



Harold Williams conducts an aggressive campaign democratic nomination for House District

14. Above, Williams, his wife Cal and their children visit with north Portland residents.

(Photo: Richard J. Brown)

Court decision harms Black participation

By Eddie N. Williams
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The drive by Blacks and other minorities to increase their numbers in local elective offices has clearly suffered a set back, even if not a fatal one, by the U.S. Supreme Court's April 22 decision in *City of Mobile et. al. v. Bolden et. al.*

The case, which challenged the at-large election system, was brought as a class action suit on behalf of the Black citizens of Mobile, who comprise about 35% of the total population, but have no Black representative on that city's three member governing commission. A Federal District Court had ruled that Mobile's at-large election system "violated the 15th amendment and invidiously discriminated against Negroes in violation of the 14th amendment." It was this ruling that was overturned by the Supreme Court.

The Supreme Court declared that the disproportionate (or discriminatory) effects of an at-large system were not sufficient to establish a claim to unconstitutional dilution of the Black vote and that "intent" to discriminate would have to be proved.

The requirement to prove discriminatory intent is extremely difficult, some say impossible, to meet. Local governments can hardly be expected to articulate unambiguously any intent they may have to dilute Black votes. Moreover, it is not clear at this time what kind of evidence the courts will accept as proof of intent to discriminate. Consequently, Blacks and other minorities face the prospect of continued exclusion from thousands of local governmental bodies which are elected at-large.

Those familiar with the history of resistance to Black political par-

ticipation will readily recognize the effectiveness of at-large elections in preventing Blacks from being elected to public office in localities where they are a large segment of the electorate but not a majority. In such localities, the abolition of at-large or multi-member election systems has been crucial to efforts to increase the number of Blacks elected to office.

Since enactment of the Voting Rights Act of 1965, the number of Black elected officials in the U.S. has grown significantly, from about 600 to over 4,600 today. However, Blacks still constitute less than one percent of all elected officials in the country, although they are about 11 percent of the total population.

Moreover, the annual rate of increase in the number of Black elected officials has been declining steadily since 1975; between 1978 and 1979 the net increase was only two percent. Joint Center research shows that even in localities where Blacks exceed 40 percent of the total population, they remain excluded from governing bodies, often because of at-large or multi-member election systems. The Supreme Court's decision will undoubtedly slow the drive to correct this inequity.

Although the Supreme Court decision is cause for grave concern, its adverse effects may be somewhat softened by the fact that it was issued by a divided Court. Two of the six Justices who supported the decision concurred for reasons different from those of the other four. Thus, Justice Blackmun, in his separate concurring opinion, criticized the lower court for being too extreme in requiring the City of Mobile to convert its government to a mayor-council form. Blackmun concluded that the District Court was "perhaps overly concerned with the elimination of at-large elections

per se rather than with structuring an electoral system that provided an opportunity for Black voters in Mobile to participate in the city's government on an equal footing with whites."

Implicit in Blackmun's opinion is the suggestion that a milder remedy might have won his approval. It is possible, therefore, that future legal challenges to at-large elections, which take a different approach, might produce a different result.

It is important to note also that the Supreme Court's decision does not apply to election systems adopted since 1965 in areas, mainly in the South, covered by the Voting Rights Act. In several cases the U.S. Department of Justice has disallowed use of at-large or multi-member districts in states or localities covered by the Voting Rights Act because of their discriminatory intent or discriminatory effect.

Aside from myriad legal issues which attorneys and the Courts must sort out, the most important and immediate effect of the Supreme Court's decision is the signal it transmits about the continuing erosion of Black gains, including gains in the political arena.

Thus, the Supreme Court's decision is seen by some as an extension of its *DeFunis* and *Bakke* decisions and as an ominous harbinger of difficult times ahead. The Voting Rights Act, which will be up for renewal in 1982, may itself be imperiled.

Regardless of what legal remedies it might stimulate, the Court's ruling challenges Blacks to become even more assertive and sophisticated in the political arena. This will require increasing their voter participation rates and developing coalitions, all with a view to enhancing their political potential, especially in at-large or multi-member jurisdictions.

Legislators sponsor mandatory vote bill

Three Portland legislators have had legislation drafted to require local elected officials to vote on all orders of business before them, unless excused from voting by other members of the governing body.

Representatives Jane Cease, Tom Mason and Sue Pisha (All Dem., Portland) plan to introduce the legislation for the 1981 legislative session to prevent abstentions by elected local officials such as the recent abstentions by some members of the Portland School Board.

Representative Sue Pisha stated, "I think elected officials have a duty to vote as part of performing their

jobs. Otherwise they are abdicating responsibility for which they were elected."

"Elected public officials should not have the option not to perform public decision-making," said Representative Tom Mason.

"Many constituents in the Alameda and Sabin school areas expressed frustration to me about

school board members not voting during deliberations on the school desegregation plan," said Representative Jane Cease.

The proposed legislation would allow local elected officials to excuse a colleague from voting after making a brief statement why. Present law requiring declaration of potential conflicts

College discusses Chicano politics

During the 1980's Hispanics will become the single largest minority population in the United States. Within that population, Chicanos number more than 12 million people and are by far the largest minority population in Oregon and the Northwest.

Colegio Cesar Chavez is sponsoring a lecture series by Dr. Jose Angel Gutierrez. The series will address the issue of an emerging Chicano politics and will focus on the development of Chicano politics in the Southwest as well as the development of national issues important to all Hispanics.

Jose Angel Gutierrez is the founder of La Raza Unida Party, Mayo and Ciudadanos Unidos de Cristal. Dr. Gutierrez is currently working in Oregon compiling a statistical analysis of Chicanos in the Northwest based on the 1980 U.S. Census.

All lectures will be in Huelga Hall, Colegio Cesar Chavez, 7:30 - 9:30 p.m. For more information call Dr. Peter de Garmo 845-2234. Open to the public free.

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