
INS exceeded the goal established for FY 1997 by 26 percent. Criminal cases presented for prosecution totaled 129—114 percent over the annual goal. In addition, 55 percent of targeted cases occurred in the top seven States having the highest immigrant populations.

Verification of alien citizenship qualifications, status, and eligibility under the welfare reform legislation was another focus area for the Department. INS participated in a variety of public forums to increase understanding of its role in welfare reform, and to address questions about verification-related matters. The INS also coordinated with the Department and other Federal benefit-granting agencies to develop new verification guidance for Federal public benefits.

The INS continued to work with the Social Security Administration and other Federal agencies to develop a joint employment verification pilot project. The project permits employers to verify employment authorization for all newly hired employees, regardless of citizenship. The INS began implementing the project in Chicago on August 22, 1997, with over 30 participating employers. Additionally, the INS entered into agreements with three States to share information from worksite enforcement operations and to promote State-run replacement worker programs that foster the hiring of legal workers. By the end of June 1997, the INS identified nearly 33,951 jobs previously held by unauthorized workers.

The Department also increased the percentage of fines levied against employers found violating the law for “substantive” reasons—i.e., intentional violations as opposed to paperwork and unintentional violations—to 55 percent of all worksite cases completed through September 1997, compared to 39.7 percent in FY 1996. The INS greatly exceeded FY 1997 goals for re-investigations of previous worksite violators and interagency coordinated investigations. During FY 1997, it also tracked apprehensions from approximately 19,000 cases against employers that resulted in actual removals from the workplace, exceeding the annual goal by 8 percent.

Administrative Law Judges (ALJs) in the Office of the Chief Administrative Hearing Officer (OCAHO) closed 100 employer sanctions cases, 44 unfair immigration-related employment practices cases, and 19 civil penalty document fraud cases. ALJs awarded fines amounting to \$1,065,217 during the year and issued 21 subpoenas by request of the CRT’s Office of Special Counsel. The Chief Administrative Hearing Officer reviewed 682 ALJ orders. OCAHO continued publishing its decisions, completing volumes 2 and 3 during 1997 and preparing volumes 4 through 6 for printing early in FY 1998.

Anti-Smuggling Initiatives

In FY 1997, INS achieved impressive results in connection with major smuggling cases. The Department’s anti-smuggling cases con-

tinued to target persons or entities bringing, transporting, harboring, or smuggling illegal aliens into or within the United States. Successful anti smuggling cases totaled 442 at the end of 1997, 7 percent more than in FY 1996. Examples include:

- A national demonstration project called “Dixie Junction” linked anti smuggling investigations to worksite enforcement. Investigations revealed five persons involved in a smuggling operation near El Paso, Texas, and Las Cruces, New Mexico, that provided undocumented workers to employers located in northwestern Georgia. By the end of the year, all were indicted.
- A special anti-smuggling operation known as “Tres Hermanos” focused on the INS San Diego and Los Angeles Districts and resulted in 35 arrests of smugglers transporting illegal aliens and operating “drop houses,” 532 arrests of undocumented aliens, and seizures of 14 vehicles for forfeiture. The partnership between the FBI and the INS represented the first time a large-scale case of this nature was worked jointly.
- An intensive 2-month investigation involving many regions within America and foreign countries effectively dismantled an alien smuggling and exploitation ring in New York City. Results include criminal arrests and indictments of 24 persons for conspiracy, alien smuggling, interference of commerce by threats, and violent criminal offenses.
- As part of the Department’s continued efforts to prevent Chinese alien smuggling, Federal prosecutors in Boston convicted the captain and crew members of a ship that attempted to import 109 Chinese aliens.

Part of the U.S. Attorneys’ border enforcement efforts include the prosecution of those who smuggle illegal aliens into the United States. Prosecutions increased by 11 percent during 1997, with 1,132 cases filed against 1,711 defendants. Eighty-six (86) percent of the 1,471 defendants whose cases were terminated during the year were convicted, with 69 percent of these defendants sentenced to prison.

Removing Criminal Aliens

EOIR worked closely with INS during the year implementing 1996 IIRIRA provisions affecting the detention and removal of criminal aliens. On April 1, 1997, all new proceedings either to prevent the entry or to require the departure of aliens were called removal proceedings and no longer made distinctions between “exclusion” and “deportation.” The amended law also provided new definitions of “aggravated felony” and “conviction,” expanded the criminal

grounds for removal, and reduced the availability of relief from removal for aliens convicted of certain types of crimes.

