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ONE HUNDRED TENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

September 18, 2008

The Honorable Michael B. Mukasey
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Attorney General:

We are deeply troubled by recent media reports that the Chairman of the Republican Party in Macomb County, James Carabelli, is planning to use a list of foreclosed homes as a basis to challenge voters and block them from participating in the November 2008 election.¹ We are writing to request that the Department of Justice launch a full scale investigation into the matter. At a time when the country is facing a major economic crisis, with home prices continuing to spiral downward, rising unemployment, soaring gas and food prices, plummeting stock values, and increasing unemployment, it is inconceivable how anyone could exploit the misfortune of citizens who have lost their homes for political gain.

Given the number of voting rights complaints filed after the 2004 election, it is critical that the Department take proactive steps now to prevent voting rights violations in November. Voter suppression tactics similar to the plan to challenge voters based on the foreclosure status of their homes remain a serious concern for the upcoming election.

A Center for Responsible Lending report estimates that the highest default rates are expected to be in cities in California, Nevada, Michigan, New Jersey and Washington, D.C. The report projects that 10 percent of African-American borrowers and 8 percent of Hispanic borrowers will be affected by foreclosure. In contrast, only 4 percent of white borrowers are expected to be affected. The Macomb County party's plan to challenge voters who have defaulted on their home loans would disproportionately affect African Americans who are overwhelmingly Democratic voters. The plan, therefore, should be investigated as a possible violation of the Voting Rights Act.

¹ Eartha Jane Mezler, *Lose Your House, Lose Your Vote*, Michigan Messenger, Sept. 10, 2008.

While Mr. Carabelli now disputes reports of his plan to use foreclosure lists to challenge the residency of voters, other Republican officials in Michigan who described this same strategy have not. Denise Graves, Party Chair for Republicans in Genessee County and Kelly Harrigan, Deputy Director of the GOP's voter programs, also articulated comprehensive voter challenge campaigns.² Outside of Michigan, a Republican official from Franklin County, Ohio, Doug Preisse, was quoted in a recent article making consistent representations about the party's intent to block voters based on home foreclosures.³

Notably, in 1981 a federal court condemned the Republican National Committee (RNC) for using vote caging tactics similar to the foreclosure list plan. Since the federal court's decision in 1981 in New Jersey, the RNC has been under a federal consent decree to refrain from engaging in this practice.⁴ It is important to note that the Department, under President George H.W. Bush filed suit in 1990 to stop a vote caging effort by those associated with Senator Jesse Helms' re-election campaign.⁵

Please keep us informed regarding any development surrounding this requested investigation. Specifically, we would like to know what actions the Department intends to take to ensure that Americans will not lose their right to vote because their homes have gone into foreclosure. During an oversight hearing on the Federal Bureau of Investigation on September 16th, Members of the Judiciary Committee raised concerns about vote caging efforts in Michigan and requested that Director Mueller look into the foreclosure issue. Director Mueller explained that he would need to check with the Department and would work to get a response to Chairman Conyers. By way of this letter, we are requesting that you respond directly to the Committee about the agency's plans to address this matter. Responses and questions should be directed to the Judiciary Committee office, 2138 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-3951; fax: 202-225-7680). We thank you in advance for your cooperation in this important matter.

² *Id.*

³ *Id.*

⁴ *Democratic National Committee v. Republican National Committee*, CA No.81-3876 (D.N.J., entered Nov. 1, 1982).

⁵ *Oversight Hearing on the Department of Justice Efforts to Combat Voter Suppression Before the H. Subcomm. on the Constitution, Civil Rights, and Civil Liberties of the H. Comm. On the Judiciary*, 110th Cong. (2008) (statement of J. Gerald Hebert, Executive Director & Director of Litigation, The Campaign Legal Center).

