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Speakers

Speaker(s):	Barbara Lee; Eleanor Holmes Norton; Eddie Bernice Johnson; Barbara Lee; Donna M. Christensen
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Full Text

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The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. Christensen) is recognized for 60 minutes as the designee of the minority leader.

General Leave

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Member may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the topic of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. I would like to again thank the Democratic leader for giving us this time.

Mr. Speaker, tonight the Congressional Black Caucus will use the hour to speak on something that's always at the core of what we fight for and what we legislate for and what we legislate to end, and which is always at the root of much of what we come to the floor every Monday night to talk about, the persistence of inequality and injustice in our country.

It is fitting then that as we do so this evening we call to mind and honor a staunch champion for justice, attorney John Payton, who at the time of his death on March 22 was the sixth president of the NAACP Legal Defense and Educational Fund.

Tonight I'm joined by several of my colleagues, and I begin by yielding such time as she might consume to the former chair of the Congressional Black Caucus, a leader and one of our strongest fighters for justice and equality in this country, the gentlewoman from Oakland, California, Congresswoman Barbara Lee.

Ms. LEE of California. Thank you very much. First let me just thank Congresswoman Dr. Christensen for those very kind remarks, but also for your leadership on this issue and on so many issues and for anchoring these Special Orders week after week. It's so important that the points of view of the Congressional Black Caucus get out to the public, and you've been such a steady and consistent voice, and your presence here is deeply appreciated. Thank you very much.

Also, I just have to thank all of the members of the Congressional Black Caucus, Chairman Cleaver, for continuing to beat the drum for justice. This past week, we lost a tireless advocate for justice, equality and opportunity, and I am deeply saddened by the passing of my friend and activist, John Payton.

John was a civil rights attorney and served as the president of the NAACP's Legal Defense and Educational Fund and was lead counsel for the University of Michigan in the 2003 landmark case concerning diversity in higher education. John was a California native, yet his legal victories touched those around the globe. At the center of his conviction was the belief that democracy at its core requires that all of the people be included in "we the people."

His life was really a testimony to this belief. He was the past president of the District of Columbia Bar Association and served in leadership roles with a number of civil and human rights organizations, including the National Lawyers Committee for Civil Rights under Law and the Free South Africa Movement, and I was very privileged to be with John last year and his wife, my friend, Gay McDougall, in Geneva, Switzerland, as we worked through and I chaired a committee for the U.N. on minority political participation.

John will be deeply missed by so many. My thoughts and my prayers are with his wife, Gay McDougall, and all of his family and his friends. And as we remember John and the progress that we have made with his leadership, we know that the work for justice is far from over. The recent events in Florida are really a grim reminder of the long road ahead.

On February 26, 2012, Trayvon Martin, a 17-year-old African American youth, was tragically gunned down while walking home from a local 7 Eleven store. The gunman, 38-year-old George Zimmerman, was not immediately charged with the murder and was released by the Sanford Police Department.

Sanford Police Chief Bill Lee said that there was not enough evidence to arrest George Zimmerman even though the killer followed the young male in his SUV and confronted the teen before the shooting. More than 40 days later, as a result of the outrage across the country, dedicated reporting from the media, advocacy from community and faith leaders and vocal parents and families and, of course, the facts, which spoke for themselves, the wheels of justice are finally beginning to turn. This is really an unfortunate and tragic defining moment that we must come to grips with. First we must, of course, seek justice for Trayvon and his family, especially in the wake of the circumstances surrounding his killing.

Secondly, we must make certain that this toxic and deadly mix of the power of guns, hate crimes, and racial profiling ends once and for all. Just recently, Bill Cosby said that there is a need to get guns off the street and that people should be taught to use every possible alternative before shooting someone. Yet, of course, there are those who continue to push for vigilante justice. With laws like stand-your-ground, Sanford really could be anywhere. It could be in my own community, and we have many, many of the same challenges as Sanford has.

Racial profiling is real. This young teenager was gunned down, of course, because of how he looked, because of the color of his skin. As the mother of two sons and the proud grandmother of two grandsons, these fears haunted me as I was raising my two sons and continue to haunt me each and every day. The reality is that many black parents live with these fears each and every day.

Again, Sanford could be anywhere. Hate crime must be enforced. Of course, Mr. Zimmerman was fixated and focused on young black males according to neighbors and press reports.

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He had been the subject of complaints by neighbors in his gated community for aggressive tactics.

Now, our laws state that you cannot injure or intimidate another based on their race. When these laws are broken, the consequences must be applied appropriately, whether it has been the color of one's skin, their religion, their gender, their disability, national origin or sexual orientation or identity. The sad fact is that too many persons have been the victims of violence, often ending in death simply because of a characteristic of birth. The senseless violence must end. Sanford could be anywhere.

So very many people feel the loss of Trayvon as their own personal loss. While we cannot understand and feel the pain experienced by Trayvon's family, there is universal pain, a national pain; and it is shared far and wide.

We will continue to take up the very critical issues of racial profiling and hate crimes. A recent briefing on these issues successfully raised the level of awareness around the country about the deadly combination of guns, racial profiling, and hate crimes.

Chairman Cleaver called upon the Department of Justice to investigate the shooting death of Trayvon Martin as a hate crime. On March 19, the Department of Justice launched a full investigation, and, of course, the Congressional Black Caucus is very eager to see this report.

As President Obama said, this is a time of soul searching for our Nation as it comes to grips with this tragedy. This senseless violence must end, and so we all must recommit ourselves to justice, justice for all.

Mrs. CHRISTENSEN. Thank you, Congresswoman Lee.

You reminded me that I had the honor of traveling with you to Geneva for that U.N. conference that focused on the inequalities and the injustice that exist in far too many areas of the world with respect to voter participation. And as we heard from so many marginalized communities in different countries, it was really sad that when it came for my time to speak, I spoke from the experience of the United States and the lack of voter participation; the lack of full representation of the District of Columbia, the capital of the United States; and the inability of the people of the Territories to vote for the President, our Commander-in-Chief.

Ms. LEE of California. That's right. I just want to respond if you will yield for just a minute.

It was really a very important moment, I think, and we were, again, with our great fallen hero, John Payton, when we had this discussion about the disenfranchisement of individuals, the entire population of the District of Columbia. He was totally dedicated to voting rights for the District of Columbia. And I'm so pleased that Congresswoman Eleanor Holmes Norton is continuing to fight the good fight and has made sure that all of us do not forget that we live here during the week and that we also have a real commitment to ensure that there are full voting rights for the residents of the District of Columbia. They pay taxes. They have the full responsibilities and duties of American citizens, and they should be able to vote. And John Payton stood for that throughout his life.

Mrs. CHRISTENSEN. Thank you for adding that.

Before I yield to the Congresswoman from the District of Columbia, I would like to yield such time as she might consume to the gentlelady from Texas, also a very strong voice for justice and equality in this country, not just in her own district, but for Americans and for people across the world, the Congresswoman from Houston, Texas, Congresswoman Sheila Jackson Lee.

Ms. JACKSON LEE of Texas. Let me thank the gentlelady again for her leadership-I like to call her Dr. Christensen-and for, as my colleague from California indicated, for allowing us to have a vote on a regular basis on behalf of all of America, my constituency, and certainly on behalf of the Congressional Black Caucus, of which I'll never step away from its definition as the conscience of this Congress, but the conscience of America.

I want to thank my colleague, the Honorable Barbara Lee, who knows what justice and fighting for freedom is all about. I'm reminded of the very unique history of Oakland, California, and I think of the movement of justice through the Black Panthers of early years, who did many things; but I remember them for their early breakfasts and nutrition programs, and I call that justice. Let me just thank her for her leadership on this and on many other issues.

To my colleague from the District of Columbia, the Honorable Eleanor Holmes Norton, let me thank her as well. Let me indicate that this is Emancipation Day. As I understand, there's a big parade. And President Lincoln, just a few steps away from us, signed the freeing of the slaves in Washington, D.C. You don't know the history of the District of Columbia until you hear it from Eleanor Holmes Norton, and I thank her very much. And I know of her friendship and closeness to John Payton.

