Racial Disparities in the Political History of Crittenden County, Arkansas

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Political Overview of Crittenden County

Located in eastern Arkansas, Crittenden County’s political structure is not unlike the rest of the state. Virtually every county position is elected, including sheriff, coroner, circuit judge, county commissioner, and county clerk.\(^1\) There are two state representative and two state senate seats available in the county, including districts 16 and 17 for the Senate and districts 53 and 54 for the House.\(^2\) The county positions have four year terms and are not term-limited; the state representative position has a two year term and the state senate position has a four year term (each limited to a maximum of three consecutive terms); municipal offices have a two-year term and are also term-limited; and

\(^{1}\) Author interview with Willie Gammon, July 19, 2011.

school board elections are held annually. The most recent U.S. Census reports that Crittenden is a majority black county, likely as it has been for most or all of its history.

The county clerk can register voters in person, although voters can also do so by mail or in a variety of other locations. Voters are asked to show valid photo identification if they register in person. If done by mail, they can provide their driver’s license number or the last four digits of their Social Security number; a copy of a document showing proof of address (such as a utility bill); or a copy of another government document that shows proof of name and address. Voters are expected to register at least thirty days prior to the upcoming election, or at least twenty-one days if they participated in a voter registration drive. In an interview, the current Crittenden County Clerk Ruth Trent indicated that the greatest impediment to voting registration in the county is the government identification requirement.

3 Gammon, supra note 1. See also, Interview with County Clerk Ruth Trent, July 27, 2011.

4 U.S. Census Data, Crittenden County (2010). The county is 51.2 per cent black, 46.1 per cent white, and 2.0 per cent Hispanic.


6 Id.

7 Id.

8 Id.

The incumbency rate of elected officials in Crittenden County is reportedly quite high; that is, there is little turnover in office-holders. In county and city elections, the county clerk reported turnout at approximately 35-50 per cent; in state-wide and presidential election years, turnout in Crittenden County is highly variable, from a low of 38.51 percent in 2010 (among the lowest state-wide) to 59.43 percent in 2008 and 63.36 percent in 2006 (among the highest state-wide). Turnout for the most recent special election in District 54 – in which a white representative was elected in a majority black district – was at an expectedly low 13.60 percent.

According to the Secretary of State’s office, the state does not report voter demographic data (including race and gender) because voters are not asked to self-report

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10 Id.
11 Id.
such statistics at registration.\textsuperscript{16} A representative with the State Elections Commission further explained that demographic data such as race and gender “are not relevant to voting” and therefore the state does not collect them.\textsuperscript{17} The same representative also claimed that because the Arkansas Constitution does not require voters to self-report their race or gender at the time of registration, there is no way for the state to collect such information.\textsuperscript{18} The U.S. Census Bureau also does not collect county-specific voter demographic data, and Crittenden County is not sufficiently proximate to any Census Metro region with a sample size large enough to extract the data.\textsuperscript{19}

\textbf{Crittenden County Political History: 1868 – 2011}

Crittenden has a complicated political history. In 1868, during the presidential election that resulted in the Ulysses Grant presidency, violence against voter registration officials was widespread throughout Arkansas, including Crittenden County.\textsuperscript{20} Politicians who urged the state to accept the Reconstruction Acts in the election of 1868 were either ostracized or killed by the Ku Klux Klan.\textsuperscript{21} In fact, the violence was so

\textsuperscript{16} Interview with Elections Division, Arkansas Secretary of State Office, August 8, 2011.

\textsuperscript{17} Interview with Bruce Allen, State of Arkansas Elections Commission, August 20, 2011. Allen suggested searching for voter demographic data on the University of Arkansas at Little Rock (UALR) GIS website, but voter demographic data is not apparently collected: \url{http://argis.ualr.edu/maps.htm}.

\textsuperscript{18} \textit{Id.}; see also \textit{AR} Const. Amend. 51, § 6 (West 2011).

\textsuperscript{19} Author e-mail exchange with Surbhi Godsay, Researcher, the Center for Information & Research on Civic Learning and Engagement (CIRCLE) at Tufts University, August 10, 2011.


