Allison Riggs Oral History Transcription

Abstract
Allison Riggs is a staff attorney for the Southern Coalition for Social Justice who focuses mainly on voting rights. Allison grew up in Morgantown, West Virginia and received her undergraduate and graduate education from the University of Florida. In her interview, Allison discusses her current work on voting rights, more specifically redistricting and Section 5 of the Civil Rights Act of 1965 in the state of North Carolina, and the impact that Supreme Court cases regarding voting legislation has had on North Carolina and the country as a whole. She also discusses other problematic discriminatory occurrences in North Carolina, such as police discrimination and profiling, and the subsequent collateral damages that occur from these practices.

Key Terms
501C3
American Constitution Society
Bart v. Strickland
Charleston, South Carolina
Fade Coalition
Gingles (Thornbug v. Gingles)
Governor Chris (44th Florida Governor)
Governor Scott (45th Florida Governor)
HKonj Coalition (Historic Thousands On Jones)
House Bill 589
Jamie Phillips (representative from the North Carolina NAACP)
Kinston, North Carolina
Lanark County, North Carolina
LaRoque v. Holder
League of Women Voters
Moral Mondays
Morgantown, West Virginia
North Carolina General Assembly
North Carolina NAACP
Pitt County
Restoration of Civil Rights Clinic
Reverend Barber (Reverend William Barber)
SBI (State Bureau of Investigation)
Senator Apodaca (chair of the Senate Rules Committee)
Senator Rucho
Shelby v. Holder
Southern Coalition for Social Justice
The A Phillip Randolph Institute
U.S Department of Justice
University of Florida
Voting Rights Act- Sections 2,3,4,5
Wake County Board of Elections
ERIC ADAMS

To start off could you please state your name and what city and state you’re from? And how would you describe your upbringing?

ALLISON RIGGS

00:17 My name is Allison Riggs. I was born in New York, but grew up in Morgantown, West Virginia, consider that my hometown. The oldest of four kids, I grew up in a tightknit family. We were very close, didn’t have a lot of extended family there so just our internal family was pretty close knit.

ADAMS

00:35 Could you describe Morgantown and what it was like when you were growing up?

RIGGS

It’s a college town so a sizable university was there, West Virginia University. So that sort of made it a little less typical West Virginia. It felt a little bit more sophisticated and urban as far as West Virginia goes, but it retained some of the same elements. 01:00 In elementary school, middle school, high school, I had friends who were children of coal miners so that widely characterized element of West Virginia was still present so that sort of added a flavor to it, but it was a decent size town it was straight shot up the interstate to Pittsburg so it wasn’t as disconnected as some parts of more rural West Virginia.

ADAMS

01:28 So the neighborhood you grew up in and your school, how would you describe what kind of school you went to and what it was like?

RIGGS

My parents sent us to private school up through middle school. They liked that the private school would let us move at our own pace. My brother was doing college calculus before he got to high school because that was the way that the private school would let us move at our own pace, but then my dad wanted us to go to public high school
so that we could not be so insulated and take AP classes that would 
could get us college credit. **02:01** So my classes up through high
school were usually between ten, twenty in size. They were very small,
not very racially diverse, some economic diversity. There were a fair
number of kids who were receiving financial assistance to attend the
private school but West Virginia is not particularly racially diverse
anywhere so my high school wasn’t as much more diverse, it was
much bigger. I graduated in a class with three hundred fifty so it’s sort
of a standard size high school class.

ADAMS

**02:45** What kind of affects do you think your geographical location
has had on your views of society and what you wanted to get into?

RIGGS

Well I guess I am sensitive and appreciative to the stereotypes that
get cast based on where you are from so just as the south gets
mocked sometimes either for provincial attitudes towards life or
inability to drive in the snow, as we saw recently, West Virginians get
type cast an awful lot. I think that I, more so than people who never
left, I can laugh at it. People who, and I have friends who have never
left West Virginia even on vacation, I think they take it a lot more to
heart I generally always, just like being a lawyer there are a lot of
lawyer jokes. **03:30** I’m usually the first one to tell a West Virginia
joke just as a self-defecating approach to it. But I’m, I think politically
I grew up in a very populist pro-union environment, socially now very
conservative and it was fairly socially conservative back then too, but
the importance of the union structure and its influence on families was
key even though it wasn’t particularly in mine, my father worked at
the university so it was different, but it was something that everybody
knew was part of daily life and that was back when mining was a much
bigger employer than it is today.

ADAMS

**04:18** Would you say that these typecast that people shed on people
from West Virginia were kind of true and that you grew up around
them, kind of racial, or how would you say it was?

RIGGS
There are certainly places in West Virginia that live up to every bad stereotype, there was recently a TV show on MTV called Buckwild, not that I watch MTV, but I did watch an episode just to see how West Virginians were portrayed, and these were just young kids partying.  

04:50 There are lots and lots of examples of places in West Virginia, places I went and spent time in as a child that were very stereotypical but my, I think most people who have an image of West Virginia in their head would be surprised where I grew up it wasn’t really like that. I mean, we didn’t get a Target until after I went to college so there wasn’t a lot of things in Morgantown, but it didn’t feel the way that small town West Virginia does. I think one of the most obvious characteristics to me, if you pick any of these towns is the isolation.  

05:31 I mean that leads to some behaviors and opinions, but the isolation is this town may only be ten miles from the interstate but there’s not a major connector to the interstate so it might take you forty-five minutes to get to the town. It’s a weird feeling. It creates a way of life, people are used to it. It’s not about being discontent or fussing about it. It different from other places I’ve lived, like in the south, its just West Virginia. Parts of southern West Virginia sound like parts of the south but it really (indiscernible) its own universe, it’s not like the south.

ADAMS  

06:23 So you ended up going to undergrad at the University of Florida, what made you chose University of Florida and not going to say University of West Virginia?

RIGGS  

Well my parents wanted us to go away for school. They thought it was an important learning element, going out on your own. 06:43 I was a National Merit Scholar and at the time Florida was recruiting, this was when Florida wasn’t in so much dire financial strains, the state. And so the school had state money to recruit National Merit Scholars, and that year they had I believe the second highest number of National Merit Scholars in the country, second only to MIT or an Ivy league. I can’t remember, but it was a really attractive financial packet and I was the oldest of four kids and my dad said I’m not really interested in spending any money on your undergrad. I might help you out in grad school if need be, but free is good. 07:21 That’s why I went to Florida.

ADAMS
How would you describe the differences in your surroundings from moving to Florida from West Virginia, what was that like?

RIGGS

07:35 It was a fairly easy transition because I moved from one college town to another college town. University of Florida is a lot bigger than West Virginia, but it actually in some ways felt the same. The way the town grows around the university, it has a similar flare. It was a bigger town and Florida, temperature wise, is very different from West Virginia. I didn’t bring a single piece of winter clothing with me down there and I had two roommates from south Florida and all they brought were winter clothing so it was interesting to see that. 08:13 It’s a really big school and I’m not a small town girl but I certainly wasn’t from the big city, and I lucked out that I found ways to find community within the big school. I wasn’t overwhelmed by the honors college or the National Merit Scholars program. These were sort of smaller universes within the bigger universes. So it wasn’t a terribly hard transition.

BIAUNCA MORRIS

08:43 Would you say your environment at the University of Florida was more diverse than West Virginia?

RIGGS

Absolutely, in my classrooms, in my dorms, in my clubs, extracurricular clubs, it was very different.

ADAMS

What kind of aspirations did you draw from your undergraduate experience for the work that you do now?

RIGGS

09:23 Well I dramatically veered off of my initial intentions career wise, I was microbiology major in undergrad and I spent a lot of time working in the labs down in Florida and when I would come home in the summer I worked at a neurotoxicology lab in West Virginia. I realized that working in the lab is very claustrophobic it’s great if there
are good people and your working with good people. I don’t know if I would define myself as a people person, but it could be very confining to just be in the same space with the same people everyday. So in undergrad I was down there during the election, the 2000 president election. Alachua County where I lived wasn’t one of the problematic counties in Florida during that election, but it was none stop topic of discussion for a long time down there, and I think that planted a seed early on about the importance of elections and political activism.  

