



## Senator Feinstein Urges Passage of the Voting Rights Act

July 20, 2006

**Washington, DC** – U.S. Senator Dianne Feinstein (D-Calif.) today delivered a speech on the Senate Floor urging passage 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 would ensure that two provisions of the Voting Rights Act do not expire in August 2007. These important provisions require jurisdictions with a history of discrimination to clear any changes in voting procedures with the Department of Justice before instituting any change, and require language assistance for bilingual voters in jurisdictions with a large number of citizens for whom English is a second language.*

*The following is the prepared text of Senator Feinstein's statement:*

**“The right of a citizen to vote is the most basic right in any democracy.**

**At the signing of Voting Rights Act of 1965 in the Capitol Rotunda, President Lyndon Johnson said:**

**‘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 of 1965 is considered the most important and successful civil rights law of the 20<sup>th</sup> Century because it finally ensured every voting age citizen of this nation a voice in his or her own fate.**

**The passage of the 14<sup>th</sup> and 15<sup>th</sup> Amendments 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 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 fight for civil rights.**

**On June 10, 1964, the Civil Rights Act was being filibustered on the Senate floor. No filibuster of a civil rights bill in the 20<sup>th</sup> Century had ever been broken. Senator Claire Engle of California, who held the seat I now occupy, was suffering from terminal brain cancer. He was wheeled into this chamber. Though he was too sick to speak, he indicated his “aye” vote for cloture by gesturing toward his eyes.**

**His vote proved to be the decisive 67<sup>th</sup> 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.**

**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%;**
- 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, the end of the 20<sup>th</sup> Century did not mark the end of efforts to disenfranchise minority voters in California and the nation. Nevertheless, several provisions of the Voting Rights Act will expire in August of 2007 if no action is taken.**

**Two of the provisions set to expire are particularly significant:**

- 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; and**

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

### **Section 5**

**The Section 5 “preclearance” provision is critically important because it stops attempts to disenfranchise voters before they can start. In the last decade, the Department of Justice has repeatedly struck down proposed changes to voting procedures under Section 5 preclearance.**

**Section 5 has:**

- **Prevented the redrawing of municipal boundaries designed 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**
- **Thrown out redistricting proposals that would have marginalized minority voters.**

**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 Board of Supervisors in more than 100 years.**

**The most significant impact of Section 5 may not be from its enforcement mechanism, but from its deterrence 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 Department of Justice review does.**

### **Section 203**

**Section 203’s requirement of language assistance in jurisdictions with a large of number of citizens for whom English is a second language has enabled citizens to vote who otherwise could not have. For example, a study found that in the 1990 general election, bilingual assistance was used by 18% of Latino voters in the State of California.**

**Los Angeles is the largest and most diverse local election jurisdiction in the United States. 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% of Asian American voters and 46% of Latino voters reported that language assistance made them more likely to vote.

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 L.A. County because of the complex nature of the issues facing the voters in that state. She explained 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. Our experience persuades us that appropriate, targeted language assistance makes it much more likely that informed voter intent is realized.’**

My mother was an immigrant from Russia. She came to the United States when she was a young girl. She had only a primary education; the family was very poor. She studied English. She passed the language exam and became a naturalized citizen. Still, when it came time to vote, I helped her with her ballot. She could never really fully understand propositions, which even then were complicated and filled with legalese.

California's ballots can be long, and despite ballot simplification they can be extraordinarily complicated. Section 203 enables the full comprehension of a ballot, which I think is very important.

### **Reauthorization**

We cannot permit these provisions of the Voting Rights Act to expire and leave the next generation of Americans without full protection for their voting rights.

That is why I have cosponsored 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 ensure that all American citizens can exercise their right to vote.

Under the guidance of Chairman Specter, over the last two months, the Judiciary Committee has held 10 hearings on reauthorizing the Voting Rights Act. The exhaustive testimony from these hearing 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 for reauthorization of the Voting Rights Act.

I was also pleased to see the House pass the Voting Rights Act Reauthorization last week with broad, bipartisan support. The full Senate now has opportunity to offer its own resounding endorsement of the Voting Rights Act.

**Thomas Paine wrote over 200 years ago that “The right of voting for representatives is the primary right by which other rights are protected.”**

**Let us pass the Voting Rights Act Reauthorization and safeguard that essential right which protects all others.”**

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