

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE RESOLUTION

No. 76 Session of 2011

INTRODUCED BY BARRAR, BOYD, FLECK, GEIST, KAUFFMAN, KRIEGER,  
METZGAR, RAPP, ROCK, SCHRODER, STERN, TALLMAN AND VULAKOVICH,  
FEBRUARY 14, 2011

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 14, 2011

A CONCURRENT RESOLUTION

1 Memorializing Congress to direct the United States Department of  
2 Justice to pursue legal redress against persons and groups  
3 who engage in voter intimidation.

4 WHEREAS, The members of the General Assembly of Pennsylvania,  
5 individually and on behalf of the constituents they represent,  
6 respect and seek to protect the fundamental right to vote; and

7 WHEREAS, The public is entitled to the freedom to exercise  
8 its right to vote without fear of emotional or physical harm and  
9 protected by both the Constitution of the United States and the  
10 Constitution of Pennsylvania; and

11 WHEREAS, There is substantial video and audio evidence to  
12 suggest considerable and intentional voter intimidation at a  
13 polling location within this Commonwealth by members of the New  
14 Black Panther Party on November 4, 2008, at the Fairmount Street  
15 polling location in Philadelphia, Pennsylvania; and

16 WHEREAS, The United States Department of Justice, acting in  
17 conformity with the Federal Voter Rights Act, filed civil  
18 charges against the individuals and the New Black Panther Party;

1 and

2 WHEREAS, The Justice Department, after securing a default  
3 judgment, substantially abandoned the matter even though the  
4 defendants failed to appear in court; and

5 WHEREAS, It has been asserted by former members of the  
6 Justice Department that the policy of the Justice Department is  
7 to not view matters in a race-neutral manner when determining  
8 which cases will proceed forward; and

9 WHEREAS, The Justice Department is reportedly failing to  
10 uphold its obligation to the American public, especially to  
11 those voters situated in this Commonwealth who were victims of  
12 the members of the New Black Panther Party when it sought to  
13 intimidate voters; and

14 WHEREAS, The United States Commission on Civil Rights has  
15 initiated an investigation of the alleged improprieties and has  
16 been prevented from receiving testimony by involved attorneys  
17 within the Justice Department as a result of the department's  
18 failure to cooperate with subpoenas issued by the commission;  
19 and

20 WHEREAS, The Justice Department's alleged policy of failing  
21 to pursue cases based only on the race of the defendant or the  
22 victim, if true, is abhorrent to the members of the Pennsylvania  
23 General Assembly, as individuals and on behalf of constituents  
24 of the Commonwealth of Pennsylvania; and

25 WHEREAS, The present situation is likely to reoccur if the  
26 alleged policy and procedures of the Justice Department are not  
27 reviewed and revised; therefore be it

28 RESOLVED (the Senate concurring), That the House of  
29 Representatives direct the Pennsylvania Congressional Delegation  
30 to act in any and every manner possible to review the acts of

1 the Justice Department in the matter relating to voter  
2 intimidation by persons and groups, and especially by the New  
3 Black Panther Party; and be it further

4       RESOLVED, That the Pennsylvania Congressional Delegation  
5 introduce and support legislation which would require United  
6 States Attorney General Eric H. Holder, Jr., and Assistant  
7 Attorney General Thomas Perez to investigate this matter and  
8 issue a report as to the reasons why, after obtaining a default  
9 judgment, the judicial matter was substantially concluded; and  
10 be it further

11       RESOLVED, That the Pennsylvania Congressional Delegation  
12 conduct further investigation and audit of the Civil Rights  
13 Division of the Justice Department to establish whether the  
14 policies and procedures of the division are race neutral; and be  
15 it further

16       RESOLVED, That the Pennsylvania Congressional Delegation  
17 demand that the Justice Department comply with subpoenas issued  
18 by the Commission on Civil Rights and allow Attorney Christopher  
19 Coates, the former chief of the department's voting section, and  
20 others to testify in the commission's investigation of the  
21 Justice Department; and be it further

22       RESOLVED, That the Pennsylvania Congressional Delegation urge  
23 the Justice Department to pursue all available civil and  
24 criminal remedies against all defendants in this matter to  
25 resolve the outstanding issues with remain for the New Black  
26 Panther Party voter intimidation matter.