BIA, the Bureau of Immigration Appeals, helped to clarify the intent of Congress in the 1996 IIRIRA amendments by issuing several significant precedent decisions to more clearly identify criminal aliens and the grounds for their removability. For example, one decision affirmed that the seriousness of a crime is not lessened by a court's suspension or reduction in the applicable sentence for that crime. In other cases, BIA helped to clarify what kinds of crimes are related to controlled substance violations and how a finding of deportability can be unaffected by the expungement of a foreign drug-related conviction.

For FY 1997, the INS reported 50,165 removals of criminal aliens, of which 61 percent were aggravated felons. This accomplishment exceeded FY 1996 levels by 35 percent. Through the IHP conducted at Federal, State, and local institutions by Immigration Judges, 14,851 other aliens were identified, processed for deportation, and removed from the United States—44 percent more than in FY 1996. Successful completions of criminal alien cases in FY 1997 numbered 32,521, again a 44-percent increase over FY 1996.

Improving the Hearings Process

To minimize the number of non-U.S. citizen inmates detained after their sentences expire, the Department continued to implement the enhanced IHP, which allows INS and EOIR to complete removal proceedings for non-U.S. citizen inmates at the beginning of their sentences. Deportation can then occur when the sentence is up, thereby avoiding costly post-sentence detention. Under priority case processing through the IHP, Immigration Judges completed some 19,200 criminal alien cases in 1997, a 20-percent increase over 1996. Of these, 91 percent were completed before the incarcerated alien's earliest possible release date. Expedited removal procedures enabled the INS to remove more than 23,064 aliens since April 1997 alone. Trends observed for expedited removals in September, which totaled 4,667 removals, indicate that removals most likely will continue at this rate or even higher.

Besides establishing special court dockets for priority case processing of expedited asylum and criminal alien cases, EOIR made significant progress in efforts to increase court space, upgrade automated systems, and improve public access to hearing information. In support of the enhanced IHP, EOIR continued to install videoconferencing equipment in some Immigration Courts to facilitate the handling of certain cases in INS facilities. Using videoconference technology to connect Immigration Courts with remote locations reduces travel time and expenses and enables the courts to manage their caseloads more efficiently.

During 1997, BOP activated two major IHP facilities—one on the East Coast in Allenwood, Pennsylvania, and one on the West

Coast in Lompoc, California. These facilities, located within the secure perimeters of BOP institutions, provide courtroom and office space for INS and EOIR staff. BOP operates smaller scale IHPs at 22 other BOP institutions and contract detention facilities around the Nation.

Reform of Asylum Policy and Procedures

EOIR received a total of 82,976 asylum cases during the year and Immigration Courts completed 65,993, including 25,833 expedited cases under EOIR's priority case processing initiative. Of the expedited cases, 90 percent were completed within the 180-day time limit required by asylum reform regulations and statute. In addition, BIA completed nearly 7,400 asylum cases and published 11 precedent decisions related to asylum issues, such as China's coercive population control policies and asylum ineligibility for aggravated felons. These decisions provided significant guidance to asylum officers and Immigration Judges in adjudicating asylum claims.

Improving Immigration Benefits Processing

Applications and petitions received for immigration benefits in FY 1997 totaled 4,750,846, 16 percent more than in FY 1996. Approvals held steady at 3,819,413, almost exactly the same as in the previous fiscal year, while denials were down 5 percent. An automated fingerprint tracking system was also piloted successfully in FY 1997, and the machine readable data program was implemented in all four INS Service Centers. Additionally, INS completed all work scheduled on another benefits-related high-technology pilot—a coordinated interagency partnership for regulating international students. Approximately 22 schools and 5,000 students were admitted to the United States under this program in 1997.

Coordinating with Other Agencies in Responding to Immigration Emergencies

CRS supported INS activities to help mitigate the hostility that sometimes confronts the INS over activities involving cross-deputization of local law enforcement, negative perceptions about its policies and practices, and cross-cultural misunderstanding. CRS convened community forums and facilitated communication between communities and INS on sensitive immigration issues. CRS has assisted the INS and communities in Texas, Nebraska, and Iowa, also working with many INS district offices and communities in other States experiencing potentially volatile immigration-related tension.

IV. Making the Legal System Work For All Americans

Goal: Work to ensure that Americans receive equal access to the legal and law enforcement system.

