

ELECTING ONE OF OUR OWN: THE IMPORTANCE OF BLACK REPRESENTATIVES FOR BLACK COMMUNITIES IN THE CONTEXT OF LOCAL GOVERNMENT

*By Royce Brooks**

On New Year's Day 2005, the Tarrant County Commissioners' Courtroom was at standing-room only for perhaps the first time ever as hundreds of supporters gathered to watch Roy C. Brooks¹, the newly-elected Precinct 1 Commissioner, take the oath of office. The candidate's family had prime seats in the front two rows - not only his wife, son, and daughter, but nieces and nephews and in-laws, and brothers and sisters by blood and otherwise. This day marked the achievement of a long-sought goal, not just for the candidate, but also for his entire community of supporters.

There were quieter moments on the program: a gracious speech by the outgoing commissioner, a brief tribute by one of his community supporters, readings by a few more ministers. Even the moment of official business was made personal as the candidate was sworn in on the Brooks family bible, the same bible in which his parents had recorded the names and birth dates of their children years ago.

Finally, it was the candidate's turn to speak. He called his family up to the dais and introduced each person by name. He thanked his brother, who was also his campaign treasurer. He thanked his sisters for all of the time and support and, not least, money that they had contributed. The crowd that came out to celebrate Roy Brooks' achievement did not tear themselves away from their black-eyed peas just to congratulate a new commissioner — most of them probably had no idea what a commissioner actually does. They came out to celebrate something much more important: that they had just elected one of their own.

MAJORITY-MINORITY V. COALITION DISTRICTING: THE DEBATE

The national debate over redistricting and effective minority representation generally focuses on how best to draw Congressional and state legislative districts. The arguments both for and against coalition districting² take for granted the existence of large-scale communities of interest among minority voters (i.e., that the vast majority of African Americans share common political interests) and ignore the reality of an aggregate power component to the districts. Those in favor of coalition districting argue that minority influence in the aggregate legislative body ultimately is more important than constituent satisfaction with an individual representative. Scholars who are in favor of coalition districting argue that blacks and other minorities will be much better off when districting maximizes the number of

legislators who are beholden to black communities for votes, because their legislative issues will more likely be brought to the table.³ Under this theory, majority-minority districts, by packing more black voters into fewer districts, result in less effective representation of blacks in the aggregate legislative body. This leads to a ghettoization of black political issues, with only a few voices willing to bring those issues to the fore. This view has been gathering support for years, from proponents both black and white, and on both sides of the congressional aisle.⁴

However, both scholars for and against majority-minority districts fail to take into account local political concerns in their arguments. The prevailing wisdom among those in favor of coalition districting is that black constituents in a coalition district are better served by a moderate or conservative representative than a liberal representative, because the moderate will be better able to garner support for key black issues in the aggregate legislative body. In this view, legislation dealing with issues of importance to the black community will have a better chance of being passed under moderate or conservative representation, even if most black voters would prefer a much more liberal representative. The problem with adding up black legislators and black-sympathetic legislators and judging success by voting records and committee appointments is that voters are not only worried about their statistical representation - the percentage of influence they wield within a national body. They are also concerned whether the face of government with which they deal regularly looks like them and reflects their experiences. The redistricting debate is therefore incomplete without thorough consideration of pertinent issues from the local government perspective, where questions of representation and community identification most affect voters' daily lives.

A LOCAL PERSPECTIVE

This article focuses on the 2004 campaign and election for the Precinct 1 Commissioner's seat in Tarrant County, Texas. In a majority white county precinct in north central Texas, four candidates competed for the slot: three black candidates battled fiercely for the Democratic nomination, and the winner faced the Republican candidate, also black, in the general election. Once elected, Roy Brooks took his seat as the only black member of the five-member Tarrant County Commissioners' Court. This article takes a ground-level view of one candidate's campaign, eventual election and initial days in office. The author explores a number of questions. First, what circumstances did these black candidates face as they struggled to distinguish themselves

with black voters while still appealing to the white majority? Second, how does the new black commissioner balance his or her commitment to zealous representation of black community interests with a commitment to the majority white constituency? Third, how does the only black commissioner maneuver politically within such a small governmental body? Finally, what do black constituents want from a black county commissioner?

