

# CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS

## **FIGHTING TO PROTECT THE PRECIOUS RIGHT TO VOTE:** *The Words and Voice of Congresswoman Sheila Jackson Lee* 2006 – Present

*“For millions of Americans, and many of us in Congress, the Voting Rights Act of 1965 is sacred treasure, earned by the sweat and toil and tears and blood of ordinary Americans who showed the world it was possible to accomplish extraordinary things.” – Congresswoman Sheila Jackson Lee*



**AUGUST 6, 2015**  
**PREPARED BY D.C. STAFF**

## TABLE OF CONTENTS

### *Fighting to Protect the Precious Right to Vote: The Words and Voice of Congresswoman Sheila Jackson Lee*

*“The Voting Rights Act is needed as much today to prevent another epidemic of voting disenfranchisement as Dr. Salk’s vaccine is still needed to prevent another polio epidemic.” – Congresswoman Sheila Jackson Lee*

- I. Post *Shelby County v. Holder* (2013 – present)
  - A. Floor Statement – July 22, 2015
  - B. Awarding Barbara Jordan Gold Medallion for Leadership to Hillary Clinton
  - C. Testimony Before National Voting Rights Commission
  - D. National Press Club Keynote Address
  - E. Floor Statement – June 26, 2013
  
- II. Voting Rights Act Reauthorization (2006)
  - A. Statement at Judiciary Committee Markup in Support of Jackson Lee Amendment to H.R. 9
  - B. Floor Statement in Support of H.R. 9
  - C. Floor Statement in Opposition to Norwood Amendment
  - D. Floor Statement in Opposition to Westmoreland Amendment
  - E. Floor Statement in Opposition to Gohmert Amendment
  - F. Floor Statement in Opposition to King Amendment
  
- III. Op-Eds and Press Statements (2007 – Present)
  - A. Press Statement: “49<sup>th</sup> Anniversary of Voting Rights Act”
  - B. The Hill: “VRA and 49<sup>th</sup> Anniversary of Bloody Sunday”
  - C. Forward Times: “What Should Be Done”
  - D. Press Statement: “Renaming Voting Rights Act of 2006 to Include Barbara Jordan”

*“The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.” – President Lyndon Baines Johnson*

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## **FIGHTING TO PROTECT THE PRECIOUS RIGHT TO VOTE:**

*The Words and Voice of Congresswoman Sheila Jackson Lee*  
2006 - Present



**AUGUST 6, 2015**  
**PREPARED BY D.C. STAFF**

**FLOOR STATEMENT**  
**JULY 2015**

# **CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS**

## **FLOOR STATEMENT**

### **“CALLING FOR DEBATE AND VOTE ON LEGISLATION TO REPAIR DAMAGE TO VOTING RIGHTS ACT”**

**JULY 22, 2015**

- Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.
- I call upon House Speaker Boehner to bring legislation intended to protect the right to vote of all Americans to the floor for debate and vote in advance of the 50<sup>th</sup> anniversary of the landmark VOTING RIGHTS ACT signed by President Lyndon Johnson on August 6, 1965.
- This action is long overdue.
- It has been more than two years since the Supreme Court decided *Shelby County v. Holder*, 570 U.S. 193 (2013), which invalidated Section 4(b) of the Voting Rights Act and paralyzed the application of the Act's Section 5 preclearance requirements, which protect minority voting rights where voter discrimination has historically been the worst.
- In the 49 years since its passage in 1965, the VOTING RIGHTS ACT has safeguarded the right of Americans to vote and stood as an obstacle to many of the more egregious attempts by certain states and local jurisdictions to game the system by passing discriminatory changes to their election laws and administrative policies.
- In signing the VOTING RIGHTS ACT on August 6, 1965, President Lyndon Johnson said:

*“The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.”*

- Although much progress has been made there is still much work to be done in order to prevent systemic voter suppression and discrimination within our communities and we must remain ever vigilant and oppose schemes that will abridge or dilute the precious right to vote.
- Since 1982, Section 5 has stopped more than 1,000 discriminatory voting changes in their tracks, including 107 discriminatory changes in Texas.
- In the aftermath of the *Shelby* decision, I was a member of the working group led by Congressman Jim Clyburn of South Carolina that was tasked with sharing ideas, making recommendations, and crafting and drafting the legislation that would repair the damage done to the Voting Rights Act by the Supreme Court decision and capable of winning majorities in the House and Senate and the signature of the President.
- That effort resulted in the VOTING RIGHTS AMENDMENTS ACT, (H.R. 3899 AND H.R. 885) of which I am an original co-sponsor, which repairs the damage done to the VOTING RIGHTS ACT by the Supreme Court decision.
- This legislation replaces the old ‘static’ coverage formula with a new dynamic coverage formula, or ‘*rolling trigger*,’ which effectively gives the legislation nationwide reach because any state and any jurisdiction in any state potentially is subject to being covered if the requisite number of violations are found to have been committed.
- I am also a sponsor of the H.R. 2867, the VOTING RIGHTS ADVANCEMENT ACT OF 2015, a bill that restores and advances the VOTING RIGHTS ACT OF 1965 by providing a modern day coverage test that will extend federal oversight to jurisdictions which have a history of voter suppression and protects vulnerable communities from discriminatory voting practices.
- I am also a sponsor of H.R. 12, the VOTER EMPOWER ACT OF 2015, which protects voters from suppression, deception, and other forms of disenfranchisement by modernizing voter registration, promoting access to voting for individuals with disabilities, and protecting the ability of individuals to exercise the right to vote in elections for federal office.
- For millions of Americans, the VOTING RIGHTS ACT OF 1965 is sacred treasure, earned by the sweat and toil and tears and blood of ordinary

Americans who showed the world it was possible to accomplish extraordinary things.

- The VOTING RIGHTS ACT is needed as much today to prevent another epidemic of voting disenfranchisement as Dr. Salk's vaccine is still needed to prevent another polio epidemic.
- I again call upon Speaker Boehner to bring H.R. 2867, the VOTING RIGHTS ADVANCEMENT ACT OF 2015, and H.R. 12, VOTER EMPOWERMENT ACT OF 2015, to the floor for a vote before August 6, the 50<sup>th</sup> anniversary of the landmark VOTING RIGHTS ACT signed by President Lyndon Johnson and three weeks before President Johnson's 107<sup>th</sup> birthday.
- Thank you. I yield back my time.

**STATEMENT**  
**BARBARA JORDAN GOLD MEDALLION TO**  
**HILLARY CLINTON**

# **CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS**

*Remarks prepared for delivery at*

## **CEREMONY BESTOWING OF THE INAUGURAL BARBARA JORDAN GOLD MEDALLION FOR PUBLIC-PRIVATE LEADERSHIP ON HILLARY RODHAM CLINTON**

Texas Southern University  
Barbara Jordan-Mickey Leland School of Public Affairs  
Thurgood Marshall School of Law  
Health and Physical Education Arena  
3100 Cleburne Street  
Houston, Texas  
June 4, 2015

*"We can do it. We can do it. We can do it."*

Barbara Jordan  
Keynote Address  
1992 Democratic Convention

*"Keep going. Don't ever stop. Keep going. If you want a taste of freedom, keep going. In America, you always keep going. We're Americans. We're not big on quitting."*

Sen. Hillary Clinton  
Address to 2008 Democratic Convention

- Thank you and good afternoon. I am so proud to be here with you today at the historic Texas Southern University in Houston, Texas.
- It is my honor to salute a distinguished American whose life and achievements embody the passion and principles and values and commitment to service of our own and beloved Barbara Charline Jordan.
- The Barbara Jordan Gold Medallion for Public-Private Leadership is presented annually to a woman of demonstrated excellence in the public or private sector whose achievements are an example and inspiration to people everywhere, but especially to women and girls.

- It is fitting therefore that the inaugural recipient of the Barbara Jordan Gold Medallion is the former First Lady of Arkansas and the United States, U.S. Senator, and Secretary of State: Hillary Rodham Clinton.
- When asked to name the woman living anywhere in the world whom they admire most, Americans have named Hillary Clinton in each of the last 13 years and 17 of the last 18.
- As a leader on the national and international stage, Hillary Clinton has represented our nation with distinction and grace always reflecting our highest ideals and aspirations.
- It was First Lady Hillary Clinton who traveled to Beijing to speak truth to power, declaring on behalf of women and girls everywhere that: *“human rights are women's rights. And women's rights are human rights.”*
- It was Hillary Clinton who gave voice to what we here have always understood, when she said that to raise a happy, healthy and hopeful child, it takes a family, it takes teachers, it takes clergy, it takes business people, it takes community leaders, it takes those who protect our health and safety, it takes all of us.
- *That, yes indeed, it takes a village to raise a child.*
- But before Hillary Clinton was a household name, many of us in Texas remember her as the young, determined, brilliant activist whose passion for justice and equality brought her to Texas in 1972 to help poor people and African Americans and Latinos register to exercise the right to vote they had been denied so long.
- Passed in 1965 with the extraordinary leadership of President Lyndon Johnson, the greatest legislative genius of our lifetime, the Voting Rights Act of 1965 was bringing dramatic change in many states across the South.
- But in 1972, change was not coming fast enough or in many places in Texas.

- In fact, Texas, which had never elected a woman to Congress or an African American to the Texas State Senate, was not covered by Section 5 of the 1965 Voting Rights Act and the language minorities living in South Texas that Hillary Clinton came to help were not protected at all.
- But the voter registration work performed in 1972 by Hillary Clinton in Texas, along with hundreds of others, including her future husband Bill, helped elect Barbara Jordan to Congress.
- And in 1975, Congresswoman Barbara Jordan authored the amendment that became Section Sections 4(f)(3) and 4(f)(4) of the Voting Rights Act, which extended to language minorities the protections of Section 4(a) and Section 5, which also had the important effect of subjecting Texas to the pre-clearance provisions of Section 5.
- In 2006, during the floor debate on the reauthorization of the Voting Rights Act, I said:

The Voting Rights Act of 1965 is no ordinary piece of legislation. For millions of Americans, and many of us in Congress, the Voting Rights Act of 1965 is sacred treasure, earned by the sweat and toil and tears and blood of ordinary Americans who showed the world it was possible to accomplish extraordinary things.

- But a terrible blow was dealt to the Voting Rights Act on June 25, 2013, when the Supreme Court handed down the decision in *Shelby County v. Holder*, 537 U.S. 193 (2013), which invalidated Section 4(b), the provision of the law determining which jurisdictions would be subject to Section 5 “pre-clearance.”
- The reason the Court gave for its ruling was that “*times have changed.*”
- Times have changed, but what the Court did not fully appreciate is that the positive changes it cited were due almost entirely to the existence and vigorous enforcement of the Voting Rights Act.
- *And that is why the Voting Rights Act is still needed today.*

- In the same way that the vaccine invented by Dr. Jonas Salk in 1953 eradicated the crippling effects but did not eliminate the cause of polio, the Voting Rights Act succeeded in stymying the practices that resulted in the wholesale disenfranchisement of African Americans and language minorities but did not eliminate them entirely.
- Here in Texas, we know this from personal experience.
- On the same day that *Shelby County v. Holder* was decided officials in Texas announced they would immediately implement the infamous Photo ID law, and other election laws, policies, and practices that could never pass muster under the Section 5 preclearance regime.
- Apparently, these Texans do not understand, unlike President Johnson, that the right to vote is:

*"The most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men."*

- Hillary Clinton understands. Hillary Clinton understands that the right to vote is the most precious of rights because it is preservative of all other rights.
- And right now the right to vote of all Americans needs a champion.
- I am here today to salute someone who has and who will champion the precious right to vote.
- Her life proves it.
- Her record shows it.
- Ladies and gentleman, I give you the 2015 recipient of the Barbara Jordan Gold Medallion for Leadership –
- Hillary Rodham Clinton!

**STATEMENT**  
**NATIONAL COMMISSION ON VOTING RIGHTS**

# **CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS**

*Remarks Prepared for Delivery at the*

## **TEXAS STATE HEARING**

### **BEFORE THE NATIONAL COMMISSION ON VOTING RIGHTS**

#### **COMMISSIONERS:**

*Gary Bledsoe, President, Texas NAACP & National Board Member*

*Deborah Chen, Esq., National Treasurer and Board Member,  
Organization of Chinese Americans – Greater Houston Chapter*

*Craig L. Jackson, Esq., Professor of Law  
Thurgood Marshall School of Law at Texas Southern University*

**THURGOOD MARSHALL SCHOOL OF LAW COURTROOM  
TEXAS SOUTHERN UNIVERSITY  
3100 CLEBURNE STREET  
HOUSTON, TX 77004**

**SATURDAY, APRIL 5, 2014  
10:00 A.M. – 2:00 P.M.**

*(Sponsored by the National Commission on Voting Rights)*

- Good morning and thank you for that kind introduction. I will abbreviate my remarks but ask that my entire statement be included in the record of these proceedings.
- *Commissioners Bledsoe, Chen, and Jackson*, I want to thank you for serving on this very important Commission.
- I also want to express my appreciation to *TSU President John Rudley* and to *Dean Dannye Holley of the Thurgood Marshall School of Law* for hosting this hearing at this historic and wonderful education institution.

- Texas Southern University has a legacy of producing great leaders and change agents like the late Barbara Jordan and George “Mickey” Leland who did so much to make our country better.
- I also wish to thank all of the witnesses who have come today to assist the Commission with their testimony about the prevalence of voter suppression and intimidation actions that threaten the ability of voters in underrepresented communities to cast their votes and to have those votes counted.
- The National Commission on Voting Rights (NCVR), organized by the Lawyers' Committee for Civil Rights Under Law, for its leadership and initiative in conducting a series of nationwide hearings to collect testimony about voting discrimination and election administration challenges and successes.
- The NCVR is the successor to the National Commission on the Voting Rights Act. In 2005, the Lawyers' Committee established the National Commission on the Voting Rights Act to assess the record of discrimination in voting since the 1982 reauthorization of the Voting Rights Act.
- The findings of that Commission were extremely helpful to me and my colleagues on the House Judiciary Committee in 2006 as we worked to craft the legislation reauthorizing the Voting Rights Act of 1965 for an additional 25 years.
- That legislation proudly bears the name:
 

*“Fannie Lou Hamer, Rosa Parks, Coretta Scott King, Cesar E. Chavez, Barbara C. Jordan, William C. Velasquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006.”*
- The bipartisan majority vote to renew the Voting Rights Act in 2006 was the largest in history: the House vote was 390-33 and the Senate vote was 98-0. President George W. Bush signed the legislation into law on July 27, 2006.

