

89TH CONGRESS
1ST SESSION

H. R. 4952

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 1965

Mr. HAWKINS introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Civil Rights Act of 1964 to eliminate literacy tests as a qualification for voting in any election, to facilitate voting registration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That so much of section 101 as precedes paragraph (d)
4 thereof in title I, relating to voting rights, of the Civil Rights
5 Act of 1964 (78 Stat. 241) is amended to read as follows:

6 “SEC. 101. Section 2004 of the Revised Statutes of the
7 United States, as amended (42 U.S.C. 1971), is amended as
8 follows:

9 “ (1) Subsection (a) is amended to read as follows:

10 “ “ (a) (1) The Congress finds—

1 “(A) that the right to vote is fundamental to free,
2 democratic government;

3 “(B) that it is the responsibility of the Federal
4 Government to secure and protect this right;

5 “(C) that the right to vote of many persons has
6 been impaired contrary to the requirements of the four-
7 teenth and fifteenth amendments to the Constitution of
8 the United States by reason of race or color;

9 “(D) that literacy tests, including tests designed
10 to test the ability of a person to comprehend, understand,
11 or interpret written or other matter or to evaluate his
12 powers of analysis or ability to reason, have been used
13 extensively as a device for accomplishing such impair-
14 ment; and

15 “(E) that the enactment of this Act is necessary to
16 protect and secure this right.

17 “(2) All citizens of the United States who are other-
18 wise qualified by law to vote at any election by the people
19 in any State, territory, district, county, city, parish, town-
20 ship, school district, municipality, or other territorial subdi-
21 vision, shall be entitled and allowed to vote at all such elec-
22 tions, without distinction of race, color, or previous conditions
23 of servitude and without the application of any literacy test;
24 any constitution, law, custom, usage, or regulation of any

1 State or territory, or by or under its authority, to the con-
2 trary notwithstanding.

3 ““(3) No person acting under color of law shall—

4 ““(A) in determining whether any individual is
5 qualified under State law or laws to vote in any election
6 described in paragraph (2), apply any standard, prac-
7 tice, or procedure different from the standards, practices,
8 or procedures applied under such law or laws to other
9 individuals within the same county, parish, or similar po-
10 litical subdivision who have been found by State officials
11 to be qualified to vote;

12 ““(B) deny the right of any individual to vote in
13 any election described in paragraph (2) because of an
14 error or omission on any record or paper relating to any
15 application, registration, or other act requisite to voting,
16 if such error or omission is not material in determining
17 whether such individual is qualified under State law to
18 vote in such election; or

19 ““(C) employ any literacy test as a qualification
20 for voting in any election described in paragraph (2).

21 ““(4) For purposes of this subsection—

22 ““(A) the term “vote” shall have the same mean-
23 ing as in subsection (e) of this section;

24 ““(B) the phrase “literacy test” includes any test

1 of the ability to read, write, understand, or interpret
2 any matter and any test designed to evaluate the powers
3 of analysis or ability to reason of any person other than
4 a person legally declared to be mentally incompetent.

5 “(5) In order to provide additional periods in which
6 persons ultimately may become eligible to vote, any legally
7 competent person shall be permitted to register for voting
8 in any election described in paragraph (2) on any day on
9 which the courthouse or other appropriate government cen-
10 ter is open for official business, notwithstanding that such
11 person may be actually ineligible to vote in the next suc-
12 ceeding election by reason of any lawful termination date
13 with respect to actual eligibility to vote in such next suc-
14 ceeding election by reason of registration processing require-
15 ments.’.

16 “(2) Subsection (b) is amended to read as follows:

17 “(b) No person, whether acting under color of law or
18 otherwise, shall intimidate, threaten, coerce, or attempt to
19 intimidate, threaten, or coerce, any other person for the pur-
20 pose of interfering with the right of such other person to
21 vote or to vote as he may choose, or of causing such other
22 person to vote for, or not to vote for, any candidate, at any
23 election in any State, territory, district, county, city, parish,
24 township, school district, municipality, or other territorial
25 subdivision.’.

1 “(3) Subsection (c) is amended by striking out ‘if in
2 any such proceeding literacy is a relevant fact there shall
3 be a rebuttable presumption that any person who has not
4 been adjudged an incompetent and who has completed the
5 sixth grade in a public school in, or a private school accredited
6 ited by, any State, or territory, the District of Columbia, or
7 the Commonwealth of Puerto Rico where instruction is carried
8 ried on predominantly in the English language, possesses
9 sufficient literacy, comprehension, and intelligence to vote in
10 any Federal election.’ and inserting in lieu thereof ‘There
11 shall be a rebuttable presumption that any person who has
12 not been adjudged an incompetent and who has completed
13 the sixth grade in a public school in, or a private school
14 accredited by, any State, or territory, the District of Columbia,
15 or the Commonwealth of Puerto Rico where instruction
16 is carried on predominantly in the English language, possesses
17 sufficient literacy, comprehension, and intelligence to
18 vote in any Federal election.’.

19 “(4) Subsection (e) is amended—

20 “(A) by striking out ‘Where proof of literacy or an
21 understanding of other subjects is required by valid
22 provisions of State law, the answer of the applicant, if
23 written, shall be included in such report to the court;
24 if oral, it shall be taken down stenographically and a
25 transcription included in such report to the court.’, and

1 “(B) by striking out ‘The applicant’s literacy and
2 understanding of other subjects shall be determined
3 solely on the basis of answers included in the report of
4 the voting referee.’.

5 “(5) Subsection (f) is hereby repealed.”.

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