

Congress of the United States
House of Representatives
Washington, DC 20515

February 8, 2022

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Garland:

In this moment, the future of our democracy is at stake. Citizens across the country face an onslaught of antidemocratic laws designed to restrict access to the ballot, diminish the power of voters of color, and overturn the results of fair elections. These unabashedly racist and partisan attacks on our nation's democratic principles must be forcefully condemned and expeditiously reversed. Congress looks to you, the Attorney General of the United States, to enforce the Constitution and our voting rights laws with unmitigated vigor and tenacity. We write to urge you to leverage the full might of the Department of Justice to defend the sacred right to vote for all Americans.

Since securing the right to vote, Black citizens continue to be disproportionately targeted for disenfranchisement, gerrymandering, voter purges, and other forms of voter suppression, vote dilution, and election subversion. This coordinated campaign to oppress Black voters is rooted in white supremacy and serves to further institutionalize the legacy of slavery. There is no overstating the role of historic racism in modern disenfranchisement, and there is no overlooking or downplaying the ruthlessness of those who seek to suppress the vote.

States are feverishly introducing and advancing proposals to diminish meaningful participation in our elections. Last year, more than 440 bills designed to restrict voting access were introduced in nearly every state across the nation.¹ Moreover, at least nineteen states passed thirty-four laws to achieve such a result.² While we applaud the litigation that you have filed in some jurisdictions, we encourage and expect you to exponentially increase your efforts to challenge unlawful and unconstitutional voter suppression wherever it occurs. Any state that enacts a law infringing on the right to vote should be met with a lawsuit in defense of the American people. If states face no consequences for their actions, they will be emboldened to pursue even more draconian voter suppression tactics reminiscent of Jim Crow era discrimination.

For an example, you need not look any further than the proposed Office of Election Crime and Security in Florida. Despite vast amounts of evidence showing that election irregularities are

¹ *Voting Laws Roundup: December 2021*. BRENNAN CENTER (Jan. 12, 2022), <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-december-2021>.

² *Id.*

extremely rare, this proposal would empower a multi-million-dollar police department to investigate and arrest people who are accused of violating election laws.³ This is a page directly out of the Jim Crow voter suppression handbook intended to intimidate voters from engaging in elections. At the height of the Civil Rights Movement, state officials, like Dallas County Sheriff Jim Clark, routinely deputized white citizens to arrest Black citizens who attempted to exercise their right to vote.⁴ The late Congressman John Lewis and hundreds of others were attacked by such a police force on Bloody Sunday, one of our nation's most violent and antidemocratic episodes of racial terror.⁵ Since the Florida agency was announced, similar election police forces have been proposed in Georgia and Arizona.⁶ It is incumbent upon the Department of Justice to aggressively combat any and all attempts to intimidate voters and restrict access to elections.

It is critical that you enforce every applicable law to ensure all citizens can vote. While we continue to fight for the passage of substantive voting rights legislation in Congress, the Department of Justice is not powerless.⁷ The United States Constitution and several statutes grant the agency significant authority to bring claims against malicious actors.⁸ Furthermore, federal tribal, disability, labor, and anti-corruption laws present unique opportunities to ensure free and fair elections. We commend your decision to double the Civil Rights Division's enforcement staff in order to protect the right to vote and endorse a comprehensive and accelerated litigation strategy.⁹

Our message is simple: Be creative. Be relentless. Be unapologetic in your commitment to do whatever it takes to ensure that every American has their vote counted no matter how they look or where they live. No lawsuit is too trivial when it comes to the voting rights of citizens.

We recommend that you act with urgency to overpower and outpace attempts to diminish the will of voters. This year, elections will be held in every congressional district across the country, and Black voters are especially concerned about the veracity of results compared to white and Hispanic voters. According to a recent survey, 80% of Black people who think democracy and the rule of law are threatened consider people trying to overturn or change elections is a major threat.¹⁰ To ensure the sanctity of the electoral process, it is necessary to move swiftly in litigating heinous laws designed to suppress voter turnout and invalidate election outcomes. Confidence in elections is vital to maintaining a healthy democracy.

