

## A Better NC – “Team” Backup

Audio/Video	Backup
<p>Audio We expect our judges to be independent and fair.</p> <p>Video Shots of the NC SC CG: “Independent” “Fair”</p>	<p>n/a</p>
<p>Audio: But Supreme Court Justice Paul Newby disagrees.</p> <p>Newby’s running for Chief Justice... and recruited a team of extreme candidates to take over the court. They [even] call him their quarterback</p> <p>Image of Paul Newby CG: Supreme Court Justice Paul Newby Disagrees.</p> <p>Image of Newby CG: Paul Newby CG: Team of Extreme Candidates Source: Carolina Journal, 12/6/19; Fayetteville Observer, 9/21/16; WRAL, 7/16/19 CG: Paul Newby calls himself the “Quarterback” Source: Carolina Journal, 12/6/19;</p>	<p><b>Phil Berger, Jr., said the “team” strategy was the “brainchild” of “quarterback” Paul Newby who recruited the other candidates.</b> “If they played football, they’d wear long, black jerseys, and their end zone would be a judicial bench. “We’re all on the same team,” said N.C. Court of Appeals Judge Phil Berger Jr. in a June 9 pinned tweet. He’s running for a state Supreme Court seat next year. “We all have on the same jersey. We have the same judicial philosophy. And we’re all conservative!” A group of eight Republicans are running for appellate court seats next year. But instead of pushing individual campaigns, they’re all running together under a conservative brand. <b><u>The strategy was the brainchild of “quarterback” Supreme Court Justice Paul Newby, who’s running for chief justice and recruited several of the other candidates, Berger said.</u></b> (Carolina Journal, <a href="#">12/6/19</a>)</p> <p><b>Fayetteville Observer Editorial: “Supreme Court Justice Newby is out of line with public support of HB2”</b> “But last week, we saw a rare deviation from that norm, a surprising revelation by a North Carolina Supreme Court judge who attended a Fayetteville rally supporting controversial House Bill 2, nicknamed the ‘bathroom bill.’” (Fayetteville Observer, <a href="#">9/21/16</a>; <i>reprinted in NC Policy Watch</i>)</p> <p><b>Court watchers called negative remarks Newby made about his fellow justices in 2019 unusual.</b> “It was unusual for Newby to call out his fellow justices, court watchers said Tuesday, and another signal of how partisanship has seeped into judicial races. “There’s something uncomfortable about it,” former Supreme Court Justice Bob Orr said.” (WRAL, <a href="#">7/16/19</a>)</p> <p><b><u>Additional support for opinion:</u></b></p> <p><b>Phil Berger, Jr., was called “extreme.”</b> “Laura Fjeld’s Campaign Manager, Andrew Grunwald, issued the following statement in response to Coble’s endorsement of Berger Thursday: “Congressman Howard Coble is known for serving all of his constituents, regardless of their party or status in the community. That’s why he was so successful and well-loved by many. Unlike Coble, Phil Berger Jr. is extreme and marches to the drumbeat of the special interests and powerful party bosses. Laura will represent everyone in this community and always put North Carolina families first.”” (WFMY, <a href="#">5/15/14</a>)</p> <p><b>Tamara Barringer was part of the Republican majority with a “far right” agenda in the NCGA.</b> “Berger has decided to go all in with the far right agenda and appears to see it as his pathway to seeking the GOP nomination to take on Kay Hagan in 2014. Moreover, his legislative “agenda” was/is an utterly</p>

