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Quiet Revolution in the South

THE IMPACT OF THE
VOTING RIGHTS ACT, 1965-1990

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PRINCETON UNIVERSITY PRESS
PRINCETON, NEW JERSEY

EDITORS' INTRODUCTION

CHANDLER DAVIDSON AND BERNARD GROFMAN

PRESIDENT LYNDON B. JOHNSON signed the Voting Rights Act on 6 August 1965. Enacted to enforce the Fifteenth Amendment, the statute consists of both permanent features that apply to the United States as a whole and temporary features—special provisions—that largely apply to specific jurisdictions.¹ The initial duration of its nonpermanent parts was five years. However, Congress extended them in 1970, 1975, and 1982, in each case with some important amendments to the act. Initial passage and each subsequent extension occurred with substantial bipartisan support.

Extensions were necessary because many white officials continued to resist the full incorporation of blacks and certain language minorities into the polity. As direct disfranchising strategies were frustrated by the act, officials relied on more subtle mechanisms of vote restriction aimed primarily at preventing minority voters from electing the candidates of their choice. Widely employed throughout the South, these mechanisms included the submergence of minority voting strength in at-large or multimember districts and the gerrymandering of district lines. The story told in the chapters of this book is largely the story of the “quiet revolution” in voting rights that has occurred since 1965.²

Because the most frequent and the most severe discrimination against minorities in the United States has occurred against blacks in the South, the special provisions of the act have been targeted particularly toward that region. From 1965 to the present, seven of the eleven states of the former Confederacy, including all five Deep South states, have been continuously covered entirely or in large part by the act's special provisions: Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, and forty of the hundred counties of North Carolina. Since 1975 Texas, an eighth former Confederate state with the largest black population of any southern state and the second largest Mexican-American population in the nation, has also been covered by the act's special provisions.³

Most of these states at one time or another employed a statewide literacy test, exclusive white primary elections, a poll tax, and a majority runoff requirement. These states were also more likely than others to employ at-large municipal election systems.⁴ The use of such systems was much more widespread in these states than in the rest of the nation when the Voting Rights Act was passed, which Wolfinger and Field at the time attributed to the fact that in the South, “most municipal institutions seem to be corollaries of the region's traditional preoccupation with excluding Negroes from political power.”⁵

We have chosen to focus on the eight southern states covered by the act's special provisions because the Voting Rights Act has had its greatest impact in the South and because, almost without exception, it is in these states that the key conceptual

underpinnings of vote dilution have come to be defined through litigation challenging election practices.

THE BASIC RESEARCH GOALS

In anticipation of the twenty-fifth anniversary of the act in 1990, with funding from the National Science Foundation's Law and Social Science Program, we commissioned comprehensive studies of several facets of southern black political participation. These studies included research on gains in black registration, systematic state-by-state investigations of the relationship between the act and the electoral success of racial minorities for municipal office in each of the eight states,⁶ and a study of black representation in southern legislatures and congressional delegations.⁷ Each state chapter was to be written by students of that state's electoral history, including at least one lawyer and one political scientist, sociologist, or historian. Many of the authors, as it turned out, had had direct experience with voting rights litigation as attorneys or as expert witnesses.⁸

The central aims of the project reflected the two major purposes of the act. We wanted to determine what effect it had in *enfranchising blacks* in the South. We also wanted to know its impact on black representation by *preventing the dilution of minority votes*. Regarding dilution, we were particularly interested in whether the act enabled blacks (and Mexican Americans in Texas) to win local office.

More specifically, the task we set for the authors of the state chapters had five components. First, we asked them to cover the main voting rights developments in their state from Reconstruction to modern times in a relatively brief compass but to give special attention to the post-World War II period. Without this prelude, the significance of the events from the 1960s on would be difficult to appreciate.

The second component stems from the fact that the Voting Rights Act is complex and open to different readings; there has consequently been a considerable development over the past two decades of case law devoted to its interpretation. Voting rights litigation in the states discussed in this book has been voluminous. We asked the authors of the eight chapters to review the major constitutional and statutory cases in their state related to the act and also to discuss section 5 enforcement issues in the state.

Third, we wished to address a long-standing controversy over the precise effects of at-large election systems on local minority representation. Unfortunately, no research design that could definitively resolve the issue had been used by any of the numerous scholars in the debate. To attack the problem, we required the authors to generate a comprehensive longitudinal data base for cities in their state that would enable them to distinguish—in large part, at least—the consequences of multimember-district elections from the impact of other factors.

