

Irreconcilable Policy Demands and the Repeal of Proportional Representation in Cincinnati

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Abstract

Why would politicians make it harder for themselves to win office? By repealing the single transferable vote form of proportional representation in 1957, Cincinnati politicians did just that. Policy motives appear to have offset office-seeking ones. While both local parties favored an income tax, each did so for different reasons, and the pivotal legislator refused to support the position of either.¹

¹This is very rough draft #1 of an early work in progress.

Exactly why proportional representation went down to defeat in 1957 and not, say, in 1936, 1939, 1947, or 1954 remains unclear.
Burnham (1990: 293-4)

1 Introduction

Why would a politician make it harder for himself to win office? In 1957, Cincinnati politicians did just that. They replaced the single transferable vote (STV) with at-large, plurality elections. In practice, this meant replacing a system in which one needed only ten percent of votes with a rule well known to produce single-party councils (Calabrese 2000, 2007).

A revisionist, group-centered model of parties tells us why politicians put themselves at electoral risk. According to Bawn et al. (2012), politicians behave to satisfy the demands of organized, policy-seeking constituencies. Those policy demanders hold politicians to account with resources useful in election campaigns, both as carrot and stick. In the meantime, politicians can exploit voters' low information about policy in order to nudge policies toward the positions of their policy-seeking constituencies. There is no reason why preferences over electoral rules ought not inherit this behavior (Riker 1980, Bawn 1993). Several organized lobbies crystallized in Cincinnati from the 1930s-50s, increasingly holding politicians to account.

What made 1957 different from earlier repeal efforts, though, were the implications of the controversy for the local, ruling party. In earlier years, recalcitrant, pivotal legislators demanded outcomes compatible with the interests of rulers' constituents. In the 1954-55 Council session, Albert C. Jordan, former President of the Cincinnati CIO, refused totally to compromise on a new income tax, and alternatives were not available. Jordan and the CIO, in other words, threatened to cause massive layoffs, cutting at the heart of the ruling Charter Party's support base. Not long after, PR lost at referendum by a ten-point margin, the first and only lopsided margin of the six ever held.

To understand what made the 1957 different, we need the lay of the political land in late 1953.

Election	Charter	Republican	Other
1925	6	3	0
1927	6	2	1
1929	6	3	0
1931	5	4	0
1933	5	4	0
1935	4	4	1
1937	4	4	1
1939	4	4	1
1941	4	5	0
1943	4	5	0
1945	4	5	0
1947	5	4	0
1949	5	4	0
1951	4	5	0
1953	5	4	0
1955	5	4	0

Table 1: Initial partisan divisions of Council from PR elections.

2 Partisan actors and their constituencies

Cincinnati politics had been ostensibly two-party since 1925. The year before, a coalition of “independent” Republicans and the Hamilton County Democratic Party replaced the Republican regime of “Boss” Rud Hynicka with a nine-member, at-large, council-manager system under PR.

2.1 The Charter Party

The coalition that secured victory for the PR-manager charter now needed to govern. It began vetting, endorsing, and provisioning slates of candidates. Charter prided itself for three decades on running slates of organization Democrats, “independent” Republicans, and always one representative of organized labor (Silberstein 1982). In return for a seat at the table, Hamilton County Democrats agreed not to run their own candidates (Burnham 1990: 99).

So effective was Charter control of city government that W-NOMINATE

cannot recover ideal points for any session prior to 1934-35.² For years prior, there are too few roll calls, too few ‘nay’ votes, or both. Official minutes of the City Council are not even available prior to 1927. Even still, library holdings of minutes prior to 1931 are spotty at best.

Diminishing landslides forced changes of strategy. As the 1930s wore on, Charter began nominating black candidates, whose traditional home was the organization Republican Party. Charter would not become the acknowledged party of Cincinnati African-Americans until the mid-1950s, when former Republican, former local NAACP chair, and Democratic Mayor-to-be Ted Berry assumed that mantle. More interesting, though, was an internal reorganization in the mid-1930s. Charter had historically been hostile to the “ward-healing” tactics associated with political machines, preferring to rely heavily on politically active homemakers and exclusively on volunteers. Then Charter reneged on an internal rule prohibiting electioneering by municipal employees (Burnham 1990).

