LAWYERS' COMMITTEE FOR
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UNDER LAW

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September 25, 2007

The Honorable Diane Feinstein
The Honorable Bob Bennett
Senate Committee on Rules and Administration
SR-305 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Feinstein and Ranking Member Bennett,

On behalf of the Lawyers' Committee for Civil Rights Under Law, I am writing to urge you to oppose the nomination of Hans von Spakovsky to the Federal Election Commission (FEC). As a former political appointee in the Department of Justice's Civil Rights Division, von Spakovsky was the architect of a plan to use the Department's power to enforce our nation's historic civil rights protections to further partisan goals. He is the last man standing in the politicization scandal that has rocked the Justice Department. Unlike his former colleagues who have left the government in shame because they put politics ahead of Americans' rights, von Spakovsky is on the cusp of being confirmed to the powerful post of FEC commissioner, where he will once again have control over enforcing voting protections. The right to vote is too important to allow him to have a continued role in protecting voters' rights.

Mr. von Spakovsky was not just a participant in the program to politicize civil rights enforcement; he orchestrated the role the Department's Voting Section played in that process. During his tenure with the Department of Justice, von Spakovsky was part of a conscious effort to purge the section of the talent and dedication of long time civil servants; punished career staff when they recommended a course of action that diverted from the political goals of the Department's political appointees; politicized substantive law enforcement decisions; and shifted the priorities of the section away from protecting the participatory rights of America's voters. His actions while at the Department raise serious questions about his professionalism and commitment to serve his country before his party.

During his time overseeing the Voting Section, enforcement of federal civil rights protections took a back seat to politics as the priorities of the section shifted to combating unfounded claims of voter fraud. As a result, the Department overruled decades of precedent by using the Department's authority pursuant to Section 5 of the Voting Rights Act to approve discriminatory legislation, such as the Georgia photo identification requirement, over the near unanimous objection of career staff. Mr. von Spakovsky's Voting Section turned the purpose of the statute the section enforces on its head by using it to remove voters from the process instead of ensuring all eligible voters may vote. This agenda appears to have a direct relationship with the prominent role voter fraud played in the developing story concerning the firing of at least eight United States Attorneys. In both the Civil Rights Division and United States Attorney program federal resources were committed to chasing the phantoms of election fraud. At the Voting Section, that program was coordinated by von Spakovsky.

The Lawyers' Committee is a non-partisan, not for profit legal organization formed at the direction of President John F. Kennedy to involve the private bar in the protection of civil rights. We pair the nation's largest *pro bono* network with expert staff to remedy civil rights violations across a broad spectrum of issues. Our cornerstone has been protecting the right to vote. For over four decades, the Lawyers' Committee has worked with the best and brightest to ensure all eligible voters can cast a ballot. To that end, we are fortunate to have Joe Rich, a former chief of the Voting Section, Bob Kengle, a former deputy chief at the Voting Section, and Jon Greenbaum, a former senior trial attorney at the Voting Section guiding our work on voting rights. Together they have nearly 70 years of experience in the Civil Rights Division. Each worked with von Spakovsky. As they have made clear in the attached letters signed with a number of their former colleagues, von Spakovsky frustrated the enforcement of the critical civil rights statutes that have protected Americans for a generation. The first hand exposure of these former DOJ officials to his priorities and management style has led to our strong opposition to his nomination.

The dedicated civil servants who authored the attached letters devoted their careers to ensuring all eligible Americans have an equal opportunity to cast a meaningful ballot. As the letters discuss, their noble pursuit was frustrated by von Spakovsky's control over the enforcement of voting rights protections. Hans von Spakovsky should join his colleagues and take responsibility for his role in the corruption of justice. He should not be rewarded with such a high profile position on the FEC.

Please contact Jonah Goldman, Director of the Lawyers' Committee's National Campaign for Fair Elections at 202.662.8321 if you have any questions.