The fourth task concerned the direct effect of the Voting Rights Act on the election of minority candidates to local office. If, as we anticipated, our data revealed that the abolition of at-large election structures increased minority candi-

dates' chances of winning, we wanted to find out whether the act caused the adoption of district systems. To investigate the role of law—including the activities of voting rights organizations and attorneys—in promoting change, we required our authors to make an inventory of all litigation challenging at-large city council elections in the state over the previous twenty-five years. Our data include information on both the organizations and the individual attorneys involved in instigating such litigation.⁹

The fifth component allowed us to address a debate over how easy it is for minority candidates to win office in majority-white districts at the local level. The conventional view has been that minority success in these districts is difficult, especially when the white voters make up a substantial majority.¹⁰ But recent claims to the contrary have raised a controversy on this point.¹¹ The authors of the state chapters have compiled evidence on the relationship between minority population in districts in a multidistrict system and the likelihood of minority electoral success, with an eye to determining what minority population proportion is sufficient to provide minority voters with a realistic opportunity to elect their candidates of choice at the local level.¹² The result is the most comprehensive data base extant with which to explore this question.

PREVIOUS RESEARCH ON THE VOTING RIGHTS ACT

A survey of research on the Voting Rights Act reveals that while a number of useful studies of one aspect or another have been reported, no attempt has been made to understand the broad contours of its effects. And even the limited efforts to gauge its impact have often suffered from shortcomings in conceptualization, method, or both. We are struck, for example, by the dearth of hard evidence on the extent to which the remarkable gains in black officeholding in the South, and in Mexican-American officeholding in Texas and other southwestern states, could be attributed directly to the Voting Rights Act.¹³ Most of the best scholarship has addressed legal or constitutional issues and has appeared in law-related journals, or it has been written from a nonquantitative or a journalistic vantage point.¹⁴

With some important recent exceptions,¹⁵ most empirical work on the act's effects on minority representation has been either anecdotal or of a relatively low level of methodological sophistication. While there is a very important body of research that has examined minority officeholding under different election methods, those articles do not systematically investigate when and how changes in election type came about.¹⁶ Also, remarkably, even the most basic facts about the implementation of the act, such as the number and results of post-1982 section 2 cases brought under it, have never been compiled, perhaps because many of these cases did not result in published opinions or were settled out of court before trial.¹⁷

It is true that many informative statistics have been made available in the various reports on the act's enforcement, published by the U.S. Commission on Civil Rights, and in the reports of groups such as the Southern Regional Council and the

Lawyers' Committee for Civil Rights Under Law. But much data that are publicly available, such as those contained in a list of Justice Department preclearance objections, have never been systematically examined to see what the consequences of Justice Department intervention have been.¹⁸ Moreover, there has been too little thought given, even when statistics are published, to the overarching question of how the act's several mechanisms have directly or indirectly influenced minority registration and voting, on the one hand, and minority officeholding, on the other.

Our book is an attempt to remedy this situation. It gathers data systematically on southern voter registration and officeholding, keeping firmly in mind the questions of whether the Voting Rights Act has been responsible for the remarkable upsurge in black participation and electoral success, and, if so, how. We believe that the findings of our project constitute the best answer so far to the question of the Voting Rights Act's effect on minority representation in the South at the local level.¹⁹

The act's effect on black enfranchisement is treated by Alt in chapter 12. Alt's work is an advance over that of scholars who considered black registration separately from that of whites. He recognizes that the two are bound together in a dynamic system in which whites' behavior depends on blacks' potential to form a majority of the electorate in a jurisdiction. Following in the footsteps of Key, Alt explores the hypothesis that white efforts to reduce black electoral participation have traditionally depended upon the size of the black population. He provides a careful longitudinal investigation of the changing black-white registration ratio, which is the single most accessible measure of potential black voter mobilization in comparison with that of whites, and provides a comparison of that ratio with what would be expected if whites and blacks registered at equal rates relative to their pool of eligible voters. Alt's multivariate modeling allows him to assess the relative short- and long-run effects of several factors on changes in black and white registration, including the use of literacy tests, poll taxes, and the sending of federal registrars to various southern counties as authorized by the Voting Rights Act.