10:34 I think that’s probably when I started getting, I had grown up with a fairly progressive father figure, I mean my father was not very political but he was a scientist. So I sort of had roots in progressive politics from when I grew up, but I didn’t really connect it to action until undergrad.

BRUCE ORENSTEIN

11:03 Pause just for one second here.

ADAMS

11:09 So eventually you switched from microbiology, what made you switch and what was that like switching over?

RIGGS

I stayed in the microbiology major. I picked up a history minor. In my last year and a half, two years I was actually taking more history classes than I was the core science classes. I decided that I was going to look into going to grad school in history with a focus on history of science. I found a professor in undergrad who I really connected with and thought it would be interesting rather than completely abandon everything I had learned to combine the two. So I switched paths a little bit, in that I was, based on my class load emphasizing history and then I applied to grad school and went to grad school in history.

MORRIS

12:05 Where there any organizations or any activities that you did in undergrad that changed your view towards society or make you go into activism?

RIGGS
I think I was doing some stuff with the local Democratic Party and the college democrats, but it really quite honestly wasn’t until I started law school that I got it, that the dots were connected to me. I mean I was certainly focused on the importance on political participation. That seemed evident to me. But the why to that, why is it important aside from affecting an election result, wasn’t as evident to me. So I was just swimming along, not really questioning everything I needed to be questioning.

ADAMS

13:02 So you went to law school at Florida, what practice of law did you specialize in?

RIGGS

So that’s not, I was surprised to hear that but you don’t really specialize in law school. In my application to law school I said I was interested in environmental law, which I don’t do. I thought that was a way to connect my science background and keep using it. I didn’t want it to be for waste, so when I was doing all of my applications that was my selling point. I mean I was not interested in being a big firm corporate lawyer and I said that in my applications too, I said I wanted to do good and use my skills and experiences in a way that would be helpful to the world as a whole, but law school you really don’t specialize formally. 14:00 The first year and a half at least, you’re just taking classes that everyone else is taking and they’re essentially preparing you to take a bar exam. Then your last year, or year and a half, your get a lot more control over what kind of class load you take, and I started taking a lot more civil rights related classes. But that, I mean there is no reflection that I specialized in that other than if you look at my transcript. 14:28 You can go on later and get certificates or LLM’s after the three years in law school, but there’s a lot of uniformity in what you are learning no matter where you go to law school at the beginning.

ADAMS

14:47 So at law school, how would you describe the environment of the outlooks of people that you were surrounding yourself with? Was there a lot of people going into corporate law or did you venture off in a different direction than them?

RIGGS
Yea, I had an interesting experience I think it was my first or second week in law school I was trying to figure out what I was going to do and how I was going to do it, and I found a clinic that, it wasn’t a full credit student run clinic but it was sort of rudderless and needed someone to jump in and, it was interesting to me, and I felt like it was something I could do. We can talk more about that later but we called it, the name of the law school, it was Levin College of Law, we called it Levin High. 15:38 I mean it’s like a high school you’re in, University of Florida is a huge university. You’re in these same set of two buildings and you don’t leave. You’re in the same space with the same people, and then you’re in a section, so not only are you in the same space with the same people, but they break it up more and you have your class. You go to class with the same people for the first year at least, just the same people. Yea, there were lots of people who were directly out of college and who had very typical ideas of practicing law. I’m going to go to a firm, I’m going to bust my rear end three to seven years, maybe it’s closer to seven and become a partner eventually. Make good money, but work really hard. 16:27 There were a lot of those, there were a fair number of none traditional students too. So people who had careers already, people who were coming back. I wasn’t, I wouldn’t call myself non traditional, but I would notice a steep difference in maturity levels between people who had gone straight through and people who had spent some time doing other thing before going to law school. Even the three years I had before going to law school were years that I grew up, realized what I wanted and what I needed to do to get what I wanted. So it’s the difference between twenty-two and twenty five when you’re starting law school is pretty significant.

MORRIS

17:12 Were there any social movements or organizations that held your interest during law school?

RIGGS

Yea, I was pretty involved with the law school democrats, I was the president of that for a while, the American Constitution society, but I spent most of my time working on the Restoration of Civil Rights Clinic, it sort of became my clinic, my love. But people in, the people working in the clinic with me ended up being my core group of friends, and the main people who I got to help me that first year in law school worked on it all three years. We brought new people in over the course of the time. 18:02 The work that we did there was really eye opening
for me, that’s when I started to think critically and realize what does, political participation means something different to me than other people, and I had to start thinking about what it meant to other people. And just the work that I was doing was exposing me to people that I hadn’t, people who had stories that I hadn’t encountered growing up where I did, and the support of family that I did but didn’t cross in law school, in undergrad, grad school or law school either.

MORRIS

18:37 Could you explain some of the stories or the experiences of other people that were different from your experience?

RIGGS

Sure, so the clinic was, at the time Florida had very restrictive laws about how you got your civil rights back following a felony conviction. So civil rights, I mean when I talk about it now I’m mostly focusing on the right to vote but it could also in Florida did and still does today include the right to apply for professional licenses, the right to serve on a jury. Most states disenfranchise people who are in prison, a lot of states disenfranchise people even when they’re out of prison but while they’re still on probation or parole. A few small number of states disenfranchise people permanently, some affirmative action on their part to try and get those rights back. 19:38 So that was what the clinic was about, Florida was one of three states with the worst laws on felony disenfranchisement. So what we were doing, we were helping people go through the application process. You had to apply to the Florida board of executive clemency, go through tons and tons of hoops and go up in front of the board and try and argue for why you wanted you’re rights back. It was a long process and intimidating process, and so we were trying to provide a resource to folks. I was surprised that I ended up driving the clinic in a much broader way than just application assistance, we did, towards the end, we were doing canvassing, educational events at churches, radio shows. We were reaching out for clients essentially but it wasn’t about getting clients it was about letting people know that state of disenfranchisement and the collateral consequences that come from not having your civil rights which is quite frankly devastating to you’re ability to get housing and employment, to let folks know that it didn’t have to be that way.

20:59 There was a change in law while I was in this process, Charley Crist had actually campaigned on trying to ease these incredibly restrictive rules on how to get your rights back and he did that in 2007. So there was a new educational hurdle there because we had to
explain what all these new laws and regulations meant, and there was some misportrayal in the media as Governor Crist had made it so that you got your rights back automatically, that was not true. We had to educate folks on that in addition to serving as a role of attorney counselor. We weren’t practicing attorneys so we were supervised by an attorney that ran the clinic, but there was a fair amount of education involved. So the folks who were coming quite frankly were usually people who needed, really wanted to get a profession license. A plumbing license, a hairstylist license, they were economically driven. It was an important lesson to me, I was sort of built in this politically active mode. Well you vote because you have to, it’s your civic duty, voting is so, so important. 22:24 So I initially approached the work as well of course you need to jump through all these hoops to get your right to vote back, it’s the right to vote, and develop some sensitivity to about how you talk about the right to vote to someone who is having trouble putting food on their table, who has concerns that are much more central to everyday life than whether or not they participate in election. It doesn’t mean that is not important, quite frankly the right to vote is the right from which all others are derivative. The right to be free from racial profiling, the right to fair housing and equal opportunity employment, all of that derives from whether or not you’re able to elect people who will support good policy, implement good policy fairly. 23:13 So it’s very important and I certain don’t back away from that or diminish that. A lot of the clients they were primarily African American or Latino. The part of Florida where I was working is not as heavily Hispanic as parts of southern Florida, but Gainesville is along the railroads and sort of extended in an extended way the river bay, the St. Johns River Bay, were a lot of construction and post reconstruction, a lot of African American populations settled in this area. Gainesville is actually one of the most segregated cities I’ve ever lived in. 24:03 You had the university on one side of the city and then a lot of poor black housing developments and African American populations on the other side of the city. They were divided and the two rarely met. The university sort of kept away. So this work that I did started raising concerns and questions. I was working with a lot of people who couldn’t get jobs and they where hoping that getting that certificate, the restoration of civil rights, would help them with that employment and it was a long process. I got to hear interesting stories along the way, devastating stories along the way. I actually ended up working on some clemency petitions too that were derivative of initially folks seeking restoration certificates but the facts of the case were so complex that it just seemed that clemency might be the way to go not that that’s an easy thing by any means. 25:18 Lots of people with very different life
experiences fighting battles I couldn’t even dream of fighting and it was a very relatively speaking small service that I was trying to play or offer in that larger struggle.

