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ONE HUNDRED THIRTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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April 9, 2014

The Honorable Darrell E. Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am writing in response to a letter you sent earlier today falsely accusing me of conspiring with the Internal Revenue Service (IRS) to target True the Vote. This accusation has no merit and no basis in fact.

In your letter, you inquire about emails obtained by the Committee showing that my staff sought information about True the Vote's 501(c)(3) status. According to your logic, simply requesting access to public information is somehow evidence of a nefarious conspiracy. As stated clearly in the very documents quoted on page 4, page 5, and page 6 of your own letter, my staff requested access to "publicly available information."¹

In addition, these completely appropriate requests for public information were made to an IRS legislative affairs official who formerly served on the staff of Senator Charles Grassley, and we do not question her professionalism or her dedication in responding to these legitimate congressional inquiries.

To be clear, I have made no secret of my concern about True the Vote's political activities and the implications for its 501(c)(3) status. For example, on October 18, 2012, I wrote a letter to True the Vote asking for information about a \$5,000 donation the organization made on August 17, 2012, to the Republican State Leadership Committee.² This political organization has raised millions of dollars for Republican candidates and describes itself as "the largest caucus of Republican state leaders and the only national organization whose mission is to elect

¹ Letter from Chairman Darrell E. Issa *et al.* to Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform (Apr. 9, 2014).

² *Nonpartisan? True the Vote Gave \$5,000 to Republican State Leadership Committee*, Facing South (Oct. 12, 2012) (online at www.southernstudies.org/2012/10/nonpartisan-true-the-vote-gave-5000-to-republican-state-leadership-committee.html).

down ballot, state-level Republican office-holders.”³ The group’s September 20, 2012, filing with the IRS appears to substantiate this report.⁴

True the Vote’s political contribution raised serious questions about its claim to be a “nonpartisan” organization, as well as its application with the IRS for 501(c)(3) status. To this day, I still have not received an adequate answer as to why this organization should be allowed to make political donations while retaining its 501(c)(3) status.

With respect to your suggestion that I withheld information, I note that I made my October 18, 2012, letter public at the time—a year and a half ago. I also posted it on my website here:

http://democrats.oversight.house.gov/images/user_images/gt/stories/2012-10-18.EEC_to_TTV.pdf

As you will note, my letter includes footnotes to my sources, and I sent you a courtesy copy of my letter for your records. I am attaching another copy of my letter in case you failed to review it back in 2012. Unfortunately, your letter appears to be a desperate attempt to shift the focus of tomorrow’s contempt vote away from the serious Constitutional deficiencies in these proceedings. I hope you will reconsider your approach.

Sincerely,



Elijah E. Cummings
Ranking Member

cc: The Honorable John Mica
The Honorable Jim Jordan
The Honorable Jason Chaffetz
The Honorable James Lankford
The Honorable Blake Farenthold

³ Republican State Leadership Committee, *About the RSCL* (accessed Oct. 17, 2012) (online at <http://rslc.com/about>).

⁴ Republican State Leadership Committee, *Form 8872 Political Organization Report on Contributions and Expenditures* (Sept. 20, 2012) (online at www.southernstudies.org/sites/default/files/RSCL%20Aug12.pdf).

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JACKIE SPEIER, CALIFORNIA

October 18, 2012

Ms. Catherine Engelbrecht
Founder and President
True the Vote
P.O. Box 27378
Houston, TX 77227

Dear Ms. Engelbrecht:

On October 4, 2012, I sent you a letter requesting specific documents about the manner in which True the Vote and its affiliated organizations have been challenging the registration of thousands of legitimate voters across the country based on insufficient, inaccurate, and faulty evidence. I requested these documents by October 14, 2012.¹

To date, you have not produced a single document. Instead, you responded by claiming that my request was based on “an over-simplification of the facts” and “second-hand knowledge or poor staff-researched understanding of our organization’s activities.” Rather than providing any documents that would shed light on your organization’s activities, you attacked election officials in Ohio and Wisconsin for not doing their jobs. Rather than providing any documents that would bring greater transparency to these efforts—a goal you claim you share—you offered only to meet with me to “dispel any misconceptions.”²

I accept your offer to come to Washington to answer these allegations, but only after you provide the documents I requested. Obviously, without documents, there is no way to verify any statements you may make, including those relating to how you decide which voters to challenge, how you compile the data that you rely on for these challenges, and where you decide to deploy your resources.

