



Civil Rights Division Association NEWSLETTER Issue 11, August 2024

The Civil Rights Division Association (CRDA) is a non-partisan organization comprised 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. 1
Division Alumni Reflections	p. 2
Book Review	p. 9
Civil Rights Division News	p. 10
Division Alumni News and Updates	p. 12

NEWSLETTER SUBMISSIONS

We invite you to share any news or personal updates for the Newsletter's Division Alumni News and Updates Section! This includes news about family or personal activities, interesting trips you have taken, job changes, career posts, publications, awards, recognitions and

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.

retirements. We also 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.

The CRDA is a nonpartisan organization, and the Newsletter will not publish any statements concerning any political campaign on behalf of, or in opposition to, any candidate for public office.

*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 September 15, 2024.***

DIVISION ALUMNI REFLECTIONS

REMEMBRANCE OF THINGS PAST

By Howard L. Feinstein*



I left the Civil Rights Division a long time ago, but it has never left me. I began as a young lawyer who had grown up in the placid postwar suburbs of San Francisco, where Jews and Catholics were what passed for exotic. I had always sympathized with the civil rights movement. I picketed in support of our state fair housing law in high school. My parents had raised funds for the Southern Christian Leadership Conference well before Martin Luther King was a national figure.

My extended family had encountered no shortage of discrimination and violence. I was subjected to the prevailing atmosphere of anti-Semitism, including swastikas and iron crosses defacing my textbooks and school lockers. There were places where we were not allowed – “restricted” was the term then in vogue. Unlike other students, I had no relatives in the old

country. My entire European family was exterminated by the Nazis, and I periodically met adults who displayed the blue tattoo of the concentration camps. Perhaps I'm overly sensitive, but I don't take contemporary references to a "unified Reich" or Nazi marchers as "very fine people" lightly.

But this unpleasantness didn't prevent me from rolling through college and law school, ultimately winding up at the U.S. Department of Justice. After all, I was undeniably white and middle class. No one was keeping me from voting or pulling me over on the highway for driving while Jewish. It didn't govern my life. As I found out from my travels in the Civil Rights Division, there is a big difference between being offended and having your daily life, and your future prospects, sabotaged by the prejudice of others.

Heading South, as we tended to do in those days, it didn't take long for me to encounter a cauldron of hate and violence that I was previously exposed to only on an intellectual and ethical level. When I received death threats, catcalls, and mild physical violence, I still had that return airline ticket in my back pocket. The individuals and communities whose rights I was trying to protect had no such escape valve. While I tried hard, with differing levels of success, to represent them, no one civil or criminal case figured to dramatically change the prevailing social situation. There are limits to the law. But at least we were trying. Contemporary anguish over politically correct language and Confederate symbolism, while well-motivated, ultimately changes nothing, certainly not the sickening bigotry and violence that we saw ruin so many lives. As Mississippi musician and performance artist Skipp Coon explains:

"They can change all the flags they want. It's a false solution. They can change that [Mississippi state] flag, and my material reality won't change one bit."

Indeed, we found out that changing that material reality takes a hell of a lot more time and effort than dashing off a critique of a 19th Century pro-slavery figure on social media.

I like to think that we engaged that material reality in our cases. In movement parlance, we kept our "Eyes On The Prize". But did we ultimately effect real change? I had an opportunity to grapple with this question when I revisited some individuals and locales from my Division cases as research for my memoir. I was no super-lawyer, and my record was mixed. The long-term fallout often turned out to be surprising:

- In a Ku Klux Klan prosecution in Willacoochee, GA, the county sheriff and Klan ally was subsequently indicted on several counts of corruption. He hung himself while awaiting trial. The defendant, a statewide Klan leader (considered the liberal in the family – his Postmistress wife was a fervent Naz), ultimately had a change of heart and established a scholarship fund for minority children.
- Following a successful cross-burning prosecution in Williamsport, PA, including a restitution award to the victim family, all did not go well. The Black single mother's trauma from the incident never abated. She drifted from down to town, job to job, marriage to marriage. Her young son, who woke in the night to a flaming cross next to his window, ran with a rough crowd, and was eventually charged and acquitted in a sensational murder case.

