Testimony of

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House Judiciary Committee

Mismanagement at the Civil Rights Division of the Department of Justice

April 16, 2013

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Chairman Goodlatte, Ranking Member Conyers, and members of the Committee:

Thank you for the opportunity to testify in this important matter. Fair, impartial and measured enforcement of the nation's civil rights laws are an admirable goal we all share. I served for five years as a career attorney in the Voting Section at the United States Department of Justice from 2005 through 2010. There, I investigated and brought a range of cases to protect minority rights under the anti-discrimination and minority language provisions of the Voting Rights Act, and also cases to enforce obligations under National Voter Registration Act/ Help America Vote Act. I reviewed preclearance submissions under Section 5 of the Voting Rights Act. I was fortunate to serve with dedicated attorneys and staff who had profound respect for the rule of law and placed integrity at the center of their personal and professional life.

Unfortunately, over the last few years, the Civil Rights Division at the Justice Department has seen instances of embezzlement, employee abuse, harassment, theft, and perjury. Little to nothing has been done by Division management in response. In some cases, Division management has defended, promoted or given awards to the wrongdoers. The Division has implemented hiring practices which, according to the Justice Department Inspector General, have created the perception of an ideologically lopsided workforce. Division management has rejected the recommendations of the Inspector General and resisted making changes to ensure non-ideological hiring at the Division.

Tragically, the Civil Rights Division has also pursued abusive and meritless cases against Americans who are exercising free speech rights, as well as states enacting voter integrity measures – so meritless that courts have imposed cost sanctions against the Division. The Division has once again returned to the unsavory practice criticized by federal courts over the

years by acting as advocates and partners of outside interest groups instead of behaving as a neutral and detached law enforcement agency.

Simply, the Civil Rights Division under the current management has perversely abused the civil rights of Americans, abused the fiscal trust of the taxpayers and abused the rule of law.

False Testimony of Assistant Attorney General Thomas Perez

Perhaps worst of all, Thomas Perez, the Assistant Attorney General heading the Division, has repeatedly provided inaccurate testimony under oath to Congress as well as to the United States Commission on Civil Rights. This is not an accusation I make lightly. Nor do I make it alone. Christopher Coates, a former ACLU voting lawyer and former Voting Section Chief at the Justice Department corroborates this assessment and would do so under oath before Congress given sufficient notice of your interest to hear his testimony. Other current Department of Justice attorneys could further corroborate that Mr. Perez provided false testimony under oath and I am happy to work with the Committee on this point.

Mr. Perez has repeatedly provided false or inaccurate testimony under oath on two important matters: First, *which Justice Department officials were involved* in the decision to dismiss the voter intimidation case against the New Black Panther Party; and, second, *whether or not he knew that a corrosive and abusive atmosphere existed inside his Division toward employees willing to enforce voting laws without regard to the race of the victims*. On both counts, Mr. Perez provided wholly inaccurate testimony under oath.

The recent report by the Justice Department Inspector General raises serious questions about Mr. Perez's forthrightness and completeness in providing testimony regarding who at the Department was involved in the dismissal of the New Black Panther voter intimidation case. In

his testimony before the United States Commission on Civil Rights, the following exchange occurred.

"COMMISSIONER KIRSANOW: Was there any political leadership involved in the decision not to pursue this particular case any further than it was?

ASST. ATTY. GEN. PEREZ: No. The decisions were made by Loretta King in consultation with Steve Rosenbaum, who is the Acting Deputy Assistant Attorney General." (Cited in, Review of the Operations of the Voting Section of the Civil Rights Division, U.S. Department of Justice, Office of Inspector General, March 2013, at p. 64)("IG Report").

His testimony proved to be inaccurate as the IG Report documents a wide range of individuals who were "consulted" about the New Black Panther dismissal before it occurred, including Attorney General Eric H. Holder, Jr. Id, at 71. While the report of the Inspector General concludes that Perez did not commit perjury on this point, it notes however:

> Nevertheless, given he was testifying as a Department witness before the Commission, we believe that Perez should have sought more details from King and Rosenbaum about the nature and extent of the participation of political employees in the NBPP decision in advance of his testimony before the Commission. The issue of whether political appointees were involved in this matter had already engendered substantial controversy, and Perez told us he expected questions about it would arise during his testimony.

IG Report at 73.

