

ARLINGTON'S AT-LARGE ELECTORAL SYSTEM: A STUDY OF ITS HISTORY, STRENGTHS, AND WEAKNESSES

by

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Arlington County Virginia, at the Commonwealth's Northern extremes across the Potomac River from the Nation's Capital, is governed by a five member elected County Board of supervisors, and a County Manager appointed by the Board members. The Manager serves as the chief executive officer and exercises direct supervision and operational control, generally, of the executive branches of the County local government.

The County Board thus is, ostensibly, free of day to day operational duties and performs only policy making or legislative functions within the scope of its statutory and constitutional authority. Positions in government, except for the judiciary, several "Constitutional" elected officials,¹ and the clerk and staff to the County Board, generally are filled or vacated by the Manager.

The Board members are elected for terms of four years each with all the registered voters of the entire county eligible to vote for each candidate. There is no requirement that a candidate for the office, or, if elected, the office holder, must reside in any particular part of the county. The terms of office are for four years with elections staggered so that each year one, and on a fourth year two, positions are filled.

The Arlington County Manager form of government with elected governing body members and an appointed manager appointed by the board, was adopted by voters by a public referendum in the November, 1930 election. This concept of local government differed from the three member magisterial districts then in existence in Arlington and from the mayor and ward alderman systems generally in use throughout the rest of the country.

The manager system was hailed by its proponents at its beginning, and in many areas and at times since, as innovative and progressive and a great leap forward in the quest for more efficient and workable municipal government.

THE 1930 REFERENDUM

Arlington voters, pursuant to new Constitutional amendments and resultant enabling legislation were asked in the 1930 election whether they desired the county manager form of government, and if so did they want their governing body members elected "at-large" or by single member districts. The vot-

ers indicated they did desire to change to the county manager form of government by a rather close vote. They also voted by a margin of about 2 to 1 to elect the board members "at-large" in county-wide elections.²

THE 1932 AT-LARGE ELECTION

New board members, therefore, were elected for four year terms in the election of November 1931 and they took office seven weeks later on January 1, 1932. It was the first county manager form of government to be adopted in the United States and the forerunner of many more in later years. The arrangement has continued to date with no significant change, except that just before World War II voters chose by referendum to stagger the board member four year terms with annual, instead of quadrennial, county board elections.

STATUTORY AUTHORITY

The Virginia statutory authorization for the adoption and operation of the County's manager form of government is contained in Chapter 14 of Title 15 of the Code. That Chapter per Section 15.1-669 is applicable only to Virginia counties with more than 500 inhabitants per square mile and with less than "sixty square miles of highland." Since Arlington is the only county in the State with these characteristics, the section applies only to Arlington.

Section 15.1-694 of the Chapter, in essence, provides that whenever 200 or more voters so petition, the circuit court will order an election in which voters will be asked (1) do they desire a change in the form of government, and (2) if so do they desire the specified Modified Commission Plan ³ or the county manager plan, and (3) and if changed do they want the governing board elected at-large or by districts. As stated above, Arlington voters in the 1930 election chose to change, to adopt the manager form, and to elect board members at large.

DIVISIONS OF OPINION

Overall, it seems the adoption of the county manager form of government for Arlington was greeted at the time with enthusiasm by most citizens. There was, however, some discontent in minority neighborhoods at the election of board members at-large rather than by single member districts as will herein-after be discussed.

The late Arlington historian C.B. (Cornelia) Rose, Jr. describes the adoption, and especially the at-large voting, in laudable and complimentary terms. On page 197 of her book *Arlington County Virginia - A History* ⁴ she wrote in part, "...the County Board elected at-large... meant a governing body more responsive to the needs of the whole County rather than pitting one section against another."

RACIALLY DISCRIMINATORY OVERTONES

While it is difficult at this late date to dispositively document all the circumstances surrounding the adoption of the manager and at-large voting arrangement there is evidence to indicate that certain elements of the community did not view at-large voting in the same light as did Rose later, and others who support that approach or voted for it. There is reason to believe that the change in the form of government and voting method, or at least the tactics and speed with which it was achieved, may have been racially motivated to discriminate against Arlington's Black population, deny them equal access to the democratic process and to prevent the election of Black candidates to local public office.

One senior Arlington citizen from the Black community who was born in the county almost 90 years ago and was alive and residing in Arlington during the time the Manager form and at-large voting were adopted is Mr. George Vollin who at this writing resides in the Green Valley neighborhood next to the "mixing bowl" of I-395 at Washington Boulevard. His neighborhood is near the extinct Freedman's Village where freed slaves were temporarily located after the Civil War and that is now partly the southeastern tip of Arlington Cemetery.

