



BARRY M. KAMINS
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April 12, 2007

Hon. Nancy Pelosi
Speaker of the House of Representatives
235 Cannon House Office Building
Washington, D.C. 20515

Hon. John Boehner
House Republican Leader
1011 Longworth House Office Building
Washington, D.C. 20515

Re: H.R. 1281, the Deceptive Practices and Voter Intimidation
Prevention Act of 2007

Dear Speaker Pelosi and Representative Boehner:

I write to you on behalf of The Association of the Bar of the City of New York ("the Association") in support of the Deceptive Practices and Voter Intimidation Prevention Act of 2007. Founded in 1870, the Association is an independent non-government organization with a membership of more than 22,000 lawyers, judges, law professors and government officials, principally from New York City but also from throughout the United States and from 50 other countries. The Association has long been concerned with the integrity of our elections and writes today because of that concern.

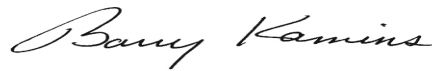
H.R. 1281, like the companion Senate bill, S. 453, makes unlawful the knowing dissemination of false information intended to prevent other persons from exercising their right to vote in federal elections, including dissemination of false information about the time, place or manner of voting or qualifications for, or restrictions on, voting, the political affiliations of candidates in closed primaries or explicit endorsement of any candidate for office. In addition to criminal penalties, it would require the Attorney General to take prompt corrective action where such false information is disseminated and requires the Attorney General to provide reports to Congress that would enable Congress to perform its oversight function.

The Association applauds this bill and urges its prompt enactment as necessary to the protection of the right to vote. As S. 453 states, the right to vote is a fundamental right, but recent elections have shown that "the integrity of today's elections is threatened by new tactics aimed at suppressing voter turnout." In many cases, these practices are designed to intimidate and suppress voting by minority voters. Indeed, some of our members have taken an active role in elections and are personally aware of incidents such as those that H.R. 1281 would prohibit. Intentionally misleading voters should be against the law, and the Association therefore strongly supports this bill.

In particular, the Association supports the bill's definition of what constitutes a deceptive practice and its criminalization of such practices and assignment of appropriate penalties. The bill's requirement of prompt corrective action by the Attorney General to dispel the effects of false information before an election is poisoned by it is especially important. The bill's creation of a reporting structure for incidents and its provision for Congressional oversight of the response to reported incidents are also appropriate and necessary.

Accordingly, the Association commends the House Committee on the Judiciary for having voted H.R. 1281 out of committee and urges the leadership of both parties to encourage passage of the bill.

Respectfully submitted,



Barry M. Kamins

cc: The Honorable Rahm Emmanuel
 The Honorable John Conyers, Jr.
 The Honorable Lamar S. Smith
 The Honorable Jerrold Nadler
 The Honorable Gary Ackerman
 The Honorable Michael A. Arcuri
 The Honorable Timothy Bishop
 The Honorable Yvette D. Clarke
 The Honorable Joseph Crowley
 The Honorable Eliot Engel
 The Honorable Vito Fossella
 The Honorable Kirsten E. Gillibrand
 The Honorable John J. Hall
 The Honorable Brian Higgins
 The Honorable Maurice Hinchey
 The Honorable Steve Israel
 The Honorable Pete King
 The Honorable John R. Kuhl, Jr.
 The Honorable Nita Lowey
 The Honorable Carolyn Maloney
 The Honorable Carolyn McCarthy
 The Honorable John M. McHugh
 The Honorable Michael R. McNulty
 The Honorable Gregory W. Meeks
 The Honorable Charles B. Rangel
 The Honorable Thomas M. Reynolds
 The Honorable Jose E. Serrano
 The Honorable Louise Slaughter
 The Honorable Edolphus Towns
 The Honorable Nydia M. Velazques
 The Honorable Jim Walsh
 The Honorable Anthony D. Weiner



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April 13, 2007

The Honorable Patrick Leahy, Chairman
Senate Committee on the Judiciary
433 Russell Senate Office Building
Washington, DC 20510

The Honorable Arlen Specter, Ranking Member
Senate Committee on the Judiciary
711 Hart Senate Office Building
Washington, DC 20510

Re: S. 453, Deceptive Practices and Voter Intimidation
Prevention Act of 2007

Dear Senator Leahy and Senator Specter:

I write to you on behalf of The Association of the Bar of the City of New York ("the Association") in support of S. 453, the Deceptive Practices and Voter Intimidation Prevention Act of 2007. Founded in 1870, the Association is an independent non-government organization with a membership of more than 22,000 lawyers, judges, law professors and government officials, principally from New York City but also from throughout the United States and from 50 other countries. The Association has long been concerned with the integrity of our elections and writes today because of that concern.

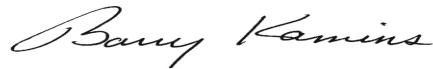
S. 453 makes unlawful the knowing dissemination of false information intended to prevent other persons from exercising their right to vote in federal elections, including dissemination of false information about the time, place or manner of voting or qualifications for, or restrictions on, voting, the political affiliations of candidates in closed primaries or explicit endorsement of any candidate for office. In addition to criminal penalties, it would require the Attorney General to take prompt corrective action where such false information is disseminated and requires the Attorney General to provide reports to Congress that would enable Congress to perform its oversight function. In addition, the bill provides a right of action to aggrieved persons to enjoin practices prohibited by its provisions.

The Association applauds S. 453 and the companion House bill, H.R. 1281, as necessary to protect the right to vote. As S. 453 states, the right to vote is a fundamental right, but recent elections have shown that "the integrity of today's elections is threatened by new tactics aimed at suppressing voter turnout." In many cases, these practices are specifically designed to intimidate and suppress voting by minority voters. Indeed, some of our members have taken an active role in elections and are personally aware of incidents such as those described in S. 453. Intentionally misleading voters should be against the law, and the Association therefore strongly supports this bill.

In particular, the Association supports the bill's definition of what constitutes a deceptive practice and its criminalization of such practices and assignment of appropriate penalties. The bill's requirement that the Attorney General take prompt corrective action to dispel false information before the election is poisoned by such practices is especially important. The bill's creation of a reporting structure for incidents and its provision for Congressional oversight of the response to reported incidents are also appropriate and necessary. The civil injunction action permitted by S. 453 might also help in some circumstances to provide a remedy to aggrieved persons.

Accordingly, The Association urges the Senate Committee to vote S. 453 out of committee for prompt enactment by the Senate.

Respectfully submitted,



Barry M. Kamins

cc: The Honorable Harry Reed, Majority Leader
The Honorable Mitch McConnell, Minority Leader
The Honorable Joseph R. Biden
The Honorable Sam Brownback
The Honorable Benjamin L. Cardin
The Honorable Tom Coburn
The Honorable John Cornyn
The Honorable Richard J. Durbin
The Honorable Russell Feingold
The Honorable Dianne Feinstein
The Honorable Lindsey Graham
The Honorable Charles E. Grassley
The Honorable Orrin Hatch
The Honorable Edward Kennedy
The Honorable Herbert Kohl
The Honorable Jon Kyl
The Honorable Charles Schumer
The Honorable Jeff Sessions
The Honorable Sheldon Whitehouse