	<p>predictable recitation of Locke Foundation/Civitas/Art Pope priorities:” (NC Policy Watch, <a href="#">1/16/13</a>)</p>
<p>Audio: The Newby playbook? He wrote the opinion defending racial gerrymandering.</p> <p>Video: Image of Paul Newby Paul Newby: Racial Gerrymandering for Political Gain SOURCE: Dickson v Rucho II; News &amp; Observer, Editorial, 2/6/16</p>	<p><b>Newby wrote the majority decision in <i>Dickson v Rucho II (2015)</i> that upheld the legislature’s 2011 districts.</b> “The North Carolina Supreme Court ruled in a subsequent 4-2 decision that the trial court had not made adequate findings of fact to conclude that the “VRA districts” were drawn predominately based on race.” (Brennan Center, <a href="#">1/4/19</a>; Dickson v. Rucho, 781 SE 2d 404 - NC: Supreme Court <a href="#">2015</a>)</p> <p><b>The decision upholding the legislature’s 2011 districts was 4-3, meaning one justice could have made the difference.</b> “The North Carolina Supreme Court, in a 4-3 vote, recently <a href="#">upheld</a> the state’s redistricting map in a lawsuit alleging that the map discriminates against African American voters. The plaintiffs argued that the map intentionally dilutes the political power of black voters by packing them into a few districts.” (Center for American Progress, <a href="#">1/20/16</a>)</p> <p><b>Federal judges later found redistricting was “based on the illegal use of racial quotas that violated the constitutional rights of black voters.”</b> “Late Friday, a panel of three federal judges ruled in favor of plaintiffs challenging the lines of North Carolina’s 1st and 12th congressional districts. The panel ruled that the redistricting was based on the illegal use of racial quotas that violated the constitutional rights of black voters. The judges ordered the lines redrawn within two weeks.” (News &amp; Observer, Editorial, <a href="#">2/6/16</a>)</p>
<p>Audio: And [Paul] Newby’s ruling enabled Raleigh politicians to let corporate polluters who poison our air and drinking water off the hook.</p> <p>Video: CG: Newby’s ruling enabled the legislature’s extreme agenda. Protect Corporate Polluters. SOURCE: NC Policy Watch; 1/16/13; S711, veto overridden 6/27/18; WRAL, <a href="#">6/1/18</a>; S99, veto overridden <a href="#">6/12/18</a>)</p>	<p><b><u>Newby’s ruling:</u></b></p> <p><b>Newby wrote the majority decision in <i>Dickson v Rucho II (2015)</i> that upheld the legislature’s 2011 districts.</b> “The North Carolina Supreme Court ruled in a subsequent 4-2 decision that the trial court had not made adequate findings of fact to conclude that the “VRA districts” were drawn predominately based on race.” (Brennan Center, <a href="#">1/4/19</a>; Dickson v. Rucho, 781 SE 2d 404 - NC: Supreme Court <a href="#">2015</a>)</p> <p><b>The decision upholding the legislature’s 2011 districts was 4-3, meaning one justice could have made the difference.</b> “The North Carolina Supreme Court, in a 4-3 vote, recently <a href="#">upheld</a> the state’s redistricting map in a lawsuit alleging that the map discriminates against African American voters. The plaintiffs argued that the map intentionally dilutes the political power of black voters by packing them into a few districts.” (Center for American Progress, <a href="#">1/20/16</a>)</p> <p><b>Federal judges later found redistricting was “based on the illegal use of racial quotas that violated the constitutional rights of black voters.”</b> “Late Friday, a panel of three federal judges ruled in favor of plaintiffs challenging the lines of North Carolina’s 1st and 12th congressional districts. The panel ruled that the redistricting was based on the illegal use of racial quotas that violated the constitutional rights of black voters. The judges ordered the lines redrawn within two weeks.” (News &amp; Observer, Editorial, <a href="#">2/6/16</a>)</p> <p><b><u>Enabled Raleigh politicians to let corporate polluters who poison our air and drinking water off the hook</u></b></p> <ul style="list-style-type: none"> <li>• <b>NOTE:</b> NC legislative redistricting timeline: NCGA Republican Supermajorities were elected under the 2011 maps ruled racial gerrymanders through the 2016 election. (NCLEG, retrieved <a href="#">10/6/20</a>)</li> </ul>

- **NOTE:** *The Republican supermajority was broken following the first election under new maps drawn in 2018.*

**Republicans targeted North Carolina to control 2011 redistricting and enact their agenda.** “Finally, the RSLC proposed “strengthening Republican redistricting power by flipping 15 chambers from Democrat to Republican control” and defending nine other GOP majorities. The key targets: Alabama’s House and Senate, both chambers in Colorado, the Indiana and Iowa House, the Nevada and New York Senate, both chambers in North Carolina, Ohio’s House, the Oregon Senate, the Pennsylvania House and both chambers in Wisconsin.” (Salon, [2/6/18](#); Real Facts NC [2/15/18](#))

**Art Pope pumped money into NC politics to control redistricting and push a “far-right political agenda.”** “Pope, the chairman and COO of a discount-store conglomerate, pumped millions of dollars into helping the RedMap strategy succeed during the 2010 state legislative races. “He and his family members have basically poured money into the state's politics; \$40 million is about what they've spent through their foundations,” says Mayer. “About \$35 million of that has gone towards pushing a far-right political agenda in North Carolina. In the 2010 state races, where people don't spend much money, he and the groups that he helped found — that were supposedly independent groups — spent \$2.2 million. It doesn't sound like a lot nationally, but it can make all the difference in the context of one state. So basically what you're looking at is one very wealthy corporate captain who, when motivated enough, can exert enormous influence in a state.” (NPR, [10/6/11](#))

**Republicans passed S711 which protects hog farms against citizen lawsuits filed over odors, flies, buzzards, and other nuisances.** “A state Senate committee approved a proposal to protect hog farms against citizen lawsuits filed over odors, flies, buzzards and other nuisances caused by large-scale hog farming operators.” (News & Observer, [4/25/17](#); S711, Senate veto override [6/26/18](#), House veto override [6/27/18](#))

