US Department of Justice Criminal Division response to FOIA request regarding the 2002, 2003, and 2004 Ballot Access and Voting Integrity Initiative also known as the "Voting Access and Integrity Initiative," or "BAVII," 2007

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Department of Justice
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July 18, 2005

Mr. Thomas J. McIntyre
Chief, FOIA/PA Unit
Criminal Division
Department of Justice
Suite 1127, Keeney Building
1301 New York Avenue, N.W.
Washington, D.C. 20530-0001

Re: Freedom of Information Act Request

Dear Mr. McIntyre:

Pursuant to the Freedom of Information Act, 5 U.S.C. Sec. 522, I am requesting information from the Department of Justice, Criminal Division regarding the 2002, 2003, and 2004 Ballot Access and Voting Integrity Initiative (also known as the "Voting Access and Integrity Initiative," herein referred to as "the initiative" or "BAVII"). This request is made from an educational and academic standpoint.

Under Attorney General Ashcroft's original 2002 directive creating the program and drawing on resources from across the department, all 94 U.S. Attorneys were charged with designating as a District Elections Officer for their district an experienced Assistant U.S. Attorney with knowledge of the voting laws. These officers were charged with implementing the Department of Justice's response to election fraud and campaign financing crimes under the overall supervision of the Public Integrity Section (pursuant to 9 U.S.A.M. 85.210).

On at least three occasions during the 2002-2004 period, federal prosecutors were brought to Washington to attend training conferences in deterring voter fraud and intimidation and prosecuting those found in violation. It is my understanding that these training conferences were conducted by the Public Integrity Section in partnership with the Civil Rights Division. I am requesting all training materials used in these conferences; in addition, dating back to 2001, I request all memoranda and email communications from Criminal Division staff charged with or involved in the implementation and operation of the Ballot Access and Voting Integrity Initiative.

The Criminal Division's 2004 Annual Report notes that "On Election Day, 2004, senior PIN prosecutors were on duty to handle complaints from the public and to provide guidance to U.S. Attorney's Offices concerning allegations of election fraud and other election abuses. These
lawyers were available from the time polls first opened on the East Coast until they closed on the West Coast." (p. 60). I request any records of the complaints referred to in the 2004 Annual Report as cited, and any records of such complaints from the previous two elections in 2002 and 2004; any field notes from federal prosecutors and their staff working on the initiative regarding the monitoring of elections in 2002, 2003, and 2004; all reports created after such elections; and any reports of prosecution for voter fraud or voter intimidation violations undertaken as a result of the initiative. A November 2002 DOJ "Fact Sheet" entitled "Protecting Voting Rights and Preventing Election Fraud" (available at http://www.usdoj.gov/opa/pr/2002/November/02_at_641.htm) notes that "Since the Attorney General's announcement on October 1st of the Voting Access and Integrity Initiative, the Criminal Division has opened sixteen cases regarding allegations of voting fraud, voter intimidation, and others." I request information on those sixteen cases, as well as any subsequent cases of alleged voting fraud or voter intimidation resulting from the Division's work through the BAVII, with respect to the complaints initiating the cases, investigatory letters, and any court filings, including complaints, briefs and evidentiary exhibits made by the Division in support of prosecution, settlements, consent decrees and judgments. Finally, I request any final findings or evaluations of the BAVII.

The information will be used for non-commercial, academic purposes. I am writing a scholarly book about voter fraud and seek to learn more about the federal government's role in protecting the integrity of federal elections. Therefore, I request a waiver of all fees. Disclosure of the requested information is in the public interest because it is likely to contribute significantly to the understanding of voting rights and abuses.

Sincerely,

Lorraine C. Minnite

Lorraine C. Minnite
Dear Ms. Minnite:

This is in response to your request of July 18, 2005, which was received in this office on July 27, 2005. Specifically, you request information relating to the “Voting Access and Integrity Initiative.”

We apologize for the delay in this response. The request involved a large number of documents which were the subject of on-going litigating in the case of Leadership Conference on Civil Rights v. Gonzalez, Civil No. 04-1664 (D.D.C.).

We have located and processed 4,305 pages of documents responsive to your request. The Freedom of Information Act permits the charging of search, review and duplication fees associated with the processing of requests. See 5 U.S.C. Section 552(a)(4)(A)(iv). Federal regulations provide that no fees are charged for requests by educational institutions for search and review. See 28 C.F.R. Section 16.11(d). However, there is a fee for duplication. The cost of duplication is $0.10 per page for a total of $430.50.

You are seeking a fee waiver on the basis that you are requesting the information to write a scholarly book. After careful consideration of your request, I have decided to deny your request for a fee waiver. Under the governing statutory provisions, a fee waiver is appropriate when "disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii).