A different analytical framework allows us to examine systematically, using a quasi-experimental design, the impact of election type on changes in local minority officeholding. This framework is applied in the eight individual state chapters. In addition, chapter 11 presents data on the relation between black population concentration and black officeholding in the legislatures and congressional delegations of all eleven states of the former Confederacy, including the three states not covered by section 5 of the act.

THE CONTROVERSY OVER BARRIERS TO MINORITY REPRESENTATION

A major purpose of the chapters on representation is to resolve an issue that since the 1970s has been sharply debated in academic journals and courtrooms. The refusal of the controversy to subside is undoubtedly tied to its continuing practical importance. The question goes to the heart of the meaning of racial and ethnic

representation in a democratic polity and how that representation is best achieved under the constraints imposed by considerations of fairness, constitutional norms, and statutory mandates. Chapter 1, which provides a brief introduction to voting rights case law, illuminates the importance of this question, and chapter 10 discusses the question in detail. But a brief description of it now is useful as well.

Most American local and state election schemes are basically of three kinds: at-large, single-member district, and *mixed* systems—the latter combining features of the first two. In an at-large system, all the contested seats on a governmental body, such as a city council, county commission, or school board, are filled by voters in the jurisdiction at large. If there are eight seats to be filled, all voters have eight votes and theoretically have a chance to influence who gets elected to all eight seats. In a single-member-district system, by contrast, the city is divided into geographical districts, and voters in each district, like voters in congressional elections, are limited to a vote for a single candidate running to represent their district. In a mixed system, some of the seats are voted on at large, and some by district.

In the nation and in the South, single-member districts or wards were widely used in the late nineteenth century. The Progressive movement (1896–1920) introduced the at-large election as a substitute for voting by ward, ostensibly to foster “good government,” a notoriously vague idea.²⁰ In the North the imposition of such election procedures made it much less likely that European ethnics—many of them impoverished immigrants recently arrived from Ireland and from southern and eastern Europe—would be elected from the heavily ethnic wards. In the South, at-large elections were often seen as a way to make it harder for blacks, and sometimes poor whites as well, to win office. From the Progressive Era to the 1970s, the proportion of at-large elections in the nation's local election systems increased. They became especially common in the South.²¹

Students of local government structure have long known that at-large elections, whatever their benefits might be, disadvantage ethnic minorities, especially when there is strong resistance by the majority to minority officeholding.²² In particular, scholars of southern politics have pointed to dramatic instances where district election structures in majority-white jurisdictions were changed to at-large ones in anticipation of minority officeholding.²³ In the 1970s social scientists conducted research that corroborated this commonsense idea. About the same time, expert witnesses for minority plaintiffs challenging at-large elections were citing this research in arguing that at-large elections, when whites were in the majority and voted overwhelmingly against minority candidates, prevented the election of those candidates even when they had strong and cohesive support in their own communities. District elections, by contrast, often enabled minority candidates to win.

An article written in 1981 reviewed fourteen studies of the effects of at-large elections on minority representation between 1969 and 1981 and found that eleven supported the conventional view that at-large and other multimember-district elections, *ceteris paribus*, reduced the representation of black officeholders.²⁴ An unpublished study that same year found that eighteen of twenty-three published

and unpublished studies also supported the conventional view.²⁵ The occasional study that did not find at-large elections to disadvantage minority candidates could usually be accounted for by small sample size or flawed methods, such as inclusion in the data base of cities with very small minority populations.²⁶ A text on political participation summed up the scholarly consensus in 1991 by observing that while some authors had denied the impact of at-large elections on minority officeholding, "there is persuasive evidence that the electoral structure has a significant, perhaps even dominant, impact on the extent of [minority officeholding]."²⁷

Until 1981, the only approach to the question had been to examine samples of at-large, mixed, and single-member-district cities at a single point to see whether there were fewer minority officials on council, proportionally, in cities using one election type instead of another. The results were typically presented in a contingency table or a regression equation. This cross-sectional method, however, has serious shortcomings even when used correctly, which it sometimes was not.

One problem is that several other factors besides the election system can affect minority officeholding. Some factors can be measured without difficulty and with their effects controlled in a cross-sectional design. Among these are the size of the city's minority population and the socioeconomic differences between blacks and whites. Another factor, whose effects are more difficult to control, is minority residential segregation; it has typically not been measured in cross-sectional studies because segregation data are difficult to obtain for sizable samples of cities.²⁸ Other variables are also difficult to gauge. One is the existence of racially gerrymandered district boundaries in ward-based or mixed-system cities, which can lead to an underestimation of the differences in minority representation between at-large and district cities.

