

USCCR

A SUMMARY REPORT

MAY 1988

*Minority
Political
Participation
in
Selected
Alabama
Jurisdictions*

Alabama Advisory Committee

To The U.S. Commission On

Civil Rights

This summary report of the Alabama Advisory Committee to the U.S. Commission on Civil Rights was prepared for the information and considera-

tion of the Commission. Statements and viewpoints in the report should not be attributed to the Commission or to the Advisory Committee, but

only to individual participants in the community forum where the information was gathered.

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, first created by the Civil Rights Act of 1957, and reestablished by the Civil Rights Commission Act of 1983, is an independent, bipartisan agency of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to discrimination or denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

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An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 and section 6(c) of the Civil Rights Commission Act of 1983. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

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LETTER OF TRANSMITTAL

Alabama Advisory Committee to the
U.S. Commission on Civil Rights
July 1988

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Susan J. Prado, Acting Staff Director

The Alabama Advisory Committee submits this summary report for the purpose of advising the Commission on certain aspects of minority political participation in selected Alabama cities and counties.

The report summarizes information received at community forums conducted by the Advisory Committee in Prattville on June 10, 1985, and in Anniston on December 16, 1985. Appropriate background work and field visits were conducted by staff in preparation for the forums. Every effort was made to assure a balanced perspective on issues by inviting participation from government and elected officials, community organizations, and knowledgeable citizens with differing points of view.

By a vote of 6-3, the Advisory Committee approved submission of the report to the Commissioners. A member of the Advisory Committee dissented from the format and substance of the report, and two other members, in support of the dissent, voted not to send the report forward. The dissenter's letter and a response to it from Central Regional Division staff are attached. (See appendices A and B.)

The information provided is not to be considered the result of an exhaustive survey of problems related to minority participation in the political process for the selected jurisdictions. Rather, it provides a cursory look at issues and concerns that the Advisory Committee may decide merit further investigation and analysis.

Respectfully,

RODNEY MAX, Chairperson
Alabama Advisory Committee

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ACKNOWLEDGMENTS

This report was the chief assignment of William Muldrow of the Central Regional Division of the U.S. Commission on Civil Rights. Support services were provided by Jo Ann Daniels. Editorial assistance and overall supervision were the responsibility of Melvin L. Jenkins, Director, Central Regional Division.

I. BACKGROUND

In the aftermath of Congressional action in 1982 which amended the Voting Rights Act of 1965, blacks in several Southern States sought to change the at-large voting procedures to single member district voting procedures in the election of council and commission members of selected municipalities and counties with a substantial black population with little or no elected black representation. Some jurisdictions changed their procedures as a result of successful court suits whereas others changed rather than face expensive court costs. By March 1986, 40 of the Alabama's 67 counties had adopted the single member district voting procedures for the election of county commissioners. Lawsuits are pending in an additional 9 counties seeking single members districts in commission elections. 1/

One consideration which led the Alabama Committee to undertake this project was that the Commission was considering the effect of redistricting on minority access to the political process. Another factor was that a number of counties and cities in Alabama were changing the structure of their governing bodies, and thus offered an opportunity to study the effect those changes had on black participation in city and county elections.

The Committee decided to look at three county commissions and three city councils with varying percentages of black population. All would have single member districts. It was decided to study the counties, followed by the municipalities. A community forum would be held after each study to discuss the issues, and following both forums, a briefing paper would be issued to advise the Commissioners of the Committee's findings.

Staff and Advisory Committee members spent the week of May 5, 1985, visiting the counties of Autauga (23.0 percent black), Hale (62.7 percent

black), and Monroe (43.0 percent black). The community forum focusing on these counties was held in Prattville on June 10, 1985, with participation from county officials and other residents. In addition, staff and Advisory Committee members spent the week of October 20, 1985, visiting the municipalities of Alabaster (23.8 percent black), Anniston (40.3 percent black) and Eutaw (53.1 percent black). The community forum concerning these municipalities was held in Anniston on December 16, 1985.

The issues that were discussed in interviews and at the forums regarding the counties and municipalities are as follows:

AUTAUGA COUNTY

Autauga County had a population of 32,259 persons in 1980, with 7,450 black residents, representing 23 percent of the population. The county, adjacent to Montgomery, grew by nearly a third from 1970. Blacks in 1970 represented 29.5 percent of the population and increased by only 200 persons in the decade, whereas the total population increased by nearly 8,000.^{2/} Thus the potential black political influence declined markedly during the decade.

Election Procedures for County Commission

Autauga County has had four single member districts chaired by the probate judge since 1878 to govern the county.^{3/} Prior to 1973, one district comprised the city of Prattville, containing more than 50 percent of the county populations with the remainder of the county divided into three districts.^{4/} Marvin Meddars, along with a number of other white plaintiffs, filed suit on February 22, 1973, under the one-person, one-vote constitutional requirement to divide the county into five equitable districts, patterned after the school board districts, and to remove the probate judge as a member and chair of the county commission.^{5/} Federal

Judge Frank Johnson ruled that Autauga County's four commission districts should be equitably divided, but did not increase the number of districts nor remove the probate judge as member and chair of the commission.^{6/} The commission named the Central Alabama Regional Planning and Development Commission to develop alternate plans for district lines. Currently District 1 is entirely within Prattville, but each of the other three districts have a portion of the city as well.^{7/}

The commission districts have not been reapportioned since 1973, when the standard deviation in population was no more than 3.45. The median district in 1980 would be 8,055.

