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### Prospects For Black Representation After Miller V Johnson

Keith Reeves , '88

*Swarthmore College*, kreeves1@swarthmore.edu

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## **Prospects for black representation after *Miller v Johnson***

Keith Reeves

*"Sadly... one wonders whether the majority [of the Supreme Court justices] still believes that... race discrimination against nonwhites is a problem in our society, or even remembers that it ever was."*

—Justice Harry Blackmun<sup>1</sup>

**T**he 1990s undoubtedly will go down in the history books as the decade in which the political pendulum veered toward a prevailing disdain for race-conscious public policies. Perhaps nowhere has the swing of this pendulum been more controversial and disconcerting than in the arena of legislative districting. In the years since the passage of the 1982 amendments to the Voting Rights Act, we have witnessed an avalanche of polarizing litigation around the explosive subject of voting districts that have been intentionally configured by race.

Following the directive of the 1982 amendments—which mandated racial reapportionment to take place after the 1990 Census—it was the view of U.S. Justice Department officials that where racial bloc voting among whites is present, the creation of majority-black election districts prevents the dilution of blacks' voting strength and at the same time facilitates greater black representation.<sup>2</sup> By carving out jurisdictions in which blacks comprise a majority of voters, then the districts in the main increased the likelihood that a black candidate would be elected.<sup>3</sup>

But the policy met with vehement resistance and out-and-out condemnation among conservatives in academic, judicial, political, and policy circles. Critics argued that the Voting Rights Act was being shaped "into an instrument for affirmative action in the electoral sphere."<sup>4</sup>

Configuring voting districts to increase the likelihood that blacks might be elected to Congress "raises the specter of racial quotas, deepening racial and ethnic cleavages, and minority political ghettos."<sup>5</sup>

On the contrary, retorted voting rights advocates. The 1982 amendments to the Voting Rights Act have not fully addressed the lack of equal political opportunity for blacks. For instance, the fact that blacks remain significantly underrepresented in elected office—especially at the federal level—is a troubling, if not shameful imperfection in the democratic functioning of this country. Equally problematic is that bloc voting among whites on account of racial animus still remains a considerable barrier for black political candidates competing in majority-white electoral settings.<sup>6</sup> Until recently, these facts constituted a compelling justification for racial districting to offset voting discrimination against black office-seekers.<sup>7</sup>

This was the case until the 1995 Supreme Court ruling that invalidated the use of race as "the predominant factor" in drawing legislative boundary lines.<sup>8</sup> Writing for a conservative plurality of the Court, Justice Anthony Kennedy reasoned: "[J]ust as the state may not, absent extraordinary justification, segregate citizens on the basis of race in its public parks, buses, golf courses, beaches, and schools, the Government also may not separate its citizens into different voting districts on the basis of race."<sup>9</sup> So with the swipe of a judicial pen, Rep. Cynthia McKinney of Georgia—the state's first black congresswoman—saw her district change from two-thirds majority-black to two-thirds majority-white.<sup>10</sup> McKinney and other black lawmakers were acutely aware of the dire implications of the new political reality. Indeed, a year later, Steven Holmes of *The New York Times* expressed that reality in a sentence shortly after the Court rendered decisions concerning majority-black districts in North Carolina and Texas: "The country will soon have to face a practical question that all those legislative contortions were intended to avoid: Will whites vote for black candidates?"<sup>11</sup>

To say that this is a practical and empirical question of great dispute is an understatement. Taking that question's full measure requires canvassing the controversial terrain of white bloc voting as an obstacle to black electoral success.

## MEASURING PROGRESS IN BLACK OFFICEHOLDING

That there has been some incremental change in the election of blacks to public office cannot be disputed. The Voting Rights Act brought an immediate and extraordinary change in the nation's political landscape. Besides bringing hundreds of thousands of blacks into the political process, fed-

eral voting rights legislation facilitated the election of blacks to public office. In 1941, the total number of black officeholders nationwide was a mere 33, compared to 280 in 1965. Fewer than 100 blacks held office in the seven originally targeted Southern states at the time the legislation was enacted.<sup>12</sup> The magnitude of the growth in black officeholding is shown in Figure 4.1. Over a two-decade span, the number of blacks elected to public office rose over 500 percent from 1,469 in 1970 to 7,370 in 1990. Today, more than 8,000 blacks hold elected office at the federal, state, city, county, and municipal levels of government.

