Alumni

Justice's Son

The interconnected world of NAACP president Benjamin Todd Jealous

By
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|
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The battle we wage is not for ourselves alone but for all true Americans.
— W. E. B. Du Bois, 1906

On the morning that a statue of Rosa Parks is unveiled in the US Capitol, hundreds of people gather across First Street outside the Supreme Court Building, its scaffolded marble pillars covered by a veil of netting. The court is in session. It is February 27, 2013, a spring-touched day of sunshine and white bluffs sailing in a thin blue sky. The crowd, at the bottom of the wide, white steps, repeats the words of a black woman at a microphone: “Section 5 Must Stay Alive!”

They’ve come from Atlanta, the Carolinas, Baltimore, Detroit, Indiana, New York, Texas, Mississippi, and around the corner. They’re of all ages, colors, and tax brackets. They hold signs that say PROTECT VOTING RIGHTS and KEEP SECTION 5 ALIVE! and that depict murdered 1960s voting-rights workers Chaney, Goodman, and Schwerner. They are college students, civil-rights veterans, UAW guys in ski caps, people in wheelchairs, red-T-shirted members of the A. Philip Randolph Institute, button-wearers from the League of Women Voters and the Labor Council for Latin American Advancement, and, in high proportion, holding black-on-gold placards of the 104-year-old organization’s scales-of-justice logo, members of the National Association for the Advancement of Colored People.

Inside the court, Benjamin Jealous ’94CC, dressed in a gray suit and blue tie, sits among the spectators observing the oral arguments for *Shelby County v. Holder*. Shelby County, in Alabama, is challenging the 1965 Voting Rights Act, which outlawed voter-suppression tactics that were being used against African-Americans. At issue is a provision, Section 5, which requires jurisdictions with a history of voter suppression to prove to the Justice Department or a panel of federal judges that any changes to their voting rules are nondiscriminatory. The petitioner claims that the law, which Congress reauthorized in 2006 (the Senate voted 98–0 in favor), is outdated, unfair, and unnecessary.

As Jealous listens, Justice Antonin Scalia utters something so astonishing that people in the courtroom actually gasp. Jealous must decide how to convey what he just heard; for when the session is over, he will exit through the Great Hall, emerge into the sun, walk down the steps, and address the demonstrators.

Outside, the mood is festive but tense. Speakers affirm the dire need to uphold Section 5. A Mexican-American woman tells of the Texas voter-ID law that went into effect last year, requiring voters to show state-issued photo identification (driver’s licenses and gun licenses were permitted; student ID was not). More than 600,000 registered voters in Texas lacked the necessary ID. When Texas, which is subject to

Section 5, submitted the legislation for review, a federal court struck it down, saying the costs of obtaining ID would impose “strict, unforgiving burdens on the poor.” Now that protection hangs by the thinnest thread.

A noise, from up the street — a melody, voices — the clapping of hands — and here they come, after a thousand miles, off the buses, two hundred strong, marching up First Street toward Constitution Avenue, old and young, in yellow shirts that say Freedom Riders for Voting Rights, singing *Got my hand on the freedom plow, wouldn’t take nothing for my journey now, keep your eyes on the prize, hold on*. Someone at the podium cries, “Alabama in the house!”

On this day, it’s hard not to think of Rosa Parks, or Jimmie Lee Jackson, or the March on Washington fifty years ago. But it’s 2013, and behind the cloak of netting, the doors to the Supreme Court have opened, and the spectators, Jealous among them, descend the steps.

The Speaker

Two weeks before *Shelby County v. Holder*, and the night before President Obama’s State of the Union address, Ben Jealous, forty, walks through the football-themed, tiger-mascot-plastered student union of Towson University in Baltimore County, Maryland. In his goatee and with a suit jacket stretched over his broad frame, Jealous could be a bighearted ex-lineman returning for an awards supper. In fact, he’s been invited by the school’s Center for Student Diversity to give a talk in honor of Martin Luther King Jr.

