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THE STATE OF VOTING RIGHTS IN AMERICA

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PARTICIPANTS:

Opening Remarks:

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U. S. House of Representatives

Panel Discussion:

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MS. TURNER-LEE: Welcome to Brookings. I am not Dr. Fred Harris. I am Dr. Nicol Turner-Lee. Dr. Harris, we wanted him to stay home because he is not feeling too well in good old New York City so I think that's a good distance between him and us.

We're excited here at Brookings to have this conversation. As many of us know, right now, there is an important confirmation hearing going on where this particular topic has come up several times.

I am a fellow here at Brookings in the Governance Studies department, which is actually hosting this great discussion today, and I am joined by just an esteemed and distinguished group of people, one of which, my dear friend, has decided to come and join us. So actually why don't we just do this now since you came out and shook everyone's hand.

Give Reverend Jesse Jackson a round of applause. And I will go through and announce everybody who is here and their position but I would like to just give just some overlay for why we thought it was an important conversation and debate to have here at the institution.

I mean, first and foremost, without delving too deeply into the conversation that is happening now on the Hill with regards to the new attorney general, clearly there have been some efforts starting and dating back to 1965 with putting in place the Voting Rights Act, which ensured the type of racial equity and equality of a basic inalienable right, which is the right to vote.

And as we have seen for those of you who follow this debate very closely, just three years ago or four years ago now, we encountered a decision whereas the Supreme Court overturned what was called the preclearance provision in the Voting Rights Act, section 5, to be more specific, which allowed states to, basically, go beyond federal preclearance or the relevant agencies to change their voting rights.

That had a peculiar impact and we'll talk about this on the panel with regards to that particular case and that particular county, but it also spoke volumes to the protection of the VRA under what used to be the Obama administration to what we will now see under President-elect Trump.

So this conversation is very timely; it's very sensitive. It is probably one of the pillars in the confirmation hearings for what we expect an attorney general to do, which is the preservation and the enforcement of civil rights, and so I am excited to have a group of professionals that will be joining us, in addition to one of my favorite people,, which we will kick off with was this Congressman G.K. Butterfield, who is sneaking in quietly, who is a Democrat out of North Carolina that was intricately involved, not only in the Shelby County case, but also the ramifications of that case, particularly in what the North Carolina District Court did around voter ID laws.

So with that, let me go ahead and just introduce everybody and then we will put it in an order and we will get into the brunt of the conversation.

We will be joined first, and I am particularly very grateful that this, I am going to call you young man, sir, right, has come out and joined us. He has been a fan and supporter -- I have been a fan and supporter of him and he's been just wonderful in my lifetime here in Washington D.C. and that's the honorable G.K. Butterfield who just joined us, who represents North Carolina's First Congressional District in the U.S. House of Representatives and he serves the Democratic leadership as chief deputy whip and former chair of the Congressional Black Caucus, just came out of that tenure. And he sits on the influential committee of Energy and Commerce as a fifth most seated Democrat, also in the health subcommittee, and just a vocal advocate as a former federal judge on this issue and we hope to hear, in just some brief remarks as he has taken his time out today, what he believes about this particular issue.

Seated beside me, to my left, is the Reverend Jesse Louis Jackson Sr.,

founder and president of Rainbow PUSH Coalition, who is one of the foremost leaders when it comes to legacies of civil rights. He was there, he talks about it, and he hasn't stopped talking about and he also happens to be a friend and a mentor to me in my journey to understand civil rights. And in particular, under President Clinton, outside of being the 1984 candidate for president, he received the Presidential Medal of Freedom, which is the nation's highest civilian honor. Let's give him a round of applause.

Seated next to him is another dear friend. I am just so surrounded by friends; I don't know what to do. Stephanie Brown James who is the CEO and founding partner of Vestige Strategies, a Washington D.C.-based community engagement firm that specializes in grassroots community and civic engagement strategies.

She's also the cofounder of the Pluto Action Committee, a collective which is designed to build black political power nationwide, and she served as the former black youth vote director for the President Obama's campaign. And I do have to say, in terms of collective PAC, it was a result of her efforts of organizing that the Congressional Black Caucus increased their membership of members, particularly in the Senate, so give a round of applause to Stephanie Brown James.

Another dear friend -- I just brought you all up here, right -- Hilary Shelton who serves as the Senior Vice President for Policy and Advocacy and director of the NAACP's Washington Bureau for which his CEO actually testified before the Hill and we'll have copies of that testimony available. It was powerful.

In his role, he is responsible for federal, legislative and national public policy over the 500,000 member, 2,200 membership unit of national civil rights organizations.

He is well known on television, on radio as well in talking about issues related to voting rights and equal justice. Thank you, Hilary.

MR. SHELTON: Thank you.

MS. TURNER-LEE: Myrna Perez, my new friend is deputy director of the Brennan Center's Democracy Program and leader of the Center's voting rights and elections project. So she's an expert in voting rights and election and administration in addition to being nationally recognized reports -- an author of reports and articles, particularly an expert on what we are going to talk about with several of the jurisdictional cases that were debated and actually were able to counter some of the challenges to the Voting Rights Act, so Myrna Perez.

And last, but certainly not least, is Clarissa Martinez de Castro. I got a cousin named that. And she's the Deputy Vice President of the National Council of La Raza, the largest Latino rights, civil rights and advocacy organization in the U.S. where she leads their work on fair and effective immigration policies as well as efforts to lead Latino civic engagement.

So with that in mind, I am going to ask -- oh, give a round of applause to Clarissa. With that in mind, we are going to start with my dear friend, Congressman G.K. Butterfield who has joined us here at Brookings to start the conversation.

MR. BUTTERFIELD: Thank you and good afternoon one and all. And Nicol, you did not tell me what the time constraints are this afternoon. I am going to assume three to four minutes, is that okay?

MS. TURNER-LEE: Yeah, that works.

MR. BUTTERFIELD: All right. Let me bring greetings to you from the Jeff Sessions hearing, which I just left a few moments ago. It's a very interesting hearing to say the least and it's very important, so thank you for your passion, thank you for your willingness to have this conversation today because it is critically important.

There is no subject that we can talk about that's more important to democracy than voting rights. And to understand voting rights, you have to go back many years, and I don't have the time to connect the dots and to put it all together for

you, but I will simply start in 1900. 1900 -- African-Americans were actively participating in the electoral process in the South. In my state of North Carolina, African-American men were registered to vote and they were doing great things.

South Carolina -- the same thing. More than 20 African-Americans were elected to Congress during the Reconstruction era, but all of that came to an end in 1900 with the disenfranchisement laws that created the literacy tests and the poll tax and the other devices that we used to disenfranchise African-Americans. And so starting in 1900, people of color, African-Americans did not have the ability to participate meaningfully in the political process in the South.