To resolve these and other problems of the cross-sectional research design, Davidson and Korbel conducted a longitudinal study of jurisdictions before and after a change from an at-large to a district or mixed system to determine what kind of election rules provided the most equitable minority representation. The advantage of this approach—especially when effects are measured immediately before and after the change in election rules—is that very little change takes place in the cities aside from the change in election structure. Thus the effects of other factors that could influence minority officeholding are held constant.

Davidson and Korbel examined the forty-one cases of political jurisdictions, including cities, they could identify as having changed from at-large plans in Texas during the 1970s. The proportion of minority officeholders in the forty-one units increased from 10 to 29 percent after the change occurred: from 6 to 17 percent for blacks and from 5 to 12 percent for Mexican Americans.²⁹ As a result, both minority groups were represented in rough proportion to their percentage in the population in the forty-one units as a whole; before the change, they had been underrepresented, roughly speaking, by a factor of three. The findings in this longitudinal research, combined with those of corroborating studies using the cross-sectional method, seemed to vindicate the conventional view, at least so far

as blacks were concerned.³⁰ (Some authors, however, while admitting that at-large elections disadvantaged Mexican Americans, questioned whether single-member-district remedies generally benefited them.)³¹

The controversy was revived in 1987 by Thernstrom, who claimed that whites had become increasingly accepting of minority candidates. And as it is the tendency of whites to bloc vote against minority candidates that gives at-large elections their force in diminishing minority officeholders, the implication of Thernstrom's claim was that at-large elections were not terribly different in their effects on minority officeholding from district elections. Consequently, most minority voters no longer needed the protections of the Voting Rights Act.³² Although Thernstrom presented only the sketchiest of anecdotal evidence for her hypothesis, the spectacular success in 1989 of a few minority officeholders in predominantly white jurisdictions shortly after her book appeared gave some credence to her view. The mayoral victories of David Dinkins, John Daniels, and Norman Rice in New York City, New Haven, and Seattle, respectively, and Douglas Wilder's election as governor of Virginia were especially noteworthy.

More systematically gathered evidence also appeared to underscore Thernstrom's point. Welch, in the most comprehensive cross-sectional study that uses data from the 1980s rather than the 1970s, looked at the effect of election type on minority representation in 1988 in predominantly white cities of 50,000 or larger with at least 5 percent black or 5 percent Hispanic population. She found that the gap in black officeholding between at-large and mixed or district cities had narrowed sharply, in comparison to findings from earlier research, including her own. To be sure, in the nation as a whole blacks were still somewhat less well represented in at-large than in single-member-district cities, and the gap was greater in the South than in the non-South. But black representation in at-large cities generally had risen significantly, she concluded.³³

However, Welch noted that her study, like earlier ones addressing this issue, used the cross-sectional design after the time when many cities—particularly in the South—had abandoned the at-large election system, and she acknowledged that this fact presents a problem of interpretation.³⁴ The problem is that some of the previously at-large cities are now in the sample of district or mixed cities that are compared to the remaining at-large ones. If the cities that changed election forms were more resistant than average to black candidates when they were using at-large systems, then more recent findings of small differences between at-large and districted systems in cross-sectional data may be biased by what is called a *selection effect*.

There is at least *prima facie* evidence to suggest that such a bias is operative. The cities that have abandoned at-large elections through litigation or threat of it have typically been cities that are vulnerable to legal challenge for having systematically defeated black or Hispanic candidates. In consequence, the disappearance from the at-large category of many such cities could lead to mistaken conclusions about the impact of at-large elections on minority representation, if the analysis

depends entirely on cross-sectional data. For this reason a longitudinal, or "before-and-after," design is clearly preferable, even though research on this issue has, almost without exception, continued to use cross-sectional data.

Previous longitudinal research has exhibited shortcomings as well. Grofman has criticized Davidson and Korbel for failing to incorporate into their longitudinal design a control group consisting of a sample of cities that did not change their at-large structure during the period when other cities were changing theirs.³⁵ This precluded knowing whether minority representation had also increased in unchanged cities, which one would have expected if white voters' attitudes were changing in cities generally with the passage of time.³⁶

In 1983 Heilig and Mundt presented longitudinal data based on a sample of 209 southern cities of at least 10,000 persons containing a black population of at least 15 percent.³⁷ They compared cities that retained their election structure in the 1970s (whether at-large, mixed, or district plans) with those which changed during the decade from at-large to either mixed or district plans. The cities that changed election structures had sharp increases in black officeholding, a finding that corroborated the findings by Davidson and Korbel. There was virtually no change in black representation in cities that maintained an at-large system during the same period, and relatively small gains in the cities that retained mixed or district plans.

