

The Westside Story:  
A Murder in Four Acts

**MURDER**



# Introduction

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# **The Westside Story: A Murder in Four Acts**

*Leroy Hardy &  
Alan Heslop*

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# The Westside Story: A Murder in Four Acts

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# Preface

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Redistrictings never begin with a tabula rasa. Each redistricting is shaped by the results of its predecessor — its districts, their incumbents, and the type of politics that it produced and supports.

This little volume is based on the belief that if we are to understand either the process or the results of redistricting, we must look to the development of districting configurations over time. To illustrate our approach, we present a study of changes in the political geography of Los Angeles County's Westside in the period 1951 to 1982.

There is no substitute, we believe, for tracing the changing details of district lines to the shifting needs and goals of power holders. Although it involves grappling with the facts of political geography, we think readers will find the struggle worthwhile. Redistricting — with all of its implications for representation and elections — is a subject that cries out for closer analysis than it is generally given. And this is especially true in the case of abusive redistrictings, which overrepresent some groups at the expense of others and skew electoral outcomes.

Our history covers two quite different periods in redistricting. In the period of the 1950s and early 1960s, an era of gradual Republican decline and the rise of a new Democratic legislative establishment, manipulation of district lines was lim-

ited both by law (the whole county requirement) and by primitive technology. After 1965, in the wake of the U.S. Supreme Court one-person-one-vote decisions (which ended the whole county requirement), new computer technology was applied for the design of ever more bizarre (although equi-populous) districts.

We trace the “genealogy” of some of today's districts in Los Angeles to their origins in the redistrictings of 1951. Yet, we also underscore a contrast between the districts of the earlier period and contemporary districts. The latter, we believe, are producing serious distortions in politics, yielding results that are very different from those that the voters seek and blocking the natural processes of political change.

To put it bluntly, we think that the 1982 districts are killing off Democratic-Republican politics and preventing competition in a vital area of the nation's greatest state. And, because we are convinced that the line-drawers knew what they were doing, we do not think it fanciful to use the title “Murder.”

In discussing these recent redistrictings, we draw attention to the role of computer technicians (to whom we refer as “Datagogues”) and consulting experts (“Gerrycrats”). These unkind references, which we trust will be forgiven by colleagues who have served with us in both



roles, are intended to underscore a little-known trend in redistricting politics. Today, few elected politicians are more than figureheads in redistrictings: the key decisions are made by staff and consultants working in secrecy. It is partly this fact, we believe, that explains why district manipulations are now so extreme: the line-drawers lack the restraint that goes with accountability and they lack the insights into representative needs that go with campaigning for office.

The authors, one a Democrat, the other a Republican, believe that both major parties are the losers in contemporary redistrictings. Modern gerrymanders are a major cause of our noncompetitive politics, of the stalemate in our legislatures, of the arrogant misbehavior of incumbents, and of the increasing distance of both legislative caucuses from the mainstream of public opinion.

In another monograph in this series — *Redistricting Reform: An Action Program* — we set forth the case, and propose a means, for changing the way in which redistricting is done. Los Angeles' Westside is one of the best proofs of that case: its contorted districts (and the contortions that those districts produce elsewhere in Los Angeles and beyond) are a graphic indictment of a process that grows more corrupt and abusive with each decade.

Our obligations to the Philip McKenna Foundation, to the John Randolph Haynes and Dora Haynes Foundation, and to the Earhart Foundation must be publicly acknowledged. We are grateful, also, to the unfailing support of the Board of Governors and the faculty and staff of the Rose Institute. None of these organizations or individuals, of course, should be held accountable for our views.

LEROY HARDY

ALAN HESLOP

**Y**ou say that people in authority are not to be snubbed or sneered at from our pinnacle of conscious rectitude. I really don't know whether you exempt them because of their rank, or of their success and power, or of their date... I cannot accept your canon that we are to judge Pope and King, unlike other men, with a favoured presumption that they did no wrong.

*If there is any presumption, it is the other way, against holders of power, increasing as the power increases. Historic responsibility has to make up for the want of legal responsibility. Power tends to corrupt and absolute power corrupts absolutely.<sup>1</sup>*

—Lord Acton

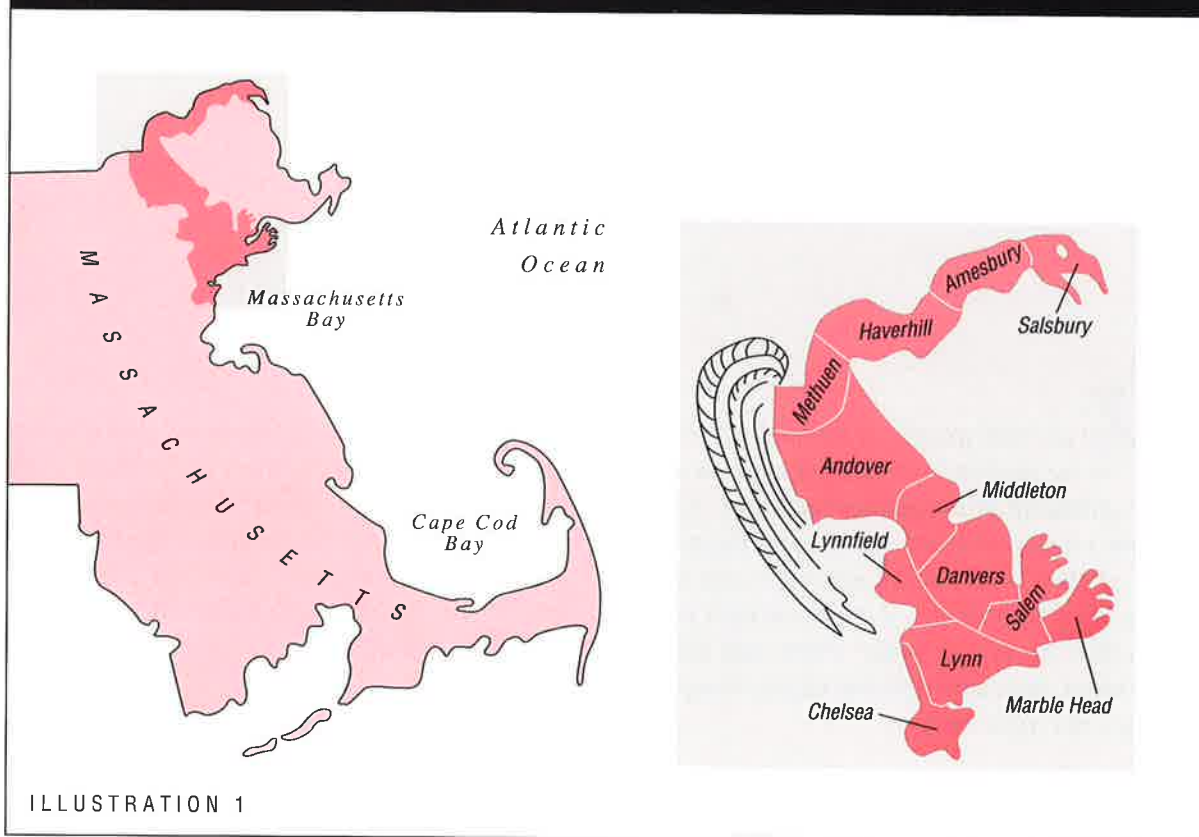
Gerrymandering is a type of legislative redistricting.<sup>2</sup> Each redistricting, normally every ten years, has its share of gerrymanders. Normally the species is discussed in terms of isolated examples. The focus may be on the gerrymander of 1892, or on the Indiana example of 1872. A few accounts trace the evolution of one congressional district, for example, the third of Indiana, or the Berks County district in Pennsylvania. Often, the gerrymander is summed up with reference to the classic 1812 Massachusetts example, its “map” presumed to speak louder than words; but its failure is rarely

mentioned and the 1813 “skeleton” almost never illustrated (See Illustration 2).<sup>3</sup> From such isolated examples, diverse conclusions are derived and the practice is epitomized by reference to the “goose”, the “dumbbell”, the “stairway,”<sup>4</sup> the “camel bites a dachshund” or the “laughing rabbit.”<sup>5</sup>

Our central point is that gerrymanders are devices long used in the political process, but the species and the process have long been confused, and there is little more than anecdotal treatment of individual gerrymanders or groups of gerrymanders. Sometimes, the process by which a redistricting bill is organized is made the focus of analysis, with little or no attention to specific gerrymanders; at other times, a peculiar configuration is the center of attention, with little or no comprehension of the process. Indeed, one of the major smoke screens behind which the GerryCrat<sup>6</sup> lurks is the half-told tale focusing on one gerrymander, which can then be explained as an exception. In the superficial coverage, the other districts are ignored, the real political motivation remains obscure, as do the effects on the representative process.

The writers believe that a rethinking of the gerrymander is overdue. This monograph takes a longitudinal approach in a specific area. The purpose is to trace the political nature of the districts from one redistricting to another and then to explore the cumulative effects on repre-

## The "Infamous" Gerrymander



sentation in Los Angeles County. This area of California was selected because:

1. with rare exceptions, leadership of California redistricting has been in the hands of Los Angeles legislators for 60 years.<sup>7</sup>
2. textbook examples of gerrymanders have often been drawn from the Los Angeles area.
3. the overlaying of several redistrictings over time provides a political "genealogy" of gerrymanders in the area.
4. the sample is broad enough to demonstrate different techniques and their interrelations.<sup>8</sup>
5. the writers have been involved in varying degrees in the last eight redistrictings.<sup>9</sup>

### *Los Angeles — The Laboratory*

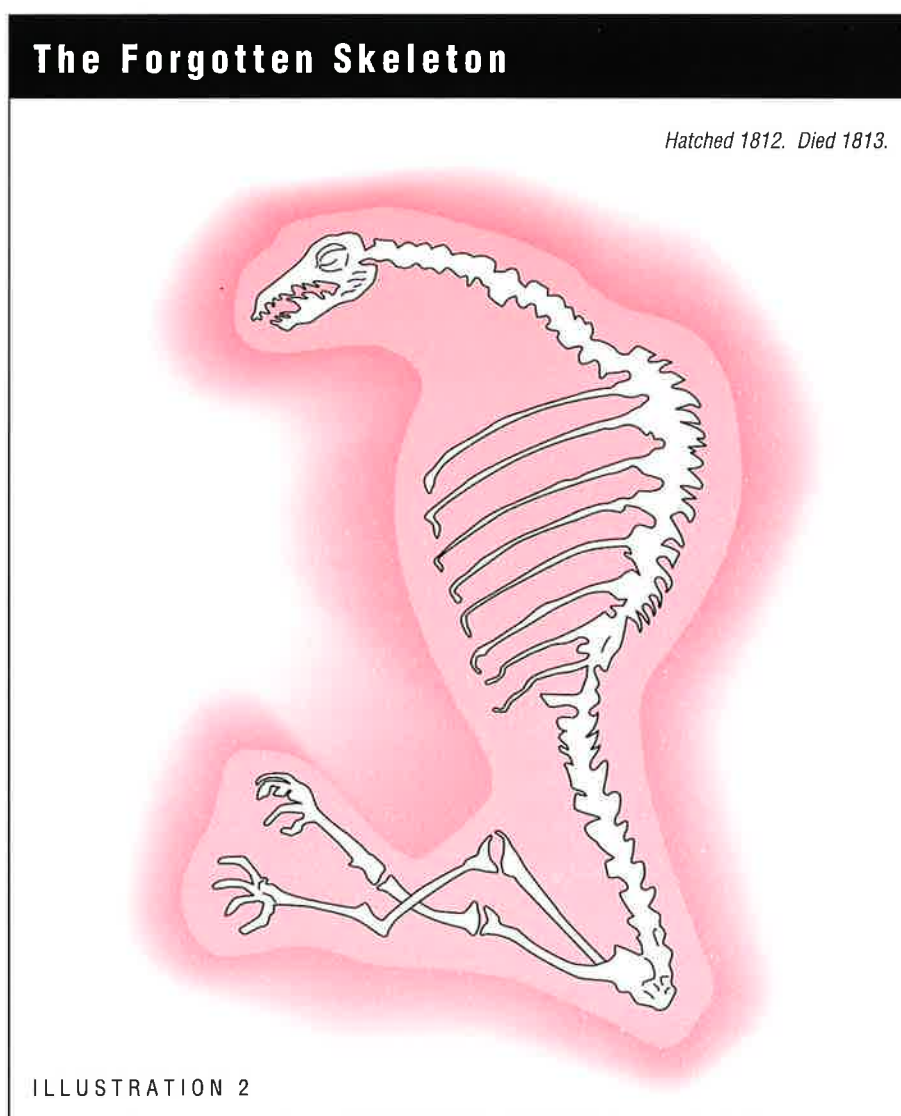
To study Los Angeles redistrictings is to analyze a social and political drama that has dominated a half-century of California political life. It is a story of political dynamics — growth, change and conflict — in which redistrictings have facilitated and frustrated political power that demographic changes have provoked and social issues have crystallized. Machinations of politicians during the decennial battles have been accompanied by court-ordered actions in between, by a court-drawn plan, and by frequent initiative and referendum actions (threatened or real).

The principal focus is on the older settlement areas in the Los Angeles urban complex.<sup>10</sup> The story begins in 1930 with two congressional districts and carries the tale to the 1980's when

the western sections had approximately eight districts. The time span embraces Los Angeles' metamorphosis from a leisure resort and retirement community into a complex multi-ethnic metropolis now heralded as the hub of the "Pacific Rim." Geographers and economists have been perplexed by the area's lack of water, lack of central business core, and its unique dependence on the automobile. For politicians and political scientists, however, a chief feature of the City of the Angels is its abundant gerrymanders.

### *Methodology*

Despite the proliferation of writing about redistricting, many of its central practices are still treated as mysteries.<sup>11</sup> Students of politics have failed to shed light on such practices because few have direct personal experience of redistricting politics. Some have added mystification by the use of supposedly "scientific" techniques of analysis (and accompanying jargon), or because they have rushed to theoretical conclusions before completing any genuinely



empirical research. The truth is that few political scientists get into the crucible of power, partly by choice and partly because politicians refuse to admit them.

The record of redistricting in Los Angeles that we present here is not put forward as the “true” picture, much less as a comprehensive account of all the nuances in an extremely complex process. It is impressionistic, reconstructed after the event from notes at the time, from analytical linkages, and from judgments shared and tested between the authors and with other participants.<sup>12</sup>

In developing their study, the writers viewed their primary responsibilities as objective description and analysis. We have injected little editorial commentary into the account, following the wise counsel of George Orwell on such matters.<sup>13</sup> In the case of the 1981-82 gerrymanders, however, we do not conceal our belief that they amounted to an open assault on Democratic-Republican institutions.

### *The Sample*

Why is the sample limited to one area of one county and to a focus on one type of district? The broad strokes of previous studies are, we believe, a major shortcoming of the literature.<sup>14</sup> Yet, the complexity of state-wide redistricting, with dozens of actors and a multitude of districts, defies detailed treatment. To center on one area and one type of district, however, allows fuller exploration of the process. We believe that the study area is small enough to be manageable, yet large enough to permit observation of a range of techniques and results.<sup>15</sup>

Indeed, an amazing array of practices, conceptions, and outcomes can be observed in Los Angeles.<sup>16</sup> The analysis is most graphic and manageable when confined to CDs (Note: CDs refer to congressional districts, ADs to assembly districts and SSDs to state senatorial districts throughout the manuscript.), we believe,

because of their size and growth; but state legislative districts are brought in to demonstrate key features of the gerrymander.

The monograph is arranged in chronological order because the full dimensions of redistricting problems are best understood in historical context. In sum, we present a history of gerrymandering in Los Angeles, beginning in 1951, as Act One; each subsequent act (1961, 1971, and 1981-82) demonstrates their proliferation and the increasing threat that they pose to the representative system.

## **PROLOGUE**

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### *The Historical Web: The Thirties and The Forties*

Modern redistricting in California, although frequently dated from 1951, actually begins in 1931.

### *Rural/Urban Becomes Urban/Rural*

The struggle between rural and urban interests was a dominant theme of politics in the 1920s. Reapportionment delays following the census of 1920 were a direct result of rural resistance to urbanization and to pressure for political change.<sup>17</sup> The political birth of urban America could no longer be postponed in the 1930s and the depression only accelerated urban development in California; in turn, rural political decline was inevitable.

The California breakthrough occurred first, by a form of political regression. Prior to 1926 both houses of the California legislature were based on population. In that year the voters adopted by initiative a “federal plan” that provided representation by area in the upper house and on the basis of population in the lower house.

In other words, urban and southern representation in the lower house were purchased at the expense of upper house disfranchisement. A 1928 referendum on the legislation implementing the new plan delayed the achievement of new districts until the 1930 elections. The first stage of the rural-urban shift brought new ADs to Los Angeles County and new opportunities for the politically active.

*State Legislative Districts and Los Angeles*

Los Angeles' population grew from 21.2% of the state's population in 1910, to 27.3% in 1920, and 38.8% in 1930. It received 15 ADs and eight SSDs in 1911. The failure of the legislatures of 1921, 1923, and 1925 to reapportion according to constitutional provisions (on the basis of population) delayed urban and southern representation to the end of the dec-

ade. The legislative failure to respond to demographic change provoked a series of initiatives and a referendum. The ultimate result was the decline of state senatorial representation and a major increase in the assembly. By the time Los Angeles received its rightful 1920 entitlement in 1930, the 1930 census already promised additional seats in 1931. With overwhelming Republican dominance and the State Senate sellout, the seats became 22 in 1930 and 31 in 1932.

When a similar breakthrough for CDs occurred in 1929, another incredible bounty came to California (nine seats, four of those in Los Angeles County) after the 1930 Census; also, additional ADs came to Los Angeles County as a result of the same census. The California gain rivaled all other changes in the national history since 1789. Even Los Angeles County's increase was larger than most states have achieved

Population And Congressional Seat Growth						
Census	POPULATION			NUMBER OF SEATS		
	California	Rank	Los Angeles	CA	LA	Study Area
1910	2,377,549	12	504,131	11	2	2-
1920	3,426,861	8	936,455	11	2	2-
1930	5,677,251	6	2,208,292	20	8	5
1940	6,907,384	5	2,785,643	23	7+	7
1950	10,586,223	2	4,151,687	30	12	8
1960	15,717,204	2	6,039,834	38	15	8
1970	19,971,069	1	7,032,075	43	15	8
1980	23,667,902	1	7,477,421	45	14+	8

TABLE 1

in one decade. While its senatorial entitlement dropped from eight to one, its assembly seats soared upward more than any county's gain since 1871.<sup>18</sup>

From the congressional perspective, California and its emerging metropolis made a quantum leap into national prominence — an unprecedented acquisition of political power. Its gain of nine new seats was larger than the total delegations of 36 states. From the 12th delegation in size, California jumped to 6th (Table 1)<sup>19</sup> On the home scene the politically ambitious (including the seven liquidated state senators in Los Angeles) had new ground to

plow, in new assembly districts and/or new congressional posts.