ADAMS

Could you maybe say one of those stories that you were influential in someone’s life who was really struggling?

RIGGS

Well, the process actually took so long that there were only one or two restorations that I saw all the way through. That’s how long they take. There was a woman who we ended up not being successful helping, but she said that the process to her was empowering and educational. 26:16 She had gone to prison for manslaughter, he partner was beating her and she killed him defending herself, but it wasn’t self-defense. She was convicted, self-defense wasn’t strongly advocated by her counsel. She served her time and had gotten out. So she was in her fifties. She was an older woman, and was working at a Backyard burger, a chain restaurant, and she had a couple of older children from before she went to prison and one younger child, not young, but was in elementary or middle school. 27:04 I think a grandchild too, but she was just struggling financially badly, and she was a bright woman who could do a lot more than she was doing. She felt she was lucky to get the job that she could get. The facts of the case were just so poignant, her struggles with her partner, that we though it was an interesting clemency petition. It was not granted, and that was after I had left law school. I think that, and I actually never confirmed, I think she did actually get her right to vote back prior. So Governor Scott changed the rules again. This was really devastating to me that we fought so long and hard. We were part of a statewide coalition to get the rules of executive clemency changed and then governor Scott undid that with a swipe of a pen. Getting to know her on a personal level so that she was a story that she was a real person, and her frustrations about the things that she had to face in her daily life with her family and her employment. Being with her, I think I met her fairly early in my first year, so I was only with her walking with her on this path for two and a half or so years. 28:44 That sort of continuing relationship with a client is interesting to me in addition to doing the work, being an advocate for her. And I never got the chance to be an advocate for her in front of the board of clemency, but I did try and explain to her the process because have been up to those hearings and what she would expect. That’s part of being in a law school clinic,
you hand things off when you’re done and I was not staying locally either. I knew earlier in law school that I was going to be moving up to North Carolina, so I don’t think I will ever forget her.

ADAMS

29:39 So you said right after law school you moved to North Carolina, we’re going to try to stay as chronologically as we can get here, who did you work for right and of school and what was your first case?

RIGGS

I had worked up here both summers during law school. The way I ended up North Carolina, I had family up here, both my sisters and my brother were here. It wasn’t that I knew that I wanted to live here, but when I was applying for jobs after my first year of law school, my strategy was that I would apply for jobs wherever I could live with someone for free and stay on their couch. At this point I had worked almost a whole year on the clinic and I knew I wanted to go into public interest law. 30:18 So I knew I wasn’t likely to get paid for my summer position, so I applied to jobs where I could stay with my grandparents, or my aunt, or my parents, or my sister, or my brother. And I got a job at the school of government, at the UNC school of government that first summer so I came up and I stayed with my sister that summer, and the next summer I got a job at the attorney general's office in Raleigh. Both were doing election and voting rights work. It wasn’t that that was a deal breaker that summer I was obviously interested in voting rights, I had this experience and I got an opportunity to work with their election specialist and he was doing some redistricting work, and so I jumped on that. By the time I got to my second summer it seemed like I had experience with that. I think that let me get my job at the AG (Attorney General) office, the attorney who worked for the state board of elections. North Carolina then was preparing for a Supreme Court Case that got argued in October of 2008, it was Bart v. Strickland, and it was about section 2 of the voting rights act. I got to be a part of that, that summer it was a lot of work going into preparation for that argument so I got to be a part of that. I really enjoyed my summer here the first summer, and that’s why I looking for jobs in North Carolina specifically my second summer. 31:57 Then by half way through my second summer I was committed that I liked it here. I wanted to be here. I had family here that ended up moving away eventually, that wasn’t the only reason, but I liked North Carolina. It felt like an area where there was good to be done but strong progressive traditions and North Carolina, quite
frankly, is an interesting place to be if you’re interested in voting rights because a lot of the major cases relating to the voting rights act specifically have come out of North Carolina. 32:37 So I thought this was a great place to be. I signed up, started doing all of the paperwork to apply to the North Carolina bar and I signed up for the North Carolina bar exam. It was weird my last year in law school because my law school, regional law school, they really didn’t place a lot of people in North Carolina. It was right before the hiring nightmare. People were still getting jobs when I was graduating law school, but the next year was terrible. So my law school had some career services connections with the banking industry in Charlotte. That was the only was they were really placing people in North Carolina so I knew they were not going to be of much help. 33:25 When I moved up here I didn’t have a job yet, I was doing tons of networking with my connections from my prior two jobs, trying to figure out what I was going to do. I ended up having a meeting with Anita who is my current boss. Anita Earls is the executive director of the Southern Coalition for Social Justice. I had a meeting with her about coming to work there two weeks before I took the bar exam, and the I started working right after the bar exam. So I work for the Southern Coalition for Social Justice and that’s where I have worked since I started practicing, so almost five years now.

ADAMS

34:06 Before we get into the Southern Coalition, I am going to go back and ask what was it like and what was the outcome of the work that you were around for Section 2 of the Voting Rights Act before you joined the coalition?

RIGGS

I had learned a lot about it my first summer working. That was really my first experience with redistricting. It was really my first experience with the voting rights act. I had done a little research in law school as it related to our clinic work, and the case law is bad when it comes to Section 2 of the voting rights act and felony disenfranchisement. 34:50 Most courts that have reviewed it have said Section 2 doesn’t apply felony disenfranchisement laws, so in the redistricting context is where I learned about it first in my first summer, and its very critical to the development any new redistricting plan, especially when there’s a substantial protected class of voters involved, so racial or ethnic minority voters. Bart v Strickland was a case about one of the technical elements if you are proposing a district that you say the
voting rights act compels, does it have to be fifty percent exactly of the minority group that you are trying to district for? North Carolina was arguing there was a district involved in eastern North Carolina that was forty-three, forty-five percent African American but it was electing an African American, and African Americans controlled the democratic primary by large margins so it was an effective African American district, but they had split a county in order to draw it. 

36:08 So conservative groups funded a challenge to that district and said would you cut a county. You’re not supposed to split counties under our state constitution, you’re not supposed to split a county in drawing a political district unless you have to comply with federal law or the federal constitution. So North Carolina said well we needed to draw a district that would allow African American voters an opportunity to elect a candidate of their choice. So that’s the big picture stuff, it boiled down to whether or not the district needs to be fifty percent, is that majority black district or can you have a district that is compelled by the voting rights act that is less than fifty percent, and North Carolina lost that argument. 36:56 The Supreme Court said, there was an earlier case called Gingles, and it established the pre conditions for when a district is compelled by the voting rights act and so the question was does the first prong of Gingles require a fifty percent district and the Supreme Court answered yes. So it was considered a set back for voting rights in that legislatures had less flexibility to devise redistricting plans that would provide fair opportunities for all voters.

ADAMS

37:34 So what were some of the examples of the difficulties that you faced starting to get into it, realizing what the political atmosphere was like and all of the problems going with the voting rights act? Could you clarify also what is Section 2?

