

AFRICAN-AMERICAN HERITAGE CELEBRATION 2001
ADMINISTRATIVE OFFICE OF THE U.S. COURTS

KEYNOTE ADDRESS BY
UNITED STATES REPRESENTATIVE JOHN CONYERS JR.

Washington, D.C.
Tuesday, March 27, 2001

BETA

Nationwide Court Reporting & Videography Services
... There is No Substitute for Quality

(202) 638-2400

1-800-522-BETA

(703) 684-BETA

P R O C E E D I N G S

1
2 MR. MECHAM: -- it would probably
3 would be someone that would have that
4 opportunity in the future -- at least, that's
5 a hopeful thought for the future of the
6 American system of government.

7 Congressman Conyers has served in
8 the Congress for 36 years. His recent
9 reelection in 2000 marks his 19th term in the
10 House of Representatives. And he's actually
11 better than his Internet site. His Internet
12 site still has him down for 18 terms rather
13 than 19, but I'm sure that the staff that
14 Mike referred to earlier will be busy
15 correcting that.

16 He was the first African-American
17 Democratic chairman of the House Committee on
18 the Judiciary. He's a founding member and
19 dean of the Congressional Black Caucus. He
20 has been a good friend of the judiciary, and
21 a more important event in Detroit on occasion
22 is, he's a friend of Damon Keith, a judge on

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 the Sixth Circuit, and an important member of
2 our family.

3 This represents a small list of
4 some of his achievements. Additional
5 information is available in the handouts. We
6 welcome his today and look forward to his
7 comments.

8 Congressman?

9 (Applause)

10 MR. CONYERS: Well, it's a pleasure
11 to be here. I'm delighted and honored.
12 Sorry that I couldn't have made it at an
13 earlier time.

14 We're celebrating black history,
15 reaffirming our support of our judiciary
16 system, remembering Thurgood Marshall,
17 honoring Damon Keith, and coming together at
18 a point in time where we have a bit of
19 difficulty in understanding and putting
20 together a lot of the events that happened
21 and looking at where we are and where we're
22 going.

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 One of the things I'm learning to
2 do is to not claim that the elections of last
3 year was a *coup d'etat*. That's a very
4 important concept that my staff of lawyers
5 keep trying to tell me: Don't say that. And
6 I'm getting over it pretty nicely. Although
7 I was reading Cass Sunstein, a professor at
8 the University of Chicago Law School who
9 wrote about the *Bush v. Gore* decision, and it
10 was fairly critical. But there were members
11 of the Supreme Court that were far more
12 critical than he. I asked him to get me the
13 most critical evaluation of that decision.

14 And so I come here, just having
15 heard that the University of Michigan
16 Affirmative Action case -- the second one
17 involving the law school -- had not agreed
18 with the defendants that in Affirmative
19 Action admission policies, that race should
20 be one of the factors, but not a trump card.
21 And Judge Friedman, in the same building that
22 my Detroit congressional office, has found

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 that the law school placed a very heavy
2 emphasis on applicants' race in deciding
3 whether to accept or reject.

4 Now, the Bakke case of a few years
5 earlier held that state institutions' desire
6 to assemble a racially diverse student body
7 is a compelling government interest. Now in
8 an earlier case about the Affirmative Action
9 admission policy, another judge in the same
10 building, on a different floor, came out
11 exactly in reverse. He supported the premise
12 that the University of Michigan's admission
13 policies are fair and appropriate and
14 constitutional. So this case is going to the
15 Sixth Circuit, which Judge Keith sits as a
16 member. And there are a lot of other people
17 there as well.

18 I just wanted to remind you that at
19 the close of last year, more than half the
20 country's circuit courts lacked either an
21 African-American jurist or a Latino jurist --
22 some lacked both -- and that as of this

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 moment, there are no African-Americans on the
2 First Circuit, the Fourth Circuit, the Ninth
3 Circuit, the Tenth Circuit, and the Federal
4 Courts, and no Hispanics on the Fourth,
5 Sixth, Eighth, and the D.C. circuits.

