

“The Meat in the Coconut”

Voting Rights

When writing about the Voting Rights Act on its 49th anniversary back in August 2014, Alicia Petska, a reporter for the News and Advance, quoted me saying the following:

“I have lived through segregation. I have lived through the Voting Rights Act not being in effect... When you’re talking to me, you’re talking to someone who grew up in the ugliness of the South and, no, simply being able to sue is not enough.”

Alicia Petska’s Sunday August 10, 2014 headline piece titled “Redefining the Voting Rights Act”, asked me about the year old, United States Supreme Court’s 5 to 4 decision in *Shelby County, Alabama v. Holder* 570 U.S. ____ (2013) decided June 25, 2013. *Shelby County* gutted the preclearance requirement for states whose history of voting discrimination met the formula in section 4 of the 1965 Voting Rights Act and its previous amendments. In the 2013 ruling Chief Justice Roberts writing for the Court found that the formula relied on 40 year old data, the formula was last modified in 1975. The Court ruled that the 2006 re-authorization extending preclearance for 25 years was unconstitutional. In his opinion, Roberts acknowledged that any racial discrimination in voting is too much and that the Voting Rights Act had been “immensely” successful at “redressing racial discrimination and integrating the voting process.” Justice Ginsburg wrote in dissent that the ruling was short sighted and that while progress had been made and that the results achieved were made because of the Voting Rights Act that discrimination in voting still exist and Congress had sufficient evidence before it to determine that the coverage formula remained responsive to current needs and that Section 2 litigation remained inadequate in the covered jurisdictions to protect the rights of minority voters. Justice Ginsburg went on to say "throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet.”

The ruling in *Shelby County, Alabama v. Holder* 570 U.S. ____ (2013) put the issue back at Congress. Bob Goodlatte is Chairman of the House of Representatives Judiciary committee and he has failed to schedule or hold any hearings which could lead to legislation to address the void left by the 2013 decision.

On August 6th the anniversary of the Voting Rights Act, the Virginia League of Women Voters took out an ad in the *Roanoke Times* calling on Goodlatte to hold hearings on the continuing racial discrimination in voting.

I asked myself and Alicia why she was calling to interview me, I was clearly retired. She had covered me during the later years of my service on the Lynchburg Electoral Board and she knew I had been a plaintiff in a Voting Rights Case in October, 2013 challenging the racial gerrymander by the Virginia General Assembly which took all of Ward II, my voting precinct which is over 90 % black out of House District 23 and the rest of the City of Lynchburg. The map put my vote in the City of Lynchburg in an already overwhelmingly white House District 22 with Campbell County, a little bit of Bedford County and some rural districts pass Smith Mountain lake. It didn't make a bit of sense to me then and when Alicia asked me about it I still got angry at the memories.

I am not angry tonight, this is not a legal paper, this is my story.

SAVANNAH

Many are aware of my passion for protecting the right to vote and of my efforts here in Virginia over nearly 40 years but the story begins when I registered to vote at the age of 18 in Savannah, Georgia and when I first worked as a poll worker, that's right as an election official inside a polling precinct at the age of 20 during the election for mayor the summer before my return to Indiana to complete my senior year of college. I was 18 in 1967. Registering to vote and working as a pool worker was before Richard Nixon on July 5, 1971 signed the 26 Amendment lowering the right to vote throughout the United States to 18. My registration was after the 24th Amendment's elimination of the poll tax in 1964 which Georgia did not ratify, and after the 1965 Voting Rights Act which eliminated the literacy test in states in the South. After the 1970 Amendment

to the 1965 Voting Rights Act the literacy test was eliminated in all 50 states.

In 1943 Georgia became the first state to lower the age for the right to vote in state and local elections from 21 to 18. During World War II, President Franklin D. Roosevelt lowered the age for the military draft to 18. At that time the minimum voting age as determined by the individual states had historically been 21. "Old enough to fight, old enough to vote" became a common slogan for a youth voting rights movement during World War II and long before Vietnam.