¹ Letter from Rep. Elijah E. Cummings, Ranking Member, House Committee on Oversight and Government Reform, to Catherine Engelbrecht, Founder and President, True the Vote (Oct. 4, 2012) (online at http://democrats.oversight.house.gov/index.php?option=com_content&task=view&id=5791&Itemid=104).

² Letter from Catherine Engelbrecht, Founder and President, True the Vote, to Rep. Elijah E. Cummings, Ranking Member, House Committee on Oversight and Government Reform (Oct. 5, 2012).

In addition to documents relating to your efforts to challenge legitimate voter registrations, today I am also requesting documents relating to your plan to deploy hundreds of thousands of personnel across the country on Election Day to challenge access to the polls for people you believe should not be allowed to vote.

You have stated that you “are on track to recruit and train 1 million volunteers” for poll monitoring on Election Day.³ However, there have been reports from multiple states during the past two years that your organization is targeting predominantly minority communities and coordinating with the Republican Party in an attempt to intimidate legitimate voters. In fact, your National Elections Coordinator, Bill Ouren, stated that your purpose on Election Day is to make our nation’s polling places feel “like driving down the road and looking up in that rearview mirror and seeing that there is an officer of the law following you.”⁴

Although several state laws allow private citizens to contest voter eligibility at the polls, voter intimidation is against the law.⁵ Actions that intimidate people from exercising any Constitutional right—including the right to vote—may be criminally prosecuted.⁶ As I stated in my prior letter, if these efforts are intentional, politically-motivated, and widespread across multiple states, they could amount to a criminal conspiracy to deny legitimate voters their Constitutional rights.⁷

If you are truly committed to transparency in our nation’s voting process—and if you continue to deny that your organization is challenging thousands of legitimate voters across the country for partisan political purposes—then you should have no reason to withhold documents from Congress about your activities.

³ Catherine Engelbrecht, *All Citizens Have a Stake in the Integrity of Elections*, Houston Chronicle (May 1, 2012) (online at www.chron.com/opinion/outlook/article/All-citizens-have-a-stake-in-the-integrity-of-3525938.php).

⁴ True the Vote National Summit, *Remarks by Bill Ouren, True the Vote National Elections Coordinator* (Apr. 27-28, 2012) (online at <http://vimeo.com/42865480>). See also True the Vote, *Enforcement Final* (online at <http://vimeo.com/46666083>).

⁵ 42 U.S.C. § 1973i(b) (“No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote.”) See also Brennan Center for Justice, *Voter Challengers* (Aug. 30, 2012) (online at brennan.3cdn.net/9edfc63808b7bf0c09_y5m6iyf3a.pdf).

⁶ 18 U.S.C. §§ 241, 242.

⁷ 42 USC § 1985(3) (including “if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote”).

Allegations of Targeting Minority Communities in North Carolina

On October 12, 2012, the Institute for Research and Education on Human Rights issued a report concluding that True the Vote's poll monitoring efforts in North Carolina appear to be aimed at African American and other minority communities that historically have voted for Democratic candidates. According to the author, the information in the report demonstrates that your organization has a "highly partisan and political agenda to deny African Americans and Latinos, specifically, the right to vote."⁸

For example, the report found:

Of the twenty-five counties with the highest level of African American population in the state, True the Vote has volunteers in twenty-four of them. By contrast, of the ten counties with the two lowest levels of African American population (0-167 and 167-810), True the Vote has only one volunteer in two different counties.⁹

Similarly, according to the report:

True the Vote also has recruits in nine of the ten North Carolina counties with the highest Hispanic or Latino ancestry population. By contrast, True the Vote only has recruits in 4 of the twenty-five least Latino populated counties.¹⁰

Since the issuance of this report last week, it appears that you have shut down access on True the Vote's internal website to information about where you are deploying personnel. As a result, it appears that even your own volunteers are now restricted from accessing this information. If this is accurate, it raises serious questions about whether your true goal is to suppress the vote in these minority communities.

