

YOUR VOICE at CITY HALL

THE POLITICS, PROCEDURES
AND POLICIES OF
DISTRICT REPRESENTATION

Peggy Heilig ■ Robert J. Mundt



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PH
Urbana, Illinois
June 22, 1984

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RJM

Charlotte, North Carolina

June 28, 1984

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Urban Reform and Its Contemporary Consequences

WHAT DIFFERENCE does it make if city council members are elected at large, or by geographically defined districts or wards? It made a difference to the urban reformers of the Progressive Movement: They saw at-large elections as a potent weapon in their battle against political machines. Nearly a century later, it makes a difference to leaders of minority groups: They have gone to court to challenge the constitutionality of at-large systems, and they have organized petition drives and referenda campaigns aimed at replacing at-large with district elections.

During the 1970s, district systems were adopted in one-third of the southern cities with substantial black populations that were electing councils at-large at the beginning of that decade. Have political, procedural, and policy changes resulted from those shifts to district councils?

Like most rules, electoral procedures are not neutral. At-large systems favor the electoral chances of certain groups of urban dwellers; theoretically, at least, district elections should favor other groups, and changes from at-large to district systems should lead to new patterns of power and benefit distribution. The question we will attempt to answer here is whether recent structural shifts to district elections have, in fact, had consequences for local politics, procedures and policy.

THE ORIGINS OF AT-LARGE REPRESENTATION

When the urban wing of the Progressive Movement fought political machines for control of American cities, these reformers wanted not only to “throw the rascals out”; they also wanted to make certain that local offices would be denied in the future to persons connected with boss-led, ethnically based machines. To the reform-minded citizens engaged in that conflict, at-large elections of city council members were both a means to an end and an end in themselves.

Instrumentally, at-large electoral systems were one of the means used to destroy the effectiveness of the urban machines which emerged in most large cities during the mid- and late nineteenth century. Such organizations, put together by politically skilled entrepreneurs from immigrant—usually Irish—backgrounds, were a byproduct of the Industrial Revolution in the United States. (Judd, 1979: 26–42). In response to industrial development, millions of foreigners migrated to this country to work in manufacturing, mining and construction. Poor, uneducated, unskilled, often Catholic in a Protestant land, and speaking only their native languages, immigrants clustered in their adopted cities by country of origin. Since the governments of industrializing cities generally included councils elected by districts (called, then, as in many areas today, wards), effective political organizations could be built on the dual foundations of geographically bound electoral districts and the residential clustering of European ethnics. As Judd explains:

The decentralized nature of local politics facilitated ethnic political power. The basic electoral unit, the precinct, rarely included more than 600 to 800 voters. Aldermen sitting on city councils typically represented wards containing forty or fifty precincts. Patterns of ethnic segregation guaranteed that some wards would be dominated by lower-class Irish, others by Italians, and still other by native Protestants.

The decentralized structure of the urban political system, combined with mass suffrage and ethnic residential segregation, led to a style of politics in which social and political relationships became highly interconnected. Political success could be gained through social prominence. Thus, most large American cities went through “friends and neighbors” or “local followings” style of politics in which local leaders—very often pub owners—came to dominate first a precinct and then a ward. Mature party machines simply linked these local leaders together in mutually supportive alliances.

(1979: 55)

Because machine politics was ethnic-based, urban reform was not, of course, either ethnically or socially neutral. Conflict between machines and reformers is correctly viewed as a conflict between cultures. Har-rigan describes it this way:

The machine leaders rose from the working and lower classes in the immigrant communities. In contrast, the reformers were primarily upper-class and upper-middle-class business people, lawyers, professionals and university people. There were some sharp ideological differences within the ranks of the reformist movement, but, in contrast to the machine politicians, the reformers shared many traits. Rather than being immigrants or first-generation Americans, the reformers came from families that had lived in America for generations. They were Protestant rather than Catholic, and very often they had graduated from colleges and professional schools rather than being poorly educated. Rather than conducting their occupational affairs through personal and old fashioned informal methods as did the political machine leaders, the reformers came from occupations in which they had mastered modern, rational and quasi-scientific methods of organization. Individually, they came from an anti-urban heritage that placed considerable value on individual initiative, agricultural life, and a town meeting form of democracy. Somewhat at odds with their belief in democracy was their elitist belief that government should be conducted by the best-educated and best-qualified people in the society.

