



UNITED STATES COMMISSION ON CIVIL RIGHTS

624 NINTH STREET, NW, WASHINGTON, DC 20425
www.usccr.gov

November 15, 2010

VIA FAX (202-616-0222), E-MAIL, AND REGULAR MAIL

Joseph H. Hunt, Esq.
Director, Federal Programs Branch
Civil Division
United States Department of Justice
20 Massachusetts Avenue, NW
Washington, DC 20001

Re: United States Commission on Civil Rights Statutory Enforcement Report

Dear Mr. Hunt,

Please be informed that the Department's attempt to circumscribe the Commission's authority, and restrict the timing and scope of its investigation into the New Black Panther Party matter, is unacceptable.

The proposed limitations and conditions contained in your letter of November 12 simply represent the Department's latest effort to create the appearance of cooperation, while refusing to provide critical information to the Commission. As you are aware, the Commission has received firsthand testimony indicating that the race-neutral enforcement of the nation's laws is opposed by many within the Civil Rights Division. Instead of directly addressing these allegations, the Department has instead focused on delaying and smothering the Commission's investigation.

The material evidence received by the Commission has been developed despite the Department's active opposition. But for the courage of two witnesses who testified over the objections of the Department, the attempts to stonewall the Commission might have succeeded. As it is, since the testimony of whistleblowers Christopher Coates and J. Christian Adams, press reports have provided additional indications that open hostility exists within the Civil Rights Division to the race-neutral enforcement of civil rights.

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From a *Washington Post* article of October 22, 2010:

Three Justice Department lawyers, speaking on the condition of anonymity because they feared retaliation from their supervisors, described the same tensions, among career lawyers as well as political appointees. Employees who worked on the [Ike] Brown were harassed by colleagues, they said, and some department lawyers anonymously went on legal blogs “absolutely tearing anybody who was involved in that case, said one lawyer.”

“There are career people who feel strongly that it is not the voting section’s job to protect white voters,” the lawyer said. “The environment is that you better toe the line of traditional civil rights ideas or you better keep quiet about it, because you will not advance, you will not receive awards and you will be ostracized.” (emphasis added).

It is disheartening that the Department opposes efforts to investigate such allegations and instead has devoted its resources to “spin control” and attempting to create a façade of cooperation. Such efforts are neither effective nor productive.

Absent further word from the Department, the Commission expects that all relevant documents will be produced¹ and that the depositions of Department officials Loretta King, Steve Rosenbaum, Julie Fernandes, and Sam Hirsch will take place on the dates scheduled, without pre-condition or other limitation. After the testimony is received, the Commission will decide whether to include the acquired information in its pending interim report or in some other format. As you may have noted, the Commission’s investigation has extended beyond Fiscal Year 2010, an action taken due to the Department’s lack of cooperation. The investigation has no set date of expiration.

Thank you for your anticipated cooperation.

Sincerely,

/s/

David P. Blackwood
General Counsel

¹ As you are aware, the instructions to the Commission’s discovery requests provide that all responsive documents were to be delivered no later than 10 days before the dates of deposition. *See* Notice of Deposition at p. 4. It is assumed that all documents will now be produced at the time of the depositions. Given the late production, the Commission reserves the right to take the depositions over multiple sessions.

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cc: Chairman Gerald A. Reynolds
Vice Chair Abigail Thernstrom
Commissioner Todd F. Gaziano
Commissioner Gail Heriot
Commissioner Peter N. Kirsanow
Commissioner Arlan D. Melendez
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