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Now Is the Time to Recommit Ourselves to Progress

Wade Henderson

Forty-seven years ago, more than a quarter million people participated in the greatest peaceful demonstration our nation has ever seen. Speaking from the Lincoln Memorial, the Rev. Martin Luther King, Jr., delivered his historic “I Have a Dream” speech. If Dr. King could speak to us today, I believe that he would remind us of certain timeless truths:

- Freedom is never free;
- There are no permanent victories – only enduring ideals; and
- The struggle for civil and human rights continues from generation to generation.

Since the founding of our nation, growing numbers of people have believed that, as our Declaration of Independence pronounces, we are all endowed by our Creator “with certain unalienable rights.” To be sure, our founders spoke only of “all men,” many of them owned slaves, and few – if any – believed that their vision of freedom and liberty extended to the entire human family. But from generation to generation, this profound vision has been expanded in this country and embraced by other countries. By the middle of the last century, with the defeat of the nightmare of Nazism, it also included the promise of human rights.

The Leadership Conference on Civil and Human Rights and The Leadership Conference Education Fund trace their roots to that hopeful and historic moment 60 years ago. The United States and its allies had just won World War II, defeating the fascists and discrediting their racist doctrines. Three years after the Holocaust and under the leadership of Eleanor Roosevelt, the United Nations adopted the Universal Declaration of Human Rights. The victorious GIs and Rosie the Riveters – the “Greatest Generation” – resolved to build an America worthy of the heroes who had defended it and the ideals that had inspired them.

In 1948, Hubert Humphrey – soon to be a U.S. senator – sounded a clarion call at the Democratic National Convention when he declared the time had come for our nation to move out of “the shadow of states’ rights” and “to walk forthrightly into the bright sunshine of human rights.” But for many years, we in The Leadership Conference spoke of civil rights much more often than human rights. This was partly because the phrase “human rights” had been caught up in the rhetoric of both sides in the Cold War. Moreover, during the 1950s and 1960s, we devoted almost all of our time, energy, and resources to the great struggle for civil rights for African Americans. And so it would be for decades to come, as the civil rights coalition won great victories for equal opportunities in education, employment, voting, and housing.

But, always at our core, we were a movement for civil and human rights. Over the decades, we broadened our missions to include the rights of women, workers, Latinos, Asian Americans, people with disabilities, immigrants, gays and lesbians, seniors, and others who have been excluded from the fullness of American life. Nor did our concerns stop at our nation’s borders. During the depths of the Cold War, we called attention to how injustices at home embarrassed America in the court of world opinion. Meanwhile, the African-American struggle for civil rights inspired – and was inspired by – the struggles for independence in Africa and Asia.

This year – at long last – we recognized the full sweep and scope of our mission by expanding our name to The Leadership Conference on Civil and Human Rights. With this name change, we are reaffirming our identity as a coalition that believes, as Dr. King famously said, “Injustice anywhere is a threat to justice everywhere.” Our new name also recognizes that certain rights—such as the right to a quality education, to fair housing, and to

form unions, are outside the traditional frame of the U.S. Constitution.

In the 20 months since President Obama took office, we have continued to advance an agenda that seeks to address the tremendous challenges of these troubled times. In my column in last year's *Civil Rights Monitor*, I wrote about our responsibility as advocates to build on progress made during Obama's first year – progress that included the passage of laws that restored the ability of workers to challenge pay discrimination, provided health insurance coverage to more low-income children – including the children of immigrants – and expanded the definition of hate crimes to include acts of violence based on sexual orientation, gender, gender identity, and disability.

During the past year, we have built on that momentum. Despite the increasing hyperpartisan atmosphere in Washington, we enacted comprehensive health care reform, fulfilling a goal that is as old as our civil and human rights coalition and that had been sought by presidents from Truman through Clinton. We confirmed Elena Kagan, the fourth woman to serve as an associate justice on the Supreme Court and the third woman to sit on the current court. We enacted landmark financial reform that will begin to address the needs of middle- and low-income consumers and communities, including those who have been exploited by unscrupulous lenders or excluded by major banks. And we passed the Fair Sentencing Act to reduce the disparities in sentencing between crack and powder cocaine, marking the first reduction of a mandatory minimum sentence since 1970.

Our nation is also restoring its reputation throughout the world, including in Africa, Asia and Latin America, with leadership that offers the hand of friendship instead of the cold shoulder of indifference or empty words of reproach. This year, the U.S. for the first time submitted a report examining its record on human rights as part of the U.N.'s Universal Periodic Review process. The Leadership Conference strongly supports this good faith effort by the U.S. to engage on global human rights.

These are important victories and they deserve to be celebrated. But, truth be told, there is still much more to be done. So it is understandable that there are those, including some among ourselves and our allies, who are rightly disappointed by what they see as the slow pace of progress. Judicial appointments are one example – particularly in the obstructionism that has so far prevented Senate confirmation votes for highly qualified nominees, such as Goodwin Liu to the circuit court and Ed Chen to the district court. But every progressive president – from

Franklin D. Roosevelt to Harry Truman, John Kennedy, Lyndon Johnson, and Bill Clinton – has been beset by adversaries who said he was moving too fast and by allies who said he was not moving fast enough.

The answer, as Franklin D. Roosevelt once advised A. Philip Randolph, is for progressives to “make me do it,” to move further and faster towards the goals that we share.

For all of us who want to accelerate the pace of progress, now is not the time to become bitter. Now is time to get better – at informing and involving, motivating and mobilizing the coalition of conscience and concern in this country.

In spite of all the challenges that we face – indeed, because of all the challenges that we face – we are fortunate to live at the beginning of the 21st century. This is truly a mountain top moment when we can see, behind us, the legacy of those who came before us; and, in front of us, the future that we will leave to those who will come after us.

In his “I Have a Dream” speech, Dr. King declared, “We must make the pledge that we shall always march ahead. We cannot turn back... And we will not be satisfied until justice rolls down like waters and righteousness like a mighty stream.”

And so we must recommit ourselves to progress and say: We will not be satisfied until there is a good-paying job for every willing worker, with adequate health care and safe working conditions. We will not be satisfied until there is a quality education for every child, whatever his or her zip code. We will not be satisfied until the criminal justice system achieves the great goal of “liberty and justice for all.” And we will not be satisfied until millions of immigrant workers are brought out of the shadows and into the sunlight.

We will always march ahead. We will never turn back. Together, we will continue to promote and protect the civil and human rights of all persons in our nation. This is the mission of The Leadership Conference, and we will not rest until we've achieved our goal of building an America that's as good as its ideals.

Wade Henderson is the president and CEO of The Leadership Conference on Civil and Human Rights and The Leadership Conference Education Fund.



Remembering the Life and Work of Bill Taylor

Karen McGill Lawson

On June 28, the nation lost a legendary civil rights attorney and education advocate in William L. Taylor, who died from complications following a fall. And I lost a valued colleague, partner, and friend with whom I had the tremendous pleasure of working for 30 years.

Bill was senior editor of the *Civil Rights Monitor* since its inception in 1985. I was the primary author of the *Monitor* in its early years and I could not have had a better editor. As with every role he played within The Education Fund and The Leadership Conference, Bill's contribution was invaluable to the integrity and substance of the *Monitor*. From Bill, I learned so much about issues, political strategy, and wordsmithing. So it is only fitting that we dedicate this issue to the memory, the legacy, and the indomitable spirit of Bill Taylor.

I first met Bill Taylor in 1974 at a symposium on "Twenty Years after *Brown v. Board of Education*," sponsored by the Civil Rights Center at Notre Dame Law School (now The Civil and Human Rights Center). Father Ted Hesburgh, then-president of Notre Dame, had been a member of the U.S. Commission on Civil Rights (USCCR) since its inception in 1957, and served as its chair from 1969 until he was dismissed by President Nixon in 1973. Father Hesburgh founded the Center in 1973, hiring Howard Glickstein, who had been USCCR's general counsel when Bill was its staff director, and later succeeded Bill in that position.

I found myself so impressed and awed by the symposium speakers, which included Judge Constance Motley,

Kenneth Clark and, most especially, Bill Taylor. When Bill spoke, the genuineness of his commitment and passion for civil and human rights was palpable, as was his brilliance and strategic thinking. I remember thinking that with leaders like these, the country would continue to make progress on social justice. I would soon learn just how accurate my impression of Bill was.

Our paths crossed again when I moved to Washington, D.C., and took a job at the USCCR to work on school desegregation hearings in cities across the country and a major report to Congress on the national state of school desegregation. By then, Bill was teaching at Catholic University Law School and running its Center for National Policy Review, which monitored the implementation of the nation's civil rights laws. Bill's expertise covered almost all social justice issues, so his counsel was in high demand by administration officials and members of Congress, especially Sen. Ted Kennedy of Massachusetts. To watch Bill testify before Congress was truly a pleasure, as he used his wit and intellect, his considerable knowledge of the subject, and a well-placed quote from literature or a distinguished world figure to make his case and engage members. Congressional opponents were no match for his passion and intellect.

In 1985, with Bill's assistance, I became the first full-time employee of The Leadership Conference Education Fund. Bill was a member of the board and, in 1998 with the passing of Arnie Aronson, he became president of The Education Fund and then its board chair. In those roles, he was a consistent voice pushing for The Education Fund

to focus on issues of poverty and economic insecurity. His belief in The Education Fund's capacity to fulfill its mission of building public will for civil and human rights was absolute. And he became a treasured partner in the development of the *Civil Rights Monitor*.

Perhaps my favorite issue of the *Monitor* was a special edition in August 1986 on the USCCR, which included an analysis of the work of the commission over three decades that showed how the once venerable institution had truly lost its way. This issue of the *Monitor* also meant a great deal to Bill, as he had been staff director of the commission in the 1960s when it produced its groundbreaking studies on the denial of voting rights and educational opportunities in the South – studies that Congress relied upon in enacting the Civil Rights Act of 1964 and the Voting Rights Act of 1965. We both knew that this issue of the *Monitor* would be a pivotal one. Indeed, its impact is still felt in the work of The Education Fund and The Leadership Conference, particularly our work to reform the commission and expand its mandate.

At times, it is hard for me to believe that Bill is gone. I talked to him regularly about questions I was pondering, both little and big. I knew his phone number by heart. In recent years when we would meet for lunch – which he preferred with a Bloody Mary or glass of red wine – to discuss an upcoming board meeting, we would spend at least half the time talking about children and grandchildren and cultural events in D.C. and New York. When we talked, I knew he would give me his honest opinion and that he would keep my confidence. We did not always agree, however; and on more than one occasion, I asked him not to yell at people and suggested that the role of facilitator was to listen, not monopolize the discussion at meetings.

And to the end he was a friend, coming to my father's funeral and offering his encouragement in challenging times.

Throughout his life, Bill Taylor always focused on the needs of the most vulnerable, holding fast to a vision of an America that treats all people with dignity and respect and provides its children with a quality education. Our goal is to stay true to that vision in the years to come and continue to contribute to the nation's progress as Bill so ably did for more than five decades.

Karen McGill Lawson is executive vice president and COO of The Leadership Conference Education Fund and The Leadership Conference on Civil and Human Rights.

The Jobs Crisis: Unfinished Business

Corrine Yu and Melissa Boteach

As the effects of the recession that began in December 2007 continued to reverberate in communities across America throughout 2010, policymakers sought to make job creation their primary focus. But delivering an agenda to put America back to work proved more difficult than anticipated. The Congressional Budget Office credited the American Recovery and Reinvestment Act (ARRA), a \$787 billion stimulus package signed by President Obama in February 2009, with saving or creating more than two million jobs. But in an economy that is roughly 11 million jobs short of full unemployment, advocates have been calling for further action to spur job creation and provide immediate relief to the jobless and employers that are unable to maintain their workforces.

Recent polling shows that Americans are eager for Congress to address unemployment. While the ARRA was a historic response that averted disaster, Congress has made little headway since then in passing the type of comprehensive jobs legislation that advocates and economists believe is needed.

The Extent of the Jobs Crisis

Despite the relief provided by the ARRA, the joblessness numbers remain alarming. The Bureau of Labor Statistics reported that in July, nearly 46 percent of the unemployed had been out of work for more than six months.

According to congressional testimony given by Lawrence Mishel, president of the Economic Policy Institute (EPI), “This translates into 6.8 million long-term unemployed workers, by far the highest since the Great Depression.”

The recession has been even more severe among certain workers, where dramatic disparities by race, age, and single-parent households can be seen. While overall unemployment in July was at a very high 9.5 percent, the

jobless rate among African Americans was a staggering 15.4 percent, among Latinos 12.4 percent, and among youth 25.7 percent.

EPI’s Mishel estimates that roughly one-third of the workforce and approximately 40 percent of minority workers will be unemployed or underemployed at some point during 2010.

Federal Efforts to Create Jobs—Round One

With the announcement from Congress that jobs would be a top priority for 2010, advocates hoped for the enactment of bold legislation that would spur job creation, alleviate hardships for the most vulnerable, and foster economic growth.

