



**Citizens' Commission on City Government**  
Tulsa, Oklahoma  
Final Report  
June 9, 2006

# Citizens' Commission on City Government

June 9, 2006

The Honorable Mayor Kathy Taylor  
City of Tulsa  
200 Civic Center  
Tulsa, OK 74103

Dear Mayor Taylor:

The members of the Citizens' Commission on City Government thank you for the opportunity to present to you our findings and recommendations pursuant to the charge we received from Mayor Bill LaFortune on December 5, 2005. As a result of our meetings and interviews over the last five months, we are honored to submit our perspectives and key recommendations.

## Introduction

We take the issue of suggesting charter changes as a serious undertaking. As a matter of philosophy we adhered to the advice provided to us by Professor John Nalbandian, chairman of the department of public administration at the University of Kansas, during our February 2006 session. First, Professor Nalbandian asserted that changing a charter is like amending a constitution because a charter is designed to set out rules, relationships and responsibilities in a fundamental sense. A charter change should not to be done lightly nor should it be done at a certain moment in time just because one might believe another form of government or charter provision would have performed better for that period.

Second, Professor Nalbandian wisely counseled us at the outset that the key issues we should try to address when reviewing the charter are: What problem are we trying to address? What is not working as well as it should? Is there evidence that changing the charter would fix the problem?

## The Problem To Be Solved

Over the course of our process, we engaged in discussions to better understand what our core problem was or at least to identify a problem or two of sufficient importance that a claim could be made that charter reform would be of value. The discussions took place during a relatively tumultuous time in local politics during which there was a hotly contested mayoral race and ultimately the election of a new mayor and major changes in the makeup of the City Council.

In a phrase, the problem that the task force most squarely identified was a disturbingly high amount of discord at City Hall and a sense that the current structure may have the effect of exacerbating tensions rather than ameliorating them, coupled with the belief that local politics

were far too heavily focused on infighting and petty squabbles rather than on pulling the city together to make forward progress on issues of importance for the citizens of Tulsa.

### The Issues Addressed

With these problems in mind, we discussed and evaluated a handful of structural issues that seemed important to the members of the task force or which were brought to our attention by members of the community, current and former public officials, and experts who addressed us over the course of our discussion sessions.

The major charter reform issues which were addressed were the following:

1. The question of whether the City of Tulsa should change the city's number of council seats or whether there should be any change to the current structure of nine councilors, all of whom are elected by district.
2. The question of whether municipal elections should remain "partisan" as they are in their current form or whether the City of Tulsa should move to a non-partisan form of government, as is the current structure in Oklahoma City.
3. The question of whether the position of city auditor should remain as an elected position or should become an appointed position.
4. The question of whether the City of Tulsa should explore a merger of city and county governmental functions as has been pursued in Indianapolis, Indiana and Louisville, Kentucky.
5. The question of whether there should be adjustments to the political calendar such that there can be more time between a mayoral election and the time for which a budget must be prepared and submitted.
6. The question of whether the City of Tulsa should consider fundamental changes to its civil service rules and regulations.

It should be noted that Professor Nalbandian commented to us that, from a national perspective, the issues we were exploring were relatively minor ones in the context of city charter reform across the country. For example, the task force did not seriously consider a radical restructure of the city charter, such as a move to a council/city manager form of government. Similarly, the task force accepted as a positive Tulsa's strong mayor form of government and did not consider a reversal to the commissioner form of government that predated the current strong mayor form of government.

Ultimately, the task force spent the most time on the first two issues---the composition of the City Council and the possible reform of partisan elections. The task force also addressed the issue of an appointed city auditor, while spending less time on the issue of reforms to the civil service system. For these reasons, this report will concentrate on the findings and

recommendations related to 1) city council composition and 2) the possibility of non-partisan elections. To a lesser extent, the task force has recommendations around the position of city auditor and the calendar of mayoral/council elections and budget submission. Finally, the task force ultimately believed it was ill-equipped to make major recommendations in the areas of city/county unification or civil service reform; although the deliberations suggest that there are areas of improvement which may merit the attention of the newly-elected mayor and council.

### At-Large vs. District City Councilors

The formation of our task force evolved out of a discussion over the composition of the City Council. There were individuals who sought a charter amendment which would have turned three of the nine councilors into at-large seats. Similarly, there were those who vigorously opposed any such change to the current form of nine council members, each of whom is elected from different districts.

Our task force spent a significant amount of time listening to presentations on both sides of the councilor composition issue, including remarks from political leaders, concerned citizens and community activists.

After much consideration, there was no consensus to alter the structure of the current City Council. In fact, most believed we should maintain the current structure of the Tulsa City Council with its nine members each elected by district. We reached this conclusion for the following reasons:

1. Regardless of whether a better system in the ideal would be one where there would be a blend of at-large and district representatives, it appears very difficult and highly divisive to reduce the number of seats elected by district. To do so would create a perception of, and in fact have the numerical reality of, reduced representation. Although many of us believe that we might have been better off, for example, had we moved to a 6/3 framework in 1989 at the time we jettisoned the five member, all at-large commission, it would be far different to move to a 6/3 structure today, after we have existed with a 9/0 structure for more than 15 years.
2. Tulsa's unique history, including the racial divides that still afflict us, makes it all the more difficult to change to a system with reduced representation.
3. To the extent that the issue of the council's composition emerged as a result of divisiveness between the mayor and the council, there is the current hope that the new elections, a new council and a new mayor have helped unify local politics and the community.

It should be noted, however, that a few task force members support a change to the charter. Such members suggest a slight expansion to the current council by adding at-large or super-district councilors rather than in any way reducing the number of councilors elected by district. Nonetheless, at the end of the analysis, most of the task force members reached the conclusion that no change should be made.

## Partisan vs. Non-Partisan Elections

The task force makes the recommendation that the city should move to non-partisan elections for municipal offices. This reform was suggested to us by a wide variety of citizens and elected officials. In fact, two former mayors of Tulsa and a former city councilor, along with a former mayor of Oklahoma City, strongly encouraged us to take this step. Similarly, the public input we received encouraged us to recommend a non-partisan system for municipal elections. The task force agreed with this reform for the following major reasons:

1. The issues facing the city largely defy partisan labels. The condition of streets, the strength of our first responders and the effectiveness of city services are not partisan issues. Traditional philosophical differences between the parties are not as important for municipal affairs.
2. We need more cooperation between officials in city government. Partisanship tends to divide officials for reasons unrelated to municipal governance. Cooperation should be based on issues rather than party philosophy.
3. It is important to have a unified mayor and council, especially on issues that go to a vote of the people. We think it will improve mayor/council relations if they are not distracted by party differences.
4. Just as it is important for officials to be working together, it is also important for the voters of a city to come together on major initiatives. Too often the role of political parties can distract voters from the core issues at stake in city elections.
5. A non-partisan system should work to increase participation in the elective process. At present, many voters feel disenfranchised because there are not any candidates in their party running for their city council districts. As a result, such voters occasionally are not able to have any say in the primary elections, and therefore are not able to have a say in who ultimately becomes their councilor.

The mechanics of a non-partisan election system need to be examined. Our task force recommends that serious consideration should be given to the Oklahoma City model as far as it relates to non-partisan elections. In that system, the top two vote getters in primary elections face each other in the general election, with the winner receiving at least 50 percent of the vote plus one vote. If one candidate receives at least 50 percent of the vote plus one vote in the primary election, there is no need for a general election.

It should be noted that this recommendation is not made unanimously. Some suggested that no change should be made while others embraced an idea advanced by local commentator Michael Bates, known as multi-partisan elections. Still others recommended that the system simply needed technical changes to enable higher participation levels. For example, one thoughtful suggestion was a response to the situation where candidates of only one party file for a council race in a particular district. In those situations, a few task force members recommended that such an election be converted from a primary election to a general election.

In summary, the broad consensus of the task force recommends the adoption of a non-partisan system for municipal elections.

### Elected or Appointed City Auditor

The task force identified six issues relating to the city auditor position. Such issues and task force recommendations are as follows:

1. Elected or appointed - The position of city auditor should be an appointed position rather than an elected one. To effectuate the appointment, the task force recommends the formation of an audit committee, consisting of five persons appointed by the mayor and confirmed by the council. No longer subjecting the auditor to periodic elections, the task force believes, would safeguard the independence and integrity of the audit office.
2. Qualifications - Currently, the only requirement for city auditor is to be a voter in Tulsa. Because of the complexity and breadth of the position, the task force recommends that there should be a minimum requirement of certification as a Certified Internal Auditor or Certified Public Accountant.
3. Reporting lines - The auditor needs to be independent and operate without fear of reprisal for investigating a situation or for bringing bad news. The task force believes that the auditor should report to an "audit committee" of five persons appointed by the mayor and confirmed by the council.
4. Dismissal - Currently, since it is an elected position, an auditor may be removed at election time. This arrangement makes it difficult to attract a professional to the position. The suggestion of the task force is to place the dismissal decision with the audit committee and make it for cause. Because the auditor must be able to operate autonomously, the dismissal decision should be removed from the political arena and be based only on professional behavior.
5. Salary - Some protection should be established to prevent under-funding the position of city auditor, which would result in the inability to hire an appropriately qualified person for the position. Current charter calls for a salary 70 percent of the mayor's salary. The task force recommends the salary be changed to a market driven salary commensurate with the requirements of the position and experience of the applicant.
6. Functions of auditor - The external review noted that some traditional audit activities, such as performance audits, are missing from the list in the charter. The task force recommends a closer review of the auditor's roles and responsibilities be made.
7. External auditors - Safeguards need to be in place to insure that the city auditor and external auditors operate cooperatively, but independently. Most businesses currently require a periodic change (three to five years) in external auditors to promote a fresh look at the audit function. The task force suggests that no accounting firm should be permitted to serve as the

independent auditor for the city or any of its boards or commissions for more than three of any five year period.

### The Election Calendar

A number of experienced political leaders in Tulsa suggested to the task force that we recommend a change in the election calendar. The primary reason for this suggestion is the weakness in the current system which demands a newly-elected mayor to propose a new budget to the city council just days after the election. Currently, the election takes place on a Tuesday in April, and the budget is due less than 30 days later on May 1 of every year.

Others raised different objections to the current calendar. For example, the spring election date has a way of decreasing participation because the campaign season is atypical and unfolds during the winter months.

The task force agreed that a fall election, at the typical first Tuesday of November, in odd-numbered years, would be a better system. This date has the added benefit of being one that people associate with elections and therefore will help boost participation.

### Conclusion

The Citizens' Commission on City Government respectfully submits these recommendations to you. We hope that this effort provides you with the insights you need on this important topic of potential charter reform. As one would expect when debating difficult issues, we did not reach unanimity in our recommendations. Nonetheless, the recommendations reflect the general consensus of the task force on each of the major issues that we explored.

Sincerely,



Hans Helmerich  
Co-chair



Ken Levit  
Co-chair

The Members of the Citizens' Commission on City Government

Sandra Alexander  
Mouzon Biggs, Jr.  
Laura Chalus  
Michael Covey  
Sharon Daugherty  
Becky Darrow  
Reuben Gant  
Jerry Goodwin  
John Goodwin  
Risha Grant

David Kelley  
Mark Lewandowski  
C.S. Lewis, III  
Jane Malone  
Joe McGraw  
Thomas McKeon  
Tom Padalino  
David Pynn  
Nilda Reyes  
Bill Schloss

Stephen Schuller  
Gary Trennepohl  
Steadman Upham

# Appendix I

Charge From Mayor Bill LaFortune

## CITIZENS' COMMISSION ON CITY GOVERNMENT

### Charge from the Mayor

Dated December 5, 2005

To Members of the Citizens' Commission on City Government:

As Mayor of the City of Tulsa, I have constituted a diverse group of citizens to review Tulsa's government and its structures and to recommend any changes deemed necessary to improve its operation. This group will be called the "Citizens' Commission on City Government," and I have appointed Hans Helmerich and Ken Levit as co-chairs of the Commission.

The Commission will be responsible for setting its own rules of operation, with the following requirements in place:

- All general meetings of the Commission will be open to the public.
- Subcommittees or working groups made up of members of the commission may meet privately as long as their findings are delivered to the Commission as a whole in a public meeting.
- The Commission will not be required to allow attending members of the public to speak at its meetings (although it can decide to), but the group will ensure that appropriate public input is received by holding not less than 4 public hearings in various geographic areas around the City.
- The Commission will complete its work and make its recommendations to the Mayor's office no later than June 30, 2006.

While the Commission is free to set its own agenda and inquire into any area of City government, your formal charge is to recommend any changes you find necessary after taking the following actions:

1. Review the governmental structures of various cities whose governmental structures are successful and develop a list of "best practices."
2. Review Tulsa's City Charter and the governmental structures it mandates, such as the various boards and commissions and the operation of the Mayor's office.
3. In light of the recent initiative petition effort, review the current form of City government and the structure of the City Council.
4. Review the relationship under the Charter of the Mayor's office and the City Council.
5. Review the powers of the various Charter-mandated departments, including the Mayor's office and the City Council.

The Commission's guiding principle will be to ensure Tulsa has the most efficient and effective government to meet the challenges of the 21<sup>st</sup> century for all Tulsa's citizens and our children.

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# Appendix II

## Meeting Agendas and Materials

# **Citizens' Commission on City Government**

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## **Agenda Jan. 13, 2006**

**1:30 p.m. to 4 p.m.  
Executive Conference Room  
Tulsa Convention Center, Lower Level  
100 Civic Center**

- I. Welcome and Introductions  
Opening Charge by Mayor Bill LaFortune**
  
- II. Panel: The Structure of Government in Tulsa Today**
  - **Former City Councilor Robert Gardner**
  - **Professor and Former Mayor of Tulsa Rodger Randle**
  - **The Honorable Susan Savage, Secretary of the State of Oklahoma and Former Mayor of Tulsa**
  - **City Auditor Phil Wood**
  
- III. Processes and Subcommittees**
  
- IV. A Path Forward**
  - a. **Future Meetings**
  - b. **Potential Speakers**
  - c. **City Council Input**
  - d. **Community Input**
  
- V. Close**

# **Citizens' Commission on City Government**

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## **Agenda Feb. 10, 2006**

**1:30 p.m. to 4 p.m.  
11<sup>th</sup> Floor, Room 1101  
City Hall  
200 Civic Center**

- I. Welcome**
- II. Discussion with Professor John Nalbandian, Ph.D., of the University of Kansas in Lawrence**
  - Discussion led by TU President Steadman Upham**
- III. Discussion of Next Steps**

# Citizens' Commission on City Government

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John Nalbandian, Ph.D.  
Chair, Department of Public Administration  
The University of Kansas

**John Nalbandian, Ph.D.**, chairs the department of public administration at the University of Kansas where he has taught since 1976. Since 1998, *US News and World Report* has rated the University of Kansas' graduate program in public administration number one in the country for local government education. In addition to his faculty position, Professor Nalbandian brings a unique perspective to his working having served on the Lawrence City Commission from 1991-1999, including two terms as mayor.

Professor Nalbandian grew up in Southern California and completed his doctoral education at the University of Southern California. He specializes academically in human resources management and local government and has written extensively about both topics, including **Professionalism in Local Government**, which was published in 1991, and **Public Personnel Management: Contexts and Strategies** now in its 5th edition.

In addition to his writing and teaching, he has consulted with city councils and staff, conducted training sessions, workshops, and made presentations to local government officials nationally, and in the United Kingdom, Canada, and Australia.

In recognition of his lifetime contributions to the field of public administration, he has been inducted into the National Academy of Public Administration. Also, he has received national awards for teaching excellence and research. He is an honorary member of the International City/County Management Association and received ICMA's Sweeney Award for Teaching Excellence.

# Citizens' Commission on City Government

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## Agenda March 10, 2006

1:30 p.m. to 4:30 p.m.  
Executive Conference Room  
Tulsa Convention Center  
100 Civic Center

- I. Welcome
- II. Discussion of Partisan v. Non-partisan Elections
  - Kirk Humphreys, Former Mayor of Oklahoma City
  - Patti Basnett, Chair, Tulsa County Democrats
  - Jerry Buchanan (or designate), Tulsa County GOP
  - Mary Jo Neal, League of Women Voters
- III. Discussion of Comparative Community Data
- IV. Formation and Role of Sub-committees
- V. Possible Alternate Date for April Meeting
- VI. Opportunity for Public Input
  - Moderated by Jerry Goodwin

# Citizens' Commission on City Government

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## Meeting Notice & Update

- Subject:** Fourth Meeting of the Citizens' Commission on City Government
- Time:** 1:30 p.m. to 4:30 p.m.
- Date:** Friday, April 7, 2006\*
- Place:** Gallery  
Greenwood Cultural Center
- Topics:** April meeting will include the second opportunity for public input
- Reply:** Please reply to [kware@ou.edu](mailto:kware@ou.edu) to confirm your attendance

\*Pending committee approval for date change

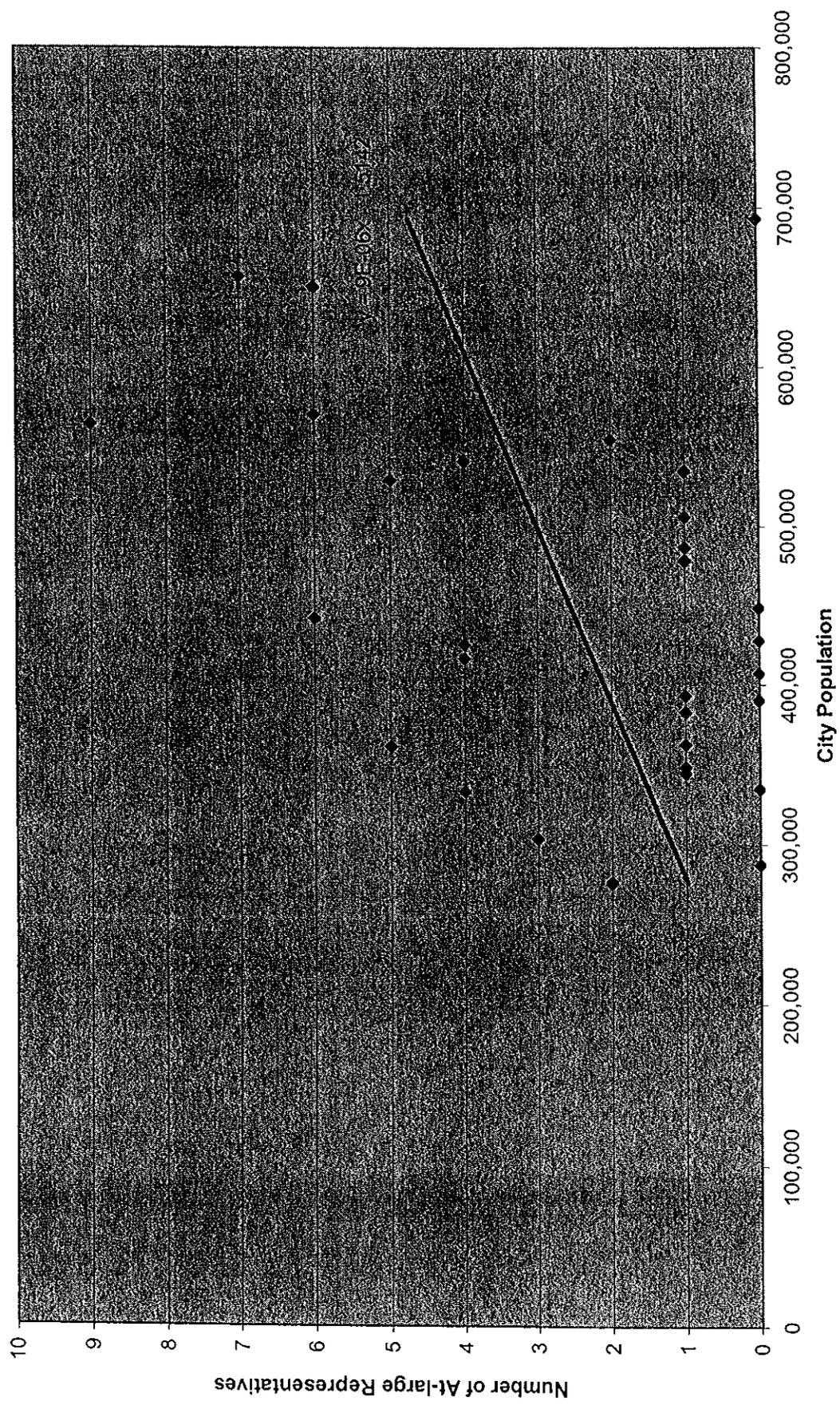
Citizens' Commission on City Government

**Comparative Community Data**

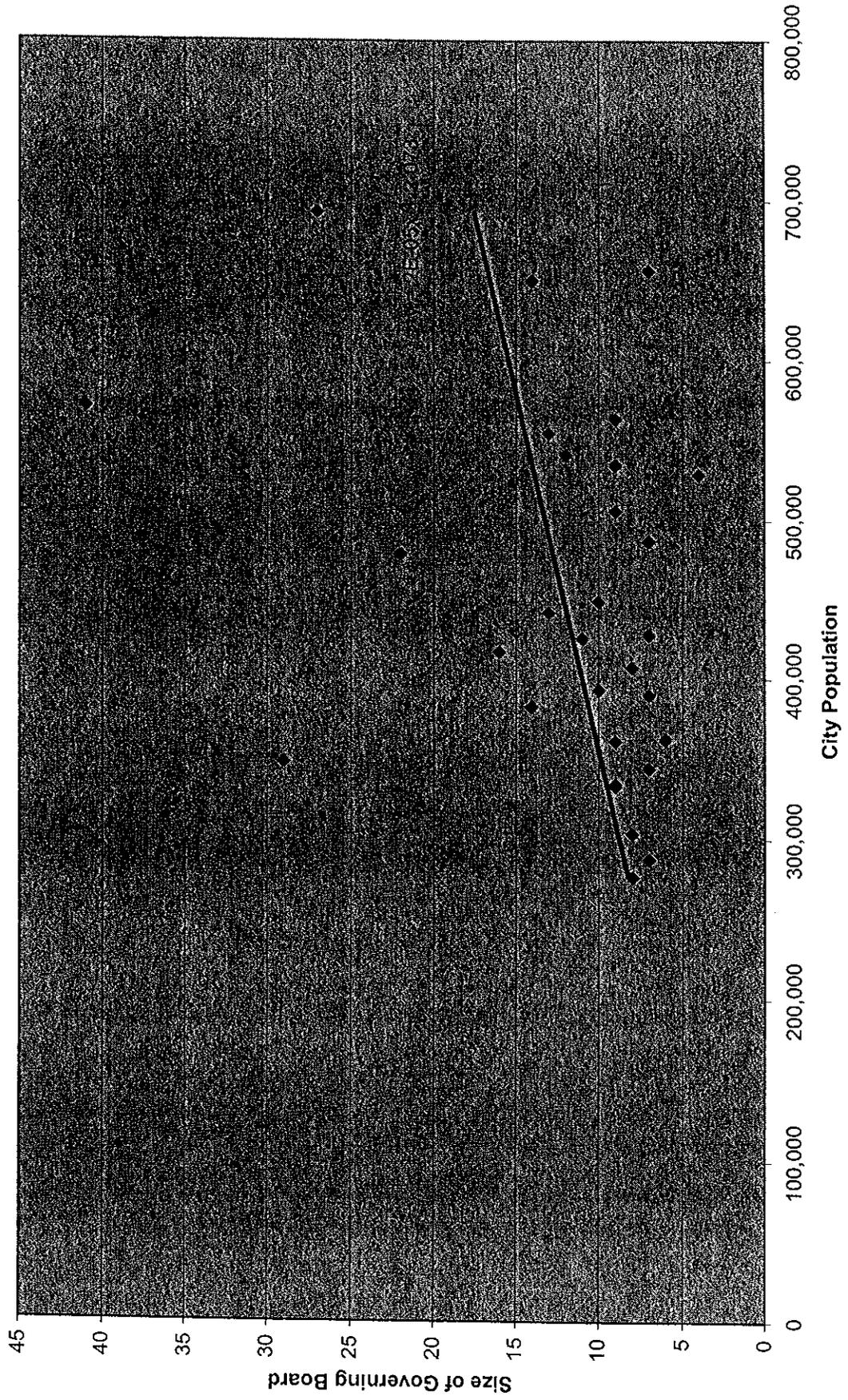
# Comparative Data for U.S. Cities with fewer than 700,000 Population

City	2000 population	size of governing body	number at-large	number ward/ district
Louisville-Jefferson County	692,910	27	0	0
Austin	656,562	7	7	0
Memphis	650,100	14	6	8
Nashville-Davidson	569,891	41	6	35
Seattle	563,374	9	9	0
Denver	554,636	13	2	11
Charlotte	540,828	12	4	8
Fort Worth	534,694	9	1	8
Portland	529,121	4	5	0
Oklahoma City	506,132	9	1	8
Tucson	486,699	7	1	6
Cleveland	478,403	22	1	21
Albuquerque	448,607	10	0	9
Kansas City	441,545	13	6	6
Fresno	427,652	7	0	7
Virginia Beach	425,257	11	4	7
Atlanta	416,474	16	4	12
Sacramento	407,018	8	0	8
Tulsa	393,049	10	1	9
Omaha	390,007	7	0	7
Minneapolis	382,618	14	1	13
Miami	362,470	6	1	5
Colorado Springs	360,890	9	5	4
St. Louis	348,189	29	1	28
Wichita	344,284	7	1	6
Pittsburgh	334,563	9	0	9
Arlington	332,969	9	4	5
Tampa	303,447	8	3	4
St. Paul	287,151	7	0	7
Raleigh	276,093	8	2	5
<b>AVERAGE</b>	<b>448,188</b>	<b>12</b>	<b>3</b>	<b>9</b>

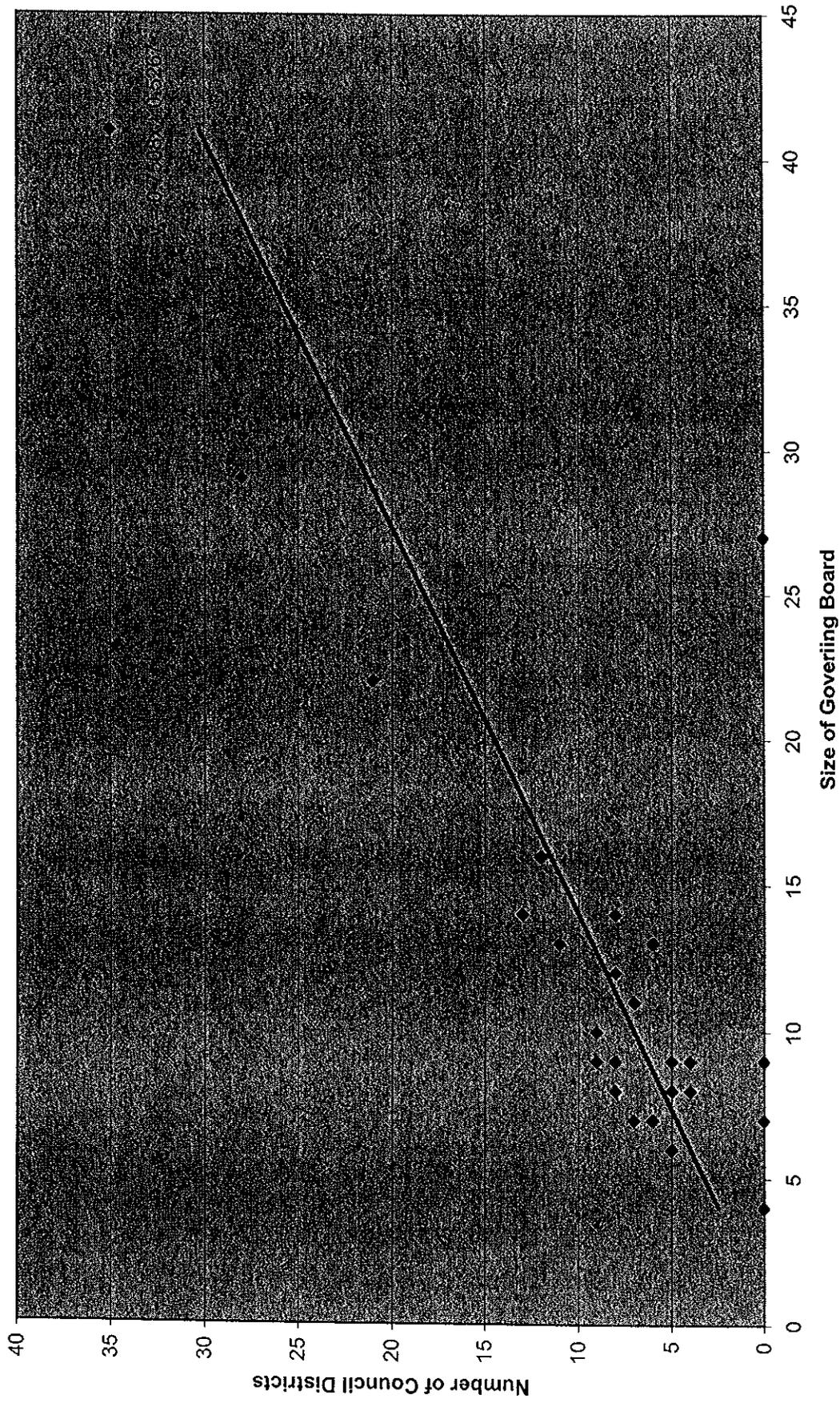
City Population and Number of At-large Representatives



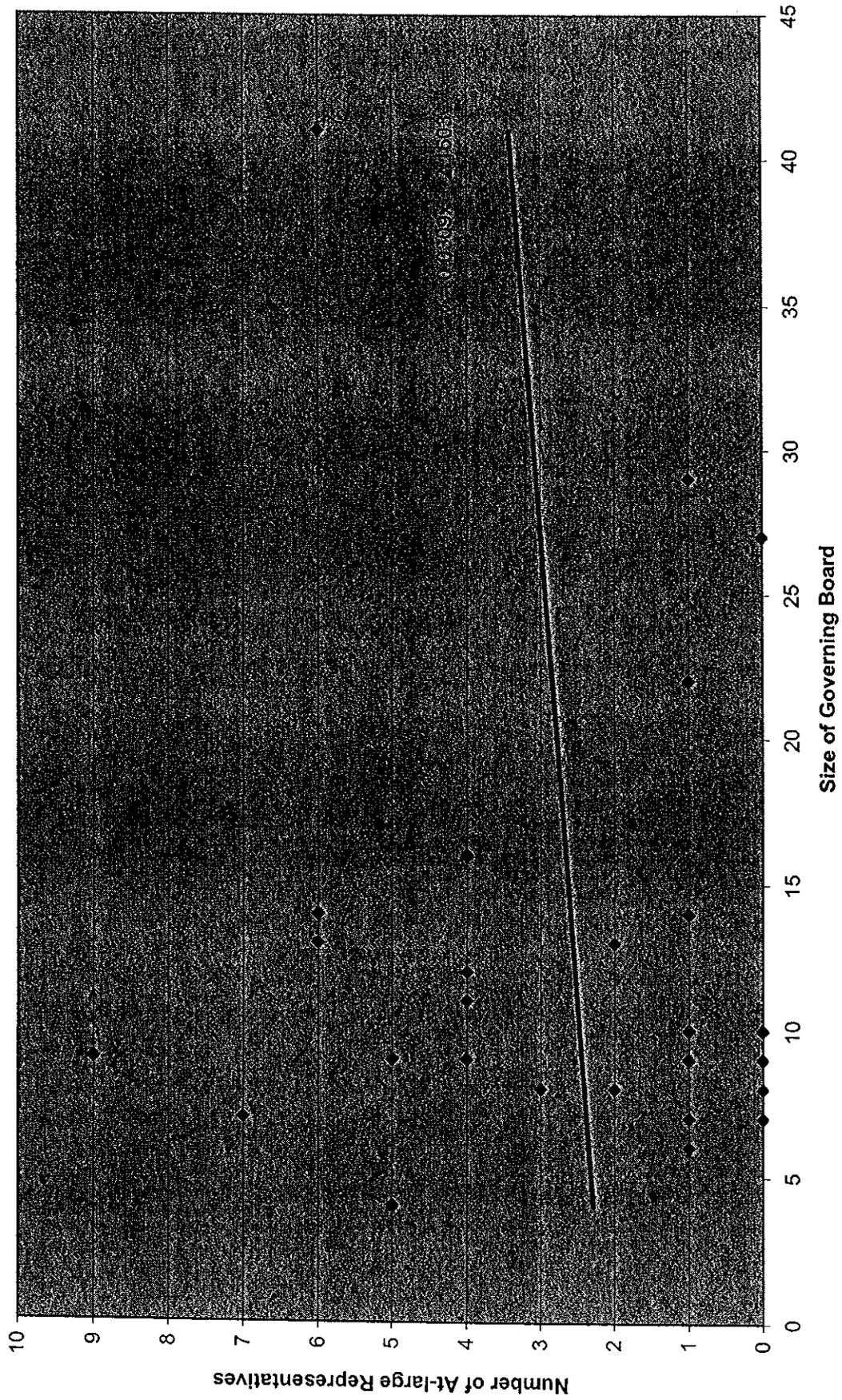
City Population and Size of Governing Board



Size of Governing Board and Number of Council Districts



Size of Governing Board and At-large Representatives



# Citizens' Commission on City Government

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Agenda  
April 7, 2006

1:30 p.m. to 4:30 p.m.  
Gallery  
Greenwood Cultural Center  
322 N. Greenwood Ave.