RIGGS

The voting rights act of 1965 is actually a huge piece of legislation the two parts that we tend to talk about most in practice in North Carolina, it’s different in other parts of the country, are Section 2 and Section 5. Section 2 is a prominent provision and its applied across the country, and it prohibits voting practices that either have the intent of or have the effect of denying or bridging the right to vote and that been
interpreted to apply to redistricting plans but also any other sort of barriers that have been erected between historically disenfranchised groups and the ballot box or the political process. Section 5 of the voting right act, which is currently in affect nowhere, but Section 5 was a temporary provision. It had to be reauthorized different times over history but since 1965 it was renewed a handful of times most recently in 2006. It applied only to a small number of states and subdivisions of states, it applied to 40 counties in North Carolina and it was targeted at the parts of the country that had the most (indiscernible) history of voting discrimination. 39:18 It was devised, the formula for whose covered and whose not was based primarily on registration and turnout rates coupled with uses of disenfranchising devises like literacy test. So it was a formula that was older. It was originally devised in 1965, tweaked in 1971, but it was amazing to me to realize and practice how valid the formula still was. The forty counties where Section 5 applied where, there were always a few over inclusions and a few under inclusions, but primarily it was on the spot. So those are the two main parts of the voting rights act. The formula that I talked about that decided where it applied, that’s in Section 4 of the voting rights act, but as of last year Section 5 sill exists and hasn’t been ruled unconstitutional, but the coverage formula was ruled unconstitutional so it doesn’t apply anywhere. Its changed how I’ve practiced, a lot of the work I did was under section 5. I still had Section 2 cases but it’s a very, very different practice. 40:37 When I was first getting into this work, I spent a lot of time becoming an expert on Section 5 and it was a primary part of my practice.

ADAMS

Can you describe more on the counties you were previously talking about and the affect that Section 5 had on those counties?

RIGGS

The counties, if you looked at a map, the counties that were covered by Section 5 were largely in the eastern part of the state. They were the more rural counties where there were larger African American populations and that was because in the 1960’s and 70’s African American register rate and participation rate lagged way, way behind the white voter, counterpart registration rate and turnout rate. North Carolina employed devices to disenfranchise voters well into the seventies, literacy tests, and what not. If you look at the map, it’s the eastern part. These rural counties, and those are always the counties that have issues, their election boards are under resourced. There are
fewer ways that they have access to funds and technology. If you look at the Wake County board of elections and the Durham board of elections, these are really sophisticated operations with lots of equipment. If you go out to some other counties, not even that far, Lanark County, they don’t have the staff and the technological staff and expertise to run elections the same way and the people who are in leadership positions in those counties have been, and a lot of them historically, have been problematic and resistant to wanting to ensure that everyone has an opportunity to participate on the same footing. Sometimes that means changing and changing is difficult and scary, and I try to explain to people not from North Carolina that people who practice down here and have experience with voting issues know which counties should be covered and the coverage formula actually captures them. It’s a power issue where the large black population and counties and there are white elected officials and white leaders, it’s a power problem and they’re going to act in ways to preserve their power, those white elected officials and sometimes the intent and certainly the result is that black voters, and in some counties Native American voters feel the burn of that and get excluded and get treated poorly in the process.

MORRIS

What were some of the main cases you worked with regarding Section 5?

RIGGS

We did a lot, we got an objection under Section 5, I think it was one of the last local objection issued it was in Pitt County. Pitt County wanted to dramatically change how its school board was structured and it would have resulted in one less African American being elected to the school board. Our Section 5 work would vary, sometimes it would involve me writing a letter, going to some kind of legislative body a town council, city council, school board, county commission on behalf of clients or individuals who asked us for help. Sometimes my involvement ended there, I could convince them to do the right thing. In would say you’ve made this proposal, this proposal is going to have this detrimental affect on African American voters. If you do it DOJ would object and we will ask DOJ to object and you will have to do it all over again, you won’t be able to implement it. A lot of the times, the majority of the times that I was able to get results, either exactly what my clients wanted or some sort of compromise in between via that mechanism. Sometimes it would go to the next step where we
would submit what’s called comment letter, which is a lot more involved then what it sounds like. It is essentially a document making the argument why DOJ, the department of justice, the US Department of Justice should object to a voting change and it generally included lots of data and they could be really big packets. So you submit that and if you’ve peeked DOJ’s interest that they thought it was problematic then they would start doing interviews and you would talk to them. It was advocacy in a different way than in a courtroom formally in a courtroom, oftentimes it was on the phone talking to a DOJ analyst or an attorney telling my side of the story and telling them who they needed to interview in their investigation. 46:04 Then you saw that through, you made yourself available. I would often do supplemental comment letters or supplemental submissions to DOJ if I felt they had some questions during their investigation process that my first submission didn’t fully capture. It required a fair amount of being proactive because it wasn’t as structured as a typical lawsuit. Sometimes there would be an objection and a lot of times there wouldn’t be. DOJ is guided by political appointees so the way that Section 5 was administered oftentimes depended on was president. Now there are career folks in the voting section at DOJ, so it wasn’t a complete weather vein there were and have always been good career folks interested in protecting rights up there, so there was some consistency. We were hoping that when president Obama was elected, there were promises of even more vigorous enforcement of the voting rights act, and it’s a little better but it wasn’t the night and day we were hoping for. All along Section 5 has never been a perfect remedy. Now living in a world where there is no Section 5 I certainly would take it back in a heart beat, but the advocates doing what do we complained about the enforcements during the process too many things were slipping through the cracks. DOJ was always very careful, they wanted to not tea up any situation that would make it more likely that the act would be struck down by the Supreme Court. 48:00 So there were cases where they didn’t issue an objection, and oppose objection is the word, but issue an objection. There were a lot of cases where they didn’t and they should have, so that was always disappointing for my clients too. Section 5 was most significant on the local level, something like upper eighty percent of all objections were opposed for changes on a local level. Not these big statewide voter id laws, but the Pitt County school board or the way that Kinston elections are run, these are local places an may be affect only a few thousand people. It was an amazing tool to have for protecting minority voters and smaller jurisdictions.

MORRIS
48:57 Of all the cases and communities you’ve worked with regarding voting rights act what would you say is the most compelling argument in opposition to your cause?

RIGGS

In opposition, I’m not particularly swayed by most of them I think the one we heard a lot was kind of a federalism argument. These jurisdictions bristled, so town school board kind of commissions bristled that the idea of DC bureaucrats getting to come down and tell them what they could and couldn’t do. It was intense and it was instinctual and it was hard to argue with because it was just so deeply engrained that DC doesn’t have any business in how the Charleston, South Carolina county council decides to conduct its business. 48:55 And resentment that other states and that other counties didn’t have to do the same thing. Now you would hear that, and it was actually, you would usually hear these arguments from people who weren’t election administrators. Most of the election administrators who were responsible for all of the communications with DOJ getting approval voting changes, most of them were like this is not a big deal, its fairly easy, we like the validation that comes from getting pre-cleared. They sort of saw it as not a lot of work and some benefit then to that being pre-cleared and the reality is that most voting changes were pre-cleared. It was more of conservative political activist that you hear these things from, but I think it’s wide spread. I think there are a lot of people especially in the south who feel for historic and cultural, reasons don’t like the idea of outsiders coming in and interfering with how they run business. A more technical argument was that, I guess this isn’t more technical, but that the coverage formula wasn’t relevant, why should we be held accountable for the sins of our ancestors. Maybe the coverage made sense back in the sixties, maybe, but why should it apply now? That ended at being how Section 5 fell. The coverage formula fell and then was Section 5 so that was a successful argument made by opponents, but it was surprisingly, the opposition on Section 5 was not focused very strongly for what it meant for Black voters, for Latino voters, for voters of color. That part, the people who don’t like it, don’t like to talk about that because it protected a lot of the hard fought gains that we’ve seen over the last few decades and its been described as a back stop to keep jurisdictions from backsliding. I think it was really, really effective and made a huge difference for a lot of folks but that part of the argument, the actual affect of having it in place tended to get lost in the opposition.
MORRIS

52:27 What do you think of the post racial society argument that they held, do you believe that we are in a post-racial society today?

