

October 17, 2006

The Honorable Alberto R. Gonzales
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Gonzales:

On behalf of the undersigned organizations, we write to strongly request an immediate investigation by the Federal Bureau of Investigation of Barbara Coe, the California Coalition for Immigration Reform, Sergio Ramirez and/or persons acting or purporting to act on their behalf for potential violations of the voter intimidation provisions of the Voting Rights Act and other federal election-related statutes (42 U.S.C. § 1973(i)). Section 1973(i) specifically prohibits intimidation, threats, or coercion for voting or attempting to vote.

The basis of our request for an investigation is a Spanish-language letter received by Latino voters in Orange County, California that, among other things, purports to warn them that only United States citizens are permitted to vote; that voting by non-citizens is a crime and a deportable offense; and that a host of immigration restriction organizations has access to a federal computer database of properly registered voters. Attached is a copy of the letter with an English translation.

The letter is a naked attempt to intimidate duly registered Latino citizens from exercising their right to vote. It is our understanding that the letter is targeted to Spanish-surnamed naturalized United States citizens born in Latin American countries who are registered voters. It does not appear to be limited to new registrants nor sent to voters of other ancestries. Nonetheless, any effort to coerce, threaten or intimidate voters is an offense to the democratic system and deserves your full investigative and prosecutorial authority. While the letter is ostensibly designed to deter fraud, the real purpose and effect is to discourage eligible Latino voters from exercising their right to cast a ballot. In so doing, the letter also contains false information and misleading legal advice. For example, the letter states that voting by immigrants is illegal when, in fact, all naturalized United States citizens are immigrants.

As you may know, the appearance of these letters follows a sporadic pattern of attempts at voter intimidation and suppression in recent years in Orange County. Past incidents investigated by the U.S. Department of Justice involved the stationing of uniformed security guards, posing as FBI special agents, at polling places to intimidate Latino voters. After the 1996 general election, Barbara Coe and the California Coalition for Immigration Reform began circulating letters similar to the one at issue here in subsequent elections.

We urge the Civil Rights Division to open an investigation and to take other appropriate steps including assigning federal observers or attorney coverage to monitor polling places during the November election in Orange County.

Thank you for your prompt attention to this matter. If you need additional information, please contact Cynthia Valenzuela, MALDEF's Litigation Director, at 213-629-2512.

Sincerely,

American Latino Voter Education Fund
Art Montez, President, Centralia School Board
Asian American Justice Center (AAJC)
Asian Pacific American Legal Center of Southern California (APALC)
Benny Diaz (recipient of letter)
California Utilities Diversity Council
Latino Health Access
Latino Journal
League of United Latin American Citizens, California Council
League of United Latin American Citizens, California District 7
League of United Latin American Citizens Foundation, Orange County
League of United Latin American Citizens, Garden Grove Council
League of United Latin American Citizens, Orange County, District 2
League of United Latin American Citizens, San Benito County Council #2890
Mexican American Legal Defense and Educational Fund (MALDEF)
National Association of Latino Elected and Appointed Officials (NALEO)
National Council of La Raza (NCLR)
National League of United Latin American Citizens
Orange County Asian and Pacific Islander Community Alliance (OCAPICA)
People for the American Way Foundation
Southwest Voter Registration and Education Project (SVREP)
U.S. Representative Loretta Sanchez

cc: Wan Kim, Assistant Attorney General for Civil Rights
John Tanner, Civil Rights Division, Voting Section
J. Stephen Tidwell, Assistant Director in Charge, Federal Bureau of Investigation
Craig Donsanto, DOJ Public Integrity Section



California Coalition for Immigration Reform

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ALLIANCE FOR BORDER ENFORCEMENT (Imperial Beach, CA)

AMERICAN CITIZENS TOGETHER (Alhambra, CA)

AMERICAN CIVIL RESPONSIBILITIES UNION (Anaheim, CA)

AMERICAN NAT'L COUNCIL for IMMIGRATION REFORM (Washington, D.C.)

