

North Carolina judge humanitarian at heart

By Cash Michaels

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WILMINGTON, N.C. (NNPA) - It was more than a decade ago in one of his first sessions as a Superior Court judge in Durham. Judge Howard Manning Jr., a conservative Democrat-turned-Republican appointed to the bench by Republican Governor Jim Martin in 1988, had been a respected attorney in the state for some time. But now sitting on the bench, he got one of his first lessons in the relationship between race, criminal justice and education.

Durham prosecutors brought a White defendant convicted of drug dealing before him. They recommended probation, which Judge Manning granted.

But minutes later, prosecutors brought a Black defendant before His Honor, convicted of exactly the same offense. They wanted Manning to give him five years.

The Republican judge refused, telling the prosecutors in open court what they were asking for was unfair. With eyes wide open, in every courtroom he presided in across the state, Manning says he saw the same thing — Black defendants, young, in trouble, and all sharing the same problem.

In 1993, Judge Manning was asked to investigate the tragic deaths of a young Black mother and her infant son at the Walnut Terrace Public Housing complex in downtown Raleigh. They had suffocated in their apartment because of a carbon monoxide leak from the central boiler system when the mother shut her windows to protect against burglars.

Manning left no stone unturned, closely probing every detail, from poor maintenance of the boiler system to the weather the day of the deaths. In his report, Manning made it clear that the Raleigh Housing Authority was at fault, and heads rolled.

The no-nonsense, upfront and honest style of Superior Court Judge Howard Manning Jr. was so impressive that in 1996, then-Gov. Jim Hunt, a Democrat, reappointed the Republican.

And that's why the North Carolina Supreme Court assigned Judge Manning to determine remedies in the groundbreaking Leandro versus the State of North Carolina lawsuit in 1997. Five of the state's poorest counties had sued, claiming that because they were systemati-

cally under-funded, they could not educate their public school students to the same standard of students being taught in wealthier counties like Wake, Durham or Mecklenburg.

The state Supreme Court

determined that students in poor counties like Hoke, Cumberland, Robeson, Halifax and Vance had, under the North Carolina Constitution, a fundamental right to a "sound basic education." The High court assigned

Judge Manning to determine what the remedies would be.

In 1999, Judge Manning heard testimony and visited some of the schools to see for himself what was happening.

Once again, his eyes were opened. In his judgment, he

said that the students, mostly poor and Black, were the victims of "educational malpractice." In Oct. 2000, he questioned the funding of poorer school districts, and a year later, ordered the state to come up with a plan to

better serve students at risk for academic failure.

He gave the state a year to come up with a plan to better address the problem.

In 2002, Judge Manning held the state responsible for (See Judge, Page 12)

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