



INDEPENDENT SECTOR
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A Conversation with Wade Henderson

President and CEO
Leadership Conference on Civil Rights

Interviewer:

ALBERTO IBARGÜEN
President and CEO
John S. and James L. Knight Foundation

Independent Sector Annual Conference
Los Angeles
October 22, 2007

MR. IBARGUEN:

There will be some note cards passed around during the first 10 or 15 minutes. If you have questions you would like for me to pose to Wade, I will be glad to do that.

Wade is president and CEO of the Leadership Conference on Civil Rights and counselor to the Leadership Conference on Civil Rights Education Fund. This is the nation's premiere civil and human rights organization. LCCR encompasses, believe it or not, nearly 200 national organizations, including those representing people of color, women, children, organized labor, persons with disabilities, older Americans, gays and lesbians, civil liberties and human rights interests, and major religious institutions.

Wade graduated from Howard University, Rutgers University Law School in Newark, and was previously the Washington Bureau director of the NAACP and the associate director of the Washington National Office of the American Civil Liberties Union.

Wade is the Joseph Rauh Professor of Public Interest Law at the University of the District of Columbia. He is a member of the board of trustees of the Educational Testing Service—all of you who have children who are applying for college, you should be nice to him later, he will give you the answers—the FDIC Advisory Committee on Economic Inclusion, and the National Quality Forum on Health board of trustees.

Wade, I think our stage is set. Why don't you join me? Wade Henderson.

[Applause.]

MR. IBARGUEN:

So, as I read off that list of organizations that are represented by the LCCR, the main thing that comes across is the variety of interests—I'm sure sometimes the conflict of interests. How do you prioritize, and how do you get up in the morning ready to deal with that much controversy?

MR. HENDERSON:

Alberto, I am going to answer that question.

Let me say something as a preliminary statement, if I can. I really am honored to be here this morning, ladies and gentlemen, and I am especially appreciative of Diana Aviv's invitation to join you, and of Independent Sector taking the opportunity not just to interview me, but to elevate the discussion of civil and human rights as part of the core mission of this organization.

Civil and human rights really are the unfinished business of America, and to take time in this convention to look at these issues I think is important. The recent incident with the Jena Six helps to confirm the difficulty we have in our country, but no more so than the recent reemergence of the Klu Klux Klan in a little place like Canton, Mississippi, using illegal immigration as a new rallying cry and the new race card of the 21st century.

So it is a little early to stand on a soap box and declare mission accomplished when it comes to questions of race relations, issues of civil and human rights, and where the country is. So I appreciate the honor to be here.

Alberto, your question about how I deal with issues, sometimes competing interests, in a coalition of organizations that are committed to civil and human rights is, of course, a tough question. In part, it is dependent upon the incredible volunteer effort that we get from within the organizations that make up the Leadership Conference.

I have a distinguished group of vice chairs. I see my vice chair, Karen Narasaki, from the Asian American Justice Center here, who heads a task force that looks at the way in which we do our work across a broad spectrum of interests.

I have organizations like AARP. The League of Women Voters is represented here this morning, doing tremendous work on a D.C. Voting Rights Amendment, or organizations in the labor movement who are committed to workers rights as civil rights and human rights issues. So it is the volunteer effort of member organizations and activists within the Leadership Conference that make the work that I do possible.

MR. IBARGUEN:

What is the organizing principle?

MR. HENDERSON:

The organizing principle is really very simple. First, we are working to build an America as good as its ideals. That is our goal. We are trying to make the American reality compute with what the American dream is all about. Secondly, I'll share a very simple

motto: if you want a friend, you've got to be a friend. That is how coalition politics works.

Coalition politics is the politics of the 21st century. If you are not working in coalition to achieve your goals, you can't possibly be effective. There are very few organizations that have the strength and capacity unto themselves to make things work. So that is the organizing principle. It really is. If you want a friend, you've got to be a friend.

In terms of determining priorities, though, they are very simple. Civil rights enforcement is always a top priority for an organization like the Leadership Conference on Civil Rights.

MR. IBARGUEN:

Civil rights enforcement across the board?

