

VOTER SUPPRESSION IN MINORITY COMMUNITIES: LEARNING FROM THE PAST TO PROTECT OUR FUTURE

HEARING
BEFORE THE
COMMITTEE ON
OVERSIGHT AND REFORM
HOUSE OF REPRESENTATIVES
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C O N T E N T S

Hearing held on February 26, 2020	Page 1
---	-----------

WITNESSES

Mr. Timothy L. Jenkins, Board Member, Teaching for Change, Board Member, Civil Rights Movement Archive, Student Nonviolent Coordinating Committee	
Oral Statement	6
Ms. Marcia Johnson-Blanco, Co-Director, Voting Rights Project, Lawyers' Committee for Civil Rights Under Law	
Oral Statement	8
Ms. Diane Nash, Civil Rights Activist, Founding Member, Student Non-Violent Coordinating Committee	
Oral Statement	9
Rev. Dr. William J. Barber II, President, Repairers of the Breach and Co-Chair, Poor People's Campaign: A National Call for Moral Revival	
Oral Statement	13

* The prepared statements for the above witnesses are available at: docs.house.gov.

INDEX OF DOCUMENTS

The documents listed below are available at: docs.house.gov.

- * A report from the Brennan Center for Justice; submitted by Chairwoman Maloney.
- * Statement of Rep. John Lewis; submitted by Chairwoman Maloney.
- * Heritage Foundation examples of voter fraud; submitted by Rep. Grothman.
- * Letters from: Dickinson Press and Bismarck Tribune; submitted by Rep. Armstrong.

VOTER SUPPRESSION IN MINORITY COMMUNITIES: LEARNING FROM THE PAST TO PROTECT OUR FUTURE

Wednesday, February 26, 2020

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND REFORM,
Washington, D.C.

The committee met, pursuant to notice, at 11:10 a.m., in room 2154, Rayburn Office Building, Hon. Carolyn Maloney [chairwoman of the committee] presiding.

Present: Representatives Maloney, Norton, Clay, Cooper, Connelly, Krishnamoorthi, Raskin, Wasserman Schultz, Sarbanes, Welch, DeSaulnier, Plaskett, Khanna, Gomez, Ocasio-Cortez, Pressley, Tlaib, Porter, Haaland, Jordan, Foxx, Massie, Meadows, Hice, Grothman, Cloud, Gibbs, Higgins, Roy, Miller, Green, Armstrong, and Keller.

Chairwoman MALONEY. [Presiding.] Good morning, everyone. Without objection, the chair is authorized to declare a recess of this committee at any time.

I now recognize myself for an opening statement.

Good morning. I thank all of you for being here today. Good morning. Today we are examining our Nation's history of voter suppression, as well as the obstacles that many minority communities continue to face to this day in exercising their fundamental right to vote. Tomorrow we will be holding a ceremony to honor our dear friend and colleague, and our former chairman, Elijah Cummings. We will be renaming this hearing room after him and commending everything he stood for. Today's hearing is also part of our efforts to honor his legacy. Protecting the right to vote one of the most important issues, if not the most important issue, he fought for during his decades in public service.

We are holding this hearing in February during Black History Month. It was black Americans whose voices were stifled, blocked, and silenced for centuries, and it is black Americans who are still being disproportionately targeted even now in shameful efforts to prevent them from registering to vote, purging their names from the voter files, and making it harder for them to exercise their rights under the Constitution. Last February, Chairman Cummings held a similar hearing, one of the very first he called after becoming chairman of this committee, and he explained his vision for our work. I would like to play a clip from that hearing.

[Video shown.]

(1)

Chairwoman MALONEY. That is a north star that everyone in this Nation should agree with.

On this date 151 years ago, Congress passed the Fifteenth Amendment declaring the right of citizens to vote shall not be denied on account of race. That was beginning of a long and deadly struggle to ensure that all American citizens can cast their votes. This year is also the 55th anniversary of the Voting Rights Act of 1965, and the 55th anniversary of Bloody Sunday when hundreds of peaceful civil rights marchers were beaten on the Edmund Pettus Bridge in Selma, Alabama. The efforts of civil rights pioneers, some of whom are here with us today, helped millions of Americans exercise their right to vote.

Unfortunately, today many states are attacking the right to vote using tactics similar to those that civil rights pioneers battled for decades. Last year, under Chairman Cummings' leadership, and also that of Congressman Raskin, the committee launched an investigation of allegations in three key states: Georgia, Texas, and Kansas. Today we are releasing some of the documents and information we obtained as part of that investigation.

For example, in Georgia, Secretary of State Brian Kemp purged more than half a million votes from the rolls and blocked the registrations of thousands more, all while running for Governor. Emails obtained by the committee show that Mr. Kemp and a top campaign aide congratulated each other for confusing the public about their illegal voter roll purges. And they also gleefully celebrated as they made it harder for hundreds of thousands of Americans to vote. They even used laughing and smiling emojis in a sickening display of derision.

We also examined Texas, which threatened thousands of innocent Americans with criminal prosecution for voting illegally, only to be forced to reverse course when it was revealed that many, if not all, were U.S. citizens with every right to cast their ballots. Finally, we examined Kansas, which moved the one and only polling site in the entire city of Dodge City, Kansas, outside the city limits without bothering to consult with the local voters. Dodge City has a population of more than 25,000, and they consist predominantly of minorities.

Unfortunately, these are not the only instances of discrimination and voter suppression. For example, North Carolina passed an extremely restrictive voter ID law, but the Fourth Circuit struck it down, ruling that it would target African Americans with almost surgical precision. These abuses must end, and the House of Representatives has taken action to stop them.

Last year, the House passed two landmark bills to protect voting rights. H.R. 1, the For the People Act, would reduce barriers to voting through automatic registration, same-day voting and registration, and expanded early voting. H.R. 4 would restore and modernize the Voting Rights Act to protect against discriminatory voting practices. Unfortunately, Senator Mitch McConnell has refused for months to allow the Senate to vote on these bills. Communities across America need to mobilize now to protect the right to vote in the upcoming elections. Every American can take action today to make sure their voter registration is active, to learn about their options for early or absentee voting, and to find their polling sites.

I would like to close where I began at our hearing a year ago, last February. During that hearing, Chairman Cummings told the story about how he sat with his mother on her deathbed, and this is what she said to him. And I would like to show this moving clip now.

[Video shown.]

Chairwoman MALONEY. Like his mother, Chairman Cummings has now passed on, but his spirit is still here with us in this very hearing as he urges us with moral clarity to protect and defend the core of our democracy. I want to thank all of you for coming today. I want to thank all of our witnesses for being here. I look forward to your historic testimony. And I now recognize the distinguished ranking member, Mr. Jordan, for his opening statement.

Mr. JORDAN. Thank you, Madam Chair, and I want to thank you for your kind words about our former chairman, and I would echo those sentiments. We all appreciate the work of Chairman Cummings over the years and his time in Congress, and his out of Congress as well, the great things that he was involved in and causes he was involved in and fighting for. And I would urge all my colleagues to be here tomorrow afternoon when this room will be dedicated to the late chairman.

I want to also thank you, Chairman Maloney, for calling this hearing, and thank you for all our witnesses who are here today. The right to vote in free and fair elections is a bedrock principle of American democracy. Through various constitutional amendments, the right to vote has been expanded to all citizens, regardless of race, color, gender, and age requirement has been lowered actually to 18 years old. The most recent expansion took place in 1986 when Congress passed a law allowing U.S. servicemembers to vote while stationed overseas.

These Federal actions to improve voting rights are important, and we must remember that voting has traditionally been and should remain a state and local responsibility. Some groups argue that voting is too hard, that it is too complicated, and that these complications drive voters away. However, a recent study contradicts these claims. According to the study conducted by the Knight Foundation, only eight percent of nonvoters said they did not have time to make it to the polls, and only five percent said they did not vote because they were not registered. Additionally, only eight percent said they did not vote because it was too complicated, and only three percent said that changing the registration process would actually motivate them to vote. In fact, almost 90 percent of voters surveyed by the Knight Foundation said that voting was easy.

As states work to ensure that access to voting is fair, we should not forget about threats to election integrity. We must ensure that every eligible citizen's vote is counted and that votes are not stolen or diluted through voter fraud. Today the Democrats are going to try to paint a picture of mass voter suppression by releasing 13 cherry-picked documents from over 1.3 million pages in their months-long investigation into the 2018 midterm elections. They are going to say these documents show a coordinated attempt to suppress minority votes, but, in fact, they do not.

These documents show little more than election officials attempting to ensure honest and secure elections. That is what their job is. That is their responsibility. They show these officials doing their job by ensuring only citizens are voting, by ensuring only eligible voters are on the voter rolls, and by taking any allegation of cybercrime seriously. In one of the most backward allegations, the Democrats argue that the state of Georgia should not have contacted authorities regarding a potential cyberattack. They argue that because Georgia did not produce proof of the attack to the committee, that the attack did not occur. That claim is just ridiculous. The Georgia Bureau of Investigation is currently looking into the matter, and cybersecurity experts unanimously found that there was an attempted breach of the voter rolls.

The release of these documents is simply a smokescreen to distract from serious issues in our elections, like voter fraud. In 2018, California falsely registered 23,000 voters, including almost 2,000 non-citizens. This is no minor issue. Twenty-three thousand votes could have changed the outcome of the 2016 Presidential election in Michigan, New Hampshire, Wisconsin, or Nevada. In New York, there have been 25 convictions for voter fraud and related offenses, including false registrations and duplicate voting. In Maryland, there have been eight voter fraud convictions, and I could go on and on.

Voter fraud is a real issue that needs to be addressed. Any discussion about relaxing voter requirements should also include how states are going to defend against voter fraud. I hope we can discuss this important aspect here today as well. Again, I would like to thank all our witnesses being here today, and we look forward to your testimony. Thank you, Madam Chair, and I yield back, or actually, if it is OK—

Chairwoman MALONEY. Thank you.

Mr. JORDAN [continuing]. I would like to yield to Mr. Meadows.

Chairwoman MALONEY. I will now recognize Mr. Meadows to speak about our dear friend, Chairman Cummings.

Mr. MEADOWS. Thank you, Madam Chair, and thank you for your leadership. I want to thank all witnesses for being here and for your testimony that you are about to give, but I wanted to take just a couple of minutes to talk about my good friend, Chairman Cummings. When you get to see a video of his passion and his willingness to engage, what comes to my mind the most about my good friend, Elijah Cummings, was two words: fairness and compassion. Those two words not only were emblematic of a friendship that the two of us had, but it was also a characteristic of the way that he conducted himself as chairman and as ranking member.

And I had the privilege to serve with him in both of those capacities. And he is one that always wanted to make sure the person who didn't have a voice had a voice here in Washington, DC, and so you being here today certainly highlights that. And I want to make sure that we do, because the other thing that he was always willing to do was to cut to the chase. Our private offices were just diagonal from one another just down the hallway here, and I would go in, and being the member with less seniority, I would always go to the member with more seniority. I would go to his office, and we would sit down, and we would have very frank conversations on

what legislation could mean, what it did mean, and the political ramifications.

So, here is what I would ask. In the spirit of two words from my good friend, effective and efficient, what I would love to hear from all the witnesses today are the ways that we can be most effective and efficient with legislation to make sure that every vote is counted, and every individual has the opportunity to vote. So, many times what we do is we try to put a big narrative based on real problems, but based on problems that may be isolated here or there, and we try to put a big narrative on it.

And what I would ask all of you to do is, in honoring my good friend, Elijah Cummings, give specific examples on what you think that we could do from a Federal standpoint to help address any issue that is discriminatory or that disenfranchises any people group. And I thank you, Madam Chair, for your leadership, and I look forward to hearing from our witnesses. And I yield back.

Chairwoman MALONEY. Thank you. Today I am honored to turn to our distinguished colleague from the District of Columbia, Congresswoman Eleanor Holmes Norton, to introduce our witnesses. Congressman Norton is a civil rights legend in her own right. As a young woman, she was a member of the Student Nonviolent Coordinating Committee, or SNCC, a civil rights organization founded by young student activists, including two of our distinguished witnesses, Diane Nash and Timothy Jenkins.

Congresswoman Norton organized and fought for civil rights and human rights as a student as head of the New York City Human Rights Commission and as the first woman to chair the U.S. Equal Employment Opportunity Commission. She has continued to champion these causes here in the United States and throughout the world as a lawyer, a scholar, and, since 1991, as our colleague in the U.S. House of Representatives. I recognize the distinguished representative from the District of Columbia.

Ms. NORTON. I thank my good friend, Chairwoman Maloney, for her very generous words concerning me, but I thank her, most of all, for giving the opportunity to introduce the witnesses today. This is normally the work of the chair of the committee. Two of these witnesses were directly engaged in work to assure that there would be no state obstacles to the right to vote, and they must be very proud of how that work has, in fact, benefited millions of Americans. They were in the core and the thick of the Civil Rights Movement.

My only regret is that our colleague, John Lewis, who, though not a member of this committee, would certainly be here today if he could. He, of course, John, of course, was chair of the Student Nonviolent Coordinating Committee. And I do want to note another of our colleagues is in the audience, Frank Smith, also an alumnus of the Student Nonviolent Coordinating Committee, whom I first met in Mississippi.

These witnesses will have only five minutes, which is, of course, the rules of the committee, and so I hope, particularly the witnesses who can give us perspective on what we have got to do now in renewing the Voting Rights Act, can talk about their own role so that we can have something to compare what we are going through today in voter suppression with what they experienced as

student activists. Their perspective from that period can best inform our work in combatting the obstacles we face now in the House in renewing the Voting Rights Act.