Allegations of Abusive Poll Monitoring Tactics in Wisconsin

In Wisconsin, True the Vote's aggressive poll monitoring tactics were identified during the recall election of Governor Scott Walker. As the New York Times reported:

⁸ Democracy North Carolina, *LOD: Wrong the Voter* (Oct. 13, 2012) (online at www.nc-democracy.org/2012/10/13/lod-wrong-the-voter/).

⁹ Institute for Research and Education on Human Rights, *Abridging the Vote: True the Vote in North Carolina* (Oct. 12, 2012) (online at www.irehr.org/issue-areas/tea-party-nationalism/tea-party-news-and-analysis/item/436-abridging-the-vote).

¹⁰ *Id.*

On Election Day, poll watchers appeared to have slowed voting to a crawl at Lawrence University in Appleton, where some students were attempting to register and vote on the same day.

Charlene Peterson, the city clerk in Appleton, said three election observers, including one from True the Vote, were so disruptive that she gave them two warnings.

“They were making challenges of certain kinds and just kind of in physical contact with some of the poll workers, leaning over them, checking and looking,” said John Lepinski, a poll watcher and former Democratic Party chairman for Outagamie County.

He said that as a result of the scrutiny, the line to register moved slowly. Finally, he said, some students gave up and left.¹¹

True the Vote’s poll monitoring efforts appeared to be so disruptive that the state’s Government Accountability Board issued the following statement in preparation for the state’s primary in August:

Our system of open, transparent elections depends on members of the public serving as observers at polling places. However, in recent elections we have received disturbing reports and complaints about unacceptable, illegal behavior by observers. Voters expect a calm setting in which to exercise their right to vote.¹²

Allegations of Abusive Poll Monitoring Tactics in Texas

True the Vote also faced numerous allegations of using intimidating tactics during the 2010 election at multiple polling locations serving communities of color in Harris County, Texas.

For example, in a sworn affidavit, the Democratic nominee for the Office of Harris County Clerk in the 2010 General Election stated that many poll watchers who were volunteering under King Street Patriot’s True the Vote initiative “hovered over voters and/or made disturbances and/or challenges to voters.”¹³ Similarly, the Deputy Executive Director for

¹¹ *Looking, Very Closely, for Voter Fraud*, New York Times (Sept. 16, 2012) (online at www.nytimes.com/2012/09/17/us/politics/groups-like-true-the-vote-are-looking-very-closely-for-voter-fraud.html?pagewanted=all).

¹² Government Accountability Board, *G.A.B. Issues Flier on Voter Rights and Responsibilities* (July 31, 2012) (online at <http://gab.wi.gov/node/2437>).

¹³ Affidavit of Ann Bennett in Support of Plaintiffs’ Motion for Summary Judgment on Defendant’s Counterclaim (Aug. 31, 2011), *Texas Democratic Party v. King Street Patriots, Inc.*,

the Texas Democratic Party assigned to oversee Harris County operations asserted in a sworn affidavit that he helped “compile a list of incidents at the polls which included KSP poll watchers hovering over voters while they were attempting to cast their ballots and disrupting polling sites by loudly arguing with election judges.”¹⁴

Your organization denied these claims, stating publicly:

The Harris County Attorney’s office and the Department of Justice made inquiry following these charges and found literally nothing in terms of voter intimidation by True the Vote trained poll watchers. ... Not one person participating as a poll watcher was identified as having committed an act of voting intimidation.¹⁵

In contrast, when Committee staff contacted Harris County Senior Assistant County Attorney, Doug Ray, he reported that “King Street Patriots and True the Vote volunteers were not fully exonerated for acts of intimidation while serving as poll watchers in 2010.” He explained:

