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**REMARKS AS PREPARED FOR DELIVERY BY ASSISTANT ATTORNEY
GENERAL THOMAS E. PEREZ AT THE OBERLIN COLLEGE CONSTITUTION DAY
KEYNOTE ADDRESS**

OBERLIN, OHIO

Thank you for having me with you today to celebrate Constitution Day.

As the nation's chief enforcer of civil rights laws, I have the opportunity every day to participate in work that furthers the original intent of the Constitution and of our founders. I spent many years early in my career as trial attorney in the Civil Rights Division, and to return to lead the Division under President Obama and Attorney General Holder has been a great honor.

It's also been an education. As I travel the country, meeting with advocates and stakeholders and community leaders, I sometimes encounter people who wonder why we still need a Civil Rights Division. They, like all of us, are proud of the progress we've made as a nation—they see an African-American President, a female Speaker of the House, a Latina Supreme Court Justice—and they assume that the journey toward equal opportunity and equal justice is complete. And so they ask, why do we still need a Civil Rights Division in 2010?

It's certainly a provocative question—why do we need a Civil Rights Division?

For me, the question conjures the words of Dr. Martin Luther King, Jr., when he spoke about the Constitution from the steps of the Lincoln Memorial 47 years ago.

He said “When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men, yes, black men as well as white men, would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness.”

He went on to say “It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned...

...But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. So we have come to cash this check—a check that will give us upon demand the riches of freedom and the security of

justice. We have also come to this hallowed spot to remind America of the fierce urgency of now.”

He spoke these words in 1963—the Civil Rights Act had not yet passed. The Voting Rights Act had not yet passed. The Fair Housing Act had not yet passed. There was no Title IX; no Americans with Disabilities Act. It was more than a century and a half after the Constitution was adopted, and our nation’s leaders were only just coming around to face the truth that equal justice was still out of reach for so many. They were just beginning to acknowledge that our nation had, indeed, failed to live up to its promise.

And so at the prodding of Dr. King and other tireless leaders, they enacted some of our most cherished laws, protecting our most cherished rights. And ours is certainly a better nation for it.

But in many ways, the words that Dr. King spoke that day in Washington still ring true today. We now have many of the legal mechanisms needed to fight discrimination and protect the rights guaranteed by the Constitution. But for so many of our neighbors, true equal opportunity and equal justice remain just out of reach, just as they did in 1963—and for this reason, we still need a Civil Rights Division.

I’ll give you some examples.

In March, the Division reached a settlement with a Louisiana school district to resolve the fact that the district was not offering a single AP class at a high school that was 100percent black. Not a single AP class. The school had only 5 Gifted and Honors courses, compared to the more than 70 AP, Gifted and Honors courses offered at the district’s high school attended by nearly all of the district’s white students. Such differences were determined unconstitutional more than five decades ago in perhaps the most well known Supreme Court ruling in our nation’s history, and yet we still struggle to create truly equal educational environments for all students. For those African-American students, our nation has not yet lived up to its promise. They need a Civil Rights Division.

Earlier this year, the Division reached a \$6.1 million settlement with two subsidiaries of AIG to resolve allegations of discrimination. We had discovered that the brokers the companies had partnered with had been charging African American borrowers higher fees on wholesale loans in areas across the country. The settlement, the largest fair lending settlement ever secured by the Department of Justice, was part of a ramped up effort to combat discriminatory lending because we know that the explosion in subprime lending and the subsequent foreclosure crisis has threatened the stability of communities of color at far greater rates than their white counterparts. For the residents of those communities, our nation has failed to provide equal justice. They need a Civil Rights Division.

Last summer, we challenged New York City’s use of two written examinations for hiring entry-level firefighters, which we argued had a disparate impact on black and Hispanic applicants. At the time the Civil Rights Division filed our lawsuit, barely 7 percent of firefighters in New York were black or Latino, even though minorities make up nearly 50 percent of the qualified pool of candidates. This was actually a lower percent of blacks and

Latinos than worked for the FDNY in 1972. A federal judge agreed that the fire department's policies had been discriminatory. For the African-American and Latino applicants, and for other victims of employment discrimination, intentional or not, our nation's promise of equal opportunity has not yet been fulfilled. They need a Civil Rights Division.

In January, we settled a case against an RV resort in Alabama that had involving an HIV-positive 2-year old boy. The boy's father was undergoing cancer treatment in nearby Mobile, Alabama, and so the family had planned a month-long vacation at the Resort. But when the management of the family-themed RV park found out the boy was HIV-positive, they banned the family from using the common areas of the resort, including the swimming pool and showers. The family cut their vacation short. For that little boy and his family, and for so many other individuals with disabilities who find themselves the victims of discrimination because of misunderstanding and ignorance, our nation's promise has not yet been realized. They need a Civil Rights Division.

