Well good afternoon, everyone. I think we'll go ahead and get started. We appreciate your patience for a few minutes, and I want to let you know that I'm really pleased you've joined us today. We are just delighted to have Assistant Attorney General Thomas Perez with us this afternoon, and I want to thank you so much for being with the University of Washington School of Law. I know you've had a busy schedule. So welcome and we're very glad you've joined us.

I want to let you know that today the Attorney General will be speaking about the Civil Rights Division in the 21st century, his vision of restoration and transformation for that division. And as we think about that topic, it is certainly the case that this Law School has a long tradition of commitment to civil rights in just so many areas.

So many of our faculty litigate important cases before the Supreme Court currently, and have. Many of our faculty members have had very distinguished careers in this area and are quite accomplished, as well as so many of our alumni.

I also know from talking and getting to know our students that so many of our students have very much a commitment and an interest in going into this area in their career as they graduate and become members of the Bar.

And so it's a particular delight today to be able to welcome Mr. Perez and to hear the plans for the Division. Now, one of the faculty members that I refer to when I say we have such a great tradition in civil rights here is Professor Paul Miller, and I want to introduce Professor Miller and ask him to more formally introduce Mr. Perez.

Paul Miller is a faculty member that I know many of you know. I've heard so many comments both from colleagues and students about his many contributions to the School of Law. He is right now the Henry M. Jackson Professor of Law and is an expert renowned internationally in the area of disability and also in employment discrimination law.

He is a wonderful model of spending a career moving between academics and public service and law practice, and has most recently come back to the Law School, I'm so happy to say, after serving in the Obama administration as a Special Assistant to the President where he managed Presidential appointments in a number of areas.

And prior to that, he was a member of the Obama transition team as well, and other work in public service was also that Professor Miller has been one of the longest-serving commissioners of the US
Equal Employment Opportunity Commission: of course, the federal agency, as you all know, that enforces employment discrimination laws here in the United States.

So I want to thank Professor Miller for his work in bringing Mr. Perez to the Law School today, and also just in doing that, Paul, let you know how grateful we are for you being here with our law faculty. It's all yours.

**Paul Miller:**

I'm going to speak from over here and introduce - are you taping this? OK. I'll just speak from here. I talk torts here. You forgot I said that I teach tort.

[laughter]

I'm getting nervous, seeing that after that very lovely, very kind introduction, I was going to have to give a speech, for which I am utterly prepared for.

[laughter]

**Kellye:**

Of course you are.

**Paul:**

Of course I am. This is a real pleasure for me and a pleasure for the Law School. As I was thinking about this afternoon and thinking about my introduction of Tom, I was thinking about how many of us think about our careers and our lives in the law and how, at least I think, and I know many of you think, that along the way of our career, we become lucky enough to meet some extraordinary people along the way who embody principles of justice and service.

And Tom Perez is such a person, and we're really fortunate to have him with us today.

Tom spent - particularly since he's only spending one day here in Seattle and he's chosen to spend a chunk of that with us. I've spend part of the morning with him and U. S. Attorney Jenny Durkan as he hosted a roundtable of our region's civil rights leaders talking about some of the most pressing civil rights challenges facing our community today.

And I think everybody in the room recognized the tremendous sense of intellect and strategic thinking and empathy and understanding that Tom brought to the conversation and to each individual set of discrete and interrelated issues.

I also want to mention, Tom spent the start of his morning at the Washington Middle School talking with young people, students, about an anti-bullying program and about LGBT issues facing middle schoolers.

And so Tom sees himself and, I think, sees the Justice Department and his role not just in prosecuting cases, not just in responding to appropriate litigation, but for really being an active force and voice in the community.

I've tallied it up: I think I've known Tom for almost 20 years, and we first met in the early days of the Clinton administration. Tom, many of them weren't born at that time, I'm sad to say.
Following the civil rights campaign...

Eric was born, I think, in Roosevelt's. Anyway...

Tom was a civil rights champion in Janet Reno's Justice Department where, among other things, he was a prosecutor and prosecuted some of the department's most high-profile civil rights cases including hate crime cases against white supremacists.

Tom then left DOJ to join the staff of the late Senator Ted Kennedy to serve as the Senator's principal advisor on civil rights and criminal justice issues. And so I can't imagine a more important and critical role in public service than serving Senator Kennedy on the issues of civil rights and the criminal justice system.