Inside the Chesapeake Room, three hundred people sit at round tables and in rows of chairs. The school is about 13 percent black and 70 percent white, and so, too, is the audience. Jealous, on being introduced, walks to the lectern to the sort of respectful applause accorded national figures by diffident college kids.

“Growing up in the family in which Dr. King grew up,” Jealous says in his forceful baritone, “you would have been taught that the most important use of your education is to make our country better, to advance the cause of justice, to advance the cause of liberty, to make us one nation; to make our Pledge of Allegiance — one nation under God, with liberty and justice for all — not our national aspiration, but our natural situation.

“Tonight,” Jealous says, “I want to invite you to think about the interconnected nature of some of our nation’s toughest problems.”

Jealous has thought about this web his whole life, though it wasn’t until college, while he was doing community service and eyeing Wall Street, that a four-year-old girl in a crack-haunted Harlem tenement set him on an activist path. (The girl told Jealous she’d seen a rape in the backyard — her description proved she understood the word — and years later, Jealous, in private conversations, recounts the moment with a hand over his eyes.) That was before his suspension from Columbia; before he was managing editor of the *Jackson Advocate*, Mississippi’s oldest black newspaper; before the Rhodes Scholarship (he studied criminology at Oxford); before he headed the grant-making, human-rights-focused Rosenberg Foundation; and long before 2008, when he became, at thirty-five, the youngest-ever president of America’s oldest civil-rights organization.

“If we’re going to use our education to advance equity, it starts with having a critical mind, and you have to ask the question: why is it that in your lifetime public-university tuition in states across this country has gone up faster than at any point in history?”

Jealous reels off some numbers: in the past five years, tuition in Virginia went up by 29 percent, California by 72 percent, Arizona by 78 percent.

“When I was a child in California in the 1970s,” he says, “we spent 3 percent of our state budget on prisons and 11 percent on public universities, and our schools were cheap and generally considered to be the best in the world. Fast-forward to a couple of years ago. I was with Governor Schwarzenegger and asked him for those same stats, and he said, ‘Ben, today we spend 11 percent on prisons and 7.5 percent on public universities.’ And that’s why tuition has to go up. You can’t spend 11 percent on education if you’re spending 11 percent on prisons.” Jealous scans the crowd. “Fear,” he says, “is sapping our nation of the talent of your generation. Because when tuition goes up 72 percent, somebody isn’t going to school next year. Because when students are defaulting on their student loans, they can’t go to grad school. Because when the state says, ‘Yes, we know it’s seven times more effective to use drug treatment than incarceration for nonviolent drug addicts, but we’re just going to keep locking them up,’ it turns many of them from nonviolent addicts into hard criminals.” Jealous has the room. “Choices are being made, and it’s not just about them. It ultimately impacts all of us.”

The speaker then makes an abrupt pivot.

“How many of you,” he says, “remember the DC Sniper?”

The Marriage

In 1986, the NAACP moved its headquarters from Lower Manhattan to the fringe of northwest Baltimore, into a brick complex that was originally a Roman Catholic convent. Now called the Benjamin Hooks Building, after the former NAACP executive director, the structure has been absorbed into a winding office park. The Hooks Building, at the top of the hill, overlooks a stretch of urban woods and maintains a certain monastic seclusion.

Inside, past a corridor lined with historical photographs of NAACP conventions, is a stained-glass-windowed chapel, now the Roy Wilkins Auditorium. It was there, last May, that Jealous made one of the most talked-about statements of his presidency.

