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# OPINION

## How We Can Influence the Courts that Influence Our Lives?

As I write this, the final few races are being called in the midterm elections that were held weeks ago. It's clear that the House will be closely divided, with Republicans holding a very small majority. History shows that in midterm elections, the party that doesn't hold the presidency typically gains a lot of seats in Congress – oftentimes in a wipeout of the party in power. Republicans' gains were comparatively tiny this year – but they probably should have been even tinier.

The reason is the far-right Supreme Court, and two rulings that hurt Black voters this cycle.

Two Deep South states, Alabama and Louisiana, redrew congressional maps months before the midterms. Incredibly, given the high proportion of Black voters in those states, the maps allowed for only one majority-Black congressional district in each state. That is almost certainly a violation of the Voting Rights Act, which prohibits states from packing minority voters into fewer districts in a way that reduces their power. And you don't have to take my word for it; federal courts said the same thing and ordered both states to redraw their maps.

But state officials opposed to Black voting power fought back. And in both instances, the Supreme Court allowed them to go ahead with this year's midterm elections with maps that just happened to pre-



Ben Jealous

serve "safe" Republican seats.

It's infuriating. And those are only two of the infuriating decisions that have come out of this Court since Donald Trump and Mitch McConnell succeeded in stacking it with enough ultraconservative justices to make a supermajority.

I know that the inner workings of the courts, especially the Supreme Court, can seem really remote in our day-to-day lives. Most people don't know any judges, and if they meet one in court it's probably happening on a very unpleasant day. In fact,

my guess is that a lot of people would rather not think much about the courts at all. But we have to.

We need to pay attention to who sits on our courts and how they get there, because there is such an enormous impact on our lives whether we realize it or not. The Supreme Court's impact on the House majority is just one example. Those actions by the Court will affect what business gets done in Congress and what laws get passed – or not passed – that impact how we live and what rights we have.

Judges get their seats in different ways, especially at the state level. If you live in a place where state-level judges are elected, it's critically important to get informed and vote in those judicial elections. When it comes to federal judges, the Senate decides who will be confirmed. So every time you cast a vote for a senator, it should be for the candidate who will vote to confirm fair-minded judges with a commitment to civil rights. The Biden administration has been doing a very good job nominating diverse, highly qualified judges who have this commitment. I believe in supporting senators who have voted to confirm these judges and withholding support from those who haven't.

The same goes for the presidential election, which we will face again in less than two years. In 2016, Donald Trump ran on a platform to name far-right judges to

the Supreme Court who would ultimately overturn *Roe v. Wade*. That's exactly what happened when he won, and now the Court is moving on to do other damage, too – like denying Black voters fair representation in Congress.

So what do we do? We get informed, we organize, and we vote in the next election – the same thing we do to confront so many issues this country faces. Next election seems too far away? There is something you can do in the meantime. Call your senators and tell them to confirm the federal judicial nominees that are still waiting for a Senate vote between now and the end of the year. There are literally dozens of nominees picked by President Biden, including many people of color and nominees with strong civil rights backgrounds, just waiting for Senate action to take their seats on the courts. We can show we care by calling our senators and telling them to confirm these nominees now.

Courts are going to keep showing us how much of an impact they have on our lives. We need to exercise every option we have to impact who sits on them.

*Ben Jealous serves as president of People For the American Way and Professor of the Practice at the University of Pennsylvania. A New York Times best-selling author, his next book "Never Forget Our People Were Always Free" will be published by Harper Collins in January 2023.*

## \$250,000 Awarded to Protesters

(AP) — The city of Portland, Oregon, has reached a \$250,000 settlement to a federal lawsuit over its police bureau's use of tear gas and other crowd control devices during the racial justice protests that rocked its streets in 2020, court documents show.

Under the settlement filed Tuesday in U.S. District Court in Portland, the city agreed to pay the \$250,000 to five demonstrators who alleged they were subject to tear gas while protesting lawfully.

The city also agreed to stop using rubber ball distraction devices, commonly known as flash-bang grenades, and to dismantle its remaining stock under an injunction that will last 14 months. While the plaintiffs' ability to enforce the injunction will lapse after that time period, one of their attorneys, Juan Chavez, said he would be "perplexed" if the city reintroduced the devices.

The injunction additionally requires police to restrict their use of tear gas, pepper spray, less-lethal launchers and long-range acoustic devices in accordance with bureau policy and state law.

The lawsuit was originally filed by the nonprofit Don't Shoot Portland in June 2020 as protests following the death of George Floyd in Minneapolis erupted nightly on Portland's streets, at times prompting violent clashes between police and demonstrators.



A protestor faces police officers in downtown in Portland, Oregon (Dave Killen/The Oregonian via AP)

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