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VOLUME 24 NO. 46 WEEK OF NOVEMBER 13, 2022 $1.00

Benedict College ends the regular season with a perfect 10-0 record.

UNC School of Law commemorates Sylvia Allen with scholarship

By Ben Sessoms

CAROLINA PUBLIC PRESS

In the mid-1950s, Sylvia Allen remembered running up the steps of UNC Chapel Hill's School of Law, looking all around in awe. "I would love to come to school here," she said in a recording from the N.C. Association of Black Lawyers.

And she did. She enrolled in the law school in 1958 and graduated in 1962, breaking many barriers along the way. She became the first Black woman to graduate from the law school and later served as the first Black woman in both the state and the 12th Judicial District in Cumberland County as assistant district attorney.

Last week, the School of Law alumni created a scholarship in the name of Allen and unveiled a portrait of her that will be permanently displayed on campus. "She was all of 5-feet tall, she was little," said Sylvia Allen's daughter Kathryn Allen. "But you couldn't have told her that. She might as well have been 6-foot-10 … she was huge in what she stood up for."

At a time when the United States continues to reckon with racial inequality and discrimination in its institutions, her legacy

Please see **SCHOLARSHIP/2A**

Warn of winter COVID surge

By Issac Morgan

WORD IN BLACK

For Briana Michel, a Florida A&M senior broadcast student, wearing a face mask for protection against COVID-19 seems a thing of the past. "From my perspective, I don't think students are worried about COVID," Michel said in an interview with the Florida Phoenix. "I don't know anyone personally that wears a mask. When necessary, I did wear one.

"It just all seems like too much. I don't think the masks are doing what people are thinking they are doing. I certainly wouldn't say the pandemic is over, it's just calmed down a little."

That's also the sentiment for many college students at FAMU. But the threat from the global pandemic is not over. New subvariants of omicron are seeping into the United States and across the globe, and may not be as effective against existing COVID vaccines, according to global and federal health authorities.

Abraiya Ruffin, a senior majoring in broadcast journalism, told the Phoenix that she's comfortable without wearing a mask but follows other safety measures while on campus.

"Honestly, my thoughts on COVID safety and health precautions, I would say that if anyone is sick that they should absolutely wear a mask and make sure that they are sanitizing their hands, especially when you're in large crowds of people," Ruffin said. "But I feel if you're confident that you are not sick or obviously you've been tested for COVID and it came back negative, you don't have to wear masks."

Dr. Syra Madad, senior director of the systemwide special pathogens program at NYC Health + Hospital, said in a phone conversation with the Phoenix that COVID infections will likely climb during winter because of the highly transmissible omicron variant and other emerging subvariants. And to fight the outbreak, it's important to stay "up to date with your vaccination because that is one of the best defenses we have against COVID-19," Madad argued.

"I think we definitely are in for an uptick in cases of COVID-19. The question is how significant is the uptick going to be," Madad said. "Is it going to be at the level of a significant surge like we saw last year when we saw the introduction of omicron right after Thanksgiving? And then

Please see **COVID/2A**

New Sheriff in Wake County

COURTESY

Willie Rowe, front row, black suit, celebrates with supporters after voters elected him Wake County's new sheriff. Rowe defeated Donnie Harrison who was hoping for a second term in office after being defeated by former Wake County Sheriff Gerald Baker. Rowe, who won 53% of the votes, defeated Baker in the May primaries.

FILE

North Carolina Democrats kept control of the House by one seat.

Gov. Cooper veto power still intact as NC GOP gains limited

By Gary D. Robertson

THE ASSOCIATED PRESS

RALEIGH — North Carolina Democrats appeared successful — but just barely — in preserving Gov. Roy Cooper's veto power to block Republican bills on abortion and other divisive issues by tamping down GOP seat gains at the General Assembly.

Results from Tuesday's elections show that Republicans were headed toward gaining a veto-proof majority in the Senate by winning 30 of the chamber's 50 seats. They currently hold 28. Results have Republican candidates winning 29 seats and leading in the race for one more seat.

But it appears the GOP fell short in getting the three additional House seats they needed to win a similar majority there, too, according to political leaders. House Majority Leader John Bell said the Republicans won 71 of the 120 seats — one short of the 72 necessary for a veto-proof margin. This means Republican leaders won't be able to successfully override Cooper's vetoes at will during his final two years in office — even if GOP lawmakers are united — unless they get help from at least one Democrat.

Republican majorities haven't been veto-proof since late 2018. Most of Cooper's vetoes were overridden during that previous two-year period. But since early 2019, none of Cooper's 47 vetoes have been overridden. The shortfall marked a significant victory for Cooper, who made preserving the value of his vetoes a top priority during this fall's

Please see **COOPER/2A**

Test results confirm learning loss

By Mia Khatib

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National data released last month confirmed what educators across the country already knew: the pandemic disrupted learning progress and exacerbated achievement gaps for many student groups.

The 2022 National Assessment of Educational Progress, or the nation's report card, shows how fourth and eighth grade students have fared in math and reading since 2019, the last reported year before the pandemic. North Carolina student scores have declined in both subjects and grade levels, but the state's scores mirror the national averages, the data shows.

N.C. Department of Public Instruction Deputy State Superintendent, Michael Maher, told The Tribune that the NAEP data confirms the findings of a state report on the impact of lost instructional time from earlier this year. NCDPI noted in a press release that no state or jurisdiction improved in fourth or eighth grade reading since 2019, except for eighth grade reading in Department of Defense schools, and fourth and eighth grade average math scores for North Carolina hasn't been this low since 2000.

