



Department of Justice

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(202) 514-2007
TDD (202) 514-1888

**PREPARED REMARKS OF ACTING ASSISTANT ATTORNEY GENERAL
GRACE CHUNG BECKER BEFORE THE HOUSE JUDICIARY
SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND CIVIL
LIBERTIES AND HOUSE ADMINISTRATION SUBCOMMITTEE ON
ELECTIONS**

WASHINGTON, D.C.

Good afternoon, Chairman Conyers, Ranking Member Smith, Chairwoman Lofgren and Ranking Member McCarthy.

I am honored to appear here today to discuss the Civil Rights Division's plans for the 2008 general election.

This is an unprecedented election year. We know that voters are registering in record numbers across the nation and that record numbers of voters are expected at the polls on November 4th. These exciting developments present challenges to states and local jurisdictions—which have primary responsibility for administering elections—and the Justice Department is preparing to do its part on Election Day.

I am fortunate to have a tremendously talented and hardworking team of approximately 40 attorneys and 40 non-attorneys in the Voting Section. I have asked them to vigorously enforce all of the voting statutes in the Division based solely upon the facts and the law. I have echoed the words of Attorney General Mukasey and emphasized that politics have no role in our decision making in this Election Year.

I know that members of this Committee and civil rights groups are particularly concerned about voter intimidation. The Division takes a multi-faceted approach to combating and preventing voter intimidation:

First, we have successfully brought lawsuits under Section 2 of the Voting Rights Act that included allegations of voter intimidation based on race, color or membership in a language minority group in New Jersey, Pennsylvania, Georgia, Boston, Florida, and Mississippi. For example, we have addressed situations in which:

- voters were subjected to hostile and discriminatory remarks and unfounded and discriminatory challenges;

- voters had their ballot choices were improperly influenced, coerced or changed;
- entrances were blocked at polling places;
- attempts were made to prohibit eligible voters from voting;
- voters were challenged on the basis of race; and
- voters were subjected to hostile treatment.

Another way to prevent voter intimidation is to empower vulnerable voters. For example, we have brought 10 of the 12 cases ever brought under Section 208 of the Voting Rights Act to ensure that voters can have the assistor of their choice in the voting booth. In addition, we have brought 29 cases under the language minority provisions of that Act. Translated voting materials and bi-lingual poll workers empower naturalized American citizen voters and can prevent intimidation from occurring at the polls.

Third, the Division's election monitoring program also helps to ensure that voters are not intimidated. So far during calendar year 2008, we have sent 397 federal observers and 158 Department personnel to monitor 51 elections in 47 jurisdictions in 17 states.

On November 4th, hundreds of federal government employees will be deployed in counties, cities, and towns across the country. The Department will have a toll-free hotline with interpretation services, fax number, and internet-based mechanism for reporting problems.

As part of our pre-Election outreach efforts, we heard concerns over the long-standing practice of using small numbers of criminal prosecutors as monitors on Election Day. While we have not heard of any actual intimidation resulting from this practice, and have never received complaints from voters about it, we nevertheless take the concerns expressed seriously. Therefore -- out of an abundance of caution— I have determined that no criminal prosecutors will be used as monitors on Election Day.

I know that the Committee has also been concerned about voter ID laws. While the Supreme Court has decided that Indiana's voter identification law is constitutional on its face, it is important to emphasize that the Court also held that individuals can sue if a voter ID law is applied to them in an unconstitutional manner.

In addition, the Civil Rights Division is prepared to take action if an ID law—or any voting law—is being enforced in a discriminatory manner. For example, this summer we filed and favorably settled a Voting Rights Act Section 2 case in Penns Grove, New Jersey that included allegations that Hispanic voters were required to show more identification than white voters—even though state law did not require voter identification.

In conclusion, the Department stands ready to take any appropriate law enforcement action—whether civil or criminal—in response to voter intimidation that implicates the statutes that we enforce. We remained committed to vigorously enforcing all our statutes where warranted by the facts and the law.

I am happy to take your questions.

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