The following table demonstrates the population changes that occurred between 1970 and 1980:^{8/}

<u>DISTRICTS</u>						
<u>Year</u>	<u>District #1</u>			<u>Total</u>	<u>District #2</u>	
	<u>Total</u>	<u>Black</u>	<u>%</u>		<u>Black</u>	<u>%</u>
1970	6,050	1,526	25.2	6,156	2,682	43.5
1980	8,690	1,863	21.6	8,526	2,745	32.6

<u>Year</u>	<u>District #3</u>			<u>Total</u>	<u>District #4</u>	
	<u>Total</u>	<u>Black</u>	<u>%</u>		<u>Black</u>	<u>%</u>
1970	6,231	1,760	28.2	6,023	1,264	20.9
1980	6,849	1,694	24.7	8,275	1,146	13.8

Probate Judge Jim Corley, chairman of the Autauga County Commission, when questioned about the current disproportionate composition of the districts, stated that the county Commission prefers to redistrict the county and could do the job better than outside officials.^{9/}

Black Officials

Blacks have never held public office in Autauga County. In 1980, Jerry Green, a black former county agent, came in last among the five

candidates for the District 4 Commission seat. Blacks since the 1960s have not been politically active. The only black political organization is the county chapter of the Alabama Democratic Conference which was revived in 1984 and meets in Prattville.10/

Public Employment/Representation

The lack of political activity may be reflected in the black concentration in the county's low wage and skill positions and in black representation on county-appointed boards and commissions. Of the 118 county employees in May 1985, there were 29 blacks, including truck drivers (12), equipment operators (4) and laborers (5). There was only one black among 16 clerks and one among 12 deputy sheriffs. The deputy sheriff was the highest paid black among county employees.11/ There is no black representation on five of the seven boards appointed by the Commissioners. Two boards without such representation are the Board of Registrars and the Appointing Board for Elections.

Voter Registration

In April 1985, there were 19,105 persons registered to vote in Autauga County. Records by race were unavailable, the same in most counties.12/ This represented 89 percent of county residents over the age of 18. The three white women who constitute the Board of Registration have utilized the 16 deputy registrars, six of whom are black, to assist with the purging of the rolls of persons no longer in the county. One thousand, one hundred names to be purged were published in the newspaper in July 1985, but a number of these have come into the registration office to re-identify themselves and thus remain on the rolls.13/

HALE COUNTY

This small county of 15,604 has a black population of 9,799, constituting 62.7 percent of the inhabitants. The county actually lost population in the decade between 1970 and 1980 by some 200 persons. Hale has the second highest percentage of black families in Alabama with incomes below the poverty level (52.2), has the smallest percentage of black high school graduates (20.7), and shares the bottom ranking with another county of median school years completed by blacks (8.0).14/

Election Procedures for County Commission

Hale's county commission has four districts with the probate judge serving as Commission chairman. The County had single member districts for Commission elections from 1953 to 1966, at which time the election procedure was changed to at-large after a county referendum. Several subsequent changes instituted candidate residency in the at-large election procedure. A suit filed by the Hale County Civic Improvement League and joined by the U.S. Department of Justice challenged the changes. The Southern District Federal Court determined that those changes had not been submitted for preclearance to the Department of Justice as required by the Voting Rights Act of 1965, and were therefore invalid.

Elections for the County Commission were held in 1978 and 1980 based on the single member districts but using the district lines that existed in 1959. In 1981, the Federal District Court found those lines malapportioned and accepted the division suggested by the county.15/ The 1982 county commission election was based on the newly drawn lines using 1980 census figures. A University of Alabama consultant assigned in drawing the lines.

The racial distribution of the four districts is as follows:16/

<u>District</u>	<u>Total Population</u>	<u>Blacks</u>	<u>Percentage Blacks</u>
1	3,862	1,518	39.3
2	3,874	3,145	81.2
3	3,962	2,461	62.1
4	3,906	2,686	68.8

Several black residents complained that District 2 had been unduly packed with black residents at the expense of districts 3 and 4, thus making it difficult for blacks to gain more than one commission seat. A black was a member of the county Commission which approved the district lines, and the Department of Justice representatives had shown the proposed map with district lines to some black residents prior to its submission to the court.16/

Black Officials

Willie James Johnson was the first and only black to gain a Commission seat in 1980 in District 2 under the previously drawn districts, and then was reelected in 1984 under new district lines. Jessie White, a black, lost a run-off for District 4 in 1982, and Tom Paige, another black candidate, lost the race for District 3 in 1984.

A number of black persons complained of confusion regarding beat or precinct lines, and of violations of Voting Rights Act (VRA) provisions regarding assistance to illiterate voters in the 1984 elections. Precinct lines were changed. Persons residing in the Depot area who had voted in the July 10 primary were prevented from voting in the July 31 run-off. Residents in the Eastridge Public Housing project who had been unable to vote in previous city elections were informed on election day that they were no eligible.18/ Persons at the polls to assist voters unable to read and write were told to leave the premises due to the poll managers stating that the individuals were helping too many persons. One person estimated

that one half of the county blacks were functionately illiterate and could not understand the ballot.^{19/} However, the VRA allows the illiterate voter to select any person for assistance in voting, with the exception of the voter's employer or agent, or an officer or agent of the voter's union.

Public Employment/Representation

Blacks have limited opportunities in working for the county. Thirty-nine of 70 county employees are black, but two-thirds of the blacks are in the service/maintenance field as contrasted to 25 percent of the whites. When the 11 black employees in skilled craft category are added to those in the service category, there are only two blacks in other categories--a deputy sheriff and a clerical worker.

Mrs. Sue Seale, chair to the county registration board and an administrator in the probate judge's office, indicated that the county commission made appointments to only four boards. There are two blacks and four whites on the Pensions and Security Board, one black and two whites on the Water Authority Board, two blacks and one white on the regional board of the West Alabama Mental Health Commission, and four blacks and five whites on the county industrial board.^{20/}

Voter Registration

Hale County was the only place visited that had a racial breakdown of the voter registration figures. In 1980, there were 8,600 persons registered, 4,590 blacks (53 percent) on the rolls. Some asserted that voter registration procedures made it difficult for blacks to register. Mrs. Seale indicated that voter registration took place at the courthouse, unless there was a special request. During the 1984 elections, there were only three deputy registrars, two blacks and one white, appointed by the three person registration board, two whites and one black. In May 1985, 19

deputy registrars, 10 black and nine white, were appointed as stipulated by Alabama Act 84-389.21/ A black person active in voter registration stated that names of black persons had been presented to the registration board for consideration in the naming of deputy registrars but that none on the list had been appointed.22/

MONROE COUNTY

The county in 1980 had a population of 22,651, with blacks comprising 9,742, or 43 percent of the population. Between 1970 and 1980, the county showed a 10 percent growth of population, roughly the equivalent of the growth of the State in that period. 1980 Census records indicate that of county residents, 25 years or older, blacks (30.8 percent) have only half the percentage of whites (61.2 percent) with a high school education.23/