Among all race/ethnicity reporting groups in the state, Black students had the lowest percentage of students achieving at or above NAEP Basic level for both subjects and grade levels in 2022. The achievement gap between Black and white students in fourth and eighth grade this year is not significantly different from the gap in 1998 for reading, and 2000 for math. These gaps widened from 2019 to 2022 in both grades and subjects except for eighth grade reading, where the gap closed by 3%.

In 2022, students who are eligible for the National School Lunch Program achieved an average of at least 20 points lower than students who aren't eligible in both grades and subjects. These scores aren't significantly different than in 1998 for eighth and fourth grade reading and in 2000 for eighth grade math. However, this gap has widened since 2000 for fourth grade math.

"North Carolina has made a great deal of progress in the last 10 years in closing the achievement gap, and, unfortunately, the pandemic erased a lot of that work that we did," Maher said.

Southern Regional Education Board Program Director, Jason Adair, said the SREB is coaching teachers to help close these gaps through intervention. Instead of teaching below grade level just in

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Cooper keeps veto power as NC Dems keep House

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elections.

Cooper and his Democratic allies raised and spent millions of dollars during the campaigns warning voters that Republicans could pass severe abortion restrictions if they gained veto-proof majorities. "We stopped a GOP supermajority ... when North Carolinians voted for balance and progress," Cooper tweeted late Tuesday night. "I'll continue to work with this legislature to support a growing economy, more clean energy, better health care and strong public schools.

Republicans have said they were prepared to consider additional abortion restrictions next year in light of the U.S. Supreme Court striking down Roe v. Wade. Now it's unclear if they'll advance on this issue or how. Abortion is prohibited in North Carolina after 20 weeks of pregnancy, with some narrow exceptions. Cooper's vetoes foiled limited abortion changes in 2019 and 2021.

The state constitution requires 60% of the members present in each chamber to vote to override to be successful, so absences can adjust the vote margins necessary.

Other measures that Cooper has vetoed in the recent past loosened gun laws or forced sheriffs to help U.S. immigration agents in holding defendants believed to be in the country unlawfully.

Having enough Democrats to uphold Cooper's vetoes also will give him leverage for negotiations. He is barred by term limits from seeking reelection in 2024.

Senate Republicans expanded their majority in part by unseating longtime Sen. Toby Fitch of Wilson County, who lost to former GOP Sen. Buck Newton. They also managed to hold a competitive seat in New Hanover County by getting GOP Sen. Michael Lee reelected and won a Democratic-leaning seat covering several northeastern counties as GOP Sen. Bobby Hanig defeated Democrat Valerie Jordan.

"This election has been a barometer for where voters want their state and country to go," Senate leader Phil Berger, a Rockingham County Republican, said in a news release celebrating a veto-proof majority in his chamber. "The Republican platform of low taxes, job creation, expanded parental choice, and quality education, is one that reflects the needs of all North Carolinians."

Democrats managed to win a pair of Wake County Senate seats where abortion had become a top issue. Sen. Sydney Batch defeated Marc Cavailero, while Mary Wills Bode won over E.C. Sykes.

The four candidates combined spent $6.9 million through late October, according to campaign finance reports.

In the House, Republicans were successful in unseating a handful of incumbent Democrats in rural and eastern North Carolina. They include Rep. Howard Hunter III of Hertford County, James Gailliard of Nash County and Terry Garrison of Vance County.

But redistricting earlier this year forced pairs of Republican incumbents to run for the same seat in the May primary, decreasing the number of GOP members that could return to Raleigh in 2023.Republican Stephen Ross of Alamance County will be back in the House in January after defeating Democratic Rep. Ricky Hurtado. Ross represented the region for eight years in the House before Hurtado unseated him in 2020.

Health experts warn of winter COVID surge amid fewer precautions

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we saw a significant surge of infections in December, January, and February."

Dr. Michael Teng, University of South Florida associate professor of medicine, said in a phone conversation that current vaccines and even treatments used for COVID "may not be as effective" against BQ.1 and BQ 1.1.

"The one real problem with the BQ.1 and BQ 1.1 is that they have mutations that makes them resistant to the monoclonal antibodies that we have out there," Teng said. "Those are the ones that are starting to get the higher proportions in the U.S."

But BA.5 continues to dominate variants circulating in the U.S., accounting for 49.6% of COVID cases, according to the latest CDC report.

XBB is a new subvariant part of the omicron family, according to the World Health Organization, which has been tracking it and other concerning variants. There is limited information about the variant, but early data suggest that XBB "is the most antibody-evasive" COVID variant to date, WHO officials said in a recent COVID-19 report.

In an email, a WHO spokesperson said XBB has been identified in 35 countries, as of Oct. 25, with the "majority from Asia, though it has been reported from countries around the world.

"This [XBB] variant seems to have a growth advantage from the limited data available. It has a number of mutations, some of which may make it able to evade prior immunity. This may give it the ability to cause a new wave of infection. Lab and epidemiological studies are ongoing to better understand the potential of this variant to evade prior immunity."

National test results confirm pandemic learning loss and widens racial gap

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case, Adair said it's important for teachers to teach "right at the moment that the gap illuminates."

For example, instead of teaching students all the vocabulary they need to know to be at grade level, "as they're reading and they get to that word, we want to teach them how to use the context of the sentence or what's happening in the story to see if they can decode that word," he said. "We're never going to close that achievement gap if we're always teaching a grade level below or two grade levels below."

