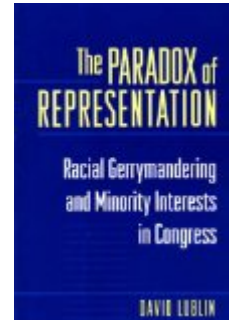


David Lublin. *The Paradox of Representation: Racial Gerrymandering and Minority Interests in Congress.* Princeton: Princeton University Press, 1997. xv + 159 pp. \$29.95, cloth, ISBN 978-0-691-02669-5.



Reviewed by Peyton McCrary

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Although I am an historian with the Civil Rights Division of the United States Department of Justice, the following review reflects my own assessment and not necessarily that of the Department. I emphasize this point because the Department's role in enforcing the Voting Rights Act is among the issues discussed in the work under review.

David Lublin's study of minority representation in Congress provides a useful, if sometimes flawed, contribution to the scholarly analysis of voting rights issues. He seeks to explain the conditions under which African American or Hispanic candidates are able to win congressional office, and the conditions under which the creation of majority-minority districts facilitates or impedes effective representation of the substantive interests of African American or Latino voters. These are important and complex questions, and the scope of his research is ambitious; his methodology is also ambitious, perhaps unnecessarily so.

Lublin assembles a large body of data regarding all congressional election contests from 1972 through 1994 (5,079 elections in white-majority

and 219 in black-majority districts, and, in a second phase of the analysis, 5,190 elections in Anglo-majority and 105 Latino-majority districts). In order to assess the conditions under which minority candidates win office, he employs logit analysis, using a large number of political, demographic, and socioeconomic characteristics as independent variables that might explain election outcomes. Because he also seeks to determine the effects of majority-minority districts on the substantive representation of minority voters in Congress, he uses a liberalism-conservatism scale developed by Keith Poole and Howard Rosenthal to measure ideology in congressional voting behavior between 1972 and 1994. Lublin then examines the link between district characteristics and ideology through a complex, nonlinear, multiple regression model. He also estimates, although quite unsystematically, the effects of creating majority-minority districts on changing party strength in the Congress.

The most reliable finding, although Lublin himself assigns it a lower priority (pp. 3-4), concerns the effects of district characteristics on de-

scriptive representation. Lublin provides the most comprehensive evidence yet to confirm the conventional view that black and Hispanic candidates rarely win election except in majority-minority districts. He finds that nonblacks won 5,007 of the 5,079 elections in white-majority districts between 1972 and 1994, and African Americans carried 200 of the 219 contests in black-majority districts. Similarly, non-Latinos won 5,161 of 5,190 contests in Anglo-majority districts, but Latinos carried 82 of 105 elections in Hispanic-majority districts (p. 48). Not surprisingly, in light of these stark results, his logit analysis demonstrates that no alternative, non-racial variable has much effect on the outcome of contests. Bluntly criticizing the claims of Abigail Thernstrom and Carol Swain, Lublin asserts that "race overwhelms all other factors" in explaining these outcomes (p. 41).

Turning from the issue of descriptive to that of substantive representation, Lublin begins on solid ground. The evidence from his use of the Poole-Rosenthal liberalism-conservatism scale demonstrates that, with respect to racial issues in Congress, "knowing the party label of a representative allows one to predict with a great deal of probability, if not certitude, a representative's position on a particular issue" (p. 69). Indeed, for the entire period under investigation, Democrats, even white Southerners, were consistently more liberal as a group than Republicans. The Poole-Rosenthal scores also permit Lublin to identify distinctive voting groups within the Democratic Party. Among Democrats, African American representatives were as a rule the most liberal, followed by Northern whites and Southern whites (see Table 4.7). Among Hispanic congressmen, Puerto Ricans were more liberal than Anglo Northern Democrats; Mexican Americans were less liberal than Northern Anglo Democrats but less conservative than Anglo Southerners (see Table 4.8). Cuban American representatives, mostly Republicans, were only slightly less conservative than Anglo Republicans. Based on the fact that poll data consistently show African American citi-

zens more liberal than whites (p. 73), Lublin plausibly assumes that substantive representation for blacks in Congress is likely to be largely a function of Democratic party strength.

The next step, however--his effort to demonstrate statistically the relationship between the racial, ethnic, and socioeconomic characteristics of congressional districts and substantive representation of minority interests in congressional roll call voting--leads Lublin into very deep methodological waters. He employs a non-linear model that "relaxes the homoscedasticity constraint of linear regression" and uses maximum likelihood estimation to identify the coefficients of his independent variables (pp. 78-9). He does not explain why the data require this novel approach, or even cites previous scholarly work justifying or explaining this methodology. The old-fashioned among us might prefer a comparison with the results obtained by simpler, more conventional models, which (we are left to assume) do not fit the data as well. In short, Lublin's methodological presentation is unlikely to persuade many readers who do not view his findings as plausible based on other evidence.

His findings are, however, generally plausible; indeed, many appear predictable from the results of his application of the Poole-Rosenthal scale. The essential issue in his analysis is to determine the proper threshold of minority population to use in optimizing minority representation. Lublin's position is that we get one answer if concerned with descriptive representation (the election of minority candidates) and another if focusing on substantive representation of the interests of minority voters.