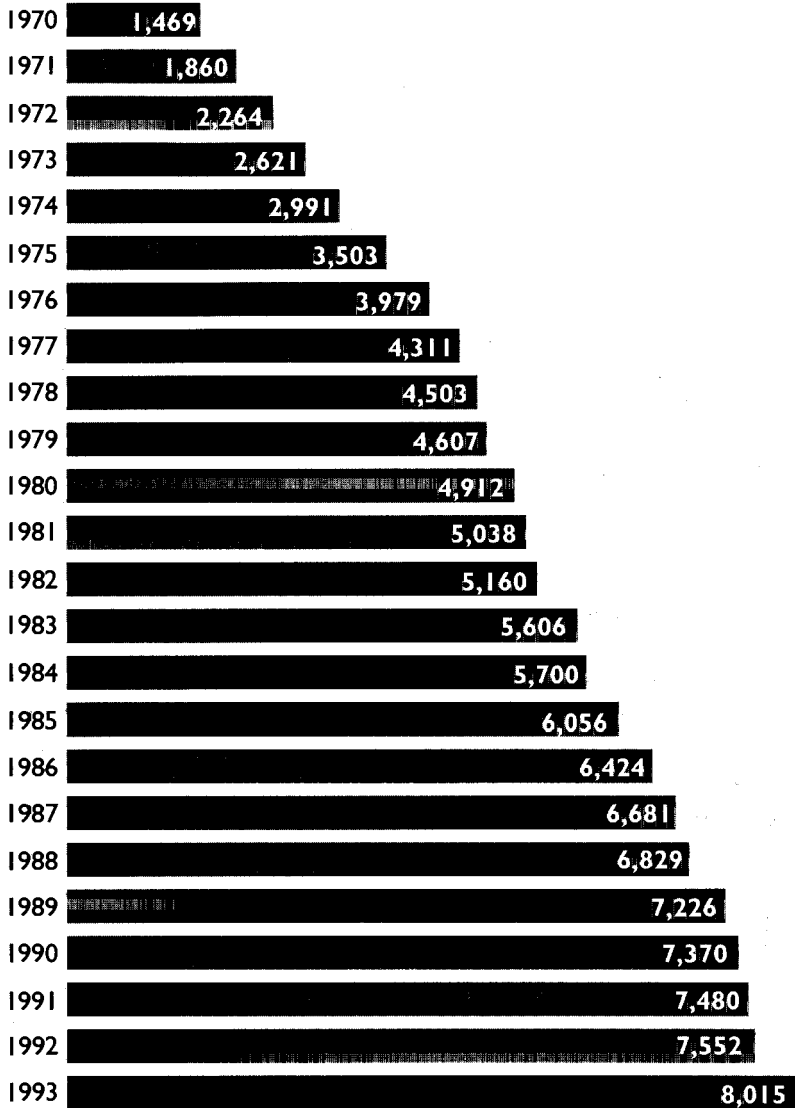
The impact of the Voting Rights Act on black electoral success in the South was dramatic (Table 4.1). Indeed, Southern states contributed much to the numerical increase in black officeholding—4,544. With a net increase of 172 blacks, the state of Texas led the region, followed by Louisiana (57), South Carolina (37), Mississippi (35), and Georgia (32). Of the ten states with the largest number of black elected officials, eight are in the South: Mississippi (751), Alabama (699), Louisiana (636), Georgia (545), Texas (472), North Carolina (468), South Carolina (450), and Arkansas (380).<sup>13</sup> And yet the sizable increase in black officeholding in the South has not changed the status quo; on the whole, “the region’s officeholders remain members of the majority racial group.”<sup>14</sup>

In Arkansas, for example, blacks account for 11.4 percent of the voting-age population but comprise a mere 3.8 percent of all elected officials in the state. Similarly, a scant 2.5 percent of all elected officials in Tennessee are black. In Texas the percentage is 1.8, and in Virginia, 5.0 percent.

Bernard Grofman and Lisa Handley, grappling with the underrepresentation of black officeholders, have argued that “politics in the United States, especially in the South, is characterized by a high level of racially polarized voting. As a consequence, only areas with very substantial black population percentages are likely to elect blacks.”<sup>15</sup> By no means is this an exaggeration. The number of blacks elected to Congress, for instance, increased from 26 to 39 in 1992 and to 41 in 1994. However, as is readily apparent from Table 4.2, were it not for predominantly black electoral districts, *fewer* blacks would have been sent to Congress. This is especially true in the South. Prior to the 1990 reapportionment, there were a total of four black congresspersons from the states of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia. Following congressional reapportionment in 1991, blacks were elected from Florida for the first time ever and from Alabama, North Carolina, South Carolina, and Virginia for the first time in more than a century. All were sent to Congress from majority-black districts. Chandler Davidson

**FIGURE 4.1**

**The growth in total black elected officials in the United States, 1970-93**



Source: Joint Center for Political and Economic Studies.

puts the point more exactly: "... blacks... have had an extremely difficult time electing their candidates to office as a result of white bloc voting and dilutionary election laws..."<sup>16</sup>

The remarkable upswing in black officeholding just discussed, then, must be attributed primarily to direct federal intervention—in the form of the Voting Rights Act—rather than to changing regional or national racial attitudes. Laughlin McDonald, summing up the prevailing view of voting-rights experts, explains: "The increase in minority officeholding can be traced to the operation of the Voting Rights Act as a whole—to the abolition of discriminatory tests for voting, the expansion of minority registration, and the requirement of preclearance of new voting practices under Section 5. Equally critical, however, has been the adoption of effective minority voting districts, many as a result of litigation or the threat of litigation under Section 2."<sup>17</sup>

### **THE PERSISTENCE OF RACIAL BLOC VOTING AMONG WHITES**

Admittedly, a number of black officeholders have won elections in the last two decades with substantial support from white voters, sometimes even in majority-white jurisdictions. For instance, Tom Bradley of Los Angeles, Ernest Morial of New Orleans, Harold Washington of Chicago, David Dinkins of New York, Norman Rice of Seattle, and Ron Kirk of Dallas were the first blacks ever to govern these metropolitan cities.<sup>18</sup> Bradley was first elected in 1973 and served until June 1993. Morial won the New Orleans mayoralty in 1977 with 19 percent of the white vote. Garnering no more than 12 percent of the vote share among white Chicagoans, Washington still won the 1983 election; he was re-elected in 1987 but died a few weeks after being sworn in. In a city where Democrats outnumber Republicans 5 to 1, Dinkins won the New York mayoralty by just two percentage points, capturing just 31 percent of the white vote in 1989. Elected as Dallas' first black mayor in 1995, Kirk gained a much larger portion of the white vote, 42 percent.

