

Voter Suppression in Minority Communities: Learning from the Past to Protect Our Future

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House Oversight Committee

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Testimony of Timothy L. Jenkins

Righting Today's Echoes of Past Political Exclusion

My name is Timothy L. Jenkins. In the 1960s I was one of the founding members of the Student Nonviolent Coordinating Committee (SNCC) and served as its chief lobbyist before the United States Congress during the tumultuous events surrounding the drafting and ultimate passage of the Voting Rights Act of 1965. I am here today to advocate needed additional legislative remedies in the face of renewed connivances to undercut the historic success of that earlier legislation as well as today's U.S. Constitution. Further I am also here as a SNCC survivor to not allow America to forget its moral debt to the inter-racial and inter-faith trio of James Chaney, Andrew Goodman and Michael Schwerner of our number who were murdered in 1965 in Philadelphia, Mississippi as unpaid volunteers seeking to enable Black citizens' 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 formed in 1960, to never allow America to falter in her commitment for the equal protection of all her citizens. We have staked our lives based on our faith that this country will 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 suffer when "we the people" is allowed to refer

to some instead of all. In the South, our tactics for expanding voter education among minorities and challenging historical acts of voter suppression proved to be especially fruitful when a proposed provision offered in our 1963 Congressional testimony was enacted in Section 5 of the Voting Rights Act of 1965.

This provision has since been gutted by the Supreme Court's decision in *Shelby v. Holder* (2013), a ruling based on the false contention that the prevalence of discrimination in this country is outdated. In 1963, Robert Moses, the field director of SNCC in Mississippi, Charles Sherrod, our field director in Georgia, and I described in Congressional testimony the immense obstacles that African Americans encountered trying to exercise their right to vote. More recently, in both Georgia and Mississippi, through private and public measures of intimidation, African Americans were purged from voting. There is proof that procedures are still at large today, as evident in Georgia's recent removal of 100,000 names from the rolls and rapid closure rate of polling locations in Mississippi. Although the forms have shifted, echoes of past acts of 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 United States citizen, it now has the responsibility to take action to enfranchise 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.

In 1787, when confronted with the question of whether we had a monarchy or republic Benjamin Franklin responded, "a republic if you can keep it." Unfortunately, centuries later, in 2020, we have yet to demonstrate a republic that is genuinely representative and exemplified by its unequivocal protection of fundamental rights. A prime example is the fact that the crusade against voter

fraud is propagating more fallacies about the phenomenon than it is providing adequate proof of its existence. According to election experts and members of Congress, 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 in so-called voter protections.

Due to this lack of statistical evidence to warrant the burgeoning of states enforcing strict photo ID requirements, the American people must question the purposes and implication of these laws. Through the authority endowed by *Shelby County v. Holder* and other approaches to voter suppression, racial minority groups, disabled, low-income, and elderly individuals are eliminated from our political system at alarming rates. The frequency that an individual may exercise their right to vote should not predicate their ability to vote with minimal complications.

Lest we forget, when the nation's founders first wrote the U.S. Constitution for "We the People," they did so not intending to include Blacks, women, indigenous people or those without property as equally entitled to "justice," "domestic tranquility," "the common defense," "general welfare," and "the blessings of Liberty."

It is the patriotic burden of today to bind up these still bleeding omissions. For while many of the nation's undemocratic atrocities have already been addressed to date, new and more subtle alternative and contradictions are still at work and ever being invented.

My fundamental premise and declaration today is that *all who are born or naturalized as United States citizens must be enabled a voice and participation in the conduct of the nation's public affairs as well as those of their local jurisdictions as a part of the citizenry if we are ever to hope to truly be a national democracy.*

This can be the product of ordinary legislation or when required by Constitutional Amendment.

A quiltwork of complicated and contradictory laws only defeats the national cohesion and clarity on the entitlements of citizenship as well as invidious, avoidable, and undesirable inequities within our body politic without worthy countervailing benefits.

A prime example of needed reexamination and debate is the original purpose and design of the electoral purpose and effect of the Electoral College. At its core this was a “compromise” that subordinated the principle of the equivalent value of each citizen’s vote to accomplish an expedient of regional insularity colored by slavery.

As a realist, it goes without saying that such a fundamental discussion must be met with lengthy and heated debate with no universally satisfactory acceptance. But never the less, this fundamentally necessary question is at the core of allowing national public policy and even election results to be settled democratically in its purest sense.

But in the meanwhile the electoral college considerations can be postponed, while less fractious issues get resolved. However, we as honest minds must continue to debate the wisdom not to mention the equities of the Electoral College *status quo*.

This unsettled question need not get in the way of a case by case approach to ironing out less visceral topics of debate like uniform standards between the states for most domestic issues. Without a guaranteed harmonious result on these we should nevertheless be willing to let our discussion of fundamental geographic and demographic equality begin. And where else than the priorities of first erasing invidious and institutional results of palpable racial and social disadvantages which are removable without threat to the fabric of the agreed social order.

These are the heavy waters ahead of us as a nation, if we are ever to be able to enlarge the projects of a more perfect union, racially, regionally and socially.

Finally, it needs to be said that in our system of government, we may not be able to inspire or compel citizens to love one another, but in this democratic republic there is a requirement that demands all citizens bend their behavior to comply with the law.

I look forward to addressing your questions resulting from my testimony.