE EXPRESSLY STATE THAT PROPORTIONAL REPRESENTATION IS NOT ITS OBJECTIVE?

There is, in fact, a disclaimer provision of sorts. It is clever, but it is a smokescreen. It states, "The fact that members of a minority group have not been elected in numbers equal to the group's proportion of the population shall not, in and of itself, constitute a violation of this section."

WHY IS THIS LANGUAGE A "SMOKESCREEN"?

The key, of course, is the "in and of itself" language. In Mobile, Justice Marshall sought to deflect the "proportional representation by race" description of his "results" theory with a similar disclaimer. Consider the response of the Court, "The dissenting opinion seeks to disclaim this description of its theory by suggesting that a claim of vote dilution may require, in addition to proof of electoral defeat, some evidence of 'historical and social factors' indicating that the group in question is without political influence. Putting to the side the evident fact that these gauzy sociological considerations have no constitutional basis, it remains far from certain that they could, in

any principled manner, exclude the claims of any discrete group that happens for whatever reason, to elect fewer of its candidates than arithmetic indicates that it might. Indeed, the putative limits are bound to prove illusory if the express purpose informing their application would be, as the dissent assumes, to redress the 'inequitable distribution of political influence'."

EXPLAIN FURTHER?

In short, the point is that there will always be an additional iota of evidence to satisfy the "in and of itself" language. This is particular true since there is no standard by which to judge any evidence except for the "results" standard.

WHAT ADDITIONAL EVIDENCE, ALONG WITH EVIDENCE OF THE LACK OF PROPORTIONAL REPRESENTATION, WOULD SUFFICE TO COMPLETE A SECTION 2 VIOLATION UNDER THE "RESULTS" TEST?

Among the additional bits of "objective" evidence to which the House Report refers are a "history of discrimination", "racially polarity voting" (sic), at-large elections, majority vote requirements, prohibitions on single-shot voting, and numbered posts. Among other factors that have been considered relevant by the Justice Department's Civil Rights Division in the past in evaluating submissions by "covered" jurisdictions under section 5 of the Voting Rights Act are disparate racial registration figures, history of English-only ballots, maldistribution of services in racially definable neighborhoods, staggered electoral terms, municipal elections which "dilute" minority voting strength, the existence of dual school systems in the past, impediments to third party voting, residency requirements, redistricting plans which fail to "maximize" minority influence, numbers of minority registration officials, re-registration or registration purging requirements, economic costs associated with registration, etc., etc.

THESE FACTORS HAVE BEEN USED BEFORE?

Yes. In virtually every case, they have been used by the Justice Department (or by the courts) to determine the existence of discrimination in "covered" jurisdictions. It is a matter of one's imagination to come up with additional factors that could be used by creative or innovative courts or bureaucrats to satisfy the "objective" factor requirement of the "results" test (in addition to the absence of proportional representation). Bear in mind again that the purpose or motivation behind such voting devices or arrangements would be irrelevant.

SUMMARIZE AGAIN THE SIGNIFICANCE OF THESE "OBJECTIVE" FACTORS?

The significance is simple-- where there is a State legislature or a City Council or a County Commission or a School Board which does not reflect racial proportions within the relevant population, that jurisdiction will be vulnerable to prosecution under section 2. It is virtually inconceivable that the "in and of itself" language will not be satisfied by one or more "objective" factors existing in nearly any jurisdiction in the country. The existence of these factors, in conjunction with the absence of proportional representation, would represent an automatic trigger in evidencing a section 2 violation. As the Mobile court, the disclaimer is "illusory".

BUT WOULDN'T YOU LOOK TO THE TOTALITY OF THE CIRCUMSTANCES?

Even if you did, there would be no judicial standard other than proportional representation. The notion of looking to the totality of circumstances is meaningful only in the context of some larger state-of-mind standard, such as intent. It is a meaningless notion in the context of a result-oriented standard. After surveying the evidence under the present standard, the courts ask themselves, "Does this evidence raise an inference of intent?" Under the proposed new standard, given the absence of proportional representation and the existence of some "objective" factor, a prima facie case has been established. There is no need for further inquires by the court.

WHERE WOULD THE BURDEN OF PROOF LIE UNDER THE "RESULTS" TEST?

Given the absence of proportional representation and the existence of some "objective" factor, the effective burden of proof would be upon the defendant community. Indeed, it is unclear what kind of evidence, if any, would suffice to overcome such evidence. In Mobile, for example, the absence of discriminatory purpose and the existence of legitimate, non-discriminatory reasons for the at-large system of municipal elections was not considered relevant evidence by either the plaintiffs or the lower Federal courts.

PUTTING ASIDE THE ABSTRACT PRINCIPLE FOR THE MOMENT, WHAT IS THE MAJOR OBJECTIVE OF THOSE ATTEMPTING TO OVER-RULE MOBILE AND SUBSTITUTE A "RESULTS" TEST IN SECTION 2?

The immediate purpose is to allow a direct assault upon the majority of municipalities in the country which have adopted at-large elections for city councils and county commissions. This was the precise issue in Mobile, as a matter of fact. Proponents of the "results" test argue that at-large elections tend to discriminate against minorities who would be more capable of electing "their" representatives to office on a district or ward voting system. In Mobile, the Court refused to order the disestablishment of the at-large municipal form of government adopted by the city.

DO AT-LARGE SYSTEMS OF VOTING DISCRIMINATE AGAINST MINORITIES?

Completely apart from the fact that at-large voting for municipal governments was instituted by many communities in the 1910's and 1920's in response to unusual instances of corruption within ward systems of government, there is absolutely no evidence that at-large voting tends to discriminate against minorities. That is, unless the premise is adopted that only blacks can represent blacks, only whites can represent whites, and only Hispanics can represent Hispanics. Indeed, many political scientists believe that the creation of black wards or Hispanic wards, by tending to create political "ghettoes" minimize the influence of minorities. It is highly debatable that black influence, for example, is enhanced by the creation of a single 90% black ward (that may elect a black person) than by three 30% black wards (that may all elect white persons).

WHAT ELSE IS WRONG WITH THE PROPOSITION THAT AT-LARGE ELECTIONS ARE CONSTITUTIONALLY INVALID?

First, it turns the traditional objective of the Voting Rights Act-- equal access to the electoral process-- on its head. As the Court said in Mobile, "this right to equal participation in the electoral process does not protect any political group, however defined, from electoral defeat." Second, it encourages political isolation among minority groups; rather than having to enter into electoral coalitions in order to elect candidates favorable to their interests, ward-only elections tend to allow minorities the more comfortable, but less ultimately influential, state of affairs of safe, racially identifiable districts. Third, it tends to place a premium upon minorities remaining geographically segregated. To the extent that integration occurs, ward-only voting would tend not to result in proportional representation. To summarize again by referring to Mobile, "political groups do not have an independent constitutional claim to representation."

WHAT WOULD BE THE IMPACT OF A CONSTITUTIONAL OR STATUTORY RULE PROSCRIBING AT-LARGE MUNICIPAL ELECTIONS?

The impact would be profound. In Mobile, the plaintiffs sought to strike down the entire form of municipal government adopted by the city on the basis of the at-large form of city council election. The Court stated, "Despite repeated attacks upon multi-member (at-large) legislative districts, the Court has consistently held that they are not unconstitutional." If Mobile were over-ruled, the at-large electoral structures of the more than 2/3 of the 18,000+ municipalities in the country that have adopted this form of government, would be placed in serious jeopardy.

WHAT WILL BE THE IMPACT OF THE "RESULTS" TEST UPON RE-DISTRICTING AND RE-APPORTIONMENT?

Re-districting and re-apportionment actions will also be judged on the basis of the proportional representation criterion. The New York Times, for example, in describing New York City's re-districting difficulties recently stated, "Lawyers for some of those who brought suit against the Council under the Voting Rights Act pointed out that statistics do not guarantee the election of minority group members. "It's twelve districts on paper, but at best it may be ten, maybe only nine, said Cesar A. Perales, general counsel to the Puerto Rican Legal Defense Fund." Minority groups alone will be largely immune to political or ideological gerrymandering on the grounds of "vote dilution".

WHAT IS "VOTE DILUTION"?

The concept of "vote dilution" is one that has been responsible for transforming other provisions of the Voting Rights Act (esp. section 5) from those designed simply to ensure equal access by minorities to the registration and voting processes into those concerned with electoral outcome and electoral success as well. The right to register and vote has been significantly transformed in recent years into the right to cast an "effective" vote and the right of racial and ethnic groups not to have their collective vote "diluted". The concept of "vote dilution" in the section 5 context is separate from the section 2 issue, except that this concept is likely to be borrowed by the courts in implementing the new "results" test should it be adopted in section 2. See Thernstrom, "The Odd Evolution of the Voting Rights Act", 55 The Public Interest 49.

