

**Responses to Senator Charles E. Schumer
Questions for Grace Chung Becker
Nominee for Assistant Attorney General for Civil Rights**

1. During your confirmation hearing, you declined to answer several questions on the ground that the subject of the question was relevant to an ongoing joint investigation by the Inspector General and the Office of Professional Responsibility. However, those investigative offices subsequently informed my staff and other Judiciary Committee staff members that, as a matter of practice, they do not instruct Justice Department personnel not to discuss ongoing investigations. In light of this position taken by the Inspector General and Office of Professional Responsibility, will you now provide responses to the questions you declined to answer at your hearing?

Answer: Yes. My experience as a career attorney working for the Democratically appointed Assistant Secretary of the Army (Manpower and Reserve Affairs), who supervised the Army Inspector General's review of allegations of a civilian massacre during the Korean War, was that we did not comment on the ongoing Inspector General's investigation.

I have great respect for the integrity of the OPR/OIG investigation and have cooperated fully. Before my nominations hearing, I had not spoken directly to the Office of Professional Responsibility or the Office of the Inspector General. However, I had read a document request from OPR/OIG that was sent to my predecessor, which provided as follows: "Please do not disclose the nature of this request beyond that reasonably necessary to fulfill the request. Any such disclosure could impede the investigation and thereby interfere with the enforcement of law." Since the hearing, OPR/OIG has informed me that I may respond to the questions posed at the hearing.

With respect to the questions posed at the hearing, I am generally familiar with the allegation about hiring prior to my tenure at the Division; however, I do not have first-hand knowledge of instances where partisan affiliation was used as a factor in the hiring of career staff since I have been working in the Division.

Ballot Integrity

2. In 2002, the Justice Department launched a new Ballot Access and Voting Integrity Initiative. Since that initiative started, how many in-person voter fraud cases has DOJ investigated and prosecuted? For the purpose of my questions, "in-person fraud" includes instances where an individual allegedly committed election fraud by presenting himself at a polling place and impersonating a registered voter.

Answer: It is my understanding that the Criminal Division does not keep statistical information categorized in precisely the way that your question asks. It is my understanding that the Criminal Division's jurisdiction includes many varieties of

offenses under the heading of voter fraud, including matters where the voter falsely registered but never voted, matters where the voter was not entitled to vote under applicable State laws (e.g., felons, non-citizens), matters where the voter registered and voted in more than one place, matters where the voter was misled into voting by misinformed election officials or registration agents, and matters where election officials themselves were complicit in the casting of fraudulent ballots at the polls (i.e., “ballot box stuffing” matters).

It is my understanding that the Criminal Division is not aware of any individuals prosecuted federally since 2002 for the conduct that you have defined as “in-person voter fraud.”

However, this does not mean that this sort of offense does not occur, nor does it indicate how prevalent it is. That is because “in-person at-the-polls voter impersonation” is very difficult to detect, particularly without a voter identification requirement in place. In addition, I have learned from the Criminal Division that “in-person fraud” is not the sort of offense that reliably leads to criminal complaints to law enforcement authorities. Moreover, it is my understanding that over the years the Criminal Division has attempted to weed out from prosecution individual transgressions where it felt the evidence demonstrated the prospective offender had, for whatever reason, a good faith belief that (s)he was entitled to vote under the circumstances in question, and where prosecution would therefore be unjust.

3. How many of these in-person voter fraud cases occurred in Indiana?

Answer: Please see response to Question 2.

4. The nonpartisan Brennan Center for Justice at New York University did an analysis of 95 voter fraud cases nationwide brought by the Justice Department between 2002 and 2005, and concluded that not one of them was a case of in-person fraud that could have been stopped by a photo ID rule. Do you disagree with this conclusion?

Answer: It is my understanding that “in-person at-the-polls voter impersonation” is very difficult to detect, particularly without a voter identification requirement in place. In addition, I have learned from the Criminal Division that “in-person fraud” is not the sort of offense that reliably leads to criminal complaints to law enforcement authorities. Moreover, it is my understanding that over the years the Criminal Division has attempted to weed out from prosecution individual transgressions where it felt the evidence demonstrated the prospective offender had, for whatever reason, a good faith belief that (s)he was entitled to vote under the circumstances in question, and where prosecution would therefore be unjust.