- I. Welcome
- II. Discussion of City Councilor Representation
  - Ted Sherwood, Tulsans for Better Government
  - D. Gregory Bledsoe, Tulsans Defending Democracy
- III. Sub-committee Updates and Presentations
- IV. Opportunity for Public Input

# Comparative Data for U.S. Cities with fewer than 700,000 Population

City	2000 population	size of governing body	number at-large	number ward/ district	square mileage
Louisville-Jefferson County	692,910	27	0	0	385
Austin	656,562	7	7	0	251.5
Memphis	650,100	14	6	8	279.3
Nashville-Davidson	569,891	41	6	35	502
Seattle	563,374	9	9	0	83.9
Denver	554,636	13	2	11	153.4
Charlotte	540,828	12	4	8	242.3
Fort Worth	534,694	9	1	8	292.5
Portland	529,121	4	5	0	134.3
Oklahoma City	506,132	9	1	8	607
Tucson	486,699	7	1	6	194.7
Cleveland	478,403	22	1	21	77.6
Albuquerque	448,607	10	0	9	180.6
Kansas City	441,545	13	6	6	313.5
Fresno	427,652	7	0	7	104.4
Virginia Beach	425,257	11	4	7	248.3
Atlanta	416,474	16	4	12	131.7
Sacramento	407,018	8	0	8	97.2
Tulsa	393,049	10	1	9	182.6
Omaha	390,007	7	0	7	115.7
Minneapolis	382,618	14	1	13	54.9
Miami	362,470	6	1	5	35.7
Colorado Springs	360,890	9	5	4	185.7
St. Louis	348,189	29	1	28	61.9
Wichita	344,284	7	1	6	135.8
Pittsburgh	334,563	9	0	9	55.6
Arlington	332,969	9	4	5	95.8
Tampa	303,447	8	3	4	112.1
St. Paul	287,151	7	0	7	52.8
Raleigh	276,093	8	2	5	114.6
<b>AVERAGE</b>	<b>448,188</b>	<b>12</b>	<b>3</b>	<b>9</b>	<b>182.7</b>

# Citizens' Commission on City Government

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## Meeting Notice

- Subject:** Fifth Meeting of the Citizens' Commission on City Government
- Time:** 1:30 p.m. to 4:30 p.m.
- Date:** Friday, May 12, 2006
- Place:** Room I232  
Tulsa Community College West Campus  
7505 W. 41<sup>st</sup> Street  
Tulsa, OK 74107
- Topics:** May meeting will include the third opportunity for public input
- Reply:** Please reply to [kware@ou.edu](mailto:kware@ou.edu) to confirm your attendance

# Citizens' Commission on City Government

**Agenda**  
**May 12, 2006**

**1:30 p.m. to 3:30 p.m.**

**Room I232**

**Tulsa Community College West Campus**

**7505 W. 41<sup>st</sup> St.**

- I. Welcome and Introduction – 5 minutes**
- II. Final Discussion of Non-Partisan Elections and Councilor Representation – 15 minutes**
  - Michael Bates**
- III. Opportunity for Public Input – 20 minutes**
- IV. Discuss First Draft of Report – 1 hour**

# Citizens' Commission on City Government

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Agenda  
June 9, 2006

1:30 p.m. to 4 p.m.  
11<sup>th</sup> Floor, Room 1101  
City Hall  
200 Civic Center

- I. Welcome
- II. Presentation of Draft to Mayor Kathy Taylor
- III. Discussion of Wrap-up

# Citizens' Commission on City Government

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## Results of Member Survey

### *Issue No. 1*

#### *At-large vs. District Representation*

- 13 Maintain the current system of nine districts with one councilor each.
- 1 Reduce the number of districts but add 1-3 at-large councilors, for a total of nine councilors.
- 3 Maintain the nine districts with one councilor each and add a number of at-large councilors.
- 0 Increase the number of districts with one councilor each and add a number of at-large councilors.
- 8 No response

### *Issue No. 2*

#### *Partisan vs. Non-partisan Municipal Elections*

- 2 Maintain the current partisan system, where candidates are narrowed through a primary process.
- 5 Maintain the partisan system except in districts where there is only one party represented in the primary election. If a district's primary election has only one party represented, the primary election in such district automatically becomes the general election. Thus, members of both parties can vote for a candidate.
- 9 Change to a non-partisan system, where there is a primary to narrow the field and then a selection between the top two vote-getters. The candidates would not be identified by party.
- 1 Change to a multi-partisan system, allowing candidates to identify their political action committees or other support groups on the ballot.
- 8 No response

### *Issue No. 3*

#### *Elected vs. Appointed City Auditor*

- 6 Maintain the current system of electing the city auditor.
  - 11 Change to a system in which the mayor appoints the city auditor.
  - 8 No response
- and-*
- 4 Maintain the status quo of paying the city auditor 70 percent of the mayor's salary.
  - 13 Change to a system of paying the city auditor a salary commensurate with experience, credentials and market trends.
  - 8 No response

### *Issue No. 4*

#### *Current City Calendar of Elections and Budget Deadline*

- 1 Maintain the current spring municipal elections with the city budget due 30 days after such elections for a July 1 fiscal year.
- 16 Move the municipal elections to the fall of odd-numbered years, which would provide a longer timeframe for elected officials to prepare the city budget for a July 1 fiscal year.
- 8 No response

# Citizens' Commission on City Government

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## Member Survey Issue No. 1 Comments

- I would add three at large members to the current nine councilors. My second choice is to leave the system as is.
- Councilors by district are (1) for the betterment of our city and local communities; (2) will ensure that every geographic part of the city has equal representation in the City Council; (3) make sure that his/her district receives a fair share of city benefits and does not become the dumping ground for essential, but undesirable, projects; (4) will offer a variety of diagnoses and proposed solutions that have generated robust debate; (5) will try to make a difference; (6) will be on the right track to break down our stagnant governance and same old ideology that has failed Tulsa since the 1960's; (7) will uphold our government to above-board efficiency, and challenge any policy or actions that are suspicious of unlawful or illegal activities; will be fair and look into any improprieties not above board; (8) offer different visions of the future and proposals for how to get there; (9) try to make a difference.
- The current structure needs time to make it happen. I think the current group is off to a good start.
- Unfortunately, we did not have sufficient time to discuss these issues among ourselves as a committee or "commission" in order to develop our views more fully and with the deliberation and consideration that issues of this importance deserve. I would have preferred the opportunity to engage each other in a more thorough debate.
- I would suggest no more than three at-large representatives.
- I would like to have seven districts with two at-large councilors for a total of nine councilors.

# Citizens' Commission on City Government

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## Member Survey Issue No. 2 Comments

- I feel more research needs to be done on this subject. I would be more than happy to serve on a committee to research this further.
- I very much liked the system proposed by Mr. Michael Bates at our last meeting, although I'm not sure it's represented above. I would like to have elections non-partisan, with the ability to identify PAC's on the ballot, including the political parties, which the candidate must seek to gain their approval to be able to add the Dem or Rep designation. The run off election discussed by Mr. Bates warrants additional consideration as well.
- This needs to happen. There were several districts where only one party was able to vote on the candidate. I am in District 8 and was not allowed to vote for the person that represents my district.
- My main concern is to assure that every voter has an opportunity to vote in any election, where the winner will become the office holder. I don't believe that the political party affiliation of a candidate is affecting this situation. The disenfranchisement of voters is resulting from the election process, which serves to nominate a candidate for office. The closed primaries, wherein political parties nominate candidates, is disenfranchising voters. This occurs when only one political party nominates a candidate for the office. All voters who are not registered members of the nominating party are legally barred from voting. The greatest injustice occurred during the last City Election in Council District # 2. Only Republican candidates filed for this Council seat. Therefore only the 13,001 registered Republican voters in that District were eligible to vote for the Councilor for that District. In that District there were 9,045 registered Democrat voters, and 3,679 registered Independent voters. Forty-nine percent (49%) of the registered voters of that District were legally barred from participating in the election for their designated representative on the City Council. The City of Tulsa should not maintain an electoral process, which can permit this type of event to occur.
- Unfortunately, we did not have sufficient time to discuss these issues among ourselves as a committee or "commission" in order to develop our views more fully and with the deliberation and consideration that issues of this importance deserve. I would have preferred the opportunity to engage each other in a more thorough debate.

# Citizens' Commission on City Government

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## Member Survey Issue No. 3 Comments

- I also believe that the mayor should consider outsourcing the internal audit function in its entirety, as is done in a number of public companies. I would recommend putting a number of stipulations in place such as (1) limiting the outsourcing role to only CPA firms that currently audit public companies listed on the NYSE or NASDAQ, (2) the service must go out for competitive bid every four years for four year terms and (3) the same CPA firm cannot have successive four year terms.
- At some point we should address the structure of the Mayor's office i.e. do we have a professional city manager and have the mayor perform ceremonial functions and engage in strategic planning (the OKC model).
- I am voting that the city auditor be appointed. However, I don't believe the Mayor should appoint the auditor. There should be an Audit Committee, appointed by the mayor and confirmed by the City Council. The audit committee should recommend the auditor, whose hiring would be confirmed by the City Council. I am supporting tying the auditor's pay to the mayor's solely for the purpose of assuring that the position of city auditor cannot be de-funded by the budget process.
- Unfortunately, we did not have sufficient time to discuss these issues among ourselves as a committee or "commission" in order to develop our views more fully and with the deliberation and consideration that issues of this importance deserve. I would have preferred the opportunity to engage each other in a more thorough debate.

# **Citizens' Commission on City Government**

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## **Member Survey Issue No. 4 Comments**

- Change council terms to three years and stagger election 1/3 each cycle.

## **Member Survey Additional Comments**

- I would like the CCC to consider a city manager form of government with the enormous expense of running a city government. It is so important to have a CFO in city government.

# Appendix III

## Guest Speaker Presentations

# CITY GOVERNMENT of TULSA OKLAHOMA

Phil Wood City Auditor, January 2006

Adapted from 2005-2006 Budget

## **ADMINISTRATIVE AND SUPPORT \$62,000,000 - 286 employees**

The Mayor and City Auditor are elected on an at-large basis for a four-year and two year term, respectively. The nine Council members are elected by district for two-year terms.

**The Mayor \$1,060,000 – 16 employees** - is the chief executive officer of the City. In this capacity the Mayor has all executive and administrative powers conferred on the City by the Constitution and the laws of Oklahoma. The Mayor is not a member of the City Council. The \$62 million also includes Human Rights, Legal, Human Resources, Workers' Compensation, Employee Insurance Administration, Finance, General Government and Equipment Management.

**The City Council \$1,195,000 – 15 employees** - is responsible for all legislation and also has oversight duties. It normally meets every Thursday at 6:00 p.m. The Councilors have organized committees that provide a forum for detailed review of issues and possible changes to the City's ordinances. Committee meetings are regularly held on Tuesdays.

**The City Auditor's \$856,000 – 13 employees** - duties include the examination of the City's financial activities and administration of an internal audit program. The City Auditor's staff prepares an audit plan for each fiscal year. Written reports are transmitted to the Mayor and City Council for review and possible action.

## **PUBLIC SAFETY AND PROTECTION \$167,300,000 - 1898 employees**

**The Municipal Court \$2,575,000 – 51 employees** - of Tulsa is one of two municipal courts of record in Oklahoma. The Court adjudicates city ordinance violations, traffic cases, and misdemeanor offenses - provides defense counsel to indigent persons charged with municipal ordinance violations – through Early Settlement, provides an opportunity to have disputes settled through mediation services or settlement conferences rather than the traditional judicial process.

**Police Department \$79,380,000 – 936 employees** - is granted authority primarily through state and federal statutes. The mission of the Tulsa Police Department is to prevent crime and disorder in the City of Tulsa by the use of problem solving, citizen partnership, proactive patrol techniques, and a high standard of professional courtesy and ethics.

**Fire Department's \$61,489,000 – 731 employees** - goal is to emphasize fire prevention and public education of a comprehensive community fire safety program as well as provide progressive emergency medical services. Because total success in preventing all fires is unrealistic, the Department remains unwavering in operations to minimize the impact of fires when they do occur. The Fire Department is committed to reducing as much as possible the impact of environmental damage from hazardous material incidents, along with meeting the needs of other calls for service from the community.

**Tulsa Area Emergency Management Agency \$164,000** coordinates the preparation, response, recovery and mitigation of major emergencies and disasters. TAEMA also coordinates the public and private physical and human resources to respond to these events.

**Telecommunications and Information Services \$23,209,000 – 190 employees** - provides services through five areas:

- **Public Safety Communications** – manages the E-911 System and provides call handling and dispatching functions for the City, County and other jurisdictions;
- **Network Services** - is responsible for all voice systems, the City-wide Network, E-mail, Network delivered applications, web based services, and Wireless Network;

- Radio Services - supports all radio communications throughout the City and County, maintains all vehicular electronic equipment and emergency warning systems, and manages all radio and frequency issues;
- Information Services - provides application and development mainframe/co-located computer operations, systems integration, disaster recovery, consulting, various technical services, personal computer and Local Area Network support; and
- Right-of-Way Administration and Office Services – provides oversight of City rights-of-way and delivers City-wide office services including reproduction, mail, supplies, and records management.

## **CULTURAL DEVELOPMENT AND RECREATION \$30,000,000 - 384 employees**

**Parks department \$21,575,000 – 299 employees** - manages 6,000 acres of land, which includes 140 parks, 21 community centers, 22 swimming pools, 26 water playgrounds, four golf courses, the Oxley Nature Center, the Redbud Valley Nature Center, the Tulsa Zoo and Living Museum, and maintains the Greenwood Cultural Center and the Gilcrease Museum grounds.

**The Thomas Gilcrease Institute of American History and Art, better known as Gilcrease Museum, \$2,169,000 – 18 employees** - mission is to preserve, interpret, and exhibit the collection, which includes paintings and bronzes by artists such as George Catlin, Thomas Moran, and Frederic Remington. Documents include one of the earliest extant letters from the Western Hemisphere, a letter dated 1512 from Diego Columbus (Christopher's son) and a certified copy of the Declaration of Independence. The collection of more than 400,000 items is one of international significance.

**The Tulsa Convention Center (TCC) and the Performing Arts Center (PAC) \$6,000,000 – 67 employees – the Convention center** consists of an 8,900 seat Arena, a 102,600 sq. ft. Exhibit Hall, an 8,000 sq. ft. Assembly Hall, 14 meeting rooms, and a Conference Hall that can be divided into seven separate meeting areas. The TCC is the second largest convention center in Oklahoma and hosts a number of local, regional, and national conventions, meetings, and seminars. **The Performing Arts Center (PAC)** houses five separate performance areas in one building including the 2,365-seat Chapman Music Hall; another proscenium theatre seating 437; and, three studio theatres of varying capacities.

**River Parks Authority \$544,000** operates a riverfront park system of approximately 800 usable acres including the Turkey Mountain Urban Wilderness Area and the M. K. & T. Trail from Tulsa to Sand Springs. Special Park features include 21 miles of asphalt-surfaced recreation trails, the Pedestrian Bridge and Zink Dam at 28th and Riverside, the River West Festival Park with the Reynolds Floating Stage and scattered pockets of traditional park facilities with playgrounds, picnic areas and restrooms.

## **SOCIAL AND ECONOMIC DEVELOPMENT \$1,900,000**

**The Economic Development Commission (EDC)** Through the City of Tulsa, the EDC annually contracts with the Tulsa Metro Chamber to provide coordination of this effort, and this will continue. During FY 05, Tulsa hosted the Women's International Bowling Congress (WIBC) Mid-Continent Conference Basketball Tournament, the LPGA-Tulsa Tournament, and the BMX Grand Nationals.

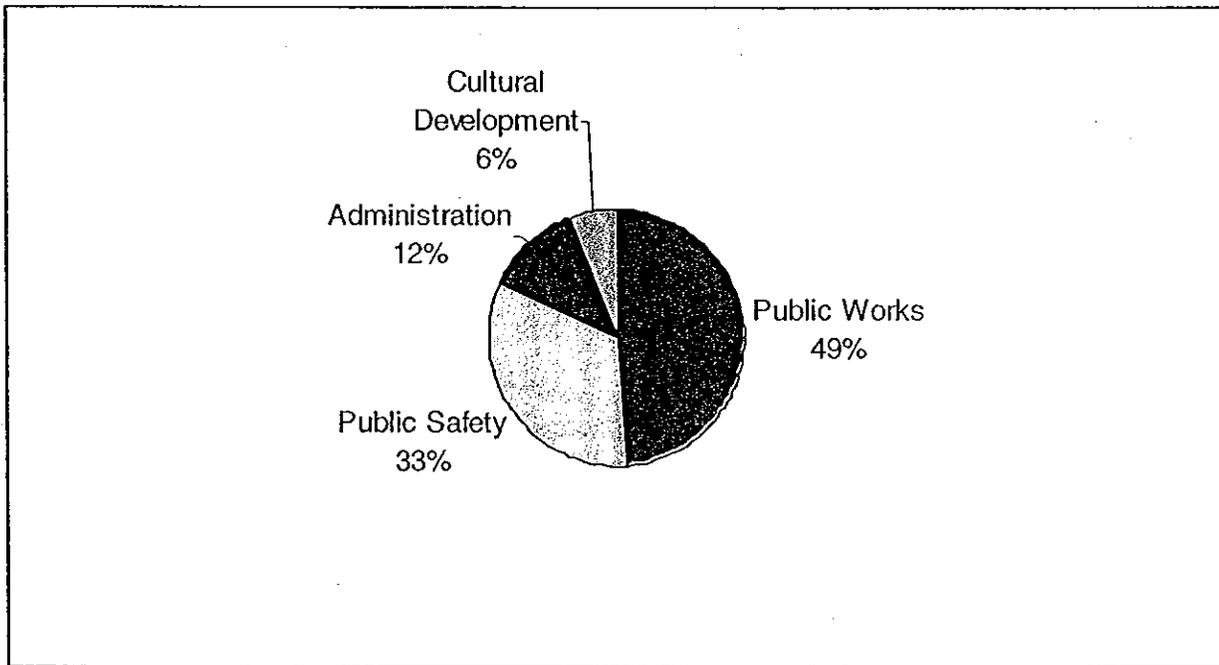
## **PUBLIC WORKS AND TRANSPORTATION \$247,000,000 - 1684 employees**

**The airports \$17,750,000 – 174 employees** - The City of Tulsa leases Tulsa International Airport and Richard Lloyd Jones, Jr. Airport to the Tulsa Airports Improvement Trust (TAIT) to manage the City's airports on a self-supporting basis. This is accomplished through federal grants, passenger facility charges and user fees. TAIT is a public trust created in March 1967. The lease requires TAIT to develop, operate and maintain the airports consistent with airline/airport use and lease agreements and bond indentures.

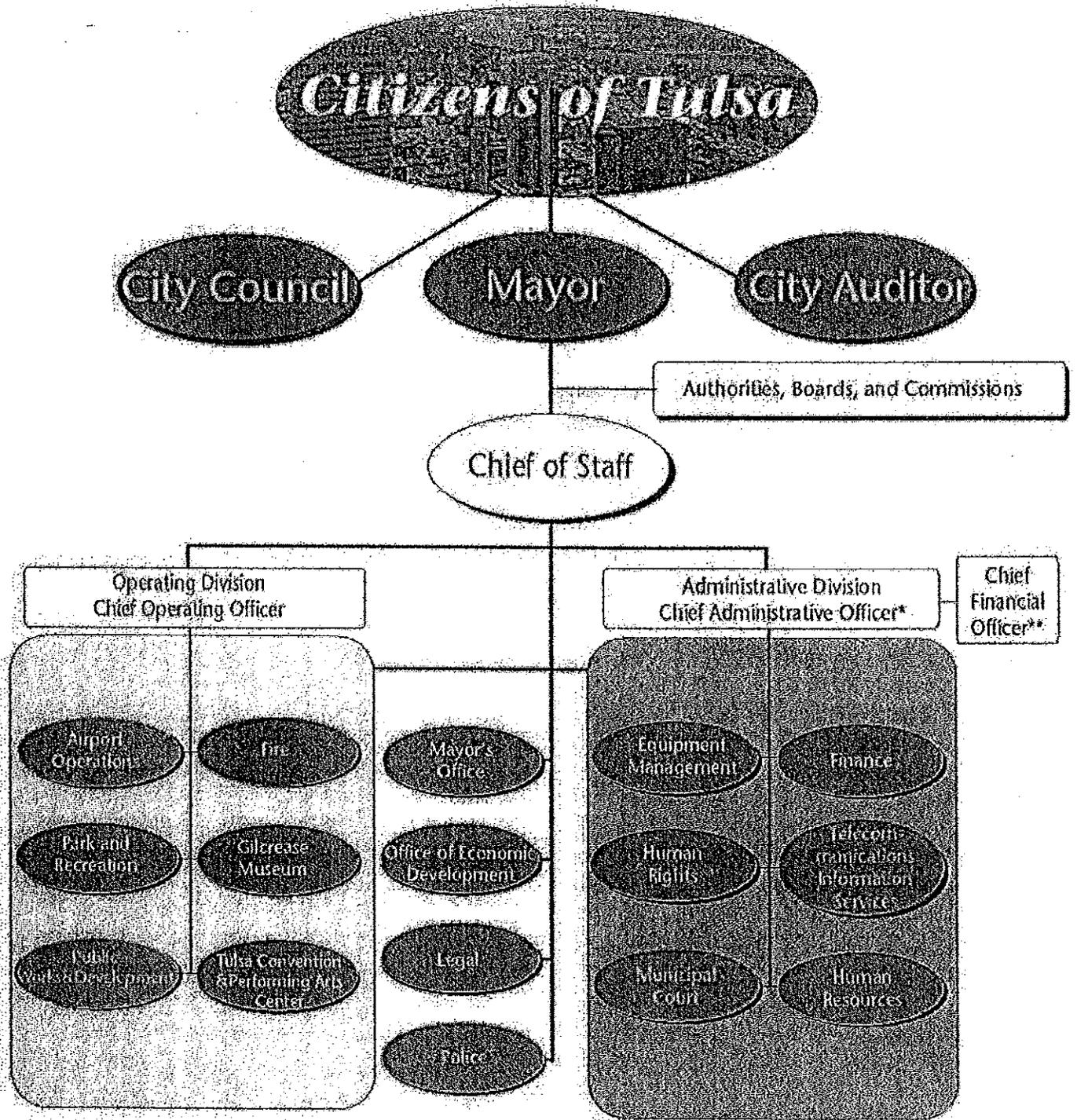
**Public Works \$220,627,000 - 1,509 employees** - The Public Works and Development Department currently includes six divisions: Policy Development, Engineering Services, Environmental Operations, Public Facilities Maintenance, Development Services, and Urban Development. The Department is responsible for planning, constructing, operating, maintaining, and managing city streets, water, wastewater, stormwater, solid waste, engineering, public property, related customer and development services, economic development and social programs.

**Tulsa Transit \$15,692,000** provides including fixed route bus service, ADA paratransit services for the disabled, commuter bus service, and special events service.

**GRAND TOTAL \$508,700,000 - 4,252 employees**



# Organization Chart



\* Chief Administrative Officer is responsible for coordinating all technology services for the City of Tulsa.

\*\* Chief Financial Officer is the Director of the Finance Department and is responsible for coordinating all fiscal issues for the City of Tulsa (reporting through the CAO).

Public Safety and Protection

Administrative and Support Services

Cultural Development and Recreation

Public Works/Development and Transportation

Elected Officials

## TITLE 39

## TRUSTS

- CHAPTER 1. THE TULSA COUNTY UTILITY SERVICES AUTHORITY
- CHAPTER 2. THE TULSA GERIATRIC & INFIRMARY AUTHORITY
- CHAPTER 3. TULSA METROPOLITAN UTILITY AUTHORITY
- CHAPTER 4. TULSA MUNICIPAL AIRPORT TRUST
- CHAPTER 5. TULSA PARKING AUTHORITY
- CHAPTER 6. TULSA PUBLIC MARKET AUTHORITY
- CHAPTER 7. TULSA POLICE & FIRE ACADEMY TRUST
- CHAPTER 8. TULSA AIRPORTS IMPROVEMENTS TRUST
- CHAPTER 9. METROPOLITAN TULSA TRANSIT AUTHORITY
- CHAPTER 10. TULSA INDUSTRIAL AUTHORITY
- CHAPTER 11. THE REGIONAL METROPOLITAN UTILITY AUTHORITY
- CHAPTER 12. TULSA PERFORMING ARTS CENTER TRUST
- CHAPTER 13. RIVER PARKS AUTHORITY
- CHAPTER 14. EMERGENCY MEDICAL SERVICES AUTHORITY
- CHAPTER 15. TULSA AUTHORITY FOR RECOVERY OF ENERGY
- CHAPTER 16. TULSA PUBLIC FACILITIES AUTHORITY
- CHAPTER 17. UNIVERSITY CENTER AT TULSA AUTHORITY
- CHAPTER 18. LONG-TERM CARE MANAGEMENT AUTHORITY OF TULSA
- CHAPTER 19. NORTHEAST OKLAHOMA SOLID WASTE MANAGEMENT AUTHORITY
- CHAPTER 20. VIETNAM VETERANS MEMORIAL TRUST

(NOTE: Copies of the trust indentures, amendments, agreements, contracts, leases, resolutions and exhibits mentioned and/or incorporated by reference in the ordinances in this title are on file in the office of the City Clerk).



