

THE CAROLINA INDIAN VOICE

"Building Communicative Bridges
In A Tri-Racial Setting"

POST OFFICE BOX 1075

PEMBROKE, N.C. 28372

THURSDAY, JANUARY 1, 1981

VOLUME 9 NUMBER 1

25c PER COPY

EDUCATIONAL CHICKENS COME HOME TO ROOSE IN OL' ROBESON

by Bruce Barton

ROBESON COUNTY-A Biblical passage put it best: bread thrown on the water will come back to you. The fiery Malcolm X of Black Muslim fame was chastised severely for suggesting that a plane crash in which a number of Americans were killed a few years ago was the result of chickens coming home to roost.

We, of course, disavow any agreement with Malcolm X's posturing about that...he was killed himself some years later as the result of an intestine feud within his own black nationalist group.

But the educational chickens are finally coming home to roost in Ol' Robeson. One cannot mistreat another without being aware of the universal maxim that states firmly and resolutely that one will indeed reap exactly what one sows.

Robeson County is on the brink of economic disaster in the five school systems; a federal lawsuit by a number of Robeson County parents have charged racial discrimination and have called for one school system.

The lawsuit, filed by Hoke County attorney Phil Diehl, asks for an end to the poor quality of education in Robeson County. The law suit charges duplication of services, poor use of the tax dollars earmarked for the schools, the perpetuation of racial segregation, artificially contrived school district boundaries, and "tokenism" in the place of true integration of school students and faculty populations.

The lawsuit has played havoc with the school bond monies approved by county voters in 1979. After the sale of half the bonds (\$8 million), the other portion (another \$8 million) was put on "legal hold" until the suit is resolved in U.S. District Court in Fayetteville.

Federal Judge Earl Britt and Robeson County Schools attorney Dexter Brooks involved in 1974 Justice Department investigation of Voting Rights violations

Irony plays a part in the educational debacle Robeson County now finds itself in after years of racial discrimination by all racial groups in Robeson County.

The federal judge in the eastern district of federal court is Earl Britt, a legal foe for years against those who espoused breaking double voting. Double voting was an evil political device whereby voters residing within one of the then five city school systems voted on their own respective boards of education and then, if one can believe it, were allowed to turn around and vote for the make up of the Robeson County School System's (where the majority of the Indians and blacks lived) board of education. They, in effect, "voted twice." Dr. Martin L. Brooks, in a losing effort (he was beaten by the double vote system) in the early 60s for a seat on the Robeson County Board of Education was one of those who coined the phrase, "double vote." The device barred Indians or Blacks from mustering enough votes to be elected to the County Board of Education.

Finally, in the early 70s, the federal courts threw out "double voting" in Robeson County ruling that the device "discriminated against" and diluted the vote of the county resident who resided within the voting confines of the county school system.

On
September 12, 1974

The Carolina
Indian
Voice

ran an
article
entitled

"Massive
Investigation
of Robeson
Underway
By Dept.
of Justice..."
The article
noted...

Now, as noted in last week's issue of The Carolina Indian Voice, the Lumbee River Legal Services, Inc. quartered in Pembroke and the American Civil Liberties Union located in Atlanta, Georgia have combined their legal forces to charge the Lumberton City Board of Education with violating the Voting Rights Act of 1965 by annexing the questionable areas even though the U.S. Justice Department has objected to them on the grounds that they are racially discriminatory.

Will Judge Britt Remove Himself
From the Case?

Now that Earl Britt is a Federal judge he finds himself answering some of the legal questions that he raised when he was an attorney representing the Fairmont School System and Robeson County.

Britt obviously will have to excuse himself from any deliberation of either of the law suits now in the court: (1) the suit calling for one school system and (2) the suit charging Lumberton with violating the 1965 Voting Rights Act.

It seems, from our investigation of the matter, that Britt, when he represented the Fairmont School System and the county, was also guilty of violating the 1965 Voting Rights Act.