RIGGS

No, that argument gets taken on different levels today. If you keep it on the voting level it’s we have elected a black president end of story let’s move on, but everyday you see examples of why that’s not true. In the news yesterday or the day before there was a story about a North Carolina Central student who had spent a month in jail because he called the police, he found a dead body, he called the police, was arrested for the murder and held without bail for a month before they realized that he was completely innocent, and it had been a witness id who you know, typical, it was a black man with dreadlocks. So clearly there was a black man with dreadlocks there. He was arrested and kept in jail for a month. I mean that just, but you see examples like that all the time, we’re not even close to being post racial. 53:43 The structures, racism isn’t about individual bigotry, it’s about systems of inequality and structures of inequality that are so deeply historical that one election or one situation cant undo the fact that for decades white families had access to financial resources and government advantages that are still affecting white kids differently than black kids today. There parents were educated so they are most likely expected to go to school, land ownership, property being passed from family to family. The roots are so deep that the remnants are going to take forever, I mean not forever, I’m optimistic and I’m obviously doing some of this work to try and break down some of those structural barriers to equality, but its not something that one election result changes. 54:46 Focusing again back in on voting and elections, finally in 2008 and 2012, we started seeing African American registration and participation be on par with white levels and what happens are the things that made that possible, which are expanded access to early voting. The introduction to early voting, expanded access to early voting, same day registration, the general assembly took those away. We know the data conclusively show that African American voters disproportionately use early voting and same day registration and one of the reasons proffered as why they could take it away was hey look black and white voters are voting at the same rate now, we’re good so let’s take it away. 55:39 So no, we are not in a post racial society and those arguments I think detract from our progress and moving to racial equality.
ADAMS

So to clarify, these voting right laws, early voting, those were revoked after Section 5 was ineffective in North Carolina?

RIGGS

Yea, the Shelby decision came down in June of last year and there had been a bill, House Bill 89, it was introduced before the Shelby County case came down, before we lost Section 5. But it was just a, just, it was a voter id law, it was going to require picture id for every voter and it was really problematic and it got introduced in April and passed by the Hose in April and then it went over to the Senate and just did nothing and we knew that the reason it was going anywhere was that the Senate and the whole leadership of the legislature was waiting to see what happened with the voting rights act, and the day that the voting rights act, Section 5 was essentially invalidated. 56:47 We had a leading senator say well hey now, House Bill 589, everything is on the table it just doesn't have to be voter ID and then two days, literally 48 hours before the recession ended we saw a revised version of House Bill 589. It went from a somewhere around seventeen pages before, and went to almost sixty afterwards. It was a stricter voter id requirement. It cut a week off of early voting, it repealed same day registration and the counting of precinct outer provisional ballots and it restricted campaign finance laws contribution remnants killed public financing for judicial elections cause lets buy our judges, that going to make things a lot better. It dramatically rewrote North Carolina election law. We got the clues from Senator Apodaca the day that Shelby came down that that was going to happen and then we saw the very end of session ran through with no meaningful discourse. 58:00 So yes, I think that the new laws are directly related to the result of Shelby County loss of Section 5 because they knew that DOJ would have never pre- cleared it. The racial disparities in usage of early voting, same day registration, out of precinct provisional balloting and the fact that all available data indicates that voters of color are less likely to possess the acceptable picture id, all of that would have led DOJ to objecting to the law.

MORRIS

You mentioned the Shelby case, what role do you and the Southern Coalition for Social Justice have in that case?
RIGGS

We represented amicus, so not parties to the case. Folks who have a special expertise or interest are allowed to weigh in on litigation that way. So we represented a law professors and political scientist who were offering to the court data on why the coverage formula still made sense. **58:07** They were looking at voting issues that were in covered versus none covered jurisdictions, but more broadly looking at racial attitudes and employment and housing problems. It was a very expert sort of niche report, but we thought the court should have that information in front of it and the lead professor working on it is at UNC Chapel Hill and he asked us to represent him in doing that. We had represented clients in an almost companion case to the Shelby County case. There was another case or challenge to Section 5 of the voting rights act that was coming out of North Carolina and they were going up at about the same time and early on we thought they would be consolidated and heard at the Supreme Court at the same time but we were actually able to get ours tossed on a technicality which was good. We didn’t want these cases up there, but the Shelby County case ended up going all the way up, and since we weren’t representing parties in the LaRoque case, it was Nix v. Holder by the time it got to the Supreme Court, but since we weren’t representing parties anymore we were representing amicus in the Shelby County case.

ADAMS

**01:00:32** So can you describe some more details on what happened with the legislature for the Shelby Vs. Holder Case?

RIGGS

Yeah, so my organization and I have been personally really involved in discussions around House Bill 589 earlier in the session, and we had provided lots of data to the legislature about why this photo ID requirement was going to run a foul of the Voting Rights Act and there were other bills that were getting introduced in the legislature too. There always are. The far right elements of the party, the Republican Party, are in control of the North Carolina General Assembly right now. There were other photo ID bills, and there were bills that had provisions that we would see again later repealing same day or cutting early voting. **01:01:31** But the leadership was driving House Bill 589, and my sense was they weren't going to give up. They knew they might have Section 5 problems even with the voter ID bill, but they quite frankly, most of them had campaigned on it. Photo ID
requirements for voters polls very well, and it polls very well because of the way questions are asked and because you’re polling middle class people who have picture IDs and can’t imagine that people get through life without having a picture ID. So there is a bias in the polling set. 01:02:09 Regardless, they had campaigned on a photo ID requirement and they were going to drive it through, and the other ideas were considered more fringed because we knew they would have Section 5 problems as well, and the leadership was looking for something that would satisfy their campaign promises. That being said, they absolutely wanted to change the electorate. The white conservatives won in 2010, but the population in North Carolina is changing. It’s getting younger; it’s getting more progressive. 01:02:48 There is growth in African American and Latino populations, and what we’re seeing, what we saw in 2008 and what we saw in 2012, is that these are people who are going out to vote now. The temporary success in 2010 was just that, and anyone with any understanding of changing demographics knew that and so across the south where the demographics are changing there is desperation. 01:03:20 Let’s restrict people from voting so as to maintain power as long as we can. So to the extent that they could, they would try to keep young voters, voters of color, from turning out because young voters and voters of color don’t vote for white conservatives who implement policies that are unfriendly to both. But when the Shelby decision came down the legislature, the leadership obviously realized that they were no longer under the same restrictions they were before. They didn’t have to get federal pre-approval for any of the voting changes. I mean, they knew they’d end up in court, but the beautiful thing about Section 5 was it stopped a bad law before it got implemented. 01:04:14 With Section 2 of the Voting Rights Act there can still be a legal challenge, but there is nothing stopping the law from going into effect until the challenge is resolved really. With Section 5, if DOJ didn’t pre-clear it, it never went into effect. So you could sense the excitement and the light bulbs going on over people’s heads and the legislature when the Shelby decision came down, and we knew it was going to be a different game, that some of these things that were fringe ideas earlier in the sessions were now going to become apart of the law, and it was strategic too. 01:04:59 Just release it at the end of session because while voter ID requirements are popular, at least that’s what polling indicates among North Carolinians and people across the country, early voting is popular with voters especially with North Carolina. In the week that they cut off early voting, nearly a million North Carolinians cast their ballot during that period. Just polling for early voting is off the charts, people like for voting to be easy and convenient for them, and they like to have
choices for when they can go vote. So we knew it was coming after Shelby came down, and it was smart on their side that they saved it until the end because it minimized the amount of debate and discourse and a lot of people didn’t even know the bill had been proposed, and it was already law. 01:05:51 So it was very, very fast and we had very little notice, and I was spending a lot of time down at the General Assembly waiting to see what was going to come down, and it was bad, it was very bad.

ORENSTEIN

1:06:07 What was the notice? What was exactly happening? You were down there, what was that?

RIGGS

The notice was a committee meeting notice. So when committees meet they are required under law to give a certain amount of notice for the meeting and it was a Tuesday afternoon meeting of the Senate Rules Committee. We knew that, so Senator Apodaca is the chair of the Senate Rules Committee, and he is the one who said publically after the Shelby decision came down that they were reconsidering all of their options. And so we were watching for Senate Rules Committee meetings that would have either House Bill 589 or some other election law on it. 01:06:54 I think the notice came out late on Monday and the committee meeting was on a Tuesday. That’s when we saw the bill. And then it was passed by the legislature Thursday. So we saw it Tuesday and it was passed Thursday. The governor didn’t sign it for a few weeks, he sent it on August 12th, and there was an effort made to try and get him to veto it but that clearly didn’t work. In the mean time he made clear that he didn’t even know everything that was in the bill, he didn’t understand, the bill eliminated pre-registration for 16 and 17 year olds, and he was asked about it and he had no idea what it was about. So you might want to read the bill you are promising to sign, it’s going to do a lot of damage to how North Carolinians participate in elections. It was fast.

