

PLEASE NOTE: THE ASSISTANT ATTORNEY GENERAL OFTEN DEVIATES FROM PREPARED REMARKS

Prepared Remarks of Wan J. Kim
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Thank you all for coming. I am very pleased to be here. I appreciate the opportunity to welcome you to this very exciting event. I want to extend special thanks to Merrily Friedlander, and the terrific staff of the Coordination and Review Section, for their great work, over many weeks, in helping to put this event together.

I want to begin by telling you a bit about the Civil Rights Division and our broad mission. We were formed in December 1957, and we will have our 50th Anniversary later this year – an event that we are very proud to celebrate. We actually began even earlier, way back in February 1939, when the Civil Liberties Section was formed within the Criminal Division of the Department of Justice. Five years later, the Section was reorganized and renamed the Civil Rights Section. During its short existence, the Civil Rights Section averaged between 6 and 8 attorneys who were “responsible for supervising the enforcement of the Federal Civil Rights laws throughout the Nation.”¹

It soon became clear that more was needed. As early as 1949, President Harry S. Truman began calling for the formation of a Civil Rights Division within the Justice Department, stating: “[t]he [Civil Rights] Section simply does not have an adequate staff for the careful, continuing study of civil rights violations, often highly elusive and technically difficult, which occur in many areas of human relations.”² In 1954, the Supreme Court handed down its decision in *Brown v. Board of Education*. In 1955, Congress held hearings that would eventually lead to the passage of the Civil Rights Act of 1957, the first civil rights legislation enacted into law following Reconstruction. As part of that legislation, the Civil Rights Division was officially formed in December, 1957.

On October 1, 1962, James Meredith became the first African-American student to enroll at the University of Mississippi. His enrollment, which was vigorously opposed by the Governor of Mississippi, sparked riots on the campus. U.S. Marshals escorted James Meredith; 160 U.S. Marshals were wounded during these violent riots, 28 by bullets. During this dangerous time, John Doar, who served as the fourth Assistant Attorney General for the Civil Rights Division, literally lived with James Meredith to help ensure his safety. Meredith graduated from ‘Ole Miss on August 18, 1963.

¹ Hearing Before Subcommittee No. 2 of the Committee on the Judiciary House of Representatives, Eighty-Fourth Congress, First Session, Pg. 162.

² *Ibid.*, Pg. 163.

In 1964, the Civil Rights Division investigated and prosecuted the murder of three civil rights workers in Philadelphia, Mississippi – an incident commonly known today as the “Mississippi Burning” case. The Assistant Attorney General for the Civil Rights Division, John Doar, personally led the investigation and prosecution of these murders. He tried that case before a judge who was an avowed segregationist, a judge who dismissed virtually every count in the criminal indictment. The Division litigated that case to the Supreme Court, won reinstatement of the criminal charges, and ultimately secured convictions.

These early examples of the Division’s work show our commitment to breaking down barriers built of discrimination, and to ensure equal access, equal treatment and equal opportunity consistent with the laws passed by Congress. We have labored, for nearly 50 years now, to secure the guarantees of the landmark 1964 Civil Rights Act, the 1965 Voting Rights Act, and the 1968 Fair Housing Act, among others. We have grown substantially in size and jurisdiction over the past 50 years to better meet our nation’s evolving civil rights challenges. We currently have about 700 talented and dedicated employees, and have grown from enforcing just a few statutes to just a few dozen statutes. But our work, then as now, helps to secure some of our nation’s highest collective ideals.

It is our rich history, and our unwavering commitment to our nation’s collective ideals, that best explains the Division’s current role in addressing the needs of individuals with Limited English Proficiency. As an immigrant who began school some years ago not speaking a word of English, and as the son of proud and patriotic American citizens who still struggle with their inherited language in the country of their choice, these issues bear a deep and personal meaning to me.

Stories that make plain the challenge of addressing the needs of LEP populations are not hard to find. Even in small towns, it is common to find isolated populations who speak languages that are infrequently encountered elsewhere. When these individuals do not have meaningful access to important services, troubling things can happen. People may be denied emergency services or fundamental legal protections. But we know that it doesn’t have to be that way. We can reach the right result – and do the right thing – *if* we collaborate to address the needs of the limited English proficient population.

Let me tell you a story about doing the right thing in the town of Lake Worth, Florida, where just this week the Chief of Police signed an Agreement with the Department addressing the needs of a growing LEP population. He also signed a comprehensive Language Assistance Plan for law enforcement. The Plan covers everything from his 9-1-1 call center to training for bilingual officers. The Plan moves us together, collaboratively, in the right direction.

In considering the needs of LEP populations, it is important to consider Title VI of the Civil Rights Act of 1964, as well as its implementing regulations. It is also important to review the LEP Guidance documents, which clarify what recipients should consider in assessing whether they are providing meaningful access to programs or activities. Under the LEP Guidance, a recipient of federal funds is strongly urged to consider four factors in determining whether it is

taking reasonable steps to provide meaningful access to its LEP population: the number or proportion of LEP persons within its jurisdiction; the frequency with which LEP persons come into contact with the program; the nature and importance of the program, activity, or service provided; and the resources available to the recipient.

In addition to these legal obligations, it never hurts to remember the practical ones as well. Recently, a town considered a proposal that would have required all official documents to be printed in English only, despite the town's growing LEP population. The Mayor of this town rejected this proposal. He stated that the cost of not translating documents, and potentially putting people at risk of not receiving important information such as Miranda rights or notices of eviction, would be far greater than the actual cost of translation.

