

**A Civil Rights Lawyer's Story: Voting Rights and Desegregation  
Part 2**

**Oral History: Brian K. Landsberg  
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**Mary Louise Frampton:** Tell me a little bit about Albert Turner.

**Brian Landsberg:** Albert Turner had grown up in Perry County. He went to school at Alabama A&M College in Huntsville, where he studied plumbing, as I recall. Came back to Perry County and had his own business as a plumber and doing that kind of work. He was not dependent on the white population for his livelihood, and he and his wife, Evelyn, and a man named Spencer Hogue, formed this Perry County Civic League. He was a very dynamic guy, sort of rough-hewn, but very energetic. And so, it was under his leadership that so many people applied to register to vote. And so, in 1965, he was still leading them to register to vote, and they would come to the county courthouse in Marion, and there'd be long lines there, where the registrars were basic... Essentially, running a slowdown. And he also... Because the Civil Rights Act of 1964 had been passed, he was also demanding that the local restaurants allow African-Americans to eat there. There were demonstrations in Marion.

**Frampton:** Once African-Americans were allowed to vote, how did that change the landscape?

**Landsberg:** It changed it enormously. When I went back to Perry County, years later, I went to see Spencer Hogue, who did talk to me and I think he was on the school board. Albert Turner, who had died but had become a County Commissioner before he died, there was a memorial plaque celebrating Albert Turner in the main square in Marion. And the courthouse, which had been all white, that is, everybody in the courthouse was white except for the janitors. The courthouse now, there was an African-American probate judge and African-Americans prominent in the courthouse, and the roads in the Black part of town were paved. There were no longer open sewers. The Voting Rights Act had made an enormous difference in just the day-to-day life. We think about the Voting Rights Act, people are often looking at the presidential elections and the Congress, but really, at the local level, the changes are so important. And you could say that the local government really was representing the people. I would say there was even probably some graft that was no longer exclusively white.

**Frampton:** I'm thinking about the fact that Jeff Sessions is now our Attorney General, and I know that you had some experience with him.

**Landsberg:** Well, yes, when he was the United States Attorney in Mobile, and he brought a prosecution... He prosecuted Albert Turner, who to me was a hero... Prosecuted Albert Turner, and his wife, Evelyn, and Spencer Hogue, the three leaders of the Perry County Civic Association, prosecuted them for voter fraud. He alleged that they were filling out absentee ballots for elderly people, and forging their votes. And, by this... This was during the Reagan administration. And I complained about that, and was told that this is under the Criminal Division. There is nothing you can do about it. And so I was very upset. The defendants were acquitted by a jury in Mobile, but it embittered them. When I went to Perry County, years later, to interview people about... for a book that I was writing, I called Evelyn Turner and she wouldn't talk to me, because I was from the Justice Department. She didn't want to talk to anybody from the Justice Department again.

**Frampton:** So thinking about Mrs. Turner's reaction to you all those years later, what was your relationship with the FBI agents like during that period?

**Landsberg:** Well, I don't want to categorize them all because the agent in Selma was clearly very close to Sheriff Clark. I think it was clear. Some of the agents who came down from the north, I think were very good. But I had, I would say the agents didn't like the fact, first of all, that we were, in a sense, supplanting them as investigators. We said we were going out to interview witnesses, but normally it would be the FBI, who should be interviewing witnesses. But what we found was that they didn't conduct good interviews. That they had very stilted questions, very sort of routine, a certain routine and they did not listen to the answers and ask follow up questions, which any lawyer would want you to do.

I think that they were not accustomed to investigating civil rights, that that was... That their function over the years had been something, had been to investigate interstate crimes, bank robberies, and such, kidnappings. So we used them for what they more probably regarded as menial tasks. They were the ones when we were inspecting voter records, they were the ones who would, the way we inspected them was to photograph them and the FBI agents would have to photograph them and so that the microfilms we were looking at in Washington, DC, were had basically been taken by the FBI. Well, that is not the kind of work that you joined the FBI to do so they weren't really happy about that. We had to, if we wanted something investigated, we had to have a formal memorandum from John Doar or Burke Marshall, who was his predecessor as assistant attorney general to J. Edgar Hoover, the director of the FBI, and then Hoover would decide what to do.

