

Testimony of

# The Honorable John Lewis

September 5, 2007

Testimony of Congressman John Lewis  
Senate Judiciary Committee  
Hearing on the 50th Anniversary of the Civil Rights Act of 1957 and its Continuing  
Importance  
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Chairman Leahy and Senator Specter, Members of the Committee, thank you for inviting me to testify before the Senate Judiciary Committee today. As we approach the 50th Anniversary of the Civil Rights Act of 1957, I appreciate having this opportunity to share my thoughts and experiences with you. In particular, I'd like to discuss the importance of the Civil Rights Division of the Department of Justice and how we can renew and strengthen the Division in the future.

In the late 1950s, there was tremendous amount of fear in the American South. People were afraid to talk about civil rights. I would ask my mother, my father, my grandparents and great grandparents, "Why segregation? Why racial discrimination?" And they would say, "That's the way it is. Don't get in trouble. Don't get in the way."

People of color couldn't vote; they couldn't register to vote. They paid a poll tax. Segregation was the order of the day. It was so real. The signs were so visible. People were told to stay in their place. Black people could not sit on a jury. People were beaten; people came up missing. Fourteen-year-old Emmett Till - a boy my age - was lynched in 1955, and it shook me to the core. It was a different climate and environment. In some instances it amounted to police- and state-sanctioned violence against people of color. I remember reading about a man being stopped on the highway, castrated and left bleeding to death. In 1956, in Birmingham, Alabama, Nat King Cole was attacked while performing, and he never returned to perform in the South.

People were beginning to stand up. The Montgomery Bus Boycott inspired me. I followed it every day. People who rode those busses every day spoke with their feet; they used their will and dignity to resist the segregation of busses in Montgomery. Even with this show of courage in Montgomery, black people were afraid, they lived in fear and white people were afraid to speak out. It truly was terror.

In September of 1957 I was just 17 years old - a child, really. I was just arriving in Nashville, Tennessee to begin my studies at the American Baptist Theological Seminary. I had not yet met Dr. Martin Luther King, Jr.. I had not become involved in Student Nonviolent Coordinating Committee (SNCC). I had not taken part in the freedom rides, or the sit-ins, and I had not walked over the Edmund Pettus Bridge on that Bloody Sunday. But the Spirit of History, as I like to call it, Fate, if you will, was beginning to move in important ways in 1957, both for me and for the nation.

I'm not sure that I was aware of it as I was moving into my dormitory that September, but the Congress had passed and President Eisenhower was signing the Civil Rights Act of 1957 - the first piece of civil rights legislation in almost a century; the first piece of civil rights legislation since reconstruction.

Later we would look back and think that this legislation was mostly ineffective. However, it was a significant piece of legislation because it created an Assistant Attorney General for Civil Rights, and so began the Civil Rights Division of the Justice Department. It also created the Civil Rights Commissions. I have vivid memories of the Civil Rights Commission hearings all over the South while I was in college. They were so brave. The work of the Commission was dangerous, but so tremendously important. They gathered the data and information on voter registration and

discrimination. The 1957 Act also, for the first time, made it a crime to interfere with a person's right to vote in federal elections.

The very next year, in 1958, I would meet Dr. King for the first time. That meeting would change the course of my life. That year, you could feel the urgency in the air, the need for change, and the sense that things were about to change. Progress was beginning slowly - the Civil Rights Act of 1957 and the Supreme Court's decision in *Brown v. Board of Education*. With those threats to the southern establishment, there was a backlash with it came more and more violence. There was also a stirring, a growing commitment of young people - white and black - to this social movement. Change was happening. Martin Luther King Jr. inspired me and thousands of other Americans to get in the way. He inspired us to get in trouble, but it was good trouble, necessary trouble.

At the same time that I was growing into the movement, so too was the Civil Rights Division becoming an important tool for protecting the rights of Americans who faced discrimination. The Civil Rights Act of 1964 and the Voting Rights Act of 1965 gave substance to the promise of equal rights and formed the basis for the work of the Civil Rights Division.