I have considered six factors in my determination as to whether your request satisfies this statutory standard: (1) whether the subject of the requested records concerns "the operations or activities of the government"; (2) whether the disclosure is "likely to contribute" to an understanding of government operations or activities; (3) whether disclosure of the requested information will contribute to the understanding of the general public; (4) whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities; (5) whether the requester has a commercial interest that would be furthered by the
requested disclosure; and (6) whether any such commercial interest outweighs the public interest in disclosure. See 28 C.F.R. § 16.11(k).

In arriving at my conclusion to deny your request for a fee waiver I have analyzed the above factors as they apply to the circumstances of your request. While the records you seek do concern the operations or activities of the Department of Justice, you have not submitted sufficient information to overcome the conclusion that you appear to have an overriding commercial interest in the records as it is your intention to write a book with the materials. Accordingly, at this time, your fee waiver request is denied.

Pursuant to 28 C.F.R. Section 16.11 (b)(1), you may submit additional information and further clarification to support your request for a fee waiver. You may submit this information to Thomas C. Taylor, Associate Director for Policy, Office of Enforcement Operations, FOIA/PA Unit, Criminal Division, Keeney Building, Suite 1127, Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530.

In the event that you are no longer interested in pursuing this request, you need not respond to this letter. If we do not hear from you within forty-five days of the date of this letter, we will conclude that you are no longer interested in pursuing this matter and close your request with this Office.

Sincerely,

Thomas C. Taylor
Associate Director for Policy
Dear Ms. Minnite:

This is in response to your Freedom of Information Act (FOIA) request of July 18, 2005, which was received in this office on July 27, 2005. Specifically, you request copies of records concerning the 2002, 2003, and 2004 Ballot Access and Voting Integrity Initiative.

We have located and processed 4,305 pages of documents responsive to your request. Enclosed are the documents which are being released in whole or in pertinent part. A list of withheld documents is provided on the attached schedule. We are withholding the records and portions of the enclosed records pursuant to one or more of the following FOIA exemptions set forth in 5 U.S.C. 552(b):

(2) which permits the withholding of information relating solely to the internal personnel rules and practices of an agency;

(5) which permits the withholding of inter-agency or intra-agency memorandums or letters which reflect the predecisional, deliberative processes of the Department, and/or which consist of attorney work product prepared in anticipation of litigation;

(6) which permits the withholding of personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and,

(7) which permits the withholding of records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information...

(C) could reasonably be expected to constitute an unwarranted invasion of personal privacy.

You have a right to an administrative appeal of this denial/partial denial of your request.
Your appeal should be addressed to: The Office of Information and Privacy, United States Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, DC 20530-0001. Both the envelope and the letter should be clearly marked with the legend "FOIA Appeal." Department regulations provide that such appeals must be received by the Office of Information and Privacy within sixty days of the date of this letter. 28 C.F.R. 16.9. If you exercise this right and your appeal is denied, you also have the right to seek judicial review of this action in the federal judicial district (1) in which you reside, (2) in which you have your principal place of business, (3) in which the records denied are located, or (4) for the District of Columbia. If you elect to file an appeal, please include, in your letter to the Office of Information and Privacy, the Criminal Division file number that appears above your name in this letter.

Sincerely,

Thomas C. Taylor  
Associate Director for Policy  
Office of Enforcement Operations  
Criminal Division

12/19/07

[Signature]
SCHEDULE - WITHHELD IN FULL

CRM-

7. Memo dated September 8, 1988, to Gerald McDowell from Craig Donsanto, 2 pages, Ex. 5, 6, 7C.

19. Memo dated February 22, 1989, to Gerald McDowell from Craig Donsanto, 5 pages, Ex. 5, 6, 7C.

21. Memo dated March 27, 1989, to Gerald McDowell from Craig Donsanto, 2 pages, Ex. 5, 6, 7C.

23. Memo dated April 28, 1989, to AAG Dennis from Gerald McDowell, 8 pages, Ex. 5, with attachments.

23C. Letter dated April 10, 1989, to AUSA Raphaelson from Craig Donsanto, 3 pages, Ex. 5.

23D. Memo undated to GMcD from CCD, 2 pages, Ex. 5.

25. Memo dated September 6, 1989, to Gerald McDowell from Craig Donsanto, 2 pages, Ex. 5.

26. Memo dated November 2, 1989, to Gerald McDowell from Craig Donsanto, 2 pages, Ex. 5.


33D. Statement dated March 23, 1992, by citizen, 3 pages, Ex. 6, 7C.