Sincerely,

Barbara R. Arnwine, Esq.
Executive Director
Lawyers' Committee for Civil Rights Under Law

June 11, 2007

The Honorable Diane Feinstein
The Honorable Bob Bennett
Senate Committee on Rules and Administration
SR-305 Russell Senate Office Building
Washington, DC 20510

Dear Chairperson Feinstein and Ranking Member Bennett:

As former career professionals in the Voting Section of the Department of Justice's Civil Rights Division, we urge you to reject the nomination of Hans A.von Spakovsky to the Federal Election Commission (FEC). Prior to his current role as a recess appointee to the FEC, Mr. von Spakovsky oversaw the Voting Section as Voting Counsel to the Assistant Attorney General of the Civil Rights Division from early in 2003 until December, 2005. While he was at the Civil Rights Division, Mr. von Spakovsky played a major role in the implementation of practices which injected partisan political factors into decision-making on enforcement matters and into the hiring process, and included repeated efforts to intimidate career staff. Moreover, he was the point person for undermining the Civil Rights Division's mandate to protect voting rights. Foremost amongst his actions was his central decision-making role on a matter where he clearly should have recused himself. We urge you to use this confirmation process as an opportunity to thoroughly examine Mr. von Spakovsky's tenure at the Department of Justice and how his commitment to party over country will affect his decision making at the FEC.

Each of us came to the Voting Section to participate in the crucial role the Department of Justice plays in protecting all Americans without fear or favor. We saw this as an honor. Our commitment to public service was grounded in the belief that every American should have an equal opportunity to participate in our political process. We sought to work for the Civil Rights Division because of our patriotism, because of the honor of service and because of our commitment to the historic and heroic work of our predecessors in the Division. We are deeply disturbed that the tradition of fair and vigorous enforcement of this nation's civil rights laws and the reputation for expertise and professionalism at the Division and the Department has been tarnished by partisanship. Over the past five years, the priorities of the Voting Section have shifted from its historic mission to enforce the nation's civil rights laws without regard to politics, to pursuing an agenda which placed the highest priority on the partisan political goals of the political appointees who supervised the Section. We write to urge you not to reward one of the architects of that unprecedented and destructive change with another critical position enforcing our country's election laws.

During his three years in the front office of the Civil Rights Division, Mr. von Spakovsky assumed primary responsibility for the day to day operation of the Voting Section. His superiors gave him the authority to usurp many of the responsibilities of the career section chief and institute unprecedented policies that have led to a decimation of the Section and its historic and intellectual resources.

Personnel management decisions in place at the Justice Department were abandoned during Mr. von Spakovsky's tenure. Rules designed to shield the civil service from the political winds of changing administrations were cast aside in favor of a policy designed to permit partisanship to be inserted into career hiring decisions. In the past, career managers took primary responsibility for the hiring decisions of the civil service. During Mr. von Spakovsky's tenure that changed. Career managers were shut out of the process and criteria for hiring career staff shifted from rewarding legal capacity, experience and especially commitment to civil rights enforcement, to prioritizing a candidate's demonstrated fidelity to the partisan interests of the front office. Mr. von Spakovsky vigorously carried out this policy in hiring interviews he conducted.

Mr. von Spakovsky also corrupted the established personnel practices that led to a productive working environment within the Section. He demanded that the Chief of the Section alter performance evaluations for career professionals because of disagreements with the legal or factual conclusions of career attorneys and differences with the recommendations they made, not the skill and professionalism with which these attorneys did their jobs. Such changes in performance evaluations by political appointees had never occurred in the past. There is good reason for giving deference to the section chief's judgment in performance given that political appointees lack the day to day work experience that a section chief possesses in his work with all members of the section. Not surprisingly, actions such as these undermined Section morale.