Let me tell you a personal story. In 1928, my dad, who was a black man from Bermuda, married my mother, who was a southern African-American woman whose grandfather was a slave owner -- that accounts for some of this. My dad married my mother, came to North Carolina in 1928 as a young African-American doctor, dentist, moved into the community, and the white establishment called him in and said: "We're going to do you a favor and we are going to arrange for you to become a registered voter in this community." And he did indeed become a registered voter, and after that, he started a journey to try to get other African Americans in the community registered to vote and he met massive resistance, as you can imagine.

But finally, at the turn of 1950s came along and my dad continued to want to register people to vote. In 1953, he had registered enough African-Americans in my community in Ward 3, which is a subpart of my city. Ward 3, -- he had registered enough African-Americans, so much so that he decided he wanted to run for the City Council from that Ward.

He ran in 1953. It was a tie vote, they put both names in the container, reached in there and lo and behold, it was my dad.

Well that was a seismic moment in my community, and all of a sudden,

the fathers of the city figured out that they did not need district elections in order to have city council, and so they immediately changed from district elections to at-large elections. And in the next election in 1957, he lost and he lost miserably. And from that day forward, we did not have any African-Americans serving on the City Council.

So finally, 1965 comes along and the Voting Rights Act is enacted into law and the Voting Rights Act, a very powerful piece of legislation, most of you know a lot about the Voting Rights Act, but essentially -- and this is the way I explained it back at home. Essentially, the Voting Rights Act did many things, but it did three things: first of all, it did away with the literacy tests.

The second thing it did was to create a section 2, which gives African-American communities the right to bring lawsuits. Later, it was expanded to other communities of color to bring lawsuits if they feel that their vote is being diluted in any matter.

The third thing was section 5, which gave the attorney general preclearance power to reject voting changes that were discriminatory against minority communities. And so the Voting Rights Act, starting in 1965 was a very powerful piece of legislation.

In the beginning, Republicans hated the Voting Rights Act. They said it was a states' rights issue, that the federal government had no right implementing a section 5 and a section two and that the federal government needed to stay out of it. But as the years rolled on and Reverend Jackson can certainly speak to this better than I can or as well as I can. As the years rolled on (Laughter) -- as the years rolled on, the Republicans figured this thing out: "We are going to embrace the Voting Rights Act and we are going to say that the Voting Rights Act requires us Republicans, when we redraw the lines, to protect minority voting interest." And so as a result of that that new idea that the Republicans came up with, and they've implemented it all across the South, they have now redrawn

congressional districts and legislative districts, particularly in the South, in such a manner as to protect African-American communities but at the expense of other communities that are progressive in the South.

And so we've got a lot of litigation going on. I will simply tell you, in closing, that the federal courts have thrown out the legislative redistricting map in North Carolina. It's been a racial gerrymander, thrown out the congressional map as a racial gerrymander but last night, we got an emergency phone call that the U.S. Supreme Court stepped in yesterday and stayed the trial court's, the district court's decision to stop the legislative racists and to require redistricting in North Carolina.

They have stayed the lower court's decision and now the U.S. Supreme Court is going to have to speak as to what extent states can go in drawing boundaries and when does racial gerrymandering become unconstitutional. That's going to be a question that is going to have to be addressed very soon, and so stay tuned as we go forward.

But because of, because of the redistricting power of these southern legislatures, we have now lost more than 400-500, not just African-American but progressive politicians in the South who have been elected to state legislatures. They have now switched from the majority party to the minority party and they now find themselves with very little or no influences. So thank you for having this panel today; you have a star-studded panel. I look forward to hearing some of their testimony but I've got to get back to Jeff Sessions and to make sure that he is defeated. Thank you very much.

MS. TURNER-LEE: Thank you, congressman, and thank you for that intel as to the recent developments. So I want to jump right into the panel and I think I am going to go this way so that we can end up with my friend here just sort of giving us a summation of where we are.

So the congressman laid out the Shelby County v. Holder decision. As you see, there's been a new development that's coming down the pipe. There's been, obviously, some contention challenged by North Carolina District Courts, where actually as it was said that North Carolina, in particular, saw the surgical precision of racial discrimination manifesting itself in voter ID laws and other laws.

Give us some reaction on where we are, then, with voter registration and turnout, given the 2013 Shelby decision. Have we made progress? Are we going back? And if everybody can just comment on that for about three to four minutes, that would be great.

MRS. TURNER DE CASTRO: I think the overarching question here is: why is it, at a time where we're seeing lower participation among the American electorate, that the conversation we're having is dominated by actions and measures that intend to make it harder for every American who is eligible to actually be able to participate in the process?

I think that's the overarching question, and obviously there is disparate impact of some of those actions and measures on communities of color and particularly communities whose voting power is growing. So there is no coincidence between these actions, between the impact and, I would argue, the intent of some of these attempts.

And with Shelby, that's very clear, right? If you look at what were the immediate actions generated by the Shelby decision, I think there is no doubt about the impact, but the intent of what Shelby was after. And I'll read you a quick couple of things from a very extensive report that I know some of my colleagues are also going to talk about but again, if there was any doubt, within two hours of the Shelby County decision, the Texas attorney general announced that the state's photo ID law previously rejected by a federal court as the most discriminatory measure of its kind in the country would immediately go into effect.

Again, before Shelby, that was on hold. They couldn't have moved forward. It went forward immediately, even though it was a discriminatory law. More recently, you saw it on your TVs in the primary season, just this last year where in Arizona, Maricopa County, made a decision to reduce polling locations by 70 percent, creating lines for people having to wait up to five hours, a decision that would have required preclearance before Shelby.

So imagine if you are an average American voter who, unlike many of us in this room, does not have the flexibility to tell the boss "I am going to take a couple of hours to go vote in the morning." You have to show up to work at a particular time and you have to leave at a particular time and chances are your job is nowhere near where you live, and you try to go vote and you are faced with having to wait for five hours but you don't have that flexibility.

Or even trying to get back from that job if you only have one. Try to make it back to the polling location that it's near where you live and far away from where you work and having to wait five hours.

So the reality is that voter suppression is alive and well. In many ways, it's happening in more benign forms, if you would, and under the cloak of legality, based on what happens with these decisions.

The other thing that has been interesting about the whole conversation of voting rights is that, you know, the way that a lot of stories flow these days, where they are portrayed as being the purview of one community of another or one group of Americans but not another, is that largely it has been presented as something that affects African-Americans. First of all, I think that the state of our democracy is something that is existential for all of us, regardless of what community we identify with.

It is certainly existential for those who are bearing the burden of where these restrictions are happening. And so particularly for Latinos, access to the franchise,

to the voting booth, it's existential.

We are talking about our community where 76 percent of Latinos in this country are United States citizens. We have 12 million of our citizens who are eligible to register, who still haven't been able to do so. And so we need to make sure that those access channels grow -- and we are adding one more million every year.

