

The Sordid History of Fair Geographic Representation in Austin

Lily-white reformers in the early part of the 20th C. pushed to change urban voting systems from single-member districts to at-large in order to disempower the ethnic voting machines.¹ Austin had a variation of guaranteeing minorities representation, but without actual geographical districts until 1953.²

In 1951, the first African-American in Austin history, Arthur DeWitty, came in 6th place, not quite receiving enough votes to win one of five seats on the Austin City Council.³ The Austin City Council, supported by the Austin American-Statesman, reactively rushed to place a charter amendment on the next city ballot to change Austin to an at-large system.

This exclusion worked until 1971, when the first African-American was finally elected to the Austin City council, Beryl Hancox. Though the exact date is in dispute, this was the approximate year the so-called “Gentlemen’s Agreement” came into existence, though some reported discussions were underway in 1969. The agreement was completely informal and, according to court testimony and opinion pieces in the *Statesman*, it was designed to help Austin circumvent the Voting Rights Act of 1965 and the potential for lawsuits like the many that had been filed in states with a legacy of Jim Crow. Texas, of course, was one of the states fully covered by the Voting Rights Act, along with seven other states.⁴

The gentlemen’s agreement was, and still is, the agreement that white business interests would refrain from funding white candidates running for two of Austin’s 7 Council seats (at that time, Places 5 and 6). *Statesman* articles on this

¹ While it is true that ethnic voting machines participated in corruption, it can be argued that the racism of white reformers (together with their support for welfare-state policies), was an even match in keeping minorities and the poor in their dependent places.

² Voters could use as many votes as candidates were running, but pool them behind one candidate. African-Americans in 1951 “bullet voted” for DeWitty by giving him all of their votes, rather than splitting them between the other candidates.

³ Interestingly, the first woman to be elected to the Austin City Council was Emma Long, who was reelected in this election. Emma passed away in 2010. DeWitty is deceased.

⁴ These states either had large populations of African-Americans and Latinos, or had the largest urban cities in the country e.g. California, New York and Texas, though Illinois was not included.

subject shed some humorous light on the agreement when no one wanted to admit its existence. Liberal Democratic icon of the time, Ed Wendler⁵, testified in court that he participated in the shaping of the agreement. His testimony was promptly disputed by other political activists outside the courtroom, while they claimed they had nothing to do with it. This wasn't a legal issue, since no one could be sued about an agreement that wasn't in writing. It was – and still is – an embarrassment to liberal Austin.

Political consultant, Peck Young⁶, wrote an opinion piece published in the *Statesman* in 1997, following a heated City Council election that he believed exposed the agreement for what it is – “paternalism.” Young said,

“Traditionally, the black and Hispanic backed by East and South Austin minority precincts won with some kind of white support, so for 26 years this created the illusion of minority-elected minority representation.”

“On Saturday, that illusion was forever shattered. In a reversal of three years ago, African-Americans voted heavily to re-elect [Eric] Mitchell to the Place 6 seat. That same day in the Place 5 race, Hispanic precincts voted heavily for Manuel Zuniga and the idea of a second Hispanic in the city council. In both cases, the minority community's votes made no difference as both their candidates went down to a sound defeat.”

“What it does mean is that the white majority finally and irrefutably demonstrated that the selection of the minority representatives is the white majority's prerogative, and the ethnic communities' preferences are not determinative.”⁷

⁵ Wendler ran for office twice, but was not elected. He helped many local Democrats get elected. He died in 2004. His son, Ed Wendler, Jr., is a real estate attorney and developer who lives in Austin.

⁶ Peck Young has worked as a political consultant for such notables as Gov. Ann Richards, former State Senator Gonzalo Barrientos, former presidential candidate Bill Bradley and many more. He is now at ACC as the Director for Public Policy and Political Studies.

⁷ This was a *Statesman* opinion-editorial by Peck Young in June 1997 entitled, “Racial paternalism must yield to Single-Member District Voting.”

It was during this period that conservative whites in Austin, who had opposed single-member districts since the days of Arthur DeWitty, switched to supporting a single-member district system.. This made them allies (if not strange bedfellows) of black and Hispanic voters seeking some modicum of political independence from the Austin city “fathers.”

The most recent vote for SMDs was taken in 2002 and it lost, by a significant margin with 58% voting against it (over 6,000 votes).⁸ What caused the defeat in 2002, since most conservative neighborhoods wanted them? Editorials in the Austin Chronicle indicate that there was fear amongst central city based organizations that they might have to share power with more moderate or conservative suburbanites and/or they simply didn't trust the City to carve the districts.

The discussions underway in Austin amongst activists is for smaller districts, and a revenue neutral package that will not give the opposition any arguments about it costing taxpayers precious tax dollars. In addition, there has to be a non-partisan process for drawing the district lines. Non-partisan independent redistricting commissions are being passed by voters in states across the country from Florida to California to Washington State and Arizona.

The truth is that the current system is costing taxpayers billions of dollars in rigged deals for unnecessary water treatment plants, over-priced real estate deals for such projects, badly negotiated energy deals (read about the “BioMess” in this site), thoroughly gamed property taxes and so much more. The missed property taxes alone, due to gross (40%) under-valuations of large-scale commercial properties and \$1M homes (25%), is a staggering \$375M.⁹ Add to this the off-

⁸ The last time SMDs had been voted down was in 1994, failing by 2,976 votes, just 2%. SMDs went down to defeat in 1988 with 57% voting no. In 1986, SMDs lost in court. The federal court ruled against the NACCP, citing the fact that since blacks and Hispanics had been regularly elected to the Council, the case hadn't proven racial bias in Austin's at-large system. The court was unconcerned as to who actually elected them.

⁹ Back-up data for this claim can be found here in a study released by the Texas Association of Appraisal Districts in 2006: <http://costofgrowth.com/wp-content/uploads/2011/03/Need-for-Mandatory-Sales-Disclosure.pdf>. We calculated this for Travis County and included this in question #1 of our City Council questionnaires for the May 2011 election here: http://changeaustin.org/home1/costofgr/public_html/changeaustin/wp-content/uploads/2011/04/Questionare-place-3.pdf

loaded costs of infrastructure (for roads, schools, water hookups, etc.) of amounting to \$150M per year giveaways to developers¹⁰, and you have a perfect storm for a voter revolt.

The bottom line is that no such voter revolt is likely to happen without smaller districts that citizen candidates can walk. This is why fair geographic representation for Austin City elections is at the cutting edge of any and all reforms in Austin politics. It is pre-requisite for any earthquakes voters can put under City Hall.

¹⁰ Back up for this claim can be found on the website of Eben Fodor, ace community planner and author, who was commissioned by Brian Rodgers of ChangeAustin.org to compute the costs of growth in Austin in 2010. The study results can be found here: http://www.fodorandassociates.com/Reports/Austin_Report_Link.htm