In December 2009, the House of Representatives passed a \$154 billion jobs bill that included certain provisions designed to achieve these goals, most notably infrastructure investment, aid to states, and extensions of expiring unemployment and COBRA benefits. But the slim margin (217-212) foreshadowed the increasing momentum that Republicans and Blue Dog (fiscally conservative) Democrats would have in pushing a deficit reduction message, even though the bill would be supported by money redirected from unspent Wall Street bailout funds.

The focus on job creation then shifted to the Senate, where, on February 11, Sens. Max Baucus, D. Mont, and Charles Grassley, R. Iowa, the ranking members on the Finance Committee, announced the details of a bipartisan, \$85 billion jobs initiative. Yet just hours later, fearing Democratic defection over tax initiatives designed to attract Republican votes, Senate leadership decided instead to put forward a leaner bill. The stripped down \$15 billion measure excluded extensions of

unemployment insurance and COBRA health care subsidies, but included tax credits and incentives to small businesses. This smaller bill, The Hiring Incentives to Restore Employment (HIRE) Act, H.R. 2847, cleared Congress, and was signed into law by the president in March.

Federal Efforts to Create Jobs—Round Two

Though supportive of the scaled down version of the jobs bill, advocates continued to press legislators to think bigger, pushing them hard on two additional pieces of jobs legislation that have been under consideration this year.

The Local Jobs for America Act, H.R. 4812/S.3500, introduced in the House by Education and Labor Committee Chairman George Miller, D. Calif., with 160 co-sponsors, and in the Senate by Sens. Sherrod Brown, D. Ohio, Al Franken, D. Minn., and Mark Begich, D. Alaska, is a \$100 billion, two-year package of aid to state and local governments. The bill contains important investments that will keep police officers, firefighters, and teachers on the job, and provide on-the-job training slots to help local businesses create employment opportunities. All in all, the bill is estimated to create or save more than one million jobs, which will put money in the pockets of families, spurring demand in the economy, and creating additional private-sector jobs and tax revenues. More than 300 organizations from 43 states, including The Leadership Conference on Civil and Human Rights and the Half in Ten campaign, labor unions, faith institutions, civil rights and human needs organizations, service providers, and the U.S. Conference of Mayors, have expressed support for this bill.

A second jobs bill, The American Jobs and Closing Tax Loopholes Act, H.R. 4213 (commonly known as the “tax extenders” bill), would create an estimated one million jobs and provide relief to communities hit the hardest by the economic downturn. The bill would have extended unemployment benefits, spurring demand in the economy and saving hundreds of thousands of private-sector jobs; provided funding for more than 300,000 summer jobs; and extended the Temporary Assistance for Needy Families Emergency Fund program, which has created more than 240,000 jobs in partnership with the business community and is set to expire on September 30 of this year.

The original tax extenders bill introduced in the House had included two other important provisions that offered relief to communities struggling in the recession: subsidies to help newly unemployed workers afford

COBRA health benefits, and fiscal relief to states in the form of Medicaid to preserve critical services and jobs. However, these measures were stripped out of the bill at the last minute due to concerns about the federal budget deficit. Though a version of the bill without COBRA extensions or Medicaid assistance to the states passed the House on May 28, the Senate did not hold a vote on the legislation, choosing instead to adjourn for the Memorial Day recess.

Multiple cloture votes on the tax extenders bill failed in June when senators returned to Washington, preventing the measure from moving forward to an up-or-down vote. However, by paring back the measure so that it would only include an extension of unemployment insurance, Democrats were able to attract the two Republican senators from Maine, Olympia Snowe and Susan Collins. With those votes and the vote of the replacement for the late Senator Robert Byrd, D. W.Va., a standalone unemployment insurance measure was able to clear first the Senate, and then the House. It was signed into law by the president on July 22, thereby ending a 51-day limbo for millions of jobless workers.

Passage of the standalone unemployment insurance bill represented a modest victory for Democrats, who had been clashing for months with Republicans over a measure that typically garners bipartisan support. In February, Sen. Jim Bunning, R. Ky., undertook a one-man effort to block a \$10 billion temporary extension of eligibility for unemployment insurance until June. Seventy-eight senators, including 19 Republicans, ultimately voted to approve the extension, but not before the senator’s five-day filibuster had taken a serious toll, forcing the furlough of thousands of government employees and putting jobless benefits for millions at risk. The latest extension will last through November 30, 2010.

Federal Efforts to Create Jobs—Round Three

Congress considered another jobs-related measure in late summer, a \$26.1 billion bill that would provide \$10 billion to help states retain teachers and \$16.1 billion to assist states in meeting elevated demand for Medicaid services. Democrats said the bill would save approximately 140,000 teachers’ jobs and help states avoid slashing their budgets and potentially laying off first responders.

The cost of the bill was offset by cuts to other programs, but advocates were dismayed by the fact that nearly half of the bill’s cost was offset by cuts to the Supplemental Nutrition Assistance Program, the official name for the

food stamps program. Although the bill would not increase the federal deficit – and indeed was estimated to cut the deficit by almost \$1.4 billion over the next 10 years – Senate Democrats were only able to garner two Republican votes for the bill, which passed 61-39. The Senate vote occurred after the House had already left for the August recess, but House Speaker Nancy Pelosi brought lawmakers back to Washington for a one-day session to vote on the bill. The bill passed 247-161 with only two Republicans voting for it. President Obama signed the legislation on August 10.

The Long Term

Economists warn that even with the creation of two million jobs, the unemployment problem is far from being solved. According to EPI's Larry Mishel, "The Miller bill [i.e. The Local Jobs for America Act] would need to be three or four times bigger to begin to meet [the needs of the unemployed.] America needs a New Deal, with bold programs at the scale of our enormous problems." He estimates that even if Congress enacts the Miller bill and the full tax extenders bill, more than 10 million Americans will remain unemployed for the next two years, and probably longer.

With Republicans and Blue Dog Democrats increasingly skittish about a rising deficit, blocking even popular programs like the extensions of unemployment insurance, the prospects of comprehensive job creation legislation have become increasingly bleak. Advocates and many economists believe, however, that the nation cannot afford not to invest in job creation, arguing that short-term deficit spending is far preferable to years of sluggish job growth, very high unemployment, and lost tax revenue because of joblessness.

The economic downturn's reverberations will be felt in communities across America long after the unemployment numbers begin to subside. It remains to be seen whether Congress will succeed in enacting the type of large scale job-creation programs that many believe are the only solution to the nation's unemployment crisis.

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Sweeping Financial Reform Adopted, but Home Mortgage Foreclosures Remain Stubbornly High

Rob Randhava

In recent years, the *Civil Rights Monitor* has devoted considerable attention to the home mortgage foreclosure crisis and the near-collapse of Wall Street. However, because policymakers, slow to recognize the problems, were largely unable to respond to the staggering economic losses faced by millions of Americans, we have been unable to provide much uplifting news.

This year's report is somewhat less gloomy. In July, after a year-long legislative battle, President Obama signed into law the most sweeping reform of the financial services industry enacted since the Great Depression. The overhaul represents an unusual defeat for powerful Wall Street lobbyists, and it could help prevent big banks from taking down the nation's economy and avert a future crisis. On the other hand, the high home mortgage foreclosure rate continues to raise doubts about when the current crisis will end.

The Dodd-Frank Wall Street Reform and Consumer Protection Act

Capitalizing on the public anger over the 2008 bailout of Wall Street, anger that was heightened when many Wall Street executives subsequently rewarded themselves with extravagant bonuses, President Obama in June 2009 released an extensive plan for improving the regulation of consumer and investment banking. His proposal called for creating a new agency to oversee mortgages and other types of loans; consolidating existing bank regulators to form a new consumer-oriented regulator; allowing the government to break up large financial firms that threaten economic stability; and overseeing derivatives and other complex investment products that had escaped regulation in the past.

Civil rights and consumer advocates were quick to express their support for the Obama proposal. For many

years, advocates had urged Congress and regulatory agencies to improve the oversight of mortgages and other loans, pointing to discriminatory patterns and abusive loan terms in much of the subprime mortgage industry. A new consumer-oriented regulator would likely be more willing to take action to curb abusive lending than existing regulators, such as the Federal Reserve or the Office of Thrift Supervision, which had become far too cozy with the banks they regulate.

The 2008 collapse of the financial industry made it clear, however, that predatory mortgage lending was only a part of the problem. Americans for Financial Reform (AFR), a coalition of more than 200 organizations, including The Leadership Conference on Civil and Human Rights and many of its member groups, was formed to build support for the legislation. Despite some troubling changes to the Obama proposal – including a carveout for loans by auto dealers, and the exclusion of the Community Reinvestment Act – the House of Representatives passed a fairly strong version of the legislation in December 2009.

Senate action did not come quickly. Because the rules of the chamber make it easy for a minority of senators to halt the progress of a bill, and because partisan tensions were extremely high as a result of the debate over health care legislation, Banking Committee Chairman Chris Dodd, D. Conn., spent months trying to hammer out a bipartisan agreement with his committee colleagues. On the most contentious provisions, however, including the creation of a consumer finance regulator, negotiators were never able to reach a consensus, forcing Sen. Dodd to clear the bill from his committee on a party-line vote in late March. In April, the Senate Agriculture Committee, which also had jurisdiction over parts of the bill, greatly strengthened the rules governing the trading of derivatives. In May,

following several weeks of debate on amendments, the full Senate passed the bill after obtaining just enough votes to end a filibuster.

While the Senate bill was fairly similar to the one passed by the House, a key difference for civil rights advocates was that the consumer finance regulator would be housed within the Federal Reserve, instead of being created as a separate agency. While this might have appeared at first glance to be cause for concern given the Federal Reserve's abysmal track record in regulating abusive loans, a closer look revealed that the regulator would in some ways have even more independence than in the House-passed bill. Moreover, the Senate bill did not include the auto dealer carveout that was in the House bill.

Unfortunately, the auto dealer carveout was included in the final version of the bill that emerged in June from House-Senate negotiations and was sent to President Obama in mid-July. The strong derivatives reforms of the Senate bill were also weakened, and the bill would not eliminate the "too big to fail" banks that might have taken down the entire nation's economy were it not for the 2008 bailout.

Overall, however, The Leadership Conference is delighted with the new law. In addition to creating the Consumer Financial Protection Bureau (CFPB), the law requires mortgage lenders to verify the income of borrowers, ending so-called "no-doc" loans. It also prohibits "yield spread premiums," which are essentially kickbacks to mortgage brokers for putting borrowers into more expensive loans. These shady lending practices were among the key reasons many borrowers found themselves in foreclosure, unable to afford their loan payments. The law also provides up to \$1 billion in loans to help unemployed homeowners make their mortgage payments, reducing the number of homes in foreclosure.

In other areas of financial regulation, the reactions to the new law by civil rights and consumer advocates are largely positive. The law requires risky trading in areas such as derivatives to operate more in the open so that regulators can identify problems before they become widespread. It provides a process for winding down large financial institutions when they fail, making bailouts less likely in the future. And it strengthens the ability of the government to detect and prosecute investment fraud, as well as hold credit rating agencies accountable when they mislead investors with their ratings on financial products.

The strength of the law is surprising in light of the resources that the financial services industry had

marshaled opposing it. In June, two public interest groups – Public Citizen and the Center for Public Integrity – released a report showing that the industry had hired 1,500 lobbyists since the debate began in 2009. A separate report by Public Citizen found that when it came to the debate over derivatives reform, industry lobbyists outnumbered pro-reform lobbyists by an 11-to-1 margin. "For years, banking industry lobbyists were used to getting their way in Congress," said Nancy Zirkin, executive vice president of The Leadership Conference. "But not this time."

With the law on the books, the focus for civil rights advocates now turns to the long process of implementation. As is the case with most laws, regulatory agencies will be left to work out the details – many of which can make a significant difference in how well the consumer protections and other reforms in the law actually work in practice. Advocates expect to be busy with the rulemaking process in the next year.

Another key battle will be over who is selected to head the new Consumer Financial Protection Bureau. The Leadership Conference and countless other pro-consumer advocates have urged President Obama to nominate Elizabeth Warren, a Harvard Law School professor and highly-respected consumer advocate who played a major role in the crafting of the new law.

As the new law is implemented, Congress will turn its focus to financial services issues that were not addressed by the legislative debate over the past year. One key debate will be over the future of Fannie Mae and Freddie Mac, the two government-sponsored mortgage corporations that were placed into conservatorship in 2008 during the crash of the housing market. Another debate will focus on the Community Reinvestment Act (CRA). The Leadership Conference and other civil rights advocates have urged that the CRA be expanded, pointing to the fact that banks subject to the CRA-provided mortgages that were significantly more affordable and sustainable than those provided by non-CRA lenders.

