



# NAACP

## WASHINGTON BUREAU

Testimony of

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Senior Vice President for Policy and Advocacy

for the

National Association for the Advancement of  
Colored People (NAACP)

before the

Committee on Oversight and Reform

of the

United States House of Representatives

on the

***“75 Years After the Holocaust: The Ongoing  
Battle Against Hate”***

*January 29, 2020*

**National Association for the Advancement of Colored People**

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## **INTRODUCTION**

Good morning, Chairwoman Maloney, Ranking Member Jordan, and esteemed Members of this committee. I would like to thank you for asking me here today to discuss a topic that is crucial to the NAACP and all of the individuals, families, neighborhoods, and communities we serve and represent, as well as our nation as a whole: the continued presence, and indeed the rise, of white nationalism and white supremacy.

My name is Hilary O. Shelton, and I am the Director of the NAACP Washington Bureau and the Senior Vice President for Policy and Advocacy. I have been with the NAACP Washington Bureau for over 21 years.

Founded in 1909, the NAACP is our nation's oldest, largest, and most widely recognized grassroots based civil right organization. We currently have over 2200 membership units in every state in the nation, as well as on American military installations in Asia and Europe. Our mission statement declares that our goal is "...to ensure the political, educational, social and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination."

On this somber day, you are to be commended as civic leaders in your communities for promoting tolerance and for rejecting white supremacy and white nationalism. As we all know, this week marks the 75<sup>th</sup> anniversary of the liberation of the Nazi death camp at Auschwitz-Birkenau. Appropriately, January 27 is International Holocaust Remembrance Day, which should be commemorated by all of us to pause and remember everyone who lost their lives or was forever changed by a misguided belief that one race is superior to all others and is destined to rule this earth. The NAACP was therefore pleased with the nearly unanimous passage, as one of the first acts of the 116<sup>th</sup> Congress, of H. Res. 41, a resolution rejecting white nationalism and white supremacy.

## **THE NAACP AND THE FIGHT AGAINST WHITE SUPREMACY**

In 1908, a deadly race riot rocked the city of Springfield, the capital of Illinois and resting place of President Abraham Lincoln. Such eruptions of anti-black violence – particularly lynching – were horrifically commonplace, but the Springfield riot was the final tipping point that led to the creation of the NAACP. Appalled at this rampant violence, a group of white liberals that included Mary White Ovington and Oswald Garrison Villard (both the descendants of famous abolitionists), William English Walling and Dr. Henry Moscowitz issued a call for a meeting to discuss racial justice. Some 60 people, seven of whom were African American (including W. E. B.

Du Bois, Ida B. Wells-Barnett, and Mary Church Terrell), signed the call, which was released on the centennial of Lincoln's birth. And thus the NAACP was born.

In the preamble to our Association's Constitution, the NAACP is sworn to "continue to fight for justice until all, without regard to race, gender, creed, or religion enjoy equal status." In short, we were founded as the antithesis of white nationalism and white supremacy and members and followers of the NAACP have continued to this day to uphold this ideal of equal opportunity and equal protection under law.

It is not an easy path, however, and we continue to face challenges. Throughout history, white supremacy has been espoused to the detriment of many others due to their race, ethnicity, religion, or family background. From the time the first known ship of enslaved Africans arrived on the shores of Virginia, over 400 years ago, through the black codes, lynchings, segregation, Jim Crow, and the racism we continue to face in our lives today, Black Americans have been subjects of hatred, animosity, and suspicion by too many of our fellow White country-men and -women. The fact that white nationalism continues today, and is accepted and even embraced in some circles, is hard to fathom and has proven stubborn to overcome.

The Washington Bureau of the NAACP was founded in part to support the enactment of anti-lynching legislation. Yet despite our strong efforts, this legislation was never to become federal law. In 2005, the Senate passed a resolution apologizing for its repeated failure, despite the requests of seven presidents, and passage by the U.S. House of Representatives of at least three anti-lynching bills, to enact a federal law to make lynching a crime. While the NAACP deeply appreciates this apology, it does not bring back to life the almost 5,000 Americans who were lynched. Although the vast majority of these men and women were African American, some of the victims were other racial or ethnic minorities, and some were lynched simply because of their heritage or faith.