RUNNING AND WINNING: THE STORY OF A COMMISSIONER'S COURT RACE

Tarrant County is the third-largest county in Texas. According to a 2001 census, its population was estimated at 1,486,392.⁵ With the population of neighboring Dallas County at approximately 2.3 million⁶, the combined Dallas County-Tarrant County region, commonly known as Dallas-Fort Worth, is one of Texas' largest urban centers.

Racially, Tarrant County is significantly more homogeneous than the rest of Texas, with a non-Hispanic white population of 61.9%, compared with just 52.4% for Texas statewide. Economically, Tarrant is predominantly middle-class, but with a striking 10.6% of the county's population living below the poverty line. Tarrant is also home to the billionaire Bass and Moncrief families, whose oil fortunes are a consistent source of funding for local civic projects.

Of Tarrant County's four precincts, Precinct 1 is the most racially diverse. Whites make up just 46% of the population of Precinct 1, with blacks comprising 31% - two and a half times the county average - and Latinos comprising 20%. Precinct 1 is widely economically and socially diverse as well. The three-hundred thousand person area stretches from the apartment communities of southeast Fort Worth, where zero-tolerance police patrols break-up gatherings of brown and black men on darkened street corners, to the dream-home gated communities of southwest Fort Worth, where seven-bedroom palaces stand along privately financed, tree-lined avenues. Politics is no exception to the pattern of wild diversity in Precinct 1. It is the only majority-Democratic precinct in the county.

The Precinct 1 Commissioner's race in 2004 was unique in that all the primary and general election candidates, both Democratic and Republican, were black. With a very popular commissioner - the first black and the first woman ever to sit on the court - finally retiring after sixteen years in office, several black candidates raced to fill the void. Because a black commissioner had held the office for so long, many voters and political operatives in Tarrant County have come to think of Precinct 1 as the county's unofficial black seat.

The difference between campaigning in black communities and campaigning in white communities is not merely one of style. Everyone from campaign managers to party operatives to

the candidates themselves indicates that different approaches and even different substantive methods are offered to each group. This is a little-mentioned effect of coalition districting. In a majority-minority district, a candidate hoping to represent the views and experiences of a minority community would feel free to campaign on those issues, instead of feeling pressured to soften certain ideas for the benefit of an audience. In such a district, it would be possible for a black candidate to win based on a platform of issues of importance to the black community. In a coalition district, though, a candidate cannot win without some white support. And that white support generally comes when black candidates successfully soften or dilute their black political messages to suit the palates of white voters.

Election law scholars acknowledge that minority voting cohesion and white crossover voting are important factors in understanding whether black voters in a given district will successfully elect their candidate of choice.⁷ In their 2001 article exploring effective minority districting, Bernard Grofman, Lisa Handley, and David Lublin explain that relying solely on the minority percentage in a district does not consistently predict

black election success. According to Grofman, Handley, and Lublin, We also need to incorporate the level of minority cohesion and the degree of white crossover voting that can be expected when a minority-preferred candidate competes for office. If, for example, white voters regularly cross over to vote for black candi-

dates, the percentage black necessary to create an effective black district decreases.⁸