### Notes for Charter Review Commission City of Tulsa

- 1) Two main points:
  - a) Charter as a Constitution
  - b) Charter as an organizational structure
- 2) Charter as Constitution
  - a) You do not change charter provisions because you do not like an individual or because in an instance another form of government or charter provision would have performed better. The charter is designed to set out roles, relationships, and responsibilities in a fundamental sense. In a way, changing a charter is like amending a constitution. It is not to be done lightly.
- 3) As an org structure
  - a) In this sense the charter should change as the problems it is trying to address change. I think the same way when I look at the structure—the roles, responsibilities, and the relationships--in the organizations you work in. If the context and problems you are dealing with change, you organize yourselves differently. You make adaptations.
  - b) If you agree with this view that structure must be suited to the problems the organization is trying to address, then the most important question when considering a change in structure or charter is: What problem are we trying to address? What is not working as well as it should? What is the evidence that changing the structure or charter would fix the problem? But the beginning point is the simple question: "What is the problem?"
    - i) Often in charter reform, we mistakenly start with a solution. In my opinion, this is a mistake because it is not a simple matter to change the charter if you make a mistake.
- 4) The goal of any government charter is the following:
  - a) The charter should include provisions that provide for the adequate representation of citizens in governing bodies and processes;
  - b) The charter should effectively focus policy leadership and accountability for execution of the law, policy implementation, and service delivery
  - c) It should provide a professional/technical staff protected from inappropriate political influence so that employees will feel free to say what needs to be said not what they think others want to hear and so that services will be carried out without political consideration.
  - d) An important point is that it is not possible to maximize all three functions at the same time. More representation leads to less policy focus; more policy focus in the mayor's office may politicize the civil service and diminish the value of the council. More protection for the civil service may create obstacles to policy leadership and accountability. Charter reform is about compromising not optimizing..
- 5) Representation issues
  - a) Number of council districts or seats

- b) Whether citizens will be elected by district or at-large or a combination of district and at-large
  - c) Authority of the council, especially in relationship to the mayor, and in regard to appointments
  - d) Observations
    - i) The more diverse a community, the more important are issues of representation
    - ii) The more diverse a community, the more likely that the council will be elected by districts
    - iii) The more districts, the less likely it is that the council can make decisions based on the city as a whole
- 6) Policy leadership
- a) Tends to focus on the role of the mayor, especially with large or diverse councils
  - b) The more powers the mayor has, the more likely that political leadership will be focused in the mayor's office
  - c) Observations
    - i) The more powerful the mayor's office, the more reactive the council will become. The council tends to focus on ratification, scrutiny, and constituent services rather than policy initiation and development
    - ii) The more that policy leadership is focused on the mayor's office, the more probability that the mayor will court supporters on the council and use appointments, contracts, and constituent services as a way of consolidating power.
- 7) Politically neutral, competent civil service
- a) Depends upon the relationship between the classified service and the council and the mayor
  - b) Credibility of government in large measure depends upon efficient, equitable service delivery and policy implementation
  - c) Does the charter provide for a chief administrative officer, selected on the basis of competence and experience? Who does the CAO report to? Who appoints the CAO?
  - d) Observations
    - i) The more isolated from political influence, the more likely city employees are to act in politically neutral ways
    - ii) The more protections classified staff have, the more cumbersome personnel management becomes
    - iii) A professional chief administrative officer, hired on the basis of competence, can add significant value to efficient and equitable policy implementation and service delivery as well as a city-wide, long-term perspective on municipal needs
- 8) You can see that each of these functions is related, and that maximizing one may have a negative impact on another. For example, if you increase representation by increasing the number of districts, you create obstacles to developing a city wide policy perspective. The more districts, the more important the mayor's role becomes in trying to focus political energy on a vision. But the more powerful the mayor's role, the less relevant the council's role.

- 9) The most fundamental decision to be made about how to represent, focus policy leadership, and create an effective/efficient civil service is whether to separate legislative and executive powers or to unify them.
  - a) Draw the two models
  - b) You have the separation of powers model in Tulsa
  - c) This is what I would predict based on the model you have:
    - i) With nine council members elected by district, groups of people should be well represented, but it will be difficult for the council to act in concert and to develop a city wide perspective.
    - ii) The mayor's role will be highlighted, and with the right mayor, policy can be focused and a citywide perspective fostered if the mayor can develop a positive relationship with a majority of the council.
    - iii) A directly elected auditor creates a third political office that, depending upon the incumbent, could create challenges to the political influence of the mayor and council.
    - iv) It will be challenging to get things done because you have deliberately created a system of checks and balances between legislative and executive functions, and you have a separately elected auditor. Checks and balances are designed to make sure that bad things do not happen, but they can create obstacles to making good things happen with dispatch.
    - v) Depending upon the mix, we expect conflict between mayor and council, just like we do between congress and the President. The could be complicated further, again depending upon the incumbent auditor's political ambition.
    - vi) The dynamics between the mayor and council will be very important, and partisanship can play a positive role in coordinating mayoral and council power, how things get done, and who gets what.
    - vii) Efficiency and equity in service delivery are challenged from lack of a professional chief administrative officer and partisan politics.
- 10) Comments on your specific issues
  - a) Partisanship
    - i) Can work to the detriment of districts held by council members who are not part of the partisan majority. That is, mayor plays favorites with partisan council supporters. Council itself places more regard on districts held by majority council members.
    - ii) Can result in appointments based on party loyalty rather than competence and professionalism
    - iii) Leads to citizens disrespect politics characterizing it as a game rather than an exercise in policy development and problem solving
    - iv) Are local issues suited to partisan solutions? Policy making based on partisanship can lead to bad decisions.
    - v) Partisanship can lead to involvement of partisans who want to use local politics solely as an instrument to build party strength and organization.
    - vi) Benefit: partisanship can help coordinate mayoral and council power if the party of the mayor and a majority of the council are the same. Likewise, if they are different, they can create additional obstacles to mayor-council cooperation.

b) At-large v. district

- i) I like at large elections, but they are best suited to relatively homogenous communities. In diverse communities, at large seats can be added to district seats to create more city-wide perspective.
- ii) I have read comments in your newspaper that at large seats can create a potential conflict with the mayor's role. I do not buy that at all. Coming from a city where all seats are elected at large, there is no challenge to the mayor's leadership. The status and legal powers of the mayor make it extremely unlikely that at-large seats could be used to challenge the mayor's role and influence.
- iii) I have heard that at-large elections are very expensive and create obstacles for candidates who are not part of the mainstream. There is some credence in this argument, but I would not let it become a deciding factor in consideration of at-large v. district elections. My view is that if a candidate cannot raise enough money to run a campaign effectively, he/she does not have enough support to govern effectively.



# KEY ISSUES IN STRUCTURE OF CITY GOVERNMENT

THE STRUCTURE OF CITY GOVERNMENT SHOULD:	
	Build Public Trust Encourage a Broad Consensus for Shaping of Public Policy Provide for Dependable, Efficient Delivery of Services
	<b>PARTISAN</b>
<b>ELECTIONS</b>	<ol style="list-style-type: none"> <li>1. Partisan labels perhaps more easily "define" a candidate's political philosophy</li> <li>2. Elected officials of the same party tend to work together -- and resist the opposing party -- more readily</li> <li>3. More likely to have partisan division among elected officials on controversial matters</li> <li>4. Partisan activists more likely to be involved</li> </ol>
	<b>NON-PARTISAN</b>
	<ol style="list-style-type: none"> <li>1. City issues are rarely partisan in nature (LaGuardia: "No such thing as a Democrat or Republican pothole")</li> <li>2. Cooperation between officials is issue-based -- voting together on some issues, agreeing to disagree on others</li> <li>3. Easier to present a unified mayor and council on issues going to a vote of the people</li> <li>4. Easier to unify the voters on major initiatives</li> </ol>
	<b>COUNCIL / MANAGER</b>
<b>ADMINISTRATION</b>	<ol style="list-style-type: none"> <li>1. Mayor is Chairman of the Board --- "big picture" person</li> <li>2. CEO (City Manager) is a career professional with years of training and experience in managing a city</li> <li>3. City Manager is appointed or removed by a super-majority of mayor and council</li> <li>4. City Manager provides continuity when new mayor elected</li> <li>5. Senior staff appointed by City Manager; Easier to attract and retain quality staff; more security, more likely to work way up through ranks</li> </ol>
	<b>MAYOR IS MEMBER OF COUNCIL</b>
<b>MAYOR / COUNCIL</b>	<ol style="list-style-type: none"> <li>1. Mayor meets with the Council and chairs meetings</li> <li>2. Mayor has one vote and must convince others to gain majority</li> <li>3. Collegial -- structure encourages Mayor to be a consensus builder</li> <li>4. Mayor has limited powers and must lead through influence, using appointive powers and bully pulpit</li> </ol>
	<b>MAYOR LEADS EXECUTIVE BRANCH</b>
	<ol style="list-style-type: none"> <li>1. Mayor is similar to the President; Council is similar to the Legislature</li> <li>2. Mayor has veto power</li> <li>3. Divisive --- structure encourages division between Mayor and Council</li> <li>4. Mayor has broad powers</li> </ol>



GOOD AFTERNOON. MY NAME IS TED SHERWOOD AND I AM HERE TO SPEAK ON BEHALF OF TULSANS FOR BETTER GOVERNMENT, AND SPECIFICALLY TO ADDRESS OUR PROPOSAL FOR A CHANGE TO THE CITY CHARTER CREATING 3 AT LARGE DISTRICTS AND REDRAWING THE EXISTING NINE DISTRICTS TO SIX.

I WAS RAISED IN TULSA AND GRADUATED FROM MEMORIAL H.S. AND T.U. WENT TO OU LAW SCHOOL. I AM A LIFELONG DEMOCRAT. MY LAW PRACTICE HAS ALWAYS BEEN IN THE AREA OF REPRESENTING INDIVIDUALS SEEKING TO HOLD WEALTH AND POWER ACCOUNTABLE. I CONSIDER MYSELF AN ADVOCATE FOR PATIENT'S RIGHTS.

I TELL YOU THESE THINGS BECAUSE I HARDLY FIT THE MONIKERS FREQUENTLY APPLIED TO THE GROUP SUPPORTING THIS CHARTER REVISION, THE MOST RECENT OF WHICH: GOOD OLD BOYS NETWORK OF TULSA WORLD/CHAMBER OF COMMERCE/BUILDERS WHO SEEK TO REGAIN TOTAL DOMINATION OF CITY GOVERNMENT. I AM USUALLY ON OPPOSITE SIDES OF THE TULSA WORLD; AM FREQUENTLY AT ODDS WITH THE CHAMBER; AND HAVE SUED MORE BUILDERS THAN I HAVE REPRESENTED. AND I TAKE PARTICULAR UMBRAGE AT BEING REFERRED TO AS "OLD".

I DID NOT AGREE TO CO-CHAIR THIS CHARTER REVISION EFFORT LIGHTLY. I CONDUCTED MY OWN RESEARCH ON THE ISSUE AND REMAIN SATISFIED THAT THE IDEA HAS MERIT. NOR DO I BELIEVE THAT THIS GROUP IS SIMPLY "AN

ATTEMPT TO RETAIN POWER BY TULSA'S FINANCIAL ELITE AT THE COST OF BALANCED GOVERNMENT". EVEN A CASUAL LOOK AT THIS GROUP AND ITS SUPPORTERS REVEALS REPUBLICANS AND DEMOCRATS, LIBERALS AND CONSERVATIVES, BUSINESSMEN, PROFESSIONALS AND FORMER PUBLIC SERVANTS.

THE IMPETUS FOR THIS GROUP WAS FRUSTRATION WITH THE CITY COUNCIL. A GROUP FORMED WHO BECAME CONVINCED THAT TULSA WAS LOSING GROUND, INDEED WAS BECOMING A LAUGHINGSTOCK BECAUSE OF OUR CITY COUNCIL. SO THEY KICKED AROUND SOME IDEAS THAT MIGHT MAKE THE CITY COUNCIL WORK BETTER, MAKE OUR GOVERNMENT WORK BETTER. AND THEY CAME UP WITH SOME REALLY RADICAL IDEAS: NONPARTISAN ELECTIONS; MOVING THE MUNICIPAL ELECTIONS TO CONCUR WITH STATE AND FEDERAL ELECTIONS; EMPLOYING A MIXTURE OF AT-LARGE AND DISTRICT REPRESENTATION; GOING TO A CITY MANAGER FORM OF GOVERNMENT; AND SO ON. THEN THEY CONDUCTED A POLL OF PEOPLE THROUGHOUT THE CITY, TO SEE WHAT OUR FELLOW CITIZENS THOUGHT. PRETTY NOVEL STUFF.

THE POLL SHOWED THAT 50% THOUGHT THINGS IN THE CITY OF TULSA WERE ON THE WRONG TRACK VS. 34% WHO THOUGHT THINGS WERE HEADED IN THE RIGHT DIRECTION. 66% FAVORED NONPARTISAN ELECTIONS. THOSE POLLED OPPOSED A CITY MANAGER, 48% TO 38%. AND 56% FAVORED THE ELECTION OF 4 ADDITIONAL CITY COUNCILORS WHO WOULD SERVE AT-LARGE WITH 33%

OPPOSED. LASTLY, AND I THINK THIS IS VERY INTERESTING, 68% OF THOSE POLLED AGREED WITH THIS STATEMENT: “HAVING A MIX OF AT-LARGE AND DISTRICT SPECIFIC CITY COUNCILORS WILL ENSURE THAT ALL AREAS OF TULSA HAVE SOMEONE LOOKING OUT FOR THEM, BUT IT WILL ALSO ALLOW THE AT-LARGE COUNCILORS TO FOCUS ON THE OVERALL GOOD OF THE CITY”. ONLY 23% OPPOSED THAT STATEMENT.

SO THIS GROUP BEGAN TO WORK TOWARDS WINNOWING THOSE IDEAS DOWN. ONE OF THE REASONS WE FOCUSED ON ONE IDEA, ALTHOUGH OTHERS CERTAINLY HAVE MERIT, IS THAT YOU ARE LIMITED IN WHAT YOU CAN PUT ON THE BALLOT TITLE OF AN INITIATIVE PETITION TO ONE SUBJECT. ANOTHER REASON WE FOCUSED ON THE IDEA OF AT-LARGE COUNCILORS IS BECAUSE SEVERAL OF THE MEMBERS OF OUR GROUP, LEN EATON AND HOWARD BARNETT IN PARTICULAR, HAD BEEN INVOLVED IN THE DISCUSSIONS THAT LED TO OUR CURRENT STRONG MAYOR/NINE DISTRICT FORMAT. I WILL NOT GO INTO DETAIL ON THIS AS I AM SURE YOU ARE AWARE, BUT HOWARD AND LEN FELT THAT WHEN THE CITY WAS BEING THREATENED BY A VOTING RIGHTS ACT LAWSUIT THE IDEA OF GOING TO A MIXED SYSTEM OF DISTRICT AND AT-LARGE COUNCILORS WAS DISCUSSED, BUT WAS ULTIMATELY REJECTED BY CONCERNS THAT A MIXED SYSTEM WOULD NOT PASS CONSTITUTIONAL MUSTER. SO THE CITY WENT WHOLE HOG FROM COMMISSIONERS TO NINE DISTRICTS. AS IT TURNED OUT, A MIXED SYSTEM IS NOT IN VIOLATION OF THE VOTING RIGHTS ACT. I TELL YOU THIS IN PART SO THAT YOU KNOW THAT TULSA COULD WELL

HAVE HAD A MIXED SYSTEM INSTEAD OF THE CURRENT FORMAT.

TULSA'S CITIZENS HAVE SHOWN THEY ARE NOT NECESSARILY IN LOVE WITH ONE FORMAT OR THE OTHER. BEFORE THE CURRENT SYSTEM WAS ADOPTED TULSA'S VOTERS HAD REJECTED EFFORTS TO AMEND THE CITY CHARTER TO PROVIDE FOR A STRONG MAYOR AND SOME DISTRICT REPRESENTATION FOUR TIMES. GREER, CHARTER REVIEW COMMITTEE REPORT AND RECOMMENDATIONS, JANUARY 1987.

AFTER IT BECAME CLEAR THAT IT WOULD NOT BE POSSIBLE TO GATHER A CONSENSUS FROM THE EXISTING CITY COUNCIL FOR PUTTING THIS CHANGE ON THE BALLOT, THE GROUP FILED ITS INITIATIVE PETITION.

I WILL TAKE CREDIT OR BLAME FOR SUGGESTING THE IDEA OF A COMMISSION LIKE THIS. ON BEHALF OF OUR CITIZENS, I THANK YOU FOR TAKING THE TIME OUT OF YOUR BUSY SCHEDULE TO PERFORM A VALUABLE PUBLIC SERVICE. THE REASON I SUGGESTED A MAYOR'S COMMISSION IS BECAUSE MY STUDY OF PAST FAILED CHARTER REVISION EFFORTS CONVINCED ME THAT MAJOR CHANGES TO OUR FORM OF CITY GOVERNMENT WILL ONLY OCCUR WHERE THERE IS A CONSENSUS AMONG THE CITY'S OPINION LEADERS.

SO LET ME TURN TO THE SALIENT QUESTION: IS A MIXED SYSTEM OF DISTRICT AND AT-LARGE CITY COUNCILORS A GOOD IDEA?

ACCORDING TO ONE STUDY, 38% OF ALL CITY COUNCILS IN TOWNS OVER 200,000 USE A MIXED SYSTEM OF DISTRICT AND AT-LARGE REPRESENTATION AND 63.6% OF CITIES OVER 70,000 USE A MIXED SYSTEM. SVARA, TWO DECADES OF CONTINUITY AND CHANGE IN AMERICAN CITY COUNCILS, SEPTEMBER 2003.

IN AN ARTICLE BY PROFESSOR SUSAN MACMANUS ON THE FORM, STRUCTURE AND COMPOSITION OF AMERICA'S MUNICIPALITIES IN THE NEW MILLENIUM, 2003 STATES: AT LARGE ELECTION PROPONENTS FAVOR HAVING COUNCIL MEMBERS ELECTED BY THE ENTIRE CITY BECAUSE AT LARGE REPRESENTATION IS THOUGHT TO ENCOURAGE IMPARTIAL, COMMUNITY WIDE ATTITUDES RATHER THAN PAROCHIAL VIEWS WHICH IN TURN PROMOTE LOGROLLING.

WHAT IS LOGROLLING YOU ASK:

LOGROLLING IS WHEN two (or more) legislators agree for each to trade his vote on one bill he cares little about in exchange for the other's vote on a bill that is personally much more important to him. Logrolling is especially common when the legislators are relatively free of control by their national party leaders and are trying to secure votes for bills that will concentrate sizable benefits on their own home districts while spreading most of the costs out over taxpayers in the rest of the country.

AS TO MIXED SYSTEMS, MCMANUS STATES: PROPONENTS OF MIXED SYSTEMS PROMOTE THEM PRECISELY BECAUSE THEY RETAIN SOME COUNCIL MEMBERS WHO BRING A CITYWIDE PERSPECTIVE TO MATTERS BEFORE THE COUNCIL BUT

ALLOW OTHER COUNCILORS TO REPRESENT NARROWER NEIGHBORHOOD OR GROUP PERSPECTIVES.

TO THAT I WOULD ADD THAT I BELIEVE AT-LARGE SEATS WOULD ATTRACT BETTER CANDIDATES AND CREATE MORE INTEREST IN THEIR RESPECTIVE CAMPAIGNS. IT TROUBLES ME THAT 1,000 OR 1500 VOTES CAN ELECT SOMEONE WITH SUCH AN IMPORTANT ROLE IN OUR CITY'S FUTURE. BECAUSE THE EXPENSE WOULD BE HIGHER, OUR GROUP BELIEVED THAT LONGER TERMS WOULD ALSO BE APPROPRIATE.

IT SEEMS TO ME THAT THE ADVANTAGES OF THIS CONCEPT ARE ANALAGOUS TO OUR FEDERAL GOVERNMENT. IMAGINE OUR COUNTRY RUN BY THE HOUSE OF REPRESENTATIVES, WHO TEND TO BLOW IN THE BREEZE WITH THE LATEST POLITICAL WIND. THE SENATE ACTS AS A COOLING POT. THE SENATORS FOR EACH STATE ARE ELECTED AT LARGE.

WOULD A MIXED SYSTEM VIOLATE THE VOTING RIGHTS ACT THEREBY DISENFRANCHISING A MINORITY OF TULSA'S POPULATION. I THINK THE ANSWER IS PLAINLY NO. WHEN MY FRIEND, AND FELLOW MEMBER OF ALL SOULS UNITARITAN CHURCH, GREG BLEDSOE CAME TO SEE ME WITH HIS CONCERNS ABOUT MY INVOLVEMENT WITH THIS EFFORT, I ASKED HIM TO GIVE ME ONE CASE WHERE A MIXED SYSTEM WAS STRUCK DOWN AS IN VIOLATION OF THE VOTING RIGHTS ACT. AND HE COULD NOT. PERHAPS HE HAS ONE WITH HIM TODAY.

I AM ALSO IMPRESSED BY THE NUMBER OF CULTURALLY DIVERSE CITIES THAT HAVE MIXED SYSTEMS. DENVER, HOUSTON, PHILADELPHIA, KANSAS CITY, GREENSBORO, RALEIGH, AND SO ON. HERE IS A LIST OF THOSE CITIES WITH THEIR SIZE AND WEBSITES.

IT SEEMS PRETTY CLEAR THAT IF INCOG, WHO DREW UP THE NINE DISTRICTS IN 1989, AND HAVE REVISED THE DISTRICTS TWICE SINCE, COULD DO SO IN A WAY THAT WAS IN COMPLIANCE WITH THE VOTING RIGHTS ACT, THAT BEING CREATE A SAFE HARBOR FOR A CONCENTRATED MINORITY POPULATION, THEN THEY COULD DRAW SIX DISTRICTS THAT WOULD. SO I MET WITH REPRESENTATIVES FROM INCOG AND ASKED THAT QUESTION. AND THE ANSWER WAS THE DISTRICTS WOULD GO FROM ABOUT 44,000 IN EACH DISTRICT TO ABOUT 65,000 AND YES IT COULD PROBABLY BE DONE.

THAT BEING SAID, IT IS PROBABLY NOT POLITICALLY FEASIBLE TO REDRAW THE EXISTING NINE DISTRICTS. SO WE SUGGEST THIS COMMISSION ENTERTAIN THE IDEA OF RECOMMENDING AN ADDITIONAL 3 OR 4 AT-LARGE COUNCILORS, PERHAPS WITH 4 YEAR TERMS, AS A COMPROMISE SOLUTION. THANK FOR YOUR TIME AND CONSIDERATION. I STAND OPEN FOR QUESTIONS.



## TULSANS DEFENDING DEMOCRACY

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*" that we here highly resolve... that government of the people, by the people, for the people, shall not perish.... "*

Abraham Lincoln, from the Gettysburg Address, Gettysburg, Pennsylvania, November 19, 1863

April 7, 2006

### BEFORE THE CITIZENS' COMMISSION ON CITY GOVERNMENT City of Tulsa, Oklahoma

#### *Position of Tulsans Defending Democracy Regarding At-Large Representation*

##### *Introduction*

Our group was formed in late October of 2005 to oppose the initiative petition drive of Tulsans for Better Government to reduce the number of individual city council districts from 9 to 6 and to add 3 at-large councilors to Tulsa's City Council. It is multi-racial and bi-partisan. It is made up of liberals, moderates and conservatives.

My name is Greg Bledsoe. Let me briefly tell you who I am. I have lived in Tulsa since 1971 when I came here to college. I began my legal career in 1979. I work primarily as a plaintiff's civil rights and employment lawyer. In 1987, Jim Goodwin recruited me along with Louis Bullock and several other lawyers, to represent some of the plaintiffs in the voting rights case that was filed against the City of Tulsa by the NAACP over the at-large City Commission form of government.

Because people who fail to study history are often doomed to repeat it I think it is important to give you some history of Tulsa and how the present charter came to be.

##### *Tulsa's Racial History*

I will assume most of you know something about the sorry history of racism in Tulsa, but let me briefly summarize.

Tulsa has one of the most miserable racial histories of any city in America, even worse than many in the Deep South. As we began to marshal the evidence in the voting-rights suit it was clear to us that a significant motivation for the creation of Tulsa's at-large city commission form of government was to prevent any possibility of African Americans having any voice in Tulsa's city government. The principal mechanism for carrying out this exclusion was the at-large election system. Present-day African Americans know this, believe this or at least feel this in their soul. For many African Americans in Tulsa and in the rest of America "at-large" is a racist code word for "Jim Crow." We were prepared to prove this if the case went to trial.

Early African Americans in Tulsa were forced to live in a ghetto-like enclave. There were not just the restrictive covenants, so common in most deeds, that prevented black residency in most parts of Tulsa, but by 1916 there was an apartheid-like city ordinance that required blacks to only reside in a certain area of the city (unless they were domestic servants). Generally this was the area just north and east of 1st and Main. Thus, Tulsa's present housing patterns and much of the reason for North Tulsa's racial

character were set in motion-- something that cannot be ignored when the geography of present-day district representation is evaluated. Indeed, despite the fair housing laws, it is still a challenge for even affluent African American families to buy a home in mid-town or south Tulsa. Even today most political and social scientists regard Tulsa as one of the most segregated cities in America. The City of Tulsa has the following racial breakdown as of 2004: African American-16.6%, Native American-4.8%, Asian-2.1%, Hispanic--9.9%, other Non-White-9.3%, (Total non-white = 42.7 %); White-57.3%.

During our research, it came as a surprise to me that Tulsa had a large number of African Americans at the time of statehood in 1907. Many of these individuals were Creek and Cherokee freedmen (African American former slaves of Native Americans). Many of these African Americans were voters and were active participants in the political life of Indian Territory and early Tulsa. Almost all were Republicans--as they were allied with the party of Lincoln, and against the party of slavery and segregation.

With statehood, their rights were in jeopardy with the election of a Democratic governor and legislature that campaigned on the express promise to disenfranchise blacks and segregate them as much as possible. Because the federal government was still in the hands of the Republicans, their rights were not totally extinguished. In fact, initially there were many appointed African American federal employees in eastern Oklahoma and Tulsa. This ended with the election of Woodrow Wilson and a Democratic Congress in 1913. The wholesale loss of their federal employment and protection also meant the loss of any voting rights as Oklahoma quickly adopted grandfather clauses that essentially disenfranchised most African Americans in Tulsa.

Nevertheless, blacks in Tulsa created a thriving and viable community in the black enclave, the Greenwood District. Many African Americans went off to serve in the army and fought overseas during World War I. When they returned, they invigorated the Greenwood District with their new world view. It became known as Black Wall Street and was regarded as the most progressive and economically advanced African American area in all of America.

This all ended in June of 1921. White resentment of the black success of Greenwood was fanned by the sluggish postwar recession in which many whites were out of work, labor agitation by radicals at the refineries, corrupt city and county government officials and a general lawlessness in what was a wide-open oil town. Tulsa had a white riot--the white mob burned Greenwood to the ground and killed at least 300.

Tulsa has the dubious distinction of having had the most deadly race riot in American history until the 1960s. An embarrassed white establishment, until very recently, suppressed this sad history. It has been chronicled by the Tulsa Riot Commission report, which establishes that state, county, and city officials conspired to systematically deprive African American Tulsans of their personal and property rights.

Within a few weeks of the riot, using it as its springboard, the KKK began holding mass rallies in Tulsa. Their candidates swept all municipal offices in the city elections of 1922. Many, if not most white Protestants in Tulsa during the 1920s had some affiliation with the Klan. This included most judges, law enforcement officers and county and city officials. Not until the stock market crash in 1929 was the power of the Klan broken.

Little changed for African Americans with respect to their rights as citizens in Tulsa for the next several decades. They made begrudging but significant headway in rebuilding their community in the Greenwood District. This was with no help from (and

indeed in spite of) white city officials- all elected at-large. The law officially segregated the Tulsa school system until the mid-1960s. It took a class action race discrimination suit, with forced busing, in the late 60s and early 70s to begin to remedy the lingering de-facto discrimination in the schools. Even today, most of Tulsa schools have become re-segregated based on housing patterns and school choice. As late as the 1950s African American men could not be seen in the company of white women without being arrested and prosecuted for "lewdness." In 1964, African American children and their parents were arrested and prosecuted by City officials for trying to eat in a public place.

### *History of Charter Change in Tulsa*

With the advent of statehood, as a city of 8,000 inhabitants, Tulsa adopted the City Commission at-large form of government in 1908, with a mayor and four commissioners that combined executive and legislative functions. Immediately prior, it had a mayor and 8 aldermen, elected from 4 wards representing the four geographic quadrants of the city. Almost from the beginning, and particularly after the large population increase over the next decade, it was recognized by many that the City Commission at-large system was structurally defective and not representative. Because of these deficiencies, the real government was often effectively and benevolently in the hands of the Tulsa Commercial Club (the predecessor of the Tulsa Metro Chamber of Commerce).

Before the successful change of the City Charter in 1989 from the At large City Commission to the Strong Mayor/Council with the 9 individual districts, there were four other unsuccessful attempts at changing Tulsa's government structure.

- **1954-** City Manager-6 Councilors & mayor, all elected at-large, non-partisan, 4 year staggered terms. This proposal failed by a vote of 15,448 to 24,846;
- **1959-** Strong Mayor/Council-9 members, 4 by district and 5 at-large, partisan, 4 year terms. This proposal was defeated by a vote of 15,424 to 20,679. There was strong opposition to the proposal from organized labor and city employees and a heavy turn out on the north and west sides, with light turn out in southeast Tulsa. The labor groups opposed the charter, in part, because they advocated a council made up of 6 districts with 3 at-large *"to give regions outside of the southside a greater representation in city politics."* African Americans were not a significant factor in this election as most of them still remained unregistered and outside the mainstream political life of the city. The civil rights movement and the 1965 Voting Rights Act had not yet activated their participation.
- **1969-** Proposed by Mayor Hewgley-Strong Mayor/Council-9 members, 5 elected by district and 4 elected at-large, 4 year staggered terms, partisan. This proposal failed after a recount by a vote of 11,780 to 11,843 (a difference of 63 votes). There was strong opposition from labor, the African American Community and the "liberals" over the composition of the Council because the City Commission bowed to pressure from the city's newspapers and refused to adopt the recommendation of its charter committee for an 11 member Council, 8 by district with 3 at-large. These groups cried foul—State Representative Ben Hill led the opposition in the black community and a group called League of Concerned Democrats vowed to circulate an initiative petition to change the new charter, if approved, to an 11 member council, exclusively elected by district. Persons claimed that the at-large councilors were intended to *"dilute the power of the district representatives."* Others argued that the council must be representative to be truly legislative and that it had to be representative of all sections of the city.

- 1973-Proposed by Mayor Robert LaFortune-Strong Mayor/Council- 11 members, 8 elected by district and 3 elected at-large, Mayor 4 year term, council 2 year term, partisan. This proposal was a similar to the proposal from 1969, but with the 8/3 council plan rather than the 5/4 plan from 1969. The *Tribune* supported the change, while the *World* vigorously opposed it, in part, because of what it called the potential for ward politics allegedly caused by district representation. Current and former City Commissioners were split, with those that opposed the change claiming, "*district-elected councilmen could divide the city.*" The Chamber also split, with many past presidents opposing the plan. The liberal and black community strongly supported the plan while labor, policemen and firemen opposed it based on civil service issues rather than the council structure. At the heart of the opposition was the unspoken realization that many unrepresented segments of the community, including a much more politically active African American segment, would actually have a real voice at City Hall with 8 individual districts. There actually would be at least one councilor elected by African Americans. There also would be counselors elected from the east and west sides. This proposal was soundly defeated by a vote of 14,936 to 48,282.

