

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
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Statement of Senator Patrick J. Leahy
Ranking Member, Senate Judiciary Committee
On the Continuing Need for Section 203 of the Voting Rights Act
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Today, we continue, and I hope conclude, our hearings on the reauthorization of the Voting Rights Act. I am glad that the Committee has finally resumed these hearings after weeks of delay and several postponements. I look forward to working with the Chairman to complete our Committee's work on this historic bipartisan legislation by the end of the month. This hearing will focus on the critical continuing need for Section 203, one of the Act's critical language assistance provisions to ensure that our language minorities are protected and can participate fully in the democratic process of elections.

In the last few weeks, the Republican-led Senate devoted significant time to debating a constitutional amendment that even its supporters knew had no hope of passage. It failed not only to attract the necessary 67 votes but failed even to garner 50 votes. Instead of writing discrimination into the Constitution, we should be enforcing the Constitution's guarantees against discrimination.

The Voting Rights Act implements the guarantee to full participation for racial and language minorities. We should complete the work that was begun last year in the House of Representatives. This work reached an important milestone at the beginning of May when Senators and Representatives on both sides of the aisle joined to introduce our historic bicameral and bipartisan bill reauthorizing the Voting Rights Act. Thanks to hard work we have built a robust record in 18 Committee hearings to support reauthorization.

As demonstrated in the Senate and House hearings, the Act remedies discrimination which still impedes millions of Americans from fully exercising their right to vote. It is important that we conclude our Senate hearings and report our bipartisan bill in the next few weeks so that the Senate can complete action on reauthorization this year. By reporting our bill in June, it will allow us to work with the Republican and Democratic leaders on Senate consideration so that this critical legislation can be reauthorized during the short legislative session still available this year. There are less than 12 weeks in session before the scheduled adjournment of the Senate.

There are few things as critical to our Nation, and to American citizenship, as voting. Like the rights guaranteed by the First Amendment, the right to vote is foundational because it secures the effective exercise of all other rights. As people are able to register, vote, and elect candidates of their choice, their interests and rights get attention.

The very legitimacy of our democratic Government is dependent on the access all Americans have to the political process.

The enactment of the Voting Rights Act in 1965 transformed the landscape of political inclusion. As amended, the Act contains important provisions for language assistance. Section 203, added as part of the second reauthorization of the Voting Rights in 1975, broadened this landscape by allowing millions more American citizens to participate fully in our democracy. Section 203, which requires bilingual voting assistance for certain language minority groups, was enacted to remove obstacles to voting posed by illiteracy and lack of bilingual language assistance resulting in large measure from unequal educational opportunities available to language minorities. These provisions helped overcome

discriminatory barriers which limited access to the political process for language minority groups and resulted in low turnout and registration. Along with Section 4(f)(4), Section 203 has led to extraordinary gains in representation and participation made by Asian Americans and Hispanic Americans.

Hispanic-American populations have been one of the primary minority language groups to benefit from the protections of the bilingual provisions of the Voting Rights Act. For example, effective implementation of the bilingual provisions in San Diego County, California, helped increase voter registration by more than 20 percent. And voter turnout among Hispanic Americans in New Mexico rose 26 percent between 2000 and 2004 after television and radio spots were aired in districts with Spanish educated listeners about voter registration and absentee ballots. Yet there is still work to be done. Historically, Hispanic Americans have low voter turnout and less than 1 percent of all elected offices in the United States are held by Hispanic Americans.

I was troubled during the immigration debate that the rhetoric of some Members of the Senate appeared to be anti-Hispanic in supporting the adoption of an English language amendment. Senator Salazar and I wrote to the President following up on this provision. We asked whether the President will continue to implement the language outreach policies of President Clinton's Executive Order 13166. A prompt and straightforward affirmative answer would have gone a long way. Sadly, we have received no response from this White House.

I understand why this amendment to the immigration bill provoked a reaction from the Latino community as exemplified by the May 19 letter from the League of United Latin American Citizens, the Mexican American Legal Defense and Educational Fund, the National Association of Latino Elected Officials Educational Fund, the National Council of La Raza and the National Puerto Rican Coalition and from a larger coalition of interested parties from 96 national and local organizations.

Until that vote, in our previous 230 years we had not found it necessary or wise to adopt English as our official or national language. I believe it was in the Commonwealth of Pennsylvania that the state legislature shortly after the Revolutionary War authorized official publication of Pennsylvania's laws in German as well as English to serve the German-speaking population of that state. We have been a confident nation unafraid to hear expressions in a variety of languages and willing to reach out to all within our borders. That tradition is reflected in Section 203 and in President Clinton's Executive Order 13166.

We demean our history and our welcoming tradition when we disparage languages other than English and those who speak them. I have spoken about our including Latin phrases on our official seal and the many States that include mottos and phrases in Latin, French and Spanish on their State flags. We need not fear other languages. We would do better to do more to encourage and assist those who wish to be citizens to learn English, but we should recognize English, as Senator Salazar's amendment suggested, as our common and unifying language.

I hope that the President will join with us to protect language minority voters. As a presidential candidate, then-Governor Bush told a New Hampshire audience in September 1999, "English-only would mean to people 'me, not you.' As the Washington Times noted last week:

"Mr. Bush speaks some Spanish and occasionally peppers speeches and conversations with words and phrases from the language. Speaking to a group of adults taking civics lessons yesterday at the Catholic Charities-operated Juan Diego Center, he lapsed into Spanish. Asked whether Mr. Bush planned to drop Spanish from his stump speeches, a White House spokeswoman said she does not expect that to happen."

We have been engaged in a contentious debate about immigrants who are not yet citizens, but the issue we are talking about today affects people who are American citizens. These provisions provide assistance to American Indians, who speak languages which preceded the first English speakers on this continent. These are citizens who are trying to vote but many of them are struggling with the English language due to disparities in education and the incremental process of learning. 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 language provisions of the Voting Rights Act that are expiring and continue to be needed, will help make that a reality.

Over the course of the hearings, we have heard from outstanding panels of witnesses. I want to thank the distinguished witnesses we will hear from today. Deborah Wright is the Acting Assistant Registrar-Recorder for Los Angeles County, California. She will testify about the administration of Los Angeles County's comprehensive program that provides much-needed assistance to limited-English proficient (LEP) voters throughout Los Angeles County, California. Los Angeles County is the largest and most diverse local election jurisdiction in the United States, providing assistance in more languages than any other county.

Margaret Fung is the executive director of the Asian American Legal Defense and Education Fund (AALDEF). Since 1988, AALDEF has monitored elections and conducted multilingual exit polls to document barriers to voting faced by Asian Americans.

John Trasviña is an old friend to many of us on the Committee and now serves as the interim President and General Counsel of the Mexican American Legal Defense and Educational Fund (MALDEF). MALDEF and the National Association of Latino Elected and Appointed Officials (NALEO) have prepared a report for inclusion in the record that documents the inadequate availability in Section 203 jurisdictions of English as a Second Language educational services required to become fully proficient in English as an adult. These witnesses will testify about the ongoing need for language assistance in voting so that all American citizens can participate fully in our democracy.

I welcome all the witnesses here today. I hope that we conclude these hearings and report our bill without delay so that we can complete the important work of reauthorizing this historic bipartisan, bicameral legislation.

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