An important job of the Department is to protect the rights of all Americans by eliminating criminal activity and keeping our justice system fair. The Department accomplished this goal through vigorous enforcement of civil rights laws, giving needed attention to victims' rights and to the civil rights of all people, regardless of race, color, or national origin. In FY 1997, the Department also worked to protect the rights of Americans abroad, the rights of U.S. citizens formerly interned in Nazi concentration camps, and the rights of U.S. nationals who suffered under the Communist regime following World War II, or who—as former property owners in Cuba—were victimized by foreign companies “trafficking” in those properties. Finally, during 1997, the U.S. Attorneys' offices continued to represent and defend the interests of the Government in lawsuits filed against the United States.

Guaranteeing Rights to the Victims of Crime

During 1997, the Department renewed its commitment to crime victims by strengthening victims' rights and providing services to victims throughout the Federal and State criminal justice systems. The Department pursued various legal reforms, continued to develop a sound victims' rights amendment to the Federal Constitution, and drafted and transmitted to Congress legislation to enhance the rights of crime victims in the Federal system. The Attorney General testified before the full Senate and House Judiciary Committees in support of a constitutional amendment to protect the rights of crime victims. The Department is working closely with other Federal agencies to achieve system-wide improvement in the treatment of crime victims. The Department also continued to support State and local officials' efforts to advance victims' rights and provide necessary services to victims of crime.

OVC awarded victim assistance funding totaling \$471.3 million to the States to help them provide increased victim services—about three times as much as last year. The Crime Victims Fund, which supports thousands of programs for crime victims with fines paid by Federal criminal offenders, reached its highest level in its 14-year

Protecting the Rights of Americans

The Department continued to promote the international rule of law. Beginning in January 1997, the Department conducted a national public outreach campaign to identify and locate U.S. citizens interned in Nazi concentration camps during World War II who are eligible for compensation from the Federal Republic of Germany under an historic September 1995 Agreement between the United States and Germany. In 1997, the Foreign Claims Settlement Commission (FCSC) adjudicated the claims of more than 1,350 U.S. survivors of the Holocaust, bringing a measure of justice to U.S. citizens who suffered at the hands of the Nazis.

Protecting Constitutional Rights

In *United States v. Lanier*, the Solicitor General successfully argued for a fair and firm interpretation of 18 U.S.C. 242, an important civil rights statute that prohibits any person acting under color of State law from willfully depriving persons of their constitutional rights. The Court rejected an interpretation of Section 242 that would have limited its protection to only those rights specifically announced by the Supreme Court in cases factually similar to the case being prosecuted. Rather, the Court held that Section 242 applies to all Federal rights sufficiently established such that a reasonable State actor would understand that his or her conduct violated the right.

history, increasing 250 percent in the past 4 years. The record-breaking level of deposits into the Crime Victims Fund will enable States to expand needed services into underserved areas such as rural communities.

In addition to State victim assistance funding, OVC provided direct funding to address the unique needs of specific populations, such as victims of gang violence, survivors of sexual assault, and victims of juvenile offenders. A new OVC program, Victim Services 2000: A Vision for the 21st Century, is designed to support communities in developing networks of integrated services for crime victims that can respond flexibly to victims' interrelated needs. Victim Services 2000 awards to Denver and Austin, for example, are enhancing collaboration among the criminal justice system, social service agencies, and private-sector organizations.

During 1997, the U.S. Parole Commission instituted a toll-free telephone number for crime victims to ensure that they get input into the release decisionmaking process. The U.S. Attorneys continued their mission of guaranteeing the rights of all victims of crime by providing training to Assistant U.S. Attorneys, enhancing the services provided to crime victims, and better coordinating efforts to address victim issues.

The Executive Office for U.S. Attorneys appointed an Assistant Director in its Office of Legal Education to educate Assistant U.S. Attorneys on victims' rights issues. A national conference was held for all Federal Victim-Witness Coordinators, who shared innovative ideas on how to accomplish a seamless approach to victim services. Also during 1997, representatives of the Executive Office for U.S. Attorneys worked closely with other Federal agencies and private organizations to ensure that in cases with numerous victims, all are identified and receive assistance. Partnerships have been forged with the Red Cross, the Federal Emergency Management Agency, and the National Transportation Safety Board.

Guaranteeing the Civil Rights of All Americans

The Department acknowledges and embraces its role as the Federal Government's chief guardian of the right of each and every person to live, learn, and work free from discrimination and threat of harm. In 1997, the Department continued to vigorously enforce U.S. civil rights laws that prohibit discrimination on the basis of race, color, religion, sex, national origin, disability, age, familial status, and citizenship status in the areas of education, housing, voting rights, institutions and access to facilities, employment, Indian rights, and others. In 1997, the Department filed 127 briefs and other substantive papers involving civil rights matters in the courts of appeals and the Supreme Court, winning full or partial victories in 49 of 59 decisions (see sidebar, "Solicitor General Wins Important Civil Rights Victory"). Working in consultation with CRT, the U.S.