5. Are you aware of any election in the past seven years where the outcome was affected by in-person voter fraud?

Answer: It is my understanding that in-person voter fraud, as you have defined the term, typically lacks any identifiable and willing witnesses and is, therefore, very difficult to detect. This makes prosecuting these types of crimes difficult and counting their frequency and effect impossible.

6. Isn't it true that Indiana's voter identification law won't stop absentee ballot fraud?

Answer: The Department's *amicus* brief discusses the context in which Indiana enacted its voter identification law. As more fully set forth in the Department's brief, Indiana determined that it faced a serious problem of actual and potential election fraud. In 2004, the Indiana Supreme Court invalidated the 2003 East Chicago mayoral primary based on evidence of rampant absentee-ballot fraud, which included the use of vacant lot or former addresses and casting of ballots by nonresidents. *Pabey v. Pastrick*, 816 N.E.2d 1138, 1145, 1153. The Indiana Supreme Court found that the widespread fraud had rendered the election results "inherently deceptive and unreliable." *Id.* at 1151.

Shortly thereafter, Indiana responded to those and other concerns by enacting a number of election reforms. In particular, Indiana enacted Senate Enrolled Act No. 483 (Voter ID Law), Pub. L. No. 109-2005, which, in order to deter voter fraud, requires those who vote in-person to present photo identification, issued either by the United States or the State of Indiana. See Ind. Code 3-11-8-25.1(c) and 3-5-2-40.5. On the same day, the legislature also placed new restrictions on absentee voting and how absentee ballots are handled, prohibiting the practice of pre-printing the absentee ballot application with certain information, such as the address (if different from the applicant's), party affiliation, or reason for voting absentee. Ind. Pub. L. No. 103-2005 § 4; Ind. Code 3-11-4-2(c), (d).

7. Isn't it true that Indiana's voter identification law won't stop false or fraudulent voter registrations?

Answer: As noted above, as more fully set forth in the Department's brief, the State of Indiana determined that it faced a serious problem of actual and potential election fraud. In particular, the State discovered that its voter registration rolls were highly inflated. A report conducted for the State indicated that at least 35,000 deceased individuals were on the rolls State-wide, and that, in 2004, the list of registered voters was inflated by some 41%, including well over 200,000 duplicate voter registrations. On April 7, 2005, the United States Department of Justice informed the Indiana Secretary of State that numerous counties had registration totals that exceeded their voting age populations and noted the State's obligations under federal law to maintain accurate voter registration lists. Indiana responded to those and other concerns by enacting a number of election reforms as discussed in response to Question 6.

8. Isn't it true that Indiana's voter identification law won't stop unscrupulous officials from tampering with election results?

Answer: As more fully set forth in the Department's brief, the State of Indiana determined that it faced a serious problem of actual and potential election fraud. The State responded to these concerns by enacting a number of election reforms.

9. Isn't it true that Indiana's voter identification law won't stop schemes to buy votes?

Answer: See response to Question 8.

Voter Access

10. Do you support the idea that voter identification laws should be combined with steps to boost registration and turnout, in order to counteract any disenfranchising effect?

Answer: The right to vote is a fundamental right for all Americans. The Department of Justice plays a limited, but important, role with respect to elections, and legislation regarding voter registration is largely a matter of state law. However, the Civil Rights Division has a special role with regard to protecting the right to vote and will take appropriate enforcement action if any such legislation is enacted into law.

In addition, a major component of the Department's work to protect voting rights is the Voting Section's election monitoring program, which is among the most effective means of ensuring that federal voting rights are protected and respected on Election Day. In many cases, the presence of Department of Justice personnel alone may be enough to deter or prevent discrimination at the polls. For the 2008 elections, the Department will implement a comprehensive Election Day program to help ensure ballot access. As in previous years, the Department will coordinate the deployment of hundreds of federal government employees in counties, cities, and towns across the country to ensure access to the polls as required by our nation's civil rights laws.

Such extensive efforts require substantial planning and resources. Our decisions to deploy observers and monitors are made carefully and purposefully so that our resources are used where they are most needed. The Department takes a proactive approach to identifying locations where problems may occur. To that end, Department officials will meet with representatives of a number of civil rights organizations prior to the 2008 general election, including organizations that advocate on behalf of racial and language minorities, as well as groups that focus on disability rights. Department officials also will meet with representatives of State and local election officials before the 2008 general election to provide a forum for discussion of State and local officials' concerns.

