

STATE OF TEXAS
HOUSE OF REPRESENTATIVES



JAMES WHITE
DISTRICT 19

CORRECTIONS - VICE CHAIR

AGRICULTURE & LIVESTOCK

August 15, 2013

The Honorable F. James Sensenbrenner, Jr.
2449 Rayburn House Office Building
Washington, D.C. 20515-4905

Congressman Sensenbrenner,

On behalf of my constituents in Southeast Texas, I want to thank you for your service to our nation in the United States House of Representatives. I represent roughly 170,000 Texans in five counties: Jasper, Hardin, Newton, Polk, and Tyler. Many of the families in my district have young daughters and sons who serve in our nation's military. They love the United States and Texas, and they have a deep respect for our Constitution.

As you know, after over a year of litigation, the United States Supreme Court recently ruled that the current application of Section 4 of the Voting Rights Act (VRA) is unconstitutional because the procedures for determining which states are subject to Section 5 are outdated. If states historically subject to Section 5 are to remain in this status, Congress must update these procedures in Section 4. Unfortunately, in response to this ruling, the Justice Department has swiftly moved to continue a politically-motivated legal assault on Texas's election processes by seeking to sue this state arbitrarily based on a "bail-in" provision though Section 3 of the VRA. Even more disappointing, recent news reports indicate that you support this type of politicization of the judicial system and the blatant disregard for a ruling issued by the highest court in the land.

As a member of Congress representing Wisconsin, why are you advocating the targeted enforcement of a provision of this law without suggesting that same level of scrutiny apply to your home state? The Supreme Court did not throw out the VRA in its entirety but sent it back to Congress for it to update the procedures that determine which states should be subject to Section 5 preclearance. Instead of aiding and abetting political harassment from the Holder Justice Department, it seems to me your focus should be on improving the VRA and ensuring that voters in Wisconsin have the optimum access to the ballot box.

Of course, you are familiar with the data. In 2012, the national black voter turnout rate was higher than the white voter turnout rate. The Southern states primarily targeted with VRA preclearance have seen increases in minority voter registration levels, election turnout rates, and

representation among elected officials since the enactment of the VRA, and these figures are on par with other regions of the country. These facts raise doubts about the validity of allegations of intentional discrimination by states like Texas toward minorities, and they illustrate that the Justice Department's recent actions are misguided and purely political in nature.

Attorney General Holder's decision to attack Texas's sovereignty, guaranteed by the 10th Amendment, and your support of him in doing so is particularly offensive considering that the target of this attack is one of the most fundamental expressions of our freedom and equality as Americans. The right to vote is a symbol that we are all created equal by God, signifies the responsibility of every citizen in a society that values individual liberty, and is an integral element in the ongoing American experiment of self-government. Moreover, this right represents the sacrifices countless patriots have made on the battlefield, both overseas and on our own soil, and in the course of upholding order and the rule of law in our cities and communities throughout this great land. It should be honored and revered, not exploited to advance a political agenda.

The VRA is probably the most successful piece of social policy ever implemented in this country because it focused on expanding individual liberty. Therefore, we can claim a victory on these grounds. I stand proudly on the shoulders of those before me that fought for this precious right. But the recent application of the VRA has interfered with people's authority to make their own decisions. Instead of promoting the popular will of all the people, politicians have gamed the system for partisan gain. Is the VRA really advocating on behalf of all minority voters and their ability to "elect their candidate of choice," or is it being used selectively just to promote certain minority constituencies, i.e., minority Democrats? What about minority conservatives being able to elect their candidate of choice.

Our Supreme Court did not ditch the VRA, it just told Congress to fix it. Please, refrain from supporting this politicized Justice Department's obstruction of the voting process. I urge you to go to work to reform this great piece of legislation that protects all voters from sea to shining sea and ensure that the march for individual liberty continues throughout this next great American century.

Sincerely,

A handwritten signature in black ink, appearing to read 'James White', with a stylized flourish at the end.

James White
State Representative
Texas House of Representatives

Cc:

The Honorable John Cornyn
The Honorable Ted Cruz
The Honorable Steve Stockman