ANTI-CRIME TASK FORCE (Anaheim, CA)

ARIZONANS for IMMIGRATION REFORM (Tucson, AZ)

ASIAN-AMERICANS for BORDER CONTROL (Sylmar, CA)

BAY AREA COALITION for IMMIGRATION REFORM (San Francisco, CA)

BLACK AMERICANS for FAMILY VALUES (Huntington Beach, CA)

BORDERS (Austin, TX)

CALIFORNIANS for IMMIGRATION CONTROL (Anderson, CA)

CCIR I - VENTURA CO. (Thousand Oaks, CA)

CITIZENS for ACTION NOW (Orange County, CA)

FLA-187 COMMITTEE (Pampone Beach, FL)

FLORIDIANS for IMMIGRATION CONTROL (Delray Beach, FL)

IMMIGRATION CONTROL ADVOCATES OF NORTHERN CALIFORNIA (San Rafael, CA)

IMMIGRATION RFM NETWORK OF SILICON VALLEY (Los Gatos, CA)

LATINO-AMERICANS for IMMIGRATION CONTROL (Salinas, CA)

MID-CITIES IMMIGRATION REFORM ADVOCATES (Prescott, AZ)

MONTEREY BAY ACTION COMMITTEE I (Belmont, CA)

MONTEREY BAY ACTION COMMITTEE II (Salinas, CA)

OHIO COALITION for IMMIGRATION REFORM (Columbus, OH)

PATRIOT CITIZENS (Warren, PA)

SAN DIEGO COUNTY TAXPAYERS (Alpine, CA)

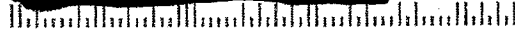
TAXPAYER ACTION NETWORK (Fountain Valley, CA)

TEXANS for FAIR IMMIGRATION (Austin, TX)

TEXANS for IMMIGRATION REFORM (Houston, TX)

WE STAND READY (Huntington Beach, CA)

Nellie Diaz



Saludos Nellie Diaz,

Se le envía esta carta debido a que recientemente ud. fue registrado para votar. Si ud. es ciudadano de los Estados Unidos, se le ruega a que participe en el proceso democrático de la votación.

Se le avisa que si su residencia en este país es ilegal o si es emigrado, votar en una elección federal es un delito que podrá resultar en encarcelamiento, y si será deportado por votar sin tener derecho a ello.

De la misma manera, se le avisa que el gobierno de los Estados Unidos está instalando un nuevo sistema computarizado para verificar los nombres de todos los nuevos registrados que voten en las elecciones de octubre y noviembre. Organizaciones en contra de la emigración podrán pedir información de este nuevo sistema computarizado.

No cómo en México, aquí no se aporta ningún incentivo para votar. En los Estados Unidos no hay tarjeta de registro para votar. Por lo tanto, es inútil y peligroso votar en cualquier elección si ud. No es ciudadano de los Estados Unidos.

No le haga caso a ningún político que le diga lo contrario. Éstos sólo velan por sus propios intereses. Sólo quieren ganar las elecciones, sin importarles en lo más mínimo qué le pase a ud.

Atte.

Sergio Ramirez

English Translation of letter sent by California Coalition for Immigration
Reform

Dear Nellie Diaz,

You are receiving this letter because you have recently registered to vote. If you are a U.S. Citizen, I urge you to participate in the democratic process of voting.

Be advised that if your residence in the United States is illegal or if you are an emigrant, voting in a federal election is a crime that can result in incarceration, and possible deportation for voting without the right to do so.

In the same way, be advised that the U.S. government is installing a new computerized system to verify names of all the newly registered voters who participate in the elections in October and November. Organizations against emigration will be able to request information from this new computerized system.

Not like in Mexico, here there is no benefit to voting. In the United States there is no registration card to vote. Therefore, it is useless and dangerous to vote in any election if you are not a citizen of the United States.

Do not pay attention to a politician who may try to tell you otherwise. They only care about their own interests. They just want to win elections and it doesn't matter to them what happens to you.

Sincerely,

Sergio Ramirez