

Statement of

The Honorable Edward Kennedy

United States Senator
Massachusetts
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Senate Judiciary Committee
Hearing on the 50th Anniversary of the Civil Rights Act of 1957 and Its Continuing Importance
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The 50th anniversary of the Civil Rights Act of 1957 is an occasion for special celebration. The Act was a vital milestone in our country's long struggle to realize its highest ideals of liberty and justice for all. It was far from perfect, and at the time many supporters of civil rights were concerned that it did not go far enough. But the Act ushered in an extraordinary new era of legislative progress. It was the first civil rights bill enacted in the United States in nearly a century, and it announced to the country that the Supreme Court was not alone in the battle against segregation, and that Congress itself would finally take action to right the national wrong of Jim Crow.

The Act created both a new division in the Department of Justice, the Civil Rights Division, and the U.S. Commission on Civil Rights -- giving the Executive Branch a major role in attacking discrimination for the first time since Reconstruction.

Following *Brown v. Board of Education* in 1954, the 1957 Act represented an important new step in our government's march of progress, which has led to increased fairness and opportunity for all our people. The Act helped pave the way for the landmark civil rights laws of the 1960s -- the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968 -- followed by Title IX of the Education Amendments of 1972, the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Americans with Disabilities Act in the following decade.

Thanks to the progress set in motion by the 1957 Act, the days are long gone when a President or Attorney General has to call in federal troops so that minority students can enroll in public school. People with disabilities have new opportunities to fully participate in our society. The workplace is open to women in ways that were barely imaginable four decades ago. Glass ceilings are being shattered everywhere. Women and girls have far greater equality in the classroom and on the playing field.

Yet our progress, gratifying as it is, should not blind us to the challenges that still exist. The landmark national laws of the past four decades laid a solid foundation, but the true challenge is to see that the promise of these laws is fulfilled.

The anniversary is therefore also a wake-up call and a time to rededicate the nation to its highest ideals. Although we have made great progress over the past 50 years, civil rights is still the unfinished business of America. There are new civil rights challenges that we must confront and, in some areas, disturbing new trends that we must reverse.

I'm deeply concerned that both agencies created by the 1957 Civil Rights Act--the Civil Rights Division and the Commission on Civil Rights--have taken a wrong turn under the present administration. In the early years following passage of the 1957 Act, the Civil Rights Division had a central role in the struggle to guarantee equal justice for all Americans. The Division worked to protect the voting rights of African-Americans, to desegregate educational institutions throughout the South, and to open doors of opportunity for women, minorities, and persons with disabilities.

Today, however, half a century later, partisan politics has replaced legal principle in the Division's enforcement efforts. We've seen the Division's failure to vigorously enforce laws against job discrimination, its rubber-stamping of discriminatory state voter photo identification laws, and personnel practices that privilege ideology over merit.

Though less well-known than the Civil Rights Division, the Commission on Civil Rights has also turned away from the vision that inspired it. It has been years since the agency held a formal hearing, rather than simply an informal briefing, or issued subpoenas as part of an investigation.

Recent decisions by the Supreme Court have also undermined our civil rights laws in ways Congress never intended. This past term, the Supreme Court issued two major decisions that make the goal of equality more difficult to achieve. In the Ledbetter case, the Court created new barriers for workers who suffer pay discrimination to obtain relief under our civil rights laws. In the school district case the Court struck down voluntary integration plans in Seattle and Kentucky that sought to achieve diversity in elementary schools.

The Court has also undermined the ability of individuals to challenge practices that have an unjustified discriminatory effect on access to public services. It has limited the ability of workers to hold state employers accountable under the Age Discrimination in Employment Act and other important civil rights laws. We must act to address all of these problems.

Congress also must continue its oversight of the Civil Rights Division, and I commend Chairman Leahy for his active attention to this important issue. It's also long past time for Congress to act to prohibit discrimination on the basis of sexual orientation and gender identity. And we must do all we can to correct the Supreme Court's rulings that undermine civil rights.

In a dramatic address shortly before the passage of the 1957 Act, Martin Luther King, Jr. spoke of the "desperate need" for leadership on civil rights from the federal government. He called for "the president and members of Congress to provide a strong, moral and courageous leadership for a situation that cannot permanently be evaded." He said, "We come humbly to say to the men in the forefront of our government that the civil rights issue. . . is . . . an eternal moral issue which may well determine the destiny of our nation"

Dr. King's words are as true today as they were fifty years ago. Strong, moral, and courageous leadership is urgently needed from Congress today on civil rights. We must reinvigorate the government's civil rights mission and restore the integrity of the Department of Justice. We must amend Title VII to reverse the Ledbetter decision. We must help school districts pursue constitutional methods of integration. And we must pass stronger legislation to see that our civil rights laws are effective in protecting our citizens against discrimination in all its ugly forms.

We are fortunate to have a distinguished group of witnesses here today as we consider these issues. We are particularly honored to have in our presence Congressman John Lewis, whose commitment and courage in the cause of civil rights make him a true national hero. I look forward to their testimony.