



U.S. Department of Justice

Office of Intergovernmental and Public Liaison

950 Pennsylvania Avenue, NW, Room 1629
Washington, DC 20530

(202) 514-3465
<http://www.usdoj.gov/oipl/>

Mr. Gerald A. Reynolds, Chairman
United States Commission on Civil Rights
624 Ninth Street, N.W.
Washington, D.C. 20425

Via Facsimile and E-mail

November 16, 2009

Dear Chairman Reynolds:

This is in response to your letter of September 30, 2009, regarding a Department of Justice case filed to enforce Section 11(b) of the Voting Rights Act of 1965, 42 U.S.C. § 1973i(b), *United States v. New Black Panther Party for Self-Defense*, Civ. No. 09-0065 SD (E.D. Pa.). We also received a letter of October 1, 2009 from Commissioners Melendez and Yaki expressing concern that the Commission's actions in connection to this matter are improper and unprecedented. We have carefully considered both the September 30 and October 1 letters.

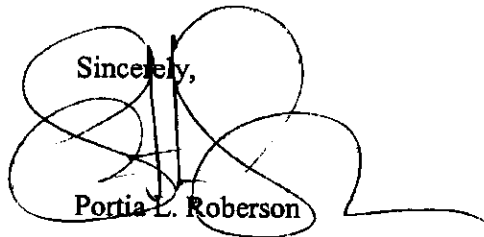
In your September 30, 2009 letter, you ask that the Department provide documents and additional information listed in an August 10, 2009 letter from you and several other members of the U.S. Commission on Civil Rights. As noted in the Department's response to that letter, the Department's Office of Professional Responsibility (OPR) is reviewing the matter regarding which you have requested information. We will continue to await the outcome of that process before providing a further response to requests related to the OPR review. We also note that the Philadelphia Section 11(b) case about which you inquired remains open, with the court retaining jurisdiction to enforce the injunction until November 15, 2012.

You also have asked for information about Section 11(b) of the Voting Rights Act, and the Department's enforcement of that provision and other statutes prohibiting voter intimidation. Section 11(b) of the Voting Rights Act is rarely used, in part because of the limited remedies it affords. The only remedies available under Section 11(b) are declaratory and injunctive relief. From 1976 through 2008, the Department filed only two lawsuits alleging Section 11(b) claims, *United States v. Ike Brown & Noxubee County, Miss.* (S.D. Miss. 2005) and *United States v. North Carolina Republican Party*,

et al. (E.D.N.C. 1992). The Section 11(b) claim in the *Noxubee* case was unsuccessful, and a consent decree was entered in the *North Carolina Republican Party* case. Traditionally, most of the Department's cases involving voter intimidation have been brought under other statutes, primarily Section 2 and the language minority provisions of the Voting Rights Act. Information on Voting Rights Act cases involving voter intimidation can be found on the Civil Rights Division's website, www.justice.gov/crt/voting/litigation/caselist.php.

To facilitate timely receipt and response, we ask that you send all future written communications about this matter that are directed to Department of Justice personnel by facsimile to:

Joseph H. (Jody) Hunt
Director, Federal Programs Branch
Civil Division
United States Department of Justice
P.O. Box 883
Washington, D.C. 20044
Facsimile: 202-616-0222.

Sincerely,

Portia L. Roberson