It should be emphasized that it is very difficult for black candidates to be elected outside majority-black jurisdictions despite these well-publicized cases. In 1989, Virginian Douglas Wilder became the first black elected governor from a southern state. Exit polls showed that he captured 39 percent of the white vote. In 1992, Carol Moseley-Braun of Illinois became the first black woman ever to hold a seat in the United States Senate.<sup>19</sup> In 1996, Julia Carson was elected to Congress from a white-majority district in Indiana, along with three black lawmakers who were forced to run in redrawn majority-white jurisdictions.<sup>20</sup>

Citing such well-publicized election breakthroughs, critics of race-conscious districting have argued that the phenomenon of racial bloc voting among whites on account of racial animus has largely collapsed. For that reason, it is no longer necessary to draw legislative boundaries to enhance the election prospects of black office-seekers. Carol Swain, for instance, maintains: "Black Democrats Ronald Dellums, Alan Wheat, and Bill Clay and black Republicans Gary Franks and J.C. Watts have shown that white voters in congressional elections will support black candidates. Similarly, the elections of Illinois Senator Carol Moseley Braun, former Virginia Governor L. Douglas Wilder, Ohio Treasurer J. Kenneth Blackwell, and New York Comptroller Carl McCall show that race is no longer an insurmountable barrier to black electoral success at the state level as well."<sup>21</sup>

Richard Pildes reaches a sharply contrasting conclusion. He has argued, for example, that despite such political gains on the part of black Americans, whites remain less willing because of race to support black candidates for elected office, and any assertion that they are so inclined is "fanciful."<sup>22</sup> He admonishes that "general inferences drawn from a few easily recalled examples are notoriously hazardous guides to truth."<sup>23</sup> In other words, the anecdotal evidence of a few case studies is wholly inadequate to buttress the generalized conclusions being drawn. But, in fact, the literature contains example after example of black office-seekers who were unable to attract sizable electoral support from white voters due to consistent and widespread bloc voting patterns. For instance, Paul Kleppner concluded that race dominated voting choices in the 1983 Chicago mayoral election between Harold Washington and Bernard Epton.<sup>24</sup> Meanwhile, a 1989 American Civil Liberties Union study of elections in Georgia found that where there was a "serious" black political candidate, 86 percent of whites voted for the white opponent(s) of the black office-seeker.<sup>25</sup> In a more recent investigation, Michael Binford marshaled evidence demonstrating that very few white Georgians crossed-over to cast a ballot for a black political candidate and that levels of bloc voting among whites were more pronounced in higher-profile contests.<sup>26</sup>

This, of course, raises the question: "Why do whites tend to vote along racial lines?" Richard Murray and Arnold Vedlitz along with Carol Swain, for instance, have suggested that voters support an office-seeker with whom they share skin color or ethnicity<sup>27</sup> and that this is expected—if not rational—behavior. But I would also suggest that where the vote choice involves a black candidate, white voters do not simply react positively to the white candidate but negatively to the black one because whites still harbor antiblack opinions, attitudes, and characterizations. To

put the point more exactly, despite the positive and genuine changes in whites' racial attitudes during the past several decades, old-fashioned bigotry and prejudice are not entirely dead.<sup>28</sup> Racial stereotyping among whites is as prevalent today as old-fashioned bigotry and prejudice ever was, according to recent research.<sup>29</sup> In one such study, respondents were given a card showing a seven-point scale with a positive characteristic, such as "intelligent," at one end and the opposite characteristic, such as "unintelligent," at the other. In addition, study participants were asked to rank their own race and the other race on the following criteria:

- Rich versus poor;
- Prefers to be self-supporting versus prefers to live off welfare;
- Hard to get along with versus easy to get along with;
- Tends to speak English well versus tends to speak English poorly.<sup>30</sup>

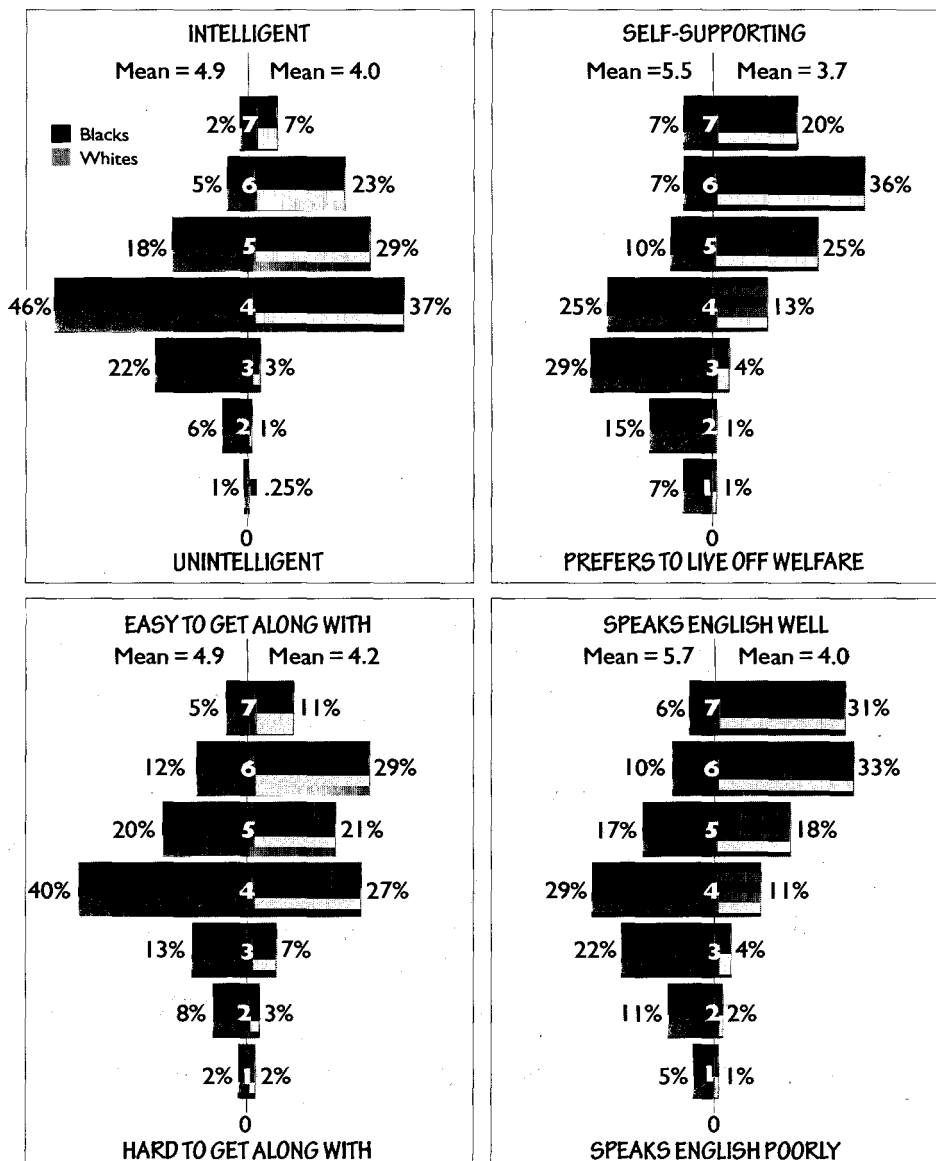
Figure 4.2 presents the scores white study respondents assigned to both whites and blacks as categorical groups.<sup>31</sup> Although some whites consistently ranked blacks at the same point on the four scales highlighted in Figure 4.2, what is clear is that whites generally believe blacks are less intelligent than whites, prefer more than whites to live off welfare, are more difficult to get along with, and speak English much more poorly than whites. Indeed, whites saw the largest gaps with regard to a preference for self-support and the ability to speak English, while they viewed the racial discrepancy as small with regard to getting along with blacks. Fifty-six percent of white respondents ranked whites ahead of blacks in intelligence, 71 percent ranked whites higher with regard to self-support while more than three-quarters reported that whites spoke English better than blacks. The central point to be made here then is this: whites tend to view blacks as inferior to their own group along several dimensions, and they are apt to evaluate black political candidates as such.<sup>32</sup>