38E. The Yellow Dogs of Texas, 3 pages, Ex. 5.

38F. Yellow Cat, 11 pages, Ex. 5, 6, 7C.

38G. The Blue Light Special, 5 pages, Ex. 5.

40. Memo undated, to Gerald McDowell from Craig Donsanto, subj. Orange County, California, 13 pages, Ex. 5, 6, 7C.

79B. Letter dated December 22, 2004, to AAG Wray from citizen, 4 pages, Ex. 6, 7C in full.

80E. Incident Report dated October 20, 1996, 1 page, Ex. 6, 7C in full.
99A. Letter dated April 10, 1989, to AUSA Raphaelson from Craig Donsanto, 3 pages, Ex. 5 in full.

99B. Letter dated April 10, 1989, to AUSA Stoll from Craig Donsanto, 1 page, Ex. 5 in full.

100G. Letter dated March 17, 1989, to USA Barr from Gerald McDowell, 2 pages, Ex. 5 in full.

101. Memo dated February 22, 1989, to Gerald McDowell from Craig Donsanto, 5 pages, Ex. 5, 6, 7C.

103. Memo dated January 31, 1989, to Gerald McDowell from Craig Donsanto, 2 pages, Ex. 5.

109E. Letter dated December 9, 2001, to AG Ashcroft from citizen, 1 page, Ex. 6, 7C, in full.

114. The Citizens' Voice dated July 19, 1997, 7 pages, Ex. 6, 7C.

115G. Draft memo dated February 20, 1997, to Pat Chapman and Jim Owen from Craig Donsanto, 2 pages, Ex. 5.


133. Draft dated September 22, 2004, to Nancy Simmons from Noel Hillman, 1 page, Ex. 5.

133B. Email dated September 24, 2004, to Nancy Simmons and Craig Donsanto from Noel Hillman, 1 page, Ex. 5

133C. Email dated September 22, 2004, to Nancy Simmons from Noel Hillman, 1 page, Ex. 5.

133D. Email dated September 23, 2004, to Craig Donsanto from Noel Hillman, 1 page, Ex. 5.

133E. Email dated September 16, 2004, to Noel Hillman; Chris Wray; Alex Acosta; Cassey Stavropoulos; J. Casey; Mark Corallo; and Rena Comisac from Sierra Bryan, 1 page, Ex. 5.

134A. Department's Efforts to Protect Voting Rights and to Prosecute Election Fraud, 2 pages, Ex. 5.

137. Letter, undated, from Julia Wellman to Dan, 1 page, Ex. 5.

137B. Memo, undated, from Craig Donsanto to All District Election Officers, 4 pages, Ex. 5.

142. Email dated September 29, 2004 to Nancy Simmons from Craig Donsanto, 1 page, Ex. 5.

143. Email dated September 29, 2004 to Nancy Simmons and Noel Hillman from Craig
144. Four Principles of Federal Election Fraud Investigations, undated, 1 page, Ex. 5.

144A. Ballot Access and Voting Integrity Initiative: Department’s Efforts to Protect Voting Rights and to Prosecute Election Fraud, undated, 3 pages, Ex. 5.

145G. Email dated October 1, 2004, from Von Spakovsky to Craig Donsanto, 1 page, Ex. 5.

147. Letter, undated, 1 page, Ex. 5.


150A. Rebuttal to Certain Allegations in Senior Kennedy’s September 22, 2004, 4 pages, Ex. 5.

151A. Memo Draft, undated, to All District Election Officers from Craig C. Donsanto and Hans von Spakovsky, 4 pages, Ex. 5.

161. Email dated October 31, 2002, from Noel Hillman to Nancy Simmons, 1 page, Ex. 5.

164. Draft, undated, 11 pages, Ex. 5.

167A. Voting Integrity Initiative, undated, 3 pages, Ex. 5.

170. Draft, undated 9 pages, Ex. 5.

170C. Draft, dated August 2, 2005, 5 pages, Ex. 5.

170O. Draft dated August 8, 2005, 4 pages, Ex. 5.


194. Letter dated October 16, 2002, to Harry Fox from Craig Donsanto, 1 page, Ex. 5.


198. Letter dated October 16, 2002 to Karen Rochlin from Craig Donsanto, 1 page, Ex., 5.

200. Letter dated October 11, 2002 to Joseph Rich and Noel Hillman from Craig Donsanto, 1 page, Ex. 5.

201. Letter dated August 23, 2002 to Pat Meadows; Tom Self; and Robert Storch from Craig Donsanto, 1 page, Ex. 5.

206. Letter dated October 2, 2002 to Craig Donsanto and Noel Hillman from Nancy Simmons, 1 page, Ex. 5.

211. Letter dated October 4, 2002, from Noel Hillman, 1 page, Ex. 5.

216. Letter dated September 27, 2002, to Noel Hillman from Craig Donsanto, 1 page, Ex. 5.

223. Letter dated August 26, 2002, to Craig Donsanto; Alice Fisher; Andrew Lourie; and Nancy Simmons from Noel Hillman, 1 page, Ex. 5.

