

February 14, 2017

Otto Beatty, Sr.
Chair
Central Committee
Franklin County Democratic Party
340 E. Fulton Street
Columbus, OH 43215

Dear Otto:

I write to express my concern with the all at-large election format for Columbus City Council, and to request that the FCDP adopt a formal position in opposition to this discriminatory all at-large format, and support of a form of council governance that creates at least one minority-majority electorate council district to fully comply with the Voting Rights Act of 1965, as amended in 1982.

Understanding the Discriminatory Origins and History of At-Large Voting Systems

The history of at-large voting should give good Democrats pause in considering its continuation. Columbia University professor of history Richard Hofstadter wrote his 1955 Pulitzer Prize winning (non-fiction/history) work *The Age of Reform: From Bryan to FDR*, in which he described the progressive reform movement of the late 1800's-early 1900s "as a displaced bourgeoisie seeking in political reform a way to overcome its decline in status." He further describes the at-large form of government coming about during that time, due to Anglo and Irish efforts to keep their control of big city politics from the newly-arriving immigrants from Germany and Italy who were settling into ethnic neighborhoods and developing ward-based political power that challenged that of Irish- Anglos.

Decades later, after the Voting Rights Act of 1965 was passed prohibiting voting practices or procedures that discriminate on the basis of race, color, or membership in a language minority group, communities across the Deep South moved from their traditional ward-based political systems to at-large forms of government to dilute the voting power of Blacks by subsuming them into a larger pool of White voters. Concern about this practice led Congress, in its 1982 Amendments to Section 2 of the Voting Rights Act, to outlaw such "voter dilution" -- specifically challenging "unusually large election districts" as one of seven suspect discriminatory factors in the Senate Report accompanying the legislation [S.Rep. No. 97-417, 97th Cong., 2d Sess. (1982), pages 28-29]. The congress did not require an invidious purpose for such systems to be unlawful, merely defining an unlawful effect of "voter dilution." Court rulings have confirmed that at-large voting, when combined with a fact of racially polarized voting patterns and when a majority-minority district can be constituted, creates an unlawful voter dilution electoral practice.

Legal Challenges to At-Large Voting Schemes

The U.S. Department of Justice and advocacy groups such as the NAACP Legal Defense and Education Fund have successfully sued to force more than 300 local jurisdictions to change from this racially discriminatory electoral practice. The Department of Justice Civil Rights Division confirms that Section 2 violations against at-large voting schemes constitute the majority of its Section 2 enforcement effort.

Here in Ohio, in 2006 and 2008 the department sued the city of Euclid and then the Euclid School Board for their at-large electoral formats. And just last month, the Department of Justice sued the city of Eastpointe, Michigan on that basis. And after the defeat of Issue 1, the NAACP LDF issued an FAQ to Columbus (attached), in an attempt to educate the community about the law and indicating its concern about the potential unlawfulness of at-large voting in Columbus. In Columbus, our residential patterns allow for lawful majority-African American districts to easily be created (the attached sample map shows 3 majority -Black districts:#1, #2, and #4). Thus, it would simply take a court finding of racially polarized voting to result in a finding that our at-large voting for City Council is unlawful. (Based on the geographic dispersal and relatively small numbers of other minority groups, I believe that Columbus African Americans are the only local population with race or color-based protections covered by Section 2 of the Voting Rights Act.)

Is the FCDP Circumventing The Voting Rights Act in Columbus?

Since about 1981, it appears that Columbus has attempted to bridge this issue through the practice of appointing Black citizens to council, and then running them as incumbents on a slate with FCDP and business community backing, in this way attempting to racially de-polarize the electorate by aligning African American voters with majority voters. However, this is a radical departure from Democrat's previous positions in favor of allowing Columbus Black citizens an uncompromised political voice.

History of Columbus Democratic Support for Racially Fair Elections Against Republican Opposition

A 1968 primary effort to move to a 13 member council with 7 elected by districts was led by Democrats. The Dispatch reported it was "proposed for the ballot, with all 6 council Democrats voting in favor and the lone Republican voting in opposition." (Columbus Dispatch, March 3, 1968). Its defeat was credited to "the formidable opposition offered by the Franklin County Republican organization" (Columbus Dispatch, May 8, 1968).

As reported in the May 8, 1968 Dispatch, Democratic Utilities Director William Brooks explained the defeat saying "the Republicans have a well disciplined organization. They follow their party chairman – like sheep." Democrat Council member Jerry O'Shaughnessey believed a portion of the negative vote may have been due to "a certain amount of white backlash ... a fear of some whites that Negroes would be on council." The Franklin County Democratic Party had stayed out of the charter amendment debate at the request of city hall politicians who wanted to keep the issue nonpartisan. After its defeat, Chairman George Twyford announced the party would be involved the next time around.