Mr Vollin testified in 1974 in Federal Court under oath in a civil rights suit⁵ brought by him and several other citizens almost 50 years after the adoption of the at-large voting system.

The Vollin suit was filed for the purpose of having the at-large system declared unconstitutional in line with recent U.S. Supreme Court decisions on the subject that had outlawed at-large voting in numerous other Northern as well as Southern cities. Vollin testified that he was born in the county before the turn of the century, had lived in the Black Queen City section of the Jefferson Magisterial District, which was razed in World War II for the Pentagon South parking lot, and that he since has resided in the Green Valley community of Arlington on South 13th Street.

Vollin related that he remembered the circumstances that surrounded the referendum voting in 1930 and the election of board members in the at-large election of 1931. He contended that the movement to secure enabling legislation, the solicitation of petitions to place the item on the 1930 election, and the subsequent voting on the matter all occurred immediately after, and as a consequence of, heightened Black political activity for the first time since the days of reconstruction after the Civil War.

Vollin further testified, and has related to this writer with recordings on tapes, that there were meetings in the Black community early in 1930 where it was decided that there would be Black candidates fielded in the coming No-

vember elections. He related that when that knowledge became known publicly, there were demonstrations in the County and especially through the Black neighborhoods.

Vollin asserted that hooded Klu Klux Klan men paraded in motor convoys through the black neighborhoods in the old Jefferson Magisterial District where he lived, rattling noise making instruments and shouting threateningly to intimidate Black residents. Vollin stated that it was only after it became known that Blacks intended to run for elective office that delegations from the White community traveled to Richmond and appeared before the legislature urging the new law described above to permit a vote on changing the government form to include the election of governing body members at-large instead of by several single member districts.

Vollin contended that the movement on Richmond to press for the new legislation and its implementation, or at least the speed at which it was undertaken, and especially the timing just after word that Black people planned to file for elective offices, was racially motivated and a consequence of Black election plans. Vollin's testimony and version of events and political environment in Arlington at the time was reinforced with similar corroborative testimony by his co-plaintiff Harrison Douglas, another very elderly Black Arlingtonian and life long resident of the County.

IMPACT OF AT-LARGE VOTING ON BLACK MINORITIES

There may, of course, be no shortage of Arlingtonians who then, or today, will disagree with Vollin's version of events at the time of the change in the County government. It can certainly be rationally argued that the changes were appropriate, needed, and bound to come sooner or later regardless of whether there were to be politically active Black citizens at the time of the changes, or an adverse voting impact on them.

In any event, following the adoption of the manager and at-large voting arrangement in the election of 1930, none of the four Black candidates on the November, 1931 ballot, three for a county board position, and one, Mr Vollin, for sheriff, were elected.

Whether or not the adoption of the at-large voting system in itself resulted in the defeat of the Black candidates in the 1931 election, or to what extent, may never be conclusively known. It is clear, however, that by adopting the at-large arrangement, the Black voting clout, for whatever it may have amounted to, was substantially reduced in a county-wide election as compared to one for a smaller area comprised mainly of their own segregated neighborhood.

Following the defeat of the four Black candidates in the 1931 election, no

Black person was elected to public office from Arlington for almost a half century until the late 1980s when a Black attorney ⁶ ran for and was elected to the County Board. During that period only one other Black candidate ⁷ ever bothered to file for office. Mr Vollin, and the other elderly Black witness, testified that the cause of this Black disinclination to run for office stemmed from the adoption of the at-large system and the defeat of the candidates in 1931. They stated that Black people in Arlington were discouraged from running for election and that they considered it an exercise in futility since there was no chance of their prevailing in county-wide elections in a community where they were greatly outnumbered by Whites.

EFFECTIVENESS OF THE AT-LARGE SYSTEM

Aside from the possibility, as described, that the Arlington form of government and electoral system may have been adopted, to some degree, for racially discriminatory reasons, the arrangement seems, as stated, to have been generally acceptable to the citizenry. There is little or no evidence of any significant community disenchantment or dissatisfaction with the system in principle or in operation in those early years of its existence.

Notwithstanding the absence of any geographical residence requirements for board members, the at-large board at its beginning, in varying degrees from time to time, was composed of members from all the principal sections of the county. For a brief period after World War II the Board was comprised of a majority, three members, from South Arlington. Additionally, for most of the years, there was reasonable representation of both, or all, the main partisan political parties or movements in the County. Board members were elected that ran as Democrats, Republicans, AIMs (Arlingtonian Independent Movement), or Independents either with or without endorsement by these groups.