ARE THERE ANY OTHER CONSTITUTIONAL ISSUES INVOLVED WITH SECTION 2?

Since section 2 is the statutory expression of the 15th Amendment, and since both provisions have been interpreted by the Court in Mobile to require some evidence of intentional discrimination, there is a major constitutional question whether or not Congress can alter this by simple statute. Similar constitutional issues are involved in pending efforts by Congress to overturn the Roe v. Wade by defining "person" for purposes of the 14th Amendment. Beyond the question of conflict with a Supreme Court decision, there is the constitutional question whether or not Congress possesses the authority to establish a standard for section 2 violations in excess of its 15th Amendment authority.

WHO CAN INITIATE ACTIONS UNDER SECTION 2?

In addition to prosecution by the Justice Department, section 2 would permit private causes of action against communities. Individuals or so-called 'public interest' litigators could bring such actions.

WHAT IS THE POSITION OF THE ADMINISTRATION ON THE SECTION 2 ISSUE?

The Administration and the Justice Department are strongly on record as favoring retention of the intent standard in section 2. President Reagan has expressed his concern that the "results" standard may lead to the establishment of racial quotas in the electoral process. Press Conference, December 17, 1981.

SUMMARIZE THE SECTION 2 ISSUE?

The debate over whether or not to overturn the Supreme Court's decision in Mobile v. Bolden, and establish a "results" test for the present "intent" test in the Voting Rights Act, is probably the single most important constitutional issue that will be considered by the 97th Congress. Involved in this controversy are fundamental issues involving the nature of American representative democracy, federalism, civil rights, and the relationship between the branches of the national government.

PROCLAMATION

1-NP
DC

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, the State of Texas current population totals approximately 14.2 million and is expected to reach 22 million by the year 2000; and

WHEREAS, of the current population, approximately 9.9 million Texans are eligible to register and vote; and

WHEREAS, as of November 3, 1981, only 6.6 million Texans were registered voters, or only two out of every three eligible voters were registered to vote; and

WHEREAS, in Texas' November 3, 1981 Constitutional Amendment Election, only 12.2 percent of the eligible voters exercised their right to vote; and

WHEREAS, in the 1980 Presidential Election, of the 6.6 million registered voters in Texas, 68 percent of the eligible electorate cast votes; and

WHEREAS, in the 1978 Gubernatorial Race, of the 5.6 million registered voters in Texas, only 42 percent of the eligible electorate exercised their right to vote; and

WHEREAS, in the 1976 Presidential Election, of the 5.3 million registered voters in Texas, 65 percent of the eligible electorate exercised their right to vote; and

WHEREAS, 1982 will be a high water mark for Texas politics with every House, Senate, and Congressional seat up for re-election along with nearly every statewide office, and

WHEREAS, during the decade of the 1970's, the percentage of the State's population growth resulting from in-migration was 58.3 percent, or 1.7 million, and these new Texans represent a large potential source of voters, and

WHEREAS, in the Spring of 1982, over 195,000 Seniors will graduate from Texas' public schools and this eligible population must be contacted and urged to register to vote; and

WHEREAS, increasing the voter registration of the State's eligible voters and encouraging this eligible electorate to vote in the upcoming 1982 elections is clearly a public necessity; and

WHEREAS, a massive voter registration drive by the Texas Secretary of State on a statewide level is currently underway; and

WHEREAS, the 1982 statewide voter registration drive has been endorsed by prominent organizations including the Texas Chapters of the NAACP, LULAC, American G.I. Forum, IMAGE, and the League of Women Voters; and

WHEREAS, active citizen participation in the electoral process is the foundation of our government; and

WHEREAS, April 2, 1982 is the date by which Texas voters must be registered to vote in the State's May 1st 1982 Primary Elections.

NOW, THEREFORE, I, William P. Clements, Jr., Governor of Texas, under the authority vested in me do hereby proclaim February 1, 1982, through April 2, 1982 as the official period for the statewide "VOTER REGISTRATION DRIVE" and urge all Texans, state and local interest groups, state and local office holders, candidates for election, educators, and the news media to support this observance.

Given under my hand this
29th day of January, 1982.

W. P. Clements, Jr.

WILLIAM P. CLEMENTS, JR.
Governor of Texas

ATTEST:

David A. Dean

DAVID A. DEAN
Secretary of State

FEB 1 1982

OFFICE OF THE SECRETARY OF STATE

DAVID A. DEAN
SECRETARY OF STATE

STATE CAPITOL
P.O. Box 12697
AUSTIN, TEXAS 78711

January 29, 1982

Ms. Diana Clark
President
League of Women Voters of Texas
1212 Guadalupe, Suite 109
Austin, Texas 78701

Dear Ms. Clark:

As per our discussion this week regarding the statewide voter registration drive, attached please find a copy of the Proclamation and accompanying press release.

Your assistance in this matter is greatly appreciated. If I can be of further assistance, please do not hesitate to call on me.

Sincerely,

Deborah B. Mitchell
Special Assistant

DBM:ds

Attachments

OFFICE OF GOVERNOR WILLIAM P. CLEMENTS, JR.
JANUARY 29, 1982

FEB 1 1982

FOR IMMEDIATE RELEASE:

Governor William P. Clements, Jr. today was joined by Secretary of State David A. Dean for the purpose of issuing a Proclamation designating February 1, 1982 through April 2, 1982 as the official period for a statewide "Voter Registration Drive."

Governor Clements stated that "based on the fact that only two out of every three eligible voters in Texas are registered to vote and that 1982 will no doubt be a high water mark for Texas politics with every House, Senate, and Congressional seat up for re-election along with nearly every statewide office, I am encouraging each eligible voter not currently registered to do so."

Secretary of State Dean stated "the statewide Voter Registration Drive by my Office will be the largest voter registration drive ever undertaken in Texas. An unprecedented effort will be undertaken to contact each graduating high school senior in Texas and new residents to the State to urge them to register and vote."

Diana Clark, President, League of Women Voters of Texas stated, "We are particularly pleased to join Governor Clements and the Secretary of State in their non-partisan voter registration effort this Spring." Ed Bernaldez, Texas State Chairman, American G.I. Forum, stated, "I urge each organization in Texas to back this Voter Registration Drive and it is historic for the Governor and the Secretary of State to initiate a statewide voter registration drive." A.C. Sutton, President Texas Chapter, NAACP, stated, "every individual should be privileged to exercise his right to vote and I endorse this effort to make this privilege available." Jose Garcia, Texas State President, IMAGE, stated, "I appreciate the leadership of Governor Clements and Secretary Dean in this endeavor and our organization supports this effort 100

percent." Oscar Moran, Texas State Director, LULAC, stated, "I can think of no other exercise than the right to vote which is more vital to the citizens of Texas. I pledge the total efforts of my office to this statewide voter registration drive."

Governor Clements concluded by noting that "active citizen participation in the electoral process is critical and I urge state and local interest groups, state and local office holders, candidates for election, and the news media to contact the Secretary of State for additional information on how they can actively participate in this effort and I urge their total support of this observance."

# # #

Diana Clark (512) 472-1100
Ed Bernaldez (915) 772-1442
A. C. Sutton (512) 220-2759
Jose Garcia (713) 226-4456
Oscar Moran (512) 690-3049

MAR 19 1981

DC ✓
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LCa
SO

OFFICE OF THE GOVERNOR
STATE CAPITOL
AUSTIN, TEXAS 78711

WILLIAM P. CLEMENTS, JR.
GOVERNOR

March 12, 1981

Ms. Diana Clark, President
League of Women Voters of Texas
1212 Guadalupe #109
Austin, Texas 78701

Dear Ms. Clark:

This is a more complete response to your question to me on the February 26 "Governor's Report." I recall your question being: "With the emphasis on eliminating child abuse in your crime prevention package, why did you recommend a $20 million reduction in Protective Service workers in your budget?

Through misunderstanding on the parts of both of us, I responded to only part of your question. Yes, my crime prevention package does increase the penalities for crimes against children. No, I did not recommend a $20 million reduction in Protective Services in the Department of Human Resources. The Legislative Budget Board recommended a reduction. I recommended adding $7.7 million to the program to keep Protective Service staff essentially at the same level, to improve management, and provide merit salary increases specifically for Protective Service, in addition to the 3% per year merit raises I asked for the entire Department of Human Resources.

