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Appeals court: North Carolina voter ID law unconstitutional; Republicans Say They Will Appeal

By Emery P. Dalesio and Jonathan Drew

RALEIGH (AP) - A federal appeals court ruled that a North Carolina law illegally targeted minorities with tougher ballot access rules, such as requiring photo identification to vote, adding a new partisan flashpoint in a swing state with a raft of hotly contested elections.

The ruling Friday by the 4th Circuit Court of Appeals declared that the 2013 law violated the Constitution and the federal Voting Rights Act by targeting black voters "with almost surgical precision." It marks the third ruling in less than two weeks against voter ID laws after court decisions regarding Texas and Wisconsin.

The law, passed two years after Republicans took control of the state legislature for the first time in a century, sought to entrench GOP politicians in power, the opinion by a three-judge panel of the court stated.

"It did so by targeting voters who, based on race, were unlikely to vote for the majority party. Even if done for partisan ends, that constituted racial discrimination," said the judges. The decision overturned a federal district judge's April ruling that didn't find proof the law made it harder for minority voters to cast ballots.

In reversing earlier election-law changes by Democrats to make voting easier, the GOP-led legislature crossed a constitutional line by restricting minority voting, the court said.

"The record thus makes obvious that the 'problem' the majority in the General Assembly sought to remedy was emerging support for the minority party. Identifying and restricting the ways African Americans vote was an easy and effective way to do so," the court stated. "Winning an election does not empower anyone in any party to engage in purposeful racial discrimination."

The decision was lauded by Democrats, including presidential nominee Hillary Clinton, as a victory for democracy and decried by Republicans as an effort to tilt the balance in elections this fall that could be won by either party.

North Carolina's presidential race could be competitive, as Barack Obama narrowly carried the state in 2008 but lost to Mitt Romney four years later. The state that also has closely contested races for U.S. Senate and governor.

GOP legislative leaders said they would appeal the case to the U.S. Supreme Court. They blasted the ruling as a partisan and emphasized the law was intended to make voter fraud more difficult.

"Photo IDs are required to purchase Sudafed, cash a check, board an airplane or enter a federal court room. Yet, three Democratic judges are undermining the integrity of our elections while also maligning our state," said Gov. Pat McCrory, a Republican seeking re-election.

However, it's unlikely that the evenly divided and short-handed Supreme Court would take the case or block Friday's ruling from governing elections this November, said election-law experts Ned Foley of Ohio State University and Richard Hasen of the University of California at Irvine. The ruling also could boost the votes at play this fall, Hasen said.

"Anytime you take away restrictions, you make it possible for more people to vote. I think we will see more people voting than if these restrictions were still in place," he said. "I think this is a hugely important decision."

The law's opponents say the ruling should increase participation by black and Hispanic voters.

The photo ID requirement, which took effect with this year's primary elections in March, required people casting ballots in person to show one of six qualifying IDs. Voters facing "reasonable impediments" could fill out a form and cast a provisional ballot.

North Carolina legislators imposed the photo ID requirement, curtailed early voting and eliminated same-day registration and voters' ability to cast out-of-precinct provisional ballots in their home counties.

Dale Hicks said he couldn't vote in 2014 after the new law eliminated same-day registration. The newly discharged Marine learned he couldn't cast a ballot after moving to the Raleigh area a few months earlier.

"I felt disenfranchised, like I was being taken advantage of," said Hicks, a 40-year-old black man. "I heard some things going on, but I didn't think I'd be affected. I've been an American citizen all my life."

Associated Press writers Jeffrey Collins in Columbia, South Carolina; Martha Waggoner in Raleigh; and Mark Sherman in Washington contributed to this report.

Shaw University announces end to salary reduction

RALEIGH (AP) - Shaw University says it is ending a three-year salary reduction program, citing cost-cutting measures and gains in corporate and private giving as the reason for the move.

In a letter to faculty and staff, Shaw President Tashni Dubroy credited employees for their leadership and commitment following changes to federal student aid loan and grant programs in 2011, which she said dramatically decreased affordability and enrollment for hundreds of students at the predominantly black school in Raleigh over a two-year period.

Dubroy said the time is right to restore regular wage schedules and to set a standard for future investment in Shaw's research and teaching capacity.

The school said employees affected by the salary reduction initiative will see restored earning levels beginning in September.



The Rev. Dr. William Barber, right, arrives for the start of a voting rights trial in federal court in Winston-Salem on Mon., July 13, challenging voting law including voter ID, introduced by North Carolina Legislative Republicans. (AP Photo by David Rofle/Winston-Salem Journal).

Judge mulling LGBT law has GOP and big-business pedigree

By Jonathan Drew

RALEIGH (AP) - The fate of the North Carolina law governing transgender restroom access rests in the hands of a judge appointed by President George W. Bush who recently sided with the state's Republican leaders by upholding a voter ID law - but just had that decision overturned by a federal appeals court.

U.S. District Judge Thomas Schroeder, a former corporate lawyer known for representing the R.J. Reynolds Tobacco Company, scheduled oral arguments for Monday on whether the state can require transgender people to use restrooms in many public buildings that match their birth certificates, rather than their gender identities.