CHANGES IN BOARD COMPOSITION

By the early 1960s, however, the situation began to change significantly with respect to the political composition of the Board and the geographic residential location in the county of its members.

In the 1950s, the third decade of the 1931 adopted system of government, a new political organization known as the Arlingtonians for a Better County came into being. It began to field candidates for public office to include the County Board positions. The group, known as the ABCs, and comprised mostly of members of the Democrat Party, some others who claimed to be independents, and also, initially, a few Republicans, steadily became dominant in county politics.

The ABC group quickly acquired a reputation for energetic, determined,

dedicated, and highly systematized precinct and campaign operation. Moreover, they were almost without fail, to the envy of their opponents, highly successful in their electioneering through the following years.

POLITICAL IMBALANCE IN GOVERNMENT

By 1960 the ABC organization had gained all five of the County Board seats and for most of the next 32 years they would occupy most, and again in many years all, of the five positions. Only in the years 1967, 1969 and 1970 would Republicans gain a majority and control of the Board with three of the five positions.

One Republican elected to the Board in 1983⁸ did not run for reelection in 1987 at the end of his term. Since his departure the Board was again comprised of only ABC or ABC supported members until 1993 when a Republican⁹ was elected to one of the five Board positions. At this writing, the ABC not only has four of its candidates on the County Board but also in every other elective office in the County; i.e., the Commonwealth Attorney, Commissioner of Revenue, Sheriff, and Treasurer.

Until the recent legislation providing for the election of school board members, the County Board also appointed the five members to the School Board, and the ABC-Democrat organization has never been known to appoint a Republican, or a political opponent, to that body, and rarely anyone from the southern half of the County. Thus the Board, and the county government, under ABC domination has become badly unbalanced with respect to participation by the County's Republican or independent minority which, as indicated in election results through the years, amounts to just under half the County population.

GEOGRAPHICAL IMBALANCE ON THE COUNTY BOARD

Arlington seems to be generally, at least by street designations, divided into Northern and Southern halves as delineated by Arlington Boulevard (U.S. Rte. 50) running roughly from the Ft. Myer Army Post on the east to the County line near Seven Corners in the west. In 1962, Mr Leo Urbanske, Jr., who resided on South 19th Street near what is now Crystal City, was elected to the County Board with the support and endorsement of the ABC organization. He was the last citizen from South Arlington to be elected to the Board for almost 30 years until the election of Board member William T. Newman, Jr., in 1988, as mentioned above.

During the many years in between the elections of Urbanske and Newman, the Board was comprised not only of members from North Arlington but also mostly from the northernmost tip of North Arlington. The members mostly

resided in a tiny area immediately around the Washington Golf and Country Club in the extreme northern and most affluent tip of the County just inside the boundary from Fairfax County and farthest from the southern half of the County.

The residential location of the governing body members far from the southern edge of the County where most of the urban problems were perceived to exist was a source of growing discontent by citizens in that end of the County. Those urban problems stemmed from, or were related to, the location of many undesirable, even if necessary, community facilities in the southern sections of the County. They included the National Airport, the railroad yards, the trash collecting and compacting facility, the sewage treatment plant, massive traffic, and pollution on and near I-395. Also, the southern areas were where most of the lower income neighborhoods and concentrations of new immigrants from Asia, Latin America, the Caribbean and other world areas were located. It was in such communities that most of the poverty, drug traffic, crime, and other social problems thrived. Yet there was no one on the County governing body that lived in or near those areas that had first hand knowledge of conditions there.

BOARD INSENSITIVITY TO SOUTH ARLINGTON

Over a period of years South Arlington neighborhood leaders were repeatedly rebuffed in their representations before the County Board on matters they considered to be of utmost importance to their section of the County. The "Southerners" increasingly concluded that the county elected officials were insensitive to them and they attributed it to the fact that there was no one from their area, aware of and sympathetic to their problems, on the governing body. The relationship of South Arlingtonians with their elected governing body officials steadily became confrontational and adversarial.

Illuminating the severity of the geographical imbalance on the Arlington County Board was an article in the Washington Post by staff writer Jay Mathews on November 11, 1973, headlined, "Many South Arlington Residents Unhappy at Dominance of the North." The article explained the nature of the problems faced by South Arlingtonians that were not resolved by their elected supervisors.

