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**TESTIMONY OF HILARY O. SHELTON,  
DIRECTOR, NAACP WASHINGTON BUREAU &  
SENIOR VICE PRESIDENT FOR ADVOCACY AND POLICY  
BEFORE THE SELECT COMMITTEE ON  
ENERGY INDEPENDENCE & GLOBAL WARMING  
ON FRAUDULENT TACTICS BY CLEAN ENERGY OPPONENTS**

***October 29, 2009***

Good morning, and thank you Chairman Markey, Ranking Member Sensenbrenner, and other members of this committee for holding this important hearing and for asking me here to testify. The NAACP sincerely appreciates the efforts of this committee to investigate this attack on the very integrity of the democratically structured Congressional legislative process.

The NAACP takes attacks on our integrity very seriously as well. As such, we are outraged and appalled that anyone would fraudulently misrepresent our position, or that of anyone else, as we pursue legislative opportunities to make our Nation greater still.

More than one hundred years old, the NAACP today is our Nation's oldest, largest and most widely recognized grassroots-based civil rights organization. We currently have more than 2,200 membership units in every state in the country, as well as in Italy, Germany, Korea and Japan.

Mr. Chairman, members of the committee, as we understand it the facts are these: just prior to the debate and final vote in the House of Representatives on H.R. 2454, the *American Clean Energy and Security Act of 2009*, Congressman Tom Perriello, who represents the fifth congressional district of Virginia received a number of letters purportedly from representatives of the Charlottesville, VA., local branch of the NAACP in opposition to the legislation. These letters, which had the official NAACP seal at the top asked that Congressman Perriello take the concerns of minorities who live in his district into consideration and support substantive, weakening provisions to the legislation, provisions counter to the official position of the NAACP.

Subsequent to the vote on H.R. 2454, Congressman Perriello's office determined that at least five of these letters were forgeries; that they did not come from representatives of the NAACP Charlottesville branch, nor did they even represent the official policy position of the branch or the NAACP.

Further investigation of the situation appears to indicate that the letters were sent out by a consultant group that had been hired to represent opponents of the legislation. I look forward to hearing from the representative of the group, to find out what they know about the letters, when they knew it, what actions they have taken to mitigate the deception as well as what has been done to try to insure that this does not happen in the future.

Mr. Chairman, members of the committee, please allow me, for the record, to make one issue very clear: The NAACP supports many of the very important provisions in the *American Clean Energy and Security Act of 2009*, and we oppose amendments that would weaken these provisions.

Secondly, let me say that for more than 100 years the NAACP has fought for equal access to our political establishment and to the powers that make the laws under which we all must live. For too long, the NAACP represented people in this country whose voices were marginalized to say the least. That is why it is particularly offensive and infuriating to us when our name, and all that we have worked for, is used and distorted by others in an effort to misrepresent or deceive the United States Congress.

Mr. Chairman, members of this committee, it has been my honor and privilege to serve in the capacity of Director of the NAACP Washington Bureau for more than 12 years. During this time, I have endeavored to not only build on the reputation of my predecessors, Clarence Mitchell, Althea Simmons and Wade Henderson but to also dutifully and effectively represent the interests of NAACP members from across the Nation.

As you may all be aware, the NAACP is non-partisan: we do not support, endorse, or oppose individuals or political parties. We do, however, fiercely advocate our public policy agenda and legislative priorities. As such, it has been my pleasure to work with Members of Congress from across the ideological spectrum on a myriad of issues. In the course of my tenure with the NAACP, it has been my pleasure to work with Chairman Markey on issues that include clean-up after Hurricane Katrina, making the change to digital television, and closing the digital divide.

It has also been my pleasure to work closely with ranking member Sensenbrenner as he played a key role in the reauthorization of the Voting Rights Act and in his on-going battles for the rights of disabled Americans.

In all of these legislative battles, as well as in many others that we have fought and that we continue to fight, the political strength of the NAACP lay not only in our reputation, but also in the clarity and consistency of our message. To have somebody blatantly misrepresent the policy of the NAACP is therefore to threaten not only all that we have worked for over these past 100 years, but also to challenge our ability to continue to advocate effectively on behalf of our constituent members.

The NAACP is also concerned about the total disregard the perpetrators of these forgeries apparently have for the very structure that guides the NAACP and our policy making process. The NAACP arrives at policy decisions through a very democratic and inclusive process. Our members, from the youngest to the oldest from across the nation and beyond, are educated on issues and policies and then debate, potentially amend, and vote on resolutions at our annual convention in July and at the quarterly meetings of our National Board of Directors. By intentionally misrepresenting our policies, the perpetrators of the misinformation campaign are blatantly disregarding a procedure that we have been following for over 100 years, one that is written into our Constitution, and one that we take very seriously.

Furthermore, because the NAACP has been working for the rights of disenfranchised and underserved communities for so long, our counsel is often sought by other groups and organizations that represent similar groups of Americans. If our position can be easily manipulated and misrepresented, then it leads to confusion, weakens our position, and prevents our voices from being clearly heard on many crucial issues that affect our communities, our Nation and our world.

So the NAACP is looking forward to a thorough investigation by this committee into what happened and to see if we can determine the full extent of the damage as well as who was behind it. We will be especially interested in knowing if the practice of sending fraudulent letters, blatant forgeries, in an effort to give the appearance of a grassroots movement, is a common one.

We will be interested in learning what has been or is being done to correct the misinformation and to mitigate any damage the fraudulent campaign may have caused. When was the deception uncovered, before or after the June 26 vote on the legislation by the full House of Representatives? If the deception was discovered prior to the vote, was the information relayed to the affected parties in time to set the record straight: Did this fraudulence lead to any Member of Congress being misled to the point of casting a vote differently? I will say that from our experience, the first we heard of the misuse of our name was on July 31, more than a month after the vote took place, and only then from a media outlet. I am also curious to know if this type of fraud has been perpetrated using the name of the NAACP or any other organization or individual.

The NAACP is also interested in knowing what is being done to avoid future deceptions. What can be done to assure members of the House and Senate that they are receiving accurate information from the actual people who represent the groups they say they represent?

I understand that it is not the scope of this hearing to make recommendations on how to avoid future problems such as this, and frankly, I am not sure I have any solid responses as we are still trying to determine exactly what happened here. I do know, however, that we are very interested in working with the Committee and the rest of the Congress in finding a way to continue to encourage honest, democratically-based political activism by constituents and grassroots organizations, as well as other

stakeholders including industry and corporations, At the same time, we must strive to ensure that dishonest communications, which misrepresent the position of one or more of these groups, is stopped. I look forward to working with this committee as well as with other members of Congress to help make sure that communication to legislators are genuine, while at the same time being very respectful of each person's First Amendment right to free speech.

I again wish to thank the committee for this hearing and for all of your hard work on this matter. As I have said, the NAACP takes this situation very seriously, and is appalled that our name and our seal were misrepresented in this manner. I look forward to ensuring that all of the facts are brought to light, and that those responsible for the lies and forgeries are brought to justice. I also look forward to working with you, Chairman Markey, and other Members of Congress to ensure that future deceptions do not occur, deceptions that distract attention away from the crucial issues this committee has been mandated to address.

I thank you again and welcome any comments or questions you may have.