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IMPLEMENTATION OF THE VOTING RIGHTS ACT IN NORTH CAROLINA

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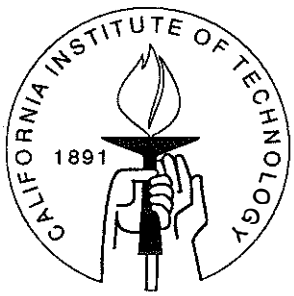

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> It has been the vogue to be progressive. Willingness to accept new ideas, sense of community responsibility toward the Negro, feeling of common purpose, and relative prosperity have given North Carolina a more sophisticated politics than exists in most southern states (Key, 1949, p. 210).

V.O. Key, Jr. recognized North Carolinians' self-conscious and self-perpetuated image of themselves as a "progressive plutocracy." For black Tar Heels, however, the long struggle for voting rights and racial equality has more closely resembled a progressive paradox. For example, North Carolinians have been taught to remember Governor Charles Brantley Aycock as the "education governor," bringing progressive reform in public education to the state at the turn of the century.[1] Blacks might also recall that Aycock rode to power as an advocate of black disfranchisement.

Similarly in 1954, Greensboro, North Carolina, became the first city in the South to announce that it would comply with the Supreme Court's school desegregation edict. However, the Pearsall plan, the state law passed in response to Brown v. Board of Education, provided that local school districts or individual schools within them could close down rather than desegregate. In 1971, after loss of federal funds and under court order, Greensboro finally integrated its public schools, making it one of the last in the region to do so (Chafe, 1980, pp. 13, 53-60, 220-222).

Among southern states, North Carolina has often been thought of as different, usually in a way that reflected favorably on it as more progressive or less blatantly racist. The Voting Rights Act itself recognized that North Carolina was different by including less than half of its hundred counties under the coverage of the original act. Before the Act was passed in 1965, the state had an estimated 46.8% of its black voting age population registered, the most of any of the seven states originally covered (U.S. Commission on Civil Rights, 1975, p.43).[2]

The experience with the Voting Rights Act reflects how North Carolina's performance has been "better" in some respects, but it also shows the limitations of the "progressive" stance for concrete movements towards racial equality. One observer characterizes the North Carolina experience up to 1980 by contending that "one of the few Southern states that has been moderate in race relations has been most effective in belittling the voting strength of a sizable black

population" (Suitts, 1981, p. 78). Perhaps the progressive image was a less blatant and therefore more effective way to maintain a system of white supremacy.

The groundbreaking 1984 lawsuit Gingles v. Edmisten[3] was a response to the facts that rates of black office-holding still lagged, that state election law and the forms of local government were slow to reform, and that racially polarized campaigns and voting still characterized North Carolina elections. Yet by now, a quarter century after the passage of the Voting Rights Act, the barriers of tradition have been substantially broken. The purpose of this chapter is to examine the effects of the Voting Rights Act on black participation and office-holding in North Carolina. In general, we will show that there has been substantial progress, much of which is to be attributed to the Act. After a more detailed look at the context of North Carolina politics, we consider changes in voter activity and office-holding by race.

I Demographic and Historical Context

North Carolina's black population is 22 percent of the total. Much of it is concentrated in the historical "black belt" in the eastern section of the state. There is also substantial black population in the cities of the central piedmont. These cities, Raleigh, Durham, Greensboro, Winston-Salem, and Charlotte, are the largest in what is still one of the least urban of American states.

North Carolina's Native American population is the largest east of the Mississippi, making it the second major minority group in the state. Native Americans constitute 1.1 percent of the total population of North Carolina. They are concentrated in three counties, Robeson, Hoke and Swain, in two of which they are a plurality. The Voting Rights Act paid particular attention to these counties by placing them under the amended provisions for protection because of the effect of election laws on racial and language minorities.

Blacks maintained a persistent presence on the political stage in North Carolina throughout the postbellum period. The state's Reconstruction constitution of 1868 established universal manhood suffrage, thus eliminating racial and property qualifications for voting. In the registration rolls created by the ruling Republicans in 1868, 36 percent of the new voters were former slaves (N.C. Advisory Committee, 1962, p. 16). The freedmen continued to register and cast ballots, with their turnout reaching 83 percent in the 1880 elections, surpassing the white rate (Kousser, 1974, p. 15).

The restoration of county government under the new constitution, and the existence of strong alternatives to the dominant Democratic party (Republicans and later the Republican/Populist Fusion movement) gave North Carolina blacks access to a variety of elected and appointed positions until the turn of the century. As a rule, "the darker the district," be it a

city ward, a county, a legislative post, or a Congressional seat, the more frequent its black representation. Four blacks represented the Second Congressional District, the "Black Second" between 1868 and 1901, serving a total of seven terms (Edmunds, 1951, pp. 97-117; Anderson, 1981). George White, the last of these, was the last black member of Congress until 1929, and the last from the South until 1973 (Swain, forthcoming). These representatives were able to secure a measure of federal patronage for their black constituents, especially jobs as postmasters, recorders of deeds, tax collectors, and even a turn as the collector of customs for the port of Wilmington (Edmunds, 1951, pp. 124-136).

Between 1876 and 1900, 59 blacks sat in the state House and eighteen blacks were elected to the state Senate, all from districts drawn from sixteen majority black counties. They were almost without influence in the white dominated legislature, and were only truly active on "race issues" such as black education, election laws, and convict labor, but they did hold some important committee assignments (Logan, 1964, p. 26). Local black communities also captured county and municipal posts. Numerous blacks were elected as magistrates, and a handful became sheriffs and county commissioners. Black aldermen were also scattered on the boards of several eastern and piedmont cities, including Raleigh, Wilmington, Tarboro, and New Bern (Edmunds, 1951, pp. 124-136). Still, white allies were unenthusiastic about black officeholding, and blacks never exercised political power commensurate with their numbers.

North Carolina Democrats, motivated by the specter of "Negro domination" and the desire for one-party hegemony, sought to eliminate this limited black political strength from the time they first regained control of the state government in 1870 until the culmination of their efforts in the disfranchising constitutional amendments of 1900. They experimented with a number of intermediate steps to deny the ballot to the blacks and poor whites who made up the Republican and Populist constituencies, and specifically to dilute black voting strength. In 1877 the General Assembly replaced the popular vote with legislative control of county government. Other bills redrew ward lines in cities with heavy black populations, either to limit black influence to one district or to disperse it through several. This maneuvering, along with violent terror, gave the white Democratic minority control over the eastern black belt (Logan, 1964, p. 57).

One of the most effective early disfranchisement measures was the centralization of control over elections and the establishment of intricate procedures for voter registration. A new and highly partisan State Board of Elections supervised the appointment of local registrars and judges of elections. The key features of the statutes were the large amount of discretion granted to the local clerks, the specificity of the information required of the registrant, the limited times the books were open, and the provisions allowing challenges of a voter's qualifications to be made on the day of the election, thus making it more difficult for the challenged would-be voters to

clear their record in time to vote (Mabry, 1940, p. 63). Even where impartially administered, such laws significantly diminished turnout from their inception in the late 19th century through the 1960s.

The registration scheme, however, like the other election chicanery, was by no means fool proof. Since the techniques relied on discriminatory administration, a change in the control of state government might reverse the direction of discrimination in voter registration. Federal regulation of voter registration and elections, a feature of the narrowly defeated "Force Bill" of 1890, might eliminate the advantage entirely. In fact, Democrats lost control of the legislature in 1894 to a "Fusion" ticket of Populists and Republicans,
which replaced the above noted Democratic registration schemes with what Morgan Kousser has called "probably the fairest and most democratic election law in the post-Reconstruction South" (1974, p. 187).

With this law, the Fusion ticket prevailed again in the 1896 legislative elections, when Republican Daniel Russell won a four year term as governor. But the Democrats regained the legislature in 1898 and reformulated the election law again. This time, however, Democratic leaders sought the permanent and constitutional elimination of the names of blacks from the electorate. In the face of opposition from blacks and some white dissenters, the 1900 election returned a victory for Democratic gubernatorial candidate Charles Aycock, and for a package of disfranchisement amendments that differed only in minor ways from those used in the rest of the South. The central provision was a requirement that "persons offering to vote shall be at the time a legally registered voter." In order to be registered, potential voters "shall be able to read and write any section of the constitution in the English language," and shall have paid a poll tax.

Lawmakers faced a problem in that one fifth of the white population was illiterate, while half of the adult black population was literate. A fair application of the test would have disfranchised over 50,000 whites and left almost 60,000 blacks on the rolls (Edmunds, 1951, p. 204). A grandfather clause excused voters from the literacy test if they were entitled to vote in any state in 1867, or were a lineal descendent of such a person. (In order to be eligible for this possibility, voters had to be registered as such by 1908.) (North Carolina Government, 1585-1979, p. 890.) North Carolina has never had a system of white primaries, and the poll tax was repealed as a requirement for voting in 1920. Thus the main institutional feature of the effort to restrict black voting in North Carolina was the literacy test as a part of the registration requirement, and the discretion granted to local registrars--precisely what was to be suspended by the Voting Rights Act of 1965.

The suffrage restriction mechanisms secured white supremacy and Democratic solidarity. The Fusion movement had collapsed, the Republican party turned lily-white, and black efforts to

challenge the amendments in court failed. By 1910 almost no blacks voted and white turnout had dropped substantially (Kousser, p. 236). Apathy spread throughout the electorate as blacks all but disappeared from the public life of the state.

Black plaintiffs did challenge the legality of the literacy requirement in court, but without success. In 1936, two black school teachers sued their county registrar and the state for a judgment outlawing the literacy test. The court decision evaluated the individual application of the literacy requirement without threatening the principle. In fact, the defendents admitted that the plaintiffs were qualified to vote. In a curious non sequitur the North Carolina Supreme Court endorsed the literacy requirement, saying that "this constitutional amendment providing for an educational test . . . brought light out of the darkness as to education for all people of the state. Religious, educational, and material uplift went forward by leaps and bounds."[4]

The courts continued to protect North Carolina's registration procedures through the 1950s. In 1959, the United States Supreme Court affirmed a decision by the North Carolina Supreme Court upholding the use of the literacy requirement.[5] In 1961, the North Carolina Supreme Court qualified its earlier rulings, striking down the practice of requiring registrants to write the North Carolina Constitution from dictation, but it upheld the requirement that all applicants of uncertain ability be required to show a capacity to read and write the North Carolina Constitution.[6] The ruling seemed to have little effect, as evidenced by 750 complaints filed by blacks in 1962 with the North Carolina Advisory Committee to the Civil Rights Commission, documenting discriminatory application of the literacy test (N.C. Advisory Committee, 1962, p. 24).

