

PREPARED REMARKS OF
ACTING ASSISTANT ATTORNEY GENERAL
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FORTIETH ANNIVERSARY OF THE VOTING RIGHTS ACT OF 1965

GREAT HALL – RFK JUSTICE DEPARTMENT BUILDING – WASHINGTON, DC
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Thank you all for coming today to the Department of Justice's celebration of the 40th Anniversary of the Voting Rights Act. It is a genuine pleasure for me to be here today, and I am honored that so many are here to share in this festivity.

We gather here in the Great Hall of the Department of Justice to commemorate the anniversary of what is arguably the most important civil rights enactment since the Reconstruction Amendments to the Constitution. Indeed, the passage of the Voting Rights Act represented one of the highest water marks of a struggle undertaken by millions of courageous Americans who endured, with great dignity, the abhorrent forces of racism and intolerance, and literally put their very lives on the line for that most basic American right: the simple right to vote, a right, incidentally, which had been guaranteed for a century and systematically denied for just as long.

It may be hard to believe for many of the young people in today's audience – a category in which I include myself by the way – that, just 40 years ago, disenfranchisement of black voters was commonplace throughout much of the American South. Today, we would promptly repudiate such overt discrimination. Yet institutionalized racism caused nary the bat of an eye in many quarters at that time. Meanwhile, a great many Americans, both black and white, actually lost their *lives* – *heroically*, I might add – seeking to protect the voting rights that today we often take for granted.

Five months before signing the Voting Rights Act of 1965 into law, President Lyndon Johnson had addressed a joint house of Congress, pledging to overcome the nation's crippling legacy of bigotry and injustice. When he later signed the bill into law, he underscored the significance of the achievement by noting eloquently that the vote is the most powerful instrument ever devised for breaking down injustice and destroying the terrible walls that imprison men because they are different from other men.

The history of the Voting Rights Act, of course, is long and storied. The arc began in the aftermath of the Civil War with the adoption of the 15th Amendment in 1870, which prohibited states from denying citizens the right to vote on account of race, color, or previous condition of servitude. But incredibly, it took nearly 100 years for the arc to approach its downward turn.

The literature that you received when arriving today outlines – quite briefly, it is just a *pamphlet* after all – the deeply troubling efforts by southern states and municipalities to deny blacks the right to vote. As many of you know, explicit racially exclusive statutes soon gave way to equally pernicious devices, including poll taxes, literacy tests, and vouchers of "good character." These laws, although neutral on their face, were constantly used to exclude black citizens by allowing election officials to apply registration and voting procedures selectively.

Needless to say, southern officials used these mechanisms with disturbing efficiency and success. To give you an example, just **6.7%** of African Americans in Mississippi were registered to vote in 1965. They were kept from the polls not by their own indifference or alienation – as is the case with many individuals of all races today – but by intimidation and silly tests that not even the testers themselves could pass. Only after Congress passed a federal voting rights law – and only then after fervent opposition from Southern Democrats was overcome – was this sad legacy put to rest.

But enough of the negative. Today is, after all, a celebration. And there is clearly much to celebrate. Congress over the last 40 years, for example, has consistently demonstrated its willingness to adopt laws critical to safeguarding the voting rights of all Americans. Not only was the Voting Rights Act renewed on three separate occasions, but other important statutes have been enacted with great fanfare, including the Uniformed and Overseas Citizen Absentee Voting Act of 1986, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002.

Few can deny that the cumulative impact of these laws has been substantial. The voter registration rate of minorities has dramatically improved, and there are record numbers of elected officials who are members of minority groups throughout the United States.

Some statistics that I discovered last night on the Internet are rather illuminating. At the time the Voting Rights Act was first adopted, only one-third of all black citizens of voting age were on the registration rolls in the Act's specially covered states, while two-thirds of eligible whites were registered in those regions. Today, black voter registration rates are not only *approaching* parity with that of whites, but they have actually *exceeded* that of whites in some areas. And, I should add, Hispanic voter registration is today rapidly increasing as well.

Forty years ago, the gap in vote registration rates between blacks and whites in states such as Mississippi and Alabama ranged from 63.2 to 49.9 percentage points. As I noted earlier, in Mississippi for example, only 6.7% of the voting age black population, was registered to vote in 1965 compared to 69.9% of whites.

Forty years later, we see a very different picture. The Census Bureau reported that in 2004, 76.2% of blacks in Mississippi were registered to vote, compared to 73.6% of whites. In Alabama last year,

blacks reported registering at a rate only 1.7 points below that of whites, 73.2% versus 74.9%.

Now all of us recognize that registering to vote is only the first step in being an active citizen in our democratic process. Actual participation by voters in elections is the real key to a healthy democracy. And I am happy to report that the Census Bureau showed an increase in turnout for blacks in the South from 44% in 1964 to 53.9% in 2000, an extraordinary achievement. Last year meanwhile, the voting turnout rate *nationally* for black citizens was 60%, compared to a national turnout rate of 64% for all citizens.

President Clinton observed five years ago that those who walked by faith across the Edmund Pettis Bridge in Selma, Alabama back in 1965 led us all to a better tomorrow. He couldn't be more right. Forty years ago, minority elected officials were virtually excluded from all public office. At that time, there were only 300 black elected officials nationwide, and just 3 blacks in the Congress. Today, the number has grown exponentially to more than 9100 black elected officials and 43 African American members of Congress. The fact that so many of these minority officials have been elected from the South is a particularly impressive tribute to the impact of the Voting Rights Act.

I'd also add that the voting enforcement efforts of the Civil Rights Division during this Administration have been as strong, if not stronger than ever. During calendar year 2004, for example, we deployed a total of 1,996 federal personnel to observe 163 elections in 29 states, the Division's most extensive monitoring effort *ever*. I suspect that enough frequent flier miles were logged to send everyone in the Division to China and back. Not that I'm authorizing that.

In addition, in 2004, the Division filed and successfully resolved as many Section 203 cases as it had filed in the previous 8 years combined. And we filed three more lawsuits just two weeks ago. And we have

another suit that we will be commencing imminently. To understand what a remarkable accomplishment this is, consider that, in just the last 8 months, we have affected more minority language voters than all previous Section 203 cases combined since the passage of this provision in the 1982 Voting Rights Act reauthorization 25 years ago. I would be remiss, by the way, if I didn't point out that much of the credit for this work goes to Voting Section Chief John Tanner, who has been absolutely tireless in his coordination of our Section 203 enforcement efforts.

Finally, just last week, the Civil Rights Division filed suit under Section 2 of the Voting Rights Act, alleging that a Florida county's at-large method of election dilutes the voting strength of Hispanic citizens in violation of the Voting Rights Act. This followed on the heels of another recent Section 2 suit in Mississippi in which we discovered some of the most egregious racial discrimination seen in 35 years.

In short, we have a tremendous record – one that is a testament to the Division's outstanding attorneys and staff who labor here every day, for far less money than they could make in the private sector, but who do so out of a deep and abiding commitment to the enforcement of our fundamental voting rights.

I often wonder whether, in the days of Alabama's Bull Connor and the dogs of Selma, the oppressed and disenfranchised ever genuinely believed that their dreams of full participation and equal application of the law would become a reality. Some surely did. Many certainly did not. But what is clear is that, while there are no doubt struggles to come, the progress we have made to date is remarkable and one of which we can all be extremely proud. It is also a real tribute to the valiant pioneers who took those most difficult, initial steps in the voting rights crusade decades ago.

I want to thank all of you for joining us today for this important program. We have a terrific program scheduled, which Loretta King and her committee have put together. I hope you all enjoy it. Thank you very much.