

Testimony of

The Honorable Ralph F. Boyd, Jr.

May 21, 2002

Mr. Chairman, Ranking Republican member Hatch, and members of the Committee:

I would like to thank the Committee for inviting me to discuss the important work of the Civil Rights Division. I appreciate this opportunity to let you know what the Division has accomplished, answer your questions about our work, and listen to your concerns and thoughts about what I believe has been our thoughtful and vigorous enforcement of the civil rights laws. I also want to thank your respective staffs for the courtesies they have extended me in our meetings prior to this hearing.

Let me begin by expressing what a privilege it is to serve as the Assistant Attorney General for the Civil Rights Division. The statutes enforced by the Civil Rights Division reflect some of America's highest aspirations: to become a society that provides equal justice under law; to become a society that effectively protects the most vulnerable among us; and to become a society whose citizens not only protect their own individual freedom and liberty - but champion the individual freedom and liberty of their neighbors who may be different from them. As William Jennings Bryan once said, "Anglo-Saxon civilization has taught the individual to protect his own rights; American civilization will teach him to respect the rights of others." And while the very need to enforce the civil rights statutes confirms that we have not yet achieved a society that is free from the conduct these statutes prohibit, there is no doubt in my mind that America is better off for making the journey, and I am therefore privileged, honored, and indeed humbled to be charged with the awesome responsibility of civil rights enforcement at the Department of Justice.

When I agreed to serve as Assistant Attorney General, I came to the job as a professional prosecutor and litigator by training and experience, and it is from that perspective that I report to you on the work and accomplishments of the Civil Rights Division. Before I comment on the substantive enforcement of the civil rights statutes, I note that one of the jobs of the Department of Justice, and therefore the Civil Rights Division, is to defend Acts of Congress from constitutional challenge wherever a reasonable defense can be made. With this in mind, the Civil Rights Division, mainly through the efforts of our Appellate Section, has been vigorously defending anti-discrimination statutes by repeatedly intervening in cases where constitutional questions are raised, and this effort has been largely successful. For example, the Division has defended 11th Amendment challenges to Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Individuals with Disabilities Education Act, the Equal Pay Act, and Section 504 of the Rehabilitation Act of 1973, and has been, with limited exceptions, very successful in this important endeavor. Although these types of cases do not generate a great deal of publicity, I mention them first because their impact is so significant. Individual cases may be won or lost, but litigation over the constitutionality of federal civil rights statutes goes to the fundamental question of whether victims of discrimination will be able to

seek relief in court. I am gratified to report that the tools Congress has provided remain largely intact.

As for substantive enforcement, let me first speak generally and say that the work of the Division goes forward carefully, but aggressively. I recall during the confirmation process that many Senators' written questions sought assurances that certain statutes would continue to be enforced. I told you then that I was committed to vigorous enforcement of the law, and I feel very comfortable telling you today that the Division is doing just that.

TAKING A COOPERATIVE APPROACH TOWARD POLICE DEPARTMENT REFORM

I think that the Civil Rights Division's enforcement of Section 14141 of Title 42 of the United States Code, the statute that grants the Department of Justice the authority to investigate State and local law enforcement agencies that are alleged to have engaged in a pattern or practice of unconstitutional conduct, provides a particular success story in this regard. Last April, the City of Cincinnati, Ohio was literally and figuratively smoldering in the wake of riots touched off by community reaction to a number of controversial police shootings. One year later, Attorney General Ashcroft presided over the signing ceremony for an agreement between the Department of Justice and the City of Cincinnati that implemented significant reforms with respect to uses of force by the Cincinnati Police Department. Moreover, by engaging in a collaborative negotiation process with the City, the police, and community groups, the Department of Justice agreement will be jointly monitored and enforced along with a separate agreement among the community groups and the City. This unique and historic arrangement achieved real reform without the need for protracted litigation or a consent decree. It reflected our desire to help fix the problems in Cincinnati, not fix the blame. It was supported by groups as diverse as the Cincinnati Black United Front, the ACLU of Ohio, the Fraternal Order of Police, the Cincinnati branch of the NAACP, and the Urban League of Greater Cincinnati.

