



**Civil Rights Division Association
NEWSLETTER
Issue 6, October 2023**

The Civil Rights Division Association (CRDA) is a non-partisan organization composed primarily of former employees of the Department of Justice Civil Rights Division, with current employees also welcomed and encouraged to join. The CRDA Newsletter is intended to provide members with information on CRDA activities, member updates, and information about the work of the Civil Rights Division.¹ We are very excited to be able to stay connected with CRDA members, and encourage member networking. Still need to join the CRDA? Just click to the [CRDA website](#)!

Table of Contents

Newsletter Submissions	p. 2
Division Alumni Reflections	p. 2
Civil Rights Division News	p. 3
Commemorating the 60 th Anniversary Of the March on Washington	p. 5
Division Alumni Updates	p. 7
In Memoriam	p. 8

¹ The CRDA is a membership organization and is not affiliated with the U.S. Department of Justice or any other government agency. Any views expressed in the CRDA Newsletter are those of the author or organization.

NEWSLETTER SUBMISSIONS

We invite you to share any news or personal updates for the CRDA Newsletter! This includes news about family and/or personal activities, interesting trips you have taken, job changes, career posts, publications and retirements. We invite creative submissions and reflections, too! Creative submissions and reflections should be no longer than 500 words, and can be:

- Insights on interesting experiences during your tenure with the Division;
- Photos of memorable events with a brief summary of the event; and
- Thoughts on or reviews of books, articles, movies or other publications pertaining to civil rights history and policy.

*Please send your information to CRDA Newsletter Editor Lisa Wilson Edwards at CRDANewsletter@gmail.com. The Newsletter is published bi-monthly. **The deadline for submissions to the next newsletter is November 15, 2023.***

* * * * *

DIVISION ALUMNI REFLECTIONS

“Hearing Dr. King Jr.’s ‘I Have A Dream’ Speech from A Hillside Perch in 1963”

By David Marlin*

I served in the Division from 1961-65 and this 60th anniversary of the March on Washington on August 26 prompts a memory of my strange participation.

We were a small group of lawyers and support staff in 1961, around 40 persons, more or less, considerably larger by 1963. The only section was the appellate section headed by the brilliant Harold Greene, who went on to a notable judicial career as Chief Judge of D.C. Superior Court and a U.S. District Court Judge for the District of Columbia.

The Division was headed by Burke Marshall, who was recruited by Attorney General Robert Kennedy from his anti-trust specialty at Covington & Burling. The legendary John Doar was First Assistant; St. John (Slim) Barrett was the Second Assistant; Bob Owen was in charge of the Mississippi voting rights litigation and Dave Norman served as the Alabama Chief. The primary focus of the Division’s trial work then was to end voting discrimination in the South.

I was in Washington in August 1963, but all of us were discouraged from attending the March on Washington. It was important for us, as federal officials, to not be seen as partial, and to be regarded only as federal law enforcement agents. However, the attraction

was too strong and, accompanied by Hal Horowitz, Deputy General Counsel of the Department of Health, Education and Welfare, and a close friend with a similar inhibition, I heard Dr. King's "I Have A Dream" speech on that extraordinary day from a hillside perch.

* David Marlin served as an Appellate Section Attorney from 1961 to 1965. He left the Division (with Appellate Section colleagues Howard Glickstein and David Rubin) to join Bill Taylor, Staff Director of the Civil Rights Commission. David wrote the Civil Rights Commission's report on the first year's enforcement of Title VI of the 1964 Act.

CIVIL RIGHTS DIVISION NEWS

Here are summary updates of recent Civil Rights Division news. More details can be found on the Division's **website**.

Division Secures Promotion Opportunity and Backpay for Chicago Firefighter and U.S. Army Reservist After Deployment



On September 8, 2023, the Department announced that it resolved a complaint filed against the City of Chicago on behalf of U.S. Army Reservist Derrick Strong. The department's lawsuit alleged that the city violated the Uniformed Services Employment and Reemployment Rights Act when it failed to offer Strong the opportunity to take an examination upon his return from military service that would have made him eligible for a promotion. After the lawsuit was filed, Strong was given the promotional exam, which he passed, and promoted to the rank of Fire Engineer. The settlement will award him retroactive seniority and back pay.

"Federal law safeguards the civilian employment rights of our nation's servicemembers and requires that they have the promotional opportunities they would have earned had their employment not been interrupted by military service," said Assistant Attorney General Kristen Clarke of the Justice Department's Civil Rights Division. "Employers must ensure that servicemembers have a fair opportunity to seek promotion, including by offering make-up examinations missed due to military service, and this settlement will ensure that this continues to happen."