Election Procedures for County Commission

From 1919 to 1970, there were four districts with a residency requirement for the election of county commissioners, chaired by the probate judge. In 1970, as a result of a suit, the four districts were reduced to two. Blacks contend this was an effort to make it more difficult for blacks to challenge incumbents.24/ A decade later, blacks brought a successful suit challenging the size of the districts, which was settled in June 1984. The commission hired Design Research, a Mobile firm, to assist in developing a plan. The instructions were to fashion districts with the approximate number of residents in each district, and to provide two districts with a 65 percent black composition.25/

The racial composition of the district is as follows:26/

<u>District</u>	<u>Total Population</u>	<u>Black Percentage</u>
1	5,854	14.9
2	5,519	25.13
3	5,651	65.33
4	5,627	67.34

Black Officials

Under the at-large system, a black candidate had run unsuccessfully for the county commission in the early 1970s. In the 1984 elections for the county commission on the basis of single member districts, there were three black candidates for two commission seats, but none of the blacks was successful in winning a seat. The white commission incumbents won with a 60 percent margin in both races in Districts 3 and 4 which had in excess of 65 percent black population. While it is obvious that the white incumbents received substantial black support, in District 3 the black candidate received some white votes. In a three-person race, the losing white candidate, Mr. Thomas, threw his support to the black candidate, James Kidde, in the run-off, so that Kidde increased his share of the vote in the primary from 30 to 43 percent in the run-off.

Blacks cited a number of unfavorable factors that influenced the outcome of the election. Statements differed as to how long district maps were available prior to the September 4, 1984, election--several weeks according to the probate judge^{27/}--to only a few days, according to a black activist.^{28/} Also, the maps which had overlapping lines for the five board of education and four commissioner districts could be confusing to persons with minimal education. After campaigning, one black candidate found that there was an additional area in his district than he had previously understood.^{29/} During the election, poll volunteers were limited to assisting only one person in casting a ballot, although there was a need for assistance in view of the county's illiteracy rate. Mrs. Odom told the forum that a lot of people cannot read.^{30/} Furthermore, blacks alleged that economic pressure was used to obtain black votes for the white incumbents. One incumbent had a timber operation that employed a number of

blacks.31/ However, there were 30 Federal observers present for the primary, used for the first time in Monroe County.32/

Public Employment/Representation

The lack of black political success may be reflected in the county's employment profile. Blacks account for 33 jobs among the 116 county employees, or some 28 percent. Two-thirds of those jobs are in maintenance, another six are in protective service, three in clerical positions and two in skill crafts. The single black administrator is in charge of the Retired Senior Volunteer Program (RSVP).

County Commission appointments to the six county boards and committees reveal that there are no black members on the library board and the Peterman Water and Fire Authority, one black on the eight member hospital board, two on the seven member board of Pension and Security, and one on the three-member RSVP board. However, eight of the 10 Community Action Agency's Advisory Board members are black. Blacks also account for four of the 14 members appointed to four multi-county boards.

Voter Registration

In 1985, there were 15,800 registered voters in Monroe County,33/ but statistics on race were unavailable. The 1980 census, however, indicated that there are only 14,805 who are 18 years old or older, and thus eligible to vote.

Until 1983, there was no black member on the County Board of Registrars nor among the deputy registrars. Mr. Earl Lamar became the first black member of the Board in 1983,34/ but high school principals became the first black deputies a week prior to the September, 1984 primaries, with three additional black deputies appointed the day prior to the election.35/ At the time of the forum, 12 of the 19 deputy registrars

were black. Deputy registrars could only register persons in their own geographical area.36/

MUNICIPALITY OF ANNISTON

The City of Anniston in 1980 had a population of 29,523 with 11,899 black residents, constituting 40.3 percent of the population. Between 1970 and 1980, there was a 6.4 percent population loss. The Standard Metropolitan Statistical Area (SMSA) of Anniston, which includes Ft. McClellan, had a population of 119,761 with a 17.6 black population. During the preceding decade, there was a population increase of 16.2 percent.37/

Election Procedures for City Council

Anniston until 1969 had a three member commission form of city government, with each member elected at-large. In 1969, the city by referendum adopted the city council/manager form of government, the first in the State to do so by referendum. There were five districts with council members elected at-large with a residency requirement. The council members elected one of their members as mayor.38/

In 1970, blacks filed an unsuccessful suit to change the method of election.39/ Later community activists pressed the city to switch to single member districts (SMD). While some city officials were reluctant to change to SMD, the city attorney advised the council that if a suit were filed seeking SMD, it would probably be successful. Mayor Gertrude Williams in the Spring of 1982 appointed a committee, called Citizens for Better Government, to promote the idea of SMD. Thus in October 1982, the city council adopted a plan that called for four single member districts approximately equal in size with one member to be elected at-large. This last person would be the mayor with the title of council member at-large.

The mayor would have a similar status as other council members and would have no veto power. The plan for the SMD went into effect for the 1984 city council elections.40/

The following reflects the racial composition of the four districts:

<u>Ward</u>	<u>Total</u>	<u>Black</u>	<u>Black Percentage</u>
1	7,249	577	8.0
2	7,340	5,773	78.7
3	7,366	5,282	71.7
4	7,230	290	4.0

Black Officials

Dr. Gordon Rogers, Jr., the first black council member, in 1962 ran for one of the three county commission posts. According to Rogers, he received 25 white and 1,000 black votes in a losing effort. In 1969, when the five districts were created, Rogers was encouraged by white businessmen to run at-large from Ward 2 and was successful in both that election and the next one. However, he was defeated by Pink Junior Wood in 1976, who has served continuously since that election. Since the government reorganization in 1969, blacks also ran in each election in Ward 3, but it was not until 1984 when SMDs were created that a black was elected from Ward 3. Thus under SMD, blacks were able to double their number on the council, from one to two. Chester Weeks, council member from Ward 3 who previously had never sought public office, stated that his presence on the council was due to the SMD plan.

