

Statement of  
**The Honorable Patrick Leahy**

United States Senator  
Vermont  
June 21, 2007

Statement of Senator Patrick Leahy,  
Chairman, Judiciary Committee,  
on Department of Justice Civil Rights Division Oversight  
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For almost 50 years, the Civil Rights Division has stood at the forefront of America's march toward equality. Founded in 1957, the Division vigorously implemented civil rights laws during the turbulent era of the Civil Rights Movement. Its attorneys participated in landmark cases that helped transform the legal landscape of our country and brought us closer to the ideal of a "more perfect union." These cases included successfully prosecuting the murderers of civil rights workers, eliminating voter disenfranchisement laws, and battling discrimination in education and government services throughout the nation.

Several reports from former career attorneys in the Division highlight how the current Administration has abandoned the priorities upon which the Civil Rights Division was founded. New evidence continues to emerge demonstrating that President Bush's political appointees have reversed longstanding civil rights policies and impeded civil rights progress. There are disturbing reports that career lawyers have been shut out of the Division's decision-making process, that the Division's civil rights enforcement on behalf of racial minorities has sharply declined, and that the Department has packed the Division with attorneys who have no background in civil rights litigation.

Of the many stories about corrosive political influences affecting our government, the reports of the politicization of the justice department's Civil Rights Division are some of the most disappointing. After all, this law enforcement Division is entrusted with defending our most precious rights as Americans, including our fundamental right to vote and our rights against discrimination. I am deeply troubled by what appears to be an effort by the White House to manipulate the Justice Department into its own political arm.

About a year ago, President Bush signed into law the reauthorization of the Voting Rights Act (VRA). Although a broad bipartisan coalition of members of Congress supported reauthorizing this cornerstone of civil rights laws, how it is enforced by the Justice Department and its Civil Rights Division will determine whether it will continue to protect Americans against voter disenfranchisement.

Investigative reporting appearing in the Boston Globe, the Washington Post and other papers has chronicled this Administration's political makeover of the civil rights division. In the Voting

Section alone, more than 20 attorneys, representing about two-thirds of the lawyers in the section, have left in the last few years - over a dozen have left the section in the last 15 months. Included in this talent drain were the chief of the section, three deputy chiefs, and many experienced trial lawyers, representing almost 150 years of cumulative experience in civil rights enforcement. In addition, recent reports highlight the departures of a large percentage of analysts who review pre-clearance petitions under tight time pressure. I look forward to learning more about the latest allegations about personnel issues in the Division from the Assistant Attorney General's testimony today.

The departures are not my only cause for concern. As we have learned from previous Committee testimony, the Bush Administration's political appointees implemented a major policy change in its hiring process. Until 2002, hiring for career jobs in the Civil Rights Division under all administrations, Democratic and Republican, had been handled by civil servants, not political appointees. After the Bush Administration disbanded the hiring committees - comprised of veteran career lawyers - a noticeable shift in backgrounds of its attorneys emerged. According to internal documents obtained by the Boston Globe, "only 42 percent of the lawyers hired since 2003 . . . have civil rights experience" which is a downward turn as compared to two years before the change where "77 percent of those [] hired had civil rights backgrounds." The Civil Rights Division apparently hired lawyers with strong conservative credentials but little experience in civil rights. This reminds me of the same hiring philosophy that brought us the disastrous aftermath of Katrina but with further revelations from former employees, it is clear that more than mere cronyism was at work.

It should come as no surprise that the result, and of course the intent, of this political makeover of the Civil Rights Division has resulted in a dismal civil rights enforcement record. I look forward to receiving additional testimony today about how enforcement of the laws that Congress passed to protect Americans are no longer being enforced by the current Justice Department.

As the Committee responsible for overseeing the Justice Department, we must ensure that the Department is upholding its duty to protect the American people -- all the people -- from discrimination. Our civil rights laws provide our Federal Government with the authority to impose criminal and civil sanctions against individuals and institutions that violate our peoples' civil rights. They provide meaning to our constitutional guarantees. If civil rights laws are ignored - particularly by the federal agency charged with their enforcement - discrimination will flourish, and the consequences for our nation will be great.

The American people deserve a strong and independent Justice Department with leaders who enforce the law without fear or favor. Every week brings new revelations about the erosion of independence at the Justice Department. This Administration was willing, in the U.S. Attorney firings and in the vetting of career hires for political allegiance, to sacrifice the independence of law enforcement and the rule of law for loyalty to the White House. We know that one of the lead political appointees serving in the Civil Rights Division was the first U.S. Attorney to be appointed by the Attorney General under new powers granted to him in the PATRIOT Act. It certainly appears that Mr. Schlozman was put in that district to infuse the White House's brand of politics into the law enforcement agency of battle ground state before what was expected to be a

close national election. In fact, during his brief tenure he brought two controversial election law cases. I expect we will continue to learn more about what Justice Department rules and policies were broken by Mr. Schlozman as new evidence comes to light.

I look forward to receiving the testimony of Professor Brian Landsberg. Professor Landsberg literally wrote the book on the Civil Rights Division, entitled "Enforcing Civil Rights: Race Discrimination and the Department of Justice," so I expect his testimony to reveal how the current Division is performing in light of the purpose and historical performance of the division under several different presidents. Also joining us today is Professor Helen Norton. She will explore the important role the Division has played in past employment discrimination cases and how the current administration has departed from this legacy with its advocacy in two disappointing Supreme Court cases. We welcome back Wade Henderson, President and CEO of the Leadership Conference on Civil Rights, an expert in the field of civil rights and a keen observer of the changes that have taken place in the Division since President Bush took office six years ago. I look forward to receiving your testimony and I thank Senator Cardin for agreeing to Chair this important hearing this afternoon.

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