Conversely, if white voters regularly fail to vote for black candidates, the black percentage necessary for black voters to achieve their preferences in a district increases dramatically. Despite moves toward pervasive crossover voting in nearby Dallas, and despite the individual successes of a handful of prominent local black candidates, white voters in Tarrant County still overwhelmingly prefer white candidates.⁹ "By and large, white voters do not vote for black candidates." So says Art Brender, Chairman of the Tarrant County Democratic Party. Brender, who is white, knows well of what he speaks. As a civil rights attorney who has been involved in several of the recent Texas disputes over redistricting, Brender is also a life-long Tarrant County resident. As a result, Brender is intimately familiar with the voting patterns and political atmosphere of the region. But if white voters do not vote for black candidates, what makes Precinct 1, with its succession of black commissioners and its slate of black candidates running in a majority white district, an exception? Brender points to five factors. First, the reluctance of whites to vote for blacks is less prevalent among lower income white voters, such as those who vote in the Democratic primaries. Second, in the past twenty years, many of the white voters who would not be willing to vote for black candidates have

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switched from the Democratic to the Republican Party. Third, because Precinct 1 has a higher percentage of white voters who are Democrats than other areas of the county, there is likely less of a racial voting effect by party than would be expected in other areas, with all of the blacks voting for the Democratic candidate and all of the whites voting for the Republican. Fourth, in this year's Precinct 1 race, the candidates were particularly attractive to white voters, with recognized names and impressive records of public service, including a sitting member of the Fort Worth city council and the highly visible administrative assistant to the popular incumbent commissioner. Brender especially emphasized name recognition as a positive factor for both Brooks and Commissioner Bagsby before him. Finally, Brender acknowledges that what may be the most important factor is also the simplest: all of the candidates were black, which diminished any racial effect of voting by stripping white voters of any alternatives.

Despite his candid assessment of white voters' view toward black candidates, Brender is reluctant to admit that the county's Democratic Party operation might sometimes differentiate its message on the basis of race. However, Brender does acknowledge that party workers might be more likely to emphasize civil rights themes or include messages by leaders like Jesse Jackson when campaigning in a black community, but not in a white or a Latino community, where civil rights issues fail to resonate as successfully.

The Brooks campaign was also sensitive to the charge of inconsistency in campaigning (as well as, presumably, the more disparaging charge of race pandering). As a result, both Brooks and his campaign manager were reluctant to admit differentiating their message based on race. When asked whether his campaign ever delivered different messages to different communities according to race, Brooks replied, "We never altered the basic message, but we may have shifted our emphasis on certain issues in the overall platform."¹⁰ Brooks had several issues that formed the core of his campaign: improved health care, economic development, implementing a freeze on senior citizen property taxes, and a general pledge to put his superior level of experience and knowledge of county government to use for the benefit of constituents without lapse in service from the previous commissioner. In an election year when Bush's characterization of John Kerry as a "waffler" may have cost Kerry the presidential election, Brooks was well aware of the dangers of appearing to be inconsistent. "You become liable to the charge of pandering to different interests," says Brooks.¹¹

When asked about the receptiveness of white voters to his candidacy, Brooks noted that the senior citizen tax freeze certainly resonated in white communities because by and large, white voters are higher income people and own more expensive property than minority voters. Health care and economic development issues were aimed more toward black and Latino communities whose needs are much more basic and whose communities have not received the same support for basic infrastructure - business development, healthcare, and the like. "[T]o a certain

degree, there was a tailoring of the message. But I said the same things in the white community," said Brooks.

Brooks' campaign manager, Charmaine Pruitt, had a similar take on the question of message differentiation.¹² When Pruitt, who is black, was asked whether the campaign differentiated its message according to race, she said that the message itself did not change, but the emphasis did change in certain instances. For example, in black neighborhoods, the campaign may have focused more heavily on increasing outreach and service for the county hospital system, which serves mostly indigent patients. In white neighborhoods, the campaign may have focused more on economic issues like capping the property tax for seniors.