My sister got me the "day" job as a poll worker in the summer of 1970. The precinct was Tompkins Recreation Center just a block from my parents home. J. Curtis Lewis, Jr. was running for a second term as mayor, he was a Republican of the Truman and Eisenhower type background. In 1966 Lewis became the first Republican mayor of a Georgia city since Reconstruction. He was the 60th Mayor of Savannah. Lewis was a widely successful businessman and a generous humanitarian. In the summer of 1970 however such attributes no longer mattered to the old south and Lewis lost the election to the old south's Democrat John Rousakis, a friend of segregationist and Georgia Governor, Lester Mattox.

I personally know of Mr Lewis because he owned the Downtowner Hotel on Liberty Street. When the famous Desota Hotel was demolished so the new Desota-Hilton could be built on the same site, Lewis hired some of the Desota's Bellman including my father. After my father's death Lewis listed my mother as a Hotel babysitter which provided some additional income in our household. One more little coincidence, Lewis sold the Downtowner to The Savannah School of Art and Design ,SCAD, as their first dormitory. Many years later it was our Teresa's first year dorm which include memories of Howard and Teresa's roommate dad installing rods and racks to try to increase the "closet" space.

Lewis called my sister and asked her to give him the names of some folk who could work for his campaign as inside poll workers. I vividly remember the Lewis campaign treated all the poll workers in that precinct to a box lunch.

This was my first “box” lunch. Today, the box lunch would be considered undue influence and no campaign would be allowed to treat the inside poll workers to lunch. At the precinct these are the people who count the votes and certify them to the local electoral board.

In 1970 and today, poll workers and the members of the electoral boards are nominated to serve by the political parties, it is and remains a very political process. Lunch may be off limits but the local Republican and Democratic parties nominate the poll workers and each is designated as representing a particular party. The list of poll workers is a published list and publicly made available with the party designation even though Virginians do not register to vote with a party designation. Inside the precincts in Virginia it’s suppose to be 50:50. Sometimes the parties don’t nominate enough and the Voter Registrar and her assistants have to recruit poll workers who are politically and racially diverse. Many poll workers have been asked to represent a party so the locality can comply with the statutory requirements.

I was appointed to the Lynchburg Electoral Board in 1998 upon the retirement of Dave Petty who served on the Electoral Board from sometime before annexation in the 1970s until 1998 close to 30 years. I rotated off in 2011.

When it comes to Virginia’s local electoral boards the local party chairs nominate three people in the order of their preference to the chief judge of the judicial circuit where the locality is located and the appointment follows the status of the elected Governor’s party. When the Governor is a Democrat the local electoral board will have 2 democrats and 1 republican and when the Governor is a Republican the local electoral board will have 2 republicans and 1 democrat. The Court order appointing the local electoral board has the signature of every circuit court judge in the circuit. For Lynchburg it was five judges signatures. **The vote is how our democracy speaks.**

Enactment of the 26th Amendment changing the age eligible to vote quickly followed the 5:4 decision of the U. S. Supreme Court in *Oregon v Mitchell* 400 U.S. 112 (1970) in December 1970. *Oregon v Mitchell* 400 U.S. 112 (1970) involved the constitutionality of three provisions of the Voting Rights Act

Amendments of 1970. The Court held Congress had the right by statute in 1970 to bar the use of literacy tests (and similar voting eligibility requirements) for a five-year period in state and federal elections in any area where such tests are not already proscribed by the Voting Rights Act of 1965, and to forbid States from disqualifying voters in presidential and vice-presidential elections for failure to meet state residency requirements and to provide uniform national rules for absentee voting in elections for president and vice-president. As to the issue of voting age, the Court held Congress had the right by statute to lower the voting age as part of the legislation extending and amending the Voting Rights Act of 1965 for federal elections only, but that the states had the right to determine age eligible to vote for state and local elections thereby requiring a Constitutional Amendment to uniformly change the age eligible to vote in all the states. This 5:4 decision split the Court, much like the split of the Court today.

The 26th Amendment to the U. S. Constitution changed the voting age across the country from 21 years to 18 years. The 26th Amendment was passed unanimously by the Senate March 10, 1971 and by a vote of 401 to 19 in the House on March 23, 1971. It was ratified by two-thirds of the states, 38 states, in just over two months the shortest period of time for any amendment in U.S. history on July 1, 1971.