So, I am pleased to introduce our witnesses. They will be Reverend Dr. William Barber, the president of Repairers of the Breach and co-chair of the Poor People's Campaign; Diane Nash, a civil right leader and one of the founding members of the Student Nonviolent Coordinating Committee; Tim Jenkins, also my law school classmate and a founding member of the Student Nonviolent Coordinating Committee. Today he is an attorney and an activist, and currently serves on the boards of Teaching for Change and the Civil Rights Movement Archive. Finally, Marcia Johnson-Blanco is the co-director of the Voting Rights Project for the Lawyers' Committee's for Civil Rights Under Law. Thank you very much, Madam Chair.

Chairwoman MALONEY. Thank you very much. We had hoped that John Lewis would be here and be our lead witness, but I now ask unanimous consent to place in the record his statement, so he is certainly here with leadership and in spirit.

Chairwoman MALONEY. Thank you, and I will begin now by swearing in the witnesses, if you will all please rise and raise your right hand.

Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

[A chorus of ayes.]

Chairwoman MALONEY. Let the record show that the witnesses answered in the affirmative.

Thank you, and please be seated. The microphones are sensitive, so please pull them to you and speak directly into it, and without objection, your written statement will be made part of the record. And with that, Mr. Jenkins, you are now recognized to provide your testimony.

**STATEMENT OF TIMOTHY L. JENKINS, BOARD MEMBER,
TEACHING FOR CHANGE BOARD MEMBER, CIVIL RIGHTS
MOVEMENT ARCHIVE, STUDENT NONVIOLENT COORDI-
NATING COMMITTEE**

Mr. JENKINS. The heading for today's hearing is "Learning from the Past to Protect Our Future." I would add my subtext of "Righting Today's Echoes of Past Political Exclusion." My name is Timothy Jenkins, and in the 1960's, I was, as mentioned, one of the founding members of the Student Nonviolent Coordinating Committee, commonly referred to by its initials, SNCC. And I served as its chief lobbyist before the U.S. Congress during the tumultuous events surrounding the drafting of the ultimate passage of the Voting Rights Act of 1965. I'm here today to advocate needed additional legislative remedies in the face of renewed connivances to undercut the historic success of that earlier legislation and, not to mention, a legitimate interpretation of the Constitution.

While I'm here as a SNCC survivor, I do not want America to forget the moral depth of that interracial, interfaith trio of James Chaney, Andrew Goodman, and Michael Schwerer, who were of the SNCC members' number, who were murdered in 1964 in Phila-

adelphia, Mississippi while working as unpaid volunteers seeking to enable black citizens to have the right to vote. We, the surviving members of the Student Nonviolent Coordinating Committee, find that it is still our vital duty now, just as it was when we were formed in 1960, to never allow America to falter in her commitment for the equal protection of all citizens. We have staked our lives based on our faith that this country must uphold the intentions to continuously strive to form a more perfect union and establish justice.

The loss of Chaney, Goodman, and Schwerner is a grave reminder of the atrocities that we suffered when we, the people, were allowed to refer to some rather than all. In the South, our tactics for expanding voter registration among minorities and challenging historic acts of voter suppression proved to be especially fruitful when a proposed provision offered in our 1963 legislative testimony was enacted in Section 5 of the Voting Rights Act of 1965. I would think it useful for members of the committee to look at the testimony that we submitted in 1964 that gives in some 100 pages more than I can give in the five minutes that I have today, because in that testimony, it enumerates graphically all of the kinds of abuses that we went through to try and get people registered to vote, which are now not part of our current dialog.

I urge those of you who have the energy to look at the legislative history in the congressional Record of that testimony and the invitation that was given to us by Emanuel Celler, who was chairman of the Judiciary Committee, and our testimony was submitted before the Judiciary Committee. This provision has, since in our testimony in the Voting Rights Act of 1965, been gutted by the Supreme Court's decision in *Shelby v. Holder* in the year 2013, a ruling based on the false contention that the prevalence of discrimination in this country is outdated.

In 1963, Robert Moses joined with me and Charles Sherrod to describe in our testimony the immense and intense obstacles to African Americans and how we had to mobilize the community to encounter and counteract those abuses. More recently, in both Georgia and Mississippi, through private and public measures of intimidation, African Americans were purged from voting. There is proof that such discrimination and discriminatory procedures are still at large today, as evident in Georgia's recent removal of 100,000 names from the rolls and rapid closure of polling locations in Mississippi. Although the forms have shifted, echoes of the past, exclusion, still haunt the present, and will persist in plaguing the future if we do not mend the legislative cracks in our system that divide us.

If Congress believes that voting is a fundamental right of every U.S. citizen, it is now the responsibility of Congress to enact franchise for all people. This is not a question of the ability of Congress, but the willingness to adopt and enforce laws that will safeguard minorities against any exploitations pursued by tyrannical majorities at the local level. In 1787, when confronted with the question of whether we were going to have a monarchy or whether we were going to have a democracy, Benjamin Franklin responded, "It will be a republic if you can keep it."

Unfortunately, centuries later, in our year 2020, we have yet to demonstrate a republic that is genuinely representative and exemplified by its unequivocal protection of fundamental rights. The prime example is the fact that the crusade against voter fraud is more propagating our legislative initiatives than the facts. The phenomenon that is providing adequate proof of existence still does not exist. According to election experts and Members of Congress themselves, individuals are more likely to be struck by lightning than to commit in-person voter fraud, but in-person voter fraud seems to be the only focus of today's actions that are masking as voter protection.

Due to this lack of statistical evidence to warrant the burgeoning of states enforcing strict signature requirements and photo IDs, the American people must question the purpose and implications of these laws. Through the authority allowed by *Shelby County v. Holder*, the other approaches in voter suppression, racial minority groups, disabled, low-income, and elderly individuals are being eliminated from our political system at an alarming rate. The frequency of these different actions is something that requires major initiatives.

When the Constitution was originally adopted, the use of the words "we the people" was done, but it did not include blacks, women, indigenous people, or those without property as an equally entitled—

Chairwoman MALONEY. Can you summarize? You are well over your time, and close? We have to keep to our schedule.

Mr. JENKINS. I have submitted to the record the written testimony, and one of the things that I would like to have in the dialog that we pursue is an opportunity to enlarge upon the beginnings of what we are saying because there's an African expression that a river that forgets its source dries up. We the people of the day before yesterday want to talk to the people who are the people of tomorrow in our testimony.

Chairwoman MALONEY. Thank you. Ms. Johnson-Blanco, you are now recognized for your testimony.

**STATEMENT OF MARCIA JOHNSON-BLANCO, CO-DIRECTOR,
VOTING RIGHTS PROJECT, LAWYERS' COMMITTEE FOR
CIVIL RIGHTS UNDER LAW**

Ms. JOHNSON-BLANCO. Chairwoman Maloney, Ranking Member Jordan, and members of the Committee on Oversight and Reform, thank you for the opportunity to provide testimony regarding voter suppression in minority communities today. My name is Marcia Johnson-Blanco, and I co-direct the Voting Rights Project of the Lawyers' Committee for Civil Rights Under Law, where I oversee the project's programmatic and advocacy portfolio.

Almost seven years after the *Shelby County v. Holder* decision, which nullified a major section, Section 5, of the Voting Rights Act, we are in danger of undermining the progress made by that act. The Lawyers' Committee is a national civil rights organization created at the request of President John F. Kennedy in 1963 to mobilize the private bar to address issues of racial discrimination. From the beginning, a major part of our work has been combatting voting discrimination.

In striking the formula that determined which jurisdictions with a history of discrimination had to submit voting changes, the Supreme Court conceded that voting discrimination still exists—no one doubts that—even at the time it was admonishing this body that the formula should be based on current conditions. Well, current conditions showing voting discrimination existed at the time of the Shelby decision and continue to exist today. Examples of discrimination, which disproportionately impact the ability of minority voters to vote, are: using procedures like exact match not to process voter registration applications; challenging and removing voters from the rolls; cuts to early voting; restrictive voter ID requirements; closure and consolidation of polling places; excessive voter purges; aggressive rejection of absentee ballots; violation of laws requiring assistance to voters with limited English proficiency; and barriers to the vote for returning citizens upon completion of their sentence.

Significantly, the Department of Justice has been largely absent in the face of this voting discrimination. Since the Shelby County decision, the Justice Department has filed three suits against voting changes that discriminate and that would have been precleared under Section 5 of the Voting Rights Act. By contrast, the Lawyers' Committee has brought 14 cases involving voting changes, 11 of which were in jurisdictions formerly covered by Section 5 of the Voting Rights Act.

In short, efforts to block access to the ballot continue. Findings of discrimination that were present when the Supreme Court decided the Shelby County decision illustrate that current conditions exist and do require not only the full protections of the Voting Rights Act, but robust enforcement of all Federal laws. The Department of Justice needs to do more. It needs to be more of a partner with organizations like the Lawyers' Committee, who fight against voting discrimination.

And it is important that Congress act to ensure that there is no backsliding after a many-decade trajectory of passing laws to ensure the promise of our democracy that all eligible citizens have access to the ballot. This was begun with passage of the For the People Act, H.R. 1, and the Voting Rights Advancement Act by this body, and this important work must continue to ensure that we don't backslide, and that all eligible voters have access to the ballot, and that their votes will be counted. Thank you.

Chairwoman MALONEY. Thank you. Ms. Nash, you are now recognized for five minutes.

STATEMENT OF DIANE NASH, CIVIL RIGHTS ACTIVIST AND FOUNDING MEMBER, STUDENT NONVIOLENT COORDINATING COMMITTEE

Ms. NASH. Chairwoman Maloney, Ranking Member Jordan, members of the committee, fellow citizens who are present, I want to begin by acknowledging the work of Reverend James Bevel. He was my former husband who is now deceased. James and I were partners in our work on the Selma right to vote movement, which was one of the major efforts that led to passage of the Voting Rights Act of 1965. Our son, Douglass Bevel, is present today and contributed to the forming of my statements to this committee.

The letter from Chairwoman Maloney inviting me to testify today said, “The hearing will examine current barriers Americans, especially those in minority communities, face in exercising the right to vote, and lessons from the Civil Rights Movement about how we can overcome these barriers to ensure the 2020 election is free and fair.” Black voters and many non-black voters are in a worse place now than we were when the Voting Rights Act was passed in 1965. Then we did not have Citizens United. Citizens who can’t afford to make campaign contributions and those cannot afford to make large contributions do not have parity with wealthier voters. We need to establish one person-one vote.

Progress had been made with the signing of the Voting Rights Act of 1965. I believe that Supreme Court Justices Scalia, Kennedy, Thomas, Alito, and Roberts, who voted to gut the Voting Rights Act, knew that removing the provision that required states to receive Federal approval for changes in voting procedures would result in the curtailing of voting rights for minorities. I do not believe for one second that they really thought the provision was no longer needed, as Justice Roberts wrote. We knew the result would be gerrymandering and voter suppression, and those five justices knew it also because they are as smart as you and I. So, five justices of the U.S. Supreme Court suppressed voting rights and undermined democracy deliberately.

Sometimes those opposed to descendants of enslaved Africans having equal rights undo progress that has been made, and civil rights organizations spend years working to recover progress that was unnecessarily rolled back. They give us a hamster wheel on which to run. James Chaney, Andrew Goodman, Michael Schwerner, Jimmie Lee Jackson, Viola Liuzzo, Reverend James Reed, and others’ lives were taken. People were beaten into unconsciousness. People were beaten and permanently injured, fired from jobs, and families were evicted from their homes in order to obtain the right to vote. I do not appreciate what those five justices did.

It’s not the first time. In 1857, the U.S. Supreme Court Chief Justice Roger Taney, who wrote for the majority, wrote that the Negro had “no rights which the white man was bound to respect.” Legislation to restore measures lost when the Supreme Court gutted the Voting Rights Act is needed, but it is not enough. To stop there would be to climb onto the hamster wheel. We need legislation to get money out of political campaigns and have government funding of political campaigns. We need to abolish the Electoral College. Political parties need to eliminate superdelegates. All these exist because some citizens try to gain advantage and have more power than other citizens. We need paper ballots so that the vote totals can be documented.

If we expect foreign countries to respect our democracy and not meddle in our elections, we need to stop interfering in their elections. We need to stop with regime change when a country chooses the government that the United States administration doesn’t like. “You reap what you sow,” “chickens come home to roost,” “what goes around comes around” are proverbs that have come about over time because they contain truth and wisdom. How would we like it if another country did not approve of a President we elected and

they proceeded to bomb our country and install someone acceptable to them as head of our government? Regime change.

You have to practice fairness yourself, not just when you are being treated unfairly. We should all be constantly looking for unfairness and trying to correct it. Some examples of unfairness that I want to cite are, I think that at the beginning of the primary season during the first couple of debates, all candidates should be given equal time to speak. Since television is how most people become familiar with candidates and what they stand for, networks should have to give equal time to candidates, at least for a reasonable period at the beginning of the primary season. Networks should not be allowed to usurp the function of voters by attempting to influence the outcome of elections by featuring some candidates and ignoring others, especially early in the process.

When I received the invitation to testify before your committee today, I decided that if I could make a contribution, even a small one, toward stopping the slide of our country away from democracy and toward authoritarianism, it would be well worth to travel here today. Forces that want to send the United States of America into an authoritarian government control the presidency, the Department of Justice, the majority of the Senate, and the majority of the Supreme Court. Even if he loses the election of November 2020, I cannot envision President Trump making a concession speech. Rather, I can only believe that he is likely to say that the election was unfair and that, in fact, he won. My counsel is that you should decide now exactly and specifically, key words are "exactly" and "specifically," who will remove him from the presidency should that scenario occur. Don't be caught at the time trying to decide who's going to remove him.