The Fairmont Annexation covered about half of predominantly white Sterling's Township in 1969. Again, whites seemed desperately to be trying to get out of the predominantly Indian

School District. Fairgrove School was actually built by the county board of education within the Fairmont School District so the school had to be de-annexed (in other words, the powers that be took Fairgrove, the Indian School, out of Fairmont, the white school precinct) before HEW closed the school lines in 1970. However, only Fairgrove School itself was de-annexed leaving large numbers of Indians trapped within the Fairmont School District. Thus Fairgrove sits less than full while the Fairmont schools are overcrowded.

None of these changes were submitted to the justice department as demanded by the 1965 Voting Rights Act.

It seems that Judge Britt was guilty of breaking the law himself so it seems reasonable to assume that he will excuse himself from ruling in either case now before his court.

Dexter Brooks Involved in
Irony of the Moment

Dexter Brooks, the brilliant young Indian attorney, who now represents the status quo Robeson County Board of Education, finds himself in the uncomfortable position of defending against legal arguments which he himself is mostly responsible for raising. Brooks is involved in the irony of the moment.

It was Brooks who uncovered the violations of the voting rights act; it was his basic research which led to the breaking of double voting.

And Brooks, of course, is considered the "founding legal father" of Lumbee River Legal Services in Pembroke.

As school board attorney for the county school system, Brooks might find himself responding to some of the legal questions he raised in the early 70s.

Emancipation Proclamation Day Observance

The Annual County-wide Celebration of the Emancipation Proclamation sponsored by the Robeson County Black Caucus will be held Saturday, January 3, 1981 at the Lumberton Junior High School, at 12 noon.

The occasion will mark the 116th Anniversary of the Proclamation issued by President Abraham Lincoln, declaring that slaves then held by the several states were and henceforth set free.

Dr. Charles A. Lyons, Chancellor of Fayetteville State University, will deliver the address.

Mrs. Novella T. Whitted, Program Chairman will preside.

Dr. E.B. Turner, Caucus President states that the County-wide Observance will focus on several county-wide features and that he expects 500 persons to attend the celebration.

Named Acting Director of Lumber River COG

Dr. Vic Josephs has been appointed as acting director for the Council of Governments representing Robeson, Scotland, Bladen and Hoke Counties.

Josephs, 35 and a former resident of

Charlotte, has been the local COG regional planning director since 1975.

He was appointed to the post Thursday night by the full council, representing four counties and 20 cities and towns.

PEOPLE AND PLACES AND THINGS

AREA HIT BY LIGHT SNOWFALL

Light snow began falling across Robeson County about 5 a.m. Saturday and by daylight a thin blanket had accumulated on lawns, fields and bridges.

The National Weather Service said snow, sleet and freezing rain pelted Eastern North Carolina threatening to blanket parts of the coast and coastal plain with up to three inches of snow and creating hazardous driving conditions.

The snowfall came too late to give the area a white Christmas, but gladdened the hearts of children still out of school for the holidays.

The snow and frozen rain was caused by a low pressure trough that moved up the coast from Georgia and South Carolina.

The rain, mixed with some freezing rain, first reached Duplin, Bladen, and Sampson counties in North Carolina, the weather service said. Freezing rain was also reported Friday evening at Charleston, SC.

The snow, up to an inch in some areas of the county, lingered Sunday but by late afternoon had melted away...going away almost as quickly as it had come.

BOOSTER CLUB TO MAKE
CONTRIBUTION

The now defunct Prospect Booster Club officers are making plans to dispose of the remaining monies in the treasury. Plans are to contribute the monies to the athletic department of Prospect High School. If there are any members who have any objections, they are advised to contact: Pat Baker, treasurer; Pauline Locklear, secretary or Varsar Bullard, president.



ADOLPH DIAL

Adolph Dial leads Speculation for Vacant House Seat

ROBESON COUNTY--At press time no replacement had been named for Horace Locklear, who resigned to the amazement of the political world in Robeson County.

But Adolph Dial, now head of PSU's Indian Studies Department, leads the speculative list of the political brokers in Robeson County.

Dial's name heads most of the political lists although others surface from time to time like Ruth Woods, the hard working head of Robeson County Schools' Indian Education project; O. Tom Blanks, Ronald Revels and others.

