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LEGISLATORS

The Role And Influence Of African American Legislators From Hampton Roads

Hampton Roads is home to approximately 1.57 million people, of whom roughly one-third (498,132) are African Americans (see Graph 1). Since the 1960s, the influence and power of these residents has increased dramatically and nowhere is this more evident than in the region's legislative delegation in Richmond. Hampton Roads now boasts eight African American legislators (five in the House of Delegates and three members in the Senate) out of a total of 16 African American state legislators. By comparison, in the late 1970s, only two African American legislators represented Hampton Roads, both in the House of Delegates: the fabled William P. Robinson Sr. and a relative newcomer, Robert C. "Bobby" Scott. Scott, who would later become a prominent member of the State Senate, is currently a U.S. congressman representing a sizable portion of Hampton Roads. Virginia's first post-Reconstruction African American legislator was Richmond's William F. "Fergie" Reid, who was elected in 1967 and served for three terms.

Interestingly, the largest number of African American state legislators Virginia has ever had is 27 (21 delegates, six senators). However, this little-recognized achievement occurred during the Reconstruction period after the Civil War and hence is regarded by many as a historical curiosity.

How has the power of African American legislators increased over the years? What roles have they played recently? How effective have they been? These are among the topics we consider in this chapter.

Some History

Black legislative participation in Virginia can be divided into four periods: Slavery, Reconstruction, Civil Rights and Post-Civil Rights. During the era of slavery, most people of African descent were legally regarded as property and subject to the discretion of their owners. Only freeholders, or owners of land, were allowed to vote or hold political office in Virginia. Occasionally successful petitions to courts located in the North, periodic legislative action in the North and escapes to Northern states were the only ways African Americans could reverse their political exclusion. Needless to say, none served in the Virginia General Assembly until after the Civil War.

The first time African Americans gained political office in significant numbers was during the Reconstruction Period. The passage of the 14th Amendment – the "equal protection" amendment – and the 15th Amendment, which guaranteed the right of black males to vote, provided important legal bases for this participation. However, events during Reconstruction also demonstrated that African American political participation tended to polarize blacks and whites economically and socially.

Reconstruction in Virginia was a time of significant legislative involvement on the part of African Americans in the General Assembly. The apex of that participation occurred in 1869, when 27 of 180 newly seated legislators were African Americans. Six held seats in the Senate and 21 were in the House. African Americans actively participated in electoral politics in Virginia until the political deal that settled the 1877 Hayes-Tilden presidential election effectively restored white Southern power. It resulted in the virtual exclusion of African Americans from political participation in Virginia and, more generally, in the South.

By 1891, no longer were there any African American legislators in Virginia. The only black candidate for the legislature in 1892 was shot. With the adoption in 1902 of a new state constitution that contained a literacy test and poll tax requirements designed to keep African Americans from voting, the number of blacks estimated as registered to vote dropped from 147,000 to about 10,000. In Norfolk, African American voter participation declined from 1,826 to 150 (Andrew Buni, "The Negro in Virginia Politics, 1902-1965").

The Civil Rights era in Virginia began in the 1950s. African Americans and some whites used a variety of strategies and tactics – marches, boycotts, sit-ins, demonstrations and legal actions – to press for greater political inclusion and more equitable economic opportunities. Virginia was but one actor in a massive struggle occurring on a national stage. But the state was resistant to change, even closing schools at times to prevent racial integration. Norfolk's *Virginian-Pilot* was the lone daily newspaper in the state opposing massive resistance to school integration. Its editor, Lenoir Chambers, received a Pulitzer Prize for his leadership.

Federal court decisions and passage of the historic 1964 Civil Rights Act and 1965 Voting Rights Act changed the picture in Virginia substantially, eliminating the literacy test and poll taxes for voting and spurring African American political participation. Notably, these civil rights statutes were politically bipartisan achievements. Indeed, greater proportions of Republican congressmen and senators voted for these acts than did Democrats.

Two propitious developments have stimulated the presence of African Americans in state legislative positions since the 1960s. First, the shift by most states, including Virginia, to single-member districts as a result of federal court redistricting decisions, increased the likelihood that African Americans could be elected, provided some districts were drawn in a fashion that would produce black majorities. Second, the Voting Rights Act of 1982 changed the landscape dramatically. It has been interpreted as requiring that "majority-minority" districts be established wherever feasible: if it is possible to draw a sensible legislative district that would enhance the possibility of a minority candidate being elected, it should be done. Further, laws or legislative districts that might dilute minority votes were now suspect and required clearance by the attorney general of the United States. Note that the Voting Rights Act did not actually require the creation of new minority legislative districts, but the judicial decisions based on the act essentially forced states to draw new "majority-minority" districts or face opposition to their redistricting plans from the Justice Department and probable legal action.

As a consequence, the number of African Americans in the Virginia General Assembly increased almost immediately after legislative redistricting in 1991. Also favoring blacks during the redistricting of 1991 was the attempt by Democrats to slow their own decline in power by fashioning districts most favorable to their party, which helped African Americans, who tend to vote Democratic. Further, in the Republican-controlled redistricting of 2001, many majority-minority districts were created because Republicans wished to "pack" Democrats into as few districts as possible. It was a "more African Americans, but fewer Democrats" strategy.

African American legislators in Hampton Roads shared a greater percentage of representation in the region than ever before with the redistricting of 2001. With the population shifts occurring in the Commonwealth during the 1990s, Hampton Roads communities lost representation in the General Assembly. While the Northern Virginia Metropolitan Statistical Area (MSA) grew at a rate of 25.13 percent from 1990 to 2000 and the Richmond MSA grew by 15.12 percent, the Hampton Roads MSA increased only 8.41 percent during the same period. In the 1990s, the region had 27 legislators whose districts were wholly or partially located within Hampton Roads. However, the 2001 redistricting dropped that number to 23. Even so, no African American legislator lost his or her seat as a result of the redistricting.

