

DECLARATION OF JOSEPH D. RICH

I, Joseph D. Rich, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am Director of Fair Housing at the Lawyers' Committee for Civil Rights Under Law and have been in this position since May, 2005. From 1968 –April 2005 I was an attorney in the Department of Justice's Civil Rights Division and held career management positions from 1973- 2005 as Deputy Chief of the Educational Opportunities Section from 1973-1986, Deputy Chief of the Housing and Civil Enforcement Section from 1987-1999 and Chief of the Voting Section from 1999-2005.
2. This Declaration is submitted to correct false statements made about my role in the *United States v. Ike Brown* case in (1) an affidavit submitted to the United States Commission on Civil Rights by Mr. Hans von Spakovsky on July 15, 2010; (2) hearsay testimony given to the Commission by Mr. J. Christian Adams on July 6, 2010; and (3) in statements made by Commissioner Todd Gaziano at the July 6, 2010 hearing.
3. The following summarizes my activities related to the *United States v. Ike Brown* case:
 - In the summer of 2003 I was Chief of the Voting Section. In July 2003, the Section received complaints of wrongdoing by Mr. Brown before a primary election in Noxubee County, Mississippi that was scheduled for August 5, 2003. As a result of a pre-election investigation of these complaints, five attorneys from the Voting Section (one of whom was Mr. Chris Coates) and two attorneys from the office of United States Attorney for the Southern District of Mississippi were assigned to monitor the primary election. Before the election, the Voting Section prepared a memo concerning the planned monitoring for Mr. von Spakovsky. The memo was addressed to the Election Crimes Branch of the Criminal Division's Public Integrity Section, the Department of Justice office that enforces most of the federal election crimes laws.
 - During the election coverage, irregularities in the handling of absentee ballots were observed by the attorneys monitoring the election. I reported these irregularities to my supervisors (Mr. Bradley Schlozman and Mr. von Spakovsky) and to the appropriate officials in the Criminal Division. On August 19, 2003, per normal procedure, a twenty seven page report from all attorneys who monitored the election was completed and submitted to the same officials. After review of this memorandum and discussions with my supervisors and the Criminal Division, it was decided that the Criminal Division would investigate possible violations of federal election crime statutes. It is standard practice in the Department that any civil investigation of a matter is put on hold pending completion of a criminal investigation of the same matter.
 - In mid-2004, a meeting was held between officials of the Civil Rights Division and the Criminal Division about the status of the Ike Brown matter. At this meeting, it was decided that the Criminal Division would discontinue its investigation without

taking action and the Civil Rights Division would investigate whether there had been violations of the Voting Rights Act. Thereafter, an investigation of whether Mr. Brown and others had violated the Voting Rights Act was conducted by Mr. Coates under my supervision.

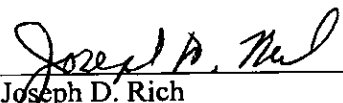
- Mr. Coates completed the investigation late in the in the summer or early in the fall of 2004. At that time, he drafted a memorandum recommending that a civil suit be initiated against Mr. Brown and others for violations of the Voting Rights Act. I reviewed this recommendation and forwarded it with my concurrence to Mr. Schlozman and Mr. von Spakovsky. No recommendation made by Mr. Coates was removed or deleted from this memo. Subsequently, this recommendation was approved by my supervisors (Mr. Schlozman and Mr. von Spakovsky) and on February 17, 2005 a complaint against Mr. Brown and others was filed by the Department in the United States District Court for the Southern District of Mississippi alleging violations of the Voting Rights Act. I am one of the attorneys who signed that complaint.
4. The claims in the affidavit, testimony and statement that I deleted a recommendation from a memo prepared by Mr. Chris Coates recommending the filing of a civil lawsuit against Mr. Ike Brown are false. I never deleted any recommendation from a memo prepared by Mr. Coates with respect to this case nor any other memo or document related to this case.
 5. The statement by Mr. von Spakovsky that I was ordered by my supervisors to “undelete Mr. Coates’ recommendation” is false. As noted above, I never deleted such a recommendation and thus could not have been ordered to “undelete” it.
 6. Similarly, in hearsay testimony of Mr. Adams (who was not in the Department at the time of the events surrounding the investigation and filing of *United States v. Ike Brown*) claimed that the “front office exploded” when it learned of the purported removal of a recommendation, and that the recommendation was then “repackaged.” These statements are false. Neither of the alleged events occurred, nor could they since I never removed a recommendation made by Mr. Coates.
 7. In violation of my privacy rights, Mr. von Spakovsky’s affidavit also discusses a reprimand and personal evaluation that I received while being supervised by Mr. Bradley Schlozman, then Deputy Assistant Attorney General. His statements about these personnel actions are also false. I was never reprimanded for actions connected to the *United States v. Ike Brown* case. I did receive a negative annual evaluation, but it was for several purported actions, all of which I challenged in an appeal.
 8. The context in which the negative personnel action occurred should be noted. In my previous thirty three years in the Division before the Bush Administration, I had consistent outstanding evaluation ratings, received several Division awards and never had received a reprimand or a negative annual evaluation. Starting early in the Bush Administration, and especially during the time that Mr. von Spakovsky was a Counsel in the Division’s front office reporting to Mr. Schlozman, there was an unrelenting hostility towards me which

included negative personnel actions. There was no justification for the actions taken by Mr. Schlozman and Mr. von Spakovsky. Rather, they were the result of the unprecedented level hostility toward career managers that permeated the leadership of the Civil Rights Division at that time. This hostility is reflected by the fact that during the years of the Bush Administration, four other long-time career section chiefs were removed from their positions and approximately 70% of career attorney staff present at the beginning of the Bush Administration had left the Division by the end of the Administration.

9. The hostility of the leadership of the Division at that time toward career management and staff is documented in a report prepared by the Department of Justice's Office of Inspector General and Office of Professional Responsibility dated July 2, 2008 and released publicly on January 13, 2009. The report is entitled "An Investigation of Allegations of Politicized Hiring and Other Improper Personnel Actions in the Civil Rights Division." See www.justice.gov/opr/oi-opr-iaph-crd.pdf. Quotes from two emails in that report written by Mr. Schlozman, (to whom Mr. von Spakovsky reported) especially exemplify the hostility toward the Voting Section staff. The first is dated July 15, 2003 in which Schlozman wrote: "I too get to work with mold spores, but here in Civil Rights, we call them Voting Section attorneys." As part of the same e-mail exchange, on July 16, 2003, Schlozman wrote, "My tentative plans are to gerrymander all of those crazy libs right out of the section." The second email is dated June 15, 2006, after he had left the Division, in which Schlozman wrote that ". . . bitchslapping a bunch of [Division] attorneys really did get the blood pumping and was even enjoyable once in a while. I think now it's all Good Cop for folks there. I much preferred the role of Bad Cop. . . . But perhaps the Division will name an award for me or something. How about the Brad Schlozman Award for Most Effectively Breaking the Will of Liberal Partisan Bureaucrats. I would be happy to come back for the awards ceremony." (pp. 20-21, n. 13)

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 23, 2010
Washington DC



Joseph D. Rich
1401 New York Avenue, NW, Suite 400
Washington DC 20005