SREB Policy Analyst Director Jeff Gagne said when students aren't reading at grade level by fourth grade, they continue to struggle in eighth grade and beyond. He said the organization has been focused on decreasing the percentage of students in SREB states achieving below NAEP Basic level and has seen some success over the past couple of cycles.

"Now with the 2022 release, the below Basic category has once again taken on a greater percentage of students and that's not a good thing. What we want to see is that shift back the other way," he said.

UNC School of Law honors Sylvia Allen

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is all the more relevant and timely.

Allen didn't enroll at the UNC School of Law until 1958 after she gave birth to Kathryn Allen. During her time at UNC, Sylvia Allen would leave her Fayetteville home in the early morning and leave school promptly after class to take care of her six children, according to writings from the Allen family that are included in a booklet celebrating the 240th anniversary of the district in Cumberland.

On her way to school one morning, Sylvia Allen was in a near-fatal car accident. Kathryn Allen said that one of her first memories as a child was seeing her mother in a body cast. "They told her she would never walk again," she said.

But the accident didn't stop Syliva Allen. Even when she wasn't able to hold the book to read, she asked her oldest daughter, Resna Hammer, to read her law textbooks to her. Sylvia Allen eventually recovered with her graduation delayed by only a year.

More than a year after the murder of George Floyd and the national protests, debate and political promises spurred on by the Black Lives Matter movement, many Black Americans are concerned about racial discrimination and its impact, states an August 2022 Pew report.

Well before Black Lives Matter formed, Allen was advocating for Black people in Fayetteville and beyond. In the weeks after her appointment as assistant district attorney, she refused to prosecute people who were threatened with arrest for protesting funding decisions by the city of Fayetteville outside City Hall. She and her husband would also at times travel to Greensboro to bail out student demonstrators arrested at civil rights protests, including Hammer, their daughter.

COURTESY OF ALLEN FAMILY

UNC School of Law alumni have created a scholarship in Allen's name to honor her legacy and to promote diversity at the school.

"She was before her time," Kathryn Allen said. "Social justice and the whole concept of Black Lives Matter. All of those that are our words of this day, my mom lived that 50, 40 years ago. She was doing it then."

Jim Ammons, senior resident Superior Court judge for the 12th Judicial District and family friend of the Allens', spoke at the Cumberland County Board of Commissioners meeting y to commemorate Sylvia Allen after the unveiling of her portrait at the UNC School of Law.

"Sylvia was often the voice for folks who had no other voice," Ammons said. "She was a caring person with a great sense of justice and was tenacious in pursuing fairness and equality for everyone."

Allen died in 2012, but her legacy as a Black female lawyer lives on in both the community and within her family. Her granddaughter Rachael Hammer is a third-generation Black female lawyer. "She had to do it, she had to stand up," Kathryn Allen said in remembering a phrase her mother repeated often. "That's what I really want people to remember the most is that we all have to stand up in whatever challenge we find, whatever obstacle we face in the world … we have to stand up."

BUSINESS BRIEFS

DURHAM CHAMBER

The next Chamber C-Suite Conversation, with guest Anita Holt of The Forest at Duke, is Nov. 17, 8:45 to 10 a.m., Boxyard RTP, 900 Park Offices Drive, RTP. Visit durham-chamber.org.

MIXER

Greater Durham Black Chamber of Commerce's next Black Business Mixer is Nov. 17, 5-7 p.m., CAARE The Healing Center, 214 Broadway St., Durham.

GRANTS

Community revitalization grants are available to help BIPOC small businesses in east Durham and along Fayetteville Street Corridor. Apply at www.dcabpinc.org by Dec. 1.

OPENINGS

* JN Duke Hotel has reopened its Lobby Lounge. Learn more at jbdukehotel.com.

Send business briefs to info@triangletribune.com.

NARA

Two U.S. soldiers on Easter morning, 1945.

Black GIs of WWII: Fighting for democracy abroad and at home

By Maria Höhn

THE CONVERSATION

Until the 21st century, the contributions of African American soldiers in World War II barely registered in America's collective memory of that war. The "tan soldiers," as the Black press affectionately called them, were also for the most part left out of the triumphant narrative of America's "Greatest Generation." In order to tell their story of helping defeat Nazi Germany in my 2010 book, "Breath of Freedom," I had to conduct research in more than 40 different archives in the U.S. and Germany.

When a German TV production company, together with Smithsonian TV, turned that book into a documentary, the filmmakers searched U.S. media and military archives for two years for footage of black GIs in the final push into Germany and during the occupation of post-war Germany. They watched hundreds of hours of film and discovered less than 10 minutes of footage. This despite the fact that among the 16 million U.S. soldiers who fought in World War II, about 1 million were Black soldiers.

They fought in the Pacific, and they were part of the victorious army that liberated Europe from Nazi rule. Black soldiers were also part of the U.S. Army of occupation in Germany after the war. Still serving in strictly segregated units, they were sent to democratize the Germans and expunge all forms of racism. It was that experience that convinced many of these veterans to continue their struggle for equality when they returned home to the U.S. They were to become the foot soldiers of the civil rights movement.

By deploying troops abroad as warriors for and emissaries of American democracy, the military literally exported the African American freedom struggle. Beginning in 1933, when Adolf Hitler came to power, African American activists and the Black press used white America's condemnation of Nazi racism to expose and indict the abuses of Jim Crow at home. America's entry into the war and the struggle against Nazi Germany allowed civil rights activists to significantly step up their rhetoric.