The Legislative Budget Board (LBB), which is made up of five members each from the Senate and House and includes the Lieutenant Governor and the Speaker, recommended cutting Protective Services $5.8 million below the current biennium. The LBB recommendation is $5.8 million below the current biennium and $13.5 million below my budget recommendation. The LBB noted that their action was to make the Department of Human Resources aware the agency's investigative tactics were considered by many Texans to be too accusative, and to direct the agency's attention toward certain cases of child abuse.

I hope this clarifies my position on the issue of Protective Services. I enjoyed having you on the program.

Sincerely,

Bill Clements

William P. Clements, Jr.
Governor of Texas

WPCJr:ger

Jack - Fowler
Clay - Robeson
Susan Wright -

67th Legis -

I a) If the federal gov't gives only block grants to states, who will decide how the funds are to be allocated.

finance Mgt Com

b) What are your priorities for the division of these funds?

Q + from aud.
Meier
Money Mkt
risk disclosure

Indust. dev & seek foreign invest? in Texas -

II What impacts on the state budget are anticipated ~~with~~ cuts in federal grants to state and local governments.

III A new constitutional amendment identical to one defeated at the polls two years ago providing for legislative review of executive agencies rules is being heard in Senate tomorrow morning. What ~~(steps)~~ position are you taking this time around?


KNOW
KVET


KNBC
KVET

WALLER

the administration

KUHT Houston 556

4. On the question of CVD funds - there were some harsh words in the legislature this grasscarp week - Do you object to other state officials participating in the decision making and if so, why, Hobby - will share with - elderly programs - ? Upgrad adults -

Prolife HB 578 recut

5. You have been publicly quiet during the redistricting debates. Although I've heard rumors of a veto Do you think a special session is in the cards for Congressional reapportionment? (Corp Comm.

Texas wilder Conf. coming

Modernizing Prisons

persons reserv line item vetos

6. What does a Texas Governor do between now and the end of his term?

7. If you decide to run for a second term how do you feel about a statewide televised debate before the November election?

The budget conference committee refused to go along with the Senate approved funds for residential centers for probationers which would have somewhat relieved the incoming population to TDC.

8. what is your biggest disappointment as this session draws to a close? exceeded my expectations

OFFICE OF GOVERNOR WILLIAM P. CLEMENTS, JR.

MAY 7, 1981

For Immediate Release:

Governor Bill Clements today announced a new conditional parole program designed to get 1,500 of the 3,000 inmates who now sleep on Department of Corrections floors into halfway houses on parole by July 1.

The program, to be operated by the Board of Pardons and Paroles, carries out the intent of SB 125 creating a system of halfway houses for parolees. The Senate Finance Committee has recommended $16 million for intensively-supervised halfway house placements during the next biennium, in an effort to comply with a federal court order to eliminate triple-celling of inmates by August.

"I have been informed by Attorney General Mark White that the State's ability to obtain a stay order in the Ruiz v. Estelle lawsuit will be severely impaired if prisoners are housed in facilities requiring inmates to sleep on the floor of the Texas Department of Corrections, Governor Clements said.

"On the urgent request of Attorney General White that programs be undertaken to alleviate overcrowding immediately and to assist the Attorney General in obtaining the stay order, which is of critical importance because of the far-reaching effects of the federal court order on the day-to-day activities of the Department of Corrections, I am consenting to the implementation of this program with the hope that it will remove the last impediment to obtaining a stay order," the Governor continued.

Board of Pardons and Paroles contracts with participating halfway houses and individual parolee contracts will be tightly drawn under stringent criteria to insure protection of law-abiding citizens.

Ruben Torres, Board of Pardons and Paroles chairman, and TDC Director Jim Estelle, strongly support the new program and will work to begin it immediately rather than waiting until September 1 when SB 125 becomes effective. The Board of Pardons and

Paroles has applied for and received a supplemental grant from the Governor's Office of General Counsel and Criminal Justice to their halfway house program in the amount of $1,250,000 to immediately begin placement of conditional parolees. An intensive screening process based on stringent and tightly drawn criteria for eligibility will be conducted to identify inmates most likely to succeed in this program. Inmates will receive the highest degree of supervision possible throughout their participation in the program to insure protection of the public. The Board will place 750 parolees in halfway houses by June 1, 1981, with an additional 750 parolees to be placed by July 1, 1981. The Board of Pardons and Paroles has surveyed available halfway houses and identified that sufficient bed space exists for these placements.

The conditional parole program contains numerous safeguards aimed specifically at protection of the public. These include intensive supervision of the parolee by the Board of Pardons and Paroles within a highly structured rehabilitation program at the halfway house to assist parolees' adjustment to the free world. In addition, the Board of Pardons and Paroles' contract with halfway houses will contain strict provisions requiring supervision during non-working hours, and restriction of the activities and mobility of parolees outside their working environment. Further, a parolee's contract with the Board of Pardons and Paroles will include provisions for: (1) restitution to the victims of his crime; (2) a minimum of six months residency in the halfway house; and (3) reimbursement to the State for the cost of his stay in the halfway house from his earnings to the extent possible. These provisions insure the program will be operated in the most cost-effective manner possible.

"I have advised Lt. Governor Hobby, Speaker Clayton, and Attorney General White of this program. TDC's Board of Corrections has already approved this program. This program will result in getting 1,500 or half of the 3,000 inmates who currently sleep on the floors of the Texas Department of Corrections off the floors by July 1, 1981," the Governor said.

Governor Clements continued:

"Other available alternatives designed to reduce TDC's overcrowded conditions are already underway. In addition to the Senate Finance Committee's appropriation for intensively supervised halfway house placements for parolees, the Committee has also responded to this crisis by appropriating $8.7 million for placement of probationers in halfway house settings. Further, the Texas Department of Corrections is examining the possibility of purchasing the Harris County Rehabilitation Center or building new facilities on existing land to expand its work furlough programs in secured work furlough centers under my $18 million appropriation request which has also been recommended by the Senate Finance Committee. Finally, the Legislature has approved my appropriation request for $35 million for construction of additional permanent housing for inmates. It is obvious that this construction cannot be completed by August 1, 1981. In order to get all of the inmates off of the floors by August 1, I am working with Jim Estelle to enable the Texas Department of Corrections to construct temporary tent encampments within existing units, to house inmates who are sleeping on the floor while the permanent facilities are being constructed from the $35 million appropriation. Jim Estelle's construction program for the 1982-83 biennium will result in 10,800 additional permanent bed spaces for inmates by August 31, 1983.

"I am encouraged that, based on my April 21 meeting with U.S. Attorney General William French Smith, head of the U.S. Department of Justice and his Deputy Ed Schmultz, the Reagan administration is re-examining their position in the Ruiz v. Estelle lawsuit. The positive outcome of our meeting reinforces my belief that major ramifications in favor of the State's position of obtaining a stay order could well occur when the case is appealed. I again urge Attorney General White to grant the Texas Department of Corrections' request for outside counsel so Texas can muster the maximum legal talent on appealing Judge Justice's court order.

"There is no doubt that we are in a crisis situation--a situation that was not chosen by the elected officials of this state or its citizens. I ask state and local officials, representatives of State and local criminal justice agencies, and the citizens of Texas to cooperate and work together to solve this crisis. I have reviewed the State's alternatives with experts in the field and the state's leadership and believe that by working together, we can reduce TDC's population to a level which eliminates inmates sleeping on the floors of the TDC by July 1, 1981. I believe that the programs I have proposed, to which the Senate Finance Committee, the Board of Pardons and Paroles, the TDC, and the Legislature have favorably responded, will accomplish this goal. I will not support the wholesale release of inmates to their homes under the guise of work release. Rather, programs such as the intensively supervised halfway house placements for parolees will be used to address the orders of the Federal Judge while maintaining the safety of Texas' citizens."

###

Omar Harvey
[CJD director]

+ Clyde ~~Black~~

Tommie Buchanan = Overview -
Community based Correction
" Taking care of its own -

a) Wayback House - cap 45
mostly parole -

5.

~~19.2~~	5.3 intensive, sup-
22.M -	22.M. maybe for 1/2 way

1 alcohol
1 Drugs
1 Children
no female -
1 sm. probation (15)

need - more facilities
run by local community
- need selling job -

Coalition of varied org.
- draw attention to needs
-

probationers

Carolyn | how we might get started

get people from state to come
talk to forum -

Goal - what kind of local process do we want.

How many are in TDC is on appeal -

80-81
CJD 20 M (9 state funds)
81-82
CJD 16-18 M

Clements defends prisons

Governor concedes expensive system expansion needed

By CAROLYN BARTA
Political Editor of The News

Texas Gov. Bill Clements defended the Texas prison system Wednesday but said the legislature must correct overcrowded conditions with funds for buying sites and beginning construction on two prisons.