The matter which best demonstrates Mr. von Spakovsky's inappropriate behavior was his supervision of the review of a Georgia voter ID law in the summer of 2005. It demonstrates the unprecedented intrusion of partisan political factors into decision-making, the cavalier treatment of established Section 5 precedent of the Voting Section, and the unwarranted and vindictive retaliation against Voting Section personnel who disagreed with him on this matter.

Prior to his coming to the Civil Rights Division in 2001, Mr. von Spakovsky had vigorously advocated the need to combat the specter of voter fraud through restrictive voter identification laws. In testimony before legislative bodies and in his writings, Mr. von Spakovsky premised his conclusions upon the notion – not well-supported at the time and now discredited – that there was a widespread problem with ineligible voters streaming into the polling place to influence election outcomes. In this same period, starting in 1994, the Voting Section had on several occasions reviewed other voter ID laws pursuant to its responsibility under § 5 of the Voting Rights Act, to determine if they had a negative impact on the ability of minority voters to participate in elections. Precedent from these prior reviews was clear: changes requiring voters to provide government-issued photo identification without permitting voters to attest to their identity if they did not have the required ID have a greater negative impact on minority voters than white voters because minority voters are less likely to have the government issued photo identification required by these laws.

Despite his firm position on voter ID laws and his partisan ties to his home state of Georgia, Mr. von Spakovsky refused to recuse himself from considering a Georgia law that would be the most restrictive voter identification law in the country. To the contrary, he was assigned the task of managing the process by the front office. Most disturbing was that just before the Department began consideration of the Georgia law, Mr. von Spakovsky published an article in a Texas law journal advocating for restrictive identification laws. Possibly understanding the impropriety of a government official taking a firm stand on an issue where he was likely to play a key role in the administrative decision concerning that issue, as the Department does under §5, Mr. von Spakovsky published the article under a pseudonym, calling himself "Publius." Such a situation -- where the position he espoused in an article that had just been published is directly related to the review of the Georgia voter ID law -- requires recusal from Section 5 review of this law, either by Mr. von Spakovsky or by his superiors. No such action was taken.

After careful review of the Georgia voter ID law, career staff responsible for the review came to a near unanimous decision, consistent with the precedent established by the Department in previous reviews; that the Georgia provision would negatively affect minority voting strength. Four of the five career professionals on the review team agreed. The one who did not had almost no experience in enforcing §5 and had been hired only weeks before the review began through the political hiring process described above. The recommendation to object to the law, detailed in a memo exceeding 50 pages was submitted on August 25, 2005. The next day, Georgia submitted corrected data on the number of individuals who had state-issued photo identification. The career review team was prevented by Mr. von Spakovsky from analyzing this data and incorporating the corrected data into their analysis. Instead, there was an unnecessary rush to judgment and the law was summarily precleared on August 26, the same day the corrected data had been submitted. Subsequent analysis of this data by a Georgia political scientist revealed that hundreds of thousands voters did not have the required voter ID, a disproportionate number of whom were poor, elderly and, most importantly for the Voting Rights Act review, minorities. In short, this data provided further evidentiary support for the objection recommended by professional staff. Subsequently, a federal court in Georgia found that this law violated the poll tax provision of the Constitution.

The personnel fallout after this review is at least as disturbing as the decision-making process. The Deputy Chief for the Section 5 unit who led the review, a 28 year Civil Rights Division attorney with nearly 20 years in the Voting Section, was involuntarily transferred to another job without explanation. The three other professionals who recommended an objection left the Voting Section after enduring criticism and retaliation, while the new attorney who was the only one not to recommend an objection received a cash award. The Section 5 unit suffered serious morale problems and it has lost at least four analysts with more than 25 years of experience, all of whom are African-

Americans. In addition, more than half of the Section's attorneys have left the Section since 2005.