Langston Hughes' 1943 poem, "From Beaumont to Detroit," addressed to America, eloquently expressed that sentiment: "You jim crowed me / Before hitler rose to power- / And you are still jim crowing me- / Right now this very hour."

Believing that fighting for American democracy abroad would finally grant African Americans full citizenship at home, civil rights activists put pressure on the U.S. government to allow African American soldiers to "fight like men," side by side with white troops. The military brass, disproportionately dominated by white Southern officers, refused. They argued that such a step would undermine military efficiency and negatively impact the morale of white soldiers. In an integrated military, Black officers or NCOs might also end up commanding white troops. Such a challenge to the Jim Crow racial order based on white supremacy was seen as unacceptable.

The manpower of Black soldiers was needed in order to win the war, but the military brass got its way; America's Jim Crow order was to be upheld. African Americans were allowed to train as pilots in the segregated Tuskegee Airmen. The 92nd Buffalo Soldiers and 93rd Blue Helmets all-black divisions were activated and sent abroad under the command of white officers.

Despite these concessions, 90% of Black troops were forced to serve in

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COURTESY

Cheri Beasley was hoping to become the first Black woman from North Carolina elected to the United States Senate.

Beasley vows to fight on despite loss in Senate race

By Mia Khatib
mia.khatib@triangletribune.com

RALEIGH — Trump-endorsed Republican candidate Ted Budd won North Carolina's open Senate seat on Tuesday, beating former N.C. Supreme Court Justice and Democrat Cheri Beasley.

After a close race for retiring Sen. Richard Burr's spot, Budd secured his seat, which has been in Republican control since 2008, with 51% of votes, according to the Associated Press' tally. Beasley fell behind with 47% of votes.

Despite the loss, Beasley made history as the first Black woman to be nominated to represent N.C. in the U.S. Senate. At her Election Day party in downtown Raleigh, Beasley thanked her family and supporters and said she will continue to fight for democracy.

"While I certainly wished for a different outcome, I'm not leaving the fight because the issues that I ran on are too important and an election doesn't determine my voice," she said. "Progress in this country has never been promised; it takes time, and always in the face of injustice and adversity, we have continued to fight. By taking up the fight, we have made progress."

Beasley supporter Surluta Anthony, 75, said she was elated that it was a close race and proud of Beasley's efforts. She said this will only propel Beasley and her supporters to work harder for 2024.

"I still think we're going to have a strong voice, because coming so close, the establishment will have to listen," she said. "If [Budd] is any kind of leader and has any kind of intelligence, he would know that he should represent all of the people in North Carolina."

Greear Webb, co-founder of Young Americans Protest, a nonprofit that works to engage young people in N.C.'s political atmosphere, told The Tribune that he is disappointed in the outcome but hopes Budd realizes the state's diversity and leads in an honest way. Webb, who is unaffiliated, said candidates should reach out to young people even when it's not an election year.

"[Candidates should] engage with young people and include us in policy conversations so that when it comes time for an election, we trust them and are doing everything we can as youth to put them into office or back into office," he said.

Webb also said that having more Black and brown representatives in office is critical because it uplifts the voices and experiences of marginalized people and allows them to see the possibilities.

"We want to make sure, in a country as diverse as the United States and in a state as diverse as North Carolina, that every perspective, especially those that have been ignored in the past, are elevated and we're able to handle conversations as a colorful and unique body of citizens," he said.

Nickel wins North Carolina US House seat over GOP's Hines

By Hannah Schoenbaum
THE ASSOCIATED PRESS

RALEIGH — North Carolina Democratic state Sen. Wiley Nickel defeated Republican political newcomer Bo Hines for an open U.S. House seat in a competitive district along Raleigh's southern border, marking one of Democrats' few major successes in the Southern swing state.

With Nickel's win in the 13th District, and another Democratic victory in the new 14th District, North Carolina Democrats flipped one seat and gained another, bringing the state's representation in Congress to a 7-7 tie.

Nickel, who has served Raleigh and nearby Cary in the state Senate since 2019, will represent the urban, suburban and rural communities of the newly redrawn and relocated 13th District. "I got into this to build a better world for my kids, and that's the message that we took to every voter in this district," Nickel said in a speech Tuesday night.

His opponent, a 27-year-old former college football player who had former President Donald Trump's endorsement, had relocated to the district from Winston-Salem just a month before the May primary. "I want to congratulate Wiley Nickel," Hines said Tuesday night. "I hope he loves this community as much as I do."

North Carolina Republicans held eight seats heading into this year, and Democrats held five. But several districts in this election cycle bore little resemblance to their previous iterations after a lengthy redistricting battle scrambled the state's congressional map to account for the new fourteenth seat it was awarded following the 2020 census.

Regarded as one of the nation's few battlegrounds for congressional control, the 13th stretches from the southern border of the capital city beltline to the farm land outside Goldsboro. Republican U.S. Rep. Ted Budd, North Carolina's new senator-elect, is vacating the seat, but the 13th he currently represents shares no common ground with its new form. The recent relocation situated the state's marquee race between Nickel and Hines in uncharted territory for both parties.

The two spent the campaign cycle accusing the other of extreme views while trying to paint themselves as moderate enough to represent the district's diverse constituency. At a polling location in Holly Springs, a Raleigh suburb that epitomizes the district's narrow partisan divide, voters said they are less focused on the individual candidates and more focused on the national parties' agendas.