So when we talk about measures that are intended to diminish the access people have to register to vote, to be able to vote once registered, we are talking about a naked attempt to quiet, if not completely mute the voice of those communities. And frankly, there are fellow Americans that equally situated, either geographically, politically, or otherwise, right? So I think that in many ways, our communities are the canary and the mind, but we should not assume that the impact of these legislation, of these measures, is something that only affects communities of color and it is indeed an existential threat to our democracy.

MS. TURNER-LEE: Thank you, Clarissa. Myrna, what do you think? What can you add on to that?

MS. PEREZ: Buenas tardes, I'm Myrna Perez, I direct the voting work for the non-partisan Brennan Center for Justice. What I would say, to add on to my friend and former roommate, Clarissa, is that the struggle over the right to vote didn't happen with Shelby County. It's been part of our country's history. It's baked into our DNA but it became a very big flashpoint after 2010 when we saw a wave of restrictive legislation just almost out of nowhere, blanket the country. We saw states trying to cut back early voting, states trying to end election day registration, states imposing strict proof of citizenship legislation, and then a lot of strict photo ID laws, which tend to suck up most of the oxygen. So that meant going into 2016, not only did we not have the Voting Rights Act, we had 14 states in which the Americans in those states found it harder to vote than they had found it in the prior presidential election.

The bright spot in all of this is: it could have been a whole lot worse, had the Department of Justice and the private bar and non-partisan voting rights lawyers, like myself, had stepped in.

One of the things that I want to focus on a little bit in my brief time is in the state of Texas. That's where I am from. I am one of the litigators in the Texas photo ID case, and to Clarissa's point, Texas had a voter ID law before it passed this really strict one, and in the course of the time that it existed, which was a period of about a decade, it had done a very, very successful job of trying to make sure that people were who they say they were when they decided to vote.

I want people to guess: how many people do they think were found to be committers or perpetrators of voter fraud between 2000 and 2014 in the state of Texas? We had two between 2000 and 2010 and two more between 2012 and 2014, right. And I had more people in the courtroom who were unable to vote because of this law than had happened in the entire period, and that happened because people were concerned about the demographic changes that were happening in Texas. But thankfully, we were able to blunt that law in a very material way so that voters who didn't have the kind of identification that was required and voters who were having a hard time getting it would be able to have a way that they could cast a ballot that would count.

There was also great successes in a number of other states. The omnibus North Carolina bill didn't go into effect as planned. The Wisconsin bill, which didn't -- that was challenged and didn't have the outcome that the lawyers hoped was a lot better off. The voters in Wisconsin were a lot better off than they had prior to the legislation that had started, proof of citizenship requirements in Kansas and Arizona had been severely blunted.

The reason we did not have this catastrophic disaster of our democracy on the fact of these laws was because there was a ton of resources being pumped into

from the private bar, from the non-partisan groups, from the Department of Justice. And if we cannot rely on those particular pillars protecting us, we're going to have a democracy in which people take it for their own.

And if we tarnish our right to vote in that way, we are not going to be in a position where we can have the robustness and the participation and the good policymaking that happens when you have a reflective democracy.

I am hoping we will have some time to talk a little bit more specific about what things actually mean, because I think part of what this conversation can do is push back on some of the tropes that we see people happening. So if somebody asks: "What happened to registration after Shelby County?" I'll say, "Shelby County didn't just mess up registration; it allowed people to close polling locations, it allows people to impose strict photo ID laws, it allows people to change the requirements for where the district lines are being drawn." I think there's a lot of what is -- I think a lot of the conversations often get reduced to tropes, and I am hoping that throughout this, we'll have some time to get a little bit in depth. But the upshot is that our right to vote is threatened, our right to vote is important, and it is not going to be protected unless we all stand up and say, "No more."

MS. TURNER-LEE: Thank you, Myrna. Hilary?

MR. SHELTON: Thank you very much. Let me first thank you all for being here but also thank my friend, Nicol Turner-Lee for getting us all into kind of trouble, sitting here together.

A couple of things is these are all my heroes in the movement for voting rights throughout the United States and certainly here in Washington D.C., and I am just delighted to call them my friends, colleagues, and partners in this fight.

It is also, in true Washington tone, let me also invoke the -- I want to associate myself with the comments of my colleagues because they are all absolutely

right as they talk about the issues and challenges of the Voting Rights Act. Just a couple of things about first, what happens when you eliminate section 5.

When you hear numbers and codes and things like that, it doesn't really personalize or actualize the problem that we're having. Let me do that for you right now. The reason section 5 was so important, as a preclearance is because all the states and jurisdictions that were covered under section 5, meaning before you can make any changes to the time, the place, or the manner in which a voting process goes on at the state level, because of their bad behavior, because of the disenfranchising processes, they have to take it to the Department of Justice Voting Rights Division, or to a panel of three jurors made up of the D.C. Circuit Court of Appeals before you can make any changes to make sure we won't have the same kind of discrimination that placed them under section 5 in the first place.

So in essence, it doesn't cover everyone but it covers just those places that have the bad behavior of disenfranchising African-Americans and many other racial and ethnic minorities and other individuals in our society from being able to cast an unfettered vote and in effect have it accounted.

So what we have now is states like Alabama, the place that the case came from in the first place. Alabama had a treacherous history of disenfranchising racial and ethnic minorities, preventing us from being able to vote. How else could you end up with a state that was nearly 40 percent African-American but could not deliver one member of Congress?

The kind of disenfranchising practices were outrageous. If you want to see how a lot of this stuff plays out, when you get home, Google congressional districts in Alabama and Mississippi and South Carolina and what you'll see looks more like a Rorschach test than it should have been districts and counties and the like that would be covered by something like this, that's important.

What you did was eliminate the preclearance provision because we know how elections go. If indeed, Election Day happens and discrimination occurs, whoever got disenfranchised just got stuck. In essence, once the outcome of the election happens, they don't do do-overs, otherwise they would do it over this particular election, if you know what I am saying. How else do you end up with three million Americans -- we'll go through that process in a minute as well so we can talk about these concerns.

So from our perspective, after you talk about the challenges and the problems, we have to have those protections in place, otherwise, we disenfranchise more and that's just another big word for saying many Americans, based on who you are and where you live, are locked out of the process of being able to exercise the franchise, the right to be able to cast your vote, and have your voice heard as we determine not only who will be president and vice president, but everything else down-ballot, all the way down to and including the dog catcher. That's important to all of us as we think about how these issues move forward.

Those protections need to be there. So as we move ahead, there are pieces of legislation that are now in place. Well, we'll be reintroducing legislation, let me put it in those terms.