The Increase In African American Legislators

As Table 1 shows, between 1970 and 2004, 30 African Americans have held office in the Virginia General Assembly. Delegate William F. Reid's election in 1966 was followed in 1970 by that of William P. Robinson Sr. of Norfolk to the House of Delegates and L. Douglas Wilder of Richmond to the Senate. In 1978, James S. Christian of Richmond (who later died in office), Robert C. Scott of Newport News and Benjamin J. "Benny" Lambert III of Richmond took seats in the House of Delegates. Court-required, single-member legislative districts in 1982 led to the addition of three new African American legislators in the House of Delegates – Yvonne B. Miller of Norfolk, Mary T. Christian of Hampton and Kenneth R. Melvin of Portsmouth.

In 1985, state legislative elections resulted in the growth of Virginia's African American legislative contingent from seven to 10 members. The Virginia Legislative Black Caucus (VLBC) was formally organized in 1988. The caucus is a race-based group that traditionally has operated on a partisan Democratic basis, primarily because only two black Republican legislators have ever been elected since Reconstruction. Neither of these legislators, Paul Harris from the Charlottesville area or Winsome E. Sears from Norfolk, serves today. Both ended their service voluntarily. Delegate Harris accepted a position as a Bush administration appointee and Delegate Sears decided not to run after a successful single term in office. Neither joined the VLBC and indeed, both had strained relationships with members of the Black Caucus.

In 1991, the African American legislative contingent grew, though not as much as some expected, following the addition of five House districts and two Senate districts that had majorities of African American voters. In the Senate, African American representation grew from three to five members. Incumbents Robert C. Scott (Newport News), Yvonne B. Miller (Norfolk) and Benjamin J. Lambert III (Richmond), all of whom began their service in the House of Delegates, were returned to the Senate, while L. Louise Lucas and Henry L. Marsh III, from Portsmouth and Richmond, respectively, were elected to the Senate. However, despite the addition of five new black-majority House districts, African American representation in 1991 in the House of Delegates remained unchanged at seven members.

In 1998, Republicans gained control of the Senate, but the House of Delegates remained in Democratic control, though only narrowly, until 2000. The party division in the House in 1998 was 50 to 49, plus one independent (Delegate Lacey Putney) who historically voted with the Republicans. This razor-thin division of political power provided a splendid environment for political maneuvering, and Norfolk's powerful Thomas Moss, who was Speaker of the House, was at the forefront of deal-making designed to retain both Democratic control of the House and his own leadership post. The VLBC played a major role in determining the outcome, as will be described below.

In 2000, Republicans culminated a three-decade expansion of their political power by gaining a narrow, but workable, majority in the House of Delegates. They did not need African American delegate votes to elect one of their members as House Speaker. The Republicans now control the most important statewide elected positions (except for governor and lieutenant governor) and both houses of the General Assembly. By 2002, they owned 66 of the 100 seats in the House of Delegates. While this majority declined to 63 in 2004, there is little doubt that Republicans (who currently do not have any African Americans in their ranks) are firmly in control of the General Assembly. GOP dominance of the Senate increased to 24 of 40 seats. Graphs 2-A and 2-B summarize these developments.

Only Gov. Mark R. Warner's 2001 election, along with that of Lt. Gov. Timothy Kaine, represented a meaningful flow against the strong Republican tide. Warner was advantaged by a large war chest augmented by his personal wealth, and Kaine may have gained from some coattails, as well as by having a weak opponent in the general election. Norfolk delegate and African American Jerrauld C. Jones lost the Democratic primary to Kaine, coming in third among three candidates. African American and Richmond-area Delegate Donald McEachin won the Democratic nomination for attorney general in a four-way race, but lost the general election, garnering less than 40 percent of the vote. It is an uphill battle for any African American candidate to match the feat of former African American Gov. L. Douglas Wilder and be elected to a statewide office. In addition to any disadvantages associated with race, African American Democratic candidates face an electorate that now leans Republican.

In 2001, William P. Robinson Jr., a senior, influential and often controversial member of the House of Delegates was defeated for reelection by Winsome E. Sears, who became the first black Republican woman member of the House of Delegates. While Delegate Robinson's non-legislative conduct periodically was the subject of criticism by the media and others, he had chaired the Transportation Committee of the House and was widely regarded as a skilled legislator. Meanwhile, well-regarded Delegate Jerrauld C. Jones, another experienced African American legislator from Hampton Roads, resigned his seat after his failed attempt to get the Democratic nomination for lieutenant governor and accepted a cabinet position in Gov. Warner's administration. Subsequently, Delegates Mary T. Christian of Hampton and Flora D. Crittenden of Newport News, plus Sen. W. Henry Maxwell of Newport News, announced their retirements. The net effect of this significant loss of seniority was to diminish potential African American legislative power and influence. The combination of Republican ascendance, African American retirements and electoral defeat had an adverse impact on the ability of African Americans to accomplish many of their legislative goals, unless they were willing to deal with the Republicans.

Visible Sources Of Legislative Power

The most visible sources of legislative power are leadership posts within one of the political parties, or a position of influence in one of the chambers of the General Assembly (majority leader, whip, speaker, committee chair, etc.). While Delegate Jerrauld C. Jones held the position of vice chair of the Democratic Caucus and was followed by Delegate Viola O. Baskerville, the possibility of becoming a committee chair is beyond the reach of VLBC members because the Republican Party controls both houses, and all African American legislators are Democrats. However, it should be noted that many African Americans have served as committee chairs in the past. Already in 1972, William F. Reid chaired the Labor Committee in the House of Delegates, while William P. Robinson Sr. chaired the Health, Welfare and Institutions Committee in 1980. Delegate James S. Christian was to assume the chairmanship of the Nominations and Confirmations Committee before he died in December 1982. Governor-to-be L. Douglas Wilder chaired the Transportation Committee from 1976 to 1980 and served as chair of the Privileges and Elections Committee in 1984. Prior to his departure in 2001, William P. Robinson Jr. co-chaired the Transportation Committee, helping to guide it through a thicket of difficult transportation decisions.

