Michael Carvin's Responses to Senator Cornyn's Questions

1. I do not have ready access to such data. I believe that the American Enterprise Institute and the Civil Rights Commission have analyzed this information.

2. a) I would support updating the coverage formula in order to provide some arguable basis that the distinction between covered and non-covered jurisdictions reflects current realities, rather than completely anachronistic information.

   b) I would support adding these triggers for the same reason identified in the prior answer.

3. I would support removing 1964 from the coverage formula because of the serious constitutional concerns it raises, as well as for the reason given in answer to 2a.

4. I believe the infinitesimal amount of objections is yet another reason why extending Section 5 to the currently covered jurisdictions is unwarranted and raises serious constitutional concerns.

5. In light of the serious constitutional questions, and the absence of empirical data suggesting distinctions between covered and non-covered jurisdictions, the shorter the re-authorization period the better.

6. Although the statutory language is ambiguous, I believe the legislative history in the Senate makes clear that influence districts are not protected under the new statute. I refer specifically to the Committee Report and the statements of various Senators on the floor.

7. I believe that the meaning of these ambiguous and unfamiliar terms are best described in the Senate legislative history, namely the Committee Report and the statements of various Senators on the floor.

8. Please see my answer to No. 6.

9. I agree with Chief Justice Roberts' concerns about analyzing districts in isolation, and I believe it would be unworkable if that analysis was extended to Section 5 determinations.

10. If Section 5 of the Voting Rights Act had been renewed without change, this would have eliminated some of the additional constitutional concerns raised by expanding its substantive standards so long after any identifiable systemic discrimination was being practiced in the covered jurisdictions.

11. It is already extraordinarily difficult for covered jurisdictions to comply with federal law and the ambiguities in the statute exacerbate that problem.