One of my dear friends and former Federal judges that I know Eleanor Holmes Norton knows, Judge Gabrielle McDonald, likewise came to a similar history. We have talked. I was an Earl Warren legal scholar. And so I know the journey that so many have traveled.

So this is a personal statement as I rise to salute John Payton and also acknowledge his wife, Gay McDougall. And I want to say this on behalf of my husband, Dr. Elwyn C. Lee, a graduate of Yale Law School and who knew Gay very well, and I knew her. What a perfect match and a family of justice fighters, of human rights fighters, of individuals who could be as eloquent on the question of HIV/AIDS, international plagues and devastation that impacts so many vulnerable communities, here they are discussing the worldwide siege of AIDS upon individuals but, likewise, can come home and march along the road of justice here in the United States of America.

I learned in law school that the law-and I know that Congresswoman Holmes Norton still teaches-I know the law is a jealous mistress. I would say to you that I found that out. Obviously, I'm now in the United States Congress. But I love the law. I love the purpose and value of lawyers. And I encourage young lawyers that if they want to read a story of sacrifice and someone who epitomizes that it's a jealous mistress, read the history of John Adolphus Payton, born in 1946 and passed this past March 22 in Baltimore, Maryland. He, obviously, is from California, but with a law degree from Harvard Law School. That means that the world was his oyster, and it was open to any manner of choice that he could have made in his lifetime. He was a Federal clerk, but he managed to start his life at WilmerHale, which used to be, I believe, Wilmer Cutler & Pickering, which is where my husband practiced law here in D.C. for a number of years.

What I like most of all is that his reach was so far on the Independent Electoral Commission in South Africa, again, looking for justice. President of the District of Columbia Bar, but he found his way to his calling. He found his way to answer the opportunities that he was given.

Being a 1977 graduate of Harvard Law School, he stood on the shoulders of Thurgood Marshall, a graduate of Howard Law School. He stood on the shoulders of the giants that graduated from law school in Arkansas and the other giants that graduated from Howard, and I think he found his comfort level at the NAACP Legal Defense Fund, becoming the sixth president.

My classmate, Elaine Jones, served in that capacity for a very long time, graduating from the University of Virginia Law School. Today, in the wonderful tributes, she was part of that wonderful memorial service that was held here in Washington, D.C., along with a number of other giants.

Let me just say to you that when we think of justice, we have a combination, from the civil rights leaders to the fallen; Dr. King on the balcony in Memphis, Tennessee. But do we know all the lawyers that were part of the matrix of justice, from Thurgood, who held the hand of Dr. King and a number of civil rights leaders, one after another, some of our giant lawyers down in Alabama and Mississippi who were there to bond them out, to petition their case.

In the likes of those, John Payton became an unselfish fighter for justice,

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from his, what I call, victory of Richmond v. Croson, in a 5 4 decision-it was a victory-where he attempted to maintain the affirmative action plan that established just a simple process of assisting businesses to receive opportunities. I want you to know today that because of lawsuits like that, we are suffering in cities all around America because there were those who believed that just a smidgeon of opportunity was too much.

Right in my own city of Houston, under the General Services Administration that I hope will be cleaned up-and I know there are good people there-we have Gilbane, a major company, using stimulus dollars and having no concern about the in-depth minority participation of small businesses-the GSA hopeless and helpless at being able to do anything-and having a nondiverse workforce. Gilbane. Let the number go out as an example of what John Payton was fighting against.

Then, of course, his valiant fight in 2003 at the University of Michigan, the affirmative action case that is maintained today as he defended the school's use of race as their admission processes-again, not using it destructively. That is, I think, one of the arguments that is not a legal argument, but he found a way to justify-the trial court of appeals and the U.S. Supreme Court defending undergraduate school's use of race in their admissions processes and the loss in the United States Supreme Court by 6 3-but in any event, maintaining the fight and taking cases that were not popular.

John, thank you. Thank you, Gay, for sharing him.

And then a 2009 case, Northwest Austin Municipal Utility District Number One v. Holder. The municipal district in Austin, my State, challenged the validity of section 5 of the Voting Rights Act. Payton assisted in the arguments, leading to the Supreme Court's 8-1 decision upholding section 5.

He was our firewall. On the question of section 2 and section 5, he was the holder of the truth, the arbiter, the outside partner to the Department of Justice that wanted and needed to do right.

Finally, the local attorney for the plaintiff in 2010, Lewis v. City of Chicago, in which a group of African Americans seeking to be firefighters contended that they had properly filed a charge of discrimination. It is my understanding that that case has moved along and that John prevailed so that truth would be the call of the day. It is important to hold him up as the man of armor who is nonviolent. And he held as his victory call the Constitution and the laws that were passed to help the unempowered.

I've always said that the Voting Rights Act is not the black Voting Rights Act or the Hispanic Voting Rights Act. It is the Voting Rights Act to have one vote, one person for every single American. My hat goes off to John Payton, and I salute him as a soldier on the battlefield for justice, for what is right, never wavering with his quiet demeanor, and for his strength in the courthouse.

I ask the NAACP Legal Defense Fund to stay the course. I ask you to never whimper and never weaken. And I say to you that your soldier is going on to be a general in the justice cause in a place beyond. I beg of you to carry forward.

Let me just read these citations that were in honor of him, just very briefly, from a statement from the LDF, where they spoke about the city of Chicago, the Lewis case, which vindicated the rights of over 6,000 applicants. As I indicated, that case prevailed. They called him fearless, a guiding light, a brilliant advocate, a mentor and a teacher who believed that American democracy thrives when it embraces all of our voices. Thank you to the Legal Defense Fund. And then, from one of the major law firms, partner Walter Dellinger had this to say:

John Payton was a towering figure. He was just flat-out brilliant and combined that intellectual power with a deep and empathetic commitment to justice. Everyone who knew John will remember forever his infectious good spirit and uninhibited laugh. Every encounter with John was a learning experience.

Let me close on this note because I know that John would have been in the midst of discussing this travesty of justice as relates to Trayvon Martin. Trayvon obviously was a symbol of the injustice of this Nation when police and a State prosecutor became judge and jury. I don't want to interfere with the process of justice. Mr. Zimmerman is arrested. But let us not rest on our laurels because we pushed for the arrest that should have been. We know that there will be a rocky road proceeding toward holding Mr. Zimmerman accountable.

More importantly, let me make it very clear on the floor of the House that every mode of justice that is needed for a fair trial I support. If it is to remove the judge, as the defense has asked for, let that be considered in an unbiased manner. If by chance the prosecution asks for a change of venue because this jury pool in this region will be tainted, then so be it.

But what we must also say-and let me be very clear-I, as a Democrat, and I hope my friends on the other side, are not afraid of dealing with gun violence and the overuse of guns in America, as responsible legislators should be. And so to my good friend, Bill Cosby, let me say to you that the call has been answered many times. There are many bills dealing with gun violence. There are many bills to rein in the reckless use of guns, the use of the assault weapons, the issue of individuals not being checked at gun shows and the gun show loophole. It only takes responsible leadership to move it forward. And I salute the Brady Center that will be with us in Washington tomorrow for recognizing that there are people who are willing to take a stand-not against your Second Amendment rights. God bless you for those rights. You have those rights. I celebrate those rights.

But I cannot celebrate the fact that a man that was on the Neighborhood Watch, which is the eyes and ears, was walking around with a 9-millimeter and shot dead an unarmed, helpless 17-year-old boy and snuffed his life out because we refused to address the question of everyone being able to carry a gun, whether trained or not. Mr. Zimmerman was not a police officer and should not have acted as if he was the law, the judge, and the jury.

