



**Testimony of Jorge Mursuli  
Mi Familia Vota  
Congressional Black Caucus Hearing  
Washington, D.C.  
October 7, 2004**

Congressman Cummings, and distinguished members of the Congressional Black Caucus -- Thank you for the opportunity to testify today. I want to commend you for holding this hearing, and for focusing attention on critically important issues facing the nation during this election year. And, I want to salute the Caucus for taking leadership on this issue of voter empowerment throughout this year.

I am the Jorge Mursuli, National Director of Mi Familia Vota, a project of Center for Immigrant Democracy in collaboration with People For the American Way Foundation. I am also here with Elliot Mincburg, Legal Counsel of People For the American Way Foundation and I bring greetings on behalf of Ralph G. Neas, President of People For the American Way Foundation.

PFAW/F is a national nonprofit social justice organization with over 675,000 members and supporters, and with more than two decades of commitment to nonpartisan civic participation efforts. Since our founding by Norman Lear, Barbara Jordan, and other civic, religious, business and civil rights leaders, People For the American Way and its Foundation have urged Americans to take seriously their responsibilities as citizens. And we have sought to engage those Americans who have been traditionally underrepresented at the polls, including young voters and people of color.

I am honored to be here today, and especially honored to testify with my fellow colleagues Mary Francis Berry, Gracia Hillman and Doug Jones.

The right to vote is fundamental to the health of our democracy. There is no greater guarantee of freedom than the conduct of open, fair elections that express the will of the people, and maintain the public's trust and confidence.

Sadly, public confidence in our system of elections was shaken to the core during the 2000 elections and has yet to be fully restored. After the 2000 election debacle, we all knew that we must do everything we could as a government and a free people to ensure that in every future election, every voter has a chance to cast a vote that will be counted. No longer could we stand by and allow another 4 million voters to be disenfranchised.

Make no mistake. The threats to democracy are just as real as they were half a century ago. The bad old days of poll taxes and literacy tests are behind us, but new forms of intimidation and suppression have taken their place.

Most would think that with the enactment of the Voting Rights Act of 1965 and subsequent cases clarifying the citizens' Equal Protection rights to be free from intimidation and unnecessary barrier when trying to exercise their right to vote, that we wouldn't be here today discussing yet again how governmental agencies are engaged in activities that effectively suppress the vote. Yet, I am here today, specifically, to testify to the insidious tactics recently employed by the U.S. Department of Homeland Security and the City of Miami Beach to prevent the registration of newly naturalized citizens.

For the past --- months, I have been working as the National Director of Mi Familia Vota, a nonpartisan organization, focused on voter enfranchisement within the Hispanic community. For the past four month, we have been registering new voters through Florida, including newly naturalized citizens outside of the Miami Beach Convention Center during naturalization ceremonies. In our mind, what could be better than to provide these new citizens with the opportunity to fully participate in the democratic process of the country of which they just became full citizens.

Unfortunately, on August 10, the Department of Homeland Security and the City of Miami Beach attempted to bar us from the area we had used for months claiming among other reasons "security concerns". Further, the Department claimed that MFV was required to move because of problems that arose in Jacksonville earlier this summer when a group of Republican activist provided newly naturalized citizens with registration forms with the party affiliation already checked off as Republican. Although we respected the authority of the Department to do its job, it made no sense to punish MFV for the actions of others, especially with we were helping new citizens to exercise their most basic rights.

Still, before filing a suit, we attempted to resolve this conflict without the courts involvement by sending a letter to the Department of Homeland Security. Because the Department ignored our letter, we were forced to file suit in federal district court in Miami seeking an injunction that would prevent the Department and the City from continuing to bar us from the sidewalk in front of the Convention Center.

