



# NAACP LEGAL NEWS

## MARCH 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. This report is designed to give an update on our advocacy litigation and to keep members informed on the legal department's other activities.

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.

### **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 December the Association amended its complaint, *NAACP v. Ameriquest Mortgage, et al.*, by adding additional defendant banks/mortgage companies and claims to the lawsuit. Additional activities supporting the litigation included the December 10<sup>th</sup> March on Wall Street with sister civil rights organizations and the **New York State Conference's** Town Hall Meeting in Jamaica, New York. Several units held press conferences in December to get the word out about our efforts. The **Georgia, Virginia and South Carolina State Conferences** and the **Detroit Branch** held press events. Upcoming events include an upcoming public relations campaign.



# NAACP LEGAL NEWS

Trial was held in *NAACP v. City Kyle, Texas* on February 11, 2008. This case challenges discriminatory zoning practices and is being pursued in the name of the **Texas State Conference** and National Office.

## **Employment Discrimination:**

Discriminatory practices in employment, training and promotions are being pursued in *NAACP v. North Hudson Regional Fire and Rescue*. (New York.) The **Indianapolis Branch** is fighting discrimination in employment on behalf of African American workers at Eli Lilly. Since the suit was filed, membership in the branch has surged. The legal department will continue to follow developments related to the hanging of another noose at the company's headquarters.

## **Voting/Redistricting:**

The **Florida State Conference** continues to fight against oppressive voter identification/registration requirements in *Florida State Conference of NAACP, et al, v. Kurt Browning*, This case challenges Florida's voter ID security law, which bars any Florida citizen from registering to vote without special proof validating the drivers' license or social security number on a registration. In December the Court granted Plaintiff's request for a Preliminary Injunction, which enjoins enforcement of the Florida law.

In *Dean v. Leake, et al*, the **North Carolina State Conference** has stepped up to stop plaintiffs who want to redraw senate and representative districts and, in so doing, dilute the voting strength of African Americans. On January 28<sup>th</sup> the court granted the NAACP's Motion for a Preliminary Injunction. This prevents the plaintiffs from redrawing senate and representative districts.



# NAACP LEGAL NEWS

## **Affirmative Action:**

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:**

Our efforts to bring equal treatment to Myrtle Beach, South Carolina continue with the support of the **South Carolina State Conference, Conway Branch and the Myrtle Beach Branches**. On October 30, 2007, the NAACP filed a public accommodations discrimination suit against Friendly's Restaurant in the U.S. District Court of South Carolina, Florence Division. This suit flows out of events that occurred during Black Bike Week in Myrtle Beach.

Other claims are pending.

## **Education:**

Support is being given to units on several education issues including the **Tuscaloosa, Alabama Branch** and its concerns with a student rezoning Plan; to the **Dayton Ohio Branch** on school district compliance with a post-desegregation settlement agreement; to the **South Carolina State Conference** to corroborate allegations of public teacher ratio racial discrimination in two schools; and to the **Hamilton Ohio Branch's** request for assistance in addressing a school district that does not have black teacher.



# NAACP LEGAL NEWS

## **Criminal Justice:**

The National Office, **Maryland State Conference, Baltimore Branch and Carroll County Branch** have spoken out about the suffocation death of juvenile Isaiah Simmons, who died while being restrained by guards at a juvenile correctional/rehabilitation facility. To date the courts have failed to hold the counselors and correctional officers legally responsible.

The **Virginia State Conference** continues to support and monitor the case of Darryl Atkins, who remains on death row despite having his death sentence commuted to life in prison. Recent revelations in the case have revealed that significant exculpatory evidence was withheld from Mr. Atkins' attorney. Mr. Atkins' original case went to the U.S. Supreme Court and established the principle that the mentally retarded should not be executed.

## **Criminal Justice (continued):**

The **Miami Dade County Branch** continues to fight unrestrained police brutality in the community. The **North Carolina State Conference** continues to advocate on behalf of James Johnson who was wrongfully convicted. The **Ohio State Conference** and **Lima Ohio Branch** held a Town Hall Meeting to protest the shooting death of Tarkia Wilson, who was shot while holding her infant child as police executed a search warrant at her boyfriend's home. The infant was also wounded. The **Emporia, Virginia Branch** is finalizing a Memorandum of Understanding between the Branch and the Emporium Police Department to promote better police/citizen relations. The **Connecticut State Conference** has vigilantly reported incidents of noose hangings and other hate crimes.

## **Environmental Justice:**

Efforts are being pursued to secure legal counsel to assist the **Elkhart, Indiana Branch's** battle against the world's largest mega shredder and the noise, health hazards and nuisance it has brought to the community.

## **Law Fellow Program:**



# NAACP LEGAL NEWS

The Kellogg Company has renewed its support for the NAACP Law Fellow Program for the sixth consecutive year. Applications are being accepted in the Legal Department.

## **Continuing Legal Education:**

Plans have been made for the 24th the Annual Continuing Legal Seminar. 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. Branch legal redress chairpersons are encouraged to attend.