The Post article was accompanied with a map that pinpointed the residences of senior county officials to include the Board, the County Manager, the School Board members (all appointed by the County Board), the Constitutional elected officials, and the County's representative in the State Legislature. All of the officials, except for State Delegate Warren Stambough and School Board member Eleanor Monroe, were shown to reside in the northern half of the county, and mostly in the extreme northern neighborhoods as stated.

The Post article and map appeared one week after the November election

in which one candidate ran against the Republican and ABC-Democrat candidates for a County Board position. In the campaign the candidate mainly stressed the need for representation on the Board by someone from the southern end of the County. The Post had, during the campaign, announced its support for the ABC candidate who lived also in the northern tip of the County off Glebe Road near the Chain Bridge Road. It can only be speculated as to the effect the article would have had on the election had it appeared before, instead of after, election day.

BASIS FOR SOUTH ARLINGTON DISCONTENT

Beginning in the late 1960s a number of major community actions involving land use or provision of public facilities were considered by the County Board under its zoning, spending, or policy making authorities. In each of these, the County Board, comprised only of members who resided in the northernmost sections of the county, took action contrary to the expressed views and recommendations of South Arlington civic leaders or associations. Those actions greatly displeased civic leaders in South Arlington and caused them to question whether their section of the County was received equitable attention and treatment from a Board with only members from the northern half of the County and functioning under the at-large electoral arrangement. The subject actions include, but are not limited to, the following.

The Roach House Rezoning on Ridge Road

One of the earliest of these actions involved a several acre property at the east end of Arlington Ridge Road on which was located a large brick pre-Civil War mansion known as the Roach House. The prestigious structure dated from the early 1800s and had been used as a hospital during the Civil War.

When the owner died and the property came on the market by the heirs an application for high rise rezoning was filed and opposed by local residents. Mr. Francis Hewitt, President of the Arlington Ridge Civic Association, with several other members of the Association, and representatives of several National and out of the county organizations, appeared before the Board in opposition. They vehemently urged that the property be acquired by the County and preserved for its historical value and unique overlook location. The assessed value was a little over \$300,000. The spokesmen for the Civic Association pointed out the unique characteristics of the property and that it was the only remaining overlook in Northern Virginia of the Nation's Capital.

Notwithstanding these arguments and pleas, the County Board,¹⁰ contrary to the voiced requests of the South Arlington speakers, voted unanimously to grant the application.

The following morning, as though to move immediately before the Board could reconsider, or the decision could be challenged judicially or otherwise, the applicant had bulldozers on the site and by nightfall nothing remained of the structures except rubble. Today the Representative condominium apartments stand on the former Roach House site.

The Aurora Hills Branch Library

In 1969 County voters approved bond issues including one for \$550,00 to build a new neighborhood branch library to replace the one on South 23rd Street. A citizens study group in due course recommended that the new library be built on the front of the existing Nellie Custis Elementary School a couple of blocks away, also on 23rd Street.

In the following months intense opposition to the proposal developed among citizens and other neighborhood and county groups. On March 6, 1973 the County Civic Federation, with about 40 neighborhood civic groups as members, adopted a resolution opposing the library as proposed. The Arlington Ridge Civic Association, that would be served by the library, and the Calvary Methodist Church, across the street from the school and proposed library, adopted resolutions opposing the construction of the library on the front of the elementary school.

At its regular business meeting on April 25, 1973, the County Board was asked by the Manager to approve advertising for bids to construct the library on the Nellie Custis school as proposed. During the two and a half hours of discussion on the matter numerous South Arlington and other County citizens appeared in opposition, including spokespersons for the above organizations. At the end, the chairman stated, contrary to the views expressed, that he "was not inclined to hold up on the matter", and the Board proceeded to the next item on the agenda.

Frustrated at their inability to obtain redress by the elected and other officials of the County, several South Arlington citizens¹¹ thereafter filed suit in the Arlington County Circuit Court. They asked, in essence, that the County Board, manager and staff be enjoined from proceeding with the project and alleged violations in the off street parking, environmental study and street setback requirements of local law.

On the day before the scheduled court hearing in the case, Mr. Jerry Emerick, the County Board's Attorney, telephoned the citizens' attorney and reported that the County Board had decided to abandon and cease all further action on the project. The matter was thus moot and the case was dismissed without objection by the citizen plaintiffs.

The new Aurora Hills Library was later constructed without controversy

on County owned land at South 18th and Hayes Streets as a joint library, recreational, and fire station facility. The citizens had, at their own expense, inconvenience and burden, obtained satisfaction through judicial channels that they did not get politically from their elected governing body.