The 1984 city elections were racially polarized, with Mayor William Robison winning by 15 votes over fellow council member Clayton Dobbins. The central issue of the campaign was the location of the new middle school. Robison supported the decision to locate the school in the city's northern section rather than in the black community. Blacks backed Dobbins

who wanted the school placed in the black community. The fact that the city council appoints school board members explains the reason why the school issue is of central importance in the city election.

Several persons questioned whether blacks became a more effective political force with their interested representation through the SMD. The polarized city election is reflected in the many council votes that are 3-2 along racial lines. On these occasions, black council members are unable to gain support for their measures. The city manager indicated that with only one black council member elected under the at-large system, there was a lot of political trade off and that the black member was often successful in gaining support for his concerns.41/ Rogers echoed this position, saying under the at-large system, black votes put three persons in office who had to be responsive to black concerns. Rogers felt that with council members representing separate districts, the two blacks were out-voted with the mayor often supporting the other white members.42/

Public Employment Representation

In October 1985, of the City of Anniston's 347 city employees, 64 (18 percent) were black. Over half of the blacks are in the service/maintenance category, with another five among 103 police officers, one among 75 firemen, and three among 35 clerical workers. City Manager Carl Cheatam characterized the civil service system, created through the State legislature, as a very rigid system where only the top three scorers on a written exam may be considered for an opening. "Sixty percent of the city employees live outside the city,43/ and two years ago, only 11 (14 percent) of the 77 member fire department lived in the city.44/ The city council voted 3-2 on a resolution that city employees be required to live in the city, but action to change the requirement can only come from the

legislative delegation, most of whom live outside of Anniston. The mayor opposes any change in the residency regulation, as well as lowering standards or setting hiring quotas. He would support a change in the eligibility list established only on the basis of a written test.45/ Mayor Robison indicated that he was particularly concerned about the few blacks in the public safety department--police and fire--and that the city had made a number of minority contacts to improve that situation.46/

The Waterworks and Sewer Board, whose members are appointed by the city council, operates as a separate corporation outside the city civil service system. Seven of the nine black employees (13 percent) out of a total staff of 69 were in the service maintenance category on June 30, 1985.47/

Appointments to the 19 city boards and commissions are made in an executive session of the council. Most boards appear to reflect the racial composition of the city. However, some seven boards, including the Downtown Development Board, the Planning Commission Board, the Waterworks and Sewer Board, and the Industrial Development Board have only token black membership.48/

Voter Registration

Voter registration figures, including a racial breakdown, were unavailable for the city. There were however 9,296 (13.3 percent) blacks among the 69,424 persons registered in Calhoun County which has a 17.6 percent black composition. Half of the 40 deputy registrars were black. City clerks in the municipalities of the county and some high school principals were deputy registrars.49/ Black persons interviewed in Anniston cited no difficulties with the voting and registration procedures. According to the city manager, there have been no major annexations in the last 14 years.50/

MUNICIPALITY OF ALABASTER

In 1980, Alabaster had a population of 7,079, with blacks numbering 1,686 (23.8 percent). The town located near suburban Birmingham was incorporated in 1952, and has grown through frequent annexations, only one of which included significant numbers of blacks. It is estimated that in 1985 the population had increased to some 12,000, with few additional blacks, which would reduce the black percentage to approximately 15 percent. Shelby County, where Alabaster is located, is the fastest growing county in the State. It is significant that in 1980 more than half (54.8 percent) of the black families had incomes below the poverty level, whereas the figure for whites was 5.4 percent.51/

Election Procedures for City Council

Alabaster, at the time of incorporation, had a city council and mayor elected at-large. Over a period of years from 1968, there had been annexations but these had not been submitted to the Department of Justice (DOJ) for preclearance as required under the Voting Rights Act. In 1975, Alabaster submitted the 11 annexations which had taken place since incorporation. The DOJ accepted five but rejected six, including the merger of the mill-town of Siluria. The DOJ suggested that a ward system in the election of city council members would be helpful in gaining clearance. In 1976, black council member Mayo Taylor, elected at-large, wrote the DOJ enclosing a petition, stating blacks did not want a ward system. In 1982, the city again requested annexation of a large area and was told by the DOJ that no additional annexations would be approved until a SMD plan had been implemented.52/

The city council instructed city attorney William Justice to draw several maps with five districts for council consideration. Census data was obtained from the Regional Planning Commission in Birmingham.^{53/} Three maps (A, B and C) were brought to the council for consideration. Map A was rejected since the newly annexed area composed one district, Map B was rejected since the black population was divided between two districts—64.3 percent in one district and 35 percent in another. Map C was accepted which created a district with an 89 percent black district.^{54/} The map was considered only by the city council, with no public meetings scheduled.^{55/} Black council member, Willie Arrington, was present for the decision, but stated that a breakdown of district racial figures was unavailable. Arrington remarked that he realized a black could be elected under the Map C configuration, but on hindsight, realizes that with Map B, at least one black could be elected and that another black might have been able to win a seat with the viable number of 35 percent.^{56/} Elections for the five SMD council seats and the mayor at-large took place in 1984.

The following is the racial composition of the five councilmatic districts:

<u>Ward</u>	<u>Total</u>	<u>Blacks</u>	<u>Black Percentage</u>
1	450	400	89.0
2	460	60	13.0
3	472	2	.4
4	453	4	.7
5	475	5	1.0

Black Officials

Blacks ran for city council in the late 1960s and in 1972, but were first successful in 1976 when Mrs. Mayo Taylor was elected. She was defeated for reelection in 1980. Willie Arrington was appointed as city councilperson in 1981 to an unexpired term and then was elected in 1984

from Ward 1. Arrington, a retired textile worker, feels that blacks in as far as council matters are concerned do not have an effective presence on issues of vital interest to the black community.57/

Public Employment/Representation

There are seven blacks (14 percent) among the 49 full-time city employees. There is one black among 14 police officers, one among 12 firemen, three on streets and sewer, two police dispatchers but none in the city offices.58/ There are three blacks among the 14 employees of the Alabaster Water and Gas Board, which operates as a separate corporation outside the civil service board.59/ However, three city council members serve on the board and the council appoints the other two members.

There are nine boards, five of which have no black representation, where members are appointed by city council. One black serves on the nine member planning commission and the 10 member Industrial Development Board.