In the fashion of many East Coast Democratic machines, Charter also availed itself of increasing federal funding, first under the Works Progress Administration. Then, as the New Deal progressed into the early 1940s, it actively sought funds for low-income housing, slum clearance (later called “urban renewal”), and highway construction (sources: *City Bulletin* for those years, Silberstein (1982) and Burnham (1990)). Charter therefore became both the party of most city workers as well as Cincinnati’s “Master Plan” for redevelopment.

2.2 The Republican Party

The Hamilton County Republican Party similarly reorganized in 1935. If Democrats held only nominal seat shares under the machine of “Boss” Hynicka, Republicans occupied the same position under Charter. The Republican reorganization saw a new platform and newly aggressive promotion of black candidates. One of them, Jesse D. Locker, served from the 1940s until his appointment as Ambassador to Liberia by President Dwight Eisenhower.

The Republican Party was also the local home of the right wing of the American labor movement. Most labor leaders, notes Silberstein, were Republicans, and most of those were AFL-affiliated. Mayor Carl W. Rich was

²Unless one sets the minimum vote threshold to 10 or some other unreasonably low figure.

one such Republican. Although his elevation to Mayor in 1946 ultimately resulted from Republicans' abrogating a gentlemen's agreement whereby the co-partisans of a departing Councilman would choose his replacement, Councilman Rich was still presenting memoranda on behalf of the local AFL as late as 1954-55 (source: *City Bulletin* for those years).

Despite this loose affiliation with the AFL, the local Republican Party became increasingly associated with professional real estate developers. This accelerated in the early 1950s, during which the Republicans held two Council majorities, urban renewal focused more and more on commercial redevelopment of the downtown, and the federal government rolled back New Deal programs like rent control. When Cincinnati repealed rent control, in fact, it was on the Republican watch in 1952-53.

2.3 Third parties

Given that Cincinnati maintained a PR system of election, it is surprising not to find more third-party activity. A faction of "Roosevelt Democrats" bolted from Charter in the early- to mid-1930s, but none came close to winning any seats.

The only significant third-party challenge came from Herbert S. Bigelow, twice elected to Council as a Progressive Party candidate on either side of a term in the 75th Congress (as a Democrat). Bigelow's disciples did serve in Council in his absence, but none appears to have caused as much trouble for either major party in the 1936-39 sessions.

Jordan, of course, behaved as the quintessential critic of PR and third parties might, and much of the remainder of this essay is about that. But Jordan, the CIO man, then also working for the United Steelworkers of America, was himself elected to Council as a Charterite in 1953 and failed to win as an independent in 1955.

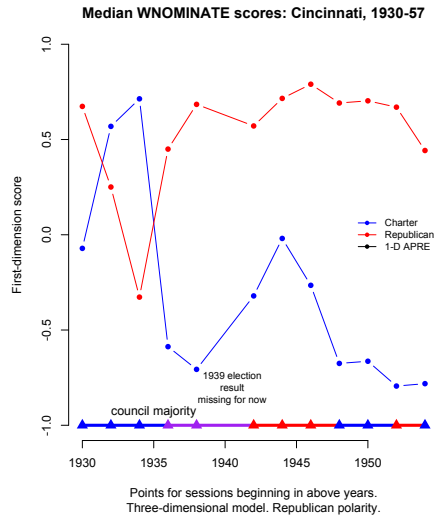


Figure 1: Long view of the Cincinnati party system. Purple Councils were elected without any party in the majority.

