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US Supreme Court won't speed up return of remap rulings

By Gary D. Robertson
RALEIGH (AP) - The U.S. Supreme Court declined on June 15 to speed up returning to North Carolina its rulings in the case of nearly 30 legislative districts that have been declared illegal racial gerrymanders.

The one-sentence denials could make it harder for a lower federal court to assemble a workable plan to hold otherwise unscheduled elections this fall under redrawn boundaries.

Now it won't be until the end of June for the justices' judgments to be issued to the three-judge court in Greensboro. Lawyers for more than two dozen voters who successfully got 28 House and Senate districts thrown out for needlessly packing too many black voters in them wanted the judgments issued immediately.

The timeline is important because attorneys for voters who sued want the lower court to act quickly on directing legislators to redraw maps and deciding whether a special election should be held. Now it'll be another two weeks before the three judges formally receive them and act accordingly.

Republican legislative leaders had asked that the case be returned after the routine 25 days. The GOP lawmakers prefer holding the first elections under new boundaries during the next regularly scheduled state election in 2018.

Their lawyer had written Chief Justice John Roberts this week in a brief against accelerating the judgments. There wasn't enough time to hold 2017 elections when considering requirements in state law for drawing boundaries, holding a candidate filing period and issuing absentee ballots for both primary and general elections, the lawyer

wrote. Roberts considers appeals from North Carolina. Thursday's (June 15) orders said Roberts had referred the matter to the full court. No reasons were given for the denials.

Senate leader Phil Berger wrote on Twitter he was pleased with the denials of the "left's scheme" to force a special election and nullify the voters' decisions in the 2016 election. General Assembly members serve two-year terms.

The state House "continues to await guidance from the courts on redistricting and will fully

comply with their direction as soon as received," House Speaker Tim Moore tweeted.

An attorney for the voters who sued over the maps didn't immediately comment late Thursday on the maps. But in a brief to Roberts filed June 14, an appeals lawyer for the voters wrote the opposition by legislative leaders to speed up the judgment was a "transparent ploy" to delay the process for creating constitutional maps.

The "opposition to the application is simply another attempt to run out the clock on the possibility of a special election

remedy," Washington attorney Jessica Ring Amunson wrote.

The justices on June 5 upheld the three-judge panel's ruling last August that struck down the districts first approved in 2011. Maps filed that year helped Republicans expand majorities achieved during the 2010 elections.

But the justices also rejected a previous order by the panel requiring a 2017 election. The justices wrote the lower court judges should have done a better job evaluating legally whether holding a special session was warranted.



The Louis E. Austin History Grove was dedicated June 10 at Solite Park. Louis Austin was the founding editor and publisher of The Carolina Times. Above are Austin's living relatives. From left to right are Mrs. Kimberly Austin Johnson, great niece; her daughter, Austin K. Johnson; great great niece; Milton Bernard Austin, nephew; Kenneth W. Edmonds, grandson; and Christian M. Edwards, great grandson. See story and photos on pages 8 and 9.

Legislators to Host Town Hall

A Town hall meeting that Rep. MaryAnn Black and Rep. Marcia Morey will be having next Saturday, June 24 from 9am-10:30am (with sign-in starting at 8:30am) at the chambers of the Durham County Commissioners.

They plan on updating Durham residents on this year's legislative session and to hear directly from the community what issues are of importance in determining future legislative priorities. The public invited to attend.



Rep. Black



Rep. Morey

Barber banned from Legislative Building after protest arrest

RALEIGH (AP) - One of North Carolina's most prominent civil rights leaders, the Rev. William Barber, is banned from entering the state Legislative Building after he was arrested at a protest there last month.

A magistrate ordered Barber and 31 others arrested during a sit-in over health care on May 30 to stay away from the building as part of their bond on second-degree trespassing charges.

General Assembly Police Chief Martin Brock said he didn't ask for the ban, but will likely request it for future protesters who are arrested.

"If someone has been arrested two or three times, would it be reasonable to expect that they would be arrested again? That would be my observation," Brock told the News & Observer of Raleigh.

But Barber's attorney said the bans are illegal and she plans to ask a judge to overturn them at the next court hearing for the arrested protesters on June 26.

Geeta Kapur cites the North Carolina Constitution, which says: "the people have a right to assemble together ... to instruct their representatives, and to apply to the General Assembly for redress of grievances."

The state NAACP president and the other protesters weren't interfering with legislative business, which makes the ban even worse, she said.

"The only way you can petition a legislator is by going to the legislature," Kapur said. "We take this to be an intimidation tactic."

Whether the ban sticks is questionable. A similar 2013 decision to order protesters to stay away from the building was thrown out.