(1981: 89)

Where the progressives were successful in establishing at-large council elections, it became difficult for the nonaffluent to gain council seats. Candidates could no longer depend upon election with only the support of their own ethnic group or of a small section of their community; city-wide campaigns required more time, more money, and more social standing than working class status could provide.

At-large elections were an important feature of both the original Progressive reform plan, the commission system, and its successor, the council-manager plan. As an end in itself, the new electoral mechanism, along with nonpartisanship, was expected to result in the election of a "better" class of citizen to local councils. Following the establishment of the first commission government in Galveston and shortly thereafter in several other Texas cities and in Des Moines, Iowa, businessmen in many other cities worked to replace mayor-ward council governments with commissions. According to Schiesl

Behind these developments lay the more important effort to place more wealthy businessmen in office. In line with their counterparts in large cities, many politically oriented capitalists in smaller communities were young representatives of advanced segments of relatively new industries which had come to dominate urban economic life. They felt that public policy should be consistent with the inherent rationalization in corporate systems and sought to bring order to metropolitan life. Toward this end they sought to reduce the influence of lower- and middle-income groups in public decision making. Before the adoption of the commission system, the typical ward-elected alderman was a small businessman, skilled artisan or unskilled worker. But now upper-class businessmen were determined to change the social backgrounds of city officials.

(1977: 139)

The ultimate goal of the reformers was, thus, control by one socioeconomic group, not equal representation of all elements of a local polity. As Schiesl states,

the goal of the commission movement was far from democratic in the traditional sense of proposing more popular control over public policy. In the minds of business leaders, the issue was not to make representative decisions. Rather, it was a question of having the right people in government to make the correct decisions.

(1977: 139-140)

Sometimes implicitly, but usually explicitly, municipal reformers assumed that such a monopoly of power would lead to more efficient government which would be beneficial for the entire community. Political conflict was to be replaced by an apolitical business model in which policy formulation would be separate from administration; decision making would be rational and scientific,¹ free of influence from partisan or "selfish" interests. That vision of a properly run city became a blueprint for "good government" with the publication of the Municipal League's influential Model City Charter of 1915, in which the League recommended adoption of the council-manager form of government, civil service employment, and at-large, nonpartisan elections. Of these structures and procedures, only at-large elections have become the subject of controversy in contemporary urban settings.

THE LEGACY OF AT-LARGE REPRESENTATION

In some large, industrialized cities such as Chicago, St. Louis, and Cleveland, reformers never succeeded in eliminating ward elections. However, the inclusion of at-large elections in the original Model City Charter and its various revisions led to the adoption of this form of election in thousands of new or growing cities during the first half of the twentieth century. This was particularly true of cities in the South and the West, regions which urbanized in the twentieth rather than the nineteenth century; in the mid-seventies, 74 percent of southern cities and 79 percent of western cities elected councils at large, compared to 51.6 percent of eastern and 50.2 percent of midwestern cities (Sanders, 1979).

While European ethnics were the original groups disadvantaged by at-large elections, a substantial body of evidence supports the claim that blacks are the group currently disadvantaged by the system. Urban reformers of the early twentieth century were not, of course, concerned about possible election of blacks to city councils; their preferred procedure, however, is inherently biased against any geographically concentrated minority which cannot gain substantial voting support from the majority group. As southern blacks became more urbanized and more politically assertive, the contemporary effects of at-large representation became apparent.

Scholarly attention to the possible bias of at-large representation began in the early 1960s when several influential scholars argued that the financial costs, organizational demands, and need for widespread name recognition associated with city-wide campaigns made it difficult for persons removed from leadership circles to conduct successful campaigns. Negative attitudes towards minority groups were identified as an additional factor making it difficult for minority candidates to win at-large elections. (Banfield and Wilson, 1963, 89-96; Hays, 1964). This analysis of local governmental structure signaled a break from earlier academic support for progressive reforms. As Lineberry (1978) reminds us, the early political science profession was in the vanguard of that effort.

