



June 12, 2007

The Honorable Dianne Feinstein  
Chairwoman, Rules and Administration Committee  
United States Senate  
Washington, DC 20510

The Honorable Robert Bennett  
Ranking Member, Rules and Administration Committee  
United States Senate  
Washington, DC 20510

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TREASURER

**Re: Hans von Spakovsky FEC Confirmation**

Dear Chairwoman Feinstein and Ranking Member Bennett:

On behalf of the American Civil Liberties Union (ACLU), and its hundreds of thousands of members, activists, and fifty-three affiliates nationwide, we write to express our serious concerns regarding the nomination of Hans von Spakovsky to the Federal Elections Commission (FEC). Before his recess appointment to the FEC in January 2006, von Spakovsky spent four years as a political appointee in the front office of the Civil Rights Division in the Department of Justice (DOJ). The ACLU urges you to conduct a thorough and rigorous confirmation hearing tomorrow, in which he is required to answer for his record while at DOJ and to ensure that he can carry out the FEC's mandate to enforce and interpret some of the nation's elections laws with impartiality.

For the past four years, voting rights advocates have been fighting a host of new laws and actions that could unnecessarily disfranchise millions of Americans. These new barriers to voting have taken many forms, including onerous proof of citizenship and photo ID requirements and laws making voter registration more difficult. Hans Von Spakovsky has been one of the chief architects of this vote suppression strategy.

While employed at DOJ, von Spakovsky vigorously attempted to move the government toward restrictive voting rights policies that would make it more difficult for poor and minority citizens to exercise their right to vote. For example, according to recent news coverage, in the weeks before the November 2004 general election, von Spakovsky prevented a Civil Rights Division investigation into serious allegations of voter discrimination against Native Americans in Minnesota.

Furthermore, at the same time he was overseeing the DOJ office responsible for reviewing Georgia's voter ID law for compliance with the

Voting Rights Act, von Spakovsky also published an anonymous article in the Texas Review of Law & Politics that endorsed voter ID laws. Career prosecutors under von Spakovsky recommended that DOJ reject Georgia's law because it would disfranchise thousands of African Americans. Von Spakovsky overruled the career prosecutors and, by all accounts, drove the decision to approve the Georgia law. A federal judge later ruled that the Georgia law was unconstitutional and akin to a poll tax on minority voters.

The Georgia law review article is not the only inappropriate action von Spakovsky has taken to support repressive voter ID laws. The McClatchey News Service published emails revealing that von Spakovsky pressured Paul DeGregorio, the Republican Vice Chairman of the Election Assistance Commission (EAC) to drop objections to Arizona's voter ID law. The Arizona voter ID law blocked eligible voters without identification and proof of citizenship from casting ballots. Von Spakovsky even went so far as to urge DeGregorio to cancel a research contract that would evaluate whether voter ID laws disfranchised minority voters. The research contract went through, but von Spakovsky succeeded in recommending that DeGregorio not be reappointed to the EAC.

The ACLU is deeply concerned about von Spakovsky's record of systematic voter suppression and the possibility that he will continue endorsing discriminatory practices if confirmed to the FEC. We urge you to consider his record and to use the confirmation hearing to ensure von Spakovsky will be able to carry out the FEC's responsibility of ensuring fair elections.

If you have any questions please contact Deborah J. Vagins at (202) 715-0816.

Sincerely,



Caroline Fredrickson  
Director



Deborah J. Vagins  
Policy Counsel for Civil Rights and Civil Liberties

CC: Members of the Senate Rules and Administration Committee