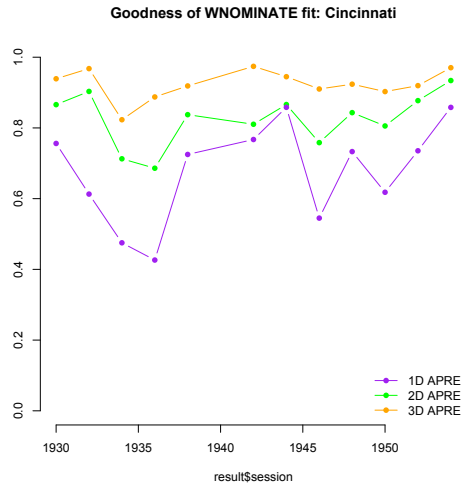


Figure 2: APRE for 1st, 2nd, and 3rd dimensions. None are thrilling, but a single dimension performs increasingly well.

2.4 The parties and their positions on the eve of crisis

Charter entered the 1954-55 Council session as an internally diverse but more Democratic-leaning coalition than ever up to that point. Its core constituencies, not necessary exclusive, were fiscally moderate, socially progressive (for the time), middle-class professionals; an army of municipal workers hired in the 1920s-30s and late 1940s; increasingly politicized African Americans; and Jordan, with his Cincinnati CIO and the United Steelworkers of America.

Also in Charter's delegation was freshman Councilman John J. Gilligan, future Democratic Congressman, Governor, and lifelong champion of the income tax.

The Republicans, on the other hand, had their own followers in each of Charter's natural constituencies, but real estate developers and downtown business owners were the most visible, organized players.

Then there was freshman Councilman William Cody Kelly, future Ohio gubernatorial hopeful, future chief assistant to RNC chair Ray Bliss, and principal of the Cleveland-based True Temper Steel Corporation.

3 The income tax controversy

Following Bawn et al. (2012), politicians deliver goods to their best-organized backers. The public provision of private goods imposes diffuse costs by definition, and politicians avoid punishment for imposing costs by making policy in voters' informational "blind spot." One might reason that the best way for a politician to avoid notice is to impose costs as diffusely as possible.

There are three basic kinds of taxes. Governments needing revenue can tax the assessed value of real property, they can tax consumption, or they can tax income. Property taxes tax property owners. Sales taxes tax consumers. Income taxes, however, tax everyone, especially when the rate is flat. More than any other kind of tax, income taxes diffuse costs widely.

At the time, Cincinnati's charter contained a maximum allowable mill rate for the levy of real estate taxes. Any levy in excess of this rate had to be, under the charter, approved by voters at referendum.

We will never know whether the outcome was stage-managed by landowners, aspiring developers, an increasingly fiscally conservative Republican Party, or the sincere preferences of over-taxed voters. But on November 3, 1953, Cincinnati voters defeated an increase in the mill rate beyond that allowed

by the city charter. That left the city without enough revenue to cover its operating expenses for 1954, expenses it had authorized in the spring of 1953. There was, literally, a range of choices between cutting spending and raising more revenue. With a gas tax already in place and additional levies on real property improbable, politicians' collective strategy space shrank, so to speak. Either cut spending or figure out how to structure the city's first-ever tax on earned income.

3.1 Common interest

Both parties had good reasons to favor some level of income taxation. Two of those reasons were instrumental. First, an income tax - it was called a "tax on earned income" at the time - allows a jurisdiction to recover funds from people who work in one place but live in another. Both parties could agree on the utility of that. Second, income taxes diffuse the costs of providing concentrated benefits; diffuse them, in fact, across a growing number of taxpayers living outside city limits.

Figures 3, 4, and 5 show that, when the chips were down, overwhelming majorities of both parties favored enactment, and the annual re-enactment, of an income tax.³

³In these and all subsequent vote plots, Charter Party members are given with their major-party affiliations in lowercase. This information comes principally from politicalgraveyard.com, then various newspapers, supplemented by Burnham (1990), Kolesar (1995) and Gray (1959). All models are estimated with WNOMINATE in R, in two dimensions, with default settings (20 minimum votes, lop proportion of 0.025, et cetera). The second dimension is appropriately weighted in all plots. All votes shown here are without prediction errors.

