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<p>1 UNITED STATES COMMISSION ON CIVIL RIGHTS</p> <p>2 -----</p> <p>3 IN RE:</p> <p>4 NEW BLACK PANTHER PARTY</p> <p>5 -----</p> <p>6 Philadelphia, Pennsylvania</p> <p>7 Tuesday, January 12, 2010</p> <p>8</p> <p>9 TRANSCRIPT of testimony of LARRY COUNTS,</p> <p>10 as taken by and before Cherilyn M. McCollum, a</p> <p>11 Registered Professional Reporter, at the HILTON</p> <p>12 GARDEN HOTEL, 1100 Arch Street, commencing at 9:08</p> <p>13 o'clock in the forenoon.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1 I N D E X</p> <p>2 WITNESS PAGE</p> <p>3 LARRY COUNTS</p> <p>4 By Mr. Blackwood 4</p> <p>5</p> <p>6 E X H I B I T S</p> <p>7 NUMBER DESCRIPTION PAGE</p> <p>8 Exhibit 1 Printout from Internet 15</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
Page 2	Page 4
<p>1 B E F O R E:</p> <p>2 (BY TELEPHONE)</p> <p>3 MICHAEL YAKI, COMMISSIONER</p> <p>4 ALEC DEULL, SPECIAL ASSISTANT</p> <p>5 NICK COLTEN, SPECIAL ASSISTANT</p> <p>6 JOHN MARTIN, SPECIAL ASSISTANT</p> <p>7</p> <p>8 A P P E A R A N C E S:</p> <p>9 UNITED STATES COMMISSION ON CIVIL RIGHTS</p> <p>10 OFFICE OF THE GENERAL COUNSEL</p> <p>11 BY: DAVID P. BLACKWOOD, ESQ.</p> <p>12 MAHA JWEIED, ESQ.</p> <p>13 624 Ninth Street, N.W.</p> <p>14 Suite 631</p> <p>15 Washington, D.C. 20424</p> <p>16 (202) 376-7622</p> <p>17 dblackwood@uscrr.gov</p> <p>18 Attorneys for The Commission</p> <p>19</p> <p>20 A L S O P R E S E N T:</p> <p>21 KIMBERLY TOLHURST, ESQ. (BY TELEPHONE)</p> <p>22</p> <p>23</p> <p>24</p>	<p>1 LARRY COUNTS, after having been</p> <p>2 first duly sworn, was examined and testified as</p> <p>3 follows:</p> <p>4 EXAMINATION</p> <p>5 BY MR. BLACKWOOD:</p> <p>6 Q. Appreciate you being here.</p> <p>7 Mr. Counts, just so you're aware, we</p> <p>8 have some special rules because we are a</p> <p>9 commission. Any deposition with regard to an</p> <p>10 individual remains private unless and until we use</p> <p>11 it in a report or as part of a hearing. So we</p> <p>12 don't release what happens here unless it's part of</p> <p>13 a hearing.</p> <p>14 Can you give your full name and your</p> <p>15 address.</p> <p>16 A. Larry Counts, 3413 North Lee Street,</p> <p>17 Philadelphia, Pennsylvania, 19134.</p> <p>18 Q. And where are you employed?</p> <p>19 A. I'm not employed.</p> <p>20 MR. BLACKWOOD: Who is here?</p> <p>21 MS. TOLHURST: Kim.</p> <p>22 BY MR. BLACKWOOD:</p> <p>23 Q. All right. And did there come a</p> <p>24 time that you were working at 1221 Fairmount for</p>