MORRIS

01:08:00 You mentioned the lack of political knowledge in a lot of these cases. How do you feel the effect that that has had on the communities?

RIGGS
You mean about what’s going on in the General Assembly?

MORRIS

Not being fully aware of exactly what’s in the case, do you think that has had an effect on the minority communities that may not be as well informed as middle class or other communities?

RIGGS

01:08:27 Well, I mean it depends. I think generally speaking when it comes to litigation around voting rights most people don’t really have a deep understanding of what’s going on or what the voting rights act is about. Education has always been, I think that’s why I love where I work, that the education and partnering with grass roots community organizing is central that people can’t assert their rights under the Voting Rights Act unless they know what their rights under the Voting Rights Act are and so we do spend a lot of time going out into communities and giving presentations on what the Voting Rights Act is, what it prohibits, what you can do if there is a problem. 01:09:16 But certainly we can’t monitor every voting change and every jurisdiction all across the south, and we work all across the south. So we rely on individuals, activists, and grass roots community organizations to let us know when there is a voting problem. But for them to know when there will be a voting problem we have to do this education and outreach on them, so yeah, it has always been a challenge and it has lead to things slipping through the cracks. But it’s worse now. 01:09:49 Under Section 5 jurisdictions were required to give some notice about voting changes, so they had to, if they were a covered jurisdiction they had to give notice to the Department of Justice and the Department of Justice had to post it online. So it helped us monitor, it helped communities monitor what was going on, and that doesn’t exist anymore. And so now its harder to make sure folks know what’s going on, know what their rights are, and know if there is a threat to those rights, if there is a voting change in the works that’s going to make it harder for communities of color to participate in the political process.

ADAMS

01:10:34 So it seems like these laws that were imposed, these voting rights laws, in North Carolina were not only put into place because of the incentives of Republicans, but also the structure of how legislature
works. You mentioned they waited until the last second to pass and there was not enough time. Were there public hearings? How does that work, and how did that really affect. Was there a certain hearing that you went to that really affected the decision? Describe that.

RIGGS

01:11:11 So there is not necessarily any requirement for public hearings in the legislature, they did have two public hearings on the voter ID bill in March or April, and they had a couple of other opportunities for public comment. I mean its almost always a good government decision, you should have public input on any law. This isn’t specific to voting related laws. The people being affected by legislation ought to have some way even beyond electing the people who get to vote on the legislation. They should have some way to weigh in. I think the reason, in the leadership of the legislature likes to tout the fact that there were public hearings on the ID bill, and I think it is because they felt safe doing that because of polling. They knew they would get folks that would say, well its just common sense, I have to show an ID to get on an airplane why shouldn’t I have to show an ID to vote? 01:12:17 So I think they were more open to participation there because they knew what the outcome was, and there was no reason they couldn’t have introduced that bill weeks before. They introduced it late enough so that there wasn’t time to do any public hearings and it was because people would have heard different voices. So there was one committee hearing on the expanded bill, and they let ten people speak at that committee meeting for two minutes each. Each of the ten people, I was one of them, each of the ten people spoke. No one had any fore warning that there would be this opportunity to speak, but 20 minutes total of public input on the expanded House Bill 589. 01:13:11 All ten were opposed, and they were being very strict, two minutes and you were done, and that was all the public input they wanted on that. They debated it in the committee, the Senate Rules Committee, and they debated it on both the House and the Senate floors. Long debate, there were a number of legislators who were opposed to what this bill was going to do and they tried vigorously. But the numbers were never, it was going to pass, and it did.

ORENSTEIN

01:13:52 This was the most radical change in voting rights in North Carolina recent history, and that was the amount of public debate, public input, and statistics?
Riggs

Yeah. It rewrote almost every section of North Carolina election code and it was the justifications that we heard in that one committee meeting and in the floor debate were so pre-textual and so wrong that it was a little bit mind de-boggling. They described it as, they described needing to pass this huge, huge omnibus bill, they said they needed to do it to modernize North Carolina’s election code because it hadn’t been revised in so long. Early voting was introduced in 2000, same day registration was enacted in 2007, the clarification about the rules relating to outer precinct voting was 2005, pre-registration for 16 and 17 year olds was the late 2000s. 01:15:00 Everything they changed was a relatively newer introduction to the way we run elections. So some of the justifications were just ridiculous. Senator Rucho got up and said, “We have to repeal pre-registration for 16 and 17 year olds because my son was confused about it.” Like I’m sure he appreciates you making him sound really bright in front of all of North Carolina. It is not complicated. You fill out the paperwork in you high school civics class, or when you go get your drivers license, and when you turn 18 you’re then registered and able to vote. Not complicated. 01:15:36 But mostly the leadership kept them on point. They talked about voter ID. They didn’t want to talk about same day registration because same day registration has been great for North Carolina voters. It’s been great, white and black, everyone. Early voting has been great; it’s a boon for election administration. Election officials love early voting because during early voting you’re less rushed, you have more time to sort things out if there are problems, and then you have fewer people on Election Day. 01:16:12 The people who staff early voting sites tend to be the professional staff, the people who work for the Boards of Elections, or they have had a lot of experience. They’re the really knowledgeable and experienced people. On Election Day they have to get lots of, I mean they’re not volunteers, but lots of people who don’t know as well what they’re doing, and the propensity of error is just way, way higher on Election Day. So every county election director I’ve ever talked to thinks this is terrible. They love early voting; they want to encourage people to vote early. 01:16:16 But very little discussion on very major revisions, and North Carolina became a national laughing stock. For folks that do the work that I do, it was “I told you so, see we lose Section 5 and then North Carolina acts to restrict the way that voters of color will participate in elections on a feature on a number of different levels. And it just was not a thoughtful process, it was not based on sound data, and people noticed.
ADAMS

01:17:25 What was it like in that committee meeting? Was it hectic, were emotions flying everywhere? You guys didn’t have much time to speak.

RIGGS

I was very angry, I grabbed a copy of the bill as I was going over, shaking it. I mean I just sticulate a lot anyway, but I was very angry that this was how they were conducting themselves. And I said you made us a national laughing stock, this is not acceptable. There are other provisions of the bill that make it easier to essentially bully people in the ballot box. 01:17:59 I mean you can have more challengers, more people who are authorized to make challenge, its just setting the stage for voting to be a very intimidating and unpleasant experience. And so I was upset about that too because its just mean spirited. There have been no identified problems that having more people crowded into the polling places who are authorized to interrupt the voting process. There’s no reason for it. 01:18:29 So yeah the ten people who had to speak were very fired up and quite frankly the moral Monday Movement, lead by the North Carolina NAACP wasn’t just the voting law, there have been tons of bad laws passed by this General Assembly but I think that the voting law was an extra motivator for the moral Monday Movement to coalesce and to express, because they weren’t allowed to during the legislative process to express their dissatisfaction with the policies that are being put in place by this General Assembly.

ADAMS

01:19:14 So in that committee hearing, who were the other nine people besides yourself who got a chance to talk?

RIGGS

There was a representative from the North Carolina NAACP, her name was Jamie Phillips, there was the executive director of the North Carolina center for voter education, and I think the other seven were just individuals not associated with any organization, mostly Wade County people, just because we hadn’t had a lot of notice of the hearing. 01:19:46 But they were angry voters. Why are we doing this in such a rush? We love early voting, why would you do this. One
gentleman was just, pardon my French, pissed off about everything that this General Assembly had done and described this as just the cherry on top. They were all opposed and all angry with the process and the content of the bill.

MORRIS

01:20:13 You mentioned earlier about Moral Mondays, could you go more into that?

