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LEGISLATIVE TESTIMONY

MISMANAGEMENT AT THE CIVIL RIGHTS DIVISION OF THE DEPARTMENT OF JUSTICE

Testimony before the Committee on the Judiciary

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My name is Hans A. von Spakovsky.[1] I am a Senior Legal Fellow in the Center for Legal and Judicial Studies at The Heritage Foundation and Manager of the Civil Justice Reform Initiative.

I appreciate the invitation to be here today to discuss the mismanagement of the Civil Rights Division of the Justice Department and the toxic culture inside the Division. I cannot overstate the importance of this issue given that the Division is not only one of the largest in the Justice Department, but also is the enforcer of our federal antidiscrimination laws. There is no more important principle in our constitutional republic than equal protection under the law and the Civil Rights Division's foremost responsibility is to make sure that all Americans are treated equally regardless of their race or other characteristics. The Division has failed in this responsibility in both its outside enforcement and its internal operation.

Prior to joining the Heritage Foundation, I was a Commissioner on the Federal Election Commission for two years. Before that I spent four years at the Department of Justice as a career civil service lawyer in the Civil Rights Division. I started as a trial attorney and was promoted to be Counsel to the Assistant Attorney General for Civil Rights, where I helped coordinate the enforcement of federal laws that guarantee the right to vote. I was privileged to be involved in dozens of cases on behalf of Americans of all backgrounds to enforce their right to register and vote in our elections.[2]

The Report on the Civil Rights Division and particularly the Voting Section released in March by the Inspector General of the Department of Justice, Michael Horowitz, is a disturbing, sad commentary on the misbehavior of that Division. The Report describes a dysfunctional Division torn by polarization, a Division beset by unprofessional and unethical behavior, a Division in which career civil employees who were perceived by other employees as conservatives or who believed in the race-neutral enforcement of federal voting rights laws were subjected to racist comments, harassment, intimidation, bullying, and threats of physical violence. It is a Division that has experienced other misbehavior by career employees such as misuse of government credit cards[3] and perjury that has gone unpunished. It has engaged in

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[1] The title and affiliation are for identification purposes. The staff of The Heritage Foundation testify as individuals discussing their own independent research. The views expressed here are my own, and do not reflect an institutional position for The Heritage Foundation or its board of trustees, and do not reflect support or opposition for any specific legislation. The Heritage Foundation is a public policy, research, and educational organization recognized as exempt under § 501(c) (3) of the Internal Revenue Code. It is privately supported and receives no funds from government at any level; nor does it perform any government or other contract work. Heritage is also the most broadly supported think tank in the United States, with nearly 700,000 supporters in every state, 81% of whom are individuals, 14% are foundations, and 5% are corporations. The top five corporate givers provided The Heritage Foundation with 2% of its 2012 income. A list of major donors is available from The Heritage Foundation upon request.

[2] I was also a member of the first Board of Advisors of the U.S. Election Assistance Commission. I spent five years in Atlanta, Georgia, on the Fulton County Board of Registration and Elections, which is responsible for administering elections in the largest county in Georgia, a county that is almost half African-American. In Virginia, I was Vice Chairman of the Fairfax County Electoral Board for three years, which administers elections in the largest county in that state. I formerly served on the Virginia Advisory Board to the U.S. Commission on Civil Rights. I have published extensively on elections, voting, and civil rights issues, including the management of the Civil Rights Division and the handling of its enforcement responsibilities. I am a 1984 graduate of the Vanderbilt University School of Law and received a B.S. from the Massachusetts Institute of Technology in 1981.

[3] Chuck Neubauer, *Taxpayers Financed Justice Official's Romantic Travel*, WASHINGTON TIMES (Oct. 5, 2011).

discriminatory hiring practices intended to ensure a staff with a particular ideology and has pursued meritless cases, seemingly working not on behalf of the American public as it has a duty to do, but on behalf of outside advocacy groups.