In 1969, Democrats elected Dr. John Rosemond to council. He was the first Black member of council to come to office by election since the 1914 charter change – a 55 year drought. And in 1975, then Mayoral candidate Rosemond and fellow council Democrat s put another council district proposal on the ballot, to again see it defeated by Republican opposition.

“Tokenism” – the Democratic Party’s Response to Reform Ballot Failures

And for more than 30 years, all other Black Democrats have come to office through the appointment process. As we all likely remember, in the 1990’s through a string of appointments, one seat on council became unofficially known as the “Black Male” seat (Espy-Coleman-Ransier-Boyce-Miller-Hardin), and similar claims began to be made about a “Black Female” seat [(Hammond)- Wright-Tavares-Mills] until it passed to Fran Ryan and now Elizabeth Brown. This pattern and practice is quite similar to the Austin, Texas “Gentlemen’s Agreement” – which was an effort to preserve Austin’s discriminatory all at-large by place electoral system from Section 2 voter dilution claims, whereby the White business community collaborated to not financially support White candidates for one seat held by a Black (Place 6) and another held by an Hispanic (Place 7). [Austin has since moved to a hybrid electoral system with one at large and 10 elected by district.]

It appears the party’s work to get Democrats elected – including Black Democrats –has created a paternalistic tokenism where we are electing Black councilmembers who must depend upon the largesse of the Columbus corporate community to fund their expensive citywide campaigns. Indeed, from 2009 – 2013 (the last report studied), every Black incumbent has received more than 72% of their campaign funding through in-kind contributions from the party or the council president (with Mr. Craig and Mr. Miller both receiving a full 90% of their campaign funding through then council president Ginther, who is funded by the Columbus corporate community). In contrast, White Democratic candidates have raised more money independently, been successfully elected without prior appointment, and have not had that level of dependence on outside funding. In fact, the most recent three Black Democrats appointed to council (Paige, Hardin, and Brown) were city employees. Beyond the benefit to a handful of elected Black councilmembers, this is hardly the type of approach to political representation that Black Columbus needs or deserves.

In the January 29th Dispatch (*Mayor Ginther: Business Partnerships Pay Dividends for Columbus*), Mayor Ginther alluded to a Harvard Business School Review of the Columbus Partnership (January 2015). In that Harvard Business School review, Les Wexner relays a conversation with the late John W. Wolfe who invited him to be “one of the three or four people who decides what happens in town—like who’s mayor and where the highways go.”

Black candidates and elected officials should enter a political system where they respond to the needs of the constituents they serve, and should not be forced into an electoral system where their political futures are determined by those passing through funds to advance the priorities of “three or four people” – all White, and at least one of whom famously does not even live in Columbus.

Toward Building Real Black Political Power Through the Franklin County Democratic Party

Black folk and White folk have different circumstances in Columbus, and as a result have different priorities. The Franklin County Democratic Party should demand an electoral system that allows for those differences to be expressed through the political process.

If we are supporting African American candidates acceptable to the White business community because that is the only way we can raise money to finance these expensive citywide campaigns and ensure they (Black Democrats) can be elected (and thus comply with Section 2 of the VRA) – which is the benevolent paternalism that appears to be happening—then we are promoting “tokenism” and selling out the Black community.

Beyond concerns about lawfulness, Democrats should be raising concerns about the ethical issues raised by the fact that we have a voting system that subsumes the electoral preferences of its Black citizens to validation by the White majority.

The simple solution is to return our party to the position it held during the racially aware 1960's and 1970's, when Democrats held a majority on council and advocated for an electoral system with district representation that is fair to Black citizens. While the FCDP recently opposed the specific proposal that was on the ballot as Issue One (which had a specific articulatable political or policy concern in the formula allowing council to expand or contract with the city's population, rather than remaining a static size until changed by a vote), there is certainly political space for the party to return to its roots of supporting real Black political power, return Columbus to an ethical and clearly lawful electoral system, and support Black citizens and our ability to elect candidates who come from our community and can finance their own district elections, unburdened by the ambitions and pressures of Columbus's corporate community. We can elect strong Black Democrats by district, to provide the needed political and policy leadership for our community without fear.

What we are seeing across the country, and indeed locally, is that the Democratic Party is seemingly enslaved to corporate money over principle, and losing its connection to the policy priorities and advocacy needed by the people we claim to represent. We are seeing young progressive Democrats expressing dissatisfaction, in part because of the Democratic Party establishment's reluctance to part with the past. We are watching yet another generation of young Black Columbus Democrats have their personal political ambitions sacrificed, as they become neutered in a system not open enough to accept them, and under which oppressive format they cannot fairly compete and gain entry on their own merits and ambitions. I urge the Franklin County Democratic Party to open the system to accept fresh leadership responsive to the people of the communities they serve, rather than to the interests of big business. This is the type of needed change that will allow the party to remain strong organically with people power, rather than by exercise of power by a small group of party insiders.