RIGGS

Yeah. The Moral Mondays have been great for North Carolina. Its not as novel or new as some people think it is. I mean the term Moral Monday is, but it’s really derivative of the HKonj coalition, Historic Thousands On Jones, is what HKonj stands for and it’s a multi-issue coalition that has been advocating for years on North Carolina. They usually have the HKonj march once a year. 01:20:50 It’s a really inspiring group of people with different concerns and different issues. Some are focused on education, some are focused on the environment, some are focused on racial justice, criminal justice reform, equal marriage rights. All of it is bringing everyone in under one umbrella, to say we all have different issues but these are all united. There is a common thread here of fairness and justice, and we want to see policies implemented that will advance all of us. So HKonj existed when the Democrats still controlled the legislature. 01:21:37 These are our platforms, these are the points we want to see. This is what we’re advocating for as a group. We’re not letting anyone stand alone; we’re going to stand together. So it existed before that. It happened then that they started having gatherings on a weekly basis and they were on Mondays and they became Moral Mondays. Reverend Barber was a vocal and powerful leader, and it got a lot of national attention, but the ideas behind Moral Monday have been very present in North Carolina for a long time.

ADAMS

01:22:10 So how active is the Southern Coalition of Social Justice, and yourself, with Moral Mondays, and how much do you guys reach out to Moral Mondays?

RIGGS
Well we represent lots of people who are integral. We represent the North Carolina NAACP in redistricting cases. We have another attorney in our office who does criminal justice work, he’s defending some of the people who were arrested at Moral Mondays. We’ve been an HKonj partner since the beginning, and we are litigating now challenging the voting laws, the new voting laws.

So can you describe some of these new cases that you are in right now?

Like, what you are doing now with the challenge, with the litigation that you are challenging?

Our docket is huge right now. Post Shelby there has been a move, not just in North Carolina, but across the south to seek bail in under Section 5 of the Voting Rights Act. So the coverage formula is gone, there is another provision of the Voting Rights Act that was described as a release valve. It would bring people in and bring people out if they needed to be, so we’re litigating to seek bail in in Texas and in North Carolina. We’ve filed a lawsuit. The day the governor signed it we filed a lawsuit in federal court challenging the cuts to early voting, the repeal of same day registration, and the ending of counting of outer precinct provisional ballots. We were consolidated with another case and the US Department of Justice also sued North Carolina. Those other cases involve voter ID challenges as well. We are challenging the ID requirement in state court, so we sort of split it out a little bit. The state constitution prohibits the legislature from adding on any qualifications necessary for the right to vote, and we think that it’s actually an easier judicial answer under the state constitution than in federal court. So that is why there is the two separate law suits. That is going on. We’ve got clients in South Carolina and North Carolina who’ve seen local bodies trying to change the way voting is done since Section 5 has gone down. There is no Section 5 now, so we’ve been working hard to try and influence the legislative process to talk to city councils, to talk to school boards to discourage them from even going down this road because we know that if they do go down that road, we have fewer tools in our toolbox to fight back because we don’t have Section 5 anymore.
Has the removal of Section 5 really changed the way that you can use Section 2 and Section 3 to your advantage?

Well, there is a renewed focus on Section 3, which is the bail in section. It existed beforehand, it was just that in for over forty years there was something like seventeen bail ins, because the coverage formula was pretty right to begin with so there didn’t need to be a lot of bail ins. So that’s not new. There’s been introduced in Congress a new Voting Rights Act Bill. It is not as good as what we lost, but it includes some provisions that would make Section 2 a more powerful tool, make it a little bit less impossible to get preliminary injunctions. And so we’ve actually been working on that issue as well. The problem with the bill that was introduced in Congress is that it would essentially leave North Carolina out in the cold. It’s problematic. But Section 2 has always been a difficult tool to use. It’s very expensive to bring a Section 2 case. The courts have not, especially the increasingly conservative judiciary, has not been friendly to Section 2 cases. So nothing about losing Section 5 changed how hard it is to win a Section 2 case, but now that’s all we have.

You mentioned a new Voting Rights Bill in Congress; you said that it would leave North Carolina out in the cold. Could you describe more how it would affect North Carolina differently than other states?

Well North Carolina wouldn’t be covered. Right now, if it were passed as is, only five states would be covered. Where as 16 states in whole were part before. It’s very limited. It’s got a different coverage formula, one that we think doesn’t suss out all of the problems. If it passed we would benefit from the changes to the preliminary injunction standards. There is some notice requirement that would apply everywhere, which that would be good, but it would not be a replacement for Section 5 in North Carolina. There still wouldn’t be Federal oversight of voting changes in North Carolina. This Congress is fairly dysfunctional. Whether or not it
passes I think is still a big question mark, but even if it does you know how I was saying Section 5 wasn’t perfect to begin with, this is much less. It’s better than nothing, especially it would cover the state of Texas, and I work in Texas a lot. It would mean a lot for a lot of people in Texas, but it doesn’t solve everything, far from it.

MORRIS

01:28:19 So you mentioned how you and the Sothern Coalition For Social Justice worked in the communities. Could you describe how you guys go into the communities and what that process is like?

RIGGS

Yeah. We’re a community lawyering model, is how our organization is structured. So it’s not lawyers sitting in Durham developing priorities or checking off a list of I need to go do presentations in this community, this community, this community. 01:28:47 We partner with community organizations. And so we come in where community organizations are trying to affect social change and they feel like they need some more tools in their kit to make that change. We’re multi-disciplinary so we want to provide legal assistance but also data, research assistance, I mean data is powerful and a lot of folks don’t have access to it, and organizing support, and media support. So we offer a wide range of tools for communities to use and we come in at their request. But one of the things that I like too is that we have continuing relationships because they’re not just one time clients and we’re doing a legal task for them. 01:29:37 By partnering with them, we have established these long-term relationships, and so a community group that we started working with on an environmental justice issue in Greensboro, now some of those folks are plaintiffs in our voter suppression law suit because they have in their work that we helped them with, they changed the composition of the Greensboro City Council and became very empowered to make political changes that would affect policy changes and vote out the people who are not being responsive to their community’s needs. So they were very offended by the changes to the voting laws and saw how it would impact them on a daily basis and wanted to fight back.

ADAMS
01:30:25 What are some of the organizations that you partner with? You can name a few or one that you have an important relationship with.

RIGGS

01:30:33 Well they’re all important. Sometimes you have very formal organizations, well-structured organizations, like the League of Women Voters or the A Phillip Randolph Institute. Sometimes you have community groups that don’t really have a name. They’re not formally a 501C3. They are a bunch of community members who come together to fight along this issue, and they have goals, and ways in which they want to do it so sometimes they give themselves a name and sometimes not. Sometimes it’s just a group of citizens. We prefer to work with community organizations rather than individuals because that’s the structure that seems to create the biggest and longest-term impact. 01:31:24 We’re looking to break down huge structural barriers so it’s always worthwhile to make a difference in one person’s life, but we’re trying to also effectuate bigger change too. And so working as a partner with and as a tool for grass roots community organizing I think is going to get us where we need to be on that front.

MORRIS

01:31:54 You mentioned that you work with communities to empower them. What do you feel would be the biggest hurdle that you’ve had to overcome with working with the communities and moving towards more voting justice and equality?

RIGGS

It varies greatly. Different hurdles are felt differently by different communities. We’re working with a group in Durham now. Durham is home to Duke university, it’s one of the more urban counties, theoretically one of the more progressive counties, and the racial profiling techniques employed by the city’s police, the way that the city is making marijuana arrests in black communities is crippling to young African American men in this city. 01:32:49 And that has an effect on everyone. Fathers being thrown in prison for a crime that a white person that lives in a different neighborhood would never have been arrested for. Then his children are feeling the consequences of that because they don’t have a father at home anymore. It’s just devastating in Durham and so we’re doing a lot of work around that but then there are towns where a chicken processing plant is making
everyone sick, and that is the community groups who have coalesced around that issue that’s their main focus. **01:33:31** And sometimes there are multiple issues, right, sometimes there’s police brutality and unfair police practices and exclusion from political participation via an unfair redistricting plan. It’s sad to say that the options for the ways that a community group can be excluded or burdened or discriminated against are vast, but I couldn’t paint you one picture of what it’s like, it’s just different everywhere.

