

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

Docket number 17-1727

Russell F. Walker,
Appellant
vs.
North Carolina State Board of Elections
and
Hoke County Board of Elections,
Appellees

INFORMAL REPLY BRIEF

Russell F. Walker, *Pro Se*
176 Quewhiffle Road
Aberdeen, NC 28315
(910) 281-4657
littlefarm1@windstream.net

TAXATION WITHOUT REPRESENTATION. That is the simple situation in Hoke County. A majority white population simply has no effective representation due to at-large voting. The appellee brief of the Hoke County Board of Elections (Hoke) mentions "discriminatory effect", "minority" and "protected class" yet a reading of the statute and the facts in this case lead to the inescapable situation that this is a case of FIRST IMPRESSION. Hoke's position is that the Equal Protection Clause only protects one race and not another? Orwell said in Animal Farm: **"All animals are created equal, some more equal than others."**

I cannot find a previously reported case where a majority group (white) has been disenfranchised by a minority (black) government. Neither the District Court nor Hoke has provided a case either. Hoke has provided many cases yet none of them are truly on point. The point is the "results test" of the law is what controls.

Section 2 of the Voting Rights Act of 1965, currently codified at 52 U.S.C. §10301, states as follows:

“No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner **which results** in a denial or abridgement of the right of **any** citizen of the United States to vote on account of race or color”
(emphasis added)

That is the black letter law which Congress passed and Reagan signed. Presumably “any” includes white citizens. Nothing in this statute refers to “minority”, “majority” or “discriminatory purpose”, terms mentioned by Hoke in its appellee brief.

Hoke states that in my complaint that I did not mention the Voting Rights Act. True. Paragraph 17 of my complaint is as follows.

"Plaintiff's right to vote has been debased and diluted to the point of effective denial through the "democratic" process."

The complaint was fact pled and not just the minimum required "notice" pleading. Certainly the complaint conveyed the general idea of not just voting debasement but that the majority white voters were impotent to affect county policies.

Respectfully submitted,



Russell F. Walker
7 July 2017

CERTIFICATE OF COMPLIANCE

This brief has fewer than 500 words and is in Century Gothic 16 easy-to-read size font.

CERTIFICATE OF SERVICE

I certify that I have placed copies of this Informal Brief in the U.S. mail, postage prepaid on 7 July 2017 to:

James Bernier
Assistant Attorney General
P.O. Box 629
Raleigh, NC 27602

Craig Schauer
Brooks Pierce
P.O. Box 1800
Raleigh, NC 27602



Russell F. Walker