6 And so I was real happy when
7 President Bush opted to withdraw the
8 nomination of Roger Gregory, the first black
9 that had been nominated for judge on the
10 Fourth Circuit, which has the largest
11 African-American population of any circuit in
12 the country. And he did that even though
13 Senator Jesse Helms didn't want it to happen.
14 And now we're back where we started.

15 President Bush also withdrew the
16 names of about 42 or more judges that whose
17 names had been nominated, that included one
18 appeals court judge admission, Helene White
19 (phonetic), who has been the longest person
20 in the history of the court to be waiting for
21 confirmation, about four years. And withdrew
22 another judge, the daughter of the late Wade

1 McCree (phonetic); he withdrew her nomination
2 as well, who had been waiting only two years.

3 And so we now are confronted with
4 about 96 vacancies in the federal court
5 system. We have an attorney general whose
6 record roughly has been in opposition to
7 Affirmative Action. We have the lawyer that
8 argued the Bush case now as the solicitor
9 general. And so the question is, where do we
10 go and what do we do?

11 And a lot of people -- not a lot of
12 people, but some are using this as an
13 opportunity to back out of the system, which
14 is not very encouraging, since half the
15 people, if voting is the indicia, have
16 already backed out of the system. And so it
17 becomes incumbent upon people who believe in
18 the system that they pause for a moment and
19 try to put all this in perspective. And how
20 do you do that?

21 Well I do it by trying to
22 understand more of the brief history of this

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 country and realizing that all of this will
2 come and pass. And the question is, what did
3 you do when you were there at the time? What
4 was your input? What was your point of view?
5 What was your philosophy? Where did you
6 stand? Or why didn't you choose to stand?

7 And so I'm here to try to further
8 persuade myself and you that the more that
9 you can participate in your citizen capacity,
10 the better off we'll all be. And that
11 becomes more understandable when we realize
12 that most of the decisions that are made in
13 our lifetime come from our government, our
14 political system, our economic system. And
15 the more you try to understand them, without
16 going crazy, the better off you'll be, that
17 everything is tied up in it.

18 And so I have been reviewing some
19 of our history from the viewpoint of Peter
20 Irons, who wrote a very new book out on the
21 Supreme Court that does what very few books
22 in law and history do, and that is to

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 humanize the people that were the litigants
2 and the advocates and the jurors -- which is
3 a very important thing for me, because I've
4 always argued that as much as the judiciary
5 feels it important to disavow it, it is a
6 political body as much as either of the two
7 other bodies. And I don't say that as a bad
8 thing. I say that as a -- I recognize I'm in
9 the Thurgood Marshall Building; it's just the
10 way it is.

11 And the way that you understand not
12 only what the Court does but why the Court
13 does what it does, the more you being to
14 realize that these are human beings that
15 bring their own particular viewpoint with
16 them on the bench that frequently they cannot
17 get rid of. And most times, that's a good
18 thing.

19 The only problem is that when you
20 begin to review this from a wider point of
21 view, you begin to realize that the Court has
22 come out of a system of not being apolitical,

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 of -- the *Marshall* decision that created the
2 power of the Court to hold congressional laws
3 unconstitutional was a huge grab of power on
4 the part of the chief justice then, to say
5 that, look, the only way we can have order is
6 that somebody is over somebody else, and
7 guess who that somebody is? And he said,
8 it's the Supreme Court. Actually, it made
9 good sense, and was quite appropriate. But
10 it was a very political system. And when you
11 read in very interesting language what the
12 politics were, you're glad that it came out
13 all right and that that decision was made.

14 Now, Sunstein, in just looking over
15 quickly this morning for a few minutes,
16 really said that in the long run, Conyers, it
17 was really better that the Supreme Court
18 decided *Bush v. Gore* the way they did,
19 because there could have been unrest; we
20 don't know where this decision could have led
21 the country. Baloney. That's what they said
22 when I introduced the first impeachment

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 resolution against Richard Milhous Nixon.
2 They were writing about whether the country
3 could stand an impeachment process. And so I
4 don't believe that for a moment.