\textsuperscript{21} \textit{Id.}
intense that the Arkansas Governor instituted martial law in Crittenden and nearly every other county immediately following the election, but Klan-still marched through the state.  

Nonetheless, the 1868 election provided fruitful for black politicians in Crittenden County. Black elected officials were first elected to office in Crittenden in 1872, after the reconstruction amendments allowed them to hold office for the first time.  

The first black elected official, Westmoreland, held the position of coroner and later treasurer before being murdered by a white man.  

Serving as circuit clerks, surveyors, assessors, justices of the peace, and county representatives, blacks continued to rise to political prominence in the 1870s and 80s; in fact, by 1888, blacks held all of the county offices except sheriff and outnumbered whites in the county by five to one.  

These facts deeply unsettled the white residents of Marion, the county seat, and violent riots resulted, forcing all of the black elected officials out of the county.  

Two black officials were arrested and charged with drunkenness – and along with other black elected and civic leaders – a mob of whites marched them to the nearest train station at gunpoint and told them never to return.  

The black officials later pleaded with the Governor to intervene,

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22 Id. at 224.
24 Id.
25 Id.
26 GRIF STOCKLEY, RULED BY RACE: BLACK/WHITE RELATIONS IN ARKANSAS FROM SLAVERY TO THE PRESENT 118 (2009).
27 Woolfolk, supra note 5, at 36.
28 Stockley, supra note 8.
but he refused and said there was nothing he could do.\textsuperscript{29} Whites regained control of all county seats during the following election, and they would retain it from that point forward.\textsuperscript{30}

**Post-Reconstruction Black Elected Officials in Crittenden County**

Although Crittenden is a majority black county,\textsuperscript{31} only a handful of blacks have held elective office there since Reconstruction. The first was Ben McGee, who was elected as a state representative in District 16 after a court-ordered redistricting in 1988.\textsuperscript{32} After McGee, Roy C. “Bill” Lewellen became the first state senator to serve in the county since Reconstruction in 1990; he was also elected following a court-ordered redistricting that created a majority black District 54 for the first time.\textsuperscript{33} Other blacks who have held state elective office include Jimmy Wilson of Helena, who served as a representative; Steve Jones, who worked as Ben McGee’s campaign manager and served as a state representative from District 16 from 1999-2007; and Jack Crumbly, who currently serves as a state senator for District 54 and was elected in 2008.\textsuperscript{34}

Even fewer black elected officials who have served at the county level. As of 2011, the only black elected county official is the coroner, William Wolfe, who was

\textsuperscript{29} \textit{Id.}

\textsuperscript{30} Woolfolk, \textit{supra} note 5, at 37.

\textsuperscript{31} \textit{See supra} note 5.


\textsuperscript{34} Author interview with Ben McGee, August 11, 2011. For more information on State Senator Crumbly, visit \texttt{http://www.votesmart.org/bio.php?can_id=56882}. 
recently elected after the white former coroner resigned, having served in the position for approximately 40 years.\textsuperscript{35} Although he had white opponents, Wolfe apparently had several advantages in his favor: (1) he was the only black candidate who was certified in his field; (2) he was a former Army Lieutenant Colonel who was well-respected in both the white and black communities; (3) the largest white funeral home in the county was owned by a company based in Little Rock (outside of the county), and most funeral homes in the county were black-owned.\textsuperscript{36} In an interview, Wolfe explained that he ran for the position because of the “cronyism I had seen that I wanted to break up” and widespread voter apathy, particularly among the black community.\textsuperscript{37} Wolfe noted that there are many misconceptions about voting among young people in the county, some of whom believe that if you vote you get jury duty; others feel that their vote is “wasted” because politicians do nothing for them.\textsuperscript{38} Further, Wolfe said that he wanted everyone in the county to know that he would bring integrity to the position, and that his background in the military gave him a different perspective on campaigning.\textsuperscript{39}

At the municipal level, there have been black mayors in the majority black towns of Earle, Jennette, and Jericho, which have 82.0 percent, 93.9 percent, and 97.5 percent

