

TOM FEENEY
MEMBER OF CONGRESS
24TH DISTRICT, FLORIDA

WASHINGTON OFFICE:
323 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2706
FAX: (202) 226-6299
www.house.gov/feeney

Congress of the United States
House of Representatives

Washington, DC 20515

September 16, 2008

ASSISTANT WHIP
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SCIENCE AND TECHNOLOGY
SPACE AND AERONAUTICS
DEPUTY RANKING MEMBER

The Honorable Michael Mukasey
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Mukasey:

We are writing to request an immediate investigation into whether or not the Association of Community Organizations for Reform Now, or ACORN, is engaging in criminal voting fraud, promoting fraudulent registrations, or criminally misusing taxpayer funds.

With the next election cycle quickly approaching, we are confident that the Department of Justice will be ensuring the integrity of our federal elections. Although the administration of elections is chiefly a function of state government, the Department of Justice must ensure that nationwide criminal voter fraud is targeted and eliminated as effectively and efficiently as possible.

Voter fraud represents a serious threat to the validity of all American elections. Each and every illegal vote cast cancels out the thoughtfully considered vote of an American citizen. In April, the Supreme Court upheld an Indiana statute requiring registered voters to present photo identification in order to vote. The Court, in a 6-3 opinion, noted that "the risk of voter fraud [is] real...[and] could affect the outcome of a close election."¹

One organization in particular has developed a reputation for lawlessness in the electoral process. The Association of Community Organizations for Reform Now, or ACORN, has repeatedly been associated with voting fraud, turning in fraudulent registrations, and misuse of taxpayer funds. The laundry list of inappropriate conduct including investigations and convictions of individuals associated with ACORN is far too long to include in this letter, but here are a few key examples:

- Last year in Washington, felony charges were filed against several paid employees and supervisors of ACORN. Over 1,700 fraudulent registrations turned in by the employees were revoked in one of the largest instances of voting fraud in the United States.²

¹ Crawford v. Marion County Election Bd., 128 S. Ct. 1610,1619 (2008).

² Keith Ervin, "Felony Charges Filed Against 7 in State's Biggest Case of Voter-registration Fraud," *The Seattle Times* (July 26, 2007).

- In March of 2008, an ACORN worker was sentenced in Berks County Pennsylvania to 146 days to 23 months in the county prison for making 29 phony voter-registration forms to collect a cash bonus from ACORN.³
- Dale Rathke, brother of ACORN founder, Wade Rathke, embezzled nearly \$1 million from Acorn and affiliated charitable organizations in 1999 and 2000 but a small group of executives decided to keep the information from almost all of the group's board members and not to alert law enforcement. Dale Rathke remained on Acorn's payroll until a month ago, when disclosure of his theft by foundations and other donors forced the organization to dismiss him.⁴
- As of July 2008, at least three ACORN workers have been convicted of voter fraud in Kansas City, and one is awaiting trial. These ACORN workers in Kansas City flooded voter registration rolls with over 35,000 false or questionable voter registration forms.⁵
- St. Louis, Mo., officials found that in 2006 over 1,000 addresses listed on its registrations did not exist. "We met twice with ACORN before their drive, but our requests completely fell by the wayside," said Democrat Matt Potter, the city's deputy elections director.⁶ Later, federal authorities indicted eight of the group's local workers. One of the eight pleaded guilty last month.
- The Consumers Rights League reports that ACORN used taxpayer money to support "corporate shakedown tactics, counseling of potential homebuyers to use "undocumented" or "under the table" income to obtain mortgages, and to assist in obtaining mortgages for undocumented workers.⁷

At the very least, this pattern of conduct by individuals associated with ACORN has created an air of reasonable suspicion that ACORN is either engaged in criminal enterprise or does not have sufficient safeguards in place to ensure that taxpayer dollars are not used to those ends.

ACORN has routinely assured Americans that the aforementioned events and those like them represent isolated events by individuals not representing ACORN. Consequently, we are confident that they will welcome such an investigation to support their contentions that this pattern of misconduct is not endemic to ACORN's operations.

³ "West Reading Man Gets Jail for Phony Forms," *Reading Eagle* (March 01, 2008).

