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Trump choosing white men as judges, highest rate in decades

By Catherine Lucey and Meghan Hoyer
WASHINGTON (AP) - President Donald Trump is nominating white men to America's federal courts at a rate not seen in nearly 30 years, threatening to reverse a slow transformation toward a judiciary that reflects the nation's diversity.

So far, 91 percent of Trump's nominees are white, and 81 percent are male, an Associated Press analysis has found. Three of every four are white men, with few African-Americans and Hispanics in the mix. The last president to nominate a similarly homogenous group was George H.W. Bush.

The shift could prove to be one of Trump's most enduring legacies. These are lifetime appointments, and Trump has inherited both an unusually high number of vacancies and an aging population of judges. That puts him in position to significantly reshape the courts that decide thousands of civil rights, environmental, criminal justice and other disputes across the country. The White House has been upfront about its plans to quickly fill the seats with conservatives, and has made clear that judicial philosophy tops any concerns about shrinking racial or gender diversity.

Trump is anything but shy about his plans, calling his imprint on the courts an "untold story" of his presidency.

"Nobody wants to talk about it," he says. "But when you think of it ... that has consequences 40 years out." He predicted at a recent Cabinet meeting, "A big percentage of the court will be changed by this administration over a very short period of time."

Advocates for putting more women and racial minorities on the bench argue that courts that more closely reflect the demographics of the population ensure a broader range of viewpoints and inspire greater confidence in judicial rulings.

One court that has become a focus in the debate is the Eastern District of North Carolina, a region that, despite its sizeable black population, has never had a black judge. A seat on that court has been open for more than a decade. George W. Bush named a white man, and Barack Obama at different points nominated two black women, but none of those nominees ever came to a vote in the Senate.

Trump has renominated Bush's original choice: Thomas Farr, a private attorney whose work defending North Carolina's redistricting maps and a voter identification law has raised concerns among civil rights advocates.

Kyle Barry, senior policy counsel for the NAACP Legal Defense and Educational Fund, said that when diversity is lacking, "there's a clear perception where the courts are not a place people can go and vindicate their civil rights."

In recent decades, Democrats have consistently named more racial minorities and women on the courts. But even compared to his Republican predecessors, Trump's nominees stand out. So far, he has nominated the highest percentage of white judges in his first year since Ronald Reagan. If he continues on his trend through his first term, he will be the first Republican since Herbert Hoover to name fewer women and minorities to the court than his GOP predecessor.

The AP reviewed 58 nominees to lifetime positions on appellate and district courts, as well as the Supreme Court, by the end of October. Fifty-three are white, three are Asian-American, one is Hispanic and one is African-American. There are 47 men and 11 women. Thirteen have won Senate approval.

The numbers stand in marked contrast to those of Obama, who made diversifying the federal bench a priority. White men represented just 37 percent of judges confirmed during Obama's two terms; nearly 42 percent of his judges were women.

Some of Obama's efforts were thwarted by a Republican-led Senate that blocked all of his nominations he made in the final year of his presidency, handing Trump a backlog of more than 100 open seats and significant sway over the future of the court.

Trump has moved aggressively to name new judges, getting off to a much quicker start than his predecessors. He has nominated more than twice as many as Obama had at this point in his presidency. While there have been clashes in the Senate over the nomination process, Republican Majority Leader Mitch McConnell has signaled that he is committed to moving judicial nominees through.

Many of Trump's white, male nominees would replace white, male judges. But of the Trump nominees currently pending, more than a quarter are white males slated for seats have been held by women or minorities.

Of the eight seats currently vacant that had non-white judges, only one has a non-white nominee.

White House spokesman Hogan Gidley says Trump is focused on qualifications and suggests that prioritizing diversity would bring politics to the bench.

"The president has delivered on his promise to nominate the best, most-qualified judges," Gidley said. "While past presidents may have chosen to nominate activist judges with a political agenda and a history of legislating from the bench, President Trump has nominated outstanding originalist judges who respect the U.S. Constitution."

Trump, who has cited the confirmation of Supreme Court Justice Neil Gorsuch as a key achievement, has focused on judges with conservative resumes. His picks have been welcomed by conservative legal groups.

Leonard Leo, the executive vice president of the Federalist Society who has advised Trump on judges, said the president's judicial picks should be evaluated based on his nominations to the Supreme Court and appellate courts, given that home-state senators traditionally offer recommendations for district courts that carry significant weight when the lawmaker and the president are of the same party.

There have been 19 nominees to those higher courts; more than two-thirds are white men.

And past presidents also have pushed for diversity at the district courts. The Obama White House would make clear diversity was a priority and "if we found good candidates, we would encourage senators to take a look at them," said Christopher Kang, who worked on judicial nominations in the Obama administration.

Alberto Gonzales, who served as attorney general for George W. Bush, says that when considering nominees "sometimes President Bush would look at the list we gave him and he would say, 'I want more diversity, I want more women, I want more minorities.'"



Some of the young people in the NCCU Homecoming Parade. See photos on page 8.