While Heilig and Mundt's study represents an advance over Korbel and Davidson's, given its use of a control group of unchanged cities, it, too, has methodological problems. First, the cities' black equity scores (ratios) for the two time periods were not exactly comparable. Those for the earlier period were either means of the cities' scores over the entire decade of the 1970s or, alternatively, "for the years in the decade before the change to districts." Those for the latter were apparently based on a score at a single point in 1980 or 1981.³⁸ Second, like Davidson and Korbel, the authors failed to control for the effects of the city's black population percentage, a factor known to influence black officeholding. But perhaps the most serious problem with their design was pointed out by Engstrom and McDonald, who observed that the cities were not placed randomly in experimental and control groups. "This leaves open the possibility that another factor or factors may be responsible for both the change in the electoral system and the increase in the number of blacks elected to the councils," such as black political mobilization.³⁹

To examine the impact of at-large elections by utilizing a design that would overcome some of the flaws in both the previous longitudinal and cross-sectional studies, we decided to conduct new research in each of the eight southern "section 5 states," focusing on city election system changes (and in three states, county changes as well) during the period when the Voting Rights Act may well have had its greatest effect on minority officeholding.⁴⁰ Our findings are based on data for two different times⁴¹ in all cities above a certain population size⁴² with a black population (or in Texas, black plus Hispanic population) of at least 10 percent.⁴³ Our analysis controls for the effects of minority population size by classifying cities as those with a minority population of 10–29.9 percent, 30–49.9 percent,

and 50 or larger percent. The data base identifies the number of elected officials who were black (and in Texas and North Carolina, Hispanic and Native American, respectively) at each time and identifies the election system in use at each time.⁴⁴ Election type is classified as either at large, single-member district, or mixed.⁴⁵ In all of the state chapters the population thresholds of the analyzed cities are far below the 25,000 or 50,000 thresholds used in most of the earlier studies. Our response rate for cities above the requisite size and population minimum in each state is very near 100 percent.⁴⁶ Thus, our data base of over one thousand cities is considerably larger than that in virtually all earlier studies,⁴⁷ even though the cities are located in only eight states.⁴⁸

In addition to measuring the impact of election systems on minority representation, we wanted to determine if the Voting Rights Act influenced changes in the cities' election structure. Therefore, for every lawsuit filed challenging at-large rules in a city (and, in three states, counties too), the data set includes the case citation, the name of the attorney bringing the lawsuit, the name of the sponsoring organization, if any, and information about the disposition of the case, including the final outcome.⁴⁹

Moreover, for each instance where there was a change in election method over the period in question, information was collected about the factors that led to the shift. For most states, where the shift was not voluntary, the proximate legal cause is classified according to whether a section 5 preclearance denial by the Justice Department was involved, or alternatively, a Fourteenth Amendment or section 2 challenge. Many of the state chapters also distinguish cases where the threat of litigation influenced the decision, and a few also specify whether the change was brought about by referendum.

THE TABLES

There are several kinds of tables in this book, all of which appear at the end of the chapters' text. Chapters 1, 10, 11, and 12 contain tables whose formats are unique to each of the four chapters, and they are numbered sequentially, beginning with 1, as they are mentioned in the text. In contrast, the 8 state chapters (2 through 9) contain four types of tables: those whose format is virtually identical in all eight; those whose format is similar in all eight; those whose format is a variation of tables of the first two types; and those which are unique to a state chapter and are not a variation on any of the "standard" tables. Let us briefly describe and illustrate these four types in the eight state chapters.

First, there are five tables whose format is virtually identical from one state chapter to the next. They are numbered 1 through 5 in each chapter, and they contain data on city election structures and minority equity of representation.⁵⁰ They can be found in the table section of any of the eight state chapters, and the reader will find it easy to compare, say, Alabama's table 5 with Georgia's or South Carolina's table 5.

