



STATEMENT OF THE U.S. COMMISSION ON CIVIL RIGHTS ON THE PASSING OF PROFESSOR DREW S. DAYS III

December 4, 2020

The United States Commission on Civil Rights mourns the passing of Professor Drew S. Days III, who among his many notable accomplishments was the first Black person to serve as the Assistant Attorney General for Civil Rights at the Department of Justice, and later served as the Solicitor General of the United States.

Mr. Days was born in Atlanta, Georgia in 1941, but spent much of his early youth in Tampa, Florida, where he went to a segregated school, rode segregated buses, ate at segregated lunch counters, and watched his mother's teaching career affected by racial discrimination. His father worked at an insurance firm founded by Mary McLeod Bethune, a Black woman who was by that time a noted educator, philanthropist, and civil rights activist. From an early age, he said, he was pointed in the direction of a career in civil rights.

After graduating *cum laude* from Hamilton College, he attended the Yale Law School, where he spent his second law school summer working for the noted civil rights lawyer C.B. King in Albany, Georgia. That experience focused Days on his career goal: to be a civil rights litigator. After graduation in 1966, he spent a year practicing law in Chicago, where he met Martin Luther King Jr. during fair housing negotiations, and then spent 2 years in the Peace Corps in Honduras before returning and joining the NAACP Legal Defense Fund (LDF) in 1969. For the next 8 years, he litigated on behalf of LDF, until he received a call in 1977 from President Jimmy Carter's designee for Attorney General, Judge Griffin Bell.

The Washington Post recounted how Mr. Days' initial conversation with Bell went.

"I would like to head the civil rights division," Mr. Days, who described the conversation in an [oral history](#) with the *Touro Law Review*, recalled telling him. "I don't know about having a Black person heading the civil rights division," Bell replied, the implication being that some African Americans might take offense at the appointment of a Black official to a job whose portfolio was perceived as limited to racial matters. "Judge Bell," Mr. Days responded, "no Black person has ever headed any division in the Justice Department, so I don't think that's a major problem."

Days spent the next 4 years at the Justice Department, and during that time was an aggressive civil rights officer for desegregation, fair housing, and police misconduct. His proudest achievement, he said, was working with Senators Kennedy and Hatch on the

Civil Rights for Institutionalized Persons Act of 1980. This law created a right of action for the Civil Rights Division of the Justice Department to investigate and to intervene directly on behalf of persons in mental institutions, jails, hospitals, and juvenile facilities. Extending this legacy, a recent report [Police Use of Force: An Examination of Modern Policing Practices](#) from the U.S. Commission on Civil Rights returned to these issues.

After the Justice Department, in 1981 he joined the faculty of the Yale Law School, where he remained for the next 35 years. In 1992, he became the Alfred M. Rankin Professor of Law at Yale. In 1993, he took a leave of absence that lasted 3 years, as he was named by President Clinton as the Solicitor General of the United States and became only the third Black man in our nation's history – after Thurgood Marshall and Wade McCree – to hold the post.

While Solicitor General, Drew Days argued 17 cases before the Supreme Court. During that time, his name was frequently mentioned as a potential Supreme Court nominee. But as his friend, colleague, and former Dean of the Yale Law School (and also former Solicitor General) Harold Hongju Koh said in an interview with the New York Times,

“Drew was committed to principle, not politics It would have been easy for him to do the politically expedient thing to get ahead, but that was not in his DNA.”

Mr. Days returned to Yale Law and continued to teach. He also served as a trustee of Hamilton College. Mr. Days led the Supreme Court and appellate group at the law firm of Morrison & Foerster from 1997 until his retirement in 2011. He retired from Yale in 2017, and lived out the rest of his days in the New Haven area.

Mr. Days is survived by his wife, Connecticut College graduate Ann Langdon-Days, whom he met when they were students mutually indulging their passion for singing Russian at the Yale Russian Chorus; their daughters, Dr. Alison L. Days and Elizabeth J. Days; two granddaughters; and his sister Jacquelyn D. Serwer.

Today, the United States Commission on Civil Rights honors meaningfully the dedication and the contributions of Professor Drew S. Days III to civil rights in our nation, as both a leader and role model. His career, his life, and his legacy are testaments to the power of his character, the passion of his commitment to civil rights, and his belief in the rule of law.

The U.S. Commission on Civil Rights, established by the Civil Rights Act of 1957, is the only independent, bipartisan agency charged with advising the President and Congress on civil rights and reporting annually on federal civil rights enforcement. Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: in our 7th decade, a continuing legacy of influence in civil rights. Follow us on [Twitter](#) and [Facebook](#).