

APPORTIONMENT AS VIEWED BY POLITICAL
ACTIVES IN ERIE COUNTY, NEW YORK

Thesis for the Degree of M. A.
MICHIGAN STATE UNIVERSITY

Vincent L. Marando

1964



ABSTRACT

APPORTIONMENT AS VIEWED BY POLITICAL ACTIVES IN ERIE COUNTY, NEW YORK

by Vincent L. Marando

This thesis presents a case study on the attitudes of 71 political actives in Erie County (Buffalo), New York, toward the question of state apportionment. The interviewed included Erie County legislators, defeated legislative candidates, party officials, local governmental heads and selected private organization heads in Erie County. The study seeks to determine the level of awareness and the involvement of the 71 political actives regarding the issue of apportionment. The implications of the present apportionment system and any future reapportionment are discussed.

The data obtained from the interviews tend to substantiate the following hypotheses:

1. Individuals become involved with apportionment because they feel apportionment arrangements directly affect them. Individuals who do not get involved are those who do not view the issue as affecting them.
2. Individuals become involved as they think their actions will affect the outcome of the issue.
3. The apportionment issue in New York State is a legislative matter, with little concern by the legislators for non-legislative interests.

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A THESIS

Submitted to
Michigan State University
in partial fulfillment of the requirements
for the degree of

MASTER OF ARTS

Department of Political Science

1964

ACKNOWLEDGEMENTS

Special gratitude is due Professor Charles O. Press who was thesis chairman. He has guided this study and provided advice throughout this preparation. The time and effort which he expended in the writer's behalf have truly been appreciated.

Thanks also go to Professors Charles R. Adrian and Joseph A. Schlesinger who also served on the committee.

The writer is deeply grateful to the political leaders who took time from their busy lives to grant interviews. Without them this work would not have been possible.

A note of thanks goes to Alan F. Arcuri and Joseph A. Marando for their encouragement and help at critical points during this study.

Finally, to my wife, Patricia, without whose support this work could not possibly have been accomplished.

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CHAPTER I

INTRODUCTION: THE PROBLEM, CONCEPTUAL FRAMEWORK AND RESEARCH METHODS

From the time man formed governments and groups to protect his interests, laws and issues have been debated that benefit specific individuals and groups. It is a maxim of politics that if some individuals or groups benefit by the implementation of an issue into law others are often placed at a disadvantage.

Many theories have been presented to explain why individuals or groups continue to benefit from an existing law. These theories range from individuals and groups possessing enough "political power" to insure a law's continuance to a situation where the law has simply become passively accepted with no one strongly for or against it. In some instances laws in a democracy are maintained in spite of the majority's opposition; in such cases a law benefits a minority at the expense of the majority.

In the United States, laws determining state legislative apportionment often constitute such a situation. Many of these laws exist to benefit a minority interest at the expense of the majority. The apportionment formulas of a

state are paramount in importance because they determine how fully the interests of its citizens are represented. Apportionment has a major influence on all other legislation.

How can a situation where a small minority may elect a majority of state legislators persist? Do individuals care whether they are adequately represented? How many of them care? Which of them care? Do individuals or groups see themselves as benefiting from the present system? Who gets involved in the matter of state legislative apportionment? To examine questions of this nature I have formulated this problem to investigate and study the basis of individual and group perception and action in the apportionment process of a state legislature. I will first attempt to build a conceptual framework within which this problem can be studied.

The Conceptual Framework

The basis of this study will rest on the following assumptions.

If apportionment is perceived by an individual as having an effect on his interests, that person will feel involved in the matter. Robert Dahl argues in Who Governs? that there are different groups and individuals who are active, involved and influential on various issues.¹ "Individuals' positions may vary from one scope to another."² For example,

¹Robert Dahl, Who Governs? (New Haven: Yale University Press, 1961), pp. 89-169.

²Robert Dahl, Modern Political Analysis (Englewood Cliffs, N.J.: Foundations of Modern Political Science Series, Prentice-Hall, Inc., 1963).

persons who are leaders in one kind of activity may not be leaders in another. The main reason why people get involved in one type of political activity and not another is that they think involvement in certain issues will better suit their interests.

All individuals and groups have some resources at their disposal which they can use to attempt to influence a particular issue. Some of the resources that can be applied are money and credit, control over information of others, knowledge and expertness about an issue, legality, constitutionality and officiality.³ Resources are not evenly distributed. The question might be posed as to why some individuals spend their resources on a certain political issue and others do not. The answer may be stated in general terms. Those who spend their resources expect to receive something in return. If an individual sees an issue as affecting him directly, he will be more willing to spend his resources on that issue than he will on one that seems more remote.

Another factor influencing men to participate in some political issues and not in others is the effect they think they will have on the matter of concern. All the factors that contribute to an individual's perception of his effectiveness have been variously called "'a sense of political efficacy,' 'political self-confidence,' and in reverse, 'sense of

³Ibid., p. 32.

political futility."⁴ Individuals who are pessimistic about their capacity to influence a political issue may avoid the issue on the grounds that what they do, will not influence the outcome. Thus their 'issue efficacy' may be perceived by themselves as extremely low.

The following hypotheses concerning apportionment arrangements are set forth.

H-1 Individuals become involved with apportionment because they feel apportionment arrangements directly affect them. Individuals who do not get involved are those who do not view the issue as affecting them.

H-2 Individuals become involved as they think their actions will affect the outcome of the issue.

The type of reasoning behind these hypotheses have been proposed in several studies on voter behavior and political apathy.⁵ An assumption of this paper is that this type of reasoning not only applies to voters and the total scope of political activity, but for political leaders and activists with respect to specific issues.

In certain issues a relatively small number of individuals influence and are concerned with specific issues.

⁴Robert Lane, Political Life (Glencoe, Illinois: The Free Press, 1959), p. 149.

⁵Angus Campbell, Gerald Gurin and Warren E. Miller, The Voter Decides (Evanston, Illinois: Row Peterson, 1954), pp. 187-94; Morris Janowitz, Dwaine Morvich, Competitive Pressure and Democratic Consent (Ann Arbor: Bureau of Government, Institution of Public Administration, 1956), pp. 25-39.

They operate relatively unaffected by the public. The individuals that influence the decisions concerning an issue do so not despite outright opposition but because of massive indifference.⁶ There is often more opposition among the individuals with concern over the matter than there is between them and other segments of the population.

Individuals have resources to spend in influencing issues. Relatively few people use their potential resources to the fullest in influencing issues. And in many cases, there is no need to spend resources to influence issues. An issue may become law without individuals spending great amounts of resources trying to influence the outcome. Or an issue may not become law even with substantial resources behind the issue. Resources may be used more profitably in other political or non-political spheres. When many individuals do not use their resources on a specific issue slack is said to exist for that issue.⁷ Slack is the amount of untapped resources not being employed to influence a specific issue. It might be assumed that because of the difficulty with which certain issues may be viewed as effecting interests there will be much slack associated with these issues.

A critical question which can be asked at this time

⁶Robert Dahl, "The Analysis of Influence in Social Communities," Social Science and Community Action, ed., Charles R. Adrian (East Lansing: The Institute for Community Development and Services, Continuing Education Service, Michigan State University, 1960), p. 30.

⁷Ibid., p. 35.

is how can an individual who is involved in a specific issue be distinguished from one that is not involved. In this study three indices were constructed to measure the degree of an individual's involvement in the reapportionment situation in Erie County, New York. Of the many variables that could possibly be used to measure involvement, the three variables of information, activity and perceived pressure were used to determine the amount of individual involvement with the issue. The assumption being that individuals who score high (in relative terms to one another) on the indices will be more involved with the issue than those who score low. Individuals and groups can be ranked as to their involvement in an issue.

The following corollaries are set forth to support the major hypotheses H-1 and H-2.

- C-1 Individuals who perceive their interests as being affected by reapportionment will have the most information concerning the situation.
- C-2 Individuals who perceive their interests as being affected and feel they can affect the situation will be active in reapportionment campaigns.
- C-3 Individuals who perceive their interests to be affected by reapportionment will feel pressure upon themselves with respect to apportionment. The pressure will almost always support their own interests.
- C-4 Generally an individual who scores high on one index of either information, pressure or activity will also score high on the other two.

An individual's involvement in an issue is related to the particular political position he occupies. Thus, an individual who is constantly exposed to an issue will be more involved than an individual who is not. Political positions are responsible for a great deal of individual involvement, although individual differences of interest vary within specific political positions.

C-5 An individual's involvement with reapportionment is related to the political position the individual occupies.

If an issue is of a complex nature and it has received little publicity, individuals who have not been exposed will not see the issue as affecting their interests. The two factors mentioned might lead to a situation where little pressure could develop to influence an issue. In a situation such as apportionment which the state legislatures control, a lack of significant pressure upon them may make them use apportionment for their own personal interests. Because of the ambiguous nature of influence it would be difficult to ascertain, other than in general terms, who influences a specific issue. But, it is within the scope of this study to determine who is not influencing a specific issue: New York State Reapportionment. By an elimination process we may be able to at least point in the direction of influence.

Appeals from interest groups and the minority party would be meaningless if political activists and the general

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public were not concerned with the issue. What will hold the leaders of a legislature in check if there is a lack of significant pressure from outside the legislature? This rests on the assumption that appeals from the mincrity party, interests groups and political activists will fall on unconcerned ears.

H-3 The apportionment issue in New York State is a legislative matter, with little concern by legislators for non-legislative interests.

Gilbert Y. Steiner and Samuel K. Gove comment on this type of a situation in their study of redistricting of the Illinois General Assembly.⁸ They state, "the legislative interest is clearly dominant in redistricting policy making. In the development of redistricting policy, the legislature does not actively seek opinion from outside the General Assembly as it does with banking legislation, with labor legislation, or farm legislation."⁹

Interest groups concerned with an issue such as reapportionment will engage in different types of activity than will interest groups concerned with other legislation. Whereas an interest group which represents a specific interest may propose a bill seeking direct advantage for that interest. Interest groups concerned with an issue which directly affects

⁸ Gilbert Y. Steiner and Samuel K. Gove, Legislative Politics in Illinois (Urbana: University of Illinois Press, 1960).

⁹ Ibid., p. 117.

the interests of the legislature must consider the legislature first. In a legislative situation where there is little pressure or concern from outside groups, legislative interests will prevail. Steiner and Gove remark concerning the informal rules of a legislature with respect to reapportionment.

"Individual preservation, the desire of each legislator to be in a 'safe' district and mutual preservation; the willingness of members to cooperate with each other in protecting incumbents against potential challengers"¹⁰ will prevail. Informal limits such as stated above will play a part in shaping any reapportionment bill.

Bills or actions proposed by interest groups concerned with reapportionment may be gained only at the expense of certain legislator's interests. A conflict may develop between an interest group and various legislators. "Non-legislative groups tend to be tolerated, but are effective only to the extent that an individual member or members of the legislature actively champion their cause. . . . No non-legislative group can become dominant in a redistricting issue; consequently, all non-legislative groups have virtually the same likelihood of influencing the final pattern because they must all work within the boundaries of the incumbent legislative interest."¹¹

¹⁰Ibid., pp. 86-87.

¹¹Ibid., p. 117.

- C-6 Non-legislators will view apportionment as mainly benefiting or hindering legislators, with unimportant consequences beyond the legislature.
- C-7 Non-legislators will perceive legislators as having a major concern in apportionment.
- C-8 Legislators will be viewed by non-legislators as being experts on the question of apportionment.

Research Method

The data used in this paper are primarily based on an interview schedule¹² given to 71 political actives in Erie County, New York, during the summer of 1963. The respondents interviewed included political leaders of both parties in Erie County; representatives of various interest groups and heads of local governmental departments. A basic assumption in the selection of respondents was that reapportionment was of some concern for them and that they might possibly have some stake in any outcome on this matter.

The questions used in the interview schedule were selected by the author after a review of the literature, conversations with political leaders in Niagara County and from the author's background of training and experience. Several of the questions used in the interview schedule were

¹²Interview in Appendix A.

used in the study, The Legislative System.¹³ The interview schedule was then pretested on five respondents in Niagara County, New York. The questionnaire was then revised on the basis of suggestions made by these individuals and the revised copy was discussed with the author's thesis committee. Data are reported in terms of percentages of the responding groups and subgroups. No attempt, save the rank correlations used in the final chapter, was made to attach statistical significance to the data.

An effort was made to interview the entire universe of some of the groups interviewed. This was not possible for all groups because of the size of the universe, e.g., supervisors, ward chairmen, and precinct committeemen. In the case of the supervisors and ward chairmen the degree of competitiveness of their respective wards was the basis of selection. One-third were selected from the most competitive ward, one-third from the most Democratic ward and one-third from the most Republican ward. For the precinct workers, the degree of competitiveness was also used. The precinct committeemen were selected on a random basis. Every 3rd precinct committeeman was chosen, starting with precinct 3, 6, 9, and so on.

¹³John C. Wahlke, Heinz Eulau, William Buchanan, and Leroy Ferguson, The Legislative System: Explorations in Legislative Behavior (New York: John Wiley and Sons, 1962), p. 382. Permission to use some of the questions from this study was granted by Leroy C. Ferguson.

Table 1. Leaders interviewed.

Respondents	Number	Percent of Universe
<u>State legislators from Erie County</u>		
Senators	3	100%
Assemblymen	8	100
<u>Defeated legislative Candidates from Erie County</u>		
Senators	2	66
Assemblymen	6	75
<u>County Supervisors</u>	8	15
<u>Local Governmental Department Heads</u>		
County Director of Highways	1	--
County Director of Welfare	1	--
County Budget Director	1	--
County Executive	1	--
Director of County Board of Elections	1	--
Assistant Superintendent of Schools for Buffalo	1	--
Assistant to Mayor of Buffalo	1	--
<u>Interested Citizens</u>		
President of Polish Cadets	1	--
President of Federation of Italian American Clubs	1	--
President of Erie County NAACP	1	--
Director of Political Affairs for Chamber of Commerce	1	--
Director of Buffalo and Erie County Governmental Research Bureau	1	--
League of Women Voters: President of Erie County Chapter	1	--
Chairman of Reapportionment Study Committee for League of Women Voters	1	--

Table 1.--Continued.

Respondents	Number	Percent of Universe
<u>Union</u>		
President of A F of L - CIO Erie County	1	--
Member of COPE for UAW	1	--
<u>Newspaper Editors</u>		
Buffalo Evening News	2	--
Buffalo Courier Express	2	--
<u>Party Officials</u>		
County Chairman	2	100
Ward Chairmen	9	17
Precinct Committeemen	13	2*
Total	71	

*Estimated percentage.

Three indices were constructed from the interview schedules. These indices rank the respondents according to, (1) the amount of information they possessed pertaining to New York State Apportionment; (2) the amount of activity they participated in pertaining to apportionment; (3) the amount of pressure the respondents perceived upon themselves with respect to this subject. The assumptions and reasoning behind the indices are explained in their respective chapters.¹⁴

¹⁴The three indices are detailed in Appendices A, B and C of this study.

CHAPTER II

APPORTIONMENT IN NEW YORK STATE AND ERIE COUNTY

New York is considered to be a competitive two-party state. In state elections over the last half century, the Democrats have controlled the governorship for a total of twenty-seven years. In presidential elections, the state has given the Republican candidate a majority seven times and the Democratic candidate a majority six times.

Joseph Schlesinger classifies New York State as a cyclically competitive state in gubernatorial elections and a competitive state in presidential elections. The difference being a cyclically competitive state is competitive in respect to the over-all dimension, but has long periods of domination by a single party.¹ During the same period, Democrats have won eleven out of the eighteen elections for United States Senate seats. Yet, during the same span of time, the Democrats have only been able to capture the control of the state legislature twice. This was when F. D. Roosevelt swept the country, carrying

¹Joseph A. Schlesinger, "A Two-Dimensional Scheme for Classifying the States According to Degree of Inter-party Competition," The American Political Science Review, Vol. XLIV (Dec., 1955), p. 1124.

along with him a majority of Democratic legislators in New York. Unless the very basis of which the political parties in New York State depend for support changes, the situation will continue.

The Constitution itself insures the Republicans control of both the Assembly and the Senate. Legal control of apportioning the legislature is left to the legislators themselves. Only by two-thirds vote in both houses during one session or a majority of the houses in two successive sessions can the apportionment situation be altered by legislative amendment. Also, the Constitution can be amended or changed through a Constitutional Convention called for by the electorate at a general election which must be held once every twenty years. The last general election to determine if a Constitutional Convention was to be held occurred in 1957 and, at that time, the proposal was defeated. Until the next general election is held in 1977, the legislature will be the only body that can alter the Constitution, unless the United States Supreme Courts acts on the question. Since the initiative and referendum do not exist in this state as a means of Constitutional change, the difficulties involved in amending the Constitution are augmented. Former Governor Alfred E. Smith had referred to the New York State Legislature as "Constitutionally Republican."²

²Gus Tyler and David I. Wells, "New York: Constitutionally Republican," in The P of R, ed., Malcolm E. Jewel (New York: Atherton Press, 1962, p. 221.

The Constitution of New York State is cumbersome, wordy, and extremely inflexible in comparison to the United States Constitution. "There is little of the sparkle or pithiness of the National Constitution in the basic document of New York State. It deals with details, and, as circumstances come to alter the political situation, its phrases become unworkable or burdensome and call for amendment. . . . They have piled words on words to build a legal barricade against change."³ Nothing can be more accurate than the preceding statement when examining the article in the Constitution dealing with the legislature. This article is not only a maze of words, but a high degree of mathematical comprehension is required to understand the apportionment formulas contained.