MR. HENDERSON:

Civil rights enforcement across the board. That means at the Federal level, but that also means at the State and local levels. It also means measuring civil rights by a single yardstick. What that means is if you make an effort to protect the workplace for African Americans or Latinos or others, you would do the same thing for gay Americans if the principle is that individuals have to be evaluated in the workplace based on their performance, not on immutable characteristics. Or, if you look at issues like immigration reform and see certain core principles about civil rights within that debate.

For example, take the issue of legalizing 12 million undocumented individuals in the country. We see that as a major civil rights imperative. To bring people out of the shadows for purposes of allowing them to participate fully in American life is a core civil rights interest. Having them remain behind the doors of America, making them fearful to report crime because they are afraid of being deported or fearful of seeking medical attention because they fear being deported, then that is a real problem.

So, when I work with people like Janet Murguia, the president of the National Council of La Raza, whom I see sitting there and who is a member of my executive committee, we are dealing with issues that matter to people where they live and where they work every day.

MR. IBARGUEN:

Let me press you a little bit more then on the question of priorities because, like everybody else, you have limitations on resources.

MR. HENDERSON:

Right.

MR. IBARGUEN: So you have immigration issues. You have issues of civil rights and immigration, and then you have issues from the gay and lesbian community

MR. HENDERSON:

Sure.

MR. IBARGUEN:

You have racial issues, and you have ethnic issues. So how do you decide? Do you go with the issue of the day, according to what?

MR. HENDERSON:

Well, you know, prioritizing is a very difficult task, and we went through a really difficult and complicated strategic planning process, those dreadful words I am sure no one likes to hear. We went through a strategic planning process to determine how we manage our priorities and how we establish them.

The leadership conference was created to be the legislative arm of the civil rights movement. So much of the work that we do is dictated by work that is being debated in Congress on a particular point in time.

Civil rights enforcement across the board remains our prime directive, and so we spend a great deal of our time working to ensure that both the Federal and State government does that effectively. Take issues like No Child Left Behind and education reform. When that is being debated in Congress, we are coordinating the work of a variety of national organizations that are actively involved in those issues.

When immigration reform became a major legislative and policy priority in Washington, it automatically elevated our work to deal with immigration issues because they were the pending business of Congress. We are the coordinating body of organizations trying to work to influence the policy matters on Capitol Hill.

You mentioned the employment of gays and lesbians. That is an issue, and yes, we are pushing it heavily, along with protecting all persons with respect to hate crime violence in our country. Those are two top priorities, but understand the value that we gain, assuming we were to enact either of those bills.

The hate crimes law now pending in Congress, called the Local Law Enforcement Enhancement Act, would protect—for the first time—gay, lesbian, transgender, and bisexual Americans from hate crime violence. I think all Americans feel, regardless of your views about sexual orientation, that no one should be victimized in a violent way because of their sexual orientation. I think Americans also feel that people should be protected in the workplace. Either of those accomplishments, it seems to me, would be significant because they become the first civil rights measure ever enacted that would protect the GLBT community as a protected class within the meaning of civil rights laws. It would make a major policy advancement to accomplish that goal.

Our priorities then are determined in part by what Congress is debating, and in part, they bubble up from our membership in terms of issues of pressing concern to a large segment of the coalition that we represent.

MR. IBARGUEN:

This requires a kind of personality that lawyers are not always famous for.

Somebody once divided the world of lawyers into theorists, deal makers, and litigators, and you obviously live in the world of the deal maker. What made you that way?

MR. HENDERSON:

Well, I live in the world of a deal maker. I have done a small amount of litigation, but I wouldn't call myself a litigator. If I had to characterize myself with a motto, I would like it to be said that he ran with the foxes, he ran with the hounds. I would like to be able to do both of those.

The nature of the work that I do requires me to function on Capitol Hill with Members of Congress, but you also have to be able to go in the small hamlets around the country, places like Canton, Mississippi; like Evansville, Indiana; like Jeffersonville County; and those kinds of places in Indiana to really talk with people about the issues of the day.

I derived my own experiences from growing up in Washington, D.C.

MR. IBARGUEN:

Where were you born?

MR. HENDERSON:

I was born in the nation's capital. I grew up in Washington, D.C. I started school the very year that the *Brown* decision was decided by the Supreme Court, and so I certainly grew up.

MR. IBARGUEN:

You are that young?

MR. HENDERSON:

Right.

[Laughter.]