**S711 limits punitive damages, meaning that unless a farm operator has a criminal conviction or has received notice of violation that state farm laws were broken, damages won't be allowed.** “The law further limits when punitive damages can be awarded. Unless a farm operator has a criminal conviction or has received a regulatory notice of violation that state farm laws were broken, such damages won't be allowed.” (News & Observer, [6/27/18](#); S711, Senate veto override [6/26/18](#), House veto override [6/27/18](#))

**The language of S711 coincides with pending nuisance suits involving pork giant Murphy-Brown.** “The timing of the bill language, unveiled only two days ago, coincides with nuisance suits being heard or pending in federal court, overseen by US District Court Judge Earl Britt. In April, Murphy-Brown lost the first case in which the jury awarded the 10 plaintiffs a total of \$50 million in compensatory and punitive damages. Because of a state law capping punitive damages, Britt reduced the amount to \$3.25 million.” (NC Policy Watch, [6/7/18](#); S711, Senate veto override [6/26/18](#), House veto override [6/27/18](#))

**WH Group, a Chinese corporation, purchased Smithfield in 2013 and now owns Murphy-Brown.** “Kaeske added that WH Group, the Chinese corporation that purchased Smithfield in 2013 for an estimated \$4.7 billion, made \$2 billion in profits last year. The cost of covering all the lagoons in the North Carolina,

Kaeske told the court, would total about \$500 million, around half of what Smithfield makes each year after taxes. Between 2010 and 2015, he said, four Smithfield executives earned a combined total of \$245 million. Kaeske's emphasis on the company's bottom line did not sit well with Smithfield attorney Mark Anderson, who said he was "frustrated, listening to all this talk about big corporations, big money"—rhetoric he called "anti-corporation and anti-agriculture." Throughout the trial, hog farming industry advocates have consistently painted the litigation as an assault on hard-working family farmers, although the lawsuits are not targeting the farmers that contract with Murphy-Brown. Anderson, in his opening remarks, said the lawsuits are motivated by "out-of-town people with an agenda." (Indy Week, [4/25/18](#))

**Dozens of nuisance suits would be thrown out after S711 becomes law, letting polluters off the hook for paying compensatory damages.** "The second case, one of dozens scheduled throughout the year, is being heard now. But Jackson said the bill intentionally would nullify any cases that were not being tried by the day the legislation became law. Dozens of nuisance suits, already filed with the court, would be thrown out. Murphy-Brown would not have to risk losing again. Sen. Warren Daniel, a Republican from Burke and Cleveland counties, proposed an amendment that would allow the dozens of nuisance cases pending before the court to continue. He later withdrew the amendment." (NC Policy Watch, [6/7/18](#); S711, Senate veto override [6/26/18](#), House veto override [6/27/18](#))

**Additional support:**

**Chemours dumped chemicals into the Cape Fear River without disclosing that information to the state.** "The lawsuit alleges that the chemicals dumped into the Cape Fear River by the companies have been linked to a number of cancers and diseases, including liver disease, and that "Bladen, Brunswick, Pender, and New Hanover Counties have among the highest concentrations of liver disease in the United States." The lawsuit also identifies Bladen, Brunswick, Cumberland and New Hanover counties as having above-average rates of various types of cancers. Because Du Pont and Chemours kept the state in the dark about what was being put into the water, the lawsuit says, the state "could not and did not design water filters to keep families from drinking that poison." (News & Observer, [2/13/18](#))

**"A lobbying group that includes GenX manufacturer Chemours asked for three changes to legislation targeting the company's chemical emissions, and it got all three..." in the 2018 Republican budget.** "A lobbying group that includes GenX manufacturer Chemours asked for three changes to legislation targeting the company's chemical emissions, and it got all three during a complex back-and-forth that saw the bill morph significantly between rollout and inclusion in the new state budget. Among the changes: No longer would North Carolina test drinking water supplies for pharmaceuticals and an array of chemicals called emerging contaminants as part of a wide-ranging search for what's in the water. The focus is narrower under legislation about to pass this General Assembly, keying on GenX and related chemicals that have captured most of the public attention since their presence was revealed in Wilmington's drinking water one year ago." (WRAL, [6/1/18](#); S99, veto overridden [6/12/18](#))

**Extreme agenda:**

	<b>NCGA Republicans outlined a “far right” plan in 2013.</b> “Berger has decided to go all in with the far right agenda and appears to see it as his pathway to seeking the GOP nomination to take on Kay Hagan in 2014. Moreover, his legislative “agenda” was/is an utterly predictable recitation of Locke Foundation/Civitas/Art Pope priorities.” (NC Policy Watch, <a href="#">1/16/13</a> )
<b>Audio:</b> [Let’s] stop Paul Newby’s Extreme Team.  <b>Video:</b> Vote No on Paul Newby’s Extreme Team for Supreme Court.	n/a

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