So to my good friends on the floor who will come up after me, let me just end my note by saying to John Payton, in instances like Trayvon, I know that your voice would have been heard on the civil rights of the question, but your voice had been heard through places where many of us were not there and did not know. And so I agree, and salute the words that were offered in tribute to you by so many of your colleagues, certainly these last words that indicate that you were, in fact, fearless; you were, in fact, a guiding light; you were, in fact, a brilliant advocate,

mentor, and teacher; you were, in fact, an eagle with wings who stood widespread over America, and when there was a doubt about justice, you led the troops of the NAACP in a nonviolent, Constitutional law-saturated effort to ensure that justice would be done.

May God rest your soul for a job well done, good and faithful servant, and may your family and Gay know how much we loved you and appreciated the war that you waged for justice.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to speak about justice in America.

Thank you Congresswoman Christensen, and my other CBC colleagues. I appreciate your leadership in convening this Special Order on Justice, Trayvon Martin, and our good friend John Payton of the NAACP Legal Defense Fund.

How ironic that in the span of a couple of months in a historic election year, we lose one of our precious youths to a senseless and irresponsible act of injustice; while at the same time, a man who in the tradition of the late, great Justice Thurgood Marshall, dedicated his life to paving the long, winding road of justice so that the Trayvon Martins of the world could live life, go to school, and travel Westward and Eastward, as they pleased.

That did not happen in Trayvon's case, and that is why I believe these issues of justice are of the utmost importance. It is necessary to figure out the best possible way for this Congress to be involved in addressing racial profiling and hate crimes.

Before we begin I wish to offer my deepest condolences to the family of Trayvon Martin. I was pleased that the Department of Justice (DOJ) and the Federal Bureau of Investigations (FBI) have begun to investigate the circumstances surrounding the tragic death of Trayvon.

And as most of us are surely aware, there was finally an arrest in the case last week of

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the man with the gun, who shot the boy, which will get the wheels of justice to start turning.

I hosted a rally in Trayvon's honor in Houston, TX and just returned from another rally in Miami held several weeks ago. There were hundreds of men, women and children all asking for justice. "I am Trayvon Martin" and "We are all Trayvon Martin." This case has captured the nation's and indeed the world's attention, as many folks around the world ask what's going on in the United States, the nation which touts liberty and justice on its coins, dollars, and in our engagements with those in the international community.

John Payton, the sixth Director-Counsel and President of the NAACP Legal Defense and Educational Fund, left us late last month, at the age of sixty-five. But his legacy did not leave.

John Payton was one of the most formidable advocates of his generation, and he litigated and argued some of the most important civil rights cases of his time.

In a legal career that spanned private practice, government service, and public interest law. He led the litigation department of the venerable Wilmer, Cutler & Pickering law firm, served as corporation counsel for the District of Columbia, and until the very end, led the NAACP Legal Defense Fund.

A true warrior for justice, John litigated case before the Supreme Court, such as, NAACP v. Claiborne Hardware, in which he won a decision in the U.S. Supreme Court overturning a monetary judgment against the organization under Mississippi's secondary boycott law;

City of Richmond v. J.A. Croson Co., in which he ably, albeit unsuccessfully, defended a minority contracting municipal ordinance; and perhaps most notably, two cases in which he defended the University of Michigan's pursuit of diversity in admissions,

Gratz v. Bollinger, and Grutter v. Bollinger. Most recently, in 2010, John successfully argued and won Williams v. City of Chicago, an employment discrimination case against the city's fire department. Under his leadership LDF won five Supreme Court cases, including a successful defense of the recently extended Voting Rights Act.

I had the privilege of knowing John Payton for many years. It is said that success has many parents, while failure is an orphan. There were many who were responsible for the 2003 landmark affirmative action cases that saved diversity in higher education, thereby keeping the doors open to selective colleges, universities, graduate and professional schools. John litigated both cases in the trial courts, in the court of appeals, and in the Supreme Court. He argued Gratz, and his work was essential to the victory in Grutter.

John's was a passionate voice for racial and social justice. But even in the toughest cases-in which the odds were stacked against his side particularly in the current Supreme Court-John's work and his voice were no less forceful, excellent, and passionate.

When the Supreme Court struck down Richmond, Virginia's minority contracting program in *City of Richmond v. Croson* by a narrow 5-4 vote, it was in spite of the Herculean effort put in by John Payton and his staff.

It is important to recall that the U.S. Supreme Court has narrowly approved of congressionally mandated racial preferences to allocate the benefits of contracts on federally sponsored public works projects, while generally condemning similar actions taken by state and local entities to promote public contracting opportunities for minority entrepreneurs, which came about because of years and years of de facto and de jure discrimination; some of it documented, but certainly much of it not. Bad actors usually do not leave their scripts lying around.

Disputes prior to *City of Richmond v. J.A. Croson* generated divergent views as to whether state affirmative action measures for the benefit of racial minorities were subject to the same "strict scrutiny" as applied to "invidious" racial discrimination under the Equal Protection Clause, an "intermediate" standard resembling the test for gender-based classifications, or simple rationality.

In *Croson*, a 5 to 4 majority resolved that while "race-conscious" remedies could be legislated in response to proven past discrimination by the affected governmental entities, "racial balancing" untailed to "specific" and "identified" evidence of minority exclusion was impermissible.

John had done the best that could be done, and a Supreme Court increasingly hostile to programs and efforts specifically designed to include African Americans and others who had been historically excluded from opportunity was on its way to becoming a forum in which they were unlikely to win.

Yet John, in the aftermath of *Croson*, tirelessly traveled the Country, meeting with attorneys in the public and private sectors in an effort to properly craft contracting programs and to ameliorate the effects of the decision. John did not accept defeat. He simply went back to work.

HATE CRIMES

We stand here on this House Floor to discuss the role our federal government plays in hate crimes enforcement. Hate crimes are real. The loss of life and the impact these types of crimes have on our country, our community, on a family, and on the individual is something that we should never tolerate.

We are here today to shine a spot light on the tensions and issues which arise from these types of crimes. We are here today to ensure that those who act with hatred in their hearts to harm another based upon their race, sexual orientation, gender, disability, ethnicity/nation origin or religion will be brought to justice.

The term "hate crime" was coined in the early 1980s but the motivations behind that term are centuries old. "Hate crime" is not a distinct federal offense; however, the Department of Justice does investigate and prosecute crimes of bias as civil rights violations, which fall under its jurisdiction.

The actions by the Department of Justice are meant to buttress efforts by state and local authorities, which handle the vast majority of hate crime cases.

The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act provides funding and technical assistance to state, local, and tribal jurisdictions to help them to more effectively investigate, prosecute, and prevent hate crimes.

Today, headlines across the country are reporting the tragic story of Trayvon Martin. Nearly a month ago, Trayvon woke up on a sunny Florida morning filled with life. He was the typical American teenager, who was spending time with his family and friends. By the end of the day he would be laying alone on a cold sidewalk in a pool of his own blood. Trayvon could not have known that morning that he would be shot by a man who accused him of walking "suspiciously."

Trayvon was not climbing out of a window, kicking a front door, or picking a lock. He was walking on the sidewalk, talking on the phone with his girlfriend. The man who killed him was not arrested, which means that Mr. Zimmerman was not given a drug test and he was not fingerprinted.

The on-scene investigator literally had to take Mr. Zimmerman at his word that he shot Trayvon Martin in self defense. By reported accounts the on-scene investigator wanted to arrest Mr. Zimmerman and was told not to . . . a trained law enforcement officer was suspicious of Mr. Zimmerman's claims. He wanted to do what law

enforcement officers are trained to do . . . arrest the suspect and determine the truth of the assertion made.

I called for Mr. Zimmerman\'s arrest and again am pleased that at least Trayvon\'s family has an opportunity to have some justice.

We need to get to the bottom of this. Again, I hosted a rally in Houston supporting the Trayvon Martin family\'s call for justice. I attended another rally in Miami. I have spoken on the floor. And I am working diligently to ensure that people like Trayvon, who can no longer speak for themselves, have an advocate.

Mr. Zimmerman should be judged by his peers. That is why we have a justice system. I wish to remind everyone here today of other hate crimes . . . lives that should not have been lost and lives that cannot be replaced; however, the families of these victims fought for an attained justice.