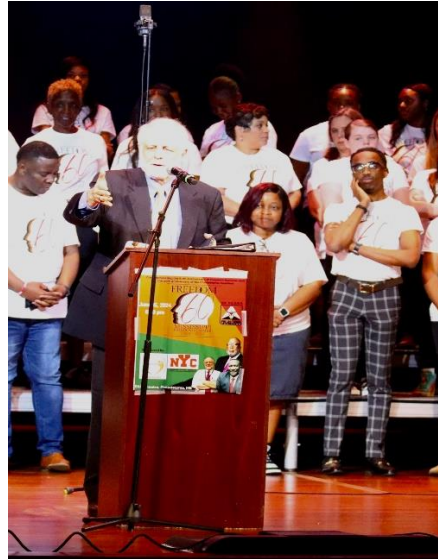
- In a successful “Black Lives Matter”- style prosecution in suburban New Orleans, a deputy sheriff was convicted of dishing out a severe beating to a Black house-hunter. The deputy eventually washed out of law enforcement, later injuring himself as a security guard. He became addicted to painkillers and suffered a fatal overdose. The victim never recovered from his trauma.
- Revisiting Oakdale, Louisiana, scene of a successful Klan prosecution, I saw something unthinkable during my time there: Black and White customers eating together at a diner. Even more surprising, at the town library, a Black woman was supervising white employees. The town had always been poor, but a new arrival brought new employment opportunities: a federal prison. You take what you can get.
- In a large Houston-area school system in which we had won a desegregation order, there was preliminary success in integrating a number of schools. But that did not last. Eventually, like so many public-school districts, the student population became overwhelmingly minority. White flight made meaningful integration all but fanciful. Sadly, this proved true for most of my desegregation cases.

And what of myself? I am certainly no longer the wide-eyed innocent who joined the Justice Department. In a time of retrenchment from the civil rights principles we held dear, that arc of the moral universe is not currently bending more towards justice. Some days, with the encouragement of a retrograde Supreme Court, that arc appears in danger of snapping. But my Division experience lives on. It was barely a decade of a long life, but those years are how I define myself. And it doesn't take much to trigger memories of that time. When I see former United States Attorney Joyce Vance deliver televised political commentary, I immediately recall her father-in-law. Judge Robert Vance was on the appellate panel in a case I argued in the Eleventh Circuit, not long after leaving the Civil Rights Division. A year or so later, he was assassinated via a letter bomb sent by an Alabama klansman, strikingly similar to the defendants I prosecuted. In short order, the perpetrator was indicted, convicted, sentenced, and executed. Once again, perhaps justice was done in this case, but did that bring meaningful change to society's material reality?

These days, I dance around the edges of the world of civil rights. I write about it. I lecture and lead discussions about it. I teach it to those with an interest in such things. I provide some measure of aid and comfort to victims of discrimination whose paths cross mine. But I am essentially on the sidelines, an observer and commentator, no longer putting myself on the line. That was another person, another time.

Howard Feinstein served as an attorney in the Civil Rights Division from 1976 to 1987. His memoir, **Fire on the Bayou: True Tales From The Civil Rights Battlefront, was nominated for the Dayton Literary Peace Prize. Howard is also author of **Developing Issues in the Legal Status of Women**, and **Decathlon (Poems)**. He has taught government and law at several colleges and is currently a performing and recording rhythm & blues musician.*

“WE JUST WANTED TO DO RIGHT BY THOSE BOYS”
Observations on the 60th Memorial Service Anniversary of the
Neshoba County Civil Rights Murders
and the Contributions of Division Alum Jake Tanzer
By Ron Silver*



Ron Silver speaking at the Chaney, Goodman and Schwerner
60th Memorial Anniversary Service, Philadelphia, Mississippi

On June 16th, Ron Silver spoke at the invitation of the historical Mt. Zion United Methodist Church in Philadelphia, Mississippi at the James Chaney, Andrew Goodman and Michael Schwerner 60th Anniversary Memorial Service. Chaney, Goodman and Schwerner are civil rights workers brutally murdered at the start of Freedom Summer in 1964. Below, Ron shares his talk about that time and Civil Rights Division attorney Jacob Tanzer's work in Neshoba County, Mississippi, to investigate and prosecute the murderers.