Currently, there are no black committee chairs, though some African American legislators hold assignments on "power committees." During the 2003 legislative session, Delegates Mary T. Christian and Lionel Spruill Sr. were members of the House of Delegates' powerful Appropriations Committee. Christian and Delegate Flora D. Crittenden were the only African Americans assigned to the influential Rules Committee. Delegate Kenneth R. Melvin of Portsmouth served on the Courts of Justice Committee.

Committee membership is hardly a random outcome. Seniority is an extremely important factor in determining committee assignments. It's been said, only somewhat in jest, that the single most accurate barometer of a legislator's clout and power is the number on his or her license plate. Since the House of Delegates has 100 members, the specialty license plate numbers of its members' automobiles range from 1 to 100. The lower the number, the more senior the legislator. Thus, a delegate with the license number 99 is inexperienced, junior and probably without much power, whereas a delegate with number 10, for example, is experienced, senior and may wield considerable power. Put in these terms, the plight of African American legislators in 2004 is not only that the Republicans are in the majority, but also that few of their license plates have low numbers! Senators Benjamin J. Lambert III and Yvonne B. Miller are fifth and sixth, respectively, in seniority in the 40-member Senate. On the House side, Delegate Kenneth R. Melvin is 14th in seniority, but the next most senior African American delegates are Dwight C. Jones at 36th and Lionell Spruill Sr. at 41st.

In the Senate, VLBC members are strategically situated in the committee system. Yvonne B. Miller and W. Henry Maxwell served on the Commerce and Labor Committee during the 2003 session. The Courts of Justice Committee included Henry L. Marsh III and L. Louise Lucas, who represents the western-most sections of Hampton Roads and a large swath of Southside Virginia. Maxwell and Miller were members of the General Laws Committee. Lambert is the only African American on the Privileges and Elections Committee. Currently, no African American serves on the powerful Senate Rules Committee. **The most powerful African American in the Senate is Richmond's Benjamin J. Lambert III who is a senior member of the Finance Committee, which handles both revenue and spending topics. Lambert entered the Senate in 1986 after having served in the House of Delegates from 1978 to 1985, and he has paid his dues. Arguably, he may be the most powerful African American in state-level politics in Virginia. He is not one who pounds tables or demands publicity, but is effective and influential.**

During the 2003 legislative session, African American legislators did not hold any leadership positions other than Delegate Viola O. Baskerville, who was one of two vice chairs of the Democratic Caucus. In the House of Delegates, the positions of speaker, majority leader and minority leader all were held by white males. Similarly, for the same period in the Senate, the positions of president, president pro tempore, majority leader and minority leader were filled by white males. The relatively junior status of many African American legislators and their Democratic Party affiliation are the proximate causes of this lack of representation.

Absent a major scandal or economic depression, it is improbable that Democrats will hold a majority in either legislative house during this decade. Should either house become equally balanced between the parties, the VLBC could once again wield considerable power.

The electoral habits of African American voters in some districts have militated against their being represented by individuals who have accumulated considerable seniority (and have those valuable low license plate numbers). When a vacancy has occurred, several of the districts in which African American voters are a majority have elected individuals who are older in age. However competent and energetic these politicians have been, they usually have served only a few terms and then have retired before

accumulating the power that significant seniority would provide. With the advantage of hindsight, one can say that it might have been better for these voters to elect younger candidates in the 35-45 age range, who could serve continuously for decades.

However, change is on the horizon. In 2003, the average age of a member of the House of Delegates was 54. For African American delegates it was 54.6. If Hampton Roads legislators such as Delegates Kenneth R. Melvin (14th in seniority in 2004) and Lionell Spruill Sr. (41st) maintain their legislative seats throughout this decade, they will become increasingly powerful. Further, Delegates Kenneth C. Alexander of Norfolk and Fenton L. Bland Jr. of Petersburg are young men who have the potential for many years of service. The metaphorical road to lower license plate numbers is long and requires patience. **Seniority is in fact the major avenue open today to African American legislative political power and influence in a world dominated by Republicans. The next strongest potential avenue to power for the VLBC is discipline within the caucus. This will lead to its becoming a dependable voting bloc.**

Informal Power

The 16 members of the VLBC potentially can wield considerable power by virtue of their numbers, if they approach issues in a united fashion. Even though Republicans control 61 seats in the House of Delegates and 24 in the Senate, they will find it difficult to ignore a determined, articulate, united bloc of African American legislators. On occasion, the VLBC has been able to tilt outcomes on key legislative actions by operating as a political bloc. In 1998, when the House of Delegates was essentially equally divided between Democrats and Republicans, African American legislators recognized that they could determine the leadership of the House, if they wished to flex their political muscle. They took note of the legislative horse-trading that had occurred recently in North Carolina, where some African American legislators sided with the Republicans in exchange for more favorable committee assignments and other plums. Several members of Virginia's VLBC privately threatened to help the Republicans organize the House unless VLBC members received a greater share of political power. One of the consequences was that Speaker Moss expanded the membership of the powerful House Appropriations Committee and placed two VLBC members on that committee, as well as one on the Rules Committee. Additionally, virtually every African American delegate's committee assignments were enhanced. Viewed historically (and regarding the Reconstruction period as an aberration), African American legislative influence was at an all-time high.

Partially instructive is the reconfirmation consideration of Newport News Circuit Court Judge Verbena Askew, an African American, in 2002. The fervent efforts of the VLBC to support Judge Askew united Democrats in the House of Delegates who voted for her unanimously, and neutral media observers believed the party won the verbal battle. Although Askew was eventually ousted, African American senators gained important leverage over Minority Leader Richard Saslaw, who had sided with the Republicans in the move to oust Agnew. That leverage is likely to affect the organization of the caucus in 2004 and the making of Senate committee assignments.

Minority parties, particularly those that hold only about one-third of the seats in a chamber, cannot expect to win many battles, but they can make their case vigorously and the VLBC achieved that in these instances.

