

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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### Opening Statement of Chairman Jamie Raskin (MD-08)

### Hearing of the Subcommittee on Civil Rights and Civil Liberties on “Protecting the Right to Vote: Best and Worst Practices”

May 1, 2019

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I welcome our esteemed panel to today’s hearing.

A great Republican President once spoke of government “of the people, by the people, for the people,” and this has been the tantalizing ideal of America. But it has not always been like that in our country. We began as a slave republic of white male property owners over the age of 21. It has only been through waves of profound social and political struggle and constitutional and statutory changes that we have opened America up to change and inclusion. This is the story of the 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup>, 17<sup>th</sup>, 19<sup>th</sup>, 23<sup>rd</sup>, 24<sup>th</sup> and 26<sup>th</sup> Amendments to the Constitution. This is the story of the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Voting in American life has an ideal history and a real history. There is no more celebrated ideal than that of voting rights for all, but in reality there have been constant efforts to lock people out of the franchise and to keep them from participating as equal citizens.

We mustn’t forget the blood, sweat and tears that have been shed in the voting rights struggle. I have a hero named Bob Moses who went South in 1960 when he was 26. A mathematics and philosophy graduate student at Harvard, he traveled to Mississippi where he found that less than 1% of African-Americans in that state were registered to vote. Nearly all had been disenfranchised by intimidation and violence, character and literacy tests, and poll taxes. Moses likened the situation to the Iron Curtain in Europe behind which millions of Eastern Europeans lived under the boot of the Soviet Union. Mississippi and the Deep South were behind a “cotton curtain” where no one dared challenge the racist sheriffs and bosses who controlled every aspect of social, economic and political life. And these sheriffs and bosses were Democrats, and we must never forget that both parties can participate in disenfranchisement schemes. Yesterday it was Democrats, today it is Republicans.

Originally Bob Moses went to Mississippi thinking he’d participate in the sit-in movement that high school and college students had launched in restaurants, lunch counters, and department stores. Moses had seen the pictures of the solemn teenaged protesters in newspapers and later wrote of his response: “They looked the way I felt.”

But segregation in public accommodations was not the heart of the problem. The heart of it was disenfranchisement of the black community, which was the lock on the door of the whole system of Jim Crow segregation, according to Amzie Moore, who was President of the Cleveland, Mississippi branch of the NAACP. Moore became Moses’ spirit guide through the dungeon of Mississippi apartheid. While many of the SNCC students imagined that the sit-ins were more “radical” than voter registration, Moore told Moses to look around and observe that he was living in a two-thirds African-American congressional district—where virtually none of the black people could vote. The most radical solution to the problem of structural racism—in the sense of going to the “root” of the problem—would be a campaign to challenge the disenfranchisement of the black community and to work to register African-Americans to vote.

Going door-to-door throughout the countryside and in the towns to talk to people and register voters—the strategy Moses worked out with Moore—was terrifying and dangerous work. Moses was beaten nearly to death more than once just trying to enter the county building to register black voters. He

and his fellow SNCC activists faced terror among black people, violent rage from racist whites, and hostility from government officials.

But, in the process of struggle, Moses and his compatriots woke up the black community, stirred the conscience of young people across the country, and shook racist America to the core. And they coined a term that would transform Mississippi and American law and politics forever: “one person one vote.”

Today the gains of the modern Civil Rights Movement, which many historians call the Second Reconstruction, are under brutal attack. A 5-4 decision of the Supreme Court in *Shelby County v. Holder* in 2013 invalidated the coverage formula of the Act in Section 4, effectively destroying the Section 5 preclearance requirement and thus setting us back decades in the law of voting rights. With the Voting Rights Act intact, jurisdictions with a discriminatory history had to submit proposed changes—like new voter purges, polling place closures, and reduced voter registration hours and opportunities—to the Department of Justice or a federal court in the District of Columbia. Now this check is gone and people suffering from suffrage restrictions and obstacles must find a lawyer, go to court, and hope a judge will intervene to make a change

Six years later, hundreds of polling places have been closed in the states, millions of voters have been purged from rolls, early voting has been cut back sharply in a number of states, and strict voter ID laws have gone into effect in many jurisdictions. Virtually all restrictions on voting after the Supreme Court decision have been in Republican states.

Proponents of the new voting obstacle course say that they are just trying to prevent voter fraud. We hear nonstop from the President about the threat of rampant illegal voting.

Study after study has failed to reveal any significant evidence of voter fraud. One comprehensive study conducted at Loyola Law School examined more than 1 billion votes cast between 2000 and 2014 and revealed only 31 credible instances of voter fraud. I’ll repeat, 31 out of 1 billion votes. Voter fraud is not a significant threat to our democracy. The way you steal elections in America is you run elections in America, and you run them in a way that closes out substantial parts of the electorate.

The good news is that, just as there is a strong retrograde push to eliminate voter opportunities in certain states, there is a powerful recognition in others that voting is the foundation of democratic power and citizenship and that we should be expanding and securing the right of the people to vote however we can.

So today we are going to showcase both three of the best practices today in protecting the vote along with the three worst practices cancelling out voter rights and opportunities. Automatic voter registration – where eligible voters are added to the rolls unless they choose to opt out – can drastically increase the number of registered citizens. Election day registration offers a crucial backstop for voters who may be stripped of their registration without their knowledge or are just learning about the process. And expansive early voting and absentee voting policies offer flexibility to busy Americans who could not otherwise make it to the polls. These policies have been tested and proven in states across the country.

In the 2016 presidential election, only 58% of eligible voters cast a ballot. Less than half of eligible citizens voted in the 2018 midterms. We can do so much better as a society by enlarging the opportunities for voting. Eventually I think we will need a constitutional amendment guaranteeing the right of every citizen to vote, a point our Constitution is surprisingly ambiguous and weak on. In the meantime, let us act however we can at both the state and federal level to protect the voting rights of the people.

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