Second, there are tables whose format is similar in all eight chapters, but not quite so much so as in the first five tables, and so their data are only roughly comparable. These are numbered 6 through 10. Thus, tables 1–10 can be thought of as “standard” tables, although 1–5 are more similar to their analogues in other states than 6–10 are. A glance at table 6 for Texas and Georgia will illustrate this. The Texas table presents a more complicated data configuration than the Georgia table, although the tables both address similar questions about city election structures in their state. Again, table 10 in both the Texas and Alabama chapters gives the percentage of minority officeholders, but the Texas table focuses on the statewide officeholding population, while the Alabama table presents data only on legislative officeholding.

Third, there are tables that are variations of standard tables in the state chapters, and as such they are designated with an A. For example, three state projects collected data for county office and presented them in a format similar to that for cities in their states’ tables 1–5. Tables 1A–5A in the three chapters present the county data. To take another example of a variation on a standard table, Alabama table 5A presents data on changed city election structures for a time period different from that in Alabama table 5, in order to illustrate the way in which the selection effect can bias data in cross-sectional studies. Or, to mention yet another example, the Louisiana project composed a set of variations to Louisiana tables 1–5 using voting-age population, rather than total population, for the percentage base, to see if their test results would be different. These variations, too, are designated as tables 1A–5A in the Louisiana chapter.

Fourth, there were a few tables in the state chapters that were not variations on standard tables. They were given numbers above 10. For example, Louisiana table 11 presents black registration rates for Louisiana parishes in 1964. No equivalent data were gathered by other state projects. While we believe the four kinds of tables in the state chapters will be easy for the reader to distinguish once the tabular data are examined, we nonetheless urge him or her to pay attention to the table titles, which give full and accurate descriptions of each table’s contents—especially when analogous tables in two or more state chapters are being compared.

A word should be said about one table composed for each of the eight state chapters that is not included in this book. Designated as table Z, it is a listing of all lawsuits filed between 1965 and 1989 under the Fourteenth Amendment, the Fifteenth Amendment, or the Voting Rights Act by private plaintiffs or the Justice Department that challenged at-large elections in municipalities in these states, as well as the disposition of the case, the ensuing changes in election structures, if any, and the names of plaintiffs’ attorneys and their organizational affiliations. Some of these tables (or variations on these tables) also contain information on challenges to county election systems as well. Because of the length of these tables, and the fact that table 8 in each state chapter makes use of much of the information in it for analytic purposes, we have chosen not to include table Z.

Nonetheless, it is archived along with the other data bases of this project, and can be obtained through the International Consortium for Political and Social Research at the University of Michigan.

The most important data on minority election success in the eight states provide the basis for tables 1–5 and their variations. Table 1 reports minority officeholding percentages in 1989 or 1990 for cities classified according to election type and minority population percentage. Table 2 reports minority officeholding percentages in terms of before-and-after comparisons (most commonly in 1974 and 1989) for cities that elected council at large at the beginning point of the study. The changes in minority representation in the cities that retained at-large systems over the entire period constitute a type of control for effects independent of change in election type. Table 3 refers only to cities with mixed election plans and reports the minority officeholding percentages in both the at-large and district components. Table 4 makes use of the data in table 1 to report two measures of minority representational equity in 1989 or 1990 for cities with each of the three election plans.⁵¹ Both measures—one involving an arithmetic difference, the other a ratio—gauge proportionality of minority representation by comparing the percentage of minority officeholders on the governing body with the percentage of the total minority population in the jurisdiction. (A variation of table 4 in chapter 4—table 4.4A—substitutes minority voting-age population for minority total population in the state of Louisiana, thus providing a comparison between results using these two population measures.)

Table 5 makes use of the data in table 4 to report the ratio measure of minority representational equity for cities of the various types at both the beginning and the end of the period under study. It shows how equity has changed over time in cities that changed election plan and in those that did not.⁵²

Among other things, these five tables allow us to develop a clear picture of the growth since the early 1970s in the number of black (and, in Texas, Hispanic) council members in cities with varying minority population proportions and election structures. The size of our data base allows us to establish with more confidence than would otherwise be possible the effect of the act on minority electoral success at the local level within individual southern states. Moreover, because our data permitted comparisons between changes in minority representation in the cities that retained at-large systems and those which did not, we can make some cautious inferences—as we do in chapter 10 for blacks—about how much of the growth in the number of minority officials is the result of change in election systems as distinct from change in other respects, including the willingness of whites to vote for minority candidates.

