

# United States Senate

WASHINGTON, DC 20510

November 30, 2005

The Honorable Alberto Gonzales  
United States Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Attorney General Gonzales:

We are writing to express our serious concerns about the decision of the Department of Justice (DOJ) to “pre-clear” the recently enacted Georgia voting law pursuant to the requirements of Section 5 of the Voting Rights Act of 1965.

As you know, despite DOJ’s pre-clearance of the law, a federal district judge temporarily stayed the Georgia law on the grounds that it would disproportionately affect minority voters and likely violate the Voting Rights Act and the U.S. Constitution. The United States Court of Appeals for the Eleventh Circuit has upheld that decision.

The Department has attempted to characterize its pre-clearance decision as a joint conclusion by both career and political officials. According to an August 25, 2005, memorandum released by the *Washington Post*, however, four of the five career staffers charged with analyzing the Georgia law recommended that DOJ oppose pre-clearance of the program. These attorneys argued that the State of Georgia failed to prove, as required under the Voting Rights Act, that the measure would not unduly hinder the ability of minority voters to cast their ballots.

Despite the well-reasoned recommendation of these career employees, the DOJ disregarded the employees’ recommendation and pre-cleared the law the next day.


The same *Washington Post* story indicates that some former and current DOJ employees have claimed that political appointees also overruled career lawyers in approving redistricting measures in Texas and Mississippi. We understand that DOJ spokesperson, Eric Holland has dismissed claims that the August 25<sup>th</sup> memo is of any significance, claiming, “The early draft . . . does not represent the quality of factual and legal analysis that the Justice Department expects in a final product.” Nonetheless, we are concerned that the Georgia pre-clearance decision is just the latest example of a trend within DOJ in which political appointees have ignored the decisions and recommendations of career attorneys in voting rights cases.

In order for Congress to conduct oversight of DOJ's enforcement powers with respect to voting rights and election law, we request that you provide us with all DOJ documents regarding, discussing or otherwise relevant to the pre-clearance of the Georgia law, including any documents discussing the decision to disregard the August 25th memorandum. We look forward to your response within the next two weeks.

Sincerely,



Barack Obama  
United States Senator



Christopher J. Dodd  
United States Senator