

Testimony of

# The Honorable F. James Sensenbrenner, Jr.

April 27, 2006

Statement of Chairman Sensenbrenner  
Before the Senate Judiciary Committee  
on Reauthorization of the Voting Rights Act

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Chairman Specter, Ranking Member Leahy, and other distinguished Members of the Committee, thank you for the opportunity to testify this afternoon. Ranking Members Conyers and I are here today to express bipartisan support for legislation to extend the Voting Rights Act, to ensure that the right to vote continues to be protected to the full extent of Congress' constitutional authority.

As many of you know, my interest in the Voting Rights Act dates back some 25 years. In 1982, I was proud to help lead a bipartisan effort to reauthorize the temporary provisions of the Voting Rights Act for an additional 25 years. In addition to reauthorizing the Act, we made several necessary changes to Section 2 and Section 4 to address the concerns of many interested parties. I believe the 1982 amendments have been effective in further transforming our local, State, and Federal election systems for the better.

Over the last 25 years, we've witnessed significant increases in minority voter registration and turnout. We've also seen substantial changes in the makeup of local, State, and Federal elected offices. Today, more and more minority citizens hold elected office in Congress, state legislatures, city councils, and school boards, and our nation has been enriched as a result.

Last summer, in recognizing the 40th anniversary of the Voting Rights Act, I, along with Ranking Member Conyers and Judiciary Committee Member and Congressional Black Caucus Chairman Mel Watt, pledged our commitment to see the Voting Rights Act's temporary provisions reauthorized for an additional 25 years. Since last fall, the House Judiciary Committee has examined the Voting Rights Act in great detail, with a particular focus on the provisions currently set to expire in 2007. I am here today to present this Committee with the results of our examination, which includes almost 8,000 pages of testimony that comprise nine of the ten hearing records compiled by the House Judiciary Committee.

Since October of last year, the House Subcommittee on the Constitution has held ten hearings and received oral and written testimony from more than 39 witnesses, including supporters and opponents of reauthorization. The hearings examined the effectiveness of each of the expiring provisions in remedying discrimination and protecting minority voters over the last 25 years, as well as their continued need over the next 25 years. In some cases, the Committee held multiple hearings on certain provisions to ensure that all of the relevant issues were fully examined.

In particular, the Committee examined the continued effectiveness of Section 4(b)'s trigger formula in identifying those jurisdictions covered by the extraordinary remedies; the feasibility of the bailout process, as demonstrated by the successful bailout of eleven counties in the covered State of Virginia; the increased use and continued need for Section 5's preclearance requirements; the continued need for Federal observers in covered jurisdictions to protect minority voters; and the impact Section 203 has had on facilitating the participation of language minority citizens in the political process.

The Committee also carefully examined the impact certain Supreme Court decisions have had on Section 5's ability to protect minorities from discriminatory voting changes enacted by covered jurisdictions, particularly in state and Congressional redistricting initiatives.

In addition to the testimony received during the hearings, the Committee received and incorporated into its hearing record written testimony from the Department of Justice, non-governmental organizations, and other interested citizens, including several comprehensive national and state reports. This information significantly strengthened the Committee's record by documenting discrimination in the electoral process, the temporary provisions' effectiveness in addressing discrimination, and the continued need for Federal oversight in covered jurisdictions over the next 25 years.

The comprehensive record established by the Committee strongly supports reauthorization of the VRA, and I believe this record will be vitally important in ensuring that the resulting legislation can withstand an almost certain constitutional challenge. The Supreme Court looked to similar records in upholding the use of these extraordinary measures on two separate occasions, first in 1965 and again in 1980.

It has been 40 years since Congress first took steps to remedy our nation's sad history of discrimination in voting. The Committee's record demonstrates that, while progress has been made, vestiges of discrimination are still present in certain parts of the country. As this record also reveals, Congress is clearly justified under Section 2 of the 15th Amendment in using all remedies at its disposal to ensure that the most fundamental right of citizenship - the right to vote - is protected for all citizens.