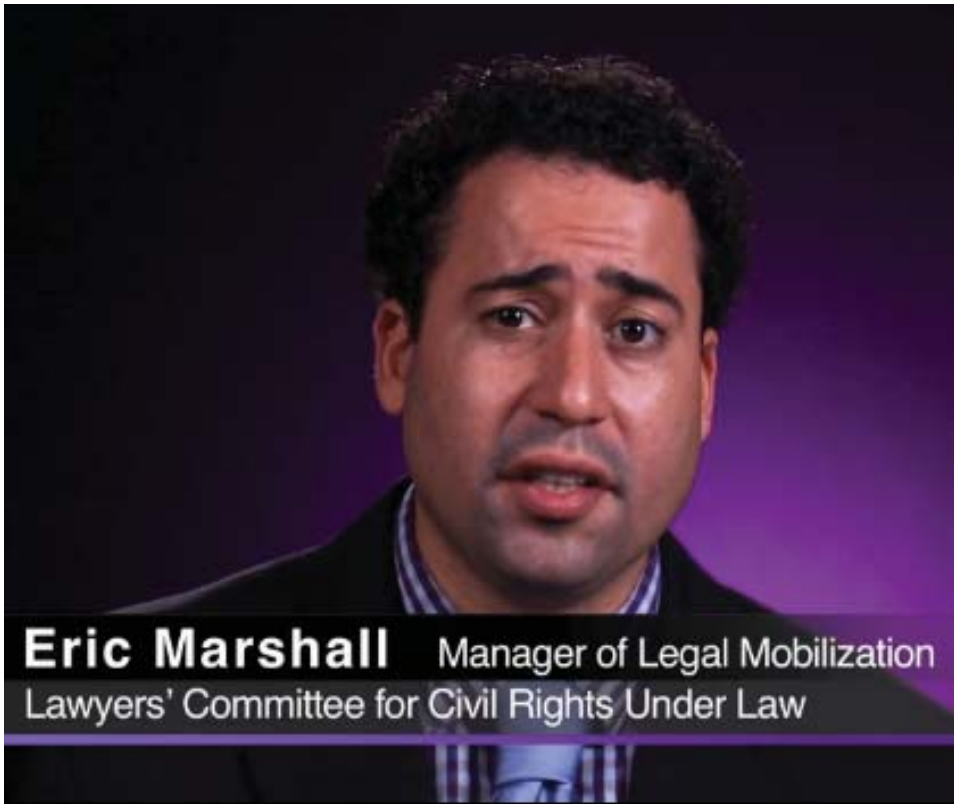
CRC CAPITAL RESEARCH CENTER

Organization Trends

Lawyers' Committee for Civil Rights (but Not Equal Rights) Under Law

By Kevin Mooney

Summary: *Formed in the midst of the nation's struggle to guarantee equal rights to all Americans, regardless of race, the Lawyers' Committee for Civil Rights Under Law has morphed into just another left-wing pressure group trying to gain special privileges for its favored constituencies, even if that means undermining the voting rights of Americans of every race.*



screen grab: AOL.com

Be careful about working to uphold the rule of law in areas of the country where both political parties are competitive. Otherwise, you can expect to hear from the Lawyers' Committee for Civil Rights Under Law, which has joined forces with Project Vote, Demos, Common Cause, the Advancement Project, and other far-left groups in an effort to scuttle ballot integrity efforts. Thanks in large measure to a compliant, uncritical news media, the Lawyers' Committee and its allies, have worked successfully to delay (but not stop) implementation of voter identification laws that would protect the best interests of the very racial minorities the Committee claims to champion.

While it is fair to point out that Republicans have been the primary driving force behind voter ID laws since the 2010 mid-term elections, the *New York Times* and other liberal publications do not inform readers that a broad cross-section of Americans, spanning political and racial lines, support these same laws. In fact, polls show that minorities actually favor voter ID laws by a slightly higher margin than whites.

John Fund, a senior editor with the *American Spectator* who has written two books on voter fraud, told the "True the Vote" Summit in Houston, Texas, last year that the poll results should not be surprising.