That said, the informal exercise of power often is the most productive for African American legislators today. Like all deliberative legislative bodies, the General Assembly still frequently operates on the principle of "you scratch my back and I'll scratch yours." There still are many agreements made by legislators across party lines. To call these agreements "deals" invokes terminology that suggests something illicit might be occurring, but that is seldom the case. Instead, friendships, mutual assistance, the voices of constituents and even persuasive arguments can be critical in enabling a legislator to bring something important back to his or her home district. Horses may no longer tramp the streets in Richmond, but horse-trading is far from dead in the General Assembly.

Further, caucuses such as the VLBC can be effective brokers of information. VLBC members, for example, interface with constituents, other legislators and the executive branch. They interact with the governor, legislative leadership and influential staff personnel. Good information is scarce and VLBC members meet regularly for the purpose of sharing information and strategizing about the best way to get things accomplished. The VLBC and African American legislators from Hampton Roads can be productive by astutely formulating strategy and then legitimizing and highlighting issues.

It's also true that both the VLBC and individual African American legislators can wield considerable moral force when the topic is appropriate. Legislative discussions relating to the state song and Republican decisions to provide exceedingly generous support to the Commonwealth's two historically black public colleges, Virginia State University and Norfolk State University, are two examples.

Former Delegate Jerrauld C. Jones was notably skillful in bringing fairness issues to the forefront in the House of Delegates and in appealing to the sense of equity of legislators who represented districts far from his Norfolk home, or constituencies with only modest interest in the aims of the VLBC. Other African American legislators from Hampton Roads known for their oratorical skills include former Delegates Mary T. Christian and William P. Robinson Jr., and current Delegate Kenneth R. Melvin. It is not impossible, then, for members of the VLBC to gain some headway if they skillfully articulate their position and play, at least implicitly, on the reluctance of many white legislators to do battle on racial issues.

One of the interesting spin-off effects of the "majority-minority" district emphasis of the Voting Rights Act of 1982 was to place many Republican legislators in districts with small or virtually no minority populations. Paradoxically, because of the act, African American voters have been resegregated, though in this case into majority-minority districts where African American candidates have strong chances of being elected. But this coin has two sides. The act also resulted in the creation of more heavily Republican districts where few minority voters reside, and therefore the legislators representing such districts ostensibly do not need to be as sensitive to minority and African American concerns. Even so, some (though not all) Republican legislators who have few minority voters in their districts can and have been reached through a variable combination of finding joint interests, trading support on issues, and making equity and fairness arguments logically and respectfully. Sen. L. Louise Lucas has demonstrated this several times when she teamed with very conservative Republicans to cosponsor legislation that does not directly deal with race. Similarly, Delegate Lionell Spruill Sr. exhibited the ability to leverage his vote on key issues of interest to Republicans in return for support for several issues of intense interest to African Americans.

Effectiveness Of African American Legislators From Hampton Roads

Determining the effectiveness of individual legislators is both an art and a science and hence can be a very subjective exercise. There is a tendency for evaluators to regard as effective those legislators who think and vote as they do. The opinions of voters must also be taken into account. It is significant that only one of the 30 African American legislators listed in Table 1, Delegate William P. Robinson Jr., left office involuntarily. Robinson was an effective legislator by many measures, but by the most important measure of all – the vote on Election Day – he did not meet the expectations of his constituency. Of the remaining African American legislators, three died while in office (William P. Robinson Sr., James S. Christian and Roland D. Ealey), two went on to higher office (L. Douglas Wilder and Robert C. Scott) and seven retired or chose not to run again (William F. Reid, W. Henry Maxwell, Mary T. Christian, Jean W. Cunningham, Flora D. Crittenden, Paul C. Harris and Winsome E. Sears). Sixteen remain in office, with five of those members having been elected for the first time in 2003.

A degree of the effectiveness of an African American legislator is tied to the effectiveness of the VLBC because of the strong cohesion of the group. Upon occasion, the Hampton Roads African American legislative delegation has united with great success. In 1997, the VLBC, keyed by Hampton Roads African American legislators, succeeded in retiring the provocative state song, "Carry Me Back to Old Virginia," which contains such racially offensive references as "darkey" and "massa." And, in a rare display of relative consensus across racial, party and geographic (urban versus suburban) lines, separate bills were introduced by five legislators making it a felony for an individual to burn any object on another's property with the intent to intimidate. Members of the Hampton Roads black delegation, including Sen. Yvonne B. Miller and Delegates Kenneth R. Melvin and Winsome E. Sears, were central to this thrust. Regional support for this legislation was heightened because of cross-burning incidents in the Pungo section of Virginia Beach.

There have been other attempts to address the negative implications of the Commonwealth's Confederate legacy, as well as to eradicate the vestiges (symbolic and otherwise) of "white supremacy." The opposition of many VLBC members to legislation approving the issuance of special automobile license plates with the Confederate flag on them is one example. The Hampton Roads African American delegation was not united on this issue, however. Delegate William P. Robinson Jr. was one who felt

that such a ban might violate the First Amendment. Delegate Jerrauld C. Jones and many other VLBC members were staunchly opposed, maintaining that such symbols conjured up feelings of hurt and oppression, but they did not prevail.

The sensitivities to Virginia's past also were revealed in conflicts over the traditional Confederate History Month proclamations and the display of a portrait of Robert E. Lee, along with other historical figures, on the Richmond floodwall. A proposal to locate a statue of Abraham Lincoln and his son, commemorating the 16th president's singular visit to Richmond just prior to his assassination, also generated controversy. In all of these instances, the VLBC made its case persuasively and effectively, though it did not always achieve success.

The VLBC has been successful in adding to the traditions of the House of Delegates by introducing daily presentations about famous – and some less well-known African Americans – during February, Black History Month. While the initial presentations were made by African American legislators, the stories presented now are by many different legislators, eager to demonstrate their knowledge of black history and no doubt eager to curry favor with African American delegates whose votes they might need.