As in prior years, in 2008, the Department will continue to monitor States' compliance with the requirements of the Voting Rights Act as well as other statutes. In that regard, we will closely monitor compliance with our numerous court orders, consent decrees, and other agreements, many of which will be in effect through the 2008 election cycle.

The Department's efforts to ensure voter access in accordance with federal law will include training a responsible official, the District Election Official (DEO), in every U.S. Attorney's Office across the country on ballot access laws to stand ready to protect the voting rights of all Americans.

On Election Day in November, Department personnel here in Washington will also be ready with numerous phone lines to handle calls from citizens with election complaints, as well as an internet-based mechanism for reporting problems. We will have personnel at the call center who are fluent in Spanish, and the Division's language interpretation service will provide translators in other languages.

11. Do you support allowing voters to register on Election Day?

Answer: The Department of Justice plays a limited, but important, role with respect to elections, and legislation regarding voter registration is largely a matter of state law. However, the Civil Rights Division has a special role with regard to protecting the right to vote and will take appropriate enforcement action if any such legislation is enacted into law. If confirmed, I would be happy to work with you on any specific legislative proposal you may have on this subject.

12. Another way to encourage registration is to sign people up automatically when they turn 18, like we do for the Selective Service. Do you support automatic registration for eligible citizens when they turn 18?

Answer: Please see response to Question 11.

13. A common issue for voters is that many people don't realize that you are supposed to change your registration if you move to a different voting precinct, even within the same town. Do you support making registration portable within each state, so that voters don't have to register if they just move one block over?

Answer: The Civil Rights Division has enforcement responsibility for the National Voter Registration Act of 1993 (NVRA), which is also known as the "Motor Voter Act." Congress enacted the NVRA to enhance voting opportunities for every American by making it easier to register to vote and to maintain that registration. The Department has worked closely with states to ensure compliance with the NVRA and other federal laws that regulate the registration process, including HAVA and the Voting Rights Act. If additional legislation is enacted into law, the Civil Rights Division will enforce such legislation.

14. A state could also have mobile offices that go to each town and register people to vote and issue any photo identification that will be required at the polls. Do you support the use of mobile registration offices?

Answer: Please see response to Question 11.

15. What about having a slow transition to any new voter identification law, to give voters a fair warning by letting them keep using a signature instead of a photo identification for the first few elections under a new law. Do you support a reasonable transition phase to any new voter identification law?

Answer: Please see response to Question 11.

16. It is especially hard for disabled people to get to the polls, and many polling places are not accessible to them. Do you support allowing disabled people to sign up for an absentee ballot upon registering and to get an absentee ballot automatically in every subsequent election?

Answer: The Division vigorously enforces Title II of the Americans with Disabilities Act, which requires state and local governments to make their programs and services accessible to persons with disabilities. The Division has instituted Project Civic Access to marshal its investigative and technical assistance capabilities in a comprehensive approach to solving accessibility issues on a community-wide basis. The Division has included the accessibility of polling places as one of its priority items in Project Civic Access. It is my understanding that since the beginning of this Administration, the Division has entered into 56 settlement agreements requiring towns and counties to ensure that their polling places are accessible. In addition, in 2004, the Division created a technical assistance document to help local governments determine if their polling places are accessible. The document, "ADA Checklist for Polling Places," provides practical, detailed information on what makes a polling place accessible and a usable checklist for guiding voting officials through the process of determining if their polling places are accessible.

If confirmed, I will also ensure that the Civil Rights Division continues to monitor states' compliance with Title III of the Help America Vote Act, which requires that all polling places in the United States used for elections for federal office have a voting system which is accessible to persons with disabilities, and bring enforcement actions as necessary.

17. Would you support federal legislation providing that any state that institutes a voter identification requirement must also adopt ballot access protections such as mobile registration and same-day registration?

Answer: Please see response to Question 11.

18. Did Indiana institute any ballot access or voter outreach measures to counteract the possible disenfranchising effect of its photo ID requirement?

Answer: According to its website, the Indiana Secretary of State's office developed a statewide multimedia campaign to educate voters about Indiana's Voter ID law and expanded existing voter outreach and poll worker programs and indeed used federal HAVA grants for these purposes. Indiana also has a "BMV2You" mobile license branch

that travels to communities and events across Indiana so that BMV customers can register to vote and obtain identification cards. <http://www.in.gov/bmv/3554.htm>. The State of Indiana would be the appropriate entity to provide further information about this issue.

