

## USE OF CHOICE VOTING TO ELECT NEW YORK CITY COUNCIL AND ITS 1947 REPEAL

• *The following is from "The Repeal of P.R. in New York City," by Belle Zeller and Hugh Bone, in the American Political Science Review, Dec. 1948. New York City used the choice voting form of full representation in five elections from 1937 to 1945.*

### Adoption of PR and Retention in 1938 and 1940

In November 1936, the voters of New York City approved the use of proportional representation for the election of members of the city council by a vote of 923,186 to 555,217.... The constitutional convention of 1938 provided the people of the entire state an opportunity to reject decisively an amendment that would have prohibited the use of PR in any election in the state. Still another unsuccessful attempt to abolish the system was made in 1940 -- this time through initiative petition under provision of the New York City charter....

### Supporters and Opponents of 1947 Repeal

How did the forces line up in the intense battle over P.R. in the campaign of 1947? The political parties, of course, had a direct stake in the results of the campaign. On the one side were the Democratic and Republican county organizations urging repeal of PR, while the American Labor Party, the Liberal party, the Communist party and the Fusion forces worked for retention of the system....Among prominent private organizations favoring the retention of PR were: Americans for Democratic Action; American Veterans Committee; Citizens Union; City Club; Commerce and Industry Association; Federation of Jewish Women's Organizations; Greater New York C.I.O. PAC; International Ladies Garment Workers Union; International Workers Orders; League of Women Voters; National Council of Jewish Women; the NAACP; National Lawyers Guild; Progressive Citizens of America; United Neighborhood Houses; and Women's City Club.

### Anti-Communism and the Success of the Repeal

There is no doubt that the one issue above all others responsible for the repeal of PR in 1947 was Communism. At the last three councilmanic elections, when one or two Communists were elected to the city council, American-Soviet relations were friendly. After the war, anti-communist sentiment became very vocal and the advocates of repeal repeatedly made the erroneous statement during the campaign that nowhere else in the United States were Communists honored by elective public office.....The presence of two Communists in the council in 1947 was submitted again and again by opponents of PR as evidence that the system resulted in over-representation of minorities....

### Creating an Independent Politics

The charge that PR resulted in fragmentation or coalition government in New York, or that it failed on a citywide basis to result in proportionality could not be substantiated by the evidence.... It may be noted that in every election there was a close relationship between voting strength and success at the polls. From the beginning, the Democrats under PR received an absolute majority, but at the same time did not enjoy a near monopoly, as was the case under the aldermanic system....

For the independent Republicans and Democrats, PR

proved a real benefit; for it permitted a number of them, by drawing strength from insurgents and independents throughout a borough, to be elected. Some of the most able councilmen, notably Genevieve Earle and Stanley Isaacs, who undoubtedly would never had won the primary in a single-member district because of opposition to the district machine. It was not too well known, but one of the most important reasons why the party organization repeatedly fought PR was that it deprived them of control over nominations. In fighting to retain PR, the insurgents and independents within the major parties provided vigorous leadership; for they realized that a return to the single-member-district plan meant a much greater chance of machine control over nomination and election.

There is general agreement that the average ability of PR councilmen was higher than that of the board of aldermen during its last years. As the Commerce and Industry Association of New York pointed out, the board members were frequently absent from important committee meetings, engaged in little debate and often rubber-stamped legislation of the leaders. In contrast, PR council meetings were well attended and discussion both in committee meetings and in the council vigorous.....

### Black Support for Retaining PR

In Harlem, where most of Manhattan's Negroes live, there was unusual activity to save PR. The *Amsterdam News*, a Harlem weekly paper, strongly supported retention. The Harlem Citizens Committee in Support of Proportional Representation was organized and hailed PR for:

"freeing Harlem from the ghetto system.... The electorate of Harlem...became part of the boroughs' progressive electorate and sent to the council men like Adam C. Powell, Stanley Isaacs, Eugene Connolly and Benjamin J. Davis, Jr.... Neighborhood unknowns, if PR is abolished, would be the councilmanic candidates....If PR is repealed, there will not be a single Negro in the Council. True, a Negro clubhouse leaders may have the privilege of 'naming' the councilmanic candidate, but that leaves the people out in the cold....."

It should be noted, too, that the Republican Club in Harlem's 11th Assembly District, did not go along with the county Republican organization in its anti-PR stand. Dr. Chandos Maxey, the Republican Club leader, stated: "...Everybody knows that Harlem has never been able to elect any Negro to any office along senatorial lines. These misguided political leaders say their aim is to keep Ben Davis and the Communists out of the city council. We think the effect will be to keep Ben Davis and all other Negroes out of the City Council."....

