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September 30, 2014

The Honorable Eric H. Holder Jr.
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

RE: Recognition for service as U.S. Attorney General and Urge Action on Civil Rights
Restoration in Florida

Dear Attorney General Holder:

Thank you for your outstanding service as United States Attorney General. Your record in protecting civil rights, spearheading much need sentencing reform, and fighting against discrimination have had a positive impact on America's system of justice.

Floridians should be particularly grateful. Under your leadership, the Justice Department prosecuted Medicare fraud in Florida and rooted out multi-million dollar schemes in false billings. The Department's recent settlement with the nation's largest mortgage servicers will provide some relief to Floridians who were victims of foreclosure abuse and deceptive lending practices. The Department continues to press to hold BP accountable for the 2011 Deepwater Horizon Gulf of Mexico disaster. Finally, your efforts to stop Florida Governor Rick Scott from unlawfully purging the voting rolls in 2012 ensured that thousands of voters in Florida were not inappropriately disenfranchised.

Voting and civil rights matters are still at issue in Florida and I want to call your attention to another matter of great import: the disturbing and, I believe, the unconstitutional operation of the state's clemency process that effectively denies restoration of civil rights for non-violent offenders. You spoke on this problem in a speech at Georgetown University earlier this year where you identified the State of Florida as one of the states that has not modernized its clemency process for those who have served their sentences, completed probation and paid all their fines. You rightfully described these types of prohibitions as a remnant of the racist policies of the South after the Civil War, when states used the criminal justice system to keep African-Americans from fully partaking in society: "Those swept up in this system too often had their rights rescinded, their dignity diminished, and the full measure of their citizenship revoked for the rest of their lives." This continues to happen in Florida to this day.

While I understand that states are afforded great discretion in rights restoration processes, Florida has unreasonably disenfranchised such a large portion of its population that it appears to violate U.S. Constitutional guarantees of due process and equal protection. Over 10.42 percent of the state's voting age population, as well as 23.3 percent of our African-American voting age neighbors, are ineligible to vote. I believe that *in operation* Florida is violating the U.S. Constitution's tenets of due process and equal protection. Florida's effective bar on rights restoration undermines our democracy by eliminating an overwhelming number of voters from having access to the ballot box.

The Florida Clemency Board includes the Governor, Attorney General, Agriculture Commissioner, and Chief Financial Officer. The Governor, with approval of the majority of the members of the Cabinet, may restore civil rights, as well as grant full or conditional pardons, commute punishment, and remit fines and forfeitures. It is intentionally time-consuming and expensive to do so and serves no rational purpose or justification. In most states, civil rights are restored automatically once the debt to society has been repaid. **In Florida, most non-violent offenders never regain their civil rights or voting rights due to multi-year and bureaucratic requirements imposed by the Florida Clemency Board.**

In 2007, the Florida Clemency Board under Governor Charlie Crist voted to streamline the approval process for people with convictions for non-violent felony offenses. But in 2011, the Clemency Board under Governor Rick Scott reversed these rights restoration rules and instituted highly restrictive policies. That year, the Clemency Board restored civil rights to only 78 people. It is estimated that by this year's elections, as many as 600,000 people who otherwise could have voted will be absent from Florida's polls. Florida has the highest disenfranchisement numbers in America.

Earlier this year, the NAACP, ACLU and others joined with me to urge Governor Scott and the Clemency Board to end the insidious and discriminatory policy that has disenfranchised over 1.5 million Floridians, including 23 percent of the state's African-American population. The Governor and Board refused, and the wholesale denial of civil rights remains unfair, unjust and an embarrassment to the State of Florida.

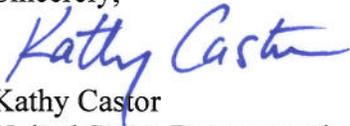
The effective bar on civil rights restoration in Florida also is very poor public policy. According to a 2011 Parole Commission study, restoration of civil rights helps individuals reintegrate into society and become productive rather than commit another crime. While the overwhelming majority of states across America have reformed voting rights for non-violent offenders, Florida still operates a post-Civil War era bar on voting. The numbers tell the story of intolerance and inequality. They have risen to a level that cries out for examination and a civil rights court challenge due to the large-scale, effective denial of fundamental civil rights.

Non-violent offenders who have completed their sentences and paid their debt to society should have full and equal access to exercise their voting rights. Florida's civil rights restoration is a fundamental civil rights issue of our time. In fact, in your July letter to Governor Scott, you stated that the Justice Department will be vigilant in reviewing

state actions that may hinder voter participation in Florida. Florida's effective bar on the restoration of civil rights that harkens back to the Jim Crow era of discrimination demands such attention. Therefore, I respectfully request that the Justice Department conduct a thorough investigation into whether legal action is warranted against the State of Florida for its effective bar on civil rights restoration for non-violent offenders. As your letter to Governor Scott says, we must use all the tools and legal authorities at our disposal to fight against racial discrimination, to stand against disenfranchisement and to safeguard the right of every eligible American to cast a ballot. Ending Florida's insidious ban on civil rights restoration would ensure that this vision for our democracy is realized.

If you have any questions or comments, please do not hesitate to contact me or my Deputy Chief of Staff, Lara Hopkins, at 202-225-3376.

Sincerely,



Kathy Castor
United States Representative
Florida - District 14