



IV. Making the Legal System Work for All Americans

Goal: Work to insure 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 a fair one. The Department accomplished this goal through vigorous enforcement of civil rights laws, giving needed attention to victims' rights, to the rights of people with disabilities and those wishing to take advantage of educational opportunities, and to the rights of employees not to be discriminated against and of Indian Tribes not to have tribal lands exploited or self-government denied. The Department also targeted civil rights violations in connection with church arsons and other hate crimes, levying additional resources to investigate and prevent these occurrences through new legislation and local initiatives designed to help communities protect themselves.

As part of its civil justice reform, the Department promoted the use of alternative dispute resolution (ADR) by its attorneys, and encouraged its employees to participate in volunteer pro bono legal and community activities, with much success.

Guaranteeing the Civil Rights of Americans

It is the Department's role to provide leadership in cases involving racial violence, hate crimes, involuntary servitude, and the FACE Act—the Freedom of Access to Clinic Entrances. During 1996, the Civil Rights Division charged 128 defendants in 79 such cases. The U.S. Attorneys handle civil rights prosecutions in consultation with the Department's Civil Rights Division. Guilty pleas from 85 defendants, coupled with the trial convictions, resulted in an overall success rate of 86.9 percent. Victories came in the areas of victims' rights; fair housing; disability, education, and employment rights; Indian rights; and criminal civil rights enforcement. The Department worked with Congress to educate its members on the potential effects of proposed cutbacks in major civil rights laws—targets of several legislative initiatives in 1996.



Victims' Rights

During the past fiscal year, the Department embarked on a major initiative to renew its commitment to crime victims and to strengthen victims' rights and provision of services to victims throughout Federal and State criminal justice systems. The Department is reaching out to State and local officials in an effort to achieve a uniform national baseline of protection for victims of crime.

OJP's efforts to assist crime victims hit a high point during the past year. The Crime Victims Fund, which supports thousands of programs for crime victims with fines paid by Federal criminal offenders—not taxpayers—reached a historic level, increasing from \$62 million in 1987 to \$528.9 million by the end of 1996. Revenue for the fund is wholly dependent on Federal crime-fighting efforts.

A national conference sponsored by EOUSA stressed the victims' rights emphasis, highlighting the need for greater coordination and collaborative efforts among all law enforcement entities in ensuring rights to the victims of crime. The conference emphasized the need for a better approach to providing victim services.

Fair Housing

In 1996, the Department continued its vigorous enforcement of the Fair Housing Act and the Equal Credit Opportunity Act. Accomplishments in two major initiatives concerning enforcement of these statutes are especially notable.

First, the Department continued its vigorous attack on discrimination in lending. This initiative had a significant impact on improving lending opportunities for minorities. A *Wall Street Journal* article published during the year made note of this progress, emphasizing the importance of more vigorous enforcement of fair lending laws by both the Department and the bank regulatory agencies.

Second, the Fair Housing Testing Program has evolved into an extremely effective enforcement tool and a model for similar programs throughout the Government. Since its creation in 1992, it has resulted in the filing of 34 Fair Housing Act cases by the Department. In 1996, seven of these cases settled for close to \$1.3 million, reflecting the largest ever awards in cases of this type, with over \$900,000 in monetary relief obtained. Most of this relief goes to victims of the discriminatory practices, but significant amounts are awarded to promote fair housing in the affected communities to help counter the effects of discrimination.



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. Department initiatives have resulted in direct access for TDD users to 9-1-1 emergency systems, the elimination of physical barriers in town halls, and the guarantee of effective communication in law enforcement and judicial proceedings. In addition, many people with disabilities have gained access to businesses and government agencies as a result of the Department's expanded program of alternative dispute resolution in which ADA complaints are referred to trained mediators.

The Department also offered ADA technical assistance that was well received by the public. The toll-free ADA information line received 88,000 calls from the public seeking information and publications on the ADA. Eight million publications and pieces of information were disseminated. This figure includes over 1 million documents disseminated on request, an outreach mailing to 6.3 million businesses, and dissemination through a new ADA home page on the World Wide Web, which served 1,000 – 2,000 users a week. Through the ADA technical assistance grant program, the Civil Rights Division expanded a collection of ADA materials in 15,000 local public libraries throughout the country, trained professional mediators to resolve ADA disputes, and undertook 16 State-based projects to educate businesses and State and local government officials about the ADA and the resources available to help them comply.

The Department was also active in higher education cases during the year, and continued to enforce the constitutional right of women to gain admission to the Citadel and to the Virginia Military Institute. In 1996, more emphasis was placed on providing additional educational opportunities to the victims of unlawful racial segregation in elementary and secondary schools, as well as in higher education, particularly on providing remedies for discrimination against persons with disabilities, language minority students, and women.

