

Congress of the United States

Washington, DC 20515

July 29, 2010

The Honorable John Conyers
Chairman
House Committee on the Judiciary
2138 Rayburn House Office Building

Chairman Conyers:

In October, 2009, we spoke with you requesting a House Judiciary Committee hearing to investigate the U.S. Department of Justice's (DOJ) inexplicable decision to dismiss a serious voter intimidation case against members of the New Black Panther Party (NBPP). To date, no such hearing has been scheduled. Recent allegations by a former DOJ attorney lead us to believe a congressional hearing continues to be imperative.

As you know, on Election Day in 2008, members of the NBPP were seen and videotaped outside a polling station in Philadelphia brandishing nightsticks and wearing paramilitary uniforms. Further, these men made racially-focused statements to voters as they approached the polling station. This behavior is abhorrent in a nation that prides itself on free and open elections. Every instance of such behavior must be pursued in the interest of justice.

However, despite a plethora of evidence supporting a charge of voter intimidation, Attorney General Eric Holder and the DOJ have refused to fully prosecute these men for violations under the Voting Rights Act. Indeed, despite a default judgment against the alleged wrongdoers, the DOJ chose to dismiss the case against the NBPP members rather than continue to pursue justice.

Moreover, attorneys at the DOJ themselves disagree with the decision by Attorney General Holder to dismiss this case. Christian Adams, a former civil rights attorney for the DOJ assigned to the NBPP case, testified under oath before the U.S. Commission on Civil Rights, stating Deputy Assistant Attorney General Julie Fernandes instructed Mr. Adams and other civil rights attorneys that "cases are not going to be brought against black defendants for the benefit of white victims." If this allegation is correct, it defies any principle of equal justice under the law, and undermines decades of work towards racial equality in this country.

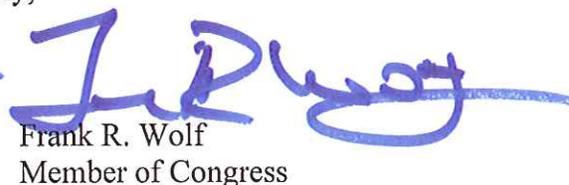
Voter intimidation is too critical an issue in this country to be ignored by this Administration and this Congress. Congressional oversight of voter intimidation and how it is being handled by the Attorney General and the Department of Justice is imperative. As the country moves toward yet another election less than 100 days from now, voters must feel safe in casting their ballots. Reviewing this matter so that it is never repeated will go a long way toward protecting every American's constitutional right to cast a ballot free from intimidation.

We urge you to hold a hearing on this important matter as soon as possible. Please do not hesitate to contact Rep. Burgess or his staff member, James Decker, at 5-7772 or Rep. Wolf or his staff member, Thomas Culligan, at 5-5136.

Sincerely,



Michael C. Burgess, M.D.
Member of Congress



Frank R. Wolf
Member of Congress

cc: Rep. Lamar Smith, Ranking Member

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