

**Responses to
Written Questions for Grace Chung Becker
Nominee to be Assistant Attorney General for Civil Rights**

**From Sen. Dick Durbin
March 25, 2008**

1. The Justice Department has been strongly criticized in recent years for advancing policies that restrict voting rights for minority voters. Last December, as Acting Assistant Attorney General for Civil Rights, you co-authored a troubling amicus brief in one of the most important voting rights cases of the decade – the challenge to the Indiana photo ID law currently before the Supreme Court. Your brief waged an aggressive defense of the Indiana photo ID law, which has a discriminatory impact on minorities, the poor, and the elderly. The Indiana photo ID law is the most restrictive law of its kind.

The Justice Department was under no obligation to file a brief in this case -- the United States is not a party in the case. The Justice Department could have stayed out of the case altogether, or it could have filed an amicus brief on the side of minority voters and in opposition to the Indiana law. It chose neither option.

- a. In light of the fact that photo ID laws restrict the number of people eligible to vote, how is your brief consistent with your comment at your nomination hearing that the job of the Civil Rights Division is “to open up the vote to as many people as we can”?**

Answer: The Department has a strong interest in enforcing federal election laws enacted by Congress, including the provisions of the Help America Vote Act (HAVA), to preserve and protect the voting rights of Americans. This case could affect the Department’s ability to enforce the Help America Vote Act, which requires voters to provide proof of identification before registering or casting their first ballot. The U.S. Supreme Court recently rejected a facial constitutional challenge to the Indiana photo identification law. *Crawford v. Marion County Election Bd.*, Nos. 07-21 and 07-25, 2008 WL 1848103 (U.S. Apr. 28, 2008). The lead opinion, written by Justice Stevens, determined that Indiana’s interests in furthering election modernization, preventing voter fraud, and safeguarding voter confidence justified the burdens imposed on the right to vote. As stated in that opinion: “There is no question about the legitimacy or importance of the State’s interest in counting only the votes of eligible voters.” *Id.* at *8. The concurring opinion stated: “The Indiana photo-identification law is a generally applicable, nondiscriminatory voting regulation[.]” *Id.* at *13 (Scalia, J., concurring). “The universally applicable requirements of Indiana’s voter-identification law are eminently reasonable. The burden of acquiring, possessing, and showing a free photo identification is simply not severe, because it does not even represent a significant increase over the usual burdens of voting. And the State’s interests are sufficient to sustain that minimal burden.” *Id.* at *15 (internal citations and quotation marks omitted).

Crawford concerns a facial challenge to a state law that requires those who vote in person in federal elections to present a government-issued photo identification and, more generally, the appropriate constitutional standard for reviewing such a law. Congress has enacted numerous requirements, including registration and identification requirements, designed to “increase the number of eligible citizens who register to vote” while simultaneously “protect[ing] the integrity of the electoral process.” 42 U.S.C. 1973gg(b)(1), (3). In 2002, Congress enacted the Help America Vote Act of 2002 (HAVA), Pub. L. No. 107-252, 116 Stat. 1666 (42 U.S.C. 15301 *et seq.*), to establish and modernize various minimum election administration standards for federal elections. Among other things, HAVA requires voters to provide proof of identification before registering or casting their first ballot, see 42 U.S.C. 15483(a)(5)(A), (b)(2)(A), (3)(A). The Attorney General is responsible for enforcing those provisions, 42 U.S.C. 1973gg-9, 15511, and *amicus* briefs filed by certain Senators and Members of Congress specifically put the proper interpretation of HAVA and its effect on state laws before the Supreme Court. The Attorney General also has authority to prosecute voter fraud in federal elections. See, e.g., 42 U.S.C. 1973i(c), (e), 1973gg-10. Voter fraud itself dilutes the right to vote. See *Purcell v. Gonzalez*, 127 S. Ct. 5, 7 (2006). Legitimate efforts to detect or deter voter fraud therefore promote the right to vote and protect the integrity of the process. As stated in Justice Stevens’ lead opinion in *Crawford*, the “electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters.” 2008 WL 1848103, at *9 (quoting Commission on Federal Election Reform, Report, Building Confidence in U.S. Elections § 2.5 (Sept. 2005), App. 136-137). The lead opinion discussed HAVA as well as another federal statute that the Civil Rights Division enforces, the National Voter Registration Act of 1993 (NVRA). It found that “[b]oth [HAVA and the NVRA] contain provisions consistent with a State’s choice to use government-issued photo identification as a relevant source of information concerning a citizen’s eligibility to vote.” *Id.* at *7.

The facial nature of the challenge in *Crawford* is significant. As the lower courts stressed, the plaintiffs in *Crawford* failed to “introduce[] evidence of a single, individual Indiana resident who will be unable to vote as a result of [the Voter ID law,] or who will have his or her right to vote unduly burdened by its requirements.” *Indiana Democratic Party v. Rokita*, 458 F. Supp. 2d 775, 783 (S.D. Ind. 2006). Likewise, as stated in the Department’s brief, “[f]or the 99% of voters in Indiana who already have a photo ID, the law requires no more than that the voter present the ID at the polls. For the less than 1% of Indiana voters who do not yet have an ID, the State offers them such an ID free of charge. And for those who are most likely to find it difficult to obtain even a free ID, state law provides alternative methods of voting that do not require presenting identification.” Brief for the United States as Amicus Curiae Supporting Respondents at 9, *Crawford v. Marion County Election Bd.*, No. 07-21 & *Indiana Democratic Party v. Rokita*, No. 07-25 (U.S. Dec. 10, 2007). If the mere possibility that some unspecified voter may not possess the requisite form of identification were enough to invalidate a statute on its face, then it would obviously be more difficult to defend HAVA. It may be that certain Indiana voters could establish that they are nevertheless in fact burdened by the Indiana law. As the Department made clear in its brief, any such individuals could bring an as-applied challenge to the law in such circumstances. *Id.* at 11. Nothing in the

Department's position in *Crawford* would preclude the law from being declared unconstitutional on an as-applied basis in a concrete setting where the requisite elements of the constitutional claim are met.

Let me emphasize that this decision was made after careful consideration after hearing from all interested components within the Department, in accordance with the Department's longstanding practice for determining whether to file an *amicus* brief in a case. Given our country's history, it is important for the Civil Rights Division to carefully scrutinize voter identification laws when they implicate the federal statutes we enforce. Independent of the United States' position in *Crawford*, the Civil Rights Division will take any appropriate enforcement action if evidence suggests that a voter identification law is being applied in a discriminatory or otherwise illegal manner. If confirmed, I am committed to enforcing civil rights statutes that ensure that all eligible voters are able to vote on Election Day.

- b. What role did you play in the Justice Department's decision to file an amicus brief on behalf of the discriminatory Indiana photo ID law? Did you personally review and approve the amicus brief before it was filed?**
- c. Was there a difference of opinion between the position advanced in your brief and the position recommended by any career attorneys in the Civil Rights Division? If you refuse to answer this question, as you did at your nomination hearing, please indicate the specific claim of privilege for your refusal.**

Answer (b – c): The Department has a longstanding process in place for determining what position, if any, it will take in all cases pending before the Supreme Court of the United States. That process includes review by all interested components of the Department. That process was followed in this instance. I was the Acting Assistant Attorney General for the Civil Rights Division when the brief was filed. I was involved in the process, and my name appears on the brief. The Solicitor General makes the final decision with respect to whether to file a brief in the Supreme Court of the United States and, if so, what position to take after hearing from the interested components and the lawyers in his office.

The Department of Justice has had a strong institutional interest, in both Democratic and Republican Administrations, in protecting the confidentiality of internal deliberations, in order to avoid chilling the robust debate and free flow of advice from the Department's career attorneys involved in the decision making process.

2. In August 2005, the Civil Rights Division pre-cleared a photo ID law in Georgia which federal courts subsequently struck down as an unconstitutional modern-day poll tax. According to media reports, career staff in the Voting Section recommended that the Justice Department object to the Georgia photo ID law, but that recommendation was rejected by political supervisors such as Hans von Spakovsky and their hand-picked section chief, John Tanner.

Do you stand by the Justice Department's August 2005 decision to pre-clear the discriminatory Georgia photo ID law, or do you believe it was a mistake?

Answer: The Georgia identification law was precleared before I came to the Civil Rights Division, and I was not involved in the decision in any way. It is my understanding that the Division made the proper decision under the facts, and no evidence has been produced to indicate that an objection should have been made, including in the subsequent private litigation. No court decision has called into question the Department's decisions to preclear the Georgia Voter ID submissions. In Georgia, both state and federal courts have dismissed lawsuits challenging the imposition of the ID requirement.

The Georgia voter identification law, which amended an existing voter identification statute that had been precleared by the prior Administration, was precleared under Section 5 of the Voting Rights Act after a careful analysis that lasted several months. The decision took into account all of the relevant factors, including the most recent data available from the State of Georgia on the issuance of State photo identification and driver's license cards. The data showed, among other things, that the number of people in Georgia who already possess a valid photo identification greatly exceeds the total number of registered voters. In fact, the number of individuals with a valid photo identification is slightly more than the entire eligible voting age population of the State. The data also showed that there is no racial disparity in access to the identification cards. The State subsequently adopted, and the Department precleared, a new form of voter identification that will be available to voters for free at one or more locations in each of the 159 Georgia counties.

In *Common Cause/Georgia v. Billups*, the district court did *not* conclude that the identification requirement violated the Voting Rights Act. To the contrary, the court refused to issue a preliminary injunction on that ground. The court instead issued a preliminary injunction on constitutional grounds. The Department cannot lawfully consider constitutional grounds in conducting a preclearance review under Section 5 of the Voting Rights Act. Accordingly, the court's preliminary ruling did not call into question the Department's preclearance decision. On September 26, 2007, *Common Cause/ Georgia v. Billups* was dismissed by the federal district court based on lack of standing; the court also rejected the plaintiffs' claims under the Equal Protection Clause.

3. Although Hans von Spakovsky is no longer employed by the Civil Rights Division, your position in the Indiana photo ID case suggests that his legacy of zealous advocacy for photo ID laws is alive and well there. In a March 10, 2008 essay published by the Heritage Foundation called "Stolen Identities, Stolen Votes: A Case Study in Voter Impersonation," Hans von Spakovsky wrote a vigorous defense of photo ID laws. The article can be found at: <http://www.heritage.org/Research/LegalIssues/lm22.cfm>.

Please review this article and indicate what, if anything, you disagree with in it.

Answer: The Department's position on voter identification laws is clearly stated in our briefs in the cases in which they are filed.

