



THE CHRONICLE

Ignoring race in redrawing districts is big GOP blunder

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To many legal experts, it's hard to believe that Republican legislative leaders deliberately redrew new voting maps for the state House and Senate – as ordered by a three-judge federal court – without incorporating race as one of the nine criteria guiding the process. After all, it was the abusive, and according to the US Supreme Court, illegal use of race by Republican mapmakers in drawing the 2011 redistricting plan that earned the ire of the federal court – namely the stacking and packing of black voters into 28 of 170 districts across the state in order to severely weaken their influence in legislative races, thus giving the GOP super-majorities in both houses.

Legal experts considered it “the worst racial gerrymander in the country.”

So unpacking the problem by totally ignoring the abused element does little to render a satisfactory, let alone legal solution, many observers are saying, and they expect to hear that from the three-judge panel now that the redrawn maps have been submitted for review.

“It might be that you're sending a message to this three-judge panel that you don't take judicial letters very seriously, and that is not a message that I want to be part of,” Dan Blue, Senate minority leader (D-Wake), told Republicans during Senate debate last week. “If you haven't solved [the racial gerrymander], the three-judge panel will solve it for you.”

“The Voting Rights Act requires consideration of race in certain circumstances so as not to ‘dilute’ the political power of racial minorities,” Illya Shapiro, a senior fellow in constitutional studies with the Cato Institute, and editor-in-chief of the Cato Institute Supreme Court Review, told the conservative Carolina Journal.

At least 40 counties in North Carolina are legally under the 1965 Voting Rights Act, requiring that black voters in those counties be able to elect their own representatives. Republicans say that's what they were making sure was done with the 2011 maps, but the courts countered that they went too far.

Legislative Republican leaders, like Rep. David Lewis (R-Harnett), co-chair of the House Redistricting Committee, insists that federal court order on the redrawing of the districts was clear. “The only way to comply,” Lewis said, “is not to consider race in that process.”

“What the court said is in writing, and it’s not really open to interpretation,” countered Anita Earls, founder and executive director of the Southern Coalition for Social Justice, and an attorney representing the plaintiffs’ lawsuit against the GOP’s 2011 legislative maps in *Covington v. the State of North Carolina*.

“The notion that [Republicans] have some understanding that the court told them not to look at race, that’s just not true,” she maintained. “It’s really just lying. It’s in this alternative universe where we can say whatever we want to and facts don’t matter.”

Earls continued that in its order to draw districts the court said, “Any district that you draw at greater than 50 percent black, tell us why you believed it was necessary to draw the district at that percentage black. There’s no way this legislature can comply with that order unless they look at race. So this notion that we don’t want to look at race because the court told us [not to]... that’s just open defiance of what the court actually did tell them to do.”

“This theme that [Republicans] are going to be ‘colorblind,’ well, we’re not foolish. Those of us who’ve been advocating for racial justice have long known that this notion of ‘being colorblind’ as the way that you remedy discrimination, and reverse the decades of racial discrimination that black people have experienced in this country ..., well, we know that *that’s* a lie,” Attorney Earls said.

“And that is the lie that they’re perpetuating, right now today, as they try to assert that they’re not looking at race, and the court told them not to look at race.”

Earls maintains that now even the redrawn maps are “illegal under the state and federal constitutions.”

Earls says Guilford and Cumberland counties are at least two on the new Senate legislative maps where race “continued to dominate.” On the House side, both Wake and Mecklenburg county districts were redrawn, but should not have been because there was no legal authority to do so.

Attorney Earls is reluctant to predict what exactly the three-judge federal court will ultimately do once it reviews the newly submitted GOP maps for review (the court could order a special master to redraw them), but she did promise one thing.

“What I can predict with certainty is that the plaintiffs in this case, and the plaintiffs in the NAACP [redistricting] case pending in state court, are committed to pursuing vindication of their rights as long as they can.”

She added that the extreme partisan gerrymandering the Republicans engaged in hasn’t been ruled illegal yet (the U.S. Supreme Court is scheduled to hear a Wisconsin case about that in October), but she’s glad that a large coalition of progressive groups have come together to help fight the North Carolina case on that same issue.