Of equal concern, is an action taken against one of the career professionals on the Georgia review team, a career professional who had participated in the recommendation to object to the Georgia voter ID law. After the decision to preclear in August, 2005, this career employee filed a complaint with the Office of Professional Responsibility (OPR) directed at the inappropriate actions taken during this review, a complaint that remains pending, more than 18 months since it was filed. About three months later, Mr. von Spakovsky, along with Deputy Assistant Attorney General Bradley Schlozman, filed an OPR complaint against this employee. The complaint was based solely on emails that they had obtained from this person's records without his authorization. Such an intrusion of privacy is unprecedented in our experience and caused an increased level of distrust in the Voting Section. OPR recognized the frivolous nature of this complaint and dismissed it within three months.

Other decisions reflect similar inappropriate behavior. A unanimous recommendation to object to the unprecedented mid-decade redistricting plan that Texas submitted in 2003 by career staff was rejected by a team of political appointees that included Mr. von Spakovsky. Subsequently, the plan was found by the Supreme Court to violate the voting rights of Latino voters. Mr. von Spakovsky also rushed through a preclearance of the harsh and discriminatory Arizona voter ID and proof of citizenship law over the recommendation by career staff to seek more information to determine its impact on minority voters.

Mr. von Spakovsky's involvement concerning enforcement of the Help America Vote Act ("HAVA") raises several other concerns. He violated decades-long traditions and policies of the Voting Section against issuing advisory opinions by sending a series of letters to state officials which had the effect of forcing states to implement HAVA in an exceedingly restrictive way. For example, in one letter, he advocated for a policy keeping eligible citizens off the voter rolls for typos and other mistakes by election officials. When Washington State followed this advice, the rule was struck down by a federal court. He also usurped the role explicitly set forth in Section 214(a)(13) of HAVA that the Voting Section chief serve on the EAC Advisory Board, and exclusively handled, with no consultation of the section chief, all communications for the Division with the EAC. According to e-mails that have been made public, Mr. von Spakovsky tried to pressure the Chairman of the EAC, Paul deGregorio, to rescind a letter stating that Arizona had to accept federal voter registration forms that did not include documentary proof of citizenship. The emails further indicate that he proposed to the Chairman "trading" the EAC's rescinding the letter mentioned above for the Department's rescinding a letter the Civil Rights Division had earlier issued which improperly stated that Arizona voters had to provide identification before they could cast a provisional ballot. Mr. von Spakovsky's attempt to bargain over the interpretation of federal law was specifically criticized by Mr. DeGregorio.

Mr. von Spakovsky adopted the same restrictive approach during the 2004 election cycle when he once again broke with established Department policy by getting involved with contentious and partisan litigation on the eve of an election. Mr. von Spakovsky drafted legal briefs in lawsuits between the Republican and Democratic parties in three battleground states, Ohio, Michigan and Florida, just before the election, all in favor of the Republican party's position and included a position that the Civil Rights Division had never taken before with regards to statutes it enforces, i.e. that there was no private right of action to enforce HAVA. These briefs ran counter to the well-established practice of the Civil Rights Division not to inject itself into litigation or election monitoring on the eve of an election where it could be viewed as expressing a political preference or could have an impact on a political dispute. Moreover, in another case between the Republican and Democratic parties which concerned an Ohio law that permitted political parties to challenge voters, he drafted a letter that was sent to the court which supported the Republican Party position even though the law did not implicate any statute that the Department enforces.

He also changed the enforcement direction of the Department regarding the National Voter Registration Act. In 2005, Mr. von Spakovsky introduced a new initiative to target states to demand that they purge their voter lists under Section 8 of the Act. This was done despite a lack of evidence that registration deadwood leads to invalid votes and instead of enforcing important federal requirements that states make voter registration more accessible to all its citizens. Moreover, the cases filed seeking large-scale purges were in states with a tight partisan split – like Missouri and New Jersey – rather than states like Texas and Utah where the rolls were equally or more inflated. A federal court in Missouri recently threw out the Department of Justice's complaint because the Department insisted on suing on only the (Democratic) Secretary of State, instead of those counties with actual deadwood problems, also noting that there was no evidence of voter fraud or evidence that any voter was denied the right to vote.

