

STATEMENT FOR THE RECORD BY DONALD K. SHERMAN

VICE PRESIDENT AND CHIEF COUNSEL, CITIZENS FOR RESPONSIBILITY & ETHICS IN  
WASHINGTON

SUBMITTED TO THE U.S. HOUSE OF REPRESENTATIVES HOUSE COMMITTEE ON THE  
JUDICIARY SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND CIVIL  
LIBERTIES

HEARING ON “VOTER SUPPRESSION AND CONTINUING THREATS TO DEMOCRACY”

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Chairman Cohen, Ranking Member Johnson, and members of the subcommittee, thank you for the opportunity to submit this statement for the record on the ongoing efforts to suppress eligible voters from participation in free and fair elections.

I write on behalf of my organization, Citizens for Responsibility and Ethics in Washington (CREW), to underscore the need for prompt and thorough action to address the escalating threats to our democracy. CREW is a non-partisan, non-profit organization committed to ensuring the integrity of our democratic institutions, combating the impact of monied special interests on our political system, and promoting ethical governance.

**Democracy Under Threat**

More than fifty years after the Voting Rights Act was signed into law, democracy remains under attack. While the January 6, 2021, insurrection attempt provides a visual and visceral reminder of this fact, there is perhaps an even more [sinister](#) effort to [invalidate](#) and [suppress](#) the votes of millions of Americans occurring in state capitols across the country.

Contrary to [assertions](#) made by Senate Minority Leader Mitch McConnell and other opponents of democracy reform in Congress, Black Americans and other communities of color have been and continue to be the targets of voter suppression efforts. As a federal court [noted](#) in 2016 in striking down North Carolina’s voter ID law, the statute was intentionally designed by state legislators to target Black voters “with almost surgical precision.” While the record in that case was replete with damning evidence of this nefarious intent, Republican state legislators, with the help of [dark money](#) groups, have launched [similar efforts](#) in nineteen states last year. The true intent of these bills is often masked in neutral terms, but in a private reception with its biggest donors, the head of a top conservative dark money group, Heritage Action, [bragged](#) that “her outfit had crafted the new voter suppression law in Georgia and was doing the same with similar bills for Republican state legislators across the country.”

The right to vote and government ethics are inextricably tied. One of the fundamental goals of our government ethics regime is to ensure that elected officials are listening to voters rather than monied special interests trying to buy influence. Voter suppression efforts are both unethical and antithetical to democracy. Recent history has revealed a troubling trend where government officials more loyal to Donald Trump than to our Constitution have engaged in corrupt and potentially illegal conduct in order to suppress the vote or dilute the power of American voters. Unsurprisingly, these efforts routinely target communities of color that have fought to enjoy full citizenship in this country since its inception.

## **Wilbur Ross Lying to Congress about the Trump Administration's Citizenship Question on the Census**

In 2018, the Census Bureau, under the leadership of Trump's Commerce Secretary, Wilbur Ross, began a process to upend [centuries](#) of precedent by adding a question about citizenship status to the 2020 census. As many immigrant rights groups and other advocates pointed out, this effort was not only an unnecessary departure from prior practice, but also a fairly obvious attempt to deter participation in the decennial census by people in communities of color and mixed status families to [undercount](#) them for representation in Congress.

Secretary Ross claimed that the reason for the Census Bureau adding this question was not to suppress representation, but instead [initiated](#) based on a request from the Department of Justice to facilitate enforcement of the Voting Rights Act (VRA). This defense was later exposed as a lie. The United States Supreme Court [blocked](#) the question from being added to the census and described the Trump administration's claim that it was meant to assist enforcement of the VRA as "contrived." Ultimately, the [court](#) could not "ignore the disconnect between the decision made and the explanation given." The Department of Commerce Inspector General also investigated the matter and found that Secretary Ross misled Congress twice in 2018 during hearing testimony about why he sought to add a citizenship question to the 2020 Census.

Documents released by the House Oversight Committee revealed that the [origins](#) of the Trump administration's pursuit of the citizenship question tied back to a prominent Republican redistricting strategist who "had direct communication with an adviser to the Trump administration concerning the addition of a citizenship question to the 2020 census." The strategist, Thomas Hofeller, conducted a [study](#) in 2015 that found that adding a citizenship question to census forms would produce the data necessary to redraw state and local voting districts in a way that would be "advantageous to Republicans and Non-Hispanic Whites." If successful, this effort would have led to the miscounting and dilution of votes in many BIPOC communities across the country. Despite its failure at getting the citizenship question added to the census, the Trump administration still succeeded in [creating fear](#) in many communities of color about being counted.

Although it is a federal crime to make false statements to Congress, Trump's Justice Department [declined](#) to prosecute Secretary Ross for his lies. Last July, CREW sent a FOIA request to the DOJ for [records](#) regarding this decision, but has, to date, received none. As of this writing, no one has been held accountable for this attempt to dilute the political power of BIPOC communities or the illegal cover-up perpetrated to disguise the Trump administration's true intent. CREW recently filed [suit](#) in federal court to obtain documents outlining the Trump DOJ's reasoning for its failure to prosecute Ross.

