

DATE: December 8, 2009

TO: U.S. Department of Justice  
c/o Joseph H. Hunt, Director, Federal Programs Branch

FROM: U.S. Commission on Civil Rights  
David P. Blackwood, General Counsel

SUBJECT: U.S. Commission on Civil Rights' Statutory Enforcement Report on  
the Implications of DOJ's Actions in the New Black Panther Party  
Litigation for Enforcement of Section 11(b) of the Voting Rights Act

Pursuant to 42 U.S.C. § 1975a(e)(4) and § 1975b(e), the United States Commission on Civil Rights (the "Commission"), through its General Counsel, David P. Blackwood, requests that the U.S. Department of Justice answer fully, in writing and under oath, each of the following Interrogatories and Document Requests and serve a copy of the responses and objections, if any, on counsel for the Commission on or before January 11, 2010 at the offices of the U.S. Commission on Civil Rights, 624 Ninth Street, N.W., Suite 620, Washington, DC 20425.

#### INSTRUCTIONS AND DEFINITIONS

1. These requests for information seek information available to the U.S. Department of Justice and its employees, agents, and representatives.
2. The United States Commission on Civil Rights shall be referred to as the "U.S. Commission on Civil Rights," the "Commission," or the "agency."
3. The United States Department of Justice shall be referred to as "DOJ" or the "Department."
4. The Civil Rights Division of the United States Department of Justice shall be referred to as "the Civil Rights Division."

5. The Voting Rights Section of the Civil Rights Division of the United States Department of Justice shall be referred to as “the Voting Rights Section.”
6. The New Black Panther Party for Self-Defense shall be referred to as “NBPP” or the “New Black Panther Party.”
7. “The New Black Panther Party litigation” shall refer to the case styled The United States of America v. New Black Panther Party for Self Defense, et al., Civil Action No. 2:09-cv-0065 in the United States District Court for the Eastern District of Pennsylvania.
8. If any document responsive to this request was, but is no longer, in your possession, custody or control, please furnish a description of each such document and indicate the manner and circumstances under which it left your possession, custody, and control and state its present location and custodian, if known.
9. If for any request there is no responsive document in the Department’s possession, custody, or control, state whether documents that would have been responsive were destroyed or mislaid, and, if so, the circumstances under which they were destroyed or mislaid.
10. State the basis for any objection to responding to any discovery request, together with any legal authorities or precedents upon which DOJ relies to support said objection. In the event that the Department objects to only part of a discovery request, the Department is required to furnish all information requested by the discovery request that is not included within the partial objection.

If any claim of privilege is raised relating to any document or information request, identify with specificity the privilege asserted, any legal authorities relied upon, and indicate whether any privilege so asserted can be addressed by agreements of confidentiality between the parties. If any claim of executive privilege is raised, identify the highest official within the Department connected with the specific document or information, and indicate whether the President of the United States has specifically exercised said privilege.

In addition, for all documents or information withheld pursuant to an objection or a claim of privilege, identify:

- A. the author's name and title or position;
- B. the recipient's name and title or position;
- C. all persons receiving copies of the document;
- D. the number of pages of the document;
- E. the date of the document;
- F. the subject matter of the document; and the basis for the claimed privilege.

11. These discovery requests are continuing in nature, and to the extent that DOJ acquires new information on or before April 2, 2010 that is responsive to these requests, the Department is required to supplement its response.
12. Where the name or identity of a person is requested, please provide the full name, home and business addresses, and home and business telephone numbers of such person. If the name requested is that of a corporation, please state the full name of the corporation, where it is incorporated, and its principal place of business.

13. Where knowledge or information in possession of a party is requested, such request includes the knowledge of the party's agents, employees, representatives, officers and, unless privileged, its attorneys.
14. The pronoun "you" refers to the party to whom these Interrogatories are addressed and to the persons mentioned in paragraph "13" above.
15. The terms "identify," "identity" and "identification," when referring to a natural person, mean to provide an identification sufficient to serve such person with process to require his or her attendance in federal district court, and shall include without limitation his or her full name, present or last known address, present or last known business affiliation, title or occupation, and each of his or her positions during the applicable period of time covered by any answer referring to such person. When used in reference to a writing or document, the referenced terms (including, without limitation, any business records) mean to give a sufficient characterization of such writing or document so as to properly identify it in a subpoena issued pursuant to the Federal Rules of Civil Procedure, and shall include, without limitation, the following information with respect to each document:
  - A) the date appearing on such document, and if it has no date, the answers shall so state and shall give the date or approximate date such document was prepared;
  - B) the identity or descriptive code, file number, bates number, title or label of such document;
  - C) the general nature and description of such document, and if it was unsigned, the answer shall so state and shall identify the person or persons who prepared it;