Perhaps the most disturbing and troubling problem in the Division, which has affected the handling of its enforcement duties, is the marked hostility towards race-neutral enforcement of federal voting laws. The IG Report details the harassment and ostracism of employees who believe in the race-neutral enforcement of the Voting Rights Act, including Section 5, and particularly because of their work on a case called *U.S. v. Brown*, which was the first case filed by the Division under Section 2 of the Voting Rights Act for racial discrimination against black local officials.[4] The Division won the suit and the appeal in the Fifth Circuit Court of Appeals despite the opposition of numerous employees within the Voting Section who did not believe the Voting Rights Act protects white voters from discrimination or that racial minorities who engage in discrimination should be prosecuted. See *U.S. v. Brown*, 494 F.Supp.2d 440 (S.D. Miss. 2007); *U.S. v. Brown*, 561 F.3d 420 (5th Cir. 2009).

This culminated in the mistreatment of Christopher Coates, the most experienced voting rights trial attorney in the entire Division and the Chief of the Voting Section; someone who has received numerous awards for his outstanding work, including from the NAACP. This unfair and malicious treatment was because he had won the *Brown* case, had approved the filing of the New Black Panther Party voter intimidation case, and because he insisted on the race-neutral enforcement of federal voting rights laws. In other words, unlike other lawyers and political appointees inside the Division, he did not believe that some individuals who violate federal law should be given a free pass because of their race.

Coates was subjected to "overt hostility" and slurs for his belief in the equal protection of the law, even being called a "Klansman" according to page 123 of the IG Report. After the Obama administration came into office, he was called to the Front Office of the Division and chastised for asking applicants whether "they would be capable of enforcing the Voting Rights Act in a race-neutral manner" (page 160-161) and was ordered to stop such questioning. The leadership of the Division, with the express approval of Attorney General Eric Holder and other senior Department leadership (IG Report, pages 163-169), set out to drive Coates, who was a protected SES civil service employee, out of the Division because they did not approve of the *Brown* case and disagreed with his proper, race-neutral view of the law. They wanted to ensure, as one email cited on page 163 of the IG Report said, that "the Section be free from enemy hands." The IG Report is clear (page 178) that Coates's "ideology was a factor in the discussions among senior Department and Division officials about removing or reassigning Coates." He was driven out as the Chief of the Voting Section because he believes in the equal protection of the law. That is one of the most shameful revelations in the entire IG Report.

Another related example of the Division's mismanagement is Division lawyers being ordered to violate the law. That is exactly what happened when the Division ordered Christopher Coates and Christian Adams, another Voting Section trial attorney, *not* to respond to subpoenas for their testimony

[4] I was involved in getting approval for opening the investigation of this matter while still at the Justice Department.

before the U.S. Commission on Civil Rights when it was investigating the dismissal of the New Black Panther Party voter intimidation case. The Commission's highest duty is to investigate federal civil rights enforcement agencies like the Civil Rights Division, and Congress has commanded such agencies to "cooperate *fully*" with the Commission's official investigations (emphasis added).

If the Division believed that the subpoenas were improper, it should have moved to quash the subpoenas. But the Division simply ignored the subpoenas, knowing that the Commission was dependent on the Justice Department to enforce the subpoenas. Federal agencies, especially those that enforce the law, should comply with the law, and there was no lawful excuse provided to the Commission not to comply with the federal law that required the Division to "cooperate fully" with the Commission's requests and subpoenas for witnesses.

The Division's willingness to break the law and put its employees in the untenable position of either disobeying the direct orders they had been given not to comply with the subpoenas or violating their ethical duty as attorneys to comply was unforgiveable and is another sign of the contempt for the rule of law that has been exhibited too often in this Division. If the target of a Division investigation had ignored a subpoena from the Division, there is no question that the Justice Department would seek all means to enforce the subpoena and have the target held in contempt by a court for ignoring it. But this Division apparently does not believe it has to live by the rules and laws that apply to everyone else.

