

INSIDE THIS ISSUE:

<i>Independent Judiciary</i>	2
<i>Economic Justice</i>	2
<i>Electoral Reform & Voting Rights</i>	3
<i>Hurricane Relief</i>	4
<i>Civil Rights & Liberties</i>	5
<i>Immigration</i>	6
<i>Religious Freedom</i>	6

PFAW PUBLIC POLICY DEPARTMENT STAFF

Marge Baker

Director of Public Policy
202.467.2334

Tanya Clay

Senior Deputy Director of Public Policy
202.467.2341

Gregg Haifley

Deputy Director of Public Policy
202.467.2346

John Estrella

Senior Legislative Counsel
202.467.2305

Jen Herrick

Legislative Associate
202.467.2331

Alan Hersh & Amit Vora

Public Policy Interns
202.467.2312
202.467.2313

TOP PRIORITIES

Sen. Obama Targets

Deceptive Practices

On November 8, Senator Barack Obama (D-IL) introduced S. 1975, the Deceptive Practices and Voter Intimidation Prevention Act of 2005. The legislation safeguards electoral integrity by targeting the voter intimidation problems that have tainted recent federal elections. S. 1975 not only criminalizes deceptive practices, but it also empowers private citizens to protect their rights by removing barriers that have prevented them from reporting instances of voter intimidation and seeking justice through the courts. (See p. 3)

Torture Provisions

On November 4, Senator John McCain's (R-AZ) language prohibiting detainee torture was attached by voice vote to S. 1042, the FY 2006 authorization bill for DoD appropriations.

(See p. 5)

House Barely Passes

Budget Reconciliation

On November 18, Republican leadership in the House squeezed through its budget reconciliation package, H.R. 4241, by a vote of 217-215. The proposal slashes funding for Medicaid and Food Stamps, student loans, foster care for abused and neglected children, and assistance for the disabled.

(See p. 2)

USA PATRIOT Act

On November 16, Congress extended all provisions of the USA PATRIOT Act that were set to expire.

(See p. 5)



ACTION ALERT

URGE SENATORS TO VOTE NO ON ALITO!

On October 31, President Bush nominated Judge Samuel Alito to succeed Justice O'Connor, surrendering to his base in the wake of the botched nomination of Harriet Miers. Alito's judicial opinions demonstrate that he has an extremely troubling record on civil rights and could roll back the social justice gains that we have fought for and died for over the past seventy years.

On November 16, members of AAMIA and local ministers hosted a press conference at the Greater New Mt. Moriah Missionary Baptist Church in Detroit to announce their opposition to Alito. "The African American church has always been at the forefront of the battle to protect civil rights," said Rev. Kenneth Flowers, Pastor of Greater New Mt. Moriah. "President Bush's nomination of Judge Alito is yet another assault on civil rights and issues important to African Americans. Senators must cast a 'yes' vote for civil rights by voting 'no' for Samuel Alito." Reverend Clarence Pemberton, Pastor of The New Hope Baptist Church, added, "We will be everywhere with the message to say yes to our civil rights and say no to Samuel Alito - in the community, in church, in other states, and in Washington." Speakers released a bulletin that outlines how the administration is undermining our legal rights and protections. The bulletin was distributed to 12,000 parishioners in Detroit and was sent to AAMIA churches in twenty states.

PFAW opposes the nomination of Judge Samuel Alito to the U.S. Supreme Court.

INDEPENDENT JUDICIARY

Bush Nominates Alito

On October 31, President Bush nominated Judge Samuel Alito to succeed Justice O'Connor. The hearings are scheduled to commence on January 9, and Republicans are pushing for a Committee vote on January 17 and a floor vote on January 20. An appointee of President George H.W. Bush, Alito now serves on the U.S. Court of Appeals for the Third Circuit. Judge Alito has pounded his gavel for fifteen years, forging an extreme judicial record that exposed his disturbing appraisal of civil liberties and minority rights. For instance, he advanced positions that would have encumbered victims of race discrimination in the workplace. In dissent, Alito argued for imposing an evidentiary burden on victims of employment discrimination that would have "eviscerated" legal protections under Title VII of the Civil Rights Act. The majority said that Alito's position would protect employers from suit even if "conscious racial bias" influenced their hiring decisions. Furthermore, Alito demonstrated a clear lack of sensitivity for our nation's sordid history of racism. He cast

