

Barbara Jackson: North Carolina Supreme Court Justice

“We are compelled to exercise judicial restraint and defer to the General Assembly's judgment.” – Jackson in [Dickson v. Rucho](#), on the right of the General Assembly to keep secret its communications about 2011 legislative maps later ruled unconstitutional.

In this Real Facts NC Candidate Profile, we turn our attention to the North Carolina Supreme Court and Associate Justice Barbara Jackson. Jackson was elected to the NC Supreme Court in 2010 and is running for re-election this upcoming November. Before becoming an Associate Justice, Jackson was elected as a judge on the NC Court of Appeals and served for six years. Prior to her judgeship, Jackson practiced law for fourteen years, including time as General Counsel to Republican Cherie Berry in the NC Department of Labor and in the office of Republican Governor James G. Martin.

Summary

- ***Despite claiming political independence, Jackson is a partisan cheerleader and has received an endorsement from the Republican Party when running for a nonpartisan race.***
- ***Jackson ruled in favor of the school voucher program, which allows North Carolina to use public tax dollars to help send children to private and religious schools***
 - *Jackson has taken at least \$19,585 in campaign contributions from school choice advocates*
- ***Jackson twice ruled to uphold partisan election maps, that the US Supreme Court struck down for being racial gerrymanders.***
 - *Barbara Jackson wrote the decision that allowed Republican legislators to keep private their email with lawyers who aided in the drawing of the unconstitutional maps*
- ***Jackson sided with her Republican colleagues in a dissent, ruling that the legislature should be able to strip powers from the governor. A move that only happened after a Democrat was elected to the office.***



Barbara Jackson, Associate Justice, NC Supreme Court

Despite her claims of political independence, Barbara Jackson is a partisan cheerleader

In 2017, Jackson attended the God and Country Banquet where keynote speakers expressed radical views on women's healthcare, same-sex marriage, and claimed Christianity was under siege. "During an evening that mixed politics and religion, speakers argued that Christianity, which was described as under siege, should play a larger role in the nation's public life. The 24th annual event featured keynote speaker Paul Newby, an N.C. Supreme Court Justice, and N.C. Rep. Michael Speciale (R-Craven). Also in attendance were U.S. Rep. Walter B. Jones, N.C. Sen. Norman Sanderson, Supreme Court Justice Barbara Jackson, N.C. Reps. Beverly Boswell, Pat McElraft, George Cleveland, and Bert Jones, and Craven County Commissioner Scott Dacey. During Newby's keynote remarks, he addressed what he believes is the overreach of local and state governments in imposing regulations that violate religious freedom. Newby spoke about the case of a pharmacy in Washington state that refused to sell emergency contraceptives based on the owner's religious beliefs. A state judge maintained that pharmacies must stock and dispense products such as Plan B because of the time-sensitive needs of patients who want to buy emergency contraception... "The writers of the Constitution knew we, as a Christian people, had the Bible to let us know that marriage is a commitment to God by one man and one woman," said Speciale. "We need to get back to the basics. We need to teach our fellow Americans. We need to wake up, we need to speak up and we need to pray." (Havelock News, 9/20/17)

In 2014, Jackson stumped for Republican Chief Justice Mark Martin on the campaign trail. "Chief Justice Mark Martin did not attend the forum, but Justice Barbara Jackson spoke briefly in his place emphasizing his appointment to the Supreme Court by Gov. Pat McCrory and the fact five former chief justices of the state Supreme Court have endorsed him." (The Brunswick Beacon, 10/22/14)

In 2014, [an independent study of the ideology of state Supreme Court Justices](#) by Stanford Professors rated Jackson in the most conservative category for Supreme Court Justices at the state level. "In October 2012, political science professors Adam Bonica and Michael Woodruff of Stanford University attempted to determine the partisan ideology of state supreme court justices. They created a scoring system in which a score above 0 indicated a more conservative-leaning ideology, while scores below 0 were more liberal. Jackson received a campaign finance score of 0.76, indicating a conservative ideological leaning. This was more conservative than the average score of -0.01 that justices received in North Carolina. The study was based on data from campaign contributions by the judges themselves, the partisan leaning of those who contributed to the judges' campaigns, or, in the absence of elections, the ideology of the appointing body (governor or legislature). This study was not a definitive label of a justice, but an academic summary of various relevant factors." (Ballotpedia, retrieved [3/20/18](#))