Christian Adams finally resigned to comply with the subpoena and Christopher Coates defied the unethical, unlawful directive he had been given and also testified at the risk of being terminated by the Division.

There is substantial evidence in the IG Report and a federal court decision in a Freedom of Information Act lawsuit filed by Judicial Watch that the head of the Division, Thomas Perez, misled the Commission in his testimony before it. Perez was specifically asked on May 14, 2010, by Commissioner Peter Kirsanow whether there was "any political leadership involved in the decision" not to pursue the New Black Panthers Party voter intimidation case. Perez said "no." As Judge Reggie Walton of the U.S. District Court of the District of Columbia said, DOJ's internal documents "appear to contradict Assistant Attorney General Perez's testimony [before the Commission] that political leadership was not involved" in the decision to dismiss the NBPP case. *Judicial Watch v. U.S. Dept. of Justice*, 878 F.Supp.2d 225, 236 (D.D.C. 2012).

Even the IG Report faults Perez, though it concludes that he did not commit perjury. The report makes the obvious point that he was testifying as a Justice Department witness and obviously "should have sought more details ... about the nature and extent of the participation of political employees in the NBPP decision in advance of his testimony." This very question had been a controversial issue for quite some time and Perez told the IG "he expected questions about it would arise during his testimony." As a former counsel to three different assistant attorneys general whose job included briefing and preparing the AAG's for hearings, I find it hard to believe that Perez did not solicit and receive an answer to this question. Our briefings always included complete information on cases and on

every question we anticipated would be asked. Being uninformed on the correct answer to this question (that Perez admits he expected) is the result of either incompetence or deliberate ignorance.

Further, Assistant Attorney General Perez was specifically asked at the Commission hearing about sworn testimony that his subordinate, Julie Fernandes, had informed Voting Section staff that the Division had no interest in enforcement cases against defendants who were racial minorities (no matter how blatant their discrimination) and that the Division would only bring so-called "traditional" civil rights cases on behalf of minorities. Commissioner Todd Gaziano asked Perez whether he had heard of this hostility towards race-neutral enforcement of the law by staff. Perez responded that there were no "people of that ilk" in his Division. Yet, as reflected in the Report, the IG encountered that attitude throughout his investigation, and Christopher Coates and Christian Adams have testified that they briefed Perez the day before his testimony about this disgusting attitude. Not only was Perez's testimony incredible when he gave it, but he has never corrected his testimony or taken any action to reverse this racialist enforcement position within the Division.

The Civil Rights Commission also heard testimony that Ms. Fernandes informed the Voting Section staff that the Division had no interest in enforcing the provisions of Section 8 of the National Voter Registration Act, which requires states to periodically clean up their voter registration lists by removing ineligible voters who have died or moved away. This is confirmed on page 100 of the IG Report, which cites thirteen witnesses who told the IG that "Fernandes stated that she 'did not care about' or 'was not interested' in pursuing Section 8 cases." Yet Perez denied that any such policy existed.

Christopher Coates testified to the Civil Rights Commission that he had recommended eight states for investigation for noncompliance with Section 8; yet no action was taken in response for a year and a half. No investigations were opened until this non-enforcement policy became the subject of public criticism, and no lawsuits have *ever* been filed by the Division during the present administration to enforce Section 8. This despite the fact that a recent study by the Pew Trust found 1.8 million dead voters on registration lists across the country and almost three million voters registered in more than one state, imperiling the integrity of the election process that the Division is charged with protecting.

Additionally, Mr. Perez was specifically asked whether he believed in the race-neutral enforcement of federal voting rights laws. He told the Commission that he did. Yet the IG Report discloses on pages 89-90 that the "Division's current leadership has stated that it interprets ... Section 5 not to be applicable to White voters who are in the numerical minority in a particular jurisdiction." Assistant Attorney General Perez told the IG in an interview and in a letter that he does not believe in the equal enforcement of Section 5 of the Voting Rights Act. This is a position at odds, according to the IG Report on page 91, footnote 76, with "at least three AAGs from the previous administration" who said the Division leadership "did not have a policy to interpret Section 5 ... such that it would not cover White citizens."