Just like the intelligence apparatus is being reshaped, we should assume that similar efforts are going on in the military. When people in the 1960's were risking our lives to get the right to vote, we really thought that if we got a number of blacks and some right-intentioned non-blacks in political positions, the lives of black people as a whole would be improved. What we didn't see coming was that individuals would be elected to office and would consider their positions their personal jobs instead of representing their constituents, and that many would be more concerned with being elected for additional terms instead of representing to the best of their ability their constituents. The Civil Rights Movement in the southern United States followed many of Mohandas Gandhi's teachings. Being truthful was one of his most basic teaching. When a person or a country has gotten off the path, truth will lead one back to a better direction. One of the principles of nonviolence is that it is a mistake to cooperate with wrong things.

Some examples of what I think were mistakes. About a year before President Obama's term was over, the Senate refused to consider the President's appointment for the Supreme Court. Republicans were allowed to get away with that. Democrats were fond of saying no one is above the law, yet when persons ignored subpoenas—

Chairwoman MALONEY. Ms. Nash, your time is well past. Can we tie it up now?

Ms. NASH. I will just be a few more minutes.

Chairwoman MALONEY. OK. Great. OK.

Ms. NASH. When persons ignored subpoenaed issued by the House of Representatives, they were allowed to be above the law. Violators should've been treated like most Americans are treated if we ignore lawful subpoenas. Marshals should've arrested them and court challenges should be worried about later. When Brett Kavanaugh's nomination for the Supreme Court was in question and only a sham investigation took place, he was allowed to become a justice. When witnesses and documents were denied as evidence in the impeachment trial, that was allowed. The government should've been shut down until all the documents and witnesses you wanted were produced. You should still shut it down until you get the documents and witnesses you want. They were necessary in order to have a fair trial. Now they are necessary—

Chairwoman MALONEY. I want to remind you that your written testimony will be made part of the permanent record, and we are now almost at 10 minutes when your time allotted was five minutes.

Ms. NASH. Chairwoman Maloney, with deep respect, before I left Chicago, I sent a copy of my statement, told the staff how long it would be, and told them if I would not be allowed to finish the statement, I wouldn't come.

Chairwoman MALONEY. OK. All right. Well, thank you for making that point. OK.

Ms. NASH. So, I really would—

Chairwoman MALONEY. Please continue with your statement.

Ms. NASH. Thank you.

Chairwoman MALONEY. OK.

Ms. NASH. All right. They were necessary in order to have a fair trial. Now those documents and witnesses are necessary for voters to have the information we need in order to cast informed votes in November.

The House of Representatives has more power than you've been willing to use. You can stop funding certain items. Be proportional. Smaller issues require stringent measures. Very important matters require serious responses. What are you putting up with now? Is the Senate refusing to act on bills you've sent them? Are some of those bills designed to protect our elections, including the election of November 2020? You can stop cooperating until what you need to have happen happens. To persons who are fired or resigned from this Administration, please do not go away quietly. Speak up. Hold a press conference. Tell the voters what is happening. We need to know so that we can make informed choices.

When you're dealing with people like those in the current Administration, who are willing to be unlawful and who disregard the Constitution, who will take and promptly violate oaths, you have to be as bold as they. You teach people how to treat you, as Dr. Phil says. Democracy and the republic are being assaulted. The democratic elements in the government and we citizens had better begin to act accordingly. Our grandchildren and their progeny are depending on us not to allow the republic to be lost on our watch.

I was coordinator of the Freedom Rides to desegregate interstate bus travel in 1961. Before they boarded the buses, several freedom riders gave me envelopes that they asked me to mail in the event

of their deaths. The founding fathers and mothers took up arms against the king. If they had lost the Revolutionary War, they would've been executed. It took work and sacrifice and courage to establish this republic. Keeping this profound gift, the republic they obtained for us, will continue take work and sacrifice and courage.

Like Irving Berlin, my prayer for our country is that the Creator will stand beside her and guide her through the night with a light from above. God bless the United States of America and all the people of this planet.

Chairwoman MALONEY. Thank you. And Reverend Barber, mm-hmm.

STATEMENT OF REV. DOC. WILLIAM J. BARBER, II, PRESIDENT, REPAIRERS OF THE BREACH, AND CO-CHAIR, POOR PEOPLE'S CAMPAIGN: A NATIONAL CALL FOR MORAL REVIVAL

Reverend BARBER. We are sitting in the presence of a mother of the Movement, and in my tradition, we applaud a mother for her courage.

[Applause.]

Reverend BARBER. Chairman Maloney, may I stand because of an ADA issue?

Chairwoman MALONEY. Absolutely.

Reverend BARBER. I want to thank you, Chairwoman, and Ranking Member, and all of the congresspersons that are here. I have sent in extensive written words to this committee that have been entered into the record. I want to say that even from recent history and the continuing reality of voter suppression, there are some things we must know. And I come from North Carolina, where we have seen the worst attacks since June 25 of 2013.

What is it that we now know? We know when racist gerrymandering plans can be implemented without proper preclearance, state legislatures in the South and other places will justify and will draw racist plans that create supermajorities that are, as one judge has said, unconstitutionally constituted and disenfranchise black, brown, native, and poor voters. We know that after these unconstitutionally constituted state legislatures and congressional delegations are seated, they will lie about voter fraud as a pretext for passing racist voter suppression laws targeted at black, brown, and poor voters. And we know this experience, especially in the South, where the South represents 170 of the 270 electoral votes to win the presidency.

We call this, and the courts have called this, surgical racism. For instance, in North Carolina, after we had won same-day registration, early voting, and registration for 17-year-olds, extremists in the state legislature passed an omnibus voter suppression bill as soon as the Shelby decision came down, stripping the Voting Rights Act of its preclearance requirements. One legislator said, "Now that the headache has been removed, we can begin," and they started rolling back the voter extensions that voters had used in the previous two election cycles. It took us four years in courts, over 1,000 arrests, for North Carolina NAACP, Moral Monday, Forward Together, and others to turn back what should have never been

passed by the state legislature in the first place, because, as a Federal court said, and the Supreme Court affirmed, it was surgical and intentional racism.

That is why I wish my good friend, Mr. Meadows, was still here from North Carolina, I believe, because I wanted to ask him to truly be a friend to the friend he claims in Elijah Cummings and support his vision to deal with voter suppression, because if you can't support truth, friendship is really questionable. Since 2013, Senate Leader McConnell and Speakers Boehner and Ryan worked to keep Congress from fixing the Voting Rights Act. Today is 2,437 days that Republicans in Congress have refused to fix the Voting Rights Act, and some Democrats have refused to make this a central issue in campaign politics and push hard enough to expose what is going on.

Strom Thurmond filibustered the Civil Rights Act of 1957 for one day, and we called him a racist. The Congress has refused to fix the Voting Rights Act for 2,437 days today. We don't know all that Russia did, but we know what voter suppression has done. Let me be clear. The politicians in state houses and congressional delegations who benefit from racist voter suppression share a policy agenda when they get in office. They have worked as a bloc to attack anti-poverty measures, attack expanding access to healthcare. They vote against living wages. They block policies that hurt poor white people the most since the total number of poor and low-wealth whites is 66 million in raw numbers, and 26 million are black people. They fight against earned income tax and long-term unemployment.

This is the great and ugly irony of racist voter suppression. The very people who use it to attain power, once they get that power, they exercise it in ways that hurt mostly poor white people, which Dr. King spoke of at the end of the Selma to Montgomery march, that every time there is the possibility for poor whites and poor blacks to come together and vote and transition the society, we always have these efforts. Black, brown people in percentages are poorer, but in raw numbers, more are white. It gives us an impoverished democracy, what we're seeing. And it is nothing more than James Crow, Esquire, in a suit perpetrating as a racist in a suit rather than a sheet.

So, the Poor People's Campaign: A National Call for Moral Revival, has identified the following necessary investments in democracy and equal protection under the law, which we believe are inextricably interlinked morally and constitutionally. No. 1, we demand the immediate full restoration and expansion of the Voting Rights Act with a formula coverage—hear me, Democrats—with a formula coverage that ensures coverage and reinstates preclearance, at a minimum, to the formerly covered states and jurisdictions, and an end to racist gerrymandering and redistricting. And we call for early registration of 17-year-olds, automatic registration at the age of 18, early voting in every state, same-day registration, the enactment of Election Day as a holiday, and a verifiable paper record.

We demand the right to vote for the currently and formerly incarcerated. We demand that. We also demand adequate funding for polling places to accommodate full participation in the electorate. We demand statehood, and voting rights, and representation for

the residents of Washington, DC. We demand the reversal of state laws preempting local governments from passing minimum wage increases and the removal of emergency financial management positions that are unaccountable to the democratic process.

We demand that first-nation Native Americans and Alaska Native people retain their tribal recognition as nations, not races, to make substantive claims to their sovereignty and have full access to the ballot. We demand a clear and just immigration system that strengthens our democracy through the broad participation of everyone in this country. This includes providing a timely citizenship process that guarantees the right to vote. It also requires protecting immigrants' abilities to organize for their rights in the workplace and their communities without fear of retribution, detention, or deportation. We demand equality and safety of all persons regardless of sexual orientation and gender identity, and we demand equal treatment and accessible housing, healthcare, public transportation, and adequate income and services for people with disabilities.

We call for a full televised debate on voting rights, and we declare that voter suppression is sin. We do not give voting rights to parakeets, puppies, and pets. We only give it to citizens who are 18 years and older, so to suppress the vote is to, in fact, suggest that you have entered a God space and you can determine other people's reality. And to suppress the vote is to suggest that other people do not have the same Imago Dei, the image of God, in you.

Suppressing the vote is a form of political and theological idolatry and sin, and it has no place in this democracy. And on this Ash Wednesday, I call on those who have fought against right to vote, and have lied about voter fraud, and who have pushed voter suppression, and who have smiled smirkingly at it, repent. Repent, for the Bible says, "Whoa unto those who legislate evil and rob the poor of their rights and make women and children their prey."

[Applause.]

Chairwoman MALONEY. Thank you. I now recognize myself for five minutes for questions. Ms. Johnson-Blanco, the Voting Rights Act of 1965 helped put an end to many of these abuses that you all testified to, but recently we have seen renewed efforts to suppress votes through voter purges, poll closures, and other tactics. Our committee has been investigating many of these abuses. For example, in Georgia, the state purged more than 500,000 citizens from the voter rolls before the 2018 elections. In Texas, the state issued an advisory claiming erroneously that thousands of people had illegally voted and threatened these individuals with criminal prosecutions. And in Dodge City, Kansas, a majority Latino city, local officials moved the only polling place outside the city and gave the wrong address to some new voters. So, my question to you, Mrs. Johnson-Blanco, what impact do these tactics have on minority communities?

Ms. JOHNSON-BLANCO. In short, they keep—

Chairwoman MALONEY. Put on your microphone.

Ms. JOHNSON-BLANCO. Yes, Chairwoman. In short, they keep a substantial number of minority voters from being able to access the ballot. These laws that have been passed, the way they have been implemented have a disproportionate impact on minority voters,

and our litigation has shown that to be true. When, for example, Gwinnett County in Georgia aggressively rejected absentee ballots, it was disproportionately against minority voters. The exact match that Georgia implemented that did not allow for voter registration was disproportionately implemented against minority voters. So, when these laws are passed, what they do is, in essence, keep minority voters from the ballot.

Chairwoman MALONEY. And also, Ms. Johnson-Blanco, proponents of new barriers to voting often claim that they are trying to stop “voter fraud.” Is this a legitimate explanation of these actions?

Ms. JOHNSON-BLANCO. No, it isn’t because, in essence, what they are doing is keeping eligible voters from the ballot. In our Texas photo ID case, for example, our records show that there were 600,000 registered voters who didn’t have the restricted voter IDs that Texas required. So, what is isolated instances of voter fraud cannot be used to keep thousands of legitimate voters from the ballot.

Chairwoman MALONEY. Thank you. And, Reverend Barber, just like the poll taxes and literacy tests from 50 years ago, today’s voter suppression tactics are race neutral on their face, but they disproportionately impact black and brown communities. What do you believe is motivating the states that are aggressively pursuing efforts to limit the right to vote? Reverend Barber.

Reverend BARBER. Well, sometimes—

Chairwoman MALONEY. Yes, Reverend Barber.

Reverend BARBER. Sometimes they seem to be on their face, but the courts have said it is intentional. We were actually told not to try not to prove intentional racism, but we knew it was intentional and we proved in the court. We also know that the demographic shifts are driving this because we know right now that if you register two to ten percent of poor and low-wealth people who are black and brown and white, in the South particularly, and you get 30 percent unregistered black voters to vote, you can fundamentally change all of the southern states. And we know the battleground is those 170 electoral votes that are in just 14 states in these United States.

We also noted in our state, we saw a massive increase in voting after we won same-day registration and early voting. The first thing this unconstitutionally constituted legislature did was they went after same-day registration and early voting. I want this committee to hear this. They did not stop a program to extend the vote from being implemented. They took a program that voters had already used in two election cycles that was critical in 2008. They rolled back what citizens had actually used for two election cycles because of the fear of the fusion coalition of black and brown and white people that can come together when we have access to the ballot.

Chairwoman MALONEY. Thank you. My time has expired. I am grateful to all of the witnesses for your tireless work, your dedication to protecting the right to vote. And I now recognize the gentleman, Mr. Hice from Georgia, for as much time as he needs because many people spoke past their time. Mr. Hice?

Mr. HICE. Thank you, Madam Chair. I appreciate that, and I will stay within my limits. I thank each of the witnesses here and for this hearing, the purpose of which is to make sure that there is no voter suppression and learn more about that, and also voter fraud. The thing is we want to maintain voter integrity in this country. And I want to speak specifically to some issues in Georgia that have come up that are misleading and just wrong, and I want to correct the record on some of those things.