<p style="text-align: right;">Page 5</p> <p>1 the 2008 presidential election?</p> <p>2 A. Yes.</p> <p>3 Q. In what capacity?</p> <p>4 A. I was a poll watcher.</p> <p>5 Q. And that was for the Republican</p> <p>6 Party?</p> <p>7 A. Yes, I think so.</p> <p>8 Q. Are you a registered Republican?</p> <p>9 A. No, I'm a Democrat.</p> <p>10 I can't -- I can't really recall was</p> <p>11 it for a Democratic or a Republican that I was, you</p> <p>12 know, working the poll for, but I'm a Democrat.</p> <p>13 Q. Okay. Do you recall how you got</p> <p>14 selected as a poll watcher?</p> <p>15 A. Through a friend. They had -- they</p> <p>16 had asked me, you know, would I like to be -- work</p> <p>17 for the polls even, like, passing literature or</p> <p>18 possibly have a chance to be a poll watcher. Then</p> <p>19 when that day came, they said I could be a poll</p> <p>20 watcher.</p> <p>21 Q. Did you get paid for it?</p> <p>22 A. Yes.</p> <p>23 Q. How much?</p> <p>24 A. I think it was \$200.</p>	<p style="text-align: right;">Page 7</p> <p>1 Q. -- as a poll watcher?</p> <p>2 When you worked before, were you</p> <p>3 also with your spouse?</p> <p>4 A. Yes.</p> <p>5 Q. Do you recall when it was?</p> <p>6 A. No, I -- a few years back.</p> <p>7 Q. Was it the 2004 presidential</p> <p>8 election?</p> <p>9 A. It could have been 2004.</p> <p>10 Q. Let's talk about that day, Election</p> <p>11 Day 2008. When did you get to the polls?</p> <p>12 A. When did I get there?</p> <p>13 Q. Yes.</p> <p>14 A. Between 6 and 7. Between 6 and</p> <p>15 7:00.</p> <p>16 Q. Did you have to check in with</p> <p>17 anybody to let them know that you were there?</p> <p>18 A. Yes. Yes, I had to sign in. We had</p> <p>19 to check with somebody once we got there and notify</p> <p>20 them we were poll watchers.</p> <p>21 Q. Was that the election judge?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know who the election judge</p> <p>24 was?</p>
<p style="text-align: right;">Page 6</p> <p>1 Q. You didn't have to get elected to</p> <p>2 get the poll watching position?</p> <p>3 A. No.</p> <p>4 Q. It was just a job?</p> <p>5 A. Yes.</p> <p>6 Q. And your wife was with you at that</p> <p>7 time?</p> <p>8 A. Yes.</p> <p>9 Q. And did she also get \$200?</p> <p>10 A. Yes.</p> <p>11 Q. Have you ever worked as a poll</p> <p>12 watcher before?</p> <p>13 A. Yes.</p> <p>14 Q. Approximately how many times?</p> <p>15 A. Once. Once before that.</p> <p>16 Q. At the Fairmount Avenue place?</p> <p>17 A. No, a different place.</p> <p>18 Q. At that time were you still living</p> <p>19 in the City of Philadelphia?</p> <p>20 A. Yes.</p> <p>21 Q. So you've -- you worked as a poll</p> <p>22 watcher at least once before. Have you worked</p> <p>23 subsequently --</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 8</p> <p>1 A. No.</p> <p>2 Q. This neighborhood where you worked</p> <p>3 as a poll watcher, is that near where you lived?</p> <p>4 A. Pretty fair where I live at, but</p> <p>5 not -- not in like a mile area. Like a couple</p> <p>6 miles.</p> <p>7 Q. A couple miles?</p> <p>8 A. Yes, a few miles.</p> <p>9 Q. It's not in the same voting</p> <p>10 district, right?</p> <p>11 A. No.</p> <p>12 Q. Did you have to check in with</p> <p>13 anybody from the Republican Party?</p> <p>14 A. No.</p> <p>15 Q. When you got to the polling place,</p> <p>16 was anybody from the New Black Panther Party</p> <p>17 already there?</p> <p>18 A. No.</p> <p>19 Q. When did they arrive?</p> <p>20 A. I don't know when they arrived. I</p> <p>21 was -- once I got there, I stayed inside the whole</p> <p>22 time.</p> <p>23 Q. When did you become aware that</p> <p>24 members had arrived?</p>

