

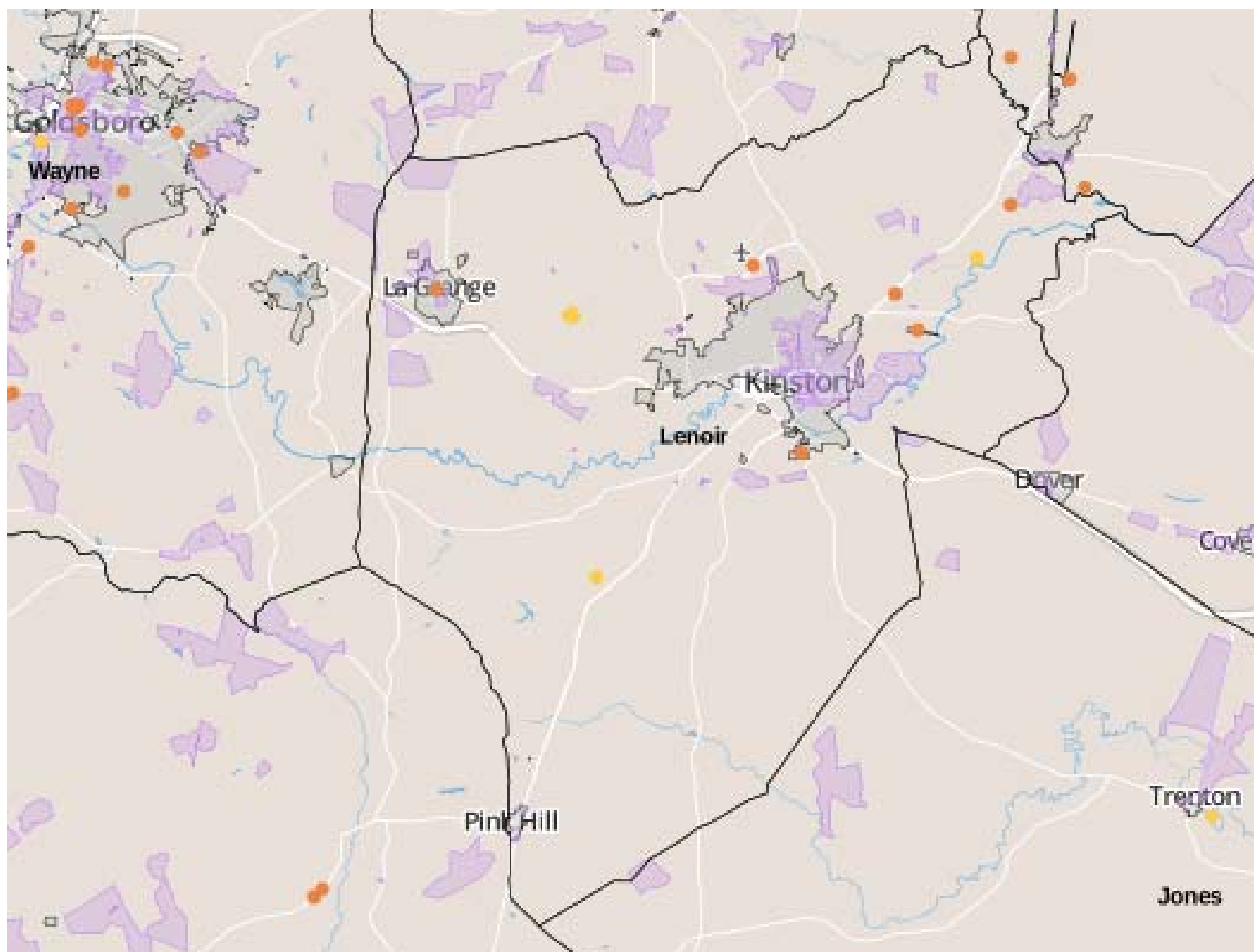


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The State of Exclusion

Lenoir County, N.C.

An In-depth Analysis of the Legacy
of Segregated Communities



Lenoir County, N.C.

An eastern North Carolina county that is one of the forty poorest, Lenoir County has a population of almost 60,000 people with a very slight (51%) white majority. Kinston, the county seat and largest city with a population of 21,000, is majority African American. The other incorporated communities are La Grange, population 2,873, 55% African American; and Pink Hill, population 552, 52% white.¹

Since almost 70% of African American residents of Lenoir County live in the majority African American towns of Kinston and La Grange, exclusion and related impacts correlate somewhat with whether public services are controlled by the towns or the majority white county government.

