

THE GENERAL ASSEMBLY OF THE STATE OF NORTH CAROLINA

HOUSE PENDER/NEW HANOVER REDISTRICTING COMMITTEE

PUBLIC HEARING

TRANSCRIPT OF THE PROCEEDINGS

May 5, 2009

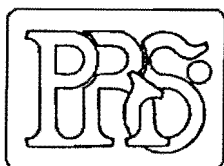
COMMITTEE MEMBERS:

Rep. Grier Martin, Chair
Rep. Martha Alexander
Rep. Hugh Holliman
Rep. Sandra Hughes
Rep. Carolyn Justice
Rep. Daniel McComas
Rep. Paul Stam
Rep. Bonner Stiller
Rep. Ronnie Sutton
Rep. William Wainwright

COPY

In Raleigh, N.C.
6:00 P.M.

Reported by:
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Mr. Bill Gilkeson
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Ms. Kara McCraw

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1 one-party racial state that lasted until the 1960s
2 down in the Black Belt counties in eastern North
3 Carolina. By 1910, all of the South had followed
4 suit.

5 It's--I think it's very important that we
6 keep bearing this history in mind as we make policy
7 and move forward. Thank you very much.

8 Mr. Chairman, I have some written
9 material that I wanted to distribute to the
10 Committee, if that would be all right.

11 THE CHAIR: That's fine. If you'd give
12 that to the sergeants-at-arms, they can distribute
13 that for you.

14 MR. TYSON: Thank you very much.

15 THE CHAIR: Thank you, Dr. Tyson. Next
16 up I have Dr. William Barber, president of the
17 state NAACP.

18 ~~DR. BARBER:~~ Just--before you cut the
19 clock on, let me say that Dr. Tyson is also our
20 Centennial History Chair of the North Carolina
21 NAACP, and we're certainly glad to be here with
22 him.

23 THE CHAIR: Thank you, Dr. Barber. And
24 before the clock starts, also let me note that

1 the--the Chair does have a preference in shade of
2 blue, and the Chair directs that Dr. Tyson be
3 listed as a representative of the University of
4 North Carolina. I apologize for my--the podium--
5 Representative Stam?

6 REP. STAM: I second that motion.

7 THE CHAIR: Dr. Barber, the podium is
8 yours. Sorry.

9 DR. BARBER: This room needs a lot of
10 prayer.

11 Let me ask other presidents to come and
12 stand with me, Dr. Stephens from Pender County,
13 Harold Beatty from New Hanover, and Ms. Sylvia
14 Barnes from Goldsboro, and any other NAACP--and I
15 want to thank Dr. Tyson for his statement.

16 As you make these decisions, let us also
17 hear what the courts have said. Justice Kennedy,
18 the one who wrote the judgment for the Supreme
19 Court--U.S. Supreme Court that five justices upheld
20 and four dissented that upheld the striking down of
21 District 18 that was only, remember a four-three
22 vote by the North Carolina Supreme Court, with two
23 of the justices dissenting--but even in his
24 judgment to strike down District 18, listen at what

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1 he said: "Racial discrimination and racially
2 polarized voting are not ancient history. Much
3 remains to be done to ensure that citizens of all
4 races have equal opportunity to share and
5 participate in our democratic processes and
6 traditions, and Section 2 must be interpreted to
7 ensure that continued process."

8 Even in his judgment on this case, he
9 still said if there were a showing that a state
10 intentionally drew district lines in order to
11 destroy or otherwise effective--otherwise effective
12 crossover districts, which this is, that would
13 raise serious questions under both the 14th and the
14 15th Amendments. He further said even in his
15 judgment, "Our holding also should not be
16 interpreted to entrench majority minority districts
17 by statutory command, for that, too, could pose
18 constitutional concerns. See *Miller versus*
19 *Johnson*. States that wish to draw crossover
20 districts are free to do so where no other
21 prohibition exists."

22 So in North Carolina, we can wish to take
23 seriously this history that briefly Dr. Tyson just
24 gave us. We can take--we can wish to make sure

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1 that District 18 remains a crossover district as
2 long as we don't overly split the counties. We can
3 wish to acknowledge the deep legacy of--and denial
4 of justice in this area, and we can wish to be
5 better in our future than we have been in our past.

6 Now, in the dissent of the U.S. Supreme
7 Court, Justice Souter said this: "Section 2
8 protects not merely the right of the minority
9 voters to put ballots in the box, but a claim--but
10 to claim a fair number of districts in which their
11 votes can be effective." Further, Justice Souter
12 said, in short, "To the extent the plurality's
13 holding is taken to control future results, the
14 plurality"--talking about the five justices who had
15 voted to strike down--"eliminated protection of
16 Section 2 for the district that best vindicates the
17 goals of the statute and has done all it can to
18 force the state to perpetuate racially concentrated
19 districts, the quintessential manifestation of race
20 consciousness in American politics, I respectfully
21 dissent."

22 And we in the NAACP dissent as well on
23 this ruling. We believe the Supreme Court of North
24 Carolina four-three decision was wrong. It was

1 wrong historically. We believe the U.S. Supreme
2 Court was wrong, because it did not take seriously
3 this history of disenfranchisement that exists in
4 North Carolina. But it's not just past
5 disenfranchisement.

6 We need minority representation because
7 white buying power in New Hanover County is four
8 million--over four million dollars, but among
9 African-Americans, it's only four hundred and
10 seventy-nine thousand--four hundred and seventy-
11 nine million. Excuse me. It's four billion for
12 whites, four hundred and seventy-nine million for
13 blacks. And in Pender County, white buying power
14 is eight hundred and forty-five million, but only
15 one hundred and thirty-four million in 2006 in--
16 among African-Americans.

17 We know that in Pender it's twenty-six--
18 twenty-three-point-six percent (23.6%) black today,
19 but we also know black students passing the end-of-
20 grade tests in Pender is only forty-four-point-two
21 percent (44.2%). We know that in--in New Hanover
22 African-Americans represent seventeen percent (17%)
23 of the population, and we know that black students
24 passing the end-of-grade test is only thirty-nine-

1 point-two percent (39.2%).

2 So we've never been honest about this
3 history. We've never been honest about why Pender
4 County was split from New Hanover in the first
5 place. In this area, we have not recovered from
6 what was lost in 1898 and in all the ripple effect
7 of that, and we do not know if we will ever recover
8 from it. But we need to keep this a crossover
9 district and do as little as possible.

10 A few months ago, this body apologized
11 for Wilmington, apologized for 1898. Well, an
12 apology is anemic, it's weak, unless we keep this
13 district as a crossover district.

14 We can talk about other disparities. We
15 will put it in writing to this Committee. We thank
16 you for your time, but we can wish to do the right
17 thing in this matter.

18 THE CHAIR: Thank you very much,
19 Dr. Barber. Next on the list I have F.D.
20 Rivenbark, Pender County Commissioner.

21 And as you move up to the podium, let me
22 take care of one other housekeeping matter. We've
23 had another member of our Committee join us.
24 Representative Stiller, would you mind introducing