- D) the name of the person to whom each such document was addressed and the name of each person other than such addressee to whom such document or copies thereof were given or sent;
  - E) the name and address of the person having present possession, custody or control of such document; and
  - F) whether or not any draft, copy or reproduction of such document contains any postscripts, notations, change or addendum not apparent on the document itself, and if so, the answer shall give the description of each draft, copy or reproduction.
17. Provide the following information in chronological order with respect to each oral communication which is the subject matter in whole or in part of any discovery request addressed to you:
- A) who was present;
  - B) the date thereof;
  - C) where the oral communication occurred;
  - D) what was said by each person during such conversation, and the order in which it was said, identifying what was said by each person involved in the conversation.
18. The term “person” as used herein means, in plural as well as singular, any natural person, firm, association, board, agency, department, partnership, corporation, or other form of legal entity, unless the context indicates otherwise.
19. The terms “writing” and/or “document” as used herein means all records, papers, books, transcriptions, pictures, drawings or diagrams of any nature, whether transcribed by hand or some mechanical, electronic, photographic or other means, as well as sound reproductions of oral statements or conversations by whatever means made, whether in your actual or constructive possession or control or not, relating or pertaining in any way to the subject matters in connection with which

it is used and includes originals, file copies, or other copies no matter how prepared and all drafts prepared in connection with such writing, whether used or not, including by way of illustration and not by way of limitation, the following: books, records, lists, receipts, contracts, agreements, expense accounts, sound and tape recordings, records of electronic communications (whether in electronic form or otherwise), memoranda (including written memoranda of telephone conversations and other conversations, discussions, meetings, agreements, acts and activities), minutes, plans, diaries, computer printouts, calendars, desk pads, scrapbooks, notebooks, letters, communications, correspondence, bulletins, complaint circulars, forms, opinions or reports of consultants, pamphlets, notices, statements, journals, summaries or reports of investigations or negotiations, postcards, telegrams, telex messages, reports, intra-office or inter-office communications, test results, findings or reports, and any and every other method by which information is recorded and/or transmitted, including, but not limited to, any recorded, transcribed, punched, computerized, filmed, and/or graphic matter, however produced and/or reproduced, filings with any agency, department or court, photostats, microfilm, maps, deposition transcripts, affidavits, and all other writings whether prepared by you for your own use or for transmittal or received by you. If any such writings and/or documents are maintained in folders, produce the file folders containing such data, including the precise order in which such items are contained in the file folder and all wording on each such file folder.

20. The term “present time” as used herein means the date on which these discovery requests were served on the Department.

21. The term “the facts upon which you rely,” used in reference to any allegation or legal theory, contention, denial, etc., refers to a full and complete statement of all evidence within your knowledge upon which the Department relies to support its position or statements. It also requires the Department to “identify,” pursuant to Paragraph “15” above, those individuals with knowledge of these facts and all documents reflecting these facts relied upon by you, and if the facts relied upon are related to an oral communication, then provide a statement of (i) the name, address, and business position of each and every person who participated in such communication, whether a speaker, hearer, or overhearer; (ii) the date, time and place of such oral communication; and (iii) the subject matter of such oral communication with sufficient particularity to reveal and make understandable each and every subject matter referred to and the subject of each such oral communication. The failure of any discovery request which requests “the facts upon which you rely” to request the identity of individuals or documents, or to state the substance of any oral communication upon which you rely, should not be construed as a waiver of the requirements set forth in this paragraph.
22. “Communication” means any oral or written exchange of words, thoughts, or ideas between two or more persons, whether person-to-person, in a group, by telephone, by letter, by electronic mail, by telex, or by any other process. All such communications in writing shall include, without limitation, printed, typed, hand written or other readable documents, correspondence, memos, reports, contracts, both initial and subsequent diaries, log books, minutes, notes, studies, surveys and forecasts.