Moreover, the tendency toward white bloc voting is further exacerbated by the use of racial campaign appeals by their white opponents. For example, in 1986 and again in 1988, Louisiana attorney Faye Williams attempted to become the first black candidate to win elected office from the eighth congressional district and the first black to represent the state in the U.S. Congress since Reconstruction. Williams, an Alexandria attorney, found herself in a hotly contested runoff with Republican Clyde Holloway, a white nurseryman and self-proclaimed "good old boy" who had led a 1981 school busing protest. Contributing to her narrow defeat in 1986,<sup>33</sup> undoubtedly, was a racially charged campaign permeated with both blatant



FIGURE 4.2

**How Detroit area whites rated blacks and whites with regard to four components of stereotype index, on a scale from 1 to 7**



Source: Reynolds Farley, Maria Krysan, Tara Jackson, Charlotte Steeh, and Keith Reeves, "Causes of Continued Racial Residential Segregation: Stereotypes, Steering, and Residential Preferences," *American Journal of Sociology* 100, 1994.

and subtle appeals to racism, conveyed by both her opponent and the news media.<sup>34</sup> Indeed, despite the election of some black candidates from majority-white districts, for most minority candidates strong voting along racial lines remains the reality.<sup>35</sup>

## **PROVING RACIAL ANIMUS TOWARD BLACK OFFICE-SEEKERS**

Where it is found that blacks and whites vote differently, disputants of race-conscious districting understandably remain skeptical that racial bloc voting on the part of whites “keeps candidates preferred by blacks from gaining office.” Besides, many are confounded by the thorny concept of “racially polarized voting”—how to measure it, how it works, and, perhaps most important, how to define it. Abigail Thernstrom, for instance, opines: “The question of racial polarization is central to any voting rights dispute, but there is no consensus on how to measure it... . Black candidates, like white ones, lose elections for a variety of reasons, including insufficient support from black constituents, the power of incumbency, inadequate name recognition, age, experience, reputation, and political orientation... . Disputes over the extent of racial bloc voting and the record of minority electoral successes disguise the real question: how much weight should one give to the fact that whites tend to vote for whites, blacks for blacks...?”<sup>36</sup>

Moreover, the secrecy of the ballot precludes us—much of the time—from disentangling the myriad of factors that influence a voter’s candidate selection. Indeed, attempting to discern whether whites’ political choices in a biracial political contest are motivated by racial animus is daunting.<sup>37</sup> Bernard Grofman has commented:

It is as a matter of practical statistical analysis, essentially impossible to... [distinguish if] the voting patterns of whites... [are] caused by the race of the voter or by partisanship, because partisanship and race are so inextricably intertwined. In order to do the statistical analysis... you have to shift from bivariate to multivariate... the problem with that is twofold. First of all, it’s almost impossible to figure out what you’ve got when you’ve got it. It sort of messes everything up. It’s just very, very complicated. And secondly, what will happen is these other things are more or less highly correlated with race. If for example, whites are more likely to get newspaper endorsements in small southern towns than black challengers... then what’s going to happen is that all these other explanatory factors are going to suggest that voting isn’t polarized, even explanatorily polarized. What will happen is that the race of the voters will wash out. All these other things which turn out to be more or less

synonymous with or correlated with the race of the candidate will sort of explain away the patterns of voting.”<sup>38</sup>

Indeed Grofman and his colleagues, Lisa Handley and Richard Niemi, have gone so far as to argue that proving discriminatory intent by whites is impossible.<sup>39</sup>

To be sure, demonstrating that whites engage in white bloc voting on account of racial animus has been a herculean task to date. For voters, any electoral choice is a concealed, perhaps even camouflaged activity. This is especially the case for whites when the choice includes a black candidate. One can enter the voting booth, make a selection, exit, and be greeted by a pollster inquiring about one's vote. To this inquiry, one can answer truthfully or otherwise. Given the privacy of the ballot, the political analyst is relegated to drawing inferences about individual judgments and political choices from aggregate voting returns—usually cross-registration and turnout figures. Using data of this sort to assess whether whites' political choices are affected by racial animus or anything else is beset with specific limitations, the most serious being that cross-registration and turnout data do not provide direct information about what motivates the selection of a candidate. Thus, it is difficult to discern the reasons for whites' political choices in a biracial contest. In fact, however, identifying and demonstrating racial animus among whites can be shown by the use of *carefully controlled experimental methods*.<sup>40</sup>

To ascertain whether whites' political choices are motivated by racial animus, I conducted a biracial campaign study experiment. First, a representative cross-section of white individuals residing in Michigan were interviewed as part of a probability, face-to-face public opinion survey. This initial study specifically sought to examine the links among racial attitudes, racial residential segregation, and labor market inequalities. Individuals were queried about their identification with political parties and ideological predispositions. Standard demographic information, such as education, income, gender, and religious orientation, was collected as well. Given the primary focus of the study, only household members 21 years of age and older were eligible.