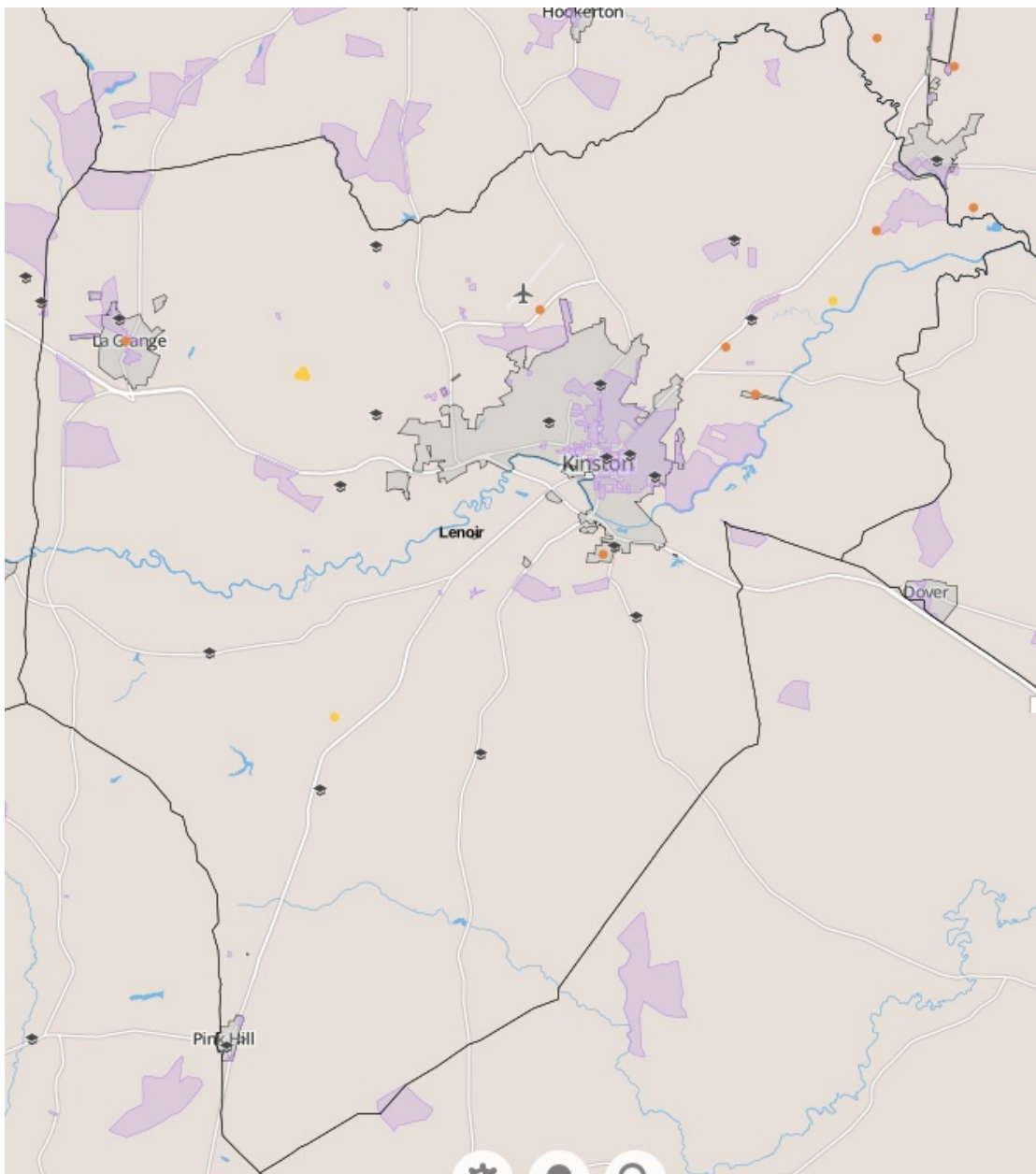


Figure 1: Lenoir County – an interactive version of this map with a legend is available at www.uncinclusionproject.org

¹ Most information was provided by the local governments in response to public records requests or is from the 2010 census. Sources for all data are available upon request. Please email pgilbert@email.unc.edu.

