



NAACP

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House Committee on the Judiciary
Subcommittee on the Constitution, Civil Rights, and Civil Liberties

“Voter Suppression and Continuing Threats to Democracy”
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Written Testimony of
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Good morning, Chairman Cohen and Ranking Member Johnson. Chairman Cohen, thank you for the invitation to testify on the timely and most important topic of voting rights, the rising threat of voter suppression and disenfranchisement Black Americans are facing and the need to pass The Freedom to Vote: John R. Lewis Act.

I am proud to be with you today representing the nation’s oldest and largest civil rights organization. I am here to speak for members and activists of the NAACP across the country. I am also speaking to you as the inheritor of the NAACP’s legacy of leadership and as a proud adopted son of the state of Mississippi.

Mississippi has been my home for the past 30 years. Living and working in the heart of the state where so many battles for civil rights were fought, walking the grounds stained with the blood of martyrs who fought for the voting rights we are desperately trying to save today, has helped to shape my vision and fortified my strength for this battle.

It was in Mississippi where the NAACP’s Field Secretary Medgar Evers, my predecessor, was shot in the back in his driveway as his wife and children watched in helpless horror.

It was in Mississippi where righteous people of all races, religions and creeds converged 58 years ago to register voters during “Freedom Summer.” Among them were my mentors Euvester Simpson and Hollis Watkins who worked closely with Fannie Lou Hamer.

It was in Mississippi where some of those heroes were summarily executed by white supremacists for the “crime” of registering Black voters.

We’ve seen many gains since then, including the 1965 Voting Rights Act and the election of Black and brown representatives, mayors, governors and even President and Vice President.

But despite those gains – and maybe BECAUSE of them – that fight continues as we have had to protect ourselves from those who would strip us of our rights, deny us our power, demean and demoralize us in order to subjugate us on the altar of white supremacy. That danger may have ebbed and flowed, moving in and out of our public consciousness over the years, but it never disappeared. Instead, it festered under the surface and is now spilling back out in a toxic soup of white supremacy backed by powerful political forces.

We are now facing an all-out attack on Black voters by a former president, state governors, and federal and state legislators, with the complicity of a Supreme Court majority that abandoned its duty to uphold the Constitution and protect Black citizens' right to vote.

There is a myth that this suppression has been limited to the South, to Mississippi, Alabama, Georgia, Texas and other former Confederate states. But that poison has seeped into and is threatening to choke off democracy in many other states across the country.

We saw this with the relentless attacks on the 1965 Voting Rights Act that led to the U.S. Supreme Court eviscerating its key provisions, opening the floodgates of voter suppression at levels unseen in nearly 60 years.

We saw this in 2020 in the massive and elaborate efforts to interfere with the ability of Black voters to cast ballots and to have those ballots counted.

We saw this when the U.S. Postmaster General impeded the timely distribution of mail, implemented crippling policies on postal workers, and sabotaged the postal service in a blatant attempt to disenfranchise voters of color, who were already more harshly impacted by the coronavirus and required alternative methods to in-person voting to protect their health and safety.

We saw this when the former President of the United States and his cronies tried to force Michigan officials to decertify votes from heavily Black districts, which would have thrown out millions of legal ballots cast by registered Black voters.

We saw it in Pennsylvania, where he tried to bully the courts into invalidating millions of Black votes based on an alleged technicality not found anywhere in law.

We saw it in Georgia, where local operatives attempted to kick thousands of legally registered voters off the polls after it was too late for them to re-register.

We saw it in Texas, where state actors tried to eliminate curbside voting during a pandemic and when that failed, tried to have those legally-cast ballots invalidated.

And I saw it right here in Mississippi where the NAACP documented numerous instances of voter suppression. For example, polling places in Black neighborhoods throughout the state endured an increased and very visible police presence – not because of any valid safety concerns, but strictly to intimidate Black voters. Black voters were purged from voting rolls and forced to vote provisionally, without any certainty that their vote would eventually be counted. Late openings, equipment problems,

long lines in predominantly Black neighborhoods imposed more than mere inconvenience, but forced many voters to choose between their jobs (or their paychecks) and their vote.

As serious as those and other problems were, we now see that 2020 was just a dress rehearsal for upcoming elections. The new Jim Crow generation has ramped up its efforts to suppress the political power of Black Americans to a new level, with tools and tactics their predecessors could only dream of. There are new lyrics to the same old song.

Even if we can find a way to overcome the obstacles they are constructing – if we can navigate the complicated and unnecessary requirements for voting by mail, find a scarce drop box, withstand the intimidation, threats, and violence intended to scare us away from the polling place, stand in line for hour after hour after hour with no food or water, and skirt the other tripwires to put our vote into the ballot box – they are creating an elaborate, insidious and carefully coordinated legal framework to ensure our ballot, once cast, is not counted and does not count.

This is happening and they will succeed unless immediate action is taken to disrupt this immoral and undemocratic crusade to take the vote away from millions of people. That action is right before you, in your hands. The Freedom to Vote: John R. Lewis Act will curtail voter suppression and vote manipulation and go a long way toward disrupting the effort to disenfranchise Black voters.

In his *I have a Dream* speech, Dr. King referred to a southern governor with “lips dripping with the words of interposition and nullification.” Today, governors, state and federal legislators, and a former president of the United States, amplified by a right-wing media, are loudly and proudly spewing words of interposition and nullification as they openly fashion the legal mechanism for the disenfranchisement of millions of Black Americans.

Don’t be fooled into thinking this is just “partisan politics” or being done for partisan electoral gain. No. This is specifically designed to and, if successful, will strip Black Americans of our political power, and force us back into second-class citizenship. The purveyors of this may be using their partisan advantage to pass these laws, but they are doing it to achieve a racial and racist end: to entrench white supremacy so deeply in our body politic, it will be difficult for Blacks to ever achieve political, economic, educational, and social equality.

But that doesn’t have to happen. The NAACP and other groups and individuals are using all legal means to make sure it doesn’t. NAACP lawyers, following in the footsteps of our great General Counsels Charles Hamilton Houston and Thurgood Marshall, are combatting voter suppression and racial gerrymandering in cases across the country. We’ve fought and are fighting in more than a dozen other states, including Georgia, Illinois, Maryland, Pennsylvania, Wisconsin, Michigan, Mississippi and Ohio, where we achieved an important victory in the state Supreme Court last week.

But this battle isn’t just for the NAACP and the Leadership Conference and LDF and the Lawyers Committee and other civil rights organizations to wage. No American who values this country’s freedoms can afford to sit idly on the sidelines to see how this plays out. This is a mission that everyone who cares about our country and believes in our Constitution should join. Because today, they’re coming for us. Tomorrow, they come for our democracy.

The NAACP has never backed down from those who would deprive us of equality and justice and we will not back down now. But we can't do it alone. We need Congress to join us and hold true to your Constitutional duty to protect our vote.

Earlier this week, we marked Dr. Martin Luther King's birthday. And we watched numerous Members of Congress take to social media and the airwaves to quote Dr. King and embrace his life and legacy. I say to all of you that words are nice, but in the end, it is your actions that matter and that you will be remembered for. And the action we need from you now is to stand on the right side of history and pass the Freedom to Vote: John R. Lewis Act.

Thank you for this opportunity to testify before you today. I will be happy to take your questions.