"We in Texas have a model prison system," said Clements, contending visitors come from other states and overseas to observe the operation and programs of the Texas Department of Corrections.

The system houses 29,000 inmates, more than any other state.

"We can take pride in our prison system," Clements told the Rotary Club of Dallas at a downtown luncheon. "But that doesn't alter the fact that we need more prisons. We're going to take care of that in this session, and it's going to be expensive."

Clements made the remarks in the face of a court order issued last month by U.S. Dist. Judge William Wayne Justice of Tyler, who held that most aspects of TDC inmate life are unconstitutional.

Finding some units populated to twice their design capacity, Justice ruled that "immediate action" must be taken to alleviate overcrowded conditions. He also said widespread staff brutality must cease, and medical facilities and health and safety standards be upgraded.

Clements said he supports only "about half" of the court-ordered changes — including Justice's condemnation of placing three inmates in a cell — and said the two new prisons would be in addition to the new Grimes County site.

"We are overcrowded and we must correct that," Clements said. But he said, "Let's not go overboard on what's wrong with our prisons. We have an excellent prison system, and as taxpayers we should be proud of it."

The Legislative Budget Board has recommended budgeting more than $157 million for the next biennium to begin construction on two units that would hold 2,000 inmates each.

Clements also defended his low parole rate, saying 43 percent of inmates are locked up for major crimes and are "meaner, tougher and more dangerous than convicts in previous times."

"They're not down there for stealing chickens. They're down there for heinous crimes."

Even with increased prison expenditures, Clements said he will recommend a state budget at the opening of the 67th Legislature next week that is "considerably less" than the $26.2 billion, 2-year budget recommended by the Legislative Budget Board. This total by the board — which consists of the lieutenant governor, the house speaker and house and senate budget writers — represents a 30 percent increase in state spending.

Clements previously has advocated returning a $1 billion surplus to taxpayers. But in line with his recent statements about the difficulty of finding a mechanism by which that tax relief can be implemented, he said Wednesday that he wants to return "some" of the anticipated $1 billion surplus.

In his first formal speech of 1981, Clements outlined his legislative goals, many of which he sought unsuccessfully two years ago. These include initiative and referendum, legalized wiretaps and public school reforms.

Clements will push for a 22 percent increase in teacher salaries, as recommended by the Texas Education Agency, and competency tests for teachers. He also is recommending:

- Legislation to prohibit state employees from authorizing automatic deductions from their state pay checks to pay union dues.
- A proposed constitutional amendment allowing the state to guarantee a low-interest loan program to provide seed money for prospective small businesses.
- A plan for proper disposal of low-radiation-level nuclear wastes generated in the state.
- Compact and contiguous congressional and legislative districts "without all the gerrymandering that we've seen in the past."

bcc: Hunter, Keever, SO

November 20, 1979

The Honorable William P. Clements, Jr.
Governor of Texas
P.O. Box 12428
Austin, Texas 78711

Dear Governor Clements:

The League of Women Voters of Texas appreciates your joining with us in opposition to the unlamented late Amendment #2 on the November ballot.

Under our general support of measures to increase the effectiveness of the executive department of state government, we supported four year terms for governor. We continue our support for a governor having the power to both appoint and remove non-elected officials with reasonable safeguards prescribed by law.

Sincerely,

Diana Clark, President

Clements against Proposition 2, voices favor for Propositions 1, 3

Post Austin Bureau

AUSTIN — Gov. Bill Clements said Thursday he is against ratification of a proposed constitutional amendment to let the Legislature delegate to its committees authority to review rules adopted by state agencies.

He also said his office is looking into allegations of sex discrimination at the State Department of Health and said he will name an appointee to the Supreme Court of Texas "very shortly."

The governor told his weekly news conference that Proposition 2 on the Nov. 6 general election ballot "is clearly an encroachment on the separation of powers principle" and should be defeated. It is one of three proposed amendments which voters will be asked to decide. The governor endorsed the others.

THE AMENDMENT, WHICH HAS DRAWN oppositon also from the League of Women Voters of Texas, would change the constitution so the Legislature could pass laws providing for legislative review of executive department agencies' rules, establish conditions for the rules to take effect and provide for suspension, repeal or expiration of rules.

That authority, which the amendment concedes is an exception to the separation of powers doctrine, could be extended to either or both houses of the Legislature or to committees of either or both.

"No responsible chief executive would approve of this amendment to the state constitution," Clements said. "If it were adopted, the Legislature could delegate its rule-making oversight to a committee made up of a handful of members."

The procedure also would make it easier for special interest groups to influence agency rule-making and "conceivably could permit a handful of legislators to interfere with or delay administrative rules necessary for implementing legislative policy," he said.

HE ENDORSED PROPOSITIONS 1 AND 3. Proposition 1 would authorize the Texas secretary of state to appoint notaries public on a statewide basis rather than on a county-by-county basis and for terms of up to four years. Proposition 3 would establish a $10 million fund through the sale of general obligation bonds to help guarantee loans for purchase of farms and ranches by individuals.

The third issue, he said, "would help individuals obtain small tracts of land for agricultural purchases" and contains eligibility safeguards to limit risk to the state and to keep land speculators and large corporations from benefiting from it.

The governor also said he has asked Don Cavness of his staff to look into complaints that women employees of the State Department of Health were subjected to sexual advances by a male supervisor within the agency. Dr. Raymond Moore, state commissioner of health, also is probing the charges by several employees and corroborated by one former employee.

The issue became public when women employees complained to state Rep. Wilhelmina Delco of Austin and filed a sexual harassment complaint with the U.S. Equal Employment Opportunities Commission in San Antonio. They said the male supervisor grabbed their breasts, pinched and pawed them and harassed them when they resisted his advances.

SAYING HE WAS NOT FAMILIAR with details of the incident, the governor told reporters, "As long as we are going to have in the state 150,000 or 160,000 (state) employees, you can be sure there are going to be incidences of this nature . . . I don't find anything unusual about this.

"The question is, do you do something about it?" he said.

Clements said he has narrowed to two the number of persons he is considering for appointment as associate justice of the Supreme Court of Texas to fill the vacancy created by the resignation of Sam D. Johnson, who resigned to accept appointment to the U.S. Fifth Circuit Court of Appeals.

The governor said he talked with one prospective appointee Thursday morning and said he would "make the decision very shortly."

The governor also announced the resignation of Omar Harvey as head of the Texas Department of Community Affairs effective Dec. 31. Harvey cited health as a main reason for the move.

TEXAS STATE GOVERNMENT EFFECTIVENESS PROGRAM
GOVERNOR'S PRESENTATION TO STATE AGENCY BOARDS, AGENCY HEADS AND COLLEGE PRESIDENTS
December 17, 1980

I. EMPLOYMENT REDUCTION - Comparing August 31, 1979, with August 31, 1980, approximately 532 full-time equivalent employees were reduced for all state agencies excluding higher education. Comparisons for various categories using both agency and Comptroller's data are:

	Jan 1979	Aug 1979	Aug 1980	Aug Variance
A. State Agencies Report (excluding Higher Education)	90,724	91,175	90,643	-532
B. Comptroller's Report-- State Agencies (excluding Higher Education)	96,487	98,895	97,459	-1,436
C. Comptroller's Report-- All State Government	167,144	151,467	155,452	+3,985
D. Twelve Largest Agencies Report	77,062	77,976	77,334	-642

Using Bureau of Census data for 1979 overall progress shows that although population grew from 13 million to 14 million over the last two years, the rate of state employment growth in the most recent year has been brought to zero levels. Thus, FTE's per 10,000 population has been reduced from 128 per 10,000 in 1976 to 125 per 10,000 in 1979.

The Management By Objective Task Force is currently designing policy guidelines for Minimum Work Force Determination which will also be presented to the October 23 SAMEC meeting.

II. STATEWIDE PERSONNEL PROJECT - To standardize personnel policies statewide, an advisory council on the improvement of personnel policies was created in July to make recommendations to the Governor in November 1980. This group is studying the following areas:

1) Personnel Administration and Organization
2) Management Training
3) Compensation including merit
4) Benefits
5) Performance Planning and Review
6) Classification

Approximately 20 state and industry volunteers are working on this project. Industries represented are Southland Corporation, U.S. Steel, P P G Industries, Shell Oil, First National Bank of Dallas, I.B.M., Southern Union Gas Company, Southwestern Life Insurance. The following

data sources will be used to conduct this study: Personnel Operational Audits of the Texas Department of Mental Health and Mental Retardation and the Texas Department of Health, employee questionnaires sent to approximately 9,000 employees of the 12 largest agencies, interviews with top management of the 12 largest agencies, questionnaires sent to the directors of the 12 largest agencies, and the data gathered by Representative Bode's Committee. The recommendations from this group will be considered for inclusion in the Governor's legislative package in the next session of the Legislature.