4. On November 3, 2006, prior to a mayoral election involving a bi-racial contest, a major cross-burning took place in the town hall parking lot in Grand Coteau, Louisiana. Last month, your predecessor Wan Kim indicated in writing that the Civil Rights Division was continuing to investigate this troubling incident.

Please confirm the status of the investigation into this matter and confirm whether it is being conducted by the Voting Section, the Criminal Section, or both sections, and under what statutes. Please describe the extent of coordination between these sections in this investigation, if any.

Answer: The Criminal Section has an open investigation, raising potential violations under 18 U.S.C. § 245, into the cross burning that occurred in advance of the November 2006 elections in Grand Coteau, Louisiana, and the Voting Section coordinated the deployment of monitors to the polls there for that election.

5. Voter intimidation can create an atmosphere that discourages voters, particularly minority voters, from freely participating in the political process. There are two federal statutes that can be used to reach conduct deemed intimidating to voters: Section 1971(b) of the Civil Rights Act of 1957, which states that no person "shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote," and Section 11(b) of the Voting Rights Act of 1965, which bars conduct deemed intimidating, threatening or coercive to voters.

- a. **Please identify the number of cases and investigations that have been brought or pursued by the Civil Rights Division under Section 11(b) and Section 1971(b) since January 2001, and provide a summary of each case and investigation.**
- b. **Please provide copies of any training materials used to educate attorneys in the Civil Rights Division's Voting Section regarding these two statutes. Please also provide citations to all Justice Department website pages that reference its enforcement responsibilities and cases under these statutes.**

Answer (a – b): It is my understanding that the Division has opened approximately 37 investigations that include allegations of intimidation, threats, or coercion since 2001. These investigations implicate multiple statutes, including Section 11(b) and Section 1971(b). It is my understanding that the Division has brought only three lawsuits, all involving non-governmental defendants, under Section 11(b) in its entire history. The only relief available under Section 11(b) is declaratory and injunctive relief to bar similar future misconduct, which can also be obtained under Section 2 of the Voting Rights Act if the misconduct has a racially discriminatory intent or result.

Summaries of the three lawsuits follow:

- In *United States v. Harvey*, 250 F. Supp. 219 (E.D. La. 1966), the United States alleged that the defendants applied economic penalties against blacks who had registered to vote, including terminating sharecropping and tenant farmer relationships. The court entered judgment for the defendants.
- In *United States v. North Carolina Republican Party* (E.D.N.C. 1992), the United States entered into a consent agreement to resolve allegations regarding the mailing of misleading voter eligibility information.
- In *United States v. Brown*, 494 F. Supp. 2d 440 (S.D. Miss. 2007), the United States won a judgment that the defendants had violated Section 2 of the Voting Rights Act for intentional discrimination against voters and candidates, but the court declined to rule in the United States' favor on the Section 11(b) count.

Enclosed are examples of written materials used in training Voting Section attorneys on the enforcement of federal voting laws that prohibit threatening, intimidating, or coercive actions aimed at voters. In addition, attorneys in the Voting Section are provided copies of the statutes the Section is responsible for enforcing, and they also have access to the publicly-available material found on the Voting Section Home Page on the Department's website (see <http://www.usdoj.gov/crt/voting/index.htm>). Furthermore, the Voting Section has an active mentoring program whereby senior attorneys in the Section provide mentoring and leadership to junior attorneys to ensure they are properly trained as to their roles and responsibilities with regard to the enforcement of all federal voting laws.

6. You were the Deputy Assistant Attorney General with oversight of the Civil Rights Division's Educational Opportunities Section in 2006 when the Justice Department filed an amicus brief with the Supreme Court in the landmark case addressing the ability of public schools in Seattle, Washington and Jefferson County, Kentucky to voluntarily use race as a factor in achieving school integration.

In its letter of opposition to your nomination, the NAACP Legal Defense and Educational Fund, Inc. wrote that your position in this case "constituted a reversal of historic proportions by the Civil Rights Division, which throughout its fifty-year existence has forcefully advocated for equal educational opportunity. Ultimately, five members of the Supreme Court disagreed with the position advocated by the Division and recognized that limited race-conscious measures can be used in pursuit of the compelling interests in promoting diversity and avoiding racial isolation in schools."

- a. What role did you play in the Justice Department's decision to file an amicus brief in opposition to school integration in this case? Did you personally review and approve the amicus brief before it was filed?**

- b. Was there a difference of opinion between the position advanced in your brief and the position recommended by any career attorneys in the Civil Rights Division? If you refuse to answer this question, please indicate the specific claim of privilege for your refusal.

Answer (a – b): The Department has a longstanding process in place for determining what position, if any, it will take in cases pending before the Supreme Court of the United States. That process includes review by all interested components of the Department. That process was followed in this instance. I was the Deputy Assistant Attorney General overseeing the Educational Opportunities Section when the brief was filed. I was involved in the process, although my name does not appear on the briefs filed in these cases. The Solicitor General makes the final decision with respect to whether to file a brief in the Supreme Court of the United States after hearing from all interested components.

Let me clarify the record on one point. The NAACP Legal Defense and Educational Fund (LDF)'s letter is inaccurate in several respects. For instance, LDF claims that the Department took the position that "any voluntary race-conscious action to promote integration in public schools violates the Equal Protection Clause." The United States' briefs, however, acknowledge that in certain situations the Constitution permits the limited consideration of race to attain a genuinely diverse student body, although the particular race-based student assignment plans at issue failed to meet the requirements of strict scrutiny. Moreover, contrary to the LDF's assertion, the Supreme Court agreed with the United States, striking down both student assignment plans on grounds substantially similar to those set forth in the government's briefs. In addition, contrary to the suggestion in the letter, the United States' position in these cases was consistent with its position in prior cases involving the voluntary use of race by state actors.

The Department of Justice has had a strong institutional interest, in both Democratic and Republican Administrations, in protecting the confidentiality of internal deliberations, in order to avoid chilling the robust debate and free flow of advice from the Department's career attorneys involved in the decision making process.

7. At your nomination hearing, you indicated that political appointees in the Civil Rights Division front office interview all career attorneys before offers are extended to them. If true, that represents a troubling departure from previous Administrations, when the vast majority of career attorneys were hired without being interviewed by a front office political appointee.

- a. Is it, in fact, your policy that no career attorney may be hired until he or she is interviewed by a political appointee in the Civil Rights Division front office?

Answer: No.

- b. Since you were appointed to be the Acting Assistant Attorney General, how many career attorneys have been hired in the Civil Rights Division? How many of those career attorneys were interviewed by one or more political appointee in the Civil Rights Division front office?**

Answer: Since I have been Acting Assistant Attorney General, six career attorneys have begun working in the Civil Rights Division. Additionally, twenty-seven other attorneys have accepted offers of employment but have not yet begun working in the Division. The Division does not track the number of candidates who interview with only career attorneys or the number who interview with both career and non-career attorneys. Nevertheless, it is my understanding that some of those attorneys were interviewed only by career attorneys while other attorneys were interviewed by both career and non-career attorneys.

- c. What is the breakdown by race and gender of career attorneys hired into the Civil Rights Division since you were appointed to be the Acting Assistant Attorney General?**

Answer: Since I have been Acting Assistant Attorney General, six career attorneys have begun working in the Civil Rights Division. One attorney is a Hispanic female, one is an Asian female, two are African-American males, and two are white females. The Division has not yet confirmed the race of the other attorneys who have not yet started working at the Department, but fifteen are male and twelve are female.

8. At your nomination hearing, you refused to answer the following questions from Senator Kennedy: "Did you ever hear anyone in the [Civil Rights] Division say anything suggesting that political affiliation should be a factor in personnel matters in the Division?" and "Do you ever have any reason to believe that any of the Division's political appointees were using the Republican National Lawyers Association as a source of hiring career attorneys?" You testified you could not answer these questions because of the ongoing investigation by the Justice Department's Inspector General and Office of Professional Responsibility. That is not a legitimate basis for declining to answer these questions.

- a. Did you ever hear anyone in the Civil Rights Division say anything suggesting that political affiliation should be a factor in personnel matters in the Division? If so, please identify each such instance you recall, including the identity of the speaker and the general nature of the comment.**

Answer: I am generally familiar with the allegation about hiring prior to my tenure at the Division; however, I do not have first-hand knowledge of instances where partisan affiliation was used as a factor in the hiring of career staff since I have been working in the Division.

- b. Do you have any reason to believe that any of the Civil Rights Division's political appointees were using the Republican National Lawyers Association**

as a source of hiring career attorneys? If so, please identify each such political appointee.

Answer: No.

9. The Justice Department's Inspector General and Office of Professional Responsibility are conducting a joint investigation into whether politicized prosecutions and hiring practices at the Justice Department – including the Civil Rights Division during your stint as a Deputy Assistant Attorney General – involved violations of federal laws and policies.

Will you pledge to implement all recommendations contained within this report after it is released?

Answer: If the final report of the investigation includes recommendations for the Civil Rights Division, I will ensure to the full extent of my authority that appropriate actions are taken.

10. At your nomination hearing, you indicated you had not been interviewed by the Justice Department's Inspector General and Office of Professional Responsibility during the course of their investigation of the Civil Rights Division. You testified: "They have not contacted me. They have not requested to interview me."

Is that comment still valid? If not, please indicate when you were interviewed by OIG or OPR and how long you spoke to them.

Answer: I was interviewed by OPR/OIG investigators for less than one hour on Wednesday, March 19, 2008.

11. Hans von Spakovsky and Bradley Schlozman have been strongly criticized during the past year for their work in setting voting rights policy in the Civil Rights Division that restricted minority voting rights and fostered partisan advantage.

Will you make a commitment that Hans von Spakovsky and Bradley Schlozman will not be brought back to work in the Civil Rights Division in 2008?

Answer: Yes.

12. Last December, you appointed Christopher Coates to be the Acting Chief of the Voting Section. According to a May 6, 2007 *McClatchy* article, Christopher Coates, despite his previous employment by the ACLU, "seemed to grow more conservative after his [Civil Rights Division] superiors passed him over for a promotion in favor of an African-American woman, and he filed a reverse-discrimination suit," according to career attorneys interviewed for the article.

a. Please indicate why Mr. Coates was chosen to serve in this position.

- b. Did you consult with any career attorneys before making this appointment? If so, how many?**
- c. Were other candidates considered for this Acting Chief position? If so, how many candidates were considered? Please identify the race and gender of all candidates considered for this position.**
- d. What was the resolution of Mr. Coates' reverse-discrimination suit?**

Answer (a – d): Mr. Coates is temporarily serving as the Acting Section Chief because he is the Principal Deputy Chief, the second-highest ranking official in the Voting Section. This appointment was consistent with standard protocol and included consultation with career professionals. I am not aware of any reverse discrimination suit filed by Mr. Coates in any court and have confirmed that no such suit was ever filed. Any internal claims or charges of discrimination are confidential.