Cincinnati is not an isolated case. Since the statute was passed in 1994, there have been seven settlement agreements or decrees entered pursuant to Section 14141. Three of those settlements have been achieved during this Administration. Moreover, the Division has commenced active investigations in Portland, Maine and Schenectady, New York, and preliminary inquiries are underway in several South Florida jurisdictions. In sum, the Division's enforcement efforts with respect to this statute - led by its Special Litigation Section - have been thoughtful, focused, and vigorous, and the overwhelmingly favorable results we have achieved bear this out.

COMBATING CRIMINAL DEPRIVATIONS OF CIVIL RIGHTS

As a former federal criminal prosecutor, I really enjoy being able to convey the successes of our Civil Rights Division's Criminal Section. The Criminal Section of the Civil Rights Division prosecutes criminal civil rights violations, including bias-motivated crimes, police and other official misconduct, and human trafficking and involuntary servitude, among other things. From October 2000 to February 2002, the Division filed cases against 218 defendants for criminal civil rights violations. Of those, nearly 200 defendants were either convicted at trial or pleaded guilty. During that period the Division secured convictions in every prosecution involving non-law enforcement personnel, and in 80% of the cases involving police or other official misconduct. Prosecution of State and local officials who abuse their positions of authority continues to be a

priority for the Division. Since October 2000, 114 law enforcement officials have been charged for using their positions to deprive local citizens of constitutional rights. The number of officers charged in fiscal 2001 is the most ever in a single year - and a 50% increase over the previous fiscal year.

The investigation and prosecution of bias-motivated crimes is also a top priority. Over the last year we have made clear that the Department will not tolerate violence or other crimes driven by racism or religious discrimination. Since October 2000, the Division has filed 34 cases charging 49 defendants with racial violence ranging from shootings and assaults to cross-burnings and arson. Moreover, in the wake of the tragic events of September 11, 2001, the Division immediately responded to the upsurge in backlash violence and threats.

PROSECUTING ACTS OF DISCRIMINATORY BACKLASH AND ENGAGING IN COMMUNITY OUTREACH FOLLOWING SEPTEMBER 11 ATTACKS

Since September 11, the Civil Rights Division has been involved in the investigation and prosecution of alleged incidents involving violence or threats against individuals perceived to be of Middle-Eastern origin, including Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans. The Division has also been involved in outreach efforts to provide individuals and organizations information about government services.

With respect to the investigation and prosecution of alleged incidents involving violence or threats, the Civil Rights Division, the Federal Bureau of Investigation, and United States Attorneys' offices have investigated approximately 350 such incidents since September 11. The incidents have consisted of telephone, internet, mail, and face-to-face threats; minor assaults as well as assaults with dangerous weapons and assaults resulting in serious injury and death; and vandalism, shootings, and bombings directed at homes, businesses, and places of worship.

Several experienced attorneys in the Civil Rights Division's Criminal Section have been tasked to review all new allegations and to monitor those investigations that are opened to ensure uniform decision-making in the initiation of federal investigations and prosecutions and to optimize resource allocation. Approximately 70 State and local criminal prosecutions have been initiated against approximately 80 subjects, many after coordination between federal and local prosecutors and investigators. Federal charges have been brought in ten cases, and the Civil Rights Division and United States Attorneys' offices are working together on those cases. A few examples are as follows:

(1) On February 14, 2002, the United States Attorney's Office for the District of Massachusetts filed a criminal information against a suspect under 18 U.S.C. 245 for placing a telephone call to an Arab-American man and threatening to kill him and his children.