*A Political Oddity*

A second factor in the story of the twenties as a prelude to the thirties was Republican dominance. California was more extreme in its GOP inclination than the nation. In 1924 the Democratic national ticket drew only 8.2% of the California vote, while LaFollette Progressives drew 33.1% and Republicans 57.2%. 1928 saw an improvement in the Democratic vote — 34.2% against 63.9% for the Republican party nominee, Herbert Hoover.<sup>20</sup>

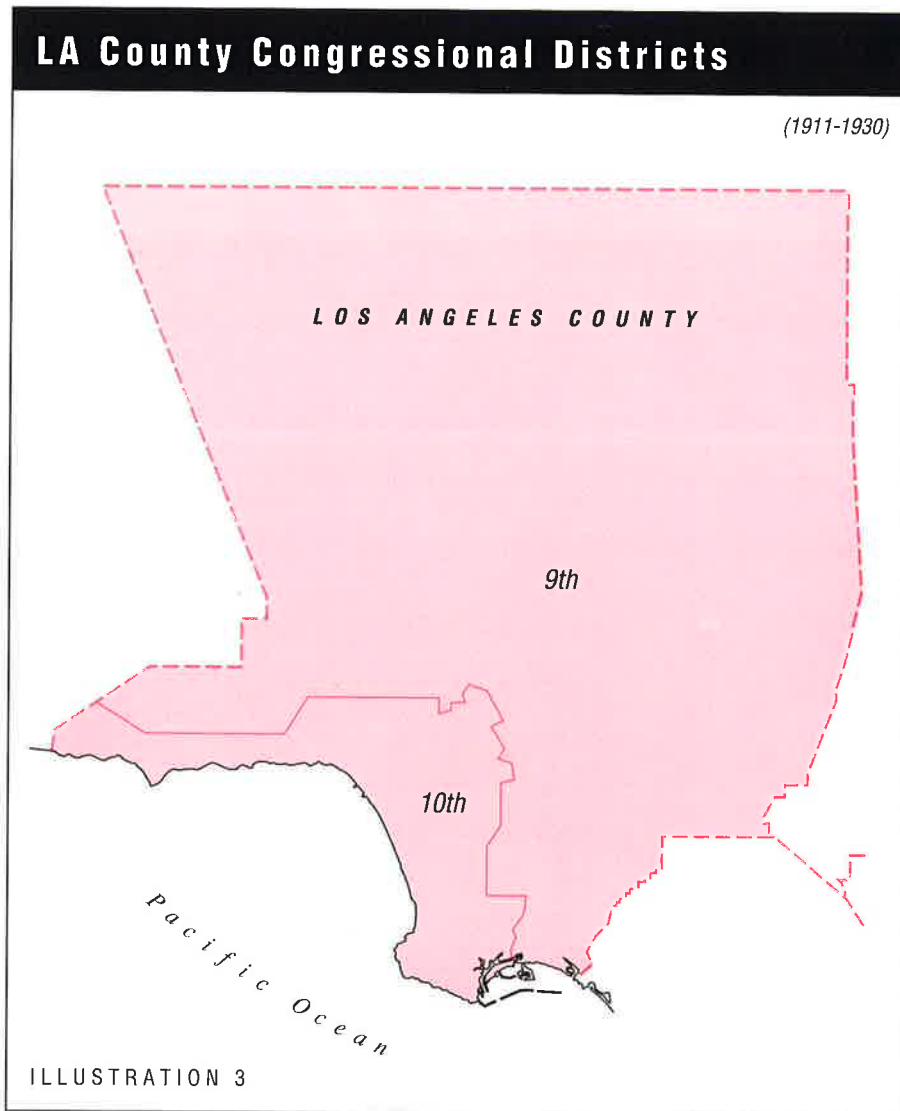
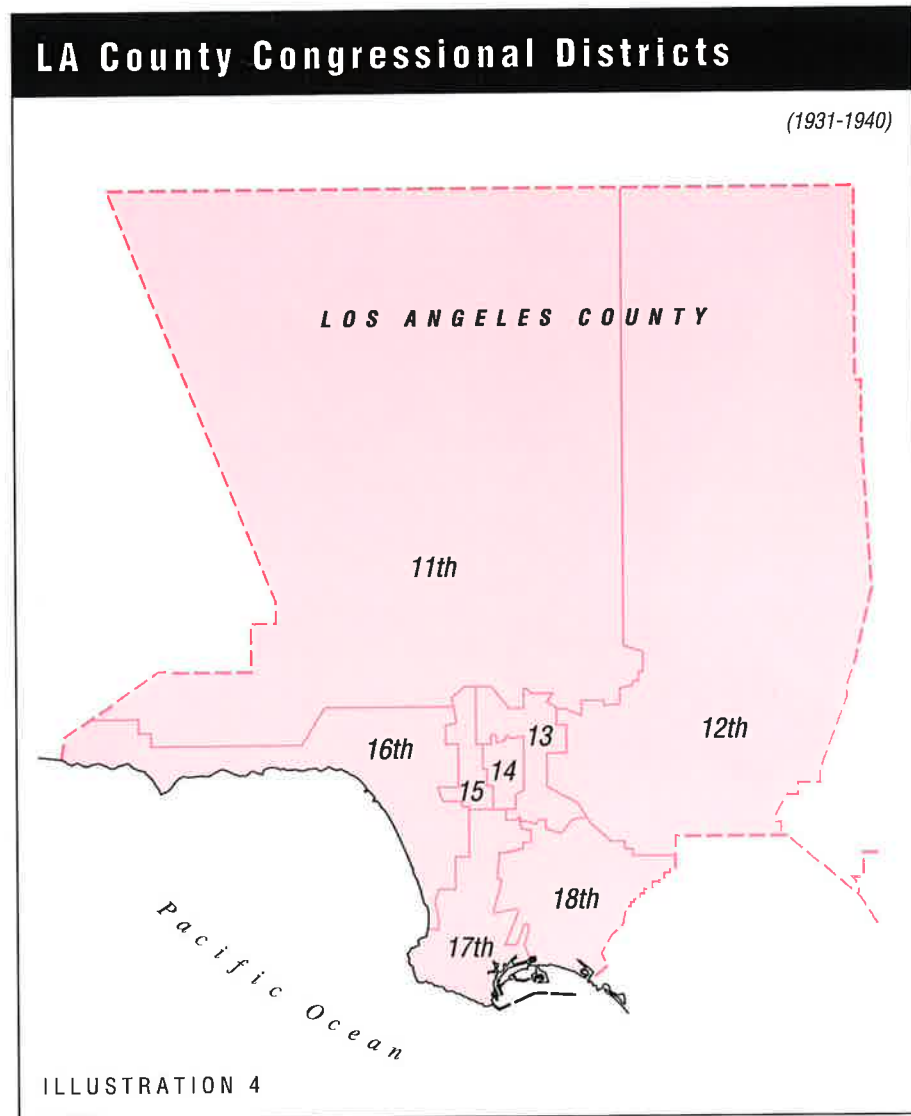


ILLUSTRATION 3



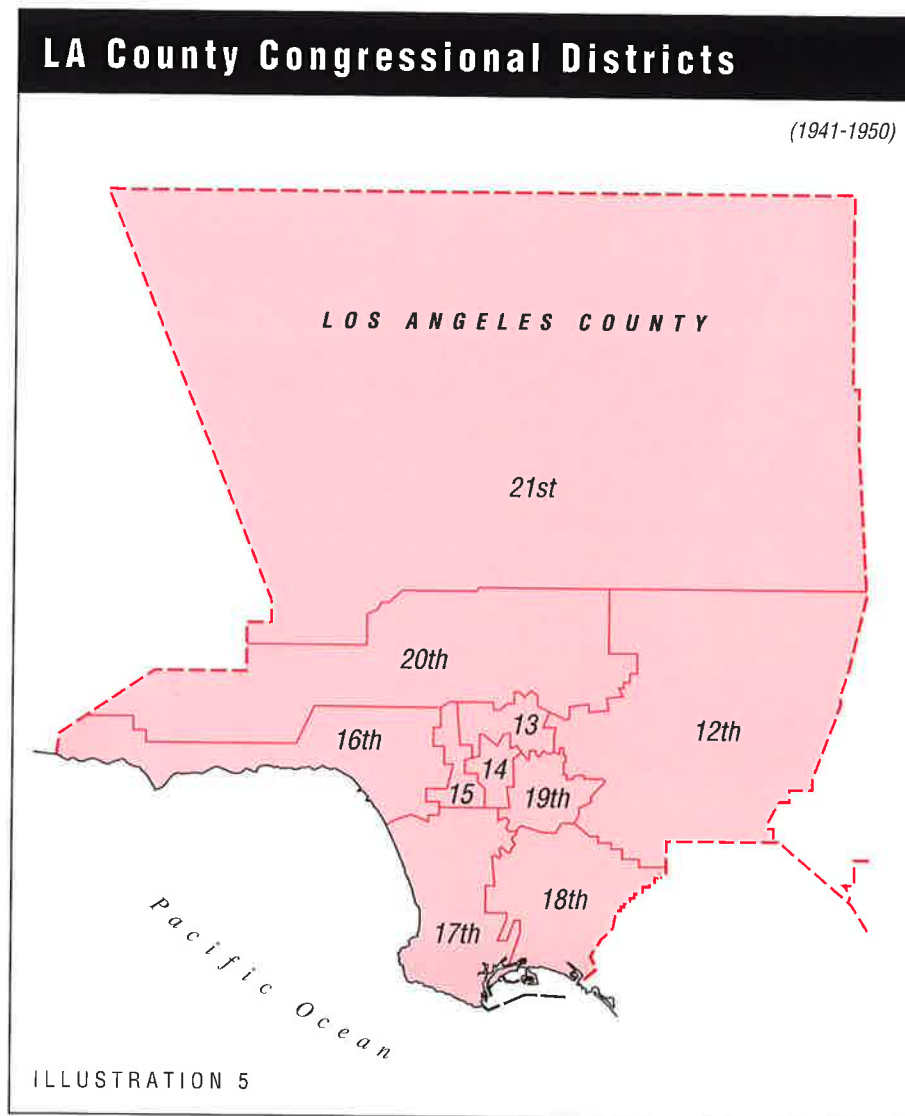
The state level was not much better for the Democrats. Democratic gubernatorial candidates won 36.0% in 1922, 24.7% in 1926 and 24.1% in 1930. No Democrat had held a statewide office since 1920. The 1931 legislature that would handle disbursement of the redistricting prizes had seven Democrats in the 80 member Assembly and four in the 40 member State Senate.<sup>21</sup>

Why would a Republican legislature have to gerrymander in an overwhelming Republican state? Even if the politicians of the time were prescient in anticipation of a coming Demo-

cratic tide, how could they determine the future voting of different areas? The statistics of the 1920s and even the 1930 election figures would not tell much about potential competition in a mobile non-competitive state. California's peculiar cross-filing system only clouded whatever partisan dichotomy might have existed.<sup>22</sup>

In other words, the 1931 redistrictings had little Democratic-Republican significance. The political questions were defined as north-south and rural-urban struggles within the Republican party. Even after occasional Democratic





victories occurred, academicians continued to analyze on the basis of the north-south, and urban-rural dichotomies.<sup>23</sup>

### *A “Good Government” Dream Was A Reality*

The first two considerations produce the third element — generally compact, square districts in the Los Angeles area (Illustration 4). Today’s “good government” generation can look back on the districts of 1931 and 1941 with envy. The

conclusion might be: “We told you compact, square districts are possible.” But the conditioning factors are missing in such a conclusion. Square districts were possible with numerous vacant areas and lack of party competition. On the other hand, survival is a serious problem which requires more finesse. A district’s shape is not an inhibition to overcome relative population decline or a party’s or an incumbent’s popularity. Survival is the name of the game in a partisan situation of decline (either population or popularity), regardless of the shapes.

*The New Deal Exception*

Substantial national Democratic victories in the 1930s were not duplicated in California. The high number of Democrats in the State Senate was 15 out of 40 members in 1936. In the same landslide year the Democrats found themselves with 47 (including the one write-in) in the 80 member Assembly, but the figure receded to 42 by 1940.<sup>24</sup> The governorship was won by a Democrat in 1938 for the first time in the century, but it was lost in 1942. On the congressional level the record was better for the Democrats (Table 2). The two Los Angeles Republicans in 1930 changed to two Republi-

cans and six Democrats in 1932.<sup>25</sup> Some Los Angeles districts alternated frequently between the parties.

*The Forties*

The year 1941 did not change the pattern. The pending war, the ineffective Democratic novices, the balanced Assembly under the sway of the economic “bloc,” a Republican State Senate, a Democratic governor in a thwarted New Deal — all favored a holding pattern. Minor adjustments were made and three new congressional seats were accommodated.<sup>26</sup>

<b>Political Genetic Blocks For 1941</b>						
<b>CD</b>	<b>RESULTS 1932-1940</b>	<b>POLITICAL STATUS OF ADs</b>				<b>RESULTS 1942-1950</b>
11	R/D/D/R/RD	R/R/R/R/R (47)	R/R/R/R/R (43)	R/R/R/R/R (48)	D/D/D/D/D (42)	R/D/D/R/RD
12	D/D/D/D/D	R/R/D/R/R (49)	R/R/R/R/R (53)	R/R/R/R/R (50)	D/D/D/D/D (51)	D/D/R/R/R
13	D/D/DR/D/DR	D/D/D/D/R (54)	D/R/R/R/R (56)	R/D/D/D/D (45)	D/D/D/D/D (52)	D/D/D/D/D
14	D/D/D/D/D	D/D/D/D/R (64)	R/D/D/D/D (55)	D/D/D/D/D (44)	na	D/D/D/D/D
15	R/D/D/D/D	R/R/R/R/R (58)	R/D/D/D/D (63)	D/D/D/D/D (65)	R/R/R/R/R (57)	DR/R/RD/RD/RD
16	D/DR/D/RD/RD	R/R/R/R/R (59)	R/R/R/R/R (60)	R/R/D/D/D (46)	R/D/D/D/D (61)	D/D/R/R/R
17	D/D/D/D/D	D/D/D/D/D (67)	D/D/D/D/D (68)	D/D/D/D/D (66)	na	D/D/D/D/D
18	D/D/R/R/R	D/D/D/D/D (69)	R/D/D/D/D (70)	R/R/D/D/D (71)	na	R/D/R/D/D

*NOTE:*  
Five elections occurred between the 1931 and 1941 redistrictings. The results are symbolized by D (for Democrat) and R (for Republican). The designation DR, or RD, symbolized a cross-filing nomination: if D is first a Democrat won both the Democratic and Republican nominations, and if the R is first a Republican won both the Republican and Democratic nominations. The crossfiling results are not listed for the ADs, but they were more numerous. The number after the Ad grouping indicates the AD number.

A careful study of the groupings reveals the subtle efforts of the redistricters in a bipartisan atmosphere to relieve Democratic pressures on the 11th and 12th CDs, while giving the Democrats the one new seat in 1941, the 19th CD made up of the 52nd and 51st ADs.

TABLE 2

Tranquility politics continued; but below the surface subtle demographic change was occurring. If any political maneuvers were planned in 1931 and perpetuated in 1941, marginal districts were created. More likely in terms of prevailing politics at that time, the results simply evolved without any advanced planning. The great influx into southeastern Los Angeles made logical a new CD in that area to relieve its overpopulation and to alter the fluctuating marginality of districts.<sup>27</sup> The relief of overpopulation in the old 13th CD also allowed changes in the 12th CD for a congressional bid in 1942 and 1944 by the redistricting chairman, but without success.

As the southeastern areas began to sprout suburbs, bedroom communities in the older areas were filling in. Democrats replaced the origi-

nal Republicans along the transportation system, known as the Red-Car Lines, not necessarily on the other side of the tracks, but astride the tracks. Older sections and older housing were available to the new immigrants, the Okies and Arkies, who brought with them a nominal Democratic political socialization.

Their Black neighbors soon began to manifest a Democratic disposition. Less expensive tract areas provided an opportunity for an exodus of the marginally successful immigrants. The South Los Angeles City corridor was opened up to Blacks with its convenient tracks and industrial barrier to isolate them. While the growing Mexican-American populations found refuge north and east of the same barrier in the vacated housing of East Los Angeles, Anglos moved outward.

# Act I — Redistricting In 1951

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California's end of the 1940s atmosphere could be described as the Warren-Samish era, which was the product of a backlash against inexperienced politicians, the war and the post-war fear of "radicals." Earl Warren would be the popular three-term Governor, but Arthur "Artie" Samish was the dominant lobbyist who reportedly controlled the legislature, especially in relationship to legislation involving his clients.

Contentment, growth, and confusion reigned, but power struggles were only slightly beneath the surface. Everything was in flux. Cross-filing, explanations based on fading urban-rural, north-south dichotomies, and mobility created uncertainty and unpredictability. In that atmosphere California leaders stumbled into the redistricting of 1951 and gerrymanders of the first generation.<sup>28</sup> The state's population catapulted it to number two in the nation and entitled the state to seven new congressional posts. More perplexing were the demographic shifts in the state, especially in Los Angeles. The county retained 31 of its 32 seats in the Assembly, but the population dispersal created a need for significant district alterations.

The two Los Angeles legislators who had the opportunity to play with the puzzle of uncertainties, dilemmas, and numbers, were relative newcomers to the post-war political scene. Laughlin E. Waters and Charles Conrad had

entered the legislature in 1946. Both were regarded as part of the Warren, i.e., more moderate, wing of the Republican party. Conrad was fascinated by political data, electoral trends, numbers and detail. Assemblyman Waters' forte was congeniality and negotiation. "Laughing Boy" was his nickname.

The California legislators were a joyful group in the still nominally non-partisan part-time legislature. A Republican Speaker would help out a Democrat living on \$100.00 per month salary and per diem. Republicans roomed with Democrats and vice versa, played cards and enjoyed the few months in Sacramento. And, of course, the lingering legacy of Samish was pervasive — the booze, girls, and baked potatoes.<sup>29</sup>

Before actual district changes are considered, two controlling factors must be noted:

1. the state constitutional redistricting provisions at that time; and
2. who votes on redistricting legislation.

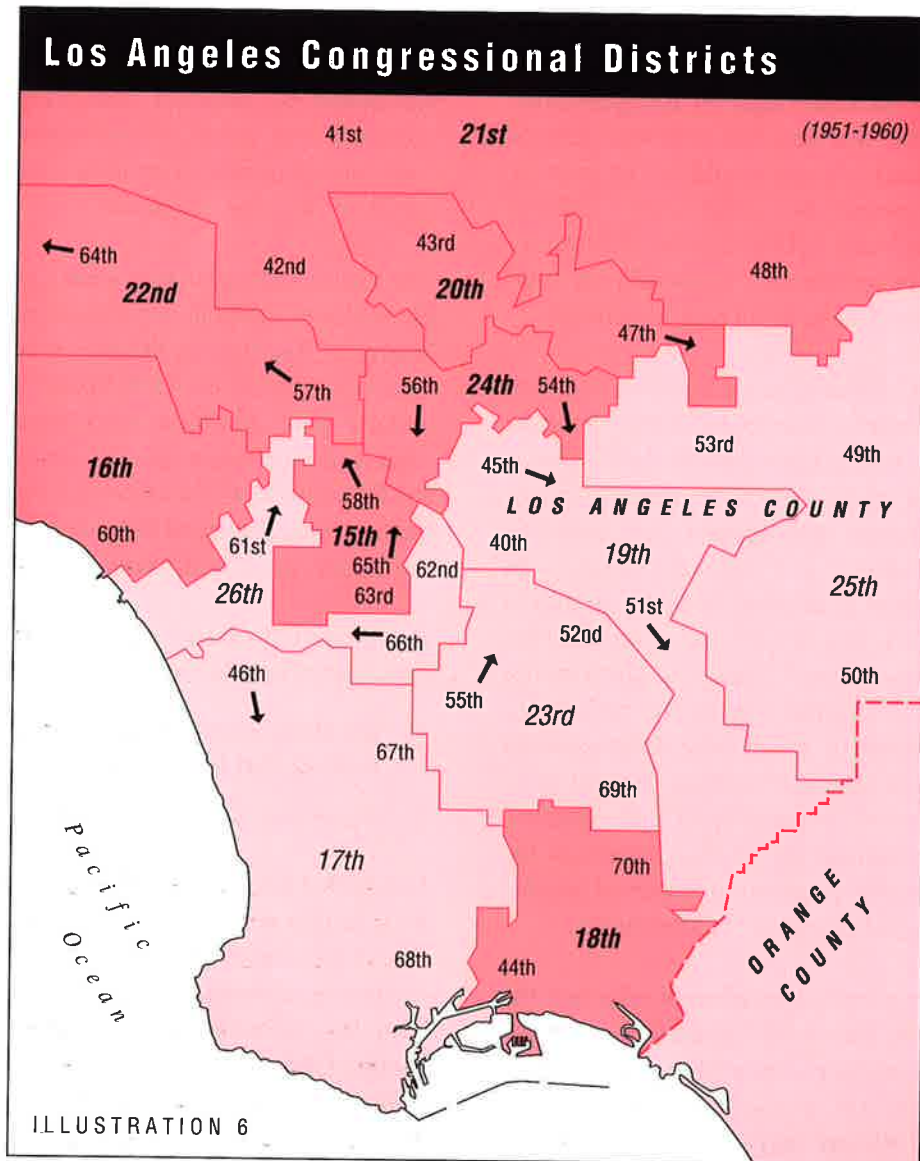
Until 1964, CDs had to be created from compact ADs within a county, and from compact counties if the county had less than one AD. The former requirement was crucial for CDs in Los Angeles. ADs had to be created first and then grouped into CDs. Assemblymen who voted on redistricting had to be pleased with their ADs. Thus, assemblymen's satisfaction with ADs had

priority, unless the assemblymen aspired to Congress.<sup>30</sup> Presumably a favorable vote on the legislation indicated reasonable contentment.