This policy is completely contrary to the race-neutral language of Section 5. Yet, the Division applied this racialist theory in rejecting a voting change in Kinston, North Carolina. As explained on pages 87-88 of the IG Report, though white voters are the racial minority in Kinston (black voters make up 65 percent of registered voters in Kinston), the Division objected to a 2008 referendum that changed town elections from partisan to nonpartisan. Despite the fact that black voters overwhelmingly approved the change, the Division filed a patronizing objection that, in essence, claimed that the black voters didn't know what they were doing and would be hurt by the change they had approved. The Division later withdrew its objection based on supposedly "changed circumstances" just two weeks before a lawsuit by residents was set to be heard by the District of Columbia Court of Appeals. But the only "changed" circumstance was an infinitesimal change in the black voter registration level from 65 to 65.4 percent. The Division ignored the effect of the referendum on the actual racial minority in Kinston in violation of the provisions of Section 5 and clearly withdrew the objection to avoid full judicial review.

The type of abusive internal behavior and mistreatment of employees described in the IG Report is supplemented by the Division's abusive external behavior, which goes back decades, but which has, unfortunately, continued during the current administration. During the Clinton administration, the Division was forced to pay over four million dollars in attorneys' fees and costs in eleven meritless cases the Division filed that were thrown out by federal courts. One of these cases, *U.S. v. Jones*, 125 F.3d 1418 (11th Cir. 1997) demonstrates "the disappointing lack of professionalism" (to quote the IG Report on page 258) in the Division that still is present today according to the IG. According to the 11th Circuit:

> "A properly conducted investigation would have quickly revealed that there was no basis for the claim that the Defendants were guilty of purposeful discrimination against black voters...Unfortunately, we cannot restore the reputation of the persons wrongfully branded by the United States as public officials who deliberately deprived their fellow citizens of their voting rights. We also lack the power to remedy the damage done to race relations in Dallas County by the unfounded accusations of purposeful discrimination made by the United States.
>
> We can only hope that in the future the decision makers in the United States Department of Justice will be more sensitive to the impact on racial harmony that can result from the filing of a claim of purposeful discrimination. The filing of an action charging a person with depriving a fellow citizen of a fundamental constitutional right without conducting a proper investigation of its truth is unconscionable...Hopefully, we will not again be faced with reviewing a case as carelessly instigated as this one."

Who was the Division lawyer responsible for this troubling case? A former, long-term, management-level career lawyer named Gerald Hebert, who is listed as the Division's counsel in the district court opinion (846 F.Supp. 955 (S.D.AL. 1994)). It happens that this former Division lawyer is the same lawyer referred to on page 137 of the IG Report who three separate witnesses say was the "outside counsel" who tried to convince Voting Section lawyers to violate their professional code of conduct by giving him the confidential, privileged, internal DOJ legal opinion in a major Section 5 case in Texas, telling them that "the document had substantial monetary value."

None of these employees reported this unethical solicitation by a former Division manager. And, sadly, the IG Report concludes that other internal, privileged information and documents *were* given to outside civil rights attorneys, thereby establishing that some employees within the Voting Section had no compunction about violating one of the highest ethical obligations of an attorney – keeping privileged legal opinions and communications confidential.

The same type of embarrassing and costly misbehavior by Division lawyers as occurred in the *Jones* case has happened again under the current administration. For example, the Division has launched a series of abusive cases under the Freedom of Access to Clinics Entrances (FACE) Act. This federal law was intended to prevent physical obstruction, intimidation, or the use or threat of force outside of abortion clinics. But the statute specifically protects the right of "expressive conduct," including peaceful demonstrations. In 2011, a federal judge in Kansas refused to grant DOJ's request for an injunction against a pro-life activist, saying her activities were protected by the First Amendment.

