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Cong. John Lewis victory in Congress taken from civil rights playbook

By Errin Haines Whack

WASHINGTON (AP) - Bernard Lafayette was all smiles as he watched his civil rights comrade John Lewis commandeer the floor of the U.S. House for an old-fashioned, marathon sit-in over gun legislation.

Lafayette goes back with Lewis to the student sit-in protests in Nashville, Tennessee, to the early days of the Student Nonviolent Coordinating Committee, and the Freedom Rides, more than a half-century ago. Now 75 and a professor at Emory University in Atlanta, Lafayette said he was tickled but not surprised that Lewis, 76, abruptly pulled this page out of the civil rights protest playbook so many years after their student activist days - and after quietly representing an Atlanta district in Congress for nearly 30 years.

"To see him after these many years still sitting-in ... that's sort of engrained in him, that confidence that direct action can bring about some changes," Lafayette said.

Long heralded as the moral conscience of Congress, Lewis did not play by the rules when he rallied fellow Democrats and staged a 25-hour sit-in on the House floor June 22 and 23. There was something about the need to persuade GOP lawmakers to act on gun control legislation that struck Lewis' soul, leading him to launch a rebellion hardly seen in Congress, drawing inspiration from his hero, Martin Luther King Jr.

"He taught me the way of peace, the way of love," Lewis said June 23 during a rally outside the Capitol, where he led the crowd in singing "We Shall Overcome" and vowed to stage another sit-in when Congress returns from recess. Democrats say Congress must act to stem gun violence in America in the wake of the mass shootings at an Orlando gay nightclub that killed 49 people and injured another 53.

For Lewis' student-movement cohorts, the strategy was both natural and nostalgic.

"I don't think anything like this has happened, ever," said Eleanor Holmes Norton, also a SNCC organizer as a college student, and now a Democrat who been a non-voting delegate representing the District of Columbia in Congress since 1991. "We are in an era of direct action, but no one expects that members of Congress would have to do this. This is the kind of thing our constituents do to get our attention."

Shirley Sherrod, a SNCC organizer who worked on behalf of black farmers in south Georgia, pointed out that Lewis' direct action spoke more to the nation's desire for its elected leaders to do something about the deadly mass shootings that keep happening.

"It wasn't just about what was happening on the (House) floor," Sherrod said, noting that people quickly gathered outside the Capitol as the protest wore on. "It brings the rest of the nation into the struggle. When you're dealing with situations where people don't seem to care and don't want to listen, you have to use what you have."

And that refusal to listen, Lafayette explained, is what makes nonviolent direct protest necessary. He drew parallels between the congressional stalemate over guns and the climate from the mid-1950s into the 1960s, when blacks fighting for equality felt they couldn't get the attention of their government or the public.

"The purpose is to get people to sit down and talk with you," Lafayette said. "Otherwise, they don't respect you or think that you have any power."

"I did not anticipate coming to Congress to sit literally on the House floor, but that's what it took to raise this issue up," Norton said. "The opponent in this case, my Republican colleagues, appear just as intransigent as our opponents in the days of segregation."

Norton said she got word of the possible protest June 22. Before long, Lewis and roughly a dozen Democrats had taken the floor, disrupting legislative business with demands for a vote on a proposed gun bill, and refusing to leave.

Cong. John Lewis, D-Ga, led a sit-in in the house of Representatives to focus on gun control legislation.
(AP Photo)

Walltown Reunion Weekend included witha parade. See photos on page 8.

Texas U. admissions can consider race, Supreme Court rules

By Mark Sherman

WASHINGTON (AP) - In a narrow victory for affirmative action, the Supreme Court on June 23 upheld a University of Texas program that takes account of race in deciding whom to admit, an important national decision that was cemented by the death of Justice Antonin Scalia.

The justices' 4-3 decision in favor of the Texas program ends an 8-year-old lawsuit that included a previous trip to the Supreme Court, filed by a white Texan who was denied admission to the university.

Justice Anthony Kennedy said in his majority opinion that the Texas plan complied with earlier court rulings that allow colleges to consider race in pursuit of diversity on campus. "The university has thus met its burden of showing that the admissions policy it used ... was narrowly tailored," Kennedy wrote.

The court's three more-conservative justices dissented, and Justice Samuel Alito read portions of his 51-page dissent, more than twice as long as Kennedy's opinion, from the bench.

"This is affirmative action gone wild," Alito said. The university "relies on a series of unsupported and noxious racial assumptions."

In a separate dissent, Justice Clarence Thomas repeated his view that the Constitution outlaws any use of race in higher education admissions.

With the death of Scalia in February and with Justice Elena Kagan sitting out the case because she worked on it while serving in the Justice Department, just seven justices participated in the decision.

Scalia, long opposed to affirmative action, almost certainly would have voted with his fellow conservatives. He was criticized for suggesting at arguments in December that some black students would benefit from being at a "slower-track school," instead of Texas' flagship campus in Austin.

At the very least, Scalia's vote could have made the result a tie and limited the high court to issuing a one-sentence opinion upholding the lower court ruling in favor of Texas. In that instance, the result would have been the same but without the Supreme Court endorsement offered by Kennedy June 23.

The university considers race among many factors in admitting the last quarter of incoming freshmen classes. The state fills most of its freshman class by guaranteeing admission to students who graduate in the top 10 percent of their Texas high school class.

