
Black Legislators: From Political Novelty to Political Force

by Milton C. Jordan

In this article, Insight examines the role of African American legislators on the 20th anniversary of their return to the N.C. General Assembly and how their role has evolved since 1969, when then-Rep. Henry Frye of Guilford County became the first black to be elected to the legislature in the 20th century.

For two years, Alma Steele argued the residents' perspective as an ex-officio member of the Durham Housing Authority's Board of Commissioners. Afterwards, she had to sit silent and motionless as the other commissioners voted. But in 1981, all that changed. Rep. Kenneth Spaulding (D-Durham) pushed a bill through the N.C. General Assembly that allowed public housing residents to be full voting members of these boards rather than just non-voting delegates.¹ Spaulding was one of only four African American lawmakers in the N.C. General Assembly that year, but his legislation changed things for public housing residents.

"That law confirmed what I had known all the time," Mrs. Steele says. "My convictions reflected in my votes were as important as my opin-

ions and suggestions. It surely made a difference." Those comments, say black legislators, summarize their role and their significance during the 20 years of this century that blacks have been elected to legislative seats in the N.C. General Assembly.

"Black legislators must clearly understand that we are up here to make a difference," explains Sen. William Martin (D-Guilford). "First, we address the needs of our constituents in our districts, then the needs of black people statewide, and the state as a whole. Our mission is to make a difference."

Milton C. Jordan, a long-time North Carolina journalist and freelance writer, is also a media marketing consultant for N.C. Central University in Durham.

But making that difference is no easy task when you lack the numbers to carry votes. In two decades, African American legislators have used other tactics to get things done. "When I went there," says Henry Frye, North Carolina's first black legislator in this century, "I knew I wouldn't get very far with allegations. So I never charged anyone with anything. I always spoke of the problems we faced as third-party entities."

Frye, now an associate justice of the N.C. Supreme Court, first served in the House of Representatives in 1969. He was the lone black there until 1971, when Joy J. Johnson, a firebrand Baptist minister from Robeson County, joined Frye in the General Assembly, and their tactics expanded. "Joy could preach to our colleagues," Frye recalls, "and he would fire them up with his oratory, and then I would sit and negotiate with them." As time passed and the numbers of African American legislators increased to three in 1973, then doubled to six in 1975 and 1977 (see Table 1, p.42), the strategies expanded further.

"We were still too few to carry much clout," says Frye, who served in the House through 1980 and in the state Senate in 1981 and 1982, "but we could target more of our colleagues to work with. But another important part of our strategy was to take serious direction from the traditional black community organizations."

Bringing About Change

African American legislators have wrought many changes during their time as state lawmakers. Consider:

- In 1969, Frye persuaded his colleagues to approve a bill that put the state's literacy test to a referendum.² Frye contended that the literacy test requirement unconsti-

tutionally blocked African Americans from voting. The proposal to change the law lost in the referendum, but later the courts overturned such laws.³

- That same session, Frye introduced legislation to prevent the enforceability of unconscionable clauses in business contracts.⁴ In his characteristically mild-mannered way, Frye said these "unconscionable contracts or clauses in contracts" prevented many North Carolinians from engaging in business in the state. That was one of the first legislative efforts in this state to expand economic

Associate Justice Henry Frye in 1969 became the first black legislator elected to the N.C. General Assembly in the 20th century.



Karen Tan

Table 1. Blacks in the N.C. Legislature in the 20th Century

	1900- 1968	1969	1971	1973	1975	1977	1979	1981	1983	1985	1987	1989
Senate	0	0	0	0	2	2	1	1	1	3	3	4
House	0	1	2	3	4	4	3	3	11	13	13	13
Total Number Elected	0	1	2	3	6	6	4	4	12	16	16	17
Percentage of Membership	0	1 %	1 %	2 %	4 %	4 %	3 %	3 %	7 %	9 %	9 %	10 %
Total Who Served*	0	1	3	3	6	10	6	4	12	16	16	18

* This number includes African American legislators who were appointed to fill the unexpired portions of terms to which other legislators were first elected.

Sources: *Article II: A Guide to the 1989-1990 N.C. Legislature*, published by the N.C. Center for Public Policy Research; and *North Carolina Government 1585-1979, A Narrative and Statistical History*.

development opportunities for various groups, including black businessmen. The measure failed in 1969, but passed two years later.