In turn the constitutional provisions provided a numerical advantage. With the state constitutional provisions requiring that CDs be created by consolidation of whole ADs within a county, if the number of ADs was not equally divisible by the number of CDs, some CDs would have more ADs than others. An inevitable distortion became the basis for a political advantage. Specifically in 1951, Los Angeles County had

31 ADs and 12 CDs (three new ones). A simple division would produce the constitutional necessity of seven CDs with three ADs (henceforth, 3-AD CDs) and five CDs with two ADs each (henceforth, 2-AD CDs). The nine 1941 congressional districts had been made up of three 4 AD CDs and four 3 AD CDs, and one AD was attached to San Bernardino County.

Assuming hypothetically equal ADs of 125,000 each, the 2-AD CDs would have 250,000 and the 3-AD CDs could have 375,000. In fact, the



range was from 228,712 to 451,322 in Los Angeles County in 1951. The greater disparity occurred because of the second numerical possibility. If the ADs were not equal (the range was 110,116 to 168,902) the large ADs could be grouped together to form CDs, while two lightly populated ADs made up other CDs.<sup>31</sup> Greater distortion became the pattern.

Assemblymen Waters and Conrad wrestled with constitutional and numerical problems that were inconsistent with equal population representation (which seemed to be the primary concern of political scientists). Both legislators recognized the wisdom of the Chinese saying: “Problems create opportunities.”

The immediate goal was the approval of the redistricting bills with maximum legislative support. To secure support for the legislation, legislators’ satisfaction with their own districts or congressional aspirations had priority. If the latter temptation was not a factor, satisfaction with their assembly districts was likely to produce acquiescence with the Congressional program. Illustration 6 blocks in the CDs of priority and the elongation direction generally indicates bill supporters.

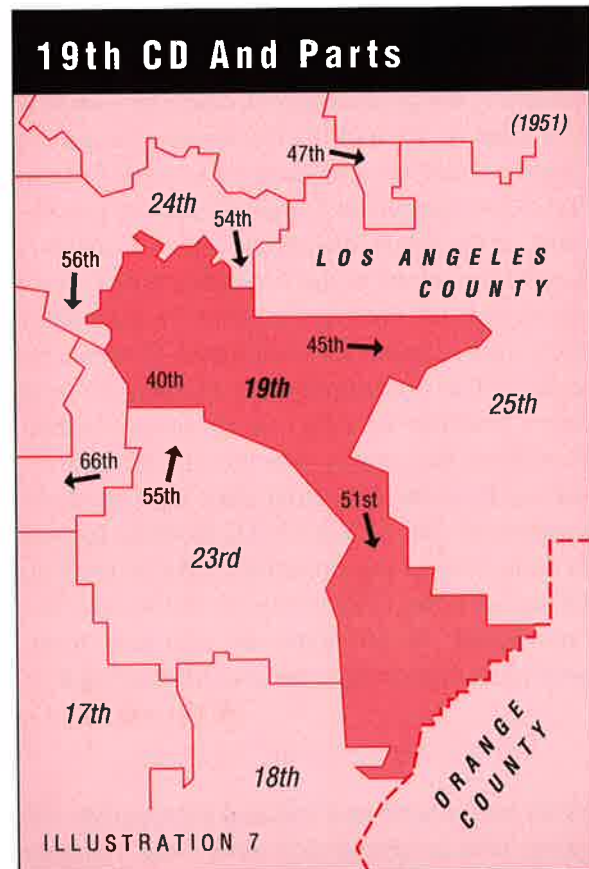
ADs for which legislators would vote became the building blocks for the eventual CDs. Satisfaction with their AD lines and their state careers inclined assemblymen to allow the redistricting managers the freedom necessary to maximize party advantages in CDs. It is an important political lesson: redistricting can best achieve partisan goals if removed from the self-interest of legislators.

*First Priority —  
AD Building Blocks*

A fundamental problem for the 1951 “godfathers” was how to satisfy “core area” assemblymen whose districts had declined in relationship to population increase on the periphery. The solution was either to consolidate existing

districts (with a no vote likely from those liquidated or disadvantaged),<sup>32</sup> or to elongate districts into growth areas. Another possibility was to persuade an assemblyman to seek another office. An increase of Congressional seats would normally have been a lure, but cross-filing had been kind to Republican incumbents in the late 1940s and possibilities for Assembly Republican legislators were limited. In two cases, Republican Assemblymen demonstrated interest in Congress (Conrad and William Grant).<sup>33</sup> But even congressional hopefuls hedged their bets: their ADs had to be safe as well.

Democrats in the declining areas could not expect congressional posts in a Republican-controlled redistricting. As an alternative, a Democrat might be encouraged to run for another office. Veteran Democratic Assemblyman Vernon Kilpatrick ran for a supervisory post, but lost his primary bid in April. The accommoda-



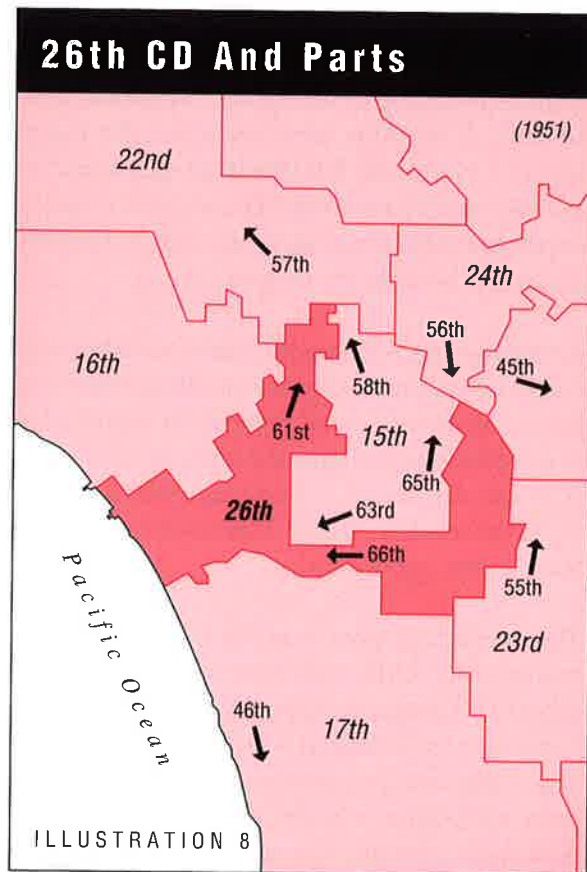
tors were back to square one. Ultimately Kilpatrick and Patrick McGee, a freshman Republican, would be offered new “relocated” seats, with incumbent privileges, in other areas. In Kirkpatrick’s case, it probably delayed a second Black AD, but ethnic issues were not prominent in 1951.

When the voting on the redistricting legislation is superimposed on the map (Illustration 6), the story becomes clear. The arrows indicate an assemblyman’s district expansion with its resultant implications for CDs. If ADs were elongated to solve the AD problem, CDs made up of such ADs tended to stretch out as well. The squares and rectangular districts began to wander and wriggle and generally elongate in shape. The outreaching of lines on Illustration 7 demonstrates the elongation phenomenon (see 45th, 51st, 66th, etc. ADs).

Underneath, however, was the desire to save “buddies,” first of one’s own party, but also of the other party as well. If someone had to go, or be inconvenienced, the freshmen were most expendable, or their desires secondary. As an alternative, the political pariah could be a sacrificial lamb in place of the freshman. The pariah quality could be attributed to several factors, but most often an ideologue of opposite persuasion, or the smart, dangerous one.<sup>34</sup> Considering that members of the Assembly voted on redistricting, it is not surprising that few assemblymen were selected for elimination (hence a no vote). The opportunity for elimination was more feasible in CDs, as indicated below. Punishing the enemy was easier one step removed from the congenial state legislative environment. The elongated AD building blocks, in turn, created the opportunity for wriggling, elongated CDs; (Illustration 6) and in one case “elongated” is not quite an adequate term: encircling is more appropriate (Illustration 8).<sup>35</sup>

### *The Congressional Agenda*

From both a state and national perspective, the seven new congressional seats were valuable



prizes. A Republican legislature and a Republican governor offered great hope for a national party out of power for 20 years.

In addition to gaining seven new seats, redistricting offered the possibility of shoring-up the marginal districts. The initial assessment of the Los Angeles problem favored:

1. elimination of Republican marginals, i.e., 13th and 16th CDs;
2. improving occasional Democratic districts, i.e., 12th, 15th, and 18th CDs;
3. solidifying the 20th CD with an aging incumbent, for the eventual bid by Assemblyman H. Allen Smith; and
4. accommodating the congressional desires of Conrad and Grant (re: 18th CD above and the new 22nd).



The advantageous 2-AD CDs were allotted the 13th, 16th, 18th, 20th, and 22nd CDs.<sup>36</sup> When the advantage is incorporated and the lines of commitment to the legislation are imposed, the alternatives are almost predestined. The remaining areas become the breeding grounds for additional gerrymanders (See Illustration 6) Isolated on the north, the 41st and 42nd ADs had to be grouped with the 48th AD to improve the “leaning” Republican nature of the 21st CD. Next the 49th AD had to be connected with either a 53rd-50th AD combination, or a 45th-53rd grouping. The heavily Democratic 45th AD would potentially tilt the 12th CD to the Democrats in a Democratic year. The 40th-45th-51st AD combination did not harm an acceptable Democrat (hence, a bipartisan aura). More importantly it concentrated Democrats in growing areas. Also the 55th-52nd-69th combination with favorable circumstances might be Republican, especially as an open seat in 1952.

### *The Infamous 26th CD*

The remaining six (61st-46th-68th-67th-66th-62nd) ADs could also have been grouped differently. The 62nd-67th-66th combination would have grown more Democratic, even if a Republican won initially. The 61st-68th-46th grouping was undesirable because the growing Democratic strength in the 61st AD would probably counterbalance the growing Republicanism in the 46th AD, with the Democratic core of the 68th AD maintaining Democrat Cecil King. On the other hand the growing 46th AD might just tip the balance in the future if combined with the 67th-68th combination. The advantages and disadvantages of the alternative groupings (62nd-67th-66th or 61st-46th-68th) were probably outweighed by the third possibility. A combination of the 62nd-66th-61st ADs allowed the concentration of Democrats, but more importantly the “radical” IPP precincts would be concentrated in one district.<sup>37</sup> Only one slight problem existed: the 66th AD did not connect with the 61st AD.

How did the result, the sole 1950s example of gerrymandering extremes that are common today, come into being? One story reports that a redistricting-person had a dream. Why not link up the two “radical” pockets (61st AD and 62nd AD) by extending the lines of the 66th AD westward to link the two ADs (62nd and 61st)? It might not be compact, but it would be contiguous. (See Illustration 8) Also the district, by grouping heavily populated Democratic areas, attained a population of 434,295 compared to two adjacent districts with populations of 228,712 and 229,389 (or two congressmen with 458,101). Of course, an added benefit was alleged. The 26th CD met a supposed socioeconomic criterion of working class districts for workers. Subtly foreign functional concepts of representation not only produced rationalization for distortion, but attention was diverted from the essential American concept of equal representation.

A second explanation was given by Chairman Waters at a special hearing called by the Governor before he signed the legislation: “It was what was left over.”<sup>38</sup> The two explanations are not inconsistent. Take your pick, politics was the common denominator. Whatever the circumstance, the infamous 26th CD was born, but understanding its conceptualization and growth requires a regional overview rather than focus on the one district. Its godfathers could be proud of their progeny, a product of equally elongated AD progeny which were the result of demographic shifts, ethnic clustering, and the basic political desire to survive. Their product would soon replace the 1812 vintage gerrymander in textbooks.

### *Was It Worth It? The Decade of the 1950s*

The first generation of modern California gerrymanders (the 1951 redistricting) provides an important lesson. This kind of gerrymander, constrained by county lines, limited by primitive technology, could unravel in the face of

Political Genetic Blocks For 1951						
CD	RESULTS 1942-1950	POLITICAL STATUS OF ADS 1942-1950				RESULTS 1952-1960
12	D/D/R/R/R	R/R/R/R/R (49)	R/R/R/R/R (50)	R/R/R/R/R (53)	na	R/R/R/D/R (25)
13	R/D/R/R/RD	R/R/R/R/R (54)	D/D/DR/R/R (56)	D/D/D/D/D (45)	na	R/R/R/R/R (24)
14	D/D/D/D/D	R/R/R/R/RD (58)	D/D/D/D/D (63)	D/D/D/D/D (65)	D/D/D/D/D (57)	D/D/D/D/D (26)
15	DR/R/RD/RD/RD	R/R/R/R/R (58)	D/D/R/R/R (63)	D/D/D/D/R (65)	R/D/R/R/R (57)	R/R/R/R/R
16	D/D/R/R/R	R/R/R/R/R (59)	R/R/R/R/R (60)	D/D/D/D/D (61)	na	R/R/R/R/R
17	D/D/D/D/D	D/D/D/D/D (67)	D/D/D/D/D (68)	D/D/D/D/D (66)	na	D/D/D/D/D
18	R/D/R/D/D	D/D/D/D/D (69)	D/D/R/R/R (70)	R/R/D/D/R (71)	na	R/R/R/R/R
19	D/D/D/D/D	D/D/D/D/D (40)	D/D/D/D/D (51)	R/R/R/R/R (52)	na	D/D/D/D/D
20	R/R/R/RD/RD	R/R/R/R/R (47)	R/R/R/R/R (43)	R/R/R/R/R (48)	D/D/R/D/D (42)	R/R/R/R/R
21	na	D/D/D/D/D (41)	na	na	na	na

## NOTE:

Five elections occurred between the 1941 and 1951 redistrictings. The results are symbolized by D (for Democrat) and R (for Republican) in chronological order of their occurrence, e.g. 1942, 1944, 1946, 1948, and 1950. The designation DR or RD, symbolizes a cross-filing nomination, the first letter indicating the party affiliation of the victor. D/R or R/D indicates a special election between elections, with the first letter indicating the victor in the regular election and the second the victor in the special election.

TABLE 3

major changes. The Republicans lost control of the legislature in 1958. It was a combination of cross-filing changes, complacency with "safe" districts which were not so safe with new candidates or neglectful incumbents, shifts in party leadership, demographic changes, the development of new organizational alternatives, and finally deaths (real and political).

The congressional gains for the Republicans held reasonably well, especially in Los Angeles

County (Table 3). Again, the remote prizes, controlled by the party leadership, could be better isolated from the personal concerns of the voting members, most of whom were satisfied with their Sacramento world. The numerical advantages in the combining of districts and the numerical stuffing of the districts, as exemplified by the notorious 26th CD, were the recipe for political success on the national level, but it distorted representation in the national legislature.

## Act II — The 1961 Democratic Opportunity

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**C**ontrol of both houses and the governorship in 1961 offered the Democrats state opportunities, and the congressional increase of eight seats again broke records. Within a decade the delegation had grown by 15.

Two emerging “pros” of superb political acumen understood the dimensions of the 1961 redistricting process, both for the party and for themselves.<sup>39</sup> Jesse Unruh had state ambitions and Philip Burton had national goals. Robert Crown of Alameda County was the chairman, an exception to the Los Angeles rule; but Unruh walked in stocking feet across the political maps and gained the expertise and detailed involvement so essential for redistricting success.<sup>40</sup> Instinctively Unruh could sense the potential significance of a Republican suggestion for a slight shift in a remote section of Los Angeles, or at least he knew to ask the consultant his opinion, or to check it out. Philip Burton, the Vice-Chairman, would keep the conversation going until he found the basic political desire and the bargaining chip; then he would proceed to wear down the participant to the point of agreement.<sup>41</sup>

Political expertise had to be combined with electoral expertise. Individuals willing to sort through the political data and to concentrate on detail had to join with other players astute in political negotiations. To approach the prob-

lem otherwise is to court disaster, or to give decision power to technicians who may have no sense of institutional ethos. Indeed, to please the boss (a bureaucratic syndrome) becomes all important — which has its own limitations.

### *Numbers Again — A New Ball Game*

The controlling state laws still provided for the grouping of ADs into CDs, but Democrats now had the advantage, with a special bonus. Los Angeles was the key. Thirty-one ADs divided by fifteen CDs (three of the eight new districts were allotted to Los Angeles) produced fourteen 2-AD CDs and one CD with 3 ADs. Naturally, the latter would be a Republican district. The question was: Where?

More lucrative opportunities, however, existed in the other fourteen CDs. By creating seven overpopulated 3-AD CDs in 1951, the Republicans indirectly provided the basis for the divisions of their progeny: all seven large districts were heavily Democratic, or leaning that way. The 23rd, 21st, 25th, 26th, 17th, and 19th CDs could easily be divided, the declining 15th CD consolidated, and the underpopulated 22nd CD, now in Democratic hands, maintained.

Any division of the larger districts would create a nucleus for two Democratic districts. The rambling 26th CD was a natural for liquidation

<b>Political Genetic Blocks For 1961</b>					
<i>CD</i>	<i>RESULTS 1952-1960</i>	<i>POLITICAL STATUS OF ADs</i> <i>1952-1960</i>		<i>RESULTS 1962-1970</i>	
15	R/R/R/R/R	D/D/D/D/D (63)	D/D/D/D/D (65)	R/R/R/R/R (58)*	D/D/D/D/D (31)
16	R/R/R/R/R	R/D/D/D/D (59)	R/R/R/R/R (60)	na	R/R/R/R/R (28)
17	D/D/D/D/D	D/D/D/D/D (67)	D/D/D/D/D (68)	R/R/R/R/R (46)*	D/D/D/D/D
18	R/R/R/R/R	R/R/R/R/R (70)	R/R/R/D/D (44)	na	R/R/R/R/R (32)
19	D/D/D/D/D	D/D/D/D/D (40)	D/D/D/D/D (51)	D/D/DR/D/? (45)	D/D/D/D/D
20	R/R/R/R/R	R/R/R/R/R (43)	R/R/R/R/R (47)	na	R/R/R/R/R
21 (New)	D/R/R/R/R	D/D/D/D/D (41)**	R/R/R/D/D (42)	R/R/R/R/R (48)*	R/R/R/R/R
22 (New)	R/R/R/R/D	R/R/R/R/R (57)	R/R/R/R/R (64)	na	D/D/D/D/D
23 (New)	D/D/D/D/D	D/D/D/D/D (69)	RD/D/D/D/D (52)	D/D/D/D/D (55)**	D/R/R/R/R
24	R/R/R/R/R	R/R/R/R/R (54)	R/R/R/R/R (56)**	na	R/R/R/R/R
25	R/R/R/D/R	R/R/R/D/D (50)	R/R/R/R/R (53)*	R/R/R/R/R (49)**	D/D/R/R/R
26	D/D/D/D/D	D/D/D/D/D (61)	D/D/D/D/D (62)**	R/R/D/D/D (66)*	D/D/D/D/D

*NOTE:*  
Same symbols of previous charts prevail, the elections were 1952, 1954, 1956, 1958, and 1960; An \* indicates AD eliminated in original area and transferred to other parts of the county. An \*\* indicates AD shifted to another CD.