The IG Report goes further, and describes a strained and incomplete accounting by Mr. Perez in his testimony before this Committee on June 1, 2011:

> In his OIG interview, Perez said he did not believe that these incidents constituted political appointees being "involved" in the decision. We believe that these facts evidence "involvement" in the decision by political appointees within the ordinary meaning of that word, and that Perez's acknowledgment, in his statements on

> behalf of the Department, that political appointees were briefed on and could have overruled this decision did not capture the full extent of that involvement.

Id, at 73.[1]

The Inspector General omitted entirely from the IG Report a second and far more serious instance of Mr. Perez's inaccurate testimony – namely his false testimony under oath about an open and pervasive hostility toward race neutral enforcement of the law throughout the Civil Rights Division.

This hostility toward race neutral enforcement of civil rights laws – namely that the race of the victim and defendant should have no relevance in enforcement decisions – went far beyond mere policy decisions. The pervasive hostility festered into abuse, name calling, harassment, and racial attacks on DOJ employees – both black and white – who were willing to enforce the law in a race neutral fashion.

For example, the IG Report documents vile racial harassment against an African-American paralegal who served on the New Black Panther case and in the case of *United States v. Ike Brown* in the Mississippi (a Voting Rights Act case where the wrongdoer was black and the victims were white).

This dedicated and hardworking paralegal, as well as his mother who is a longtime DOJ employee, were subjected to cruel racial harassment by other DOJ employees for his work on these two cases. The sum and substance of the harassment was premised on the belief that he

[1] See also, "The documents reveal that political appointees within the Department were conferring about the status and resolution of the New Black Panther Party case in the days preceding the Department's dismissal of claims in that case, which would appear to contradict Assistant Attorney General Perez's testimony that political leadership was not involved in that decision." *Judicial Watch, Inc. v. U.S. Dept. of Justice*, --F. Supp. 2d ----, 2012 WL 2989945, D.D.C. July 23, 2012.

should not have worked on the cases because he was black. Many of the wrongdoers are still employees of the Division. AAG Perez has taken no steps, as far as I know, to terminate or otherwise discipline the wrongdoers described in the IG Report. In my view, Perez's inaction says much about his capacity to manage the Division in a racially fair way and raises the profound question for all Americans whether they can rely on equal treatment by the Justice Department when their civil rights are deprived.

When Perez testified in May of 2010 before the U.S. Commission on Civil Rights that he had never heard of this type of hostility toward race neutral enforcement of the law by Division employees, he testified falsely.

Former DOJ Voting Section Chief Christopher Coates and I have penned a joint editorial at the *Washington Examiner* saying:

> His testimony was false. We should know. We detailed this problem to Perez in his office the day before his testimony. We described the long and detailed history of hostility by many DOJ employees toward race-neutral enforcement of the voting rights laws if the victims of discrimination were white. Yet when Perez was pressed by Civil Rights Commission member Todd Gaziano on whether he was aware of such rancid attitudes toward protecting white victims, he replied: "We don't have people of that ilk, sir." Perez knew that wasn't true. The inspector general's report documents people "of that ilk," stacked from top to bottom at the Civil Rights Division, most still working there. The report reveals that even Perez is "of that ilk."

Washington Examiner, March 24, 2013. (http://washingtonexaminer.com/perez-should-not-become-secretary-of-labor/article/2525249).

The IG Report is entirely silent about this second and far more serious instance of Mr. Perez not providing accurate testimony under oath, and three current or former Justice Department lawyers can corroborate that he testified inaccurately. The report's ommission is

perplexing because in my experiences with the line attorneys in the Inspector General's office, they took these issues very seriously.

Harassment of Division Employees for their Faith and Beliefs

The Division has been characterized by open and unashamed harassment of certain employees who are perceived to be *overly Christian* or conservative. The IG Report documented multiple instances of harassment by Division employees based on beliefs. "In one posting, one of the employees that we identified characterized the ideal neighborhood of one reportedly conservative career Section attorney as 'everyone wears a white sheet, the darkies say 'yes'm,' and equal rights for all are the real 'land of make believe.' . . . Another post by a career Section employee asserted that "a good, ethical Republican" is a "seeming oxymoron.'" (IG Report at 128). Obviously no conservative lawyer believed these absurd racialist stereotypes.