Finally, Mr. von Spakovsky never appeared to understand that his role as a Department of Justice attorney was to represent the "United States of America." Instead, on several occasions he took actions indicating a stubborn view that the Department represented the Bush Administration, the Republican Party or the Assistant Attorney General. For example in the *Georgia v. Ashcroft* litigation, Mr. von Spakovsky took a leading role in the case on remand. In that case, he proposed that the United States sign a joint co-counsel agreement with the defendant-intervenors – who were represented by top lawyers for the Georgia Republican Party -- which would have been an unprecedented and inappropriate political action. At a court hearing in the case he insisted on sitting at counsel with the Voting Section's attorneys but refused to file a notice of appearance for the United States, bizarrely claiming that he represented the Assistant Attorney General. Such a gross misunderstanding of the proper role of a Department of Justice attorney typifies his shortcomings

We have served the Department through Democratic and Republican administrations, consistently seeking to protect minority voters regardless of the impact of these actions on the political parties. While the priorities of the front offices in these administrations change based on the results of the elections, never before has professionalism given way to partisanship. We may have disagreed with our front office colleagues, but those disagreements were given a forum and, between professionals, we found resolution. Mr. von Spakovsky and others in this front office violated the sacred rule that partisanship should be checked at the door of the Justice Department so the business of protecting the American people through federal law enforcement can be honored without prejudice. We urge you to explore Mr. von Spakovsky's role in this unfortunate endeavor and refuse to reward him for this dubious stewardship.

Sincerely,

Joseph D. Rich

Joseph D. Rich
Chief, Voting Section, 1999-2005
Civil Rights Division Attorney, 1968-2005

Robert A. Kengle
Deputy Chief, Voting Section, 1999-2005
Voting Section Attorney. 1984-2005

Jon Greenbaum
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David J. Becker
Senior Trial Attorney, Voting Section, 1998-2005

Bruce Adelson
Senior Trial Attorney, Voting Section, 2000-2005

Toby Moore
Political Geographer, Voting Section, 2000-2006

June 18, 2007

The Honorable Dianne Feinstein
The Honorable Bob Bennett
Senate Committee on Rules and Administration
SR-305 Russell Senate Office Building
Washington, DC 20510

Dear Chairperson Feinstein and Ranking Member Bennett:

We are writing as a follow up to our letter of June 11 in opposition to Mr. Hans von Spakovsky's nomination to the Federal Election Commission (FEC). We have reviewed his testimony to the Committee on June 13 and write to address some concerns we have over these statements.

Specifically, the following areas of testimony conflict with our recollection of events at the Voting Section in the Department of Justice's Civil Rights Division:

1. Mr. von Spakovsky attempted to paint a picture of his role in the Civil Rights Division's front office as one of a simple "middle manager," merely providing legal advice and recommendations to his superiors and then delivering the decisions made by his superiors to Voting Section staff.

   This characterization differs significantly from our experience with Mr. von Spakovsky. From the time he assumed the role of Counsel to the Assistant Attorney General in early 2003 until he left in December 2005, Mr. von Spakovsky spent virtually all of his time on voting matters and assumed the role of de facto Voting Section chief replacing the career Section Chief in most of his statutory responsibilities and traditional duties managing the Section. Mr. von Spakovsky assumed a position on the EAC Advisory Board that was reserved explicitly by Section 214(a)(13) of the Help America Vote Act (HAVA) for "the chief of the voting section . . . or the chief's designee" even though the Section chief had never designated Mr. von Spakovsky for this position; assigned staff to cases; took over lead review in a major case; rewrote performance evaluations of career staff; and set Section priorities. During our combined tenure at the Voting Section, we have never seen a political appointee exercise this level of control over the day to day operations of the Voting Section. Indeed, testimony previously given by Bradley Scholzman, Mr. von Spakovsky's supervisor, to the Senate Judiciary Committee reinforces the degree to which front office oversight of the Section was delegated to Mr. von Spakovsky.

