



NORTH CAROLINA
NAACP

**Written Testimony of the
North Carolina State Conference of the NAACP
submitted at the
August 22, 2017 Public Hearing
before the Redistricting Committee of the North Carolina General Assembly
*“NC NAACP Stands For Fair, Just, Constitutional and Desegregated Maps”***

The North Carolina State Conference of the NAACP¹ submits the following written testimony in opposition to the North Carolina General Assembly’s August 2017 proposed House and Senate legislative maps.

A. Introduction

The right to vote is not a game. It is a sacred right, won through the blood, sweat and tears of our ancestors. Despite having come to power by using racism for their partisan gain, the republican caucus that leads the North Carolina General Assembly is unrepentant. There has been no acknowledgment or apology to the people of North Carolina, particularly to African Americans and other people of color whose voting power was, as the federal courts have held, suppressed by the GOP’s unconstitutional and racially unjust maps for six years. To the contrary, the leadership of the General Assembly has played and continues to play the same game of putting their own self interest and discriminatory agenda above the will of people.

The GOP Caucus of the General Assembly has had more than a year since a federal court declared that the 2011 legislative districts violated the United States Constitution and ordered the General Assembly to draw new maps. Instead of complying with the court’s order, the General Assembly leadership stalled justice, paying private attorneys millions – more than \$4.8 million dollars – in taxpayer money to defend their unconstitutional computerized apartheid districts. As a result, we have already lived under three election cycles that used these discriminatory maps. During that time, the General Assembly has repeatedly argued before the courts that it is impossible to quickly remedy their unconstitutional maps. But now that they have lost their Supreme Court appeal, we see the truth: maps can be created in days when the General Assembly decides it has to. We deserve an apology for this inexcusable game-playing. Instead of that apology, the General Assembly leadership has given us a sham redistricting process that does not allow for meaningful input. We have no confidence that the public

¹ The NC NAACP is a nonpartisan, nonprofit organization composed of over 100 local branches and 20,000 individual members throughout the state of North Carolina. It has members who are citizens and registered voters in each of the state’s 100 counties, including the 41 counties previously covered by the Voting Rights Act.

input will be considered or that these maps will change based on what is said by the public here today. When the process is flawed, the product is flawed. Nonetheless we come to offer remarks to represent the voice of the people.

B. This redistricting process and the maps it has produced are irreparably flawed.

The NC NAACP stands up today, as it has for our long history, for our shared democratic principles of fairness. The process that the GOP leadership used to produce these maps are antithetical to those principles. First, to make the maps before us today, the General Assembly not only hired the same consultant who drew the racially-gerrymandered districts that constituted the 2011 maps, but also gave him a raise. According to public records, Mr. Hofeller has received \$50,000 of public funds to draw these maps.

It then limited the public input period to just one day of public hearings during the work week, during typical work hours, and simultaneously across seven sites, such that the great number of North Carolinians wishing to speak on this topic could not practically fully participate. Most egregiously, the General Assembly released their proposed maps just days prior to the hearing and over the weekend, and data that would allow the maps to be more properly analyzed was withheld until the eve of this hearing, even while General Assembly leadership obviously had this data in their possession.

Moreover, the redistricting criteria that the General Assembly adopted are racially unjust. Along party lines, the Redistricting Committee adopted criteria that ignores entirely considerations of race. This violates the Voting Rights Act, which requires the proper consideration of race in drawing legislative districts. The General Assembly did not stop at adopting this unjust and unlawful criteria -- it was disingenuous in applying the criteria it adopted. Although the General Assembly said it would not consider race at all, its proposed maps appear to contain districts that are very similar to the illegal 2011 plans, and continue to pack black voters into non-compact districts.

For example, from our preliminary analysis, House District 21 continues, as it did in the illegal 2011 plans, to sprawl into Sampson and Wayne counties to maximize the black voter population in the district and limit the power of black voters whose votes would have greater impact in fairly-drawn districts. The same is true of Senate Districts 19 of Hoke County, which protrudes, as in the illegal 2011 plans, past the county border and reaches into Cumberland County to grab black voters who would otherwise be casting their ballots in Senate District 20. Likewise, Senate District 28 in Guilford County retains similarly disfigured lines to the illegal 2011 plans, and similarly packs black voters into its odd cantilever shape.

These maps also grandfather in race discrimination by protecting incumbents who were elected under the 2011 racially-gerrymandered maps. If this were truly a fair set of criteria, incumbents who were elected under unconstitutional and racially unjust maps would receive no special consideration in the drawing of new plans.

Finally, the GOP Caucus admits that they considered (1) past elections outcomes and (2) the ability of the Republican party to win in these districts, and that they are drawing these maps for partisan

advantage. House Districts 10 and 36 and Senate District 41, for example, combine different communities while fracturing other communities of interest, and appear to serve only the purpose of creating a Republican advantage in those districts. Substituting “party” for race in order to achieve racially discriminatory election outcomes and to limit the voting power of people of color is a cynical, illegal manipulation strategy that undermines our democracy, and fails to remedy the illegal maps. These maps, presented by the General Assembly over the weekend, do not the answer the violation.

C. This supermajority all-white Republican Caucus-led legislature has proven that it is not accountable to African Americans and other people of color and the people of North Carolina deserve an independent, impartial body to ensure fair maps.

After coming to power by using racially discriminatory maps that contaminated at least 77 out of the state’s 100 counties, the leadership of this General Assembly proceeded directly and immediately to entrench that advantage by legislating to *intentionally* suppress African-American voters in passing the “monster voter suppression law.” The NC NAACP State Conference led the fight to ensure that our rights were not once again trampled upon, deeming this battle and victory: “Our Selma.”

Yet, even after the federal courts found this legislature guilty of intentionally acting to suppress the votes of African Americans, it did not stop there. Over the course of the past seven years, the leadership again and again passed many anti-worker, anti-immigrant, anti-women, anti-poor-people, anti-LGBT, anti-environment and other unconstitutional laws, resulting in numerous federal and state courts findings that the General Assembly is guilty of flouting the federal and state constitutions and the will of the people. This is a legislature that has proven that it is unaccountable to African-American voters and other people of color, and that it will purposefully and repeatedly legislate to limit our political power and to suppress the vote.

The current process that this legislature has engaged in and the maps that it has put forward make clear that absolutely nothing has changed. The all-white GOP Caucus-led legislature continues to play unacceptable games with our democracy and with our sacred right to vote. We do not trust these maps, which were drawn by the same hired-helper who drew the 2011 racially-gerrymandered maps and which were commissioned by an illegal legislature that has failed at every turn to act with integrity. Instead, an **independent special master** should be tasked with drawing new maps to ensure that it is the law that is followed – and not the directives of this unconstitutional body.

The fight for equal voting rights in my state is not ancient history, it is lived experience. The fight for voting rights in North Carolina has been an arduous effort to overcome one barrier placed in the path of African Americans after another. A lost vote can never be reclaimed, and the collective legacy of these lost votes leaves a lasting scar on democracy for generations. These games must stop. We urge the General Assembly to repent from their illegal action. Allow democracy to work. Allow the people of North Carolina to choose our representatives, rather than the politicians choosing their voters. In the week that we as Americans are grieving from the terrorist attack on our own soil in Charleston, South Carolina, it is a moral imperative that we rise above the use of racism to divide us from one another -- brother from brother, sister from sister, community from community. **It is time to move forward, North Carolina! Forward Together! Not One Step Back!**