

At-large voting under fire again

By ADAM NOSSITER
Star Staff Writer

ROANOKE — Randolph County finds itself part of a political evolution which is changing the face of city governments across the South, a movement which is overturning what black leaders and civil rights lawyers feel is one of the last strongholds of institutional discrimination.

Faced with the threat of costly suits, dozens of Southern cities have dropped traditional at-large electoral systems to select city councils. The subsequent change to ward voting, at-large critics says, all but ensures greater minority representation in local government affairs.

Last December, Wilkie Clark, president of the Randolph County chapter of the NAACP, sent a letter to the Roanoke City Council "respectfully requesting" that the city change from the present at-large system to a ward or district format.

In 1982, in its amendment of the 1965 Voting Rights Act, Congress removed "intent" as a condition for

proving an electoral system discriminatory, and as a result quickened the pace of at-large suits.

Attorneys no longer have to engage in historical digging to prove that cities intended to shut out blacks when they adopted at-large voting. All they need to show now is the "effect" of discrimination in such systems.

Still, having history on your side helps win cases, says University of South Alabama historian Peyton McCrary, who is writing a book on the origins of Southern electoral systems.

"If a case smells bad all around, the judge is more likely to be sympathetic," he says.

McCrary, who gave expert testimony in a successful 1980 challenge to Mobile's at-large system, says most at-large systems in Alabama were adopted with discriminatory intent. After most state blacks were disenfranchised by the 1901 constitution, McCrary says many cities went to ward systems because officials felt that "it was safe, you could risk it."

But black voter registration attempts increased after World War II, then again after the landmark Brown vs. Topeka (Kan.) Board of Education decision of 1954. The Civil Rights and Voting Rights acts of 1964 and 1965 spurred additional activity.

As black voters increased, Southern cities shifted from ward to at-large voting to dilute black voting strength, McCrary says. As long as a majority of a city's voters were white, it could control the outcome of an election despite the wishes of blacks.

The fight against at-large voting began after poll taxes, literacy tests and other barriers to black political participation had been cleared away. The first suits were filed in 1968. Since then, McCrary says, the Justice Department, and private groups like the American Civil Liberties Union and the NAACP have filed some 150 at-large suits against cities and counties in Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, Virginia and the Carolinas. About two-thirds of the challenges have been won, McCrary says.

(Please see At-large voting, Page 10A)