The tension between messages that appeal in black communities and those that appeal to white voters is part of the reason why, despite the evident ability of blacks to run and win in Precinct 1, many black voters in Tarrant County prefer the majority-minority model to the coalition district model. When asked about the viability in Tarrant County of coalition districts that rely on white crossover voting to elect minority candidates, Brooks said,

I'm suspicious of the willingness of white voters to apply that strategy across the board. I think that [white crossover voting] is situational. I think this upcoming city council election presents some interesting opportunities for crossover. Precinct 1 works because Democrats are the majority in the precinct, but blacks control the Democratic primary. It would be interesting to research exactly why blacks are allowed to control the primary.¹³

That the battle for the Democratic nomination was centered in the black community is not just a consequence of black candidates playing up to black voters. In Tarrant County, as across Texas and the rest of the south, large numbers of white voters have turned to the Republican Party in recent years. As white voters leave the Democratic Party and black voters remain, blacks gain proportionately more voting power within the party.¹⁴ Further, in Tarrant County, black voters are somewhat more likely than white voters to participate in the Democratic primary. Therefore, for the commissioner candidates, capturing a significant number of black votes was essential to winning the primary.¹⁵ According to Brooks, many white Democrats either don't vote in the primary or vote defensively by voting in the Republican primary and voting Democrat in the general election.

When asked whether he would prefer redistricting in favor of a smaller number of guaranteed majority-minority districts or a larger number of coalition districts with the potential to elect minority candidates, Brooks said that he would prefer the guaranteed seats: "I think that American society is still polarized, and we vote for people who look like us. For people to vote in patterns other than that is the exception, not the rule." Perhaps things will be different in the future, but Brooks has a clear assessment of the situation as it stands now: "I don't think we

have gotten to that place yet.

CONSTITUENT SERVICES: THE FOUNDATION OF LOCAL GOVERNMENT

Because of its size and function, questions of aggregate legislative power do not apply to the five-member Tarrant County Commissioners' Court. The court is a governing body, not a legislative body, and has no ordinance-making authority. Instead, the county government operates as the local arm of the state government, and the Commissioners' Court acts as the county executive, exercising powers specifically delegated to it by the state government. According to Commissioner Brooks, the court is authorized to "provide order and structure to the county government, to make policies that affect the local implementation for state programs, and to pay the bills."¹⁶ Specific court mandates include the responsibility for operating the state criminal justice system, providing health care for the indigent, implementing programs for child welfare and mental health and mental retardation services, bridging the gap for welfare recipients between the application for assistance and the receipt of federal welfare benefits, and maintaining all non-municipal roads.

The court is presided over by the County Judge, which is a county-wide elected position. Because the court does not elect its own leader, party affiliation and other group identity does not come into play. Any separate committee work handled by the court includes all five members as a committee of the whole. With such a small group working so closely together, merely forcing initiatives through the system based on one party's superior numbers would make for uncomfortable working conditions. Instead, the commissioners must maintain personal relationships with each other, and advocate for their constituents behind the scenes as well as on the vote tally board. Additionally, because the court has limited authority to pursue policy-making on the kinds of political issues that engage most voters, court members are much more likely to be judged based on their relationships with their constituents than on what specific legislation they helped to pass or defeat.

For four-term commissioner Bagsby, Brooks' immediate predecessor and former boss, constituent service was a top priority.¹⁷ In addition to reaching out to citizens' groups and holding community meetings as she had during her initial campaign for office, Bagsby took a programmatic approach to constituent outreach, beginning with publishing a citizens' guide to county government, which included descriptions of the processes of county government and contact information to make services more accessible to citizens. She initiated outreach efforts like broadcasting the weekly court meetings on public access television, and she created a volunteer coordinator position to encourage citizens to become involved in charitable activities through

the county, such as volunteering at county hospitals. Bagsby also started an immunization project with the local Junior League through the county hospitals. Because of her efforts, the county has become much more visible in the community - county offices have adopted local elementary schools, and county employees drive for Meals on Wheels and are encouraged to participate in other charitable efforts.