The legislative district which makes up the house seat is comprised of Robeson, Hoke and Scotland Counties. But Robeson County will probably determine who Locklear's replacement will

WATCH NIGHT SERVICE PLANNED

A joint Watch Night Service will be held at Pleasant Grove Church on December 31, 1980 at 10:45 p.m. The service will include a worship service and a period of fellowship. The three churches joining in this service will be Hopewell Methodist, Pleasant Grove Methodist and Fairview Methodist Church. The Revs. Sam Wynn, Andrew Ransom, Jerry Lowry and James H. Woods will be in charge of the service. Special music will be rendered by the choirs of Hopewell and Pleasant Grove Methodist Churches.

The public is cordially invited to attend.

Christmas Appeal "Successful"

Mrs. Shirley Locklear, project director of Lumbee Regional Development Association's (LRDA) Community Food and Nutrition Project (C.F.N.P.) deemed it "our most successful fund raising."

Ken Maynor, LRDA's executive director said, "the fund raising project was an expression of love from the community...we are proud to know that so many people responded to this worthwhile Christmas appeal."

Those responding to date are:

Acknowledged.....	\$1182.40
Ellen Sampson.....	\$10
Senator Sam Noble.....	\$25
Prospect Jaycees.....	\$10
Commissioner J.W. Hunt.....	\$25
Anonymous.....	\$300
SNB: Fairmont.....	\$5
Waccamaw Bank: Fairmont.....	\$20
Lumbee Bank (food)	
Noah Woods, Oxendine School (food)	
Rev. Bruce Swett.....	\$25
Joe Freeman.....	\$10
Mr. Bowman.....	\$25
Anonymous.....	\$25
Bessie Henderson.....	\$5
Lacy Bell.....	\$25
Received to date.....	\$1692.40

Christmas is a special time of the year; the time of the year when we celebrate the birth of our wonderful Savior-Jesus Christ!

The Carolina Indian Voice thanks each of you sincerely for your expression of love in giving to this wonderful and people helping organization.

For those of you who wish to help throughout the year...simply write...

Lumbee Regional Development Assoc. Community Food & Nutrition Project (C.F.N.P.)
Post Office Box 68
Pembroke, North Carolina 28372

Robeson County's committee members are Wyvis Oxendine, an Indian; and Landa Gaddy, a black.

Local reports indicate that Herman Dial, the chairman of the Robeson County Board of Commissioners, could have had the post for the asking but demurred saying, "I believe I can do more for my people where I am..." Herman Dial and Adolph Dial are brothers.

BY BRUCE BARTON

Fairmont submission made in 1971

Robeson County and several of the political subdivisions therein have been formally notified that they are in violation of the Federal Voting Rights Act of 1965. This notification came after a three-man team from the Civil Rights Division of the Department of Justice visited the county several weeks ago. Included in the team was Dennis Ickes, Director of the Office of Indian Rights.

Robeson is one of thirty-nine counties in North Carolina covered by the Act, and its inclusion was due to past discriminatory practices in the area of voting. Basically, the Act provides that before any change in voting law or procedure different from that in force on November 1, 1964 can be enforced, such change must be submitted to the Attorney General of the United States for approval. The Attorney General is required to disapprove the change unless he can make a determination that the change will not have a negative effect on the voting power of minorities. The Act includes such things as annexations to municipalities or school districts, re-apportionment, deletions of voting registrars, and changes in the location of polling places.

Instead of being merely "technical" violations of the law, as was reported in the local press, the Department of Justice seems to feel that very serious violations of the law have occurred in Robeson County.

The chief responsibility of making submissions of proposed changes in voting law rests with the chief legal officer of a political subdivision. In the case of Robeson County this would be County Attorney Joe "Pete" Ward. Ward was quoted in the Robesonian as saying that he "cannot find anyone who was notified" that these submissions were his responsibility. Said a political entity, "Ignorance of the law--especially for a lawyer--is no excuse. A lawyer who does not know the law is not of much value to his client." In any case, Ward served on the County Board of Elections before he became County Attorney, therefore, he should know that several letters discussing the Voting Rights Act were located in the files of the Elections Board.