When I was in Selma, one thing, so much was going on, I was given the authority to request investigations there on the spot without going through all those formalities. There was one incident where I saw Sheriff Clark strike a civil rights worker... blanking on his name. Anyways, strike a civil rights worker and the civil rights worker collapsed to the ground and then be arrested and taken off to jail. And so I asked the FBI to interview him and they said they wouldn't do it. And I insisted and they said. "You need to get John

Doar. You need to get the director of the FBI to approve this because," they said, "this civil rights worker had connections with the Communist Party." So John Doar did then send in a request to J. Edgar Hoover and they did interview him. He said that he hadn't been, that the FBI, that Clark hadn't hit him. So, he didn't want to say... He didn't want to have anything do with the FBI. So, there was distrust by... The African-Americans did not trust the FBI in the same way that they came to trust the lawyers from the Civil Rights division.

**Frampton:** Did that mean that there was sort of a certain camaraderie among the civil rights lawyers there who were working?

**Landsberg:** Oh, very much so. First of all, we were working 24/7 kind of. We were spending a lot of our time on the road. We'd travel sometimes alone, but often in pairs. And if there were a bunch of us in Montgomery or in Selma, we would have breakfast, lunch, and dinner together because there was nobody else we could really socialize with. Couldn't socialize with the civil rights workers. Couldn't socialize with the voter registrars or the people on the other side. So we were kind of on our own. We socialized with other lawyers. We socialized with the paralegals, with the secretaries. Sometimes we would have to stay on military bases rather than hotels if, especially if there were African-Americans in our group. African-American secretaries or lawyers who couldn't... Especially before the Civil Rights Act passed. But, even afterwards, we did not want our people to be the ones to test whether a hotel or a restaurant would accept African-Americans. We wanted... Because we wanted just to be enforcing law, not to be... That would look as if we were doing sit-ins. So, yeah. We did get very close. I remember after the Civil Rights Act passed, I was in Montgomery with another lawyer and two African-American secretaries, and we had been told that the Holiday Inn was now desegregated. So, the four of us went to lunch at the Holiday Inn and got lots of dirty looks from the waitresses and people, but they seated us and they served us.

**Frampton:** And during that period, the Civil Rights Division was making an effort to hire African-American paralegals and secretaries?

**Landsberg:** Yes. Traditionally, the Department of Justice, like most departments in Washington, had very few African-Americans working there especially in more skilled positions. There were no African-American secretaries until people in the Civil Rights Division started hiring them. And we actually went to business schools that were training African-Americans and hired people from those schools who, probably, today, they'd be in law school rather than being secretaries, but back then, it was a big step upward for them to become secretaries.

**Frampton:** And so, how many of you were there during these years?

**Landsberg:** When I started, I think there were maybe 30 or so lawyers. But after the Civil Rights Act of 1964 passed, we expanded pretty quickly. And by 1970 or so, I think we were over 100. So the division grew very fast which was a good thing, especially for those of us who came in before it grew. All of a sudden, just a few years in, I was a senior

lawyer.

**Frampton:** And thinking about this camaraderie between the paralegals and the lawyers and the secretaries, this is where you met your wife Dorothy...

**Landsberg:** Yes.

**Frampton:** Who you mentioned before. Tell me about the first date.

**Landsberg:** One of the aftermaths of the Selma to Montgomery March was that at the end of the march, a woman named Viola Liuzzo who was a housewife from Detroit, a white woman from Detroit who had come down to support the march, was driving with a young African-American man, back and forth ferrying people back from Montgomery to Selma. And on their way, in a very secluded part of Highway 80, a car pulled alongside them. A white guy pulled out a gun and shot and killed Mrs. Liuzzo. The African-American was not hit. And eventually, it turned out that one of the passengers of that car was an FBI informant. The assailants were arrested, and they were charged first with murder in state court. They were acquitted after two trials. The first trial was a mistrial. The second trial, they were acquitted. And then they were charged with the violation of federal Civil Rights Law. There was no federal murder statute that could be applied. And John Doar, our boss, tried that case.