⁴ Stephanie Strom, "Funds Misappropriated at 2 Nonprofit Groups," *The New York Times* (July 9, 2008).

⁵ "ACORN Worker Pleads Guilty to Vote Fraud in Kansas City, Mo.," National Legal and Policy Center (July 29, 2008).

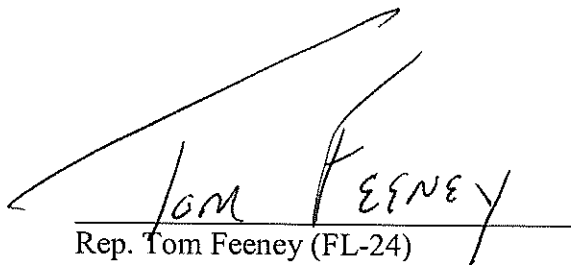
⁶ John Fund, "Grapes of Rathke," *The Wall Street Journal* (November 8, 2006).

⁷ Consumer Rights League, *Acorn's Hypocritical House of Cards: How One Community Group Helped the Housing Crisis Harm Taxpayers*, July 2008. Available at: http://www.consumersrightsleague.org/UploadedFiles/ACORN_AHC_Report.pdf.

We must do everything in our power to ensure that our electoral processes continue to reflect our dedication to a lawful democracy. Our civil rights and voting laws are designed to ensure that every American has their vote counted. Unfortunately, registering dead or fictitious voters serves no purpose other than to ultimately misrepresent and dilute the voice of the American people.

We respectfully request that you inform us whether you plan to initiate an investigation as soon as possible, and no later than October 8, 2008. We also request that you inform us whether the results of your review will be provided to Congress and made public. Thank you for your time and consideration.

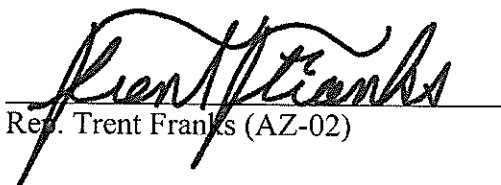
Sincerely,



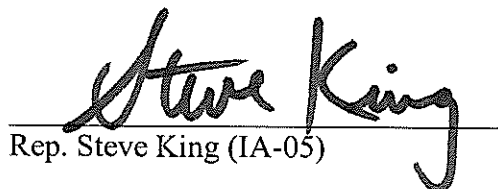
Rep. Tom Feeney (FL-24)



Rep. Scott Garrett (NJ-05)



Rep. Trent Franks (AZ-02)



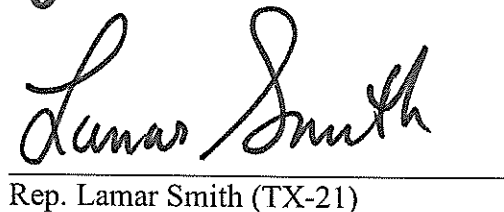
Rep. Steve King (IA-05)



Rep. Marsha Blackburn (TN-07)



Rep. Jim Gerlach (PA-06)



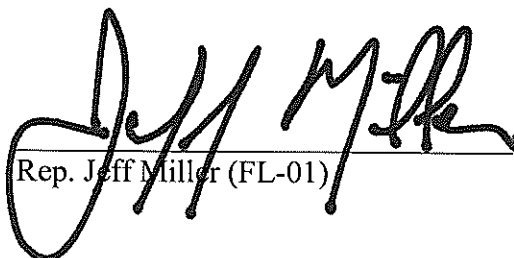
Rep. Lamar Smith (TX-21)



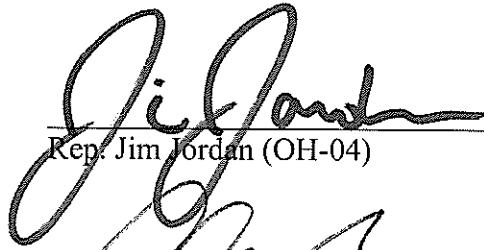
Rep. Ron Paul (TX-14)