"I believe the biggest victims of voter fraud

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today are minorities," Fund said. "They obviously support [voter ID]; they think voter fraud is a more serious problem than anyone.… Their leadership has failed them by yelling racism in a crowded little theater and by dividing us rather than uniting us. Their entire edifice is built on fraud and misrepresentation."

Sly marketing tactics also figure into the equation. Like many groups on the Left, the Lawyers' Committee operates under the guise of civil rights and equality, while it actually promotes divisive policies, rooted in preferential treatment, that conflict with America's founding principles.

A sympathetic, softball interview with Talking Points Memo website (Aug. 12, 2012) is particularly revealing. "Welcome to the headquarters of Election Protection, a program run by the Lawyers' Committee for Civil Rights and a multitude of civil rights organizations that seeks to combat the wave of restrictive voting laws that have swept state legislatures in the past few years," the interview begins. "The Election Protection coalition consists of about 60 groups and partnerships with countless others. One key feature: a hotline that provides Americans with 'comprehensive voter information and advice on how they can make sure their vote is counted.' A new addition this year: a SmartPhone application that Election Protection hopes will create countless advocates who sign up their friends. Calls to Election Protection's hotline have provided plaintiffs to groups filing suit against over various changes to voting laws, including at least one plaintiff in the suit against Pennsylvania's voter ID law."

Eric Marshall, the co-leader for Election Protection, explained what was at stake from his perspective in the report. "We have to start changing the nature of the conversation, get out the fact that these [voter ID] laws are like cutting off your ankle to cure the flu," Marshall said. Because he is attached to a civil rights organization, "communities of color" and other "historically disenfranchised voters" are his primary concern, Marshall added.

The competitiveness of political contests does factor into the "calculations," Marshall conceded. "There are traditional battleground states like Florida, Ohio and Pennsylvania that we work in, but there are states like Georgia, California, New York that aren't necessarily [battleground states], and there are states like North Carolina that we've worked in historically that are now considered to be battleground states."

When a billboard in Cleveland, Ohio, highlighted and spelled out the penalties for voter fraud, Marshall, who also serves as the manager of legal mobilization for the Lawyers' Committee, predictably played the race card instead of challenging the advertisement on substance.

The billboard stated: "VOTER FRAUD IS A FELONY: Up to 3½ Years and $10,000 Fine."

In a letter, Marshall demanded that Clear Channel Outdoor, a billboard vendor that was paid to put up the signs, remove them because they "stigmatize the African-American community by implying that voter fraud is a more significant problem in African-American neighborhoods than elsewhere." The billboards also "attach an implicit threat of criminal prosecution to the civic act of voting," he added.

J. Christian Adams, a former attorney with the U.S. Department of Justice and author of *Injustice: Exposing the Racial Agenda of the Obama Justice Department* (Regnery, 2011), dissected Marshall's arguments for Pajamas Media: "This is what the Lawyers' Committee has become in 2012—a facilitator of racial paranoia. Our culture has degraded to the point where stating the truth, the empirical [truth] about voter fraud laws, is not met with praise, but rather with threats from lawyers."

Among the Lawyers' Committee's acknowledged allies are the American Civil Liberties Union, Justice at Stake Campaign, Leadership Conference on Civil Rights, NAACP, NAACP Legal Defense Fund, National Association of Minority & Women Owned Law Firms (NAMWOLF), National Civil Rights Museum, and the National Women's Law Center.