The Article pertaining to apportionment are those enacted by the Constitution of 1894 and have been revised several times since then. The latest redistricting took place in 1953. The number of Assembly and Senate seats and their distribution among the counties and districts is written into the State Constitution. The size and exact limits of the districts are stated so that any change that is to occur must come in the form of an amendment. There are mathematical formulas that must be followed. The legislature, in many instances, has just but to enact what has already been

³Robert Riennow, New York and State and Local Government (Albany: New York State Education Department, 1959), p. 22.

stated in the Constitution.

The essence of the Constitutional article dealing with the legislature and the apportionment formulas are as follows:

For the Assembly, the Constitution sets the number of seats at 150. (Professor Ruth Silva of Pennsylvania State University who conducted a staff report on apportionment and districting, felt that because of this limit, a basic population inequity must follow.) The seats are distributed according to a three-fold classification. First, every county, including Fulton and Hamilton as one county, is given one seat. Secondly, every county which has at least one and one-half ratios or one percent of the states population is given an additional seat. Thirdly, all the seats not distributed in the first or second steps are divided among those counties which have more than two ratios or one and one-third percent of the states citizen population.⁴

Local authorities have the exclusive power to divide their respective counties into assembly districts. If a county has only one assemblyman, it constitutes one assembly district and cannot be divided. In all counties having more than one assemblyman, the board of supervisors or, as the case may be where one city constitutes an entire county, the common council divides such counties into assembly districts.⁵

"The specific number of assembly seats assigned to those counties having more than one and one-third percent of the states population is determined by a formula under which

⁴Ruth C. Silva, "Apportionment of The New York Assembly," Fordham Law Review, Vol. XXXI (October, 1962), p. 46.

⁵New York City constitutes five separate boroughs and each borough council performs the districting.

the available seats are distributed on a reasonably equitable basis. The main inequalities in Assembly representation are those between the three groups of counties rather than among counties of the same group."⁶ When the three different classifications of counties are viewed in respect to the population distribution of the 1960 census figures, the counties having less than one and one-half ratios will account for forty-four seats. "Two assemblymen will then be apportioned to each of the seventeen other counties. This will leave seventy-two seats to be distributed among the fourteen counties having more than two ratios."⁷ In Table 2, for the decennial census from 1930 to 1960, the population distribution and inequities among the three different groups can be seen.⁸

For the Senate, as is the situation for the Assembly, there is also a Constitutional formula for apportionment. It appears to be even more complex in structure than is the formula devised for the Assembly. The legislature exerts paramount control and power over the division of senate seats because it not only apportions the senate seats, but it also sets up all the Senate districts.

⁶David Wells, Legislative Representation in New York State (New York: International Ladies' Garment Workers Union, 1962), p. 27, footnote 2. (Mimeographed.)

⁷Silva, op. cit., p. 14.

⁸Idem.

Table 2. Average citizen population per assemblyman in counties of New York.

Census	Constitutional Ratio ^a	First Class	Second Class	Third Class ^b
1960	108,272	62,765	93,478	129,183
1950	94,690	57,648	87,390	112,183
1940	82,676	52,187	76,046	97,366
1930	73,937	45,383	64,544	88,606

^aThe state population divided by 150 is taken to be the constitutional ratio.

^bfirst ratio - every county, including Fulton and Hamilton as one, is given one Assembly seat.

second ratio - every county which has one and one-half ratios is given an additional seat.

third ratio - all counties having more than two ratios are given additional seats for every full ratio they possess.

Source: Ruth Silva, "Apportionment of the New York Assembly," Fordham Law Review, Vol. XXXI, No. 1 (October, 1962), p. 14.

Two categories of districts are used for apportioning the Senate. All counties which have more than six percent of the state's population makeup the first category, and all counties having less than six percent of the citizen population constitute the second group. Different sub-formulas are used in determining the number of seats to be apportioned to counties in each category.

The citizen-population is divided by fifty. The number obtained is called the first ratio. All counties with at least three ratios, which is six percent of the citizen population, are apportioned seats by comparing their

citizen population to this first ratio.⁹ For these counties, a full ratio must be reached before a senator is apportioned. The number of seats given to these first ratio counties is compared to the number it had in 1894 at the writing of the present Constitution. The number of seats in the Senate is increased by the same number of seats as the increase a county has at the present over what it had in 1894. The size of the Assembly is fixed while the size of the Senate varies. The increase in the size of the Senate has always been to the disadvantage of the first-ratio counties. The advantage they have received by gaining extra seats is offset by the larger Senate size.

The most populous counties require a full ratio for every senate seat. This often leaves large remainders and in some instances the remainders are large enough to have entitled the counties to another seat if the second ratio which determines seats for counties having less than six percent of the population was used. The size of the population needed to elect a senator in a first-rate county is always higher than the number needed for a second-ratio district.

For the second ratio, the remaining seats not apportioned to counties with six percent of the state's population are divided among the counties which have less than six percent

⁹The following are "first ratio" counties and have six percent of the citizen population: Kings, New York, Bronx, Queens, Nassau, Erie.

of the citizen population. The second ratio is obtained by dividing the combined citizen population of all the counties with less than six percent by the remaining number of seats. The remainder of the seats are distributed on the basis of this new, or second ratio, as shown in Table 3.

Table 3. Senate ratios and averages.

Year	Counties	Citizen Population	÷ Number of Senators	= Citizen Population Per Senator
1960	Six largest counties	9,519,316	26	366,128
	All other counties	<u>6,721,470</u>	<u>31</u>	<u>216,822</u>
	Entire State	16,240,786	57	284,926
	Constitutional Ratio	16,240,786	50	324,816
1953	Five largest counties	8,131,810	27	301,178
	All other counties	<u>6,071,639</u>	<u>31</u>	<u>195,859</u>
	Entire State	14,203,449	58	244,887
	Constitutional Ratio	14,203,449	50	284,069

Source: Ruth Silva, "Apportionment of the New York Senate," Fordham Law Review, Vol. XXX, No. 4 (April, 1962), p. 629.

As Table 3 indicates, the first ratio is always larger than the second ratio. Also, the first ratio is larger than the Constitutional ratio, which is obtained by dividing the citizen population by fifty. Because the Senate size is increased when counties with six percent of the population are compared to the number they had in 1894, the inequities are exaggerated even further. The larger the Senate, the

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greater the difference between the first and second ratios.

A further disparity is realized when second ratio counties have received additional senators on the basis of a full second ratio or major fraction of a second ratio, when the number did not constitute a major fraction of a first ratio (Constitutional ratio). The ratio obtained by dividing the State's citizen population by fifty is not the ratio for apportioning senators. Rather, it is a ratio used for three purposes: (1) for apportioning senators to counties having three or more full ratios, (2) for enlarging the Senate, and (3) for determining whether a town may be split in the formation of senate districts.¹⁰

Three rules stated in the Constitution of 1894 further limit the legislature in distributing seats to the populous counties. (1) No county shall have four or more senators unless it shall have a full ratio for each senator. (2) No county shall have more than one-third of all the senators. (3) No two counties or the territory thereof as now (1894) organized, which are adjoining counties, or which are separated only by public waters shall have more than one-half of all senators.¹¹ The New York State Constitution is very detailed and the status quo at the time of its writing was desired by

¹⁰ Ruth C. Silva, "Apportionment of the New York Senate," Fordham Law Review, Vol. XXX (April, 1962), p. 632.

¹¹ New York State Constitution, Art. III, Sect. IV.

a majority of the legislators. The Republican up-state legislators were in control of the legislature then and are still in control today. In some instances, the discrepancy between representation for the metropolitan Democratic areas and the rural-suburban Republican areas is greater than it was in 1894. In 1894, the difference between the average citizen population per Senate district in the first and second ratio counties was less than 4,000. Under the apportionment now in effect, the difference is more than 105,000.¹² The political strength of voters in the over six percent counties grows weaker with each passing decade.

Gerrymandering of the State Senate and Assembly plays a secondary role. The population inequities that are evidenced throughout the state are caused by the constitutional formulas more than they are by gerrymandering. It appears that gerrymandering is not used extensively because one party has firm control over the State legislature without relying on a delicate system of districting. Gerrymandering can be observed at the Congressional level. The State legislature has control over districting Congressional seats. Unfair districting, or as it may be called gerrymandering, is used to one party's advantage over the other. The inequities at the Congressional level are primarily the result of unfair districting rather than unfair apportionment.¹³

¹²Wells, op. cit., p. 18.

¹³Ibid., p. 8.

David Wells, in his study Legislative Representation in New York State, presents a convincing case supporting his idea that there is Congressional gerrymandering at the expense of the Democratic Party. The distinction is made that the Republicans gain by means of gerrymandering rather than by "unfair apportionment." His figures show that the Republicans for Congressional and State legislative elections of 1954 through 1960 received a larger percentage of seats than they did the popular vote.¹⁴

It is almost a truism that apportionment and districting are inseparably joined when an examination of the degree of "fairness" in a state's legislative representation is undertaken. Yet it would be quite beyond the scope of this paper to deal with the complete question of districting in New York State. Districting will be dealt with insofar as it is perceived by those interviewed as being an advantage or disadvantage to a specific party or individual.

During the 1963 session of the legislature, the Senate consisted of fifty-eight members of which thirty-three were Republicans and twenty-five were Democrats. In the Assembly of 150 members, there are eighty-four Republicans and sixty-six Democrats. As is the case, all standing committees are chaired by Republicans.

The control of both houses is firmly in the hands of the Republican Party. Thus, any amendments pertaining to

¹⁴Ibid., p. 6.

Table 4. Division of state-wide vote for major party candidates compared to division of legislative and congressional seats - elections 1954 through 1960.

Year	Vote for Dem. Candidates ^a	Vote for Rep. Candidates ^a	Dem. Seats	Rep. Seats	Rep. % of Votes	Rep. % of Seats
<u>Assembly</u>						
1954	2,305,022	2,452,892	60	90	51.6%	60.0%
1956	2,976,869	3,707,994	54	96	55.5	64.0
1958	2,735,360	2,712,456	58	92	49.8	61.3
1960	3,557,043	3,309,830	66	84	48.2	56.0
<u>State Senate</u>						
1954	2,396,377	2,467,725	24	34	50.8	58.6
1956	3,042,016	3,737,368	20	38	55.1	65.5
1958	3,732,471	2,703,309	24	34	49.7	58.6
1960	3,525,787	3,277,503	25	33	48.9	56.9
<u>Congress</u>						
1954	2,398,556	2,505,228	17	26	51.1	60.5
1956	3,072,860	3,745,059	17	26	54.9	60.5
1958	2,763,883	2,686,818	19	24	49.3	55.8
1960	3,514,951	3,167,717	22	21	47.4	48.8

^aVote figures for Democratic and Republican candidates include votes cast on Liberal line for Liberal-endorsed Democrats and Republicans.

Source: David Wells, Legislative Representation in New York State, issued as a public service by the International Ladies' Garment Workers Union, 1963 edition, p. 8.

apportionment must meet with their approval. Malcolm E.

Jewell makes the following observation concerning the majority party and reapportionment. "Though blatant examples of gerrymandering and population will evoke loud protests from the minority, members of both parties recognize that the

majority has certain prerogatives in reapportionment."¹⁵
Just what these prerogatives may be and to what extent they may exist will be one aspect of the examination of reapportionment in this paper.

Erie County (Buffalo)

The bulk of this study is based on the opinions of 71 "political" leaders in Erie County (Buffalo) New York. For a list of what leaders were included, see p. 12. The leaders selected were thought to be above average in awareness and involvement on the apportionment situation. They would most certainly have greater opportunity to be informed on the issue than the public.

But first, this section briefly describes several factors about Erie County that are relevant to understanding the views of the selected leaders have with respect to state apportionment. (1) Erie County's political relationships to the state and especially New York City. (2) Buffalo versus Erie County. (3) Legislative representation with respect to population is examined. (4) The extent and effects of gerrymandering within the county are discussed. (5) An examination to determine the fairness of Erie County's state-aid was undertaken. (6) Finally, the amount of activity pertaining to apportionment in Erie County was assessed.

¹⁵Jewell, "Political Patterns in Apportionment,"
op. cit., p. 27.

Erie County and the State vs.
New York City

Although Erie County (Buffalo) is the fifteenth largest metropolitan area in the United States with a population of 1,064,688, according to the 1960 federal census, it is completely dwarfed by the Gotham to the southeast. If Erie County were located in any other state, its population would entitle it to a greater proportion of state power. Many municipal problems and the life style existing in Erie County are more closely associated with New York City than to any other section of the state or nation. But a popular view held by many citizens in the Buffalo area is that Erie County joins the rest of the state in checking, if not resisting, New York City's demands, needs, and wishes. This places Erie County in the peculiar situation of being just another up-state area aligned against New York City in its desires for a more liberal local taxing authority and state-aid legislation.

Table 5. 1960 population figures for Erie County, New York City and New York State.

	Population	% of Total State Population
Erie County	1,064,688	6.4%
New York City	7,781,984	47.0
New York State	16,240,786	100.0

Buffalo vs. the Rest of the County

Of Erie County's population, Buffalo, its major city, has a population of 532,759 or 50.1% of the total. A common situation exists in this county as far as population growth and movement are concerned. As the figures on the following page indicate, the population of Buffalo has remained static, in fact, it has decreased from 1950 to 1960 while the rest of the county has been growing at a very rapid rate.

Table 6. Population trends for Buffalo and Erie County.

	1920	%	1930	%	1940	%	1950	%	1960 ^a	%
Buffalo	506,775		573,076		575,901		580,132		532,759	
		(79.6)		(75.2)		(72.5)		(64.4)		(50.1)
Erie County	634,688		762,408		498,377		899,238		1,064,688	

Source: People and More People: A Study of Population Trends in Erie County. Published monthly by the Governmental Research Bureau of Buffalo and Erie County, No. 1326 (Dec., 1962).

^aU.S. Census figures for 1960.

Also typical of many large counties in the northern states with one major city, Buffalo is predominantly Democratic while the rest of the county is strongly Republican. In Buffalo, in 1962, there were 142,506 registered Democrats to 104,468 registered Republicans. For the rest of the county, the total number of votes was 156,730 to 95,258 in favor of the Republicans.¹⁶ A countywide advantage of 23,434 or 4.6%

¹⁶Enrollment, Erie County Board of Election Statistics for 1962-63 (unpublished).

of the registered voters favored the Republicans. The Republicans control the county Board of Supervisors 28 to 26. One-half of the supervisors are elected by wards in the city and the rest represent the outlying towns. This is important, since the Board of Supervisors districts the New York State Assembly seats for Erie County.

Population and Representation

According to Paul T. David and Ralph Eisenberg,¹⁷ Erie County's right to vote in the State Legislature has been on the decrease since 1910. The figures arrived at were obtained by dividing the county's population into the total population of the state. The number of legislators from Erie County was then divided by the total number of State Legislators. Variations were calculated as a simple percentage of the state-wide average. The following figures are for the combined right to vote for the Assembly and Senate.¹⁸

Table 7. Erie County's right to vote in the State Legislature.

1910	1930	1950	1960
97%	93%	87%	83%

¹⁷Paul T. David and Ralph Eisenberg, Devaluation of the Urban and Suburban Vote (Bureau of Public Administration, University of Virginia, 1961), p. 13.

¹⁸Ibid., Table 7, p. 13.

The right to vote figure indicates the percentage of representation a county receives compared to what it should receive if apportionment were based strictly on a population basis. Thus, if the right to vote figure is 83% for a county then that county is receiving 83% of the representation it would receive if representation were based on population. During the above years, Buffalo's population had been relatively stable. The devaluation of Erie County's vote in the New York State Legislature has come at the expense of the area outside the principal city.

In Erie County, there is, on the average, one Senatorial seat for every 346,606 citizens. This is approximately the same average for New York City. By contrast, the average for the rest of the state is one Senator for every 217,000 citizens. For the Assembly, the average size of Erie County's eight districts is 130,000 citizens, whereas the state average is 108,000.¹⁹ On the whole, Erie County is above the state averages for both the Senate and the Assembly, yet it is not as grossly underrepresented as are the suburban counties surrounding New York City, e.g., Nassau, Westchester, and Rockland.

Table 8 shows that Buffalo is well represented in Erie County's delegation to the New York State Legislature.

¹⁹David Wells, Legislative Representation in New York State (issued as a public service by the International Ladies' Garment Workers Union, 1963 edition), p. 11.

Table 8. Place of residence of Erie County's eleven legislators.

Legislators	Reside in Buffalo	Reside in County
8 assemblymen	5 (62.5%)	3 (37.5%)
3 Senators	2 (67.0%)	1 (33.0%)
Total	7 (63.0%)	4 (37.0%)

The legislators from Buffalo include six Democrats and one Republican, while there are no Democratic legislators residing outside of the city of Buffalo. Buffalo has only one member of the majority party (Republican) representing it in the Legislature. All the legislative districts except one Assembly district includes some portion of Buffalo.

Gerrymandering

As far as gerrymandering of state legislative lines is concerned, a convincing case can be drawn up to support its use. The gerrymandering objective was undertaken to safeguard the Republican hold on two out of three senatorial districts in Erie County. With the present lines drawn as they are, and the voting pattern remaining the same, the Republicans will always win two of the three senate seats. All three of these senatorial districts spoke-wheel out of the city, cutting up the source of Democratic strength. The following figures are a breakdown of registered voters in the three Senatorial districts in the county.

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Table 9. Party split for the three Senatorial districts of Erie County.

	Repub.	Dem.	Liberal
55th	80,232	71,624	838
56th	70,921	87,712	847
57th	<u>110,045</u>	<u>78,428</u>	<u>1,390</u>
	261,198	237,764	3,095

Source: Unpublished statistics for Board of Elections.

Interviews were conducted in Erie County to study attitudes of various groups toward reapportionment in New York State.²⁰ A convincing case can be made supporting the proposition that gerrymandering of state legislative lines exists in Erie County. The findings in Table 10 tend to support the idea that lines were drawn to give one party an advantage over the other. The respondents interviewed were asked a question concerning gerrymandering in Erie County. The findings are as follows.