- The Voting Rights Act safeguarded the right of Americans to vote and stood as an obstacle to many of the more egregious attempts by certain states and local jurisdictions, including Texas, to game the system by passing discriminatory changes to their election laws and administrative policies.
- But in June 2013, the Supreme Court's decided *Shelby County v. Holder*, 570 U.S. 193 (2013), which invalidated Section 4(b) of the VRA, and paralyzed the application of the VRA's Section 5 preclearance requirements.
- Officials in some states, notably Texas and North Carolina, seemed to regard the the Shelby decision as a green light and rushed to implement election laws, policies, and practices that could never pass muster under the Section 5 preclearance regime.
- ***To take just one example***, this past Tuesday, Councilwoman Pat Van Houte, who serves on the Pasadena, Texas City Council was forcibly ejected by armed officers at the direction of Pasadena Mayor Johnny Isbell at a council meeting to consider a controversial redistricting plan.
- That redistricting plan is one of the first to be implemented in the aftermath of the *Shelby v. Holder* decision.
- Pushed through by Mayor Isbell and narrowly passed by the voters, the redistricting plan switches two of the city's eight council seats from single member district to at-large.
- Thus, the effect of the plan is to dilute the voting power of the poorer, predominantly Hispanic residents of the Pasadena's north side who opposed the change, and to increase the voting power of residents in the wealthier, whiter south side who supported it.
- This shameful episode is a reminder that the Voting Rights Act protected not only right to vote in federal elections but also applied to state and local jurisdictions as well.
- For example, Section 5 subjected to preclearance and could have blocked the Texas Education Administration (TEA) from closing the North

Forest Independent School District (NFISD) and disbanding its locally elected school board comprised of 7 African American members.

- Once freed by the *Shelby County* decision from having to pass muster under Section 5, however, TEA directed the annexation of the NFISD by HISD and dissolved the school board, thus diluting the ability of the African American and Hispanic community residents served by NFISD to influence the decisions affecting the education opportunities of their children.
- In addition to depriving the residents of NFISD of the right to elect representatives of their choosing from their communities, the decision of the TEA to close NFISD was draconian, unreasonable, and unwarranted in the circumstances given the progress made by NFISD and its elected representatives in recent months.
- Section 5 is a vital asset in such circumstances because it would have required TEA to acquire pre-clearance by the Department of Justice prior to changing the bounds of the district.
- So this hearing in Texas and the National Commission's focus on voting discrimination and electoral administration and reform proposals is very timely. I look forward to reviewing the Commission's report and considering its findings, conclusions, and recommendations.
- Protecting voting rights and combating voter suppression schemes are two of the critical challenges facing our great democracy. Without safeguards to ensure that all citizens have equal access to the polls, there great injustices are likely to occur and the voices of millions silenced.
- Although much progress has been made with regard to Civil Rights there is still much work to be done in order to prevent systemic voter suppression and discrimination within our communities, particularly here in Texas.
- Texas is the home of many great civil rights leaders and activists, yet a misguided belief held by opponents of the Voting Rights Act that the battle for equal rights is over threatens many of the gains made and reveals the need for continued vigilance and action.

- Texas is the home of President Johnson, who played the pivotal role in making the Voting Rights Act a reality.
- In signing the Voting Rights Act on August 6, 1965, President Lyndon Johnson said:

*“The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.”*

- That powerful instrument that can break down the walls of injustice is facing grave threats. There is still much work to be done with regard to freeing many Americans from discrimination and injustice that prevent them from exercising their right to vote.
- The Voting Rights Act of 1965 was critical to preventing brazen voter discrimination violations that historically left millions of African Americans disenfranchised.
- In 1940, there were less than 30,000 African Americans registered to vote in Texas and only about 3% of African Americans living in the South were registered to vote.
- Poll taxes, literacy tests, and threats of violence were the major causes of these racially discriminatory results.
- After passage of the Voting Rights Act in 1965, which prohibited these discriminatory practices, registration and electoral participation steadily increased to the point that by 2012, more than 1.2 million African Americans living in Texas were registered to vote.
- Section 5 of the Voting Rights Act of 1965 requires that states and localities with a chronic record of discrimination in voting practices secure federal approval before making any changes to voting processes.

- Since 1982, Section 5 has stopped more than 1,000 discriminatory voting changes in their tracks, including 107 discriminatory changes right here in Texas.
- We all remember the Voter ID law passed in Texas in 2011, which would require every registered voter to present a valid government-issued photo ID on the day of polling in order to vote.
- The Justice Department blocked the law in March of 2012, and it was Section 5 that prohibited it from going into effect. The State of Texas sued the Justice Department that July for blocking the law.
- Section 5 protects minority voting rights where voter discrimination has historically been the worst.
- The right to vote, free from discrimination, is the capstone of full citizenship conferred by the Civil War Amendments.
- And it is a source of eternal pride to me that in pursuit of extending the full measure of citizenship to all Americans that in 1975, Congresswoman Barbara Jordan, who also represented the historic 18<sup>th</sup> Congressional District of Texas, introduced, and the Congress adopted, what are now Sections 4(f)(3) and 4(f)(4) of the Voting Rights Act, which extended the protections of Section 4(a) and Section 5 to language minorities.
- I believe that the Lone Star State can be the leading state in the Union. But to realize that future, we cannot return to the dark days of its past.
- That is why we must remain ever vigilant and oppose schemes that will abridge or dilute the precious right to vote.
- That means standing up to and calling out groups and organizations like “True the Vote” and its local Houston-based affiliate, the “King Street Patriots,” who in recent years have under the guise of poll watchers improperly interact with persons at polling stations in Hispanic and African American communities in an attempt to intimidate them from voting.

- The behavior of this group was so outrageous in 2010 that I reported its conduct to the Attorney General and requested the Department of Justice to investigate. *(See Attachment, Letter from Congresswoman Jackson Lee to U.S. Attorney General Holder (October 28, 2010)).*
- Those of us who cherish the right to vote justifiably are skeptical of Voter ID laws because we understand how these laws, like poll taxes and literacy tests, can be used to impede or negate the ability of seniors, racial and language minorities, and young people to cast their votes.
- Consider these percentages of demographic groups who lack a government issued ID:
  - African Americans: 25%
  - Asian Americans: 20%
  - Hispanic Americans: 19%
  - Young people, aged 18-24: 18%
  - Persons with incomes less than \$35,000: 15%
- Voter ID laws are just one of the means that can be used to abridge or suppress the right to vote. Others include:
  1. Curtailing or Eliminating Early Voting
  2. Ending Same-Day Registration
  3. Not counting provisional ballots cast in the wrong precinct on Election Day will not count.
  4. Eliminating Teenage Pre-Registration
  5. Shortened Poll Hours
  6. Lessing the standards governing voter challenges to vigilantes like the King Street Patriots to cause trouble at the polls.

**ABOUT THE VOTING RIGHTS ACT AND H.R. 3899**

- Since its passage in 1965, and through four reauthorizations signed by Republican presidents (1970, 1975, 1982, 2006), more Americans, especially those in minority communities, have been empowered by the Voting Rights Act than any other single piece of legislation.
- Section 5 of the Act requires covered jurisdictions to submit proposed changes to any voting law or procedure to the Department of Justice or

the U.S. District Court in Washington, D.C for pre-approval, hence the term “pre-clearance.”

- Under Section 5, the submitting jurisdiction has the burden of proving that the proposed change(s) are not retrogressive, i.e. that they do not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color.
- But a terrible blow was dealt to the Voting Rights Act on June 25, 2013, when the Supreme Court handed down the decision in *Shelby County v. Holder*, 570 U.S. 193 (2013), which invalidated Section 4(b), the provision of the law determining which jurisdictions would be subject to Section 5 “pre-clearance.”
- In 2006, the City of Calera, which lies within Shelby County, Alabama enacted a discriminatory redistricting plan without complying with Section 5, leading to the loss of the city’s sole African-American councilman, Ernest Montgomery. In compliance with Section 5, however, Calera was required to draw a nondiscriminatory redistricting plan and conduct another election in which Mr. Montgomery regained his seat.
- According to the Supreme Court majority, the reason for striking down Section 4(b): “Times change.”
- Now, the Court *was* right; *times have changed*. But what the Court did not fully appreciate is that the positive changes it cited are due almost entirely to the existence and vigorous enforcement of the Voting Rights Act.
- *And that is why the Voting Rights Act is still needed.*
- Let me put it this way: in the same way that the vaccine invented by Dr. Jonas Salk in 1953 eradicated the crippling effects but did not eliminate the cause of polio, the Voting Rights Act succeeded in stymieing the practices that resulted in the wholesale disenfranchisement of African Americans and language minorities but did eliminate them entirely.

- The Voting Rights Act is needed as much today to prevent another epidemic of voting disenfranchisement as Dr. Salk's vaccine is still needed to prevent another polio epidemic.
- In 1964, the year before the Voting Rights Act became law, there were approximately 300 African-Americans in public office, including just three in Congress. Few, if any, black elected officials were elected anywhere in the South.
- Because of the Voting Rights Act, as of 2013 there are more than 9,100 black elected officials, including 43 members of Congress, the largest number ever.
- The Voting Rights Act opened the political process for many of the approximately 6,000 Latino public officials that have been elected and appointed nationwide, including 263 at the state or federal level, 27 of whom serve in Congress.
- Native Americans, Asians and others who have historically encountered harsh barriers to full political participation also have benefited greatly.
- Now to be sure, the Supreme Court did not invalidate the preclearance provisions of Section 5; it only invalidated Section 4(b).
- But that is like leaving the car undamaged but destroying the key that unlocks the doors and starts the engine.
- According to the Court, the coverage formula in Section 4(b) had to be struck down because the data upon which it was based – registration rates and turn-out gaps – was too old and outdated.
- Like many others, I disagreed. I thought the Court got it wrong and said in an *op-ed published in the Forward Times* of Houston, in which I wrote:

The Court majority confuses the symptom with the cause. Congress' focus was not on voter registration or turnout rates. Congress instead was focused on eliminating the causes or at least eradicating the effects of racial discrimination in voting in

*states that had a “unique history of problems with racial discrimination in voting.” Shelby, 570 U.S. 193, (Ginsburg, J., dissenting), slip op. at 19 (June 25, 2013).*

- I believe Justice Ruth Bader Ginsburg was exactly right when she wrote in her dissent that the question in 2006 was not which states were to be covered by Section 4(b) and thus subject to pre-clearance as was the case in 1965. *Rather the question before Congress in 2006:*

*“Was there still a sufficient basis to support continued application of the preclearance remedy in each of those already-identified places?”*

- There were many commentators, pundits, and opponents of the Voting Rights Act who viewed the Court’s *Shelby* decision as the death knell of the Act.
- But they underestimated the resolve of the Leadership Conference on Civil Rights and the Lawyers Committee for Civil Rights and the NAACP and the National Urban League and MALDEF and other drum majors of justice.
- They underestimated the determination of my colleagues in the House and Senate, on both sides of the aisle. They discounted the commitment of persons like:
  1. Republican James Sensenbrenner and Democrat John Conyers, each a former Chairman of the House Judiciary Committee;
  2. Congressman John Lewis, who shed his blood on the Edmund Pettus Bridge in Selma, Alabama on “Bloody Sunday”;
  3. Northern members of Congress like Democratic Whip Steny Hoyer, Republicans Steve Chabot of Ohio and Sean Duffy of Wisconsin; and
  4. Southern members like Spencer Bacchus of Alabama, Robert “Bobby” Scott of Virginia and Sheila Jackson Lee of Texas.

- These members, joined by several of their colleagues, refused to let the Voting Rights Act die.
- We recognized and understood that for all the progress this nation has made in becoming a more inclusive, equitable, and pluralistic society, it is the Voting Rights Act “that has brought us thus far along the way.”
- And so we went to work. Led by Congressman Jim Clyburn of South Carolina, I was a member of the working group tasked with sharing ideas, making recommendations, and crafting and drafting the legislation that would repair the damage done to the Voting Rights Act by the Supreme Court decision and capable of winning majorities in the House and Senate and the signature of the President.
- After months of hard work, consultation, negotiation, and collaboration, we were able to produce a bill, H.R. 3899, “VOTING RIGHTS AMENDMENTS ACT OF 2014,” that can achieve these goals.
- To be sure, this legislation is not perfect, no bill ever is.
- But – and this is important – the bill represents an important step forward because it is responsive to the concern expressed by the Supreme Court and establishes a new coverage formula that is carefully tailored but sufficiently potent to protect the voting rights of all Americans.
- First, H.R. 3899 specifies a new coverage formula that is based on current problems in voting and therefore directly responds to the Court’s concern that the previous formula was outdated.
- The importance of this feature is hard to overestimate. Legislators and litigators understand that the likelihood of the Court upholding an amended statute that fails to correct the provision previously found to be defective is very low indeed.
- H.R. 3899 replaces the old “static” coverage formula with a new dynamic coverage formula, or “*rolling trigger*,” which works as follows:

1. *for states*, it requires least one finding of discrimination at the state level and at least four adverse findings by its sub-jurisdictions within the previous 15 years;
  2. *for political subdivisions*, it requires at least three adverse findings within the previous 15 years; but
  3. *political subdivisions with “persistent and extremely low minority voter turnout”* can also be covered if they have a single adverse finding of discrimination.
- The “rolling trigger” mechanism effectively gives the legislation nationwide reach because any state and any jurisdiction in any state potentially is subject to being covered if the requisite number of violations are found to have been committed.
  - The rolling trigger contained in H.R. 3899, however, does not cover all of these states. To compensate for the fact that fewer jurisdictions are covered, the bill also includes several key provisions that are consistent with the needs created by a narrower Section 5 trigger.
  - For example, H.R. 3899:
    1. Expands judicial “bail-in” authority under Section 3 so that it applies to voting changes that result in discrimination (not just intentional discrimination);
    2. Requires nationwide transparency of “late breaking” voting changes; allocation of poll place resources; and changes within the boundaries of voting districts;
    3. Clarifies and expands the ability of plaintiffs to seek a preliminary injunction against voting discrimination; and
    4. Clarifies and expands the Attorney General’s authority to send election observers to protect against voting discrimination.
  - Before concluding there is one other point I would like to stress.