³ *Florida Governor Ron DeSantis Wants A New Police Force With The Power To Arrest Voters*. ESSENCE (Jan. 18, 2022), <https://www.essence.com/news/ron-desantis-election-police/>.

⁴ *Selma 50 years later: John Lewis's memories of the march*. CNN (Mar. 6, 2015), <https://www.cnn.com/2015/03/06/politics/selma-50-years-john-lewis-bridge-anniversary/index.html>.

⁵ *Confrontations for Justice*. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, <https://www.archives.gov/exhibits/eyewitness/html.php?section=2>.

⁶ *Republicans Want New Tool in Elusive Search for Voter Fraud: Election Police*. NY TIMES (Jan. 20, 2022) <https://www.nytimes.com/2022/01/20/us/voting-rights-election-police.html>.

⁷ *Republicans block Democrats' voting rights push in the Senate*. LA TIMES (Jan. 19, 2022), <https://www.latimes.com/politics/story/2022-01-19/democrats-voting-rights>.

⁸ *Voting and Election Laws*. USA GOV (Oct. 4, 2021), <https://www.usa.gov/voting-laws>.

⁹ *Attorney General Merrick B. Garland Delivered a Policy Address Regarding Voting Rights*. U.S. DEPARTMENT OF JUSTICE (June 11, 2021), <https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivered-policy-address-regarding-voting-rights>.

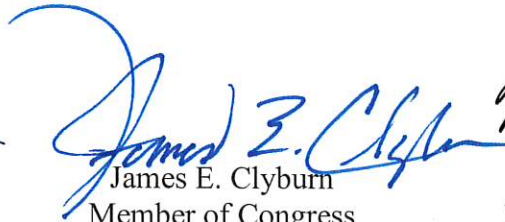
¹⁰ *CBS News Poll*. YOUGov (Jan. 2022), https://drive.google.com/file/d/14I00ZXDpUpbKT6h-Uu2Pscbw1Bn00cz_/view.

Although numerous state laws threaten our democracy, we are confident in the ability of Department of Justice attorneys to successfully defend voting rights. This is best achieved by dedicating every available resource to advancing electoral justice. Our nation is at an inflection point, and the eyes of history are watching. The Department of Justice must act as if the future of our democracy depends on it because it quite literally does.

Sincerely,



Ayanna Pressley
Member of Congress



James E. Clyburn
Member of Congress



Mondaire Jones
Member of Congress

Alma S. Adams, Ph.D.
Member of Congress

André Carson
Member of Congress

Hakeem Jeffries
Member of Congress

Colin Allred
Member of Congress

Sheila Cherfilus-McCormick
Member of Congress

Eddie Bernice Johnson
Member of Congress

Karen Bass
Member of Congress

Emanuel Cleaver II
Member of Congress

Henry C. "Hank" Johnson, Jr.
Member of Congress

Joyce Beatty
Member of Congress

Danny K. Davis
Member of Congress

Robin L. Kelly
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Sanford Bishop
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Dwight Evans
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Brenda L. Lawrence
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Al Green
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Barbara Lee
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Anthony G. Brown
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Jahana Hayes
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A. Donald McEachin
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Shontel Brown
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Eleanor Holmes Norton
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Gregory W. Meeks
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Cori Bush
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Steven Horsford
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Gwen Moore
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Sheila Jackson-Lee
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Joe Neguse
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Ilhan Omar
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Donald M. Payne, Jr.
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Stacey E. Plaskett
Member of Congress

Bobby L. Rush
Member of Congress

Robert C. "Bobby" Scott
Member of Congress

Terri A. Sewell
Member of Congress

Marilyn Strickland
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Bennie G. Thompson
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Bonnie Watson Coleman
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Nikema Williams
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Frederica S. Wilson
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