

In the Name of the Law

Words by Chandra R. Thomas

From the Thirteenth Amendment, which abolished slavery, to *Brown v. Board of Education*, which effectively ended legal segregation in public schools, legal proceedings have impacted our ongoing quest for freedom and justice. In honor of Black History Month, we look back at some high-profile milestones that have helped shape modern African-American history



Sens. Bob Dole (R-Kan., left) and Edward M. Kennedy, (D-Mass., far right), appear beside NAACP Director Benjamin Hooks on Capitol Hill on May 4, 1982, to discuss the extension of portions of the 1965 Voting Rights Act.

THE VOTING RIGHTS ACT EXTENSION

The National Voting Rights Act of 1965 reinforced the Fifteenth Amendment, which outlawed discriminatory voting practices that were responsible for the widespread disenfranchisement of African-Americans. The most recent extension, signed by former President George W. Bush on July 27, 2006, left its original enforcement provisions intact for the next 25 years. "It is important because there are still active attempts to disenfranchise African-Americans," says Ronald Walters, a professor of government and politics at the University of Maryland College Park and author of *Black Presidential Politics in America*. "When there are active acts to suppress the vote, it means the law has to be there to protect rights."

VOTING RIGHTS: DENNIS COOK/AP



University of Michigan students protest the decision on affirmative action by a federal appeals court on Tuesday May 14, 2002, on campus in Ann Arbor, Mich.

UNIVERSITY OF MICHIGAN AND RACE IN HIGHER EDUCATION

African-Americans were denied the right to be educated until *Brown v. Board of Education* in 1954. Fast forward some 40 years, when in the late '90s two white women whose applications to the University of Michigan and Michigan's prestigious law school were rejected took their fight to remove race as a prominent factor in college and university admission all the way to the Supreme Court. They claimed racial preference programs aimed at righting the wrongs of the past unconstitutionally discriminated against whites.

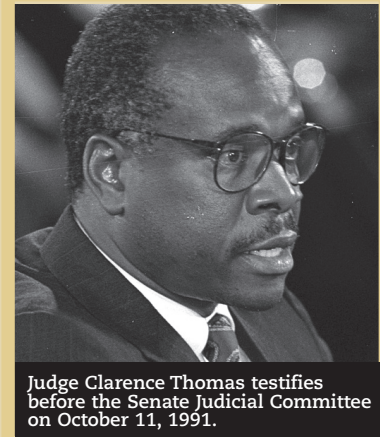
The case revived age-old debates about "racial quotas" and sparked spirited discussion about the value

of diversity in the classroom. Ultimately, the Supreme Court struck down a point system that Michigan had used to give people of color (as well as athletes and children of alumni) preference in undergraduate admissions. The high court ruled that race can play a role in university admissions programs, but not an overriding one. The decision was widely praised as win-win for both sides, but many black scholars like Prof. Walters call it a setback. "It weakened African-Americans' access to education," he says. "It has created an environment in schools where so-called 'diversity' can exist without African-Americans."

CLARENCE THOMAS, ANITA HILL AND THE U.S. SUPREME COURT

It was not a legal case, but millions of Americans watched one of the most memorable confirmation hearings for a Supreme Court Justice in televised history. The 1991 nomination of Clarence Thomas took a dramatic turn when law professor Anita Hill claimed that Thomas had sexually harassed her with inappropriate discussion of sexual acts and pornographic films after she declined his romantic overtures when they'd worked together at the Equal Employment Opportunities

Commission. In the end, the Senate voted 52-48 to confirm Thomas as an associate justice of the Supreme Court. The case has been widely regarded as launching a pro-affirmative action movement in the '90s, raising national awareness about sexual harassment in the workplace (legal filings more than doubled from 1991 to 1996) and the media frenzy surrounding the event birthed a new trend of tabloid-style media coverage that only intensified through subsequent news events.



Judge Clarence Thomas testifies before the Senate Judicial Committee on October 11, 1991.



Luther Campbell of the rap group 2 Live Crew speaks at a news conference in Miami on March 7, 1994. He was talking about a Supreme Court ruling that copyright owners cannot prevent all parodies of their songs.