During the emergency hearing, it became even more clear to myself and our attorneys that the Department had no reasonable basis for prohibiting us from registering voters at the naturalization ceremonies. Shockingly enough, the Department claimed that groups like Mi Familia Vota were "too political" even though we are a **non-partisan voter registration program**, simply trying to enfranchise newly naturalized citizens. Furthermore, the Department and the City of Miami Beach even stated that a group like the **NAACP**, the oldest civil rights organization, is too "political" and therefore should be prohibited from registering new citizens. After the 2000 Presidential Election, and the lasting stain that it has placed on the state of Florida in the African American community, you would have thought Florida would have learned it's lesson.

Fortunately, the federal judge was not persuaded by the outlandish arguments posed by Homeland Security and the City of Miami, and issued a restraining order against the Department of Homeland Security and the City of Miami Beach preventing them from interfering with our

voter registration efforts. Sitting behind me today is Elliot Minberg, General Counsel of People For the American Way Foundation, who was our Co-counsel in this case and could talk to you about this in more detail if you should so choose.

This incident is indicative of the variety of voter suppression efforts voters are facing on all levels. This particular one is alarming because it was carried out by state and governmental agencies, but other efforts by organizations and individuals alike are just as sinister.

A recently released report by PFAWF with the NAACP outlines some of the most pernicious forms of voter suppression in America today – we’ve brought copies here today and you’ll find it on our web site. It’s called “The Long Shadow of Jim Crow,” and reading it will remind all of us once again, how far we still must go to protect peoples’ right to vote.

People For is in the process of updating yet again this report with the NAACP to reflect the host of problems that voters continue to encounter when attempting to exercise their right to vote. It outlines the problems we’ve faced in recent elections.

Armed guards in front of polling places, organized groups questioning elderly and minority voters’ right to vote; state officials denying voting rights to African American students, misleading flyers telling people they can’t vote if they haven’t paid their utility bill, or they have outstanding parking tickets; so-called “ballot integrity” programs designed to take minority voters off the rolls; and even federal agencies denying voting rights to new citizens. These are just some examples of voter intimidation problems occurring here in the year 2004, not in 1964.

Although Mi Familia Vota has been engaged in voter registration efforts, since the registration deadlines have now passed, we will not be shifting our focus to Election Protection efforts in the state of Florida. We know that registering people to vote and the protecting those newly registered voters at the polls go hand in hand.

Election Protection was designed in part as a response to the tactics I just discussed – as an attempt to stop them BEFORE they achieve their objective of keeping voters away from the polls.

Election Protection was founded by principle organizations like People For the American Way Foundation, Lawyers’ Committee for Civil Rights Under Law, the National Coalition on Black Civic Participation, the NAACP National Voter Fund, the NAACP Legal Defense and Education Fund, League of United Latin American Citizens, the Mexican American Legal Defense and Education Fund, America’s Families United, and the AFL-CIO.

Election Protection promotes civic participation by educating voters about their rights and helping them hold election officials accountable when those rights are violated. Election Protection is a national program that will be on the ground in more than 30 states nationwide, with materials for all 50 states in the continental U.S.

As part of the Election Program, we are distributing millions of copies of the state-specific “Voters’ Bill of Rights,” a voter education tool tailored to reflect the voting laws and

special circumstances of each state. The materials will be printed in English and Spanish (and Creole for distribution in Florida). There is also a toll-free voter assistance hotline, 1-866-OUR-VOTE, that is already up and running nationally, and provides voters with free legal advice and assistance, from now through Election Day and beyond.

The reason I have dedicated so much time to discussing the Election Protection program is because Election Protection is actively engaged in educating voters about their voting rights and protecting them from voter intimidation efforts like the ones discussed earlier.