The fact is it has never been easier to register or to vote in the state of Georgia. In fact, this last election, all demographic groups had record number turnouts, and that is because of the efforts that have taken place in Georgia to make voter registration and voting easier and more accessible to everyone. This last election, midterm 2018, had 55 percent of eligible voters in Georgia actually voted. That is a record, and it is in every demographic category, compared to 2016 or 2014 of 38 percent, and in 2010, it was 40 percent, and now 55 percent turnout. That is 17 percent better than the previous midterm election.

And I am proud that within those statistics, that the turnout of minority groups across the board dramatically increased compared to 2014. African American turnout, for example, increased 32-and-a-half percent. Hispanics and Asian Americans in the 90-percentile increased. These are drastic increases because of the effort not to suppress, but to get voters of all demographic groups to participate.

And I know that we went to great lengths in Georgia. In fact, in 2016 we started the automated voter registration, and since 2016 with Georgia doing it, many other states have participated as well. But, again, it has never been easier in Georgia for people to register. It has never been easier in Georgia for people to actually vote. And yet we hear examples that have come up.

I heard mentioned that some 53,000 Georgians were not allowed to register. Their applications were placed on hold by the Secretary of State's office. That is just wrong. In the first place, processing of voter registration in the state of Georgia is not even handled by the Secretary of State. It is handled by the local counties. It is on the county level where those voter registrations are taking place. If someone in a county had a problem with their voter registration, they received a letter from their county, not from the Secretary of State. And in that letter from their county, they were told that their status is pending. They were told why it is pending. They were told what needs to be done to correct the problem.

And then it may surprise some in this room, they were told in the letter that they could still vote. Yes, they could still vote. They had to show up, and they were also told the location of where to go. They would get a ballot just like everyone else, but they had to come with a voter ID just like everyone else in the state of Georgia has to show up with, but they could still vote. That is reasonable. Every effort in the world was made to let them know what the problem was, how to correct it, and where to still go vote, and that they were allowed to vote. And the allegations here are just not true.

Some other things. Comments were made that county and state officials closed more than 200 polling places. Again, that is very misleading. In the first place, again, state officials cannot close

polling locations. That, again, is something that is done on the county level. But second, our most populated counties and areas in the state of Georgia added polling locations, and that has been taking place since 2012. And third, there was notable increase of individuals voting early. This is extremely important. Since 2014, Georgia has seen a 125 percent increase in early voting, and, again, it is counties that handle the polling and so forth, not the state.

So, there was another allegation that hundreds of voting machines were missing. Well, the truth is that was because a Federal judge ordered those hundreds of voting machines held up because of a lawsuit that was taking place by some activists, and the three counties involved in that urged the judge to reconsider because it could affect voting, but repeatedly, the plaintiffs' counsels refused to cooperate.

So, Madam chair, I see I have gone over by 30 seconds. I said I wouldn't do that. I appreciate your indulgence for a moment with that, but I did want to set some of the record straight as it relates to Georgia, and with that, I yield back.

Chairwoman MALONEY. I thank the gentleman. The gentlewoman from the District of Columbia, Ms. Norton, is recognized for five minutes.

Ms. NORTON. It was interesting to hear the gentleman from Georgia recount the ways, the many ways, in which Georgia has succeeded in ridding the state of some of its practices. We know that some of that is true because Democrats took back this House last year. That would not have happened if many African Americans hadn't insisted on overcoming barriers, barriers like purging. And I just want to cite for the gentleman from Georgia the extraordinary number of voters in his state, half a million, who were purged, and most of them were people of color.

I also looked at other states to try to have something to compare Georgia with, and that is why my question goes to purging. In Ohio, which is not under the Voting Rights Act, almost as many, 460,000; in Wisconsin, 200,000 purged. So, I would go first to Ms. Johnson-Blanco. I am trying to understand what the response is to some purging, what purging means that may be legitimate and may occur in northern and southern states, and whether or not we are meeting purging that may be a violation of the Voting Rights Act. So, would you clarify for us what would be legitimate purging and the kinds of purging when you get half a million voters purged surely involves some errors or some intent?

Ms. JOHNSON-BLANCO. Yes, Congresswoman Norton, I think we should say that there is a difference between list maintenance and voter purging. Under the National Voter Registration Act, election officials are allowed to remove people who have died, who have moved from the voting rolls, but there is a process. They must first reach out to those voters and ensure that they are no longer in their residence, resident in their jurisdiction before removing them. And then, two Federal election cycles have to pass.

Ms. NORTON. Well, do some of them encounter these delays when they come to vote? In other words, if you have been purged, you first learn about it and you have cast your vote—

Ms. JOHNSON-BLANCO. Right.

Ms. NORTON [continuing]. It is pretty hard. You are going to be delayed. Are you going to come back to vote? Would you describe that kind of delay?

Ms. JOHNSON-BLANCO. Yes. If the notice isn't given, then voters are showing up to vote and then finding they are not on the rolls. This happened in New York, for example, where voters were removed from the voting rolls after they hadn't voted in the past election in violation of the National Voter Registration Act. In Georgia, in Lawrence County we had situations where because a voter was challenged, and Hancock County because a voter was challenged. They were removed from the rolls in violation of the National Voter Registration Act.

So, there is a process for legitimately removing voters who are no longer eligible to vote in a jurisdiction, but when that is not done, that is where we see purges. And the study by the Brennan Center for Justice has shown that these voter purges are happening disproportionately in formerly covered jurisdictions.

Ms. NORTON. That clarification is important because purges that result in a person having to leave the voting place and come again, it seems to me, ought to be disallowed under our bill, Madam Chair, so that we do not, in fact, say you got to come to the polls two or three times in order to finally be able to vote. So, we are looking for ways to make sure the Voting Rights Act, in fact, is relevant to today's practices. Ms. Nash, could I ask you to compare the kind of voting suppression you encountered as a young person and the kind of voting suppression that the witnesses have testified to today? Are there any similarities?

Ms. NASH. Yes, Congresswoman—

Chairwoman MALONEY. Please turn on your mic. Turn on your mic.

Ms. NASH. OK. Yes, both voter curtailment in the Jim Crow era and now are often based on white supremacy and discrimination against minorities. Even back then, we were never told directly that we are discriminating against black people. Instead there were literacy tests. They said people who can't pass literacy tests would not be allowed to vote, and then went right ahead and registered white people who didn't pass. And the literacy tests were ridiculous. Like, you would be told to write the state constitution out from memory, and if you left out a comma or misspelled a word, then you failed. So, these things are not straight up. People are not honest about it.

Poll taxes were another thing that, you know, they didn't say we were discriminating against black people. They charged poll taxes when black people's wages were just virtually starvation wages. And so, that is a similarity. People are never honest and straight up and truthful. They have these subterfuges, and they have these complications, and I think we should just make complicated things simple. I would like to say—

Ms. NORTON. Thank you very much, Ms. Nash.

Ms. NASH. All right.

Chairwoman MALONEY. Thank you. I now recognize the gentleman from Texas, Mr. Roy, for five minutes.

Mr. ROY. I thank the chair. Thank you for holding this hearing. I thank all the witnesses for taking your time to being here today.

I was reminded as we were talking about Chairman Cummings, the last time I was able to talk to him at any length, my son was here for hearing, and we talked for some time after, and we were regaling our mutual affection for the Baltimore Orioles. And as we head into spring training or heading around into April, I am hopeful that the Orioles will come out of it this year and actually have a good season, a breakout season, in honor of the chairman. But I was thinking about him yesterday when some of us were talking about the Orioles.

But, you know, the issues that we are talking about here today are of the utmost importance, right? They strike at the core of who we are as American citizens in ensuring that all have access to vote, all have access to take part in our democratic republic. One thing that I would like to just make sure to clarify for the record, because I do think it is important, I spent a number of years as a lawyer for Senator John Cornyn on the Senate Judiciary Committee, including the time during 2005, 2006, 2007, or I should say 2004, 2005, 2006, when we were debating the reauthorization of the Voting Rights Act in 2006, which ultimately then led to the Shelby holding in 2013.

And at the time there was a great deal of debate and discussion, and at that time I was a counsel on the Subcommittee on the Constitution, I think, Civil Rights and Property Rights, I think is what it was called at that time. And what I think is important because I poured over the record intently at the time as a staffer as all the staffers in the room know you do. You are spending hours into the wee hours of the morning reading records and looking at the data. And striking at the core of what the Court found in 2013, I mean, far from being, I think, particularly I would say for Justice Thomas, but far from being a racially motivated decision about voting rights, this was a decision about data. And it was data that was being used, 1964, 1968, and 1972 data that was being used to justify Section 5, 4(b). And this was what was found to be problematic by the Court, I think rightfully so, because you can't justify Section 5 preclearance in 2006 based on data from 1968, 1964, 1972.

And that is what the Court found, and I think the Court was correct about that, and I don't think that should get lost in this discussion because in that time we had a record, and the record was filled with anecdotal examples of situations where race might be a problem with respect to voting and whether there might have been obstacles to voting around the country. And if you looked through the anecdotal records, and I encourage people to go through and look at the 2006 record at the anecdotal examples, you will find them dotted all over the country, and, in many cases, in states that were not covered by Section 5, and they were anecdotal examples.

The point being was that the formula being used in the 2006 reauthorization was flawed, and the Court rightfully acknowledged that Congress got it wrong by driving through a rushed reauthorization that was based on flawed data. So, what Congress should have done was gone through holistically looking at the record in terms of what examples of invidious discrimination exist and obstacles to getting to the polls that need to be looked at appropriately scattered around the country, not just looking at the Section 5 preclearance states, which were defined by 1964, 1968, 1972 data,

as the record reflected at the time in 2006, and then as the justices found in 2013 in Shelby. I think that is an important thing for us to remember because that was the legal holding.

The only other thing that I would note is this last weekend, my family, we are members of a large Baptist church in downtown Austin, Texas, High Park Baptist Church. We have been going to a different church of late, a Presbyterian church in Southwest Austin closer to our home. And I went in there and walked through the door, and there was a former colleague of mine in the Attorney General's Office of the state of Texas, David Whitley. David Whitley's name is scattered throughout a lot of these documents because he was the former secretary of state of Texas. David Whitley was working to try to figure out what levels of voter fraud exists in Texas. Voter fraud exists in Texas. It is real. The question is the number. The numbers that were released last year, which David Whitley in the Governor's office and others acknowledge that were wrongly put out prematurely, those numbers were wrong, and he acknowledged that. He lost his job for it.

I talked to him. This is a man who was walking through, and he was with his daughter and his wife. He is real guy. He is a nice guy. And, David, you know, felt bad that that data got released that way. It was wrong. Later they found out that at least a quarter of those numbers were folks that had been naturalized citizens, then ultimately voted. There were thousands, though, in that pool of folks that there is indication of real voter fraud, and it is a real problem that we are dealing with in Texas, in particular because of a very porous border, which we have discussed at length in this committee.

I would just ask us to remember that these are real human beings trying to deal with real problems, as we talked about, making sure that real human beings who should all be able to vote, should vote, and there should be no obstacles to that. And so, with that, I will turn it back over to the chair.

Chairwoman MALONEY. I thank the gentleman. His time has expired. The gentleman from Tennessee, Mr. Cooper, is recognized for five minutes.

Mr. COOPER. Thank you, Madam Chair. I was going to yield to a statement to the Reverend Dr. Barber because he is under time pressure. So, Dr. Barber, I would be happy to yield to you if you are under a constraint.

Reverend BARBER. Thank you so much, and thanks to this committee, Madam Chair and Ranking Member, for allowing me to come. I have to actually get back to an Ash Wednesday service, but I just want to put three things to my friend, human brother from Georgia. All of your arguments were tried in the courts, and they did not work. The fact that you say, well, more people voted, that also was an argument of segregationists. Segregationists used to say, well, just because some black people made it through the segregation, it wasn't really that bad. None of that has ever held up in court. This argument of voter fraud, never been brought to court because it can't be proven in court.

You also said that voter suppression is not the real issue. Voter fraud is the real issue. Yes, voter suppression is the issue. In North Carolina in 2018, we had 154 fewer voting places in the black com-

munity. In 2014, Thom Tillis won the Senate seat by less than 50 percent of the vote, by only 40,000 votes. And a study was done by Democracy North Carolina that said that 75,000 were suppressed. In a book called, Give Us the Ballot, it says 250,000 votes were suppressed in Wisconsin, even though the president claimed it was won by 30,000 votes. We cannot just continue to take oaths in here and just lie. It is not true. Record numbers of turnouts has more to do with people fighting against regression than it has to do with them not being affected by voter suppression.

And then last, I would say in North Carolina, we had a law already if you lie and you get caught, five-year felony. There was no voter fraud. The fraud is the claim of voter fraud as a way of not dealing with real voter suppression. And finally, to those who say that we needed a new formula, I don't agree with that theory because the states never quit. They never quit. We have to remember on the record that every state that was under the original Voting Rights Act, all they had to do was act right for 10 years. That is all. Stop discriminating for 10 years. Stop suppressing for 10 years. Don't pass any bills for 10 years. And Democrats in the South and Republican couldn't resist it. Couldn't resist it. They could have all been removed, but for 10 years.

And Republicans have now exacerbated it because they are actually arguing in court that retrogression is legal because the Voting Rights Act preclearance is no longer in place. We heard that in court. Retrogression is legal. And one judge, a white Southerner from South Carolina, asked this question, a Federal judge from South Carolina who is white. He said, why is it that you all don't want people to vote? And the whole courtroom became quiet because, my friend, that is the ultimate question. Why are we more interested in retrogression than progression? God bless you.