We had bipartisan support to fix the Voting Rights Act. Jim Sensenbrenner, quite frankly, from Wisconsin, deserves a lot of credit on the Republican side of the equation. Sensenbrenner was one of those that actually worked with us very closely, along with John Conyers and along with Mel -- oh God, from North Carolina, about not to call his name -- Mel Watt, thank you so very much. Mel Watt, who is on the Judiciary Committee at the time, crafted a structure to reauthorize the Voting Rights Act of 1965 in 2006. Here is the crisis, as I go to leave this alone.

We had nearly a unanimous vote to reauthorize the Voting Rights Act in '06. We had an absolutely unanimous vote in the U.S. Senate to reauthorize the Voting

Rights Act of 1965 in 2006.

For some reason, even after 21,000 pages of testimony, after 21 different hearings that were held on the House and the Senate side on this very issue, after a very thorough review of the overall Voting Rights Act, including section 5, the Supreme Court came back in a 5-4 decision, saying that there was not serious consideration of section 5 and as such, we are going to get rid of section 4(b) which is the tool, not to get too complicated -- section 5, as the provision says, you have to be able to demonstrate a number of things before you can make changes to the time, place or manner.

Section 4(b), as the provision says, who is covered and how they are covered under section 5. So in essence, it's kind of like you have this car of voting rights. It's souped up and ready to go. Section 4(b) was the key to the car, and they took the key away.

In essence, it cannot be used at all as it is now. Section 2, is talked about oftentimes as the fix. Let me roll out this as well. Section 2 is a very helpful tool that you can utilize when voter discrimination happens when you go to the polls.

Here's the problem: Section 2 can only be utilized when you first determine that discrimination has occurred, so even though you have all these jurisdictions and full states that have a long history of discrimination, all kinds of things that disenfranchise all kinds of people that now they can go about doing it freely. And let me leave you with a couple of numbers and then we'll move on to the next one.

When we looked at how this affects us, some of us would say, "Maybe, Brother Shelton, you're being just a little bit paranoid," and that might be the case. But as my mama said, "Just because I am paranoid doesn't mean they are not out to get me." Here is the final conclusion: when we looked at states like North Carolina, what we realized when we looked at those, that it would have to meet the new stringent photo ID

requirement, a requirement that, by the way, across the board, was held back by the Justice Department, under Eric Holder, saying, "If you implement it this way, there will be discrimination and as such, you cannot make that change." So in essence, as we moved along those lines and went to take on that issue as well, we looked at North Carolina and determined that there are about 630,000 North Carolinians that did not have the requisite photo ID to be able to cast that unfettered vote.

When we looked at even -- we had a little problem with Pennsylvania as well. Though Pennsylvania is not covered by the Voting Rights Act, they wanted to also implement photo IDs, though they had only two cases of those pretending to be someone that they are not and trying to cast that vote. We caught them, of course, those two but with that, they wanted to make a change that would affect everyone. 635 Pennsylvanians would not have the requisite ID to cast that unfettered vote.

Someone has to check these numbers because they may also say this: "Barack Obama won North Carolina, quite frankly the same year we did this study, by about 610,000 votes." In that sense, if you don't think it's partisan, oftentimes, the way the game gets played, we won't call it that, but here is what the effect will be.

When we are talking about grandfather clauses, does the state apply to everyone? Poll taxes, they say to apply to everyone and even, we had something called a jellybean test, for you all who are not familiar. In essence, when you went to the polling place to vote, there was a big jar of jellybeans sitting next to the table next to your voter registration material.

They would ask everyone that came into the room to tell them how many jellybeans were in that jar. For some reason, black folks' interpretation of the use of space for jellybeans was very different than white folks' interpretations because every single time we got it right, and no matter what the numbers they used -- excuse me, we got it wrong, and whatever the numbers they used, they got it right. In essence, real

problems still need these, let it go at that.

MS. TURNER-LEE: That's right. Stephanie, I'll have you just chime in and we'll come back to you too because you've been in the trenches actually trying to register people, but just any reaction because we go to the Reverend on what we are seeing just so everybody kind of hears from everybody.

MS. JAMES: And I just want to say thank you very much, Nicol, for pulling us together and also for this beautiful set up of having me sit between these two gentlemen here who -- I joined NAACP when I was 14 years old and these are, a couple of years ago -- and these two gentlemen are definitely reasons why I have continued to stay engaged in the social justice movement. And so I am just grateful to be here with everyone on the stage today.

Just a quick story. So as I mentioned, my background is primarily in civil rights and social justice. I worked for NAACP for a number of years in different positions. I ended up as National Director and the Director of Youth and College Division in 2011 when I received the opportunity of a lifetime to join President Obama's re-election campaign in 2012 to serve as his national African-American vote director, which I thought there could be no greater role in the world than to take this job. And then I get there and it's like OK, this job sucks, because contrary to popular belief at the time, everyone, including black people in the country, were not the biggest fans of Barack Obama in 2011 and 2012. I mean, what we found as we went across the country and organized and had conversations with communities, is that a lot of people felt as though the hope and the dreams and the goals and the aspirations that they thought they would see as a result of Barack Obama's first four years in office maybe wasn't exactly what transpired, and they had some, kind of, ill will feelings and didn't feel as though their vote was important.

And so we realized very early on in the campaign that we would have to put in a lot of effort, a lot of sweat equity, a lot of boots on the ground to make sure that

we had conversations one on one with voters across the country to let them know why it was important to keep Barack Obama in office in November of 2014. And to say that I was wonderfully surprised as the election results came in in November is definitely an understatement.

You could have never told me that through the effort of our organization, a non-profit organizations and civil rights groups and community and civic agencies across the country, that we would end up with the highest African-American voter turnout ever in history.

2008 was historic, and we've heard time after time again, that will never be repeated. The fact that we not only repeated that, but exceeded turnout in many states like Michigan, Ohio, Virginia, and the black community was tremendous. And the feeling of pride that so many of our organizers and voters had was just infectious, and I can remember towards the end of the campaign, I was able to work in my hometown of Cleveland and we had some volunteers who -- some of whom did not have the right to vote because they had some run-ins with the law. We had some young people who -- it was their first time getting engaged in a voting process. And we met up a few days after the election and some of them had very sad faces and I am like, "You should be excited, still." You know, I'm like, "I am still on cloud nine."

And they were like, you know -- this one young lady said, "Well, I was looking at the news and they are not talking about the historic black voter turnout that we had. They are saying that black voters turned out to vote because they were fueled by the voter suppression that they faced." And it made me really pause because something that we don't talk about enough is the psychological and emotional impact of disenfranchisement on people who work very hard to turn out the vote and to empower their communities. And so as opposed to the narrative being about people in the community understanding the correlation between their vote and policies getting enacted

to make their communities stronger, the narrative was: "Well black people came out to vote because they wanted to show white people that no matter what laws you put in place, we will supersede them; we will make sure we exercise our right to vote." When, sure, that could be the case in some communities, but the power must belong and rest in the communities that say, "I want to exercise my vote because I know it makes a difference, not because of the fear that someone is trying to incite, to say this is to prevent you and so you need to overcome this."