(2) On December 12, 2001, the United States Attorney's Office for the Central District of California filed a criminal complaint against Irving David Rubin and Earl Leslie Krugel under 18 U.S.C. 371, 844, and 924 for conspiring to damage and destroy, by means of an explosive, the King Fahd mosque and for possessing an explosive bomb to carry out the conspiracy. On January 10, 2002, Rubin and Krugel were indicted under 18 U.S.C. 371, 2332, 844, 924, 373, 922, and 5861, which additionally included charges related to the defendants' alleged attempt to damage

and destroy, by means of an explosive, the office of the Muslim Public Affairs Council and the district office of United States Representative Darrell Issa.

(3) On September 26, 2001, the United States Attorney's Office for the Western District of Washington indicted Patrick Cunningham under 18 U.S.C. 844, 247, and 924 for shooting at two Islamic worshipers and for dousing two cars with gasoline in an attempt to ignite them and cause an explosion that would damage or destroy the Islamic Idriss Mosque. Cunningham pled guilty to two counts on May 9, 2002, and faces a mandatory minimum of 5 years in prison and a maximum of life in prison.

In addition, the Civil Rights Division and the United States Attorney's offices continue to coordinate with local prosecutors in instances where cases are being prosecuted locally - and where there are also potential federal crimes that have not been charged - to consider whether plea bargains can resolve both local and federal criminal liability.

We are pleased to note that cooperation between federal agents and local law enforcement officers and between Justice Department prosecutors and local prosecutors has been outstanding. This is a testament to local law enforcement nationwide, which has shown the willingness to, and which has largely been given the legal and financial resources to, investigate and prosecute vigorously alleged bias-motivated crimes against individuals perceived to be of Middle-Eastern origin, including Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans. The Department is aware that, in rare instances, local authorities may not have the tools or the will to prosecute a particular bias-motivated crime fully. In those rare instances, the Department will be prepared to initiate federal proceedings, if appropriate.

America is well-served by our partners in State and local law enforcement. If the post-September 11 alleged incidents of backlash violence were a test of local efforts to prosecute bias-motivated crimes, local law enforcement passed with flying colors.

With respect to community outreach, I have directed the Civil Rights Division's National Origin Working Group (NOWG) to help combat the post-September 11 discriminatory backlash by referring allegations of discrimination to the appropriate authorities and by conducting outreach to vulnerable communities to provide information about government services. The NOWG, which existed before the September 11 terrorist attacks, was created to combat discrimination: (1) by receiving reports of violations based on national origin, citizenship status, and religion, including those related to housing, education, employment, access to government services, and law enforcement, and referring them to the appropriate federal authorities; (2) by conducting outreach to vulnerable communities; and (3) by working with other components within the Department of Justice and with other federal agencies to ensure accurate referrals, productive outreach, and the effective provision of services to victims of civil-rights violations and by coordinating efforts to combat the discriminatory backlash with other Department of Justice components and other federal agencies.

Since September 11, I have spoken out against violence and threats against individuals perceived to be of a certain race, religion, or national origin and have met frequently with leaders of Arab-American, Muslim-American, Sikh-American, and South-Asian American organizations. My first such meeting occurred on September 13, 2001, the same day I issued a statement that "[a]ny

threats of violence or discrimination against Arab or Muslim Americans or Americans of South Asian descents are not just wrong and un-American, but also are unlawful and will be treated as such." Among the attendees at this meeting were James Zogby, President, Arab American Institute; George Salem, Chairman, Arab American Institute; and Dr. Ziad Asali, President, Arab-American Anti-Discrimination Committee. Since that time, I have met with and spoken to various groups on numerous occasions to listen to the concerns of minority communities and to explain the Department's efforts in combating crimes of discriminatory backlash.