Another employee was harassed for his evangelical Christian beliefs. The IG Report describes multiple instances of harassment against this employee: "The new attorney was ostracized and ridiculed, and had his work product copied from his computer files and distributed without his knowledge or permission, at least in part because of the perception that he was conservative and because of the legal positions he advocated while working on the submission." IG Report at 134. The IG Report also notes that this employee was harassed for his "personal beliefs." IG Report at 120-121. I can testify from firsthand experience the "personal beliefs" that resulted in him being mocked and despised were his evangelical Christianity.

While the instances of harassment of employees described in the IG Report are too voluminous and lengthy to replicate here, one additional example demonstrates an unprofessional and disturbing situation:

> The second individual who admitted to the Internet postings was Gerald Crenshaw, another non-attorney employee in the Voting Section. Crenshaw stated that he and other employees constituted a "cyber-gang" that was engaged in "cyber-bullying." He told the OIG that, for his Internet postings, he selected as his alias the name of the protagonist of a well-known novel because he represented "the archetype angry black guy." According to Crenshaw, he understood that the character had killed at least one person in the novel and stated that the fact that others who were familiar with the character might be afraid of the name could have played a "small part" in his selection of that pseudonym.

IG Report at 129.

People involved in the campaigns of harassment described in the report *remain employed at the Division* and handle sensitive matters such as the review of submissions under Section 5 of the Voting Rights Act by covered jurisdictions such as Texas, South Carolina, North Carolina, Alabama, Virginia, California, Arizona, Georgia and Florida. Finally, current Division leadership has essentially solved the problem of harassment of evangelical Christians and conservatives by effectively ensuring that they are no longer hired.

DOJ Collusion With and Financing of Outside Liberal Interest Groups

Unfortunately, the Division has deliberately allowed old bad habits to return by colluding with outside liberal interest groups. The Justice Department is not a public sector outpost of the ACLU or Project Vote. DOJ should be a neutral and detached law enforcement agency. Unfortunately, the Division is improperly colluding with outside liberal interest groups as well as behaving as if the groups are a partner, not a detached third party.

For example, when a submission is made under Section 5 of the Voting Rights Act to the Voting Section by a covered jurisdiction, Division management has instructed staff to fax the submissions to outside liberal interest groups such as the Southern Poverty Law Center, the ACLU and the Lawyers Committee for Civil Rights Under Law. DOJ staff are instructed to telephone these groups and "just have them fax us a freedom of information request when they

get the chance." Other non-liberal groups who might be interested in the submission are not given such special treatment by the Division.[2]

The reason this renewed collusion is important is because of the long history of abuse and unfairness it engenders, as documented by federal courts. In *Johnson v. Miller* (864 F. Supp. 1354, 1364 (S.D. Ga. 1994)), the United States District Court sanctioned the Voting Section $594,000 for collusive misconduct by DOJ Voting Section lawyers. A federal court noted that the ACLU was "in constant contact with the DOJ line attorneys." Pronouncing the communications between the DOJ and the ACLU "disturbing," the court declared, "It is obvious from a review of the materials that [the ACLU attorneys'] relationship with the DOJ Voting Section was informal and familiar; the dynamics were that of peers working together, not of an advocate submitting proposals to higher authorities." After a Voting Section lawyer professed that she could not remember details about the relationship, the court found her "professed amnesia" to be "less than credible."

The collusion with outside groups is not just limited to *Johnson v. Miller.* More subtle and inappropriate collusion affected *Glasper v. Parish of East Baton Rouge* resulting in a reassignment of DOJ lawyers on the matter. Case No. 93-537 (M.D. La.), Document Nos. 183 and 187.[3]

The Division's collusion resulted in outside activist groups benefiting from a large cash fund in a settlement engineered by the Division. Instead of reimbursing the supposed victims of

[2] Presumably, the Committee could obtain government documents corroborating this testimony such as fax FOIA requests by the interest groups, email FOIA requests, or even fax transmission records from the two separate fax lines used by the Voting Section.