Troubling Foreclosure Trends Continue

While civil rights and consumer advocates are optimistic that the CFPB will go a long way in preventing abusive lending practices in the future, the current housing crisis shows no signs of letting up. RealtyTrac, a company that tracks nationwide foreclosure activity, reported that foreclosure filings grew by four percent in July, exceeding 300,000 for the 17th month in a row. Well over one in five homeowners owe more on their mortgages than their homes are worth – which, along with the continued high unemployment rate, makes it likely that high defaults will

continue – especially because housing markets remain plagued by high inventory and depressed prices, resulting in little sales activity. The National Realtors Association reported that in July, home sales fell a record 27.2 percent from June, reaching the lowest level since May 1995.

Moreover, policymakers appear to have few, if any, options for dealing with the crisis. In early 2009, the Obama administration instituted the “Home Affordable Modification Program” (HAMP) initiative, which provides \$75 billion in incentives for lenders to reduce the monthly payments of struggling homeowners. But the results to date have been sorely disappointing. For various reasons, the majority of applicants have not received permanent loan modifications, and many who have may not find them helpful enough in the long run.

The Obama administration recently announced a new initiative to provide \$3 billion in loans to unemployed homeowners. But as with HAMP, it is unclear how many people will find lasting relief under the new program. Meanwhile, the most robust proposal for reducing foreclosures – allowing troubled borrowers to reduce their mortgage payments in bankruptcy court – was filibustered in 2009 due to intense opposition by the financial industry, and it is unlikely to be revived. Given the poor shape of the economy overall, a growing number of economists fear that high foreclosure rates could persist for many months or even years to come.

Rob Randhava is senior counsel for The Leadership Conference on Civil and Human Rights and The Leadership Conference Education Fund and specializes in immigration and housing/finance issues.

Ensuring an Accurate 2010 Census

Terri Ann Lowenthal

The Leadership Conference Education Fund and thousands of like-minded national and community-based organizations have been consumed for much of 2010 with promoting full participation in the decennial census. As the nation's largest domestic mobilization, the census seeks to count all people living in the United States on Census Day (April 1, 2010). The implications of achieving this goal are unsurpassed in their importance: the population tally is used to allocate political representation, enforce civil rights laws, and distribute trillions of dollars through vital social and economic programs for the next 10 years.

The U.S. Census Bureau is a professional, nonpartisan, and committed agency, working mostly out of the public eye throughout each decade to research, test, plan, and prepare for the count. Despite substantial efforts to achieve a complete and fair count, however, the census historically has missed disproportionate numbers of African Americans, Latinos, Asian Americans, and American Indians, as well as lower income people (both urban and rural) and young children. After the disappointing results of the 1990 census showed the highest undercount gap between people of color and non-Hispanic Whites ever recorded, the Census Bureau established a Partnership Program for the 2000 census to engage national, state, and local stakeholders in reaching out to historically overlooked populations. The intent of the program was to have these "partners" serve as "trusted voices" in communities with high levels of mistrust, skepticism, and fear of government, all of which too often translate into avoidance of the census.

The Partnership Program was enhanced for the 2010 census, and The Education Fund was an early national census partner, launching a multi-year campaign to provide information, analysis, strategic guidance, and

resources to community groups serving hard-to-count populations. Key census operational benchmarks clearly demonstrate that census partners helped boost interest in the census significantly, enabling the Census Bureau to match the 2000 census mail-back rate of 72 percent during the count's first major operation, an achievement few thought likely in an economically depressed, partisan, and post-9/11 environment. During the second major phase of the 2010 enumeration, the Census Bureau visited 47 million homes that did not return a questionnaire by mail, finishing the operation on time and under budget.

Throughout the 2010 census, the Census Bureau was counting on the megaphone of national and community partners to convey and amplify a simple message: the census is important, safe, and easy; your community benefits if you are counted. Census managers – career civil servants, except for a handful of political appointees – were confident that enhancing the 2000 census partnership program—essentially, putting it on steroids—would help them overcome significant barriers to a complete count at a time of growing cultural and linguistic diversity, economic dislocation, anti-government sentiment, and an increasingly hostile environment for immigrants in some states. Three thousand Census Bureau partnership specialists befriended municipal officials and grassroots organizations, providing fact sheets and flyers, posters and promotional items, to help these champions of an accurate census serve as the Census Bureau's voice in their respective communities.

But community-based census advocates wanted to do more than carry the message and then stand back. They wanted to get into the operational trenches and procedural weeds, to explain the process to their constituents and neighbors, and to mobilize historically hard-to-count

communities to participate, using their "trusted voices" to explain, convince, cajole, and ultimately empower large numbers of people who otherwise might not be counted. To do that, they needed more information and a deeper understanding of the process than most partnership specialists were trained to provide.

In hindsight, it appears that the Partnership Program created expectations that put Census Bureau staff and local partners in different orbits. The Census Bureau favored one-way communication, an approach that

basically said: "This is what you can do for us." Community partners envisioned a far more inclusive and collaborative approach.

As the 2010 census got underway, frustration mounted for some partners. They had first-hand local knowledge that they believed could help the Census Bureau ensure inclusion of people most at risk of being missed. But the Census Bureau had a tightly scripted operational plan that, regional and local officials believed, left little room for unplanned maneuvers and outside reinforcement.



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Photo Captions

(1) Dr. Robert Groves, the director of the U.S. Census Bureau, speaks on behalf of the "Kids Count!" partnership. (2) A U.S. citizen of Native American descent participates in a Census awareness event in Phoenix, AZ. (3) Haitian students canvass businesses in their neighborhood with Census posters in Creole and English. (4) Volunteers help a New York resident fill out his census form on Census Day 2010. (5) A group of volunteers in Detroit prepare to go door-to-door in their community to tell their neighbors about the census



2010 Census Make Yourself Count Cities:



Atlanta, GA	Miami, FL
Chicago, IL	Milwaukee, WI
Detroit, MI	New York, NY
Fargo/Moorhead, ND and MN	Phoenix, AZ
Los Angeles, CA	San Francisco, CA
Gulf Coast, MS and LA	Seattle, WA
Houston, TX	

The Education Fund's collaboration with grassroots census advocates in Mississippi illustrates the dilemma clearly. A year before the census began, local leaders raised concerns about the failure of local census offices to hire field staff who lived in areas where verifying address lists – a cornerstone of an accurate count – would be difficult for workers unfamiliar with the terrain and population. Once major census operations got underway in the spring of 2010, widespread reports from people in low-income, rural, Black, and immigrant communities who had not received census forms heightened the concern. Community-based advocates seeking to conduct outreach to boost participation pleaded with local and regional census officials for more specific information on households targeted for personal enumeration visits. But it took a letter to Congress to alert the highest levels of the bureau to the enumeration difficulties along the Gulf Coast, resulting in a visit from Census Director Robert Groves and more direct input from the community on reaching neighborhoods that apparently were overlooked in earlier counting operations.

Dr. Groves, who had been on the job less than a year when the census started, appears to understand this gap in expectations and communication. He personally met with community advocates engaged in census promotion across the country, including in the Gulf Coast region and the Rio Grande Valley. In these and many other areas, the Census Bureau faces enormous challenges because of language barriers, transient populations, and widespread mistrust of government – especially of federal agencies whose well-meaning and experienced staff are nevertheless far removed from unique conditions and

dynamics in America's diverse communities – among people struggling mightily to overcome poverty and unequal access to resources.

Given these challenges, many believe the Census Bureau would benefit in the future from more meaningful discussions with local civic leaders about specific barriers to census participation and how best to overcome those barriers, especially in areas where the bureau has previously used alternative methods to traditional mail delivery for gathering information from households and transient populations. For example, advocates in the Rio Grande Valley knew that many migrant workers left their communities for the spring planting season in early April, when counting operations were just getting started in neighborhoods known as Colonias. This unique local knowledge might have brought about a change in plans for enumerating these areas.

With field work for the 2010 census completed, advocates believe Congress should move quickly to review "lessons learned" regarding the role of partners and how the Census Bureau can bring community groups into the planning and development process more effectively for the next census.

For example, in order to ensure that regional and local organizations are well informed about census research, planning, and operations, the Census Bureau could partner with foundations in holding briefings for partners throughout the decade. This approach could bring public and private resources to bear in support of an important – and constitutionally required – national mission, which could ease the potential for misunderstanding and help ensure constructive collaboration during census implementation.

Advocates also believe that Congress and the Census Bureau should consider a role for community representatives in reviewing the preliminary address lists before the census, a task reserved under current law only for state and local officials.

What is clear is that these and other challenges will require thoughtful and careful solutions that are best discussed in the less harried early years of the census planning process, instead of in the heat of the battle as the next enumeration approaches and the battle plan for the 2020 census is drawn.

Terri Ann Lowenthal is an independent legislative and policy consultant specializing in the census and federal statistics. She is a consultant to The Leadership Conference's 2010 Census public education campaign.

From 100:1 to 18:1 - The Bittersweet Accomplishment of Reducing Criminal Penalties for Crack Cocaine Possession

Commentary by Laura W. Murphy

On July 28, 2010, the U.S. House of Representatives passed, and on August 3, President Obama signed into law, the Fair Sentencing Act (S.1789). This long overdue bill will help to reform one of the most egregious aspects of our nation's criminal justice system — the staggering 100-to-1 sentencing disparity between crack cocaine and powder cocaine offenses. It is a minor miracle that we have arrived at this moment, which has taken years of advocacy to accomplish.

In 1991, the U.S. Sentencing Commission presented research to Congress showing that the sentencing disparity and mandatory minimum disproportionately affects minorities. In 1993, Nkechi Taifa and I, through the ACLU Washington Legislative Office, convened the first national conference on the crack/powder disparity issue. This conference of scientists, defense attorneys, affected families, criminologists, members of Congress, and civil rights groups persuaded key leaders that the devastating impact of the disparity had resulted in a civil rights, civil liberties, and human rights crisis that greatly contributed to record-setting rates of incarceration in the United States. In 1995, 1997, and 2002, the Sentencing Commission reports consistently recommended a revision of the crack quantity thresholds and a removal of the disparity.

Shortly after Barack Obama became president in 2009, the Department of Justice, for the first time in its history, endorsed fully and completely eliminating the crack/powder sentencing disparity. Now, Congress has finally addressed the problem by passing the Fair Sentencing Act, a significant step in the fight against overincarceration and mandatory minimums. With Washington being Washington, however, nothing ever

plays out as logic (and fundamental fairness) would seem to dictate, which is where my current bittersweet feelings come into play.

The Fair Sentencing Act, without question, is an important step in correcting one of the single worst aspects of the criminal justice system; however, it does not go as far as it should have gone. While the legislation will result in a reduction of the disparity — the first time since the Nixon administration that the Senate has voted to repeal a mandatory minimum sentence — it leaves an unjustifiable 18-to-1 disparity between crack and powder cocaine sentencing in place.

To give some history about these sentencing policies, it is necessary to go back some 23 years. In 1987, public hysteria over the effects of crack cocaine and its use in inner cities was at a high, due in part to the sudden death of rising basketball star Len Bias (who died from an overdose of alcohol and powder cocaine, not crack). At the time, crack cocaine was seen as more addictive, more affordable, and more deadly than powder cocaine. Based on these myths that have since been entirely debunked, Congress hastily passed, and President Reagan signed into law, legislation that established the infamously harsh 100-to-1 crack/powder sentencing disparity. The disparity unjustly gives the same mandatory minimum of five years imprisonment whether a person is convicted of having five grams of crack or 500 grams of powder cocaine, even though the two are fundamentally the same drug.

Fast forward to the present, and we see that the disparity has resulted in gross racial inequality in the prison system and contributed to skyrocketing incarceration rates of low-level, nonviolent drug offenders — all the while

diverting precious resources away from effective measures of reducing drug-related crimes, such as prevention and treatment.

While the law was intended to focus on major traffickers, the data that have been collected throughout the 23 years since its enactment shows otherwise. Most defendants were only involved in the lower levels of drug activity, and more than half of crack cocaine offenses did not involve any sort of weapon. Therefore, a nonviolent crack law violation could warrant the same amount of jail time (roughly 60 months) as a violent offense.

Because crack cocaine is perceived to be used in the inner city by African Americans, while powder cocaine is generally seen to be used in more affluent White neighborhoods, the focus on crack cocaine over powder cocaine has drastically affected the number of African Americans being incarcerated for drug offenses. And the high incarceration rate of African Americans for crack cocaine offenses has in turn contributed significantly to the high incarceration rate for African Americans generally. Thus, since 1986, African-American female incarceration rates have increased by 800 percent, in comparison to 400 percent for all women. In 2000, more African-American men were in prison than were enrolled in higher education. Congress was consistently presented with these statistics, yet it took more than 20 years for it to attempt to rectify the discriminatory law.

It is important to note that the 18-to-1 disparity in the Fair Sentencing Act of 2010 is not based at all on a scientific showing of differences between crack and powder cocaine, but instead reflects a compromise reached to secure broad-based support from members of both political parties. Although there was bipartisan acknowledgement of the adverse and racially unjust effects of the disparity, some members of Congress feared that if they voted to completely eliminate the disparity, they would look as if they were “soft on crime;” while others, ignoring scientific evidence, incorrectly believed that crack is different enough from powder cocaine to merit harsher penalties. This painful compromise helped to ensure that members of Congress would not have to cast a politically difficult vote in a highly contentious election year.