The probability of electing minority representatives (set forth in Table 3.2, p. 46) is a function of the combined African American and Hispanic percentages in the district. For simplicity, consider districts with no Latino population. Districts with less than forty-five percent black populations "almost never elect black representatives," Lublin

finds (p. 47). At the forty-five percent threshold, the district has a twenty-eight percent probability of electing a black representative; at fifty percent, the probability rises to sixty percent. In a fifty-five percent black district the probability is eighty-six percent. As the percentage of Hispanic voters in a district increases, the proportion of African Americans necessary to elect minority candidates decreases correspondingly.

Clearly the old rule of thumb adopted by the federal courts in the 1970s, that district populations need to be sixty-five percent black in order to afford a reasonable chance of electing black representatives, is no longer appropriate. The reasoning behind the rule of thumb, based on the empirical evidence in numerous early voting rights cases, was that the black proportion of the voting age population was several percentage points lower than of the total population, the black percentage of the registered voters was lower still, and the black percentage of those turning out to vote was even lower. In short, to assure that blacks were a majority of those turning out to vote on election day, it was necessary for blacks to have approximately sixty-five percent of total population. Lublin recognizes (pp. 45-6) that the Voting Section of the Justice Department, following the advice of expert political scientists and sociologists testifying as expert witnesses in voting rights litigation, has not attached special significance to the sixty-five percent threshold for a long time, because in many jurisdictions black mobilization efforts in the 1980s raised registration levels to rough parity with white registration percentages and turnout was often not far behind.

Lublin demonstrates that "African Americans rarely win election from districts less than 40 percent black," and that representatives from such predominantly white districts are generally opposed to the substantive interests associated with black voters (p. 87). At the other end of the spectrum, African Americans win "the vast majority" of elections in districts where black voters are in

the majority, and they are highly responsive to the substantive interests associated with black voters. In the middle are those districts between forty and fifty percent black, which are usually won by whites unless there are enough Latinos to make the district electorate majority-minority, when they generally elect a minority candidate. In either case, these districts never elect Republicans. Poole-Rosenthal scores indicate that white Democrats elected from these districts are generally responsive to the substantive concerns of black voters. Similar patterns obtain for Hispanic-majority districts.

There is, Lublin argues, a tradeoff at work: if the creation of majority-minority districts decreases the total number of representatives elected from districts over forty percent minority, then the substantive representation of minority voters is correspondingly decreased (pp. 87, 89-90, 92-93). He finds that this is only true in the South, however, because the quite different demographic, ethnic, and political context in Northern urban areas minimizes the effects of this tradeoff (pp. 91-96). Lublin seems confused about whether this tradeoff varied over time. On the one hand, he maintains that "the pooled model for all Congresses does a good job of modeling the entire period" from 1972 through 1994 (p. 141, n. 16). Elsewhere he contends that "racial redistricting prior to 1990 had little impact on the partisan makeup of the House or black substantive representation" (p. 98). The latter claim appears more plausible.

The weakest part of Lublin's study is his effort to link Republican gains in the 1990s to the creation of majority-minority districts in the South, where he eschews systematic statistical analysis in favor of speculative anecdotal evidence. He himself seems confused about the number of seats the Democrats lost to Republicans due to racial redistricting. At one point, he puts the number at five seats in 1992 and four in 1994 (p. 114); elsewhere he claims that the Democrats lost six

seats in 1992 and three in 1994 due to the new majority-minority districts in the South (p. 123).

Lublin's speculative approach leads to a particularly dubious assessment in his discussion of the effects of creating a black-majority congressional district in Alabama. The Republicans had long controlled two of the state's seven districts; under the new plan, the Republicans picked up a third district in 1992, apparently as a result of a court-drawn plan that drew a new black district in the region around the state's largest city, Birmingham. Lublin insists that, in addition, redistricting cost the Democrats a sure gain of one seat: "the Democrats would have picked up the open Second District [long held by retiring Republican Bill Dickinson] in 1992 if redistricting had not reduced the number of black voters in the district" (p. 105). Such an outcome might have been possible in 1992, but it certainly was not predictable.

Readers should not rely on Lublin's account of voting rights case law. While generally accurate in summarizing the decisions hostile to the creation of majority-minority districts beginning in 1993, he sometimes errs in discussing earlier decisions. The most egregious error is his claim that the Supreme Court "did not firmly establish the right to file suit against vote dilution under Section 2's anti-discrimination provisions until 1977 in *Kirksey v. Board of Supervisors of Hinds County*" (p. 30). Actually, the Supreme Court never agreed to hear that case, which was decided by the Fifth Circuit Court of Appeals on constitutional, not statutory, grounds. Not until 1986 did the Supreme Court uphold a lower court decision applying Section 2 of the Voting Rights Act, as revised in 1982. Despite the reservations noted above, the quantitative findings that make up the bulk of Lublin's study advance our understanding of this complex subject.

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