Jake grew up in Portland, Oregon and became a lawyer in 1959. As he put it, "he hung up a shingle with a friend." (Law school grads used to do that. I had a couple of classmates in 1976 who did it and didn't even starve.). Jake worked on John Kennedy's campaign in Oregon, and in 1962 joined the Criminal Division in the Organized Crime and Racketeering Division.

After the three civil rights workers, James Chaney, Michael Schwerner and Andrew Goodman were murdered in Neshoba County, and their bodies finally found, the Civil Rights Division convened a grand jury and put together the team to conduct it. However, they needed to reach out to the Criminal Division for a volunteer with prosecutorial and grand jury experience. Jake jumped at the chance to sign up. Bob Owen, from the Civil Rights Division, approved the transfer. Before heading to Mississippi, Jake met with legendary U.S. Marshal Jim McShane. Marshal McShane offered to deputize Jake and issue him a .38 Special. Since he'd never used a pistol in his life, Jake turned him down.

The first place Jake visited in Neshoba County was the burned-out ruins of Mt. Zion Methodist Church. The church had earlier agreed to become the site of a Freedom School for the summer. It was burned on June 16, 1964, after the KKK attacked several church members leaving a meeting. Mr. Roosevelt "Bud" Cole and Mrs. Beatrice "Beattie" Cole were two of the church members [attacked by the Klan](#). Mr. Cole was severely beaten and would likely have been killed, but for Mrs. Cole pleading with the attackers.



Burned ruins of the Mt. Zion Methodist Church in Neshoba County, Mississippi.
Credit: Tamio Wakayama/Take Stock/TopFoto

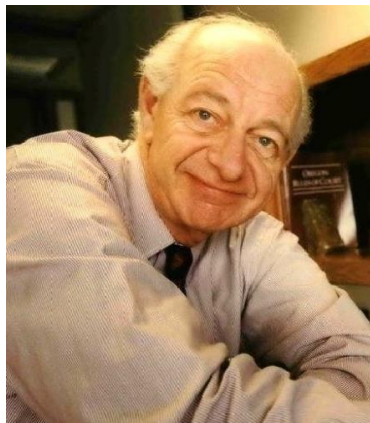
Michael Schwerner and James Chaney learned about the church burning while they were part of the training team in Ohio for the Freedom Summer volunteers. They recruited Andrew Goodman to join their team in Meridian, Mississippi. The three young men left Ohio and immediately went to Neshoba County on June 21, 1964. They met with the Coles to see how they were doing after the Klan attack. It was after this meeting that the three were found out, arrested, released, kidnapped and then murdered.

The Coles were the first witnesses Jake interviewed. It was the story of this meeting that I told at the 60th Anniversary Commemoration in Philadelphia, Mississippi, on June 15, and again at Mt. Zion United Methodist Church on Sunday morning, June 16. Jake said the Coles were wonderful witnesses, telling him about the beatings, the visit by the three young men, and general conditions between Blacks and law enforcement in Neshoba County. Jake wanted them to testify in front of the white grand jury, but he knew it would be a demeaning, difficult thing to do. When he asked Mr. Cole if he could do it, he said yes. When Jake asked why, Mr. Cole responded that he *"wanted to do right by those boys*. It was terribly wrong they were killed when all they wanted to do was help us." Mrs. Cole quietly nodded her head in agreement.

After spending a few weeks in Neshoba County interviewing witnesses, the Civil Rights Division team moved to Biloxi to begin questioning witnesses before the federal grand jury. Jake worked with Bob Owen to craft the indictment, breaking new ground for using criminal civil rights statutes, unused since the Reconstruction era. Jake and Bob Owen brought 125 witnesses before the grand jury. The grand jury returned indictments against everyone asked for.

