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Statement of Senator Dianne Feinstein on Reauthorization of the Voting Rights Act

Mrs. FEINSTEIN. Mr. President, the right of a citizen to vote is the most basic right in any democracy. At the signing of the Voting Rights Act in 1965 in this very Capitol Rotunda, the President of the United States, Lyndon Johnson, said these words:

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.

The Civil Rights Act of 1964 was a critical breakthrough in the struggle for civil rights. However, the Voting Rights Act, which came the next year, 1965, is considered the most important and successful civil rights law of the 20th century, because it finally ensured every voting-age citizen of this Nation a voice in his or her own fate.

The passage of the 14th amendment in 1868 and the passage of the 15th amendment in 1870 both prohibited disenfranchisement on the basis of race. But in the absence of

legislative protection for the right to vote, that right was systematically denied to millions of African Americans for nearly a century. Similarly, Mexican Americans, Asian Americans, Native Americans, and Alaskan Natives were excluded from the ballot box through an assortment of voting tests and intimidation.

We are all here today because of the courage and persistence of the civil rights leaders of the last century, who fought so long and hard to attain the franchise the Constitution had already granted them.

Several of these heroes are memorialized in the title of this bill: Fannie Lou Hamer, Rosa Parks, Coretta Scott King, and Cesar Chavez. All of us owe them a debt of gratitude.

On this day, I am also mindful of the contributions Californians have made in the civil rights battles. Let me share one story.

On June 10, 1964, the Civil Rights Act was being filibustered on this very floor. No filibuster of a civil rights bill in the 20th century had ever

been broken. Senator Claire Engle of California, who held the seat I now occupy, was suffering at the time from terminal brain cancer. He was wheeled in dramatic fashion into this Chamber. He was too sick to speak, but he indicated his "aye" vote for cloture by gesturing toward his eyes. His vote proved to be the decisive 67th vote that overcame the filibuster and ultimately led to passage of the Civil Rights Act of 1964. Senator Engle died later that year. However, the filibuster was no longer an impassable barrier to civil rights legislation, and the Senate passed the Voting Rights Act of 1965 the following year. I thank my predecessor and I pay him tribute.

In the last 50 years, California has often been ahead of the curve in guaranteeing voting rights. In 1961, California prohibited election day challenges based on literacy.

In 1971, California required that a copy of the election ballot in Spanish be posted in each polling place, where the language minority population was greater than 3 percent.

In 1973, California passed a law allowing the use of languages besides English in polling places and required county clerks to recruit bilingual deputy registrars and precinct board members.

In 1975, California allowed voters to register to vote by mail.

In 2001, California passed the California Voting Rights Act -- the first State voting rights act in the Nation -- to combat racial bloc voting.

Unfortunately, however, the end of the 20th century did not mark the end of efforts to disenfranchise minority voters in my State and the Nation. Nevertheless, several provisions of the Voting Rights Act will expire in August of 2007 if we don't take this action today.

Two of the provisions set to expire are particularly significant. The first is Section 5, which requires jurisdictions with a history of discrimination to clear any changes in voting procedures with the Department of Justice before instituting any change.

The second is Section 203, which requires language assistance for bilingual voters in jurisdictions with a large number of citizens for whom English is a second language.

The Section 5 so-called "preclearance" provision is critically important. I guess this is the section that has drawn the most comment on this reauthorization. It is important because it stops attempts to

disenfranchise voters before they can start, not after they start.

In the last decade, the Department of Justice has repeatedly struck down proposed changes to voting procedures under Section 5 preclearance. This section has prevented the redrawing of municipal boundaries designed specifically to disenfranchise minority voters, blocked attempts to exclude minority candidates from the ballot, denied efforts to change methods of elections intended to dilute minority voting strength, kept polling places from being moved to locations that would have reduced minority voter turnout, and it has thrown out redistricting proposals that would have marginalized minority voters. Clearly, this section has served us well.