<p style="text-align: right;">Page 9</p> <p>1 A. I wasn't aware. All I know when I 2 was inside, all I saw was the news people outside, 3 and I didn't see anybody. I didn't see anybody 4 outside. Nobody said nothing to me about anything. 5 I didn't go outside. All I just saw the news 6 people outside. I don't know whether they were 7 just there for the election, talking to the 8 election people outside, or whatever. But as far 9 as telling me, I didn't see nobody come inside or 10 outside. 11 Q. So you stayed inside the building 12 the whole time? 13 A. Yes. 14 Q. And from where you were sitting you 15 couldn't see outside the building? 16 A. No. It was like -- the windows was 17 like -- like a walled-off area. I couldn't see 18 straight out front. 19 Q. Walk me through what the building -- 20 where you are in relationship to the building. If 21 I come in through the entrance -- 22 A. Yeah, I'm facing this way. My back 23 is facing towards the wall. 24 Q. All right. But are you down a</p>	<p style="text-align: right;">Page 11</p> <p>1 the Black Panthers? 2 A. No, I never seen them. I told the 3 guy when they came to my house that I never see any 4 of the Black Panthers. 5 Q. Who came to your house? 6 A. The guy that gave me these papers. 7 Q. Oh, the processor for us? 8 A. Yes, yes. 9 Q. Okay. 10 You mentioned, though, you became 11 aware that there were some newspaper -- I'm saying 12 newspaper, but reporters were outside? 13 A. Yeah. The news people that were 14 there, they came to the front door, they came in, 15 and then they went back out. That's the only way I 16 saw them. 17 Q. Okay. So you saw reporters come 18 into the entrance? 19 A. Right. 20 Q. Was anybody telling you anything 21 about there's -- there are people outside? 22 A. No. Wasn't no commotion inside. 23 Q. I'm sorry? 24 A. There wasn't no kind of commotion</p>
<p style="text-align: right;">Page 10</p> <p>1 hallway or what? 2 A. No. Once like -- once I -- like 3 once I come through the door -- like once I come 4 through the door, it's like -- I go straight to the 5 left and there is a room right there. It's got a 6 little area right there. 7 Q. All right. So it's around the -- 8 A. Around the corner. 9 Q. You come in the entrance, it's 10 around the corner, and that's where the voting room 11 is? 12 A. Yes. 13 Q. And that's where you are? 14 A. Right. 15 Q. How are you and your wife situated? 16 A. We're -- like right there at the 17 doors. 18 Q. Okay. Right near the door? 19 A. Yes. 20 Q. But you can't see outside the 21 entrance? 22 A. No. Once you get inside and go 23 around, you can't see outside. 24 Q. So did you actually ever see any of</p>	<p style="text-align: right;">Page 12</p> <p>1 inside. 2 Q. All right. 3 But people weren't coming inside and 4 saying there was anybody outside? 5 A. No, not that I hear of. 6 Q. Let me run you through some -- 7 because there are videos of the situation outside. 8 A. Right. 9 Q. Did you ever become aware -- and I 10 know I've asked this, but let me run through it -- 11 did you become aware that members of the New Black 12 Panther Party were outside? 13 A. No. 14 Q. Okay. Did you become aware -- 15 A. I didn't know what they would be 16 wearing. Would they have regular clothes or -- 17 Q. Well, I'm not going to -- 18 A. Oh, oh. 19 Q. I'm asking you. 20 A. Oh, no. 21 Q. All right. Do you know whether the 22 police were outside? 23 A. Police? 24 Q. And I'm asking not just did you see</p>

