



STATEMENT OF ERIC S. DREIBAND

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, 2003-05**

**BEFORE THE SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES,
COMMITTEE ON THE JUDICIARY,
UNITED STATES HOUSE OF REPRESENTATIVES
CONCERNING "EMPLOYMENT LITIGATION SECTION, CIVIL RIGHTS DIVISION, OVERSIGHT"
SEPTEMBER 25, 2007**

Good morning Chairman Conyers, Subcommittee Chairman Nadler, Ranking Member Franks, and Members of the Subcommittee. I thank you and the entire Subcommittee for affording me the privilege of testifying today. I am Eric Dreiband, and I am a partner at the law firm of Akin Gump Strauss Hauer & Feld LLP here in Washington, D.C.

Prior to joining Akin Gump in September 2005, I served as the General Counsel of the United States Equal Employment Opportunity Commission ("EEOC"). As EEOC General Counsel, I directed the federal government's litigation of the federal employment discrimination laws. I also managed approximately 300 attorneys and a national litigation docket of approximately 500 cases.

EEOC enforcement authority over Title VII is plenary, with the exception of litigation against public employers. Title VII vests the EEOC with independent litigation authority against private employers. The employment protections of the Americans with Disabilities Act incorporate Title VII's enforcement scheme, and so the EEOC also litigates disability discrimination claims. EEOC enforces two other statutes: the Equal Pay Act, which prohibits sex-based wage discrimination, and the Age Discrimination in Employment Act. Collectively, then, Congress has vested the EEOC with authority for enforcing a broad array of employment discrimination laws, including laws that protect American workers against discrimination on the basis of race, color, religion, sex, national origin, age, and disability.

I was honored to contribute to the enforcement of the federal civil rights laws when I served at the EEOC. Every member of the Administration with whom I worked unambiguously and enthusiastically supported the EEOC's efforts to continue and improve upon its enforcement programs. This included officials at the Department of Justice, including especially the Civil Rights Division and the Office of the Solicitor General.

During my tenure at the EEOC, the Commission continued its tradition of aggressive litigation. We obtained relief for thousands of victims of discrimination, and the EEOC's litigation program recovered more money for victims of discrimination than at any other time in the Commission's history. The Commission filed hundreds of cases every year and recovered, literally, hundreds of millions of dollars for victims of discrimination. Here are some examples:

In *EEOC v. Morgan Stanley*, we negotiated a historic \$54 million settlement of a sex discrimination case brought by the EEOC on behalf of a class of women who worked for a major Wall Street investment firm.

We also obtained one of the largest EEOC settlements ever in the agribusiness industry. In *EEOC v. Rivera Vineyards*, the Commission sued and recovered substantial relief for a group of employees, mostly Hispanic women, who were allegedly sexually harassed, retaliated against for complaining, and segregated into certain jobs based on gender.

Likewise, in *EEOC v. Abercrombie & Fitch*, the EEOC resolved a nationwide race and sex discrimination case against one of the nation's largest retailers. In that case, the EEOC alleged that the defendant maintained recruiting and hiring practices that excluded minorities and women and adopted a restrictive marketing image, and other policies, that limited minority and female employment.

In *EEOC v. Seafarers International Union*, I personally appeared before the United States Court of Appeals for the Fourth Circuit and successfully defended the EEOC's position that the federal age discrimination protections extend to apprenticeship programs. As a result of that case, workers who are over age 40 and may need training are protected against age discrimination.

And, in Supreme Court litigation, the EEOC worked with the Civil Rights Division and the Solicitor General of the United States. In *General Dynamics v. Cline*, for example, we filed a brief on behalf of a class of alleged age discrimination victims. Likewise, in *Pennsylvania State Police v. Suders*, we successfully defended the rights of Nancy Drew Suders after she claimed that she was the victim of shocking and despicable sex discrimination by her employer.

The Commission also worked successfully with the Civil Rights Division and the Solicitor General in *Maldonado v. City of Altus, Oklahoma*. We filed the government's brief in the United States Court of Appeals for the Tenth Circuit and, in so doing, defended the rights of several individuals who asserted claims of race and national origin discrimination. The Tenth Circuit agreed with us.

We also issued the *EEOC Regional Attorney's Manual*. The *Regional Attorney's Manual* established national standards for the EEOC's litigation program.

Finally, it is important to remember that the folly and disgrace of unlawful discrimination continues to plague our nation. Enforcement of the civil rights laws vests the EEOC and the Civil Rights Division with sacred responsibilities that speak to the very essence of who we are as a people, and who we aspire to be. It was my personal and professional privilege to serve with all of those women and men of the EEOC and the Civil Rights Division who have dedicated their lives to our continuing struggle to live up to the legacy of Anthony Burns, William Lloyd Garrison, Frederick Douglass, Abraham Lincoln, Charles Sumner, Susan B. Anthony, Martin Luther King, Jr., Everett Dirksen, Roy Wilkins, Evan Kemp, Jr., and countless others.

Thank you, and I look forward to your questions.