As a nonpartisan organization committed to a set of fundamental principles rooted in democracy, equality, liberty and justice, the ACLU approaches this issue from a different vantage point. We see a glaring injustice that is wholly unsupported by the facts and that has been crying

out for reform for years. A reduction of a socially stratifying, statistically unfounded policy still leaves in place a policy that is actively promoting inequality and discrimination. We, as an organization, have remained steadfast in our commitment to completely eliminate the disparity. It has always been the only just thing to do.

Now that Congress has passed a reform bill that falls short of our ideal, we must confront the reality that it will nonetheless make important improvements in the lives of many people who would have otherwise been locked away for years, or decades, on end. Instead of being thrown into a federal prison and coming out five years later with no favorable prospects to rebuild their lives, now people convicted of simple possession of crack cocaine have the possibility of being sentenced to probation with rehabilitation and treatment. The passage of this historic act did not achieve sentencing equalization but it shifts momentum away from overincarceration to a more reasonable sentencing policy — indeed, a bittersweet measure for justice.

Laura W. Murphy is the director of the ACLU's Washington Legislative Office.

A New U.S. Supreme Court Justice Is Confirmed While Wholesale Obstruction Blocks Qualified Nominees to the Lower Federal Courts

Vincent Eng and Emily Chatterjee

For the second year in a row, the Senate confirmed a history-making nominee to the U.S. Supreme Court, but the effort to fill critical lower court vacancies has been met with unprecedented resistance from the Senate's Republican minority. As of early September, more than 100 seats remained unfilled with additional vacancies expected in the coming months. Nearly half of the vacancies have been declared "judicial emergencies" by the U.S. Judicial Conference, raising alarm about overworked judges and limited access to the courts. With this session of Congress nearing an end, civil and human rights advocates fear that a vital window of opportunity to increase court diversity and fill long vacant seats may be closing.

On May 9, President Obama nominated Solicitor General Elena Kagan to succeed Associate Justice John Paul Stevens, who had announced that he would retire at the end of the Court's term in July. Kagan, a graduate of Princeton University and Harvard Law School, had clerked for D.C. Circuit Court Judge Abner Mikva and Supreme Court Justice Thurgood Marshall, served as a legal and policy aide to President Clinton, and was the first woman to be dean of Harvard Law School. In 2009, the Senate confirmed Kagan to be the first woman to serve as Solicitor General, the government's top lawyer, often referred to as the "Tenth Justice." Despite her qualifications, the far right sought to portray Kagan as a radical legal activist who would put her own political views above the rule of law.

Kagan displayed wisdom, intelligence and humor in responding to questions during her confirmation hearing, and many observers believe that her testimony may help reframe the ongoing debate about the proper role of a judge. Asked to comment about Chief Justice Roberts'

statement during his confirmation hearing that judges are akin to umpires calling balls and strikes, Kagan said that while this is true to a point, the job is not so robotic. Judges should be neutral and fair, she said, but there are cases in which the law does not provide clear-cut answers and judges must "exercise judgment" and "a kind of wisdom" in order to reach the best decision. Kagan also stressed that "the obligation of courts is to provide that level playing field, to make sure that every single person gets the opportunity to come before the court and gets the opportunity to make his best case and gets a fair shake."

Ultimately, the Judiciary Committee voted 13-6 to recommend Kagan's confirmation, and the full Senate confirmed her by a vote of 63-37, with five Republicans voting for her and one Democrat – Sen. Ben Nelson of Nebraska – voting against her. When the Supreme Court begins its new term in October, Kagan will be only the fourth woman to serve on the Court, and with Associate Justices Ruth Bader Ginsburg and Sonia Sotomayor, there will be three sitting female justices for the first time in history.

While the president's lower court nominations to the federal courts of appeal and district courts have received much less public attention, the road to confirmation for these nominees has proven to be a much more difficult and protracted journey.

The Republican Party, with just 41 senators, has used filibusters (which require 60 votes and 30 hours of debate to break), "secret holds," and other obstructionist tactics to prevent dozens of well-qualified and highly regarded nominees from having confirmation votes on the Senate floor. Several nominees have been in limbo for six months or longer even after receiving favorable votes in

the Senate Judiciary Committee and, in many cases, the backing of Republican senators in their home states.

Republicans contend that Democrats are to blame for the partisan feuding over judicial nominations, citing the fact that they denied confirmation votes to certain of President George W. Bush's more conservative nominees, such as Miguel Estrada. But Democrats and some independent observers believe the obstructionism has escalated to a new level, with the partisan wars over judicial nominations extending for the first time to district court nominations.

By the start of its August 2010 recess, the Senate had confirmed just 40 of Obama's 87 lower court nominees. That is far fewer nominees than were confirmed at the same point in the first terms of the last three presidents – George W. Bush (72), William J. Clinton (83) and George H.W. Bush (67). Both Bush administrations achieved their confirmation tallies with the other party in control of the Senate. According to Geoffrey R. Stone, Edward H. Levi Distinguished Service Professor at the University of Chicago Law School, Obama's confirmation rate for the lower courts – 42 percent – is the lowest in history.

The failure of the Senate to confirm judicial nominees is contributing to a growing vacancy crisis on the federal courts. As this publication went to press, more than 100 of the 876 lower court judgeships – nearly one in eight – were vacant. In addition, another 16 judges had announced plans to leave the bench in the near future. The U.S. Judicial Conference declared 48 of the vacancies to be “judicial emergencies” due primarily to excessive workloads.



Goodwin Liu is one of many extremely qualified federal court nominees who remain stalled by obstructionism in the Senate.

“Quite simply,” said Carolyn B. Lamm, President of the American Bar Association, “our judiciary can't function at an adequate pace to both administer justice and provide citizens access to justice without sufficient judges.” Commenting on the vacancy crisis in August, Justice Anthony Kennedy stated that “the excellence of the federal judiciary is at risk... If judicial excellence is cast upon a sea of congressional indifference, the rule of law is imperiled.”

As our country becomes more diverse, civil and human rights advocates believe that diversity on the bench is needed to ensure confidence in the U.S. justice system. For instance, even though Asian Pacific Americans make up approximately 5 percent of the U.S. population, they account for only one percent of the federal judiciary with just 11 of the 857 judgeships. But Senate Republicans' obstructionism has undermined efforts to bring long overdue diversity to the federal courts. At least 36 of President Obama's 87 lower court nominees have been Asian Pacific American, African-American or Latino, and 37 have been female, but many of them have been denied a confirmation vote. As Senate Judiciary Chairman Patrick Leahy, D. Vt., has stated, “Diversity on the bench helps ensure that the words ‘equal justice under law,’ inscribed in Vermont marble over the entrance to the Supreme Court, are a reality and that justice is rendered fairly and impartially.”

The civil and human rights community is particularly concerned that the obstructionist tactics will prevent the Senate from voting on the nomination of Professor Goodwin Liu, who was nominated in February for a seat on the U.S. Court of Appeals for the Ninth Circuit that has been declared a “judicial emergency.” If confirmed, Liu would be the only Asian Pacific American appellate judge serving west of the Mississippi. Liu is the son of Taiwanese immigrants who came to the United States to provide medical care to the underserved in the South. Liu emulated his parents' work ethic, earning degrees from Stanford University, Oxford University, and Yale Law School. He is also a Rhodes Scholar who has clerked for Justice Ruth Bader Ginsburg and D.C. Circuit Court Judge David Tatel. An award-winning faculty member and former associate dean at the University of California, Berkeley School of Law, Liu is a nationally recognized expert on education policy, civil rights, and the Constitution. He has also spent time in public service and the private sector, providing him with a well-rounded perspective on the practice of law.

The New York Times described Liu as an “an exceptional nominee.” Several well-known conservatives, including

Richard W. Painter, chief White House ethics lawyer under former President George W. Bush, and Clint Bolick, director of constitutional litigation at the Goldwater Institute, have also sung Liu's praises. Former Whitewater special prosecutor Kenneth Starr said Liu "will serve on the court of appeals not only fairly and competently, but with great distinction." But despite bipartisan support, exemplary qualifications and a favorable vote in the Senate Judiciary Committee, Liu has yet to have a confirmation vote.

Many other exceptionally well-qualified appellate court nominees also remain in protracted limbo, including Albert Diaz, who was nominated in November 2009 for a seat on the U.S. Court of Appeals for the Fourth Circuit and cleared the Judiciary Committee in January on a 19-0 vote; and Raymond Lohier, who was nominated in March to fill the former seat of Justice Sotomayor on the U.S. Court of Appeals for the Second Circuit and advanced through the Judiciary Committee in May on a unanimous voice vote. Both seats have been declared "judicial emergencies."

Long delays also have become the norm for dozens of district court nominations, which prior to this Senate attracted little attention and were routinely confirmed. A prime example is Edward M. Chen, nominated in August 2009 to fill a seat on the District Court for the Northern District of California that has been vacant for more than two years and is classified as a "judicial emergency." A highly regarded federal magistrate judge, Chen would be the first Asian Pacific American to serve as an Article III judge in San Francisco. Judge Chen has earned the ABA's highest rating of "well-qualified" and has broad support, including from a former Republican prosecutor who appeared in his courtroom and from a former counsel to President George W. Bush who helped select nominees for the Ninth Circuit. But despite his strong qualifications and a favorable vote from the Senate Judiciary Committee, the full Senate has yet to vote on Chen's confirmation.

By and large, the opposition to Obama's judicial nominations has little or nothing to do with the qualifications of the nominees themselves. In almost every instance, nominees whose confirmation votes have been delayed for extended periods ultimately have been confirmed overwhelmingly or even unanimously. For example, in December, the Senate Judiciary Committee voted 18-1 to recommend confirmation of James Wynn, a highly regarded North Carolina state judge, to a seat on the Court of Appeals for the Fourth Circuit. Yet Wynn waited another 189 days before being confirmed by a voice vote on August 5th. Likewise, Denny Chin, another

highly regarded district court judge from New York, passed out of the Judiciary Committee on a voice vote but waited 133 days before the Senate confirmed him by a vote of 98-0. Jane Stranch recently was confirmed to a seat on the U.S. Court of Appeals for the Sixth Circuit by a vote of 71-21 after waiting more than a year since she was first nominated in August 2009.

The civil and human rights community is dedicated to seeing that every well-qualified judicial nominee receives a timely up-or-down Senate confirmation vote. But the potential for an obstructionist minority to gain seats in this fall's midterm elections may make it even more difficult to bring much needed diversity to the courts and deal with the worsening crisis of judicial vacancies. To be sure, the attention paid to Supreme Court nominations is certainly warranted, but the Senate also needs to pay attention to the lower federal courts. The Senate, whatever its composition, has an obligation to the American public to fulfill its duty to provide "advice and consent" in a timely manner so that all persons have access to a robust and well-functioning judicial system.

Vincent A. Eng is a principal at The Raben Group and former deputy director of the Asian American Justice Center. Emily Chatterjee is the policy director at the National Asian Pacific American Bar Association.

2010 Hubert H. Humphrey Civil Rights Award Dinner

The annual Hubert H. Humphrey Civil and Human Rights Award Dinner was held on May 12, 2010, at the Hilton Washington in Washington, D.C.

The Hubert H. Humphrey Civil and Human Rights Award is presented to those who best exemplify “selfless and devoted service in the cause of equality.” The award was established by The Leadership Conference in 1977 to honor Hubert Humphrey and those who emulate his dedication to and passion for civil rights.

This year’s dinner was particularly special, as it marked the 60th anniversary of The Leadership Conference and its decision to honor the legacy and the foresight of its founders by fully incorporating the term “human rights” into its name so as to recognize the central importance of both concepts to the coalition’s work.

Four impressive individuals were honored in 2010: Sen. Patrick Leahy, Karen Narasaki, Gara LaMarche, and Harry Belafonte. The Honorable John Lewis, D. Ga., civil rights leader Maria Echaveste, AARP CEO Barry Rand, and The Honorable John Conyers Jr., D. Mich., introduced the honorees.