13. Two months ago, you appointed John Gadzichowski to be the Acting Chief of the Civil Rights Division's Employment Litigation Section. Several former career employees of that section have contacted Senate Judiciary Committee staff and expressed the belief that John Gadzichowski is not an appropriate selection for this position. They indicated Mr. Gadzichowski was appointed Acting Chief of that section in 1992 but was removed the following year after career staff complained about his management practices and demoralizing impact on the section.

At your nomination hearing, you testified: "I can assure you, as a person who's been a career attorney at the Department of Justice and all over the federal government, that I know the value of career attorneys."

- a. In light of past complaints about Mr. Gadzichowski's performance by career attorneys, why did you appoint him to be Acting Chief of the Civil Rights Division's Employment Litigation Section?**
- b. Did you consult with any career attorneys before making this appointment? If so, how many?**
- c. Were other candidates considered for this Acting Chief position? If so, how many candidates were considered? Please identify the race and gender of all candidates considered for this position.**

Answer (a – c): Mr. Gadzichowski is temporarily serving as the Acting Section Chief because he is the Principal Deputy Chief, the second-highest ranking official in the Employment Litigation Section. This appointment was consistent with standard protocol and included consultation with career professionals.

14. In response to a written question I submitted last year, your predecessor Wan Kim confirmed that Civil Rights Division career attorneys had been involuntarily transferred or terminated in recent years.

Please indicate the number of career attorneys (including managers) in the Civil Rights Division who have been involuntarily transferred or terminated since January 2001. I am not asking for the names of the individuals, so no privacy interests are implicated.

Answer: While the Division does not keep these statistics, to the best of my recollection, I have not involuntarily transferred any employees under my supervision at the Civil Rights Division, and I recall only one attorney who resigned in lieu of termination. Additionally, I am aware that the press reported that three attorneys were involuntarily transferred from the Appellate Section before I started supervising that Section. It is my understanding that all three of those attorneys were transferred back into the Appellate Section before I started supervising that Section.

15. At your nomination hearing, you indicated there were 14 ongoing "pattern or practice" investigations being conducted by the Employment Litigation Section.

- a. Please provide summary information about each of these investigations, including the nature of the victims (women, African Americans, etc.)**

Answer: It is my understanding that these 14 ongoing investigations include alleged discrimination on the basis of race, color, national origin, and sex. As these are ongoing investigations, I cannot comment further.

- b. Please provide summary information about each "pattern or practice" complaint filed by the Employment Litigation Section since 2001, broken out by year, including the nature of the victims (women, African Americans, etc.)**

Answer: Attached please find a list of all cases filed since 1993 by the Employment Litigation Section (ELS), which I began overseeing in December 2007. This list was previously provided to the Committee on January 25, 2008, in response to written questions to the Attorney General. ELS has filed the following additional lawsuits since that list was submitted:

Tracey Marshall v. Hillsborough County Clerk

On October 12, 2007, we filed a complaint alleging that the Hillsborough County Clerk violated the Uniformed Services Employment and Reemployment Rights Act of 1994 by failing to return Ms. Tracey Marshall to her pre-service position as supervisor of the Court Clerk II Section upon the conclusion of her 2005 military deployment. The complaint also alleged that the Clerk's Office violated USERRA by retaliating against Ms. Marshall for filing a USERRA claim with the Department of Labor. The complaint seeks back wages, interest, and remedial measures.

Anthony Jackson v. Union County College

On December 14, 2007, we filed a complaint on behalf of Anthony Jackson against Union County College alleging violations of the Uniformed Services Employment and Reemployment Rights Act of 1994. The complaint alleges that Union County College discriminated against Mr. Jackson because of his military service, including discharging Mr. Jackson without cause. The complaint seeks back wages, interest, and other remedial measures.

United States v. Policia de Puerto Rico

On March 3, 2008, we filed a complaint under Section 706 of Title VII of the Civil Rights Act of 1964, as amended, against the Puerto Rico Police Department alleging that the Police Department engaged in gender discrimination against Ms. Jeanette Caraballo by subjecting her to a hostile work environment, including sexually discriminatory comments and insults, and assignments to clerical duties not required of male officers. The complaint further alleged that the Police Department discriminated against Mr. Manuel Bonilla by retaliating against him because he opposed what he reasonably believed to be sex discrimination against Caraballo and other female co-workers. This case is currently being litigated.

Jerimiah Macintire v. Pan-O-Gold Baking Company (d.b.a. Village Hearth Bakery) and Select Personnel Services, Inc. (d.b.a. Remedy Intelligent Staffing)

On March 14, 2008, the United States District Court for the Western District of Wisconsin approved and entered the Settlement Agreement executed by all parties and tendered with the Complaint we filed on behalf of Jerimiah Macintire in the case *Jerimiah Macintire v. Pan-O-Gold Baking Company (d.b.a. Village Hearth Bakery) and Select Personnel Services, Inc. (d.b.a. Remedy Intelligent Staffing)*; Civil Action No. 08-cv-134 (W.D. Wis.). The Complaint, which was filed on March 11, 2008, alleged that Pan-O-Gold Baking Company (d.b.a. Village Hearth Bakery) and Select Personnel Services, Inc. (d.b.a. Remedy Intelligent Staffing) violated the Uniformed Services Employment and Reemployment Rights Act (USERRA). Specifically, the Complaint alleged that the defendants violated Section 4312 and 4313 of USERRA by failing to reinstate Mr. Macintire to his pre-service position following the completion of his Reserves duty and violated Section 4311 of USERRA by taking into account his military status in deciding whether to discontinue his employment with Pan-O-Gold Baking Company.

Thornton v. Wal-Mart

On March 31, 2008, we filed a complaint on behalf of Sean K. Thornton in the United States District Court for the Middle District of Florida alleging that Wal-Mart Stores, Inc. (Wal-Mart), violated the Uniformed Services Employment and Reemployment Rights Act (USERRA). Specifically, the complaint alleges that Wal-Mart violated Sections 4312 and 4313 of USERRA by failing to reinstate Mr. Thornton to his pre-service position following his service in the Air Force.

c. Please provide summary information about each "disparate impact" complaint filed by the Employment Litigation Section since 2001, broken out by year, including the nature of the victims (women, African Americans, etc.)

Answer: Of the cases listed in response to Question 15.b., the following were "disparate impact" cases: *United States v. City of New York*, *United States v. City of Chesapeake, Virginia*, *United States v. City of Virginia Beach*, *United States v. City of Erie, Pennsylvania*, and *United States v. Delaware*.

16. According to your Senate questionnaire, you are a former member of the Republican National Lawyers Association.

Why did you join this organization? What years did you belong to this organization? Please describe the duties you performed and services you rendered as a member of this organization.

Answer: In 2005, prior to working in the Civil Rights Division, I joined the Republican National Lawyers Association (RNLA) based upon a friend's recommendation. I did not attend any RNLA events and was never an active member. My membership expired in October 2007.

17. Before you began working in the Civil Rights Division as a political appointee in March 2006, you had no ostensible background in the field of civil rights law enforcement or policy. According to your Senate questionnaire, you had nine different jobs in twelve years between working in the Civil Rights Division and graduating from law school in 1994: (1) law clerk to Judge Thomas Penfield Jackson, (2) associate at Williams and Connolly, (3) law clerk to Judge James Buckley, (4) Special Assistant U.S. Attorney in Virginia, (5) trial attorney in the DOJ Criminal Division's Narcotic & Dangerous Drug Section, (6) Special Advisor to the Assistant Secretary of the Army, (7) counsel to Senator Hatch on the Senate Judiciary Committee, (8), [sic] Assistant General Counsel to the U.S. Sentencing Commission, and (9) Associate Deputy General Counsel at the Department of Defense.

None of these jobs appear to have involved civil rights law enforcement or policy. Similarly, none of your summer jobs or extracurricular activities in law school or college reflect an involvement in civil rights issues.

What made you interested in working in the Civil Rights Division?

Answer: My interest in working in the Civil Rights Division comes from my family, my professional experiences, and my community service. Both of my parents immigrated to the United States from South Korea and are naturalized American citizens. English is their third language (after Korean and Japanese) because they grew up during the Japanese occupation of Korea and were required to speak Japanese in schools. My parents are pioneers of the Korean-American community in New York City. My parents came to the United States with little money. After several years, they took a financial

risk and opened one of the first Korean businesses on West 32nd Street – a pharmacy that also sold cosmetics and gifts. That area of New York City is now known as “K-Town,” short for Korea Town. I spent many hours of my childhood working in the store, which catered primarily to Korean-American customers. Business was conducted in Korean. Even though they worked long hours, seven days a week, my parents were active in the Korean-American community. Their personal experiences, work ethic, and commitment to community service have inspired me to vigorously enforce the federal civil rights laws, so that we all can have an equal opportunity to achieve the American dream.

Two of my siblings learned English as a second language in the New York City public schools. Their experiences have inspired me during my supervision of the Educational Opportunities Section as it spearheaded its English Language Learners initiative. Over the last two years, the section has opened approximately 15 investigations to ensure that public schools are meeting their educational obligations for students with limited English proficiency.

In addition to my longstanding commitment to serving my country as a government attorney, my service as a Special Advisor to the Assistant Secretary of the Army (Manpower and Reserve Affairs) on No Gun Ri furthered my desire to safeguard civil rights. At that time, the Army Inspector General conducted a review of allegations that hundreds of South Korean civilians were massacred by American servicemembers underneath a railroad bridge in No Gun Ri, South Korea. I met survivors of the No Gun Ri incident and listened to their chilling description of an aerial attack and gunshots by American soldiers. Tragically, one woman described how she lost an eye during the incident and how she is reminded daily of the tragedy each time she cleans her glass eye. During the course of the investigation, I learned about many other horrific instances of untimely deaths, injuries, lost family members, and other significant hardships suffered by Korean-American citizens, American servicemembers, and my own family members who had lived through the Korean War. I was awarded the Army’s Outstanding Civilian Service Medal for my service.

My family’s experience and my involvement in the No Gun Ri investigation inspired me to become actively involved in the Korean-American Coalition (KAC), a non-partisan organization that was formed in the wake of the Rodney King riots that damaged Korean businesses in Los Angeles, California. In 2001, I volunteered to serve on KAC (Washington D.C. Area Chapter)’s Board of Directors and was elected to serve as its Executive Vice President. Among other things, KAC hosted community meetings on current issues and conducted voter registration and citizenship drives. For example, in the aftermath of September 11, 2001, KAC convened a public meeting of various organizations to show our support to the Muslim and Arab community in the hopes that they would not suffer the discrimination that Asian Americans suffered during World War II. The KAC nominated me to sit on a local school board’s Human Rights Advisory Committee, where I served from 2001-2005. One of the first issues we addressed was post-9/11 backlash in the public schools.