- I would urge the Commission to be particularly sensitive to the interests of language minorities in emerging communities because they have distinct and particular interests that ought to be considered.
- “Emerging communities” are those located in states such as Alabama, Arkansas, Tennessee, and South Carolina that historically were not home to large numbers of Hispanics or Asian-Pacific Americans but have in recent years experienced tremendous population growth which is expected to accelerate.
- The concern is that as these Hispanic and Asian-Pacific voters in these areas become more numerous in these states and capable of having a tangible influence on electoral outcomes, some communities may respond by adopting measures that violate principles of fair and equal treatment.
- Such measures may include:
  1. Changes from single-member to at-large election districts;
  2. Changes to jurisdictional boundaries through annexation; or
  3. Changes to multilingual voting materials requirements.
- We can all agree that language minorities and those residing in emerging communities deserve protection from any such retaliatory election changes.
- In closing, let me say again that the right to vote, free from discrimination, is the capstone of full citizenship conferred by the Civil War Amendments and the Voting Rights Act of 1965 is no ordinary piece of legislation.
- For millions of Americans, the Voting Rights Act of 1965 is sacred treasure, earned by the sweat and toil and tears and blood of ordinary Americans who showed the world it was possible to accomplish extraordinary things.
- So we must be vigilant and fight against efforts to abridge or suppress the voting rights of Americans until voter discrimination is truly a vestige of the past.

- Thank you very much for the opportunity to appear before the Commission and for the great service the Commission is performing for our nation.

**STATEMENT  
NATIONAL PRESS CLUB**

# **CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS**

*Remarks Prepared for Delivery*

## **KEYNOTE ADDRESS**

### **50 YEARS ON: A DEFINING MOMENT FOR VOTING RIGHTS**

**NATIONAL PRESS CLUB  
529 14<sup>TH</sup> STREET, NW  
WASHINGTON, D.C.**

**FEBRUARY 25, 2013**

**1:00 – 2:30 P.M.**

*(Sponsored by the American Jewish Committee, National Urban League, and National Association of Latino Elected Officials (NALEO))*

- Thank you, Bobby Lapin, for that warm and gracious introduction. Let's give him a round of applause.
- Not only is he doing a great job as the Vice Chair of AJC's National Policy Commission but he is also from my home state of Texas.
- I am Congresswoman Sheila Jackson Lee, a Member of the United States Congress from 18<sup>th</sup> Congressional District of Texas, which is centered in Houston, and a senior member of the House Judiciary Committee now and when the Congress reauthorized the Voting Rights Act in 2006. That legislation proudly bears the name:

*“Fannie Lou Hamer, Rosa Parks, Coretta Scott King, Cesar E. Chavez, Barbara C. Jordan, William C. Velasquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006.”*

- Let me beginning by thanking the American Jewish Committee (AJC), the National Urban League, and the National Association of Latino Elected Officials (NALEO) for convening this most important

conference on this most important subject. We have partnered together on a great many occasions on behalf of great causes like civil rights and equal rights, educational opportunity, immigration reform, and social justice.

- But perhaps the greatest and most important battles we have fought have been on behalf of the right to vote, the most precious right of all because it is preservative of all others.
- In signing the Voting Rights Act on August 6, 1965, President Lyndon Johnson said:

*"The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men."*

- In answering the call of history and justice, great legislator-statesman like Senate Majority Leader Mike Mansfield (D-MT), Senate Minority Leader Everett McKinley Dirksen (R-IL), Speaker John McCormack (D-MA), House Majority Leader Hale Boggs (D-LA), House Judiciary Committee Chairman Emanuel Celler (D-NY), and House Minority Leader and former President Gerald Ford (R-MI).
- This conference brings together over 100 intergroup and interfaith partners for an in-depth exploration of the history and reach of the Voting Rights Act and to provide participants the necessary tools to fight and win the continuing battle to protect the voting rights of all Americans.
- Since its passage in 1965, and through four reauthorizations signed by Republican presidents (1970, 1975, 1982, 2006), more Americans, especially those in the communities we represent, have been empowered by the Voting Rights Act than any other single piece of legislation.
- Section 5 of the Act requires covered jurisdictions to submit proposed changes to any voting law or procedure to the Department of Justice or the U.S. District Court in Washington, D.C for pre-approval, hence the term "pre-clearance."

- Under Section 5, the submitting jurisdiction has the burden of proving that the proposed change(s) are not retrogressive, i.e. that they do not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color.
- In announcing his support for the 1982 extension of the Voting Rights Act, President Reagan said, “the right to vote is the crown jewel of American liberties.”
- And Section 5 is the “crown jewel” of the Voting Rights Act.
- But a terrible blow was dealt to the Voting Rights Act on June 25, 2013, when the Supreme Court handed down the decision in *Shelby County v. Holder*, 537 U.S. 193 (2013), which invalidated Section 4(b), the provision of the law determining which jurisdictions would be subject to Section 5 “pre-clearance.”
- In 2006, the City of Calera, which lies within Shelby County, enacted a discriminatory redistricting plan without complying with Section 5, leading to the loss of the city’s sole African-American councilman, Ernest Montgomery. In compliance with Section 5, however, Calera was required to draw a nondiscriminatory redistricting plan and conduct another election in which Mr. Montgomery regained his seat.
- According to the Supreme Court majority, the reason for striking down Section 4(b): “Times change.”
- Now, the Court *was* right; *times have changed*. But what the Court did not fully appreciate is that the positive changes it cited are due almost entirely to the existence and vigorous enforcement of the Voting Rights Act.
- *And that is why the Voting Rights Act is still needed.*
- Let me put it this way: in the same way that the vaccine invented by Dr. Jonas Salk in 1953 eradicated the crippling effects but did not eliminate the cause of polio, the Voting Rights Act succeeded in stymying the practices that resulted in the wholesale

disenfranchisement of African Americans and language minorities but did eliminate them entirely.

- The Voting Rights Act is needed as much today to prevent another epidemic of voting disenfranchisement as Dr. Salk's vaccine is still needed to prevent another polio epidemic.
- Most of us in this room remember what it was like before the Voting Rights Act but for those too young to have lived through it, let's take a stroll down memory lane.
- Before the Voting Rights Act was passed in 1965, the right to vote did not exist in practice for most African Americans.
- And until 1975, most American citizens who were not proficient in English faced significant obstacles to voting, because they could not understand the ballot.
- Even though the Indian Citizenship Act gave Native Americans the right to vote in 1924, state law determined who could actually vote, which effectively excluded many Native Americans from political participation for decades.
- Asian Americans and Asian immigrants also suffered systematic exclusion from the political process.
- In 1964, the year before the Voting Rights Act became law, there were approximately 300 African-Americans in public office, including just three in Congress. Few, if any, black elected officials were elected anywhere in the South.
- Because of the Voting Rights Act, there are now more than 9,100 black elected officials, including 43 members of Congress, the largest number ever.
- The Voting Rights Act opened the political process for many of the approximately 6,000 Latino public officials that have been elected and appointed nationwide, including 263 at the state or federal level, 27 of whom serve in Congress.

- Native Americans, Asians and others who have historically encountered harsh barriers to full political participation also have benefited greatly.
- Aided by Section 5, the Voting Rights Act was successful in preventing the states with the worst and most egregious records of voter suppression and intimidation from disenfranchising minority voters.
- So successful in fact that the Supreme Court apparently saw no harm in invalidating the provision that subjected those states to the federal supervision responsible for the success it celebrated.
- Now to be sure, the Supreme Court did not invalidate the preclearance provisions of Section 5; it only invalidated Section 4(b).
- But that is like leaving the car undamaged but destroying the key that unlocks the doors and starts the engine.
- According to the Court, the coverage formula in Section 4(b) had to be struck down because the data upon which it was based – registration rates and turn-out gaps – was too old and outdated.
- Like many others, I disagreed. I thought the Court got it wrong and said in an *op-ed published in the Forward Times* of Houston, in which I wrote:

The Court majority confuses the symptom with the cause. Congress' focus was not on voter registration or turnout rates. Congress instead was focused on eliminating the causes or at least eradicating the effects of racial discrimination in voting in *states that had a "unique history of problems with racial discrimination in voting."* *Shelby, 570 U.S. at \_\_\_\_*, (Ginsburg, J., dissenting), *slip op. at 19 (June 25, 2013)*.

- I believe Justice Ruth Bader Ginsburg was exactly right when she wrote in her dissent that the question in 2006 was not which states were to be covered by Section 4(b) and thus subject to pre-clearance as was the case in 1965. *Rather the question before Congress in 2006:*

*“Was there still a sufficient basis to support continued application of the preclearance remedy in each of those already-identified places?”*

- There were many commentators, pundits, and opponents of the Voting Rights Act who viewed the Court’s *Shelby* decision as the death knell of the Act.
- But they underestimated the resolve of the Leadership Conference on Civil Rights and the Lawyers Committee for Civil Rights and the NAACP and the National Urban League and MALDEF and other drum majors of justice. They underestimated the determination of my colleagues in the House and Senate, on both sides of the aisle.
- They discounted the commitment of persons like:
  - Republican James Sensenbrenner and Democrat John Conyers, each a former Chairman of the House Judiciary Committee;
  - Congressman John Lewis, who shed his blood on the Edmund Pettus Bridge in Selma, Alabama on “Bloody Sunday”;
  - Northern members of Congress like Democratic Whip Steny Hoyer, Republican Steve Chabot of Ohio and Sean Duffy of Wisconsin; and
  - Southern members like Spencer Bacchus of Alabama, Robert “Bobby Scott” of Virginia *and Sheila Jackson Lee of Texas!*
- These members, joined by several of their colleagues, and working with many of the organizations represented here today refused to let the Voting Rights Act die. They recognized and understood that for all the progress this nation has made in becoming a more inclusive, equitable, and pluralistic society, it is the Voting Rights Act “that has brought us thus far along the way.”
- And so we went to work. You know the saying: “Don’t cry about it, be about it.” And so we were.

- Led by Congressman Jim Clyburn of South Carolina, I was honored to be a member of the working group tasked with sharing ideas, making recommendations, and crafting and drafting the legislation that would repair the damage done to the Voting Rights by the Supreme Court decision and capable of winning majorities in the House and Senate and the signature of the President.
- After months of hard work, consultation, negotiation, and collaboration, we were able to produce a bill, H.R. 3899, “VOTING RIGHTS AMENDMENTS ACT OF 2014” that can achieve these goals.
- To be sure, this legislation is not perfect, no bill ever is.
- But – and this is important – the bill represents an important step forward because it:
  1. is responsive to the concern expressed by the Supreme Court; and
  2. establishes a new coverage formula that is carefully tailored but sufficiently potent to protect the voting rights of all Americans.
- First, H.R. 3899 specifies a new coverage formula that is based on current problems in voting and therefore directly responds to the Court’s concern that the previous formula was outdated.
- The importance of this feature is hard to overestimate. Legislators and litigators understand that the likelihood of the Court upholding an amended statute that fails to correct the provision previously found to be defective is very low and indeed.
- H.R. 3899 replaces the old “static” coverage formula with a new dynamic coverage formula, or “*rolling trigger*,” which works as follows:
  1. *for states*, it requires least one finding of discrimination at the state level and at least four adverse findings by its sub-jurisdictions within the previous 15 years;
  2. *for political subdivisions*, it requires at least three adverse findings within the previous 15 years; but

3. political subdivisions with “*persistent and extremely low minority voter turnout*,” can also be covered if they have a single adverse finding of discrimination.

- The effect of the “rolling trigger” mechanism effectively gives the legislation nationwide reach because any state and any jurisdiction in any state potentially is subject to being covered if the requisite number of violations are found to have been committed.
- Prior to *Shelby County v. Holder*, the Voting Rights Act covered 16 states in whole or in part, including most of the states in the Deep South. Those states originally covered were:

<b>Original States Covered</b>	<b>Applicable Date</b>	<b>Fed. Register</b>	<b>Date</b>
<b>Alabama</b>	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965
<b>Georgia</b>	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965
<b>Louisiana</b>	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965
<b>Mississippi</b>	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965
<b>South Carolina</b>	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965
<b>Virginia</b>	Nov. 1, 1964	30 FR 9897	Aug. 7, 1965
<b>Arizona</b>	Nov. 1, 1972	40 FR 43746	<i>Sept. 23, 1975</i>
<b>Texas</b>	Nov. 1, 1972	40 FR 43746	<i>Sept. 23, 1975</i>
<b>Alaska</b>	Nov. 1, 1972	40 FR 49422	<i>Oct. 22, 1975</i>

- The rolling trigger contained in H.R. 3899, unfortunately, does not; at least not initially. The states that would be covered initially under the new bill are:

<b>States Covered H.R. 3899</b>				
Texas	North Carolina	Louisiana	Florida	South Carolina

- To compensate for the fact that fewer jurisdictions are covered, our bill also includes several key provisions that are consistent with the needs created by a narrower Section 5 trigger.
- For example, H.R. 3899:

1. Expands judicial “bail-in” authority under Section 3 so that it applies to voting changes that result in discrimination (not just intentional discrimination);
  2. Requires nationwide transparency of “late breaking” voting changes; allocation of poll place resources; and changes within the boundaries of voting districts;
  3. Clarifies and expands the ability of plaintiffs to seek a preliminary injunction against voting discrimination; and
  4. Clarifies and expands Attorney General’s authority to send election observers to protect against voting discrimination.
- My friends, the right to vote, free from discrimination, is the capstone of full citizenship conferred by the Civil War Amendments.
  - And it is a source of eternal pride to me that in in pursuit of extending the full measure of citizenship to all Americans that in 1975, Congresswoman Barbara Jordan, who also represented the historic 18<sup>th</sup> Congressional District of Texas, introduced, and the Congress adopted, what are now Sections 4(f)(3) and 4(f)(4) of the Voting Rights Act, which extended the protections of Section 4(a) and Section 5 to language minorities.
  - Language minorities in emerging communities have distinct and particular interests that ought to be considered.
  - “Emerging communities” are those located in states such as Alabama, Arkansas, Tennessee, and South Carolina that historically were not home to large numbers of Hispanics or Asian-Pacific Americans but have in recent years experienced tremendous population growth which is expected to accelerate.
  - The concern is that as these Hispanic and Asian-Pacific voters become more numerous in these states and capable of having a tangible influence on electoral outcomes, some communities may respond by adopting measures that violate principles of fair and equal treatment.

