



U.S. Department of Justice

Civil Division

February 26, 2010

Washington, D.C. 20530

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VIA E-MAIL AND FED EX

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

Re: United States Commission on Civil Rights'
Planned Statutory Enforcement Report

Dear Mr. Blackwood:

I am writing to update you on the status of the Department of Justice's ("Department") consideration of the United States Commission on Civil Rights' ("Commission") requests for information, including hearing testimony, regarding the Department's enforcement of federal laws against voter intimidation.

As you know, the Department regards the protection of the right to vote as one of its top priorities. The Department therefore has strived to be as responsive as possible to the Commission's requests related to its planned statutory enforcement report on enforcement of Section 11(b) of the Voting Rights Act. Unlike past Commission investigations related to the Department's enforcement of civil rights laws, the current investigation is largely focused on the single prosecution captioned *United States v. New Black Panther Party for Self Defense*, Civil Action No. 2:09-cv-0065 (E.D. Pa.). The Department is constrained by the need to protect against disclosures that would harm the deliberative processes behind the enforcement decisions in that action.

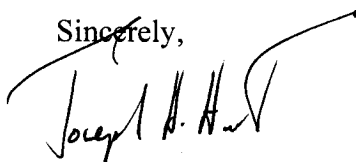
The Commission's requests concerning this matter therefore have required thoughtful consideration of how the Department can continue its practice of voluntary cooperation with the Commission consistent with the confidentiality interests that the Department routinely protects. The Department's effort to strike the appropriate balance here has required time for that consideration, and although the Department is not yet in a position to respond to the requests for hearing testimony, the Department has determined that it has additional information it can

provide. When the Department responded to the Commission's requests by providing documents and interrogatory responses on January 11, 2010, I advised that the Department might later supplement its response to the extent it had any additional responsive non-confidential information. To that end, in its ongoing evaluation of the Commission's requests, the Department has determined that it can provide additional documents responsive to the Commission's Document Request Nos. 1, 33, and 44. Those documents are provided on the enclosed CD.

Please know that the Department is sensitive to the Commission's desire to proceed with its inquiry, including the rescheduling of the postponed February 12, 2010 hearing. I will provide you with the Department's decision regarding whether to authorize the requested hearing testimony as soon as possible. For the reasons explained herein, however, neither the Department nor the Commission would be well served by a premature decision.

We hope that the enclosed information and this status update are helpful to the Commission. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph H. Hunt". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right.

Joseph H. Hunt
Director
Civil Division
Federal Programs Branch

Enclosure