Attorneys filed criminal civil rights charges against 148 defendants. Eighty-eight (88) percent of those whose cases were terminated during the year were convicted, with 73 percent of all convicted defendants receiving prison sentences.

Responding to Crimes of Hate and Other Criminal Civil Rights Violations

The Department places high priority on the prosecution of criminal violations of the civil rights laws, including hate crimes and police misconduct. In FY 1997, CRT filed 77 cases involving criminal civil rights violations—charging 189 defendants and maintaining an overall 95-percent conviction rate.

In addition, CRT is integrally involved in investigating and prosecuting church fires. The Assistant Attorney General serves as co-chair of the National Church Arson Task Force (NCATF), established to investigate a rash of suspicious fires in houses of worship. In 1996 and 1997, more than 250 churches in 13 southern States were burned or desecrated, bringing to 532 (as of 11-26-97) the number of church burnings reported to NCATF since January 1995. With representation from the FBI, ATF, the U.S. Attorneys, CRS, the Criminal Division, and USMS, NCATF has deployed over 200 ATF and FBI investigators around the country to investigate these fires. It is also coordinating closely with State and local law enforcement officials in prosecuting suspects and in preventing additional fires. As a result of partnerships among Federal, State, and local law enforcement, many of the arson investigations were solved. In 1997, 64 suspects were arrested and 101 defendants convicted nationwide. CRS played an integral part in the comprehensive response through sensitizing investigators, conciliating community racial tensions, and facilitating community rebuilding in victimized neighborhoods (see sidebar, “One of the Best Kept Secrets in the Department”).

In 1997, CRS responded to 165 cases involving community racial tensions associated with hate crimes or hate group activities. Its services included helping civic leaders and public officials maintain and restore stability when hate group activities heightened tensions, assisting local officials in the development of policies and practices for responding to hate crimes, conducting training sessions for police on recognition of and response to hate crimes, assisting businesses that experience property loss and damage, and delivering hate crime prevention and education programs in schools, colleges, and communities.

CRS also chaired the community outreach subcommittee, which helped develop the proposal for community outreach committees within each U.S. Attorney’s district; facilitated the drafting of “Hate Crimes” model training curricula for law enforcement agencies in collaboration with the FBI, the Federal Law Enforcement Training Center (FLETC), the National Association of Attorneys General

One of the Best Kept Secrets in the Department

Reverend Joan Brown Campbell, General Secretary of the National Council of Churches, said of the Community Relations Service on the First Year Anniversary of the formation of the National Church Arson Task Force: “CRS is one of the best kept secrets in the Justice Department. The work that CRS does to reduce racial tension and to restore healing in communities that have experienced loss by church arson makes them a valuable resource to our Government and the American people.”

(NAAG), and OVC; and assisted development of the Kids' Page website "Hateful Acts Hurt Kids" on the Department's web page (see Chapter I, Stemming Youth and Gang Violence). CRS and OPD established the website in collaboration with the National Education Association, the National Association of Elementary School Principals, the National Association of Secondary School Principals, and the Anti-Defamation League.

OLA worked outside the Department and with Senator Kennedy to develop and introduce hate crime legislation that would include gender, sexual orientation, and disability as protected categories, and would eliminate the federally protected activity requirement. Also in 1997, the FBI established a new Hate Crimes Unit devoted to hate crimes and involuntary servitude and slavery cases. Other preventive efforts by the Department included providing contingency planning and onsite conciliation and mediation services at the National Hispanic March in Washington, D.C. Through CRS, it also provided such services for the Rainbow Coalition "Save the Dream" March across the Golden Gate Bridge in San Francisco in September 1997.

During 1997, the Department protected citizens from law enforcement agencies that impinge upon their Federal rights under the Violent Crime Control and Law Enforcement Act of 1994. CRT obtained consent decrees to remedy systemic misconduct in municipal police departments in Pittsburgh, Pennsylvania, and Steubenville, Ohio—the first such decrees since the Attorney General was authorized to investigate and prosecute law enforcement agencies under the 1994 law. CRT initiated new investigations and continued previously approved investigations of State and local police departments, focusing on allegations of excessive force and discriminatory traffic stops. Of the FBI's 3,500 civil rights cases during FY 1997, 75 percent involved allegations of excessive force. To oversee such investigations, the FBI in 1997 established a new Color of Law Unit. IGA currently co-chairs the Law Enforcement and Community Subcommittee of the Department's Race Initiative, and is working with representatives from other components in developing new policy initiatives and announcements.