And so, I was in Montgomery working on a different case. Dorothy was in Montgomery working on a different case. And John Doar was trying the case, and he argued it after the trial and went to the jury, and the jury came back with a guilty verdict. And Dorothy, who was actually driving to Tuscaloosa to look at some records, turned around and went back to Montgomery, and I was already there, and it turned out it was John Doar's birthday. So we organized a sort of a celebration at Maxwell Air Force Base at the officer's club, and John Doar was there and several lawyers and paralegals were there. And after dinner, John was of course exhausted but the rest of us wanted to go celebrate. So Dorothy and I and another couple went to a nightclub. It was called the Laicos Club. It was an African-American club. Laicos is "social" spelled backwards. And we came in and we were the only whites there. They were playing great music. They didn't laugh at our efforts to dance and the people knew who we were and had a great evening. And that was the beginning of, I guess you could say, our romance.

**Frampton:** And you're still married today?

**Landsberg:** We're still married today, over 50 years later. Yes.

**Frampton:** And thinking back though to those early years, '64, '65, when you had no idea how this would turn out and the very significant changes, it must have been a frightening time.

**Landsberg:** Well, I think, I would say it was a time of some optimism. We really felt, because we were winning our cases and Congress was responding in the Civil Rights Act

in 1964 and 1965, and so I think we thought that it was possible to bring about change through government action. Not just government action, obviously, because it was the civil rights workers whose push was necessary to get the government to act. But we thought that the federal government really could ensure that the state and local officials would act in a non-discriminatory way. And we were seeing results. You know, we were frustrated that they weren't coming as fast as we would like, but with the Voting Rights Act, the change was fairly quick. That is, the number of people registered skyrocketed after the Voting Rights Act was enacted. It showed the pent-up demand in the African-American community for participation in American government.

**Frampton:** So there may have been these fearful moments but mostly you were optimistic, hopeful.

**Landsberg:** Yeah, I mean there was a time when there was violence, certainly. I mean, three civil rights workers were killed in Philadelphia, Mississippi. Medgar Evers had been killed in Jackson. Mrs. Liuzzo was killed in Selma. People were being threatened and beat up, but overall, and so we had to be careful. Let's say in 1965, we could no longer just travel by ourselves. We had always to have two people in a car. We actually drafted people from other divisions of the Department of Justice who weren't very happy about it, but to drive along with us. They called it riding shotgun. We had some incidents but I wouldn't say that... We were not operating in fear, particularly.

**Frampton:** I want to change our focus a little bit, as you changed your focus from voting rights to education.

**Landsberg:** Yes.

**Frampton:** And why did you make that switch?

**Landsberg:** Well, first of all, the Civil Rights Act in 1964 authorized the Attorney General to bring school desegregation cases or to intervene in existing school desegregation cases. So when the voting rights... We didn't really make the switch immediately because it was after the Voting Rights Act, I'd say, that we really started focusing more on education. But the Civil Rights Division had been involved in some education cases largely because of interference with court orders by Governor Barnett at Ole Miss, by Governor Faubus in Little Rock, by Governor Wallace first in the University of Alabama, and then in the fall of 1963, in the desegregation of public schools in Birmingham, and Huntsville, and Mobile, and Tuskegee, Alabama. We had been involved in some school desegregation cases, but then after the Voting Rights Act passed, we were still doing voting rights cases, especially cases attacking the poll tax, but we were also looking at school desegregation. After all, by then, it was over 10 years since Brown v. Board of Education had said that "separate but equal" was separate, but not equal, and that schools had to be desegregated. And yet, almost all the schools in Alabama and Mississippi, Louisiana, Georgia, Florida, South Carolina, Virginia were still segregated. North Carolina.

**Frampton:** When you first then started to focus on education cases, give me an idea of a couple of cases you've worked on.