When the opportunity arose to work in the Civil Rights Division, I was particularly interested in combining my skills as a government attorney, my personal experiences growing up in an immigrant family, and my community service. My time at the Division has been much more rewarding professionally and personally than I could have imagined.

18. Since 2001, there have been seven different Assistant Attorney Generals for Civil Rights: (1) Ralph F. Boyd, Jr., (2) J. Michael Wiggins, (3) R. Alexander Acosta, (4) Bradley J. Schlozman, (5) Wan J. Kim, (6) Rena J. Comisac, and (7) you. Three were Senate-confirmed and the others were not. None of the seven stayed in the job for longer than two years.

- a. In your opinion, why has there been so much turnover in the leadership of the Civil Rights Division over the past seven years?**

Answer: I do not know.

- b. Did any of your six predecessors have any civil rights law enforcement or policy experience prior to their service in the Civil Rights Division? If so, please indicate the nature of that experience.**

Answer: While I am generally familiar with my predecessors, I do not have detailed knowledge of their prior experiences.

Mark Kappelhoff

Civil Rights Division

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2007 Ballot Access and
Voting Integrity Symposium

Mark Kappelhoff
Chief, Criminal Section
Civil Rights Division

Overview of the Civil Rights Division's Criminal Section

- The Division's sole criminal prosecutor
- Violent interference with liberties and rights defined in the Constitution or federal law

Jurisdiction Over Voting/Election Matters

- Discrimination or intimidation targeting voters based on their race, color, religion, or national origin.
- Ballot Access
- Coordinate with the Criminal Division and the Voting Section

Statutes Enforced

- Voter Intimidation - Force or Threats of Force
 - 18 U.S.C. 241 (Conspiracy)
 - 18 U.S.C. 242 (Color of Law)
 - 18 U.S.C. 594 (Intimidation of Voters)
 - 18 U.S.C. 245(b)(5) (Federally Protected Activities)
 - 42 U.S.C. 1973gg-10(1) (Intimidation in Registering and Voting)

Statutes Enforced Cont.

■ Vote Buying

■ Voter Suppression

Points of Contact

- Mark Kappelnoff, Chief of the Criminal Section, (202) 514-3204
- Jim Walsh (202) 514-6346

Department of Justice Responses to
Questions for the Record posed to
Attorney General Alberto Gonzales
Senate Judiciary Committee
Oversight Hearing July 24, 2007
(Part 1)

Answer #152 Attachment

Employment Litigation Section

Between January 19, 1993, and the present, the Employment Litigation Section has filed the following lawsuits:

United States v. Missouri Elementary and Secondary

Complaint filed January 19, 1993, in the Eastern District of Missouri alleging that the Defendant engaged in religious discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on January 19, 1993.

United States v. Ohio Dept of Corrections and Rehabilitation

Complaint filed May 5, 1993, in the Northern District of Ohio alleging that the Defendant engaged in sex discrimination in violation of Sections 706 and 707 of Title VII. Resolved through the entry of a consent decree in December 1993.

United States v. Nassau County Police Department

Complaint filed May 7, 1993, in the Eastern District of New York alleging that the Defendant engaged in sex discrimination in violation of Section 707 of Title VII. Resolved through the entry of a consent decree on June 2, 1993.

United States v. U.S. Virgin Islands

Complaint filed May 25, 1993, in the District of the Virgin Islands alleging that the Defendant engaged in religious discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on May 25, 1993.

United States v. Texas Department of Transportation

Complaint filed May 28, 1993, alleging that the Defendant engaged in discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on June 30, 1993.

United States v. Washington D.C. Metropolitan Police Department

Complaint filed June 8, 1993, in the District of the District of Columbia alleging that the Defendant engaged in religious discrimination in violation of Section 706 of Title VII. File closed on June 4, 1994.

United States v. City of Torrance

Complaint filed July 14, 1993, in the Central District of California alleging that the Defendant engaged in race, sex, and national origin discrimination in violation of Section 707 of Title VII. Closed after verdict entered against the United States.

United States v. Wright State University

Complaint filed July 14, 1993, in the Southern District of Ohio alleging that the Defendant engaged in retaliation discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on July 14, 1993.

United States v. New York City Transit Auth.

Complaint filed July 22, 1993, in the Southern District of New York alleging that the Defendant engaged in retaliation in violation of Section 706 of Title VII.

United States v. Brownsville

Complaint filed September 14, 1993, in the Southern District of Texas alleging that the Defendant engaged in sex discrimination and retaliation in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on December 8, 1993.

United States v. Denver Housing

Complaint filed September 22, 1993, in the District of Colorado alleging that the Defendant engaged in sex discrimination and retaliation in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on January 4, 1994.

United States v. Belleville

Complaint filed November 10, 2003, in the Southern District of Illinois alleging that the Defendant engaged in race and sex discrimination in violation of Section 707 of Title VII. Resolved through the entry of a consent decree on August 8, 1995.

United States v. Arizona Regents

Complaint filed November 23, 1993, in the District of Arizona alleging that the Defendant engaged in national origin discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on November 23, 1993.

United States v. North Carolina Dept. of Corrections

Complaint filed December 7, 1993, in the Eastern District of North Carolina alleging that the Defendant engaged in sex discrimination in violation of Section 707 of Title VII. Resolved through the entry of a consent decree on September 10, 1999.

United States v. Palm Beach Gardens

Complaint filed December 7, 1993, in the Southern District of Florida alleging that the Defendant engaged in race and sex discrimination in violation of Section 707 of Title VII. Resolved through the entry of a consent decree on August 3, 1995.

United States v. Cherokee County

Complaint filed December 8, 1993, in the Northern District of Alabama alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on December 28, 1993.

United States v. Tipton

Complaint filed December 16, 1993, in the Western District of Tennessee alleging that the Defendant engaged in retaliation in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on December 16, 1993.

United States v. Shelby County

Complaint filed December 22, 1993, in the Western District of Tennessee alleging that the Defendant engaged in retaliation in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on December 22, 1993.

United States v. Illinois

Complaint filed December 28, 1993, in the Northern District of Illinois alleging that the Defendant engaged in discrimination in violation of the Americans with Disabilities Act. Transferred to the Disability Rights Section.

United States v. Ridley Township

Complaint filed January 11, 1994, in the Eastern District of Pennsylvania alleging that the Defendant engaged in race discrimination in violation of Section 707 of Title VII. Closed on August 4, 1998.

United States v. Caddo Parish

Complaint filed January 26, 1994, in the Western District of Louisiana alleging that the Defendant engaged in sex discrimination in violation of Section 706 and 707 of Title VII. Resolved through the entry of a consent decree on October 4, 1996.

United States v. McHenry County

Complaint filed March 9, 1994, in the Northern District of Illinois alleging that the Defendant engaged in sex discrimination and retaliation in violation of Section 707 of Title VII. Resolved through the entry of a consent decree on September 6, 1996.

United States v. Port Arthur Housing Auth.

Complaint filed March 10, 1994, in the Eastern District of Texas alleging that the Defendant engaged in religious discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on March 22, 1994.

United States v. Skagit County

Complaint filed April 28, 1994, in the Western District of Washington alleging that the Defendant engaged in sex discrimination and retaliation in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on January 17, 1995.

United States v. Nashville-Davidson County Police Dept.

Complaint filed May 4, 1994, in the Middle District of Tennessee alleging that the Defendant engaged in race discrimination in violation of Section 706 and 707 of Title VII. Resolved through the entry of a consent decree on May 25, 1995.

United States v. City of Hialeah

Complaint filed June 7, 1994, in the Southern District of Florida alleging that the Defendant engaged in race discrimination in violation of Section 707 of Title VII. Resolved through the entry of a consent decree on December 9, 1994.

United States v. State of New Jersey Department of Corrections

Complaint filed June 28, 1994, in the District of New Jersey alleging that the Defendant engaged in race discrimination in violation of Section 706 and 707 of Title VII. Resolved through the entry of a consent decree on January 19, 1996.

United States v. Winter Haven

Complaint filed August 29, 1994, in the Middle District of Florida alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on October 13, 1994.

United States v. New Jersey Dept. of Corrections

Complaint filed September 27, 1994, in the District of New Jersey alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree January 19, 1996.

United States v. Assumption Parish

Complaint filed November 15, 1994, in the Eastern District of Louisiana alleging that the Defendant engaged in sex discrimination in violation of Sections 706 and 707 of Title VII. Resolved through the entry of a consent decree on March 7, 1996.

United States v. City of Pontiac

Complaint filed December 14, 1994, in the Eastern District of Michigan alleging that the Defendant engaged in discrimination in violation of Section 706 of Title VII and the Americans with Disabilities Act. Transferred to the Disability Rights Section.

United States v. City of Phoenix

Complaint filed December 15, 1994, in the District of Arizona alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on August 15, 1995.

United States v. City of Slidell

Complaint filed December 20, 1994, in the Eastern District of Louisiana alleging that the Defendant engaged in discrimination in violation of Section 706 of Title VII and the Americans with Disabilities Act. Resolved through the entry of a consent decree on January 14, 1995.

United States v. Kansas Dept. of Corrections

Complaint filed January 5, 1995, in the District of Kansas alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on January 9, 1995.

United States v. Ill. State Univ.

Complaint filed January 11, 2001, in the Central District of Illinois alleging that the Defendant engaged in race and sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on March 28, 1997.

United States v. Ormond Beach

Complaint filed April 20, 1995, in the Middle District of Florida, alleging that the Defendant engaged in sex discrimination in violation of Section 707 of Title VII. Closed on February 5, 1998.

United States v. Glassboro

Complaint filed April 21, 1995, in the District of New Jersey, alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on June 19, 1996.

United States v. Mississippi Housing Auth.

Complaint filed May 12, 1995, in the Southern District of Mississippi alleging that the Defendant engaged in retaliation in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on July 17, 1995.

United States v. Steubenville Board of Education

Complaint filed May 19, 1995, in the Southern District of Ohio alleging that the Defendant engaged in sex discrimination in violation of Section 706 and Section 707 of Title VII. Resolved through the entry of a consent decree on June 1, 1995.

United States v. New York City Department of Corrections

Complaint filed September 8, 1995, in the Southern District of New York alleging that the Defendant engaged in religious discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on September 14, 1995.

United States v. Arkansas Dept. of Corrections

Complaint filed September 11, 1995, in the Eastern District of Arkansas alleging that the Defendant engaged in sex discrimination in violation of Section 707 of Title VII. Resolved through the entry of a consent decree on June 19, 1997.