III. MANAGEMENT TRAINING - The Advisory Council for Management Training was created this summer to design a core management training curricula for first line supervisors in Texas state government. Drew Daly who designed IBM's National Training Program has been recruited as Project Director. Six full-time state agency line managers are being recruited for one year rotational assignments to conduct classes and provide follow-up job assistance. The projected milestones are:

1)	Survey Agency Training Needs -	October 1980
2)	Design curriculum -	December 1980
3)	Pilot Test -	January, February 1981
4)	Begin Training -	March 1981

Approximately 900 first line supervisors will be trained during 1981.

IV. MANAGEMENT BY OBJECTIVE - The Management By Objective Task Force of the 12 largest agencies has been meeting since early last fall. During this period, 3500 managers have been oriented to the management by objective planning process. In addition, several of the largest agencies have held formal training courses and pilot tests of the management by objective planning process. The Texas Department of Highways and Public Transportation has conducted training courses for approximately 670 managers.

The Task Force projects that approximately 10,000 managers will have received management by objective orientation sessions by the end of fiscal year 1981. This projected target approximates all managers in these agencies since the supervisor to employee ratio is about 10 to 1. The Management by Objective Task Force is also currently studying the need to further integrate MBO with Zero Based Budgeting concepts.

V. OPERATIONAL AUDIT - Operational Audit Program was initiated last October at the request of the Board Chairmen and Commissioner of the Texas Department of Mental Health and Mental Retardation. Using a blend of approximately 80 industry and state agency volunteers, over 90 major recommendations were made to the agency in the following areas: Organization and Reporting, Accounting and Financial Systems, Personnel and Compensation, Data Processing and Computing Services, Purchasing, Supply and Inventory, Construction and Maintenance, Food Service and Laundry. TDMHMR has drawn implementation plans for all eight areas which have been reviewed with the Operational Audit group. A monthly progress

report on the audit is also being reviewed by the Governor's Budget and Planning Office.

An Operational Audit of the Texas Department of Health was initiated at the request of the Commissioner in March 1980. First draft reports have been reviewed with the Commissioner in the following areas: Personnel and Compensation, Data Processing, Purchasing, Supply and Inventory. The Accounting and Financial Systems Operational Audit will be reviewed by the Commissioner in mid-October and all four audits will be reviewed with the Board on October 31, 1980.

An operational audit of the Texas Rehabilitation Commission in the Personnel and Compensation area was initiated in the summer of 1980. This audit will be completed in late October and will also input the Statewide Personnel Project.

An operational audit of the State Purchasing and General Services Commission was initiated at the request of the Commission in May to review the cost-effectiveness of the state procurement processes. Approximately 20 corporate volunteers are working on this project. The first draft of the audit was reviewed with the Director on October 15, and will be reviewed with the Commission on October 22.

Approximately 12 corporate volunteers have been recruited for the next agency operational audit which will be initiated in October.

VI. SUMMARY OF PERSONNEL - Approximately 130 volunteers from the private and public sectors are working on the Texas State Government Effectiveness Program.

Associated Press

Bill Clements ... promises "highly visible" tax relief.

Clements scraps $1 billion tax cut

By SAM KINCH JR.
Austin Bureau of The News

AUSTIN — Gov. Bill Clements Thursday junked the idea of providing up to $1 billion in direct tax relief, proposing instead a "high-priority" reserve fund for future water-supply projects.

Although Clements didn't attach a dollar goal to the water fund, supporting budget documents indicated he envisions about $300 million in seed money.

Clements told the legislature that the reserve fund "is a form of tax relief" and "is indeed a tax savings in the long-term sense" because it would set aside today's money to finance tomorrow's problems.

But Clements backed down from a 2-year commitment to provide $1 billion in direct tax relief, which the lawmakers ignored two years ago.

As recently as his final news conference before the legislative session began, Clements promised "highly visible" tax relief in a form that would "get right down to the taxpayer." He said at the time, however, that he had not chosen the specific method of granting the tax relief.

In his "state of the state" address to the legislature Thursday, Clements said leaders "should continue to look for opportunities to return surplus tax dollars directly to the people of this state."

Legislative leaders generally agreed Clements wisely made tax relief a lower priority, because enough money does not exist to meet budgetary needs and still reduce state taxes substantially.

Other than House Speaker Billy Clayton, who proposed the idea, the same leaders were skeptical about Clements' support for a water trust fund. Lt. Gov. Bill Hobby has enough money will not be available to start that fund.

Clements' second major address to the legislature produced no other surprises. But the tone was more conciliatory than the governor has used in the past, and he asked for "a partnership based on respect and cooperation."

Clements proposed a state budget that is $515.5 million less than the major-funds spending endorsed by the Legislative Budget Board. The LBB's proposal, which the lawmakers normally work from, is $210 million

See CLEMENTS on Page 4A.

Index

Weather

Dallas-Fort Worth area — Fair and warmer through Saturday. Highs Friday and Saturday in the lower 60s.

Weather on Page 17A

Clements deals lawmakers few surprises

By STEWART DAVIS
Austin Bureau of The News

AUSTIN — Texas lawmakers said Thursday they found few surprises in Gov. Bill Clements' legislative proposals, even the fact that he has apparently given up the idea of $1 billion in direct state tax relief.

"Reality has manifested itself. It's not likely to occur," said Rep. Bob Davis, R-Irving, chairman of the house ways and means committee, which would handle any tax-cut measures.

"In terms of looking at tax reductions, we're going to have to see more of what the legislature's product is going to be (on the spending side of the ledger) before we start examining tax cuts," Davis said.

Sen. Grant Jones, D-Abilene, said no mechanism exists in the state tax structure for granting direct tax relief without "wrecking" state operations.

Clements' proposal for a reserve fund for future water projects is not a bad idea, even though there may be little surplus to put into the fund, said Jones, chairman of the senate finance committee.

Clements' budget documents, about 2 inches thick, indicate about $300 million might be available for creating the trust fund.

"It's better to go into a fight with a short stick than with no stick at all," Jones said. He would be happy to see that much money set aside, he said.

Lt. Gov. Bill Hobby endorsed the water trust fund and said he was generally pleased with Clements' proposals.

"With a water program, you have to plan 20 years in the future, and I think a dedicated fund is justified," Hobby said.

Hobby has opposed dedicating state funds for specific purposes in the past, and he expressed skepticism that there would be money to put into the fund.

House Speaker Bill Clayton, the West Texas farmer who sold Clements on the water fund idea, was elated at Clements' proposal.

"I am glad he is for it, and I still think it is possible to do this year," Clayton said.

But Clayton doesn't see how the trust fund could be established while granting any tax relief, since 2-year budget projections already have taken up virtually all the $27.9 billion total available for appropriations.

Clayton and some lawmakers expressed surprise at Clements' suggestion that a department of commerce be created to combine and strengthen state agencies involved in economic development, promotion, trade and commerce.

The idea might be approved by the legislature if Clements is talking about combining the state Industrial Commission, Tourist Development Agency and similar agencies in a single department, Clayton said.

The new state agency was proposed in the face of cutting back state agency spending projections in many other areas, Rep. John Bryant, D-Dallas, said.

"The things he has talked loudest about were left out of the speech," Bryant said, calling the speech a "rerun" of what Clements asked the legislature to do in 1979.

Bryant accused Clements of being "two years behind the law" regarding a prohibition against "social promotions" of public school students who cannot pass academic tests for going to the next higher grade.

"I sponsored the amendment last time to prohibit social promotions and to require remedial assistance," Bryant said.

Rep. Ron Coleman, D-El Paso, who with Bryant speaks often for a maverick minority in the house, said Clements' apparent answer to the state's crime problem is to "throw more laws at it."

Coleman predicted the coalition of dissidents would split a number of ways on Clements' various proposals.

Sen. John Leedom, R-Dallas, called Clements' proposals very upbeat, positive and realistic. The presentation was "more mature," indicating Clements realizes the need to work with all sides in reaching accord on disputed issues, Leedom said.

Jones said he couldn't support Clements' emphasis on initiative and referendum because it allows drafting new laws without the opportunity for all viewpoints to be expressed.

Clements targets cuts in education

Continued from Page 1A.

more than Comptroller Bob Bullock's estimate of major state funds.

The governor cited the difference as an indication of how tighter management control of state spending can produce "better government." But he also said that his admittedly "tight" budget "is sensitive to the needs of all Texans."