The Sickles Tract Open Space/Forest Hills Townhouses

In the late 1960s the largest undeveloped privately owned residentially zoned land in Arlington County not zoned for high rise use was an 18 acre tract at Army Navy Drive and South 23rd Street known as the Sickles-Chaikin property. Citizens groups, the County Planning Commission and County Manager staff had strongly recommended the land be purchased and retained as open space in view of the critical need for such in South Arlington and particularly that part located south of the I-95 (later I-395) highway.

Citizens groups advised the Board that if it decided not to purchase the land they would not object to rezoning for townhouses since the developer had agreed to certain of their requests, and had so amended its proposal. The changes concerned a lowering of the maximum number of units, more off street parking, wider streets, and some other specifications. In February, 1968, the County Board rezoned the land from single family R-10 to R-10T, or townhouse use. After several years of site plan renewals, in 1974 the developers submitted a new application for approval of a site plan that was significantly different from the one previously extended to citizens, approved and renewed by the Board. The citizens vigorously protested and pointed out that the new site plan was essentially the same as the initial proposal that had been opposed by citizens. In spite of those citizen objections the Board approved the site plan.

Shortly thereafter, affected citizens filed suit in the County Circuit Court, at their personal expenses and inconvenience, to force the developer to conform to the commitments previously made with them. To settle the suit the developer eventually modified his site plan to some extent and the project proceeded to completion. Citizens in South Arlington again felt they were compelled to obtain satisfaction by litigation where they were unable to obtain political relief through their elected officials.

The Widening of Jeff-Davis Highway (U.S. Rte. 1/I-595)

In the early 1970s, the Virginia Department of Highways released plans and started public hearings for the long expected widening, with Federal road funds, of U. S. Rte. 1 (Jeff-Davis Hwy.) through Crystal City from I-395 near the Pentagon building south to the county line at Four Mile Run. At public hearings and by written communications, South Arlington residents nearby

let it be known to the State officials, and to the County Board, that they did not approve of the plans in concept because of appearances, adverse pollution and traffic impacts, and other reasons.

Notwithstanding this expressed and strong opposition by South Arlingtonians, the County Board on December 13, 1972, urged immediate construction of the road as proposed. As predicted by a Washington Post writer, after months of meetings and unsatisfactory efforts by citizens to reach a compromise and with no direct support from the County government, suit was filed in the Federal District Court in Alexandria on August 24, 1976.

In the months following the filing of the suit, and as a consequence of it, the Highway Department modified its plan in a way that was acceptable, or less objectionable, to the plaintiffs, and the projects was commenced and in due course completed. South Arlington citizens felt they again were compelled to resort to litigation to achieve satisfaction when they were unable to obtain it politically from their elected officials. They also noted the inconsistency of the County Board in urging completion of the I-595 road while consistently opposing construction of highway I-66 through North Arlington.

The South Glebe Road Sewage Treatment Plant

In the November elections of 1971 and 1972, Arlington voters approved the sale of bonds to finance the County share in the cost of a proposed Water Pollution Control Plant on South Glebe Road near the intersection with U. S. Route 1. In February, 1974 the Board publicly advertised and gave public notice of its intention to rezone the land to a commercial category, and for bids for the construction of the project.

In the following months citizens near the site and from the Aurora Highlands and Arlington Ridge Civic Associations appeared at Board meetings and raised many questions concerning the concepts, capacity, location, and other features of the proposed expansion of the existing sewage treatment plant. Speakers, on behalf of local Civic Associations, expressed deep concerns over the expected substantial adverse impact on the adjacent neighborhood from traffic, heavy vehicular noise, chemical dangers, obnoxious stench or other odors, harmful air pollution, the undesirable acceptance of sewage from surrounding jurisdictions, and other damaging and bothersome consequences of daily operations.

In spite of those expressed concerns of the local South Arlington citizens, the Board moved forward with the project as proposed at the South Glebe Road location.

The South Arlington citizens felt they had failed again to obtain response from the County Board that was satisfactory to them and, in an effort to obtain

relief, they resorted again to litigation at their personal expense and inconvenience. On May 16, 1974, Arlington attorney L. Lee Bean filed suit (amended complaint) in the Arlington County Circuit Court on behalf of 19 citizens¹² living near the sewage treatment site. Judge Charles Russell later dismissed the suit and the Supreme Court affirmed his decision. The disappointed citizens of South Arlington again felt abandoned by their elected officials.

