

EDITORIALS • COMMENTS • OPINIONS

Felony Disenfranchisement Is Jim Crow Era Holdover

By Benjamin Todd Jealous  
President/CEO of the NAACP

(TriceEdney Wire) - Last week, the Delaware State legislature approved a constitutional amendment to all but remove the last Jim Crow-era voter suppression law from its books.

The amendment, passed at the urging of the Delaware NAACP, allows people with nonviolent felony convictions to vote after their release from prison. This is a major victory for voting rights and a strike against the practice of “felony disenfranchisement”. But it is also a major step forward for a nation still struggling to heal old racial wounds.

Felony disenfranchisement has direct roots in the Jim Crow Era. In the late 19<sup>th</sup> century, states above and below the Mason-Dixon Line began to find new and creative ways to keep black voters away from the polls. Banning people with felony convictions was one of the solutions.

For example, in 1901 the Commonwealth of Virginia had 147,000 black voters on the rolls. But many lawmakers saw this growing political block as a threat. At that year’s Constitutional Convention, they hatched a plan to disenfranchise African Americans through a combination of black codes and felony disenfranchisement. One legislator said on the record that the plan would “eliminate the darkey as a political factor.”

Ninety years later, Kemba Smith-Pradia was an undergraduate student at Hampton University. She got involved with the wrong crowd and found herself behind bars as an accessory to a nonviolent drug offense. President Clinton granted Kemba executive clemency in 2000, six years into her 24 year sentence. She went on to become a college graduate, law student, mother and foundation president - but until 2012, when her rights were finally restored, not a voter.

Kemba’s story is just one example of how the legacy of the 1901 Convention lives on. In today’s Virginia, 350,000 people are still disenfranchised by the 1901 law, and many of them are African Americans. Nationwide, 48 states allow some form of felony disenfranchisement, and one out of every 13 voting-age African Americans is affected. In four states - Virginia, Iowa, Kentucky, and Florida - disenfranchisement can be permanent.

When Virginia introduced felony disenfranchisement in 1901, they also expanded the list of felony crimes. By raising the penalty for a number of minor offenses, they planned to lock African Americans in the prison system - and out of the political system. A century later, our drug laws have the same amplifying effect. African Americans are far more likely to be arrested for minor drug crimes, and therefore more likely to have their vote taken away.

The good news is that Delaware and other states are beginning to turn the tide. In Virginia, Governor Bob McDonnell has sped up the review process for those who have finished the terms of their sentence. So far he has restored the votes of more than 4,000 citizens. And Iowa Governor Terry Branstad, who callously eliminated automatic restoration of voting rights early in his term, is now taking steps toward restoring those rights.

These are certainly steps in the right direction, but there is more work to do. Virginia, Iowa, Kentucky, and Florida still allow permanent disenfranchisement, and 44 other states permit some level of felony disenfranchisement. You can learn about the law in your state at [www.restorethevotes.org](http://www.restorethevotes.org). If you or someone in your community is affected, you can use that information to educate your family, your community and your elected officials about why this is an important issue.

Felony disenfranchisement is an affront to our democracy. Millions of people like Kemba Smith-Pradia - parents, workers, and community leaders - pay taxes, raise families and contribute to society. But they cannot fully participate in our democracy.

If poll taxes, literacy tests, and gumball-counting tests could be outlawed because of their racist intent, then felony disenfranchisement laws from the same era should be overturned today.

Remembering How Black South Africans Won Their Freedom

By George E. Curry  
NNPA Columnist

JOHANNESBURG, South Africa – A trip to South Africa provides painful reminders of the protracted struggle to establish democracy, how the United States propped up the White minority-rule government and the courage Black South Africans demonstrated to win their freedom.

A key aspect of the struggle is vividly captured in the Hector Pieterse Memorial Museum in the heart of Soweto, not far from the homes of Nelson Mandela and Bishop Desmond Tutu. The name of the museum itself is steeped in unforgettable history. The most compelling image of the Soweto student protest of 1976 is a photo taken by Sam Nzima.

In the foreground of a crowd of Black student protesters is a tearful Mbuyisa Makhuba, a high school student, running with the small, limp body of 13-year-old Hector Pieterse and his screaming sister, Antoinette, running beside them.

The teenager’s story is told inside the museum under the heading, “An individual life can change society.” It begins: “Hector Pieterse lost his life under police fire on June 16, 1976 during a student march protesting Afrikaans as the language of instruction in African schools. He was thirteen years old. News of his death and the violence that subsequently erupted in most African townships in South Africa spread rapidly across the world. In his death Hector Pieterse became a symbol of the plight of the black South African youth under the yoke of Apartheid.”

It continued: “His public funeral commemorated, as does this museum, all those who died as a result of the tragic events of June 16, 1976 – a turning point in the struggle towards a true South African democracy.”

