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684129

**THE WHITE HOUSE
DOCUMENT MANAGEMENT AND TRACKING
WORKSHEET**



DATE RECEIVED: 1/19/2006

CASE ID: 684129

NAME OF CORRESPONDENT: THE HONORABLE BARACK OBAMA

SUBJECT: EXPRESSES CONCERN ABOUT THE RECESS APPOINTMENT OF HANS VON SPAKOVSKY TO THE FEDERAL ELECTION COMMISSION (FEC)

ROUTE TO: AGENCY/OFFICE	(STAFF NAME)	ACTION		DISPOSITION	
		CODE	DATE	TYPE RESPONSE	CODE
LEGISLATIVE AFFAIRS	CANDI WOLFF	ORG	1/20/2006		
ACTION COMMENTS:					
FEDERAL ELECTION COMMISSION		A	1/20/2006		
ACTION COMMENTS:					
PRESIDENTIAL PERSONNEL	KATJA BULLOCK	A	1/20/2006		
ACTION COMMENTS:					
ACTION COMMENTS:					
ACTION COMMENTS:					

COMMENTS:

MEDIA: FAX

USER CODE:

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ACTION CODES:	DISPOSITION		
A - APPROPRIATE ACTION B - RESEARCH AND REPORT BACK D - DRAFT RESPONSE I - INFO COPY/NO ACT NECESSARY R - DIRECT REPLY W/ COPY	TYPE RESPONSE: TYPE RESPONSE = INITIALS OF SIGNER NRN = NO RESPONSE NEEDED	DISPOSITION CODES: A - ANSWERED/ACKNOWLEDGED C - CLOSED X - INTERIM REPLY	COMPLETED DATE: COMPLETED = DATE OF ACKNOWLEDGEMENT OR CLOSE-OUT DATE (MM/DD/YY)

REFER QUESTIONS AND ROUTING UPDATES TO DOCUMENT TRACKING UNIT (ROOM 84, OEOP) EXT-62590 KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO OFFICE OF RECORDS MANAGEMENT

BARACK OBAMA
ILLINOIS

COMMITTEES:
ENVIRONMENT AND
PUBLIC WORKS
FOREIGN RELATIONS
VETERANS' AFFAIRS

United States Senate

WASHINGTON, DC 20510

January 5, 2005

684129

The Honorable George W. Bush
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

I am writing to express my deep concern about the recess appointment of Hans von Spakovsky to the Federal Election Commission (FEC).

The FEC is an independent regulatory agency tasked with the enforcement and administration of the Federal Election Commission Act. Individuals named to the Commission should have a demonstrated record of fair administration of the law and an ability to overcome partisan biases. Unfortunately, Mr. von Spakovsky's record, both as Counsel to the Assistant Attorney General for Civil Rights in the Department of Justice and as a Republican appointee to the Fulton County Registration and Election Board in Atlanta, Georgia, do not demonstrate the evenhandedness required of an FEC Commissioner.

As you know, Mr. von Spakovsky played an active role in not only the creation of the controversial Georgia voter identification law, which requires all voters to provide certain government-provided identification at the polls, but also the approval of that law by the Department of Justice (DOJ). Last November, the *Washington Post* reported that the law was pre-cleared by the Justice Department over the objections of several career staff attorneys who reviewed the Georgia voter identification law and determined that it would unduly hinder the ability of black voters to cast their ballots. Subsequent reports indicate that Mr. von Spakovsky joined these DOJ officials in overruling the career employees.

Since this decision was made, both a U.S. District Court and the U.S. Court of Appeals for the 11th Circuit have held that the Georgia law is unconstitutional and should be enjoined. The *New York Times* has called the law "a national disgrace." Recent reports also indicate that Mr. von Spakovsky played a role in overriding staff recommendations on a Texas congressional redistricting plan that six lawyers and two analysts in DOJ's Civil Rights Division unanimously concluded violated the Voting Rights Act.

Mr. von Spakovsky's previous role in the creation of the Georgia voter identification law should have led to his recusal from the Department of Justice's evaluation of the law. His failure to recuse himself from that case and his extraordinary actions to support the Texas redistricting plan demonstrate that he lacks the judgment to be an FEC Commissioner.

As you know, next year the Congress will consider the reauthorization of the Voting Rights Act. I am heartened by your support for that monumental law and look forward to

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The Honorable George W. Bush
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working with the Administration and my colleagues in the Senate to see that the Voting Rights Act is reauthorized.

However, your recess appointment of Mr. von Spakovsky is contrary to the goals and spirit of the Voting Rights Act. Your action sends the wrong message about the importance of increasing participation in the political process and the fair administration of election laws. I respectfully urge you to reconsider your decision.

Sincerely,



Barack Obama
United States Senator

Handwritten notes: "I.C." and "P.P.C." with a large right-facing curly bracket and some illegible scribbles below it.