<p style="text-align: right;">Page 13</p> <p>1 them, but did people tell you, for example, that</p> <p>2 the police were outside?</p> <p>3 A. Yes, I heard that police was</p> <p>4 outside.</p> <p>5 Q. Okay. Who told you that?</p> <p>6 A. I heard that from -- who that?</p> <p>7 Couple people at the door when the news people was</p> <p>8 coming in, they said the police was out there with</p> <p>9 the news people.</p> <p>10 Q. Okay. Did you ask them why they're</p> <p>11 here?</p> <p>12 A. No. I ain't ask no questions. I</p> <p>13 was just -- I just stayed inside. I figured wasn't</p> <p>14 none of my business to ask questions what was going</p> <p>15 on out there, if anything was. My main concern was</p> <p>16 just stay inside.</p> <p>17 Q. What did you understand was your</p> <p>18 job -- what were your duties as a poll watcher?</p> <p>19 A. Just to count people that come in.</p> <p>20 Q. Did Mr. Wayne -- do you know who</p> <p>21 Wayne Byman is?</p> <p>22 A. No.</p> <p>23 Q. All right.</p> <p>24 So you don't recall if Mr. Byman</p>	<p style="text-align: right;">Page 15</p> <p>1 Q. Okay.</p> <p>2 Since Election Day have you seen any</p> <p>3 pictures of what went on outside the polling place?</p> <p>4 A. No.</p> <p>5 Q. Let me show you what we'll marked as</p> <p>6 Exhibit 1.</p> <p>7 (Exhibit 1 marked for</p> <p>8 identification.)</p> <p>9 BY MR. BLACKWOOD:</p> <p>10 Q. Mr. Counts, I only want you to refer</p> <p>11 to the photo at the bottom of that scene.</p> <p>12 A. Is it all right if I get my glasses?</p> <p>13 Q. No, go ahead.</p> <p>14 A. I ain't never seen these two guys.</p> <p>15 Q. Okay. Just to be explicit so it's</p> <p>16 on our written record, there appear to be two</p> <p>17 members of the -- I won't even say they're</p> <p>18 definitely members of the New Black Panther Party,</p> <p>19 but the two gentlemen there in dark black uniforms</p> <p>20 and one of them has a nightstick. You don't recall</p> <p>21 seeing either one of those gentlemen on Election</p> <p>22 Day. Is that right?</p> <p>23 A. No.</p> <p>24 Q. There is a white woman pictured in</p>
<p style="text-align: right;">Page 14</p> <p>1 came in and spoke to you early in the morning about</p> <p>2 there are members of the Black Panther Party</p> <p>3 outside?</p> <p>4 A. No. No, I don't.</p> <p>5 Q. Did anybody from the Republican</p> <p>6 Party come in and speak to you during Election Day?</p> <p>7 A. No.</p> <p>8 Q. Let me be specific. There is a tall</p> <p>9 gentleman who was wearing a white shirt and blue</p> <p>10 jeans. His name is Chris Hill. Did he come in and</p> <p>11 speak to you?</p> <p>12 A. Not that I recall, no.</p> <p>13 Q. I'll be explicit. If Mr. Hill is on</p> <p>14 videotape saying that he spoke to you and you</p> <p>15 indicated that you were afraid, you don't recall</p> <p>16 any statement like that to Mr. Hill?</p> <p>17 A. No. I had no reason to be afraid.</p> <p>18 No.</p> <p>19 Q. Had you ever heard of the New Black</p> <p>20 Panther Party before Election Day?</p> <p>21 A. No. I mean, I heard of Black</p> <p>22 Panthers before that to now -- to just now. I</p> <p>23 ain't even know they exist anymore. They dead, you</p> <p>24 know.</p>	<p style="text-align: right;">Page 16</p> <p>1 the background. She's wearing a white T-shirt and</p> <p>2 a dark jacket talking on a cell phone. Had you</p> <p>3 ever seen her before?</p> <p>4 A. I don't know. She could have -- she</p> <p>5 could have -- could have walked in the building</p> <p>6 because there was a few, like, white females coming</p> <p>7 in and out of the building. She could have been</p> <p>8 one of ones that walked in. I don't recall seeing</p> <p>9 her, but she could have been one that walked in the</p> <p>10 building.</p> <p>11 Q. Did you talk to her?</p> <p>12 A. No.</p> <p>13 Q. You have no idea who she is?</p> <p>14 A. I don't know who she is.</p> <p>15 Q. Now, during the whole time -- you</p> <p>16 were there all day Election Day?</p> <p>17 A. Yes.</p> <p>18 Q. And you never heard anybody inside</p> <p>19 the election room say that there is two members of</p> <p>20 the Black Panther Party outside?</p> <p>21 A. No. Nobody was, you know,</p> <p>22 communicating or talking about no Black Panthers on</p> <p>23 the inside.</p> <p>24 Q. Let me just run through some names</p>