Education



Figure 2: Lenoir County High School Assignment Zones

There were originally two school districts in the county, Lenoir County Schools and Kinston City Schools, which merged in 1992. The merger, initiated by the county commissioners, was unsuccessfully opposed in a lawsuit filed by the pre-merger majority white Lenoir County Board of Education. An act of the North Carolina General Assembly, (S.L. 1991-767) safeguarded the merger, which had already been approved by the N.C. State Board of Education and the U.S. Commission on Civil Rights.

As Kinston was majority African American and the county was majority white, the merger should have been a move toward racial integration of the schools. Unfortunately, little was accomplished in terms of racial integration due to student assignment policies adopted and maintained by the unified Lenoir County School Board. The school district uses a feeder assignment model that divides the district into three assignment zones corresponding to the three high schools, North Lenoir, South Lenoir, and Kinston High School. Students for all of the middle schools and elementary schools in each high school

assignment area are drawn only from that assignment area. The north and south zones basically correspond to the pre-merger county district, and the Kinston High School assignment zone corresponds with the pre-merger Kinston City Schools. Essentially the merger combined only the school boards and administrative functions without mixing the student populations.

Kinston High School and all the schools in its assignment area are not only majority African American, but have an even higher percentage of African Americans than the city itself; Kinston is 68% African American, but Kinston High School is 86% African American. Kinston High also has much higher percentages of free and reduced lunch eligible students and worse educational outcomes than the other two county high schools, with an average SAT score that is 100 points lower, and lower student performance on English, Algebra I, and Biology end of grade tests.

This is not a situation where all of the white population lives in one isolated section of the county, which would be an impediment to school integration. In Lenoir County white and non-white neighborhoods are spread evenly throughout the county, which would allow greater racial integration if that was a priority for the board.

Private schools and charter schools in Lenoir County are even more racially segregated than the public schools. Lenoir County has two private schools, Arendell Parrott Academy, which has about 800 K-12 students and is 90% white, and Bethel Christian Academy, which has about 300 K-12 students and is 94% white. The racial demographics of the only remaining charter school is exactly the opposite; Children’s Village Academy is nearly 100% African American.

Political Representation

Municipal and County Level Representation:

The Lenoir County Board of Commissioners is made up of seven members. Two commissioners are elected at-large and five are elected from voting districts, meaning that both the voters electing a commissioner to a district seat and the candidates running for that seat must reside within the district. While Lenoir County is 51.3% white and 40.3% African American, the board is 71.4% white and 28.6% African American. In 2011 the County adopted new electoral districts as shown in Figure 3. The two African American County Commissioners represent Districts 4 and 5, the only two districts that are not majority white. If the commissioners were all elected from voting districts, or if the districts were drawn differently, it would better allow for African Americans to elect candidates of their choice.

Similarly, Lenoir County has one public school system with a seven member school board elected from the same districts and in the same method as the county board of commissioners. There are five white and two African American school board members, from the same districts, exactly the same underrepresentation of African Americans as the board of commissioners. Interestingly one of the majority African American districts elected a white board member, while one of the African American school board members was elected at-large, suggesting not all voting in the county is racially polarized. Other county elected officials, the sheriff, clerk of court, register of deeds, and soil and water district supervisors are all white.

