

CHAPTER ONE

THE CITY: STEPCHILD OF REDISTRICTING CONTROVERSIES

The 1990s were much celebrated for marked increases in the number of Hispanic and black elected officials at the state and national levels relative to previous decades. Explanations for these recent gains may include a myriad of idiosyncratic factors peculiar to particular elections, but most often cited is the central role of redistricting. There is a general consensus among perceptive public officials, political pundits, and academics alike that these gains are the result of a dynamic process that has been going on for several decades. Correctly, it has been largely asserted that these increases are the culmination of a decades-long process that includes congressional acts, federal court rulings, and affirmative efforts by the U.S. Department of Justice to realize a more representative government through the oversight of election practices, including the fundamental process of redistricting. Underpinning this dynamic process is the sociology of voting behavior, the raw politics of elected officials, and the geography of where we live and work. While no doubt there is consensus that redistricting decisions have impacted the who and how of elections, the redistricting process itself, and the electoral product of that process, remains by all measures contentious and controversial.

We begin our explanation of the election of Hispanics and blacks to city councils by first looking at the mechanics of election systems. The single-member district system has been advanced as the preferred remedy for the dilution of minority voting strength and, by extension, credited with the increases in elected minorities at the state and national levels. There has been similar attention focused on the single-member district election format and the election of minorities at the municipal level, too. Much of this focus, however, has centered on the single-member district format as advantageous to the election of

minorities *relative* to the at-large (i.e., citywide) election format.¹ It has been demonstrated at the municipal level, for example, that both Hispanics and blacks are more likely to be elected in cities that use the single-member district format than cities that use the at-large election format.² This stems from the fact that under an at-large election format a minority population may be a numerical minority, but with the adoption of single-member districts it may constitute a numerical majority in one or more districts. By the 1990s it was more common than not for municipalities to use the single-member district election format.

Much of this influence on the election of minorities attributed to election format is predicated on individual behavior. It has been documented that racial minorities are more likely to run for office when they are a numerical majority within single-member districts (Helig and Mundt 1984, 58–59; Polinard, Wrinkle, and Longoria 1991; Karnig and Welch 1980, 86–87) and that voters, when given a choice between or among minority and nonminority candidates, tend to divide along group lines in their candidate preferences (Vanderleeuw 1990; Murray and Vedlitz 1978; Reeves 1997, esp. 76–90; Carsey 1995; Lieske and Hillard 1984; Issacharoff 1992; Williams 1990; Chervenak 1998, 218–31; Sigleman et al. 1995; Pildes 1997, 2512–23; Browning, Marshall, and Tabb 1997; Walton 1985, 73–130; Dawson, Brown, and Allan 1999; Streb 2002, 189–96).³ Yet the extent to which voters crossover to vote for candidates not of their group varies greatly (e.g., Bullock 1984; DeLorenzo, Kohfeld, and Stein 1997; Herring and Forbes 1994, 437–40; Vanderleeuw 1990).⁴

As evidenced above, within the last twenty years there has been much theoretical development and empirical testing of the relationship between election format and the increases in Hispanic and black elected representatives. Despite this attention, we are far from providing a thorough explanation of the presence of Hispanics and blacks on municipal councils. The simple presence of a single-member district format in itself does not necessarily assure that minority candidates will be elected. In addition, the condition of a minority group constituting a numeric majority in one or more of these districts certainly will contribute to an increased likelihood that minority candidates will be successful in bids for council seats. Clearly an explanation of the election of minorities, therefore, must necessarily be linked to an investigation of the adoption of districts in which a minority is in majority. Interestingly, many single-member districted cities with similar-sized minority populations vary in the proportion of council districts that have been adopted as majority-minority. This begs the obvious question: How may we account for these differences in seemingly similar cities? In other words, under what conditions do some single-member district format municipalities with a sizable minority population adopt majority-minority districts while others do not?

The primary argument of this book is that while many of the forces that shaped the creation of majority-minority districts at the state and national levels may also be at play at the local level, the relative intimacy of the local political process arguably provides for different dynamics. It should not be assumed

that pressures exerted in state and congressional redistricting will produce the same results at the local level. This study provides an accounting of the local dynamics that may suppress the proposal and adoption of districts in which a specified minority is in numeric majority and, in turn, frustrate the election of Hispanic or black representatives. To provide this accounting, a creative and somewhat unorthodox approach has been taken. Rather than asking, "What may account for the presence of majority-minority districts?" we begin by asking, "Assuming the maximal number of majority-minority districts that are theoretically possible (based on the size of the city's total population, the minority population, and the number of seats on the council), what may account for the *absence* of majority-minority districts?" Simply, we study the variables that account for the difference between the maximal number of majority-minority council districts that are theoretically possible, independent of any other geographic or political considerations, and the number of majority-minority council districts that, in fact, have been actually adopted.

Rarely is the number of majority-minority districts actually adopted equal to this theoretical maximum. The relationship between this theoretical maximum of majority-minority districts and the majority-minority districts that are actually adopted is the first general relationship (i.e., general hypothesis 1) we investigate. This relationship is conditioned by specifying variables that reflect the real-world mechanical and political processes of municipal districting. These specifying variables are political tenability, vested minority incumbent advocacy, divested minority incumbent advocacy, preclearance, and court intervention.