Meanwhile, the black electorate struggled to grow. In 1940 only five percent of the eligible black electorate was registered, but by 1956 the fraction had risen to one fifth, by 1960 to a third, and by 1965 to over 45 percent (Key, 1949, p. 256; Crowell, 1984, p. 1). The proportions registered were lower in the heavily black counties in the east than in the whiter western counties. In 1960, in the 23 majority black counties, less than 20 percent of eligible blacks were registered (N.C. Advisory Committee, 1962, p. 24).

In contrast, pockets of black voting and even black office-holding did develop in some piedmont cities. For example, in Winston-Salem, a militant black labor union local began building a black electorate in the mid-1940s, and by 1947 a black was voted onto that city's Board of Aldermen, becoming the first black public official elected in North Carolina in this century. In Durham, an upper middle class black community had begun a political organization in the 1930s. This group, which was associated with the city's black insurance and banking industry, increased the local black electorate to an important force in local elections, and by 1953 a black insurance executive had been elected to the city council. The tradition of black politics continued in these

cities until, by 1960, 62 percent of Durham's eligible black population was registered, as was 54 percent of Winston-Salem's, 34 percent of Greensboro's, and 27 percent of Raleigh's (N.C. Advisory Committee, p. 24).

After blacks were elected to public office in several cities in the 1940s and 1950s, concerned whites borrowed from the earlier strategies of the 1870s and 1880s to dilute black voting strength by changing district lines or electoral systems. In Winston-Salem, the prospective election of a black led to a demand for city-wide elections. This was denied, and even after the election of a black to the Board of Aldermen in 1947, a single member district plan that localized black influence in a "safe" ward was implemented (Winston-Salem Journal, March 19, 1947, p. 1; September 22, 1948, p. 1). When a black won election in Wilson in 1953 and 1955, the legislature changed the city's electoral system from district to at-large, and Wilson's city council became all white again (U.S. Commission on Civil Rights, 1981, pp. 47-48; Suitts, 1981, p. 67).

The state mounted a more concentrated effort in the 1950s as the threat of the black vote loomed larger and the national legal campaign against disenfranchisement gained momentum. While passing anti-integration legislation for the public schools, the General Assembly passed a law that would prohibit "bullet voting" in fourteen mostly eastern North Carolina counties. The law invalidated votes cast for only one candidate in a multimember district, and was obviously aimed at black strategies of voting for a single black, and thereby denying any of their votes to a competitor who might defeat him. (This act was declared unconstitutional by the federal courts in 1972.[7]) Lawmakers also turned aside a bill that would have made school board positions elected instead of appointed.

II The Effect of the Voting Rights Act on Voter Registration.

The Voting Rights Act of 1965 prohibited all practices that denied the right to vote on grounds of race or color (Section 2). The Act also identified several "covered jurisdictions" for special treatment if they used a device such as a literacy test, and if they had less than 50% turnout in the 1964 Presidential election (Section 4). Six southern states were entirely covered on these grounds, and some 40 of North Carolina's 100 counties were covered by this presumption of discriminatory use of a test. Wake County, which includes Raleigh, the state capital, successfully sued for exemption, while Gaston County was denied exemption in an important case defining a limit on the possibilities of becoming exempt (U.S.Commission on Civil Rights, 1975, pp. 13-14). In the latter case, the Court held that the Gaston County black schools were so poor that no literacy test could avoid discriminating on the grounds of race.[8]

Literacy tests were automatically suspended in all covered counties. The Act also provided that federal examiners or observers be sent into covered jurisdictions when the Attorney General

of the United States receives 20 written complaints of exclusion from voting on grounds of race. Although the state's black leadership urged oversight from Washington, no North Carolina county was ever designated for federal examiners (U.S.Commission on Civil Rights, 1975, pp. 31-34; 1981, pp. 101-104).

Therefore, when we assess the direct consequences of the Voting Rights Act on voter registration in North Carolina, we are assessing the importance of the unenforced suspension of the literacy test in the covered counties. We do know that the literacy test continued to be used in some non-covered counties as late as 1970, the year that the amendments to the Voting Rights Act permanently suspended literacy tests, and that the State Board of Elections did not instruct these counties to discontinue such use until December 1970.[9] The political atmosphere may well have changed after the passage of the Act, and this may have affected behavior in both covered and uncovered jurisdictions. We do not have direct knowledge that literacy tests were suspended, though this is implied by the fact that no examiners were sent.

Joel Thompson has carefully documented changes in voter registration in both covered and uncovered counties. He found that the percentage of eligible blacks registered to vote in the covered counties increased from 32.4 percent in 1964, before passage of the Act, to 54.0 percent in 1976. In the same time period, white registration had increased by only 3.1 percent, to just over 80 percent. There had been less than one percentage point net change in both white and black registration in forty matched counties that were not covered by the Act (Thompson, 1986, pp. 143-145). (These comparisons should be interpreted with caution, because the state began purging registration rolls in 1972. Reports of white registration rates of over 80 percent are almost certainly inflated.) There have been even more spectacular gains since 1965 in individual covered counties. In thirty counties black voter registration has doubled, while in seven it has more than tripled, and in three blacks have become a majority of the registered electorate (Crowell, 1984, p. 6. See Table 11).

Thompson's figures provide powerful support for the claim that the coverage of the Act made a difference, even without external enforcement by federal examiners. They suggest also that the rule of thumb used to identify discriminatory use of the literacy test (less than 50 percent turnout in a presidential election) was reasonable. A measure of what the Act did not do for voter registration can be found in the continuing difference as of 1976 between black and white registration rates in both covered (54 vs. 81 percent) and uncovered (65 vs. 89 percent) counties, and also in the difference between black registration rates in the covered and uncovered counties (54 vs. 65) (Thompson, 1986, p. 144).

In the state as a whole, there has been a unique pattern of change since the passage of the Act. There has not been the dramatic statewide increase in black registration found in some other

states, such as Mississippi, where black registration was previously much lower than in North Carolina. Instead, there has been a convergence of black and white rates that reflected slow and steady growth of black registration and a slight decline in white registration. The fraction of the electorate which was black grew from 18 to almost 27 percent in covered counties between 1966 and 1988, while the fraction grew from 12 to 15 in the uncovered counties in the same period. As of 1990 the statewide percentage of eligible blacks registered (63) approached the percentage for whites (69), while 47 percent of the Native American population was registered.

III The Effect of the Voting Rights Act on Election Law

The Voting Rights Act includes a provision (Section 5) that demands that procedural changes in covered jurisdictions be submitted for approval (preclearance) to the U.S. Attorney General or to the Federal District Court for the District of Columbia. Such changes were to include "any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting." According to Abigail Thernstrom, this had originally a very limited aim, "guarding against renewed disfranchisement, the use of the back door once the front door was blocked" (1987, p. 20), although, according to the Civil Rights Commission, "Congress intended to include a very broad range of subjects under section 5" (U.S. Commission on Civil Rights, 1975, p. 26).

There has been a variety of efforts in covered states to dilute the impact of a newly enfranchised black electorate by, for example, redrawing district lines or shifting from single member districts to at-large elections. Some of the most flagrant of these efforts were in Mississippi (Parker, 1990). In Allen v. State Board of Elections[10] in 1969, the Supreme Court said that Section 5 preclearance was relevant to such changes. Speaking for the Court, Chief Justice Warren said that the Voting Rights Act "was aimed at the subtle, as well as the obvious, state regulations which would have the effect of denying citizens their right to vote because of race" (cited in Thernstrom, pp. 22-23).

In response to the Voting Rights Act's unprecedented challenge to accepted practice, North Carolina quietly borrowed some of the strategies of deep South states like Mississippi to dilute the emerging black vote. The General Assembly relinquished its central powers and authorized some localities to alter their form of government in an effort to evade compliance. In a 1966 special session, the legislature authorized 49 boards of county commissioners, which had had some form of election or residency by districts, to adopt an at-large election system. Twelve counties took immediate steps. Six converted to at-large elections, and six changed the boundaries of their wards. The state also shifted from past practice and required at-large election of all school boards.

This extensive state interest in state election law took place under the purview of the Voting Rights Act and the preclearance requirements of Section 5, but very few changes were submitted for review and none were objected to before 1971. Of the 88 changes in election law proposed between 1965 and 1971, only twelve passed through federal oversight, and all twelve were approved. In 1971 the Justice Department interceded in six cases to block the continued application of the literacy test, and it ruled on a few at-large election schemes and annexations, and on the statewide numbering of House and Senate seats. According to a tabulation by Steve Suitts, there were 193 legislative acts passed by the General Assembly between 1965 and 1979 affecting local electoral schemes. Of these, only about twenty percent were submitted for review under Section 5 (Suitts, 1981, pp. 72-73). Subsequently the number has risen, and, according to a Justice Department table that does not entirely agree with Suitts's figures, a total of 4,416 changes were submitted from North Carolina between 1970 and 1987. According to the same table, 107 objections were interposed in the same period. (Some apparent discrepancies may be due to the fact that Suitts is describing laws, each of which may include multiple changes.)

Although Suitts acknowledges some margin of error, he argues that "the overwhelming majority of legislative changes has not been submitted for review and does not comply with the law. . . . a benign explanation for these nonsubmissions has not been readily apparent" (1981, pp. 72-73). Suitts contends that the failure to submit changes by local governments and legislative officers cannot be attributed to a lack of knowledge about the requirements of the Voting Rights Act. The fact that some submissions have been made for each of the covered counties indicates that selective judgments have been made about what needed to be submitted for review.

While North Carolina lawmakers were not eager to change the racial complexion of state politics, they may not have been as conspiratorial as Suitts implies. Given a Justice Department that did not vigorously pursue its own interpretations, it was up to states and localities to initiate the process of preclearance. North Carolina had to wait along with the rest of the South for the language of the Voting Rights Act to be interpreted in the series of precedent-setting lawsuits of the late 1960s and 1970s over what kinds of legislative changes required preclearance. North Carolina has the added confusion of having only 40 of its 100 counties covered by the federal mandate. Decisions regarding election law and the Voting Rights Act have thus rested with 40 different elections boards and county attorneys, with little or no supervision from the legislature or the state board of elections.