The U.S. Justice Department and the American Civil Liberties Union are seeking preliminary injunctions to block the restroom provision of the law, known as House Bill 2, which also excludes gender identity and sexual orientation from statewide antidiscrimination protections. Defending HB2 are Republican Gov. Pat McCrory, state legislative leaders and a citizens' group. Schroeder has scheduled a trial for November.

"With regard to judicial philosophy, he's pretty right-wing," said Norman Smith, a longtime Winston-Salem attorney. Smith suspects Schroeder would "feel comfortable in wanting to uphold HB2," even though he's considered more moderate than some other Republican-appointed judges in the state.

"When he was put in the court by Bush, there was a sigh of relief from the plaintiffs' bar" that the president didn't pick someone more conservative, Smith recalled. Since then, Schroeder has earned a reputation as a meticulous legal thinker who holds lawyers to high standards.

"He's very careful and polite and doesn't show his hand very much. So he's a pleasant person to appear in front of," said Smith.

As he decides whether HB2 violates federal civil rights laws, Schroeder must account for a federal appeals court ruling favoring a transgender Virginia teen who has sought access to boys' bathrooms at his high school, but the judge still has leeway.

Studies show that Republican appointees tend to rule more conservatively than Democratic appointees, though the difference is so slight that political affiliations don't help predicting a particular case's outcome. That said, party principles can guide jurists deciding less settled questions, Brookings Institution scholar Russell Wheeler said.

"Federal judges do take their role seriously, and their role is to apply the law as it should be applied. But cases come along in which the law is not clear and they have to turn to something else, and that explains these slight differences," Wheeler said.

Schroeder's background representing large corporations could make him sympathetic to the views of the dozens of businesses that signed onto an amicus brief urging him halt the bathroom-access provision, Wheeler said.

As a federal judge in North Carolina, he's increasingly being asked to decide whether the state's Republican-led legislature has gone too far.

Schroeder upheld the state's voter ID law in April, rejecting arguments by the Justice Department and the NAACP. In a nearly 500-page ruling, he acknowledged that black residents faced discrimination but found that plaintiffs failed to show those issues had "materially adverse effects" on their ability to vote.

On July 29, a three-judge panel on the 4th Circuit Court of Appeals in Virginia criticized Schroeder's reasoning and overturned his decision in a sharply worded opinion.

"In holding that the legislature did not enact the challenged provisions with discriminatory intent, the court seems to have missed the forest in carefully surveying the many trees," the panel wrote in its opinion.

Last summer, Schroeder also ruled that the Justice Department failed to prove allegations that a North Carolina sheriff ordered deputies to target Hispanic residents in violation of their civil rights. And he's on a three-judge panel that has yet to rule on a challenge to Republican-drawn state legislative districts.

"He writes fairly lengthy opinions and he really gets into detail and wants to understand the case and what's going on," said Raleigh attorney S. Chuck Kitchen, who defended the Alamance County sheriff. Schroeder declined an interview request.

Jordan gives \$2M; looks to build trust between blacks, cops

By Steve Reed

CHARLOTTE (AP) - Michael Jordan finally spoke out on July 25 about racial tensions in America in hopes of easing conflicts between blacks and law enforcement.

The NBA great and Charlotte Hornets owner announced he is giving \$1 million to the Institute for Community-Police Relations and another \$1 million to the NAACP Legal Defense Fund. The aim is to help build trust following several shootings around the country.

"As a proud American, a father who lost his own dad in a senseless act of violence, and a black man, I have been deeply troubled by the deaths of African-Americans at the hands of law enforcement and angered by the cowardly and hateful targeting and killing of police officers," Jordan said in a statement. "I grieve with the families who have lost loved ones, as I know their pain all too well."

Jordan's father was killed in 1993 in a botched carjacking in North Carolina. Daniel Green and his friend Larry Demery were convicted of killing 56-year-old James Jordan along U.S. 74 and dumping his body in South Carolina. Both were sentenced to life in prison.

The high-profile Jordan has been notoriously silent over the years when it comes to his opinions on politics or social justice issues, which has drawn some criticism.

But he said July 25 he "can no longer stay silent" on the issue.

"I was raised by parents who taught me to love and respect people regardless of their race or background, so I am saddened and frustrated by the divisive rhetoric and racial tensions that seem to be getting worse as of late," Jordan said in the statement. "I know this country is better than that. ... We need to find solutions that ensure people of color receive fair and equal treatment AND that police officers - who put their lives on the line every day to protect us all - are respected and supported."

Spike Lee tweeted: "DO NOT SLEEP ON MJ." NBA player Jared Dudley tweeted: "There u go MJ."

Jordan won six NBA championships with the Chicago Bulls and became one of the most popular and respected basketball players in the world.

After retiring, he became the majority owner of the Hornets in 2010.

"Over the past three decades I have seen up close the dedication of the law enforcement officers who protect me and my family," Jordan said. "I have the greatest respect for their sacrifice and service. I also recognize that for many people of color their experiences with law enforcement have been different than mine. I have decided to speak out in the hope that we can come together as Americans, and through peaceful dialogue and education, achieve constructive change."

Jordan said he chose the Institute for Community-Police Relations because its policy and oversight work is focused on building trust and promoting best practices in community policing. He gave to the NAACP Legal Defense Fund, the nation's oldest civil rights law organization, to support its work in support of reforms aimed at building trust and respect between communities and law enforcement.