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CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CONSTITUTION,
CIVIL RIGHTS, AND CIVIL LIBERTIES

OVERSIGHT HEARING ON:
“U.S. DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION”

2141 RAYBURN

9:30 A.M.

THURSDAY, SEPTEMBER 24, 2020



- Thank you, Chairman Cohen and Ranking Member Buck, for convening this important oversight hearing on the Civil Rights Division of the United States Department of Justice.
- Let me thank our witnesses for their helpful testimony and assistance:
 1. **Catherine Lhamon**, Chair, U.S. Commission on Civil Rights
 2. **Sherrilyn Ifill**, President and Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc.

3. **Thomas Saenz**, President and General Counsel, Mexican American Legal Defense and Education Fund
4. **Sharon McGowan**, Chief Strategy Officer and Legal Director, Lambda Legal
5. **Jonathan M. Smith**, Executive Director, Washington Lawyers' Committee on Civil Rights
6. **Michael Waldman**, President, the Brennan Center for Justice.

(Minority Witnesses)

7. **Hiram Sasser**, First Liberty Institute
8. **Sam Mabrouk**, Small Business Owner, Columbus, OH.

- This hearing is particularly timely given the outrage in Louisville, Kentucky yesterday where the Kentucky Attorney General announced that no charges will be brought against any of the police officers who shot and killed Breonna Taylor, a 26 year-old black woman and first responder, after bursting through her home on a no-knock warning and shooting her eight times while she lay sleeping in her bed, and killing her.
- Mr. Chairman, the Department of Justice is the nation's largest law enforcement agency and it is no exaggeration to state that its Civil Rights Division used to be the nation's largest civil rights legal organization.
- The Civil Rights Division wields the authority and the resources of the federal government on difficult and complex issues and has helped bring about some of the greatest global advances for civil rights.
- However, the Department's record under this Administration indicates that it is not living up to its tradition of fighting for equal justice under law and championing the rights of the powerless and vulnerable.
- The Civil Rights Division has simply neglected to bring challenging cases that could yield significant rulings and advance the cause of civil rights in our country.
- The Trump administration has abdicated its responsibility to enforce the nation's most critical laws.

- For example, since January 21, 2017, the Trump Administration has filed only 1 pattern or practice investigation against a police department, even though all Americans have witnessed the ever-growing instances of wanton misconduct by law enforcement officers, especially against innocent and unarmed black Americans.
- In contrast, the Clinton Administration filed 13 pattern or practice cases, 8 of which involved racial discrimination; the Obama Administration has a similar record of upholding justice and equal treatment.
- The record is even worse when it comes to the subject of voting rights enforcement.
- After nearly four years, the Trump Administration has not brought a single Section 2 cases.
- The George W. Bush Administration, which had the lowest rate of bringing such cases since 1982, looks like a crusader for justice compared to the current Administration, which is led a President that daily seeks to discourage or impede voting by persons who do not support him.
- The Voting Section filed a total of 33 involving vote dilution and/or other types of Section 2 claims during the 77 months of the Reagan Administration that followed the 1982 amendment of Section 2.
- Eight (8) were filed during the 48 months of the George H.W. Bush Administration and 34 were filed during the 96 months of the Clinton Administration.
- But the record is really bad when it comes to enforcement of the federal criminal civil rights law.
- Civil rights enforcement no longer is a top departmental priority.
- Federal investigations targeting abusive police officers are non-existent and investigations of cross-burners and other purveyors of hate declined are not conducted.

- The Trump Administration in 2018 issued a directive severely limiting the ability of the Justice Department to enter into consent settlements to combat discrimination.
- Mr. Chairman, I am very troubled by this trend because hate-crimes are too dangerous to ignore, and there is social value in effective federal review of police misconduct.
- Additionally, Mr. Chairman, most of the Department's major voting-related actions of the past five years have been beneficial to the Republican Party, including reversing its long-standing position that Texas intended to discriminate against racial minorities when it passed a strict voter-ID law.
- In addition to holding the seat of my hero, role model, and predecessor, the incomparable Barbara Jordan, one of the reasons that I have been so proud to be a member of the Committee on the Judiciary throughout my seven terms in Congress is that this Committee has oversight jurisdiction over the Department of Justice, which I have always regarded as the crown jewel of the Executive Branch.
- In recent years the reputation of that Department, which has done so much to advance the cause of justice and equality for all Americans through the years under the leadership of such great Attorney Generals as Robert Jackson, Robert F. Kennedy, Nicholas Katzenbach, Herbert Brownell, Harlan Fiske Stone, Francis Biddle, Tom C. Clark and his son Ramsey, and Elliot Richardson, has been tarnished under the malfeasance of William P. Barr, easily the worst Attorney General in history.
- And that is putting it charitably.
- This Committee has no greater challenge and obligation to the nation than to help restore the Department of Justice, and the Civil Rights Division, to its former greatness.
- But before we can begin to set it right we have to get to the bottom as to how it went wrong.
- Thank you, Mr. Chairman, I yield back my time.