



North Carolina Association of Black Lawyers

P.O. Box 14381 Raleigh, North Carolina 27620-4381

February 8, 2018

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President Pro Tem of the North Carolina Senate

Legislative Building

16 West Jones Street

Raleigh, NC 27601

Pres. Berger & Speaker Moore:

On behalf of the North Carolina Association of Black Lawyers (NCABL), we urge you to oppose House Bill 717. Article I, Section 18 of our State's Constitution demands that justice "be administered without favor, denial, or delay." If this bill becomes law, it will work directly against those ideals. It will infuse into our independent judiciary the partisanism that has abraded public faith in our government in general. In addition, this bill has far-reaching implications for sitting Black judges and future Black lawyers aspiring to that office.

Although we acknowledge the changes that have been made from the 1st Edition map of HB 717 to the current edition, we are still concerned about how this bill would affect the representation of Black judges in our State. Six of our counties in North Carolina with the largest Black populations (Mecklenburg, Wake, Guilford, Cumberland, Durham, and Forsyth)¹ have fractured judicial districts according to the 7th Edition map of HB 717. About 30% of Black incumbent District Court judges in our State would be forced to run against each other, while only about 18% of White incumbent District Court judges would be required to do so.² Yet, only approximately 20% (53 of 269) of District Court judges across the State are Black.³ We know—from living and serving in our communities—that the faith Black communities have in the judicial system has unfortunately been eroded. In 2015, Elon University and High Point University conducted a study to evaluate the public's trust in our judicial system. This was a partnership with the North Carolina Commission on the Administration of Law & Justice, an independent body of citizen volunteers. When asked, "How often do people receive fair outcomes in the North Carolina State Courts?" seventeen percent of Black participants answered "usually," compared to forty-four percent of White participants. HB 717 will exacerbate this already strained relationship. As Black lawyers, it is our desire and duty to foster the development of a system that results in improved perception of and actual fairness in the criminal justice system.

Black lawyers from the mountains of Asheville to the beaches of Wilmington gathered in Durham last October, and the topic of greatest concern was this General Assembly's proposed legislation affecting the judiciary. We are fully aware that gerrymandering and racism are not new concepts in this State, but to be frank, we have had enough. We are disheartened that the House of Representatives has already passed this legislation, but at this crucial point, we humbly ask that the Senate consider our recommendation and that if the House is asked to reconsider this matter, House members will find it in their hearts to vote "no" on this and any similar proposal at this time. Therefore, we urge you again, in the strongest terms possible, to oppose House Bill 717.

Thank you for your time and consideration.

In struggle,

Nana Asante-Smith

President

North Carolina Association of Black Lawyers

¹ UNC Carolina Population Center, "NC in Focus: Black Population" (2015).

² NC Policy Watch, *Updated maps: Where judges land in judicial redistricting bill to be considered by Senate*, (Nov. 15, 2017), <http://www.ncpolicywatch.com/2017/11/15/updated-maps-judges-land-judicial-redistricting-bill-considered-senate/>.

³ The Greensboro News & Record, "Judicial redistricting is another coup by cartography" (2018).