More recently, the theoretical linkages between urban structure and possible underrepresentation of minorities suggested by Banfield/Wilson and Hays have been tested empirically by political scientists using a variety of data bases and several different measures of representational equity. These studies have focused on the question of whether at-large systems are biased against blacks.

As reviewed by Robinson and Dye (1978), the first empirical studies did not utilize nationwide data. Sloan (1969) studied the twenty-eight largest American cities, concluding that the proportion of council seats held by blacks was closest to black population proportions under district systems of election. Campbell and Feagin (1975) looked at council membership in forty-six southern cities with populations over 100,000. Thirty-seven of these cities had at-large elections: Blacks had gained membership on just eighteen, or 48.6 percent, of these legislatures. On the other hand, blacks were members of seven of eight mixed councils, that is, councils with some seats elected at large and others elected by district.

Karnig (1976) produced the first cross-sectional study of the impact of political structure on minority representation. Using data from 139 cities with populations over 25,000 and which were at least 15 percent black, he found that district systems do facilitate election of blacks to city councils, especially in the North. Karnig was also the first to devise a scale for measuring the equity of minority representation; his representational equity scores were created by dividing percentage of blacks on council by percentage of blacks in a city's population.

Karnig's conclusions have been supported in a number of other studies. Robinson and Dye (1978) utilized data from all SMSA central cities which are at least 15 percent black and found that at-large elections significantly reduced black representation independently of any other structural arrangements or any socioeconomic factors. Latimer's (1979) analysis of data from eighty cities in Alabama, Louisiana and South Carolina echoed those results. Taebl (1978) reached similar conclusions with still another data set—those SMSA central cities where blacks would have a statistical chance of gaining a council seat in a district system—and with a different measure of equity, calculated by subtracting black population percentages from black council proportions. Taebl also found that council size was significantly related to black equity, but that controlling for size did not affect the link between districts and increased equity.

Karnig and Welch (1980) looked at electoral systems as one of a wide range of demographic and structural factors which potentially may influence black candidacy rates and black membership on councils. Using data from all cities over 25,000 in population and at least 10 percent black, they find that district elections are positively associated with both candidate and representational equity. Although concluding that the most important factor associated with the election of blacks to city councils is black resources, they state that:

This information tends to reinforce the arguments of activists who have brought court challenges against the use of at-large elections, claiming that they discriminate against blacks. The provision of district elections is evidently the most important variable that can be politically manipulated to improve the opportunity for equitable black representation on city councils.

(1980: 99)

Using the same data set as Robinson and Dye, Engstrom and McDonald (1981) have challenged the conclusion that black resources have a greater impact on representational equity than does electoral structure. Introducing a more sophisticated measure of representation, one that treats proportionality between black population and black council membership as a relationship across cities rather than as a dependent variable, they used regression techniques to determine the effect on black representational equity of proportion black of the population under various conditions of electoral structure and demographics. Their findings show that while the differential between black and community income had the greatest impact on black representation where blacks make up only a small percentage of the population, once the proportion black reaches 15 percent, electoral structure becomes the most important determinant of representational equity; once again, district elections are linked to higher levels of black equity.

Only two studies, those by Cole (1974) and MacManus (1978) fail to find a relationship between electoral structure and black representation. Cole's study was based on only a small number of cases, sixteen New Jersey cities; MacManus, who divided elections into seven categories (At-Large, No Residency Restrictions; At-Large, with Seat or Position Restrictions; At-Large, with District Residency Requirements for All Seats; At-Large, Combination of District Residency and Positional Seats; Partially Mixed; Mixed; Single-Member Districts) found blacks underrepresented by all electoral plans.