Last year, a federal judge in Florida dismissed another FACE Act prosecution against Mary Susan Pine who was engaging in peaceful protests (*U.S. v. Pine*, Case No. 10CV80971 (S.D. Fla. Jan. 13, 2012)).

The almost total lack of evidence of any violation of the law and the "negligent and perhaps even grossly negligent" behavior by Division lawyers (and those who should be managing them) led the federal judge to wonder whether the prosecution of Ms. Pine was the "product of a concerted effort between the government and the [abortion clinic], which began well before the date of the incident at issue, to quell Ms. Pine's activities" rather than enforce the statue. In other words, the judge believed that Ms. Pine may have been targeted for her political beliefs. "The Court is at a loss as to why the Government chose to prosecute this particular case in the first place," the judge wrote at the conclusion of his ruling. American taxpayers were forced to pay $120,000 in attorneys' fees and costs to Ms. Pine when the Division agreed to settle her motion for fees. It is very clear that a pro-abortion ideology is driving enforcement of the FACE Act, not the objective, unbiased, nonpartisan interests of justice and equal protection under the law.

In a similar vein are the Division's legal arguments in *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC,* 132 S.Ct. 695 (2012), which represent a war on religious freedom completely at odds with the Division's prior history of protecting religious freedom. As head of the Division, Thomas Perez signed onto a brief to the Supreme Court arguing that the religious freedom clause of the First Amendment did not extend to the hiring decisions of a church, claiming there should be no ministerial exception for religious institutions. This was such an extreme position that all nine justices of the Supreme Court disagreed, finding the arguments made by DOJ "untenable." The Court could not accept "the remarkable view that the Religion Clauses have nothing to say about a religious organization's freedom to select its own ministers." Indeed, the Obama administration's former Solicitor General, Elena Kagan, joined a particularly powerful concurring opinion with Justice Samuel Alito rebuking the legal position advanced by the administration.

In another example of the mismanagement of its enforcement responsibilities, the Division was forced to pay the state of Arkansas $150,000 in attorneys' fees and costs last year when it had a case dismissed by a federal court in another failed prosecution under the Civil Rights for Institutionalized Persons Act (*U.S. v. Arkansas*, 794 F.Supp.2d 935 (E.D. Ark. 2011)). Once again, the judge found almost no evidence to support the Division's claims against the Conway Human Development Center, an institution for developmentally disabled individuals operated by the state of Arkansas. The Division claimed a pattern and practice of deviating from the applicable standard of care that violated the constitutional rights of the residents despite the lack of a single complaint by residents of the Center or their families.

The federal judge was harsh in his criticism of the Division's case, calling into question the basis for the lawsuit and assailing the caliber of the government's witnesses – calling them "unpersuasive...[and] not qualified." Concerned parents and guardians opposed the Division's lawsuit and the judge found that the government was "in the odd position of asserting that certain persons' rights have been and are being violated while those persons – through their parents and guardians – disagree." This meritless lawsuit was dismissed with prejudice and followed another lawsuit filed by the Division against Arkansas's entire mental health system that was also dismissed in 2011 because of the Division's failure to comply with the statutory prerequisites to file suit.

While the Division, with an increase of more than 25 percent in its budget since 2008, has only found time to file one Section 2 lawsuit under the Voting Rights Act, it has tried to twist federal discrimination laws to go after the Mohawk Central School District in upstate New York for having a dress code that prevents boys from wearing makeup, nail polish, wigs and high heels – that is supposedly sex discrimination according to the Division. This administration apparently believes that it is a violation of federal law designed to prevent gender discrimination for high schools to have a dress code that makes distinctions between what is appropriate dress for males and what is appropriate dress for females. Obviously, schools should not allow bullying or violence of any kind. But it is mismanagement of the resources of the Division to launch federal investigations of schools for having dress codes that differentiate between males and females or to equate such dress codes with sex discrimination.