■ In 1976, black legislators saved the law school at predominantly black North Carolina Central University in Durham from closure when other legislators were grumbling about the school. They were unhappy because the school's graduates had a low passing rate on the state bar exam, and because it was expensive for the state to support two public university law schools—at NCCU and at UNC-Chapel Hill. Black legislators engineered a \$6.2 million appropriation to improve and expand the law school—more capital improvement money in one lump sum than the law school had received from the General Assembly in the previous 39 years combined.⁵

■ In 1981, Spaulding and a handful of other black legislators fought for a redistricting proposal—one that created single-member districts in areas where there are a lot of black voters—that

was subsequently ordered by the courts.⁶ Anything less, Spaulding argued, would have diluted black voting strength and deprived blacks of the representative of their choice. As a result in the 1984 elections, blacks quadrupled their numbers in the General Assembly from four years earlier, from four to a total of 16 (see Table 1, above.) Their numbers since have grown to 18 in the 1989-90 session.

■ In 1987, black legislators fought and won the legislative battle to have Dr. Martin Luther King's birthday become a paid state holiday for state employees.⁷

■ Also in 1987, these legislators helped rewrite the way voters nominate and elect Superior Court judges, and created new judgeships that blacks would win.⁸ Superior Court judges are elected statewide even though they are nominated from within judicial districts, and blacks felt the statewide election of such judges was the chief reason that black lawyers were not being elected

to such positions. In the 1988 elections, the number of black Superior Court judges climbed from two to 10.

■ In 1989, black legislators sparked the re-writing of the state's 74-year-old runoff primary law.⁹ The old law required candidates to win 50 percent plus one vote in a primary with more than two contestants, or face a runoff if the second-place finisher called for one. Under the new law, a candidate needs to win only 40 percent of the vote to win a party's nomination. Blacks and some white legislators had argued for years that the second primary law often kept them out of office, but efforts at repeal failed until blacks pushed the issue in the 1989 session. The second primary had cost state Rep. H.M. "Mickey" Michaux the 2nd District Democratic nomination for Congress in 1982 (see "A Path to Victory," *North Carolina Insight*, Vol. 6, No. 1, June 1983, for more).

Calling the Shots

But the changes pioneered by black legislators extend beyond the laws they've worked to pass. For example, these legislators have rewritten many traditional leadership relationships in the black community. While civil rights leaders continue to carry clout, members of the Legislative Black Caucus now more frequently call the shots, set the agenda, and orchestrate the strategy of change.

Traditionally, black leaders have taken a family approach to dealing with important issues. That is, critical discussions that might reveal differences among key leaders have been kept within the family and not banded about publicly. If issues couldn't be resolved, the antagonists traditionally called a truce to prevent those differences from erupting publicly. But all that changed in 1987.

Representative Michaux, dean of black legislators with six terms under his belt, introduced and shepherded to passage a bill designed to obviate two suits against the state filed in federal court. The suits were filed by the National Association for the Advancement of Colored People (NAACP) with the assistance of a prominent Republican Party leader, Allen Foster, the GOP's 1984 nominee for Attorney General. They charged that North Carolina's system of electing Superior Court judges was unconstitutional.¹⁰ Normally, Michaux would have observed the

keep-it-in-the-family rule even though he disagreed with the NAACP suit, but this time he went public and sponsored the legislation to defuse the suits and create new judgeships that would be filled by black citizens. "My concern," Michaux says, "was that you never know what a court will do. Frankly, I feel more comfortable handling this legislatively where you can have better control over what happens."

This new political thrust produced strange political adversaries and alliances. The NAACP found itself opposing Representative Michaux's bill, and Republicans found themselves quoting NAACP state President Kelly Alexander Jr. of Charlotte as they fought against Michaux and in favor of the NAACP position.

The ouster of long-time member E. B. Turner from the UNC Board of Governors that same year and the appointment of former Rep. Joy Johnson heralded a similar shift in tradition. In the past, a black official could expect to continue in a public position almost indefinitely, regardless of that person's effectiveness. But during 1987, several members of the Legislative Black Caucus became disaffected with Turner's performance, branded him ineffective, and declared that Turner had to go. He went. Turner was not renominated, and Johnson, like Turner also a resident of Robeson County, was elected by the legislature to the same seat that Turner had held.¹¹

Those changes give African American legislators new clout in the statewide black community. And these legislators and their actions have helped change the way that black leaders are perceived. They have, for example, established solid legislative reputations. They have also helped undermine the notion that blacks think and act in a monolithic fashion. In addition to Michaux's willingness to buck tradition, former state Rep. William Freeman (D-Wake) voted independently when he was a member. Freeman, elected from a district where more than 70 percent of the eligible voters are white, didn't always vote with the Legislative Black Caucus. He voted to keep the death penalty for children 17 or younger, to require parental consent for abortions (Michaux says the Caucus did not vote to fight that bill), and to deny workmen's compensation benefits for hernia victims. His record was so conservative, in fact, that fellow Wake Rep. Peggy Stamey quipped, "If he was white, we'd call him a redneck."

