CITIES IN THE AGE OF TRUMP: THE BEST & WORST OF TIMES

PRESENTATION TO AALS SLG SECTION
JANUARY 6, 2018
SAN DIEGO

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## Selected City Populations

<table>
<thead>
<tr>
<th>Year</th>
<th>San Fran</th>
<th>Boston</th>
<th>New York</th>
<th>Atlanta</th>
<th>Portland, Ore.</th>
<th>Seattle</th>
<th>Wash., DC</th>
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<th>Jackson, MS</th>
<th>Pittsburgh</th>
<th>Detroit</th>
<th>Buffalo</th>
<th>Cleveland</th>
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</tbody>
</table>
Key states with urban-rural political tensions:

Arizona
Florida
Indiana
Michigan
North Carolina
Ohio
Pennsylvania
Texas
Virginia
Wisconsin
State-local preemption

Substantive Areas:
- Wage and hour
- Including paid sick & family
- Civil rights/bathroom bills
- LGBTQ antidiscrimination protection
- Plastic bags
- Environmental regulation
- Campaign Finance
- Gun Control
- Immigration (sanctuary cities)
- Affordable Housing
- Public health

Methods of Preemption:
- “Old-fashioned”
- Punitive
- Denying Funds
- Threatened removal of local officials
- Proposed allowing other cities to sue
Not just “red” or “purple” states:

New York
   State leg. preempts plastic bag ban &
   has not authorized congestion pricing

Rhode Island
   State leg. preempts local min wage ordinances

For more, check out ACS issue brief: “The Troubling Turn in State Preemption” (Briffault, Davidson, Diller, Johnson, Schrager)

https://www.acslaw.org/preemption
Not just attacks on cities’ power; also the denial of urban policy preferences in state leg.:

Gun control
Wage & hour
Medicaid expansion (VA, FL)
Wisconsin had one of the highest efficiency gap scores in GOP's favor.

Dems had high efficiency gap scores in Colorado and Nevada.

Actual share of seats held by GOP

Based share of votes cast for GOP
Gill v. Whitford (SCOTUS argued fall 2017)

Plaintiffs’ expert cites the following state houses (assemblies) as among most gerrymandered in 2012, 2014:

Pro-Republican:
WI
VA
NY
OH
PA
MO
NC
IN
KS
MI
FL

Pro-Democrat:
VT
RI
Equal Protection Effects of State Preemption

Birmingham, Ala.: State Preemption of City’s Min Wage Law

Lewis v. Bently (N.D. Ala. 2017) (pending 11th Cir.)

Austin & Dallas, Tex.: State Preemption of Local Authority to Protect “Source of Income” Discrimination

ICP v. Abbott (N.D. Tex. Filed 2017)
Federal:

President -- electoral college

Senate – equal state apportionment regardless of population

U.S. House – gerrymandering

Senate & U.S. House – no representation for D.C. despite more people than either Wyoming or Vermont
U.S. House

Final vote on tax bill: 224 to 201 (12 Rep’s voting no)

Republicans hold 239-193 advantage
Won total popular vote in 2016 49.1 to 48.0%

AP estimates that gerrymandering in key states (OH, PA, MI, VA, FL, NC) provided up to 22 additional Republican house seats in 2016

Buffer to let a few more urban R’s in high-tax states peel away

“Gerrymandering buffer”
Margin of support in 2016 presidential election

More Republican  More Democratic

Average SALT Deduction for High-Income Taxpayers

New York County, N.Y.
$159,395

$100,000

$50,000

Courtesy of N.Y. Times
U.S. Senate

2009 health care vote: 60-39
Senators in favor represented 64% of 50-state population

2017 tax vote: 52-48
Senators in favor represented 44% of 50-state population
What to do? (assuming urban-rural divisions remain)

Reinvigorate discussion of constitutional reform
Start small(ish):

Districting reform for state leg’s/House

Representation for Wash., DC (more people than either Vt. or Wyo.)

Electoral College reform

Cloture rule in Senate that depends on state population?
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