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Voting rights is a constitutional right: Failure is not an option



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"We shall overcome because the arc of the moral universe is long but it bends toward justice."

Rev. Dr. Martin Luther King Jr. spoke these words at the National Cathedral on March 31, 1968, and that truth continues to ring loudly today. From the earliest moments of our nation's birth, the right to vote has been hotly contested. For every individual who has worked to expand voting rights, another has worked to curtail them, resulting in unfinished work for

the next generation. As the response to the 2020 election revealed, it is imperative that we continue this work.

Nearly fifty-four years after Rev. Dr. King spoke these words, we face another turning point in the life of the nation and for the dignity of men and women and the destiny of democracy.

Since the November 2020 presidential election that drew more than 156 million Americans to the polls, obliterating all previous turnout records, the result of which saw the election of Joseph Biden as president and [Kamala Harris](#) as the first woman and person of color vice president and the stinging defeat of the dishonest former president who was and is still telling the Big Lie, the forces of reaction that pine for a return to the days of America's dark past have stopped at nothing to undermine our democracy and derail America's 246-year experiment in self-government.

The polarization of Americans is ever increasing, and this was seen during the 2020 election through tactics meant to impede the right of certain Americans to vote, such as the removal of mailboxes and the closing of postal stations in order to impede mail-in voting. After the former president was soundly defeated at the ballot box in what experts unanimously proclaim was the [most secure election in history](#), still the former president and his cronies propagated the Big Lie that the election was illegitimate because it was rife with fraud. The former president persisted in this specious claim even though, despite ample opportunities to do so, they produced not a scintilla of evidence to persuade any of the 61 state and federal courts that entertained the claims.

State election officials were threatened or offered inducements to change election results, and on Jan. 6, 2021, a violent mob invited by the then-defeated former president of the United States came to Washington, D.C., and laid siege to the Capitol for the avowed purpose of disrupting the constitutionally-mandated Joint Meeting of Congress to confirm the votes of presidential electors and announce publicly to the nation and the world the persons elected as president and vice president of the United States. As a result of the mayhem instigated by the 45th president, the congressional meeting was delayed for several hours, and six persons lost their lives. At

least 138 officers, 73 from the United States Capitol Police Department and 65 from the Metropolitan Police Department in Washington, sustained injuries during the attack on the Capitol, several of which required hospitalization. Dozens, if not hundreds, of officers will suffer in years to come with post-traumatic stress disorder and have to cope with coronavirus infections contracted from the unmasked domestic terrorists and rioters who stormed the Capitol. I have had numerous conversations with the families of the victims of the failed insurrection, and time and time again I have been told that something must be done to prevent this tragedy from occurring again. The truth is that one integral part of preventing this from recurring is to strengthen the integrity and legitimacy of our elections through the Freedom to Vote: John R. Lewis Act.

All of this is more than enough to sound the warning bell that we are now engaged, as President Lincoln observed at Gettysburg, in a great contest testing the proposition that this nation, or any nation conceived in liberty and dedicated to the proposition that all men and women are created equal, can long endure.

But to this has been added reactionary state laws passed or introduced in 49 states to suppress, abridge, restrict, or deny the right to vote of millions of eligible Americans, particularly persons of color, young persons and persons with disabilities, and working parents, precisely the constellation of persons whose votes determined the outcome of the 2020 presidential election.

According to the Brennan Center For Justice, between Jan. 1 and July 14, 2021, [at least 18 states enacted 30 laws that restrict access to the vote](#), some making mail voting and early voting more difficult, others imposing harsher voter ID requirements, and making faulty voter purges more likely. In total, more than 400 bills with provisions that restrict voting access have been introduced in 49 states in the 2021 legislative sessions.

My home state of Texas is ground zero for this desperate effort to hold back an American future led by the ascendant coalition of young, racially diverse and all other tolerant, imaginative, and innovative voters who became energized and inspired by [Barack Obama](#) in 2008 and the belief in a new

and just America. To combat not their ideas but instead their increasing numbers, the Republican Legislature and governor of Texas passed and signed into law SB1, which bans drive-thru voting, 24-hour voting, and the distribution of mail-in ballot applications; imposes new and extraneous ID requirements for voting by mail; authorizing "free movement" to partisan poll watchers, effectively turning them into vote suppression vigilantes; requires monthly checks of voting rolls to facilitate purging unwanted voters; and imposes onerous new rules for voter assistance. Similar laws have been enacted in Georgia, Florida, and 15 other states.