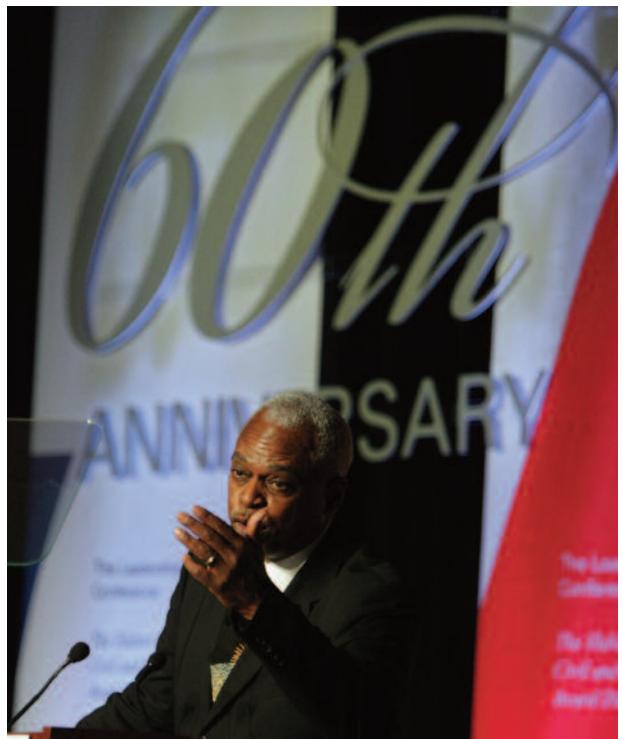


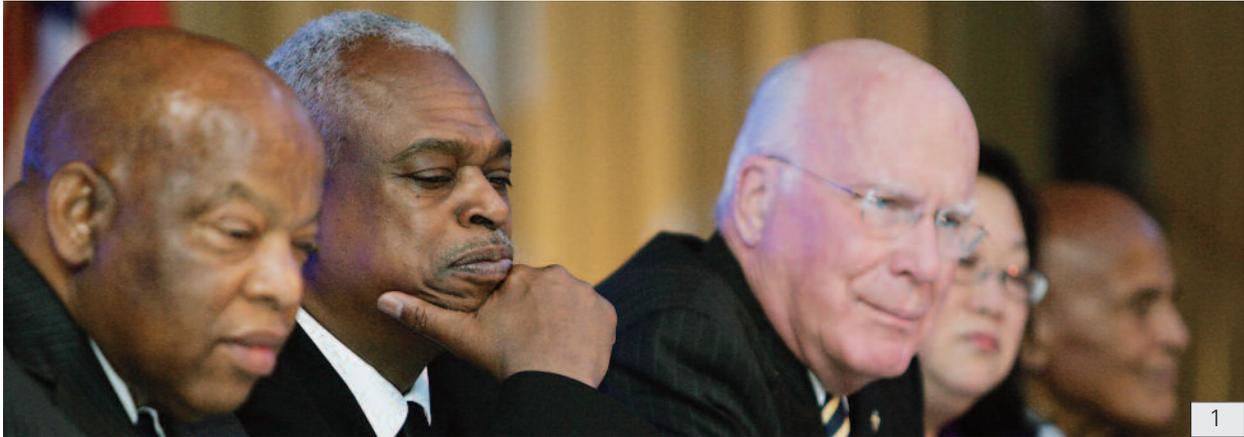
From left to right: AARP CEO Barry Rand, Emcee Maria Echeveste, Leadership Conference Executive Vice President Nancy Zirkin, Leadership Conference Chief Operating Officer Karen McGill Lawson, Humphrey Award recipient Senator Patrick Leahy, D.Vt., and Marcelle Pomerleau, Diane Narasaki and Humphrey Award recipient Karen Narasaki, Humphrey Award recipient Gara LaMarche and Lisa Muller, Humphrey

Award recipient Harry Belafonte, Rep. John L. Lewis, D. Ga., Hubert Humphrey’s niece Anne Tristani and nephew Jordan Humphrey, United Parcel Service’s Ken Sternad, and Leadership Conference President and CEO Wade Henderson

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Photo Captions: (1) Hubert Humphrey Award recipient Gara LaMarche, CEO of The Atlantic Philanthropies, accepts his award. (2) Dinner attendees watch a pre-recorded message from the late Dr. Dorothy I. Height. (3) The Leadership Conference CEO Wade Henderson gives remarks from the podium. (4) Verizon's Kathy Brown, AARP's Barry Rand, Humphrey Award recipients Gara LaMarche, Sen. Patrick Leahy, Karen Narasaki, and Harry Belafonte look on as Paul Heflin sings the national anthem.





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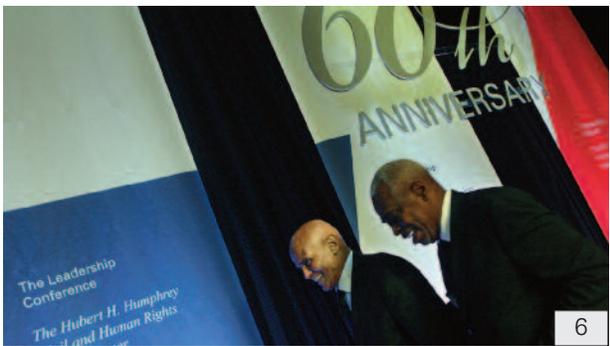
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(1) Rep. John L. Lewis, D. Ga., Leadership Conference CEO Wade Henderson, and awardees Senator Patrick Leahy, D. Vt., Asian American Justice Center President Karen Narasaki, and activist and entertainer Harry Belafonte. (2) Wade Henderson and former Service Employees International Union President Andy Stern. (3) AARP CEO Barry Rand, Humphrey Award recipient Gara LaMarche, and Leadership Conference CEO Wade

Henderson. (4) Dinner attendees watch as Harry Belafonte accepts his award. (5) Anne Howard Tristani, niece of Hubert H. Humphrey, and Rep. John Conyers, D. Mich., (6) Humphrey Award recipient Harry Belafonte shares a laugh with Leadership Conference CEO Wade Henderson. (7) Humphrey Award recipient Karen Narasaki, president and CEO of the Asian American Justice Center, accepts her award.

60 Years in the Life of The Leadership Conference

The United States has changed dramatically in the six decades since the founding of The Leadership Conference on Civil and Human Rights. From the passage of sweeping civil rights legislation in the 1960s through battles against retrogressive forces in the 1980s and 1990s; to the ascendance of the first viable female presidential candidate and the election of the first African-American president in 2008, the nation has made significant progress in its ongoing struggle to live up to the promise of “liberty and justice for all.”

The Leadership Conference, the nation’s premier civil and human rights coalition, has been there every step of the way, playing an important role in pushing America forward at key moments in history – and warning America when it is veering off course. We celebrate the legacy of The Leadership Conference and its continuing work to make an America that is as good as its ideals.



Civil Rights Act of 1957

1950s

More than 4,200 civil rights leaders representing 58 national organizations converge on Washington for the National Emergency Civil Rights Mobilization, sparking the creation of the Leadership Conference on Civil Rights. Walter White of the NAACP served as chairman until 1955 and was replaced by Roy Wilkins of the NAACP.

Congress passes the Civil Rights Act of 1957, the first federal civil rights law since Reconstruction.

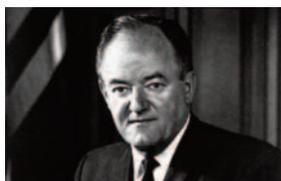


Roy Wilkins and
Arnold Aronson

1960s

The Leadership Conference Education Fund is founded (as the Civil Rights Leadership Conference Fund) in 1969. Arnold Aronson is chair of the board. Marvin Caplan, on loan from the AFL-CIO, is the first director of The Leadership Conference.

President John F. Kennedy issues Executive Order 10925, instructing federal contractors to take “affirmative action” to ensure that equal opportunity for all applicants. The Leadership Conference plays a key role in the passage of the Civil Rights Act, the Voting Rights Act, and the Fair Housing Act, establishing a robust framework of civil rights protections that transformed the nation.



Hubert H. Humphrey

1970s

The Leadership Conference establishes the Hubert H. Humphrey Civil Rights Award in 1974 and Dr. Benjamin Hooks, then-head of the NAACP, becomes chair of The Leadership Conference in 1979.

Congress passes Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975.



Civil Liberties Act of 1988

1980s

Ralph G. Neas becomes the first executive director of The Leadership Conference in 1981. Karen McGill Lawson becomes the deputy director of The Education Fund, its first full-time employee, in 1985.

The Senate rejects the nomination of Robert Bork to the Supreme Court in 1987 and Congress passes the Civil Rights Restoration Act, expands and strengthens the Fair Housing Act, and passes the Civil Liberties Act of 1988, which tendered the nation's apology to Japanese Americans interned during World War II.



Americans with
Disabilities Act

1990s

Civil rights icon Dorothy I. Height becomes chair of The Leadership Conference. Wade Henderson becomes executive director of The Leadership Conference and Karen McGill Lawson becomes executive director of The Education Fund, working together to expand the organization's lobbying, communications, field, and development capacity. Education Fund Chair Arnold Aronson dies and is succeeded by William L. Taylor.

Congress passes the Americans With Disabilities Act of 1990 and the Civil Rights Act of 1991. The Leadership Conference and its partners develops strategies around combating Ward Connerly's anti-affirmative action ballot initiatives.



Lilly Ledbetter Fair Pay Act

2000s

The U.S. elects Barack Obama, its first African-American president. The Leadership Conference helps coordinate successful campaigns to reauthorize the Voting Rights Act in 2006, and to pass the ADA Amendments Act of 2008, the Lilly Ledbetter Fair Pay Act, and the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, the first federal civil rights enforcement statute to explicitly protect LGBT Americans. The Senate confirms Sonia Sotomayor as the nation's first Hispanic-American Supreme Court justice and Eric Holder as the nation's first African-American U.S. attorney general. The Leadership Conference plays a critical role in defeating a Ward Connerly-sponsored anti-equal opportunity ballot initiative in Colorado. It was the first Connerly initiative voted down by voters.



Confirmation of
Sonia Sotomayor

In 2010, the leadership of The Leadership Conference and The Education Fund is consolidated under one president, following a successful strategic plan that resulted in new names that make a direct connection between civil and human rights, new brands, and a renewed commitment to successfully taking the movement into the 21st century.

Citizens United *Changed Everything*

Commentary by Doug Kendall

The Supreme Court's 5-4 ruling earlier this year in *Citizens United v. FEC* has profoundly changed the debate about the future of federal courts in this country, focusing a laser-like spotlight on rulings by the Roberts Court that sharply depart from our Constitution's text and history.

In *Citizens United*, the Supreme Court's conservative majority rewrote the Constitution to give corporations never mentioned in the Constitution – the same right to influence the electoral process as “We the People.” As Adam Liptak put it in his front-page story about the case in the *New York Times*: “Sweeping aside a century-old understanding and overruling two important precedents, a bitterly divided Supreme Court ... ruled that the government may not ban political spending by corporations in candidate elections.” The Court's majority held that longstanding restrictions on corporate campaign spending violate the First Amendment.

As overwhelmingly demonstrated by Justice John Paul Stevens' breathtakingly persuasive dissent – read aloud from the bench and joined by Justices Ruth Bader Ginsburg, Stephen Breyer, and Sonia Sotomayor – the majority's ruling in *Citizens United* is startlingly activist and plainly contrary to constitutional text and history. Two centuries ago, the Supreme Court under Chief Justice John Marshall first recognized that corporations are artificial creatures of the State, subject to government oversight to ensure they do not abuse the special privileges granted to them. Corporations cannot vote in elections, stand for election, or serve as elected officials, but in *Citizens United*, the Court ruled they can overwhelm the political process using profits generated by the special privileges granted to corporations alone. In a profoundly wrong interpretation of the First

Amendment, the Court granted corporations the right to drown out the voices of individual Americans in our nation's elections.

The Court's ruling is already beginning to transform our electoral politics. Huge corporations like Exxon – which generated profits of \$45 billion in 2008 – now have the power to reshape the dynamics of any election by pouring into a campaign even a fraction of a percentage point, millions of dollars, of their profits. And, under the law as it now stands, corporations can give unlimited sums of money to organizations to spend on political campaigning, allowing them to hide behind innocuous-sounding names like “Citizens for a Better Future.” A spate of new organizations has already formed to take advantage of the anticipated avalanche of corporate cash. Clearly, *Citizens United* is a very bad ruling for American democracy.

The only silver lining in the *Citizens United* ruling is that it has already had a profound impact on the conversation about the future of the Supreme Court and lower federal courts, as displayed most prominently in the debate over the confirmation of Elena Kagan. A series of polls have documented that Americans across the political spectrum are deeply disturbed by the idea that corporations will now be able to spend unlimited amounts of money to influence the outcome of American elections. President Obama, who appeared a little unfocused on the judicial branch in his first year in office, is now subject to criticism for being *too outspoken* in criticizing the Court's ruling in *Citizens United*. Most important, Senate Democrats used the Kagan confirmation hearings to crystallize an entirely new progressive message about the courts, combining a full-throated defense of Kagan's fidelity to the law, a stinging attack on the activism of the

Roberts Court, and a compelling progressive narrative about the text and history of the Constitution.

The lesson that progressives must learn from the *Citizens United* ruling is that the law itself was not the problem; the statutory and case law, and the Constitution itself, very much supported the opposite outcome. And while progressives should feel free to pursue creative ways in the wake of the decision to limit corporate efforts to influence electoral politics, including pushing hard for passage of the Disclose Act, which would at least increase the transparency of corporate electioneering, the Court's sweeping ruling on constitutional grounds cannot be completely fixed by legislation. The only ways to truly "fix" the Court's ruling in *Citizens United* are to change the Constitution to expressly permit restrictions on corporate campaign spending or fight a long-term battle over the future composition of the Supreme Court, eventually producing a ruling overturning the Court's profound error.

