



U. S. ELECTION ASSISTANCE COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR
1225 New York Avenue, NW, Suite 1100
Washington, DC. 20005

May 13, 2007

Cravath, Swaine & Moore LLP
Worldwide Plaza
825 Eighth Avenue
New York, NE 10019

Attn: Rowan D. Wilson, Yani Indrajana Ho

Dear Mr. Wilson and Ms. Ho:

We have received your letter dated May 9, 2007, on behalf of your client, the Brennan Center for Justice ("Brennan Center"). We respectfully disagree with your client's perception that any EAC search of its records was unreasonable. While the Election Assistance Commission ("EAC") is a tiny agency and often struggles to meet the numerous requests it receives for agency documents, we take each request seriously and strive to be responsive. The EAC believes our search for records was conducted reasonably. Nevertheless, the EAC has decided that the best way to accommodate your request is to perform a new search for documents responsive to your request.

The EAC has no desire to withhold information properly releasable under FOIA. Based upon the distribution of your letter, it is important for our agency to demonstrate its existing and continued policy of responsiveness by going beyond what is required and re-conducting the search that you allege was unreasonable. The EAC will essentially start over with regard to this request. As you know, Ms. Jeannie Layson has been in contact with Ms. Wendy Weiser of the Brennan Center during the pendency of its FOIA request. In fact, Ms. Layson recently contacted Ms. Weiser to inform her that that she had found additional responsive information in the course of EAC records reviews for similar requests for information. Additionally, Ms. Layson and Ms. Weiser were working together to provide to the Brennan Center any desired e-mail attachments or similar documents which were identified but omitted in the original response. Due to the procedural and substantive confusion and disagreements surrounding this matter, we will terminate these piecemeal activities.

The EAC will conduct a second search and review of its documents. We will not charge the Brennan Center for the document collection, review or copying. For the purpose of clarity and to avoid any confusion, based upon the Brennan Center's previous requests it is seeking:

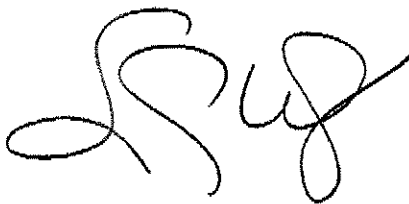
- All requests for proposals and contracts related to the Voter Identification and Voting Fraud and Intimidation Reports.
- All written and electronic communications concerning the Voter Identification and Voting Fraud and Intimidation Reports between the EAC and:
 - The Eagleton Institute of Politics,
 - The Moritz College of Law,
 - Tova Wang,
 - Job Serebrov,
 - Outside reviewers, and
 - Other outside individuals or entities.

For the purposes of our second search, we will consider the date of the request to be May 10, 2007. Therefore we will now include responsive documents created or received between November 13, 2006 and May 10, 2007.

As I am sure you understand, this review cannot be done hastily and is expected to exceed 20 working days. In addition to your request, we currently have several similar requests which have stretched our small staff beyond our normal capabilities. Because we want to be as thorough and as timely as possible, staff will work as quickly as we can to honor this request, including the addition of temporary help to assist us in this endeavor.

If you have any questions concerning this letter you may contact EAC Counsel (Ms. Juliet Hodgkins or Mr. Gavin Gilmour) at (202) 566-3100. Please inform us where to direct our future correspondence.

Sincerely,



Thomas Wilkey
Executive Director

Copy to:

Wendy R. Weiser
Myrna Perez
Brennan Center for Justice
161 Avenue of the Americas, 12th Floor
New York, NY 10013

VIA FACSIMILIE AND FIRST CLASS MAIL

Copies to:

Honorable Dianne Feinstein
Chairman, Committee on Rules and Administration
United States Senate
305 Russell Building
Washington, DC 20510

Honorable Robert F. Bennett
Ranking Member, Committee on Rules and Administration
United States House of Representatives
1309 Longworth Building
Washington, DC 20515

Honorable Vernon J. Ehlers
Ranking Member, Committee on House Administration
United States House of Representatives
1309 Longworth Building
Washington, DC 20515

Honorable Zoe Lofgren
Chair, House Administration Subcommittee on Elections
United States House of Representatives
102 Cannon House Office Building
Washington, DC 20515

Honorable Maurice D. Hinchey
United States House of Representatives
2431 Rayburn House Office Building
Washington, DC 20515

Honorable Carolyn B. Maloney
United States House of Representatives
2331 Rayburn House of Representatives
Washington, DC 20515

Honorable Jose E. Serrano
United States House of Representatives
2227 Rayburn House Office Building
Washington, DC 20515

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