NASHVILLE REGIONAL HEARING
(Arkansas, Kentucky, Oklahoma, Tennessee, and West Virginia)

Greater Bethel AME Church
Nashville, Tennessee
May 8, 2014

GUEST COMMISSIONERS
Raoul Cunningham, President, Kentucky State Conference of the NAACP
Austin Porter, Attorney
Lottie Shackleford, Black Women’s Roundtable, National Coalition of Black Civic Participation

Patricia Stokes, President, Urban League of Middle Tennessee
Monroe Woods, Bolivar-Hardeman County Branch NAACP

PANELISTS
George Barrett, Attorney, Barrett Johnston, LLC
Tom Castelli, Legal Director, ACLU of Tennessee
Eben Cathey, Communication Coordinator, Tennessee Immigrant & Refugee Rights Coalition
Atiba Ellis, Professor, University of West Virginia Law
Jillian Fisher, Policy and Advocacy Strategist, ACLU of Arkansas
Tanya Fogel, Kentuckians for the Commonwealth
Sekou Franklin, Professor, Middle State Tennessee University
Representative Brenda Gilmore, Tennessee State House of Representatives
Patricia Heim, Chair, Tennessee Registry of Election Finance Board
Brady Henderson, Legal Director, ACLU of Oklahoma

Tricia Herzfeld, Commissioner, Davidson County Election Commission
Justin Jones, Chairman, Nashville Student Organized Committee
Leslie Jones, Kentuckians for the Commonwealth
Beth Metzger, Kentucky Protection & Advocacy
Kermit Moore, Southern Region Director, A. Philip Randolph Institute
Joe Rowe, Chattanooga Hamilton County NAACP
Nancy Ward, Co-Director, National Technical Assistance Center for Voting and Cognitive Access
Angela Webster, Public Policy Advisor, Disability Law & Advocacy Center of Tennessee
Lynn Williams, League of Women Voters of Nashville

PUBLIC TESTIMONY
Flaco Aleman
Sheryl Allen
Honey Dozier
Drost Kokoye
Teddi Smith Robelard

Pastor Kevin Walker
Carol Westlake, Director, Tennessee Disability Coalition
Eleanor Woods, Chair of Housing, NAACP Local Branch
WRITTEN TESTIMONY

Adam Dickson, Washington County NAACP
West Virginia Citizen Action

SUPPORTING ORGANIZATIONS (NOT EXHAUSTIVE)

American Civil Liberties Union of Tennessee
Black Women’s Roundtable
Kentuckians For The Commonwealth
League of Women Voters of Tennessee
League of Women Voters of Nashville
Nashville Alumnae Chapter of Delta Sigma Theta
Sorority Inc.
Tennessee Citizen Action
Tennessee State Conference NAACP
Urban League of Middle Tennessee

NASHVILLE REGIONAL HEARING HIGHLIGHTS

From left, Austin Porter civil rights attorney in Arkansas; Raoul Cunningham, President of the NAACP Kentucky state conference sharing testimony during the Nashville hearing.

Approximately 70 voters, advocates and experts in the voting rights field gathered to hear testimony about the voting landscape in Tennessee, Arkansas, Kentucky, Oklahoma and West Virginia. Testimony topics included: the practice of racial priming in Tennessee elections; redistricting decisions in Chattanooga that led to the loss of a majority minority municipal district; Kentucky laws and partisan practices that result in thousands of disenfranchised felons; barriers to voting created by the Arkansas voter ID law.
I. Racial Priming in Tennessee

Sekou Franklin, Ph.D., Professor of Political Science at Middle Tennessee State University, testified about the use of racial priming in Tennessee elections. Franklin defined racial priming as the use of negative messages, racial imagery, subtle racial appeals, and other direct or indirect messages to activate adverse racial predispositions among voters. He gave several examples of racial priming used as a tactic in recent Tennessee elections.

Franklin stated that in 2008, “A controversial mailer was distributed throughout the second district of Tennessee that targeted Representative Nathan Vaughn. Many political observers believed that the ‘blackbird’ mailer was used to stimulate white racial resentment in the race. Vaughn actually lost the election by less than 350 votes.” The mailer superimposed the heads of Vaughn and President Obama onto the bodies of black birds.

In the 2005 U.S. Senate Election, Franklin testified that then-Representative Harold Ford, Jr, who is African American, was seeking the seat being vacated by the retiring Sen. Bill Frist. Franklin pointed to racial priming tactics used during the campaign, such as: a racially coded pamphlet distributed in east Tennessee urging whites to, “Vote early to preserve your way of life”; a radio commercial criticizing Ford with African drums beating in the background; and a mailer, perhaps distributed on the Internet, assigning different skin color shades to Ford.

II. Redistricting and Vote Dilution in Tennessee

Joe Rowe, Vice President of the Chattanooga-Hamilton County NAACP, testified about the failure of the City of Chattanooga and Hamilton County to create a fourth municipal majority-minority district after the 2010 Census. Rowe testified that an independent proposal confirmed that population data supported the creation of a fourth majority-minority district, but the proposal was rejected by the majority-white city council.
III. Restrictive Voter ID Law in Arkansas

Jillian Fisher, Policy and Advocacy Strategist at the ACLU of Arkansas, testified about the restrictive nature of the State’s Voter ID law, which a Pulaski County circuit judge recently ruled unconstitutional.1 Fisher testified that, “Based on national estimates, ten percent of Arkansas voters lack the necessary ID.2 The law does not provide any assistance in helping voters obtain IDs, such as transportation, payment for documents needed to obtain IDs such as birth certificates, or aid in locating such documents.”

IV. Disenfranchisement of Formerly Incarcerated Individuals in Kentucky

Kentucky has the highest African American disenfranchisement rate in the country with nearly one of every four African Americans ineligible to vote, according to the League of Women Voters in Kentucky. According to the League, this rate is nearly triple the national African American disenfranchisement rate, with more than 243,000 people having lost their right to vote due to a felony conviction, despite the fact that three-fourths of these individuals (or more than 180,000 people) have completed their full sentence. Tanya Fogel, a member of Kentuckians for the Commonwealth, testified about the lengthy process and difficulty she experienced regaining her right to vote following a felony conviction. Kentucky law restores a felon’s voting rights only through an executive pardon by the Governor. Fogel testified, “I happened to fall under two governors. My voting rights were restored by Governor Paul Patton, a Democrat who served from 1995 to 2003. But the paperwork filed missed one indictment number. So I had to go back through the process under Governor Ernie Fletcher, a Republican who was elected in 2003. The second time around the application process had changed. I was required to write an essay, provide three character references, and a pay fee.”

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1 Kohls et. al. v. Martin, No. 60 CV-14 1495 (Circuit Court of Pulaski County, Arkansas, 2014)
2 See also State Court Rules Arkansas Voter ID Law Unconstitutional, ACLU: http://www.acluarkansas.org/content/state-court-rules-arkansas-voter-id-law-unconstitutional#.U8RGdflDVe8