Having assisted Bagsby's successful administration for fourteen years, Commissioner Brooks takes constituent outreach just as seriously as did his former boss. When asked what importance he attaches to constituent services as part of his overall job description, Brooks answers,

When you hold office, you don't operate in a vacuum, and you're not there to serve your own needs, but to serve the needs of the people who elected you. The only way to know what the people want is to directly communicate with the citizenry and get them involved.¹⁸

Brooks therefore counts community meetings as among his most important commitments. His office hosts some meetings and is invited to many more, from neighborhood associations to senior citizens' groups to churches; he personally attends two or three per month. In addition to these organized invitations from the public, Brooks says his office is contacted "many times a day" by constituents needing help with personal problems. These include anything from a dispute with a landlord to a family member in jail. Brooks tries to help them all, and will soon add a staff member whose sole responsibility is community outreach and constituent services.

Brooks' main programmatic goals for constituent services are health care-oriented. Brooks wants to address local issues of health disparity between affluent communities and poorer, especially minority, communities. He hopes to be able to direct the county-run health system into a community health model, and to eliminate the county's policy of treating undocumented patients only in an emergency room setting. Brooks is also in the process of creating a nonprofit entity to partner with community groups to apply for grants for community initiatives from SAT preparation courses and summer youth camps to senior citizen programs. According to Brooks, "We'll just have to see what the people want."

HOW ELECTION LAW SCHOLARS OVERVALUE LEGISLATIVE POWER

For some, the coalition district model represents the triumph of racial cooperation over the provincialism and polarization that often characterizes contemporary politics. Richard Pildes presents coalition districts as an alternative to safe districts

REALLY SUBSTANTIVE REPRESENTATION: THE IMPORTANCE OF HAVING “OUR GUY” IN OFFICE

where whites and blacks have achieved “meaningful” political cooperation.²⁰ Some believe that this model is just right for Texas, where political racial tensions are rooted in a history of slavery and de jure segregation. Tarrant County Democratic Party Chairman Art Brender has favored coalition districting over majority-minority districting for many years. Brender states, “I’ve said for a long time that the majority-minority model is disappearing because of the upward mobility of blacks and Hispanics in the region.”²¹ Brender further explains that Tarrant County has seen a trend of generational dispersion among black voters: children raised in traditionally black neighborhoods like southeast Fort Worth are moving away from those neighborhoods as adults. As a result, it is becoming harder in Tarrant County to create separate majority-black voting districts. Brender sees coalition districts as the solution to this problem. Although Brender admits that a coalition model based on white crossover voting would be unlikely to succeed locally, he believes that coalitions of local minority communities based on common economic and social interests would be viable vehicles for black candidates. For example, education issues, economic issues, health care, and public transportation are common interests that unite black, Latino, and Asian communities in the area, and serve as bases for potentially successful coalition districting.

The story of multi-ethnic coalition districts is especially popular among both election law scholars and Democratic Party operatives, because it seems to suggest a clear solution for minority representation. Communities of underprivileged and marginalized minority groups would band together to elect representatives from each other’s communities; thus, helping each other achieve fuller, more descriptive representation than any one group could achieve on its own. Further, the Democrats could count those seats as safely in the “win” column, meaning that Democrats in the aggregate legislative body would have that much more power, and would be in a better position to pass legislation of importance to minority communities. This fails to take into account, however, that while minority voters would prefer Democratic representatives to those of another party, the effective representation debate neglects the fact that they may prefer representation by a member of their own community above all else. For example, Carol Swain concludes that black voters value the constituent services and community solidarity that a black Congressional representative provides, more highly than they value the greater influence in the aggregate body that a white representative might provide.²² Despite this finding, Swain ultimately proposes that coalitional districting with white representatives is the best solution for black community representation.²³ One can only marvel at the willingness of even a black academic, a member of the very voting community in question, to disregard the opinions of black voters in her recommendations for achieving the most effective representation of those voters.