And so one of the things that I hope that we keep at the top of our minds as we are thinking about some of the ramifications of disenfranchisement is also that we need to make sure that we have representative politics, representative leadership in our government to also go hand in hand with the reason why people need to vote in the first place. Because at the end of the day, we can talk about all the laws that have been put in place to restrict voters, but if we're also not talking about, at the same time, the positive reasons why we need to communicate to the community to vote, then we will continue to have a low voter turnout, which I am so afraid of -- and I don't think we'll have it in the next midterm elections, but we can't go back to 2014 where we have 37 percent of eligible voters vote, which was a 70-year low in this country. And many of those people didn't vote because they didn't tie the importance for voting for your local and your state legislator leaders, which in turn, leaders who decide what voting laws are going to be in place in your states, so that is definitely something that I want to continue to explore.

MS. TURNER-LEE: Yeah, I mean this is all interesting. So, Reverend, I am going to toss it over to you now because I think what we've heard so far is this conversation that has sort of has evolved from historical reasons, legal and constitutional reasons, now the psychological or socioemotional connection to why voting is important, which makes a lot of sense now, given where we've come out of the election and -- we are not going to talk about it yet -- given where we are with the potential confirmation of

the attorney general, right. That office that has basically been the place to enforce voter protection.

So Reverend, I want to turn it over to you. I mean you've seen this, you've been engaged in this, Shelby County changed the rules, right? So how should we contextualize this conversation in terms of voter registration, enrollment, enforcement? Today, I think what Stephanie is talking about and going back to what our other panelists have referenced.

MR. JACKSON: Thank you, thank you, Nicol and to fellow panelists. Jefferson Beauregard Sessions III is named after Jefferson Davis, the Confederate leader to secede from the Union. Beauregard is one of the Confederate generals. He is a dyed-in-the-wool Confederate. Though calling him racist and non-racist misses philosophical issue of states versus union, slave versus free.

I listened to President Barack last night. I was inspired by his address last night, and he made a reference -- 240 years of our democracy and Hillary referenced it and some others during the campaign referenced it -- 240 assumes that democracy started in 1776, we arrived in 1619. We were here 157 years before 1776. But none people, none people that was slaveocracy., Even when we got the right, the 13th amendment in 1865 was not until 1870, that we could get -- five years, that was the debate even then -- five years later.

And then when the troops are withdrawn, we voted the Reconstruction, I guess, we had 5,000 blacks were lynched between 1880 and 1940, driven north as refugees. Not looking for jobs, looking just to be spared to live, all about the vote.

We had eight black congressmen from South Carolina during that season. Eight that drove us out of the South and made us walk from Columbia to Arkansas. This is a very tortured history of terror around the right to vote. Fast forward, 1965, the right to vote, the first time a protected right since 1860, 85 years (sic). Blacks

couldn't vote in the south without protection, white women couldn't serve on juries. Eighteen-year olds who served in Vietnam could not vote. You couldn't vote on college campuses; you couldn't vote bilingually. The (inaudible) could not vote proportionately. All these were evolution rule changes. We thought once we had the right to vote, (inaudible) it was all over and the burdens shift to us proved you could vote -- we did not understand gerrymandering. At next station, at-large, roll purging, or people going to jail trying to register voters as the case of Dr. King's staff members, it happened to Mrs. Turner, when Sessions, who tried to send her to jail for 215 years for voter protection. You cannot separate him from the lineage of voter suppression.

Today's Republicans, by and large, were yesterday's Jefferson Davis Democrats, became -- Thurman, Goldwater, Reagan Democrats in 1965. They changed parties but not ideologies. There seems to be racism became conservatives. None of them are racist now, they are conservatives in the name of -- I am not sure in what name of. I am trying to go somewhere with this.

We lost this election. The Russians, with their attacks, have declared the climate disruptor's credit, Hillary Clinton's -- with the crooked Hillary, all that stuff coming together, arguments about the Electoral College. Our votes, we were hacked by Republicans. Republicans hacked our vote in North Carolina. On November the ninth, The New York Times lead editorial -- North Carolina chairman celebrated the fact that we were able to suppress the black vote by 8.5 percent and increase the white by 21 percent. It had nothing to do with turnout. It had to do with -- go to Winston-Salem's State's campus, 7,000 students had to walk three miles down the road to vote. Took (Inaudible) off of campuses.

This was hacking. Hacking the black vote. Not Putin and Russia but Republicans. They spent no time on registration. All the time was spent on hacking the vote. In terms of vote hacking, in the city of Milwaukee and -- 75,000 voters in Michigan

voted and no one voted for the top of the ticket. Can you imagine people voting from the bottom of the ticket up?

75,000 voters had not voted for the top of the ticket. That's voter suppression. I guess I am alarmed at how silent Democrats have been in not fighting for the protected vote. They lost by the margin of the stolen vote. (Applause) We threw the towel in too quick. It was not the margin of the Electoral College, which is anachronistic, it's not the margin of the disruptive schemes of Putin as it was Republicans by design. What they called voter fraud was absolute voter suppression-voter hacking. That's enough for me right now, come back to me.

MS. TURNER-LEE: Thank you for that information, right. This is interesting, right. I want to throw it back to the panel, and anybody can answer this, particularly Clarissa, Myrna or Hilary. So what Reverend has laid out is this sort of -- the invalidation of the VRA in such a way that you do not have the support from the Congress because technically we will be in a unified Republican Congress, a unified Republican White House, and a unified Republican Supreme Court.

So the question becomes, what can be done -- what will the appeals look like to Congress to restore parts of this act? And then I'll get back to the attorney general confirmation being part of that.

MR. JACKSON: Well, I mean, that's the point though. If you are working and getting paid and go home and get robbed between your house, is there something wrong with you or something wrong with the robber? Should you stop working as a reaction that your money got stolen? We have not reacted to the robber.

MS. TURNER-LEE: Well let's talk about that.

MR. JACKSON: We act as if the robber does not -- those who deny the right to vote in 1965, who stopped the vote in 2000, suppressed it in 2016. That is not at all subtle. Our vote was stolen.

MS. TURNER-LEE: Strategically.

MR. JACKSON: Strategically and targeted and that's why the Supreme Court said it was surgically – precision surgery in North Carolina.

I mean, the target of the vote in Florida, Georgia, North Carolina, Pennsylvania, Wisconsin and in Texas -- no, no, and Michigan, was -- and it's as if the first (inaudible) she didn't even campaign but somehow she didn't win because she didn't get the Electoral College. Electoral College got stolen. Second, oh it wasn't them, it really was (inaudible), everybody (inaudible). You know, the fact is Putin, or whatever he did, (inaudible), that had no effect on the campaign, to hell if it didn't. You know it did. If you leak 30 days in a row it's like Jesus, one day he is "Hosanna, Hosanna!" and a week later crucify him, crucify him because government propaganda can destroy people's will. Thirty days of "She is a crook."