This administration has also engaged in biased hiring in the civil service ranks. Two years ago, Christian Adams and I engaged in a research project to analyze the resumes of 113 lawyers hired in the Division since 2009. They were obtained through a Freedom of Information Act request by Pajamas Media, which were only released after Pajamas Media went to court to force the Division to release those resumes. Our analysis, which was confirmed in the IG Report on page 222, is that the current leadership set up criteria for hiring that "resulted in a pool of select candidates that was overwhelmingly Democratic/liberal in affiliation." Even their outreach was almost exclusively to "liberal organizations" (IG Report page 216).

Our analysis showed that 100 percent of the individuals hired were "Democratic/liberal" and that the Division might as well have put up a sign that said "conservatives need not apply." In another

instance of such political discrimination, the IG Report found that at the request of Julie Fernandes, a Voting Section deputy chief compiled a list of former Section lawyers "in part for recruiting purposes" that specifically excluded the names of eight former career lawyers "who were widely perceived to be conservatives" (pages 195, 218).

In fact, the IG Report notes on page 220 that the "Voting Section passed over candidates who had stellar academic credentials and litigation experience with some of the best law firms in the country, as well as with the Department;" instead, 56 percent of those hired came from only five advocacy organizations identified by the IG Report (Appendix C) as "liberal": the ACLU, La Raza, the Lawyers' Committee for Civil Rights, the NAACP, and the Mexican American Legal Defense Fund. This has resulted in the hiring of biased and partisan lawyers like Dan Freemen in the Voting Section, a former ACLU attorney with no experience in the voting area, who boasted on Twitter that he had started the crowd booing Rep. Paul Ryan at President Obama's recent inauguration. Such public displays of political bias are extremely damaging to the reputation of the Division and its ability to maintain the appearance of impartiality. The Division has done nothing publicly to disavow Mr. Freemen's conduct.

This is a long term problem with liberal career staff who completely dominate the management positions within the Division, making sure that qualified lawyers who are Republicans or conservatives are not hired, in violation of applicable civil service rules. There have never been any consequences for that misbehavior in all of the decades that the Division has been in operation.

I have spoken in general terms about the conditions inside the Division as outlined by the IG Report, but I would like to talk about one personal issue that involved me as well as other attorneys in the Division, because it shows just how bad the situation is there. I am a first-generation American. My mother grew up in Nazi Germany and my father was a Russian who fled the Soviet Union when the Communists took control. He was part of the resistance movement against the Nazis in Yugoslavia during World War II. They met in a refugee camp in the American-occupied sector of Germany in 1946 and immigrated to the U.S. in 1951. My mother was arrested by the Gestapo in 1945 when she was a teenager and the fact that she was not killed but survived is a testament to her courage and the grace of God.

I was shocked at the hostility with which I was greeted when I was hired as a career trial lawyer in the Voting Section. I was made to understand that because of my conservative political views, which had nothing whatsoever to do with my professional work as an experienced lawyer in the area of voting and elections, I was considered unqualified to be a career lawyer in the Division. If you look on page 127 of the IG Report, it describes in great detail the nasty postings and comments made by career staff on "widely read liberal websites concerning Voting Section work and personnel." These postings:

> "included a wide array of inappropriate remarks, ranging from petty and juvenile personal attacks to highly offensive and potentially threatening statements. The comments were directed at fellow career Voting Section employees because of their conservative political views, their willingness to carry out the policies of the CRT division leadership, or their views on the

Voting Rights Act. The highly offensive comments included suggestions that the parents of one former career Section attorney were Nazis."