TABLE 4

— but not before the seeds of its equally infamous replacement were sown. On the other hand, the light 2-AD CDs that brought the Republicans so much influence in the 1950s invited consolidation, or expansion into Republican areas of the former Democratic districts. Major shifts were required. Democrats were ready after a decade of frustration. The process of negotiations was full of surprises,

not the least of which was the emergence of a Speaker who would be known affectionately as “Big Daddy.”

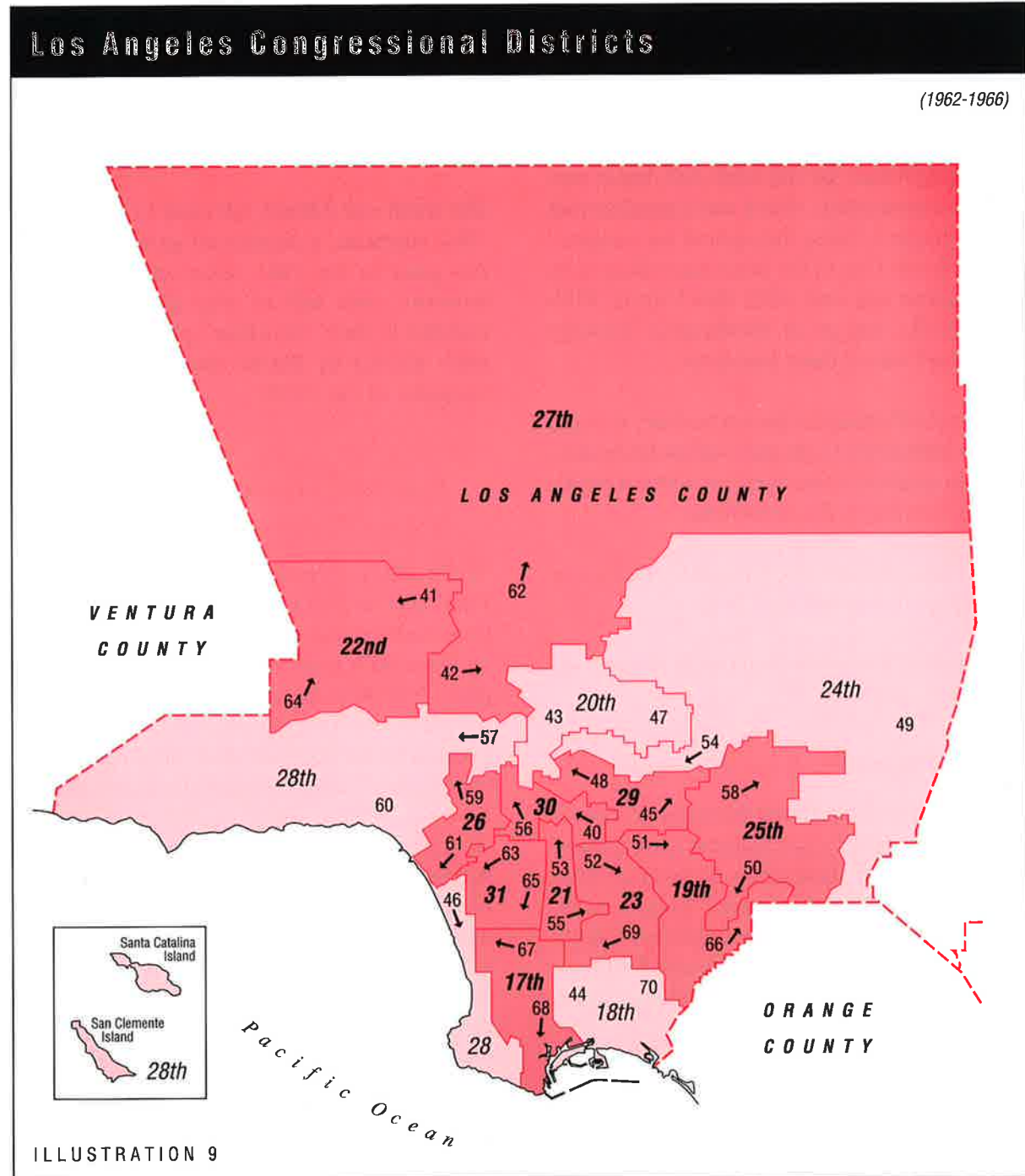
### *Demographic Shifts Continue*

To keep the analysis manageable only a few 1961 examples will be employed.<sup>42</sup> The core area continued to constitute a political cancer

for redistricting. Relative population decline continued in the “core” area compared to tremendous growth on the edges.

The consolidation of the 66th-65th-63rd ADs is indicative. By 1961 the three formerly Repub-

lican downtown districts were in Democratic hands. The population warranted only two ADs without expansion in the 1951 fashion, which in turn would have created ripples throughout the Los Angeles Basin. One assemblyman would have to go. Who? Where?



The availability of new congressional seats which favored splitting was a remedy for the painful consolidation with ADs: “Why don’t you go to Washington?” And for encouragement: “You would make a great Congressman.” Charles Wilson bought it, but not without backup.

Where would his liquidated 66th AD go, with its incumbent privileges, even though the present incumbent did not reside in, or ever represent the area? Wilson wanted it in a safe Democratic territory in outlying areas. The new 53rd AD (which could have been labelled 66th) was created near the old 66th AD, but it was black in composition, which was a problem that would plague Charlie throughout his congressional career. One of the other assemblymen in the cauldron was none other than Unruh. With the “Charlie, you go to Washington” strategy Unruh had solved three problems:

1. he gained enough adjacent territory to make his own district safe and to allow his leadership qualities to be manifest without political worries on the homefront;
2. the adjacent territory brought his district up to population standard; and
3. potential assembly rivals were shipped off to Washington.

### *The Ethnic Problem Emerges:*

In 1951 when blacks found themselves concentrated in “working” class districts their spokespersons declared themselves in favor of integration. Congressman Samuel Yorty’s assistant said she did not want the Negro community destroyed. University of California Professor Peter Odegard described the process as “ghettoization.”<sup>43</sup>

But in 1961, Blacks were clamoring for their own representatives. Veteran Assemblyman Augustus Hawkins, who had been denied a

Black congressional district in 1951, was first in line as the senior Black assemblyman. His liquidated 62nd AD number was transferred to a growth area in the San Fernando Valley; but the area became the nucleus for the “new” 53rd which would elect a Black. The “new” 53rd AD was combined with the 55th district to form the 21st CD, California’s first Black district. The 55th AD had been the haven for Assemblyman Kirkpatrick in 1951. Despite its growing Black population, he was not anxious for another move in 1961. After all, he said: “They love me.” But love is fickle; Blacks voted for his Black rival in the 1962 primary.

The result was 2 Black ADs and 1 CD after the 1962 elections, a significant gain from the 1 AD prior to the 1961 redistricting. It was, however, only half of what Blacks had demanded in their “two-four” plan. The grassroots activity by Blacks was a forerunner of struggles of the 1960s.

### *Squeeze Play — Or Riding Horses Political Style*

While Black Democrats argued for a “Two-Four” plan to give them additional representation, the Republicans suddenly found two CDs and four ADs squeezed into a “One and One” plan. The Republican 48th AD had been removed from the over-populated 21st CD, partly because of the numbers and partly because of the “Valley” considerations discussed below.

At the same time, two underpopulated ADs had been consolidated to the benefit of Assemblyman “Bud” Collier. To the west, assemblymen from the 43rd-58th ADs also found themselves in Collier’s AD. Congressmen H. Allen Smith of the 20th CD and Glenn Lipscomb of the 24th CD with light populations found themselves together in one CD. The former advantage of lightly populated Republican districts in older settled areas became a nightmare for the two Republicans.

In sum, the initial redistricting threatened four assemblymen and two congressmen. What ensued was a frantic effort to achieve a compromise. By political surgery, two of the quadruplets and both of the congressional twins were saved.

Whether the initial legislative plan was genuine, or just a ploy cannot be determined<sup>44</sup> It did, however, encourage negotiation that won sufficient Republican support to discourage a referendum and to gain Jesse Unruh the Speakership with Republican support.

Monterey Assemblyman Glenn Coolidge, who himself sought one of the eight congressional prizes, played a key role in the Republican compromises. Aiding the negotiations were the two congressmen. H. Allen Smith was a member of the powerful House Rules Committee. Glenn Lipscomb was a popular member on Appropriations. Both Congressmen were former assemblyman.

As an explanation for the unfortunate mistake, the staff was blamed; they had not checked the home location of the Congressmen. Thrown into the bargain was a promise of a judicial appointment.<sup>45</sup> In turn the grateful assemblymen from consolidated ADs cast their votes with the Democrats. Minority Leader Joseph Shell and fellow Republican Bruce Reagan held out, choosing political death rather than manipulation. Statewide nominations were sought by the two as a means of political survival. Their strategy didn't work in the Democratic year of 1962.

### *Another Assemblyman Plans to Go to Washington*

A 1960 surprise was James Corman's victory in a Republican district originally created by Charles Conrad in 1951. Presumably a goal of Democratic redistricting would be to boost Corman's chances of survival. That laudable desire for the freshman congressman was in

conflict, however, with the plans of Assemblyman Thomas Bane. The over-populated 21st CD to the north was a natural for division, but it had elected a Republican for a decade. In sum, the previous Republican 22nd and 21st CDs did not have an abundance of reliable Democratic strength.

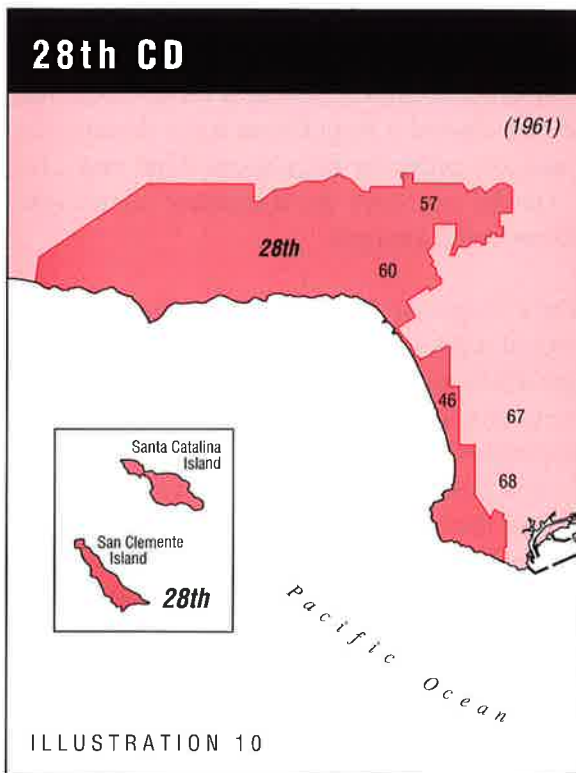
Only dispersal districts of the finest tuning would work to promote the goals of the Congressman and the aspiring assemblyman. Adjustments in other areas (see below) required the removal of the altered 57th AD from Corman's 22nd CD<sup>46</sup> and the attachment of the 41st AD to the 64th AD, which was originally part of the 22nd CD. Both ADs offered the prospect of growth, which promised Republican increases. The solid Democratic 42nd AD was grouped to a newly created 62nd AD with a less solid Republican base. The 1962 elections gave the Democrats two seats (22nd and 27th CDs), but only for one election. When the aging victor of the 27th CD decided not to run for re-election in 1964, Bane sought his place. He was defeated and Corman barely survived even in the Democratic landslide of 1964.

### *Another Famous Gerrymander is Born*

If AD and CD analyses are done for the 1961 redistricting, noting the priority of AD interests and the commitments to splitting 3-AD CDs for Democratic advantage, the remaining playpen was on the westside of the county.

A major problem was the overpopulated 17th CD of veteran Congressman Cecil King, second-ranking member on the powerful Ways and Means Committee. One of his Democratic ADs (67th or 68th) could have been coupled with the old 18th CD to create problems for Republican Craig Hosmer, but probably at the cost of press support in Long Beach. More crucial, however, would have been the grouping of the Republican 57th-60th ADs for a sure Republican district and the 46th-68th, or 46th-





67th, combination for Democrat King (See Illustration 9). The 46th AD had been the Republican part of his 3-AD CD for two decades.

Despite the view of King's Washington office that the area had long been represented by the popular Congressman and they loved him, greater and greater numbers had never heard of him. If they had heard of him, they did not think a liberal Democrat represented their views. For the future, all population projections promised more of the same. The Republican 46th AD had to go, but where?

Democrats now faced the same problem as Republicans in 1951; how to make the connection between 3 ADs which would constitute the one 3-AD CD.<sup>47</sup> The solution was the same. A tidal neck extended from the 60th AD to the 46th AD. The infamous 26th CD with its necks and warts was being liquidated, but the second generation of gerrymanders was born, with the same characteristics of its immediate ancestor:

necks, elongation, and political purposes (See Illustration 10).

The godfathers of 1951 and 1961 were of different parties but they understood political conception. Their responses were similar — redistricting power creates electoral advantages. The results defied the geographical criterion, the population criterion, community of interest, and the smorgasbord of the Frankfurter dicta.<sup>48</sup> The godfathers won again in the politics of political conception. By concentrating Republicans in the 28th CD, the political gain on the Westside was minor.

### *The 1961 Results*

As the victors danced to the tune: "Never On Sunday," some participants realized that never would another Sunday be like that Sunday — a Speakership, nine new Democratic congressmen, a political future in one form or another for most participants. Whether the sacrificial lamb was the two-party system in California may be doubted, but the political effects would shape two decades of political life, despite the Reagan interlude.

Jesse Unruh would soon assume the Speakership of the Assembly. Robert Crown would become the Chairman of Ways and Means. Philip Burton would go to Washington, shortly after the initial exodus of Brown, Cameron, Hanna, Hawkins and Wilson in 1962. Thomas Rees would join them in the mid-1960s.

Some Republicans would be eternally grateful for Unruh's considerations in the 1961 redistricting. Equally, some bad blood was shed and not forgotten.<sup>49</sup> From the Los Angeles area only five of the seven Republicans survived out of a delegation of fifteen. Three Republican incumbents fell, and nine of the new California seats were Democratic. Off-year congressional losses were minimal for the Kennedy administration in 1962: the difference could be attributed to the California 1961 redistricting.

*Revolution? Can Political Scientists Be Wrong? The Sixties: Between The Big Events*

Before the 1962 election, Baker v. Carr (1962) had launched the so-called reapportionment revolution. Before the 1964 election, Reynolds v. Sims (1964) and Wesberry v. Sanders (1964) were on the books.

Like other states, California was affected by the landmark legislative reapportionment decisions of the Warren Court in 1964.<sup>50</sup> In particular the former Governor, who had supported the federal system in 1948, dealt a body-blow to rural and northern dominance in the upper house. His conversion to the view that legislators represent people rather than trees and acres also included cattle. The “cow counties” lost much of their numerical leverage in the upper house, especially with the two-thirds budgetary rule.

The Baker v. Carr decision and its counterpart Silver v. Jordan<sup>51</sup> were less revolutionary for California because population inequality between districts was not extreme, except for districts required by constitutional peculiarities (whole counties and congressional districts made up of whole assembly districts in metropolitan counties). It broke state constitutional provisions that produced the great disparities. It also allowed the Unruh phalanx to adjust midway through the decade.<sup>52</sup> The first phase in the transition occurred in 1965. Speaker Unruh, to the general satisfaction of his legislators, modified districts in minor ways to equalize population in accordance with Baker v. Carr; and at the same time political adjustments were made to solidify Democratic statistics.

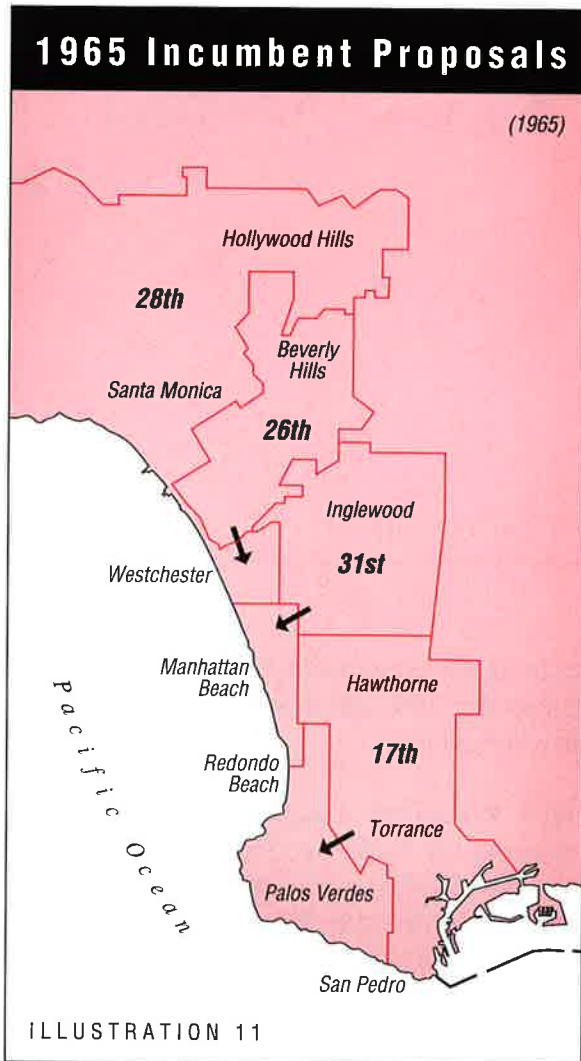
More revolutionary were the changes brought about in the State Senate. Overnight Los Angeles County with one state senator had 14. Big Daddy had new prizes for his allies. Los Angeles County became a unit involving 38.4% of the state’s population to be divided without limits and with advantages of technological advances previously unknown.