As with any minority group in a legislative setting, the effectiveness of the VLBC has been mixed. When it has occupied the moral high ground, it has tended to do well. The advent of overwhelming Republican legislative dominance has reduced the ability of the VLBC, including that of its eight Hampton Roads members, to engage in effective deal-making. It's still possible, but good deals are more difficult to achieve.

Ironically, the most influential African American legislator from Hampton Roads during the 1980-2000 period is considered by many to be Delegate William P. Robinson Jr. He co-chaired the Transportation Committee and chaired the Commission of the Future of Transportation in Virginia. Robinson was instrumental in gaining the passage of legislation requiring implementation of a comprehensive statewide transportation planning process for all modes of transportation. A second bill increased the percentage of the Transportation Trust Fund assigned to support public transit and allowed localities to use their share of highway funds to support public transit operating costs. Although light rail was defeated in a referendum in Virginia Beach, the legislation heightened interest in addressing intensified traffic congestion in Hampton Roads. Norfolk and several other cities may eventually move forward to develop light rail, and Delegate Robinson's foresight will have made this financially possible.

Robinson also supported legislation establishing the Martin Luther King Jr. Commission. He was instrumental in helping to secure funding for the renovation of the Crispus Attucks Cultural Center on Church Street in Norfolk, as well as funding for completion of the city's persistently delayed Martin Luther King Jr. Memorial. In January 2000, he helped usher the passage of legislation for a state holiday honoring the Rev. Dr. Martin Luther King Jr. The success of this bill was due in part to Robinson's ability to convince Gov. Jim Gilmore to reach out to African Americans.

While Robinson's legislative accomplishments were significant, he suffered a continuous clash of demands on his time from his law practice and his expanded legislative responsibilities. His inability to balance the two eventually did him in. With the newspapers pointing to his frequent use of legislative privileges to conduct his law practice, Robinson not only lost a bid for reelection, but subsequently lost his party's nomination to try to regain his position.

One of the most daring and successful political exercises in recent years by a Hampton Roads African American legislator was carried out by Delegate Lionell Spruill Sr. Because the Republican majority was razor-thin in the House of Delegates in 2000, Spruill was able to leverage his vote on several issues of critical importance to Republicans in return for generous administration support for his primary interests. Virginia State University and Norfolk State University, for example, received significant additional operational funding and construction support directly as a result of Spruill's bargaining and the threat of federal action to ensure adequate funding for historically black colleges. This did not sit well with some Democratic legislators, black and white. Several viewed his actions as a "sellout" to the administration. However, Spruill brought home the bacon for two institutions close to the hearts of African Americans, something that other black legislators often had not been able to do as successfully up to that point. Spruill was not reticent about what he had done and why he had done it – in his mind, the results spoke for themselves. Many neutral observers viewed the complaints of Spruill's critics as sour grapes. It's not clear whether the same strategy could be used today because Republicans hold healthy majorities in both chambers and the threat of federal action is no longer present. Nonetheless, Spruill's legislative successes arguably were some of the most successful actions in support of the VLBC's agenda since it was formed.

Jerrauld C. Jones, former delegate and Black Caucus chair, was successful in a number of efforts to support Hampton Roads. He introduced legislation in 1996 creating the Hampton Roads Sports Facility Authority in an attempt to make the region more attractive to major league sports teams. His bill provided the region with a mechanism for funding and paying for the construction of an arena for a professional sports team. While the economic payoff of a pro team in Hampton Roads is questionable, without Delegate Jones' action it would likely be impossible to consider such a proposition.

Jones became recognized as the region's most effective African American speaker on the floor of the House of Delegates when civil rights and black dignity issues arose. Frequently drawing on his own experience, Jones had the ability to sway votes with his powerful, evocative speeches. For that reason, he was a capable chair of the VLBC. He currently serves as the director of Virginia's Department of Juvenile Justice.

In her only term (2002-04), Delegate Winsome E. Sears achieved several publicized legislative successes. Two factors made this possible. First, she was adept in selecting her issues. Second, she was a Republican and the party was determined to make their first African American woman legislator successful. Sears introduced a bill that held physicians to stiffened standards for negligence and provided more protection for patients. This was a popular issue because newspaper articles in the Hampton Roads area had pointed out abuses in the system as it existed. Sears also sponsored legislation that clarified the prohibition against individuals possessing drugs with intent to distribute on school property, recreation centers, libraries and hospitals. This, too, became law.

Sears subsequently decided not to run for reelection. Nonetheless, her situation is worthy of additional attention because it was cited nationally as an example of political realignment among African Americans. She since has decided to challenge Democratic Congressman Robert C. Scott for his post. A Marine Corps veteran, Sears is an outspoken evangelical Christian. Her background as a 6-year-old immigrant from Jamaica generated a distinct view of the purpose and exercise of the democratic process in Hampton Roads and the Commonwealth. She boldly announced, "I'm a Christian first. A Republican second. If I keep that in perspective, none of that will go to my head." (Katrice Franklin, *The Virginian-Pilot*, Jan. 17, 2002). She also separately commented that her public support of these beliefs caused her to lose the endorsement of *The Virginian-Pilot*, despite the newspaper's well-documented disdain for her opponent, Delegate William P. Robinson Jr.

Sears soon established that she would exhibit independence, both from other African American legislators and, on occasion, from the Republican Party. Prior to announcing her decision to resign from the VLBC, Sears told a *Washington Times* reporter, "We just don't see eye-to-eye. I am not going to support someone just because they are black." This comment was in reference to her failure to support the VLBC's efforts to reappoint Circuit Court Judge Verbena Askew. This did not endear her to many African Americans, but caused her stock to rise in the Republican caucus.

When Delegate Sears announced that she would not run for reelection, Republican leaders statewide and in Hampton Roads were visibly unhappy because they had invested considerable time and resources in her election. She represented a significant intrusion into strongly Democratic territory and they now had to reconcile themselves to losing her seat to the Democrats. Democrat Algie Howell was easily elected to this seat in November 2003.