MS. TURNER-LEE: Right.

MR. JACKSON: My point is that I am listening to these narratives about Russia hacking doesn't matter (inaudible); it does matter. Between Russia hacking and Comey, it does matter. Stealing votes does matter, and so I am overwhelmed by the notion that somehow we did something wrong and lost. We did something right and faced thievery.

MS. TURNER-LEE: That's right, and I want to actually get back to that because perhaps, and just hold that thought, Reverend, because perhaps we need to go back to protest as a way to actually reclaim that. But I also want to know, do we have a chance to work within Congress? Do we have a chance to re-appeal back to the Supreme Court? So I know Hilary, you talked about voter -- the Voter Advancement Action.

MR. SHELTON: Sure, the short answer is that it's in our hands. We've got a Congress that 435 of them want to get reelected again in two years. One third of

the senate wants to get reelected as well.

So in essence, it's really in our hands of what we end up with but there are some options on the table that we have to go with. It's a two-pronged approach. The first prong is that we are going to have to fix what we have because it's extremely helpful in making sure that the right to vote is something that is enjoyed by mostly everyone. Let me also say this: it wasn't even perfect then, but it was much better than it is now.

When you have a system that's set in place, it is a good make sense system that doesn't blame everyone but when you do have those that have committed the crime under Reverend Jackson's analysis and it happens more often than we want to admit.

When we have those that we know have done that before, they can make the disenfranchising changes, they have to go through a preclearance. Let's have someone set in place that takes a look at your plan and make sure that you didn't leave out all those people, the Latinos that live in the community as well. Or all those people of African-American descent that live in the particular neighborhood.

Are all those people going to get disenfranchised as well? So first --the first step is we have to repair the Voting Rights Act of 1965. Section 5 must become operational again and again, we have bipartisan support for it but we have some elitists, quite frankly, that recognize that even a broken electoral system works for them but it does not work for the American people or the integrity of our democratic, small "d," system of governance. That's the first step.

The second is even before the Supreme Court's decision in Shelby, we were working to advance measures that would help make sure the voting system works for all eligible Americans, regardless of who you are and regardless of where you live. In essence, here is some good make sense things. For those of you who think more internationally, name two countries in Europe in which you are not automatically

registered to vote at the time you hit 18? You can't do it. You know why? Because there are none.

For some reason, we are the only country in the so-called industrialized society in which one has to actually register to vote before you can begin doing it. As a matter of fact, I can point to some European countries where quite frankly, if you don't vote, you pay a little bit more in your taxes at the end of the year. It's a penalty for not voting.

Shouldn't we -- America is the leading democracy, the world's leading democracy, have at least that. We have a provision that says that much like selective service -- did you know that upon the 18th birthday of any U.S. citizen, that they are automatically registered for the draft? Did you know that? Did you know that we have a system in place that automatically registers? Now we don't use the draft anymore so it's just kept in the Selective Service Bureau and all this kind of thing, but it happens automatically.

If they are going to register you to have to go fight in a war, shouldn't we automatically register you to vote too to determine whether we go to war or not? Can I get an amen?

MS. TURNER-LEE: Amen.

MR. SHELTON: Thank you so much.

MR. JACKON: And have a ballot with pictures on it so people can see who they are voting for.

MS. MARTINEZ DE CASTO: Well let me build on that because I think it was alluded to earlier. It is a natural thing right now, which is unfortunate, and it's going to take time to undo it, but you know, the National Council of La Raza is a non-partisan organization. Our electoral work, our efforts to make sure that the franchise remains accessible to people and that we create the channels for people to be registered and

ready to participate, is that. That voters who are eligible should be able to do that.

It is up to the parties and the politicians to then come and court those voters and convince them who they should vote for. That is not my job.

So it is quite -- one of the tragedies of the current debate is that, basically, who fights for access has been politicized, right? And partly, it's that these measures were seen and they take different shapes in different places because frankly, while the majority of the culprits that are very evident in this repressive effort are of one party, the other party has not been fully excused from advancing its interest in different circumstances when that's the case, being able to leave the voters by the wayside. It just happens more on one side or the other so it is true that at the end of the day, it depends on us, right?

And so part of what -- all the facts that are coming up about not only repressive measures or diminishing early voting or moving polling locations and now the added layer of a foreign government intervening in our election is that I hope that we all take part in an awakening of our civil society to assume again the reins of our democratic process. Because part of what's happening right now is that out of frustration, many people are tuning out or just leaving the democratic process to this idea, the electorate process in particular.

And what that's doing, and Shelby is only one piece of that puzzle, is that right now, politicians are gaming the system and I think that that is a theme and a trend that most Americans would oppose, regardless of what stripe they bear, right?

The fact that we have politicians who -- by whatever measures they implement, hours, locations, redistricting, and a number of other things, they are, in fact, trying to determine who votes for them as opposed to being voters, the ones who decide who represents them.

And I think that at a visceral level, most Americans would not be

supportive of that notion. So I think that there's an opportunity to reignite civic participation but to also, as organizations, as active individuals, to make sure that people have the tools to express that and hold people accountable. Because imagine right now, without the preclearance of Shelby, there are 8,000 or so voting jurisdictions in this country so imagine any one of them, at any given time, being able to do something that games the system in a fashion that goes against the interest of the voters in that jurisdiction.

And what is the ability, what is even the capacity now that it has to be after the fact for organizations like the Brennan Center, the LDF, and others to actually be able to sue every one of those places that does that and to do so after the fact, after they have affected people.

So, in many ways, it's: "How do we create and expand the ability for us, as voting Americans, to be able to turn the system on its head or if you would, actually put it back on its feet?" because right now, it's upside down.

MS. TURNER-LEE: So, Clarissa, I kind of want to jump in here with Myrna and then continue this conversation, particularly as we look at this confirmation. Legal recourse, I mean is there legal recourse? I think what I am hearing Clarissa say is: "Time to go back to the streets," right? Reenact another Selma, get people out the door because of this feeling of disenfranchisement, but what about legally? I mean, do we have any more legal recourse?

MS. PEREZ: In order to have a platform, we need to be able to identify the problem, and when I look at what happened in 2016, I see four kinds of voter suppression: the kind that happened because of discrimination; the kind that happened because of administrative problems/incompetence; the kind of administrative problem/incompetence that was fueled by discrimination because somebody just didn't care enough to make sure they did it right; and then I see legal suppression. So let me

talk a little bit about what that is. So, like, one example of what I would call legal suppression is the fact that there are 4.5 million Americans living and working in our communities who cannot vote because of a criminal conviction in their past.