In 1989, when the Caucus voted to boycott the General Assembly's meeting at the Market House in Fayetteville during the Bicentennial



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Rep. H.M. "Mickey" Michaux, dean of black legislators, believes the Legislative Black Caucus holds more cards than ever.

Celebration of the U.S. Constitution, the group left Reps. Luther Jeralds and C.R. Edwards, both of Fayetteville, free to attend, though only Edwards actually went. The Caucus was upset because slaves once had been sold at the Market House, and members thought that the program planners had been insensitive to black legislators to schedule a meeting there. The boycott was meant to express the Caucus' deep displeasure. But Edwards attended and got the session to approve a resolution honoring a former slave who became a successful minister.¹²

An Eight-Item Agenda

Black legislators have developed an eight-item agenda that they individually and collectively pursue in the N.C. General Assembly. That agenda is:

- Preserving, protecting, and enhancing the historically black campuses of the University of North Carolina system, which are N.C. A&T State

University in Greensboro, N.C. Central University in Durham, Winston-Salem State University, Fayetteville State University, and Elizabeth City State University;

- Advocating expanded opportunities in economic development for minorities;

- Seeking expanded programs and appropriations for human services;

- Advocating stronger and more equitable public education;

- Fighting for broader recognition for African American accomplishments and concerns;

- Educating black voters;

- Advocating for local initiatives and supporting local bills; and

- Acting as a preventive force in the General Assembly to fight legislation deemed harmful to minority interests.

"Our presence, the savvy we've developed, and the respect we've gained allow us to help kill—often before it gets to the floor—certain

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legislation that might prove detrimental to our primary constituency," explains Rep. Pete Cunningham (D-Mecklenburg). Black legislators say this agenda hasn't changed much in 20 years, and they say it's not likely to change very much any time soon.

"We will continue to do what we've done for the past two decades," says Michaux. "We'll chip away at each issue a little bit each session." In that respect, the battles that black legislators fight remain the same. But just as some things remain the same, other things change.

Thus, as North Carolina moves from a one-party to a two-party state, black legislators face important new challenges. First, they must walk a much narrower tightrope of change because many strategies that traditionally aided blacks might also serve Republican interests, Michaux says. Of the 35 black legislators who have served in the last 20 years (see Table 2, page 50), all have been Democrats, and black legislators do not perceive Republican interests as dovetailing with black interests.

"I'm convinced that Republicans voted for the party primary bill because they feel if more black candidates get to general elections, Republicans can win more legislative seats at our expense," says Michaux (see sidebar on page 45 for more). In fact, 1989 was the best year ever for both Republicans and blacks, with 17 black legislators and 59 from the Grand Old Party. (In October 1989, James P. Green of Oxford was named to succeed the late William T. Watkins. That brought the number of blacks in the 1989-90 legislature to 18.)

So, black legislators must successfully handle the damned-if-you-do, damned-if-you-don't syndrome. They must forge new coalitions, even when it may be difficult to handle ideologically. For example, the newly organized Eastern Legislative Delegation tends to be more conservative than blacks normally prefer. This group, however, has become a powerful legislative bloc. The Eastern Legislative Delegation is composed of 67 legislators who represent 43 counties bordering and east of highway I-95. Eight members of the Legislative Black Caucus also are members of the Eastern Legislative Delegation. Thus, the foundation of that coalition between black legislators and the powerful eastern group could be in place.

Second, black legislators must develop new, young leadership without sacrificing significant seniority. But that may be difficult. At least three

veteran members of the Legislative Black Caucus say privately that they are considering not running for re-election in 1990, and Rep. Sidney Locks (D-Robeson) has announced he is resigning his seat to accept the call to a church in Greenville.

And third, black legislators say they must find ways to deal with or to counteract what they believe may be a more conservative turn in legislative thinking. That turn is symbolized partly by the overthrow in early 1989 of then-Speaker Liston Ramsey (D-Madison) in favor of Rep. Josephus Mavretic (D-Edgecombe) by a coalition of Republicans and dissident Democrats, and by the recent gains of Republicans in the House and, to a lesser degree, in the Senate.

Fights Don't Get Easier

But accomplishing all these goals and meeting these new challenges won't be easy. "Sometimes it seems that the more we stay up here and fight, the harder the lines of opposition are drawn," says Michaux, who has served two stints in the legislature—1973-77 and 1985 to the present.

The 1989 legislative session provides a case in point. Just before the General Assembly adjourned in the wee hours of Sunday, August 13, state Sen. Jim Richardson (D-Mecklenburg) summed up his feelings. "We might as well go home, because we're not getting anything down here this year," he said. Added Rep. Herman Gist (D-Guilford), "We're retrogressing this year. We're taking three steps backward instead of going forward."