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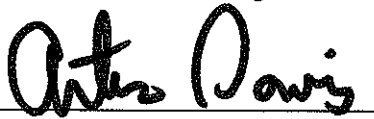
Sincerely,



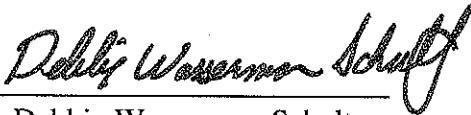
John Conyers,
Chairman



Keith Ellison
Member of Congress



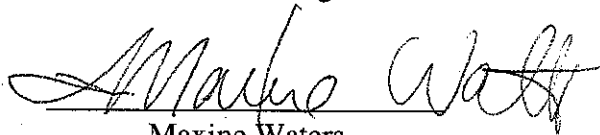
Artur Davis
Member of Congress



Debbie Wasserman Schultz
Member of Congress



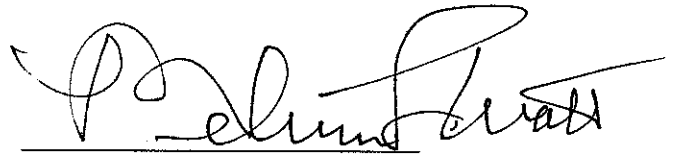
Steve Cohen
Member of Congress



Maxine Waters
Member of Congress



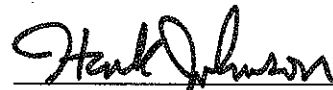
Robert Wexler
Member of Congress



Melvin L. Watt
Member of Congress



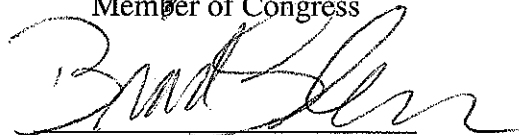
Betty Sutton
Member of Congress



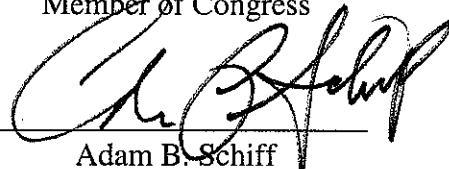
Henry C. "Hank" Johnson, Jr.
Member of Congress



Tammy Baldwin
Member of Congress



Brad Sherman
Member of Congress

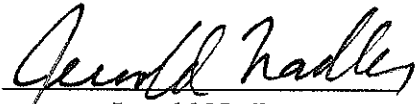


Adam B. Schiff
Member of Congress

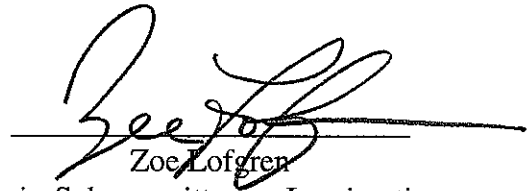


William D. Delahunt
Member of Congress

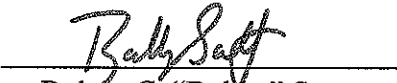
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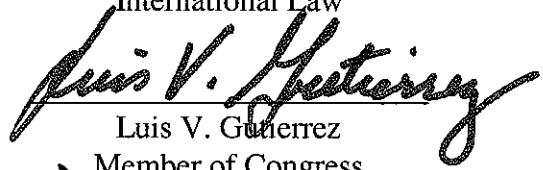
Jerrold Nadler
Chairman, Subcommittee on the
Constitution, Civil Rights, and Civil
Liberties



Zoe Lofgren
Chair, Subcommittee on Immigration,
Citizenship, Refugees, Border Security, and
International Law



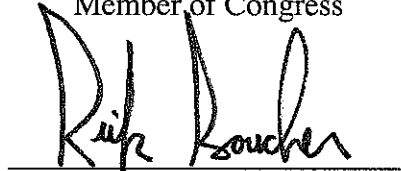
Robert C. "Bobby" Scott
Chairman, Subcommittee on Crime,
Terrorism, and Homeland Security



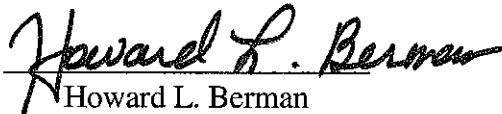
Luis V. Gutierrez
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Linda T. Sánchez
Chair, Subcommittee on Commercial and
Administrative Law



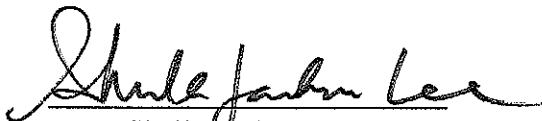
Rick Boucher
Member of Congress



Howard L. Berman
Chair, Subcommittee on Courts, the
Internet, and Intellectual Property



Anthony D. Weiner
Member of Congress



Sheila Jackson Lee
Member of Congress

cc: The Honorable Lamar Smith