Abstract

Robinson O. Everett (1928-2009) was an attorney, judge, and a Duke Law professor for over 50 years. He received both his AB (1947) and a law degree (1950) magna cum laude from Harvard. Everett began teaching at Duke Law School shortly after graduating from law school; at 22 years old, he was the youngest person ever to teach at Duke Law. He became a full-time member of the faculty in 1957 and gained tenure in 1967. In 1959, he completed a master’s of law degree at Duke. Among the many aspects of his distinguished career he prosecuted four cases in the 1990’s that challenged the arrangement of voting districts in North Carolina. All four of these cases eventually reached the US Supreme Court.

The Robinson Everett Redistricting Cases Papers span the years 1989-2002, with the bulk of the material being dated between 1992 and 2001. The papers consist primarily of litigation files and depositions created during the prosecution of four cases which questioned the drawing of voting districts in North Carolina. These cases are Shaw v. Reno, 509 U.S. 630 (1993), Shaw v. Hunt, 517 U.S. 899 (1996), Hunt v. Cromartie, 526 U.S. 541 (1999), and Easley v. Cromartie, 532 U.S. 234 (2001). Hunt v. Cromartie and Easley v. Cromartie are closely related cases and these materials are grouped together. The collection also contains correspondence, trial exhibits, transcripts, redistricting plans and maps, research, news coverage, and scholarship. The research material includes a great deal of redistricting information including related cases, statistics, and reports from several sources including the North Carolina General Assembly. Duke Law professor H. Jefferson Powell argued for the state in the US Supreme Court in Shaw v. Reno. Duke Law professor emeritus and former interim dean Walter E. Dellinger represented the state in the Supreme Court in both Cromartie cases.

Collection Overview

The Everett Redistricting Cases Papers collection includes 42 linear feet of litigation filings, depositions, trial exhibits, correspondence, research, scholarship and more. They are the detailed paper trail of the cases' trajectory up and down the federal court system.

After the 1990 Census increased North Carolina’s seats in the U.S. House of Representatives from 11 to 12, the state General Assembly created a new apportionment plan with one district drawn to ensure an African-American majority. The U.S. Attorney General's Office objected, stating that the population makeup of the state (78% white, 20% black, and 1% each Native American and Asian) made a single majority-minority district insufficient. In a special legislative session, the General Assembly rewrote the apportionment plan to create an additional majority-minority district. The unusual shapes of the revised districts ("a First District map which looks like a Rorschach ink-blot test and … a serpentine Twelfth District that slinks down the Interstate Highway 85 corridor," observed Justice Voorhees of the U.S. District Court for the Eastern District of North Carolina) led to a federal court challenge by a group of North Carolina voters. Robinson Everett represented the plaintiffs (which originally included himself and fellow Duke Law professor Melvin G. Shimm) in this series of four cases, all of which eventually reached the U.S. Supreme Court:

Shaw v. Reno, 509 U.S. 630 (1993) held that the district’s bizarre new boundaries were "unexplainable on grounds other than race," and that the legislature had not provided sufficient
justification to withstand a strict-scrutiny examination. The case was remanded to the U.S. District Court. (Note: Duke Law professor H. Jefferson Powell argued for the state in this case. Everett later wrote in prepared remarks to the International Association of Barristers that "[T]his apparently was the first time in the Court’s history that two law professors from the same school had argued against each other." A draft of this speech is in the Undated folder in the Scholarly Articles series.)

Shaw v. Hunt, 517 U.S. 899 (1996) confirmed that North Carolina had failed to articulate a compelling government interest for the redrawn Twelfth District, and that the reapportionment plan violated the Equal Protection Clause. (At this point, the Court also held that only residents of the 12th District had standing to continue the suit, which included Professor Shimm but not Judge Everett, who continued to serve as counsel to the remaining eligible plaintiffs.)

Hunt v. Cromartie, 526 U.S. 541 (1999) challenged the 1997 redrawing of the Twelfth District. The U.S. District Court had granted summary judgment in this new challenge, holding that the redrawn boundaries still constituted an Equal Protection Clause violation. The U.S. Supreme Court reversed and remanded, holding that the legislature’s motivation was a genuine issue of material fact which made the case ineligible for summary disposition.