23. When appropriate in the context of a discovery request or a response thereto, the singular shall mean the plural, and the masculine gender shall mean the feminine, and vice versa.
24. The terms “and” and “or” shall be interpreted conjunctively or disjunctively so as to require, in each context, the most complete and inclusive response.
25. Whenever in response to these discovery requests, reference is made to a natural person, state his or her full name and present address, if known, and the present or last known business position and affiliation.
26. Unless otherwise indicated, these discovery requests refer to the time, place and circumstances of the occurrence mentioned or complained of in the pleadings to the New Black Panther Party litigation, as well as the related DOJ investigation and decision-making process relating to said litigation.
27. If any responsive documents are available electronically, please provide a current Internet address whereby such document may be downloaded or otherwise obtained.

#### INTERROGATORIES

1. Identify all DOJ personnel who have worked on the New Black Panther Party litigation. This request includes, but is not limited to: (i) those DOJ personnel who interviewed witnesses in Philadelphia on election day; (ii) all DOJ personnel directly assigned to said litigation; (iii) those individuals who exercised decision-making authority relating to same; and (iv) all individuals in the appellate section who reviewed any aspect of said litigation. For each individual identified, indicate whether said person is a career or political employee.



2. Identify and describe in detail the decision-making process within DOJ relating to the New Black Panther Party litigation. This request includes, but is not limited to, the decision-making processes that: (i) led to the initial filing of said litigation; (ii) the decision to seek a default; (iii) the decision to delay seeking a default judgment; (iv) the decision to seek review by the appellate section; (v) the decision to review the relief sought in the original complaint; and (vi) the decision to dismiss certain defendants and to reduce the relief sought against the remaining defendant.

3. Describe the process for investigating and evaluating voter intimidation cases within the Department, including the determination of whether to pursue litigation. If this process was not followed to any extent with regard to the New Black Panther Party litigation, identify and describe the manner in which the process was not followed.

4. With regard to the New Black Panther Party litigation, identify and describe in detail: a) the factors involved in the initial charging decision; b) the factors involved in the decision not to pursue a default judgment against three of the initial four defendants; and c) the factors involved in the decision to limit the preventative relief sought against Minister King Samir Shabazz (a/k/a Maurice Heath) to a Philadelphia-based injunction.

5. Identify all communications, whether oral or written, within the Department relating to the New Black Panther Party litigation. This request includes, but is not limited to, communications concerning (i) the initial decision to file the complaint; (ii) the merits of said litigation; (iii) the decision to seek a default; (iv) the decision to delay seeking a default judgment; (v) the decision to seek review by the appellate section; (vi) the decision to review the relief sought in the original complaint; and (vii) the

decision to dismiss certain defendants and to reduce the relief sought against the remaining defendant.

6. Identify and describe in detail any communications by anyone in the Department with the Attorney General of the United States with regard to the New Black Panther Party litigation.

7. Identify each and every section within the Department of Justice that reviewed or worked on any portion of the New Black Panther Party litigation. For each such section, describe the work or analysis performed.

8. Identify and describe in detail all documents provided to the appellate section as part of its review of the New Black Panther Party litigation.

9. Identify all other voter intimidation cases that have been reviewed by the appellate section prior to trial or the entry of a default judgment.

10. Identify and describe in detail any First Amendment concerns raised by the appellate section with regard to the New Black Panther Party litigation.

11. Identify and describe in detail whether the appellate section, in reviewing the New Black Panther Party litigation, raised any distinction between one who intimidates voters as a poll watcher and one who intimidates voters, but is not a poll watcher.

12. Identify and describe in detail all communications, whether oral or written, by or between the Department and any outside third parties with regard to the New Black Panther Party litigation. This request includes, but is not limited to, all communications with Kristen Clarke of the NAACP Legal Defense Fund.

13. Describe in detail the purpose of DOJ contacts with outside third parties with regard to the New Black Panther Party litigation as well as the authority used to justify such contacts.

14. Identify and describe in detail all other instances in which DOJ has consulted with outside third parties with regard to voter intimidation cases.

15. Identify all communications, whether oral or written, by or between the Department and any member of the Executive Office of the President and/or the White House with regard to the New Black Panther Party litigation.