United States v. New Jersey Department of Human Services

Complaint filed September 22, 1995, in the District of New Jersey alleging that the Defendant engaged in race discrimination in violation of Section 706 and Section 707 of Title VII. Resolved through the entry of a consent decree on September 28, 1995.

United States v. Maury County

Complaint filed September 29, 1995, in the Middle District of Tennessee alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on May 12, 1997.

United States v. City of Phoenix

Complaint filed January 25, 1996, in the District of Arizona alleging that the Defendant engaged in retaliation discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on November 16, 1998.

United States v. New York City Board of Education

Complaint filed January 30, 1996, in the Southern District of New York alleging that the Defendant engaged in race, national origin, and sex discrimination in violation of Section 707 of Title VII. Resolved through the entry of a consent decree on February 9, 2000. Subject of additional litigation after entry of decree.

United States v. Beaumont Housing Authority

Complaint filed February 1, 1996, in the Eastern District of Texas alleging that the Defendant engaged in race discrimination in violation of Section 707 of Title VII. Resolved through the entry of a consent decree on October 27, 1996.

United States v. Virgin Islands Housing Authority

Complaint filed February 28, 1996, in the District of the Virgin Islands alleging that the Defendant engaged in religious discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on February 28, 1996.

United States v. Spring Independent School District

Complaint filed May 9, 1996, in the Southern District of Texas alleging that the Defendant engaged in race discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on May 13, 1996.

United States v. California University of Pennsylvania of the State System of Higher Education, et. al

Complaint filed April 17, 1996, in the Western District of Pennsylvania alleging that the Defendant engaged in sexual harassment discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on October 23, 1996.

United States v. Alabama State Docks Dept.

Complaint filed June 11, 1996, in the Southern District of Alabama alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on June 14, 1996.

United States v. New York City Police Dept.

Complaint filed June 7, 1996, in the Southern District of New York alleging that the Defendant engaged in sexual harassment discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on June 10, 1998.

United States v. Louisiana State Police

Complaint filed August 29, 1996, in the Middle District of Louisiana alleging that the Defendant engaged in race discrimination in violation of Section 707 of Title VII. Resolved through the entry of a consent decree on September 3, 1996.

United States v. Hutcheson Medical Center

Complaint filed August 14, 1996, in the Northern District of Georgia alleging that the Defendant engaged in religious discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on August 19, 1996.

United States v. Canton Police Department

Complaint filed October 16, 1996, in the Southern District of Mississippi alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII.

United States v. City of Wilmington

Complaint filed September 11, 1996, in the District of Delaware alleging that the Defendant engaged in religious discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on March 7, 1997.

United States v. S.E. Dubois School Corporation

Complaint filed November 7, 1996, in the Southern District of Indiana alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on July 19, 1997.

United States v. City of Forney

Complaint filed November 20, 1996, in the Northern District of Texas alleging that the Defendant engaged in race discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on March 25, 1997.

United States v. Regents of University of California

Complaint filed January 6, 1997, in the Northern District of California alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on January 24, 1997.

United States v. Southeastern Pennsylvania Transportation Authority

Complaint filed February 18, 1997, in the Eastern District of Pennsylvania alleging that the Defendant engaged in sex discrimination in violation of Section 707 of Title VII. Decision in favor of the Defendant after trial in January 1998, remanded with instructions. Second decision in favor of Defendant after trial, upheld on appeal.

United States v. East Baton Rouge

Complaint filed April, 1997, in the Middle District of Louisiana alleging that the Defendant engaged in race discrimination in violation of Section 707 of Title VII. Resolved through the entry of a consent decree on June 20, 1997.

United States v. Metro Dade Corrections

Complaint filed May 27, 1997, in the Southern District of Florida alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on June 12, 1997.

United States v. Arkansas State University

Complaint filed November 19, 1997, in the Eastern District of Arkansas alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on November 19, 1997.

United States v. Fullerton.

Complaint filed July 8, 1997, in the Central District of California alleging that the Defendant engaged in race and national origin discrimination in violation of Section 707 of Title VII. Resolved through the entry of a consent decree on July 8, 1997, and November 17, 1997.

United States v. Willis

Complaint filed January 30, 1998, in the Southern District of Texas alleging that the Defendant engaged in race and sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on March 3, 1999.

United States v. Garland

Complaint filed February 2, 1998, in the District of New Mexico alleging that the Defendant engaged in race and national origin discrimination in violation of Section 707 of Title VII. Decision in favor of the Defendant after trial on April 2, 2004.

United States v. Florida Department of Corrections

Complaint filed February 12, 1998, in the Southern District of Florida alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII. Resolved through an out of court settlement on June 10, 1998.

United States v. New Baltimore

Complaint filed August 4, 1998, in the District of Maryland alleging that the Defendant engaged in race discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on August 10, 1998.

United States v. School City of East Chicago

Complaint filed September 15, 1998, in the Northern District of Indiana alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on September 30, 1998.

United States v. Sheriff of Hampshire County

Complaint filed September 28, 1999, in the Northern District of West Virginia alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on September 30, 1999.

United States v. Sheriff of McLennan

Complaint filed September 30, 1998, in the Western District of Texas alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on October 2, 1998.

United States v. North Little Rock

Complaint filed February 18, 1999, in the Eastern District of Arkansas alleging that the Defendant engaged in retaliation and sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on April 2, 2001.

United States v. Columbus County

Complaint filed March 16, 1999, in the Eastern District of North Carolina alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on March 23, 1999.

United States v. Erie County

Complaint filed March 25, 1999, in the Western District of New York alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII. Closed on April 13, 1999.

United States v. Belen

Complaint filed April 8, 1999, in the District of New Mexico alleging that the Defendant engaged in retaliation and sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on June 21, 2000.

United States v. City of Winter Springs

Complaint filed August 4, 1999, in the Middle District of Florida alleging that the Defendant engaged in religious discrimination in violation of Section 706 of Title VII. Resolved through a consent decree dated August 7, 2000.

United States v. City of Dallas

Complaint filed October 19, 1999, in the Northern District of Texas alleging that the Defendant engaged in retaliation in violation of Title VII. Resolved through the entry of a consent decree on April 10, 2004.

United States v. Mecklenburg

Complaint filed August 29, 1999, in the Western District of North Carolina alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on May 8, 2000.

United States v. Alma and Bacon County

Complaint filed November 11, 1999, in the Southern District of Georgia alleging that the Defendant engaged in sex discrimination in violation of Section 706 of Title VII. Resolved through the entry of a consent decree on November 18, 1999.

United States v. Lumberton Municipal Utility District.

On April 7, 2000, we filed a complaint in the United States District Court for the Eastern District of Texas pursuant to §706 of Title VII, alleging that the Lumberton Municipal Utility District discriminated against four women on the basis of their sex by subjecting them to sexual harassment by their male supervisor and by failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment. This suit was resolved through entry of a consent decree on April 18, 2000.

United States v. Harris County Justice of the Peace.

On May 12, 2000, we filed a complaint under § 706 of Title VII of the Civil Rights Act of 1964, as amended, against H.N. McElroy, an elected Justice of the Peace in Harris County, Texas (in his official capacity), and Harris County. We alleged that McElroy discriminated against a former employee and similarly situated black females on the basis of their race and sex by subjecting them to sexual harassment. We additionally alleged that because of the harassment to which she was subjected, the former employee was constructively discharged. This suit was resolved through entry of a consent decree on May 1, 2002.

United States v. City of Newark.

On May 16, 2000, we filed a complaint under § 706 of Title VII of the Civil Rights Act of 1964, as amended, against the City of Newark, New Jersey. We alleged that the City denied an accommodation to Kevin Rhodes, Anthony Kerr, and similarly-situated police officers to wear beards in compliance with their religious observances, practices, and beliefs as Muslims. While demanding that Muslim officers shave their facial hair, the City permitted undercover officers and those afflicted with a particular skin condition to wear beards. The complaint also alleged that Rhodes, Kerr, and other Muslim police officers were threatened with termination and subjected to other adverse treatment because of these observances, practices, and beliefs. This suit was resolved through entry of a consent decree on February 27, 2002.

United States v. Tennessee Department of Transportation (TDOT).

On August 3, 2000, we filed a complaint in the United States District Court for the Middle District of Tennessee, pursuant to Section 707 of Title VII. The complaint alleged that TDOT discriminated against female applicants for employment in two highway maintenance positions statewide by using word-of-mouth recruiting methods, relying on subjective and undefined hiring criteria, and otherwise depending on practices that disproportionately excluded women from these positions. This suit was resolved through entry of a consent decree on August 3, 2000.

Owen v. L'Anse Area Schools.

On September 20, 2000, the United States filed a motion to intervene as plaintiff, based on a certification of public importance. The court accepted our complaint in intervention. This is a Section 706 of Title VII case against a public school district in the Upper Peninsula of Michigan. The plaintiff in this action, Louis Owen, a Jewish former public high school teacher with L'Anse, alleged that he was subjected to egregious harassment, originated by his students, on the basis of his religion and/or national origin, and that the school district failed to appropriately respond to such harassment or to take any systemic, proactive action to prevent future harassment. This suit was resolved through entry of a consent decree on April 12, 2002.

United States v. Calcasieu Parish School Board.

On September 25, 2000, the United States filed a complaint in the United States District Court for the Western District of Louisiana pursuant to Section 706 of Title VII, alleging that the School Board discriminated against a female teacher, Dorenda Turner, by refusing to consider her for a vacant assistant principal position on the basis of her sex. A consent decree was tendered by the parties by joint motion that was filed simultaneously with the filing of our complaint on September 25, 2000.

United States v. Arkansas Department of Correction.

On October 26, 2000, we filed a complaint in the United States District Court for the Eastern District of Arkansas alleging that the Arkansas Department of Correction violated Section 703(a)

of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-2(a), among other ways, by failing to consider Linda S. Finley for hire and terminating Vickie R. Finley without ever seeking to accommodate the Finleys' desire to observe a day of rest as required by their Seventh-day Adventist religion. This suit was resolved through entry of a consent decree on October 31, 2000.

United States v. New Mexico Department of Public Safety.

On November 22, 2000, we filed a complaint in the United States District Court of New Mexico against the New Mexico Department of Public Safety, pursuant to Section 706 of Title VII. The complaint alleged the defendant subjected Crystel L. Menefee to discrimination in employment on the basis of her sex in violation of Title VII by creating an intimidating, hostile, or offensive work environment and which adversely affected the terms, conditions, and privileges of Ms. Menefee's employment. This suit was resolved through entry of a consent decree on October 17, 2001.