- Such measures may include:
  1. Changes from single-member to at-large election districts;
  2. Changes to jurisdictional boundaries through annexation;
  3. Changes to multilingual voting materials requirements.
- I think we can all agree that language minorities and those residing in emerging communities deserve protection from any such retaliatory election changes.
- The question is how this can best be achieved consistent with the overriding goal of bringing to the floor a bill that can pass both houses of Congress.
- One proposal being considered in a one-time preclearance requirement for “known practices” that have the effect of discriminating against minorities.
- I intend to work with my colleagues and advocates as the legislation works its way forward to do all I can to protect the voting rights of all Americans.
- In 2006, during the floor debate on the reauthorization of the Voting Rights Act, I said:

With our vote today on H.R. 9, each of us will earn a place in history.

Therefore, the question before the House is whether our vote on the Voting Rights Act will mark this moment in history as a “day of infamy,” in FDR’s immortal words, or will commend us to and through future generations as the great defenders of the right to vote, the most precious of rights because it is preservative of all other rights.

For my part, I stand with Fannie Lou Hamer and Rosa Parks and Coretta Scott King, great Americans who gave all and risked all to help America live up to the promise of its creed.

I will vote to reauthorize the Voting Rights Act for the next 25 years.

- The Voting Rights Act of 1965 is no ordinary piece of legislation. For millions of Americans, and many of us in Congress, the Voting Rights Act of 1965 is a sacred treasure, earned by the sweat and toil and tears and blood of ordinary Americans who showed the world it was possible to accomplish extraordinary things.
- Please know that I am as committed to the preservation of the Voting Rights Act today as I was then and will not rest until the job is done. As I stated during the historic 2006 debate:

“I stand today an heir of the Civil Rights Movement, a beneficiary of the Voting Rights Act. I would be breaking faith with those who risked all and gave all to secure for my generation the right to vote if I did not do all I can to strengthen the Voting Rights Act so that it will forever keep open doors that shut out so many for so long.”

- Thank you very much.

**FLOOR STATEMENT**  
**JUNE 2013**

# **CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS**

## **FLOOR STATEMENT “REGARDING SUPREME COURT DECISION IN SHELBY COUNTY VS. HOLDER”**

**JUNE 26, 2013**

- Mr. Speaker, in the case of *Shelby County v. Holder*, decided this past Tuesday, the justification relied upon by the conservative majority of the Supreme Court to strike down Section 4 of the Voting Rights Act today essentially comes down to this: “Times change.”
- Chief Justice Roberts is right, times have changed.
- What he neglects to add is that the change is due almost entirely to the existence and vigorous enforcement of the Voting Rights Act.
- In the same way that the vaccine invented by Dr. Jonas Salk in 1953 eradicated the crippling effects but did not eliminate the cause of polio, the Voting Rights Act has succeeded in stymying the practices that led that resulted in the wholesale disenfranchisement of African Americans in the southern region of our country but not in eliminating the motivations underlying them.
- And that is why the vaccine of the Voting Rights Act is needed as much today as Dr. Salk’s vaccine is needed to prevent another polio epidemic.
- In his opinion, the Chief Justice applauds this remarkable progress brought about by the Voting Rights Act and concludes it was so successful in preventing the states with the worst and most egregious records of voter suppression, intimidation from disenfranchising minority voters that those states should no longer be subject to the federal supervision responsible for the success he celebrates.
- But in a record exceeding 15,000 pages in length compiled after holding 21 hearings and receiving testimony from more than 150 witnesses,

Congress carefully and meticulously documented why the covered states could not yet be trusted to refrain from a return to their days of shame.

- And because of Section 5, they could not do so even if they tried.
- Without Section 5, Congress recognized that many of the advances of the past decades could be wiped out overnight with new schemes and devices, such as the mid-decade redistricting conducted in my home state of Texas, which the U.S. Supreme Court struck down in part in *LULAC v. Perry*, 546 U.S. 399 (2006) or the attempt to eliminate the North Forest Independent School District in my congressional district.
- I call upon the leadership of the Congress and President Obama to follow the example of their predecessors during the 109<sup>th</sup> Congress and begin immediately to work together to come up with the legislative remedy needed to repair the damage caused by the Supreme Court's misreading of history and disregard of its own settled precedents when it comes to Congress's power to protect the right to vote guaranteed by the 15<sup>th</sup> Amendment.
- While the Congress works to come up with the pre-clearance legislative fix, the Administration in the meantime should begin redirecting its resources to wage the many "*post-clearance*" battles that lay ahead.
- Thank you. I yield back my time.

**MARKUP STATEMENT  
IN SUPPORT OF JACKSON LEE AMENDMENT  
H.R. 9**

**CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS**

**BEFORE THE COMMITTEE ON THE JUDICIARY**

**STATEMENT IN SUPPORT OF  
JACKSON LEE AMENDMENT TO  
H.R. 9**

**“FANNIE LOU HAMER, ROSA PARKS, AND CORETTA  
SCOTT KING VOTING RIGHTS ACT  
REAUTHORIZATION ACT OF 2006”**

**MAY 10, 2006**

- Mr. Chairman, I have an amendment at the desk.
- Thank you, Mr. Chairman and members of the Committee.
- I appreciate this opportunity to explain my amendment.
- My amendment makes it an automatic, or *per se*, violation of the Voting Rights Act for a covered jurisdiction – like my home state of Texas -- to redistrict its legislative or congressional districts in the mid-decade, after those districts had already been redrawn in that decade and either enacted into state law or approved by a federal court.
- Before I explain my amendment, let me express my appreciation to the Chairman and Ranking Member for their genuinely bipartisan cooperation in shepherding this historic and vital legislation to this point.
- The Voting Rights Act of 1965 is no ordinary piece of legislation.
- For millions of Americans, and many of us on this Committee, the Voting Rights Act of 1965 is a sacred treasure, earned by the sweat

and toil and tears and blood of ordinary Americans who showed the world it was possible to accomplish extraordinary things.

- The Voting Rights Act of 1965, as amended, which we will vote to reauthorize today was enacted to remedy a history of discrimination in certain areas of the country.
- Presented with a record of systematic defiance by certain States and jurisdictions that could not be overcome by litigation, this Congress -- led by President Lyndon Johnson, from my own home state of Texas -- took the steps necessary to stop it.
- It is instructive to recall the words of President Johnson when he proposed the Voting Rights Act to the Congress in 1965:

"Rarely are we met with a challenge.....to the values and the purposes and the meaning of our beloved Nation. The issue of equal rights for American Negroes is such as an issue.....the command of the Constitution is plain. It is wrong -- deadly wrong -- to deny any of your fellow Americans the right to vote in this country."

- The Voting Rights Act of 1965, represents our country and this Congress at its best because it matches our words to deeds, our actions to our values. And, as is usually the case, when America acts consistent with its highest values, success follows.
- Without exaggeration, the Voting Rights Act has been one of the most effective civil rights laws passed by Congress.
- In 1964, there were only approximately 300 African-Americans in public office, including just three in Congress.
- Few, if any, black elected officials were elected anywhere in the South.
- Today there are more than 9,100 black elected officials, including 43 members of Congress, the largest number ever.

- The act has opened the political process for many of the approximately 6,000 Latino public officials that have been elected and appointed nationwide, including 263 at the state or federal level, 27 of whom serve in Congress. Native Americans, Asians and others who have historically encountered harsh barriers to full political participation also have benefited greatly.
- Mr. Chairman, I hail from the great State of Texas, the Lone Star State.
- A state that, sadly, had one of the most egregious records of voting discrimination against racial and language minorities.
- Texas is one of the Voting Rights Act's "covered jurisdictions."
- In all of its history, I am only one of three African-American woman from Texas to serve in the Congress of the United States, and one of only two to sit on this famed Committee.
- I hold the seat once held by the late Barbara Jordan, who won her seat thanks to the Voting Rights Act.
- From her perch on this committee, Barbara Jordan once said:
 

I believe hyperbole would not be fictional and would not overstate the solemnness that I feel right now. *My faith in the Constitution is whole, it is complete; it is total.*
- I sit here today an heir of the Civil Rights Movement, a beneficiary of the Voting Rights Act.
- My faith in the Constitution and the Voting Rights Act too is whole, it is complete; it is total.
- I would be breaking faith with those who risked all and gave all to secure for my generation the right to vote if I did not do all I can to strengthen the Voting Rights Act so that it will forever keep open doors that shut out so many for so long.

- That is why I am proud to offer my amendment.
- It is a simple amendment.
- It is easy to understand.
- It is obviously the right thing to do.
- My amendment declares that it is an automatic, or per se, violation of the Voting Rights Act for a covered jurisdiction to redistrict its legislative or congressional districts in the mid-decade, after those districts had already been redrawn in that decade and either enacted into state law or approved by a federal court.
- Now, there are some who might claim that such redistricting should be permitted because it is simply part of the rough and tumble of political combat waged by Republicans and Democrats.
- But remember the African proverb: “when the bull elephants fight, the ground get trampled on.”
- And guess what is the ground being ‘trampled on’ when these bull elephants fight in a covered jurisdiction like Texas?
- It is the voting rights of African-Americans, Hispanics, and other racial and language minorities!
- There is simply no good reason for a state with a documented history of discrimination against minorities in voting to redraw its legislative or congressional districts more than once in a decade.
- It is too risky.
- It should not ever be tolerated.
- I ask all members to support my amendment.
- I yield back the balance of my time. Thank you.

**FLOOR STATEMENT  
IN SUPPORT OF H.R. 9**

# **CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS**

## **FLOOR STATEMENT**

### **IN SUPPORT OF**

### **H.R. 9**

## **“FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006”**

**JULY 12, 2006**

- Mr. Chairman, I thank the gentlemen for yielding. I rise in proud support of H. R. 9, the “Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.”
- Had I and several of my colleagues not heeded the requests of the bipartisan leadership of the Committee and the House, there might be an amendment to the bill adding the name of our colleague, John Lewis of Georgia, to the pantheon of civil rights giants listed in the short title.
- Mr. Chairman, with our vote today on H.R. 9, each of us will earn a place in history.
- Therefore, the question before the House is whether our vote on the Voting Rights Act will mark this moment in history as a “day of infamy,” in FDR’s immortal words, or will commend us to and through future generations as the great defenders of the right to vote, the most precious of rights because it is preservative of all other rights.
- For my part, I stand with Fannie Lou Hamer and Rosa Parks and Coretta Scott King, great Americans who gave all and risked all to help America live up to the promise of its creed.

- I will vote to reauthorize the Voting Rights Act for the next 25 years.
- I will oppose all of the poison pill amendments offered by the gentlemen from Iowa, Georgia, and, sadly, my home state of Texas.
- Collectively, these amendments eviscerate the pre-clearance provisions of Section 5, end assistance to language minorities, and shorten the period of renewal by 15 years.
- Mr. Chairman, the proponents of these amendments claim their amendments are intended to “save” or “preserve” or “strengthen” the Voting Rights Acts.
- To claim that you are strengthening the Voting Rights Act by offering amendments that weaken it is like saying you must destroy a village in order to save it.
- There will be time enough to discuss in detail each of the weakening amendments when they are offered later today.
- But at this time I think it very important to discuss the provisions of the Voting Rights Act which I believe an overwhelming majority of the members of this House will vote to adopt today.
- I also want to spend some time reminding my colleagues, and the American people, why this nation needed a Voting Rights Act in 1965 and still needs it today.
- The American people are entitled to know why the Voting Rights Act is widely regarded as the most successful civil rights legislation in history.
- For all the progress this nation has made in becoming a more inclusive, equitable, and pluralistic society, it is the Voting Rights Act “that has brought us thus far along the way.”

*Before the Voting Rights Act*

- Mr. Chairman, today most Americans take the right to vote for granted, so much so that just over half of eligible Americans vote in a presidential election. Americans generally assume that anyone can register and vote if a person is over 18 and a citizen.
- Most of us learned in school that discrimination based on race, creed or national origin has been barred by the Constitution since the end of the Civil War.
- Before the 1965 Voting Rights Act, however, the right to vote did not exist in practice for most black Americans.
- And, until 1975, most American citizens who were not proficient in English faced significant obstacles to voting, because they could not understand the ballot.
- Even though the Indian Citizenship Act gave Native Americans the right to vote in 1924, state law determined who could actually vote, which effectively excluded many Native Americans from political participation for decades.
- Asian Americans and Asian immigrants also have suffered systematic exclusion from the political process and it has taken a series of reforms, including repeal of the Chinese Exclusion Act in 1943, and passage of amendments strengthening the Voting Rights Act three decades later, to fully extend the franchise to Asian Americans.
- It was with this history in mind that the Voting Rights Act of 1965 was designed to make the right to vote a reality for all Americans.
- Through the years leading up to the passage of the Voting Rights Act, courageous men and women braved threats, harassment, intimidation, and violence to win the right to vote for disenfranchised Americans.
- When the Civil Rights Movement came to Ruleville, Mississippi in 1962, Fannie Lou Hamer quickly became an active participant.

- With training and encouragement from the Student Nonviolent Coordinating Committee (SNCC), Fannie Lou Hamer and several other local residents attempted to register to vote, but were unsuccessful because they did not pass the infamous literacy tests.
- In retaliation for trying to register, Fannie Lou Hamer was fired from her job, received phone threats, and was nearly a victim of 16 gunshots fired into a friend's home.
- But Fannie Lou Hamer was not intimidated: by 1963 she was a field secretary for SNCC and had successfully registered to vote.
- Once, when asked whether she was concerned that agitating for civil rights might stir up a backlash from white Mississippians, Fannie Lou Hamer famously said:

I do remember, one time, a man came to me after the students began to work in Mississippi, and he said the white people were getting tired and they were getting tense and anything might happen. Well, I asked him, "how long he thinks we had been getting tired?" ... *All my life I've been sick and tired. Now I'm sick and tired of being sick and tired.*

- Mr. Chairman, the Voting Rights Act of 1965, as amended, was enacted to remedy a long and sorry history of discrimination in certain areas of the country.
- Presented with a record of systematic defiance by certain States and jurisdictions that could not be overcome by litigation, this Congress -- led by President Lyndon Johnson, from my own home state of Texas -- took the steps necessary to stop it.
- It is instructive to recall the words of President Johnson when he proposed the Voting Rights Act to the Congress in 1965:

"Rarely are we met with a challenge.....to the values and the purposes and the meaning of our beloved Nation. The issue of equal rights for American Negroes is such as an issue.....the command of the Constitution is plain. It is

wrong -- deadly wrong -- to deny any of your fellow Americans the right to vote in this country."