Several sour notes marred the 20th anniversary for black legislators, which was especially disappointing to them because the 1989 session appeared to hold such promise for progress. For one thing, a sizable contingent of black legislators—13 in the House, four in the Senate—held lawmaking seats. That was the highest total ever, and represented 10 percent of the membership in the General Assembly. That's still well below the state's black percentage in the population (about 23 percent), but it is the highest since the return of blacks to the legislature in 1969 (see Table 1 on page 42 for more).

It wasn't until 1983 that more than six African Americans held legislative seats at the same time. That year, 12 black legislators took their seats in the state legislature. Now, after 20 years, several black legislators have seniority. Nine of the 18 members have held office for six years or

longer. And a number of them have moved up in the effectiveness rankings of the N.C. Center for Public Policy Research.¹³ For instance, Rep. Dan Blue (D-Wake) moved up to 6th in the 120-member House, Michaux moved up to 15th, and Representative Locks was 25th in the 1988 rankings. While these members were moving up significantly, others were not, reflecting the traditionally lower rankings that minorities in the legislature get—including Republicans, women, American Indians, and African Americans.

So as the 1989 legislative session approached, most black legislators thought they were headed for choice committee chairmanships in the House. But their fortunes were devastated by dramatic change in the House, when 45 of the 46 Republicans teamed with 20 dissident Democrats to oust

Ramsey, a western North Carolina populist who until 1989 had strong ties to liberals and conservatives, whites and blacks and Indians, male and female legislators. The coalition that ousted Ramsey was not an ideological one, but was based on issues such as legislative openness. Blacks had supported Ramsey, and all but one stayed loyal when it came time to vote on the speakership.

The change in speakers cost black legislators a number of powerful positions and, some observers believe, reduced their overall influence. According to Ramsey, he had planned to give black representatives these chairmanships: Howard Barnhill (D-Mecklenburg), Aging; Dan Blue (D-Wake), Appropriations (Ramsey's decision to elevate Blue, a member of the Center's board, to this committee came shortly before the House was to vote on the speakership); Logan Burke (D-Forsyth), Housing; Pete Cunningham (D-Mecklenburg), Military and Veterans Affairs; C.R. Edwards (D-Cumberland), Higher Education; Milton (Toby) Fitch (D-Wilson), Courts and Administration of Justice; Herman Gist (D-Guilford), Highway Safety; Luther Jeralds (D-Cumberland), Children and Youth; Annie B.



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Rep. Milton Fitch became the first black in this century to preside in the N.C. House on May 9, 1989.

Kennedy (D-Forsyth), Manufacturing and Labor; Sidney Locks (D-Robeson), Appropriations/Human Affairs; and Mickey Michaux (D-Durham), Judiciary I. However, Mavretic aide Tim Kent points out that "during eight years as Speaker, Ramsey never included an African American as part of his inner circle."

Ramsey said only two blacks would not have chaired full committees—Rep. Thomas Hardaway (D-Halifax), a second-term member who Ramsey had planned to give three vice-chairmanships, and Rep. Howard Hunter (D-Northampton), a freshman member of the General Assembly.

But under new House Speaker Josephus Mavretic, only two black members chaired committees. Representative Fitch chaired the Public Employees Committee, and Representative Edwards—the lone African American to vote for Mavretic—chaired the House Committee on Education. Most black House members did get committee vice-chairmanships, however. (Mavretic says he was the first speaker to include a black—Michaux—in the final budget negotiations. "That makes Michaux's position . . . even more signifi-



On May 23, 1989, Sen. Frank Ballance performed the same role in the N.C. Senate.

cant," he says.) Of course, there were far fewer committee chairmanships in 1989 under Mavretic, who reduced the number of standing committees from 58 to 12, with another 58 subcommittees. Blacks under Ramsey would have had 11 of the 58 committee helms, or 19 percent; under Mavretic, they had two of the 12 chairmanships, or about 17 percent. Fitch also was elected Majority Whip by the Democratic Caucus. "No doubt, Liston's loss hurt us," says Cunningham, a second-term legislator. "It diluted our power."

Michaux found that it had another effect as well. "Liston's loss knocked us out of some powerful chairmanships," he acknowledged. "Still, when you consider the power of our vote, the defection of those 20 Democrats [who sided with Republicans against Ramsey] really strengthened our position. Unless the dissidents return to the fold, no one can pass any legislation without us." With 13 votes in the House, so much division among Democrats, and the traditional Democratic-Republican rivalry, Michaux reasoned, any working coalition would need the votes of black legislators to pass their bills.