IV The Election of Blacks to Public Office

The remainder of this chapter assesses the consequences of the Voting Rights Act on the election of blacks to public office. This is, of course, only one of the consequences that might be

investigated. There are many kinds of public policy results to be expected from the effective enfranchisement of the black population (Keech, 1968). The election of blacks is by far the most easily measured, and this is the main reason that it is the focus of our attention. In effect, we are investigating in this section the effect of the Voting Rights Act on descriptive representation (based on race) rather than on substantive representation (based on interests and preferences). As Carol Swain documents and explains, the relationship between descriptive and substantive representation of African-Americans is far from simple. The election of blacks to public office is (fortunately) not the only way to assure that black interests are considered in public life (Swain, forthcoming).

As the unique experience of the urban piedmont showed, and the subsequent history of the state in the wake of the Voting Rights Act continues to illustrate, white voters have not been uniformly unwilling to vote for black candidates. Furthermore, a black electorate has at times provided the margin of victory for sympathetic white candidates.

As of 1990 there were 453 black elected officials in North Carolina serving in a variety of state, county, and municipal posts.[11] At each level of government the effect of the Voting Rights Act on black voting strength, districting arrangements, minority office-holding, and the relationship between minority candidates and white voters is felt differently.

A. Statewide executive office and Congressional office.

As yet no blacks have been elected to statewide executive office or to Congress, though a few have come close. Reginald Hawkins ran for the Democratic gubernatorial nomination in 1968 and 1972. He came in third both times, but fell from 18.5 to eight percent of the votes cast in the first primary. In 1976, Howard Lee, a black former mayor of Chapel Hill, narrowly led in the first primary for the Democratic nomination for lieutenant governor. But Jimmy Green, (who had received 27.35 percent to Lee's 27.71), defeated Lee in the runoff by 56 to 44 percent. (In 1977 Lee was appointed head of the state Department of Environment, Health and Natural Resources, a post he held for over four years. In February 1990 he was appointed to fill a vacancy in the state Senate, and was elected to that post later in that year).

Lee's experience, along with that of some blacks running for Congressional offices (see below), contributed to a belief that runoffs reduced the chances for blacks to win nomination and election to public offices that they might win otherwise. In response to pressures from the black community, the state law was changed in 1989 to provide that a runoff be held only if the leading candidate in the first primary were held to less than 40 percent of the vote.

In 1990, Harvey Gantt, a black former mayor of Charlotte, sought the Democratic nomination for the United States Senate, and ran first in the first primary with 37.51 percent,

which was short of the new threshhold. Even though a second primary was called, forcing a two-person race between a white and a black, Gantt was able to win the nomination with almost 57 percent, showing that under at least some circumstances, a runoff provision does not disadvantage a black candidate in a majority white electorate. In a race that commanded international attention, Gantt received 47 percent of the general election vote against three term incumbent Senator Jesse Helms, even though Gantt had led in some polls taken before the final week of the campaign. Gantt's losing margin was similar to that of the three white candidates who had lost to Helms in earlier Senate races, even though Helms introduced racial appeals into the campaign. (The main example was a television ad that suggested that white workers would lose jobs if the civil rights bill supported by Gantt were to pass.)

1972	Helms 54%	Galifianakis	46%
1978	Helms 55%	Ingram	45%
1984	Helms 52%	Hunt	48%
1990	Helms 53%	Gantt	47%

Black candidates have run strong races to be the Democratic nominee for Congress in the second district, but none has won. In 1972, Howard Lee ran unsuccessfully against incumbent L.H. Fountain, who was first elected in 1952. In 1982, the year in which Fountain retired, H.M. "Mickey" Michaux ran first with 44 percent of the vote in the first primary to 33 percent for I.T. "Tim" Valentine. Valentine subsequently won the second primary (with 54 percent) and the general election, and has held the seat since that time. This was the election that inspired much of the effort to create the change in the threshhold for avoiding a second primary.[12] (Valentine was challenged in the Democratic primary in 1984 by Kenneth Spaulding, a black, and he defeated Spaulding by 52 to 48 percent.)

B. Statewide judicial office.

More than a dozen blacks have been elected to statewide judicial office. In the state judicial system, overhauled in the mid-1960s, there are three tiers that involve statewide election: the Supreme Court, the Court of Appeals, and the Superior Court. All of these elections are partisan. Vacancies are filled by gubernatorial appointments, which last until the next general election, at which time the seat is filled for the remainder of the original term.[13]

The Supreme Court has seven judges elected to eight year terms. One of these judges, Henry Frye, is black. Justice Frye was appointed to fill a vacancy in 1983, elected in 1984, and re-elected to a full term in 1988. The Court of Appeals has twelve judges elected for eight year terms. Of these twelve seats, one has been occupied by black judges since 1978, and another since 1982. Blacks first came to these seats by appointment, but they have won five different statewide

elections for the two seats. The only black who lost was a Republican appointee, who lost to another black in the general election.

One seat on the Court of Appeals has been occupied continuously since 1982 by Judge Clifton E. Johnson, who was first appointed and then elected in that year, and re-elected in 1990. The other seat has had four black occupants since 1978, when Judge Richard Erwin was appointed and subsequently elected. He resigned in 1980, and was replaced in 1981 by Judge Charles L. Becton, who was elected in 1984 and resigned in 1990. He was replaced by Judge Allison Duncan, a Republican, who was defeated for re-election by Judge James A. Wynn, Jr., another black, in that same year. Other than Judge Duncan, all are Democrats.

The trial level of the statewide judicial system is called the Superior Court. These judges are nominated in partisan primaries in electoral districts, but they are elected in statewide partisan elections for eight year terms. The question of district versus statewide election of trial court judges has been a serious and persistent one in North Carolina since Reconstruction. In 1868 the Republican dominated constitutional convention first created a system of popularly elected superior court judges. The convention mandated that the elections be in districts in order to ensure that Republican strength, which was concentrated in pockets through the state, would be protected. In 1875, after regaining control of the legislature, the Democrats amended the state constitution to shift to statewide election of superior court judges. This would reward Democratic power across the state, dilute the Republican strongholds, and prevent the election of black judges. Statewide election of superior court judges remained in place until it was amended by a Voting Rights Act inspired lawsuit in 1987.

The number of superior court judges is set by the General Assembly. Before 1987, there were 64 "regular" judges, supplemented by from two to eight "special" judgeships. These special judgeships were created by the General Assembly and appointed by the governor for four year terms. Between 1900 and 1986, two blacks had served as "regular" superior court judges. One was Clifton Johnson, mentioned above, who was elected in 1978 and subsequently elevated to the Court of Appeals in 1982. The other was Terry Sherrill, who resigned in 1990 after conviction for cocaine possession. The special judgeships had been an important vehicle for the appointment of blacks in the 1960's and 1970's, but few had become regular judges (Drennan, 1990, p. 20).

The system of selecting superior court judges was changed in 1987 in response to several lawsuits filed under the Voting Rights Act. The first suit, Haith v. Martin, filed in 1985,[14] determined that the state had failed to submit for preclearance several acts regarding judicial election passed in the 1960's and 1970's. After subsequent submission, the federal Department of Justice rejected features involving numbered seats and staggered terms.

The state changed the law in response to the numbered seat issue, but was challenging the decision on staggered terms when another suit was filed under Section 2 of the Voting Rights Act. Alexander v. Martin[15] challenged the use of staggered terms, large multi-judge districts for primaries, and statewide general elections. The remedies under Section 2 could be much broader than simply the rejection of changes, as provided by the preclearance features of Section 5, and the state responded to the suit by changing the law before a judgment was issued.

The new law was introduced by a black representative from Durham, and, after it passed in 1987[16], the relevant litigation was dropped. The legislation created nine new judgeships, and eliminated the special judges. It subdivided six former single-county, multi-judge districts into multiple districts providing for several "safe" black seats, and it eliminated staggered terms in these counties[17]. The law also split ten multi-county, multi-judge districts into twenty single-judge districts, of which two had majorities of black or other minority groups. (Drennan, 1990, pp. 16-21). Subsequently, eleven black judges and one Native American have been elected to superior court. Two of the black judges were elected from seats that were not created especially to elect blacks.[18]

The experience with judgeships shows that it is possible for blacks to be elected statewide in North Carolina. All of the elections have come after the original passage of the Voting Rights Act. Most of them have been a direct result of litigation under the 1982 amendments to the Act, and have been based on nominations from districts designed to generate black nominees. Still, several elections, especially those to the Supreme Court and the Court of Appeals, demonstrate the possibility that blacks can win open statewide election under more normal circumstances. The general rule seems to have been for black judges to run for re-election as incumbents after initially gaining the office by appointment. Since judicial elections did not involve much campaigning, they were not very visible. This fact surely helped blacks to win these statewide elections. However, this "advantage" for blacks may not last because partisan competition and open campaigning for judicial office have increased steadily in recent years.[19]

C. The General Assembly.

Black representation in the state legislature has increased substantially since 1968, when the first black in this century was elected to the House. (See Table 11.) The number has risen to 5 blacks among 50 senators, and 13 blacks among 120 House members. The largest jump was from 3 to 11 black members of the House after the 1982 election. There is also one Native American, representing Robeson county. These changes followed the filing of Gingles v. Edmisten,[20] which was to become on the national level one of the most important cases

implementing the Voting Rights Act, but change in North Carolina came before the decision was handed down.

The suit challenged the 1981 redistricting of General Assembly seats, and the provision of the North Carolina Constitution that counties not be divided in creating election districts. It contended that the constitutional provision had been in use since 1967, without having been precleared as required by Section 5. After the suit was filed, the state did submit the questioned practices, and both the constitutional provision and the 1981 districting plan were denied preclearance.

The General Assembly responded to the objections by enacting a new redistricting plan that contained five majority black House districts and one majority black Senate district. As indicated, the result was an increase of eight black members of the House (though no additional blacks in the Senate until the 1984 election). The Gingles verdict, which was handed down on the district court level in 1984 (after the 1982 amendents to the Voting Rights Act), rejected the redistricting plan that had been adopted after the suit was brought. Single member districts were adopted in lieu of several former multi-member districts in an extra legislative session in 1984, and the primary elections were postponed until the new districts could be drawn. The increases that followed the Gingles decision were modest in the House (from eleven to thirteen by 1985), but more dramatic in the Senate (from one to four by 1989).

