

# Memorandum



Subject

Talking Points For White House Meeting  
on Voting Rights Act

Date

January 26, 1982

To

The Attorney General

From

John Roberts

Handwritten initials, possibly "JR", in dark ink.

This meeting presents an opportunity to solidify the Administration's position once and for all, to head off any retrenchment efforts, and to enlist the active support of the White House personnel for our position. I recommend taking a very positive and aggressive stance.

## Suggested Points:

- o It is important that people in the White House understand the President's position on the Voting Rights Act and actively work to see it realized. The position which has been announced and which will be explained in Department of Justice testimony is not simply the Department's view but is the position of the Administration and our President, who deserves his staff's full and active support on this issue.
- o The President's position is a very positive one and should be put in that light. He is for the Voting Rights Act and wants to see it extended. Civil rights groups told us the Act was very successful in its present form and should be extended unchanged. That is essentially the President's position: if it isn't broken, don't fix it.
- o What the President opposes is not the Voting Rights Act but rather efforts to introduce confusion and uncertainty by dramatically altering its terms. He opposes changing the law by introducing an effects test into § 2 because this would throw into litigation existing electoral systems at every level of government nationwide when there is no evidence of voting abuses nationwide supporting the need for such a change. Indeed, the House Report recognized as much when it concluded there was no need to extend preclearance nationwide.

- o An effects test for § 2 could also lead to a quota system in electoral politics, as the President himself recognized. The so-called "savings clause" in the House bill would not remove this danger. Just as we oppose quotas in employment and education, so too we oppose them in elections.
  
- o Do not be fooled by the House vote or the 61 Senate sponsors of the House bill into believing that the President cannot win on this issue. Many members of the House did not know they were doing more than simply extending the Act, and several of the 61 Senators have already indicated that they only intended to support simple extension. Once the senators are educated on the differences between the President's position and the House bill, and the serious dangers in the House bill, solid support will emerge for the President's position.
  
- o The President's position is politically saleable, since the position is a positive one. Senator Baker demonstrated this on Sunday's "Meet the Press", when he concisely announced that he favored straight extension, without any muddling with the protections in § 2. We had met earlier with Baker, and his position is an example of what to expect if the President's position is clearly explained.
  
- o We are confident that this fight can be won, our experience with the Act convinces us that it is very important that the fight be won, and the President is fully committed to this effort. His staff should be as well.