- It was wrong to deny African-Americans and other citizens their right to vote.
- It was wrong then and it is wrong now.
- Nothing has done more to right those wrongs than the Voting Rights Act. Without exaggeration, it has been one of the most effective civil rights laws passed by Congress.
- In 1964, there were only approximately 300 African-Americans in public office, including just three in Congress.
- Few, if any, black elected officials were elected anywhere in the South. Today there are more than 9,100 black elected officials, including 43 members of Congress, the largest number ever.
- The act has opened the political process for many of the approximately 6,000 Latino public officials that have been elected and appointed nationwide, including 263 at the state or federal level, 27 of whom serve in Congress.
- Native Americans, Asians and others who have historically encountered harsh barriers to full political participation also have benefited greatly.
- Mr. Chairman, the Voting Rights Act of 1965 is no ordinary piece of legislation.
- For millions of Americans, and many of us in Congress, the Voting Rights Act of 1965 is a sacred treasure, earned by the sweat and toil and tears and blood of ordinary Americans who showed the world it was possible to accomplish extraordinary things.
- Mr. Chairman, I hail from the great State of Texas, the Lone Star State. A state that, sadly, had one of the most egregious records of voting discrimination against racial and language minorities.

- Texas is one of the Voting Rights Act’s “covered jurisdictions.”
- In all of its history, I am only one of three African-American women from Texas to serve in the Congress of the United States, and one of only two to sit on this famed Committee.
- I hold the seat once held by the late Barbara Jordan, who won her seat thanks to the Voting Rights Act.
- From her perch on this committee, Barbara Jordan once said:
 

I believe hyperbole would not be fictional and would not overstate the solemnity that I feel right now. *My faith in the Constitution is whole, it is complete, it is total.*
- I stand today an heir of the Civil Rights Movement, a beneficiary of the Voting Rights Act.
- I would be breaking faith with those who risked all and gave all to secure for my generation the right to vote if I did not do all I can to strengthen the Voting Rights Act so that it will forever keep open doors that shut out so many for so long.
- And the first and most important thing to do today is to vote in favor of H.R. 9 and against all weakening amendments.
- *Renewal of Section 5 and Section 203*
- Congress needs to reauthorize Section 5 of the Voting Rights Act, which requires election law changes proposed by covered jurisdictions to be pre-cleared by the Department of Justice.
- The reason is simple. Equal opportunity in voting still does not exist in many places. Discrimination on the basis of race still denies many Americans their basic democratic rights.
- Although such discrimination today is more subtle than it used to be, it must still be remedied to ensure the healthy functioning of our democracy.

- It is the obligation of the federal government to see that the constitutionally protected right to vote is guaranteed.
- This is what the Voting Rights Act is designed to do.

*Section 5: Pre-clearance*

- Section 5 applies to 16 states in whole or in part, including my home state of Texas.
- Under section 5, a covered jurisdiction must submit proposed changes to any voting law or procedure to the Department of Justice or the U.S. District Court in Washington, D.C for pre-approval, hence the term preclearance.
- The submitting jurisdiction has the burden of proof to show that the proposed change(s) are not retrogressive, i.e. that they do not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color.
- The formula used to designate these covered jurisdictions was first adopted in 1965 and then subsequently amended in 1970 and 1975.
- Section 5 applies to any state or county where a discriminatory test or device was used as of November 1, 1964, and where less than 50 percent of the voting age residents of the jurisdiction were registered to vote, or actually voted, in the presidential election of 1964, 1968, or 1972.
- Although the formula used by Congress focused on registration rates, Congress was not principally focused on voter turnout rates.
- Rather, Congress understood and found that there was an exceptionally strong correlation between low registration rates in the covered jurisdiction and active, purposeful discriminatory conduct intended to keep African-Americans from voting.
- Mr. Chairman, it is important to emphasize that preclearance does not punish states for the wrongdoings of the past.

- Nor does it stifle their ability to move forward and progress.
- That is because covered jurisdictions are able to remove themselves from the restrictions of preclearance through a process known as bailout which sets forth clear and demonstrable standards. Among other things, the jurisdiction must show that:
  1. It has not used a test or device with a discriminatory purpose or effect with respect to voting;
  2. No state or federal court has issued a final judgment against the state or political subdivision for voting discrimination;
  3. The jurisdiction has submitted all voting changes for preclearance in compliance with Section 5;
  4. The Attorney General has not objected to a proposed voting change, and no declaratory judgment under Section 5 has been denied by the U.S. District Court for the District of Columbia; and
  5. The Justice Department has not assigned federal examiners to carry out voter registration or otherwise protect voting rights in the jurisdiction.
- Currently eleven local jurisdictions in Virginia have taken advantage of the bailout provisions thus far.
- Mr. Chairman, preclearance acts as an essential deterrent because it puts modest safeguards in place to prevent backsliding.
- As a bipartisan report by the U.S. Senate in 1982 said, without Section 5, many of the advances of the past decade could be wiped out overnight with new schemes and devices, such as the mid-decade redistricting conducted in Texas, which the U.S. Supreme Court struck down in part in *LULAC v. Perry*, 546 U.S. 399, No. 05-254 (June 28, 2006) and the Georgia voter identification scheme, which just this week was struck down for a second time.
- Mr. Chairman, many scholars and voting rights experts agree that without the deterrent effect of Section 5, there will be little to prevent covered jurisdictions from imposing new barriers to minority participation.

- As much as I and many other may like to see it, Section 5 should not be made permanent.
- Making it permanent would render it vulnerable to a constitutional challenge.
- Because Section 5 is race conscious, it must be able to withstand strict scrutiny by the courts.
- What this means, in part, is that the provision must be narrowly tailored to address the harms it is designed to cure.
- Many legal experts question whether the Court would find a permanent Section 5 to be narrowly tailored, such as to survive a constitutional attack.
- Similarly, Section 5 should not be changed to apply nationwide.
- Although this might sound attractive, a nationwide Section 5 would also be vulnerable to constitutional attack as not narrowly tailored or congruent and proportional to address the harms it is designed to cure, as required by the Supreme Court's recent precedents.
- Section 5 is directed at jurisdictions with a history of discriminating against minority voters.
- In addition, nationwide application of Section 5 would be extremely difficult to administer, given the volume of voting changes that would have to be reviewed.
- This expansion of coverage would dilute the Department of Justice's ability to appropriately focus their work on those jurisdictions where there is a history of voting discrimination.

*Section 203 (Language Assistance)*

- Mr. Chairman, it is crucial that everyone in our democracy have the right to vote.

- Yet, having that right legally is meaningless if certain groups of people (such as the disabled or those with limited English proficiency) are unable to accurately cast their ballot at the polls.
- Voters may be well informed about the issues and candidates, but to make sure their vote is accurately cast, language assistance is necessary in certain jurisdictions with concentrated populations of limited English proficient voters.
- Section 203 was added to the Voting Rights Act in 1975 and requires certain jurisdictions to make language assistance available at polling locations for citizens with limited English proficiency.
- These provisions apply to four language groups: Americans Indians, Asian Americans, Alaskan Natives, and those of Spanish heritage.
- A community with one of these language groups will qualify for language assistance if: (1) more than 5% of the voting-age citizens in a jurisdiction belong to a single language minority community and have limited English proficiency (LEP); or (2) more than 10,000 voting-age citizens in a jurisdiction belong to a single language minority community and are LEP; and (3) the illiteracy rate of the citizens in the language minority is higher than the national illiteracy rate.
- Section 203 requires that registration and voting materials for all elections must be provided in the minority language as well as in English.
- Oral translation during all phases of the voting process, from voter registration clerks to poll workers, also is required.
- Jurisdictions are permitted to target their language assistance to specific voting precincts or areas.
- There are currently a total of 466 local jurisdictions across 31 states that are required to provide language assistance nationwide.

- Of this total: 102 must assist Native Americans or Alaskan Natives across 18 states; 17 local jurisdictions in seven states must assist Asian language speakers and; 382 local jurisdictions in 20 states must assist speakers of Spanish.
- The total of these figures exceeds 466 because 57 of these Section 203 jurisdictions across 13 states must offer assistance in multiple languages.
- There is a great misconception that section 203 is not needed because voters must be citizens, who are required to speak English.
- While this is true, such citizens still may not be sufficiently fluent to participate fully in the voting process without this much-needed assistance.
- In addition, there are many other citizens, the majority of whom are Latinos and Native Americans, who were born in the United States but have had little or no education and/or are limited English proficient.
- The failure of certain jurisdictions to provide adequate education to non-English speaking minorities is well documented in legal decisions and in quantitative studies of educational achievement for Latinos and Native Americans.
- Before the language assistance provisions were added to the Voting Rights Act in 1975, many Spanish-speaking United States citizens did not register to vote because they could not read the election material and could not communicate with poll workers.
- Language assistance has encouraged these and other citizens of different language minority groups to register and vote and participate more fully in the political process which is healthy for our democracy.
- Mr. Chairman, it should be stressed that language assistance is not costly. According to two separate Government Accounting Office studies, as well as independent research conducted by academic

scholars, when implemented properly language assistance accounts only for a small fraction of total election costs.

- The most recent studies show that compliance with Section 203 accounts for approximately 5% of total election costs.
- Finally, Mr. Chairman, language assistance works. To cite one example, in 2003 in Harris County, Texas, officials did not provide language assistance for Vietnamese citizens.
- This prompted the Department of Justice to intervene and, as a result, voter turnout doubled and a local Vietnamese citizen was elected to a local legislative position.
- Another example: implementation of language assistance in New York City had enabled more than 100,000 Asian-Americans not fluent in English to vote.
- In 2001, John Liu was elected to the New York City Council, becoming the first Asian-American elected to a major legislative position in the city with the nation's largest Asian-American population.
- The Voting Rights Act of 1965 represents our country and this Congress at its best because it matches our words to deeds, our actions to our values.
- And, as is usually the case, when America acts consistent with its highest values, success follows.
- I urge my colleague to vote for the bill and reject all amendments.
- I yield back the balance of my time. Thank you.

**FLOOR STATEMENT  
IN OPPOSITION TO  
NORWOOD AMENDMENT TO H.R. 9**

**CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS**

**FLOOR STATEMENT  
IN OPPOSITION TO  
NORWOOD AMENDMENT TO  
H.R. 9  
“FANNIE LOU HAMER, ROSA PARKS, AND CORETTA  
SCOTT KING VOTING RIGHTS ACT  
REAUTHORIZATION ACT OF 2006”**

**JULY 12, 2006**

Mr. Chairman, I thank the gentlemen for yielding.

I rise in strong opposition to the Norwood Amendment to H. R. 9, the “Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.”

The Norwood Amendment replaces the existing Section 5 coverage formula with one keyed to whether a jurisdiction has a test or device or voter turnout of less than 50% in any of the three most recent presidential elections.

The proponents of the amendment claim it is needed to prevent the Supreme Court from striking down the Voting Rights Act.

Mr. Chairman, there are several compelling reasons for rejecting this amendment, which I will discuss.

But let me respond, Mr. Chairman, to the claim that Georgia has suffered enough and should be let out of the “penalty box.”

My response is simple: the record amply demonstrates that Georgia earned its way into whatever “penalty box” it is in and it must earn its way out, as eleven local jurisdictions in Virginia already have.

Mr. Chairman, the claim that the Voting Rights Act faces constitutional jeopardy from the Supreme Court if section 5 is not gutted is a red herring and is not to be taken seriously.

First, the Supreme Court has never ruled the Voting Rights Acts or any of its provisions unconstitutional and there is no reason to suspect it will do so now.

The claim that the intent of the Norwood Amendment is to save and protect the Voting Rights Act is disingenuous.

*It is akin to destroying the village in order to save it!*

Second, the Norwood Amendment would eviscerate the effectiveness of Section 5 by extending its reach nationwide.

It accomplishes this by basing the pre-clearance “trigger” on election turnout in the three most recent presidential elections. Extending the reach of Section 5 nationwide will weaken it, not strengthen it in at least three ways.

A "nationwide" Section 5 would also be vulnerable to constitutional attack as not "narrowly tailored" or "congruent and proportional" to address the harms it is designed to cure, as required by the Supreme Court's recent precedents.

Section 5 is directed at jurisdictions with a history of discriminating against minority voters.

Nationwide application of Section 5 would be extremely difficult to administer, given the volume of voting changes that would have to be reviewed.

This expansion of coverage would dilute the Department of Justice's ability to appropriately focus their work on those jurisdictions where there is a history of voting discrimination.

The lack of understanding of the true purpose and significance of the Voting Rights Act on the part of the supporters of the Norwood

Amendment is most revealed by the desire to extend the reach of Section 5 nationwide.

The proponents of the Norwood Amendment characterize the pre-clearance provisions of Section 5 as the “penalty box,” reserved for those jurisdictions that have “broken the rules.”

The right to vote is not a game; it is serious business, and for those who led the fight to secure that right for African-Americans, it was deadly serious. Section 5 is not punitive; it prohibits discriminatory changes affecting the right to vote.

The Voting Rights Act has no provisions that name particular states or areas. Section 5 is aimed at a type of problem, not a state or region.

It is designed to prevent backsliding by states whose discriminatory literacy tests were outlawed by the original act in 1965.

Section 4 banned literacy tests in states where they were used to discriminate, but experience showed that when one method of voting discrimination was blocked - either through court action or a new law - another method would suddenly appear as a replacement. Congress therefore included the Section 5 preclearance provision to prevent the implementation of new discriminatory laws.

