



U.S. Department of Justice

Civil Rights Division

Coordination and Review Section - NWB  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

July 29, 2009

CERTIFIED, RETURN-RECEIPT REQUESTED

Jeff L. Milsteen  
Chief Deputy Attorney General  
Department of Law  
State of Georgia  
40 Capitol Square, SW  
Atlanta, Georgia 30334

Re: Compliance Review No. 171-19-19  
Judicial Branch of Georgia

Dear Mr. Milsteen:

By letter dated January 30, 2009, the Coordination and Review Section (COR) of the Civil Rights Division, U.S. Department of Justice (DOJ), informed your office that it had initiated a civil rights compliance review of the courts of the Judicial Branch of Georgia (JBG). The compliance review stemmed from multiple complaints and other inquiries forwarded to the Civil Rights Division alleging that Muslim women and others wearing religiously-mandated head scarves, *hijabs*, or other headgear or clothing were prevented from wearing these items in JBG courtrooms. As we advised JBG previously, COR is responsible for investigating complaints against recipients of federal financial assistance from DOJ under, among other statutes, the antidiscrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. §3789d(c), which prohibits recipients of federal financial assistance from discriminating on the basis of race, color, national origin, sex, or religion in the provision of their programs and activities.

COR's January 30 letter included a Data Request seeking information concerning various dress and appearance requirements or guidelines applicable to the state's courts. We also sought information specifically addressing the allegations of discriminatory treatment involving Muslim women and others in several Georgia courts. In your April 3, 2009 response, the State of Georgia Law Department (Law Department) provided COR with information concerning the state's judicial system as well as documents pertaining to the specific allegations of discriminatory treatment. We appreciate your timely and thorough response.

In a July 24, 2009 letter, the Law Department informed COR that the Judicial Council of Georgia (Council) had adopted a new policy fully responsive to the concerns set forth in COR's January 30 letter, pertaining to the wearing of head coverings in Georgia courts. Specifically, at the Council's July 22, 2009 meeting, which included representatives from Georgia's trial and appellate courts, as well as the juvenile, probate, magistrate, and municipal courts, the Council noted the receipt of a "formal complaint" from DOJ and unanimously adopted the following policy:

Head coverings are prohibited from the courtroom except in cases where the covering is worn for medical or religious reasons. To the extent security requires a search of a person wearing a head covering for medical or religious reasons, the individual has the option of having the inspection performed by a same-sex officer in a private area. The individual is allowed to put his or her own head covering back on after the inspection is complete.

The Council's adoption of this policy resolves the issues raised in COR's compliance review. Therefore, we are closing our review as of the date of this letter. DOJ commends the Council for its prompt and effective attention to this matter. The new policy appropriately acknowledges the importance of the issue while ensuring the security of the courts. Although we are closing our review, we will monitor the matter for a period of three years to ensure that the policy is being implemented in all Georgia courts.

Please note that closure of this administrative compliance review by this office does not affect any rights that the individual complainants may have to file private lawsuits regarding the concerns raised in their complaint letters to the Department of Justice. We will retain the complaints for our records and take the information provided into account if we receive similar complaints against the JBG.

We are obligated to inform you that recipients may not intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone who has either taken action or participated in an action to secure rights protected by the civil rights laws DOJ enforces. The protection against retaliation extends to recipient employees who provide information or otherwise cooperate with DOJ's investigation. Any individual who alleges such harassment or intimidation may file a complaint with DOJ. We would investigate such a complaint if the situation warrants.

Under the Freedom of Information Act, it may be necessary to release information and related correspondence and records shared by recipients and complainants upon request. In the event that we receive such a request, we will seek to protect, to the extent provided by law, personal information which, if released, could constitute an unwarranted invasion of privacy.

If you have any questions concerning this letter, please contact Mr. Peter Gray, the attorney assigned to this matter, at (202) 305-0042. Also, please direct any written correspondence about this matter to Mr. Gray at the address listed above, and reference the compliance review number listed above in all future correspondence or contact with this office.

Sincerely,

*Merrily A. Friedlander*

Merrily A. Friedlander

Chief

Coordination and Review Section

Civil Rights Division

cc: David E. Nahmias, Esq.  
United States Attorney  
Northern District of Georgia

Honorable Carol W. Hunstein  
Chief Justice of the Georgia Supreme Court

Mr. David L. Ratley  
Director  
Administrative Office of the Courts

Ms. Cynthia Clanton  
General Counsel  
Administrative Office of the Courts