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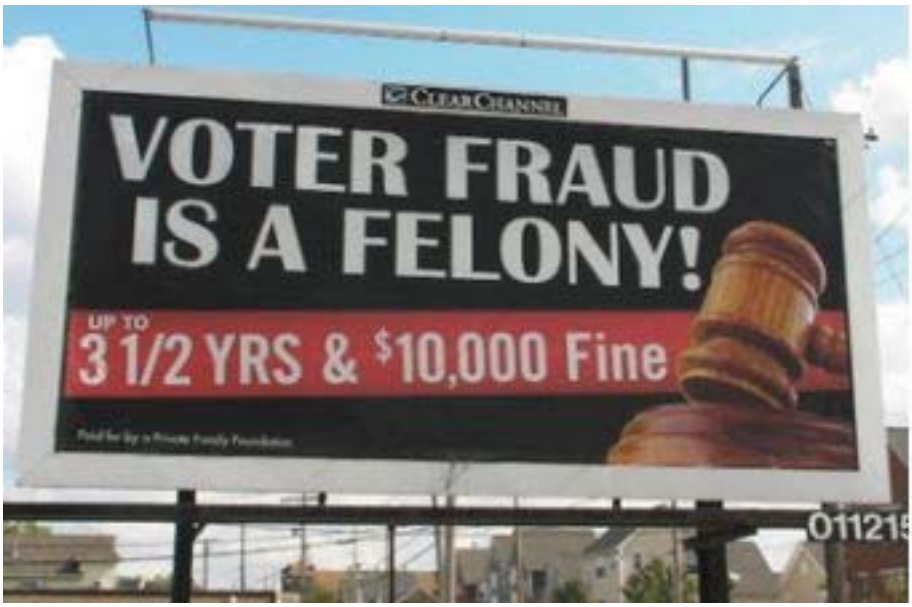
Finances

The usual suspects in the world of left-wing philanthropy fund the Committee. They include Annie E. Casey Foundation ($75,000 since 2010), Arca Foundation ($125,000 since 2006), Carnegie Corp. of New York ($400,000 since 2001), Charles Stewart Mott Foundation ($50,000 since 2001), Ford Foundation ($6,215,000 since 2004), George Soros's Foundation to Promote Open Society ($150,000 since 2009), John D. & Catherine T. MacArthur Foundation ($612,500 since 2000), John S. and James L. Knight Foundation ($425,000 since 2003), Joyce Foundation ($354,920 since 1998), Nathan Cummings Foundation ($210,000 since 1999), George Soros's Open Society Institute ($779,300 since 1999), Pritzker Family Foundation ($10,000 since 2004), Rockefeller Family Fund Inc. ($35,000 since 1999), Rockefeller Foundation ($575,000 since 2000), David Geffen Foundation ($10,000 since 2006), Tides Foundation ($817,500 since 2007), and the W.K. Kellogg Foundation ($10,000 since 2010).

The group has significant corporate donors, including American Express Foundation ($50,000 since 2001), Bank of America Charitable Foundation Inc. ($190,000 since 2008), and Citi Foundation ($195,000 since 2006).

Large national law firms' charities also keep the Committee afloat. They include Jones Day Foundation ($45,000 since 2004), Katten Muchin Zavis Rosenman Foundation ($72,860 since 1999), Kirkland & Ellis Foundation ($214,000 since 2005), Schiff Hardin and Waite Foundation ($132,000 since 2003), and the Sidley Austin Foundation ($47,000 since 2009).



Public service announcement or voter intimidation? The Lawyers' Committee demanded this Cleveland billboard be taken down last year.

Based in Washington, D.C., the Lawyers' Committee has 39 full-time employees and in 2011 had an annual budget of $6.5 million, with gross receipts of $9.9 million.

The tax-exempt 501(c)(3) group's president and executive director since 1989 has been Barbara R. Arnwine, whose 2010 compensation totaled $264,000. A graduate of Scripps College and Duke University School of Law, Arnwine played a role in the passage of the Civil Rights Act of 1991, according to her official biography. A champion of affirmative action, her areas of interest include housing, fair lending, community development, employment, voting, education, and so-called environmental justice. Arnwine is also a member of the American Bar Association's Section of Individual Rights and Responsibilities and sits on the boards of the National Coalition to Abolish the Death Penalty and Equal Justice Works.

Under her leadership, the Lawyers' Committee monitors treaty compliance and responds to reports written by the U.S. government about the requirements of both the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination following the United Nations Human Rights Council's Universal Periodic Review, which last occurred in November 2010.

