

L A W A N D S O C I E T Y

From Winning Elections to Influencing Policy

The Electoral-Policy Link
for Minority Voters



Liza Abram Benham

Law and Society
Recent Scholarship

Edited by Melvin I. Urofsky

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Influencing Policy
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Voters

Liza Abram Benham

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Minorities Under Majority Rule

Voters and constituency are expected to matter in a democracy. Most Americans, arguably, have sought to strengthen their influence over electoral outcomes and over their representatives—direct election of senators and recall referenda are but two examples. Nonetheless, questions persist about which voters exert influence and how they are able to do so. What is more, the possibility, however remote or demonically-driven, that increased voter control is not the preference of *all* Americans is itself a problem for the democratic purist.

Decision-making by majority vote has been a matter of debate for the practitioner as well as the theorist. Founding father James Madison and Southern slavery apologist John C. Calhoun both worried about it. So did Aristotle and American civil rights attorney Lani Guinier millennia apart. A characterization by French traveler Alexis de Tocqueville especially has resonated over time. Those concerned about the consequences of majority rule are many and diverse indeed.

Given these ambiguities, testing should be relentless of how minority groups fare in an American electoral process dominated by majority vote. Are they fated to lose? Or are they able to favorably influence policy and, if so, how? Using African Americans as the primary proxy for the minority and local government (where the proverbial “all politics is”) as the level of analysis, this research project hypothesizes that numeric or political minorities can influence policy and that this influence will be facilitated by single-member districting as the electoral arrangement that provides more control over choosing representation. Such a study has both theoretical and practical implications.

THEORETICAL IMPLICATIONS: DECISION-MAKING IN A DEMOCRACY

Madison in his October 17, 1788 letter to Thomas Jefferson worried thusly about what Tocqueville later would describe as the potential for tyranny of the majority:

Wherever the real power in a Government lies, there is the danger of oppression. In our Governments the real power lies in the majority of the Community, and the invasion of private rights is chiefly to be apprehended, not from acts of Government contrary to the sense of its constituents, but from acts in which the Government is the mere instrument of the major number of its constituents.

Calhoun (1853) some 60 years later also was skeptical of rule by the numbers:

If the numerical majority were really the people... and... were to take the sense of the people truly, a government so constituted would be a true and perfect model of a popular constitutional government. But, as such is not the case—as the numerical majority, instead of being the people, is only a portion of them,—such a government, instead of being a true and perfect model of the people’s government... is but the government of a part, over a part,—the major over the minor portion (p. 30).

Still, winner-take-all is sacrosanct to many influential U.S. legislators. Recall that early in his first term, President Clinton withdrew his nomination of Guinier to head the Justice Department’s civil rights division. Clinton apparently was deterred by critics, some of whom accused Guinier of wishing to undermine majority rule.¹

Majority rule was not always inviolable, according to a review of democratic theory by John Gilbert Heinberg (1932). He cited as an example early western Europeans requiring unanimity in order to carry through on some matter. He wrote:

‘Equality’ in deliberative political group action in these early times meant that if one man or a minority opposed themselves to the remainder, no group ‘will’ or decision could come into existence (p. 453).

Then, under emerging Germanic law, only force could conquer an obstinate minority, and if that minority were strong enough to hope for victory, a division into parties ensued, Heinberg continued. Nonetheless, majority vote as a decision-making tool grew more accepted and was rationalized into predominance. Such massive acceptance has not silenced critics, of course. Law Professor Terry Smith (2005) scolded the 5-4 U.S. Supreme Court majority in *Shaw v. Reno* (the 1993 decision that curtailed the trend toward minority-majority districting), writing that “it is simply too late in our democratic development to deny the existence of a right of subgroup political autonomy.”

Minorities in the United States never ceased chafing under a system where 51 percent of votes, either at the polling place or in the legislative assembly, could circumscribe so many of their choices. Their concern is supported by Buchanan and Tullock (1965), who bemoaned scholarly neglect of “the central place that the unanimity rule must occupy in any normative theory of democratic government” (p. 96). They saw majority rule as merely an expedient alternative to the difficult task of obtaining that unanimity. Moreover, Baron (1991) wrote that the majority is prone to concentrating benefits and collectivizing costs. Schneider and Ingram (1993) contended that social constructions (of target populations) influence policy choices and methods of implementation—i.e., inducement for the favorably constructed versus coercion for those whose image is negatively perceived. They wrote:

Thus, the electoral implication of a policy proposal depends partly on the power of the target population itself (construed as votes, wealth, and propensity of the group to mobilize for action) but also on the extent to which others will approve or disapprove of the policy’s being directed toward a particular target (p. 335).

This social construction is similar to the identity-of-interests, which Painter (1987) said served as delineations between workers and owners in industrializing America. Identity-of-interest and social construction also coalesce in creating “enemies” against whom a group can be marshaled to defeat.

Further, pockets of concern exist about pandemic fallout from the treatment of American racial minorities. Goldsmith (1997, but see also oral presentation by Ali Mazrui, 1998) saw the European city as

threatened by the arrival of American racial politics that may accompany globalization. He wrote:

This racial tilt of American politics has led to many difficulties. It has long led to reinforcement of a traditional American reliance on “free” markets rather than on cooperation, planning, and the regulation of markets. . . In the absence of strict regulation, markets (as opposed to planning, intervention, legislation, and redistribution) generate high degrees of inequality of income... In the United States, these inequalities are tolerated more than elsewhere in good part because they conform so closely to racial hierarchies (p. 305).

The subsequent “alignment of poverty and political weakness” (p. 306) is self-reinforcing, Goldsmith said.

Clearly, the stakes are real. American minority groups that once turned to the Supreme Court for relief now must look to the political arena (Yeakey and Bennett, 1990). Whether isolated by geography, race, or economic status, the ability of a cohesive and identifiable voting group to influence policy undoubtedly will affect the ease with which that group can engineer its own assimilation into the larger society. Guinier (1994) worried not so much about majority preferences determining the winner from among a set of choices, but about a voting minority that consistently finds itself among the losers. The continuing scholarly exploration of how citizen preferences are aggregated and that aggregation’s policy consequences grow more critical.

PRACTICAL IMPLICATIONS: THE VOTING RIGHTS ACT OF 1965

Although the Voting Rights Act of 1965 has undergone two major extensions, relatively little has been done in the way of statistical analysis of its effects. Although the Act undeniably has brought huge numbers of newcomers to the voting booth, its chief proponents envisioned it as more than a mere enfranchising agent. President Lyndon Johnson, for example, declared the vote to be the most potent weapon against discrimination and inequality. Further, as will be discussed in subsequent chapters, this research project, as it deals with the vote and its relation to policy, also contributes to the truncated-middleman theory of John S. Butler (2005), a conceptualization that

has empirical implications for the economic advancement traditionally associated with assimilation by minority groups.

After his landslide election in 1964, Johnson sought and won legislative support for stringent new voting laws that targeted the South. Among the most informed commentators on that Voting Rights Act of 1965 are those in *Quiet Revolution in the South* (1994), a collection of essays edited by Chandler Davidson and Bernard Grofman. Davidson recounts how Johnson had in mind the recent and ongoing violence that had marked civil rights demonstrations—most notably the bloody end to the Selma, Alabama, march—in calling attention to African American problems with the vote. He writes also of Johnson's concern with his own place in history, the sympathy Americans in other parts of the country were displaying toward the plight of African Americans and his sensing an opportunity to offset the loss of white Southern Democrats to 1964 Republican presidential nominee Barry Goldwater. Piven and Cloward (1971) suggested that Johnson's immediate predecessor, John Kennedy, also courted votes of African Americans in large cities to offset defections by white Southern Democrats. Chapters 2 and 4 will describe how the massive post-bellum relocation of black people from the countryside to the city and from the South to the North elevated the potential for urban residents to swing elections.

Although in many respects merely another statutory salvo in the century-long campaign to fully enfranchise African Americans, the Voting Rights Act was the first forceful procedural and administrative attempt, at least since the 19th Century Congressional Reconstruction. Most notably, the combined constraints of sections 2 and 5, banning structural or procedural barriers to voting and providing for federal review of proposed changes to structures or procedures, were the most intrusive to targeted jurisdictions. Proponents of the Act asserted that such a bold measure was needed because in the past a jurisdiction would craft a way to evade the law, secure in the knowledge that any challenge required a large investment of time and money. House Report No. 89-439 accompanying the 1965 legislation referred to outcomes from legislative efforts in 1957, 1960 and 1964 as “dismal” because of intransigence of state and local officials and delays in the judicial process (p. 2441).

The “Act to enforce the fifteenth amendment to The Constitution of the United States, and for other purposes,” approved Aug. 6, 1965,

contained 19 sections. A brief description of its key sections is in Table 1-1. Objections to the Act echoed those of some 100 years earlier (discussed more fully in Chapter 2's review of the history of African American voting): The national government was intruding itself into constitutionally protected areas of states' rights. Nonetheless, the U.S. Supreme Court in *South Carolina v. Katzenbach* (1966) upheld the constitutionality of the Voting Rights Act.

The debate since then has taken a number of forms, but has centered on three basic areas: What precisely is meant by equal access to the political process, what, if any, utility is associated with that access, and what role, if any, the federal government should play. Assuming, quite properly, that theorists and practitioners alike embrace the ideal of political efficacy for all citizens, the voting rights debate then can begin with proposals of how to attain that ideal. The equality-of-outcome camp asserts that a vote means more control over electoral outcomes while the equality-of-opportunity camp would stop at removing impediments to voting. Support for the more expansive view came from Earl Warren, chief justice of the United States Supreme Court, who referred to some states' history of simply enacting new and slightly different requirements, or impediments, with the same discriminatory effect. He advised the Court to reject a narrow construction, saying that voting includes all action necessary to make a vote effective. The phrase "all action necessary to make a vote effective" appears at least as early as the Civil Rights Act of 1960 (Public Law 86-449), which specifically states:

When used in the subsection, the word 'vote' includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election... (p. 91).

The Warren interpretation prevailed for the most part. The courts and voting rights advocates turned their attention to how best to provide the throngs of new voters with more influence over outcomes, specifically electoral outcomes.

One focus of attention was the role of districting. Although the drawing of political boundaries is not specifically mentioned in the Act, the Supreme Court in *Allen v. State Board of Elections* (1969) held that

a jurisdiction must gain Justice Department approval before switching from district to at-large elections.² The *Allen* decision came a year after a Civil Rights Commission report concluded that increased redistricting, shifts to at-large elections³ and changes in local government boundaries were discriminatory reaction to the increase in African Americans registering and voting (Derfner, 1984). The concern was that as the numeric minority, African Americans could be safely ignored if their votes were submerged by a cohesively voting majority.

The Debate Over Vote Dilution

Exchanging at-large boundaries for single-member districts, then increasing the minority proportion of one or more districts—sometimes as many districts as possible—so as to increase influence over electoral outcomes began to emerge as an available remedy for what critics contended was vote dilution rivaling that found in *Reynolds v. Sims*.

Justices soon encountered a problem that, according to critics such as the Supreme Court's Clarence Thomas, has not been adequately addressed: How precisely can the courts recognize discriminatory vote dilution? Two years after its *Allen* decision, the Supreme Court in fact held that an extraneous factor, the unpopularity of the Democratic Party and not racial discrimination, was the reason ghetto residents in Indiana could not elect their preferred candidate. Three key points in Justice Byron White's opinion in *Whitcomb v. Chavis* (1971) were that (1) although multimember districts could be subject to legal challenge, the plaintiff must prove that such districts dilute their group voting strength, (2) even if multimember districts are proved discriminatory, it is not clear that the remedy is switching to a single-member district "with lines drawn to ensure representation to all sizable racial, ethnic, economic, or religious groups" (p. 2), and (3) that, if the political process actually is open to African Americans, the at-large system is not discriminatory just because they lose elections.⁴ Derfner (1984) described this latter point as "protection against the standard getting out of hand," or a hedge against proportional representation (p.149).

Although White's alluding to proportional representation raised a fear that would require addressing as the debate wore on, single-member districting was the Court's remedy of choice two years after *Whitcomb*. With the very same Justice White delivering the opinion in this case, *White v. Regester* (1973), the Court pointed to "a totality of the circumstances" that included a history of official race discrimina-

tion in the state, an election rule that enhanced the opportunity to discriminate and a white-dominated political machine that was insensitive to racial minorities as reason enough to question the multimember state congressional districts in two Texas counties. The counties, Dallas in northeast Texas and Bexar, the county seat of San Antonio some 300 miles to the south, were home to a sizable number of African Americans and Latinos, respectively, who rarely were elected to office. The election rule at issue was Dallas County's at-large "place" system, in which all voters vote on a series of head-to-head contests for each position. Also in Dallas County a white-dominated slating group effectively controlled who won elections—including several minorities it sponsored—but did not require the support of the African American community and so showed little concern for its welfare. African Americans therefore were unable to "enter the political process in a reliable and meaningful manner," Justice White wrote. Note the contrast with the *Whitcomb* African Americans, who did play political roles.

The *White* decision was important for what it left unsaid (Derfner, 1984): It, like *Whitcomb*, made no reference to the need for proof of discriminatory intent. Lower courts in fact moved forward with the totality-of-circumstances standard for ferreting out vote dilution. That reasoning was further solidified in another Southern jurisdiction shortly after *White*. In questioning the switch to at-large elections in a Louisiana parish where African Americans were a majority of the population, though not of voters, the Fifth Circuit Court of Appeals in *Zimmer v. McKeithen* (1973) set out several factors that, beyond merely registering and voting, could be considered as interfering with casting an effective ballot. The factors were to be considered in light of "the realities of the political process" (Derfner, p. 148).

These standards had no place in *Mobile v. Bolden* (1980), however. The justices held that a successful challenge to that Alabama city's at-large election of its three commissioners required a showing of discriminatory intent, not just disproportionate impact, and turned back a lower court order to replace the 70-year-old system with a mayor-council form of government. The *Bolden* Court dismissed the *Zimmer* decision as a "misunderstanding," saying that even though justices had earlier affirmed it, they had done so for reasons other than the views of the constitution held by the lower court. Derfner said that although the *Bolden* evidence was similar to, and in some respects stronger than, that

in *White v. Regester*, the Court considered each piece separately, not as part of a totality of circumstances. In so doing, it set what appeared to be an insurmountable threshold for plaintiffs who, critics feared, would be required to plumb the thought processes of those responsible for discriminating. Derfner wrote that *Whitcomb*, *White* and *Bolden* “formed the boundary points of Congress’s perception of the vote dilution issue” (p. 148).

The Congress Steps In

Voting rights advocates, sensing in *Bolden* a judicial hostility to an expansive interpretation of minority voting rights, urged the U.S. Congress to intervene and set a standard of discriminatory effects, not merely intent. The response was the 1982 amendments to the Voting Rights Act. While only the third amending of the 1965 statute, the 1982 revision was the most ringing endorsement of an expansive interpretation thus far. Section 2 now allowed for a “results” test showing discriminatory outcomes regardless of the intent of the jurisdiction (Derfner, p. 146).⁵

A jurisdiction also must “have eliminated voting procedures and methods of election which inhibit or dilute equal access to the electoral process” in order to comply with Section 5 of the Act (p. 541, U.S. Code 2000 edition).

The Senate Judiciary Committee Report accompanying the 1982 amendments demurred that the change to Section 2 was “not an effort to overrule a Supreme Court interpretation of the Constitution, rather it provides a statutory prohibition which the Congress finds is necessary to enforce the substantive provisions of the 14th and 15th Amendments” (p. 194). Derfner explained that the Court had considered *Bolden* claims under violations of the 14th and 15th amendments and under Section 2. A showing of purposeful discrimination therefore would have been required in order to prove both a violation of the amendments and of Section 2 because the Court, citing legislators’ comments during the 1965 debate, construed the latter as merely a restatement of the 15th Amendment. The Senate Report, however, suggested a changed political climate or circumstances between 1965 and 1980:

In 1965 there simply was no need for Congress to choose between those two aspects of Section 2. It was possible in 1965 to regard Section 2 both as a restatement of the Fifteenth Amendment, and also as reaching discrimination whether or

not intent could be established... there was no general understanding in 1965 among scholars, practitioners, or the lower courts that the Fourteenth and Fifteenth Amendments, themselves, always required proof of discriminatory intent to establish a violation (p. 196).

The Senate Report, clearly designed to move Section 2 beyond the 15th Amendment, was the guiding principle for most of the next decade—or at least until the political climate changed again. Moreover, Derfner noted that the language in the revision suggested that its source actually was the Supreme Court itself in the 1973 *White v. Regester* opinion, the case that first found an at-large district discriminatory and which used the phrase “totality of the circumstances.” However, Justice Blackmun, in concurring with the *Bolden* plurality, chided the lower court for being overly concerned with eliminating at-large elections per se. The justices also said *Bolden* differed from *White* because the white-dominated slating group in Dallas County and cultural and language barriers in Bexar County were traceable to a racially discriminatory purpose, the likes of which was not found in Mobile.

The legislators were not impressed. After a protracted debate in the Senate, a compromise engineered by Kansas Sen. Robert Dole led to the lengthened Section 2. The revision specifically disavowed any endorsement of proportional representation, but broadened the definition of voting beyond the mere casting of a ballot. The Senate strengthened its message by including with the bill a copy of its Judiciary Committee Report containing factors that could be used in determining vote dilution (Kosterlitz, 1987; Derfner, 1984). The Senate Report⁶ was explicit: The amendment was to restore the standards “applied in voting discrimination claims prior to the litigation involved in *Mobile v. Bolden*” (p. 179). The message was not lost on the Supreme Court. Barely a month after the enactment of the 1982 amendments, the justices decided *Rogers v. Lodge* (1982),⁷ which helped undo “the damage” wrought by *Bolden* (Derfner, p. 145). In addition to reversing the direction that had been set in *Bolden*, the 1982 revision also made it more difficult for covered jurisdictions to “bail out” of Voting Rights Act coverage—the Senate Report cited widespread Section 5 infractions—and extended its life for 25 years.⁸

Derfner predicted that the revised Section 2 would give rise to more vote dilution cases being decided on statutory grounds. He noted that by the time of his writing the Supreme Court had remanded to

lower courts several cases for violating Section 2, not the Constitution. Still, the shift left the courts as the final word—the judiciary can throw out a statute it believes violates some constitutional principle. That is precisely what the Supreme Court suggested some 10 years later—ruling that some districting violated the constitutional right to equal protection, but for white, not minority, voters.

However, immediately after the 1982 amendments rejuvenated voting rights activists did bring more suits against districting schemes, and the task fell to judges to apply the legislative principles to cases actually brought in court. Indeed, plaintiffs met with greater success in the wake of the 1982 amendments. Perhaps the most distinguishable outcome was in descriptive representation. The number of African American elected officials rose sharply, registering, in most cases, the largest increases since the period just after passage of the Voting Rights Act or after the *Allen* decision cleared the way for voting rights advocates to challenge vote dilutive changes such as at-large elections. The numbers presented in Table 1-2, while not exhaustive, suggest the growth in the number of single-member districts between 1980 and 1990. Table 1-3 shows the number of elected officials at various levels of government between 1970 and 2000. Grofman and Handley (1992) pointed out that the number of African American legislators in the South rose sharply just after passage of the Act in 1965, but remained low relative to proportion of the population. They concluded that the more recent increases (in the 1980s) were because of growth in the number of majority African American districts:

Almost 84 percent of the southern black legislators in the 1970s represented majority-black districts; this figure rose to 90 percent in the 1980s... most of the black increase (in descriptive representation) resulted from an increase in the number of majority-black districts (p. 337).

Judges nonetheless continued to have problems agreeing on a uniform interpretation of the revised statute. Kosterlitz (1987) reported that in the first few years after Congress' action, appellate and district courts gave varying weights to the Senate factors and the language in the Section 2 revision. The Eleventh and the Fifth circuit courts of appeals made some of the more noteworthy contributions to vote dilution guidelines. The Eleventh developed a hierarchy of standards, later used to some extent by the Fifth, emphasizing the existence of racially polarized voting. In *Lee County Branch of NAACP v. City of*

Opelika (1984), the Eleventh distinguished between statutory and constitutional implications in the application of the nine Senate factors, and noted the need for judges to balance the competing notions of (1) eliminating practices that impinge on minorities' participation in the political process, and (2) the fact that minorities do not have a right to proportional representation. Yet another contribution came from the Fourth Circuit Court of Appeals, which elevated the totality of circumstances as a determinant of vote dilution. Kosterlitz traced the difference among guidelines to the manner in which justices weighted and interpreted the nine Senate factors. Clearly, there was a need for uniformity in how courts approached their task.

That uniformity came in the form of another Supreme Court decision four years later. Justice Brennan used the "totality of circumstances" phrase in his portion of the opinion in *Thornburg v. Gingles* (1986), in which the Court set three basic standards of proof of discrimination: (1) Minorities must be politically cohesive; (2) sufficiently numerous and geographically compact; and (3) be persistently frustrated, in selecting preferred candidates, by a majority voting as a bloc. The second prong of the test, group size and geographic compactness, was consistent with the notion that the single-member district would be the standard remedy.

The *Thornburg* case rejuvenated proponents of single-member districting. Activists turned their attention to the composition of these districts on the assumption that electing a preferred candidate required minorities to be, or to come close to being, the numeric majority. One camp endorses the numeric majority view and the election of their preferred representatives, while another promotes "minority influence" districting. An often-unstated assumption of minority-influence districting is that no independent need exists for minority elected officials. Although these districts likely will result in less descriptive representation, proponents contend they will yield more favorable policy outcomes by dispersing the minority voters over a larger number of districts, allowing them to influence, though not control, more representatives. Those who espouse this view attribute the Republican takeover of the U.S. House in 1994 to majority-minority districting, contending that concentrating minorities into a few districts makes surroundings districts more Caucasian and thus more Republican—an outcome that in fact was predicted in a 1993 *Texas Law Review* article by then-University of Virginia law professor Pamela Karlan. Walters

(2005) commented that whites (prominent among them Southerners) are a large cohesive voting bloc in the Republican Party and so effectively decide presidential elections via the Electoral College.

On the other hand, troubling for the minority influence side of the debate is evidence (Cameron, Epstein and O'Halloran, 1996; Walters, 2005) of a negative relationship between Southern white representatives' support for African American interests and African American population in the district, regardless of the representative's party (Smith, 2005, also worried about a weaker relationship between white representatives from heavily-minority districts and policy favorable to minorities.)

The Debate and a Changing Political Climate

Post-*Bolden* arguments continued the focus on districting, an interpretation especially ridiculed by Justice Thomas, an arch-conservative whose 1991 appointment to replace the liberal Thurgood Marshall was too late for the most intense phase of the voting rights debate. Thomas, even as fellow judges raised issues of *stare decisis* in reacting to his comments, strongly criticized the judicial branch involvement in the drawing of election districts. In a concurring opinion in *Holder v. Hall*, the 1993 plurality decision that size of governing body is not subject to challenge under Section 2, Thomas, perhaps with future, more conservative legislatures in mind, questioned Congress' understanding of its own actions in approving the 1982 amendments. He wrote in *Holder* of the expanded Section 2:

...by reenacting virtually the same language derived from the Fifteenth Amendment to define the basic interest protected by the Act, Congress intended to preserve the limitation that the *Bolden* plurality found implicit in that language. It is clear from the terms of the amendments passed in 1982 that where Congress sought to alter the understanding of the Act announced in *Bolden*, it did so explicitly in the text of the statute. As I explain more fully... the 1982 amendments modified § 2 to eliminate the requirement under *Bolden* that § 2(b) plaintiffs, like plaintiffs under the Fifteenth Amendment, show that a challenged practice was adopted with a discriminatory *intent*,... and replaced that test with specific language in § 2(b) setting a standard based simply on discriminatory *result*... Had Congress intended to alter the understanding that § 2 protects

a concept of the “right to vote” that does not extend to prohibit vote dilution, it likely would have addressed that aspect of Bolden explicitly as well.

The statute covers only access to the ballot box, providing voters an equal opportunity to elect representatives of their choice after they have been given free and open access to the ballot, Thomas said. Further, as for Section 2’s reference to electoral outcome as one circumstance that could be considered in vote dilution claims, Thomas said the Act “merely directs courts not to ignore such evidence of electoral outcomes altogether.” The *Thornburg* Court, he said, “relied largely on the gloss on § 2(b) supplied in the legislative history of the 1982 amendments... But the text of § 2(b) supplies a weak foundation indeed for reading the Act to reach such claims.” He characterized the Senate Report, in which the legislative history is included, as nothing more than a “series of partisan statements about purposes and objectives collected by congressional staffers and packaged into a committee report.”

Thomas turned to Kansas Sen. Robert Dole, who engineered the compromise leading to passage of the amendments, for support, indicating that Dole envisioned a voting process that is open and grants equal access, and nothing more. In comments appended to the Senate Report, Dole himself does not directly address that interpretation, but did write that he was “confident” that the results test would not lead to proportional representation and that he and colleagues rejected any notion of an intent requirement.

The opposition to Thomas is ably represented by Karlan, at the time of this writing a Stanford University law professor. Although *Holder* had not been announced at the time, her 1993 delineation of the debate lines would have reached Thomas’ views:

The latest round of reapportionment and the ensuing litigation suggests that partisan political exploitation of the procedural strand of one-person, one-vote poses a serious threat to careful consideration of the substantive values regarding minority voting rights that are embodied in the Voting Rights Act. One-person, one-vote provides a vehicle for parties to invoke judicial oversight but provides no brakes on the substantive decisions of an increasingly partisan judiciary.

She describes three categories of voting rights: (1) participation, the simple act of voting; (2) aggregation, how votes are tallied to arrive at an election outcome; and (3) governance, how choices are made within the elected decision-making body. She acknowledges that the first category—participation—can be conceptually separated from the latter two but said doing so makes it difficult to link the voter to the ultimate policy outcome. Courts already have acknowledged some expectation beyond the mere casting of a ballot by upholding a government's right to exclude certain classes—for example, imposing residency requirements. Otherwise, why bother to exclude if the right to vote implied mere access to the voting booth?

Nonetheless, Karlan, like Thomas, finds an inherent tension in choices faced by the judiciary. How, for example, to reconcile the notion that a voter can be considered to be participating in the political process despite a permanent inability to elect a candidate of choice? This question appears to be a test equally as difficult to conduct as the purpose test in vote dilution cases. Ultimately, Karlan chides the judicial branch for failing to confront voting issues beyond the voting booth as somewhat less than courageous (see her comparison of two decisions affecting Alabama counties), while Thomas lauds such judicial restraint.

She suggests that that link hinges on the choice of rules for aggregating votes, but does not stop there. Once electoral outcomes are introduced, then the “election of representatives represents only an intermediate point along the path to the determination of policies that are voted on within the elected body” (p. 14). The question thus becomes whether the “system of selecting the entire government body gives (the voter) an effective opportunity to participate in policy-making” (p. 14). Entering the voting booth is the start of an “ongoing conversation” that continues in the decision-making assembly. Even *Reynolds v. Sims* ultimately was about governance despite the rhetorical one-person, one-vote characterization. The urban residents were, after all, upset because their representatives were outvoted in the decision-making assembly by representatives from rural, less-populated geographic areas, she argued.

Referring to language in a 1981 U.S. House resolution (No. 227, 97th Congress, 1st Session 14), Karlan also argues that the Congress intended that the Voting Rights Act would enable covered groups to influence policy outcomes. Finally, she provides a striking example:

Enforcement of Section 2... should not be viewed as an undemocratic judicial intrusion into the political process. Rather, Section 2 reflects the views of the “national political culture” in which minorities have begun to exercise some real influence... Much of that influence has come from the presence of black elected officials with votes to trade within the halls of Congress, and it is important to remember that they usually owe the creation of their districts not to the courts directly, but to the exercise of pressure that Congress vested in the executive branch through the creation of the preclearance requirement and to the horse trading of black legislative caucuses within state legislatures.

Karlan continues that the experience of the new commissioner in *Presley v. Etowah County*, who was greeted by a rule change approved by the commission majority and that excluded him from the exercise of power, illustrates the “aridity” of a limited view of voting rights.

What is more, electoral and policy outcomes from the last two presidential elections, of 2000 and 2004, suggest that the debate may have moved too far forward and that African Americans still wrestle with the simple fact of discrimination. Among the discussants is University of Maryland Professor Ronald Walters (2005), who critiques the Help America Vote Act (HAVA) of 2002, Congress’ response to criticism of the 2000 election. Walters contends that, given the political environment, legislators were focusing on tools such as voting machines and ballot material, which are the least controversial aspect of the problem. He argued that various manifestations of disfranchisement were attributable to human, not mechanical, performance:

...the election reforms thus achieved weigh heavily on the side of the mechanical aspects of voting systems, including the nature of the ballot and the modernization of voting machines. But the reforms do not adequately deal with gross violations of the civil rights of Blacks attempting to exercise the right to vote. The issue in so many cases appears to be human error or outright racial prejudice because polling station officials have been allowed to exercise considerable discretion in the management of their stations. We do not know the extent to which such discriminatory behavior by local polling station managers and officials stems from tradition, inference, or

specific instructions given to them by authorities to suppress the Black vote.

Walters continues his train of thought in italicized font:

In any case, the preponderant involvement of human conduct in the administration of the right to vote and the possible link of these individuals to a system of competitive politics places a value on strongly exercising the sanctions in the Voting Rights Act and the National Voter Registration Act for wrongful actions against those who are subsequently harmed (p. 123).

Finally, evidence continues to accumulate that Thomas and fellow conservatives on the Supreme Court are succeeding. Writing about the Court's 2000 decision in *Alexander v. Sandoval* that Alabama could require that its written driver license examination be taken in English, Walton and Smith (2003) cannot but evoke memories of the *Bolden* requirement of discriminatory intent:

Sandoval is a potentially far-reaching decision since disparate treatment cases are difficult to prove (it is not likely, for example, that the authorities in Alabama openly discussed their intent to use the English requirement as a means to discriminate on the basis of ethnic origins), which is why individuals in the post-Civil Rights Era resorted to disparate impact suits in the first place (p. 222).

Moreover, the Congress in 2006 handily passed a reauthorization of the Voting Rights Act—even mentioning Supreme Court cases by name as showing how the Court has misinterpreted Congress' intent. The 2006 enactment arguably is a stronger statement than in 1982 of Congress' opinion of the Supreme Court positions on voting rights (See note 9).

The persistence of the debate nonetheless is more evidence that the focus has come to be almost exclusively on policy, or third generational, outcomes. The huge force of the Voting Rights Act quickly eliminated discriminatory devices such as the poll tax, violence and intimidation, so that within four years the judicial system was addressing questions of representation (second generation). That was decades ago. We can now move toward empirical testing of what, ultimately, all the fuss was about. We can move from representation to policy.

Table 1-1. Key provisions of the Voting Rights Act of 1965

Section	Description
2	Outlawed the use of any voting qualification or prerequisite or standard practice or procedure in denying the right to vote because of race or color. Expanded by 1982 amendments to include any of the above that “results” in denial or abridgement of right to vote. Also revised in the 2006 reauthorization.
4	Abolished literacy tests and other mechanisms, mostly procedural, that discouraged or prevented registering or voting. Expanded in 1975 to include language minorities, providing for the use of a language other than English.
5	Known as the pre-clearance provision, pertained to the jurisdictions covered by Section 4. Requires any change affecting voting and elections—including boundary changes—be precleared by the Justice Department or federal court. Of proposals submitted for preclearance by jurisdictions, a language change in the 2006 reauthorization was “neither has the purpose nor will have the effect,” compared to earlier wording of “does not have the purpose and will not have the effect.”

Table 1-2. At-Large and Single-Member Districts in Selected Jurisdictions, 1980 and 1990*

State	1980		1990	
	At-Large	SMD	At-Large	SMD
Alabama	1	1	1	4
Arkansas	1		3	
Georgia	4	3	1	7
Louisiana	1		2	2
Mississippi	1	1		5
S. Carolina		1	1	11
Virginia			1	1
Total	8	6	9	30

*The same jurisdictions were not measured in both years.

Table 1-3. Black Elected Officials in Selected Jurisdictions, 1970-2000

Year	Total Officials		Federal		State		County		Municipal	
	Total	%	Total	%	Total	%	Total	%	Total	%
1970	1,469	—	10	—	169	—	92	—	623	—
1971	1,860	26.6	14	40.0	202	19.5	120	30.4	785	26.0
1972	2,264	21.7	14	0.0	210	4.0	176	46.7	932	18.7
1973	2,621	15.8	16	14.3	240	14.3	211	19.9	1,053	13.0
1974	2,991	14.1	17	6.3	239	-0.4	242	14.7	1,360	29.2
1975	3,503	17.1	18	5.9	281	17.6	305	26.0	1,573	15.7
1976	3,979	13.6	18	0.0	281	0.0	355	16.4	1,889	20.1
1977	4,311	8.3	17	-5.6	299	6.4	381	7.3	2,083	10.3
1978	4,503	4.5	17	0.0	299	0.0	410	7.6	2,159	3.6
1979	4,607	2.3	17	0.0	313	4.7	398	-2.9	2,224	3.0
1980	4,912	6.6	17	0.0	323	3.2	451	13.3	2,356	5.9
1981	5,038	2.6	18	5.9	341	5.6	449	-0.4	2,384	1.2
1982	5,160	2.4	18	0.0	336	-1.5	465	3.6	2,477	3.9
1983	5,606	8.6	21	16.7	379	12.8	496	6.7	2,697	8.9
1984	5,700	1.7	21	0.0	389	2.6	518	4.4	2,735	1.4
1985	6,056	6.2	20	-4.8	396	1.8	611	18.0	2,898	6.0
1986	6,424	6.1	20	0.0	400	1.0	681	11.5	3,112	7.4
1987	6,681	4.0	23	15.0	417	4.3	724	6.3	3,219	3.4
1988	6,829	2.2	23	0.0	413	-1.0	742	2.5	3,341	3.8
1989	7,226	5.8	24	4.3	424	2.7	793	6.9	3,595	7.6
1990	7,370	2.0	24	0.0	423	-0.2	810	2.1	3,671	2.1
1991	7,480	1.5	26	8.3	458	8.3	810	0.0	3,683	0.3
1992*	7,552	1.0	26	0.0	484	5.7	857	5.8	3,697	0.4
1993*	8,015	6.1	39	0.5	533	10.1	913	6.5	3,903	5.6
1994*	8,162	1.8	39	0.0	539	1.1	925	1.3	3,960	1.5
1995*	8,419	3.1	41	5.1	576	6.9	912	-1.4	4,042	2.1
1996*	8,579	1.9	41	0.0	578	0.3	924	1.3	4,099	1.4
1997*	8,656	0.9	40	-2.4	586	1.4	937	1.4	4,115	0.4
1998*	8,868	2.4	40	0	587	0.2	930	-0.7	4,277	3.9
1999*	8,936	0.8	39	-2.5	595	1.4	921	-1.0	4,430	3.6
2000*	9,040	1.2	39	0	598	0.5	953	3.5	4,465	0.8

*Includes District of Columbia offices.

Source: Joint Center for Political and Economic Studies.

The Tortured Past of the African American Vote

A review of the place of African Americans in American politics is useful in contextualizing outcomes associated with the 1965 Voting Rights Act and to positing assumptions about minority groups and policy responsiveness. The effort of African Americans for social, political and economic advancement is perhaps the most protracted and data-rich campaign in the United States. We know also that President Lyndon Johnson had black Americans in mind when he began his push for the legislation.

A group so often the target of such distinct policy can be expected to have distinct policy interests. Still, why a Voting Rights Act? Why are African Americans, more than any other minority in the United States, so frequently the focus of policy? Events during the period of approximately 100 years after the Civil War are revealing of how African Americans have been negatively impacted by policy or have had policy designed to positively affect them prove ineffective. The level of analysis is mostly federal, although some state or local phenomena, such as the Black Codes in the post-Civil War South, also are reviewed. The original Voting Rights Act targeted the South and the Old Confederacy is the primary focus of this review, a choice made not because all actors and interests were Southern, but because what can be described as a Southern strategy dates back at least to the *Dred Scott* decision of 1857.

The review begins with the post-Civil War years, drawing heavily on the commentary of Rayford Logan, Hanes Walton Jr., M.L. Oliver and T.M. Shapiro, Linda Faye Williams, Juliet E.K. Walker and from journal articles in the late 19th and early 20th centuries.

POST-WAR FREEDOM, OR NOT?

In her analysis of the American social service system, Williams (2003) titled one chapter “America’s First Undeserving and Deserving Poor” in discussing federal aid that wound up being dispensed along racial lines immediately after the Civil War. Indeed, she argued that differentiations among groups, mostly ethnic and racial, established then cast a continuing shadow over how policymakers distribute costs and benefits today. She and other commentators on this time generally agree that powerful actors put in place an agenda for the newly-emancipated African Americans even as the last wisps of cannon smoke faded away over battlefields. That agenda was, according to Kousser (1984), to return the freedmen to the antebellum status held by free people of color and to bind them as much as possible to their plantation work roles. Stephenson (1906) also wrote that plans were under way right at war’s end:

When, in 1865, the Southern States found their slaves turned into freedmen, they could not conceive of negroes being or becoming an integral part of the body politic, but rather thought that particular arrangements for them should be made. (p. 46)

Most prominent of these early “particular arrangements” were vagrancy laws, or the Black Codes, the first post-bellum legal assault on emancipated African Americans. The first states to make special provisions in 1865 were Georgia and Mississippi, with Texas following the next year. After codifying who would be considered a Negro—typically by the amount of Negro blood (Browning [1930] noted that North Carolina set racial identity as proceeding from the mother, not the father, a definition that especially angered African Americans), state and local Southern governments began to erect laws circumscribing the physical movement of Negroes. Browning wrote that vagrancy laws in North Carolina included permitting Negro servants to leave their homes only on Sunday, only with permission and on condition of returning by sunset, and having visitors only with permission.

This retrenchment was slowed when, in a rare departure from a trend that would span nearly a century, the laws generally were abolished or ignored when the Congress wrested from the executive branch control of reconstructing the South. Rayford Logan (1965)

wrote that the Civil Rights Act of 1875 prohibiting segregation was the high point of the Congress' counteracting of the Black Codes. The United States Supreme Court nonetheless ruled the 1875 statute unconstitutional less than a decade later.

The Supreme Court, even then often in the role of spoiler of initiatives that were believed to benefit African Americans, was a latecomer to this fray.¹ The battle over the lot of the freedmen first was pitched between the executive and legislative branches.

FROM A MILITARY TO A STATUTORY FRONT

News of the Black Codes and reports of abuse and violence targeting southern Negroes led to what has been praised or excoriated as Radical, or Congressional, Reconstruction. The extraordinary measures taken by the national legislature beginning in 1865 were a policy invasion of the South on the order of the preceding military invasion.

Mendelson (1981) wrote that Ohio Rep. John Bingham, primary author of the 14th Amendment, saw the congressional action as justified by the South's own invasion of the rights of certain of its citizens, the freedmen. To Bingham, the amendment did not violate constitutionally-protected state sovereignty because it did not abridge any prerogative a state could claim in the first place. No state has the right to deny equal protection to any free man, Bingham said. Even commentators such as Dunning (1897), who tried to rationalize the violence toward the freedmen, acknowledged that the military governments set up under a series of progressively stringent Reconstruction Acts were fair and just and the only source of protection for the Negroes (see also Ross, 1998, on a Union Army commander's success in eliminating disease in New Orleans). Moreover, the Congressional Republicans crafting the first of a series of Reconstruction civil rights acts actually credited the ingenuity of their colleagues from a few years earlier. The Fugitive Slave Act of 1850, which mandated the return of runaway slaves to owners, "saved the cause of civil rights in 1866" (Kaczorowski, 1987, p. 59) in two ways: (1) by providing a blueprint for directly enforcing constitutional rights (slave owners') in national courts by national legal agencies and (2) by providing a precedent for congressional legislation enacted to enforce rights that were previously the domain of states.

Another commentator asserted that the Republicans actually were conservatives and sensitive to states' rights. Michael Les Benedict (1974) said about the 1866 Civil Rights Act:

The bill was to provide the threat of national assumption of jurisdiction over civil rights in order to force states to fulfill that role themselves... Jurisdiction would be taken from the state courts only so long as they enforced state laws or court procedures which discriminated... Once the states enforced these rights equally, there could be no removal of jurisdiction from state to national courts (p. 79).

Benedict's assertion is supported by Ahern (1979), who said legislators described as radicals in the 1860s became the 1870s Liberal Republicans advocating conciliation toward the South and a reduced federal role there.

Before then, however, Congressional Republicans appalled by the Black Codes set about laying the groundwork for freedmen's political participation, apparently in the naïve belief that black people would be able to navigate the political thicket in their own interests. Kaczorowski suggested that Republicans mistakenly equated victory on the battlefield with victory over the hearts and minds of those committed to subordination of black people:

White supremacists frequently met the attempts of freed blacks to assert their constitutionally guaranteed freedom with violent repression and economic intimidation. Moreover, they treated white Unionists and federal officers with disrespect, and resorted to economic intimidation and violence toward them as well... When Southern blacks and politically unpopular whites were the victims of crimes, they could not get sheriffs to arrest, courts to try, or juries to convict the perpetrators... Indeed, white Unionists and freed blacks were prosecuted and sent to prison during peacetime for aiding the U.S. forces during the war (p. 51).

FREEDMEN'S BUREAU, RECONSTRUCTION ACTS AND OTHER EARLY LEGISLATION

Legislators began with a relatively soft line. In short order in 1866, the 39th Congress passed a civil rights bill, the 14th Amendment for submission to the states for ratification and renewed the Freedmen's Bureau statute proposed by Abraham Lincoln shortly before his murder. The Civil Rights Act of 1866, although passed some three months before the second Bureau bill, was designed to pick up where it

left off. The Bureau was limited to the Confederate states but the Civil Rights Act extended protection for the freedmen to border states and again in the South after the federal presence and the Bureau ended (Nieman, 1978). The Republicans could not override Andrew Johnson's veto of the Bureau bill in February (they finally passed it that July) but did enact the Civil Rights Act over his veto by that April. The 14th Amendment came two months later and was ratified in 1868. As the Civil Rights Act was reinforcing to the Freedmen's Bureau act, the constitutional amendment was reinforcing to the Civil Rights Act by repeating the grant of citizenship. The inclusion was to guard against a future Congress overturning the statute and against a judiciary interpreting the 13th Amendment as merely ending slavery (Kaczorowski, 1987). The Court, of course, eventually did decimate all of the series of four Civil Rights Acts enacted from 1866 to 1875 and quickly spun the 14th Amendment to protect whites (Ross, 1998; Alexander, 1945).² The very next year after the amendment was ratified, justices thought to be sympathetic Republican appointees said a law passed by a biracial legislature violated white New Orleans butchers' rights—a law that Ross noted also would have benefited Negro butchers who lacked capital to establish their trade.

The 1865 law creating the Bureau of Refugees, Freedmen and Abandoned Lands was designed to help all races in the economically decimated South. As highly visible and tangible evidence of the might of the national government, it was—until the Congress the following year began passing a series of Reconstruction Acts that approximated an imposition of martial law—arguably the most controversial of the 1866 measures. The Freedmen's Bureau figured prominently in the struggle between the Congress, which in late 1865 had considered making it permanent, and Andrew Johnson, who was from the non-landholding, lower status/class white Southerner, a group described as hostile to African Americans, often viewing them as economic competition. Despite the socioeconomic difference, Southern planters and other white leadership preferred Johnson, who favored quickly returning the region to the Union virtually unchanged except for emancipation.

The Bureau, which had been debated in Congress for two years before Lincoln signed it into law as a one-year intervention in the South, was a policy interest of African Americans because, in addition to quickly providing protection from Southerners seeking to vent their

wrath, it established educational, health care and other social services. The Bureau also was the only recourse against theft or violence for African Americans victimized by Southern law enforcement and courts. In addition to military cover, among its other responsibilities was distributing to eligible people food and other provisions and, quite significantly, up to 40 acres of land that could be leased and later purchased at market rates. The Bureau controlled more than 850,000 acres of abandoned land by 1865 (Williams, 2003).

The 40 acres was called for in the March 3, 1865 act establishing the Freedmen's Bureau. Section 4 of the Act directed the setting aside for assignment to males of "loyal refugees and freedmen" not more than 40 acres for three years at a rent of no more than 6 percent of its value. The fate of the first attempt at implementation by Maj. Gen. Oliver Otis Howard, the Bureau's first commissioner, revealed Johnson's agenda. Williams wrote that Johnson and sympathizers were infuriated despite the requirements that freedmen work and save for themselves. Johnson, who controlled the Bureau and watched its operation in detail (Nieman, 1978), immediately squelched Howard's first effort. Howard later modified the plan to prohibit the transfer of land before it had been legally condemned. As a result, freedmen lost much of both the land they had begun to work and the crops they had grown. After the land was returned to the former owners, freedmen who refused to work for these owners were evicted. Oliver and Shapiro (1995) assert that this unrealized promise of land ownership is one of the historical explanations for the present-day disparity in wealth and asset accumulation between African Americans and other groups. The type of social construction described by Schneider and Ingram (1993) also was present. Williams wrote:

The aid provided by the Freedmen's Bureau to black men and women and their children was from the start meager, time-limited, and stigmatizing. It rapidly disappeared from the American agenda. Veterans' pensions—going disproportionately to white men, women, and their children—however, were very generous by nineteenth-century standards, were open-ended, and rapidly increased in coverage and amounts of stipends (p. 19).

Williams further commented on the normative implications of linking worth, race and social status:³

As the American ethos and white skin privilege institutionalized moral worthiness or desert according to race during the mid- to late nineteenth century, so it would do in following periods of American social policy innovation (p. 20).

Moreover, Johnson was relentless in his campaign to destroy the program. Despite the Bureau's coverage of whites, he said Congress had never seen fit to spend public money to help poor whites doing honest work for their living and indigent care therefore should not be extended more to one class of people than another. The Congressional Republicans, on the other hand, undoubtedly were concerned about safeguarding the personal safety of the Negroes (Nieman, 1978; Carpenter, 1962, et. al., but see also discussion about vote-seeking strategy later in this chapter) and providing the economic opportunities they needed; otherwise, any new political and civil liberties would be hollow (Logan, 1965).

Congress' differences with Johnson were a factor in his impeachment. Congressmen were receiving reports of frightening conditions for African Americans in the South—Army Gen. George Custer, for example, told of freedmen still being bought and sold and murdered.⁴ Congress reacted strongly and Johnson's veto of the Civil Rights Act in March 1866 "made the separation complete" (Blackburn, 1969, p. 121).

The Freedmen's Bureau did fail, however. Nieman writes that federal courts were overburdened with the widespread violence against Negroes, that federal judges then as now were reluctant to overturn jury verdicts and that U.S. attorneys and judges were Johnson appointees whose politics were likely to parallel his. The Negroes thus were denied the legal protection essential to freedom and citizenship. Nieman wrote:

At the end of 1866, bureau officials were no better able to provide the freedmen with legal protection than they had been a year earlier (p. 420).

The Bureau's doom was signaled by the 40th Congress: On July 6, 1868 Congress extended it for a year, but came back later that same month, on July 25, and directed that it be discontinued—except for providing for its educational services—by the following January. It had virtually disappeared by 1872.

The Bureau and the other 1866 legislative initiatives obviously fell short of Congress' expectations. A series of Reconstruction Acts, each tightening the reins on the Southerners, followed the next year. The Reconstruction Acts in turn were followed by a series of Force Acts some four years later. Scholars have done little to treat these statutes individually and to research the circumstances surrounding the passage of each, but their language strongly suggests that the legislators were reacting to white Southerners' finding ways to thwart legislative intent.

The first Reconstruction Act, of March 2, 1867, the first concrete step toward elective office for the freedmen, gave the military broad power over the Southerners. The Act declared the Southern governments, which were supported by Andrew Johnson, to be illegal and provisional only. The second Reconstruction Act just 21 days later spelled out how the Congress wanted the Southern state governments to be set up—via constitutional conventions that would include freedmen elected as delegates. The second act also specified conditions for participation by other Southerners and authorized the levying of taxes to pay for the conventions. The third Reconstruction Act followed some three months later, on July 19, increasing the power of the military commanders and again repudiating the Southerners' governments. It also gave the board responsible for voter registration rolls more power over determining eligibility, even to question the veracity of Southerners under oath. The fourth Reconstruction Act, of March 11, 1868, directed that elections be decided by majority of votes actually cast and authorized the election of House of Representatives members and other elective office at the same time the state constitutions were put to voters for ratification. A statutory flurry of 1871 typically was introduced with phrases such as "An Act to enforce..." The one of April 20, 1871, for example, was to enforce provisions of the Fourteenth Amendment, including making violators personally liable for the deprivation of others' rights, privileges or immunities. An act passed May 31, 1870, was to enforce the Fifteenth Amendment ratified three months earlier.

Finally, returning to the argument in this research project, Congressional Reconstruction is considered by some as an early example of policy responsiveness. E. Franklin Frazier (1935), while pointing out that the Freedmen's Bureau and the presence of federal military were responsible for whatever social, political and economic advances the freedmen were able to make in the aftermath of the war,

said only one was realized—political participation. A correspondent to *The Journal of Negro History* (Lynch, 1931), perhaps the John R. Lynch who was an African American elected to Congress from Mississippi in the 1870s, did not directly mention African Americans, but attributed Republican Ulysses S. Grant's 1868 winning of the popular vote and gains by Republicans generally to votes from the South. Although Grant likely would have taken the presidency via the Electoral College, those Southern Republican votes, which offset the Democratic victory in northern states such as New York, must have come from Negroes. In fact, white Southern Democrats were encouraged by the support of Democrats elsewhere, perhaps expecting that the Negro vote would become either a liability or be eliminated (see also Walters, 2003, arguing that whites crystallize across lines of class, region, ideology, party affiliation or other wedge issues, a convergence designed to maintain the subordinate status of African Americans). Although the re-election of Grant and a Republican sweep in 1872 damaged the Democrats, the gains were reversed two years later. Not surprisingly, Southern Democrats saw their 1874 victory as a repudiation of the Republican Reconstruction initiatives.

Painter (1987) said the freedmen were voting from self-interest:

The overwhelming numbers of black voters were desperately poor, and they voted their economic concerns. Their poverty and vulnerability to economic coercion and violence meant that any state government dependent on their votes would have priorities different from governments that represented planters and businessmen, who were employers. This combination of race and economics changed the face of southern politics (p. 5).

Indeed, the 1872 vote turned out to be justification for reducing the federal presence in the South. Ahern (1979) wrote that by then the Radical Republicans of the 1860s had become the Liberals favoring conciliation with the South. They felt comfortable in doing so because ratification of the 15th Amendment represented the "equilibrium" that had been upset by the South's recalcitrance. The amendment served to restore laissez-faire principles to politics, or the political thicket of later judicial parlance. The Negroes could use the ballot for self-protection, the legislators seemed to be saying.

The real or perceived necessity for the civil and voting rights initiatives of the 1960s suggests that something went amiss. The 13th

and 14th amendments were as inadequate in the face of separate-but-equal as the 15th Amendment was in the face of literacy tests, poll taxes and violence. The failure of the political process to work for African Americans in the South was so complete that rarely heard were sentiments such as those of a 1957 writer bemoaning how Section 2 of the 14th Amendment, which requires reducing the number of legislators from states that discriminate in voting, had been ignored: ⁵

Does anyone seriously question the fact that the suffrage of Negroes has been abridged for almost one hundred years in the South? Is it not likewise true that no action has been taken under the Fourteenth Amendment to reduce the basis of representation of Southern states? (Nabrit, 1957, p. 421)

EARLY AFRICAN AMERICAN REPRESENTATION: SUBSTANTIVE, DESCRIPTIVE OR BOTH?

With Andrew Johnson, their nemesis in the presidency, neutralized, the Republicans in Congress turned to expanding the citizenship rights of the freedmen. They would be expected to legislate favorably to the Negroes, who would become loyal Republican voters, and set about investing them with the perquisites of citizenship. For the first few years after the war's end, African Americans were voting ⁶ and being elected to office.

The governments in which the first African Americans served replaced the military-led governments the Congress established with the first Reconstruction Act, although a federal military presence continued as protection for these new officials. The way for participation in electoral politics was opened with that March 2, 1867 "An act to provide for the More Efficient Government of the Rebel States." The Act, since "no legal state governments or adequate protection for life or property now exists" in Virginia, North Carolina, South Carolina, Mississippi, Alabama, Louisiana, Florida, Georgia, Texas and Arkansas, called for:

- Dividing the states into military districts subject to military authority of the United States.
- States to ratify a constitution approved by a majority of male delegates 21 and older and who have lived in the state for at least a year, except for those who participated in the "rebellion."

- States to adopt the 14th Amendment.

The constitutions were to be crafted at state conventions, to which delegates were to be elected regardless of race, previous servitude, etc., called for in a second Reconstruction Act a few weeks later on March 23. The gatherings often were mocked as black-and-tan conventions because they were racially integrated. Always controversial, they were simply ignored or treated with obfuscation and bias by observers then and later and caricatured by the Southern white resistance to incite opposition to Congressional Reconstruction. One researcher (Work, 1920) offered an explanation for his difficulty finding data on personalities and proceedings: “American public opinion has been so prejudiced against the Negroes because of their elevation to prominence in southern politics that it has been considered sufficient to destroy their regime and forget it” (p. 63).