19. A bipartisan commission on election reform, chaired by former President Carter and former Secretary of State Baker, found that there are “serious and legitimate” concerns that voter ID laws will disenfranchise voters or adversely affect minorities. Do you agree or disagree with this conclusion?

Answer: Given our country’s history, it is important for the Civil Rights Division to carefully scrutinize voter identification laws when they implicate the federal statutes we enforce. It is my understanding that the Commission on Federal Election Reform, chaired by President Carter and former Secretary of State Baker, recommended that the United States adopt a photo identification requirement for voters. In support of its recommendation, the Commission noted that “[v]oters in nearly 100 democracies use a photo identification card without fear of infringement on their rights.” Commission on Federal Election Reform, *Building Confidence in U.S. Elections* 5, 25 (2005), available at www.american.edu/ia/cfer/report/full_report.pdf.

Enforcement of FACE Act

20. The Freedom of Access to Clinic Entrances Act, which I passed as a House member, allows the Civil Rights Division to use criminal and civil penalties against anyone who blocks access to a reproductive health clinic entrance by force.

21. Will you commit to enforcing this law vigorously against any violators?

Answer: I am committed to vigorously enforcing all of the statutes within the Division’s jurisdiction in a fair and nonpartisan manner, including the Freedom of Access to Clinic Entrances Act.

22. Will you also pledge that if the FACE Act is attacked in a lawsuit, you will defend the law as constitutional?

Answer: The Department of Justice has a longstanding policy with respect to defending the constitutionality of acts of Congress. *E.g. Northwest Austin Mun. Util. Dist. v. Gonzales*, No. 06-1384 (D.D.C.). If confirmed, I would follow the Department’s long-standing policy on this issue with regard to the FACE Act.

23. The Department of Justice’s Task Force on Violence against Health Care Providers has also been a critical tool in protecting reproductive health clinics and patients. The Task Force provides training, coordinates investigations, and helps clinics become more secure. Will you commit to making sure that the Task Force continues its work and is given sufficient resources?

Answer: Yes.

Enforcement of Voting Rights Statutes

24. As you know, the Justice Department for several years has pursued a Ballot Access and Voting Integrity Initiative. As a part of this initiative, DOJ adopted new prosecution guidelines for election crimes. Previously, prosecutors did not pursue “isolated acts of individual wrongdoing” that did not involve a systematic effort to interfere with an election. (*New York Times*, April 12, 2007) Under the new guidelines, prosecutors can pursue cases against individuals. Do you think that it is appropriate and a good use of government resources for the Justice Department to pursue cases where an individual violates a voting law working alone?

Answer: The Criminal Division is responsible for the prosecution guidelines for election crimes.

Ballot fraud dilutes the worth of honest votes and destroys the integrity of the election process upon which our representative government is based. The Department’s Ballot Access and Voting Integrity Initiative and the Criminal Division’s current prosecution guidelines reflect the Department’s renewed commitment to aggressively pursuing all efforts to lessen the value of every person’s vote – regardless of whether the motive is racial, political, or otherwise unlawful.

It is my understanding that the Department’s current approach to election crime matters incorporates its enforcement experiences over the past decade and recognizes that there are situations where prosecution of an individual act of election fraud or campaign fraud may be warranted. This approach replaces what was in essence a blanket immunity for an individual who commits a federal crime with prosecutive review on a case-by-case basis, as is the case in other areas of criminal law enforcement.

It is my understanding that at the start of a criminal investigation, it is extremely unlikely that the government will know if a subject or target is working alone or is part of a larger group that is engaged in criminal activity. This might also be true even after a defendant is charged. Indeed, it is common for prosecutors investigating criminal conduct to seek charges against low-level defendants first, as evidence against these individuals tends to be more easily obtained. Moreover, these defendants generally have limited criminal exposure and often plead guilty and cooperate in the investigation by providing evidence that assists in the prosecution of those with greater culpability.

As is the case in other areas of criminal law enforcement, the effect of vigorous and impartial enforcement of the federal statutes criminalizing various types of election crimes is likely to extend beyond the defendants who are charged in a specific case and deter others who are considering similar conduct. While such deterrence cannot be measured, it remains an important societal goal. Congress recently recognized the important of deterrence in the 2002 campaign financing reforms, which enacted new

felony penalties for campaign financing crimes and also mandated a new sentencing guideline for these offenses that would reflect the need for “aggressive law enforcement action to prevent such violations [in the future].” Bipartisan Campaign Reform Act of 2002, § 314(b)(1) (emphasis added).

