

Stephen J. Pollak -- Biography

Stephen J. Pollak, former Assistant Attorney General, Civil Rights Division, U.S. Department of Justice and Advisor to President Johnson for National Capital Affairs, died at home in Washington, D.C. with his family on February 3. He was 95.

His outstanding career in public service spanned six decades of passionate commitment to equal rights, racial justice, and the advancement of the legal profession's role in fulfilling those commitments. He was a vital contributor to three of the most consequential advances in Federal civil rights legislation of the 20th century: enforcing the Civil Rights Act of 1964; drafting and enactment of the Fair Housing Act of 1968; and, most notably, playing a central role in the drafting and enactment of the Voting Rights Act of 1965 and the defense of the Act in the United States Supreme Court. He also was a key architect of home rule for the city of Washington, D.C.

Attorneys from the Civil Rights Division, the leadership of the D.C. Bar, and the Lawyers' Committee for Civil Rights for decades sought his wise counsel on the racial justice problems of the day. His steadfast devotion to public service has served as a powerful beacon to generations of younger attorneys.

Mr. Pollak graduated from Yale Law School in 1956, worked in private practice for several years, and – when John F. Kennedy was elected President – Mr. Pollak went to work in the Justice Department, where he started out in the Office of the Solicitor General, arguing cases before the Supreme Court. In March 1965, Pollak went to work as First Assistant in the Justice Department's Civil Rights Division. He thought he would be phasing in part time while he wrapped up his responsibilities as Deputy General Counsel of the Office of Economic Opportunity, a part of President Johnson's War on Poverty. Instead, he was greeted by Deputy Attorney General Ramsey Clark with "Steve, you'd better call your wife and get a bag, because we're going to go on a Jetstar down to Maxwell Air Force Base in Montgomery at six o'clock."

Arriving just as civil rights marchers began crossing the Edmund Pettus Bridge in Selma, Alabama – for their third attempt to march from Selma to Montgomery -- Mr. Pollak was tasked with securing the marchers' safety upon their arrival in Montgomery. Mr. Pollak met with march organizers, worked with local police, and coordinated with the Federalized National Guard. He was there when the marchers arrived at the State Capitol and heard Dr. Martin Luther King declare "the arc of the moral universe is long, but it bends toward justice." As he would later note, "I'll never forget the huge throng in front of the State Capitol to greet the marchers."

Back in Washington, Mr. Pollak was tasked with managing the progress of the Voting Rights Act on Capitol Hill. The bill had been submitted to Congress but was stuck in the Senate Judiciary Committee. To move the bill, Mr. Pollak worked to gain the full support of Republican Senator Everett Dirksen of Illinois and Democratic Senator Mike Mansfield of Montana, influential members of the Judiciary Committee. Both Dirksen and Mansfield wanted their stamp on the bill that was to be advanced as the "Mansfield-Dirksen Compromise."

Armed with a yellow legal pad, a scissors, and a stapler, Mr. Pollak sat down on Capitol Hill with the Senate drafting committee that would approve a bipartisan version of the bill. As self-appointed scribe, he calmly guided the process, cutting away paragraphs that were objected to, while carefully positioning them on the floor beside his chair, for future consideration and stapled reinsertion. Although the final form in which the bill was framed and the order of the provisions were significantly changed, virtually

everything that was in his pile on the floor was ultimately incorporated into the compromise which became the Voting Rights Act of 1965.

When the effectiveness of a key provision of the Voting Rights Act was threatened by narrow lower court interpretations, Mr. Pollak, then head of the Civil Rights Division, argued the case *Allen v. State Board of Elections* in 1968, in the Supreme Court of the United States. During that argument he faced withering questioning from Justice Hugo Black, formerly a Senator from Alabama. However, the position of the Civil Rights Division prevailed, with Justice Black dissenting. The Court's decision in Mr. Pollak's favor became the backbone protecting African American voting rights for over fifty years.

In addition to his work in the Civil Rights Division, Mr. Pollak served Presidents Kennedy and Johnson in many other capacities between 1961 and 1969 including Assistant to the Solicitor General arguing cases before the Supreme Court, Legal Counsel to the President's Task Force on the War Against Poverty, Deputy General Counsel for the Office of Economic Opportunity, Special Assistant to the Attorney General, and leader of President Johnson's Legislative Task Force on Civil Rights in 1966.

In early 1967 President Johnson named Mr. Pollak as his Advisor to the President for National Capital Affairs. At that time the District of Columbia was governed by the White House, by Congress through several committees, and locally by three appointed commissioners. He believed that the District would be better served by a stronger local government and accepted the job of Advisor to the President with the goal of achieving passage of President Johnson's proposed reorganization plan for governing the District of Columbia.

A home rule bill for the District had been defeated in Congress the previous year, and the President was determined to be successful with whatever came next. At the President's direction, Mr. Pollak consulted key leaders in Congress about the reorganization plan and its general outlines. With the fate of the plan strongly opposed by conservative members of the House District Committee and still in doubt, the President told Mr. Pollak to call on every single member of the House and Senate and endeavor to win their votes. Ultimately all of the President's aides joined the effort and the reorganization plan passed through Congress in late 1967, bringing the City a giant step towards home rule. Mr. Pollak then assisted the President in identifying and appointing the city's first African-American Mayor, Walter Washington, and the new City Council.