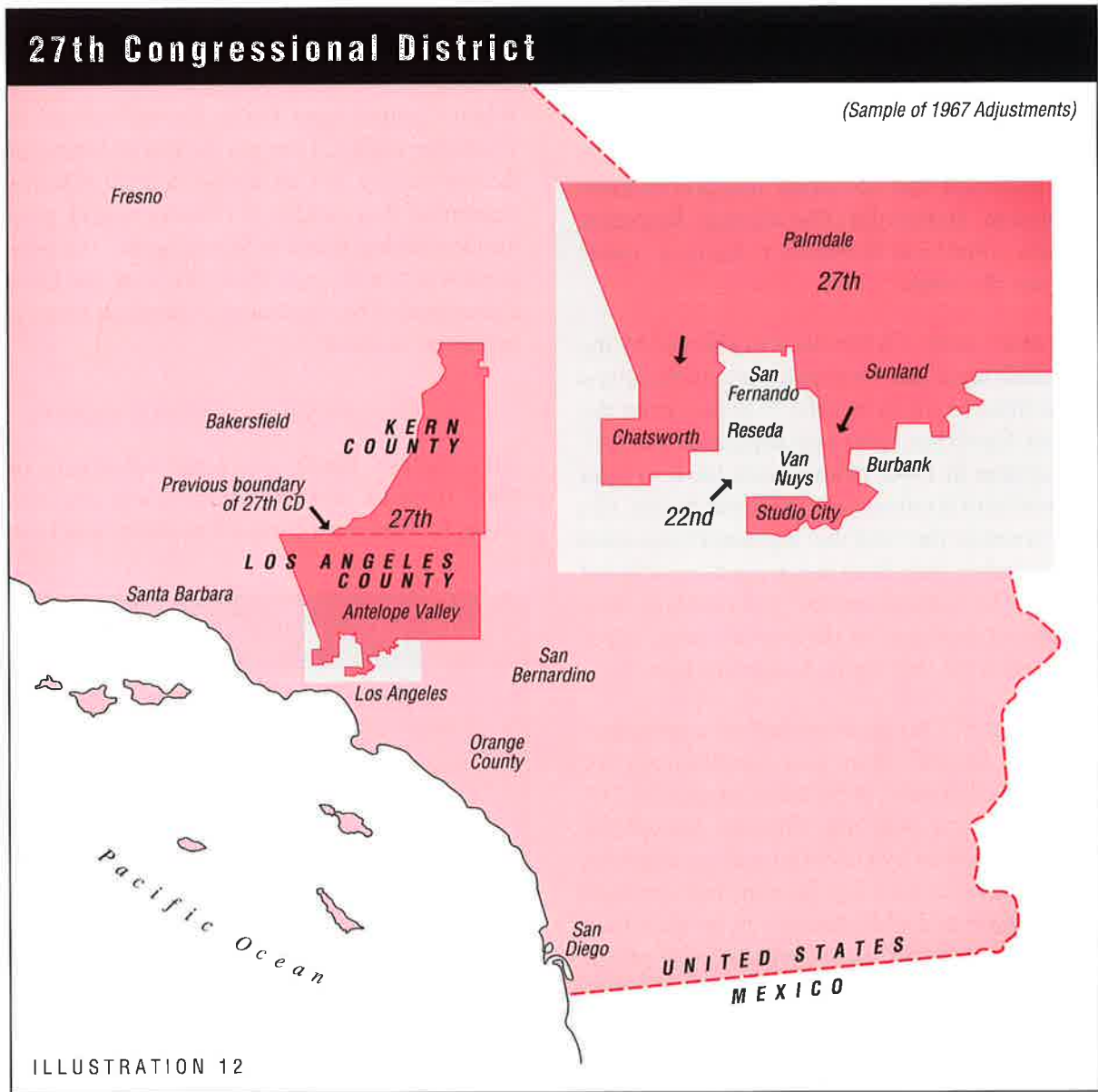
*Congressional Districts in Transition*

When Congressman Philip Burton arrived in 1964 after a special election he lost little time in demonstrating the expertise and legislative enterprise that, within a decade, would give him leadership status in Washington. His proposal was to anticipate the court order and have a plan ready for enactment; indeed, to enact it before so ordered.

*The Congressional Modifications*

A consultant, Hardy was hired informally in 1965 to work out the compromise and exchanges. The most complex problem was how





to bring the overpopulated 28th CD within an acceptable 15% variance; few worried about its configuration.

With Republican Congressman Bell's residence in the north, the South Bay extension was the obvious area to be removed. Three Democratic districts along the eastern boundary were relatively underpopulated. By extensions the three Democratic districts could absorb sufficient population to bring the 28th

CD into an acceptable range (Illustration 11). The problem, however, was political. The 46th AD, which embraced the extension, continued to grow, both in population and in its Republican persuasion; indeed, the growth since 1960 did not create a population problem as much as a voter problem. The new residents did not have to be counted, but they voted.

Reluctantly, a package was agreed to by most of the delegation. Chairman Harlan Hagan, with

Congressman Charles Wilson and Burton, all former Assemblymen, took the proposal to Sacramento. The reception was cool. Though Speaker Unruh was "Big Daddy" to his colleagues, he still had to prove his authority to the congressional delegation and to the executive who stood in his way for a quest of the 1966 gubernatorial nomination.

The answer was summed up with the remark to Congressman Wilson: "Charlie, it's not in your interest." In hindsight, the 1966 election proved Jesse right. The state legislative leadership decision to abort the 1965 Plan, whether a power play (to prove who was boss) or political acumen, probably saved Wilson and King from the 1966 Republican landslide. The 1965 maneuver merely proved that the Godfather of 1961 was the protector of his friends, with the important corollary: he decided what to do.

1967 Redux: Undaunted by the 1965 set-back, Congressman Burton plunged ahead again.<sup>53</sup> A bipartisan congressional committee was created, consisting of Congressmen John McFall, H. Allen Smith, and Burton. Hardy was recalled to work on an adjusted game plan.

A Republican governor and a Democratic legislature required a compromise plan for success. Likewise, congressional Republicans who bargained with reluctance in 1965, if they were even consulted, were now in a better position. Their governor could protect them and had to approve any package.

Significantly, Congressman Smith became the co-chairman of the delegation's committee. H. Allen Smith, himself a former state legislator, and a veteran of the 1951 and 1961 experiences, was the principal spokesperson for the Republicans. The McFall-Smith-Burton trio negotiated a compromise acceptable to most incumbents. In the push and pull of those machinations, Hardy served as a link in a political chain that few political scientists have experienced. In a divided government situation the consultant could be an important connection to both camps.

Although several interesting elongations occurred, the focus again is directed toward the 28th CD. Not only had the 1966 elections dampened any enthusiasm for the resuscitation of the 1965 plan on the part of the Democrats, but another strange reversal occurred. Alphonzo Bell, the moderate Republican incumbent, who in 1965 was willing, if not anxious, to give up the southern extension, suddenly found the more moderate, or liberal (early "yuppie") elements in that area his strongest supporters in the vigorous 1966 primary battle. Now Bell wanted to shed certain northern portions, the base of his 1966 primary opponent and a likely future nemesis.

If Palos Verdes was to remain in the 28th CD, territory had to be absorbed on the north. Democratic Corman after a close call in 1964, could not pick up Republican territory. Republican H. Allen Smith was unwilling to expand his district. Thus sophomore Ed Reinicke was the candidate to absorb territory. The rearrangement created a monstrosity which rivalled gerrymander classics (See Illustration 12). Its breadth stretched almost the length of the Los Angeles aqueduct, including the surrounding deserts and mountains, with the urbanized portions looping around almost to encircle the Democratic 22nd CD to pick up surplus from the 28th CD.

The elongation of the 27th to solve a Westside problem was only the beginning of a pattern which would be repeated subsequently. Underpopulated Republican Los Angeles County districts were elongated into Orange County, while the one Democratic district in Orange County moved into Los Angeles for its own transfusion. Whereas previous county line limitations impeded extensions into other counties, the new court standards required the setting aside of state constitutional stipulations. Coupled with the new opportunities to draw lines without attention to county boundaries was the new technology with its precision and its potential for political manipulation. All incumbents would win reelection in 1968 and 1970 if they chose to run.<sup>54</sup>

## Act III — An Opportunity Missed And A Failure of Sorts In 1971

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### *Republican Plans for 1971*

**A**lthough some Republicans in Washington and Sacramento did not find the status quo of the 1960s unpleasant, other party members thought differently. After the 1964 fiasco, the state party commitment was to win a few Democratic legislative seats in each election, in order to gain legislative majorities that would ultimately control the 1971 redistricting process.<sup>55</sup> In 1968 the threshold was passed when Republicans captured both houses. It proved to be one election too soon.

Despite the Reagan re-election of 1970, the Republicans lost both houses of the legislature in that year, although by slight margins. From the Washington perspective, especially for the Democrats, a bipartisan game plan was appropriate. With a Republican governor and a Democratic legislature controlled only by slight majorities, political veterans, especially the former assemblymen who were now Congressmen,<sup>56</sup> saw bipartisanship as the acceptable alternative to the non-partisanship to which they had been socialized during the 1940s and 1950s.

The population equality dicta of the trilogy cases (*Baker v. Carr*, *Reynolds v. Sims*, *Wesberry v. Sanders*)<sup>57</sup> had set aside California's constitutional requirements for the use of whole ADs and whole counties, together with area representation in the State Senate. For California, however, these reforms proved il-

lusory, for they were manipulated to permit a major assault on the representative system.

### *The Redistricting Problem*

Basically, the modern redistricting problem hinges on the relative population decline of the core areas in relationship to areas of growth. If the one-person-one-vote rule is controlling, and the number of districts limited, the growing areas gain representation only by the liquidation of "core" districts. Representatives from such districts vote on redistricting; and no-one willingly commits political suicide.

In 1951 and 1961, districts in the downtown areas had been bodily transferred to outlying suburbs within Los Angeles County. The continuing relative decline of Los Angeles County in relationship to the rest of the state meant the further decline of ADs in Los Angeles. The creation of SSDs in 1965 provided an easy exit for many assemblymen in the mid-1960s. But their replacements in the Assembly still thought in terms of political careers and survival. Thus, 1971 brought the full demographic implications to the fore.

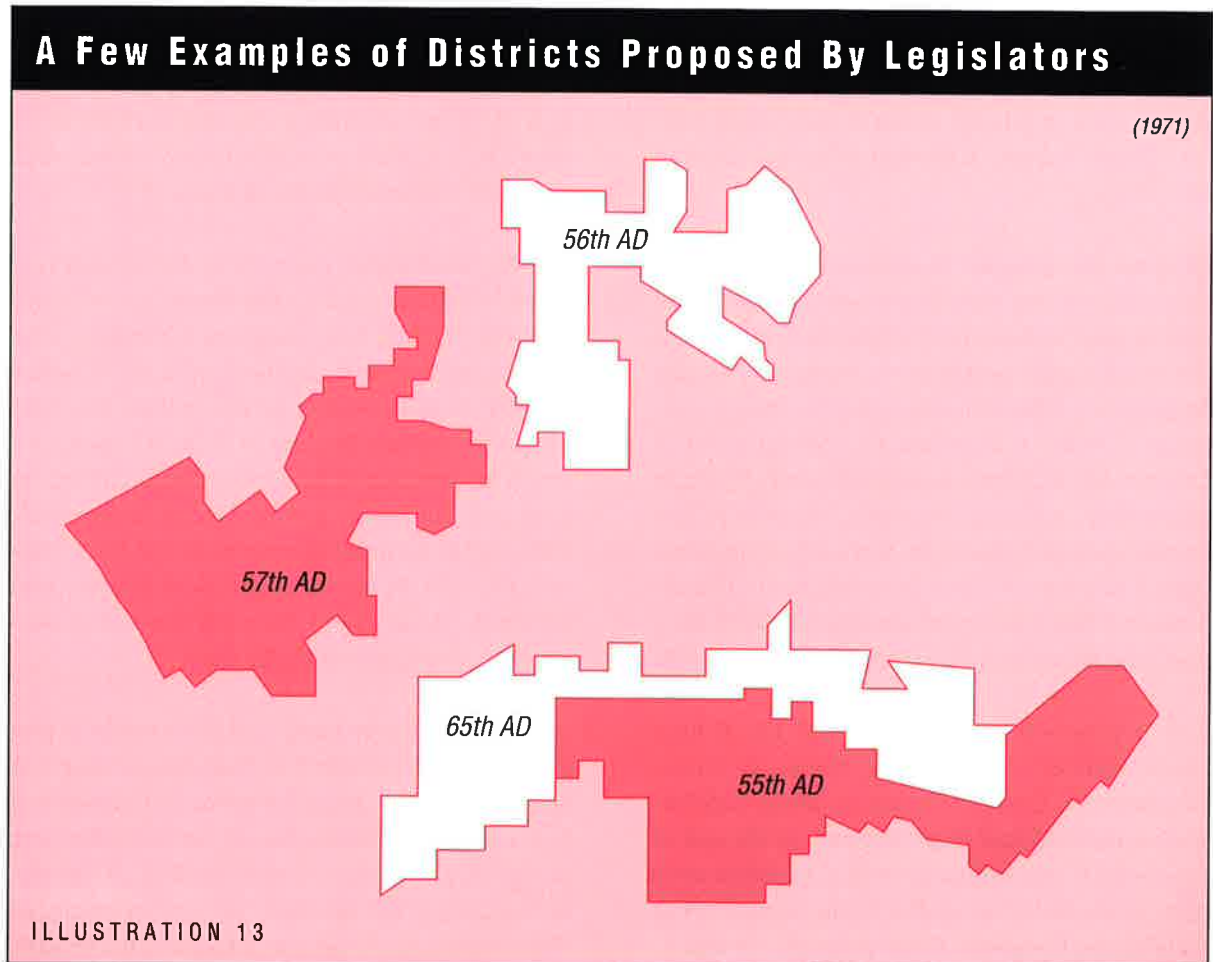
After the minority party had been made to pay the price by liquidation of Republican districts in the older core areas for gains in Orange and San Diego, the relocation of territory became complex, controversial and creative. To maintain existing Democratic majorities required the elongation of districts into areas to the east.

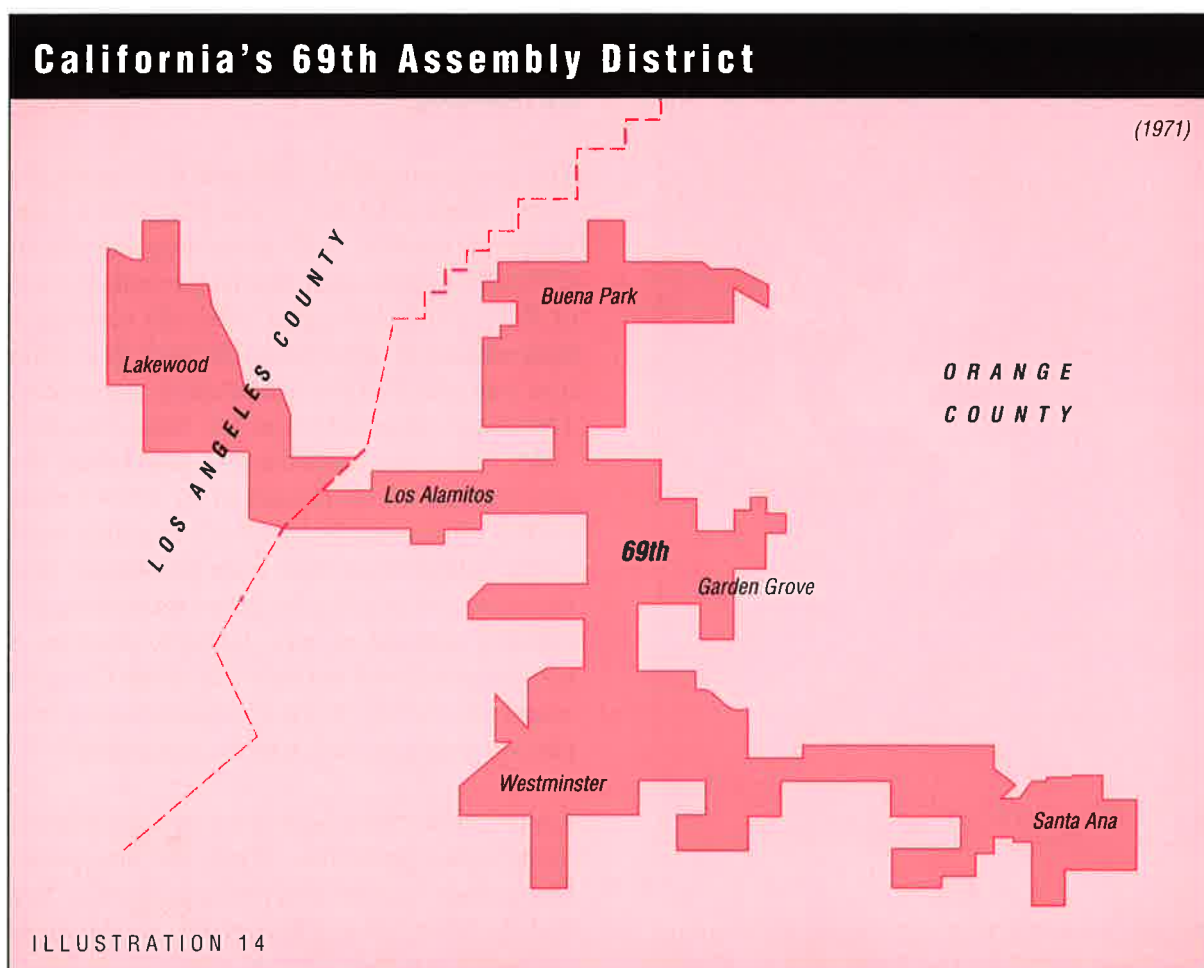
Those areas were typically occupied by conservative Democratic voters, whether Anglo or Latino. If the westside districts were carefully elongated, incumbents could be saved, or in the case of CDs, new seats for select Assembly members could be carved out at the expense of more conservative Democrats (whether Latino or Anglo). Liberal incumbents or aspirants could be perpetuated or advanced, regardless of statewide or national trends, by the manipulations of their consulting experts, in whose hands the computer became a tool for designing ever more bizarrely shaped districts.

Because the 1971 and 1973 bills did not become law, lengthy discussion here would be superfluous. Illustration 13 provides only a few examples of the districts. The record,

however, is worthy of some consideration, because few in the ranks of the media or of the political science profession seem to have realized what happened. Yet, the lessons of 1971 and 1973 were noted and served to terrorize many incumbents who came to realize that their political fates were being decided by expert technicians in a process that they no longer controlled or even understood.

Probably more time was spent on two especially bizarre proposals than on all the other districts in Los Angeles County. One can only speculate whether the legislative negotiations in 1971-73 would have been more successful if equal treatment had been given to all districts rather than the concentration on these two particularly blatant power grabs.





The 69th AD of Assemblyman Kenneth Cory demonstrates the extent to which technicians thought blackmail was possible in negotiations.

The design speaks a thousand words (See Illustration 14). In terms that reflected a new arrogance of power, a staff aide to Cory and one of the new breed of computer technicians in the redistricting process said “the district could not be lost.” Such a view seems a strange commentary on representative government! But it is indicative of values honored by Gerrycrats.

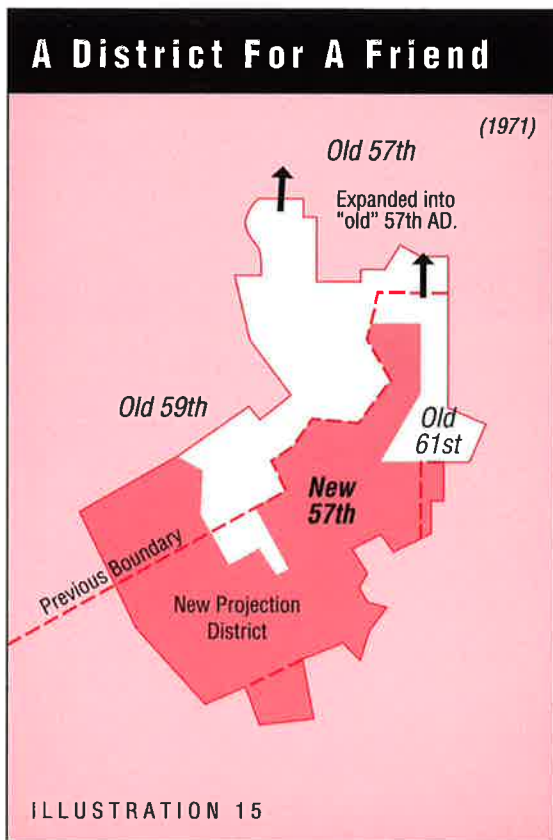
On the westside, another grab for power was demonstrated by the projection gerrymander for Howard Berman, the political ally of the Chairman and brother of the chief consultant (See Illustration 15).