Chairwoman MALONEY. The gentleman yields back. Mr. Cooper has remaining time.

Mr. COOPER. Thank you, Madam Chair. There is no more revered name in Nashville, Tennessee than Diane Nash. Reverend Dr. Barber referred to her as a mother of the movement. This is a woman of undaunted courage, and she displayed more of it here today. I thought, although all the testimony of the witnesses was compelling, that her sentence in her testimony when she said, and I quote, "Black voters and many non-black voters are in a worse place now than they were in the Voting Rights Act was passed in 1965." How sad a statement is that?

I think especially young people take progress for granted, progress as inevitable. We have heard several statements here today about how we have gone backward instead of forwards. Reverend Dr. Barber had mentioned that we are 2,437 days in delaying the reforms that we need to see just to restore what we had. He referred to James Crow, Esquire, in a suit, and then he just had the statement that retrogression is legal. That is a just a fancy word for going backward. So, why is this happening to us today?

I do my best to be bipartisan, and my friends on the other side of the aisle, this is the only type of government red tape that they really love is when it hampers voting. Sadly, my state of Tennessee has gotten really good at it. We just passed last year, and I know the committee has looked at, Georgia, Texas, and Kansas. Ten-

Tennessee passed last year the first bill in America that would make voter registration efforts criminal when struck down by Aleta Trauger, our local Federal judge. Now they are amending the bill to only have \$50 fines per instance, even though many of these are minor infractions, like a missing salutation on a form or an incomplete social security number, which most people are reluctant to hand out to a stranger anyway. But that is just like a poll tax in advance and could put many of these voter registration organizations out of business, which seems to be the ultimate intent. So, that is just one way our state of Tennessee sadly is going backward.

But the Congress of the United States, people forget, and I wish Mr. Roy were still here because apparently he as a staffer for Senator Cornyn forgot the key information about the renewal of the Voting Rights Act in 2006. That vote in the U.S. Senate was 98 to 0. There was bipartisan unanimity on that, and in the House of Representatives it was 392 to 33. Tons of our Republican friends were enthusiastic in renewing the Voting Rights Act, only to be undercut by the Supreme Court.

So, I am hopeful we will pass H.R. 1. I am hopeful it will get through the Senate because the House, of course, has already passed it. I am hopeful for more than that because most people don't realize there is really not an affirmative constitutional right in our Constitution for the right to vote. We have many Voting Rights amendments, but that is mainly to prevent discrimination, which allows states a free reign to reinvent Jim Crow to suppress the vote. So, I am hopeful the Twenty-Eighth Amendment will be the Equal Rights Amendment that our chair has championed for a long time. Wouldn't it be nice if the Twenty-Ninth Amendment absolutely guaranteed people right to vote? Then we could have many of the reforms that people are talking about and that we sometimes take for granted because it is not really written down in our own Constitution.

But if we could all just show some of the courage that Diane Nash showed when she was, what, 21 years old, risked jail time, went to jail while pregnant to stand up for her basic rights. That is the sort of courage that folks in Congress need to show. So, thank you, Ms. Nash. You are a mother of a movement. You are an icon. All of you. Mr. Jenkins, you are amazing, and we need to learn from your fine example. Thank you, Madam Chair.

Chairwoman MALONEY. Thank you for that very moving statement. The gentleman from Kentucky, Mr. Massie, is now recognized for five minutes.

Mr. MASSIE. Thank you, Madam Chairwoman. Ms. Johnson-Blanco I think I heard you say that you were concerned that photo identification disproportionately disenfranchises minorities when they go to exercise their right to vote. Is that correct?

Ms. JOHNSON-BLANCO. What I stated is that in our Texas this photo ID litigation, it showed, and the Court found, that the photo ID law in Texas disproportionately discriminated against minority voters.

Mr. MASSIE. Do you have that same concern in other states that are trying to pass similar laws?

Ms. JOHNSON-BLANCO. States that are trying to pass voter ID laws, they need to look at the impacts of those laws on eligible voters. And when we do our litigation against such laws, that is what we are looking at because any law that makes it more difficult for eligible voters to vote is a problem.

Mr. MASSIE. So, some states have a photo ID requirement to exercise your right to keep and bear arms, and some states do not have a photo ID requirement to keep and bear arms. We know in the states where there is no photo ID requirement, there are more people who exercise that right to keep and bear arms. Are you concerned that the photo ID requirement for the right to keep and bear a firearm would also, for the same reasons, disproportionately affect minorities?

Ms. JOHNSON-BLANCO. Well, I work on voting rights. I am not, you know, expert on the Second Amendment and the impact it has on minority voters. What I am concerned about is that photo ID laws that keep people from being able to vote, you know. In our Texas photo ID litigation, we had someone who said I had to choose between my kitchen and voting because she couldn't pay for the underlying document needed to get her ID. That is what I am concerned about.

Mr. MASSIE. But can you see how it would have the same effect? I am not asking you to weigh in on the Second Amendment. I am just asking do you believe that it could possibly disenfranchise minorities in the same way that it does when voting, as you believe it does when voting?

Ms. JOHNSON-BLANCO. I am trying to understand your question. Are you asking me if minorities have less access to guns because of photo IDs to bear arms?

Mr. MASSIE. That is correct.

Ms. JOHNSON-BLANCO. I don't know the answer to that question.

Mr. MASSIE. OK. Ms. Nash, you mentioned poll taxes and how they would disenfranchise the poor, and maybe in some cases minorities, I think. Is that correct?

Ms. NASH. Mainly disenfranchised blacks.

Mr. MASSIE. OK.

Ms. NASH. And they were poor.

Mr. MASSIE. So, some states require a fee to exercise a person's Second Amendment right to keep and bear arms, and some states do not require a fee for a person to exercise their right to keep and bear arms. Washington, DC. is a jurisdiction where you do have to pay a rather hefty fee to keep and bear arms. Do you believe that that requirement, that monetary requirement, could also disproportionately disenfranchise African Americans from their right to keep and bear arms?

Ms. NASH. I don't know. I would have to take some time to study that issue—

Mr. MASSIE. Can you explain why—

Ms. NASH [continuing]. And consult with people that know about it.

Mr. MASSIE. Can you explain why it wouldn't it? It seems like a pretty straight analogy.

Ms. NASH. No, I really prefer to take time to think about things, you know. You know, I could give you a spur-of-the-moment an-

swer. I am not sure what that would be. But I think that would be irresponsible of me.

Mr. MASSIE. Let me ask everybody here one question because some of you have mentioned—I wish Reverend Barber was still here—But some of you have mentioned that there are too many barriers for people who have served a sentence in obtaining their right to vote again after they have served their time. I would like to ask you, Ms. Nash, do you believe that a nonviolent felony offender who served their time should have their right to keep and bear arms restored?

Ms. NASH. Yes, I think after a person has paid their debt to society, that all of their rights should be restored.

Mr. MASSIE. Ms. Johnson-Blanco, do you believe that a person, a nonviolent felony offender who has served their time, should have the right to keep and bear arms restored?

Ms. JOHNSON-BLANCO. I would need to think about that. It is not something that I have, you know, looked into, but I do believe—

Mr. MASSIE. The Second Amendment is a basic constitutional right.

Ms. JOHNSON-BLANCO. It is a basic constitutional right, and I believe that anyone who has served their debt to society should have access to all available rights.

Mr. MASSIE. So, that would include the right to keep and bear arms, the right to own and carry a firearm.

Ms. JOHNSON-BLANCO. Potentially. Like I said, I would need to think more about that.

Mr. MASSIE. Is there a reason why you wouldn't let them have their right to keep and bear arms that is guaranteed in the Constitution if they are a nonviolent felony offender who has served their time?

Ms. JOHNSON-BLANCO. There is no reason that I can think of at the moment, no.

Mr. MASSIE. I can't think of one either. Mr. Jenkins, would you restore the right of a nonviolent felony offender who has served their time to keep and bear arms?

Mr. JENKINS. If there are no other considerations that would disqualify them, there is an absolute right for people to have political rights. I do not see that there is an equivalence between that and bearing of arms. I think that one of the fundamental things that we are here to talk about is voting rights. We shouldn't deflect. This shouldn't be a bait and switch to have a discussion about arms when the issue is voting rights.

Mr. MASSIE. Let me ask you, Mr. Jenkins—

Mr. JENKINS. We need to have an ability to do—

Mr. MASSIE. You sound very passionate, but you sound unconcerned about the ability of—

[Applause.]

Mr. MASSIE. You sound unconcerned about these laws that, it seems to me, that you all would agree disproportionately disenfranchise minorities from exercising a basic constitutional right. And just wrapping up, I know my time is expired, I want to say that I am glad it looks like we have unanimous agreement here. At least nobody here at least asserts that somebody should be de-

prived of a constitutional right, such as the right to keep and bear arms, after they have served their sentence—

Mr. JENKINS. Let the record show that nobody has died because of their being deprived of bearing their guns. What we can have is a registering of people—

Mr. MASSIE. Mr. Jenkins, that is absolutely false.

Mr. JENKINS. No, it is not false.

Mr. MASSIE. I can give you multiple examples.

Mr. JENKINS. It is not false.

Mr. MASSIE. I had a staffer who worked for me whose husband was shot in front of her—

Chairwoman MALONEY. The gentleman's time has expired. The witness has answered.

Mr. MASSIE. Madam Chairwoman, may I finish because you indulged the other members?

Chairwoman MALONEY. OK. All right. Finish.

Mr. MASSIE. OK. What you are saying, Mr. Jenkins, is absolutely incorrect. I had a staffer, Nikki Gosar, who worked for me. She watched her husband be gunned down in front of her in a gun-free zone because her firearm, she followed the law and left her firearm in the vehicle. So, do not tell me and do not tell her that nobody has ever died because they were deprived of their right to keep and bear arms.

Mr. JENKINS. Let me tell you this, that the whole business of being able to vote is not intermeshed with the business of bearing arms. You are taking the time that we are trying to deal with a constitutional right to be a citizen and turning it into something else. Use another forum. We don't have many opportunities to get a right to vote. We don't have an opportunity to talk about the whole business of the way in which the Constitution has been distorted. And don't take us off on some rabbit trail of talking about arms—

Mr. MASSIE. The Constitution is not a rabbit trail, and it looks somewhat disingenuous when you are now trying to pick and choose which constitutional rights that somebody should have—

Mr. JENKINS. I am trying to pick and choose the subject matter of this hearing.

Mr. MASSIE. Do you understand that this is my time, and I am concerned about this issue for minorities because we know it to be true? Everything—

Mr. JENKINS. You are filibustering on a question that is irrelevant—

Chairwoman MALONEY. The gentleman's time has expired.

Mr. MASSIE. I yield back.

Chairwoman MALONEY. OK. The gentleman from Virginia, Mr. Connolly, is recognized for five minutes.

Mr. CONNOLLY. I thank the chairwoman. Mr. Jenkins, you just saw and experienced the distraction that occurs on the other side of the aisle because they don't want to talk about voting rights protection. If we start with the Constitution of the United States, the first thing we should be concerned about is protecting the sacred franchise of the right of every American to be able to vote. Instead he wants to talk about gun control because he is uncomfortable apparently talking about your right and my right to vote unimpeded.

This country has experienced an epidemic of voter suppression measures since Republicans took over state houses and Governors' mansions all across America, strict voting ID laws that many people, especially people of color, cannot meet and they know it. Whimsical, capricious purges of voting rolls, millions of fellow Americans because they missed an election. Capriciously denying them the right to vote. Voter intimidation tactics. Robocalls that tell people on the eve of an election their precincts have changed, or warning them that there will be all kinds of people at the voting place to make sure no one is committing voter fraud. That is intimidation.

Mr. Jenkins, would you agree with the proposition that what we are talking about at most, the Brennan Center says that voter impersonation is virtually nonexistent. Actual voter fraud in the United States is extremely limited. But the fact that almost 40 percent of Americans don't vote, don't vote even in a Presidential election, I don't know, call me silly, but that might be the bigger problem, not voter fraud, the fact that we don't have universal voter participation, not even close. Would you agree with that proposition?

Mr. JENKINS. I do agree with that, that is not an issue that we need to be concerned about because the whole business of voter fraud is itself a fraud. And the fact of the matter is that we have adequate protections on the business of voting rights when it comes to the question of fraudulent defenses. What I think we need to be clear about is that when we are trying to describe ways to address the fundamental right to participate in this democracy, we ought not confuse that with the side issue of something that is irrelevant to the business of being a citizen.

Mr. CONNOLLY. I couldn't agree more, but if you don't want to talk about voter suppression and voter participation, you got to distract public attention with something else. There is a video playing right now. Chairwoman Maloney mentioned a hearing that our late chairman, Mr. Cummings, had with Mr. Raskin. After the 2012 election, Mr. Cummings and I had a field hearing in my district about this. This is a precinct in Prince William County, the second largest county in Virginia, called River Oaks. It was at that time the only minority-majority precinct and a very large one. And the lines snaked outside for hours because of a breakdown in voting machines, and there were no replacements. It just so happened this was virtually the only precinct in the whole county where this happened. And this is showing you the lines inside the school, but, frankly, it took my intervention to get that to happen. Otherwise on a cold, cold day, all those people were outside with children taking off from work go vote.

And it may not have been intentional. It probably wasn't. But the fact that there was no backup, the fact that it only happened in this precinct was something quite striking. And Mr. Cummings and I, as I said, had a field hearing to better understand how this happens. So, it may not be deliberate, but its de facto voter discouragement.