**Landsberg:** Sure. The first cases were cases actually from counties at Judge Thomas's district. Hale County was one. I think, maybe Perry County. And back then, all that we were seeking was an order to the school authorities to desegregate without really saying how they were to do it, but to at least admit a few African-Americans into the white schools. And we sought preliminary injunctions in those cases which Judge Thomas denied, and we had to appeal. And then I worked on cases in the Birmingham area, in Bessemer and Fairfield, Alabama, and Jefferson County, Alabama. Those three cases in, I think it was 1966, and I was a support lawyer and then I was a lead lawyer in one of those cases. And it was easy to establish that the schools were illegally segregated. It was harder to get the court to order school authorities to desegregate. So, we had appeals in those cases.

And then, the biggest case was in *Lee v. Macon County Board of Education*. That case had been brought in 1963. Macon County is where Tuskegee, Alabama, is located. It's a very rural county. It's over 80 percent African-American, but there's a cadre of educated African-Americans in Tuskegee because of the Tuskegee Institute and the Veterans Hospital there, Veterans Administration Hospital, which was at that time basically staffed by African-Americans. And so, Governor Wallace had interfered with desegregation there in 1963 and had also been instrumental in getting a law passed to provide subsidies to private schools in Alabama. And so, I worked on a case in Macon County to stop money from flowing to the private Macon Academy, which was all white, had been established after desegregation for whites to go to flee the public system. And at the same time, the plaintiffs asked the court to enter an order against Governor Wallace and the State Superintendent of Education to desegregate all of the schools in Alabama, and he was using that case as a vehicle.

I was put in charge of developing that case under one of the deputy assistant attorneys general who tried it. And so, I argued the private school case in September of 1966, and then we prepared... It was a massive undertaking. We had, I think, a dozen lawyers working on it and paralegals, taking depositions of school superintendents throughout the state and of state school officials, and had a trial in November of 1966, which led to a court order that required the state to require the local school systems to desegregate. That led to years of litigation. That case is actually still open 50 years later. There are still aspects of that case because what eventually happened was that all of the school districts that were not already under a court order were made defendants in *Lee v. Macon County Board of Education*. And so I spent years litigating how do you go about desegregating a school system. Because at first, it was just admitting a few African-Americans into white schools, then there was a period under what was called "freedom of choice" where all the students were supposed to choose what school they would go to.

That led to more African-Americans going to white schools, but most of the African-Americans continued to go to all black schools and no whites went to those schools. So then we had, in 1969, 1970, '71, '72, litigation to desegregate completely the school

system. The Supreme Court decided a case called *Green v. Board of Education of New Kent County, Virginia*, that said that there should be no white schools, should be no black schools, there should be just schools. And so that was our effort in *Lee v. Macon* and in other cases to figure out, "Well, what does that mean to have just schools?" And it meant that the faculty would have to be desegregated, that the athletic leagues would have to be desegregated, that the transportation routes would have to be desegregated. Then that the schools would have to be... The student bodies would have to be desegregated, that whites would have to go to formerly black schools, blacks would have to go to formerly white schools. And by 1974, the schools of the Deep South were the least segregated schools in the country.

**Frampton:** You went back all those years later, and you saw the impact of African-Americans voting. What impact did you see on the schools?

**Landsberg:** It was a mixed bag, actually, because some of the schools... Most of the whites had fled to private schools even when they couldn't get the tuition grants from the state. In the very heavily black systems, a lot of the schools were still all black. But in more urban areas, there are a lot of African-Americans going to school with whites and whites going to school with African-Americans. The schools of the south are still at least as well integrated as the schools of the north. But there's a lot of segregation in north, so-called de facto segregation. I think that, my feeling was that a lot more ought to be done to desegregate the schools, but that we at least brought the south up to the level of the north.

**Frampton:** Thinking sort of with a broader brush over those years when you were working on desegregation cases and then on affirmative action cases, you served under a number of different presidents.