The Democratic negotiators declared these two districts to be non-negotiable. Other districts could be altered, but not the 69th and 57th ADs. Such blackmail is not the magic on which compromise is built. The stalemate in the legislature and between the legislature and the executive was inevitable.

### *The Congressional Program*

Again, veteran Congressmen assumed nominal leadership of a congressional plan. McFall was co-chair for the Democrats and Smith chair for the Republicans, with Burton the human dynamo who kept things moving. All had served in the state legislature, McFall and Smith at the same time, and they arrived in Washington together. Hardy renewed his association with





the congressional delegation, again in the unique bipartisan role. In the latter stages, Heslop represented the Republican interest. The basic agreement was to share the five CD wealth, with each party getting two seats and the fifth seat forming a toss-up.<sup>58</sup>

The central problem was to adjust the 1967 interim districts to accommodate the five new CDs using the 1970 Census figures. On the basis of the underlying premise — sharing the wealth and protecting all incumbents — it was not an insurmountable problem. No longer were the CDs inhibited by the requirement for prior creation of ADs and the requirement to form districts within whole counties. In 1967 the redistricting strategists had proved the advantages of the looser rules. The old rules had forced the liquidation of existing districts in one county and full transfer to a growing county. Now, the gerrymander recognized few bounds. The congressional godfathers only

had to please the assembly and state senate leaders, who were immersed in their own internal dilemmas.

The development of the state legislative districts, with a governor of one party and a legislature of another, was presenting significant difficulties. Moreover, unlike the redistrictings of 1931, 1941, 1951, and 1961, the creation of state senatorial districts on the basis of population was added to the redistricting conundrum. The initial adjustments in the State Senate in 1965, involving considerable population disparities, had to be equalized to 1970 Census figures. The net effect was to focus state legislators' attention on their own problems. With the exception of a few members who thought in terms of national careers, probably most members were relieved not to worry about Congressional problems. If the Congressmen of both parties were satisfied, why be concerned?

Two complications, however, created additional redistricting problems. First, the unexpected Democratic control delayed agreements. Second, the State Senate Chairman's agenda caused the need for major surgery.

Democratic technicians contended that the data turned over by the previous Republican staff were inaccurate, or had been confused to mislead the Democrats and, therefore, that a new database had to be created. Not only did the development of alternative data cost money, it required time. Whereas in 1951 and 1961 redistricting was over by June, in 1971 it went on and on. Intentionally or otherwise, the process allowed party rigidities to set in and time for the executive to be persuaded to become an interested party.

In 1951 and 1961, the executive and legislative branches had been united (with the executive yielding to the legislature in its area of greatest concern), and agreement had been reached early. The Assembly was the focal point for resolution of redistricting, for the State Senate, which

could not be altered, had yielded to Assembly leadership, as had the executive. In 1971, with Senate redistricting added to the equation and the opposite party controlling the governorship, redistricting dragged on throughout the session (which itself now was yearly rather than confined to 120 days). Previous redistrictings had been quickly compromised among legislators of both parties, with the minority incumbents not necessarily unhappy, despite the overall effect on their party. With agreements made, the technicians had worked out the details within a politically structured framework, with the word as good as gold. Also in the redistrictings of 1951 and 1961, decision-making in select areas had tended to be farmed out or decentralized to local representatives or local party organizations.<sup>59</sup>

In 1971, however, as the data gathering arguments swelled, so did chairmanly egos. Different agendas came into conflict. Personality conflicts developed between party staffs, as well as between Democratic staff members on the assembly, state senate, and congressional levels. During the struggles, the congressional participants attempted to develop congressional agreements early in the process. Only at the last minute were senior Congressmen Craig Hosmer and Chet Holifield brought to Sacramento to talk with the Governor.

Another major problem was the State Senate Chairman's congressional agenda. A Black himself, Dymally sought to create a district for a second Black in the Los Angeles area. This demand forced a boulder-like splash in the study area that made normal ripples into waves.<sup>60</sup> The basic problem was numbers. Population did not warrant the demands. It was a redux of the 1961 charade for two-four.

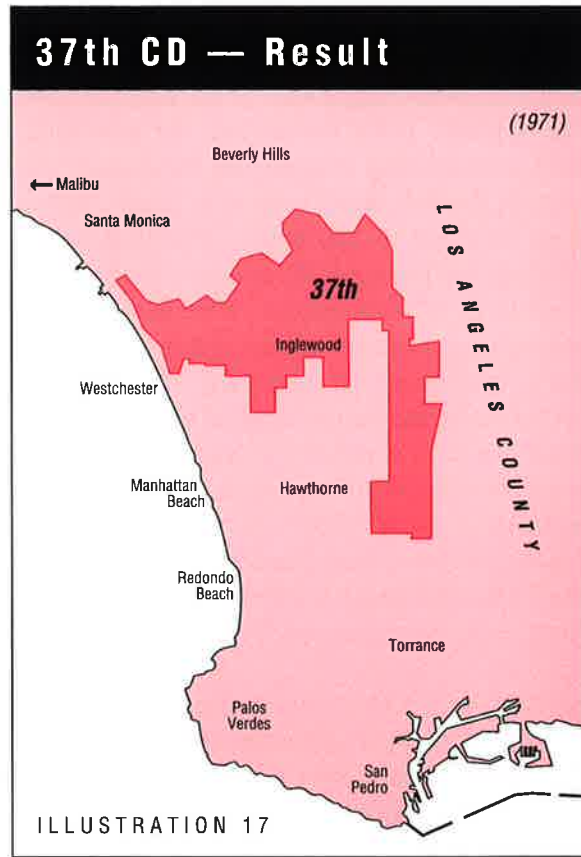
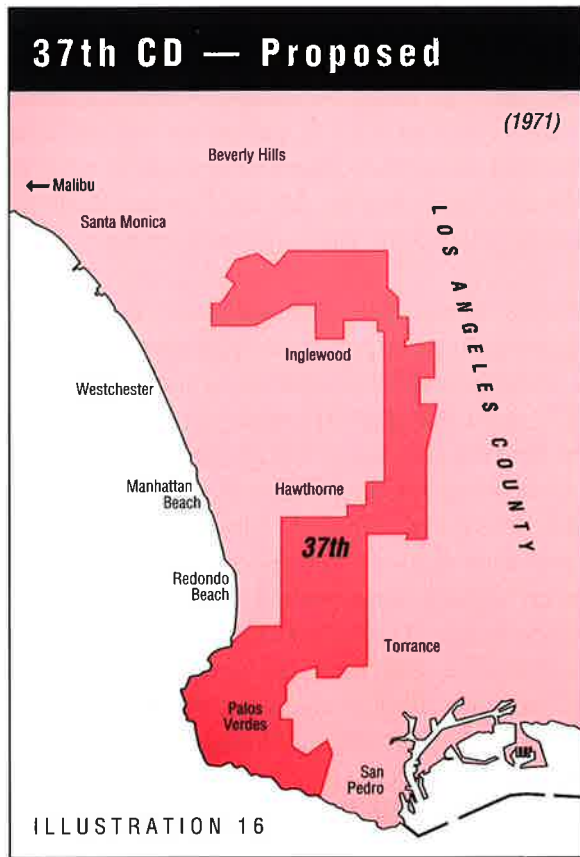
This time, however, Dymally was a chairman with considerable clout. As he pressed for a Latino state senate seat in Los Angeles, he also demanded a new black CD. That initial demand did not necessarily create problems with the

Assembly Chairman, Henry Waxman, who sought a new AD in the general area of relative decline. If Black Assemblywoman Yvonne Burke could have a CD, part of her AD could be used to manipulate districts in areas of relative decline, including an AD for Howard Berman, the brother of the Assembly consultant.

Such state legislative agenda items created problems for the congressional planners. The area encompassing the proposed new districts (a Black CD and a Jewish AD) had population sufficient to warrant only the existing districts. Focusing on the congressional dilemma, existing districts had to expand outward, which in turn pushed into other districts. The process was not, however, without some mutual advantages. As the Democratic CDs pushed into Republican CDs to absorb their older sections, which were typically Democratic, Republican incumbents found more comfortable territory in Orange county.

Given the assignment, the Democratic Congressional consultant created a classic gerrymander (which, however, was to be significantly altered). (See Illustration 16) The political rationale for the district was that a middle-class, liberal, Black woman (Burke) could win liberal votes, Republican and Democratic, in the upper class neighborhoods of Palos Verdes Peninsula. If the district were sufficiently Black and Democratic for a Black to win the primary, the Democrat would, regardless of race, carry the district in November. It met the political demands: Black, Democratic, an assemblyperson to Congress, and disposable assembly territory.

So why was it altered? Political factors were persuasive. The Senate chairman contended that it was not Black enough. More specifically his objection was to the type of Black likely to win the nomination — a middle-class Black rather than an organizational Black, such as Chairman Dymally himself. The second difficulty was the sole Los Angeles Black incumbent, Hawkins. Although his district was heavily Democratic he was reluctant to give up any



Black territory, possibly in view of the Latino influx on his eastside.

At the last moment another problem emerged. A potential white female primary opponent was found to live in the new district; again, shifts had to be made, literally minutes before final action. The solution gave Hawkins his Blacks, removed Blacks from the Wilson district (to which he did not object, only their numbers), gave Burke a CD, yielded assembly territory for bargaining adjustments, and left a telling tag of the surgery (See Illustration 17). In the process, Republican Bell of the 28th CD retained the Palos Verdes territory he had come to love, by a narrowed neck as the district skirted the coast.

The final problem, as a result of all the machinations, was a disparity of 50,000 between the 28th and 26th CDs. The Republican Congress-

man did not want to divide Santa Monica; on the other hand, he did not want to yield his Hollywood Hills territory, especially the extreme eastern portion where his home was located, slightly east of Congressman Rees' home. Both found the territory a fund-raising gold-mine. Santa Monica was divided.

When the legislature passed the redistricting plans by a strictly partisan vote, Governor Reagan promptly vetoed them (with a message largely authored by Heslop). The great communicator had been given superb graphics (See Illustration 14). Faced with pending election deadlines, the Supreme Court allowed the assembly and state senate seats of 1965 to stand for the 1972 elections, with the admonition to make redistricting the first item of legislative business in 1973.<sup>61</sup>

The congressional plan constituted a different problem. At-large elections restricted to the five

new seats would be unconstitutional and statewide elections for all 43 congressional districts would be unthinkable, with the seniority of 38 in jeopardy. The court responded favorably to the petition of 34 of the 38 incumbents to allow the 1971 legislation for CDs to stand for the 1972 elections.

All congressional incumbents were reelected and the five new districts split three Democratic and two Republican. Democrats retained control of the legislature. Eventually redistricting legislation was passed in 1973, but again promptly vetoed. The State Supreme Court appointed court masters to give the state "pure" districts that the legislature and governor could not provide.<sup>62</sup>

### *Virtue In The Ticket — Judges Do It Better*

Three retired judges (one Democrat and two Republicans) were assigned to supervise the construction of districts. State legislative data were turned over to the masters' staff and work began free from the legislative political considerations.

Part of Governor Reagan's rationale for not compromising with the Democratic legislature was the assumption that nothing could be worse than the plans passed by Democrats. Yet, the immediate election results in the new court-ordered districts did not fulfill the prophecy. The Democrats swept twenty-eight of the forty-three court-ordered CDs (with comparable state legislative results). Of course, the impact of Watergate on the 1974 elections, although it cannot be accurately assessed, played a major role in this outcome.

By 1980 the ratio adjusted to twenty-two Democrats and twenty-one Republicans; hence, the contention that the court-ordered plan was objective and free of political bias. On the other hand, similar adjustments had occurred with the politically inspired plans of the Republicans in 1951 and the Democrats in 1961.

### *Cratprints on the Map?*

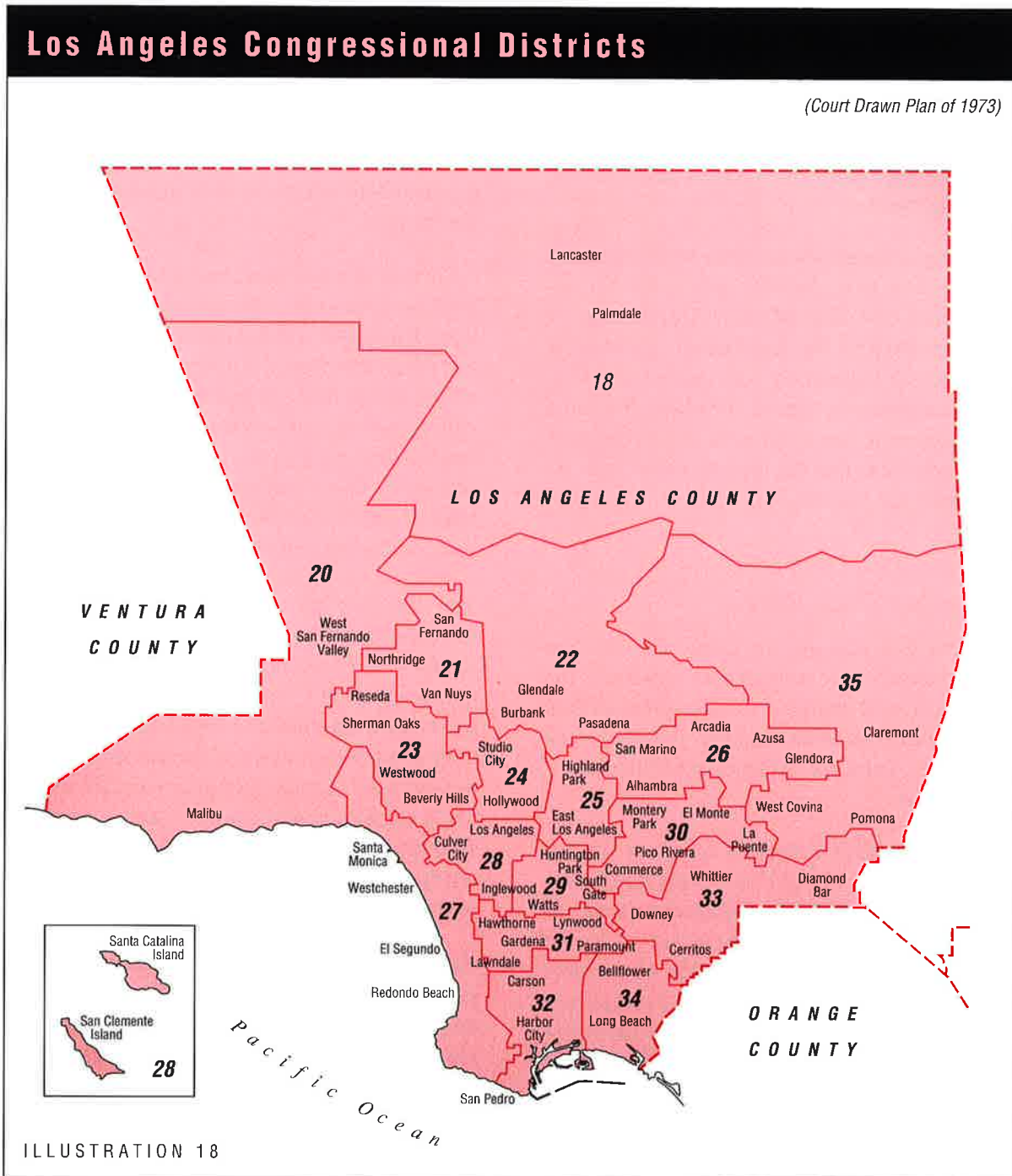
If the writers are correct that "godfathers" (legislative leaders) conceive redistricting programs in advance, or in the course of the action, it is equally plausible that someone suggested the design, or parts of the design, for the masters.

As is true of any committee action, or a commission system of redistricting, the idea that knowledgeable individuals come to a table and draw lines free of political ideas is preposterous on its face. Whatever their make-up, any group of unknowledgeable individuals can become putty in the hands of knowledgeable staff. This is probably even more so in the case of prominent people, political or otherwise, including retired judges.

The staff members may be neutral in theory, but if they are knowledgeable about redistricting they will have political experience and be politically aware. Such staff members are political animals, just like legislators. The notable difference is that staff are not responsible to voters, or accountable in any public sense. The explanation was always that the masters, who have already retired from their professional positions, gave diligent consideration to the alternatives.

The masters' report certainly gave substantial criteria for consideration.<sup>63</sup> The eighty ADs were to be grouped into forty SSDs. The results were reasonably compact and equal. The easy solutions for the AD and the SSD consolidations were certainly an improvement from the ludicrous districts of the 1971 proposals. But multiple criteria, without clearly stated priorities, become a grab bag totally dependent on the integrity of the unknown decision-maker.

CDs constituted another problem. Again, even the purists in the "thicket" discovered numerical problems. Although SSDs were to be the basis for CDc, forty-three does not divide



equally into forty. Implementation was the problem. With plural criteria, the designers could shift from one criterion to another, much as the 1951 reapportionment report had done.<sup>64</sup>

Again with focus on Los Angeles, the results were controversial. The infamous 28th CD

remained substantially intact, despite more than a decade of derision. Certainly, the white Anglo-Saxon Protestant upper-class male was not in a protected class, any more than three defrocked incumbents in other areas (Danielson, Holifield, and Veysey). Cities and recognized communities were consolidated to give the

stringy nature of the 28th CD more bulk. In doing so, parts of four SSDs were included in the 28th CD. It is clear that the SSDs could have been consolidated with fewer SSD divisions. Obviously, other alternatives were available; but why were the specific choices made? Fundamentally, the questions are: Who made the decisions? Did the masters carefully weigh all the options? In view of the fact that the masters were engaged in a public process, why were the various options not publically noted and their sources revealed? Did the masters devise numerous alternatives before striking on the more aesthetic plan? Even today, answers to these questions remain hidden.

Strange results occurred. The incumbent congressman in the 31st CD, who experienced the

narrowest of victories in 1972, was given his fondest wish of the earlier redistrictings of 1965, 1967 and 1971, the push eastward to include Lynwood. Rees' 26th CD pushed westward to produce the open 24th CD, to the delight of Assemblyman Waxman, who did not have to challenge an incumbent. The 37th CD, carved out of the Los Angeles core area at the insistence of Dymally, was kept intact. The only centers of Democratic strength in San Diego, the Inland Empire (Riverside-San Bernardino), and Orange counties were clustered. Burton's allies were given their desires, while the opponents fared less well. At this point, the only legitimate conclusion is that political lines have political effects even though the designer is an unknown; or maybe it was all a brilliant accident.

Act IV — Another Round,  
New Stratagems,  
New Concerns in 1981

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**T**heoretically, the judicious Court plans brought some reasonable linkages between SSDs and CDs. The appearances of compactness, community of interest, and other “good government” attributes were established. As the decade drew to an end, the statewide electoral results brought the number of congressional Republicans close to that of the Democrats. Changes were less dramatic in Los Angeles.<sup>65</sup>

Following the 1978 elections the redistricting machinery began to hum. Despite Hardy’s desire not to serve, Congressman Burton pressured personal loyalty to its limits, much to the displeasure of the Berman forces. The Rose Institute developed plans for a major redistricting analysis effort, largely financed by the California Roundtable.<sup>66</sup> Initially Hardy was incorporated into the effort. The happy arrangement did not last long.