Mark Swanson, a 50-year-old unaffiliated voter who cast his ballot for Nickel, said he doesn't believe Republican control of Congress will improve the economy, noting that the pandemic illuminated long-term flaws in the global supply chain.

"I can't vote Republican right now," Swanson said. "What's their solution to anything? They just complain about the economy stuff but, what, tax cuts and deregulation is going to solve all those problems? It's not true. They've been doing that for years and it hasn't done a damn thing."

Aaron Wenzel, a 47-year-old registered Republican who voted for Hines, said he tends to support Republican candidates for federal offices and Democratic candidates for school board. The father of two said he thinks Hines is the right candidate to represent his "fiscally conservative perspective" at the national level, but that Democrats' ambitious spending goals are needed at the local level to bring North Carolina's public schools "up to par."

North Carolina Republican state Sen. Chuck Edwards also defeated Democrat Jasmine Beach-Ferrara to win an open U.S. House seat in the western North Carolina district currently represented by GOP Rep. Madison Cawthorn, whom Edwards beat in the primary. The 11th District includes the progressive arts hub of Asheville tucked between many of the state's deep red mountain towns bordering Tennessee and Georgia.

Hannah Schoenbaum is a corps member for the Associated Press/Report for America Statehouse News Initiative.

Black GIs of WWII: Fighting for democracy

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labor and supply units, rather than the more prestigious combat units. Except for a few short weeks during the Battle of the Bulge in the winter of 1944, when commanders were desperate for manpower, all U.S. soldiers served in strictly segregated units. Even the blood banks were segregated.

Serving in labor and supply units, they had access to all the goods and provisions starving Germans living in the ruins of their country yearned for. African American cultural expressions such as jazz, defamed and banned by the Nazis, were another reason so many Germans were drawn to their Black liberators. White America was stunned to see how much black GIs enjoyed their time abroad, and how much they dreaded their return home to the U.S.

NC high court backs move forcing school spending

By Gary D. Robertson
THE ASSOCIATED PRESS

RALEIGH — A local North Carolina judge had the power to transfer large amounts of taxpayer dollars from government coffers to state agencies to carry out a plan to address longstanding education inequities, the state Supreme Court ruled last week.

In another landmark decision from school funding litigation that began three decades ago, the court's Democratic majority declared it was legitimate for Superior Court Judge David Lee last year to order the movement of $1.75 billion from state coffers to agencies to implement an education remedial plan he approved earlier. The transfer had been blocked on appeal. Friday's majority instructed another trial judge to order state officials to move those funds once he recalculates further how much money is needed to fulfill two years of that eight-year plan.

Republican legislative leaders argued that only the General Assembly has authority to appropriate money, citing language within the North Carolina Constitution. But in a 4-3 decision, justices agreed with Lee, who died last month, that previous Supreme Court decisions in the case, along with the constitution's declaration addressing the people's "right to the privilege of education," gave him authority to order funds be spent without a specific General Assembly law.

Associate Justice Robin Hudson, writing the 139-page majority opinion, described this an "extraordinary" situation for courts to intervene after a 1997 Supreme Court ruling that found there was a constitutionally protected right for children to obtain the "opportunity for a sound basic education." In 2004, justices declared that the state had failed to live up to that mandate.

As did Lee, Hudson cited the repeated unwillingness of other parts of state government to provide the resources necessary to comply with those rulings for affirming the transfer after years of judicial deference.

"Today, that deference expires," Hudson said. "Now, this court must determine whether that duty is a binding obligation or an unenforceable suggestion. We hold the former: the state may not indefinitely violate the constitutional rights of North Carolina schoolchildren without consequence."

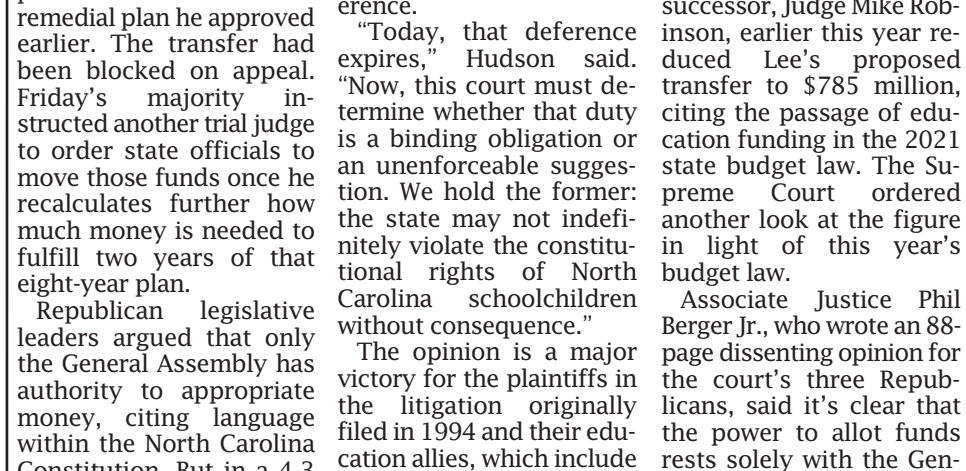
The opinion is a major victory for the plaintiffs in the litigation originally filed in 1994 and their education allies, which include Democratic Gov. Roy Cooper. He was not named a legal party in the case, but his office helped develop the remedial plan that Lee ultimately ordered. "As the (state) Supreme Court has affirmed today, we must do more for our students all across North Carolina," Cooper said in a news release.