224. Letter dated September 25, 2002 from Andrew Lelling to Craig Donsanto; John Tanner and Joseph Rich, 1 page, Ex. 5.

226. Letter undated, to Noel from Nancy Simmons, 2 pages, Ex. 5.

227. Letter to Robert Mandel from Craig Donsanto, 1 page, Ex. 5.

234. Draft dated February 9, 2005, to Noel Hillman, Nancy Simmons; Raymond Hulser; Brenda Morris and Peter Ainsworth from Craig Donsanto, 4 pages, Ex. 5.

244A. Letter undated, to Dan from Julia Wellman, 1 page, Ex. 5.

285. Election Day undated, 7 pages, Ex. 5.

286. Address by Christopher A. Wray, Assistant Attorney General of the Criminal Division, at the Department’s 2003 Voting Integrity Symposium, undated, 4 pages.

287. Letter dated October 15, 2003 to Hans von Spakovsky and Cynthia Mitchell from Nancy Simmons, 1 page, Ex. 5.


294. Letter dated October 10, 2003, to Hans von Spakovsky; Joseph Rich; Noel Hillman; Craig Donsanto; Jessica Lombardo; and Cynthia Mitchell from Nancy Simmons, 1 page, Ex. 5.

296. Draft Memo undated, from Christopher Wray and R. Alexander Acosta, 2 pages, Ex. 5.

297. Letter dated October 1, 2003, to Craig Donsanto from Noel Hillman, 1 page, Ex. 5.
301. Letter dated August 22, 2003 to Wendy Goggin from Nancy Simmons, 1 page, Ex. 5.

301A. Draft Memo dated August 22, 2003 to Guy A. Lewis from Noel Hillman; Craig Donsanto; Hans von Spakovsky; and Joseph Rich, 2 pages, Ex. 5.

304A. Draft Letter undated, from Noel Hillman; Craig Donsanto; Hans von Spakovsky; and Joseph Rich, 1 page, Ex. 5.

304B. Draft Letter undated, from Noel Hillman; Craig Donsanto; Hans von Spakovsky; and Joseph Rich, 1 page, Ex. 5.

305J. Draft Memo undated, 5 pages, Ex. 5.


309. Letter dated October 10, 2003, to Craig Donsanto; Noel Hillman; Nancy Simmons; Hans von Spakovsky; and Jessica Lombardo from Joseph Rich, 1 page, Ex. 5.

314. Draft Memo undated, 3 pages, Ex. 5.

315. Draft Memo undated, 3 pages, Ex. 5.

316. Draft Memo undated, 3 pages, Ex. 5.

319A. Draft Memo undated, 3 pages, Ex. 5.
SCHEDULE - RELEASE IN FULL


6. Memo dated August 16, 1988, to Gerald McDowell from Craig Donsanto, 1 page.


12. Routing slip dated December 6, 1988, to McDowell from DAAG Keeney, 1 page, with attachment. Memo dated December 2, 1988, to AAG Dennis from Gerald McDowell, 3 pages.


34. Letter dated June 22, 1992, to USA Selden from Craig Donsanto, 3 pages.


Thornburgh, 3 pages.

43. Sample press release, concerning Election Day Program, 3 pages.


77. Memo dated November 2, 1994, to USAs from Jamie Gorelick, referred to OIP, 1 page, with attachments. Memo undated, to USAs from Craig Donsanto, 9 pages. Memo undated, to USAs from AAG Patrick, 2 pages. Election Day Enforcement of the Voting Rights Act, 1 page. Appendix to Part 51, 1 page. Statement by AG Reno dated November 1, 1994, referred to OIP, 2 pages.


83. Routing slip dated November 3, 1994, to DAAG King from Brad Berry, referred to OIP, 1 page, with attachments. Memo dated November 2, 1994, to USAs from Jamie Gorelick, referred to OIP, 1 page. Memo undated, to USAs from AAG Patrick, referred to CRT, 3 pages. Appendix to Part 51, 1 page. AG Reno statement dated November 1, 1994, referred to OIP, 2 pages. Memo undated, to USAs from Craig Donsanto, 9 pages.
84. Memo dated October 26, 1994, to AG Reno from AAG Harris, referred to OIP, 1 page, with attachments. Letter undated, to The Honorable from Lee Radek, 9 pages. Sample press release, 2 pages.

