

**Department of Justice
Celebration of Martin Luther King, Jr.**

Remarks by Wan J. Kim, Assistant Attorney General for the Civil Rights Division

January 18, 2007

Good morning. Thank you for coming. It is my distinct privilege to participate in this program at the Great Hall of the Department of Justice to reflect on the legacy of a great man, the Reverend Dr. Martin Luther King, Jr.

Dr. King lived during a turbulent and tumultuous time in our nation's history. It was a time of segregation, of widespread and longstanding racial divisions. It was a time where a person's character was tested time and time again. This nation desperately needed a healer and a leader. Dr. King once remarked that: "The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy." He knew firsthand of what he spoke. Dr. King's life was marked by countless moments of challenge and controversy. He stood proudly and with dignity to meet these difficult times. Time and time again, Dr. King rose to meet hatred with reason; violence with peacefulness; and every brand of adversity with a morality founded in an unwavering belief in God. "The arc of the moral universe is long," Dr. King famously said, "but it bends towards justice."

And justice was what Dr. King sought. On April 16, 1963, Dr. King was sitting in a city jail, having been imprisoned for leading a peaceful protest in Birmingham, Alabama. There, he wrote his now famous Letter from Birmingham Jail. Answering the criticism that he should devote more effort to the work of his hometown, Atlanta, Georgia, Dr. King wrote:

I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham.

Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.

I am privileged to work in the Department of Justice, in a Division that Dr. King helped to establish, in a constant effort to enforce the federal laws that aid in the elimination of injustice.

As we honor Dr. King's legacy, it is fitting to reflect on the history of the Civil Rights Division. Our history began on February 6, 1939, when the Civil Liberties Section was formed within the Criminal Division of the Department of Justice. Five years later, the Section was reorganized and renamed the Civil Rights Section. During its short existence, the Civil Rights Section averaged between 6 and 8 attorneys "responsible for supervising the enforcement of the Federal Civil Rights laws throughout the Nation."¹

It soon became clear that more was needed. As early as 1949, President Harry S. Truman began calling for the formation of a Civil Rights Division within the Justice Department, stating: "[t]he [Civil Rights] Section simply does not have an adequate staff for the careful, continuing study of civil rights violations, often highly elusive and technically difficult, which occur in many areas of human relations."² In 1954, the Supreme Court handed down its decision in *Brown v. Board of Education*. In 1955, Congress held hearings that would eventually lead to the passage of the Civil Rights Act of 1957, the first civil rights legislation enacted into law following Reconstruction. As part of that legislation, the Civil Rights Division was officially formed.

Not surprisingly, Dr. King played a prominent role in the early days of the Division. The confirmation by the Senate Judiciary Committee of the first Assistant

¹ Hearing Before Subcommittee No. 2 of the Committee on the Judiciary House of Representatives, Eighty-Fourth Congress, First Session, pp. 162.

² *Ibid.*, pp. 163.

Attorney General to head the Division, W. Wilson White, was delayed by eight months. Prior to his nomination, White had served as the Assistant Attorney General for the Office of Legal Counsel. White's activities in the Office of Legal Counsel became the reason for his political opposition in the Senate: he had developed the legal basis for President Eisenhower's dispatch of National Guard troops to Little Rock, Arkansas, to enforce the desegregation of its public schools.

To help push White's nomination along, Dr. King sent the following telegram to each member of the Senate Judiciary Committee in July 1958 urging immediate action.

We note the third hearing has been scheduled for Friday 18 on the long pending nomination of Assistant Attorney General W. Wilson White as head of the new Civil Rights Division of the Justice Department. We urge immediate action on Mr. White's appointment which has been hanging fire in the committee since January 13th. It is tragically ironic that the senate should find itself in the embarrassing position of being unable to implement so important an arm of our democracy at the very moment when the world seems on [the] brink of war number three to protect the basic freedom which a Civil Rights Division promises to ensure to millions of loyal Negro Americans.³

White was eventually confirmed, and our momentous work began. The efforts of dedicated Division employees in many respects paralleled and supported the work of Dr. King. On October 1, 1962, James Meredith became the first African-American student to enroll at the University of Mississippi. His enrollment, which was vigorously opposed by the Governor of Mississippi, sparked riots on the campus. U.S. Marshals escorted James Meredith; 160 US Marshals were wounded during these violent riots, 28 by bullets. During this dangerous time, John Doar, who served as the fourth Assistant Attorney General for the Civil Rights Division, literally lived with James Meredith to help ensure his safety. Meredith graduated from 'Ole Miss on August 18, 1963.