Fortunately, the people in River Oaks were not going to be discouraged in 2012. I can remember going up and down the line outside saying, please stay, please stay, and to a person they all went,

oh, don't you worry. No one is going to take away our vote, our right to vote. They were aware of the sacrifices you mentioned, Mr. Jenkins, that allowed them to have this right to vote, and they weren't about to let it slip away because of a lack of voting machines, adequate voting machines.

So, I just want to say, I want to thank all of you for being here. This is a sacred topic. It is a passion for most of us up here, and we can't allow ourselves to be distracted by other topics. Voter suppression is wrong. Anything that impedes the ability of people to vote or discourages them directly or indirectly, subtly or explicitly, is wrong, and we have to fight it wherever we face it. Too many people, as you remind us, Mr. Jenkins, sacrificed a lot for that right to be reasserted, for us to finally honor the Fifteenth Amendment, and we are going to continue that fight until we prevail.

And I am very proud of the fact that as the new majority in Richmond, the state capital of Virginia, we have rolled back voter suppression measures. We have made it easier for people to vote early, taking away the requirement for some kind of excuse, and we are going to continue to do that in our state, and I hope it will be a national movement. Thank you, Madam Chairman.

[Applause.]

Chairwoman MALONEY. I thank the gentleman. The gentleman yields back, and I would now recognize the Congressman from Wisconsin, Mr. Grothman, for five minutes.

Mr. GROTHMAN. First of all, I'd like to submit into the record, I am told the Heritage Foundation has 1,085 examples of a voter fraud. One of the witnesses, I think, said inappropriately that it is something that that doesn't happen. As a downpayment, we have got about 40 here in Wisconsin, and they are running off the other 1,000 or so.

Chairwoman MALONEY. Without objection.

Mr. GROTHMAN. We will put that wherever we put them. OK. Thank you very much. The second thing, it is to me obvious the reason why we have photo ID, and I sponsored a bill, and I voted for photo ID in Wisconsin, and that is because we want to avoid fraud, OK? There is a concern that people are going to say they are somebody who is on the voter rolls when they aren't, and without the photo ID, you are not going to be able to know whether it is that person or not. I know somebody—I haven't confirmed it—who claims that her mother, who is deceased, turned up as having voted in the city of Milwaukee. So, this is why we need it, for obvious reasons.

I have got a couple general questions. There are many things in society that you have to do that are arguably more important, at least on a personal level, than voting. Maybe you need prescription drugs that may need to save your life. Some states, welfare benefits. Going on an airplane, you know, you can go on an airplane on a very, very important trip. All these things you need photo ID, and I can imagine if you didn't have your ID, the inability to take an airplane, the inability to take prescription drugs, inability to buy a gun, the inability to get welfare benefits, would really shake up your life. But for some reason, we never hear of people complaining about that.

You know, I flew out last night, had to show my ID. You know, it would have been a real mess for me if I didn't have an ID, but nobody ever screams on these other issues. I wondered why the advocates who make such a big deal here, and, of course, as somebody who advocates for photo ID and wonder about people who want people to vote without it, are encouraging cheating, why on these other things like prescription drugs or some public benefits, we aren't screaming you shouldn't have a photo ID?

Mr. JENKINS. Well, I think the reason is that we are intelligent enough to be able to focus on what the issue is at hand.

Mr. GROTHMAN. No, no—

Mr. JENKINS. We are not dealing with prescription drugs. We are not dealing—

Mr. GROTHMAN. Well, you are not answering my question.

Mr. JENKINS [continuing]. With a lot of irrelevant uses of photo IDs. We are dealing with the right of people to vote, and that is what we ought to address. Don't take us off on some other track talking about other things—

Mr. GROTHMAN. Well, would you—

Mr. JENKINS [continuing]. That have nothing to do with voting.

Mr. GROTHMAN. OK. Well, I will give you another question. There are there are many other countries—Mexico to our South, just looking on the internet, assuming I can trust the internet—other countries in which you refer to people of color—Mexico, Costa Rica, Brazil, Mozambique, Botswana, Madagascar, Zambia—just a tip of the iceberg on the number of countries that have photo ID. Why do you think all these other countries all around the world feel that photo ID is important?

Mr. JENKINS. You have despotic countries all around the world who want to repress their people by any means possible.

Mr. GROTHMAN. So, you consider Mexico a despotic country. You consider Costa Rica—

Mr. JENKINS. They will use all kinds of techniques. What we are—

Mr. GROTHMAN. France, Germany.

Mr. JENKINS [continuing]. Dealing with here not the discouragement of other countries against democratic principles. It is our country that has our Constitution. It is our country that said we the people are supposed to be able to exercise the vote.

Mr. GROTHMAN. I mean, what you are doing, and this is what offends me about this, you are charging people who want photo ID because we want to make sure that people, you know, who are voting are who they say they are. You are claiming racism. And the point I am trying to make out to you is that there are so many countries around the world, including countries that are nowhere near as multiracial as our country, and they all require photo ID.

I don't think when Costa Rica or Mexico or Brazil require photo ID, I don't think it is out of despotism. I think it is out of the reason that I say. It is that they don't want people voting, claiming they are somebody who they are not, that sort of thing, and it is very inflammatory to say it is for any other reason. Now, these dozens of other countries around the world that require photo ID, I would think it is for the same reason that I am for it. I don't want people cheating. Do you have any evidence that there is any other

reason for all these other countries around the world having photo ID?

Mr. JENKINS. They are not democracies that are parallel to ours. They do not have a Constitution of the United States like ours. They do not have a system that guarantees these rights.

Mr. GROTHMAN. Ms. Nash, do you have a response?

Mr. JENKINS. You are trying to introduce irrelevancies about Costa Rica, Mexico, and other places that have no bearing on the United States Constitution and the way in which people should be guaranteed the right to participate in their government.

Mr. GROTHMAN. Thank you.

Mr. RASKIN.

[Presiding.] Thank you. The gentleman yields back. I will take my five minutes now. First, I want to thank the whole panel for coming and testifying and giving us your insight and perspectives. You connect us to a noble and honorable moment in American history, and so we thank you for your hard work and the sacrifices that you have made.

Ms. Johnson-Blanco, I want to start with you. Mr. Cooper invoked the strange absence of a universal affirmative constitutional right to vote in the U.S. Constitution. We, of course, have a sequence of ad hoc anti-discrimination amendments that were extracted through the blood, sweat, and tears of social movements. So, the Fifteenth Amendment said no race discrimination in voting. The Nineteenth Amendment said no discrimination based on sex in voting. The Twenty-Third Amendment gave people in D.C. the right to participate in Presidential elections. The Twenty-Fourth Amendment said no poll taxes. The Twenty-Sixth Amendment lowered the voting age to 18. But nowhere do we get what you find in most of the other constitutions in the world, which is a universal command of everybody having the right to vote and participate at every level of government, like if you look at the new South Africa Constitution.

That is why we are in the business of fighting to reconstruct a Voting Rights Act that was dismembered by a five-justice conservative majority, treating the Congress of the United States like an administrative law tribunal, like some kind of administrative commission, demanding to see what our evidence is for exercising our powers. But my question for you is, is a constitutional amendment for the right to vote on the agenda of the civil rights today?

Ms. JOHNSON-BLANCO. It is something that the civil rights community is looking at because we are very concerned that a lot of the restrictions that are being imposed are being imposed because there isn't an affirmative right to vote in the Constitution. We do, however, acknowledge that through our recognized right to vote through the jurisprudence of the Supreme Court in looking at the Fifteenth Amendment and the Voting Rights Act, but there is a—

Mr. RASKIN. At least up until *Shelby County v. Holder*, where the Supreme Court, you know, started to exercise strict scrutiny of congressional efforts to enforce the right to vote, but I appreciate that, and I look forward to working with you. Mr. Jenkins and Ms. Nash, let me turn to you for a second. Both of you invoked your late colleagues and friends, Schwerner, Chaney, and Goodman, and

others who lost their lives fighting against political white supremacy in the South, Viola Liuzzo, Medgar Evers, many other people who were gunned down fighting for the right of people to vote. And I wonder, looking at the struggles today against the massive voter purges which have included millions of people since 2016, looking at the efforts to vindicate the right to vote against this constant undertow of efforts to shut down polling places and make it more difficult to vote, what do you think about the sacrifice of the people that you worked with back in the Civil Rights Movement? What do you say to their families today because I don't know how many people would actually give their lives in this cause? And what do you say to their family and friends, and what do we owe them? Ms. Nash?

Ms. NASH. I think that people today don't realize how patriotic black people who fought for the right to vote were back in in the early 60's. Just quickly, I would like to mention that people who lived on plantations and had 15, 16 children would go down to the courthouse to try to register to vote, and someone at the courthouse would call back to the plantation and say, your Willie or your Mary is down here trying to vote. And by the time Mary or Willie got back to the plantation, they wouldn't have a job and they wouldn't have a place to stay with their huge family. And they kept doing that, and they knew that that was going to happen because it had happened so many times before, but they did it for the collective benefit.

I would have trouble talking to their descendants today after those kinds of sacrifices were made. I think present-day Americans owe them to reestablish the democratic right to vote. The right to vote is the basic unit of democracy, and one person-one vote, if we don't have that, I think we as a republic are in serious trouble.

Mr. RASKIN. Thank you. And, Mr. Jenkins, do you have any reflections on that?

Mr. JENKINS. I think that the fundamental of the right to vote is the warp and woof of having a democracy. The reason this country claims to be a democracy is because it allows everybody to participate in the way in which the public policy of the country is being directed. And people need to understand that that right is inherent in them being a human being and being part of the politics and the body politic of the United States. And one of the things that worries me most is that some young people, who are so discouraged by the way in which the suppression of political participation is going on, that they have given up and walked off.

I think it is fundamental that we recognize not just the handful of names that we know, but many hundreds of names that we do not know. Remember that when they went to look for the bodies of Goodman, Chaney, and Schwerner, they found hundreds and thousands of skeletons of unnamed people who had died. How many of them were victims of an undemocratic system? I think one of the things we have to remember is that fundamentally, we as a country have failed to live up to the ideals that we talked about when it comes to practice.

Mr. RASKIN. Thank you very much. The gentleman from North Dakota, Mr. Armstrong, is now recognized for his five minutes.

Mr. ARMSTRONG. Thank you, Mr. Chairman. North Dakota is the only state without voter registration. We are pretty proud of that. It is very unique, but yet we somehow end up in these conversations once in a while. We had a law that was challenged on voter ID in 2012. It went through the courts, and as recently as three weeks ago, there has been a settlement reached between the lawyers representing the Native American tribes in the state of North Dakota. Now, I don't pretend to know the particular and unique circumstances of every other district, but I do know that if you would read the majority staff memo regarding North Dakota, which states, "North Dakota passed a law that required identification with a voter's current residential street address in order to vote, a requirement that excluded Native American communities on reservations that often do not have street addresses. The law affected tens of thousands of Native American Americans in North Dakota in an election year in which Kevin Cramer won that won the race by 35,344 votes."

That statement is misleading at its most charitable interpretation. What it doesn't say is that in the prior Senate race, the Democratic candidate won by less than 3,000 votes. It doesn't say that in the 2018 race, that that vote margin was just under 10 percent of the entire vote total. But probably, more importantly, what it doesn't take into account at all, either through complete lack of diligence or intentional omission, is that Native-American turnout was the highest it had ever been in the last 14 years in North Dakota.

The Turtle Mountain have easily suppressed our voting numbers from state and Federal elections the last four years, and the polls are still open. The Turtle Mountain Band of Chippewa Chairman, Jamie Azure: "Rowlett County reported the Turtle Mountain reservation reported 5,102 votes on Tuesday, the highest number in at least 14 years, including Presidential elections. More than 1,400 people voted in Sioux County, which is completely within the Standing Rock Sioux Reservation, an increase of more than 200 voters from the 2016 Presidential election." To imply that a voter suppression law, which, by the way, a court found valid, was the reason that our senator won the election is either intentionally not doing the research on what went on in North Dakota, or intentionally placing things in the record that make it seem more severe than it is, and it is not true.

We are glad we have reached a settlement. We are glad to be the only state in the country without voter registration. Even in North Dakota and even on Native-American reservations, we are proud of the fact that we have the easiest access to the ballot of any state. So, it gets to be a little concerning for me when I see those things about something I know specifically about, that I lived through, that I was a part of, being portrayed in a way that is simply not accurate. And with that I yield back.

Chairwoman MALONEY. [Presiding.] The gentleman yields back. I now recognize the gentlewoman from Michigan, Ms. Tlaib, for five minutes.

Ms. TLAIB. Thank you so much for being here. I cannot express to you, Mr. Jenkins, how much the spirit of late chairman, our forever chairman, Congressman Elijah Cummings' spirit in being ef-

fective and efficient. I think you have helped make sure that happens as the line of questions come toward you. In the spirit of what Mother Nash has said is how do we uncomplicate something that should just be pretty simple, and I think you have been reiterating the importance of we are a democracy, it is in the Constitution. and so forth.

Just so it is simple for folks to know, I mean, the right to vote is guaranteed by the Constitution. Congress has clear authority, clear authority, to investigate, any level of government, to try to push back on any infringement on that right. So, in spirit of simplifying this, as Mother Nash has asked us to do, you know, what do you think these folks, which I will call oppressors, what do you think these folks are really truly afraid of? Let's just talk about it. I think it needs to be out in the open. Why are they so afraid of us, people like us, voting? Mr. Jenkins?

Mr. JENKINS. I think basically it is a reflection on the history of America. As I pointed out in my remarks, when they talked about "we the people of the United States," and then excluded women and excluded indigenous populations, excluded poor people, they were making a definition of democracy that was only for themselves. And one of the things that I think we have to raise over and over again is that many of the institutions that were created under that mentality are affecting us in a disadvantaged way today. I mentioned the Electoral College. The Electoral College is a barb on the whole face of democracy in the United States because what it says is that people's real estate is more important than their lives.