The most controversial appointment has to do with the Water and Gas Board which has no black representation. Black council member Willie Arrington had been a board member in the previous council, but Mayor Roger Wheeler chose to nominate a white council member in that position. Wheeler explained to the Advisory Committee that he intended to nominate another black member to the board in January 1987, and thus broaden black representation in city government.60/ However, the council elected a white member, Dan Acker, to the board, with a negative vote by Arrington.61/

The operation of the Water and Gas Board is important to the black community since a number of areas in the black community are inadequately served with water and gas, and lack sufficient fire hydrants, due in part to the small diameter of water lines there. The board has served areas outside the city which has enabled the city to annex a number of

subdivisions. The city was able to obtain a \$750,000 grant which was spent primarily to install a water tank, replace some water lines, and place fire hydrants in one area of the black community. Mayor Wheeler pledged that the city now would serve city residents better before extending services outside the city limits.62/

Blacks complained about the lack of other city services, including unpaved streets, half of the area without house numbers or street markers, and an inadequate playground.63/ Mr. Justice explained that developers must provide paving the utilities prior to selling lots, so that the annexed areas are well served.64/ Mrs. Dorothy Henry, city clerk, said that property owners previously had to pay for street paving and that few blacks participated in the program. Now street paving has to come from the limited revenues of the gas tax allocation.65/

Voter Registration

There are no voter registration figures for Alabaster, but Shelby County has 39,041 registered voters. A racial breakdown of voters is unavailable. The 27 deputy registrars, four of whom are black, can register persons anywhere in the county and at anytime. Deputies are located in the offices of the four county municipalities and registrars visit each high school and college. If requested, registrars will set up special days for registration at businesses and industries.66/ Blacks indicated that they experienced no difficulties in registering and voting.67/

MUNICIPALITY OF EUTAW

Eutaw in 1980 had a population of 2,444, of whom 1,300 (53.1 percent) were black. However, it is interesting to note that there were 907 white persons over the age of 18, and thus eligible to vote, whereas there were

only 886 (49.3 percent) black persons over 18.68/ Eutaw is located in Greene County which has a 78 percent black population. Limited census data is available for towns with less than 2,500 population.

The dog race track established in Greene County has provided a portion of its revenue to both the city and county governments. Due to the subsequent establishment of another dog race track in Macon County and the authorized horse race track near Birmingham, that income has dropped and is expected to further decline.

Election Procedures for City Council

Prior to 1984, Eutaw had three council members and a mayor, all elected at-large. No black had ever served on the council.69/ Residents of two predominantly black housing projects, Branch Heights and M.L. King Village, had unsuccessfully petitioned the city for annexation. Had the annexation been approved, the town would have had a substantially black majority population. Under Alabama law, the legislative delegation can provide for annexation without the consent of the city council or residents. State Senator Hank Sanders, a black representing Greene County, attempted to effect the annexation of the housing projects during the 1984 session of the legislature but was blocked. Sanders then was able to hold up all local legislation. A compromise was subsequently worked out wherein the annexation proposal was dropped and Eutaw adopted a single member district (SMD) plan for the election of council. There would be five SMDs with the mayor elected at-large.70/

The West Alabama Planning and Development Commission (WAPDC) was hired to draw the district lines. Five proposed maps were presented to the city, and the council held a public hearing on the one it chose. A court suit was filed by a black resident, Booker Cooke, Jr., challenging the district

lines, but was settled out of court in October 1984. Under the approved plan, there would be two predominantly black districts, two predominantly white districts with the 5th district to be a swing district with an equal number of black and white residents.71/ Since there were five SMD and three census enumeration districts, a windshield survey to determine the racial composition of the proposed districts was conducted by WAPDC.

The districts with population figures ascribed by the WAPDC are as follows:72/

<u>District</u>	<u>Total Population</u>	<u>Black</u>	<u>Black Percentage</u>
1	474	347	73.2
2	466	422	90.6
3	476	319	67.0
4	462	26	5.6
5	444	136	30.6

Some black persons dispute the racial composition assigned to district three, stating it is from 62 percent white,73/ to 70 percent white,74/ rather than the 67 percent black as calculated by the WAPDC.

The Democratic primary election for mayor and council persons was held on November 27, 1984 and the run-off on December 1984.75/

Black Officials

Blacks began running for city council in the early 1970s, but it was not until December 1984, that were able to gain office under the SMD concept. Blacks--Spiver Gordon and David Spencer--were elected from Districts 1 and 2. In the supposedly swing District 3, Cecil Durrett, Jr., a white candidate, won the seat without a run-off with 168 votes compared to the combined total of three black candidates with 88 votes.76/

Beginning in 1969, blacks won all available elective offices in Greene County. A schism developed within the county black leadership, with the group associated with the local chapter of the Alabama Democratic Conference

(ADC) in 1984 winning four of the five county commission seats. Defeated commission members were supported by the Greene County Civic League (GCCL).77/ The rival black groups were active in the city election with David Spencer backed by the ADC and Spiver Gordon by the GCCL of which he was the chairperson. Gordon was forced to give up his council seat in November 1985, when he was convicted of voter fraud. His successor was recommended by Spencer.78/ Gordon rarely had support on matters which came before the council.79/

Public Employment/Representation

The City of Eutaw, as of March 1984, had 40 employees, of whom 23 were black. Twenty of the blacks accounted for the entire service/maintenance category, with one other in the skilled craft category and two in the police department.80/

It would appear that there is nepotism among the city employees. Two brothers hold the position of chief and assistant chief of the police force, and both of their wives have city clerical positions. Another skilled employee is the nephew of a city council member. Among the four white council members and mayor, two are related. Two of the others are also related. A council vote decided to keep the city funds in a bank where a council member is vice president, overriding Spiver Gordon's motion that some of the money be placed in another city bank managed by blacks.81/

Appointments to city boards and commissions are made by the mayor with the concurrence of the council. Of the four city appointed boards, two have no black members and another has only one out of nine members.82/ The Eutaw Housing Authority Board, which oversees the primarily black projects had a vacancy in 1985 but maintained its all white composition when another white was appointed.83/

Voter Registration

In 1985, there were 8,729 persons registered to vote in Greene County with 6,652 (75.7 percent) of those being black. Figures for the city were unavailable. All agree that there are no problems in terms of registration. Currently there are 15 deputy registrars, of whom 11 are black. Members of the Board of Registration have tried unsuccessfully to enlist additional white participation.84/

The intense rivalry between the two predominantly black organizations--the Alabama Democratic Conference and the Greene County Civic League--has led to accusations, counter accusations and indictments of five county persons in the handling of absentee ballots. Most of this has occurred in county politics. On two occasions State highway patrol officers have been called in to maintain order in political meetings, since officials were unable to rely on Eutaw police or county sheriff's officers.85/

The annexation issue still has not yet been resolved. Residents of the two housing projects located just outside the city limits still wish to be annexed into the City of Eutaw.86/ If these annexations took place they would alter substantially the racial composition of the city.