During the Kennedy and Johnson Administrations, the Division certainly had its growing pains. But we knew that individuals in the Department of Justice were people who we could call any time of day or night during the 60s. The Civil Rights Division of the Department of Justice was truly a federal referee in struggle for civil rights and civil justice.

John Doar, beginning in the Eisenhower Administration, for instance, was a Republican from Wisconsin. He was someone that we trusted, we believed in. And we felt during those years that the Civil Rights Division of the Department of Justice was more than a sympathetic referee, it was on the side of justice, on side of fairness. People looked to Washington for justice, for fairness, but today I'm not so sure that the great majority of individuals in the civil rights community can look to the Division for that fairness. The public has lost confidence in our government, in the Department of Justice and in the Civil Rights Division. We can and must do better.

The Civil Rights Division was special. It attracted people with experience in civil rights and those attorneys stayed with the Civil Rights Division for decades and the nation had the benefit of their experience. The civil rights laws were enforced no matter which party was in the White House, and these attorneys were able to do their jobs without interference of political appointees. It is not so today.

In the last few years we have lost more career civil rights lawyers than ever before, many leaving because of political influences that keep them from doing their jobs. And the attorneys being hired to replace them are no longer hired under rules established by the Eisenhower administration, designed to remove political considerations from the hiring process. Today the division's lawyers are hired by political appointees, rather than career attorneys and, not surprisingly, fewer lawyers with civil rights or voting rights backgrounds are being hired in the Division.

There is also a clear shift in the types of cases being brought by the Division. The Civil Rights Division is bringing many fewer traditional civil rights cases, and appears to have given up on enforcing the Voting Rights Act all together.

I am particularly disturbed by the way the Civil Rights Division handled the Georgia voter ID law in 2005. Enforcing Section 5 of the Voting Rights Act has always had the potential for being politically sensitive, however, the Voting Rights Section has always been above partisanship and has resisted attempts by administrations to influence the outcomes of cases. However, this was not this case with the Georgia law. The Georgia voter ID law would have disproportionately prevented minorities from voting in Georgia by requiring photo identification at the polls. The Division clearly ignored the recommendation of the career voting rights attorneys that the law violated the Voting Rights Act. The law should have been denied pre-clearance, but the career attorneys were overruled by the political appointees. Thankfully a federal court found that the law was a poll tax and struck it down. This type of political influence in enforcing the clear intent of the law is unacceptable.

It is clear that the Civil Rights Division of the Department of Justice has lost its way.

I have no doubt that the majority of line attorneys in the Civil Rights Division are truly dedicated to doing the right thing, but they are being overwhelmed by political pressure. Congressional oversight could have prevented some of

this. Freedom and equality are rights that are not simply achieved, they must be preserved each and every day. But, we have been distracted from the fight to protect our rights, and therefore, we are watching them slip away. The Civil Rights Division, once guardian of civil rights, has been so weakened that I do not recognize it.

This Civil Rights Division is still important and it has important work to do today, just as it did during the Civil Rights Movement. We have come a long way, but there is still discrimination in voting and there is still discrimination in employment that must be addressed. Congress has a duty to help restore the Civil Rights Division to the strong champion of civil rights that we all know it can be. Congress has a duty to perform strong oversight and to investigate how and whether our civil rights laws are being enforced and implemented. We must reverse the political hiring process and put the decisions back in the hands of the career professionals, who know what it takes to enforce our civil rights laws.

In addition to strengthening the Department of Justice, I also believe that we need to give citizens a private right of action to challenge federally-funded programs that unfairly disadvantage a particular group, whether or not there is discriminatory intent. I am working with Senator Kennedy on legislation that would ensure this private right of action.

We in Congress must do all we can to inspire a new generation to fulfill the mission of equal justice, which is the enduring legacy of the Civil Rights Movement and the Civil Rights Division. I still believe, as Martin Luther King Jr. believed, that we can create a Beloved Community based on simple justice that values the dignity and the worth of every human being. Our institutions of government must be re-dedicated to justice, to service, to equality. Congress has the duty to ensure that we reach that promised land together, beginning with a strengthened Civil Rights Division of the Department of Justice.