Do you think that any of the legislative districts in Erie County have been drawn up to give one party an advantage over the other?

The respondents seem to be perfectly aware that the legislative lines have been drawn to give the Republican party an advantage.

²⁰Survey Design explained in Chapter I.

Table 10. Party affiliation versus fairness of apportionment formulas. N = 68.

	Yes	No	Don't Know
Republican	26	5	2
Democrat	29	2	2
Independent	2	0	0

Yet, it was expected and accepted by the respondents interviewed as being a part of the game of politics. A respondent made the following comment concerning the gerrymandering situation. "Both parties gerrymander, but it is mostly the Republican Party now because they control both the Legislature and the Board of Supervisors."²¹ Another person stated, "You can't expect the party in power not to draw the lines to give themselves some advantage."²² Another said, "It is the right of the party in power to gerrymander."²³

The Board of Supervisors drew up the existing lines for the Assembly in 1954. At that time, the advantage was again given to the Republicans; but since the last reapportionment, population growth and shifts have occurred to affect the imbalance in the Republican favor. All but one of the eight Assembly districts include some part of Buffalo. In 1963, the present Assembly delegation from Erie County consisted of five Democrats and three Republicans. The present spread

²¹ Quotes from interviews.

²² Ibid.

²³ Ibid.

according to the Board of Election figures for the eight Assembly districts are as shown in Table 11.²⁴

Table 11. Registered voters of Erie County by Assembly district.

	Repub.	Dem.	Lib.	Party in Control
1st	15,651	22,654	232	Dem.
2nd	47,541	29,550	356	Rep.
3rd	17,040	19,420	250	Dem.
4th	11,405	27,555	378	Dem.
5th	31,488	52,529	437	Dem.
6th	39,433	35,185	410	Dem.
7th	54,349	26,981	436	Rep.
8th	44,291	23,892	576	Rep.

As in all states, the Congressional districts of New York are apportioned and districted by the State Legislature. Since the legislature is Republican controlled, there have been complaints by disgruntled Democrats and unions that the Congressional Districts have also been drawn up to favor the Republican Party. Gus Tyler and David Wells, writing for the International Ladies' Garment Workers Union, make the following statement, ". . . small changes in district lines in the Buffalo area were designed to add to Republican strength in two districts they had been winning by relatively narrow margins. To accomplish this a marginally Democratic area

²⁴Erie County Board of Election Statistics for 1962 (unpublished), pp. 32-34.

had to be made more strongly Democratic. These changes indicate that, rather than wish the loss of one or both of these districts they already held, the Republicans preferred to freeze the existing two to one political divisions."²⁵

One-half of the people interviewed could not distinguish between the recent 1962 city redistricting of Buffalo's fifteen city council districts and the past state reapportionments. Buffalo has fifteen council districts of which the Democrats control thirteen. There has been wide-spread publicity received in a Buffalo newspaper. It called the new districts the worst case of gerrymandering in the city's history. For those who could identify a distinct separation of city and state situations, the recent city reapportionment was used as a justification by Republicans that Democrats would gerrymander wherever they had an opportunity.

State-aid

In comparing the amount of state-aid received, the real estate valuation, and the population of the various counties in the 1963 annual report of the Comptroller of the State of New York, Erie County, does not appear to be unjustly favored in the area of state-aid or discriminated against.²⁶ For some functions, Erie County gets well above

²⁵Gus Tyler and David Wells, "New York Constitutionally Republican," The Politics of Apportionment, ed. Malcolm Jewell (New York: Atherton Press, 1962), p. 228.

²⁶1963 Annual Report of the Comptroller, State of New York, Arthur Levitt, State Comptroller, Legislative Document (1963), No. 97.

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the average for the state, e.g., general health and mental health funds. In the area of highways and education, Erie County is somewhat below the state average. For the total amount of state aid, Erie County's proportion was respectively in accordance with its population.²⁷

Table 12. State-aid received by Erie County as compared to Erie County's percentage of total state population. Erie County has 6.4% of the state's population (in thousands).

	Local Assistance Fund	Education	Welfare	Health	Highways
Erie County	74,603 (6.1%)	46,596 (5.2%)	1,686 (7.3%)	1,958 (12.5%)	3,605 (5.2%)
New York State	1,359,727	863,246	25,162	24,538	70,504

Source: 1963 Annual Report of the Comptroller - State of New York. Exhibit C, Local assistance from State Appropriations Distributed to Localities by counties for Fiscal Year Ended March 31, 1963, p. 82.

In the areas of state-aid, the consensus of opinion of those interviewed, except for a few die-hard Democrats, was that Erie County was getting its fair share. In the areas of education, welfare, and highways, the amount received by this

²⁷The fairness of state-aid is admittedly an area of subjective comparisons. I have used only the three indicators of population, real estate valuation, and state-aid as a crude scale of comparing Erie County's state-aid proportion to the other counties.

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county was in accordance with formulas passed by the State Legislature. The formulas were set up with regard to population, taxes paid and need as determined by the State Legislature. In the case of highways, factors such as the amount of gasoline sold and the miles of highways, determines the specific formulas.

The only function about which a real question may exist of unfairness of state-aid in Erie County was the amount of state-aid received by the Buffalo Public Schools. In New York State an equalization formula is used. Geographic areas are taxed according to their ability to pay and state-aid returns are in accordance with need. In recent years, the amount of aid to school districts having summer and evening school programs has been drastically cut. The Buffalo school system, along with those of the other large cities of New York State, have been placed at a substantial disadvantage. "If the programs needed and offered locally in all districts were the same, a formula with a single dollar amount per pupil, regardless of grade level or program would be equitable."²⁸

Erie County is in a unique situation as far as influence in the State Legislature is concerned. The New York State Senate majority leader, Walter Mahoney, is from Erie

²⁸Conference of Large City Boards of Education of New York State (Rochester: Board of Education, 1962), p. 5.

County. In New York State, which has a strong legislature, this position is of extreme importance. The majority leader has been able to gain support from rural Republicans in hamstringing New York City in its quest for more liberal taxing powers and greater amounts of state-aid. In return, he has been able to use the large Republican majority in aiding Erie County. He has been influential in getting many state projects and institutions to be located in the Buffalo area. An example of two of the most significant would be the Rockwell Cancer Institute and the Main Campus of the State University.

Without too much violence to the facts, it can be assumed that Erie County is getting more than its fair share of state money. More so, in the form of state projects rather than out-right state-aid. This is apparently because the Senate majority leader comes from Erie County. The fact that the majority leader is from Buffalo, has been used with much success by the Republicans in combating the Democrats who say that Erie County is unfairly represented. Comments like the following were common during the interviewing. "What the majority leader wants, the majority leader gets."²⁹ Another respondent said, "Mahoney takes care of Buffalo."³⁰

²⁹ Quotes from interview.

³⁰ Ibid.

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Activity about Apportionment in Erie County

Activity for or against reapportionment in Erie County is almost negligible. There are no interest groups in this area championing either side. There has been little effort on anyone's part to inform the public in this area about the present apportionment situation. What literature or interests group publications that are available in Erie County, come from such organizations in New York City as the International Ladies' Garment Workers Union and the National Municipal League. These publications have not been widely distributed. Only the newspapers and a few of the political leaders have been sent copies. Of the 20 people, mainly legislators, newspapers editors, party chairmen, who have been sent copies by these organizations, only four took the time to read them.

The New York State League of Women Voters has put the topic of state apportionment on their agenda for research. In their annual meeting this spring, it was considered a timely subject for research and investigation. The League has set up a two-year research period to examine the whole issue of apportionment in New York State. At the end of that time, they will have recommendations that will be offered to the State Legislature. Ironically, the Legislature is to review and vote on reapportionment in the 1964 session after the W.M.C.A. case has been heard by the U.S. Supreme Court. By the time the League finishes its study, the legislature will have already acted, and the League's study will

be of little value. Until this time, little had been done by the League in the area of apportionment.

The two major newspapers in Buffalo, the Buffalo Evening News and the Courier Express, have carried relatively few articles concerning state apportionment. There have also been only a token number of editorials written in either of the papers since the Baker vs. Carr case. Of the 71 people interviewed, not one could recall with clarity a specific article or editorial. In fact, many people were unsure of just what stand on reapportionment the two major papers took. Despite the added activity in the area of apportionment since the court cases, there was a surprising degree of ignorance and apathy about the subject, even among those who were in positions where information was readily available.

Summary

Erie County is generally aligned with up-state areas against the wishes of New York City. Erie County is not badly apportioned. But, the population of Erie County's Legislative districts in the county does exist to the benefit of the Republican Party. Erie County is getting a "fair" share of state-aid. The Buffalo Public Schools may be in question. Erie County may be getting on the whole more than its "fair" share of state-aid. The reason being the influence of its powerful Senate Majority Leader Walter Mahoney. There was very little activity concerning apportionment in Erie County. Few people were fully aware of an "apportionment situation."

CHAPTER III

PERCEPTIONS ON THE APPORTIONMENT ISSUE BY POLITICAL ACTIVES IN ERIE COUNTY

The purpose of this chapter is to examine the attitudes of various politically active groups and individuals toward legislative reapportionment in Erie County, New York State. The manner in which these various groups view this question undoubtedly has a substantial effect on conditioning their behavior. Several variables, like education, party affiliation, level of information will be related to attitudes on reapportionment. Three main categories of views will be used: (1) perception of apportionment as basically a party matter, (2) apportionment as a separate issue, (3) apportionment as a matter of geographic area. These three may not always be successfully separated. In many instances the three categories overlap.

The views and opinions people have with respect to a political situation are often as important as the "actual facts." Attitudes of interested persons seem to be the bedrock on which future action on reapportionment will be taken. Opinions are bases for action or potential action with regard to issues. It is not surprising that individuals

tend to view a political problem situation in terms of their own personal experiences. The opinions a particular public may possess, with respect to any issue are varied. There is no monolithic public opinion toward any issue. Fairness per se of the present apportionment formula is not a central concern. Rather, it is the perception of the formula that directs our interest. The investigation of apportionment as a state problem takes on more meaning when linked with opinions of various involved groups. It will be these attitudes that will form the basis for "status quoism" or change. How do various groups see apportionment? What factors are important in formulating attitudes toward this question? The answers to these and other questions will facilitate an evaluation of the reapportionment question.

Perception of Apportionment as a Party Matter

The matter of New York State apportionment is viewed by the political leaders as primarily a party matter. This theme of party predominance in apportionment reappears throughout this chapter and presents an expected, but interesting, insight on the behavior of political actives. The answers to the following question indicate this was the case.

Question: How would you rank these opinion conflicts in their order of importance on this matter of apportionment?¹

¹Only the respondent's first choice was included.

(See Table 13 on the following page.)

The matter of apportionment was seen by 69.2% of the total sample as being a party matter. A majority of all politically interested groups interviewed said this was the case. This majority transcended lines of education, party affiliation, and information scores. Apportionment was perceived as a conflict between rural and urban areas. Of the total sample 15.4% stated this was the basis of conflict. The only other category of any significance was found in 8.4%, who saw New York City versus the up-state areas as a cleavage on this matter.

As Table 13 indicates at least 50% of all "political" groups, with the exception of the Supervisors, saw the lines of conflict over apportionment in the State Legislature as one of political party. Only 33% of the Supervisors saw political party as the most important lines of conflict. A like percentage of the Supervisors select Cities vs. Rural Areas as the first line of conflict over apportionment in the State Legislature. For all other groups party conflict dominated their selection as first choice.

Table 14 indicates that after political party has been selected no other single line of conflict prevails, the only exception again are the Supervisors. They see Cities vs. Rural Areas as the most important line of conflict in the State Legislature. This may be a reflection of the Board of Supervisor's own interests and situation. The Supervisors

Table 13. Group perception as related to conflicts of opinion about apportionment in the New York State Legislature.

Item	N=49 Republicans Vs. Democrats	% N=11 Cities vs. Rural Areas	% N=6 New York City vs. Up State	% N=1 Labor vs. Opponent	% N=1 Governor vs. Opponents	% N=3 Cont. Rank Total N=71	% of Total
Legislators	50.0	12.5	25.0	12.5			(100.0%) (15.6)
Deflated Legislative Candidates	66.7	33.3					(100.0%) (8.5)
Supervisors	33.3	33.3	16.7			16.7	(100.0%) (11.2)
Party Officials	75.0	12.6	6.2			6.2	(100.0%) (40.8)
Local Government Heads	50.0	16.6	16.6		16.6		(100.0%) (10.0)
Interested Citizen Leaders	75.0	12.5				12.5	(100.0%) (9.4)
Newspaper Editors	75.0		25.0				(100.0%) (5.6)
Total							100%

are split along a city-rural division. There is a great discrepancy between the sizes of the constituencies of the Supervisors. The size of the constituencies range from a low of 1,910 people to a high of 105,032. Many of the Supervisors' conflicts are resolved along city-rural lines. It may be only "natural" that the Supervisors would see the conflict of state apportionment along these lines.

Table 14. Group rank order of the lines of conflict on apportionment in the State Legislature.

	Republi- cans vs. Democrats	Cities vs. Rural Areas	New York City vs. Up-State	Governor vs. Opponents	Liberal vs. Conservatives
Legis- lators	1	3	2	4	5
Defeated Legislative Candidates	1	4	5	2	3
Supervisors	2	1	3	4	5
Party Officials	1	3	4	2	5
Local Government Heads	1	4	5	2	3
Interested Citizen Leaders	1	3-4	2	3-4	3
Newspaper Editors	1	5	2-3	2-3	4
Average rank	1.1	3.3	3.3	2.9	4

Several of the lines of conflict overlapped. An answer along party lines may implicitly include city vs. rural areas or New York City versus Up-state areas. It is noteworthy that the preponderance of answers stressed party conflict. People saw the party conflict as including the other types of conflict. This seems to indicate that the issues and ideological qualities of apportionment play a secondary role. One informed respondent remarked, "the struggle is along party lines. Only under peculiar situations will any of the others play an important part."² This is really no political struggle, in any sense of the term.

The apportionment question was best answered on party lines rather than issues or ideology. Party affiliation was the only meaningful distinction made by the respondents. The rest of the lines of conflict had little identity. Apportionment was not an "issue" which was seen as aiding or hindering specific people or groups, other than politicians and parties, within the state. Questions of inadequate state-aid and fair representation were seen as problems in themselves. Respondents had difficulty in seeing the apportionment situation as related to these problems. The following discussion will try to illustrate this point.

Question: Does the rural faction of the party exert more influence in the legislature than does the suburban or urban factions?

²Quote from interview.

Table 15. Party affiliation as related to rural dominance of the New York State Legislature.

	% N=37 Yes	% N=28 No	% N=3 D.K.	% N=2 No Answer
Democrat	65%	18	67	50
Republican	32%	78.5	33	50
Independent	3%	3.5	--	
	100%	100%	100%	100%

Table 15 indicates that in answer to this question, 52% said that the rural element of the party exerts more influence in the legislature than does the suburban and urban factions. The division again was along party lines. Other variables did not appear important. Respondents who had interests in the city, even among Republicans, the rural areas were seen to dominate in the Legislature. Heads of departments and governmental officials, who depended upon state funds, and felt they should get more; answered in the affirmative to the above question.

Apportionment as a Separate Issue

Question: Do you feel that problems concerning metropolitan areas, i.e., New York City, Buffalo, Rochester, etc., in general are being given fair consideration in the legislature?

Fifty-two percent said yes, and forty-four percent said no. The remaining four percent did not know. The

division was again along party lines, the Republicans answered yes and the Democrats, no. The adherence to party lines breaks down with regard to political group position. City Republicans who head the city and county governmental agencies, departments, and school systems did not think the cities have been given fair consideration. One respondent remarked, "Our schools could use a lot more money, it isn't fair that those hicks in the country should get so much."³ The heads of the Welfare and Highway Departments, the Superintendent of Schools, the Mayor of Buffalo, the County Executive, and the Director of the County Budget, felt that the metropolitan area was unfairly treated. They felt that their problems did not get full or fair consideration in the State Legislature. These men felt that their respective departments and governments could use more understanding and more liberal aid from the State Legislature.

Where vital interests were at stake the urban-rural issue became important. People who headed political subdivisions of the state such as, county, city, and school systems thought the metropolitan area could use more state-aid. Yet paradoxically, these same people did not see apportionment as causing or affecting the amount of consideration the metropolitan areas received from the Legislature. Reapportionment was seen by a majority of those interviewed as being separate from state-aid and legislative consideration.

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Question: We wonder if Erie County is getting its fair share of treatment concerning its problems in the assembly?

Table 16. Education and political party related to fair treatment for Erie County in the assembly.

	% N=42 Yes	% N=22 No	% N=6 D.K.	% of Total
Law school	36.0%	18.5%	16.6%	30.5%
Graduate school	9.4	4.5	16.6	8.5
College	14.2	9.0		11.0
Some college	16.6	22.5		15.5
High school	19.0	18.5	16.6	19.0
Some high school	4.8	27.0	50.8	15.5
Total	100.0%	100.0%	100.0%	100.0%

	N=42	N=22	N=6	% of Total
Democrat	31.2%	76.5%	33.4%	45.7%
Republican	66.4	23.5	50.0	50.1
Independent	2.4		16.6	4.2
Total	100.0%	100.0%	100.0%	100.0%

Table 16 shows in answer to the above question, 60% felt that Erie County was getting its fair share of treatment in the assembly. The answer again followed party affiliation. The Republicans solidly answering yes and the Democrats, not quite as solidly, saying no. The split along party lines was that 40% of the Democrats and 75% of the Republicans answered yes to this question. The Republican party workers in a greater degree thought that Erie County was getting its fair

share of treatment. Those who were not active Republicans did not answer yes with such regularity. It also appeared that the better educated respondents felt that Erie County was doing well in the assembly.