Moreover, as discussed in our June 11 letter, he consistently used this position to promote partisan political interests through narrow interpretations of HAVA, refocusing the Department's National Voter Registration Act (NVRA) enforcement activities, refusing to allow investigations under the Voting Rights Act based on discrimination in African-American and Native American communities, and redirecting limited resources to a partisan search for unsubstantiated allegations of voter fraud.

2. Mr. von Spakovsky conceded that he wrote an April 15, 2005 letter to Arizona, which opined that the state did not need to provide provisional ballots to voters who did not present identification when voting. This was a reversal of the Division's previous interpretation, and in direct conflict with the letter and spirit of HAVA. In fact, five months later Mr. von Spakovsky admitted drafting another letter reversing this position after a disagreement with the Election Assistance Commission that led one of the EAC's commissioners to protest that Mr. von Spakovsky was unnecessarily pressuring him to change his position on the issue.

In addition, contrary to his testimony, Mr. von Spakovsky did not seek information or input from career staff when he wrote the April 15, 2005 letter. After the April 15 letter was received by Arizona, an Arizona government official contacted Voting Section career staff seeking more information about the Department's new position on provisional balloting. Neither the attorney who fielded the call nor the Section chief had ever seen nor heard of the letter. The Section chief sent an email to other staff attorneys about the letter and none had seen nor heard of it. The Section chief called then-Assistant Attorney General Alex Acosta for an explanation of why and under what process the policy of the Section on provisional ballots had changed. Mr. Acosta indicated to the Section chief that he had never seen this letter.

According to the letter's signature, the policy was approved by former Principal Deputy Assistant Attorney General Sheldon Bradshaw. Curiously, however, Mr. Bradshaw left the Division approximately five days before the letter was sent.

3. Mr. von Spakovsky testified that he received approval from appropriate Department officials before he published *Securing the Integrity of American Elections: The Need for Change*, 9 Tex. Rev. Law & Pol. 277. The article, which advocated on behalf of restrictive

voter identification provisions, was published at about the same time that Mr. von Spakovsky began his active role in the Section's consideration of a similarly restrictive measure in Georgia.

Despite Mr. von Spakovsky's implication that publication of the article was pursuant to Department of Justice policy, our experience over decades and multiple administrations was decidedly different. Traditional practice when officials at the Department write scholarly articles is for those articles to be signed by the author and to include a disclaimer that the views in the article do not necessarily reflect the views of the Department.

It is clear from his explicit views in the article that his mind was made up about identification provisions and how they relate to voting, yet neither he nor his superiors (whom he testified were aware of the publication of the article), took steps to recuse him from consideration of the proposed Georgia law. Moreover, the views expressed in the article were consistent with his unwillingness to consider evidence that weighed against preclearance in the Georgia submission.

The role of the Department in reviewing voting laws submitted to the Attorney General under Section 5 of the Voting Rights Act is the same as the District Court of the District of Columbia when a jurisdiction decides to file a Section 5 declaratory judgment action. See 42 U.S.C. § 1973c. Indeed, a decision to preclear cannot be reviewed by a court. Participating in the preclearance process while serving as a vigorous advocate for provisions like this across the country created an insurmountable conflict of interest.

4. We are also concerned with Mr. von Spakovsky's characterization of the shifting enforcement priority established under the voter purge program he directed in 2005 During our tenure, Mr. von Spakovsky rejected requests from several voting rights advocacy groups to enforce that part of the National Voter Registration Act (NVRA) which requires social service agencies to provide voter registration opportunities, despite the fact that there is substantial evidence that registration at social service agencies has plummeted during this administration. This type of activity expands the right to vote, especially for minorities and the disabled, and yet Mr. von Spakovsky placed no resources into this area and no cases were filed. Instead, Mr. von Spakovsky shifted the Voting Section's NVRA enforcement priorities to enforcement of the voter purge provisions of the law. This was problematic as the pressure on states to purge their voter rolls came at the same time as state election officials were implementing new, often unprecedented statewide voter registration databases. Moreover, in at least two instances (Washington and

Missouri), the positions he pushed encouraging voter purges were rejected by federal district courts.