The pronouncement was all the more poignant for occurring in Baltimore, city of Frederick Douglass and Thurgood Marshall, once a slave city (the 1840 census counted 5,000 slaves) that was also home to thousands of free African-Americans and fugitive slaves, later a segregated city that Jealous’s parents helped desegregate, and where it was illegal for them to get married until 1967. When they did marry, Jealous’s white father was disowned by his New England family. Jealous grew up close to his mother’s family, the Todds of Baltimore. Though Jealous was raised in Northern California, educated in New York and Oxford, and lives in a Maryland suburb of Washington with his wife, law professor Lia Epperson, and their two small children, he often invokes his Baltimore roots, as he did that day in the Wilkins Auditorium, when he declared the NAACP’s support for same-sex marriage.

“We do this work because of our faith, not in spite of it,” Jealous told a reporter who asked about religious opposition to gay marriage within the NAACP. “With that said, our calling as an organization is to defend the US Constitution. We are here to speak to matters of civil law and matters of civil rights.” He stated that clergy considered any difference of opinion “a difference, not a division,” and then, his voice tightening, he said, “To a one, they understand that there are —” He broke off, bowed his head. “You have to excuse me.” He paused. “I’m a bit moved. My parents’ own marriage was against the law at the time.”

The couple had to get married in Washington before returning to Baltimore, Jealous said. The procession of cars, headlights ablaze, was obliged to travel the fifty miles between the two cities. People who saw it mistook it for a funeral.

The Penalty

On the morning of March 18, 2009, Jealous arrived at work and received a message that Bill Richardson, the governor of New Mexico, had called. New Mexico was two hours behind, so Jealous knew the call was urgent. He asked his secretary when New Mexico's death-penalty abolition bill had to be signed.

"By the end of the day today," the secretary told him.

Ending capital punishment was one of Jealous's most personal battles. The racial and economic patterns were clear. So were the system's imperfections. It pained Jealous that every other Western country had abolished executions while the US, the beacon of human rights, was still on a list with Iran and North Korea. Western leaders, when Jealous discussed it with them, all said the same thing: "It's because of your legacy of slavery. It's because of your legacy of racism. That's the difference between you and us." The NAACP had been formed partly to combat the death penalty's extrajudicial sibling, lynching. In 1908, riots erupted in Springfield, Illinois, when a white mob, enraged that two black prisoners whom they'd hoped to hang were transferred from the city jail to safety, rampaged through black neighborhoods. The violence in Abraham Lincoln's town inspired the merger, in the Northeast, of Du Bois's Niagara Movement — black, intellectual, committed to equality, largely ignored — with a group of white, justice-minded, influential New Yorkers (including brothers Joel Spingarn 1897CC and Arthur Spingarn 1895CC) to form, on February 12, 1909, the centennial of Lincoln's birth, the NAACP.

A hundred years later, fourteen states had abolished the death penalty. Jealous's magic number was twenty-six: if more than half the states outlawed capital punishment, the "unusual" part of "cruel and unusual punishment," as forbidden by the Eighth Amendment, would become actionable.

Jealous called Richardson. Richardson, a Democrat, had always campaigned as a death-penalty proponent. But now, as a governor, he'd really looked at the issue, and was disturbed by it. Richardson wanted to hear Jealous's best argument for

repeal.

“Governor,” said Jealous. “You know the death penalty is used exclusively on poor people.”

“Yes.”

“You know it’s used disproportionately against blacks and Latinos.”

“Yes.”

“Well, Governor, this is what I want you to do: imagine the person you most worry about in trying to explain why you abolished the death penalty. I want you to imagine telling that person this: ‘Every time a prosecutor seeks the death penalty, it pulls hundreds of thousands of dollars, sometimes millions, out of our state treasury. Dollars that therefore cannot be used for anything else. And in our state, like any state, there are places where 30, 40, 50, sometimes 60 percent of the homicides go unsolved every year. I’ve thought long and hard about it, and decided that we as a state would be safer if we spent that money on homicide units rather than killing the killers we’ve already caught and put in cages. So I’ve abolished the death penalty, and I’ve asked the counties to send their savings to the homicide units and get the uncaught killers off the street.’”