### Ethnic Voting and Voter Turnout under PR

Appeals to racial and religious groups during the repeal campaign bring to mind a criticism constantly levelled at the system, namely, that it encouraged and resulted in ethnic voting..... There is little question that PR does open a way for racial and religious group, if it desires, to vote along such lines. This fails, however, to tell the full story....Observation of transfers yields and impressive preponderance of evidence that in PR elections, ethnic and religious factors were secondary in importance to party. Indeed, party remained the most important determinant in vote transfers.....

In summary on popular interest and participation, the charge that the system would or did result in apathy was not borne out. In some elections, the number of marked ballots for councilman exceed those cast for borough president or comptroller. In a few instances in certain boroughs, more people actually marked their PR ballots than voted for mayor.... On the whole, the record shows that the electorate used PR, and that the system did not discourage the voters from participating in councilmanic elections....

### The Repeal Campaign

The campaign that resulted in the repeal of PR in New York, after a trial of ten years, was one of the most dramatic ever waged over an issue that did not involve the election of candidates for public office. A significant feature of it was the scores of debates and forums held throughout the city under the auspices of local civic, veteran and business organizations.....

It is, of course, difficult to estimate the amount of money spent on this repeal campaign. There is no doubt that the largest sums were spent by the pro repeal forces, particularly by the Democratic and Republican organizations. The Citizens Committee to Repeal PR, with a budget of \$330,000 was entirely financed by the Democratic county organizations. The Keep Proportional Representation Committee was hard-pressed for funds, and with a total budget of \$4,013....The CIO unions and the Liberal, American Labor and Communist parties had more funds at their disposal. In one way, this may have been unfortunate, since it left the impression that the campaign to retain PR was a left-wing movement. Despite earlier successes, the proponents of PR faced a situation in 1947 that was well-nigh impossible to overcome. The advocates of repeal presented to issue to the voters at a time when anti-Soviet and anti-Communist feelings ran high....

Before PR was in use two years, George McCaffrey wrote in this *Review*: "The New York City experiment with proportional representation has thus justified the claims of its advocates that the system is not too difficult for the electorate of even such a polyglot city as New York to operate successfully'; that it would give representation in proportion to strength to any voting group." After a review of all five elections and councils, the authors find themselves in agreement with McCaffrey's conclusion. The new plan replacing PR in 1949 will be an improvement over the old aldermanic system.... There is little reason to believe, however, that the new system will avert an overwhelming dominance by the Democratic party."

*[Note: Democrats won 24 of 25 seats in 1949.]*

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• *The following is from "The 'Golden Age' of the City Council," an article in the "Week in Review" section of the New York Times by Martin Gottlieb on 8/11/91.*

Despite next year's expansion of the New York City Council, the future will probably be, in a Yogi Berra phrase that a councilman would have been proud to invent, one of "deja vu all over again."

While there almost undoubtedly will be an increase in the representation of people of color, the range and flavor of council discourse is likely to remain exactly the same on most issues, with leading candidates overwhelmingly Democratic, middle class and geared to sinecure or constituent service rather than philosophical debate.

Yet it wasn't always this way. Even the City Council had what Henry Stern, a former member who heads the nonpartisan Citizens Union, calls "a golden age."

The golden age existed between 1937 and 1945, when council members were selected not from individual districts, but through a system of proportional representation in which political parties and nonaligned candidates won election in proportion to their total boroughwide votes.

The system produced such formidable council members as Stanley Isaacs, the Republican who had served with distinction as Manhattan Borough President, Michael Quill, the future head of the local Transport Workers Union, and Benjamin Davis, the Communist Councilman from Harlem. The system institutionalized the representation of a wide number of political parties with differing viewpoints. "The City Council always puts on a good show," read a *Times* photo caption of a council meeting in 1938. "Its members have done everything except throw desks at each other."

In 1945, the last proportional representation race, Democrats won 15 seats, or 65%, with the rest split among Republicans, Liberals, Communists and American Labor party members.

In 1949, two years after the system was voted out by referendum, Democrats won all but one of the council's 25 seats. Today they hold 34 of 35."

*[Note: Voter turnout in the 1991 city council elections was 22% despite the 16 newly-created seats being elected for the first time. It was even lower in the 2003 city council elections.]*

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