By the 1970s, however, Richard L. Hume (1977) had been published and completed a doctoral dissertation on the black-and-tan conventions. Albeit heavily anecdotal, his and Work’s research provides insight into those meetings and clears up some of the misinformation. Hume used data from the 1870 census to portray whites from outside the South, the maligned carpetbaggers of lore, as in reality men of property, who included high-ranking former military officers, who were idealistic and business-oriented, and who wished to model the South on the North they considered more progressive. They were a mere 16 percent of the delegates, but were well represented in leadership, some continuing in public service afterwards. They especially were visible on committees responsible for social programs—free public education, for example—that were of long-term benefit not only to the freedmen, but to all Southerners.

One of the more damaging images Hume dispels is that of a convention dominated by these outside whites and Negroes. Of the 1,011 delegates who wound up participating in the 10 state conventions, more than half, 549, or 54 percent, were whites who had lived in the Confederacy before 1860, while 257, or 25 percent, were Negroes or mulattoes. The convention from South Carolina, a state with a black majority population, was the only one with an absolute majority of Negroes.

Work and other earlier writers also observed that most of these Negro public servants had not been slaves, but were free men of color, some owning slaves themselves. Their professional occupations and

educational levels were similar to those of white legislators. A Texas legislator, for example, was a bank president at the time the researchers for the Work article contacted him. A former South Carolina legislator was instrumental in founding South Carolina State College in Orangeburg. We will learn in Chapter 4 how another group of well-educated African Americans may have been mischaracterized in the Great Migration: level of education and occupation are important predictors of organizational skill for political activity.

Finally, a South Carolina source told Work that nearly 80 percent of that state's Negro public servants were natives, while the so-called carpetbaggers and scalawags were about evenly divided between natives and those from elsewhere.

More pertinent to this research question, however, is the extent to which the Negro public servants were able to influence policy. Again, although little research was done or has survived—especially quantitative analysis—some writers suggest that the tenure of African American legislators was substantive, not merely descriptive, representation. For example, Work's source for Tennessee wrote that "when they changed the form of government in Nashville, there was a colored man a member of the Board of Aldermen... Two colored men were elected to the council. As a result, two fire companies were given to colored men." (p. 115)

The South Carolina source proudly pointed out that that state's 1868 constitution stood unchanged until 1895, nearly 20 years after the Democrats had regained power from the Republicans.

Table 2-1, from Work's article, and Table 2-2, reprinted from Hume's 1977 article, provide a numeric description of the individual state delegations. Although the numbers were compiled from various sources within the Work article and as such cannot be considered definitive, they do not differ greatly from Hume's.

DISFRANCHISEMENT, DILUTION: DOOMING THE VOTE

Even while the African Americans were voting, engaging in public service and otherwise exercising the privileges of citizenship, they were the targets of an intense campaign of disfranchisement. Kousser (1984) categorized into four basic phases what by the 1950s had become almost complete elimination of African Americans from Southern politics. Three of the four have to do with electoral politics, impediments that in turn were later targeted by the 1965 Voting Rights Act.

In the violence-ridden Ku Klux phase, clandestine groups used force, intimidation and fraud against African Americans. Lewinson (1932) waxed cynical on the extremism of the period:

The emergence of revolutionary tactics showed clearly how deeply the South resented the participation of the Negro in politics. Misgovernment was, indeed, an issue, but elsewhere misgovernment did not produce the violent reaction we shall now describe. The force of arms, economic and social pressure, the rejection of orderly methods of election, were not invoked against the Tweed Ring in New York, or the Gas Trust in Philadelphia (p. 54).

African Americans elected to national office during Reconstruction spoke about the violence and Ku Klux activity. The last remaining African American in the Congress, the 56th House of Representatives, argued in vain for federal government jurisdiction over lynching and death by mob violence (Taylor, 1924). Further, although the Congress reacted with legislation, including the appropriately titled Ku Klux Klan Act of 1871, the attacks helped drive millions of African Americans from the South to the North and Midwest. The primary destination was urban centers, a choice that would be a factor in important Supreme Court decisions affecting voting a century later—among them the *Reynolds v. Sims* decision about district population size described later in this chapter.

Kousser's other phases have to do with disfranchising or vote dilution. Next on his list is the ouster of those black voters and candidates who persisted in politics. By the end of the 19th century, white-controlled state legislatures had passed disfranchising mechanisms that disproportionately affected African Americans.⁷ These poll taxes, literacy tests and exclusions for various offenses (one Alabama statute, for example, disqualified voters for wife-beating) also could be selectively enforced at the precinct level. In addition, would-be African American voters often found their residential areas de-annexed from political jurisdictions and posts switched from elective to appointive to thwart office seekers. What was afoot was clear and openly acknowledged by at least one observer of the time:

Within the last two years, two more steps have been taken in the counter-revolution which the Southern states are conducting against the Republican reconstruction measures of

the sixties and early seventies. Alabama and Virginia have adopted new constitutional provisions for the exclusion of negroes from participation in politics. By these acts the number of states that have engaged in this policy has been raised to seven: Mississippi pointed the way in 1890, South Carolina followed the lead in 1895, Louisiana came in 1898, North Carolina in 1900, Maryland in 1901... (McKinley, 1903, p. 480).

Kousser next writes that the lily-white primary was a way to dilute the votes of African Americans who persisted in politics. The all-white primary allowed white voters to narrow the field of candidates for a particular office to one person; if that candidate faced a minority-favored candidate in the general election, white voters could vote as a bloc to defeat the minority. Kousser's fourth phase is about minimizing the effect of African American voters as a cohesive group. Where these voters could not be eliminated otherwise, political lines could be manipulated by, for example, establishing at-large districts.

The beleaguered Negroes did resist the post-Reconstruction onslaught, even after several setbacks in the Supreme Court and in the national legislature. In fact, none other than the arch-accommodationist Booker T. Washington supported changing state laws considered adverse to political participation, secretly hiring an African American lawyer from New York to challenge a provision in the Alabama constitution. The challenge failed, however: The Supreme Court in that case, *Giles v. Harris* (1903), held that it was not a matter for the Court, but a political question best left to Congress and the state legislatures. The Congress almost simultaneously declared such suffrage issues best addressed by the courts. African Americans thus were marginalized as the *Giles* case signaled that political institutions were no longer accessible to African Americans. Kousser contended that *Giles* shared an infamous similarity with the opinion of Justice Taney in *Dred Scott v. Sandford* (1857) that the descendants of African slaves had no rights to be respected by the national government. Within the same decade, however, W.E.B. DuBois and others began laying the groundwork for continued resistance. They were part of the Niagara Movement, which repudiated Washington's (accommodationist) leadership and urged Black men to reclaim the vote. The Movement dating from 1905 was the precursor to the National Association for the Advancement of Colored People.

Although years would pass, African Americans—often empowered and emboldened by their experiences in World Wars I and II—gradually found the momentum and means to challenge discriminatory treatment. Denied conventional participation at the voting booth, they employed other strategies in their effort to re-enter electoral politics. A. Philip Randolph, for example, extracted concessions from Franklin Roosevelt by threatening a march on Washington. In 1957, he declared that African Americans would be forced into such mass direct action until they could vote in large numbers.

LEGISLATION, COURT DECISIONS: A SECOND RECONSTRUCTION

National leadership began showing more interest in African Americans as voters, attention that may have followed the mass movement from the rural areas to the cities and out of the South.

Reynolds v. Sims: Empowering Urbanites

One wonders, therefore, what role the growing urban African American population played in the case that marked a turning point in the United States Supreme Court's attitude toward issues of voting and the relative powers of the federal and state governments?⁸ In *Reynolds v. Sims* (1964), the Court signaled its readiness to re-enter territory it had relinquished following Reconstruction, when it ruled repeatedly that state sovereignty trumped discrimination against African Americans in public accommodations and other areas. *Reynolds* was, in fact, singled out by Chief Justice Earl Warren as one of the most important decisions of his career. In agreeing with the plaintiffs' call for equi-populous election districts, the Court held that the right of suffrage must not be denied by debasement or "dilution" (p. 2) of a citizen's vote. The decision meant that the densely populated urban areas could gain more representation than rural areas.

The Court was saying that the right to vote was fundamental and on a par with the Bill of Rights (Mendelson, 1972). The equal protection under the law vouchsafed by the 14th Amendment was a right of citizenship not to be invaded by states or other lesser jurisdictions. This judicial philosophy heralded the end of many voting qualifications and other access-to-the-ballot measures put in place on the state level.

The *Reynolds*' plaintiffs alleged that voters in urban counties were being discriminated against because election district lines were not

redrawn in response to population changes, meaning that counties could lose population but not their level of representation. Although M.O. Sims of Birmingham, Alabama, and the other plaintiffs were white urban residents, *Reynolds* was a victory for the millions of African Americans crowding large cities. Speaking shortly after the Court's decision, Pritchett (1964) compared *Reynolds* to *Brown v. Board of Education* nine years earlier. He said the school issue was a social revolution and the districting a political revolution. He pointed out that the 1920 Census revealed that the once-dominant rural America had become a minority:

Since that time white, Protestant, rural America has been on the defensive, seeking to maintain in race, religion and politics its former superiority. Urban America, the new majority, has offered to the Negro the opportunity to escape from the bondage of rural peonage, as it had earlier permitted European immigrants to rise in economic and social status (p. 870).

The remarks were part of his presidential address to the American Political Science Association meeting in Chicago; he also referred to the Court's use of the 14th Amendment.⁹

As were the Republicans in Reconstruction, northern Democrats likely were aware of the urban throngs as potential voters—although little evidence exists that any Democrat actually voiced this as a reason. In contrast, Reconstruction Republican Charles Sumner was candid about gaining support at the ballot box from the newly-enfranchised Negroes—both in and out of the South. As quoted in Weeks (1894), Sumner wrote in part:

Let our colored fellow-citizens vote in Maryland, and that state, now so severely tried, will be fixed for human rights forever. Let them vote in Pennsylvania, and you will give more than 20,000 votes to the Republican cause (p. 682).

It must be emphasized, however, that Sumner and colleagues were altruistic, envisioning the Negroes using the vote as a self-help tool to elevate themselves and knowing that the Republican Party was the one most committed to assisting that effort.

Lewinson (1932) observed that cities attracted African Americans of higher socioeconomic status, the ones most capable of leading the group mobilization that was to emerge toward the middle of the 20th Century. Frazier (1935) also wrote that even enslaved African

Americans who lived in cities fared better than those on the plantation and that by 1930 the most important emerging class was the industrial proletariat. These arguments were supported by Fischer (1976), who said numeric minorities tended to be better organized in large cities. African American voters, albeit still the least assimilated socially and politically, could represent the margin of victory for a white candidate (see Cingranelli, 1981, for an account of how African American electoral support might affect the distribution of municipal resources). Lewinson reported that African American community leaders in urban Tennessee delivered votes for white political leaders. Kousser and Banfield and Wilson (1963) both wrote of the relationship between increasing urban racial and ethnic diversity and the reform movement of the early 20th century, suggesting that the reformers' preference for at-large districting and for city manager or commissioner forms of government over the ward-based, strong mayor form was to allow middle-class suburban voters to control the policy and electoral choices of the ethnic and immigrant inner city voters.¹⁰

Although *Reynolds* did not specifically address the question of African Americans, that focus emerged with the 1965 Voting Rights Act. In his majority opinion for *South Carolina v. Katzenbach* (1966), the case that established the Act's constitutionality, Chief Justice Warren wrote that "Congress explored with great care the problem of racial discrimination in voting... Congress concluded that the unsuccessful remedies it had prescribed in the past would have to be replaced by sterner and more elaborate measures in order to satisfy the clear commands of the Fifteenth Amendment" (p. 14). The next 20–30 years saw an increasingly expansive view of voting rights, though not without twists and turns along the way.

Allen v. State Board of Elections: Pre-Clear Rule Changes

Two years after the *Katzenbach* validation, a case went to the Supreme Court that moved the focus toward outcomes associated with voting, or what the individual expected from the act of casting a ballot. The first expectation was electing preferred candidates, or second-generation outcomes. Because electing a preferred candidate turns on how individual votes are aggregated, attention was directed to districting.

Although the drawing of boundaries is not specifically mentioned in the Voting Rights Act, the Supreme Court in 1969 held that a change in the way boundaries are set could be covered. In *Allen v. State Board*

of Elections, the Court found that a jurisdiction must gain Justice Department approval before switching from district, or ward-based, to at-large elections. Chief Justice Warren, writing for the majority in *Allen*, referred to the “history some States had of simply enacting new and slightly different requirements with the same discriminatory effect” (p. 4) after having been found to have illegally excluded African Americans from voting. Warren advised the Court to “reject a narrow construction... the Act gives a broad interpretation to the right to vote,” recognizing that voting includes “all action necessary to make a vote effective” (p. 15).

Specifically, Section 13 (c) 1 of the Act reads: “The terms ‘vote’ or ‘voting’ shall include all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election” (p. 40).

The *Allen* decision, which involved three cases from the state of Mississippi and one from Virginia, turned on a test of Section 5 of the Act. Known as the “pre-clearance” provision, this part requires covered jurisdictions to seek Justice Department or a special district court approval before making changes affecting voting if the change is to a “standard, practice, or procedure” that was in effect before November 1, 1964, a date extended in later revisions. The changes in Mississippi were switching from district to at-large election of county boards of supervisors, requiring that school superintendents be appointed by their respective boards of education, and several changes that made it more difficult for independent candidates to run in the general election. The suits, which were brought by candidates, charged that the changes negatively affected their prospects for election. The Virginia case, on the other hand, was brought by functionally illiterate registered voters who challenged changes to procedures for assisting persons who were illiterate or otherwise unable to perform various steps in casting a ballot.

In defense of the changes there, the state of Mississippi argued for a narrow construction of voting. The state attorneys contended that the Act covered only those state enactments affecting who may register to vote, that it did not address questions such as the qualifications of

candidates or which offices should be elective. Warren countered that the Act “was aimed at the subtle, as well as the obvious, state regulations which have the effect of denying citizens their right to vote because of their race” (p. 15). Frequently returning to his contention that states may not be trustworthy, he repeated a comment from his majority opinion in *Katzenbach*:

Congress knew that some of the States covered by (Section) 4 of the Act had resorted to the extraordinary stratagem of contriving new rules of various kinds for the sole purpose of perpetuating voting discrimination in the face of adverse federal court decrees. Congress had reason to suppose that these States might try similar maneuvers in the future in order to evade the remedies for voting discrimination contained in the Act itself (p. 15).

Dissenting judges echoed Justice Holmes in the 1903 *Giles* decision—that suffrage laws are the purview of state and local authorities. Among the more vocal were Black and Harlan. Even before *Allen*, in a concurring and dissenting opinion in *Katzenbach*, Black castigated the Section 5 pre-clearance as requiring states to come to Washington to have their laws judged and compared the provision to pre-revolutionary English rule of American colonies. Similarly, in a dissenting and concurring addition to the *Allen* case, Harlan saw the Court as misinterpreting the intent of the Voting Rights Act. He feared the Court was encroaching on states’ rights and requiring the judiciary “to determine whether various systems of representation favor or disfavor the Negro voter—an area well beyond the scope of Section 4” (p. 27). Issues of federalism have resurfaced yet again in the wake of the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

Ultimately, *Allen* built upon *Reynolds v. Sims* in that following the one-person-one-vote affirmation in *Reynolds*, voting rights advocates then could turn to how individual votes were aggregated. The *Allen* decision immediately meant that a jurisdiction could not draw, or redraw, election district lines so as to make it more difficult for African Americans to elect a favorite candidate, in many cases a fellow African American. If the vote aggregation worked against this control, reasoned voting rights advocates, then the motives of those (usually white officials) in charge of drawing the lines must be suspect. Other courts, however, would demand proof of suspect intentions.

Whitcomb v. Chavis: Setting the Stage for ‘Discriminatory Intent’

Just over two years after *Allen*, the justices turned to a Midwestern venue in *Whitcomb, Governor of Indiana v. Chavis*¹¹ (1971). In spite of its earlier suspicion of at-large districting as potentially discriminatory, the Court held that an extraneous factor—the unpopularity of the Democratic Party and not racial discrimination—was the reason ghetto residents in Indiana could not elect their preferred candidate.¹² Two key points in Justice Byron White’s majority opinion were (1) although multi-member districts could be subject to legal challenge, the challenger must be the party to show minority vote dilution and (2) even if multi-member districts were proved discriminatory, the remedy is not always switching to a single-member district “with lines drawn to ensure representation to all sizable racial, ethnic, economic, or religious groups” (p. 2).¹³

The line of reasoning in White’s first point laid the groundwork for the Court’s later requirement of racially discriminatory intent as a standard for proving vote dilution. The debate over “intent” was a major cause of the conflict between the legislature and the judiciary that persisted through much of the 1980s.

Mendelson (1972) made much of *Whitcomb*’s rejection of the notion that any sizable, geographically compact group with distinctive interests is entitled to at least one legislative seat, an issue that was to command great attention in the coming year. Moreover, language in *Whitcomb* illustrates how in less than a decade the voting rights debate had moved from first- generation—or the mere right to cast a ballot—to second generation, the ballot caster’s expectation of some preferred outcome flowing from her action. Three of the *Whitcomb* findings, with the suspect phrases in italics, are:

1. The actual, as distinguished from the theoretical, impact of multi-member districts on *individual voting power* has not been sufficiently demonstrated on this record to warrant departure from prior cases involving multi-member districts, and neither the findings below nor the record sustains the view that multi-member districts overrepresent their voters as compared with voters in single-member districts, even if the multi-member legislative delegation tends to bloc voting.

2. Appellees' claim that the fact that the number of ghetto residents who were legislators was not proportionate to ghetto population proves invidious discrimination, notwithstanding the *absence of evidence that ghetto residents had less opportunity to participate in the political process*, is not valid, and on this record the malproportion . . . was due to the ghetto voters' choices losing the election contests.
3. The trial court's conclusion that, with respect to their unique interests, ghetto residents were invidiously underrepresented due to the lack of their own legislative voice, was not supported by the findings. Moreover, *assuming bloc voting by the county delegation contrary to the ghetto majority's wishes*, there is no constitutional violation, since *that situation inheres in the political process*, whether the district be single- or multi-member.¹⁴

Although the Court already had held in *Fortson v. Dorsey* (1965) and *Burns v. Richardson* (1966) that multi-member districts were not inherently unconstitutional, its *Whitcomb* decision was perceived as a setback for what Mendelson (1972) terms substantive equal protection. The wording in the opinion echoes Justice Harlan's dissent, in *Allen*, that federal intervention should be limited because state governments would be responsive when African Americans had access to the voting booth—suggesting that the extent to which these African Americans actually control electoral outcomes was not the paramount issue. The Court also reasoned that any losses incurred by African Americans obtained from the “political thicket” and to be expected in the give-and-take of politics in a system of majority rule. Justice Douglas dissented, however, pointing to the discrepancy between residences of elected representatives. Although the surrounding mostly white suburbs were less populous than the ghetto area, they were where most elected officials lived.

Voting rights advocates were unhappy with *Whitcomb*, but not just because they believed that the Court seemed to have turned its back on the principles set out in *Allen*. Advocates felt *Whitcomb* trailed unresolved issues, among them how to prove denial of access to the political process (Kosterlitz, 1987) as referenced in the third of the excerpts cited above. Two years later, the Court would attempt to supply answers with *White v. Regester* (1973).

White, Zimmer, Nevett: Aggregate Versus Intent

Three cases that, although crossing judicial boundaries, illustrate the Supreme Court's decreasing support of an expansive interpretation of the Voting Rights Act were in Texas, Louisiana and Alabama.

The plaintiffs in *White v. Regester*, who were both African American and Hispanic, charged that the multi-member districts in the Texas counties of Dallas and Bexar diluted their voting power in violation of the Equal Protection Clause of the 14th Amendment. The Court agreed, pointing to a history of discrimination in the state. Other factors cited were lack of minority elected officials in the jurisdictions, a white-dominated Democratic Party selection process, the use of candidate slating and racist campaigning, and "cultural incompatibility... conjoined with the poll tax and the most restrictive voter registration procedures" (p.20, *Mobile v. Bolden*). Cultural incompatibility referred to the Hispanics' language differences. Justice White's majority opinion also singled out Dallas County's at-large "place" system, in which all voters vote on a series of head-to-head contests for each position. He referred to the District Court's view that these electoral characteristics, though not in themselves improper, enhanced the opportunity for discrimination. In all, the separate points amounted to a "totality of circumstances" that, taken together, discriminated against the minority voters.

Guidance for voting rights litigation for most of the next seven years actually came from a lower court ruling that referred back to *White*. In questioning the switch to at-large elections in a Louisiana parish where African Americans were a majority of the population though not of voters, the Fifth Circuit Court of Appeals in *Zimmer v. McKeithen* (1973) made frequent references to the *White* opinion, especially to its totality-of-circumstances language. The *Zimmer* case originated in a rural Louisiana parish, where African American voters, in challenging the multi-member districting arrangement for school board and police jury seats, cited the Equal Protection Clause and the pre-clearance provision of the Voting Rights Act. The district court had pointed to the fact that African Americans were the population majority, albeit the voting minority, in justifying its conclusion that multi-member districting did not dilute voting strength. However, the appeals court said districting turns on the extent to which a minority has an opportunity to elect a preferred candidate, not population size, and reminded that African Americans in the parish were barred from

registering to vote between 1922 and 1962. Building upon the totality-of-circumstances standards presented in *White*, the appellate court added (1) minority group access to the process of selecting candidates; (2) how legislators respond to minority constituents; (3) whether the state has a compelling interest, or whether the multimember districting scheme is “rooted in strong state policy divorced from racial discrimination” (p. 8); and (4) history of discrimination. Like the Supreme Court in *White*, the appeals court was careful to state that any one of the standards would not in itself suggest vote dilution, but should be considered as part of an aggregate, or totality of circumstances.

Any satisfaction provided to voting rights advocates by the *Zimmer* and *White* decisions was short-lived. The beginning of the 1980s marked an intensification of the controversy over interpretation of the Voting Rights Act as differences sharpened between the Court and the Congress. The clashes revolved around the Court’s requirement of “discriminatory intent” (recall the third point in the *Whitcomb* opinion). The justices were saying that the effects of a districting arrangement—as measured by some level of insufficiency in minority preferred candidates winning election, for example—were not enough to prove a violation of the Voting Rights Act, that what was required was evidence of intent to violate.

The intent standard may be traced to a Supreme Court decision in a case that had to do not with voting, but with employment. The Fifth Circuit Court of Appeals in *Nevett v. Sides* (1978) took from a Supreme Court decision in *Washington v. Davis* (1976) in ruling that a vote dilution claim requires proof of discriminatory intent. The *Washington* case involved African American police officers in Washington, D.C., who claimed they were disproportionately impacted by a personnel test. The Supreme Court held that, lacking a racially discriminatory intent or purpose, disproportionate impact was insufficient proof.

Although the Fifth Circuit said the *Nevett* intent standard could be met by using the aggregate standards from *Zimmer* (Kosterlitz, 1987), the Supreme Court in *Mobile v. Bolden* in 1980 chided lower courts for doing just that to prove vote dilution. The justices said the aggregate could offer merely “some evidence” (p. 13) of discriminatory purpose.

The *Nevett* case was filed by a group of African American residents of Fairfield, Alabama, an industrial suburb of Birmingham, who charged that their votes were submerged under the at-large system

of electing the mayor and city aldermen. Fairfield's "place" system also required that candidates for each post compete in head-to-head contests; each voter was entitled to one vote for each position. The judges noted that neither side emphasized when the city instituted the at-large election system, and that the Court therefore assumed that the present system was the one being used at all relevant times. A 1909 Alabama statute gave to cities the size of Fairfield the option of using at-large elections.

The issue of discriminatory intent was not new to voting rights litigation, however. Recall that in *Fortson v. Dorsey* (1965), the Supreme Court reversed a lower court ruling holding unconstitutional Georgia's required at-large senatorial elections in multi-member counties. Even though the Georgia statute was enacted in 1962 and affected large, urban counties such as Atlanta's Fulton County, the Supreme Court wanted more information. In the eight-justice majority opinion (Justice Douglas dissented, arguing that the statute violated the Equal Protection Clause), Brennan wrote:

It is true that appellees asserted in one short paragraph of their brief in this court that the county-wide election method was resorted to by Georgia... in order to minimize the strength of racial and political minorities in the populous urban counties. But appellees never seriously pressed this point below and offered no proof to support it, the District Court did not consider or rule on its merits, and in oral arguments here counsel for appellees stressed that they do not rely on this argument. The record thus does not contain any substantiation of the bald assertion in appellees' brief (p. 6).

As an example of what constitutes an invidious purpose, the Supreme Court was fond of citing its decision in *Gomillion v. Lightfoot* (1960). In that case, the Court concluded that the state legislature redrew Tuskegee, Alabama's municipal boundaries solely to push large numbers of African Americans out of the city limits. The appeals court judges could find no such deliberate discrimination in the *Nevett* case. Circuit Judge Tjoflat wrote in *Nevett* that absent this intent, "the inquiry becomes one of determining whether the influence of a given racial group has been distorted because its members have been denied equal access to the political processes such as party nominating procedures,... registration, and, of course, voting" (p. 6). Tjoflat referred to the two-pronged test of vote dilution set forth in *Zimmer*: (1) primary

factors that include a group's accessibility to the political process, such as slating candidates, policy responsiveness, and the effect of past discrimination on the group's political participation; and (2) enhancing factors that include size of the district, whether winners are selected by majority or plurality vote, the number of candidates for which a voter must vote, or the existence of anti-single shot rules, and residency requirements for candidates.

In summary, important court decisions through the 1970s showed no clear standards of how expansively voting rights should be interpreted—*White* and *Zimmer* supported an expansive view, while *Nevelt* was more restrained. The 1965 Voting Rights Act was therefore marked by continued uncertainty over implementation as courts increasingly called for proving discriminatory intent. Voting rights advocates complained that meeting these standards required nothing short of clairvoyance in plumbing the minds of suspected violators.

Bolden: The Trigger for Congressional Intervention

The Fifth Circuit Court of Appeals clashed with the Supreme Court on the issue of intent in *Mobile v. Bolden* (1980), when the appellate judges upheld a district court ruling that Mobile, Alabama's at-large election of a three-member commission unfairly diluted the voting strength of African American residents. The Supreme Court reversed, making it clear that if a jurisdiction could find any race-neutral justification for its districting scheme, then that jurisdiction potentially could withstand a charge of discrimination. The court plurality said Mobile's system was used by "literally thousands" (p. 26) of other cities. Even the *Zimmer* criteria that had been guiding the Fifth Circuit did not escape the Court's disdain in this instance. Justice Stewart wrote in the plurality opinion¹⁵ that the Supreme Court affirmed the judgment of the Court of Appeals in *Zimmer v. McKeithen* on grounds other than those relied on by that court and explicitly "without approval of the constitutional views expressed by the Court of Appeals" (p. 12). Although Stewart blamed the Appeals Court's misstep on the fact that *Bolden* predated *Washington v. Davis*, the Appeals Court's *Nevelt* opinion—which did chronologically follow *Washington*—included a reference to *Bolden*. The appellate judges appeared to justify their *Bolden* decision on the grounds that "a plan legitimate at its inception may become a vehicle for intentional discrimination and hence becomes unconstitutional when changing circumstances render it

invidiously discriminatory” (p. 10 in *Nevett v. Sides*). Neither the appellate judges nor their critics on the Supreme Court seemed to agree with Kousser (1984) and Banfield and Wilson’s (1963) contention that discriminatory motives did indeed underlie the switch to at-large systems in the reform movement in the early part of the 20th Century. *Bolden* also was a forum for opposing views on the appropriateness of using electoral outcomes, which would dominate the 1990s voting rights debate, as a measure of vote denial or dilution. Supreme Court Justice Thurgood Marshall, who was careful to say he was not advocating proportional representation, pushed for a set of judicial standards that would include a covered minority’s ability to elect preferred candidates. However, the Court rejected such a standard as a form of “judicial inventiveness” (p. 15, *Mobile v. Bolden*) that went beyond constitutional issues.¹⁶ Justice Stewart was referring to Marshall as the dissenting opinion in the following:

Whatever appeal the dissenting opinion’s view may have as a matter of political theory, it is not the law. The Equal Protection Clause of the Fourteenth Amendment does not... require proportional representation as an imperative of political organization. The entitlement that the dissenting opinion assumes to exist simply is not to be found in the Constitution of the United States (p. 15).

Further, the decision repeated a worry about opening the floodgates to other communities of interest. They referred back to *Whitcomb*:

The District Court’s holding, although on the facts of this case limited to guaranteeing one racial group representation, is not easily contained. It is expressive of the more general proposition that any group with distinctive interests must be represented in legislative halls if it is numerous enough to command at least one seat and represents... a majority living in an area sufficiently compact to constitute a single-member district (p. 17).

Despite the Court’s concern, geographic concentration was to become one of the standards for districting. A series of rhetorical questions in *Bolden* was directed at Justice Marshall’s ideas of group representation,¹⁷ i.e., how to define members of a political group in a particular jurisdiction, how large a group must be to be considered a

political group and whether only a voting minority could be so categorized.

The *Bolden* intent requirement dismayed voting rights advocates and litigation fell dramatically in its wake. Table 2-3 shows the number of Section 5 pre-clearance cases in which the Department of Justice participated in the years immediately before and after the 1980 *Bolden* decision and the 1982 amendments to the Voting Rights Act. The small numbers in 1981 and 1982 may reflect the uncertainty in the interval between *Bolden* and the amendments. Derfner (1984) even saw *Bolden* as eventually wiping out any benefit from the Voting Rights Act. Disaster was averted by an accident of timing; *Bolden* was handed down just before the Act's scheduled expiration on August 6, 1982. *Bolden's* six separate opinions foreshadowed the intense debate among lawmakers, what Derfner described as "one of the hardest fought civil rights battles of modern times" (p. 145).

Legislative Intent Is Revisited

Two points of view would be represented as the national debate shifted from the judicial to the legislative arena. Those dissatisfied with *Bolden* sought a vote dilution standard that would focus on the effects of discrimination, arguing that the intent standard was impossible to meet and would send plaintiffs on an endless search for a smoking gun of invidious purpose. Those satisfied with the decision worried that a results test would lead to proportional representation (Kosterlitz, 1987). According to Kosterlitz, Congress' mission was to clarify the standards for proving vote dilution and to address complaints about the stringent intent standard.

Most of the legislators' attention was on Section 2 of the Voting Rights Act, that portion extending the Act's reach outside the South, which was revised after a compromise assembled by Kansas Sen. Robert Dole. The revision specifically disavowed any endorsement of proportional representation, but made clear that legislators wished to broaden the concept of voting beyond first generation rights, or the mere casting of a ballot.

A noteworthy revision was the reference to "totality of circumstances," a phrase used in *White v. Regester* and in several of the cases reviewed by the Fifth Circuit Court of Appeals. The inclusion of the phrase suggested Congress' concern over the Supreme Court's intent requirement. The Congress strengthened its message by

including with the Senate bill a copy of a report, by the Senate Committee on the Judiciary, containing factors that a court could use in determining vote dilution (Kosterlitz, 1987; Derfner, 1984).¹⁸ The combination of the revision and the Senate factors was designed to give direction to the judiciary's task of determining vote dilution, a message not lost on the Supreme Court. Barely a month after the enactment of the 1982 amendments, the Court decided *Rogers v. Lodge* (1982),¹⁹ which helped undo "the damage" wrought by *Bolden* (Derfner, 1984, p. 145). In addition to reversing the direction of voting rights law that had been set in *Bolden*, the 1982 revision also made it more difficult for covered jurisdictions to "bail out" of the Voting Rights Act and extended its life for 25 years. Note that the 2006 reauthorization of the Voting Rights Act was fairly clear about Congress dissatisfaction with the direction of the judiciary's reasoning on minority voting rights (see Note 9, Chapter 1, of this book).

Derfner predicted that the revised Section 2 would give rise to more and more vote dilution cases being decided on statutory grounds, as opposed to constitutional bases. He noted that by the time of his writing the Supreme Court had remanded to lower courts several cases on the basis of Section 2, not constitutional, grounds. Still, the shift left the courts as the final word—the judiciary can throw out a statute it believes violates some constitutional principle. That is precisely what the Supreme Court suggested some 10 years later—ruling that some districting violated the constitutional right to equal protection, but for white, not minority, voters.

However, immediately after the 1982 amendments rejuvenated voting rights activists did bring more suits against districting schemes, and the task fell to judges to apply the legislative principles to cases actually brought in court. Indeed, plaintiffs met with greater success in the wake of the 1982 amendments. Perhaps the most distinguishable outcome was in descriptive representation. The number of African American elected officials rose sharply, registering, in most cases, the largest increases since the period just after passage of the Voting Rights Act or after the *Allen* decision cleared the way for voting rights advocates to challenge vote dilutive changes.

However, judges could not always agree on an interpretation of the statute revised in 1982. Kosterlitz (1987) reported that in the first few years after Congress' action, appellate and district courts gave varying

weights to the Senate factors and the language in the Section 2 revision. Yet more direction was required from the court.

Gingles: The Three-Pronged Solution

The Supreme Court decision in *Thornburg v. Gingles* (1986) did much to fill in the blanks. The *Gingles* opinion marked the first time since the 1982 amendments that the high court put forth specific factors for proving the dilutive effect of multimember districting, guidelines that helped provide the missing focus (Kosterlitz, 1987). The Court held that the nine Senate factors could be used to determine the presence of vote dilution after three conditions were met: Minorities must be (1) politically cohesive; (2) sufficiently numerous and geographically compact; and (3) persistently frustrated in electing a preferred candidate by a majority voting as a bloc. The latter condition is necessary to establishing vote dilution; without racially polarized voting, a minority could at some point win election, rendering irrelevant the issue of vote dilution.

Specifically, the Court held:

...a bloc voting majority must usually be able to defeat candidates supported by a politically cohesive, geographically insular minority group... A showing that a significant number of minority group members usually vote for the same candidate is one way of proving the political cohesiveness necessary to a vote dilution claim (p. 2).

The opinion also referred to “a pattern of racial bloc voting that extends over a period of time...” (p. 2).

Gingles included guidelines for ascertaining the all-important racially polarized voting, but justices remained divided over other issues. Justice White endorsed the majority opinion, but preferred a multivariate statistical analysis of racially polarized voting out of concern that influences other than race might account for divergent voting patterns. Recall that White delivered the prevailing opinion in *Whitcomb v. Chavis*, in which the justices held that the unpopularity of the Democratic Party, not race, was the reason African Americans were not elected to office. Among Justice O’Connor’s concerns was that the Court was moving toward proportional representation. Outside of the Court, Kosterlitz was among those who worried that the *Gingles* decision, although addressing some of the gaps in judicial guidelines, provided little information on how to prove racially polarized voting.

Nonetheless, *Gingles* immediately increased the likelihood that at-large districts would be eliminated when challenged. In so doing, however, *Gingles* raised yet another question: What should be the composition of the districting replacing the at-large jurisdictions? The issue was summed up by Banfield and Wilson (1963) even before the Voting Rights Act:

Negroes, for example, do not agree whether it is better to 'give' Negroes a Legislator by throwing all Negro voters into one district or by splitting the Negro voters among several districts, to enable them to influence (but not to 'have') a larger number of legislators (p. 88).

Gingles was filed by a group of African American citizens challenging the drawing of district lines for the North Carolina State Senate and House of Representatives. The plaintiffs charged the districting impaired their ability to elect their preferred candidate. Interestingly, it was another North Carolina suit, this time by white citizens, which dampened some of the enthusiasm for *Gingles*. The Court majority in these cases, which came to be known as *Shaw I* (*Shaw v. Reno*) and *Shaw II* (*Shaw v. Hunt*), increasingly seemed to be saying that race had come to play too important a role in districting. The *Shaw* cases questioned what was widely described as oddly-shaped U.S. House districts, made so by the need to meander geographically in order to render the district majority African American.²⁰ Drawing compact districts also exacerbated the urban-rural dichotomy.

The emphasis on creating majority-minority districts had its beginnings in a 7-1 Supreme Court ruling in *United Jewish Organizations v. Carey*, 1972, that creating more minority districts did not violate whites' 14th Amendment rights, and continued in federal court rulings in Georgia in 1982 and in Arkansas in 1989, where plaintiffs in *Jeffers v. Clinton* charged that the state could have drawn more majority-minority districts. The plaintiffs contended that Section 2 carried an affirmative duty to create safe districts for electing minority candidates. The Justice Department and voting rights activists began to act in accordance with this premise; the Justice Department withheld Section 5 pre-clearance otherwise.

In summary, the tension between the legislative and judicial branches was not eased by the 1982 legislation. On the one side, is the Justice Department demanding compliance with Sections 2 and 5 of the Voting Rights Act; on the other, the Supreme Court asserting that the

Equal Protection Clause does not permit race-conscious districting absent a compelling state interest. Guinn, Chapman and Knechtel (1999) described the ramifications of these competing viewpoints:

Many recent attempts to comply with both the Equal Protection Clause and sections 2 and 5 of the Voting Rights Act have resulted in a recurring process of drawing district lines, preparing for ensuing litigation, and then going back to the drawing board when the districting plan is struck down (p. 2).

The Louisiana school board redistricting known as Bossier II, which was cited in the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Reauthorization statute, is illustrative. The Supreme Court in *Reno v. Bossier Parish School Board* (2000) addressed the relationship between sections 2 and 5 of the Act. The Justice Department initially cleared the parish redistricting plan, which did not include majority-minority districts, but rescinded its approval after the local NAACP presented evidence that two such districts could be drawn. The Court held that the two sections were designed to combat different violations and that compliance with Section 5 could not be contingent upon Section 2.

In the meantime, voting rights scholars have contributed to the debate. Prominent among those criticizing majority-minority districting are Swain (1993) and Thernstrom (1987), who contend that African American interests are ill-served if minority representatives are marginalized within the decision-making assembly (*Presley v. Etowah County*, 1992, but see also Lublin, 1997, and Grofman and Davidson, 1992). Guinier (1994) shares these concerns but proposes a slightly different remedy, that of eliminating geographic boundaries.

Karlan (1993), on the other hand, while not dismissing those concerns, detects movement, albeit in baby steps, from the point of establishing who can be included or excluded from the voting booth to the point of what, if any, utility can be expected from the act of voting:

Federal courts must therefore take care not to disturb the products of a nascent but nonetheless real integration of minorities into the give-and-take of politics as usual... At the same time, the courts must be alert to situations in which minority voters and the officials they have elected continue as members of a permanent, excluded faction and must seek out

context-sensitive ways for effectively integrating them into the process of governance.

She goes on to describe a continuum on which the first point is casting a ballot, or voting as participation, the next is combining these individual ballots, or voting as aggregation, and the last is decision-making, or voting as governance. The following overview draws primarily on her commentary.

Participation: Courts have acknowledged jurisdictions' right to exclude categories of voters—say, non-residents and some age groups. Courts have at times winked at or tolerated other exclusions—for not paying poll tax or passing a literacy screening, for example. Moreover, as a strategy for discriminating against African Americans, the latter masked the fact that merely participating is not linked to outcomes, implying that these jurisdictions had no basis for fearing African American influence on policy (which they proved capable of neutralizing through other means).²¹ These discriminatory tactics in fact may have been designed to operate more on a psychological level—in the case of the post-Reconstruction white Southerners, to assault the freedmen's sense of empowerment, dignity and worthiness to participate in the political process. Next, consistent with the democratic theorist's concern with majority rule's displacement of the need for unanimity in decision-making, participation imparts a measure of validity to the electoral process and by extension to subsequent decision-making and policy choice; the ballot caster likely will be more willing to acquiesce to those choices.

Still, in deciding issues of voting as participation, courts have left some claims jurisprudentially unresolved: They have struck down the poll tax and similar exclusions, but not others, such as residency and age requirements. They also suggested as late as 1992 (*Burdick v. Takushi*) that the right to vote is more than a mere generalized civic expression. The claimant in this case objected to having to choose among an existing field of candidates.

Aggregation: The *Burdick* court's implication of candidate choice serves to move the voting rights debate to the next level, electoral outcomes. Karlan put it this way:

Unlike participation claims, aggregation claims are essentially outcome-regarding. They rest upon assertions that the voter has been denied a fair opportunity to elect her preferred representative.

This assertion is made more problematic by American political leadership's uncompromising rejection of any tendency toward proportional representation. The courts thus must identify some standard of denial of that fair opportunity. In one especially telling case, *Davis v. Bandemer* (1986), an impotent Democratic Party, similar to that in *Whitcomb v. Chavis* discussed earlier in this chapter and in Chapter 1, was the reason the Republican-controlled Indiana legislature could disperse or concentrate African American voters so as to advantage Republicans electorally. Even Justice Thurgood Marshall, who was most likely to champion claims of adverse impact, joined in one of the plurality opinions stating that the lower court had not shown that Democrats might not prevail in *future* elections.

Davis' "heightened effects" requirement for establishing vote dilution that flows from political gerrymandering is more impetus for looking beyond electoral outcomes, which ultimately are "only an intermediate point along the path to the determination of policies that are voted on within the elected body."

Governance: Voting as participation or aggregation, important though that be, ultimately can be tossed onto the heap of tools that promote personal dignity, self-worth or a sense of belongingness in civil society. Even winning the right to choose a representative can be as hollow a victory as being allowed to cast a ballot. Pulling the lever in the voting booth instead is but the beginning of an "ongoing conversation," the saliency of which revolves around the decision-making assembly. The voter will be "interested in the degree of both her direct and her virtual representation... concerned with aggregation rules *within* the legislature because these rules can determine the practical effectiveness of the representatives who champion her interests." *Reynolds v. Sims* was about governance:

Despite the Court's individualistic rhetoric, the system it overturned was one that systematically biased the overall legislative complexion in favor of identifiable groups—white rural voters—²² rather than one in which atomistic individuals were arbitrarily deprived of equal voting power.

Unfortunately, *Reynolds* is no help to a minority, especially a numeric one, in a system of majority rule. Requiring equi-populous districts achieved the goal of more equal representation in the decision-making assembly because the urban residents whose votes had been diluted were in the population *majority*. Could the nearly century-long

ascendancy of the white rural interests thus serve as a point of reference, albeit backhanded, demonstrating that electoral rules can be manipulated to produce a desired outcome? The question and related colloquy render the long standing obsession for majority rule in the United States more accessible for critique.

Any decision about how to address this concern is best informed by as much evidence as is available about the efficacy of remedial strategies, including single member districting. The next chapter describes assumptions for testing this districting emphasis.

Table 2-1. Numbers of Early African American Elected Officials, 1867-1908^a

Venue	Ala.	Ark.	Fla.	Ga.	Miss.	N.C.	S.C.	Tenn.	Texas
Constitutional Convention ^b	20	8	NR	NR	NR	18	76	NR	NR
State Legislature ^c	82	18	47	36	68	129	152	12	7
U.S. Congress ^d	3	NR	NR	NR	NR	NR	8	NR	NR
Other Offices ^e	NR	NR	4	NR	NR	NR	2	NR	NR

NR – not reported.

^a Compiled from an article in the *Journal of Negro History* (January 1920).

The numbers are from lists of names, some of which are contained in correspondence reprinted in the article. The authors point out that obtaining precise data from this period was difficult.

Elected officials who served more than one term in the same body are counted only once, but are re-counted if they moved from one body to another—say, from the House to the Senate. Further, men who served in their state’s constitutional convention, then went on to other elected office are counted again in their new position.

^b Constitutional Conventions were 1867 and 1875 in Alabama; 1868 in Arkansas; 1868 and 1875 in North Carolina; 1868 in South Carolina.

^c Period covered for Alabama was 1867-1877; for Arkansas 1869-1873, but dates are contained in a letter and are not specific; for Florida 1880-1891 (one date of 1863 is most likely a typographical error); for Georgia 1868-1900; for Mississippi 1870-1886 ; for North Carolina 1868-1899; for South Carolina 1868-1876.

^d Years in U.S. Congress were 1871-1877 for Alabama; note that other sources (Hosmer, Fineman, 1978, et. al.) report that Mississippi did send African Americans to the U.S. Congress; years for South Carolina were 1869-1905; years for Tennessee were 1871-1897.

^e Of several local offices mentioned for Florida, four—including mayor - were most likely to be elective; of the eight offices, including postmaster and associate Supreme Court justice, listed for South Carolina, only lieutenant governor was counted as most likely to be elective.

Table 2-2. Delegates in First State Conventions Under Congressional Reconstruction, 1867-1869

State	Total Elected	Southern Whites	Outside Whites	Blacks	Unclassified Whites ^a	Unclassified Race ^b	Total Participating ^c
Alabama	100	52	24	17	6	--	99
Arkansas	75	45	17	8	--	--	70
Florida	46	15	13	19	3	--	50
Georgia	169	114	12	33	2	--	161
Louisiana	98	23	13	45	8	8	97
Mississippi	100	51	21	16	8	--	96
N.Carolina	120	88	18	13	3	--	122
S.Carolina	124	35	14	72	--	--	121
Texas	90	68	8	10	6	--	92
Virginia	105	58	19	24	2	--	103
TOTALS	1,027	549	159	257	38	8	1,011

^a Unknown whether Southern or outside white.

^b Race unknown.

^c See Hume (1977, p. 314) for explanation of disparity in elected and participating delegates.

Table 2-3. Section 5 Cases in Which the Justice Department Participated, 1976-1986, Selected States

State	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986
Alabama	1	1	2	1	2	1	1			1	
Florida									1		
Georgia.		1	1		2	1		1			1
Louisiana											
Mississippi		1	2	2		1		2			1
North Carolina								1	1		2
South Carolina		1	5	1		1		2	2		
Tennessee											
Texas		7	5	2	4		1			1	1
Total	1	11	15	6	8	4	2	6	4	2	5

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Reconceptualizing Minority Voting and Its Policy Impact

How a minority fares in a system that emphasizes decision-making by majority has been a long-standing concern in democracies. One attempt to address that concern in the United States was the Voting Rights Act of 1965, which originally targeted African Americans as arguably the most identifiable minority community of interest and the one with the most to gain from participation in electoral politics. An implementation strategy has been to design election districts containing larger proportions of African Americans or other cohesively-voting covered groups so as to increase the group's control over electoral outcomes. While this geopolitical manipulation has led to increased descriptive representation, the evidence is inconclusive on the extent to which electoral success has been translated into policy responsiveness. Some researchers have concluded that covered groups have gained greater influence over policy, others that any influence has been negligible and still others that African American political participation is negatively related to their policy preferences.

These findings have been based on relatively few quantitative studies despite the implications for the ideals of democracy. Further, several problems, mostly with measurement and/or operational definitions and the level of analysis, mark much of the research. One is the use of a composite scale to measure a representative's support for minority interests or preferences. A minority group may not in fact be as concerned with a representative's placement on a liberal-conservative continuum as with her vote on a specific policy proposal with real or perceived consequences. A representative's vote on a specific proposal may be more the result of, say, logrolling or interest group pressure than of personal ideology—after all, a constituent

primarily is interested in a representative's ability to get things done. A second problem with using representative ideology as a proxy for policy responsiveness is the difficulty determining the direction of causality, or whether the ideology is a property of the representative or of the constituency. Also, several studies have used spending on welfare or other social programs as the measure of minority group preference. Numerous surveys have shown that minorities, especially African Americans, prefer employment over social program spending. On balance, analyzing the voter-policy link thus may be better served by using policy outcomes that constituents could easily conceptualize and assess utility—for this research project a perceived loss of city jobs as a result of privatization and affirmative action in municipal contracting, the latter commonly referred to as a set-aside program.

Studies gaining the most attention from popular media have included qualitatively-oriented commentaries such as that of Abigail Thernstrom (1987). Others, such as Carol Swain's *Black Faces, Black Interests*, are quantitatively-oriented, but are at the congressional level and focus on ideology of the representative. Then, few studies other than Lublin (1997) have attempted to model the interactive effects of single-member districting and population. In explaining the conservative orientation of the representative, Lublin included the multiplicative effect of 40 percent African American districts and the African American proportion of the population. Recall, however, that his focus was congressional districts. Including a similar interaction in studies at the municipal level should be more revealing for reasons already discussed.

In fact, a clearer picture of the relationship between minority voters and policy choice generally might be expected at lower levels of government. In their study of the impact of African American school board representation on policy output, Meier and England (1984) noted that the local policy arena requires fewer political resources. Joyce (1997) found that "the bulk of racial and ethnic politics in the United States has always occurred at the local level and, for the most part, still does" (p. 1). The level of analysis then will be municipal government and the kind of policy that is most directly under the control of the elected city policymakers. At least one finding of negative correlation between minority political presence and relevant policy benefit was at the state level (Radcliff and Saiz, 1995). Also in cities are to be found larger concentrations of the more politically sophisticated who have a

longer history of political activism (Lewinson, 1932). As Lewinson noted, the cities attracted African Americans of higher socioeconomic status, the ones most capable of leading the group mobilization that was to emerge during the 1950s and 1960s (see discussion in chapters 2 and 4), a conclusion supported by Fischer (1976). Fischer found that numerical minorities tended to be better organized in large cities. Cingranelli (1981) found that electoral support of the Boston mayor helped African American neighborhoods in that city offset what otherwise would have been a deficit in police and fire protection. Karnig and Welch (1980) found a statistically significant and positive relationship between the level of African American resources (i.e., media outlets, financial institutions) and the probability that African Americans will seek and win the mayor's office. Consistent with the Karnig and Welch study, the business/professional subgroup could be expected to play an important role in African American electoral politics. Some attention to a diversity of interest within the African American minority group therefore is in order.

DIVERGING PREFERENCES

A long history of marginalization from most of so-called mainstream America is the reason African Americans have become one of the most cohesively-voting minority groups—first for the Republican Party of the Great Emancipator Abraham Lincoln and a century later for the Democratic Party of Great Society architect Lyndon Johnson—despite intra-group diversity of class, status, professional orientation and other demarcations. Butler (2005) said of this coalescence:

Thus, the small shop owner, the owner of a small farm, the pushcart owner, the owner of the shoeshine stand, the founder of a church, lawyers, and doctors are all interacted together because of the importance of a common experience vis-à-vis discrimination and other hostile acts from the larger society (p. 248).

Butler and others have commented on what most have concluded is a history of discrimination against African Americans who sought economic self-determination or independence, tracing much of the problem to maintaining white-skin advantage, to providing whites with a real or perceived competitive edge. One researcher is Juliet E.K. Walker (1998), who writes of a change in racial climate in Maryland

and Virginia late in the 17th century that was related to the disappearance from the property rolls of non-slave African Americans. It was a time of growing numbers of landless whites and rapidly expanding slave population, a set of circumstances that made free African Americans “increasingly suspect in a society that had legalized racial restrictions as opposed to those based on class differences” (p. 36). Her book provides numerous accounts of pre-colonial and colonial African Americans, slave and free, whose entrepreneurial spirit was extinguished or suppressed by both individual as well as institutional racism. She writes of state-sanctioned discouragement of any economic initiative displayed by African Americans, such as laws allowing invasion, including taking clothes that might provoke envy from poor whites, of slave property rights. The hope was that the hapless African Americans would choose to give up and cease trying:

Early on, however, seizing slave property was one way in which the state hoped to suppress slave economic initiative: the purpose being that slaves, once they realized that their property could be confiscated, would lose interest in acquiring anything of value (p. 74).

This turn of events flies in the face of the legendary American values of individualism, self-sufficiency and self-reliance (Walton & Smith, 2003, referencing Sniderman), but researchers tend to bury the inconsistency under the broad heading of discrimination. Butler also chided scholars for misrepresenting or ignoring the place of African Americans in the development of theories of the sociology of entrepreneurship. Butler wrote of African Americans being forced into an economic detour, of being excluded from the larger economic marketplace. Other non-white groups may have faced hostility, but not total exclusion, he argues in establishing a framework for what he terms a truncated-middleman theory.

Walker further remarked on the superficial treatment scholars have given to state-sponsored discrimination against African Americans:

Yet, there has been a failure by scholars in analyzing slave laws to emphasize the extent to which black economic initiative was linked to the suppression of black resistance. State laws attempted to suppress not only assaults on the person and property of whites through arson, poisoning, and/or murder, and revolts but also the sustained competitive threats by slaves

to white occupational and economic hegemony. With their emphasis on slave assaults against white people and their property, scholarly studies of antebellum slave laws have limited their analysis primarily to a focus on slave “crimes” and have failed to see that southern slave laws were constructed to suppress independent slave economic activities (p. 80).

Despite state-sanctioned roadblocks to their efforts to take the same economic route traveled by almost all other newcomers to America, these early African Americans played important economic roles as consumer and purveyor. The existence of such laws¹ suggests the link between past and present, that problems hampering African American participation in and integration into the economy today are firmly rooted in the past. Although she cited numerous examples of enterprising early African Americans, Walker described their overall situation as “an incredibly dismal picture of the appalling economic circumstances of both free black women and free black men” (p. 145). Further, being so targeted may have served to obfuscate or minimize the class distinctions that surfaced within other groups.² The distinctions ultimately have not been sharp enough to offset the singleness of political orientation and behavior that is required for eligibility under the *Gingles* prong of political cohesion.

