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**STATEMENT OF MR. HILARY O. SHELTON
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ON VOTER SUPPRESSION AND
THE LACK OF U.S. DEPARTMENT OF JUSTICE ENFORCEMENT
BEFORE THE HOUSE COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON THE CONSTITUTION,
CIVIL RIGHTS AND CIVIL LIBERTIES**

February 8, 2008

Good morning. My name is Hilary Shelton and I am the Director of the Washington Bureau of the NAACP, our Nation's oldest, largest and most widely-recognized grassroots civil rights organization in the United States. The NAACP's Washington Bureau is the legislative and public policy arm of the NAACP. We currently have more than 2,200 membership units with members in every state across the country.

I would like to begin by thanking and commending the Subcommittee for holding this hearing. The right to vote is the cornerstone of our Nation's democracy. Throughout our history, countless Americans have fought and died to protect the right of people across the globe to cast a free and unfettered ballot and to have that vote counted. We owe it to these men and women and their families to ensure that the right to vote is protected here at home.

The NAACP has been in existence for almost 100 years, and since our inception we have fought for equal voting rights for all Americans. Sadly, our struggle is not yet complete as there is still voter suppression throughout the United States.

What is even more disturbing than the continued existence of Americans being denied their Constitutional right to vote however, is the fact that for the last eight years the U.S. Department of Justice has not been our partner in trying to stem voter suppression.

In fact, given the fact that the US Department of Justice filed an amicus brief in the case of *Crawford v. Marion County Election Board*, which the Supreme Court heard just last month, many would argue that the current Administration is

actually working against the goal of all Americans enjoying their Constitutional right to vote.

And as any major, national civil rights organization can tell you, the number of voter suppression cases brought by the current Department of Justice does not even begin to reflect the number of complaints that we receive from folks across the Nation who feel their rights have been violated.

In fact, although the number of voting rights violations is very difficult to measure, the NAACP, as well as representatives from almost every other civil and voting rights organization, all report an increase in the number of Americans – primarily racial and ethnic minority Americans – who say that they have been denied their Constitutional right to register and vote.

Furthermore, attempts to pass laws at the state and local levels, as well as at the federal level that restrict or effectively shut out entire segments of the population are on the increase throughout the Nation – and they are not being challenged by the current Administration.

Specifically, the NAACP has seen a dramatic increase in the number of cases in which people have registered to vote, believing or having been told that they have done everything correctly, only to be turned away from the voting booth on Election Day and being told that they are not on the rolls.

We know from the 2000 Florida election debacle that over-zealous purging of the rolls, especially in neighborhoods with heavy concentrations of racial and ethnic minorities, can be a standard trick by unscrupulous or corrupt election officials trying to suppress a certain segment of the voting public. Now it appears that not even putting these people on the rolls is the new popular tactic.

Another tactic being used to keep racial and ethnic minority voters and low-income voters out of the ballot box is the enactment, by legislatures and governors sworn to protect the rights of all of their residents, of laws to require government-issued photo identification documents before voting.

While supporters of these initiatives purport to be combating “voter fraud,” (a “problem” which, as numerous studies have shown, is not really a problem), what these laws are in fact doing is creating a barrier to keep the up to 20 million Americans who do not have government-issued photo IDs out of the ballot booth. And I would hasten to add that a disproportionate number of these people who do not have government-issued IDs are racial or ethnic minorities or low-income Americans.

Finally, I would like to talk for a brief moment about an issue that the NAACP was intimately involved in crafting, the 2002 *Help America Vote Act* (HAVA). This legislation, which was enacted in response to the election debacle of 2000, has

been under-funded and under-supported since its enactment at almost every turn.

While the NAACP and other civil rights organizations strongly supported HAVA in part because it was seen as a sign that the federal government took voting rights protections seriously, the fact that it has been largely ignored is discouraging, to say the least.

To close, I would like to share with the subcommittee some thoughts shared by the NAACP and the Mexican American Legal Defense and Education Fund, MALDEF, one of the premier organizations invested in protecting the rights of Latino voters. Racial and ethnic minority voters require that the Civil Rights Department of the U.S. Department of Justice be fully staffed with well-qualified attorneys and experts who are committed to addressing voter suppression and protecting minority voters' rights.

While the NAACP, MALDEF and other civil rights organizations frequently bring legal actions on behalf of racial or ethnic minorities whose voting rights have been infringed, private individuals and organizations lack sufficient resources to guarantee free and fair elections for all voters nationwide.

Mr. Chairman, members of the subcommittee, the disenfranchisement of voters, voters who are disproportionately racial or ethnic minority Americans due to the mismanagement of registration bases, and restrictive laws and regulations that are akin to discriminatory poll taxes presents a much larger threat to our national fabric than many of the so-called "threats" that we have been spending untold billions of dollars defeating.

Unless Americans, all Americans, feel that they are vested in our Nation and that they have a voice in their government, the promise and security of democracy is hallow and left unfilled.

Furthermore, I would argue that the inaction of the US Department of Justice's Department of Civil Rights to address voter suppression is not only unethical, immoral and counter-productive, it is just flat-out wrong. Thus I again thank the subcommittee for holding this hearing and for inviting the NAACP to testify.