It is my fervent hope that Trayvon\'s family can one day say they received justice. I commend his parents for their strength. I can not attest to the guilt of Mr. Zimmerman, we have a justice system which calls for innocence until proven guilty. I call for the wheels of justice to begin to churn.

JAMES ANDERSON

On June 26, 2011 in Jackson, Mississippi, 49-year-old James Anderson, a black man, was killed in what initially appeared to be a hit-and-run accident. However, surveillance footage which captured the crime on film recently revealed that Anderson was brutally beaten by a group of white teens, and run over by a Ford F 250 pickup truck in the midst of an alleged racially motivated hate crime. It is of great concern that in 2011, in a time when our country\'s race relations and tolerance have so greatly progressed, that such hatred based purely upon race still exists.

Of even greater concern is the way in which this case was being handled. Of the group of seven teens involved in the brutal attack, only two have received any charges as a result of the incident; 19-year-old Deryl Dedmond, the driver of the truck who intentionally ran Anderson over has been charged with murder, and John Aaron Rice, one of the teens involved in the beating, has been charged with simple assault. Given that this appears to have been a hate motivated crime, attention should be paid to the intent of the other teens involved in the attack.

The driver was convicted and sentenced to two consecutive life sentences. He would have received the death penalty, however, the Anderson family does not believe in the death penalty and requested that his life be spared.

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What began as a hate crime has evolved into a family expressing a level of compassion that their loved one should have received. I was unnerved by the possibility that some of the parties involved who may have had similar motivations as those charged, were allowed to roam freely without taking on any responsibility. I was pleased by the recent announcement that the Department of Justice has charged three related defendants with federal hate crimes.

We must always remember that hate crimes involve the purposeful selection of victims for violence and intimidation based upon their perceived attributes. Such targeting for violence removes these actions from the protected area of free expression of belief and speech as enshrined in the First Amendment to the United States Constitution. The crimes are investigated and prosecuted at both the Federal and State and local level, depending upon the facts of the case and the needs of the investigation. A young African American teenage boy was shot to death on the street by an adult male who felt that he was walking "suspiciously" and who may have uttered a racial slur. This must be investigated.

In 2008, law enforcement agencies voluntarily reported 6,598 single-bias hate crime incidents (involving 7,775 offenses, 8,322 victims, and 6,219 known offenders) to the FBI. Almost half (48.5 percent) were racially motivated and 19.7 percent were motivated by religious bias. Bias against sexual orientation and ethnicity or national origin accounted for another 18.5 percent and 11.8 percent, respectively

Only 44 percent of hate crimes are reported to the police.

More than 80 percent of hate crimes were associated with violent crimes-a rape or other sexual assault, robbery, or assault.

Between 2000 and 2003, an annual average of 191,000 hate crime incidents were reported by victims.

An estimated 3 percent of all violent crimes were perceived to be hate crimes by the victims.

Nearly 50 percent of hate crimes in 2009 were motivated by race.

Of the 6,604 hate crime incidents reported to police in 2009, 1,700 involved intimidation.

HATE CRIMES TEXAS

Texas' violent history dates to the late 19th century when it was among the South's most lynch-prone states. At least 355 people, most of them blacks, died in Texas mob violence between 1889 and 1918.

Laws outlawing mob and less lethal hate crimes have since been passed, but incidents with possible racial components have continued to occur-even in Jasper, a city with a black mayor and a population that is 45 percent African-American.

In Texas, Austin came in fourth among cities in the number of hate crimes reported in 2006, according to an FBI compilation that canvassed agencies representing 85% of the nation's population. Documented are 7,722 criminal incidents involving 9,080 offenses resulting from bias against race, religion, sexual orientation, ethnicity/national origin, or physical or mental disability. Of 5,449 "crimes against persons," intimidation accounted for 46% of hate crimes, simple assault 32%, and aggravated assault 21.6%. Three murders and six rapes were reported. The report lists offenders as 58.6% white, 20.6% black, 12.9% race unknown, and the rest as other races.

JAMES BYRD

Let me remind you of James Byrd. On June 7, 1998, Byrd, 49, accepted a ride from three men named Shawn Allen Berry, Lawrence Russell Brewer, and John William King. He had already known one of them. Instead of taking him home, the three men beat Byrd behind a convenience store, chained him by the ankles to their pickup truck, stripped the man naked, and dragged him for three miles. Although Lawrence Russell Brewer said that Byrd's throat had been slashed before he was dragged, forensic evidence suggests that Byrd had been attempting to keep his head up, and an autopsy suggested that Byrd was alive for much of the dragging and died after his right arm and head were severed when his body hit a culvert. His body had caught a sewage drain on the side of the road resulting in Byrd's decapitation.

King, Berry, and Brewer dumped their victim's mutilated remains in the town's black cemetery, and then went to a barbecue. A wrench inscribed with "Berry" was found within the area along with a lighter that had "Possum" written on it, which was King's prison nickname.

The next morning, Byrd's limbs were scattered across a very little-used road. The police found 75 places littered with Byrd's remains. State law enforcement officials along with Jasper's District Attorney Guy James Gray and Assistant Pat Hardy determined that since King and Brewer were well-known white supremacists, the murder was a hate crime, and decided to bring in the FBI less than 24 hours after the discovery of Byrd's remains. One of Byrd's murderers, John King, had a tattoo depicting a black man hanging from a tree, and other tattoos such as Nazi symbols, the words "Aryan Pride," and the patch for the Confederate Knights of America, a gang of white supremacist inmates. In a jailhouse letter to Brewer which was intercepted by jail officials, King expressed pride in the crime and said he realized he might have to die for committing it. "Regardless of the outcome of this, we have made history. Death before dishonor. Sieg Heil!", King wrote.

An officer investigating the case also testified that witnesses said King referenced The Turner Diaries after beating Byrd. Brewer and King were sentenced to death. Berry received life in prison.

John King-accused of beating Byrd with a bat and then dragging him behind a truck until he died. King had previously claimed to have been gang-raped in prison by black prisoners and, although he had no previous record of racism, had joined a white-supremacist prison gang, allegedly for self-protection. The testimony phase of his trial started in Jasper, Texas on February 16, 1999. He was found guilty of kidnapping and murder on February 23 and was sentenced to death on February 25.

Lawrence Russell Brewer-another white supremacist convicted of murdering Byrd. Prior to the Byrd murder, Brewer had served a prison sentence for drug possession and burglary, and he was paroled in 1991. After violating the parole in 1994, he was sent back to prison. According to his court testimony, he joined a white supremacist gang with King in order to safeguard himself from other prisoners. A state psychiatrist testified that Brewer did not appear repentant for his crimes. In the end, Brewer was also sentenced to death.

Shawn Allen Berry-the driver of the truck, Berry was the most difficult to convict of the three defendants because there was a lack of evidence to suggest that he himself was a racist. He had also claimed that his two companions were entirely responsible for the crime. Brewer testified that it was Berry who cut Byrd's throat

before he was tied to the truck, but the jury decided that there was little evidence to indicate this. As a result, Berry was spared the death penalty and given a life sentence in prison.

MATTHEW SHEPARD

Matthew Wayne Shepard was a student at the University of Wyoming who was tortured and subsequently murdered near Laramie, Wyoming. He was attacked on the night of October 6 October 7, 1998 and died at Poudre Valley Hospital in Colorado, on October 12, from severe head injuries.

During the trial, witnesses stated that Shepard was targeted because he was gay. His murder brought national as well as international attention to the issue of hate crime legislation at the state and federal levels.

Russell Arthur Henderson pleaded guilty to felony murder and kidnapping, allowing him to avoid the death penalty. Aaron James McKinney was convicted of felony murder and kidnapping. Henderson is currently serving two consecutive life sentences and McKinney is serving the same but without the possibility of parole.