Moreover, as we all know, in many cases the failure to address language needs can have catastrophic results. In the law enforcement context, the consequences can be dire. We know of a case where language barriers prevented officers from communicating with the victims of human trafficking who were attempting to flee their captors. As a result, the officers returned these victims directly to the custody of the traffickers.

In the field of medicine, we've all heard too many tragic stories involving failure to communicate effectively with LEP patients. It is obvious that patient care can be severely compromised when language barriers interfere with communication.

We've made great strides in recent years to address these types of problems. Many of you people in this room have been involved in successful efforts to improve access to high quality interpretation and translation in a variety of settings. I congratulate you on that work, and commend you for the impact you have already made.

But there is obviously much more work to be done. By organizing this Federal Interagency LEP Conference, we were hoping to take one more step in that direction.

I have briefly mentioned LEP issues involving the justice and health systems. However, good communication is critical to every other field represented in this room. It is critical to emergency response, to education, to providing housing and social services, to food and nutritional services, and to collecting data. It is critical to implementing community responses to environmental concerns, to keeping our transportation system safe and accessible, and to ensuring that workers are safe and fairly treated.

[And, as we enter tax season, the IRS has asked me to stress that communication is critical to ensuring that people understand their responsibilities as taxpayers.]

As many of you know, this Conference was organized by the Conference Committee of the Federal Interagency Working Group on Limited English Proficiency. That group works diligently every day on the issues I've just mentioned. One of the Working Group's goals has

always been to encourage collaboration among federal agencies. And what I think you'll see here over the next two days is a shining example of how well this group has achieved that goal.

Over the past few years, we've found that one of the most effective ways to ensure meaningful access for LEP persons is to create a forum for sharing successful strategies and drawing upon available resources. In 2004, the Civil Rights Division hosted an LEP conference for leaders in the field of law enforcement, courts, and domestic violence service providers. In 2005, the Division hosted a smaller law enforcement summit that focused on strategies for developing and implementing effective LEP programs. Both of these events were well received, and we received numerous requests for another Conference.

The success of these first two events helped us re-define our next challenge. We realized that one of the most valuable aspects of both prior conferences had been the potential for collaboration and sharing among a wide-ranging field of participants. It is clear that we have much to learn from each other in tackling the challenges posed by limited English proficiency – not only from colleagues in our particular fields but also from those working on LEP issues in very different contexts.

So we have invited people from jurisdictions all around the country to attend. And I am pleased to report that we are joined today by over 400 people, some from as far away as Alaska and Hawaii. [I must admit that I question the judgment of those of you who left Hawaii.] We also have representatives from a myriad of different fields including health, education, transportation, environmental protection, and the justice system -- to name just a few.

As you can see from the agenda, this Conference is designed to showcase many promising practices in the field of language access. For example, you will hear how several different cities across the U.S. have implemented innovative strategies to address the needs of Limited English Proficient communities. Most importantly, you will have many opportunities to ask questions and to work together in planning new and creative ways to share resources and strategies for addressing your own community's language needs. Indeed, our hope is that each of you will go back home and share what you learned during this Conference.

The Civil Rights Division has worked with many wonderful federal agency partners over the past year to organize this Conference. So, I'd like to take just a moment to thank all of them for their hard work and dedication to this important project.

We are so grateful for the very generous financial support of the Department of Health and Human Services' Office of Minority Health, the Environmental Protection Agency, the Department of Agriculture, the Department of Health and Human Services' Health Resources and Services Administration, and the Department of Justice's Office of Justice Programs.

I'd also like to thank the staff of the National Institutes of Health for their invaluable assistance in facilitating the organization of this event.

Most importantly, I'd like to thank all of the members of the Conference Committee and their respective agencies for all of the hard work that I know went into planning this exciting program.

Thanks also to my staff in the Coordination and Review Section for organizing the Conference Committee and coordinating this event.

Next to each of the session titles listed in your agenda, you will see the name of the agency or agencies responsible for developing each session. These agencies have taken full responsibility for their respective sessions, including funding all of the costs associated with presenting these topics. Without all of this hard work and dedication, this Conference would not have been possible.

So, I'd like to take just one more moment to thank the following agencies: The Departments of Agriculture, Education, Health and Human Services, Housing and Urban Development, Labor, and Transportation, as well as the Federal Multilingual Websites Committee, the Environmental Protection Agency, the Equal Employment Opportunity Commission, the Internal Revenue Service, the National Virtual Translation Center, the Office of Community Oriented Policing Services, the Office of Justice Programs, and the Social Security Administration.

By being here together for this event, we have a very unique opportunity to take advantage of the many natural partnerships that exist -- and those that can be developed -- in the provision of LEP services. I have high hopes for what I believe can be achieved if we work together as partners in this quest to overcome language barriers in the provision of federal and federally assisted services.

Your very presence at this Conference demonstrates your commitment to these issues. We also hope it will be the starting point for an ongoing collaborative process: the search for creative and effective ways to adequately meet the needs of LEP individuals.

On April 16, 1963, sitting in a city jail, having been imprisoned for leading a peaceful protest, Dr. Martin Luther King, Jr. wrote his now famous Letter from Birmingham Jail. In it, he said this: "I am cognizant of the interrelatedness of all communities and states. * * * We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."

In many respects, these words sums up quite nicely the importance of our work today.

Thank you for coming.