An important factor here was that 42% of the total sample said that Majority Leader, Walter Mahoney, was responsible for Erie County's getting fair consideration in the assembly. This is not diminished by the fact that he is not a member of the assembly. Those who knew he was not in the Assembly said his influence carried over to that chamber. Erie County was getting fair treatment because of Mahoney's powerful influence, rather than the number of representatives it has under the present apportionment formula.

It may have been easier for people to point to Mahoney as a reason for Erie County's fair treatment in the assembly than it was to say it was a factor depending on a complex matter like apportionment. Sophisticated concepts like proportional representation, one man one vote, and geographic area representation were not the basis of their answers. Did Mahoney symbolize clearly what was vague in the minds of the people, with regard to fair representation? The powerful senate leader might have stolen the thunder from the reapportionment question in Erie County or at least make it an academic issue for Erie County residents. Why change the present system when a strong representative from Erie County has so much control under the present system?

Apportionment appeared for most people to be too far removed from the actual workings of the legislature. Other factors were viewed as much more important in the legislative process: for example, how well the Buffalo metropolitan area did in the New York State Legislature was more a function of the majority leader, the quality of the representatives from Erie County, and the dominant position of the Republican party. Erie County's ability to fare well in the legislature was not seen as the result of apportionment. In fact, several respondents expressed a degree of surprise that the apportionment formula may even be the reason for Erie County's ability to do well in the assembly.

Table 17. Party as related to apportionment as a basis of state governmental stalemate.

	% N=35 Yes	% N=32 No	% N=4 D.K.	N=71
Democrats	71.0	22%	25%	
Republicans	26.0	78%	50%	
Independents	3.0	--	25%	
Total	100.0%	100%	100%	

Question: Is the present system of apportionment a basis for future governmental stalemate between a Democratic Governor and a Republican Legislature?

In the answer to this question half (49%) of the respondents saw apportionment as a basis for future governmental

stalemate. This division as the table indicates was typically along party lines. Those who saw a possible stalemated legislature due to the present apportionment situation are unaware of the implications of such a split.

In probing this question the interviewer found that the respondents had difficulty visualizing any issues that the legislature could possibly stalemate over as affecting them or Erie County.

Apportionment as a Matter of Geographic Area

The concept of representation on an area basis was seen as essential by both political parties. Seventy-five percent of the Democrats and seventy-six percent of the Republicans said that every county must have a representative in the assembly in order to make their needs and wants effectively known. This response could mean one of two things: either they felt that all counties should have a representative or that they were really not familiar with the idea of area and representation. Of the legislators, 91% said every county needed at least one representative. This may indicate to some extent the reluctance of legislators to risk their seats. It may be better to increase the size of the assembly rather than cause representatives who are already there to lose their seats. While this concept cannot be definitely established the writer tended to think

this as a possible reason. The lawyers were the only group in which there was any notable opposition to the idea that every county must have a representative. In this group, 43% said it was not necessary to do so. The lawyers may have been more aware of the artificiality of county boundaries. They may have had some idea that county lines would make little difference in legislative representation.

The contradiction of metropolitan areas not being fairly represented and that every county should have a representative was not distinguishable by the respondents. More than a majority answered yes to both questions. An assemblyman from every county was not seen as being part of the reason why metropolitan areas were not fairly represented. It is shown that the respondents did not see apportionment separately isolated from other factors of representation. The respondents had difficulty separating the influence of individual legislators and the size of their constituencies.

In answer to a question concerning any areas of the state that benefit from the present apportionment formula, 55% said either they did not know of any or gave no answer to the question.⁴ More than a majority of those interviewed could not single out any area of the state as benefiting from the present apportionment system. To complicate matters, of the 45% that did select some areas as benefiting, over half selected conflicting areas. That is, areas which were over

⁴List the question.

and under represented on a population basis. Twenty-five percent of the total respondents selected two areas, one of which was under-represented and one over-represented on a population basis. Some respondents selected two areas, both of which were under represented. An example was New York City and New York City suburbs, both of which were seen as benefiting. Both of these areas have state legislative districts which are above the state average.

Those who had information concerning apportionment did not feel that apportionment could really benefit a specific area. The idea of unfair representation based on apportionment for areas seems difficult for people to visualize. Reapportionment may well be too complex for people to appreciate the need for any changes in the present system. There may be too many other factors involved for the respondents, thus the general public, to relate the question of apportionment to an area that "benefits." Future political power in the state legislature is a difficult concept for popular understanding. It is a long range and largely intangible benefit that seemed to elude the great majority of respondents, even political actives, such as ward chairmen and precinct workers.

Summary

The respondents perceived the present apportionment situation as a predominantly party matter. They did not relate apportionment to levels of service or to area problems. They

did not have knowledge of specific facts, about apportionment but merely rely on party labels to justify more questionable responses. Cross checking in the interview brought out the discrepancy between a "party" answer and what the party actually stood for. The respondents seem to view apportionment as a minor problem, low on a priority scale of potential conflict, and high as a party issue, or at least, what should be a party issue by default. Apportionment, furthermore, is a distant and complex problem that has not drawn the interest and attention of civil leaders, interest groups, and the general public. Apportionment seems to be an isolated problem. The apportionment formula seems too abstract and complicated to be clearly identified as a basis for other conflicts and problems.

The actual theory and formula for reapportionment mean little when an area feels it is getting a fair share of state-aid and consideration. The Buffalo school system is the only area where there may be some question of Erie County not getting a "fair" share of state-aid. Erie County has a strong leader in the Senate and he "takes care" of his county. This may be all that really matters. If politics is a game of "What can you do for me lately," Erie County gets taken care of.

CHAPTER IV

INFORMATION ABOUT APPORTIONMENT OF POLITICAL ACTIVES

The purpose of this chapter is to find what are the levels of information of various groups concerning New York State reapportionment in Erie County (Buffalo). What groups are trying to inform the public about reapportionment and with what effect? Is party affiliation an important factor determining interest and information? Lastly, how do various groups view apportionment? Do any groups see the reapportionment issue as one demanding change?

It is hypothesized that information on a certain issue is an important, if not essential, requirement for political change. It is presupposed that having information on any political issue implies some interest in that issue.¹ In simplest terms, in order for a politician or interested group to try to instigate change they must know what they want to change. It is posited that information increases with interest and formal position with respect to that issue.

¹Morris Janowitz, Deil Wright, and William Delany, Public Administration and the Public Perspectives toward Government in a Metropolitan Community (Ann Arbor: Bureau of Government, Institute of Public Administration, 1958), p. 15.

One factor explaining why the present apportionment formula for New York State may remain unchanged is that information is not utilized as a basis for judgment and action. Public motivation and action seems to be predicated on an informed and interested core of political activists. These activists require public support for their program if change is sought. The benefactors of the existing situation possess an endemic advantage of staying with the status quo. This advantage of wanting to maintain the status quo compounds the task of the proponents of change. Political activists seeking change must marshall wide support from a public that tends to be lethargic about any political issue that does not seem to directly affect them: reapportionment is such an issue. Educating the public becomes a key problem. Put differently, the reapportionment question must be made publicly digestable by those who would like to see reapportionment.

An index was devised to indicate the level of information of a selected segment of the political community of Erie County. The sampling method used is included in Chapter I. An underlying assumption behind the selected sample was that the general public would know less about the matter of legislative apportionment than those who have some active part in politics. A basic object was to construct an information index applicable to the wide range of interviewees. The index was designed to rank the people interviewed according to the amount of information on the subject

of New York State Reapportionment.² The purpose of this index is twofold: to discern the level of information of respondents and to investigate group orientation toward reapportionment in relation to information. Several important variables have been singled out to find out the level of information possessed by the respondents. Education, party, and political position provide an interesting insight into what is known about reapportionment.

Information Related to Different Variables

"Political" Position

Table 18 indicates that although no one reached the maximum of 42 points, the highest scores were achieved by those individuals who had a direct interest in the question of apportionment. The level of information decreases with movement away from those groups which are particularly concerned and involved. Even though the scores were relatively low for the great number of those involved, a significant proportion of scores under 5 were achieved by the respondents in the last four groups. In all cases individuals whose scores were significantly higher than the other members of their group had some particular interest in reapportionment.

Table 18 indicates that incumbent Senators had the highest average score on the information index. One reason

²See index of information in Appendix.

is that the Senators have a lot to gain or lose with respect to reapportionment. They are also in a position to affect that change. The Legislature itself apportions and districts the Senate seats. Whereas the Assembly seats are distributed by the County Board of Supervisors. This can also be a reason why the Assemblymen's information scores are much lower than that of Senators.

Table 18. Average scores for politically involved groups.

Group	Number	Average Score	Low	High
1. Senators	3	29.2	26	32
2. Newspaper Editors	4	24.7	18	33
3. Defeated Senatorial Candidates	2	17	16	18
4. Republican Assemblymen	3	16.3	7	24
5. County Chairmen	2	15.5	12	19
6. Democratic Assemblymen	5	11	6	15
7. Republican Supervisors	4	10.7	1	19
8. Defeated Democratic Assemblymen	3	10.6	6	18
9. Labor and League of Women Votes	4	10	2	21
10. Defeated Republican Assemblymen	3	6	1	12
11. Government Heads	7	6	0	13
12. Ward Chairmen	9	5.4	0	13
13. Interested Citizen Leaders	5	4.2	0	15
14. Precinct Workers	12	1.8	0	7
15. Democratic Supervisors	4	1.5	0	3

The basic objective of the information index was to distinguish between the better informed and the less informed on the matter of apportionment. In part, the

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validity of the approach is inferred from the results which indicate that levels of information about apportionment are not reflected by an individual's education attainment which is rooted in social factors other than his relative perceived position with respect to apportionment. An assumption being that an individual's level of general political information would reflect more closely his educational attainment.

The newspaper editors ranked high because it is their job to be informed. The Senatorial candidates who lost to the present Senators in the last election found it necessary to be informed to wage political war during the campaign.

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The candidates who ran against Legislators who scored well also scored well.

The County chairmen had an average of 15.5 which was not as high as the Senators. The issue was not a pressing one for them. They saw no real need to know the information or to inform the public. Democratic Assemblymen, being in the minority, may have felt this question was beyond their realm and belonged to the majority party. The Republican Supervisors' score may reflect that it was their job to district the Assembly seats.

Beyond these groups the scores are very low. It is difficult to state reasons for the low level of information other than that an interest in the question of reapportionment was absent. Wherever a score was particularly high for a group or an individual a direct and personal interest was found to explain the high score.

Education

Education as a variable explaining the level of information appears to play a secondary part in explaining the amount of information a respondent possesses. Those with a higher education tended to score better on the information index. Lawyers and people who have done some graduate work scored highest. At the other extreme no one with less than a high school education scored better than a 4 on the information scale. Yet, there appear too many

deviant cases to be explained solely by education.

Table 19. Information as related to education.

Information	N=9	N=14	N=8 Score	N=11	N=29
	42-20*	19-15	14-10	9-5	4-0
Law School	56%	58%	50%	27%	6.8%
Graduate School	22	7	--	27	3.4
College	11	7	--	27	6.8
Some College	--	14	37.5	--	20.4
High School	11	14	12	19	31.3
Some High School	--	--	--	--	31.3
Total	100	100	100	100	100

*Highest possible score was 42; highest score obtained was 33.

Often a less educated person of one group scored higher on the information index than did a lawyer or Ph.D. of another group. Education as a variable became more meaningful when persons were ranked according to education who were in the same "political" group, e.g., legislators, ward chairmen, and Supervisors. Clearly it was more a factor of the political position a person occupied rather than the amount of education he possessed that determined his level of information. Within the same group it was the better educated person who generally scored higher, but then this was not always the case.

Party Competition in the Wards

Table 20. Average information scores compared by party competition in the wards.

	N=2 Strong Democratic Ward	N=4 Competitive 45-55	N=3 Weak Democratic Ward
Republican Ward Chairmen	3	2	6.5
Democratic Ward Chairmen	4	6.5	12
	N=4	N=4	N=4
Republican Precinct Committeemen	1.5	2.0	1.0
Democratic Precinct Committeemen	0	3.5	3.0

On the basis of a small sample (21) the degree of competitiveness in the wards did not appear to make any significant difference in the amount of information the party officials possessed. In most cases the party officials, especially the precinct committeemen, were not informed and often they were not aware of state apportionment. High information scores for party officials could be attributed to factors other than the degree of competitiveness of the wards. The ward-chairmen who scored 12 and 13 were respectively an executive assistant to the county chairmen and the director of urban planning for the city of Buffalo.

Age, Length of Residence and Childhood Environment

The variables of age, length of residence in Erie County and childhood environment (city, small town, farm, and suburban area) were tested for possible relationship to the amount of information the respondents possessed. No significant relationship was found to exist for any of the above variables.

Political Party

There was no significant difference between party affiliation and the level of information of a respondent. The average score for all Democrats on the information index was 9.5 as compared to 8.6 for the Republicans. The range of scores is greater between the various groups than it is between the two parties.

Sources of Information

Sources that people turn to for information or as the case may be, sources they think they can get information from are particularly enlightening. Of the lowest informed group, 35% said they would get their information from State Legislators. Another 21% said they could get information from their political party leader in the county; 21% said they would look to academic works. To the less informed academic works meant maps, census figures, Board of Election

figures, and "own research." These sources mentioned were another clear indicator that the respondents had an inadequate grasp of the total scope of the state legislative apportionment. In the better informed groups the term academic works meant court decisions, legislative commission study reports, joint apportionment committee findings, and governmental research bureau reports.

Table 21. Sources of information as related to information scores.

Inform. Score	Leg. Comm. N=4	Leg. Papers N=16	Party N=2	Party N=14	Academic N=23	Inter. Group N=7	Don't Know N=5	Total
20-42	30	10	--	--	40	20	--	100% (10)
15-19	11.1	--	--	11.1	77.8	--	--	100% (9)
10-14	--	18.2	--	18.2	45.4	18.2	--	100% (11)
5-9	--	16.6	8.3	41.5	8.3	8.3	16.3	100% (12)
0-4	--	35	3	21	21	7	14	100% (29)

Question: On this particular subject of apportionment where would you get your most reliable information?

In the best informed group 40% said they would look at academic works to gain information. No one named any specific study which has examined the apportionment situation in New York. The Joint Legislative Committee on Reapportionment was named by 30%. Those who mentioned this source were

all legislators. Various interest group publications and information services were mentioned by 20% of this top group. Only 3% of the total number interviewed stated the newspapers as a source of information. For the total sample the sources of information mentioned most frequently were academic works, 33%, and political party sources, 20%. Again, it was the lower informed groups that the "Don't Know" answers appeared.

A majority of the lower informed people looked toward the party and the legislature for information concerning apportionment. Neither the Democratic nor the Republican party put out any publications on the subject of apportionment in Erie County. Neither political parties have taken it upon themselves to educate the electorate. Does the absence of information sponsored by the political parties serve to isolate the legislature from outside influence and pressure? Does this lack of information lead to a complacency among the members of the Republican Party? Indeed, is the issue a purely academic one?

A majority of the last two information groups had a difficulty in explaining where they could go for information. Some people mentioned other individuals as their source. However, upon further investigation it was discovered that these "sources" knew no more than the original respondent. Several respondents mentioned "Party Headquarters" as a fountain of information, when in reality none could be found there with respect to state apportionment. Of all

non-legislators interviewed 25% stated specific legislators as possessing a great amount of information. Again, most legislators named knew extremely little about the situation. This was an interesting insight into the respondents' perception of legislators. This was particularly true of party workers. By mere occupancy of a position a legislator was envisaged as having all the necessary information pertaining to apportionment.

In answer to the following question, "Could you name any members of the Assembly or Senate whom you consider particularly expert in the area of apportionment?"; 64% of the respondents named legislators most of which came from their own party. The notable exception was that Senator Mahoney, the powerful Senate majority leader, was named by 43% of the people interviewed. He was picked as an expert almost equally by Democrats (42%) and Republicans (43%). Aside from naming Mahoney the lower scoring respondents could not distinguish between legislators who were informed about apportionment and those who were not. Interestingly enough, all four newspaper men named, who themselves ranked high on the information index, said they did not know anyone in the legislature who was an expert on the subject of apportionment.

Of the total sample interviewed 75% could not name a person who was not a legislator whom they considered an expert on the question of apportionment. Only 18% could

name one person as an expert and 6% could name two. Only the Republican majority leader of the Senate could name three people. This person was familiar with Ruth Silva and her comprehensive work on New York State apportionment,³ yet he did not include her as one of the experts. Her recommendations based on population equality for the legislative districts was unfavorable to the present apportionment formula.

Many of the sources to which the respondents looked to for information were not valid in that the respondents did not know what the sources they mentioned had to offer. Many individuals looked to sources from which there was not any information.

The Role of the Newspapers in Informing the Public

The ineffectiveness of the two major newspapers in informing and influencing the public on reapportionment is characterized by three salient factors: the great number of "Don't Know" answers, the number of indifferent answers, and the small number who could recall articles or editorials. Of all the people interviewed 80% did not know the two major papers' stand on reapportionment. This percentage increases

³ Ruth Silva was special consultant on legislative apportionment to the State of New York Temporary Commission on the Revision and Simplification of the Constitution.

within the lowest information group. Fifty percent of the sample said that at least one of the papers was indifferent to the question of reapportionment. Twenty-four percent said that both papers were indifferent. Underlining the whole question of the newspapers' part in the reapportionment question was the interesting datum that not one person, excluding the editors, could recall a single article or editorial in the two papers.

