

# NAACP NEWS

## Supreme Court limits voting rights

The U. S. Supreme Court limited the reach of the Voting Rights Act on March 8, ruling that there is no duty to draw voting districts that will elect black candidates in areas where blacks are less than a majority.

In a 5-4 decision, the court said officials need not consider race when drawing districts for state legislatures, county boards, city councils and school districts, so long as blacks do not make up a voting majority in a particular area.

Justice Anthony M. Kennedy, speaking for the court, said the law can “hasten the waning of racism in American politics” by making race less of a factor in drawing electoral districts.

The justices rejected a move to draw a “cross-over district” in North Carolina where an area that had a 39% black population elected a black representative to the state’s General Assembly.

State lawmakers believed the Voting Rights Act required them to draw districts that would give black candidates a realistic chance of winning.

But in the court’s opinion, the court said they had misread the law. It said the law applies “only when a geographically compact group of minority voters could form a majority in a single-member district,” Kennedy said.

The decision arose under the Voting Rights Act of 1965, the landmark law that made voting rights a reality for blacks in the south. Until passage of the act, states and counties had used schemes to bar blacks from registering and casting ballots.

But the portions of the act that deal with election districts have proven more confusing and controversial. In 1982, Congress revised the law to say states may not deprive minority voters of the opportunity to “elect representatives of their choice.”

Until today, there has been a dispute over how to read that requirement.

On the one hand, the court agreed that lawmakers may not divide up a solidly minority community and thereby deprive black or Latino voters of electing the “representative of their choice.”

At the same time, however, the law does not require officials to try to create a “cross-over district,” where a sizable minority population and some whites would likely elect a black candidate, the justices said.

In North Carolina, county officials had challenged the “cross-over district” in the southeastern part of the state because it combined voters from two counties. The North Carolina Supreme Court agreed with the challengers and said state law forbid breaking up counties.

In their appeal, North Carolina lawmakers said they were following the mandate of the Voting Rights Act.

The Supreme Court disagreed and affirmed the state court ruling. Chief Justice John G. Roberts Jr. And Justices Antonio Scalia, Clarence Thomas and Samuel A. Alito Jr. Joined Kennedy to form the majority.

In dissent, Justice David H. Souter said the ruling takes a step backward because it will discourage “minority-opportunity districts” in which blacks or Latinos can win with the support of whites.

Senate Judiciary Committee Chairman Patrick Leahy (D-Vt.) said the ruling “dealt a serious blow to the progress of the civil rights movement” by limiting the application of the Voting Rights Act.

On April 29, the Court will hear oral argument in a closely watched challenge to another part of the Voting Rights Act which requires Southern officials to obtain the permission of the Justice Department before making changes in their election rules. The court will also decide whether Congress exceeded its authority in 2006 by extending the restrictions for 25 years.

Each time the court has reviewed the law since it was first passed 44 years ago, it has agreed with Congress that the restrictions are warranted.

On March 17, the NAACP Legal Defense and Educational Fund, Inc. (LDEF), joined by the Mexican American Legal Defense and Education Fund (MALDEF), Texas RioGrande Legal Aid, and People for the American Way, filed a brief in Northwest Austin Municipal Utility District Number One v. Holder, urging the Supreme Court to reject a constitutional challenge to Section 5 of the Voting Rights Act of 1965.

Section 5, regarded by many as the heart of the Voting Rights Act, both blocks and deters discriminatory voting changes in a select number of jurisdictions around the country. Specifically, Section 5 requires jurisdictions with a history of racial discrimination in voting to submit new proposed voting changes to the Department of Justice or to the D.C. District Court for pre-approval. After careful review of an expansive record, Congress concluded that the Section 5 preclearance provision is still necessary to prevent minority citizens from being deprived of the right to fully participate in our democracy. Accordingly, in 2006, with overwhelming bipartisan support, Congress voted to reauthorize Section 5 and President Bush signed the reauthorization into law.

Days after the reauthorization, the Petitioner (a small Austin-based utility district) filed suit

challenging the Section 5 preclearance provision of the Act. The Petitioner sought to end its responsibility for having its voting changes reviewed (through what is termed a “bailout”) and, more importantly, to have this core provision declared unconstitutional. Last spring, the U.S. District Court for the District of Columbia unequivocally rejected the Petitioner’s claims that it was exempt from the preclearance provision, and concluded that Section 5 is constitutional.

#### NAACP VA STATE CONFERENCE NEWS

NAACP gives General Assembly an “F” for failing to deal with significant issues during the session that ended Feb 28. Salim Khalfani, Executive Director of Virginia State Conference NAACP, decried the legislature for rejecting bills to permit the early voting which is common on 32 states and criticized the General Assembly for rejecting strong legislation that would require private citizens selling weapons at gun shows to conduct background checks on buyers as licensed dealers must.

As for payday lenders and their sky-high interest rates, he lamented that Virginia continues to roll out the welcome mat. Mr. Khalfani recalled the hard work that went into passing a reform law last year to restrict such loans. But he noted that it took until Jan. 1 for the law to go into effect.

#### COMMITTEE REPORTS

LEGAL REDRESS: Chair S. Howard Woodson, III, Esq.

Assistance from the branch was requested in the following matters: man charged with assault on police officer and DUI; an inmate stating he was assaulted; a black Muslim refused Islamic diet while in detention center; child suspended at school; help with a complaint made by employee of Virginia Department of Health Professions; man contesting a failure to appear court cost;

### 3 Newsletter of Alexandria, VA Branch #7043

allege discrimination in mortgage foreclosure, etc.

**POLITICAL ACTION:** With just hours to go before the deadline, Alicia Hughes and Rich Williamson filed to run as Independents in the May 5 City Council election broadening the race for six Council seats. Hughes, who works at the U.S. Patent and Trade Office as a pharmaceutical and biotechnology patent examiner, is a federal worker and is barred from endorsing a political party under the Hatch Act.