SUMMARY

The advent of single member districts did not in itself result in blacks achieving substantial political gains. In the jurisdictions studied, most elections under the single member district plan took place for the first time in 1984, so that there are only the results of these initial elections that the Committee has observed. In addition, when one, or even two, blacks have been elected, that election alone appeared to result in few dramatic changes. In at least one instance, Anniston, racial polarity

in council votes increased as black representation went from one to two black council members.

Autauga County with a history of a single member district election procedure provides a limited opportunity for blacks to gain political office. The county's 25 percent black population is scattered among the four districts, and the county's black percentage is constantly eroding as the white population increases substantially.

Monroe County, with a 43 percent black population, created by court order four single member districts just weeks before the scheduled election for the county commission. Black candidates unsuccessfully sought commission seats in 1984 in the two districts with 65 percent black composition but were handily defeated by the incumbents. Some blacks stated that they were unlawfully limited to assisting only one voter who had requested help. The fact that there was no black member of the voter registration board nor a black deputy registrar until 1983 illustrates the difficulty blacks have had in gaining political influence.

Blacks in Hale County with its 62.7 percent black composition spoke of the discrimination they faced in the attempts to gain political office. With successive law suits, single member districts were reinstated in 1978 and new lines drawn in 1982. The first black county commissioner was elected in 1980 but two others were unsuccessful in 1982 and 1984 when they challenged white incumbents in majority black districts. Blacks indicated they were illegally restricted in assisting illiterate black voters in casting their ballots. Until 1985, there were only a few deputy registrars and most of the voter registration had to take place at the county courthouse.

The city of Anniston has had black participation on city council since 1969. In addition, there is some evidence that some crossover voting of blacks for white candidates and vice versa has occurred. City officials sponsored a bi-racial lay committee to successfully promote the changeover from the at-large to single member district elections for city council. Although two blacks were elected in 1984 under that system, they found that many council votes were racially polarized. The city has been unable to find a satisfactory solution to the problem of so few blacks in city employment. It is locked into a civil service system established under the State legislature with most members of the legislative delegation living outside the city limits. Registration and voting procedures apparently do not pose problems for blacks.

The Municipality of Alabaster adopted in 1984 the single member district plan for city council elections as a condition to U.S. Department of Justice approval of several pending annexations. A black councilperson was elected from a district with an 89 percent black composition. Black residents complain that city money is used to entice further annexations rather than provide needed services to the black residential areas. Blacks also claim discrimination in city employment and participation on city boards and commissions, especially that of the Water and Gas Board which oversees the placement of water and gas service within and outside the city. There were no complaints regarding registration and voting procedures.

The town of Eutaw, equally divided racially, changed its election procedure in 1984 from at-large to single member districts under an agreement which averted the annexation of two black housing projects. Two blacks were elected to the five member council, but in differing with one

another in the approach to community affairs, failed to support one another on council matters. Basically blacks are relegated to maintenance jobs with the city. There is little black representation on city boards, most noticeably on the housing authority board composed of five white members who oversee predominantly black occupied projects. There appears to be few problems related to registration and voting, although the use of absentee ballots has been the subject of court indictments in county elections.

This study has revealed a resistance of white elected officials in some jurisdictions to sharing political power with blacks who comprise a substantial percentage of the population. Registration and election practices, some of which violated the Voting Rights Act of 1965, continued to create difficulties for some blacks.

Other observations which came out of the study include:

In creating districts, a racial population majority is not adequate to enable black candidates to gain elective office where there is a history of racial polarity of voting. Voter registration and participation must be considered.

Continuing registration and voting day barriers in some jurisdictions hinder blacks from having an equal impact in the vote.

Long years of inequity in the school system have left many of the black electorate unable to read well enough to participate unassisted in the voting procedures.

Some jurisdictions are not collecting voter registration figures by race and precinct as mandated by the State legislature.

On the positive side, single member districts have enabled blacks in some jurisdictions to gain seats for the first time on city and county commissions. District lines have also enabled persons with limited resources to seek office within a limited geographical area without having to mount a campaign throughout the entire county under the at-large procedure. However, assurance must be provided that all persons can freely and fully participate in all registration and voting procedures.

Notes

1. The Alabama Journal and Advertiser, March 9, 1986, p. B-1.
2. Janet Lanier, Senior Planner, Central Alabama Regional Planning and Development Commission, Community Forum Presentation, June 10, 1985 (hereafter cited as Lanier presentation).
3. Russell Wood, County Commissioner 1952-68, telephone conversation, August 22, 1985.
4. Marion Meddars, suit plaintiff, telephone interview, August 22, 1985.
5. Ibid.
6. Ibid.
7. Lanier presentation.
8. Ibid.
9. Community Forum remarks, June 10, 1985.
10. Lafayette Alexander, retired educator, Interview in Prattville, May 6, 1985 (hereafter cited as Alexander interview).
11. Shirley Reddoch, Autauga County Treasurer, Community Forum presentation, June 10, 1985, and telephone interview, August 22, 1985.
12. Records by race have been unavailable in most counties. However, the State legislature in 1984 mandated that voting lists be purged of ineligible persons, that records by race and precinct be prepared, and that deputy registrars be appointed in each precinct. (Alabama Act 84-389) Furthermore, District Federal Judge Myron Thompson on July 22, 1985, ordered counties to appoint black poll officers at each polling place in proportion to the number of black residents of voting age in the area. (The Birmingham Times, July 25, 1985, p. A-1)
13. Mrs. Ouida Knight, Chair County Registration Board, Community Forum presentation, June 10, 1985, and telephone interview, August 22, 1985.
14. U.S. Department of Commerce, Bureau of the Census, General Social and Economic Characteristics: Alabama, 1980 Census of Population, no. PC80-1-C2. Table 182 (hereafter cited as Census Social Characteristics).
15. U.S. v. County Commission of Hale County Alabama, No. 76-403-P (S.D. Ala. December 14, 1981).
16. Ibid.
17. Bobby Singleton and Mrs. Teresa Borroughs, Community Forum presentations, June 10, 1985.