Hector Pieterse became one of many martyrs of the fight against

apartheid, a rigid system of racial segregation designed to keep the White minority in control of the country’s political, economic and social system.

In fact, Pieterse’s last protest march was prompted by the ruling National Party’s decision to force Black schools to use Afrikaans – which Bishop Desmond Tutu called “the language of oppression” – and English in equal measure.

On April 20, 1976, students at Orlando West Junior High School went on strike, refusing to go to school. The protest quickly spread to other schools in Soweto. On the morning of June 16, an estimated 20,000 students started walking from the junior high school to Orlando Stadium, where they had planned to hold a mass rally before continuing to the regional office of the Department of Bantu Education.

Instead of allowing the students to walk peacefully, police barricaded the march route and unleashed dogs on the crowd. According to some news accounts, students stoned the dogs and police soon began opening fire on the students, killing 13-year-old Pieterse and 22 others that day, all but two of whom were Black. At the end of a series of protests, called the Soweto uprising, estimates of those killed ranged from 176 to more than 600.

The violent attack on the children thrust the African National Congress (ANC) to the forefront of Black political protest and ignited international protests. But that did not curb the all-White police force’s appetite for violence.

A quote from Steve Lebelo, a student at Madibane High School, describes the violence that was inflicted on the community in the immediate aftermath of Pieterse’s death. The quote, which also hangs in the museum, recalls:

BUSINESS EXCHANGE

Reparations Movement Should Be Revived

By William Reed  
NNPA Columnist

Ask anyone you know and you’ll find most Americans don’t see the validity of the issue of reparations for Blacks and don’t connect the dots to see how the injustice of the past shapes everyday life in America. The father of America’s contemporary reparations movement was Ray Jenkins, who died in 2009.

In the 1950s, Jenkins earned the name “Reparations Ray” for speaking around Detroit about “the debt” America owed Blacks “for enslavement of their ancestors.” Jenkins found attentive audiences, but reparations never really has taken hold and has been ridiculed as loud in the ghettos as they are among Whites in suburbia.

Since “Reparations Ray” died, octogenarian Robert L. Brock, an attorney and president of the “Self Determination Committee” has become the face of the movement. A legend among reparations activists, Brock first filed a reparations class action suit in 1956. His *Ashton vs. Linn Park* case went to the Supreme Court. Brock says, “The wealth of America is our legal property. But we must make our legal claims to get money.”

By 1965, Brock was demanding \$500,000 for “each descendant of a slave of African ancestry.” “Claim What’s Yours!!! Find Out How to Make Your Legal Claim” was a banner headline across the pages of Black newspapers during the 1980s and 1990s. The ads were placed and paid for

by Brock. Many of the ads proclaimed: “Black People in United States have been wondering what they need to do to get paid for the ‘forty (40) Acres’ and ‘a mule’ they never received. Well, it is easier than you think. You must: (1) File a Claim for it (2) To do this, send your name and address, along with \$50.00.”

Primarily through Black media and networks, Brock’s campaign produced more than 500,000 filed claims. His activities garnered him the ire of the government and majority media innuendos that he was advocating “tax rebates” for slave descendants. According to Brock, his procedure required slave descendants to 1) get a claim form, 2) fill it out, 3) get it notarized, 4) return it to Brock with \$50 for processing and filing with the United Nations and 5) wait to hear back.

Undeterred, Brock worked with the late Johnnie L. Cochran and his reparations for slavery lawsuit against the United States as well as with Randall Robinson on his pursuit of “The Debt.” Brock says “a debt is owed Blacks for the centuries of unpaid slave labor that built America’s early economy and money from discriminatory wage and employment patterns Blacks have been subjected to since emancipation.” He chides Blacks in America for “damping down discussions about reparations during the presidency of a Black man.”

Before being confined by health problems, Brock was holding meetings across America supporting Congressman John Conyers’ H.R. 40 Bill “to

form a Commission to Study Reparations for African-Americans.” For almost two decades Brock spoke at forums with Conyers endorsing the concept of a study of reparations for Blacks.

Since becoming House Judiciary Committee chair in 1989 and its ranking member since Republicans gained control of the chamber, Conyers was celebrated as he made a yearly ritual of “submitting” bill H.R. 40 in Congress. Detroit Congressman Conyers perpetrated a 25-year political charade when he asserted that he was submitting reparations legislation every year, but he “couldn’t get it out of committee.” Surprisingly, Conyers now says reparations are “too controversial to pursue at this time.”

Are all Black Americans of the same mindset as Conyers? Have conversations regarding rectifying economic injustices done to Blacks completely died? The vestiges of slavery and segregation continue for Blacks. Yet, the first Black to head the House Judiciary Committee now says reparations are “too controversial to pursue.” What’s going on when Blacks hold high positions and offices that the level of discussion about the absence of wealth, work, educational, and economic equity among them is still muted?

