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March 10, 2003

Mattie C. Condray
Senior Assistant, General Counsel
Office of Legal Affairs
Legal Services Corporation
750 First Street, NE
Washington, D.C. 20002-4250

Dear Ms. Condray:

We are writing in response to the Legal Services Corporation (LSC) request published in Federal Register Jan. 9, 2003, for comments on the advisability of issuing Limited English Proficiency (LEP) Guidance under Executive Order 13166 (E.O. 13166).

We urge you to refrain from issuing such guidance on the grounds that E.O. 13166 is illegal. Therefore any policy guidance published for its implementation should not be put in effect. The reasons we take this position are explained at length in the complaint ProEnglish filed in the U.S. District Court for the Eastern District of Virginia, March 12, 2002. *ProEnglish v. Bush*, Case No. 02-356-A.

This case is still active. Therefore while the constitutionality and/or legality of E.O. 13166 is under legal review, we urge you to refrain from issuing guidance that is likely to be burdensome, duplicative, and confusing to LSC grantees, and may ruled invalid by the courts. Furthermore, as you point out in your request, LSC has no direct responsibility for enforcing E.O. 13166 and therefore its implementation of the order would be both redundant and gratuitous.

Finally, we urge you to avoid any entanglement or endorsement of organizations such as the National LEP Advocacy Task Force, which represent private individuals and groups with a direct financial or organizational interest in the implementation of this illegal order.

Thank you for the opportunity to present our views.

Sincerely,

A handwritten signature in black ink, appearing to read "K.C. McAlpin", with a long horizontal line extending to the right.

K.C. McAlpin
Executive Director