During the last two years of the Clinton administration, Tom directed the Office of Civil Rights in the Department of Health and Human Services, where he again brought his vision and strategic thinking and intellect to the implementation and thinking of civil rights in the Health and Human Services context.

Throughout the entire Clinton administration, Tom was a thoughtful, articulate, and dedicated voice for civil rights, especially on behalf of some of the most vulnerable members of our society: people with disabilities, immigrants, undocumented workers.

Following the Clinton administration, Tom joined the faculty of the University of Maryland Law School, taught in that school's nationally-ranked Criminal Law program and Law and Health program, a political program, and a Health Law program.

And during that time, which I also think was extraordinary, not only has he answered the call to service when asked as an appointee, but he ran for elected office and served on the Montgomery County Council, serving as President of that Council, also.

In 2007, Tom was tapped by the Governor of Maryland to serve as the state's Secretary of Labor Licensing and Regulation, and most recently I've had the great privilege of working with Tom, again, on the Obama transition team in which he managed much of the transition team's policy work, and then recently during my time in the White House.

Tom has once said that the Civil Rights Division at DOJ is the conscience of our country, enforcing laws designed to give meaning to America's enduring promise of equal opportunity and equal justice under the law.

It's my great privilege to introduce my friend, Tom Perez, who at every moment throughout his career has strived to give meaning and effect to this most basic of our American principles. Tom?

[applause]

Thomas Perez:
Paul, thank you. You are really blessed here at the University Of Washington Law School. I've never been to your school. I know of your faculty. You've got a world-class faculty. And one of the things I loved about working at Maryland and one the things I love about University of Washington is you have an eclectic faculty.

You have some of the world's pre-eminent scholars in various areas, but then you also have some of the country's and world's pre-eminent practitioners in various areas. And I think that synergy is really critical.

I mean, you've got one of the nation's pre-eminent appellate litigators, and I had the privilege of having dinner with Eric last night. And it's just a remarkable - what a font of information and knowledge about civil rights work and appellate practice.

Paul is just - he is a nationally-recognized hero. But what I love the most about Paul Dean is that - there's this old adage that judge I clerked for taught me, which is, "It's nice to be important, but it's important to be nice."

And that's one of the main reasons why I have such profound respect for Paul and I have such profound respect for you, Dean, because you have great judgment. You can tell a lot about a person by the company they keep, and yeah, thank you for your leadership here, and thank you for this wonderful building. It's great to be here.

I had a chance to meet some of you earlier, and it was very inspiring to see all of the public service-minded students that do exist here. You know, a few weeks ago - this is a great job, by the way. I can't believe they pay me to do this job in the Civil Rights Division. I've wanted to be a civil rights lawyer my entire career, and I've been lucky enough to do that work.

And part of what makes this job a great job is you get to go to great places like Seattle. And a few weeks ago I got to go to a remarkably rich place in civilized history, which was Greensboro, North Carolina, because it was the opening of a museum that was dedicated to the Greensboro Four.

It was a remarkable day. It was a cold Monday morning. It felt like my hometown of Buffalo, it was about 10 degrees out.

But we were celebrating the anniversary of the sit-ins at the Woolworth's that resulted in a prairie fire of protest across the country that enabled remarkable change to occur. And I met the three surviving members of the Greensboro Four, got to sit with them at the lunch counter.

I met a woman, a 78-year-old African-American woman who was a remarkably interesting woman. She worked there at Woolworth's, but she was not able to eat at Woolworth's until after the sit-ins resulted in change, and she was one of the first people served at Woolworth's.

She actually ate the egg salad sandwich that she had made earlier that day.

[laughter]

And always dreamed of doing that someday. And it was remarkable to commemorate those foot soldiers who really put their life on the line to go in there for equal justice. And it was a real privilege to represent that President at that event.
And I was sitting on the plane on the way home, and I couldn't help but reflect on the contrast between 50 years ago and the civil rights movement, whether it was Rosa Parks, whether it was the Greensboro Four or others, and how far we have indeed come as a nation.

And in fact we've come so far that there was this editorial writer - and this was a story related to me shortly after I took over this job. I won't mention the newspaper other than to say that it's a prominent national newspaper that I'm confident many of your might read.

[laughter]

And it was a remarkable story. And this friend of mine relayed it to me, and this person was asking him the following question: "We have an African-American President" - because the guy was saying, "Where are you going?" "I'm going to the swearing in of Tom Perez to be the head of the Civil Rights Division."

