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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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October 14, 2004

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

Dear Attorney General Ashcroft:

We write with profound and urgent concern about news reports of the systematic destruction of registration forms submitted by Democratic voters in Nevada and Oregon. As you know, it has been alleged in the last two days that Voters Outreach of America, a private company under contract with the Republican National Committee, has solicited voter registration forms in Las Vegas and Reno, Nevada, and Portland, Oregon, only to destroy hundreds or even thousands of registration forms submitted by Democrats. If the allegations are true, many citizens who have every reason to believe they are registered to vote will be turned away from the polls on November 2.

The company, which is run by Nathan Sproul, the former head of the Arizona Republican Party, reportedly also has run registration drives in Pennsylvania, Michigan, Ohio, Minnesota, West Virginia, and Florida, leading to fears that similar illegal activity may be occurring or may already have occurred in those states. Indeed, there are widespread allegations of the firm's misconduct – in addition to the allegations that it has destroyed voter registration forms, librarians in Oregon have recently alleged that the firm falsely attempted by phone and mail to deceive them into believing Voters Outreach of America was engaging in a nonpartisan voter registration drive.

The level of our concern has been heightened by the comments yesterday by FBI Special Agent David Schrom that were reported by the Associated Press. Special Agent Schrom told the AP that no Federal investigation had been launched either in Las Vegas or in Reno, and he suggested that any investigation would likely fall under State jurisdiction. These statements are in apparent conflict with assurances made yesterday by representatives of your Civil Rights Division, who stated that the matter was under investigation by the Department's Criminal Division.

In light of these disturbing allegations and scattered public reports of other voter fraud activities, please respond to the following questions as quickly as possible:

- (1) Has the Department of Justice opened an investigation of the allegations that Democratic registration forms were destroyed by Voters Outreach of American in Nevada? If so, who is in charge of this investigation?

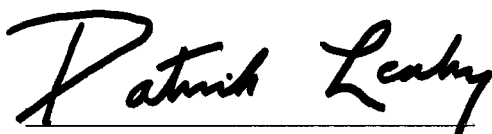
- (2) Has the Department opened an investigation in Oregon? If so, who is in charge of this investigation?
- (3) Has the Department opened an investigation in any other States in which Voters Outreach of America has operated? If so, in which States? Please provide the person or people in charge of each such investigation.
- (4) Leaving aside the merits of the particular allegations at issue in Nevada and Oregon, do you believe that it violates any Federal law, or implicates any Federal interest, to destroy voter registration forms based on partisan affiliation in advance of a Federal election?
- (5) If these allegations are found to be sound and in violation of Federal criminal law, what efforts can and will the Department of Justice undertake to make whole the victims of this fraud? Will you work, beginning immediately, with the States of Nevada and Oregon to ensure that citizens whose registration forms were destroyed will be able to vote in the November 2 election?

The right to vote is the most basic right that any American citizen has in participating in their government. Americans have died and are dying to defend that right. The Department of Justice has the responsibility to vigorously defend the registration and voting process from those who may conspire to subvert it for their own partisan purposes.

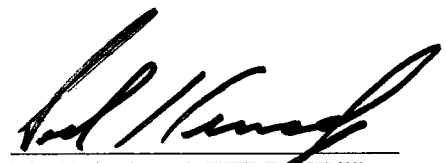
We, in our oversight capacity concerning the work of the Department of Justice, and the American people, in their interest in protecting the most basic sacred right, need immediate assurances that all that should be done is being done to vigorously defend the public's voting rights, and that full remedies to restore voting access will be promptly implemented if they are warranted. At the very least, you should launch an immediate investigation into the activities of Mr. Sproul and his firm and collect the information needed to allow you to alert local authorities to potential problems on Election Day, so those officials, with other appropriate authorities, can make immediate preparations to deal with the defrauded registrants fairly and efficiently. The response that we have seen so far is not encouraging and pales in comparison to the seriousness of these allegations.

Given the urgency of this matter, we ask for at least an interim response to these questions by Tuesday, October 19.

Sincerely,



PATRICK LEAHY
United States Senator



EDWARD M. KENNEDY
United States Senator