This was a snapshot of Jealous’s MO: first, by speaking moral convictions in the idiom of state budgets and public safety, he could reach a wide swath of Americans and forge coalitions, some of them exotic (in 2011 he joined Newt Gingrich in calling for a reduction in the number of prisoners in the US, with the savings going toward education). Second, he would shift the organization’s legal battles, traditionally waged at the federal level, to the states. Third, he would press his case personally at *all* levels.

Richardson thanked Jealous and hung up. Hours later, the governor, in what he called “the most difficult decision in my political life,” signed the bill, and New Mexico became the fifteenth state to abolish the death penalty.

The Profile

The DC Sniper?

Nearly every hand in the Chesapeake Room goes up. Many of the students were small children at the time of the 2002 killing spree.

“People were being shot daily at rush hour,” Jealous tells his audience, “and there was no suspect description until the police put up a profile. The profile started with certainties and ended with probabilities. Probably antisocial. Probably traveling alone or in a small group. Probably military-trained. Probably male. Probably white. That’s the racial profile of a lone gunman assassin in our country. We say Columbine, we say Newtown, we tend to think of lone white gunmen, and so did the police.

“The police were starting with race and working toward behavior, and people were dying. When John Muhammad and Lee Boyd Malvo were caught, the police came out and admitted this just once: they had stopped them ten times before they zeroed in on them as suspects.”

A faint, courtroom-like murmur in the Chesapeake Room.

“But that’s the way race messes up our criminal-justice process. My grandfather was a probation officer in Baltimore for thirty years. He would tell you that law enforcement is like anything else: if you focus on one thing, you aren’t focusing on the other. If you focus on race, you’re not focused on the military jacket of the black guy you’re waving through. You’re not getting the dog that’s trained to sniff for gunpowder to sniff his car. You’re just saying, ‘Go through, I’m looking for the next white guy.’”

Jealous follows this with the story of Jim Parker, a black man who, at the Pan-American Exposition in Buffalo in 1901, disarmed the assassin of President William McKinley. The Secret Service, Jealous says, was on alert for Eastern European anarchists — the profile was of a swarthy male — and had been focusing on Parker, while the shooter, a white man with a gun-concealing bandage over his arm, got past security unchecked. All of which sets up Jealous’s jeremiad on the NYPD’s stop-and-frisk program, a topic he will expand upon in more fiery fashion next weekend in a Brooklyn church. Tonight, he notes that this form of profiling “loads up the system with people who, when you’re looking for a gun, have a joint in their pocket, and they get upset, and you have to book them for disorderly conduct. That drives up the cost of law enforcement, which competes directly with our budget for public higher education.”

He concludes with an appeal: “We need for this generation to finally push this country beyond its racial fixation, to call this country out and say, ‘Enough. We’re tired of it. It doesn’t work. It never really has.’” Jealous returns to his theme. “Yours must be the generation that insists that our nation make the Pledge of Allegiance our national situation rather than our national aspiration, before you have to stand there brokenhearted as I did at class day at my daughter’s public elementary school two days ago, and listen as your child puts her hand over her heart and says that pledge with conviction, because that’s where she believes that she lives: one nation, under God, indivisible, with liberty and justice for all. And life hasn’t taught her yet just how far we have to go. Thank you, and God bless.”

The applause crackles, some people stand, more people stand, everyone stands.

The Organizer

Mister Speaker, the President of the United States.

Ben Jealous stands and applauds as President Obama enters the House chamber to give his much-awaited State of the Union speech. Twice in the last month, Jealous conferred with the president in small, closed-door meetings, where, as Jealous told a reporter before the speech, “I made it very clear to the president that black Americans need to hear that he hears us when we say the disparity, the gap in employment rates, must be closed. That’s what we’re looking to hear — that he has a plan for lifting *all* boats.”

Tonight, let’s declare that in the wealthiest nation on earth, no one who works full-time should have to live in poverty, and raise the federal minimum wage to nine dollars an hour.