The relationship between the Voting Rights Act, the Gingles case, and the increases in the number of blacks in the legislature is complicated. While the biggest changes came before the suit was resolved, it would be difficult and unreasonable to deny that they came in response to the filing of the suit. The mere existence of the Voting Rights Act of 1965 was not enough to bring very substantial changes in the election of blacks to the legislature. Litigation was necessary to stimulate the requests for preclearance that were required by the original act. Yet the initiation of litigation under the act was able to produce substantial changes even before a decision was issued. Indeed, the court itself acknowledged the claim that the election of additional blacks in 1982 was a special case.

> . . . in some elections the pendancy of this very litigation worked a one-time advantage for black candidates in the form of unusual organized political support by white leaders concerned to forestall single-member districting.[21]

Clearly the threat of litigation under the act is capable of generating changes even before a verdict. North Carolina legislators were doubtless mindful of the Gingles experience as they carried out the 1991 redistricting process.

Blacks have achieved an important presence in the General Assembly in terms of policy impact and leadership positions (Jordan, 1989). Shortly after Harvey Gantt lost the 1990 election,

which might have made him the first black United States Senator from the South since Reconstruction, Daniel T. Blue achieved a different historic first. Blue, a five term (ten year) member of the state House of Representatives, was chosen Speaker of that body. This choice of the Democratic House caucus made Blue the first black state house speaker in modern southern history (Christenson, 1990).

The more long term effects of the Voting Rights Act on the North Carolina General Assembly remain to be seen. The results of the 1990 census have already begun another round of high stakes redistricting for seats in Congress and in the state House and Senate, perhaps the most significant redistricting since the passage of the Voting Rights Act. While largely beyond the scope of this essay, a more recently recognized and unanticipated effect of the shift to single member legislative districts in southern states like North Carolina has been to narrow the reach of the black electorate by drawing blacks out of larger multi-member districts. This in turn has made some Democratic incumbents more vulnerable to Republican challengers. Some formerly heterogeneous multi-member districts like Wake County (from which Representative Blue had been elected prior to the 1984 shift) have, in essence, been split into black Democratic, white Democratic, white Republican, and rural and urban districts.

D. County Commissions.

We consider next the relationship between districting arrangements and the election of black and Indian officials in county governments. We begin with counties and follow with cities because counties are more comprehensive administrative unit. Every citizen lives in one of these jurisdictions, while not every citizen is included in cities. While we concentrate on county commissions, blacks serve in several other county level offices. In addition to the 44 black county commissioners (roughly five percent of the total membership on county boards), there are 64 black members of county boards of education, and four black sheriffs. Native American office-holding at the county level is limited to three members of Robeson county's seven member commission and two members of the county board of education, all of whom are elected at large.

The tables comparing districting arrangements, minority population, and minority office-holding follow the numbering scheme for the other essays in this volume, with the A series designating counties, and the B series designating cities. Table 1-A shows that as of 1989, nine out of ten counties have at-large electoral systems for selection of county commissioners. Among these counties, there is a positive relationship between the size of the black population in the county and the percentage of commissioners who are black, though at most a quarter of the commissioners are black even in the eight most heavily black counties. The fraction of officials who are minority is consistently less than the relevant fraction of the population.

Only five counties have pure single member districts. Curiously, none of them is one of the eight counties in which minorities are a majority of the population. The fact that blacks are so underrepresented in majority black counties retaining at-large schemes would seem to indicate a situation ripe for change in districting arrangements. In the handful of counties with district elections, there is a much more nearly proportionate relationship between the fraction black in the electorate and the fraction black among the county commissioners than in the at large counties in the same population categories. Not surprisingly, the four counties with mixed systems fall in between.

Table 2-A shows that there were small increases in black elected officials even in counties with unchanged electoral systems. This fact indicates that there were other changes in the activity of blacks, the willingness of whites to vote for blacks, or both during the last twenty years. We should keep in mind that these non-districting changes are likely also to be operative to some degree in the districts where the electoral arrangements were changed. Thus not all changes in these locales can be attributed to districting. On the other hand, to the extent that the districting changes were the result of preclearance objections or court suits, the counties in which these took place may have been counties that were especially resistant to black voting strength.

Still, there is clear evidence that electoral arrangements make a difference. In the five districts that changed from at-large to single member status, and in the four that changed from at-large to mixed, all of the black elected officials were elected after the change. Table 3-A allows an assessment of the consequences of the electoral arrangements on the election of minorities while controlling for time and the identity of the county. In the four counties with mixed district and at-large components, most of the black commissioners were elected from the districts rather than from the entire county.

Two measures of equity of representation are reported in Tables 4-A and 5-A. Equity I measures the difference between the minority percentage of the population and the minority percentage of the county boards, while Equity II measures the ratio of the fraction of the board that is minority to that of the population. Blacks and Native Americans are consistently underrepresented on county commissions regardless of districting arrangements, and regardless of time. Nevertheless, the equity measures confirm the observations of Tables 1-A and 2-A that single member districts are the most proportionately representative system, followed by mixed systems. At-large plans are the least proportional, even when minorities are a clear majority of the population. Comparing the equity ratios across time, as Table 5-A does, it is also clear that, while the ratios in the unchanged counties "improved," much more substantial increases occurred after the adoption of some form of district election.

Tables 6-A and 7-A allow a more detailed analysis of the influence of district election in North Carolina counties. The tables compare minority population with minority presence for each of the fifteen wards composing the five counties with single member plans. Within these few districts it appears that minorities must have a substantial majority (over 60 percent) before they can be assured of electing their own or of controlling county boards with people of their own ethnic group. (None of the three "Indian" counties employes district election.)

E. City Councils.

We consider finally the relationship between districting arrangements and the election of black and Indian officials in North Carolina cities. The picture in many ways parallels that presented above for county commissions. There are 260 black city council members (around ten percent of the total), 18 black mayors, and 19 black members of city school boards governing North Carolina cities, towns, and villages.

As Table 1-B shows, over 90 percent of city councils are elected at-large, and in them the fraction of minority elected officials is miniscule, even in majority black cities. As with counties, there is a very small number of cities with single member districts, or with mixed at-large and single member district arrangements. These are locations in which the election of minority officials nearly approximates their fraction of the population.

Over time there have been dramatic increases in the fraction of elected officials who are black in most of the groups of cities with changed arrangements, regardless of the type of change. As Table 2-B shows, in the great majority of cities there was no change in electoral arrangements, and in such cities there was much less of an increase in minority officials than in the changed cities. In the 144 cities with majority black populations, the jump in black office-holding between 1973 and 1989 was many times higher for the newly created plans than the increase in the static at-large locales.

There is an important difference between city and county patterns that is not shown in the tables. For both counties and cities, there is within the at-large category a group of jurisdictions with elections at large, but with district residence or nomination requirements. Counties with these arrangements were similar to the pure at-large systems in electing very few blacks, but in the cities this system did almost as well as single member districts in producing minority officials. We speculate that this is because minority residential concentration is greater in cities than in counties.

When a district is largely black, a candidate who must be a resident or nominated by residents is likely to be a black. Under such circumstances, district residence or nomination with at-large election can approach the success of single member districts in securing the election of

blacks. We suspect that in cities these conditions of black residential concentration in districts are more likely to exist than in more sparsely populated counties.

In cities that mixed district and at-large components (Table 3-B), the districts produced substantially larger numbers of blacks than did the at-large seats. This is not surprising, though it is an even more dramatic pattern than that found in the mixed systems in the counties. Of the 15 black council members from the 14 cities with mixed plans, only one was elected at large. Here too, we suspect that the districting arrangements paralleled segregated residential patterns in the cities more than in the counties. That is, we expect more black-dominated districts in cities than counties, and therefore even more blacks being elected from districts under these circumstances. A comparison between counties and cities of the numbers of districts in each population category (Tables 6-A and 6-B) bears out this expectation.

In single member districts in the counties, 27 percent of the districts have majorities that are composed of minority groups, while 40 percent of such districts in the cities are dominated by minorities. Ironically, residential segregation of the races is important for allowing single member districts to facilitate the election of blacks. In the absence of such segregation, single member districts are far less effective in doing so. These issues are illustrated by a Granville County case to be discussed below.

The equity measures for the cities (Tables 4-B and 5-B) are substantially higher than was the case in the counties, but they do echo the county comparisons between the electoral systems. In no case are minorities advantaged, but equity ratios go into the range between .9 and 1.0 in both single member districts and in mixed systems. In none of the at-large cities did the ratio rise above .15.

Tables 6-B and 7-B allow a more detailed analysis of the influence of district election in North Carolina cities. Here, in contrast to the counties analyzed above, it has been possible to elect blacks in single member districts where blacks are only a minority of the electorate. Not surprisingly, even larger proportions of council members are black in black majority districts.

The fact that most North Carolina Indians live in a cluster of towns retaining at-large plans makes it difficult to discuss multi-ethnic voting within district systems. We can, however, take a closer look at the towns in Robeson county, where the Native American population is concentrated. (All but the county seat of Lumberton still operate without district election.) The voter registration rates for blacks and Native Americans in these towns are both very high. Assuming that Native Americans, blacks, and whites have comparable opportunities to vote, Native Americans are more seriously underrepresented than blacks on the local boards.

V The Role of Litigation

As indicated in Tables 8-A, 8-B, 9-A, and 9-B, most of the changes in districting arrangements from at-large to single member or mixed systems in North Carolina counties and cities involved litigation or the threat thereof under Section 2 of the Voting Rights Act as amended in 1982. Of the 59 changes in county and city electoral systems that took place between 1965 and 1991, 34 were induced by lawsuits or the threat thereof. Very few were as a result of Section 5 preclearance objections. Five counties and seven cities among the 40 jurisdictions originally covered under the Act were successfully sued under the amended Section Two.

There were very few suits on the county or city level before Gingles, and only five suits were filed while that case was pending in district court. Soon after Gingles was decided, however, the plaintiffs in a suit against Halifax County won a favorable decision[22]. In response to these decisions, at least thirty lawsuits were filed in the state pursuant to the Voting Rights Act, and at least five more controversies were resolved before filing by the threat of litigation. The use of at-large elections has been challenged for at least twelve cities or towns, twenty counties, and seven Boards of Education. The majority of these suits have been sponsored by the N.A.A.C.P. (See Tables 9-A and 9-B.) North Carolina's voting rights case law has been constructed largely by a group of committed black and white attorneys, Leslie Winner, Romallus Murphy, Ronald Penny, Angus Thompson, and a few others.

