

Rights lawyers await Obama's appointment of new civil rights chief

Written by Hazel Trice Edney, NNPA Editor-in-Chief
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WASHINGTON (NNPA) – After a blistering report released early this month confirmed that a senior official in the Civil Rights Division of the U.S. Justice Department illegally hired and fired career attorneys based on their political alignment with President Bush, Civil Rights lawyers around the country say the new head of the Civil Rights Division – yet to be named by President Barack Obama – will likely be “pivotal” in his presidential administration.

“The assistant attorney general heading the Civil Rights Division will perhaps occupy a pivotal seat in the Obama administration. President Obama has been quite publicly critical of the DOJ's positions on civil rights issues and with three major cases raising important race issues, that person will have a full plate from the beginning,” said Charles Ogletree, executive director of the Charles Hamilton Houston Institute for Race and Justice at the Harvard University Law School.

“The Civil Rights Division was the key agency pushing an agenda of racial justice in the 1960s, and if we are going to address race discrimination cases, voting rights violations, racial profiling, and mass incarceration, particularly of young Black males, the new [assistant attorney general] for civil rights must hit the ground running the moment he or she is confirmed,” said Ogletree.

Little progress has been made in the enforcement of significant civil rights laws over the past eight years as the leadership of the Civil Rights Division politicized the hiring and firing of career attorneys, based on their philosophical alignment with the conservative views of Bush, confirms a recent report.

“We’ve got to get back to civil rights,” said Congresswoman Eleanor Holmes Norton (D-D.C.). “You can’t do anything there unless you have a whole new set of actors... We were dealing with perverse treatment of the law, much of it stated, so we’re talking about direct evidence.”

A joint investigation and report by the DOJ's Office of the Inspector General and Office of Professional Responsibility reports that Bradley S. Schlozman, a former senior Division official, “hired lawyers for career positions based on their political or ideological affiliations.”

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The 65-page report, released publicly on January 13, finds that Schlozman, based on employee interviews, went as far as to use terms such as “commies” and “crazy libs” in emails when describing people that he aimed to weed out of the division between 2003 and 2006.

The report concludes, “The evidence in our investigation showed that Schlozman, first as a Deputy Assistant Attorney General and subsequently as Principal Deputy Assistant Attorney General and Acting Assistant Attorney General, considered political and ideological affiliations in hiring career attorneys and in other personnel actions affecting career attorneys in the Civil Rights Division. In doing so, he violated federal law – the Civil Service Reform Act – and Department policy that prohibit discrimination in federal employment based on political and ideological affiliations, and committed misconduct.”

Federal law states that such hires must not include political considerations; but rather, civil rights qualifications, which the report said was often excluded.

Because Schlozman is no longer a DOJ employee, he is not subject to disciplinary actions, the report concludes, but recommends that his illegal activity at the DOJ be considered if ever seeks federal employment again.

The report also says that division managers “failed to exercise sufficient oversight to ensure that Schlozman did not engage in inappropriate hiring and personnel practices. Moreover, Schlozman made false statements about whether he considered political and ideological affiliations when he gave sworn testimony to the Senate Judiciary Committee and in his written responses to supplemental questions from the Committee.”

In a nutshell, the crucial civil rights division is said to have been left in a mess.

“What the Bush administration did was abandon civil rights enforcement on behalf of

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African-Americans," said Ted Shaw, former director-counsel of the NAACP Legal Defense and Education Fund, who is now a law professor at Columbia University. "They focused where they could on finding so-called reverse discrimination cases, refused to use the full panoply of civil rights enforcement tools that were available to it and in general had more of a relationship with defendants in civil rights cases."

Shaw says the Bush Justice Department was more concerned about defendants found in violation of civil rights laws than with civil rights lawyers and plaintiffs.

"The one thing that the department is going to have to do is restore its relationship with the civil rights community," he said. "I think that can be done fairly quickly. But, the damage has been done in terms of the career attorneys that have been lost from the division, the morale, and the turn over within the division, that won't be done as quickly. That will take some time to do."

Political chatter about new leadership at the Civil Rights Division is escalating as the civil rights world awaits the outcome of the delayed confirmation of Eric Holder, Obama's nominee for attorney general.

Holder, the head of the DOJ, is expected to be confirmed, but he was still under scrutiny by Senate Republicans last week. Sen. Arlen Specter (R-PA) requested the delay of his confirmation on behalf of Judiciary Committee Republicans, who wanted to ask Holder additional questions about his support of several pardons and clemencies of former President Clinton. Holder was then deputy attorney general.

Meanwhile, lawyers considered to be civil rights leaders and watchdogs are looking forward to who Obama will choose to lead his Civil Rights Division, which, in short, is responsible for the enforcement and defense of civil rights laws, many of which disparately affect African Americans.

They include all voting rights and redistricting laws; criminal justice issues such as police profiling, police misconduct and sentencing disparities; race discrimination in hiring such as fair procurement, affirmative action and equal opportunity; plus hate crimes, most of which the civil

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rights community say have been totally neglected during the Bush Administration.

New York-based civil rights activist the Rev. Al Sharpton, who led a march around the Justice Department in late 2007, called for prosecution of hate crimes and politic brutality cases.

“The [person] ought to be someone who is skilled in civil rights prosecution and investigation,” said Sharpton. “I think they should immediately look at the ongoing police brutality cases from the case of Sean Bell in New York all the way to the [Oscar Grant, III] case in Oakland, CA. Those are the leading cases.”

Wade Henderson, president and CEO of the Leadership Conference on Civil Rights, who calls this “a critical time in the history of the civil rights division,” agrees with Sharpton on the skills description.

“The new assistant attorney general for civil rights must be an accomplished lawyer with a deep background and understanding of the nation's civil rights. He or she should also have first-hand knowledge of the nation's civil rights division.”

Henderson said the recent report “has confirmed our worst fears about the manipulation of the division for political purposes.”

He added that the Inspector General's report should “become a blueprint for reform.”

Henderson concluded: “For many years, the civil rights division has been mired in politics and well-deserved controversy. It has turned its back on its major responsibilities and has become an ideological and political tool of the previous administration. This must be changed.

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"It is important that the attorney general makes reform of the civil rights division one of his top priorities," said Henderson.