

ADVOCATE

Wednesday, October 14, 2015

"No government ought to be without censors and where the press is free, no one ever will."
— Thomas Jefferson

CHRISTINE SNYDER

Dismiss John Brown as a madman? We must stop

Maybe you heard the news this week that a pair of independent examinations concluded a Cleveland police officer acted "reasonably" in November when he arrived at a park where a 12-year-old African-American boy was playing with a plastic pellet gun and within seconds opened fire.

Those hoping for justice for young Tamir Rice — including those in the Black Lives Matter movement who are furious and heartsick over his and hundreds of other recent deaths of unarmed African-Americans by police officers across the country — called the findings, released Saturday by the Cuyahoga County (Ohio) Prosecutor's Office, a whitewash.

Retired FBI special agent Kimberly A. Crawford and S. Lamar Sims, senior chief deputy district attorney in Denver, reached their conclusions separately, but each contend the officer was correct in his decision to gun down the boy because he appeared to be a threat — even as we see white gun lovers in Ohio exercising their right to openly carrying loaded rifles anywhere they'd like, from the aisles of the neighborhood supermarket to the counter at Panera.

With the open carry movement so active lately, where is their outrage that the police gunned down a fellow citizen?

Why are the expectations so different for white Americans versus African-Americans? How are any of the rest of us OK with that?

All that leads me to this week's John Brown anniversary. Friday marks 156 years since Brown led 18 men in an attack on the federal armory at Harpers Ferry, a first step in his plan for an armed rebellion that would finally free the 3.9 million African-Americans held in slavery.

What if Brown's effort had been a success and he'd been able to connect with enslaved people in Virginia, arm them and then free more?

There would have been many killed, yes, but certainly not as many as the resulting Civil War with 260,000 dead on the Confederate side and 360,000 dead fighting for the United States.

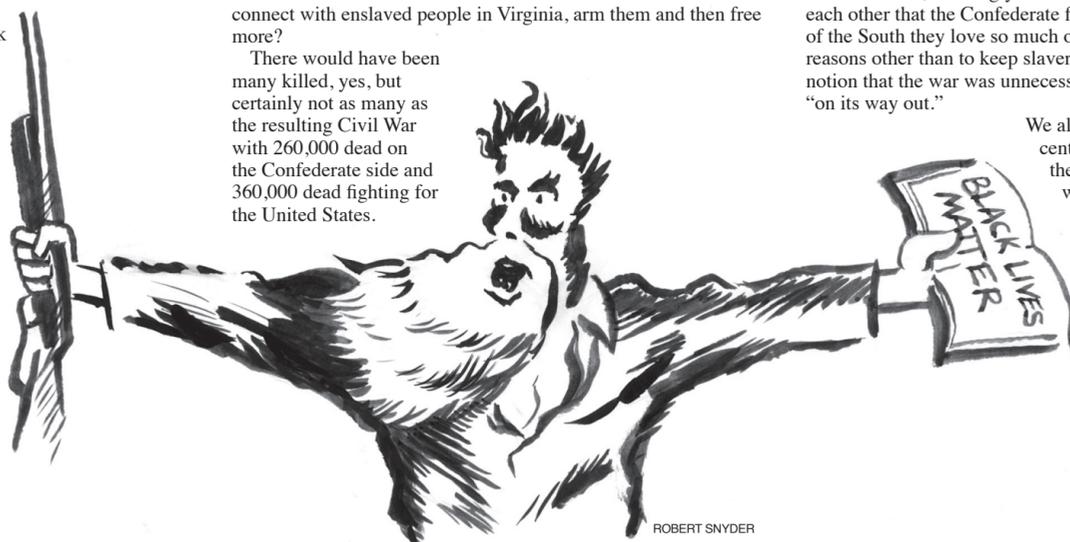
And it's likely that the victims of Brown's armed revolt would have been the enslavers, precisely the people who always knew, or should have realized, they'd been engaged in a dangerous, immoral undertaking from the start of the African slave trade here.

Had Brown's plan worked, the power structure in our nation would be tremendously different today. For one thing, the Lost Cause myth would never have gained traction. We wouldn't today have educated, seemingly reasonable (white) people agreeing with each other that the Confederate flag is nothing more than a symbol of the South they love so much or that the Civil War was fought for reasons other than to keep slavery in place, including the ridiculous notion that the war was unnecessary because slavery was already "on its way out."

We also wouldn't have had another century of de facto slavery throughout the South, where African-Americans were denied the right to vote and routinely kept down by lynchings and other means of terrorism.