The only submissions received from Robeson County under the Act were for the Town of Fairmont in 1971. These were filed by W. Earl Britt who is now representing the defendants in the double-voting case. Mr. Britt also represented the Fairmont City Board of Education in the so-called "Prospect Suit" of 1970. The papers filed in that case mentioned a 1969 annexation to the Fairmont School District, but this annexation was never submitted to the Department of Justice. Why? Under the Voting Rights Act, annexations of predominantly white areas are generally not approved.

Thus, it is to be noted that submissions of proposed changes in the law does not bring the affected political subdivisions into "compliance," but only starts the process by which the Department of Justice must scrutinize the proposed change as to its effect on the voting power of minorities. Until this process is complete, the new law cannot be enforced.

Among the changes being investigated by the Department of Justice are the several annexations to the Lumberton School District during 1967-71. Some five local acts were introduced in the General Assembly by past Senator Hector McLean and present Senator Luther Britt of Lumberton. None of these acts were submitted to the Department of Justice for approval. Under Federal law these annexations must be scrutinized as to how they dilute the voting power of minority people already within the school district. Since the affected areas are almost totally white, approval seems doubtful to say the least. Disapproval would throw the Chyborn Places, Lakewood Estates, and Forest Acres areas back into the County School District.

Also under investigation are the predominantly white areas, such as Mayfair, annexed to the City of Lumberton. It might be noted that as the purpose of the Voting Rights Act is

to protect the voting rights of minorities, annexations of predominantly Black or Indian areas--such as the one in South Lumberton--would be upheld by the federal authorities. Senator Luther Britt is Lumberton City Attorney, thus he is responsible for the submissions required under the law.

The Department of Justice is also investigating the legality of the seat on the Board of Commissioners now occupied by Sam Noble, of Lumberton, Chairman of the Board of Commissioners. This seat was added to the Board by the 1967 General Assembly, but the act was never submitted for approval. It might be noted that under the present set-up, the County Commissioner Districts do not meet the "one-man, one-vote" guidelines of the United States Supreme Court. With a total population of 84,842 (1970 census), ideally each commissioner should represent 12,120 people. However, Maxton-Pembroke with 14,738 people is the most underrepresented by 21.6%, and Rowland with only 7,561 people is the most overrepresented by 37.6%. This gives a total percentage deviation of 59.2%, while the Supreme Court will generally approve only 10%. Further reapportionment would seem to be necessary before the 1967 reapportionment (which benefitted only Lumberton) can be approved. Federal disapproval will remove Sam Noble from the Board.

non- Compliance penalties severe

Penalties under the Voting Rights Act are severe: "Whoever shall deprive or attempt to deprive any person of any right secured by...this title...shall be fined not more than \$5,000, or imprisoned not more than five years, or both." Among the persons in Robeson receiving letters from the Department of Justice are Ray Revels, chairman of the County Board of Elections; Julian Ransom and Washington Hawkins, members of the Elections Board.

law student responsible for research

The investigation and legal research which led to Department of Justice interest in Robeson County was done by a local Lumbee Indian, Dexter Brooks of Pembroke while a summer employee at the Justice Department.

He returned to Robeson after earning a masters degree with high honors in mathematics from North Carolina State University in 1971. Since that time he has become well-known in Indian circles for his political-legal analytical ability. Brooks earned a reputation as a strategist during the Save Old Main Movement and later became interested in legal research with the efforts to break double-voting. His research discredited the pro double-voting opinion written by James Bullock, a former resident of Lumberton and a member of former Attorney General Robert Morgan's staff.

Now a second-year student at the prestigious University of North Carolina School of Law, he also serves as a member of the Legal Team of the Task Force to Break Double-voting. These revelations of violations of the Voting Rights Act are only the latest in a series of inequities unearthed by the energetic young Indian.

When asked by the Carolina Indian Voice to discuss the situation, Brooks replied that he was "no longer an employee of the Department of Justice," and that "further questions concerning the enforcement of the Voting Rights Act should be addressed to the Civil Rights Division of the Department of Justice."

Dr. Vic Josephs has been appointed as acting director for the Council of Governments representing Robeson, Scotland, Bladen and Hoke Counties.

Josephs, 35 and a former resident of