And he asked him, "You know, we've got an African-American President, we've got a Latino on the Supreme Court, we've made all this progress. Why do we need the Civil Rights Division? Because haven't we - there are not these protests at the Woolworth's anymore. I mean, we're there."

And my friend thought that this editorial writer was joking until he emailed him the draft of the editorial that was being prepared by a very reputable national publication to talk about, isn't the business of civil rights finished? And it was only then that the person realized how serious it was.

And I have to say that from time to time in the work I've done in the four short months that I've been on the job, I have encountered people as well who have asked that question.

And I have grown to conclude that it's a very important question to ask and a very important question to address, and that is the simple question of why do we need a Civil Rights Division in the year 2010?

I thought it was obvious, but I have grown to conclude in the course of my short tenure that it's anything but obvious to many people in the United States, and if it's anything but obvious to many people, then it is incumbent upon me as part of the job description of Assistant Attorney General for Civil Rights to educate people on civil rights in the 21st century.

To educate people about the fact that on the night Barack Obama was elected President, a group of racists on Staten Island went on a crime spree targeting African-Americans.

[phone rings]

They're calling me now because they went to jail.

[laughter]

And I need to tell them, "I'm sorry, you are not going to get out of jail."

[laughter]

You know, we have followed - improvisation, by the way. If you take trial practice, you will learn that there are times in life when you need to learn how to improvise.

[laughter]
And so it was a remarkable phenomenon. So the night he was elected, we had this remarkable study in contrasts. My first day on the job, one of the first press releases I'm reviewing involves a case in Louisiana of a Latino family who had moved in, and a group of racists across the street were appalled at the notion that Latinos would be moving into their neighborhood.

So they shot into the house, chased them out of the house, and torched the house to the ground. 2009 in the United States of America.

My second week on the job, I thought we had disbanded the interracial marriage unit of the Civil Rights Division 30 or 40 years ago.

Even before Eric Schnapper had become a civil rights lawyer, I thought that unit had been disbanded, only to learn that there was a Justice of the Peace in Louisiana who had been refusing to sign marriage licenses for interracial couples-

Under the belief that interracial marriages are destined for failure, and why should we be signing these certificates that would lead people to a life of failure and all of the ills that result from that failure?

I kid you not, that was week two on the job. I wanted to refer this Justice of the Peace to the President of the United States of America, whose life has truly been set back by being the product of an interracial marriage.

[laughter]

But I decided not to. We need a Civil Rights Division because we see so many challenges for women in the workplace.

Did you know that we are now, for the first time in our nation's history, at a point where women outnumber men in the workplace?

But yet when you look at the composition at the upper ranks of Fortune 500 companies and the upper ranks of all too many companies and all too many sectors, you still see that the glass ceiling is all too frequently impenetrable for women in the workplace.

And there's nobody who can give you better chapter and verse than the former Commissioner of the EEOC. But yet there are all too many people who believe that we no longer need to do this work.

We see overt ramifications of the need for a Civil Rights Division. I've described the cross burnings, the Justice of the Peace, the acts of violence. But we see equally destructive civil rights violations in other contexts.

I have spent so much of my time in recent years on the sub-prime meltdown.

And while the foreclosure crisis has touched every community in this country, it has undeniably touched communities of color as lenders have used the corrosive power of fine print to tear apart African-American and Latino communities, to bring people in under the lure of the American Dream, only to have that American Dream turn into the American Nightmare.

And I have spent all too much time in this job, in my previous jobs, with people of color who are 48 hours away from losing their home, and that didn't have to happen if they had not been victims of discrimination.
And so we need a Civil Rights Division because we need an effective advocate, who will enforce the Fair Housing Act, who will enforce the Equal Credit Opportunity Act, who will hold unscrupulous lenders accountable for their misdeeds, who will not allow the American Dream to turn into the American Nightmare.

Somebody asked me early, on in my tenure, "Tom, what are your initial impressions of the job?" And I said to them, "Well, one of my initial impressions is the more things change, the more they stay the same."

Because one of the last pieces I had worked on in my first tour of duty in the Justice Department was a case involving the murder of a doctor who provided reproductive health services.

And he was murdered two-and-a-half miles from the house where I grew up outside Buffalo, New York. And one of the first cases I worked on when I came back was the case involving the murder of a doctor providing identical services in Kansas.

But we don't need a Civil Rights Division, some people claim. We need that Civil Rights Division because there are all too many people who believe that access to these critical services is not necessary.