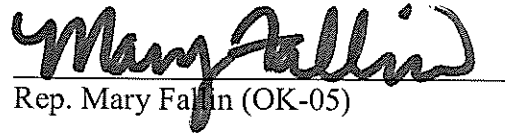


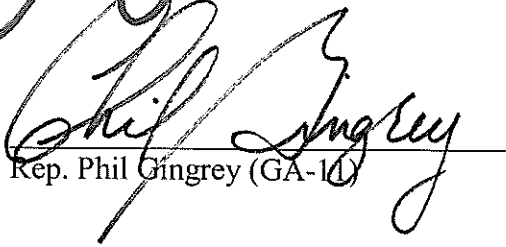
Rep. Michele Bachmann (MN-06)



Rep. Jeff Miller (FL-01)


Rep. Jim Jordan (OH-04)

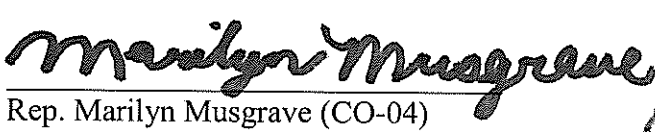

Rep. Mary Fallin (OK-05)


Rep. Phil Gingrey (GA-10)

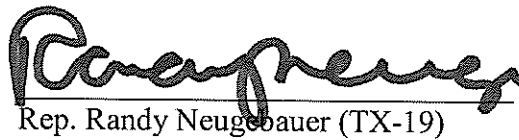

Rep. Paul Broun (GA-10)


Rep. Henry Brown (SC-01)

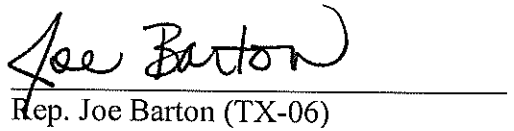

Rep. Dave Weldon (FL-15)


Rep. Marilyn Musgrave (CO-04)

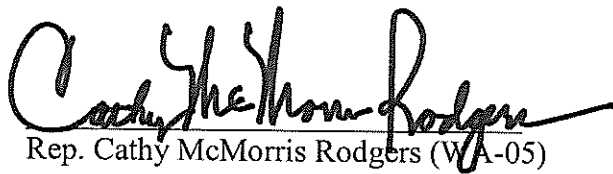

Rep. Kevin Brady (TX-08)

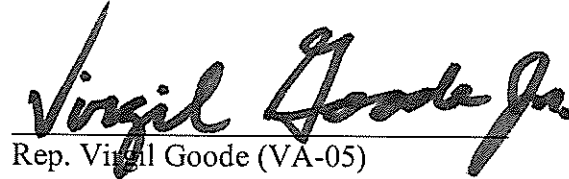

Rep. Randy Neugebauer (TX-19)


Rep. Roscoe Bartlett (MD-06)

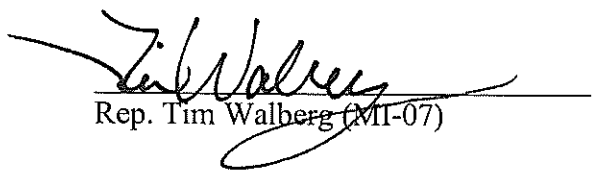

Rep. Joe Barton (TX-06)


Rep. John Sullivan (OK-01)


Rep. Cathy McMorris Rodgers (WA-05)


Rep. Virgil Goode (VA-05)


Rep. John Kline (MN-02)


Rep. Tim Walberg (MI-07)

Eric Cantor

Rep. Eric Cantor (VA-07)

M.C.

John Shadegg

Rep. John Shadegg (AZ-03)

Sue Myrick

Rep. Sue Wilkins Myrick (NC-09)

Barbara Cubin

Rep. Barbara Cubin (WY)

Jean Schmidt

Rep. Jean Schmidt (OH-02)

David Davis

Rep. David Davis (TN-01)

Virginia Foxx

Rep. Virginia Foxx (NC-05)

Jack Kingston

Rep. Jack Kingston (GA-01)

Doug Lamborn

Rep. Doug Lamborn (CO-05)

Jo Bonner

Rep. Jo Bonner (AL-01)

John Campbell

Rep. John Campbell (VA-48)

Bill Shuster

Rep. Bill Shuster (PA-09)

Job Hensarling

Rep. Job Hensarling (TX-05)