AGGRESSIVELY PROSECUTING ACTS OF HUMAN TRAFFICKING

Another criminal enforcement priority of the Civil Rights Division is to establish appropriate mechanisms to enhance our ability to prosecute those who engage in the despicable act of trafficking in persons. Even while these mechanisms are being developed, our attorneys are aggressively prosecuting these cases. Using the additional tools provided by the Trafficking Victims Protection Act passed by Congress in 2000, the Civil Rights Division and United States Attorneys' offices have jointly prosecuted dozens of traffickers and helped hundreds of trafficking victims over the past year.

To provide one example, a Maryland couple lured a fourteen-year old girl from Cameroon with promises of an American education, only to enslave her as a domestic servant in their home for three years. They kept her under their power through physical violence and threats of deportation, and she was sexually assaulted. Ultimately, she ran away with the help of a good Samaritan. A call to our human trafficking complaint line led to a federal involuntary servitude prosecution. About eight weeks ago, the couple was sentenced to nine years in prison and ordered to pay the girl over \$100,000 in restitution.

Using the new prosecutorial tools provided by the Act, we prosecuted 34 defendants for human trafficking in 2001 -- roughly quadrupling the number prosecuted in 2000. The Division currently has approximately 100 pending trafficking investigations, which represent nearly a 50% increase from a year before.

IMPLEMENTING THE PRESIDENT'S NEW FREEDOM INITIATIVE AND EXECUTIVE ORDER 13217

The Civil Rights Division is especially focused on initiatives of the President and the Attorney General. On February 1, 2001, the President announced the New Freedom Initiative to assist Americans with disabilities by increasing access to assistive technologies, expanding educational opportunities, increasing the ability of Americans with disabilities to integrate into the workforce, and promoting increased access to daily community life. The Civil Rights Division has been an active participant in this Initiative, led by the Disability Rights Section, the Division's largest section and one of its most active. These dedicated attorneys have accomplished a great deal recently and many of their victories are not just for individuals, but for the disabled community that is afforded greater access through the relief the Section obtains. For example, through "Project Civic Access," the Section reached agreements, which were announced in January 2002, with 21 jurisdictions requiring them to ensure that their public facilities (e.g., courthouses, libraries, polling places, and parks) are accessible to people with disabilities, as required by the Americans with Disabilities Act ("ADA"). The Section has also

negotiated: (1) a comprehensive settlement agreement with New York-New York Hotel and Casino to provide accessibility throughout its Las Vegas facility; (2) an agreement with one of the nation's largest theater chains to modify its design for newly-constructed stadium-style theaters to provide people with disabilities meaningful access; and (3) an agreement with a large resort and campground owner and operator that will require policy changes allowing persons with service animals to use the facilities, the nationwide training of all employees, and compensatory damages for prior discrimination.

In addition to these notable achievements, the Disability Rights Section has also initiated a broader initiative called the "ADA Business Connection Project." This business initiative seeks to facilitate increased compliance with the ADA by fostering a better understanding of ADA requirements among the business community and by increasing dialogue, understanding, and cooperation between the business community and the disability community. The project features a new ADA Business Connection web destination on the Section's ADA Website providing easy access to information of interest to businesses and a new series of ADA Business Briefs that are designed to be easily printed from the website for direct distribution to a company's employees or contractors.

An essential part of this initiative is a series of meetings between the disability and business communities, which represent collaborative efforts to discuss how the disability community and business leaders can work together to make the promise of the ADA a reality. The kick-off meeting in January 2002 raised many issues that can be addressed through collaboration and dialogue. For example, one hotel company has approached a graduate business school about including an instructional module on serving guests with disabilities in the school's hotel curriculum. At our upcoming meeting, which is scheduled for June 26, we expect to explore ways of ensuring adequate staff training about the ADA and people with disabilities in service industries that typically suffer from high staff turnover. We are also planning a series of meetings at several cities around the country to foster dialogue between businesses and disability groups in those cities regarding ADA compliance and market development opportunities for business.