In 2001, Arnwine represented African descendants from the Americas in helping to draft provisions of the program for action concocted at the infamous U.N. World Conference Against Racism, Racial Discrimination, Xenophobia and related Intolerance in Durban, South Africa. Delegates from the U.S. and Israel walked out during that confab, disgusted by a draft resolution that unfairly singled out Israel for criticism and likened Zionism to racism. Even the left-wing Ford Foundation, which funded some of the most extreme voices at Durban, eventually had to repent of its connections to the conference. As the Anti-Defamation League (ADL) summarized the affair, "In a meeting with ADL and in a written response to Rep. Jerrold Nadler (D-N.Y.), Ford Foundation

President Susan V. Berresford outlined a series of measures to ensure that no future grants would go to organizations that in any way support terrorism, bigotry, or the delegitimization of Israel."

Contradicting Original Intent

At the Lawyers' Committee, what may have been a laudable effort at the height of the civil rights movement in the 1960s has degenerated into a left-wing echo chamber. Instead of working to protect the rights of legal voters disenfranchised by fraud at the ballot box, the Lawyers' Committee now works to deflect scrutiny from criminal activity that undermines honest elections.

Back in the summer of 1963, President John F. Kennedy called a meeting that included 244 lawyers in the East Room of the White House. Kennedy, Vice President Lyndon Johnson, and Attorney General Robert F. Kennedy encouraged the attendees to devote their energy and attention to civil rights. Thus was born the Lawyers' Committee for Civil Rights Under Law.

Alabama Gov. George Wallace (a Democrat) quickly became public enemy number one. His defiant stand against a court order desegregating the University of Alabama added momentum to the mission of the Lawyers' Committee. At his wife's behest, Bernard Segal, a corporate attorney in Philadelphia who would later serve as president of the American Bar Association, crafted a statement critical of Wallace's stance. The formal statement published in Birmingham area newspapers included the names of 53 lawyers supporting the statement and asked elected officials to uphold the "rule of law."

President Kennedy asked Segal to chair the Lawyers' Committee and to recruit other attorneys to the civil rights cause. Not surprisingly, the organization's mission statement was in sync with the sentiments of Kennedy and the civil rights leaders of that era:

> The principal mission of the Lawyers' Committee for Civil Rights Under Law is to secure equal justice for all through the rule of law, targeting in particular the inequities confronting African Americans and other racial and ethnic minorities.

That part about upholding the rule of law does not square with the organization's current efforts. "The Lawyers' Committee once held the moral high ground and helped end racial discrimination in voting," writes J. Christian Adams, the former Justice Department attorney. "But they have become an organization that facilitates criminal wrongdoing in elections by attacking even mentioning that voter fraud is a crime. Instead of the moral high ground, the lawyers committee in 2012 has taken sides with the wrongdoers."

Nowadays the Committee pressures state officials into loosening voter registration standards; it also discourages those same officials from probing voter fraud allegations and removing ineligible voter names from their rolls. To date, at least 52 individuals associated with the scandal-plagued ACORN group, or its affiliates like Project Vote, have been convicted in a dozen states of voter registration fraud.

Known in full as the Association of Community Organizations for Reform Now, ACORN was responsible in 2008 alone for generating 400,000 voter registration forms that were later invalidated. The Lawyers' Committee and its allies in the "progressive" movement responded to the ACORN scandals with duplicitous legalese aimed at defining voter fraud out of existence. In a paper entitled, "The Case Against Voting Photo ID Bills," the Lawyers' Committee claims that actual instances of voter fraud are rare and isolated, when in fact a significant number of election law-related convictions have occurred across the country in recent years.

"There may be evidence of isolated instances of alleged voter fraud, but proponents of these photo ID bills cannot point to substantial convictions," the paper says. "In addition, the laws already in place to punish voter fraud are sufficiently severe to deter potential criminals." But that's true only insofar as the "rule of law" is upheld and strictly enforced. The Lawyers' Committee and other like-minded pressure groups do not support upholding federal laws and statutes as they are written. Instead, they seek legal settlements that go beyond the letter of the law to enforce those provisions they favor, while effectively blocking enforcement of laws on the books that are inconsistent with their political agenda.

For example, Section 8 of the National Voter Registration Act (NVRA), also known as the Motor-Voter law, requires state officials to maintain updated voter registration rolls and to purge the rolls of ineligible names. As part of a compromise with Senate Republicans in 1993, President Clinton agreed to sign off on the electoral integrity provisions of Section 8. The NVRA also includes Section 7, which requires government officials to offer voter registration forms to anyone who applies for new drivers' licenses or other social services like welfare or unemployment benefits.