Of the people interviewed 34% stated that the Buffalo Evening News was for reapportionment and 41% said the Courier Express was also for reapportionment. Over 90% of the people interviewed could not distinguish the difference in the papers' stand in addition to stating whether they were for or against reapportionment. According to the respective editors of the two papers, the Buffalo Evening News was for apportionment under the present formula and the Courier Express was for reapportionment under a new formula based on a "fair" population basis.

In contrast 21% said the Buffalo Evening News was against reapportionment in any form. No one interviewed said that the Courier Express was against reapportionment. The position of the Courier Express appeared to be less identifiable because 36% said that it was indifferent to the question of reapportionment. Whereas, only 21% said so of the Buffalo Evening News.

For the people who could distinguish the papers' position toward reapportionment the responses were generally along party lines. The Republicans backed the Buffalo Evening News and the Democrats stood behind the Courier Express. It was found that the respondents who did not know the paper's position also followed party lines, but in a different manner. They said that the Buffalo Evening News was a Republican paper and whatever the Republicans were for the News would back it. The Courier's position was not as closely tied with the Democratic party as the News was to the Republican Party.

Fairness of Present Apportionment Formula

Those who had information also held a definite opinion as to whether the apportionment formula was fair. The respondents who scored extremely low on the information index had difficulty judging whether the present formula was fair. With movement down the scale of information, "Don't Know" answers increase. The largest percentage of "Don't Know" answers appear in the group with the lowest score. In this group there are many more "yes" answers than "no" answers to the question. This may be due in some part to a higher rate of guessing. In following the pattern of the interview the respondents could expect to be probed if they gave a "no" answer on a question of this nature.

Question: Do you feel the present apportionment formula is fair?

Table 22. Fairness of present apportionment formula as related to information and party.

Information Score	% Yes	% No	Don't Know	Total
20-42	60	40	--	100% (10)
15-19	40	60	--	100% (10)
10-14	55	45	--	100% (11)
5-9	25	50	25	100% (12)
0-4	50	17	33	100% (29)

Democrats	17	65	18	100% (30)
Republicans	75	8	17	100% (37)
Independents	--	100	--	100% (2)

The following of party lines on this question appears to break down in the lowest information level. In talking to the people in this last category an observation was made that many of them had such a vague idea about apportionment that they could not possibly make an adequate judgment to its fairness. The division between "yes" and "no" answers can seemingly be attributed to both lack of information and party affiliation. Whether the respondents were in favor of the present apportionment formula is a moot question which must not be confused with whether they thought it was fair or not.

Political Implications of Apportionment

Non-Partisan Board

The political implications of reapportionment become evident when the possibility of a non-partisan board rather than the legislature should reapportion the state legislature.

A good indicator of political awareness and understanding with respect to the legislative process and reapportionment were the responses given in answers to the following question: Do you feel that it would be better to have a non-partisan board or commission to handle reapportionment rather than the legislature? Several factors were very illuminating. The division on this question appeared to be along party lines. This was particularly true among those with a low degree of information toward reapportionment. The Democrats favored a non-partisan board and the Republicans were opposed. Five Democratic legislators also saw a non-partisan board as being better than the legislature in handling reapportionment. A non-partisan board may have appeared to these legislators the only means of gaining more strength in the legislature. Anything may be worth a try to break the Republican control on the State Legislature.

For the groups with high amounts of information the percentages generally increase in favor of those who are opposed to a non-partisan board or commission. In the group with the highest degree of information, 100% are against any

such action. Information seems to be related to this question. The people with information appear to be aware of a board's implications, more so than those who possess little information.

Table 23. Non-partisan board vs. legislative related to information.

Information Score	Yes	No	Don't Know	Total
20-42	--%	100%	--%	100% (10)
15-19	33	67	--	100% (9)
10-14	27	73	--	100% (11)
5-9	50	50	--	100% (12)
0-4	49	49	2	100% (29)

Another group which indicated a high degree of awareness were the politically involved lawyers. Those lawyers who played an active role in politics by either holding office, ran for office, or were party workers of any kind, of those interviewed 89% said a non-partisan board or commission would not be better than the legislature. This group was aware of the political implications involved in reapportionment and redistricting. They held that the legislature should be ultimately responsible and that a non-partisan board could not really be non-partisan. One lawyer typically remarked that, "the only thing a non-partisan

board would accomplish would be to remove still further the question of apportionment from the people."⁴ Another lawyer made the cutting remark, "Who would appoint them?"⁵

Who Does Apportionment Concern?

In answer to the question: Do you know of anyone in the area who would have an interest in the question of reapportionment? 48% answered that legislators themselves were interested in reapportionment. This question was somewhat related to the level of information index as the table below (Table 24) indicates. In the highest information grouping 77% said legislators have an interest. It appeared obvious that the better informed respondents knew what was at stake for the legislators as their own particular districts were concerned. One informed respondent states, "This area of reapportionment is their concern alone and they will do everything they can to make their districts safe."⁶ Another respondent remarked, "Each legislator is an expert on his own district."⁷ Another 28% said they knew people who were not legislators who had an interest in this area. Among those mentioned were politicians, the League of Women Voters,

⁴Quote from interview.

⁵Quote from interview.

⁶Quote from interview.

⁷Quote from interview.

Labor Unions, and "professors" at the University of Buffalo. When probed further as to how they knew these people had an interest, the respondents said they "assumed" so or just "knew." Of the 71 people interviewed only two had talked to their legislator; the other 69 had not been contacted by anyone concerning reapportionment.

Table 24. Interest in reapportionment related to information.

Information Score	No-Interest for Legislator	Yes-Interest for Legislator	D.K.	N.A.	Total
20-42	23%	77	--	--	100% (10)
15-19	25	75	--	--	100% (9)
10-14	33	33	26	8	100% (11)
5-9	18	46	27	9	100% (12)
0-4	29.7	39.6	31.7	--	100% (29)

Party Position with Respect to Reapportionment

Of all the people interviewed only 3% (or two men) knew if the Republican and Democratic parties had a formal stand on the question of reapportionment. Both of these men were State Senators; 27% knew that the Republicans favored the present formula, and 43% stated that the Democrats wanted reapportionment on a more equitable population basis.

These were accurate assessments of the parties' stands. However, they could not state for sure if there was anything written in a party platform. There was no real difference, excluding the lowest information group, between the scores on the information index and an awareness whether the political parties had a specific stand. Put differently, the lowest information group seems to mirror the public in that they know very little about reapportionment. It is the judgment of this writer that the public falls below the lowest group of informed people interviewed. This may indicate that the parties have not reached the public concerning reapportionment. Only those who appear to have some stake or concern in apportionment knew the exact position of the parties.

A striking comparison with respect to information concerning the political parties' stand is that 68% of all the respondents stated that conflict with respect to reapportionment in the state legislature split along party lines. Another 14% said that party affiliation is one of the most important areas of conflict when reapportionment is raised in the legislature. These figures tend to indicate that party affiliation is more important than any other issues which splits the legislature, e.g., rural-urban, liberal-conservative, etc. Sixty percent of the respondents said it was a party matter and that they supported their party. Yet, paradoxically they had difficulty identifying their party's position with respect to this question.

Table 25. Information vs. conflict of opinion on the question of reapportionment in the State Legislature.

Information Score	Republicans vs. Democrats				Total
	1st	Choice 2nd	3rd	Other	
20-42	90%	--	--	10%	100% (10)
15-19	50	12.5	--	3.75	100% (9)
10-14	8.3	8.5	8.5	--	100% (12)
5-9	55	9	9	27	100% (11)
-04	71.4	11.1	7.4	11.1	100% (27)

Three respondents could not make a selection

Question: How would you rank these opinion conflicts in the order of their importance on this matter of reapportionment?

_____ Republicans vs. Democrats
 _____ The Governor's supporters vs. His opponents
 _____ The Cities vs. the Rural counties
 _____ Liberals vs. Conservatives
 _____ Labor vs. Opponents of Labor
 _____ New York City vs. Up-State area
 _____ Can't Rank

The Governor

The Governor's position on reapportionment was even more nebulous in the minds of those interviewed than was the position of the political parties. Only 11% could actually explain what the Governor's position was. The remaining 89% could not in any way identify his position. In the lowest information group not one person could state where

the Governor stood with respect to reapportionment. The low degree of identification of the Governor with reapportionment may indicate that the respondents did not see him as actively involved in the situation.

Implications of Information

Having information implies an underlying interest in reapportionment. Few people had information. Contrary to Steiner and Gove's findings, all legislators did not possess information about apportionment. In some instances legislators were not fully aware of the implications of reapportionment on their own districts and futures. Not all legislators are experts on their own districts.

If many legislators had little information, other individuals examined had less. The political parties, the newspapers and interest groups have not been successful in informing the "public" about apportionment. Their resources to do so have not been fully utilized. Does this lack of information, even among those who stand to gain or lose by reapportionment imply that the status quo will continue? Few respondents realized the political implications of the present apportionment formulas or any future reapportionment on themselves or Erie County.

Summary

Information is related to political positions. Groups with a direct or personal interest have the highest information. The level of information about reapportionment was generally low for all groups who did not see the question as effecting them. And where the interested groups did not actively campaign for reapportionment it was almost as though reapportionment was an academic issue. It was found that information is mainly a function of position rather than education or party. Admittedly, these are difficult to separate.

The political parties have made little, if any, effort to inform the public about apportionment. Many people were not aware of their party's position. This, however, did not affect the respondents from supporting the party. Reapportionment is a party issue, yet an issue with a low political priority and sense of urgency.

The newspapers were ineffective in informing the public on this question. They had a lukewarm editorial policy on reapportionment which was reflected in the respondents' lack of information about the newspapers' position. The great majority of the respondents in the low information group did not know that reapportionment was an issue.

Interest groups in Erie County played little part in influencing the people about this area. Indeed, they played no part at all.

CHAPTER V

APPORTIONMENT ACTIVITY BY POLITICAL ACTIVES

The main purpose of this chapter is to examine the variables of activity and pressure as related to reapportionment in New York State. The question of who is active and who feels pressure concerning this question will be examined. Also, the implications of activity and pressure will be discussed. The two variables of activity and pressure were determined for the sample of 71 "political" leaders in Erie County (Buffalo), New York.¹ Individuals and groups in the sample were ranked according to their scores on the activity index.

Activity

The relationship of a person to a specific political issue is manifested in how active he is with that issue. The difficulty occurs in attempting to quantify the concept of activity. Individuals may desire to become active about an issue, yet they may not be in a position where they can express themselves either by word or action. Or as the case may be individuals may be in a position where overt action on

¹See Chapter I for Sample used in this study.

a specific issue is difficult to implement. In this paper, activity will be measured by actions reported affecting reapportionment. Numerical values were given to various types of actions an individual might perform. The numerical values were ranked on a scale to measure how involved a respondent was with respect to reapportionment.² The scope of actions measured on this scale range from a minimum of doing nothing to a maximum of sponsoring a reapportionment bill in the legislature. The activity of the respondents in terms of their own perceptions and actions were measured. A purpose of the scale was to answer questions of the following nature: Did the respondent see the problem of reapportionment as a personal concern to him? If so, what did he do? Were any of the actions of respondents effective in influencing the present apportionment system or any new reapportionment plans?

Admittedly some positions offer greater opportunity for an individual to engage in activity pertaining to reapportionment. Such positions offer the means for action. For example, a legislator or a newspaper editor occupies a position where more alternatives for action exist. Thus, individuals in these positions could theoretically score high on the activity scale used in this paper. But occupancy of a position does not necessarily mean that the person occupying the position actually did a great deal with respect

²See appendix for index on activity.

to reapportionment. The individual may not have viewed the subject of reapportionment as worthy of involvement.

The key answer to the respondent's activity, then, turns on two things: his perception of reapportionment and what he has done.

Which Respondents Were Active

Obviously, as indicated in Table 26, activity as measured here is related to political position. Those individuals in a position where the means of action were at their disposal scored highest. As Table 26 shows, some people in positions "related" to apportionment scored highest, e.g., newspaper editors, Senators, members of the League of Women Voters, and labor representatives. But other individuals who were also in positions "related" to apportionment did not achieve high scores, e.g., county chairmen supervisors, and local governmental heads. Yet, some individuals who were not in positions where action may have been easily implemented also scored high, e.g., defeated senatorial candidates and defeated Democratic assemblymen.

Activity as measured by this scale seems to be determined by two factors: a position where action may be readily implemented and a perception on the part of the individual that action is necessary. A high score on the scale is determined by the two factors. In all cases where just one of the factors or neither of the factors were present the resulting score was low.

Table 26. Average activity scores for politically involved groups.

	Group	Number	Average Score	High	Low
2	Senators	3	4.0	6	3
1	Newsmen	4	5.5	6	5
3	League of Women Voters				
	Labor Officials	4	3.0	4	1
4-5	Defeated Democratic Assemblymen	3	2.0	3	1
6	Defeat Sen	2	1.7	2	1
4-5	Rep. Assembly	3	2.0	2	2
8	County Chairs	2	1.0	1	1
7	Dem. Supervisors	4	1.6	2	1
13	Dem. Assembly	5	.6	2	0
9	Rep. Supervisor	4	.9	1	0
11	Ward Chair	9	.75	3	0
14	Interested Citizens	5	.2	2	0
10	Local Government Officials	7	.8	4	0
12	Defeated Rep. Assem.	3	.7	2	0
15	Precinct Workers	12	0	0	0

Highest possible total was 17 points.

As Table 27 indicates, there was a relationship between activity and education. The respondents with higher education generally scored appreciably higher on the scale than did those with less education. Education, however, as a factor related to activity appears to play a secondary role. The relationship is mainly one of political position. Education may offer the individual a specific position where

action may be easily implemented. Individuals without the necessary education could not obtain these positions to begin with, e.g., newspaper editor.

Table 27. Education as related to activity.

	Activity Scores				Total N=70
	N=5	N=8	N=27	N=30	
Educational Level	5-14*	3-4	1-2	0	
Lawyers	20%	37.5%	37.0%	16.6	
Graduate School	60	--	3.7	6.6	
College	20	37.5	3.7	10.0	
Some College	--	12.5	29.6	10.0	
High School	--	12.5	15.0	30.0	
Some High School	--	--	11.0	26.8	
Total	100%	100%	100%	100%	

*Highest possible score is 14; highest score achieved is 6.

Table 28. Party affiliation as related to activity.

Party	Activity Scores				Total N=70
	N=5	N=8	N=27	N=30	
	5-14	3-4	1-2	0	
Democrats	40.0%	75%	46.3%	33%	
Republicans	40.0	25	53.7	63.7	
Independents	20.0	--	--	3.3	
Total	100%	100%	100%	100%	

There also appears to be some relationship between activity and party as Table 28 indicates. The Democrats, as might be expected, acted. This is noticed in the second activity group. Correspondingly, the Republicans had a higher frequency of lower scores. The differences are not pronounced, but they do imply that the Democrats felt more strongly about apportionment than the Republicans did. This may reflect the hypothesis that when two groups are opposed to each other, with one group for change and the other for maintaining the status quo, the group which does not want change can afford to feel less intense or concerned. The system is working in favor of those benefiting from the status quo.

Why Respondents Were Active

There were many various reasons why different groups felt intense about apportionment; or for that matter did not feel intense. Newspaper editors felt intense or concerned because they were constantly exposed to material pertaining to reapportionment. They were also regularly involved in writing editorials. It was their "job" to be intense. They had to represent a point of view on this subject and they could not readily do so without becoming involved. The newspaper editors generally handled apportionment in a "philosophical sense," i.e., one man one vote, or area must play a part in any apportionment formula. They may have even

believed their own causes. The senators too were exposed to material and pressure about reapportionment, but less frequently than the newspaper editors. The senators were also in a position to actually influence their own legislative careers. It would appear unlikely that individuals in a position to influence their own futures would not make an attempt to do so.

The League of Women Voters and the Labor Union Officials' organizations were active for fair representation on a state and national level. The local officials were sent propaganda from the main offices concerning the subject of state reapportionment. These people, ineffective as they were, were involved in trying to influence and correct the present system.

For the people in these two groups it was their "duty" to be active. During the interviews these people were interested in what the interviewer had to say. They questioned him at length about the reapportionment situation in New York. But ironically the amount of information they possessed did not reflect their concern. They appeared concerned, but they had little information about reapportionment.

The defeated Democratic Assembly candidates held an interesting position. The present apportionment situation directly worked against their interests. They felt its effects more than anyone else. It would be highly unlikely that under the present system these people would ever get

elected. One defeated candidate remarked, "The Republicans could probably run a monkey on their ticket and get him elected."³ The candidates had made some attempt during the 1962 campaign at making the "facts" about apportionment known to whom ever would listen. The defeated senatorial candidates probably did less than the defeated assembly candidates because the former were better informed. They better understood the political and legislative process. The defeated senatorial candidates saw more clearly the futility of trying to "correct" the situation. They were even aware that apportionment was not an issue that would excite the electorate. As a result they did less.

For the Republican Assemblymen the actual districting of the assembly lines was not in the province of the legislature. The county board of supervisors drew the lines. The Republican Assemblymen could vote for any reapportionment bill they favored, but the districting of the assembly seats was out of their hands.

In the case of the county chairmen, there was little they could do other than speak in rather unrealistic and philosophical terms about any reapportionment formula. Their position demanded that they look at politics in "practical" terms, because they are concerned with getting their organization's candidates elected. Reapportionment in New York State is not a hotly debated campaign issue. It

³Quote from interviews.

will probably not help win elections in November.

The Democratic members of the Board of Supervisors could afford to pay lip service to the public about the present apportionment situation. Because of their minority party position they were not actually "responsible" for drawing up the County Assembly districts. The Democratic Assembly members may have "benefited" the most by the present apportionment. Under the present apportionment formula and districts set up by the Board of Supervisors, their seats are relatively safe. They also occupy a minority party position in the assembly. With this comes less attention of the public and less responsibility. This may be a comforting factor helping to explain their lack of effort to change the apportionment system.