The justices ruled barely two months after hearing oral arguments and four days before statewide elections for two Supreme Court seats now held by Democrats Sam Ervin IV and Hudson. Ervin is seeking reelection, while Hudson is retiring. Republicans can obtain a majority if they win at least one of the seats, which could open the door for the Supreme Court to revisit the case.

The remedial plan that Lee signed off on directed at least $5.6 billion be spent by 2028 on things like improving teacher recruitment and salaries, hiring more school support personnel and expanding pre-kindergarten. Lee's successor, Judge Mike Robinson, earlier this year reduced Lee's proposed transfer to $785 million, citing the passage of education funding in the 2021 state budget law. The Supreme Court ordered another look at the figure in light of this year's budget law.

Associate Justice Phil Berger Jr., who wrote an 88-page dissenting opinion for the court's three Republicans, said it's clear that the power to allot funds rests solely with the General Assembly.

"If legislative power over appropriations is absolute, then the judicial branch has no role in this endeavor," wrote Berger. He is the son of Senate leader Phil Berger, a Rockingham County Republican, who became a legal party in the case.



How to improve diversity and inclusion in the workplace

By Towanna Burrous
AMERICAN EXPRESS

We often hear that diversity and inclusion are important in the workplace. But what exactly does that mean for an organization?

Diversity means all the ways we differ, some of which we are born with and cannot change. Anything that makes us unique is part of this definition of diversity.

Inclusion puts the concept and practice of diversity into action by creating an environment of involvement, respect, and connection – where the richness of ideas, backgrounds, and perspectives are harnessed to create business value.

Inclusion involves bringing together and harnessing these diverse forces and resources in a beneficial way. Inclusion means creating an environment of respect and connection, in which the richness of ideas, backgrounds, and perspectives are harnessed to create business value.

As the founder and CEO of CoachDiversity, I've discovered that organizational performance is strengthened when there is a proactive diversity and inclusion management strategy. This means workplace diversity and inclusion are valued, leadership is actively involved, and initiatives are incorporated into the organization's mission, policies, practices, and procedures.

Here are five strategies that employers can use to improve diversity and inclusion in the workplace.

Plan to include diversity in the workplace

Building workplace diversity helps create a space where talented individuals feel safe and respected, which yields a more productive work environment. Diversity and inclusion can boost financial performance and innovation over time. Therefore, there should be a long-term plan to include diversity at all levels of the organization. It's critical to develop a quantifiable plan and stick to it. Concrete data matters.

Invest in diversity strategies

Diversity strategies in the workplace include talent development, ongoing learning, performance management, and priming employees to become future company leaders. This is a culture shift that requires commitment and patience. Leaders can own the employee engagement process by conducting focus groups to help identify ways of enhancing the employee experience throughout the organization. This can help improve employee engagement and happiness, leading to better productivity and higher employee retention. Asking employees for their input and feedback is crucial.

Train your team in cultural sensitivity

Being aware of any gaps within the current team culture is critical before implementing cultural sensitivity training to improve it. Cultural sensitivity training can be ongoing and include checklists to ensure proper practices are upheld.

Build inclusion into the workplace

It's important to fuse diversity and inclusion into your organization's values, mission statement, marketing plans, and public image. This begins with the

Please see DIVERSITY/5A

How to improve diversity and inclusion in workplace

Continued from page 4A

commitment to building a diverse workforce that's truly inclusive and incorporates many different perspectives and outlooks. For example, create a strategic, thoughtful onboarding process with diversity and inclusion top of mind to help solidify a strong culture from the start.

Take responsibility in building workplace diversity

Prioritizing diversity and inclusion may create discomfort as employees continue to open their minds and learn from each other's experiences. It is not only up to human resources: it's everyone's responsibility to play a part in creating a culture of belonging. That begins with active and visible leadership and continues with each employee across the organization.

Republicans retake control of NC Supreme Court

By Hannah Schoenbaum
THE ASSOCIATED PRESS

RALEIGH — Two Republicans running for seats on the North Carolina Supreme Court beat their Democratic opponents Tuesday, flipping the partisan makeup of the high court in Republicans' favor for the first time since 2016. Republicans now hold a 5-2 majority on the panel.

Republican Trey Allen, general counsel for the state court system, defeated sitting Democratic Associate Justice Sam Ervin IV for his seat. And Republican Court of Appeals Judge Richard Dietz beat Democratic Court of Appeals Judge Lucy Inman for an open seat. Dietz will succeed retiring Associate Justice Robin Hudson, a Democrat who has served on the panel since 2007.

Democrats held a slim 4-3 majority on the high court heading into this year. With two Democrat-held seats up for election, Republicans only needed to win one to retake control. The victories will give the party a majority for several years, likely through at least 2028, as the next two seats up for reelection are also held by Democrats.

Democrats have warned that Republican control of the court could push state law to the right on a number of key issues, including abortion access, redistricting and gun control. It may also open the door for Republicans to draw a more politically beneficial congressional map after this election cycle and create a new avenue to weaken Democratic Gov. Roy Cooper's policy initiatives.

The races were some of the most expensive in state history, with at least $15 million in spending between the two contests. The individual campaigns reported spending $5.5 million combined through Oct. 22. Two super PACs alone spent over $8 million, mainly on television and internet ads centered around abortion.

The judicial elections come in the final months of a tumultuous court term distinguished by several split decisions favoring the Democratic majority. In legal opinions during the past two years, the majority struck down GOP-approved plans for redistricting and set the stage for a constitutional amendment requiring photo identification to vote to be struck down. And just last week, the majority also declared it had been appropriate for a judge to order taxpayer funds be transferred to state agencies for education spending without specific General Assembly action.