In the late 1960's youth voting rights activist marched and demonstrated to protest the Vietnam war and the **Hypocrisy** of drafting people to fight in war who lacked the right to vote.

The Fifteenth Amendment, ratified in 1870 after the Civil War prohibits abridgment of the right to vote on account of race, color or previous condition of servitude. The Nineteenth Amendment, ratified in 1920, prohibits denial of the right to vote on account of gender.

Hamer and Seiferth

It took Fannie Lou Hamer to make the Democratic Party do right. Hamer was trying to register to vote in Mississippi in 1962.

In 1964 at the national Democratic Convention in Atlantic City New Jersey Mrs Fannie Lou Hamer spoke plain and powerful as she told what happen to her and others when they went to register to vote in Mississippi in 1962. They were met by the state patrol and local law enforcement at the county courthouse where they were allowed in two at a time and given the literacy test, she was met at home by her children, then her husband, then the owner of the farm where she had worked as a timekeeper and sharecropper for 18 years and was told if she didn't withdraw her registration she and the family would have to leave because Mississippi wasn't ready, she left that same night when she told him she didn't go to register him she went to register herself. She went on to tell of other conflicts but eloquently ended her presentation with these remarks:

“All of this is on account of we want to register, to become first-class citizens. And if the Freedom Democratic Party is not seated now, I question America. Is this America, the land of the free and the home of the brave, where we have to sleep with our telephones off of the hooks because our lives be threatened daily, because we want to live as decent human beings, in America?”

President Lyndon Johnson described her as “that illiterate woman”.
Civil Rights activist described her as “ the woman signing gospel hymns”.

This is an Ugly story:

My sister like friend, Irma Jean Wilson Seiferth was 8 yrs older than me. It was around 1963 Irma was over 21, married and back in Mississippi, when she and her mother in law, another Mrs. Seiferth went to register to vote in **Natchez**, Mississippi. Each was given a literacy test, upon completion the Registrar called for a Mrs. Seiferth. Irma though they were calling for her mother-in-law, they weren't, they were calling for Irma, allowed her to complete the application and register to vote. Irma never forgot how the color of her skin was used under the guise of the literacy test to deny her mother-in-law the right to register to vote that day.

New York

The second place I registered to vote was in Monroe County, Rochester, New

York, I was 21. I arrived in Rochester in January, 1971. It was cold, the winds were whipping off the lake and the snow was unrelenting. I went directly from completing my studies at Valparaiso to work in the research laboratory of the Eastman Kodak Company. It is ok to smile, it was the crown jewel of the company and yes, I was really spoiled as far as a work environment is concerned. My mentor was C.N.(Kelly) Nelson, a Cornell man with patents twice the length of my arm and old enough to be my grandfather. He was so kind and generous to me, picking a project for me to work on and pushing me in the development of a formula to compare the information storage capacities of image recording systems. When we published a technical paper Kelly insisted that my name be listed first on the paper publishing the formula. So why would a young budding scientist leave a crown jewel research facility?

In the fall of 1971, there was a four day prison riot, September 9th-13th near Buffalo. The conditions at Attica prison were inhuman, it held 2,243 prisoners but designated to hold 1,200. Of the 2,243 prisoners, 54% were Black Americans, 9% Puerto Rican and 37% white, all 383 Correctional officers were white. The prisoners issued a Manifesto which included an end to physical brutality. It was known that some prison guards were openly racists and assaulted prisoners with their batons, which they dubbed "nigger sticks." William Kunstler, Louis Farrakham, Tom Wicker, an editor at the New York Times and others came to negotiate.

During the "re-taking" of the prison it was widely publicized that Elliot L. D. Barkley, the articulate black prisoner who had been a key spokesperson for the prisoners was alive when the prison was re-taken, that he was sought out and shot in the back and killed. During the riot in 1971, Barkley said

"We are Men, We are not beasts and do not intend to be beaten or driven as such...."

Nelson Rockefeller was Governor, he declined to come to the prison to see for himself the deplorable conditions before he ordered New York State troopers and soldiers from the New York National Guard to retake the prison. Some prison guards were allowed to participate in the retaking. Tear gas was dropped

in the yard from helicopters and a hail of gunfire resulted in the death of nine hostages and 29 inmates, a tenth hostage died a month later from the NY State police's gunfire.