As awful as it is to know that African-American veterans of World War I became victims of lynchings — at least one man killed because he continued to wear his uniform — it's hard to stomach the reality that white Americans directed a fresh wave of racist terror against African-American veterans who served in World War II.

In 1945 as millions of American veterans



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ELLIOT SIMON

'One person, one vote' ain't what it used to be

My how time flies. We're in the final quarter of 2015, which means that we are right around the halfway point of the census period. In all likelihood, when the numbers are collected at the end of the current decade and the task of redistricting is begun, West Virginia will lose one of its members in the U.S. House of Representatives.

Relative to other states, West Virginia's population has stagnated. In fact, during the census period that ended in 2010, West Virginia became the first state ever to record more deaths than births. Without significant numbers of folks wanting to relocate to our state, we will continue to lose ground to other states with regard to population.

But there's another factor that comes into play and oddly enough, immigration, legal or otherwise plays a surprising role. When the voting districts are drawn they use total population not voter population. This has the potential to create anomalies. According to an organization called True the Vote, "Currently, the concept of 'one-person, one-vote' does not apply to all aspects of our election systems in America. Across the nation, legislative districts are drawn using total population figures from the U.S. Census. To put it plainly, your legislative district was drawn to account for voting-age citizens, non-citizens, minors, etc. You don't have to be a statistician to see that spikes in non-voting cohorts can distort the redistricting process."

True the Vote goes on to say that "States like California, Texas, Florida and New York currently enjoy large numbers of electors — thanks in part to non-citizens being accounted for." It notes: "Without casting a single ballot, non-citizens now play a role in electing any person president of the U.S."

Back in 2014 this conundrum motivated a couple of Texans to file a lawsuit. The case,

The 1790 census put the nation's population at around 3.5 million and there were 105 members of the House of Representatives — a ratio of 33,333 voters per representative. Today, we have 722,636 people for each member of the House. Only India's ratio is worse.

called *Evenwel v. Abbott*, having wended its way through the legal system is now on its way to the Supreme Court.

Writing on the scotusblog.com website, Stanford Law Professor Nathaniel Persily calls attention to what he calls "the Constitution's big data problem." Says Persily: "The plaintiffs in *Evenwel v. Abbott* deserve credit for highlighting an unappreciated feature of our system of representation and exposing a gap in the jurisprudence of one person, one vote." However, he says correcting that "gap" is impractical.

According to Persily, the argument is "academic" and possibly "dangerous and destabilizing for the redistricting process" because a "constitutional rule of redistricting based on citizenship or eligible voters presents insurmountable logistical difficulties." Got that? An academic calling the argument "academic." He adds: "These difficulties are of constitutional import because no national database of citizenship exists at the level of granularity necessary to draw legislative districts that comply with one person, one vote." In other words, technology hasn't progressed enough; we have no way of gathering the right data, so the heck with the constitutional principle of one person, one vote.

Persily continues (Voter ID haters take note):

"The inaccuracy of voter rolls, moreover, has been a continuing source of frustration for election administrators and should caution against using voter registration as a population base for redistricting. As the report of the Presidential Commission on Election Administration, for which I served as senior research director, detailed, roughly 8 percent or 16 million voter registration records are invalid or significantly inaccurate." He notes that in some states, it's as high as 15 percent. Got that? Voter rolls are grossly inaccurate. Yet there are some people who insist that voter ID laws are unnecessary.

The principle of "one person, one vote" is a core American principle. However, when compared to the voter of 1790, today's voter has been diluted by more than 95 percent. The 1790 census put the population at around 3.5 million and there were 105 members of the House of Representatives. A ratio of 33,333 voters per representative. Today, according to Wikipedia, the United States has the second worst ratio in the world at 722,636 people for each member of the House. Only India's is worse.

Ironically, the dilution of the impact of our vote is similar to the dilution that the dollar has experienced since the inception of the Federal Reserve in 1913. Today's dollar buys less than

a nickel did in 1929, the year of the great stock market crash that ushered in the Great Depression and also the year that Congress passed legislation capping the House of Representatives at 435. At that time, a member of the house represented a little more than 100,000 people, a threefold increase over 1790.

George Washington originally vetoed the Apportionment Act of 1792, the first ever presidential veto, because it "allotted to eight of the States more than one for every 30,000. In other words, he believed that a congressional district should be limited to no more than 30,000 people. We might have done well to add that to his precedent of setting presidential term limits.