Jealous doesn’t doubt that his fellow Columbian “gets it.” It’s an organizer thing. Obama in Chicago, Jealous in New York. At Columbia, Jack Greenberg ’45CC, ’48LAW — arguer of *Brown v. Board of Education*, former director-counsel of the NAACP Legal Defense and Educational Fund (LDF), and dean of Columbia College — recommended Jealous for an LDF internship. Jealous worked out of St. Mary’s Episcopal Church in Harlem on issues of health care and homelessness.

Tonight, let's also recognize that there are communities in this country where no matter how hard you work, it's virtually impossible to get ahead. Factory towns decimated from years of plants packing up. Inescapable pockets of poverty, urban and rural, where young adults are still fighting for their first job.

Jealous also formed student groups that ran youth programs and restored apartments in buildings that the University deemed too dangerous for student volunteers. On campus, he fought to save full-need financial aid and need-blind admissions, and when the University announced plans to raze the Audubon Ballroom, site of Malcolm X's assassination, and replace it with a biomedical research center, Jealous organized a one-day protest that led to his one-semester suspension.

And for poor kids who need help the most, this lack of access to preschool education can shadow them for the rest of their lives. Tonight, I propose working with states to make high-quality preschool available to every child in America.

Jealous's activist strain arose early. Raised to believe, as Du Bois wrote, that "with the right to vote goes everything," he organized, at fourteen, a voter-registration drive in Monterey County.

We should follow the example of a North Miami woman named Desiline Victor. When she arrived at her polling place, she was told the wait to vote might be six hours.

Jealous stands with the rest of the chamber and applauds the 102-year-old black woman who waited hours to vote, and whose concern, says the president, was "not with her tired body or aching feet, but whether folks like her would get to have their say."

We must all do our part to make sure our God-given rights are protected here at home. That includes our most fundamental right as citizens: the right to vote. When any Americans — no matter where they live or what their party — are denied that right simply because they can't wait for five, six, seven hours just to cast their ballot, we are betraying our ideals.

Jealous speaks of moments — talking with a black farmer who was defrauded of land by the USDA, sitting with Troy Davis, "an innocent man," on death row (Davis was executed in 2011) — "that sear your soul and redouble your commitment." Doubtless, President Obama has had many such moments, and Jealous hears this in

the president’s address — hears the president hearing.

The Meeting

When Jealous arrived in 2008, the NAACP was in trouble. Ethics scandals involving presidents Benjamin Chavis (ousted in 1994 for misuse of funds) and Kweisi Mfume (resigned in 2005 amid accusations of sexual favoritism) had battered the image of an organization already considered, by some of its own members, to be averse to change and still living in the glory days of Thurgood Marshall and *Brown*. Membership had dropped. Revenues had fallen. The operation had been in the red six years running. The staff had shrunk from 140 to 40. In May 2008, Jealous, backed by then board chairman Julian Bond to succeed out-of-favor telecom executive Bruce Gordon, was elected by a 34–21 margin. Some old-timers weren’t sure about the California youngster. Never led a business or a church. But under Jealous, an experienced nonprofit fundraiser, the NAACP has been profitable every year. The staff has grown to 170, with field directors in every region — a key success in the midst of what Jealous calls “the most aggressive attempt to roll back voting rights in over a century.”

The final day of the NAACP’s annual meeting on February 16 at the Marriott Marquis in Times Square is a southern-tinged affair, a huge family reunion. Multitudinous are the carved wooden canes and Movement-era faces. Overcoats. Hats. Red dresses. There’s New York State Conference president Hazel Dukes. There’s board chairman Roslyn Brock. There’s chairman emeritus Julian Bond, arrested days earlier at the White House during a protest against the Keystone XL oil pipeline. Cheers and songs punctuate testimony from regional leaders of new members signed up, of youth chapters established, of a police-brutality settlement in Denver, of the South Carolina boycott (Confederate flag, state house), of the pardon of the Wilmington ten. *Fired up, ready to go!*

President Jealous steps to the lectern.