Easley v. Cromartie, 532 U.S. 234 (2001) reviewed the U.S. District Court’s finding after remand (from Hunt v. Cromartie, above) that the 1997 legislature's motive was predominantly racial rather than political. The Supreme Court disagreed, reversing the District Court’s ruling as "clearly erroneous" and stating, "[T]he party attacking the legislatively drawn boundaries must show at the least that the legislature could have achieved its legitimate political objectives in alternative ways that are comparably consistent with traditional districting principles. That party must also show that those districting alternatives would have brought about significantly greater racial balance. Appellees failed to make any such showing here." (Note: Duke Law professor emeritus and former interim dean Walter E. Dellinger represented the North Carolina governor in both Cromartie cases.)

Shaw v. Reno/Shaw v. Hunt

Pleadings & other documents, 1992-1996 & undated, chronological order, 27 boxes. Most material is in original folders. There is a pleadings index in the front of the first box that covers March 12, 1992, to August 18, 1994.

Litigation files: motions, briefs, memoranda, affidavits, orders, declarations, depositions & related material. Includes material from both the Eastern District Court of North Carolina and the U.S. Supreme Court. Also includes both Shaw v. Barr and Shaw and Pope v. Hunt.

Box 1  Jan. 8, 1992-April 20, 1992
Box 2  April 23, 1992-Jan. 19, 1993
Box 3  Jan. 21, 1993-Aug. 27, 1993
Box 4  Sept. 7, 1993-Oct. 26, 1993
Box 5  Oct. 27, 1993-Nov. 5, 1993
Box 6  Nov. 5, 1993-Nov. 29, 1993
Trial Exhibits, undated, alphabetical order, 6 boxes
Material transferred from binders. In most cases a table of contents or index is the first item in each group. Corresponding tabs retained.

**Box 28**
Folders
- Defendant-Intervenors’ Trial Exhibits, Shaw & Pope v. Hunt & Gingles (4 folders)
- Defendants’ Exhibits, Shaw v. Hunt (1 folder)

**Box 29**
- Exhibits & Deposition Excerpts, Plaintiff-Intervenors’ Motion for Preliminary Injunction (4 folders)
- Exhibits of Plaintiff-Intervenors (2) (3 folders)
- Exhibits to Defendant-Intervenors’ Memorandum Opposing Motion for Preliminary Injunction (4 folders)

**Box 30**
- Exhibits to Stipulations to be offered by Defendant-Intervenors, Shaw & Pope v. Hunt & Gingles (1 folder)
- Plaintiff-Intervenors’ Trial Exhibits (1) (3 folders)
Box 31
State’s Notebook of Trial Exhibits, v. I (4 folders)
State’s Notebook of Trial Exhibits, v. II (2 folders)
Stipulations by the Parties, Shaw & Pope v. Hunt & Gingles, v. I (3 folders)
Stipulations by the Parties, Shaw & Pope v. Hunt & Gingles, v. II (2 folders)

Box 32
Volumes
Legislative History [of redistricting], Vol. I, Transcripts of the Public Hearings
Legislative History [of redistricting], Vol. II, Legislative Floor Debates and
Legislative Redistricting Committee Proceedings

Box 33
Audio/Visual
MacNeil-Lehrer News Hour, 1/26/1994, VHS video cassette
Voting District Debate, 2/5/1994, VHS video cassette
Unidentified, undated VHS video cassette
Unidentified, undated audio cassette

Transcripts
District Court, Eastern District of North Carolina, Raleigh Division, chronological order, 2 boxes
  Includes Defendant-Intervenors’ Fact Witness Statements, March 19-24, 1994

Box 34  March 19, 1994-March 29, 1994
Box 35  March 30, 1994-April 4, 1994

Research and News Coverage
Boxes 36-37
  Newspaper articles, some press releases, a few drafts of letters to the editor, all concerning the Shaw cases

Scholarly Articles, 1993-1996 & undated, chronological order, 3 folders
  A variety of articles mostly concerning Shaw v. Reno. The Undated folder contains four drafts of “Some Comments on Shaw v. Reno” and two drafts of “Speech before the International Association of Barristers” by Everett.