The Pentagon City Development Controversy

Probably no issue in recent memory, in the view of many South Arlington civic activists, more clearly illustrates the differences between South Arlington community positions and performance by elected officials all from North Arlington than the matter of rezoning and development of the 124 acre open space tract at South Hayes Street and Army Navy Drive between the Pentagon building and Crystal City.¹³ The subject site was the largest tract of undeveloped land by far in Arlington County and would become known by many as "Pentagon City" and as a "mini city".

In the early 1970s the Pentagon City owners/developers began studies, plans, and negotiations with County officials, local citizens and others that led to final approval, despite South Arlington citizen objections, of the rezoning request by the County Board on February 26, 1975.

In an editorial on January 20, only days before the Board approval, the Washington Post stated, in part, "What worries us... is what this high density development will do to traffic and air quality...no one (can) anticipate the extent of traffic, noise and pollution generated by National Airport, Shirley Highway...the Pentagon, Crystal City and Arlington's new incinerator." The Post quoted the Virginia law providing that zoning is to protect and enhance the quality of life and protect health and welfare, and said further "...The County Board should reject the request for higher densities and send the Pentagon City developers back to the drawing boards."

Upon approval of the rezoning request by the County Board, the South Arlington citizens perceived that they had "lost again" before their governing body on which they had no representatives from their local area. The developments reinforced many local citizens' convictions that the County elected officials were not functioning to their benefit and that the at-large electoral system was not operating satisfactorily insofar as their section of the County was concerned.

As predicted, the citizens, through the PCCC and individually, filed suit in the Circuit Court of Arlington County to overturn to Board's action.¹⁴ After voluminous filings of pleadings, discovery motions and other papers, and numerous hearings and almost 12 days for taking testimony, Circuit Judge

Paul D. Brown in an order released December 23, 1976 ruled against the citizens and dismissed their complaint.

In the Judge's exhaustive, lengthy and detailed memorandum accompanying his order he said, in part, "The heart of the complaint is that the zoning was arbitrary and capricious because it created problems of air pollution and automobile congestion." Nowhere in the memorandum did the Judge conclude that the County Board had exercised good judgment in the rezoning of the Pentagon City tract. Instead, he stated that "the reasonableness of the zoning... was clearly debatable" and he quoted the legal principle that a "court will not substitute its judgment for that of a legislative body if the reasonableness of (a rezoning action) is fairly debatable". Upon appeal, the Virginia State Supreme Court affirmed the decision of Judge Brown.

* * *

The several County Board actions described above, and some others not enumerated, to include the decision in 1992 to established a detoxification center in their area on Columbia Pike, increased the disenchantment of many South Arlingtonians, and others, with the effectiveness and fairness of their existing form of government. In their view, as expressed in civic association meetings, letters to the editors, and otherwise, the County government was not operating to their benefit and the at-large electoral system was not functioning effectively insofar as their section of the County was concerned, since it did not guarantee that someone from their neighborhoods would be on the Board to speak for their interests.

EFFORTS TO CHANGE THE AT-LARGE SYSTEM

Repeated efforts, both judicial and political, have been made over the recent years to discard the at-large electoral system in favor of several single member districts, or at least, to provide direct representation on the governing body for South Arlington by someone living in the area.

Judicial Efforts

In 1974, a suit was filed in the U.S. District Court in Alexandria¹⁵ on behalf of citizens and residents of Arlington County.¹⁶ The complaint stated that the plaintiffs were all from minority (Black and Hispanic) or lower income neighborhoods. Plaintiffs asked that the at-large voting arrangement of the County be declared unconstitutional and that it be ordered discontinued. They asked too that single member districts be adopted on the basis that the at-large system racially and otherwise discriminated against them, diluted their voting strengths, and denied them equal access to the democratic process. The suit cited as authority several recent U. S. Supreme Court landmark cases

where at-large voting systems had been found thus defective and ordered discontinued.¹⁷

When the matter was heard on October 2, 1974 by District Court Judge Albert V. Bryan, Jr, the suit was dismissed after several plaintiffs testified as to the history and conditions of the matter in Arlington County. Judge Bryan said, in part, "Even assuming that there was racial motivation behind the passage of the referendum in 1930, *that happened so long ago that it can't be considered as a background of racial discrimination which shifts any burden to the defendants*" and "...there is no showing here of any actual impact on individual voting power as a result of the multi-member (single) district." (emphasis supplied).

The plaintiffs did not agree with Judge Bryan's reasoning, which they considered tortured and wrong and appealed his decision. The 4th Circuit Court of Appeals in Richmond, however, did agreed with the District Court and affirmed his action. The U. S. Supreme Court later refused to hear the case. Thus, the effort to end at-large voting in Arlington Country by recourse to the Federal courts had failed.

