



NAACP LEGAL NEWS

JUNE 2008: UPDATE

The work of the Office of General Counsel and the NAACP's civil rights advocacy litigation could not be realized without the support and dedication of countless NAACP members and volunteers. It is this support that enables the NAACP to continue to make the vision of the Niagara Movement a reality. This report is designed to give an update on our advocacy litigation and to keep members informed on the legal department's other activities.

Continuing Legal Education:

Legal redress chairs are welcome to attend the 24th Annual Continuing Legal Seminar at no charge. Those seeking CLE Credit must register and pay the requested fee. Significant emphasis will be placed on criminal justice issues on day two, including crack cocaine sentencing developments, attorney ethical obligations to criminal defendants, the school to prison pipeline and the death penalty. **Judge Nathaniel Jones**, former NAACP General Counsel and Chief Diversity and Inclusion Officer of Blank Rome, L.L.P. will serve as the keynote speaker for the Clarence M. Mitchell Memorial Lecture Luncheon. Please contact Mary Mason at (410) 580-5132 if you have any questions.

Law Fellow Program:

Applications for the 6th Annual Law Fellow Program closed on March 20, 2008. The following students were selected to participate:

Krystle I. Cadogan
The College of William & Mary
School of Law
Williamsburg, VA

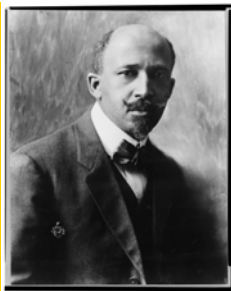
Terrell Nicholson
North Carolina Central University
School of Law
Durham, NC

David Koppelman
The Penn State Dickinson
School of Law
Carlisle, PA

Ashlei Taylor
Fordham University
New York, NY

Angela Alexander
Roger Williams University
School of Law
Bristol, RI

Cedric McGee
Syracuse University
School of Law
Syracuse, NY



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WE WOULD LIKE TO SAY “THANK YOU” TO KELLOGG’S FOR THEIR CONTINUING SUPPORT IN MAKING THIS POSSIBLE.

Civil Rights Advocacy Litigation:

The NAACP continues to press for social justice and equality in the courts. By working together, NAACP Branches, State Conferences and the National Office can make difference. Efforts to secure justice have been made by many NAACP Units and by the National Office over the past quarter. This report highlights only a few of those efforts.

Predatory Lending/Housing:

In April, the Association filed its Opposition to Defendants’ Joint Motion to Dismiss in ***NAACP v. Ameriquest Mortgage, et al.*** A hearing will be held July 14, 2008. Under the Initial Case Management Order the following activities are scheduled through July, 2008; July 14, 2008- Joint Hearing on Defendant’s motion to dismiss; July 7, 2008 status conference. One defendant has agreed to engage in mediation discussions with Justice Trotter of JAMS in July. Several units have agreed to hold press conferences protesting the industry’s failure to recognize that racial discrimination resulted in unfavorable loans to African American borrowers.

Press conferences are being organized to keep attention focused on the housing crisis. Several units and State Conferences have volunteered to participate on July 2, 2008, coinciding with the signing of the 1964 Civil Rights Act

Trial concluded in ***NAACP v. City Kyle, Texas*** on February 14, 2008. This case challenged discriminatory zoning practices and is being pursued in the name of the **Texas State Conference** and National Office in cooperation with the National Association of Homebuilders. Plaintiffs’ Trial Brief was filed in April.



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Employment Discrimination:

Discriminatory practices in employment, training and promotions are being pursued in **NAACP v. North Hudson Regional Fire and Rescue** (N.J. Firefighters case). Answers to interrogatories were completed and the depositions continue of North Hudson witnesses.

The **Indianapolis Branch** continues its fight against discrimination in employment on behalf of African American workers at Eli Lilly. Recently, another noose was found hanging at their workplace.

Voting/Redistricting:

The **Indianapolis Branch** filed an amicus brief with other civil rights groups in *Crawford v. Marion County Election Board*, contesting Indiana's restrictive voter identification law, which required voters to show a government-issued photo ID in order to vote. The Supreme Court held that the Indiana's requirement that a voter present a government-issued photo ID in order to vote is constitutional.

Many units have participated in GOTV and registration activities during the primary season. The **Philadelphia Branch**, fought to win an injunction to keep polling places open during the Pennsylvania primary after broken machines created voting delays.

The **Indiana State Conference** worked with the National Voter Fund and a coalition of attorneys from Our Vote, to monitor election irregularities in Indiana.

The **North Carolina State Conference** also engaged in election GOTV and monitoring. It filed a complaint with the state Attorney General's Office In May 2008 based on misleading phone calls to African American voters regarding voter registration deadlines.



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The **Dallas, Texas Branch** joined the Unity '08 Coalition to raise awareness regarding voting.

The **Michigan State Conference** entered into a coalition with Fair Elections to emphasize protections with State Elections Officials. Among the issues are problems with provisional voting, enforcement of voter ID requirements, and under allocation of voting equipment, supplies and poll workers.