Which is not to say that all of our efforts to stem the violence that can be directly tied to white supremacy have failed. Perhaps our strongest victories have come in the form of the enactment of anti-hate crime legislation. A "hate crime" is one in which violence is not only inflicted on one individual, but is intended to invoke fear and intimidate an entire group of people.

The modern era of hate-crime legislation began in 1968 with the passage of federal statute which made it illegal to by force or by threat of force, injury, intimidation, or to otherwise

interfere with anyone who is engaged in six specified protected activities, such as voting, or is on federal land at the time of the crime, due to his or her "race, color, or national origin."

Then, in October, 2009 President Obama signed into law the *Matthew Shepard, James Byrd Jr. Hate Crimes Prevention Act*. This crucial legislation expanded hate crime prevention laws and allowed the federal government to assist local authorities in the investigation and prosecution of crimes motivated by hate, regardless of where or what the victim was doing at the time the crime occurred. It also expanded the definition of a hate crime to include those acts of violence motivated by the victim's disability, gender or sexual orientation and it would provide resources to states to develop hate crime prevention programs.

The NAACP was also successful, in 1996, for contributing to the drive to make permanent the *Hate Crimes Statistics Act*. The *Hate Crime Statistics Act* requires the Attorney General through the FBI, to collect data on crimes committed because of the victim's race, religion, disability, sexual orientation, or ethnicity. Data must always drive the crafting of criminal justice policy. The first step in addressing hate violence in America is to know its nature and magnitude.

The 2018 statistics demonstrated, for example, that race-based hate crimes were once again the most common type of hate crime, as in every previous year since the reports were issued. Nearly 50 percent of race-based hate crimes were directed against African-Americans, though according to the 2010 census, we were only 12.5% of the U.S. population. Furthermore, while the number of reported religion-based hate crimes decreased by eight percent from 2017, nearly 60 percent of religion-based hate crime attacks were targeted against Jews and Jewish institutions in 2018. In summary, these statistics demonstrate beyond any doubt that white supremacy and white nationalism are alive and well.

Sadly, statistics gathered by the FBI on the national problems of hate crimes are woefully inadequate. This is not because of the efforts of those who collect them, but rather what is and what is not reported. In too many cases, victims are reluctant for one reason or another (often times due to a lack of faith in their local authorities) to report hate crimes. There is also a problem when you do not have a standard, uniform, hate crime reporting requirement: at what point is an agency required to report a hate crime, and when is a hate crime defined as such?

Under current law, hate crime reporting by a state or local law enforcement agency is voluntary. One-hundred and ten fewer law enforcement agencies participated in the federal reporting program in 2018 than in the previous year following record-high participation in 2017.

In addition, at least 85 cities with populations exceeding 100,000 residents either did not report any data to the FBI or affirmatively reported zero hate crimes. Alabama and Wyoming reported zero hate crimes for 2018. I intend to address this problem in my recommendations section.

### **THE NAACP AND CURRENT EFFORTS TO STEM / DEFEAT WHITE NATIONALISM: POLICY RECCOMENDATIONS**

Despite these and other victories, white supremacy appears to be on the rise in our nation. On average, 20 crimes based on a unique characteristic of the victim – such as his or her race, color, religion, or sexual orientation – occurred every day in America in 2018 – which is almost equal to one every 75 minutes.

While not solely to blame, the internet has allowed and abetted an unprecedented growth in white supremacy. Yet I am quick to note a word of caution: the line between impermissible hate speech and one's first amendment right to free speech is extremely narrow, and must be navigated with extreme caution. It is a whole new world, and one we must address with our democratic values in tact.

The NAACP does not even pretend to have all the answers at this point. Yet we are working with several technology firms to begin to address the hate mongering in aggressive, yet Constitutionally-valid terms. In the meantime, it is clear that we need to monitor what is being said in a more carefully, coordinated manner.

It is for this reason that we strongly support and endorse S. 3190 / H.R. 5602, *the Domestic Terrorism Act*. This seminal legislation would enhance the federal government's efforts to prevent domestic terrorism by requiring federal law enforcement agencies to regularly assess the threat posed by white supremacists and other violent domestic extremists and take concrete steps to address this threat. The bill further authorizes the Department of Homeland Security (DHS), the Department of Justice (DOJ), and FBI offices that are responsible for monitoring, analyzing, investigating, and prosecuting domestic terrorism. The legislation requires these offices to issue joint biannual reports that assess the domestic terrorism threat posed by white supremacists and neo-Nazis; analyze domestic terrorism incidents that occurred in the previous six months; and provide transparency through a public quantitative analysis of domestic terrorism-related assessments, investigations, incidents, arrests, indictments, prosecutions, convictions, and weapons recoveries. The DHS, DOJ, and FBI offices would be required to focus their limited resources on the most significant domestic terrorism threats, as determined by the number of domestic terrorism-related incidents outlined in the joint report.

