

# DOUBLE VOTING BROKEN!

APPEARING MAY 1, 1975

The question "Have you heard from the suit to break double voting?" had become a form of greeting between Indians and friends of Robeson County. Instead of saying "How are you?" Indians would say, in greeting, "Have you heard from the suit to break double voting?" And from January 9, 1975 until April 23, 1975 when the suit was decided the answer was "no."

But the United States Court of Appeals for the Fourth Circuit sitting in Richmond, Virginia has changed all that. The court ruled April 23, 1975 in a unanimous decision that Double Voting as it has been practiced in Robeson County is unconstitutional because it dilutes the vote of the county residents of the Robeson County School Administrative Unit.

The three judges (Winter, Craven and Butzner) with Judge Harrison L. Winner writing the decision declared that... "the votes of the residents of the county school board geographic area are unconstitutionally diluted in the election of the seven members of the county school board which the law directs to be elected on the combined votes of county and city voters."

The court of appeals remanded the matter back to the district court with the

instructions to enter... "a declaratory judgment in accordance with the views expressed herein. We leave to the district court, in the exercise of its sound discretion, the fashioning of other relief. Ultimately the formulation of a constitutional method of electing members of the Robeson County School Board is the prerogative of North Carolina. That opportunity should be afforded. The district court may well conclude to withhold further relief at the present time if an election is not imminent and if there is a likelihood that exercise of North Carolina's prerogative will be forthcoming."

"Double voting" is the practice in Robeson County whereby residents of Robeson County's five city units may vote for the membership of their own respective boards of education as well as for the make up of the Robeson County Board of Education. City residents have a "double vote." Conversely, until the appeals court ruled on the matter, residents within the geographic confines of the Robeson County Administrative School Unit (mostly Indian) could not vote in the election of the city school boards.

The nefarious practice, in times past, had meant that the membership of the Robeson County Board of Education

was made up of mostly White members. Indians and Blacks could not be elected without the city vote which was seldom forthcoming for an Indian or Black candidate for the Robeson County Board of Education.

The Robeson County Board of Education has never had an Indian chairman of the board of education and/or an Indian superintendent of the county school system. Until the N.C. General Assembly passed a law in 1973 declaring that four members of the board of education would be elected by county residents only few Indians or Blacks could be elected to the board of education. To our knowledge, until the general assembly ruled on the matter of the four members to be elected by county residents only... two Indians in the history of Robeson County had been elected to the school board in the history of the county.

Judge Algernon Butler, in the Eastern District Federal Court in Fayetteville, where the double vote suit was originally filed had declared in a ruling that... "a compelling state interest justified participation of city board residents in the election of certain board members..." That ruling was appealed. But the appeals court ruled emphatically that "WE DISAGREE." And further said

"We reverse the district court and remand the case for the entry of declaratory judgment and the fashioning of other appropriate relief."

The Indians were happy indeed! All those who sued the Robeson County Board of Elections in the matter expressed pleasure at the ruling of the appeals court. The Indians who sued for all Indians in the county on a class action suit were: **Janie Maynor Locklear, James Earl Brooks, Marie Locklear, Curley Locklear, Kever Locklear, Brenda Brooks, The Eastern Carolina Indian Organization and the Task Force to Break Double Voting.** The principle attorney was Barry Nakell, with able assistance from Adam Stein. The suit was sponsored by the North Carolina Civil Liberties Union. And the N.C. League of Women Voters filed an affidavit as a friend of the suit.

Said Barry Nakell, in a telephone conversation, "above all else we ought to give credit to Dexter Brooks, a Lumbee Indian who is attending law school at the University of North Carolina in Chapel Hill. He did outstanding work in the litigation and had

the fortitude to see the suit through." Nakell also said, "I think the decision opens up the exciting prospect of giving the Indians of Robeson County full opportunity to participate in the running of their own schools."

In area news reports local officials in Robeson County have been quoted as saying no challenge has been decided on concerning the outcome of the suit. W. Earl Britt represented the county and the board of elections in defending the suit. Reports have it that a test of the suit might be discussed at the next meeting of the Robeson County Board of Elections. Said one prominent Indian, "I am sick and tired of paying the bills for kicking my own self in the rear end. The taxpayers have been taxed enough. Every time they defend one of their racial schemes like double voting, the Indian and Black have to help pay for it. I think the suit has been tested enough. It is time now to get on with the business of providing an education for all the children of Robeson County."



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ROBERT (BOB) MANGUM



L. HARBERT MOORE



LAYMON P. LOCKLEAR



LILLIAN FAYE LOCKLEAR



SHIRLEY P. BRITT



DAVID R. GREEN



RALPH HUNT



TOMMY D. SWETT

## Indians Capture Voting Majority on County School Board

The new political game in town is named "Waiting on Pembroke." Pembroke was the last precinct to report in balloting Tuesday. They reported at approximately 6 a.m. Wednesday morning. The radio broadcasters groused and one said, apparently in a fit of pique, "Seemingly Pembroke is inscribing its ballots in mortar and sending them to Lumberton via donkey back..." Later the same broadcaster, who was unidentified said, "Well, we'll go ahead and give the totals...the figures should not change appreciably. We're not going to wait on a few stragglers."


crazy or simply new to the area. Waiting for Pembroke made all the difference in the world. Before Pembroke's totals were announced, the Robeson County School Board race showed incumbent Shirley Britt leading the ticket and a possible three whites, three Blacks and three Indians on the top of the electoral list. It was not to be.

When Pembroke's totals were announced, the school board tally was shuffled considerably. Adding Pembroke's totals, Ralph Hunt, formerly a principal at Fairgrove School, was sitting atop the list. Britt had fell to

third and two Blacks and a white were nudged out of the top nine slots. The new totals showed 6 Indians, 2 whites and 1 Black on the list of nine.

Leading the ticket with an unofficial 3655 was Ralph Hunt. Tommy D. Swett was second with 3589. Following in positions of 3-9 were Shirley Britt 3314; Sim Oxendine 3249; Harbert Moore 3043; Lillian Faye Locklear 2986; Bob Mangum 2958; Laymon Poe Locklear 2986; David Green 2855. Said one punster, "What a difference a precinct makes."

Either the radio broadcaster was



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