Box 38
General Redistricting Articles, 1975-1999 & undated, chronological order, 8 folders
  A variety of articles both news media and scholarly concerning general redistricting and some other specific redistricting cases
**Box 39**
Miscellaneous Articles, 1990-1999 & undated, chronological order, 1 folder
A variety of articles the relevance of which to the Shaw cases could not be determined

**Boxes 40-41**

**Boxes 42-45**
Related Cases, 1880-1997 (bulk 1988-1997), chronological order by decision date, 16 folders. Various materials concerning cases related to Shaw including opinions, briefs, motions, and others. The largest amounts of material concern Hayes v. Louisiana (June 29, 1995) and Lawyer v. the United States Department of Justice (June 25, 1997). The Hayes v. Louisiana material includes some correspondence.


**Box 46**
- Historical Background on North Carolina Redistricting, 1991-1992, 1 folder
  Contains communication within the General Assembly, with other parts of North Carolina government, and with the U.S. Department of Justice.

House Transcripts, 1991 (not limited to redistricting) 3 folders
Senate Minutes & Transcripts, 1991-1992, 2 folders

**Box 47**
House of Representatives Redistricting Committee Transcripts, January 1992, 1 folder.

**Box 48**
Database Contents as of May 1, 1991/Leads and suggestions for trial, 1991, 1
folder. Contains precinct and township maps and information on voting
district software. The suggestions for trial are a collection of correspondence
from the House Submission Notebook.
Contains maps and draft bill.
Correspondence
memoranda to and from Robinson Everett and other staff at his firm; staff at Maupin,
Taylor, Ellis, & Adams, P.A.; staff at Ferguson, Stein, Wallas, Adkins, Gresham &
Sumter, P.A.; the North Carolina Department of Justice; members of the North Carolina
General Assembly; the Republican National Committee; the United States Supreme
Court; members of Congress; the Louisiana Department of Justice and others involved
with Hayes v. Louisiana. Many pieces have related material attached such as legal
documents and articles. A noteworthy piece is “Statement of Robinson O. Everett,” July
16, 1993, in which Everett refutes statements made by a representative of the NAACP.

Box 49 1981-March 1994
Box 50 April 1994-1997 & undated

Boxes 51-52
Miscellaneous, 2 boxes
Curriculum vitae of scholars pertinent to Shaw, material on expert witnesses,
defendant-intervenors’ expert witness statements, versions of case descriptions,
financial material, notice of appeal

Box 53
Notes, undated, 1 box
Handwritten and typescript notes, some on legal paper tablets. One group was
labeled “Some first drafts of Shaw pleadings, another “Cross & direct
examination questions.” Includes 2 computer discs.

Shaw v. Reno
Pleadings, other documents, and Supreme Court material, 1993-1996, chronological
order, 2 boxes
Litigation files: Briefs, motions, a Supreme Court oral argument transcript,
transcript of Supreme Court proceedings, Supreme Court opinion and dissent, a
League of Women Voters redistricting plan, official Department of Justice copies
of speeches by John R. Dunne, Assistant Attorney General for Civil Rights.
Miscellaneous Supreme Court material includes guides to the court, argument schedules, and forms.

**Box 54**  
April 20, 1993-July 22, 1996

**Box 55**  
Miscellaneous Supreme Court material, Dunne speeches

**Box 56**  
News Coverage, 1991-1995, 1 box  
Newspaper and magazine clippings on Shaw v. Reno and other redistricting cases

**Box 57**  
Supreme Court Briefs, 1992-1996, 1 box  

**Cromartie v. Hunt (Easley)**

Pleadings & other documents, 1996-2000 & undated, chronological order, 7 boxes  
Some material in original folders. Some material transferred from binders. The tabs in this material have been retained but there are no tables of content or indexes.  
Includes Shaw v. Hunt material used in support of Cromartie. Litigation files: motions, memoranda, a summons, an order, affidavits, some correspondence.  
Includes some Supreme Court material, two preliminary drafts of an autumn 2000 Appellees’ Brief on the Merits, and handwritten and typescript notes on the brief’s composition.

