



October 3, 2007

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On behalf of the Lawyers' Committee for Civil Rights Under Law, I am writing to urge you to vote against Hans von Spakovsky when his nomination to the Federal Election Commission (FEC) is considered on the Senate floor. 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. As the political arm of the Civil Rights Division recovers from this historic mismanagement with the departure of almost all the key players, von Spakovsky is the last man standing. Unlike his former colleagues who have left the Department in shame because they put politics ahead of Americans' most fundamental 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. During his stewardship of our most fundamental right – the right to vote – von Spakovsky has proved untrustworthy in handling that solemn duty. It is that track record that necessitates a vote against him, sending a clear message that our right to vote is more important than partisan squabbling; it is the foundation of our democratic structure.

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, together with a number of their former career colleagues at DOJ, in two letters sent to the Senate Rules Committee, von Spakovsky frustrated the enforcement of the critical civil rights statutes that have protected Americans for a generation. The letters are available at <http://ncffe.org/page/-/Letter1.pdf> and <http://ncffe.org/page/-/Letter2.pdf>. The first hand exposure of these former DOJ officials to von Spakovsky's priorities and management style has led to our strong opposition to his nomination.

The dedicated civil servants who authored the 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 be held responsible for his role in the corruption of justice. He should not be rewarded with 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