During the course of the suit above in the Federal courts, a development occurred to the surprise and temporary delight of the plaintiffs. In response to an interrogatory from plaintiffs, the Assistant Attorney General for Virginia, Anthony F. Troy, stated that "...an argument exists that State law would allow a procedure to take the sense of the people on the question of whether Arlington should change its form of government. See e.g. Sec 15.1-694 of the Code of Virginia".

The section quoted is the same cited hereinabove and used as the basis for the 1930 referendum in which the form of government was changed and the at-large system adopted. As stated, it provided that "whenever 200 or more" voters so petitioned the Circuit Court an election would be held to take the sense of the voters on specified questions. The statute did not expressly provide that its provisions could be used only one time. In earlier consultations on this subject, the County Attorney, and some other attorneys in the County, had taken the position that the Statute section, having been used in 1930, could not again be so used.

Armed with the suggestion from no less a legal authority than the Governor's own senior attorney's office that the subject Virginia Code section could indeed be used again, and contrary to the views of local Arlington attorneys, plaintiffs set about promptly to implement and take advantage of its provisions as interpreted by the State Attorney General's office. Petitions were quickly circulated, well over 200 signatures were obtained, and the Arlington Circuit Court was requested to order an election to take the sense of the voters

on the questions in the statute to include whether they desired single member or at-large voting districts.

When the petition for an election came before the Arlington Circuit Court, Judge William Winston heard the case and after arguments he agreed with the County Attorney and with local attorney Larry Latto who appeared at the hearing to the surprise of the petitioners and their attorney. Latto was well known in the community as a long time supporter of the controlling political group and had appeared, presumably on behalf of the County government or the ABC-Democrat Board members in opposition to the petitioner citizens and voters.

Judge Winston ruled, to the petitioners' great disappointment, that the subject statute section could not be used a second time, notwithstanding any suggestion by the State Attorney General's Office that it could be so used.

The Circuit Court ruling that dismissed the plaintiffs' petition for a special election on the statute questions was appealed. After arguments in Richmond before a State Supreme Court panel, the State Supreme Court upheld Judge Winston and affirmed his decision.¹⁸ Thereafter, no additional efforts were made by Arlingtonians to have the at-large electoral system declared unconstitutional, or otherwise unlawful, through either the Federal or the State Courts.

Political Efforts

In an effort to achieve South Arlington representation on the governing body through the political process, a South Arlington citizen ran in 1973 as an independent for a seat on the County Board against two opponents, one an ABC-Democrat and the other a Republican. He lost with only about 10% of the votes cast. He ran again as an independent with Republican backing in 1977 against the ABC-Democrat incumbent Board member, and again lost, but narrowly.

In both campaigns the candidate stressed throughout what he considered to be the urgent need for representation on the Board from the Southern end of the County, as well as some other issues he felt to be of importance.

The candidate attributed his inability to prevail to the handicaps of running at-large in a County wide, "winner take all," election where he could not effectively communicate his message, and in running against an opponent supported by a political organization far better organized, orchestrated and financed.

An additional political effort was made in 1977 to open the door to a return to the single member district electoral system when the County Board adopted an item in its legislative proposal agenda for new legislation to allow a referendum vote by Arlingtonians on the matter. The County Board at the time

was comprised of three ABC-Democrat members and two Republican party members. The legislative proposal concerning single member districts was adopted on a 3 to 2 vote with one ABC-Democrat Board member, to the surprise of proponents of the measure, voting with the two Republican members in favor of the proposal.

The proposal to allow a referendum, however, was not acted on in the legislature. At the time, all Arlington Delegates, and its Senator, were from the same political organization as the one that controlled the County Board and who were widely known to strongly oppose a return to a single member district voting system. Such a proposal has not been included in any County Board legislative proposal package for any other year in recent history.

ATTITUDES ON AT-LARGE VOTING

The defenders of the status quo at-large electoral system do not appear to be disturbed at the prospects of retaining the at-large arrangement. They have many philosophical arguments to make for its retention. They usually contend that the at-large system is more efficient and effective. They claim that with it, each voter has not one, but five representatives on the Board since all voters vote for all five members of the Board. They are also quick to point out, in agreement with historian Rose's opinion, that the at-large voting avoids "parochialism" that would exist if Board members were elected from smaller, neighborhood areas, and that they can be more objective, and honest, in County wide problems when elected by County wide voting.