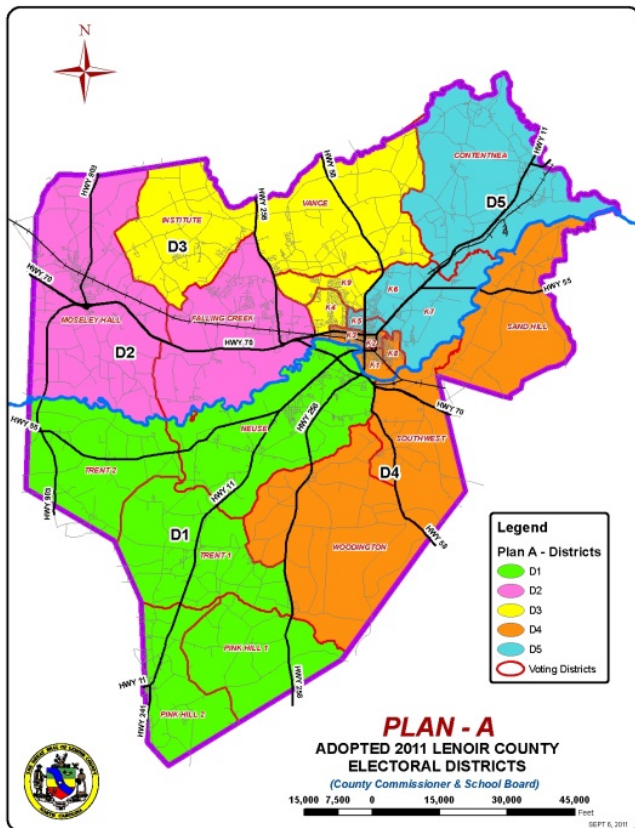


Figure 3: Map of Lenoir County Commissioner and School Board Electoral Districts

The Kinston City Council has five members along with the mayor, all of whom are elected at-large. The city population is 67.7% African American and 27.8% white while the composition of the council (including the mayor) is 50% African American and 50% white. In 2009 the U.S. Department of Justice (DOJ) applied Section 5 of the voting rights act to reject a proposed change to how the Kinston City Council was elected. The town proposed to make city council elections non-partisan, which the DOJ and trial court found would undermine the success of African American choice candidates. The city did not appeal, but white candidates and voters challenged the decision arguing that Section 5 was unconstitutional. The D.C. Circuit Court of Appeals found the case was moot after the DOJ reversed its decision and approved the voting change.

In contrast, the Town Council of La Grange consists of the mayor and seven members elected at-large with four African American members and three white members, which more closely corresponds to the town's 55.2% African American population. Pink Hill, the smallest town, is only 52% white but has an all-white town government.

Federal and State Voting Districts:

Until the 2013 U.S. Supreme Court decision that voided the coverage formula, Lenoir County was one of 40 North Carolina counties subject to the stringent provisions of Section 5 of the Voting Rights Act. The local and municipal districts were adopted and adapted under Section 5 protection. The 2010 redistricting by the North Carolina General Assembly also used

the Voting Rights Act, but in a perverse way that actually disenfranchised African American voters. Under the North Carolina Constitution, voting districts are not supposed to cross county lines unless necessary under federal law, such as the Voting Rights Act. Ostensibly acting pursuant to the act, the legislature drew districts that packed African American voters into super-majority districts, increasing the number of districts controlled by white voters.

Lenoir County has always been split between two U.S. congressional districts: District 1 represented by the African American choice candidate G.K. Butterfield, and majority white District 3 represented by Republican Walter Jones. The 2010 redistricting packed District 1 (in yellow on the below map) with majority African American census tracts from Durham to La Grange, and all the way up to the northeastern corner of the state. The Northwest corner of Lenoir County that was previously in the more compact version of District 1 has been moved to District 3, dividing one precinct and effectively depriving African American voters in La Grange of choice in congressional representation.

