

Congress of the United States
Washington, DC 20515

June 12, 2007

The Honorable Dianne Feinstein
Chair
Senate Rules and Administration Committee
331 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Robert Bennett
Ranking Member
Senate Rules and Administration Committee
431 Dirksen Building
Washington, DC 20510-4403

Dear Chairperson Feinstein and Ranking Member Bennett:

This Wednesday, your committee will hold nomination hearings on four candidates for the Federal Election Commission (FEC). In our opinion, the track record on voting suppression of one of the nominees, Mr. Hans von Spakovsky, could potentially turn back the clock on fifty years of progress.

Unfortunately, we are well-acquainted with Mr. von Spakovsky's legacy in our home state of Georgia, and we respectfully request that the Senate Rules and Administration Committee thoroughly assess Mr. von Spakovsky record. We believe that his actions in Georgia and at the federal level raise serious concerns about his ability and willingness to administer the nation's election laws fairly. In keeping with the commitment to ensure that our election laws are enforced evenhandedly and in the spirit of justice, we believe it is important to analyze his role in decisions that introduce new obstacles to registration and voting in our state and across the country.

Prior to his appointment to the FEC, Commissioner von Spakovsky served as Counsel to the Assistant Attorney General for Civil Rights at the Department of Justice, where we understand he played a central role in the Department's decision to approve a voter photo identification bill in Georgia, contrary to the advice of career DOJ attorneys, civil rights groups, and state legislators who saw it as a major burden on the voting rights of minorities, the poor, and the elderly.

Yet as serious as our objection to this decision is, ours is not merely a policy disagreement. In June 2005, Mr. von Spakovsky published an anonymous law review article supporting restrictive ID measures, after the Georgia bill was passed but before it was precleared under the Voting Rights Act. Then, in August, the Department precleared

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the law, just one day after receiving a 51-page memorandum from the career staff recommending an objection. Mr. von Spakovsky, it appears, had made up his mind before looking at the facts.

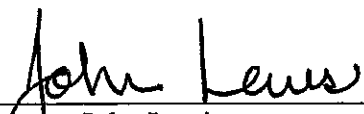
The havoc wreaked by Mr. von Spakovsky is not limited to our state. He worked behind the scenes at DOJ to approve the Texas mid-decade redistricting plan that the Supreme Court found violated the Voting Rights Act, and helped speed the approval of a voter identification law in Arizona, though career attorneys were concerned about its impact on Native American and Latino voters and thus wanted to request more information from the state. He has pushed for sweeping purges of the voter rolls, and undue limits on provisional ballots. Additionally, during his tenure as FEC commissioner, Mr. von Spakovsky has continued to advocate for strict photo identification requirements in other states.

Last year, the Senate moved unanimously to reauthorize expiring provisions of the Voting Rights Act, reaffirming our nation's commitment to defend against any denial or abridgement of the franchise for minority voters. Mr. von Spakovsky's record at DOJ strongly indicates a probability that he would use his position at the FEC to further his agenda to unfairly limit the political influence of not only racial minorities, individuals with disabilities and low income people, but all Americans.

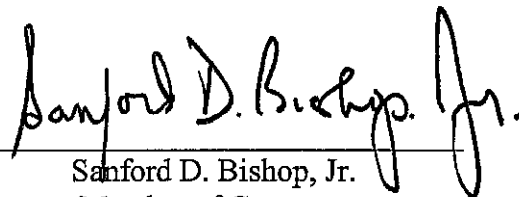
As an FEC Commissioner, Mr. von Spakovsky will be responsible for enforcing several of our nation's election laws, fairly and without partisan bias, and with due regard for the objective data. His past approach to voter identification laws, in particular, seems at odds with the temperament required for the FEC, and his continued service on the commission could jeopardize the efficacy of the laws he is called upon to enforce.

It is important that there be a deliberative assessment of whether he is fit to serve a six-year term on the FEC. We welcome the opportunity to speak with you further on this matter.

Sincerely,



John Lewis
Member of Congress

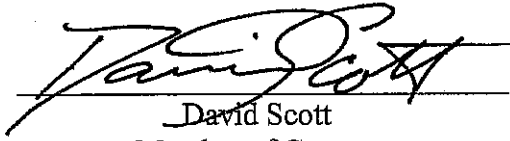


Sanford D. Bishop, Jr.
Member of Congress

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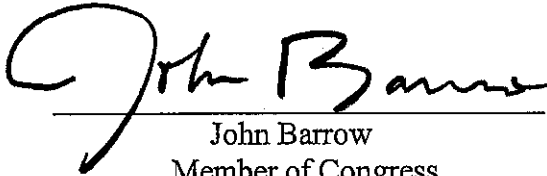
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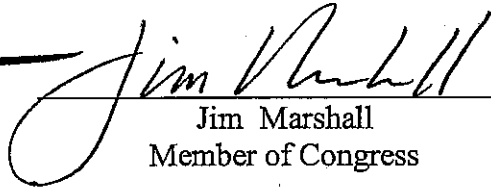
David Scott
Member of Congress



Henry C. "Hank" Johnson
Member of Congress



John Barrow
Member of Congress



Jim Marshall
Member of Congress