[3] I discuss in greater detail the reasons behind the attorney reassignments in *Glasper* in my book *Injustice* (Regenery, 2011), pp 88-89.

housing discrimination, the Division pushed a settlement requiring the defendant to set aside $1,000,000 for a "qualified organization to provide credit counseling, financial literacy, and other related educational programs targeted at African-American borrowers." (*United States of America v. AIG Federal Savings Bank and Wilmington Finance, Inc.*, No. 10CV178-JJF, http://www.justice.gov/crt/about/hce/documents/aigsettle.pdf.) The Division is empowered to approve which "qualified organization" will be the beneficiary of the fund. Naturally, the beneficiary of this fund will be aligned ideologically and politically with the administration. This type of arrangement in the past helped fund the now-defunct ACORN group. The million dollar AIG fund was no isolated incident. In 2009, the Division created another money pot in the settlement of *United States v. Sterling*, a housing discrimination case. (*United States v. Donald Sterling et al.*, Case Nos. 06-4885 DSF, 06-7442 DSF, and 07-7234 DSF, http://www.justice.gov/crt/about/hce/documents/sterlingsettlefinal.pdf.).

Voting Rights Act Section 2: Zero Cases in Four Years

There is a false perception that the Division has more vigorously protected minority voting rights than in the prior administration.

The Division is woefully lacking in enforcement of Section 2 of the Voting Rights Act. Section 2 of the Voting Rights Act is the broad prohibition on discrimination in elections, and frequently manifests as lawsuits against at-large electoral systems. While the prior administration vigorously enforced Section 2, enforcement under the current administration has been essentially dormant. In fact, the current administration has failed to initiate a single Section 2 investigation which resulted in an enforcement action since January 20, 2009.

Consider the critics of the prior administration, including Wade Henderson of the Leadership Conference on Civil Rights. On March 22, 2007, he complained to this Committee about the purported lack of Section 2 cases brought by the prior administration, complaining: "the [Civil Rights] Division must deal with and respond to growing distrust among minority communities who feel increasingly abandoned and marginalized by the Division's litigation choices and priorities." When Henderson made this complaint, the Division was in the process of litigating two Section 2 cases: *United States v. Osceola County, FL* (M.D. Fla 2005) and *United States v. Village of Port Chester, NY* (S.D.N.Y. 2006). In preparing this testimony, I could find no complaints to the media from Mr. Henderson about the fact the current administration has not brought a single Section 2 case since I filed *United States v. Town of Lake Park, FL* (S.D. Fla. 2009), when I was a lawyer at the DOJ in March of 2009. The investigation of the *Lake Park* case was approved by the prior administration. Thus, the current administration has not initiated then brought a single Section 2 lawsuit.

In December 2009, Assistant Attorney General Thomas Perez criticized the prior administration Voting Section before the American Constitution Society: "Those who had been entrusted with the keys to the division treated it like a buffet line at the cafeteria, cherry-picking which laws to enforce."[4] The enforcement record three years removed from Perez's 2009 bravado at ACS paints a very embarrassing portrait of the Division's voting rights enforcement record.

In response to criticism for failing to enforce Section 2, last year the Division adopted a curious new public position – that it is conducting a "record number" of Section 2 investigations.

[4] Cited in Serwer, The Battle for Voting Rights, *The American Prospect*, January 8, 2010. http://prospect.org/article/battle-voting-rights-0.

AAG Perez told the National Secretaries of State in 2012 that the DOJ has opened "almost 100" Section 2 investigations. He testified on July 26, 2012 before this Committee about a record number of voting cases and investigations "handled" by the Division. In the nine months since his testimony to you, not a single Section 2 case has been filed.

National Voting Registration Act Section 8

Voter rolls nationwide are filled with millions of ineligible and dead voters.[5] Yet the Division is deliberately refusing to enforce Section 8 of the National Voter Registration Act and require states to purge rolls because leadership of the Division has philosophical disagreement with the purging statute. Hundreds of counties across the country have more voters registered than people alive. Sworn testimony by Voting Section Chief Christopher Coates said that the Division spiked his recommendation to investigate eight states which had counties with serious noncompliance with Section 8.[6] The IG Report further documents instructions given by a Division political appointee to stop enforcement of Section 8 because of philosophical disagreement with the law. For example, the IG Report states:

> ***Thirteen witnesses*** told the OIG that [Division DAAG] Fernandes stated that she "did not care about" or "was not interested" in pursuing Section 8 cases, or similar formulations. For instance, Chris Herren, who was later promoted by current Division leadership to Section Chief, told the OIG that Fernandes made a controversial and "very provocative" statement at this brown bag lunch. In particular, Herren stated that Fernandes stated something to the effect of "[Section 8] does nothing to help voters. ***We have no interest in that***."

IG Report at 100 (emphasis added).

