

# LEGISLATIVE UPDATES

*By Daniel Raposa\**

## **S 535 “THE EMMETT TILL UNRESOLVED CIVIL RIGHTS CRIME ACT”**

This bill would establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice. It would also create an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the FBI.

Named in honor of the Emmett Till, whose murder in Mississippi in 1955 was one of the catalysts of the American Civil Rights Movement, this bill would act as the benefactor for a crucial area of civil rights crime work: unresolved civil rights crime. It would partition and allocate resources to individual divisions in the agencies that could be devoted solely to working on cases whose resolutions remain in limbo.

Till himself was shot, beaten, and left in the Tallahatchie River by two white men, who were acquitted at trial but later confessed. The jury deliberations took only 67 minutes, and the blasé attitudes of the all-white jury (one juror took a soda break to stretch the deliberation time to over an hour) led to public outrage in the United States and Europe, and helped kick the Civil Rights Movement into high-gear.

Sen. Dodd (D-CT) introduced the bill for himself and Sen. Leahy (D-VT). It is currently in the Judiciary Committee. A companion bill, H.R. 923, was introduced by Rep. John Lewis (D-GA). It currently has 66 cosponsors.

## **H.R. 998 “CIVIL RIGHTS HISTORY PROJECT ACT OF 2007”**

This bill would create a project to collect oral histories of individuals from the Civil Rights Movement (CRM) in the Library of Congress and the Smithsonian, and these oral accounts would then be available to the public.

The purpose of the bill is to help American citizens learn about the CRM through a vital primary source: oral histories. The legislation emphasizes allowing future generations, who would not necessarily have contact with persons involved in the CRM, to be able to relive the history, struggles, and traditions of the era. The project would have tremendous reach, as it would help coordinate all preexisting efforts to archive oral histories at the national level. It would also complement previous work that has been done to archive other primary source materials on the CRM. There is also an emphasis on assisting local efforts to preserve similar oral histories.

Rep. Carolyn McCarthy (D-NY) introduced the bill, which has 35 co-sponsors. It is currently in the House Committee on House Administration.

## **S. 543 “DECEPTIVE PRACTICES AND VOTER INTIMIDATION PREVENTION ACT OF 2007”**

This bill makes a number of technical amendments to Subsection (b) of section 2004 of 42 U.S.C. 1971(b), in order to crack down on reporting false election information and any deceptive practices in federal elections.

The legislation acknowledges that the right to vote is a fundamental Constitutional right and an underpinning of democracy. The bill’s findings recognize that huge strides have been made in voter rights, particularly since the era of literacy tests, poll taxes, and property requirements. The bill also recognizes the Constitutional legacy of piecemeal inclusion of more and more citizens with franchise. This includes the 15th, 19th, and 24th Amendments.

However, despite much forward progress, tactics that aim to confuse certain demographics of voters and suppress voter turnout threaten today’s elections. Principal among these new tactics are the dissemination of false information, intimidation of voters to dissuade them from voting, and attempts to influence those who do vote.

There are countless examples of this voter intimidation and influence. African-American voters in North Carolina received false information about their voter registration status in 1990 and were threatened against trying to vote. In 2004, Native American voters in South Dakota were turned away unnecessarily at polls for lack of photo identification. In the 2006 election, some Virginia voters received messages telling them that they were ineligible to vote and threatening criminal prosecution if they tried. In 2006, in predominately African-American districts of Prince George’s County, Maryland, certain candidates distributed fliers insinuating that they belonged to the party of which they were not members.

Senator Barack Obama (D-IL) introduced this bill, which has notable co-sponsors, including Sen. Hillary Clinton (D-NY), Sen. Edward Kennedy (D-MA), and Sen. John Kerry (D-MA).

## **S. 556 “HEAD START FOR SCHOOL READINESS ACT”**

This bill would make technical amendments to provisions of Head Start (42 U.S.C. 9831), one of the most important social programs for lower-income schoolchildren. The bill’s authors recognize the vital role that Head Start plays in the social and cognitive development of many of these children.

Sen. Edward Kennedy (D-MA) introduced this bill, and it is currently in the Committee on Health, Education, Labor and Pensions.

### **S. 358 “GENETIC INFORMATION NONDISCRIMINATION ACT OF 2007”**

This bill would regulate and bar certain types of discrimination based on genetic information, including discrimination in health insurance and employment discrimination.

Recognizing that advances in science and medicine with respect to genetics hold the possibility of great societal advances, the authors of this bill also recognize the potential negative byproducts that the disclosure of genetic information brings.

The bill recognizes that although genes are facially neutral markers, many genetic conditions and disorders are both more prevalent and more readily associated with particular racial and ethnic groups. This could lead to the stigmatizing of, and discrimination against, members of a particular group as a result of that genetic information. An example of this phenomenon is the occurrence of certain types of discrimination against African Americans in the 1970s based on their higher tendency toward sickle-cell anemia.

Sen. Olympia Snowe (R-ME) introduced the bill, which currently has 25 co-sponsors and is in the Committee on Health, Education, Labor, and Pensions. Its companion bill is H.R. 493.

### **H.R. “NO MORE TULIAS: DRUG LAW ENFORCEMENT EVIDENTIARY STANDARDS IMPROVEMENT ACT OF 2007”**

This bill seeks to “increase the evidentiary standard required to convict a person for a drug offense, to require screening of law enforcement officers or others acting under color of law, participating in drug task forces, and for other purposes.”

The bill’s authors have come to the realization that some programs funded by the Edward Byrne Memorial Justice Assistance Grant program have created and sustained racial disparities, corruption in law enforcement, and the commission of civil rights abuses across the country. The Edward Byrne program funds hundreds of regional anti-drug task forces. As these task forces are administered by local officials with very little federal oversight, racial and law enforcement issues have cropped up and hampered the program’s effectiveness to combat drug problems while remaining race-neutral. The ACLU and other watchdog organizations have documented numerous occasions of local programs administered under the EBMJAG program presiding over false arrests and convictions.

The bill hopes to both streamline procedures for local programs receiving federal funds and ensure that states administer proper oversight to these programs.

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