“We have transformed this nation,” he says. “You ain’t burned out, you might be a little burned up.” Laughter. “But you’re burned up because you’ve been in the fire” — *that’s right!* — “and you’ve taken this country through the fire, and we’re coming out on the other side.” Loud applause. “Thank you, Chairman Brock, thank you to

the board of directors, members of the special contribution fund, board of trustees. May we have a hand for the national staff of the NAACP?" Jealous beckons the staff to rise. "The most important number of the NAACP is about 25,000 — the number of active leaders of our 1,200 units across the country. Can we have a hand for them? Because they are the heroes. Thank you, heroes and sheroes — and honestly, it's more sheroes than heroes." Wry chuckles from some knowing female veterans. "Oh, I *know* who I work for," Jealous says. "And if I forget, my ninety-six-year-old grandma, who's a third-generation member of the NAACP, reminds me. Y'all should know this story: about five years ago, in May, I called my grandmother. It was the anniversary of *Brown v. Board of Education*, and I'd just been appointed, and I told her. And you know, you'd expect your grandmother to come to the phone excited and proud." A pause. "My grandmother was a feminist before we called them feminists." Scattered laughs. "Delta since 1936." Cheers for Delta Sigma Theta. "Her best friend was AKA, so don't start." Laughter and groans. "But she got real quiet. And I said, 'Grandma?' And she said, 'Well, son. I've belonged to this organization for a very long time. And if it *had* to be a man? *Again?* I'm very proud that it's you, son.'" Big laughs, rich with release. "So I know who I work for. Brothers and sisters, I am proud to report that the state of the NAACP is strong."

Jealous talks more numbers: the NAACP registered 444,676 voters for the 2012 election, up from 124,000 in 2008; turned out 1.2 million voters; and killed voter-suppression laws in fifteen states. Connecticut abolished the death penalty (that makes seventeen, with Maryland next), and same-sex marriage passed in Maine, Maryland, and Washington State.

"And in less than two weeks," Jealous says, "the very heart of voter protection in the country goes on trial in the US Supreme Court. And we need everyone to get there. We need folks to get in cars and get to the Supreme Court. Because if this goes the wrong way" — Jealous exhales — "we go back."

The Preacher

It's Sunday morning at the 140-year-old Nazarene Congregational United Church of Christ in Bedford-Stuyvesant, Brooklyn. Step into the nave, with its high ceiling and rows of brown wooden pews, its tall, sunny stained-glass windows composed of squares of blue, green, red, and yellow. You're early. An older woman in a hat sees

you and beckons you, a stranger, to the front rows, where she and her friends welcome you and talk about the grace of the small gesture, the smile that can make all the difference in someone's day; and now the blue-gowned choir files to the front, and the young pianist and drummer and choir director perform "I've Got Peace Like a River" and "Trouble Don't Last Always," and the pastor, the Reverend Conrad Tillard, nods to Jealous on the altar. "Ben is an Episcopalian, but I saw him tapping his feet." Tillard recalls meeting Jealous as "a militant student on the campus of Columbia University," a young man of "brilliance and tremendous insight," brought up in the tradition of social justice. "I want our young people to meet a young man who can graduate from Columbia and go on to become a Rhodes Scholar, because just as he has done, they have the potential to do." Applause. "You got to meet giants in order to be a giant." *That's right.* "So I'm glad that he's in Bedford-Stuyvesant today."

Jealous takes the pulpit.

His sermon, he says, is inspired by St. Augustine's notion that even as we seek the City of God in Heaven, we must build the City of God on earth. "Indeed," says Jealous, "our own nation's founding fathers were inspired by that vision." *Amen.* "I'm deeply disturbed that in this greatest of all nations — a nation founded on the principles of democracy and justice and universal human dignity — there lies a troubling reality: not all of our children have the same access to democracy or justice."