And that is why we have to have a Civil Rights Division. We have so much work ahead of us. We need a Civil Rights Division because we have so many emerging communities who are living in the shadows of our lives and our communities.

Hubert Humphrey once said that the moral test of our strength as a nation is how we treat those in the dawn of life, our children; how we treat those in the twilight of life, the elderly; and how we treat those in the shadows of life.

And we have all too many people with disabilities who are living in the shadows of our communities. And we have tools at our disposal in the Civil Rights Division to bring people out from the shadows into the sunshine.

We have all too many LGBT brothers and sisters who simply want equal opportunity in the workplace, who simply want to be able to walk down the street and not have to worry about being assaulted because they are gay, bisexual, lesbian, transgendered. We have all too many people who, regrettably, have to live in fear.

We have all too many immigrants who are living in the shadows of our communities, immigrants who have rights as well, and immigrants who are all too frequently victimized. We just indicted a case the other day involving an idiot from New Jersey - idiot is a term of art.

[laughter]

For those of you looking up in your dictionary. He sent emails to the heads of the National Council of La Raza, the MALDEF, PRLDEF, a number of other organizations that advocate for immigrant rights, and he told them that if you continue to do this on behalf of immigrants, I will kill you. We need a Civil Rights Division to hold people of that ilk accountable.

We need civil rights division to make sure that English language learners at Washington Middle School and elsewhere have the right to get the services to which they are entitled under federal law and which they are all too frequently not receiving.
Because if we do not empower our children with the basic skills to succeed, we are indeed not meeting the test set forth by Hubert Humphrey about our nation.

And so I hope by now you've seen the work that we are doing, and you've seen the compelling need for a Civil Rights Division, and you've seen why I love my job. Because our job is about restoration and transformation. We had a tough eight years prior to when I arrived. That might be the understatement of the decade.

[laughter]

The bar was low when Tom Perez came in.

[laughter]

I like that, at times, because it's a lot harder to fail when the bar is low. But frankly, I wish the bar had been really high, because that would have meant that civil rights enforcement had been occurring at the level that it should have occurred at.

And you know what? I'm proud to have worked for Senator Kennedy. I'm proud to have worked in the Clinton administration.

I'm proud to have worked for my Democratic Governor of Maryland, but I'm equally proud to have been a career civil servant in the Civil Rights Division, hired by the elder Bush in 1999, working under John Dunn, a Republican leader, from '89 to '92, working under Deval Patrick and Janet Reno.

There was a long tradition of non-partisan enforcement of civil rights laws. There was a respect for the career staff throughout that tenure. I served on the hiring committee in 1991 and '92 under Republican leadership, and I served on the hiring committee in '93 under Democratic leadership.

And our mission, our charge, was the same: hire the best-qualified people. Plain and simple, end of story.

And so many of those basic tenets which made our division a remarkable place to work were undermined during the course of the last eight years.

But our mission is not to recreate the Department of Justice Civil Rights Division that existed in July 19th of 2001. Our mission is to create the Division necessary to tackle today's challenges.

Today's challenges in the LGBT community, today's challenges in the international community where there is a recognition that civil rights is human rights, making sure that our division lives up to its promise, our nation lives up to its promise of equal opportunity.

And I love my job because we are indeed the conscience of the federal government, and we are indeed a conscience of the nation. And we have an Attorney General who believes that the Civil Rights Division is the crown jewel of this department.

And we have a President who shouted out the Civil Rights Division, the only sub-Cabinet agency that he shouted out in his State of the Union, because he believes to his core in the mission of civil rights enforcement. And he put his money where his mouth is, which enabled us to hire 100 new people with the resources in this current budget.
When you tell me that "I care about issue x," if an elected or appointed official ever comes to you and says, "This issue is a priority," you should always come back to them and say, "Show me your budget," because budgets are moral documents. They reflect the values of a nation, the values of a community.

And this President, this Attorney General, has given us the resources that will enable us to go through unprecedented growth and to carry out our ambitious agenda of restoration and transformation.

The Civil Rights Division is no longer going to be the buffet line at the cafeteria. That's what it was the last eight years. You pick things you want to do; you pick things you don't want to do. We don't want to use disparate impact theory, so we're not going to do it.

Well, you know what? Our job is to enforce the law, all of the laws, and to do so independently and aggressively and fair-mindedly, and that's precisely what we're going to do.

We will dust off, and have dusted off, disparate impact theory to apply when the facts so permit. And so you look at a case like the New York firefighters, the New York Fire Department.