Unfortunately for Jake, he developed painful ulcers working on the case. He survived the grand jury days by drinking milkshakes at every recess. He decided to resign from the Department and return to Oregon for a less stressful career. With the indictments handed down, the case became part of U.S. Judge Harold Cox's docket. He did everything possible over the next three years to make sure the case would never be brought to trial. Fortunately, the U.S. Supreme Court felt otherwise, and in 1967 several of the defendants were found guilty of violating the Civil Rights of the three young men.

Jake returned to Mississippi in 1967 as a volunteer with the Lawyers Committee for Civil Rights in Jackson, Mississippi. He reconnected with the Coles and was happy to learn they were able to become registered voters thanks to the Voting Rights Act of 1965. In Oregon, Jake went on to become the state Solicitor General and eventually was appointed to the Oregon Court of Appeals and the Oregon Supreme Court.



Jake Tanzer

I became friends with Jake in the early 2000's. We would sometimes double team to tell the story of the Mississippi Burning case. I had formed a small singing group, The NW Freedom Singers (named in honor of the SNCC Freedom Singers. Sadly, Dr. Bernice Johnson Reagon who formed the group with her husband Cordell, just passed away.) We would set the scene for the story by singing the song, "In the Mississippi River" and other songs from the Movement.

Jake was proud of his work on this case. But he would always make sure his listeners learned the real heroes were the Coles and others like them who were willing to come forward and speak truth to the grand jury knowing the risks involved. Jake passed away in 2018. At his funeral his widow asked us to perform "In the Mississippi River" and to lead everyone in "We Shall Overcome."

I've been involved with the Neshoba Youth Coalition in Philadelphia, Mississippi since 2013. For the 60th Anniversary commemoration I was asked to take on the role of explaining who Michael Schwerner, James Chaney and Andrew Goodman were, and why they had come to Neshoba County on June 21, 1964. It seemed fitting to me to begin the story through the eyes of the Coles, who "wanted to do right by those boys." I had not expected to speak at the celebration the next day at Mt. Zion Methodist Church. But when I was asked, I told the congregation what I

had learned from Jake, the heroes of the story were their fellow congregants, their grandparents and great aunts and uncles who had been willing to step forward for justice.



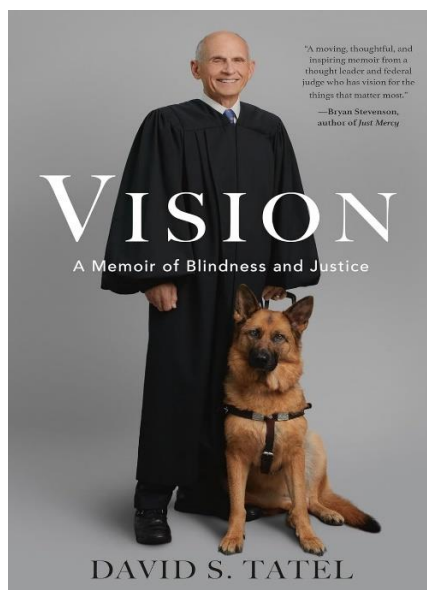
Ron Silver (standing fifth from the right) with others at the Chaney, Goodman and Schwerner memorial located at Mt. Zion United Methodist Church, Neshoba County, Philadelphia, Mississippi

****Ron Silver** served as an Assistant U.S. Attorney in Los Angeles in 1982 and became local counsel for the Civil Rights Division around 1985. He worked on public accommodation cases with Division alum Loch Handley and was local counsel for the Voting Rights Section in a case against the Los Angeles County Board of Supervisors vindicating the rights of Hispanic voters. In 1991, Ron became the Assistant Director for Civil and Appellate programs at the Attorney General's Advocacy Institute. After the Department's successful prosecution of police officers for using excessive force against Rodney King, Ron teamed up with Barry Kowalski in 1993 and put on the first ever training for Criminal AUSAs on how to prosecute these cases. Ron transferred to the U.S. Attorney's Office in Portland, Oregon in 1994, and there he worked with Division alum Bobbie Kammerman to put on the first national training for Civil AUSAs on how to enforce the Federal Fair Housing Act. Ron continued to handle Civil Rights cases in Portland until retiring in 2015.*

BOOK REVIEW

Vision, A Memoir of Blindness and Justice, By David S. Tatel

Reviewed by David Marlin*



Judge David Tatel has just published his memoirs – [Vision: A Memoir of Blindness and Justice](#) - and it is a must read for everyone, especially members of the Civil Rights Division Association.