During the 2010 judicial race, Jackson asked Salisbury conservatives for their support. "Jackson asked local conservatives for their support. "It's a long campaign season, but we're coming to a close, and this is where the rubber is going to really meet the road," she said. She was one of many candidates to mention changes to this year's ballot. Judgeships will now be contested as non-partisan races, meaning that the candidates won't be identified as Democrats or Republicans on the ballot. "Do keep your eyes and ears peeled for Republican candidates in that election," Jackson said." (Salisbury Post, 8/11/10)

When Jackson ran for the Court of Appeals in 2004, "her website displayed the endorsement of the Republican Party as a hallowed badge of honor." "Bob Hunter served almost 20 years as a Democratic leader in the state House before being appointed to the bench by Jim Hunt. Barbara Jackson made her mark as general counsel for Republican Commissioner of Labor Cherie Berry. Before that, she worked for Gov. Jim Martin. When she ran for the Court of Appeals, her website displayed the endorsement of the Republican Party as a hallowed badge of honor." (News & Observer, 5/9/10)

Jackson ruled in favor of the voucher program, which allows North Carolina to use public tax dollars to send children to private and religious schools

NC Supreme Court ruled 4-3 that NC could use public tax dollars to help children attend private and religious schools. “The N.C. Supreme Court ruled Thursday that North Carolina can use public tax dollars to help children attend private and religious schools. The 4-3 decision reverses a ruling last summer by Judge Robert Hobgood in N.C. Superior Court. The decision, which broke along political party lines with four Republican justices ruling to uphold the program and the three Democrats dissenting, means \$10.8 million is freed for a program that has sparked much debate. State lawmakers want to provide \$17.6 million in vouchers for the coming school year and to expand the program’s income-eligibility guidelines.” (News & Observer, [7/23/15](#))

Jackson ruled for the voucher program, concluding that “using tax dollars for education was a public purpose.” “[The four justices who ruled for the voucher program](#) – Chief Justice Mark Martin and Justices Robert Edmunds, Barbara Jackson and Paul Newby – concluded that using tax dollars for education was a public purpose.” (News & Observer, [7/23/15](#))

- **Jackson joined the majority on the NC Court of Appeals to uphold North Carolina’s school voucher program.** “The N.C. Court of Appeals, in a 4-3 ruling in which Chief Justice Mark Martin wrote the majority opinion, has up-held the state’s school voucher program. Martin was joined by Robert Edmunds, Paul Newby and Barbara Jackson. Dissenting were Robin Hudson, Cheri Beasley and Sam J. Ervin IV.” (News & Record, 7/23/15)

NC Supreme Court ruling came when political parties, national advocacy groups were “contributing heavily to statewide judicial races.” “The much-anticipated ruling comes at a time when political parties and national advocacy groups have been contributing heavily to statewide judicial races. [...] The decision comes a month after North Carolina’s Senate and House leaders asked the state’s highest court to release public money for private school vouchers while uncertainty remained about the constitutionality of the program. The court heard arguments for and against the use of public money at private and religious schools in late February.” (News & Observer, [7/23/15](#))

Jackson took \$19,585 in campaign contributions from school choice advocates

The Pope family contributed \$8,500 to Jackson

Jackson received \$2,000 each from James “Art” Pope, Joyce Pope, and Katherine Pope on October 16, 2009. (NCSBE, Citizens for Judge Barbara Jackson, retrieved [11/14/17](#))

Jackson received \$2,000 from John W Pope on September 16, 2004. (NCSBE, Barbara Jackson for Judge Comm, retrieved [11/14/17](#))

Jackson received \$500 from Katherine Pope on July 6, 2004. (NCSBE, Barbara Jackson for Judge Comm, retrieved [11/14/17](#))

Kieran Shanahan, Tina Shanahan and lawyers at Shanahan Law Group gave \$9,685 to Jackson

Kieran Shanahan gave \$500 on January 15, 2010 and \$500 on April 9, 2010. He also gave \$100 in 2004. (NCSBE, Citizens for Judge Barbara Jackson, retrieved [11/14/17](#); Barbara Jackson for Judge Comm, retrieved [11/14/17](#))

Tina Shanahan gave \$1000 on April 9, 2010. (NCSBE, Citizens for Judge Barbara Jackson, retrieved [11/14/17](#))