Racial tensions were high. Many in the community felt New York's government action was inhuman and cruel and unusual punishment .

A retired New York Supreme Court Justice headed what became know as the Meyer Commission. Bernard S Meyer's hearings on the riot, the government's response and the conditions at the prison at Attica were held in Rochester in the spring of 1972, April. It was during the Meyer hearings that I decided to prepare myself for the law school application process.

I was growing up in the midst of the storm of racial segregation and the protests against its inhumanity.

I was in the first grade in 1955. Growing up I became aware that the United States Supreme Court had issued a decision requiring that the public schools to be integrated in 1954 and it was delayed in Savannah until 1963 and began with the 12th grade, one grade a year, under the so-called "freedom of choice" doctrine, which meant no white kids were going anywhere. This pattern reached my 10th grade class in 1965 and 2 Negro students left my all Negro Alfred E. Beach High School for Savannah High. Eventually the "freedom of choice" doctrine was outlawed and the delay in integration with all deliberate speed took a different path.

From the civil rights protests and the March on Washington August, 1963, the assassination of President John Fitzgerald Kennedy(November 23, 1963), the 1964 Civil Rights Act, the March 7, 1965 Bloody Sunday Voting Rights March lead by Hosea Williams and John Lewis of a peaceful group of 600 marchers from Selma to Montgomery where they were brutally stormed on the Edmund Pettus Bridge, the assassinations of Martin Luther King, Jr (April 4, 1968) and presidential candidate, Robert (Bobby) Kennedy(June 5, 1968), the December 4, 1969 raid and killing of Fred Hampton, by the Chicago Police who claimed they were there to execute a search warrant. No dispute that Fred Hampton was

shot and killed in his bed or that he was an articulate and charismatic young 21 year old chairman of the Chicago Black Panther party; the May 4, 1970 killing by the Ohio National Guard at Kent State of students protesting the bombing in Cambodia and expansion of the Vietnam War, the military draft and the killing of what turned out to be nearly 60,000 soldiers with a substantial disproportion of them black men in Vietnam, the War protest and NOW the prison riots.

Attica was the turning point that led me to the law.

In New York the only election I can remember voting in was George McGovern's lost to Richard Nixon in November 1972.

Lynchburg

When I was 24 and a new bride I relocated from New York and registered to vote in Lynchburg, Virginia and I'm still here!

Before my arrival in Lynchburg Clarence W. Seay was elected to Lynchburg City Council. He ran in a race in 1970 that also included African-Americans Hazelle Boulware and Charles Mangum who lost. Leighton B. Dodd a white - American was also first elected to Lynchburg City Council in 1970. Dodd led the ticket in 1970 with 6,326 votes, followed by Seay with 6,057 votes, Joe Johnson with 5,690 votes, and Frank D. Read 5,462 votes. Four at-large seats were up for election in 1970.

Lynchburg was electing members of council on a 4/3 split every two years for 4 year terms and all elections were at-large.

Following the city council election in 1970 Frank D. Read, with fourth place in votes was elected as Mayor. Read had entered the 1970 race as the vice-Mayor.

In July 1972 Dodd was elected as Mayor and Seay was elected as vice-mayor. They remained in these leadership positions until after the election in 1974 and

the reorganization of Council.

I first remember voting in Lynchburg in 1974 driving over from Charlottesville to vote in the May 7, 1974 Lynchburg City Council election when Clarence W. Seay, then the vice-mayor, led the ticket with 6,133 votes. In 1974 Four members of the seven member city council were up for election, all at large. Eventually their terms would be cut short by the impact of annexation and the switch in 1976 to the combination of the 4 wards and 3 at-large election system.