\textsuperscript{35} Id.
\textsuperscript{36} Id.
\textsuperscript{37} Author interview with William Wolfe, August 12, 2011.
\textsuperscript{38} Id.
\textsuperscript{39} Id.
black populations respectively.\textsuperscript{40} Jennette formerly had a black mayor named Mayor Plez Frank Lucas, Jr., who was elected in late 1990s and resigned in 2010.\textsuperscript{41} Jericho currently has a black mayor named Carol Witt, who replaced Helen Adams in 2010.\textsuperscript{42} The current black mayor of Earle is Otis Davis.\textsuperscript{43}

Although in 1988 Ben McGee became the first black person elected in any east Arkansas county since Reconstruction, two black state representatives had been elected elsewhere in the state (Pine Bluff and Little Rock) in the 1970s.\textsuperscript{44} McGee previously served thirteen years on the School Board and was a member of the Board of Trustees of Arkansas State University.\textsuperscript{45} McGee ran for state representative twice in 1984 and 1986 before winning the election in 1988 after he sued the state to create a majority black district in District 16.\textsuperscript{46} Roy C. “Bill” Lewellen, who was elected to the state senate after a second court-ordered redistricting in 1990, has an equally intriguing history. In 1986, McGee, \textit{supra} note 34.

\textsuperscript{40} U.S. Census Bureau, Profile of General Population and Housing Characteristics: 2010 Demographic Profile Data, \url{http://factfinder2.census.gov/faces/pages/productview.xhtml?src=bkmk}, last updated 2010, last visited August 10, 2011.

\textsuperscript{41} McGee, \textit{supra} note 34.

\textsuperscript{42} \textit{Id.}; State of Arkansas, County and Municipal Services, Jericho, \url{http://local.arkansas.gov/local.php?agency=Jericho}, last updated 2011, last visited August 10, 2011.


\textsuperscript{45} McGee, \textit{supra} note 34.

\textsuperscript{46} \textit{Id.}
state prosecutors brought witness bribery charges against Lewellen for his conduct as a defense attorney in a case involving a minister charged with rape, but Lewellen successfully argued that the charges were should be enjoined. Lewellen further argued that black attorneys were frequently the targets of disparate racial treatment by white elected prosecutors and circuit court judges in Lee County, which is adjacent to and immediately south of Crittenden. State prosecutors scheduled a criminal trial against Lewellen three weeks prior to the general election in his first campaign – he was running as an independent running against a Democratic incumbent – for state senate in 1986. Because Lewellen’s Democratic opponent subsequently referred to the trial during his political campaign, Lewellen claimed that the scheduling was intended to “impair his First Amendment rights” and a federal district court found there to be “a strong likelihood” that Lewellen could establish such a claim. On appeal the Eighth Circuit upheld the district court’s grant of a preliminary injunction against the charges. Ultimately elected to office in 1990, Lewellen continued to experience legal troubles. In 1998 he was involved in a serious motor vehicle accident that resulted in criminal charges.

48 Id. at 1109.
49 Id. at 1111.
50 Id.
51 Id. at 1117.
52 The Political Graveyard: Index to Politicians: Lew to Lewinter,
Hudson Hallum is the current state representative for District 54. Hallum was elected in July 2011 after finishing in second place behind schoolteacher Kim Felker in the Democratic Primary in April 2011 and then winning a run-off against Felker in May 2011. There were two black candidates in the race: Marion activist Willie Gammon and West Memphis city councilor Lorraine Robinson, neither of whom advanced to the Democratic run-off in a race with low black turnout. One of the liveliest topics during the election was the practice of the West Memphis Police to carry rifles during routine traffic stops, a practice stemming from a gunfight resulting in the death of two officers earlier in the year. Lorraine Robinson criticized the policy, asserting that it was instilling fear, particularly in the black community, after the 2007 shooting of a 12 year black boy in West Memphis by a police officer who said he thought the boy’s toy gun was an actual weapon.; some whites in the county thereafter referred to Robinson as “anti-police” and “a racial agitator.” The other black candidate in the race, Willie Gammon, was criticized for being too “arrogant.” Perhaps in in part in reference to the