The department is updating its Voter Information card (similar to the 411 on the 5-0) to inform voters of their rights on Election Day.

Northwest Austin Municipal Utility District Number One v. Mukasey (Texas State Conference Defendant/Intervenor) (5/30/08). This ruling upheld the constitutionality of the Section 5 preclearance requirement of the Voting Rights Act Reauthorization and Amendment of 2006.

The Lawyers' Committee for Civil Rights Under the Law and co-counsel from the firm of Wilmer Hale represented the defendant-intervenor Texas NAACP.

LULAC of Texas, et. al. v. State of Texas and Texas Democratic Party. The Texas State Conference was granted permission to intervene. The State Conference contended the plaintiff's proposal would negatively impact the interest of African-American voters in selecting convention delegates and would violate the Voting Rights Act. Anita Earls and Robert Notzen assisted the State Conference. The court agreed with the State Conference's position.

Mississippi State Democratic Party, et.al. v. Haley Barbour. The NAACP was the intervenor-appellant. The Mississippi State Democratic Party and Executive Committee sought a declaratory judgment declaring Mississippi's semi-closed primary unconstitutional. The district court declared the statute unconstitutional and issued an injunction requiring party registration and presentation of a photo identification. The U.S. Court of Appeals for the Fifth Circuit put all parties "out of their litigation misery" finding there was no justifiable case or controversy, reversing the District Court and vacating the injunction.



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Affirmative Action:

In **Oklahoma** a ballot initiative to place an anti-affirmative action measure on the ballot was defeated, based on irregularities in the petition drive that resulted in thousands of duplicate signatures.

The **Detroit Branch** and **Michigan State Conference** have challenged Proposal 2 in Michigan along with other civil rights organizations. In *Cantrell v. Granholm*, NAACP members have argued that Proposal 2 denies higher education to people of color. The legal department has asked to hold a workshop at the Annual Convention on anti-affirmative action ballot Initiatives to bring awareness to this issue.

Public Accommodations:

The Legal Department completed its fourth annual monitoring of biker events at Myrtle Beach, SC. Representatives from Branch and Field assisted. Potential litigation is being considered.

NAACP v. Friendly's Restaurant (Myrtle Beach litigation) case continues in discovery.

Myrtle Beach settlements: \$25,000 to NAACP

Education:

The National Office gave assistance to the following units on education matters: Jeff Pollock is representing the **Dayton Ohio Branch** pro-bono as co-counsel with the National Office on school district compliance with a post-desegregation settlement agreement; **Gage County, NC NAACP** (school discipline); **Toledo, Ohio Branch** (school facilities investigation); Waterloo Branch, Iowa (access to rigorous school curricula for African Americans); **Fairfield, CA Branch** (systemic responses to white students driving a truck on campus with a confederate flag, dragging a teddy bear shouting white power); **Texas State Conference** (



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response to students being subjected to the use of the “N” word worked in class readings); Charleston, **South Carolina** (Charter school resource issue.)

Criminal Justice:

The Interim General Counsel held telephone conference calls with State Conference Presidents and the FBI Community Relations Unit to establish working relationships between the NAACP and the FBI at the national and local level. Conference calls were had with the following **State Conference Presidents and/or Executive Directors** for the following states: **Arkansas, Colorado-Wyoming-Montana, Florida, Georgia, Idaho-Nevada-Utah, Illinois, Indiana, Iowa-Nebraska, Kansas, New England Area Conference, Louisiana, Maryland, Michigan, Missouri, New York, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, West Virginia, and Wisconsin.**

The **New York State Conference** has closely monitored the criminal trial of police officers responsible for the shooting death of Sean Bell. All officers were acquitted in the case. The State Conference has helped organize prayer vigils and other events, including letter-writing campaigns to target this injustice.

The **Ohio State Conference and Lima, Ohio Branch** have continued to demand justice in the shooting death of Terika Wilson. In addition, the **Ohio State Conference and the Sandusky, Ohio Branch** took immediate action to demand the swift and appropriate discipline for state patrol officers who dressed as members of the Ku Klux Klan.

The **Cleveland Branch** joined a coalition Citizens for a Safe and Fair Cleveland to protest police brutality.

The **Florida State Conference** continues to press the U.S. Department of Justice to investigate the boot camp beating death of Marvin Anderson.



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Centennial Activities:

A philatelic agreement has been signed with the U.S. Postal Service. Several stamps will be issued in 2009 honoring many NAACP founders and activists.

Intellectual Property:

Many founding documents for the NAACP and featured items from its collection will be featured in the Visitors Display to the Library of Congress.

In 2008 the Office of General Counsel will be taking extra steps to engage our local units in the struggle for civil rights. This includes continuing to enlarge and strengthen our relationships with legal redress chairs, to provide more frequent communication with our units and to engage *pro bono* attorneys nationwide to assist the NAACP. Taking these steps will continue to ensure that the NAACP remains the oldest, largest, most powerful, most effective and most feared civil rights organization in the world.