Clements proposed cutting $250 million from the LBB-approved education programs — including $87 million from medical education, $45 million from public elementary and secondary school spending, $32 million from senior colleges, $29 million from vocational-technical education and $28 million from junior college funds.

Still, the governor's budget would allow an overall $2.4 billion increase, or 25 percent, in major-funds spending for education over the next two years.

Other Clements-proposed cuts below the Legislative Budget Board's figures include $98 million from general executive-branch spending (two-thirds of it from corrections and highways) and $171 million from social service agencies (three-fourths of it from welfare and mental health-mental retardation programs).

Clements also delivered a 38-point legislative program of issues "which I feel are of paramount and immediate importance — not because I say so, but because the people of Texas say so."

The issues range from previously rejected ideas, such as initiative and referendum, to incomplete plans to combat drug traffic. But the governor also proposed potentially far-reaching community-based corrections, a new state personnel management system, an exemption of gasohol from state taxes and a department of commerce.

Clements spoke out again for a "back-to-the-basics" curriculum, a new system for handling school discipline problems and an end to "social promotions." He endorsed competency testing of prospective teachers but supports a "grandmother" clause exempting those who already are teaching.

Israeli deficit drops by 13%

TEL AVIV, Israel (AP) — Increased exports and decreased imports brought down Israel's trade deficit by 13 percent last year, official figures show.

The study by the State Bureau of Statistics found the deficit was $2.645 billion in 1980, compared with $3.040 billion the year before.

Highlights of Clements' legislative proposals

Austin Bureau of The News

AUSTIN — Here are highlights of the proposals Gov. Bill Clements made Thursday to the Texas Legislature:

- Increase salaries for public school teachers 22 percent over the next two years.
- Competency testing for new teachers before certification.
- A "master teachers" program of added pay for high performance.
- Authorize school districts to establish separate programs for students who disrupt regular classrooms.
- A 28 percent pay raise for state college faculty members over the next two years.
- Wiretapping under court order in narcotics cases.
- Authorize the use of oral confessions as evidence in criminal trials.
- Tell jurors about parole laws when they are considering a sentence.
- Limit the use of "shock probation."
- Increase the penalty for deliberate child abuse.
- Reorganize the board of pardons and paroles and establish halfway houses to help parolees reenter society.
- Make county bail bond boards more accountable.
- Define aggravated rape or sexual abuse to include offenses in which the victim is in fear of death, serious bodily injury or kidnapping.
- Continue state funding of the Governor's Criminal Justice Division, formerly operated from federal funds.
- Buy two more prison sites and construct two additional prisons.
- Expand community-based correctional facilities.
- A 24 percent pay raie for state employees and retired public school teachers.
- A new personnel management law for uniform standards for all state agencies.
- Prohibit union dues deductions from state employee paychecks.

18 December '80

TAPC – Gov. Remarks – MBO

★ Tx St. Gov. Effectiveness program

Keep – lines of comm. fully open –

5th lowest tax burden
4th without corporate use tax
5th " personal " "

---

stopped growth of st gvt –
(reduced somewhat)
12 largest state agencies
(
can be more effic. managed
now will use higher ed –
than the smaller agencies –
case by case basis –
rather than across board
TDC DPS need staff increases

6 Members – front line of action –
selling mgt goals

~~Let's fully~~

got planning ahead
rather than just next budget -

Texas 2000 - we do long
range looking -

we still have a choice compared
to other states

spending
1970-80 rose 170%

Texas cope with ↓ #3

1. Cont. pop. growth 14.1 Mill
21-22 M by 2000 (50% inc.)
we must be prepared to meet needs
2. Decline in oil+gas rev.

{ 20% of all taxes
{ 29% ed.
{ 54 AFDC - TSTA ref.

[70-79 oil prod. 21% decline
gas " 26%]

use pop
dec 0+9 -

3 alt. (1) reduce serv
(2) inc. taxes
(3) improve productivity
(better management)

tap expertise in priv. sector

Wrotenberg -

Indirect gov. impact on agency.
for long range planning
particularly broad issues.
strengthen bd. system -

MBO - import. + significant

Elements of TSGEP [& + ot spec prog.]

Bd Eff

Empl. red. [better Mgt]

MBO

Zer B. Budg.

personnel mgt {
Perf. plan. + review
Merit pay + compen.
Mgt devel.
}

oper. audit (using private sector help)

Lg Agencies

80% of State empl.

1 TDC
2 DPS
3 MHMR
4 DHR
5 TRANS + HW.
6 D Health
7 DWR
8 RRC
9 P+WL
10
11
12 TYC

Ecol

how can a case load be managed better if the case load is people?

MBO → goal
10,000 Mgrs trained by 1982

Goals
Objectives
Actions

Minimum workforce - maximum efforts

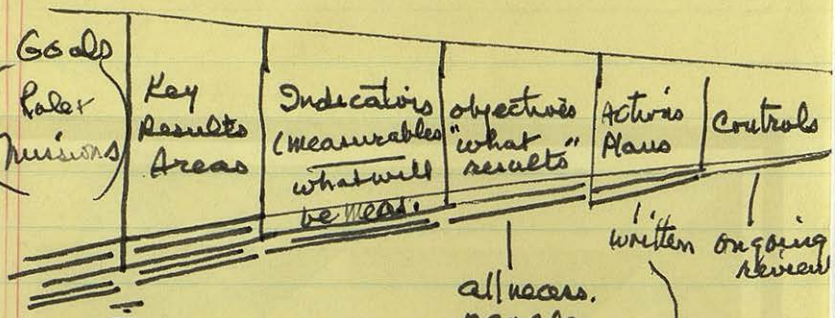
MBO 40% red. in paper over 5 years —
process oriented - checklist
generates more people + paper
product oriented = reductions

Carrie Carleson DWR - exec. offices
Wal DH+T

Definition + Purpose
Elements
Documentation
Total MBO Syst
Syst. applications
Implementation

A-] Background - History
- eval. of perf methods - Unhappiness
Subord. mod
obj. forms
Obj imple
} Drucker mod

B- Definition - ~~Components~~
"George Odiorne" - author
of a definition
Planning Organization Staffing
Directing Controlling



all users. people understand

sequence
assigns responsib. timeframe

Specific
Measurable
Achievable

ideas / Communication — limited amt. of written

$4.5 billion in 'new money' offers tax relief, official says

By SAM KINCH JR.
Austin Bureau of The News

AUSTIN — Executive budget and planning director Paul Wrotenbery said Friday that $4.5 billion in projected "new money" will permit Gov. Bill Clements to propose — again — substantial tax relief for Texans.

But he didn't put a dollar figure on what Clements will recommend, and he didn't say what kind of tax relief Clements has in mind.

Two years ago, Clements entered office with a plan for a $1 billion cut in property taxes, but the legislature ignored the proposal in favor of more state aid to school districts.

Wrotenbery, addressing the business-financed Texas Research League annual meeting, said the projected $4.5 billion in additional state revenues for the 2-year budget period beginning next Sept. 1 would allow a 29 percent increase in spending over the current budget. That amount "is more than we could responsibly spend," he said.

The unspecified tax cuts can be accomplished by a combination of restraint against new state government programs, an emphasis on effective and efficient delivery of state services and better management in state agencies, he said.

In assessing Clements' first-year goal of reducing state employment by 5,000, Wrotenbery said the actual decrease was 600 on a full-time-equivalent basis. Though he fell short of the goal, Clements thinks the fact that contraction rather than expansion of the state payroll occurred for the first time in modern history is a significant start, Wrotenbery said.

Clements will turn his attention to state college payrolls in 1981, having skipped over them initially to concentrate on the dozen largest state agencies, Wrotenbery said.

Clements is even happier with the progress achieved and the cooperation offered in his other goal — more efficient management of state agencies, Wrotenbery said. By a year from now, 10,000 state employees will have gone through an intensive short course in management techniques, he said.

But Wrotenbery also told the 200 business executives, representing 1,500 member companies, that state government needs to prepare itself for a 15- to 20-year future in which both natural resources such as oil and gas and economic trends such as budget surpluses will disappear.

That is why Clements' Texas 2000 program is needed to produce "an umbrella of statewide objectives" for turn-of-the-century decision-making, Wrotenbery said.

He praised the Texas Research League, too, for being the focal point of private business talent injected into state agency evaluation and direction.

The Research League's board of directors approved a $768,915 budget.

The directors also elected the following Dallas-Fort Worth business executives as directors:

Elvis L. Mason, First International Bancshares; T.L. Austin Jr., Texas Utilities Co.; R.K. Campbell, Texas Power & Light; Gerald Fronterhouse, Republic of Texas Corp., and James B. Lawrence, Braniff International.