[5] See, Pew study: 2 million dead Americans on active voter rolls, *The Hill*, February 14, 2012. http://thehill.com/blogs/ballot-box/other-races/210327-pew-study-2-million-dead-americans-on-active-voter-rolls#ixzz2QOucxHOj

[6] Written testimony of Christopher Coates before the U.S. Commission on Civil Rights at pp 14-15. Found at: http://www.pjmedia.com/files/2010/09/christopher_coates_testimony_9-24-10.pdf.

Unfortunately, the Justice Department has not brought a single case under Section 8 of the National Voter Registration Act for over four years. With hundreds of counties across the nation with more voters on the rolls than could possibly be eligible to vote, the outright refusal to enforce Section 8, a provision that was part of a carefully crafted compromise by this Congress in 1993, threatens the integrity of American elections.

Electronic Surveilance and Section 7 of the NVRA

In contrast to the abandonment of enforcement obligations under Section 8 of the NVRA, the Division has aggressively pursued actions against states under Section 7 of the NVRA. Section 7 is the public welfare public service agency voter registration requirement of Motor Voter. The IG Report reveals, (as do various freedom of information requests by groups such as Judicial Watch), that liberal interest groups have aggressively lobbied the Division for these cases. (IG Report at 103, n. 82).

In response to this lobbying effort, the Division adopted unprecedented investigative tactics for a Voting Section case. *The Division used clandestine electronic surveillance of state officials,* for certain in Louisiana and quite likely in Georgia, Alabama and Rhode Island. Division employees were *wired with recording devices and sent into state welfare offices* to ascertain if state officials affirmatively pushed voter registration on the DOJ employees. The equipment was borrowed from the Housing Section testing program. The Voting Section had never done this before in any prior administration. The clandestine electronic recording marked a rather dramatic investigative turn given that no Voting Section employees conducting the investigation had any experience with these techniques and had never litigated a case in which undercover electronic eavesdropping was used to collect evidence.

Division Employee Embezzlement

The *Washington Times* reported that a Division employee embezzled at least $30,000 in money and travel. "The charges include hotel rooms in Florida and the District, cash advances, gasoline and other charges apparently unrelated to his work." Taxpayers financed Justice official's romantic travel, *Washington Times*, October 5, 2011. (http://www.washingtontimes.com/news/2011/oct/5/justice-official-financed-romantic-travel-with-tax/?page=all). Current Division leadership oversaw this fiasco, yet according to Senator Grassley, did nothing about it: "Sen. Chuck Grassley, in a Sept. 28 letter, asked Mr. Holder to explain why the supervisor, . . . apparently did not have to reimburse the government for money he spent on trips to meet with the Miami woman, including hotels and rental cars. . . . The fact that he was apparently being asked to justify the charges suggests that his supervisors were aware this was taking place." Id.

Current Division Housing Section Chief Steven H. Rosenbaum directly supervised the conduct of the employee who committed the wrongdoing, and Rosenbaum is supervised by AAG Perez. Rosenbaum retained his position throughout this scandal. Even after this scandal was on the front page of the *Washington Times*, the Department saw fit to give Steven Rosenbaum one of the highest possible DOJ awards, the John Marshall Award in October 2012. (See, Attorney General Awards, The Full List of 2012 Honorees, Main Justice, October 17, 2012, http://www.mainjustice.com/2012/10/17/attorney-general-awards-the-full-list-of-2012-honorees/).

South Carolina Voter Identification Loss

Division leadership overruled career lawyers who recommended that South Carolina photo voter identification be precleared in 2011 under Section 5 of the Voting Rights Act. AAG Perez and DAAG Matthew Colangelo rejected the recommendation of the career Voting Section Chief and his deputy that South Carolina's voter identification law neither had a retrogressive effect nor purpose.[7] Their career recommendation was overruled and an expensive, costly and ultimately meritless objection was interposed.

In short, Division leadership have adopted a *de minimis* standard in Section 5 reviews of election integrity laws. This means that unless states can prove an absolute absence of the slightest trace of disparate impact, then DOJ will object. For example, in the South Carolina voter ID law, 90% of African-Americans were shown to have photo ID, and 91.6% of whites. Political leaders in the Division found this *de minimis* difference of 1.6% to be enough to object to the law.

