



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

SEP 08 2010

The Honorable Russlynn H. Ali
Assistant Secretary for Civil Rights
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

Re: Title VI and Coverage of Religiously Identifiable Groups

Dear Russlynn:

At your request, and pursuant to the Department of Justice's coordination responsibilities under Executive Order 12250, this letter addresses whether, and under what circumstances, discrimination against persons belonging to discrete religious groups may violate Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d – 2000d-7 (Title VI). Specifically, the question is whether Title VI, which prohibits discrimination on the bases of race, color, and national origin, provides protection to Jews, Arab Muslims, Sikhs, and/or members of other religious groups. We have also reviewed the September 13, 2004 letter from the Department of Education, Office for Civil Rights, addressing this same question.

In its operative paragraph, the September 13, 2004, letter states:

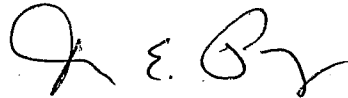
Groups that face discrimination on the basis of shared ethnic characteristics may not be denied the protection of our civil rights laws on the ground that they also share a common faith. Similarly, the existence of facts indicative of religious discrimination does not divest OCR of jurisdiction to investigate and remedy allegations of race or ethnic discrimination. OCR will exercise its jurisdiction to enforce the Title VI prohibition against national origin discrimination, regardless of whether the groups targeted for discrimination also exhibit religious characteristics. Thus, for example, OCR aggressively investigates alleged race or ethnic harassment against Arab Muslim, Sikh, and Jewish students.

We agree with that analysis. Although Title VI does not prohibit discrimination on the basis of religion, discrimination against Jews, Muslims, Sikhs, and members of other religious groups violates Title VI when that discrimination is based on the group's actual or perceived shared ancestry or ethnic characteristics, rather than its members' religious practice. Title VI further

prohibits discrimination against an individual where it is based on actual or perceived citizenship or residency in a country whose residents share a dominant religion or a distinct religious identity. The inquiry into whether a particular act of alleged discrimination falls within the purview of Title VI's prohibitions will, in every case, involve a detailed analysis of the allegations to determine whether jurisdiction is appropriate.

Please feel free to contact me or my Principal Deputy, Sam Bagenstos, at (202) 514-2151, for any questions you have regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "T. E. Perez". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Thomas E. Perez
Assistant Attorney General