53 Id.
54 See supra note 16.
56 Id.
57 Id. at http://bluearkansasblog.com/?p=6034.
59 See supra note 61.
criticism that has faced black candidates in the county, one observer referred to Crittenden County as having “some of the deepest racial divides in Arkansas.”\textsuperscript{61}

**Legal Framework, Litigation, and State Advisory Opinions**

The Voting Rights Act of 1965 establishes that “covered jurisdictions” under Section 5 of the Act are subject to either administrative review by the Justice Department or judicial review by a federal court of certain changes in election practices or procedures\textsuperscript{62} Congress has extended the requirements of the Act several times, most recently in 2006 for 25 years.\textsuperscript{63} No county in Arkansas was ever considered a “covered jurisdiction” for purposes of the Voting Rights Act.\textsuperscript{64} Former State Representative Ben McGee believes this is because, as he put it, there were few strong black civil rights organizations in most parts of Arkansas in 1964, and after the racial violence in Little Rock in 1957, many blacks wanted to remain of the national spotlight.\textsuperscript{65}

Although Crittenden County is not covered by the Voting Rights Act, there has been litigation on voting rights issues in the county. Most notably, in 1988 in Smith v. Clinton a federal district court found that at-large voting for the two state representative

\textsuperscript{61}Id.


\textsuperscript{63}Id.


\textsuperscript{65}McGee, supra note 34.
seats in Crittenden County “denied black voters an equal opportunity to participate in the political process” under the Voting Rights Act of 1965.\(^{66}\) Ben McGee brought the lawsuit, he states, after he won the support of the State Board of Election Commission to redistrict the multi-member districts in Crittenden County.\(^{67}\) McGee stated that former President Clinton, who was the governor at the time, was the deciding vote on the Commission, but, according to McGee, Clinton declined to support McGee’s effort because he feared losing the rural white vote in the next election.\(^{68}\)

In *Smith v. Clinton*, the plaintiffs presented expert testimony documenting the racial polarization of voting in Crittenden County: blacks strongly preferred black candidates, while whites strongly preferred white candidates, but the structure of the districts had the effect of diluting the black vote and thereby preventing a black candidate from being elected.\(^{69}\) The district court agreed with the plaintiffs,\(^{70}\) and found evidence of vote dilution in the most recent election for state representative, in which McGee received one hundred percent of black voter support but lost the election to the white candidate, who received ninety-three percent of white voter support.\(^{71}\) Based on this

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\(^{67}\) McGee, *supra* note 34.

\(^{68}\) *Id.*

\(^{69}\) *Id.* note 72, at 1315-16.

\(^{70}\) *Id.* at 1317.

\(^{71}\) *Id.* at 1315-16.
evidence, the Court ordered the creation of a majority-minority district Crittenden County.72

After the success of *Smith*, McGee states that he then helped to pursue the case of *Jeffers v. Clinton* to invalidate the state redistricting plan approved in 1981 because it similarly had the effect of diluting the black vote throughout the state.73 Only a corner of Crittenden County was affected in *Jeffers* because much of the county had already been redrawn in *Smith*.74 However, the Court made significant changes in *Jeffers*, finding that every district in question under the 1981 apportionment plan would be deemed to violate the Voting Rights Act, with the exception of those in Pulaski County.75 It found a history of racial discrimination in each of the counties, including Crittenden, and that black candidates were elected to the Arkansas General Assembly only in majority black districts.76 The Court ordered new apportionment plans to be proposed within 90 days77 and it subsequently approved them.78

**Conclusion**

72 *Id.* at 1317.


74 *Id.* at 213.

75 *Id.* at 209.

76 *Id.*

77 *Id.* at 218.

Despite its majority black population and two majority black voting districts at the state level, Crittenden County, Arkansas still has a long road to insure that black voters have an equal opportunity to be heard at all levels of government. While black voters’ faith in government must be restored, this cannot happen with such a paucity of black elected officials in the county. Indeed, as the struggle for civil rights continues in the broader context, so must a voting rights effort that seeks to provide fair and equal representation for all eligible voters in the county.