The Department’s current approach to individual acts of election fraud is also consistent with the enactment by Congress of a broad array of statutes criminalizing such individual acts. See, *e.g.*, 42 U.S.C. 1973i(c) (providing false information to register or vote, buying votes, accepting payment for registering or voting, or conspiring to vote illegally in a federal election); 42 U.S.C. 1973i(e) (voting more than once in a federal election); 42 U.S.C. 1973gg-10 (intimidating voters in a federal election; fraudulently registering or voting in a federal election); 18 U.S.C. 611 (voting by an alien); 18 U.S.C. 911 (falsely asserting United States citizenship); 18 U.S.C. 1015(f) (falsely asserting United States citizenship to register or vote in any election).

25. Under the new guidelines, there are a number of documented instances where prosecutors have pursued cases and taken people to trial in cases that turned out to be mistakes rather than intentional frauds. Do you think that it is appropriate and a good use of government resources for the Justice Department to pursue cases where an individual violates a voting law by mistake?

Answer: I am not aware of any prosecutions or convictions that were based on mistakes.

26. Congress enacted the National Voter Registration Act of 1993 (NVRA) in order to make it easier for Americans to register to vote. The Civil Rights Division enforces the NVRA, which requires states to offer voter registration services at offices that issue driver’s licenses and provide public assistance or services to disabled people. As Acting Assistant Attorney General, what have you done to make sure that state agencies are properly implementing the NVRA ahead of the 2008 election?

Answer: As Acting Assistant Attorney General, I will continue to ensure that the Department enforces all federal election laws enacted by Congress. While I did not supervise the Voting Section until December 2007, I can tell you that the Section sent letters to approximately 18 states regarding their compliance with Section 7. We continue to monitor the compliance of all covered states with the NVRA and will gather additional information from states and take action as appropriate. Our efforts have, in some instances, resulted in compliance without the need to resort to litigation. For example, the State of Nebraska recently took action to comply with Section 7 as a result of the Department’s inquiry. In a letter to the State last year, the Department suggested that Nebraska may have to take steps to comply with Section 7, and on March 10, 2008, Nebraska’s Governor signed into law a bill designating additional selected State offices as “voter registration agencies” under Section 7 of the NVRA. In addition, officials from the state of Iowa recently reported that a similar bill introduced in response to the Department’s enforcement efforts is currently pending in the State legislature.

27. Will you commit to increasing enforcement of the NVRA in time for the 2008 elections?

Answer: I am committed to vigorously enforcing all of the statutes within the Division's jurisdiction in a fair and nonpartisan manner, including the NVRA.

28. The Americans with Disabilities Act requires that polling places be accessible to disabled voters, but a 2000 GAO study found that 84 percent of polling places were not accessible. What steps, if any, have you taken to make polling places accessible in time for the 2008 election?

Answer: Title II of the Americans with Disabilities Act requires state and local governments to make their programs and services accessible to persons with disabilities. The Division has instituted Project Civic Access to marshal its investigative and technical assistance capabilities in a comprehensive approach to solving accessibility issues on a community-wide basis. The Division has included the accessibility of polling places as one of its priority items in Project Civic Access. It is my understanding that since the beginning of this Administration, the Division has entered into 56 settlement agreements requiring towns and counties to ensure that their polling places are accessible. In addition, in 2004 the Division created a technical assistance document to help local governments determine if their polling places are accessible. The document, "ADA Checklist for Polling Places," provides practical, detailed information on what makes a polling place accessible and a usable checklist for guiding voting officials through the process of determining if their polling places are accessible.

The Civil Rights Division will also continue to monitor states' compliance with Title III of the Help America Vote Act, which requires that all polling places in the United States used for elections for federal office have a voting system which is accessible to persons with disabilities, and bring enforcement actions as necessary.

For the 2008 elections, the Department will implement a comprehensive Election Day program to help ensure ballot access. As in previous years, the Department will coordinate the deployment of hundreds of federal government employees in counties, cities, and towns across the country to ensure access to the polls as required by our nation's civil rights laws. Our monitoring efforts will focus on ensuring access for voters with disabilities, as well as racial and language minority voters.

