

June 11, 2007

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I wanted to take the opportunity to clarify my testimony with regard to the timing of the voter registration fraud indictments against four employees of the Association of Community Organizations for Reform Now ("ACORN"). Although I later clarified my testimony in responding to Senator Whitehouse's questioning at the hearing, I did state in response to various questions during my testimony that the long-time career head of the Public Integrity Section's Election Crimes Branch had "directed" me to file the indictments prior to the November 2006 election.

As required by Section 9-85.210 of the U.S. Attorney's Manual, at my direction, the Assistant United States Attorney assigned to the case consulted with the Election Crimes Branch prior to the filing of the indictments. I want to be clear that, while I relied on the consultation with, and suggestions of, the Election Crimes Branch in bringing the indictments when I did, I take full responsibility for the decision to move forward with the prosecutions related to ACORN while I was the interim U.S. Attorney.

My written testimony explicitly stated that the Department's informal policy of not interviewing voters during the pre-election period, which is intended to avoid actions that could conceivably have a chilling effect on voting, does not forbid the filing of any charges around the time of an election. While the ACORN matter arose in October, Department policy, as confirmed by the Elections Crime Branch (the director of which authored the Department's election crimes manual), did not require a delay of this investigation and the subsequent indictments because they pertained to voter registration fraud (which examined conduct during voter registration), not fraud during an ongoing or contested election. Consequently, the Department's policy was not implicated in this matter.

I hope this information clarifies my testimony at the June 5th hearing.

Sincerely,



Bradley J. Schlozman

cc: The Honorable Arlen Specter
Ranking Minority Member