Approximately six months later, each of the white respondents interviewed in the face-to-face opinion survey was randomly assigned to receive a brief mail questionnaire containing one of two contrived news campaign stories. Each campaign story depicted an especially negative-spirited, nonpartisan mayoral election contest between two fictitious candidates: Arthur Christopher, a well-respected businessman and former

head of the city's chamber of commerce, and Gregory Hammond, a fifteen-year veteran of the city council. The text of these "news articles" appears in Figure 4.3.

The reader will observe that it refers to the fact that Christopher and Hammond hold contrasting policy stances regarding affirmative action policy; candidate Hammond is depicted as a prudent proponent of affirmative action. However, the text of the second news article is nearly identical, save for one important detail: candidate Hammond's race was changed. This particular campaign story reported that he is "seeking to become the city's first black mayor." Thus, in the two news campaign articles that described the mayoral candidates' stances on affirmative action policy, one story depicted a same-race contest in which both mayoral candidates are white, while the other news story described a biracial contest, in which one office-seeker is white and his opponent black.

**FIGURE 4.3**

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**Text of campaign news stories used in experimental study**  
**(italicized text was changed in second version of story)**

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**CANDIDATES DISAGREE ON AFFIRMATIVE ACTION**

by Thomas Young  
Staff Writer

The nonpartisan mayoral race entered its final hours with the candidates, local businessman Arthur Christopher and long-time city councilman Gregory Hammond answering voters' questions during a well-attended town meeting last night.

What began as a clash of visions and personalities, by evening's end, the candidates' exchanges took on a more amiable tone as members of the audience pleaded with them to focus on issues and dispense with the negative attacks that marked the campaign thus far.

Though a wide array of questions from education to the environment was posed to the candidates, a question regarding affirmative action elicited the sharpest disagreement between Christopher and Hammond during the evening.

David Carnes, an unemployed laborer, asked the candidates to explain their positions on affirmative action. Christopher, 47, who is white, said that he opposes affirmative action programs. "Quotas are not the answer. My opponent's support of affirmative action programs amounts to quotas, plain and simple." Hammond, 45, *who is also white*, retorted that Christopher continues to misrepresent his position. "I favor affirmative action programs as a remedy when there has been an identifiable history of discrimination by an employer," Hammond said.

Both Christopher and Hammond noted that they are well-suited to tackle the city's growing deficit. Christopher cited his long-time business experience and five-year involvement with the city's Chamber of Commerce which has helped bring jobs to the area. Hammond, on the other hand, said that his fifteen years on the council makes him the most qualified to address the city's increasingly complex problems.

Finally, each of the print news campaign articles concluded by mentioning identical biographical information about the candidates' age, professional qualifications, and experience. Thus, the campaign stories given to white participants in the study differed only in one dimension: *the mention of the candidates' race*. As one can readily see, all other central campaign information did not vary.<sup>41</sup>

A research investigation of this kind is particularly significant for the following reasons. First, the study provides direct information about the motivations and sentiments underlying white voting behavior toward a black office-seeker. For instance, respondents were queried about their: (1) racial attitudes, (2) evaluation of the candidates, and (3) vote choices—"if the election were held today." Second, the fact that many voting-rights disputes cover small jurisdictions or past events means that individual-level survey instruments for these cases are usually not available and cannot be constructed.<sup>42</sup> This experimental campaign study enables us to peer inside the privacy of the ballot box. Third and most important, if it can be shown that whites' limited receptivity toward a black office-seeker is due to racial animus—independent of political orientation, qualifications, and experience, age, reputation, or some other personal attribute—is an affirmative remedy not warranted? Finally, because great care was taken to anticipate and avoid the weaknesses generally associated with experiments, the results can be generalized to the populations of interest here.<sup>43</sup>

Several striking conclusions emerge from this biracial election campaign study. First, whites who read the affirmative action-biracial contest news story were reluctant to vote for the black Hammond candidate, despite the fact that he possessed identical credentials, political experience, and personal characteristics as his white counterpart depicted in the other news story. Second, whites' aversion to casting a ballot for the black office-seeker is associated with the negative attitudes, opinions, stereotypes, and characterizations they harbor about blacks as a categorical group. The Hammond candidate was evaluated accordingly. Third, and perhaps most important, racial animus—and not ideological orientation—was the significant determinant of white electoral support toward the black mayoral candidate in the study. Indeed, the voting discrimination against the black political candidate was found to be "discernible, specific, purposeful, contemporary." Given the arresting empirical evidence—from which more reliable inferences about whites' voting behavior can be drawn—one must conclude that with few exceptions then, "barriers to the election of minority candidates from predominantly white jurisdictions have not collapsed."<sup>44</sup>

## CONCLUSION

With all the enormous inroads made by black office-seekers since the passage of the 1965 Voting Rights Act—and its subsequent amendments—racial bloc voting among whites is still a constant and pernicious barrier for many who must garner white electoral support. It stacks the electoral deck against black political candidates. What is more, white bloc voting on account of racial animus shows no signs of diminishing. Chandler Davidson has argued that “there is still a great deal of resistance to the election of black officials by whites in the country as a whole.”<sup>45</sup> All signs of the post-*Miller* political reality point to an almost certain standstill, or worse—a diminution of the number of black officeholders at the congressional, state, and local levels.<sup>46</sup> Yet, in the face of strong evidence that continued and widespread white bloc voting based on racial animus in the main “keeps candidates preferred by blacks from gaining office,” the Court has made redressing this injustice much more difficult with its recent foray into the “jurisprudential wilderness” of racial redistricting.