Ms. TLAIB. Yes, that is right.

Mr. JENKINS. And it is to imbalance the whole system so that people who come from states with a handful of population have the same votes as people who come from states that have millions of people. That is a perversion of democracy. And I noted that after the remarks that were made about the Electoral College, not one question was raised about the Electoral College, the defense of it or a criticism of it. But that is fundamental, and we have got to be able to deal with basic issues, not superficial issues.

Ms. TLAIB. I got it.

Mr. JENKINS. Chasing rabbits is not what the Congress should be doing.

Ms. TLAIB. Thank you. What are they afraid of? OK. They are afraid. They don't want us to dismantle the Electoral College basically, you know, protected landowners, protected that kind of classism that was going on in that form of repression. But your opinion from the work that you have been doing and looking at all of this form of oppression and making sure that it is harder for folks that look like us to vote.

Ms. JOHNSON-BLANCO. So, what I would say and what I have seen in my work is that, you know, as Mr. Jenkins alluded to, our democracy was not founded with the idea that all eligible voters would have access to the polls. And what we are seeing now is that their attempts, as the Voting Rights Act gives life to the Fifteenth Amendment and broadens to those who are allowed to vote, we are seeing both the challenge of our democracy not having or making the resources available to ensure when there is robust turnout,

that everyone has access to the ballot. And then we were also seeing laws that are being passed that affect certain types of voters.

And, you know, there has been this argument that there has been robust turnout, but its robust turnout in spite of. We saw the video of the long lines. That is a lot of burden on voters to have to take to have their voice heard. No voter should have to wait in hours' long lines in order to have their voice heard. And even if there is, you know, robust turnout, there are those individual voters, the voters that I care about, who are not having the opportunity to vote when they try to engage in the franchise. And those are the voters that laws like the Voting Rights Act wants to protect.

Ms. TLAIB. I only have a few seconds. Mother Nash, I don't want you to get cutoff, so I would love to hear about this. I mean, you know, having Election Day be a national holiday, I think, it is an important conversation. Getting rid of the Electoral College is an important conversation. Talking about no-reason absentees so we don't see these long lines is an important conversation. It should be easy to be able to vote here as an American citizen. But with last words of wisdom to all of us and really getting back to the simplifying, what are they afraid of? Why don't they want us to vote?

Ms. NASH. Congresswoman Tlaib, I think we have to realize that this country was founded on genocide against Native Americans, and then slavery was an extremely fundamental institution in our history. The country has never confronted those facts directly and officially recognize those as at least mistakes, and done what is possible to do to make restitution. I think that as a result, white supremacy is still very much with this society. I think we look on the value of lives of Europeans and white Americans, and Australians, and maybe Israelis as much more valuable than the lives of people who are Asian, African, and Latin American.

We have to confront that directly I think. I think more particularly, common, ordinary citizens who are white need to confront racist white people. There is a fantasy on the part of many whites where they, you know, think of themselves as Scarlett O'Haras, you know, wealthy white plantation owners that subjects people of color. The President of the United States recently, while saying he welcomed people from Norway, that he mentioned immigrants from colored countries as s-hole countries. And, you know, we have to, I think, confront this kind of attitude across the board definitely.

And I think that in the South, particularly during the Civil Rights Movement, white people were afraid that if we got power, we would do them like they had done us, and there was a lot of fear around that. Well, that didn't happen. But there is something to karma, that people know when they have mistreated people over a period of time, then they become afraid of them if they have equal power. I think there is a real emotional illness around race in this country.

Chairwoman MALONEY. Thank you. The gentlewoman's time has expired. The chair now recognizes Mr. Armstrong for a unanimous consent request.

Mr. ARMSTRONG. Thank you, Madam Chair. I would like to unanimous request to enter two articles into the record. One is from the Dickinson Press saying, "Voter Turnout High Across North Dakota,

November 7, 2018." The second one is from the Bismarck Tribune that says, "North Dakota Reservations See Record Voter Turnout Amid Fears of Suppression," which is also November 7, 2018."

Chairwoman MALONEY. Without objection.

Chairwoman MALONEY. And without objection, the following report from the Brennan Center for Justice will be placed into the hearing record. This report addresses claims that the Heritage Foundation document contains almost 1,100 proven instances of voter fraud are grossly exaggerated and devoid of context. Without objection, placed into the record.

Chairwoman MALONEY. The chair now recognizes the gentleman from Maryland, Mr. Sarbanes, for five minutes.

Mr. SARBANES. Thank you very much, Madam Chair, and thank you to the panelists today for your powerful testimony. As I am sure you know, the first piece of legislation that the Democratic Caucus brought to the floor of the House in 2019 was H.R. 1, the For the People Act, which was a broad anti-corruption and clean elections bill that addressed many things, including voter access. Subsequent to that, we brought H.R. 4 to restore the Voting Rights Act. That was passed. Last week, I think, or maybe the week prior, we brought Congresswoman Norton's H.R. 51 into this committee, passed out of committee, which would provide statehood for the District of Columbia and redress this centuries-old wrong. So, we are moving on our side of the aisle and on this side of the Capitol to try to deal with the issue of voter access.

One of the key elements among many that was contained in H.R. 1, and many of these are things that Congressman Lewis had worked on for years in legislation, it was incorporated into the broad package, was automatic voter registration. And Ms. Johnson-Blanco, do you believe that congressional action to require automatic voter registration across the country nationwide would help Americans exercise that right to vote?

Ms. JOHNSON-BLANCO. Yes, I do. Far too often, we are seeing that there are challenges to access to voter registration. The Lawyers' Committee convenes the Election Protection Coalition, and we have an 866-OUR-VOTE hotline, and we have calls into the hotline when people aren't even aware that they need to register to vote. So, having the opportunity that allows them to automatically register to vote would definitely advance participation in our democracy.

Mr. SARBANES. There are sort of two sides to this conversation clearly. There is this whole issue around the renewed, I think, renewed connivances, might have been the phrase that you used, Mr. Jenkins. So, all of these things to play mischief with the franchise in terms of new voter suppression techniques: making people jump through hoops, hiding it through kind of process-based rigmarole when we really know what the intent is behind it. And so, having very specific provisions of law that can address voter suppression, in other words, address the kind of negative things that are being done out there when it comes to voter access.

But at the same time, on the other side of the ledger, we want to plus up, reinforce, and establish things that can improve and enhance access and the franchise in this country. So, automatic voter registration is certainly an example. That was contained in H.R. 1.

The bill also requires same-day voter registration so that eligible voters can register and vote on Election Day if they are not registered by that point in time. Again, Ms. Johnson-Blanco, can you speak to national same-day voter registration and how that might benefit some of the work to actually combat the voter disenfranchisement?

Ms. JOHNSON-BLANCO. Yes, I definitely support all legislation that improves access to voter registration, including same-day voter registration. We want to ensure that voters, when they show up to vote, they can do so, and very often we have found, because either that they have been wrongly purged or they weren't aware that they needed to re-register, that they show up and find that they can. So, being able to register in real time will definitely improve access to the ballot.

Mr. SARBANES. Thank you. If we can change what is now really an obstacle course for people getting to the ballot box, to really put access on a glide path by offering these different opportunities, and those include as well increased online voter registration, expanding early and absentee voting, requiring that states at least offer the opportunity for voting by mail. In other words, we should be exploring every possible opportunity to make it easier for people to register and to vote in this country.

Last question. I invite anybody to speak to it if they would like. Another provision in H.R. 1 would require the re-enfranchisement of all persons convicted of a felony upon completion of their prison sentences. That was something very, very important, nationwide restoration of voting rights for those who have paid their dues and serve their time. Could you speak to what you think the impact—anybody, I would invite—of having that provision now become part of law?

Mr. JENKINS. Well, I think it is important to appreciate that one of the phenomena of the American experience has been the criminalization of race, and the fact that people are often convicted for various things because of their racial orientation. The whole manner in which law enforcement has been racialized has assured more arrests of black people than of white people. And when you have something that piggybacks on that discrepancy by having the franchise tied up with the right to vote, you are multiplying the effect of racism. And I think it is important for us to disaggregate the whole question of criminal behavior from the question of racial identity, and until we do that, we will not have a solution of our Democratic issues.

Mr. SARBANES. Outstanding. Thank you very much for your testimony. I yield back.

Chairwoman MALONEY. The chair recognizes the gentlewoman from New York. Ms. Ocasio-Cortez is recognized for five minutes.

Ms. OCASIO-CORTEZ. Thank you, Madam Chairwoman, and thank you to all of our witnesses here today testifying on such a profoundly important issue. I think that one of the largest threats that we face in our country today is the unmitigated assault on our democracy, and that starts with the assault on particularly African American and black voters in our country.

Last year, this committee launched investigations into state actions that limit the ability of Americans to vote, including in the

state of Georgia. Now, I want to talk about Georgia. The Georgia Secretary of state reportedly purged more than half a million voters from the rolls, blocked thousands of new registrations, and closed polling places, all while he was a candidate for Governor. The documents that this committee received confirmed many of those efforts. And, for example, in September 2017, the press reported that efforts to challenge voter registrations “may have violated Federal law.” In fact, Mr. Kemp, that candidate, responded to this by congratulating his campaign team, writing, “good work.” This story is so complex, folks will not make it all the way through it.

Ms. Johnson, Blanco, your organization has been active in Georgia. What is your view of the voter roll purges in that state?

Ms. JOHNSON-BLANCO. Yes, we have been very active in Georgia. Georgia keeps us very busy in fighting back against voting discrimination. And to answer your question that one of the things that Georgia did that I think speaks to the impact of the purges or related to it, is that with the exact match law that Georgia had, it points to something that the Supreme Court, when it found the Voting Rights Act constitutional, pointed to, which is the repeated efforts at suppression.

The exact match law was first a procedure by the Secretary of State, and when we won the litigation against that, the legislature passed into law, and then we had to bring two more lawsuits to fight against it. And now we have a third lawsuit because the exact match law still applies to those who are naturalized citizens. So, they are not only aggressively removing voters from the rolls, but also preventing voters from getting on the rolls.

Ms. OCASIO-CORTEZ. So, I am curious. What do you think of a top election officer in the state of Georgia congratulating his team over these reports?

Ms. JOHNSON-BLANCO. You know, I am speechless, right, because, I mean, that is one of the things that we confront when those who are charged with carrying out our voting laws are also running for office and abusing that. That is a problem.

Ms. OCASIO-CORTEZ. So, it is out in the open what we have here. In fact, it is so out in the open that this committee’s investigation also shows that as Georgia Secretary of State, Mr. Kemp, he with the White House and the Kansas Secretary of State, Kris Kobach, with noted ties to white supremacist organizations and individuals, financial ties and organizational ties, they served together to produce and promote the President’s failed Voter Fraud Commission. So, let’s talk about this voter fraud, the President’s allegation that there is mass fraud in the United States. They put together a commission, and it was forced to disband because they had so little evidence. Their own commission had to be disbanded. So, Ms. Johnson-Blanco, what is the connection between the false claims of voter fraud pushed by this Administration and his allies, and the voter suppression efforts in Georgia and elsewhere that you have observed?

Ms. JOHNSON-BLANCO. I think the false narrative of voter fraud is used to pass laws, in effect, that keep eligible voters from being able to vote, and these laws disproportionately impact minority voters. Courts time and time again, in striking down the laws, show

that they disproportionately impact minority voters. And, in fact, the Fourth Circuit, in striking down North Carolina's voter ID law, we all know that it said it was targeted with surgical precision at minority voters. But the Court also said it imposes cures for problems that don't exist.

Ms. OCASIO-CORTEZ. And if I may, how are all of these efforts that we are seeing today any different from what we fought against in the Civil Rights Movement several decades ago?

Ms. JOHNSON-BLANCO. I think we are seeing an updated version of what we fought against. One of the things that was really striking for me when I was working on the record that did show voter discrimination when the Congress reauthorized the Voting Rights Act, is the focus on the implementation. We had a commissioner the National Commission on the Voting Rights Act, who was a Congressman from Alabama, who had to take a literacy test. His literacy test was who was the first president of the United States. That was not the same test that was applied to African Americans, as you heard Ms. Nash say. And so, we have laws that are seemingly neutral on their face, but in their implementation, the courts have shown again and again, including the Wisconsin voter ID law, that they disproportionately impact minority voters.

Ms. OCASIO-CORTEZ. Thank you very much.

Chairwoman MALONEY. The gentlelady yields back, and, without objection, the statement of our colleague and leader and conscience on these issues, John Lewis, from the great state of Georgia, will be inserted into the record.

Chairwoman MALONEY. We now recognize the gentlelady from Massachusetts, Ms. Pressley, for five minutes. Thank you.

Ms. PRESSLEY. Thank you, Madam Chair, and thank you for convening this timely and incredibly important hearing. I had a written statement, but, to be frank, I am still seething from some of what occurred in this chamber a moment ago. And I guess it is impossible anymore to be disappointed when you are no longer surprised.

I, you know, serve in this august institution and this committee with colleagues across the aisle who deny science and the climate crisis, who believe that because we have had a black president, we live in a post-racial America, who think that being poor is a character flaw, who believe that we still live, or we ever did, in a meritocracy, who espouse the redemption of Christ's love and grace, but only believe in second chances for a selective few. So, I should not be surprised that they think we are being dramatist about voter suppression. Forgive them, Father, for they know not what they do. I just wanted to say thank you. You know, to have the honor to serve in Congress with your fellow freedom rider, John Lewis, and I wonder if some of the comments that were said here today, my colleagues would ever say directly to John Lewis, who they consider to be a national treasure. But I digress.