We did find that in a few instances complaints we received turned out not to be a True the Vote volunteer poll watcher, but there were in fact several incidents in which voters complained that True the Vote volunteers were “hovering,” and standing too close to voters to allow them to cast a confidential ballot.¹⁶

District Court of Travis County, Texas (No. D-1-GN-11-002363) (online at www.campaignlegalcenter.org/attachments/Court_Cases_Of_Interest/TDPvKSP_TDP_SJ_Motion_8-31-11.pdf). See also True the Vote, *History of True the Vote* (online at www.truethevote.org/about/history/) (accessed on Oct. 16, 2012) (“True The Vote began out of experiences during the 2008 election cycle of the Harris County, Texas Tea Party organization, King Street Patriots. ... By Election Day, 2010 True The Vote had 1,000 poll workers trained and ready to observe the election process at Harris County polling stations. This learning experience set the stage for the larger effort soon to come.”).

¹⁴ Affidavit of Anthony Gutierrez in Support of Plaintiffs’ Motion for Summary Judgment on Defendant’s Counterclaim (Aug. 30, 2011), *Texas Democratic Party v. King Street Patriots, Inc.*, District Court of Travis County, Texas (No. D-1-GN-11-002363) (online at www.campaignlegalcenter.org/attachments/Court_Cases_Of_Interest/TDPvKSP_TDP_SJ_Motion_8-31-11.pdf).

¹⁵ Letter from Brock C. Akers, Attorney for King Street Patriots, True the Vote, and Catherine Engelbrecht, to Bob Edgar, President, Common Cause, and Miles Rapoport, President, Demos (Sept. 14, 2012) (online at www.scribd.com/doc/106188242/Common-Cause-9-14-12-Letter).

¹⁶ Telephone Call with Doug Ray, Senior Assistant County Attorney, Harris County Attorney’s Office, and Democratic Staff, House Committee on Oversight and Government Reform (Oct. 16, 2012).

Mr. Ray also stated that when he visited True the Vote's offices in Harris County, there were maps on the wall with push pins indicating the polling places True the Vote was targeting, and they were primarily in minority precincts, including the 18th Congressional district.¹⁷

The Harris County Attorney's office was so concerned about potential voter intimidation that it subsequently issued a letter to election judges clarifying that "poll watchers are not allowed to follow voters into the 'voting station' to observe the voters unless the voter requests assistance from an election judge or election clerk." They also recommended that "[d]isputes may be minimized by marking lines on the floor indicating areas where the 'voting station' is located."¹⁸

Allegations of Coordination with the Republican Party

There is mounting evidence that True the Vote's aggressive poll monitoring tactics are being coordinated closely with the Republican Party.

For example, last week it was reported that True the Vote donated \$5,000 on August 17, 2012, to the Republican State Leadership Committee.¹⁹ This political organization has raised millions of dollars for Republican candidates and describes itself as "the largest caucus of Republican state leaders and the only national organization whose mission is to elect down ballot, state-level Republican office-holders."²⁰ The group's September 20, 2012, filing with the IRS appears to substantiate this report.²¹ This contribution raises serious questions about your claims that True the Vote is a "nonpartisan" organization, as well as your application with the IRS for 501(c)(3) status.

In addition, in Arizona, you appeared at a three-day conference of the Phoenix Tea Party in April. During your presentation, which you delivered in your official capacity as the Founder and President of True the Vote, you first praised the Tea Party. As you stated: "God woke us up

¹⁷ *Id.*

¹⁸ Vince Ryan, Harris County Attorney, to Harris County Election Judges, *Opinion In re: Supervision of Poll Watchers* (on file with Committee staff).

¹⁹ *Nonpartisan? True the Vote Gave \$5,000 to Republican State Leadership Committee*, Facing South (Oct. 12, 2012) (online at www.southernstudies.org/2012/10/nonpartisan-true-the-vote-gave-5000-to-republican-state-leadership-committee.html).

²⁰ Republican State Leadership Committee, *About the RSCL* (accessed Oct. 17, 2012) (online at <http://rscl.com/about>).