Brandon Neuman and John E Branch III, attorneys with Shanahan Law Group gave a combined \$160 to Jackson in 2010. (NCSBE, Citizens for Judge Barbara Jackson, retrieved [11/14/17](#))

Other known school choice advocates gave a combined \$1,4000 to Jackson

Robert Luddy contributed \$1,000 to Jackson on April 17, 2010. (NCSBE, Citizens for Judge Barbara Jackson, retrieved [11/14/17](#))

Melissa D Mitchell of the John Locke Foundation gave \$200 on March 29, 2010. (NCSBE, Citizens for Judge Barbara Jackson, retrieved [11/14/17](#))

Susan Dougherty of Trinity Academy of Raleigh gave \$200 on April 23, 2010. (NCSBE, Citizens for Judge Barbara Jackson, retrieved [11/14/17](#))

In 2010, Robert Luddy gave Barbara Jackson two separate donations of \$500 each. (NCSBE, Citizens for Judge Barbara Jackson, retrieved [11/14/17](#))

Name	Address	Profession	Employer	Committee	Date	Amount
Robert L Luddy	1920 Chalks Rd. Wake Forest, NC 27587	President/CEO	Captive-Aire Systems Inc.	Citizens for Judge Barbara Jackson	4/17/10	\$500
Robert L Luddy	1920 Chalks Rd. Wake Forest, NC 27587	President/CEO	Captive-Aire Systems Inc.	Citizens for Judge Barbara Jackson	4/17/10	\$500

Jackson twice upheld partisan maps that the US Supreme Court struck down for being unconstitutional racial gerrymanders

“North Carolina’s highest court on Friday again upheld maps drawn by Republicans for General Assembly and congressional districts...” “North Carolina's highest court on Friday again upheld maps drawn by Republicans for General Assembly and congressional districts, months after the U.S. Supreme Court told state judges to review boundaries through the lens of its Alabama redistricting decision. A majority on the state Supreme Court reaffirmed its December 2014 decision upholding the boundaries, finding that they still withstood the scrutiny of federal and state constitutional and redistricting guidelines.” (Associated Press, 12/19/15)

The decision split along party lines, with the Republicans upholding the maps. “Like the December 2014 rulings, the justices split Friday along political lines in the opinions that covered 129 pages. Ervin, Hudson and Beasley are all registered Democrats. Newby and the other justices making up the majority - Mark Martin, Bob Edmunds and Barbara Jackson - are registered Republicans.” (Associated Press, 12/19/15)

The ruling kept the 2011 maps, which helped Republicans expand and sustain their majorities in the General Assembly, in place. “Friday's ruling still keeps in place the boundaries approved by the GOP-led legislature in 2011 and used in the 2012 and 2014 elections. They have helped Republicans expand and sustain their majorities in the state House and Senate and hold 10 of the 13 seats in North Carolina's congressional delegation.” (Associated Press, 12/19/15)

The US Supreme Court struck down congressional districts, “holding that the state had engaged in an unconstitutional racial gerrymander.” “The Supreme Court struck down two congressional district maps in North Carolina Monday, holding that the state had engaged in an unconstitutional racial gerrymander. The ruling is a victory for the black North Carolina voters who had argued the plans packed

African-Americans in districts that already had a high percentage of African-Americans, thus diluting their presence in other districts.” (CNN, 5/22/17)

A unanimous US Supreme Court struck down the 2011 maps because they contained racial gerrymanders. “In August 2016, the US District Court for the Middle District of North Carolina found that that 28 legislative districts “are racial gerrymanders in violation of the Equal Protection Clause.” North Carolina then took the case to the Supreme Court. In June, the high court unanimously affirmed the three-judge panel’s findings. But it also vacated the lower court’s order for special elections and sent it back to the panel for a new hearing on whether North Carolina should have special elections after redistricting.” (CNN, [8/1/17](#))

Jackson wrote the decision that allowed Republican legislators to keep private their email from lawyers who aided in the 2011 redistricting

“The state Supreme Court ruled Friday that Republican legislators do not have to make public email from lawyers who helped them draw new voting districts.” “The state Supreme Court ruled Friday that Republican legislators do not have to make public email from lawyers who helped them draw new voting districts. Democrats, civil rights groups and nonprofits suing over redistricting plans sought email exchanges between lawyers and legislators as they reconfigured House, Senate and congressional districts. The new districts were used in the November 2012 elections, when Republicans expanded their majorities in the state House and Senate and won three congressional seats that had been held by Democrats.” (News & Observer, 1/25/13)