88. Memo dated October 22, 1990, to AAG Mueller from Gerald McDowell, 1 page.

89. Memo dated October 17, 1990, to Linda Davis from Gerald McDowell, 1 page. Letter dated October 17, 1990, to David Reed from Craig Donsanto, 2 pages.

90. Letter dated August 9, 1990, to Cecilia Granados from Craig Donsanto, 1 page.

93. Letter dated April 3, 1990, to Jerry Auerbach from Craig Donsanto, 1 page, with attachment. The Law, 3 pages.


105. Memo undated, to District Election Officer AUSAs from Craig Donsanto, 9 pages.

106. The 1966 General Elections, 8 pages.

107. Memo undated, to District Election Officer AUSAs from Craig Donsanto, 8 pages.


SCHEDULE - RELEASE IN PART

CRM-

2. Letter dated April 11, 1988, to citizen from John Russell, 1 page, Ex. 6 with attachments.


2B. Incoming letter dated March 8, 1988, to Donsanto, 1 page, Ex. 6, 7C. [no enclosure attached]

3. Letter dated July 29, 1988, to USA Wilson from Gerald McDowell, 2 pages, Ex. 6, 7C.

4. Letter dated August 10, 1988, to citizen from Gerald McDowell, 2 pages, Ex. 6, 7C with attachments. Note dated June 4, 1988, to Donsanto from Kevin Callahan, referred to Civil Rights Division, 1 page.

4B. Routing slip dated February 24, 1988, to Pat Nichols from McBride, 1 page.

4C. Incoming letter dated November 27, 1987, 2 pages, Ex. 6, 7C.

4D. Letter dated August 10, 1988, to USA DeFalaise from Gerald McDowell, 1 page, Ex. 6, 7C.


5E. Letter dated August 18, 1988, to USA Lide from McDowell, 2 pages, Ex. 5, 6, 7C.

9. Memo dated November 22, 1988, to File from Craig Donsanto, 3 pages, Ex. 5.


10D. Letter dated July 1, 1988, the AUSA Slattery from Gerald McDowell, 2 pages, Ex.6, 7C.
11. Letter dated December 1, 1988, to AUSA Stock from Craig Donsanto, 3 pages, Ex. 6, 7C.

14. Letter dated December 13, 1988, to citizen from Gerald McDowell, 2 pages, Ex 6, 7C with attachments. Memo dated November 17, 1988, to Gerald McDowell from Gerald Jones, referred to Civil Rights Division, 1 page. Mailgram dated November 4, 1988, from citizen to Civil Rights Division, referred to Civil Rights Division, 1 page.


16. Letter dated December 19, 1988, to USA Lopez-Romo from Gerald McDowell, 2 pages, Ex. 5, 6, 7C, with attachment. Letter dated November 15, 1988, to SAC from USA Lopez-Romo, referred to EOUSA, 3 pages.

17. Memo dated February 6, 1989, to Barry Weinberg from Craig Donsanto, 1 page, with attachment.

17A. Letter dated February 6, 1989, to League of United Latin American Citizens from Gerald McDowell, 2 pages, Ex. 6, 7C.

18. Letter dated February 21, 1989, to citizen from Craig Donsanto, 2 pages, Ex. 6, 7C.


22. Memo dated April 11, 1989, to Gerald McDowell from Craig Donsanto, 3 pages, Ex. 5.


23B. USCA, 8th Circuit, #89-1171, 8 pages.


24A. Memo dated July 7, 1989, to Gerald McDowell from Craig Donsanto, 3 pages, Ex. 5.

27. Memo dated January 9, 1991, to J. Gerald Hebert from Craig Donsanto, 1 page, Ex. 6, 7C, with attachment.

27A. Letter dated January 9, 1991, to Lawrence Noble from Craig Donsanto, 1 page, Ex. 6, 7C.

32. Memo dated May 17, 1991, to Barry Weinberg from Craig Donsanto, 1 page, Ex. 6, 7C, with attachment.

32A. Letter dated May 17, 1991, to citizen from Craig Donsanto, 1 page, Ex. 6, 7C.

33. Executive Secretariat Control Data Sheet dated April 30, 1992, to OLA from Congressman Martinez, 1 page, Ex. 6, 7C, with attachments.

33A. Memo dated May 27, 1992, to John Dunne from AAG Mueller, 1 page, Ex. 6, 7C.

33B. Letter dated May 27, 1992, to Congressman Martinez, from AAG Mueller, 2 pages, Ex. 6, 7C.