Employment Rights

In 1996, the Department continued to pursue pattern or practice employment discrimination cases under Title VII of the Civil Rights Act of 1964, as amended. In settlement agreements reached with the States of Louisiana and New Jersey and the Parish of Orleans, Louisiana, the Civil Rights Division obtained more than \$6.7 million in combined monetary relief for several hundred victims of employment discrimination based on gender, race, and national origin. Additionally in 1996, the Office of the Special Counsel (OSC) continued to obtain significant monetary awards in cases involving unfair immigration-related employment practices.

The Department entered a series of landmark settlement agreements that will serve as models for ADA compliance throughout the country. The Olympic Stadium and four other venues newly designed and constructed for the 1996 Atlanta Olympics were made fully accessible under an agreement that has set the standard for accessible stadium construction nationwide. Similarly, two major agreements with national movie theater chains established model standards for physical accessibility in both existing and newly constructed theaters and for the provision of assistive listening devices for persons who are hard of hearing.



Indian Rights

During 1996, the Department made tremendous progress in vindicating Indian rights and promoting partnerships with tribes. It negotiated a historic settlement that paves the way for a consensual resolution of a century-old dispute between the Hopi Tribe and the Navajo Nation over land use in northern Arizona. The Department and the Crow Tribe won a court order compelling the State of Montana to return to the tribe \$57 million in illegal taxes on Crow coal. The Department also obtained Supreme Court reversal of a lower court ruling that struck down the Interior Department's authority to take land in trust for tribes under the Indian Reorganization Act.

The Department continued to support self-government for Indian tribes, including a commitment to strengthen tribal courts as instruments of self-government. With the objective of educating all Americans about tribal justice systems, the Department organized an issue of *Judicature* magazine, which contained a series of articles about tribal justice systems by the Attorney General; Federal, State, and tribal judges; legal scholars; and Indian law practitioners. This publication helped to improve working cooperation and understanding among State, Federal, and tribal judiciaries.

Criminal Civil Rights Violations

In response to the Attorney General's June 1996 directive, the U.S. Attorneys established local task forces to work with the National Church Arson Task Force in investigating and prosecuting those responsible for attacks on houses of worship. As a member of the Operations Working Group of the National Church Arson Task Force, the FBI provides extensive support to this effort. It has been investigating more than 270 arsons, bombings, or attempted bombings at churches or other houses of worship occurring since January 1, 1995. The FBI is responding aggressively to each incident by working jointly with the Department of Treasury's Bureau of Alcohol, Tobacco and Firearms (ATF) and local agencies to investigate each case as a violation of Federal arson or civil rights statutes. As of October 16, 1996, 84 (31 percent) of these investigations resulted in arrests.

The Department worked closely with Congress to develop and pass the Church Arson Prevention Act to give the Department greater authority to prosecute and punish church arsons. The bill also authorizes additional funding for the Community Relations Service, and permanently reauthorizes the Hate Crime Statistics Act.

Also in 1996, President Clinton announced a new BJA grant program as a component of his National Arson Prevention Initiative. In October 1996, BJA awarded more than \$2.6 million to 586 county



governments in 13 States to enhance security in and around churches, hire part-time law enforcement officers to increase patrols around churches, or pay overtime to existing police officers who participate in church arson prevention initiatives. BJA invited every county in the 13 southern States identified by the Federal Emergency Management Agency (FEMA) to apply for these one-time grants to prevent church arson.

Judicial Selection

Finally, the Department, in coordination with the White House Counsel's Office, continued to oversee the judicial selection process throughout the past year. Twenty (20) nominees were confirmed as judges during the year, while the Senate returned an additional 29 nominations without action at the conclusion of the session. President Clinton made 204 judicial appointments in his first term, exceeding both of his predecessors in appointments made. In keeping with the President's commitment to make appointments that reflect America's diversity, over 53 percent of these appointments have been women and minorities, again a historic high.

Civil Justice Reform

The Civil Division had a lead role in developing the Executive Order for Civil Justice Reform, signed on February 5, 1996. The order requires agencies to use clear language and legal standards when writing legislative proposals and regulations. It also recommends the use of ADR and settlement conferences to resolve civil claims involving the Government. Additionally, Federal agencies are expected to develop programs to encourage pro bono legal service by employees, with each employee encouraged to volunteer for 50 hours per year.

In response to this mandate, the Attorney General issued a policy encouraging Department employees to volunteer in pro bono legal and community activities. Department lawyers and paralegals responded to the call. They staffed the D.C. Bar's Pro Bono Clinic, worked with the D.C. Corporation Counsel's child abuse and neglect program, and volunteered with a variety of other legal services programs on such matters as child custody, mediation, dispute resolution, wills, and appeals.

EOUSA continued to work with the Department's Senior Counsel for ADR to promote, through education and support, the use of ADR by Department attorneys. The U.S. Attorneys continued to receive guidance on policies promoting the use of ADR in civil litigation.

Also in 1996, under authority of Executive Order 12250 providing for Government-wide civil rights enforcement coordination, the Department initiated a program of interagency cooperation, techni-



cal assistance, training, and outreach to beneficiaries and recipients to revitalize the enforcement of Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972.