

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1558

Short Title: 1898 Wilmington Riot Reconciliation Act/2007. (Public)

Sponsors: Representatives Wright, Jones (Primary Sponsors); and T. Harrell.

Referred to: Judiciary II, if favorable, Appropriations.

April 18, 2007

A BILL TO BE ENTITLED

AN ACT TO ENACT THE 1898 WILMINGTON RIOT RECONCILIATION ACT OF 2007.

The General Assembly of North Carolina enacts:

SECTION 1. This act may be cited as the 1898 Wilmington Riot Reconciliation Act of 2007.

SECTION 2. The General Assembly finds, pursuant to the final report of the 1898 Wilmington Race Riot Commission regarding the 1898 Wilmington Race Riot of November 10, 1898, and the riot's place in the history of race relations in North Carolina:

- (1) The effects of the 1898 Wilmington Race Riot reside deep in the history of race relations in North Carolina, perpetuated Jim Crow law enactments, perpetuated disenfranchisement of African-Americans, and perpetuated violence against African-Americans, including 60 African-Americans who were lynched in North Carolina between 1900 and 1943. As the Commission documents, the coup d'etat was carried out by White supremacists who were motivated by racism; White supremacist politics; and desire to subjugate African-Americans' political, economic, and social progress achieved in Wilmington, North Carolina, during the Reconstruction Era.
- (2) Initial reports and historical accounts of the time that viewed the Wilmington Race Riot as necessary to "restore order" were incorrect. The documentation assembled by the 1898 Wilmington Race Riot Commission provides strong evidence that White Democratic supremacists sought to secure political control in the city using whatever extremes necessary to assure their victory.
- (3) The staggering cost of the Wilmington Race Riot included the deaths of an estimated 60 persons, the vast majority of whom were

1 African-Americans. It also included the banishment of leading
2 African-Americans and Republicans from the city and political posts.

3 (4) The Democrats that took control as a result of the coup sought to
4 replace African-American municipal employees with Whites.
5 Moreover, State officials failed to react or intervene to suppress the
6 violence of November 10, 1898. The President of the United States
7 contemplated sending troops into North Carolina to calm the violence,
8 but the Governor never formally requested assistance.

9 (5) Perhaps the most repugnant fact regarding the history of the 1898
10 Wilmington Race Riot is that it was virtually forgotten by White North
11 Carolinians for over 100 years. The silence was a result of intimidation
12 and threats directed towards African-Americans and advocates for
13 Wilmington's African-Americans.

14 (6) The work of many individual North Carolinians and now of the 1898
15 Wilmington Race Riot Commission has forever ended the "silence"
16 surrounding the events in Wilmington of November 10, 1898, and its
17 aftermath.

18 (7) The injured African-Americans, who resided in and around downtown
19 Wilmington, North Carolina, suffered enormous damages, both
20 material and intangible, and there were incalculable losses in economy,
21 politics, and society, all of which resulted in significant human
22 suffering for which appropriate compensation has not been made.

23 **SECTION 3.** The General Assembly, in enacting this act, concurs with the
24 conclusion of the 1898 Wilmington Race Riot Commission that the reason for
25 responding in the manner provided by this act is not based on the present strictly legal
26 culpability of the State of North Carolina or its citizens. Instead, this response
27 recognizes that the State's action and lack of action, surrounding the events in 1898, to
28 preempt the violence and the effects thereafter violated U.S.C.A. §§ 1981, 1982, 1983,
29 1985, and 1986. Moreover, this act is an attempt by the State to reconcile the injury
30 inflicted upon Wilmington's African-Americans. Responsibilities of State actors at the
31 time of the riot were ignored and continued to be ignored for a century thereafter. This
32 antagonized the realities of North Carolina's history of race relations that allowed one
33 race to "keep down" another race. It is the intention of the General Assembly in
34 enacting this act to freely acknowledge its moral and legal responsibility on behalf of
35 the State of North Carolina and its citizens that no race of citizens in North Carolina has
36 the right or power to subordinate another race today or ever again.

37 **SECTION 4.** The North Carolina General Assembly recognizes that, as
38 described in the Wilmington Race Riot Commission Report, a grave injustice was done
39 to African-American citizens of North Carolina by the November 10, 1898, coup d'etat
40 in Wilmington.

41 **SECTION 5.** For these fundamental violations of the basic civil liberties and
42 constitutional rights of African-Americans, the General Assembly apologizes on behalf
43 of this State.

1 **SECTION 6.** Based on the above and the findings of the Wilmington Race
2 Riot Commission, the purposes of this act, with respect to victims of the November 10,
3 1898, Wilmington coup d'etat, are to provide redress for the victims by providing a
4 special statute of limitations, of two years from its enactment, that will allow the estates
5 of persons injured, killed, or that otherwise suffered personal or property losses
6 resulting from the November 10, 1898, Wilmington coup d'etat, to file legal claims.

7 **SECTION 7.** G.S. 1-53 is amended by adding a new subdivision to read:

8 "**§ 1-53. Two years.**

9 Within two years –

10 ...

11 (5) An action brought by the estate of the person injured or a living family
12 member or direct descendant of the person injured, for damages on
13 account of a death, personal injury, or physical damage to property
14 resulting from the November 10, 1898, Wilmington Race Riot; the
15 cause of action shall not accrue until July 1, 2007, and damages
16 awarded under this subdivision are subject to all of the following
17 requirements:

18 a. Prior to awarding damages, inflation, present replacement
19 value, and loss of use from November 10, 1898, shall be
20 considered.

21 b. After awarding damages, these damages shall be compounded
22 at an eight percent (8%) rate of interest from November 10,
23 1898.

24 c. After damages are compounded under sub-subdivision b. of this
25 subdivision, this final total for damages shall be distributed to
26 family members in accordance with the Intestate Succession
27 Act, Chapter 29 of the General Statutes."

28 **SECTION 8.** Section 7 of this act becomes effective July 1, 2007, and
29 applies to causes of action filed on or after that date. The remainder of this act is
30 effective when it becomes law.