A progressive long-term strategy to put the Supreme Court back on track is particularly fitting, given that the Court's ruling is the result of a decades-long conservative plan to change the Court to serve the corporate interest. As explained in the Constitutional Accountability Center's report, "A Capitalist Joker: The Strange Origins, Disturbing Past and Uncertain Future of Corporate Personhood in American Law," the roots of the Court's decision in *Citizens United* go back at least as far as a 1971 memorandum written by Lewis Powell to the Chamber of Commerce before he became a member of the Supreme Court, urging the Chamber to focus on a "neglected opportunity in the courts," and noting that "the judiciary may be the most important instrument for social, economic and political change."

His memo contributed to the rise of the conservative legal movement, ushering in a 40-year period in which conservative legal activists have fought tooth and nail to move the federal judiciary sharply to the right. Justice Powell was nominated to the Supreme Court that same year, and in 1978, he wrote a 5-4 ruling in *First National Bank of Boston v. Bellotti*, an opinion that first introduced many of the ideas about the First Amendment seized upon by the *Citizens United* majority.

Progressives have seen the significant stakes in this battle before, most notably in the Court's ruling in *Bush v. Gore*. Like that ruling, *Citizens United* blows away any notion that conservative judges, who profess to be "originalists" and "umpires," are in fact faithful to our Constitution's text and history or bound by reasoned precedent.

Courts will end up deciding whether just about every part of the progressive agenda stands or falls. Progressives need to demand, louder than we are now, judges who will follow our Constitution's text and history and honor the Constitution's progressive promise for "We the People." The Court's ruling in *Citizens United* is a startling new reminder of just how much this fight matters.

Doug Kendall is founder and president of the Constitutional Accountability Center (CAC), a think tank, law firm and action center dedicated to fulfilling the progressive promise of our Constitution's text and history.

To read the Constitutional Accountability Center's report, "A Capitalist Joker: The Strange Origins, Disturbing Past and Uncertain Future of Corporate Personhood in American Law," please visit:
[http://www.theconstitution.org/upload/fck/file/File_storage/A Capitalist Joker\(1\).pdf](http://www.theconstitution.org/upload/fck/file/File_storage/A Capitalist Joker(1).pdf)

Without Congressional Action, States Chart Their Own Course on Immigration

Antoine Morris

Federal inaction on comprehensive immigration reform has led to a flurry of activity this year among state lawmakers eager to fill the void left by Congress. During the first half of 2010, 314 laws and resolutions were enacted, representing a 21 percent increase over the same period in 2009, according to the National Conference of State Legislatures. States tightened restrictions on hiring unauthorized workers, instituted stringent ID requirements to receive public benefits, and increased their participation in programs aimed at removing those living here illegally.

But no other state law has been as sweeping or as controversial as Arizona's "Support Our Law Enforcement and Safe Neighborhoods Act" (S.B. 1070), whose stated goal is to "discourage and deter" the presence of unauthorized immigrants in Arizona. S.B. 1070 turned mere civil infractions of federal immigration law, such as not carrying immigration registration papers, into state crimes. The law also requires police to inquire about the legal status of individuals if a "reasonable suspicion" exists during arrests or even traffic stops. Twenty-two clone bills were introduced in states around the country after passage of S.B. 1070 in April.

Opponents of the law argued it would lead to more racial profiling, regardless of immigration status, increase community mistrust of the police, and could strain law enforcement resources. The Arizona Association of Chiefs of Police opposed the law, saying that it would "negatively affect the ability of law enforcement agencies across the state to fulfill their many responsibilities in a timely manner."

President Obama criticized the law, calling it a "misguided" effort to deal with a national problem. In

responding to pointed questions about the law during a spring trip in Latin America, Secretary of State Hillary Clinton suggested that the law may have an impact on foreign relations and not just on the residents of Arizona.

But Arizona Gov. Jan Brewer seemed unfazed by the criticism that the law would lead to greater harassment of Latinos or would intrude on a federal responsibility. "I don't know what an illegal immigrant looks like," she said at a press conference for the bill signing. Gov. Brewer, who also made her position on the law a touchstone of her election campaign, said that S.B. 1070 "represents another tool for our state to use as we work to solve a crisis we did not create and the federal government has refused to fix."

In May, a group of civil rights organizations, including the National Day Laborer Organizing Network, the Mexican American Legal Defense and Educational Fund, the American Civil Liberties Union, and the NAACP, filed a federal class action lawsuit challenging the



Advocates for immigration reform protest Arizona's S.B. 1070 legislation in front of the White House.

constitutionality of S.B. 1070 on the grounds that the law interferes with federal authority to regulate immigration. The U.S. Justice Department filed a similar lawsuit in July. Others civil rights groups, including The Leadership Conference on Civil and Human Rights and the National Council of La Raza, called for a boycott of Arizona and urged Major League Baseball Commissioner Bud Selig to move the 2011 All-Star Game from Phoenix, Arizona. Selig has yet to respond.

On July 28, one day before the law would go into effect, U.S. District Judge Susan R. Bolton issued a preliminary injunction in the Justice Department's lawsuit. Judge Bolton's order enjoined implementation of certain key provisions of the law, including:

- Requiring an officer to make a reasonable attempt to determine the immigration states of a person stopped, detained, or arrested if there is "reasonable suspicion" that the person is unlawfully present in the U.S., and requiring verification of the immigration status of any person arrested prior to releasing that person;
- Making failure to apply for or carry "alien registration papers" a state crime;
- Making it a state crime for an unauthorized immigrant to solicit, apply for, or perform work; and
- Authorizing the warrantless arrest of a person if there is "probable cause" to believe that the person has committed an offense that makes him or her removable from the U.S.

In her ruling, Judge Bolton explained the injunction by pointing out that "by enforcing this statute, Arizona would impose a 'distinct, unusual and extraordinary' burden on legal resident aliens that only the federal government has the authority to impose." The state of Arizona quickly filed an appeal with the U.S. Court of Appeals for the Ninth Circuit.

Judge Bolton also expressed concern about the potential for racial profiling. She said that forcing officers to determine the immigration status of each person stopped or arrested would likely lead to officers "wrongfully arresting legal resident aliens."

But the ruling did not block certain other provisions of the law, including those that give Arizona residents the ability to sue the state or its officials for not vigorously enforcing immigration law; make it a state crime for motorists to stop a motor vehicle to pick up day laborers and for day laborers to get into a motor vehicle; criminalize the employment of unauthorized immigrants; and other provisions punishing human trafficking and gang activity. Fearful of an impending crackdown, many immigrants,

including those in mixed-status families, reportedly fled the state prior to the ruling.

Numerous polls show broad support for the Arizona law but few have compared that support with support for comprehensive immigration reform. America's Voice, a group advocating for immigration reform, found that in their own polling a majority of those who approve of SB 1070 also support "comprehensive immigration reform that strengthens border security, cracks down on employers who hire illegal immigrants, and requires those who are here illegally to register, pay taxes, learn English, and go to the back of the line for citizenship." Among the 67 percent that approve of the Arizona law, 84 percent also support a comprehensive approach led by the federal government. These findings suggest that while voters are eager for something to get done, even if it is on the state level, they still prefer a national solution.

On July 1, with the immigration debate hitting a fever pitch, President Barack Obama reiterated his support for comprehensive immigration reform noting, "We can create a pathway for legal status that is fair, reflective of our values, and works." Shortly thereafter, an undated memo from the U.S. Citizenship and Immigration Services was leaked to the press. Entitled "Administrative Alternatives to Comprehensive Immigration Reform," the memo contemplated alternatives to deportation including granting permanent status to some unauthorized immigrants and those with temporary resident status in lieu of Congressional action on reform.

Many advocates praised the memo for its fresh thinking, though the administration said that the memo should not be equated with a sudden change in official immigration policy. Critics called it back door amnesty plan.

Another option discussed in the memo included deferring deportation on those eligible for the Development, Relief and Education for Alien Minors Act (DREAM Act), legislation that has been introduced in Congress and is widely supported by civil and human rights groups. Under the DREAM Act, as many as 2.1 million people who grew up in the U.S. could achieve at least conditional legal status if they avoid trouble with the law, get a high school diploma or a GED, and complete two years of college or military service. Many DREAM activists have risked deportation by staging sit-ins in Congress and around the country to draw attention to the issue.

In September, the DREAM Act was added as an amendment to the Department of Defense authorization bill, which is a "must pass" bill that provides critical

resources to the U.S. military. However, on September 21, opponents of the DREAM Act and other amendments blocked the DOD authorization bill from coming to the floor for a vote, making it less likely that the Act will become law this year.

Sens. Dick Durbin, D. Ill., and Orrin Hatch, R. Utah, have introduced the bill a number of times since 2001. For its part, The Leadership Conference on Civil and Human Rights supports the passage of the DREAM Act as well as the Agricultural Job Opportunities, Benefits and Security Act (AgJOBS), which would dramatically improve agricultural and guestworker programs, and provide a pathway to citizenship. Though the DOD authorization bill will likely be on the Senate floor during the lame duck session, many are skeptical about securing enough votes to pass AgJOBS or the DREAM Act. Calls for hearings by Sens. Lindsey Graham, R. S.C., and James Inhofe, R. Okla., on birthright citizenship as guaranteed by the 14th Amendment only underscore that concern. The 14th Amendment was ratified in the wake of the Civil War to ensure newly freed slaves were not deprived of their citizenship.

In late July, House Majority Leader Steny Hoyer, D. Md., summed up the pessimism concerning immigration reform on Capitol Hill, particularly in the upper chamber. “I don’t think this Congress can address immigration,” Hoyer said. “The Senate has not acted. None of us believe it can.”

Thus far, the administration has focused on enforcement, including cracking down on employers who hire unauthorized immigrants and spending \$600 million on border security alone, despite FBI crime data showing that border violence flatlined during the past decade. Recent expansion of the Secure Communities program, an initiative ostensibly aimed at deporting unauthorized immigrants that commit serious crimes, has also come under scrutiny for ensnaring those guilty of mere minor infractions such as traffic violations and for its reliance on flawed databases. The initiative has been expanded to all 25 U.S. counties along the Southwest border. So far, deportations in the year and a half since President Obama took office have outpaced deportations under President George W. Bush, with the current administration expected to deport 400,000 people in 2010 alone.

With states charting their own course and so many suffering in the shadows, advocates believe the need for Congress to pass comprehensive immigration reform could not be more urgent. They are calling for enforcement policies that focus on setting up a safe,

orderly system of entry into the United States that makes it easier for families to come together and stay together; and that allow businesses to prosper without criminalizing unauthorized immigrants or the people who help them. Finally, advocates also believe that any comprehensive solution needs to protect the rights of both immigrant and native-born workers, particularly low-income and low-skilled workers.

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The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): Because Women's Rights are Human Rights

June Zeitlin

Although the United States is a global leader in advancing the human rights of women and girls, it is one of only seven countries in the world – along with Iran, Somalia, Sudan, and three small Pacific Islands – that has failed to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW is an international agreement that affirms principles of fundamental human rights and equality for women around the world. It calls on each ratifying country to overcome barriers of discrimination in areas such as violence against women and girls, educational opportunities, political participation, marriage and family relations, health care services, and economic participation.

The Role of the United States

The U.S. played an important role in drafting CEDAW, which the United Nations adopted in 1979. The Carter administration signed the treaty on July 17, 1980, and submitted it to the Senate for ratification in November 1980. While CEDAW has twice been voted favorably out of the Senate Foreign Relations Committee with bipartisan support – in 1994 and in 2002 – the treaty has never been brought to the Senate floor for a vote.

U.S. ratification of CEDAW would continue America's bipartisan tradition of promoting and protecting human rights. Under Presidents Ronald Reagan, George H.W. Bush, and Bill Clinton, the U.S. ratified similar treaties opposing genocide, torture, and racial discrimination.

The Impact of U.S. Ratification

Advocates say that ratification of CEDAW would bolster America's standing in the global community and strengthen America's voice internationally when speaking out on behalf of women and girls around the world. In many countries that have ratified CEDAW, women

have partnered with their governments in a national dialogue about the status of women and girls, and as a result, laws and policies have been changed to create greater safety and opportunity for women and their families. For example, Kuwait's Parliament voted to extend voting rights to women in 2005 following a recommendation by the CEDAW Committee to eliminate discriminatory provisions in the electoral law. Kenya has used CEDAW to address differences in inheritance rights, eliminating discrimination against widows and daughters of the deceased.

There is no question that American women and girls enjoy opportunities that are not available to many of the world's women. But few would dispute that more progress is needed. While ratifying CEDAW does not automatically result in any changes to U.S. law, it creates an opportunity for a national dialogue on how to address some of the persistent gaps in American women's equality. For example, women continue to earn only 77 cents for every dollar a man makes, and the pay gap between men and women of color is even greater. Domestic violence and human trafficking continue to pose a serious threat to the nation's women and girls, and CEDAW could help identify additional approaches to address these issues.

Why Now?