In the Senate, meanwhile, it was unclear in

early 1989 how blacks would fare. The Senate for the first time was to have a Republican presiding officer, Lt. Gov. Jim Gardner, appointing committees. But that was December, and things changed in a hurry. First, Senate Democrats, still in control of the rulebook, repealed the Senate rules allowing the Lieutenant Governor to name committees and committee chairmen.¹⁴ That power went instead to Sen. Henson Barnes (D-Wayne), the new President Pro Tempore. And Barnes gave committee chairmanships to all four blacks in the Senate. Sen. Frank Ballance (D-Warren) was named chairman of the Alcoholic Beverage Control Committee; Sen. Ralph Hunt (D-Durham) was chairman of the Small Business Committee; Sen. William Martin (D-Guilford) was chairman of the Appropriations/General Government Committee; and Sen.

Campus Costs

Despite Michaux's view that blacks were stronger, a number of black legislators were disappointed by the 1989 session, particularly in the financing of certain institutions favored by the Legislative Black Caucus. For example, historically black campuses of the UNC system got about \$10 million for the biennium for capital improvements.¹⁵ That's less than half what the caucus had sought for those schools. And it was particularly galling when the legislature set aside \$2 million for a new basketball palace at N.C. State University, but cut out funding for the planning of new academic buildings at N.C. A&T State University, the flagship black institution in Greensboro. And the caucus had sought several million dollars for economic development for minorities, but wound up with only \$1.5 million for the biennium.¹⁶

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Table 2. African American Legislators in the N.C. General Assembly, by Legislative Session and Method of Selection (listed by seniority in office)

Elected		Appointed
1969 General Assembly		
House:	Henry Frye, D-Guilford	
Senate:		
1971 General Assembly		
House:	Henry Frye, D-Guilford Joy Johnson, D-Robeson	* Alfreda Webb, D-Guilford, replacing state Rep. McNeill Smith, who was appointed to the N.C. Senate in December 1971 to succeed Hargrove "Skipper" Bowles, who had resigned to run for Governor.
Senate:		
1973 General Assembly		
House:	Henry Frye, D-Guilford Joy Johnson, D-Robeson Mickey Michaux, D-Durham	
Senate:		
1975 General Assembly		
House:	Henry Frye, D-Guilford Joy Johnson, D-Robeson Mickey Michaux, D-Durham Richard Erwin, D-Forsyth	
Senate:	Fred Alexander, D-Mecklenburg John Winters, D-Wake	
1977 General Assembly		
House:	Henry Frye, D-Guilford Joy Johnson, D-Robeson Mickey Michaux, D-Durham Richard Erwin, D-Forsyth	Howard Clement, D-Durham, replacing Michaux in August 1977 after Michaux was appointed U.S. Attorney for the Middle District of North Carolina. Robert Davis, D-Robeson, replacing Johnson, who was appointed to the N.C. Parole Commission in February 1978.

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* Replaced a white legislator.

Table 2, continued

Elected	Appointed
1977, continued	
	Harold Kennedy, D-Forsyth, replacing Erwin, who was named to the N.C. Court of Appeals in February 1978.
Senate:	Fred Alexander, D-Mecklenburg John Winters, D-Wake Clarence Lightner, D-Wake, replacing Winters, who was appointed to the N.C. Utilities Commission in August 1977.
1979 General Assembly	
House:	Henry Frye, D-Guilford Kenneth Spaulding, D-Durham Robert Davis, D-Robeson * Annie Brown Kennedy, D-Forsyth, replacing Rep. Judson DeRamus, who was named a Superior Court judge in August 1979.
Senate:	Fred Alexander, D-Mecklenburg Rowe Motley, D-Mecklenburg, was named to succeed Alexander after his death in April 1980.
1981 General Assembly	
House:	Kenneth Spaulding, D-Durham Dan Blue, D-Wake Melvin Creecy, D-Northampton
Senate:	Henry Frye, D-Guilford [#]
1983 General Assembly	
House:	Kenneth Spaulding, D-Durham Dan Blue, D-Wake Melvin Creecy, D-Northampton Annie Brown Kennedy, D-Forsyth [#] Frank Ballance, D-Warren Phillip Berry, D-Mecklenburg C.R. Edwards, D-Cumberland Herman Gist, D-Guilford Charlie B. Hauser, D-Forsyth Luther Jeralds, D-Cumberland Sidney Locks, D-Robeson
Senate:	William Martin, D-Guilford
1985 General Assembly	
House:	Dan Blue, D-Wake Melvin Creecy, D-Northampton Annie Brown Kennedy, D-Forsyth Mickey Michaux, D-Durham [#] Frank Ballance, D-Warren C.R. Edwards, D-Cumberland

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[#] Indicates legislator previously served in the House. * Replaced a white legislator.

