

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
June 21, 2006

Statement of Senator Patrick Leahy
Ranking Member, Committee on the Judiciary

"Reauthorizing the Voting Rights Act's Temporary Provisions:

Policy Perspectives and Views from the Field"
Hearing before the Subcommittee on the Constitution,
Civil Rights and Property Rights
June 21, 2006

This afternoon the Chairman of this Subcommittee has called for a hearing with a very broad scope. In the full Judiciary Committee, we have already held six hearings on various aspects of S. 3274, the Voting Rights Act Reauthorization and Amendments of 2006. We have heard from dozens of academics, practitioners and local election administrators in the course of these hearings. They have provided hours of testimony and represented many different perspectives. I anticipate we will receive similar testimony at this subcommittee hearing today.

I regret that despite Chairman Sensenbrenner's strong leadership in holding a dozen hearings and building a strong bipartisan consensus in favor of H.R. 9, the House of Representatives postponed their vote on the Voting Rights Act this afternoon. We all know it would have received overwhelming bipartisan support and we need to act now. I expect that they will move forward very soon because the Voting Rights Act is a keystone of the body of civil rights laws that changed our country. Congresses since then have come together in bipartisanship to renew the Act, recognizing its continuing vitality and importance. It would be a travesty for the 109th Congress to break that historic solidarity with American values and with the importance of protecting the foundational right to vote.

The Chairman of the Judiciary Committee has stated that he intends to complete hearings on reauthorizing the Voting Rights Act by early next week. We have dedicated significant time to this matter over the course of three months now and I hope we can complete consideration of the bill at executive sessions before the Independence Day recess. Despite today's unnecessary delay, we expect the House of Representatives to vote soon on final passage of its bill, and we expect that bipartisan vote to be overwhelmingly in support of the bill. Now, the spotlight turns to us and time is of the essence. Instead of holding hearing after hearing on the very same provisions, Members can invite witnesses to submit written testimony that they believe to be relevant to this most important civil rights issue.

In his famous "I have a dream" speech, Martin Luther King, Jr. noted that "[w]hen 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." The Voting Rights Act is one of the most important methods of enforcing this promise. Congress has reauthorized and revitalized the Act four times, each time with overwhelmingly bipartisan support pursuant to its constitutional powers.

The enactment of the Voting Rights Act in 1965 transformed the landscape of political inclusion. As people are able to register, vote, and elect candidates of their choice, their interests get attention and their rights are protected. Prior to the Act, minorities of all races faced major barriers to participation in the political process, through the use of such devices as poll taxes, exclusionary primaries, intimidation by voting officials, language barriers, and systematic vote dilution. We have made significant progress toward a more inclusive democracy but the obstacles to full enjoyment of

the franchise have morphed over time. Fortunately, instances of blatant denials of the right to vote are far less common but the abridgment of the right is still a major problem in some parts of the country. We should not let this historic Act sunset merely because the obstacles have become more subtle. Abridgement of the right to vote is a violation of the "promissory note" that our nation's founders embedded in the Constitution and that their successors wrote into the 15th Amendment.

We have heard from numerous witnesses that if we fail to reauthorize the Act's expiring provisions, in particular Sections 5 and 203, we risk our Nation backsliding on fundamental freedoms. Unfortunately, the work of the expiring provisions to remedy the denial of voting rights remains incomplete in many parts of the country. We must give these provisions time to solidify the gains that we have been making as a Nation.

Our Committee record is full of modern instances of discriminatory tactics employed since the Act was last reauthorized in jurisdictions covered by the temporary provisions. The state reports prepared by civil rights experts and practitioners set forth in great detail evidence of recurring problems in those jurisdictions. I look forward to the completion of the remaining state reports and their inclusion in the Senate hearing record.

The Chairman of this Subcommittee is one of the leading Republican co-sponsors of Senate Bill 2703. I look forward to working with him to pass this legislation to reauthorize and revitalize the Voting Rights Act. I extend a warm welcome today to the witnesses who have traveled here to testify and look forward to receiving their testimony.

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