In academic parlance, substantive representation exists when a representative is effective in promoting a community’s interests, regardless of whether that representative is a racial or ethnic member of that community. In contrast, descriptive representation exists when a community’s political representative is merely a racial or ethnic community member.²⁴ In reality, however, for many black voters, there is no such thing as being “merely” a racial representative. Racial identity is as important a factor in representation as legislative success or party leadership. In the context of local officials who sit on small bodies or hold lone executive positions, and whose official duties often lack either the salience or the magnitude to resonate with most voters, racial representation can be one of the most important factors voters seek. A black representative offers the black community a social and emotional stake in the political process - the existence of black officials shows the community that it is possible for other interested minorities to run for office and win. From an academic perspective, a more accessible governmental process and the establishment of officials as role models for a particular racial community are secondary benefits, external to the more important process of maximizing minority-sympathetic votes in legislatures. For many minority voters, however, being able to access government through an elected representative from one’s own community is truly a substantive concern.

Does electing a black county commissioner really make for better representation for black constituents? County government is certainly not a high-profile enterprise, and many citizens, both black and white, are completely unfamiliar with its mission. But according to local community leader Deralyn Davis, having a black representative in county government is “not just for show” - it is vital to county policy.²⁵ Commissioners are responsible for appointments to boards and commissions that bring political and monetary benefits to the black community. For example, the Tarrant County Commissioners’ Court appoints members to the John Peter Smith Hospital Board, which oversees a county hospital system that serves a large percentage of low-income and minority patients. Before Commissioner Bagsby was elected, only one black member had ever been appointed to the hospital board, despite the fact that black patients comprise approximately one-third of those served by the John Peter Smith system. It was only after the election of a black commissioner to the court that black members became a regular fixture on the hospital board. Davis points out that a governing board is most effective when its members contribute a variety of experiences and ideals. Davis gives the example of her service as the first woman to serve on the State Prison Board, appointed by then-Texas governor Mark white.²⁶ Her suggestion resulted in portable toilets being brought into the fields where women prisoners labored so that they no longer had to relieve themselves in public under the eyes of male guards. None of the male members of the board had previously considered this problem. Similar con-

cerns of sensitivity and awareness arise in the context of the Commissioners' Court-appointed hospital board. It is hard to know just how attentive an all-white board would be to the particular needs of its black patients.

Officials who are members of the minority communities they represent have a real stake in the governing of those communities, because they will be personally affected by the outcomes of the decisions they make. And voters within a community feel a real connection to a representative who looks and lives like them. According to Roy Brooks, "They feel like they have a sort of ownership in me. They helped put me there."²⁷ Deralyn Davis sees this sense of personal connection in one's representative as an important part of political participation, and she thinks that for Tarrant County, the coalition district model threatens that feeling of connection for minority voters.

According to Davis, the coalition district model is unlikely to be successful in electing black candidates, despite the exceptions of Bagsby and Brooks in Precinct 1. Both Bagsby and Brooks gained support from a wide range of voters based on individual appeal: both were from well-respected Fort Worth families whose names tended to overcome doubt among white voters, and both had relatively high profiles within the greater Fort Worth community based on their professional experiences before running for office. Not every black candidate has such advantages when it comes to drawing crossover-voting support. Davis fears that without a majority-minority model, black candidates will be unable to win locally, and black voters will lose their already limited personal connections to representative government.

NAVIGATING A FIVE-MEMBER COURT: ONE COMMISSIONER'S STORY

In 1988, Bagsby was the only Democrat elected in Tarrant County. Many of her supporters had backed her because of a surrounding sexism controversy, not because they cared about, or were familiar with, county government. One of her first acts in office was putting together an informational pamphlet called "County Government A to Z," as one of her many efforts to make the Court more accessible to citizens.