Table 2, continued

Elected	Appointed
1985, continued	
Herman Gist, D-Guilford	
Charlie B. Hauser, D-Forsyth	
Luther Jeralds, D-Cumberland	
Sidney Locks, D-Robeson	
Howard Barnhill, D-Mecklenburg	
Milton Fitch, D-Wilson	
Jim Richardson, D-Mecklenburg	
Senate:	William Martin, D-Guilford
	Ralph Hunt, D-Durham
	Melvin Watt, D-Mecklenburg
1987 General Assembly	
House:	Dan Blue, D-Wake
	Annie Brown Kennedy, D-Forsyth
	Mickey Michaux, D-Durham
	C.R. Edwards, D-Cumberland
	Herman Gist, D-Guilford
	Luther Jeralds, D-Cumberland
	Sidney Locks, D-Robeson
	Howard Barnhill, D-Mecklenburg
	Milton Fitch, D-Wilson
	Logan Burke, D-Forsyth
	Pete Cunningham, D-Mecklenburg
	William Freeman, D-Wake
	Thomas Hardaway, D-Halifax
Senate:	William Martin, D-Guilford
	Ralph Hunt, D-Durham
	Jim Richardson, D-Mecklenburg [#]
1989 General Assembly	
House:	Dan Blue, D-Wake
	Annie Brown Kennedy, D-Forsyth
	Mickey Michaux, D-Durham
	C.R. Edwards, D-Cumberland
	Herman Gist, D-Guilford
	Luther Jeralds, D-Cumberland
	Sidney Locks, D-Robeson
	Howard Barnhill, D-Mecklenburg
	Milton Fitch, D-Wilson
	Logan Burke, D-Forsyth
	Pete Cunningham, D-Mecklenburg
	Thomas Hardaway, D-Halifax
	Howard Hunter, D-Northampton
Senate:	William Martin, D-Guilford
	Ralph Hunt, D-Durham
	Jim Richardson, D-Mecklenburg
	Frank Ballance, D-Warren [#]

* James P. Green, D-Granville, replacing Rep. William T. Watkins, who died in September 1989.

[#] Indicates legislator previously served in the House.

* Webb, Kennedy, and Green were the only black legislators to have replaced white legislators in the N.C. General Assembly. In all, 35 African Americans have served in the N.C. General Assembly since 1969, and of those, 30 have been elected to terms and five have been appointed to an unexpired term only.



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Rep. Dan Blue, shown here debating the gubernatorial veto in the House on Aug. 3, 1989, had been slated for a top leadership post before the coup that toppled former Speaker Liston Ramsey.

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And it was even more disheartening in light of comments made earlier in the session by Speaker Mavretic. On an eastern speaking tour, Mavretic had said in Greenville, "We have only two schools of agriculture, and one of them is not much of a school at all." Blacks thought Mavretic meant that the agriculture school at N.C. A&T State University was not a good one, but the Speaker said later that he was referring only to the state's failure to provide adequate funds to A&T. Mavretic promised to help seek better funding, and the House approved \$328,000 for a laboratory, but the Senate chopped the money from the budget. Mavretic also supported funding for A&T's agricultural extension network.

The Legislative Black Caucus's support has traditionally commanded a high price in the legis-

lature in recent years, but in 1989 that price tag sparked front-page headlines when it became tangled with the debate over a gubernatorial veto. Gov. James G. Martin's efforts to put the question of veto power to a statewide referendum passed the Senate easily in March, but failed by 12 votes in the House during heated debate in August.¹⁷ But Martin's supporters scrambled to revive the issue, and the Legislative Black Caucus' votes could have changed the outcome. To pass a proposed constitutional amendment in the House requires 72 votes, and there were 13 black legislators in the 1989 House. But not a single one had voted in favor of veto on August 3. Seven of the 13 had voted no, and the other six were absent from the chamber. A change could have given the Governor 73 votes for veto—more than enough to pass and put it on the ballot.

So an offer was extended by Speaker Mavretic, who was working with the Governor to revive the issue. The offer was to put \$2.7 million in the new budget for minority economic development if the Caucus would drop its opposition and vote for veto. Michaux, the chairman of the Caucus, wanted more horse flesh in this kind of horse-trading. He proposed instead an increase of \$40 million over the biennium for the state's black schools—\$4 million in new spending each year for each of the five predominantly black campuses. That counteroffer was made to the Governor's minority affairs aide, Jim Polk. The Governor didn't respond, Michaux said, so the Durham lawmaker offered his proposal as a budget amendment in the House Appropriations Committee. It got only seven votes and failed. Veto remains alive, but with uncertain prospects for passage in the 1990 short session.

