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.

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 Genesee County and Kelly Harrigan, Deputy Director of the GOP’s voter programs, also articulated comprehensive voter challenge campaigns. 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.

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. 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.

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).

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