Other Measures Of Legislative Effectiveness

The results of external measures of effectiveness must be considered in light of the agenda of the group doing the evaluation. This is particularly true with the Virginia Foundation for Research and Economic Education (FREE), a business-oriented organization that evaluates the votes and effectiveness of the Commonwealth's legislators. Since it is a proponent of the business community, Democrats and African American legislators tend to receive less favorable evaluations of their voting records than Republicans and whites. Table 2 presents Virginia FREE's assessment of how "pro-business" African American legislators' votes were in 1998, the last year Democrats controlled the House of Delegates, and 2002 when the Republicans were clearly in charge. But Table 2 also reports Virginia FREE's perception of how effective these legislators were regardless of their stands on issues. Effectiveness here is measured by the subjective opinions of approximately 100 business lobbyists concerning the success legislators had in advancing their own legislative objectives. As would be expected by such measures, the typical African American Democratic legislator is perceived to be less effective than the typical white Republican legislator. Sen. Benjamin J. Lambert III and Delegate Kenneth R. Melvin are notable exceptions. Both have accumulated considerable seniority, and both

have assembled reputations for being open to discussions and compromise, as well as for being able to work across party lines with white Republican legislators. It's also of interest that Delegate Winsome E. Sears received a reasonably high effectiveness evaluation. Without doubt, her Republican identification made her a more effective freshman legislator than is usually the case.

A comparison of the effectiveness measures between 1998 and 2003 clearly shows the subjective nature of this form of evaluation, particularly with the House of Delegates results. The business community displeasure with the Republican majority's ability to govern is reflected in a bounce in scores for all Democrats, including African Americans, in 2003. Republicans who in the past have liked to use Virginia FREE ratings in their campaigns have suddenly become critics of the process.

One rough measure of legislative productivity is a legislator's ability to gain passage for his or her legislation. Of course, not all legislation is created equal and some bills are inconsequential. Nonetheless, consider the data presented in Table 3, which measures the number of bills each legislator introduced and had passed – with no attempt to measure the significance of any of the bills. The year 1997 was chosen as the last time Democrats had control of both houses of the General Assembly, and 2003 was chosen as the most recent year the legislature was under control of Republicans.

For 1997, all Hampton Roads African American legislators, with the notable exception of Delegate William P. Robinson Jr., introduced far fewer bills than did the average legislator. And, with the exceptions of Robinson and Delegate Kenneth R. Melvin, they were able to get fewer bills passed. The situation did not change in 2003. No African American legislator has stepped forward to take up the workload of Robinson, and almost all were below the average in the number of bills introduced and passed. It's not clear what should be made of this. Does it reflect productivity or perceived opportunity?

Political Realignment?

Did the elections of Paul C. Harris Sr. from Charlottesville and Winsome E. Sears from Norfolk signal a political realignment among African Americans? This is unlikely. Both elections represented unusual circumstances. Delegate Harris was elected from a white-majority district and would not have been elected had it been up to African Americans in that district. When he chose to leave, he was replaced by a white, male Republican. Delegate Sears was elected only because the incumbent, Delegate William P. Robinson Jr., was the target of repeated volleys of bad publicity over the years. When she chose to leave, she was replaced by an African American Democrat. Voting statistics reveal little sign that African Americans have decided to adopt the Republican Party, even though they often complain that Democrats take them for granted and patronize them besides. Indeed, the proportion of African Americans who now vote Republican is at an all-time low in Virginia.

Would African Americans wield more political power if they exhibited a more bipartisan approach to politics? Probably. The best of all worlds for a group of voters is for it to be viewed as "in play" – that is, to be seen as people who can be attracted to either party. Voting groups that are not rigidly aligned with one party must be courted and therefore tend to receive more attention and goodies. It is axiomatic that swing voters decide most elections and hence it is they who attract the lion's share of attention. They may be labeled "soccer moms" or "NASCAR dads," but whatever the label, they require attention if their votes cannot be taken for granted. Despite the rhetoric issuing from the Democratic Party today, Democratic candidates often do take the voting preferences of African Americans as a given, at least in the general election. In Democratic primary elections, African Americans still have immense clout and are courted.

The prevalence of "majority-minority" districts is one reason African American voters have less impact in a general election. Here, the major strategic consideration for Democrats is not what they must do for African Americans, but instead how they can maximize African American election turnout. The attitude is, "They'll vote for us, if they vote." True, many times there is overlap between electoral tactics that focus on African American issues and tactics that focus on African American turnout. However, the tone and attitude associated with each approach are distinctly different, as many Democrats confess privately. For example, the Commonwealth's Democratic leaders may be much more amenable to putting a sacrificial African American lamb on their statewide ticket in order to maximize black voter turnout, even though they realize the candidate's chances of success are minimal.

Veteran observers of the local political scene believe the two most instructive political episodes involving Hampton Roads African American legislators in the post-Civil Rights era have been the VLBC's implicit threats to help the Republicans

organize the House of Delegates in the late 1990s and Delegate Lionell Spruill Sr.'s bargaining with Gov. Gilmore during the same period. "They went from crumbs to slices of the pie then," commented one political observer who wishes to remain anonymous, but admired these successful gambits.

Final Comments

If one takes a very long view, then it is easy to conclude that the progress of African Americans in the legislative halls of Richmond has been significant, seemingly irreversible and almost continuous. However, taking a shorter, more contemporary view, one might well conclude that there is little wind in the sails of African American legislators today. They are greater in number, but all are members of a minority party that is likely to remain the minority party in Virginia for years to come. Further, the all-important status of seniority among African American legislators is not yet high enough to make a major difference. Finally, the populations of other minority groups in the Commonwealth (notably Asian Americans and Latinos) are growing rapidly and their political influence is increasing. **The locus of political power has swung to Northern Virginia, and African American influence in that region is significantly lower than it is in many other parts of the state, including both Richmond and Hampton Roads.**

A dispassionate observer might well conclude that the political power of African Americans in Virginia has peaked and henceforth will decline, slowly but surely. Life is too uncertain for anyone to know this for sure. That said, the remainder of this decade is likely to be a time of consolidation and struggle for African American legislators in Richmond.