Nonetheless, the representative might be called upon to support the interest of more than one category of constituent. For this research project, those categories are workers on someone else’s payroll—the city’s—and the self-employed private business people/entrepreneurs who covet city contracts. Although the fortunes of the latter may have waxed and waned over the centuries, the African American business person is a constituency to which politicians respond. Walker (see also Bates, 1993 and 1997, and Bates & Bradford, 1979) describes changes in urban economies that accompanied political and demographic shifts:

...a high priority of black mayors was to use as much of their political clout as possible to ensure that blacks would not be pushed aside in securing access to federal government set-asides... By securing municipal contracts for minority firms, black mayors encouraged the expansion of black-owned business (p. 285).

An empirical understanding of the conditions that give rise to African American entrepreneurship—even back to the colonial provision ground system cited by Walker—and how that entrepreneurship is sustained and nurtured by changes in political culture and leadership such as the election of black mayors can help to advance the theoretical paradigm begun by Butler. Butler's truncated-middleman African American entrepreneurs were forced into an economic detour unlike all other non-nativist immigrant groups. This history of legal, political, economic and social discrimination required the intrusive policies of Reconstruction and the Great Society, both of which emphasized the vote as a means to gain policy responsiveness. The vote and subsequent policy responsiveness therefore are required to round out Butler's theory.

A study by Bates (1997) showed that “the black business community typically thrives in cities headed by black mayors” (p. 231). Intensive and successful efforts in the 1970s such as those by African American mayors in Atlanta, Los Angeles and Baltimore were soon suppressed by the Supreme Court, however. *Richmond v. Croson* (1989), albeit offset somewhat by the later *Adarand Constructors v. Pena* (1995), was at the beginning of an expanded interpretation of the 14th Amendment—that non-minorities were being denied equal protection. Contracts to minority firms fell dramatically in the wake of these decisions. Commented Walker:

Nationally, the impact of the Croson decision could be as catastrophic for minority Business Enterprises (MBEs) as the 1896 Plessy decision had been for black America” (p. 287).

Municipalities nonetheless were able to reconstruct some variation of affirmative action in contracting. Ultimately, Butler, Walker and other researchers are quite correct in their assertions that a strong entrepreneurial spirit has always been present in the African American community, even among their continental African ancestors. Two reasons African Americans have not been credited for this self-help spirit has been the harshness of personal and state-sanctioned assaults in successfully discouraging this initiative and the lack of African American political power as a means to defend against these assaults. Having a vote and having that vote fairly counted can have a transformative effect, both theoretically and empirically, on African American entrepreneurial activity.

Finally, the decision to use African Americans as the identifiable community of interest and proxy for a minority group does not overlook the existence of other identifiable groups associated with both dependent variables used in this project—most notably Hispanics and women. Although these two groups are hypothesized to affect the ability of African Americans to obtain preferred policy and are among covered groups under either or both the Voting Rights Act and affirmative action in municipal contracting policy, their voting preferences and subsequent policy interests are marked by more diversity than that of African Americans. Hispanics often are residentially segregated like African Americans, but exhibit voting patterns that may vary more by region—Hispanics in Miami, Florida, as compared to those in Los Angeles are a case in point. Policy preferences among women, who also cannot be grouped by residential segregation, as well reflect more diversity of interest. We know also that the Voting Rights Act originally targeted African Americans.

ABOUT THE RESEARCH DESIGN AND DATA

The project makes use of two basic data sets. The primary one, on privatization, is from the Census Bureau's Census of Governments. The one on contracting set-aside programs is from a telephone survey of local governments conducted periodically by researchers Richard Engstrom and Michael McDonald. Both are the large samples preferable for statistical analysis.

The data on cities with black mayors is from *Black Elected Officials: A Statistical Summary 1993-1997* compiled under auspices of the Joint Center for Political and Economic Studies. Listed are the 41 cities that in 1998 had black mayors, including those selected by city council as opposed to popular vote, and a population of at least 50,000.

City size ranged from 1.63 million in Houston, Texas, to just over 50,100 in Victorville, California. Percentage African American ranged from 7.1 in Des Moines, Iowa, to the nearly 90 percent in East Orange. The sample also is about evenly distributed among the North, Midwest, South and West regions.

Next, the African American business presence is based on the annual compilation by *Black Enterprise* magazine. The magazine provides name, product/service and location of company, its chief executive, year of founding, number of staff and annual sales. Of relevance for this research project is staffing level and sales.

Finally, the data on contracting set aside was part of a telephone survey of American cities conducted periodically by McDonald and Engstrom. The survey of the largest city in Standard Metropolitan Statistical Areas is to collect descriptive data (including race and sex) on city councils and electoral arrangements.

More description of variables is presented in Chapter 4, which also more fully describes cities in the data set.

The analysis will begin with the effects of political districting—specifically, the single-member district—to estimate the efficiency with which a numeric minority can translate its population resources into desired electoral outcomes. The dissertation then explores the extent to which minority elected representation and electoral institutions, separately and in combination, can influence policy choice. They will be the explanatory variables of primary interest, but other influences will be tested as well. Completing the project requires some assumptions about measuring group-based political participation, however.

AGGREGATING PREFERENCES

What constitutes a politically cohesive group? The question was addressed before enactment of the Voting Rights Act. Banfield and Wilson (1963) listed haves versus have-nots, suburbanites and central city residents, political parties, and ethnicity and race as the most important bases of group identity. More recently, scholars have added sex and gender identification. Banfield and Wilson further categorized ethnic and racial identities in American cities as that between native Protestant and all others, that among the various immigrant groups, and that between African Americans and all others. More appropriate for operationally defining variables in this research project is Lustick's (1979) description of societal divisions as "sharp enough so that membership is clear and, with few exceptions, unchangeable" (p. 325). In order to make inferences about the relationship between aggregated winners and losers and relevant policy, the differences between groups must be similarly clear.

Further, a group should exhibit cohesiveness of interests, be sufficiently numerous, and have a critical stake in policy choices. Among groups covered by the Voting Rights Act, two stand out—African- and Hispanic Americans. The two groups share a number of socioeconomic variants and covary in terms of gains and losses economically and politically (McClain and Tauber, 1998). Jackson,

Gerber, and Cain (1994) reported that among the predominant minority groups of African Americans, Hispanics, Asians, and Jews in Los Angeles, the latter two were found on average to be wealthier and to possess higher levels of education than either of the former two. Intuitively, then, Hispanics and African Americans might wish to use the political process to improve their economic and social status.

Of the African and Hispanic groups, African Americans have a longer history of minority group status and have been the focus of more intense scrutiny and recorded data. Early references to nonwhite population in government reports were presumed to be to African Americans, and as we have learned President Johnson had African black people in mind when he called for federal legislation to protect minority voting rights. Of course, the policy initiatives after the Civil War were exclusively a response to the African American minority, including the remarkably long tentacles of the 14th Amendment. The latter's provision that anyone born in the United States is automatically a citizen covers births to Hispanic immigrants, including the undocumented. African Americans also have been found to be highly cohesive in voting behavior and in policy preferences. As the primary explanatory variable of interest for this project, voting minorities therefore will be operationally defined as African Americans, although the effect of a Latino population will be added. Further, because the ability of a minority group to influence policy also is expected to vary positively with that minority's coalitional prospects, or potential of forming alliances with other groups, Hispanic representation also will be an explanatory variable.

The historic political cohesion of African Americans also facilitates exploring the relationship between representation and policy-making. The policymaking process begins with electing a preferred candidate (Karlan, 1995). Evidence suggests that this group's electoral preference is descriptive and that at-large districts are least likely to help in achieving this end (Engstrom and McDonald, 1981). In fact, the reform movement at the turn of the century promoted the at-large system—as opposed to the ward, or single-member district, system—as a way to neutralize the symbiotic relationship between urban ethnic, racial or immigrant groups and their politicians.

On balance, African Americans will be the proxy for the aggregate numeric minority in this research. This group is politically cohesive,

possesses a large stake in the policymaking process, and has a long history as an identifiable political group.

Electoral Preferences

Understanding the ability of a numeric minority to influence policy begins with how it gains representation in the decision-making assembly (second generation voting rights). Of interest for this research project is Pitkin's (1967) delineation between substantive and descriptive representation. The former focuses on what a representative does and the latter on the extent to which some characteristic of a particular electorate, such as ethnicity, is present in the representative. Banfield and Wilson (1963) implied descriptive representation, characterizing urban election district boundaries as typically drawn around homogeneous sub-communities that reflected ethnic, religious, and class alliances and which created symbiotic relationships between district voters and policymakers:

Negro, Polish, Italian, and Jewish wards, "Gold Coast" wards, steelworkers' wards, university wards, and many other kinds still exist in the big cities. In such places, political organization and ethnic organization are closely related (Polish politicians work with Polish-American groups, Negro politicians with Negro ministers, and so on) and one is more or less created by the other (p. 51).

Pitkin noted that descriptive representation need not come at the expense of the substantive; proportionalists, for example, are interested in what a legislature looks like only because they expect its composition to determine legislative activities (see also Bratton and Ray, 2002). Notwithstanding Guinier's (1993) criticism of the Voting Rights Act as primarily a mechanism for assuring election of African Americans, minority groups seem to prefer descriptive representation. The Act itself is neutral on the characteristics of the person elected by a minority group; in its expansive interpretation, it merely addresses the ability of a group to elect a preferred candidate.

Note, however, that the electoral preferences of a voting majority also may be implicitly descriptive. Guinier (1993) pointed out that the antithesis to drawing homogeneous election districts is descriptive representation, that dispersing minority group members maximizes the number of white majority districts. Karlan (1996) also chastised the U.S. Supreme Court for its objection in *Shaw v. Reno* to "intentional"

race-conscious districting, arguing that all districting involves race. Under this reasoning, even the at-large electoral system is a kind of race-conscious districting that benefits whatever group is in the numeric majority.

For this research, then, African American representatives will be the proxy for preferred electoral outcomes. Under the assumption that descriptive and substantive representation merge, African American representatives can be expected to vote consistently with what they perceive are constituent preferences. African American representatives are hypothesized to oppose privatization and to support affirmative action in municipal contracting.

Policy Preferences

Electing a preferred candidate is but the first phase of the minority group-policy link. Under the expansive interpretation of the Voting Rights Act, what matters is how individual electoral preferences are ultimately aggregated to influence policy. This research inserts the role of electoral institutions. In other words, individuals are grouped on the basis of some commonality, with election rules facilitating the selection of a preferred representative to carry that commonality into the policy-making assembly.

How then should policy preferences of a minority be conceptualized so as to satisfy the requirement that these preferences be distinct to that group? The work of earlier scholars again may be useful. Banfield and Wilson found that immigrant groups frequently were disproportionately represented in some area of city bureaucracy—i.e., the Irish in the police force, the Jews in the school system. This placement thus afforded them influence in both the policymaking and economic arenas, positioning that enhanced their subsequent ability to assimilate. Access to government jobs thus has been an important policy preference and interest for urban subpopulations. The extent to which these groups were afforded access was a function of their electoral support of winning candidates. African Americans also may be expected to view government jobs as a means for upward mobility and be skeptical of moving them to the private sector, which may or may not be subject to anti-discriminatory constraints found in government jobs.

Policy interest is measured as opposition to the privatization of refuse collection; African Americans are overly represented in such

lower-level government jobs and refuse collection is a favorite target for privatization (Wingerter, 1991). African Americans generally fare better in public than in private sector jobs (Hersch & White-Means, 1993). Not only do they face more difficulty gaining new employment after losing a job, but privately-employed African Americans have lower rates of health and pension benefit coverage than their non-black and public sector counterparts. In a study of 10 cities, Suggs (1990) concluded that privatization is a threat to minorities, whose heavy reliance on public sector jobs for social and economic mobility makes them especially vulnerable to reductions in government employment (see also Walton & Smith, 2003, p. 239).

Indeed, a perceived *loss* of employment has attractive properties as a phenomenon of interest. African Americans may perceive policy consequences as either discriminatory or beneficial. For example, Keech (1968) noted that African American policy interests historically have had to do with averting unequal treatment, not with obtaining the special or preferential treatment, such as tax breaks or tariffs, coveted by other groups. If a city's decision to privatize a particular government function means a disproportionate loss of jobs or benefits, that choice may be perceived as discriminatory. As Baron (1991) observed, not only can a voting majority concentrate benefits of a policy, the majority also can concentrate costs to a population whose social construction is negative (see Schneider & Ingram, 1993, for a discussion of social construction).

Further informing the choice of delivery of refuse collection as the proxy for privatization (the Census of Governments lists delivery of municipal services ranging from utilities to landfills to airport operation to street and road maintenance) is the typical socioeconomic status of city workers assigned there. They may not have access to the political or social connections to resist this change in their employment—given Schneider and Ingram's conclusion that the success of social construction turns partly on the ability of the target population to marshal support for their interests.

Joyce (1997) suggested a political dimension to what often is attributed to mere economics, asserting that in an era of declining revenue, city governments can elect to enlarge a minority group's share of city jobs, "which requires sacrifices that are more political than economic" (p. 291). Even before privatization's popularity in the 1980s, an

African American opinion leader (New York Amsterdam News, 1978) perceived a political agenda:

Every ethnic group that has achieved political power in American cities has used the bureaucracy to provide jobs in return for political support. It's only when Blacks begin to play the same game that the rules get changed. Now the use of such jobs to build political bases becomes an "evil" activity, and the city insists on taking the control back "downtown" (p. A-4).

Because research has suggested that the presence of African American elected officials is positively related to African Americans' share of city government jobs (see, for example, Eisinger, 1982; Stein, 1986; Karnig & Welch, 1980), intuitively, the elected officials will be skeptical of policy that threatens to reverse those gains.

However, as other immigrants—Poles, Irish, etc.—became assimilated into the predominant economic, political and social culture, they moved into positions to compete for possibly more lucrative government contracts. The same might be expected for African Americans. Bates (1997) concluded that minority business principals were becoming more educated and displaying other characteristics associated with traditional business.

However, unlike with other groups, the discriminatory history of African Americans has occasioned special policy to participate in government contracting out. Affirmative action originated in executive orders in the early 1960s and is among the most controversial of policies framed as providing preferential treatment for minorities and women. Generally, the policy sets targets for minority hiring, often directing a personnel office and department heads to take deliberate action to seek out and attract minority employees. Implementing officials could be compelled to provide an explanation if hiring fell short of the goals. During the late 1960s and into the 1970s, many local governments set up separate offices or designated specific bureaucrats to monitor the hiring and promotion of minorities and women. Biles (1992) also commented on how black mayors especially attempted to reward constituents and redress historical imbalances through affirmative action hiring. Biles also singled out for mention contracting set-aside programs established by black mayors in Atlanta, Newark and Chicago. Although Biles' focus was mayors, recall that other

researchers (i.e., Karnig and Welch) have found minority council representation to be a predictor of minority bureaucratic penetration.

For this research project, the affirmative action in contracting programs are of interest. After the U.S. Supreme Court's *Croson* decision that a government must prove past discrimination before using race in contracting out, some cities dropped the contracting set-asides. Municipalities that modified and reinstated their programs, such as Atlanta, are hypothesized to have been influenced by minority council representation. Atlanta, in fact, exemplified the success of these outreach programs. Butler (2005) noted that while just 4 percent of black-owned businesses were corporations in the United States, more than half of Atlanta's were corporations.

HYPOTHESES

To the question of whether the single-member district system has leveraged African American electoral participation, this project will revisit Engstrom and McDonald's (1981) work exploring the relationship between African American population, electoral institutions, and electoral outcomes. It will be shown that:

1. The single-member electoral arrangement is the most efficient at translating African American population resources into elected representation.
2. African American elected representation will be negatively related to the probability that a city will privatize and that probability will be weakened by the presence of minority business.
3. African American representation will be positively related to the probability of affirmative action in contracting.
4. The interaction between single member districting and representation will be a factor in the relationships described above.

The Probabilities

The analytic tools of logistic regression, used to evaluate the relationship between policy choice and black elected representation, and ordinary least squares regression, for the relationship between black population and representation, will be used. In addition to analyzing a population of 492 cities of at least 50,000, separate estimates were obtained for only those cities with variously all at-large, all district, or a combination of the two. In keeping with the theoretical

interest of this research, separate estimations also were obtained for cities with black populations of less than 50 percent.

Allowing for the Effect of Minority Business

Exploring the impact of the presence of minority business on the probability of privatized refuse collection should be a test of the strength of the negative relationship between African American electoral presence, in the form of population and representation mediated by single-member districting, and the probability of privatized refuse collection.

First, the cities with African American mayors will be separated from the Census of Governments data set. They will be analyzed using logistic regression with the probability of privatized refuse collection as the dependent variable and an additional independent variable representing the minority business presence—in terms of annual sales—included.

Next, with data collected in the McDonald-Engstrom telephone survey, logistic regression will be used to explore the probability that a city will have re-adopted affirmative action in the wake of the *Croson* decision, with the minority business presence and a black mayor as independent variables.

Also, an analysis similar to, but not duplicating, that done by Bates (1993) will explore the relationship between the presence of a black mayor and level of minority business. Recall that Bates concluded that a black mayor was a factor in greater minority business presence. Similarly, the level of covariance between the mayoral and business presence will be explored.

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A Test of Minority Policy Responsiveness: Data and Methods

In the century immediately following the Civil War and Reconstruction, African Americans migrated to cities in waves. Many were fleeing the isolation of their rural homes, where they were vulnerable to assault and economic deprivation, but some undoubtedly sought locations where they could exercise their citizenship rights under the 14th and 15th amendments. One elated migrant, who had abandoned Hattiesburg, Mississippi, for a city in the North, wrote back to friends that “I have registered. Will vote the next election and there isn’t any ‘yes, sir, and no, sir’” (Scott, 1920, p. 34).

Collins (1999) said the phenomenon that came to be known as the Great Migration carried both political and economic implications and thrust issues involving race back into the national consciousness:

This movement stands as a watershed in the history of African-Americans, the history of American cities, and the history of the South. Its direct economic effect was to raise the average standard of living of African-Americans, and more subtly, it transformed what was then called the “Negro problem” from a rural southern peculiarity into an issue of nationwide scope... As the size of the black population living outside of the South grew... so did African American political clout. This newfound leverage was put to use during World War II and helped ensure that the 1940s were a unique decade for black economic progress (p. 470).

Not everyone approved, however, the kind of reaction from opinion leaders that, although difficult to measure for quantitative purposes, can be anecdotally instructive in contextualizing any analysis having to do with politics and African Americans. Contrast Collins' commentary above, for example, with the language in a journal article at about the time the movement was peaking:

The migration of Negro population from rural to urban communities, from southern states to the metropolitan centers of the nation, has been and will continue for many years to be a major cause of human misery, social maladjustment, and interracial misunderstanding (Hamilton, 1964, p. 273).

Hamilton concluded his analysis of Census data from 1940–1960 by observing that the “seriousness of the problem and the rate of movement, and of the increase of the non-southern metropolitan Negro population... stagger one's imagination” (p. 294).

The causes and the aftermath of this massive population shift are why American cities have been chosen as the level of analysis for this research project. Cities are the setting for a narrative of how African Americans sought to escape conditions they perceived were intolerable in the South only to find more frustration in the North, and how they used influence over, or outright control of, electoral politics as an attempted remedy.

As reported in Chapter 2, the Republican Party architects of Reconstruction legislation giving full citizenship and voting rights to the freedmen appeared to have wearied of the issue in the face of white Southern intransigence. In little more than a decade after the end of the Civil War, they were content to leave the Negro Problem to white Southerners, who were determined to return African Americans to de facto slavery.

At that time, more than 90 percent of American black people lived in the South. By the end of the migration out some 100 years later, just over half did. Just as dramatic was the rural to urban shift. In 1900, more than three-quarters of the black population lived in the country, a concentration that had nearly reversed itself by 1960 (Frey & Speare, 1988; Hamilton, 1964)—auspiciously, just a few years before the landmark *Reynolds v. Sims* court decision and the Voting Rights Act of 1965. Not only did those leaving the South settle in towns and cities, mostly in the North and Midwest, most who

remained did, too, or had their rural areas absorbed into the increasing and expanding cities (Taeuber, 1968).

As discussed in Chapter 2, *Reynolds'* one-person-one-vote emphasis resulted in greater elected representation for cities, which were more populated than rural areas. Although the suit did not hinge on race or other minority group characteristic except for its reference to 14th Amendment equal protection, this Supreme Court decision could have, and often did (depending on electoral arrangement), increase African American political influence in the wake of the mass urbanization. By contrast, the earlier good government reform movement, also mostly race-neutral on its face except for the South (Davidson & Korbelt, 1981), threatened to disproportionately impact urbanites, including African Americans who were fast becoming the largest big-city minority. The reform movement effectively undermined urban residents' political power.

Cities, then, are appropriate levels of analysis for testing responsiveness to African American policy preferences. From the Reconstruction Republicans to the Great Society liberal Democrats, policymakers have hoped that African Americans, like other groups politically disadvantaged by numbers in winner-take-all voting systems or, like black South Africans under apartheid, politically powerless despite their numbers, would be able to use electoral politics to advance economically and socially.

The purpose of this research, therefore, is to test the extent to which African Americans, as the proxy for a minority group, can gain policy responsiveness, which is hypothesized to be a function of electoral arrangement and representation. The question addressed is whether the single-member districting emphasis that emerged from judicial and bureaucratic interpretations of the 1965 Voting Rights Act facilitates policy responsiveness—in this case, maintaining municipal employment and affirmative action in municipal contracting. If so, the results should show that the multiplicative effect of African American population and single-member districting leads to increased percentage of African American city councilors, that the higher the percentage of African American councilors, the lower the probability that a city will privatize trash collection, a municipal service that traditionally employs large numbers of African Americans, and the higher the probability of affirmative action. This inverse relationship for privatization will be attenuated, however, by the presence of

African American entrepreneurs who potentially could benefit by winning privatized municipal contracts.

In this regard, the analysis furthers a colloquy opened by John Sibley Butler (2005), whose truncated middleman theory, although still a giant conceptual step forward in its present formulation, underplays an important variable. Butler quotes Robert L. Wallace, author of *Black Wealth Through Black Entrepreneurship* (1993), in asserting that gains flowing from civil rights initiatives in the 1960s have not aided African American entrepreneurs:

...while the right to vote and other political rewards of the civil rights movement were great, they did little to add to the overall wealth of the community. Wallace asks, 'Why, with all the great victories won during the 1960s has the African-American community's economic prosperity, on all fronts, been so delayed?' (p. 295)

What is overlooked, however, is the almost immediate change in political climate, described by Hanes Walton Jr., Ron Walters, Carol Swain and others, that greeted those 1960s initiatives. Even while African Americans were being elected to office, the courts and other institutions were attacking affirmative action as the Reagan Revolution accelerated. If more African American elected officials had been able to put in place and continue affirmative action programs such as those established by black mayors in Atlanta and Baltimore, cities in which Wallace would have found African American entrepreneurship flourishing, black business may have enjoyed more widespread success. The missing piece of Butler's theoretical puzzle is African American control over electoral outcomes. Elect responsive officials such as Atlanta's Maynard Jackson and the city will become a more effective incubator for minority entrepreneurship.

MOVING ON: THE GREAT MIGRATION

Even as the lynching of Negroes and other violence of the Southern Redemption monopolized the attention of the popular media and policymakers, largely ignored—and, most unsettling to black and white elites, largely unauthorized and uncontrolled—was this quiet transformation of the American populace. By mid-20th Century more than 4 million African Americans had deserted the South (Collins, 1997) and an untold number of others the country for the city within

the South. The intra-South shift—by 1960 nearly 2 million more African Americans lived in Southern cities than in the country—is especially noteworthy given that the antebellum black population was more than 90 percent rural. Even more relocation occurred—a net outflow from the South of 4.5 million from the mid-1940s to the late 1960s—until the Great Migration appeared to have stabilized or reversed itself between the 1970s and the 1980s (Bullard, ed., 1989). Although millions of whites also left the South after the Civil War, mostly for the West and not in as great numbers as the African Americans, it was predictably the movement of black people that elicited the strongest reaction from the Southern elite and, as events unfolded, from whites in the North as well. Table 4-1 summarizes the population shift out of the South and tables 4-2 and 4-3 that from the country to the city. The decline in the 1930s was because of the Great Depression, when employment opportunities dropped nationwide, but the surge resumed and even intensified when Northern and Western factories re-tooled for World War II production.

WHY THEY MOVED

The Great Migration was not a complete surprise. In his seminal account of three of the years of most intense movement, 1916-1917, Emmett Scott (1920) concluded that “all evidence indicates that it is but the accentuation of a process which has been going on for more than fifty years” (p. 6). He pointed to events in the 1870s:

In character it was not without precedent. In fact, it bears such a significant resemblance to the migration to Kansas in 1879 and the one to Arkansas and Texas in 1888 and 1889 that this of 1916-1917 may be regarded as the same movement with intervals of a number of years (p. 3).

In the earlier migratory bursts, an estimated 25,000 African Americans moved to Kansas and Oklahoma and neighboring parts of the West South Central region. The Great Migration, then, dated at least from 1870, if not earlier, and lasted about a century, ending about the time of the lifting of restrictions on foreign immigration the U.S. Congress had passed following World War I (Tolnay, 2001).

What could have induced such huge numbers of people to abandon the land of their ancestors, the only roots they knew? Marks (1985) chastised other researchers for gross generalizations in

asserting that reasons were as numerous as the migrants themselves. Among the themes that have emerged, Scott's characterization of a combination of push-pull factors is useful.

The Push. Not all the African American migrants were in danger of being murdered, but recall from the discussion in Chapter 2 that the assault on their expectation of improved socioeconomic status began immediately at Civil War end in 1865, although the heightened prospects initially enticed some *back* to the South because of increased opportunities for work in teaching, medicine and business (Work, Scott, 1920). Indeed, Negro leadership pondering a position on the 1872 election and re-nomination of President Grant even questioned allegiance to the Republican Party, whose primary goal had evolved into reconciliation with the white South. White Southern politicians in the years leading up to the election, perhaps sensing the tide turning in their favor, were confident enough to reject Negro legislators' overtures for trading support for favored legislation (Klingman & Geithman, 1979). The troubles in the political leadership empowered that element of white Southerner most prone to violence against the Negroes. Lacking political cover, clearly the time had come to evacuate.

While noting that the white press in Georgia blamed the migration on these outlaws, Emmett Scott traced the cause to political climate and culture:

A careful study of the movement, however, shows that bad treatment by representatives of the law caused almost as many negroes to leave the South as lynching, for, whereas lynchings were more or less sporadic, persecutions and mistreatment by representatives of the law were trials which all negroes had continually to bear and from which they were anxious to escape (p. 22).

Scott did not minimize the violence, however, writing that although the 1879 migration, popularly referred to as the Exoduster movement, was driven by agricultural depression in the Mississippi Valley, the primary motivation was the violence and general maltreatment of African Americans. Public documents, he reported, showed that 3,500 people, mostly Negroes, were murdered between 1866 and 1879 and the killers never arrested.

Marks (1985) said the route of one group of early migrants, low-paid farm laborers in the period between Emancipation and the start of

World War I, was in three general directions: (1) into the towns in search of industrial employment, where they glutted the labor market, further reducing already low wages; (2) west to Texas and Oklahoma where wages were higher; and (3) to the newly opened iron and coal mines in Alabama, Georgia and Tennessee. This outflow was relatively small, but large enough to make the Southern black population 22 percent urbanized by 1910, Marks said (see Table 4-4, showing African American population growth in Southern cities equal to that in North and North Central cities combined). This early group included those displaced by the boll weevil infestation that spread out from Texas beginning in 1898, forcing hundreds of thousands off the farms.

This rural to urban shift is important because, as Marks suggests, these migrants may have pushed out—and to the North—an existing group of 600,000 black urban residents already engaged in non-agricultural occupations. Many were from the old artisan class dominated by African Americans in the antebellum era—blacksmiths, masons, carpenters, who were being pushed out by competition from both black and white rural poor or whose jobs were being made obsolete as Northern capital nudged the South toward industrialization. In 1910, the combination of obsolescence produced by industrialization and surplus labor created by the invasion (from the rural areas) was too much for the developing South to absorb (Marks, 1985, p. 153).

Although initially the poor white and Negro tended to work together (see Palmer, 1997, for a detailed account of biracial unionism by Southern carpentry and timber workers), the turn of events in the cities described above helped to erode this fledgling cooperation. Black urbanites who had held the better-paying positions were the first to be displaced in the increased racial competition, as poor whites became less willing to forego jobs as “Negro work.” In moves reminiscent of state-sanctioned efforts to suppress African American entrepreneurial initiatives in the antebellum era (Walker, 1998) and the later Black Codes, some jurisdictions passed laws prohibiting African Americans from certain jobs, restricting these occupations to white workers (Marks, 1985; but see also Norwood, 1997, about how African Americans in Alabama coal and other burgeoning industries actually enjoyed an occupational advantage over whites).

What is more, the black urban class could earn more as unskilled laborers in the North than in their present occupations in the South and was more likely than the rural newcomers to have had the fare for transportation out. Marks (1985) concludes that “as early as 1920 a majority of migrants were not drawn directly from farms” (p. 157) and “it is evident that a much more selective segment of the black population left the South than previously has been assumed... it was not... ‘the Negro peasant who turned cityward’” (p. 159, see also Hamilton, 1964). A sister of widely-known abstract expressionism artist Alma Thomas, in an interview in the 1980s, said their parents moved out of Georgia in the early part of the century to gain access to further education for their children. Indeed, education is a long-standing policy interest of African Americans: An illiteracy rate of 75 percent in 1880 had declined to about 20 percent 50 years later (Collins, 1997). As the letter writer in Scott’s account demonstrates, they also were more likely to have engaged in the political activities being suppressed in the South.

The push out traceable to state-sanctioned initiatives such as the occupational exclusions mentioned earlier continued. These law-based changes, specifically the New Deal of the 1930s, are the more salient for this research project because they are another example of policy that disproportionately targets African Americans, who were still largely farm-based, forced to ride out the Great Depression there. First of all, the New Deal excluded agricultural workers from the safety network of Social Security (Walker, 1998) because of pressure from Southern Dixiecrats. The overwhelming support from African Americans for New Deal President Franklin Roosevelt (Moon, 1957) most likely was from urban voters, who held the industrial jobs covered by the social insurance program. Southern rural African Americans had been largely disfranchised.

As to prospects for these rural residents, an analysis by Carolyn Wilson (2000) is illustrative. In recounting the fate of Sumter County, South Carolina, sharecroppers, Wilson tells how the Agricultural Adjustment Act of 1933 paid owners to take their land out of production, a move that left the owners with financial windfalls but their tenant families homeless:

Displaced workers wandered North, to other Southern cities, and within the town limit. With the entire nation in the midst of an economic depression, a constant influx of Southerners

overcrowded Northern cities... This grim scene of cropper relocation reproduced itself throughout the South. A study conducted by the Cotton Section of the AAA discovered that, in 1935, 45.5% of displaced cropper families in Arkansas moved across state boundaries after leaving cotton plantations (p. 193).

In tones similar to that used by Scott in his 1920 work, Wilson says further that “visitors to the South often saw roads filled with wagon loads of half-clothed, half-fed, feeble families” (p. 193). Scott relayed one description of late 19th Century African American wayfarers as “homeless, penniless, and in rags... the very air... burdened with the cry of distress” (p. 6). Whatley (1983) presents a more detailed picture of the high-level political alliances that led to the dismal state of affairs described by Wilson. He described how the AAA administration left most of the execution of the Act at the local level, but with no mechanism for monitoring the plight of the laborers, both wage earners and sharecroppers. Also recall Juliet E.K. Walker’s observation that the fate of low level farm tenants and wage earners, among whom African Americans were heavily represented, is grounded in attitudes dating back to Reconstruction and the Freedmen’s Bureau. Also, Franklin Roosevelt’s New Deal Coalition required support of Southerners, who would sign on only if its largely African American agricultural and domestic labor pool was excluded. In that respect, the distress depicted by Wilson could have been predicted. The pace of the migration also slowed during the Great Depression, as jobs grew scarce in the Northern industrial centers as well. The number fell by about half in the decade from 1930-1940, rising sharply from 1940-1950 (Collins, 1997).

It is important to recall, however, that these later migrants were of a different socioeconomic persona than earlier. Marks (1985) explored in greater detail the composition of the migrants and her findings underscore how the early newcomers to cities were more likely to have the motivation and the skills to become engaged politically. She posed the important question that, given previous assumptions that the lack of African Americans’ mobility in the North was tied to their rural backgrounds, would a reassessment of who left create a different interpretation of what happened to these migrants in their new cities of residence?

The Pull. Notwithstanding African American Southerners' dissatisfaction with the post-bellum South, Scott points out that the level of the migration was correlated with the state of the economy—either pushed off the farm by economic downturns or pulled by the prospect of jobs. Southern incomes lagged far behind those of other regions and Northern employers saw the Southern black people as a source of cheap labor (Marks, 1981, also pointing out that the Southern black-white income differential may have attenuated with the factoring in of in-kind remuneration such as housing and food that black sharecropper families would have received).

Many who went north had been working in Southern steel and mining (Collins, 1997). While the occupational niche of Northern black people differed little from their counterparts in the South—most holding low-status jobs, they generally fared better economically (Hamilton, 1964; Marks, 1981; Collins, 1997). African Americans filled 95 percent of the 14.5 million new jobs created outside the South between 1940 and 1960 and both male and female non-South workers actually increased their share of high-status white-collar jobs, according to Hamilton.

One demand for them was as strikebreaker (Collins, 1997) or other competitive roles with the existing, mostly white, labor force. Two ways in which the competition emerged were that union organizers took advantage of the reduced immigrant flow from Europe (because of World War I) to press employers for wage increases and other concessions or the unions were organized after employers imported cheaper, mostly African American labor. In critiquing the conceptual framework of split-labor market theory, Marks argued that employers deliberately created antagonisms between the black and white workers. The tension eventually erupted into violence and the racial hostility likely worked against black people being accepted as participants in white-controlled urban politics.

What is more important for later political activism is that the early experiences of these newcomers to the North—who were the young and better educated type likely to be more demanding of the Northern political system—served as motivation for becoming involved in politics. Marks (1985) described their fate in their new homes:

Segmentation... is profitable when bottom level, dead-end jobs may be filled by a steady supply of exploitable cheap

labor. No one willingly takes on such jobs. Blacks were forced to by virtue of the unique combination of their ethnic exclusion and economic vulnerability, a combination that employers unsuccessfully attempted to impose on workers in the past. It became apparent that the fostered antagonism of Irish against Pole that had fallen on deaf ears found its measure in appeals of white against black (p. 160).

Even graduates of higher education institutions such as the then-trade schools Hampton and Tuskegee, attracted North by the promise of better wages and conditions, worked as porters, elevator operators and chauffeurs—outcomes that were structurally imposed, not because of personal failings, Marks wrote. They were the “young militants” attracted to W.E.B. DuBois’ push for social equality (Palmer, 1967; Scott, 1920), less likely to accept the harsh racial climate of the South than were their parents and more likely to seek some kind of redress for their anger through politics.

Further, unlike the typical European immigrant, approximately half, or sometimes the majority, of migrants were females (Collins, 1997; Light, 1977). Collins pointed out that issues of gender have not been well investigated, but literature on the migration and on sociological activities of that time suggests that African American female migrants faced unique problems (Scott, 1990), although most mention is oblique. Osofsky (1964) wrote of efforts to improve the “harsh lives of Negroes in the city” as including “protecting Negro domestics from the exploitation of employment agents” (p. 156). Osofsky related how Victoria Earle Matthews founded the White Rose Working Girls’ Home in response to “unscrupulous employment agents who deceive the unsuspecting girls desiring to come North” (p. 157) and Light’s account makes several references to an overabundance of needy black females unable to find legal employment, especially in New York. Among the New York City-based organizations that later merged to become the National Urban League we know today was one called the National League for the Protection of Colored Women, which had branches in Philadelphia, Baltimore and Norfolk, Virginia (Wood, 1924).

The migration of Negro women coincided with a time of renewed interest in women’s sexuality in general and the commercialization of sexual behavior. This interest resulted in the convergence of state-sanctioned regulation of behavior and health—specifically, prosti-

tution and social disease. By World War I, the interest also led to increased jailing of women for prostitution so that “although estimates vary, as many as 30,000 women were counted by the federal government itself as having been under some form of protective control during WWI, a figure made more startling by the fact that the war and demobilization period lasted only 27 months, meaning that a thousand women a month were taken into some form of custody” (Luker, 1998, p. 623).

Again, references to race were rare outside the South, African Americans in particular, in popular accounts of the Progressive reform era (for one exception see a 1980 journal article by Michael L. Goldstein on how in the midst of the Great Migration black New Yorkers were marginalized by a city bureaucracy increasingly autonomous in the wake of the good-government movement). Nonetheless, given the concern over exploitation of Negro female migrants, race may have been a factor.

In fact, Light’s study of ethnic group participation in vice “confirms the guiding role of American society which rewarded ethnics’ participation in prostitution but restricted legal earning opportunities” (p. 464). Light noted that his selection of Chinese and African Americans as the two groups to compare was because of their differing geo-social origins: Chinese immigrants left a society in which secret criminal organizations already existed, while black people migrating from the South did not. Light’s description of clients for prostitution fits rather well into the middleman theory of entrepreneurship:

...white demand permitted many more blacks and Chinese to find employment in the vice industry than would have been possible on the basis of co-ethnic patronage alone. White patronage probably doubled the volume of prostitution in Chinatowns and tripled it in Harlem and Bronzeville (p. 468).

Devoting attention to the prominence of African American women in the movement from South to North and from rural to urban areas is important to contextualizing not only the social and economic landscape of cities, but to political aspects as well. We learned in Chapter 2 and from the work of researchers such as Schneider and Ingram of the role of social construction in influencing political responses. Further, clubs organized and populated by African American women were active, albeit largely unrecognized, in the civil

rights movement beginning in the 1950s (see Barnett, 1993, for a discussion of the pivotal role of women in the Montgomery, Alabama, bus boycott that propelled Martin Luther King Jr. to national leadership and for their contribution to other civil rights movements in the South). Further, conclusions that include race as a factor do sometimes change when sex is added as a variable (see Collins, 1997, citing research showing that the Ford Motor Company hired more African Americans than other automakers during World War II and contrast that account to Anderson, 1982, who singled out Ford as especially excluding black female workers). African American women typically have the most to gain from influencing policy; Taeuber (1968), for example, in analyzing Census data of 1955-1960 reported that nonwhite women were four times more likely to die in childbirth than white women.

There They Go, Here They Come: Migration Reaction

As noted earlier, the migration unsettled opinion leaders threatened by the loss of control over the movement of black people. Most of the following account of sentiments at the time is from a 1967 journal article by Dewey Palmer.

Southerners at first praised the migration as ridding themselves of blacks, who were socially constructed as lazy and criminal. The outflow had become troublesome by 1916, however, when a Georgia newspaper observed “We must have the Negro in the South... It is the only labor we have, it is the best we possibly could have—if we lose it, we go bankrupt!” (p. 57). Southern newspapers, as well as some in the North and in border states, carried stories about deluded Southern Negroes starving and freezing to death up North and editorialized that the South was the Negro’s best and only friend. Papers that usually ignored black people except to report crimes began writing about the best Negroes, focusing on those who urged black people to remain in the South.

Meanwhile, led by the lumber industry, which had been largely financed by Northern business interests, Southern industrial employers even resorted to violence to stem the tide of migration—in Bogalusa, Louisiana, African Americans were dragged from departing trains and Northern labor recruiters beaten. Northern black newspapers, most likely the Chicago Defender which led the call for migration, were intercepted (Norwood, 1997). In 1917, some 200

African Americans bound for Pittsburgh, Pennsylvania, were stopped in Shreveport, Louisiana.

Southern opinion leaders generally avoided looking inward for causes of the migration. Although some newspapers eventually denounced lynching and Southern elites acted to curb the road gang peonage and other abuses by law enforcement, disfranchisement of the Negro was almost complete by 1914 and the South Carolina General Assembly, indignant at even the remaining handful of black voters, in January 1914 favored a repeal of the 15th Amendment. Blame was assigned to exogenous factors—a conspiratorial United States Department of Labor, the Republican Party luring black voters to the North and German or Bolshevik propaganda (Palmer, 1967, pp. 57, 58, 59).

Policymakers did, however, begin to respond with legislation designed to stem the drain on labor. A New Orleans newspaper, asserting that the loss of agricultural workers threatened the food supply, said any restrictions on migration should be considered a war measure. Various Southern states passed laws targeting the labor recruiters or imposed heavy licensing fees.

In the meantime, the potential impact of the migration on urban politics was manifesting itself. The “vast number” of migrants to the North were voters or potential voters and politicians there paid attention (Palmer, p. 61). A Negro was elected to the Chicago City Council in 1915, a Negro presided over the New Jersey House of Representatives, a Negro was elected to Congress from Illinois in 1928 and introduced into the Pennsylvania legislature was a bill for equal rights for Negroes. Palmer described the transformed political prospects of African Americans thusly:

The national political activity and strength of Negroes grew and the lack of civil rights accorded Negroes was made known to other American citizens (p. 62).

Focusing on the decade of 1940-1950, researcher Oscar Glantz (1960) analyzed African American voting behavior in Northern cities that were popular migration destinations. In that 10-year period, black migrants accounted for more than half the increase in potential black voters and up to 80 percent in some cases, positioning the Negro vote as a balance of power.

An investigation by Henry Lee Moon, director of public relations for the NAACP and author of *Balance of Power: The Negro Vote*,

explored further the impact of African American voters in the following decade. Moon (1957) recounted how in 1956 black voters in droves abandoned the Democrats they had overwhelmingly supported since the 1930s. They were expressing approval for gains in civil rights under Republican President Dwight Eisenhower—the 1954 Supreme Court decisions banning segregation in public schools and an Interstate Commerce Commission order banning segregation in interstate travel. Moon said, however, that the defections in the South were primarily a protest against the antics of the Dixiecrats and the actions of mobs seeking to prevent public school and university integration. Democratic Party successes outside the South were due to the popularity of individual candidates and to the lead of unions such as the United Auto Workers.

Moon said the significance of the black vote lay not in its size—of the 61.7 million votes cast in 1956, African Americans likely did not account for not more than 4 million—but in its distribution. That distribution contributed to the 1948 victory of Harry Truman and the 1952 success of Adlai Stevenson in five of nine Southern states. Glantz cited Truman's winning the critical electoral votes of California, Illinois and Ohio, where his popular vote margins of 17,000, 33,000 and 7,000, respectively, were a function of his overwhelming support from black voters. Black votes further may have provided the margin of victory in 61 congressional districts in 21 Northern and Western states. See Table 4-5 for how the African American migration potentially increased the number of eligible voters in selected Northern cities.

Moving the Dock When the Ship Comes In

Still, all politics is local. Providing the margin of victory in a presidential election may attract trickle-down policy benefit, but African Americans coveted the direct municipal political control and influence that had so handsomely rewarded earlier immigrants. They were, however, to see their aspirations dashed by a reform crusade rivaling the Redemption that drove them out of Southern politics. What the Redeemers achieved through violence, intimidation, chicanery and overt appeals to white supremacy, the good-government reformers achieved by commandeering the moral and civic high ground. They abjured the criminal activity of the Redeemers, but borrowed heavily from their social construction of their target

governments as corrupt and in danger of being controlled by the wrong kind of people. Although their plans were to disproportionately impact African Americans—the earlier immigrant groups were by that time well positioned for economic and social assimilation—Painter (1987) saw the reformers as cutting across regional, even racial, lines and calling for government led by educated people of a “better class” than the Negro Republicans in the South and the maligned Irish immigrants in the North:

Just as the specter of “Negro domination” had served to discredit government elected by the southern masses, so Irish bossism was said to have caused the crisis of city government in the North (p. 10).

When the smoke had cleared from the crusade battlefield, the reform legacy endured, a “formidable barrier to effective political participation” (Davidson & Korbel, 1981, p. 991). Discarded were many of the mayor-council and single-member district forms of government that institutionalized votes for patronage, including city jobs. The transformation was costly to minority groups, especially so for the arriving African Americans desirous of the policy successes of their immigrant predecessors. Pressman (1972) and Lineberry and Fowler (1967) saw the mayor’s office as effective in cities with diverse populations. Pressman concluded that political fragmentation presents opportunities for brokerage functions among competing groups. More recent studies also have concluded that the council-manager form favored by higher socioeconomic status groups is slow to respond to what often are competing demands of diverse populations. The reformers had begun girding for battle at least by the turn of the 20th Century. One commentator, E. Dana Durand (1900), undoubtedly was referring to the strong-mayor dominated urban governments then the mode when he wrote of the “present movement toward increasing the mayor’s power” (p. 675). What was required, he argued, was fixing the council:

...The system of council rule worked well enough in the early days... but with the introduction of universal suffrage, the influx of foreign immigrants, the intrusion of party politics and the growth of municipal functions, the system broke down completely. (p. 430)

City councils of the time were excoriated as “the seat of the worst corruption and the occasion of the worst evils” by a 19th century researcher (MacVeagh, 1896, p. 553) who dated “deterioration” of cities from the end of the Civil War, but who did not mention ethnic or racial groups. While academics and other opinion leaders were poring over the public administration theory of Woodrow Wilson and Max Weber, who called for a bureaucracy divorced from politics, mass sentiment against the urban governments was being fomented by popular media and the likes of journalist Lincoln Steffens raising fear of corruption.

After a brief courtship with the commission form (first adopted in Galveston, Texas, in 1905) and concluding that it, too, catered to immigrant groups, the reformers found their government form of choice in the council-manager arrangement (first adopted in Staunton, Virginia, in 1908). A typical corollary of the council-manager form—and arguably the most deleterious for effective minority group voting—was the use of at-large elections (but see Berkman & Plutzer, 2005, concluding that the post-Voting Rights Act growth in single-member ward elections in the South has increased descriptive, but not necessarily substantive, representation, p. 108). By 1960, some 60 percent of cities of more than 10,000 in population elected city councils at-large, compared to 23 percent using all single-member districts (Davidson & Korbel, 1981), and the council-manager form had become the mode (Kessel, 1962). As Table 4-6 shows, the at-large share had increased still more by 1972. Even the partisan elections historically associated with the ward political system and strong-mayor form of government were markedly of the at-large type, the table shows. Further, Table 4-7, which also is for the year 1972, reflects the South and the West’s preference for the nonpartisan at-large election districts that were a key plank in the reform campaign. The asterisked comparisons with 1992 data suggest a substantial decline in the share of at-large districts and increase in single-member districts, especially in the South and West. Tables 4-8 through 4-11 depict frequencies for election districting and form of government for the two data samples in this research project.

Painter said the reform movement also shrank the size of the total electorate, especially in the South. In this region many poor whites and almost all African Americans—in an early instance of disproportionate impact on the latter—were eliminated. The

movement in fact enjoyed its greatest success in the South, where centralized governments developed later (Porter, 1922) and where Northern industrialists after the Civil War created new towns almost from the ground up—Bogalusa, Louisiana, and Birmingham, Alabama, being two examples. Note that the council-manager form also is more frequent in the West region where, like the South, municipalities are younger. As depicted in Figure 4-5, older cities tend toward the mayor-council form. Given the tenor of the time—marked by unapologetic calls for political, economic and social subordination of Negroes, the popularity of the reform movement in the South was nothing more than the historic resentment of African American political participation (Lewinson, 1932, and see discussion in Chapter 2), making any empowerment of black Southerners an easy target.

With some understanding of the urban political landscape provided by the preceding description, the question can now be explored of whether the single-member districting system in its 1965 Voting Rights Act incarnation resurrected a dream deferred of black voters.

Description of Variables

This test primarily uses two data sets. One sample is from the 1992 Census of Governments and the other from a telephone survey, conducted in late 1999 and early 2000, of the seats of Standard Metropolitan Statistical Areas. Additional data were obtained from the *1993 County and City Extra* data book and supplemented by electronic sources and publications. The complete list of variables, their definitions and sources are displayed in Table 4-12.

Census of Governments Data

Of the nearly 40,000 cases included in the 1992 *Census of Governments*, 615 are municipalities—cities, towns, villages and townships—with populations of at least 50,000. This size community and larger were favored destinations for migrants and are most likely to have the population density that would be a condition for providing a service such as refuse collection. The Census Bureau collects data on local governments every five years beginning two years after the decennial count. Of particular relevance for this project are the descriptive data on city councils, the data on electoral systems, and the method of delivery of 17 municipal services. The year 1992 was the

last that many of these variables, notably those relating to popularly elected officials, were included, ending a series that began in 1967.

Supplemental Sources of Data for the Census Sample

Population percentages are from the *1993 County and City Extra* data book, which reports 1990 Census data. Also taken from the data book was the percentage of a city's population with 16 or more years of schooling, per capita income of residents and whether the median income of residents had increased or decreased from 1979-1989. The age (in years since the date of earliest incorporation) of cities was obtained from a Web site copyrighted as the Columbia Electronic Encyclopedia 2005 and, where necessary, clarified through a city's own Web site.¹ The city age was calculated as of the year 1992. Finally, sources of data on annual sales of African American business and on cities with African American mayors are the June 1992 Black Enterprise magazine compilation of the largest 100 African American-owned firms and a study by researcher David R. Colburn (2001), respectively. Colburn's article lists black mayors in office in 1992.

Excluding Cases From the Analysis. In order to maintain the level of analysis at municipalities, all county governments except city-county consolidations were excluded from the sample. Additionally, problems involving the reporting of elected officials and incomplete demographic description led to other removals, including all of the townships, even though a number in Michigan, New York, New Jersey, Pennsylvania, Illinois, Indiana and Ohio met the population threshold. The Census lists three categories under the broad heading of Elected Officials: First is Governing Body, which would include city councils and where most municipalities posted values. Next is Other Elected Boards, which covers specialized functions within a government. The third is Other Elected Officials, which covers all other popularly elected officials.² The problem is that governments did not always post their elected officials in the same way. Illinois and Indiana townships meeting the population threshold posted values under Other Elected Boards, but zero under Governing Body. Michigan townships had listings both ways, while other states reported only under Governing Body.³

Cities also were among the eliminations. Kansas City in Missouri and Richmond in Virginia were excluded for missing values under the refuse variable. These cities also provided no information beyond number of city councilors and whether they were elected at-large or

from districts. Their elimination was unfortunate qualitatively in two respects, however: Richmond was the venue for the *Richmond v. Croson* decision, discussed in earlier chapters, which had such an impact on cities' affirmative action in contracting programs. Kansas City and Topeka were the favorite destinations of those migrants who came to be known as the "Exodusters" of 1879 (see discussion earlier in this chapter), when thousands of African Americans fled the post-Civil War South to Kansas. Chafe (1968) pointed out that an important consequence of the clustering of Negroes in these cities "was that party organizations cultivated the Negro vote" (p. 405). Chafe also quoted editorials of the time that called for jobs in exchange for the Negro vote.

Berkeley in California was removed because of lack of clarity about elected officials. It lists eight members under Governing Body and nine under Other Elected Boards.⁴ Six Connecticut cases were removed because they are not listed in the *1993 County and City Extra* data book, East Hartford, West Hartford, Fairfield, Greenwich, Hamden and Manchester, as well as Weymouth in Massachusetts. Townships also were not listed in the data book. Other cases removed for incomplete data included Union City and San Leandro in California and Hempstead in New York, Boca Raton in Florida, and Brookline and Framingham in Massachusetts. Of states, Vermont is the only one not included in the sample. Its largest city, Burlington, was less than 40,000 in population in 1990. Finally, as the forms of government of primary interest for this research project, only the strong mayor-council and council-manager cities were retained. The other two government forms, commission and selectmen, are rare for large cities, totaling just three—Union City, New Jersey, Portland, Oregon, and Kalamazoo, Michigan. Of the remaining 492 cases, a total population of 83,738,339, California was the state with the most. Tables 4-13 and 4-14 present state and regional frequencies and population percentages for the Census of Governments sample. Finally, values for Huntsville, Alabama, Philadelphia, Pennsylvania, East Orange, New Jersey, and Santa Fe, New Mexico, were changed based on personal communication from relevant officials.⁵

Overview of the Census Sample

Population Characteristics. The cities ranged in population from 50,008 in Cheyenne, Wyoming, to 7,322,564 in New York City. Within the sample total of 83,738,339, the mean was 170,200 and the

median 84,599. Within that, the percentage African American and Hispanic ranged from .1 percent to nearly 90 percent and .5 to nearly 94 percent, respectively. The distribution of African Americans within the sample is given for all cases in Figure 4-1 and by the four regions in Figure 4-2. Because most cities had very small African American populations, a separate analysis will be conducted on those with at least 10 percent black population.

Because population percentages in the *County and City Extra* data book are provided for Hispanics of any race, the Census of Governments categories that distinguished between black and white of Hispanic origin were ignored and these two variables collapsed. Although both the data book and the Census had separate categories for Asian/Pacific Islander and American Indian/Alaska native, these two groups also were combined because they were few in number.

Telephone calls were made to Philadelphia, East Orange and Santa Fe because of unusual postings for their city councilors. Based on these conversations of April 3, 2006, changes were made to Philadelphia's council size, method of election and sex and race of councilors, and to race of councilors for East Orange and Santa Fe.