The dickering over the veto votes played itself out in the public prints. Michaux got some criticism for putting a price tag on legislative votes. Martin told reporters, "What Mr. Michaux has said is he's got a price and it hasn't been reached yet." Retorted Michaux, "The only thing I can say is that the Governor has his price also. He's got the purse strings and he controls the budget."

And black lawmakers remain frustrated. "It seems as though every time anybody wants something, or needs something, they come to us to get votes," says Michaux. "But when it comes to minority needs, the money isn't there."

Bitter Defeats: "Are We Getting There?"

Even on those bedrock issues where black legislators have operated successfully in the past, such as anti-discrimination measures, they suffered defeat this year. For example, a bill that Sen. Ralph Hunt (D-Durham) proposed to make ethnic intimidation a crime got lost in the shuffle of deadlines with hundreds of other bills.¹⁸ Normally, such legislation would have gotten a better reception. It was, after all, the top item on the NAACP's legislative agenda for the 1989 session. According to the organization's former executive director, Dennis Schatzman, the law was designed to counter an increase in crimes involving bigotry in North Carolina. The group called North Carolinians Against Racial and Religious Violence counted 53 such crimes in 1988, an increase of

nearly 13 percent over the previous year, when 47 such crimes were reported. But the bill went nowhere, and neither did a companion bill sponsored by Representative Locks in the House. Michaux himself had two bills that were designed to make it easier to register voters, but they both died in committee.¹⁹

So while there were some gains in 1989, there were also losses, and this 20th anniversary of blacks in the legislature is as much a year of assessment as it is of celebration. "For 20 years, our presence here has at least symbolized that this state is moving into a new political era," says Sen. Frank Ballance (D-Warren). "Yet this year, 20 years later, we must seriously ask ourselves, 'Are we getting there?'"

A 20-year assessment offers a mixed picture of how black legislators have responded to the challenges, the battles they've won and lost. Even now, the jury remains out as to their ultimate role, their real significance, the strength of their power. But at a minimum, no one today perceives a black legislator as a sort of lawmaking curiosity. "That was pretty much the view when I went to the General Assembly," says Frye. "Many of my colleagues looked at me in awe. They seemed to wonder how I got elected. But I also gained much respect during my time there."

A New Approach?

For some black caucus members, the traditional agenda and general approach is not enough—and they are calling for new efforts. "We have accomplished a lot in the 20 years that blacks have helped make laws in the General Assembly," says Senator Ralph Hunt of Durham. "But we need to do more. The Caucus, for example, needs to meet between sessions, and we need to come up with a more specific agenda of issues that we plan to pursue." According to Hunt, that agenda should include fighting for an affirmative action program in the General Assembly itself. "We work around here all day when the legislature is in session," says Hunt, "and we see very few black faces during the day. We don't see enough of them working in the Principal Clerk's offices, in bill drafting, or in legislative services. But after 5 o'clock, we see hordes of blacks who come in to clean the building. We must carry a part of the blame for that because I believe we have been derelict in expressing our concerns over this particular issue."

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Despite all the progress of the last 20 years, it should be sobering to realize that African Americans legislators have not made as much progress in this century as they had in the last third of the 19th century before they were disenfranchised. From 1868 to 1900, 113 black legislators were elected to the N.C. House of Representatives—an average of more than three new African American legislators each year over the 32-year-period.²⁰ By contrast, 30 different African Americans have been elected to legislative terms in the last 20 years—an average of 1.5 new black legislators every year, or *just half the rate* of a 100 years earlier. Those figures serve as a vivid reminder of how far African Americans in the N.C. General Assembly have come, and of how far they have to go. ☐

FOOTNOTES

¹Chapter 864 of the 1981 Session Laws, now codified as G.S. 157-5.

²Chapter 327 of the 1969 Session Laws. The proposed constitutional amendment to delete the literacy test for voter registration was defeated in a statewide referendum on Nov. 3, 1970 by a 355,347 to 279,132 vote—56 percent against, 44 percent for the amendment.

³Such literacy tests were prohibited in the 1965 Voting Rights Act (42 U.S.C. 1973), and several courts cases upheld that ban, most notably *Gaston County v. United States*, 395 U.S. 285, 89 S.Ct. 1270, 23 L. Ed. 2d 309 (1969). In North Carolina, a state law requiring literacy tests (G.S. 163-58) was finally repealed during the 1985 legislature by Chapter 563 of the 1985 Session Laws, but it remains in the N.C. Constitution in Article 6, Section 4.

⁴HB 928, "Unconscionable Contracts," failed to move in 1969, but Frye backed 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.