United States v. State of Delaware.

On January 10, 2001, we filed a complaint in the United States District Court for the District of Delaware against the State of Delaware, pursuant to Section 707 of Title VII. The complaint alleged that the defendant's use of certain written examinations for the selection of entry-level state troopers had an unlawful disparate impact against blacks and was not job-related and consistent with business necessity, as required by Title VII. This suit was brought to trial and successfully prosecuted by the Division.

United States v. Village of Cuba, New Mexico.

On January 12, 2001, we filed a complaint in the United States District Court for the District of New Mexico against the Village of Cuba, New Mexico, pursuant to Section 706 of Title VII. The complaint alleged that the defendant discriminated against three female charging parties by failing or refusing to increase their hourly compensation at the same rate as the increase in hourly compensation given to male hourly employees. This suit was resolved through the entry of a consent decree in November 2001.

United States v. Matagorda County, Texas, and Sheriff James D. Mitchell.

On January 12, 2001, we filed a complaint in the United States District Court for the Southern District of Texas against Matagorda County, Texas, and Sheriff James D. Mitchell pursuant to Section 706 of Title VII. The complaint alleged that the Defendants discriminated against a charging party on the basis of his race. This case was resolved through the entry of a consent decree on January 19, 2002.

United States v. City of Sulphur, Oklahoma.

On January 18, 2001, we filed a complaint in the United States District Court for the Eastern District of Oklahoma against the City of Sulphur, Oklahoma, pursuant to Section 706 of Title VII. The complaint alleged that the defendant discriminated against a charging party on the basis of his national origin when it refused to employ him as a supervisor in the city's sanitation department. This case was resolved through the entry of a consent decree on February 23, 2001.

United States v. City of Bastrop, Louisiana.

On January 19, 2001, we filed a complaint in the United States District Court for the Western District of Louisiana, pursuant to Section 706 of Title VII. The complaint alleged that the defendant subjected the charging party to racial and sexual harassment while she was employed by the City. This case was resolved through the entry of a consent decree on October 1, 2001.

United States v. New York City Housing Authority.

On May 31, 2001, the Assistant Attorney General for the Civil Rights Division authorized the United States Attorney's Office for the Southern District of New York to file a complaint against the New York City Housing Authority, pursuant to Section 706 of Title VII. The complaint alleged that the complainants, female participants in the City's Work Experience Program (WEP), were subjected to a hostile work environment on the basis of race or sex and that one of the complainants was retaliated against because of her complaints of sexual harassment. This case was resolved through the entry of a consent decree on May 12, 2006.

United States v. Northwest New Mexico Regional Solid Waste Authority.

On March 20, 2002, we filed a complaint in the United States District Court for the District of New Mexico against the Northwest New Mexico Regional Solid Waste Authority (Authority), pursuant to Section 706 of Title VII. The complaint alleged that the Authority racially and sexually harassed a Native-American female and other similarly situated females. The complaint also alleged that the Authority created a work environment that was so racially and/or sexually hostile that female employees were forced to resign from their jobs. This case was resolved through the entry of a consent decree on February 3, 2003.

United States v. New York City Department of Parks and Recreation.

On June 19, 2002, a complaint, authorized by the Assistant Attorney General of the Civil Rights Division, was filed by the United States Attorney's Office for the Southern District of New York against the City of New York and the New York City Department of Parks and Recreation, pursuant to Section 707 of Title VII. The complaint alleged that the City of New York and its Parks Department engaged in a pattern or practice of discrimination against black and Hispanic employees in the Parks Department on the basis of their race and/or national origin in making promotion decisions. This case was resolved through the entry of a consent decree on June 8, 2005.

United States v. Zuni Public School District .

On August 23, 2002, we filed a complaint in the United States District Court for the District of New Mexico against the Zuni Public School District, pursuant to Section 706 of Title VII. The complaint alleged that the District subjected a female teacher to sexual harassment that created a hostile work environment and that adversely affected the terms, conditions, and privileges of her employment, and that the District failed to take appropriate action to remedy the effects of the discriminatory treatment. This case was resolved through the entry of a consent decree on September 9, 2002.

United States v. Fort Lauderdale.

On September 9, 2002, we filed a complaint in the United States District Court for the Southern District of Florida against the City of Fort Lauderdale, Florida, pursuant to Section 706 of Title VII. The complaint alleged that the City violated Title VII by refusing to promote the charging party to the position of Engineering Inspector I because of his race and by subjecting the charging party to retaliatory harassment. This case was resolved through the entry of a consent decree on January 13, 2003.

United States v. Indiana Department of Transportation.

On September 25, 2002, we filed a complaint in the United States District Court for the Southern District of Indiana against the Indiana Department of Transportation (IDOT), pursuant to Section 706 of Title VII. The complaint alleged that the IDOT failed or refused to promote the charging party because of his national origin. This case was resolved through the entry of a consent decree on September 3, 2003.

United States v. Prince George's County Fire Department.

On October 30, 2002, we filed a complaint in the United States District Court for the District of Maryland against Prince George's County, Maryland, pursuant to Section 706 of Title VII. The complaint alleged that the County discriminated against a female formerly employed as a fire technician in the County's Fire Department by subjecting her to a hostile work environment based on her sex and also by retaliating against her for her complaints of sex discrimination. This case was resolved through the entry of a consent decree on October 23, 2003.

United States v. Regents of the University of California.

On March 4, 2003, we filed a complaint in the United States District Court for the Eastern District of California against the Regents of the University of California, pursuant to Section 706 of Title VII. The complaint alleged that the Regents at the University of California Davis Medical Center engaged in unlawful retaliation against the charging party and a similarly situated individual after these individuals complained of conduct that they reasonably believed to be sexual harassment. This case was resolved through the entry of a consent decree on March 13, 2003.

United States v. University of Guam.

On June 30, 2003, we filed a complaint in the United States District Court for the District of Guam against the University of Guam, pursuant to Section 706 of Title VII. The complaint alleged that 11 individuals who had filed charges against the University with the EEOC suffered discriminatory terms, conditions, and privileges of employment and discharge, constructive discharge, or refusal to renew their contracts because of their national origin and/or race or in retaliation for complaining about what they reasonably believed to be employment discrimination prohibited by Title VII. This case was resolved through the entry of a consent decree on July 3, 2003.

United States v. Town of West Terre Haute.

On July 11, 2003, we filed a complaint in the United States District Court for the Southern District of Indiana against the Town of West Terre Haute, Indiana, pursuant to Section 706 of Title VII. The complaint alleged that the Town discriminated against a former 911 dispatcher with the Town's Police Department by subjecting her to sexual harassment for a period of approximately two years, which created a hostile work environment and resulted in her constructive discharge. The complaint specifically alleged that the former head of the Police Department repeatedly subjected the charging party to harassing and unwelcome conduct of a sexual nature, including, but not limited to, unwanted touching, obscene gestures, lewd comments about her sexual partners, crude comments about her body, and threatening remarks. The complaint further alleged that the Town failed to investigate or take any action in response to the charging party's complaints about the sexual harassment. This case was resolved through the entry of a consent decree on April 9, 2004.

United States v. Greenwood Community School Corporation.

On July 18, 2003, we filed a complaint in the United States District Court for the Southern District of Indiana against the Greenwood Community School Corporation, pursuant to Section 706 of Title VII. The complaint alleged retaliation against the charging party, a current employee of the school district, because he previously had filed a charge of sex discrimination against Greenwood with the EEOC. This case was resolved through the entry of a consent decree on July 28, 2003.

United States v. City of Erie.

On January 8, 2004, we filed a complaint in the United States District Court for the Western District of Pennsylvania against the City of Erie, Pennsylvania, pursuant to Section 707 of Title VII. The complaint alleged that the City engaged in a pattern or practice of gender-based employment discrimination against women in the hiring of entry-level police officers by using a physical agility test that resulted in a disparate impact against women and did not otherwise meet the requirements of Title VII. The Section successfully prosecuted this case.

United States v. University of Medicine and Dentistry of New Jersey.

On February 13, 2004, we filed a complaint in the United States District Court for the District of New Jersey against the University of Medicine and Dentistry of New Jersey (UMDNJ), pursuant to Section 706 of Title VII. The complaint alleged that the UMDNJ unlawfully failed to promote a senior housekeeper to the position of housekeeping supervisor in retaliation for bringing an earlier Title VII claim against the UMDNJ. This case was resolved through the entry of a consent decree on March 18, 2005.

Bond & United States v. City of Baltimore Department of Public Works.

On March 8, 2004, we filed a complaint in intervention in the United States District Court for the District of Maryland against the City of Baltimore, pursuant to Section 706 of Title VII. The complaint alleged that the charging party was subjected to sexual harassment by her supervisor and coworkers at the City's Department of Public Works (DPW) and that, despite receiving numerous complaints, the DPW failed to take appropriate action to remedy the situation. This case was resolved through the entry of a consent decree on November 29, 2004.

United States v. University of New Mexico.

On March 16, 2004, we filed a complaint in the United States District Court for the District of New Mexico against the University of New Mexico, pursuant to Section 706 of Title VII. The complaint alleged that the University violated Title VII by refusing to provide modified-duty assignments to three pregnant women, even though it provided modified-duty assignments to employees who were not pregnant. The complaint also alleged that the University terminated one of the three women after she announced that she was pregnant and requested a modified-duty assignment. This case was resolved through the entry of a consent decree on May 3, 2004.

Lemons & United States v. Pattonville FPD.

On July 13, 2004, we filed a complaint in intervention in the United States District Court for the Eastern District of Missouri against the Pattonville-Bridgeton Fire Protection District (Pattonville FPD), pursuant to Section 706 of Title VII. The complaint in intervention alleged that the only black firefighter at the Pattonville FPD between 1989 and 2003 was the victim of racial harassment. The complaint also alleged that the Pattonville FPD constructively discharged the charging party. This case was resolved through the entry of a consent decree on August 16, 2005.

Jane Doe I, II, III & United States v. District of Columbia.

On August 5, 2004, we filed complaints in intervention in three cases in the United States District Court for the District of Columbia against the District of Columbia, pursuant to Section 706 of Title VII. The cases involved three female plaintiffs who alleged that they were discriminated against on the basis of their sex, in violation of Title VII. Our complaints in intervention sought: (1) compensatory damages on behalf of the plaintiffs and similarly situated individuals; and (2) to enjoin the District of Columbia from failing to or refusing to provide

remedial, make-whole relief to the plaintiffs. This case was resolved through the entry of a consent decree on September 6, 2005.

United States v. Los Angeles Metropolitan Transit Authority.