Matthew Shepard, oldest son of Dennis Shepard and Judy Shepard, was born in Casper, Wyoming, on December 1, 1976. Shortly after midnight on October 7, 1998, 21 year-old Shepard met McKinney and Henderson in a bar. McKinney and Henderson offered Shepard a ride in their car. Subsequently, Shepard was robbed, pistol whipped, tortured, tied to a fence in a remote, rural area, and left to die. McKinney and Henderson also found out his address and intended to rob his home. Still tied to the fence, Shepard was discovered eighteen hours later by Aaron Kreifels, who at first thought that Shepard was a scarecrow. At the time of discovery, Shepard was still alive, but in a coma.

Shepard suffered a fracture from the back of his head to the front of his right ear. He had severe brain stem damage, which affected his body's ability to regulate heart rate, body temperature and other vital signs. There were also about a dozen small lacerations around his head, face and neck. His injuries were deemed too severe for doctors to operate. Shepard never regained consciousness and remained on full life support. As he lay in intensive care, candlelight vigils were held by the people of Laramie.

He was pronounced dead at 12:53 A.M. on October 12, 1998 at Poudre Valley Hospital in Fort Collins. Police arrested McKinney and Henderson shortly thereafter, finding the bloody gun as well as the victim's shoes and wallet in their truck.

The two men had attempted to get their girlfriends to provide alibis. In court the defendants used varying rationales to defend their actions. They attempted to use the "gay panic defense", arguing that they were driven to temporary insanity by alleged sexual advances by Shepard. At another point they stated that they had only wanted to rob Shepard and never intended to kill him.

The prosecutor in the case charged that McKinney and Henderson pretended to be gay

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in order to gain Shepard's trust to rob him. During the trial, Chastity Pasley and Kristen Price (the pair's then-girlfriends) testified under oath that Henderson and McKinney both plotted beforehand to rob a gay man. McKinney and Henderson then went to the Fireside Lounge and selected Shepard as their target. McKinney alleged that Shepard asked them for a ride home. After befriending him, they took him to a remote area of Laramie where they robbed him, beat him severely (media reports often contained the graphic account of the pistol whipping and his smashed skull), and tied him to a fence with a rope from McKinney's truck. Shepard begged for his life. Both girlfriends also testified that neither McKinney nor Henderson was under the influence of drugs at the time. The beating was so severe that the only areas on Shepard's face that were not covered in blood were those where his tears had washed the blood stains away.

Henderson pleaded guilty on April 5, 1999, and agreed to testify against McKinney to avoid the death penalty; he received two consecutive life sentences. The jury in McKinney's trial found him guilty of felony murder. As it began to deliberate on the death penalty, Shepard's parents brokered a deal, resulting in McKinney receiving two consecutive life terms without the possibility of parole.

Henderson and McKinney were incarcerated in the Wyoming State Penitentiary in Rawlins but were transferred to other prisons due to overcrowding.

LOYAL GARNER

On Christmas Day 1987, Loyal Garner, a Florien, La., father of six, was arrested for drunken driving. Garner protested that he was sober, and asked for field sobriety and breathalyzer tests, but police took him to the county jail in Hemphill.

Garner asked to be allowed to telephone his wife. Instead, he was taken to the jail detox room and bludgeoned.

In 1990, Hemphill Police Chief Thomas Ladner and two county deputies, Billy Ray Horton and James M. Hyden, were convicted on state murder charges and sentenced to prison.

Horton's conviction was later overturned.

KENNETH SIMPSON

In spring 1988, Kenneth Simpson, a 30 year-old black man arrested for the theft of a fountain pen, died in his Cleveland jail cell after being beaten.

Half the city police force was suspended as a result, but later returned to their jobs after being acquitted. However, Police Chief Harley Lovings remained under public pressure and resigned the following year.

The pen later was found atop a soft drink machine in the police station lobby.

TROY LEE STARLING

In August 1987, Troy Lee Starling, 24, of Mount Enterprise was fatally shot in the neck by a state highway trooper after a high-speed chase in Rusk County.

Though the trooper was cleared by a grand jury, Starling's family filed a civil rights lawsuit against the officer.

Not all incidents involved bloodshed, but still revealed a sordid side of East Texas culture.

Illustrative was the hostility faced by three black families who moved into an all-white public housing project in Vidor in 1994.

The families were part of the third effort to integrate the project. They moved in only after then-Housing and Urban Development Secretary Henry Cisneros allocated \$3 million to upgrade security.

But residents were soon frightened by death threats and the obvious patrols of Ku Klux Klan members through the projects displaying high-powered weapons.

The FBI later investigated alleged Klan death plots against William Hale, director of the Texas Commission on Human Rights, and Attorney General Dan Morales. Hale's group had sued the Klan, accusing it of making threats against those trying to integrate the housing project.

Still, Joe Roy, head of the intelligence project of the Southern Poverty Law Center in Montgomery, Ala., suggested such crimes, though stereotypical of the South, no longer are limited to one region.

"I think this is a stark reminder, this case in Texas, of what can happen in this country," he said. "Education is not the sole answer, but it's one of the cornerstones of correcting it."

The tension between the races is fueled by competition between economically marginal groups, Roy said.

"This episode is a horrendous example of the rage that is out there."

OTHER TEXAS CASES

Vidor, 1994: Civil rights groups sue the Ku Klux Klan, accusing the group of making threats to stop the integration of an all-white housing project.

Cleveland, 1988: Kenneth Simpson, a black man arrested for stealing an ink pen, dies in his jail cell after struggling with white officers, who are eventually cleared in the death. The police chief resigns under pressure the next year.

Hemphill, 1987: Loyal Garner, a black Louisiana truck driver, is beaten to death in the Sabine County jail. Hemphill's police chief and two county deputies are eventually convicted of murder, although one deputy's conviction is overturned.

Mount Enterprise, 1987: Troy Lee Starling, a 24-year-old black man, is fatally shot in the neck by a state trooper after a high-speed chase in Rusk County. The trooper is cleared but Starling's family files a civil rights suit.

In December 2005, Chris McKee was beaten by two men. McKee, who is gay, said his assailants had followed him after seeing him kiss another man, and anti-gay slurs were audible on a 911 call he made. His assailants were prosecuted under the State hate crimes legislation but they were acquitted.

In May 2006, Joshua Aaron Abbot, now 23, was acquitted in the 2005 death of 40-year-old David Wayne Morrison, a gay Denton resident who was HIV-positive. Abbott stabbed Morrison more than 20 times in the face, neck and chest with a pocketknife.

Abbott, who is straight, had gone to Morrison's residence for unknown reasons, and the pair ended up alone in Morrison's bedroom. At trial, Abbot claimed Morrison tried to rape him, and the jury ruled the defendant acted in self-defense. The prosecutors failed to prosecute the case as a hate crime because it was not clear that Morrison's sexual orientation was the sole motivating factor. However, the prosecutor admitted that Morrison's sexual orientation and HIV-positive status were key.

Since Texas State hate crimes legislation was passed in 2001, there have been few convictions. In 2007, there were only eight convictions.

These cases provide stark evidence that these hate crimes are still perpetrated.

TRAYVON MARTIN FACTS

In fact, Trayvon Martin was killed on Saturday, February 26, 2012, as he walked through a gated community in Sanford, returning from a convenience store, where he had purchased a bag of candy and a can of Iced Tea.

Mr. Zimmerman, a self appointed neighborhood watch volunteer, saw Trayvon while driving down the street and then called police, describing Trayvon as a "suspicious" person. I believe that a message should not be sent that needlessly gunning down a small unarmed black teenage boy on a side walk is ever acceptable.

Mr. Zimmerman was told by police to remain in his car. He had reported 50 other incidents to police which included previous calls about "suspicious" people walking. Trayvon's only crime was walking in a neighborhood that Mr. Zimmerman felt that he did not belong, was out of place, was "suspicious."

According to the Sanford police Mr. Zimmerman has not been arrested because he claims self-defense. To date Mr. Zimmerman shot and killed an unarmed boy one month ago and has yet to be charged with a crime or arrested. He was once again shot by a self appointed Neighborhood Watch volunteer.

