

# PUBLIC INTEREST

— LEGAL FOUNDATION —

November 15, 2016

VIA FIRST CLASS MAIL and EMAIL (Chris.Herren@usdoj.gov)

Chris Herren, Chief  
Voting Section  
Civil Rights Division  
U.S. Department of Justice  
Room 7254 - NWB  
950 Pennsylvania Ave., N.W.  
Washington, DC 20530

Dear Chris:

I have not yet seen any news regarding the Voting Section's interest in the violent and vicious attack on Mr. David Wilcox. I am writing now to urge you to conduct a thorough investigation into the savage beating of David Wilcox in Chicago, Illinois. On November 9, 2016, Mr. Wilcox was captured on video being beaten and kicked by a mob of people. Wilcox told reporters that bystanders were shouting statements such as "**he voted Trump.**" Wilcox did indeed vote for President-Elect Donald Trump. The statements of those encouraging the beating would support an investigation under Section 11(b) of the Voting Rights Act, now codified at 52 U.S.C. Section 10307(b).

Though Mr. Wilcox said the perpetrators would not necessarily know with perfect certainty for whom he voted, Wilcox noted one of the perpetrators said "**it's one of them white boy Trump guys.**" The perpetrators thought, correctly, that Mr. Wilcox voted for President-Elect Donald Trump. Other voices are heard on video saying, "**beat his ass, he voted for Trump.**" The attackers follow these racially and politically motivated suggestions.

You can read news accounts and watch the video at these links:

"Video shows group viciously beating man in Chicago, yelling, 'You voted Trump' and 'Don't vote Trump'"

<https://www.washingtonpost.com/news/morning-mix/wp/2016/11/11/video-shows-group-beating-man-in-chicago-yelling-you-voted-trump-and-dont-vote-trump/>

"'What's Happening to America?' Trump Supporter Beaten by Chicago Mob Speaks Out"

<http://www.breitbart.com/big-government/2016/11/11/whats-happened-to-america-trump-supporter-beaten-by-chicago-mob-speaks-out/>

"Man Describes Brutal Attack; Crowd Yelled 'That's A White Boy Trump Supporter'":

<http://chicago.cbslocal.com/2016/11/11/man-describes-brutal-attack-crowd-yelled-thats-a-white-boy-trump-supporter/>

Video:

<https://www.youtube.com/watch?v=WnQNFbHs6w>

Section 11(b) of the Voting Rights Act of 1965, *recodified at* 52 U.S.C. § 10101, *et seq.*, (“VRA”) states that:

No person, whether acting under color of law or otherwise, **shall intimidate, threaten, or coerce**, or attempt to intimidate, threaten, or coerce **any person for voting** or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any persons to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under [other sections of the Voting Rights Act].

As you may know, numerous incidents have occurred over the last seven years in circumstances with striking similarities to the incident in Chicago. Yet the Civil Rights Division took no action whatsoever in these instances.

It is reasonable to conclude, and it is the view of many Americans, that the Department has different standards for enforcing the law depending on the nature of the victim and the nature of the perpetrators.<sup>1</sup> Your own experience in the Section over the years may speak to whether that perception is accurate. Your Section has an opportunity here to help resolve that question with the attack on Mr. Wilcox. If the Division does not vigorously pursue an investigation into whether the Voting Rights Act was violated – as vigorously as it pursued other recent high profile racially charged cases such as in Ferguson, Missouri – it raises profound questions about the Section’s suitability to fairly enforce the laws as currently composed.

The fact that the Chicago police are making an effort (failed so far) to locate the perpetrators is no excuse for inaction. Your Section need not defer to the fact local police are (unsuccessfully) trying to locate the perpetrators and their confederates. The federal interests in protecting voters and citizens from mob attacks based on their race, perceived vote or political affiliation greatly outweighs any local interest.

The Justice Department has an obligation to protect all Americans from racially motivated violence surrounding elections, not just some Americans. Your Section can help dispel the widespread perception that only *some* Americans are protected by the Department of Justice if you act in this case. If you don’t act, those perceptions will be reinforced.

Respectfully,



Christian Adams, President  
Public Interest Legal Foundation

---

<sup>1</sup> See, e.g., “Eric Holder’s racial double standards,” *New York Post*, <http://nypost.com/2014/07/14/eric-holders-racial-double-standards/>.