NAACP LITIGATION & LEGAL ADVOCACY UPDATE
February 25, 2022

Redistricting

- On February 24th, the Mississippi Conference of the NAACP (NAACP Mississippi) along with NAACP Legal Defense and Educational Fund, Inc., One Voice, and the Black Voters Matter Capacity Building Institute, filed an amicus brief in the consolidated cases of *Smith v. Hoseman, et al.* and *Buck v. Barbour, et al.* The judgment, which was issued decades ago, prescribes that the court will maintain jurisdiction over the state’s congressional map drawing process. The state now has filed a motion to vacate the judgment and allow the state’s congressional map to go into effect. The amicus brief opposes setting aside the judgment and argues that, in response to the release of the 2020 Census data, the Mississippi Legislature redrew the state’s four Congressional districts. Before the State Legislature considered traditional redistricting principles such as compactness and preserving communities of interest, it made the central choice to set the exact racial makeup of one Congressional district: Congressional District 2 (CD 2). From the outset, the Legislature decided that CD 2 would have a Black voting age population (BVAP) of about 61%. The brief argues that the state’s map is a racial gerrymander because of the way it packs voters into CD 2, U.S. Representative Bennie Thompson’s district. NAACP Mississippi was represented by NAACP Legal Defense and Educational Fund and Hogan Lovells US LLP.

- On February 23rd, the Arkansas State Conference of the NAACP (NAACP Arkansas) filed an appeal of the February 17th decision of the U.S. District Court of Alabama. The court ruled that Section 2 of the Voting Rights Act has no private right of action. Under the trial court’s interpretation, neither civil rights organizations nor private citizens have the right to bring lawsuits for violation of Section 2 of the Voting Rights Act. Any such action would have to be brought by the Department of Justice. No prior court has ruled this way. The court gave DOJ five days to join the lawsuit. Following DOJ’s decision not to do so, the case was dismissed in whole. The appeal will be to the Eighth Circuit Court of Appeals. NAACP Arkansas is represented by the ACLU.

- On February 22nd, the U.S. District Court for the District of Maryland granted the Baltimore County NAACP and others request for a Preliminary Injunction in the Branch’s redistricting lawsuit against Baltimore County. Plaintiffs argue that Baltimore County’s 2021 redistricting plan dilutes the vote of Black County voters and that these voters will suffer irreparable harm to their fundamental right to vote, absent relief from the Court. In its Order, the court directed the County to adopt a redistricting map that either includes two reasonably compact majority-Black Districts for the election of County councilmembers, or an additional County District in which Black voters otherwise have an opportunity to elect a representative of their choice and that comports with the requirements of the Voting Rights Act and any other relevant constitutional and statutory requirements by March 8, 2022. The Branch is represented by Brown, Goldstein & Levy LLP and Arnold & Porter Kaye Scholer LLP.
**Housing**

- On February 24th, OGC’s Martina Tiku, Equal Justice Works Fellow Sponsored by The Clorox Company, presented to the Atlanta Branch of the NAACP about available housing resources, overview of the eviction process, and upcoming Housing programming during the Branch’s general membership meeting.

**Harvard Law Equal Democracy Project**

- On February 24th, Assistant General Counsel Anna Kathryn Barry spoke on a panel hosted by Harvard Law's Equal Democracy Project. She discussed NAACP's *Thompson v. Trump* lawsuit, filed against Trump and his allies for their role in the Jan. 6 insurrection. She was joined by lawyers who represent plaintiffs in two other lawsuits relating to the events of Jan. 6.

**Law Fellows**

- The Office of General Counsel is still accepting applications for the 2022 NAACP Kellogg’s Summer Law Fellow Program. The application deadline Friday, March 11th OGC is seeking six full-time Summer 2022 Law Fellows. Law school students may apply by using the following link: Apply Here. Candidates must send a Resume, Cover Letter, Transcript, and Writing Sample. If selected for the program, candidates must provide two (2) reference letters. The Law Fellows will work on a variety of civil rights cases and internal matters under the supervision of the attorneys in Office of the General Counsel. In addition, they will assist in planning of the NAACP Legal Advocacy Institute, a continuing legal education seminar taking place during the NAACP National Convention in July 2022. This fellowship will provide the Fellows with the opportunity to lead an advocacy project, assist with ongoing litigation, develop legal education materials, and work under the supervision of attorneys to protect the NAACP brand. The positions are contingent upon continued funding. Reference letters should be sent to legal@naacpnet.org and Associate General Counsel Anson Asaka at aasaka@naacpnet.org should be contacted if there are any questions.

**U.S. Supreme Court Nomination**

- On February 25th, President Joe Biden nominated Ketanji Brown Jackson to United States Supreme Court. She would be the first Black woman to serve as a Justice on the nation’s highest court. She would replace Justice Stephen Breyer, 83, who has announced his intention to retire at the end of this session. She is currently a judge in the Circuit Court for the District of Columbia Circuit. The Office of General Counsel is supportive of the nomination of a Black woman to this position and feels that it has been a long time coming. OGC will be monitoring the confirmation process, paying particular attention to whether the U.S. Senate fairly consider Judge Jackson and treats her with the respect, dignity, and courtesy she deserves during the confirmation process.