2 LIVE CREW AND THE FIRST AMENDMENT FIGHT

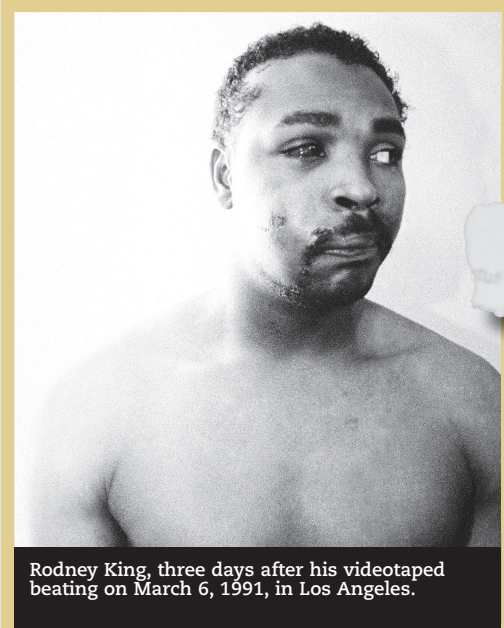
Winning the right to swear and to relay graphic sexual accounts in popular music—particularly R&B and hip-hop—may not seem like much of a legal victory for African-Americans, but raunchy rap group 2 Live Crew's fight to be, well, as nasty as they wanted to be in their music was a paramount case that helped secure the musical freedoms many artists enjoy today.

The bawdy Miami-based rappers assured their place in history on June 6, 1990, when in a 62-page decision, U.S. District Judge Jose Gonzalez declared the group's *As Nasty as They Wanna Be* album obscene, making it the first musical recording to be so labeled by a U.S. court. A record store owner was arrested two days later for selling the album to an undercover cop and the group members

were jailed for performing material from the record at a Hollywood, Fla., club. Two years later, the Court of Appeals for the Eleventh Circuit in Atlanta overturned Gonzalez's decision, finding that he had insufficient grounds.

"It's a very significant case because it established that any type of music is protected expression under the First Amendment, not unprotected obscenity," explains David Hudson, a First Amendment scholar at the First Amendment Center, a Nashville-based nonprofit organization that works to preserve and protect First Amendment freedoms. "Rap music tends to get a lot of flack, and this case ensured that it too is protected. It also certainly contributed to lessening the possibility of future prosecutions for obscenity." *U*

UNIVERSITY OF MICHIGAN: DANNY MOLOSHOK/AP; CLARENCE THOMAS: RICK WILKING/LANDOVY; 2 LIVE CREW: LYNNE SLADKY/AP



Rodney King, three days after his videotaped beating on March 6, 1991, in Los Angeles.

"It's like the court was saying, 'I know what the video shows all together, but somehow taking this tape frame-by-frame changes what really happened.'"
— Howard University Law Professor Lisa Crooms on the Rodney King verdict

THE RODNEY KING POLICE BEATING

Rodney King suffered a fractured skull and internal injuries in a 1991 incident where he was videotaped being brutally beaten by Los Angeles police officers. Many African-Americans held on to hopes that the grainy video images captured by a passerby would finally bring the epidemic of police brutality in black neighborhoods into focus for the rest of the country. That optimism was shattered a year later when all four white officers charged in the case were cleared of assault. Within hours of the controversial verdict, violence and looting erupted in L.A.'s black neighborhoods and smaller uprisings unfolded in other cities, including Las Vegas, Oakland, New York, Seattle and Chicago.

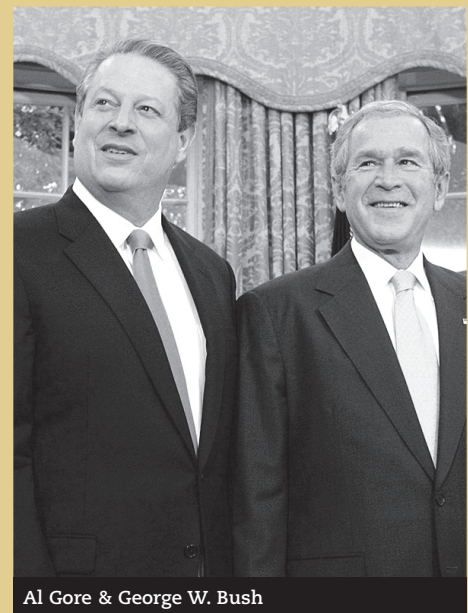
"That verdict raised a poignant fundamental question about why we can't get along racially in this country,"

says Walters. While the case is widely regarded as bringing police brutality to the national forefront, Howard University Law Professor Lisa Crooms argues that an acquittal despite strong physical evidence shows the negative ramifications the case continues to impose on court cases, particularly for people of color. "It's like the court was saying, 'I know what the video shows all together, but somehow taking this tape frame-by-frame changes what really happened,'" she says. "The impact of this is great, because it's no longer a matter of just presenting images [in court] anymore, but it's about how those images can be viewed and framed in court." In a federal trial a year later, two of the four officers were found guilty of violating King's civil rights, clearing the way for him to win \$3.8 million in damages from the City of Los Angeles.