TABLE 1

**AFRICAN AMERICAN MEMBERSHIP IN THE VIRGINIA GENERAL ASSEMBLY
1970-2004**

Member	Chamber	Tenure
William F. Reid	House of Delegates	1968-1974
William P. Robinson Sr.	House of Delegates	1970-1982
L. Douglas Wilder	Senate	1970-1986
James S. Christian	House of Delegates	1978-1982
Robert C. Scott	House of Delegates	1978-1982
	Senate	1984-1992
Benjamin J. Lambert III	House of Delegates	1978-1986
	Senate	1986-present
William P. Robinson Jr.	House of Delegates	1982-2002
Roland D. Ealey	House of Delegates	1982-1992
W. Henry Maxwell	House of Delegates	1982-1994
	Senate	1994-2004
Yvonne B. Miller	House of Delegates	1984-present
	Senate	1988-present
Kenneth R. Melvin	House of Delegates	1986-present
Mary T. Christian	House of Delegates	1986-2004
Jean W. Cunningham	House of Delegates	1986-2002
Jerrauld C. Jones	House of Delegates	1988-2002
L. Louise Lucas	Senate	1992-present
Henry L. Marsh III	Senate	1992-present
Dwight C. Jones	House of Delegates	1994-present
Flora D. Crittenden	House of Delegates	1994-2004
Lionell Spruill Sr.	House of Delegates	1998-present
Viola O. Baskerville	House of Delegates	1998-present
Paul C. Harris Sr.	House of Delegates	1998-2000
Kenneth C. Alexander	House of Delegates	2002-present
Floyd Miles Sr.	House of Delegates	2002-present
Fenton L. Bland Jr.	House of Delegates	2002-present
Winsome E. Sears	House of Delegates	2002-2004
Mamye BaCote	House of Delegates	2004-
Algie Howell	House of Delegates	2004-
Jeion Ward	House of Delegates	2004-
Onzlee Ware	House of Delegates	2004-
Mamie E. Locke	Senate	2004-

TABLE 2

VIRGINIA FOUNDATION FOR RESEARCH AND ECONOMIC EDUCATION (FREE)
AFRICAN AMERICAN LEGISLATORS

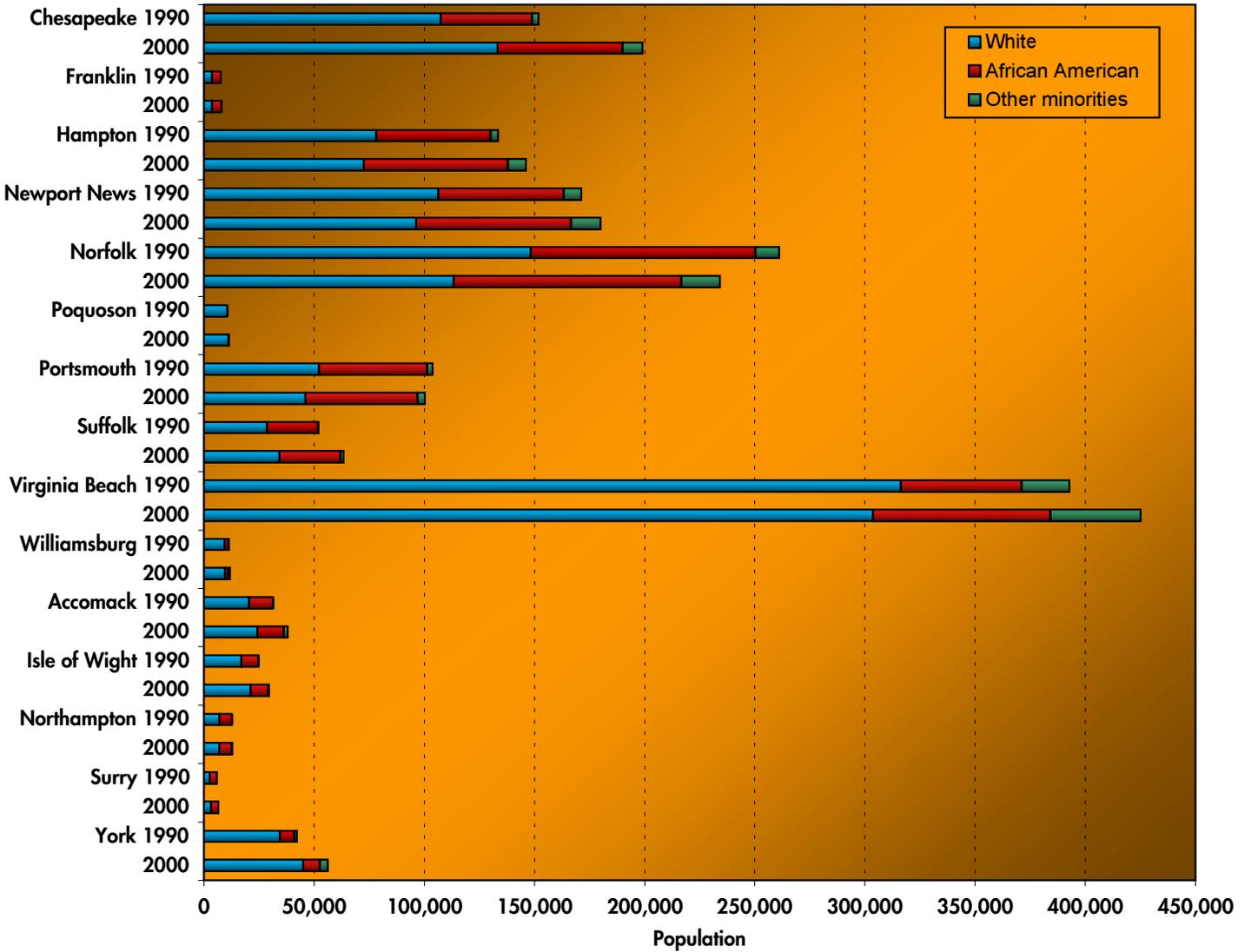
	1998 Business Rating	1998 Effectiveness	2003 Business Rating	2003 Effectiveness
Senators				
Benjamin J. Lambert III	66	66	65	63
L. Louise Lucas	53	48	57	53
Henry L. Marsh III	49	48	52	51
W. Henry Maxwell	48	41	46	37
Yvonne B. Miller	39	38	41	37
Delegates				
Kenneth C. Alexander	NA	NA	59	41
Viola O. Baskerville	43	37	61	55
Fenton L. Bland Jr.	NA	NA	48	39
Mary T. Christian	46	37	55	44
Flora D. Crittenden	40	34	54	45
Dwight C. Jones	48	47	57	53
Kenneth R. Melvin	52	60	64	67
Floyd Miles Sr.	NA	NA	58	50
Winsome E. Sears	NA	NA	64	58
Lionell Spruill Sr.	44	36	59	53