16. Identify all communications, whether oral or written, by or between the Department and any member of Congress with regard to the New Black Panther Party litigation.

17. Identify and describe in detail all communications by or between the Department and any of the following individuals: (i) Michael Coard; (ii) Malik Zulu Shabazz; (iii) Minister King Samir Shabazz (a/k/a Maurice Heath); and (iv) Jerry Jackson.

18. Identify and describe in detail all facts upon which you rely to support your contention that the decision to dismiss certain defendants and reduce the relief sought in the New Black Panther Party litigation was made by career employees at the Department including, but not limited to, the identity of the career employee(s) you contend made said decision.

19. For the period from January 1, 2009, identify all investigations conducted by the Department with regard to the NBPP, and/or any related individuals or entity.

20. Identify and describe in detail any reports received by the Department as to other alleged incidents of voter intimidation (and/or other voting-related improprieties) by members of the NBPP during the 2008 election.

21. Describe in detail all interviews conducted by you, or on your behalf, with any witnesses relating to the actions of the NBPP in Philadelphia during the 2008 presidential election.

22. Describe in detail the investigation conducted by you, or on your behalf, relating to the actions of the NBPP in Philadelphia during the 2008 presidential election.

23. Describe in detail any reports, summaries of events or descriptions received by you from any third party with regard to the activities, practices and/or actions of the NBPP and/or the individuals named as defendants in the New Black Panther Party litigation.

24. Identify and describe in detail all additional facts learned by you, subsequent to the filing of the complaint in the New Black Panther Party litigation, that influenced the Department's decision to drop three of the defendants as parties and to reduce the relief sought.

25. Identify and describe in detail any and all federal statutes, rules, regulations, and/or policies the Department enforces that in any way relate to voter intimidation.

26. For the period from January 1, 1995 through the present, identify all staff currently devoted full- or part-time to investigating and/or litigating voter intimidation matters.

27. Since the inception of the Voting Rights Act, describe the procedures and/or mechanisms in place within the Department to receive, investigate, and resolve

complaints regarding voter intimidation. How have these mechanisms evolved over time, and what procedures are currently in place?

28. Describe the Voting Section's ICM system used to track investigative matters and cases. If any additional or more recent telephone, electronic, or other tracking systems are used, describe those systems.

29. Since the inception of the Voting Rights Act, identify by year the number of voter intimidation complaints (i) received, (ii) investigated, and/or (iii) litigated by the Department, as well as the outcomes of same.

30. For each complaint listed in response to Interrogatory 29, describe: (i) the facts alleged; (ii) DOJ's investigatory actions; (iii) the basis of decision to pursue (or not) formal investigation; (iv) the basis to initiate litigation (or not); and (v) the basis for pursuit of ultimate resolution obtained.

31. Of those complaints listed in Interrogatory 29, how many have been investigated and/or litigated under 42 U.S.C. § 1973i(b), either solely or in conjunction with another statute or constitutional provision? Identify same.

32. Explain the Voting Section's understanding of the elements and standards of a § 1973i(b) case.

33. In a newspaper article in The Washington Times dated July 30, 2009, it is stated that:

Associate Attorney General Thomas J. Perrelli, the No. 3 official in the Obama Justice Department, was consulted and ultimately approved the decision in May to reverse course and drop a civil complaint accusing three members of the New Black Panther Party of intimidating voters in Philadelphia during November's election ...

Do you acknowledge that the aforesaid characterization is accurate? If you do not acknowledge that said characterization is accurate, describe all facts upon which you rely to support your contention.

34. In The Weekly Standard magazine dated August 10, 2009, it is contended that:

In April [2009], a preliminary filing of default was filed by Justice lawyers with the court clerk. No concern or objection was raised within Justice. This decision was approved by both the Acting Assistant Attorney General for Civil Rights, Loretta King, and Steve Rosenbaum, previously Acting Deputy Assistant Attorney General for Civil Rights and recently returned to his post as Section Chief for Housing.

Do you acknowledge the characterization that both Loretta King and Steve Rosenbaum approved the filing of a request for default in the New Black Panther Party litigation is accurate? If you do not agree that the aforesaid characterization is accurate, state all facts upon which you rely to support your contention.