MR. HENDERSON:

Yes. How about that?

I started school with one foot in the land of formal legal segregation. I have lived long enough to see legal segregation end, but by custom and practice and by the simple impact that the little indignities of racism can inflict, I was certainly conscious of the issues of race in my life from a very early age.

The nation's capital is really quite a contradiction because, on the one hand, it is the place among all others that lifts up the principles of democracy and talks about the global

impact of American life. But at the same time, living in a segregated world showed you the contradictions of American democracy at its worst.

There were three things that I think influenced my early years in terms of making myself aware of the kind of mission that I wanted to pursue. One was the murder of a young guy by the name of Emmett Till. He was a 14-year-old African American who was killed back in 1955 at a little place called Money, Mississippi. He was killed for the crime, as it was reported in *Jet* magazine, of reckless eyeballing.

Reckless eyeballing was a charge made against an African American male who looked at a white woman and made perhaps the audacious move of whistling at her. He was 14, and he was brutally assaulted and murdered.

Jet magazine, which was a popular magazine in the African American community primarily, published photographs of his body. They left an indelible mark on my psyche in terms of looking at that experience and understanding what he had gone through. That stayed with me much of my life.

MR. IBARGUEN:

You saw it at the time.

MR. HENDERSON:

I saw it at the time.

MR. IBARGUEN:

It was *Jet* in the small format?

MR. HENDERSON:

Jet was in the small format that it is now. It is a pocketbook-size weekly publication. It had an article written by Simeon Booker, one of the great journalists in the African American community, which documented that experience and really had a tremendous impact on my own awareness of what it meant to sort of step out of line, if you would.

MR. IBARGUEN:

That was fascinating to me, as somebody who spent most of his life in media, to hear the impact of what a story can do.

MR. HENDERSON:

Oh, yeah.

MR. HENDERSON:

I was about seven years old at the time, and I remember seeing that and being horrified by what I saw. I wondered what he had done that could have prompted such brutality.

MR. IBARGUEN:

Let me just ask you, before you go on to the other two. Did you see that report anywhere else?

MR. HENDERSON:

I didn't see it anywhere else. I am sure it was reported.

MR. IBARGUEN:

Why are you sure?

MR. HENDERSON:

That is an interesting question. I don't know. I would have to have thought...

MR. IBARGUEN:

The murder was reported.

MR. HENDERSON:

Oh, yeah, but not in the detail and certainly not with the graphic images of that time.

The African American community was largely an underground community. I think Ralph Ellison's *Invisible Man*, really helped to characterize the life of African Americans in the 1950s.

The second experience was an experience I had when I was about 14. I had worked and saved money from a job—a paper route that I had in D.C. I was buying a suit for my junior high school graduation. I went to the most expensive store in Washington at the time, a place called Garfinkels. I decided this was really my sort of “coming of age” experience. I was going to buy my own suit of clothes.

I knew what I needed to do. I went in and picked out a suit. I had gotten the measurements from my father. I took the suit up to the counter to ask for the dressing room, so I could try it on. My parents told me, you can't possibly buy it unless you try it on. So I took the suit to the counter, and when I asked to be directed to the dressing room, the salesman looked at me and with a sense of scorn, started laughing and said, "Now, you know Negroes can't try on suits at Garfinkels," and turned with a sort of indignity to it all.

A group of people who were standing, customers standing at the counter, burst out laughing, and I was humiliated and ran from the store.

I was conscious of that whole indignity of just having to live under the weight of racial discrimination. It was the constant reminder of your second class status in American life that I found too painful.

MR. IBARGUEN:

Garfinkels is no longer around, is it?

MR. HENDERSON:

Garfinkels is no longer around as a store.

[Laughter.]

MR. IBARGUEN:

I can't help but notice that you are.

MR. HENDERSON:

I am, and so good point. Good point.

The third issue was my coming to the March on Washington. I went to the March on Washington in 1963. I violated my parents' admonition that I not go. I felt it was important to go.

People in Washington were really very fearful that the March on Washington was going to "get out of hand."

MR. IBARGUEN:

That was 1963?

MR. HENDERSON:

1963. There were reports of hundreds of thousands of men and women coming to the city and that there would be trouble, and so my parents were really fearful of it. I could see the Capitol from my neighborhood. I lived in Ledroit Park, which is just less than a couple of miles from the Capitol. I can still see it from there today, where I still live, and my parents didn't want me to go.

