

## A 'Perverse' Move by the National Black Chamber of Commerce

Written by George E. Curry

Wednesday, 05 December 2012 00:00

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I have enjoyed an excellent relationship with the National Black Chamber of Commerce over the years. I have conducted media training sessions at national conventions, spoken at functions sponsored by state and local affiliates, and enjoyed a friendship with many of its top officers, including president and co-founder Harry C. Alford. That's why I was stunned and mystified when, in the course of researching a challenge to Section 5 of the Voting Rights Act of 1965, to learn that the group had filed a friend-of-the-court petition with the U.S. Supreme Court supporting an objection filed by Shelby County, Ala.

In short, Shelby County – after losing at the federal district and appeals court level – appealed to the Supreme Court, hoping to overturn the provision of the Voting Rights Act that requires jurisdictions with a proven history of discrimination in elections to get pre-clearance from the Justice Department before implementing changes in voting laws that might adversely impact Black voters. The court is expected to issue a ruling next summer.

In its petition, the National Black Chamber of Commerce said, “Section 5 is no longer necessary to combat widespread and persistent discrimination in voting and now, *perverse*ly [my emphasis], serves as an impediment to racial neutrality in voting and to the empowerment of state and local officials who represent minority constituencies.”

Perverse? Nothing is more perverse than a Black business group, with no direct interest in a case, favoring the elimination of a major tool that helps remove the last vestiges of discrimination against African-American voters and officeholders.

I placed a call to Alford to ask why the National Black Chamber of Commerce decided to align itself with rightwing groups that routinely oppose affirmative action, the Voting Rights Act, and

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any other legislation that seeks to level the playing field for African-Americans and other people of color.

Alford said he filed the brief out of concern for Black lawmakers, many elected after passage of the Voting Rights Act of 1965. He asserted that the cumbersome pre-clearance process is a burden on Black elected officials.

But there is only one problem with Alford's position – no reputable national organization representing Black elected officials have called for an end to Section 5 or any other provision of the Voting Rights Act. Not the Congressional Black Caucus. Not the National Black Caucus of State Legislators. Not the National Conference of Black Mayors. Not the National Organization of Black County Officials.

I told Alfred even if he believes what he was saying, there are ways for jurisdictions covered by Section 5 to "bail out" of the pre-clearance requirement. In fact, I told him, 46 jurisdictions had done just that and two more cases are pending. So if any official wants to be exempted, all they need to do is show they have not run discriminatory voting operations for the past 10 years.

After having assured me earlier that he had read the voting law, Alford said evidently he had "not read far enough" because he was unaware of that bail out provision. It's perverse for Alford to challenge the provision of an important law that he was not thoroughly familiar with.

Finally, the National Black Chamber of Commerce (not to be confused with its rival U.S. Black Chamber) asserted in its petition: "The Chamber rejects the assumption underlying Congress's reauthorization of Section 5 of the Voting Rights Act that the exceptional circumstances which justified close federal oversight of the electoral practices in many states and localities in 1965 and 1975 persist today."

Evidently, that was another perverse instance of Alford not reading far enough into the public record.

Congress renewed Section 5 of the Voting Rights Act in 1970, 1975, 1982 and for another 25

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years in 2006. In its petition, the Justice Department noted, “based on its exhaustive review of the record, the [lower] court confirmed that Congress had found ample evidence of a history and ongoing pattern of purposeful, state-sponsored voting discrimination in covered jurisdictions.”

The petition explained, “Congress concluded that ‘without the continuation of the [VRA’s] protections, racial and language minority citizens will be deprived of the opportunity to exercise their right to vote, or will have their votes diluted, undermining the significant gains made by minorities in the last 40 years.’”

With bipartisan support, the Voting Rights Act was extended in 2006 on a 390-33 vote in the House and a 98-0 vote in the Senate. George W. Bush signed the bill into law.

With that kind of broad support in Congress and from a Republican president, it is indeed perverse that the National Black Chamber of Commerce would have the gall to support eliminating a key provision of the Voting Rights Act.

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