



Testimony of William L. Taylor
Chairman, Citizens' Commission on Civil Rights
before the House Subcommittee on the Constitution
Of the House Judiciary Committee
on
Implementation of Civil Rights Laws Under the Bush Administration
March 22, 2007

Mr. Chairman and Members of the Subcommittee:

Introduction

Thank you for the opportunity to testify on behalf of the Citizens' Commission on the implementation of civil rights laws by the current Administration. The Commission is a bipartisan organization consisting largely of people who held cabinet or other high ranking positions involving civil rights. It was founded in 1982 to monitor federal policy on important issues of equal opportunity.

The report that we are presenting to the Committee is the eighth in a series of such studies that we have published to make information available on how civil rights laws have fared under incumbent Administrations.

I would like to place in the record a copy of our report—"The Erosion of Rights: Declining Civil Rights Under the Bush Administration," just publicly released. I also would offer a letter to the Committee from William H. Brown, a member of our Commission and former Chair of the Equal Employment Opportunity Commission under President Nixon. Mr. Brown, a Republican, notes that civil rights progress has been made in the past only through bipartisan cooperation and he is deeply concerned about the lack of Republican participation in preserving and extending rights now.

The Attack on the Civil Rights Division

The most distressing part of this report is the account of six former lawyers of the Civil Rights Division of the Department of Justice on how the Bush Administration has undermined the work of the Division.

The Division, as many of you know, was established fifty years ago as part of the Civil Rights Act of 1957. It has been a pillar of successful legal efforts to transform the nation from a privileged white male society to one in which African Americans and other persons of color and women have become active participants in our political and legal systems and in which people formerly excluded now have opportunity for education and productive employment.

Yet as the Division approaches its 50th anniversary, it is in deep trouble because the Bush Administration has used it as a vessel for its own political objectives, often disregarding the law and sullyng the group's reputation for professionalism and integrity.

Some of the details of the Administration's actions will be presented by Joe Rich who wrote and edited a good deal of our section on the Division. I would summarize only by saying that what we have been witnessing is an attack on the professionalism of the Division, with political leaders of the agency not only rejecting but failing to even consult these respected, experienced lawyers. We have also witnessed a shifting of priorities in the Criminal Civil Rights Section by moving into that section cases that have been ordinarily handled outside the Division by federal prosecutors. The cost has been to cases involving hate crimes and official misconduct that have been the staple of the Section's work.

In employment, the effective attack on patterns and practices of discrimination has been marred by a shift away from cases of discrimination against African Americans to what are described as "reverse discrimination" cases filed by white plaintiffs.

Nowhere is the downgrading of professional staff more damaging than in the area of voting where the Department has special responsibilities to approve electoral changes by states and localities. Because of the political sensitivity of such reviews, the Department has adopted procedures to ensure the integrity of the process. But the Administration has cast aside these protections in several cases, just as it seems to have done in punishing U.S. attorneys for not being political enough in their handling of vote fraud cases.

The assault of the Administration on the Civil Rights Division, taken together with the nomination of judges who are hostile to the enforcement of laws that ban discrimination, has left many persons without the protections of law on which they have relied.

Equality of Opportunity

Our report also deals with other important subjects including several where executive policy has a major impact on the poor. Among the Commission's concerns is the maltreatment of immigrants and the seeming inability of the Administration to secure enactment of reforms that will supply stability and end the growing interethnic conflict. In addition, emblematic of the nation's failures to address the needs of the poor is the lack of advocacy for affordable housing that will afford people access to good jobs, schools and services.

Conclusion

We commend the Committee for its readiness to take on an agenda already loaded with the need for oversight in several crucial areas in order to examine these failures of enforcement in civil rights. Indeed we recommend that the Congress do more by establishing a select committee of both Houses to undertake a two year review of the implementation of federal civil rights laws. The Committee should be composed of senior members of both parties who serve on the Judiciary Committees and on other committees that deal with education, employment, housing and the administration of justice.

This is a tall order, but we believe that the dire circumstances of civil rights enforcement compel such steps. As our society grows more diverse, strong civil rights laws are essential not only to equal justice under law but to ensuring the unity and stability of the nation.