Let's talk about the police department first. 40% of their complement of police officers in New York are African-American or Latino. You look at the fire departments in Chicago, in Los Angeles, in Houston.

African-Americans and Latinos comprise somewhere in the vicinity of 35 to 40% in those departments. In the New York City Fire Department, 10% of firefighters are African-American or Latino.

Firefighters have told me privately, "Oh, that's the club." And it's the club for men all too frequently, and it's the club for white men all too frequently. And so we filed a lawsuit challenging the hiring practices.

And the court, applying disparate impact theory, found that the city was indeed liable and in fact found that the practices were so pervasive that he granted summary judgment to the government, not only on the disparate impact theory, but also under a theory of disparate treatment because the numbers were so troubling to this judge.

And so if we need any more evidence of the need for aggressive civil rights enforcement and for the aggressive use of all of the tools that are in our quiver, that case is a vivid, vivid illustration. And as we move forward in restoration and transformation, we have a very robust agenda in the disability rights context.

Because just as we had segregation in classrooms of people of color, schools that were separate but unequal, we have all too many people with disabilities in this country who are warehoused in institutions when they could be living and thriving in community-based settings - settings which, parenthetically, are far cheaper to administer.

And so we will put in place and are putting in place the promise of the Americans with Disabilities Act, and I have personally gone down and had conversations with at least one governor, who shall go unnamed, of a state that likes peanuts.

[laughter]
And I have told them that the Supreme Court decision was Olmsted versus Georgia, and ten years later we have made little progress. Mr. Governor, I appreciate the difficult task that you have, but this is a forgotten population.

That's why I love this job, because we really are about advocating for the forgotten. And yes, we did file another lawsuit, and yes, next Tuesday we have a preliminary injunction hearing, because we can no longer afford to be patient with noncompliance.

And so we recognize the need for restoration and transformation. We recognize the need to fill some of the holes in our laws that remain on the books.

And that's why I was so excited, as my first trip up to Capitol Hill, to testify on behalf of the administration in support of the Employment Non-Discrimination Act, which will level the playing field in the workplace.

When I served on the Montgomery County Council, we hired as one of the principal counsels on the body a woman who was a lesbian, and she came to us because we offered domestic partner benefits whereas her other job didn't. We had a competitive advantage.

Passing the Employment Non-Discrimination Act is not simply a moral and ethical imperative, it's about economic self-interest. If you want to get a competitive edge, as places like Microsoft and elsewhere have figured out, you've got to attract the best and the brightest, and that's what the Employment Non-Discrimination Act is about.

It's about making sure that people are judged by the content of their character and not by other, irrelevant factors.

And that's what we're doing in the division. That's why I love my job, and that's why I think it is so important as we move forward. Because there are so many cases where we are advocating for vulnerable people, so many cases where I am reminded of what Doctor King once said when he was advocating for vulnerable people.

He said, "The question is not, 'If I stop to help this man in need, what will happen to me?' If I do not stop to help the sanitation workers, what will happen to them?"

That's the question we should be asking. If we don't help the people in those institutions in Georgia, what will happen to them? If we don't help the English language learners in schools across this country, what will happen to them?

If we don't help those doctors and other practitioners of reproductive health services, then what will happen to them? That's the question that we need to continue to ask in every civil rights setting, and that is why we will continue to be the conscience of the nation.

I've got some homework for you, and I didn't want to tell you this until the end because I figured if I told you it n the beginning, some of you might have walked out.

[laughter]

But for some of you, those of you here who are students, I want to give you an assignment that I used to give my students at the end of every semester.
I used to teach a course called Public Interest Advocacy, trying to teach folks the core competencies of an effective public interest advocate. And at the end of this course, and at the end of the clinics I used to teach, I had one assignment for folks.

And I invite you to do this, and I say that in all seriousness. And the assignment is this: write your obituary. A macabre exercise, indeed.

[laughter]

But why am I asking you to do this? I want you to ask yourself the question, "What do you want your legacy to be on the planet Earth?" Why were you put on the planet Earth? What do you want people to know that you have done?

I've seen so many people in life who are 60, 70 years old, as I said to someone before, who haven't yet figured out why they were put on the planet Earth.

I feel so fortunate, because I feel like I have been able to answer that question, and the answer for me has been to work in situations where I can help underserved populations, to make sure the ladder is down, as my parents taught me.

And I asked my students to do that, and they had wonderful reflections. I have not yet gotten a paper from a student in which they said, "Paul Miller. I billed 3,000 hours a year and led the firm every year."