Tables 6 and 7 examine the racial characteristics of districts in relation to the race of the officeholder elected from those districts, in cities with single-member-district or mixed plans. They tell us how likely blacks are to be elected from districts with various percentages of whites and, in particular, how likely blacks are to be elected from majority-white districts. These two tables, then, are

equivalent—for cities in the eight states—to various tables in chapter 11, which present similar information for legislative and congressional districts in all eleven southern states.

Table 8 contains a complete list, by city, of the reasons why cities changed to district or mixed plans during the period under analysis and enables us to estimate the extent to which the Voting Rights Act or Fourteenth Amendment litigation was directly responsible for abolition of at-large systems.⁵³ Thus, by examining table 8 in conjunction with table 5, we can model a three-step process in which voting rights litigation is either brought or threatened, which may lead to a change in election system, which in turn may lead to a change in minority electoral equity.

Table 9 focuses on disfranchisement. It contains a sobering list of each of the major disfranchising mechanisms used at some time between the end of the Civil War and the present era. Table 10 contains figures on black and white (and in Texas, Mexican-American and Anglo) registration at the time the Voting Rights Act was passed and in the late 1980s or early 1990s; it also contains figures on black and white officeholding in the 1960s and recent years. These data are presented as a percentage of total registrants and total officeholders (or, in some chapters, officeholders in each of the two statehouses), respectively, to provide a depiction of the changes in racial composition of these aggregates in the years since 1965.

THIRD- AND FOURTH-GENERATION VOTING RESEARCH

As straightforward as our research goals were, they required a massive effort to gather and analyze several kinds of data and to situate them within a historical setting that gives them meaning. We nonetheless anticipate that some readers of this volume will charge us with not having addressed the question of whether the act has made a difference to ordinary southern blacks and Latinos. These readers will want to know: Has the federal guarantee of minority persons' right to vote and to elect candidates of their choice measurably changed their daily lives for the better?

We call *first-generation research questions* those having to do with minority enfranchisement, and *second-generation* those dealing with vote dilution and minority candidate electoral success. *Third-generation* issues concern the extent to which minority elected officials become an integral part of the political process: operating inside the system without being discriminated against, forming multi-ethnic coalitions, and working out resolutions to problems with fellow officials—in short, finding acceptance as active, influential players in the mainstream political game. *Fourth-generation* issues examine that game's output so far as minority citizens at the grass roots are concerned. Of concern here are the substantive policies that minority officeholders are able to get enacted and the impact these policies have on the life chances of their minority constituents. In these terms, it is

clearly first- and second-generation questions that our project set out to answer definitively. By contrast, we asked the authors of the state chapters to ignore third- and fourth-generation problems. There were several reasons for this decision.

First and most obvious, the impact of the Voting Rights Act on minority registration and voting and the election of minority officials is a large and important topic in itself, requiring careful and time-consuming investigation. The act's impact has been the subject of much controversy. In particular, as we have already said, some scholars and political commentators claim that increased willingness of whites to vote for black candidates had by the 1980s largely obviated the need to make further changes in election methods. Only a comprehensive longitudinal data set on minority representation in southern jurisdictions, of the kind we have developed, permits this controversy to be adequately addressed.

Second, we are putting first things first. Before one can sensibly talk about policy consequences of the minority vote and minority officeholding, it is important to ascertain the pattern and causes of minority registration and electoral success. While it is widely assumed that the act has been responsible for increases in minority officeholding, there has been almost no systematic effort to test this assumption. The work reported in this book is the most extensive effort so far. We believe that it will, in itself, contribute to our understanding of law as an instrument of social change. In addition, we anticipate that it will facilitate an informed discussion of the act's implications for the theory of democratic representation. Until certain key factual issues are settled, however, we submit that such normative inquiry lacks guidance. In particular, we doubt the usefulness of an abstract debate over the merits of color-blind redistricting that ignores the issue of the prevalence of racially polarized voting and its effects in various types of election system.⁵⁴

Third, relative to what is needed to study the policy consequences of black elected officials, our resources were prohibitively small. There have been a few serious efforts to answer third- and fourth-generation questions in selected southern jurisdictions, but this kind of research, even when focused on a small sample, requires a labor-intensive case-study approach carried out over a considerable period of time.⁵⁵ An attempt to provide a systematic answer to these questions based on an adequate, carefully selected sample of cities across the South would be a major undertaking—one, we believe, that would require at least the resources and time that went into our own project. In the absence of such an enterprise, comments on third-generation questions would necessarily be speculative. For this reason we encouraged our authors to forgo them.⁵⁶