Five years prior to the Apportionment Act of 1792, the Three-Fifths Compromise was arrived at. According to Wikipedia, "A compromise [was] reached between delegates from southern states and those from northern states during the 1787 United States Constitutional Convention. The debate was over whether, and if so, how, slaves would be counted when determining a state's total population for legislative representation and taxing purposes. The issue was important, as this population number would then be used to determine the number of seats that the state would have in the House of Representatives for the next 10 years."

Today our vote has less than 1/20 the impact that a voter had in 1787 and less than half of the impact of what was attributed at that time to a slave. How's that for perspective? No wonder everyday Americans tend to feel disconnected from their government. Sadly, however, we can't even rely on today's Supreme Court to uphold the Constitution. I would be surprised if they would recognize the hallowed principle of "one man, one vote." Even at today's diluted values.

— Elliot Simon writes from Harpers Ferry

LETTERS TO THE EDITOR

The schools' excess levy deserves voters' support

On Dec. 12 voters of Jefferson County will vote to renew a 100 percent excess levy to support our schools. Voting "yes" will continue the current taxes the public pays to support its schools. By law the levy must be renewed by the voters every five years.

I encourage everyone to vote for the excess levy. The excess levy provides over 20 percent of the local operating budget of the schools. It provides teacher salary assistance, professional

development of teachers, instructional materials and school supplies. It also provides assistance with 4H and library funding. Without approval of the excess levy major interruptions in school operations will occur.

Many people have questioned why the election is being held as a special election in December rather than awaiting the already scheduled May primary. One reason is the law has been changed by the state as to when early notices must be

given to teachers before their jobs can be eliminated. "What If Termination Notices" must be given to teachers with considerable extra lead time. If the levy referendum fails, the money is gone June 30, 2015. "What If termination Notices" would have to be given to teachers by the new law in March before a regular May election. The distribution of mandated "What If Termination Notices" in March for a \$19 million budget reduction based upon an unknown May election result would cause

major school disruptions. Teachers would face uncertainty about their future in the school system. They might move to new jobs in other counties to guarantee their own mortgage and car payments.

The board of education has decided to avoid this "if: distraction with a special election in December for the excess levy. They hope to avoid the March termination notices with a "yes" December Levy vote. It is the responsible move for our children. Vote for the excess levy.

A forum will be given about the excess levy by the League of Women Voters of Jefferson County at 7 p.m. on Nov. 10 at the Wright Denny School Auditorium in Charles Town. School Superintendent Bondy Shay Gibson and school board President Scott Sudduth will explain the needs of the school system and answer your questions about the levy at that time.

Ron Widmyer
Charles Town

County residents should stop tolerating mediocre school system

So Jefferson County School Superintendent Bondy Shay Gibson cheerfully shrugs off West Virginia's pitiful rating as "worst place for teachers" with the daffy comment that the main decision (about teaching here) should be "how happy a job makes you." Really? I don't believe Bondy Shay ever did actually teach in the public schools, for that matter. I assure you, Bondy Shay, there are jobs in Loudoun and Fairfax counties where I would earn \$15,000 more a year teaching than I can here that could

make me blissfully happy. It also helps one's "job satisfaction" not to work for a dimwit superintendent, for moribund line administrators and nut-job principals, who by all rights, should be doing something else elsewhere!

Now, I actually know something about this matter. At Virginia Tech, I finished a published award-winning-doctoral dissertation on the subject of educational employee satisfaction in Virginia. So they made me a doctor of education. And I took my diploma

and ran right out into industry to make a few bucks. Sadly, that's what talent often does.

I realize that nobody goes into teaching to make a pile of money. However, our kids need to be fed, clothed and sent to college. They also need a first-rate public school education right here in Jefferson County. The teachers here are no worse than those in Virginia or Maryland or Pennsylvania. It ain't about the quality of teaching. It is about who is at

the helm.

Here's the real deal. Jefferson County taxpayers have blatantly tolerated mediocrity at all levels of its school administration. The previous mediocre superintendent is gone along with a high-ranking administrator who was unfortunately in charge of special education. Finally two more central office administrators are also leaving, presumably due to retirement. Good. Then we had one high school principal and a middle school principal who

were both off the rails and hired by a board that should have known better. We'll see what the new school superintendent's record looks like. She was hired, it was reported, because she charmed the board by knowing all about Jefferson County schools. Seriously?

The school board has to step up to hiring and promoting the best talent it can find because our kids deserve it.

Lynn Ranson
Ranson