Let's get to the matter at hand here. I just know that I am 46 years old. I have been doing movement-building work since I was 10 years old. My mother was a tenants' rights organizer in Chicago. Harold Washington's campaign was the first one I worked on. I would not be here as the first person of color and black woman to represent Massachusetts in the House of Representatives. That

took 230 years. And I know I owe a debt to each of you, that I can say that. So, I just want to say thank you, and I apologize and completely disassociate myself from the comments that were said earlier by my colleague across the aisle.

What I want to talk about is mass incarceration. Certainly, our mass incarceration crisis has further exacerbated many of the challenges that we have already enumerated here today, and these issues are intrinsically linked. Millions of individuals across the Nation have been arbitrarily and permanently stripped of their right to vote due to involvement in the criminal injustice system. These policies disproportionately impact black and brown communities. In fact, 1 in 13 black Americans of voting age are disenfranchised on the account of this broken system, and they continue to have their bodies where they are being warehoused, counted, and included in this Census for the suburban communities for which they are usually housed. But that is a conversation or debate for another day as well.

We have seen some states moving forward with re-enfranchising individuals who were formerly incarcerated. Ms. Johnson-Blanco, you point out the importance of the passage of the Amendment 4 in Florida, which would re-enfranchise 1.4 million people, but now we see these newly restored rights in Florida under attack. How do these court fee requirements compare to the poll taxes that emerged in some states during the Jim Crow era?

Ms. JOHNSON-BLANCO. I think it is comparable. The Eleventh Circuit, which recently ruled against the fines and fees provision that the legislature imposed to those who have their rights restored under Amendment 4, noted that the fines and fees law places those returning citizens who can pay at an advantage over those returning citizens who can't pay. So, what the new law is saying is that in order for you to have your rights fully restored, you have to be able to pay to have a fundamental right that 65 percent of your fellow citizens said that you were entitled to.

Ms. PRESSLEY. OK. And so, for the purposes of the record, what should formerly incarcerated individuals do to ensure they can exercise their newly restored rights since last year alone Kentucky restored voting rights to 140,000 people, and Louisiana restored the right to roughly 36,000 individuals? So, for the record, what should they do?

Ms. JOHNSON-BLANCO. They should make sure they vote, they register and vote, and take advantage of these new laws, these new rights that have been afforded to them.

Ms. PRESSLEY. All right. Very good. I also just wanted to ask the question. I just want to make a point. In 2018 in Georgia, seven polling locations were suddenly closed by Republican lawmakers before the midterm election. They cited the ADA intended to protect the Nation's disabled communities as a pretext to disenfranchise minority voters. Had the U.S. Supreme Court not gutted the Voting Rights Act in 2013, the closures would most likely have been blocked by the DOJ, but without oversight from the Department of Justice, Republican lawmakers acted nefariously. So, we reject false choices that purport that access to the polls must be bartered between vulnerable and disenfranchised folks. And with the balance of my time, I just urge my colleagues to pick their

heads up and to defend access to the ballot for everyone. And, again, I thank each of you freedom riders.

Chairwoman MALONEY. Thank you so much, and I now recognize the gentlelady from New Mexico, Ms. Haaland. She is recognized for five minutes.

Ms. HAALAND. Thank you, Madam Chair. Ms. Nash, Mr. Jenkins, Ms. Johnson-Blanco, and Reverend Dr. Barber, who is no longer here, thank you for your wisdom and truth, for being here, and for your dedication to fighting this extremely important issue.

Over the past decade, many states have decreased people's access to voting by closing and moving polling places. Last September, a report from the Leadership Conference found that southern states have closed more than 1,000 polling sites since the Supreme Court's ruling in *Shelby County v. Holder* removed preclearance requirements from states that have historically disenfranchised black voters. And you can see it up on the screen. This is a map from the Leadership Conference report. And I notice down there Alaska, which has a large number of native folks living there, so we have also been disenfranchised.

Since that Court ruling, Texas has closed 750 polls, Arizona 320, Georgia 214. Many of these closed polling sites are in minority neighborhoods. Ms. Johnson-Blanco, have you seen an increase in the closing of polls in historically disenfranchised communities since the *Shelby County* decision?

Ms. JOHNSON-BLANCO. We have indeed, and we have been working with our partners on the ground to, as much as we can, replace Section 5 in getting notice of when these polling places are expected to be closed, and have very effectively worked with communities on the ground to show the impact that it would have on them if the polling places were closed, and not just closed, but also moved. We had a situation in Macon-Bibb County, Georgia where the plan was to move a polling place in an African American community to the Sheriff's office, despite the community's objections. And it is only after successfully petitioning against that that they were able to stop that move to the Sheriff's office. So, what we are finding is that without Section 5 of the Voting Rights Act, communities have to be extra vigilant to push back against these closures and their impact.

Ms. HAALAND. I think you have already talked a little bit about this, but what is the impact of these efforts on communities of color?

Ms. JOHNSON-BLANCO. So, communities of color are now finding that they have to do extra work to fight back against those who wish to suppress their votes, and this is not a burden that should be on those communities. Jurisdictions, particularly those with a history of discrimination in voting, should have to show the impact of laws or actions, like moving polling places, before they can be allowed to do.

Ms. HAALAND. Thank you. States have also restricted access to polls through onerous ID requirements and by limiting early voting in certain locations. For example, North Dakota passed a law in 2018 that required identification with a voter's current residential street address in order to vote, a requirement that excluded Native American communities on reservations that often do not have

street addresses because they don't necessarily need them. Were it not for tribal leaders in those areas who act fast and work extremely hard to enfranchise voters in these native communities, Ruth Anna Buffalo, a Native-American woman from the Mandan, Hidatsa, and Arikara Tribe, may not have been elected, thereby defeating the man who penned that oppressive bill. So, sometimes democracy still does work in spite of the efforts that people go through to make it not work.

Also in 2018, Florida tried to prevent public universities from hosting early voting facilities. Early voting at Texas State University in San Marcos was limited to three days while most other areas of state had two weeks. And, Ms. Nash, thank you so much for your passionate testimony earlier. I am very grateful to have you here. I wanted to ask you, why is early voting so important in protecting people's right to vote, especially in communities of color?

Ms. NASH. I am not an expert on what is happening right now with the voting, but I understand that there is heavier voting in communities of color during the early voting process. So, that that is a good thing.

Ms. HAALAND. Thank you. Thank you. Madam Chair, I yield back my time.

Chairwoman MALONEY. The gentlelady yields back. Thank you. The gentleman from Missouri, Congressman Clay, is recognized for five minutes.

Mr. CLAY. Thank you, Madam Chair, and thank all of you all for being here today. The Brennan Center found that 16 million voters were purged between the Federal elections of 2014 and 2016. That is almost 4 million more names that were purged from the rolls than between 2006 and 2008. Post-Shelby, it is notable that the higher purge rates ticked up in the parts of the country that have a demonstrated, documented history of discrimination in voting. Our ancestors knew the value and power of the ballot box, even if it was a life-or-death endeavor. The suppression efforts of the past were steeped in violence and intimidation, a shameful part of our Nation's history.

Let me talk briefly about my state's history, Missouri. The day I first got elected to Congress in the 2010 general election, I was in court that day challenging what was then known as an inactive voter list. We forced the court to keep the polls open an additional three hours that day so that people who were standing in line could still get in to vote. And then, of course, the first press conference the day after, my Republican U.S. senator called the FBI on me to investigate, and, sure enough, the results came back that the Missouri Secretary of State was involved in a violation of the Voting Rights Act. So, that was the result, and then we made them change the whole way they purged voters so that they wouldn't violate people's voting rights.

Let me ask you, starting with Mr. Jenkins. That was the initial occurrence of how we suppress votes in this country, and I guess in the 21st century. That was the Bush v. Gore election. But it was a national strategy on the part of my friends on the other side of the aisle to suppress communities of colors' votes. We know that since 2000, it has picked up. So, Mr. Jenkins, tell me what you think is the best way to combat these initiatives like in Georgia,

what happened to Stacey Abrams where they first violated the rights of those people attempting to register to vote, and then they couldn't get to court fast enough to stop the purging. What are your recommendations on what we should do to combat this egregious behavior?

Mr. JENKINS. One of the things we need to be mindful of is the connection between the economic consequences of any changes in voting laws that have the effect of making it more expensive, costly, or impossible for people to meet those new requirements. It is important for us to connect the business of fines, the business of requirements for photos, and all of these businesses, the things that require transportation to remote places, all have racial consequences, and it needs to be sophisticated in our opposition to those things.

And one of the things that I think is critical is to have in our educational system the whole business of civics again so people are aware of the connection between voting and their rights. It is very alarming to note that in many, many, many states, the whole business of civic education has now been eliminated from the curriculum, so people do not learn when they are in grammar school and junior high and high school the connection between political exercise, and the control of government, and the control of their own lives. I think it is important for us to have alternatives that come from beyond just the governmental sources.

One of the places that I have had some impact on is in this thing called Teaching for Change, which has been aimed at public school teachers to get them to understand that they can be a voice in their classroom to have people understand their civic rights.

Mr. CLAY. I appreciate your response. Can they answer?

Chairwoman MALONEY. The witness may answer. This is a historic hearing on a historically important, major, major issue for all Americans. Ms. Nash. Who did you want to comment?

Mr. CLAY. Ms. Blanco and Ms. Nash just very briefly. My time has run out, and my friend from Maryland hasn't given me his five minutes yet, but go ahead.

[Laughter.]

Ms. JOHNSON-BLANCO. Yes, I think we need to keep up the drumbeat of what is in H.R. 1. It is fantastic that it has passed this body. It needs to become law. And one of the things unfortunately that we have had to do as civil rights groups in the face of the voter purges is now mount campaigns urging voters to check their voter registration before going to the polls, and to make sure that they are registered. We have also had to bring litigation against voters improperly placed on inactive voter rolls. So, it is a multi-pronged strategy that we need to engage here.

Mr. CLAY. Thank you. Ms. Nash, very quickly.

Ms. NASH. Well, I think the suggestions of Mr. Jenkins and Ms. Johnson-Blanco are certainly important, and I agree with those. And I would just add, I know that it is necessary to counter and to address these issues, like the fraud and voting and purging, and what have you. But I would caution against allowing our ourselves to be limited by the agenda that the opposition resents. I said earlier they give you a hamster wheel to run over, and, you know, give you a problem, and you can spend years satisfying that problem.

I am saying you need to address those problems, but also don't be limited to them. Really look at what needs to be done and address all of them.

Mr. CLAY. Thank you.

Ms. NASH. I am particularly worried about the 2020 election in November, and actually that is one of the things that is the issue of this particular hearing, and, you know, measures that are necessary in order to make that a real election and a fair one, and with the Senate not considering the important bills that this body has passed. I don't want you to let them do that.

Mr. CLAY. Thank you.

Ms. NASH. If anyone is interested, I would be happy to share some of our tactics with this—

Mr. CLAY. And I thank you for your response.

Ms. NASH. Some of our tactics with the Civil Rights—

Mr. CLAY. I sure would like you to share. Thank you, and I yield back. I am sorry.

Chairwoman MALONEY. Thank you so much. I want to thank all of my colleagues for being here. I believe this is a historically important hearing. I am humbled to have so many incredible leaders from the Civil Rights Movement, and that includes our friend and colleague, Eleanor Holmes Norton. But Mother Nash, you are a heroine to many, many people in our country. I wanted to share with you that not only have we passed important legislation on voting rights, but we passed a bill to create the first and only women's museum in the country dedicated to the contributions, meaningful contributions, of women like yourself, so that our young girls and boys can learn and be inspired by your work. I am honored to have you here in our room.

And thank you so much, Ms. Johnson. You are making history right now with your important court decisions. You have mentioned many of them today in your testimony, and, Mr. Jenkins, your historic and current leadership. I am going to put in a bill based on what you said today. Civics is being removed from the curriculum of our public schools. That is wrong. Everyone should study the struggles that we went through to win the right to vote and the civic responsibility that we all have to vote.

And I want to return to what I said in my opening remarks, which we heard again so powerfully from our witnesses. And that is that history is repeating itself, and in more sophisticated, complicated, and more difficult challenges with the Citizens United decision, and with the voter suppression tactics that we are hearing that have been updated for today, and that some states still are trying to put new barriers to voting. And though the House passed critical legislation, I want to point out that Leader Mitch McConnell has not even allowed a debate on these important bills on voter rights, much less a vote. And we as Americans need to get ready and ensure that we can protect and exercise our right to vote in 2020.

And I want to close in remembering our dear friend, our dear colleague, Elijah Cummings, and this was the main vision of his mother and of his life's work. We are continuing with these hearings in his honor. And I am inviting all of our colleagues to come back to this room at four o'clock tomorrow because we are going to

be naming the first hearing room after a Member of Congress in history, in Black History Month. There is not one room or facility in the capital named for an African American Congress member. We are changing that tomorrow with his family. I hope everyone comes back to share this important event and honor his memory as we do with this hearing today.

Again, I am honored to have all of our witnesses. You of all the done such an incredible job with your life's work and with your testimony today. Thank you. And I now recognize, representing the minority, Mr. Grothman.

Mr. GROTHMAN. Well, thank you for letting us do all the talking. I feel like going on for about a half an hour, but I know there are so many people back home listening to this hearing, and they want a break. So, we will just let you adjourn.

Chairwoman MALONEY. OK. Without objection, all members will have five legislative days within which to submit additional written questions for the witnesses to the chair, which will be forwarded to all of the witnesses for their response. I ask our witnesses to please respond as promptly as you can.

This hearing is adjourned.

[Whereupon, at 1:57 p.m., the hearing was adjourned.]