As expected and as shown in Figure 4-1, most cities were predominantly white—African Americans or Hispanics were half or the majority in just 4.5 percent of the 492. Of the 22 cities with African American populations of 50 percent or more, East Orange, New Jersey, had the highest, 89.9 percent; of the 20 with at least 50 percent Hispanics, Laredo, Texas, was the highest, with 93.9 percent. The tables and graphics in Figure 4-2 show that the South, the region with the smallest percentage of the population, had the largest percentage of the African American population, as well as the smallest Hispanic, while the reverse obtained in the West. The African American and Hispanic population percentages also were computed for each state. The percentages by state further suggest that there is little covariance between these two minority groups. Except for New Jersey, states in which these two groups are nearly equal tend to have low percentages of both. This disparity may pose difficulty for the ability of elected representatives to form coalitions.

The data also support the finding that African Americans tend to live in cities. Only in eight of the states, and those with relatively low percentages, is the percentage African American smaller in the sample than the statewide percentage, the latter as given in the *1993 County*

and *City Extra* data book. Note that the North and Midwest are the only regions containing townships, which along with counties are excluded from the analysis. Although the extent to which these townships are coterminous with other local government is not easily ascertained, several have sizable African American populations—for example, Irvington Township in Essex County, New Jersey, was 81.7 percent African American and Upper Darby, Pennsylvania, was 11.3 percent. Nonetheless, townships tend to be largely white and outside the large urban centers where most African Americans live.

Racial demographics also appear to vary with income and education levels. The percentage African American was negatively associated with both education and per capita income and income change. The percentage Hispanic, on the other hand, was positively associated with increased median income, but negatively with education and per capita income. The associations among education, per capita income and increased median income were all positive. Constituencies with lower levels of income and education might be expected to increase pressure on their elected officials to retain control over city jobs (Wingerter, 1991; Hersch & White-Means, 1993; Suggs, 1990; Walton & Smith, 2003).

On the assumption that level of population might be an indicator of economic vibrancy, each city's 2000 population was compared to that of 1990. The region with proportionately more population declines was the North, with 44 of its 73 cities, or 60.3 percent, dropping in size. Next were the Midwest, with 38.7 percent losing population, the South, with 26.4 percent, and the West far behind, with 3.3 percent posting declines. A note of caution, however: Recall the removal from the sample of dozens of townships, a government found almost exclusively in the North and Midwest, that may have posted population increases because they tend to be suburban. Overall, 77.2 percent of cities in the sample grew in size. The percentage African American also was negatively associated with the population change variable, while the reverse obtained between the percent Hispanic and population change. The income change and population change variables also were positively correlated to each other.

Government Characteristics. As would be expected and as depicted in Figure 4-5, the mayor-council form of government is found more in older cities. Recall from earlier discussion that the mayor-council form, with a strong, elected mayor who often con-

trolled patronage, was a target of the reform movement favoring a council-manager form and a weak mayor. Younger cities would be expected to adopt the council-manager form. The mean and median city age were similar—112.7 and 112.5, respectively. Not surprisingly, the older cities were in the Northeast (see also earlier Note 1 on ascertaining city age). Three in Massachusetts and two in New York were more than 300 years old. This is not to imply that cities in the South were newcomers to local government collectives—the Charlestons in South Carolina and West Virginia, Savannah in Georgia and Charlotte in North Carolina were all around 200 years old, for example. Rather, Southern living did not lend itself to centralized decision-making. Porter (1922) wrote that the South's mild weather and the opportunity to acquire large plantations worked against the need to establish towns. Also, plantation owners exercised great authority over large numbers of people and amounts of property and so did not need the venue of a city to do so, he wrote.

Although the modal government form was council manager (which the Census Bureau defines as elected governing body and appointed manager), its frequency did not differ greatly from the mayor-council form—269 and 223 cases, respectively. Tables 4-10 and 4-11 display the government forms and frequencies, including by region, in both the Census and telephone survey samples. As expected, the Midwest and North regions tend more to the strong mayor and the West to the council-manager in both samples. The preferences are less marked for the South, however.

Governing Body Characteristics. Of the 4,052 city councilors in the sample, a slim majority, 51.7 percent, were elected from single-member districts. Most of these served on councils with mixed single district and at-large seats, however—of the 492 cases, 92 were all district and 163 were mixed, leaving a plurality of 237 cities, 48.2 percent, using all at-large. See Table 4-8 for election districting frequencies. A comparison of the percentage of single-member districts, 18.7 percent, to that 20 years earlier, 21.9 percent, presented in Table 4-6 suggests how rare the once-dominant ward system has become and how unlikely the trend is to change: The single-member districting percentage is smaller in the 1992 Census sample, although this sample consists of the larger size cities (50,000-plus compared to 10,000-plus in the 1972 data) historically associated with ward districting. Further, differences among the three forms of districting

are less pronounced in the Census sample than in the 1972 data. As depicted in Table 4-9, which displays Census sample frequencies by the four regions, the West alone shows a marked preference for all at-large districting. A number of factors may account for why the South evinces a lower tendency in the Census sample than in 1972 (see Table 4-7): First, the author of the 1972 tables (Svara, 1977) placed Texas and Oklahoma in the South region; they are in the West region in the Census sample. Second, the historical association between larger cities and single-member districting may be more a factor in the Census sample. Finally, the years between 1972 and 1992 saw more successful legal challenges to at-large districting and subsequent switching to single member (see Berkman & Plutzer, 2005, noting increases in ward elections between 1987 and 1992, p. 92). For example, as late as 1994 the American Civil Liberties Union challenged Newport News, Virginia's all at-large districting (note that the city council in 1992 was all white and male), which since has been replaced by three districts of two members each and only the mayor elected at-large.

The mode and the mean for size of council were both seven and most consisted of nine or fewer members. Fifteen cities had councils of 20 or more, ranging from all-district 20 in Appleton, Wisconsin, and Bridgeport, Connecticut, to Chicago's 50-member council, also all-district. As suggested by the graphic in Figure 4-3 (census sample), the strong-mayor form of government tends to larger council size, support for findings that this government form is more responsive to diverse groups (Pressman, 1972; Lineberry & Fowler, 1967; Gordon, 1968—see the discussion earlier in this chapter); intuitively, the larger the council, the more opportunity for contact with various constituencies.

Consistent with the sample population, four of five council members were white and more than three-fourths were male. Of those, some 62.5 percent were white male compared to around 20 percent white female. Of the minority councilors, the number of African American males, 418, was more than three times that of African American females. The remaining minorities totaled approximately 200 of the 4,052. Finally, there was a positive correlation between the percentage of African American council members and the percentage of seats that were district. On the other hand, the correlation between

percentage female councilors and percentage district was negative. The same obtained for that between Hispanic councilors and districts.

Turning next to the composition of the telephone survey, we shall see that that sample is similar to the Census sample in several important respects.

Telephone Survey

A data set of municipalities was assembled from a telephone survey conducted in late 1999 and early 2000. The survey conducted periodically by researchers Michael McDonald and Richard Engstrom polls seats of Standard Metropolitan Statistical Areas on various characteristics of their city government. Responses most relevant to this project are number, race and sex of the city councils, kind of electoral system (single-member or at-large) and whether a city has a set-aside program designed to increase the opportunity for women or minorities to do business with the city. A related question was whether a city has a separate affirmative action office or officer (that is, a person who does not also have another title). Respondents then were asked (if they reported not having affirmative action) if the city ever had affirmative action in contracting and, if so, when it was abolished. The reason was to gain a sense of whether a city took advantage of the *Richmond v. Croson* decision (1989) to dismantle the policy, and whether the city council subsequently was able to re-instate it—the kind of influence that, according to this research hypothesis, is evidence of policy responsiveness to African Americans.

Supplemental Sources of Data for the Telephone Survey Sample

Like the Census sample, the survey data were supplemented by the *County and City Extra* data book, but using the 2002 edition, and by the Census Bureau Web site. The source for cities with black mayors is *Black Elected Officials: A Statistical Summary 1993-1997* compiled under auspices of the Joint Center for Political and Economic Studies, a more than 35-year-old Washington, D. C., research institute. Listed are the 41 cities of at least 50,000 in population that in 1998 had black mayors, including those selected by vote of the city council. The cities with African American mayors also are about evenly distributed among the North, Midwest, South and West regions.

Next, the African American business presence is based on *Black Enterprise* magazine's 2000 compilation of largest black-owned businesses. The magazine provides name, product/service and location of

company, its chief executive, year of founding, number of staff and annual sales.

Overview of the Telephone Survey Sample

Telephone calls were made to 308 cities. Usable data initially were provided for 234, but 87 of those lacked values for the set-aside variable and so were eliminated, leaving 147. Included in the 87 eliminations were six states in their entirety: Maryland, Montana, Rhode Island, Vermont, West Virginia and Wyoming. Anchorage, the only city in Alaska, was removed for similar reasons, leaving 146. Next, as in the Census sample, only those cities with either a mayor-council or council-manager form of government were retained. Thus eliminated were three cities with commission governments—Portland, Oregon, and Fargo and Bismarck in North Dakota, the latter two serving to remove the state of North Dakota in its entirety. The remaining 143 cases represented 42 states and the District of Columbia, a total population of 42,019,928 with a mean of 293,846 and a median of 147,595. They ranged from 36,264 in Florence, Alabama, to 3,694,820 in Los Angeles. Tables 4-15 and 4-16 present state and regional population percentages.

Population Characteristics. As in the Census sample, the populous California and Texas accounted for the West's more than 50 percent share of cases. Further, the tables and graphics (at the end of this chapter) depicting relationships among variables suggest that although the mix of individual cities differs between the Census and telephone survey samples, the distributions did not change markedly. In only two states did the population percentages change by more than five percentage points: New York from 10.5 percent in the Census to .7 percent in the survey and Texas from 10 percent to 16.3 percent, although Illinois went from 5.2 percent to .6 percent. Except for the West, the regional percentages all changed, including the South moving to second most populous.

Large Hispanic populations, in order, in Texas, New Mexico, Arizona, California and Colorado contributed to the West's proportionately greater share of Hispanics. The South again was more black and less Hispanic. In the North, large Hispanic populations in Connecticut, which had nearly equal percentages of the two groups, and New Jersey were a factor in that region's ranking as second in size of Hispanic population. As Figure 4-2 shows, African Americans are more numerous in the South, which contained the largest

percentages of the population defining itself as Black in the Census category “race alone or in combination,” although Gary, Indiana, and Detroit, Michigan, in the Midwest had the largest single percentages.

As with the Census sample, most cities were predominantly white (see Figure 4-1). African Americans were more than 50 percent in just 20 of the 143, ranging from 50.1 percent in Montgomery, Alabama, to 85.3 percent in Gary, Indiana. Hispanics were the majority in eight cities, from 51.7 percent in Las Cruces, New Mexico, to 94.1 percent in Laredo, Texas. Laredo was 93.9 percent Hispanic in the Census set. Also as with the Census, the correlation between the Hispanic and African American percentages was negative.

Government Characteristics. A survey question was about form of government—i.e., mayor-council, council-manager or commission. As depicted in Figure 4-4, higher percentages of African American population tend to be associated with the strong-mayor form of government, a result consistent with findings by earlier investigators (Stein, 1986; Mladenka, 1989; Gordon, 1968, et. al.). Although some survey respondents classified their government as mayor-council, only those in which the mayor had no voting role with the city council were scored such.

While 68 of the 143 cities were mayor-council, the next most frequent administrative arrangement was council-manager, with 75 governments reporting this form. In council-manager governments, the mayor’s position is either nonexistent or mostly ceremonial, with the occupant voting the same as the other councilors. The mayor may not be directly elected, but chosen by the city council. Placed into the council-manager category was what survey respondents described as a mayor-council form, but which upon further questioning turned out to be closer to the council-manager—with the mayor voting to break a tie. See Table 4-10 for frequencies of government form in both samples. Table 4-11 presents regional frequencies. Note that the proportions in the South, a hotbed of the reform movement as discussed earlier in this chapter, shifted toward the strong mayor form.

Governing Body Characteristics. Excluded from the telephone survey responses were cities with multimember districting. Of the 16 eliminated because of districting, most were for this reason. For the other two districting arrangements—at-large and single member—the latter totaled nearly twice as many as the former—921 seats against 465. Further, the size of the council, in terms of number of members,

appeared to be positively related to the proportion of single member districts. The size of council may be important because policy often results from putting together a winning coalition. The fewer the number of overtures that must be made to fellow councilors, the easier is this task. A total of 1,386 councilors served on bodies that ranged in size from 5 to 41 members. Twenty cities had councils of 15 or more members. Among the largest were 41 in Nashville, Tennessee, 30 in New Haven, Connecticut, and 29 in St. Louis, Missouri. The mode was seven councilors, accounting for 32.2 percent of the cities. Next in frequency were nine-member councils at 27.3 percent, and five-member councils at 7.7 percent. As with the Census sample, the mayor-council form of government is more associated with larger council size; see Figure 4-3 (telephone survey sample).

Thirty-three cities used all at-large districts, 32 used all single-member and the remaining 78 a combination of the two. The seeming contradiction in the SMDs being more numerous is that, in cities using a combination, most seats were single-member. Of the at-large districts, one was the modal number, typically the mayor's seat in the council manager form of government. See Tables 4-8 and 4-9 for frequencies of election districting, including by region.

The racial makeup of the councils was consistent with population distribution. Of the 1,386 councilors, 291, or 21 percent, were African American and 95, or 6.8 percent, were Hispanic. Females accounted for 27.8 percent. As obtained in the Census sample, the percentage African American councilors was positively related to the percentage single-member districts. The percentage female was negatively correlated with single-member districts.

Economic Characteristics. Data were collected on economic characteristics of the cities under the assumption that elected representatives may be torn between maintaining control over city jobs and supporting the creation of set-aside programs for minority and women entrepreneurs. Data from the 2000 Census on each city's unemployment rate, its median household income and its per capita income were obtained from the Census Bureau Web site.

Less than a percentage point separated the unemployment rates of the regions. By region, the rates were 4.8 percent in the Midwest, 4.4 in the West, 4.7 in the South and 5.3 in the North. The highest individual rates were in Atlanta, Georgia, 9 percent, and Hartford, Connecticut, 9.1 percent. Not surprisingly, the larger cities tended to

have more unemployment. Seventeen of the 24 with rates of 6 percent or higher had populations of more than 100,000. Further, African American population and the unemployment rate tended to vary together, as did that for the percent Hispanic. This result is consistent with the finding that African Americans tend to have higher jobless rates. Elected representatives, facing a choice between privatization and maintaining city jobs, might therefore justify contracting set-asides by arguing that they will create a favorable environment for new or existing minority business and thus more jobs for minorities.

Also not surprisingly, per capita income and unemployment varied inversely. Of the 11 states with per capita income greater than \$25,000, five were in the West, four in the South, two in the North and none in the Midwest. The two lowest incomes per capita were in Brownsville and Laredo in Texas, both with more than 90 percent Hispanic populations, and the highest was in San Francisco. Of the 22 cities with per capita income \$16,000 or lower, eight were in the West, seven in the Midwest, four in the North and three in the South.

The final economic indicator important to this analysis is African American business presence as measured by annual sales of firms headquartered in cities in the sample. Firms in suburban or unincorporated locations were assigned to the nearest city—for example, Sherman Oaks in California was assigned to Los Angeles and Lanham, Maryland, to Washington, D.C. The values entered for cities that were home to more than one firm represent the total sales of all the firms headquartered there.

Of the 100 firms on the Black Enterprise magazine list, 83 were in cities in the sample. However, they were in just 20 of the 143 cities, with 31 firms concentrated in eight cities—from seven in New York City to three each in Chicago, Los Angeles and Atlanta. In terms of region, the Midwest was home to seven of the cities in which firms were headquartered, the South to six, the West to four and the North to three. Some 40 of the firms had been in business for at least 15 years, the oldest being one in Matteson, Illinois, in food manufacturing, sales and services and which started out as a minority-owned ice cream company in 1921.

The annual sales totaled \$4.6 billion, with a mean of \$231 million and a median of \$125 million. The amounts ranged from \$30 million in Greensboro, North Carolina, home to one firm, to nearly \$900 million in Detroit, home to five. Sales had declined substantially

between the magazine's 1992 and 2000 listings, however—they were \$5.1 billion in 1992. A likely reason was the dissolution of a New York City-based international foods concern ranked first with sales of \$1.5 billion in 1992 and which the magazine touted as the first minority-owned business to break the billion dollar mark. By contrast, the top ranked company eight years later posted \$413 million in sales, although the remaining top 20 posted higher sales than in 1992. The range from number 2 to number 20 was \$261 million to \$44 million in 1992 and from \$395 million to \$141 million in 2000.

With the preceding description of the data sample and an explanation of how the variables are related, the next step is to create a formula for testing the hypothesis that single-member districting interacts with minority population, leading to greater policy responsiveness for minority preferences.

THE ANALYTIC EQUATIONS

The analysis is comprised of a series of bivariate estimations. The first consists of one equation that is a linear model of the link between African American voters and African American city councilors. The second and third are a series of null hypotheses testing logistic models of the effect of African American representation and single-member districting on privatization and on affirmative action in contracting.

The Representation Equation

Whether in the role of trustee or delegate, elected representatives are assumed to favor policy to benefit constituents. The electoral preference of African American voters is further assumed to be descriptive in nature. To the question of whether the emphasis on single-member versus at-large districting has increased African Americans' control over electoral outcomes, this project will revisit Engstrom and McDonald's (1981) work exploring the relationship between African American population, electoral institutions and electoral outcomes. Engstrom and McDonald found that the single-member district electoral system translated African American population into descriptive representation in an approximately 1-1 ratio. The hypothesis and resulting equation are:

H₁ The higher the level of African American population, the higher the level of African American representation.

$$\%BlkRep = a + b_1\%BlkPop$$

where %BlkRep is the percentage of the city council that is African American and %BlkPop is the percentage of the population that is African American.

The Privatization Equation

Logistic regression, a widely-used analytic tool in the to benefit constituents. The electoral preference of African American social sciences, is appropriate for this research project because it accommodates a qualitative dependent variable, one that can take on a value of either zero or one. The test here is to determine the probability that a city will or will not have chosen to privatize refuse collection. Although African American representation and its interaction with single-member districting are the explanatory variables of interest, contextual effects of city age, economic vibrancy (including African American entrepreneurship), education and form of government (including the presence or absence of an African American mayor) are expected to be factors. The resulting series of null hypotheses takes the form:

H₂ The higher the percentage of African American representation, the lower the probability of privatization.

Pr (PrivRef) = a - b₁%BlkRep
 where %BlkRep is the percentage of the city council that is African American and Pr (PrivRef) is the probability that refuse collection will be privatized.

H₃ The higher the percentage of single member districts, the lower the probability of privatization.

Pr (PrivRef) = a - b₁SMD
 where SMD is the percentage of a city council elected by single member district.

H₄ The multiplicative effect of the percentages of single member districts and African American representation will lower the probability of privatization.

Pr (PrivRef) = a - b₁SMD*%BlkRep
 where SMD*%BlkRep is the percentage single member districts times the percentage African American city councilors.⁶

H_5 *An African American in the mayor's office will lower the probability of privatization.*

$\text{Pr}(\text{PrivRef}) = a - b_1 \text{BlkMayor}$
 where *BlkMayor* is a variable scored 1 if the mayor is African American and 0 otherwise.

H_6 *The multiplicative effect of an African American mayor and African American entrepreneurship will increase the probability of privatization.*

$\text{Pr}(\text{PrivRef}) = a + b_1 \text{BlkMayor} * \text{BlkBiz}$
 where *BlkBiz* is annual sales, representing millions of dollars, of African American owned business in the city.

H_7 *The greater the level of African American entrepreneurship, the higher the probability of privatization.*

$\text{Pr}(\text{PrivRef}) = a + b_1 \text{BlkBiz}$

H_8 *With a mayor-council form of government, the lower the probability of privatization.*

$\text{Pr}(\text{PrivRef}) = a - b_1 \text{GovForm}$
 where *GovForm* is a variable scored 1 for the mayor-council form and 0 for council-manager.

H_9 *The older the city, the lower the probability of privatization.*

$\text{Pr}(\text{PrivRef}) = a - b_1 \text{CityAge}$
 where *CityAge* is age in years.

H_{10} *The more educated the population, the higher the probability of privatization.*

$\text{Pr}(\text{PrivRef}) = a + b_1 \text{Edctn}$
 where *Edctn* is the percentage of the population with 16 or more years of schooling.

H_{11} *The more affluent the population, the higher the probability of privatization.*

$\text{Pr}(\text{PrivRef}) = a + b_1 \text{Inc}$
 where *Inc* is per capita income in dollars.

H_{12} *Where affluence is increasing, the higher the probability of privatization.*

$$\Pr(\text{PrivRef}) = a + b_1 \text{IncChg}$$

where *IncChg* is a variable scored 1 if median income increased since the previous Census and 0 otherwise.

H_{13} *Where population is increasing, the higher the probability of privatization.*

$$\Pr(\text{PrivRef}) = a + b_1 \text{PopChg}$$

where *PopChg* is a variable scored 1 if population increased since the previous Census and 0 otherwise.

The dependent variable, *Pr (PrivRef)*, is the probability a city will have privatized its trash collection. The variable is a dummy scored 1 if the function is privatized and 0 otherwise. Two of the four Census codes were collapsed and assigned a value of 1, meaning the function is privatized: code 2 (the government owns the facilities associated with the service, but contracts out the actual operation); and code 3 (the government neither owns nor operates the service, but contracts out for its provision. Collapsed into 0 were the Census response codes 1 (the government owns and directly operates the service) and 0 (the government does not provide the service). The latter code was considered non-privatized under the reasoning that a government must have deliberately moved from public to private provision of a service; some governments have never provided a particular service. Table 4-17 presents frequencies across the samples and by region of the presence or absence of privatized refuse collection and of a policy of affirmative action in contracting.

The Affirmative Action in Contracting Equation

As suggested in the preceding discussion of the sample sets, the hypothesized effects in predicting the probability of affirmative action in contracting, or a set-aside policy, are similar to those for privatization. The resulting series of null hypotheses is:

H_{14} *The higher the level of African American representation, the higher the probability of affirmative action.*

$$\Pr(\text{AA}) = a + b_1 \% \text{BlkRep}$$

where *%BlkRep* is the percentage of the city council that is African American and *Pr (AA)* is the probability of a set-aside policy.

H₁₅ The higher the percentage of single member districts, the higher the probability of affirmative action.

$$\text{Pr (AA)} = a + b_1 \text{SMD}$$

where SMD is the percentage of a city council elected by single member district.

H₁₆ The multiplicative effect of the percentages of single member districts and African American representation will increase the probability of affirmative action.

$$\text{Pr (AA)} = a + b_1 \text{SMD} * \% \text{BlkRep}$$

where SMD*%BlkRep is the percentage single member districts times the percentage African American city councilors.

H₁₇ An African American in the mayor's office will increase the probability of affirmative action.

$$\text{Pr (AA)} = a + b_1 \text{BlkMayor}$$

where BlkMayor is a variable scored 1 if the mayor is African American and 0 otherwise.

H₁₈ The multiplicative effect of an African American mayor and African American entrepreneurship will increase the probability of affirmative action.

$$\text{Pr (AA)} = a + b_1 \text{BlkMayor} * \text{BlkBiz}$$

where BlkBiz is annual sales, representing millions of dollars, of African American owned business in the city.

H₁₉ The greater the level of African American entrepreneurship, the higher the probability of affirmative action.

$$\text{Pr (AA)} = a + b_1 \text{BlkBiz}$$

H₂₀ With a mayor-council form of government, the higher the probability of affirmative action.

$$\text{Pr (AA)} = a + b_1 \text{GovForm}$$

where GovForm is a variable scored 1 for the mayor-council form and 0 for council-manager.

H₂₁ The more affluent the population, the lower the probability of affirmative action.

$$\text{Pr (AA)} = a - b_1 \text{Inc}$$

where Inc is per capita income in dollars.

H₂₂ The greater the need for jobs, the lower the probability of affirmative action.

$$\Pr(AA) = a - b_1 \text{Unemploy}$$

where Unemploy is the jobless rate.

The dependent variable, $Pr(AA)$, is scored 1 if a city had a set-aside program at the time of the telephone survey and 0 otherwise. See Table 17 for frequencies.

Effects of Other Minorities, Women

As discussed previously, the ability of a minority to form coalitions often is crucial to gaining policy responsiveness. To that end, the previous equations were modified to allow for the effect of Hispanics on the probability of privatization and for the effects of Hispanics and women on the probability of affirmative action in contracting.

The Hispanic percentage on the city council was added to the privatization estimations as the most salient measure of Hispanic presence in a city.

H₂₃ The higher the percentage of Hispanic representation, the lower the probability of privatization.

$$\Pr(\text{PrivRef}) = a - b_1\% \text{HispRep}$$

Next, the rhetoric surrounding contracting set-aside programs often is couched in terms of benefit to women as opposed to aiding African Americans alone. To allow for the effects of female representation, the percentage of women city councilors was added to the equation for the probability of affirmative action in contracting.

H₂₄ The higher the percentage of female representation, the higher the probability of affirmative action.

$$\Pr(AA) = a + b_1\% \text{FemaleRep}$$

Allowing for Additional Effects

Because policymakers may be torn between competing demands of African Americans as entrepreneurs and those aspiring to the city payroll, additional equations were constructed to allow for these potential effects.

Although hampered by too few cases for regression analysis, other approaches, including correlation and frequency distribution, were used to assess these effects. Next, to allow for sectional effects, the cities were selected out by the four regions and the above analyses

conducted. Because the 21 cities in the telephone sample for the North region could be too small an N, they were combined with the 33 in the Midwest.

Finally, because the electoral preference of African Americans is markedly descriptive, the analyses were conducted on only those cities with at least 10 percent African American population (Karnig, 1980; Berkman & Plutzer, 2005).

The results of the experiment and an explanation of any inferences that might be drawn are presented in the following chapters.

Table 4-1. African American Migration From the South and Region of Destination, 1870-1950*

Decade	Total Leaving	To Northeast	To Midwest	To West
1870-1880	68,000	26,000	42,000	—
1880-1890	88,000	61,000	28,000	—
1890-1900	185,000	136,000	49,000	—
1900-1910	194,000	109,000	63,000	22,000
1910-1920	555,000	242,000	281,000	32,000
1920-1930	903,000	435,000	426,000	42,000
1930-1940	480,000	273,000	152,000	55,000
1940-1950	1,581,000	599,000	626,000	356,000
Total	4,054,000			

Source: Collins, “When the Tide Turned: Immigration and the Delay of the Great Black Migration,” p. 610.

^a Except for data samples used in this analysis, population tables are from secondary sources. The numbers are not always the same—for example, Carole Marks, 1985, “Black Workers and the Great Migration North,” p.148, gives lower numbers for the migration from 1870-1930—but all the authors report the same direction of the trend. That a massive shift in population occurred, not precise numbers, is the interest of this research. Collins notes that the South includes Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma and Texas, the Northeast includes Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland and the District of Columbia, the Midwest (called North Central in the original data source) includes Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska and Kansas and the West includes Montana, Idaho, Wyoming, Colorado, Utah, New Mexico, Arizona, Nevada, Washington, Oregon and California.

Table 4-2. African American Urban and Rural Population (in thousands), 1950-1980

Residence ^a	1950	1960	1970	1980
Urban	9,665	13,745	17,858	21,480
Rural	5,381	5,128	4,722	5,015

Source: Frey and Speare, *Regional and Metropolitan Growth and Decline in the United States*.

^a The terms urban and rural and metropolitan and non-metropolitan are used interchangeably throughout this report.

Table 4-3. African American Urban and Rural Population (in thousands) by Region, 1950-1980

Region		1960	1970	1980
NORTH ^a	Urban	6,204	8,625	9,866
	Rural	250	268	306
SOUTH	Urban	6,512	7,599	9,420
	Rural	4,805	4,368	4,630
WEST	Urban	1,029	1,635	2,195
	Rural	48	57	66

Source: Frey and Speare, *Regional and Metropolitan Growth and Decline in the United States*.

^a The North includes the Midwest states.

Table 4-4. Gains, Losses in African American Rural and Urban Population (in thousands), 1910-1920

Residence	Northeast	North		
		Central	South	West
Urban	167	247	588	18
Rural	3	-17	-1,013	8

Source: Marks, "Black Workers and the Great Migration North," p. 150.

Table 4-5. Potential Impact of African American Migrants on Voting in Selected Cities, 1940-1950

City	Number Age 21+ in 1950	Increase Age 21+ 1940-1950	Number Migrants 21+ as % of Voter Increase	Net Migration 21+
Chicago	331,825	140,107	110,500	78.9
Cincinnati	52,491	15,235	13,100	86.3
Cleveland	97,757	41,811	24,500	58.7
Detroit	202,101	102,231	89,700	87.8
Kansas City	39,722	9,062	4,200	46.9
New York City	511,538	194,183	160,700	82.8
Pittsburgh	53,508	12,842	9,200	71.9
St. Louis	101,911	26,761	10,900	40.9

Source: Glantz, "The Negro Voter in Northern Industrial Cities," p. 1000.

Table 4-6. Election Districting in American Cities of 10,000 or More, 1972^a

Districting	Partisan		Nonpartisan		Total
Single member	28.4%	(170)	18.6%	(226)	(396)
Mixed	23.2%	(139)	10.7%	(130)	(269)
At-large	48.3%	(289)	70.7%	(857)	(1,146)
Totals		(598)		(1,213)	(1,811)

Source: Svava, "Unwrapping Institutional Packages in Urban Government: The Combination of Election Institutions in American Cities," p. 168.

^a An analysis was conducted of those cases with populations of at least 10,000 in the 1992 Census of Governments in an attempt at a comparison 20 years later. The 1992 data do not include a variable capturing partisanship and a number of the more than 5,500 cases, which also included counties, were missing values. The resulting comparison is:

Districting	Number of Cases	
Single member	1,720	(32.0%)
Mixed	920	(17.1%)
At-large	2,726	(50.8%)
Total	5,366	

Table 4-7. Election Districting by Region^a in Cities of 10,000 or More, 1972^b

Districting	East	South	Midwest	West
Partisan-SMD	22.8% (104)	4.2% (19)	6.2% (36)	3.4% (11)
Partisan-mixed	5.9% (27)	2.2% (10)	17.3% (101)	0.3% (1)
Partisan-at-large	41.7% (190)	15.1% (68)	4.4% (26)	1.6% (5)
Nonpartisan-SMD	2.6% (12)	14.0% (63)	20.0% (117)	10.6% (34)
Nonpartisan-mixed	8.3% (38)	4.9% (22)	9.9% (58)	3.7% (12)
Nonpartisan-at-large	18.6% (85)	59.5% (267)	42.1% (246)	80.4% (259)
Totals	(456)	(449)	(584)	(322)

Source: Svara, "Unwrapping Institutional Packages in Urban Government: The Combination of Election Institutions in American Cities," p. 171.

^a Svara's regions are: East-Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, New Jersey, New York and Pennsylvania; South-Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, Virginia, Kentucky, Maryland, Oklahoma, Tennessee and West Virginia; Midwest-Illinois, Indiana, Michigan, Ohio, Wisconsin, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota and North Dakota; West-Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming, California, Oregon, Washington, Hawaii, Alaska.

^b An analysis was conducted of those cases with populations of at least 10,000 in the 1992 Census of Governments in an attempt at a comparison 20 years later. The 1992 data do not include a variable capturing partisanship and a number of the more than 5,500 cases, which also included counties, were missing values. Texas and Oklahoma are in the West region in this analysis. The resulting comparison is:

Districting	Midwest	North	South	West
Single member	584 (34.1%)	187 (15.9%)	535 (42.3%)	414 (34.0%)
Mixed	335 (19.6%)	195 (16.6%)	251 (19.8%)	140 (11.5%)
At-large	791 (46.3%)	791 (67.4%)	480 (37.9%)	663 (54.5%)
Total	1,710	1,173	1,266	1,217

Table 4-8. Election Districting Frequency, Census and Telephone Samples

Districting	No. in Census Sample	No. in Telephone Sample
Single-Member	92 (18.7%)	32 (22.4%)
At-Large	237 (48.2%)	33 (23.1%)
Mixed	163 (33.1%)	78 (54.5%)
Totals	492	143

Table 4-9. Election Districting Frequency by Region, Census and Telephone Samples

Districting	Midwest	North	South	West	Totals
Census Sample					
Single-member	27 (22.7%)	11 (15.1%)	20 (23.0%)	34 (16.0%)	92
At-large	46 (38.7%)	26 (35.6%)	34 (39.1%)	131 (61.5%)	238
Mixed	46 (38.7%)	36 (49.3%)	33 (37.9%)	48 (22.5%)	162
Totals	119	73	87	213	492
Telephone Survey Sample					
Single-member	7 (21.2%)	3 (14.3%)	13 (34.2%)	9 (17.6%)	32
At-large	3 (9.1%)	7 (33.3%)	4 (10.5%)	19 (37.3%)	33
Mixed	23 (69.7%)	11 (52.4%)	21 (55.3%)	23 (45.1%)	78
Totals	33	21	38	51	143

Table 4-10. Forms of Government Frequency, Census and Telephone Samples

Form	No. in Census Sample	No. in Survey Sample
Mayor-council	223 (45.3%)	68 (47.6%)
Council-manager	269 (54.7%)	75 (52.4%)
Totals	492	143

Table 4-11. Form of Government Frequency by Region, Census and Telephone Samples

Form	Midwest	North	South	West	Total
Census Sample					
Mayor-council	72 (60.5%)	64 (87.7%)	39 (44.8%)	48 (22.5%)	223
Council-manager	47 (39.5%)	9 (12.3%)	48 (55.2%)	165 (77.5%)	269
Totals	119	73	87	213	492
Telephone Survey Sample					
Mayor-council	21 (63.6%)	14 (66.7%)	22 (57.9%)	11 (21.6%)	68
Council-manager	12 (36.4%)	7 (33.3%)	16 (42.1%)	40 (78.4%)	75
Totals	33	21	38	51	143

Table 4-12. Variables from Census and Telephone Samples, Their Definitions and Sources

Variable Name	Definition	Source
PrivRef, privatized refuse collection	The probability that refuse collection will be contracted out. Scored 0 if not and 1 otherwise.	1992 Census of Governments
BlkRep, African American city councilors	Percentage of city council that is African American	1992 Census of Governments; telephone survey
SMD, single member districting	Measured as percentage of the council elected from SMDs.	1992 Census of Governments; telephone survey
BlkPop, African American population	Percentage of a municipality's population that is African American	<i>County and City Extra</i> data book, 1992 and 2002 editions
BlkMayor, African American mayor	Scored 1 if African American mayor and 0 otherwise.	Colburn (2001); <i>Black Elected Officials: A Statistical Summary 1993-1997</i> from Joint Center for Political and Economic Studies
GovForm, form of government	Scored 1 for mayor-council and 0 for council-manager.	1992 Census of Governments; telephone survey

Variable Name	Definition	Source
CityAge, age of city	As of 1992 for Census sample, age of municipality in years since date of incorporation (see Note 1, p. 18, this chapter).	Web site copyrighted as the Columbia Electronic Encyclopedia 2005 and a city's own Web site.
Inc, per capita income	Per capita income in dollars	<i>County and City Extra</i> data book, 1992 and 2002 editions
IncChg, intercensal change in median income	Scored 1 if median income increased since 1980 and 0 otherwise.	<i>County and City Extra</i> data book, 1992
PopChg, intercensal change in population	Scored 1 if population increased since 1980 and 0 otherwise.	<i>County and City Extra</i> data book, 1992
Edctn, level of education	Percentage of the population with 16 or more years of schooling.	<i>County and City Extra</i> data book, 1992
BlkBiz, African American business	Annual sales of African American business based in or near a municipality.	<i>Black Enterprise</i> magazine 1992 and 2000 compilations of U.S. black-owned businesses
AA, affirmative action policy	Whether a municipality will have an affirmative action in contracting policy scored 1 if yes and 0 otherwise.	Telephone survey
Unemploy, unemployment rate	U.S. Labor Department-computed jobless rate.	<i>County and City Extra</i> data book, 2000
HispRep, Hispanic city councilors	Percentage of a city council that is Hispanic, of any origin.	1992 Census of Governments; telephone survey
FemaleRep, female city councilors	Percentage of a city council that is female.	Telephone survey

Table 4-13. Frequency of Cases and Population Percentages by State^a—Census Sample

State	No. Cities	% Pop.	State	No. Cities	% Pop.
Alabama	6	1.1%	Missouri	7	1.1
Alaska	1	.3	Montana	2	.2
Arizona	9	2.7	Nebraska	2	.6
Arkansas	4	.4	Nevada	4	.6
California	118	21.3	New Hamp.	2	.2
Colorado	12	2.0	New Jersey	11	1.5
Connecticut	11	1.2	New Mexico	3	.6
Delaware	1	.1	New York	13	10.5
DC	1	.7	N.Carolina	10	1.6
Florida	27	4.2	N.Dakota	1	.09%
Georgia	5	1.1	Ohio	19	3.7
Hawaii	1	1.0	Oklahoma	7	1.4
Idaho	1	.2	Oregon	4	.4
Illinois	22	5.2	Pennsylvania	10	3.0
Indiana	10	1.9	Rhode Island	5	.5
Iowa	8	.9	S.Carolina	4	.4
Kansas	6	1.0	S.Dakota	2	.2
Kentucky	3	.7%	Tennessee	5	1.8
Louisiana	8	1.5	Texas	38	10.0
Maine	1	.08	Utah	5	.6
Maryland	1	.9	Virginia	11	1.9
Massachusetts	18	2.5	Washington	7	1.3
Michigan	22	3.5	W.Virginia	2	.1
Minnesota	8	1.2	Wisconsin	12	1.5
Mississippi	1	.2	Wyoming	1	.06

^a States by region throughout this analysis are Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin in the Midwest; Connecticut, Delaware, the District of Columbia, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont in the North; Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia in the South; and Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, Wyoming in the West.

Table 4-14. Frequency of Cases and Population Percentages by Region—Census Sample

Region	No. Cities	% Pop.
Midwest	119	21.1%
South	87	15.9%
North	73	20.3%
West	213	42.6%

Table 4-15. Frequency of Cases and Population Percentages by State—Telephone Sample

State	No. Cities	% Pop.	State	No. Cities	% Pop.
Alabama	6	2.1%	Missouri	2	1.9
Alaska	0	0	Montana	0	0
Arizona	2	4.3	Nebraska	1	.9
Arkansas	2	.6	Nevada	1	.4
California	18	22.0	New Hamp.	2	.5
Colorado	4	2.6	New Jersey	1	.2
Connecticut	6	1.5	New Mexico	2	1.2
Delaware	1	.2	New York	3	.7
DC	1	1.4	N.Carolina	4	2.6
Florida	8	4.4	N.Dakota	0	0%
Georgia	4	1.7	Ohio	4	3.5
Hawaii	1	.9	Oklahoma	3	2.4
Idaho	1	.4	Oregon	1	.3
Illinois	3	.6	Pennsylvania	4	4.2
Indiana	9	2.0	Rhode Island	0	0
Iowa	3	.8	S.Carolina	2	.4
Kansas	2	1.1	S.Dakota	1	.3
Kentucky	2	.7%	Tennessee	3	3.2
Louisiana	4	2.3	Texas	14	16.3
Maine	1	.2	Utah	1	.4
Maryland	0	0	Virginia	0	0
Massachusetts	2	1.6	Washington	1	.6
Michigan	3	2.7	W.Virginia	3	2.3
Minnesota	2	1.1	Wisconsin	0	0
Mississippi	2	.6	Wyoming	3	1.8

Table 4-16. Frequency of Cases and Population Percentages by Region—Telephone Sample

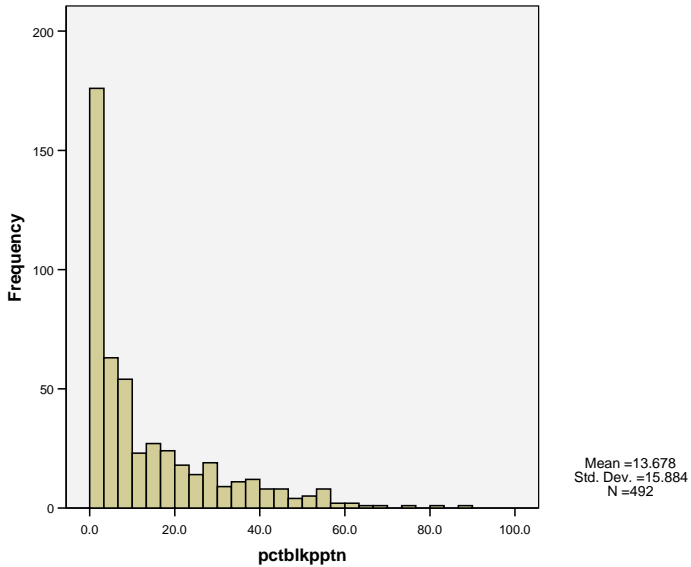
Region	No. Cities	% Pop.
Midwest	33	16.9%
South	38	19.3%
North	21	10.3%
West	51	53.5%

Table 4-17. Dependent Variable Frequencies, Census and Telephone Survey Samples

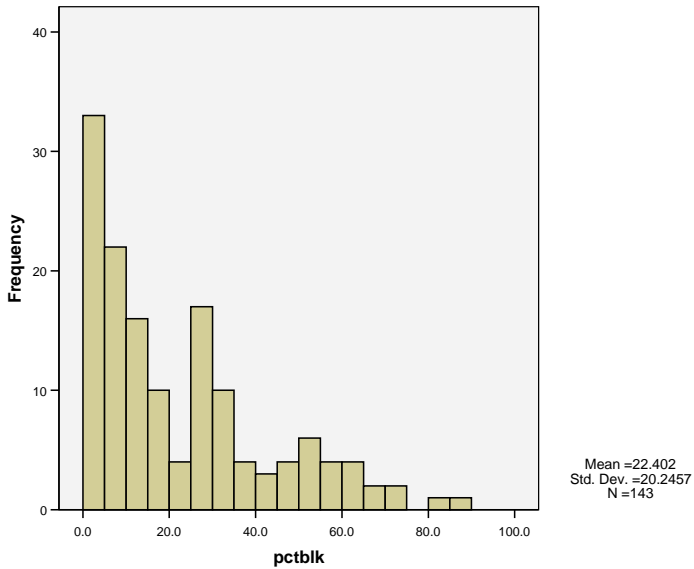
Coding	The Government...	No. Cities
Delivery of Refuse Collection, Census Sample		
1 – recoded as 0	Owens and operates the service	249 (50.6%)
2 – recoded as 1	Owens the facilities for the service, but contracts out its operation	54 (11.0%)
3 – recoded as 1	Neither owns nor operates the service, but contracts it out	109 (22.2%)
0 – recoded as 0	Does not provide the service	80 (16.3%)
Total recoded as 0	Has not privatized refuse collection	329 (66.9%)
Total recoded as 1	Has privatized refuse collection	163 (33.1%)
Affirmative Action in Contracting Policy, Telephone Survey Sample		
0	Does not have the policy	75 (52.4%)
1	Has the policy	68 (47.6%)

Figure 4-1. African American Population Distribution by City

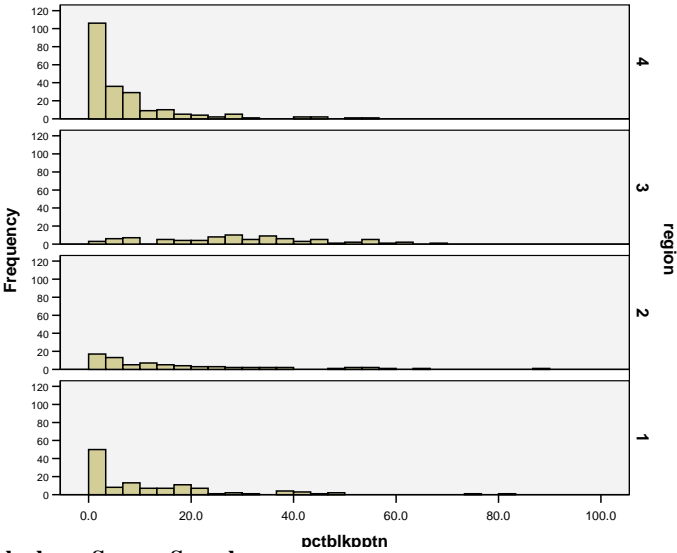
Census Sample



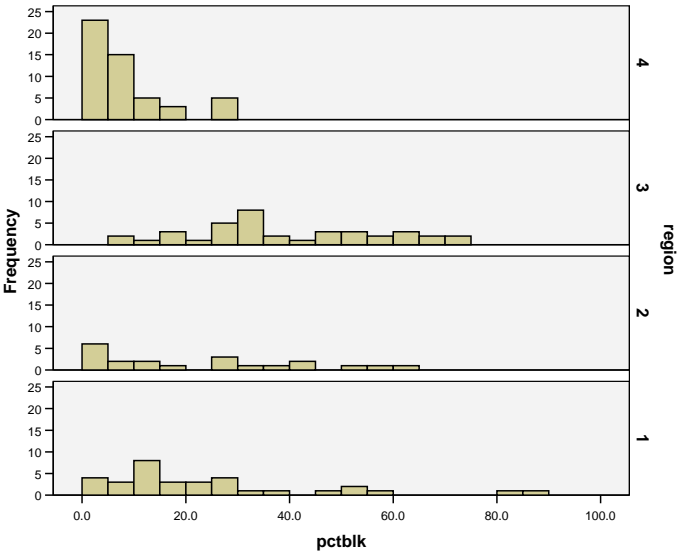
Telephone Survey Sample



**Figure 4-2. African American Population Distribution by Region
Census Sample**

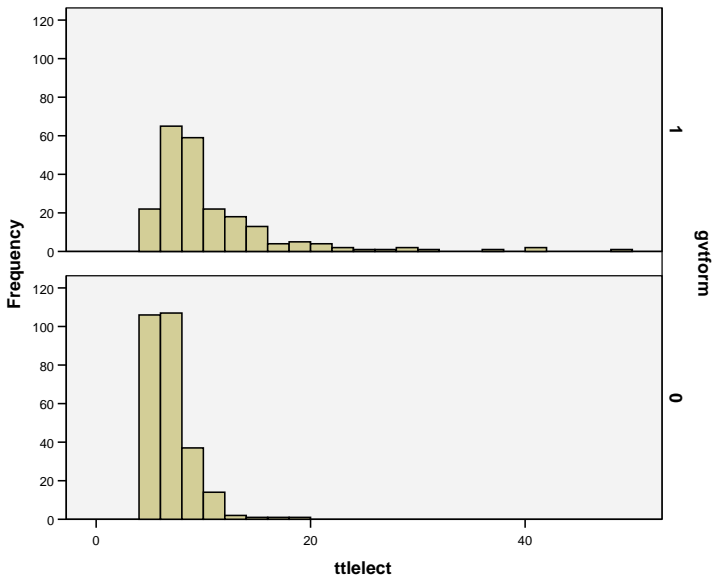


Telephone Survey Sample



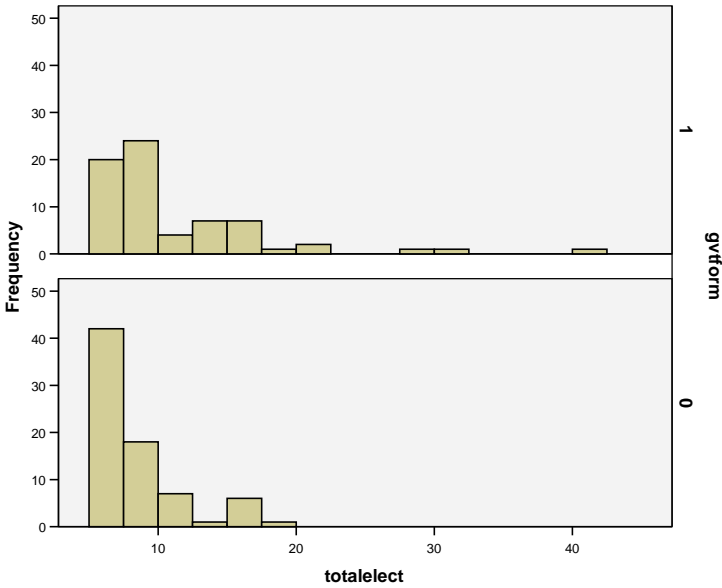
Regions are 1=Midwest 3=South
 2=North 4=West

**Figure 4-3a. Size of City Council by Form of Government—
Census Sample**



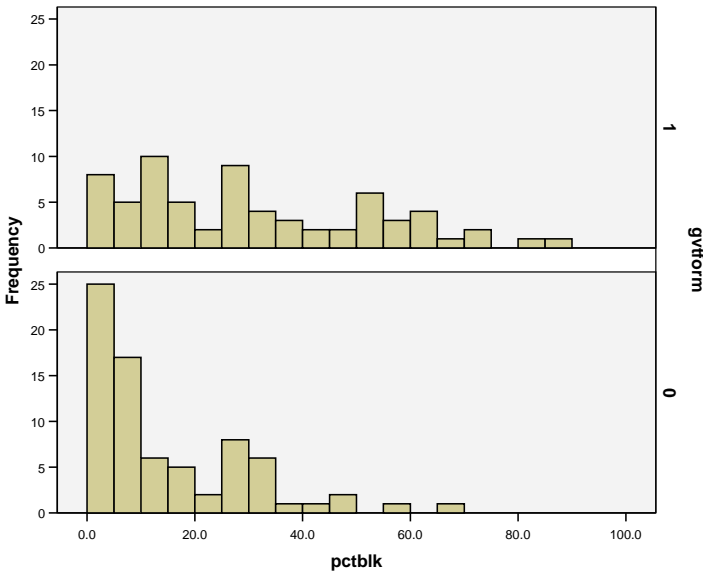
Captions: tleelect - number on city council
 gvtforn - form of government
 mayor-council = 1
 council-manager = 0

**Figure 4-3b. Size of City Council by Form of Government—
Telephone Sample**



Captions: totalelect - number on city council
gvtforn - form of government
mayor-council = 1
council-manager = 0

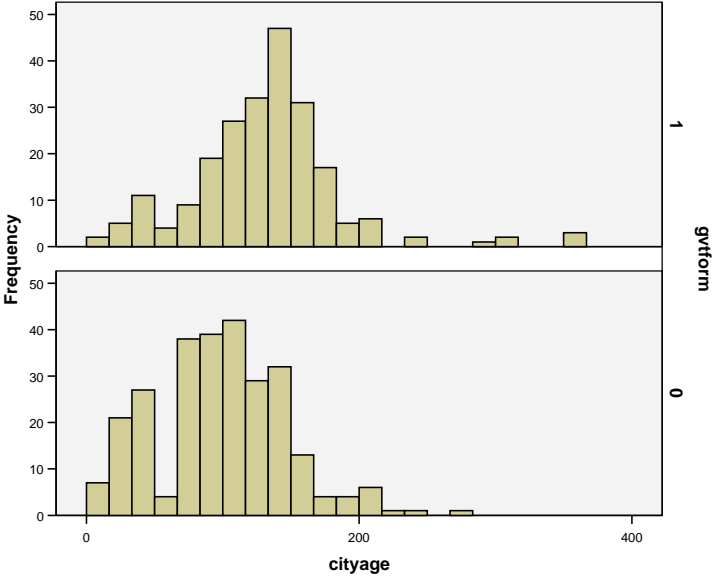
**Figure 4-4. Black Population by Form of Government—
Telephone Sample**



Captions: pctblk – black population %
 gvtform - form of government
 mayor-council = 1
 council-manager = 0

Figure 4-5. City Age by Form of Government

Census Sample



Captions: cityage – age of city in years
govtform - form of government
mayor-council = 1
council-manager = 0

Representation and Policy Responsiveness: A Results Test

Previous chapters have described the purpose, assumptions and measurements underlying this exploration of minority electoral participation and policy responsiveness. We have seen how their unique experience in the United States defined African Americans' stake in the political process and how the century-long Great Migration transformed the urban landscape into a laboratory for their participation and expectations of policy benefit.

This research project is designed to provide some evidence of the extent to which that political participation has paid off, or schematically:

Voting → Representation → Policy Responsiveness

Effective voting, consistent with interpretations of the Voting Rights Act of 1965, is a minority group's ability to elect a representative of choice who in turn will be able to influence policy. Electing a preferred candidate is hypothesized to be enhanced by the single-member districting electoral arrangement and policy responsiveness is measured as reduced probability of privatized refuse collection and as the existence of a contracting set-aside program. Of course, minority groups are not alone in navigating the proverbial political thicket. Other variables, operating as helpmate or adversary, may be linked to these dependent variables. A series of 25 two-variable tests on samples across regions and districting arrangements was constructed to capture these effects.

Although the results indicate that policy responsiveness indeed is multi-sourced, evidence of the hypothesized effects is discovered as well.

AFRICAN AMERICAN POPULATION AND REPRESENTATION

H₁ The higher the level of African American population, the higher the level of African American representation.

The first test has to do with electing a preferred candidate. The election districting arrangement that most efficiently translates votes into electoral control is hypothesized to be ward, or single-member. Thus, because African Americans historically favor African American candidates, the strongest link will be between representation and population under single-member districting.