But it is only when Jealous leaves Augustine's New Jerusalem for Bloomberg's New York that the flame flies up and the hammer drops.

"I was prepared to talk about jobs today, but then Mayor Bloomberg couldn't help himself," Jealous begins. "In the State of the City speech a couple of days ago, he felt the need to evangelize what he sees as the value of stop-and-frisk ." Jealous's voice rises. "The gall, to stand up and preach fear to our city, and our nation, and indeed — because this city stands first among all others in this greatest of all nations — the world. Preach fear of our children, New York's children, *all* of our children, whether they are white and wearing a hoodie or black and wearing a tie and going to church."

Yes. All right.

“Kids in this city are too afraid of the very people who are sworn to respect and protect them. And the mayor needs to understand and finally have the courage to admit that he has been wrong for a decade.” Applause. “That he inherited Giuliani’s radical practice and took it to an unimaginably high level” — *Amen* — “and has, therefore, distracted law enforcement, endangered every citizen of the city, and driven a wedge of division between the people who have sworn to respect and protect the entire city and the neighborhoods that often need their help the most.” Jealous goes to the stats. “In 2011, there were 700,000 stop-and-frisks. About 90 percent of the people were innocent. About 90 percent were people of color. And 99.9 percent didn’t have a gun. Literally. 700,000 stop-and-frisks resulted in 700 guns off the street. This was in a year. 700,000 people humiliated. 630,000 innocent. 630,000 people of color.” Jealous thunders: “More stop-and-frisks of young black men in New York City than there *are* young black men in New York City.” Applause. “We’ve been running this test in this country for ten years, and the results are in, and they are not just clear, they are crystal clear. New York City’s ability to reduce crime is between 50 percent and 100 percent *less* than major cities that *don’t* have stop-and-frisk.” Jealous falls to a pained whisper. “So why would you want to do it?”

Long silence.

“Mayor Bloomberg and Commissioner Kelly act like they don’t know why crime is going down faster in other cities. But we do. It’s called common sense.”

When Jealous is finished, Tillard makes some announcements and baptizes two babies. Then everyone stands, holds hands, and joins in the recessional, “Lift Every Voice and Sing.” The stained-glass lozenges blush with winter light. The church doors open.

The Vote

Alabama in the House!

The first full-bodied statue of an African-American woman is dedicated in the Capitol’s Statuary Hall, and throughout the day, people will point out that Rosa Parks, the mother of the civil rights movement, wasn’t some saintly old lady in Montgomery too tired to get up from her seat that day in 1955, but rather a forty-two-year-old NAACP stalwart, secretary of the Montgomery branch for twelve years,

shrewder than you thought — while across First Street, behind the draped scaffolding, *Shelby County* has been heard, and at the foot of the white steps the Freedom Riders for Voting Rights in their yellow shirts wait with the rest of the assembly to hear from the president of the NAACP.

The mood is no longer buoyant. Previous speakers have already revealed Justice Scalia's stunner. Scalia, trying to explain the Senate's 2006 vote of 98–0 to reauthorize the Voting Rights Act, said, "I think it is attributable, very likely attributable, to a phenomenon that is called perpetuation of racial entitlement."

Jealous keeps his own comments brief.

"Scalia today got it wrong, dead wrong," he says. "He tried to act like democracy was something trifling. I won't dignify his comments by repeating them, but join me in saying:

"The right to vote"

The right to vote

"is an *American* entitlement."

is an American *entitlement.*

"The right to vote"

The right to vote

"is an *American* entitlement."

is an American *entitlement.*

Shortly after Jealous speaks, the crowd disbands in the afternoon sun, back to the trains, the cars, the buses. The court's decision in *Shelby County* is expected in June. But for Jealous, there are many miles to walk before then.

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