[laughter]

That was never part of the obituary. But I invite you to do that, and I invite you to get involved in these affairs, because I invite you to spread the message that we do, indeed, need a civil rights division, and if we're going to carry out the mission of this civil rights division, we need you. We need more people. We're hiring right now.

And we need leaders like you to come on board. We need you to take risks.

And perhaps next year when you have one of those quarters, and you're one of only a few schools that have the quarter system, so you're at a competitive advantage.

Write a letter to the civil rights division or somewhere else where you want to work and say, "Hey, I want to go work there. I want to see what it's like to do your job." Take that calculated risk, and bring your obituary with you.

[laughter]

Because that will continue to be a reminder for yourself of what you want to achieve. What do you want your moral compass to be? I am confident that if you do that it will force you to reflect on what you want to do with your life.

And I know for me, I feel very fortunate because I have had a wonderful life, I've had a wonderful family, and I've had this wonderful opportunity to serve my community and to serve my nation.

We do not get rich in this line of work, but as I've said many times, the non-monetary rewards are priceless. And that is what I'd love for you to be doing: work in which you get up every day asking yourself why you get paid, because you love your work so much.
Happiest is the person whose job is his or her hobby, and that's what it is for me, and I hope that's what it will be for you.

And I hope that you have seen and understood why we need people doing civil rights work, why we need a civil rights division, and why we need a nation that's committed to civil rights.

Because we've come a long way and we do have an African-American president and a Latino in the Supreme Court and a woman in the House of Representatives, but we've got a heck of a lot of work to go and we need to do it together.

So thanks for your time, and I hope you continue your proud tradition of educating and empowering service-minded lawyers who serve not only their community but their nation. And I'm happy to take any questions that you have. Thank you for your time.

[applause]

**Thomas:**

Now comes that moment where someone has a question but who is the first one to raise their hand. Oh, Dean, all right.

[laughter]

Woman one [dean] : I'd like to ask you to reflect a little bit on legal education. If a law school's goal is to help students find their pathway so that they are doing what they love and they love what they're doing.

And the public service is the core value. What kind of reform in legal education would you like to see? What kind of student and professor...?

**Thomas:**

Well, I've had this conversation with my former dean, Karen Rothenberg, whom some of you may know. Our mission statement at the University of Maryland was to train not only lawyers but leaders, something to that effect. And I suspect that if I were to look at the roster of the Washington House of Representatives and the Washington State Senate and all the other places where muckity-mucks are, that there are a lot of graduates of this law school.

And the question I had asked Karen was: the law school does a great job of training people in the rigor of case analysis and dissecting a problem and all those things, but there's no training... I'm reading the mission statement.

I love Paul and how he teaches torts. I'm sure he does it well, but I'm not sure I can draw the correlation between getting an A in torts and being an effective leader.

Maybe there is a correlation but if I had to reform legal education and we actually got a fairly sizable grant from a foundation to create a leadership institute within the law school, I think we need to do a far better job of training lawyers to become leaders.

I have some colleagues on the faculty and I respect this, who felt that this focus was ill-advised and it was "soft," but if you look at the docket of the disciplinary actions in the Maryland Court of Appeals, 90% of the docket is people who had failures in the so-called soft skills.
So soft is one of my least favorite words in the English language because of that. So that's my long-winded answer to the question of legal reform.

There's someone in the back who had their hand up.

**Man 1:**

Did you position to have to make structural changes within the division or to meet the challenge of the turn of the century?

**Thomas:**

The primary structural change that we are in the process of making and we actually talked about this at dinner last night is to create a new unit focused on policy and evaluation and the think-tank within the division. We all too frequently produce a lot of good product and product defined as cases that we do. But the paradigm currently is you do a case. You complete the case. You go to the next case. And there's never any reflective moments where you... We are a treasure trove of data. And so, let's take the issue we used last night. I think it was school discipline.

We've done a number of cases in our desegregation docket involving discipline and so we have a tremendous amount of data. There's been a lot of research done in this area of discipline, like does a zero tolerance policy which results disproportionately in students of color getting kicked out.

Is that sound educational policy and is it potentially a violation of Title 4?

Well, this unit is going to work to produce that sort of rigorous analysis that can hopefully inform our judgments of how we proceed in cases. We need to do that. We're also doing a lot more work in the international area.

And we've created structures to allow us to do that because we need to be examples to the world in the civil rights context. We need to hold ourselves accountable as a nation to some of our treaty obligations which have civil rights implications.