The lack of any voter identification requirements in the Motor-Voter law create oppor-

tunities for electoral fraud, critics charge. "Perhaps no piece of legislation in the last generation better captures the 'incentivizing' of fraud ... than the 1993 National Voter Registration Act," Fund writes in *Stealing Elections* (Encounter, 2008). Government officials are not allowed to ask anyone for identification or proof of U.S. citizenship, Fund adds. "States also had to permit mail-in voter registrations, which allowed anyone to register without any personal contact with a registrar or election official. Finally, states were limited in pruning 'dead wood'—people who had died, moved or been convicted of crimes—from their rolls.... Since its implementation, Motor Voter has worked in one sense: it has fueled an explosion of phantom voters."

Regardless of how one feels about Motor-Voter, it is the law of the land. Yet an organization created ostensibly to fight discriminatory practices by "upholding the rule of law" now favors highly selective enforcement of the NVRA. The Committee pressures state officials into making voter registration ever easier while at the same time ignoring the law's command to clear deadwood from voter rolls.

To date, the Lawyers' Committee has filed at least eight NVRA-related lawsuits alongside Project Vote and Demos. The 2010 consent agreement the Lawyers' Committee reached with New Mexico in *Valdez v. Duran* is particularly instructive, because it greatly expands enforcement of Section 7 of Motor-Voter while delaying any serious enforcement of Section 8.

The Lawyers' Committee in 2013

With the 2012 elections now receding into history, now is a good time to examine the Lawyers' Committee's objectives in the key areas of finance, housing, immigration, and "environmental justice."

Anyone familiar with how ACORN used and abused the Community Reinvestment Act to pressure banks into lowering their lending standards can understand why Americans should be alarmed by the way the Lawyers' Committee has injected itself into an "alleged loan modification scam." In December, the organization's attorneys filed a suit on behalf of "vulnerable homeowners" that claims the owners were duped out of "tens of thousands of dollars" by defendants who made false promises about "mortgage modifications." That sounds laudable and innocent enough. But the lawsuit ties into a larger agenda built around the concept of "fair housing and fair lending."

So far the Committee has stopped short (at least in its public pronouncements) of arguing in favor of the same loose lending practices that contributed to the real estate bubble and the subsequent financial crisis. Instead, the organization's leadership falls back on messaging rooted in the language of civil rights to press its agenda:

"Housing discrimination is a painful, stubborn reality for people of color in the United States. All too often, substandard segregated housing in minority communities exacerbates economic, political, and educational disparities. In an effort to overcome these problems, the Fair Housing Project litigates lawsuits under the Fair Housing Act to challenge discrimination in rental and private markets as well as in public and assisted housing."

With regard to immigration policy, an area lawmakers on Capitol Hill expect to revisit this year, the Committee remains fully devoted to the "DREAM Act" and "various forms of advocacy and amicus work."

"The Lawyers' Committee's dedication to the defense of immigrant rights stems from its core mission to represent the interests of racial and ethnic minorities, and other victims of discrimination, where doing so can help to secure justice for all. The formation of the Immigrant Rights Initiative recognizes

that an attack on immigrant groups is an attack on people of color residing in the United States."

But the lawyers who serve as advocates for the immigrant population do not seem to distinguish between who is in the country legally and illegally. The DREAM Act, for instance, would allow illegal aliens to pay in-state tuition. Given that leading figures in both major parties are floating their own version of this legislation, the Lawyers' Committee will have considerable clout in this area. When the U.S. House passed the DREAM Act in 2010, the Committee issued this statement:

> The Lawyers' Committee has worked persistently to support education as a civil right and ensure equal access is protected regardless of an individual's race, ethnicity or national origin. The DREAM Act, while not perfect, goes a long way in addressing this mandate. It offers conditional permanent resident status for those undocumented Americans who have invested in their own elementary and secondary education and continue to pursue a college degree or serve in the military.

But what about the "rule of law" and the civil rights of legal citizens and legal immigrants, who will be asked to pay more for their education than the illegal immigrants?

