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United States Mission to the OSCE

OSCE Conference on Racism, Xenophobia and Discrimination Intervention for Session 1

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Mr. Chairman.

I'm grateful to have the opportunity to represent the United States at this critically important conference. Each of us in the United States delegation is privileged to be here representing our country and its many diverse people, and we're also especially fortunate to have the opportunity to share our many experiences in combating racism, xenophobia, and discrimination, and to listen and learn from the experiences of other OSCE member nations, NGO's, and OSCE partners in cooperation. We want and expect to take advantage of the opportunities this conference affords us so that we in America, and each of your countries and organizations can take decisive action to -- if not eradicate entirely -- at least meaningfully diminish the instances of bigotry, racism, xenophobia, and discrimination today, right now, and not in some vague, distant tomorrow.

From July 2001 to just last month, I had the privilege and responsibility of serving as the Assistant Attorney General for Civil Rights. In that role I was our country's chief civil rights law enforcement officer. In the aftermath of the September 11 terrorist attacks, I was responsible for helping to formulate and implement America's response to the regrettable occurrences of what we described as "backlash discrimination" against people who were, or who appeared to be, Muslim or of Arab decent. Put more simply, it was my job to see to it that the Civil Rights Division of the U.S. Department of Justice specifically -- and the federal government more generally -- took effective action to protect all people in our midst, especially those living in particularly vulnerable communities, from the acts of opportunistic haters who attempted to seize on the terrorist attacks as an excuse to act on their bigotry in ways that are illegal, immoral, and I would argue -- inconsistent with American values.

I want to take just a few moments to share some of the important elements of our post-September 11 law enforcement strategy. I do this because I think that, even though the approach I describe was conceived and executed as a response to the specific exigencies that confronted us in the immediate aftermath of September 11, it nevertheless is instructive and can be applied more generally to our efforts to eradicate racism, xenophobia, discrimination, and the senseless violence they breed, and to bring a greater measure of justice

and an increased sense of fairness that more of our people perceive and actually experience in their daily lives.

On September 13, two days after the attacks, I met with several leaders and members of Arab and Muslim communities to discuss their concerns about the safety and well being of people, businesses, and religious institutions within their communities. This meeting was a precursor to what eventually became a sustained outreach program to vulnerable people and communities. This outreach was a key feature of what we called our *Post-September 11 Anti-Backlash Discrimination Initiative* (that's a real mouthful, so eventually we resorted to simply calling it the "*Backlash Initiative*").

The Backlash Initiative had three essential aspects to it. The first was the outreach and education piece that I mentioned. The Department of Justice sponsored town and community meetings in so-called "hot spots" -- that is, places where there is a high concentration of recent immigrants, or religious, racial or ethnic minorities, who may be particularly vulnerable or at risk of becoming victims of racism, xenophobia, or other unlawful discrimination. The outreach meetings focused on:

- Providing information about the federal government's commitment and ability to protect people from bias-motivated violence or threats of violence, as well as discrimination in employment, housing, public accommodations, travel, and certain business transactions.
- Receiving discrimination complaints, including especially reports of bias-motivated crimes, and either acting on those complaints or referring them to the proper federal, state or local agency for investigation and, where appropriate, enforcement action.
- Giving accurate information regarding counter-terrorism and related law enforcement strategies, and listening to concerns about these strategies, especially to the extent they affect, or were believed to affect, disproportionately people in vulnerable communities, and if appropriate, consider modifying certain policies, protocols, or practices accordingly.

The second element involved a concerted and sustained effort to investigate and see to it that -- where warranted by the evidence -- every backlash crime was prosecuted to the fullest extent of the law. To accomplish this, high-ranking officials and senior prosecutors in the Department of Justice reviewed every report of a backlash crime occurring anywhere in the United States. This required exceptional coordination, communication, and cooperation among the Civil Rights Division and other federal prosecutors' offices, the 56 FBI field offices, and thousands of state and local prosecutors and police departments across America. As a result of these determined efforts, to date, federal, state and local prosecutors have successfully investigated and prosecuted over 100 backlash cases.

The last, but not least important aspect of the Backlash Initiative was our media strategy, which focused on our attempts to publicize both the words and deeds of our leaders regarding our commitment to secure every person's physical

safety, personal dignity, and equality of opportunity, especially those who may be particularly vulnerable because of their race, color, religion or national origin.

In the immediate aftermath of the September 11 attacks, President Bush, Secretary Powell, Attorney General Ashcroft, FBI Director Mueller, and I issued statements and prepared public service announcements condemning unequivocally incidents of backlash discrimination. We promised to use all of the tools at our disposal to investigate and prosecute perpetrators of such acts. President Bush made a highly publicized, hours-long visit to a Washington, D.C. Mosque. Director Mueller and I, along with other Justice Department representatives, made similar visits during the same period. More importantly however, we followed up our statements with swift and decisive action against those who committed bias-motivated crimes or other acts of unlawful discrimination against our Muslim, Arab, and South Asian citizens and guests; we also publicized the results of those efforts. Our message was that the United States is committed equally to combating terrorism, bias-motivated crimes, and other acts of illegal discrimination that are inconsistent with our core values and principles.

We believe that we've hit on a strategy that's working, and I think that the evidence sustains us on this point. However, we in the United States want to, and are committed to doing better. It's our profound belief that this week's conference will help advance our efforts in this area as we listen to and learn from our colleagues and partners here. We hope that the lessons to be learned from our successes and our shortcomings will add to add to your learning as well.