That is something that is lawful. That is something that if we want that to change, we are going to need to do that in the legislative halls, through our constitutional amendment processes in the states. We tried to do this via the lawsuits, it didn't work out so well for us.

If -- I want to talk about the kind of discrimination that occurred, the kind of suppression that occurred outright. Sometimes, there are legal means to this. One of the things that I am thinking about is when Florida didn't want to extend its voter registration deadline, notwithstanding the fact that there was a hurricane that made it almost impossible for people to register to vote because there had been a state of emergency.

I am very proud to have represented the League of Women Voters in that case. We got that period extended and that is an opportunity in which the courts are receptive to that because it's very hard to explain to somebody why when the governor orders people to evacuate, you can then go and say it's their fault that they couldn't, like, submit their form in time.

Then you have the kind of incompetence/administrative problems. That would be like what happened in North Carolina with the voting machines. This is not something we don't know about. There are 42 states in this country that use voting machines that are way past their lifespan. They have a recommended use of, you know, between 10 or so years. Forty-two states have them that are older than that. We wouldn't use flip phones that are more than 10 years old, right?

If we want to have the best democracy in the world, we need to pay for it, we need to invest in it, and the kind of technological failures that happen are entirely

predictable, they are entirely preventable.

This is something that we can demand more of our election officials, and we should. And then there is the kind of -- what I would call incompetence fueled by discrimination, and that would be what happened in Texas.

I want to be very clear. I have won the Texas case four times and we still had voter suppression that happened because of the law that was passed. Notwithstanding a court order saying there needs to be a way for election officials -- for people that do not have the kind of identification needed to be able to cast a ballot that will count, to cast a regular ballot, we had at least 88 counties in the state of Texas have incorrect information on their website, days before the election until we basically came down on them like a rain of fire, telling them one by one. This is the kind of hard work that has to happen when you don't have section 5.

We literally had people at LDF and at the Brennan Center, going on every single page of every single county in Texas to make sure that all of the voters got information, and we had to keep telling them "You need to change the kind of information."

And if we are going to have the best democracy in the world, it doesn't come on the cheap, it doesn't come without resources, and it doesn't come without all of us getting together and demanding it. But one of the things that I think is something that we can't forget is that there is not one way to fix every problem and we need to be able to identify what that problem is.

Hilary alluded to the Brennan Center's proposal on automatic voter registration. I think that's a great idea. That's a path forward. I think one lesson that was learned is that the voting public wants something to aspire to and we need to have affirmative reforms. I hope everybody in this room learns more about automatic registration, learns more about our antiquated and racist laws, disenfranchising people

with criminal convictions. brennancenter.org has a lot of them, but these are things that we can do in the state while Congress is going to do whatever foolishness it's going to do. We need to not forget the sort of opportunities in state courts, state legislatures to try and make it happen, while we are battling the battles that we need to fight in Congress.

MS. TURNER-LEE: I know. Stephanie, jump in real quick.

MS. JAMES: Just quickly. One, it's amazing to me that we continue to be surprised when things like this happen, you know? When we expand the vote, you see the vote suppressed. I mean we've seen that with Reconstruction. We saw that with the 1965 Voting Rights Act, but, just, when you look at Chief Justice Roberts' opinion related to Shelby, he mentioned a number of times the importance of federalism and state rights.

In 2017, in 2018, we have 38 governors' races in this country. Not to mention we have the opportunity to change the legislative identity in our states, and so focusing on the importance of getting voters prepared for that and what it means to elect officials at the state level I think it's very important.

I also think, especially as it relates to communities of color, we need to look at running people as Republicans. Continuing to think that one ideology of a party is going to get you the outcome that you're looking for, I don't think that that's a strategy that can work any longer. Nor do I think that we need to continue to spend resources, primarily on boots on the ground and marches.

As Reverend knows, it takes a lot of money and a lot of organizing to actually plan those mobilizations that oftentimes only happen that day and don't carry forward.

The propaganda machine in this country is very serious but the communication mechanisms to our community, more so in people who are outside of the beltway that live in Ohio, and so I can tell you the narrative in Ohio is not at all what you hear here in the DMV.

To have resources go not to the mobilization machine but to the communications and the narrative building and storytelling machine, I think it's going to be very important moving forward if we are going to get voters to understand the importance of their rights.

MS. TURNER-LEE: I want to sort of take these last few parts of the conversation then and just apply all this, right.

I want to go back to Reverend Jackson's analogy of the robber versus the -- the robbed versus the robber, right? So what we are facing right now is the confirmation of the attorney general's position, and the Department of Justice has traditionally held authority over enforcement. So all of this conversation that we are having here is really important, but the conversation that's going to happen in the DOJ will be significantly important, particularly the persistence and the enforcement of all of the areas that have been discussed. So let's talk about that.

MR. JACKSON: Nicol, back to the essence of this Confederacy issue. It is white male Christian ideology. Those were not Christians having to fight to get inside the tent of protection -- blacks, Latinos, Asians, Native Americans is a very narrow -- it looks at America through a keyhole and not through a door.

These two big ideas, free people and not free people, confederates versus the union, as I listened to Myrna emerging after '65 Voting Rights Act is that they are taking advantage of the South, the complex, they are beating up on us, Myrna, and so they kept on this idea and finally got to the Roberts court. I know we raised it but they raised it in Minnesota too. They raised it in New York too, and they raised it in Michigan too. So why pick on us? Part of the narrative of the Shelby decision was: "Stop just picking on us and it applied to them also. And once they got the numbers and stuff, the day that they won the suit, they filed a case in Texas that day, right?"

MR. SHELTON: That's right.

MR. JACKSON: They moved 868 precincts between 2013 and 2015.

MS. PEREZ: Right.

MR. JACKSON: And the shifting of those precincts shifted the voting alignment in terms of voting access so I repeat that a lot of the energy -- it's intriguing the folks on the Putin piece of this situation but the terror at home is real.

MS. TURNER-LEE: But I want to focus, Reverend, and just kind of stay there and anybody jump in, the -- Senator Sessions has said that the Voting Rights Act, in and of itself, was an intrusive piece of legislation, and post the Shelby County decision basically said it was good for the South, to your point, right?

So I don't know if it was good for the Confederates and what was meant by that, but he said it was good for the South. So given that, are we going to further invalidate the efforts that are being discussed here by the appointment of an attorney general that may not have this as the landmark or -- you know, the prime focus or part of the focus of that office?

MR. SHELTON: Let me kind of begin by saying a couple of things. One is that the role that the attorney general's office plays, that the Justice Department plays in protecting our voting rights.

We mentioned that section 5 of the Voting Rights Act, and the preclearance section in particular, has to be -- you have to be precleared before you can make changes. The division that handles that at the forefront is the Department of Justice's Voting Rights Section.

It is the attorney general that will decide how that section is structured and who will run it, and how vigorous they'll be in actually suing places that misbehave.