On September 16, 2004, we filed a complaint in the United States District Court for the Central District of California against the Los Angeles Metropolitan Transportation Authority (MTA), pursuant to Sections 706 and 707 of Title VII. The complaint alleged that the MTA engaged in a pattern or practice of discrimination by failing or refusing to reasonably accommodate employees and applicants for employment who, in accordance with their religious observances, practices, and/or beliefs, need accommodation because they are unable to comply with a requirement applied by MTA management that employees in the MTA's Operations Division be available to work weekends, on any shift, at any location. The complaint further alleged that the MTA discriminated against a member of the Jewish faith and former bus operator trainee for the MTA by failing or refusing reasonably to accommodate his religious observance, practice, and/or belief of observing the Sabbath from sundown on Friday until sundown on Saturday and by subsequently discharging him from employment. This case was resolved through the entry of a consent decree on October 4, 2005.

United States v. City of Gallup.

On September 29, 2004, we filed a complaint in the United States District Court for the District of New Mexico against the City of Gallup, New Mexico, pursuant to Section 707 of Title VII. The complaint alleged that the City engaged in a pattern or practice of employment discrimination in hiring against American Indians based on race. This case was resolved through the entry of a consent decree on October 27, 2004.

United States v. New York Metropolitan Transportation Authority & New York City Transit Authority.

On September 30, 2004, we filed a complaint in the United States District Court for the Eastern District of New York against the New York Metropolitan Transportation Authority (MTA) and New York City Transit Authority (NYCTA), pursuant to Section 707 of Title VII. The complaint alleged that the MTA and the NYCTA engaged in a pattern or practice of employment discrimination in violation of Section 707 of Title VII against Muslim and Sikh train and bus operators who wear religious head coverings. This case is currently being litigated.

United States v. City of Elsa.

On February 1, 2005, we filed a complaint in the United States District Court for the Southern District of Texas against the City of Elsa, Texas, pursuant to Section 706 of Title VII. The complaint alleged that the City engaged in unlawful employment discrimination by removing the charging party's duties as bailiff and warrant officer because of her sex and by retaliating against three former City employees for filing charges of discrimination as well as for opposing conduct

that they reasonably and in good faith believed to be unlawful under Title VII. This case was resolved through the entry of a consent decree on December 15, 2005.

United States v. Escambia County Board of Education.

On March 1, 2005, we filed a complaint in the United States District Court for the Southern District of Alabama against the Escambia County, Alabama, Board of Education, pursuant to Section 706 of Title VII. The complaint alleged that the Board engaged in unlawful employment discrimination by subjecting the charging party, a female formerly employed as a custodian at one of the Board's schools, to a sexually hostile working environment and by terminating her employment in retaliation for her complaining of what she reasonably believed to be sexual harassment against her. This case was resolved through the entry of a consent decree on August 14, 2006.

United States v. City of Cairo.)

On March 3, 2005, we filed a complaint in the United States District Court for the Southern District of Illinois against the City of Cairo, Illinois, pursuant to Section 706 of Title VII. The complaint alleged that the City engaged in unlawful employment discrimination by subjecting the charging party, a former communications dispatcher in the City's police department, to sexual harassment by her supervisor, the assistant chief of police. This case was resolved through the entry of a consent decree on August 28, 2006.

Colon Ortiz v. International Ethical Laboratories, Inc.

On March 9, 2005, we filed a complaint in the United States District Court for the District of Puerto Rico against International Ethical Laboratories (IEL). The complaint alleged that IEL violated the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) by denying the plaintiff reemployment rights upon his return from military service and by discharging him. This case was resolved through the entry of a consent decree on July 24, 2006.

Goodreau v. Bridgestone/Firestone North America Tire, LLC.

On March 29, 2005, we filed a complaint in the United States District Court for the Middle District of Tennessee against Bridgestone/Firestone North America Tire Co. (Bridgestone). The complaint alleged that Bridgestone violated USERRA by failing to advance the plaintiff on its progressive pay schedule during a period of approximately 15 months during which he was serving on active military duty. This case was resolved through the entry of a consent decree on April 4, 2005.

Villalobos v. Gulfstream Academy of Aeronautics, Inc..

On April 18, 2005, we filed a complaint in the United States District Court for the Southern District of Florida against Gulfstream Academy of Aeronautics, Inc., Thomas L. Cooper,

Thomas P. Cooper, and Mark Ottosen. The complaint alleged that the defendants violated USERRA by denying the plaintiff retention in employment and instead discharging him because of his military service. The plaintiff withdrew his claims and complaint after the lawsuit was filed.

Lincoln v. First Express, Inc..

On May 27, 2005, we filed a complaint in the United States District Court for the District of New Jersey against First Express, Inc. The complaint alleged that First Express violated USERRA by denying the plaintiff prompt reemployment and the wages he would have earned from such prompt reemployment after his completion of active military service in the uniformed services. This case was resolved through the entry of a consent decree on July 28, 2005.

United States v. Weimar Independent School District.

On June 23, 2005, we filed a complaint in the United States District Court for the Southern District of Texas against the Weimar Independent School District (Weimar ISD), pursuant to Section 706 of Title VII. The complaint alleged that Weimar ISD failed to hire the charging party for a high school principal position because of her race. This case was resolved through the entry of a consent decree on June 27, 2005.

United States v. Pontiac, Michigan, Fire Department.

On July 26, 2005, we filed a complaint in the United States District Court for the Eastern District of Michigan against the City of Pontiac, Michigan, pursuant to Section 707 of Title VII. The complaint alleged that the City engaged in a pattern or practice of discrimination on the basis of race and sex by creating and maintaining dual hiring and promotional systems in its Fire Department. More specifically, the complaint alleged that, since 1984, the City has maintained collective bargaining agreements with Local 376, Fire Fighters Union, that require the City to use dual hiring and promotional eligibility lists, with one list including all candidates in rank order and a second list of only "minority" candidates, including women, in rank order. This case was resolved through the entry of a consent decree on September 28, 2006.

Veryzer v. Mills & Murphy Software Systems, Inc..

On August 5, 2005, we filed a complaint in the United States District Court for the Middle District of Florida against Mills & Murphy Software System, Inc. (Mills). The complaint alleged that Mills violated USERRA by terminating the plaintiff's employment due to her active military service in the Georgia Air National Guard and by failing to re-employ her after completion of her active military service. This case was resolved through a settlement agreement on October 13, 2006.

United States v. Indiana Department of Correction.

On August 10, 2005, we filed a complaint in the United States District Court for the Southern District of Indiana against the Indiana Department of Correction (IDOC). The complaint alleged that IDOC violated USERRA when, upon the charging party's return from active military duty, IDOC suspended him from employment, terminated him with loss of pay, seniority, and related benefits, and refused to pay him for the period he was not allowed to work due to his termination. This case was resolved through the entry of a consent decree on August 10, 2005.

United States v. State of Ohio Environmental Protection Agency.

On August 26, 2005, we filed a complaint in the United States District Court for the Southern District of Ohio against the State of Ohio, the Ohio Environmental Protection Agency, and the Ohio Department of Administrative Services, pursuant to Sections 706 and 707 of Title VII. The complaint alleged both a pattern or practice of discrimination and discrimination against the charging party on the basis of religion. This case was resolved through the entry of a consent decree on September 5, 2006.

McCullough v. City of Independence, Missouri.

On October 7, 2005, we filed a complaint in the United States District Court for the Western District of Missouri against the City of Independence, Missouri. The complaint alleged that the City violated USERRA by requiring the plaintiff to provide official military orders or an official memorandum or letter to indicate that he was absent for military purposes, suspending him from employment, placing him on a six month probationary period, refusing to pay McCullough for the period he was not allowed to work due to his suspension, and failing and refusing to clear his personnel file of wrongdoing in the matter. This case was resolved through the entry of a consent decree on December 26, 2005.

White v. SOG Specialty Knives.

On October 27, 2005, we filed a complaint in the United States District Court for the Western District of Missouri alleging that S.O.G. Specialty Knives (SSK) violated USERRA (1) by considering the plaintiff's military service and deployment to Iraq as motivating factors in SSK's decision to immediately discharge him from his position; (2) by reemploying the plaintiff upon his return from active duty in a position that was not of like seniority, status, and pay, the duties of which the plaintiff was qualified to perform; and (3) by discharging the plaintiff, within one year of his reemployment, without cause. This case was resolved through the entry of a consent decree on November 2, 2005.

Woodall, McMahon & Madison v. American Airlines.

On January 12, 2006, we filed a class-action complaint in the United States District Court for the Northern District of Texas against American Airlines, Inc., alleging violations of USERRA. This lawsuit is the first class-action complaint filed by the United States under USERRA. The complaint charges that American Airlines violated USERRA by denying pilots employment benefits during their military service.

The complaint alleged that American Airlines conducted an audit of the leave taken for military service by its pilots in 2001. The complaint further alleged that based on the results of that audit, American Airlines reduced the employment benefits of those of its pilots who had taken military leave, while not reducing the same benefits of those of its pilots who had taken similar types of non-military leave. This case is currently being litigated.

United States v. Southern Illinois University.

On February 8, 2006, we filed a complaint in the United States District Court for the Southern District of Illinois against Southern Illinois University (SIU) pursuant to Section 707 of Title VII. The complaint alleged that SIU violated Title VII by maintaining three paid graduate fellowship programs that were open only to students who either were of a specified race or national origin or were female. Participants in these programs were employed by SIU as part of the fellowship. While denying that it violated Title VII, SIU admitted that it limited eligibility for and participation in the paid fellowship programs on the basis of race and sex. This case was resolved through the entry of a consent decree on February 9, 2006.

U.S. v. Langston University.

On February 24, 2006, we filed a complaint in the United States District Court for the Western District of Oklahoma against Langston University pursuant to Section 706 of Title VII. The complaint alleged that Langston University violated Title VII by paying the plaintiff less than comparably situated faculty members at the University due to her race. This case was resolved through the entry of a consent decree on February 27, 2006.

Bower v. Roadway Express.

On March 1, 2006, the Division filed a complaint in the United States District Court for the District of Oregon on behalf of the plaintiff against Roadway Express, Inc. (Roadway), alleging violations of USERRA. The complaint alleged that Roadway willfully violated USERRA when it refused to reinstate and reasonably accommodate the plaintiff upon his return from active military service in the United States Army. The complaint sought declaratory relief, reinstatement, and back pay. This case was resolved through a settlement agreement on November 3, 2006.

United States v. Alcalde De Vega Alta.