## Notes

I am indebted to David A. Bositis, Tara D. Jackson, Robert Richie, and anonymous reviewers for helpful comments on earlier drafts of this work. Moreover, I extend my appreciation to Mary Jane Rose for her assistance in preparing the tables and figures.

1. See *Wards Cove Packing Co. v Atonio*, 490 U.S. 642, 662 (1989) (Justice Blackmun, dissenting) (citing *City of Richmond v J.A. Croson Co.*, 488 U.S. 469 (1989)).

2. See, for example, Richard L. Engstrom, "The Voting Rights Act: Disfranchisement, Dilution, and Alternative Election Systems," *PS* 4 (1994): 685–88; Laughlin McDonald, "The Quiet Revolution in Minority Voting Rights," *Vanderbilt Law Review* 42 (1989):1249–97.

3. Some critics have argued that majority-black election districts amount to guaranteed seats for blacks. I, however, do not believe this to be the case. Rep. Mel Watt of North Carolina, whose district in 1992 was 53 percent black, perhaps said it best: "You don't take a 53 percent district and guarantee a black person they are going to get elected." (Quoted in Nadine Cohodas, "Electing Minorities," *Congressional Quarterly Researcher* 4 (1994):697–720.

4. Abigail Thernstrom, *Whose Votes Count?: Affirmative Action and Minority Voting Rights* (Cambridge: Harvard University Press, 1987), 22–30, quote on 27. Frank Parker, however, notes: "Contrary to the argument of Thernstrom and others, the question of strong protections for minority voting cannot properly be characterized... as an affirmative action issue because the impact on the personal lives of most whites is substantially less than, say, busing or hiring quotas." See Frank Parker, *Black Votes Count: Political Empowerment in Mississippi after 1965* (Chapel Hill: University of North Carolina Press, 1990), 208.

5. See Thomas E. Mann, Preface, *Controversies in Minority Voting: The Voting Rights Act in Perspective*, Bernard Grofman and Chandler Davidson, eds., (Washington: Brookings Institution Press, 1992), xiii.

6. See, in particular, Paul E. Peterson, ed., *Classifying by Race* (Princeton: Princeton University Press, 1995), 13–14; David I. Lublin, "Race, Representation, and Redistricting," in *Classifying by Race*, 111–125; Keith Reeves, *Voting Hopes or Fears?: White Voters, Black Candidates, and Racial Politics in America* (New York: Oxford University Press, 1997).

7. For nowhere is this more evident than in political contests in which the electoral choice involves a black candidate. While blacks—more often than not—have voted for white candidates, white voters have been slow to reciprocate when blacks are office-seekers. A 1987 Gallup/Joint Center for Political and Economic Studies poll, for instance, found that 54 percent of whites believe that white voters ignore a black candidate's qualifications and vote on the basis of race while just 39 percent of whites believe that black voters behave similarly. See Linda Williams,

"White/Black Perceptions of the Electability of Black Political Candidates," *National Political Science Review* 2 (1989): 45-64.

8. See *Miller v Johnson* 63 U.S.L.W. 4726 (1995).

9. *Id.*, (J. Kennedy, delivering the opinion of the Court).

10. Under the new electoral map drawn by a federal district court, Georgia's three majority-black congressional districts were reduced to *one*—John Lewis' fifth district. Rep. Sanford Bishop's second congressional district went the way of McKinney's. Of the state's 11 congressional districts then, only one remained majority black.

11. Steven A. Holmes, "But Will Whites Vote for a Black?" *New York Times* (June 16, 1996) Section 4, 1.

12. Chandler Davidson, "The Voting Rights Act in Perspective: A Brief History," *Controversies in Minority Voting: The Voting Rights Act in Perspective*, Bernard Grofman and Chandler Davidson, eds., (Washington: Brookings Institution Press, 1992):43; Laughlin McDonald, "The 1982 Amendments of Section 2 and Minority Representation," *Controversies in Minority Voting Rights: The Voting Rights Act in Perspective*, edited by Bernard Grofman and Chandler Davidson (Washington: Brookings Institution Press, 1992), 73. The seven originally targeted Southern states were Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia.

13. As of 1993, Illinois and Michigan had 465 and 333 black elected officials, respectively.

14. Merle and Earl Black, *Politics and Society in the South* (Cambridge: Harvard University Press, 1987), 144.

15. Bernard Grofman and Lisa Handley, "Black Representation: Making Sense of Electoral Geography At Different Levels of Government," *Legislative Studies Quarterly* 14 (1989):265-79, quote at 275.

16. Davidson, "The Voting Rights Act in Perspective," 46.

17. McDonald, "The 1982 Amendments to Section 2 and Minority Representation," 1992, 74. Section 5 of the Voting Rights Act prohibits the implementation of election law changes without the approval of either the U.S. Attorney General or the Federal District Court in the District of Columbia. Meanwhile, Section 2 prohibits any standard, practice, or procedure that has the effect of diminishing the opportunity of blacks to participate in the political process and to elect a representative of their choice.

18. See Bernard Grofman, Lisa Handley, and Richard G. Niemi, *Minority Representation and the Quest for Voting Equality* (New York: Cambridge University Press, 1992), 134-137; Lublin, "Race Representation, and Redistricting," 111-25.