The remaining respondents had activity scores which were very low. Their positions seemed to explain their low scores. For various reasons they were in positions where it was difficult to express their intensity. For example, it was politically taboo for Republican assembly candidates to speak adversely about the present apportionment situation. Erie County is party oriented, therefore, there is no political future in attacking one's own party without serious repercussions. The precinct workers, as we have discussed in Chapter II, were not aware of the problems to begin with. Therefore, it is contradictory to speak of political concern or activity on the one hand and a very low level of

information on the other. Local governmental heads were not active members of the party. They were in an anomalous position. Through what channels could they make their positions known, assuming they had a position. There were no non-political organizations which were actively concerned with the reapportionment question in Erie County. Even the political parties were not concerned.

Implications of Activity

Activity scores were very low. Out of a possible total of 14, the highest score achieved by a respondent was 6. A majority of the respondents received a score of 2 or less.⁴ People who have expressed particular concern about specific actions of the legislature, e.g., state-aid, legislative consideration of metropolitan problems, were not interested in apportionment. Reapportionment, except for a few respondents, was not a subject to get excited about in Erie County, New York. The little interest or activity that was found ran along definite lines.

An interesting relationship was found between activity and how the respondents perceived the fairness of the present apportionment formulas. Question: Do you feel the present apportionment formulas are fair?

⁴See activity index in Appendix for types of action that were the basis for a respondent's score.

As Table 29 indicates, those who scored high thought the present formulas were not fair. Those who were less active on the subject of apportionment felt that the formulas were fair. This may have been a function of either one of two factors: The respondents who were against the formulas were more active or many of the respondents may just not have been exposed to information to know if the formulas were fair or not. Of the "don't know" answers, 69.2% appear for the group with the lowest activity score. Activity and information appear to be related. A more comprehensive analysis of the correlations and activity and information will be undertaken in the next chapter.

Question: How would you rank these opinion conflicts in the order of their importance on this matter of apportionment?⁵

Table 29. Activity related to the fairness of the apportionment formulas.^a

Activity Score	N=31 Yes	N=26 No	N=13 Don't Know
5-14	9.4%	7.6%	0.0%
3-4	6.2	19.4	7.7
1-2	33.2	50.0	23.1
0	51.2	23.0	69.2
Total	100%	100%	100%

^aThis question was related to information in Chapter V.

⁵This is the same question used in Chapter IV. In this case, all conflicts other than Republican vs. Democrats were grouped together.

Table 30. Activity as related to conflict over apportionment in the Legislature.

Activity Score	Republican vs. Democratic	Other Conflict	Total
5-14	80%	20%	N=5 100%
3-4	75	22.0	N=8 100%
1-2	59.2	41.8	N=27 100%
0	66.6	33.4	N=30 100%

As Table 30 indicates those who were active about apportionment perceived the matter as conflict in terms of Democrats versus Republicans in far greater frequencies than those who were less interested. In those groups that scored lower on the activity scale, the matter of apportionment was seen in terms of non-party conflict, e.g., liberal vs. conservative and rural vs. urban. One hundred percent (3) of the "can't rank" answers were all found in the category with the lowest activity scores. The information from Table 30 lends support to the idea that party organizations are seen as the only effective channel for action on this apportionment.

The low level of activity may be the foundation upon which the present formulas continue to exist. As with most other political situations the public does not feel too interested and is not too concerned. Very little was done pertaining to apportionment. This may further emphasize the

idea of Chapter V that the present formula will continue to exits. That is, baring a court decision stating that apportionment formulas in New York are inequitable and must be changed.

CHAPTER VI

APPORTIONMENT PRESSURES PERCEIVED

BY POLITICAL ACTIVES

One purpose of this chapter will be to show the lack of significant amounts of pressure originating outside the legislature pertaining to the question of reapportionment.

A legislator is exposed to pressures from various sources. The party and constituency are two of the most important loci of pressure. Pressures from different sources may also become quite important. For example, pressure may arise from interest groups or the legislature itself. An absence of any significant pressure from any of the above sources may increase the importance of the others. If there is no pressure forthcoming from the constituency, then possibly the importance of party pressure will be increased. It is possible that with a lack of pressure existing from any quarter the legislator will take into account only his own personal desires. Most legislators have a personal stake in reapportionment.

Pressure in this study will be taken to mean what respondents perceive pressure to be. Do respondents feel there are any groups in Erie County applying pressure on

legislators, political parties or any other involved groups? If any pressure is perceived concerning the apportionment situation, what effect, if any, is it having? Or what effect will it have?

The respondents were questioned as to who contacted them about apportionment. The types of contacts made by "pressure groups" or individuals with the respondents were examined. The respondent's perception toward the public's attitude on this matter was probed. In some instance, the respondents may have seen pressure coming from certain sources where in fact no pressure really existed. For example, several respondents said the League of Women Voters was active and doing a "lot" about reapportionment in Erie County. Yet, the League had just started to study the merits of proposed new reapportionment formulas. No policy statement had been issued at the time of the interviews. The question here is not whether the League is really applying pressure to secure a specific type of reapportionment, but more important is that some people think the League is applying pressure. The League applies pressure because some people "feel" the pressure--real or imagined.

Who Felt Pressure

As Table 31 indicates the Senators most felt pressure about reapportionment. They received not only literature and publications from interest groups, but they also received

Table 31. Average pressure scores for politically involved groups.

Group	Number	Average Score	Low	High
1. Senators	3	8.0	7	10
2. Rep. Assemblymen	3	3.6	1	7
3. Newspaper	4	3.3	2	4
4. Defeated Senatorial Candidates	2	2.5	1	4
5. League of Women Voters Labor Officials	4	2.5	1	4
6. Democratic Assemblymen	5	2.4	1	5
7. Defeated Dem. Assembly	3	2.0	1	3
8. Democratic Supervisors	4	2.0	1	4
9. Republican Supervisors	4	1.8	1	2
10. County Chairmen	2	1.5	1	2
11. Interest Citizens	5	1.4	1	3
12. Ward Chairmen	9	1.4	0	4
13. Local Government Officials	7	1.2	1	4
14. Defeated Rep. Assembly	3	1.0	0	2
15. Precinct Workers	12	1.0	1	4

Highest possible score was 25 points.

material from the joint legislative committee on reapportionment. The Senators appeared to be pressured by other members of their own legislative body concerning the districting of the senate. One Senator claimed, "Mahoney is pushing to get the new reapportionment passed as soon as possible. If he [Mahoney] can't get it passed before the next election [1964] he will be in trouble. During the last election he only won by about 8,000 votes and his margin of victory has been narrowing during the past four elections."¹ In the Assembly reapportionment is not of paramount concern. The reason being that the county board of supervisors does the districting of the assembly lines within each county.

The newspaper editors perceived some pressure because of the publicity given state apportionment since the Baker vs. Carr case.² The newspapers were also a target for interest group material. There were other groups exposed to literature concerning apportionment, e.g., Assemblymen, The League of Women Voters, unions, and defeated Senators, and defeated Assemblymen. The material these groups received apparently did not influence them. No one in any of these groups just mentioned said they read any literature sent to them. Several said they received material but they hastened to say they "haven't" looked at it. Many respondents

¹Quote from interviews.

²Decision cited in Chapter II.

received reapportionment literature. However, this material seemed to be handled like an advertisement and filed in the waste-paper basket.

The last seven groups listed in Table 31 did not significantly perceive any pressure. If anyone was trying to influence the legislature, the political parties, or the respondents themselves, they were unaware of it. The converse is also true, they did not try to pressure or influence anyone.

Sources of Pressure

There were also no personal contacts made by any of the "pressure" groups. None of the respondents interviewed expressed any direct personal contact by any individual or group. Three legislators did say they contacted legislative staff experts on reapportionment. The legislators revealed that the meetings resulted in them getting just "technical" information concerning the apportionment formulas. The staff members made no attempt to influence them.

If there was any pressure group activity, it was negligible since the literature sent was largely unread.

The governor has done little to influence the legislature or anyone else. He has maintained a hands-off policy toward reapportionment. He could not back the present formula for fear of alienating New York City. He also cannot back any new reapportionment. This would alienate the

Republican party. For a governor who has presidential ambitions he needs the support of a majority of the people of the state. He could not afford to get involved in this issue. He is waiting for a decision from the United States Supreme Court on the W.M.C.A. vs. Simon case.³ The decision will contain the solution without involving him.

The data were examined to see if any correlation existed between pressure and party, education age, and length of residence in Erie County. No relationship was found to exist.

Question: How would you describe the attitude of the voters in your district (Erie County) on this matter?

The answers to the preceding question go a long way in explaining the apparent lack of pressure in Erie County. Not one of the 71 respondents said that the voters were interested in apportionment. Some of the answers are as follows: "They don't know," "no real interest," "they don't have any attitude," "indifferent," "it doesn't make a difference," "apathetic."⁴ All the answers could be cited to substantiate this point.

This lack of public concern may be the basis for lack of activity and pressure in Erie County. Who is going to engage in trying to arouse the public's interest on this

³This New York City Radio Station has a suit now pending before the United States Supreme Court contesting the present apportionment formulas in New York State.

⁴Quotes from interviews.

matter? This is not a practical question for practical politicians. If it is a difficult concept to grasp by educated people who have been exposed to politics, what will it take to instruct and motivate an apathetic public? One ward chairman remarked, "How can you sell reapportionment? It is not a red hot issue. It isn't even lukewarm. It won't win any elections. The people won't understand what it's all about."⁵

Question: Have any people contacted you to express their views on the subject [apportionment]?

Only 3% (2) of the respondents answered yes to the above question. These two respondents could not recall who contacted them or what position the person favored. Here again there was very little response on the part of the public.

Implications or Pressure

A disinterested public makes any appeals from the minority party wasted effort. How can the minority party discredit the majority party on this question of apportionment if the public is not aware that the situation exists. Who is going to keep the majority element of the legislature from doing exactly as it wants on this matter of reapportionment? Will it be the League of Women Voters, the unions, WMCA, or maybe the United States Supreme Court. Until now

⁵Quote from interview.

none of these have been really effective. The courts have exerted their authority in this matter, but they have not as yet said what has to be done.

The United States Supreme Court may force the legislatures to have a "more" equitable apportionment formula. The court has said in the Baker vs. Carr decision what is not equitable, the United States Supreme Court has not as yet said what is equitable. They have not set any limits based on population expressing malapportionment. If population equity limits are set, the majority party in New York will enjoy almost all the advantages they have today within the range of limits set by the court. The rural areas will lose some of their representation. But on the whole the Republican party's majority position will be little changed. The formulas may be made more equitable on a population basis, but the finer points of apportioning and districting will still remain in the majority party's hands. The advantage will remain with the party and individuals doing the apportioning and districting. This study has led its writer to believe that it will be extremely difficult if not impossible to do away with the present advantages that benefit the controlling partys due to apportionment and districting.

Summary

Pressure was perceived most by those most closely associated with apportionment and in a position to do something

about the existing situation.

The amount of perceived pressure, appeared to be very low and in some cases almost nonexistent. Interest groups were not effective in influencing the respondents or the public about reapportionment in Erie County. The general public as perceived by the respondents was unaware of the apportionment situation. The legislature was under little outside pressure to change the present formulas. If the United States Supreme Court acts against the plaintiffs in the W.M.C.A. vs. Simon case, the present apportionment formulas will stand unchanged. If the case is decided in the plaintiff's favor reapportionment will occur, but the advantage will still go to the Republicans. The Republicans manipulate the formulas now. They will also control the new formulas if and when they come into effect.

CHAPTER VII

CORRELATION OF VARIABLES

The factors explaining how various groups perceived the question of apportionment are brought to light when the indices are correlated with each other separately and collectively. Why are some groups and individuals concerned with reapportionment and others not? The hypotheses stated and their corollaries can help explain the differences in the amount of involvement of groups and individuals.

In this thesis, five corollaries have been presented in an attempt to substantiate the three major hypotheses. The acceptance or partial acceptance of the corollaries reflects the general validity of the hypotheses. Because of the size of the survey sample used, the universality of the findings may be in some question. Studies dealing with similar situations in different areas can be conducted to substantiate or reject the findings of this work.

Correlations between Variables: Information, Pressure and Activity

This chapter will present the correlations that existed between the various groups with respect to the three variables tested: information, perceived pressure, and

activity. The three variables were tested for correlation in pairs for each of fifteen groups interviewed. They were also correlated to each other totally; for example, if information = A, Perceived pressure = B, and activity = C the correlations tested were AB, AC, BC and ABC.

Table 32. Information correlated with pressure for politically active groups.

Group	Rank on Information	Rank on Pressure
All Senators	1	1
Newspaper editors	2	3
Defeated Senators	3	4-5
Republican Assemblymen	4	2
County Chairmen	5	10-11
Democratic Assemblymen	6	6
Republican Supervisors	7	9
Defeated Democratic Assemblymen	8	8
League of Women Voters and Union Representatives	9	7
Local Governmental Heads	10-11	13
Defeated Republican Assemblymen	10-11	14
Ward Chairmen	12	10-11
Interested Citizens	13	12
Precinct Committeemen	14	15
Democratic Supervisors	15	4-5

rs = 0.69

level of significance .01

t = 3.59

When the information on Table 32 was subjected to Spearman's rank-order correlation coefficient test, a degree of correlation of 0.69 was found to exist.¹ The degree of chance as determined by applying the t test was 3.59.² This

¹Morris Zelditch, Jr., Sociological Statistics (New York: Henry Holt and Co., 1959), p. 215.

$$rs = 1 - \frac{6 \sum d^2}{n^3 - n}$$

²Ibid., p. 217. $t = rs \sqrt{(n-2)/(1-rs^2)}$
d.f. = n - 2

indicated that the probability of chance was less than .01.

The r_s figure of 0.69 indicates that a significant degree of correlation exists between the two variables for the groups tested. This supports the corollary that those individuals who have information also perceive pressure. The correlation between information and pressure is related to "political" position is also substantiated.

Table 33. Information correlated with activity for politically active groups.

Group	Rank on Information	Rank on Activity
All Senators	1	2
Newspaper editors	2	1
Defeated Senators	3	6
Republican Assemblymen	4	4-5
County Chairmen	5	8
Democratic Assemblymen	6	13
Republican Supervisors	7	9
Defeated Democratic Assemblymen	8	4-5
League of Women Voters and Union Representatives	9	3
Local Governmental Heads	10-11	10
Defeated Republican Assemblymen	10-11	12
Ward Chairmen	12	11
Interested Citizens	13	14
Precinct Committeemen	14	15
Democratic Supervisors	15	7
$r_s = .76$ level of significance .01 $t = 4.18$		

A significant correlation of 0.76 is shown to exist between information and activity for the groups tested. This supports the corollary that those individuals who have

information are also active. The correlation between information and activity is related to "political" position.

Pressure Correlated with Activity

Table 34. Pressure correlated with activity for politically active groups.

Group	Rank on Pressure	Rank on Activity
All Senators	1	2
Newspaper editors	3	1
Defeated Senators	4-5	6
Republican Assemblymen	2	4-5
County Chairmen	10-11	8
Democratic Assemblymen	6	13
Republican Supervisors	9	9
Defeated Democratic Assemblymen	8	4-5
League of Women Voters and Union Representatives	7	3
Local Governmental Heads	13	10
Defeated Republican Assemblymen	14	12
Ward Chairmen	10-11	11
Interested Citizens	12	14
Precinct Committeemen	15	15
Democratic Supervisors	4-5	7

$r_s = .78$

level of significance .01

$t = 4.52$

A significant relationship has been shown to exist between Pressure and activity. This supports the corollary that those individuals who feel pressure are also active in the area of reapportionment. The correlation between pressure and activity is related to "political" position.

When the correlation for the three indices was subjected to the Kendall Coefficient of Concordance: W Test³ a

³Sidney Siegal, Nonparametric Statistics (New York: McGraw-Hill Book Co., 1956), pp. 229-233.

$$w = \frac{S}{\frac{1}{12} k^2 (n^3 - n)}$$

significant rank correlation of .77 was found to exist. A χ^2 of 32.38 was found.⁴ The probability of this relationship occurring by chance was less than .01.

Table 35. Information correlated to pressure and activity.

Group	Rank on Information	Rank on Pressure	Rank on Activity
All Senators	1	1	2
Newspaper editors	2	3	1
Defeated Senators	3	4-5	6
Republican Assemblymen	4	2	4-5
County Chairmen	5	10-11	8
Democratic Assemblymen	6	6	13
Republican Supervisors	7	9	9
Defeated Democratic Assemblymen	8	8	4-5
League of Women Voters and Union Representatives	9	7	3
Local Governmental Heads	10-11	13	10
Defeated Republican Assemblymen	10-11	14	12
Ward Chairmen	12	10-11	11
Interested Citizens	13	12	14
Precinct Workers	14	15	15
Democratic Supervisors	15	4-5	7

$w = .77$ level of significance .01
 $\chi^2 = 32.38$

The information in Table 35 indicates a significant relationship existed between the three variables for the groups tested. This supports the corollary that those groups that scored well on one of the indices tended to score well on the other two also. The correlation between the three indices is also related to "political" positions.

Tables 32-35 show there was a significant relationship between the three variables of information, activity and

⁴Ibid., p. 236. $\chi^2 = k (n - 1)w$ d.f. = n-1.

pressure. Those individuals who viewed apportionment as affecting their interests and occupied a "political" position where action could be implemented scored high on all three indices. For most respondents, this was not the case. The vast majority did not see apportionment as having anything to do with their interests. The low scores on the three indices bore this out.