5 But if that's -- first of all, if
6 that were true, I would be happy to swallow
7 and accept the decision. Since I don't
8 believe that, I think the Supreme Court
9 taking over the Florida Supreme Court's job,
10 with no precedent, was just what it was --
11 the most conservative members of the bench
12 deciding a case the way they wanted the
13 election to come out.

14 And I suppose that's one of the
15 prerogatives of the Court. I mean, there's
16 nobody over the Supreme Court. But it makes
17 it very important to think about where you're
18 going. I argued with many progressive
19 friends that my friend Nader on the issues is
20 not my friend Nader becoming a political
21 candidate. And I remind them all that in
22 Florida, Ralph Nader got 98,000 votes, which

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 was far more than needed for either candidate
2 to have won the election in Florida -- which,
3 of course, jinxed the whole outcome of the
4 election. So I have my pious progressive
5 friends say, "But, Congressman, I voted my
6 conscience."

7 And I say to them, "What do you
8 think I voted, my bunions?"

9 We all voted our conscience. Even
10 the people that disagreed with my position
11 and their position have no reason to doubt
12 that they didn't do anything else but vote
13 their conscience as well.

14 But here we stand with Affirmative
15 Action under attack, or review; *Adarand* now
16 taken up again. Goodness knows where that's
17 going. So what do we do? Well, we look back
18 historically to those times and places when
19 it was a hundred, a thousand times more
20 difficult than it is now, infinitely more
21 difficult than it is now. I mean, outside of
22 illegal police activity, nobody's -- and the

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 threats from violent groups -- yes, there is
2 an Aryan Nation, the Skinheads Militia, the
3 Klan, but it's in a different context now
4 than it was then.

5 There was a time in our country
6 that for you to be a candidate and were from
7 the South, you'd better be a member of the Ku
8 Klux Klan, and a Supreme Court member that
9 was, and he wasn't all that bad when he got
10 to the bench. Today in the North, if your
11 *bona fides* are worth the word, you ought to
12 be a member of the NAACP. And guess what? A
13 lot of people are. You don't question that.
14 You pay your whatever number of bucks you
15 want, and you're a member. And you probably
16 advertise that on your campaign literature.

17 But then, the Klan could take your
18 life. Then, law officers were Klansmen at
19 night. Then, it was a matter of life and
20 death for real. So we have now in
21 Mississippi black law officers having that
22 earlier ugly period revisited, in which

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 they're being killed, with the FBI
2 investigating and now others, including the
3 Judiciary Committee, raising inquiry.

4 And so in a way, the couple hundred
5 years to now is such an awfully short time in
6 separating out our understandings of
7 relationships and positions of political
8 philosophy. It's not long at all within the
9 scope of things. And that's why, please
10 understand, we keep revisiting these
11 subjects, because they are not resolved.

12 1954, Brown didn't finally resolve anything.
13 You have to keep going over it and over it
14 and over it again. And of course, a lot of
15 the young people and many of the older people
16 say, "Well, I'm tired of going over it; this
17 should be finished; we should be resolved;
18 this should be obvious; this" --

19 Well, it isn't like that. It isn't
20 resolved, it isn't finished, it isn't over,
21 because this country is still getting over
22 this period of enslavement, the ugly skeleton

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 in America's closet that prevents my modest
2 proposal to dare to examine, for the first
3 time, whether the subject of reparations
4 could apply to the descendants of slaves.

5 "Don't even bring it up, don't go there, why
6 stir that up? Let's start from right now."

7 You can't start from right now. It
8 would be wonderful if you could start from
9 today. But today is hooked up to yesterday,
10 and yesterday is hooked up to 1613. So it
11 can't be done.

12 What can be done is that you could,
13 perhaps by looking back and having the first
14 government study on this subject that has
15 ever been called for, it might give you a
16 little new insight into how and where we may
17 want to go and how we get there. It doesn't
18 include bankrupting the treasury. It starts
19 with understanding if there's a problem,
20 whether a debt exists or not, and if it does,
21 is there any appropriate remedies for it. I
22 haven't said that the -- I haven't concluded

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 all of this. All I want is the study, a fair
2 study of this, as fair as we can get among
3 human beings.