²¹ Republican State Leadership Committee, *Form 8872 Political Organization Report on Contributions and Expenditures* (Sept. 20, 2012) (online at www.southernstudies.org/sites/default/files/RSLC%20Aug12.pdf).

for a reason, and there is no explanation other than but by the hand of God that the Tea Party even happened.” Shifting to the Republican Party, you then stated:

The Republican Party has reached out to us and said, “Wow, you have volunteers, we would love to get them placed. What can we do to help? We’ll make sure people know about your training. You tell us when you have volunteers and we’ll make sure to get them placed.”²²

In New Mexico, True the Vote’s State Director, David Harris, appears to be running the Republican Party’s training for poll watchers in Bernalillo County. Just this month, he was recorded on audiotape denying access to a Democrat for a “private training class for people who are invited to take part in this class.” According to the report, Mr. Harris “demanded to know the party affiliation” of the individual seeking entry, and after “learning he wasn’t Republican promptly denied him entry.”²³

In Texas, Texans for Public Justice filed a complaint in 2010 with the Texas ethics commission that cited multiple instances in which King Street Patriots and its True the Vote initiative worked directly with Republican Party candidates and recruited “poll watchers” for them.²⁴ The complaint states that in May 2010, “True the Vote brought David Horowitz, a nationally known right-wing commentator, to Houston to address the importance of defeating Democrats.” In an exchange with you, Mr. Horowitz stated:

There is a chance this year to unseat some very bad people, but you have to win the election by 3 to 5 points. This is what was told to me by a Democratic consultant who built the most powerful Democratic machine in my state. He regrets it. He said you guys—the Republicans—don’t win by 3 to 5 percent, we will steal that margin. So that’s your immediate task.²⁵

²² Catherine Engelbrecht, *Address to the Phoenix Tea Party Patriots in Mesa, Arizona* (Apr. 14, 2012) (online at www.youtube.com/watch?v=SiUxV8TYkRk&feature=related).

²³ ProgressNow New Mexico, *Update: True The Vote Teams Up With GOP For Secret Training* (Oct. 5, 2012) (online at www.progressnownm.org/blog/2012/10/update-true-the-vote-teams-up-with-gop-for-secret-training.html).

²⁴ Texans for Public Justice, *TPJ Serves Houston Tea Party Groups With Election-Law Complaints* (Oct. 18, 2010) (online at http://info.tpj.org/press_releases/pdf/kingstreet.pr.pdf).

²⁵ *Id.* (citing The King Street Patriots Shadow Party and Beyond, *Remarks by David Horowitz* (May 24, 2010) (online at www.youtube.com/watch?v=vBEJfuOE1Lk&noredirect=1). See also True the Vote 2011, *Remarks by David Horowitz* (online at <http://vimeo.com/30633379>).

Request for Additional Documents

In order to examine your organization's poll monitoring activities, I request that you provide the following documents and information:

- (1) the numbers of poll monitors that True the Vote has trained and the political party these poll monitors requested to "represent at poll" when they registered with True the Vote, organized by state, county, and precinct;
- (2) a list of polling places that True the Vote intends to place volunteers to serve as poll monitors, organized by state, county, and precinct;
- (3) a list of polling places True the Vote volunteers have signed up to work as poll monitors, organized by state, county, and precinct;
- (4) copies of voter roll lists that True the Vote may utilize to review voter eligibility on Election Day;
- (5) copies of materials used to train volunteers for poll monitoring, including groups "empowered" by True the Vote that share access and use of True the Vote's website portal; and
- (6) all correspondence with national, state, and local political parties regarding poll monitoring by volunteers of True the Vote and its affiliates during early vote periods and on Election Day.

I request that you provide the documents requested above and in my original letter by October 31, 2012. After receiving these documents, we will schedule a meeting in Washington, at which time you should be prepared to discuss fully the allegations against your organization and the documents you have provided. Thank you for your attention to this matter.

Sincerely,


Elijah E. Cummings
Ranking Member

cc: The Honorable Darrell E. Issa, Chairman