18. C.A. Fredd, member County Board of Education, et al, Interview in Greensboro, May 8, 1985.
19. Bobby Singleton, Community Forum presentation, June 10, 1985 (hereafter cited as Singleton presentation).
20. Mrs. Sue Seale, interview in Greensboro, May 8, 1985 (hereafter cited as Seale interview).
21. Ibid.
22. Singleton presentation.
23. Census Social Characteristics, Table 182.
24. Ezra Cunningham, county activist, interview in Monroeville, May 9, 1985 (hereafter cited as Cunningham interview).
25. David Steele, School Board Attorney, Community Forum presentation, June 10, 1985.
26. Mrs. Anna Ruth Melton, Clerk, Monroe County Commission, interview in Monroeville, May 9, 1985.
27. Otha Lee Biggs, interview in Monroeville, May 10, 1985 (hereafter cited as Biggs interview).
28. Cunningham interview.
29. Ibid.
30. Mrs. Earnestine Odom, Chair of the county Alabama Democratic Conference, Community Forum Presentation, June 10, 1985 (hereafter cited as Odom presentation).
31. Cunningham interview.
32. Biggs interview.
33. J.C. Johnson, Chair, County Registration Board, interview in Monroeville, May 10, 1985.
34. Ibid.
35. Odom Presentation.
36. Ibid.
37. U.S. Department of Commerce, Bureau of the Census, General Population Characteristics: Alabama, 1980 Census of Population, No. PC80-1-B2, Table 14 (hereafter cited as Population Characteristics).
38. Mr. Carl Cheatham, Anniston City Manager, Community Forum presentation, December 16, 1985 (hereafter cited as Cheatham presentation).

39. John Nettles, Director Project Pay, Interview in Anniston, October 24, 1985.
40. Cheatham presentation.
41. Ibid.
42. Dr. Gordon Rodgers, Community Forum Presentation, December 16, 1985.
43. Cheatham presentation.
44. Mayor William Robison, Community Forum Presentation, December 16, 1985.
45. Ibid.
46. Ibid.
47. City of Anniston, State and Local Government Information (EEO-4), June 30, 1985.
48. Cheatham presentation.
49. Mrs. Pauline Trammel, Chair, Calhoun County Voter Registration Board, interview in Anniston, October 24, 1985.
50. Cheatham, interview in Anniston, October 24, 1985.
51. Census Social Characteristics, Table 170.
52. Mr. William Justice, Alabaster City Attorney, Community Forum presentation, December 16, 1985 (hereafter cited as Justice presentation).
53. Ibid.
54. William Justice, letter to William Bradford Reynolds, Assistant Attorney General, March 2, 1983.
55. Justice presentation.
56. Willie Arrington, interview in Alabaster, October 23, 1985.
57. Ibid.
58. Alabaster, Alabama, Office of the Mayor, Employees Personal Data, revised September 11, 1985.
59. Alabaster, Alabama, Office of the Mayor, Alabaster Water and Gas Board, (undated).
60. Roger Wheeler, Community Forum presentation, December 16, 1985 (hereafter cited as Wheeler presentation).
61. Dorothy Henry, Alabaster City Clerk, telephone interview, January 17, 1986.

62. Wheeler presentation.
63. Members Alabaster Suburban League, interview in Alabaster, October 22, 1985 (hereafter cited as League interview).
64. Justice presentation.
65. Dorothy Henry, Community Forum presentation, December 16, 1985.
66. Ms. Vestula Thompson, Chair, Shelby County Voter Registration Board, interview in Columbiana, Alabama, October 23, 1985.
67. League interview.
68. Population Characteristics, Table 42.
69. Spiver Gordon, former City Councilperson, interview in Eutaw, October 21, 1985 (hereafter cited as Gordon interview).
70. Ibid.
71. Mayor Joe Sanders, interview in Eutaw, October 22, 1985 (hereafter cited as Sanders interview).
72. City of Eutaw, information provided by the West Alabama Planning and Development Commission.
73. Gordon interview.
74. Dr. Robert Brown, member Greene County Board of Registrars, interview in Eutaw, October 22, 1985 (hereafter cited as Brown interview).
75. Sanders interview.
76. Minutes Eutaw City Council, December 19, 1984.
77. John Kennard, Greene County Tax Assessor and President of the county Alabama Democratic Conference, interview in Eutaw, October 21, 1985.
78. O.B. Harris, Chair, Greene County Democratic Executive Committee, Community Forum presentation, December 16, 1985 (hereafter cited as Harris presentation).
79. Gordon interview.
80. City of Eutaw, State and Local Government Information (EEO-4), March 20, 1984.
81. Gordon interview.
82. City of Eutaw, Information on Composition on Boards and Commissions.
83. Gordon interview.

84. Brown interview.
85. Harris presentation.
86. Ibid.

Abigail Turner
103 Beverly Court
Mobile, Alabama 36604

Mr. Melvin L. Jenkins
United States Commission
on Civil Rights
Central States Regional Office
911 Walnut Street, Rm. 3103
Kansas City, Missouri 64106

May 8, 1987

Dear Mr. Jenkins:

This is to notify you that I cannot give my approval of the revised briefing report concerning minority participation in the electoral process for county commissions and city councils. The rewrite violates the tenor of what our interviews revealed and of what was testified to at the forums. I have discussed my views with Bill Muldro today.

I am appalled that serious reports of specific violations of the Voting Rights Act are removed from the conclusion. That was one of the conclusions the Committee had discussed and decided to include. We even discussed asking the Justice Department to investigate.