**Landsberg:** Yes, I did. And so, it was under President Nixon that the biggest jump in school desegregation occurred. There is debate about whether he should get credit for that or not because he campaigned on a so-called southern strategy. He appealed to the whites of the south. He was against bussing. But the fact is that when the Supreme Court said that the schools had to be desegregated, that he gave us free rein to go ahead and file the cases that brought about this big jump in desegregation. Under President Carter, he was very supportive of desegregation. At the end of the *Nixon* administration and during the Carter Administration, the Civil Rights Division did bring some northern school desegregation cases and supported private cases in Dayton, Ohio, for example. We had a case in Pasadena, California, Indianapolis, Indiana, Saint Louis, Missouri, some big city school systems. Actually, we looked at Ferguson, Missouri. Back then, we didn't know how that place was going to change.

When we got to the Reagan administration, there was a big change, I think, in policy. President Reagan, Attorney General Smith and then Attorney General Meese were very much against school bussing, they were very much against affirmative action. In the Carter administration is when the *Bakke* case came to the Supreme Court. That was a case by a white applicant to the UC Davis Medical School. He had been denied

admission, and he claimed that UC Davis' affirmative action program was unconstitutional. And he won that case in the state Supreme Court, as I recall. And the University of California took the case to the Supreme Court, and I worked on the case. By then, I was the head of the Appellate Section of the Civil Rights Division. So I worked on that case with the Solicitor General's Office. And we crafted a brief that basically neither side liked because we said that race-based affirmative action should be subjected to a higher degree of scrutiny, but that it should not be subjected to the highest degree of scrutiny. And so, we argued that the UC Davis system should be upheld. The Supreme Court, in a five to four decision, said that the affirmative action plan was unconstitutional, but it also agreed that some use of race was permissible, just not the way that UC Davis Medical School had used race. I think that that was a win for us, as far as I was concerned. Maybe not...

**Frampton:** Affirmative action survived.

**Landsberg:** Affirmative action survived. And...

**Frampton:** Even though quotas didn't. Yeah.

**Landsberg:** And I left the division during the Reagan administration, when Attorney General Meese became attorney general, shortly after that. So I wasn't involved in the later positions the department took. But its position changed on, again, under President Clinton. President Clinton and then it changed again under President George W. Bush. And it changed again under President Obama. And now it has changed again under President Trump, who's against affirmative action.

**Frampton:** Say, looking back the '70s, the early '80s, when Reagan first came in, were there times when you felt that you couldn't sign on to a brief?

**Landsberg:** Yeah, so that's happened right away, actually. The department had supported Seattle, the Seattle school district in a case that was challenging a Washington anti-affirmative action law, and that was under the Carter administration, I guess. And then when the Reagan administration came in, they wanted to change position in the Supreme Court. And I met with the Deputy Attorney General Ed Schmultz, and argued very strenuously that it would... First of all, that we would lose, and that that was a wrong position and it would make the department look bad to change positions. And ultimately, the department decided to change positions. And so I did not sign that brief. And there were other briefs. And I would say that on the other hand, I was able to make my... To argue my case to the Assistant Attorney General, to the Solicitor General in these cases. But of course, they were in charge, and if their view prevailed, that's the way the system works.

**Frampton:** In many areas of the country now, the schools are as segregated as they were 50 years ago. But as you say, you brought the southern schools to the level of the northern schools.

**Landsberg:** Yes.

**Frampton:** But it seemed that when the focus was on the northern schools, and particularly, in school districts where the schools themselves, like in Seattle more recently, they were trying to use affirmative action, that the courts said, "Enough."

**Landsberg:** Yeah, the courts have definitely said, "Enough." First of all, they said that once a school system had desegregated and was now considered a unitary school system, that it was free to abandon its school desegregation plan and to go back to neighborhood schools, which usually meant segregated schools, because the neighborhoods were segregated. The schools had been built to support the neighborhoods' race housing segregation. That was the first step. And then the court, more recently in Seattle and Louisville cases, said that the school systems could not or were very limited in the extent to which they could take race into account, to desegregate. And so, they overturned Magnet School Program in Seattle and a similar program in Louisville. So Louisville and Seattle, which had been successfully desegregating through the use of fairly mild attention to race, basically, were re-segregated. I think that it's... Puts a big... It makes it much more difficult now for school systems who believe that school segregation is not educationally sound, makes it harder for them [to](#) do something about it.