That's extremely important when we think about, again, the role of the attorney general. Jeff Sessions, unfortunately, is someone that has voted against many of those provisions.

Now here is what you are going to hear in terms of the propaganda.

MS. TURNER-LEE: I make sure to note that we are, at Brookings, non-partisan, independent, just so everybody knows that this is a healthy dialogue. Go ahead. I had to make sure that was on the tape.

MR. SHELTON: And actually, let me say this, something to think about as I go on to finish making my point. An appointee is not elected, and as such, it is not a partisan issue as to whether you support someone who is an appointee who is just simply an extension of policy.

MS. PEREZ: That's right.

MR. SHELTON: So in essence, the NAACP is non-partisan as well. We are a 501(c)3 organization, and we oppose Jeff Sessions. And that's just to make it clear for you. We can talk about that for just a little bit later, but you get my point.

So in essence, as we are thinking about the role he plays, look at the role he has played. Now he'll say he voted for reauthorization of the Voting Rights Act in 2006 and that will be true and a matter of record. But I'll also tell you that those of us that worked on that reauthorization will tell you that he actually announced two days before the markup by the Senate Judiciary Committee that he was going to move an amendment to eviscerate section 5.

He said that, and everybody will tell you, staff and otherwise, that behind the scenes, he was a tyrant. He was trying to do everything he could to weaken those provisions because he is a big federalist, in essence, believing that if the federal government has any control over these processes, you've undercut the authority of the state and state's rights, because state's rights were used to actually set up the disenfranchising mechanisms in the first place.

States' rights were utilized to segregate communities by race and ethnicity. States' rights have been used for some of the most awful things that have ever

happened in our society against a group of people regardless of race, gender, or ethnicity. It was done in the name of states' rights.

So in essence, it was only the enforcement of the Constitution at the federal level that was able to override that bad behavior. Mississippi didn't change its mind, Mississippi had its mind changed. And even then, they fought back every step of the way with all kinds of commissions and what not. You can come to my next lecture, I'll tell you all about that too, but you get the point.

So as we are moving ahead on this and talking about what we can do, we are going to have to fight to make sure those provisions and protections are in place. If they are trying to move somebody in place that we know does not have the ideology or commitment or demonstrated background to be able to enforce the laws the way we think we need to, we need to do everything in our power to shut them down. And in essence, it is the U.S. Senate, in its advice and consent power, that's going to determine whether indeed Jeff Sessions, or anyone else, is going to serve as heads of these agencies, part of the Cabinet or put up in their place. So we ask ourselves these questions and look at each and every one of them: Do they support our notion and understanding of what liberty and justice for all looks like? Or are they, like in so many of these cases, actually at some point or another -- maybe we can point to the former governor of Texas, by the way, who wants to eliminate the very division of government that he is now given the responsibility of running. Can I get an amen there too?

MS. TURNER-LEE: I didn't know that you became a pastor.

MS. MARTINEZ DE CASTRO: One thing that I would say -- it's, you know, look, anybody who has looked at Sessions' record knows that if you look at all these, a lot of these cases we've talked about, a lot of the recourse that to one extent or the other the courts have provided, the common thread among many of these cases, in terms of who had to step in as a referee, was the Department of Justice.

Given Sessions' record, just the facts of looking at that record, I think leads us to believe that that referee is not going to be there. Or at least not a referee who is going to be guarding the best interests of the voter, right?

And so, does that mean that you just let that go and look elsewhere? No, the fight is -- the role of civic society here, civil society, and all of the organizations that are part of that is to hold the Department of Justice accountable to do its job as the protector of the rights of all Americans, and particularly the most vulnerable.

Just because somebody has one record or another, in the event that he does get confirmed, doesn't mean that he gets let off the hook. That means that he has to be held accountable to the standard that the job requires he fulfill.

MR. JACKSON: Clarissa, can I make a point?

MRS. MARTINEZ DE CASRTO: Yeah, just let me wrap up with this.

MR. JACKSON: I'm sorry.

MRS. MARTINEZ DE CASTRO: But I also want to make sure that we look at the positives or the opportunities. People mentioned the state level. There is nothing preventing us from trying to hold secretaries of state accountable in a different way.

Right now, they tend to get evaluated for the actions they take to restrict voting. Voter purges, et cetera, et cetera.

By pushing that they should be evaluated on the number of eligible voters on their state that actually are voting, what is that percentage? The number who are registered, who are eligible, the number of hours that people have to wait, not just across the board but equitably across the board. And those are actions that we can take at the state level.

For schools to make sure that they are registering their eligible seniors before they graduate. So while it should not be the job of civil society alone or of non-

governmental organizations to protect the right of every fellow American to vote, we will continue to do that job and to hold our elected officials who are responsible for actually doing that job as well, accountable to do that.

MS. TURNER-LEE: Reverend, last word here and then we have to wrap up.

MR. JACKSON: I was just saying that in many ways Jefferson Beauregard Sessions Davis (sic) embodies the whole range. If you look, it's a ropey way for women's rights, workers' right to organize. You put 15 million people, make it more difficult for Latinos to vote. (inaudible) so to call him, it's a side track calling him racist is diversionary from just how deep and profound the confederate ideology as a point of view.

The two big ideas in confederacy versus union, free versus slave, everything that the progressives can mention, he has voted and stood against that because that is his point of view.

He has a right to that point of view, and we have a right to sit still while he does it. And to answer the question, lastly, we have no choice but the litigation, legislation, demonstration.

Every civilized non-violent means we can use, must be used to protect our gains and go forward. We have no choice.

MS. TURNER-LEE: Wow, let's give the panel a round of applause. Before I offer just a soundbite about our program at Governance Studies, I just need to lay out some protocol.

There was a lot going on today in Washington D.C. Our president-elect held a press conference, we have hearings on the Hill, and we at Brookings, surprisingly, assured the space to hold our next event, which is a press conference around some of the activities that happened today so what we are going to do is dismiss our panelist.

For those of you who are press, they will be available in the hallway. For those of you attendees, hopefully they are not going very far and they've left materials, right? For everybody.

The testimony of Cornell Brooks, the president, CEO of the NAACP is available, but I'd like to leave you with one thing as we leave here.

We at Governance Studies, this is the work that we do. This is why this panel is very important to us. We have scholars that are working on voting rights issues.

We hope to actually do more and to be responsive in real time to what this government is presenting to us going forward, so we hope that you will trend on voting rights and you will follow us @BrookingsGov and @Brookings generally to keep in the know of the conversation that we were trying to have here and hopefully have many more of these types of conversations. Did you all find this very useful?

Let's give them a round of applause here and thank you very much everybody for coming.

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CERTIFICATE OF NOTARY PUBLIC

I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Carleton J. Anderson, III

(Signature and Seal on File)

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