**Box 58**  

**Box 59**  
Jan. 15, 1998-June 8, 1998

**Box 60**  
June 22, 1998-Oct. 18, 1999

**Box 61**  
Nov. 2, 1999-March 9, 2000

**Box 62**  
March 2000

**Box 63**  
March 22, 2000-Oct. 9, 2000

**Box 64**  
Bound affidavits used in District Court 1998  
Bound Supreme Court briefs 1997-1998

**Correspondence, 1996-2002, chronological order, 3 boxes**

Various correspondence with attorneys, plaintiffs, the North Carolina Department of Justice, and business associates.

**Box 65**  
1996-Nov. 21, 1999

**Box 66**  
Nov. 22, 1999-May 2000

**Box 67**  
Jan. 2000-June 2002 & undated
**Boxes 68-73**
Trial Exhibits, undated, volumes I-VIII, numeric order assigned at time of trial, 6 boxes
   Material transferred from binders. Original tabs retained but there are no tables of content or indexes.
   Primarily voting district maps, some reports and statistics (numbering is not sequential, first exhibit is number 8, some later numbers skipped)

**Boxes 74-77**
Redistricting Plans, 1997-1998, numeric order, 4 boxes
   Material transferred from binders. There are no tabs or tables of content but most material is identified at the front of each section.
   Redistricting legislative history, 1997
   North Carolina Section 5 Submission 1997 Congressional Redistricting, volumes I-IV
   North Carolina 1998 Redistricting Plan volumes I-II

**Boxes 78-80**
Supreme Court Material, 1989-2001 (bulk 1997-1999), 3 boxes
   Printed and bound Supreme Court briefs, correspondence, emergency stay material, memoranda and drafts of briefs, affidavits including statistics and research, Shaw v. Hunt witness statements including statistics. The Miscellaneous material includes transcripts of oral arguments delivered by Walter Dellinger on Jan. 25, 1999, and Nov. 27, 2000.

**Box 81**
Trial Transcripts, Nov. 29-Dec. 1, 1999, 1 box
   Transcripts of the trial in the US District Court, Eastern Division of North Carolina, Western Division, volumes I-III

   Depositions, Sept. 17-Oct. 18, 1999, alphabetical order by name of witness, 4 boxes
   **Box 82** Baker, Don-Cohen, Henry
   **Box 83** Cohen, Henry-Jones, Linwood
   **Box 84** Linwood, James-Weber, Ronald
   **Box 85** Webster, Gerald-Worth, Charles

**Boxes 86-87**
Deposition Exhibits, in numeric order assigned at time of trial, 2 boxes
   Material transferred from binders. Includes tables of content. Corresponding original tabs retained.
   Excerpts from depositions, statistics, redistricting plans, and maps used as
exhibits at trial

**Boxes 88-90**
Discovery Material, alphabetical by name of case, 3 boxes
  Statements and reports by Ronald E. Weber for other redistricting cases, most notably Hayes v. Louisiana

**Box 91**
1999 Trial Notes, not specifically dated, 3 folders
  Handwritten and typed notes and memos on strategies for argument and use of deposition exhibits. Includes a 1999 daily planner notebook.

News Coverage, 1991-2000 and undated, chronological order, 4 folders
  Newspaper clippings and website printouts, some on redistricting in general, most concerning the Cromartie case

Witness files, 1993, 1999, alphabetical order by name, 9 boxes
  The majority of the material is dated 1999. Depositions and statements including related material such as correspondence, scholarship, statistics, maps, and notes.

**Box 92** Baker, Don-Cohen, Henry
**Box 93** Cooper, Roy
**Box 94** Cromartie, Martin-Everett, Reuben
**Box 95** Froelich, Jacob-Jones, Linwood
**Box 96** Linwood, James-Muse, Thomas
**Box 97** Peterson, David-Weber, Ronald
**Box 98** Weber, Ronald-Webster, Gerald
**Box 99** Webster, Gerald-Winner, Leslie
**Box 100** Winner, Leslie-Other various

**Box 101**
Miscellaneous, 1991-2001 & undated, 1 box