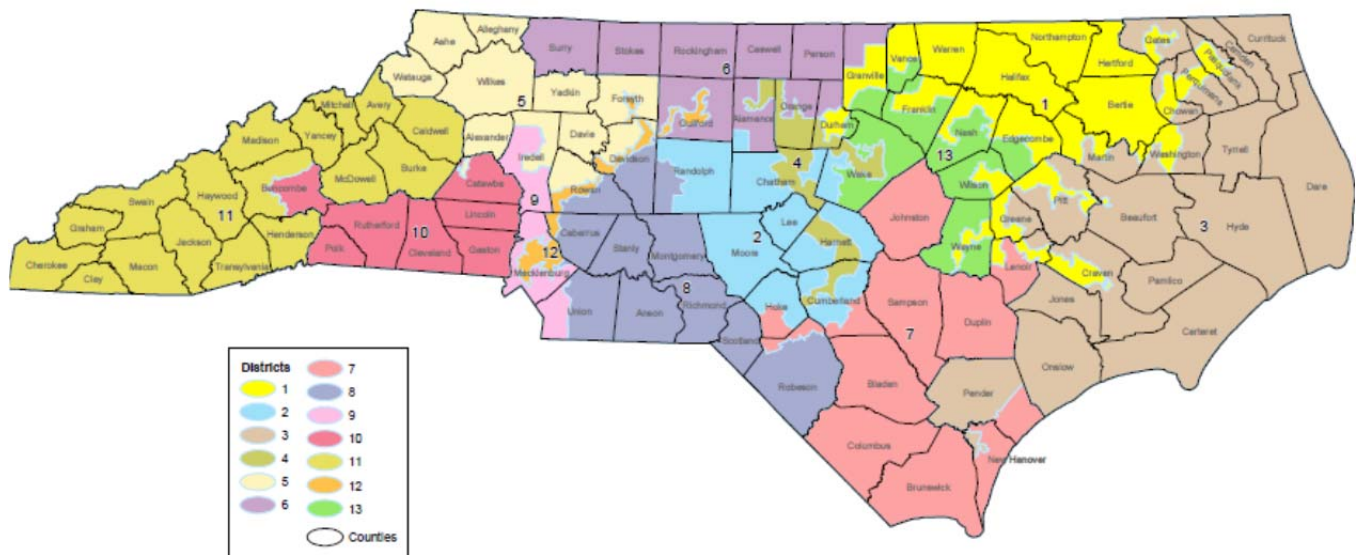


Figure 4: U.S. Congressional Districts from 2011 Redistricting

Lenoir County has been divided between two NC House Districts 10 and 12 both before and after the redistricting. The redistricting, however, splits more than twice as many Lenoir county precincts as before, 22 as opposed to 9. Neither of the redrawn districts is competitive. District 10, the majority white district, is almost completely cut in half by District 12, and includes parts of Lenoir, Greene, Craven, and Wayne counties. In 2012, the Republican John Bell beat his Democratic challenger Jim Hardison 67% to 33%. As Hardison said: "We both worked hard. I would say that this election was not determined today but it was determined July 27, 2011, when redistricting was approved by the legislature." District 12, the packed African American district covering the same counties is at least contiguous, even though very long and skinny, but no more competitive. The African American Democratic Candidate George Graham prevailed 66% to 34%. Even though some African Americans in Lenoir County were able to elect the candidate of their choice, dividing the counties into completely uncompetitive districts minimizes voter representation overall. Worse, packing African Americans into particular districts decreases the overall number of African American choice representatives and lowers the political influence of the handful of representatives who are elected.

Prior to the 2010 redistricting all of Lenoir County was in N.C. Senate District 10, but is now divided between Districts 5 and 7. District 5, including most of Kinston and the eastern portion of La Grange, is drawn to pack African American voters and disenfranchise the minority remaining in District 7. Eight precincts in Lenoir County are divided between the two senate districts.

Utilities and Infrastructure

Water and Sewer Service:

Public water is provided through much of the county by the municipalities and two water suppliers, North Lenoir Water Corporation and Deep Run Water Corporation. The water corporations and the towns, with the exception of La Grange, purchase water in bulk through the Neuse Regional Water and Sewer Authority (NRWSA). North Lenoir serves the northern portion of the county with the exception of Kinston, the portion of Grifton that is in Lenoir County, and a portion of the western part of the county north of La Grange. Kinston, Grifton, Pink Hill, and La Grange provide water within the city limits and surrounding area, and Deep Run serves most of the county's southern portion. Almost the entire county is

therefore served with water, except for sections in the northwest, the southeast, and a small area in the middle of the county. These unserved areas include majority African American and Latino neighborhoods to the north and the south of La Grange. Both Kinston and La Grange provide water to some, but not all, of their extraterritorial jurisdiction (ETJ), areas in which that the towns exert some regulatory authority, although they are outside city limits.

Sewer service is only provided by the municipalities and is limited primarily to their corporate boundaries, with some service in the ETJ. In Kinston two satellite areas within city limits are not covered by sewer, but the lines extend down Highways 70 and 58, and also serve a portion of the ETJ to the northwest by the airport. La Grange also provides sewer service beyond its corporate limits, but rates are almost twice as high as for in-town customers. Most of the unincorporated area of county lacks sewer service.