Results From the Census Sample

The linear regression of African American representation on African American population yielded results that were in the expected direction and that were by standards of statistical inference unlikely to have occurred by chance, thereby supporting our hypothesis.

First, regression analysis was conducted on all 492 cities and within that sample by election districting arrangement—(1) all single-member districting, (2) all at-large and (3) districting with a mix of single-member and at-large seats. The results of these tests, each accompanied by a graphic depiction of the relationship between the two variables, are presented in Table 5-1. Figure 5-1 also depicts these relationships. The statistical evidence is strong that single-member districts are the most robust predictor of African American electoral success.

However, because a primary interest of this research project is policy responsiveness for numeric minorities in a system of majority rule, an analysis of cities with 50 percent or less African American population is useful as a further check of the hypothesis. As suggested by Table 5-2, the results were similar in the important aspects of direction of slope and level of significance. Even more importantly, of the three arrangements, the similarity was most evident under single-member districting: The slope coefficients were 1.023 in the full sample and 1.029 in the sample with reduced African American population. Also noteworthy was that the slopes in the other three tests all declined with the reduced population, while the slope with single-member districting increased, suggesting that voters who are a numeric minority are more able to elect preferred candidates under single-member districting.

Finally, two other statistics relating to how well the estimation adheres to standards of statistical inference are the sample coefficient of determination, r^2 , and the sample standard error of the estimate, s_e . The former measures how much of the dependent variable, African American city council percentage, is explained by the independent, or explanatory, variable, African American population percentage. The r^2 statistic lies between 0 and 1 and the higher its value, the better the “goodness of fit” (Gujarati, 1995). The s_e provides an indication of how far the actual values of the dependent variable might differ from, either above or below, the values predicted algebraically. The smaller the s_e , the better the fit. As Table 5-1 shows, both these indicators are the superior in the sample of all single-member districts.

These results, when considered along with the historical evidence supporting the effectiveness of single-member districting in translating minority votes into preferred election outcomes, suggests that we cannot reject our hypothesis concerning the relationship between African American population and representation. We can now consider some implications of the findings.

Election of African American City Councilors—Census

The graphics in Table 5-1 provide immediate visual support for the extent to which ward elections facilitate electoral preference. The scatterplot for that arrangement displays the most linear and tightly-clustered relationship, followed by that for mixed districting, which includes a combination of ward and at-large seats. That ranking makes sense; recall from Chapter 4 that the 51.7 percent of city councilors holding ward seats were mostly in the mixed districting arrangement.

The statistics presented in the table are a way of describing the specific effects of African American population on the composition of city councils, effects that can be used predictively. The intercept, the point on the regression line at which the respective means of the independent and dependent variables intersect, suggests the level of bias in the jurisdiction. All the intercepts are negative, an indication that an African American population is necessary for an African American to hold a city council seat. Recall from the descriptive statistics presented in Chapter 4 that the modal African American city council percentage was zero, that more than 80 percent of councilors were white and that these percentages mirrored the population

percentages. Note also that the least amount of bias is in the single-member jurisdiction.

Next, the parameter estimates for the slope, the rise or fall of the dependent variable from the impact of the independent variable, indicate that single-member districting will lead to approximately proportional representation. For each 1 unit increase in African American population, African American city council percentage is expected to increase by 1.023 percent compared to .85 percent under at-large districting.

A way to understand the importance of districting is to compute hypothetical values for percentage African American population and compare the results by form of districting. For a city with a hypothetical 10 percent black population, moving from all at-large to all single-member districts will increase African American city council representation by nearly two percentage points. Further, the disparity widens as the population increases, a difference compounded when the standard error of the estimate is taken into consideration—plus or minus 6.2 percent for the single-member district estimate, 7.8 for the mixed and 8.15 for the at-large.

Examples of expected city council percentages given certain population levels, by districting arrangement, are:

	Black Population			
	10%	20%	30%	49.5%
Single-member	9.4%	19.7%	29.9%	49.9%
At-large	7.5	16.0	24.5	41.1
Mixed	8.5	17.8	27.1	45.2

Of course, other variables influence a minority group's share of representation. For example, could size of city and not districting account for the difference between the two Southern cities of Huntsville in Alabama, population 159,789, and North Little Rock in Arkansas, population 61,741, although both had nearly equal percentages of African American population—24.4 percent and 23.6 percent, respectively? Huntsville used all single-member districting; its predicted African American city council percentage was 24.2 percent and its actual percentage was 20 percent. North Little Rock, on the other hand, used all at-large districts; its predicted black council percentage

was 19.1 percent and its actual 12.5 percent. Could the Hispanic presence have been an intervening variable in the difference between African American city council representation in Louisville, Kentucky, and Jersey City, New Jersey, although both were 29.7 percent African American and were similarly populous, 269,063 and 228,537, respectively? The black city council percentage for Jersey City, with a 24.2 percent Hispanic population, was 22.2 percent—exactly the same percentage for Hispanics. The black city council percentage for Louisville, which was .7 percent Hispanic, was 33.3 percent and 0 for Hispanics. Yet Louisville used all at-large districting while 66.7 percent of Jersey City's nine council seats were ward. Although even the most thorough research, including the case history approach, cannot capture all effects, further subdividing the sample might reveal other evidence of systemic influences.

H₁: Analyses by Region—Census

Sectional differences frequently emerge in cross-national studies of phenomena related to American politics. Scholarly exploration of this variation has been thorough and has sometimes risen to near-mythic status (Key, 1949; Dahl, 1961; Elazar, 1984 are but a few). In addition to teasing out regional nuance, disaggregating can serve as a further check on results obtained from the full sample. If the explanatory variable lives up to its name, its intra-regional effect should show some degree of consistency—for example, a slope that changes from negative to positive would demand further exploration.

The results of the test by region presented in Table 5-3 reinforce the robustness of those obtained from the full sample. Further, of the four regions, the North and the West showed the greatest improvement over the full sample of 492. Both these slopes suggest a more proportional relationship between population and representation. The North, however, produced better summary statistics: the r^2 explaining more of the variation in the dependent variable and a closer fit between the predicted and realized values of the intercept and slope coefficients. Its standard error of the estimate was larger than that of the West, but not by much.

Finally, in keeping with this research concern with policy response to a minority population, another series of intra-regional tests was conducted on those cities with 50 percent or less African American population. Of particular note was the model's improved performance

for the South region. While all other regions' slope coefficients declined, the South's rose to .990. Recall again that this region has had to compensate for historic inequality in black elected representation.

However, separating out by region can yield too small sample sizes, rendering inappropriate the linear regression technique, which generally requires at least 25 cases and which provides more robust estimates as the case count increases. Some idea of the intra-regional relationships nonetheless may be gained through bivariate correlation and by graphic depictions, although this approach eliminates the predictive properties of regression. Correlation analysis can be especially useful because of the great variation in data that can occur in small samples (Gordon & Gordon, 1994). The existence of a high level of correlation thus requires a correlation coefficient r very close to perfect (r can range from -1, a perfect inverse relationship, to +1, a perfect positive relationship).

While neither the regression nor the correlation analytic approach implies causation (for example, although the evidence is substantial that African American candidate preference is descriptive in nature, this assumption has not yet risen to the level of theory), the correlation technique unlike regression does not distinguish between the explanatory and the dependent variables (Gujarati, 1995). The correlation coefficient—the Pearson r is used throughout this research project—is designed to capture the strength of a linear relationship; the association between African American population and representation would be the same as that between African American representation and population. The results of the regional correlation analysis, along with scatterplots, are displayed in Figures 5-2(a) for single member, 5-2(b) for at-large and 5-2(c) for mixed.

Figure 5-2(a) shows support for much of the Chapter 4 commentary on the regional history of ward districting. The weakest correlation is in the South, followed by the West. The South was where centralized government such as that for municipalities tended to develop more slowly and where the good-government-reform era shift from ward to at-large districting was more openly associated with discrimination against African Americans. Although the South after the 1965 Voting Rights Act experienced huge gains in the number of African American elected officials, this region also had the greatest disparity for which to compensate. That the correlation is stronger in

the West, where municipal government also developed later, than in the South may be traceable to this divergent racial history.

Conversely, recall that popular destinations during the Great Migration were first the North and then the Midwest. Recall also that the first migrants were the better-educated and higher status African Americans most likely to exploit the political process and that the ward political arrangement already had a lengthy history in the North and Midwest. This history may account for the near perfect correlation for the North region and for the substantial value for the Midwest.

Not surprisingly, the evidence presented in Figure 5-2(b) supports the hypothesis that the at-large system is less effective at translating African American population into council seats—albeit in the South only slightly less so—than is the single-member system. Although correlation remained high, all the coefficients declined, but remained highest in the North and Midwest.

Meanwhile, a closer inspection of the West suggested that that region's large Hispanic population might be an intervening variable in the weaker correlation there, especially when considering that variables representing African American and Hispanic effects typically were negatively correlated throughout the sample. Of the 46 cities with Hispanic city council percentage of 20 percent or higher, nearly three-quarters were in the West—26 in California and eight in Texas. As a check, correlation analyses by form of election districting were conducted for Hispanic population and representation in the West. The r statistics, all significant, were .75 for single-member districting, $n=34$; .70 for at-large, $n=131$; and .83 for mixed, $n=48$. The potential for an intervening variable could be a question for further exploration.

As for the negligible change in the South upon moving from single-member to at-large, note that the correlation was much stronger under mixed districting [see Figure 5-2(c)] and that this arrangement in fact gave the South the highest r among the four regions. Like the West, no clear explanation is immediately apparent, but a possible one is that retaining some number of at-large districts allows the majority population more control, especially in areas of large African American population. Indeed, a comparison of the distance between the means of the African American population and representation percentages within the four regions shows that the largest disparity, 6.5 points, obtained under mixed districting in the South—which had a mean population percentage of 30.5 and a mean representation percentage of 24. By

contrast, the next largest disparity, 5.6 points, was under at-large districting in the North. As a region characterized by historical ambivalence to African American political participation, the South might be loath, lacking legal intervention, to completely abandon the at-large system. In fact, one observer of the political scene in a Southern jurisdiction, which was comprised of four ward and six (head-to-head place) at-large seats, wondered why the arrangement had not been challenged.

Results From the Telephone Survey Sample

What a difference a few hundred cases and a few years might make in a statistical analysis. As with the Census sample, the regression and the correlation analysis of the 143 cases from the telephone survey (see Table 5-4) yielded results that were in the hypothesized direction, but it was the at-large sample, not the single-member, that boasted the largest slope coefficient.

Such a result might invite rejecting the hypothesis that the ward system is more efficient at translating African American population into representation, but upon closer examination, the better response might be to simply proceed with caution and collect additional samples. A few telephone calls to selected cities confirmed what scanning the data set suggested: Several jurisdictions with small African American populations that had proportionately larger African American council representation at the time of the telephone survey had no African American representation at the time the Census of Governments data were collected. Note that, in a city with a small minority population and a small council size, a mere one-unit increase in the numerator of the fraction expressing the minority's council percentage can further exaggerate the distance between population and representation. For example, in Boise, Idaho, population 1.1 percent black, the lone African American on the six-member council at the time of the telephone poll was not there for the Census. This proved to be the situation with at least a half dozen other cities checked at random. Boise and most of the others were all at-large jurisdictions, while just one was all single-member—a circumstance that could exaggerate the impact of at-large districting. Further, of the 33 at-large cities, eight with African American populations lower than 10 percent had at least some level of black representation, while five of the 32 single-member

jurisdictions had at least some level of black population, but no representation.

A look at selected cities with either at-large or single-member districting provides more clues: Each of these two arrangements included eight cities with a greater percentage of African American councilors than African American population, or over-representation. However, the spread between the two percentages was larger in the at-large arrangement, suggesting that that arrangement's success at promoting black representation is beyond the proportional. The discrepancy in four of the at-large cities was in the double digits, ranging from 11.3 to 16.9, compared to just one of the single-member, 18.6 points.

Also inviting further exploration was evidence of bias, as indicated by positive intercepts, toward African American representation that was not present in the Census sample. The only instance of a negative intercept in the telephone analysis was in the Midwest region (see Table 5-6), which could be traceable to the presence of Gary in Indiana and Detroit in Michigan, both of which were heavily African American.

Effects on the Election of African American City Councilors— Telephone Survey

Notwithstanding the slope coefficients, the summary statistics still favored the single-member districting arrangement. The r^2 suggested that African American population explained more of the variance in black representation than either at-large or mixed districting—.84 compare to .78 and .68, respectively, for the latter two. The s_e in the single-member sample also was slightly lower than that for at-large districting.

As before, inserting hypothetical population percentages into the equation provides a better comparison of the impact of districting:

	Black Population			
	10%	20%	30%	60%
Single-member	10.0%	18.2%	26.3%	50.8%
At-large	9.9	19.1	28.4	56.0
Mixed	9.8	17.1	24.4	46.2

As obtained with the Census sample, any disparity among the three is lowest at low levels of population; the difference in council percentage among them is negligible at 10 percent African American population.

Next, restricting the analysis to the 123 cities with African American populations of 50 percent or less produced no appreciable change in results, perhaps because those cities described earlier, such as Boise, Idaho, would have been retained. The slope for the at-large arrangement did decline, perhaps another sign it is less effective for numeric minorities, while that for all districting and mixed systems increased slightly (Table 5-5).

H₁: Analyses by Region—Telephone Survey

The regional results should be viewed with some caution—recall that linear regression improves as the sample size increases and is considered generally unreliable for fewer than 25 cases. Although $n=21$ for the North region, these results are included here because the addition of a half dozen or more cases likely would not change considerably the direction of the bivariate relationship.

Otherwise, the results in Table 5-6 generally support the saliency of most of the assumptions discussed earlier in this chapter. The slopes in the West and the Midwest improved over the full 143-case sample, the Midwest perhaps benefiting from the presence of Gary and Detroit. What is more, the r^2 statistic indicates that African American population explains more of the variance in representation in the Midwest, nearly .90, with 1 being a perfect score. By contrast, the West, with the largest slope coefficient and smallest error estimate, posted an r^2 of just under .6. That latter value was only slightly larger than that of the South, which fared worse by most other standards. Recall earlier discussion that the South may be a less effective incubator for African American population and representation.

Further intra-regional evaluation posed severe small- n difficulty, however, as samples of four or fewer cases obtained in all except the West. Because this is too few even for correlation analysis, the four regions were collapsed into pairings of Midwest-North and South-West. Recall from earlier discussion that the South and West were similar in certain aspects of municipal development, such as form of government. Likewise, the Midwest and North were favorite destinations during the Great Migration and earlier foreign immi-

gration, giving these cities a longer history of minority group political participation. The resulting correlations are depicted in figures 5-3(a), 5-3(b) and 5-3(c).

A question quickly arises as to why the correlation under single-member districting is greater in the South-West pairing than in the Midwest-North, unlike what obtained in the Census correlation analysis. Our assumption has been that single-member districting would be more likely to enhance the relationship between population and representation in the Midwest and North.

Again, an examination of individual cities might provide a clue. Of cities with African American population of 10 percent or less, the Midwest-North showed greater inconsistency of association between the percentage single-member council seats and the percentage African American councilors—only four of the 15 cities were all at-large, while 13 had zero black representation, meaning that single-member districting was just as likely to be associated with non-African American representation. Conversely, in the 40 South-West cities of 10 percent or less African American population, 18 were all at-large and 21 had no black representation. The situation in the Midwest-North may be traceable to the North—the correlation for the Midwest alone, $n=7$, was a statistically significant .89. The three cities in the North were too small an n .

Also puzzling at first blush was the high level of correlation between black population and representation under the all at-large districting arrangement in the Midwest-North sample, especially when compared to the Census analysis and which was hypothesized to have the weaker correlation. This outcome invites obtaining further samples, but a possible clue might be in those cities with zero black representation: Of these 14, just four also used all at-large districting, with nine of them being more than 55 percent single-member. Hence, single-member districting was associated with non-African American representation.

The South-West results may be traceable to the West, which contributed 19 of the 23 cases and which also posted a low level of correlation in the Census sample. As discussed earlier, the Hispanic presence there may be an intervening influence.

Finally, adopting an approach taken by Karnig and Welch (1980) after their estimation of black representation in a series of bivariate relationships, the two-variable models were expanded into multivariate

analyses. The addition of variables that included income, education, the presence of a black mayor, level of black business, form of election and the interaction of percent single-member districts and percent black population did not improve the model using the telephone survey data. However, several additions to the Census analysis led to noteworthy changes, among them the presence of a black mayor, which was associated with an increase in black council representation of more than 4.5 percent. This three-variable model also explained more of the African American council percentage, raising the r^2 to .79, while leaving the standard error of the estimate unchanged at 7.8. The intercept was significant at the .10 level, the black population coefficient at the .0001 level and the black mayor at the .005 level.

The model was further improved with the addition of an interaction term of all-single member districting and the black population percentage. The standard error of the estimate declined slightly, to 7.7, while the r^2 was unchanged. The interaction term meant that for each one-unit increase in black population percentage under all-ward districting, the black council percentage would increase by .12. The latter coefficient was significant at the .001 level. The regional disaggregation returned somewhat mixed results, however. In the four-variable model, the black mayor variable did not rise to statistical significance in the Midwest, North and South, while the interaction term was not significant in the South and West. In the three-variable estimation, the black mayor variable was significant only in the West.

On balance, the multivariate model suggests even more support for the hypothesis that single-member districting enhances representation. The powerful effect of a black mayor is more evidence of the reincarnation of those 19th- and early 20th-century political institutions that served European immigrants so well. Note also that the presence of a black mayor also is positively related to the level of black population.

In conclusion, we have seen that the single-member districting arrangement is associated with more efficient translation of African American population into city council representation if the analysis is done on the sample of Census data, while the at-large emphasis carries that distinction when the telephone survey data is used. We have speculated that this turn of events may be due to small increases in African American representation, often by the addition of one person, in cities with small African American populations and that do not use all single-member districting—thereby exaggerating the impact of at-large or

mixed systems. The question is whether electoral choices such as these—i.e., ones not controlled primarily by the African American population, lead to substantive representation (see, for example, Berkman & Plutzer, 2005).

All of the arrangements, however, are significantly associated with higher levels of African American council representation although, as indicated by the slope coefficient, African American representation in the Census sample appeared to be more responsive to the level of African American population than did that in the telephone survey sample. What remains to be ascertained is the extent, if any, to which these effects emerge in the analysis of policy responsiveness. The next series of tests have to do with the effect of African American representation on the probability of privatization and on affirmative action in municipal contracting.

POLICY RESPONSIVENESS

Findings from this study thus far are consistent with most previous ones, that African American population and representation are strongly linked. The next series of tests are of the relationship between this representation, which is hypothesized to be substantive as well as descriptive, and preferred policy.

The analytic tool is logistic regression, popular with social scientists because it allows use of a qualitative dependent variable. Unlike for the linear regression of African American population on city council representation, both continuous measures, the dependent variable in logistic regression is measured as either 0 or 1, as being either present or absent. Logistic regression calculates changes in the log odds of the dependent variable (the ratio of the probability that an event will occur versus the probability that it will not) rather than, as in ordinary linear regression, changes in the dependent variable itself.

The logit parameter estimates are manipulated similarly to those from linear regression. Coefficients can be used to predict the probability, in odds or percentage, that the dependent variable equals 1. Related calculations can include what level of an independent variable—for example, the African American percentage of a city council—would be most likely to yield a dependent variable equal to 1 or to have a 50:50 chance of being either 0 or 1.

The r^2 statistic as an indicator of goodness-of-fit is unavailable for logistic regression, however (Gujarati, 1995; Aldrich & Nelson, 1984).

For that reason, two statistics described as pseudo r^2 will be reported: the Cox & Snell r^2 and the Nagelkerke r^2 , both of which are designed to assess how much of the variance in the dependent variable is explained by the independent variable. A bivariate model generally would not always yield as strong an r^2 as a multivariate one (African American representation on population is relatively unusual in that respect), so the pseudo r^2 values in the series of tests for privatization and affirmative action are not expected to be as high. The other indicator that will be reported, the Wald statistic for the slope and intercept coefficients, should attain significance. The logistic software program also reports the percentage of correct predictions.

African American Representation and Privatized Refuse Collection

H₂ The higher the percentage of African American representation, the lower the probability of privatization.

The logistic regression of percentage African American city council on the dichotomous variable of privatized refuse collection yielded results that were in the hypothesized direction and with parameters that were statistically significant. Consistent with the frequency distribution showing that cities in the sample were nearly twice as likely to have non-privatized than privatized refuse collection (see Table 4-17), the system is slightly biased toward the former as indicated by the negative intercept. The exponentiated value for the slope, .97, means that the odds ratio changes by approximately 1 with each one unit increase in African American representation. At any given level of African American representation, the probability that refuse collection will be privatized is about 40 percent—again not surprising given the bias toward non-privatized. The probability declines thereafter, so that by 50 percent representation it is about 13.5 percent. Also, the model was successful in predicting nearly 67 percent of its iterations, or tries. See Table 5-7 for results for the full sample and by form of districting. As with the linear regression, the sample size was reduced to those cities with 50 percent or lower African American population; the results did not change appreciably.

Analysis by election districting form yielded disappointing results, however. As Table 5-7 shows, the model does not support the hypothesis that African American representation is more likely to reduce the probability of privatization under single-member districting. Only the intercept, representing effects not explained by African American

representation, was significant and no goodness-of-fit indicator was. Further, although reducing the sample to both 50 percent or lower African American population and representation did not appreciably change the estimates, restricting the African American population to 10-50 percent strengthened the slope coefficient to just short of significance, .12, for the Wald statistic and raised the overall model to the level of statistical significance. The slope also reversed direction in that sub-sample, thereby supporting the hypothesis. These results would be consistent with the assumption that single-member districting facilitates policy responsiveness for numeric minorities.

An examination of selected cities provides some insight into the unexpectedly unstable relationship between African American population and privatized refuse collection in single-member jurisdictions. Already used by less than one in five cities, this was the least used arrangement in cities with the smallest African American representation as well as those with the largest. Most of these cities did not privatize refuse collection, but were either at-large or mixed districting jurisdictions. East Orange in New Jersey, with 100 percent African American representation, had both privatized refuse collection and all single-member districting. Although two others, Birmingham, Alabama, and Oakland, California, were all single-member and non-privatized, only one mixed districting system, in Inglewood, California, was also privatized. These are the kinds of effects that militate against the hypothesized effect of ward districting

Mixed and at-large systems did in fact yield different results as Table 5-7 shows. Worth noting is that all at-large districts were slightly biased in favor of privatization, as suggested by the positive intercept, and that African American representation reduces the probability. In fact, a way to think about the at-large results is that the presence of African American representation is a countervailing influence to the tendency to privatization. That African American representation was associated with reduced probability of privatization is as was expected; unexpected was that the association was stronger under all at-large than under all ward districting.

It was, however, the sample of all mixed districting that yielded, on balance, more satisfactory results (see the Wald statistics in Table 5-7). As with the at-large sample, the coefficients approximated those in the full sample.

Below are hypothetical representation percentages and resulting probabilities of privatized trash collection under the three arrangements:

	Black Population			
	10%	20%	30%	50%
Single-member	17.0%	18.5%	20.0%	23.5%
At-large	44.0	36.0	29.0	17.5
Mixed	22.7	18.0	14.0	9.0

Interestingly, the closest the probability is to 50 percent is under the at-large arrangement. Although the slope increases the probability under single-member districting, the rate of increase is glacial compared to the other two arrangements.

H₂: Analyses by Region—Census

Sub-samples by form of districting intra-regionally again proved untenable: Too few cases for regression and correlation analysis inappropriate for differing measurement levels—i.e., dichotomous in one variable and continuous in the other. As with the telephone sample, the regions were combined into Midwest-North and South-West.

The analysis by region yielded no appreciable change from the full sample (see tables 5-8 through 5-9(b)). Slopes were in the same direction and intercept signs remained unchanged. One exception was that the direction of the intercept in the at-large analysis for the Midwest-North region became negative. A reason might be effects of the age of cities and the prevalence of the mayor-council form of government, influences that might lead to bias in favor of non-privatized refuse collection. Also, cities in this regional combination tend to be the larger size most associated with non-privatized services—a mean population of 180,761 compared to 163,440 in the South-West pairing. Subsequent tests also will show that the North region, where these effects predominate, consistently yields the least robust results.

Single-Member Districts and Privatized Refuse Collection

H₃ The higher the percentage of single member districts, the lower the probability of privatization.

As shown by the estimates and graphics in Table 5-10, the test supports the hypothesis that ward districting is less likely to be associated with privatization. The North and South regions did not yield robust results, however. What obtained for these two is readily observed in the accompanying histograms: Relatively few at-large (as represented by zero single member) and relatively more single member are both associated with privatization. In the North, the frequency of percentage single member seats also is relatively uneven. In the West, by contrast, almost all single member seats are associated with non-privatization. Following are hypothetical probabilities of privatization given levels of ward seats:

	Single Member Council Seats			
	10%	20%	30%	50%
All cases	42.0%	39.0%	35.0%	29.0%
Midwest	41.0	39.0	36.0	31.0
North	33.0	32.0	31.0	29.0
South	20.0	20.0	20.5	21.0
West	50.0	44.0	37.5	27.0

Single-Member Districts, Representation and Privatized Refuse Collection

H₄ The multiplicative effect of the percentages of single member districts and African American representation will lower the probability of privatization.

This test is especially salient to this research project. The interaction of districting and minority population is consistent with the path to policy responsiveness described by Karlan (1993). While the model performed well in all cases and in the Midwest and West regions, the South and the North did not show improvement. Recall earlier discussion about the North's history of ward districting that predated the Great Migration, meaning the region is not necessarily associated with the African American minority population, and that the South's ambivalence toward African American political participation may militate against the kind of empowerment enhanced by ward districting. The histogram

of the South clearly shows that the interaction also is associated with privatization. However, as indicated by the following hypothetical percentages, the net effect of the interaction term is not that great for the South and North—disappointment at the results (see Table 5-11) turns primarily on the lack of reliability in the estimates. The full import of the interaction is best ascertained by comparing the hypothetical values with and without the interaction in the West and Midwest. For example, at 50 percent single member districting for the West, the probability declined to 27 percent, compared to 1 percent with the interaction.

	Single Member*Representation-			
	10%	20%	30%	50%
All cases	30.0%	23.0%	17.0%	9.0%
Midwest	25.0	15.0	9.0	3.0
North	30.0	31.0	32.0	33.0
South	21.0	20.0	18.0	15.0
West	26.0	13.0	6.0	1.0

Black Mayors and Privatized Refuse Collection

H₅ An African American in the mayor's office will lower the probability of privatization.

Just 33, or 6.7 percent, of the 492 cities had an African American mayor. A black chief executive was more likely to be found under the strong mayor-council form of government—12.1 percent of these 196, than in council-manager cities, where they were 2.2 percent of the total. We also hypothesize that mayor-council governments are less likely to privatize trash collection. Will cities headed by African American mayors adhere to this trend?

The results displayed in Table 5-12 support the hypothesis. A black mayor is associated with reduced odds of privatized refuse collection by a ratio of .43. Without a black mayor, the odds are just over 50:50. The model with the full sample is significant at the .10 level, meaning it is unlikely to occur by chance 90 percent of the time. Analysis of the four regions and by form of districting within the Midwest-North and South-West pairings did not yield reliable estimates for the black mayor effect.

The results may not be all that unexpected, though. Recall the related hypothesis that the inverse relationship between the African

American mayor variable and the probability of privatization would be attenuated by the presence of African American business that potentially could win privatized government contracts. African American mayors have been found to be associated with increased minority entrepreneurship.

Black Mayors, Black Entrepreneurs and Privatized Refuse Collection

H₆ The multiplicative effect of an African American mayor and African American entrepreneurship will increase the probability of privatization.

Just 17 cities had both a black mayor and some level of African American business. Because the number of cases was simply too few to yield reliable estimates (a regression analysis showed the interaction, though in the positive direction as hypothesized, had no effect and did not attain significance), a brief description will have to suffice. First, just two of the 17 had privatized refuse collection, not surprising given that they were the big cities associated with non-privatization. Their total population was 24,848,762, about 30 percent of the total, and their population mean of 752,993 was nearly seven times that of the full sample. Further, 10 of the 17 used mixed districting, four single member and three at-large.

Further investigation is needed before rejecting or accepting the hypothesis, but this bit of evidence suggests support for the hypothesis.

Black Entrepreneurs and Privatized Refuse Collection

H₇ The greater the level of African American entrepreneurship, the higher the probability of privatization.

This hypothesis test was met by problems similar to those encountered for the interaction term just described. The 56 cities that posted African American business sales also were of the relatively larger size associated with non-privatization, with just 12 having privatized trash collection. The coefficient for the slope, though in the hypothesized direction, showed no effect. Again, evidence regarding the hypothesis is inconclusive. Moreover, the sample with contracting set-aside as the dependent variable arguably is of more direct interest to assumptions of this research.

Government Form and Privatized Refuse Collection

H₈ With a mayor-council form of government, the lower the probability of privatization.

The results in Table 5-13 support the assumption that the strong mayor-council form of government is associated with less privatization. Among the 492 cities, about 40 times out of a hundred, or a 28 percent probability, was refuse collection privatized, down from a 37 percent probability otherwise. The slope coefficient also was within the .05 confidence level.

These reliable estimates also obtained in the Midwest sample—where a strong mayor reduced the probability from 43 percent to 25 percent, but the other three regions proved inadequate testing venues. The histograms in Table 5-13 provide some clues to the change. The one for the North suggests that the council-manager form is not more associated with privatization, but that form is relatively rare in that region, accounting for just nine of the 73 cases. No clear pattern emerges in the South and in the West, where the council-manager form is associated with both privatization and non-privatization. The historic popularity of the council-manager form in the South and West, the only regions in which it comprised the majority of cases, may work against a uniform association.

City Age and Privatized Refuse Collection

H₉ The older the city, the lower the probability of privatization.

Except for the North region, age of city proved to be one of the most robust predictors of the probability of privatization. All other slope coefficients were significant at or below the .001 level. See Table 5-14. In the full sample of 492, the probability declines from 72 percent for a one-year-old city to 36 percent for a city age 100. The histogram of the North region suggests that non-privatized cities tend to be younger, but more exploration is required before reaching conclusions regarding this region.

Finally, a bi-regional analysis of Midwest-North and South-West yielded robust results only for at-large jurisdictions. The parameter estimates were similar in effect and in the same direction as the larger samples.

Education and Privatized Refuse Collection

H₁₀ The more educated the population, the higher the probability of privatization.

As discussed in Chapter 4, evidence is inconclusive on the direction of impact of this variable: Although much research has found that communities with higher levels of education provide greater support for policy benefiting African Americans, education also is a component of socioeconomic status, higher levels of which are associated with conservatives who favor small government and privatization.

Unfortunately, this test adds little in the way of clarification. The education effect was consistently unreliable across all samples and sub-samples. At most, its relationship to the probability of privatization cannot be determined; worst-case, the hypothesis must be rejected.

Income and Privatized Refuse Collection

H₁₁ The more affluent the population, the higher the probability of privatization.

Like education, affluence is a component of SES and, measured here as per capita income in dollars, is expected to increase the probability of privatization. Fortunately, income was the superior estimator (see Table 5-15). Its effect at any given level, though the slope coefficient registered zero, was to raise the odds for privatization from just over 10 out of a 100 to 50:50. The effect was even more pronounced in the Midwest, where the probability increased to 50 percent from about 2 percent, and less so in the West, where it rose to 50 percent from about 21 percent. The results in the North and South were unreliable, with possible explanations suggested by the histograms—the North showing a substantial level of income associated with non-privatization and the South relatively low levels associated with privatization.

Unfortunately, any robust results did not extend to the single member districting hypothesis, but did to the other two districting arrangements except in the South-West regional pairing, where none of the estimates attained significance.

Prosperity and Privatized Refuse Collection

H₁₂ Where affluence is increasing, the higher the probability of privatization.

Income growth, measured here dichotomously as whether median income increased or decreased between censuses, typically is linked to

the small-government ideology that might favor privatization. The statistical evidence presented in Table 5-16 suggests so. In the sample of all 485 cities (seven were missing values), median income increase had the effect of raising the odds of privatization by more than 2. The odds were 29 out of 100 with no increase. In percentage terms, income growth increased the probability of privatization to 39.5 percent, compared to 22.4 percent with no growth.

Similarly robust estimates, albeit of differing slope values, obtained in the South and West (see Table 5-16), but the North continued to be a problem. The histogram in Table 5-16 suggests that all privatized cities in the North grew in income and a Pearson r of the income change and refuse variables was .214 and not significant. The South region alone returned an inverse relationship between the variables and the effect was substantial—reducing the probability from 34.5 percent to 13 percent. This outcome may be traced to prosperous Florida, the state that dominated the list of 21 cities with per capita income higher than \$15,000. Only two of the 10 Florida cities on the list did not grow in income and those two were privatized, while just two Florida cities both grew in income and were privatized.

Among the bi-regional tests, the single member districting arrangement continued to be an unreliable incubator. Mixed districting also showed poorly, but the at-large estimation returned robust results in both the Midwest-North and South-West pairings: At-large jurisdictions in the South-West region went from a 19.2 percent probability with no income growth to 55.5 percent, while those in the Midwest-North went from 29 percent to 50 percent.

Population Growth and Privatized Refuse Collection

H₁₃ Where population is increasing, the higher the probability of privatization.

Most of the results of this test support the hypothesis, including in the North, alone among the regions to return robust estimates (see Table 5-17). Population growth in cities there increased the odds ratio for privatization by 3. Restated, the probability was 19 percent with no growth, rising to 40.5 percent with growth. In the full sample, comparable probabilities were 23 percent rising to 36 percent.

Among the bi-regional estimations, the at-large system again proved the superior incubator for population growth being associated with privatization. Population increase in both the Midwest-North and

South-West pairings improved the odds ratio by more than 3. The single-member arrangement continued to disappoint; the mixed system also returned unreliable results.

Hispanic Representation and Privatized Refuse Collection

H₂₃ The higher the percentage of Hispanic representation, the lower the probability of privatization.

The presence of Hispanic city councilors, the other minority group most likely to share policy preferences with African Americans, does not appear to be a reliable predictor of privatized refuse collection. Neither the full sample nor any of the sub-samples returned robust estimates.

However, because just 95, or 19 percent, of the 492 cities had any level of Hispanic representation, it was replaced by percentage Hispanic population as the explanatory variable. The substitution makes sense: As with that for African Americans, the linear regression of Hispanic representation on population yielded robust results, although the latter r^2 was lower—.54 compared to .785, and the slope coefficient of .564 indicated that the population-to-council seats translation also was considerably below the approximately 1:1 ratio for African Americans.

The revised logit model did yield much improved estimates, but the effect was not in the direction hypothesized. In fact, the odds ratio increase, 1.025, for each one unit increase in Hispanic population was about the same as the decrease linked to African American representation, .97. We can tentatively conclude that a Hispanic presence does not rival the African American presence as a predictor of reduced probability of privatization. The turn of events may not be all that surprising, however. Recall from the discussion in Chapter 4 that these two populations tend to vary inversely and that Hispanics, unlike African Americans, are positively associated with growing affluence and population—two community characteristics that also tend to accompany privatization.

African American Representation and Affirmative Action

H₁₄ The higher the level of African American representation, the higher the probability of affirmative action.

The problem of too few cases emerged in this test, as it did in the analysis of African American population and council representation.

The sub-sample of the North region totaled 21 cases; that analysis is included here, but with a note of caution. In the bi-regional analysis by form of districting, only the sample of Midwest-North mixed systems was large enough for regression. The results were quite robust: Cox & Snell and Nagelkerke r^2 of .17 and .23, respectively, and a slope coefficient of positive .055 significant at the .05 level. This means the odds of a set-aside program increase by more than 1 for each one unit increase in black representation. The South-West pairing contained enough cases for regression analysis. None attained significance, however.

The number in the Midwest-North pairing totaled just 10 each for single-member and at-large jurisdictions. As before, correlation analysis is inappropriate between a ratio and a dichotomous variable. An inspection of the relevant cities and a histogram depiction of the relationship (see Figure 5-4) will have to suffice here also. Of the 10 single member jurisdictions, three had no set aside program. Two of the three were in cities with the third and fourth highest percentage of African American councilors and the third had no black representation. Almost the reverse obtained in the at-large systems. Three of the 10 cities had set aside programs and just one of the three with the highest representation did not have. The samples were small, but the ward system appears to tend toward affirmative action and the at-large does not. All of the bi-regional graphic depictions are presented in Figure 5-4.

Turning to the full sample, the results support the hypothesis (see Table 5-18). Each one unit increase in black representation raises the odds ratio in favor of affirmative action by more than 1, or more than 50 percent. By the time the council reaches 25 percent black, the odds are better than even. What is more, the model performed well in all regions except the South and West. In the South, just seven of the 15 cities with black representation higher than 30 percent had set-aside programs, compared to four of six in the North and seven of 10 in the Midwest. No clear pattern was detectable in the West, where just one city had representation of more than 30 percent.

Disaggregating by form of election districting returned robust results only for the mixed system, although the estimates in the single-member and at-large samples were in the hypothesized direction. The analysis of mixed districting yielded the following:

$$\Pr(\text{AA}) = -.823 + .043\% \text{BlkElected} \\ (.379) \quad (.016)$$

The exponentiated intercept and slope values were .439 and 1.044 and the Wald statistics were significant at the .05 and .01 levels, respectively. The Cox & Snell and the Nagelkerke pseudo- r^2 's were .11 and .14, respectively, and the model successfully predicted 60.3 percent of iterations. A broader discussion of why the hypothesized results did not obtain for single-member districting is presented in Chapter 6.

Single Member Districting and Affirmative Action

H₁₅ The higher the percentage of single member districts, the higher the probability of affirmative action.

This model performed poorly across all samples. No parameters attained significance and goodness-of-fit indicators all were low. The addition of a variable for form of districting—scored 2 for all-ward, 1 for mixed and 0 for all at-large—did not lead to improvement. The slope was in the hypothesized direction but did not attain significance. However, because the next estimation is so closely related and was an improvement, this one will not be discussed further.

Single-Member Districting, Representation and Affirmative Action

H₁₆ The multiplicative effect of the percentages of single member districts and African American representation will increase the probability of affirmative action.

As with the Census analysis, this test is the more salient to this research project. The interaction of ward districting and population is the beginning of the process of policy responsiveness.

Except for disappointing results from the South region and marginal ones from the North and West, parameter estimates were robust and in the hypothesized direction (see Table 5-19). Moreover, the probability of affirmative action had passed 50:50 by the time the level of representation reached 20 percent, 5 percentage points lower than with representation effects alone. The North, in fact, returned a slope coefficient similar to black representation alone, but just missed in statistical significance. The similarity makes sense: African American representation is strongly linked to the ward system, so similar effects would be expected on the dependent variable. As for the South, recall that this interaction variable also did not yield robust estimates with the Census data, a consistency that invites investigation

beyond the immediate scope of this research project, and that neither representation nor single member districting alone was a robust variable for this region. Recall also that the single member districting arrangement did not yield hypothesized effects with the telephone survey data. Further, the histograms in Table 5-19 suggest less of a pattern in the South than in the other regions.

Following are probabilities in percentage terms that a city will have a set-aside program given selected levels of the interaction of single member districting and representation. The South is not included because of the unreliability of its estimations, but the North and West are because parameter estimates approached significance.

	Single Member*Representation-			
	10%	20%	30%	50%
All cases	45.0%	52.0%	59.0%	72.0%
Midwest	47.0	59.0	70.0	86.0
North	36.0	51.5	67.0	88.0
West	48.0	60.0	71.5	87.0

Black Mayors and Affirmative Action

H₁₇ An African American in the mayor's office will increase the probability of affirmative action.

Consistent with conclusions from most researchers, cities headed by African American mayors were decidedly more likely to offer a set-aside program. In the full sample of 143, a black mayor increased the odds of such a program by nearly 4, to an 80 percent probability (see Table 5-20). Otherwise, a city was likely not to have such a program—a 43 percent probability. The effect was even more pronounced in the Midwest, but proved unreliable in the other regions.

Because the 20 African American mayors in the sample were significantly more likely to preside in strong mayor-council cities—the Pearson *r* for this relationship was .22 at the .01 confidence level, the test of government form may be informative for this hypothesis also. Further, because correlation analysis did not return significant results, the histograms in Figure 5-5 were constructed so as to provide an indication of the effect of black mayors under the three districting arrangements.

Finally, because political control is important to the contribution to John Sibley Butler's theory of a truncated middleman, a series of tests

also was conducted only on those cities headed by African American mayors, who are powerful symbols of control. These results are discussed later in this chapter under the heading “Isolating the Black Mayor Effect.”

Black Mayors, Entrepreneurship and Affirmative Action

H₁₈ The multiplicative effect of an African American mayor and African American entrepreneurship will increase the probability of affirmative action.

This analysis also was plagued by too few cases. Just eight of the 131 cities with valid data had both a black mayor and some level of black business sales. A regression did not return reliable estimators. Twenty cities had some level of sales and 20 had a black mayor. For that reason the commentary on this hypothesis will be limited to a description of the data. The histogram in Figure 5-6 also is revealing of the relationship.

An examination of the 20 cities indicates support for the hypothesis. Thirteen of them had set-aside programs and all except one of the black mayors—in Washington, D.C.—presided over a city with a set-aside program. Further, of the eight black mayors, all except one were in the 10 cities posting the largest annual sales. Finally, of the cities with the highest sales level, two that did not have black mayors at the time of the 1998 Joint Center for Political and Economic Studies survey had them in the immediately preceding terms: Philadelphia had black mayors immediately before and after 1998 and Los Angeles immediately before. That would leave only Louisville, Kentucky, without proximate experience with an African American mayor.

Of the election districting arrangements, only Detroit, with a population of more than 82 percent African American, was all at-large; 12 used mixed districting and seven single member. Council percentages among the 20 ranged from 9.1 in San Jose, California, to 77.8 in Detroit.

Black Entrepreneurship and Affirmative Action

H₁₉ The greater the level of African American entrepreneurship, the higher the probability of affirmative action.

Much of the immediately preceding commentary informs the hypothesis regarding African American business alone. Noteworthy is that 13 of the 20 cities posting annual sales had set-aside programs, all

except one of which were home to the businesses with highest sales volume. The data provides support for the hypothesis as does the histogram in Figure 5-7.

Government Form and Affirmative Action

H₂₀ With a mayor-council form of government, the higher the probability of affirmative action.

Consistent with the findings from the test of black mayors, the strong mayor form of government is associated with affirmative action. A mayor-council government raises the odds of a set-aside program by nearly 2. Otherwise, the probability a city will have one is 40 percent. Except for approximate significance in the North, the regional analyses did not return reliable estimates.

Affluence and Affirmative Action

H₂₁ The more affluent the population, the lower the probability of affirmative action.

Neither the full nor sub-samples returned reliable estimates.

Unemployment and Affirmative Action

H₂₂ The greater the need for jobs, the lower the probability of affirmative action.

This test of the full sample did not return reliable estimates. In fact, only the sub-samples of the North region and cities with mixed districting met standards of statistical significance, the latter at the .05 level and the North at the .10 level. The slope coefficients were positive, however, suggesting that high unemployment increases the probability of a set-aside program.

Female Representation and Affirmative Action

H₂₄ The higher the percentage of female representation, the higher the probability of affirmative action.

Neither the full sample nor any of the sub-samples yielded reliable estimates.

ISOLATING THE BLACK MAYOR EFFECT

This research builds upon earlier findings of the importance of African American mayors to African American economic development. Although the tests of the effects of black entrepreneurship alone and in

tandem with a black mayor were hampered by small n , they should be viewed as simply inconclusive, in need of repeated and larger samples, the use of other statistical tools and further investigation. Rudimentary evidence as previously described suggests that the positive relationship between black mayors and black entrepreneurs could find a place in Butler's conceptualization of a truncated (African American) middleman. The early evidence notwithstanding, the size of the samples with African American mayors and/or African American business did not permit a thorough analysis of how the probability of privatization or affirmative action might be affected by limiting the sample to these cities. None of the tests rose to the standards of statistical inference.

The linear regression of representation on population was far more productive. Relevant characteristics of the cities were as follows:

	Census	Telephone
Government Form		
Mayor-Council	27	15
Council-Manager	6	5
Election Districting		
Single Member	9	5
At Large	9	2
Mixed	15	13
Region		
Midwest	9	7
North	11	3
South	6	6
West	7	4
Total	33	20

The results suggested that the 33 cities in the Census sample translated population into council seats even more efficiently—at a rate of a 1.1 increase in percent representation for each one-unit increase in population percentage. The standard error of the estimate is relatively large, however. The equation took the form:

$$\% \text{BlkRep} = -4.673 + 1.086(\% \text{BlkPop})$$

(5.342) (.108)

$S_e=12.34$ $r^2=.77$ Slope coefficient at .0001 level of significance.

Recall that BlkRep is percentage of African American councilors and that BlkPop is percentage African American population. Figure 5-8 displays the results of correlation analysis and scatterplots of the relationship between population and representation under the three districting arrangements. We can tentatively conclude that the remarkably efficient translation of population into representation is undiminished in cities with black mayors and that the ward system is the superior enabling mechanism.

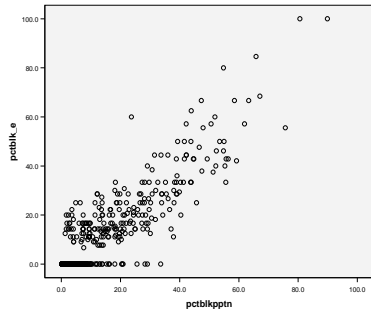
Finally, further separating out the 20 cities in the telephone survey sample would lead to too few cases for some. However, a correlation of black population and representation returned a Pearson r of .78. On balance, we find little to suggest that these cities might return results markedly different from those in the Census sample.

IMPLICATIONS OF THE ANALYSIS

The tests described in this chapter returned varying levels of support or lack of support for the hypotheses. On balance, however, the findings tend to support our primary argument that single member districting enhances minority representation, which in turn promotes responsiveness to minority policy preferences. That a number of the tests held across both the Census and telephone survey samples is further encouraging. The following chapter offers concluding commentary on theoretical and empirical implications of the research.

Table 5-1. Black Representation on Black Population, Census Sample

Black Population	Elected Representation
All Cases	.939*** (.022)
Intercept	-1.081** (.465)
n=492	r ² =.785
s _e =7.8	



Black Population	Elected Representation
Single-Member	1.023*** (.036)
Intercept	-.788 (.913)
n=92	r ² =.90
s _e =6.2	

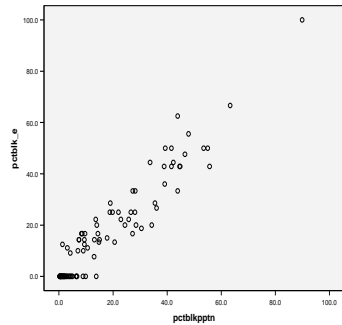
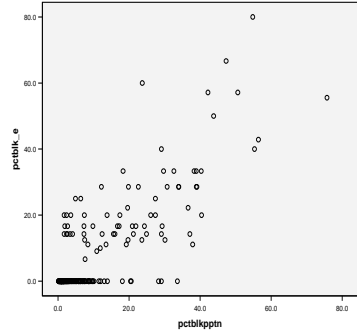
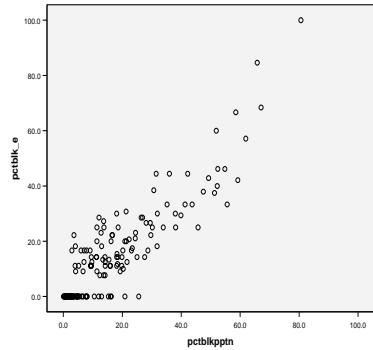


Table 5-1, cont.

Black Population	Elected Representation
At-Large	.850*** (.040)
Intercept	978 (.662)
n=237	r ² =.65
s _e =8.15	



Black Population	Elected Representation
Mixed	.930*** (.037)
Intercept	-.823 (.868)
n=163	r ² =.80
s _e =7.8	



***Significant at the .0001 level; **significant at the .05 level.

Captions: pctblkpptn=% black population; pctblk_e=% black representation.

Table 5-2. Black Representation on Black Population in Cities of Black Population $\leq 50\%$, Census Sample

Black Population		Elected Representation
All Cases		.892*** (.028)
Intercept		-.639 (.467)
n=470	$r^2=.69$	
$s_e=7.4$		
Single-Member		1.029*** (.045)
Intercept		-.757 (.950)
n=87	$r^2=.86$	
$s_e=6.1$		
At-Large		.807*** (.046)
Intercept		-.737 (.655)
n=232	$r^2=.57$	
$s_e=7.8$		
Mixed		.824*** (.048)
Intercept		.404 (.860)
n=151	$r^2=.665$	
$s_e=7.0$		

***Significant at the .0001 level; **Significant at the .05 level

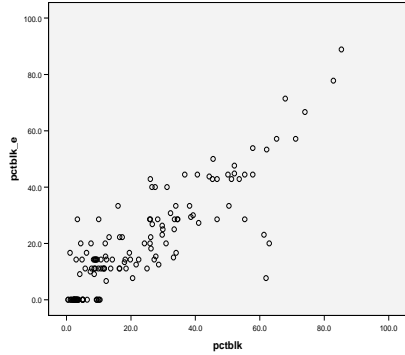
Table 5-3. Black Representation on Black Population by Region, Census Sample

Black Population		Elected Representation
Midwest		.916*** (.046)
Intercept		-.087 (.922)
n=119	$r^2=.77$	
$s_e=7.5$		
North		1.053*** (.049)
Intercept		-4.694*** (1.242)
n=73	$r^2=.87$	
$s_e=7.8$		
South		.940*** (.144)
Intercept		-2.814 (1.792)
n=87	$r^2=.78$	
$s_e=8.1$		
West		1.036*** (.056)
Intercept		-.902 (.654)
n=213	$r^2=.62$	
$s_e=7.6$		

***Significant at the .0001 level

Table 5-4. Black Representation on Black Population, Telephone Sample

Black Population	Elected Representation
All Cases	.778*** (.038)
Intercept	1.956** (1.140)
n=143	r ² =.75
s _e =9.1	



Black Population	Elected Representation
Single-Member	.815*** (.065)
Intercept	1.881 (2.294)
n=32	r ² =.84
s _e =7.3	

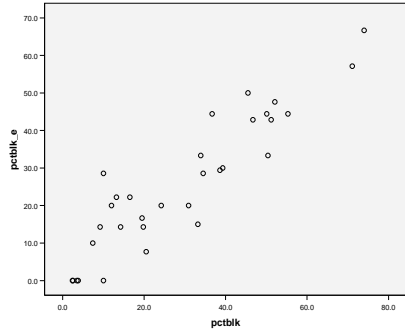
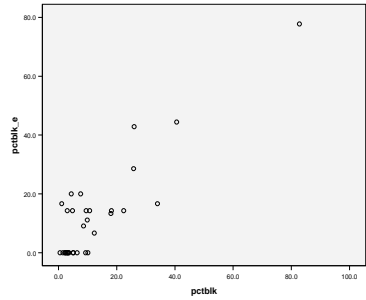
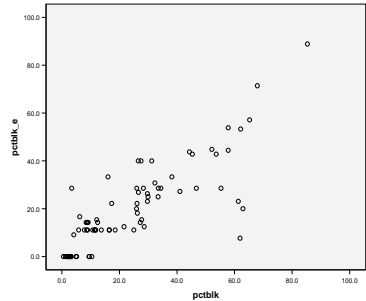


Table 5-4, cont.