We're not structurally suited to do that at the moment in the best way possible. So those are probably the two major areas. Yes, sir?

**Man 2:**

You just mentioned treaty obligations. I was talking about the Department of Justice is the conscience of our nation. I had a question; I hope it's not above your pay grade. But the official in front of me but I guess I'll ask. Obama has come out and said, we've stopped torturing, which is an admission that we have. In his view, we have.

And I believe there are treaty obligations that require prosecution of that and I assume that that would be involved with that. I guess I'm wondering what your take on accountability is in that sense? If he's admitting we have tortured in our statutes and the treaties specifically banned that.

What sort of steps to accountability and being the conscience of our nation?

**Thomas:**

That's a very good question and while it's not in our delaying of our civil rights division, I'm not going to dodge your question. Those are hard questions. There was just a story in the paper last Friday. The
associate deputy attorney general had reviewed a set of recommendations from the office of Professional Responsibility regarding two officials who worked in the office of legal counsel who had more or less been the authors of the memos that really are at the heart of the question.

So a very important question in this case, in this issue, is who do you prosecute? Do you prosecute a person who may engage in torture who has been told by people above him that this is permissible? Do you prosecute the people who have authorized it?

I mean, those are hard questions. The associate deputy attorney general reviewed some of the reports last week and came to an opinion and I think these things will be debated for some time to come.

Reasonable people can differ on the approach that one should take. The Blackwater issue was a case that was prosecuted, has been dismissed, maybe the issue I'm very familiar with because it was about the use of statements. That was the basis of the case being thrown out. But that's a first cousin of the question you are asking.

The government is appealing that. There's going to be an aggressive pursuit of that. But there are no easy answers to these questions. Really an underlying question is how much do you go back and attempt prosecutions?

There was an inspector general report in the civil rights division about the abuses by my predecessors that predated me. That report recommended that my predecessor be indicted. I mean, there's that figure of speech that says what happened there was criminal.

Well, there are some who argue that it was literally criminal, what occurred there. And the Attorney General reviewed and he made a decision to decline prosecution. And I respect that decision. That was not to say that he was vindicating the conduct. He just made a judgment that it is in the overall interest of justice to move forward.

Reasonable people can differ with that decision, just as reasonable people can differ in the torture context on the accountability front and who to prosecute and whether to prosecute. That will be a subject of I think great debate for many years to come. Thank you for your question.

Yes?

**Man 3:**

With regard to the [inaudible 45:33] the other day [?] talked about and of these one of regarding you is being sued for your role in [inaudible 45:41] The DoJ is representing various attorneys. Why is that?

**Thomas:**

The Civil Division represents people who are sued in the line...

**Man 3:**

I wanted the real reason.

**Thomas:**

When you go to work at the Department of Justice if somebody sues Tom Perez for doing X the civil division has a general matter will represent you.
Man 3:

Doesn't it come to a point though that the DoJ says one of our officials engaged in criminal acts and in fact we should be prosecuting him as opposed to giving him civil counsel."

Thomas:

Well...

Man 3:

Is there a point when you can do you job so badly, with such a malicious intent, the DOJ should say, "You're accountable for your own actions."

Thomas:

I think if you did a focus group of 20 people, you would get probably 10 people on one side and 10 on the other. It's a very good question. Yes, sir.

Man 4:

Given that we're going to be having the 2011 redistrictings of election districts in the Voting Section, are you going to be able to invest more resources into your Section V oversight so that redistricting plans that from a reasonably large number of jurisdictions that are converting for that large [inaudible 47:03] elections will be reviewed?

Thomas:

This is one of the most learned voting rights lawyers in the United States, for those of you who don't know him. It's good to see you again. And the short answer is, absolutely. We got 102 new positions, and the section - including 60 lawyers. The section that is getting the greatest complement of personnel in the division is the voting section, and the purpose of that is to make sure that we are prepared for the Census.

And it's not just, by the way - and you know as well as anyone working that it's not just lawyers that we need, it's analysts. And so we're actively - if you look on our website, actually, our ad for the voting, the lawyers just closed, and the ad for the analysts is still open. But we can and will be ready.

And there are a number of states where we've got to be ready early. I just met with the Speaker of the House of Louisiana the day before yesterday.

They've got a primary election summer of 2011, and so we've got to review their plan very fast, and that is a state that has seen a demographic transformation. Not just the numbers of people in and out, but the relocation of people from certain corners of New Orleans to various corners of the state.