The outcomes of the litigation have been basically favorable to the plaintiffs, resulting about half the time in a negotiated agreement regarding the use of some districts and some at-large seats before the case was even brought to trial. In only two lawsuits were plaintiffs offered no relief.[23] Of the county and city government controversies that have been resolved through the courts, thirteen resulted in pure district systems, and nineteen resulted in mixed systems. Four resulted in either limited voting or a combination of districts and limited voting, and two resulted in the elimination of the residency requirement that had been used in conjunction with at large elections. In several jurisdictions, e.g. Guilford, Wilson, Halifax, and Paquotank counties, and in Elizabeth City, High Point, and Lexington, litigation was associated with the creation of majority black districts in which blacks were elected.[24]

A limit on the possibility of using the Voting Rights Act to secure the representation of blacks has been defined in Granville County.[25] This county is 43 percent black, but a maximum of two of seven districts could be drawn with a black majority. The U.S. Court of Appeals for the Fourth Circuit overturned a district court decision that had mandated limited voting. Specifically, it had provided for election of four and three seats at a time for staggered terms, but with each voter allowed only two votes per election. This was seen as a way to allow blacks to control more seats in a county where their substantial numbers were too dispersed to elect commissioners in

proportion to their numerical strength, but the argument was rejected by the higher court (Crowell, 1988, 1989).

Granville County had not contested the fact that the original at-large system was discriminatory, and the plaintiffs had agreed that the county's new plan for seven single-member districts was drawn as well as could be expected, but they still pushed for a limited voting scheme as an alternative. The appellate court rejected the district judge's decision to dismiss the county's plan as an overly political ruling that substituted the judge's wisdom for the county's preference.

The influence of the Voting Rights Act has also been felt on the remaining 25 county commissions and city councils that appear to have shifted from at-large systems "voluntarily," i.e. without the impetus of a lawsuit or threatened litigation. We suspect that the fear of possible litigation, especially in the post-Gingles environment, was enough to convince moderate white politicians who may have been wavering to undertake reform. Tables 8-A and 8-B reveal that all seven of the counties and ten out of the eighteen cities which shifted on their own to single-member or mixed plans were subject to the direct scrutiny of the Justice Department under Section Five. The fact that, in retrospect, plaintiffs have tended to seek relief under Section Two and not Section Five does not diminish the perceived power of the mandate of the Voting Rights Act and the more specific notion of "coverage." The minority population of the counties and cities that changed "voluntarily" is also, on average, about nine percent higher than the minority population in the counties and cities undergoing legal action. While not a startling difference, the political incentives of a larger black population may have made the extra push of a lawsuit unnecessary.

A comparison of Tables 8-A and 8-B also reveals that litigation inspired by the Voting Rights Act appears to have been much more instrumental in altering county systems than municipal bodies. About three fourths of the changes in county government were the result of lawsuits, while less than half of the new city systems had their genesis in court. While the "voluntary" counties are not geographically clustered, many of the cities which have implemented changes on their own are large (over 25,000) and are located in the central or Piedmont region of the state (e.g. Winston-Salem, Tarboro, Wilson, Raleigh, Cary, Charlotte, Greensboro, and Fayetteville). This circumstance bears out a general pattern in which the racial politics of the urban Piedmont has been relatively more progressive than the rest of North Carolina.

The Granville case may be an important indicator for the future of litigation under the Voting Rights Act concerning methods of election in North Carolina. Specifically, the appellate ruling established the precedent for balancing plaintiff's desires with the ability of local governments to comply within the bounds of reason and fairness. More generally, the case suggests that after the first wave of suits following Gingles, which aimed at the more obvious and

"easy" targets, the legal battles are beginning to shift to locales where there are not simple remedies for an under-representation of blacks in elective office.

V Conclusions.

The Voting Rights Act of 1965 has had a substantial impact in North Carolina. It culminated the 65 year struggle of black Tar Heels to rebuild the political community destroyed by disfranchisement, but the statute has also opened up an entirely new realm of possibilities. The original act facilitated substantial increases in black voter registration in the covered counties. However, the preclearance provisions of the original act were largely ignored in the state, and in Washington until the 1970s. It took litigation to force the preclearance that the law had required since 1965. The most notable examples concerned the judicial system and the state legislature, and in both cases the response was substantial.

The possibility of minority voters suing to demand preclearance clearly made a difference in the behavior of state officials. State resistance was not substantial in the case of the judicial system, and the state's resolution of the problem led to the withdrawal of the lawsuit. For the legislative changes, the state did not give up its resistance until Gingles was resolved. The 1982 amendments to Section 2 have surely made a difference in North Carolina by calling attention to the possibility of the use of the Voting Rights Act to block some changes and to secure others. The judicial changes show that substantial "voluntary" compliance is possible once the issue is raised.

Most recently, political and legal energies have been focused on North Carolina counties and cities, for it is in these locales that the Voting Rights Act has opened up both the greatest opportunities and challenges for black electoral equality. Litigation inspired by the Act has induced changes in districting arrangements that, in turn, have led to much more nearly proportional representation for blacks. For a variety of reasons, however, an overwhelming number of these city and county electoral arrangements remain unchanged, and blacks and Native Americans continue to be under-represented on local boards, even when they are a majority of the population.

The North Carolina experience raises questions about the common presumption that blacks cannot be elected in majority white districts. On the statewide level, Harvey Gantt came as close to winning a U.S. Senate seat as three white opponents of Senator Helms. Although nine of the judges elected statewide are products of a nominating system that is designed to assure the choice of a black, the fact remains that there are fourteen black judges elected statewide, and five of these are not products of such engineering. In 1991 five black members of the state House of Representatives (including Representative Michaux) and the one Native American member were

elected from majority white multi-member districts. The remaining eight black House members come from majority black single member districts. In the state Senate Howard Lee and one other black Senator serve majority white multi-member districts. The other three black Senators were elected from majority black single member districts.

There have also been important local examples of blacks being elected in majority white districts. Howard Lee's election as mayor of Chapel Hill in 1969 was the first modern election of a black to such a position in a predominantly white community in the South. Harvey Gantt was elected mayor of Charlotte, the state's largest city, in 1983. The sheriff and the register of deeds of Wake County, the site of the state capitol, are black. The district attorney in Orange and Chatham counties is black. However, as our discussion of local elections makes clear, blacks are still not elected to county boards and city councils to a degree that approaches their fraction of the populations.

North Carolina's progressive image has surely exaggerated the nature of the reality, as many of the observations in this essay make clear. It is true that the electoral successes of Justice Frye, Speaker Blue, Representative Michaux, Senator Lee, Mayor Gantt, Sheriff Baker, and numerous others prove that North Carolina whites are not consistently unwilling to support blacks for public office. But it cannot be ignored that in voting rights as in school desegregation, the state has also resisted movements towards racial equality and fairness. Many of the changes regarding voting rights issues would not have been made without the reality or the threat of litigation.

The Voting Rights Act has clearly reshaped North Carolina politics, both in stimulating increasing black participation, and in securing procedural arrangements that facilitate the possibility of electing blacks to public office. North Carolina's experience a quarter century after the passage of the Voting Rights Act suggests both the importance of the federal mandate and the uniqueness of the state within the region. It is also clear that there are many perplexing issues regarding voting rights and political equality still to be faced.

List of Cases.

Alexander v. Martin, No. 86-1048-CIV-5 (E.D.N.C., filed October 2, 1986).

Allen v. State Board of Elections, 393 U.S. 544 (1969).

Allison v. Sharp, 209 NC 477 (1936).

Bazemore v. Bertie County Board of Elections, 254 N.C. 398 (1961).

Dunston v. Scott, 336 F. Supp. 206 (1972).

Gaston v. United States, 395 U.S. 285 (1969).

Gingles v. Edmisten, 590 F. Supp. 345 (E.D.N.C. 1984).

Haith v. Martin, 618 F. Supp. 410 (E.D.N.C. 1985).

Johnson v. Halifax County, 594 F. Supp. 161 (E.D.N.C. 1984).

Lassiter v. Northhampton County Board of Elections, 346 U.S. 45 (1959).

McGhee v. Granville County, 860 F. 2d 110 (4th Cir. 1988).

Thornburg v. Gingles, 478 U.S. 30 (1986).

TABLE 1-A
Proportion of Officials Minority by Election Plan
North Carolina Counties

ELECTION TYPE BY MINORITY POPULATION		MEAN % MIN POP IN 1989			% MINORITY OFFICIALS IN 1989		
SMD	N	BLACK	IND	MIN	BLACK	IND	MIN
0-9.9	1	0.0	0.1	0.2	0.0	0.0	0.0
10-29.9	1	25.0	0.4	25.4	14.3	0.0	14.3
30-49.9	3	37.5	0.1	37.6	30.5	0.0	30.5
50-100	0	-	-	-	-	-	-
Subtotal:	5						
MIXED							
0-9.9	0	-	-	-	-	-	-
10-29.9	1	26.5	0.3	26.8	14.3	0.0	14.3
30-49.9	3	38.6	0.8	39.4	12.2	0.0	12.2
50-100	0	-	-	-	-	-	-
Subtotal:	4						
AT-LARGE[1]							
0-9.9	28	4.6	0.3	4.9	0.0	0.0	0.0
10-29.9	29	17.9	11.5	29.4	5.8	0.0	5.8
30-49.9	26	37.8	0.6	38.4	5.2	0.0	5.2
50-100	8	50.8	6.6	57.4	25.0	5.4[2]	30.4
Subtotal:	91						
Grand Total:	100						

[1] The "At-Large" category includes thirty-nine counties with "Other" systems, those combining at-large election with district residency and/or nomination requirements. Seven of these have 0-9.9 percent minority populations and about 5 percent of the membership of their boards are minorities. Sixteen have 30-49.9 percent minority populations and just over 3 percent of their commissioners are minorities. Six of these counties are majority-black and their boards are twenty percent minority.

[2] Robeson County has three Native Americans on its seven-member county commission in addition to four whites. The population of the county is 35 percent Native American and 25 percent black. The commissioners are nominated by district but are elected at-large. Robeson is the only county with Native Americans on its governing body.

