

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

December 5, 2005

The Honorable Alberto Gonzales
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Gonzales:

We are writing to follow up on Chairman Specter's letter to you dated November 22, 2005 requesting a report to the Senate Judiciary Committee regarding the current priorities of the Civil Rights Division of the Department of Justice ("DOJ"). We want to re-emphasize the depth of concern regarding trends away from vigorous civil rights enforcement in light of recent news reports. The information reported in the press and available to the Congress shows an unacceptable decline in the number of traditional civil rights cases filed by the Division under this Administration, particularly in the important area of voting rights; a disturbing attrition of experienced attorneys from the Division, and an increasing diversion of the Division's resources to non-civil rights issues, such as immigration enforcement.

We are particularly concerned about reports that the conclusions of experienced career DOJ attorneys have been overruled by DOJ officials for what appear to have been politically motivated reasons. *The Washington Post* recently reported that the Division overruled the recommendation of career DOJ attorneys by approving a Texas congressional redistricting plan that the career attorneys believed would discriminate based on race and ethnicity. As reported in the December 2, 2005 article by Dan Eggen, "Justice Staff Saw Texas Districting As Illegal: Voting Rights Finding On Map Pushed by DeLay Was Overruled," six lawyers and two analysts in DOJ's Civil Rights Division unanimously concluded that the Texas redistricting plan violated the Voting Rights Act of 1965 because it eliminated several districts where minorities had substantial voting power and illegally diluted black and Hispanic voting power. However, according to the article, political appointees overruled their recommendation that the redistricting plan not be approved, and the approved redistricting plan resulted in significant Republican political gains.

This new revelation follows on other recent reports of political appointees overruling the conclusions of career employees regarding the pre-clearance provisions of the Voting Rights Act. Earlier this month, *The Washington Post* reported that Civil Rights Division officials overruled a 5-1 career staff recommendation against approving a Georgia voter photo identification requirement, which disadvantaged African Americans and other voters. As you know, the Georgia law, which *The New York Times* has called "a national disgrace," was recently enjoined by a federal court.

These disclosures highlight the urgent need for your report and for increased oversight of the Civil Rights Division. We request that your report include an explanation of the decision-making process which led to the approval of the Texas redistricting plan and the Georgia voter ID requirements, in addition to an explanation of the decline in civil rights enforcement and the increase in attorney attrition. The vital work of the Civil Rights Division demands that the civil rights enforcement decisions made by experienced career attorneys not be curtailed for political reasons.

Thank you for your prompt response to this request regarding the protections of the Voting Rights Act, which guarantee that no individuals or groups are without a voice in this democracy.

Sincerely,

Patrick Leahy

Barack Obama

Chris Dodd

Carl Levin

John Lewis