TABLE 3

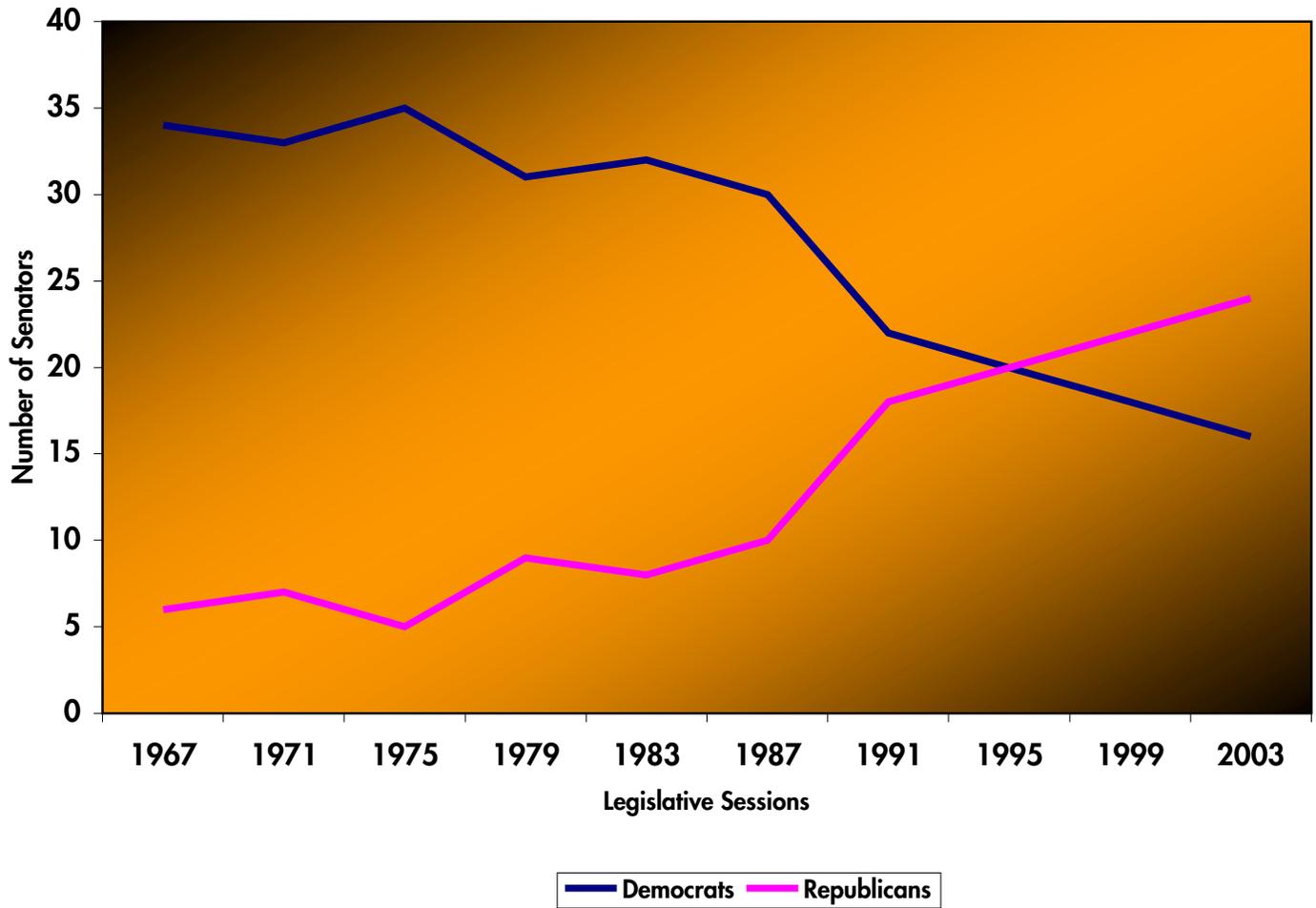
LEGISLATIVE PRODUCTIVITY AFRICAN AMERICAN LEGISLATORS

	Bills Introduced	Bills Passed
1997 Session		
Total House of Delegates	1,758	629
Average per Member	18	6
Flora D. Crittenden	6	3
Mary T. Christian	7	3
Kenneth R. Melvin	15	7
William P. Robinson Jr.	53	16
Lionell Spruill Sr.	10	3
Total Senate	666	289
Average per Member	17	7
Yvonne B. Miller	6	1
W. Henry Maxwell	10	4
2003 Session		
Total House of Delegates	1,463	680
Average per Member	15	7
Kenneth C. Alexander	4	2
Mary T. Christian	10	1
Flora D. Crittenden	14	7
Kenneth R. Melvin	7	5
Winsome E. Sears	7	4
Lionell Spruill Sr.	5	2
Total Senate	661	358
Average per Member	17	9
Yvonne B. Miller	17	5
W. Henry Maxwell	7	4

GRAPH 1
POPULATION OF HAMPTON ROADS LOCALITIES - 1990, 2000



GRAPH 2A
POLITICAL PARTIES IN STATE SENATE



GRAPH 2B
POLITICAL PARTIES IN HOUSE OF DELEGATES