Also Bruce A. Lipsby, Zale Corp.; Paul Masou, First National Bank of Fort Worth; W.C. McCord, Ensearch Corp.; W.R. McDowell, Missouri Pacific Lines; John F. Ogletree, Xerox Corp., and Reece Overcash, Associates Corp. of North America.

Others were Robert E. Scifres, National Gypsum Co.; Robert H. Smith, U.S. Steel Corp.; William T. Smith, Champlin Petroleum Co.; John F. Stephens, Employers Insurance of Texas; Wayne Calloway, Frito-Lay, Inc.; James E. Chenault Jr., Lone Star Steel, and William H. Clark III, attorney.

Also James B. Goodson, Southland Life Insurance Co.; Jess Hay, Lomas & Nettleton Financial Corp.; Morris Hite, Tracy-Locke, Inc.; Paul Thayer, LTV Corp.; Liener Temerlin, Bozell & Jacobs, Inc.; Al Casey, American Airlines; W.L. Hutchison, Texas Oil and Gas Corp., and L.G. Lesniak, IBM Corp.

Six delinquent counties delay final vote results

AUSTIN (AP) — Six delinquent counties are holding up final official results of the Nov. 4 general election, the state canvassing board said Friday.

The board met Friday but was forced to recess until 4 p.m. Monday because the counties had not sent in their county canvass of votes.

Statewide figures on the presidential election, and state and local races, cannot be determined until all reports are in, said Assistant Secretary of State David Herndon who was sitting in for Secretary of State George Strake.

Herndon also said his office had not been able to tabulate reports received from several large counties Thursday and Thursday night.

Meeting with Herndon was Bob Rowland, of Austin, the citizen member of the board. Gov. Bill Clements, the third member, was in Washington.

Herndon said the missing counties were Comal, Grimes, Hidalgo, Scurry, Zavala and Live Oak.

He said Bexar County results were not received until late Thursday, Harris County came in Thursday night and Sherman was not received until Friday.

The last unofficial returns by the Texas Election Bureau from 5,845 of the 5,849 precincts showed Ronald Reagan with a popular vote of 2,541,519, or 56 percent, and President Jimmy Carter with 1,845,114, or 41 percent.

Med school expansion shelved

LUBBOCK (UPI) — An accreditation committee has given the Texas Tech medical school a clean bill of health, but the team indicated it will table for three years a request to increase enrollment, school officials said Friday.

Dr. George S. Tyner said the Liaison Committee on Medical Education, which reviewed the regional school's campuses at Lubbock, Amarillo and El Paso, has indicated it will turn down temporarily a request to increase the size of the school's freshman class, from 100 this year to 120 next fall.

THE TECH medical school officials — mindful of a national study that recommends decreasing medical school enrollments to avoid a glut of physicians — nonetheless contends an entering class of 120 at Tech would be the most cost-effective size.

The medical school, which opened with an enrollment of 61 eight years ago, now has 236 undergraduates and 182 residents (medical school graduates in graduate training programs).

SCHOOL administrators told the accrediting committee the state legislature intended for the school to operate with a class size of 120 when the institution was created almost nine years ago.

Moreover, officials said, despite a national trend in the opposite direction, the West Texas area is critically short of physicians.

A delay in admitting new students, officials said, will exacerbate the problem.

"We have in the background of asking for an increase of student numbers the (Graduate Medical Education Advisory Committee) report to the department (of health and human services) that medical schools should be decreasing in enrollment throughout the United States," Tyner said.

"WE HAVE taken exception to that, and also the University of Texas — through its vice chancellor of medicine — has taken exception to that. We in Texas may have a doctor shortage by 1990, based to some extent on a major population shift to the Sun Belt," Tyner said.

Legislator takes aim at Clements' approach to cutting state work force

BY RICHARD FLY
Chronicle Austin Bureau

AUSTIN — The chairman of the Senate Finance Committee termed Gov. William P. Clements Jr.'s approach to reducing state employment "off-the-cuff scatter-shooting" and said there is a greater prospect for a tax increase next year than there is for a major tax cut.

Tax relief and a 25,000-job reduction in the state work force over his four-year term are two of Clements' principal objectives.

Abilene Sen. Grant Jones called a news conference Wednesday to announce his bid for re-election and to take Clements to task for the way he is tackling his goal of reducing state employment by 5 percent by Aug. 31.

"The process of legislative control of state spending has served Texas well over the years," Jones said, "and Governor Clements' directive on a 5 percent, off-the-top cut in state employees flies in the face of that process.

"It makes no distinction between those agencies and programs that might in fact need trimming, and those that are growing and making efficient, productive use of their personnel."

The governor's goal is to cut 8,000 state jobs by Aug. 31. Clements reiterated that goal in a letter to the heads of state agencies and colleges and universities last week, asking them to adopt a fill-in-the-blanks resolution endorsing the objective or give him a detailed explanation by Feb. 1 of why they cannot meet the goal.

Jones said that the "critical point is not that the governor wants to cut state employment by 5 percent but rather the means he has chosen to use. It is time for Governor Clements to understand that while cutting the level of state services might indeed be a laudable goal in some areas, it is a project much better suited to the adjustments and fine tuning of the legislative process."

Jones added that the governor's approach "bears about as much resemblance to statecraft as sitting backward on a runaway horse does to horsemanship. The seat is elevated and the field of vision is broad, but there is no sense of direction, no real control, no insight into the power one rides."

Jones was asked about a Legislature-approved provision in the state budget asking that "all agencies with 20 or more employees attempt to reduce the number of full-time classified employees by five percent each fiscal year."

"The language there was more of a directive or an urging and not a mandate," he responded.

Clements suggested later in the day that Jones' criticism should be taken with a grain of salt. "I would suspect a lot of the things he is saying have to do with his own election and his campaign," the governor said.

"I will put against his experience of management mine any day of the week, and I'm not sure he would understand good management if he saw it. And furthermore, what we are doing is not across the board, as I have made very clear. We are considering each department, each agency, each commission on a case-by-case basis," Clements said.

"So his (Jones') lack of understanding is rather evident by his statement," the governor added.

The response to Clements' most recent call for employee reductions has been mixed, with several state agencies — including the Texas Department of Corrections, the Department of Mental Health/Mental Retardation and the Texas Aeronautics Commission — arguing that they cannot cut back 5 percent. Other agencies have adopted watered-down versions of the resolution.

Among the agencies Jones believes cannot reduce employment are the MHMR, the Texas Youth Council and the Texas Department of Highways and Public Transportation.

The senator emphasized that he is "not saying there are not agencies that can't be cut" because it would be impossible to contend that all state agencies are efficient.

He also said that state spending should be tightly controlled, but that he believes the Legislature has done a good job of keeping state spending within reason.

However, Jones said, it is not "a reasonable response to tell people that you are entitled to x-type of service and then not be willing to provide the people and money to deliver service at the level that people were led to believe it would be delivered."

His advice to state agencies in dealing with the governor's requested job reductions is "examine your program. Can you provide the level of services that the Legislature has mandated and still maintain an efficient operation with those fewer persons?"

Jones said he does not believe there is room for a tax cut.

"I really don't see that we could have the prospect of a state revenue reduction that would be sufficiently large enough to be of significance to individual taxpayers without making that reduction so durn big that state services would be severely crippled."

Noting that he expects the 1981 Legislature to have a difficult time drawing up a two-year budget, Jones said he he hopes legislators won't have to levy additional taxes.

AP Wirephoto

State Sen. Grant Jones of Abilene, chairman of the Senate Finance Committee, has expressed displeasure over what he called the "off the cuff" way Gov. William P. Clements Jr. is attacking his goal of cutting the state payroll.

Clements' employee, tax proposals blasted

By FRED BONAVITA
Post Austin Bureau

AUSTIN — Gov. Bill Clements' proposals to cut the number of state employees and to offer a tax-cut bill came under fire here Wednesday from Sen. Grant Jones of Abilene, chairman of the Senate Finance Committee, and Lt. Gov. Bill Hobby.

Jones called a news conference to announce his bid for a third four-year Senate term but spent most of his time criticizing the governor's plan to trim 25,000 from the ranks of state employees as "irresponsible." He likened the governor's plan to a man riding a runaway horse while facing backward.

Clements replied a short time later the senator appeared to be making the comments to boost his own re-election chances and said Jones knows less about management than he does.

JONES POINTED TO THE governor's Jan. 10 memorandum to state agency chiefs demanding they reduce employee numbers by 5 percent or explain to him in detail why not. The senator defended state government in Texas as "reasonable and responsible" and "not the huge octopus that some would have us believe."