GOP loses bid to shield communication over congressional map

By Mark Scoloro

HARRISBURG, Pa. (AP) - The Pennsylvania Legislature's two highest-ranking Republican leaders were ordered Nov. 9 to turn over documents related to development of the state's latest congressional districts map, which a lawsuit claims has given the GOP an unconstitutional edge in elections.

A federal judge in Philadelphia gave the leaders a week to produce communications they or aides had with the Redistricting Majority Project, or REDMAP, the party's national redistricting effort after the 2010 census, as well as information used to develop the map.

House Speaker Mike Turzai and Senate President Pro Tempore Joe Scarnati had fought disclosure, citing legislative privilege and other claims. Neither they nor their lawyers responded to requests for comment.

The order concerns one of two pending legal challenges to the congressional maps, a federal case that argues Republicans improperly used their role in administering elections to achieve partisan objectives. It is scheduled to go to trial on Dec. 4.

"We need to show that the people who drew the maps used partisan data," said Alice Ballard, a lawyer for the Pennsylvania voters who sued. "We think these facts and data will get us very close to our goal."

The outcome of the case, as well as a similar state court case that was fast-tracked Nov. 9 by the state Supreme Court, could have a seismic effect on elections in Pennsylvania. It's a swing state where Democrats outnumber Republicans and have had a recent winning record in statewide contests but are deeply in the minority in both chambers of the Legislature.

Republicans won 13 of 18 congressional seats in the 2014 and 2016 elections despite earning a little over 50 percent of the vote.

The federal judge's order said the "legislative privilege" that Scarnati and Turzai had asserted "is a qualified privilege that may be pierced and which at a minimum does not shield communications with third parties associated with REDMAP nor protect facts and data considered in connection with redistricting."

She said they must also produce documents from 2009-2012 over which they are not claiming any type of privilege.

It's unclear whether the two Pennsylvania cases could result in new congressional maps in time for next year's races, starting with the May 15 primary. Another significant unknown is how the U.S. Supreme Court will rule in a pending challenge to the Wisconsin legislative districts, a case that directly addresses partisan gerrymandering.

In a court filings, the plaintiffs in the Pennsylvania federal lawsuit said Scarnati and Turzai asserted legislative or First Amendment privilege regarding details of what they said was a 2011 meeting about redistricting at the Harrisburg Hilton to which all of the state's Republican congressmen were invited, along with then-Gov. Tom Corbett's chief of staff. Corbett, a Republican, signed off on the maps.

The plaintiffs said the meeting also included consultants to help them draw congressional district maps, but no Democrats.

Congressional district maps are also being challenged in Maryland, North Carolina and Texas. Along with Wisconsin, state legislative districts are under challenge in North Carolina and Texas.

Lawmakers' emails provided important information during a lawsuit challenging a package of voter laws passed in North Carolina in 2013, including a photo ID requirement. In that case, emails revealed state lawmakers had requested demographic information on voters.

That data request was cited by an appeals court panel in its ruling that tossed out the voter ID law, describing it as targeting African-American voters with "almost surgical precision."

Such emails are almost always helpful, said Allison Riggs, a lawyer with the Southern Coalition for Social Justice who argued the case on behalf of the North Carolina plaintiffs.

"People are getting more and more subtle about their discriminatory motives," Riggs. "That's why getting these wins, where we get whatever evidence might exist in emails or communications, it's so important for us."

Legislative emails between majority Republicans and a law firm hired to redraw legislative lines in Wisconsin also were used by Democrats to build a gerrymandering case they filed in 2015.

Associated Press writers David A. Lieb in Jefferson City, Missouri, and Christina Almeida Cassidy in Atlanta contributed to this story.

Hate crimes rose for 2nd year in a row in 2016, FBI reports

By Sadie Gurman

WASHINGTON (AP) - Hate crimes rose for the second straight year in 2016, with increases in attacks motivated by bias against blacks, Jews, Muslims and LGBT people, according to FBI statistics released Nov. 13.

There were more than 6,100 hate crimes last year, up about 5 percent over the previous year. In 2015 and 2016, that number was driven by crimes against people because of their race or ethnicity.

More than half the 4,229 racially motivated crimes were against black people, while 20 percent were against whites, the report shows. And Jews were targeted in more than half the 1,538 crimes that were motivated by religion. Crimes fueled by bias against LGBT people rose from 203 in 2015 to 234 last year.

The yearly report is the most comprehensive accounting of hate crimes in the U.S. But authorities have long warned it is incomplete, in part because it is based on voluntary reporting by police agencies across the country.

The numbers likely reflect an uptick recorded by civil rights groups in harassment and vandalism targeting Muslims, Jews, blacks and others amid the presidential campaign, which included sharp rhetoric from Republican Donald Trump and others against immigrants, especially Muslims. There were 307 crimes against Muslims in 2016, up from 257 in 2015, which at the time was the highest number since the aftermath of the Sept. 11, 2001, terrorist attacks.

In releasing the figures, the FBI said hate crimes remain the "number one investigative priority" of its civil rights unit and pledged to continue collecting data on the problem. Attorney General Jeff Sessions has said it would be a top focus of his Justice Department.