19. Moseley-Braun won 48 percent of the white vote and a 58 percent vote share among women according to exit polls.

20. The three black lawmakers are Sanford Bishop, Corrine Brown, and Cynthia McKinney.



21. Carol M. Swain, *Black Faces, Black Interests: The Representation of African-Americans in Congress* (Cambridge: Harvard University Press, 1993), 79.
22. Richard H. Pildes, "Paying a Price For Colorblindness," *Washington Post Weekly Review* (April 24–30, 1995), C1.
23. Pildes, "Paying a Price For Colorblindness," 4.
24. Paul Kleppner, *Chicago Divided: The Making of a Black Mayor* (DeKalb: Northern Illinois University Press, 1985), 217.
25. See Laughlin McDonald, Michael B. Binford, and Ken Johnson, "The View From The States—Georgia," in *Quiet Revolution in the South: The Impact of the Voting Rights Act, 1965-1990*, Chandler Davidson and Bernard Grofman, eds. (Princeton: Princeton University Press, 1994), 84.
26. Michael B. Binford, "Racially Polarized Voting in Georgia," paper presented at the Citadel Symposium on Southern Politics, Charleston, South Carolina, 1996.
27. Richard Murray and Arnold Vedlitz, "Racial Voting Patterns in the South: An Analysis of Major Elections from 1960 to 1977 in Five Cities," *Annals of the American Academy of Political and Social Science*, 439 (1978):29–30; see Swain, *Black Faces, Black Interests*, 209.
28. See especially Reynolds Farley, Charlotte Steeh, Tara Jackson, Maria Krysan, and Keith Reeves, "Continued Residential Segregation in Detroit: Chocolate Cities, Vanilla Suburbs Revisited," *Journal of Housing Research* 4 (1993):1–38; Reynolds Farley, Charlotte Steeh, Maria Krysan, Tara Jackson, and Keith Reeves, "Stereotypes and Segregation: Neighborhoods in the Detroit Area," *American Journal of Sociology* 100 (1994):750–80; Reeves, *Voting Hopes or Fears?*, 40–41, 61–90.
29. See Lawrence Bobo and James R. Kluegel, "Modern American Prejudice: Stereotypes, Social Distance, and Perceptions of Discrimination Toward Blacks, Hispanics, and Asians," paper presented at the annual meetings of the American Sociological Association, 1991; Farley et al., "Continued Residential Segregation in Detroit," 1–30; Farley et al., "Stereotypes and Segregation," 750–780.
30. These stereotype measures were developed by Lawrence Bobo and Tom W. Smith. The questions were first asked in the 1990 General Social Survey (GSS, a national survey). See Bobo and Kluegel, "Modern American Prejudice"; Lawrence Bobo, James H. Johnson Jr., and Melvin Oliver, "Stereotyping and the Multi-City Survey: Notes on Measurement, Determinants, and Effects," UCLA Center for the Study of Urban Poverty, Occasional Working Paper Series, Vol. 2, No. 8 (July 1992).
31. A composite stereotype scale was created using four of the five items here. A reliability analysis revealed that the "rich vs. poor" dimension was not highly correlated with the other four items. Because the authors of the study believed the "rich vs. poor" item to be a more factual one, it was not included in the stereotype scale. The scale has a 100-point range. To derive a stereotype index for whites, for example, the score a white respondent gave blacks was subtracted from the score he or she assigned to whites on each dimension. If respondents gave the maximum difference between blacks and whites on each of the four

dimensions, they received the maximum stereotype score of +50. If, on average, a respondent rated blacks and whites the same on these dimensions, his or her score was 0. Meanwhile, a respondent who consistently rated blacks at the top of each scale and whites at the bottom received the minimum stereotype score of -50. See Farley et al., Jackson, Steeh, and Reeves, "Continued Residential Segregation in Detroit," 750-80.

32. See, in particular, Reeves, *Voting Hopes or Fears?*, 76-90.

33. Holloway's vote share was 102,022 votes (51 percent) as compared with Williams who garnered 96,783 votes (49 percent).

34. *The Times-Picayune*, (November 2, 1986), A1, 4.

35. McDonald, "The 1982 Amendments of Section 2 and Minority Representation," 76.

36. Thernstrom, *Whose Votes Count?*, 180. It should be pointed out that in *Thornburg v Gingles* (1986), the U.S. Supreme Court provided the legal definition of racially polarized voting in addition to the standard that should be used to prove a minority vote-dilution claim—when "*the candidate or set of candidates chosen by voters of one race differs from the candidate or candidates chosen by voters of the other race.*" Delivering the opinion for a plurality of the Court, Justice William Brennan wrote: "First, the minority group must be... sufficiently large and geographically compact to constitute a majority of a single-member district.... Second, the minority group must be... politically cohesive.... Third, the white-majority votes sufficiently as a bloc to enable it... usually to defeat the minority's preferred candidate." Thus, in the most elementary sense the Court embraced a standard based solely on demonstrating a correlation between the race of the voter and one's candidate selection. Grofman, whose expert testimony the courts derived this definition of racial bloc voting, has noted that: "*legally significant* racial bloc voting (i.e., the degree of bloc voting necessary to prove a claim) occurs when a white bloc voting majority is usually able to defeat candidates supported by a politically cohesive, geographically insular minority group. By differentiating between racial polarization per se and legally significant racial polarization, the Court recognized that polarized voting does not necessarily lead to electoral loss, and so, the critical consideration is whether members of the minority group are able to elect candidates of their choice." See Grofman, Handley, and Niemi, *Minority Representation and the Quest for Voting Equality*, 50.

37. I should note that although the Supreme Court believes the underlying basis of why voters vote differently is irrelevant, I am of the view that ascertaining the reasons for white bloc voting *should* matter. For a more detailed view of this point, see Reeves, *Voting Hopes or Fears?*

38. Grofman telephone interview with Meredith Bell. See Meredith Bell, "Section 2 of the Voting Rights Act and the Protection of Black Representation," Senior Honors Thesis, Department of Government, Harvard University. I should note that I supervised Ms. Bell's thesis. I am grateful for permission to quote from her work.

39. See Grofman, Handley, and Niemi, *Minority Representation and the Quest for Voting Equality*, 83–85.

40. For greater detail, see Reeves, *Voting Hopes or Fears?*

41. Parenthetically, I should note that physical and social scientists employ experimental studies because the methodology enables a researcher to plausibly represent and test hypotheses relating to social, political, or physical phenomena. “Experimenters need not wait for natural processes to provide crucial tests and telling comparisons: they can create them on their own,” comments political psychologist Donald Kinder. Experimental studies possess yet another powerful advantage in that they enable a researcher to generalize the observed results to a larger population of interest. See, more generally, Donald R. Kinder and Thomas R. Palfrey, eds., *Experimental Foundations of Political Science* (Ann Arbor: University of Michigan Press, 1993).