So we will be prepared, we must be prepared, and we're getting those resources in place to be prepared. Yes.

Woman:

In your earlier discussions, since you mentioned your regard for environmental justice issues, and since that's a relatively newer area, I wonder whether you can comment a little bit about how the Civil Rights Division is getting involved in that.
Thomas:

Sure. The work implicates a number of different sections. I'm thinking of a case we have right now where environmental degradation with a civil rights implication is being arguably effected by the passage of zoning laws that facilitate the development of certain facilities in certain residential areas. So in that case, our Housing Section is actively involved.

Another vital hook in our EJ work is Title IV, the Civil Rights Act, so if you get any federal dollars, you're on the hook not to discriminate. And so we're using that as a very aggressive lever.

And those are probably the two major levers that we're using right now, and we're also - when I talk about transformation, we're working very hard to transform our relationships with our sister agencies.

So for instance, we had a recent town hall meeting with the EEOC, where they have the capacity in their office to do satellite hookups to all 53 or however many regional offices there are. And so we're getting involved earlier in cases. And similarly with EPA and other offices that have a dog in the EJ [?], we're doing the same thing.

And I've just hired a guy, his name is Matthew Colangelo from the NAACP Legal Defense Fund who did environmental justice work. He's going to be working in the front office, and environmental justice is a big part of his portfolio.

So if you have cases, bring them to our attention, because we're all ears. That's why we did outreach this morning. I don't know what I don't know. Yes, sir?

Man 5:

Do you have any thoughts you want to talk about the prosecution of the leader of 9/11?

Thomas:

I don't have any thoughts on that, because frankly that hasn't been my lane. And so I've really been focused on the more than full-time job of the restoration and transformation of the Civil Rights Division. I don't have informed thoughts.

[laughter]

Yes, sir.

Man:

Thanks, Gwen. I - it seems to me one of the most pervasive and difficult-to-address forms of discrimination is discrimination based on economic status. And as far as I know - I'm not familiar with all the laws, but that's not even recognized as a form of discrimination in a lot of senses. So I'm wondering if that's a concern in your office or if you've considered any measures to address that.

Thomas:

Well, I mean a lot of the work we do - yes, Title VII does not involve discrimination based on economic status. But a lot of the work we do, whether it's the wage enforcement work, the discrimination work in terms of low-wage workers who are victims of discrimination, home owners who are victims of housing discrimination, it has the effect of assisting people who are economically challenged in terms of helping move the ball forward.
So yes, you're correct that the core statutes that we use - there are a few statutes. There is a couple. The Hale-Burton Act in the healthcare setting actually explicitly refers to you can't discriminate on the basis of payment source, which is economic status in a certain way.

But the core of your question is correct, but I do think that through our enforcement - when we're helping English language learners in the school system, they are disproportionately low-income kids. And so there are ways to address the needs of low-income populations without having that particular statutory tool. Yes, sir.

**Man 6:**

President Obama, I think, was saying again it is really time to look at and repeal the Don't Ask, Don't Tell policy. I was just curious whether or not the Justice Department has any role in working with the DoD [?] to make that happen.

**Thomas:**

The question was about the President's Don't Ask, Don't Tell policy, and in fact you are correct that - and you've seen a number of members of the military who have been very actively and publicly stating that the policy should be eliminated - including Colin Powell, by the way. And so I'm confident that that's going to happen. It has to happen statutorily.

And we are - while DOD is in the lead because this is an internal review at DOD, we certainly are standing ready to provide whatever technical assistance on whatever civil rights dimension of the problem.

The areas that we have been most involved in the LGBT context have been the passage of the Hate Crimes Law, which was written - which our division was heavily involved in - and the Employment Non-Discrimination Act where - I testified recently on behalf of the administration, and we've been going up to the Hill to help with the drafting there.

I'm really confident that we're going to get that passed, and I think we reached a real milestone recently with the testimony of the military personnel.

And as you probably know, when we're fighting with coalition forces from around the world in various flashpoints, we're already implementing that policy, because many of the other countries allow gays to serve in their militaries.

So I think the notion that it's an operational problem is a notion that people are understanding is just bunk. Bunk is, again, a term of art.

[laughter]

Just, I keep going through the various terms.

**Kellye:**

[inaudible 52:21] term it is. [laughs] Let me ask you to join me in thanking, now, Assistant Attorney General Tom Perez for being with today.

[applause]