35. Identify and describe in detail the basis for referring issues relating to the New Black Panther Party litigation to DOJ's Office of Professional Responsibility (OPR), including, but not limited to, an identification and description of any suspected acts of prosecutorial misbehavior or ethical breach which you believe require investigation. If there is an alternative basis for investigation by OPR, please identify and describe same.

36. Identify and describe in detail the alleged jurisdictional basis for the Department's Office of Professional Responsibility to review the decision-making process relating to the New Black Panther Party litigation.

37. Identify and describe in detail any other instances in which DOJ argued that the existence of an OPR investigation was a sufficient basis to cease Department

cooperation with an inquiry and/or investigation by members of Congress and/or a federal investigatory agency such as the U.S. Commission on Civil Rights. Provide citations to all authorities upon which the Department relies to support its position.

38. Do you acknowledge that Assistant Attorney General for Civil Rights Loretta King discussed the New Black Panther Party litigation with Deputy Attorney General David W. Ogden and Associate Attorney General Thomas J. Perrelli? If so, describe in detail said communications.

39. In a letter dated July 24, 2009 to Gerald A. Reynolds, the Chairman of the United States Commission on Civil Rights, DOJ official Portia L. Roberson indicated:

We believe this injunction [in the New Black Panther Party litigation] is tailored appropriately to the scope of the violation and the requirements of the First Amendment.

Please identify and describe in detail the First Amendment concerns arising out of the New Black Panther Party litigation including, but not limited to, whether such concerns related to (i) verbal comments made by the NBPP defendants; (ii) the weapon(s) carried by same; (iii) the uniforms worn by said individuals; and/or (iv) a combination of any of the aforesaid. Cite all authorities upon which you rely to support your concerns.

40. Identify and describe in detail any other voter intimidation cases in which concerns were raised within the Department about the First Amendment rights of those believed to have intimidated voters.

41. In a letter dated July 24, 2009 to Gerald A. Reynolds, the Chairman of the United States Commission on Civil Rights, DOJ official Portia L. Roberson stated:

The decision was made after a careful and thorough review of the matter by the Acting Assistant Attorney General for Civil Rights, a career employee with nearly 30 years experience in the Department, including

nearly 15 years as the career Deputy Assistant Attorney General for Civil Rights.

With regard to said statement, is it the position of the Department of Justice that the Acting Assistant Attorney General for Civil Rights was the ultimate decision maker with regard to New Black Panther Party litigation? If not, please identify any and all additional officials, as well as their role in said litigation.

42. Identify and describe in detail in what way, if any, Jerry Jackson's status as a poll watcher affected the Department's decision to dismiss him as a defendant in the New Black Panther Party litigation, including, but not limited to, whether status as a poll watcher excuses potential or alleged acts of voter intimidation.

43. Identify each witness interviewed by the Department relating to the incident that occurred on election day, 2008, in Philadelphia involving the NBPP.

44. Identify all career employees in the Civil Rights Division who recommended the ultimate relief sought in the New Black Panther Party litigation.

45. Identify all career employees in the Civil Rights Division who objected to the ultimate relief sought in the New Black Panther Party litigation.

46. Identify all persons not otherwise identified in your answers to the above discovery requests who have personal knowledge of the circumstances surrounding (i) the election day activities of the NBPP; (ii) the Department's investigation of same; (iii) the New Black Panther Party litigation; (iv) the Department's decision-making process relating to said litigation; and/or (v) the resulting OPR investigation.

47. With respect to the November 2008 elections, it was reported that a major party congressional candidate in Orange County mailed a letter to 24,000 registered Latino voters that may have been designed to intimidate them from voting. The letter,



written in Spanish, falsely stated that immigrants may not vote, and that the letter also declared “there is no benefit in voting.” MALDEF asked DOJ to investigate.

With regard to said incident:

- (a) What division of DOJ, if any, received the complaints about these alleged acts of voter intimidation?
- (b) Was Section 11b, 42 U.S.C. § 1973i(b) considered as a potential legal strategy to pursue?
- (c) What action, if any, did DOJ take in these actions?

48. With respect to the November 2008 elections, it was reported that in Tucson alleged anti-migrant activists wore dark clothing with a badge-like emblem and carried a handgun in a holster. In addition, the men involved attempted to ask Latino voters questions, write down their personal information, and videotaped them and their license plates as they went to cast their vote. A man named Russell Dove, a local anti-migrant activist, acknowledged his participation in the effort to intimidate Latino voters.