33C. Letter dated April 20, 1992, to AAG Rawls from Congressman Martinez, 1 page, Ex. 6, 7C.

35. Memo typed September 17, 1992, to Staff from Michael Shepard, 3 pages, Ex. 6, 7C.

38. Routing slip undated, to Robert Mueller from Michael Shepard, 1 page, with attachments.

38A. Memo undated, to Michael Shepard from Craig Donsanto, 15 pages.


38C. Chapters one through eight concerning election crimes, 102 pages.

38D. Memo dated June 6, 1991, to Gerald McDowell from Craig Donsanto, 19 pages, Ex. 3 rule 6e, 5, 6, 7C.

38H. Presentation Outlines, 7 pages.

38I. Letter undated, to USA Selden from Craig Donsanto, 3 pages.

45. Telexcopier transmittal sheet dated October 23, 1996, to Bert Brandenberg from Craig Donsanto, 1 page, with attachments.

45A. Note dated October 23, 1996, to Bert Brandenberg from Craig Donsanto, 1 page.

45B. Memo dated August 1, 1972, to AG from AAG Petersen, 1 page, Ex. 6, 7C.

46. Letter dated December 21, 2004, to citizen from Craig Donsanto, 1 page, Ex. 6, 7C, with attachments. Letter dated November 12, 2004, to AG Ashcroft from citizen, 1 page, Ex. 6, 7C. Envelope postmarked November 12, 2004, from citizen to AG Ashcroft, 1 page, Ex. 6, 7C.

47. Letter dated June 27, 2005, to Congressman Paul from Act. AAG Richter, 1 page, Ex. 6, 7C.

48. Letter dated June 27, 2005, to Congressman Paul from Act. AAG Richter, 1 page, Ex. 6, 7C.

49. Excelerator Cover Sheet #200051421 dated December 22, 2004, 3 pages, Ex. 6, 7C.

50. Letter dated June 27, 2005, to Congressman Paul from Act. AAG Richter, 1 page, Ex. 6, 7C.

52. Postcard postmarked November 9, 2004, to Congressman Paul from citizen, 1 page, Ex. 6, 7C.

73. Excelerator Cover Sheet #200050158 dated October 18, 2004, 3 pages, Ex. 6, 7C.

74. Excelerator Cover Sheet #200053806 dated April 11, 2005, 2 pages, Ex. 6, 7C, with attachments.

74A. Letter dated May 6, 2005, to citizen from Craig Donsanto, 1 page, Ex. 6, 7C.

74B. Letter dated January 16, 2005, to AG Ashcroft from citizen, 2 pages, Ex. 6, 7C.

74C. Letter dated July 25, 2001, to citizen from Craig Donsanto, 2 pages, Ex. 6, 7C.

74D. Letter dated April 2, 2001, to AG from citizen, 1 page, Ex. 6, 7C.

75. Excelerator Cover Sheet #200050884 dated November 23, 2004, 2 pages, Ex. 6, 7C, attachments.

75A. Letter dated December 13, 2004, from citizen to Craig Donsanto, 1 page, Ex. 6, 7C.

75B. Letter dated November 1, 2004, to AG Ashcroft from citizen, 1 page, Ex. 6, 7C.

76. Excelerator Cover Sheet #200051089 dated December 6, 2004, 2 pages, Ex 6, 7C, with attachments.

76A. Letter dated December 21, 2004, to citizen from Craig Donsanto, 1 page, Ex. 6, 7C.

76B. Letter dated November 10, 2004, to AG from citizen, 1 page, Ex. 6, 7C.
Fax dated November 10, 2004, from citizen to DOJ, 1 page, Ex. 6, 7C in full.

Excelerator Cover Sheet #200051866 dated January 13, 2005, 2 pages, Ex. 6, 7C, with attachments.

Letter dated February 17, 2005, to citizen from Craig Donsanto, 1 page, Ex. 6, 7C.

Excelerator Cover Sheet #200051866 dated January 13, 2005, 2 pages, Ex. 6, 7C.

Executive Secretariat Control Data Sheet dated December 17, 1996, to AG from Senator Hutchison, 1 page, Ex. 6, 7C, with attachments.

Letter dated February 4, 1997, to Senator Hutchison from Act AAG Richard, 1 page, Ex. 6, 7C.

Letter dated December 17, 1996, to AG Reno from Senator Hutchison, 1 page, Ex. 6, 7C.

Memo dated November 12, 1996, to Senator Hutchison from citizen, 1 page, Ex. 6, 7C.

Early Voting has many Flaws November 96, 1 page, Ex. 6, 7C.

News article, 4 pages.