Before the technicians could really begin, an opening salvo of a different sort was fired. Redistricting was the issue, but the struggle was manifested in a speakership fight provoked among the Democrats.<sup>67</sup> The issue was: Who would do the best job of protecting Democratic majorities?

Whereas Senator William Proxmire’s warnings about the pending Democratic demise in the U.S. Senate was ignored as the 1980 elec-

tion approached, a similar in-house alert was taken more seriously on the state level. Fears were aroused; action was demanded. One answer was to give the majority leader, Howard Berman, the Speakership while Michael Berman, his brother, would be hired as the redistricting expert to save the day. Incumbent Speaker Leo McCarthy was accused of being more interested in state-wide office and unconcerned with the petty detail necessary for redistricting success. The principal theme was expertise. No one asked the question: Why did the 1971 mess occur in the first place?

Unable to unseat the incumbent Speaker with a caucus vote, the 1980 primary and general election battles were fought along the lines of the McCarthy-Berman Democratic civil war. Initially, a Berman victory seemed won by the narrowest of numbers in 1980. Then, two Latinos, Alatorre and Torres, withdrew from the Berman camp.

A San Franciscan was elected Speaker in the 1981 session. Democrat Willie Brown, now a veteran in the legislature, owed his election to Republicans, not his own party. One price for Republican support for his speakership was funds to support an alternative data base for the Republicans, which they could buy from the Rose Institute.<sup>68</sup> While the Republicans could finely tune an existing data base with public funds, the Democrats again squandered valu-



able negotiation time as they attempted to build two separate [Assembly and State Senate] data bases de novo. On the congressional level a Luddite operation using hand computers sufficed. The Rose Institute had offered its fully functional database at a tiny fraction of what the Assembly and State Senate leaders would spend on developing their separate databases (which were now well understood to hold the secret of both redistricting and electoral success). Yet, the Assembly failed for many months to develop a fully satisfactory database and retrieval system.

### *Solidifying the Speakership*

Jesse Unruh had used redistricting to win the Speakership. Willie Brown gained the Speakership as a result of a pending redistricting battle. His problem was to shore-up his power. As Speaker two options were feasible: either, to continue cooperation with the Republicans who had elected him and to create state legislative districts to their satisfaction; or to achieve an accommodation with his fellow Democrats, the Bermanites.

The former approach would probably have further fractionalized his party and made him continually beholden to the Republicans. His replacement would be assured as soon as the Republicans had the governorship, or as soon as they decided to bargain elsewhere.

The “We are all Democrats” approach won out. Aside from the threat of Republicans dumping him at their pleasure, other factors favored and facilitated districting based on internal Democratic bargaining. Willie Brown was a product of San Francisco politics. Whether a Burton machine ever existed will be argued for decades, but Willie Brown was fathered politically by Philip Burton. The sense of political loyalty that Burton instilled could not be taken lightly. Burton was also an expert on redistricting with his own personal computer.

Burton sought national political power: he had lost the Majority Leader post by one vote in 1978. He needed more Democratic congressmen from California for possibly bigger stakes. His Berman-Waxman connections were substantial. Sala, his wife, was Jewish. Burton was always on the Israel side of any issue — the litmus test in the Berman-Waxman operation. Fundamental liberalism was their mutual credo.

What Berman promised for support for his flawed Speaker bid will remain uncertain, but redistricting was obviously a rallying point. Most legislators wanted safe legislative districts, while others had ambitions for seats in Congress. At least four were in the latter category — Lehman, Goggin, Levine, and Bosco. Berman himself would eventually be bitten by the Washington bug.

A carefully constructed redistricting scenario could solve several problems. Burton could have votes in the House; the Bermanites could have their Washington stage; those left behind would be protected; and Brown could have loyal replacements in the Assembly and a dependable Democratic majority for a decade. With the interests established, only implementation remained. It would be difficult because alliances in transitional periods are tenuous. The Republicans were organized, had money, and strong motivation.

Another dimension to the redistricting problem was an outgrowth of the initial McCarthy-Berman struggle. New ethnic issues emerged. Two Latinos played a key role in the resolution of the Speakership conflict — Richard Alatorre and Art Torres.<sup>68</sup> Both initially supported Berman, but ultimately shifted to Brown. This betrayal, from a Berman view, was a continual problem, especially for those motivated by revenge.

Throwing salt in the wounds, Alatorre became the Chairman of the Assembly Reapportionment Committee. To add to the complexity,

Alatorre was a close friend of Philip Burton's brother, then Congressman John Burton. In turn Alatorre, regarded as a traitor by the Cesar Chavez organization which strongly supported Berman, had to prove his commitment to the Latino cause.

Pressure on Alatorre to demonstrate his ethnic interests also came from another source. The Republican party, desirous of breaking Latino ties with the Democrats, took up the Latino redistricting cause. The Rose Institute, also, with a grant from the California Roundtable, was funding a Latino redistricting project and issuing publications on Latino representation.

*Down to Basics*

Strategy would be crucial in a rough game with so many goals—districts for Bermanites, Latino satisfaction, Burton votes in the House, and solidifying the Speakership.

To accomplish even part of the scenario, the two new seats for California were not enough. The Los Angeles districts had to be juggled significantly. Republican districts had to be compacted. The resultant adjustments created some of the most ludicrous gerrymanders of all time. In Burton's words: "It was my contribution to modern art", and Speaker Brown said he preferred Picasso to squares.<sup>69</sup> The party of the people had its share of controversy but also the illusion of culture.

Given the population of six southern counties, assuming completion of whole districts south of Los Angeles, one or more of the adjacent counties would have to absorb Los Angeles County's extra population. With core Democratic areas carved from the only possible Democratic CDs in San Diego, Orange, and Riverside-San Bernardino counties, the net gain would be one Democratic CD in San Diego.

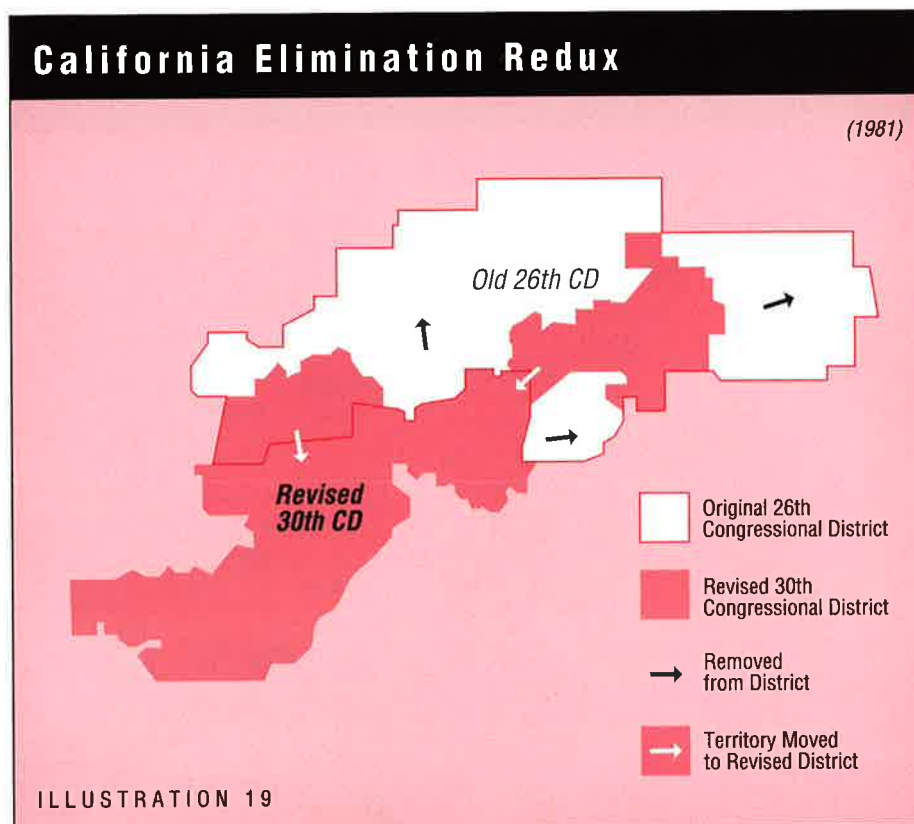
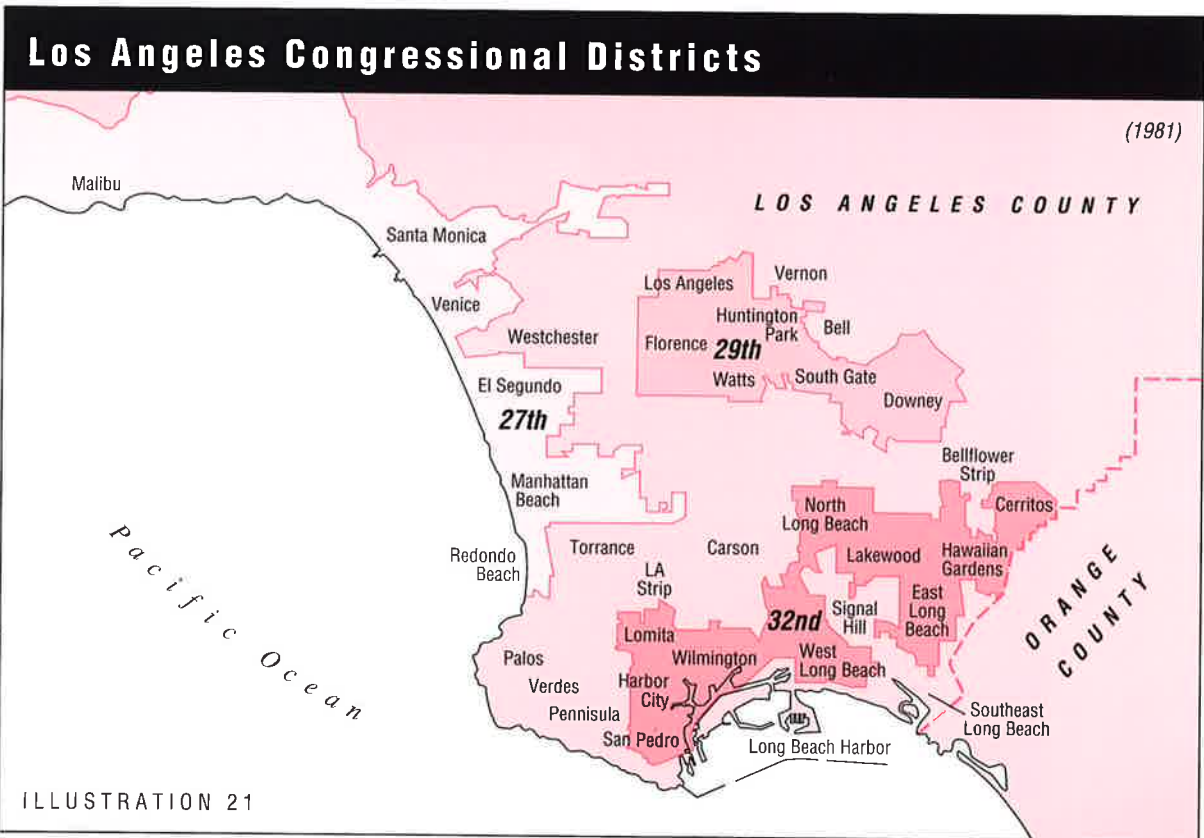
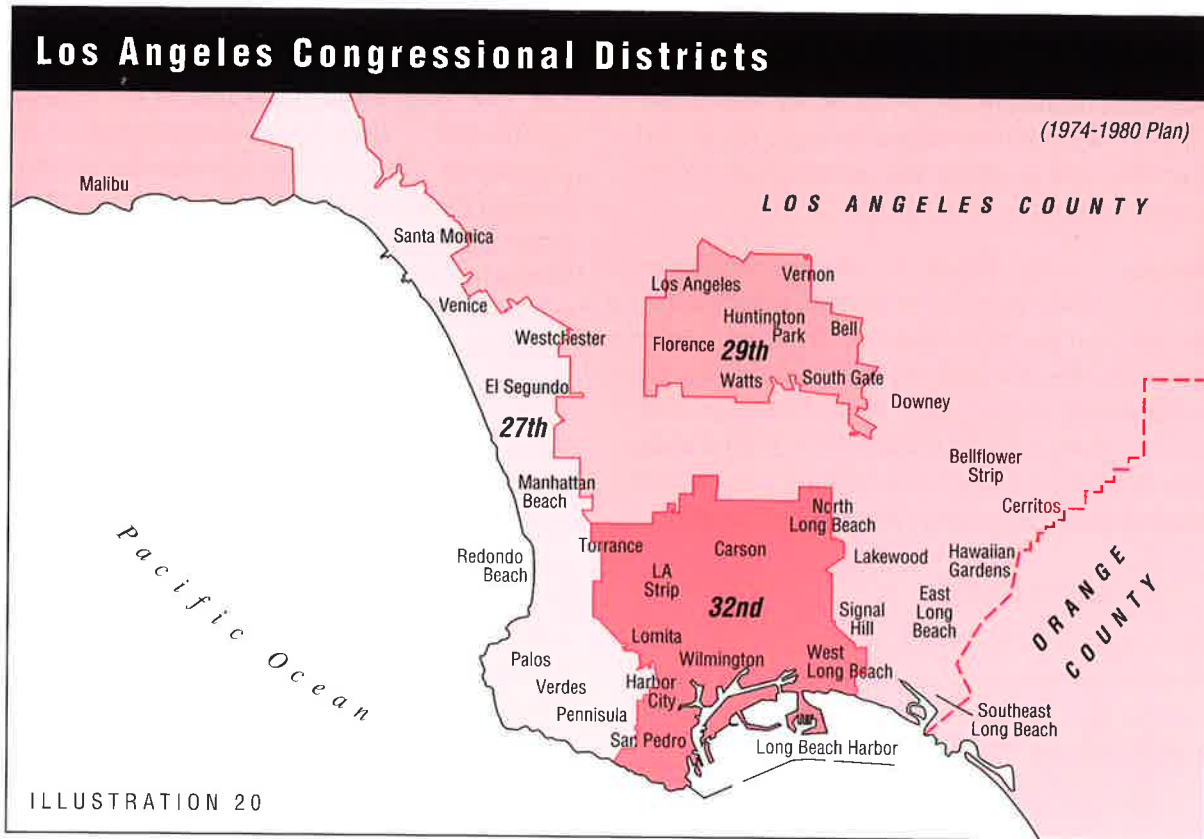
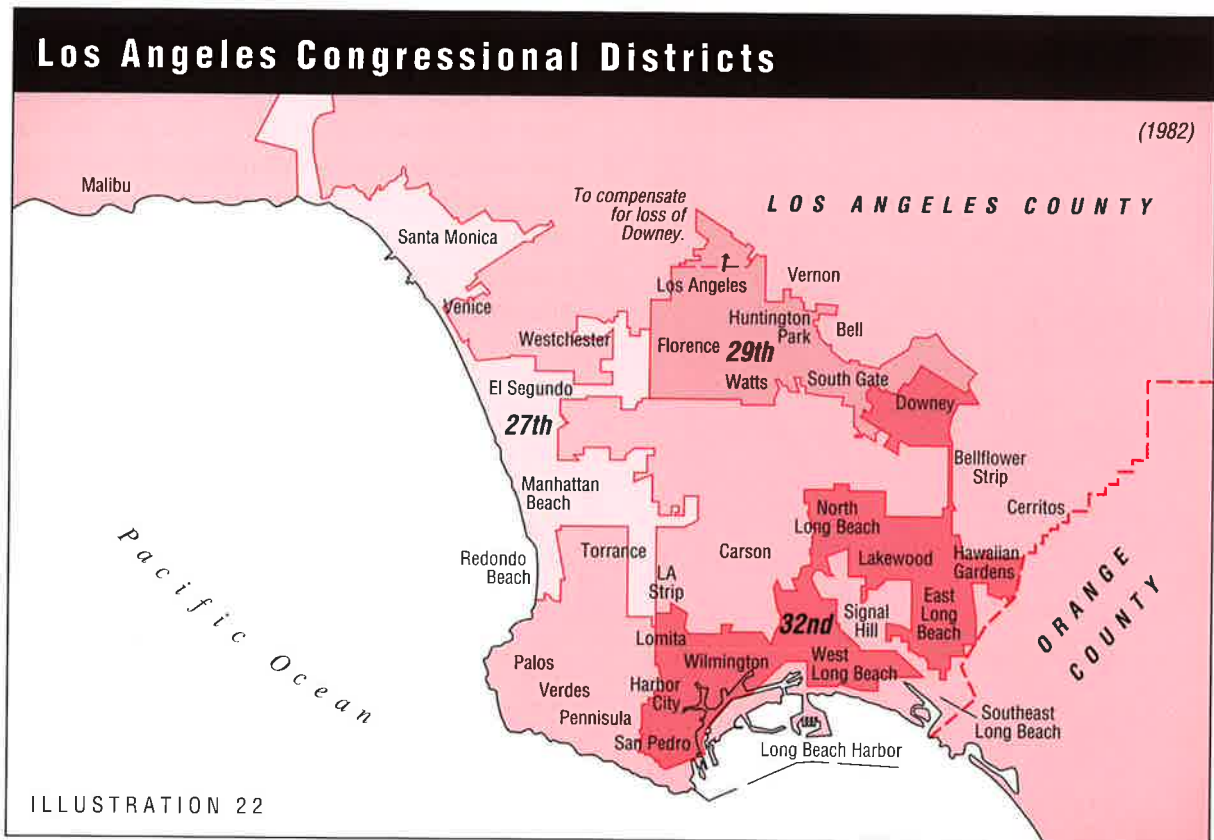


ILLUSTRATION 19





In Los Angeles County the three essentials were a Latino seat and positions for Levine and Berman. The Latino goal could be facilitated by the potential appointment of Congressman George Danielson to the Federal Court of Appeals, which was already in the works.<sup>70</sup> But Burton had a surprise.

The existence of four black districts with 8% of the state's population, while Latinos with 21% had only one, warranted some reflection. Was additional Latino representation not what the Republicans advocated? Then why should they not pay the price? Since the Republican party favored additional Latino representation, Burton decided to give them two rather than one. Later, it would be contended that the third Latino seat was the coup de grace of 1981. The seat would be given to Esteban Torres, a long time union leader and close ally of the Berman operation.

With the Danielson judicial appointment, the existing 30th CD was open for special election. Briefly, Alatorre considered running for the seat; but Assemblyman Martinez slipped into the position without a fight. Martinez had only recently entered the Assembly as the surprise victor in a primary battle with incumbent Fenton, who had failed to play ball with the Berman-Waxman operation. Some observers in Sacramento began to believe: "You cannot beat city hall."

The basic Los Angeles problem was its entitlement, which equaled only its current number of seats. The pressure was somewhat eased when Congressman Barry Goldwater, Jr., decided to run for the U.S. Senate. Congresswoman Bobby Fiedler was tempted with a revised 20th CD, with her home included. The bulk of her 21st CD was now available for a Berman district with little concern for Congressman Beilenson or citizens.