Bagsby felt a conscious responsibility to demonstrate that women belonged on the Court and that a minority woman could be a competent commissioner. At first, she experienced "both covert and overt hostility" from some members of the court, so she was careful to do her homework.²⁸ Bagsby saw that the boards and commissions that were appointed by the court were not demographically reflective of the local community as a whole, so she pushed for term limits for appointed positions and nominated qualified minorities and women for vacant spots. Bagsby says she knew that other court members were looking for a reason to gang up against her, so she made sure always to have one or two of them in partnership on any effort, and she usually let one of the others present the idea in court meetings. "That's the way women work - they are consensus builders and collaborators."²⁹ But she says it would have been hard for

someone who needs public validation to operate in such a behind-the-scenes manner. Bagsby encouraged the court to take a critical look at members of the county's senior staff and evaluate them objectively. She pushed for professionalization of the staff with an eye toward encouraging the county's operations to become technologically up-to-date, and she initiated a tuition reimbursement program for employees who wanted to pursue higher education.

The primary goal of Bagsby's first term in office was to change the culture of the court; she did not push for change in the delivery of services right away. But according to Bagsby, despite the fact that the changes she initially pushed for were mostly internal, she did not have a problem being satisfactorily accountable to the black community. "They were just glad to see me there every Tuesday," she says.³⁰

Initially, Bagsby's fellow commissioners were less than welcoming. Perhaps they resented having to share their authority with a black person and a woman. Perhaps they feared further encroachment from communities they felt uncomfortable dealing with - once minorities and women started to take an interest in the court, how long would any of their seats be safe? Unfortunately, it seems they had no cause for worry. In the sixteen years since Bagsby first ran for the court, no minority commissioner has been elected from any other precinct, and no black candidate has ever run for a seat outside of Precinct 1. Instead, Precinct 1 has become the black seat, the district in which it is safe for blacks to run and win. There is a consistent minority presence on the court, but it is sequestered in such a way that white members of the court are safe from minority challenges. Lani Guinier identified this type of problem in New York's Village Voice,³¹ arguing that the limited minority presence allowed by white elites in their various institutions both legitimizes those institutions and insulates the elites from real competition from minorities. She compares the Supreme Court's ruling in *Georgia v. Ashcroft*³² with its handling of the affirmative action question in the Michigan cases³³ and finds that in each case, the Court leaves the ultimate choices of redistricting and student admissions not to the taxpayer and the voter, but to the power elite.

Precinct 1 seems to fit this model exactly.³⁴ The 1990 and 2000 redistrictings each increased the proportion of black voters in Precinct 1, consequently decreasing the proportion of black voters in the other precincts. By 2004, with four black candidates vying for one commissioner seat, and zero black candidates running in any other race, it seems that the concerns of the black community have been successfully relegated to one corner of the commissioners' court.

CONCLUSION

It is clear that, on the ground, the debate between majority-minority and coalition districting is far more complicated than the mere amassing of districts to maximize the aggregate legislative clout of the Democratic Party. On a local level, black vot-

ers do not define political efficacy only, or even primarily, according to policy implementation. Instead, they count constituent services and the ability to identify personally with their representatives as their most important concerns. Black voters, therefore, experience the fullest political access, and receive the best response from government, when they are represented by black elected officials with the political freedom to pursue black interests zealously. Coalition districts do not sufficiently allow

for this paradigm. Instead, when black candidates must please both minority and white communities, they will differentiate their political messages in order to appeal to white voters. Majority-black districts allow black communities to experience ownership of the political process in a way that coalition districts do not. For the debate over effective minority districting to be complete, election law scholars must fully take into account this sense of empowerment - the value of electing one of

ENDNOTES

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¹ Commissioner Brooks is a familial relation of the author.

² See Richard H. Pildes, *Is Voting-Rights Law Now at War with Itself?* *Social Science and Voting Rights in the 2000s*, 80 N.C. L. REV. 1517, 1522 (2002) (defining coalition districts as "those with a significant minority population and white voters who are willing to form interracial political coalitions in support of minority candidates").