I defied them. I broke away. I went down on my own. I rode my bike and went to the speech. I regret to say that I do not remember—I did not hear—the speech of Dr. King. I do remember hearing the spiritual of Mahalia Jackson, the only woman to have spoken at the National Convention, to tell you how much things have changed. She was the only woman who was invited to have a speaking role, if you can believe that, at the March on Washington.

MR. IBARGUEN:

Not too long before had she been the first woman to sing at Constitution Hall.

MR. HENDERSON:

Absolutely right. After the whole Marian Anderson kaffuffle and all of that, you are absolutely right. She was incredible.

People went to demonstrations at that time in suits and ties and coats, as well as their work uniforms and other things. So that whole experience of going to the March on Washington and seeing men and women, many of whom were well dressed, gave me an extraordinary sense of power and beauty, and I wanted to be a part of that movement. It

was a different time and a different world. From that point on, I just felt compelled to do what I do now. I have taken it to the current level, but that experience has been important to me.

MR. IBARGUEN:

I have a picture in my office of my roommate and me in the first civil rights demonstration in Middletown, Connecticut, where we were both going to school. We were both appropriately dressed in a coat and tie.

MR. HENDERSON:

Oh, yeah.

MR. IBARGUEN:

Some years later, at a demonstration against the war in Vietnam, we had lost the tie, but we were still wearing a coat.

[Laughter.]

MR. IBARGUEN:

And our hair was significantly longer.

MR. HENDERSON:

Oh, yeah. Oh, yeah.

MR. IBARGUEN:

That suggests a style and a kind of manners that was certainly lost in the '1970s and '1980s. Is it back? Is there a civility in the way that we do business in civil rights?

MR. HENDERSON:

We live in a modern time. There is really not as much of a premium placed on these interpersonal relationships today as there was at that earlier point, but I think civility is a critical element in the leadership style that we attempt to employ within the Leadership Conference on Civil Rights.

First of all, it would be impossible to have a group of people working on issues, often as contentious as civil rights issues, if there were certain established ground rules of activity. You are going to have to have a place where people must be civil to one another, and that is an implicit element in how we do business.

You are also going to have to be both fact-based and principled. You are going to have to rely on the facts at hand to dictate the responses that we bring forth to address particular issues, whatever they may be. You also have to be principled. You have to try to live up to the goals and principles that really represent what we have come to embrace as the civil rights movement.

Some of it, of course, is symbolized by the memory of Dr. King and what he accomplished. But the truth is we can't wait for a Dr. King to return. That is not going to happen. We are all going to have to be our own Dr. Kings. We are going to have to incorporate those principles into what we do. There are certain implicit ground rules for how to conduct ourselves, and I really think that helps us a great deal.

Secondly, we don't use voting as a decision-making tool. No, we don't. We really try to forge consensus on even the most contentious issues, even if it means taking extra time to talk about an issue and to allow a process to work its will.

You have to be respectful of the individuals who are assembled around this table because they come at their own volition, out of a commitment, certainly the equivalent of my own, to accomplishing these broad results. They are bringing the power of the institutions they represent and focusing that work to accomplish these great and lofty goals. So you have to respect them.

You have to allow them to have their say, no matter what happens. Even though we operate by consensus, one of the other ground rules that helps us do business is that every individual who sits at the table, is a member of the Leadership Conference, and plays a leadership role, has the ability to block progress.

You can stop us from going forward on a particular issue or point of view by objecting. You don't object unless it touches you at the very core of what you do. In other words, you don't block the progress of the coalition in a casual way. To do that would come with a very high price. The price is that you ultimately would not be able to engage in the kind of business that we do and operate with interchange.

MR. IBARGUEN:

I think most people in this room would probably subscribe to that way of operating, but in the doing, it can get really, really hard.

We are coming up on the sixth anniversary of the Durban conference, which you were very involved with. I should say the Durban conferences because, as you mentioned before, I have heard you talk about the government side and the NGO side.

Tell us a little bit about how that style was applied and how hard it was to stick to these principles in the face of the kind of anti-Semitism that was expressed at that conference.