Since then the city has changed its policy to allow servicemembers to take make-up promotional examinations upon their return from military service. Further, under the terms of the settlement agreement, the city agreed to retroactively adjust Strong's Fire Engineer appointment date to June 2018, the date that he would have been promoted had the city properly administered the examination upon his return from military service, and to pay him for lost wages in the amount of \$52,000.

Division Secures Agreement with Janitorial Services Company Resolving Immigration-Related Discrimination Claims



The Justice Department announced on September 28, 2023, a settlement agreement with Greene Kleen of South Florida Inc. (Greene Kleen), a janitorial services company based in Miami. The settlement agreement resolves the Department's determination that Greene Kleen violated the Immigration and Nationality Act (INA) by discriminating against non-U.S. citizens when checking their permission to work in the United States.

The Department's investigation determined that, from at least Jan. 1, 2019, to Feb. 28, 2022, Greene Kleen routinely allowed U.S. citizens to choose which acceptable documentation to present to prove their permission to work but routinely required lawful permanent residents and other non-U.S. citizens to present only one kind of documentation.

"Employers cannot impose specific document requirements on workers to prove their permission to work that differ based on citizenship or immigration status," said Assistant Attorney General Kristen Clarke of the Justice Department's Civil Rights Division. "The department will not tolerate unlawful and discriminatory practices, which create unnecessary barriers to jobs for people who are just trying to make a living."

Under the terms of the settlement, Greene Kleen will pay \$140,000 in civil penalties to the United States, train its employees on the INA's anti-discrimination requirements, revise its employment policies and be subject to monitoring by the department.

COMMEMORATING THE 60TH ANNIVERSARY OF THE MARCH ON WASHINGTON

On August 26, 2023, thousands converged on the National Mall to commemorate the 60th Anniversary of the March on Washington. The first March, held in 1963, advocated for civil and economic rights, and was a landmark event in the civil rights movement. A year later, the Civil Rights Act of 1964 was signed into law. Some Division alums were present at the March. David Marlin, who was a Division Appellate Section attorney at the time of the 1963 March, reflects on the 1963 March, and hearing Dr. King's historic speech in this issue of the Newsletter. Here are photos from the 60th Anniversary March!



Marchers at the foot of the Lincoln Memorial, Aug. 26, 2023



Division alum Richard Jerome at the 60th Anniversary March, Aug. 26, 2023



Assistant Attorney General of the Civil Rights Division Kristin Clarke speaks at the 60th Anniversary March, Aug. 26, 2023



60th Anniversary marchers at the Reflecting Pool, Aug. 26, 2023

DIVISION ALUMNI NEWS AND UPDATES

Here is an update on a former Division colleague:

Jonathan M. Smith has been appointed Chief of the newly created Civil Rights Division for the Office of the Maryland Attorney General. The appointment was announced on Sept. 13, 2023, by Maryland Attorney General Anthony G. Brown.

The Civil Rights Division of the Maryland Office of the Attorney General is the first-of-kind in the State of Maryland. On May 16, 2023, Maryland Governor Wes Moore signed into law Senate Bill 540 that authorized the Attorney General to investigate, prosecute and remediate, on behalf of the state, any conduct that constitutes a civil rights violation. [Maryland Attorney General Civil Rights Division](#). Jon serves as the inaugural Chief of the new Division.



A Division alum, Jon served as Chief of the Special Litigation Section from 2010 to 2015. Prior to joining the Division, Jon was the Executive Director of the Legal Aid Society of the District of Columbia, the Public Justice Center in Baltimore, Maryland, and the D.C. Prisoners' Legal Services Project. Since leaving the Division in 2015, Jon has served as Executive Director of the Washington Lawyer's Committee for Civil Rights and Urban Affairs, a non-profit law firm that addresses issues such as race, economic injustice related to prisoner rights, housing and policy misconduct. Jon received his J.D. from Antioch Law School and his B.A. from University of Maine at Orono.

* * * * *

IN MEMORIAM

The CRDA is saddened to share news of the passing of these Division alums:

David L. Rose

April 26, 1931 – September 21, 2023



Dave Rose was the first Section Chief of the Division's Employment Section where he served from 1969 until 1987. He hired and trained a diverse and cohesive team of lawyers and staff who helped desegregate the American workforce by race and sex by bringing pattern or practice lawsuits under Title VII of the Civil Rights Act of 1964. Section lawyers sued and won cases that created equal job opportunities in major industries such as construction, trucking, steel, telecommunications, public utilities, airlines and manufacturing-- and later in state and local governments, police and fire departments around the country. Under Rose's leadership, the Section helped craft the foundations for modern civil rights law, winning landmark decisions establishing the validity of statistical proof, disparate impact, and remedial affirmative action in cases such as *Griggs v. Duke Power Co.* (where Mr. Rose co-authored the brief). He also helped write the Uniform Guidelines on Employee Selection, the authoritative guide to compliance with federal employment discrimination law.