⁵Chapter 983 of the 1975 Session Laws (Second Session 1976).

⁶Spaulding and others fought against legislative redistricting plans preserving multi-member districts, which passed the legislature as Chapters 800 and 1130 of the 1981 Session Laws for House districts and Chapter 821 of the 1981 Session Laws for Senate districts. These redistricting plans were successfully challenged under the federal Voting Rights Act in a landmark national case, *Gingles v. Edmisten*, 590 F.Supp. 345 (E.D.N.C. 1984), affirmed in part, reversed in part, *sub nom.*, *Gingles v. Thornburg*, 418 U.S. 30, 106 S.Ct. 2752, 92 L. Ed. 2d 25 (1986). Single-member districts finally were adopted in the 1984 General Assembly, in Chapter 4 and Chapter 5 of the 1983 Session Laws (Extra Session 1984) for Senate districts, and in Chapter 1, Chapter 6, and Chapter 7 of the 1983 Session Laws (Extra Session 1984) for House Districts.

⁷Chapter 25 of the 1987 Session Laws, now codified as G.S. 103-4(a).

⁸Chapter 509 of the 1987 Session Laws, now codified as G.S. 163-106.

⁹Chapter 549 of the 1989 Session Laws, now codified as G.S. 163-111. What effect the new law will have on politics is yet to be determined, but political scientists anticipate unforeseen consequences. Says UNC-Chapel Hill political scientist Thad Beyle, "I am speculating, but I feel there will be more pre-primary action taking place now in an attempt to cope with the 40 percent rule. That action could be akin to the 1986 pre-primary activity in which candidates ceased being candidates [prior to entering the primary] so that Terry Sanford could win big. The keys to such pre-primary activity will be what the money people do (they can shut down candidacies) and what some key leaders do."

¹⁰*Haith v. Martin*, 618 F. Supp. 410 (1986); see also *Alexander v. Martin*, 86-1048-CIV-5, U.S. Eastern District N.C., which was dismissed by agreement of the two parties, and see also *N.C. v. U.S.A.*, Civil Action 86-1490, District of Columbia Circuit Court of Appeals, which was also dismissed by agreement.

¹¹House Resolution 2155, July 2, 1987 (1987 House Journal, p. 1552).

¹²House Joint Resolution 14 of the 1989 Session Laws.

¹³For more on the effectiveness rankings from 1977-1988, see Lori Ann Harris and Marianne M. Kersey, *Article II: A Guide to the 1989-90 N.C. Legislature*, published by the N.C. Center for Public Policy Research, May 1989. The rankings are based on a biennial survey of the 170 legislators, the registered lobbyists, and the Capital Press Corps.

¹⁴See Ran Coble, "The Lieutenant Governorship in North Carolina: An Office in Transition," *North Carolina Insight*, Vol. 11, Nos. 2-3, April 1989, pp. 157-165.

¹⁵Chapter 754 of the 1989 Session Laws.

¹⁶Chapter 752 of the 1989 Session Laws.

¹⁷SB 3, which had passed the state Senate on March 2 on a 41-6 vote, was defeated in the House on August 3, 1989 on a 60-43 vote (72 votes, or three-fifths of the 120 members, were required for passage). But SB 3 was revived on a 55-29 vote to reconsider (which required a two-thirds majority of those present and voting) on August 4, 1989, and remains alive for possible action in the 1990 short session.

¹⁸SB 537 and a companion bill, HB 751, never moved out of the respective judiciary committees and thus are not eligible for consideration in the 1990 short session. The bills would have made it a misdemeanor with a penalty of up to a year in prison, and a fine of up to \$1,000, to engage in acts of racial or ethnic intimidation.

¹⁹HB 547, "Voter Registration Facilitated," and HB 548, "Same Day Voter Registration," both failed. HB 547 was reported unfavorably by the House Judiciary Subcommittee on Elections. HB 548 was not acted upon before adjournment, rendering it ineligible for consideration in the 1990 short session.

²⁰There is some debate over the actual number of black legislators elected during the years between 1868 and the turn of the century. Historians Hugh T. Lefler and Albert Ray Newsome put the number of blacks elected to the House and Senate at 127 (see *The History of a Southern State: North Carolina*, p. 551), but that figure apparently includes 14 members who served in both the House and Senate. An unduplicated count compiled by an unnamed researcher in the Department of Cultural Resources puts the number of individuals elected to the House or the Senate during the same period at 113 (see "Discrepancies in the Number of Blacks in the N.C. General Assembly (1868-1900)", an unpublished, undated research paper in an exhibit file on the "Black Presence in North Carolina" in the Information Services Section, Division of State Library, Department of Cultural Resources.