

MUKASEY WILL NOT COMMIT TO RESTORING ELECTION LAW MANUAL

One of the sub-scandals that came out as part of the USA purge is that DOJ recently revised the manual on Election Offenses. Gonzales' DOJ basically removed the language restricting indictments just prior to elections—precisely the restriction that Hans Von Spakovsky violated when he brought indictments against former ACORN workers just before the 2006 elections. As a result, it will be easier for USAs to bring indictments leading up to the 2008 election.

In his hearing, Mukasey did not answer whether he would return the manual to its former state. So Ted Kennedy asked for a firm commitment that he would do so.

Mukasey would not make that firm commitment.

In your testimony, you were clear that "partisan politics plays no part in either the bringing of charges or the timing of charges," but you never specifically addressed the changes made to this manual. Restoring the 1995 guidelines is an obvious reform that would go a long way toward restoring public trust in the Department. Will you commit to restoring the 1995 version of the "The [sic] Federal Prosecution of Election Offenses" manual?

- *If you will not commit to this, do you agree that the changes recently made to the manual were dangerous and inappropriate?*
- *Do you think it's appropriate that under*

*the new guidelines,
prosecutors and
investigators are given
so much freedom to
influence election
outcomes?*

ANSWER: As I testified partisan politics can play no part in either the bringing of timing of charges. Although I have not reviewed either the 1995 or current versions of "The Federal Prosecution of Election Offenses" manual specifically, I fully appreciate that the closer to an election, the higher the standard that must be met for charges to be brought.

It's the same tactic he used with many of the national security questions: by saying he hadn't reviewed the document in question, he avoided answering any question and—more specifically—committing to diverging from Gonzales' troubling policies.

Only in this case, the documents are all available in the public record. Which suggests Mukasey's refusal to answer the question ought to be taken as answer enough.