



W. A. DREW EDMONDSON  
ATTORNEY GENERAL OF OKLAHOMA

April 21, 2009

The Honorable Brad Henry  
Governor of Oklahoma  
212 State Capitol Building  
Oklahoma City, OK 73105

Dear Governor Henry:

I write to you concerning the "English only" proposed constitutional amendment or the proposed statute on the same subject. Included with this letter is a letter and attachments from the United States Acting Assistant Attorney General for the Civil Rights Division of the Department of Justice.

As you will note the DOJ is in effect warning our state about the possible federal consequences should these proposals pass. I felt it was my duty to inform you of the possibility of the DOJ subjecting our state to litigation under Title VI of the Civil Rights Act of 1964.

As stated in the letter the provision of Title VI dealing with "limited English proficient (LEP)" persons "applies notwithstanding state adoption of English-only constitutional amendments or English-only laws or ordinances. The *LEP Guidance* addresses this issue specifically, noting that 'some recipients operate in jurisdictions in which English has been declared the official language. Nonetheless, these recipients continue to be subject to Federal nondiscrimination requirements, including those applicable to the provision of Federally assisted services to persons with limited English proficiency.' *Id.* at 41,459. State agencies and other entities in Oklahoma that receive federal financial assistance thus would be precluded by federal law from abiding by an English-only requirement where it conflicts with their obligations under Title VI."

It is not clear whether we would prevail in such litigation but it appears very clear that we can expect such litigation to follow passage of these proposals. Thank you for your attention to this matter and should you have questions, please feel free to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "W. A. Edmondson".

W. A. DREW EDMONDSON  
ATTORNEY GENERAL

Attachments