Although these specific attempts to suppress voters are new, they are simply the reformulation of old tactics. On March 15, 1965, before a joint session of the Congress and the eyes of the nation, President Lyndon Johnson explained to the nation the significance of "Bloody Sunday":

"I speak tonight for the dignity of man and the destiny of democracy. . . .

"At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom.

The work for civil rights and voting rights involved tens of thousands of individuals who fought to correct the course of the nation by setting it on a path of equal rights and justice for all. The efforts of Dr. Martin Luther King, Ralph Abernathy, Andrew Young, Hosea Williams, Coretta Scott King, and John Robert Lewis, among others, as well as the thousands of foot soldiers in the civil rights movement succeeded in waking the nation to the idea that change was needed. The result of their work was the establishment of protections that allowed voters of every race, creed, color, and political belief to cast ballots free of interference or threat. The blood spilled during these difficult times is not forgotten by the communities that saw and experienced these battles, which is why laws like Texas SB1 cannot go unanswered by the United States House of Representatives and Senate. To meet this challenge we have been called upon to face and overcome, what is needed is for men and women of courage, conscience, and conviction to step forward and come to the aid of their country by passing the Freedom to Vote: John R. Lewis Act to strengthen the foundation of our democracy upon which all else depends, including the important necessary

investments to Build Back Better and mitigate the effects of Climate Change.

However, these bills cannot be passed unless actions are taken to address the Senate filibuster. The Senate filibuster is not enshrined in our Constitution. In fact, [the modern Senate filibuster cloture rule was not created until 1917](#), and ever since it has repeatedly proven to be a barrier to the civil rights and liberties of all Americans. The defenders of Jim Crow pioneered the weaponization of the filibuster, successfully deploying it time and time again to block civil rights bills. For nearly a half century after the creation of the modern filibuster, not a single substantial civil rights bill became law. Richard Russell, a leading filibuster practitioner and staunch segregationist, said in 1949 that outside of civil rights, ["nobody mentions any other legislation in connection with it."](#) The longest filibuster on record was by the segregationist Strom Thurmond in 1957, who held the Senate floor for more than 24 hours in an attempt to block civil rights legislation. For generations, the filibuster was used as a tool to block progress on racial justice. In recent years, it has been used as a tool to block progress on everything.

Today, just as it has been historically used to block civil rights legislation, the filibuster is being used to block voting rights, civil rights, and democracy-protecting bills that are overwhelmingly popular among Americans, including the Freedom to Vote: John R. Lewis Act. It is anathema to our democracy that the constitutional rights held by the people can be curtailed by a procedural mechanism like the filibuster created over a century ago.

We can either protect the filibuster, an outdated and abused Jim Crow relic, or we can protect our democracy and deliver real results for the American people. For this reason, the Senate must provide for a suspension of the Senate filibuster when a vote concerns the integrity of our democracy and ensuring the rights enshrined in our Constitution. No right is protected by more parts of the Constitution than the right to vote, and no party should be allowed to filibuster bills that would ensure this right.

This is not an easy battle; numerous forces oppose this good work. We have already seen pitfalls, even from the United States Senate, suggesting that we will fail. But as Thomas Paine wrote on Christmas Eve in 1776, the "summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands by it now, deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph." We must act with courage and suspend and stop the Senate filibuster in order to pass the Freedom to Vote: John R. Lewis Act, both of which are critical for ensuring the integrity of our constitutional right to vote and the fullness and fairness of our elections.

Congresswoman Jackson Lee, a Democrat representing the 18th Congressional District of Texas, is a senior member of the House Committees on the Judiciary, on Homeland Security and the Budget, the Chair of the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security, a member of the Judiciary Subcommittee on Constitution, Civil Rights, and Civil Liberties, and a former staffer of the Southern Christian Leadership Conference.