Prior to President Clinton appointing David Tatel to the United States Court of Appeals for the District of Columbia Circuit in October 1994, Tatel had a strong civil rights career. He served as Founding Director of the Chicago Lawyers' Committee for Civil Rights Under Law, Director of the National Lawyers' Committee for Civil Rights Under Law, and Director of the Office for Civil Rights of the U.S. Department of Housing, Education and Welfare during the Carter Administration.

But David's tenure as an appellate judge has been special. He has been blind for more than half of his life (he's 82) with a rare, inherited retinal disease named retinitis pigmentosa (RP). He describes in his book what his lack of vision has meant to his career as a lawyer, judge and to his personal life as husband, father of four, grandfather of eight and now a great-grandfather. Most revealing, now that he has retired, are his important observations of the Supreme Court and the state of the judiciary. He also writes about his guide dog Vixen and his regret that he waited so long to acquire a dog.

On a personal note, my family has been friends with David and his wife Edie for decades. Two of my three children also have RP. My son Michael is the director of the Braille and Talking Book Library in Sacramento and also has a guide dog, while my daughter Jessica, a

housewife and mother in Vermont, teaches Spanish to adults and English as a second language to immigrants.

Judge Tatel has had an illustrious career on the bench and you will find his memoir significant. For example, in 2012, Judge Tatel wrote the majority opinion in *Shelby County v. Holder*, again upholding the constitutionality of Section 5 of the 1965 Voting Rights Act, sadly reversed by the Supreme Court by a 5-4 vote the following year. I hope some will write David of their experiences at the Department of Justice.

**David Marlin served in the Division from 1961 to 1965. During that time, he was a trial attorney in Alabama working on voting cases and pursuing school desegregation at military bases before the passage of the Civil Rights Act of 1964, which conferred jurisdiction to the Department to file school cases.*

CIVIL RIGHTS DIVISION NEWS

Here are summary updates of recent Civil Rights Division news. More details can be found on the Division's [website](#).

Department Sues Five Individuals For Violating The Freedom Of Access To Clinic Entrances Act



On June 20, 2024, the Department filed a civil suit in the Middle District of Florida against five persons for violating the Freedom of Access to Clinic Entrances (FACE) Act, which prohibits anyone from using force, threats of force or physical obstruction against any person because they are seeking or providing reproductive health services.

The lawsuit alleges that specified defendants committed violations of the FACE Act in Ft. Myers, Florida, on Jan. 27, 2022. Specifically, the complaint alleges that the defendants trespassed onto a reproductive health center's property, blocked the entrances and temporarily stopped operations at the center. The complaint seeks injunctive relief and monetary penalties as provided by the FACE Act.

“These five defendants deliberately obstructed access to reproductive health services,” said Assistant Attorney General for Civil Rights Kristen Clarke. “Physically blocking those seeking or providing reproductive health services in order to impose their views is unlawful. The Justice Department will continue enforcing the FACE Act to protect against such obstruction.”

“The Justice Department ensures that individuals cannot pick which laws they wish to follow,” said U.S. Attorney for the Middle District of Florida Roger Handberg. “We look forward to continuing to protect the rights of patients and providers to access reproductive health care.”

The Civil Rights Division’s Special Litigation Section is handling the case with the U.S. Attorney’s Office for the Middle District of Florida.

Kentucky Man Pleads Guilty and Is Sentenced for Federal Hate Crime Targeting Children Online



In June 2024, a Kentucky man pleaded guilty and was sentenced to one year and one day in prison and one year of supervised release in the District of Eastern Louisiana for committing a federal hate crime.

Defendant, a 24-year-old male in Paintsville, Kentucky, transmitted a threat to a fifth-grade class at the Laureate Academy Charter School on or about Oct. 14, 2020. At the time, the school was conducting class virtually over Zoom due to the COVID-19 pandemic. Specifically, defendant used racial epithets against the students and teachers and threatened to “hang them by a tree.” Defendant pleaded guilty to one count of transmitting threatening communications. The court found that the defendant’s actions were motivated by hate.

