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New Black Panther dismissal is sleeper issue for 2010 midterms

By Ron Christie - 07/06/10 03:20 PM ET

Earlier today I had the opportunity to attend the United States Commission on Civil Rights' hearing on the U.S. Department of Justice and the New Black Panther Party litigation. The testimony by the hearing's lone witness, former DoJ lawyer J. Christian Adams, was nothing short of extraordinary.

During the 2008 presidential election, members of the New Black Panther Party were caught on videotape brandishing a nightstick and hurling racial taunts at white and black voters as they sought entry to a polling station in Philadelphia.

Following the irrefutable evidence caught on film of voter intimidation, the Department of Justice filed a lawsuit against three individuals and the Black Panther Party itself for violating Section 11(b) of the Voting Rights Act — which prohibits intimidation, threats and coercion. When none of the named defendants nor the New Black Panther Party showed up for trial in April 2009, a default judgment was entered in favor of the government.

Here's where things get interesting. After the government had won its case in the absence of the defense to present itself, the Department of Justice abruptly changed course and sought to voluntarily dismiss the charges against three of the defendants while giving a slap on the hand to another by telling him that he was not able to go to Philadelphia polling stations through the 2012 elections. The big question as to why the Department of Justice would drop the charges on a clear-cut case of voter intimidation startled many; in today's commission hearing, I think we found the answer that had so far been elusive.

In emotional testimony, J. Christian Adams, until last week a member of the DoJ's Voting Section — he resigned in protest over the department's handling of the case — told a stunned hearing room why he felt the case had been dropped. In no uncertain terms, Adams noted that senior officials within the Obama Justice Department had told employees that they were not to bring voting-rights cases where the alleged victim in the case was white. In other words, white transgressor and black victim, bring it on. Black transgressor and white victim? Forget about it.

I will let Adams speak for himself; his words were electric and disturbing. Long ignored by the traditional media, the *Philadelphia Inquirer* and other outlets have begun to question the Obama administration about its apparent inability to adjudicate justice blind of race or ideology. If Adams's claim that the Department of Justice has instructed officials to ignore cases in which blacks victimize whites to focus on white-on-black cases, this will be the sleeper issue that could explode to toss the Democrats out of office in 2010 and 2012.

Americans have struggled with issues of race and equality since our founding. If America's first black president and attorney general have been found to selectively prosecute members of one race while ignoring members of another based strictly on the color of skin rather than the color of law, they will have foolishly fanned the flames of racial suspicion while tarnishing the legacy of civil rights pioneers who sought a color-blind society.

It is time for the Department of Justice to fully account for its failure to prosecute members of the New Black Panther Party for their apparent crimes. Would the Obama administration recklessly use the force and weight of our scales of justice to charge whites while providing a free pass to blacks for committing the same offense to score political points? Let us all hope and pray the answer is no while the evidence before us indicates another answer to the question.

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