TABLE 1-B
Proportion of Officials Minority by Election Plan
North Carolina Cities

ELECTION TYPE BY MINORITY POPULATION		MEAN % MIN POP IN 1989			% MINORITY OFFICIALS IN 1989		
SMD	N	BLACK	IND	MIN	BLACK	IND	MIN
10-29.9	1	13.7	0.4	14.1	0.0	0.0	0.0
30-49.9	8	39.4	0.1	39.5	38.9	0.0	38.9
50-100	4	47.2	8.8	56.0	43.9	2.8[1]	46.7
Subtotal:	13						
MIXED							
10-29.9	5	22.0	0.2	22.2	18.3	0.0	18.3
30-49.9	8	32.7	0.4	33.1	31.7	0.0	31.7
50-100	1	76.4	0.1	76.3	40.0	0.0	40.0
Subtotal:	14						
AT-LARGE[2]							
10-29.9	346	18.8	0.4	19.2	2.6	0.0	2.6
30-49.9	216[3]	38.0	1.1	39.1	5.3	0.0	5.3
50-100	140	55.6	9.6	65.2	8.5	0.7[4]	9.2
Subtotal:	702						
Grand Total:	729[5]						

[1] Lumberton has one Native American on its nine member board in addition to three blacks.

[2] The "At-Large" cells include nineteen cities which are not "pure" at-large systems. They combine at-large election with district residency and/or nomination requirements.

[3] Durham has six members elected at-large and six elected at-large to wards. There are seven blacks on the board.

[4] Pembroke's board is 100 percent Native American. It is the only city other than Lumberton with Native Americans on the city governing body.

[5] 454 cities are excluded from this table because they have less than 9.9 percent minority population. Seven of these excluded cities have "other" systems, three are "mixed" systems, and one is a SMD. There are six black councilpersons from these cities; four from at-large systems, one from the SMD and one from a city in the "other" category.

TABLE2-A[1]
Changes in Minority Representation Between 1973 and 1989
North Carolina Counties

TYPE OF CHANGE BY MINORITY POPULATION	N	MEAN % MIN POP IN 1989			% MINORITY OFFICIALS (1973)			CITY BOARDS (1989)		
		BLACK	IND	MIN	BLACK	IND	MIN	BLACK	IND	MIN
AL-SMD										
0-9.9	0	-	-	-	-	-	-			
10-29.9	1	25.0	0.4	25.4	0.0	0.0	0.0	14.3	0.0	14.3
30-49.9	3	37.5	0.1	37.6	0.0	0.0	0.0	30.5	0.0	30.5
50-100	0	-	-	-	-	-	-	-	-	-
Subtotal:	5									
AL-MIXED										
0-9.9	0	-	-	-	-	-	-	-	-	-
10-29.9	1	26.5	0.3	26.8	0.0	0.0	0.0	14.3	0.0	14.3
30-49.9	3	38.6	0.1	38.7	0.0	0.0	0.0	12.2	0.0	12.2
50-100	0	-	-	-	-	-	-	-	-	-
Subtotal:	4									
Total Changed:	9									
					UNCHANGED SYSTEMS					
AT-LARGE										
0-9.9	28	4.5	0.1	4.6	0.0	0.0	0.0	0.0	0.0	0.0
10-29.9	28	18.5	1.6	20.1	1.8	0.0	1.8	3.4	0.0	3.4
30-49.9	25	38.8	0.9	39.7	3.2	0.0	3.2	4.7	0.0	4.7
50-100	8	50.8	6.6	57.4	5.0	0.0	5.0	25.0	5.4	30.4
Subtotal:	89									
Grand Total:	98[2]									

[1] The categories in this table submerge the thirty-nine counties with "Other" systems. Four counties (all less than 30 percent minority) shifted from at-large to "Other" systems but still had no minority representation on their boards. Three counties (all with 30-49.9 percent minority populations) shifted from "Other" to mixed systems. The percentage of minority commissioners rose from 0 to 12.2 percent. Thirty-four counties retained their "Other" systems. The change in minority officeholding over time very nearly paralleled that for the fifty-one unchanged at-large counties.

[2] Washington and Cherokee counties were excluded because of the 1973 cut-off date. Washington adopted a SMD system before 1973. Cherokee had a SMD system until 1978 and then shifted to at-large.

TABLE2-B[1]
Changes in Minority Representation Between 1973 and 1979
North Carolina Cities

TYPE OF CHANGE BY MINORITY POPULATION	N	MEAN % MIN POP IN 1989 BLACK	IND	MIN	% MINORITY OFFICIALS CITY BOARDS (1973) BLACK	IND	MIN	(1989) BLACK	IND	MIN
AL-SMD										
10-29.9	1	13.7	0.4	14.1	16.7	0.0	16.7	0.0	0.0	0.0
30-49.9	5	40.2	0.1	40.3	1.7	0.0	1.7	31.3	0.0	31.3
50-100	3	52.7	0.0	52.7	2.8	0.0	2.8	47.6	0.0	47.6
Subtotal:	9									
AL-MIXED										
10-29.9	5	19.2	0.2	19.4	8.4	0.0	8.4	8.4	0.0	8.4[2]
30-49.9	7	34.4	0.6	35.0	10.8	0.0	10.8	20.8	0.0	20.8
50-100	1	76.3	0.1	76.4	0.0	0.0	0.0	40.0	0.0	40.0
Subtotal:	13									
Total Changed: 22										
UNCHANGED SYSTEMS										
AT-LARGE										
10-29.9	346	18.8	0.4	19.2	0.8	0.0	0.8	2.6	0.0	2.6
30-49.9	216	38.0	1.1	39.1	1.4	0.0	1.4	5.3	0.0	5.3
50-100	140	55.6	9.6	65.2	1.1	0.0	1.1	8.5	0.7	9.2
Subtotal:	702									
Grand Total:	724[3]									

[1] The cells in this table submerge the cities in the "Other" category of at-large election and district residency and/or nomination requirements. Four cities shifted from at-large to "Other" and two with majority-black populations went from having 0 to 60 percent minority membership on their city boards. Four cities shifted from "Other" to Single-Member Districts. Two had 30-49.9 percent minority population and one was majority-black. In all three the percentage of minority officials on city boards rose from between 0 and .35 percent to almost 43 percent. Three cities shifted from "Other" to Mixed systems. In the two cities with 30-49.9 percent minority population, the percentage of minority officials rose from 8.35 to 41.7 percent. Fifteen cities retained their "Other" systems through 1989 and so remained "Unchanged", but the percentage of minority officials rose. Twelve of these cities had 10-29.9 percent minority population and the percentage of minority officials increased from 5.4 to 13.1 percent. Two cities had 30-49.9 percent minority population and their percentage of minority officials jumped from 8.4 to 37.5 percent. In the one majority-black city which retained its "Other" system, the percentage of minority officials stayed even at 20 percent.

[2] This picture is somewhat distorted by lumping the "Other" and at-large categories together. The two at-large cities in this cell went from 0 to 16.7 percent minority officials when they changed from at-large to mixed. The one "Other" city lost minority representation (16.7 to 0 percent) when it shifted from "Other" to mixed.

[3] Five cities are excluded from Table 2-B because shifts from at-large systems occurred before the 1973 cut-off year. The five are comprised of one mixed system and four single member districts. The five are Tarboro, Winston-Salem, Raleigh, Plymouth, and Lumberton.

TABLE3-A
Minority Representation in 1989 in Mixed Plans
By District and At-Large Components
North Carolina Counties

		DISTRICT COMPONENTS			AT-LARGE COMPONENTS		
%MIN POP	N	BLACK	IND	MIN	BLACK	IND	MIN
0-9.9	0	-	-	-	-	-	-
10-29.9	1	25.0	0.0	25.0	0.0	0.0	0.0
30-49.9	3	30.5	0.0	30.5	16.7	0.0	16.7
50-100.0	0	-	-	-	-	-	-
Total:	4						

TABLE3-B
Minority Representation in 1989 in Mixed Plans
By District and At-Large Components
North Carolina Cities

		DISTRICT COMPONENTS			AT-LARGE COMPONENTS		
%MIN POP	N	BLACK	IND	MIN	BLACK	IND	MIN
10-29.9	5	31.0	0.0	31.0	0.0	0.0	0.0
30-49.9	8	35.9	0.0	35.9	3.1	0.0	3.1
50-100.0	1	50.0	0.0	50.0	0.0	0.0	0.0
Total:	14						

TABLE 4-A
Mean Equity Measures
Comparing Percent Minority On County Board in 1989
with Percent Minority in Population in 1980
North Carolina Counties

ELECTION TYPE BY MINORITY POPULATION		EQUITY I: DIFFERENCE			EQUITY II: RATIO		
SMD	N	BLACK	IND	MIN	BLACK	IND	MIN
0-9.9	0	-	-	-	-	-	-
10-29.9	1	-10.7	-0.4	-11.1	.57	.00	.56
30-49.9	3	-7.0	-0.1	-7.1	.81	.00	.81
50-100	0	-	-	-	-	-	-
Subtotal:	5						
MIXED							
0-9.9	0	-	-	-	-	-	-
10-29.9	1	-12.2	-0.3	-12.5	.54	.00	.53
30-49.9	3	-26.4	-0.8	-27.2	.32	.00	.31
50-100	0	-	-	-	-	-	-
Subtotal:	4						
AT-LARGE							
0-9.9	28	-4.6	-0.3	-4.9	.00	.00	.00
10-29.9	29	-12.1	-11.5	-23.6	.32	.00	.20
30-49.9	26	-32.6	-0.6	-33.2	.14	.00	.13
50-100	8	-25.8	-1.2	-27.0	.49	.83	.53
Subtotal:	91						
Grand Total:	100						

TABLE4-B
Mean Equity Measures
Comparing Percent Minority On City Council in 1989
with Percent Minority in Population in 1980
North Carolina Cities

ELECTION TYPE BY MINORITY POPULATION	EQUITY I: DIFFERENCE				EQUITY II: RATIO		
	N	BLACK	IND	MIN	BLACK	IND	MIN
SMD							
10-29.9	1	-13.7	-0.4	-14.1	.00	.00	.00
30-49.9	8	-0.5	-0.1	-0.6	.99	.00	.98
50-100	4	-3.3	-6.0	-9.3	.93	.32	.83
Subtotal:	13						
MIXED							
10-29.9	5	-3.7	-0.2	-3.9	.83	.00	.82
30-49.9	8	-1.0	-0.4	-1.4	.97	.00	.96
50-100	1	-36.4	-0.1	-36.3	.52	.00	.52
Subtotal:	14						
AT-LARGE							
10-29.9	346	-16.2	-0.4	-16.6	.14	.00	.14
30-49.9	216	-32.7	-1.1	-33.8	.14	.00	.14
50-100	140	-47.1	-8.9	-56.0	.15	.10	.14
Subtotal:	702						
Grand Total:	729						

