

Historic Bethania AME Church barely lies within the boundaries of the new Bethania.

Photo by Bruce Chapman

Black Bethanians vow to fight decision

By T. KEVIN WALKER
For THE CHRONICLE

All her life, Lillian Miller has been a resident of Bethania, a small historic town tucked between Forsyth and Stokes counties.

Miller, a soft-spoken elderly woman, remembers when the old dilapidated school house down the road from her used to be filled with young, smiling black faces.

With a twinkle in her eye, she can easily recall walking with her grandmother through paths and woods to get to the then one-room Bethania AME Church.

Like her parents and their parents before them, Miller expected to spend all of her life in this historically black region of Bethania. But now, that is unlikely.

The Bethania that Miller and many other African Americans call home is no more, according to the N.C. Supreme Court.

Miller did not fight the ruling, but says the decision hurts.

"I would rather be a part of Bethania, but I don't think we have a choice now," Miller said.

The court's decision, handed down on July 30, gave the city of Winston-Salem the go ahead to annex nearly 1,500 acres of land once considered Bethania. Among the annexed acreage are the Oak Grove and Washington communities, as well as other black areas within the town.

It was also the latest round in a bitter legal battle that had pitted many of Miller's neighbors in the town against one another.

The saga began in 1994, the year the Winston-Salem Board of Aldermen approved a plan to annex the town. State law prohibits the annexation of incorporated regions, therefore, Bethania residents halted the plan by reviving the town's charter, which was originally issued in 1839.

The revived charter was approved by the state's General Assembly in 1995, but only for a 400-acre Bethania. Areas that had been considered Bethania for over a century were left unincorporated and fair game for annexation.

In 1996, 18 black and white residents filed suit against the city of Winston-Salem and members of Bethania's interim board of commissioners, who favored the 400-acre town, claiming that the town was 2,500 acres and had been since the 18th century.

The suit also alleged that the 400-acre boundaries were purposely drawn to exclude many African Americans from the town.

The plaintiffs won the first round. A superior court judge issued an injunction, prohibiting Winston-Salem from annexing any portion of the 2,500-acre town. The

judge also ruled that the General Assembly's revision of the charter was unconstitutional because the first charter was still in effect.

Later, an appeals court overruled that decision, once again opening the door for annexation. This most recent decision, upholds that of the Court of Appeals.

Bethania, first founded in 1759, is not only an area steeped in Moravian history, but African American history as well, according to area residents.

Many of the areas on the town's outskirts were inhabited by slaves beginning in the late 18th century, and many of their descendants remain in those areas today.

Moravians started the Bethania AME Church for blacks in 1850. The current pastor of the church says the controversy has been more than a passing interest for many in his congregation.

"It's not just a mild interest. They strongly feel they should be in Bethania," the Rev. Alvin Damon said.

Damon said the church, which barely made the 400-acre boundaries of the town, has tried to stay neutral in the matter.

"The church itself is not involved in the controversy," he said on Monday. "We don't want it to be one of those things that consumes the church."

When the annexation is complete, Larry Glenn's, and all of the new city residents', property taxes will almost double. Glenn, who has lived in Bethania for all of his 38 years, says the annexation was inevitable.

"I thought those folks put up a pretty good fight, but I knew who would win," he said in the front yard of his home.

Glenn added that many people had a desire to keep the town as simple as possible and that could have been the reason why many favored a 400-acre town.

"I wouldn't exactly say that it was racial. They really wanted (the town) to stay small, that way you have less issues to deal with."

Bethania's Mayor Deborah S. Thompson was one of five town officials sued along with the city of Winston-Salem. She points to the fact that Bethania's Mayor Pro Tempore Willa Lash is an African American and supported the 400-acre boundaries. Lash was also one of the defendants in the case.

"If Bethania had become 2,500 acres, the white population percentage would have dramatically increased, and the actual percentage of African Americans would have gone down," Thompson said.

"There never was a 2,500-acre

town; I think race has been injected to get people's attention and to dramatize it," she said. "There is no factual basis for it... it was all a lie."

Lash, who by most accounts has endured harsh, personal criticism, was on vacation and unable to comment on the matter.

On Monday, City Attorney Ron Seeber, who helped represent Winston-Salem in the suit, said that he did not have the information to verify Thompson's racial population figures for the town.

But an affidavit for one of the African American plaintiffs alleges that Bethania's "new" size has severely crippled the town's black population.

"I have found only 36 African Americans who reside in the present Town of Bethania;...the 1990 Census showed 1,421 African Americans residing in Bethania," the affidavit of Otis Sellers states.

A basis for the racial allegations is also found in another of the plaintiff's affidavits. Eleanor Collins, a former mayor of the town, swore in her affidavit that one of the defendants told her race was involved in the decision to endorse a 400-acre town.

"I had just gotten a copy of a map which redrew the boundaries of Bethania from 2,500 acres to approximately 370 acres," the affidavit states. "I asked B. A. Byrd why did you draw the lines this way?" He said because they wanted to keep out the blacks."

Harold Kennedy III represented the plaintiffs. He said on Monday that despite the ruling, there is evidence of racism in the case.

"What they did was basically overlook an overwhelming number of blacks," he said. "We contended that it violated peoples' rights to equal protection under the N.C. Constitution."

Kennedy will not say what the plaintiffs' next move will be, but he did say the group has only pursued the case using state laws not federal ones.

If the plaintiffs do decide to appeal the N.C. Supreme Court ruling, they have at least one ally on the court.

In his dissenting opinion, Justice Orr writes: "The obvious effect of this Act is to grant Winston-Salem greater annexation than other municipalities and to diminish annexation powers of the Town of Bethania in comparison with other municipalities. This is the exact type of circumstance that our Constitution seeks to prevent."

Barring any court injunctions, Winston-Salem officials have said that everything is in place to proceed with the annexation.

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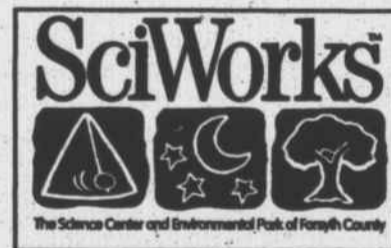
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