42. Arthur Lupia and Kenneth McCue, “Why The 1980s Measures of Racially Polarized Voting Are Inadequate For the 1990s,” *Law & Policy* 12 (4):353–387, quote at 354.

43. On this general point, see Shanto Iyengar and Donald R. Kinder, *News That Matters: Television and American Public Opinion* (Chicago: University of Chicago Press, 1987).

44. Davidson, “The Voting Rights Act in Perspective,” 47.

45. Davidson, quoted in Holmes, “But Will Whites Vote for a Black?”

46. See Reeves, *Voting Hopes or Fears?*, 100–111.

## Tables

4

TABLE 4.1

# **Black elected officials in southern states as a percentage of all elected officials, January 1993**

| STATE          | BLACKS AS A<br>PERCENTAGE OF<br>VOTING-AGE<br>POPULATION | ELECTED OFFICIALS |       | PERCENT<br>BLACK | NET CHANGE<br>(1992-93) |
|----------------|--|-------------------|-------|------------------|-------------------------|
|                |  | TOTAL             | BLACK |                  |                         |
| Alabama        | 22.7   | 4,315             | 699   | 16.2             | -3                      |
| Arkansas       | 13.7   | 8,331             | 380   | 4.6              | 38                      |
| Florida        | 11.4   | 5,256             | 200   | 3.8              | 17                      |
| Georgia        | 24.6   | 6,556             | 545   | 18.3             | 32                      |
| Louisiana      | 27.9   | 4,966             | 636   | 12.8             | 57                      |
| Mississippi    | 31.6   | 4,944             | 751   | 15.2             | 35                      |
| North Carolina | 20.1   | 5,531             | 468   | 8.5              | 10                      |
| South Carolina | 26.9   | 3,692             | 450   | 12.2             | 37                      |
| Tennessee      | 14.4   | 6,841             | 168   | 2.5              | 1                       |
| Texas          | 11.2   | 26,932            | 472   | 1.8              | 172                     |
| Virginia       | 17.6   | 3,112             | 155   | 5.0              | -1                      |

Source: Joint Center for Political and Economic Studies.

TABLE 4.2

## Congressional districts in which blacks constituted a majority of the population, 104th Congress

| STATE          | DISTRICT<br>NUMBER | PERCENT<br>BLACK | PERCENT<br>WHITE | REPRESENTATIVE                      |
|----------------|--------------------|------------------|------------------|-------------------------------------|
| Alabama        | 7                  | 68               | 32               | Earl F. Hilliard (D)                |
| Florida        | 3                  | 55               | 43               | Corrine Brown (D)                   |
| Florida        | 17                 | 58               | 37               | Carrie Meek (D)                     |
| Florida        | 23                 | 52               | 45               | Alcee L. Hastings (D)               |
| Georgia        | 2                  | 57               | 42               | Sanford Bishop, Jr. (D)             |
| Georgia        | 5                  | 62               | 36               | John Lewis (D)                      |
| Georgia        | 11                 | 64               | 34               | Cynthia McKinney (D)                |
| Illinois       | 1                  | 70               | 27               | Bobby L. Rush (D)                   |
| Illinois       | 2                  | 68               | 27               | Jesse Jackson, Jr. (D) <sup>a</sup> |
| Illinois       | 7                  | 66               | 29               | Cardiss Collins (D)                 |
| Louisiana      | 2                  | 61               | 36               | William J. Jefferson (D)            |
| Louisiana      | 4                  | 58               | 41               | Cleo Fields (D)                     |
| Maryland       | 4                  | 58               | 33               | Albert R. Wynn (D)                  |
| Maryland       | 7                  | 71               | 27               | Kweisi Mfume (D) <sup>b</sup>       |
| Michigan       | 14                 | 69               | 29               | John Conyers, Jr. (D)               |
| Michigan       | 15                 | 70               | 26               | B. Rose Collins (D)                 |
| Mississippi    | 2                  | 63               | 37               | Bennie Thompson (D)                 |
| Missouri       | 1                  | 52               | 46               | William L. Clay (D)                 |
| New Jersey     | 10                 | 60               | 33               | Donald M. Payne (D)                 |
| New York       | 6                  | 56               | 29               | Floyd H. Flake (D)                  |
| New York       | 10                 | 61               | 27               | Edolphus Towns (D)                  |
| New York       | 11                 | 74               | 19               | Major R. Owens (D)                  |
| North Carolina | 1                  | 57               | 42               | Eva M. Clayton (D)                  |
| North Carolina | 12                 | 57               | 42               | Melvin Watt (D)                     |
| Ohio           | 11                 | 59               | 40               | Louis Stokes (D)                    |
| Pennsylvania   | 1                  | 52               | 38               | Thomas Foglietta (D) <sup>c</sup>   |
| Pennsylvania   | 2                  | 62               | 35               | Chaka Fattah (D)                    |
| South Carolina | 6                  | 62               | 37               | James E. Clyburn (D)                |
| Tennessee      | 9                  | 59               | 40               | Harold E. Ford (D)                  |
| Texas          | 18                 | 51               | 38               | Sheila Jackson-Lee (D)              |
| Texas          | 30                 | 50               | 38               | Eddie B. Johnson (D)                |
| Virginia       | 3                  | 64               | 33               | Robert C. Scott (D)                 |

a Served the remaining term of Representative Mel Reynolds who resigned in 1995.

b Retired from the House of Representatives in February 1996.

c Foglietta is white.

Source: Phillip D. Duncan, Christine C. Lawrence, and staff of *Congressional Quarterly, Politics in America 1996: The 104th Congress* (Washington, DC: Congressional Quarterly, 1996).