Clearly considerable attention has been given to the alleged underrepresentation of blacks in at-large systems; however, little attention has yet been given to the question of whether electoral structure affects representational equity for the nation's newest and fastest-growing minority, persons of Spanish origin. Only Taebl (1978) and MacManus (1978) have looked at this relationship. Taebl found that while more equitable representation for Hispanics appears linked to district elections, the relationship disappears when council size is taken into account. He suggests that the difference in the way electoral structure affects

blacks and Hispanics may be due to less residential concentration of Hispanics, concluding that Hispanics might be better served by attempting to enlarge councils rather than working for adoption of district elections. On the other hand, MacManus found that Hispanics as well as blacks were disadvantaged by each of her seven electoral types.

Regardless of this minor disagreement among academics as to the actual impact of different electoral arrangements, referenda campaigns and court actions aimed at replacing at-large with district systems occurred so frequently in the 1970s that in the Sunbelt states, at least, these efforts are one of the dominant trends in local politics during that decade. In the minds of many local minority leaders, the effect of at-large elections was clear: At-large elections were making it difficult, sometimes impossible, for them to win council seats.

LOCAL REPRESENTATION AND CIVIL RIGHTS

An obvious ancestor to the movement toward districts is the Civil Rights Movement of the 1960s; district advocacy shares that movement's concern with citizen equity. More specifically, the question in the challenge to at-large elections is "whether or not one person because of his race is prevented from affecting the electoral process leading to nominations and election more than some other person." (Claunch and Hallman, 1978:1)

The origins of the district movement as a civil rights weapon are in two strands of activity at the federal level. In judicial proceedings, the Supreme Court's rulings on apportionment beginning with *Baker v. Carr* (396 U.S. 186, 1962) were used by minorities to keep the courts in the political thicket concerning equal voting rights. *Baker v. Carr* concerned place of residence rather than race, but the Court's attention was turned to the racial issue by the second area of activity: Congressional actions of 1963, 1964, and 1965, which changed the political rules of the game in the South. The Voting Rights Act of 1965 received the most attention immediately after passage for its provision of federal voting registrars and the consequent dramatic rise in the number of black registered voters. In spite of the cautions advanced by reliable observers (see Matthews' and Prothro's conclusion, 1966: 477-481), there were great expectations that obtaining the franchise would translate into black office holders and new directions in public policy. A certain amount of frustration was in-

evitable when few blacks were elected to top level offices, except by black-majority electorates.

Section Five of the 1965 Voting Rights Act received less attention initially. That section required state and local governments to submit for preclearance any proposed change in voting practices or procedures to the Justice Department or the U.S. District Court for the District of Columbia. Leaders in the Civil Rights movement were aware of a historical pattern in which efforts to legislate voting rights had been frustrated by ingenious technical barriers; Section Five was meant to strip southern lawmakers of such opportunity.

Even before the 1965 legislation, southerners had the at-large election procedure in their defensive arsenal. For example, in 1962 the Mississippi legislature adopted a number of measures, including at-large elections, to restrict black voting; these actions were in response to concerns that the movement of blacks into cities might produce all-black wards. The sponsor of a proposal to elect city councils at-large stated that the legislation was needed in order “to maintain our southern way of life.” Contemporary news accounts were unambiguous about their purpose: The headline in the *Jackson Daily News* of February 23, 1962 was “Bill Would Make it Harder for Negroes to Win Election.” (U.S. Commission on Civil Rights, 1975: 284). After passage of the Voting Rights Act, the Mississippi legislature moved to change the vote for county supervisors from district to at-large, and chose not to submit the change to Justice or the federal court. Two years later, Joseph Rauh could conclude that

precisely because Negro registration has been successful, new roadblocks to political participation throughout the South have been thrown up at every available point. The Negro vote has been diluted by switching to at-large elections and by redrawing district lines, thus diminishing the influence that would otherwise be drawn from concentrations of Negro voting strength.

(Rauh, 1968: 9-10)

In 1969 the Supreme Court in *Allen v. State Board of Elections* (393 U.S. 544) ruled against the Mississippi statute and declared that it constituted a “voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting,” and was within the purview of the Section 5 requirement. Attention to the district/at-large question had been imposed on the civil rights movement’s agenda, and would remain there throughout the 1970s.