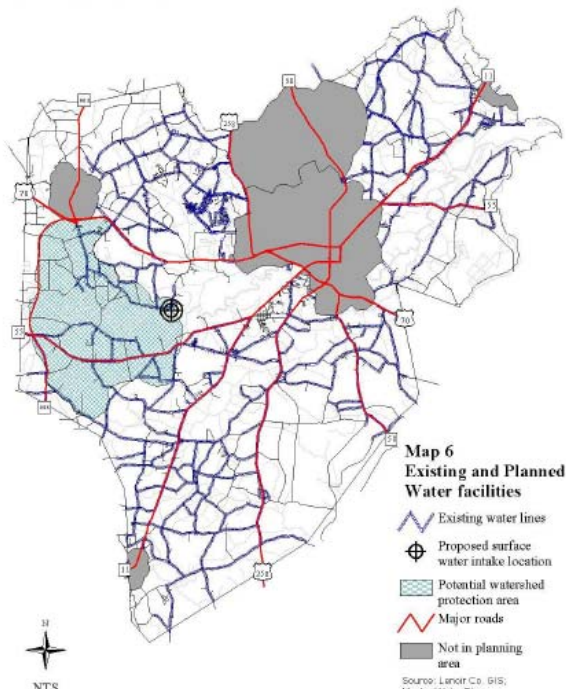


Figure 5: Lenoir County Water Lines

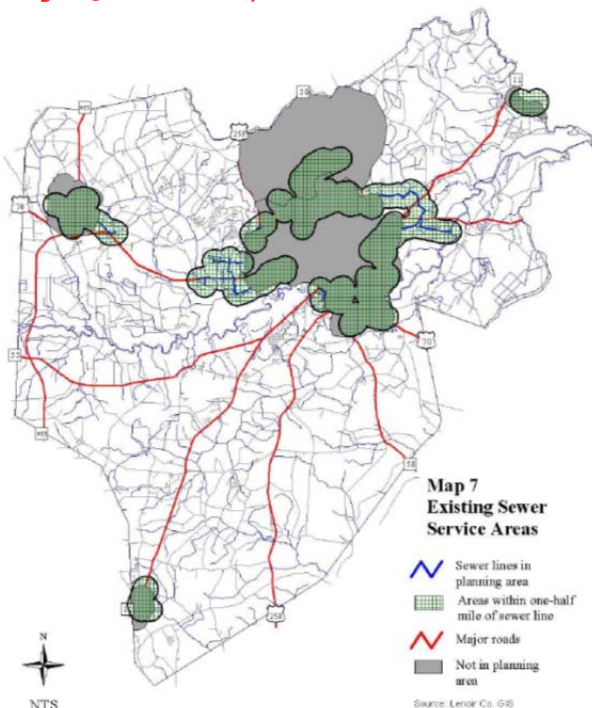


Figure 6: Lenoir County Sewer Lines

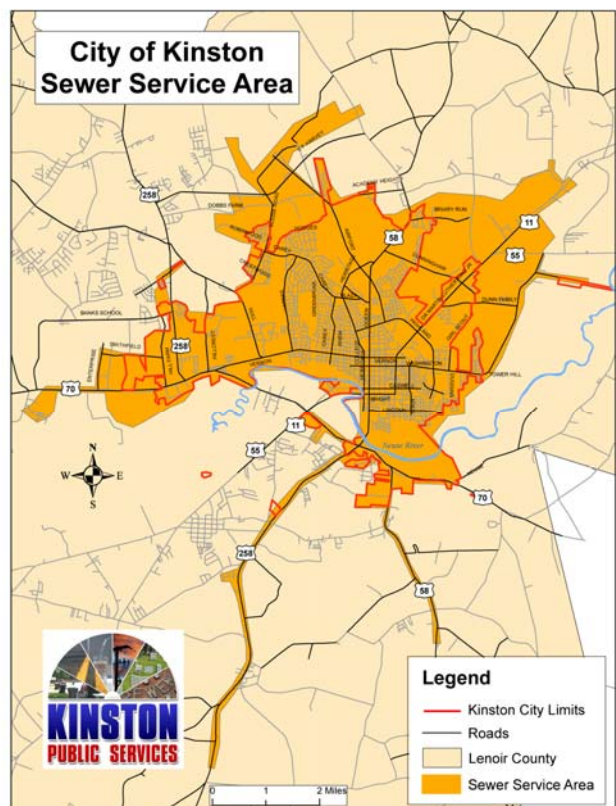


Figure 7: Kinston Sewer Service

Electric Service:

Kinston and La Grange are part of ElectriCities, the association of municipal power agencies in North Carolina, and both provide electric service to municipal residents and households beyond their corporate limits as well. Duke Power and the Tri County Electric Membership Corporation also provide service. ElectriCities rates are on average about a third higher than Duke’s rates. Kinston’s service area extends well beyond its corporate limits, and includes many majority African American and majority Latino census blocks. On the other hand, some city residents are not required to purchase electricity from the town, particularly majority white areas on the western side. Customers generally have no choice between electric service providers, and towns are allowed to transfer electric revenues to their general operating fund. The result is that customers outside the city limits are subsidizing city services provided only to city residents, some of whom still pay the dramatically lower private electric rate.