The Leadership Conference on Civil and Human Rights, building on many years of advocacy by a working group of CEDAW advocates, has assembled a large and diverse coalition of nearly 150 national organizations that support U.S. ratification of CEDAW. The coalition brings together groups that work both on domestic and global issues, and includes not only women's rights and human rights groups, but also faith-based organizations, labor

unions, education associations and international development organizations. These organizations are actively engaging their members to increase their understanding of CEDAW and human rights and to take action to help inform policymakers.

CEDAW also has strong support from the Obama administration. President Obama has expressed his personal support, and Vice President Joe Biden and Secretary of State Hillary Clinton have been longtime champions. As Secretary Clinton noted at the United Nations in March, “[We] are determined [to ratify CEDAW] because it is past time to take this important step for women in our country and all countries.” Senate Foreign Relations Committee chair John Kerry, D. Mass., and subcommittee chair Barbara Boxer, D. Calif., are committed to moving CEDAW forward.

Today, there is a much broader and deeper understanding among both policymakers and the American public about the violence and discrimination that women experience in many countries around the world. Exposure to this information has led to greater public understanding of women’s circumstances in the developing world, and greater interest and support for the U.S. to stand up for women and girls around the world by ratifying CEDAW.

The late Dr. Dorothy Height, who chaired The Leadership Conference and was widely acknowledged as the founding mother of the civil rights movement, noted when The Leadership Conference held its first meeting of the CEDAW coalition in February: “Ratification of CEDAW is part of the unfinished business of the civil rights movement.” Her commitment, leadership, and resolve to see this treaty ratified has been a galvanizing force for advocates who are working to ensure a greater understanding of the need for the U.S. to join the 186 other nations in ratifying CEDAW.

For more information on the importance of CEDAW, visit www.CEDAW2010.org.

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Why Broadband Matters

Cheryl Leanza

For media and telecommunications policy advocates, the most important word this year was “broadband”— that is, high-speed Internet access (i.e. technologies that are faster than dial-up, such as DSL, cable modem, and fiber optics). With more and more services and benefits moving online, broadband access is becoming increasingly important. Unfortunately, lack of such access is exacerbating the challenges facing those who have lower incomes, speak languages other than English, or are not highly educated.

Current State of Broadband Access

There have been many efforts over the years to increase the number of people with broadband access, with some degree of success. Today, approximately 63 percent of U.S. households have high-speed Internet service, but serious gaps remain. According to census data, 40 percent of Americans do not have broadband access at home, and 32 percent are not online at all.

Moreover, broadband access varies widely with income, education, and race. Almost 89 percent of households with incomes over \$150,000 have broadband, compared to only 35 percent of households with incomes of less than \$25,000. Sixty-six percent of Whites have broadband access at home, while only 40 percent of Hispanics and 48 percent of Blacks have access.

Nearly 46 percent of rural households have no broadband access, as compared to 34 percent of urban households. Although urban areas have more infrastructure for broadband access, the cost of such access can be prohibitive for low-income populations. For example, the average cost of broadband access is \$41 per month, almost \$500 per year, which can prevent low-income populations from having broadband access at home, leading to further marginalization and exclusion.

Trends in Broadband Use

A recent in-depth study of low-income communities conducted for the Federal Communications Commission (FCC) illustrates the challenges facing a low-income individual without home broadband access. Many large employers, such as Family Dollar and Wal-Mart, have online job applications that take up to 40-60 minutes to complete, exceeding the time limits of many libraries’ public computers. Though social service providers often consider any type of home-based Internet access a luxury, in at least five states, unemployment benefits are only available online. Time limits on computer usage at public libraries and long waits often force individuals to move from library to library or computer to computer to complete a project.

However, research shows that those who do have some type of Internet access use it. A recent study found that 54 percent of African Americans and 49 percent of Hispanics have access to a working computer at home. Nine out of 10 low-income African Americans use the Internet for job searches. Among families with an annual income of less than \$20,000, 92 percent of African Americans and 63 percent of Hispanics report using the Internet for job searches, compared to only 54 percent of Whites. The study also examined the relative popularity of various devices that could be used to access the Internet, finding that device ownership varied by constituency, with cell phone use by minorities exceeding use by Whites. Eighty-one percent of African Americans and 80 percent of Hispanics have cell phones.

Major Broadband Initiatives in 2010

Two initiatives are among the most important policy developments regarding broadband technology this year. The American Recovery and Reinvestment Act included an appropriation of \$7.2 billion for the Broadband

Technology Opportunities Program (BTOP), and Congress directed the National Telecommunications and Information Administration (NTIA) to spend a significant portion of these funds by September 2010 to create jobs and expand broadband access.

For many years, the federal government had run the very successful Technology Opportunities Program, which, until it was eliminated in 2004, provided funding to many civil rights organizations that allowed them to offer Internet access and computer training to communities of color and low-income communities. The BTOP provides an opportunity to adapt this model to broadband access.

With a September 2010 deadline, the NTIA has had little time to develop standards, take applications, and allocate all the funds. But a number of grants have already been announced. One important recipient of funds was the Broadband Opportunities Coalition (BBOC), a collaborative of civil rights organizations that, together with One Economy Corporation, a technology nonprofit, received \$28.5 million from BTOP in April to “bring affordable high-speed Internet access, digital literacy training, local online content and public purpose media, and sustained broadband adoption to families throughout the U.S.” The BBOC includes the National Urban League, the NAACP, the National Council of La Raza, the Asian American Justice Center, and the League of United Latin American Citizens.

Responding to the fact that the U.S. is currently ranked by the Organization for Economic Cooperation and Development as 15th in the world in broadband access, Congress also directed the FCC to draft a National Broadband Plan aimed at achieving widespread broadband access for all Americans. The newly appointed FCC Chairman, Julius Genachowski, met the congressional deadline, releasing the FCC’s plan on March 17.

The National Broadband Plan takes some important steps in addressing fundamental social justice issues. It devotes a whole chapter to how broadband access can assist people recovering in the down economy, acknowledging that the cost of access is a critically important factor for low-income people; and proposes some steps to ensure that rates are affordable for everyone.

At the same time, the plan is only that – a plan – which will take the FCC the next several years to implement.

What the Future May Hold

As the FCC found in its National Broadband Plan:

Broadband is a platform for social and economic opportunity. It can lower geographic barriers and help minimize socioeconomic disparities—connecting people from otherwise disconnected communities to job opportunities, avenues for educational advancement and channels for communication. Broadband is a particularly important platform for historically disadvantaged communities including racial and ethnic minorities, people with disabilities and recent immigrants.

There is no question that broadband can do all of these things – and for that reason, civil rights advocates will continue to push for policies that provide equal opportunity in a rapidly changing communications environment.

Cheryl Leanza is policy advisor to the United Church of Christ Office of Communication, Inc and a co-chair of The Leadership Conference Media/Telecommunications Task Force.

LGBT Civil Rights and Congress: First Steps on a Long Road

David Stacy

When President Obama signed the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act (HCPA) in 2009, it became the first major federal law to protect lesbian, gay, bisexual and transgender (LGBT) people. The HCPA criminalizes for the first time bias-motivated violence based on certain personal characteristics, including actual or perceived sexual orientation or gender identity, gender, and disability, while strengthening existing protections for race, religion, color and national origin.

However, despite the tremendous progress that the HCPA represents for the LGBT community, there is nonetheless a huge amount of work that still needs to be done to ensure equality for LGBT people across the nation.

Passage of the HCPA reflects the unmistakable trend of increasing support among Americans for LGBT equality. Congressional action on affirmative LGBT legislation in the 111th Congress has been unprecedented. Among the many important bills being considered by Congress right now are “Don’t Ask, Don’t Tell” repeal legislation, the Employment Non-Discrimination Act, the Student Non-Discrimination Act, and the Safe Schools Improvement Act.

Set forth below is a brief overview of what each of these bills would do, where each bill currently stands, and what the next step in its progress may be.

“Don’t Ask, Don’t Tell” (DADT) Repeal

DADT, which prohibits lesbians and gays from serving openly in the military, was signed into law in 1993. It was the product of a political compromise that many believed was preferable to a blanket ban on military

service by gays and lesbians, but in practice DADT has proven unworkable and has become very unpopular among the American public.

As a result, military leaders have concluded that DADT should be repealed. In testimony before the Senate Armed Services Committee in February 2010, the chairman of the Joint Chiefs of Staff, Admiral Mike Mullen said: “No matter how I look at the issue, I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens. For me, personally, it comes down to integrity – theirs as individuals and ours as an institution.”

In a remarkable step forward, this year both the House of Representatives and the Senate Armed Services Committee adopted an amendment to the annual National Defense Authorization Act (NDAA) that would repeal DADT. The House approved the amendment by a vote of 234-194. The Senate Armed Services Committee approved the amendment by a vote of 16-12. However, policy opponents in the Senate staged a filibuster on September 21 to prevent the full Senate from debating the NDAA. Advocates of repeal hope for Senate action on the NDAA after the election.

Employment Non-Discrimination Act (ENDA)

Central to our American ideals is the principle that employment decisions should be based on performance and ability to do the job, not personal characteristics. The opportunity to earn a living and support our families is a core civil right. But while state and local governments and private businesses have made significant strides in ensuring that this principle includes the LGBT community, there remains no nationwide protection and

millions of workers can still be fired simply because of who they are or who they love.

ENDA would address this injustice by prohibiting hiring, promotion, or termination decisions on the basis of sexual orientation or gender identity. In this regard, it closely models protections established by other federal civil rights laws, including Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act. For the first time this year, a transgender-inclusive version of ENDA was introduced in the Senate, and committees in both the House and Senate have held hearings on the measure. House Speaker Nancy Pelosi has promised a vote on ENDA before the end of the year, and the LGBT community and its allies in the broader civil and human rights community continue to press for action on these critical protections.

Student Non-Discrimination Act (SNDA) and Safe Schools Improvement Act (SSIA)

Public school students who are or are perceived to be lesbian, gay, bisexual or transgender, or who associate with LGBT people, are subject to pervasive discrimination, including harassment, bullying, intimidation and violence, and have been deprived of equal educational opportunity, in schools in every part of our nation. Numerous social science studies demonstrate that discrimination at school has contributed to high rates of absenteeism, dropping out of school, adverse health consequences, and academic under achievement among LGBT youth. When left unchecked, such discrimination can lead, and has led, to life-threatening violence and suicide.

Both SNDA and SSIA seek to make public schools more welcoming and open places for LGBT youth. SNDA is new legislation introduced this Congress and would prohibit any public school program or activity receiving federal financial assistance from discriminating against any student on the basis of actual or perceived sexual orientation or gender identity. SNDA is modeled on Title IX of the Education Amendments of 1972, which provides such protections to students based on gender, and is similar to other protections provided to students against discrimination based on race, disability, or national origin.

SSIA addresses the specific issue of bullying in public schools. It requires schools to adopt rules that address bullying on the basis of race, color, national origin, gender, disability, sexual orientation, gender identity and religion. It also would require schools to report any incidents of bullying.

The Hate Crimes Prevention Act is a tremendous victory for the entire civil rights community, but it took more than a decade of tireless advocacy by a broad coalition to achieve its passage. Recognizing this, advocates seized the moment and the momentum its passage afforded to push Congress to do the right thing. But while progress is being made in Congress on a broad array of issues important to the LGBT community, the breadth of discrimination and inequality to be addressed is tremendous, and much more work must be done.

The LGBT community is proud of what has been accomplished to date and looks forward to continued work with The Leadership Conference and the broader civil and human rights community to bring about greater equality – in the workplace, the military, the public schools, and beyond.

David Stacy is deputy legislative director for the Human Rights Campaign. He co-chairs The Leadership Conference's hate crimes and ENDA task forces.

Same Jobs with Different Rules: Attempting to Level the Playing Field in the Package-Delivery Industry

Lexer Quamie and Robert Chanin

Nearly 100,000 ground transportation employees of the package-delivery company FedEx Express do not have the same opportunity to be represented by a union and improve their wages, benefits, and working conditions as employees from other package-delivery companies. Unlike similar employees of other package-delivery companies who are covered under the National Labor Relations Act (NLRA)—the nation’s basic federal labor law for most private sector workers—these FedEx Express employees are covered under the Railway Labor Act (RLA). The RLA, a separate federal labor law uniquely designed to regulate the railroad and airline industries, sets extraordinarily high hurdles for workers seeking to organize.

For the civil and human rights community, what is at stake in this situation is not simply the technicalities of federal labor law or competition between FedEx Express and other package-delivery companies. Advocates say the issue is about equity—the right of FedEx Express employees to be treated fairly and to have the same opportunity as similarly situated employees of other package-delivery companies to be represented by a union in seeking better wages, benefits, and working conditions.

A new report by The Leadership Conference on Civil and Human Rights, “Railroaded out of Their Rights: How a Labor Law Loophole Prevents FedEx Express Employees from Being Represented by a Union,” concludes that it is far more difficult for employees covered under the RLA to organize than it is for employees covered under the NLRA. Under the NLRA, employees can be organized on a location-by-location basis—which means a union can organize the employees at a particular facility of a nationwide company. The RLA, in contrast, requires the union to organize all the employees who do similar work

throughout an entire company—which means a union must organize the employees at all of a company’s facilities.