These high-profile rulings have drawn criticism from both sides that the judiciary has become too politicized. Thus, all four candidates ran on a similar platform: a vow to keep their personal politics from interfering with their rulings. "I'm honored and humbled to have been elected to the N.C. Supreme Court by the people of this great state," Allen wrote in a tweet Wednesday morning. "Words cannot express my gratitude for the family members, friends and thousands of volunteers whose support and hard work made this outcome possible."

North Carolina introduced partisan state supreme court elections following the 2016 cycle after the Republican-controlled General Assembly passed legislation to list the judicial candidates' party affiliations on the ballot. Lawmakers introduced the bill shortly after Democrats gained a majority on the high court that November.

Democrats have been able to quash many GOP bills in recent years, mainly with the threat or application of Cooper's veto, which hung in the balance heading into Tuesday. Republicans gained some ground in the General Assembly, but likely not enough to override the governor's veto power. Results from Tuesday's elections show that Republicans were headed toward gaining a veto-proof majority in the state.

COMMENTARY

Time's up for Clarence Thomas being on the Supreme Court

By Donald M. Suggs
The AFRO

COURTESY

Clarence Thomas talks to a group of supporters.

Clarence Thomas has been a controversial figure since Day 1, and it's time for him to step down from the United States Supreme Court.

From the allegations of sexual harassment by Anita Hill and his ethically questionable behavior and connections with his politically active wife, to his commitment to upholding laws that do harm to the Black community, Thomas' name has long been synonymous with controversy.

It began after his nomination in July 1991 to the Supreme Court by President George H.W. Bush. Thomas was selected to replace retiring civil rights icon, and the court's first African American justice, Thurgood Marshall. Who can forget the contentious confirmation hearing — and Anita Hill's testimony about alleged sexual harassment — that immediately followed?

The controversy also stems from his inexplicable, confusing, and contrarian views on race in America. From his early years to his overall performance during his 30-year tenure on the court, his rulings have justifiably earned strong disdain, even loathing among most Black Americans, as well as many Hispanics and women.

The calculation of Republicans at the time, to place a young, reliably conservative Black person in the so-called "Black seat" that was held by liberal justice Thurgood Marshall, for more than 30 years, has proven to exceed the right's wildest expectations. Thomas (only 43 when he came to the court) has repeatedly supported policies that have helped maintain the status of disenfranchised minority communities.

Thomas' ascendancy to the court has created particularly disastrous consequences for Black America's aspiration to move forward in American society. His response to criticism, while not unexpected based on his history, still shows an almost pugnacious and unyielding indifference to the plight of Black people in the United States — a condition that has plagued them since the nation's founding.

Now, he is joined on the Supreme Court by Judge Ketanji Brown Jackson, a proud Black woman, who was confirmed by the Senate despite a wild and disingenuous smear campaign against her by some Republican senators on the Judicial Committee. She is expected to offer a sharp contrast to Thomas' servile obedience to far right-wing Republican ideology and its racist political dogmas.

Remember, Thomas had succeeded a judicial giant on the court, someone who championed equal justice for all under the law during his long years as a Supreme Court Justice. Marshall was even eulogized by conservative Chief Justice William Rehnquist, who wrote, "inscribed above the front entrance of this court building are the words "equal justice under the law." Surely no individual did more to make these words a reality than Thurgood Marshall."

The Senate confirmed civil rights litigator Marshall as the first African American to serve on the Supreme Court on August 30, 1967, following his nomination by President Lyndon B. Johnson. He had led the NAACP legal team that in 1954 won Brown vs. Board of Education, a historic landmark decision that invalidated the concept of segregated public schools under the 14th Amendment, a constitutional amendment that had been enacted in 1868 after the Civil War, almost exactly a century before.

A majority on the Senate Democratic-controlled Judiciary Committee, in a rebuff to the dissenting Southern Senators on the panel, sent their majority approval to the full Senate. They reported that nominee Marshall, "demonstrated those qualities we admire in members of our highest judicial tribunal… along with a balanced approach to controversial and complicated national problems."

In contrast to Thomas, Judge Jackson embraces her role as a Black person. She proudly and unequivocally said, "It has taken 232 years and 115 prior appointments for a Black woman to be selected to serve on the Supreme Court of the United States, but we've made it. We made it — all of us."

Although Thomas is protected from a code of judicial ethics as a Supreme Court justice, a code that applies to all other federal judges, he continues to use that special dispensation to ignore any sense of duty to avoid what Justice Sonia Sotomayor called the "stink" of partisanship.

This adds weight to calls for him to leave the court to make room for someone who accepts their responsibility to protect the highest court in the country's credibility and reputation.

African Americans targeted by tobacco companies

By Alexa Spencer
WORD IN BLACK

Newports, Kools, Camels. Menthol cigarette brands like these have gone unregulated for over a decade, even as other flavored cigarettes have been banned from the market for their addictive qualities. In turn, Black folks — who were targeted by tobacco companies to use menthol products — suffer from cigarette addiction and premature death at staggering rates.

But that could change if the Food and Drug Administration moves forward with its proposal to ban menthol cigarettes for good. The potential ban comes after years of research revealing the effects of menthol, a mint-derived flavor additive that can be natural or synthetic, on smokers. According to the FDA, menthol makes cigarettes more appealing due to its minty taste and smell, and its cooling effect on the throat.