After the 1974 election it was reported that G. Edward Calvert, a councilman first elected in 1972 called a meeting at Pete White's Campbell Payne Building Supply Company on 12th Street, Mayor Dodd, was invited to what was rumored as a clandestine meeting. Vice-Mayor Seay was not invited. It was alleged that a decision was made at the meeting to re-elect Dodd the mayor when the Council met to reorganize. In 1972 Calvert lead the ticket in the 3 man race for council. (5,266 votes)

Seay made "threats" of resignation. Many of Seay supporters showed up at the 1974 organization meeting of council. It was Seay's opinion that as the highest vote getter in the 1974 race he should become the mayor. Had Seay been voted by his fellow councilmen as mayor he would have been the first black mayor of a City in the South. In the end Seay declined consideration for election for mayor or vice mayor. At the reorganization meeting in 1974, Dodd was re-elected and continued as Mayor until the election in 1976 when the City held it's first election for 3 two year term at- large seats and 4 year term for the 4 ward seats. Dodd was defeated in the May 4, 1976 election coming in 4th in the 3 at-large race. Seay did not seek re-election in the 1976 race.

Dodd had been so liberal on Council that a cross had been burned in his yard. He worked for United Virginia Bank, predecessor to SunTrust. It was widely rumored in the black community that if you wanted a mortgage to buy a home in the 60's and early 70's you might want to first try United Virginia.

It was an interesting time period, particularly for a non-Lynchburg-er.

During Seay's tenure on Council, Lynchburg pursued the annexation of parts of Campbell County, Bedford County and Amherst County (Madison Heights). Lynchburg filed an annexation petition in the Campbell County Circuit Court February 1, 1972

C.W. Seay Leighton B. Dodd, Joseph R. Johnson, G. Edward Calvert, Frank D. Read, Kenneth L. (Pete) White, and Samuel W. Green were asked about the United States Supreme Court decision in *City of Petersburg v. Holt* 354 F. Supp 1021, aff'd 410 U.S. 962 (1973) where annexation of predominately white suburbs would require Petersburg to move from at-large elections to a ward election system to comply with section 5 of the Voting Rights Act to decrease the decline in the percent of black voting age population after annexation. The Glass newspaper reported that Lynchburg's councilmen did not think the Petersburg's case would have the same affect on the at-large voting system in Lynchburg. They were wrong.

In January 26, 1974, the three judge state court panel approved Lynchburg's Annexation of portions of Bedford and Campbell Counties but disallowed the annexation of Amherst County (the Madison Heights area), the annexation to be effective December 31, 1974. (The Three judge panel's annexation order was entered May 21, 1974.)

The Campbell County Citizens Committee to oppose Annexation (CCOA) filed a Complaint in the Federal District Court asking the court to find that the annexation order was void and unconstitutional and seeking an injunction. On June 16, 1975, Campbell County was allowed to intervene as a plaintiff. The CCOA and Campbell County used the decision in the *City of Petersburg v. Holt* case for their position against Lynchburg's annexation. Judge Turk dismissed the complaint August 11, 1975 and ordered that the annexation take effect on December 31, 1975. Campbell County and the CCOA appealed to the 4th Circuit which on December 4, 1975 upheld Judge Turk's decision but expressly ordered the District Court to retain Jurisdiction of the case to prevent infringement of the citizens' right to vote. Campbell County and CCOA appealed to the U.S. Supreme Court which denied their writ and annexation went into effect December 31, 1975. This litigation delayed the effective date

of annexation from the state court order to the federal court's order by a year.

I was a summer law clerk in the City Attorney's office the summer of 1975 and had the opportunity to attend the annexation hearing before Judge Turk. William M. Phillips Sr was the City Attorney in 1975.

In May, 1975 the City's planning department calculated the Black Voting Age population with and without the anticipated annexation of 18 square miles of Campbell County and 12,360 residents and 7 square miles of Bedford County and 1,500 residents. Without annexation the BVA showed an increase from 18.7% (1970 census) to 20.1% (1975); with annexation the Black Voting Age population would drop to the range of 16.5% to 16.9%. The drop is a range of 3.2% to 3.6% dilution of voting strength. (In the Page case Virginia's 3rd Congressional District was ordered on October 7, 2014 to be redrawn by April 1st. Virginia used a 55% Black Voting Age Population, increasing the BVAP in the 3rd CD by 3.3% . The Court found the increase unnecessary and had the impact of "packing" black voters in one minority majority district. Va has 11 Congressional districts.)