4 And so this ties in to the
5 understanding that's going on, that we're
6 struggling with, the suggestion that the
7 period of enslavement has a connection that
8 ties right down to right now, not just in the
9 law, but in the attitudes and the belief
10 systems of the people in this country, some
11 of which belief systems contradict the
12 constitutional democratic system that we
13 continually applaud. And that maybe if you
14 understood that a little bit better,
15 everybody, we'd be able to come out of this
16 with a deeper understanding and more whole.
17 And so I propose a study.

18 Well, scholars don't need a
19 concurrent resolution for that. They're
20 already doing it. And so there's an
21 explosion in this subject, as a matter of
22 fact. In Durbin, South Africa, in August,

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 the United Nations Conference on Racism will
2 be taking up the question of reparations, but
3 not for African Americans alone; they're
4 talking about all over the place. Just
5 taking it up. Just trying to understand.
6 And what has happened in these last few
7 centuries that have totally convoluted and
8 given more meaning and strength to what our
9 Founding Fathers said, who didn't include
10 black people, minorities, Indians, or women
11 in a thing they did.

12 But now, of course, it's
13 understood. What's the problem? But it
14 wasn't understood then. That was a political
15 decision the Founding Fathers had to make to
16 bring the 13 colonies together. Without
17 that, we might not have ever -- it may have
18 come out completely differently. It was a
19 decision Lincoln had to make, who was
20 profoundly opposed to the institution of
21 slavery but was totally convinced in the
22 inferiority of people of color -- until

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 Frederick Douglass got ahold of him a couple
2 of times, and then he began to see, and
3 understood. But he didn't know any
4 intellectual slaves or ex-slaves or black
5 people.

6 And at every critical juncture, the
7 question of race has been profound in the
8 history of this country. Civil War, in which
9 we realize now that Lincoln was about to lose
10 his election coming up, until he created the
11 Emancipation Proclamation. Limited, yes, but
12 that was the turning point in the victory
13 that allowed these states to stay together.
14 Reconstruction, in which afterward, slowly,
15 the ineffective U.S. military began to allow
16 the same groups that had fought to separate
17 gain the political ascendancy in the South,
18 culminated in the very interesting compromise
19 of 1877, which ended the progressive wing of
20 the Republican Party.

21 And there again, the agreement was
22 around people of color. Take the troops out,

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 let our Confederate generals become senators
2 and governors and take over, and you got a
3 Republican president -- what do you say?
4 There was a hotel right here in Washington
5 that that agreement was consummated. And
6 then began the series of driving out those
7 blacks -- that black senator and those black
8 congressmen that were first elected, driving
9 out the local officials.

10 And so we're left with a very
11 recent legacy in which the inferiority of
12 people of color have been argued, written,
13 prayed about, explained in religious terms,
14 and everything else, so that you don't get
15 rid of that real easy. And so there is today
16 even those who are saying, "Well, yeah,
17 but -- oh, yeah, I know there's some --
18 that's an exception; I can explain him; I can
19 explain her; they're different." And so
20 we're still struggling with this.
21 Fortunately, in a nonlegal sense, we're
22 winning it, because it's like the truth is

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 almost irreversible. More and more people
2 are beginning to appreciate it and
3 understand, out of their own experience, the
4 truth of the fact of the equality of all men
5 and all women and all races. And so it keeps
6 surging forward.

7 And it's out of that conviction
8 that I'm pleased to be at one of the most
9 important stations in the government, where
10 we can continue to go over these matters.

11 We're dealing with racial
12 profiling. My bill has now been embraced by
13 the President and Attorney General and their
14 administration. My hate crimes bill, which
15 enhances crimes that are motivated by racial,
16 religious, or gender feelings. My Voter
17 Reform Act, which will take notice of the
18 many shortcomings of many of our election
19 processes in the several states and put money
20 in to build up the systems and to give more
21 training to the election day workers and to
22 make sure that we have a much more enhanced

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 election process, not just Florida, around
2 the country. We had embarrassing
3 inefficiencies in Detroit -- weren't racially
4 motivated, we're just -- some people that
5 were working couldn't handle this
6 responsibility. It's an important technical
7 responsibility, processing voters on election
8 day in their precincts. So these and other
9 challenges await us.