Information, activity and pressure are correlated and relate to "political" position; yet, there are several groups that scored high on one index and low on the other two. Or for that matter any combination which did not appear "consistent." "Political" group position does not completely explain the amount of involvement for individuals. The author would like to propose that what appears as "inconsistent" behavior for the "political" groups in the rank correlation of the indices is really not "inconsistent."

"Inconsistencies" in the Rank Correlation between Variables

There were four noticeable exceptions in the correlation between the variables. In the four cases reasons for the inconsistencies can be set forth in support of the first two major hypotheses stated.

The parties' county chairmen felt very little pressure as compared with other groups. Yet, they ranked high in both information and activity. This can be explained by

the fact that they viewed reapportionment in practical political terms. Reapportionment was not a vital issue which would help them organize winning immediate elections. The county chairmen had information, but they did not feel getting involved in this matter would have been worth the expenditure of resources. They will be judged primarily on how well their organization candidates do in the 1963 elections. The reapportionment issue will not affect the outcome of these elections. A reapportionment would affect later elections, but apparently this is of little immediate concern to county chairmen.

The present apportionment formulas affected directly the interests of the defeated Democratic Assembly candidates. In the 1962 Assembly elections the voter registration in the districts they ran in, favored their Republican opponents. The defeated Democratic Assembly candidates were active in trying to make these "inequalities" known. To them apportionment and districting was a real block to being elected. The Democratic party was not too concerned with these "inequalities" of voter registration because there was little that could be done to change them. The only course left for the defeated Democratic Assembly candidates was for them to stress this point in their campaign. The "inequalities" of voter registration was stressed to party officials and voters alike.

The representatives of the League of Women Voters and the unions were for apportionment on a population basis. They felt that the present formulas were inequitable. They wanted some form of change that would make the present formulas more equitable on a population basis. Because of the nature of their position, as representatives of national and state organizations, they were placed in a position where they could become active very readily. They received literature from their main offices concerning this problem. They, in return, tried to influence others about the apportionment situation. They had little success; first because they were not completely familiar with the problem, and did not offer any acceptable alternative. Secondly the people they tried to influence were not concerned.

The Democratic Supervisors scored lowest of all groups on the information index. They had great difficulty distinguishing a difference between the legislative districts in Erie County from the supervisor districts and the city council districts. It was not so much the actual districts that confused them as it was the redistricting of the city council districts. The Democratic supervisors thought that the redistricting of the city council districts and state apportionment were one and the same. Another factor for Democratic supervisor's low information score was their low educational status. Of the four interviewed two completed high school and two did not finish high school. Their

higher scores on pressure and activity were based on the same problem of not being able to distinguish accurately between Erie County Legislative, Board of Supervisors and city council districts. On a population basis the Board of Supervisors reflects a greater degree of inequity than does the State Legislature. Because they were Democrats and the population distribution was not in their favor they felt the effects. The Democratic Supervisors may have projected their own situation of being the same as the legislatures.

It is not only those individuals whose interests are at stake in reapportionment, but also those who feel their actions will have some effect on the matter that gets involved. For example, Senators are the most involved group. The reapportionment question affects their interests and they are in a position to do much about it. For the Assemblymen reapportionment is of just as much importance, yet they are in a position where they cannot do as much as the Senators to effect the outcome. As a result they are less involved in the question of reapportionment.

CHAPTER VIII

CONCLUSIONS AND ANALYSIS

The correlation of the three variables tend to support the first two major hypotheses that individuals and groups will become involved in reapportionment only in so much as they see it affecting their interests and as they see their involvement affecting reapportionment. However, often different individuals occupying the same "political" position differed in their involvement with reapportionment. The "political" position occupied is one factor influencing the amount of involvement of an individual. But "political" position does not totally explain involvement.

"Political" positions which seem to be the same are not. To illustrate this point, a Democratic assemblyman will view apportionment differently than a Republican assemblyman or an assemblyman assured re-election will act differently with respect to apportionment than an assemblyman who will not get elected again. The "political" position occupied is one factor influencing the amount of involvement of an individual. Education is another factor influencing an individual's involvement with apportionment. Yet, education played a secondary role to "political" position. The degree

of competitiveness of the districts did not significantly influence an individual's involvement. The sample used to test competition and involvement was small and the results obtained are not conclusive.

For the majority of individuals interviewed, reapportionment was viewed as having little effect on their interests. They did not look beyond elections. For them reapportionment was neither a benefit or a threat. If they were aware of the apportionment situation, changing it was not worth the spending of necessary resources. A basic assumption of this study has been that the general public would fall below the lowest groups interviewed as far as information, activity and pressures were concerned.

Political party was the strongest predictor of an individual's stand on the question of apportionment. The respondents followed party lines, yet in most cases they did not know what the parties' positions were on this issue. Opposition to and support for the present apportionment formulas in New York State ran along party lines. Of the respondents interviewed, 97% supported a political party and the party's stand on the reapportionment question. Yet, only 11%, newspaper editors and legislators, knew their party's position on reapportionment. The question of reapportionment had a low amount of visibility for the respondents of various "political" groups, e.g., ward chairmen, precinct committeemen, local governmental heads and

interested citizens. And probably less visibility for the general public. The political party had no significant influence on the amount of information possessed by individuals.

The outcome of districting in New York State under the present apportionment formulas has been predictable. The consequences have been known by interested individuals before any districting occurred. If apportionment of the State Legislature, especially the Senate, is so predictable why should anyone bother to get involved? Reapportionment under the present formulas or any reasonable new formulas will do little for Erie County. Erie County's situation is going to remain the same with or without a reapportionment based more closely on population.

As stated in Chapter III, legislative apportionment was perceived by most respondents as having little influence on any of Erie County's problems or present political situation. Apportionment was not viewed as being related to state-aid and its distribution. Apportionment was viewed as a political matter affecting few people other than the legislators themselves. They perceived that Erie County did get a fair share of state-aid because Senate Majority Leader Walter Mahoney came from Erie County and not because of the number of representatives Erie County has under the present apportionment formulas. Many respondents felt that resources could better be used to influence Senator Mahoney

for getting something from the state than trying to change the apportionment formulas. Besides, changing the apportionment formulas may not get Erie County what it wanted.

The evidence presented in this paper is not conclusive to prove the hypothesis: H-3 "reapportionment is a legislative matter with non-legislative interests playing a minor role on this question." Yet, it has been shown that there is no real movement in Erie County trying to influence reapportionment. Not many of the respondents interviewed appeared to be too concerned. If the Senate Majority Leader has little pressure upon him from his constituency he will have a greater amount of freedom on this question in the Legislature; even if there is pressure upon him from sources not connected with his constituency. The Majority Leader will still get elected despite his actions on reapportionment if his constituency is not aware of the issue. The direction of influence has been pointed out. Subsequent studies can pursue this problem of the effect of constituency pressure on legislators for particular issues.

Because of the apparent lack of significant amounts of pressure originating outside the legislature the question of reapportionment tends to be left to the legislators almost exclusively. Pressure within the legislature would tend to be paramount with the decrease or lack of non-legislative pressure. Senate Majority Leader Mahoney and Assembly Speaker Joseph Carlino's wishes may become the major source

of pressure guiding the New York State Legislature to action on this issue. What disagreement or disputes that occur, may occur, between them rather than between legislative and non-legislative interests. This appears to be the case in New York at the present time.

Although it was not in the scope of this study to show who actually influenced reapportionment and with what effect, it was possible to show who did not influence the question of reapportionment in Erie County. Because of the lack of any significant pressure from outside the legislature, the legislative leaders may in all probability make all the important decisions in this matter. Non-legislative interests would play a minor role in any reapportionment in New York State in the foreseeable future.

The role of the United States Supreme Court in this matter has not been overlooked by the author. A mere threat of a court ruling on the New York situation may cause the legislature to reapportion. Although, this is not likely. Will it take a Supreme Court ruling to achieve more equitable apportionment formulas? It appears that this might be the case in New York State. There is not significant pressure on the legislature to concern them enough about reapportionment. The dominant forces of the legislature will not act in this matter unless they are compelled to act by the United States Supreme Court.

The influence of the courts on this matter of apportionment has not been felt in Erie County. Few respondents were aware of the different court actions concerning apportionment. Only 12% of the respondents were familiar with the implications of the Baker v. Carr case and 9% had heard of New York State's WMCA v. Simon case. No one was familiar with any other court case dealing with state apportionment.

If the United States Supreme Court rules the present apportionment formulas in New York inequitable and states change in the state's formulas is necessary, the inactivity of some groups discussed would in all likelihood change to one of involvement. For example, the county chairmen and newspaper editors would increase their activity. On the other hand, precinct committeemen and local government heads would not be appreciably affected. A situation in which the Supreme Court has ruled for reapportionment would then become one where involvement might bring desired change or maintenance of the status quo. The political parties and metropolitan interests would conduct an intense campaign in light of a subsequent court decision and the ensuring publicity. Resources under conditions of this nature would not be perceived as being used to little avail in the reapportionment matter.

The writer was faced with an "I don't care" attitude by almost all he interviewed, by those who apparently benefited and those who were seemingly disadvantaged. The

respondents "didn't care" for different reasons. Those who benefit will continue to do so. Those at a disadvantage were in no position to change the present apportionment formulas. No one in Erie County is likely to crusade for or against reapportionment until a reapportionment has to take place. Only then will the groups concerned become active to protect or increase their interests.

BIBLIOGRAPHY

BIBLIOGRAPHY

Books

- Adrian, Charles R. Governing Urban America: Structure, Politics and Administration. New York: McGraw-Hill Book Company, Inc., 1955.
- _____. (ed.). Social Science and Community Action. East Lansing, Mich.: The Institute for Community Development and Services, Continuing Education Service, Michigan State University, 1960.
- _____. State and Local Governments. New York: McGraw-Hill Book Company, Inc., 1960.
- Baker, Gordon E. State Constitutions: Reapportionment. New York: State Constitutional Studies Project No. 2, National Municipal League, 1960.
- Dahl, Robert A. Modern Political Analysis. Englewood Cliffs, N.J.: Foundations of Modern Political Science Series, Prentice-Hall, Inc., 1963.
- _____. Who Governs? New Haven and London: Yale University Press, 1961.
- David, Paul T., and Eisenberg, Ralph. Devaluation of the Urban and Suburban Vote. Vols. 1 and 2. Charlottesville, Va.: Bureau of Public Administration, University of Virginia, 1961.
- DeGrazia, Alfred. Essay on Apportionment and Representative Government. Washington, D.C.: American Enterprise Institute, 1963.
- Drury, James W., and Titus, James E. Legislative Apportionment in Kansas: 1960. Lawrence, Kansas: Governmental Research Center, University of Kansas, 1960.
- Eulau, Heinz, Eldersveld, Samuel J., and Janowitz, Morris. Political Behavior: A Reader in Theory and Research. Glencoe, Ill.: The Free Press, 1956.

- Garfinkel, Herbert and Fein, L. J. Fair Representation: A Citizen's Guide to Legislative Apportionment in Michigan. East Lansing, Mich.: Bureau of Social and Political Research, College of Business and Public Service, Michigan State University, 1960.
- Gross, Bertram M. The Legislative System. New York: McGraw-Hill Book Company, Inc., 1953.
- Havard, William C. and Beth, Loren P. The Politics of Misrepresentation. Baton Rouge: Louisiana State University Press, 1962.
- Janowitz, Morris and Marvick, Dwaine. Competitive Pressure and Democratic Consent. Ann Arbor: Michigan Governmental Studies No. 32, University of Michigan, 1956.
- Janowitz, Morris, Wright, Deil, and Delany, William. Public Administration and the Public-Perspectives toward Government in a Metropolitan Community. Ann Arbor: Michigan Governmental Studies No. 36, University of Michigan, 1955.
- Jewell, Malcolm E. (ed.). The Politics of Reapportionment. New York: Atherton Press, 1962.
- Key, V. O., Jr. American State Politics: An Introduction. New York: Alfred A. Knopf, 1956.
- Lane, Robert E. Political Life: Why People Get Involved in Politics. Glencoe, Ill.: The Free Press, 1959.
- Larson, James E. Reapportionment and the Courts. Birmingham, Ala.: Bureau of Public Administration, University of Alabama, 1962.
- McKay, Robert B. Reapportionment and the Federal Analogy. New York: National Municipal League, 1962.
- Munger, Frank J., and Straety, Ralph A. New York Politics. New York: New York University Press, 1960.
- Nelson, Frances Sanford. Constitutional Change in Kansas. Lawrence, Kansas: Governmental Research Center, University of Kansas, 1958.
- Reinnow, Robert. New York State and Local Government. Albany: New York State Education Department, 1959.

- Steiner, Gilbert Y., and Gove, Samuel K. Legislative Politics in Illinois. Urbana: University of Illinois Press, 1960.
- Truman, David B. The Governmental Process. New York: Alfred A. Knopf, 1958.
- Wahlke, John C., et al. The Legislative System: Explorations in Legislative Behavior. New York: John Wiley and Sons, 1962.
- Wahlke, John C. and Eulau, Heinz. (ed.). Legislative Behavior: A Reader in Theory and Research. Glencoe, Ill.: The Free Press, 1959.
- Zeisel, Hans. Say It With Figures. New York: Harper and Brothers Publishers, 1957.
- Zelditch, Morris. Sociological Statistics; a Textbook and Workbook Combined. New York: Holt Publishing Co., 1959.

Articles and Periodicals

- Eisenberg, Ralph. "Power of Rural Vote," National Civic Review, Vol. LI, No. 9 (October, 1962), pp. 489-492.
- Hein, Clarence J. "Rural Fears Allayed," National Civic Review, Vol. LI, No. 8 (September, 1962), pp. 429-433.
- Silva, Ruth C. "Apportionment in New York," Fordham Law Review, Vol. XXX, No. 4 (April, 1962), pp. 581-650.
- _____. "Apportionment of the New York Assembly," Fordham Law Review, Vol. XXXI, No. 1 (October, 1962), pp. 1-72.

Public Documents

- State of New York. The Assembly: Joseph F. Carlino, Speaker.
_____. 1963 Annual Report of the Comptroller.
Arthur Levitt, State Comptroller, Legislative Document No. 97 (1963).
- New York State. Legislative Manual 1962-63. Prepared pursuant to the Provisions of Executive Law, Art. VI, Sec. 95 by Caroline K. Simon, Secretary of State.

_____. The New York Red Book 1962-63. 71 edition.
Albany, N.Y.: Williams Press, 1962.

_____. New York State Legislature 1963-1964:
Supplement of the New York Red Book. Albany, N.Y.:
Williams Press, 1963.

_____. Special Report on Municipal Affairs by the
State Comptroller. Transmitted to the Legislature
March 7, 1962.

U. S. Bureau of Census. Eighteenth Census of the United
States: 1960. Population. Vol. I.

Reports

Conference of Large City Boards of Education of New York
State. An Analysis of the Educational and Financial
Needs of Large Cities in New York State with
Recommendations for Revision of the State Aid
Formulas. Rochester: September, 1962.

Governmental Research Bureau of Buffalo and Erie County, Inc.,
Just A Moment. Numbers 1326-1331.

Jones, Victor (ed.). Leading Decisions of the United States
Supreme Court: "Baker v. Carr 369 U.S. 186 of the
Preliminary Print (1962)." San Francisco, Cal.:
Chandler Publishing Company, 1962.

Wells, David. "Legislative Representation in New York State."
Issued as a Public Service by the International
Ladies' Garment Workers Union, 1963.

Unpublished Material

Erie County Board of Elections. "Enrollment: 1962-1963."
Buffalo, 1962. (Mimeographed.)

W.M.C.A., Inc. v. Caroline K. Simon, Plaintiff's Opening
Brief Before the Statutory Court on Remand from the
Supreme Court of the United States. 369 U.S.
30 L.W. 3383. (Mimeographed.)

W.M.C.A. Editorials. R. Peter Straus, President, Editorials
on Reapportionment, Nos. I-17.

APPENDIX A

INFORMATION INDEX

APPENDIX A

INFORMATION INDEX

	Point Value
1. question 1a Have you heard anything about a case that came before the U.S. Supreme Court in March 1962 that tested the constitutionality of apportionment?	3
yes 1. () no 2. () DK 3. () NA 4. () If so, what? If no, skip to 2a.	
2. question 1b Do you feel that the U.S. Supreme Court case of Baker vs. Carr has influenced the apportionment situation in New York State?	3
yes 1. () no 2. () DK 3. () NA 4. () If so, how?	
3. question 1c Do you feel that there will be any future development in this state that is likely to come out of this case?	3
yes 1. () no 2. () DK 3. () NA 4. () If so, how?	
4. question 2a Have you read or heard of a case recently started by radio station WMCA of New York City questioning the present apportionment system in New York State?	3
yes 1. () no 2. () DK 3. () NA 4. () Describe	
5. question 2b How do you feel about this case? (Probe for degree of knowledge in this case.)	3

6. question 2c 3
Do you happen to know the present status of this case?
yes 1. () no 2. () DK 3. () NA 4. ()
If yes, where is it?
7. question 2d 3
Do you feel that this case will have any effect on the apportionment question in this state?
yes 1. () no 2. () DK 3. () NA 4. ()
How is that?
8. question 3a 3
Do you know of any publication by the I.L.G.W.U. dealing with apportionment in New York State?
yes 1. () no 2. () DK 3. () NA 4. ()
Probe
9. question 3b 3
If yes, do you feel that the author, Mr. Wells, is treating the question fairly?
yes 1. () no 2. () DK 3. () NA 4. ()
If yes, how so? If no, how so?
10. question 4 3
Are you familiar with any laws in this state specifying how often the state legislature must be reapportioned?
yes 1. () no 2. () DK 3. () NA 4. ()
Probe for when and how often.
11. question 5a 3
Is there any action in the state legislature to keep apportionment out of the federal courts?
yes 1. () no 2. () DK 3. () NA 4. ()
12. question 5b 3
Is there any action in any other state?
yes 1. () no 2. () DK 3. () NA 4. ()
If yes, where and what type?