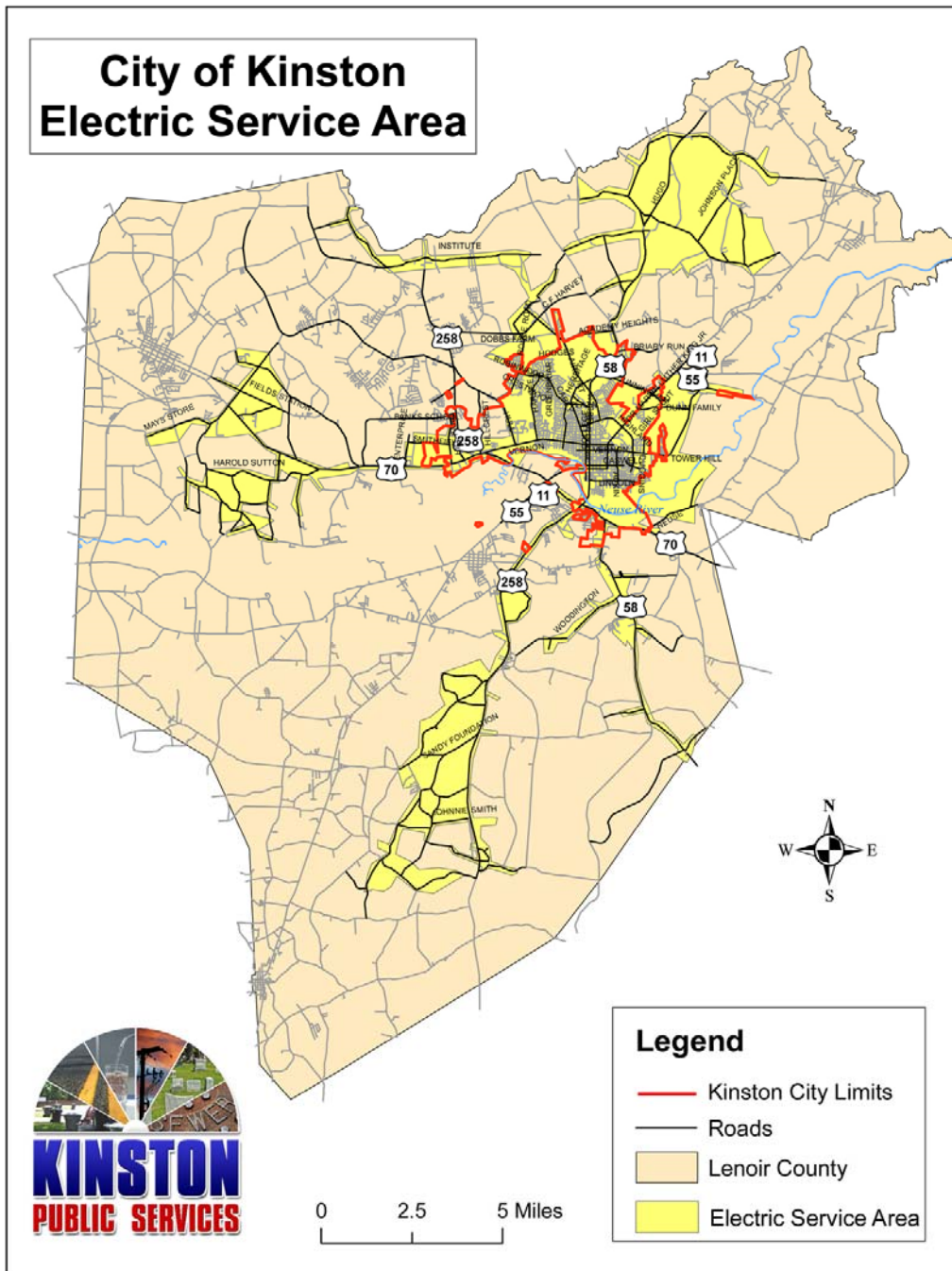


Figure 8: Kinston Electric Service

Conclusions and Recommendations:

African Americans are underrepresented at every local government board with the sole exception of the La Grange Town Council. Without the protection of Section 5 of the Voting Rights Act, there may be little hope for improvement and any redistricting plans or voting changes should be closely watched. Countywide districts should be redrawn to maximize African American voting strength, the possibility of districted elections for Kinston town council should be explored, and advocates should work to identify and encourage non-white candidates to run for office.