10 I close with a couple of other
11 observations about the excitement in my job.
12 We have a AIDS pandemic that more and more
13 people are beginning to realize, but we have
14 to do far more than we are now in terms of
15 getting the solutions medically and the
16 medicines that are available and the
17 education and training that's necessary to
18 those peoples around the world and in this
19 country. And so there's a lot going on with
20 that. And we hope that the administration
21 and the Congress will move to this.

22 We have a global system, an

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 economic system now, in which we have to
2 realize that not only as an exemplary
3 constitutional model of government that we
4 hold ourselves up to the other 227 nations in
5 the world, but we also have an economic
6 system that is also being widely replicated.
7 And so what do we do there? And we have a
8 support for the United Nations that ought to
9 be far more emphatic than what we've had in
10 the last few years. It has to be seen that
11 we need a United Nations. And so we not only
12 have national duties, but we have global
13 duties as well. A lot of people are waiting
14 to see how we handle these things. And many
15 of them will be handled more properly if more
16 citizens express themselves.

17 And that's why, to me, the place
18 that I start with is that the least you can
19 do is vote, even if you won't listen to why I
20 would persuade you to vote the way I want you
21 to. Nobody in the Nader camp has reminded me
22 of that yet. But it's better even that we

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 get a result that I would deplore and that we
2 all participate than for me to get a result
3 that I desire and the participation continues
4 to diminish. That's a no-win situation.

5 So in this first year of the new
6 millennium, I'm happy to be with you. I hope
7 that our conversation will lead to questions
8 and comments from you, if you have time, and
9 I thank you for your careful attention.
10 Thank you very much.

11 (Applause)

12 MS. MINOR: Sometimes you hear a
13 speech and you just kind of go "wow."
14 Because what I think the Congressman has done
15 is asked us to do something that in our
16 humanity we prefer not to do, which is think
17 about the hard questions and think about
18 where we're going. I was listening, just
19 like you, and the theme that I picked up on
20 and the one that sort of gives you hope as we
21 move forward is this notion that we're not
22 done with anything, and that having to

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 revisit it doesn't mean you're going
2 backwards, necessarily; it's just part a part
3 of the evolution, that you're just not done,
4 and you have to revisit and listen and deal
5 with, which were very, very tough issues.

6 So I thank him for being
7 thought-provoking and know that many of you
8 will appreciate the opportunity to think
9 about some of those questions.

10 I am going to take the liberty of
11 changing the program around a little bit, and
12 I hope you'll bear with me. We were going to
13 do a musical selection and then closing
14 remarks, but I gather from listening to the
15 Congressman that he'd like to have an
16 opportunity to talk with some of you all
17 personally and answer any questions.

18 So what I'm going to do is ask
19 Calvin if he will lead us as we leave the
20 auditorium in "Lift Every Voice and Sing" and
21 leave a little bit of time outside. There
22 are refreshments out there that we can all

1 partake of, and I believe the Congressman
2 will be staying around to talk with us a
3 little while. And I'll leave that
4 opportunity for people to ask any questions
5 that they have or to engage in the
6 conversation that I think he's trying to
7 engage us in.

8 So if I could ask Calvin to come
9 up. I'd like thank all of you very much for
10 your support. I was comparing this to our
11 last event we had with the Duke Ellington
12 show flier and thinking that is a nice
13 feel-good event and we all had a wonderful
14 time.

15 Well, this made me feel good, too,
16 because I think there's a lot of conversation
17 and very positive conversation that can
18 happen out of this.

19 Thank you all so much for your
20 support. And I'll ask Calvin to come up and
21 lead us and invite you to partake of
22 everything outside and talk with the

BETA REPORTING

(202) 638-2400

1-800-522-2382

(703) 684-2382

1 Congressman personally, if you would like.

2 (Applause)

3 (Whereupon, the PROCEEDINGS were
4 adjourned.)

5 * * * * *

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22