Black Population	Elected Representation
At-Large	.922*** (.087)
Intercept	706 (1.744)
n=33	$r^2=.78$
$s_e=7.95$	



Black Population	Elected Representation
Mixed	.727*** (.057)
Intercept	2.560 (1.778)
n=78	$r^2=.68$
$s_e=10.1$	



***Significant at the .0001 level; **significant at the .10 level

Table 5-5. Black Representation on Black Population in Cities of Black Population $\leq 50\%$, Telephone Sample

Black Population		Elected Representation
All Cases		.834*** (.052)
Intercept		1.441 (1.080)
n=123	$r^2=.68$	
$s_e=7.5$		
<hr/>		
Single-Member		.845*** (.115)
Intercept		1.507 (2.911)
n=25	$r^2=.70$	
$s_e=8.0$		
<hr/>		
At-Large		.906*** (.144)
Intercept		.846 (2.024)
n=32	$r^2=.57$	
$s_e=8.1$		
<hr/>		
Mixed		.807*** (.070)
Intercept		1.718 (1.497)
n=66	$r^2=.67$	
$s_e=7.3$		

***Significant at the .0001 level

Table 5-6. Black Representation on Black Population by Region, Telephone Sample

Black Population		Elected Representation
Midwest		.965***
All cases		(.060)
Intercept		-1.278 (1.935)
n=33	$r^2=.89$	
$s_e=7.2$		
<hr/>		
North		.753***
All cases		(.122)
Intercept		.682 (3.706)
n=21	$r^2=.67$	
$s_e=10.9$		
<hr/>		
South		.712***
All cases		(.105)
Intercept		2.451 (4.547)
n=38	$r^2=.56$	
$s_e=11.3$		
<hr/>		
West		1.043***
All cases		(.126)
Intercept		1.301 (1.369)
n=51	$r^2=.58$	
$s_e=6.5$		

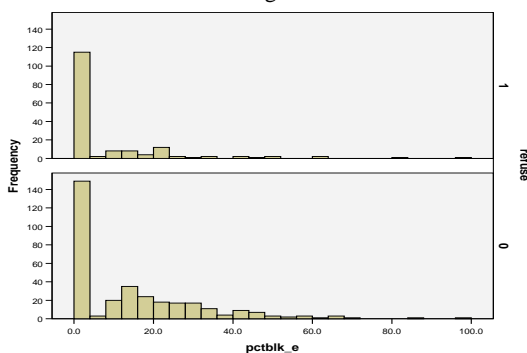
***Significant at the .0001 level

Table 5-7. Privatized Refuse Collection on Black Representation

Representation	Privatized Refuse Collection	
All Cases	-.029*** (.007)	Exp(b) .971
Intercept	-.405*** (.116)	Exp(b) .667

n=492

Correct predictions=66.9%

Cox & Snell $r^2=.04$ Nagelkerke $r^2=.05$ 

Single-Member	.010 (.013)	Exp(b) 1.010
Intercept	-1.681*** (.950)	Exp(b) .186

n=92

Correct predictions=81.5%

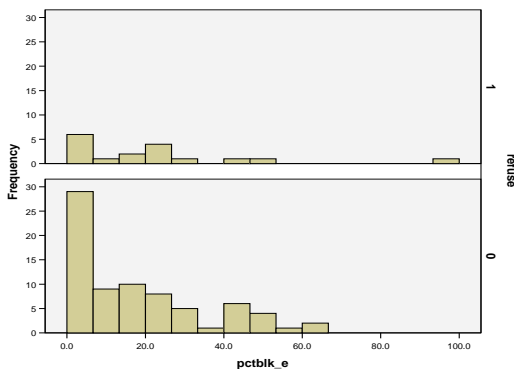
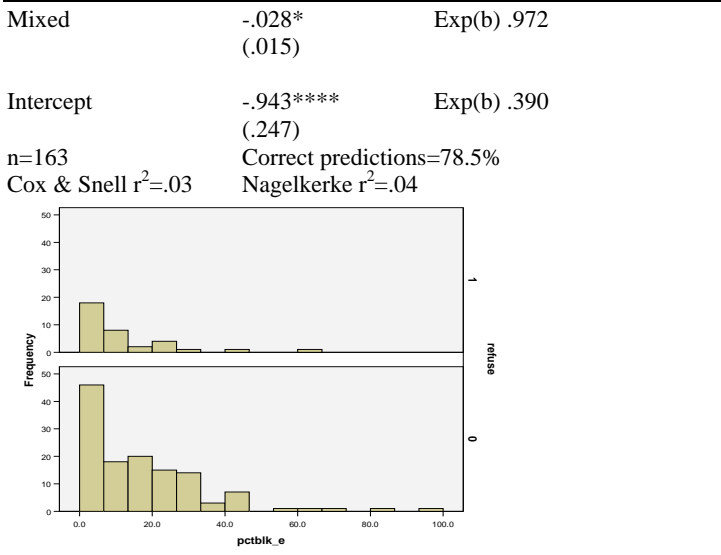
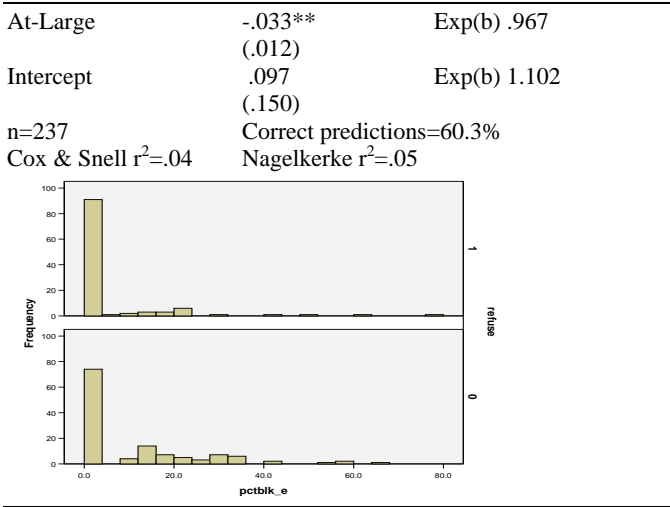
Cox & Snell $r^2=.01$ Nagelkerke $r^2=.01$ 

Table 5-7, cont.



****Significant at .0001; ***at .001; **at .005; *at .05
 Notes: (1) Exp(b) is the odds ratio.
 (2) All coefficient tests of significance are Wald statistics.
 Captions: refuse=1 if privatized, 0 if not; pctblk_e=black council %.

Table 5-8. Privatized Refuse Collection on Black Representation by Region

Representation	Privatized Refuse Collection	
Midwest	-.060** (.021)	Exp(b) .942
Intercept	-.255 (.246)	Exp(b) .775
n=119 Correct predictions=68.1%		
Cox & Snell $r^2=.09$ Nagelkerke $r^2=.125$		
North	-.008 (.013)	Exp(b) .992
Intercept	.734* (.301)	Exp(b) .480
n=73 Correct predictions=69.9%		
Cox & Snell $r^2=.01$ Nagelkerke $r^2=.01$		
South	-.042* (.018)	Exp(b) .958
Intercept	-.451 (.429)	Exp(b) .637
n=87 Correct predictions=79.3%		
Cox & Snell $r^2=.07$ Nagelkerke $r^2=.11$		
West	-.009 (.012)	Exp(b) .991
Intercept	-.353* (.158)	Exp(b) .703
n=213 Correct predictions=60.1%		
Cox & Snell $r^2=.003$ Nagelkerke $r^2=.004$		

**Significant at .005; *at .05

Table 5-9(a). Privatized Refuse Collection on Black Representation, Midwest-North

Representation	Privatized Refuse Collection	
Single Member	.021 (.021)	Exp(b) 1.021
Intercept	1.636** (.246)	Exp(b) .195
n=38 Correct predictions=78.9%		
Cox & Snell r ² =.03 Nagelkerke r ² =.05		
At-Large	-.058* (.026)	Exp(b) .944
Intercept	.009 (.280)	Exp(b) .992
n=72 Correct predictions=59.7%		
Cox & Snell r ² =.10 Nagelkerke r ² =.13		
Mixed	-.043* (.021)	Exp(b) .958
Intercept	-.471 (.429)	Exp(b) .624
n=82 Correct predictions=72.0%		
Cox & Snell r ² =.07 Nagelkerke r ² =.09		

**Significant at .005; *at .05

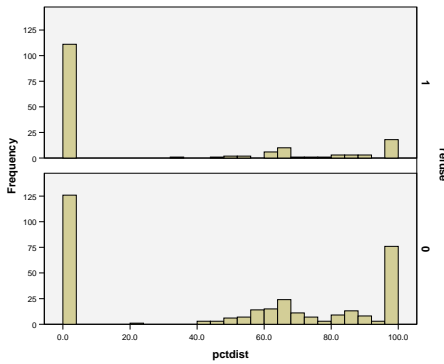
Table 5-9(b). Privatized Refuse Collection on Black Representation, South-West

Representation	Privatized Refuse Collection	
Single Member	.002 (.019)	Exp(b) 1.002
Intercept	-1.656** (.246)	Exp(b) .191
n=54 Correct predictions=83.3% Cox & Snell r ² =.00 Nagelkerke r ² =.00		
At-Large	-.023* (.013)	Exp(b) .977
Intercept	.143 (.177)	Exp(b) 1.154
n=165 Correct predictions=50.3% Cox & Snell r ² =.02 Nagelkerke r ² =.03		
Mixed	-.006 (.021)	Exp(b) .994
Intercept	-1.661*** (.433)	Exp(b) .190
n=81 Correct predictions=85.2% Cox & Snell r ² =.00 Nagelkerke r ² =.00		

***Significant at .0001; ** at .005; *at .05

Table 5-10. Privatized Refuse Collection on Single Member Districting

Districting	Privatized Refuse Collection	
All Cases	-.015*** (.002)	Exp(b) .986
Intercept	-.165 (.128)	Exp(b) .848
n=492	Correct predictions=66.9%	
Cox & Snell $r^2=.07$	Nagelkerke $r^2=.10$	



Midwest	-.011** (.005)	Exp(b) .989
Intercept	-.245 (.288)	Exp(b) .783
n=119	Correct predictions=68.1%	
Cox & Snell $r^2=.045$	Nagelkerke $r^2=.06$	

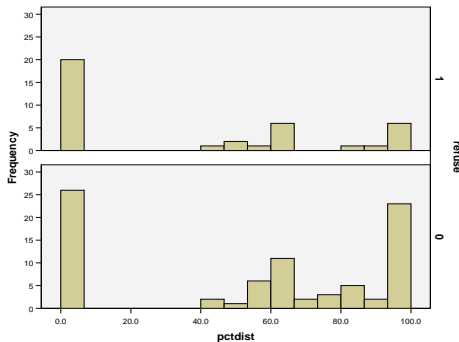
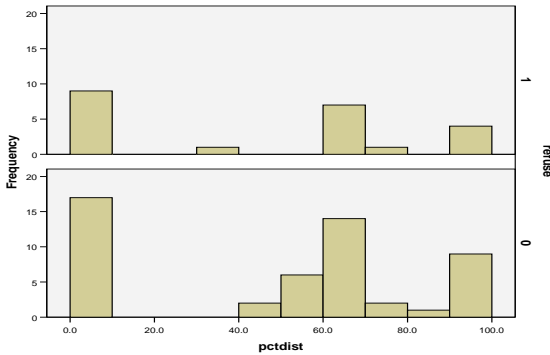


Table 5-10, cont.

North	-.004 (.018)	Exp(b) .996
Intercept	-.675* (.429)	Exp(b) .509
n=73	Correct predictions=69.9%	
Cox & Snell $r^2=.00$	Nagelkerke $r^2=.00$	



South	.001 (.006)	Exp(b) 1.001
Intercept	1.382*** (.410)	Exp(b) .251
n=87	Correct predictions=79.3%	
Cox & Snell $r^2=.00$	Nagelkerke $r^2=.00$	

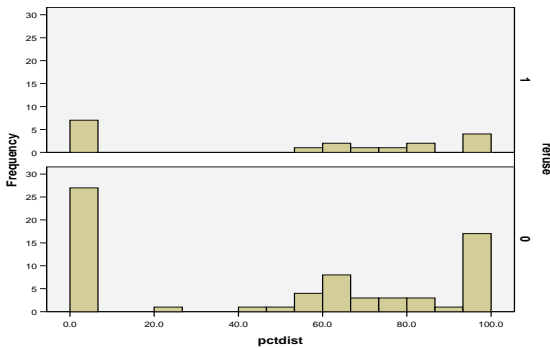
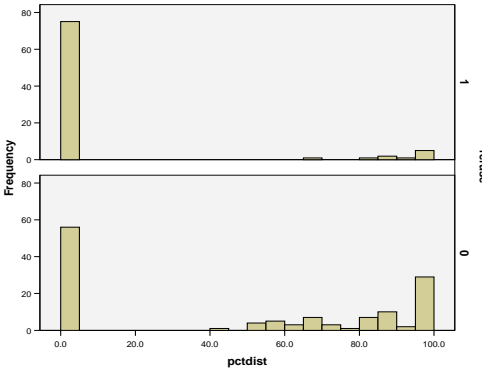


Table 5-10, cont.

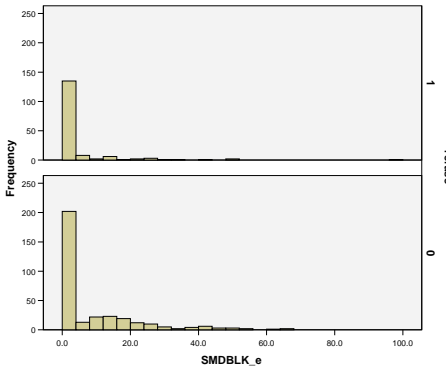
West	-.025**** (.004)	Exp(b) .975
Intercept	.241 (.175)	Exp(b) 1.272
n=213	Correct predictions=60.1%	
Cox & Snell $r^2=.18$	Nagelkerke $r^2=.24$	



****Significant at .0001; ***at .001; **at .05; *at .10
 Captions: pctdist=% council seats that are single member; refuse=0, non-priv., 1, priv.

Table 5-11. Privatized Refuse Collection on Single Member* Representation

Representation	Privatized Refuse Collection	
All Cases	-.036*** (.010)	Exp(b) .965
Intercept	-.505*** (.107)	Exp(b) .603
n=492	Correct predictions=66.9%	
Cox & Snell r ² =.03	Nagelkerke r ² =.04	



Midwest	-.063* (.030)	Exp(b) .939
Intercept	-.460* (.226)	Exp(b) .631

n=119
Cox & Snell r²=.055
Correct predictions=68.1%
Nagelkerke r²=.08

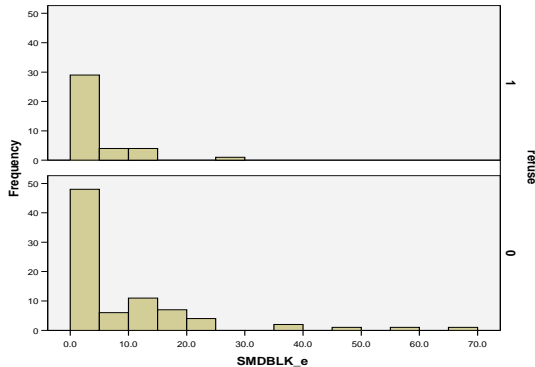
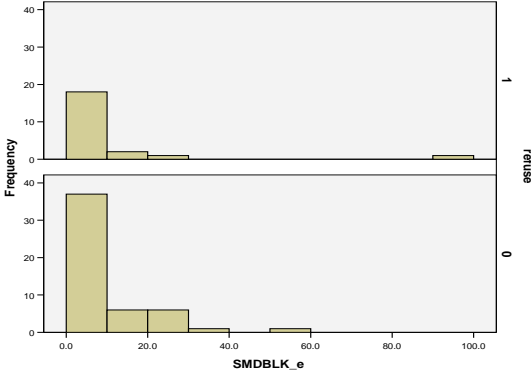


Table 5-11, cont.

North	.003 (.016)	Exp(b) 1.003
Intercept	-.862** (.283)	Exp(b) .422
n=73	Correct predictions=69.9%	
Cox & Snell $r^2=.00$	Nagelkerke $r^2=.00$	



South	-.011 (.016)	Exp(b) .989
Intercept	-1.193**** (.340)	Exp(b) .303
n=87	Correct predictions=79.3%	
Cox & Snell $r^2=.00$	Nagelkerke $r^2=.00$	

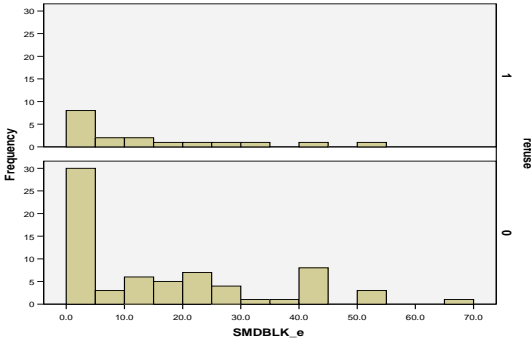
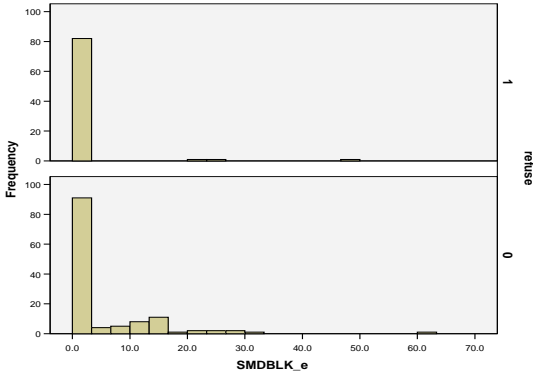


Table 5-11, cont.

West	-.084** (.030)	Exp(b) .919
Intercept	-.209 (.151)	Exp(b) .811
n=213	Correct predictions=60.1%	
Cox & Snell $r^2=.06$	Nagelkerke $r^2=.075$	



***Significant at .0001; **at .001; *at .005; .at .05

Captions: SMDBLK_e=interaction; refuse=0, non-priv., 1, priv.

Table 5-12. Privatized Refuse Collection on Black Mayors

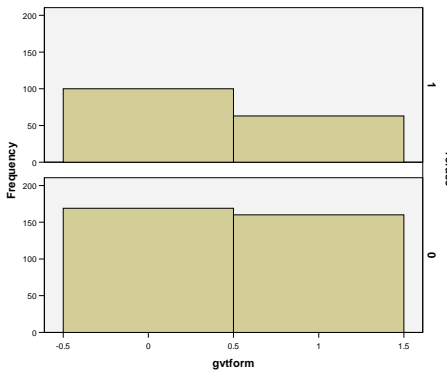
Mayor	Privatized Refuse Collection	
All Cases	-.850* (.462)	Exp(b) .427
Intercept	-.654***** (.098)	Exp(b) .520
n=492 Correct predictions=66.9%		
Cox & Snell $r^2=.01$ Nagelkerke $r^2=.01$		
Midwest	-1.400 (1.080)	Exp(b) .247
Intercept	-.680**** (.202)	Exp(b) .507
n=119 Correct predictions=68.1%		
Cox & Snell $r^2=.02$ Nagelkerke $r^2=.03$		
North	-.164 (.731)	Exp(b) .849
Intercept	-.817**** (.275)	Exp(b) .442
n=73 Correct predictions=69.9%		
Cox & Snell $r^2=.00$ Nagelkerke $r^2=.00$		
South	-19.950 (16408.760)	Exp(b) .000
Intercept	-1.253***** (.340)	Exp(b) .286
n=87 Correct predictions=79.3%		
Cox & Snell $r^2=.03$ Nagelkerke $r^2=.05$		
West	-.523 (.849)	Exp(b) .593
Intercept	-.393** (.142)	Exp(b) .675
n=213 Correct predictions=60.1%		
Cox & Snell $r^2=.00$ Nagelkerke $r^2=.00$		

*****Significant at .0001; *****at .001; ****at .005; ** at .01; *at .10

Table 5-13. Privatized Refuse Collection on Government Form

Gov. Form	Privatized Refuse Collection	
All Cases	-.407* (.195)	Exp(b) .665
Intercept	-.525** (.126)	Exp(b) .592

n=492 Correct predictions=66.9%
 Cox & Snell $r^2=.01$ Nagelkerke $r^2=.01$



Midwest	-.799* (.401)	Exp(b) .450
Intercept	.300 (.295)	Exp(b) .741

n=119 Correct predictions=68.1%
 Cox & Snell $r^2=.03$ Nagelkerke $r^2=.05$

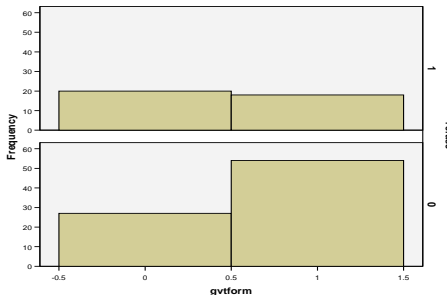
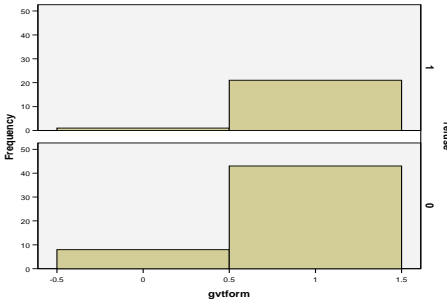


Table 5-13, cont.

North	1.363 (1.094)	Exp(b) 3.907
Intercept	-2.079* (1.061)	Exp(b) .125

n=73 Correct predictions=69.9%
 Cox & Snell $r^2=.03$ Nagelkerke $r^2=.04$



South	.262 (.530)	Exp(b) 1.300
Intercept	-1.466** (.370)	Exp(b) .231

n=87 Correct predictions=79.3%
 Cox & Snell $r^2=.00$ Nagelkerke $r^2=.00$

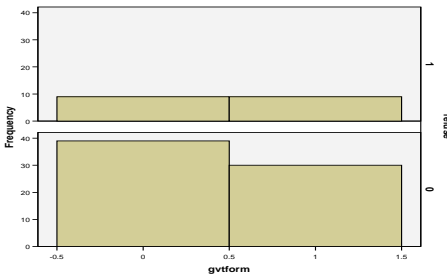
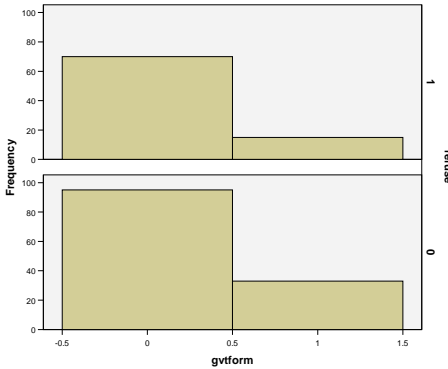


Table 5-13, cont.

West	-483 (.349)	Exp(b) .617
Intercept	-.305* (.158)	Exp(b) .737

n=213 Correct predictions=60.1%
 Cox & Snell $r^2=.01$ Nagelkerke $r^2=.01$

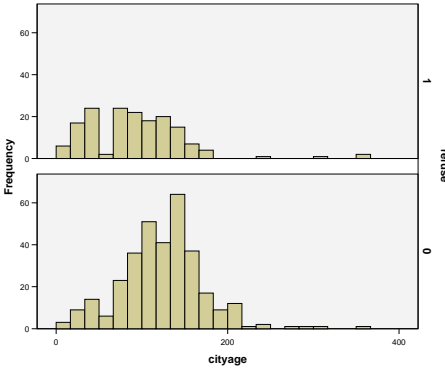


**Significant at .0001; *at .05

Captions: gvtform=1 mayor-council, 0 council-manager; refuse=0, non-priv., 1, priv.

Table 5-14. Privatized Refuse Collection on City Age

Age in Years	Privatized Refuse Collection	
All Cases	-.013*** (.002)	Exp(b) .987
Intercept	.732** (.246)	Exp(b) 2.078
n=492 Correct predictions=70.7%		
Cox & Snell $r^2=.085$ Nagelkerke $r^2=.12$		



Midwest	-.017*** (.005)	Exp(b) .983
Intercept	1.180* (.578)	Exp(b) 3.253
n=119 Correct predictions=73.9%		
Cox & Snell $r^2=.11$ Nagelkerke $r^2=.15$		

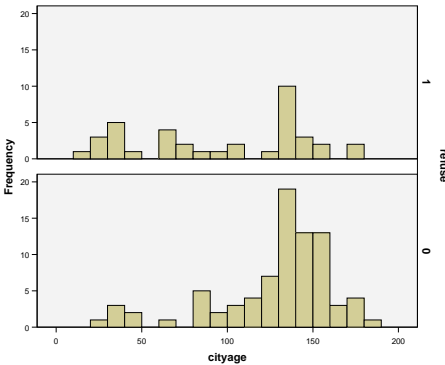
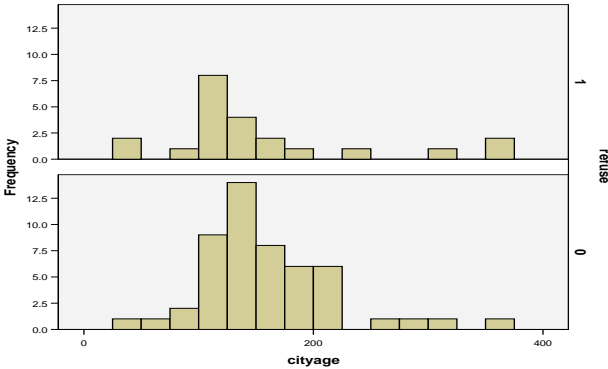


Table 5-14, cont.

North	-0.001 (.004)	Exp(b) .999
Intercept	-.687 (.646)	Exp(b) .503
n=73	Correct predictions=69.9%	
Cox & Snell $r^2=.00$	Nagelkerke $r^2=.00$	



South	-.019*** (.006)	Exp(b) .981
Intercept	.870 (.669)	Exp(b) 2.386
n=87	Correct predictions=83.9%	
Cox & Snell $r^2=.14$	Nagelkerke $r^2=.22$	

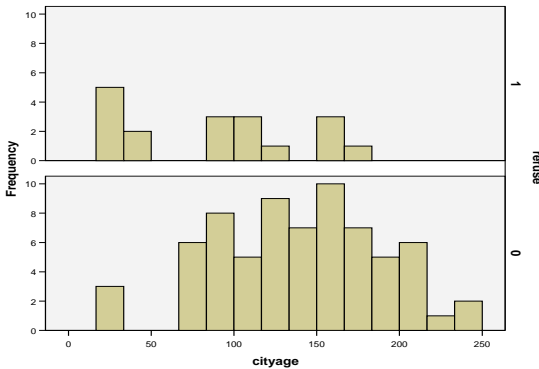


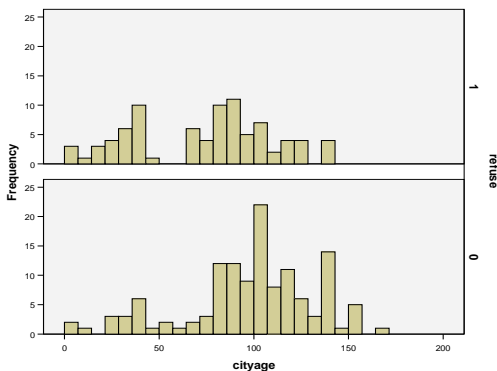
Table 5-14, cont.

West		-.019****	Exp(b) .981
	(.004)		
Intercept		1.208**	Exp(b) 3.345
	(.385)		

n=213

Cox & Snell $r^2=.10$

Correct predictions=64.3%

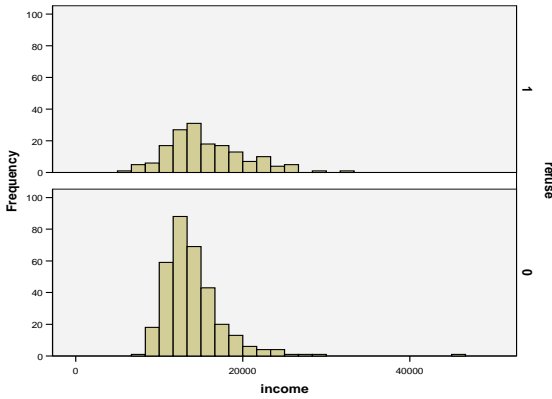
Nagelkerke $r^2=.14$ 

****Significant at .0001; ***at .001; **at .005; *at .05

Captions: cityage=age of city in years; refuse=0, non-priv., 1, priv.

Table 5-15. Privatized Refuse Collection on Income

Income	Privatized Refuse Collection	
All Cases	.000*** (.000)	Exp(b) 1.000
Intercept	-2.126*** (.376)	Exp(b) .119
n=492	Correct predictions=68.3%	
Cox & Snell $r^2=.03$	Nagelkerke $r^2=.05$	



Midwest	.000*** (.000)	Exp(b) 1.000
Intercept	-4.121*** (.928)	Exp(b) .016
n=119	Correct predictions=72.3%	
Cox & Snell $r^2=.13$	Nagelkerke $r^2=.18$	

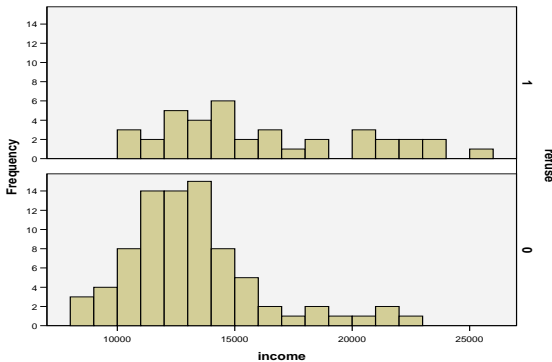
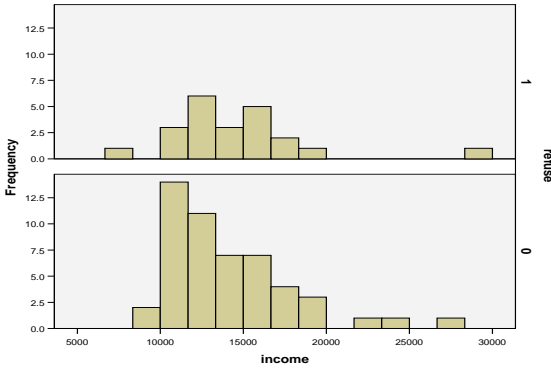


Table 5-15, cont.

North	.000 (.000)	Exp(b) 1.000
Intercept	1.238 (.966)	Exp(b) .290

n=73 Correct predictions=69.9%
 Cox & Snell $r^2=.00$ Nagelkerke $r^2=.00$



South	.000 (.000)	Exp(b) 1.000
Intercept	-1.828 (1.356)	Exp(b) .161

n=87 Correct predictions=79.3%
 Cox & Snell $r^2=.00$ Nagelkerke $r^2=.00$

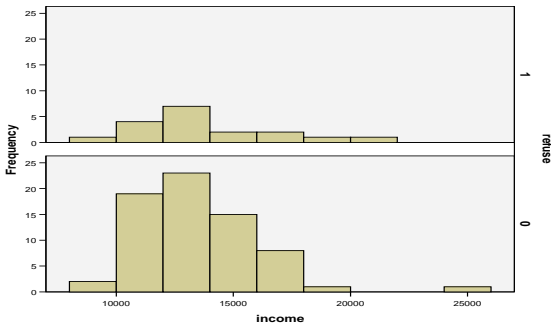
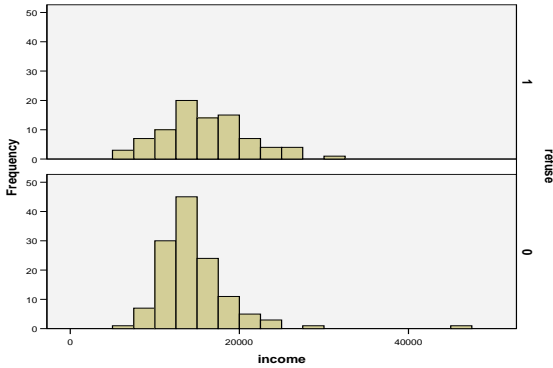


Table 5-15, cont.

West	.000* (.000)	Exp(b) 1.000
Intercept	-1.347** (.494)	Exp(b) .260

n=213 Correct predictions=62.9%
 Cox & Snell $r^2=.02$ Nagelkerke $r^2=.03$

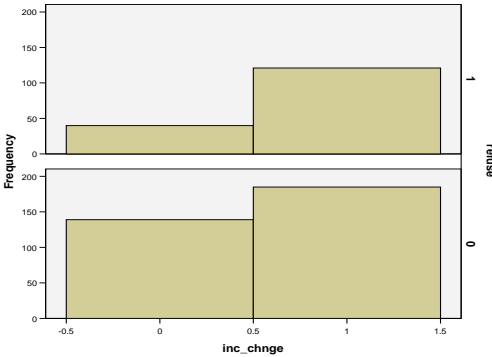


***Significant at .0001; **at .01; *at .05

Captions: income=per capita income in dollars; refuse=0, non-priv.,
 1, priv.

Table 5-16. Privatized Refuse Collection on Income Growth

Income Growth	Privatized Refuse Collection	
All Cases	.821** (.214)	Exp(b) 2.273
Intercept	-1.246** (.179)	Exp(b) .288
n=485	Correct predictions=66.8%	
Cox & Snell $r^2=.03$	Nagelkerke $r^2=.04$	



Midwest	.606 (.418)	Exp(b) 1.832
Intercept	-.942** (.246)	Exp(b) .390
n=118	Correct predictions=67.8%	
Cox & Snell $r^2=.02$	Nagelkerke $r^2=.02$	

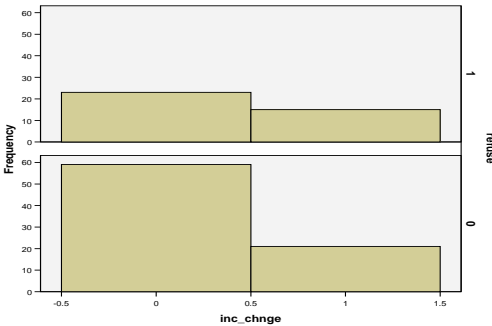
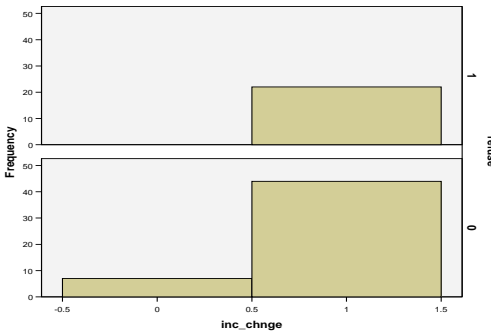


Table 5-16, cont.

North



South	-1.283*	Exp(b) .277
	(.562)	
Intercept	-.642	Exp(b) .526
	(.391)	

n=84 Correct predictions=79.8%
 Cox & Snell $r^2=.06$ Nagelkerke $r^2=.10$

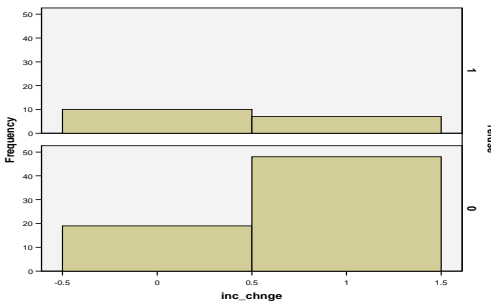
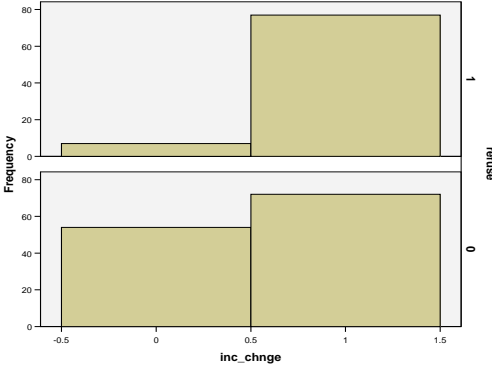


Table 5-16, cont.

West	2.110** (.434)	Exp(b) 8.250
Intercept	-2.043** (.402)	Exp(b) .130

n=210 Correct predictions=62.4%
 Cox & Snell $r^2=.145$ Nagelkerke $r^2=.195$



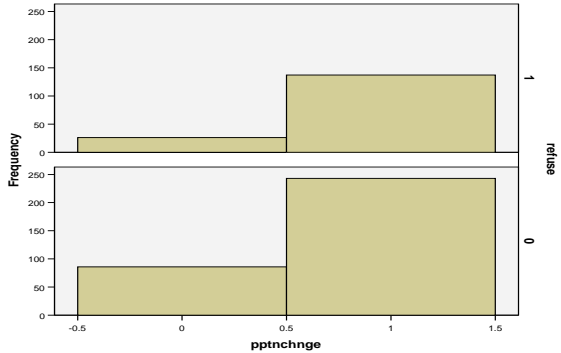
**Significant at .0001; * .05

Captions: inc_chnge=1 increase, 0 otherwise; refuse=0, non-priv., 1, priv.

Table 5-17. Privatized Refuse Collection on Population Growth

Population Growth	Privatized Refuse Collection	
All Cases	.623** (.248)	Exp(b) 1.865
Intercept	-1.196***** (.224)	Exp(b) .302

n=492 Correct predictions=66.9%
 Cox & Snell $r^2=.01$ Nagelkerke $r^2=.02$



Midwest	.449 (.415)	Exp(b) 1.567
Intercept	-1.041*** (.336)	Exp(b) .353

n=119 Correct predictions=68.1%
 Cox & Snell $r^2=.01$ Nagelkerke $r^2=.01$

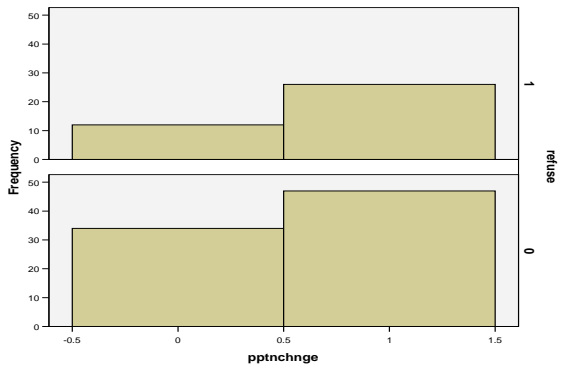
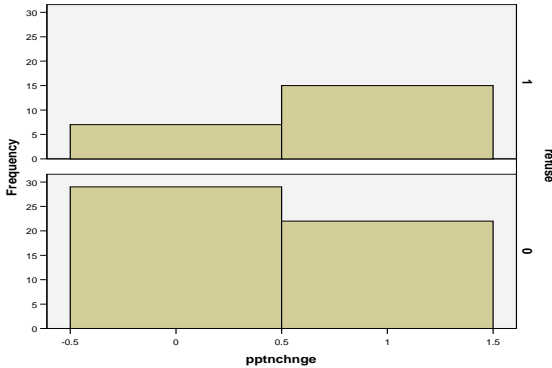


Table 5-17, cont.

North	1.038* (.538)	Exp(b) 2.825
Intercept	-1.421**** (.421)	Exp(b) .241

n=73 Correct predictions=69.9%
 Cox & Snell $r^2=.05$ Nagelkerke $r^2=.07$



South	.285 (.628)	Exp(b) 1.330
Intercept	-1.558*** (.391)	Exp(b) .211

n=87 Correct predictions=79.3%
 Cox & Snell $r^2=.00$ Nagelkerke $r^2=.00$

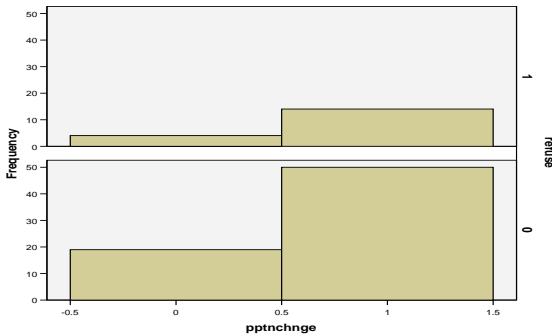
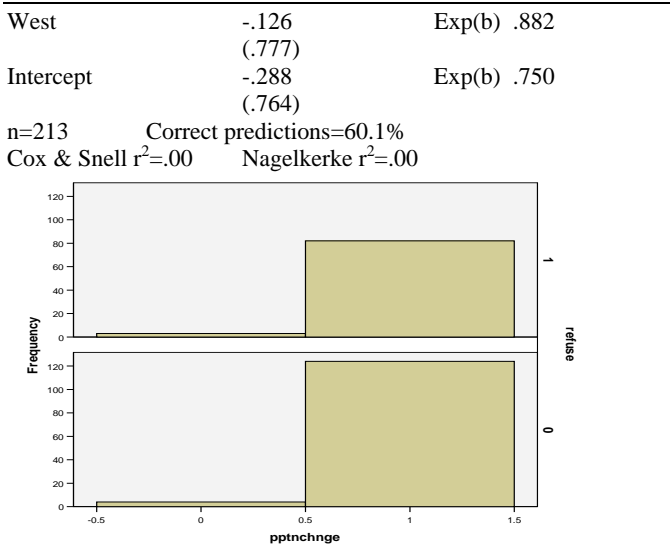


Table 5-17, cont.

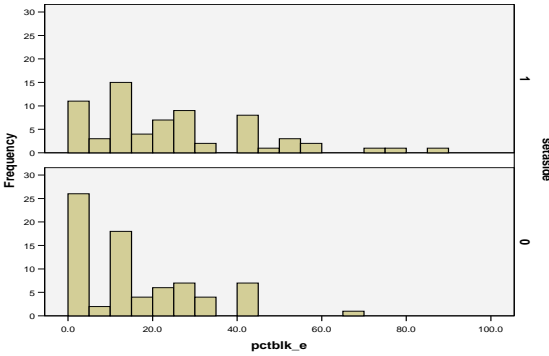


*****Significant at .0001; ****at .001; ***at .005; ** at .01; * at .05

Captions: pptnchnge=1 increase, 0 otherwise; refuse=0, non-priv., 1, priv.

Table 5-18. Affirmative Action on Black Representation

Representation	Contracting Set-Aside	
All Cases	.030**** (.010)	Exp(b) 1.031
Intercept	-.678*** (.260)	Exp(b) .508
n=143	Correct predictions=58.7%	
Cox & Snell $r^2=.06$	Nagelkerke $r^2=.09$	



Midwest	.038* (.022)	Exp(b) 1.038
Intercept	-.723 (.555)	Exp(b) .485
n=33	Correct predictions=63.6%	
Cox & Snell $r^2=.11$	Nagelkerke $r^2=.15$	

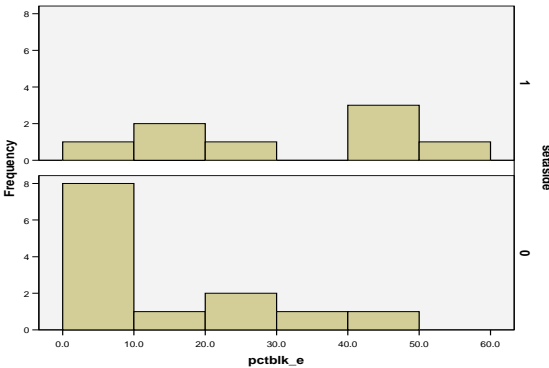
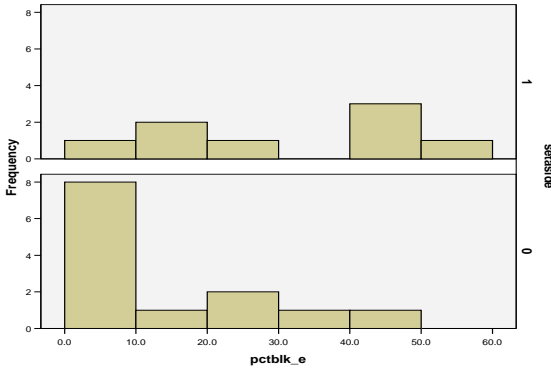


Table 5-18, cont.

North	.064** (.031)	Exp(b) 1.066
Intercept	-1.764** (.827)	Exp(b) .171

n=21 Correct predictions=66.7%
 Cox & Snell $r^2=.23$ Nagelkerke $r^2=.31$



South	.006 (.020)	Exp(b) 1.007
Intercept	.014 (.683)	Exp(b) 1.014

n=38 Correct predictions=55.3%
 Cox & Snell $r^2=.00$ Nagelkerke $r^2=.00$

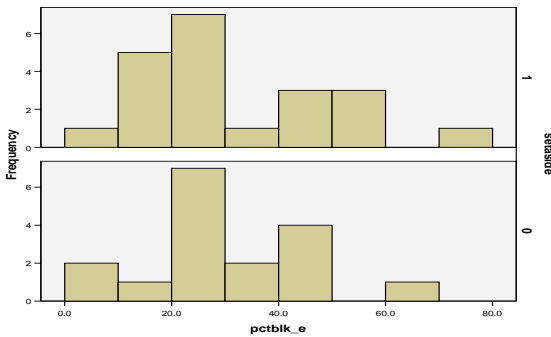
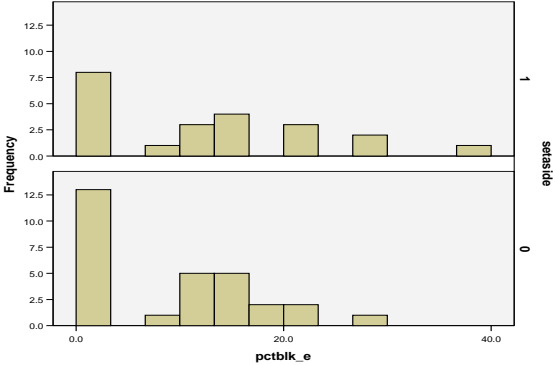


Table 5-18, cont.

West	.037 (.030)	Exp(b) 1.037
Intercept	-.642 (.764)	Exp(b) .526

n=51 Correct predictions=62.7%
 Cox & Snell $r^2=.03$ Nagelkerke $r^2=.04$

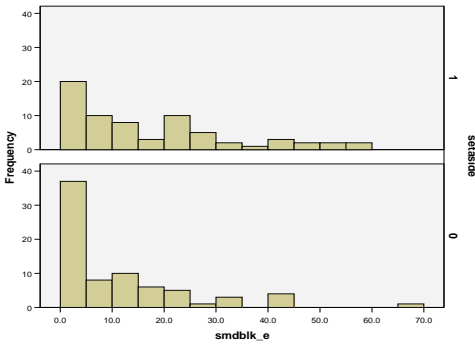


****Significant at .005; ***at .01; **at .05; * at .10

Captions: pctblk_e=%African American councilors; setaside=1 if set-aside, 0 otherwise.

Table 5-19. Affirmative Action on Ward Districting, Representation

Representation	Contracting Set-Aside	
All Cases	.029*** (.012)	Exp(b) 1.030
Intercept	-.493** (.230)	Exp(b) .611
n=143	Correct predictions=60.8%	
Cox & Snell $r^2=.05$	Nagelkerke $r^2=.06$	



Midwest	.048* (.028)	Exp(b) 1.050
Intercept	-.593 (.495)	Exp(b) .552
n=33	Correct predictions=63.6%	
Cox & Snell $r^2=.11$	Nagelkerke $r^2=.15$	

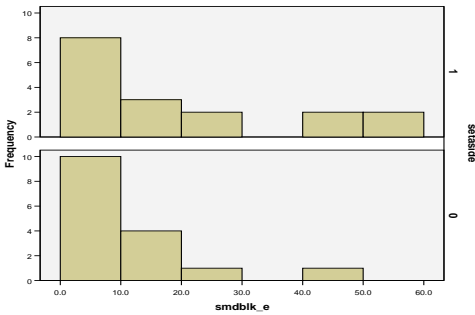
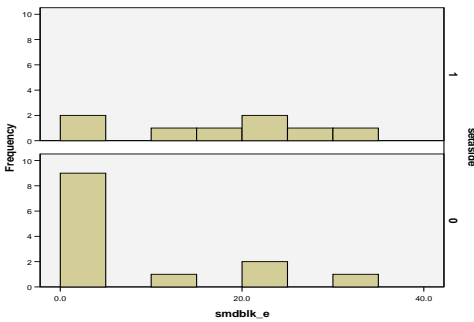


Table 5-19, cont.

North	.064 (.040)	Exp(b) 1.066
Intercept	-1.218* (.684)	Exp(b) .296

n=21 Correct predictions=66.7%
 Cox & Snell $r^2=.12$ Nagelkerke $r^2=.17$



South	.001 (.019)	Exp(b) 1.001
Intercept	.188 (.571)	Exp(b) 1.207

n=38 Correct predictions=55.3%
 Cox & Snell $r^2=.00$ Nagelkerke $r^2=.00$

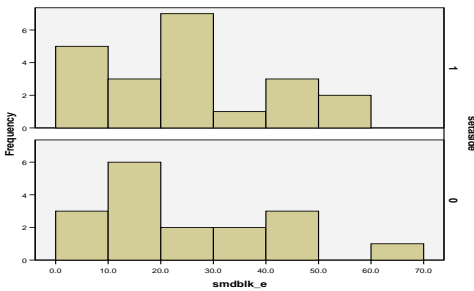
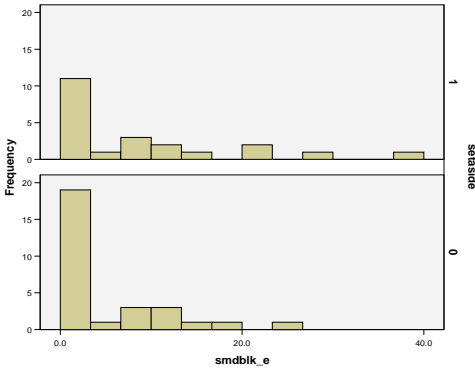


Table 5-19, cont.

West	.050 (.034)	Exp(b) 1.051
Intercept	-.581 (.354)	Exp(b) .559

n=51 Correct predictions=60.8%
 Cox & Snell $r^2=.04$ Nagelkerke $r^2=.06$

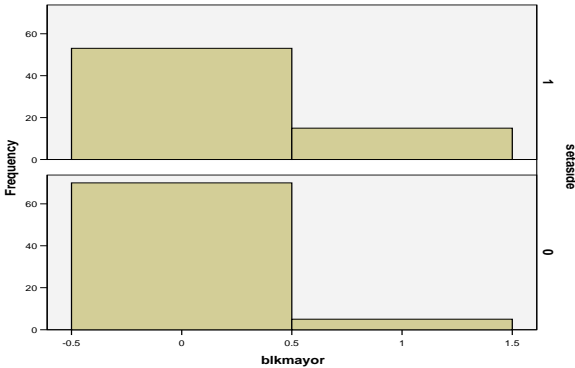


***Significant .01; **at .05; * at .10

Captions: smdblck_e=% ward*black representation; setaside=1 if set-aside, 0 otherwise.

Table 5-20. Affirmative Action on Black Mayors

Mayor	Contracting Set-Aside	
All Cases	1.377** (.548)	Exp(b) 3.962
Intercept	-.278 (.230)	Exp(b) .757
n=143 Correct predictions=59.4%		
Cox & Snell $r^2=.05$ Nagelkerke $r^2=.07$		



Midwest	2.102* (1.151)	Exp(b) 8.182
Intercept	-.310 (.397)	Exp(b) .733

n=33 Correct predictions=63.6%
Cox & Snell $r^2=.13$ Nagelkerke $r^2=.17$

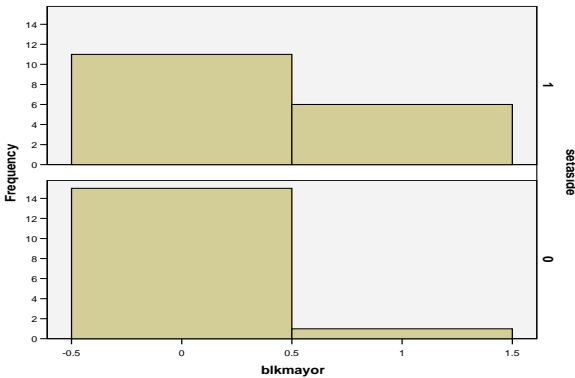
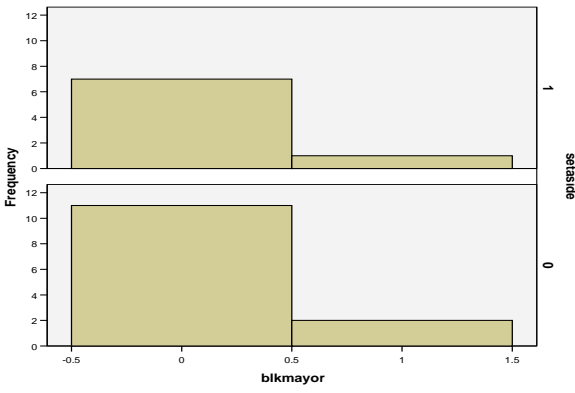


Table 5-20, cont.

North	-.241 (1.317)	Exp(b) .786
Intercept	-.452 (.483)	Exp(b) .636

n=21 Correct predictions=61.9%
 Cox & Snell $r^2=.00$ Nagelkerke $r^2=.00$



South	1.609 (1.151)	Exp(b) 5.000
Intercept	.000 (.571)	Exp(b) 1.000

n=38 Correct predictions=55.3%
 Cox & Snell $r^2=.06$ Nagelkerke $r^2=.085$

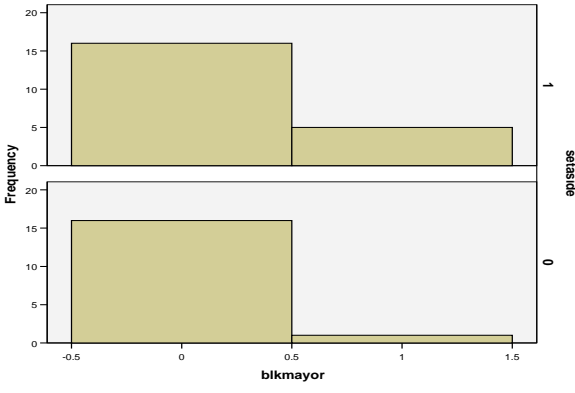
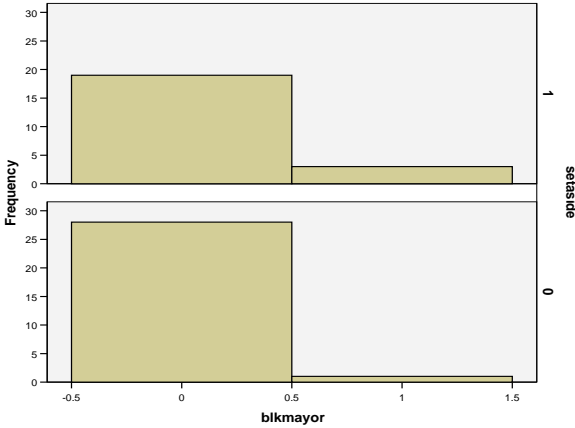


Table 5-20, cont.