School reassignment policies, curriculum offerings, and teacher assignment must be assessed to ensure equal access to high quality education for all Lenoir county students. The legal merger of the school districts twenty years ago must now be made a reality and the continuing legacy of the disparities between city and county schools eliminated.

Lenoir County generally seems to equitably provide water and sewer to its residents. Unlike some neighboring counties, African Americans do not face widespread exclusion from water and sewer systems. Water service is nearly countywide, and sewer service is concentrated in the municipalities, which is also where the African American population is concentrated. However, this same concentration of African Americans in the municipalities reveals a disparate system when it comes to electric service. Electric rates are substantially higher in Kinston and La Grange, which supplement their city budgets with electric revenues. Most disadvantaged in this situation are African American and Latino neighborhoods outside city boundaries that are nonetheless forced to buy electricity from the municipalities at inflated rates. The issue with ElectricCities is a statewide problem that cannot be solved by only Lenoir County; however, the municipalities ought to immediately cease any transfers to their general revenue.



Figure 9: UNC Law Students and Attorneys from the UNC Center for Civil Rights at the Old Well Memorial to Harvey Beech, a Kinston native and civil rights lawyer who was one of the first African American Students admitted to the UNC School of Law

About the Inclusion Project:

Civil rights advocates have long recognized that housing segregation creates inequality in living conditions related to housing, like clean drinking water, the type and condition of homes, and exposure to pollution. Residential segregation also undermines equal access to education, public resources, and employment, and frustrates democracy at every level. Despite this understanding, most advocates address these issues in isolation. Schools may desegregate for a time, but as segregated housing patterns persist they tend to resegregate. A community may successfully fight off one polluter but lack the political power to prevent the next. Few victories stay won.

One impediment to inclusion is an individualistic legal framework where civil rights are perceived as individual rights and racial discrimination as a personal experience. The opposite is true. Housing segregation operates at a neighborhood level. When a neighborhood is overwhelmingly one race, all of the residents face impacts of that segregation, regardless of their own race or circumstances. Individuals face other forms of racial discrimination individually, for example in employment or access to higher education, but even these types of discrimination are reinforced and perpetuated by segregated communities.

This project uses North Carolina as a case study of impacts tied to super-majority non-white neighborhoods called excluded communities. The term “excluded” is applied broadly to refer to any community excluded socially, politically, or economically from opportunities available to other residents. These studies hypothesize that super-majority non-white neighborhoods face more severe impacts of housing segregation, suggestive of community exclusion based on race.

One particular form of exclusion this report analyzes is the phenomenon of municipal underbounding. Underbounding occurs where a municipality’s limits do not include a neighborhood that would otherwise be within the municipal limits based upon its location, density, and history. Underbounding is sometimes obvious; an African American neighborhood may be “a doughnut hole,” completely surrounded by the municipal limits but not included. Other cases are not as immediately apparent; a community may be near but not directly adjacent to a municipality, but still underbounded based upon the social and historical context.

The goal is to provide communities, advocates, and policy makers with an understanding of the shared causes of the overlapping challenges facing excluded communities, provide them with data on the seriousness of the issues, and to suggest where additional data is needed. The first phase of the project was a statewide analysis resulting in the publication of the *State of Exclusion* report. The results were startling, especially with respect to educational disparities and environmental justice issues, but ultimately the report raised more questions than provided answers. The Inclusion Project of the UNC Center for Civil Rights now continues this work with further research into individual counties and communities and through continued direct representation.

We know that the information in this report on Lenoir County is of necessity incomplete. We look forward to hearing from residents, advocates, and community leaders as we continue to uncover the history of exclusion.

Peter Gilbert, Equal Justice Works Fellow Sponsored by the Norflet Progress Fund

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