5. Mr. von Spakovsky testified he had very little memory of the 2004 incident involving a directive of the Minnesota Secretary of State regarding voter identification for Native American voters who do not live on reservations. It is likely that the directive would have disenfranchised thousands of Native American voters had a federal court not found it discriminatory.

Mr. von Spakovsky testified that he failed to recollect this particular matter because it was one of a deluge of requests that flooded the Voting Section in the run up to the election. This matter, however, received unique treatment from Mr. von Spakovsky and his colleagues in the front office. On no other occasion was the Section Chief told that a matter was especially "sensitive" nor that each step of an investigation had to be approved by Mr. von Spakovsky or by Mr. Schlozman.

Furthermore, Mr. von Spakovsky testified that he thought it made sense to restrict the Section's contact on the matter to the Secretary of State rather than the Hennepin or Ramsey County Boards of Elections who registered the complaint with the U.S. Attorney's office. According to his testimony, Mr. von Spakovsky restricted the contact out of an interest in expediency, because the Secretary of State issued the directive. However, at the time, Mr. von Spakovsky communicated to the Section chief that it would be better to call the Secretary of State to avoid a leak. It is important to note that interviewing Hennepin and/or Ramsey county election officials was necessary to find what they had actually been told by the Secretary of State.

6. Mr. von Spakovsky defended his enforcement record by alluding to two Section 2 cases that had been approved internally but were never filed in court because of a subsequent change in circumstances. It is inconsistent that Mr. von Spakovsky discussed internal decision-making when testifying about these cases while at the same time asserting that nebulous claims of privilege prevented him from answering the Committee's questions concerning his recommendations in the Georgia and Texas matters. More importantly, he did not mention the several matters in which Voting Section staff recommended lawsuits be brought on behalf of African-American and other minority voters (each with a strong evidentiary record requiring action) that the front office either refused to approve, or on which they unnecessarily delayed action for as long as a year and a half. Nor did he mention an important policy change

concerning approval of Section 2 investigations. Until Mr. von Spakovsky came to the front office, the Section chief had authority to approve such investigations, but at about the same time as his arrival in the front office in 2003, the policy was changed, requiring Mr. von Spakovsky's approval for all such investigations. This led to far fewer investigations and occasions when requests to merely begin an investigation into a matter were rejected.

Finally, we want to respond to a suggestion made during the hearing that the signatories of the June 11 letter had their own partisan interests in mind in writing to the Committee and advocating for the defeat of Mr. von Spakovsky's nomination. As we have mentioned before, we served proudly through Republican administrations and Democratic administrations. We welcome discussion about ideas and relish intelligent debate about principles, but as civil servants we committed ourselves to enforcing federal civil rights laws without fear or favor. We were required to be apolitical while protecting a political process. We relished that challenge. Our decisions sometimes disappointed Democrats and sometimes disappointed Republicans, but always honored our belief that it is the *voters* who are protected by the statutes the Section enforces, not the political parties. We oppose Mr. von Spakovsky's nomination because he made it impossible for us to carry out that essential mission in our service at the Voting Section.

We appreciate the Committee's commitment to uncovering the role that Mr. von Spakovsky played in the changing priorities and policies within the Voting Section and in the politicization of the Civil Rights Division. We are committed to preserving the legacy, potential and commitment of the career civil servants who have dedicated their lives to protecting our nation's Civil Rights. Unfortunately, the changes that Mr. von Spakovsky oversaw at the Department threaten that tradition. We look forward to your continued investigation into his role in initiating that change.

Sincerely,

Joseph D. Rich

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