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Voting Blocks

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Voting Blocks

Opinion: "We seem to believe that getting rid of the most blatant forms of bigotry is clear evidence that we have moved beyond racism."

BY [JULIAN HAYTER](#)

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In 1971, Creighton Court resident Curtis Holt filed a monumental lawsuit against the city. His suit attacked an increasingly problematic, yet subtle form of institutionalized racism — the dilution of African-Americans' growing voting power. Richmond had annexed 23 square miles of Chesterfield County a year earlier to head off the city's growing black electorate and keep City Council predominantly white. Holt's suit charged that blacks would have won a council majority in 1970 had Richmond not added 47,000 suburbanites, only 3 percent of whom were black.

Annexation reduced the share of Richmond's voting-age blacks from 45 percent to 37 percent. The U.S. Supreme Court, led by Chief Justice Warren Burger, and the Department of Justice agreed with Holt. His suit forced Richmond to switch from at-large elections to its current district system — a change that led to the election of a black majority council in 1977.

More than 40 years have passed since Holt filed his lawsuit, but its lessons — its warnings — continue to reverberate. They do so now, loud and clear, with the Supreme Court's recent decision to gut the heart of the Voting Rights Act of 1965. Until recently, federal officials were black Southerners' strongest allies in the fight to protect civil rights legislation against Southern manipulation. Voting mandates worked because a vital bond existed among the Supreme Court, the Department of Justice and local governments.

But this bond was severed last month by the court of Chief Justice John Roberts. In *Shelby County v. Holder*, the majority held that Section Four of the Voting Rights Act can no longer be used as a basis for requiring states and local jurisdictions — including Virginia — to gain federal approval before changing their voting procedures. Section Four froze voting laws in states and local jurisdictions with less than 50 percent of the voting-age population registered to vote as of Nov. 1, 1964. It also contained an opt-out clause if jurisdictions demonstrated no violations for 10 years. Most of the affected states were in the South. Roberts argued that the triggering formula is premised "on 40-year-old facts" that have "no logical relationship to the present day."

Southerners claimed that Section Four should apply to the states in general. While fair, this may be the first time in history that Dixie wanted to be treated like the rest of America. Section Four was a trigger. It set into motion the mandate of prior approval or pre-clearance for the covered jurisdictions spelled out in Section five. So as it now stands, those jurisdictions no longer are required to submit voting-related changes to the Department of Justice for approval.

Without Section Four, Section Five is meaningless.

Without these sections, Curtis Holt's suit would have been impossible.

In popular memory, we celebrate civil rights reforms but tend to ignore the ways local powerbrokers preserve the status quo by corrupting the spirit of these mandates. In 1968, the U.S. Commission on Civil Rights compiled a 222-page progress report on Southern voting. More than half of the report explained the methods that Southern whites devised to get around the Voting Rights Act — such as changing polling places, annexing suburbs and redrawing districts. While blacks voted in record numbers after 1965, anxiety about black governance tainted Southern politics well beyond the 1960s.

Even after federal officials mandated majority-minority districts to protect black representation, whites continued to impede the power derived from electoral politics. Richmonders rang in the 1980s with a wave of political obstructionism that made it difficult for blacks to finally redirect resources to purposefully underdeveloped communities. Richmond City Council members, who feared Mayor Henry Marsh's supposed black agenda, continually threatened to pull the economic rug from under City Hall.

In the last two decades alone, the Department of Justice blocked more than 800 discriminatory voting-related changes in the South. Despite the legacy of this backlash and efforts to repeal voting rights mandates in the early 1990s, the Roberts' court looked solely to black voting statistics and the number of elected officials in the South as evidence of racial progress. Yet, thanks in part to congressional redistricting, Republicans control all 11 Southern legislatures. These are the very Republicans who chastise federal overreach despite the fact that many of them are beneficiaries of America's most glaring example of political engineering — Jim Crow segregation. They're also disproportionately responsible for proposing and ratifying voter suppression techniques such as restricting early voting, voter-identification laws and changing polling hours.

Segregationists devised similar techniques under the banner of good government. Sen. Harry Byrd defended poll taxes because he believed that only elites were intellectually suited to pulling the levers of Virginia democracy.

By associating racial progress with black political participation the Court plugged into a recent American condition — we seem to believe that getting rid of the most blatant forms of bigotry — e.g., lynching, literacy tests — is clear evidence that we have moved beyond racism. Yet, Holt recognized that subtle machinations such as vote dilution had profound implications for real racial progress. This city still suffers from segregationist leadership's lack of political vision and vested self-interest — Richmond's public schools still are overwhelmingly and obsolescently segregated.

I'm unconvinced that black governance is exclusively synonymous with racial progress. In many instances, black politicians inherited what scholars call a hollow prize. These politicians represent cities and districts that were torn asunder by generations of leaders that did the bare minimum to address the deepening marginalization of poor communities. It seems that racial injustice was easier to perpetuate than undo, and it's become much easier to criticize the responses to bigotry instead of tackling the fact that it still exists.

Julian Hayter is an assistant professor and historian at the University of Richmond's Jepson School of Leadership Studies. His research focuses on African-American politics in Richmond, American political development after 1945, the American civil rights movement and African-American and American history since the Civil War.

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