

**Congress of the United States**  
**Washington, DC 20515**

December 14, 2009

The Honorable Eric H. Holder  
Attorney General  
U.S. Department of Justice  
Washington, D.C. 20530

Dear Attorney General Holder,

We urge the Department of Justice to immediately appeal the December 11, 2009, ruling of the United States District Court for the Eastern District of New York in *ACORN v. United States*, which held that Congress's prohibition on the provision of federal funds to ACORN is an unconstitutional bill of attainder.

In September, Congress voted overwhelmingly to prohibit the provision of funds to ACORN. This decision was based on the organization's well documented problems concerning wasteful, fraudulent, and abusive practices. These practices have led ACORN to be investigated in over a dozen states. In addition, the organization and its employees have been charged with over 50 different counts of election-related fraud and the organization has paid over \$1 million in restitution to avoid criminal prosecutions. Concerns regarding ACORN's practices were significant enough that the Census Bureau and the Internal Revenue Service severed their partnerships with the organization earlier this year.

The district court's decision is troubling in many respects, but most significantly, if allowed to stand, it would effectively excise from the Constitution Congress' express Spending Clause power to refuse to appropriate federal funds to an organization that has shown itself likely to misuse those funds in the future. Such a conclusion is nothing short of preposterous.

We urge the Department to immediately appeal this decision and ensure that Congress retains the ability to prevent waste, fraud, and abuse of taxpayer funds by refusing to provide funds to organizations with a demonstrated history of improper – and possibly criminal – practices.

Sincerely,



Lamar Smith  
Ranking Member  
Committee on the Judiciary



Darrell Issa  
Ranking Member  
Committee on Oversight and  
Government Reform

cc: The Honorable John Conyers, Jr.  
The Honorable Edolphus Towns