

# Assessing the Black Legislative Agenda After 20 Years

**B**lack legislators celebrated the 20th anniversary of their return to the N.C. General Assembly in 1989. What is their record based on their agenda? Here's a look at what black legislators say they've done since 1969 on five key issues.

**1. Preserving Historically Black Universities.** North Carolina has five historically black universities in the statewide University of North Carolina system, and according to former legislator Henry Frye, battling for these schools must remain a high priority on every black legislator's agenda. "I believe our work in their behalf has made a difference over the years," says Frye. "But it is a continuing fight."

Sen. William Martin (D-Guilford) agrees. "I recall that in the 1984 short session, there was no money in the [expansion] budget for the black colleges," he says, "and the black legislators worked together and found about \$13 million for these schools."

Sometimes the issue is more than money. Former Rep. Kenneth Spaulding (D-Durham) says that during his three terms in the House, there almost always was some effort to close one or more of the historically black schools. "Our position then, as it is for those who are over in Raleigh now, is that these schools don't need to be closed. They need comparable funding."

That happened in 1976 when the NCCU School of Law was struggling with provisional accreditation, but the UNC Board of Governors proposed no new money to help the school improve. "I let the board know that if they couldn't find the \$6 million the school needed that I would propose it from the floor of the House," says Rep. H.M. "Mickey" Michaux (D-Durham). The UNC board had only recently gotten the power to make budget deci-

sions for the entire system, and the board didn't want legislators putting in separate bills for fear that others would do the same, and the board might lose control. "They knew that my bill would have begot a number of similar bills, and that their new and tenuous power over the budgetary process would have been seriously compromised," adds Michaux. The board found the money.

"There is no question but that the black legislators have been enormously helpful to these schools," says Chancellor Jimmy Jenkins of Elizabeth City State University, the smallest of the five universities, with about 1,700 students. "They have played an instrumental role in keeping the doors of opportunity open."

But Chancellor Cleon Thompson of Winston-Salem State University believes that African American legislators' clout is weaker now than it was in the 1970s, when their numbers were smaller but there appeared to be more public support for their efforts. "In the 1970s, the legislators had active public sentiment that helped magnify their clout," says Thompson. "There was the federal agenda through HEW [the U.S. Department of Health, Education, and Welfare, which pushed North Carolina to eliminate vestiges of discrimination in its public colleges], and an active alumni and friends movement. In the 1980s, both efforts have disappeared, and I believe the black legislators have less clout in pushing the agenda of these institutions." For the 1990s, Thompson says, a clear goal of black legislators should be rebuilding strong public support for their efforts in the General Assembly.

**2. Enhancing Minority Economic Development.** These efforts began 20 years ago when Frye sponsored legislation preventing the

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enforcement of unconscionable clauses in business contracts.<sup>1</sup> In the 1970s, the issues on this agenda revolved around removing further barriers to business for blacks. Business development has continued to occupy the agenda in the 1980s, and 1987 was a watershed year. During that session, black legislators sought and got:

—Three Minority/Women Business Enterprise Programs financed, one each in Charlotte, Durham, and Winston-Salem.<sup>2</sup>

—About \$100,000 in state funding for the N.C. Minority Business Council, a study group designed to provide usable and credible data on the state of black economics in North Carolina.<sup>3</sup>

—And a Legislative Research Commission study of how much business state government does with firms owned by African Americans, women, and disabled persons.<sup>4</sup>

Rep. Luther Jeralds (D-Cumberland) says the Legislative Black Caucus had made such efforts a priority. "We will be doing all we can to remove barriers that shouldn't be there, and to give the kind of help that is needed to move as many of these firms as possible into the mainstream."

Minority business groups are particularly happy with work by second-term Rep. Thomas Hardaway (D-Halifax), who was chairman of the House Subcommittee on Highway Finance in the 1989 session. Hardaway successfully led a fight to guarantee that the state would spend at least 10 percent of the more-than-\$9 billion targeted for a new state highway spending plan with minority-owned firms, and for a clause providing for similar minority participation in a new prison construction program.<sup>5</sup> In 1987, Hardaway futilely sought a 4 percent guarantee in a \$29.3 million prison construction program advocated by Gov. James G. Martin and approved by the legislature.<sup>6</sup>

**3. Expanding Human Services.** This issue, says Rep. Annie Brown Kennedy (D-Forsyth), goes beyond the usual concept of human services. "This concept means helping people in many ways who might not have any other advocates in powerful positions." Kennedy's philosophy has reflected itself in a number of legislative proposals and enactments, including:

—Legislation prohibiting the state courts from sentencing persons 17 years old or younger to death for capital offenses, approved in 1987.<sup>7</sup>

—Legislation that would allow two-parent families to receive Aid to Families with Dependent Children (AFDC) assistance under certain circumstances, approved in 1986.<sup>8</sup>

—A proposal to create a legislative study commission to examine the family in North Carolina—approved in 1987 and conducted in 1987 and 1988.<sup>9</sup>

—And a proposal to allow mothers and fathers to take up to 14 weeks off from work immediately following the birth of a child, without endangering the parents' jobs or benefits during the leave period. The bill failed, but a study of the issue was authorized.<sup>10</sup>

Michaux calls these sorts of bills part of a "chipping away stage"—small incremental progress that various members of the Legislative Black Caucus seek each session. "Annie might run the ball on some of these issues one year, and someone else might pick them up and run with them another time," says Michaux. "There are times when we might even give one of our issues to a white colleague to run for us. They often ask us to run certain bills for them, too."