He said the Legislature has maintained good control over state spending over the years and said the governor's "directive on a 5 percent, off-the-top cut in state employees flies in the face of that progress."

"It makes no distinction between those agencies and programs that might, in fact, need trimming and those that are growing and making efficient, productive use of their personnel."

The critical point is not the cutting of state employees by 5 percent, he said, but the method, Jones continued. Even though a 5 percent reduction in some areas might be laudable, he said, "it is a project much better suited to the adjustments and fine tuning of the legislative process.

"His whole approach bears about as much resemblance to statecraft as sitting backward on a runaway horse does to horsemanship. The seat is elevated and the field of vision is broad, but there is no sense of direction, no real control, no insight into the power one rides," he said of the governor.

JONES

Hobby, who had been sitting in the audience during the first part of Jones' announcement, read to reporters a letter sent to the governor, a copy of which he received. It was from the parents of a severely retarded, 23-year-old woman at Denton State Hospital, and the parents told Clements of the "drastic situation" there caused by staff shortages due to low wages.

If the state reduces the hospital's employees by 5 percent as part of the governor's proposal, the letter said, "our facility will suffer even more."

ASKED WHETHER HE SUPPORTED Jones' statement about the governor's employee-reduction plan, the lieutenant governor replied, "I do indeed."

Jones also said — and Hobby agreed — the 1981 legislative session will face a "tough session" because of inflationary pressures on the state. He said state Comptroller Bob Bullock already is reporting decreases in state revenues from the general sales tax because more of the public's income is going to pay for items, such as food and shelter, that are not taxed.

Asked whether there would be any room for the tax cut the governor is talking about for the special session he will call later this year, the senator replied, "I don't realistically see it."

It would be difficult to provide "meaningful" tax relief for the majority of Texans without reducing the statewide sales tax, he said, and a reduction of that magnitude would cripple state services.

"I just hope we can get through the session without the call for additional taxes," he said. ". . . I think if you look realistically at what's happening to costs, there's a greater prospect for a need for additional (tax) income than there is for a major tax reduction."

THE GOVERNOR, IN AN IMPROMPTU news conference, said most of Jones' comments appeared to be related to his re-election effort, which might or might not succeed. Clements offered to match his managerial experience with Jones "any day of the week" as far as the reduction in state employees is concerned.

He said his proposals would not result in across-the-board cuts in the number of employees but would be on an agency-by-agency basis.

"His lack of understanding is very evident in his statement," the governor said of the senator.

Austin American-Statesman

A10 Friday, January 25, 1980

Jim Fain, Publisher Ray Mariotti, Editor

Clements must seek legislative allies

Gov. Bill Clements probably hoped for at least a polite reception for his latest "request" for a 5 percent across-the-board cutback on state employees.

Instead, he got horse-laughs.

It may have been inevitable. Clements got off on the wrong foot when he made a rash promise to voters. When the realities of office hit home, instead of shrugging it off, Clements pressed on, as is his wont. But the state is not his company, and few tremble when Clements talks. The state budget is not wildly out of proportion, state taxes are modest, and each state agency is different from the others.

Some of those agencies actually provide vital services, and some of them are understaffed. The simplistic, across-the-board approach was bound to start some thoughtful people to pointing that out.

For example, Sen. Grant Jones, seeking reelection for a third term, also is chairman of the powerful Senate Finance Committee. Is he going to sit still while the GOP governor says, by implication, that Jones and his cohorts have let state government run wild? He is not. Jones jumped right down Clements' throat, saying that the governor's proposal "bears about as much resemblance to statecraft as sitting backward on a runaway horse does to horsemanship..."

And as for a costly special session, Jones said the governor's pet issues aren't urgent enough for that.

The message is clear: If Clements wants payroll cutbacks or anything else, he'd do better to get specific about them and try to work with, rather than against, the legislative leadership, where the power really resides.

It's a message worth listening to.

Welfare agency tells Clements 5% of workers too many to cut

By JIM BAKER
American-Statesman Staff

The mounting rejection by state agencies of Gov. Bill Clements' call for a 5 percent cut in their on-the-job employees grew by another large department Thursday as the state's welfare agency said, 'Thanks, but no thanks.'

The Department of Human Resources became the sixth agency this week to tell the governor politely it will not abide by the full intent of his plea.

Terry Bray of Austin, Clements' only appointee on the three-man Human Resources Board, proposed a resolution that told Clements the agency would try to reduce its number of employees, but not by as much as the governor wants.

The agency employs 12,800 persons around the state and operates on a $31.1 billon two-year budget.

At Bray's suggestion, the board voted to reduce budgeted job positions by 5 percent. That action could mean few or no cutbacks in the actual number of employees since the welfare agency, like other state departments, keeps many budgeted jobs open and uses the money for merit raises.

"The board is committed to delivering services in a very efficient way without running the risk that we will save money today by greatly increasing expenditures tomorrow," the board's resolution said.

The action by the Human Resources Board, which took place at its monthly meeting in El Paso, is the latest in a series of setbacks for the governor's program:

• The boards of some of the largest state agencies, Mental Health-Mental Retardation, Department of Corrections, Texas Youth Council, Aeronautics Commission and Railroad Commission, voted this week not to follow the full intent of Clements' recently detailed staff-cutting policy.

• Lt. Gov. Bill Hobby and Sen. Grant Jones, chairman of the state budget-writing finance committee, called Clements' plan a shortsighted and simplistic view of state government, especially of budget writing.

• The Texas Public Employees Association, considered by some to be the tool used by state agency heads to keep employees in line,

See Welfare, A9

A1

Welfare

From A1

gation said Wednesday that Burglary Detective Sgt. Al Hersom and fire investigator Lee Gotcher obtained a signed statement Tuesday from Hagood that he set the rash of fires at businesses in the Barton Springs Road area from Dec. 16-30 and resulted in nearly $100,000 in damages.

Glenn Hagood said his arrested brother has an 8th-grade education and a history of emotional problems.

He also said the night of the first fire, at Sandy's Hambugers, 603 Barton Springs Road, he and his girlfriend were passing by the business on their way home, just a block away at the Timbercreek Apartments, about the same time fire units were arriving at the scene.

"When we got home, Scotty was passed out asleep," the brother said.

He said their mother, who lives in Corpus Christi, started procedures Thursday to have Marty Hagood evaluated for institutional commitment.

criticized Clements' plan. Gary Hughes, the executive director of the association, is attending agency board meetings to testify against personnel cuts.

Hilmar Moore, chairman of the Human Resources Board, said Thursday, "Not one of the three of us has an ax to grind with the governor. To cut beyond an efficient level becomes counterproductive." He said his agency cut 2,000 employees two years ago under the Briscoe administration.

Bray said the agency is trying to "attain the governor's basic objectives of efficiency and effectiveness in state government.

"Our basic objective is to see that this department performs the services it is charged to perform as efficiently as possible and at the least possible cost," he said. "As I see it, that is exactly what is happening."

The decision by the welfare agency to cut back only budgeted job positions is exactly what Clements didn't want done. In a letter to all agencies earlier this month, Clements said, "I have called for reduction in the actual number of state employees, not for a reduction of some budget number that was never intended to be filled."

Clements, who has little authority over state agencies other than the power to appoint the members of their boards and commissions, sent each a fill-in-the-blanks resolution that they were to adopt to follow his cost-cutting program.

Not a single agency has adopted that resolution without changing it.

Jones, a conservative Democrat from Abilene who jumped into the fray Wednesday, cautioned agencies not to follow the governor's directives blindly. He suggested they cut employees if they could do so and still deliver the services were mandated by the Legislature.

"Our government (is already) very frugal," Jones said. "We operate very economically."

TEXAS ADULT PROBATION COMMISSION

MEMORANDUM

TO: Commission Members
FROM: Don Stiles, Executive Director DS
RE: 1. Governor's Meeting
2. Request for Attorney General Opinion
DATE: December 1, 1980

Enclosed is a copy of a letter from Governor Clements requesting a meeting of all agency board members and agency directors at the L.B.J. Auditorium in Austin on December 17, 1980 at 9:30 A.M.

Judge Hooey requested that I inform you of the meeting, and that all members of the commission attend if possible.

Please let us know if you will be able to attend. We will be happy to arrange hotel accommodations if you plan to be in Austin overnight.

Also enclosed for your information is a copy of the request for an Attorney General's Opinion regarding our ability to fund activities of probation officers prior to the defendant being found guilty.

DS/lkc
Enclosures

812 San Antonio, Suite 400, P. O. Box 12427, Austin, Texas 78711 — 512/475-1374, 1-800-252-9336