Both Project Civic Access and the ADA Business Connection program are integral parts of the President's New Freedom Initiative. In addition to these two projects, we are working with State and local governments to implement Executive Order 13217 and the 1999 *Olmstead v. L.C.* United States Supreme Court decision, which requires States to place individuals with disabilities in community settings rather than institutions, where placement is appropriate and reasonable, in order to provide them with greater access to community life. Thus, we are developing a technical assistance document designed to assist States in implementing their responsibilities under Title II of the ADA, including those addressed in the *Olmstead* decision.

In addition, we hope to increase our outreach and education efforts to parents and other family members of people currently residing in institutions, those on the verge of institutionalization, and professionals treating those persons. By doing so, we hope to assist family members in understanding the benefits of community placement and to address some treating professionals' unfamiliarity with community placement alternatives, thereby reducing the likelihood that persons with disabilities who can be placed in community settings will be unnecessarily institutionalized.

ENFORCING THE VOTING RIGHTS ACT OF 1965 AND IMPLEMENTING THE ATTORNEY GENERAL'S VOTING RIGHTS INITIATIVE

In March 2001, the Attorney General announced the Voting Rights Initiative to ensure that American voters are neither disenfranchised nor defrauded. The initiative focuses on two main areas of concern: preventing abuses of voting rights and prosecuting abuses of voting rights.

The Voting Section enforces the Voting Rights Act of 1965 and has been incredibly busy, as is traditional following a census. In the past year, the majority of the Section's enforcement of the Voting Rights Act has been in the areas of Section 5 enforcement, Section 2 enforcement, and the use of Federal observers in covered jurisdictions to ensure compliance with the Act.

Since last February, the Section has received 6,683 Section 5 submissions containing 21,163 changes, of which 1,771 were redistricting plans. The Division has precleared 1,222 of the redistricting plans. We have interposed objections to six redistricting plans, six changes in the form of government, and one cancellation of an election.

In addition, the Section has represented the Attorney General in two suits for a declaratory judgment under Section 5 of the Voting Rights Act (filed by Georgia and Louisiana). The Department recently prevailed in the Georgia litigation: on April 5, 2002, the United States District Court for the District of Columbia issued its decision, adopting the Department's position and invalidating Georgia's State Senate plan. The Louisiana case is still at the pretrial stage. The Section is also pursuing several suits under Section 2 of the Voting Rights Act, which prohibits dilution of minority voting strength. Litigation is pending, at various stages, against Charleston County, South Carolina; the San Gabriel Water District in California; and Alamosa County, Colorado. Another accomplishment is a settlement in *United States v. Lawrence*, a Section 2 lawsuit brought to protect the voting rights of Hispanic voters. The agreement was approved by a federal court on February 27, 2002.

The Attorney General has allocated additional attorney slots to the Voting Section of the Civil Rights Division and has announced the creation of a position devoted to addressing issues of election reform. The Attorney General has now appointed a Senior Counsel for Election Reform, Mark Metcalf, who is assisted by two career attorneys. These attorneys monitor and review State and federal election reform proposals. Investigations are also continuing in several matters related to the 2000 Presidential election.

PROTECTING THE RIGHTS OF INSTITUTIONALIZED PERSONS

Another example of vigorous enforcement by the Division is our enforcement of the Civil Rights of Institutionalized Persons Act or "CRIPA." This statute authorizes the Civil Rights Division to investigate State-run nursing homes, prisons, and juvenile facilities when credible allegations of systematic serious or flagrant violations of constitutional standards or, in some cases, federal law, arise. Although CRIPA work is very rarely high profile, it is among the most important work that we do. The Senate Special Committee on Aging's hearings on March 4, 2002 made clear the importance of safeguarding the safety and health of senior citizens in nursing homes. CRIPA investigations can literally address life and death issues in nursing homes and juvenile facilities, and the population protected by the statute are among society's most vulnerable - the elderly, the

mentally disabled, victims of abuse, and children. This Administration has authorized investigations of 24 facilities under CRIPA, and I have personally authorized 18 such investigations since I arrived at the Department late last July. In the past seven months alone, the Division has conducted 57 tours of nursing homes, juvenile facilities, mental health facilities, and correctional institutions. By way of comparison, the Division initiated CRIPA investigations of only 15 facilities in fiscal years 1999 and 2000 combined. Moreover, the Special Litigation Section, which is charged with enforcing this statute, is hiring to fill attorney positions that have been added to pursue these cases, so I expect to continue to be able devote the resources necessary to continue to enforce this important statute.