The bill would require DHS, DOJ, and the FBI to ensure anti-terrorism training and resource programs for Federal, State, local, and tribal law enforcement include training and resources on understanding, detecting, deterring, and investigating acts of domestic terrorism. Finally, the legislation would establish an interagency task force to combat white supremacist and neo-Nazi infiltration of the uniformed services and federal law enforcement.

The NAACP also strongly supports the bipartisan and bicameral ***Khalid Jabara and Heather Heyer National Opposition to Hate, Assault and Threats to Equality (No Hate) Act***, (H.R. 3545 / S 2043). This important legislation addresses the problem of under-reporting to the FBI under the Hate Crimes Statistics Act. The legislation authorizes grants to promote and improve hate crime training, prevention, best practices, and data collection initiatives – and to develop state hate crime reporting hotlines to refer individuals to local law enforcement and support services. It also allows courts to require that defendants participate in educational programs or community service as a condition of supervised release, thereby taking great strides in helping through the healing process.

The NAACP also strongly supports H.R. 35 / S. 488, ***the Emmett Till Antilynching Act***, legislation which would also make lynching a federal hate crime, therefore eligible for the additional tools and resources used to investigate and prosecute these heinous crimes. This is one of the rare bills that has passed the Senate and is pending in the House of Representatives. In June, 2019, H.R. 35 was passed out of the House Judiciary Committee, and is awaiting House Floor consideration.

Finally, and I cannot emphasize this strongly enough, we need to boost the education of our youth on the horrors of the Holocaust, slavery, lynching, and all the other acts of terror that white nationalism and white supremacy have brought upon us as a nation. To fail to do so would be an insult to the millions of our ancestors who struggled and died. We need to remember and learn from the past, so it is never, ever repeated. This could perhaps be the greatest gift we could give to the legacy of suffering of those who have gone before us.

## **CONCLUSION**

I said in the beginning of my testimony that you as lawmakers and as civic leaders in your communities were to be commended for your leadership in tackling, and rejecting, the continuation and the increase of white nationalism and white supremacy. Yet when leaders ask racially insensitive questions like “White nationalist, white supremacist, Western civilization--

how did that language become offensive?” or by making offensive statements such as “you also had people that were very fine people on both sides” of the August, 2017 Charlottesville, VA confrontation between a group of Neo-Nazi supporters and those opposed to them, there is an obvious need for more research, reflection, and education.

Thank you again for inviting me here today, and for your interest in the views of the NAACP. I stand ready to answer any and all questions you may have.

# Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)\*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Oversight and Reform

Subcommittee: \_\_\_\_\_

Hearing Date: January 29, 2020

Hearing Subject:

The importance of remembering the Holocaust in order to help combat bigotry, hate, and violence of all kinds today

Witness Name: Hilary Otis Shelton

Position/Title: Director, NAACP Washington Bureau and Senior VP for Policy and Advocacy

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

If you are representing an organization, please list what entity or entities you are representing:

NAACP

If you are a **non-governmental witness**, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract. *If necessary, attach additional sheet(s) to provide more information.*

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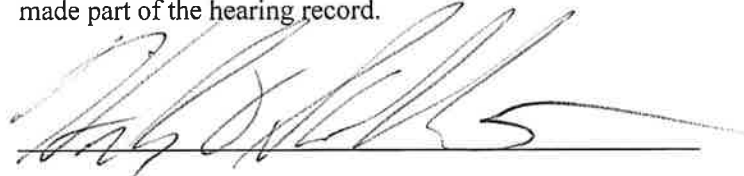
If you are a **non-governmental witness**, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment. *If necessary, attach additional sheet(s) to provide more information.*

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### False Statements Certification

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

  
\_\_\_\_\_  
Witness signature

1/27/20

\_\_\_\_\_  
Date

If you are a non-governmental witness, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.