U.S. citizens, especially those with the wrong skin pigmentation, are second-class citizens as far as the self-described civil rights attorneys are concerned. Take the Employment Discrimination Project (EDP). A project of the Lawyers' Committee, it was supposedly set up to "challenge all forms of racial, national origin, and sexual discrimination in the workplace, both private and governmental, including discrimination by federal, state and local agencies." EDP, which claims to provide technical assistance to a network of 6,100 plaintiffs' attorneys "learning the nuances of fair employment litigation," files class-action lawsuits in an effort to dismantle "systemic barriers faced by women and minorities in hiring and promotions."

But attorneys with the EDP have consistently argued against federal court rulings which reject discriminatory practices that produce unequal treatment. For example, when a majority of Supreme Court justices ruled in favor of white firefighters, Sarah Crawford—a senior counsel with the EDP—found a way to rationalize reverse discrimination. The 2009 case *Ricci v. DeStefano* involved test scores that were traditionally used to determine promotions in the New Haven, Connecticut fire department. The suit alleged that when the fire department discarded certain test results in order to accommodate the department's affirmative action policies, the plaintiffs had suffered racial discrimination; the high court agreed.

"Perhaps the most troubling aspect of the decision is the disregard for the fundamental rule of statutory construction to look to the plain language of a statute and the underlying congressional intent. Looking to the plain language of Title VII, Congress clearly intended for employers to ensure that tests are 'job related for the position in question and consistent with business necessity' and to adopt 'alternative employment practice[s]' that would lessen a disparate impact," Crawford wrote. "This decision contravenes the clear legislative language and intent of Title VII."

In other words, according to EDP's logic, the way to achieve equality before the law on the basis of race and ethnicity is to discriminate on the basis of race and ethnicity.

Contrast the view of the Supreme Court's majority opinion, written by Justice Anthony Kennedy, who offered a sterling defense of the principles that President Kennedy invoked in 1963 when the Lawyers' Committee was conceived. While Connecticut city officials did their best to ensure "broad racial participation" in the tests, Justice Kennedy observed, they later threw out the test results because of purely racial considerations.

He added:

> The injury arises in part from the high, and justified, expectations of the candidates who had participated in the testing process on the terms the City had established for the promotional process. Many of the candidates had studied for months, at considerable personal and financial expense, and thus the injury caused by the City's reliance on raw racial statistics at the end of the process was all the more severe. Confronted with arguments both for and against certifying the test results—and threats of a lawsuit either way—the City was required to make a difficult inquiry. But its hearings produced no strong evidence of a disparate-impact violation, and the City was not entitled to disregard the tests based solely on the racial disparity in the results.

To be protected from racial discrimination in the twenty-first century, Americans must be part of a favored constituency, according to the Lawyers' Committee. This leaves out white firefighters who exert themselves and

achieve high test scores based on their own merit and initiative.

The Lawyers' Committee also opposes state-level initiatives such as California's Proposition 209 (see page 3 of its 2001 report to the U.N., "American Dream? American Reality!"), which explicitly bans discrimination on the basis of race, ethnicity, and national origin in university admissions and government hiring. So far, Washington State, Arizona, Michigan, Oklahoma, Nebraska, and Florida have all passed similar measures. Apparently, the country is more post-racial than the Lawyers' Committee.

"Environmental Justice" for "low income communities" and "people of color" is another major Committee priority. In June 2010, the Lawyers' Committee presented the Obama administration with a report entitled, "Now is the Time: Environmental Injustice in the U.S. and Recommendations for Eliminating Disparities." The report calls on federal agencies to "eliminate disparities" by enforcing environmental laws.

Still, election law remains the bread and butter of the Lawyers' Committee. Early this year it will release an "Election Protection" report that details "recurring problems that continue to confound election officials and make it difficult for Americans to vote. The report will also include proposals that legislators should adopt to finally confront these problems in order to maintain integrity in our electoral process and make our elections free, fair, and accessible to all eligible voters."