While I cannot begin to list all of the various voter intimidation and suppression efforts taking place across the country that Election Protection is working to resolve, let me mention a few:

**Examples:**

- Florida – PFAWF has been attempting to resolve a recent controversy that has erupted in Orlando where the Florida Department of Law Enforcement has been sending armed plainclothes officers to question elderly black voters in their homes. This is an ongoing issue that the DOJ has finally agreed to investigate, but not without much persuasion from the civil rights community and members of Congress, some of which I believe are here today.
- Kentucky – In our Voter Intimidation, we also document serious reports that the County Republican chair plans to put challengers in predominately African American precincts – in effect questioning the voters’ right to vote. This is unfortunately a continuation of a plan executed in 2003 in the same state.
- Michigan – Statements like those from Representative John Pappageorge out of Troy, Michigan are still shocking. Rep. Pappageorge was quoted as saying “If we do not suppress the Detroit vote, we’re going to have a tough time in this election.” How can any legislator, voted into office by the people, even suggest such an atrocity to our democratic system!

**Provisional Ballots**

Additionally, through Election Protection, we will be monitoring states like Florida, where the State or County Election officials are attempting to enforce a very restrictive methodology by which provisional ballots could be counted.

How is it that we are still at a point in our history where Election Officials vociferously pursue strategies ultimately resulting in the disenfranchisement of voters. This well-intentioned statute in HAVA requiring Provisional ballots in all states was meant to enfranchise voters, not act as a deceptive tool ultimately resulting in increased voter disenfranchisement. Yet, this is exactly what is happening when states discount provisional ballots cast in the wrong polling place by otherwise properly registered voters.

Examples:

- Colorado - Emergency rules hearing was held to change the method by which provisional ballots are counted so they would not be counted unless cast in the right precinct.
- Florida – PFAWF is helping to prepare an amicus brief challenging the State law disqualifying provisional ballots cast in the wrong precinct even for statewide and national elections.
- Ohio –PFAWF is a party to the most recent lawsuit filed by a variety of civil rights groups challenging the Secretary of State Kenneth Blackwell’s methodology as well.

Nevertheless, while these situations are extremely unfortunate, let’s not be too pessimistic for fear that we unintentionally discourage people from voting. Thus, it is incumbent upon us all to educate voters about these issues so that we can avert potential significant voter disenfranchisement. This is why I appreciate the efforts by Congressional Black Caucus’ Members to lead this Congress in educating voters about their rights through hearing like this. Education is power and what better way to use that power than by exercising you’re right to vote.

Despite some positive efforts on Capitol Hill and in state and local governments, the coming election threatens continued problems and grave risks of disenfranchisement for millions of American voters. And as recent events in Florida, Ohio, Arizona and a number of other states have proven again, many of those problems will overwhelmingly disenfranchise poor and minority voters.

The whole sorry episode in the 2000 Election has left deep scars, and done great damage to public confidence, but we by highlighting the problems of voter intimidation and suppression and educating voters. Instances like our encounter with the US Department of Homeland Security is just one example of a particularly subtle and persistent form of voter suppression. It feeds into voter skepticism and the idea, “ Why should I vote.”

This is why programs like Election Protection and other voter participation efforts are critical to the maintaining a true democratic system in which all voters are active participants.

It is clear that as a nation, we must act to repair the damage that has been done to public trust, and restore voter confidence in the integrity of our elections. The challenges are unquestionably enormous, but so must be our resolve.

As the struggles of the civil rights era begin to fade from living memory, our dedication to protecting the fundamental right to vote and the conduct of free and fair elections must be renewed and must be strengthened.

Members, I began by saying that the faith of the American people in our election process has been shaken. As I have discussed, the continuing problems with voter suppression have done little to dispel those doubts. My testimony here today is an effort to present ways to restore confidence and encourage states to act in the best interests of voters.

Again, I commend the Congressional Black Caucus for drawing attention to these problems. Resolving them is one of the most important challenges facing our nation today. I am proud to say that Mi Familia Vota, People For the American Way Foundation and its partners in the nonpartisan Election Protection coalition intend to do everything we can to protect the rights of the voters of this nation, make sure that every voter has the opportunity to vote on this Election Day, and that every vote is counted.

Thank you for this opportunity to testify, and I will be happy to take your questions.