With regard to said incident:

- (a) What division of DOJ, if any, received the complaints about these alleged acts of voter intimidation?
- (b) Was Section 11b, 42 U.S.C. § 1973i(b) considered as a potential legal strategy to pursue?
- (c) What action, if any, did DOJ take in these actions?

49. With respect to the November 2008 elections, in Grand Coteau, Louisiana, in a racially heated mayoral election, a five-foot cross was erected outside the town hall, and lit on fire, on November 3, 2006. This was staged on public property, and many

African Americans felt the cross-burning was a tool to intimidate minority voters from freely exercising their right to vote.

With regard to said incident:

- (a) What division of DOJ, if any, received the complaints about these alleged acts of voter intimidation?
- (b) Was Section 11b, 42 U.S.C. § 1973i(b) considered as a potential legal strategy to pursue?
- (c) What action, if any, did DOJ take in these actions?

## DOCUMENT REQUESTS

The following documents are requested:

1. Since the inception of the Voting Rights Act, all materials used to train Agency staff on voter intimidation issues.
2. Since the inception of the Voting Rights Act, all documents and/or print-outs from tracking systems or other databases identifying and detailing the progress of complaints, investigations, and/or litigation involving voter intimidation.
3. Any and all documents describing the facts of the New Black Panther Party litigation.
4. Any and all documents providing incident reports or witness statements with regard to the circumstances which gave rise to the New Black Panther Party litigation.
5. All documents evidencing any investigation conducted by the Department, or on its behalf, relating to the actions of the NBPP in Philadelphia during the 2008 presidential election.
6. All documents evidencing any reports of alleged voting intimidation (or other voting-related improprieties) by members of the NBPP, other than those that gave rise to the New Black Panther Party litigation.
7. All documents evidencing any reports or summaries of events or descriptions received by you from any third party with regard to the activities, practices and/or actions of the NBPP generally, and/or those named as defendants in the New Black Panther Party litigation.
8. All documents evidencing any additional facts learned by you, subsequent to the filing of the complaint in the New Black Panther Party litigation, that influenced the

Department's decision to drop three of the defendants as parties and to reduce the relief sought.

9. Any and all documents evidencing communications by or between any member of the Voting Rights Section and Loretta King relating to the NBPP and/or the New Black Panther Party litigation.
10. Any and all documents evidencing communications by or between any member of the Civil Rights Division and David W. Ogden relating to the NBPP and/or the New Black Panther Party litigation.
11. Any and all documents evidencing communications by or between any member of the Civil Rights Division and Thomas J. Perrelli relating to the NBPP and/or the New Black Panther Party litigation.
12. Any and all documents evidencing any communications by anyone within the Department with the Attorney General of the United States with regard to the New Black Panther Party litigation.
13. Any and all internal memoranda evaluating potential charges in the New Black Panther Party litigation.
14. Any and all internal memoranda or other documents evidencing the decision (or potential decision) to dismiss any defendants, or reduce the relief sought, against any defendant in the New Black Panther Party litigation.
15. All documents evidencing the original investigative memo (a/k/a the "J Memo") relating to the New Black Panther Party litigation.

16. All documents evidencing communication by or between any member of the Civil Rights Division and the appellate section relating to the New Black Panther Party litigation.
17. All documents evidencing any review by the appellate section of any aspect of the New Black Panther Party litigation.
18. All documents evidencing any other voter intimidation cases that have been reviewed by the appellate section prior to trial or the entry of a default judgment.
19. All documents submitted to DOJ's Office of Professional Responsibility as part of the investigation relating to the New Black Panther Party litigation.
20. All documents evidencing any research or investigation by DOJ with regard to the New Black Panther Party and/or its affiliates.
21. A copy of the DOJ publication "Federal Prosecution of Election Offenses."
22. All documents evidencing your contention, as set forth in the letter of July 24, 2009 from Portia L. Roberson to Gerald A. Reynolds, Chairman of the United States Commission on Civil Rights, that "Jerry Jackson ... was a resident of the apartment building where the polling place was located ..."
23. All documents relating to your investigation of the circumstances which gave rise to the New Black Panther Party litigation.
24. All video evidence obtained by the Department relating to the New Black Panther Party generally, as well as the actions of the New Black Panther Party in Philadelphia on election day, 2008.