### *The 1987 NAACP Voting Rights Case*

In the spring of 1987, Finance Commissioner Gary Watts began a series of meetings with local citizens of both races to discuss changing Tulsa's at-large representation system in light of the January federal court ruling that Springfield, Illinois' at-large system violated the Voting Rights Act. Watts said publicly that he would not support battling a discrimination suit if the city were sued. Led by Dr. Charles Christopher and Jim Goodwin, it included Charles Norman, Professor Judith Finn, Mike Hackett, Ann Patton, Street Commissioner J.D. Medcalfe, Louis Bullcok, Manyard Ungerman, Waldo Jones, Eric Rollerson and several others. Some meetings even included attorneys from the national NAACP. In May, this group announced plans for a "friendly" lawsuit to force charter change.

Commissioner Watts and his ideas were attacked by the *Tulsa World* and in particular Ken Neal. The *World's* editorial board demanded that the unrepresentative and inefficient at-large city commission form be defended at all costs. Claims that the at-large system was a vestige of race discrimination or that that was its effect were dismissed as ludicrous. Mayor Dick Crawford, while stating he was interested in charter change prior to any suit, decided to defend the at-large City Commission system if any suit were filed.

As this process appeared to be bogging down, in July of 1987, invigorated by the 1982 amendments to the Federal Voting Rights Act and a decision from the federal court regarding Springfield, Illinois, the national NAACP, joined by its local chapter and prominent African American Tulsans filed suit against the City. The plaintiffs began to marshal the evidence to not only prove that Tulsa's at-large system had the effect of discriminating against African Americans, but that there had been historic intentional racial discrimination in the establishment and perpetuation of Tulsa's at-large representation system.

In spite of Crawford's decision to defend the suit, the Tulsa Metro Chamber formed a task force (co-chaired by Howard Barnett and C.S. Lewis) to study charter change. In October of 1987, it recommended a change in Tulsa's government to a strong mayor/council form in response to the suit. The recommendation stated in part:

The Task Force believes that *providing representation and allowing all citizens a voice is a necessary and desirable goal of any form of government.* The mayor/council form can be structured in such a way as to meet the requirements of the Voting Rights Act. It is important, however, to distinguish the need for change in the form of government from the problems presented by

the NAACP lawsuit—as in 1969 and 1973, the compelling reasons for the change are the inefficiency and other shortcomings of the current system, only one of which is a lack of representation. *Thus, the NAACP lawsuit should be viewed as a catalyst and an opportunity for change, but not as the driving force behind that change.*

The message that must be understood is that the community must now address its form of government. The lawsuit demands it and the problems in our current form of government require it. The community must come together and examine the issues and achieve a consensus for a change to a better and more appropriate form of government, i.e. one that is more efficient, as well as more representative

The Chamber went on to state that council representation should be primarily by district. The Chamber also recommend “several at-large representatives” to be nominated and elected by regions, combining two or more districts. It left the number vague, but suggested an 8/3 council structure in an 11 member council, similar to the 1973 proposed charter, but with regional or “super districts.” Our investigation has disclosed that the at-large regional super district proposal was an internal Chamber political compromise engineered by Chamber progressives to get the ball rolling in the direction of real representative government. It was quickly abandoned when the Chamber task force was expanded.

In February of 1988, growing out of this task force, four groups jointly formed a charter drafting committee to recommend charter change in light of the NAACP suit. This group, drawn from the Metro Chamber, the League of Women Voters, the Tulsa Labor Council and the Greenwood Chamber was also co-chaired by C.S. Lewis and Howard Barnett. Jerry Goodman, now a Judge of the Oklahoma Court of Civil Appeals, but then as Metro Chamber President, took the lead on promoting charter change so that litigation could be avoided and a more representative and structurally efficient city government could be established.

Roger Randle also defeated Dick Crawford for mayor in April of 1988. While Randle took a cautious position during the campaign regarding charter change and the NAACP suit, it was clear that he was much more supportive of the goals of the “friendly” suit and for moving to a strong mayor/council form of government that would provide all of Tulsans a fairer form of representation and better administrative efficiency.

During the late spring and early summer of 1988, the joint citizens committee began a series of public hearings throughout Tulsa. The committee made the following statement when it began this process:

“Representation is a key element of our state and federal governments. We believe that a body which is representative of the different sections of a community will create better legislation. If the United States House of Representatives were elected by the nation as a whole, as the Tulsa City commission is elected by the city as a whole, it is highly unlikely that Oklahoma would have even one representative, much less six.”

Howard Barnett, committee co-chair, also made the following relevant comments on behalf of the committee:

“The NAACP lawsuit basically concentrates on the nonrepresentational aspect of our form of government. While ... we believe that providing a representative form of government in keeping with our American political

heritage is necessary and appropriate, this is only one of the good reasons we think our form of government should be changed to a mayor/council form.

...[W]e hope the lawsuit can be a catalyst to change to a better and more efficient form.

While we are not strictly motivated by the lawsuit, our group strongly feels that Tulsa should solve its problems other than in the court room. To this end, we would hope to have a charter ready for a vote of the people long before a lawsuit goes to trial or creates the aura of a crisis situation. Because we believe that there are so many good reason to change the form of government and also believe it is possible to change the form to accomplish needed efficiencies and satisfy the requirements of the Federal law on which the NAACP's lawsuit is based, we think we can have a happy marriage of legal requirements and practical need. Hopefully, we can achieve this political solution without having to go through a potentially messy lawsuit.

Won't a mayor/council form create the possibility of ward politics?

If . . . by "ward politics" you mean that a representative of a district will do just that—represent the interests of his district first—then, yes, we may have ward politics. But isn't that the nature of all representative bodies? The House of Representatives or our own state legislature must create compromises that serve the interests of a majority of the representatives for the legislation to pass. What this means is that each district usually gets something. While there are not guarantees of this, we believe that the election of the mayor and city auditor at-large, which is presently contemplated though not firmly decided, would have the effect of balancing any clear "ganging up" of some districts against certain other districts.

More importantly, our committee believes in representative government. While it is not perfect, we think it is the fairest way to allocate limited governmental services and resources. By everyone having a representative that is looking out for his or her interests, we are assured that all parts of the city will be heard from and that at some level those interests will be taken into account."

By July of 1988 and after numerous public hearings in all parts of Tulsa, the citizens' committee representation sub-committee, chaired by League Chair Noble Manion, recommended that the council structure should be made up of 9 councilors, to be nominated and elected from single member districts. It recommended against regional or super districts and also recommended against "at-large" districts. While it cannot be confirmed that this ultimately became the recommendation of the entire citizens committee (this document cannot be located), based on several conversations with the participants, including Commissioner Watts, by August of 1988, this structure became the assumed council make up as the City Commission received the committee's recommendations and began work on a new charter.

The reason for this is straightforward. Based on housing patterns and population distributions, nine single member council districts were the minimum necessary to assure at least one black majority district. This had also been the minimum number advocated by the plaintiffs and their attorneys during the committee review process. All concerned rejected at-large or super districts because this would still leave the city vulnerable to suit under the Voting Rights Act and many thought that a council made up of more than nine members would be cumbersome

and inefficient.<sup>1</sup> In a management conference of the City Commission on August 26, 1988 Commissioner Medcalfe stated that there should be nine council districts with no at-large districts. Commissioners Dick and Watts agreed. This structure ultimately became the proposal put forth to the voters in February of 1989.

### *The 1989 Charter Change*

Between August and November 1988, the City Commission, lead by Mayor Randle and Commissioner Watts, worked on a city charter that established a strong mayor with a nine (9) member council elected by district. In December, the commission voted to call an election for February 14, 1989. The new charter received the unanimous support of the City Commission, including the City Auditor. It also received the support of the members of the joint committee and both major newspapers. Unlike 1973, Labor, policemen and firemen also supported the change. The only opposition came from a small group of citizens that included former mayoral candidate Tom Quinn. Their disorganized opposition was centered on the supposed 'dictatorial' powers of the strong mayor rather than the council structure. They unsuccessfully filed a ballot title challenge in District Court. The charter change passed overwhelmingly by a vote of 33,373 to 14,213. New elections for the strong mayor and the nine council members were set for April of 1990.

The NAACP lawsuit was dismissed as moot and in March of 1990 the Federal District Court awarded the plaintiffs attorneys' fees in excess of \$116,000. The court determined that the plaintiffs were the catalyst that caused the charter to be changed and determined that they were the prevailing party in the lawsuit. The City additionally paid more than \$180,000 to its own outside defense counsel. These fees were very small compared to the several millions of dollars of costs and fees incurred in the Springfield, Illinois and Dallas voting rights cases in which the plaintiffs also prevailed.

### *The Present Controversy and TBG's At-Large Proposal*

Some controversy on the City Council emerged in 2003 and 2004 with the election of Dist. 2 Councilor Chris Medlock to fill the unexpired term of Randi Miller, who became a Tulsa County Commission in January of 2003 and in connection with planning and zoning issues. In particular, the rezoning of the southwest corner of 71<sup>st</sup> and Harvard for a bank became the focal point for heated debate. Many individual citizens and homeowners groups felt that the City Council had been improperly influenced by campaign contributions from those associated with the bank. They filed suit over the zoning issues and determined that they would enter the election process to make sure their concerns were addressed. In the spring of 2004 two incumbent city councilors were defeated (David Patrick, Dist. 3 was defeated by Rosco Turner & Art Justis Dist. 6 was defeated by Jim Mautino), Jack Henderson replaced the retiring Joe

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<sup>1</sup> Indeed a Voting Rights suit against the City of Dallas, which had an 8/3 council make up (8 individual districts and 3 at-large) had been filed in 1988 by African Americans and Hispanics. This suit, after two years of litigation and hundreds of thousands of dollars of attorneys' fees, resulted in a federal court finding that Dallas' mixed at-large system violated the act. See *Williams v. The City of Dallas*, 734 F. Supp. 1317 (N.D. Tex. 1990). The first 19 pages of this 166 page opinion is included with our materials. The racial history of Dallas, like Tulsa, was miserable. Of particular interest to the present controversy is the finding by the Dallas federal court that it was not possible for black or Hispanic candidates to raise the large amounts of money needed for an at-large council race. The court also found that the claim that at-large seats were necessary to preserve a city-wide view did not justify the 8-3 system. Historically, all but one at-large councilor had been white, had come from the affluent part of north Dallas and had generally represented that area's interest.

Williams in Dist. 1 (Williams had voted for the 71<sup>st</sup> and Harvard change), and councilors Chris Medlock (Dist. 2) and Sam Roop (Dist. 5), both opponents of the change, were re-elected. This "Gang of Five" immediately formed a "reform" alliance to counter-balance the other four councilors who they regarded as too sympathetic to special interests controlled or supported by developers, financial institutions, the *Tulsa World* and other traditional political players, including the Tulsa Metro Chamber. They were also concerned that the remaining incumbent councilors were trying to effect procedural rules changes that would thwart their majority.

The mainstream media often portrayed this new majority faction on the council, including the *Tulsa World*, as ill informed and unnecessarily confrontational. Many others, including neighborhood activists and homeowners thought that they were raising issues and asking questions that were valid and long overdue. They asked questions and raised issues about board appointments, water policies and annexation issues. They generally advocated for more openness in city government and changes in various boards and policies that would cutback on the influence of traditional development oriented groups and increase the influence of individual citizens and neighborhoods.

This lively debate culminated in July of 2005 when these traditional groups unsuccessfully attempted to recall two of the councilors, Medlock and Mautino. This divisive effort was soundly defeated despite the proponents having raised and spent more than \$80,000 on the campaign.

After the recall defeat, a consistent drum-beat of several editorials over the next several months began in the *Tulsa World*. They advocated a return to some form of at-large representation system to supposedly "stop the bickering" on the City Council and lessen the influence of certain councilors who were supposedly only concerned about parochial interests. The *World* claimed that its long predicted "ward politics" had arrived and that this must be eliminated. It asserted that certain councilors had lost sight of the overall good for the whole city.

Then in late October of 2005, a group naming themselves Tulsans for Better Government (TBG) formed. It was made up of about 25 mostly mid-town and south Tulsa wealthy white individuals. Several former city officials, including former Mayors Hewgley and Robert LaFortune were recruited to join this group. Many working behind the scenes were the same individuals and interests that supported the ill-fated recall. Its single largest financial contributor was the *Tulsa World* (\$10,000). TBG proposed an initiative petition to amend the charter by the radical alteration of the council structure approved overwhelmingly in 1989 by the voters and that resolved the NAACP voting-rights case. Their proposal would reduce individual districts from 9 to 6--causing the carefully crafted African American majority district from 1989 to be clearly diluted. They also proposed that three councilors be elected at-large for four year terms, while leaving the remaining districts with two year terms.

The effect of the passage of this proposal would be to throw the current council structure into turmoil for at least two years as incumbents jockeyed on how the new districts would be drawn and who would have to run against whom. It would very likely require that Dist. 1 and most of Dist. 3 be combined into a single district and force the two African American council members to run against each other in the new system. Moreover, for the newly created at-large seats, only those persons with independent wealth or the broad ability to raise funds could effectively compete for these seats. More likely than not, only individuals from mid-town or south Tulsa, like the 8/3 system in Dallas, would be elected. There is no reason to think these individuals would look after the whole City any more than those elected from north Dallas. They would work for and support the interest of the areas that elected and financed them. Also like Dallas, there is no reason to think that a new Voting Rights case could not be successfully mounted against the new at-large seats for African American vote dilution.

This council-packing scheme must be called for what it is,-an undemocratic, ill-advised plan to return power to the traditional elite who fear an active and energized electorate. This plan does not have any real support among elected officials. Mayor LaFortune backed away from his support. No sitting City councilor would publicly say they supported it, despite statements from TBG that it had the support of several councilors. Councilor Tom Baker called it ill-advised and disruptive and said he counseled against it. In the past election, the only candidate that supported it, Jeff Stava, was defeated.

This structure would also potentially undermine our strong mayor and the efficiency of that office, by immediately creating three competing power centers for the at-large voter. In terms of creating conflict or competition, such at-large councilors would be natural challengers for incumbent mayors. I can hear it now, "Mayor Taylor, what do you know, I got more votes in the last election than you."

Mayor-elect Taylor has opposed this proposal vigorously and has denounced the recall effort since she began her campaign. TBG put her name on their web site, but Taylor says this was without her consent and she had her name removed. TBG has not denied this contention. Both political parties have come out strongly against the proposal. Both McCorkell and Medlock in the last election also opposed it. In light of the election results who, outside the TBG core group, will stand up and defend this plan?

It is our firm belief that the debate over the last two years has been healthy and should not be suppressed in a vain attempt to restructure the system away from the historic council plan approved in 1989. In 1989 then Police and Fire Commissioner Bob Dick spoke in favor of the proposed charter. Dick said some people are worried city councilors would argue among themselves. "What's wrong with that?" Dick asked. "Why shouldn't we hear differing views on the issues that will arise?" "Our form of government tends to chill a little bit of the public debate over some issues," he said. "There is a tendency that if I need something I may not want to attack the street commissioner or the water commissioner because I may need his or her vote."

The clashing of ideas is the sound of liberty. It's healthy, and ultimately in the best interest of Democracy. Even at it's loudest and most abrasive, it's the sweetest symphony I've ever heard. Resolution is merely the evolution of conflict." My God, ladies and gentlemen, this is American, not China, not Russia and not some banana Republic. As Alexis de Tocqueville said in 1835:

"Scarcely have you descended on the soil of America when you find yourself in the midst of a sort of tumult; a confused clamor is raised on all sides; a thousand voices come to your at the same time, each of them expressing some social needs. Around you everything moves: here, the people of one neighborhood have gathered to learn if a church ought to be built; there, they are working on the choice of a representative; farther on the deputies of a district are going to town in all haste in order to decide about some local improvements; in another place, the farmers of a village abandon their furrows to go discuss the plan of a road or a school.

Citizens assemble with the sole goal of declaring that they disapprove of the course of government. To meddle in the government of society and to speak about it is the greatest business and, so to speak, the only pleasure that an American knows.... An American does not know how to converse, but he discusses; he does not discourse, but he holds forth. He always speaks to you as to an assembly."

Some final questions need to be asked. Why did TBG originally file their petition to have 12 councilors—the existing 9, but to then add 3 at-large? Two days later they withdrew this plan and substituted the current proposal. Why? What was the thinking? TBG has over \$60,000 in the bank and it can only be spent on a petition to change Tulsa's government. What are they going to do with these funds?

In conclusion, we call on TBG to state now that they will not go forward with their proposal. I know members and supporters of TBG are not racist, they are not bad people, they are trying to help Tulsa, but this plan will not help. If they go forward, we will fight them over the signatures, we will fight them at the ballot box and, if necessary, we will fight them in the courts. Tulsa does not need this fight. We should work together not against each other.

To paraphrase Lincoln: "We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory . . . will yet swell the chorus of our [great City], when again touched, as surely [it] will be, by the better angles of our nature."

# Change in City Government Not Remedy

By KEN NEAL  
Associate Editor

World  
4-12-87

A federal judge's decision tossing out the city commission form of government in Springfield, Ill., has spurred critics of Tulsa's venerable commission to renew the effort for change here.

There are some strong parallels between Springfield and Tulsa. If a local federal judge were to share the outlook of U.S. District Judge Harold A. Baker of Springfield, Tulsa's city commission days might be numbered.

A reading of the judge's memorandum opinion (the final opinion hasn't been drawn) suggests that the case of racist voting patterns made against Springfield was pretty thin. But new federal law doesn't require much proof.

First, the comparisons:

Like Tulsa, Springfield has a 5-member city commission elected at large. The members serve as legislators and are assigned areas of executive responsibility.

Springfield has had this form of government since 1911; Tulsa since 1908. Springfield's elections are non-partisan for four-year terms; Tulsa's are partisan for two-year terms.

Like Tulsa, citizens of Springfield have declined offers to change their form of government several times, the last in November 1986, when 53 percent of the citizens voted to retain the commission form. A 1978 proposal to change to a city manager form failed by a 3-1 margin.

Tulsans turned down a city manager form in 1954 and strong mayor forms in 1959, 1969 and 1973. The vote in 1969 was very close in a low turnout; in 1973, a heavy turnout defeated the issue by 3-1.

Tulsa and Springfield have similar percentages of black population at 11-12 percent. Springfield, tragically, had a race riot some years before the Tulsa riot of 1921.

The Springfield lawsuit attacking the city commission form of government was brought under the federal voting rights act as amended by Congress in 1982 after a similar suit against Mobile, Ala. was lost before the U.S. Supreme Court. Before 1982, plaintiffs had to show intent to discriminate; the 1982 law requires only that the effect of voting patterns is discriminatory.

In the Springfield case, plaintiffs convinced Judge Baker of discrimination by showing that no black had ever won city office and that past elections showed "polarized" voting patterns. The election results showed, in general, that when a black candidate ran, blacks voted overwhelmingly for him while whites voted against him.

Judge Baker had a further, "threshold" question to decide. If it is granted that voting discrimination exists, would dividing the commission into districts for election purposes remedy the problem? Under Illinois law, Springfield, if it had a district system, would have 10 electoral districts. The judge decided that with 10 districts, a district could be drawn to provide a black majority in at least one.

Since the Springfield decision, plaintiffs' lawyers have sued the Springfield school board, the park board and the convention center, because those boards were elected at large. The city of Danville, Ill., was sued on similar grounds and decided not to fight the case in court. It settled for the "weak mayor" form of government prescribed by Illinois law.

Although Tulsa has elected one black to the city commission, it seems clear that much of the factual situation in Springfield is similar to that in Tulsa. A different judge might judge might rule differently in the matter, of course. Ultimately, as in the Mobile case, the U.S. Supreme Court probably will make the final decision.

If the Springfield case is upheld, it appears the result will be a city government based on racial distinctions, a 180-degree turn from the days of segregation when idealistic reformers wanted an end to segregation and discrimination in favor of a "color blind" society.

Yet here we have a situation in which sections of Springfield (or Tulsa) will be guaranteed city representatives of a particular color.

The pattern in racial discrimination lawsuits has been to go beyond the removal of discrimination to guarantees of result. So it is in the city government case. Voters are not only guaranteed the right to pick candidates of their choice but of their particular race.

Additionally, the codification election districts based on racial makeup presumes the continuation of racial groupings. Certainly, if blacks were evenly distributed across the city, voting by district would not guarantee the election of a black citizen. Do black leaders and others who will argue for a "black district" hope for racially-grouped living patterns from now on?

Or is the idea to elect a black councilman for symbolic purposes? Black citizens would have the symbol of a "say" in government while the nine other presumably white councilmen would not have to pay attention to the black constituency or to the black councilman.

And what happened to the ultimate goal of a color-blind society? Is that goal abandoned? Do we want to tell black citizens that they can be elected to "their" allotted spots but no more? Isn't this a concept that summons up memories of "separate but equal" arguments of the past?

Unfortunately, few or none of these questions will be seriously considered. Black leaders have convinced their constituents to reject them, opting instead for the power base that racial politics provides.

In Tulsa, the question of whether city government is going to be devised along racial percentages will be answered by the black community. If blacks genuinely feel they have been disenfranchised, if they believe a change in government will remedy the problem, the greater community probably will accommodate them.

But it will be a sad day when eight or nine commissioners elected from white districts can tell a black councilman and the entire black community to buzz off and don't bother us.

Perhaps Tulsa will be the exception and thrive on the ward politics that has wracked most cities with the system. But no one — least of all blacks — should count on it.



Neal

# Local group plans suit over charter

By JIM PUGH  
Tribune Writer

5/14/87

A local group, aided by a city commissioner, says it is preparing to sue the city to challenge Tulsa's form of government.

"The goal is to have a lawsuit," said Finance Commissioner Gary Watts. He said the best way to determine if Tulsa's at-large government discriminates against black voters is to have a federal judge decide.

The informal group wants to test the commission for compliance with voting rights law while avoiding racial polarization by drawing in residents from throughout the city, Watts said.

Lawyers for the NAACP in Baltimore have said they are investigating Tulsa as target for a class-action suit.

ANY SUIT would allege, essentially, that selection of commissioners in Tulsa discriminates against the black minority by diluting votes in citywide elections.

Watts said he and other group members want to avoid having an outside organization sue the city.

The National Association for the Advancement of Colored People used a lawsuit to help overturn a similar city government in Illinois.

Watts said a suit by the NAACP could draw national attention if the city is sued by non-Tulsans using a local plaintiff.

The Tulsa group was formed about a month ago, after Watts said during a commission briefing that he would not support battling a discrimination suit if the city were sued.

"It's not worth fighting for," Watts said in March.

A formal group to study charter change, being formed under direction of Mayor Dick Crawford's office, has not met. Crawford could not be reached for comment this morning. His staff said he was in budget meetings.

JUDITH FINN, a University of Tulsa law professor whom Crawford said he wants to head the review, said she has not been contacted by his office. She said the committee should answer to the full commission, not just the mayor's office.

Finn has been a leading proponent of studying possible voting rights violations in Tulsa.

Watts said if a federal judge rules the Tulsa commission is illegal, the next step is to choose a form of government. A judge's ruling would give legitimacy for a need to change, Watts said.

Four attempts to change Tulsa's city government have failed at the polls. A drive to institute a mayor-council government failed by a 3-1 margin in 1973.

Tulsa is the second largest city in the United States to retain the commission government made popular about the turn of the century, according to the National League of Cities. Portland, Ore. is the largest.

In Springfield, Ill., a commission government similar to Tulsa's was ruled illegal in January under the federal Voting Rights Act.

SPRINGFIELD was sued by black residents who proved the black population is discriminated. See CHARTER, page 4A

## Charter

From page 1A

against in citywide commission elections.

The plaintiffs proved blacks — 10.8 percent of Springfield's 100,000 population — mostly live in one section of the city and vote for black candidates who are always defeated by the white majority.

Springfield Mayor Mike Houston said the lawsuit was somewhat divisive.

"Certainly it has had an impact on the community," Houston said. He said a lawsuit, even if it is not adversarial, should be avoided.

Frank McNeil, the main plaintiff in Springfield, said the Tulsa informal group is probably a good idea. He added it is probably necessary to have a court rule on the legality of the commission, or it could take a long time for a change.

The success of plaintiffs in Springfield, home of President Abraham Lincoln, has been the impetus for the possible Tulsa suit.

Tulsa has had one black commissioner.

TULSA'S commission is the same as Springfield's except Tulsa's five commissioners, elected to specific posts, run in partisan elections. Springfield elections are non-partisan.

Details of the proposed Tulsa challenge have not been worked out, but a few goals are clear, Watts said.

They include:

— Having a federal judge decide if Tulsa's commission government violates the federal Voting Rights Act because of minority vote dilution.

— Having enough support from all sections of the city to avoid a divisive battle.

The informal group, Watts said, "represents a cross-section of the community" and has about 20 members. Members say they want more people to get involved.

Dr. Charles Christopher, a north Tulsa optometrist, has been

working with the group and confirmed Watts' statements.

Christopher has been a proponent of changing the government to a form that he says would be more representative.

CHRISTOPHER said the commission has "power centered in a small group of people."

Tulsa's City Commission is made up of five white men, most of whom live in southeast Tulsa.

"We don't need the polarization," Christopher said today. "The city doesn't need it."

"We're talking about everybody" getting involved, Christopher said. "We want everybody."

Watts compared the cooperative push for a change in government to Tulsa's efforts to end segregation in the schools. Tulsa has not had court-ordered busing of schoolchildren as a way to end school segregation.

Specialized, or magnet schools, have been used to draw white students into schools that had been predominantly black.

# TULSA WORLD

"Oklahoma's Greatest Newspaper"

EUGENE LORTON

1869-1949

Page D-8

Sunday, May 17, 1987

BYRON V. BOONE, *Publisher*  
BOB HARING, *Executive Editor*  
ALEX ADWAN, *Editor, Editorial Pages*

ROBERT E. LORTON, *President*  
GENE CURTIS, *Managing Editor*  
KEN NEAL, *Associate Editor*

## BIBLE THOUGHT

*Have no fellowship with the unfruitful works of darkness.*  
— Ephesians 5:11

## What's the Hurry?

FINANCE Commissioner Gary Watts and others are talking about a "friendly lawsuit" to overturn Tulsa's commission form of government.

A federal district judge has ruled against a similar government in Springfield, Ill. He held that the at-large election of city commissioners denies blacks the opportunity to elect blacks to office. Watts and some other longtime critics of the Tulsa system want to use the Springfield case as an excuse for a hasty effort to throw out Tulsa's present government. They would substitute a ward or district system of voting for members of the city's governing board. They say the city should act immediately to head off an "unfriendly" lawsuit by the NAACP or some other "outside" organization.

Tulsa would do well to ask: Why the rush?

If the Springfield ruling stands, it might one day be cited in an unfriendly lawsuit against Tulsa. But lawsuits are not settled over night. Confronted with a suit, Tulsa would have plenty of time to make changes through the referendum process — if the voting public chose to do so. There would be adequate time for the city to defend itself in the courts. Even if the city eventually lost, it would still have time — as Springfield is being given time — to make changes conforming to the courts' judgment.

Tulsa already has under way a study of the city's form of government. If it is the judgment of the study committee and the City Commission that the people should be given another chance to vote on a change, then a new proposal should be submitted. These proposed changes have always been defeated in the past, but voters can always change their minds.

The course of action proposed by the Watts group does not spare Tulsa from litigation or racial arguments. It seems merely to guarantee that the dispute will be opened on terms least favorable to the existing system.

In short, it looks like an effort to use a weird Illinois court ruling as a scarecrow to panic Tulsa citizens into accepting a change in government that they have rejected consistently under the democratic process.

In any event, there's no reason for hasty, thoughtless action.

BYRON V. BOONE, *Publisher*

BOB HARING, *Executive Editor*

ALEX ADWAN, *Editor, Editorial Pages*

ROBERT E. LORTON, *President*

GENE CURTIS, *Managing Editor*

KEN NEAL, *Associate Editor*

## BIBLE THOUGHT

*Rejoice not when thine enemy falleth, and let not thine heart be glad when he stumbleth. — Proverbs 24:17*

## NAACP's Lawsuit

AS expected, the local chapter of the National Association for the Advancement of Colored People has sued the City of Tulsa, claiming the city commission form of government discriminates against blacks and alleging the city to have a history of "official racial discrimination."

The suit, lodged in federal court, is inspired by an NAACP victory in a lawsuit brought against the city of Springfield, Ill., where a judge found that the commission form, as practiced there, made it impossible for a black to be elected to city office.

The black community and others have been talking of the lawsuit since the Springfield decision but it appeared that an effort to devise compromises in a new city charter that would satisfy all parties was possible.

In fact, Mayor Dick Crawford had reactivated a charter revision committee to make recommendations in light of the Springfield decision. There was some discussion of a "friendly" lawsuit to have a judge determine if Tulsa's government would be considered discriminatory.

Those possibilities are gone. The city has little choice, now that it has been formally accused of official racism, but to defend itself in court. For openers, the mayor should disband the charter revision committee.

The facts so far presented do not make it certain the city will lose in court.

While it is true that most black Tulsans live in a concentrated area of the northside, it is also true that 25 percent of blacks live outside the perceived black district. What of the blacks outside that district? Will they not still be deprived of voting rights under the reasoning of the plaintiffs?

And, although plaintiffs brush it off as insignificant, Tulsa has proven it will elect a black city commissioner. Former Finance Commissioner Ron Young was elected to that position in 1980 after being appointed in 1979. He won re-election in 1982 in a big way, winning the most votes on the ticket.

White citizens obviously elected him to that post. Does the fact that Young did not live in the "black" northside district render that election invalid?

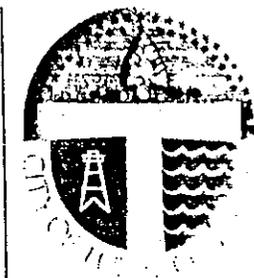
Not likely.

As to the charge that Tulsa has practiced "official discrimination," plaintiffs have forgotten the many ordinances and policies passed by officeholders in the 1960s and 1970s making various forms of discrimination against blacks illegal.

The NAACP plaintiffs have vowed to take the case to the U.S. Supreme Court if necessary. Now that all hope of settlement is gone, the city should have no qualms about defending itself in court.

No one denies that Tulsa, like most cities in the nation, once discriminated against blacks by law. But the history of the city government in the past 30 years has been one of successful erasure of Jim Crow laws and practices.