In California, the rejection of a discriminatory redistricting plan in Monterey County under Section 5 led to the first election of a Latino to the Monterey County Boards of Supervisors in more than 100 years.

The most significant impact of Section 5, I believe, is not from its enforcement mechanism but from its deterrent effect. Just as the presence of police deters more crime than is stopped by actual police intervention, it is likely that the threat of Government action prevents far more attempts to disenfranchise voters than the Department of Justice's review actually does.

Let me speak about Section 203. Its requirement of language assistance in jurisdictions with a large number of citizens for whom English is a second language has enabled citizens to vote who otherwise, frankly, could not have.

For example, a study found that in the 1990 general election, bilingual assistance was used by 18 percent of Latino voters in the State of California.

Los Angeles is the largest and most diverse local election jurisdiction in our country. It provides assistance under the Voting Rights Act to voters in six languages other than English.

According to a November 2000 exit survey of language minority voters in Los Angeles and Orange Counties in California, 54 percent of Asian-American voters and 46 percent of Latino voters reported that language assistance made them more likely to vote. That is actual documentation.

In a hearing before the Judiciary Committee on the impact of Section 203, Deborah Wright, acting assistant registrar and county clerk for Los Angeles County, testified that written translations are provided in Los Angeles County because of the complex nature of issues facing the voters in our State. I can tell you that California ballots are among the longest and most complicated in our Nation. She explained to our committee that California often presents voters with numerous,

complex ballot initiatives and propositions. Such complicated ballots challenge all voters to be prepared and to have the information they need prior to casting their ballots.

Often, a high level of English proficiency is needed even by native speakers of English to understand these ballot initiatives and to cast an informed ballot. I myself have trouble sometimes understanding the propositions. I believe the California experience is persuasive that appropriate, targeted language assistance makes it much more likely that informed voters vote, and that is important.

My mother was an immigrant from Russia. She came here when she was a small child. She had only a primary school education. Her family was very poor. Her parents never spoke English. She studied English and, as an adult, passed the language exam and became a naturalized citizen. Still, when it came time to vote, I helped her with her ballot. We would go over the propositions, I would read them in English, we would discuss them, otherwise she could never fully understand them because they were complicated and filled with legalese.

As I said, California's ballots can be long, and despite ballot simplification, which is now a part of the California ballot, they can still be very confusing. Section 203 enables the full comprehension of a ballot, and I believe that is very important.

We are reauthorizing this bill today. I don't believe we can permit these provisions to expire and leave the next generation of Americans without full protection of their voting rights. That is why I am very proud to be a cosponsor of the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, and Cesar E. Chavez Voting Rights Act Reauthorization and Amendment Act of 2006.

This legislation will reauthorize the expiring provisions of the Voting Rights Act for an additional 25 years so that it can continue to be a kind of deterrent to any chicanery, any manipulation, anyone's ill intent to prevent any group of voters from exercising their right to the franchise under the Constitution of the United States.

Under the guidance of Chairman Specter and Ranking Member Leahy, over the last 2 months, our committee, the Judiciary Committee, has held 10 hearings on reauthorizing this act -- 10 hearings. As a matter of fact, I can't remember any reauthorization in the 14 years I have been on the committee that has had 10 separate hearings. The exhaustive testimony from these hearings has confirmed both that these expiring provisions are still needed and that these provisions are constitutional.

In response to this record, yesterday the Judiciary Committee unanimously voted to reauthorize the Voting Rights Act. I was also pleased to see the House pass the reauthorization last week with

broad, bipartisan support. Today, this full Senate now has the opportunity to offer its own resounding endorsement of this very important bill.

Thomas Paine wrote over 200 years ago that:

The right of voting for representatives is the primary right by which other rights are protected.

I couldn't agree more. Today will be a historic occasion as we reauthorize this important bill for another 25 years. I am very proud to play a small role as a member of the Judiciary Committee in this vote.

I thank the Chair. I yield back the remainder of my time.