the deciding vote and wrote the opinion in a 2-1 ruling rejecting claims by an African American defendant who had been convicted of felony murder by an all white jury—a jury from which black jurors had been impermissibly struck because of their race. The full Third Circuit reversed, and the majority criticized Alito for comparing statistical evidence about the prosecution's exclusion of blacks from juries in capital cases to an explanation of why a disproportionate number of recent U.S. Presidents has been left-handed. According to the majority, suggesting "any comparability to the striking of jurors based on their race is to minimize the history of discrimination against prospective black jurors and black defendants ..." Lastly, Alito's record reveals his troubling views on affirmative action, an essential tool to combat oppression and dilute the poison of bigotry. In a 1985 job application for the Solicitor General's office that was recovered from the national archives, Alito labeled as "quota" litigation the efforts of the Reagan Justice Department to restrict affirmative action. In one such case, Alito signed an amicus

brief to oppose a consent decree that included numerical goals for the promotion of black firemen. By a 6-3 vote, the Supreme Court rejected the Solicitor General's argument and upheld the affirmative action plan. In another case, Alito signed an amicus brief challenging an affirmative action plan that was enacted by a school board to prevent disproportionate numbers of minority teachers from being laid off. The Solicitor General's office, including Alito, argued that a history of societal discrimination and the fact that minorities were underrepresented among the district's teachers did not justify the program. The government's brief even compared the measure to slavery, absurdly suggesting that such a system could teach students "that one hundred and twenty years after the end of slavery government may still advance some and suppress others not as individuals but because of the color of their skin." A 5-4 court decision invalidated the program, but did not adopt the Solicitor General's argument.

PFAW opposes the nomination of Judge Alito to the Supreme Court.



"The President's political base made it clear they would settle for nothing less than a Supreme Court nominee they could count on to carry out their agenda. That agenda puts at risk civil rights protections that have brought our country closer to the ideas that Rosa Parks and Martin Luther King, Jr. envisioned. It is unfortunate that while Rosa Parks was being honored in the U.S. Capitol for moving our nation forward, President Bush was nominating an activist judge whose confirmation would undermine our legal protections and move us in the other direction."

*-- Rev. Timothy McDonald,
AAMLA Chair*

ECONOMIC JUSTICE

Budget Reconciliation

The right-wing is vying for reckless legislation that finances tax cuts for the wealthy on the backs of our nation's most vulnerable citizens. On November 18, the House barely passed its budget reconciliation bill, H.R. 4241, by a vote of 217-215. The Senate passed its version, S. 1932, on November 3, by a vote of 52-47. Republican leadership will attempt to reach a conference agreement on the

House and Senate packages following the return of both chambers during the weeks of December 5 and December 12. The proposals threaten to cut programs that are essential for working-class families, such as Medicaid, Food Stamps, student loans, foster care for abused and neglected children, and assistance for persons with disabilities. The packages could also gut domestic discretionary programs, including Head Start

and the Women and Infant Children's (WIC) nutrition program, and education, housing, and environmental programs. Thus, under the guise of paying for disaster relief, Republican leadership is pandering to the rich and slashing programs for the most elderly, sick, and indigent among us.

PFAW opposes irresponsible budget reconciliation.



ELECTORAL REFORM & VOTING RIGHTS

Deceptive Practices and Voter Intimidation

On November 8, Senator Barack Obama (D-IL) introduced S. 1975, the Deceptive Practices and Voter Intimidation Prevention Act of 2005. Although forty years have passed since the Voting Rights Act was signed into law, the right to vote remains an elusive privilege. Senator Obama's legislation, how-

ever, is an essential step in the right direction, as it addresses the disgraceful voter intimidation and harassment problems that have tainted recent federal elections—including the oppressive maneuvers that infected our presidential contest in 2004. S. 1975 not only criminalizes such invidious tactics, but also empowers private citizens to affirmatively protect their rights by removing barriers

that have prevented them from reporting instances of voter intimidation and seeking justice through the courts. In addition, this timely bill encourages collaboration and consultation between election officials and civil rights organizations.

PFAW supports S. 1975, and issued a letter of support on November 8.



The Voting Rights Act

"Renew and Restore the VRA"

Reauthorizing the Voting Rights Act (VRA) and restoring it to its original intent should be of paramount importance to anyone concerned with protecting the right to vote. The AAMIA has made VRA education and outreach a priority for the upcoming year. In fact, the AAMIA has already conducted and participated in a variety of events in North Carolina and Georgia, including an anniversary celebration on August 6 in Atlanta,

GA. Rev. Timothy McDonald, chair of AAMIA, spoke at the event, and additional events are planned for the future. Furthermore, The House Judiciary Subcommittee on the Constitution has been holding oversight hearings on the VRA for the past month. The first hearing took place on October 18, and the last hearing was held on November 15. The hearings are important because certain provisions of the VRA are due to be reauthorized before 2007. As we address the voting irregularities of recent elections, we must also con-

tinue to encourage the enforcement of current laws, including the VRA. In particular, we must reauthorize the following provisions: Sections 6-9, which regulate the use of federal registrars and election monitors; Section 203, which requires bilingual voting materials in certain counties; and Section 5, which requires pre-clearance by the DOJ or federal courts prior to authorization of significant changes to local voting laws.

