



UNITED STATES COMMISSION ON CIVIL RIGHTS

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

August 6, 2010

The Honorable Eric H. Holder, Jr., Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: New Black Panther Party/Department of Justice Investigation

Dear Attorney General Holder:

This letter is a follow-up to the letters sent by the U.S. Commission on Civil Rights to Assistant Attorney General Thomas Perez dated July 14, 2010, and to you dated July 28, 2010, relating to the Commission's investigation of the New Black Panther Party ("NBPP") litigation, the Department's enforcement of voter intimidation laws and the testimony of Christopher Coates thereon. The letter to Mr. Perez requested a response by July 21, 2010, but as of this date we have yet to receive a reply.

Out of respect to the statutory obligation of the Commission to issue a report on our investigation, it is important that the Department of Justice reply as to whether Mr. Coates will be produced for testimony at the Commission's August 13, 2010 hearing by no later than August 11, 2010, so that the Commission may adequately prepare for the hearing. Even with the testimony of Mr. Coates on August 13, 2010, it is expected that the Commission's report will be delayed by nearly two months, due in large part to the Department's refusal to provide information and testimony in a timely fashion, and to fully cooperate.

To reiterate the proposal made in the Commission's letter to you dated July 28, 2010, without waiving its rights to examine Department personnel in the future as to the decision making process in the NBPP litigation, the Commission will agree to limit Mr. Coates' initial questioning 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 ("NVRA").

Given that the subject matter of Mr. Coates' anticipated testimony will not be based upon any matters that the Department claims are precluded by any cognizable privileges, and given that the Department is commanded by federal statute to "comply fully" with requests made pursuant to the Commission's jurisdiction, there is no sound basis upon which Mr. Coates' testimony on these topics may be withheld. Consequently, in the event Mr. Coates is not produced, the Commission

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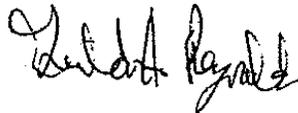
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may reasonably infer that his testimony would corroborate that of J. Christian Adams before the Commission on July 6, 2010, that, inter alia, the Department is hostile to the race neutral enforcement of voting rights laws and that the Department refuses to enforce Section 8 of the NVRA.

At minimum, a demonstration of good faith to an independent federal agency requires that the Department either agree to produce Mr. Coates pursuant to our compromise proposal or provide an explanation as to why it will not do so. As set forth above, it is requested that the Department respond to this request no later than August 11, 2010.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerald A. Reynolds". The signature is written in a cursive, somewhat stylized font.

Chairman Gerald A. Reynolds

cc: Vice Chair Abigail Thernstrom
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Commissioner Gail Heriot
Commission Peter N. Kirsanow
Commissioner Arlan B. Melendez
Commissioner Ashley L. Taylor, Jr.
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