Testimony
United States Senate Committee on the Judiciary
Nomination of John G Roberts (Witness List for September 15)
September 15, 2005

The Honorable John Lewis
United States House of Representatives [D-GA-5th District] ,

Testimony of Congressman John Lewis
Before the Senate Judiciary Committee
Confirmation Hearing of John G. Roberts, Jr.
September, 2005

Thank you, Mr. Chairman. Mr. Chairman, Ranking Member Leahy, and distinguished members of the Committee, I am honored to be here today.

As many of you know, this is not the first time I have come before this committee. I was here fourteen years ago when the nomination of another Justice to the Supreme Court prompted me to speak out. I am here today with the hope that this Committee will hear my words and take heed.

When I was growing up in rural Alabama, I saw those signs that said, "White men, Colored men," "White Women, Colored Women" I used to ask my parents, my grandparents, "Why racism? Why racial discrimination?" And they would tell me, "Don't get in trouble. Don't get in the way."

As a participant in the civil rights movement of the 1960's, I decided to get in the way. I was beaten, arrested, and jailed more than 40 times for peaceful, nonviolent protests against legalized segregation in the South. During that time, I saw American citizens with their heads cracked open by nightsticks, lying in the streets, weeping from teargas, trampled by horses, and attacked by police dogs, calling helplessly for medical aid.

Back then, legalized discrimination was enforced by state and local officials. The Federal government was our only hope, and we depended on the Supreme Court to act as a sympathetic referee in the struggle for justice and civil rights. I remember one occasion when the Court issued a decision on public transportation, an elderly black woman was overheard to say, "God Almighty has spoken from Washington."

In 1965, Judge Roberts was only ten years old. He may be a brilliant lawyer, but I wonder whether he can really understand the depth of what it took to get the Voting Rights Act passed. People stood day-after-day in unmovable lines to pass the so-called literacy test. They had to interpret certain sections of the Constitution, count the number of jelly beans in a jar, or the number of bubbles in a bar of soap just to register to vote.

I fear that if Judge Roberts is confirmed to be Chief Justice of the United States, the Supreme Court would no longer hear the people's cries for justice. I fear the leadership of the Court would promote politics over the protection of individual rights and liberties. If the Federal Courts had abandoned us in the Civil Rights Movement, in the name of judicial restraint, we might still be struggling with the burden of legal segregation in America today.

Judge Roberts' memos reveal him to be hostile toward civil rights, affirmative action, and the Voting

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Rights Act. He has even said that Voting Rights Act violations, and I quote "should not be made too easy to prove."

Under the Court's decision in Mobile v. Bolden, the Court weakened the Voting Rights Act. Under this ruling, many political subdivisions would have been permitted to maintain at-large election systems, diluting minority voting strength. This may be less obvious than the violence and intimidation of 1965, but it is no less harmful to our nation's principles of inclusive democracy.

Section 2 has been successful in reducing barriers and has increased the number of minority elected officials. There is no doubt in my mind that had Judge Roberts' narrow reading of the Voting Rights Act prevailed, fewer people of color would be serving in Congress, and at both the state and local levels today.

As our nation is still reeling from the tragedy of Hurricane Katrina, the timing of these hearings could not be more significant. What happened in New Orleans and along the Gulf Coast of Mississippi and Louisiana exposed the issues of race, class, and fairness yet again. We are still a nation deeply divided by race and class.

All Americans, of every race, of every religion or nationality, whether they are women or men, gay or straight, or people with disabilities—all of us need equal access to a fair and independent judiciary, to insure "equal justice under the law".

The stakes are higher than ever. We cannot afford to elevate an individual to such a powerful, life-time position, whose record demonstrates such a strong desire to reverse the hard-won civil rights gains that so many sacrificed so much to achieve. We've come such a great distance. We cannot afford to stand still. We cannot afford to go back. We must go forward to the creation of one America. Senators, I implore you to get in the way. Thank you, Mr. Chairman.