PFAW supports the renewal and restoration of the VRA.

Georgia Voter ID Program

On October 27, the Eleventh Circuit Court of Appeals upheld a U.S. district court decision to block H.B. 244, a voter identification law in Georgia. Although Georgia voters can currently choose from seventeen types of identification, the measure would require them to obtain one of six forms of photo identification to vote. Voters without photo ID would have to purchase a digital identification card, available in only certain counties and for a price of \$20 over five years. Thus, the photo ID requirement imposes an unconstitutional burden on the right to vote for thousands of Georgia voters, especially minorities, the elderly, and the

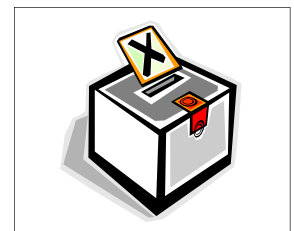
poor. The anachronistic bill evokes disturbing images of Jim Crow and violates the Voting Rights Act, the 1964 Civil Rights Act, the Georgia Constitution, and the Fourteenth Amendment. The district judge rightfully issued an injunction, comparing the law to a poll tax. Yet, the Department of Justice pre-cleared the bill. Such a move is noteworthy, for a Washington Post article from November 17 reported that senior officials at the Justice Department overruled a team of lawyers who recommended rejecting H.B. 244 because it was likely to discriminate against African Americans and other minorities. Under Section 5 of the Voting Rights Act, Georgia must submit voting rule

changes to the Justice Department and demonstrate that such modifications will not obstruct the voting efforts of minority residents. In a fifty-one page memorandum, department lawyers concluded that Georgia had failed to meet its burden; moreover, they found significant evidence that the measure was retrogressive—that it would reduce the access of black and minority voters to the polls. Nonetheless, on August 26, senior officials green-lighted the plan. Rev. Timothy McDonald, AAMIA Chair, recently issued a statement denouncing this revelation and called for an investigation.

PFAW opposes H.B. 244.

"Bush administration officials talk plenty about their commitment to equality and civil rights, but their actions speak a lot louder. At least now we understand how the Justice Department could have approved this poll tax in a state with a long history of voter intimidation and suppression — it was purely a political decision... Political officials in this Justice Department ignored the experts four-to-one recommendation against the I.D. Bill. Attorney General Alberto R. Gonzales told Georgia to go ahead with their new blockade on the ballot box.

*-- Rev. Timothy McDonald,
AAMIA Chair*



ELECTORAL REFORM (CONT.)

Nonprofit Voter Registration

On October 26, as part of a manager's amendment to the Federal Housing Finance Reform Act of 2005 (H.R. 1461), the House considered an anti-advocacy provision that disqualifies nonprofit organizations from receiving grants under the Affordable Housing Fund. The amendment was passed by a vote of 210-205, and H.R. 1461 was approved by a vote of 331-

90. The Nonprofit Gag Provision denies funding to any nonprofit engaged in lobbying or nonpartisan election activities with non-federal funds. Proscribed activities would include nonpartisan voter registration, voter identification, get-out-the-vote, and other voter participation efforts. Thus, nonprofits would be penalized for using their own funds to enfranchise low-income and minority popu-

lations—the very people who need it most.

PFAW issued a letter opposing the anti-advocacy provision on October 26, and signed a letter opposing its inclusion in the Senate version on November 18.



HURRICANE RELIEF

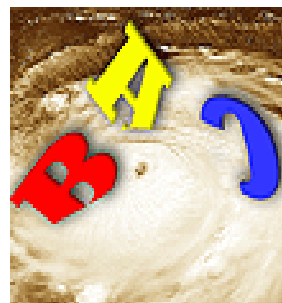
School Vouchers

Public schools are the building blocks of our democracy, the igniters of social progress. Yet, voucher proponents have exploited the emergency situation created by Hurricane Katrina and have attempted to pass a national school voucher program in exchange for educational relief for the devastated areas. In the House, Education and Workforce Committee Chairman John Boehner (R-8th OH) ignored the rejection of his voucher bill, H.R. 4097, and dared to attach it to the budget reconciliation package through the Budget Committee and Rules Committee. His bill would create "family education reimbursement accounts," which would authorize the direct payment of funds to private schools accepting displaced students. Both committees, fortunately, rejected the bill. Still, although Boehner's ploy failed in the House, the