MR. HENDERSON:

That is a tough issue. Let me spend just a couple of minutes on it and try to set it up. I am not sure how many of our participants are familiar with the Durban conference.

Alberto is referring to the World Conference Against Racism, which took place in Durban, South Africa, in August of 2001. It was the third effort by the United Nations to look at issues of racial discrimination globally, to try to set forth a set of principles that

could allow NGOs and governments to address these critical issues over the next several years.

Durban was really two conferences. The government conference that was pulled together by member states produced an incredible document and a report that today has value as yet untested. The report actually documented for the first time, slavery and the western slave trade as crimes against humanity, which opened up the possibility for indigenous populations in South America – people like the Dalites in India or the Roma in Europe – to really make progress in achieving rights within their member states.

There was also, though, the non-governmental organization forum that sought to build work on Durban. The NGO forum was marred, as Alberto referenced, by incidents of anti-Semitism. It was unfortunate because the NGO conference represents the collection of NGOs around the country and around the world. Obviously, that was not something that was planned going in, and no one anticipated that kind of difficulty. When you see it, as I had mentioned before, you have to be fact-based and principled. In this instance, when we saw the collection of organizations that the Leadership Conference took to Durban, we had to disassociate ourselves from what we saw taking place within the NGO community. Our removal from the conference was very painful because we saw the conference as having great value. We felt it important to draw the line.

We think that in situations with competing interests, you have to let your higher instincts and your moral values control. In this instance, bigotry and intolerance, whether it be based on race or religion, whether it is anti-Semitism or Islamophobia, can't be tolerated by a coalition that considers itself the premier body and venue for discussion of civil and human rights principles. It simply couldn't be done. So we disassociated ourselves from it.

In looking back at Durban and trying to determine whether there are things that could be gained, our view is that one of the things we hope we can help to impart upon the international bodies like the UN is the same kind of ground rules for operation that we adopt within the Leadership Conference. Civility is important, and there have to be certain protocols that are carried out, even within organizations that help make up civil society.

If you don't have those ground rules or basis for engagement where people can anticipate that their views will be valued whether they are from the largest or smallest organizations, then ultimately we will fail to accomplish our goal. That, I think, would be the shortcoming of a failure to address these issues meaningfully.

MR. IBARGUEN:

One of the questions from the audience is: "Do you think the civil rights movement of the 1960s has lost ground in making issues of equal rights a priority?" In addition, the person writes: "I have heard you speak before about the modern civil rights movements and the post-modern civil rights movement, and I wonder if you would comment on that."

MR. HENDERSON:

It is a good question. I would define the beginning of the modern civil rights movement with the Supreme Court's decision in *Brown v. Board of Education* and the Montgomery bus boycott led by Dr. King, which helped to establish a basis for the dignity of black citizens in Montgomery, Alabama.

It was characterized by the emergence of the courts, for the first time, as generally supportive of achieving equal rights for African Americans. I think even though the Supreme Court's decision was earth-shattering at the time, the *Brown* decision really laid the foundation predicate for a number of the changes that we now take for granted and associate with the modern civil rights movement.

It is also associated with the emergence of new legislative forms of protection. We are celebrating for the first time this year, the fiftieth anniversary of the first modern Civil Rights Act: the Civil Rights Act of 1957. Every Civil Rights Act since that time was, in part, based on the accomplishments of the modern civil rights movement.

Just as an aside, by the way, it should be pointed out that President Eisenhower, who signed that first modern civil rights movement, is not given the credit that he sometimes deserves. It was Eisenhower who sent federal troops into Little Rock, Arkansas, to establish the supremacy of federal enforcement over states' rights when issues of constitutional standing were at stake. It was Eisenhower who signed a civil rights bill that created the Civil Rights Division in the Department of Justice, which is the enforcement tool of justice, as well as the Civil Rights Commission, which was intended to be the conscience of the nation and was for many years.

It has lost its way. It needs to be reformed, but its original purpose was something that is noble and should be highlighted. Lastly, it was President Eisenhower who appointed a set of courageous judges to the federal bench, who made a huge difference in transforming not just the South, but the nation.

John Minor Wisdom; Elbert Tuttle; John Brown; these are names that are legend within the civil rights movement as Federal judges who helped to really transform the country.