West	1.486 (1.192)	Exp(b) 4.421
Intercept	-.388 (.297)	Exp(b) .679

n=51 Correct predictions=60.8%
Cox & Snell $r^2=.04$ Nagelkerke $r^2=.05$



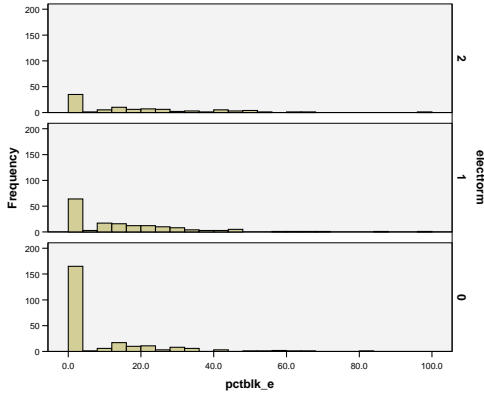
***Significant .01; **at .10

Captions: blkmayor=1 if black mayor, 0 otherwise; setaside=1 if set-aside, 0 otherwise.

Figure 5-1. Black City Council Representation by Election Districting Arrangement

Census Sample

All cases, N=492



Black population <=50%, N=470

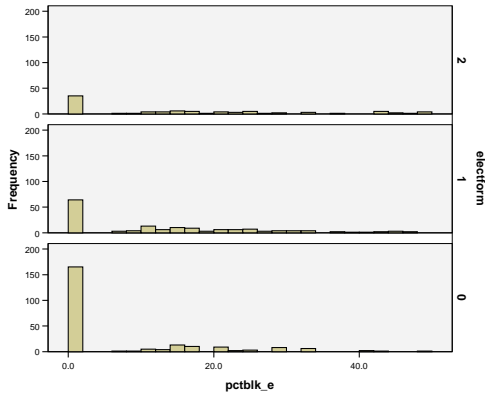
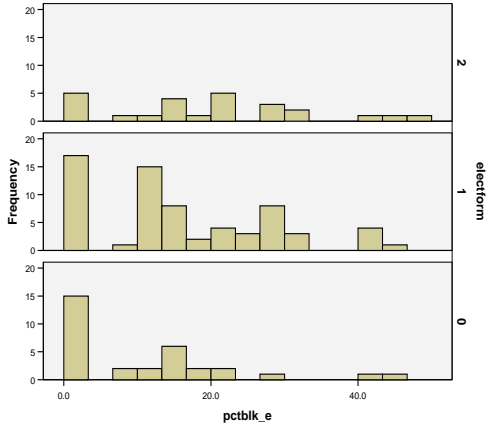


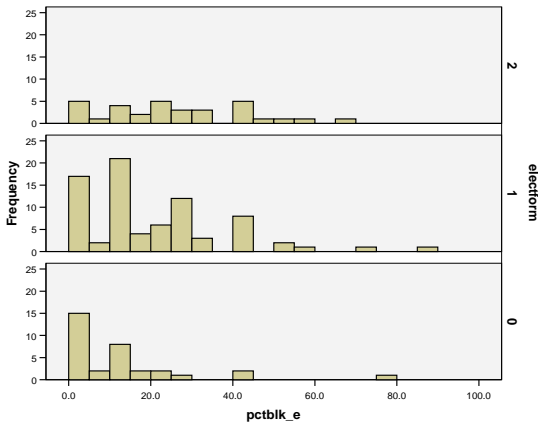
Figure 5-1, cont.

Telephone Survey Sample

All cases, n=143



Black population <=50%, n=123



Captions:

pctblk_e = % African American city councilors

Electform, form of election districting

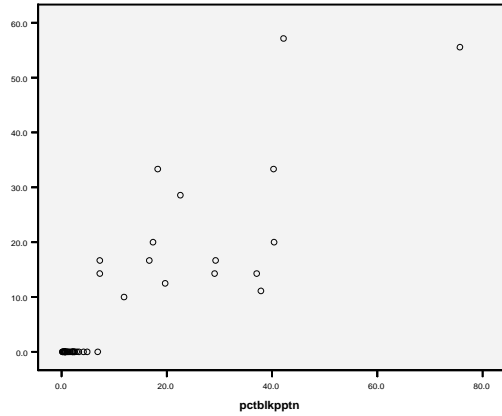
All at-large = 0

Mixed = 1

All SMD = 2

Figure 5-2(b). Correlation Between Black Representation and Black Population by Region, At-Large Districting—Census

Midwest, n=46
Pearson $r = .87$



North, n=26
Pearson $r = .89$

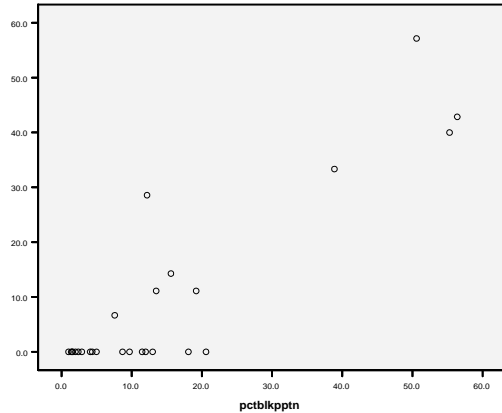
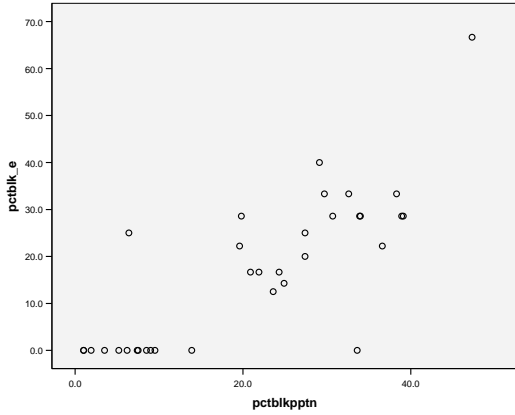


Figure 5-2(b), cont.

South, n=34
Pearson $r = .81$



West, n=131
Pearson $r = .69$

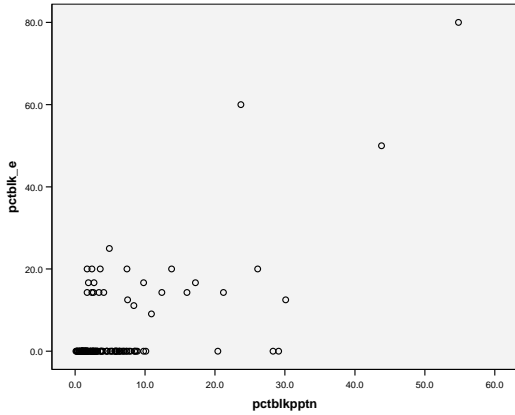
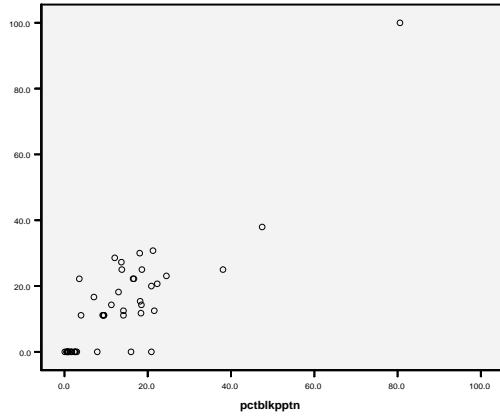


Figure 5-2(c). Correlation Between Black Representation and Black Population by Region, Mixed Districting—Census

Midwest, n=46
Pearson $r = .88$



North, n=36
Pearson $r = .92$

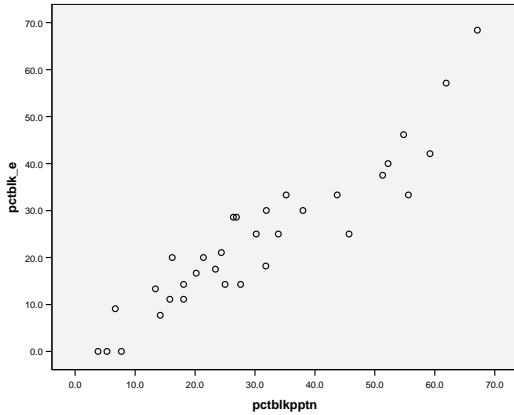
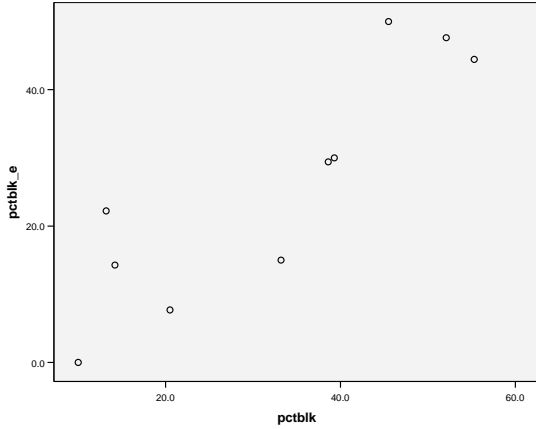
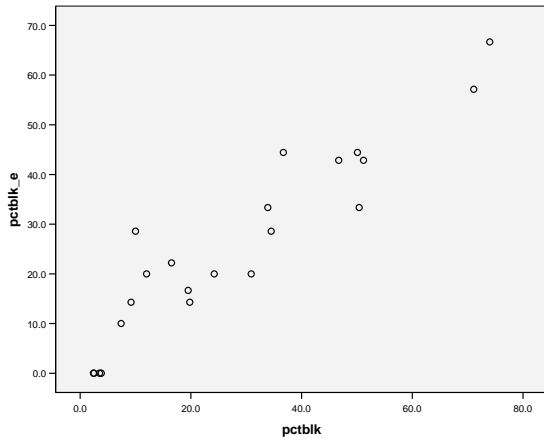


Figure 5-3(a). Correlation Between Black Representation and Black Population by Region, Single-Member Districting—Telephone

Midwest-North,
n=10
Pearson $r = .88$



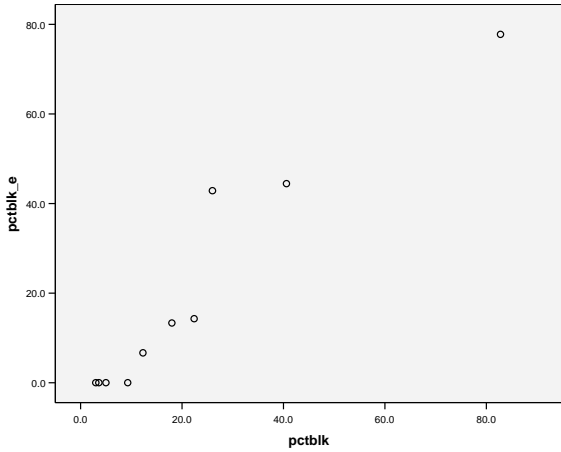
South-West,
n=22
Pearson $r = .94$



Note: All correlations were significant at the .01 level.
pctblk = African American population percentage
pctblk_e = African American city council percentage

Figure 5-3(b). Correlation Between Black Representation and Black Population by Region, At-Large Districting—Telephone

Midwest-North,
n=10
Pearson $r = .96$



South-West,
n=23
Pearson $r = .56$

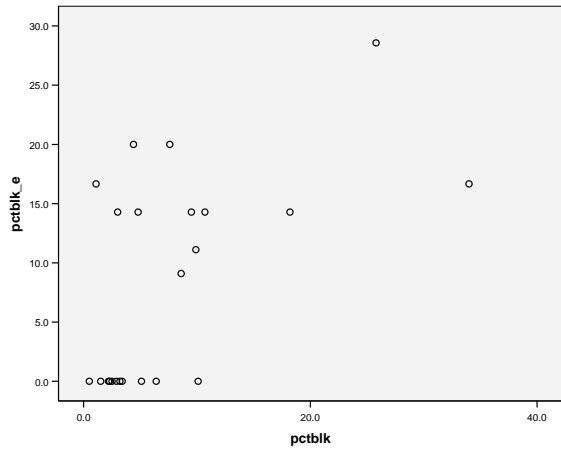
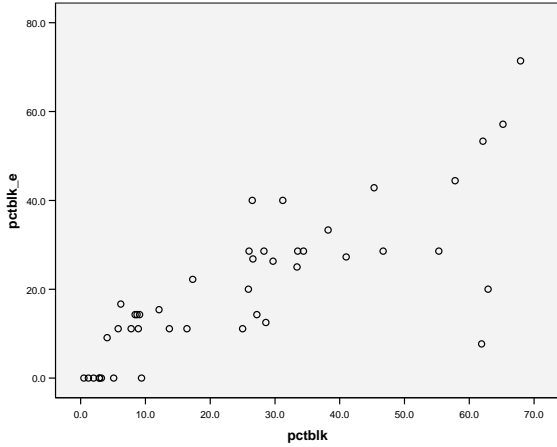


Figure 5-3(c). Correlation Between Black Representation and Black Population by Region, Mixed Districting—Telephone

Midwest-North,
n=34
Pearson $r = .88$



South-West,
n=44
Pearson $r = .79$

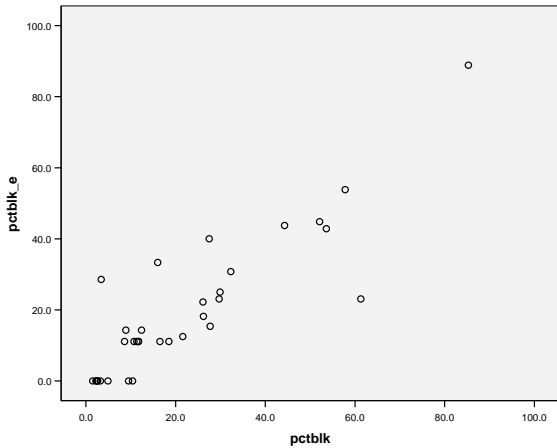
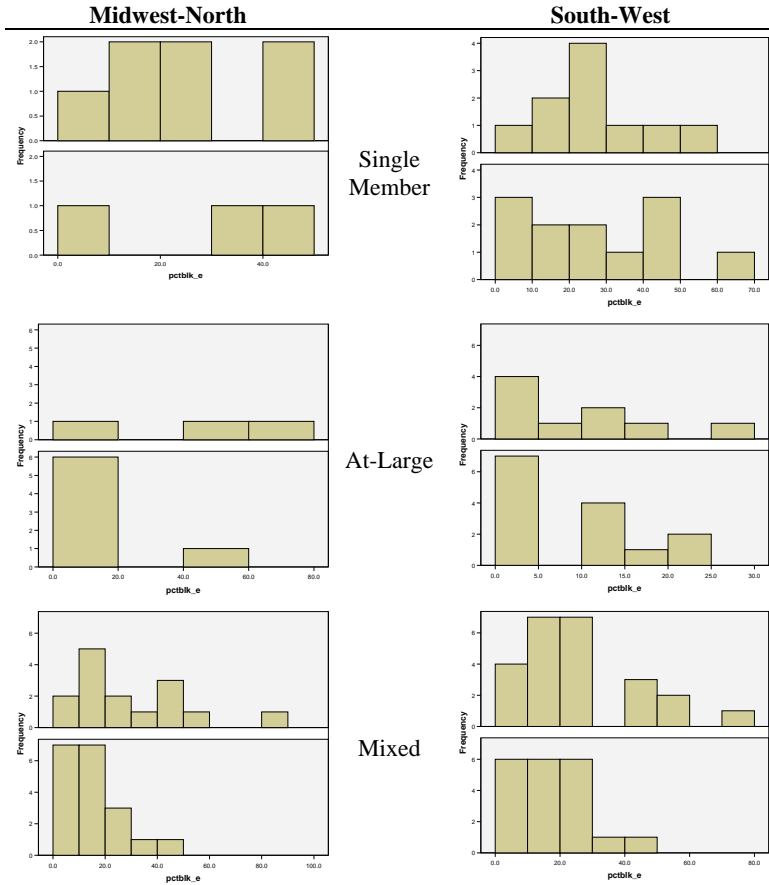


Figure 5-4. African American Representation and Affirmative Action by Region and Districting

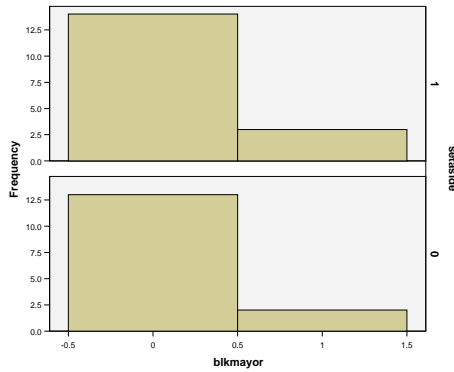


Captions: pctblk_e=%African American councilors.
 Setaside=1 if set-aside program, 0 otherwise.

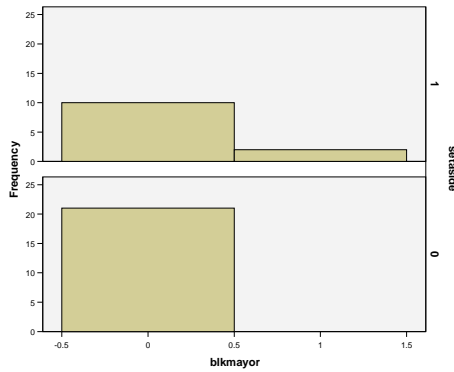
Figure 5-5. Black Mayors and Affirmative Action by Districting

All Cases, n=

Single Member



At Large



Mixed

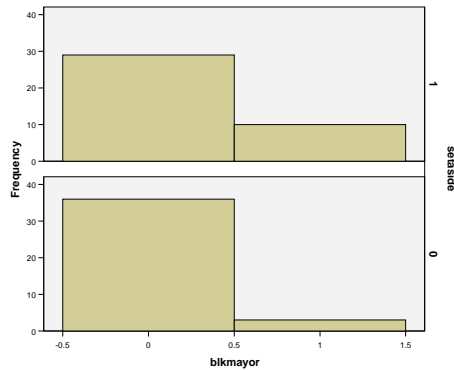
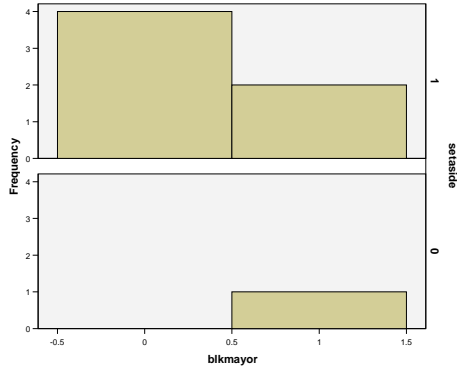


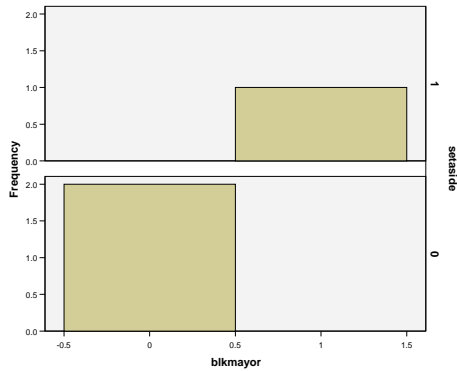
Figure 5-5, cont.

Midwest, n=33

Single Member



At Large



Mixed

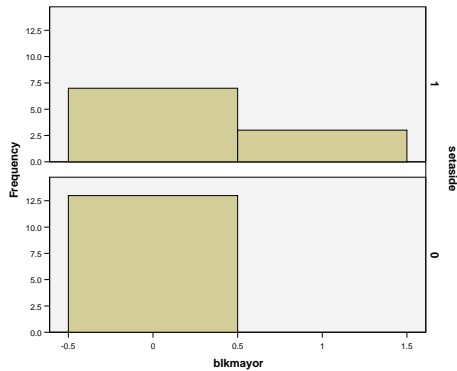


Figure 5-5, cont.

North, n=21

Single Member

No mayors

At Large

No mayors

Mixed

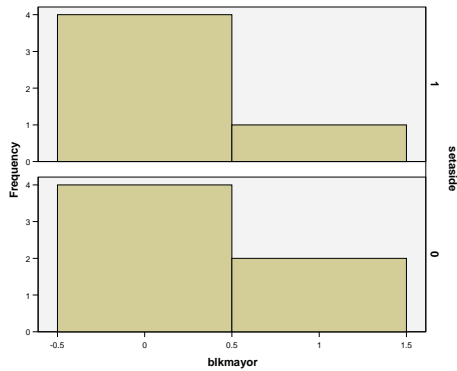
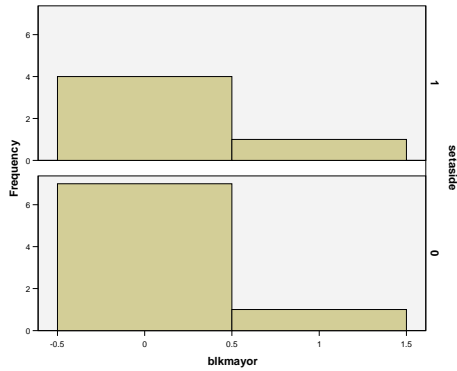


Figure 5-5, cont.

South, n=38

Single Member



At Large

No mayors

Mixed

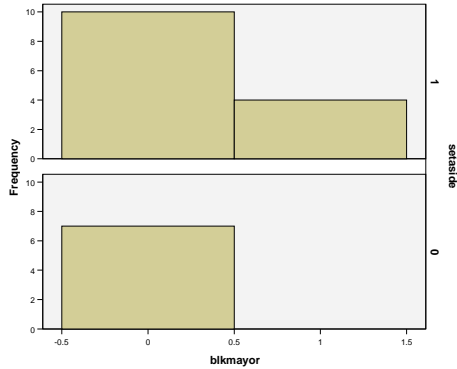


Figure 5-5, cont.

West, n=51

Single Member

No mayors

At Large

Mixed

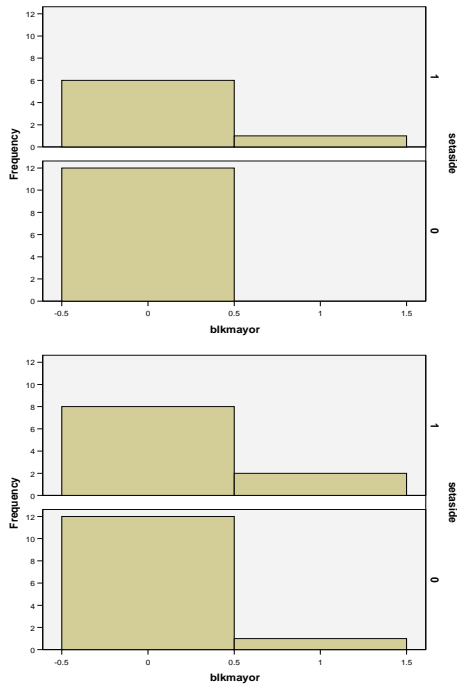
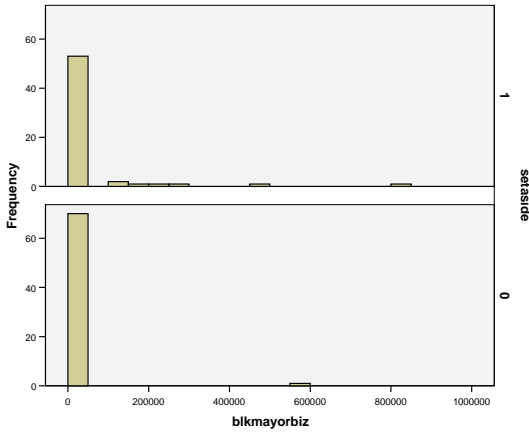
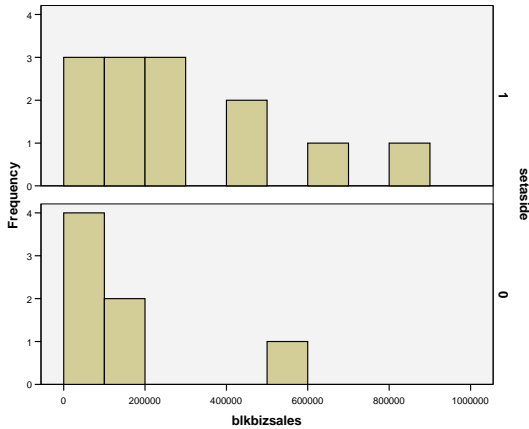


Figure 5-6. Black Mayors, Entrepreneurs on Affirmative Action



Caption: blkmayorbiz=black mayor*black business sales.

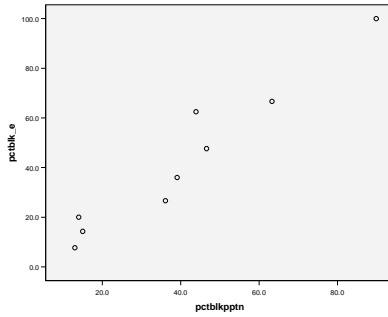
Figure 5-7. Black Entrepreneurship on Affirmative Action



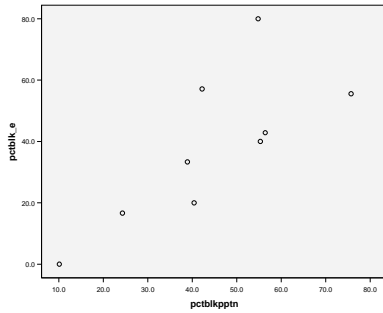
Caption: blkbizsales=annual sales in dollars.

Figure 5-8. Black Mayor Cities and Population-Representation Translation by Districting Arrangement—Census

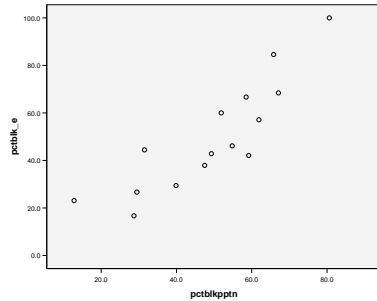
Single Member,
n=9
Pearson $r=.97$



At Large,
n=9
Pearson $r=.76$



Mixed,
n=15
Pearson $r=.87$



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Conclusion: Toward an Immigrant-Friendly City

The independence of the United States from England was the beginning of a brave new world for democrats. Race and gender excepted, patriots appeared bent on self-government free of caste, class and the other hierarchical distinctions that marked European polities dating from the prototypical Athens city-state. A later new birth of freedom revived the quest for popular sovereignty. These hopes, too, were impaled on thorns in the political thicket.

The quest continues. To that end, this research project has sought to add to theoretical and empirical understanding of representation and the institutions that aid in responding to the wishes of the governed. The effort will continue beyond this evidentiary beginning with repeated samples, revised and new measurement, with modified research designs that include both qualitative and quantitative approaches and with other statistical packages and research tools.

However, certain inferences can be drawn now based on the results presented in Chapter 5.

REPRESENTATION

The evidence suggests that the ward electoral arrangement is more efficient than its at-large counterpart at translating minority population into preferred representation. The difference is not surprising. The good-government reformers of the early 20th Century feared urban residents' control over electoral outcomes and favored at-large districting as a way to thwart that control.

This research nonetheless has returned a mixed message as to whether one outcome traceable to at-large elections—few or no minori-

ties winning elective office—continues to be as pronounced as in the past. The single-member arrangement performed as expected in a data sample taken from the 1992 Census of Governments, but was second to the at-large system using a data sample from a telephone survey about 10 years later. To be sure, the results from the telephone sample may be traceable to a number of atypical cases not present at the time of the Census collection, but speculation may be just as much in order about changes not so easily operationally defined or measured. Intuitively, accusations of racially discriminatory motives behind choice of electoral arrangements are likely to be met by efforts to prove the charges baseless. A way to disprove the accusations is for non-minority voters in at-large jurisdictions (or in other districting arrangements that are not majority-minority) to support a minority candidate. Berkman and Plutzer (2005), commenting on non-threatening candidates being more successful in jurisdictions with a history of discrimination, found that an increase in descriptive representation on Southern school boards may not have been accompanied by greater policy responsiveness.

The telephone survey was conducted after the controversial Supreme Court *Shaw v. Reno* (1993) and *Miller v. Johnson* (1995) decisions when non-minority forces wishing to control minority electoral outcomes may have been most on the defensive and most eager to present themselves as willing to support minority candidates. The tone of a law review article was slightly condescending in chiding U.S. Rep. Cynthia McKinney of Georgia for declaring that white Southerners would not vote for an African American, yet later being re-elected in a post-*Miller* district (Vandiver, 1998).¹ Sanford Bishop, another Georgia representative re-elected from a district redrawn after *Miller*, had frequently voted with the Conservative Coalition (Bullock, 1995). That McKinney's voting record was at the other extreme, among the most liberal in Congress, invites speculation about what attracted white voters to her as well. The answer might well be that white Georgians simply wanted to demonstrate that they will vote for a black candidate, thereby minimizing any perceived justification for minority control over electoral outcomes through single-member and majority-minority districts.

Also unknown is how the composition of single member districts changed post-*Miller* and *Shaw*. Was the proportion of minority voters reduced elsewhere as in Bishop and McKinney's districts? If so, this districting arrangement may have become less efficient at translating

votes into representation. A description of the districting at issue in *Georgia v. Ashcroft* (2003) suggests a shift toward minority-influence districts, although this case was about Georgia State Senate districts.

The diverging results between the Census and telephone samples should be further impetus for repeated sampling and otherwise continued scholarly exploration of the role of election institutions in policy responsiveness for minorities in a winner-take-all system of governance. Evidence that the at-large system does not necessarily militate against minority representation should not be considered conclusive.² Recall Pamela Karlan's (1993) observation that those interested in electoral control ultimately are interested in control over policy—otherwise, no basis would be readily apparent for excluding certain categories of voters such as non-residents. Electoral control achieved by manipulating districting should cease being suspect only when sound evidence is presented that the American polity is free of inequities that disproportionately fall along lines of race and gender and the intersection of these two. After all, African Americans historically have sought to avert punitive treatment (Keech, 1968) and a decade is not enough time to conclude that this fear is groundless.

An arena where that treatment can be most deleterious is in the legislative assembly itself. In the case of *Presley v. Etowah County* (1992) in Alabama, for example, African Americans were elected to county commissions in the wake of a switch to ward districting, only to be marginalized in the commission chambers. The non-minority commissioners, who were in the numeric majority, in the two counties at issue promptly voted to strip the newcomers of important powers. One was deprived of the ability to control funds for road projects in his district. In a region where black residents historically suffered discrimination in public service delivery, this action represented a blow to their representative's ability to respond to constituents.

Karlan, among the most vocal in support of the need for minority electoral control, finds promise of substantive representation, however, and urges a continued expansive interpretation of the Voting Rights Act. Moreover, the privatization analysis taken alone returned strong support for the hypothesis that single-member districting is more efficient at increasing minority representation. This relationship in turn was strengthened by the presence of an African American mayor and the interaction of ward districting and African American population—a

nexus that recreates the urban political institutions used successfully by earlier European immigrants.

It is, in fact, instructive to bear in mind that the European immigrant experience with urban politics is both metaphor and empirical referent for this hypothetical model of policy responsiveness. As in the past, ward districting is the key institutional component of a system that also is comprised of the mayor-council form of government and a symbiotic relationship between voters and elected policymakers. If the assumptions proffered here are sustained, then responding to constituent preference is achievable and more attention could be directed outside the urban environment for clues to failures.

Policy Responsiveness

Presley v. Etowah County illustrates the inanity of electing a representative with no expectation of policy influence. The Etowah and Russell county commissioners in the voting majority in the case could have been anomalies, however, perhaps artifacts of a centuries-long regional history of hostility to African American political participation. This research uncovered evidence that policy responsiveness indeed is attainable, evidence that emerged across both the Census and the telephone survey data. Nonetheless, acceptance of the hypothesis concerning the role of districting should be conditional: Some models returned unreliable estimates on a sample restricted to all single-member districts, while others yielded robust results with the inclusion of variables that represented single-member districting alone and in interaction with representation. Tentative acceptance of the hypothesis that districting facilitates policy responsiveness is based on the latter finding.

The remainder of this chapter is devoted to discussion of the results presented in Chapter 5, beginning with the effects of districting and representation on policy responsiveness.

Representation and Districting

The first support for the hypothesis that African American representation is both descriptive and substantive comes from the analysis of the 492 cities in the Census sample, where the odds against privatized trash collection rise from 68 out of 100 with no black council members to .97, almost no chance, with any given level of representation. Results were equally robust and the odds ratio similar in the

analysis of the 143 cases from the telephone survey test of affirmative action in municipal contracting.

Disaggregating the telephone sample often was hampered by too few cases, but restricting the Census analysis to cities with all single-member districting at first blush appears to militate against this responsiveness. The overall model does not fit the data well and the logit coefficient is in the wrong direction and not statistically significant. Some manipulation of the parameter estimates permits other interpretations, however. First, any given level of increased probability under single-member districting is not all that different from the level of decreased probability under at-large districting. At 50 percent black council representation, the probability is 23.5 percent in the ward system, 17.5 percent under at-large and 9 percent in mixed systems. Next, the single member model returned improved results by restricting the sample to cities of between 10 and 50 percent African American—the slope reversed direction and the summary statistics were strengthened. These changed results may have obtained after the removal of some half dozen cities that could be considered outliers. Of the 13 cities in the full sample with the largest percentage African American population, those with non-privatized refuse collection were more than twice as likely to be either at-large or mixed systems than single-member. Another anomalous example was the heavily black city of East Orange, New Jersey, which was privatized and had an all-black city council elected from districts.

Further, interpreting the respective intercepts of the single-member and the at-large models also counter the overall weakness of the single-member sample. The intercept of .097 for the at-large suggests that African American representation is a necessary condition for non-privatization—the odds are better than even in favor of privatization with no representation, but drop to below by the time representation reaches just 5 percent. The single-member estimation, on the other hand, with an intercept yielding a 16 percent probability of privatization, had only climbed to 17 percent probability by the time the black council percentage reached 10 percent.

The following table presents the predicted probability percentage, given certain levels of representation, for the occurrence of each of the two dependent variables:

	Black Representation			
	10%	20%	30%	50%
Privatization	33.0%	27.0%	22.0%	13.5%
Affirmative action	41.0	48.0	55.5	69.5

Because the preferred occurrence in the Census sample is non-privatization, the probability percentage is obtained by subtracting the values above from 100—i.e., the comparison at 10 percent black representation would be between 41 percent probability of an affirmative action policy and 67 percent probability of non-privatized trash collection. Thus, the probabilities associated with policy responsiveness are greater for privatization.

The analysis by form of districting for the telephone survey returned unreliable estimates except for the mixed districting arrangement, in which the slope was in the hypothesized direction and significant at the .01 level. The pseudo r^2 statistics were .11 and .14.

Arguably, however, the salience should be attached to the *multiplicative* effect of single-member districting and representation. Any test would therefore turn on selection of variables as opposed to selection of sample. The interaction of representation and ward seats would encompass cities with a mix of districting arrangements, including those in which the majority of seats are ward. Even in cities with fewer ward seats than at-large, the ward representatives would be expected to act according to constituency preferences and, through trading support and forming coalitions, might be able to influence policy.

The full samples of both the Census and telephone data returned results fully consistent with the hypothesis that the multiplicative effect increases the probability of policy responsiveness, although the regional results were weaker. Repeated sampling and perhaps larger sample sizes may be in order for regional disaggregation; the Midwest and West in the Census sample, with 119 and 213 cases, respectively, did yield robust results. As before, the potential effects can be demonstrated by computing relevant probability predictions based on certain levels of the interaction term:

	Black Representation*Ward			
	10%	20%	30%	50%
Privatization	30.0%	23.0%	17.0%	9.0%
Affirmative action	45.0%	52.0	59.0	72.0

Note that the probabilities with the interaction are an improvement over those for representation alone. As before, the appropriate percentage for the Census is obtained by subtracting from 100 — i.e., at 10 percent representation-times-ward seats, the probability associated with policy responsiveness is 70 percent.

The similarity of the two samples’ intercept values, or the hypothetical point at which the explanatory variable has zero effect, is further intriguing. At this starting point, the probability of the occurrence of either privatization or affirmative action is about 38 percent, in odds ratio terms around 60 times out of a 100. The differential impact of the interaction term on each dependent variable is thereby rendered more dramatic once probabilities are computed. In fact, these predicted probabilities raise a question as to whether response is more facile to African American policy preferences having to do with municipal employment than to those favoring black entrepreneurship. While both sets of results support the hypothesis that African American representation is substantive, that the movement is slower when the phenomenon of interest is economic viability is empirically grounded in culture and history. Walker (1998), Walton and Smith (2003), Butler (2005) and others have concluded that African Americans always have faced disproportionately greater discrimination in their attempts to gain economic independence—with Walker dating this hostility as far back as the colonial era.

On balance, the evidence tentatively supports the hypothesis that the control over electoral outcomes associated with single-member districts carries over into policy responsiveness. Further, because an area of arguably greater concern is for policy responsiveness for minorities in the South (Berkman & Plutzer, 2005), any conclusions should await larger samples across municipalities and time.

Finally, an even more compelling reason for continuing this line of inquiry and collecting more samples is the possibility that the pressure toward privatization was simply too great for political leaders to withstand. This research has hypothesized that the inverse relationship between privatization and African American representation will be

attenuated by the presence of minority entrepreneurs who could benefit from municipal contracting out. The influence of non-minority business interests, arguably even more powerful than minorities, also should be considered. The latter may have been a source of the pressure to cut costs squeezing urban governments even as African Americans were gaining power, a scenario that comports with political developments of the time.

Although reliable data on historical trends in privatization practices do not exist, contracting out arrangements among local governments seem to have expanded in the 1970s. Clark and Walter (1991) wrote of the plight of cities in the wake of suburban and industrial flight:

The era of ever expanding local budgets passed into the dustbin of history; and “cutback management” became the byword in local governments in most areas of the United States. American cities faced perhaps the severest fiscal crisis among American governments (p. 676).

City response to the fiscal distress included cuts in public employment and a side effect was that the quantity and quality of city services “almost certainly declined” (p. 677). Clark and Walter found that contracting out to private business as a response to fiscal stress ranked higher than contracting out to other governments, shifting functions to other governments, cutting least efficient departments and layoffs. They also found that fiscal strain was higher in larger and more patronage-oriented cities and in ones with large minority populations, and that rather than providing supportive constituencies for redistributive policies, minorities appear to have been an especial target for service cutbacks (p. 691).

Non-minority private business could use political influence at the state and national level (through the Reagan Revolution, for example) to argue that they could rescue the financially-strapped city governments and the hapless minority population by more efficiently delivering certain services. Although exploring the circumstances surrounding the awarding of contracts—including whether or not minorities sought to participate—is beyond the scope of this research project, a non-minority firm as of this writing held the privatized refuse collection contract in East Orange, New Jersey, which had all-black mayor and council leadership.³

In explaining why privatization as a political and economic movement did not catch on back in the 1920s and 1930s when

economists first proposed it, Henig (1989) set the stage for this possibility. To be accepted, a theory must pass three tests: Identify a problem that needs fixing and explain why it has not been fixed; propose a way to put the fixing techniques into effect; and convince key constituents. The third point is especially salient for this research argument. Recall Schneider and Ingram's (1993) commentary on social construction of target populations and recall the despondent tone struck by an observer of the Great Migration (Hamilton, 1964), then superimpose these observations on the perception of the inner-city of the late 20th Century. In the wake of urban riots, defeat in Vietnam, persistence of poverty, fiscal crises (abandonment of urban settings by business and industry) and the moral failings of welfare mothers and unwed teen-age mothers, selling privatization would be as easy as selling good-government reform. Henig noted that economists such as Milton Friedman by the early 1970s had succeeded in putting in place "much of the infrastructure for privatization..." (p. 656).

The following discussion of the test of African American mayors and entrepreneurs will enlarge upon the potential for this set of circumstances.

Black Mayors and Entrepreneurs

An African American in the mayor's office completes the reincarnation of the urban political landscape from which a number of immigrant groups were catapulted to mainstream economic, political and even social assimilation. This analysis of both privatization and affirmative action suggests that a black mayor is indeed a powerful actor in policy responsiveness for African Americans. Were it not for those forces described earlier—i.e., fiscal crises, suburban and industrial flight and the possibility of non-minority business interests exploiting urban pain—the African American minority group might have emulated the success of earlier immigrants.

These possibilities help to advance John Sibley Butler's (2005) modification of the classic middleman theory wherein Butler portrays the African American business person as a truncated middleman. Black mayors and council members are expected to facilitate policy responsiveness for constituents, with this response diverging somewhat based on constituency preferences—either for maintaining municipal jobs that employ large numbers of African Americans or for establishing a policy that would aid African American entrepreneurs in landing

contracts when city services are privatized. In fact, yet another set of logit estimates were conducted to model just such a relationship.

The results of this analysis on both the Census and telephone survey data indeed were revealing. The interaction of black representation and ward districting held its own statistically across the samples, while the black mayor effect was significant only in relation to affirmative action. The latter result was not unexpected, given previous research portraying the black mayor as pivotal to African American entrepreneurial success. Table 6-1 presents the parameter estimates and histograms of the relationships.

As before, predicted probabilities for each of the dependent variables can be computed, given hypothetical percentages for the interaction term and assuming a black mayor in office:

Black Representation*Ward & Black Mayor-				
	10%	20%	30%	50%
Privatization	25.0%	19.0%	14.0%	8.0%
Affirmative action	68.0%	72.5%	77.0%	84.0%

For ease of comparing the effects, the previous hypothetical predictions are repeated here:

Black Representation*Ward				
	10%	20%	30%	50%
Privatization	30.0%	23.0%	17.0%	9.0%
Affirmative action	45.0%	52.0	59.0	72.0

Black Representation				
	10%	20%	30%	50%
Privatization	33.0%	27.0%	22.0%	13.5%
Affirmative action	41.0	48.0	55.5	69.5

To reiterate, especially salient to this research hypothesis is the dramatically increased responsiveness to black entrepreneurial preferences with an African American in the mayor's office. The hypothetical 10 percent value for the interaction term, for example, yields a 23 point increase in probability of affirmative action moving from the interaction alone to the interaction plus a black mayor, compared to a 5 point decrease in probability of privatization for the same shift. The black mayor effect is greater for affirmative action than for priva-

tization, providing support for this research's contribution to Butler's truncated middleman theory—African American electoral control solves the enigma of why black entrepreneurship seems to lag behind that of other groups. At the same time, however, light is shed on why even electoral control may not be enough to overcome other political influences—the pace of response to affirmative action remains slightly slower than that for privatization. This suggestion of systemic bias against African American economic initiative, given the historical context supplied by Walker (1998), is an area that demands further exploration.

The test of affirmative action can be interpreted as indirect evidence to support the privatization hypothesis that black political leadership's response to business interests will trump that for municipal jobs⁴ as well as direct evidence for the affirmative action hypothesis regarding mayoral presence and African American entrepreneurship.

First, a histogram depiction (Figure 5-6) suggests that black entrepreneurship, both alone and in tandem with a black mayor, is positively related to an affirmative action policy. Next, only one of the cities with both black mayors and entrepreneurs used all at-large districting and that one, Detroit, had a black population of more than 80 percent, obviating the need for single-member districting. Another 12 were mixed jurisdictions and seven were single-member. Most of the cities in which black businesses were based had affirmative action in contracting programs; only the black mayor of Washington, D.C. presided over a city with no such program.

Small sample size notwithstanding, no evidence emerges to counter the preponderance of evidence from earlier studies of a strong and positive relationship between black mayors and black business. Also recall the evidence from previous studies that black city council representation also plays a powerful role.

The role of yet one other institutional mainstay in a recreated immigrant-friendly urban political environment remains to be discussed. Support for the hypothesis that the mayor-council form of government is positively related to policy responsiveness, though not as strong as that for districting, emerged nonetheless. The full sample from both the census and telephone survey returned models that were statistically significant, but the regional results were unreliable except for the Midwest in the Census sample. The Midwest in fact was reinforcing to the full sample—although its odds in favor of

privatization began higher (by the intercept) than in the full sample, the disparity virtually disappeared with the effect of the mayor-council form of government.

The form of government effect was especially pronounced for affirmative action. The probability moved from a 42.5 percent chance under the council-manager form to better than even, 56 percent, with the mayor-council form. Again note that the response appeared to be more lethargic to African American economic preferences—56 percent probability of affirmative action compared to 73 percent probability for non-privatized refuse collection.

That government form is less predictive of policy response than ward districting and race or ethnicity of political leaders is to be expected. The less robust estimates are consistent with the conceptualization of a nurturing political environment that is anchored by a nexus of effects, of which government form ranks in importance behind districting and African American control of the mayor's office. Closer scrutiny of this mutual support system is revealing and expands upon the discussion on the test of representation and districting presented earlier in this chapter.

First, government form emerged as a robust predictor only in the bivariate estimation. A multivariate logistic regression that also included an African American mayor, African American council percentage alone and in interaction with districting and districting alone consistently returned unreliable estimates for the government form variable. The other estimates retained their significance for the most part.

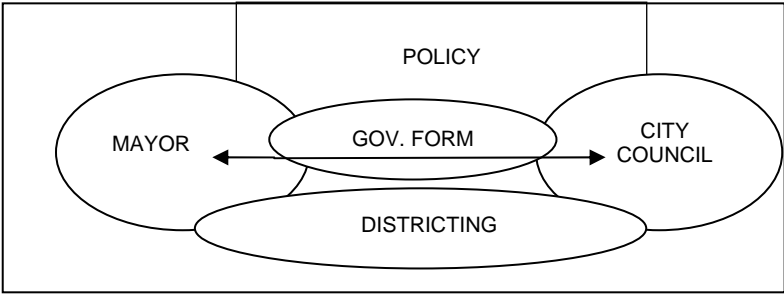
The implication that government form indirectly affects policy is suggested by assessing its relationship with a black mayor and councilors and with districting arrangement.

- Because of the small sample size, correlation analysis was used to test the relationship between government form and a black mayor. The Pearson r was .197 and .22, both significant at the .01 level, for the Census and telephone survey samples, respectively.
- The linear regression of the black council percentage on government form returned robust parameter estimates.
- A linear regression of percentage single member districts on form of government and a logistic regression of form of government on percentage single member districts both

returned positive parameter estimates significant at the .0001 level.

- In a further test of the nexus of effects, percentage single-member districting was positively related to the presence of an African American mayor.

All of the latter results also held across both the Census and telephone survey samples. Already found was a positive and robust relationship between the mayor and black council percentage. The relationships can be visualized in quasi-Venn diagram form as:



The reinforcing effects of districting, form of government and mayoral and legislative presence are compelling evidence of the feasibility of achieving a political environment that, absent exogenous negativity, offers electoral control and subsequent policy influence. The fact that fiscal calamity and other urban woes followed so closely on the heels of African American political control is somewhat worrisome, given America’s historical ambivalence toward political and economic, even social, autonomy of African Americans. One wonders who or what—with special attention directed to the term “control”—set off the chain of events described by Kraus and Swanson (2001), who were referring to predictions by urbanist H. Paul Friesema published two years after Cleveland’s Carl Stokes became the first African American big city mayor:

Just as blacks were beginning to take control of mayors’ offices... white business and residential flight to the suburbs would deplete cities’ tax bases, leaving inadequate resources to fund services. Fiscal shortages would leave black-controlled

cities dependent on white-controlled state legislatures and the federal government (p. 99).

The loss of population and occupational and financial resources that have disproportionately impacted black mayor-headed cities in recent decades is even more troubling: Could these declines, especially given the possibility of a subsequent depressing effect on voter registration rolls, undermine the benefit to cities from *Reynolds v. Sims*? Kraus and Swanson further worry that if the “hollow prize” is rooted in discrimination, “it presents an even greater flaw in American democracy if it is caused partly by a reaction to minority empowerment. In that case, minority mayors do not just inherit distressed cities, they cause them simply by being elected, not through policies they pursue” (p. 103). The potential remedy of regional governance might be painful to minorities being asked to yield their prized political power to white suburbs, the researchers concluded.

The results from this test suggest that African American mayors and entrepreneurial success are not antithetical—at least not for African American business people. In this sense, the “prize” may not be as “hollow” as previously believed. Further evidence of the feasibility of a thriving city might be found in Europe (McKay 1996). At the very least, given that these results run counter to existing literature, further exploration is required. The case study approach especially can provide context to the statistical evidence; city officials can be queried as to their experience with affirmative action and privatization.

Finally, the following discussion of other aspects of the urban policymaking environment serves to increase understanding of the nexus of effects that may directly or indirectly affect policy responsiveness. In these tests, the African American political presence competes with other variables in explaining recent urban trends.

Other Influences on Policy Outcome

Portrayed thus far has been an urban policymaking arena defined primarily by electoral outcomes in the form of representation and by electoral institutions in the form of districting arrangements. Form of government as well has been hypothesized to be an important institutional fixture in the urban policymaking biosphere. Still, these effects did not tell the whole story for the early urban immigrants, nor will they now.

Already speculated upon is the potential for exogenous effects such as non-minority political and economic influence in the pursuit of business opportunity and the historical ambivalence toward African American empowerment on a number of planes. Much of the commentary in chapters 2 and 4 has advanced qualitative evidence of the latter and the former is grist for further qualitative and quantitative exploration.

This discussion of the results will conclude with interpretation of the tests of other hypothesized influences.

Sketching a Cityscape

A bias against the city championed by the venerable Thomas Jefferson has persisted over the centuries, according to Rourke (1964). Even Southern slavery apologists, while trying to distance themselves from Jeffersonian notions of human equality, pronounced slaves better off on the plantation than were wage earners in European cities.

The antagonism endured even when the population majority had shifted from the farm to the city, a hostility that philosophically underpinned the continued over-representation of rural interests at the expense of urban interests. The inequality of representation was the chief complaint in *Reynolds v. Sims*.

The good government reformers after the Civil War changed perceptions of the city somewhat. Though no fans of urban life, these crusaders saw the cities as prodigals to be saved, not eradicated. The reformers, joined by Protestant clergy, thus sought to make “city government as clean as the church and as efficient as business” (p. 264). Rourke also noted that the temperance movement was philosophically akin to the reform movement—the city saloon was, after all, a recruiting tool for big city political bosses.

Insofar as its political reputation is concerned, the city was thus only slightly better served by reformers sympathetic to it than it was by the agrarians who looked upon it as the invariable source of political corruption. And even today, the city has still to find its philosophical protagonist, at least in the area of political thought... in spite of the fact that there is an impressive amount of evidence... that it is urban America that the flowering of democracy in this country can be most clearly identified (p. 265).

The urbanite, Rourke explained, was the democratic ideal in two important respects—accepting the right of the minority to dissent from majority opinion and demonstrating an interest in government as evidenced by participation in elections, the latter perhaps stimulated by group conflict. Fortunately, an empirical referent even more accessible than the immigrant-friendly city of early 20th Century America may still exist. McKay (1996) wrote that continental European cities continue to attract residents of the middle class and higher, although cities in Great Britain and the United States are less successful in this regard. The potential for an improved perception of urban America fits well with implications of this research. Cities need not decline in the face of diversity and diversity is not antithetical to democratic ideals of decision-making.

Greater policy responsiveness for a minority group would be expected in older cities, where the stage already had been set by earlier immigrants. Older cities would be linked to maintaining city employment—jobs as patronage has a long urban history and tradition and culture change slowly. However, the relationship may not be as strong for affirmative action, which is a much more recent political phenomenon. Other groups were not politically or socially constructed on the basis of race—although “No Irish Need Apply” was a feature of early America, this degradation never rose to the level of law—at least not to the extent that it did for African Americans. Age of city thus was hypothesized to affect only the privatization analysis.

The logistic regression of age of city on the probability of privatized refuse collection did indeed return some of the more robust results of all tests. In fact, city age and black representation had approximately the same mathematical impact in a multivariate estimation in which both coefficients retained their statistical significance. City age also was a robust predictor of black representation.

These results are consistent with the narrative in Chapter 4 and help to explain the more robust results obtained in several other tests. Except for inconsistency of results in the North in an unsettling number of cases, the hypothesized influences on policy responsiveness appear to be stronger in the North and Midwest, regions with a longer history of most of the political traditions that support assumptions in this research; African Americans not only moved into the housing occupied by these former immigrants, but inherited their political traditions. The paths of the African American and earlier immigrant groups diverged,

however, as the former largely displaced the latter. How features of the cityscape interact and their differing impacts on the vibrancy of the city thus may further contextualize the hypothetical urban policymaking biosphere as well as model competing explanations for policy responsiveness. The other characteristics of the hypothetical cityscape have included:

- Growth or decline in population and income.
- Total population.
- City age.
- Mayor-council or council-manager form of government.
- An African American mayor.

Recall from commentary in earlier chapters that the ward districting and mayor-council institutional arrangements would be associated with older cities, given that urban government developed later in the South and West and was more influenced by the good-government reformers in the latter two regions. Older and more populous cities in the Midwest and North also were more likely to lose population as their manufacturing base declined. Also recall from Chapter 4 that cities with higher percentage African American population were more likely to lose population. African Americans also were more likely to live in the larger cities: Of the 20 most populous cities, only six had percentage African American in the single digits—the mean was 27.4 percent, the median 25 and the mode 1.3. By contrast, among all 492 cities, the mean black population was 13.7 percent, the median 7 percent and the mode 0 percent.