GARY I. WATTS



COMMISSIONER OF FINANCE AND REVENUE

CITY HALL

TULSA, OKLAHOMA

74103

July 15, 1987

Editor  
Tulsa World  
318 South Main  
Tulsa, Oklahoma 74103

An earlier (1980) challenge of Mobile, Alabama's commission form of city government was unsuccessful when appealed to the U.S. Supreme Court because the Court held that the Federal Voting Rights Act required a finding that the at-large elections were instituted specifically to dilute the strength of the minority black electorate. Because this required finding of "discriminatory intent" was deemed prohibitively burdensome to plaintiffs, in 1982 the U.S. Congress adopted an amendment to the Federal Voting Rights Act which, as subsequently interpreted by the U.S. Supreme Court and other federal courts (most recently in the Springfield case), eliminated the requirement of finding "discriminatory intent." Instead plaintiffs must merely show that a particular electoral system in fact dilutes minority voting strength which results in underrepresentation.

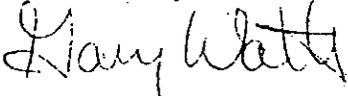
As a result of the 1982 amendment the primary issue in a challenge such as the case filed last week in Tulsa (NAACP v. City of Tulsa) will center on the alleged discriminatory effect of an at-large system of electing City Commissioners - not on the alleged discriminatory intent or actions of any particular city official. It is our City's form of government which provides for the at-large election of a five member commission that is being challenged, not the goodwill, intentions or racial attitude of any city official or citizen.

The Editor advises the Mayor to "disband the charter revision committee" and that "the city has little choice . . . but to defend itself in court." The committee you refer to was created by unanimous resolution of the entire City Commission and cannot be disbanded unilaterally by the Mayor nor should it be disbanded at all. The resolution creating it specifically anticipated the filing of a lawsuit and charged the committee with advising the City Commission concerning our reaction to it. Now with the reality of a lawsuit the Committee's work is even more important.

Editor - Tulsa World  
July 15, 1987  
Page Two

One of the most significant tasks of the Committee will be to analyze the appropriate past election statistics for Tulsa which has not yet been done by any group. Until that is done no one, not the NAACP, the City or the Tulsa World, can make an intelligent judgment about whether our form of government is or is not in violation of the Federal Voting Rights Act. Once that is done and the committee and City Attorney have advised the City Commission regarding the law, then we can choose from several alternatives what our proper response should be, remembering that compliance with federal law is a primary responsibility of all elected officials.

Sincerely,



Gary Watts

GW/jd

## City Deserves Defense

World 8-20-57

TULSA'S city government has served it well for many years and deserves to be defended against allegations that it is racist. Commissioners are right to seek special legal help to defend the city against an NAACP lawsuit challenging the constitutionality of the commission form of government.

The NAACP alleges that the at-large election of city commissioners — as opposed to a system of ward or district voting — prevents blacks from being elected to the commission. The lawsuit was inspired by a federal trial-court judge's ruling that a similar form of government in Springfield, Ill., is unconstitutional.

Gary Watts, commissioner of finance and revenue, revealed that commissioners met in executive session to discuss hiring a New York attorney to handle the case. But Watts, a critic of the present form of government who encouraged legal action against it, doesn't want a full-fledged defense.

"We do do not want a knockdown, drag-out, win-at-all-costs defense," Watts said. "What we want is that the judge be given appropriate facts from the defendants' point of view to go along with facts presented by the plaintiffs."

What Watts and some other opponents of the system want is a mea culpa — a confession by city fathers that the government is racist — and a meek abandonment of the commission form.

The fact is, the city's government is not racist. Tulsa has been comparatively well-governed over the years. A federal court ruling against the city is certainly not a foregone conclusion.

A majority of Tulsans has voted on numerous occasions to retain the commission form, which has been in service from the city's earliest days. Most recently, Tulsans voted in 1973 by more than 3-1 in favor of retaining the commission form. For Watts to suggest that Tulsans not defend themselves against unwarranted charges of racism, or mount only a half-hearted defense, is a disservice to his constituents.

# Facts Concerning the Lawsuit Challenging the Tulsa City Commission System

## WHY WAS THE LAWSUIT FILED?

**ANSWER:** Tulsa's City Commission form of government requires all elected City Officials to be elected in a city-wide vote, rather than elected from different districts as is done in most major cities in Oklahoma and nationally. This process denies black Tulsans residing in North Tulsa the opportunity to elect someone from THEIR "district" because their voting strength is regularly diluted or cancelled out by the city-wide vote.

The lawsuit urges that this system violates the US and Oklahoma Constitutions and the Voting Rights Act of 1965. This lawsuit asks the Court to declare the current system illegal so that a more representative form of government can be put in place.

## WHY SHOULD TULSANS OUTSIDE OF NORTH TULSA SUPPORT A CHANGE?

**ANSWER:** Because a system that is more fair to North Tulsans also will be more fair to Citizens everywhere in the City. If you look at a map of the City and mark where Tulsa's Mayors, Commissioners and Auditors elected from 1960 to the present reside, nearly all have come from the same small area in central and south Tulsa. *(See map on reverse side.)*

Of 35 persons elected in the last 30 years to the Commission, 26 (75%) resided in an area bounded by Riverside on the west, Yale on the east, 81st on the south, and 15th on the north. Only one person in 30 years has been elected from West Tulsa (west of the Arkansas River). East and Northeast Tulsans also have been virtually unrepresented.

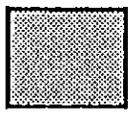
Thus, the majority of Tulsans, both black and white, are not represented by someone from THEIR area who will address their concerns and whom they can call directly to get access to City Hall. This fact is reflected further in the unbalanced delivery of services between different areas of town.

## WON'T WE LOSE OUR IMAGE AS A PROGRESSIVE CITY?

**ANSWER:** No! Nationally, all major cities except Tulsa and one other have adopted elections by geographic district, including Dallas and Kansas City.

Springfield, Illinois, fought a losing battle in the Courts with a fact situation nearly identical to Tulsa's. It cost Springfield taxpayers over two million dollars just to lose. If the Tulsa City Commission ignores Springfield's example and opts to fight rather than negotiate, it could cost Tulsa over two million dollars as well.

**ORIGIN OF LOCAL ELECTED OFFICIALS**  
1960's thru Current



Census Tracts with 50% Black Population (1980)



Officials elected in the 1960's

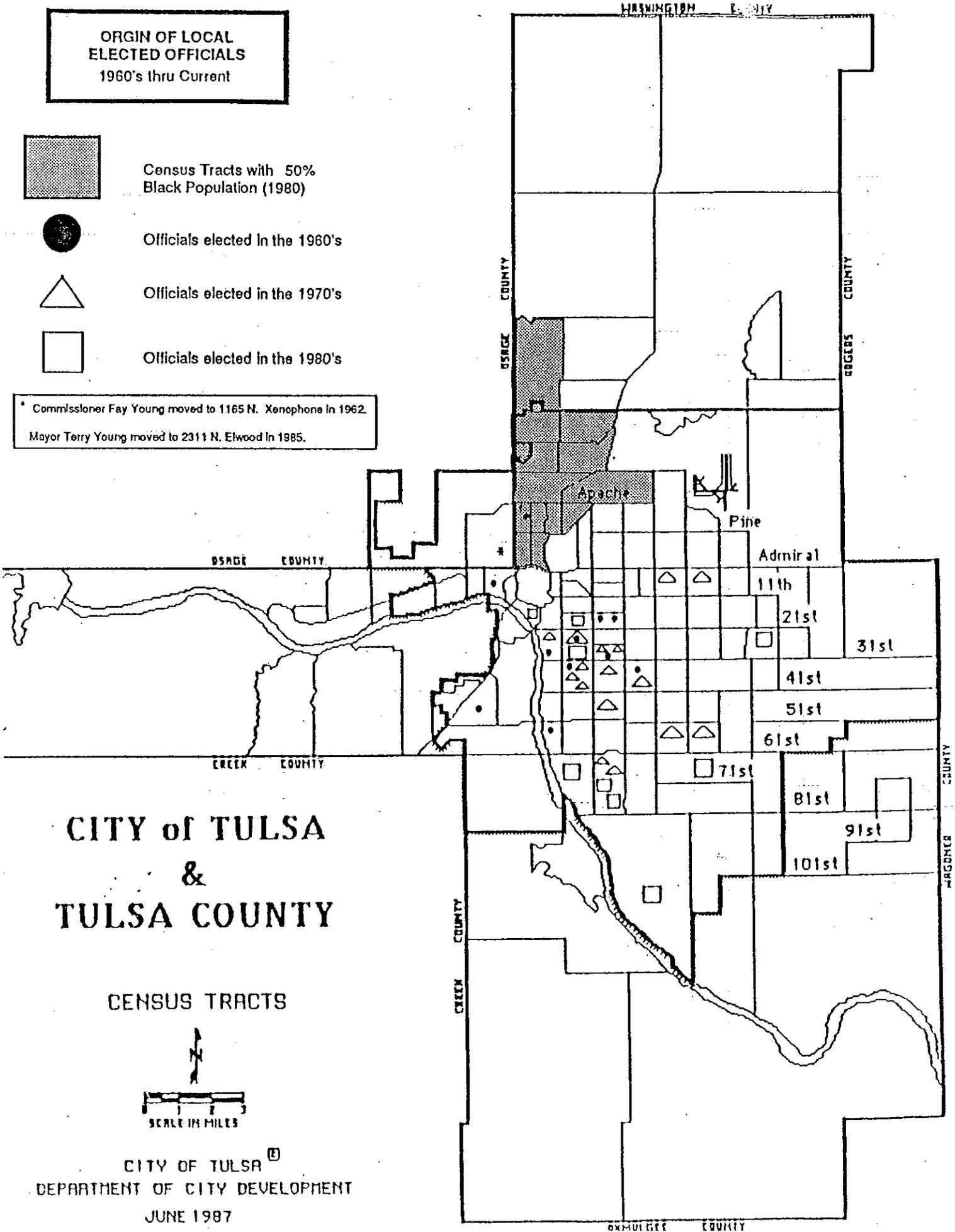


Officials elected in the 1970's



Officials elected in the 1980's

\* Commisstoner Fay Young moved to 1165 N. Xenophone in 1962.  
Mayor Terry Young moved to 2311 N. Elwood in 1985.



# CITY of TULSA & TULSA COUNTY

## CENSUS TRACTS



CITY OF TULSA  
DEPARTMENT OF CITY DEVELOPMENT  
JUNE 1987

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## Voting rights trial or election to be next step in charter change

PAM ZUBECK

02/09/1989

THE TULSA TRIBUNE (FINAL HOME Edition), Page 3A of City State, News

If the charter proposal passes, nothing would change in city government until the new mayor and council take office in May 1990.

If it fails, the city could expect several hundred thousand dollars in attorney bills and a trial that would revisit the firestorm of the 1921 race riot.

The City Commission, saying the present form is out-dated and cumbersome, is campaigning for a change to a nine-district council form.

If voters topple the proposal Tuesday, commissioners say, they are ready to defend Tulsa's charter in court from allegations that it violates the Federal Voting Rights Act.

The National Association for the Advancement of Colored People claims at-large elections dilute the black vote.

Because the charter proposal casts the mayor as architect of the city's organizational structure, Mayor Rodger Randle said the ease of transition would largely depend upon the new mayor's administrative skills.

Now, commissioners oversee divisions, such as streets, water and sewer, public safety and finance.

The proposal places the mayor in charge of all divisions, with power to structure them as he pleases, in compliance with ordinances and with confirmation of the council, and to appoint their heads.

If charter change is approved, Randle said, the present commission would determine how to streamline operations by looking at city government as one organization rather than five.

He added, "Not a whole lot could change until the council and mayor are elected."

Randle said once there is an election, he expects there to be acting division heads until the council confirms the mayor's structure.

Who would serve as acting division heads would be the mayor's call, Randle said.

Voters probably will have more candidates to choose from under a district plan. An eight-city study by the University of Texas LBJ School of Public Affairs shows more candidates, including minorities and women, run in district elections than at-large contests.

One of the winners probably will be black, chosen in the north district of Tulsa which is 69 percent black, said

Laughlin McDonald, director of the American Civil Liberties Union southern regional office, Atlanta. That councilor would be the second black in history to hold city elective office in Tulsa.

Hubert Bryant, NAACP attorney, said if the charter proposal is approved, it would not be necessary to try the NAACP lawsuit, because the plaintiffs are satisfied with the district plan.

Bryant hopes the charter passes. "It would show a unified city, and because it's the right thing to do under the law."

If Tulsa's vote keeps pace with past efforts and national trends, chances at the polls are slim.

Four attempts have failed here since 1954.

McDonald said nationwide, 95 percent of the elections involving voting rights have been defeated at the polls.

"It's always a mistake to put the thing to a referendum. They always lose," he said.

"The whole concept of solving a constitutional dispute in a majority vote setting is anomalous," McDonald said.

"That's the very thing they (plaintiffs) say doesn't work."

Also, since 1986, most cities have chosen to settle voting rights cases rather try them, because, "they have concluded they can't win," McDonald said.

He said that an amendment in 1982 of the Voting Rights Act and a 1986 Supreme Court decision have streamlined the test.

district fairly drawn, that their minority is politically cohesive and geographically compact and that whites generally vote as a block to defeat candidates of choice by the minority of voters.

Tulsa has had only one black elected city official, Finance and Revenue Commissioner Ron Young. In recent memory, only one other black has sought city office.

Bryant and McDonald say the commission could settle the lawsuit by legislating changes in government to satisfy the act, regardless of the outcome at the polls.

Said Randle: "I'm elected by the citizens of Tulsa to... lead this structure of government until the voters give approval to change it. I don't think I was elected to directly contravene the express opinion of Tulsa citizens."

Randle said the city would plan a vigorous defense of the city's charter. He estimated legal bills at \$250,000.

Agreeing that he is obligated by the charter to defend the current system, Finance and Revenue Commissioner Gary Watts characterized the city's chances at trial as a coin toss.

Police and Fire Commissioner Bob Dick, likewise committed to a strong defense, said "The fact that we haven't had many minority candidates is not the fault of the charter."

"I'm going to do anything I legally can to win that lawsuit."

Streets Commissioner J.D. Metcalfe said he would not be opposed to a settlement, if the city's attorneys recommended it, and Water and Sewer Commissioner Charlie King said he would go along with whatever was in the best interest of the city.

McDonald said when voting rights cases wind up in court, the issue is racial, rather than what form of government

best serves the people.

Bryant said testimony would include evidence of past as well as modern-day racism.

"We're going to be talking about what happened at the race riots, all the things no one wants to hear about," said Bryant, referring to the 1921 burning of a north Tulsa area.

A trial and the accompanying publicity would be less than positive for Tulsa, Randle admitted.

It would be better for the people to approve a charter change than have a court do it, Bryant and Randle agree.

City Attorney Neal McNeill said if the city loses the suit, the judge could force the city to be divided into five districts with commissioners elected from each, because there are five voting elected officials on the commission now. The commissioners would decide among themselves after the vote who would handle which administrative function. This solution would address the at-large dispute, he said.

McDonald said the court could allow the city and plaintiffs to submit proposals for court approval.

Then, the court could impose a transitional government until such time as voters approve a change that would bring the city into compliance with federal law, Watts said.

If the city wins the lawsuit, the commission form would continue with at-large elections.

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Citation: 1990 U.S. Dist. LEXIS 4120

734 F. Supp. 1317, \*; 1990 U.S. Dist. LEXIS 4120, \*\*

ROY WILLIAMS and MARVIN CRENSHAW, Plaintiffs, and THE LEDBETTER NEIGHBORHOOD ASSOCIATION, Plaintiff-Intervenor, v. THE CITY OF DALLAS, Defendant

CA. No. 3-88-1152-R

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION

734 F. Supp. 1317; 1990 U.S. Dist. LEXIS 4120

March 28, 1990

**CASE SUMMARY**

**PROCEDURAL POSTURE:** Plaintiff African-American residents and plaintiff-intervenor Hispanic association brought suit against defendant city alleging that its system for electing members of city council violated the Voting Rights Act, 42 U.S.C.S. § 1973.

**OVERVIEW:** Two African-American residents and an Hispanic organization challenged the system for electing members of a city council, arguing that the 8-3 system, whereby eight members were elected by district and three at large, impermissibly denied them an equal opportunity to participate in the political process and elect candidates of their choice. The court held that under the totality of the circumstances the 8-3 system violated the Voting Rights Act and ordered that a special election be held as soon as possible. The court found that it was simply not possible for black or Hispanic candidates to raise the large amounts of money needed for an at-large council race. The claim that at-large seats were necessary to preserve a city-wide view did not justify the 8-3 system's denial of equal access for minorities to the at-large seats. Because the challengers had established that there was racially polarized voting in council elections and that the white bloc vote usually defeated the preferred choice of minority residents, they were entitled to the relief of a special election in which all seats would be single member districts, except for the at-large election of a mayor.

**OUTCOME:** The court held that the system violated the statute and ordered that a special interim election be held as soon as possible.

**CORE TERMS:** at-large, election, candidate, hispanic, elected, single-member, seat, voting, findings of fact, city council, city-wide, bloc, voter, Voting Rights Act, black candidate, campaign, census, preclearance, intervenor, defeated, defeat, won, reapportionment, referendum, quadrant, mixed, ran, charter, political process, runoff

**LexisNexis(R) Headnotes** ♦ [Hide Headnotes](#)

Constitutional Law > Elections, Terms & Voting > Racial Restrictions & Voting  
**HN1** ♦ See 42 U.S.C.S. § 1973.

Constitutional Law > Elections, Terms & Voting > Racial Restrictions & Voting  
**HN2** ♦ To show a violation of 42 U.S.C.S. § 1973, plaintiffs must establish first that the group is sufficiently large and geographically compact to constitute a majority in a

single-member district; second, that it is politically cohesive; and third, that the white majority votes sufficiently as a bloc to enable it usually to defeat the minority's preferred candidate. The second and third elements are usually established by statistical evidence of racially polarized voting by the voters in the relevant political unit. [More Like This Headnote](#) | [Shepardize: Restrict By Headnote](#)

Constitutional Law > Elections, Terms & Voting > Racial Restrictions & Voting

**HN3** Multimember district and at-large voting schemes may operate to minimize or cancel out the voting strength of racial minorities in the voting population. Such schemes are not, however, per se violations of 42 U.S.C.S. § 1973. [More Like This Headnote](#) | [Shepardize: Restrict By Headnote](#)

Constitutional Law > Elections, Terms & Voting > Racial Restrictions & Voting

**HN4** To determine whether a voting system violates 42 U.S.C.S. § 1973, the district court must evaluate whether: (1) there is any history of official discrimination in the state or political subdivision; (2) voting in the elections of the state or political subdivision is racially polarized; (3) the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group; (4) if there is a candidate slating process, whether the members of the minority group have been denied access to that process; (5) members of the minority group in the state or political subdivision bear the effects of discrimination in such areas as education, employment and health; (6) political campaigns have been characterized by overt or subtle racial appeals; and (7) members of the minority group have been elected to public office in the jurisdiction. [More Like This Headnote](#) | [Shepardize: Restrict By Headnote](#)

Constitutional Law > Elections, Terms & Voting > Racial Restrictions & Voting

**HN5** A special election to remedy the continuing effects of discriminatory voting system is equitable relief within the power of a court which finds a violation of 42 U.S.C.S. § 1973. [More Like This Headnote](#)

Constitutional Law > Elections, Terms & Voting > Racial Restrictions & Voting

**HN6** Racial bloc voting is to be determined from examining elections in which a minority candidate is running against a majority candidate. Even if a race involves a minority candidate, it should not be considered if the minority candidate is not serious in the sense of gaining little support from any segment of the community. [More Like This Headnote](#) | [Shepardize: Restrict By Headnote](#)

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**JUDGES:** Jerry Buchmeyer, United States District Judge.

**OPINIONBY:** BUCHMEYER

**OPINION: [\*1317] [\*\*1] MEMORANDUM OPINION**

JERRY BUCHMEYER, UNITED STATES DISTRICT JUDGE

This is a voting rights case.

It concerns the "8-3 system" for the election of members of the Dallas City Council -- i.e., 8 single-member districts and 3 "at-large" places. Under this system, no African-American has ever been elected to one of the at-large [\*\*2] seats; only one Mexican-American has been elected at-large under the 8-3 system but, as discussed below, this was due to some very unusual circumstances that will not be repeated. Accordingly, this opinion holds:

(i) that the 8-3 system violates § 2 of the Voting Rights Act, 42 U.S.C. § 1973, because it dilutes the votes of politically cohesive African-Americans *and* of politically cohesive Mexican-Americans in Dallas; and

[\*1318] (ii) that a special Council election must be held to remedy the adverse effects of the 8-3 system -- *the denial of equal access to the City's political process* -- which blacks and Hispanics have suffered under this system for almost 15 years.

The Fifth Circuit has repeatedly emphasized that there is a "special need for detailed findings of fact in vote dilution cases" n1 in which the district court performs a "searching and practical evaluation of 'past and present reality' [based] on a functional view of the political process." n2

"Because the resolution of a voting dilution claim requires close analysis of unusually complex factual patterns, and because the decision of such a case has the potential for serious interference with state functions, we have strictly adhered to the rule 52(a) requirements in voting dilution cases and have required district courts to explain with particularity their reasoning and the subsidiary factual conclusions underlying their reasoning . . . *Perhaps in no other area of the law is as much specificity in reasoning and fact finding required, as shown by our frequent remands of voting dilution cases to district courts.*" (872 F.2d at 1203) (emphasis added).

----- Footnotes -----

n1 Westwego Citizens For Better Govt. v. Westwego, 872 F.2d 1201, 1203 (5th Cir. 1989); Velasquez v. City of Abilene, 725 F.2d 1017, 1020 (5th Cir. 1984) (quoting Cross v. Baxter, 604 F.2d 875, 879 (5th Cir. 1979), *vacated on other grounds*, 704 F.2d 143 (5th Cir. 1983).

n2 Overton v. City of Austin, 871 F.2d 529, 529-30 (5th Cir. 1989); Westwego, 872 F.2d at 1204.

----- End Footnotes----- **[\*\*3]**

Accordingly, the Findings of Fact in this opinion are *exhaustive*. n3 Because of their length, this Memorandum Opinion -- for convenience n4 -- will begin with a brief discussion of *the applicable law* (pp. 1319-20), followed by a *summary of the opinion* (pp. 1320-30) and its reasons for holding that:

(i) under the 8-3 system, African-Americans and Hispanics are denied access to the 3 at-large seats because they cannot raise -- *from their own communities* -- the enormous amount of money (at least \$ 150-200,000) that **[\*\*4]** is required for an effective at-large, city-wide campaign in Dallas;

(ii) under the 8-3 system, blacks have been unfairly prohibited from electing more than two single-district Council Members by the "packing" of African-Americans into two districts with 75-87% concentration and 85-91% total minority population (Districts 6 and 8) -- and by splitting the remaining African-American population in Dallas between Districts 1 and 7, to prevent the creation of a third black district; and

(iii) these discriminatory effects of the 8-3 system, which clearly violate § 2 of the Voting Rights Act, must be remedied by a special City Council election to be held *as soon as possible*.

----- Footnotes -----

n3 *And exhausting.*

n4 *See footnote 3.*

----- End Footnotes-----

The opinion summary will be followed, of course, by the specific, detailed Findings of Fact required in voting dilution cases. Specifically, these comprehensive findings will cover the following topics:

- A. General: Findings 1-8
- B. History of the 8-3 System (1856-1980): Findings 9-131
- C. The Continuing Reapportionment Controversy (1980-1989): Findings 132-225
- D. History of the 10-4-1 Plan (1989-1990): Findings 226-276

E.	Specific Findings on Critical Issues:	Findings 277-311
	(1) safe districts & packing:	Findings 278-282
	(2) at-large seats:	Findings 283-293
	(3) the supposed "city-wide" view:	Findings 294-299
	(4) the "two people to call" argument:	Findings 300-304
	(5) the mayor's at-large place:	Findings 305-311
F.	The Gingles Threshold:	Findings 312-378
	(1) Blacks -- size & compactness:	Findings 313-314
	(2) Blacks -- politically cohesive:	Findings 315-335
	(3) Blacks -- white bloc voting:	Findings 336-357
	(1) Hispanics -- sized compactness:	Findings 357-364
	(2) Hispanics -- politically cohesive:	Findings 365-378
	(3) Hispanics -- white bloc voting:	Findings 365-378
G.	The Zimmer Factors:	Findings 379-429
H.	The Totality of the Circumstances Test:	Findings 430-441
I.	Observations About the 10-4-1 Plan:	Findings 442-449
J.	The Delay & The Remedy:	Findings 450-461

[\*\*5]

The Findings of Fact will, of course, be followed by the Conclusions of Law (1-18) [\*1319] (pp. 1413-15), and by the Conclusion of this opinion (pp. 1415-16).

#### I. THE APPLICABLE LAW

The basic question in this § 2 vote dilution case is whether, as a result of the challenged 8-3 system for Dallas City Council elections, the African-American plaintiffs and the Mexican-American intervenors "*do not have an equal opportunity to participate in the political processes and to elect candidates of their choice.*" Thornburg v. Gingles, 478 U.S. 30, 44, 92 L. Ed. 2d 25, 106 S. Ct. 2752 (1986) (emphasis added).

*the Act*

Specifically, § 2 of the Voting Rights Act, 42 U.S.C. § 1973, provides:<sup>HNI</sup>

"(a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color . . .

"(b) A violation of subsection (a) of this section is established if, *based on the totality of circumstances*, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally [\*6] open to participation by members of a class of citizens . . . in that its members

have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: *Provided*, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population." n5

----- Footnotes -----

n5 "Congress amended section 2 of the Act in 1982, largely in response to the plurality opinion of the Supreme Court in *Mobile v. Bolden*, 446 U.S. 55, 100 S. Ct. 1490, 64 L. Ed. 2d 47 (1980), which held, in part, that in order to establish a violation of section 2 of the Act, plaintiffs had to prove that the challenged electoral scheme was intentionally adopted or maintained by state officials for a discriminatory purpose. The 1982 amendments revised section 2 to make clear that a showing of discriminatory effects alone would be sufficient to establish a violation of section 2. . . ." *Westwego*, 872 F.2d at 1204, fn. 3.

----- End Footnotes-----

the **[\*\*7]** *Gingles* threshold

Under *Thornburg v. Gingles*, 478 U.S. 30, 92 L. Ed. 2d 25, 106 S. Ct. 2752, Dallas' use of the 8-3 system -- with the 3 at-large seats n6 -- would not impede "the ability of minority voters to elect representatives of their choice" unless there is a white bloc voting majority that would "usually be able to defeat candidates supported by a politically cohesive, geographically insular minority group." 478 U.S. at 48-49. Therefore, the black plaintiffs and the Hispanic intervenor in this case must first meet the *Gingles*' three-part threshold. <sup>HN2</sup>

"Under *Gingles*, plaintiffs must establish *first* that the group is sufficiently large and geographically compact to constitute a majority in a single-member district; *second*, that it is politically cohesive and *third*, that the white majority votes sufficiently as a bloc to enable it usually to defeat the minority's preferred candidate. 478 U.S. at 50-51, 106 S. Ct. at 2766-67; *Campos [v. City of Baytown]*, 840 F.2d [1240] at 1243. The second and third elements are *usually* established by statistical evidence of racially polarized voting by the voters in the relevant political unit." *Westwego*, 872 F.2d at 1205-06.

----- Footnotes -----

n6 "It has been widely recognized that <sup>HN3</sup> multimember district and at-large voting schemes may operate to minimize or cancel out the voting strength of racial minorities in the voting population.' . . . Such schemes are not, however, per se violations of section 2."

Westwego, 872 F.2d at 1205.

----- End Footnotes----- **[\*\*8]**

*the Zimmer factors*

If this threshold is met, <sup>HN4</sup> then this Court must determine if the 8-3 system violates § 2 of the Voting Rights Act by conducting a "searching practical evaluation" of the list of factors first set forth in Zimmer v. McKeithen, 485 F.2d 1297 (5th Cir. 1973) **[\*1320]** (*en banc*), and later in the Senate Report of the 1982 amendments to the Act:

"1. the extent of any history of official discrimination in the state or political subdivision that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process;

"2. the extent to which voting in the elections of the state or political subdivision is racially polarized;

"3. the extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group;

"4. if there is a candidate slating process, whether the members of the minority group have been denied access to that process;

"5. the extent to which members of the minority group in the state or **[\*\*9]** political subdivision bear the effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process;

"6. whether political campaigns have been characterized by overt or subtle racial appeals;

"7. the extent to which members of the minority group have been elected to public office in the jurisdiction.

"Additional factors that in some cases have had probative value as part of plaintiffs' evidence to establish a violation are:

"whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the minority group.

"whether the policy underlying the state or political subdivision's use of such voting qualification, prerequisite to voting, or standard, practice or procedure is tenuous." Westwego, 872 F.2d at 1204-05; S.Rep. No. 417, 97th Cong., 2d Sess. 28-29 (1982), reprinted in 1982 U.S.Code Cong. & Admin.News 177, 206-07.

*totality of the circumstances*

However, the final determination by this Court concerning the 8-3 system must "be made by an evaluation of the totality of the circumstances" -- including **[\*\*10]** the *Gingles* threshold and the *Zimmer* factors. Westwego, 872 F.2d at 1206; Terrazas v. Clements, 581 F. Supp. 1329, 1344-45 (N.D.Tex. 1984) (three-judge court). In the evaluation, this Court must adhere to two themes: *first*, that "courts have not tolerated political systems that effectively exclude minority voters from the democratic processes," but *second*, that "courts have consistently eschewed the notion that [the Voting Rights Act] secures to any group of citizens the right to obtain political representation in proportion to its numbers." Terrazas v. Clements, 581 F. Supp. at 1341.

## II. SUMMARY OF THE OPINION

The history of minority participation in the political process of Dallas is not one of *choice*; it is a record of what blacks and Hispanics have been *permitted* to do by the white majority.

This history has three distinct periods: *the century* of total exclusion when intentional discrimination prevented any minorities from serving on the Dallas City Council; *the decade* of the Citizens Charter Association's selection of those blacks and Hispanics who would be permitted to serve as at-large members of the Council; and, *the 15-year* **[\*\*11]** *period of the 8-3 system*, which permitted two blacks to serve as single-district representatives on the City Council . . . but which (with the exception of 1980-83) denied minorities the right to elect any other single-district Council Members . . . and which denied both blacks and Hispanics access to any of the 3 at-large seats without the support, and permission, of the white majority in North Dallas.