Now, contrast that today to the current Bush Administration, which has given you two appointees to the Supreme Court that have, in fact, turned a blind eye to race issues and civil rights, and are likely to have a lasting impact for generations to come.

MR. IBARGUEN:

And you didn't even mention that it was also Eisenhower who appointed the Chief Justice Earl Warren who held the *Brown* decision for almost a year until it could become unanimous.

MR. HENDERSON:

I did not. That's right.

That was an extraordinary accomplishment, and it was Eisenhower who said that he did not expect Warren, as you point out, to make that ruling. He had been the governor of California, but Eisenhower deserves credit for using the federal courts to empower citizens who have been disenfranchised and who indeed needed the civil rights protection of our time.

To me, what this really emphasizes is that civil rights are not a partisan issue. In the two party system, you need both Democrats and Republicans to do anything affirmatively. You have to have the support of both. Civil rights are national issue.

Secondly, you measure civil rights by a single yardstick. I repeat that because it is an important principle under which we operate. If you apply a principle to one group and it speaks to their interests, and then you extend that same principle across the board, that is how you determine whether a civil rights principle has that kind of lasting impact and significance. So, to me, those are critical issues, and you have to take them seriously. I think that the modern civil rights movement is characterized by a strong court and the emergence of disfranchised populations as voters brought about by the Voting Rights Act of 1965, which was the most significant and legendary modern civil rights statute.

To me the modern civil rights movement continues to exist in the post-modern civil rights movement. I would say that even with the ups and downs of fights over issues like affirmative action policy in the federal courts or like other questions of effective civil rights enforcement at the federal and state level, for which there has been a drop-off in recent years, the modern civil rights movement is characterized by an ever expanding network of rights and protections that have been extended well beyond African Americans.

The women's rights movement; the movement for immigration reform and extending political empowerment to Latinos and Asian Americans; the effort to incorporate gays and lesbians in the protected classes of civil rights; addressing issues of disability rights; those, it seems to me, help to characterize the modern civil rights movement and its expansion of rights.

I think the post-modern civil rights movement is arguably just beginning, and here is what I mean by that. The post-modern movement will be characterized by a Supreme Court that is hostile to some of these interests. While I think it is too early to predict how that court will be on some of the major questions that may lie ahead, we have already seen a 5-to-4 majority that seems hellbent on making some of the most drastic and dramatic changes in precedent that we have seen in recent years. It is also characterized by an expanded political power on the part of African Americans and Latinos unlike anything that we have ever seen before.

You now have expanded political power at the federal and state level, and you have a vibrant class of NGOs that are contributing in very significant ways to framing these issues and to pursuing them.

In the early stages of the modern civil rights movement, you did not have this plethora of organizations like those that exist today that are focused on some of these tough issues. You also didn't have the history of them working together as you do now, and I think those are big differences.

MR. IBARGUEN:

Well, it is interesting for what you didn't say. You didn't point to the Justice Department. You didn't point to the President or the Attorney General.

MR. HENDERSON:

I am trying to keep it on the high ground here, Alberto, and you are making it very hard.

[Laughter.]

You know, in honor of this fiftieth anniversary of the Civil Rights Act, we have just issued a new report called the "Long Journey for Civil Rights," which you can download on our website, ReclaimCivilRights.org.

It is really a critique of what the Justice Department has not done over the last several years and how it needs to be reformed. It is especially propitious because, with Judge Mukasey becoming the likely Attorney General, this is an opportunity for real reform.

There is a vacancy at the Civil Rights Division at the department and a chance to appoint and establish a new direction. So we have laid that out.

There are two things that I would highlight. One, we talk about the value of career lawyers and the role that they have played within the department in protecting the civil rights of all Americans, regardless of the party in power. That is an important effort that needs to be elevated and revived.

Secondly, we focused on the terrible effort to corrupt the voting process, the voting rights process within the department, the use of political appointments, the use of appointees to override the judgments of career lawyers, and the effort to enact policies that work against protecting voting rights, rather than extending them.

MR. IBARGUEN:

Just to be clear, you believe that this administration has done that in a way that the Clinton Administration did not?

MR. HENDERSON:

Not just Clinton. In fairness, I think that the immediate preceding administration, certainly in comparison to Clinton, has not been as good on civil rights enforcement. Even in contrast to Bush One, this Bush appointment has been far more insensitive across the board to civil rights enforcement within the Department of Justice.