The objections made since 1965 showed the covered jurisdictions have attempted to use gerrymandering and other forms of discrimination to abridge the right to vote.

Section 5 has focused on these efforts.

Mr. Chairman, utilizing recent presidential election turnout data to determine who should be covered by Section 5 preclearance confuses the symptom with the disease.

In 1965, Congress used registration and turnout data to select which states should be subject to federal pre-approval of voting changes because that was the most efficient way to identify those places with the longest and worst history of voter disfranchisement and

entrenched discrimination and blatant racism by recalcitrant jurisdictions.

Congress understood that while a multitude of formulas could be conjured to identify which governmental units would be subject to preclearance, there was and could be only one way for a covered jurisdiction to overcome the need to pre-clear its election laws, and that is by satisfying an independent federal judiciary that it had renounced its discriminatory past and could be trusted not to employ any artifice that would result in a return to those days of shame.

Mr. Chairman, the coverage formula does not need to be changed to bring it to up to date.

The current formula correctly identifies jurisdictions that have the longest and worst history of voter disenfranchisement and entrenched discrimination. Jurisdictions free of discrimination for ten years can come out from under coverage.

Those with continuing problems remain covered. And those where a court finds new constitutional violations can become covered.

If the existing coverage formula were to be replaced with a formula that relies on 1996, 2000, and 2004 presidential election data, it would amount to a repeal of Section 5, even though we know that voting discrimination continues in the currently covered jurisdictions.

Last, the Norwood Amendment undermines the constitutionality of a renewed Section 5.

The current coverage formula targets jurisdictions where Congress found a record of pervasive discrimination in voting on the basis of race.

There is no evidence that the new triggers relied upon in the Norwood Amendment will target such jurisdictions, and only those jurisdiction, with a history of racial discrimination when it comes to its citizens' exercise of the franchise.

The Norwood Amendment is not likely to pass constitutional muster because it is not narrowly tailored to achieve the Congressional objective of subjecting only those jurisdictions *with a history of voter discrimination and electoral racism* to the pre-clearance provisions of Section 5.

The jurisdictions covered by section 5 of the Voting Rights Act earned their way in; they can earn their way out through the bailout provisions of the Act.

What they have not earned is for this Congress to end preclearance requirements for where there is a continuing need for such oversight, as the Texas mid-decade redistricting case and the Georgia voter identification case make clear.

I urge my colleague to reject the amendment.

I yield back the balance of my time. Thank you.

**FLOOR STATEMENT  
IN OPPOSITION TO  
WESTMORELAND AMENDMENT TO H.R. 9**

**CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS**

**FLOOR STATEMENT  
IN OPPOSITION TO  
WESTMORELAND AMENDMENT TO  
H.R. 9  
“FANNIE LOU HAMER, ROSA PARKS, AND CORETTA  
SCOTT KING VOTING RIGHTS ACT  
REAUTHORIZATION ACT OF 2006”**

**JULY 12, 2006**

- Mr. Chairman, I thank the gentlemen for yielding.
- I rise in strong opposition to the Norwood Amendment to H. R. 9, the “Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.”
- The Westmoreland Amendment requires the Attorney General to annually determine whether each state and political subdivision subject to the preclearance requirements of section 5 meets the requirements for bailout.
- The amendment further requires the Attorney General to then inform the public and each state and political subdivision that they are eligible to bail out.
- Last, the amendment would direct the Attorney General to consent to the bail out in federal court.
- Mr. Chairman, this amendment should be soundly defeated.
- I agree with the Mr. Sensenbrenner that of all the weakening amendments offered, this one is the worst by far.
- The Westmoreland Amendment turns Section 5 on its head because instead of enforcing the Voting Rights Act and stopping

voting discrimination, the Department of Justice will be forced to spend nearly all of its time conducting investigations to determine where discrimination no longer exists.

- In the meantime, voting discrimination and constitutional violations will not be addressed.
- Further, Mr. Chairman, this amendment would cripple the Voting Section of the Department of Justice's Civil Rights Division, making enforcement of the Act nearly impossible.
- There are nearly 900 jurisdictions covered nationwide by Section 5.
- Under the proposed amendment, determinations of whether a jurisdiction has a clean bill of health will require the Attorney General to dedicate considerable resources to making these determinations, and little else.
- This amendment has the effect of requiring coverage determinations be made by the Attorney General each year.
- The Westmoreland Amendment removes the longstanding requirement that covered jurisdictions bear the burden of establishing that they are free from discrimination and places that burden on the Attorney General.
- Jurisdictions are uniquely positioned with the evidence showing whether or not voting discrimination is still present.
- Finally, Mr. Chairman, the current bailout provision in Section 4(a) of the Act provides a reasonable and cost-effective opportunity for qualifying jurisdictions to bailout any time after they meet the criteria, as eleven local jurisdictions in Virginia have already done successfully.
- The cost for bailout actions has averaged only \$5,000.
- I urge my colleague to reject the amendment.
- I yield back the balance of my time. Thank you.

**FLOOR STATEMENT  
IN OPPOSITION TO  
GOHMERT AMENDMENT TO H.R. 9**

**CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS**

**FLOOR STATEMENT  
IN OPPOSITION TO  
GOHMERT AMENDMENT TO  
H.R. 9**

**“FANNIE LOU HAMER, ROSA PARKS, AND CORETTA  
SCOTT KING VOTING RIGHTS ACT  
REAUTHORIZATION ACT OF 2006”**

**JULY 12, 2006**

- Speaking of the Emancipation Proclamation, Martin Luther King declared that:

“This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of captivity.”

- I say to you today that the Voting Rights Act, like the Emancipation Proclamation that preceded it a century before, was also a momentous decree which came as a great beacon light of hope to millions of Americans who for decades had been subjected to the withering injustice of racial discrimination and electoral disenfranchisement.
- The Gohmert Amendment seeks to diminish the light of continued hope offered by the VRA.
- The Voting Rights Act of 1965 is no ordinary piece of legislation.
- For millions of Americans and myself, the Voting Rights Act of 1965 is a sacred treasure, earned by the sweat and toil and tears and blood of ordinary yet heroic Americans who showed the world

it was possible to transform their society by having the courage to defy entrenched and systematic racial discrimination and disenfranchisement.

- The Voting Rights Act of 1965, as amended, which we MUST vote to reauthorize today was enacted to remedy a history of systemic and widespread discrimination in certain areas of the country.
- Presented with a record of systematic defiance by certain States and jurisdictions that could not be overcome by litigation, this Congress -- led by President Lyndon Johnson, from my own home state of Texas -- took the steps necessary to stop it.
- It is instructive to recall the words of President Johnson when he proposed the Voting Rights Act to the Congress in 1965:

"Rarely are we met with a challenge.....to the values and the purposes and the meaning of our beloved Nation. The issue of equal rights for American Negroes is such as an issue.....the command of the Constitution is plain. It is wrong -- deadly wrong -- to deny any of your fellow Americans the right to vote in this country."

- The Voting Rights Act of 1965 represents our country and this Congress at its best because it matches our words to our deeds, our actions to our values.
- Martin Luther King said:

"When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir.

... It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned.

... But we refuse to believe that the bank of justice is bankrupt."

- Fortunately, this country has come a long way in the past four decades since the assassination of Dr. King.
- However, as the massive voting irregularities that occurred in 2000 and 2004 clearly illustrate, we have not come far enough.
- That is why we must defeat the Gohmert Amendment which seeks to reduce the reauthorization period for the VRA from 25 years to 10 years.
- The considerable evidence presented in 10 hearings in the Judiciary Committee demonstrate clearly that the level and patterns of discrimination and electoral disenfranchisement present today are extremely unlikely to be eradicated in 10 years.
- Moreover, if covered jurisdictions want to bail out of provisions of the VRA, they can.
- In the past, when Congress reauthorized the VRA for short periods of time, it created an incentive for covered jurisdictions to wait out their obligations rather than comply, thus contributing to the widespread non-compliance with the statute that occurred throughout the 1970s. A 10 year renewal of the VRA would be inadequate.
- In order for Congress to assess whether a pattern of discriminatory conduct remains, it must be able to review voting changes through multiple redistricting cycles.
- The three years following the decennial Census are a time of the highest volume of voting changes and the greatest opportunity for discrimination.
- Accordingly, we must maintain the 25 year renewal period.
- Further, if we observe Congressional history, our own experience with the renewal of the VRA demonstrates a pattern of lengthening

the period of coverage due to the level of entrenchment and intractability of voting discrimination.

- Given the extensive investment of Congressional resources expended by the Judiciary Committee in compiling and considering the detailed record necessary for reauthorization, reenacting the VRA for only 10 years is inefficient and unacceptable.
- Without exaggeration, the Voting Rights Act has been one of the most effective civil rights laws passed by Congress.
- In 1964, there were only approximately 300 African-Americans in public office, including just three in Congress.
- Few, if any, black elected officials were elected anywhere in the South.
- Today there are more than 9,100 black elected officials, including 43 members of Congress, the largest number ever.
- The act has opened the political process for many of the approximately 6,000 Latino public officials that have been elected and appointed nationwide, including 263 at the state or federal level, 27 of whom serve in Congress.
- Native Americans, Asians and others who have historically encountered harsh barriers to full political participation also have benefited greatly.
- I hail from the great State of Texas, the Lone Star State. A state that, sadly, had one of the most egregious records of voting discrimination against racial and language minorities. Texas is one of the Voting Rights Act's "covered jurisdictions."
- In all of its history, I am only one of three African-American woman from Texas to serve in the Congress of the United States, and one of only two to sit on this famed Committee.

- I hold the seat once held by the late Barbara Jordan, who won her seat thanks to the Voting Rights Act.
- From her perch on this committee, Barbara Jordan once said:

I believe hyperbole would not be fictional and would not overstate the solemnness that I feel right now. My faith in the Constitution is whole, it is complete; it is total.
- I sit here today an heir of the Civil Rights Movement, a beneficiary of the Voting Rights Act.
- My faith in the Constitution and the Voting Rights Act too is whole, it is complete; it is total.
- I would be breaking faith with those who risked all and gave all to secure for my generation the right to vote if I did not do all I can to strengthen the Voting Rights Act so that it will forever keep open doors that shut out so many for so long.
- Consequently, we must honor the legacies of those who sacrificed their lives so that we may be able to exercise our constitutionally protected right to vote by renewing the Voting Rights Act for 25 more years.
- Thank you.

**FLOOR STATEMENT  
IN OPPOSITION TO  
KING AMENDMENT TO H.R. 9**

**CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS**

**FLOOR STATEMENT  
IN OPPOSITION TO  
KING OF IOWA AMENDMENT TO  
H.R. 9  
“FANNIE LOU HAMER, ROSA PARKS, AND CORETTA  
SCOTT KING VOTING RIGHTS ACT  
REAUTHORIZATION ACT OF 2006”**

**JULY 12, 2006**

Mr. Chairman, I thank the gentlemen for yielding.

I rise in strong opposition to the King Amendment to H. R. 9, the “Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.”

The King Amendment strikes, *inter alia*, section 203 of the bill. Section 203 is the part of the Voting Rights Act that provides language assistance to American citizen voters for whom English is not their first language.

Mr. Chairman, this amendment should be soundly defeated.

I agree with the Mr. Sensenbrenner that of all the weakening amendments offered, this is one of the worst and ugliest.

Mr. Chairman, one of the most important things proponents of the King Amendment fail to understand is that Section 203 removes barriers to voting faced by tax paying American citizens, citizens who do not speak English well enough to participate in the election process.

Tax-paying citizens should not be penalized for needing assistance to exercise their fundamental right to vote.

Language minority citizens are required to pay taxes and serve in the military without regard to their level of English proficiency.

If they can shoulder those burdens of citizenship, they should be able to share in the benefits of voting with appropriate assistance to exercise the vote.

Section 203 mandates language assistance based on a trigger formula for language minorities from four language groups: Native Americans, Native Alaskans, Asian Americans, and persons of Spanish heritage.

Section 203 protects citizens, not illegal immigrants.

Regardless of one's position on the ongoing debate over immigration reform, the debate over immigration policy is simply irrelevant to the debate on ensuring that the fundamental right to vote is exercised equally by English and non-English proficient citizens.

According to the 2000 census, more than three-quarters (77%) of those protected by Section 203 are *native-born* citizens.

For example, 100 percent of Native Americans and Native Alaskans were born in the United States; 98.6 percent of Puerto Ricans protected by Section 4(e) were born in the United States; and 84.2 percent of Latinos were born in the United States.

Mr. Chairman, section 203 was enacted to remedy the history of educational disparities, which have led to high illiteracy rates and low voter turn out.

These disparities continue to exist.

As of 2000, three fourths of the 3 to 3.5 million students who are native-born were considered to be English Language Learners (ELLs), meaning the students don't speak English well enough to understand basic English curriculum.

ELL students lag significantly behind native-English speakers and are twice as likely to fail graduation tests.

California has over 1, 500,000 ELLs; Texas has 570,000 ELLs; Florida has 25,000 ELLs; and New York has over 230,000.

Since 1975, there have been more than 24 education discrimination cases filed on behalf of ELLs in 15 States.

Fourteen of the States in which education discrimination lawsuits have been brought are covered by language assistance provisions.

Since 1992, 10 cases have been filed. Litigation and consent decrees are currently pending in Texas, Alaska, Arizona, and Florida.

Discrimination cases that have been brought address issues such as inadequate funding for ELLs, inadequate curriculum to assist ELLs become proficient in English, and lack of teachers and classrooms.

These disparities increase the likelihood that ELLs will achieve lower test scores and drop out of school, ultimately, leading to lower voter registration and turnout.

Also, adults who want to learn English must endure long waiting periods to enroll in English Second Language (ESL) literacy centers.

The lack of funding to expand the number of ESL centers around the country leaves minority citizens unable to enroll in classes for several years.

For example, in large cities such as Boston citizens must wait for several years to enroll. In New Mexico, citizens must wait up to a year.

In the State of New York, the wait lists were so long, the State eliminated them and instituted a lottery system.

Once enrolled, learning English takes citizens several years even to obtain a fundamental understanding of the English language - not enough to understand complex ballots.

Citizens should not be barred from exercising their right to vote while trying to become English proficient.

Most jurisdictions covered by Section 203 support its continued existence.