Democracy with no choices: Many candidates run unopposed

By David A. Lieb

When voters cast ballots for state representatives last fall, millions of Americans essentially had no choice: In 42 percent of all such elections, candidates faced no major party opponents.

Political scientists say a major reason for the lack of choices is the way districts are drawn - gerrymandered, in some cases, to ensure as many comfortable seats as possible for the majority party by creating other districts overwhelmingly packed with voters for the minority party.

"With an increasing number of districts being drawn to deliberately favor one party over another - and with fewer voters indicating an interest in crossover voting - lots of potential candidates will look at those previous results and come to a conclusion that it's too difficult to mount an election campaign in a district where their party is the minority," said John McGlennon, a longtime professor of government and public policy at the College of William & Mary in Virginia who has tracked partisan competition in elections.

While the rate of uncontested races dipped slightly from 2014 to 2016, the percentage of people living in legislative districts without electoral choices has been generally rising over the past several decades.

About 4,700 state House and Assembly seats were up for election last year. Of those, 998 Democrats and 963 Republicans won without any opposition from the other major political party. In districts dominated by one party, election battles are fought mostly in the primaries; the winner from the majority party becomes a virtual shoo-in to win the general election.

Some states had a particularly high rate of uncompetitive races:

-In Georgia, just 31 of the 180 state House districts featured both Republican and Democratic candidates, a nation-high uncontested rate of 83 percent. Republicans hold almost two-thirds of the seats in the Georgia House of Representatives.

-In Massachusetts, just 34 of the 160 state House districts had candidates from both major parties, an uncontested rate of 79 percent. There, Democrats hold four-fifths of the House seats.

-About 75 percent of the state House races in Arkansas and South Carolina lacked either a Democratic or Republican candidate. Under an Arkansas law passed this year, the names of unopposed candidates won't even have to be listed on future ballots. Unchallenged candidates will automatically be declared the winners.

Voting for unopposed candidates "just seems like an extra step in the process that we could eliminate," said the sponsor of the Arkansas law, Rep. Charlotte Douglas, who hasn't faced any opposition the past two elections.

She added: "You hate to say that it doesn't count, because any vote counts, but it's unnecessary."

There are far fewer uncontested U.S. House races. Less than 15 percent of the 435 districts lacked a Republican or Democratic candidate last year.

But some of the same states were atop that noncompetitive list: Five of Massachusetts' nine U.S. House districts lacked Republican candidates. Three of Arkansas' four districts lacked Democratic opponents. And in Georgia, which has 14 U.S. House districts, four Republicans and one Democrat ran unopposed by the other major party.

There are reasons for unopposed elections aside from gerrymandering. Some states, particularly in the South, have political cultures that place less importance on partisan competition. Incumbency also poses a deterrent to potential challengers.

University of Georgia political science professor Charles Bullock said the large number of uncompetitive districts in his home state may be due less to gerrymandering than to naturally segregated demographics, with Democratic-inclined black residents living in different areas than Republican-leaning white voters.

Yet Georgia's Republican-led Legislature has continued to tinker with the district lines they drew after the 2010 Census in what some Democrats contend is an attempt to lessen competition.

A 2015 law, which was recently challenged in court, altered the boundaries of 17 Georgia House districts, including two narrowly won by Republicans the previous year.

This year, Georgia Republicans again sought to change the boundaries of several state House districts, including a couple won by Republicans by single-digit margins last November. Some of the proposed shifts sought to move heavily black precincts - where voters overwhelmingly support Democrats - from Republican-held districts into ones occupied by Democrats. Although the bill passed the House, it died in the Senate.

NAACP Condemns Weakening Of DOJ Civil Rights Enforcement Powers

BALTIMORE - The NAACP released the following statement after the Justice Department issued guidance to the Civil Rights division to settle cases without using consent decrees: no-fault agreements that have helped de-segregate schools, reform police departments, defend religious freedom and ensure access for the disabled.

"Attorney General Jeff Sessions' order to Civil Rights division staff that they avoid using consent decrees - a historic tool to ensure business and local governments simply follow the rules - is another clear attempt to hurt the Black community by weakening the government's ability to defend our civil liberties," said Leon Russell, Board Chairman of the NAACP. "Not only does this break away from decades of tradition, it's just plain sneaky since the instructions were given verbally rather than written in a memo or email. The NAACP is calling on the Trump Administration to be more open and transparent about changes within the Justice Department's Civil Rights division and to put protecting Americans first."

For Background: ProPublica - a nonprofit, investigative news outlet - reports that top officials in the Justice Department's civil rights division have issued verbal guidance to its staff to seek settlements in cases without consent decrees.