I am asking for you as a leader in the Franklin County Democratic Party to take steps to lead the local party to once again push for a council elected primarily by district so that the unique policy and

perspectives of African American communities can be championed politically, and would like to meet with you to discuss this issue. I will call you shortly to set a meeting, or please feel free to call me for that purpose at (614) 395-1946.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan C. Beard'. The signature is fluid and cursive, with the first name 'Jonathan' being the most prominent part.

Jonathan C. Beard
FCDP Central Committee, Ward 55

Attachments : (1) NAACP FAQ to Columbus
(2) Sample council district map showing majority-Black districts (1, 2 and 4)

Cc: Rev. Joel L. King, Jr., Gahanna 1
Willis E. Brown, Columbus Ward 7
Jhuty Minter, Columbus Ward 26
Nana Watson, Columbus NAACP
Mike Sexton, Chair Executive Committee

AT-LARGE VOTING FREQUENTLY ASKED QUESTIONS

What is at-large voting?

Under at-large voting, all voters cast their ballots for all candidates in the jurisdiction. In Columbus city council elections, for example, all voters cast their ballots for seven positions, with the top seven candidates who receive the most votes citywide winning seats on the city council.

Why can at-large voting be discriminatory?

At-large methods of election can be discriminatory because they, in combination with racially polarized voting, can prevent voters of color from electing their candidates of choice where they are not the majority in the jurisdiction. Under this system, the votes of voters of color often are drowned out or submerged by the votes of white voters who do not support the candidates preferred by Black voters.

How does at-large voting affect communities of color?

Fewer and fewer jurisdictions still practice at-large voting. That is because courts and other decision-makers have recognized that discriminatory methods of election, like at-large voting, exacerbate the discrimination that communities of color experience because of socioeconomic and other disparities in life opportunities between Black and white communities. LDF has long worked to eradicate discriminatory at-large methods of election that dilute the voting strength of communities of color.

How can jurisdictions switch from at-large to district-based voting?

In certain jurisdictions, elected officials can call for a referendum on the question of changing from at-large to district-based voting, and voters can approve a change to the method of election through a referendum. Ohio law allows local city councils to propose a change to the method of election with approval from two thirds of council members. The proposed change to the method of election would then be subject to a referendum that requires approval from a majority of the electors. Alternatively, communities can petition a city council to put the question of a change to the method of election to the voters. Without action by local municipalities, politicians who choose to maintain at-large voting can face time-consuming (e.g., two to five years) and costly litigation (e.g., millions of dollars).

How are single-member districts created?

To remedy dilutive at-large electoral systems, single-member districts often are created by a demographic mapping expert and include at least one district in which voters of color are the majority of the voting-age population in that district. These districts must satisfy all relevant laws and traditional redistricting principles. These districts are not intended to guarantee the election of politicians of a particular color, but rather to empower all voters with the opportunity to elect their candidates of choice.

Are at-large systems rare or widely-used?