<p style="text-align: right;">Page 17</p> <p>1 and see if you know these individuals.</p> <p>2 Robert Vann?</p> <p>3 A. (Witness indicating.)</p> <p>4 Q. Jerry Jackson?</p> <p>5 I'm sorry. You have to answer.</p> <p>6 A. Oh, no.</p> <p>7 Q. Let me ask it again. Robert Vann,</p> <p>8 have you ever met him, or do you know that name?</p> <p>9 A. No.</p> <p>10 Q. Jerry Jackson?</p> <p>11 A. I don't know him either. I never</p> <p>12 heard of them names neither.</p> <p>13 Q. Now, a Republican team, if you will,</p> <p>14 arrived and they were shown outside the building.</p> <p>15 Some of them, as I mentioned, said they came in and</p> <p>16 spoke to you. But you don't recall that?</p> <p>17 A. No. No, sir.</p> <p>18 Q. It would have been either, as I</p> <p>19 mentioned before, a gentleman who is tall, thin,</p> <p>20 wearing a white shirt with blue jeans.</p> <p>21 A. Uh-huh.</p> <p>22 Q. You don't recall anybody like that?</p> <p>23 A. No.</p> <p>24 Q. Or it was a young gentleman, also</p>	<p style="text-align: right;">Page 19</p> <p>1 Q. Yes.</p> <p>2 A. I tried to call the number, but</p> <p>3 nobody ever answered the phone. I did call. Once</p> <p>4 I read the letter, I tried to call. I tried to</p> <p>5 respond to the letter.</p> <p>6 Q. Okay. So the first -- well, strike</p> <p>7 that.</p> <p>8 Did you ever talk to anybody from</p> <p>9 the Department of Justice?</p> <p>10 A. No.</p> <p>11 Q. Did you see any white supremacists</p> <p>12 that day?</p> <p>13 A. No.</p> <p>14 Q. Did anybody from the New Black</p> <p>15 Panther Party contact you after the election about</p> <p>16 what occurred on Election Day?</p> <p>17 A. No.</p> <p>18 Q. Do you know who called the police?</p> <p>19 A. No.</p> <p>20 Q. Did you ask anybody to call the</p> <p>21 police?</p> <p>22 A. No.</p> <p>23 Q. Were you reluctant to testify today?</p> <p>24 A. No.</p>
<p style="text-align: right;">Page 18</p> <p>1 white, who was wearing a blue suit.</p> <p>2 A. No, I can't recall none of them or</p> <p>3 first names.</p> <p>4 Q. The two names were -- the first man</p> <p>5 was Chris Hill.</p> <p>6 A. Right.</p> <p>7 Q. The second man in a suit, his name</p> <p>8 was Mike Mauro. But you don't recall talking to</p> <p>9 him as well?</p> <p>10 A. No.</p> <p>11 Q. The third name -- early in the</p> <p>12 morning a man by the name of Wayne Byman indicated</p> <p>13 that he came to see you. Wayne Byman is an</p> <p>14 African-American man. He said he spoke to you</p> <p>15 around 8 or 9 in the morning. You don't recall</p> <p>16 that?</p> <p>17 A. Nobody spoke to me.</p> <p>18 Q. Mr. Counts, I sent you two letters,</p> <p>19 one on October 26th and one on November 19th.</p> <p>20 These letters.</p> <p>21 Is there a reason you didn't</p> <p>22 respond?</p> <p>23 A. I tried -- I tried -- it was a</p> <p>24 number on there, wasn't it?</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. This is a somewhat personal</p> <p>2 question, but are you taking any medication that</p> <p>3 would affect your ability to testify today?</p> <p>4 A. I have my medication, but I didn't</p> <p>5 take it.</p> <p>6 Q. Were you on that medication during</p> <p>7 Election Day?</p> <p>8 A. Yes.</p> <p>9 Q. What is it?</p> <p>10 A. [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 Q. And what are those for?</p> <p>13 A. [REDACTED]</p> <p>14 Q. Did you see any voters turned away</p> <p>15 at the polling site?</p> <p>16 A. No.</p> <p>17 Q. Did anybody who came in to vote</p> <p>18 indicate that they were concerned or worried about</p> <p>19 their safety?</p> <p>20 A. No.</p> <p>21 Q. Did you talk to any voters?</p> <p>22 A. No, they just came in, got in line,</p> <p>23 voted, got back out.</p> <p>24 Q. So nobody talked to you about any</p>