According to a 2005 survey, an overwhelming majority of jurisdictions covered by Section 203 think that federal language assistance provisions should remain in effect for public elections.

In fact, in a poll of registered voters, 57 percent believe it is difficult to navigate ballots and instructions and that assistance should be provided.

Mr. Chairman, it is instructive to review just a few contemporary examples which demonstrate the continuing need for the language assistance provisions of section 203:

- In 2003 in Harris County, Texas, officials did not provide language assistance for Vietnamese citizens. This prompted the Department of Justice to intervene and, as a result, voter turnout doubled and a local Vietnamese citizen was elected to a local legislative position.
- The implementation of language assistance in New York City had enabled more than 100,000 Asian-Americans not fluent in English to vote. In 2001, John Liu was elected to the New York City Council, becoming the first Asian-American elected to a major legislative position in the city with the nation's largest Asian-American population.
- In July 2005, the U.S. Dept of Justice field a lawsuit against the City of Boston for violations of the federal Voting Rights Act, specifically the language assistance provisions (Section 203) for Spanish language assistance and racial discrimination (Section 2) against Asian American voters. The complaint alleges that Boston abridged the rights of language minority groups by:
  1. Treating limited English proficient Hispanic and Asian American voters disrespectfully;

2. Refusing to permit limited English proficient Hispanic and Asian American voters to be assisted by an assistor of their choice;
  3. Improperly influencing, coercing, or ignoring the ballot choices of limited English proficient Hispanic and Asian American voters;
  4. Failing to make available bilingual personnel to provide effectively assistance and information needed by minority language voters; and
  5. Refusing or failing to provide provisional ballots to limited English proficient Hispanic and Asian American voters.
- In San Diego County, California, voter registration among Hispanics and Filipinos rose by over 20 percent after the Department of Justice brought suit against the county to enforce the language minority provisions of Section 203.
  - During that same period, Vietnamese registrations increased by 40 percent.

The Voting Rights Act of 1965, represents our country and this Congress at its best because it matches our words to deeds, our actions to our values.

And, as is usually the case, when America acts consistent with its highest values, success follows.

By eliminating language assistance to American voters, the King Amendment will make it more difficult for American citizens to participate in the political process simply because English is not their primary language.

The King Amendment is thus inconsistent with American values and the spirit of the Voting Rights Act.

Therefore, I urge my colleague to reject the amendment.

I yield back the balance of my time. Thank you.

**PRESS STATEMENT**  
**AUGUST 2014**

**MEDIA INFORMATION**

Congresswoman

**Sheila Jackson Lee**

18th District - Texas



For Immediate Release  
August 6, 2014

Contact: Mike McQuerry  
(202) 225-3816

**PRESS STATEMENT**

**CONGRESSWOMAN JACKSON LEE MARKS 49TH  
ANNIVERSARY OF VOTING RIGHTS ACT**

*Jackson Lee: "the Voting Rights Act of 1965 is sacred treasure, earned by the sweat and toil and tears and blood of ordinary Americans who showed the world it was possible to accomplish extraordinary things"*

HOUSTON— Today, Congresswoman Sheila Jackson Lee, a senior member of the House Judiciary Committee, released the following statement today marking the 49<sup>th</sup> anniversary of the landmark Voting Rights Act signed by President Lyndon Johnson on August 6, 1965:

"In the 49 years since its passage on this day in 1965, the Voting Rights Act has safeguarded the right of Americans to vote and stood as an obstacle to many of the more egregious attempts by certain states and local jurisdictions to game the system by passing discriminatory changes to their election laws and administrative policies.

"In signing the Voting Rights Act on August 6, 1965, President Lyndon Johnson said:

*'The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.'*

"But on June 25, 2013, the Supreme Court decided *Shelby County v. Holder*, 570 U.S. 193 (2013), which invalidated Section 4(b) of the VRA, and paralyzed the application of the VRA's Section 5 preclearance requirements, which protect minority voting rights where voter discrimination has

historically been the worst. Since 1982, Section 5 has stopped more than 1,000 discriminatory voting changes in their tracks, including 107 discriminatory changes in Texas.

“Although much progress has been made with regard to Civil Rights there is still much work to be done in order to prevent systemic voter suppression and discrimination within our communities and we must remain ever vigilant and oppose schemes that will abridge or dilute the precious right to vote.

“H.R. 3899, ‘VOTING RIGHTS AMENDMENTS ACT OF 2014,’ of which I am an original co-sponsor, repairs the damage done to the Voting Rights Act by the Supreme Court decision and is capable of winning majorities in the House and Senate and the signature of the President.

“This legislation replaces the old ‘static’ coverage formula with a new dynamic coverage formula, or ‘*rolling trigger*,’ which effectively gives the legislation nationwide reach because any state and any jurisdiction in any state potentially is subject to being covered if the requisite number of violations are found to have been committed.

“For millions of Americans, the Voting Rights Act of 1965 is sacred treasure, earned by the sweat and toil and tears and blood of ordinary Americans who showed the world it was possible to accomplish extraordinary things.

“The Voting Rights Act is needed as much today to prevent another epidemic of voting disenfranchisement as Dr. Salk’s vaccine is still needed to prevent another polio epidemic. I again call upon Speaker Boehner to bring H.R. 3899, ‘VOTING RIGHTS AMENDMENTS ACT OF 2014’ to the floor for a vote.”

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*Congresswoman Jackson Lee is a Democrat from Texas’s 18th Congressional District. She is a senior member of the House Committees on Judiciary and Homeland Security and is Ranking Member of the Homeland Security Subcommittee on Border and Maritime Security*

**OP-ED**  
**THE HILL**



## **THE VRA AND THE ANNIVERSARY OF 'BLOODY SUNDAY'**

By Rep. Sheila Jackson Lee

March 12, 2014

08:00 AM EDT

We recently marked the 49<sup>th</sup> anniversary of “Bloody Sunday.”

On Sunday, March 7, 1965, more than 600 civil rights demonstrators, including our beloved colleague, Rep. John Lewis (D-Ga.), were brutally attacked by state and local police at the Edmund Pettus Bridge as they marched from Selma to Montgomery in support of the right to vote.

“Bloody Sunday” was a watershed moment in the history of our country and crystallized for the nation the necessity of enacting a strong and effective federal law protecting the right to vote of every American.

Nearly 50 years later, the Voting Rights Act is still needed.

In signing the Voting Rights Act on August 6, 1965, President Johnson said:

“The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.”

In answering the call of history and justice, great legislator-statesmen worked across the aisle and with President Johnson to pass the Voting Rights Act of 1965, men like Senate Majority Leader Mike Mansfield (D-Mont.) and Senate Minority Leader Everett Dirksen (R-Ill.).

In announcing his support for the 1982 extension of the Voting Rights Act, President Reagan said, “the right to vote is the crown jewel of American liberties.”

Section 5 is the “crown jewel” of the Voting Rights Act. It requires covered jurisdictions to submit proposed changes to any voting law or procedure to the Department of Justice or the U.S. District Court in Washington, D.C for pre-approval, hence the term “pre-clearance.”

But a serious blow was dealt to the Voting Rights Act on June 25, 2013, when the Supreme Court handed down the decision in *Shelby County v. Holder*, 570 U.S. 193 (2013), which invalidated Section 4(b), the provision of the law determining which jurisdictions would be subject to Section 5 “pre-clearance.”

According to the Supreme Court majority, the reason for striking down Section 4(b) was that ‘times have changed.’

That may be true but the Voting Rights Act is still needed.

In the same way that the vaccine invented by Dr. Jonas Salk in 1953 eradicated the crippling effects but did not eliminate the cause of polio, the Voting Rights Act succeeded in stymying the practices that resulted in the wholesale disenfranchisement of African Americans and language minorities. But it did not eliminate them entirely.

True, the Supreme Court did not invalidate the preclearance provisions of Section 5; it only invalidated Section 4(b). But that is like leaving the car undamaged but destroying the key that unlocks the doors and starts the engine.

There were many commentators, pundits, and opponents of the Voting Rights Act who viewed the Court's *Shelby* decision as the death knell of the Act.

But they underestimated the resolve of men and women of goodwill in the House and Senate on both sides of the aisle and across the country who revere the Voting Rights Act. They discounted the commitment of persons like:

- Republican Rep. James Sensenbrenner (Wis.) and Democrat Rep. John Conyers (Mich.), each a former chairman of the House Judiciary Committee;
- Rep. John Lewis (D-Ga.), who shed his blood on the Edmund Pettus Bridge in Selma, Alabama on “Bloody Sunday”;
- Northern members of Congress like Democratic Whip Steny Hoyer (Md.), Republicans Steve Chabot (Ohio) and Sean Duffy (Wis.); and
- Southern members like Reps. Spencer Bacchus (R-Ala.), Robert “Bobby” Scott (D-Va.) and myself.

These members, joined by several of their colleagues, refused to let the Voting Rights Act die. After months of hard work, consultation, negotiation, and collaboration, our working group, led by Rep. James Clyburn (D-S.C.), was able to produce a bill, H.R. 3899, “Voting Rights Amendments Act of 2014,” that repairs the harm done to the Voting Rights Act by the Supreme Court decision and is capable of winning majorities in the House and Senate and the signature of the president.

This legislation is not perfect, no bill ever is. But the legislation represents an important step forward because it is responsive to the Court's concern that the previous formula was outdated and establishes a new coverage formula that is carefully tailored to protect the voting rights of all Americans.

H.R. 3899 replaces the old “static” coverage formula with a new dynamic coverage formula, or “*rolling trigger*,” which works as follows:

- *for states*, it requires at least one finding of discrimination at the state level and at least four adverse findings by its sub-jurisdictions within the previous 15 years;
- *for political subdivisions*, it requires at least three adverse findings within the previous 15 years; but
- *political subdivisions with “persistent and extremely low minority voter turnout”* can also be covered if they have a single adverse finding of discrimination.

The rolling trigger, however, does not cover all of these states so to compensate, the bill also includes several key provisions that are consistent with the needs created by a narrower Section 5 trigger.

For example, the bill requires nationwide transparency of “late breaking” voting changes; allocation of poll place resources; and changes within the boundaries of voting districts; and clarifies and expands the ability of plaintiffs to seek a preliminary injunction against voting discrimination.

The 1965 Voting Rights Act is no ordinary piece of legislation. For millions of Americans, and for many in Congress, it is sacred treasure, earned by the sweat and toil and tears and blood of ordinary Americans who showed the world it was possible to accomplish extraordinary things. And it is needed as much today to prevent another epidemic of voting disenfranchisement as Dr. Salk's vaccine is still needed to prevent another polio epidemic.

*Jackson Lee has represented Texas's 18th Congressional District since 1995. She serves on the Homeland Security and the Judiciary committees.*

**OP-ED**  
**FORWARD TIMES**

**OP-ED**  
**WHAT SHOULD BE DONE?**  
**REVIVING THE VOTING RIGHTS ACT**  
**AFTER SHELBY COUNTY V. HOLDER**  
*By Congresswoman Sheila Jackson Lee of Texas*  
*July 17, 2013*

The 14<sup>th</sup> Amendment, the second of the three great Civil War Amendments, was passed in 1868. The 13<sup>th</sup> Amendment abolished slavery, the 14<sup>th</sup> Amendment conferred citizenship on the newly emancipated slaves, and the 15<sup>th</sup> Amendment prohibited abridging the right to vote on account of race, color, or previous condition of servitude.

Taken together, these amendments were intended and have the effect of making former slaves, and their descendants, full and equal members of the political community known as the United States of America.

Section 2 of the 14<sup>th</sup> Amendment is noteworthy because it did two important things. First, it repealed that part of Article I, Section 2, which counted slaves as 3/5 of a person for purposes of taxation and apportionment of seats in the House of Representatives.

Second, it punished states that denied the right to vote to any male citizen over the age of 21 (who was neither a felon nor had fought on the side of the Confederacy during the Civil War) by reducing their population for purposes of representation in Congress. Women were guaranteed the right to vote 52 years later with the ratification of the 19<sup>th</sup> Amendment in 1920, but even then African American women still faced the same barriers and obstacles to voting as African American men and other minorities.

The Framers knew then, and everyone knows now, that the male citizens over the age of 21 who were being denied the right to vote were the former slaves. The Framers of the 14<sup>th</sup> Amendment also knew which states were denying these citizens the right to vote. The Framers could have identified those states by name but elected not to do so.

They chose not to do so because that would have required them to despoil the sanctity and revolutionary character of the Constitution by having to acknowledge explicitly that slavery had existed legally in a country founded on the “self-evident truth” that “all men are created equal.” It is for this reason that the Framers never used the words “slave,” “slaveholder,” “master,” or “slavery” anywhere in the original Constitution. The single oblique reference in the Constitution was the provision counting “all other persons” as three-fifths for purposes of apportionment and taxation. The single reference in the Civil

War Amendments is the negative declaration in the 13<sup>th</sup> Amendment that “neither slavery nor involuntary servitude shall exist . . . in the United States.”

The reason this is important to the debate over the Supreme Court decision in the Voting Rights case of *Shelby County v. Holder* is because it shows that when it comes to matters of race and politics in America, the Framers and Congress have always been masters of writing in code so as not to bruise the feelings or upset the tender sensibilities of their fellow citizens. The Framers and Congress were practiced in the art of expressing their true views and achieving their objectives without enshrining in the Constitution or laws the fact that certain acts in the nation constituted harsh discrimination. This was based upon the high values of freedom, justice, and democracy upon which our nation was founded and Congress called upon those same high values in framing the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Amendments and in exercising its authority to ensure that all Americans have the unfettered right to vote.

The obvious conclusion that can be drawn from this history is that the Congress that drafted the 1965 Voting Rights Act knew exactly what it was doing when it devised the coverage formula of Section 4(b). Congress wanted to protect the right to vote of citizens in the states where it was being abridged on account of race. And it knew precisely which states were abridging that right on account of race. They were the same states targeted by Section 2 of the 14<sup>th</sup> Amendment. Congress could have identified those states by name in the statute but followed the custom established by the Framers of the Constitution and the 14<sup>th</sup> Amendment and declined to do so.