25. All documents evidencing concern over First Amendment implications of voter intimidation cases. This request includes, but is not limited to, the circumstances surrounding the New Black Panther Party litigation.
26. All documents evidencing any other voter intimidation cases in which concerns were raised within the Department about the First Amendment rights of those alleged to have intimidated voters.
27. All documents evidencing any other voter intimidation cases in which the status of an individual as a poll watcher affected the Department's decision to dismiss or lessen charges relating to voter intimidation.
28. All documents evidencing the decision to limit injunctive relief in the New Black Panther Party litigation to a single municipality and only through November 2012.
29. All documents evidencing communications by or between the Department and any third parties relating to the New Black Panther Party litigation, including, but not limited to, communications with Kristen Clarke of the NAACP Legal Defense Fund.
30. Any and all documents detailing Department protocol with regard to third-party contacts relating to pending litigation.
31. All documents evidencing all other instances in which DOJ has consulted with outside third parties, with no pre-existing role or relationship, with regard to voter intimidation cases.
32. Any and all documents evidencing communications by or between the Department and any member of the Executive Office of the President and/or the White House with regard to the New Black Panther Party litigation.

33. Any and all documents evidencing communications by or between the Department and any member of Congress with regard to the New Black Panther Party litigation.
34. All documents evidencing communications by or between the Department and Michael Coard.
35. All documents evidencing communications by or between the Department and Malik Zulu Shabazz.
36. All documents evidencing communications by or between the Department and Minister King Samir Shabazz (a/k/a Maurice Heath).
37. All documents evidencing communications by or between the Department and Jerry Jackson.
38. All documents evidencing your contention that the decision to dismiss defendants and to reduce the relief sought in the New Black Panther Party litigation was made by career employees at the Department.
39. Any and all documents evidencing draft complaints or pleadings with regard to the New Black Panther Party litigation.
40. All documents evidencing communications by or between the Voting Rights Section and any other portion of the Department with regard to the New Black Panther Party litigation.
41. All documents evidencing any legal analysis relating to the New Black Panther Party litigation.
42. All documents evidencing the procedures and/or mechanisms in place within the Department, since the inception of the Voting Rights Act, to receive, investigate, and/or resolve complaints regarding voter intimidation.

43. All documents evidencing claims within the Voting Section's ICM system relating to voter intimidation cases and/or the New Black Panther Party litigation.
44. All documents evidencing voter intimidation complaints received, investigated, or litigated by the Department, from the inception of the Voting Rights Act to the present.
45. All documents evidencing the Voting Section's understanding of the elements and standards of a Section 1973i(b) case.
46. All documents evidencing DOJ attempts to pursue actions pursuant to Section 1973i(b).
47. All documents evidencing the jurisdictional basis for the Department's Office of Professional Responsibility to review the decision-making process relating to the New Black Panther Party litigation.
48. All documents evidencing any other instances in which DOJ argued that the existence of an OPR investigation was a sufficient basis to stop an inquiry and/or investigation by Congress and/or a federal investigatory agency such as the U.S. Commission on Civil Rights.
49. All documents discussing or examining the legal authority (or otherwise) of the Department to cease cooperation with members of Congress and/or the U.S. Commission on Civil Rights based on a pending investigation by the Office of Professional Responsibility. This request includes, but is not limited to, the OPR investigation related to the New Black Panther Party litigation.
50. All documents evidencing the pleadings filed in the New Black Panther Party litigation.



51. All documents evidencing that Jerry Jackson was, or is, a registered poll watcher in Philadelphia.

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David P. Blackwood  
General Counsel  
U.S. Commission on Civil Rights  
624 Ninth Street, NW  
Washington, DC 20425  
202-376-7622

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing United States Commission on Civil Rights' Interrogatories and Requests for Documents was hand-delivered on this \_\_\_\_\_ day of December, 2009 to:

U.S. Department of Justice  
c/o Joseph H. Hunt  
Director, Federal Programs Branch  
20 Massachusetts Avenue, N.W.  
Washington, DC 20001

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David P. Blackwood