Feb. 10, 1954: Income tax for 1954,
emergency clause

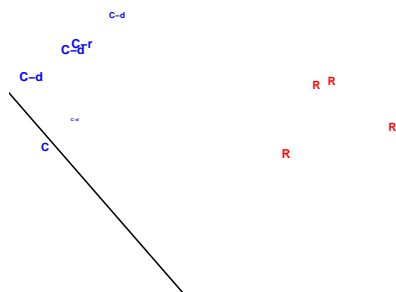


Figure 3: The inaugural earnings tax.

Feb. 24, 1955: Income tax for 1955,
emergency clause

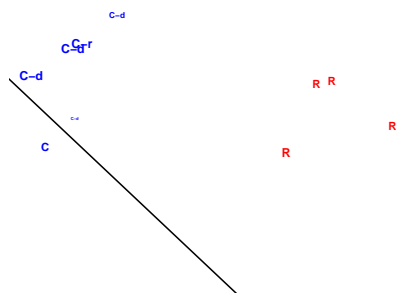


Figure 4: The 1954-55 Council renews the income tax.

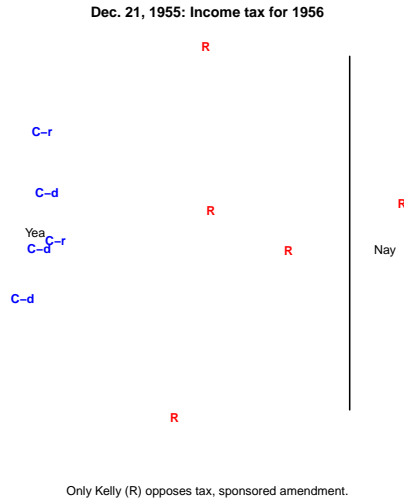


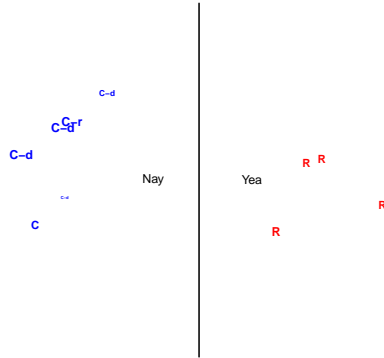
Figure 5: The 1956-57 Council renews the income tax. Jordan is now gone.

3.2 Divergent purposes

While the parties shared instrumental reasons to favor an income tax, their uses of it were at odds. In general, Republicans and Charterites would have had common interests in raising funds for the purchase of “blighted” properties via eminent domain. Most of these properties were in zones of long-mixed industrial and residential use, otherwise in the path of the Millcreek Expressway/Interstate 75 (source: Gray 1959). From the late-1930s onward, the *City Bulletin* reflects many such votes, and, from memory, most were unanimous.

Priorities diverged otherwise, with Charter favoring municipal workers. Republicans, on the other hand, preferred to improve the city’s business attractiveness by paying down its debt and financing the operation of municipally owned cultural attractions. Figures 6, 7, 8, and 9 illustrate (Not shown: votes to allocate tax revenue to the city sinking fund, various museums, and symphony orchestra).

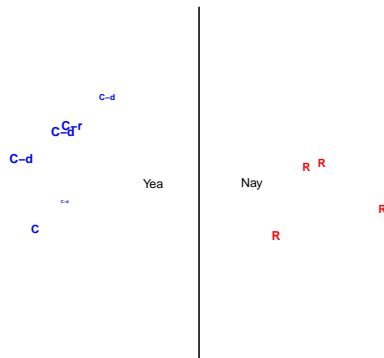
Dec. 30, 1953: Res. to cut all departments by 10%;
cap property tax increase at 2.4 mills



Revealed, initial GOP position on taxation

Figure 6: A GOP-proposed resolution at the beginning of the 1954-55 session prioritizes spending cuts.