Late last year, a grand jury handed down indictments of two men and four police officers on charges related to the fatal beating of Luis Ramirez, a Mexican immigrant, in Shenandoah, Pennsylvania. The two men were charged with hate crimes for the beating, and the officers were charged with helping to cover it up. Such incidents belong in our history books, not in our newspapers, and yet we continue to see them occurring with alarming regularity in so many communities across the country. For victims like Mr. Ramirez, and for the entire communities demoralized and terrorized by such vicious crimes, our nation's promise of equal justice too often remains just out of reach. They need a Civil Rights Division.

For victims of human trafficking, a deplorable form of modern-day slavery that most Americans would be shocked to learn occurs in their own neighborhoods, our nation's promise has not yet been fulfilled. They need a Civil Rights Division.

For members of our nation's Arab-American and Muslim-American communities, who have been subjected to an unjustified backlash—a backlash that continues today, nearly a decade after 9/11, as we've seen in recent weeks in communities across the country—our nation's promise has not yet been fulfilled. They need a Civil Rights Division.

For newcomers to our nation, who find themselves the victims of discrimination because of the color of their skin or the language they speak, and who find themselves the target of vitriol and toxic political rhetoric, our nation's promise has not been fulfilled. They need a Civil Rights Division.

For our Lesbian, Gay, Bisexual and Transgender brothers and sisters, who in 2010 still do not have the same legal protections against discrimination as the rest of the country, our nation's promise has not yet been fulfilled. They need a Civil Rights Division.

Because only when all of these individuals have access to the great promise of equal opportunity will we all be able to collectively say we have created the more perfect union envisioned by the framers of our Constitution. As President Kennedy said when he introduced

what became the Civil Rights Act of 1964, "...this Nation, for all its hopes and all its boasts, will not be fully free until all its citizens are free."

It is the role of the Civil Rights Division to help ensure that our nation's great promise is realized, to serve as the nation's conscience and be sure that we continue to move forward.

To this end, we are working hard to implement the Matthew Shepard and James Byrd Jr., Hate Crimes Prevention Act. Passed in 2009, the law was years in the making, championed by the late Senator Ted Kennedy, and allows us to prosecute hate crimes committed because of a person's sexual orientation, gender identity or disability. The law is remarkable not only because of the new protections it provides, but because it marks the first time that the words, "lesbian, gay, bisexual and transgender" appear in the U.S. Code. We have also advocated before Congress for passage of the Employment Non-Discrimination Act, which would extend equal employment opportunity protections to LGBT individuals.

To ensure we continue to move forward, we have created a Fair Lending unit in order to address the disparities I mentioned previously. Access to credit is the foundation of wealth in our nation, and in order to have real equal opportunity, individuals must have equal access to credit.

To ensure we continue to move forward, we have ramped up our efforts to combat the illegal but all too common practice of unnecessarily segregating people with disabilities in institutions, when they could be appropriately provided services in their communities. More than a decade ago, the Supreme Court, in its landmark Olmstead decision, determined this practice was unconstitutional, and the Civil Rights Division is working to enforce that decision for the thousands of people who have not yet realized its promise.

To ensure we continue moving forward, we are working to avoid falling into the trap of believing that we either protect our national security and safe streets OR we protect civil rights. We can and must do both. This summer, the Justice Department challenged Arizona's SB 1070, which would allow law enforcement in that state to inquire about a person's immigration status if, in the context of another stop, they have "reasonable suspicion" that the person is undocumented. We filed suit based on the Department's belief the law conflicts with the federal government's role in setting and enforcing immigration policy. We also believe the law could have dangerous ramifications, leading to the harassment of foreign visitors and legal residents. The court granted a preliminary injunction to block key provisions of that law, and we believe the court ruled correctly.

We need Congress to pass comprehensive immigration reform so that we can have a national policy that brings people out of the shadows rather than a patchwork of state and local laws attempting to regulate immigration.

I had the great privilege of working as an aide to Senator Kennedy for some time, and perhaps the most valuable lesson I learned was that idealism and pragmatism are not mutually exclusive. Senator Kennedy understood that finding common ground was the key to legislative success, and ultimately to progress for the American people.

Too often today, our polarized politics stand in the way of continued progress. Our most important civil rights laws—the Civil Rights Act, the Fair Housing Act, the Voting Rights Act, the Americans with Disabilities Act—were all the product of bipartisan consensus building. That's not to say they weren't controversial in their day, or that they didn't stir up intense, heartfelt debate.

But in the end, the states-men and -women who crafted those laws and who nurtured them through the legislative process were able to come together in recognition of the need for progress.

Today, regrettably, it often seems that many of our lawmakers have given up the art of compromise in favor of mastering the partisan sound-bite. The prospect of long-term progress, too often, has been abandoned in an effort to dominate the 24 hour news cycle.

We have come so far in our effort to fulfill our nation's greatest promise of equal opportunity and equal justice for all. We must not allow politics to stand in the way of further progress.

Our nation's leaders must remember Dr. King's "fierce urgency of now."

Because while we have much to celebrate, there are too many among us still waiting for this nation to fulfill its promise. In 2010, as we celebrate our great progress, we must turn and face the challenges that still lie ahead.

And as we celebrate the adoption of our sacred Constitution, we must remember that among its primary goals, in fact the first one listed, was the formation of a more perfect union.

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