The concept of 'political tenability' addresses the ability to defend or sustain, politically, proposed majority-minority districts. Majority-minority districts that can be defended as resulting from the use of districting criteria other than race, such as compactness, contiguity, respect for existing political subdivisions, or communities of shared interest, are more tenable politically. Simply, majority-minority districts are easier to sell politically if they can be defended on grounds other than race. For example, cities with highly segregated minority populations may find it easier to construct compact majority-minority districts and assert that a concern for the preservation of a community of shared interest, rather than simply race, motivated the district. However, cities with low levels of segregation may require the creation of Rorschach-shaped majority-minority districts that are less defensible on grounds other than race and, thus, less tenable politically.

On the one hand, the concept of 'vested minority incumbent advocacy' touches upon the possibility that a minority incumbent elected from a district may be involved directly in districting decisions. A minority incumbent's decision to push for the creation and adoption of majority-minority districts is qualified. The minority incumbent is likely to support the creation of majority-minority districts provided that the adoption will not threaten his or her existing electoral base by siphoning off preferred constituents into the newly

proposed majority-minority districts. On the other hand, the concept of '*divested* minority incumbent advocacy' suggests that the electoral prospects of an at-large minority incumbent in a mixed election system⁵ are divested from moves to create majority-minority districts. Since elected at-large, the adoption of majority-minority districts and the resultant shuffling of constituencies is not likely to directly endanger his or her electoral prospects.

The concept of 'preclearance' addresses whether a districting plan is subject to the federal preclearance provisions under the Voting Rights Act. Local redistricting officials may struggle to resist both external pressures and federal oversight that pushes to heighten the use of race as a districting criterion. Last, the concept of 'court intervention' also touches upon the breaching of the parochial municipal districting process by outside actors resulting, once again, in a heightened priority accorded to race-based districting.

The adoption of majority-minority districts, in turn, has a direct effect on the election of Hispanics and blacks to city councils. The presence of majority-minority districts does not necessarily insure the election of Hispanic or black representatives. In the second general relationship (i.e., general hypothesis 2) we investigate the elections of Hispanics and blacks from these districts in the three elections subsequent to the 1990 round of redistricting. The relationship between majority-minority districts and the election of Hispanic and black representatives is itself conditioned by the specifying variables of resource disparity, partisan elections, and district population density.

The concept of 'resource disparity' taps the importance of politically relevant resources, such as education and income, which may contribute to the level of minority electoral participation. Also, the presence of party organizations to provide official endorsements, raise money, and assist with campaigns is expected to enhance the electoral prospects of minority candidates. Last, given limited resources, the population density of council districts may influence a campaign's ability to communicate with voters either through the media or via direct in-person contact and, thus, impact the mobilization of voters.

This book argues that the presence of Hispanics and blacks on city councils is explained primarily by the adoption of majority-minority districts in which minority groups are provided a meaningful opportunity to elect candidates of choice. The question of what percent of a district's over-all population must necessarily be minority to provide the group with a "meaningful opportunity" is contentious (e.g., Epstein and O'Halloran 1999). It has been argued, for example, that a simple majority (50 percent plus 1) may not provide the opportunity for a minority community to elect a representative of its choice because "levels of African-American income, education and health [which relate to political participation] have lagged below those of whites [due to past] . . . racism and discrimination" (Zellner and Carey 1990, 68). Although the particular size that a minority must constitute within a single district in order to provide a meaningful opportunity to elect a candidate of choice may vary greatly from city to city, some voting-rights advocates have

encouraged, and some courts have accepted, as much as a 65 percent overall minority population to compensate for lower levels in voting-age population, registration, and turn-out among minorities.⁶ Given the absence of consensus on what may provide minorities with a meaningful opportunity to elect candidates of preference, this research examines separately the impact of districts with at least 50, 55, and 60 percent minority voting-age population, hereafter identified as minority-*opportunity* districts.

Chapter 2 explicates the two general hypotheses linking the primary variables of system aptitude (the theoretical maximum number of minority-opportunity districts allowed by a system), the actual presence of adopted minority-opportunity districts, and the presence of Hispanics and blacks on city councils. Chapter 3 develops more thoroughly the theoretical underpinnings of the specifying variables that condition the two general hypotheses. Chapter 4 offers a summary of the hypothesized relationships and detailed measures of the model's variables. Chapters 5 and 6 respectively present the findings for the model's first and second general relationships. The concluding chapter presents a brief analysis of the probability of electing a minority councilperson based on the percent of the district that is minority, a discussion of the progress made in defining meaningful opportunity, and the policy implications of our findings. The cities in this study and the type of survey instruments utilized are included in the appendices.

Attempting to explain social phenomena is risky business. Social phenomena are inherently complex, and in the process of investigation and explanation the social scientist is faced with a two-edged sword: on the one hand, by following Ockham's law and providing a parsimonious explanation, we run the risk of being accused of oversimplifying a very complex process; on the other hand, any attempt to provide a *complete* explanation must necessarily be voluminous. The art of this book, as any good social science book, is that it attempts a focused approach by investigating in depth and making tractable several important concepts while at the same time recognizing throughout the work the richness and complexity of the phenomena. While this work certainly does not claim to quell the raging redistricting debate, it does shed light on several important questions and does contribute to our body of knowledge by presenting compelling evidence of the forces that account for the creation of municipal minority-opportunity districts during the 1990 round of redistricting and the election of Hispanics and blacks in the three elections subsequent to this redistricting. Thus, the utility of this work is not found in that it satisfies most participants in the redistricting controversies, but, rather, it adds to the quality of the debate, especially at the municipal level where we believe the discussion has taken second stage to state and congressional redistricting controversies, and the dynamics have been assumed to apply to the local level. This, after all, is the mark of progress in the social sciences.