Not only has the flavoring been associated with smoking among youth, but due to its painkilling and addictive properties, it also makes quitting the habit more difficult. This means more life-long consumers for the tobacco industry while those buyers live shorter, more medically complicated lives, especially in the Black community. Nearly 85% of Black people who smoke use menthol cigarettes, compared to 30% of white smokers.

And, according to a study published by the National Journal of Medicine, while Black people make up only 12% of the U.S. population, they accounted for 41% of premature deaths from menthol cigarettes between 1980 and 2018. Dr. Keith Wailoo — a history professor at Princeton University and the author of "Pushing Cool: Racial Marketing, and the Untold Story of the Menthol Cigarette" — says it's no accident that menthol cigarettes are used so heavily in the Black community.

"That's the product of sustained marketing and a wide range of strategies that began really in the 1960s and have explained why it is that the industry has been able to grow those markets, and then politically, why they've been able to sustain those markets," he told Word In Black in a video interview.

Wailoo says that in the 1960s, tobacco companies began advertising menthol cigarettes in urban Black communities. The products were originally marketed to college students, but the industry shifted its focus after regulators cracked down on their efforts to attract young buyers.

Kool, an American menthol cigarette brand that discontinued its sales this year, regularly bought advertising space in Black publications like Ebony magazine, as well as the Chicago Defender, the Pittsburgh Courier and other newspapers. "The makers of Kool started to see a rise [in sales] based on that," Wailoo said. "And then every other company started to identify the Black inner city — some called them 'poverty markets' — as the new growth market."

Wailoo says this is an example of uneven regulation — when regulators restrict an industry from doing one thing, and in response, the industry moves deeper into Black communities. This happened again around 1971 after Congress banned tobacco companies from broadcasting television and radio ads. "What does the industry do? They redouble their efforts in advertising in Black newspapers, but also billboards" in Black communities, Wailoo says.

Advertising companies took their influence to the streets, too. A document in Wailoo's book, "Pushing Cool," details how the companies advised Camel cigarette brand on how to target Black men in St. Louis, Missouri, in 1967.

Shopping for ACA health insurance? Here's what's new

By Julie Appleby
KAISER HEALTH NEWS

It's fall again, meaning shorter days, cooler temperatures, and open enrollment for Affordable Care Act marketplace insurance. Even though much of the coverage stays the same from year to year, there are a few upcoming changes that consumers should note this fall, especially if they are having trouble buying expensive policies through their employer.

In the past year, the Biden administration and Congress have taken steps — mainly related to premiums and subsidies — that will affect 2023 coverage. Meanwhile, confusion caused by court decisions may trigger questions about coverage for preventive care or for abortion services.

Open enrollment for people who buy health insurance through the marketplaces began Nov. 1 and, in most states, lasts through Jan. 15. To get coverage that begins Jan. 1, enrollment usually must occur by Dec. 15.

Many people who get coverage through their jobs also must select a plan at this time of year. And their decisions could be affected by new ACA rules. So, what's new, and what should you know if you're shopping?

* Some families who did not qualify for ACA subsidies now do. One big change is that some families who were barred from getting federal subsidies to help them purchase ACA coverage may now qualify. A rule recently finalized by the Treasury Department was designed to address what has long been termed the "family glitch." The change expands the number of families with job-based insurance who can choose to forgo their coverage at work and qualify for subsidies to get an ACA plan instead. The White House estimates that this adjustment could help about 1 million people gain coverage or get more affordable insurance.

* Preventive care will still be covered without a copay, but abortion coverage will vary. Many people with insurance are happy when they go in for a cancer screening, or seek other preventive care, and find they don't have to pay anything out-of-pocket. That comes from a provision in the ACA that bars cost sharing for a range of preventive services, including certain tests, vaccines, and drugs. But a September ruling by U.S. District Judge Reed O'Connor in Texas led to confusion about what might be covered next year. The judge declared unconstitutional one method the government uses to determine some of the preventive treatments that are covered without patient cost sharing.

Ultimately, that might mean patients will have to start paying a share of the cost of cancer screenings or drugs that prevent the transmission of HIV. The judge has yet to rule on how many people the case will affect. But, for now, the ruling applies only to the employers and individuals who brought the lawsuit. So, don't worry. Your no-cost screening mammogram or colonoscopy is still no cost. The ruling is likely to be appealed, and no decision is expected before the start of the 2023 coverage year.

* Premiums are going up, but that may not affect most people. Health insurers are raising premium rates for both ACA plans and employer coverage. But most people who get subsidies for ACA coverage won't feel that pinch.

That's because the subsidies are tied to the cost of the second cheapest "silver" plan offered in a marketplace. (Marketplace plans are offered in colored "tiers" based on how much they potentially cost policyholders out-of-pocket.) As those baseline silver plans increase in cost, the subsidies also rise, offsetting all or most of the premium increases. Still, shop around, experts advise. Switching plans might prove cost effective.

As for subsidies, passage this summer of the Inflation Reduction Act guaranteed that the enhanced subsidies that many Americans have received under legislation tied to the COVID-19 pandemic will remain in place.

* Debts to insurers or the IRS won't stop coverage. Thank COVID for this. Typically, people who get subsidies to buy ACA plans must prove to the government on their next tax filing that they received the correct subsidy based on the income they actually received. If they fail to reconcile that with the IRS, policyholders would lose eligibility for the subsidy the next time they enroll. But, because of ongoing COVID-related problems in processing returns at the IRS, those consumers will get another reprieve, continuing an effort set in place for the tax year 2020