Letter dated December 18, 1996, to citizen from Craig Donsanto, 2 pages, Ex. 6, 7C, with attachment.

Fax cover sheet dated November 14, 1996, to Lee Redek from citizen, 1 page, Ex. 6, 7C.

Letter dated February 9, 1995, to citizen from Craig Donsanto, 2 pages, Ex. 6, 7C.

Letter dated July 1, 1994, to citizen from Craig Donsanto, 2 pages, Ex. 6, 7C.

92. Letter dated May 8, 1990, to USA Lopez-Romo from Craig Donsanto, 1 page, Ex. 5.

95. Executive Secretariat Control Data Sheet dated December 14, 2000, to OLA from Congressperson Emerson, 1 page, Ex. 6, 7C, with attachments.

95A. Letter dated January 23, 2001, to Congressperson Emerson from DAAG Keeney, 2 pages, Ex. 6, 7C.

95B. Letter dated December 14, 2000, to Andrew Fois from Congressperson Emerson, 1 page, Ex. 6, 7C.

95C. Email dated November 13, 2000, from writerep, 1 page, Ex. 6, 7C.

98. Letter dated April 14, 1989, to citizen from Craig Donsanto, 2 pages, Ex. 6, 7C.

99. Memo dated April 11, 1989, to Gerald McDowell from Craig Donsanto, 3 pages, Ex. 5, with attachments.


100F. Memo dated March 14, 1989, to Gerald McDowell from Craig Donsanto, 2 pages, Ex. 5.

100H. Memo dated March 17, 1989, to Barry Weinberg from Craig Donsanto, 1 page.

Letter dated February 21, 1989, to Craig Donsanto from USA Barr, referred to EOUSA, 2 pages.

109. Executive Secretariat Control Data Sheet dated December 9, 2001, to AG from citizen, 1 page, Ex. 6, 7C, with attachments.


109B. Letter dated December 19, 2002, to citizen from DAAG Keeney, 1 page, Ex. 6, 7C.

109C. Letter dated December 19, 2002, to citizen from DAAG Keeney, 1 page, Ex. 6, 7C.

109D. Letter undated, to citizen from DAAG Keeney, 1 page, Ex. 6, 7C.

109F. Executive Secretariat Control Data Sheet dated December 9, 2001, to AG from citizen, 1 page, Ex. 6, 7C.
109G. Letter undated, to citizen from DAAG Keeney, 1 page, Ex. 6, 7C.

110. Letter dated March 15, 1999, to Senator Breaux from DAAG Keeney, 2 pages, Ex. 6, 7C, with attachments.

110A. Memo dated January 28, 1999, to Mary Bienvenue from Dave Hunter, 1 page, Ex. 6, 7C.

110B. Executive Secretariat Control Data Sheet dated January 5, 1999, to OLA from Senator Breaux, 1 page, Ex. 6, 7C.

110C. Letter dated January 5, 1999, to Act. AAG Burk from Senator Breaux, 1 page, Ex. 6, 7C.

110D. Letter dated December 19, 1998, from citizen to Senator Breaux, 2 pages, Ex. 6, 7C.

112. Memo dated September 16, 1998, to Barry Weinberg from Craig Donsanto, 1 page, Ex. 6, 7C, with attachments.

112A. Letter dated September 16, 1998, to citizen from Craig Donsanto, 2 pages, Ex. 6, 7C.

112B. Letter dated August 17, 1998, to Leejay Radek from citizen, 3 pages, Ex. 6, 7C.
Via Fax: 301-341-0772
Patricia D. Harris, Management Analyst
FOIA/PA Mail Referral Unit
Department of Justice
Room 114, LOC
Washington, DC 20530-0001

Re: Freedom of Information Act Request:

Dear Ms. Harris,

This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center ("EPIC").

We are seeking all agency records from January 1, 2001 through the present (including but not limited to electronic records) related to the Department of Justice's "Voting Access and Integrity Initiative." This request includes all information in the form of e-mails, hosted events, briefings, meeting records, letters, and other documentation on all work performed by agency personnel or contractors related to activity in preparation for and carrying out the mission of the Voting Access and Integrity Initiative for the November 2, 2004 General Election.

