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Nixing of Panthers complaint starts probe

Jerry Seper

Two senior House Republicans want the Justice Department to make public any reports or statements given to internal investigators by the career department lawyers who brought a civil complaint against the New Black Panther Party (NBPP) that later was dismissed by President Obama's political appointees.

Reps. Lamar Smith of Texas, ranking member of the House Judiciary Committee, and Frank R. Wolf of Virginia, a senior member of the House Appropriations Committee, said the "American people deserve a full accounting" of what they called the "incomprehensible dismissal" of a complaint charging the NBPP and three of its members with voter intimidation at a Philadelphia polling place during the November 2008 presidential elections.

The demand is contained in a Nov. 16 letter to Attorney General Eric H. Holder Jr., referring to an ongoing inquiry in the matter by the Justice Department's Office of Professional Responsibility (OPR), which investigates accusations of misconduct involving department lawyers.

Mary Patrice Brown, acting OPR counsel, confirmed in August that her office had "initiated an inquiry into the matter," although no information about the probe has been released since.

It was not clear Thursday whether any of the career lawyers had yet been interviewed or whether they had made any statements or given any reports on the case to OPR officials, but Mr. Wolf on Thursday said his office would continue to seek information on why the case was dismissed.

"We're not going to let this go," he said.

Since May, Mr. Smith and Mr. Wolf have sought unsuccessfully to get Mr. Holder to make available for a closed-door meeting the career lawyers who brought the complaint, including Christopher Coates, the chief of the Voting Section of the Civil Rights Division who signed off on it.

Mr. Smith said the department's refusal to provide Congress with an explanation for the dismissal "only further raises concerns that political favoritism played a role in this case." He said voter intimidation "threatens democracy," adding that violators "must be prosecuted to the fullest extent of the law without political considerations."

Mr. Wolf said Mr. Holder is obligated to refile the case, adding that an opinion he obtained from the Congressional Research Service found that charges could legally be refiled without violating the double-jeopardy clause of the U.S. Constitution.

"In all fairness, he has a duty to protect those seeking to vote and I remain deeply troubled by this questionable dismissal of an important voter-intimidation case in Philadelphia," he said. "This stinks to high heaven."

In January, the Voting Section filed a civil complaint against the NBPP in U.S. District Court in Philadelphia, claiming two of its members in black berets, black combat boots, black shirts and black jackets with military insignias intimidated voters with racial insults, slurs and a nightstick. A third party member was accused of directing and endorsing their behavior.

The complaint said that unless that type of conduct was prohibited by court sanctions, the NBPP would continue to intimidate, threaten and coerce voters and potential voters "by again deploying uniformed and armed members at the entrance to polling locations in future elections, both in Philadelphia and throughout the country."

The original incident was captured on videotape and gained national attention after the video was distributed on YouTube.

Justice Department spokeswoman Tracy Schmalzer said the Smith-Wolf letter was being reviewed.

"As a general policy, we don't comment on ongoing OPR matters," she said.

The Washington Times first reported the decision to dismiss the complaint in May, later noting that Associate Attorney General Thomas J. Perrelli, the department's No. 3 political appointee, approved it even after the government had won judgments against the NBPP and its members.

A Justice Department memo shows that the career lawyers who brought the case had decided as early as December to seek a complaint against the party; its chairman, Malik Zulu Shabazz, a lawyer and D.C. resident; Minister King Samir Shabazz, head of the Philadelphia chapter who was accused of wielding the nightstick; and Jerry Jackson, a Philadelphia party member.

Witnesses said Mr. Samir Shabazz and Mr. Jackson used racial slurs and made threats as they stood outside the polling place door.

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