The high court ruled in the case of Abigail Fisher, a white Texan who was denied admission to the university in 2008. She contended she was rejected while African-American applicants with lower grades and test scores were admitted.

The school said Fisher, who did not graduate in the top 10 percent of her class, would not have been admitted with or without race as a factor. But officials did conditionally offer to allow her to transfer in as a sophomore if she maintained a 3.2 grade-point average at another public college in Texas.

Instead, she went to Louisiana State University, from which she graduated in 2012, and pursued her lawsuit. Fisher was recruited for the suit by Edward Blum, an opponent of racial preferences who has been remarkably successful in persuading the Supreme Court to hear cases challenging the use of race in education and politics.

Blum was behind a major challenge to the landmark Voting Rights Act that resulted in the court eviscerating a key provision of the law, and he also led an unsuccessful challenge to states' widespread practice of counting all their residents, not just those eligible to vote, in drawing legislative districts.

The Supreme Court heard Fisher's case once before and issued an inconclusive ruling in 2013 that sent it back to a lower court and set the stage for the June 23 decision.

In 2003, the justices reaffirmed the consideration of race in the quest for diversity on campus. Their decision then set a goal of doing away with such programs in 25 years.

"The most important part of this case is that the court reaffirmed what it said in 2003 which is that diversity can be a compelling interest of a university in fulfilling its educational mission," said Sherrilyn Ifill, president and director-counsel of the NAACP Legal Defense and Educational Fund.

In a statement, Fisher said "I am disappointed that the Supreme Court has ruled that students applying to the University of Texas can be treated differently because of their race or ethnicity. I hope that the nation will one day move beyond affirmative action."

Judges skeptical about North Carolina voting law changes

By Alan Suderman and Gary D. Robertson

RICHMOND, Va. (AP) - Members of a federal appeals court expressed skepticism June 21 that North Carolina's 2013 major rewrite to voting laws, requiring photo identification to cast in-person ballots, doesn't discriminate against minorities.

The three-judge panel met June 21 to hear arguments over whether to overturn an April trial court ruling upholding the law.

Judge Henry F. Floyd questioned the timing of the changes - done after Republicans took control of state government for the first time in a century and after the U.S. Supreme Court undid key provisions of the Voting Rights Act - and whether they weren't done to suppress minority votes for political gain.

"It looks pretty bad to me," Floyd said.

But the law's authors said they were aiming to prevent voter fraud and increase public confidence in elections.

"It was not a nefarious thing," said Thomas A. Farr, an attorney representing the state.

The U.S. Justice Department, state NAACP, League of Women Voters and others sued the state, saying the restrictions violated the remaining provisions of the federal Voting Rights Act and the Constitution. The 4th U.S. Circuit Court of Appeals fast-tracked the review in an expected presidential battleground state, with competitive races for governor and U.S. Senate.

Voters must now show one of six qualifying IDs, although those with "reasonable impediments" can fill out a form and cast a provisional ballot. The voter ID mandate began with this year's March primary.

At Tuesday's hearing, Judge James A. Wynn Jr. asked pointed questions about why public assistance IDs, used disproportionally by minorities, were not acceptable in the final version of the law.

"Why did they take it out?" asked Wynn, a former North Carolina state appeals judge.

The laws approved by the General Assembly and signed by Republican Gov. Pat McCrory also reduced early voting from 17 to 10 days, eliminated same-day registration during early voting and barred the counting of Election Day ballots cast in the wrong precinct.

The plaintiffs say the changes discourage voting by black and Hispanic residents, who use early voting or same-day registration more than white voters and are more likely to lack photo ID. Southern Coalition for Social Justice attorney Allison J. Riggs said North Carolina's GOP lawmakers enacted a specific and unprecedented attack on minority voting rights that continued the state's tradition of suppressing minority rights.

"They knew the disproportionate impact of every one of these provisions," she said.

U.S. District Judge Thomas Schroeder, who presided over the trial in Winston-Salem, North Carolina, determined the plaintiffs failed to prove that the laws made it harder for minority voters to cast ballots. He focused on higher voter registration and turnout rates among black residents in 2014, when many changes were implemented, compared with 2010.

Attorneys for the state want to keep Schroeder's ruling intact, arguing in a brief that the laws "simply returned North Carolina's election system to the mainstream of election systems" used in the country.

The appeals panel, which also included Judge Diana Gribbon Motz, did not say when they would issue a ruling.

The same three judges considered the 2013 law in 2014.

At that time, Wynn and Floyd ordered a preliminary injunction directing same-day registration and out-of-precinct voting continue while the case was pending. A majority on the U.S. Supreme Court soon disagreed and blocked that order for the November 2014 election. But subsequent court rulings allowed same-day registration and out-of-precinct voting to resume.

Robertson reported from Raleigh, North Carolina.

N.C. man charged with stabbing father to death

(AP) - A North Carolina man has been arrested and charged with stabbing his father to death.

Durham police said in a news release that 54-year-old Donald Fields Sr. was stabbed in his home shortly after noon Sunday. He died at a nearby hospital.

Twenty-three-year-old Donald Fields Jr. has been arrested and charged with murder.

It was not clear if the Fields has an attorney.