**BREAK** (Talking off camera, and then camera turned on - Riggs talking about her experience at the Committee Hearing for voting rights changes after Section 5 had been removed.)

**RIGGS**

**01:34:12** So I came home that night, I was down at the legislature really late and I came home and I noticed something red in my eye and then when I woke up the next morning my whole eyeball was red and it was really gross. I called it my zombie eye, and I was so mad at the legislature. I asked my brother who is a physician, “Can you get so upset and stressed out that you burst a blood vessel in your eye?” And he said, “Maybe I don’t know, there’s no causal connection.” But I’m going to blame the Senate Rules Committee for why I scared the hell out of everyone for two weeks with my red eyeball.

**BREAK** (Talking off camera, and then camera turned on - Riggs talking about arrests and profiling in Durham, NC and the work that she is doing on it.)

**01:34:54** Well we’ve been working on this issue for a while, and it was one of the GISs, geographic information systems. One of the GIS guys that we hired years ago to help us do redistricting work has been expanding the way that he uses mapping and data analysis beyond the voting arena. So he was working with our criminal justice attorney on mapping marijuana arrests in the city of Durham and connecting it with the demographics of the different neighborhoods. **01:35:32** It was stunning, the marijuana arrests. Most studies indicate self reported whites, young folks use marijuana at the same rates as young people of color, but the arrests are hugely out of proportion. I mean arrests are being made in poor communities of color and the numbers are uneven. So we started publicizing that, talking about it, using a different visual to explain to people. This is a problem, this is unfair, and it’s gotten worse. **01:36:11** What is the source of this? Well it’s over policing. Police presence in these neighborhoods is
different than the police presence in the apartment complexes where Duke students live. Where white students are living is different than where black students are living. What happens to Central students is different than what happens to Duke students. And so we’re working as part of the Fade Coalition to push the Durham Police Department to reevaluate the way it deploys its resources, the way it makes arrests, and the way it has a presence in different communities because this has an effect on, as I had mentioned, it’s a criminal justice issue but it bleeds out into everything else. 01:37:02 When someone is arrested and imprisoned for a certain kind of drug usage, especially marijuana, and if they end up with something a little bit more serious they can end up being disenfranchised and then it’s a mark on their record and they feel the collateral consequences of that arrest and conviction for years to come. So it’s very contentious, especially when, I almost find it’s more contentious when a police department thinks that it was doing well to begin with. I think Durham has been very resistant to the idea that it would be employing racial profiling just because it views itself as maybe more progressive than some other areas of the state. 01:37:54 I think we’re starting to make some progress, we’re starting to raise up the stories of people who have been pulled over and frisked and searched. People of color are having a different experience at traffic stops than are white folks. North Carolina is actually one of the few states where the SBI, the State Bureau of Investigation, collects and releases this data. So police have to keep track of the race of the person that they pull over during a traffic stop. And so it has been a situation where we have access to data, and we’ve been able to put it in the hands of folks like people in the Fade Coalition to take to Durham Police and City Council and say this isn’t okay. So data is very powerful.

ORENSTEIN

01:38:47 What are those stories? Do any stories come to mind about these arrests, and then separately the collateral damages on it? What did you mean by that?

RIGGS

01:38:58 Well there are tons of stories. A gentleman, a young African American man pulled over for no good reason and bullied into being searched, being patted down, and when he feels defensive then and tries to protect his own space, then getting arrested for resisting arrest. It’s a cycle of insanity. But every time an African American caught in Durham calls for police assistance they’re treated differently.
than a white person. We see more arrests associated with calls for help. **01:39:44** This is true across the board, but African Americans and Latinos are more likely to be pulled over but then the next question after that is that they are more likely to be frisked, they’re more likely to be searched, and this imposes a psychological trauma on folks, and so we’re trying to share some of those stories. Is there a second part of that question I think?

ORESTEIN

The collateral damages.

RIGGS

**01:40:08** Oh yeah so technology has advanced such that potential employers can pull up arrests records. So say, and I’ve had clients that this has happened to, they had been arrested, it was a crap charge. The charges were dropped. There is still an arrest on their record. And when someone, a young guy, then is going out to apply for a job at a coffee shop, the employer has his application, does the background check which is really cheap and easy to do now, and it shows that this guy has an arrest and the other guy doesn’t. They tend not to care about what the reason for the arrest was, or the fact that the charge was dismissed and employers are going to hire the guy that doesn’t have the arrest on his record even though he was arrested for something he never did anything wrong. **01:41:07** This gentleman from North Carolina Central who was in the news this week that I mentioned earlier, he can’t get a job because if you type his name into Google, everything that comes up is about how he was arrested for murder. People Google people now a days, and when you’re treated unfairly in the criminal justice system, we’re not just talking about background checks, we’re talking about what is out there on the internet and it can be a huge collateral consequence. Once you actually have a felony conviction on your record though too, getting licensed by boards, the collateral consequences are enormous. But it’s access to public housing, almost on every level.

MORRIS

**01:41:52** You mentioned a lot of stuff about discrimination in North Carolina and in Durham and Raleigh area, to close up, is there anything else that you would like to mention that you may have not mentioned already?
RIGGS

01:42:07 No I think I have... I mean this goes back to, there are areas in the state that are deeply troubled still, that we see people making thinly veiled racial attacks, nooses, that kind of stuff. And it doesn’t mean that the more urban areas that have better run police departments or boards of elections. It doesn’t mean that they’re without problems either. So there is no one brush with which you can paint the state of our society and the state of racial inequality, and the state of discrimination. But it is felt everywhere in different areas and different places, in different ways. There is a lot to be done.

MORRIS

01:43:12 So how has it been being a female working with civil rights?

RIGGS

It’s been very interesting. It’s a little bit different; my place of work is primarily female. I have a female executive director and we have some male folks on staff and we’ve gotten a couple more but the leadership has generally been female. My boss is my mentor and it’s nice to have that role model nearby. In voting rights I am almost always the only woman in court. Recently I’m seeing it change a lot more, but when I went down to Texas in 2011 for the first redistricting trial it was an old boy’s club. 01:44:08 Quite frankly in voting rights the people who practice tend to be older too, so not only was I often the only woman in the room but I was often the only younger person in the room too. So it’s sort of, quite frankly I would wear glasses and do things that I thought made me look older and more experienced, you know pull my hair back. 01:44:34 Different little coping mechanisms you have to get people to take you seriously. I’m encouraged, lately there have been more women in the courtroom with me, and that’s exciting. It’s one of many different challenges, but it’s interesting. Even in law school I think my class was fifty/fifty, male and female, but in practice it hasn’t been that way.

MORRIS

01:45:11 Do you feel like you are taken less seriously than your male counterparts, and do you feel like you have to overcompensate in some areas in order to gain that equal level?

RIGGS
01:45:23 Yeah I think I’ve felt more dismissed because of my age than because of my gender, but sometimes it is hard to suss out the difference. Is it because I am a woman or is it because I am a younger woman? But yeah I work very hard, and I have become pretty knowledgeable in this field over a relatively short period of time. People are starting to respect my experience and my knowledge. I didn’t have anything to coast on. 01:45:59 I wasn’t afforded a certain amount. I mean, because of my race I am afforded some privilege already, but most of the people in the room are white anyway so it is a lot of white old men who practice voting rights law quite honestly. But they are going to have to retire at some point, there is going to need to be a younger generation employed.

ADAMS

01:46:28 Is there anything that you want to close out with dealing with working as a woman or anything else?

RIGGS

01:46:36 No. I think, you know, you always have those little quips that you get from older white judges or attorneys about your clothes or your attractiveness. Those are the sorts of passive aggressive attacks that any nonwhite male traditionally tends to face. Compared to my clients, the hurdles that I face are not nearly as challenging, so I can consider myself pretty lucky and look at any challenge I do face as a source of empathy and compassion for other folks in the work that I do.