



**UNITED STATES
COMMISSION ON
CIVIL RIGHTS**

624 Ninth Street, N.W.
Washington, D.C. 20425

August 13, 2012

The Honorable Lamar Smith, Chair, House Judiciary Committee
The Honorable John Conyers, Jr., Ranking Member, House Judiciary Committee
The Honorable Patrick Leahy, Chair, Senate Judiciary Committee
The Honorable Chuck Grassley, Ranking Member, Senate Judiciary Committee

Re: Guam Political Status Plebiscite Voter Registration Requirements

Dear Chairmen and Ranking Members:

We write to you in our individual capacities as three members of the U.S. Commission on Civil Rights, and not on behalf of the Commission as a whole.¹

The Territory of Guam has adopted voter registration requirements for a plebiscite regarding the island's future political status. This plebiscite is intended to help determine Guam's future relationship to the United States, and is therefore of great interest and import to all residents of Guam.² Unfortunately, it appears that Guam has adopted voter registration requirements in regard to this plebiscite that violate the civil rights of numerous United States citizens who reside in the Territory. We believe that these voter registration requirements likely violate the Fifteenth Amendment and Section 2 of the Voting Rights Act of 1965.

3 G.C.A. § 20001 directs the Guam Election Commission to establish the "Guam Decolonization Registry" for purposes of registering those eligible to vote in the plebiscite. Only those registered with the Guam Decolonization Registry are eligible to vote in the Political Status Plebiscite.³ Only "Native Inhabitants of Guam" are eligible to register with the Guam Decolonization Registry.⁴ The definition of "Native Inhabitants of Guam" makes it difficult to avoid concluding that the purpose of the requirements for designation as a "Native Inhabitant of Guam" is to maximize representation of the Chamorro racial group while minimizing representation of other races.

¹ The U.S. Commission on Civil Rights is an independent, bipartisan agency that makes appraisals of the laws and policies of the Federal Government with respect to discrimination or denials of equal protection of the laws under the Constitution of the United States because of color, race, religion, sex, age, disability, or national origin, or in the administration of justice. 42 U.S.C. § 1975(a).

² 1 G.C.A. § 2105; 1 G.C.A. § 2109.

³ 3 G.C.A. §21000; 3 G.C.A. §21000.

⁴ 3 G.C.A. §21001.

Arnold Davis, a United States citizen who is a long-term resident of Guam, but who does not fall within the definition of “Native Inhabitants of Guam,” attempted to register with the Guam Decolonization Registry. Davis’ application was denied, and he sought legal relief. We would have expected Attorney General Holder and the Civil Rights Division of the Department of Justice to have conducted an investigation of this possible violation, especially after Mr. Davis’s earlier complaint to the Department of Justice.⁵ Regrettably, it appears that no action has been taken.

Given these pressing concerns, we have asked President Obama to let us know what Attorney General Eric Holder or the Department of Justice has done to investigate and stop this apparent Fifteenth Amendment violation. Our letter to the President is enclosed. We likewise respectfully request that you investigate what Attorney General Eric Holder or the Department of Justice has done in regard to this matter and notify us of what you discover.

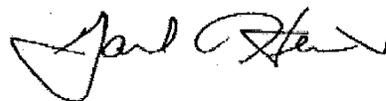
If you would like any further information or we can do anything else to assist you, please do not hesitate to ask. We can be reached through Commissioner Kirsanow’s special assistant, Carissa Mulder, at (202) 376-7626 or at cmulder@usccr.gov.

Thank you for your attention.

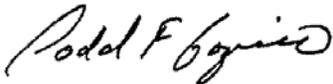
Sincerely,



Peter Kirsanow
Commissioner



Gail Heriot
Commissioner



Todd Gaziano
Commissioner

cc: President Barack Obama
Assistant Attorney General Thomas E. Perez

⁵ Hans A. von Spakovsky, *DOJ Ignores Guam Voting Discrimination*, NATIONAL REVIEW ONLINE (Nov. 22, 2011, 4:00 AM), <http://www.nationalreview.com/articles/283749/doj-ignores-guam-voting-discrimination-hans-von-spakovsky>.