Please provide all communications, policy memorandum, letters, contracts, e-mails, reports or statements, reflecting final policy decisions regarding:

- Steps that have been taken to respond to election and campaign financing crimes under the overall supervision of the Public Integrity Section pursuant to 9 U.S.A.M. 85.210.
- Which Federal Prosecutors from which jurisdictions or offices have been designated as the Civil Rights and Criminal Division Leaders to handle this initiative.
- How many ongoing investigations or prosecutions have been pursued and their disposition under this initiative.
- Civil Rights groups that were approached in the process of developing this initiative.
- The number of DOJ personnel or contractors that will be deployed under this initiative for November 2, 2004.
- The use of contractors in the development and implementation of this initiative.
- The methods being employed to address voter fraud.
- The reasoning behind the selection of states and jurisdictions for this initiative.
I believe that the records to reply to this request can be found in the office of Hans A. von Spakovsky, who is Counsel to the Assistant Attorney General for the Civil Rights Division.

For purposes of fee assessments, we request that EPIC be placed in the category of "news media" requestor. EPIC is a non-profit, educational organization that routinely and systematically disseminates information to the public. This is accomplished through several means. First, EPIC maintains a heavily visited web site (www.epic.org) that highlights the "latest news" concerning privacy and civil liberties issues. The site also features scanned images of documents EPIC obtains under the FOIA. Second, EPIC publishes a bi-weekly electronic newsletter that is distributed to over 15,000 readers, many of whom report on technology issues for major news outlets. The newsletter reports on relevant policy developments of a timely nature (hence the bi-weekly publication schedule). It has been published continuously since 1996, and an archive of past issues is available at our Web site. Finally, EPIC publishes and distributes printed books that address a broad range of privacy, civil liberties and technology issues. A list of EPIC publications is available at our web site.

For the foregoing reasons, EPIC clearly fits the definition of "representative of the news media" contained in the FOIA and the Department of Justice regulations. Indeed, the U.S. District Court for the District of Columbia has held that EPIC is a "news media" requestor under the FOIA. See Electronic Privacy Information Center v. Department of Defense, 241 F. Supp. 2d 5 (D.D.C. 2003). Based on our status as a "news media" requestor, we are entitled to receive the requested records with only duplication fees assessed. Further, because disclosure of this information will "contribute significantly to public understanding of the operations or activities of the government," as described above, any duplication fees should be waived.

Thank you for your consideration of this request. As applicable Department of Justice regulations provide, I will anticipate your response to this request within 20 working days. Should you have any questions about this request, please feel free to call me at 202-483-1140 ext. 111.

Lillie Coney
Senior Policy Analyst
Requester: Lillie Coney

Ref:

Date of Request: July 23 and August 11, 2004

Received By: FOIA/PA Referral Unit

Type of Request: FOIA

Remarks: Requester advised of this referral.
August 11, 2004

Via Fax: 301-341-0772
Patricia D. Harris, Management Analyst
FOIA/PA Mail Referral Unit
Department of Justice
Room 114, LOC
Washington, DC 20530-0001

Re: Supplement to Freedom of Information Act Request dated 7/23/04:

Dear Ms. Harris,

This communication is a supplement to EPIC's initial FOIA regarding the Department of Justice “Voting Access and Integrity Initiative.”

We are seeking all agency records from January 1, 2004 through the present (including but not limited to electronic records) related to Department of Justice activity that reportedly resulted in the suppression of the vote of populations subject to the Voting Rights Act. This request includes all information in the form of e-mails, hosted events, briefings, meeting records, letters, and other documentation on reports, communications, complaints that Department of Justice personnel or contractors engaged in “heavy-handed enforcement” efforts regarding voter fraud in the weeks leading up to the November 20002 General Election. Also provide any communications, pre and post November 2002 on concerns, charges or complaints about Department of Justice personnel or contractors whose activity under the “Voting Access and Integrity Initiative” was accused of intimidating sensitive populations that are subject to the Voting Rights Act.

Please provide all communications, policy memorandum, letters, contracts, e-mails, reports or statements, investigations, corrective or disciplinary actions based on complaints as well as the action(s) taken by the Department of Justice to investigate and address:

1) Violations of the Voting Rights Act Section 203.
2) False perceptions of "massive" voter fraud.
3) Purging of voter registration rolls.
4) Investigations of other crimes that resulted in processes or procedures to ascertain or gather information related to investigation of voting fraud and the disposition of these investigations or prosecutions.
5) Evaluation of the Voting Access and Integrity Initiative as it relates to lessons learned and directives developed to guard against adverse effects of Department of Justice activities based on the court decision in United
6) Any comparative analysis of the incidence of voter fraud verses voters being denied access to vote in public elections.
7) Amount in budgetary resources allocated to voter fraud detection and deterrence.
8) Amount in budgetary resources allocated to voter access.

Thank you for your consideration of this request. As applicable Department of Justice regulations provide, I will anticipate your response to this request within 20 working days. Should you have any questions about this request, please feel free to call me at 202-483-1140 ext. 111.

Lillie Coney
Senior Policy Analyst