TABLE5-A
Changes in Representation Between 1973 and 1989
North Carolina Counties
(Ratio Equity Measure)

ELECTION TYPE BY MINORITY POPULATION		EQUITY RATIO 1973			EQUITY RATIO 1989		
	N	BLACK	IND	MIN	BLACK	IND	MIN
AL-SMD							
0-9.9	1	.00	.00	.00	.00	.00	.00
10-29.9	1	.00	.00	.00	.57	.00	.56
30-49.9	3	.00	.00	.00	.81	.00	.81
50-100.0	0	-	-	-	-	-	-
Subtotal:	5						
AL-MIXED							
0-9.9	0	-	-	-	-	-	-
10-29.9	1	.00	.00	.00	.54	.00	.53
30-49.9	3	.00	.00	.00	.32	.00	.32
50-100.0	0	-	-	-	-	-	-
Subtotal:	4						
			UNCHANGED SYSTEMS				
AT-LARGE							
0-9.9	28	.00	.00	.00	.00	.00	.00
10-29.9	28	.10	.00	.09	.18	.00	.17
30-49.9	25	.08	.00	.08	.12	.00	.12
50-100	8	.10	.00	.09	.49	.83	.53
Subtotal:	89						
Grand Total:	98						

TABLE5-B
Changes in Representation Between 1973 and 1989
North Carolina Cities
(Ratio Equity Measure)

ELECTION TYPE BY MINORITY POPULATION	N	EQUITY RATIO 1973 BLACK	IND	MIN	EQUITY RATIO 1989 BLACK	IND	MIN
AL-SMD							
10-29.9	1	1.20	.00	1.20	.00	.00	.00
30-49.9	5	.08	.00	.08	.78	.00	.78
50-100.0	3	.11	.00	.11	.90	.00	.90
Subtotal:	9						
AL-MIXED							
10-29.9	5	.31	.00	.31	.84	.00	.84
30-49.9	7	.32	.00	.32	.69	.00	.69
50-100.0	1	.00	.00	.00	.52	.00	.52
Subtotal:	13						
		UNCHANGED SYSTEMS					
AT-LARGE							
10-29.9	346	.04	.00	.04	.14	.00	.14
30-49.9	216	.03	.00	.03	.14	.00	.14
50-100.0	140	.02	.00	.02	.15	.70	.14
Subtotal:	702						
Grand Total:	724						

TABLE6-A
Minority Represention in
Single Member Districts in 1989
North Carolina Counties

TYPE BY MINORITY POPULATION	POPULATION IN DISTRICT				COUNCIL MEMBERS IN DISTRICT		
	N	BLACK	IND	MIN	BLACK	IND	MIN
% BLACK							
0-29.9	7	12.0	0.2	12.2	0.0	0.0	0.0
30-49.9	4	36.6	0.3	36.9	0.0	0.0	0.0
50-100	4	63.4	0.1	64.5	100.0	0.0	100.0
Subtotal:	15						
%INDIAN							
0-29.9	15	37.3	0.2	37.5	33.3	0.0	33.3
Subtotal:	15						
% MINORITY							
0-29.9	7	12.0	0.2	12.2	0.0	0.0	0.0
30-49.9	4	36.6	0.3	36.9	0.0	0.0	0.0
50-100	4	63.4	0.1	63.5	100.0	0.0	100.0
Subtotal:	15						

TABLE 6-B
Minority Represention in
Single Member Districts in 1989
North Carolina Cities

TYPE BY MINORITY POPULATION	POPULATION IN DISTRICT				COUNCIL MEMBERS IN DISTRICT		
	N	BLACK	IND	MIN	BLACK	IND	MIN
% BLACK							
0-29.9	16	9.4	2.7	12.1	0.0	0.0	0.0
30-49.9	3	36.3	18.3	54.6	66.7	33.3	100.0
50-100	11	69.8	1.7	71.5	84.6	0.0	84.6
Subtotal:	30						
%INDIAN							
0-29.9	29	31.4	2.8	34.2	46.2	0.0	46.2
30-49.9	1	35.1	46.4	81.5	0.0	100.0	0.0
Subtotal:	30						
% MINORITY							
0-29.9	16	9.4	2.7	12.1	0.0	0.0	0.0
30-49.9	2	32.0	4.2	41.2	100.0	0.0	100.0
50-100	12	66.9	5.4	72.3	78.6	7.1	85.7
Subtotal:	30						

TABLE7-A
Minority Represention in Single Member Districts
In 1989 As a Function of Plurality Groups Within a District
North Carolina Counties

ELECTION TYPE BY MINORITY POPULATION	POPULATION IN DISTRICT				COUNCIL MEMBERS IN DISTRICT		
	N	BLACK	IND	MIN	BLACK	IND	MIN
MAJORITY[1]							
BLACK MAJ.	4	63.4	0.1	63.5	100.0	0.0	100.0
INDIAN MAJ.	0	0.0	0.0	0.0	0.0	0.0	0.0
WHITE MAJ.	11	22.5	0.2	22.7	0.0	0.0	0.0
Subtotal:	15						

[1] There are no pluralities in counties.

TABLE7-B
Minority Represention in Single Member Districts
In 1989 As a Function of Plurality Groups Within a District
North Carolina Cities

ELECTION TYPE BY MINORITY POPULATION	POPULATION IN DISTRICT				COUNCIL MEMBERS IN DISTRICT		
	N	BLACK	IND	MIN	BLACK	IND	MIN
MAJORITY							
BLACK MAJ.	11	69.8	1.7	71.5	84.6	0.0	84.6
INDIAN MAJ.	0[1]	0.0	0.0	0.0	0.0	0.0	0.0
WHITE MAJ.	18	11.2	2.5	13.7	10.5	0.0	10.5
Subtotal:	29						
PLURALITY							
BLACK PLUR.	0	0.0	0.0	0.0	0.0	0.0	0.0
INDIAN PLUR.	1	35.1	46.4	81.5	0.0	100.0	0.0
WHITE PLUR.	0	0.0	0.0	0.0	0.0	0.0	0.0
Subtotal:	1						

Grand Total: 30

[1] Native Americans have a plurality of total population in three cities and a majority in thirteen cities but all of the cities have at-large systems and so are excluded.

TABLE 8-A
Causes of Changes from At-Large
To Single Member District or Mixed Systems,
North Carolina Counties, 1965-1991[1]

County by Type of Change	Year of Change	VRA?[2] (Yes/No)	Lawsuit? (Yes/No)	Result
AL-SMD				
Guilford	1983	yes	yes	Settled
Wilson	1985	yes	yes	Summary judgment
Vance	1987	yes	yes	Settled
Craven	1987	yes	no	Resolution
Nash	1988	yes	yes	Prelim. injunction, then settled
Pitt	1988	yes	yes	Consent decree
Duplin	1989	no	yes	Consent judgment
Anson	1989	yes	no	Resolution
Granville	1989	yes	yes	Court-ordered remedy[3]
Harnett	1989	yes	yes	Settled
Sampson	1989	no	yes	Settled
Total Changes:	11			
Total Lawsuits:	9			
AL-Mixed				
Washington	1970	yes	no	Resolution
Mecklenburg	1984	yes	no	Referendum[4]
Halifax	1984	yes	yes	Prelim. injunction, then settled
Camden	1986	yes	no	Resolution[5]
Pasquotank	1986	yes	yes	Settled
Chowan	1987	yes	no	Resolution
Bladen	1988	yes	yes	Consent judgment
Lenoir	1988	yes	yes	Consent decree
Pamlico	1988	no	yes	Consent decree
Wayne	1988	yes	yes	Settled
Caswell	1989	yes	yes	Settled

[1] The total numbers of counties and cities changed to single member districts and mixed systems in Tables 8-A and 8-B do not match the totals from the previous tables because these tables incorporate counties and cities which changed before 1973 and after 1991 and which have less than 10 percent minority population. In several cases changes occurred recently enough that the county or city has not yet had an election under the new system.

[2] This column in Tables 8-A and 8-B is unique to this chapter on North Carolina. It indicates whether the county or city in question is "covered" by the Voting Rights Act. Only 40 of North Carolina's 100 counties--and the towns and cities within--are included in the preclearance provisions of Section Five. Any city or county in the state, however, can have a Section Two law suit filed against it.

[3] See text pp. 28-29 for more detail.

[4] Voters rejected the referendum for a switch from a five commissioner at-large system to one with three commissioners elected at-large and four elected at-large to districts. They approved the shift to a mixed system with three at-large and four district seats.

[5] The county commission passed the mixed plan in 1977. The Justice Department did not approve it until 1986.

Forsyth	1989	no	yes	Settled
Cumberland	1990	yes	yes	Plan adopted after suit filed[6]
Montgomery	1990	no	yes	Consent decree
Lee	1991	yes	yes	Consent decree
Perquimmans	1992	yes	no	Resolution

Total Changes: 16
Total Lawsuits: 11

[6] See Crowell.

TABLE8-B
Causes of Changes from At-Large
To Single Member District or Mixed Systems,
North Carolina Cities, 1965-1991

City by Type of Change	Year of Change	VRA? (Yes/No)	Lawsuit? (Yes/No)	Result
AL-SMD				
Winston-Salem	1947	no	no	Resolution[1]
Tarboro	pre-1965	yes	no	Resolution
Plymouth	pre-1965	yes	no	Ordinance[2]
Lumberton	1967	yes	no	General Assembly[3]
Princeville	1977	yes	no	Ordinance
New Bern	1985	yes	no	Resolution
Rocky Mount	1985	yes	yes	Settled
Wilson	1986	yes	no	Resolution
Elizabeth City	1986	yes	yes	Settled[4]
Dunn	1987	yes	yes	Consent decree
Freemont	1987	yes	no	Resolution, law suit threat
Goldsboro	1987	yes	no	Resolution
Clinton	1989	no	yes	Consent decree
Total Changes: 13				
Total Lawsuits: 4				
AL-Mixed				
Randleman	pre-1965	no	no	Resolution
Raleigh	1973	no	no	Referendum
Cary	1975	no	no	Ordinance
Charlotte	1977	no	no	Referendum
Greensboro	1983	no	no	Ordinance[5]
Statesville	1985	no	yes	Consent order
Fayetteville	1986	no	no	Ordinance
Greenville	1986	yes	no	Resolution
Henderson	1986	yes	no	Ordinance
High Point	1986	yes	yes	Consent decree

[1] See text p. 9 for more detail.