## **Donald Trump's Illegal Attempt to Overturn the 2020 Election Results in Georgia**

Throughout his presidency, [Donald Trump](#) and his administration repeatedly [attempted](#) to use federal resources to boost his candidacy for re-election. Trump [touted](#) low Black voter turnout as a key to his 2016 election victory, and his administration's hostility towards voting by mail [threatened](#) Black and Brown [voters](#) in 2020. Immediately [following](#) his loss in the 2020 presidential election, Trump's efforts focused prominently on invalidating the votes of people in states and counties with large Black populations like Atlanta, Georgia.

On January 2, 2021, Trump and various associates, including White House Chief of Staff Mark Meadows and attorneys Cleta Mitchell and Kurt Hilbert, [called](#) Georgia Secretary of State Brad

Raffensperger in an attempt to pressure and coerce him to overturn the results of Georgia's presidential election. In the call, Trump repeatedly insisted that – despite Georgia certifying the election for now-President Joe Biden, as well as numerous investigations by state officials and multiple court decisions upholding the result – he “won the election” in Georgia. Trump made clear that the purpose of his efforts was to have Raffensperger overturn the results of the election, telling him at one point, “I just want to find 11,780 votes” – one more than the 11,779 votes by which he lost the state to President Biden. In the call Trump [focused](#) his attention on the same place over and over again: Fulton County, with its 44.5% Black and majority minority [demographics](#). Trump [demanded](#) that Georgia election officials [scrutinize](#) votes in Fulton County for fraud and dishonesty in a failed attempt to suppress just enough votes to win the state.

Following the release of this phone call and transcript, CREW filed a complaint with the Fulton County District Attorney's Office alleging that Trump [violated](#) multiple laws including illegally conspiring to deprive the people of Georgia of their right to vote and have their votes counted, conspiring to intimidate Georgia election officials in an effort to falsify the count of votes in the presidential election, attempting to deprive or defraud the residents of Georgia of a fair election process by falsely tabulating ballots, and attempting to cause Georgia officials to engage in conduct that constitutes a crime under the state election code. A month later, in February 2021, the Fulton County District Attorney's office [launched](#) an investigation into Trump's attempt to influence Georgia's election. On January 24, 2022, the Superior Court of Fulton County in Georgia [granted](#) a request by the Fulton County district attorney to impanel a special grand jury for the DA's investigation into Trump's efforts to overturn the 2020 election in the state.

### **Republican Officials and Operatives Execute Fraudulent Elector Scheme**

Following the 2020 presidential election, Republican government officials and [operatives](#) in Georgia, Arizona, Michigan, Pennsylvania, Wisconsin, Nevada, and New Mexico sent fake documents to the National Archives claiming that Donald Trump won their state's electoral votes, despite state officials confirming that now-President Joe Biden had won in their state. These falsehoods are an extension of the [false claims](#) of voter [fraud](#) in cities with large BIPOC [communities](#) such as Atlanta, Detroit, Philadelphia, and Milwaukee. The individuals who sent these documents with false information to the National Archives were not [legitimate](#) electors, though many among them were pro-Trump Republican state government officials. Public reports indicate that Trump campaign aides [oversaw](#) their work to invalidate the votes in these states by fraudulently attempting to change the results of the election.

Although these Republican groups' efforts ultimately failed, as Congress did not validate the false results on January 6, 2021, [attorneys general](#) in multiple states are investigating this misconduct and considering state prosecutions as well as referrals to federal law enforcement. For example, Michigan attorney general, Dana Nessel [indicated](#) that her office was considering a referral to federal law enforcement of a potential conspiracy between Republican officials in several Republican states to overturn the 2020 election. She said, “I feel confident we have enough evidence to charge if we decide to pursue that. ... I haven't ruled it out. But for all the reasons I stated, I think that it's a better idea for the feds to pursue this.” In Arizona, a group called the “Sovereign Citizens of the Great State of Arizona” illegally used a fake Arizona state seal in their attempt to invalidate the election certification process, which Arizona Secretary of State Katie Hobbs [referred to](#) the [Arizona Office of Attorney General](#) for criminal investigation.

## **Conclusion**

American democracy has always been a work in progress. Central to that work has been the struggle for individuals who were excluded from our nation's founding to gain access to full democracy through the vote. Despite the Herculean efforts to secure the vote for women and non-white Americans and to pass the Voting Rights Act, every positive step forward has been met with resistance and backlash. That trend is evident in the violent insurrection attempt that occurred last year and the partisan opposition to voting rights in the halls of Congress and state capitals. The ongoing efforts to suppress the vote and dilute or diminish communities of color from accessing democracy are racist and unethical. These actions threaten our democracy and any public official complicit in these efforts betrays their oath to protect and defend our Constitution.

Thank you for the opportunity to submit this statement for the record. We welcome any opportunity to work with the committee to support reforms to expand access to voting, advance ethics in government, and promote accountability for those who are attacking our democracy.