Brock says, “The time is ripe to move the reparations movement to the top of the American agenda.” What say you?

New Efforts To Curb The ‘Debt Trap’ Of Payday Lending

By Charlene Crowell  
NNPA Columnist

The small-dollar loans that generate long-lasting debt for consumers and cost them billions of dollars each year are drawing the active attention of legislators and regulators alike. On April 24, the Consumer Financial Protection Bureau (CFPB) released a white paper on payday loans made by storefronts and by banks. Despite years of bank efforts to portray themselves as anything but payday lenders, the CFPB strips them of that cover.

According to CFPB Director Richard Cordray, “What we found is there is not much difference from the consumer’s perspective, between payday loans and deposit advance loans. They have similar purposes and, as it turns out, similar usage by consumers.”

At the same time, three members of Congress – Congressional Black Caucus Members Elijah Cummings D-(MD) and John Conyers (D-Mich.) were joined by Oregon’s Rep. Suzanne Bonamici in urging federal regulators to take actions on bank payday loans.

“We urge you to take meaningful joint regulatory action to ensure that no bank, regardless of its prudential regulator, traps borrowers in high-cost payday loans,” the members said in a statement. “Our constituents, and consumers everywhere, deserve better from our nation’s financial institutions.”

The following day, two regulators, the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC) announced new regulatory actions to address potential consumer risks associated with the products as well as the safety and soundness of operations. The two regulators’ actions are very similar, focusing on a borrower’s ability to repay while meeting ongoing expenses, safe and sound underwriting, and limiting the numbers of loans.

According to Thomas J. Curry, OCC Comptroller, “We have significant concerns regarding the misuse of deposit advance products.”

OCC supervises all national banks and federal savings associations with combined assets of \$10.1 trillion, representing 71 percent of total U.S. commercial banking assets, according to its most recent annual report.

Similarly, FDIC Chairman Martin J. Gruenberg said, “The proposed supervisory guidance released today reflects the serious risks that certain deposit advance products may pose to financial institutions and their customers.”

FDIC insures deposits in more than 7,000 banks and savings associations.

According to CFPB’s findings these actions could benefit about 12 million households that borrow payday loans each year, a potential reduction in the \$7 billion in annual fees that are generated by more than 18,200 payday storefronts across the country.

CFPB’s report examined 15 million payday loans made during a 12-month period, covering more than 90 percent of the market. Both storefront and bank versions exposed consumers to the risk of being caught in a revolving door of debt. What was sold as a short-term bridge became an expensive, long-term loan. Risky loan structure, loose lending standards, sustained usage and accompanying high costs were cited as characteristics of both products.

According to the report, 75 percent of storefront payday lending revenue is derived from borrowers taking out 10 or more loans a year. For 68 percent of these borrowers, their annual income is \$30,000 or less.

Among the findings:

- Nearly one-in-four borrowers received government assistance or benefits such as Social Security, disability, unemployment or welfare benefits;
- The average borrower took 11 loans in the 12-month period, paying \$574 in fees for \$392 in credit; and
- Despite lender attempts to reject the use of an annual percentage rate (APR), a two-week loan with a \$15 fee per \$100 borrowed is actually a 391 percent APR.

On banks’ deposit advance loans, CFPB also found that:

Borrowers usually had much lower average balances than other bank customers, suggesting a smaller financial cushion to cover unexpected shortfalls;

- Nearly two-thirds of consumers also incurred additional fees such as overdraft or non-sufficient funds;
- The annual percentage rate (APR) of interest was 304 percent; and
- Most borrowers remained in debt for at least 149 days.

Commenting on these findings, Director Cordray said, “We want to make sure that consumers can get the credit they need without jeopardizing or undermining their finances. Debt traps should not be part of their financial futures.”

Earlier this month and in an effort to heighten Capitol Hill awareness of payday lending’s debt trap, Congressman Conyers convened a briefing that included representatives from the NAACP, Native Community Finance, Consumer Federation of America, Pew Charitable Trusts, and the Center for Responsible Lending.

Also this month, CRL and National People’s Action delivered to regulators more than 150,000 petitions urging the officials to crack down on high-cost payday lending. Also part of the petition drive were CREDO and Green America and Americans for Financial Reform.

For more than a decade, payday lending has been a centerpiece of the Center for Responsible Lending’s policy efforts. The new CFPB findings strengthen earlier independent research by CRL.

Commenting on CFPB’s findings, Uriah King, CRL’s vice-president of state policy, said, “This white paper affirms our long-standing critique of payday lending. The debt trap of payday loans is now official.”

Charlene Crowell is a communications manager with the Center for Responsible Lending.

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