**Frampton:** What impact do you think the Federalist Society has had on these range of decisions?

**Landsberg:** The Federalist Society... I first learned about the Federalist Society when, I guess it was... The Reagan administration came in. And there's a story about a Deputy Solicitor General who was the Acting Solicitor General because the Presidential appointee had not yet been confirmed, was summoned to a meeting about what he thought was a fairly routine case about whether the federal labor laws should be applied to the states. And the government had always taken the position that, "Of course they should." That's what they said. And so he went up to a meeting and the first person who came in to the meeting was wearing a tie with... The tie had a silhouette of James Madison on it. And he asked him what's... "Oh, that's a nice tie. Where did you get that?" And he said, "Oh that's the tie of the Federalist Society." And then somebody else came into the meeting wearing a tie with a silhouette of James Madison on it, and then maybe a third person. And at that point, the Deputy Solicitor General figured out that changes were afoot. And so the Federalist Society had an impact on the positions that the Department of Justice was taking, because people from the Federalist Society were now in positions of authority in the Department of Justice. And of course, later on, some of those people were named John Roberts, Sam Alito... They're now sitting on the Supreme Court of the United States, so it's had a big impact.

**Frampton:** So you left Civil Rights Division when Reagan was President, and then you returned. You came...

**Landsberg:** I came back...

**Frampton:** Back to California to teach, and then you went back, so talk about that.

**Landsberg:** At the beginning of the Clinton administration, President Clinton nominated as Assistant Attorney General, a law professor named Lani Guinier. And Lani had been a colleague of mine during the Carter Administration, she had been a Special Assistant to the Assistant Attorney General. And Lani and I worked on some cases together. She's a very talented lawyer, she's African-American. She had actually been one of the defense lawyers for Albert Turner, and she had written some articles that were controversial. One article was about how we could have a fair voting system that would allow African-Americans to participate fully in elections. It was a complicated system but it was race-neutral. But opponents of hers got a hold of the article and started just calling her the "quota queen," which is similar to the epithet the "welfare queen," that we had heard during the Regan administration, somewhat of a racial undertones of that characterization, and President Clinton withdrew her nomination in the spring of... What was that 1970-72?

**Frampton:** '90.

**Landsberg:** Right, of course, Spring in 1990. And so, the Civil Rights Division was being run by a career person, who was the acting Assistant Attorney General. And so, he needed somebody to help him and he asked me to come back to be a Deputy Assistant Attorney General, and I took a leave, actually, sabbatical leave from my job as a teacher to come back and help out. I committed myself for six months, and at the end of the six months, there was still no Assistant Attorney General. And Jim asked me to stay on, but I decided not to. I actually didn't think that the Clinton administration was doing a very good job with, or was being very supportive of the Civil Rights Division. I was not very happy with them, so it was no point in staying on.

**Frampton:** And did your predictions play out?

**Landsberg:** Well, it turned out that the... We had been reporting to the Deputy Attorney General, a man named Webb Hubbell, who was a former partner of Hillary Clinton's and in the Rose Law Firm in Little Rock, and it turns out that part of his inattention to the work of the Civil Rights Division was due to the fact that he was being investigated by the FBI and he was ultimately charged with fraudulent billing practices, as I recall, and had to resign as Deputy Attorney General, and was convicted. I think he took a plea, yeah, but they did finally get an Assistant Attorney General, I think, Bill Lann Lee.

**Frampton:** Yes.

**Landsberg:** Became Assistant Attorney General, and he was a good... He did a good job.

**Frampton:** Once Bill came in, there was more focus on the sort of traditional mission of the Civil Rights Division?

**Landsberg:** Right. I think that career appointees just don't have the same impact and

ability to influence policy. And so we were kind of on hold. Janet Reno was the Attorney General, I think that she meant, she wanted to be supportive of Civil Rights, but I think during that period, it was a difficult time, from my perspective.

**Frampton:** Yeah, but perhaps not as difficult as now when we have Jeff Sessions, who you knew from the South, as our Attorney General, and we have a president who seems to be focusing on Civil Rights for white people. How are you feeling about Civil Rights these days?