Disability and Education Rights

The Department continued its comprehensive program under the Americans with Disabilities Act (ADA) to open up the mainstream of American life to people with disabilities. Through negotiation and litigation, the Department obtained results that will serve as models for ADA compliance throughout the country. For example:

- Under a consent decree, the Friendly Ice Cream Corporation will engage in an aggressive barrier-removal program to increase accessibility throughout its chain of 704 restaurants in 15 States.

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- Under a comprehensive settlement agreement, Walt Disney World agreed to provide a wide range of auxiliary aids to ensure effective communication for persons who are deaf or hard of hearing, including sign language interpreters and captioning at specified shows, performances, and rides.
 - As a result of a nationwide program of compliance reviews, numerous local governments have agreed to provide the necessary training and equipment to ensure direct access to their emergency 9-1-1 systems to users of telecommunications devices for the deaf.

The Department also continued in 1997 its commitment to eliminating the vestiges of segregation in elementary and secondary education, as well as in State institutions of higher education. During the year, CRT secured a number of consent decrees and court decisions that will enhance desegregation. Of particular note was the agreement reached with the Kansas City, Kansas, school district that encompasses a comprehensive plan promising—after 24 years—to achieve full desegregation in the district's schools. CRT also continued to challenge discrimination and disparities in higher education systems, obtaining favorable court rulings in Tennessee and Mississippi districts.

On the 25th anniversary of Title IX of the Education Amendments of 1972, President Clinton announced plans to reinvigorate enforcement of this landmark statute, which prohibits sex-based discrimination in federally assisted education programs. CRT developed a Title IX regulation to be published as a common rule by 24 agencies currently lacking such regulations. CRT continued to seek gender equity in public universities in Virginia (Virginia Military Institute) and in South Carolina (The Citadel).

Fair Housing

The Department places high priority on enforcing fair housing laws, filing in 1997 more than 40 cases under the Fair Housing Act, including 14 pattern or practice cases and 24 cases referred by HUD. The Fair Housing Testing Program, begun in 1992, has proven to be a powerful investigative tool for detecting housing discrimination. During 1997, six pattern or practice lawsuits were filed as a result of evidence produced by the testing program, with settlements exceeding \$4 million in relief (compared with \$2.75 million for the previous 4 years combined).

The Department continued its attack on discriminatory denials of home mortgage loans with several investigations of lending institutions and the filing of three new suits. Lawsuits were filed and settled against banks in New York, New Mexico, and Nebraska, and fair treatment was obtained for minority borrowers including African Americans, Hispanics, and Native Americans. CRT also

brought and settled a case against Nationwide Mutual Insurance Company, challenging several common underwriting practices that serve to deny homeowners insurance or to make it available on less favorable terms to those in minority neighborhoods. The settlement will eliminate the challenged underwriting rules and will provide \$13.2 million in grants to assist home buyers in minority neighborhoods.

Voting Rights

During 1997, the Department continued to seek nondiscriminatory voting rights for all Americans. CRT participated in litigation in response to the Supreme Court's decisions on the use of race in the redistricting process. For example:

- A Federal court in Georgia approved remedial redistricting plans negotiated by the Department that preserve minority voting rights under the Supreme Court's standards.
- A Federal court in Louisiana, on the basis of evidence the Department presented at trial, upheld the constitutionality of a black-majority parish council district drawn to remedy a violation of the Voting Rights Act (VRA).

The National Voter Registration Act (NVRA) was extraordinarily successful in increasing the number of U.S. citizens registered to vote. The Department remained vigilant to violations, filing suit against the State of New York to remedy its consistent failure to offer the voter registration opportunities required by the NVRA at public assistance agencies and agencies serving persons with disabilities. In addition, the Supreme Court unanimously ruled that the voting and registration procedures used following Mississippi's decision to limit NVRA voters to participation in Federal elections are subject to review under the VRA.

Where possible, CRT seeks compliance with the requirements of the VRA without filing lawsuits. For example, prior to the November 1996 election, the Department's investigations disclosed that Orange County, California, was not providing voting and election information in Vietnamese to Vietnamese American citizens as required by the VRA. The county agreed to work with the Department and local community leaders to develop a minority language election materials program.

Institutions-Related Rights and Facilities Access

The Department continued in 1997 its efforts to secure basic constitutional rights for persons in institutions. For example, CRT obtained relief redressing unconstitutional conditions in multiple