[2] The city council passed the change after the Justice Department threatened suit.

[3] The General Assembly codified the city council's resolution.

[4] The law suit was settled after two injunctions had been granted and after the city's alternative plan had been rejected by the Justice Department.

[5] The city council passed an ordinance to create the 3 at-large, 5 district system after the plan had been defeated as a referendum 5 times since 1968. Under the at-large scheme, however, blacks had been elected to the city council and school board in roughly proportionate numbers since the 1950s.

Lexington	1986	no	yes	Settled
Enfield	1987	yes	no	Resolution, law suit threat
Mooresville	1987	no	no	Resolution
Thomasville	1987	no	yes	Settled
Albemarle	1988	no	yes	Settled
Edenton	1989	yes	no	Resolution
Benson	1989	no	yes	Settled
Siler City	1989	no	yes	Plan adopted after suit filed
Smithfield	1989	no	yes	Plan adopted after suit filed

Total Changes: 19
Total Lawsuits: 8

TABLE9-A
Challenges to Multimember Districts,
North Carolina Counties, 1965-1991

List of Cases	Year	Result[1]	Citation	Plaintiffs Lawyers
Simkins v Guilford Co.	1983	Settled (7D)	C-83-391G	Leslie J. Winner Jack Greenburg
Johnson v. Halifax Co./ US v Halifax Co.	1984	Prelim. injunction. Settled (3D/3AL)	83-48-CIV-8 83-88-CIV-8 dcnc 594 fsupp 161	Leslie J. Winner Jack Greenburg Lanier Guinier Steven Rosenbaum Poli Marmolijos
Haskins v Co. of Wilson	1985	Summ. judge.	82-19-CIV-8	Leslie Winner G. K. Butterfield Peter Sherwood Jack Greenburg Lanier Gunier
NAACP v Pasquotank Co.	1986	Settled (4D/3AL)	83-39-CIV-2 84-14-CIV-2	Ronald Penny Harold Barnes
Ellis v Vance Co.	1987	Consent decree (7D)	87-28-CIV-5	Leslie Winner G. K. Butterfield
Jackson v Nash Co.	1988	Prelim. injunction, settled (7D)	86-150-CIV-5	Leslie Winner
Harry v Bladen Co.	1988	Consent judge.	87-72-CIV-7	Leslie Winner James Wall
US v Lenoir Co.	1988	Settled (5D/2AL)		
NAACP v Pamlico Co.	1988	Consent decree (2AL/5D)	87-6-CIV-4	Angus Thompson Romallus Murphy
NAACP v Wayne Co.	1988	Settled (1AL/6D)	86-1091-CIV-5	Harold Barnes Ronald Penny
Pitt Co. Concerned Citizens v Brd of Comm.	1988	Consent decree (9D)	87-129-CIV-4	Leslie Winner
NAACP v Caswell Co.	1989	Settled (2AL/6D)	C-86-676-G	Romallus Murphy Angus Thompson
NAACP v Forsyth Co.	1989	Consent decree (1AL/6D)	C-86-803	Romallus Murphy Angus Thompson
NAACP v Duplin Co.	1989	Consent judge. (6D)	88-5-CIV-7	Angus Thompson
McGhee v Granville Co.	1989	see text p. 31 (7D)	87-29-CIV-5 860 F2d 110 (CA4)	Leslie Winner
Porter v Harnett Co.	1989	Settled (5D)	88-950-CIV-5	Donnell Van Noppen
US v Sampson Co.	1989	Settled (5D)	88-121-CIV-5	Cirus Faircloth Donnell Van Noppen

[1] The information in parentheses tells what type of system the county or city switched to as a result of the lawsuit. The numbers indicate the number of commissioners or council persons. D = single-member districts, AL/D = mixed system.

Fayetteville Black Caucus	1990	Plan adopted after suit filed, plaint. appealing (5D/2AL)	88-22-CIV-3	Leon Lee
NAACP v Montgomery Co.	1990	Consent decree (1AL/4D)	C-90-27-R	Anita Hodgkiss Leslie Winner Romallus Murphy
Sellars v Lee Co.	1991	Consent decree (3AL/4D)	C-89-294-D	Dennis Hayes Romallus Murphy
Person v Moore Co.	pending		C-89-135-R	Steve Edelstein Kathleen Wilde

TABLE 9-B
Challenges to Multimember Districts,
North Carolina Cities, 1965-1991

List of Cases	Year	Result	Citation	Plaintiffs Lawyers
Green v City of Rocky Mount	1985	Settled (5D)	83-81-CIV-8	Sue Perry
NAACP v City of Statesville	1985	Consent order (3AL/6D)	St-C-84-149 dcnc 606 FSupp 569	Angus Thompson Charles Carter Romallus Murphy Margaret Ford
NAACP v Elizabeth City	1986	Settled[1] (5D)	83-39-CIV-2	Harold Barnes Ronald Penny
Langford v City of High Point	1986	Consent decree (2AL/6D)	C-86-147-G	Norman Smith Davidson Douglas
NAACP v City of Lexington	1986	Compromise and Settled (2AL/6D)	C-86-370-S	Romallus Murphy Angus Thompson Grover Hankins
McLean v City of Dunn	1987	Consent decree (7D)	88-117-CIV-3	Donnell Van Noppen
NAACP v City of Thomasville	1987	Settled (2AL/5D)	C-86-291-S	Romallus Murphy Angus Thompson Charles Carter
NAACP v City of Albemarle	1988	Settled (3AL/4D)	C-87-468-S	Romallus Murphy Angus Thompson
Hall v City of Clinton	1989	Consent decree (6D)	88-117-CIV-3	Donnell Van Noppen
Johnson v Town of Benson	1989	Settled (3AL/3D)	88-240-CIV-5	Donnell Van Noppen
Patterson v Siler City	1989	Dismissed (2AL/5D)	C-88-701-D	Alice Ratliff Walter Bennett Laughlin McDonald
Sewell v Town of Smithfield	1989	Plan adopted after suit filed (4AL/3D)	89-360-CIV-5D	Donnell Van Noppen
Hines v Callis & Town of Ahoskie	pending		89-63-CIV-2-BO	Kathleen Wilde Steve Edelstein
NAACP v City of Roanoke Rapids	pending		91-36-CIV-2-BO	Romallus Murphy

[1] Settled after two injunctions, and after rejection of remedial plan by the Justice Department.

TABLE 10
Legal Disfranchising Devices in North Carolina

DEVICE	DATE ESTABLISED	DATE ABOLISHED
Literacy Test	1900[1]	1965, 1970[2]
Grandfather Clause	1900[1]	1908[3]
Poll Tax	1900[1]	1920[4]

[1] Constitutional Amendments.

[2] Voting Rights Act of 1965 and amendments of 1970.

[3] Automatic expiration in Constitutional Amendments.

[4] Repeal.

TABLE 11
Black and White Voter Registration, and
Black Membership in the North Carolina
General Assembly, Selected Years[1]

Voter Registration				Black Membership	
1962[2]					
Black		White		House	Senate
% VAP Reg.	% Total Reg.[3]	% VAP Reg.	% Total Reg.		
36%	10%	93%	89.6%	0	0
1966					
Black		White		House	Senate
% VAP Reg.	% Total Reg.	% VAP Reg.	% Total Reg.		
51%	14.2%	82%	85.1%	0[4]	0[5]
1990					
Black		White		House	Senate
% VAP Reg.	% Total Reg.	% VAP Reg.	% Total Reg.		
63%	17%	68.6%	83%	13[6]	4[7]

[1] Mean Black Population 1960-1990 = 22.1%.

[2] 1962 are the most recent pre-VRA registration figures available.

[3] Registration figures do not include other than black and white so they do not add up to 100%.

[4] The first black representative was elected in 1968. The total number is 120.

[5] The first black senator was elected in 1974. The total number is 50.

[6] In the 1990 election a native American was elected bringing the total number of minority representatives to 14 in 1991.

[7] An additional black senator was elected in 1990.

Endnotes

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1. For more on this, see Kousser (1980).

2. While 46.8% of the black voting age population was registered in 1964, this compared to 96.8% for whites. Both figures are inflated by the state's failure to purge voting lists of voters who were deceased or had moved. See Gingles exhibit 38 and Gingles Stipulation 58, n. 2.

3. 590 F. Supp. 161 (E.D. N. C. 1984).

4. Allison v. Sharp, 209 N.C. 477 (1936), quoted in N.C. Advisory Commission, 1962, p. 16.

5. Lassiter v. Northhampton County Board of Elections, 360 U.S. 45 (1959).

6. Bazemore v. Bertie County Board of Elections, 254 N.C. 398 (1961).

7. The case was Dunston v. Scott, 336 F. Supp. 206 (1972). See Suitts, 1981, pp. 67-70.

8. Gaston v. United States, 395 U.S. 285 (1969)

9. See Gingles transcript at 429, testimony by Board of Elections Chairman Robert Spearman, and defendant's exhibits.

10. Allen v. State Board of Elections,

11. See Black Elected Officials: A National Roster (1990).

12. For an analysis of this contest, see Eamon, 1987.

13. If the appointment occurs in the 60 days preceding the election, it runs to the succeeding election.

14. Haith v. Martin, 618 F. Supp. 410 (E.D.N.C. 1985).

15. Alexander v. Martin, No. 86-1048-CIV-5, (E.D.N.C., filed Oct. 2, 1986).

16. Chapter 509 of the North Carolina Session Laws of 1987.

17. Drennan observes that the law "all but guarantees that the judges in at least eight districts will be black" (1990, p. 33).

18. These were Judge Fullwood in district 5, and Judge Sumner in district 7A.

19. Nearly two dozen district court judges are black out of a total of 127 (Drennan, 1990, footnote 28, p. 21).

20. 590 F.Supp. 345 (E.D.N.C. 1984). On appeal, this case was upheld in part by the U.S. Supreme Court in Thornburg v. Gingles, 478 U.S. 30 (1986).

21. Gingles, note 27 at p. 367.

22. Johnson v. Halifax County, 594 F. Supp. 161 (E.D.N.C. 1984).

23. In these lawsuits challenging the method of electing the Cumberland County board of commissioners, and the Siler City city council, the defendants had already changed from at large before the districting, and the plaintiffs challenged the new districting system.

24. Leslie Winner supervised research on litigation, and contributed to our report on this topic.

25. McGhee v. Granville County, 860 F.2d 110 (4th Cir. 1988).

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