

REPUBLICAN NATIONAL LAWYERS ASSOCIATION

September 24, 2010



The Honorable Patrick Leahy
Chairman
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Jeff Sessions
Ranking Member
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Conyers, Jr.
Chairman
U.S. House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable Lamar Smith
Ranking Member
U.S. House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

Delivered via Fax

Dear Senators Leahy and Sessions and Representatives Conyers and Smith:

On behalf of the Republican National Lawyers Association (RNLA), we are writing to demand that you investigate the Voting Section of the Civil Rights Division of the Department of Justice. There have been many serious and credible allegations against the Voting Section that call into doubt the Justice Department's ability to enforce federal law relating to elections. These allegations include:

- Refusal to enforce the law in a race-neutral fashion.
- Refusal to enforce the provision of Section 8 of the National Voting Rights Act, which requires states to remove ineligible voters from the voter rolls.
- The dismissal of a voter intimidation case involving the actions of members of the New Black Panther Party outside a Philadelphia polling place on Election Day in 2008.
- The inexplicable transfer of then-Voting Section Chief Christopher Coates to the U.S. Attorney's Office in South Carolina.

These allegations are just the tip of the iceberg. It is also important to note that all allegations have been made by career lawyers of the Justice Department, not political appointees. Most recently, Christopher Coates, former chief of the Justice Department's Voting Section, testified before the U.S. Commission on Civil Rights:

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The statutory language of Section 5 [of the Voting Rights Act] speaks in terms of protecting all voters from racial discrimination. . . . I believe that present management in both the CRD [Civil Rights Division] and the Voting Section are opposed to race-neutral enforcement of Section 5 and continue to enforce those provisions in a racially selective manner.

I believe that federal prosecutors, criminal and civil, have prosecutorial discretion in deciding how we are going to use our resources, but I do not think that discretion goes so far as to allow us to decide not to do *any* enforcement of a law enacted by Congress, because political appointees determine they are not interested in enforcing that law. That is an abuse of prosecutorial discretion.

The RNLA calls upon the Judiciary Committee of both chambers of Congress to immediately investigate these allegations. The integrity of our 2010 elections is at stake.

Sincerely,



David A. Norcross
Chair, RNLA



Heather S. Heidelbaugh
First Vice-President, RNLA