What has any of this do with the Supreme Court’s decision in *Shelby County v. Holder*? Simply this: The rationale for the Court’s invalidation of Section 4(b) is the erroneous assumption or willful misrepresentation that the Congress that passed the 1965 Voting Rights Act was interested only in increasing voter registration and turnout rates in states that had a large racial gap in such rates. *See Shelby, 570 U.S. at \_\_\_\_*, *slip op. at 18 (June 25, 2013)*.

The Court majority confuses the symptom with the cause. Congress’ focus was not on voter registration or turnout rates. Congress instead was focused on eliminating the causes or at least eradicating the effects of racial discrimination in voting in *states that had a “unique history of problems with racial discrimination in voting.” Shelby, 570 U.S. at \_\_\_\_*, (*Ginsburg, J., dissenting*), *slip op. at 19 (June 25, 2013)*. Based on the discussion above, Justice Ginsburg was exactly right when she wrote in her dissent that the question in 2006 was not which states were to be covered by Section 4(b) and thus subject to pre-clearance as was the case in 1965. Rather the question before Congress in 2006:

“Was there still a sufficient basis to support continued application of the preclearance remedy in each of those already-identified places?”

*Id. at 34*. In a record exceeding 15,000 pages in length compiled after holding 21 hearings and receiving testimony from more than 150 witnesses, Congress carefully and meticulously documented why the covered states could not yet be expected to refrain

from a return to the days wherein the finding existed that “intentional racial discrimination in voting remains so serious and widespread in covered jurisdictions that preclearance is still needed.” *Id. at 7.*

The Voting Rights Act as passed in 1965, and extended in 1970, 1975, 1982, and 2006 was intended by Congress to enforce and make real the promise of the 15<sup>th</sup> Amendment’s guarantee of the right to vote to racial and language minorities. The right to vote, free from discrimination, is the capstone of full citizenship conferred by the Civil War Amendments. It was in pursuit of the full measure of American citizenship and not just to increase registration and turnout rates that my colleague, Congressman John Lewis, shed his blood on the Edmund Pettus Bridge in Selma, Alabama. And it was also the reason that in 1975 Congresswoman Barbara Jordan, who represented the historic 18<sup>th</sup> Congressional District of Texas, introduced, and the Congress adopted, what are now Sections 4(f)(3) and 4(f)(4) of the Voting Rights Act, which extended to language minorities the protections of Section 4(a) and Section 5.

Thus, voting registration and turnout rates were not the sole concern. Indeed, the evidence was so powerful and compelling that racial and language discrimination in voting remains serious and widespread that the bipartisan majority vote to renew the Voting Rights Act with the pre-clearance provisions designed to protect minority voting rights was the largest in history: the House vote was 390-33 and the Senate vote was 98-0. And to drive home the point that Congress intended to provide the maximum protection to the right to vote to racial and language minorities, Congress even amended the short title in 2008 in response to legislation introduced by Senators Salazar and Cornyn in the Senate and me in the House so that the formal name of the Act is the “*Fannie Lou Hamer, Rosa Parks, Coretta Scott King, Cesar E. Chavez, Barbara C. Jordan, William C. Velasquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006.*” Additionally, I proposed an amendment in 2006 to add Congressman John Lewis’s name to the legislation and I hope soon to see that happen when the Republicans and Democrats come together to pass the necessary legislation to restore the Voting Rights Act.

If we reflect on the above analysis two major themes emerge. First, the right to vote of all Americans is to be guaranteed and second, that the exercise of that right should be unfettered. In the years since passage in 1965 to the present, the Voting Rights Acts has been instrumental in helping many Americans, especially language and racial minorities. But the recent national election brought more problems to light that need to be addressed so that seniors, the disabled, students, and other Americans enjoy unfettered access to the ballot. This seems to provide a road map to Congress to come together and rally around the broad general principle that every American should have the right to vote and barriers and obstacles burdening the exercise of that right should not be tolerated. I cannot believe that there can be any real disagreement on this point.

The significance of the above recitation of history and fact is that it leads to a number of options available to Congress to revive the Voting Rights Act in light of the decision in *Shelby County v. Holder*, including the following:

1. Include in the new legislation renewing Section 4(b) of the Voting Rights Act consisting of an express finding that the dominant and overriding purpose of Congress in passing the Act in 1965 was *to eradicate racial discrimination in voting in jurisdictions that had a unique history of problems with racial discrimination in voting and that, since 1975 when it added Section 4(f)(3) and (4) and Section 203, Congress was equally determined to protect language minorities from discrimination in voting.*
2. Include also in the amending legislation an express finding that the dominant and overriding purpose of Congress in renewing the Act for an additional 25 years is to continue subjecting certain named jurisdictions covered under the 1965 to the pre-clearance requirements of Section 4(a) and (5) because the record documenting the nature and extent of their compliance with the Voting Rights Act has led Congress to conclude that there still exists in those states intolerable levels of racial and language discrimination in voting and that the problems with racial and language discrimination in voting in those states far exceeds the median level of problems found in states not covered by Section 4(b).
3. Based upon the above findings in paragraphs (1) and (2), an appropriate formula that can withstand constitutional scrutiny and pass constitutional muster and the test of time can be added to the Voting Rights Act. Many of us will be collaborating with our colleagues to develop such a formula that can garner the support of both houses of Congress.

The Voting Rights Act, as amended, is a balanced and measured response to the racial and language discrimination in voting problem that still plagues our country. Measured because only those jurisdictions in which the problems are greatest are covered. Balanced because the Act includes reasonable provisions through which covered jurisdictions can render inapplicable the Act's pre-clearance requirements. *In fact, as Justice Ginsburg noted in her dissent, "Nearly 200 jurisdictions have successfully bailed out of the preclearance requirement, and DOJ has consented to every bailout application filed by an eligible jurisdiction since the current bailout procedure became effective in 1984." Id. at 22 (emphasis added).*

Supreme Court decisions should be thoughtful and thorough. The majority decision in *Shelby County v. Holder* is misdirected and erroneously rests upon a legal fiction. The Voting Rights Act was and is carefully drafted and crafted to achieve the national goal of eradicating racial and language discrimination in voting. It is up to Republicans and Democrats in Congress to work together to pass legislation that will ensure that the Voting Rights Act remains on the books until the voting rights of each and every American is secure.

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*Congresswoman Jackson Lee is a Democrat from Texas's 18th Congressional District. She is a senior member of the House Committees on Judiciary and Homeland Security and is Ranking Member of the Homeland Security Subcommittee on Border and Maritime Security. She holds the seat previously held by the late Congresswoman Barbara Jordan.*

**OP-ED**  
**JUNE 2013**

# **TIMES HAVE CHANGED: WHY THE VOTING RIGHTS ACT IS NEEDED NOW MORE THAN EVER**

OP-ED

*By Congresswoman Sheila Jackson Lee of Texas*

*June 25, 2013*

The justification relied upon by the conservative majority of the Supreme Court to strike down Section 4 of the Voting Rights Act today essentially comes down to this: "Times change." Chief Justice Roberts is right, times have changed. What he neglects to add is that the change is due almost entirely to the existence and vigorous enforcement of the Voting Rights Act.

In the same way that the vaccine invented by Dr. Jonas Salk in 1953 eradicated the crippling effects but did not eliminate the cause of polio, the Voting Rights Act has succeeded in stymying the practices that resulted in the wholesale disenfranchisement of African Americans in the southern region of our country but not in eliminating the motivations underlying them. And that is why the vaccine of the Voting Rights Act is needed as much today as Dr. Salk's vaccine is needed to prevent another polio epidemic.

Before the Voting Rights Act was passed in 1965, the right to vote did not exist in practice for most African Americans. And until 1975, most American citizens who were not proficient in English faced significant obstacles to voting, because they could not understand the ballot. Even

though the Indian Citizenship Act gave Native Americans the right to vote in 1924, state law determined who could actually vote, which effectively excluded many Native Americans from political participation for decades. Asian Americans and Asian immigrants also suffered systematic exclusion from the political process.

In 1964, the year before the Voting Rights Act became law, there were approximately 300 African-Americans in public office, including just three in Congress. Few, if any, black elected officials were elected anywhere in the South. Because of the Voting Rights Act, there are now more than 9,100 black elected officials, including 43 members of Congress, the largest number ever. The Voting Rights Act opened the political process for many of the approximately 6,000 Latino public officials that have been elected and appointed nationwide, including 263 at the state or federal level, 27 of whom serve in Congress. Native Americans, Asians and others who have historically encountered harsh barriers to full political participation also have benefited greatly.

In his opinion, the Chief Justice applauds this remarkable progress and concludes that the Voting Rights Act was so successful in preventing the states with the worst and most egregious records of voter suppression and intimidation from disenfranchising minority voters that those states should no longer be subject to the federal supervision responsible for the success he celebrates.

In concluding that in determining which states would be subject to pre-clearance, Congress was only concerned about states with a “recent history of voting tests and low voter registration and turnout,” Chief Justice Roberts confuses the symptom with the disease. Congress used registration and turnout data to select which states should be subject to federal pre-approval of voting changes *because that was the most efficient way to identify those places with the longest and worst history of voter disfranchisement and entrenched discrimination and blatant racism by recalcitrant jurisdictions.*

Congress understood that while a multitude of formulas could be conjured to identify which governmental units would be subject to pre-clearance, there was and could be only one way for a covered jurisdiction to overcome the need to pre-clear its election laws, and that was by satisfying an independent federal judiciary that it had renounced its discriminatory past

and could be trusted not to employ any artifice that would result in a return to those days of shame.

But in a record exceeding 15,000 pages in length compiled after holding 21 hearings and receiving testimony from more than 150 witnesses, Congress carefully and meticulously documented why the covered states could not yet be trusted to refrain from a return to their days of shame. And because of Section 5, they could not do so if they tried.

That is why opponents of the Voting Rights Act have long chafed at the pre-clearance provisions of Section 5 and have repeatedly, but without success, tried to have it repealed legislatively or invalidated judicially. Section 5 is the “anchor” providing the federal government the power to protect the right to vote guaranteed by the 15<sup>th</sup> Amendment, section 2 of which imbues Congress with special “power to enforce . . . by appropriate legislation.”

Without Section 5, Congress recognized that many of the advances of the past decades could be wiped out overnight with new schemes and devices, such as the mid-decade redistricting conducted in my home state of Texas, which the U.S. Supreme Court struck down in part in *LULAC v. Perry*, 546 U.S. 399 (2006) or the attempt to eliminate the North Forest Independent School District in my congressional district.

Nearly seven years ago, on July 12, 2006, when the legislation renewing the Voting Rights Act was being debated, I addressed the House and said:

“With our vote today on H.R. 9, each of us will earn a place in history.

Therefore, the question before the House is whether our vote on the Voting Rights Act will mark this moment in history as a “day of infamy,” in FDR’s immortal words, or will commend us to and through future generations as the great defenders of the right to vote, the most precious of rights because it is preservative of all other rights.

For my part, I stand with Fannie Lou Hamer and Rosa Parks and Coretta Scott King, great Americans who gave all and risked all to help America live up to the promise of its creed.”

I was proud to vote to reauthorize the Voting Rights Act for the next 25 years, as I was of the Republican House and Republican Senate for

passing it with overwhelming and bipartisan majorities, and of the Republican President, George W. Bush, for signing it into law. But I am not proud of Supreme Court’s ruling in the *Shelby County* case holding Section 4 of the VRA to be unconstitutional and I predict that in time this decision will take its place alongside the Court’s decisions in *Dred Scott*, *Korematsu*, and *Plessy* as among the most shameful and intellectually dishonest in its history.

I call upon the leadership of the Congress and President Obama to follow the example of their predecessors during the 109<sup>th</sup> Congress and begin immediately to work together to come up with the legislative remedy needed to repair the damage caused by the Supreme Court’s misreading of history and disregard of its own settled precedents when it comes to Congress’s power to protect the right to vote guaranteed by the 15<sup>th</sup> Amendment.

While the Congress works to come up with the pre-clearance legislative fix, the Administration in the meantime should begin redirecting its resources to wage the many “post-clearance” battles that lay ahead.

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*Congresswoman Jackson Lee is a Democrat from Texas’s 18th Congressional District. She is a senior member of the House Committees on Judiciary and Homeland Security and is Ranking Member of the Homeland Security Subcommittee on Border and Maritime Security. She holds the seat previously held by the late Congresswoman Barbara Jordan.*

**PRESS STATEMENT**  
**FEBRUARY 2007**

## **MEDIA INFORMATION**



Congresswoman

**Sheila Jackson Lee**

18th District - Texas

For Immediate Release  
February 8, 2007

Contact: Michael McQuerry  
(202) 225-3816

## **PRESS STATEMENT**

### **THE HONORABLE BARBARA JORDAN'S NAME ADDED TO THE HISTORIC VOTING RIGHTS ACT PASSED BY CONGRESS LAST YEAR**

**Washington, DC** – Congresswoman Sheila Jackson Lee released the following statement on S. 188, a bill to revise the short title of the Voting Rights Act Reauthorization and Amendments Act of 2006, which passed out of the Senate Judiciary Committee today:

“Today the Senate Committee on Judiciary approved by voice vote the renaming of the Voting Rights Act Reauthorization and Amendments Act of 2006. S.188 adds the names of the Honorable Barbara Jordan along with Cesar E. Chavez. The new title of the act will be ‘The Fannie Lou Hamer, Rosa Parks, Coretta Scott King, Cesar E. Chavez, and Barbara C. Jordan Voting Rights Act Reauthorization and Amendments Act of 2006.’ I have introduced the companion bill here in the House and look forward to working closely with the Senate to get this change signed into law.

“The Honorable Barbara Jordan was a renaissance woman, eloquent, fearless, and peerless in her pursuit of justice and equality. She exhorted all of us to strive for excellence, stand fast for justice and fairness, and yield to no one in the matter of defending the Constitution and upholding the most sacred principles of a democratic government – especially voting rights.

“Congresswoman Jordan was not only a pioneer as the first African-American woman from a southern state to serve in the House of Representatives, but also a great leader with an impressive career in public service as a Texas state legislator, a Member of Congress, and a professor at the University of Texas. Her work on the House Judiciary Committee in 1975 was instrumental in renewing the Voting Rights Act and adding the vital minority language provisions to the VRA. Barbara Jordan’s life and career, not to mention her powerful speeches, have been an inspiration to so many that I am pleased that her name will be added to the bill.”

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