³ See, e.g., *id.* (assessing coalition districts as an attractive potential alternative where voting is not racially polarized); see also Sam Hirsch, *Unpacking Page v. Bartels: A Fresh Redistricting Paradigm Emerges in New Jersey*, 1 ELECTION L.J. 7 (2002) (arguing in favor of coalition districting as a more effective approach for electing minority candidates).

⁴ Hirsch, *supra* note 3, at 22.

⁵ All Tarrant County demographic information is from Tarrant County eGov, available at <http://www.tarrantcounty.com/egov/cwp/view.asp?a=703&q=425078> (last modified Dec. 15, 2003) (last visited Mar. 24, 2007).

⁶ U.S. Census Bureau, Texas Quickfacts, 2003 population estimate, available at <http://quickfacts.census.gov/qfd/states/48/48113.html> (last visited Mar. 18, 2007).

⁷ Bernard Grofman, Lisa Handley & David Lublin, *Drawing Effective Minority Districts: A Conceptual Framework*, 79 N.C. L. REV. 1383 (2001).

⁸ *Id.* at 1407.

⁹ Telephone Interview with Art Brender, Tarrant County Democratic Party Chairman, Jan. 28, 2005 [hereinafter "Brender Interview"].

¹⁰ Telephone Interview with Roy C. Brooks, Tarrant County Commissioner Precinct 1, Feb. 7, 2005 [hereinafter "Brooks Interview"].

¹¹ Brooks Interview, *supra* note 10.

¹² Telephone Interview with Charmaine Pruitt, Brooks Campaign Manager, Jan. 28, 2005.

¹³ Brooks Interview, *supra* note 10.

¹⁴ See Grofman, Handley & Lublin, *supra* note 7, at 1409 ("[T]he growing Republicanism of white voters in the South has a double-edged effect on the likelihood of black electoral success: for a given black population proportion in the

district, *ceteris paribus*, as the Republican share among white voters goes up, black candidates are more likely to win the primary, but less likely to win the general election.").

¹⁵ See Grofman, Handley & Lublin, *supra* note 8, at 1409 (emphasizing the importance of including the primary system in the overall calculus of drawing effective black districts, although the debate over effective minority districting is predominantly concerned with the ability of black candidates to win general elections).

¹⁶ Brooks Interview, *supra* note 10.

¹⁷ Interview with Dionne Bagsby, Former Commissioner Tarrant Country Precinct 1, June 26, 2005 [hereinafter "Bagsby Interview"].

¹⁸ Brooks Interview, *supra* note 10.

¹⁹ Brooks Interview, *supra* note 10.

²⁰ Pildes, *supra* note 2, at 1529.

²¹ Brender Interview, *supra* note 9.

²² CAROL M. SWAIN, *BLACK FACES, BLACK INTERESTS: THE REPRESENTATION OF BLACK AMERICANS IN CONGRESS* (Harvard University Press 1993).

²³ *Id.*

²⁴ See, e.g., Hirsch, *supra* note 3, at 8.

²⁵ Telephone Interview with Deralyn Davis, Former Chairperson of the Coalition of Black Democrats, Jan. 27, 2005.

²⁶ *Id.*

²⁷ Brooks Interview, *supra* note 10.

²⁸ Bagsby Interview, *supra* note 17.

²⁹ Bagsby Interview, *supra* note 17.

³⁰ Bagsby Interview, *supra* note 17.

³¹ Lani Guinier, *Saving Affirmative Action And a Process for Elites to Choose Elites*, VILLAGE VOICE, Jul. 2, 2003.

³² 539 U.S. 461 (2003).

³³ *Grutter v. Bollinger*, 539 U.S. 306 (2003) (holding that the University of Michigan law school affirmative action program is permissible because race is considered in conjunction with other factors); *Gratz v. Bollinger*, 539 U.S. 244 (2003) (holding that the University of Michigan undergraduate affirmative action program is unacceptably race-based).

³⁴ Guinier, *supra* note 31.

LOOK FOR
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