“This prosecution should make clear that perpetrators of hate crimes hiding behind computer screens, hacking into teleconferences and disrupting virtual meetings will be held accountable. The defendant used racial epithets and threats against innocent children who were simply trying to get an education,” said Assistant Attorney General Clarke. “No child should ever have to endure racially motivated hatred like this in a classroom, a school or anywhere else. The Justice Department is committed to protecting children from such hate-filled assaults and to safeguarding their right to a safe and secure education.”

"Citizens should not fear threats based on their race at any time and especially for students while pursuing their education," said U.S. Attorney for the Eastern District of Louisiana Duane Evans. "Hate has no place in our country, especially in a fifth-grade classroom," said Special Agent in Charge Lyonel Myrthil of the FBI New Orleans Field Office. "Protecting the rights of all Americans under the Constitution is the heart of the FBI's mission."

The FBI New Orleans Field Office investigated the case. The U.S. Attorney for the Eastern District of Louisiana prosecuted the case, with assistance from the Civil Rights Division's Criminal Section.

DIVISION ALUMNI NEWS AND UPDATES

Here are news and updates on our former Division colleagues:



Antoinette Barksdale

Antoinette Barksdale is the recipient of the prestigious Gayle Pettus Pontz Award presented by the University of Arkansas Law Alumni Association. The award is given to a female graduate or woman who best represents the accomplishments of women and the legal community, promotes the objectives of helping women thrive in law school, creating a community that will raise awareness of women's issues, and advancing women in the legal profession. Division alum Antoinette Barksdale personifies all of these attributes. Antoinette serves as General Counsel at the Department of Justice in the Community Relations Service, the federal office that provides facilitated dialogue, mediation, training and consultation to assist communities in distress, and to develop solutions to resolve conflict. She previously served as Senior Trial Attorney for the Civil Rights Division's Employment Litigation Section, where she, notably, achieved the Division's first favorable trial verdict under the Uniformed Services Employment and Reemployment Rights Act. Prior to that, Antoinette has served as Senior Adviser to the General Counsel for the United States Equal Employment Opportunity Commission, Attorney Adviser in the White House Counsel's Office under President Bill Clinton, and trial attorney with the Department of Housing and Urban Development.

Antoinette is involved extensively in her community, serving on the Board of the Women Lawyers' Division of the National Bar Association; Community Service Chair for the Nation's Capital Chapter of Jack and Jill of America, Inc.; and Board member of the Washington Bar Association Educational

Foundation. In addition to her volunteer roles, she is also an adjunct professor at Howard University in Washington, D.C., where she teaches Technical Writing, Pre-Law. She is the Second Vice President of Girl Scouts Nation's Capital Board of Directors and a member of the Department of Equity and Inclusion Ad Hoc Task Force. Antoinette previously served as a national delegate for the 2020 National Council Session of GSUSA and has held other roles such as chair of the Nominating Committee and member of the Gold Award Panel. Her past service includes Chair of the Scholarship Committee for the Washington Bar Association and Chair of Awards and Scholarship for the National Bar Association and the Women Lawyers' Division.

Antoinette has received numerous awards for her superb professional accomplishments and service to the community, including Outstanding Woman Lawyer in Public Service, Chair's Award for Outstanding Service to the Women Lawyers' Division and the President's Award for Exemplary Service to the National Bar Association.

Antoinette graduated from the University of Arkansas School of Law, Howard University, and Indiana University in Pennsylvania.



Marina Mazor

Marina Mazor recently left the Division after 16 years to join the National Science Foundation as an Assistant General Counsel. During her time in the Division, Marina served as an attorney in the Special Litigation and the Federal Coordination and Compliance Sections. Prior to joining the Division, Marina was an Associate at Wilmer Hale, and she clerked for Judge Hugh Bownes of the United States Court of Appeals for the First Circuit. Marina received her B.A. at Brandeis University, and her J.D. from Duke University Law School.