### (1) *The Century of Exclusion (1856-1969)*

*African-Americans and Hispanics were not permitted to serve as members of the City Council for almost 100 years after Dallas was chartered in 1856.* The discrimination against blacks and Mexican-Americans -- during most of this period -- **[\*1321]** was intentional, open, and even official. Shameful as it now seems, until 1968 the Dallas City Charter contained a "*Segregation of the Races*" section which authorized the Council to segregate the City into totally separate areas for whites and for the "colored races." Under this ordinance (or in accord with its spirit):

. . . the City Manager specified the areas of Dallas that were reserved for whites, for "Negroes," and for "Mexicans"; and the City Council passed a number of racially-motivated **[\*\*12]** ordinances (1942, 1961), including one that required blacks to sit in a "special section" in the back of City buses (1937).

. . . the Council tried to solve "the Negro housing problem, and keep blacks from moving into the "white areas" of Dallas, by having DHA construct the massive, 3500 unit West Dallas Housing Project (1950).

. . . even as late as 1960 the DISD's resistance to desegregation was bolstered by a federal judge who wrote that most of the whites and Negroes in the City of Dallas do not favor integration of the schools because this is, "In all probability, the most direct and surest route to amalgamation" of the races.

Under conditions like these, it is not surprising that a black never ran for election to the Dallas City Council until 1959 -- and that there was only one African-American candidate in

each of the next three Council elections (1961-1965). \* *Of course, since all 9 members of the City Council were elected "at-large, city-wide," all of these black candidates -- even though they carried minority areas of Dallas with over 80% of the vote -- were defeated by massive white bloc voting in North Dallas and in the other white areas of the City.*

----- Footnotes -----

\* Based upon the trial records in this case and in *Lipscomb v. Wise*, 399 F. Supp. 782 (N.D.Tex. 1975).

----- End Footnotes -----

In addition, **[\*\*13]** the Citizen's Charter Association ("CCA") controlled City Council elections as an all-white, "non-partisan slating group." *Since its beginning in the 1930's, the CCA had never endorsed a black or Hispanic candidate for City Council.*

### (2) *The Decade of Permission by the CCA (1968-77)*

By 1967, Dallas had a minority population of almost 35% (25% black; 8-10% Hispanic). In that year, the CCA struck a political campaign bargain in order to get the black community's support of CCA-endorsed candidates; in return for that support, the size of the City Council would be increased by two seats -- from 9 to 11 -- and these two seats would be reserved for minorities.

Accordingly, in the 1969 elections -- with the CCA providing financial support and making sure there was no viable white opponent -- *George Allen (African-American) and Anita Martinez (Mexican-American) became the first minorities who were permitted to serve on the Dallas City Council.* In the next two Council elections (1971, 1973), the CCA selected one black and one Hispanic to serve on the City Council; **[\*\*14]** then in the 1975 elections, it permitted two African-Americans (George Allen, Lucy Patterson) and one Hispanic (Pedro Aguirre) to serve as Council Members.

### (3) *15 Years Under the 8-3 System (1975-90)*

In 1971, Al Lipscomb (and other African-Americans) filed a voting rights case in federal court in Dallas, claiming "that the all at-large system of electing Council Members unconstitutionally diluted the vote of racial minorities." *Lipscomb v. Wise*, 399 F. Supp. 782 (1975), reversed 551 F.2d 1043 (5th Cir. 1977), but affirmed 437 U.S. 535; 57 L. Ed. 2d 411, 98 S. Ct. 2493 (1978).

#### Origin of the 8-3 System (1971-75)

*Four years later, this case was tried and Judge Mahon found that the "city-wide, at-large" system of electing members to the "Dallas City Council" was unconstitutional because:*

*"... when all members of the City Council are elected at-large, the significance of this pattern of blacks carrying their own areas and yet losing on a city-wide basis [because of a white bloc **[\*1322]** vote] is that black voters of Dallas do have less opportunity than do the white voters to elect councilmen of their choice."*

However, when he considered the remedy for this *intentional discrimination* against **[\*\*15]** minorities by the "all at-large system," Judge Mahon accepted the plan proposed by the City, a mixed 8-3 system -- i.e., 8 single-member districts and the continuation of 3 at-large places (including the mayor). He did this for two reasons: *First*, since no single-member district could be drawn for Hispanics, the "operation of white-dominated slating groups," like the CCA, permit "Mexican-American citizens . . . to operate in a "swing-vote" manner [*in the 3 at-large places* of the 8-3 system] and give them opportunity they might not otherwise have had" -- because they must, with "lesser numbers" and "their diffuse resident patterns," form coalitions with "either blacks or whites in order to maintain political stability"; and *second*, there is "legitimate governmental interest to be served by having *some* at-large representation" on the Council to provide a "city-wide, non-sectional" view.

The 8-3 system has been used for all Dallas City Council elections since Judge Mahon's decision in March 1975 through the 1979 Council elections (although the single-district lines were redrawn in 1979 and in 1982). This is how *African-Americans* have fared under the 8-3 system: **[\*\*16]**

. . . two African-Americans have been elected to single-member districts in every election, but they were -- *as expected* -- from the two predominately black districts: *District 6* (under the 1980 census, 84.92% total minority and 74.91% black) and *District 8* (under 1980 census, 91.05% total minority, 87.39% black);

. . . with this "packing" of black population in Districts 6 and 8, and with the splitting or "cracking" of the remaining African-American population between District 1 and District 7 -- in order to assure that Oak Cliff (*District 1*) has a white representative on the Council -- there has been no black candidate elected in any other single-member district in the past 15 years (besides Districts 6 and 8);

. . . no African-American has ever been elected to one of the 3 at-large seats; indeed, in all of the at-large races since 1975, there has been only one serious black candidate (whose race is discussed below).

Similarly, this is how *Mexican-Americans* have fared under the 8-3 system in the City Council elections during the past 15 years:

. . . despite the hopes in Judge Mahon's opinion that Mexican-Americans would, under the 8-3 system, have a "heretofore **[\*\*17]** unavailable flexibility and greater opportunity to participate in the political life of Dallas" in view of the 3 at-large seats -- *every Hispanic candidate was defeated in the April 1975 elections*; since then, no Hispanic even ran for an at-large seat in any election until 1987 (this race is also discussed below).

. . . after refusing repeated requests by blacks and Hispanics, the City Council -- at the insistence of the Justice Department in 1979 -- did create a third minority district by redrawing the lines of District 2 (under the 1980 census, 76.73% total minority, 43.38% black, 33.34% Mexican-American); and a Hispanic (Ricardo Medrano) was elected to this single-member district in the 1980 and 1981

elections; however, the lines of this district were redrawn in 1982 (64.98% total minority, 33.20% Hispanic, 31.78% black) -- and since then, Hispanic candidates have not won an election in District 2 or any other single-member district.

. . . one of the two reasons stated by Judge Mahon for approval of the 8-3 "mixed system" -- the "greater opportunity" for Mexican-Americans to be elected to at-large seats with CCA support -- no longer existed; the CCA did not endorse or support **[\*\*18]** any candidates in the 1977 elections; it was defunct, and it has never been replaced by any other "slating group" in Dallas.

. . . only one Mexican-American has been elected to an at-large seat under the 8-3 system but, as discussed below, this was due to some very unusual circumstances that will not be repeated.

### **[\*1323]** The Black Reapportionment War (1981-82)

The 1980 census showed that Dallas had a minority population of 41.67% (29.38% African-American and 12.29% Mexican-American). African-American members of the Council (and others) had repeatedly asked for the creation of a third black district, which would give them a 27.2% representation on the City Council (reflecting the increased black population of almost 30%). Indeed, as demonstrated by plans prepared by the City staff, *it was possible for the Council to create three districts with a black majority of 60-65% and a fourth "swing district" with a minority population in excess of 53%.*

However, there was vehement opposition to any such change -- particularly from Council Members Don Hicks (*District 1* -- Oak Cliff), Max Goldblatt (*District 7* -- Southeast Dallas), and Ricardo Medrano (*District 2*) -- who **[\*\*19]** did not "intend to have a third [black] district carved from their districts." The reapportionment war, which resulted in 1981-82 from this controversy, was marked with acrimony and racial tension. Credible testimony at trial established that statements like these were made at Council work sessions and meetings:

. . . Oak Cliff (*District 1*) had to have a white representative on the Council because "Anglos felt extremely uncomfortable being represented by blacks," and if *District 1* did not have an Anglo member on the City Council, there would be "white flight" and "Oak Cliff would be black within two years";

. . . that there could be a third black City Council member without another single-district for African-Americans if a "qualified" black would just run for one of the 3 at-large seats;

. . . *it is unfair to have five Council members (including all three at-large representatives) from just two districts in North Dallas; and the mayor's reapportionment plan passed by the Council is a "scheme to continue to oppress blacks in the City of Dallas and to deny them representation."*

The net result of the 1981-82 reapportionment war was this: the five white majority districts **[\*\*20]** remained basically unchanged; *District 6* had its black population reduced to 74.91% from 82.61% (but its total minority population increased from 83.68% to 84.92%);

District 8 had only insignificant changes in its black and total minority population; and District 2 had its total minority population reduced to 64.98% from 76.73% (but with little reduction in its Hispanic population, which dropped only to 33.20% from 33.34%). These changes to District 2 were made with the approval of the incumbent, Ricardo Medrano -- who was subsequently defeated in the April 1983 elections. \*\*

----- Footnotes -----

\*\* With hindsight, Medrano's defeat was attributed to three "political blunders" he committed during the 1982 reapportionment: agreeing to the reduction of the total minority population of District 2; adding precincts to the district which Medrano thought were heavily Mexican-American, but which were not; and by alienating black voters by opposing their 1982 efforts to obtain a third black district.

----- End Footnotes -----

### The At-Large Race by a "Qualified Black"

In early 1983, African-American leaders in Dallas met with the objective of finding "a consensus candidate to run at-large out of the black community [**\*\*21**] because [they] had continuously been informed that a black could win an at-large race with the right credentials." This group sought "one of the best candidates that we could put up, one who had been well-educated, who had [held] very high positions, who had participated in [respected] civic organizations around the City at every level." At this meeting, Marvin Robinson was selected as the "test case" for the black community.

Marvin Robinson was an excellent choice as the "consensus black candidate." He was well-educated, he was a veteran and a successful business executive, and he had "paid his dues" by being very active in civic and communities affairs in Dallas. The group of African-American leaders that selected Marvin Robinson as the "consensus black candidate" in early 1983 was also realistic:

"We took a good look at our involvement in the black community and the lack of funds to run the race. We knew [**\*1324**] that a black in this town would need \$ 200-250,000 [for an at-large race]. We also knew that we lacked the capacity in the black community to raise those kind of funds. And the only way we were going to raise those funds was to go back to those [white] individuals [**\*\*22**] who we worked with and [with whom] we had tried to develop a rapport or cadre of support . . ."

However, Robinson and his supporters found out that this assistance and financial backing -- which they expected from Anglo business and community leaders, and other whites they had known and worked with in a myriad of civic and community efforts -- was not there. Although they went back for white support "continuously, time and time again," Robinson's campaign was able to raise only \$ 15,739 -- and most of that "came out of poor black folks' pockets." This \$ 15,739, plus another \$ 15,000 borrowed from a bank, was the total amount that Robinson had for his city-wide, at-large campaign for Place 9.

Robinson's main opponent in the 1983 Place 9 race was Jerry Rucker, a white candidate; Rucker lived in North Dallas, and he raised and spent over \$ 160,000 in this race. In the general election, Rucker received 45.45% of the total vote. Marvin Robinson was second with 21.23%, and the other black candidate -- the plaintiff Marvin Crenshaw -- was third with 12.15%. *Robinson and Crenshaw together had received some 90% of the black vote, but only 20% of the white vote.* In the runoff **[\*\*23]** on April 16, 1983, Marvin Robinson -- the consensus at-large candidate of the black community -- was soundly "drummed." *Although Robinson received almost 100% of the black votes, he got only 11% of the white vote; this translated in 31.78% of the total vote, and Jerry Rucker won with 68.22%.*

*Since this race by Marvin Robinson in 1983, no serious black candidate has ever run for an at-large seat in the Dallas City Council elections because blacks are convinced that "this town is not ready . . . to elect an African-American in an at-large race" -- and that no "African-American in this town is going to [be able to] acquire the \$ 250,000 that he or she needs to run that kind of race."*

#### The Hispanic Reapportionment War (1986)

There had been no Mexican-American on the Dallas City Council since the lines to District 2 had been redrawn in 1982 -- and since Ricardo Medrano had been defeated in the 1983 Council elections. This led Mexican-Americans to petition the City Council for reapportionment in 1986 and for a redrawing of the district lines in the 8-3 system to create a possible Hispanic district. As they had before, African-Americans asked for the creation of a **[\*\*24]** third black district.

*In 1986, just as in 1982, the Dallas City Council could have drawn three districts with a black majority of 60%-65% and a fourth "swing district" with a total minority population in excess of 53%. However, after heated and racially-charged discussions, the Council decided, by a 6-5 vote, to take no action to reapportion the 8 single-member districts in 1986.*

#### The At-Large Race by A "Qualified Hispanic" (1987)

Credible testimony established that, after this Council vote, Mayor Starke Taylor met with some Mexican-American leaders; that he told them he would support and endorse a Mexican-American for one of the at-large seats in the 1987 elections; and that he would agree "to do everything he could" to see that the Hispanic candidate won, including helping the candidate get financial backing and votes from North Dallas. Credible testimony also established that this offer of support was made by Mayor Taylor because "he felt strongly that the Hispanic community was going to sue the City. He felt that they would have a case," and that "one of the reasons why he was supportive of a Hispanic candidate was to try to delay or prevent a Hispanic challenge **[\*\*25]** to the 8-3 system."

This led to Al Gonzalez being the sole Mexican-American candidate in the Place 10 at-large race in the 1987 Council elections. With reference to his selection, Gonzalez testified that he had been very successful as co-chair of an important 1985 City bond campaign and very active in the Hispanic Chamber of Commerce; that he met with Mayor Taylor and businessman **[\*1325]** Norman Brinker about running for Place 10; that Brinker agreed "to be my chair" and "to try to raise money from the business community"; that businessman W. L. Bankston agreed to serve as his treasurer; *that he knew he couldn't raise the money for an at-large race from the black or Hispanic communities; but that he hoped to be able to raise some "\$ 150,000 from the Dallas establishment."*

Gonzalez did, in fact, raise over \$ 173,000 -- almost all from "the North Dallas establishment." *With this white support and with no serious white opponent -- the other candidates were 4 African-Americans and a 76 year old white male (Martin) -- Gonzalez won*

the 1987 Place 10 race without a runoff. He received 57.59% of the vote; the white candidate (Martin) received 10.89%; and the four black candidates split **\*\*26** the remaining votes.

### History of the 10-4-1 Plan

In early 1988, following a long-period of complaints by minorities over the "deadly force policy" of the Dallas Police Department and the powers of the Police Review Board, two Dallas police officers were shot and killed within a two-week period. The Chief of Police, after the death of the two officers, accused the two black City Council Members (Al Lipscomb, Diane Ragsdale) of creating an atmosphere of "hate and hostility" in the City which fostered violence. As this racial tension was described later:

"In early 1988, Dallas experienced a chain of events that devastated the City. The anguish which accompanied the loss of life -- of both citizens and police -- made it clear that racial tensions were high and that without some method to openly address those tensions, our City was in danger of continued crisis."

### *the Dallas Together commission*

This led to the mayor's appointment of the "Dallas Together" commission, which she charged with the "difficult task of finding ways to reduce the racial tensions in our community" by breaking down barriers of "prejudice, racism and classes" -- and "with the task of bringing **\*\*27** Dallas together by identifying the root causes of the racial tensions being experienced in our City."

On May 18, 1988, shortly after *Dallas Together* started its work, this lawsuit was filed. The black plaintiffs charged that the City's 8-3 mixed system for electing Council members was unconstitutional and was in violation of § 2 of the Voting Rights Act because it dilutes the votes of African-Americans. (The Ledbetter Neighborhood Association intervened on August 25, 1988, claiming that the 8-3 plan also discriminates against Mexican-Americans.)

### *City Council: the 8-3 system is fair*

It was with this background of racial tension, hostility, crisis and this lawsuit -- and with *Dallas Together* studying, among other things, the issue of minority representation in City government -- that the depositions of eight members of the City Council (including the mayor) were taken in this case in September of 1988. *Of the eight Council Members deposed in September of 1988, there were six who testified that the 8-3 system was "fair" or "equitable" and that it afforded equal access to minorities -- and that they believed a "qualified black" could be elected to one of the 3 **\*\*28** at-large places, even though it would be much more expensive to run for an at-large seat than a single-member district.*

In January 1989, the Final Report of *Dallas Together* was submitted to the Mayor, to the "City of Dallas and to the citizens of Dallas." *Contrary to the views of the City Council majority, the Political Participation Committee of Dallas Together had concluded that the 8-3 system was unfair:*

" By most standards (numerical, demographic, population and racial

distributions) *our City Council districts, as presently structured, do not provide sufficient opportunity for all of our citizens to be properly and fairly represented in a system that is designed to meet the needs of contemporary Dallas.*

"The committee noted, with some alarm, the sense of hopelessness and despair by many of our citizens of all races. *Much of their concern is founded in a sincere belief, rightly or wrongly, that they are systematically excluded from [\*1326] the political process.* The committee recognized that deeply felt emotions such as these provide a breeding ground for crisis . . ." (Final Report, p. 21) (emphasis added).

Accordingly, *Dallas Together* recommended -- "with [\*\*29] a sense of urgency" -- that the Dallas City Council appoint a "Charter Review Committee" to consider "the proper number, population size, and demographic make-up of our single-member City Council districts . . . in conjunction with an evaluation of the proper role of [at-large] districts in our municipal system."

#### *the Charter Review Commission*

On March 8, 1989, the Council established the Dallas Citizens Charter Review Committee ("CRC"), as recommended by *Dallas Together*. Ray Hutchinson, the Chairman of CRC, had also chaired the Political Participation Committee of *Dallas Together*; at trial, he explained that CRC concluded that the 8-3 system was unfair to minorities -- and that 18% (i.e., 2 out of 11 members) "was not fair representation on the Dallas City Council for blacks" -- particularly since *the Council could "achieve 27.3% African-American representation" (i.e., 3 out of 11 members) at any time by redrawing the 8-3 lines to create a third "safe seat for blacks."*

On June 13, 1989 -- two weeks after the deadline that had been set by the City Council -- the CRC met to make final decisions on recommendations to the Council. *The meeting opened with some civility, [\*\*30] but it degenerated into acrimony and bitterness that matched the animosity that had taken place seven years earlier, during the 1982 reapportionment war.* By its first vote, the CRC unanimously condemned the 8-3 system. After this vote, the CRC considered the 12-1 plan (mayor at-large) versus a 10-4-1 plan (10 single-districts, 4 quadrants or "super districts" and the mayor elected at-large). In a racially-charged atmosphere, the CRC -- by a 10-4 vote -- decided against any plan that was all single-member districts; and, the committee decided to recommend 4 quadrant districts (by a 10-4 vote) and 10 single-member districts with the mayor elected at-large (by a 9-5 vote).

The CRC projected that, under the 10-4-1 plan, there would be 4 "safe seats" for blacks (3 local districts and 1 quadrant, with each having 75+% concentration -- but that there would be no "safe seat" for Hispanics (only a 44% Hispanic concentration in a 65% "majority minority" local district). By their "safe seats," African-Americans were expected to achieve 26.67% representation of the expanded City Council (i.e., 4 out of 15 seats). *This, then, was the net result of the efforts of CRC: it proposed a plan [\*\*31] for the structure of City government -- the 10-4-1 plan -- that actually projected a lower percentage of African-American representation (26.67%) than the City Council could have achieved simply by redrawing lines under the existing 8-3 plan to create a third black district (27.3%) and a fourth "swing district" with a total minority concentration in excess of 50%.*

#### *the 10-4-1 referendum*

On June 28, 1989 -- the last day on which an August referendum could be set on the Charter amendments required by CRC recommendations -- the City Council voted 7-4 to adopt the

CRC recommendation concerning the 10-4-1 plan, and to set it (and other matters) for a referendum election on August 12, 1989. However, the City Council rejected one recommendation of the CRC. Instead of using the 10-4-1 plan for the regular May 1991 elections (based on 1980 census data), *the Council voted to delay these elections until at least November 1991 or later depending on when the City was able to obtain preclearance from the Attorney General under § 5 of the Voting Rights Act.*

In the August 1989 election, the 10-4-1 plan passed with 65% of the total vote. However, *95% of the African-Americans [\*\*32] who voted, and over 70% of the Hispanics who voted, were opposed to the 10-4-1 plan -- which passed only because it received 85% of the white vote. In view of this bloc voting the 10-4-1 referendum in August 1989 was probably the most racially divisive election in the history of the City of Dallas. The well-intentioned Dallas Together commission -- and the tortured [\*1327] efforts of the CRC -- had ended after the August 1989 referendum with severe racial tension, a divided community, and a racially charged atmosphere -- conditions that were no better, and were perhaps even worse, than when Dallas Together had been conceived in early 1988.*

*City Council: the 8-3 system is not fair*

However, *Dallas Together* and CRC did have a definite impact upon the attitude of the members of the City Council about the fairness of the 8-3 system. Unlike the depositions taken in September 1988 -- where 6 of 8 Council Members testified that the 8-3 system was "fair and equitable and afforded equal access to minorities" -- when they testified at trial or by depositions in September 1989, 9 members of the present Council either (i) agreed with the unanimous conclusion of CRC that the 8-3 [\*\*33] system was racially unfair and should be condemned, or (ii) felt that the 8-3 system should be abandoned for some other reason.

Specific Findings on Critical Issues

This put the City in an unusual position, to say the least, at trial. *Dallas Together*, the CRC, and a sizable majority of the Council Members had all concluded that the 8-3 system was unfair. Yet, the City attempted to defend the 8-3 system at trial. This may partially explain why the City lost on each critical issue raised by the trial testimony and the law.

*at-large seats*

Minorities are denied access to the 3 at-large seats in the 8-3 system. No African-American has ever been elected to one of these at-large seats. Only one Hispanic (Al González) has been elected at-large under the 8-3 system but, as discussed above, that was due to very atypical circumstances which will not reoccur. \*\*\*

----- Footnotes -----

\*\*\* That is, there is no more *threat* of a lawsuit against the 8-3 system to engender white support for an at-large minority candidate since this case has been filed and tried.

----- End Footnotes -----

An effective campaign for a single-member district under the 8-3 system costs approximately \$ 15-30,000, and minority candidates [\*\*34] have been able to raise enough money to run successful campaigns in Districts 6 and 8. In contrast, *a campaign for an at-large place would cost at least \$ 100,000; would probably range from \$ 150-200,000; and may well require from \$ 200-250,000 for a viable minority candidate to succeed in an at-large race.*

Most of the money raised for these at-large races comes from the non-minority areas of Dallas. *There is an obvious reason for this: the substantial economic disparities between white and minority residents of Dallas.*

Because of this, it is simply not possible for black or Hispanic candidates to raise -- *from their communities* -- the large amounts of money needed for an at-large City Council race. With only small amounts of money available, *a black or Hispanic at-large candidate is not able to purchase radio or television advertising -- an essential for any city-wide campaign in Dallas.* Indeed, most cannot even find the \$ 20,000 that would be required for one city-wide mailing of political material. And, the "door-to-door" campaigning that can be effective for single-member districts is not a viable alternative, because it is simply impossible for a candidate **[\*\*35]** to "walk" the entire City of Dallas in an at-large campaign.

Accordingly, the only way that a minority candidate can win an at-large race in Dallas under the 8-3 system is to obtain substantial support from the white community. Yet, it was obvious from the trial testimony that a minority candidate elected with overwhelming white support -- even an excellent at-large member, like Al Gonzalez -- does not have the confidence of the black or Hispanic communities. Minorities have the right to be able to choose their own candidates; indeed, as Judge Mahon wrote in 1975, "meaningful participation in the political process must not be a function of grace, but rather is a matter of right."

*the supposed "city-wide" view*

Therefore, under the 8-3 system, minorities are denied equal access to the three at-large seats. This severe, adverse impact **[\*1328]** upon blacks and Hispanics *is not* justified by the argument that at-large seats are necessary so there will be some members with a "city-wide view" on the Dallas City Council. The CRC unanimously rejected this supposed justification when it voted against any system with at-large seats. CRC Chairman Ray Hutchinson correctly stated that "parochial **[\*\*36]** views don't come with single-member districts; they come with the individual." During a CRC meeting, former Council Member Lee Simpson put it very directly: "*It is baloney that single-district members do not vote on a city-wide basis.*"

Moreover, the testimony established that many of the at-large members of the Council -- almost all of whom were from North Dallas -- *had not* provided any "city-wide view"; instead, they simply ignored the minority areas of the city and represented the interests of North Dallas that contributed the money for the at-large races. In addition, the "city-wide view" argument totally ignores the fact that Dallas has had a council-manager form of government since 1931 -- and a City Manager who has the responsibility to provide a "city-wide" view on policy issues being determined by the Council.

*the "two people to call" argument*

The City also argues that the at-large seats in the 8-3 system are justified because they give a person with a complaint about City services "two people to call instead of one" -- an at-large member in addition to the single-district representative. *This is not an argument to be tossed aside lightly; it should be **[\*\*37]** thrown away with great force.*\*\*\*\*

----- Footnotes -----

\*\*\*\* And with apologies to Dorothy Parker. Frewin, "*The Late Mrs. Dorothy Parker*," p. 149 (Macmillan 1986).

----- End Footnotes-----

Dallas citizens do not have only "one person" (their district representative) to call about a complaint. The City Manager and his staff run the day-to-day business of the City. Accordingly, persons with complaints about City services can call the City Manager, the City department involved, "Action Center," someone who represents another single-member district, or even ex-council members -- just as well as an at-large representative. Indeed, credible evidence established that it would be very unlikely for a black or Hispanic in South Dallas or another minority area to ask for assistance from one of the at-large Council Members in North Dallas.

*the mayor's at-large place*

The cost of running for mayor -- which has almost become prohibitive in recent years -- excludes many people (whites, blacks, Hispanics, and other minorities) from a viable campaign for *Place 11* (mayor). Although it is a close question, because of several factors -- e.g., the serious split in credible testimony; a sincere concern about accountability of a mayor **[\*\*38]** elected by colleagues on the Council, instead of all of the voters; the role of the mayor as the spokesperson for the City of Dallas; the recognition of the special position of the mayor by this Court in the *Walker III* opinion (public housing desegregation case) -- there is justification for the continued election of the mayor at-large.

However, the Court specifically notes that CRC -- after considering a myriad of possibilities -- determined "that 15 was the maximum operating size" of the Dallas City Council (including the at-large election of the mayor). The City Council agreed, and a 15-person Council was approved in the August 1989 referendum. This means, of course, that there would be more single-member district seats available for minorities under a 14-1 plan -- even if the substantial expense of campaigning for mayor should have a disproportionate impact upon African-Americans and Hispanics.

*the § 2 violation*

As to the legal and factual elements involved in a vote dilution case, it is not necessary -- and it is probably impossible -- to summarize the statistical (and other) evidence that establishes that white bloc voting in Dallas usually defeats the preferred **[\*\*39]** candidate of blacks and Hispanics in **[\*1329]** Dallas City Council elections. Suffice it to say that the African-American plaintiffs and the Hispanic intervenor successfully crossed the three-part *Gingles* threshold; then they progressed through the *Zimmer* factors; and, finally, they established under the "totality of the circumstances" that 8-3 system impermissibly denies African-Americans and Hispanics the equal opportunity to participate in the political process, and to elect candidates of their choice in the City of Dallas, in violation of § 2 of the Voting Rights Act.

Observations About The 10-4-1 Plan

This Court is precluded from ruling on the validity of the 10-4-1 plan until it has received "preclearance" under § 5 of the Voting Rights Act. However, the evidence presented at trial does permit this Court to make a few preliminary observations concerning the 10-4-1 plan.

It seems obvious that a minority candidate will not be able to raise the money needed for an effective quadrant campaign *from the black and Hispanic communities*. This means that a black or Mexican-American quadrant candidate would not be able to purchase radio, television, or newspaper ads; could **[\*\*40]** only do limited political mailings; and would not be able to run a "door-to-door" campaign in a quadrant -- which will necessarily have over 250,000 people (a greater population than all but the seven largest cities in Texas).

Any such adverse impact upon blacks and Hispanics (i.e., denial of access to at least 3 of the 4 quadrant seats) *would not* be justified by the claim that some members with a quadrant or "quasi-city wide view" are needed on the Council -- or that people need "2 representatives instead of 1" to call about City services -- any more than these same tenuous arguments justified denying African-Americans and Hispanics access to the three at-large seats in the 8-3 system.

Without question, there are people and organizations who support the 10-4-1 plan in good faith, and for non-discriminatory, well-intentioned reasons. But it is also without question that most African-American and Hispanic individuals and major organizations vehemently oppose the 10-4-1 plan -- and feel, also in good faith and not without reason, that the adoption of 10-4-1 reflected "a callous disregard" of their views on the critical issue of what would remedy the past discriminations of the **[\*\*41]** 8-3 system. This schism is, of course, what prevented the bringing of "*Dallas together*" -- and what led to the most racially divisive election in the history of Dallas, the 10-4-1 referendum in August 1989.

### The Delay & The Remedy

Because the City Council rejected the contrary recommendation of the CRC, there will be no Council elections in May 1991 under the 10-4-1 plan. Instead, these elections have been delayed *until November 1991* "to allow 1990 census data to be used in redistricting" or *until January 1992* "if the new districts do not get approval from the United States Department of Justice by August 1, 1991." The City asks this Court to delay and "to just give the 10-4-1 a chance" since it will just be a delay of some 6-9 months.