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1 complaints, any concerns?  
2 A. No.  
3 MR. BLACKWOOD: Commissioner Yaki,  
4 do you have any questions? Commissioner?  
5 COMMISSIONER YAKI: Sorry, sorry. I  
6 hit the wrong mute button. No, I have no  
7 questions.  
8 MR. BLACKWOOD: Then thank you,  
9 Mr. Counts. I very much appreciate you're coming  
10 today.  
11 (9:25 a.m.)  
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1 C E R T I F I C A T E  
2 I, Cherilyn M. McCollum, a Certified  
3 Court Reporter and Notary Public, do hereby certify  
4 that, prior to the commencement of the examination,  
5 the witness and/or witnesses were sworn by me to  
6 testify to the truth and nothing but the truth.  
7 I do further certify that the  
8 foregoing is a true and accurate computer-aided  
9 transcript of the testimony as taken  
10 stenographically by and before me at the time,  
11 place and on the date hereinbefore set forth.  
12 I do further certify that I am  
13 neither of counsel nor attorney for any party in  
14 this action and that I am not interested in the  
15 event nor outcome of this litigation.  
16  
17  
18  
19  
20  
21  
22 Certified Court Reporter  
23 XI02094  
24 Notary Public  
My commission expires 3-22-11  
Dated: \_\_\_\_\_

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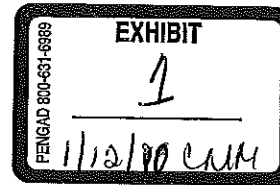


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## Obama's corruption of civil rights law

**Dennis Byrne**on 12.29.09 | [no comments](#)1  
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In the Obama administration, try to apply the civil rights laws equally and you're gone. That was the experience of the justice department attorney who pressed charges against a group of Black Panthers that were intimidating voters in a Pennsylvania polling place. (Story is [here](#).)

Christopher Coates, the department's veteran voting rights section chief, has been "detailed" (duties unknown) for 18 months to the U.S. Attorney's office in South Carolina. The department is trying to pass off the transfer as having nothing to do with his enforcement of the voting rights act against the Black Panthers; the effort is utterly unconvincing.

The incident was captured on video (below) and widely circulated on YouTube, raising a national furor. Despite the clear evidence before everyone's eyes, political appointees in Obama's justice department dismissed the charges. The U.S. Commission on Civil Rights sought to investigate the dismissal, but has been rebuffed by Obama's justice department.

This is serious stuff. The message is clear to career administrators: Try to enforce the law in a fair and impartial way, and you're *gone*. Political interference of the enforcement of our laws--as Democrats correctly reminded us during the Bush administration--is unacceptable. Congress, in its oversight function, should get to the bottom of this miscarriage of justice. But because all the committees are control by Democrats, it won't.



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