On March 21, 2006, we filed a complaint against the Municipio de Vega Alta, Puerto Rico, in the United States District Court for the District of Puerto Rico, pursuant to Section 706 of Title VII. The complaint alleges that Vega Alta, in its police department, engaged in gender discrimination and retaliation in violation of Title VII of the Civil Rights Act, as amended, by excluding females from regular police officer duties. The duties from which females were excluded include driving patrol cars and other motorized vehicles, conducting investigations commensurate with their previous work experience, and working as shift supervisors. The

complaint further alleges that the female officers were assigned instead to clerical, dispatch, and school guard duties because of their sex. The complaint also alleged that Vega Alta retaliated against a male police officer because he participated in the EEOC investigation of a charge or charges filed by one or more of the affected female police officers. This case is being litigated.

United States v. City of Virginia Beach.

On April 3, 2006, we filed a complaint in the United States District Court for the Eastern District of Virginia against the City of Virginia Beach, Virginia, pursuant to Section 707 of Title VII. The complaint alleges that the City engaged in a pattern or practice of discrimination on the basis of race and national origin by screening applicants for entry-level police officer positions in a manner that had an unlawful disparate impact on African-American and Hispanic applicants. This case was resolved through the entry of a consent decree on July 24, 2006.

United States v. City of Chesapeake.

On July 24, 2006, we filed a complaint in the United States District Court for the Eastern District of Virginia against the City of Chesapeake, Virginia, pursuant to Section 707 of Title VII. The complaint alleges that the City engaged in a pattern or practice of discrimination on the basis of race and national origin by screening applicants for entry-level police officer positions in a manner that has an unlawful disparate impact on African-American and Hispanic applicants. On June 15, 2007, the court provisionally entered a consent decree in the City of Chesapeake litigation. Under the decree, the City will create a fund to provide back pay to African-American and Hispanic applicants who were denied employment solely because of the City's use of a math test as a pass/fail screening device. The City also will provide priority job offers for African-American and Hispanic applicants who are currently qualified for the entry-level police officer job but were screened out solely because of their performance on the math test. The City will provide retroactive seniority to such hires when they complete the training academy. In addition, the City agreed that, while it will still use scores on the mathematics test in combination with applicants' scores on other tests, it will not prospectively use the mathematics test as a stand alone pass/fail screening device.

United States v. San Antonio.

On September 29, 2006, we filed a complaint in the United States District Court for the Western District of Texas against the City of San Antonio, Texas, pursuant to Section 706 of Title VII. The complaint alleges that the city unlawfully discriminated against a detective on the basis of her sex in violation of Title VII of the Civil Rights Act of 1964 when the city's police department forced her to take a light-duty position under the department's mandatory maternity light-duty policy, despite the detective's ability to perform her job in her full-duty capacity. This case is currently being litigated.

United States v. Board of Directors of Tallahassee Community College.

On November 2, 2006, we filed a complaint in the United States District Court for the Northern District of Florida against the Board of Directors of Tallahassee Community College pursuant to Section 706 of Title VII. In our complaint, we alleged that the defendant discriminated against the charging party on the basis of his race when he was not promoted to a particular position. This case was resolved through the entry of a consent decree on November 7, 2006.

Donelan v. City of Highland Heights.

On December 21, 2006, the Division filed a complaint on behalf of the plaintiff in the United States District Court for the Eastern District of Kentucky, alleging that his employment as a patrol officer with the City of Highland Heights was terminated in violation of USERRA. The complaint alleged that, from the time the plaintiff informed the police chief that he was considering joining the U.S. Air Force Reserve through the time his employment was terminated, the chief discriminated against the plaintiff by making hostile remarks about the plaintiff's military service and subjecting him to hostile actions. The complaint also alleged that the chief terminated the plaintiff's employment without just cause shortly after the plaintiff returned from military training. This case is currently being litigated.

Ellias v. Scoggins.

On January 27, 2007, we filed on behalf of Samuel Ellias a complaint against Don Scoggins d/b/a/ Five Star Janitorial Supply. The complaint alleged that Five Star, in violation of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), had wrongly discharged Ellias from his job as a Five Star sales representative in response to his request for leave to attend training for his position in the Louisiana National Guard. The case was resolved through the entry of a consent decree on January 31, 2007.

United States v. Hayti Heights.

On February 16, 2007, we filed a complaint under section 706 of Title VII of the Civil Rights Act of 1964, as amended, (Title VII) against the City of Hayti Heights, Missouri, alleging that the City violated Title VII by discriminating against Johnnie Small, including by discharging her because of her sex. This case is currently being litigated.

United States v. New York City and New York Department of Transportation.

On March 12, 2007, suit was filed under Section 707 of Title VII alleging that the defendants have engaged in a pattern or practice of employment discrimination against women on the basis of sex in hiring for the position of bridge painter. According to the complaint, the defendants employ approximately 100 individuals as bridge painters but they have never hired, extended an offer to, or employed a woman in that position. This suit is being handled by the United States Attorney's office for the Southern District of New York.

United States v. New York City Department of Correctional Services.

On March 15, 2007, suit was filed in under Section 707 of Title VII alleging that the defendant has engaged in a pattern or practice of employment discrimination on the basis of religion by failing or refusing reasonably to accommodate those uniformed security personnel who are unable to comply with the defendant's uniform or grooming requirements because of their religious observances, practices, and/or beliefs. The suit is being handled by the United States Attorney's office for the Southern District of New York.

McKeage v. Town of Stewartstown.

On March 27, 2007, suit was filed on behalf of New Hampshire National Guardsman Brendon McKeage, alleging violations of USERRA. McKeage was employed by the Town of Stewartstown as a part-time police chief before being deployed with his National Guard unit in Iraq. McKeage's complaint alleged that upon his return from Iraq, Stewartstown unlawfully denied him reemployment and discriminated against him in violation of USERRA because of his decision to fulfill his military obligation. This case was resolved through entry of a consent decree on March 28, 2007.

Earl G. Brantner v. Total Logistic Control, Inc.

On April 4, 2007, the Department of Justice filed suit on behalf of Earl G. Brantner against Total Logistic Control, alleging that TLC violated USERRA by discharging Brantner and by denying him reemployment because he attended military training relating to his service in the California Air National Guard. On May 15, 2007, the judge entered a consent decree resolving the matter.

United States v. Ville Platte.

On May 1, 2007, we filed suit against the City of Ville Platte, Louisiana, under section 706 of Title VII of the Civil Rights Act of 1964, as amended, alleging discrimination on the basis of pregnancy. At the same time as the complaint was filed, we submitted to the court for approval and entry of a consent decree agreed to between the parties in resolution of the suit.

United States v. City of New York.

On May 21, 2007, we filed suit alleging that, since 1999, the City of New York has engaged in a pattern or practice of discrimination against black and Hispanic applicants for the position of entry-level firefighter in the Fire Department of the City of New York (FDNY) in violation of Title VII. Specifically, the complaint alleged that the City's use of two written examinations as pass/fail screening devices and the City's rank-order processing of applicants from its firefighter eligibility lists based on applicants' scores on the written examinations (in combination with scores on a physical performance test) have resulted in disparate impact against black and Hispanic applicants and are not job related and consistent with business necessity. The complaint was filed pursuant to Sections 706 and 707 of Title VII, and was expanded to include discrimination against Hispanics as a result of the Division's investigation.

United States v. Village of Woodmere.

On May 25, 2007, the Division filed a lawsuit against the Village of Woodmere (Woodmere), Ohio, alleging that Woodmere discriminated against former Woodmere police officers Amy Mengay and Timothy Ellis on the basis of their race in violation of § 706 of Title VII of the Civil Rights Act of 1964, as amended.

United States v. City of Indianapolis.

On July 11, 2007, we filed suit alleging that the City of Indianapolis violated Title VII of the Civil Rights Act of 1964, as amended, by discriminating on the basis of race and/or sex against eight charging parties and similarly situated police officers who sought promotions to the merit ranks of Sergeant or Lieutenant. The enforcement action resulted from eight charges of discrimination, as well as class allegations, referred to the Department of Justice with cause determinations by the Equal Employment Opportunity Commission (EEOC). The complaint alleges that the charging parties and similarly situated police officers were discriminated against on the basis of race and/or sex with respect to promotions to Sergeant in 2005, and on the basis of sex with respect to promotions to Lieutenant in 2005.

United States v. Robertson Fire Protection District.

On July 18, 2007, we filed suit against Robertson Fire Protection District (Robertson FPD) under Section 706 of Title VII, alleging that Robertson FPD discriminated against African-American former employees, Ephraim Woods, Jr., and Lamont Downer, on the basis of their race and in retaliation for engaging in protected activity when they were demoted from fire inspector to firefighter in March 2004.

United States v. University of North Carolina.

On August 7, 2007, we filed a complaint alleging that the University of North Carolina, at its component institution North Carolina Agricultural and Technical State University (North Carolina A&T), violated Title VII of the Civil Rights Act of 1964, as amended, by discriminating against employee Tasha Murray and former employee Mattie Smith because of their sex. Our complaint alleges that North Carolina A&T discriminated against Murray and Smith by subjecting them to sexual harassment that created a hostile work environment and failing to take appropriate action to remedy the discrimination while they were employed in the Department of Police and Public Safety at North Carolina A&T.

Bernard Woodruff v. DTI & Associates, Inc.

On August 7, 2007, we filed a complaint on behalf of Bernard Woodruff against DTI & Associates, Inc., alleging violations of the Uniformed Services Employment and Reemployment Rights Act of 1994. The complaint alleges that DTI failed to reemploy Woodruff, a Navy reservist, when he returned from a period of active duty. The complaint seeks reinstatement of the veteran together with back wages, interest, and remedial measures.

United States v. Spartanburg County.

On August 13, 2007, we filed a complaint alleging that Spartanburg County, violated Title VII of the Civil Rights Act of 1964, as amended, by discriminating against former employee Jennifer Fowler because of her sex. Our complaint alleges that the county discriminated against Ms. Fowler by subjecting her to sexual harassment that created a hostile work environment and by failing to take appropriate action to remedy the discrimination while she was employed in the Roads and Bridges Department.

United States v. Palm Beach County.

On August 27, 2007, we filed a complaint alleging that Palm Beach County discriminated against William Stewart in violation of section 706 of Title VII of the Civil Rights Act of 1964, when it failed to provide him with an accommodation for his religious observance, practice, and/or belief of attending Church and refraining from work on Sundays. At the same time as the complaint was filed, we submitted to the court and the court approved the entry of a consent decree agreed to between the parties in resolution of the suit.

Jared Caldwell v. Acme Towing.

On September 24, 2007, we filed a complaint alleging that Acme Towing, Inc. violated the Uniformed Services Employment and Reemployment Rights Act of 1994 by demoting Mr. Caldwell from a supervisory position and then terminating his employment due to his active military service in the United States Army Reserve. The complaint seeks back pay and prejudgment interest.