



U.S. Department of Justice

Civil Division

Washington, D.C. 20530

DEC 23 2009

Via Facsimile, E-mail, and U.S. Mail

Mr. David P. Blackwood, General Counsel
United States Commission On Civil Rights
624 Ninth Street, N.W.
Washington, D.C. 20425

Re: New Black Panther Party Matter

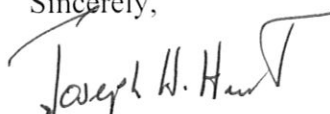
Dear Mr. Blackwood:

I write in response to your letter of December 18, 2009. Please be advised that at no time has the Department of Justice ("Department") either "refused" or been "unwilling" to meet with the United States Commission on Civil Rights ("Commission"). Rather, in our recent communications about the matter, I suggested alternative timing for such a meeting to afford the Department an opportunity to first consider and set forth in writing its position with respect to the Commission's December 8, 2009 request for information. To that end, I expressly invited the possibility of a meeting at the conclusion of my December 16 communication to you. (A copy of the email exchange that prompted your letter and to which I refer here is attached for your reference.)

As regards your suggestion that the Department has had over six months to provide information to the Commission, I note that as recently as December 8, 2009, the Commission supplanted its prior requests to the Department with an extensive subpoena that requests responses to 49 interrogatories and 51 document requests. In the cover letter enclosing the subpoena, moreover, you set forth in detail the Commission's views and position concerning its authority to obtain that information. In fairness, the Department should be afforded the opportunity to set forth in writing its position with respect to the subpoena, the requests, and the views already expressed by the Commission in writing. Any meeting about this matter would be more productive, moreover, after the Department has fully considered and articulated its response to the Commission's December 8, 2009 subpoena, which constituted a significant modification of the Commission's request. I want to be clear that we are prepared to meet with you once the Department has been afforded its opportunity to respond in writing, should the Commission and the Department conclude at that time that there is common ground on which to proceed.

The Department shares your desire to move this matter forward. As expressed in some of our prior communications, the Department intends to cooperate to the extent possible with the Commission's requests for information that fall within the Commission's statutory functions and duties. With this clarification of the Department's intentions, I hope that the Commission and the Department will be better able to determine a meaningful way forward. And in this regard, I trust that the Commission will not follow through on your recent suggestion about setting new deposition dates and issuing further subpoenas so that the Department can complete its consideration of the present request. Thank you for your anticipated cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph H. Hunt". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joseph H. Hunt

Enclosure

cc: Commission Members and Staff

Chairman Gerald A. Reynolds
Vice Chair Abigail Thernstrom
Commissioner Todd F. Gaziano
Commissioner Gail Heriot
Commissioner Peter N. Kirsanow
Commissioner Arlan D. Melendez
Commissioner Ashley L. Taylor, Jr.
Commissioner Michael J. Yaki
Martin Dannenfelser, Staff Director

From: Hunt, Jody (CIV)
Sent: Wednesday, December 16, 2009 4:57 PM
To: David Blackwood
Subject: RE: Discovery Requests of the US Commission on Civil Rights

Mr. Blackwood,

Thank you for your message. The Department of Justice shares your desire to move this matter forward and, therefore, has been reviewing the Commission's request, taking into consideration the Commission's views concerning the scope of its authority vis-a-vis the Department as expressed in your letter dated December 8th. It seems to me that it would be more productive for the Department to complete its consideration and respond in writing before we sit down to meet. Once the Department has done so, the Commission and the Department should be better able to identify any common ground on which to move forward. We certainly can revisit the possibility of a meeting at that time.

Regards,

Jody Hunt

Joseph H. ("Jody") Hunt
Director, Federal Programs
U.S. Dept. of Justice, Civil Division
20 Massachusetts Ave., NW
Washington, DC 20001
tel.: 202.514.1259
fax: 202.616.0222

From: David Blackwood [mailto:dblackwood@usccr.gov]
Sent: Tuesday, December 15, 2009 12:17 PM
To: Hunt, Jody (CIV)
Subject: Discovery Requests of the US Commission on Civil Rights

Mr. Hunt,

Please let me know when the Department is available to meet to discuss the discovery requests served on the agency with regard to the New Black Panther Party matter. As previously discussed, it is in the interest of all parties to identify and move forward on those matters as to which there is no dispute as well as to identify those matters as to which there are legitimate concerns as to confidentiality. I am available Thursday and Friday of this week, as well as Monday – Wednesday next week.

Thank you for your anticipated cooperation.

David P. Blackwood
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