



UNITED STATES COMMISSION ON CIVIL RIGHTS

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

June 15, 2010

VIA 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:

As you may recall, as part of its discovery requests directed to the Department of Justice, the U.S. Commission on Civil Rights sought information with regard to any contacts by the Department with outside third parties, including specifically Kristen Clarke of the NAACP Legal Defense Fund, relating to the New Black Panther Party (NBPP) litigation. See Interrogatory No. 12 (December 8, 2009).

In response, the Department indicated that it had “identified no communication, oral or otherwise, with Kristen Clarke or the NAACP Legal Defense Fund relating to the litigation prior to the May 18, 2009 court judgment enjoining Minister King Samir Shabazz and dismissing the three other defendants.”

In a recent article in *The Weekly Standard* magazine,¹ it is represented that Voting Section attorney Laura Coates had a conversation with Kristen Clarke in which the NBPP litigation was discussed. Specifically, the article in question states:

An attorney for the NAACP, Kristen Clarke, has admitted that she spoke to department attorneys about the case and shared the complaint with others. (In a deposition she also said that a department lawyer sent her news clippings of the case.) She spoke to a voting section attorney Laura Coates (no relation to Chris Coates) about the case at a Justice Department function. Clarke asked Coates, who she assumed was sympathetic, when

¹ Jennifer Rubin, *Friends in High Places*, WEEKLY STANDARD (June 21, 2010), <http://www.weeklystandard.com/articles/friends-high-places>.

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the Panther case was going to be dismissed. The comment suggested that the NAACP had been pushing for such an outcome, and Coates reported the conversation to her superiors.

Given the above, it is requested that the Department review the accuracy of its prior discovery response regarding this topic. Specifically, it is requested that the Department determine whether Laura Coates had a conversation with Ms. Clarke, the date thereof, the content of the conversation, and whether, as represented in the above article, the conversation was reported to Ms. Coates' superiors. This request includes any and all documentary evidence reflecting any such communications.

Given that the Commission's inquiries to the Department have been pending since December 2009, it is requested that you please expedite a response to the above inquiry. Inasmuch as any Department communications with Ms. Clarke and/or the NAACP Legal Defense Fund do not present any issue of privilege, there is no basis for delay.

Please do not hesitate to contact me should you have any questions.

Sincerely,



David P. Blackwood
General Counsel

cc: 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.
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