But Rep. Sidney Locks (D-Robeson) adds a cautionary note. "We must continue to be concerned about traditional human services, too. We must scrutinize the budgetary process to see that some things aren't slipping through the cracks."

**4. Recognizing African American Accomplishments.** The first big victory in this area came in 1977 when then-Sen. Fred Alexander (D-Mecklenburg) won an appropriation to finance programs for the N.C. Black History Month.<sup>11</sup> But without a doubt, the crowning jewel was the 1987 law declaring Dr. Martin Luther King's birthday to be an official state holiday.<sup>12</sup> In between these successes, black legislators won more than \$2 million in state funds to develop a State Historic Site in eastern Guilford County to honor Charlotte Hawkins Brown, the noted black educator who started Palmer Memorial Institute in Sedalia.<sup>13</sup> One of the students at the institute in the 1940s

was a young man from Durham who later would make a name for himself in the legislature—H.M. “Mickey” Michaux, who was instrumental in securing the appropriations four decades later for the site.

**5. Educating Black Voters.** Frye says one of the first lessons he learned when he got to the General Assembly is that the local delegation carries the most clout on local issues. “Naturally, many black people considered me their representative no matter where they lived,” he says. “But I had the responsibility to show them how to work successfully with their local delegation.”

That responsibility, says Sen. Ralph Hunt (D-Durham) is just as important today as it was 20 years ago. He cites the debate on the second primary bill approved by the 1989 General Assembly, which lowers the threshold for primary winners from 50 percent plus one vote, to 40 percent.<sup>14</sup> Rep. Beverly Perdue (D-Craven), a white legislator, proposed a compromise amendment to set the threshold at 45 percent. Says Hunt, “We didn’t fight her directly. We got to some people in her district and had them talk with her. She withdrew the amendment.”

Another facet of voter education is how to increase the number of black legislators in the General Assembly, says former Rep. Kenneth Spaulding (D-Durham), himself a descendent of the last black U.S. Congressman from North Carolina, U.S. Rep. George White, who served from 1897 to 1901 in the U.S. House of Representatives. Spaulding fought hard in 1981 and 1982 to get the General Assembly to accept the notion of single-member districts in the state’s more populous areas, where there were heavy concentrations of black voters, and that fight hurt him politically, he believes.

“I was told that my political career would be bright if I would stop insisting so strongly on ... single-member districts,” says Spaulding. “But I knew that concept was what the law [the federal Voting Rights Act] demanded.<sup>15</sup> I also knew that it was right. So I continued.” Largely because of that fight and the redistricting that followed, 12 African Americans took their seats in the General Assembly in 1983 and four more in 1985. That redistricting issue will resurface in the 1991 General Assembly,

following the 1990 census.

“Someone will have to step forward and carry that ball,” says Spaulding. “It’s a costly task. To battle for more numbers, for getting closer to parity, means that you are fighting to put some of your colleagues out of the General Assembly. Often, these are colleagues with whom you have a friendly, and often successful relationship. It’s a tough task. But it must be done. That’s the real issue that tests the role, the strength, and the significance of black legislators.”  
—Milton Jordan

#### FOOTNOTES

<sup>1</sup>HB 928, “Unconscionable Contracts,” introduced by Rep. Henry Frye, in the 1969 General Assembly. The bill failed to move that year, but Frye pursued the same legislation in the ensuing session and saw it adopted as Chapter 1055 of the 1971 Session Laws, now codified as G.S. 25-2-302.

<sup>2</sup>Chapter 830 of the 1987 Session Laws.

<sup>3</sup>Chapter 830 of the 1987 Session Laws.

<sup>4</sup>Chapter 873 of the 1987 Session Laws.

<sup>5</sup>Chapter 692 of the 1989 Session Laws. The 10 percent goal for minority participation in the highway construction bill was codified as G.S. 136-28.4. The 1989 emergency prison construction appropriation bill is Chapter 8 of the 1989 Session Laws. A similar 10 percent minority participation goal in the prison bill was not codified, but is found at Sec. 3(b) of Chapter 8 of the 1989 Session Laws.

<sup>6</sup>Chapter 3 of the 1987 Session Laws. Hardaway failed to win passage of a 4 percent minority set-aside in the 1987 prison construction bill, but G.S. 143-135.5 declares it to be state policy that the state shall seek to grant construction contracts to firms owned by minorities, including African Americans, women, American Indians, and other groups.

<sup>7</sup>Chapter 693 of the 1987 Session Laws, now codified as G.S. 14-17.

<sup>8</sup>Chapter 1014 of the 1985 Session Laws (Second Session 1986), now codified in G.S. 108A-28(b)3.

<sup>9</sup>Chapter 873 of the 1987 Session Laws, creating a Modern Family Study Commission. The Legislative Research Commission on the Modern Family filed its “Report To The 1989 General Assembly” on Dec. 14, 1988.

<sup>10</sup>Chapter 873 of the 1987 Session Laws, authorizing a study of the need for parental leave in North Carolina. The study was not performed.

<sup>11</sup>Chapter 802 of the 1977 Session Laws.

<sup>12</sup>Chapter 25 of the 1987 Session Laws.

<sup>13</sup>Chapter 923, Sec. 142, of the 1983 Session Laws, authorized the first appropriation of \$67,377 for the Charlotte Hawkins Brown State Historic Site. Since then, the Department of Cultural Resources has provided additional funds for the site.

<sup>14</sup>Chapter 549 of the 1989 Session Laws, now codified as G.S. 163-111.

<sup>15</sup>Section 2 of the U.S. Voting Rights Act of 1965, as amended June 29, 1982, 42 U.S.C. § 1973.