You may not be aware nor appreciate that problems of black illiteracy at the polls in Alabama present special problems in meaningful voter participation. The report explained that Hale County has the lowest percent of black high school graduates in Alabama--20.7%. (p. 6) But you removed similarly low education rates in Monroe County of 30.8%. These sad facts are a legacy of our state's history of racial segregation in the schools where blacks attended unequal and inferior schools.

It was just such unlawful practices that led Congress to include in the Voting Rights Act of 1968 a provision for special assistance to illiterates. I have been practicing civil rights law in Alabama for nine years. From representing clients in voting rights and other cases, I can personally attest to widespread deficiencies in reading skills among black adults which are likely to interfere with meaningful participation at the polls without assistance.

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We heard testimony that an estimated 50% of blacks in Hale County are functionally illiterate at the polls. (p.5). Monroe County black leaders reported literacy problems among blacks and economic pressure from employers to influence voting. (p.7). Thus, the reports that assistance to illiterates was interfered with or limited in Hale and Monroe state clear violations of the Act. To remove that from the conclusions is unthinkable to me.

In my view it makes no sense for the Commission which claims to be strapped for staff to rewrite completely this report for the Commissioners. If I had been contacted about the source for certain facts in the original report, I would have been happy to assist. Our work was an honest, cooperative effort to present an objective picture of progress and problems in black political participation in the mid-1980's.

Bill Muldro's request that I correct or annotate the "revised" briefing paper puts me in an untenable position. I concurred in the original paper which has been gutted. I am told it does not conform to some rules which sound asinine and which forbid footnotes among other things. In my opinion, the report has been revised to make it conform to the Commission's leadership's views that voting issues are resolved and that if blacks have equal opportunity to register, everything is okay. In Alabama, registration problems remain, and we heard that in the interviews.

To remove the observation that continuing registration barriers hinder blacks and conclude "no specific registration problems for blacks were reported . . .in the forum" deliberately misstates sound information in the prior report. For example, requiring impoverished blacks in Hale County to travel to the county courthouse to register is per se a registration barrier. Sue Seale said in interviews that in 1984 registrars did not "ride the circuit." Furthermore, they sat for registration only 10 days per month. The conclusion states that the majority of the deputy registrars in Hale County were black. This misstates the important fact that prior to the 1984 elections, the elections examined in the study, there were only two black deputy registrars.

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I simply cannot spend the time to rewrite the report. In the voting rights area, line drawing of districts is fragile and crucial to meaningful participation by blacks. We had noted problems which are those of "stacking and cracking" in districts. That problem and the result that blacks had not been elected from districts that were allegedly 65% black were removed from the conclusion. In essence, you are requesting that I spend hours to correct an unacceptable report. I will not do that, for the original report expresses my views.

I remain willing to discuss this matter further. However, if the "revised" report goes forward to the Commission, I request that this letter be appended.

Sincerely,



Abigail Turner

cc

Rodney Max
William D. Barnard
Jerome A. Gray
Lawrence J. Hanks
Barbara K. Lucero
Bob Mants
Wendell H. Paris
Odessa Woolfolk



**UNITED STATES
COMMISSION ON
CIVIL RIGHTS**

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(816) 426-5253

June 3, 1987

Ms. Abigail Turner
103 Beverly Court
Mobile, Alabama 36604

Dear Ms. Turner:

Thank you very much for your letter received May 29th, which I believe was mistakenly dated May 8th instead of the 28th. Your comments, and the time you spent in reviewing the Advisory Committee's briefing report, were much appreciated. I would like to make a few general comments about the nature of briefing reports such as the one in question, and then to address more specifically objections you have raised.

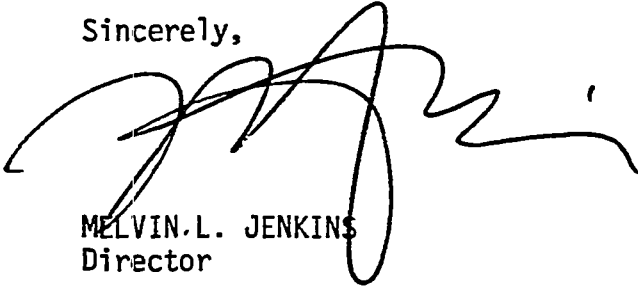
Briefing reports are to 1) be a straightforward summary of information received by the Advisory Committee, all of which is to be attributed to specific sources; 2) be based upon information gathered by the Committee at informal community forums which have been supplemented as necessary by background preparation and preliminary interviews, and at which reasonable effort has been made to assure that all sides of the issues have been included; 3) contain no interpretation, opinions, conclusions or recommendations by the Advisory Committee; 4) be brief, limited to a maximum of 20 pages, and written in a form which precludes features, such as footnotes, which might indicate that the report results from comprehensive investigation or exhaustive research.

The rationale for these guidelines is that such briefing reports, or memoranda, are meant simply to provide the Commission, in timely fashion, with information on issues and concerns brought to the Advisory Committee's attention. Conclusions and recommendations are to be made by the Committee only in reports which result from formally approved projects, and procedures which are established to assure that 1) issues discussed fall within the Commission's jurisdiction; 2) research and investigations are comprehensive; 3) safeguards have been observed to prevent individuals or organizations from being unfairly or illegally defamed or degraded; 4) opportunity has been provided for response to allegations and the verification of the accuracy of information received. Briefing reports are meant to serve as a useful information-providing alternative to full-blown projects and reports which require Washington approval, and extensive amounts of time and resources not always available. They are not meant to serve as the basis for conclusions regarding violations of the law. However, assertions which can be attributed to participants in the forum, or to persons previously interviewed, are included. But it is not possible to include judgments as to the truth and veracity of such information.

In your letter you refer to statements by Sue Seale, and to other data which were not contained in the prior draft report from which we worked. If you will provide us with interview reports or other documents to which such information can be attributed, it would certainly be appropriate to include that in the briefing report.

I hope that this will set in better perspective the nature and purpose of the briefing report. My suggestion is that the Committee might take a closer look at some of the specific areas where your experience and the information we have indicate that there are problems.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'M. L. Jenkins', is written over the typed name and title.

MELVIN L. JENKINS
Director

Enclosures