NEIGHBORHOOD WATCH PROGRAM

I have a statement from the National Sheriffs Association (NSA) which founded the Neighborhood Watch Program. According to the NSA, a Neighborhood Watch Program from Sanford has never been registered. I have authored a bill that would require anyone who wishes to participate in Neighborhood Watch Programs to get the right training. Neighbors are the ears and eyes of our Neighborhoods. The program is not at issue, it is ensuring that everyone who participates in the program is aware that they are only the eyes and ears. The police should be informed of suspicious activity and address the situation.

I PRESENT TO YOU THIS IMAGE

I will present to you this image. A young teenager walks to the store to purchase a snack. He is having a light conversation with a friend on his cell phone. He walks slowly without a care in the world. He is a perfect example of the typical American teenager.

As he returns to a friend's home he realizes that he is being followed by a strange man in a car. The teenager begins to walk faster hoping the car would stop following him. Instead, the driver pulls over. The driver, a complete stranger, exits his vehicle, approaches the teen and proceeds to address him.

The driver is not a law enforcement officer, he is an absolute stranger. The teenager screams when he sees this man has a gun. The teen armed only with the snacks from the store reacts.

The man shoots the teenager square in the chest . . . not the arm or the leg. It is a fatal shot. The stranger who shot a boy that he pursued then claims self defense and is free to continue his daily routine. I ask you simply this . . . is it more probable that a grown man armed with a 9 mm gun that has stalked then approached a child would be screaming for help or an unarmed teenager being followed by a stranger. This simply does not add up. It is moments like this that captures the public outrage.

The most disturbing facet to his case is that Mr. Zimmerman was instructed to remain

in his car by police. He knew the police were on their way. He was told to stop following this 17 year old. But he chose to continue to follow Trayvon. He chose to exit his vehicle armed, and he chose to confront the teen for of all things . . . walking. And he's claiming "self defense" . . . Please!

Mr. Zimmerman shot this unarmed child in the chest, killing him, as neighbors frantically called 911. Everyone else who called the police remained in their homes awaiting the arrival of the police. Everyone except for Mr. Zimmerman and even so . . . he can still claim self defense and still remain free.

STAND YOUR GROUND-FLORIDA LAW

The lawmakers in Florida may not have realized seven years ago when they passed the "Stand Your Ground" law that it would be used to defend an act that our common sense tells us does not seem just. However, the lawmakers in Florida are now aware of the flaws in this law. This law is just one of 21 such laws around the country and law enforcement, to their credit, have not supported these measures. Yet, is it the law that is the problem or how it is applied.

The "Stand Your Ground" law gives the benefit of the doubt to a person who claims self-defense, regardless of whether the killing takes place on a street or anywhere outside one's home. In Florida, if people feel they are in imminent danger of being killed or badly injured, they do not have to retreat, even if it would seem reasonable to do so. They have the right to "stand their ground" and protect themselves. This could result in a blanket immunity for those who claim self defense. This is disturbing.

I call for justice. I call for justice for all of those who have been victims of hate crimes or racial profiling. I will continue to work with my Colleagues in Congress to stop these types of incidents. This should never happen to another family. That is why we convene here tonight on this House Floor-in the name of Justice.

Again I offer my sympathy for the loss of a handsome young man who to be clear was never in trouble with the law, was not a drug user, and was well like by his peers.

I also offer condolences to the family of John Payton. John Payton's advocacy on behalf of the poor, the disenfranchised, and the excluded reached beyond the United States. He worked against apartheid in South Africa, and traveled around the world in support of human rights. His marriage to Gay McDougall, one of the leading human rights lawyers and advocates across the globe, has been one of the great "power couple" relationships.

We have not finished the journey of justice. The road that leads to the temple of freedom, justice, and righteousness is paved but fraught with danger and life-altering detours.

I close by saying that we can achieve new heights on the great mountain of justice by endeavoring to communicate, tolerate, and work and live with each other in peace and harmony.

Mrs. CHRISTENSEN. Thank you, Congresswoman Lee, for that very strong and impassioned and very well-deserved tribute to John Payton this evening. And as I yield to the gentledady from the District of Columbia, let me, on behalf of the people of the Virgin Islands who celebrate emancipation on July 3, wish the residents of the District of Columbia happy Emancipation Day.

Ms. NORTON. Well, I thank the gentledady for yielding. I did not know of the Emancipation Day of the Virgin Islands. I reciprocate and want to know more about the Virgin Islands' Emancipation Day. I want to thank the gentledady from the Virgin Islands who handles these Special Orders for the Congressional Black Caucus on the floor, for the time and effort you have given this evening.

I want to thank my colleagues who have come down so far for this hour. You've just heard from my good friend, the Congresswoman from Texas (Ms. Jackson Lee). I thank her for her remarks, and I thank her, as well, for mentioning Emancipation Day here in the District of Columbia, where thousands of residents marched down Pennsylvania Avenue today to claim the rights that every constituent of every Member who pays taxes in the United States already enjoys. I know that I speak for the District when I thank all of you.

And when I say that John Payton was a very, very devoted Washingtonian who would have particularly appreciated Emancipation Day today, I thank Congresswoman Barbara Lee, whose words always are important to hear as she probes the issues of the hour, and especially what she had to say tonight about John Payton. My condolences, first, to my good friend, Gay McDougall, John's wife, and to his siblings and his family. A memorial

service was held today, so it's fitting that we should be able to get this hour to say a few words in tribute. I would like to devote my words to both the man and the lawyer. John was my constituent and my friend. It's important to get a feel for the man.

If I may inquire how much time we have remaining in this hour?

The SPEAKER pro tempore. The gentlewoman from the Virgin Islands has 32 minutes remaining.

Ms. NORTON. Mr. Speaker, there have been only six leaders of the NAACP Legal Defense Fund since Thurgood Marshall first went on the bench. You can imagine what quality of lawyer it takes to fill the role that Thurgood Marshall had at the NAACP Legal Defense and Education Fund.

John Payton was worthy of the role, worthy to become the sixth leader of the Legal Defense Fund.

If one looks at John's professional credentials, you would have thought that's enough of a life for a man, considering particularly that he is an African American who went to college and law school when blacks were only beginning to be admitted to the best colleges and law schools in the country. Before his life was over-much too early-John had been listed on this decade's list of most distinguished lawyers in our country. He had been president of the District of Columbia Bar.

John's life and work, of course, are etched in important Supreme Court cases. However, we, in the District of Columbia, feel especially the loss of John Payton because John Payton was-what was called Corporation Counsel is now called Attorney General of the District of Columbia. He took that post when he was asked by the Mayor to leave private practice in order to become the lead lawyer in the District of Columbia.

To understand John, though, one has to see how this extraordinary man melded his love of the law-including private practice-with the love of his professional life, civil rights. It's clear that John laid down an early marker for what his life would become, that it would be a life dedicated to eliminating racial discrimination.

John went to Pomona College in 1965 when these colleges were just admitting talented African Americans. He found himself at an elite private college surrounded only by people who were not at all like him-they were like him in many ways, but certainly not from his racial background. There were very few African Americans in his college and in the five colleges in Claremont, California, that group of very fine private colleges. So, John began early, right in college, to lobby the administration to recruit more African American students. And of course he wanted a black studies program because he saw that perhaps one of the reasons that there was so little interest in black students is there was too little appreciation for the role of African Americans in our history, so he lobbied for that too.

He pressed the admissions people to in fact recruit more African Americans. And he lobbied so hard the college asked him to take the job. So John, after he insisted that more African Americans be recruited, took the job himself and delayed going to law school. That was John Payton.

He went on to Harvard Law School, but he couldn't leave behind his dedication to human rights. He got involved in the very famous-infamous, one might say-school busing controversy in Boston. While he was a law student, he found himself taking affidavits from black students who were injured because of racial violence in Boston.