There is yet another reason why we decided not to pursue this line of inquiry here. Where the rights of long-excluded minority groups to vote and to elect candidates of their choice against concerted white opposition are concerned, we firmly believe that these two rights are not contingent on the groups' ability to demonstrate that their exercise results in measurable political incorporation or in policy benefits to the minority communities, even though common sense tells us

that over time such results will come to pass. These voting rights can be justified—quite aside from their link to better police protection, job opportunities, and the like, in minority communities—solely on the basis of their power to confer full citizenship on the members of the group.⁵⁷

Karst, the constitutional scholar, quotes Judge Learned Hand to make this point about the right to vote. "Of course I know how illusory would be the belief that my vote determined anything; but nevertheless when I go to the polls I have a satisfaction in the sense that we are all engaged in a common venture." Karst adds, "Voting is the preeminent symbol of participation in the society as a respected member, and equality in the voting process is a crucial affirmation of the equal worth of citizens."⁵⁸ What is true of voting is also true of electing candidates of choice. Where the ability to elect such candidates is systematically denied, a group long frozen out of the political process is denied the full measure of citizenship that has long remained beyond its grasp.

Tom McCain was one of the first blacks elected to office since Reconstruction in Edgefield County, South Carolina—home of racist firebrand Benjamin "Pitchfork Ben" Tillman and of long-time opponent of desegregation J. Strom Thurmond. Speaking in 1981, McCain said, "There's an inherent value in officeholding that goes far beyond picking up the garbage. A race of people who are excluded from public office will always be second class."⁵⁹

We believe that the questions about whether black officeholding leads directly to political incorporation, whether it has immediate policy consequences, and if so in either case, under what circumstances, are important ones for social scientists to address.⁶⁰ However, to pursue them in this book, within the context of the history of black voting rights in the South, could easily muddy Karst's and McCain's distinction between, on the one hand, the justification of those rights on the basis of their conferring full citizenship and, on the other, justification on the basis of their enabling those who exercise them to achieve preferred policy goals. This confusion would be unfortunate.

All of these reasons, then, have militated against our attempting to answer third- and fourth-generation questions in this book.⁶¹ Rather, the key issue we have tried to resolve is whether, during the first quarter century of its existence, the Voting Rights Act has made it possible for southern blacks (and in Texas, Mexican Americans) to vote without hindrance and to elect candidates of their choice.

The data sets that provide the basis for our authors' conclusions about the effects of the act on minority representation will be made publicly available through the computerized data archives of the Inter-university Consortium for Political and Social Research at the University of Michigan within six months of this book's publication. Thus, if there are disagreements with the conclusions reached by the authors, they can be debated with respect to a common comprehensive data base. Even more important, we see the comprehensive data base that has been generated by our authors as one of the project's lasting legacies, one that will be of use for some time to come, we hope, to students of voting rights and broader issues of race and politics in the South.⁶²

CHAPTER ORGANIZATION

Chapter 1 describes the legal context in which the recent battle for minority participation was fought. It attempts to show how the act evolved synergistically with the constitutional voting rights protections that were elucidated in a remarkable series of federal court decisions beginning in 1960 and continuing into the 1980s. Chapters 2 through 9 contain individual accounts of the impact of the act, particularly on local election systems, in the eight southern states covered entirely or in substantial part by the section 5 preclearance provision.

The data on voting rights litigation and minority officeholding in the eight state chapters are summarized and commented upon in chapter 10. Changes in city election structure are gauged. Then the effect of these changes on minority officeholding is measured. Further, the ability of blacks to win office from districts of varying black population proportions is examined. Taken together, this information allows inferences about the direct link between enforcement of the act and minority officeholding. Chapter 10 also contains a discussion of the issues that led us to adopt the longitudinal design that served as the unifying framework for the individual state chapters.

Chapter 11 examines the relationship between the black population proportion in state legislative and congressional districts in the eleven southern states and the ability of blacks to win election there. It provides an overview of minority legislative and congressional representation in the South (including states not covered under section 5) and links changes in minority representation to voting rights litigation and preclearance decisions. Chapter 12 answers the first-generation question of how the act affected the black-white registration rates in the eleven-state South. Chapter 13 summarizes and interprets the larger significance of the book's major findings.