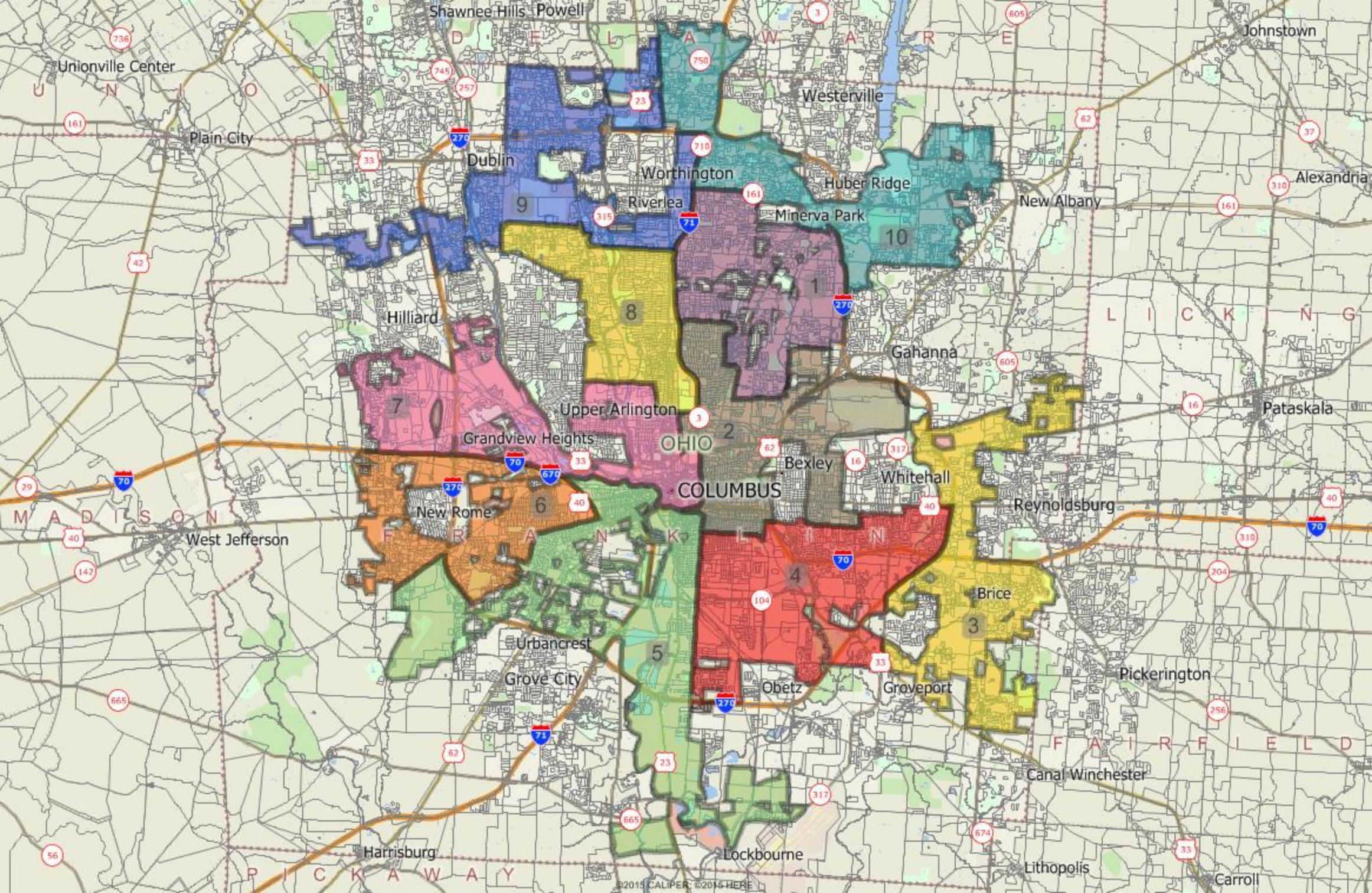
Since the passage of the Voting Rights Act in 1965, numerous at-large systems have been struck down under Section 2 of the Voting Rights Act. Although at-large voting is becoming rarer and rarer, in part due to the advocacy of LDF and other civil rights organizations, such discriminatory election systems remain in some places in our democracy.

The Voting Rights Act forbids the use of any electoral scheme, such as the at-large method of election, that submerges the votes of people of color in elections that a white majority of voters control. Widely considered the crown jewel of American democracy, the Voting Rights Act is the most effective tool for protecting voters of color against methods of election – like at-large voting – that weaken the voting strength of communities of color.

What are some notable cases that struck down at-large voting?

In a case that LDF successfully litigated, *Dillard v. Crenshaw County, Alabama*, a federal district court found that hundreds of Alabama districts intentionally employed at-large electoral methods to discriminate against Black voters. Because of that litigation, 176 jurisdictions settled and adopted some form of district voting.

More recently, in *Georgia State Conference of the NAACP v. Fayette County Board of Commissioners*, LDF successfully challenged the at-large electoral method to the county board of commissioners and board of education in Fayette County, Georgia.



Columbus City Council Districts
10 District Demographics - B

District	Land Area		Percent					
	Sq. Mi.	Population	White	Black	Black	Am. Indian	Asian	Hawaiian
1	18.0	83,516	31,671	43,547	52%	238	2,150	57
2	21.2	75,411	21,381	48,527	64%	255	566	133
3	21.9	76,949	39,299	31,377	41%	157	1,594	27
4	25.7	77,089	31,059	39,666	51%	229	1,285	40
5	32.5	76,773	59,663	11,118	14%	307	1,345	30
6	15.8	70,788	48,919	11,555	16%	255	1,769	106
7	22.1	84,292	66,564	7,761	9%	175	5,519	39
8	14.5	78,315	65,858	3,209	4%	147	6,095	19
9	23.1	80,075	63,184	5,487	7%	150	6,970	26
10	24.8	87,127	59,634	17,540	20%	177	4,838	36
Totals	219.6	790,335	487,232	219,787		2,090	32,131	513