In law school, he joined the editorial board of the Harvard Civil Rights and Civil Liberties Law Review. You see the theme developing in John's life. Of course, many students have these themes, and we're pleased that they have them when they do, but there's nothing that says you've got to devote your life to any particular cause, and particularly if you're an African American and experiencing the first opportunities to, for example, join private law firms.

John did just that. He went on to practice corporate law here in Washington, D.C. at a prestigious law firm when it was rare for blacks to practice privately at elite law firms. He moved

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up to head litigation in his law firm. And then he did something that describes how John Payton put together all of the ingredients of the life of a man of the law: he took leave from the law firm to become Corporation Counsel for the District of Columbia. He recognized that he had been taking civil rights cases as a private lawyer pro bono, and, yes, he could come and serve his city as the lead counsel.

He met his wife, an Africa expert, interestingly enough, when he was monitoring elections in South Africa. And that was, as my good friend from Texas has said, a meeting that was made in heaven, perhaps-and she did not say it that way, I say it that way-because it\'s one of those wonderful marriages which bring together people of like heart and like mind.

John, of course, will be remembered for his work in many ways at the NAACP Legal Defense Fund. For example, John continued to take the Legal Defense Fund along the road it had traveled so well as lead law firm and lead litigator for civil rights in our country; but he recognized that the Legal Defense Fund had already won many of the most important cases and that, therefore, the fund had to stay relevant, stay current. To quote him, when asked about whether he thought the problems of African Americans could be solved through litigation, he said:

I\'d say we have a litigation focus, and some of our focus is not litigation. With some things, you want to achieve a solution without filing a lawsuit. You can go to the relevant entities, a school board or mayor, and suggest a solution without having to file a lawsuit.

Here is a man who brought from private practice problem-solving of many varieties, just the man for the Legal Defense Fund in this era.

Of course, John Payton will be remembered for cases of great importance. Sometimes the case needed a lawyer with such a fine technical sense of the law that all of the civil rights, issues revolved around whether you could find a lawyer whose mind was fine enough to tackle such an issue.

Lewis v. City of Chicago was such a case where African American firefighters filed a lawsuit charging discrimination by the city against African American firefighters. The city conceded that it had given an examination which had a disparate effect on minorities in violation of Supreme Court cases, but it argued a statute of limitations issue, that therefore John Payton and his African American plaintiffs could not continue.

It took a lawyer-a lawyer\'s lawyer-to take that case, argue that statute of limitations issue, go before the Supreme Court and get this Supreme Court to unanimously reverse the lower court, which had found that the statute of limitations voided the case.

Today, one of the core sections of the Voting Rights Act of 1965 is under attack. If that law goes down, we will be set back 50 years. It\'s the core provision of the Voting Rights Act that requires States which have engaged in intentional voting discrimination in the past to bring all of their voting laws-laws that impact voting rights-so that they can be pre-cleared by the Justice Department before they go into effect.

Northwest Austin Municipal Utility v. Holder was such a case, 8 1 decision upholding section 5.

It is impossible to overemphasize how important John Payton\'s victory was in sustaining this core provision of the Voting Rights Act. He did it and won a great victory for civil rights.

John Payton also was lead counsel in a case that is still very much discussed, a case, like a similar case that is going before the Supreme Court this very year. I\'m speaking of the University of Michigan case, where the plaintiff sought to eliminate affirmative action in higher education, in both law and undergraduate schools. There was great trepidation that much of the progress that had been made over 25 years would end prematurely.

John handled these cases in the lower courts and argued the cases at the Supreme Court as well. The Court upheld the use of race as a factor, one factor, not the only factor, and affirmative action in higher education was saved.

I also would like to submit for the Record a piece written by a colleague and friend of John Payton, Joshua Wyner, W-Y-N-E-R. Joshua Wyner wrote a short piece after John Payton died which details one occasion that summarizes the principled nature of John\'s life. He was on the board of an organization called Applesed, which does good works for the District of Columbia.

The District of Columbia had a financial control board during a period when the city was going through a financial crisis. The control board took control of the D.C. Board of Education.

The D.C. Board of Education had a terrible reputation. Its members engaged in infighting in order to keep half-empty schools open, for example, and all agreed the Board had done little for education in the District of Columbia.

Mr. Speaker, how much time is remaining? I want to leave some time for my colleague.

The SPEAKER pro tempore. The gentlewoman from the Virgin Islands has 16 minutes remaining.

Ms. NORTON. Mr. Speaker, the control board reached out to take control of the board of education. It had control of virtually every other arm of the D.C. government.

But John Payton and the board of Applesseed knew that the law which set up the control board gave it no authority to take over the board of education. It was an elected body. What to do?

Applesseed very much opposed the board of education. Yet, the control board had done an illegal act, except nobody knew it but technical lawyers or people who paid attention to the fine letter of the law.

The Applesseed board engaged in the appropriate debate as to whether it should sue the control board for illegal action in taking over the board of education. John Payton cast the deciding vote for the lawsuit, and he did so because, he said, he did not want to be part of an organization that failed to stand for the rule of law.

Note how John Payton handled this dilemma. He knew that the board of education didn't stand by the children. What he did, as a member of the Applesseed board, was to settle the case, ultimately returning power to the school board, and then went to work restructuring school governance, giving governance to the Mayor and eliminating the board of education.

So you see what John did. He stood for principle on both occasions. He found a principled way to keep the control board from exceeding its authority, illegally, and he found a principled way to eliminate the D.C. school board without using illegal means.

That is the principled life that John Payton lived. That is why he has left a vacuum in this city where he lived and in the law which he loved.

He said he never regretted leaving corporate law. Remember, while he practiced it, he was also doing pro bono cases for civil rights. But he never regretted leaving private practice, he said, because the best possible job for a man like John Payton was the job he had when he died.

John Payton said, on the 70th anniversary of the NAACP Legal Defense and Education Fund, when everybody was joyful, as well they might have been, for there is no organization that has done more for human rights in our country than the NAACP Legal Defense Fund (LDF). While celebrating the LDF John Payton, its president, its director counsel, said, It's a mistake to celebrate too much about things accomplished when we see that some of the progress has been very uneven.

John was a man of great balance. He understood that, as he said, that African Americans had made extraordinary progress in the 70 years since the NAACP Legal Defense Fund was established, but that what had led him to civil rights in the first place continued and must continue to drive us.

The best way that we can remember our friend, his work, and the man himself is to understand that what he would want us to do is to find a way to help complete the work he was about at the end of his life. His inspiration to young lawyers, his inspiration well beyond the law was so significant that I say to my good friend from the Virgin Islands that I believe that we will have no hesitation, we will find no hesitation in the larger community in seeking to do all we can to continue the work that was the center of the life of John Payton.

We celebrate that extraordinary life today. We celebrate a great life in

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American law. We celebrate a great Washingtonian. We celebrate all that John did and was as a man. We mourn his early passing. We celebrate and are grateful that in the time given to him he accomplished so very much.

[From the Washington Post, Mar. 30, 2012]

John Payton's Life of Principle

(By Joshua Wyner)

John Payton, who died March 22, was a great friend not only to our nation but also to the place he called home the District of Columbia. To his local and national work, John brought an incredible combination of brilliant thought, deep commitment to principle and unswerving dedication to improving the lives of those who most needed help.

Everyone who loves Washington should take a moment to observe this tremendous loss and remember a great man.

I met John in late 1995, when he and the other four members of the original D.C. Appleseed Center board hired me as executive director of the nonprofit, which works to solve pressing problems facing the city. At the end of Appleseed's first full and quite successful year, the organization faced an enormous dilemma—one that could have sent the organization down the wrong path.

The triggering event took place in November 1996, when the congressionally created financial control board took over the District's public school system.

With fiscal management of the city improving, everyone committed to bettering the city knew that ground zero for reform had to be the District of Columbia Public Schools, where few kids received the education they needed to succeed in life. There was no evidence that the D.C. Board of Education which was better known for fighting to keep open half-empty school buildings in members' wards than for acting to improve curriculum or teaching—could attract, hire or retain a superintendent who could lead needed reforms.