BUSH AND GORE: THE 2000 FIGHT FOR THE PRESIDENCY

It was the historic race that brought the phrases "hanging," "dimpled" and "pregnant" chads into the American vernacular. For 36 days, who won the White House was in limbo, as votes cast for George W. Bush and Al Gore were separated by a razor-thin margin, complicated by voting difficulties in Florida. In a 7-2 vote, the Supreme Court ultimately held that the Florida Supreme Court's method for recounting ballots was a violation of the Equal Protection Clause of the Fourteenth Amendment. Along with effectively resolving the election in Bush's favor (he claimed Florida's 27 electoral votes, giving him a total of

271, defeating Gore's 266); this case brought to the forefront the inextricable relationship between race and politics in America. For example, African-Americans made up only 16 percent of the voting population in Florida, but cast 54 percent of the ballots rejected in automatic machine counts. Across the state, automatic machines rejected 14.4 percent of the ballots cast by African-Americans, but only 1.6 percent of the ballots cast by others. "What happened compromised the idea that a presidential election should take place without having its trustworthiness compromised," says Crooms.



Al Gore & George W. Bush

RODNEY KING: AP IMAGES; GORE & BUSH: LARRY DOWNING/LANDOV

JENA 6 AND RACIAL DISPARITIES IN THE CRIMINAL JUSTICE SYSTEM

In 2006, in the tiny Central Louisiana town of Jena, six black teenagers, dubbed the “Jena 6,” were arrested and charged with attempted murder for the schoolyard beating of a white student that capped off months of escalating racial tensions. When they were charged—a few months after three white youths accused of hanging nooses in a tree at their high school were suspended from school but weren’t criminally prosecuted—not since the Rodney King-based riots of ’92 had such a massive public outcry been sparked by the outcome of a racially charged case.

Their charges were later reduced, but when Mychal

Bell, the first to be tried, was convicted as an adult on Dec. 3, 2007, on an aggravated battery charge that could have sent him to prison for 15 years (under a plea deal, he received 18 months in a juvenile facility), the verdict was likened to a legal lynching that harkened back to the days of the Jim Crow South. “Handing down a sentence like that for a schoolyard brawl proved that racism still exists and that it’s flagrant in the criminal justice system,” notes Walters. “Jena should have proven to people that politics alone is not enough to make change.”



Diego Olivarias, 3, with a banner calling for the release of the “Jena 6,” marches with other protesters outside the U.S. Justice Department in Washington on October 2, 2007.



O.J. Simpson holds up his hands displaying evidence before the jury on June 21, 1995, in Los Angeles.

O.J. SIMPSON’S MURDER ACQUITTAL

It was nicknamed the “trial of the century,” and the case of *The People v. Orenthal James Simpson* had all the right ingredients for the soap opera-esque coverage captured in daily live television broadcasts in 1995: a famous black former football star accused of maliciously murdering his white ex-wife and her white male friend, a jury where nine of 12 members were African-American, allegations of domestic abuse and enough police investigation mishaps to inspire an entire season of *CSI* storylines. It also introduced into the mainstream media a rare image: an educated, articulate, successful black man, in the form of the late defense attorney Johnnie Cochran, who helmed Simpson’s legal “dream team.”

Some observers say the Simpson trial is significant in that it brought to light

the impact that deep pockets, celebrity and social class have on the court system. Others contend that it merely uncovered the lingering polarization of racial attitudes in this country.

“It reminded us of the deep racial divide in the judicial system,” says Walters. “We applauded it not because we love O.J., but because it was a symbol of a victory against the criminal justice system and it happened in an era of mass incarceration of blacks following the Bush and Reagan administrations.”

Simpson was found liable in a related civil suit two years later, but he eluded prison until last October when, 13 years to the day after his murder acquittal, a jury found him “guilty on all counts” for his involvement in a 2007 Las Vegas hotel room robbery.

JENA: JASON REED/LANDOV; O.J.: VINCE BUCCI/AP