CLOSING THE EDUCATION GAP

The work of the Division's Educational Opportunities Section is notable for several recent major accomplishments. First, the Section helped to resolve the longstanding Yonkers, New York elementary and secondary education desegregation case. The settlement resolves outstanding issues concerning State liability, restores control of the district to the local school board, and provides \$300 million to the school district to use for educational and remedial programs over the next five years. These programs are intended to help narrow the "achievement gap" between disadvantaged and other students.

The Section also achieved another major victory through the settlement of the Mississippi higher education desegregation case, which was approved by the court and will be of significant enduring benefit to many disadvantaged and other students in Mississippi. Under the agreement, the State will provide approximately \$500 million to improve education at the State's historically-black public four-year colleges and increase access for minority students to the State's other colleges. As part of the relief, the historically-black colleges will implement new programs, be provided funds to enhance facilities, and will receive funds to create and enhance existing endowments.

Other notable achievements in safeguarding educational opportunities for all students include: (1) successfully litigating a Title IX case against the Michigan High School Athletic Association ("MHSAA") and obtaining a court order that requires MHSAA to develop a plan to ensure equal opportunity for girls in high school sports; (2) obtaining a favorable settlement in ten cases regarding the desegregation of several of Alabama's junior colleges and trade schools; (3) working with parties in longstanding desegregation cases to ensure that requests for unitary status were properly evaluated, and agreeing to unitary status in several cases where our efforts helped achieve unitary school systems; and (4) opening preliminary inquiries into school districts to determine whether legally appropriate services are being provided to limited English proficient students, disabled students, and whether peer harassment is being adequately addressed by school officials.

PROTECTING HOUSING, CREDIT, AND PUBLIC ACCOMMODATION RIGHTS

The Housing and Civil Enforcement Section enforces the Equal Credit Opportunity Act, the Fair Housing Act (FHA), Title II of the Civil Rights Act of 1964 (public accommodations), and Section 2 of the Religious Land Use and Institutionalized Persons Act ("RLUIPA"). Under the first three statutes, the Department of Justice may bring suit where there is a "pattern or practice"

of discrimination. RLUIPA enforcement may involve a single incident of discrimination. In addition, upon referral from the Department of Housing and Urban Development (HUD) under the FHA, after HUD has investigated and issued a charge of discrimination, the United States may bring suit on behalf of individual victims of discrimination.

This Section has been extremely busy during this Administration and has achieved a number of notable successes. The Section has brought 47 new lawsuits, negotiated 49 consent decrees, and litigated one case to judgment in a successful jury trial. I have also authorized 20 additional lawsuits that are in pre-suit negotiations. Examples of significant victories include a \$451,208 verdict against a landlord who sexually harassed a number of his female tenants, and two consent decrees against nightclub owners in Kansas and Alabama who denied black patrons access to the clubs on the same basis as whites.

The Section's pending matters run the full gamut of the statutes under its jurisdiction. For example, since January 20, 2001, the Section has filed 12 cases against developers and builders of multifamily housing that fail to meet the FHA's requirement that they be accessible by persons with disabilities. I also have approved (1) two lending discrimination cases, one involving redlining practices by a major Chicago bank; (2) several cases involving sexual harassment of tenants by landlords; (3) several cases of discrimination based on familial status or race; and (4) several cases involving discriminatory zoning decisions which were based on the race, national origin, or disabled status of the affected individuals.