Joining the Department in 1956, he previously served as the Assistant Chief of the Appellate Section in the Civil Division, and then Special Assistant to Attorney General Ramsey Clark, where he coordinated Title VI efforts and filed the Division's first employment discrimination cases. After retiring from the federal government in 1987, he continued to practice employment law in the Rose & Rose firm.

Dave was born in 1931 and grew up in Gardner, Massachusetts. He graduated with honors from Harvard College in 1953, and Harvard Law School in 1956. He married Ann Eccles Rose in 1957 and they settled in Washington, DC and later Chevy Chase, Maryland where they raised their four children. He served as president of Temple Sinai in Washington, DC from 1992 to 1994.

He is survived by his wife, Ann Rose, children Mark Rose (Consuelo Guibert), Josh Rose (Rebecca), Elizabeth Rose (Jack Dougherty), and Rebecca Vasquez (Ricardo Vasquez); grandchildren Rachael, Herschel, Maimon, Eli, Elise, Eva, Raphi, Paul, Maya, and Daniel; and great-granddaughters Sophie and Shira, as well as nieces and nephews.

Joseph Gerald “Gerry” Hebert
February 13, 1949 – September 7, 2023



Gerry Hebert worked in the Division from 1973 to 1994. During his time with the Division, Gerry won acclaim for his work in school desegregation cases and served as the lead attorney in voting rights and redistricting lawsuits, including several cases decided by the U. S. Supreme Court. Gerry served as Acting Chief, Deputy Chief, and Special Litigation Counsel in the Division’s Voting Section, and was lead attorney in numerous cases involving voting rights. These included: *United States v. City of Houston* (S.D. Tex.), *Brooks v. State Board of Elections* (S.D. Ga.), and *United States v. Jones* (S.D. Ala.).

After leaving the Division, Gerry was in private practice specializing in election law and the Voting Rights Act. His expertise led him to the Campaign Legal Center (CLC) in 2004, serving as Executive Director until 2018. Gerry retired from CLC in 2021. Gerry was an avid teacher and mentor. He was an adjunct professor at Georgetown University Law Center and developed a thriving intern program for CLC. He also taught at University of Virginia, American University, and New York Law School. He was awarded the Wasserstein Fellowship at Harvard Law School and Mentor in Residence at Yale Law School. In 2015, Gerry spearheaded the CLC effort to establish the Voting Rights Institute (VRI), a partnership with the American Constitution Society and Georgetown Law, which created opportunities for law students and graduates to learn how to litigate voting rights cases.

Gerry was born in Worcester, Massachusetts on February 13, 1942. He graduated from St. John's High School in Shrewsbury and went on to earn his bachelor's degree from Stonehill College and Juris Doctor from Suffolk University Law School.

Gerry's advocacy extended beyond his professional career, as he was a tireless volunteer and leader in his local Alexandria, Virginia community. He served as PTA president at George Mason Elementary School, where he was a fixture in the hallways for years, his voice on the loudspeaker delivering the morning announcements. He worked particularly hard to ensure that families of color were involved in their children's education, and that the needs of George Mason Elementary were made known to the School Board. He was soccer coach with the Alexandria Soccer Association, where he shared his own athletic skills, always ending a weekly practice - at the request of the team - punting the ball straight up in the air, multiple stories high.

A man of strong faith and an enthusiastic choir member, Gerry served the Fairlington United Methodist Church (Va) community in many capacities including lay leader. Gerry also worked tirelessly to help Alexandrians in need, volunteering with ALIVE! Inc. since 1986. He dedicated his time and talents, serving as ALIVE's president, director of development, chair of the furniture program, and Last Saturday food distribution coordinator. Earlier this year, Gerry was awarded Volunteer Alexandria's 2023 Joan White Grassroots Volunteer Service Award for his commitment to ALIVE!'s mission, specifically for his work to open both of ALIVE!'s beautiful and welcoming food hubs, ensuring that Alexandrians maintained their integrity while receiving food and critical services.

Gerry was an exuberant and loving father and grandfather who approached his personal life with the same passion and purpose. Gerry is survived by his wife of 37 years, Victoria, his children, Christy Przystawik (Tom Przystawik), Greta Gordon (Jim Gordon), Brooke Harris (Ben Harris), Josh Hebert, and Marlea Hebert (Anthony DiBerardinis). His survivors also include his brother, Tom Hebert (Maria Hebert), and his 10 grandchildren, Gunter, Annika, Amelie, Harper, Sadie, Bailey, Brigid, Adrian, Tyler, and Abe.