

Statement of

# The Honorable Patrick Leahy

United States Senator  
Vermont  
May 9, 2006

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Ranking member, Committee on the Judiciary  
Hearing on the Expiring Provisions of the Voting Rights Act

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I am pleased to join the Chairman in welcoming everyone to our Committee's second hearing on extension of the expiring provisions of the Voting Rights Act. Last Wednesday we joined in introducing a bipartisan bill cosponsored by the Republican and Democratic leaders of the Senate, a number of Republicans and Democrats serving on this Committee and more than two dozen cosponsors in all. The same bill was introduced on Tuesday in the House by Chairman Sensenbrenner and Representative Conyers and the Republican and Democratic leadership in the House. Those actions demonstrate the widespread support that exists for renewing and revitalizing the Act's expiring provisions. As several of us noted last week at an historic bipartisan, bicameral event on the Capitol steps, there have been too few occasions in the last six years in which Republicans and Democrats in the House and Senate have joined together in this way on behalf of the country.

There is not much time remaining in the legislative calendar this year. If we are to achieve our goal of reauthorizing the expiring provisions this year we need to focus on this important matter and our hearings this week and next. We all want to create the best record we can. It is my hope, which I have urged upon the Chairman, that we are in position to report our bill before the end of the month.

Today we welcome the testimony of two civil rights practitioners with a combined history of over 60 years litigating voting rights cases. Ted Shaw has a distinguished career as a litigator and professor. He is the Director and President of the NAACP Legal Defense and Educational Fund, Inc., founded in 1940 under the leadership of Thurgood Marshall. He has also taught at Columbia and the University of Michigan law schools. Laughlin McDonald has been the Director of the ACLU's Voting Rights Project for the past 34 years as well as teaching at the University of North Carolina Law School. We appreciate having experienced practitioners testifying.

We will also hear from a distinguished historian, Professor Chandler Davidson of Rice University. Professor Davidson's books on this topic have taught the nation about the insidious discriminatory tactics that deprived many Americans of the right to vote prior to the passage of the Voting Rights Act in 1965. The fight for equal voting rights dated back almost 100 years, to the ratification of the 15th Amendment in 1870, the last of the post-Civil War Reconstruction amendments. It took passage and implementation of the Voting Rights Act of 1965, however, for people of all races in many parts of our country to gain the effective exercise of rights guaranteed 95 years earlier by the Constitution.

The pre-clearance provisions included in the Act were one of the primary reasons progress was made where earlier attempts had failed. Section 5 requires certain covered jurisdictions with a history of discrimination to "pre-clear" all voting changes with either the Justice Department or the U.S. District Court for the District of Columbia. In doing so, Section 5 combats the practices in these jurisdictions of shifting from one invalidated discriminatory tactic to another, which had undermined earlier efforts to enforce 15th Amendment guarantees.

As part of the second reauthorization of the Voting Rights Act 1975, Congress added Section 203, which requires bilingual voting assistance for certain language minority groups. Section 203 has been a key factor in expanding the inclusiveness of democracy to all American citizens and has led to extraordinary gains in representation and participation made by Asian Americans and Hispanic Americans. Like Section 5, Section 203 is set to expire. It is imperative that all citizens be able to exercise their rights as citizens, particularly a right as fundamental as the right to vote. Renewing the expiring language provisions of the Voting Rights Act will continue to make that a reality.

We reauthorized and amended parts of the original act in 1970, 1975, 1982 and 1992 because of continuing discrimination and an evolving need for remedial action to protect the rights of American voters. This Congress has the opportunity to reinvigorate the Act, strengthening and improving its remedies. The Voting Rights Act Reauthorization and Amendments Act of 2006 does so by clarifying certain parts of Section 5 to restore the original meaning and interpretation and thereby give our courts clear guidance.

Regrettably, the effectiveness of Section 5 has been undermined by two recent Supreme Court decisions. In our bipartisan bill we have proposed legislative language to clarify congressional intent and thereby make clear that a voting rule change motivated by any discriminatory purpose violates Section 5. That restores the original meaning and purpose of the Voting Rights Act, to protect the right to vote and to have those votes count by ensuring minority community's ability to elect their preferred candidates of choice.

The Voting Rights Act of 1965 is one of the most important laws Congress has ever passed. It is helping usher the country from a history of discrimination into an era of greater democracy in which there is greater inclusion of all Americans in decisions about our Nation's future. Our democracy and our nation are better and richer for it. While I look forward to the day when it is no longer needed, I believe that our work here is not yet completed. We need to make sure that the gains we are making are not lost.

I look forward to the testimony of our witnesses here today and thank them for traveling from all corners of the country to be with us today on short notice.

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