Jackson wrote the decision for the majority, one justice dissented saying the documents were not covered by attorney-client privilege. “The Supreme Court agreed with the Republicans. “Without a clear and unambiguous statement by the General Assembly that it intends to waive its attorney-client privilege or work-product doctrine, we are compelled to exercise judicial restraint and defer to the General Assembly’s judgment regarding the scope of its legislative confidentiality,” Justice Barbara Jackson wrote for the majority. Justice Cheri Beasley, who is new to the court, did not participate in the decision, and Justice Robin Hudson dissented. “The unequivocal statutory language here can be summed up quite simply: as of 7 November 2011, the dates that this redistricting plan finally became law, all prior ‘drafting and information requests’ and ‘documents’ concerning redistricting ceased to be confidential,” Hudson wrote. “Therefore, these requests and documents cannot be covered by attorney-client privilege, which applies only to confidential communications.” (News & Observer, 1/25/13)

Jackson sided with her Republican colleagues in a dissent, ruling that the legislature should be able to strip powers from the governor

“Following Cooper’s election in November 2016, the GOP-dominated General Assembly passed a series of bills weakening the governorship,” including an overhaul of the board of elections. “Following Cooper’s election in November 2016, the GOP-dominated General Assembly passed a series of bills weakening the governorship and concentrating power in the legislature. The centerpiece of this effort was a radical overhaul of the board of elections. Previously, the board had five members, with three from the governor’s party. Under former Republican Gov. Pat McCrory, the body authorized a dramatic rollback of early voting and a reduction in polling places, particularly in minority-heavy communities. Cooper planned to reverse these policies. But before he could, the legislature restructured the board, creating a new group with eight appointees, four Democratic and four Republican. The practical effect would be near-constant gridlock.” (Slate, [1/26/18](#))

Jackson joined the dissent opinion written by Chief Justice Mark Martin upholding Republicans power grab. “In a dissent opinion written by Chief Justice Mark Martin and joined by Justice Barbara Jackson, the Republican justices focused on partisanship. “The structure and makeup of the Board requires members to cooperate in a bipartisan way before taking any official action and encourages neutrality and fairness,” Martin wrote. “But, strangely, the majority opinion constitutionalizes a partisan

makeup of the Bipartisan State Board, which threatens to inject political gamesmanship into the implementation of our election and ethics laws and undermines the neutrality inherent in an evenly divided bipartisan composition.” (News & Observer, [1/26/18](#))

- **“...the North Carolina Supreme Court struck down a Republican-sponsored measure stripping Democratic Gov. Roy Cooper of his ability to regulate the state’s elections.”** “On Friday, the North Carolina Supreme Court struck down a Republican-sponsored measure stripping Democratic Gov. Roy Cooper of his ability to regulate the state’s elections. The 4–3 decision preserves Cooper’s control of the State Board of Elections, ensuring he will be able to restore voting rights throughout North Carolina in time for the 2018 election.” (Slate, [1/26/18](#))
- **The NC Supreme court has twice struck down “an attempt by the Republican-led General Assembly to revamp the state elections board.”** “For the second time since Democratic Gov. Roy Cooper took office, the state Supreme Court issued a ruling striking down an attempt by the Republican-led General Assembly to revamp the state elections board. In a 4-3 ruling that breaks down along the court’s partisan lines, the justices found that a law passed in 2017 that merged the state Board of Elections with the state Ethics Commission and limited Cooper’s power to appoint a majority of its members violated the state Constitution’s separation of powers clause.” (News & Observer, [1/26/18](#))
- **The ruling broke along partisan lines.** “For the second time since Democratic Gov. Roy Cooper took office, the state Supreme Court issued a ruling striking down an attempt by the Republican-led General Assembly to revamp the state elections board. In a 4-3 ruling that breaks down along the court’s partisan lines, the justices found that a law passed in 2017 that merged the state Board of Elections with the state Ethics Commission and limited Cooper’s power to appoint a majority of its members violated the state Constitution’s separation of powers clause.” (News & Observer, [1/26/18](#))

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