Williamson is a senior project manager at the Pentagon specializing in business process engineering and system architecture.

May 5 ballot: Mayor Bill Euille will run unopposed. Incumbents - Rob Krupicka (D), Tim Lovain (D), Vice Mayor Del Pepper (D), Paul Smedberg (D) and Justin Wilson (D). Challengers: Phil Cefaratti (R), Kerry Donley (D), Frank Fannon (R), Alicia Hughes (I), and Rich Williamson (I)

May 5 School Board ballot: candidates for District A are Helen Morris, Mimi Carter, Bill Campbell, and incumbents Scott Newsham and Sheryl Gorsuch. Other candidates are Yvonne Folkers, Arthur Peabody, Ronnie Campbell and Charles Wilson...

Jeremy D. Mayer, Associate Professor, George Mason University School of Public Policy gave a briefing at the branch's general membership meeting on Mar 4. He summarized the 2008 presidential election and explained how his office checks to see the level of racism.

**EDUCATION:** Committee member Janice Howard, Esq. attended a school superintendent advisory committee meeting on African American student achievement.

**HEALTH:** Healthy men over 55 who are concerned enough about the risk of prostate cancer to undergo annual PSA screening should consider taking the drug finasteride daily to reduce their risk of developing the disease, said Dr. Barnett S. Kramer of the National Institutes of Health. The most likely initial candidates to take the drug would be men who are African American or who have a father or brother with the disease, factors which sharply increase risk,

### Spring 2009

said Dr. Jack Jacoub, a medial oncologist at Orange Coast Memorial Medical Center in Fountain Valley. Prostate cancer is the second-leading cause of cancer deaths among men, behind lung cancer, with 186,000 new cases diagnosed and 28,660 deaths each year. Finasteride is used in low doses under the brand name Propecia as an anti-balding drug and under higher doses under the name Proscar for shrinking enlarged prostate glands. The drug interferes with the production of male hormones, starving the tumors of fuel they need to grow. Another drug in the same family, called dutasteride, or Avodart, is thought to be even more potent and is undergoing clinical trials for prevention.

**ARMED SERVICES & VETERANS AFFAIRS:** Military Officers Association of America (MOAA's) Career Fair, April 28 at the Walter E. Washington Convention Center, Washington, D.C. open to all active and former servicemembers and their spouses and government employees. [www.moaa.org/careerfair](http://www.moaa.org/careerfair) If you are unable to attend, e-mail a copy of your resume to [careerfair@moaa.org](mailto:careerfair@moaa.org) with "career fair resume" in the subject line, so it can be included on a resume CD provided to employers.

**HOUSING:** The Obama Administration outlined key details of a \$75 billion housing rescue plan expected to help as many as 9 million homeowners rework mortgages into more affordable monthly payments. Among the details, borrowers who want to qualify for the loan modification plan will have to provide proof of financial need and payment ability, including an affidavit of financial hardship, their most recent tax return and two pay stubs. The program will apply to loans made on or before Jan. 1, 2009 and modifications will be allowed only once. Those with first mortgages of more than \$729,750 do not qualify. Homeowners with a solid payment history on mortgages held or owned by Freddie Mac and Fannie Mae will be eligible to refinance into more affordable terms. The rules say homeowners may be able to refinance even if they have less than 20% equity

## 4 Newsletter of Alexandria, VA Branch #7043

in their homes. An appraisal may be necessary. The program will end in 2010. Lenders and other loan services can begin making modifications.

LABOR AND INDUSTRY: The Northern Virginia Black Chamber of Commerce creates opportunities for business and entrepreneurs to build networks, obtain practical professional development, and gain the skills to strategically grow their companies. Address: P O Box 6265, Alexandria, VA 22306 703-879-2770/FAX 703-879-2443. [www.novabcc.org](http://www.novabcc.org)

### OBITUARY

James W. Cisco, passed away Mar 21 at the Alexandria Hospital. He was the husband of Madelene W. Cisco, father of Dr. Michele Cisco Titi, grandfather of O. Lysette and Bangon J. K. Titi. He mentored young people, served on city boards and commissions and was a supporter of many charities. He was a life member of the NAACP and served on its Executive Committee. Service was held at Alfred Street Baptist Church on Mar 27. Interment in Quantico National Cemetery on Apr 1.

### CALENDAR

May 5 - Election of City Council and School Board

Jun 9 - Primary election - Governor, Lt. Governor, Attorney General, Virginia House of Delegates, Commonwealth's Attorney, and Sheriff [if called by the political party committee]. Candidates for Governor are Democrats former Del. Brian J. Moran, D-Alexandria, Terry McAuliffe, former chairman of the Democratic National Committee, and Sen. R. Creigh Deeds, D-Bath, and Republican Virginia Attorney General Bob McDonnell

July 11-16, National Convention, Jacob K. Javits Convention Center, New York, NY. "We are One Hundred!" includes NAACP Centennial Gala

July 14-15, NAACP Diversity Job Fair, New Your City [www.psijob.com](http://www.psijob.com)

## Spring 2009

July 25, African American Heritage and Cultural Festival, City Hall Market Square. Membership and voter registration table set-up.

Oct 25 - Life Membership & Awards Banquet, Hilton Alexandria Mark Center. Speaker: Rev. Joseph Lowery, co-founder with Dr. Martin Luther King Jr. of Southern Christian Leadership Conference

ADULT MEETINGS: First Wednesdays, Executive Committee at 6:30 p.m. and Regular Membership Meeting at 7:30 p.m., Charles Houston Recreation Center, 901 Wythe Street, Alexandria, VA