The coverage of FedEx Express’s ground transportation employees under the RLA is a historical anomaly. Because its parent company was essentially an air carrier when it began operations in 1971, FedEx Express was initially subject to airline regulations, including the RLA. That continues to be the case, even though the ground transportation workforce of FedEx Express has grown to almost 100,000 employees who far outnumber the company’s pilots and other airline-related workers.

The report states that FedEx’s effort to keep its FedEx Express ground transportation employees under the coverage of the RLA is not—as FedEx’s no-holds-barred campaign to retain RLA coverage would have it—a battle between rival package-delivery companies. Instead, according to the report, it is a battle between FedEx Express and its own employees who seek the same opportunity to be represented by a union as similarly situated employees of other package-delivery companies.

Because union representation can substantially improve the wages, benefits, and working conditions of employees, the fact that it is more difficult for FedEx Express’s ground transportation employees to unionize under the RLA is a cost-saving measure for FedEx Express. This can be illustrated by the pay gap between FedEx Express’s ground transportation employees and the ground transportation employees of its major competitor, United Parcel Service (UPS), most of whom are unionized. The UPS ground transportation employees earn on average \$5 more per hour than FedEx Express’s employees in similar positions and when health care

coverage and pension contributions are factored in, UPS ground transportation employees earn at least \$8 more per hour than similar FedEx Express employees.

The Federal Aviation Administration (FAA) Reauthorization Act—which would authorize appropriations of \$54 billion for the FAA through fiscal year 2012 to improve aviation safety and capacity—is now before Congress. The version of the bill adopted by the House includes a provision that would bring the ground transportation employees of all package-delivery companies, including FedEx Express, under NLRA coverage, while limiting RLA coverage to those employees who are directly related to the company's airline operations, such as pilots and aviation mechanics. The version adopted by the Senate does not include a counterpart provision and differs in certain other respects. Efforts are now underway to reconcile the two bills, and the current FAA Reauthorization Act has been extended until September 30, 2010.

The Leadership Conference strongly supports the provision in the House version of the FAA Reauthorization Act dealing with NLRA/RLA coverage. "Companies that provide a similar service and that are operated in a similar way should be treated similarly under the law," said Wade Henderson, president of The Leadership Conference. "FedEx's opposition to being covered under the NLRA is not about corporate rivalry; it is about denying workers their civil right to be represented and protected by a union."

Lexer Quamie is counsel for The Leadership Conference on Civil and Human Rights and The Leadership Conference Education Fund and specializes in criminal justice and workers' rights issues. Robert Chanin is senior fellow and director of the workers' rights initiative for The Leadership Conference on Civil and Human Rights and The Leadership Conference Education Fund and is former general counsel for the National Education Association.

Legislative Updates

Avril Lighty

Protecting Older Workers against Discrimination Act

In October 2009, the Protecting Older Workers Against Discrimination Act was introduced in both the Senate and the House of Representatives. The bill would overturn the June 2009 decision of the Supreme Court in *Gross v. FBL Financial Services, Inc.*, which reversed the decades-old application of age discrimination law and held that an employee in an age discrimination case must prove that the challenged adverse employment action would not have been taken “but for” the employee’s age. Under the bill, an employee could establish discrimination by showing that age was one of the motivating factors for the action.

The Senate and House have both held hearings on the bill, and advocates hope that it will be voted on before Congress adjourns.

Local Community Radio Act

Low-power FM (LPFM) radio stations are non-commercial, community-based, radio stations that have a range of only a few miles. They provide news and information that address specific interests of local communities and play an important role in broadcasting emergency information relating to inclement weather, natural disasters, and other public safety needs.

The Local Community Radio Act (LCRA) would help increase the number of LPFM stations in the country by lifting restrictions on the Federal Communications Commission's (FCC) ability to license such stations. In an era of mass media consolidation, civil rights groups, including The Leadership Conference on Civil and Human Rights, believe that it is important to provide an opportunity for greater diversity of ownership and content on the public airwaves. Allowing the FCC to license more LPFM radio stations would help accomplish this goal. In April 2009, owners and news directors of LPFM radio stations, along with media diversity activists and civil rights advocates, met in Washington, D.C., to encourage Congress to pass the LCRA. The bill passed the House of

Representatives on December 16, 2009. In March, the Senate Commerce, Science and Transportation Committee approved a companion bill, which is on the Senate calendar awaiting action.

For more information on LPFM radio stations, visit: <http://www.civilrights.org/publications/low-power/>

Health Care Reform

On March 23, the Patient Protection and Affordable Care Act, which will expand coverage to 32 million uninsured Americans, became law. The civil rights community fought to expand access to health care, eliminate discrimination, and make sure that the reforms were financed in an equitable way that would advance the goal of universal health insurance coverage. The Leadership Conference on Civil and Human Rights led the fight for the “non-discrimination” provision, which bars discrimination based on race, national origin, gender, age, and disability in making health care available. The provision marks a major expansion of federal civil rights protections, most notably by ending the extensive immunity previously held by insurance companies, and extending protection against discrimination in health care to women. The Leadership Conference was also instrumental in stopping an unjust financing provision, known as the “free rider” proposal. The proposal would require employers that did not provide insurance to pay a surcharge to help defray the costs of the new federal health benefits. As such, the proposal would have created a powerful incentive for employers to discriminate against workers from low-income families, minorities, and single parents to avoid contributing to the cost of their health insurance.

Education Reform

In June, the National Governors Association Center for Best Practices and the Council of Chief State School Officers released the Common Core State Standards, which sets standards for what students should learn in English and math each year from kindergarten through 12th grade.

The standards, developed by a group of education experts with the involvement of 48 states, the District of Columbia, Puerto Rico, and the Virgin Islands, are designed to ensure that students will graduate from high school “fully prepared for college and careers.” They are widely viewed as more rigorous, clearer, and better focused on the skills students will need to compete in the global economy of the 21st century than the current patchwork of inconsistent state standards. The Leadership Conference believes that, in order for the new standards to achieve their intended purpose, states and school districts must ensure that they are made applicable to every student, and, most importantly, that students and teachers in low-income communities have access to the new curricula, assessments, and professional development that will be needed to properly implement the standards.

Congress has begun work on the reauthorization of the Elementary and Secondary Education Act (ESEA), and has held hearings throughout the year, but has yet to introduce a bill or circulate draft language. ESEA is the main federal education law that provides K-12 funding to the states. It was last reauthorized in 2002 as the No Child Left Behind Act. The Leadership Conference supports the goals of ESEA and has urged Congress to reauthorize and strengthen the law as soon as possible, while maintaining accountability for all students and doing more to help raise standards, improve schools, and support teachers.

Executive Branch Nominations

The Senate has confirmed a small fraction of President Obama’s nominees, while many more have been held up through filibuster threats and anonymous “holds.” The following executive branch appointments are among the most important to the civil and human rights community.

Equal Employment Opportunity Commission and National Labor Relations Board

On March 27, President Obama made recess appointments for Jacqueline A. Berrien to be chair, Chai R. Feldblum and Victoria A. Lipnic to be commissioners, and P. David Lopez to be general counsel of the Equal Employment Opportunity Commission (EEOC). The EEOC is responsible for the enforcement of federal laws that prohibit discrimination against a job applicant or employee.

On March 27, President Obama made a recess appointment for Craig Becker to the National Labor Relations Board, the federal agency responsible for implementation of the National Labor Relations Act, which regulates union activity and other aspects of the employer-employee relationship in the private sector.

Prior to the appointment, Becker served as associate general counsel to the Service Employees International Union and the AFL-CIO.

The recess appointments will expire at the end of 2011, when the 112th Senate finishes its first session. The Leadership Conference believes that all of the above appointees are well-qualified for the positions for which they have been nominated, and supports their confirmation.

Patricia Smith

Patricia Smith was confirmed by the Senate to be solicitor of the Department of Labor on February 4, 2010. As solicitor, she advises the department on the enforcement of federal labor laws and regulations, and oversees the work of the department’s attorneys. Prior to her confirmation, Smith had a distinguished career as an assistant attorney general in charge of the New York state attorney general’s Labor Bureau and as the state commissioner of labor. The Leadership Conference supported Smith’s nomination, calling her record “unassailable.”

Dawn Johnsen

President Obama nominated Dawn Johnsen to head the Department of Justice’s Office of Legal Counsel (OLC) on February 11, 2009. The OLC performs a critical role in guiding executive branch activities, advising the president and his administration on the constitutionality of proposed policies, legislation, and executive orders. Johnsen is a professor at Indiana University Law School, and had served as acting head of the OLC for over a year during the Clinton administration.

Johnsen’s nomination was favorably reported out of the Senate Judiciary Committee on March 19, 2009, but for more than a year there was no Senate vote on her confirmation. In a November 19, 2009 letter to Senate Majority Leader Reid, some 40 civil rights leaders, including Wade Henderson of The Leadership Conference, stated: “This degree of obstruction cannot be tolerated. It throws sand in the gears of executive branch departments and agencies that are serving critical public needs.” On April 9, she withdrew from consideration, and the position remains unfilled.

Avril Lighty is the communications assistant for The Leadership Conference on Civil and Human Rights and The Leadership Conference Education Fund.

Pointing the Way Forward

The Legacy of Civil and Human Rights Leaders

As we work to advance civil and human rights for all people in the United States, The Leadership Conference honors the legacy of four civil rights champions who, like our beloved chair Dr. Dorothy I. Height, left an indelible mark on our movement. Their lives and their work enabled our cause and set a standard that will continue to guide us as we navigate the challenges ahead in building an America as good as its ideals.



Dr. Dorothy I. Height
Humphrey Honoree, 1992

Dr. Dorothy I. Height (March 24, 1911 - April 20, 2010)

A Grand Dame of the Civil Rights Movement, Dr. Dorothy I. Height's tireless work as an organizer and leader helped lay the foundation of a new America offering the promise of justice and opportunity to all. More than 30 years before the passage of landmark civil rights laws in the 1960s, Dr. Height began working through the YWCA to end segregation in America and went on to serve as president of the National Council of Negro Women (NCNW) from 1957 – 1998. Active during a period in which women were not granted prominent roles in the civil rights movement, Dr. Height commanded respect and was a trusted advisor to many leaders, including Eleanor Roosevelt, President Dwight D. Eisenhower, President Lyndon B. Johnson, and President Barack Obama. Until her death this year, Dr. Height served as chair of The Leadership Conference on Civil and Human Rights, where she continued to lead the fight for justice and equality into the 21st century, including the reauthorization of the Voting Rights Act in 2006. As she told the next generation of civil and human leaders on the occasion of The Leadership Conference's 60th anniversary, "You are equality's hope. Your work – our work – has never been more important."



Dr. Benjamin Hooks
Humphrey Honoree, 1992

Dr. Benjamin Hooks (January 31, 1925 - April 15, 2010)

As a soldier in World War II, Benjamin Hooks guarded European prisoners of war who were served at restaurants that turned him away. After the war, he crammed a half dozen careers into his remarkably productive life – attorney, minister, restaurateur, television producer, and the first African American to serve as a judge in Tennessee and as a member of the Federal Communications Commission. But his life's calling was to serve as a civil rights leader during an era of retrenchment. As executive director of the NAACP (1977-1992) and chair of The Leadership Conference (1979-1994), he was instrumental in enacting the Civil Rights Restoration Act, the Fair Housing Amendments Act, the Americans with Disabilities Act, and the Martin Luther King national holiday. In his valedictory to the NAACP Centennial Convention in 2009, he declared: "Fight on until justice, righteousness, hope, equality and opportunity is the birthright of all Americans."



Wilma Mankiller
Humphrey Honoree, 2000

Wilma Mankiller (November 18, 1945-April 6, 2010)

The first woman to lead the Cherokee Nation, Principal Chief Wilma Mankiller was one of our nation’s greatest unsung heroes for the causes of civil rights, women’s rights, and the rights of all humanity. An author, professor, and tireless advocate for the unmet needs and inherent dignity of the Cherokees, she served as an inspiration to Native Americans and women and girls everywhere. Upon her death, her ashes were scattered on the land she loved in Mankiller Flats, in rural Oklahoma. But her legacy lives on in the hearts and minds of all who knew her.



**Sen.
Charles Mathias, Jr.**
Humphrey Honoree, 1986

Sen. Charles Mathias, Jr. (July 24, 1922 - January 25, 2010)

Called “the conscience of the Senate” by a Democratic leader, Sen. Mathias was a progressive Republican in the tradition of Edward Brooke and Jacob Javits. A fierce and unwavering champion of civil and human rights, he time and again chose to do what was right, not what was politically expedient. Throughout his tenure, “Mac” Mathias supported strong anti-discrimination and fair housing laws, improvements in public education, programs against poverty, and full voting representation for residents of our nation’s capital – often over the adamant objections of many in his own party. He will be remembered as a model of what a senator should be – a statesman focused on the next generation, not the next election.

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