Senate passed its own version, S. 1904, the Hurricane Katrina Elementary and Secondary Education Recovery Act, by voice vote as an amendment to S. 1932, the Senate's budget reconciliation package. Introduced by Senators Lamar Alexander (R-TN), Chris Dodd (D-CT), Mike Enzi (R-WY), and Ted Kennedy (D-MA), S. 1904 is a voucher program in disguise. The bill would allow parents to draw money from federal accounts to cover private school expenses. Per-capita funding would go from the local education agency to public, private, and religious schools, effectively creating the first national school voucher program in our nation's history. If enacted, this bill would set a dangerous precedent and could undermine America's essential commitment to public education. Attempts to pass this proposal are particularly egregious because voucher proponents

are misleading the public. Current law already provides a mechanism to help students attending either public or private schools, but this was ignored by voucher proponents in order to pass a more direct fundraising scheme for private schools. Current law also provides constitutional safeguards to protect the civil rights of students. This new proposal, however, offers no such protections, and allows for federally funded religious discrimination.

PFAW opposed S. 1904, along with almost all major education groups.



"...It is unfortunate and disappointing that the legislation approved by the Senate creates a new mechanism for sending federal dollars to private schools that voucher proponents are likely to try to exploit as a precedent for even more far-reaching efforts in the future."

"We welcome the resounding bipartisan rejection of efforts to create an even more damaging voucher system. And we will encourage clear oversight by the Senate to ensure not only that this is truly a one-time only program but also that private and religious schools are held accountable for their use of public funds, and that this relief is not used to subsidize discrimination or otherwise undermine core constitutional principles."

*-- Ralph G. Neas,
PFAW President*



CIVIL RIGHTS & CIVIL LIBERTIES

Detainee Torture Provisions

Although the United States heralds itself as an exemplary pillar of democracy, the detainee policy of the Bush administration demonstrates an utter lack of regard for international law. By flouting human rights standards for the sake of political opportunism, the policy not only exposes hypocrisy, but it also breeds embitterment abroad. Nonetheless, senators took a defiant step in a positive direction on October 5 by voting 90 to 9 in favor of Senator John McCain's (R-AZ) detainee treatment amendment to H.R. 2863, the FY2006 Department of Defense appropriations bill. The House followed suit on December 14 by voting 308 to 122 in favor of McCain's measure, sponsored by Representative John P. Murtha (D-12th PA). The McCain detainee language codifies our commitment to international human rights stan-

dards that prohibit torture and ill-treatment of prisoners and detainees. Commendably, the amendment incorporates protections outlined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the U.S. is a signatory. The amendment also subjects interrogation procedures to the regulations of the U.S. Army Field Manual and requires detainees to be registered with the International Committee of the Red Cross. Overall, McCain's provision ensures our compliance with international prisoner treatment standards, restores our waning respect in the global arena, and protects our troops from retributive treatment at the hands of foreign enemies. Although President Bush threatened to veto H.R. 2863 if it reached his desk with the McCain language intact, and while Vice President Cheney lobbied to exempt the CIA from a ban on

torture, the White House caved and announced its support for McCain's measure on December 15. The importance of legislation to proscribe torture is especially evident in light of recent reports that the CIA is operating secret "black site" detention facilities in Eastern Europe, North Africa, and Asia. Since the black sites lie beyond the jurisdiction of the courts, legal remedy is out of reach for persons locked in the system. Ensnared in a covert program, prisoners are barred from contact with the outside world. Senior officials have even alleged that the CIA is employing "enhanced interrogation procedures" at the black sites—tactics that could qualify as torture.

PFAW supports McCain's provision to prohibit torture of detainees and prisoners in U.S. custody.



PATRIOT Act Renewal

On November 16, Republican House and Senate negotiators struck a tentative deal behind closed doors to renew the expiring USA PATRIOT Act. The Conference Committee whittled away at our fundamental freedoms late into the night, extending all sixteen PATRIOT provisions that were set to expire. Fourteen provisions were extended permanently, while two particularly invasive provisions were extended seven years. The controversial measures allow government agents to access bookstore, library, financial, and medial records (section 215) and to utilize roving wiretaps (section 206). The so-called compromise also failed to adequately limit the indiscriminate use of national security letters (section 505), notices issued by the FBI that