Our decisions to deploy observers and monitors are made carefully and purposefully so that our resources are used where they are most needed. To that end, Department officials will continue to meet with representatives of a number of civil rights organizations prior to the 2008 general election, including organizations and groups that focus on disability rights, in addition to organizations that advocate on behalf of other minorities. Department officials also will meet with representatives of State and local election officials before the 2008 general election to provide a forum for discussion of State and local officials' concerns regarding ballot access, including polling place accessibility for voters with disabilities.

Additionally, the Department's efforts to ensure voter access in accordance with federal law will include training a responsible official, the District Election Official (DEO), in every U.S. Attorney's Office across the country on ballot access laws to stand ready to protect the voting rights of all Americans.

29. Will you commit to increasing enforcement of the polling place accessibility requirement in time for the 2008 elections?

Answer: I am committed to vigorously enforcing all of the statutes within the Division's jurisdiction in a fair and nonpartisan manner, including the provisions of the Americans with Disabilities Act.

Preclearance of Georgia Voter Identification Law

30. In 2005, career staff in the Civil Rights Division recommended blocking a new voter identification law in Georgia because it would have a discriminatory effect on African-American voters. However, political appointees overruled that recommendation and cleared the law. A federal judge eventually compared the law to a "modern-day poll tax" and the Georgia legislature modified it. What is your opinion about how the Division's appointed leadership handled the Georgia law?

Answer: The Georgia identification law was precleared before I came to the Civil Rights Division, and I was not involved in the decision in any way. It is my understanding that the Division made the proper decision under the facts, and no evidence has been produced to indicate that an objection should have been made, including in the subsequent private litigation. In conducting a Section 5 preclearance review, the Voting Section considers only whether the proposed voting change denies or abridges the right to vote on account of race, color, or membership in a language minority group. If the jurisdiction is able to prove the absence of such discrimination, the Attorney General does not object to the change, and it is precleared. Due in large part to this narrow scope of review, most voting changes submitted to the Attorney General are determined to have met the Section 5 standard; since Section 5 was enacted, the Attorney General has objected to only about one percent of the voting changes that have been submitted. No court decision has called into question the Department's decisions to preclear the Georgia Voter ID submissions. In Georgia, both state and federal courts have dismissed lawsuits challenging the imposition of the ID requirement.

The Georgia voter identification law, which amended an existing voter identification statute that had been precleared by the prior Administration, was precleared under Section 5 of the Voting Rights Act after a careful analysis that lasted several months. The decision took into account all of the relevant factors, including the most recent data available from the State of Georgia on the issuance of State photo identification and driver's license cards. The data showed, among other things, that the number of people in Georgia who already possess a valid photo identification greatly exceeds the total

number of registered voters. In fact, the number of individuals with a valid photo identification is slightly more than the entire eligible voting age population of the State. The data also showed that there is no racial disparity in access to the identification cards. The State subsequently adopted, and the Department precleared, a new form of voter identification that will be available to voters for free at one or more locations in each of the 159 Georgia counties.

In *Common Cause/Georgia v. Billups*, the district court did not conclude that the identification requirement violated the Voting Rights Act. To the contrary, the court refused to issue a preliminary injunction on that ground. The court instead issued a preliminary injunction on constitutional grounds. The Department cannot lawfully consider constitutional grounds when conducting a preclearance review under Section 5 of the Voting Rights Act. Accordingly, the court's preliminary ruling did not call into question the Department's preclearance decision. On September 26, 2007, *Common Cause/ Georgia v. Billups* was dismissed by the federal district court based on lack of standing; the court also rejected the plaintiffs' claims under the Equal Protection Clause.

31. As Assistant Attorney General, will you institute any new safeguards to make sure that political appointees do not overrule career staff based on partisan motives?

Answer: I have no reason to believe that any attorneys currently in the Civil Rights Division make litigation decisions based on partisan motives. However, if I become aware of any improper actions, I am prepared to take appropriate action.

32. Will you commit to reviewing and taking personal responsibility for any preclearance decisions by the Division under the Voting Rights Act?

Answer: If confirmed as Assistant Attorney General, I will take responsibility for all preclearance decisions by the Civil Rights Division.

Election Fraud Indictments

33. You were serving as Deputy Assistant Attorney General during the 2006 elections. Interim U.S. Attorney Bradley Schlozman came under fire for announcing four indictments in Missouri just days before the election against individuals who had filed false voter registration forms. Were you consulted in any way, by Mr. Schlozman or by others at the Justice Department, about the decision to seek indictments so close to an election? If yes, please state who consulted you, what you were asked, and how you responded.

Answer: No.