

**Responses to  
Questions for Grace Young Chung Becker  
Assistant Attorney General for the Civil Rights Division, Department of Justice  
From Senator Specter**

Ms. Becker, I recently sent a letter to Secretary of Education Margaret Spellings (and copied you) regarding anti-Semitism on college campuses. As the letter details, I am concerned with the spread of anti-Semitism on college campuses and the Department of Education's apparent change in policy concerning the jurisdiction of the Department of Education's Office of Civil Rights to pursue claims alleging harassment of Jewish students. I have attached the letter for your convenience. I would appreciate hearing your thoughts on the letter.

1. Does the Department of Justice's Civil Rights Division regularly interact with the Department of Education's Office of Civil Rights (OCR)? Please describe the extent of these interactions, including any recent enforcement actions taken as a result of OCR referrals.

**Answer:** The Civil Rights Division has regular interactions with the Department of Education's Office of Civil Rights (OCR). These occur primarily through the Division's Educational Opportunities Section (EOS), Disability Rights Section (DRS), and Coordination and Review Section (COR). EOS coordinates with OCR on many of its cases, particularly those involving school districts operating under a desegregation court order, and meets regularly with OCR on English Language Learner issues. DRS coordinates with OCR on matters involving Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. Although the Division has not received any recent referrals from OCR on educational issues, the following is a Title II case that was referred to DRS by OCR and was recently resolved through a consent decree. *Paralyzed Veterans of America and United States v. University of Michigan, et al.*, C.A. No. 07-11702 (E.D. Mich.), involves allegations that the University of Michigan's stadium is not accessible to persons with disabilities. In addition, COR routinely interacts with OCR, which is a member of the Federal Interagency Working Group on Limited English Proficiency (LEP), an organization organized and chaired by COR comprising approximately 40 federal agencies that meet periodically to discuss LEP issues and to develop resources. COR and OCR also have worked closely on Title IX issues.

2. Is it the Justice Department's view that Title VI of the Civil Rights Act of 1964 does not apply to harassment of Jewish students on college campuses?

**Answer:** To the best of my knowledge, the Department of Justice has not taken any position on whether Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on "race, color, or national origin" but not religion, would apply to harassment of Jewish students on college campuses. I understand that the Department of Education, in a letter to you dated April 2, 2008, has taken the position that in some cases, discrimination on the basis of race, color, or national origin may involve religious discrimination as well. I also note that Title IV of the Civil Rights Act of 1964 explicitly prohibits discrimination on the basis of religion and that the Civil Rights Division has initiated numerous investigations on behalf of Jewish students under this statute.

3. What actions does the Justice Department take to ensure that students of all religions are able to learn and study in an environment free from harassment?

**Answer:** I am committed to the principle that all students should be able to learn in an environment free of harassment. The Civil Rights Division's Educational Opportunities Section investigates incidents of harassment in public education and brings lawsuits where appropriate. For example, in 2005, the Division settled a case with the Cape Henlopen, Delaware, School District over harassment of a Muslim elementary school student by a teacher and other students.

The Division also has engaged in extensive educational efforts regarding religious discrimination and harassment. The Division has distributed a pamphlet entitled *Protecting the Religious Freedom of All: Federal Laws Against Religious Discrimination* widely to civil rights and religious organizations. This pamphlet describes the Division's Title IV enforcement jurisdiction and includes examples of types of discrimination that may be covered, including an example of harassment based on religion. In February 2007, the Department launched a new initiative, entitled *The First Freedom Project*, to increase enforcement of laws protecting against religious discrimination and religious bias crimes, and other laws protecting religious freedom enforced by the Department. The initiative includes a new website, [www.FirstFreedom.gov](http://www.FirstFreedom.gov), which includes a section on discrimination in education, and a series of seminars, at which I have spoken.

It is my understanding that other Department components also have taken actions to ensure that students of all religions are able to learn in an environment free from harassment. For example, the Department's Community Relations Service (CRS) actively works to reduce tensions and prevent violence in school stemming from disputes over issues of race, color, and national origin. CRS has created a program called SPIRIT, which stands for Student Problem Identification and Resolution of Issues Together. This innovative program recognizes the value of student participation in solving racial conflict. Bringing together students, administrators, teachers, and parents, SPIRIT programs help to identify issues that are perpetuating conflict and seeks to develop solutions. As part of the program, school administrators and staff select student leaders to help guide the program. Since its inception, SPIRIT programs have been conducted in hundreds of schools across the country and have been integral in preventing violence and conflict in areas with changing demographic populations.