While opponents of the at-large electoral system strongly disagree and contend that the system does not serve all parts of the County fairly, equally or effectively, it appears their chances of changing the system at this writing is more than remote. As pointed out herein, possible judicial avenues for change to single member electoral districts have been exhausted both at the State and Federal levels. Thus, the only prospects to South Arlingtonians seem to lie in the political realm with the hope that candidates from their area will run for County Board seats and be elected, or by new State legislation that would allow a local referendum on the question of whether to elect Board members at-large or from several single member districts.

To date the prospects for such legislation are faint since all of the Arlington delegation in the Virginia assembly continue to be from the same political apparatus that still dominates County politics and are known to strongly oppose any change. They are, thus, not likely to introduce any legislation to bring about a change. On the other hand, this could change in view of the recent upsurge of Republican successes in State and national elections. The Arlington Republicans and their candidates are on record as favoring a change

in Arlington to single member districts. If they are successful in future elections this could constitute the best hopes for those who favor a change in the electoral system.

Notes and References

Sherman Pratt has been a resident of Arlington since his retirement from the Army in the early 1960s. He is a veteran of World War II and the Korean War, and has written books on both wars. He has been active in Arlington civic affairs, is a past president of the County Civic Federation, and has been a contributor to the Arlington Historical Magazine.

¹The Commonwealth Attorney, Commissioner of Revenue, Sheriff, and Treasurer.

²For a more comprehensive account of the County's adoption of the Manager form and at-large election of board members see the article on this subject by Robert Nelson Anderson, page 58, *The Arlington Historical Magazine*, October, 1958.

³The provision in Article 2 of Chapter 14 describing this option was repealed and editorially dropped from the Statutes in 1976 after a court decision subsequently in *Vollin v. Arlington County Electoral Board*, 216 Va. 674.

⁴Port City Press, Baltimore, Md., 1976, copyright Arlington Historical Society, Inc.

⁵U. S. District Court, Eastern District of Virginia, Alexandria Division, Civil Action No. 173-74-A, George Vollin, Jr., et al., vs. Mills E. Godwin, et al.

⁶Arlington attorney William Newman, an ABC-Democrat backed candidate, won election to the County Board in the November 1987 election, and took office on January 1, 1988.

⁷In the November, 1969 general election, a South Arlingtonian Black minister, Rev. Arthur W. Walls, was defeated, not for a local office, but for a position as one of four Arlington delegates in the Virginia Legislature.

⁸Michael E. Brunner, a resident of North Arlington.

⁹Benjamin H. Winslow, Jr.

¹⁰The Board was composed of three Republican members, Messrs. Ned Thomas, Kenneth Haggerty and Harold Casto, and two ABC-Democrat members, Messrs. Joseph Fisher and Thomas Richards, all of whom lived in the northernmost section of the County and far from the subject property.

¹¹H. Anderson, a member of the Methodist Church; John Dabinett, a member of the Arlington Ridge Civic Association, Daniel Regalie, a Jeff-Davis corridor businessman; Patrick Monohan, an area citizen; Emmy Lou Runyan, a member of the Oakridge School PTA; Francis Shraison, a Jeff-Davis corridor businesswoman; and Joyce Velde, a member of Our Lady of Lourdes Catholic Church on 23rd St. South.

¹²Alvah and Carole Rogers, John and Diane Picket, Louis and Dorothy Mendosa, Walter and Phyllis Tudor, Jack and Patricia Gates, J. Hunt Brassfield, John and Mary Dabinett, Harrison and Patricia Lobdell, Alfred Stroessell, Robert and Dorothy Machen, and Paul Hyman.

¹³For an in depth discussion of this matter, see the article in the October 1994 AHS Magazine, "The Pentagon City Coordinating Committee (PCCC) and Center for Urban Education (CUE)".

¹⁴Pentagon City Coordinating Committee, Inc., et al. v. Arlington County Board, et al., in Chancery No 26523.

¹⁵George Vollin, Jr., et al. v. Mills Godwin, et al., Civil Action No. 173-74-A.

¹⁶George Vollin, Jr., Delores Lurito, Harrison Douglas, Ethel Tucker, Frank Walsh, Kay Lou Papanicoulas, Philip J. Kaczmarek and Dora Curtis.

¹⁷e.g., *Chavis v. Whitcomb*, 305 F Supp. 1364 (S.D. Ind. 1969, *Connor v. Johnson*, 402 U.S. 690 (Miss. 1971), and their progeny.

¹⁸*Vollin v. Arlington County Board*, *ibid*.