In testimony before the U.S. Senate Judiciary Committee this past December, Tanya Clay House, the public policy director of the Lawyers' Committee, took the opportunity to criticize voter identification laws in various states, but she left out Rhode Island. That's where Harold Metts, an African-American Democratic state senator from Providence, Rhode Island, steered through a strict voter identification law that goes into full effect in 2014.

"For years, I had heard complaints from some of my constituents about voter fraud, and I felt like it was time for us to take action," Metts told this writer in an interview. "There's always a concern about disenfranchisement, and we should make every effort to ensure that everyone who is eligible to vote can vote. But it got to the point where there was such a fear over disenfranchisement that people just buried their heads when it came time to deal with voter fraud, and that was not healthy for our democracy."

Since the Rhode Island experience undercuts the media narrative over voter ID—and the Lawyers' Committee's talking points—it's no surprise it is missing in the Committee's congressional testimony.

Kevin Mooney is an investigative reporter with free market think tanks associated with the Franklin Center for Government and Public Integrity. Mooney also writes for Big Government, the Daily Caller, and the American Spectator.

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BrieflyNoted

eBay founder **Pierre Omidyar** has created a new charity called the **Democracy Fund** in order to invest "in social entrepreneurs working to ensure that our political system is responsive to the public and able to meet the greatest challenges facing our nation." The organization's website is filled with buzzwords like *bipartisan* and *consensus* but has few specifics on what kind of programs and groups it intends to fund; so it remains to be seen what that actually means.

No Labels, the phony two-year-old "centrist" group that embraces left-wing causes, has decided to shift its focus from grassroots organizing to pressuring Congress. At the group's recent convention in New York, **Jon Huntsman**, a liberal Republican former governor of Utah, and U.S. Sen. **Joe Manchin**, a Democrat representing West Virginia, assumed leadership roles in the organization. No Labels has also created a "problem-solving caucus" in Washington, D.C., that it claims 24 members of Congress have joined. The group ridicules **Americans for Tax Reform**'s Taxpayer Protection Pledge in which lawmakers promise not to vote to increase taxes.

Community organizer **Ilyse Hogue**, a former staffer for **Media Matters for America** and **MoveOn**, will become president of the abortion lobbying group **NARAL Pro-Choice America** and **NARAL Pro-Choice America Foundation** on a date uncertain, *Roll Call* reports. Hogue replaces **Nancy Keenan**, president for the past eight years who announced last year she planned to retire. NARAL's political action committee burned through more than $1.5 million backing pro-abortion candidates in the 2012 election cycle. Recently Hogue co-founded **Friends of Democracy**, a super PAC that raised more than $2.4 million last election cycle to support candidates who don't believe corporations should be allowed to fund political campaigns.

The **Obama** administration is asking its deep-pocketed friends in the world of philanthropy to assist in its fresh assault on the Second Amendment. One of them, **George Soros**, has spent a lot of money over the years through his **Open Society Institute** attacking Americans' rights to own guns. So far the Soros-funded **Center for American Progress** has been leading the new war on the Bill of Rights.

Former Rep. **Gabrielle Giffords** (D-Ariz.) and her husband, **Mark Kelly**, have launched a new pressure group to lobby for stricter gun controls. Giffords, who miraculously survived after being shot in the head by a madman two years ago, created **Americans for Responsible Solutions PAC** in order to "launch a national dialogue and raise funds to counter influence of the gun lobby."

Meanwhile, all this discussion of gun control has helped the **National Rifle Association** add 250,000 new members since the schoolhouse attack in Newtown, Connecticut, in December. This brings NRA membership to 4.25 million, a figure the group expects to rise to 5 million later this year, which would make the NRA about ten times the size of the **ACLU** or the **NAACP**.

The IRS should crack down on the political activities of nonprofit 501(c)(4) groups like the **Karl Rove**-advised **Crossroads GPS** in order to not "risk looking weak and useless," counsels the far-left *Mother Jones* magazine. "The government's going to have to investigate them and prosecute them," says attorney **Marcus Owens**, former head of the IRS's tax-exempt division for a decade. "In order to maintain the integrity of the process, they're going to be forced to take action." Revealingly, the article's author **Andy Kroll** doesn't cite a single abuse by a left-wing 501(c)(4) group.