The United States District Court ultimately agreed with South Carolina that the law did not discriminate, but not before South Carolina was forced to spend $3.5 million dollars in a prolonged court fight with the Division. South Carolina also faced aggressive intervenors who drove up the cost of obtaining preclearance through their own discovery and court filings.

If this Congress ever considers amending Section 5, *it should prohibit all intervention by third parties in Section 5 preclearance cases.* The Division has never provided an accounting as to how many millions of federal tax dollars it spent on this wasted and unnecessary litigation –

[7] Perversely, this is the precise conduct which some have alleged occurred in the preclearance of Georgia Voter ID in 2005 – except the IG Report says that didn't occur. Career attorneys recommended preclearance of Georgia's Voter ID law and political leadership adopted their recommendation. Nobody was overruled. See, IG Report, 85-87.

including experts, attorney time (all of which is kept in the ICM time tracking system and could be obtained by this Committee), travel, deposition transcripts and costs. This Committee should demand a full accounting from the Division. Every penny spent was a penny wasted because the career professionals recommended that the South Carolina law be approved, a outcome which would have cost all involved the price of a postage stamp.

Litmus Tests for Jobs in the Division

In 2009, Division leadership implemented a new hiring criteria: experience with a civil rights group. While it might seem to be a logical requirement, it really isn't. For starters, an attorney could gain expertise in the laws enforced by the Division through prior representation of adverse parties or defendants. Indeed, some might argue those attorneys are *more* qualified because they know intimately how to defend a case. Moreover, many of the attorneys hired by the Division had experience with a civil rights group, but not experience at a group germane to their Section. For example, many attorneys hired by the Voting Section had absolutely no experience with voting matters, but instead experience with a liberal civil rights group who handled GITMO detainee defenses.

The new hiring criteria imposed by the Division ensured a lopsided ideological character to every single one of the attorneys hired after 2009. Indeed, *PJ Media* examined the resumes of every single one of the new hires by the Division and found every single one came from a liberal, leftist or Democratic Party background. The report by *PJ Media* provides details about the individual resumes of each attorney hired. See, 'Every Single One': PJ Media's Investigation of Justice Department Hiring Practices, http://pjmedia.com/every-single-one-pj-medias-investigation-of-justice-department-hiring-practices/.

In November 2009, Voting Section Deputy Chief Rebecca Wertz compiled for Division leadership at the Division's request a list of lawyers who had left the Voting Section over the years who might be contacted to see if they would be interested in returning. Wertz failed to include any perceived "conservatives" on her recruitment list and included only those deemed ideologically liberal. "The list, however, omitted 29 former Section attorneys who had left the Section since January 2001, including 8 attorneys who were widely perceived to be conservatives." IG Report at 195, 218. In recruiting employees, Voting Section Chief Chris Herren:

> sent notifications to at least 11 individuals from "liberal" civil rights organizations, including the American Civil Liberties Union (ACLU), the Mexican American Legal Defense and Education Fund (MALDEF), the National Association for the Advancement of Colored People Legal Defense and Education Fund (NAACP LDF), and the Lawyers' Committee for Civil Rights under Law (LCCR). We found that Herren did not send any e-mail notifications to "conservative" civil rights organizations.

IG Report at 197-198.

Most troubling is the admission in the IG Report that AAG Perez is resistant to amending the hiring policy even after the IG Report concluded: "Evaluating the degree of applicants' civil rights 'commitment' creates the possible appearance that CRT is searching for applicants who share political or ideological views common in the liberal civil rights community. This perception is compounded by the fact that the 'commitment' that passes muster often is demonstrated through work with a small number of influential civil rights organizations." IG Report at 220. Instead of resisting the Inspector General on this point, Division leadership should immediately implement the recommendation.

Race Neutral Enforcement of Voting Laws and Treatment of Chris Coates

As I have already testified, the hostility in the Division toward equal enforcement of the civil rights laws was so open and pervasive that it led to the harassment of Division employees – both black and white – as documented throughout the IG Report. Because these employees were willing to work on cases which protected white victims of discrimination, they were subject to cruel and disgusting harassment by individuals still employed at the Division.

Like other employees in the Division, Voting Section Chief Christopher Coates was subject to harassment and slurs for his willingness to protect all victims of discrimination. One example of many documented in the IG Report was a Division attorney referring to him as a "Klansman" for his willingness to equally enforce the law. IG Report at 123. *Many of those employees who engaged in this conduct about Coates remain employed at the Division, some earning salaries in excess of $140,000 per year.* To my knowledge, the leadership of the Division *has made absolutely no effort to terminate, reassign or discipline any of the attorneys or staff* who engaged in this racialist behavior pertaining to Coates.