The IG Report does not say who the Nazi comments were directed at, but those comments were directed at me. Given my parents' terrible experiences, I can't tell you how angry it makes me to know that such comments were made publicly about me and my parents by fellow employees who didn't like me because of my personal views, my involvement in approving the *U.S. v. Brown* case and Georgia's voter ID law, and my belief that the Voting Rights Act protects all voters from discrimination, no matter what their race. Believing in equal enforcement of the law makes you a pariah in this Division.

This was in line with the mistreatment of another lawyer identified in the IG report as Arnold Everett (an alias), a former clerk for the chief justice of a state supreme court, who was called a "hand-picked Vichyite" and was subjected to unremitting hostility because his legal opinions on particular cases such as the Georgia voter ID case, as outlined in the IG Report, differed from those of some other lawyers, and because of his willingness to work on cases that other staff disfavored like *U.S. v. Brown*. He even had his computer system breached by those same lawyers snooping through his work. He was harassed by liberal employees because of his Christian religious beliefs, which is a symptom of the hostility to traditional religion of too many of the employees who work there. As the IG Report concluded, other employees made "unprofessional and disparaging remarks about Everett to each other and to other employees in the Section, mocking his intelligence, his legal acumen, and his personal beliefs" (page 121).

As a friend and former fellow co-worker, Everett told me of the terrible conditions and the hostile environment in which he was forced to work, which affected his health and his family, and which finally drove him out of the Division. This shows the viciousness, pettiness, meanness, and unprofessionalism of employees within the Division, all of which was noted by the Inspector General.

Some of these same employees are no doubt sitting in their offices at 1800 G Street watching this hearing today. Employees who bragged to the IG about their harassment and cyber bullying of conservative employees are still employed in the Division. As the IG Report outlines on page 129, a current employee, identified under the alias of Karen Lorrie, who is actually an employee named Stephanie Celandine Gyamfi, even committed perjury when she "denied under oath" that she had publicly posted comments on websites "concerning Voting Section personnel or matters" (page 129). She finally admitted her behavior to the IG investigators when confronted with evidence that she had done so, but she told the IG that "she did not regret posting comments online, except to the extent that it resulted in questioning from the OIG."

According to Sen. Chuck Grassley (Press Release, March 12, 2013), the unapologetic Ms. Celandine Gyamfi "is still employed" at the Division and has apparently been neither disciplined nor terminated by the current leadership of the Division for her outrageous behavior. In fact, she has been treated as a hero inside the Voting Section for her public criticism according to other employees in the Division with whom I have spoken. When she expressed on Facebook her contempt for residents of

Mississippi after they passed a voter ID statute, calling them "disgusting and shameful," the Division defended her and refused to remove her from cases involving Mississippi despite her plain bias that would make the public question the impartiality of any decision made by the Division in which she is involved.

I am proud of my work at the Civil Rights Division during the four years I was there. I worked with some dedicated and professional attorneys such as Christopher Coates and Christian Adams. But I also encountered unremitting hostility from other lawyers and the "internecine conflict" recognized by the IG Report on page 257. I saw what I considered to be unfair, biased, partisan, and unprofessional behavior that should be unacceptable from government lawyers and that continues today. According to my friends inside the Division, conservative employees continue to be marginalized.

There will be no improvement unless the current administration takes steps to discipline, reassign, or terminate those employees who have engaged in this type of behavior but who are still employed in the Division.

Most importantly, the purpose of the Division is to enforce the law equally and fairly in a manner that meets the highest ethical and professional standards. Too many of the employees there do not, as the IG Report says, "appreciate the importance of public confidence in the impartial legitimate enforcement priorities set by" the Division. The Division's enforcement responsibilities must be enforced in a race-neutral manner that protects all Americans from discrimination.

I agree emphatically with the conclusion of the IG Report on page 258 that professionalism means "operating in a manner that consciously ensures both the appearance and the reality of even-handed, fair and mature decision-making, carried out without regard to partisan or other improper considerations." We do not have that today in the Civil Rights Division of the U.S. Department of Justice.