MR. IBARGUEN:

But I was referring to the political nature of the appointments, the political override of the professional judgment.

MR. HENDERSON:

I don't think we have ever seen any administration, and certainly not in the preceding Clinton Administration, attempt to politicize policy decisions within the Department of Justice as much as the current administration in power. It is a tragedy. It needs to be reformed.

We are hoping that the scrutiny of Congress and the oversight that is now being applied to Judge Mukasey will ultimately produce those results.

MR. IBARGUEN:

Isn't it almost impossible for it not to have been so if you have an administration that is based on a true belief?

MR. HENDERSON:

No, I don't think that's true. I don't think that's true, Alberto, because I would hope that ideology stops at the front door of justice within certain realms.

Obviously, you expect political appointees to use their influence on occasion to reflect their political perspective, their ideology. But you do not expect appointees, whether they are career or political, to allow ideology to override fundamental principles and decisions about civil rights enforcement. That had never been the case, and I think it is a mistake to suggest now that that may be the standard operating procedure.

I think we hope to restore the kind of integrity to the enforcement process that we know existed previously and that we believe can exist today. That is really where we are.

I also think, though, that we have to spend a little time talking about the future. Civil rights are often characterized in historic terms. I think that is a terrible mistake.

We are talking about contemporary issues where individuals' rights and freedoms and protections are on the line. We are talking about it prospectively into the 21st century. We are not looking at this from a historic perspective, and in that regard, there are probably four or so policy issues that will define where we go on civil rights in the 21st century.

The first, it seems to me, is education reform, bar none. I think if we really look at where the future of our country is today, education reform, in its most fundamental sense, is a necessary core reform. We no longer rely exclusively on framing issues in explicitly moral terms as the only basis for our actions. I think the modern civil rights movement was characterized by an effort to frame terms exclusively in a moral dimension, which is critically important.

I will tell you what education reform means to me. It means achieving a quality education for every child in this country with a minimum standard recognizing what a quality education is about. I no longer think that the self-interest of the United States, which we have to use increasingly to frame the public debate, can withstand a failure to address this issue meaningfully.

The workforce of tomorrow is being drawn from African Americans and Latinos and Asians who are coming into this country and who are, in fact, becoming the next generation of workers that this country will have to incorporate. If we fail to provide adequate education for those Americans, we do so at our own peril. Our ability to compete effectively in a global economy will be a disaster.

The second is the need to manage diversity of populations. We are the world's largest democratic republic with the world's most diverse population. Learning to manage diversity in contrast to other countries in which diversity has been a challenge and sometimes impossible to reconcile, is something that a sound education provides.

I should point out as well that if we achieve this goal, the debate over affirmative action, particularly in education, becomes a moot issue. If every child in America has a quality public education, at least in two generations, the gap that we have seen and I have talked about in terms of achievement and accomplishment, can be greatly reduced.

It seems to me that the goal—and this is something that has not been debated within the Leadership Conference, but something we are going to present for conversation—is how to respond affirmatively to the adverse decisions that the Supreme Court has just handed down on school integration and what it means for quality education and the effort on the part of states to frame this exclusively as the province of states. It is not.

We should have a Federal right to a public education. We do not have that now. That is going to have to be supplied, and can only be supplied, by way of a constitutional amendment.

MR. IBARGUEN:

And that "should" comes from where in the Constitution?

MR. HENDERSON:

We do not have a Federal right to a public education. What we have is a right that says if states provide education, it has to be equal.

MR. IBARGUEN:

Equal. Right.

MR. HENDERSON:

In order to accomplish that, we have to overturn a Supreme Court decision, *San Antonio v. Rodriguez*, which ruled that there is no right. You can't accomplish that without a constitutional amendment, in my view, but having that debate at the state and local level.

MR. IBARGUEN:

So a constitutional amendment.

MR. HENDERSON:

A federal constitutional amendment to provide quality public education provides us with an opportunity to debate the parameters of what is not being provided now to every child in the country. It provides us with the opportunity to do it locally at the state and local level, to have a major debate, to be able to hold hearings, to focus attention on what is not being done, and to restore the moral high ground to those of us who are attempting to speak out about the significance of public education.

