



*State of North Carolina
Office of the Governor*

*Roy Cooper
Governor*

November 17, 2023

*20301 Mail Service Center
Raleigh, N.C. 27699-0301*

Mr. Gary Salamido, President & CEO
North Carolina Chamber of Commerce
701 Corporate Center Dr., Suite 275
Raleigh, N. C. 27607

Dear Mr. Salamido:

I am writing to express my serious concerns over the habitual failure of the North Carolina General Assembly to confirm Black nominees to various judicial or quasi-judicial roles. Moreover, I want to relay my concern over frequent reports from legislators, staff, and stakeholders that these decisions are often made in consultation with the North Carolina Chamber of Commerce (the Chamber).

I am aware that the Chamber has no statutory responsibility to approve or reject nominations, but legislators often point to the Chamber as a primary driver behind their actions. Moreover, it has been the experience of my office that the Chamber has not supported the nomination of several Black nominees to judicial and quasi-judicial roles, despite repeated requests to do so. I strongly urge you to work with your staff and members to consider the Chamber's impact, intentional or not, in making North Carolina government less representative than the people it serves. I am sending a copy of this letter to your Board of Directors and members, most of whom I am sure are not aware of this problem and will want to rectify it once they are made aware of the statistics.

I strongly believe that state government should look like the people it serves and protects and have put forward nominees who are intelligent, experienced, and fair. We also strive to ensure that they reflect the diverse wealth of talent and experience in North Carolina. My administration has worked to identify highly qualified individuals for appointment to roles including Business Court judges, Industrial Commissioners, members of the Board of Review, and others. The Chamber is known to play an outsized role in supporting or rejecting the confirmation of these individuals at the General Assembly. In recognition of this fact, the Governor's office has routinely and consistently sought the Chamber's input and discussed potential nominees with the Chamber's staff because we want to see them confirmed and understand that the Chamber plays an important role in that process.

Unfortunately, the record shows an alarming racial disparity in the confirmation of white and Black nominees, including the failed nomination of six (6) consecutive Black nominees to the Board of Review in 2021 and 2022. In each of these denials it was difficult, if not impossible, to get an explanation from General Assembly members or the Chamber of substantive objections to the nominees.

Most recently, the General Assembly has refused to even consider the confirmation of two consecutive Black women nominated to serve on the North Carolina Business Court, which currently has no minorities serving in any of its six seats. This despite our state having a population that is over 30 percent non-white and 22 percent Black. My pending nominee is a decorated Air Force veteran who served as an intelligence officer and Judge Advocate General (JAG), and a political independent. She is a partner

*Location: The State Capitol Building, Raleigh, N.C. 27602
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at one of the largest law firms in the United States, where she represents corporate clients in product liability claims, complex civil litigation, and environmental litigation. She even clerked for a Republican North Carolina Supreme Court Justice. She also happens to be Black.

Appointments to the Business Court are a priority of the Chamber, and legislators and staff have repeatedly referred to the Chamber's refusal to endorse my qualified nominees as legislators' motivation for not taking action.

The General Assembly's overall record of confirming Black nominees from my office is abysmal. They have confirmed just 13 out of 33 (39%) Black nominees from my office. By comparison, they have confirmed 42 out of 70 (60%) white nominees from my office. These figures reflect all nominations to courts, boards and commissions requiring confirmation.

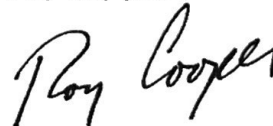
For the North Carolina Business Court, the Industrial Commission, and the Board of Review combined (all of which the Chamber plays a pivotal role in confirmation) the numbers are worse: Since 2017, the General Assembly has confirmed only 5 out of 14 (36%) Black nominees but approved 12 out of 14 (86%) of the white nominees. The discrepancy is stark and reflects at best a huge blind spot for the General Assembly and at worst a record of troubling racism.

The Chamber's substantial influence on the General Assembly cannot be ignored when considering this pathetic record. As Governor, I've worked to recruit record numbers of new jobs to our state. What I hear constantly from employers is that diversity benefits their bottom line. An organization that is designed to help our economy and North Carolina businesses should be strongly supporting the speedy confirmation of qualified Black nominees to positions of leadership in our state.

I ask that you confer with your staff and members, look at the facts, and reflect on the damage the Chamber's actions can cause to our state's reputation, business community and judicial system. A real change is necessary.

With kind regards I am,

Very truly yours,

A handwritten signature in black ink that reads "Roy Cooper". The signature is written in a cursive, slightly slanted style.

Roy Cooper

RAC/sm/ll

cc: NC Chamber Board
NC Chamber Cornerstone Members