In late 1967, Mr. Pollak returned to the Department of Justice, first as Special Assistant to the Attorney General and then as head of the Civil Rights Division. Under his leadership the civil rights focus of the Justice Department expanded beyond the deep South, intensifying its efforts in equal employment, law enforcement and school desegregation across the nation with new attention to the North and West, areas that had been long ignored. In the spring of 1968 following the assassination of Dr. Martin Luther King and upheaval in cities across the nation, he led and coordinated the Federal response from Washington as well as in Memphis and elsewhere.

Contemporaneous with helping to secure nationwide voting rights and school desegregation, he led the Johnson Administration's battle for fair housing, both in Congress and the courts, including important work to secure the votes that passed the Fair Housing Act of 1968.

Across his years in government and after, Mr. Pollak argued twelve cases in the Supreme Court including *Griffin v. Breckenridge* where the Court held in 1971 that the Ku Klux Klan Act should be

accorded a “sweep as broad as its language,” meaning that the statute, as Mr. Pollak had argued, prohibited not just conspiracies by public officials, but also conspiracies among private parties—in that case, two white men who, believing that two black men driving down the highway were civil rights workers, blocked their car, dragged them out, and beat them with clubs.

Steve Pollak left the Department of Justice, but not the pursuit of justice, when Richard Nixon took office in January 1969. He immediately joined the Lawyers’ Committee for Civil Rights Under Law, which he had been unable to do while working for the government. He served on the Board until 2022, co-chaired both the national and DC organizations, and was recognized with the Whitney North Seymour Award for 1994 as well as the Lloyd Cutler Lifetime Achievement Award in December 2023.

In 1969 he joined the law firm of Shea & Gardner as its youngest partner and first ever to come in from outside, serving on and chairing the firm’s Executive Committee for a term prior to its merger with Goodwin Proctor in 2004. His legal practice focused on trial and appellate litigation in the Federal Courts, including the Supreme Court and before federal departments and agencies in areas including constitutional law, labor and antitrust law, civil rights, employees’ pensions, and legal ethics. He was outside counsel for the International Ladies’ Garment Workers Union, fighting for worker protections under the Fair Labor Standards Act from wage, child labor and other abuses. He was lead outside counsel on major litigation for the United Mine Workers of America Health and Retirement Funds and lead outside counsel for the National Education Association in many cases at trial, on appeal and in the Supreme Court, presenting novel constitutional, civil rights and labor issues.

In 1977 Mr. Pollak served as outside counsel to President Carter’s Secretary of Health, Education and Welfare. He drafted the regulations implementing Section 504 of the Rehabilitation Act of 1973, which guaranteed persons with disabilities reasonable accommodations and access to public services.

In addition to his litigation practice, he also represented high-profile political figures facing legal difficulties. During the Presidential campaign of Walter Mondale, he represented Vice Presidential Candidate Geraldine Ferraro and her husband, when they faced accusations of financial misconduct. He also represented Presidential Carter’s Chief of Staff Hamilton Jordan when he faced accusations of illegal drug use and President Carter’s brother Billy Carter regarding charges of influence peddling.

Mr. Pollak’s contributions to the legal profession are numerous. He has been a member of the Panel of Mediators for the U.S. Court of Appeals – D.C. Circuit since 1989, and Chair since 2016. He conducted his last mediation in late December of 2023. He served as President of the DC Bar as well as the DC Bar Foundation, and a Commissioner of the DC Access to Justice Commission. He chaired the DC Judicial Nominations Commission twice. He was Chair, President and member of the Board of Directors of the Historical Society of the District of Columbia Circuit, serving for over 30 years and leading the Society’s Oral History Program.

Mr. Pollak was as passionate, energetic, industrious, and accomplished in his private life as he was in public. He served many community organizations and also found the time to serve on family businesses, most notably on the Board and as Chairman of Draper and Kramer, a Chicago company that was started by his grandfather.

Mr. Pollak was born on the south side of Chicago, he grew up on the north side in Highland Park where he was an Eagle Scout. At Dartmouth College he wrote a paper entitled “What Are We Americans Doing

About Racial Discrimination” and was captain of the swim team. He served in the Navy throughout college and as an Officer of The Deck on several ships including the destroyer USS Borie in Korea during the Korean War. He was Managing Editor of the law review at Yale Law School after he was discharged from the Navy in 1953.

He asked Ruth Scheinfeld to marry him as his ship left for Korea. Ruth replied, “I’ll still be here when you get back, and I don’t want to spend my senior year at Sarah Lawrence College with a ring but no fiancé!” So he wrote long letters to her every day for a year. They were married in Chicago a week after she met his ship as it made port in Norfolk Virginia. They were married for 73 years.

Mr. Pollak was an avid outdoorsman and sportsman, getting away on weekends with Ruth to Rappahannock County, Virginia where he loved to pick wild berries and make jam. He loved to see the world and also to return, again and again, to the beaches of Kitty Hawk, North Carolina, the lakes of Northern Wisconsin, and the mountains of Alta, Utah. He loved to ski and play tennis and did so well into his 90s.

Mr. Pollak is survived by his wife Ruth, four children and their partners, eight grandchildren, and one great grandchild, with another on the way. He leaves an amazing legacy of service, justice, and love.

In lieu of flowers, remembrances to honor Stephen J. Pollak’s memory or express sympathy may be made by providing a tax-deductible donation to the Lawyers’ Committee for Civil Rights Under Law, Voting Rights Project, 1500 K Street, NW, Suite 900, Washington, DC 20005;

<https://www.lawyerscommittee.org/project/voting-rights-project/>;

<https://www.lawyerscommittee.org/more-ways-to-give/>