



**UNITED STATES
COMMISSION ON
CIVIL RIGHTS**

624 Ninth Street, N.W.
Washington, D.C. 20425

July 28, 2010

VIA HAND DELIVERY

The Honorable Eric Holder
Attorney General
United States Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Re: Letter of July 14, 2010 from Chairman Gerald Reynolds to Assistant Attorney
General Thomas Perez

Dear Attorney General Holder:

On July 14, 2010, I sent a letter to Assistant Attorney General Thomas Perez relating to the Commission's ongoing investigation of the New Black Panther Party litigation, as well as the Department's enforcement of voter intimidation laws. At its meeting of July 16, the Commission (by a majority vote) endorsed and ratified that letter.

That letter requested that the Department indicate whether it would release Christopher Coates, the former head of the Voting Section, to testify on matters raised by J. Christian Adams in his testimony before the Commission. Although the letter requested a response by July 21, as of this late date we have yet to receive a reply.

As you know from previous correspondence, the Commission does not agree with the Department's position that it can legitimately preclude Mr. Coates from testifying with regard to the decision making process behind the New Black Panther Party litigation. That aside, the Department's interest in confidential deliberations (or any other purported privilege) does not apply to several additional matters raised by Mr. Adams in his testimony before the Commission. For instance, as indicated in my letter of July 14, Mr. Adams testified that there is hostility within the Civil Rights Division to the race neutral enforcement of civil rights protections, and that such hostility may be supported by statements of current political appointees in the Division. By way of example, his testimony indicated that career employees refused to work on the Ike Brown litigation (in which the court found that the voting rights of white and black voters had been violated by a black official) and, most importantly, that specific instructions were given to Mr. Coates from Deputy Assistant Attorney General Julie Fernandes to the effect that "cases are not going to be brought against black defendants for the benefit of white victims; that if somebody wanted to bring these cases it was up to the U.S. Attorney, but the Civil Rights Division wasn't going to be bringing it." (Adams Tr. at 61).

The above allegations, together with other alleged comments by Ms. Fernandes relating to the intended non-enforcement of Section 8 of the National Voter Registration Act, do not involve policy or legal “deliberations” or any other matter protected by any privilege and deserve to be investigated and either shown to be true or to be disproven.

To that end, during its July 16 meeting, the Commission voted to make the following proposal: Without waiving its rights to examine Department personnel in the future as to the decision making process in the New Black Panther Party litigation, the Commission will agree to limit Mr. Coates’s (initial) questioning to non-deliberative statements or actions relating to whether there is a policy and/or culture within the Department of discriminatory enforcement of civil rights laws and whether there is a policy not to enforce Section 8 of the National Voter Registration Act.

Your immediate attention to this proposal is requested. Please contact the Commission’s General Counsel, David Blackwood, as to when a response to my July 14 letter will be forthcoming. Thank you for your prompt attention to this matter.

Sincerely,



Gerald A. Reynolds
CHAIRMAN

cc: 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
Assistant Attorney General Thomas Perez
Joseph H. Hunt