**Landsberg:** Well, I think I'm concerned. I think that the division, for example, is looking at the intervening or getting involved in the Harvard affirmative action case. They're not doing anything that I can see, to bring about more school desegregation. They are, do bringing some hate crimes cases. I think that some of the work of the Civil Rights Division is proceeding the way it normally would, and some of it is just kind of on hold, especially with police practices. So under President Obama, the Division had become very active in looking at racial discrimination in law enforcement, and had looked at, gotten consent decrees in Ferguson, in Baltimore, I believe, in Chicago and the new administration, Jeff Sessions, just doesn't agree with those consent decrees. He doesn't agree with having court orders to the police departments about police practices. I think that's very concerning.

**Frampton:** But you have the benefit of the long view, because you served under so many presidents, and seeing that the priorities of presidents had an impact on what the Civil Rights Division did or didn't do.

**Landsberg:** Right. Well, I've tried to be an optimist with Dr. King, who talked about the arc of liberty bending towards justice. I may have the quote a little bit off.

**Frampton:** That's right.

**Landsberg:** But I think that we've got to take that view and just keep working at it. I'm doing some work with the Lawyers' Committee for Civil Rights Under Law to try to continue with progress in civil rights. We have an Amicus committee that files briefs in the Supreme Court on civil rights issues. We did not have a good term last term, but we're continuing to do what we can.

**Frampton:** Wonderful. Brian, you wrote that, "The danger is that the division," that is, the Civil Rights Division, "could lose its sense of mission and increasingly become a voice, not of the public interest, but of whatever private interest is in current political ascendancy."

**Landsberg:** That is a risk, and I think it's a risk that cuts in both directions. I mean, I think that if it became identified as part of the civil rights movement rather than as a law enforcement agency, that would be troublesome. Or if it became identified as an opponent of the civil rights movement. What it should be is an agency to enforce the civil rights laws. The civil rights laws forbid racial discrimination, sex discrimination,

disability discrimination, and so on. And it should be vigorously enforcing those laws and shouldn't be seen as pro-white, pro-black; it should just be seen as law enforcement, as far as I'm concerned.

**Frampton:** You also wrote that, "The United States has made several false starts towards the ideals of the Declaration of Independence, which hold it's self-evident that all human beings are created equal. No fool-proof defense exists against the possibility that the modern civil rights acts might be just another in a series of false starts."

**Landsberg:** Well, I think that our history is very mixed. Of course, we had the Declaration of Independence that expresses those lofty views and was disregarded in the drafting of the Constitution, which implicitly recognized the slavery of African-Americans. And then, with the Civil War, we had the Reconstruction Amendments: The 13th amendment barring slavery, the 14th amendment guaranteeing equal protection of the laws and making African-Americans citizens of the United States, and the 15th amendment forbidding racial discrimination in voting. And there was a period of reconstruction when it looked as though the south would be brought to comply with those amendments.

Then after the compromise... After the presidential election in 1876, the troops were withdrawn from the south, and the Department of Justice stopped bringing some of the cases, the prosecutions that it had been bringing. African-Americans who had been registered to vote by the early 1900s had been wiped off, wiped from the voting rolls. That was another example of a good start and then backtracking. I think that there is concern that with what is often called the "Second Reconstruction", that the second reconstruction could be met with a second reaction, and pulling back from. I think that, especially people in the African-American community, you hear people say, "Well, we could go back to slavery." I don't believe that that's true, but I do think that the gains of fair employment, fair housing, school desegregation, voting rights could be rolled back. And we see that threat right now with the Supreme Court's decision in the voting rights case from Shelby County, Alabama, where they said that some of the provisions of the Voting Rights Act would no longer be applied, and now we see legislatures trying to roll back some of the voting gains through voter ID laws, and redistricting other changes to voting laws that discourage people from voting one way or the other. So yeah, I think that it requires us to be vigilant against the rolling back of these gains.

**Frampton:** Thank you very much for this very rich discussion and thank you for being with us.

**Landsberg:** Thank you.

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