Jan. 20, 1954: Jordan amendment to income tax:
"sufficient to provide salary increases... in 1954"



Revealed, initial Charter position on taxation

Figure 7: A Jordan amendment to an early draft of the first income tax ordinance lures Charter to reveal its spending priorities. In the very next vote (not shown), Jordan voted with the Republicans against suspending a three-reading rule on this bill.

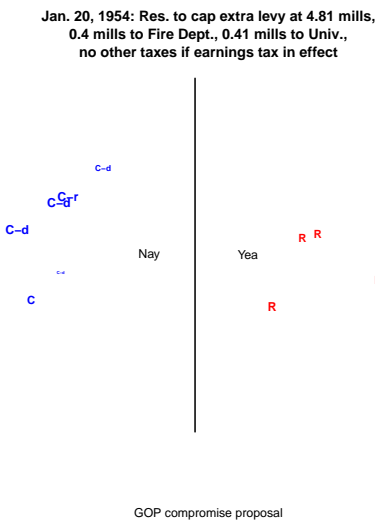


Figure 8: An early Republican compromise proposal on property taxes. The mill rate increase provision would have been contingent on success at referendum.

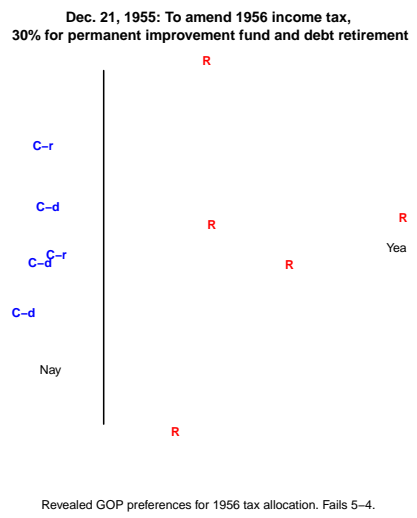


Figure 9: Kelly (R), now in a second term, proposes an amendment to the 1956 income tax ordinance. His party supports him. Jordan is now gone.

3.3 Jordan's refusal to compromise with either party

Over the course of the 1954-55 session, Jordan did all he could to obstruct the passage of an income tax. He repeatedly proposed public hearings on the tax issue, referenda on charter amendments requiring voter approval of income taxes, and the tabling of Charter Party tax proposals that had already been tabled.

Jordan also sponsored several proposals for referenda on property tax rate increases in excess of 6 mills over the charter-allowable rate. These proposals appear to have been related to a view of Charter complicity in allowing municipal rent control laws to expire; on March 10, 1954, on the heels of the first income tax imbroglio, Jordan filed a communication from the Cincinnati CIO requesting the reinstatement of rent controls. It is probable that, in Jordan's view, Charter's position on rent control was a concession to landlords whose property Charter always intended to tax at some level.

As a signal to Charter of his immovable position on the income tax they had just adopted, Jordan on October 10, 1954 rolled his own party in supporting the Republican pick for Clerk of Council. Then, on November 10, following a five-month deadlock after the death of Charter (Democrat) Mayor Ed Waldvogel, he handed the Mayoralty to the Republicans.⁴ From that point onward, he typically caucused with Republicans on procedural matters, then with Charter on matters of non-tax substance.

⁴For this plot alone, I include the vote in roll call matrix. For all other plots, I do not. Including the vote changes many cutting lines for the other bills.

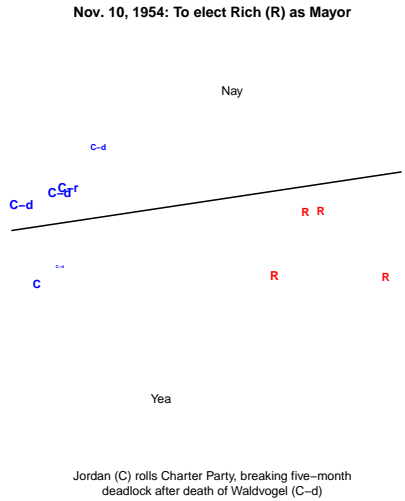


Figure 10: Jordan does the unthinkable.