The City's estimate of the length of the delay of the May 1991 elections *is not* correct. In fact, the delay may be -- *and probably will be* -- for an unknown, but much longer period of time. The City's request for preclearance of the 10-4-1 plan, which will be bitterly contested by African-American and Hispanic representatives, could take as long as 16 months. In addition, once the preclearance issue has been resolved, **[\*\*42]** the parties will no doubt return to this Court for a determination of the validity of the 10-4-1 plan. There would be another trial and additional delay -- and, although the period is uncertain, *it is easy to see that the May 1991 elections could very well be delayed for two years or longer (until sometime in 1993).*

In the meantime, during this 1 1/2-2 year delay, the 8-3 system (which has been condemned as "unfair" by the CRC and the City Council, and which has been found by this Court to be in violation of § 2 of the Voting Rights Act) would continue -- despite the fact that blacks and Hispanics in Dallas have been waiting for some 15 years for the voting rights to which they are so clearly entitled, but which have been denied them by the 8-3 system.

**[\*1330]** *In no way will this Court tell African-Americans and Hispanics that they must wait any longer for their voting rights in the City of Dallas.* Therefore, an interim City Council election must be held as *soon as possible* in order to remedy the adverse effects of the 8-3 system -- the denial of equal access to the City's political process -- which African and Mexican-Americans have suffered in Dallas since 1975, when **[\*\*43]** the 8-3 system first began.

### III. FINDINGS OF FACT

This voting rights case was filed on May 18, 1988 by the two African-American plaintiffs against the City of Dallas. On August 25, 1988, the Mexican-American intervenor joined as a party plaintiff. The case was tried from Sept. 5, 1989 through Sept. 14, 1989. Each party presented expert witnesses and statistical evidence, testimony from other witnesses and by depositions, *volumes of exhibits*, and the usual § 2 material showing findings established in similar or related cases. *Terrazas v. Clements*, 581 F. Supp. at 1349.

**Don McCorkell**

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As your friend, I feel compelled to share with you my personal reasons for opposing the proposed charter change that would reduce the number of city councilors elected by district to six and add three at large representatives. As someone that is seriously considering and likely to enter the race for Mayor of Tulsa, it is certain that my position will soon be the subject of much discussion. As such, I want to make certain that personal friends on the other side of this issue are told of my position by me personally. I also know that our friendship will withstand our opposing positions on the proposed charter change.

I know that you and the other committee members have the best interests of our city at heart. Yet, I feel that the unintended consequences of this proposal are extraordinarily dangerous to our city's future.

First, I have probably as much reason as any Tulsa citizen to be upset with our dysfunctional city government. However, the fact that I believe the mayor and a couple of the councilors have acted irresponsible is not a sound reason to oppose representative democracy.

Throughout the country, cities with councilors chosen by district elections work extremely well. Councilors bring to their role the varied perspectives of differing parts of their city and after much discussion and debate usually unite to serve the best interests of their community. If Tulsa has failed to meet the mark in the last few years, it is due to the lack of leadership necessary to arrive at consensus.

Lack of leadership is a defect best resolved at the ballot box. Broad citizen support for government and the actions of government can only exist under a system of government where every citizen has the right to feel enfranchised.

The selection of three councilors at large will radically reduce the power of individuals and every individual neighborhood throughout the city. Beyond that, whose power would be increased under the proposal? Would the change even decrease the likelihood of a continuation of the dysfunctional spectacle that we currently witness at city hall? I personally believe that it could exacerbate the situation and ensure more of the same.

The fact is that it costs several hundred thousand dollars to successfully run for an at large office in the City of Tulsa. Races for City Council are often successful with less than 20 thousand dollars because the candidate can campaign on a more personal and direct level with citizens. Having three more at large races would price most citizens, except the wealthy or those supported by moneyed special interests, out of running for office. While I would now be able to compete in such a race due to my business successes, I certainly could not have, if that had been the situation when I ran for the legislature. I took considerable pride in my legislative career in being able to challenge powerful special interests when I felt they were wrong.

Under the proposed charter change, legitimate debate would be stifled by the lack of average citizen access to the more powerful positions of councilor at large that would claim a "citywide" mandate.

Electing four city officials (the mayor and three councilors) at large will dilute the leadership which can be offered from the Mayor's office by someone who is really committed to moving this city forward. You will have three "mayors in waiting", some of whom perhaps can, and will, argue that

they received more votes than the Mayor, and thus they should be the real “leaders” because they “have a larger mandate” than that Mayor. At the same time, the council will be permanently divided between the “lesser” members (i.e., ones representing districts) and the “greater” members (those elected at large).

Finally, on a very personal note, I happened to serve on jury duty last week. It was an extraordinary experience because it reaffirmed my faith our citizenry. Naturally as a person who has both lost and won political races, I sometimes disagree with their choice. Nevertheless, I truly believe virtually all citizens take their citizenship very seriously and do what they honestly believe is right. My fellow jurors were from every walk of life, with dramatically different educational backgrounds, economic and social circumstances, races, and creeds. Yet every one of them did their civic duty with the utmost sense of sincerity. With all the weaknesses and problems of the jury system, no one has yet come up with a system which more often produces fair and just results. The same is true of representative democracy. It is indeed, as Winston Churchill said, “the worst form of government except for all of the rest.”

If we are not happy with the council we should first try to communicate more effectively with those council members, to persuade them of the value of our positions. If they are not persuaded, we each have the right to run against them, or support another candidate. That is the way democracy can and should work. Taking the power away from the people that was given them just a few years ago and giving that power to an “elite”—any “elite” is simply wrong.

I am firmly convinced that the problems we face today are not due to the structure of a representative democracy, but are simply due to the lack of leadership.

Elite, high dollar, counselors, elected at large will not only not solve these problems, but will make this city government even more distant from its own people.

With Warm Regards,

A handwritten signature in black ink, appearing to read "Don", written in a cursive style.

Don McCorkell

P.S. Naturally, I hope you will reconsider your position on this issue. Even if you do not, at least I hope that you know that I still consider you an important and valuable friend and citizen of this community. Ultimately, we need to work together to try to turn this city around and make it great again. The only way we can really hope to do that is by having a thorough and honest dialogue about the issues that face us. That is never achieved when leaders try to be all things to all people. It is only achieved when leaders are honest with their opinions and respectful of others. Please know that I will always respect and value your friendship, advice, and opinion even when, as in this case, we might disagree.

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## Seeing the Light on City Charter Reform

At the end of the tunnel is train for the "Cockroach Caucus," but a new day for the city's best interests

by Michael Bates

It's been a tough couple of years for Tulsa's traditional political establishment--the bunch that for years has had control over city government. It's a group I call the "Cockroach Caucus," (for their aversion to the light of public scrutiny) and it has seen its grip on public opinion beginning to slip.

Despairing of its long-term chances to regain full control of city government under the current rules, the members have hatched a scheme to change the rules so that money will count for more than grass-roots support. The plan is to dilute geographic diversity on the Council and guarantee that big money will control at least a third of the city's legislative body.

Last Thursday, a group calling themselves "Tulsans for Better Government" filed an initiative petition to reduce the number of Tulsa City Council districts to 6 and to create three at-large "supercouncilor" seats.

The group is headed by Arthur H. "Chip" McElroy II, whose company played host to Bill LaFortune's re-election announcement. The three supercouncilors would be elected citywide to four-year terms, beginning in 2008, while the six district councilors would continue to serve two years at a time.

The idea has been pushed enthusiastically by the Tulsa World editorial board, distraught by their fading influence over city politics. (The World routinely waits three weeks before publishing a letter to the editor, so it's telling that the paper fast-tracked a Sunday "Readers' Forum" guest opinion in support of the campaign just two days after it was launched.)

After the 2004 elections, the Council had, for the first time ever, a majority of members who were elected contrary to the endorsements of the Tulsa World and the money of the developers' lobby. In four contested primaries and four contested general elections[i], reform-minded candidates received 59% of the vote to 41% for the World's endorsees.

The empire struck back in May of this year, with Bill Martinson replacing Sam Roop in a special election. But Martinson won with only 29% of the vote, aided by the unusual structure of a special election. The result gave the anti-reform bunch an apparent majority in the short term, but they couldn't have been encouraged about the long-term prospects of maintaining control.

The results of July 12 had to have been a shock to the Cockroach Caucus. Despite a year-long barrage of criticism from the Tulsa World and now-retired radio host John Erling and a well-financed and relentlessly dirty campaign against Councilors Jim Mautino and Chris Medlock, the two survived a recall election by overwhelming percentages.

What has become apparent is that, in a district race, feet-on-the-ground/enthusiastic volunteers willing to go door-to-door on behalf of a candidate can beat money and a monopoly daily newspaper. With passionate grass-roots support, a candidate can get a message out to counter direct mail, robo-calls, and the potshots taken on the news and editorial pages of the World. Tulsa's Council districts each have a population of 43,000, still small enough to be reachable by grass-roots methods.

010ahtulsa.com - Article

It really seems to frighten the Cockroach Caucus that there are four councilors who don't feel the need to grovel before them for campaign money. In the past, the occasional maverick would rise up and challenge business as usual at City Hall, but the old guard was always successful in isolating them and either defeating them or wearing them down into submission. Councilors Medlock, Mautino, Turner, and Henderson are all men of devout Christian faith. They are willing to risk their political careers to do what they believe is best for the city, and they are confident that in seeking what is right, they will have the support of their constituents. And they've stood by each other through thick and thin, thwarting the old divide-and-conquer strategy.

By making three of the council seats citywide, money comes back into the picture. Print, TV and radio advertising come into play, and for that you need plenty of campaign cash. Grass-roots campaigns can succeed at that level--Tom Coburn and John Sullivan beat elite-supported candidates at the congressional district and state levels--but are much harder to pull off.

Not only would big money have the best shot at winning the three at-large seats, but the process of consolidating nine districts into six would allow the Cockroach Caucus to eliminate the incumbents they hate the most by throwing them into the same districts as other incumbents.

North Tulsa would go from two councilors to one, putting reform Councilors Roscoe Turner and Jack Henderson into the same district. West Tulsa's concerns would be drowned out under the plan--its population currently makes up half of District 2; under the new plan it would only be a third of a district.

Bigger districts are also easier to gerrymander, and with all the support for this effort coming from the Midtown "Money Belt"--that band of affluence stretching from Utica Square to Southern Hills--don't be surprised to see the new lines drawn so that nearly every district includes a Money Belt precinct. That's a time-honored technique used at the state legislative level to allow the affluent to represent working class citizens without having to actually (ick!) live among them. Diversity of representation, the reason we went to districts with the new charter in 1989, would disappear.

Supporters of at-large councilors make the bogus claim that "ward politics" are damaging the city. They say that district councilors are focused on the parochial concerns of their constituents at the expense of the best interests of the city as a whole. But if you look back at the most controversial issues of the last two years, they've been citywide issues. Great Plains Airlines and airport operations; creation of a city-focused economic development policy; oversight for funding to the Chamber of Commerce; fairness in the zoning process; north Tulsa County annexation; the water line to Owasso and the reappointment of two suburbs-focused members of the city's water board; the IVI toll bridge--in each case the councilors under attack by the World-led establishment have been seeking the City of Tulsa's best interests, in many cases where they conflicted with the interests of the suburbs.

Councilors Henderson, Mautino, Medlock, and Turner are each devoted to the needs of their own constituents, but they've also worked together to ensure that the citizens of the historically neglected east, west, and north sections of our city receive the city services they are owed.

And that seems to be what really bugs the bunch behind the at-large council proposal. It's the Money Belt denizens backing this plan that tend to take a parochial view, seeing Tulsa as a small, close-knit, fabulously wealthy town centered on Utica Square. Neighborhoods like West Highlands and Garden City, Rose Dew and Wagon Wheel, Sequoyah and Suburban Acres may as well be foreign countries to them.

We finally have a critical mass of councilors who believe that city government should serve all Tulsans,

UrbanTulsa.com - Article  
not just a favored few, and it is shaking up the cozy worldview of the old elite. The forces behind at-large council seats used their years in power to lead Tulsa to its current state of declining population, rising crime, and an economy still dangerously dependent on a few key industries.

The Cockroach Caucus has run this town for years, but it is out of ideas, out of energy, and very nearly out of power. The "Tulsans for Better Government" is the elite empire's final desperate attempt to keep city government in their grasp.

I feel certain that the people of Tulsa will tell them, "No thanks, the city belongs to all of us now, and we intend to keep it that way."

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[i] I've only counted elections where a *Whirled* endorsee faced a reformist opponent. The Democrat primary in District 3 and Republican primaries in District 7 and 8 decided the winners of those seats. Jack Henderson won a contested Democrat primary in District 1 and handily defeated token opposition in the general election. Districts 2, 4, 5, and 6 had seriously contested general elections. I've left out District 9 entirely – the general election pitted incumbent Republican Susan Neal against incarcerated Independent Paul Tay.

## **Tulsa County Democratic Party Executive Committee Says no to At-Large Voting**

From Tulsa County Democrats Newsletter-Oct. 28, 2005  
<http://www.tulsademocrats.org/>

3930 E. 31st St.  
Tulsa, OK

918-742-2457

There is currently a petition drive in Tulsa to change our Charter. The change that is being proposed is one to reduce the number of City Council Districts and add up to 3 City Councilors elected at large. This change is being endorsed by many Republicans, including Mayor LaFortune, and by many Democrats. The City Council could not be changed with recalls, so now the hope to do so with Charter change.

When studying Charter change, the first thing that occurs to me, as County Chairman, is that Democrats will have a much tougher time getting elected, and electing Democrats is the goal of our Party.

The second is that east, west, and north Tulsa will have little say in what happens in Tulsa. Neighborhood associations in all parts of Tulsa will lose their voices, if they disagree with plans for their neighborhoods. The Councilors elected at large will most likely be people backed with lots of money and influence, and will almost always come from midtown or south Tulsa. Will the only people with a voice at the table be those with money and/or influence?

I know that many see the current City Council as ineffective. Is the Council seen as ineffective because the Councilors are pursuing their own personal agendas (and those of their friends) or are they vigorously representing their constituency? If we do not like what those that represent us do, we can elect someone else. That is why we have elections and that is what makes us a democracy.

You may not like the actions or votes of a City Councilor that someone else elected, but that does not mean that the City Councilor's constituency is unhappy with his/her representation of them. The idea of City Council Districts was to ensure that each Tulsan and each District in Tulsa had an equal voice in city government. There will always be Tulsans who do not like the decisions of the City Council. Having equally represented districts provides some check and balance in the City. It helps to ensure that the streets in one neighborhood are not the only streets repaired, that one neighborhood does not get all the new fire equipment, etc.

We do not have Senators or Congressmen elected at large from the entire country. We do not have state senators or representatives elected at large from the entire state, nor, do we have county commissioners elected from the entire county. Changing the charter would weaken the voices of many Tulsans.

If you are asked to sign the petition to put Charter change on the ballot, I urge you to refuse to sign. If the petition acquires enough signatures, which it probably will, and we are asked to vote on Charter changes to the make-up of the City Council, I urge you to vote against these changes.

To those Democrats who are currently supporting Charter change, I know my stance with not be popular with you. I urge you to consider what is fair and equitable to all Tulsans. All Tulsans benefit by fairness and equity.

Patti  
Patti Basnett  
Chairman  
p1776liberty@hotmail.com

Steve Gallo  
Vice Chairman

Liz Campbell  
Secretary

## **Just Progress Officially Opposes the Petition to Change our City's Government**

<http://justprogress.org/>

October 30, 2005

This afternoon, the Just Progress Board voted unanimously to commit Just Progress to the cause of defeating the Initiative Petition to change our City's Government.

At our Board meeting, members expressed four major reasons why they oppose the Initiative Petition. These reasons do not yet constitute Just Progress's official statement of opposition, which will be issued later this week. But, they provide a good listing for talking points.

First, and foremost, the Board members expressed their strong belief fair representation, which they equate with proportionate representation. The proposed changes will give some interests much greater representation than others on the City Council.

Second, the Board members expressed their belief that the Initiative Petition would illegally dilute African-American representation on the City Council.

Third, the Board members strongly feel that every part of Tulsa should receive a fair share of the benefits offered by the City and accept a fair share of the burdens of making Tulsa a livable city. The proposed changes could make it possible for some areas of the City to receive most of the benefits and be exempt from most of the burdens.

Fourth, the Board members do not equate the welfare of the City with the best interests of the Chamber of Commerce and other special economic interests that have received more than their share of city benefits in the past. Accordingly, they fear that the addition of at-large Councilors will enable the Chamber of Commerce and related economic interests to dominate city government.

We look forward to working in a grand coalition to defeat this Initiative, in the Courts if possible, at the ballot box if necessary. We hope the grand coalition will mobilize a grassroots effort to have volunteers everywhere the signature gatherers are to explain to prospective signers the consequences of their actions. We also support any legal action that could invalidate the Initiative before it is voted on. Having this Initiative on the ballot box is a recipe for disaster.

Gary Allison, Board Chair  
<http://justprogress.org/>

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## **IT IS A MATTER OF JUSTICE PLEASE OPPOSE AT-LARGE DISTRICTS**

by Greg Bledsoe

October 31, 2005

On Tuesday, July 26, 2005, civil rights groups from across the country gathered in Washington, D.C. to mark the 40th anniversary of the Voting Rights Act.

And in Tulsa Oklahoma, our city's daily newspaper, the Tulsa World, and now a group of prominent citizens seems to have forgotten that in 1990 it was a federal court voting rights suit, brought by the local NAACP and African American citizens, that finally motivated a change in our form of government from an at-large city commission to a strong Mayor-Council, with individual councilors elected from nine districts. Representation changed from a time when most elected city officials were white males that often lived within a mile of each other, to a City Council that is geographically, sexually and racially diverse.

Harry Truman and many other armchair historians have often quoted an ancient truism: "Those who fail to study history are doomed to repeat it." In advocating a return to at-large elections for some city councilors the publisher of the World, its editorial writers and so citizens want to return Tulsa to those golden days of yesteryear. They argue that "ward politics" has infected the city council and that "members elected at large can be more impartial, less influenced by parochial or ward perspectives and more concerned with the problems and needs of the entire community." Implicit in this argument is that the interests of north, northeast, west and far east Tulsa are not really the "community interests" of the real Tulsa. What the World and its allies are saying is that they reject representative democracy and long to return to those times of oligarchy when deals could be cut with city officials in the cafés of Utica Square or the smoking lounge at Southern Hills, with little thought of neighborhood concerns, balanced growth or equitable division of city projects and services.

There are several pernicious tendencies that at-large elections would foster. First, the expense of a citywide, rather than a district election would tend to naturally select for only those candidates who had sufficient personal financial means or who could command significant campaign contribution. Lets face it, the bulk of city campaign contributions, more often than not, come from bankers, developers and those with commercial interests that are personally affected by the decisions at City Hall. Those persons with sufficient personal money to run for office usually live in the overwhelming white neighborhoods around Philbrook, Utica Square, along South Lewis or at 101st and Yale. Their place of abode, social station and race will obviously color their views at City Hall. Second, it is not unlikely that the extra at-large councilors proposed by the World will be elected from the mid-town and south Tulsa districts (Dist. 7, 8 or 9). This is because those districts contain the higher socio-economic citizens and therefore the

most active voters. For example in the 2002 city elections Districts 7,8 & 9 (the midtown and south side districts) had more than 28,000 votes cast while Districts 1,3 & 6 (the north, northeast and far east side districts) had only a little over 14,000 voters go to the polls. Remember, these districts are nearly equal in their population. Yet in the parts of the city where mostly poor, working class black and Hispanic people live, their voter participation in city elections is only about half of that in the affluent sections of Tulsa. It is not hard to understand why their participation is lower. These citizens rent more often than they own and the economic pressure of daily life makes it a burdensome luxury for them to vote. They have also often become disillusioned with a City Hall establishment that, until recently, was dominated by special interests indifferent to their neighborhood concerns. Nevertheless these citizens, even if they don't vote, are just as entitled to adequate representation as those active votes in the more affluent sections of Tulsa. Indeed because of their racial and economic circumstances and their geography they may need representation more. The Tulsa World and its allies would declare that because two African American councilors have been elected in the two districts where most blacks reside that the city has racial equality. Their at-large representation system would, however, make some citizens more equal than others.

Many of the of those that oppose the current proposal were plaintiffs or lawyers for the plaintiffs in the class-action lawsuit that facilitated the long overdue change in 1990. Others are supporters of racial justice and committed to geographically fair and racially balanced representation in the City of Tulsa. Still others are survivors of the Tulsa Race Riot of 1921. We all stand together to state here and now that we oppose any change in the district representation of the city council to include at-large voting districts. We will fight any attempt to provide for such districts and if necessary we will file a new voting rights lawsuit to stop what is an obvious attempt to dilute the voting power of the districts that have elected African Americans. We view the suggestion of returning to any form of at-large voting for the city council as a betrayal of the racial equity that was promised by the new city charter. It also adds insult to injury to the 1921 riot survivors. To reopen these now healing wounds is not good for the soul of Tulsa, is not good government and ultimately is not good for business and economic development. We call upon the Tulsa World and its allies to abandon their ill-advised quest and we also call upon the City Council, Mayor and people of Tulsa to reject and such proposed charter change.

Greg Bledsoe  
D. Gregory Bledsoe  
Attorney at Law  
Tulsa, OK

[bledsoe@aol.com](mailto:bledsoe@aol.com)

On behalf of people who care about justice.

## TULSANS DEFENDING DEMOCRACY

Tulsans Defending Democracy (TDD) was founded to defeat an attempt by Tulsa's traditional powers to replace three city councilors with three super-councilors elected at-large with four year terms. TDD opposes this initiative for three main reasons: (1) It is irrelevant to solving Tulsa's most pressing problems; (2) It is designed to restore the traditional powers' undue influence on city government; and (3) Tulsa's current strong mayor/district-based council government is the only form of government that can provide fair and effective representation to all of Tulsa's citizens.

Tulsa's most pressing problems were caused by forces beyond the control of city government. Merger mania swept away much of Tulsa's petroleum sector (do you remember Amoco and Skelly?). Tulsa's economy then diversified into telecommunications and aviation. Unfortunately, overcapacity and financial scandals (such as WorldCom's financial mess) greatly harmed Tulsa's telecom companies. Overcapacity and the tragedy of September 11, 2001, drowned the aviation industry in red ink, thereby endangering American Airlines and causing Boeing to sell its Tulsa operations. No form of government could have protected Tulsa from the economic problems caused by these forces.

Tulsa could have mitigated these problems with initiatives to help existing businesses expand and to use its best features to leverage the creation of new businesses. Such initiatives would have highlighted Tulsa's arts sector, its beautiful buildings and neighborhoods of great historic and architectural significance, and its reputation as a family-friendly city. They also would have promoted Tulsa's many healthy local businesses in such diverse fields as advertising, architecture, flexible custom manufacturing, and web-based information services.

Instead, under the undue influence of the Tulsa Metro Chamber, our Mayor and a then compliant city council sponsored initiatives loaded with incentives for wounded industries and projects designed to compete for conventions—two backward looking strategies with little potential for generating a lot of high-paying jobs. In the meantime, Tulsa's real estate development and finance sectors inundated Tulsa with banks and high-rise office buildings in a manner that threatened the integrity of many family-friendly and historically significant neighborhoods. These interests also wanted Tulsa to annex more territory even though Tulsa has not done a good job of providing city services throughout its existing boundaries.

In the 2004 city elections, champions of Tulsa's arts sector, owners of local businesses ignored by the Tulsa Metro Chamber, residents of threatened neighborhoods, and residents of Tulsa's most neglected districts voted out of office some of the more compliant councilors. Now our city council challenges the conventional wisdom of the Mayor and Tulsa's traditional powers. A stifling council consensus has been replaced by vigorous debate about how best to meet Tulsa's challenges and opportunities.

## TULSANS DEFENDING DEMOCRACY

Stung by their loss of influence, Tulsa's traditional powers tried to restore their dominance by recalling two of the non-compliant councilors in an ill-fated campaign that equated vigorous debate with dysfunctional rancor. This effort failed miserably because those councilors had overwhelming support from their constituents. The traditional powers now equate good constituent service and representation with ward politics in their drive to replace three district-based councilors with three super councilors elected at large who will be subservient to their interests.

Tulsa voters must not let this power grab succeed. It will bring back the ineffective policies preferred by Tulsa's traditional powers. It will also subvert the principle of equal representation embodied in our current form of government, for some areas will be represented by a district councilor and at least one super councilor. Once again, some areas of Tulsa will be forced to accept most of our undesirable functions, while other areas will receive more than their fair share of Tulsa's benefits. The voting power of Tulsa's minority population may also be diluted in a manner that violates the Voting Rights Act. Worse yet, it may stifle the robust debate Tulsa needs in order to discover its best opportunities to secure a prosperous and just future for all of its citizens.

## TULSANS DEFENDING DEMOCRACY

[WWW.TULSANSDEFENDINGDEMOCRACY.COM](http://WWW.TULSANSDEFENDINGDEMOCRACY.COM)

*" that we here highly resolve... that government of the people, by the people, for the people, shall not perish...."*

*Abraham Lincoln, from the Gettysburg Address, Gettysburg, Pennsylvania, November 19, 1863*

December 9, 2005

Honorable William LaFortune  
Mayor of Tulsa  
200 Civic Center  
Tulsa, OK 74103

Re: Citizen's Commission on City Government

Dear Mayor LaFortune:

Our organization notes with interest your December 5, 2005 establishment of a Citizen's Commission on City Government and your statement to the large crowd at the "Mayor's Night In" meeting for neighborhood leaders on December 6, 2005 that you intended to name several individuals from Tulsans Defending Democracy to the commission. We welcome the opportunity to participate.

In keeping with your statement in the charge to the commission that it constitute a diverse group of citizens to review Tulsa's government we offer the enclosed list of names as suggested members of the commission. Our list is bi-partisan and includes persons from every walk of life and geographic area of the city. It is diverse with respect to both race and gender.

We look forward to the opportunity to examine the structure of Tulsa's government, but are concerned that your charge to the commission did not focus on the vital need to encourage full and fair participation by all citizens of Tulsa in their city government. As our name implies, we are committed to democracy. Democracy is sometimes not the most "efficient," but in our view, is the best form of government to ensure the blessings of liberty to ourselves and our posterity. As Winston Churchill is often quoted:

"Democracy is the worst form of government, except for all those other forms that have been tried from time to time." (from a speech to the House of Commons on Nov. 11, 1947).

As you are most certainly aware, Tulsans Defending Democracy is very concerned that any form of at-large voting for representation on the City Council will concentrate power in the hands of special interests and will most likely violate the spirit and letter of the 1990 historic settlement of the voting rights case that abolished at-large representation. The democracy we want for Tulsa is that every geographic part of the city have equal and fair representation in the City Council. This type of democracy fosters the positive effects of each Councilor making sure that his/her district's interest and views are considered and that his/her district does not become the sole dumping ground for essential, but undesirable, projects.

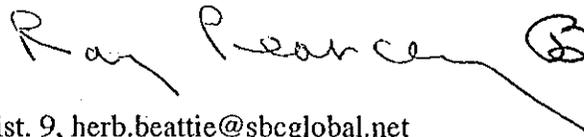
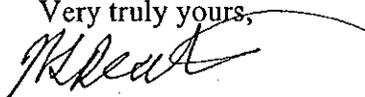
There have been complaints that this type of representation is too inefficient or too divisive, that it has delayed or blocked valuable development projects. Tulsa has many social and economic

problems. Almost none of them first appeared on the watch of this current City Council. We need creative conflict, which comes when people offer different visions of the future and proposals for how to get there. Councilors representing each part of the city, rather than traditional special interest groups, will offer a variety of diagnoses and proposed solutions that will generate robust debate. History shows that real democracy of that type leads to innovative and dynamic solutions and advances in the public interest. In our view, Tulsa does not need a government system that will stifle this debate in the name of efficiency. What it needs is more democracy, not less.

True democracy comes from debate and compromise, not from using political and economic power to suppress dissent, especially when the dissenters are merely trying to make everyone aware of the great variety of difficulties faced by every part of Tulsa.

We hope that the Citizen's Commission will be truly representative and diverse. Please advise us or the individuals identified on the enclosed list if and how they can serve the greater good of the City of Tulsa.

Very truly yours,



Herb Beattie 749-4586 Dist. 9, herb.beattie@sbcglobal.net  
Becky Darrow 369-4487 Dist. 8, bbrdarrow@cox.net  
Ray Pearcey 853-1726 Dist. 4, rpearcey@mac.com  
Mona Miller 496-1481 Dist. 2, mruouthere@sbcglobal.net

*On behalf of Tulsans Defending Democracy*

Cc: Hans Helmerich  
Ken Levit

## TULSANS DEFENDING DEMOCRACY

[WWW.TULSANSDEFENDINGDEMOCRACY.COM](http://WWW.TULSANSDEFENDINGDEMOCRACY.COM)

*" that we here highly resolve... that government of the people, by the people, for the people, shall not perish...."*

*Abraham Lincoln, from the Gettysburg Address, Gettysburg, Pennsylvania, November 19, 1863*

Jane Malone	746-6800	<u><a href="mailto:malonja@tulsaschools.org">malonja@tulsaschools.org</a></u>
Jim Hewgley, III	744-5960	<u><a href="mailto:hewgley4@cox.net">hewgley4@cox.net</a></u>
Elaine Dodd	744-5830	<u><a href="mailto:patriotic1970@yahoo.com">patriotic1970@yahoo.com</a></u>
Ray Pearcey	853-1726	<u><a href="mailto:rpearcey@mac.com">rpearcey@mac.com</a></u>
Mona Miller	496-1481	<u><a href="mailto:mruouthere@sbcglobal.net">mruouthere@sbcglobal.net</a></u>
Herb Beattie	749-4586	<u><a href="mailto:herb.beattie@sbcglobal.net">herb.beattie@sbcglobal.net</a></u>
Margie Cilio	369-1772	<u><a href="mailto:mcilio@cox.net">mcilio@cox.net</a></u>
Greg Bledsoe	519-9983	<u><a href="mailto:bledsoe@aol.com">bledsoe@aol.com</a></u>
Becky Darrow	369-4487	<u><a href="mailto:bbrdarrow@cox.net">bbrdarrow@cox.net</a></u>
Gary Allison	631-3052	<u><a href="mailto:gary-allison@utulsa.edu">gary-allison@utulsa.edu</a></u>

January 19, 2006

Patti Basnett  
Chair, Tulsa County Democrats  
3930 E. 31<sup>st</sup> Street  
Tulsa, OK 74135

Dear Patti,

As you requested at the supper on Saturday evening, I am writing to confirm that I am opposed to the charter change for at large candidates. I continue to believe that while there may be those who are well intentioned, the charter change is an attempt to overcome the lack of decisive and proven leadership in the Mayor's office.