13. question 18a

3

Ruth Silva has written a report for the Peck Commission on recommendations for Constitutional revision. The report dealt largely with the apportionment situation in New York. Have you run across it?

yes 1. () no 2. () DK 3. () NA 4. ()

(If yes, probe to find out extent of knowledge.)

14. question 18b

3

Do any of the proposals she makes for reapportionment appear sound?

Total 42

yes 1. () no 2. () DK 3. () NA 4. ()

If yes, which ones?

APPENDIX B

PRESSURE INDEX

APPENDIX B

PRESSURE INDEX

	Point Value										
<p>1. question 20a</p> <p>Have you received any mail from any individuals or groups concerning the apportionment situation here in New York?</p> <p>yes 1. () no 2. () DK 3. () NA 4. ()</p> <p>If yes, from whom. Was it in support of the present system or not?</p>	3										
<p>2. question 21a</p> <p>Do you know of anyone in the area who would have any interest in the question of reapportionment?</p> <p>yes 1. () no 2. () DK 3. () NA 4. ()</p> <p>If yes:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center;"><u>person</u></td><td style="width: 50%; text-align: center;"><u>position</u></td></tr> <tr> <td>1.</td><td></td></tr> <tr> <td>2.</td><td></td></tr> <tr> <td>3.</td><td></td></tr> <tr> <td>4.</td><td></td></tr> </table>	<u>person</u>	<u>position</u>	1.		2.		3.		4.		5
<u>person</u>	<u>position</u>										
1.											
2.											
3.											
4.											
<p>3. question 21b</p> <p>How did you learn of their interests?</p>	1										
<p>4. question 21c</p> <p>Have these people made their position known?</p> <p>yes 1. () no 2. () DK 3. () NA 4. ()</p> <p>If yes, in which way?</p>	3										
<p>5. question 25a</p> <p>There has been a great deal said and written about the power of interest groups and lobbies in state politics. Would you say that there are any groups actively for or against apportionment?</p> <p>yes 1. () no 2. () DK 3. () NA 4. ()</p> <p>If so, what groups and what is their stand?</p>	3										

6. question 25b 3
 Are there any groups that are powerful or
 active on the reapportionment question in
 this area of the state?
- yes 1. () no 2. () DK 3. () NA 4. ()
- If yes, which groups are they; How intensely
 do they feel?
7. question 32 3
 How would you describe the attitude of the
 voters in your district (Erie County) on
 this matter?
8. question 33 4
 Have any people contacted you to express
 their views on the subject? Total
- yes 1. () no 2. () DK 3. () NA 4. () 25
- If yes, how many?
- How many were in favor of the present method
 of reapportionment? _____
- What kind of people were these who contacted
 you?

APPENDIX C

ACTIVITY INDEX

APPENDIX C

ACTIVITY INDEX

	Point Value
1. question 28a Is there anything you have done to promote the solution you favor to the apportionment matter? Did you:	8
0. do nothing ()	
1. author or sponsor a particular bill ()	
2. work for your solution in committee ()	
3. speak for your solution on the floor ()	
4. try to convince other members in private . ()	
5. seek support outside the legislature ()	
6. inform the public ()	
7. contact your legislature ()	
8. do something not listed ()	
2. question 28b If "yes" to no. 8, just what did you do to gain support? What kind of support? How did you get it?	3
3. question 29 Is there anything you expect to do in the future to promote the solution you favor concerning apportionment?	3
	<hr/>
Total	14
yes 1. () no 2. () DK 3. () NA 4. ()	
If yes, to what extent? What is that?	

APPENDIX D

NEW YORK STATE LEGISLATIVE APPORTIONMENT STUDY
SURVEY SCHEDULE

APPENDIX D

Interview Number _____

NEW YORK STATE LEGISLATIVE APPORTIONMENT STUDY

I am working on a comparative legislative study concerning the question of apportionment in New York State. There are several of us working for Professor Charles Press of Michigan State University. We are examining apportionment situations in several selected states. All of this information will be put together and examined. There is a vast amount of information on this subject and it is difficult to keep up on all of it. You will be one of many interviewed on this matter. Any information you give me will be strictly confidential. No names will be used and what you say will be strictly off the record.

There are many court cases in regard to apportionment throughout the country and also here in New York State. The situation is changing so rapidly that no one is expected to keep abreast of all the new developments in this area. I would like to have your opinion on the following matters.

1a. Have you heard anything about a case that came before the U.S. Supreme Court in March, 1962, that tested the constitutionality of apportionment?

yes 1. () no 2. () DK 3. () NA 4. ()

If so, what? If no, skip to 2a.

b. Do you feel that the U.S. Supreme Court case of Baker vs. Carr has influenced the apportionment situation in New York State?

yes 1. () no 2. () DK 3. () NA 4. ()

If so, how?

c. Do you feel that there will be any future development in this state that is likely to come out of this case?

yes 1. () no 2. () DK 3. () NA 4. ()

If so, how?

2a. Have you read or heard of a case recently started by radio station WMCA of New York City questioning the present apportionment system in New York State?

yes 1. () no 2. () DK 3. () NA 4. ()

Describe

b. How do you feel about this case? (Probe for degree of knowledge in this case.)

c. Do you happen to know the present status of this case?

yes 1. () no 2. () DK 3. () NA 4. ()

If yes, where is it?

d. Do you feel that this case will have any effect on the apportionment question in this state?

yes 1. () no 2. () DK 3. () NA 4. ()

How is that?

3a. Do you know of any publication by the I.L.G.W.U. dealing with apportionment in New York State?

yes 1. () no 2. () DK 3. () NA 4. ()

Probe

b. If yes, do you feel that the author, Mr. Wells, is treating the question fairly?

yes 1. () no 2. () DK 3. () NA 4. ()

If yes, how so? If no, how so?

4. Are you familiar with any laws in this state specifying how often the state legislature must be reapportioned?

yes 1. () no 2. () DK 3. () NA 4. ()

Probe for when and how often.

5a. Is there any action in the state legislature to keep apportionment out of the federal courts?

yes 1. () no 2. () DK 3. () NA 4. ()

If yes, what type of action?

5b. Is there any action in any other state?

yes 1. () no 2. () DK 3. () NA 4. ()

If yes, where and what type?

6. If the present population trends continue for New York, which of the present areas of the state will be at a disadvantage or will benefit from the present apportionment system?

	<u>benefit</u>	<u>disadvantage</u>	<u>remain the same</u>	<u>DK/NA</u>
Buffalo	()	()	()	()
Erie County	()	()	()	()
New York City	()	()	()	()
New York Suburbs	()	()	()	()
Rochester	()	()	()	()

	<u>benefit</u>	<u>disadvantage</u>	<u>remain the same</u>	<u>DK/NA</u>
Other areas				
1.	()	()	()	()
2.	()	()	()	()
3.	()	()	()	()

7. Looking at Erie County, how would you say it would compare with the rest of the state in its ratio of voters to legislators?

	<u>higher ratio</u>	<u>lower</u>	<u>average</u>	<u>DK/NA</u>
Assembly	()	()	()	()
Senate	()	()	()	()
Legislature as a whole	()	()	()	()

Probe for any specific comparisons.

8. Do you feel, on the whole, that either the Democrats or the Republicans have larger districts in Erie County? (people)

	<u>larger</u>	<u>smaller</u>	<u>the same</u>	<u>DK/NA</u>
Democrats	()	()	()	()
Republicans	()	()	()	()

On what basis have the lines been drawn?

9. Do you think that any of the legislative districts in Erie County have been drawn up to give one party an advantage over the other? (gerrymandered)

yes 1. () no 2. () DK 3. () NA 4. ()

If yes, why do you believe that this is so?

- 10a. As far as state aid is concerned, do you feel that Erie County is getting its fair share based on population. That is, do you think that Erie County is getting more than its fair share in any areas?

yes 1. () no 2. () DK 3. () NA 4. ()

If so, what areas?

- b. Do you think Erie County is not getting its fair share of state-aid in some areas?

yes 1. () no 2. () DK 3. () NA 4. ()

If so, what areas?

11. There are always conflicting opinions in a legislature. How would you generally rank conflicts of opinion in the New York State Legislature? (Hand respondent list-enter "1" for the most common type of conflict, "2" for the second most common, etc.)

- ____ (1) Republicans vs. Democrats
- ____ (2) The Governor's supporters vs. his opponents
- ____ (3) The cities vs. the rural counties
- ____ (4) Liberals vs. Conservatives
- ____ (5) Labor vs. opponents of labor
- ____ (6) New York City vs. up-state areas
- ____ (7) Depends on issue
- ____ (8) Others (specify)
- ____ (9) Can't rank/NA

- 12a. We wonder if Erie County is getting its fair share of treatment concerning its problems in the Assembly?

yes 1. () no 2. () DK 3. () NA 4. ()

If so, what do you think the cause may be?

- b. Must every county have a representative in the Assembly in order to make needs and wants effectively known?

yes 1. () no 2. () DK 3. () NA 4. ()

Can you explain this? If no, how are some areas not getting their needs and wants effectively known?

- c. Are there any localities that are not fairly represented in the state legislature because of the present apportionment system?

yes 1. () no 2. () DK 3. () NA 4. ()

If so, which ones?

13. Do you feel that problems concerning metropolitan areas i.e., New York City, Buffalo, Rochester, etc., in general are being given fair consideration in the legislature?

yes 1. () no 2. () DK 3. () NA 4. ()

If no, in what respect?

14. Would New York City have an unfair advantage in the legislature if population alone were used to determine the number of seats apportioned?

yes 1. () no 2. () DK 3. () NA 4. ()

If yes, effect on New York City and rest of state.
What problems would be created if this were the case?

15. Do you feel that the present apportionment formulas are fair?

yes 1. () no 2. () DK 3. () NA 4. ()

If no, how is that?

16. Is the present system of apportionment as basis for future governmental stalemate with a Democratic governor and a Republican legislature?

yes 1. () no 2. () DK 3. () NA 4. ()

If yes, extent of stalemate and its effect.

- 16b. Does the rural faction of the party exert more influence in the legislature than does the suburban and urban factions?

yes 1. () no 2. () DK 3. () NA 4. ()

If so, how is that - on issues, party affairs, or just what?

- 17a. Do you feel that it would be better to have a non-partisan board or commission to handle reapportionment rather than the legislature?

yes 1. () no 2. () DK 3. () NA 4. ()

How is that?

- b. What would be a reasonable length of time for reapportionment?

- 18a. Ruth Silva has written a report for the Peck Commission on recommendations for Constitutional revision. The report deals largely with the apportionment situation in New York. Have you run across it?

yes 1. () no 2. () DK 3. () NA 4. ()

(If yes, probe to find out extent of knowledge.)

18b. Do any of the proposals she makes for reapportionment appear sound?

yes 1. () no 2. () DK 3. () NA 4. ()

If yes, which ones?

19a. Could you name any member of the House (Senate) whom you consider particularly expert in the area of apportionment?

Name

House

- 1.
- 2.
- 3.
- 4.

b. Is there anyone whom you would also consider who is not in the legislator?

- 1.
- 2.
- 3.

I would now like to ask you about any possible places that are or can be a source of information concerning the apportionment situation here in New York State.

20a. Have you received any mail from any individuals or groups concerning the apportionment situation here in New York?

yes 1. () no 2. () DK 3. () NA 4. ()

If yes, from whom. Was it in support of the present system, or not?

20b. Have you received mail concerning any other issues facing the legislature?

yes 1. () no 2. () DK 3. () NA 4. ()

If yes, with what issues was the mail concerned?

- 1.
- 2.

20c. What was the extent of the mail?

21a. Do you know of anyone in the area who would have any interest in the question of reapportionment?

yes 1. () no 2. () DK 3. () NA 4. ()

If yes:

person

position

- 1.
- 2.
- 3.
- 4.

b. How did you learn of their interest?

c. Have these people made their position known?

yes 1. () no 2. () DK 3. () NA 4. ()

If yes, in which way?

22a. How do the newspapers in this area stand in respect to apportionment?

	<u>B.E.N.</u>	<u>C.E.</u>	<u>Other</u>	<u>Other</u>	<u>Letters to editors</u>
strongly for	()	()	()	()	()
moderately for	()	()	()	()	()
indifferent	()	()	()	()	()
moderately against	()	()	()	()	()
strongly against	()	()	()	()	()

22b. Do you recall any specific articles or editorials that have been written in any of the local papers?

yes 1. () no 2. () DK 3. () NA 4. ()

If yes, what was the nature of the article (s) or editorial(s)?

23a. Does the Republican Party have a specific stand on this question?

yes 1. () no 2. () DK 3. () NA 4. ()

If so, what is it?

23b. Does the Democratic Party have a specific stand on this question?

yes 1. () no 2. () DK 3. () NA 4. ()

If so, what is it?

24. Does the Governor have a specific stand on this issue?

yes 1. () no 2. () DK 3. () NA 4. ()

If so, what is it?

25a. There has been a great deal said and written about the power of the interest groups and lobbies in state politics. Would you say that there are any groups actively for or against apportionment?

yes 1. () no 2. () DK 3. () NA 4. ()

If so, what groups and what is there stand?

b. Are there any groups that are powerful or active on the reapportionment question in this area of the state?

yes 1. () no 2. () DK 3. () NA 4. ()

If yes, which groups are they; how intensely do they feel?

26. Now I'd like to ask you some questions about the work during the last session of the legislature. The issue of reapportionment did not reach the floor for debate and a vote, yet, would you say that this matter is of concern to you personally, of some concern, or of no concern?

concern ()
 some concern ()
 no concern ()
 DK/NA ()

27. Do you see the present apportionment system of the State of New York as being unfair?

yes 1. () no 2. () DK 3. () NA 4. ()

If yes, can you tell me what solution you would personally favor for this general problem?

28a. Is there anything you have done to promote the solution you favor to the apportionment matter? Did you:

- 0. do nothing ()
- 1. author or sponsor a particular bill ()
- 2. work for your solution in committee ()
- 3. speak for your solution on the floor ()
- 4. try to convince other members in private ()
- 5. seek support outside the legislature ()
- 6. inform the public ()
- 7. contact your legislature ()
- 8. do something not listed ()

28b. If "yes" to no. 8, just what did you do to gain support? What kind of support? How did you get it?

29. Is there anything you expect to do in the future to promote the solution you favor concerning apportionment?

yes 1. () no 2. () DK 3. () NA 4. ()

If yes, to what extent? What is that?

30. On this particular subject of apportionment, where would you get your most reliable information? What sources of advice and information would you trust the most?

31. How do the interest groups or lobbies that are affected by this matter of reapportionment line up on it? Which ones would you say feel pretty much as you do about it? Which ones would you say disagree with you on this matter?

32. How would you describe the attitude of the voters in your district (Erie County) on this matter?

33. Have any people contacted you to express their views on the subject?

yes 1. () no 2. () DK 3. () NA 4. ()

If yes, how many?

How many were in favor of the present method of reapportionment? _____

What kind of people were these who contacted you?

34. Just to get an overall picture, how important would you rate each of these items leading you to see this apportionment situation as you do?

	<u>very</u> <u>important</u>	<u>important</u>	<u>NA</u>	<u>not very</u> <u>important</u>	<u>not at all</u> <u>important</u>
a. Views of friends in legislature	()	()	()	()	()
b. Advice of party leaders	()	()	()	()	()
c. Words from people in your district	()	()	()	()	()
d. Views of interest groups or lobbies	()	()	()	()	()
e. Academic works on the subject	()	()	()	()	()
f. Others (specify)	()	()	()	()	()

35. Do you think that the solution the legislature is likely to reach in this matter will be satisfactory to you personally?

yes 1. () no 2. () DK 3. () NA 4. ()

- 36a. This is a list of the different conflicts of opinion we mentioned a while ago. How would you rank these opinion conflicts in the order of their importance on this matter of apportionment? ("1" for most important, etc.).

☐ Republicans vs. Democrats
☐ The Governor's supporters vs. his opponents
☐ The cities vs. the rural counties
☐ Liberals vs. Conservatives
☐ Labor vs. opponents of labor
☐ New York City vs. Upstate areas
☐ Others (specify)
☐ Can't rank/NA

- b. Do you think the solution the legislature will reach in this matter:

1. will involve compromises and concessions by all sides?

yes 1. () no 2. () DK 3. () NA 4. ()

2. or will it be pretty much a complete victory for
one view point?

yes 1. () no 2. () DK 3. () NA 4. ()

c. Which view point?

38. Now, I would like to ask you some questions about
your background:

a. Where were you born? _____
city county state

b. And in what year? _____

39. Where were you brought up? _____
city county state

40. Did you spend most of the years when you were growing
up in a city, small town, farm, or suburban area? (under-
line).

41. How many years have you been living in this area?
(or have been a legislator in this district?) _____

42. Have you ever held a political office (other political
office) or an important business position?

What is that?

43. What would you consider yourself?

- a. Republican
- b. Democrat
- c. Liberal
- d. none
- e. other

44. Now would you tell me something about your education?
Where did you go to school?

	<u>School</u>	<u>Place</u>	<u>Pub.-Priv.</u>	<u>Educ. status</u>
elementary	_____	_____	_____	_____
high school	_____	_____	_____	_____
college	_____	_____	_____	_____
graduate	_____	_____	_____	_____

45. What is your own principal occupation?

Who is your employer?

self (___) self and partner (___) other (___)

Has this been your main occupation all your working
life? yes 1. (___) no 2 (___) NA 4. (___)

If no, what other work have you done and for how long?

Thank you very much for your
cooperation.

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