The Lynchburg Voters League represented by M.W. Thornhill, Jr., Garnell Stamps and O. C. Cardwell went to Washington to the Justice Department Civil Rights Division Voting Rights Section and met up with then city leaders and the Richmond law firm representing the City which resulted in the Justice Department's approval of the 4/3 ward at-large combination with four year terms and two year staggered elections. The city adopted a resolution to amend the City Charter and filed the same which was adopted by the Virginia General Assembly and changed the election system in Lynchburg.

It is Walter Erwin's opinion that Lynchburg was the first City in Virginia to adopt the combination ward at-large system.

David B. Norman was the City manager during this time and the Glass newspapers asked him for his personal opinion which they printed and then added their editorial. Quoting from the editorial, "Mr. Norman's explanation is presented at the top of the page. It sets forth the reason why Lynchburg had to

change its manner of electing councilmen (it was ordered to by the Justice Department to avoid a “dilution” of the black vote because of the city’s annexation of heavily white territories)..... Changing the way we elect our council is one of the prices we have to pay for annexation.” The editorial went on to say that the present council agreed the annexation was worth the price and said the Norman plan may well be a superior system to the present one.

The history of the City's annexation was the reason for implementing the 4/3 ward at-large voting system in Lynchburg and was done to comply with the 1965 Voting Rights Act to avoid a dilution of Black Voting Age Population and assure that at least one seat on council would be the black community’s candidate of choice and a voice for the black community.

Following annexation, in 1976, M. W. Thornhill ran for election in Ward II. He served on Council from 1976 till 1992, was chosen as vice-mayor in July, 1978 and served as vice-mayor until June 30, 1990 when finally in the July 1990 reorganization Thornhill was chosen as mayor and served his last two years in office as our mayor.

I remember going to the reorganization meeting in July, 1984 when Thornhill first threw his hat in the ring to be Mayor. He had been on council for 8 years, 6 as vice-mayor and wanted to be elected mayor. Elliott Shearer had been Mayor for the same 6 years and had been on Council with Thornhill for 8 years. Shearer did not run again for what had been his Ward I seat. Thomas Doyle won the Ward I seat in 1984. Jimmie Bryan had come on Council in 1983 to fill the unexpired term of Herbert Nash who had died in office and won the remainder of Nash’s unexpired at-large seat in th May, 1984 election. Julian Adams was also elected in the May 1, 1984 election to fill the at-large unexpired remainder of Raymond Baker’s term. Baker also died in office. John McCormick, Joe Freeman, and Joan MacCallum, made up the rest of Council. Mr. Thornhill asked me to come speak on his behalf for the position of Mayor. I was on the school board but I did not have much clout when Jimmie Bryan, and his famous saying, “ **It’s good to be alive in Lynchburg, Virginia**” was the other candidate for mayor. Thornhill continued to be the vice mayor and opened many doors for employment of minorities and women in city hall and

throughout the city with the city being a significant employer. When Bryan left council in 1990 Mr Thornhill was elected mayor. Bryan and Thornhill worked together well.

In 1977 I was an independent Candidate for what was then the 11 VA House of Delegates, District. I was young and naive. The lost was a blessing that came with many lessons. Joan Jones and Vance Wilkins won that election. Joan went on to sponsor and get enacted new laws that benefit many women in Virginia. And yes I was blamed by some for Vance Wilkins win. He went on to grow the Republican Party in Virginia and it continues its hold on the Virginia legislature. Locally he got us the Route 29 by-pass from Mt Athos to Amherst by-passing Lynchburg and Madison House before he left the power of Richmond amidst numerous allegations of womanizing and sexual harassment. As for me my campaign opened many doors for public service in a community where to the natives I was a non-Lynchburg-er making Lynchburg my home. And yes it has been good!

So I answered Alicia Petska's question and talked of the ugliness of the South but that was only the beginning of the journey. Yes, 25 years ago I witnessed the election of L Douglass Wilder as Governor of Virginia and got to see and hear Virginia's own Justice Lewis Powell administer the oath of office to Wilder, a grandson of slaves, and after the oath hear Justice Powell say, " This is a good day in Virginia." And on November 4, 2008, a day I never thought I'd live long enough to see, the Commonwealth of Virginia voted in the majority for Barack Obama, and our country elected a bi-racial person President of the United States of America.

There is much litigation now pending regarding racial discrimination in voting. This has not been a legal story. This has been my story.