The pivotal position allowed Jordan to kill any piece of legislation with a 4-4 division, frequently just by abstaining.

Notably, Jordan sought to draw public attention to the Charter-Republican collusion on taxing earned income, as well as Charter's apparent softness on labor.

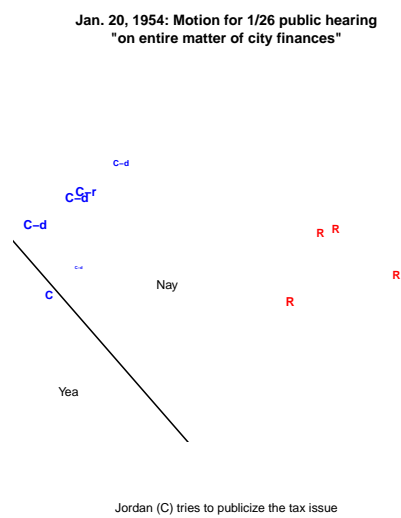


Figure 11: Typical result of a Jordan motion to force income taxes into the public eye.

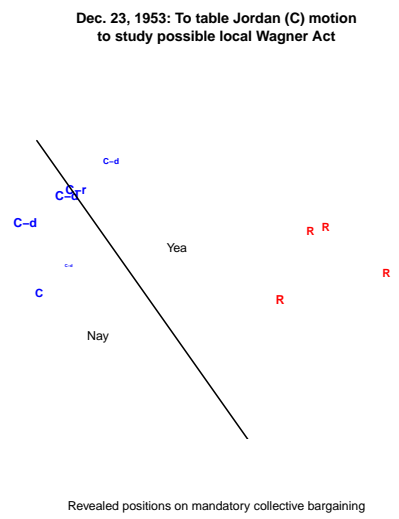
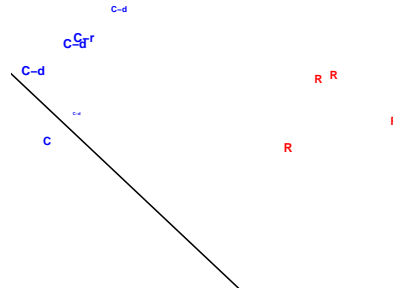


Figure 12: An early Jordan motion exposes division in the Charter Party.

Nov. 2, 1955: Res. that Council will not enact new income tax in 1956



One of Jordan's (C) attempts to draw attention to the tax issue.

Figure 13: Another Jordan motion, on the eve of the 1955 Councilmanic elections under PR.

3.4 An irreconcilable position and the repeal of PR

It is impossible, using the *City Bulletin*, to directly link Jordan's obstruction with the repeal of proportional representation. First, declared support for PR was a condition of Charter Party endorsement, so Charter Party members had strong incentives to conceal any negative attitude toward PR. Complicating this, Council is obligated, upon receipt of sufficient signature petitions, to pass an ordinance sending to referendum any proposed charter amendment. So the analysis of roll calls to authorize PR referenda is bound to yield few insights. The only leeway Council has in the matter is in declaring the validity and sufficiency of signature petitions.

And petitions did arrive: in 1936, 1939, and 1954. The final round arrived on February 15, 1956, about a month before Council would have begun preparing a budget for 1957, and just after it had authorized the 1956 income tax levy on December 22, 1955. (insert evidence on the names of the persons involved: Charter Improvement League, Chamber of Commerce, etc.)

All available evidence suggests that Jack Gilligan (Charter, career Democrat, lifelong income tax champion) got his co-partisans in Council to let repeal go forward. First, the 1955 elections resulted in a lengthy recount, and the apparent tie was between Gilligan and Jordan (Straetz 1958).