require companies to release private information about their patrons and that bind these companies to secrecy. The FBI assumes the power to target any citizen it so pleases, without warrant, even if the targeted person is not suspected of illegal activity. 30,000 letters have been issued over the past year, a 100% increase from the pre-PATRIOT rate. The conference report represents such a blatant violation of our civil liberties that it has inspired fierce bipartisan opposition. In fact, to secure the support of Senate Judiciary Committee Chairman Arlen Specter (R-PA), the conference report was renegotiated and the sunsets on sections 215 and 206 were rolled back from seven years to four years. The renegotiated report, however, remains glutted with

glaring loopholes and weak standards, and it still fails to provide the checks and balances necessary to prevent abuses of power and to safeguard our civil liberties. The House voted 251 to 174 to renew the PATRIOT act on December 14, but a strong coalition of Senators on both sides of the aisle opposes the bill. Members of the bipartisan contingent in the Senate support the use of a filibuster, if necessary. While the sixteen provisions are set to expire December 31, several Senators are calling for a temporary extension to buy more time for negotiations.

PFAW released letters opposing the conference report of the USA PATRIOT Act of 2005.



IMMIGRATION

Comprehensive Reform

We are a nation of laws; we are also a nation of immigrants. America was founded by the bravery and tenacity of immigrants in search of freedom, and America was made prosperous by the initiative and industriousness of immigrants in search of opportunity. Eight to twelve million undocumented immigrants reside in the United States. They dwell in the shadows of our society, fearful of their fate and uncertain how to navigate the legal netherworld in which they find

themselves. While massive deportation would cripple our economy, comprehensive immigration reform represents a viable strategy to bring them out the darkness. To this end, Senators John McCain (R-AZ) and Ted Kennedy (D-MA) have crafted legislation that offers undocumented aliens citizenship, but only if they fulfill certain requirements, such as learning English and paying fines and back-taxes. Furthermore, the McCain-Kennedy bill imposes stiff penalties on employers who hire illegal immigrants and

outlines a system for identifying legal foreign workers. The legislation has earned bipartisan support because it seriously confronts the dual problems of border security and immigration reform. Representatives Jim Kolbe (R-8th AZ), Jeff Flake (R-6th AZ), and Luis Gutierrez (D-4th IL) are co-sponsoring the McCain-Kennedy proposal in the House.

PFAW supports the McCain-Kennedy proposal for comprehensive immigration reform.

DREAM Act

On November 18, Senators Richard Durbin (D-IL), Chuck Hagel (R-NE) and Richard Lugar (R-IN) and 10 original cosponsors reintroduced the Development, Relief, and Education for Alien Minors (DREAM) Act (S. 2075), which now awaits consideration by the Senate Judiciary Committee. As introduced during past Congresses, the DREAM Act would address the reality of young people who have been raised in the

U.S. and who have graduated from U.S. high schools, but cannot advance in society and contribute to their communities because of barriers posed by current immigration laws. Today, an estimated 65,000 undocumented students graduate from U.S. high schools without any hope for the future. The DREAM Act would grant legal status to undocumented children who arrived in the U.S. before the age of 16, who earn a high school di-

ploma, and who satisfy rigorous standards for moral character and achievement. The DREAM Act would also remove the section of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) that discourages states from providing in-state tuition to undocumented students.

PFAW issued a statement in support of the DREAM Act.

“PFAW believes America’s immigrants are a strong and valuable part of the social fabric of this nation. We recognize the need for comprehensive reform of the immigration system and for the safety of all our communities.”

*-- Ralph G. Neas,
PFAW President*



RELIGIOUS FREEDOM

Head Start

On September 22, the House considered H.R. 2123, the Head Start reauthorization bill. Representative Charles Boustany (R-7th LA) offered an amendment to remove the anti-discrimination restrictions from the Head Start program, taking up the cause of House Education and the Workforce Committee Chairman John Boehner (R-8th OH). Although the amendment passed by a

vote of 220-196, the about-face of nine Republicans was a tremendous achievement. Notably, the National Head Start Coalition even opposed final passage of its own bill with the amendment attached. The legislation passed by a vote of 231-184 in the House; the Senate, on the other hand, has not yet taken up



its version of Head Start reauthorization, S. 1107, and will not until the week of December 12. Another charitable choice amendment is expected, but Senator Harry Reid (D-NV) has pledged to oppose it.

PFAW and the AAMIA sent letters opposing the charitable choice amendment in the House, and will do so again if it is offered in the Senate.



PFAW PROGRAMS DEPARTMENT STAFF

Sharon J. Lettman
Director of National Programs
and Outreach Department
202.467.2379

Carleton Atkinson
Deputy Director of African
American Outreach
Ministers Programs Liaison
202.467.2398

Jeff Johnson
Director, African American
Outreach
202.467.2318

Lorelle Curry
Special Projects Coordinator
202.467.2400