WORKING TO ENSURE EQUAL EMPLOYMENT OPPORTUNITIES

The Employment Litigation Section has had nine successful resolutions of cases involving discrimination based on race, sex, and religion since the beginning of the new Administration. They include: (1) a 2001 supplemental consent order in the Milwaukee Fire Department case where we secured \$1.8 million in back pay and 40 jobs for African-American victims of hiring discrimination; (2) a settlement with the City of Newark based on religious discrimination directed at Muslim police officers; and (3) three consent decrees resolving allegations of sexual harassment.

With respect to the settlement with the City of Newark, the Civil Rights Division alleged that the City had discriminated against current and former police officers on the basis of their religion by failing or refusing reasonably to accommodate their religious observance, practice, and belief as Muslims of wearing a beard. The suit also alleged that the City threatened the Muslim officers with termination, transferred them to undesirable assignments, and denied them opportunities to work special overtime events. The consent decree provides for back pay and compensatory damages to 10 current and former Newark police officers. In addition, the agreement provides for two years of court supervision to allow the Department to ensure that the City implements non-discriminatory employment policies designed to reasonably accommodate the religious observance, practice, and belief of police department employees.

As with the other sections in the Division, the Employment Litigation Section continues to be very productive. During this Administration, the Section commenced 59 supplemental investigations of charges referred to the Civil Rights Division by the Equal Employment Opportunity Commission, filed eight new cases, litigated 34 active cases, and monitored 69

consent decrees. One of the new and precedent-setting cases filed by this Administration involves the application of Title VII to participants in workfare programs under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. In this case, the Division took the position that Title VII applied to women who were participants in workfare programs and who were allegedly subjected to sexual harassment. Although the district court disagreed with our position, I have authorized an appeal of this case to the United States Court of Appeals for the Second Circuit.

I have authorized eight new lawsuits that are in pre-suit negotiations. One case involves the sexual harassment of a female firefighter by her male colleagues. Another involves the sexual harassment of a school teacher by a female supervisor of the same sex. In another case, a black employee was denied a promotion because of his race.

PROTECTING CITIZENS AND LEGAL IMMIGRANTS FROM EMPLOYMENT DISCRIMINATION

One particularly important component of the Civil Rights Division that I also wanted to mention is the Office of Special Counsel for Immigration Related Unfair Employment Practices or "OSC." OSC protects United States citizens and work-authorized aliens from employment discrimination based on citizenship status or national origin. The OSC fulfills this mission through investigation and litigation, a vigorous outreach program directed towards employers and potential victims of discrimination, and a unique early intervention program. The OSC also advises the Department on a wide range of policy matters relating to immigration and the treatment of immigrants.

The Office's accomplishments include: (1) acceptance of 315 charges alleging unfair immigration-related practices, completion of 265 investigations of charges, and settlement of over 30 charges and complaints; (2) favorable results in, and the ongoing litigation of, cases and matters against major employers in several industries that employ large numbers of immigrants, including the hospitality, gaming, agriculture, meatpacking, and retail industries; (3) initiation of a major investigation of internet-based job-referral agencies that may be engaging in acts of illegal citizenship status discrimination; (4) an expanded and improved program, including increased outreach to the employer community, use of ethnic media to communicate OSC's mission to under-served communities, and increased emphasis on establishing partnerships with State and local governments; and (5) timely and ongoing responses to both employer and worker concerns about the employment of non-citizens in the aftermath of the September 11th attacks.

CONCLUSION

Today I have talked about the highlights of the Division's accomplishments and initiatives, but there is obviously more that could be said. I must say in closing that none of what I have discussed could have been accomplished without the dedicated career staff of the Civil Rights Division, and in fact, it is because of their, experience, talent, and dedication that we have been able to achieve the successes we have - both in terms of quality and quantity - during my brief tenure as Assistant Attorney General. I look forward to answering your questions.