Between the arrival of 30,000 petitions in February 1956 and the unanimous authorization of the referendum on June 5, 1957, Charter repeatedly voted to keep the petitions in a Special Committee on Referendum Petitions, uphold its decisions with respect to signatures' validity, and so forth. Eventually the petitions were impounded in the Court of Common Pleas. All five Charter members of Council skipped special, recessed sessions on June 1, 3, and 4. One might speculate that they were soul-searching. But on June 5, Gilligan sponsored the motion to direct the City Solicitor "to take all necessary steps to retrieve forthwith the petitions presently impounded" (*City Bulletin*, June 11, 1957, pp. 3).

4 Alternatives

There are, of course, other possible explanations. Heisel (1982) summarizes a few:

1. "Irritation over the complexity of PR," particularly the duration and apparent randomness of STV transfer procedures;
2. "Encouragement of bloc voting, as a candidate need only appeal to one-tenth of the electorate;"
3. "PR does not assure a working majority for any one party in council;"
4. And the inability to attract "good candidates" due to the prohibitive expense of needing to run "against' one's own ticketmates."

Finally, there is the argument that the Council polarized on race (Burnham 1997).

A subsequent draft of this paper will address each possibility and others. There needs to be an account for each of the other five repeal referenda. For now, some brief remarks are possible.

1. **Could the politicians have won without PR?** A scan of the ratios of their first-choice vote totals to the Droop quota in each election suggests: no. Rarely did any politician have the core support to win without vote transfers. Jordan and Bigelow, interestingly, were among the exceptions.

2. **Complex PR:** Both the number of candidates contesting each election and the number of transfer rounds needed to seat a full council came steadily downward over PR-STV's lifespan in Cincinnati.
3. **Bloc voting:** Clearly, to me at least. But recall that Jordan won his seat on a Charter ticket.
4. **Intraparty campaign tensions:** Charter was remarkably good at keeping vote transfers within its own ranks throughout the period. Nor did this ability decay toward the end of Charter's time with PR. See Kolesar (1995: 202).⁵
5. **Polarization on race:** Long after Gilligan broke with Jordan, Berry (Charter, Democraft, black, erstwhile NAACP official) remained his ally in council. Berry was often the one to issue compromise income/property tax legislation, seeking some middle point between the Jordan position of no-earnings-tax and the Kelly position of no-tax-at-all. In the ideal point plots, Berry (C-d) appears due north of Jordan (C), quite close to the cutting lines that isolate Jordan from everyone else. Ultimately, though, Berry broke with Jordan to support Charter and the income tax. It is true that some votes on the establishment of local Fair Employment Practices Commissions divided Charter in the 1956-57 session, but these typically saw Dolbey (C-r) voting with the Republican delegation. More analysis is needed, but on first face, racial polarization does not seem to explain the 10-point advantage that repeal in 1957 had over all other attempts.

5 Why not in 1936?

What about the supposed tendency of PR to return unworkable legislative majorities? There is another case in the city of Cincinnati with which to contrast 1957. Herbert S. Bigelow in 1935 won the pivotal seat in another 4-4-1 Council. He then refused to cast a vote for Mayor until one or the other party granted his demand: public ownership of the local gas utility.

One clear difference between 1936 and 1957 has to do with the nature of the demand. In resisting an income tax, Jordan refused to help the Charter

⁵Reed et al. (1957) tell us that the Hamilton County Democrats, subsumed as they were in Charter, "always hated PR."

Party diffuse the costs of its city workers' principal demand: assurance of a paycheck. But the demand that Bigelow issued, a public monopoly on gas provision, was just as good as an income tax. Charter could set the price of gas, then distribute the profits accordingly.

6 Conclusion

Did PR sow the seeds of its own demise? Clearly not. On logical grounds alone, rules don't slaughter sacred cattle; people do. On empirical grounds, PR lasted more than thirty years and five repeal attempts in the Queen City. What the repeal (or reduction) of PR appears to require are three factors:

1. A majority for a policy on instrumental grounds,
2. Deadlock on the ultimate purpose of that policy,
3. And a kingmaker who refuses to bargain with either side.

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