³ Telegram from Rev. Dr. Martin Luther King, President, Southern Christian Leadership Conference, to Thomas C. Hennings, United States Senator (Jul. 18, 1958) (on file with Estate of Martin Luther King, Jr.).

In 1964, the Civil Rights Division investigated and prosecuted the murder of three civil rights workers in Philadelphia, Mississippi – an incident commonly known today as the “Mississippi Burning” case. Martin Luther King, Jr., came to the site of the murders to mark the second anniversary of the civil rights workers’ deaths. After battling his way through a mob to the courthouse, King courageously addressed the crowd over loud jeers and said: “In this county, Andrew Goodman, James Chaney, and Michael Schwerner were brutally murdered. I believe the murderers are somewhere around me at this moment. I want them to know that we are not afraid. If they kill three of us they will have to kill us all.” Dr. King later described that afternoon in Philadelphia as one of the most frightening in his life. “This is a terrible town, the worst I’ve seen,” he said. “There is a complete reign of terror here.”⁴

The Assistant Attorney General of the Civil Rights Division, John Doar, personally led the investigation and prosecution of these murders. He was able to secure the convictions of only 7 of the 18 defendants charged with these murders; and they received sentences ranging from just 4 to 10 years of imprisonment. One of the ringleaders, Ku Klux Klan member, Edgar Ray Killen, was acquitted because one of the jury members refused to convict a “preacher.” Killen was finally convicted for his involvement in the case on June 21, 2005 – 41 years after these brutal murders – a clear reminder that, while great progress has been made, our efforts to enforce the civil rights laws very much remain a work in progress.

These early examples of the Division’s work show our commitment to breaking down barriers built of discrimination, and to ensure equal access, equal treatment and

⁴ Seth Cagin and Philip Dray, *We Are Not Afraid: The Story of Goodman, Schwerner, and Chaney and the Civil Rights Campaign for Mississippi*, 1988 (New York: Macmillan Publishing) pp. 382.

equal opportunity consistent with the laws passed by Congress and the ideals nobly pressed forward by Dr. King. We have labored, for nearly 50 years now, to secure the guarantees of the landmark 1964 Civil Rights Act, the 1965 Voting Rights Act, and the 1968 Fair Housing Act, among others. We have grown substantially in size and jurisdiction over the past 50 years. We currently have about 700 talented and dedicated employees, and have grown from enforcing just a few statutes to just a few dozen statutes. But our work, then as now, helps to secure some of our nation's highest collective ideals, as well as the life and legacy of the Reverend Dr. Martin Luther King, Jr.

In life, Dr. King marched upright and steadfast into the storms of oppression. Thanks to his life and his efforts, the climate of this country has changed – for the better and much to the benefit of us all. The wind is now at our backs, but much work lies in front of us. Just a few months ago, the Division obtained convictions in a case where two defendants placed a toxic substance on the porch of an interracial family in order to intimidate them and force them to move from the neighborhood. We have convicted gang members in Los Angeles for assaulting and murdering African-American victims simply because of the color of their skin. We have convicted a former police officer who threatened African-American high school students in Maryland. And we have prosecuted dozens of cross burnings incidents, one of the most vicious symbols of racial hatred in American society. And so our work continues.

Conclusion:

Created almost 50 years ago, the Civil Rights Division was born of the civil rights movement, a movement that Dr. King embodied and helped to define. Our shared history is worthy of great pride, but it has not been without periods of profound sadness and turmoil.

On April 4, 1968, as the sun set over Memphis, Tennessee, the Reverend Dr. Martin Luther King, Jr. was assassinated. His life came to an abrupt and tragic end. But Dr. King's legacy, both his words and his deeds, live on today. Millions continue to look to him for hope – hope in a better, more just world. Despite all of the sadness, all of the discrimination, and all of the suffering that he endured, Dr. King continued to see hope and he continued to preach hope. As he wrote in his *Letter from Birmingham Jail*, “I have no despair about the future. I have no fear about the outcome of our struggle in Birmingham, even if our motives are at present misunderstood. We will reach the goal of freedom in Birmingham, and all over the nation, because the goal of America is freedom.” The progress that we have made in the decades since Dr. King's death help to give meaning and substance to his words. “The arc of the moral universe is long, but it bends towards justice.”

Please allow me to close with a few words from our 16th President, Abraham Lincoln, who was a father of the civil rights movement in America. President Lincoln charged the country in 1865 during his Second Inaugural Address with words that are just as applicable to the life of the Reverend Dr. Martin Luther King, Jr. and the work of the Civil Rights Division, as they were to the beleaguered country that President Lincoln addressed: “With malice toward none; with charity for all; with firmness in the right, as

God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds * * * to do all which may achieve and cherish a just and lasting peace, among ourselves, and with all nations.”