- Written statement of proposed testimony
- Curriculum vitae

\*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

# HILARY O. SHELTON

## **NAACP Washington Bureau Director and Senior Vice President for Policy and Advocacy**

Hilary O. Shelton presently serves as the Director to the NAACP's Washington Bureau / Senior Vice President for Policy and Advocacy. The Washington Bureau is the Federal legislative and national public policy division of the over 500,000-member, 2,200-membership unit, national civil rights organization. In this capacity, Hilary is responsible for advocating the federal public policy issue agenda of the oldest, largest, and most widely recognized civil rights organization in the United States to the U.S. Government. Hilary's government affairs portfolio includes



crucial issues such as securing and strengthening equal opportunity programs such as affirmative action, advancing equal employment protection, achieving access to quality public and higher education, stopping gun violence, ending racial profiling, securing abolition of the death penalty, achieving access to comprehensive quality healthcare for all Americans, advancing voting rights protection, completing federal sentencing reform and a host of civil rights enforcement, expansion and protection issues.

Prior to serving as Director to the NAACP Washington Bureau and Senior Vice President for Policy and Advocacy, Hilary served in the position of Federal Liaison/Assistant Director to the Government Affairs Department of The College Fund/UNCF, also known as The United Negro College Fund in Washington, D.C. In this capacity, Hilary worked with Senate and House Members of the U.S. Congress, Federal Agencies and Departments, college and university presidents and faculty members, as well as the White House and various government agencies to secure the survival, growth and educational programming excellence of the private historically black colleges and universities throughout the United States.

Prior to working for The College Fund/UNCF, Hilary served as the Federal Policy Program Director to the 8.5 million-member United Methodist Churches' social justice advocacy agency, The General Board of Church & Society. In this capacity, Hilary advocated for the national and international United Methodist Churches' public policy agenda affecting a wide range of civil rights and civil liberties issues including preserving equal opportunity programs such as affirmative action, securing equal high quality public education for all

Americans, guaranteeing greater access to higher education and strengthening our nation's historically Black colleges and universities, abolition of the death penalty, reforming the criminal justice system, voting rights protection and expansion, gun control and a host of other social justice policy concerns.

Hilary has served on a number of national boards of directors including, The Leadership Conference on Civil Rights, the Coalition to Stop Gun Violence, and the Congressional Black Caucus Institute among many others.

Playing an integral role in the crafting and final passage of such crucial federal legislation as the Civil Rights Act of 1991, Hilary was also instrumental in ushering through to passage, The Civil Rights Restoration Act, The Violence Against Women Act, The Hate Crimes Statistics Act, The Native American Free Exercise of Religion Act, The National Voter Registration Act, The National Assault Weapons Ban, The Brady Handgun Law, Reauthorization of the Voting Rights Act, the Help America Vote Act, the Emmitt Till Civil Rights Cold Cases Law and many other crucial laws and policy measures affecting the quality of our lives and equality in our society.

Hilary has humbly received a number of awards and recognitions for his unwavering dedication to the mission and goals of the NAACP. Among the many awards to which he is most grateful for receiving, Mr. Shelton is the proud recipient of the National NAACP Medgar W. Evers Award for Excellence, the highest honor bestowed upon a national professional staff member of the NAACP for Outstanding Service, Sincere Dedication and Commitment to the Mission of the NAACP, the American Arab Anti-Discrimination Committee's Excellence in Advocacy Award, the Religious Action Center's Civil Rights Leadership Award in honor of Dr. Martin Luther King Jr., the Religious Action Center awards the Civil Rights Leadership Award to outstanding leaders in the black and Jewish communities, 2006 NCADP 30th Anniversary Award as well as the Congressional Black Caucus' Chairman's Award In Recognition and Appreciation for Dedication, Leadership and Commitment to Advancing the Cause of Civil Rights for All Americans.

Born in St. Louis, Missouri, to a family of 6 brothers and sisters, Hilary holds degrees in political science, communications, and legal studies from Howard University in Washington, D.C., the University of Missouri in St. Louis, and Northeastern University in Boston, Massachusetts, respectively.

Hilary presently lives in Washington, D.C., with his wife Paula Young Shelton and their three sons, masters Caleb Wesley, Aaron Joshua, and Noah Ottis Young Shelton.



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