Yet the control board's takeover was almost certainly illegal. The structure of the school board was written into the city charter, which also contains provisions for how the charter itself can be amended. Nothing in the law authorizing the control board allowed it to change the charter.

Appleseed had a choice: Give in to urgency and follow the straightest path to reform or stand for principle and fight an illegal action by an unelected body. After a lengthy debate, the Appleseed board chose—by a single vote—to sue the control board to reverse the takeover. John cast the deciding vote. He knew from his days as D.C. corporation counsel that desperately needed reform almost certainly would not be led by the school board. But he also made emphatically clear that he (I still recall his words) "would not be part of an organization that failed to stand for the rule of law."

Appleseed filed suit and eventually settled with the control board, which returned power over the school system to the school board. Then Appleseed began a project to properly change the governance of the schools. Our research and advocacy helped pave the way for the enactment of a law—approved by referendum—to fundamentally restructure school governance, including a sunset clause that ultimately led to the mayor's assuming responsibility for DCPS. In the end, our city benefited more than would have been possible had the control board succeeded, because the structural change that took place ultimately led to improvements in student outcomes that have long outlived the control board.

Originally opposed to the lawsuit, I learned a great lesson from John (and his colleague Alan Morrison, who filed the lawsuit): Successful pathways to needed reforms can and must be grounded in principle.

I had the great privilege of working with John in recent months on a project to improve our nation's community colleges, where so many of the African American students that John cared deeply about are trying to gain the skills they need to succeed in life. As with everything else he worked on, he asked (and helped answer) the tough questions, demanded adherence to principle and pushed toward solutions that would improve the lives of vulnerable Americans.

Our city and nation are much better off for John's time here. His presence will be missed, but it will also endure in the many people whom he showed how to find thoughtful solutions to persistent problems and ground those solutions in principle.

Mrs. CHRISTENSEN. It was wonderful to have you here, a close friend, a close colleague of John Payton's, to give us a more in-depth history not only of his accomplishments but of the man, himself, and we thank you for joining us as yourself a very strong fighter for justice and equality, a legal scholar like John Payton who has also devoted her life, like he did, to justice and equality.

I want to just close by saying a few words myself about John Payton and the work that we still have yet to do.

It was at the retreat of the Congressional Black Caucus Foundation even as we were remembering, eulogizing, and coming to terms with the loss of our chairman and colleague and friend, Don Payne, that we learned of John's passing. It was distressing and disconcerting to think that at this time when we need strong fighters for equality and justice more than ever, that not only Donald Payne, but now John Payton would also be taken away from us. But we are blessed that we have their legacies, the bodies of their work and contributions and that standing on them and their inspiration we can be strengthened to continue the fight that they led so well.

Later than many of my colleagues, I first came to know John Payton personally in 2003 when he was at the firm of what was then Wilmer, Cutler and Pickering, now known as Wilmer Hale. At that time, as you heard, he was the lead counsel for the 2003 University of Michigan affirmative action cases. In the end, the Supreme Court upheld the law school's affirmative action policy in a related case.

But I also came to know John Payton and his wife, Gay McDougall, as you heard at the conference that I attended with Congresswoman Barbara Lee, a U.N. conference in Geneva, on voter participation which Barbara was the director of that conference.

But John's work in civil rights, as you heard, began from his undergraduate time at Pomona College and continued when at Harvard Law School he worked with students injured in the race riots-related violence during the Boston school-busing controversy. Many students at the law schools at Harvard, Howard, and Georgetown where he was a visiting professor at various times were fortunate to have the benefit of his experience and his expertise.

He was active in many domestic and international causes. Along with his wife and international human rights lawyer, Gay McDougall, he was one of the international monitors in South Africa in the very first election in which South African blacks could vote at the time Nelson Mandela was elected President.

The Legal Defense Fund said of him that he was a guiding light, a brilliant advocate, a mentor and a teacher who believed that American democracy thrives when it embraces all of our voices. President Barack Obama called him "a true champion of equality," and said that he helped to protect civil rights in the classroom and at the ballot box.

So as we honor John Payton and his legacy, we recommit ourselves to continue his and our fight for justice.

Last week, I participated in the 2012 National Environmental Justice Conference and training program where administration officials, researchers, and advocates from all over the country convened here in Washington, D.C. It was distressing to hear of the communities in this country which today are suffering health impacts and still in 2012 have to fight to be free of polluting industries and for clean air and water. These persistent environmental injustices cry out for justice.

The case of 17-year-old Trayvon Martin, who was killed by a Neighborhood Watch volunteer as he, Trayvon, walked home, has not only aroused sympathy for the family but justified anger over his senseless killing. It has also revived the long and shameful history of racial profiling in this country and our flagrant and reckless use of guns and the gun culture which so many people promote here. Trayvon's death is tragic in and of itself; but it's sadly a story that has been and continues to be told in countless communities across our Nation. Our children and our families cry out for justice.

The wealth gap continues to widen dangerously in this country. According to the PEW Foundation, the wealth of white families here is 20 times that of African Americans and 18 times that of Latinos. The Health Policy Institute of the Joint Center for Political and Economic Studies has issued several recent reports that showed how poverty, including extreme poverty, and persistent segregation create health, education, economic, and other disparities.

To quote Angus Deaton of Princeton University in a recent paper:

There are grounds to be concerned about the rapid expansion in inequality at the very top of the income distribution in the United States; this is not only an injustice in itself, but it poses a risk of spawning injustices in education, in health and in governance.

The increasing income inequality in this country also cries out for justice.

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I could go on, but let me just end with health.

Every year there are over 80,000 excess deaths in people of color, deaths that could and should and must be prevented. Every minority group suffers some health disparity: African Americans and American Indians and Alaskan Natives more than most. Many of these deaths and the countless disproportionate disabilities could be prevented with the continued implementation of the Affordable Care Act.

It is health injustice that Dr. Martin Luther King, Jr., called the most shocking and inhumane. The countless and seemingly endless years of these tragic health iniquities and the millions of people who have suffered because of them also cry out for justice.

It is for ending these and other injustices that John Payton dedicated his life. In an article in the Civil Rights Monitor, he said:

The problems of race and inequality in our country have proven to be enduring and deep-seated in nature. But we must recognize that this is a marathon and not a race if we are to find solutions that work.

We are grateful for the leg of the marathon that he ran and the progress that he made in this race while he was with us.

To his wife, Gay; his sisters, Janette Oliver and Susan Grissom; his brother, Glen Spears; the NAACP Legal Defense Fund; and his many colleagues and friends, I join my CBC colleagues in offering our sincere condolences and those on behalf of the people of the U.S. Virgin Islands.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, equality and justice are the underpinnings of our society. By adhering to the rule of law, we as a society place tremendous trust and faith in our judicial system to do what is righteous and just. The judicial branch of government, as established by the Founding Fathers, is the necessary check on the Executive and Legislative branches. Article III of the Constitution guarantees the right to a fair trial and a jury of one's peers.

Justice is not something to be taken lightly or for granted. The integrity of our justice system is only as good as the people who participate in it.

We must continue to work to uphold the integrity of the judicial system by embedding these guiding principles into the fabric of society for future generations.

With the passing of John Payton, we lost a true civil rights pioneer and someone who fought every day to uphold the rule of law. Mr. Payton was a fierce advocate for equality and justice during a time, not so long ago, when such protections under the law were not enjoyed by all.

Mr. Payton frequently appeared before the U.S. Supreme Court, in passionate battles to win equal rights for minorities. Mr. Payton showed us that there was still much work to be done-and now, millions more Americans can enjoy greater equality and enhanced protection from discrimination as a result of his contributions, in pursuing this ideal.

Mr. Speaker, the United States is still a beacon and a moral compass for the rest of the civilized world.

Not only do the people of this country rely on us for our guidance, but so do the people around the globe. As we once again find ourselves fighting to advance social progress, we must ensure that we continue to move forward by upholding the integrity of our laws and our judicial system.

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