Acknowledgments:

Carolyn Sherayko, Lynchburg Voter Registrar for the election results for the city council races.

Valeria Chambers, Clerk of Council for a copy of the list of the terms of service for councilmen after annexation.

Walter Erwin, City attorney for opening his office file on the city's annexation and providing me with significant copies and data .

Carolyn Brown for allowing me to look at her scrapbook on the C.W. Seay elections to Council.

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"The Meat in the Coconut"

Voting Rights

SPHEX January 8, 2015

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News & Advance

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Redefining the Voting Rights Act

As landmark bill marks 49th anniversary, Virginia localities face less federal scrutiny

BY ALICIA PETSKA
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When Lynchburg City Council meets next week, it will consider a request to move

Ward III polling place — and for the first time in 49 years, that decision will rest with it and it alone.

Lynchburg and other communities in nine mostly South-

eastern states qualified for federal review on voting-related issues after a 2013 Supreme Court ruling effectively nullified that provision of the Voting Rights Act of 1965.

The 5-4 court decision found the formula used to determine

which states qualified for federal scrutiny was outdated and could no longer be used.

Since then, there have been calls from advocacy groups

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Voting

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and some legislators to update the law but no amendment has passed.

The Voting Rights Act, a landmark civil rights bill that reached its 49th anniversary Wednesday, imposed federal oversight on voting laws adopted in states and individual communities with a history of racial discrimination, including Virginia.

The act required that decisions about polling place locations, voting district boundaries and other issues be submitted for federal approval through either the Justice Department or courts, a process known as pre-clearance.

The Supreme Court ruling didn't strike down the concept of pre-clearance, but weakened it by overturning the decades-old criteria used to apply it. A lesser-used provision al-



I have lived through segregation. I have lived through the Voting Rights Act not being in effect. ... When you're talking to me, you're talking to someone who grew up in the ugliness of the South and, no, simply being able to sue is not enough."

— Arella Langhorne, a former chair of the Lynchburg Electoral Board

But all other requirements — including the need to hear public comment and protect the concept of one person, one vote — remain in effect.

"We still have to follow the same procedure: advertising, public hearing and adopting an ordinance," Erwin said. "... It didn't change any of the other basic requirements."

On the national level, advocacy groups have been urging House Judiciary Committee Chairman Bob Goodlatte, R-Ga., to hold hearings on a bill that would update and re-activate the pre-clearance requirements

elections.

In response to inquiries made in July and August, Goodlatte's office provided the same statement from the congressman: "I fully support protecting the voting rights of all Americans. As Congress determines whether additional steps are needed to protect those rights, I will carefully consider legislative proposals addressing the issue."

When asked if Goodlatte had any plans to schedule hearings on the issue, his spokeswoman noted the committee's schedule is published one week in advance. Congress

remainder of the city as well as parts of Bedford and Amherst counties.

Byron Garrett and other representatives denied the charges in the suit. The case was voluntarily dropped about a month after it was filed.

Langhorne said they withdrew because a similar, better-funded case was filed around the same time to challenge the redistricting of the 3rd Congressional District in the Richmond and Norfolk areas.

Continuing the local case was an expensive proposition that would have re-

August 10, 2014 News & Advance "Redefining the Voting Rights Act"



**Fannie Lou Hamer, 1964 Democratic National
Convention**

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**Irma Jean Wilson Seiferth, and her mother-in-law,
Laurie Seiferth**

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The City of Lynchburg, Virginia
MEMORANDUM

TO: C. Reggie Whitley LOCATION: City Manager's Office
FROM: William E. West, Jr. LOCATION: Planning Division
DATE: May 12, 1975
SUBJECT: Voter Demographics
REFERENCE:
FILE:

As you requested, the Division has prepared a revised analysis of the impact of annexation on the distribution of voter demographics within the affected areas.

