

H.R. 4: Personnel is Policy

July 2021 -- *Personnel is policy.* Every time you hear about the need to pass H.R. 4, the John Lewis Voting Rights Advancement Act, remember: Congress isn't just passing a new set of rules—it is empowering scores of DOJ Civil Rights Division (“CRT”) Voting Section staffers to hold administrative veto powers over any change in election procedures including procedures meant to protect the integrity of elections (even if those are passed by ballot referenda). These bureaucrats have proven for longer than a decade that their left-wing ideologies are hostile to equal enforcement of civil rights law. They are a threat to each State’s constitutional power to control its own election procedures.

Complaints regarding this improper behavior instigated an investigation by the Inspector General (IG). PILF has highlighted the IG findings below.

Equal Enforcement of Law Cuts Against DOJ Orthodoxy

- Beginning in 2009, the Inspector General found “relevant evidence” demonstrating Civil Rights Division and Voting Section leaders “disfavored” cases where victims were white.¹ This led to a lack of enforcement on behalf of white voters even in the most egregious of circumstances. For example, the Voting Section failed to bring any action against a Guam law that required a blood ancestry test as part of a voter registration application.²

Abuse of Staff Help Ensure Rigorous Adherence to Ideological Norms

- In 2005, a newly hired attorney whose views on Georgia’s voter ID law were *suspected* of being neutral or supportive of the concept of voter ID was compared by Voting Section staff via office email to being a **Nazi sympathizer** (“a hand-picked Vichyite”).³ When this attorney concluded his review and recommended that the ID law should be precleared by the Attorney General, other members of the review group engaged in a series of “hostile” and “snide” actions. These unprofessional actions included, dispersing **Customized coffee mugs mocking the attorney to staff**; secretly accessing the attorney’s intranet work folder and then mockingly sharing incomplete work product with others under the email cover, “lookie what I found...”⁴
- In 2006, staff members assigned to bring Section 2 violations of the Voting Rights Act against black officials in Noxubee County, Mississippi, were subject to written and verbal abuse from peers. The team leader was **called a “Klansman” in official email**

¹ P. 79

² Despite DOJ inaction, a private lawsuit eventually ended with the 9th Circuit Court of Appeals finding that Guam’s blood ancestry test for voter registration was indeed a violation of the Fifteenth Amendment see *Davis v. Guam*, 932 F.3d 822 (9th Cir. 2019), cert. *denied* *Guam v. Davis*, 140 S. Ct. 2739 (2020)

³ P. 119

⁴ P. 120

correspondence.⁵ A **black intern** who requested to join the team was repeatedly taunted as a “**token.**”⁶ When the intern’s **mother** paid a visit to the office, career employees complained that her son was acting as a **racial “turncoat.”**⁷

- In 2007, “at least three” career employees took to prominent liberal-leaning news websites, identified themselves as employees of DOJ, and published “highly offensive and potentially threatening statements” about colleagues. Comments involved remarks about others’ **physical appearances while nude**; theories about pornography habits; and rumors about one person’s “**Yellow Fever**” regarding a presumed sexual attraction to a person who “**look[s] Asian.**”⁸
- Also in 2007, an employee professing to be the organizer of a **3-person “cyber-gang”**⁹ published comments about hanging a **noose in a supervisor’s office** he presumed to be racist.¹⁰ His commentary noted that he decided against hanging the noose because it would probably trigger a promotion for the supervisor. This employee also adopted an online avatar of a black literary character who becomes a killer. He made further comments online stating a **wish to “choke” colleagues** with whom he disagreed.¹¹
- Staff also posted the movements and daily routines of one Voting Section manager to a liberal news site, posing concerns for the manager’s security. The IG described this conduct as “disturbing.”¹² These liberal news sites were also used to disparage Bush Administration officials and Voting Section managers, while using extreme racial language. These comments included allegations that managers were bigoted, and using the expression ‘**po Niggrahs**’ in describing a manager’s supposed attitude toward blacks. Another post claimed that the ideal neighborhood for another manager would be one “where everyone wears a white sheet, the ‘**darkies say yes’m**’ and equal rights for all are for the real “land of make believe.”¹³

Lying Under Oath to Hide Cyber-Bullying of Colleagues

- When confronted with the 2007 Internet postings about conservative coworkers, one member of the “cyber bullying” group **initially lied under oath** to the Inspector General staff and then acknowledged falsehoods. The online abuse was rationalized as “stress relief.”¹⁴

⁵ P. 123

⁶ P. 121

⁷ P. 122

⁸ P. 127

⁹ P. 128

¹⁰ P. 129

¹¹ P. 130

¹² P. 127

¹³ P. 128

¹⁴ P. 129

Ideological Hiring to Preempt the Incoming Bush Administration

- Shortly before the Bush transition was completed in 2001, several spoke of a **“concerted effort” to hire as many liberal/progressive personnel** before inauguration: “once the election came, probably the hiring decision-making was sped up so that people coming through the pipeline could get jobs before the new administration came out.”¹⁵
- Incoming Bush leadership complained in 2001 that “Civil Rights career personnel were trying to **‘stack the deck’** with employees who held progressive views on civil rights enforcement.” Division Section Chiefs “‘blanket[ed]’ civil rights advocacy groups with e-mails stating that the Division was hiring.”¹⁶
- The Inspector General later found that during the Bush transition, “there was an effort ... to fill vacant positions in various Civil Rights Division Sections, including the Voting Section, on a highly expedited basis so as to be completed prior to the change in administrations.” The effort “created the perception ... that at least part of the motivation for this activity was to hire attorneys who favored the enforcement philosophy of [the Clinton] administration and to keep the hiring decisions out of the hands of [Bush appointees] because of concerns about its enforcement philosophy.”¹⁷
- In 2009, the Inspector General found email correspondence showing Voting Section management specifically reaching out to the progressive organizations (namely the ACLU, Mexican American Legal Defense and Education Fund (MALDEF), NAACP Legal Defense and Education Fund, and the Lawyers’ Committee for Civil Rights under Law) about job openings—but failed to make any offers to “conservative” groups.¹⁸
- In 2010, the Inspector General found that hiring practices to require prior experience in voting rights litigation **carried the effect of slanting acceptable job candidates to the left** of the ideological spectrum.¹⁹

FOIA Issues

- On a number of occasions between 2006 and 2008, Voting Section management became aware of episodes where document requests for preclearance information was transmitted from staff to private parties **outside of FOI/PA channels**.²⁰
- Requests to expedite FOI/PA responses were granted circa 2008 to private parties stating litigation needs despite not meeting department regulations.²¹

Source Document

U.S. Department of Justice—Office of the Inspector General; A Review of the Operations of the Voting Section of the Civil Rights Division (March 2013)

¹⁵ P. 185

¹⁶ P. 187

¹⁷ P. 188

¹⁸ P. 198

¹⁹ PP. 219-222

²⁰ P. 233

²¹ PP. 233-234