Decline in population and income are recent trends for older and larger cities: People leave for some reason, including the clichéd white flight to suburbs, and income drops as manufacturing bases erode, including the clichéd business flight to suburbs, and population declines as people leave to find better jobs. An exploration of these phenomena in relation to each other might aid in our substantive understanding of the extent to which race trumps or coexists with other influences.

Population Growth and Decline—Privatization Policy

A series of regression analyses (see Table 6-2) suggested that the relationship of city age to the immigrant-friendly institutions is significant. Age of city was a highly robust predictor of ward districting

and the mayor-council form of government, institutions associated with older and larger cities. City age was not consistently related to population decline, however, and the larger cities did not necessarily lose population. A logistic regression of the population change variable on total 1990 population and city age returned results that were significant only for age, which had a negative effective on population growth. Meanwhile, however, the total population variable did rise to the level of statistical significance (.05), and the entire model strengthened, with the addition of percentage African American population. Note especially from Table 6-2 that total population was positively associated with population growth, although its effect on the odds was negligible, suggesting that the formerly industrial megalopolises did not necessarily lose population.

Take, for example, Chicago and Detroit, both large Midwestern cities with a long history of manufacturing-based economies. Chicago, at 2.8 million and 39 percent African American, registered an intercensal population increase, while Detroit, at 1 million and 76 percent black, posted a decline. In the North, of the megalopolises of New York City (7.3 million and 29 percent black), Philadelphia (1.6 million and 40 percent black), Washington, DC (607,000 and 66 percent black) and Boston (574,000 and 26 percent black), only Boston and New York increased in population. Similar effects obtained in the South: Of the five largest Southern cities of Baltimore (736,000 and 59 percent black), Jacksonville, Florida, (635,000 and 24 percent black), Memphis (610,000 and 55 percent black), New Orleans (497,000 and 62 percent black) and Nashville-Davidson in Tennessee (488,000 and 23 percent black), only Baltimore and New Orleans lost population. All big cities in the West grew in population.

In fact, the same four-variable regression analysis by region returned parameter estimates that were consistently significant only for the African American population variable; the Wald statistic for city age approached significance only in the Midwest (.055), but the slope was reversed, meaning age was positively related to population growth.

The preceding multivariate analysis produced several more divergent results with the addition of perhaps the most visible and authentic symbol of both African American political and economic influence, the black mayor. The mayor variable lived up to its reputation: It exerted the most dampening effect on population growth, albeit with a Wald statistic of only .077, while all other parameters

retained their significance and direction of effect. The summary statistics also were strengthened. The sample was again disaggregated by region (see Table 6-3). In that analysis, the black mayor appeared to make a difference only in the South and North. However, the overall model in the North appeared unreliable and only the mayor variable approached significance with a Wald statistic of .067; even African American population did not gain statistical significance. The results from the South arguably were the more intriguing, especially because city age became an unreliable predictor of population growth, while all other parameters were significant and their effects as hypothesized. The summary statistics—.15 and .225, respectively, for the Cox & Snell and Nagelkerke pseudo- r^2 and 79 percent correct predictions, also were impressive. A possible explanation for the lack of significance for age of city in the South is the region's later development of urban government; recall that Northern industrial interests after the Civil War created cities virtually from scratch in the South—steel-making hub Birmingham, Alabama, which did lose population, being one example. Nonetheless, inviting of further investigation is the extent to which developments such as industrial erosion rival the race influence: Keeping in mind that the South region demands arguably the most attention because of its peculiar racial history, a salient question is why, in an otherwise fast-growing region, race is a predictor of population decline. However, black population in the South declined to just short of statistical significance with the addition of a variable representing prosperity, which became a powerful countervailing influence to the black mayor.

Given that the hypothesized urban cityscape was not only less populous, but less prosperous, the final hypothesized influence was whether or not median income increased between the 1980 and 1990 censuses. As to the bivariate relationship between income and population growth, the Pearson r was .26, significant at the .01 level. A review of the sample showed that the two variables, both indications of the vibrancy of a city, do diverge. Schematically, the increases (+) and decreases (-) were distributed as follows.⁵

Population/Income	Population/Income
+ +	+ -
261	112
Population/Income	Population/Income
- +	- -
45	67

The distribution of gains and losses further diverged across regions:

- Of the 67 losing in both income and population, 42 were in the Midwest, 14 in the South, seven in the North (all in Pennsylvania and New York) and four in the West.
- Of the 261 gaining in both, 146 were in the West, 46 in the South, 37 in the North and 32 in the Midwest.
- Of the 45 losing population but gaining in income, 29 were in the North, nine in the South, four in the Midwest and three in the West.
- Of the 112 gaining population and losing in income, 57 were in the West, 40 in the Midwest, 15 in the South and none in the North.

Consistent with concern that African American political control actually precipitated urban decline, the ranking of the Midwest, which returned some of the more robust results in the tests of policy responsiveness, as leading in both population and income loss invites further investigation. The ranking of the North, also with an immigrant-friendly history, invites further scrutiny as well. Although contributing the fewest cases with 73, that the North led in income growth while losing population, but not the reverse, is not readily explainable. Indeed, the North region returned some of the more unreliable parameter estimates throughout the series of tests.

A question of interest is whether the other variables, especially African American mayor and population and age of city, will decline in impact and significance when the income change variable is added to the model predicting population growth. As Table 6-2 shows, none of these lessened effects emerged, but the income change variable served to strengthen the overall model.

As before, a way to illustrate the impact of the effects is to assign hypothetical values to the continuous variables of city age and percentage African American population while assuming the presence of a black mayor and that income increased. A city age of 100 should accommodate those cities in the South and West that were latecomers to urban government and an African American population of 30 percent has been widely used as a middle ground between racial threat and a minority population that is politically irrelevant. The .000 slope coefficient for total population has no effect, of course. The before-and-after predicted probabilities, in percentages, of population increase are:

Variable	Probability of Population Growth
Four-variable logistic of population growth on city age, total population and percent African American population	
At any given level of city age, black and total population	93.6%
30% black, 100-year-old city	62.0%
Five-variable logistic of population growth on city age, total population, percent African American population and African American mayor	
At any given level of city age, black and total population, with black mayor	85.0%
30% black, 100-year-old city	42.5%
Six-variable logistic of population growth on city age, total population, percent African American population, African American mayor and income growth	
At any given level of city age, black and total population, with black mayor, income growth	91.0%
30% black, 100-year-old city	55.0%

Unemployment and Income—Affirmative Action Effects

Slightly different measurements of urban vibrancy were used in the analysis of the telephone survey sample. Assumptions informing these choices do not differ greatly from those for the privatization analysis,

but a slight reconceptualization of what constitutes a thriving city may be useful as a further hedge against measurement error and in exploring their places in the affirmative action policymaking biosphere in much the same way this interplay was scrutinized for the privatization analysis.

The two measures of urban vibrancy in the affirmative action analysis were per capita income and the unemployment rate. Comparisons were made to ascertain how these effects and the interplay of an African American mayor, ward districting, mayor-council form of government, African American and total population and African American representation—hypothesized effects already discussed—fit together in the affirmative action analysis. Another effect hypothesized for the affirmative action tests, but not for privatization, was the percentage of female city councilors. Highlights of the comparisons were:

- An African American mayor was more likely in the larger cities and ones with a mayor-council form of government and mixed election districting. Already discussed is the positive relationship between African American council representation and the presence of a black mayor.
- Female city councilors were slightly more likely to be found in cities headed by a black mayor (mean of 31.2 percent female representation compared to a mean of 27 percent for the entire sample). Unlike black mayors, female councilors were not decidedly more likely to serve in the larger cities (population mean of 303,430 compared to a mean of 293,846 for the entire sample). They were slightly less likely to be associated with ward districting (mean of 25.2 percent in cities with at least some percentage of ward seats compared to 27.2 percent for the entire sample) and slightly less likely to serve under the mayor-council form of government (mean of 47 percent compared to a mean of 53 percent for the entire sample). These divergent results suggest that female councilors do not fit as well in the hypothesized policymaking arena as the other effects.
- African American councilors were more likely to serve under the mayor-council form of government and in the larger cities

(population mean of 344,350). The association with black mayors and ward districting already has been discussed.

- The mayor-council form of government was more likely in the larger cities (population mean of 338,268) with larger African American populations (mean of 31 percent compared to 22 percent for the entire sample).

All told, except for the percentage of female councilors, the hypothesized urban policymaking biosphere held across the two samples.

With evidence that these effects are consistent with the hypothetical urban policymaking environment, a series of tests was conducted on the two effects assumed to have the greatest impact on elected officials' ability to act on behalf of constituents.

The first was the unemployment variable, which may increase constituent pressure to maintain city jobs, but may not matter as much assuming a relatively insular relationship between black business and political leadership and elevating affirmative action as a policy preference.

That inference arguably could be drawn from the results of a linear regression of the percentage of unemployed on total and African American population and the presence of a black mayor (see Table 6-4). Only the percentage black population and per capita income were significantly related to higher unemployment in a model that explained nearly half the variance of that jobless rate. Note that the income change variable had no practical effect. Note also the robustness of the regional results, including from the North, although the latter should be viewed with caution because of the small number of cases. Note also that only in the North did the black mayor have the effect of decreasing unemployment.

The next measure of urban vibrancy was per capita income measured in dollars. While the full sample returned robust estimates, the breakdown by region was not as informative as that for unemployment. Note that the black mayor effect was positively related to higher income, an unexpected result, while the black population was an unreliable effect. The unemployment rate not unexpectedly exerted downward impact. See Table 6-5.

Black Business Effects

The earlier discussion of the multivariate analysis of policy responsiveness illustrated the importance of the mayor. The mayor also has been shown to be closely associated with the level of African American entrepreneurship. This recreation of the immigrant-friendly policymaking arena thus supports the assumption that John Sibley Butler's (2005) truncated middleman theory is advanced by extending African American political control. A closer look at how African American entrepreneurship fares in the hypothesized urban policy-making biosphere may therefore be instructive.

As already stated, the more effective statistical approaches are unavailable for this analysis because of too few cases. Just 56 Census and 20 telephone survey cities posted black business sales. A way to assess this variable's fit with the other influences is by comparison with the full sample. The comparisons suggest that these businesses are more likely to be found in the larger, older cities with higher percentages of African American population and representation.

	Census	Telephone	All Cases Census	All Cases Telephone
Population Comparison				
Mean	529,569	700,729	170,200	293,846
Median	136,242	382,332	84,599	147,595
Mode*				
Sum	29,655,858	14,014,578	83,738,339	42,019,928
City Age Comparison				
Mean	140	na	113	na
Median	145	112.5		
Mode*				
Sum				
Black Population Comparison				
Mean	28%	43%	14%	22%
Median	29%	45%	7%	16%
Mode*				
Sum				
Black Representation Comparison				
Mean	26.5%	39%	12%	19%
Median	21.5%	37%	0	14%
Mode*				
Sum				

*Several modes in some or all samples.

As discussed earlier, the higher business sales also were more likely in black mayor-headed cities. In the census and telephone samples 17 of the 56 (30 percent) and eight of the 20 (40 percent) cities posting black business sales, respectively, had a black mayor. Further comparison shows that cities with African American business are more likely to be of the mayor-council form of government and to have proportionately more ward council seats.

The preceding description suggests that African American entrepreneurs would be at home in the hypothesized immigrant-friendly cityscape. A note of caution, however, the mode for income and population growth was 1, or growth, in both, an indication that African American entrepreneurs may do well under other conditions. These businesses, on the other hand, were found more often in cities with an

affirmative action program—13 of the 20, or 65 percent. Where black businesses fare best is fertile territory for future research; the primary interest here is finding support for the hypothesis that black business does well in the hypothesized policy responsive arena.

IMPLICATIONS FOR FUTURE RESEARCH

How to realize the democratic ideal of constituency-regarding policymakers is a long-standing interest of both theorists and practitioners. Worth re-emphasizing here is the diversity of supportive voices. First, James Madison:

Wherever the real power in a Government lies, there is the danger of oppression. In our Governments the real power lies in the majority of the Community, and the invasion of private rights is chiefly to be apprehended, not from acts of Government contrary to the sense of its constituents, but from acts in which the Government is the mere instrument of the major number of its constituents.

Then, John C. Calhoun:

If the numerical majority were really the people... and... were to take the sense of the people truly, a government so constituted would be a true and perfect model of a popular constitutional government... But, as such is not the case—as the numerical majority, instead of being the people, is only a portion of them,—such a government, instead of being a true and perfect model of the people’s government... is but the government of a part, over a part,—the major over the minor portion (p. 30).

Further context is provided by Lani Guinier (1994):

If the Supreme Court had construed minority group representation as a fundamental tenet of democracy instead of as a special exception to it, it likely would have adopted a different approach....

This research proffers an empirically-anchored approach to achieving the democratic ideal of true popular sovereignty. The institutions in a recreated urban policymaking biosphere helped to advance the welfare of earlier groups with distinct preferences and continue to

be available to other communities of interest, including African Americans.

In addition to democratic theory, especially Pitkin's conceptualization of substantive and descriptive representation, the evidence found here contributes to the emerging framework of truncated middleman theory, the latter with both sociological and economic implications. It suggests the feasibility of a political solution to problems manifested as sociological and economic. Such an approach provides rich territory for future research as definition, measurement and research design are refined and tinkered with. Ideas, of course, are most often born and nurtured within the collegiality of an academic or research environment, but possibilities include:

- Vigorous pursuit of candidates for case studies, both in and outside the United States, to further empirically ground statistical evidence.
- Testing assumptions that touch upon both Pitkin's and Butler's theory, specifically the rate of response to policy expected to promote minority group economic assimilation.
- Testing assumptions related to Butler's theory, specifically the distribution of municipal contract awards and of income and occupation for employment and business based in urban areas.
- Testing assumptions concerning candidate success in districts redrawn post-*Miller v. Johnson* and, perhaps most especially, in the wake of the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Reauthorization and Amendments Act Of 2006.
- Obtaining more and larger samples, especially for the North and South regions—the former because of general unreliability of estimations and the latter because of potential problems with policy responsiveness suggested by this and earlier investigations.
- Moving the locus of analysis farther inside the decision-making assembly.
- Continuing the outfitting of a policymaking biosphere whose confines can be extended indefinitely, even to entire continents, as a way to identify both endogenous and exogenous obstacles to policy responsiveness.

Table 6-1. African American Political Leadership and Policy Responsiveness

Census Sample

Leadership	Privatization	
SMD*Representation	-.034***	Exp(b) .967 (.011)
Black Mayor	.278	Exp(b) .757 (.497)
Intercept	-.500***	Exp(b) .606 (.108)
n=492	Correct predictions=66.9%	
Cox & Snell $r^2=.03$	Nagelkerke $r^2=.04$	

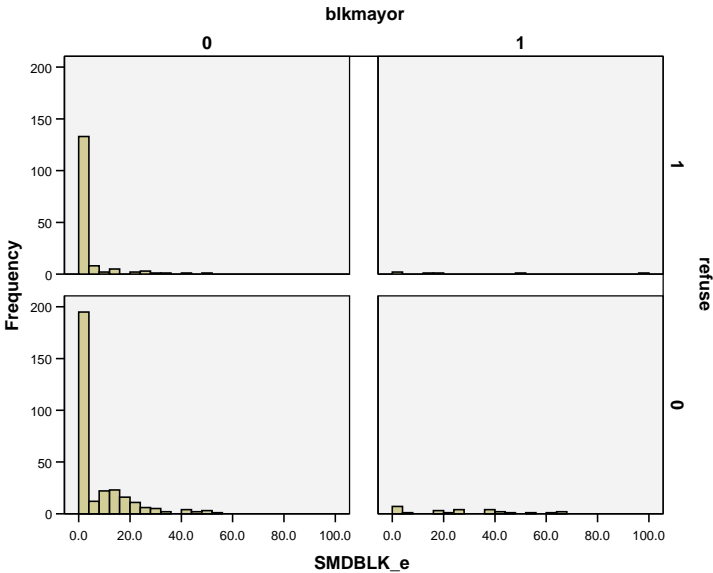
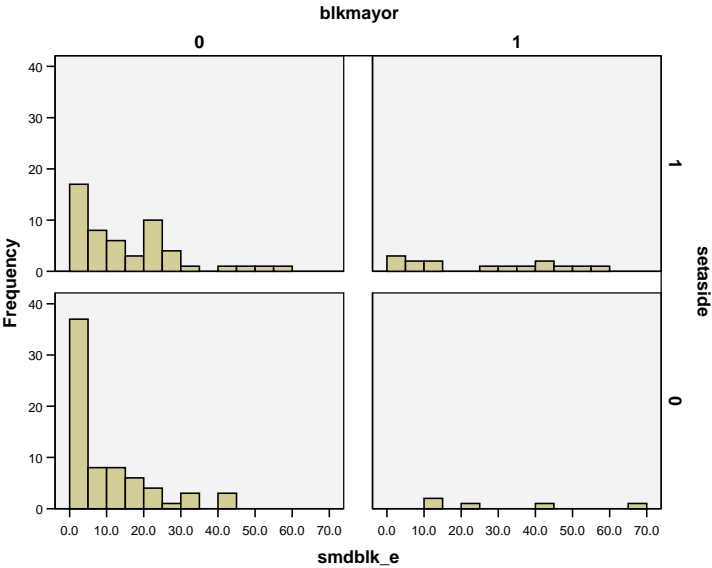


Table 6-1, cont.

Telephone Survey Sample

Leadership	Affirmative Action	
SMD*Representation	.022* (.013)	Exp(b) 1.023
Black Mayor	1.065* (.576)	Exp(b) 2.902
Intercept	-.533** (.233)	Exp(b) .587
n=143 Correct predictions=60.8%		
Cox & Snell r2=.07 Nagelkerke r2=.095		



***Significant at .0001; **at .005; *at .05; .at .10
Captions: refuse=1 if privatized, 0 otherwise; setaside=1 if affirmative action, 0 otherwise.
blkmayor=1 if black mayor, 0 otherwise;
smdblk_e=interaction of single-districting and black council percentages.

Table 6-2. City Age, Black and Total Population, Population and Income Decline, Black Mayor

n=492

City Age	%Single-Member Districts
Age in Years	.230**** (.034)
Intercept	15.520**** (4.271)
$r^2=.08$	$s_e=40.4$

City Age	Mayor-Council Government	
Age in Years	.014**** (.002)	Exp(b) 1.014
Intercept	-1.727**** (.259)	Exp(b) .178

Correct predictions=65.9%; Cox & Snell $r^2=.10$; Nagelkerke $r^2=.13$

Variables	Population Growth	
Age in Years	-.013**** (.002)	Exp(b) .987
Total Population	.000 (.000)	Exp(b) 1.000
Intercept	2.684**** (.313)	Exp(b) 14.647

Correct predictions=76.2%;Cox & Snell $r^2=.07$; Nagelkerke $r^2=.11$

Variables	Population Growth	
Age in Years	-.009**** (.002)	Exp(b) .991
Total Population	.000** (.000)	Exp(b) 1.000
%Black Population	-.045**** (.007)	Exp(b) .956
Intercept	2.744**** (.314)	Exp(b) 15.552

Correct predictions=79.1%;Cox & Snell $r^2=.14$; Nagelkerke $r^2=.22$

Table 6-2, cont.

Variables	Population Growth	
Age in Years	-.009****	Exp(b) .991 (.002)
Total Population	.000*** (.000)	Exp(b) 1.000
%Black Population	-.039**** (.008)	Exp(b) .962
Black Mayor	-.897* (.538)	Exp(b) .408
Intercept	2.664**** (.317)	Exp(b) 14.352

Correct predictions=79.9% Cox & Snell r²=.15Nagelkerke r²=.23

Variables	Population Growth	
Age in Years	-.010**** (.003)	Exp(b) .990
Total Population	.000** (.000)	Exp(b) 1.000
%Black Population	-.040**** (.009)	Exp(b) .961
Black Mayor	-.991* (.561)	Exp(b) .371
Income Growth	1.403**** (.253)	Exp(b) 4.068
Intercept	2.003**** (.344)	Exp(b) 7.412

Correct predictions=81.9% Cox & Snell r²=.205Nagelkerke r²=.31

****Significant at .0001; ***at .01; **at .05; *at .10.

Table 6-3. City Age, Black and Total Population, Population and Income Decline, Black Mayor,—Regional Analysis

Midwest, n=119

Variables	Population Growth	
Age in Years	.018**	Exp(b) 1.018 (.007)
Total Population	.000	Exp(b) 1.000 (.000)
%Black Population	-.148**** (.035)	Exp(b) .863
Black Mayor	.363 (1.477)	Exp(b) 1.437
Income Growth	2.687**** (.766)	Exp(b) 14.685
Intercept	-1.019 (.774)	Exp(b) .361

Correct predictions=79.7% Cox & Snell r²=.37
Nagelkerke r²=.50

North, n=73

Variables	Population Growth	
Age in Years	-.005	Exp(b) .995 (.004)
Total Population	.000	Exp(b) 1.000 (.000)
%Black Population	.004	Exp(b) 1.004 (.023)
Black Mayor		-2.880* Exp(b) .056 (1.575)
Income Growth		21.675 Exp(b) xxxx 14412.889
Intercept	20.516	Exp(b) .000 (.659)

Correct predictions=68.5% Cox & Snell r²=.26
Nagelkerke r²=.35

Table 6-3, cont.

South, n=87

Variables	Population Growth	
Age in Years	-0.007 (.007)	Exp(b) .993
Total Population	.000* (.000)	Exp(b) 1.000
%Black Population	-.036	Exp(b) .964 (.022)
Black Mayor	-2.726* (1.511)	Exp(b) .065
Income Growth	1.602** (.579)	Exp(b) 4.962
Intercept	1.448	Exp(b) 4.256 (.909)

Correct predictions=81.0% Cox & Snell r2=.23
Nagelkerke r2=.33

West, n=213

Variables	Population Growth	
Age in Years	-.011 (.014)	Exp(b) .989
Total Population	.000 (.000)	Exp(b) 1.000
%Black Population	-.091*** (.031)	Exp(b) .913
Black Mayor	19.489 (11595.217)	Exp(b) xxxx
Income Growth	.577 (.965)	Exp(b) 1.780
Intercept	2.727 (2.001)	Exp(b) 15.293

Correct predictions=97.6% Cox & Snell r2=.08
Nagelkerke r2=.31

****Significant at .0001; ***at .005; **at .01; *at .10.
xxxxx=odds in the millions.

Table 6-4. Employment, Income, Black and Total Population, Black Mayor**All Cases, n=143**

Variables	%Unemployed
Black Mayor	.397 (.300)
%Black Population	.029***** (.005)
Total Population	1.000 (.000)
Income	.000***** (.000)
Intercept	6.934***** (.499)
r2=.45	se=1.0

Midwest, n=33

Variables	%Unemployed
Black Mayor	.561 (.449)
%Black Population	.043***** (.012)
Total Population	-1.000 (.000)
Income	.000** (.000)
Intercept	8.176***** (1.597)
r2=.74	se=.87

North, n=21

Variables	%Unemployed
Black Mayor	-3.562*** (.946)
%Black Population	.121***** (.018)
Total Population	1.000* (.000)
Income	-5.000 (.000)
Intercept	4.476***** (1.162)
r2=.82	se=.855

Table 6-4, cont.

South, n=38

Variables	%Unemployed
Black Mayor	.445 (.567)
%Black Population	.038*** (.012)
Total Population	-1.000 (.000)
Income	-1.000 (.000)
Intercept	3.382*** (1.112)
r2=.45	se=.92

West, n=51

Variables	%Unemployed
Black Mayor	.381 (.564)
%Black Population	.000 (.020)
Total Population	9.000 (.000)
Income	.000***** (.000)
Intercept	7.398***** (.640)
r2=.36	se=.90

*****Significant at .0001; *****at .001; ***at .005; **at .01; *at .05.

Table 6-5. Income, Employment, Black and Total Population, Black Mayor**All Cases, n=143**

Variables	Per Capita Income
Black Mayor	2337.346*** (905.806)
%Black Population	9.661 (17.339)
Total Population	.001* (.001)
Unemployment	1451.076**** (230.513)
Intercept	25263.628**** (1007.282)
r2=.29 se=3183.025	

Midwest, n=33

Variables	Per Capita Income
Black Mayor	1116.456 (939.089)
%Black Population	-34.039 (29.113)
Total Population	.001 (.002)
Unemployment	-1000.627*** (345.665)
Intercept	23455.085**** (1347.654)
r2=.58 se=1808.992	

North, n=21

Variables	Per Capita Income
Black Mayor	3826.941 (5513.551)
%Black Population	1.084 (151.495)
Total Population	.002 (.004)
Unemployment	-1094.143 (1041.720)
Intercept	23540.956**** (3694.042)
r2=.305 se=.3682.665	

Table 6-3, cont.

South, n=38

Variables	Per Capita Income
Black Mayor	1129 .255 (1995.560)
%Black Population	-37.564 (46.092)
Total Population	.005 (.003)
Unemployment	130.373 (609.321)
Intercept	20802.473**** (2513.273)
r2=.10 se=3230.634	

West, n=51

Variables	Per Capita Income
Black Mayor	4788.736** (2041.109)
%Black Population	-43.223 (75.041)
Total Population	.001 (.001)
Unemployment	-2259.601**** (452.866)
Intercept	29364.935**** (2122.884)
r2=.67 se=3439.556	

****Significant at .0001; ***at .01; **at .05; *at .10.

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Endnotes

Chapter 1

1. Interestingly, “concurrent majority,” a term critics culled from her law review writings and used to help build the case against Guinier, an African American woman and former lawyer with the NAACP Legal Defense and Education Fund, may have been used first by John C. Calhoun. It appears in Calhoun’s 1853 *Works*. Note also that the term minority throughout this research project denotes both a numeric and a political minority—an example of the latter being black South Africans in the apartheid era.
2. Of course, *Allen* was not the first litigation over political boundaries. In 1960, the Supreme Court sided with the Tuskegee, Alabama, plaintiffs in *Gomillion v. Lightfoot*, focusing attention on districting as an indirect means of nullifying minority voting strength. *Baker v. Carr* (1962) and *Reynolds v. Sims* (1964) also were landmarks cases.
3. Davidson and Grofman (1994) define the at-large system as an arrangement whereby all contested seats on a governmental body—a city council or a school board, for example—are filled by all voters in a jurisdiction. Under the single-member system, the jurisdiction is separated into geographical districts (also called wards) and voters in each of these districts, as in congressional elections, vote for a candidate to represent their particular district. The district boundaries can be manipulated so as to control the proportion of any group of voters, e.g. racial.
4. Actually, White referred to earlier cases, including *Fortson v. Dorsey* (1965), in which at-large districting was described as not unconstitutional per se. Derfner, however, perhaps hinting that the Court majority was somewhat dissembling, mentioned *Fortson’s* description of potential discrimination as “designedly or otherwise,” the “otherwise” being inconsistent with the Court’s requirement of proving purposeful discrimination. (p. 147).
5. The original and the revised Section 2 are, respectively: “Sec. 2. No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or

abridge the right of any citizen of the United States to vote on account of race or color”—1965, amended in 1975 to cover language minorities; and “Sec. 2. (a) 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, or in contravention of the guarantees set forth in section 4 (f) (2), as provided in subsection (b).

- (b) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: Provided, that nothing this section establishes a right to have members of a protected class elected in numbers equal to their proportion of the population”—1982.
6. The typical factors in the Senate Report were:
- 1) The extent of any history of official discrimination in the state or political subdivision that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process.
 - 2) The extent to which voting in the elections of the state or political subdivision is racially polarized.
 - 3) The extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group.
 - 4) If there is a candidate slating process, whether the members of the minority group have been denied access to that process.
 - 5) The extent to which members of the minority group in the state or political subdivision bear the effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process.
 - 6) Whether political campaigns have been characterized by overt or subtle racial appeals.
 - 7) The extent to which members of the minority group have been elected to public office in the jurisdiction

Additionally, elected officials' lack of responsiveness to the needs of the minority groups and tenuousness of the policy underlying the challenged practice, procedure, or device, brought the number of factors to nine.

7. A change in Court personnel partially contributed to the shift in perspective. Sandra Day O'Connor, who voted for the plaintiffs challenging the at-large system in the *Rogers* case, replaced Justice Stewart, who had voted against the plaintiffs in *Bolden*. Justice Burger also switched sides in the two cases. The *Rogers* case relied on a totality of circumstances, similar to the *White* and *Zimmer* cases, to find the at-large system discriminatory (Derfner, 1984).
8. The Report said the purpose of the Senate bill was (1) to extend for 25 years special provisions of sections 4, 5, 6, 7 and 8 [Section 2 is permanent]; (2) to broaden the standards for termination of coverage under Section 4; (3) the Section 2 amendment; (4) to extend the language provisions to 1992; and (5) to add a new section providing voter assistance to the handicapped or illiterate.
9. After the bulk of the research and writing for this book was completed in early summer 2006, the U.S. Congress reauthorized the Voting Rights Act of 1965. The Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, was passed about a year before key portions of the Act were to expire. The lawmakers cited evidence of continuing discrimination in their decision to extend the Act (U.S. Department of Justice, 2007).

Of course, as with the 1982 Amendments, the reauthorized statute suggests that the dance between the legislative and judicial branches continues. The Congress directly spoke to court rulings and the direction of judicial reasoning in the 24 years between these major enactments. The 1982 legislation took on the High Court ruling in the 1980 *Mobile v. Bolden*, while that from 2006 took on rulings in the 2003 *Georgia v. Ashcroft* and the 2000 *Reno v. Bossier Parish School Board* (II). This reassertion of legislative power into electoral issues generally held to be the purview of the states has, at the very least, revived the debate over federalism (Tokaji, 2006; Karlan, 2007).

What follows are highlights of court rulings, contextualized by commentary from expert observers such as Pamela Karlan (2007), Fordham University Law Professor Terry Smith, Abigail Thernstrom and Ohio State Law Professor Daniel Tokaji.

Beer v. United States

This 1976 decision best illustrates the beginning of the judicial line of thought on the impact of discrimination. The justices focused on the notion of retrogression, a standard that eventually feeds into the debate over "congruence and proportionality" some 20 years later. The prevailing *Beer* opinion was that proposed electoral changes could withstand allegations of discrimination as long as there was no backsliding, or that

the minority group would not be left worse off than before the change (Thernstrom, 2007; Karlan, 2007). Critics of the later Supreme Court ruling, *Georgia v. Ashcroft* in 2003, accused the Court of backsliding itself (Smith, 2005); *Ashcroft* sanctioned a reduction in the percentage of minority voters in certain districts, trading safe “majority-minority” districts for “majority – influence” districts. Notwithstanding the specter of minority elected officials ending up isolated and powerless within a legislative assembly dominated by members of the majority – as in *Presley v. Etowah County* – Smith, for one, remained unconvinced that the minority would be better off influencing an election than in outright controlling one. As with other controversial rulings, the *Beer* case involved a jurisdiction’s responsibility to eliminate at-large districts.

Reno v. Bossier Parish School Board

This decision of the year 2000 seemed to flow from judicial reasoning in *Beer*, but was the one specifically targeted by the Voting Rights Act reauthorization of 2006. The Bossier Parish School Board was denied preclearance of a plan that included no majority-black districts, although critics said the board could have created such districts if it so desired. The Congress pointedly changed the language in the Voting Rights Act Section 5 preclearance from “does not have the purpose and will not have the effect” to “neither has the purpose nor will have the effect.” The reauthorization (Department of Justice, 2007) declared the Voting Rights Act of 1965 “significantly weakened by the United States Supreme Court decisions in *Reno v. Bossier Parish II* and *Georgia v. Ashcroft*, which have misconstrued Congress’ original intent in enacting the Voting Rights Act of 1965 and narrowed the protections afforded by Section 5 of such Act.”

The legislation suggested that Section 5 protection is not limited to retrogression.

City of Boerne v. P.F. Flores

Although this case decided in 1997 does not involve electoral issues, it has been mentioned in a number of commentaries on the future direction of the voting rights debate. Karlan (2007) worried that the *Boerne* decision and the Rehnquist Court’s “new federalism” might rein in Congress’s ability to have a say in elections, which are traditionally the purview of states. The prevailing justices held that any remedy for discrimination must show “congruence and proportionality between the injury to be prevented or remedied and the means adopted to that end” (City of Boerne, Lexis-Nexis 1997). The case involved the city of Boerne’s denial, citing issues of historic preservation, of a Catholic diocese request to enlarge a church. The Church sued, citing the Religious Freedom Restoration Act of 1993. Ultimately, the Supreme Court held that the RFRA was unconstitutional and that the Congress was approaching legislation that “may become substantive in operation and effect.” Further,

the prevailing justices said, “Congress does not enforce a constitutional right by changing what the right is.” The implications for voting rights law is the extent to which imposing districting – e.g., the need to maximize majority-minority districting or assuring minority group electoral control – is a compelling state interest and a congruent and proportionate remedy.

Georgia v. Ashcroft

The shift from majority-minority to minority-influence gained momentum in this 2003 decision. The decision endorsed “unpacking” concentrations of minority voters in a few Georgia State Senate districts to placing more of them in districts where, although African Americans may face difficulty being elected, white Democrats might be successful. The influence of minority voters would lead to an increase in the number of Democrats elected, albeit perhaps not black Democrats. African Americans overwhelmingly vote Democratic and so would have their interests/preferences better served, the justices said. Race and party interests are mutually beneficial in such instances (see Smith, 2005, for a criticism of this reasoning).

Now that the Congress has aired its feelings about Supreme Court decisions, attention has turned to what the Court will do next. Pending in district court is a complaint from an Austin, Texas, Municipal Utility District, filed August 2006, about a month after the reauthorized Voting Rights Act passed, questioning the appropriateness of its continuing to be a covered jurisdiction and having to seek preclearance under Section 5 (Karlan, 2007).

Chapter 2

1. An interesting separation-of-powers issue was between the Court and the Congress around the 1868 *Ex Parte v. McCordle* case, in which the Court may have been poised to declare a Reconstruction Act unconstitutional. After the Court agreed to hear the case, the Congress passed legislation that had the effect of retroactively removing Court jurisdiction (Kutler, 1967; Mendelson, 1981; Benedict, 1974, et. al.).
2. Note, however, that framers of the 14th Amendment, aware of how white supremacy manifested itself in reality, intended it to reach whites persecuted for aiding black people (Kaczorowski, 1987).
3. The New Deal of the 1930s permitted excluding and discriminating against African Americans (see also Walker, 1998). In a concession to white Southern preferences, not covered under the original social security were the domestic and agricultural sectors, which accounted for well over half of African American workers.
4. Although largely discredited, Dunning (1897) and his supporters questioned the extent of the violence against the Negroes, even contending

that Congress exaggerated the danger to justify its intervention into the South (Carpenter, 1962). The preponderance of the evidence suggests that the Confederates generally were well-financed and guilty of many murders (Scroggs, 1958).

5. Some lawyers have argued that the 15th Amendment eliminated this sanction by taking away the power of states to set voter eligibility (Lynch, 1931). Nonetheless, Southern politicians called for the repeal of the 15th even while in the process of disfranchising.
6. Note, however, that Negroes had the vote at least into the colonial South. Weeks (1894) wrote that among the Southern colonies North Carolina appeared to be the first to disfranchise Africans, in 1715, but that the law was repealed by the English king's orders in 1734.
7. Piven and Cloward (1971) said various vote dilution or disenfranchising tactics were not necessarily racially motivated, but were a reaction to the Populist movement that threatened business and economic interests. They see the disfranchising as contributing to a decades-long decline in voter participation in the 20th century. Painter (1987) also said members of the good government reform movement around the turn of the 20th century believed a smaller electorate would reduce corruption.
8. The 1962 *Baker v. Carr* Supreme Court decision established that drawing political boundaries was justiciable.
9. Pritchett castigated Justice Harlan, who defended the Georgia county unit system as a way to protect a rural minority from dominance by urban interests. Pritchett wrote that by the same logic "it could be argued that Negroes, who are in every state a minority more abused than rural interests ever were, could rationally be given the right to control the naming of public officials" (p. 874).
10. However, the Supreme Court in *Mobile v. Bolden* (1980) cited Banfield and Wilson's work to make the point that at-large versus ward-based elections were seen as praiseworthy and progressive reform of corrupt city government. In *Bolden*, which was perceived by voting rights advocates as a setback, the justices contended that the history of the at-large system at issue in the case had nothing to do with race. Justice Stewart wrote in the majority opinion that if the Mobile system were being challenged because its existence was "unexplainable on grounds other than race, its inference is contradicted by the history of the adoption of that system in Mobile" (p. 12). He did not elaborate, except to state later in the opinion that "past discrimination cannot, in the manner of original sin, condemn governmental action that is not itself unlawful" (p. 14).
11. A three-judge panel from the U.S. District Court for the Southern District of Indiana actually found Chavis to lack standing because he resided outside the ghetto area referenced in the case; two other plaintiffs, Bryant and Ramsey, remained in the suit.

12. Note that the 1965 Voting Rights Act could be extended outside the South by virtue of Section 2. Before the 1982 amendments, language in this section was similar to that in the 15th Amendment.
13. Note that the *Whitcomb* case turned on a violation of the Equal Protection Clause of the 14th Amendment, not the Voting Rights Act, and is thus conceptually closer to *Reynolds v. Sims*.
14. The later *Presley v. Etowah County* (1992) decision provides an example of the Court majority's reasoning on the potential for racially discriminatory and polarized voting—even after a group elects a preferred candidate—within a legislative assembly. The case involved alleged discrimination by other county commissioners against newly-elected African American commissioners, the latter being elected from single-member districts.
15. Justice Blackmun, who voted with the majority, said he actually supported a finding of purposeful discrimination, but disagreed with the relief—switching to single-member districts and a mayor-council form of government—ordered by the district court. His reservations underscored the tenuousness of the decision and that *Bolden* could not claim a majority, merely a plurality.
16. The *Bolden* opinion, in a qualification of this limited judicial role, did allow for judicial review of laws that create classes that are inherently suspect. The note cited *McLaughlin v. Florida*, *Strauder v. West Virginia*, and *Lockport v. Citizens for Community Action*.
17. Other language in *Bolden* is reminiscent of the reform movement of the early 20th Century. The passage referred to other potentially identifiable groups, including “union-oriented workers, the university community, religious or ethnic groups...” (p. 18). The description is similar to that used by Banfield and Wilson (1963) in describing the ward-based politics that was the target of the reformers. Justice Marshall in his *Bolden* dissent also commented that the efficiency of the commission form of government (favored by the reformers) could be achieved by ignoring concerns of a politically powerless minority.
18. The Section 2 revision and the Senate Report are presented in Chapter 1.
19. A change in Court personnel partially contributed to the shift in perspective. Sandra Day O'Connor, who voted for the plaintiffs challenging the at-large system in the *Rogers* case, replaced Justice Stewart, who had voted against the plaintiffs in *Bolden*. Justice Burger also switched sides in the two cases. Unlike in *Bolden*, the *Rogers* case relied on a totality of circumstances to find the at-large system discriminatory (Derfner, 1984).
20. Interestingly, Kousser (1984) describes bizarrely shaped districts established just after Reconstruction to limit the ability of African Americans to elect preferred candidates.

21. In discussing this aspect of participation, Karlan references her previous article (1989), as well as those by Kathryn Abrams (1988), Ronald Dworkin (1987), Lani Guinier (1991) and others.
22. Many of the rural counties in Alabama's Black Belt actually were predominantly or heavily African American, but who had been disfranchised in the century following Reconstruction. Also, the post-bellum South's African American population declined substantially, widely believed to be because of the Great Migration to the North and Midwest, thus reducing the number of potential voters. For example, Mississippi's black population fell from 56.9 percent to 33 percent and South Carolina's from 54 percent to 27.4 percent between 1900 and 2000 (Walton & Smith, 2003).

Chapter 3:

1. Walker states that the typical reaction to African American economic initiative was repressive laws: "The response of whites to the enterprise of antebellum free black women was the legal suppression of their economic activities. In St. Louis and Louisville, even the most mundane activities, such as peddling fruits and vegetables, were made illegal, as was the establishment by free blacks of eating houses, cookshops, and restaurants in Washington, D.C." (p. 131).
2. A Walker footnote is about Northern African American businessmen being active in the abolitionist cause. The son of one successful New York and Rhode Island caterer at age 12 joined a literary society that refused to observe the Fourth of July, saying it was a "mockery" (p. 395). Another reference is to an African American who did well in the second-hand clothing business, whose "mysterious" death was shortly after he published a pamphlet calling for a slave revolt (p. 110).

Chapter 4:

1. Cities whose age was calculated with the best information available include Mission Viejo, California, from <http://www.orangecounty.net/cities/MissionViejo.html>; Farmington Hills, Michigan; Santa Fe, New Mexico which, although a capital under Spanish rule and is the oldest capital in the United States, is calculated from the year the region became a U.S. territory. A number of New England and other Northeastern locations date from the colonial era, but were incorporated much later, including West Haven, Connecticut, chartered as a separate borough in 1873; Meriden, Connecticut, settled in 1661, incorporated as a town in 1806, as a city in 1867 and consolidated as a town and city in 1922; Stamford, Connecticut, settled in 1641, incorporated as a city in the town of Stamford in 1893 and consolidated with the city in 1949. Several cases were removed because of difficulty ascertaining age: Dearborn Heights and Rochester Hills in Michigan; Burnsville in Minnesota; and Sandy in Utah.

2. The offices listed under Other Elected Officials are county executive, mayor, assessor, attorney, auditor, county clerk, clerk, clerk of the court, constable, justice of the peace, county or probate judge, municipal judge, coroner, sheriff, police chief, recorder, collector, treasurer, road or highway commissioner, superintendent of schools, surveyor, and other miscellaneous.
3. A number of the other municipalities posted values under both Governing Body and Other Elected Officials, however. Note also that for the townships, the modal response for method of delivery of refuse collection was zero, meaning the government does not provide the service. As will be explained later, this response could mean that elected officials never were confronted with the option of voting for or against privatization.
4. An e-mail (Cox, 2006) from the Berkeley city clerk's office said the city council has nine members.
5. Although Huntsville listed a value of zero for refuse collection, the sanitation link on its Web site mentions a garbage collection fee and a regular pick-up schedule. An assistant to the mayor of Huntsville wrote that that city has not provided privatized refuse collection in the past 15 years (E-mail response, Hatfield, 2006).
6. After multiplying the percentage SMD by the percentage African American population, the result was divided by 100 in both the Census and the telephone survey samples.

Chapter 6

1. McKinney later lost her seat, apparently in the aftermath of controversial remarks about Bush administration officials having prior information about the September 11, 2001 tragedy, but regained it two years later. However, she lost to a challenger in the 2006 Democratic primary. Her latest term was marked by allegations of an altercation with a policeman on the Washington, D.C., Capitol premises.
2. Note that the at-large system does not work against representation in cities with large African American populations, such as Detroit.
3. Response to a telephone call to the East Orange Public Works Department May 4, 2006.
4. Although obviously well beyond the scope of this research, the possibility that letting contracts provides an opportunity for extra-legal rewards such as kickbacks also should be entertained.
5. Seven cities were missing values for the income change variable.

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Appendix:

Copy of McDonald-Engstrom Telephone Survey Questionnaire

City _____

Phone _____

Call City Clerk's Office:

Hello, my name is _____, I'm a student at Binghamton University, and I'm working with two professors—Richard Engstrom and Michael McDonald—on a study of city councils.

We are trying to gather information on the councils of all major American cities.

May I ask someone in the clerk's office a few questions about the structure and membership of the [city name] council? It should require only a few minutes of their time.

Connection with informant:

[Repeat first two paragraphs above, then ask:]

May I ask you a few questions about the structure and membership of the [city name] council? It should take only a few minutes.

Informant information:

[If not already volunteered, ascertain informant's name and position]

Informant's name: _____

Informant's position: _____

1. Does [city name] have a mayor-council, council-manager, or a commission form of government?

_____ **mayor-council**

_____ **council-manager**

_____ commission (probe: make sure commission **plan** of government, and not simply name for council).

_____ other (specify: _____)

_____)

2. How many members serve on the [city name] council/commission? _____

Probe: If the mayor in a mayor/council system also serves on council, what are his/her legislative responsibilities?

If there is a council president, etc., how do his/her responsibilities differ from other council members?

3. Is everyone who serves on the council elected at one time, in the same election, or are terms **staggered** so that some council members are elected at one time and others at another time?

_____ at one time _____ staggered

Get details: How many staggered elections? _____
How many members elected each time? _____
What type of seats contested each time? _____

4. When was the last regular election held? _____

5. Have any of the present council/commission members been appointed to their positions since the most recent election?

_____ Yes _____ No

↓
5a. How many are serving as a result of appointment? _____

6. How much are council/commission members paid for serving on the council/commission?

____ ANNUAL

____ PER DIEM

6½ c.

About how many times a year does the council meet? _____

7. In elections to the [city name] council, are political party affiliations of candidates listed on the ballot?

____ Yes

No

7a. Could you please tell us how many council members were elected from each of the different political parties in the last election?

* If staggered terms, solicit information about party affiliation of holdover members.

8. Of the [N] members on the council, how many are elected from single-member districts, how many from multi-member districts, and how many are elected at-large (citywide)?

SMD

____ MMD

____ At-large

7a. Get details re MMDs: _____

* If all SMDs----- go to FORM A *

* If all At-large----- go to FORM B *

* If combination----- go to FORM C *

FORM A: All Districts

- 9. In order to be elected to the council/commission, does a candidate have to receive at least some minimum percentage of the votes cast—such as a majority—or is a simple plurality enough to be elected?

plurality vote majority vote other



Get details: _____

- 10. **[If staggered]** Does each district elect only a single member of the council, or do some districts elect a member in each of the staggered elections?

of Districts = # of Seats

Same districts for each staggered election



Get details: _____

Now we would like to ask a few questions about the members of your council/commission

Non-staggered Systems

- 11a. In the last election, were any black people elected to the council?

Yes No



How many? _____

- 11b. Were any Hispanic people elected to the council?

Yes No



How many? _____

- 11c. Were any women elected to the council?

Yes No



How many? _____

Staggered

- 12a. In the last election, were any black people elected to the council?

_____ Yes _____ No

↓

How many? _____

How about *the previous* election?

_____ Yes _____ No

↓

How many? _____

[*If three elections*] And the one before that?

_____ Yes _____ No

↓

How many? _____

- 12b. In the last election, were any Hispanic people elected to the council?

_____ Yes _____ No

↓

How many? _____

How about *the previous* election?

_____ Yes _____ No

↓

How many? _____

[*If three elections*] And the one before that?

_____ Yes _____ No

↓

How many? _____

- 12c. In the last election, were any women elected to the council?

_____ Yes _____ No

↓

How many? _____

How about *the previous* election?

_____ Yes _____ No

↓

How many? _____

[*If three elections*] And the one before that?

_____ Yes _____ No

↓

How many? _____

FORM B: ALL AT-LARGE

There are a variety of at-large election systems, so I'd like to ask you some questions about the at-large system used in (CITY NAME).

9. When the voters vote for council/commission members, how many votes may each voter cast?

Equal to number seats

Limited voting
(Get details)



10a. In some cities, candidates are required to file for and run for a specific seat on the council, in which case they compete only against the other candidates who have also filed for that seat. In other cities, all of the candidates run as one group for all of the available seats, with the top vote getters being elected.

How is it done in (CITY NAME)?

Place System
(Go to 10c next page)

No Place System
(Go to 10b)

10b. Another difference across cities is that sometimes, in at-large elections, the voters are required to cast votes for as many candidates as there are seats to be filled. If they don't, their ballots are considered invalid. In other cities, a voter is permitted to cast votes for fewer candidates than there are seats to be filled, if he or she wishes.

Which is the case in (CITY NAME)?

Full-slate law No Full-slate law
(GO TO 11a or 12a)

10c. In order to qualify as a candidate for one of the specific seats, does a person have to reside in any certain area or district within the city or may a candidate file for any seat he or she chooses?

Residency requirement

No residency requirement

Some seats have residency requirement
(Get details)



10d. In order to be elected to one of the specific seats, must a candidate receive at least some minimum percentage of the votes cast -- such as a majority—or is a simple plurality enough to be elected?

Majority Requirement

Plurality Requirement

Other
(Get details)

Now we would like to ask a few questions about the members of your council/commission?

Non-Staggered Systems

11a. In the last election, were any black people elected to the council?

Yes No

↓
How many? _____

11b. Were any Hispanic people elected to the council?

Yes No

↓
How many? _____

11c. Were any women elected to the council?

Yes No

How many? _____

↓

↓

{GO TO FINAL PAGE}

Staggered Systems

12a. In the last election, were any **black** people elected to the council?

Yes No

↓
How many? _____

How about in the previous election

Yes No

↓
How many _____

(If three elections) And the one before that?

Yes No

↓
How many _____

FORM C: MIXED SYSTEMS

9. In order to be elected to the council/commission from one of the districts, does a candidate have to receive at least some minimum percentage of the votes cast—such as a majority—or is a simple plurality enough to be elected?

_____ Plurality vote

_____ Majority vote

_____ Other
(Get details)



- 9a. **(If staggered)** Does each district elect only a single member of the council, or do some districts elect a member in each of the staggered elections?

_____ # of Districts = # of Seats

_____ Same districts for each staggered election
(Get details)



10. When voting for the at-large seats, how many votes may each voter cast?

_____ Equal to number seats

_____ Limited voting
(Get details)



- 11a. In some cities, candidates are required to file for and run for a specific at-large seat on the council, in which case they compete only against the other candidates who have also filed for that seat. In other cities, all of the candidates run as one group for all of the available at-large seats, with the top vote getters being elected.

How is it done in (CITY NAME)?

 Place System
(Go to 11c below)

 No Place System
(Go to 11b)

- 11b. Another difference across cities is that sometimes, in at-large elections, the voters are required to cast votes for as many candidates as there are seats to be filled. If they don't, their ballots are considered invalid. In other cities, a voter is permitted to cast votes for fewer candidates than there are seats to be filled, if he or she wishes.

Which is the case in (CITY NAME)?

 Full-slate law No Full-slate law
{ GO TO 12a or 15a }

- 11c. In order to qualify as a candidate for one of the specific seats, does a person have to reside in any certain area or district within the city or may a candidate file for any seat he or she chooses?

 Residency
 requirement

 No residency
 requirement

 Some seats have residency
 requirement
(Get details)

- 11d. In order to be elected to one of the at-large seats, must a candidate receive at least some minimum percentage of the votes cast -- such as a majority—or is a simple plurality enough to be elected?

 Majority
 requirement

 Plurality
 requirement

 Other
(Get details)

Now we would like to ask you a few questions about the members of your council/commission.

Non-staggered Systems

- 12a. In the last election, were any black people elected to the council/commission?
 Yes No
 How many? _____

(If only one) Was that person elected at-large or from one of the districts?
 At-large District

(If > 1) How many were elected at-large and how many were elected from districts?
 At-large Districts

- 13a. In the last election, were any Hispanic people elected to the council/commission?
 Yes No
 How many? _____

(If only one) Was that person elected at-large or from one of the districts?
 At-large District

(If > 1) How many were elected at-large and how many were elected from districts?
 At-large Districts

- 14a. In the last election, were any women elected to the council/commission?
 Yes No
 How many? _____

(If only one) Was that person elected at-large or from one of the districts?
 At-large District

(If > 1) How many were elected at-large and how many were elected from districts?
 At-large Districts

Staggered Systems

- 15a. In the last election, were any black people elected to the council/commission?
 Yes No
 How many? _____

(If only one) Was that person elected at-large or from one of the districts?
 At-Large District

(If > 1) How many were elected at-large and how many were elected from districts?
 At-large Districts

How about in the previous election?
 At-large Districts

(If three elections) And the election before that?
 At-large Districts

16a. In the last election, were any Hispanic people elected to the council/commission?

_____ Yes _____ No

How many? _____

(If only one) Was that person elected at-large or from one of the districts?

_____ At-large _____ District

(If > 1) How many were elected at-large and how many were elected from districts?

_____ At-large _____ Districts

How about in the previous election?

_____ At-large _____ Districts

(If three elections) And the election before that?

_____ At-large _____ Districts

17a. In the last election, were any women elected to the council/commission?

_____ Yes _____ No

How many? _____

(If only one) Was that person elected at-large or from one of the districts?

_____ At-large _____ District

(If > 1) How many were elected at-large and how many were elected from districts?

_____ At-large _____ Districts

How about in the previous election?

_____ At-large _____ Districts

(If three elections) And the election before that?

_____ At-large _____ Districts

I have just a few more questions.

Does (CITY NAME) have an Affirmative action officer?

Yes

No

Has (CITY NAME) ever had an Affirmative Action Officer?

Yes

No

In what year did (CITY NAME) suspend the operation of that office?

Year = _____

Does (CITY NAME) have a program where it sets aside a certain percentage of, for example, construction contracts or contract dollars for businesses owned by women or members of minority groups?

Yes

No

Has (CITY NAME) ever had a contracting set-aside program?

Yes

No

In what year did (CITY NAME) suspend the operation of that program?

Year = _____

Final Question: Could you please provide me with the name and address of the office that keeps the election returns for councilmanic/commission elections?

These are all the questions we have. Thank you very much. We really appreciate your assisting us.

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