Generally, the major changes in the present analysis relate to the way in which the annexed area racial distributions were computed based upon assumptions described in a memorandum sent to you from this office, dated April 29, 1975. Specifically, the analysis was performed under three different assumptions regarding the Campbell Annex base population:

Method A -- high staff estimate
Method X -- Langley, McDonald, and Overman estimate
Method Y -- low staff estimate

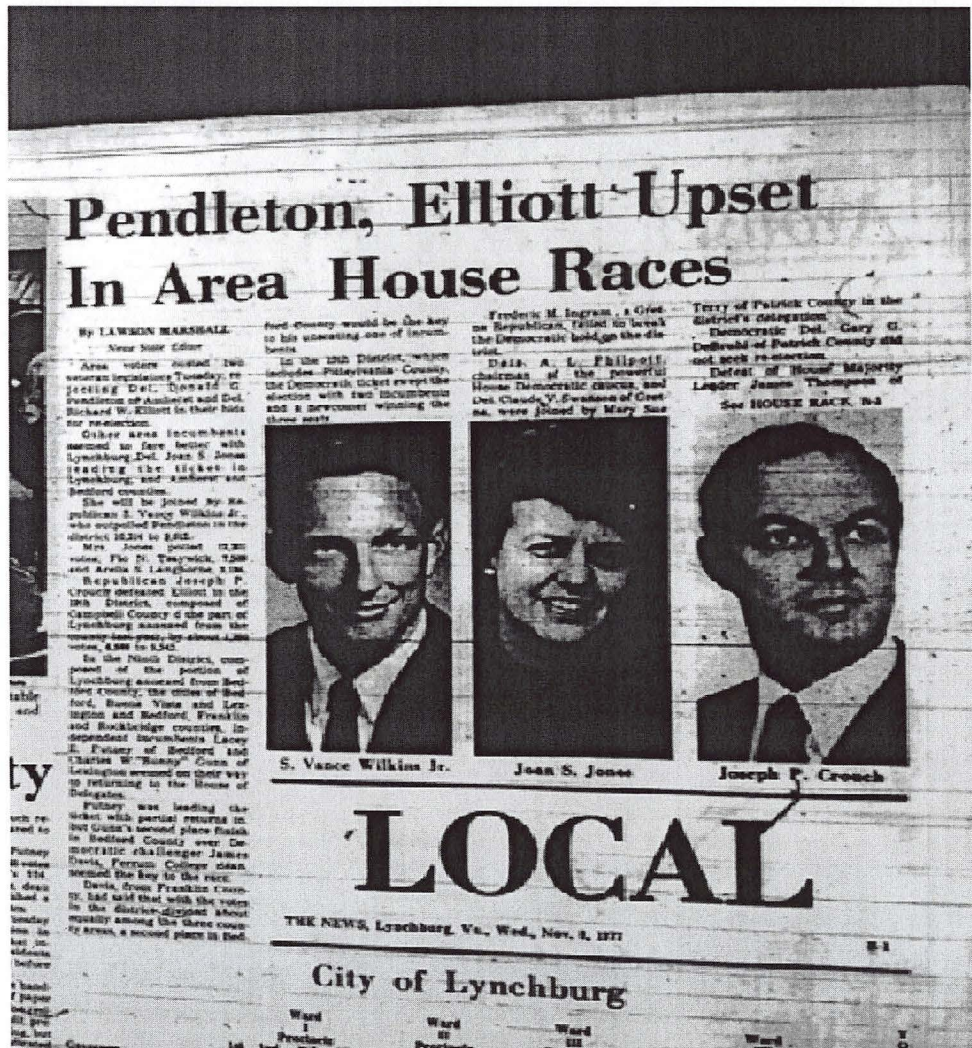
The methods have been explained in greater detail in the Appendix to Section III.

As can be seen in Summary Table S-1, line heading: Percent Black Registered Voters, some dilution of Black voting strength will occur with annexation. Without annexation, we expect the percent of Black registered voters in all registered voters to increase from 18.7% (1970) to 20.1% (1975). With annexation, we expect the value to drop to a value within the range of 16.5% - 16.9%.

We expect these figures to be reasonable; however, we suggest that there is independent rechecking of the computations prior to submission of the report to the Justice Department.

Please advise if you have any questions concerning the data.

Lynchburg Planning Division Memo re: Voter Demographics, May 1975, annexation impact
" 3.6% to 3.2% of black voter age population



November 9, 1977 THE NEWS "Pendleton, Elliott Upset In Area House Races," election results

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