

Congress of the United States
Washington, DC 20515

July 28, 2009

The Honorable Eric H. Holder
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Holder:

In April 2009, Drew Edmondson, the Attorney General of Oklahoma, received a letter from the U.S. Department of Justice, Civil Rights Division, regarding legislation pending in the Oklahoma legislature. The attached letter threatened DOJ action, including the elimination of federal funds, should legislators pass the bill to place a constitutional amendment that could potentially make English the official language of Oklahoma on the November 2010 election ballot.

The Civil Rights Division letter was dubiously timed at the peak of legislative debate rather than in response to a particular state action alleged to violate Title VI. This unprecedented intrusion departs from what the Supreme Court called the “elaborate restrictions” Congress has placed on administrative agencies use of the funding termination tool as a means of enforcing Title VI. Sandoval v. Alexander, 532 U.S. 275 (2001). As the court put it:

Section 602 empowers agencies to enforce their regulations either by terminating funding to the “particular program, or part thereof,” that has violated the regulation or “by any other means authorized by law,” 42 U.S.C. § 2000d—No enforcement action may be taken, however, “until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means.” *Ibid.* And every agency enforcement action is subject to judicial review. §2000d

By sending what amounted to a funding termination letter before Oklahoma had passed an official English law, DOJ is manifestly not acting within these “elaborate restrictions.” This was not a letter aimed at enforcing actually occurring violations of the Civil Rights Act of 1964.

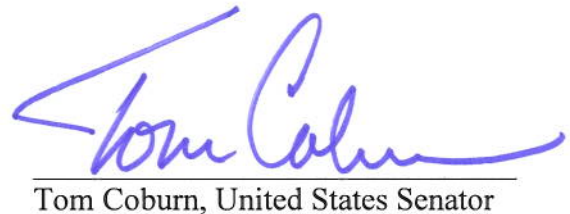
In the last eight years, Arizona, Iowa, and Idaho passed laws substantially similar to the legislation then pending before the Oklahoma legislature. All of these states are acting under the direction of an official English policy, which has included the cessation of some multilingual services. Have these states, or any of the dozens of states, cities, and counties with official English policies, been accused by the Department of Justice to be in violation with Title VI, or formally threatened with funding termination? We find it extremely disconcerting that the State of Oklahoma has been targeted.

We respectfully ask that the Justice Department offer an explanation for this overreach. In particular, please explain what prompted the initial letter to Attorney General Edmondson. Also, what federal funding will be eliminated if the voters of Oklahoma vote to ratify a constitutional amendment that would establish English as the official language of Oklahoma? Please affirm if this is the official position of the Department of Justice, and any future steps the Department intends to take regarding the elimination of federal funding for official English policies.

Sincerely,



James Inhofe, United States Senator



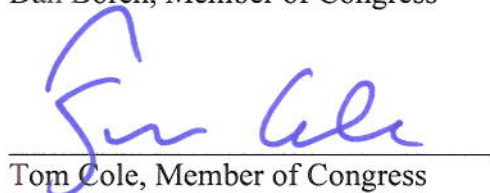
Tom Coburn, United States Senator



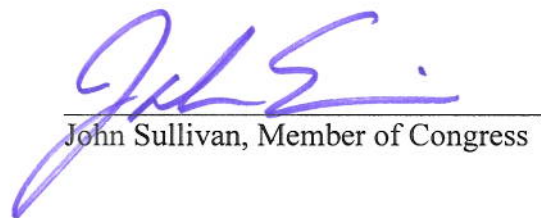
Dan Boren, Member of Congress



Frank Lucas, Member of Congress



Tom Cole, Member of Congress



John Sullivan, Member of Congress



Mary Fallin, Member of Congress