I am confident with my proven track record in business and government, where I have actual management with a variety of departments and agencies; I can lead a team to problem solving and consensus rather than backbiting and unnecessary hostility.

Leadership and good government is about bringing together a diverse group to the table and facilitating understanding and consensus and then having a decisive leader to execute the vision.

My private industry management skills and my government management skills have shown great success—a significant reason is because I respect and include the skills of each employee.

A strong mayor form of government requires a strong mayor with a proven track record and one who can bring the voters across this city to the polls. I am confident in my ability to do this. I am confident my election will enable me to make life better for ALL Tulsans—without a disruption in change of government.

Thank you for your hard work, your passion and your dedication to those ideals that insure a better Oklahoma, a better life, a better tomorrow.

Sincerely,



Kathy Taylor  
Candidate for Mayor of Tulsa  
[www.taylorfortulsa.com](http://www.taylorfortulsa.com)  
392-2900

Subj: No Subject  
Date: Tuesday, January 31, 2006 1:20:03 PM

Sent by Greg Bledsoe

From Tulsa World

# Reader Forum: Tulsa is good, but it could be better

By RUSS ROACH  
1/29/2006

[View in Print \(PDF\) Format](#)

Tulsans who lived here during the 1960s and '70s have seen many positive changes. However, there is also an undercurrent of discontent with other changes and what people think Tulsa has lost.

The following defines some things that fuel the discontent:

**Loss of identity.** At one time Tulsa boasted of being the oil capital and America's most beautiful city. The first was lost to economics beyond the city's control; the second to complacency. Any hope of a new technology focus was dashed by the fall of Williams Communication.

**Loss of status.** Tulsans previously looked on their neighbor at the end of the turnpike with disdain and smug, but justified, assurance that we were above them in all features that counted. Most who know both, concede that Oklahoma City has shown several leadership bursts that Tulsa now envies.

**Loss of connection to Tulsa's roots.** Downtown and the unique features have been replaced with parking lots as workers and church members hastily retreat along the expressways. Major institutions such as the post office, the Corps of Engineers, the

Internal Revenue Service and other services that most Tulsans once used have been decentralized. Fewer Tulsans have a physical connection to downtown.

**Commercial maps and ads tell the story.** When downtown is on the northwest fringe of many maps and stores at 91st Street and Lewis Avenue and 15th Street and Yale

Avenue are listed as southwest Tulsa and north Tulsa respectively, it says it all. Photos of the city always show the downtown skyline, a view most see only from a distance.

**Loss of civility.** Disagreements are part of any business, family or city. However, the Legislature has strict rules to keep debate and disagreements civil, a precedent and procedure not evident in city government lately.

**Loss of political innocence.** In the past political office holders were consistently a small group from one area of the city. Disagreements were quietly settled out of public view. A city commissioner of the 1950s bragged that he and his social friends had planned Tulsa's expressway system on cocktail napkins at Southern Hills Country Club. Looking at the mess and expense of rebuilding most major expressways leads me to believe him.

Now each project has neighborhood representation, which is sometimes messy and often loud, much more so than "the club" method.

**Loss of perspective.** While it can be argued that this ever existed, it appears to have become worse. Neighborhoods that once were planned and zoned, are now ignored by market facts and homeowners complaining that developers look at modest homes as impediments if their values are not high enough. One side disrespects honest concern while the other talks at and past the developers using arguments based on emotion.

**Loss of being part of the greater good.** While growth has always been more one-sided in Tulsa than most cities, it has become worse. In the southeast, getting out of one's neighborhood has become an act of daring. In midtown, large scale developments create an uneasiness that the neighborhood is being eroded, if not attacked. In other parts of the city Tulsans see changes that make them wonder if they are a part of the Tulsa of the future. For many the quiet contentment of feeling part of the larger good has been lost.

The many positive changes are accepted as a given. But there also is unhappiness and confusion about where the city is headed. Part of the problem is understanding where we are and the changes that got us here.

We see others as the problem, blaming the City Council, the mayor, the Chamber of Commerce, neighborhoods, developers and the suburbs. But that's not always the case. Unless and until we talk to each other, respect the other's needs, fears and

# CITIZENS for FAIR and CLEAN GOVERNMENT

PO BOX 691722

Tulsa, Oklahoma 74169-1722

okcitizensparty@cox.net

www.okcitizensparty.org

Penetrating  
The  
Darkness

April 6, 2006

The Citizens Commission on City Government

Honorable Members,

Citizens for Fair and Clean Government oppose the idea of Councilors at Large for the City of Tulsa. Councilors at Large have the following problems:

1. Manufactured majorities.
2. Misrepresentation of parties.
3. Low voter turnout.
4. High levels of wasted votes.
5. Denial of fair representation to third parties, racial minorities and women.
6. At-large voting, in its most common form, fails to ensure that all neighborhoods in the city are represented.
7. An enormous increase in costs of running for office. Only the wealthy or candidates backed by large donations could make the try for office.

What the councilor-at-large plan avoids is any semblance of making the elected official responsible in any way to the constituency that elected them. In addition, recall of a councilor is not viable; if this person was representing a specific geographic district, he/she couldn't claim to represent everyone (the usual "at-large" dodge used by racists) and could definitely be recalled by his/her own constituency.

We think better representation of the voter could be achieved by expanding the City Council to have at least eleven or 13 districts. This would reduce the physical size and population of the districts. Such a reduction would facilitate a run for office by those that have fewer dollars to finance their campaigns. Face to face meetings with their constituents would be possible.

Secondly, we would make the council job a full time job and pay the councilors fifty to sixty thousand dollars per year. Doing so would allow many more choices in candidates running for office.

If you notice, the only persons or entities supporting the idea of Councilors-at-Large is the Tulsa World, Tulsans for Better Government (composed mainly of well heeled members) & GTR. You must ask yourself why Homeowners for Fair Zoning, Citizens for Fair and Clean Government and Tulsans Defending Democracy are adamantly opposed to this idea. Why? The votes of individual citizens are diluted, rather than being enhanced. What is the purpose of this commission? To enhance the voting power of all citizens equitably.

Sincerely,



David O'Connor

12 February 1997

Dear Jonathan Larsen:

I read your article, **Tulsa Burning**, in the February-March **Civilization** yesterday. You must know that you have assimilated all the bits and pieces of the facts about the Tulsa riot with directness and compassion. I mean this as a high compliment and I hope that what I write helps explain why.

Discouraging as it was to read, I can understand why the two district attorneys were not aware of the riot. When we moved to Tulsa in 1950 as a young white couple in our 20's we were told not to talk about the Tulsa riot. "Do you want to start another one?", the <sup>new</sup> city editor of the Tulsa ~~World~~ <sup>Tulsa</sup> demanded one night at our home. I was admonished never, never to go to the northside. But I did - often, piling the kids in the car to take our cleaning lady, Idabel Beard, home because the bus ride was so long.

Being from Kansas and having gone to an integrated high school (yes, schools were integrated in Kansas before Brown v. Board of Education), I know I questioned more than most. I was even less intimidated after taking race relations classes for a graduate degree at the University of Tulsa. I was fortunate to have a nationally known scholar, Gordon Lovejoy, as professor of these sociology classes. You're right, I didn't learned much in history or political science about segregation, geographic barriers, migration and property rights of blacks -- just the Civil War and the slaves were free and in the labor market.

Conditions for blacks have been slow to change in Tulsa. I planned social services in the community from 1970 to 1976. White social agencies patted themselves on the back with their moves toward integration. If they had a northside branch, they were "integrated", but even opening a branch was a plus. Tulsa would have been a perfect place for a social science field study to observe community social change in slow motion.

But what I want to write to you is the story of how blacks moved the tectonic plates themselves and got representation in Tulsa's city government in spite of the history you described so truthfully. It took a gutsy young Tulsa man, Willie Wilson, (born in Hope, Arkansas, by the way) to travel to an NAACP meeting in Little Rock in 1987 to tell national directors they needed to come to Tulsa because blacks weren't getting a fair shake under the city commission form of government. This was sixty-six years after the Tulsa riot.

In 1987, the NAACP did file a lawsuit against the City of Tulsa under the 1982 amendments of the Voting Rights Act. Under the amendments, minorities do not need to show intent to dilute their voting power through the use of at-large elections, only that block-voting is occurring which denies minorities representation and access to public office. The plaintiffs must show block-voting and patterns of past discrimination. Black friends asked, because I had a law degree, if I would join the NAACP and do legal research for the attorney Dennis Hayes from Baltimore, the black lead attorney Hubert Bryant in Tulsa, and Professor J. Morgan Kousser, a historian at Cal Tech who was the expert witness for the NAACP. Kousser's expertise was in 19th century

litigation of school discrimination and how the South had shaped politics for suffrage restriction.

The national NAACP paid for five readers. Local NAACP members including myself were volunteers. Guess what we looked at in the next 1 1/2 years? The same resources you did and more. Bear with me because I want to show you the kinds of information that were on record.

We began with the history of black enfranchisement from Indian Territory on. The law that applied in Indian Territory (all of Oklahoma was Indian Territory originally), and before a federal court was established in the late 19th century, was the Arkansas Statutes (1836). Any male over 21 could vote in Arkansas which meant that after the Civil War, black males were enfranchised. Black males consequently were enfranchised in towns in Indian Territory where the tribes sold land for white settlement. This, of course, was true in Tulsa prior to statehood in 1907. The Tulsa townsite had four wards, divided at Main and First Street and black males in the northwest quadrant, the area where blacks settled, had the vote and did vote for city council members, the earliest form of city government. The town had a "colored" city marshal. What happened?..A segregationist state constitution, watered-down at Theodore Roosevelt's instance in order to gain statehood in 1907, and then harsh segregation acts in Oklahoma's first legislature, including disenfranchisement of blacks with a 'grandfather clause' (your grandfather had to have voted in 1866 elections.)

We collected old city maps of the original city plat; the "northside" area sold to the blacks by the city; precinct maps for the four times since 1954 that the electorate had voted down charter changes. We obtained election results from the Tulsa county election board for precinct counts of the charter change elections and those elections in which a black had filed as a candidate for the city commission. We interviewed election board staff on the federal order on voter registration in 1964.

We constructed four 4'by 6' census tract maps for Professor Kousser with clear plastic overlays of the precinct boundaries at the time of each of four charter change elections which had not passed. Voter registration by race was prohibited in 1964, so we had to determine black population by census tract data, locate black population and indicate the precinct votes for those locations and all other precincts in the incorporated area of Tulsa for each election. These numbers would provide the data for Kousser's regression analysis to determine block-voting. The city had the staff of the Indian Nations Council of Government, a regional planning agency for local governments, aggregate these same data in a computer program, but this work product was not available to the plaintiffs unless we could provide its title, but I could guess. If correct, we got it. "Close", the programmer would tell me. What a game! I couldn't get the exact wording. But it was worth the time to make our own data maps because Kousser did find block-voting in the four elections and could demonstrate it pictorially.

For two months readers from the Tulsa Junior College and NAACP read the proceedings records of Tulsa government from 1903, when minutes were first recorded, through 1988. The city had no index for the then 150 volumes of proceedings. (We left the Commission secretary our compilation of volume numbers, dates and ordinance numbers for each volume

when we finished reading.) Readers were to read for any instances of discrimination, as outlined by the NAACP attorney, and photocopy these occurrences. Dennis Hayes came to Tulsa to conduct their orientation. Basically, we read for discrimination in the delivery of city services - streets, sewers, lighting, police and fire protection, garbage collection, even the geographic distribution of WPA monies in the 30's. These data alone would have made the discrimination part of the case. I don't know what the defendants were using to counter. I was really taken back when one of my favorite law professors joined the defendants in suit responding that discrimination had not occurred. Discrimination, our American dilemma, is treated strangely in legal education. It is not stipulated. You have to prove an act discriminates (the block-voting test), while in sociology you know the act discriminates and the scientific proof is a given. Quite a cultural lag.

We read the city file boxes and copied the written petitions from black citizens asking the city commission for services such as a street light and wooden walk over the railroad tracks, a wooden stairway on the south side of Standpipe Hill west of Greenwood. These were denied by the commission. Additions in north Greenwood incorporated into the city did not have city services. One petition from black citizens in 1917 requesting service from the city commission was addressed "Your Excellencies." As you stated, Tulsa was booming in the 20's; white citizens asked and received improvements of extended sewer lines, streets, sidewalks and curbs, and jitneys to the south and east, some as far as 26 blocks from downtown. Three months before the riot in March, 1921, a group of black citizens presented a strong petition in person before the commission demanding sewers and street lights in several north Greenwood additions which had been taken into the city. The petition asked for action to occur within 60 days. The tone of the petition was aggressive and viewed as threatening by the commission members.

We photocopied the three segregation ordinances. These ordinances restricted black residents to certain northside blocks and required registration at city hall. As I remember ten percent of whites could reside therein. Any change in residence required a trip to city hall to record your new residence and assure the percentages were maintained. Blacks had told the attorneys that the city had maintained maps for this housing segregation on a wall of city hall. I was to obtain copies of the maps from the city. Both the city engineer and building code office said they had never seen nor heard of such city maps. The segregation ordinances were not repealed until 1963.

We copied the city commission records for the entire year of 1921, the year of the riot. These pages included Mayor Evan's Message in June two weeks after the riot - who caused the riot and the mayor's punishment statements. The fire limit ordinance had been introduced prior to the mayor's Message and was passed soon after. The mayor stated that the commission should begin negotiations with the railroads to build a depot on land where burnout had occurred along First Street, and, sure enough, the commission did so, almost immediately. The claims of white doctors, hospital and injured police officers who were treated were allowed by the commission with payment to be issued immediately. Claims for the white businesses looted for guns and ammunition were allowed. Black claims for property losses filed through the end of the year

were disallowed. The librarian at the "colored" library was paid her back salary at the end of the year after four claims and intercession by the city's public library.

The Reconstruction Committee of white males was appointed to address the problems of sanitation and removal of fire debris from the riot. Its efforts in 1921 included repairing a fire hydrant at Greenwood and Archer, providing for emergency sanitary sewage locations by notice of the Health Department, and hiring salvage wreckers to clear the fire debris. As you wrote, blacks could not rebuild because of the fire limits ordinance and the expense of the restrictive fire code specifications.

All of this is public record. Unknown? The black community knows.

Finally, we photocopied the file cards for all city authorities, boards, committees and commissions and compiled a list which we used to interview black residents and leaders for their recollection of blacks serving on any of the 'ABCs'. This included questions of the same black citizens and white ministers who worked in the black community to document any experiences with these ~~to~~ city authorities, boards, or commissions and the treatment of the interviewees in such circumstances. These statements were so sad because of the indifference and arrogance they faced; you wanted to cry. I hoped the white federal judge wouldn't be like that. There had been an increase of black appointments to 'ABC's' during the 80's. The current <sup>mayor</sup> had not filled many existing vacancies, however. "He hasn't gotten around to it", the commission secretary said in late November.

On February 14, 1989, eight years ago, the lawsuit became moot when city voters voted to change the charter. The city attorneys of Springfield, Illinois (the site of another race riot) had advised Tulsa city attorneys to settle the lawsuit because a similar suit in Springfield had been so divisive in that community. Instead a new charter was written by a prominent attorney and a charter election was widely promoted by the mayor and other commission members, the chamber of commerce, the League of Women Voters, and the papers. The campaign promoted a "better form of government" not a representative government. The campaign goal was to change the existing city charter with at-large elections for the mayor, commissioners and auditor to a another state statutory form allowed for municipal government - a strong mayor-city council with the council members elected from geographic districts within the city's incorporated area.

Well, Willie Wilson won in the long run. After 82 years, blacks could represent black constituents. Two blacks, Reverend B. S. Roberts, a respected minister, and Dorothy DeWitty, a retired female school principal, were elected in 1990 to represent two of the nine city council districts, the first time black citizens had been represented in Tulsa since statehood in 1907.

As much as I've learned about the causes of prejudice in a social system, I don't know why prejudice in Tulsa was so virulent and covered up. A mention of the Klan always seems to explain everything, but the Klan's role in Oklahoma was different, not only from the southern image but from the surrounding states of Arkansas, Louisiana, and Texas. The Klan in Oklahoma was anti-Negro, Semite and Catholic, but it focused on the policing of public morality

- black and white - gambling, bootlegging, prostitution, inappropriate behavior of men and women. (The characterization of the young elevator girl by the sheriff is a classic defamation of reputation. If she were "a nice girl" she wouldn't have 1) found herself in such a situation or 2) incited the incident. There are gentler stories of the occurrence.) As you know the Klan in Oklahoma was secret but not covert. It ran its own slates of prominent citizens for elected office which newspapers published and endorsed. At one time in the twenties, the Tulsa Klan was the largest in Oklahoma and survived changing times longer than other units in state. The demise of the Klan in Oklahoma is a political story of such high drama it reads like an early movie plot - unbelievable.

Moving here as a young woman, I was impressed with the graciousness and charm of the women I met. I attributed this to the southern aura of the city and in a lot of ways it may explain that lovely nature. I have never heard any of my friends, except a friend in graduate school, talk about the riot. Yet smartly dressed women can be seen in race riot pictures standing along the street watching wagons and guarded blacks go by or grouped with white men at the Convention Center where blacks were confined. (Black males stated that being viewed by the community and white acquaintances in this way was the most shaming experience of the tragedy.) Klanwomen, an organization always separate from the KKK, had originated in midwest farm areas. Tulsa was reported to have at one time the largest membership of Klanwomen in the United States. Klanwomen also used ornate rituals, costumes and parades but its orientation was nativism/isolationist and its members were not interested in the new suffrage for women.

Tulsa is celebrating its Centennial in 1998. A historian friend, Danney Goble, who writes with great sensitivity about race relations in Oklahoma, is writing a history of the city. His first public talk on what he had written to date took us through the 1940's with one phrase on the riot. Black friends were incensed. I was surprised. When I chastised him, he said he himself was beginning to find out how mean-spirited white Tulsans had been. What he was finding didn't fit the writing he had done about the rest of the state. I am sending him your article.

I have certainly digressed from my original compliment to you, but it still stands. I don't mean this as a closing "zinger", but I know how glad I am that I heard stories growing up from the adults in my life or I never would have heard my great-grandmother who so revered Lincoln tell stories of her abolitionist minister father, a friend and neighbor of Lincoln's in Springfield, who took her along when the two men visited.

Thank you again for giving the time and effort to **Tulsa Burning**.

Sincerely,



**Ware, Kristin**

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**From:** Jerry Goodwin [jerry@goodwingrant.com]  
**Sent:** Wednesday, April 19, 2006 9:28 AM  
**To:** Ware, Kristin  
**Cc:** mittomus@cox.net  
**Subject:** Additional Information to be added to the Minutes of Citizens' Commission on City Government

Ms. Ware:

Please add the following information from Mr. Larry Wilson, Citizens for Fair and Clean Government, to the minutes of the Citizens' Commission on City Government. (I apologize for not getting this to you earlier, but I only came across this e-mail as I was reviewing past e-mails in my mailbox.)

Thanks.

Jerry Goodwin  
Goodwin & Grant  
*Public Relations and Diversity Communications*  
624 East Archer, Suite 100  
Tulsa, Oklahoma 74120  
(918) 584-4414  
Fax# (918) 584-1618  
jerry@goodwingrant.com

[www.goodwingrant.com](http://www.goodwingrant.com)  
*Creating Relationships...Changing Minds*

-----Original Message-----

**From:** Larry Wilson [mailto:mittomus@cox.net]  
**Sent:** Monday, March 13, 2006 12:34 PM  
**To:** jerry@goodwingrant.com  
**Subject:** FW: Remember.....

Jerry, this came to me and I think it is timely.

Larry Wilson, Citizens for Fair and Clean Government

On the issue of city/county 'consolidation' and or 'unification', and having recently attended the third meeting of the Citizen's Commission on City Government, may I send this brief quote by someone who knew what he was talking about?

**Quote:**

**"It is *not* by the consolidation or concentration of powers, but by their distribution that good government is effected..." Thomas Jefferson**

The Citizen's Commission on City Government is busily trying to build a case to change our city charter to 6 city councilors, with **3 at-large city councilors** who would be **non-partisan**, appoint the city auditor, and **consolidate city/county governance**.

Remember, people died defending our freedoms and creating a form of government that protected the people *from* the power of government- it is not our job to waste those lives for political favor or to

4/21/2006

give those freedoms away.

Let's not forget ourselves and buy into the 'evolution' or 'progressive' theory of government structure.

Blessings and take care,

Amanda Teegarden

'My people are destroyed for lack of knowledge...' Hosea 4:6

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Charter Change Suggestion Summary  
March 20, 2006

Suggestion that a greater time separation occur between action on the City's budget and elections:

The City of Tulsa currently operates on a July 1<sup>st</sup> fiscal year. Under the Charter in Article III the Mayor is required to present a proposed budget to the City Council on or before May 1<sup>st</sup> of each year. The City Council has from the time it has received the Mayor's proposed budget until June 23<sup>rd</sup> to review and adopt the budget for the upcoming fiscal year.

The City Charter initially established an election schedule that called for primary elections to take place in February with a general election to take place in March and elected officials to begin their new terms of office on the first Monday in April. With recent changes in the State law this election schedule was required to be modified and currently primary elections are conducted in March with a general election taking place in April. The elected officials will begin office as soon as the election results are finalized and canvassed by the City Council. This year the election is scheduled for April 4<sup>th</sup> with elected officials expected to commence their terms on April 10<sup>th</sup>.

Under this schedule the Mayor will begin the term of office on the 10<sup>th</sup> and will have 21 days, including weekends, to prepare a proposed budget for consideration by the City Council. The Council, with 21 days in office, will begin deliberations on the budget and must complete its approval of a budget for the fiscal year by June 23<sup>rd</sup>.

It is suggested that greater time be created between the elections and work on the annual budget. This could be accomplished by either changing the fiscal year or moving the election dates. Most cities are operating under a July 1<sup>st</sup> fiscal year, however, the city of Woodward, as a home rule charter city, has established a January 1<sup>st</sup> fiscal year. The change to a different fiscal year would involve a number of issues in the transition. It is expected that there would be fewer issues in the movement of the election cycle. Some individuals have suggested fall elections.

Either approach would be acceptable, but it would be desirable to create a four to six month window from an elected official assuming office and the date on which they would need to take significant policy action on the City's budget.



# IN DEFENSE OF PARTISAN ELECTIONS

by Gary D. Allison

## Executive Summary

Strong parties and partisan elections are essential to enabling democracies to generate principled political debates and govern coherently for the common good. Unfortunately, over the last Century governments at all levels of the United States have acted to reduce the power and influence of political parties on elections and governance. The result has been increased factionalism driven by single issue grassroots organizations and special economic interest political action committees which coalesce around free-agent candidates for public office. This factionalism has led to divisive, unstable, incoherent governing that too often produces laws and policies that benefit special interests to the detriment of the common good.

The City of Tulsa has been buffeted by these electoral trends. For many years, special economic interests were able to control city elections because the old Commission form of government required every person elected to the city's legislative branch through city-wide elections. The expense and organizational challenges of these elections enabled these special economic interests to overwhelm counter forces within political parties and other segments within Tulsa's citizenry.

Replacing the city commission with a city council comprised of councilors elected from geographic districts has changed the balance of power between Tulsa's traditional economic powers and their opponents. The fundraising and organizational requirements to elect councilors from geographic districts are much lower than they are to elect a person who must win a city-wide election. As a consequence, persons who support policies opposed or ignored by Tulsa's traditional economic powers have a chance to elect councilors who will fight for their agenda.

Representation with the city council of forces other than Tulsa's economic traditional powers has forced public debates on issues that should have been tested by debate years ago. Unfortunately, the weakness of political parties has caused these debates to occur after councilors are elected by the support of diverse groups to whom they must be rigidly loyal in order to stay in office. Under these circumstances, compromise is difficult to achieve because each elected city official has a unique constituency to whom he/she must be loyal.

If parties were stronger, and had more influence on elections, persons wishing to influence the outcomes of city elections would have to work within the parties to form broad-based electoral coalitions comprised of forces which have compromised their differences into coherent governing agendas. Voters would be asked to choose between two major coherent governing agendas that would be far apart than the polar extremes currently advocated for by Tulsa's traditional economic powers and their opponents. It would be unlikely that a party's candidate for mayor would espouse policies different from the policies espoused by many of the party's candidates for city council. As consequence, city elections would produce a city government with a structure that would give the winning coalition a real chance to implement its policy preferences with a minimum of friction and delay. More importantly, the winning coalition's governing agenda would contain a myriad of compromises, so a great number of policy differences would have been worked out in advance and would not have to be fought over in bitter public legislative battles within the city council.

# IN DEFENSE OF PARTISAN ELECTIONS

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Non-partisan elections now advocated for by many within Tulsa's traditional economic powers will only exacerbate the factionalism that currently plagues city government. They will destroy whatever power the political parties currently have to make elections public debates about coherent policies and to reduce the number of serious candidates running to a manageable size. As a consequence, primary elections will feature a large number of candidates vying for a single office, since every candidate will be put into a common primary election instead of running in party primaries. Any person who believes he/she could appeal successfully to a combination of special interests sufficient to garner 15-25% of the vote has an incentive to run because he/she could become a general election candidate. Under these circumstances, all candidates will have the incentive to be the type of free-agent candidate who will mortgage his/her policy-making to special interests. Moreover, it is predictable that voter turnout will decline with the electorate increasingly being comprised of voters who are themselves a part of special interest groups. Needless to say, the governments produced by these non-partisan elections will quite likely be less coherent and more divisive than any Tulsa has ever experienced.

## Supportive Analysis

There is considerable consensus among leading political scientists that strong political parties and partisan elections are the prerequisites for a flourishing democracy that generates principled political debate and governs coherently for the common good. Strong parties and partisan elections facilitate principled political debate and coherent governing for the common good because they "aspire[ ] to accept everyone . . . , attempt[ ] to make decisions designed to withstand the test of time, and play[ ] a critical governance role of sustaining the election period, the transfer of power, and the making of public policy."<sup>1</sup>

To be viable politically over the long-term, parties "must be answerable to the quality of their decisions."<sup>2</sup> Partisan accountability "increase[s] the likelihood that [parties] will seek solutions closer to the public interest."<sup>3</sup> The parties' inclusiveness creates "an obstacle to

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<sup>1</sup> Peter Kobra, COZY POLITICS: POLITICAL PARTIES, CAMPAIGN FINANCE, AND COMPROMISED GOVERNANCE 64-65 (Lynne Rienner Publishers, Inc. 2002).

<sup>2</sup> *Id.* at 56.

<sup>3</sup> *Id.*

# IN DEFENSE OF PARTISAN ELECTIONS

by Gary D. Allison

confirms that voting participation rates of registered independents are much lower than those of loyal Democrats and loyal Republicans.<sup>15</sup> Specifically, this study found that:

Americans who today have a party loyalty and an awareness of the parties have a voting rate more than twice that of those who call themselves independents and who cannot find words with which to describe the parties. That was true also in the 1950s. The difference today is that the percentage of citizens in the high-voting group is much smaller and the percentage in the low-voting group is much larger than in the 1950s. The type of citizen that votes less often has been gradually replacing the type that votes more often.<sup>16</sup>

The electoral and governing problems outlined above cannot be cured by mandating non-partisan elections. Non-partisan elections will only exacerbate these problems by further weakening political parties. For proof of this assertion, one need only to look at the woeful governments produced by Louisiana's blanket primary, which allows candidates to run under a party label but lumps all candidates into the same type of common primary pool that is the hallmark of non-partisan elections. In an article I published in 2000, my research produced the following description of Louisiana's dysfunctional elections and governments:

Governor's primaries have drawn such crowded fields that persons have been voted into the general election with a vote total in the low thirties. The last five governors produced by this system have been political mavericks not known for the ability to produce a cohesive governing coalition. Worse yet, the corrupt Edwin Edwards won twice during this period, and the 1991 governor's primary, occurring during a time of economic stress, gave the public a choice between a crook and a neo-Nazi [David Duke, a former Grand Dragon of Ku Klux Klan].

Meanwhile, on the legislative side, the safe district syndrome and special interest politics appear to have expanded. Congressional races have become almost entirely non-competitive, and the State legislature seems to function through the formation of ad hoc majorities organized by special economic interests rather a coherent governing coalition borne of political parties organized to promote competing visions of a stable governing philosophy. Not only has Louisiana's blanket primary not produced the greater choices of candidates and ideas . . . , but

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<sup>15</sup> Thomas E. Patterson, *Where Have All the Voters Gone?*, in GEORGE MASON UNIVERSITY'S HISTORY NEWS NETWORK: BECAUSE THE PAST IS THE PRESENT, AND THE FUTURE TOO, <http://hnn.us/articles/1104.html>, (Nov. 18, 2002).

<sup>16</sup> *Id.*

# IN DEFENSE OF PARTISAN ELECTIONS

by Gary D. Allison

the legislature has become vulnerable to the problem of shifting majorities that prompted Madison and Hamilton to form the nation's first two major parties.<sup>17</sup>

There is little reason to believe that Tulsa's non-partisan primary would produce any better results than Louisiana's blanket primary. Indeed, in the recent past, Tulsa experienced a wide-open winner-take-all common pool mayor's race in which nearly 50 candidates competed. More recently, the breakdown in party discipline within the Republican Party produced a multiple candidate primary field in which Chris Medlock, a person widely believed to be a fringe candidate, received enough votes through special interest appeal to have won if the field had been more expanded or had Randi Miller taken away more of Bill LaFortune's natural votes.

Moreover, it is simply not possible to cure the current factionalism plaguing the city council by further weakening political parties. Non-partisan primaries will further reduce the vote total needed by persons to get into general elections for city council seats. This will increase the power of special interests and narrow the number of special interests a candidate must win over to become a councilor. As a result, our future city councils may well be dominated by members who represent interests that have little in common and little inclination to allow their views to be compromised.

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<sup>17</sup> Allison, *supra* n. 8, at 113-114 (footnotes omitted).