Worse, Coates was even was targeted for removal by Division political appointees *specifically because of this willingness to enforce the law equally*. Those involved in an effort to remove Coates because of his willingness to protect all Americans ranged from his immediate supervisors, Steven Rosenbaum and Loretta King up to and including discussions with the Attorney General of the United States.[8]

[8] Steven Rosenbaum remains employed by the Division. His Senior Executive Service status permits him to be reassigned anywhere in the country to any federal agency. Such flexibility gives the administration the opportunity to distance attorneys from future decisions which may manifest his hostility toward enforcing civil rights laws in a race neutral fashion. Rosenbaum, however, was recently given the John Marshall Award by Attorney General Eric Holder. Loretta

The IG Report describes a group of Division political appointees discussing Coates' willingness to enforce civil rights laws with the Attorney General disapprovingly. IG Report at 162-168. Rather than confronting the racialist grievances of these political appointees and instructing them that it would be inappropriate, and potentially illegal, to target Coates for removal because of his willingness to protect Americans of all races from discrimination, the IG Report says Holder charged his subordinates to use their best judgment when it came to removing Coates. IG Report at 167-168. Instead of snuffing out the effort, the Attorney General gave it oxygen.

General Holder should be called to account the next time he is before this Committee why he made no attempt to block Coates from being removed because he was willing to enforce civil rights laws against black defendants as well as white ones.

The IG Report documents many many other examples of an open and pervasive hostility toward race neutral enforcement of the civil rights law by the Division. In an increasingly diverse country, this is a tragedy that merits the attention of Congress. No racial group should be favored for protection by the United States Justice Department. No racial group should be excluded from protection. This is not a hypothetical problem, as news accounts provide repeated examples of instances of federally actionable violence and discrimination where the Division failed even to open even an inquiry.[9] Not surprisingly, the Division has not once made any effort

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King resigned in 2011 just days after her role in some of the matters described in this testimony became public. Her oddly brief resignation letter can be found at http://www.scribd.com/doc/68360691/Loretta-King.

[9] See eg., "State Fair melees produce 11 injuries, 31 arrests," *Milwaukee Journal Sentinel*, August 5, 2011, http://www.jsonline.com/news/milwaukee/126828998.html. ("Then around the closing time of 11 p.m., witnesses told the Journal Sentinel, dozens to hundreds of black youths attacked white people as they left the fair, punching and kicking people and shaking and pounding on their vehicles. . . . Witnesses, though, told the Journal Sentinel that the attacks

to protect Americans of all races since May 15, 2009, the date all defendants save one were dismissed from the New Black Panther lawsuit.

In a few decades, America will look very different. In that increasingly diverse future, America will be a better place if all Americans believe the civil rights laws protect them. If they do not believe the civil rights laws protect them, then they will not support civil rights laws. It is essential for Congress, and those who believe in the rule of law, to establish standards of behavior now. The founding documents of this nation presume that all Americans are treated equally before the law. It's time the Civil Rights Division act accordingly.

Date: April 16, 2013

Respectfully submitted,

J. Christian Adams

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J. Christian Adams is the founder of the Election Law Center Virginia. He served from 2005 to 2010 in the Voting Section at the United States Department of Justice where he brought a wide range of election cases to protect racial minorities in South Carolina, Florida, and Texas. He litigates election law cases throughout the United States. He successfully litigated the landmark case of United States v. Ike Brown in the Southern District of Mississippi, the first case brought under the Voting Rights Act on behalf of a discriminated-against white minority in Noxubee County. He received the Department of Justice award for outstanding service and numerous other Justice Department performance awards. Prior to his time at the Justice Department, he served as General Counsel to the South Carolina Secretary of State. He also serves as legal editor at PJMedia.com, an internet news publication. He has a law degree from the University of South Carolina School of Law. He is a member of the South Carolina and Virginia Bars.

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appeared to be unprovoked and racially motivated. 'You could just tell they were after white people. That was the main thing. If you were white, they were coming after you,' said Jon Stikl of Oak Creek." The Division, as far as I know, declined to even open in inquiry into this racially motivated violence – something it has unquestioned jurisdiction to do.