MR. IBARGUEN:

This is a fantastic subject that requires another whole conversation.

MR. HENDERSON:

Okay. I will look forward to it.

MR. IBARGUEN:

You have three more points you want to make.

MR. HENDERSON:

I do. I will try to be brief.

Education is one.

The second, it seems to me, is civil rights enforcement. We have talked about that. I am not going to spend a lot of time on it, but that is the *raison d'etre* of the Leadership Conference. That is what we stand for.

The third issue is a question of economic inclusion and trying to reduce the kinds of structural poverty that contributes to the debasement of human life and the quality of life that we see now in our communities.

The Leadership Conference has joined forces with the Center for American Progress, the Coalition for Human Needs, and ACORN to form a project called "Half In Ten." It is an effort to look at the interstices of structural poverty and to reduce that by half in 10 years by doing things like increasing the minimum wage at the state level, child tax credits, and the earned income tax credit, as well as by focusing on elevating the public debate about what long term poverty means and the corrosive effect it has on communities.

So that is why when you mentioned my involvement with the FDIC Advisory Board on Economic Inclusion, to me that is the frontier of where the civil rights movement is going to be in the next several years.

And then lastly, I think immigration reform has to be seen as one of the most pressing of the civil rights issues that the country is facing today. I think when we fail to look at it in those terms, we are ignoring one of the most significant challenges that the country faces.

MR. IBARGUEN:

You have answered a number of the questions that we had from the audience in your remarks. I have one last question in particular on education. There were several cards that made reference to Bill Cosby's comments on civil rights and to Robert Putnam's work at Harvard on diversity.

MR. HENDERSON:

Let me speak to that for a minute.

I admire Dr. Cosby. I certainly admire Dr. Alvin Poussaint. I think all of you know that they have a new book out in which they preach self-reliance. They also preach the importance of looking within. I think that is a critically important piece of the public policy debate moving forward about how we address these issues.

But I also want to say that you are not going to be able to use personal responsibility alone to deal with the problems that stand at the intersection of structural inequality, racial discrimination, and poverty. You are not going to work your way out of that through personal responsibility alone.

Let me give you an example. Right now, the predatory lending crisis that has created this massive set of housing foreclosures, particularly in the African American and Latino communities, may well represent the greatest loss of wealth ever documented in American life. And it did not occur by accident.

Predatory lending has not been the consequence of the hidden hand of the economy, as Adam Smith would say.

MR. IBARGUEN:

I would say part of a business plan.

MR. HENDERSON:

Okay, it is part of a business plan. It is a plan that has been directed toward communities of color for the advantage of some of the companies who have used these subprime techniques—these exploding adjustable rate mortgages—to bring within their orbit the African American and Latino population.

Now let me say this. We have encouraged home ownership as a way of fostering the American dream. We can't do that with the kind of structural inequality that predatory lending symbolizes.

So Dr. Cosby's point, I think is well taken. It requires some attention, but I don't think that shifting the debate entirely from the kind of fundamental inequality that exists under policy and law can be substituted by simply focusing on personal responsibility alone.

MR. IBARGUEN:

You deal with issues every day of your life that drive people crazy. When do you lose your temper?

MR. HENDERSON:

Well, first of all, who says I'm not crazy?

[Laughter.]

Having said that, it is very challenging to be honest with you. It is very, very challenging work. Frequently, I am pushed by colleagues and friends who mean well, but who are pushing their own institutional agenda and sometimes to the detriment of the good of the whole.

Yeah, it does piss me off. It really does. I'll be honest, but I also recognize that that is the nature of what I do. We are the only venue at the domestic level that affords an opportunity for organizations, which have little choice but to work together if they are going to be effective, to have a place where they can gather and examine the questions of the day. I think that is what the Leadership Conference does.

I am really honored to be associated with them, and I think, with all humility, we do a relatively good job because of the members who help to make up this coalition.

MR. IBARGUEN:

I have known about you for a long time, but you and I actually just met yesterday. As I was getting ready to come downstairs this morning, I thought, "I am going to go have a conversation with my old friend Wade," and then I realized, "so that's how he does it."

[Laughter.]

MR. IBARGUEN:

Ladies and gentlemen, Wade Henderson. Thank you.

[Applause.]

MR. HENDERSON:

Thank you. Thank you very much.