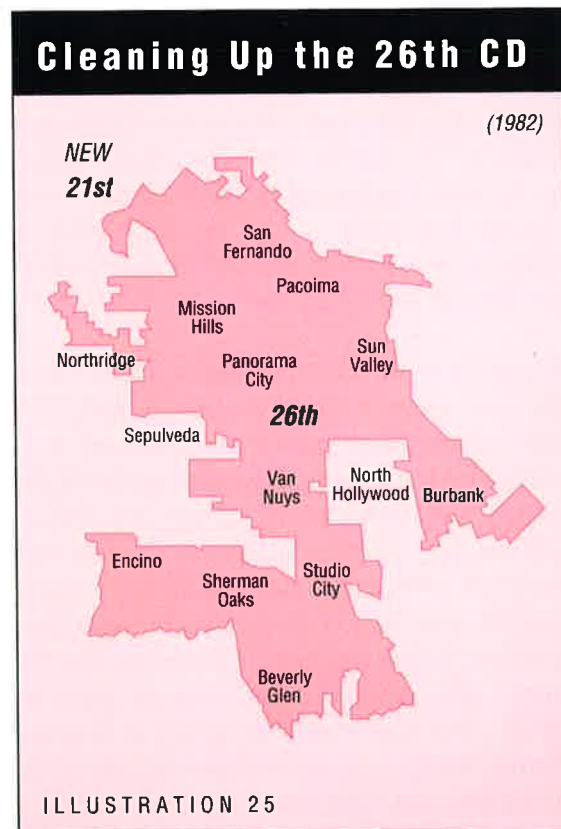
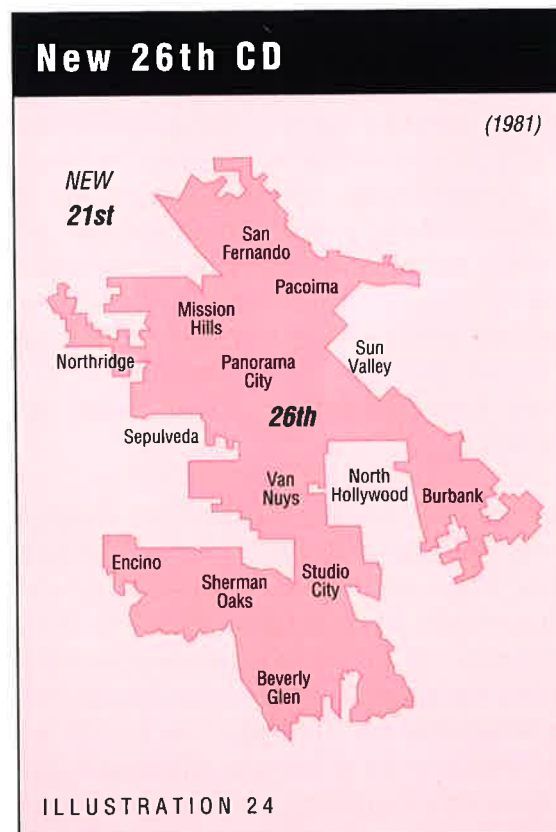


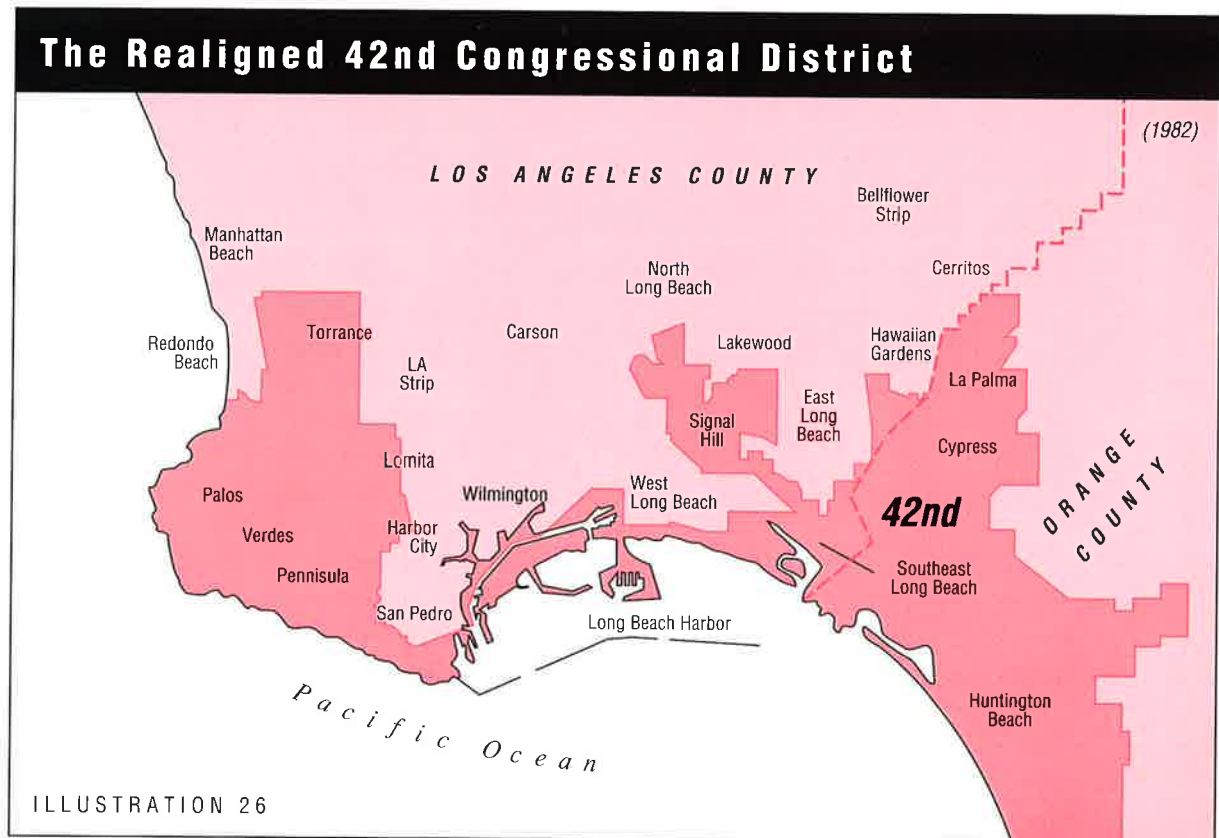
To provide for another seat, the new 34th CD and 30th CDs absorbed Rousselot's Democratic sections and his district was collapsed with Moorhead's 22nd CD. With the tortuous line weaving in and out of communities in Long Beach and southern Los Angeles County and the westside of Orange County, the 42nd CD of Lungren was made more concentrated (See Illustration 26).

Realignments were made among Republican districts on the west (20th and 21st CDs) and the east (22nd, 26th, 33rd and 35th CDs).

The stage was set for the final strike: elimination of Republican Dornan in the 27th CD and a seat for Levine.

The 27th CD had to be made sufficiently liberal for conservative Republican Robert Dornan to be defeated.<sup>71</sup> Whether that was the reason, or not, Dornan decided on a vain run for the U.S.





Senate and the 27th CD became an open seat. The lure of a senatorial post avoided a confrontation with an incumbent.

The heavy Republican concentration in the Palos Verdes peninsula represented a problem for the re-shaping of the 27th CD. The solution was the creation of a largely uninhabited sea neck in the Long Beach - Los Angeles Harbor area, which revealed the ancestral lines of the gerrymander. The Marina del Rey neck grew a tumorous growth on the aging 27th CD, while tentacles spread in several directions.

In the background was the existence of three Black districts (one heavily concentrated), which depleted Democratic resources and complicated the conceptual exercise. It required political manipulation of the finest tuning, especially for Glenn Anderson, the one remaining old-line white Democrat, a traditional New Deal liberal without ethnic ties. He got what

was left over, which was fitting politically for a neighbor who had not supported the Burton 1978 bid.

The incredible adjustments of 1981 and 1982 (below) require different analytical tools than those previously used (the tracing of voting commitments of ADs and subsequent congressional decisions) to discover their political origins. One method is to overlay the new districts on the court-drawn lines of 1973 (See Illustrations 20-25). By noting the inserts into other districts and in turn those districts' inserts into the first, the political pattern is clearly manifest. If the percentages of registration, or actual votes in given races (generally the most competitive), are color coded on the maps, the inserts will generally be of different colorations. It may be the difference of light green to medium green, or to dark green, but the alteration indicates the purpose of the changes.<sup>72</sup>

In 1981 and 1982, the inserts, warts, extensions, and necks proliferated beyond belief. But again the practices in the study area substantiate that one gerrymander does not tell the whole story. A gerrymander is part of an overall strategy. An individual gerrymander is merely a district in a political package conceived by someone, for the benefit of someone, to the detriment of someone else.

[NOTE: In all of these manipulations, Philip Burton has been made by the press and other commentators to appear the kingpin. But was he?

The emphasis in the media on Burton's role in the redistricting process glosses over the creation of 120 state legislative seats. State legislators do not acquiesce in the shaping of their district by a congressman, even an ex-assemblyman. Yet, the focus on Burton has clouded press coverage of an action which would stalemate California government for a decade. The usage of "Burton I" and "Burton II," the Republican phraseology for the Congressional plans in 1981 (I) and 1982 (II), neglects the existence of Assembly I and Assembly II and Senate I and Senate II.

"Burton II" is even a misnomer for the Congressional plan in 1982. After a brutal campaign in November 1982, probably the most demanding campaign in his 19 years in congress, Philip Burton was a sick man. More revealing is the legislative demand: "Keep him out of Sacramento." In other words, redistricting was a legislative prerogative. Then who did it?]

### *"Santa Claus Does Come In December, Charlie" — 1982*

The Democratic legislative majorities and a Democratic governor assured the enactment of a party bargain package in 1981, but not with Republican support. Lacking a 2/3 vote, which potentially might detour referendum procedures, the Democrats faced a vote of the people.

Immediately, Republicans put signature gathering organizations into action on the basis of signature banks from previous initiative and referenda campaigns. The referenda qualified and were overwhelmingly successful, carrying by 60% of the vote against all three redistricting proposals.

A frequent Sacramento explanation for budgetary difficulties in June (when the budget is passed, blue-pencilled, or modified), regardless of who is in power, is "Santa Claus does not come in June. Everyone knows he comes in December." Unexpected events of the 1982 Christmas season, however, brought political "sweets" of unknown delight. Democrats retained control of the legislature, picked up congressional seats (one-fourth of their national gain), and defeated a commission system that would have removed redistricting from the legislature's jurisdiction. But they lost the governorship. Frantically, before their assemblymen left for Congress and a Republican governor took office, the Democrats engineered a Christmas filling of stockings in political style, with precincts. Again the insert analysis is useful and the Los Angeles map is classic.

The results produced some modifications, with a general clean-up in Northern California, while in the study area the results were bizarre. The victors of Los Angeles were determined to solidify their positions regardless of appearances and in total disregard of the electorate's 60% vote against the 1981 districts.

The only Orange County Democrat and his supporters insisted on additional Democratic areas. After the Democratic bases had been consolidated in Orange County, the district lacked sufficient population for a CD. Continuing a reverse elongation which began in 1967, Orange County Democrats had to reach into Los Angeles to bolster dwindling numbers. Republican majorities were becoming unmanageable as Democrats abandoned traditional approaches of taking issues to the people and competing on

**Percentage of Vote Against the 1981 Districts  
in Select Cities and Congressional Districts**

<i>City or Congressional District</i>	<i>Proposition #10 (Congress)</i>	<i>Proposition #11 (State Senate)</i>	<i>Proposition #12 (Assembly)</i>
Burbank	66.2	63.3	63.5
Bellflower	60.3	59.1	59.3
Cerritos	58.5	55.6	55.5
Downey	67.2	64.3	64.3
Inglewood	39.9	38.1	38.0
Torrance	66.8	63.6	63.7
26th CD	56.6	52.5	52.6
42nd CD	68.1	64.7	64.8
32nd CD	58.8	57.3	57.4
27th CD	54.3	50.2	50.2

TABLE 5

the public playing field. It was assumed that closet manipulation could solve problems. The only significant city adjacent to Orange County with a moderate Democratic registration was Cerritos with its 52,756 population. The County line was ignored and Cerritos became part of the 38th CD.

In turn, the elongated 42nd CD was further extended into Orange County to absorb the equivalent of the 52,756 Patterson had given up to acquire Cerritos (See Illustration 26). Normally, that might have been a simple exchange: Anderson would lose 52,756 (Cerritos) to Patterson, Patterson's 52,756 surplus (La Palma,

Cypress, Los Alamitos, more of Huntington Beach, and Midway City) extra to Lungren, and Anderson could absorb 52,756 (more of Long Beach or elsewhere) from Lungren. The last move was potentially risky from the Anderson viewpoint: his 1982 opponent had been Lungren's brother, but Anderson did not matter much in the Berman-Burton-Dymally axis.

The real crux was the new Assembly Chairwoman of Reapportionment, Maxine Waters, an Afro-American. Mrs. Waters conceived herself as the successor to the aging Congressman Hawkins. His district now included the moderately high-income white city of Downey,



## LA County Congressional Districts Family Tree and General Political Orientation

1931	1941	1951	1961	1971	1974	1981
na	na	21 R (New)	27 R	27 R	20 R	20*
na	na	22 R (New)	22 D	22 D	21 M	21 D
17 D	17 D	17 D	17 D	17 D	32 D	32 D
16 M	16 M	16 R	28 R	28 R	27 R	27 D
14 D	14 D	26 D	26 D	26 D	23 D	23 D
na	na	na	21 D (New)	21 D	29 D	29 D
na	na	na	na	na	24 D (New)	24 D
na	na	23 D (New)	23 D	23 R*	33 R	35 R
11 M	20 R	20 R	20 R	20 R	22 R	22 R
na	na	na	29 D (New)	29 D	30 D	30 D
na	na	na	na	39 D (New)	28 D	28 D
na	19 D (New)	19 D	19 D	19 D	**	na
na	na	na	30 D (New)	30 D	25 D	25 D
13 D	13 D	13 R	24 R	24 R	26 R	**
12 D	12 M	12 R	25 M	25 R*	**	na
15 D	15 M	15 R	31 D	31 D	31 D	31 D
18 M	18 M	18 R	32 R	32 R*	34 M*	42 R*
na	na	na	na	na	35 M* (New)	34 D

D = Democrat

R = Republican

M = Marginals

\* Shared

\*\* Collapsed

TABLE 6

LA County Congressional Districts Results							
	1931	1941	1951	1961	1971	1974	1981
Controllers	na	na	R	D	D	N	D
Democratic	5	3	4	10	9	8	11
Republican	0	2	8	5	5	5	4
Marginals	3	4	0	0	1	3	?
Shared With County	na	na	na	na	2	2	1

*D = Democrat                      R = Republican                      N = Neutral*

TABLE 7

one of the few pockets left in the southeastern area. It was not a problem in a general election with the CD's heavy Democratic registration. Significantly, however, South Downey with its growing Latino population was deleted. With Hawkins' original Black district becoming increasingly Latino, the existing district might produce a strong Latino primary threat in a future race.

The solution was a narrow Bellflower corridor (a giraffe neck with head reversed) for four miles to solve Anderson's population deficit by giving him South Downey (See Illustration 22). The Downey deletion required an expansion on the west (more Blacks for the Black Hawkins/Waters seat). The Black percentage of the adjusted district increased to 51%. In turn, the need to compensate for Lungren's 52,756 surplus required someone (Levine or Dymally) to move into Torrance, not necessarily a Democratic stronghold. The complex exchanges required careful balancing. If one argued that whole cities were being unified in Orange County, with the possible exception of the

revealing Anaheim neck to gain the Angel Stadium and a Latino barrio, the same could not be said on the Westside. The incorporation of Cerritos was bought at the expense of Bellflower, Downey and Torrance. In the 1982 referenda the cities involved had voted heavily against the districts (See Table 5). And what did they get? Review the before and after examples in (See Illustration 22).

Although the Democratic coup prompted Republican Assemblyman Donald Sebastiani to launch an initiative that gained sufficient signatures, the State Supreme Court ruled against the initiative. As Speaker Brown explained, the Sebastiani threat was taken care of by "Sister Rose and the Supremes."<sup>73</sup>

Despite threats of further action, California settled down, although legal suits continued for the decade, to the delight of lawyers and expert witnesses, all of whom made a mint. A \$10,000 operation, which had lasted a few months in 1951, had become a decade-long event, costing over \$6.5 million from public monies alone.

Throughout the 1980s a Republican Governor faced a Democratic legislature based on the redistrictings of 1981 and 1982. In 1984 the Governor launched a redistricting initiative. It was defeated by a 55-45% vote. Court cases continued throughout the 1980s, ending with *Badham v. Eu* (1988),<sup>74</sup> when the courts re-

fused to set aside the California districts under the *Davis v. Bandemer* dicta.

As 1989 began, new approaches to redistricting began to emerge. Various groups sponsored initiative proposals involving commissions, structural changes, and guidelines for redistricting.<sup>75</sup>

## Conclusion

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**T**his Monograph has traced the political genealogy of gerrymanders in Los Angeles County. This political species has long been reviewed in perfunctory fashion, with a focus on separate examples, usually with derision. California gerrymanders have become the late 20th Century textbook illustrations, replacing the early 19th Century classic. By analyzing the species within the context of the redistricting process, we believe that they are better understood.

The technical terminology to describe the gerrymander varies. The currently fashionable jargon includes “packing” and “cracking,” which replaces the “wasted votes” of the sixties. Regardless of the terminology, the basic concentration and dispersal techniques prevail.<sup>76</sup> The most notorious species are elongated, with thin necks at connecting points, and may have peculiar warts, bumps, tails or tentacles.

Each of the contortions tells a political story. The strange shapes can only be understood as results of deliberate strategies, conceived by political leaders as methods for manipulating power for their own, or their party’s, or their organization’s benefit.

The quest for solutions for gerrymanders without a detailed understanding of the process and the political motivations is to put the cart before the horse. Elongations and other contortions

occur to preserve political power. Often, the shapes are the result of population shifts (growth or relative decline, or changes in ethnic composition), or the inability of the power mongers, ensnared in their own manipulative webs, to respond to public demands for change.

### *The Past As Guide*

Traditionally, redistricting was not the key to permanent power, but merely one variable among others in the political equation. It was important, but only as a temporary agenda shaper. The natural course of events was for unpredictable developments to defeat the calculations of the decision makers. The beneficiaries of manipulations often got caught before the end of the decade, as did the Republicans in the 1950s, the Democrats in the 1960s and 1970s.<sup>77</sup>

The unexpected results of county splitting coupled with the technological revolution upset the balance. The traditional means for solution, the voters’ choices, are now often blocked by extreme manipulations of district boundaries. Today, Los Angeles County, an area that has seen dramatic demographic, social and economic change over the past decade, is the key-stone in a system rigged to prevent political change.

We have traced and illustrated the 1981-82 manipulations; and the election record of the

past decade adds proof to our contention that the districts effectively killed off Democratic-Republican competition in Los Angeles.<sup>78</sup>

### *The Past as Prologue*

The present crisis in representative government is well summarized by Robert A. Jones of *The Los Angeles Times*:

*California has slipped into an era where the political landscape is as bleak as the moon's, and the party leaders know it. Their candidates all seem to come from that same fraternity of C-minus, and voters are so weary of it they hardly bother going to the polls...*

*And there's something else. This state, in the midst of one of its greatest booms, is simultaneously paralyzed by decay. The schools don't teach, the air has turned the color of Coca-Cola, the cities jump to the sound of gunfire, and half the state legislators have a rap sheet. In the last decade no one has risen out of the muck in Sacramento to deal with any of this.<sup>79</sup>*

In 1983, Speaker Brown declared that "Sister Rose and the Supremes" had taken care of the Sebastiani matter. The 1982 gerrymanders having been judicially confirmed, it seemed that the Democrats would continue to reap rich rewards from them for the rest of the decade. And it is true that in Congress and the State Legislature the gerrymanders performed as intended: nearly all incumbents have been safely returned, election after election, and the Democrats have retained their lopsided majorities. At other levels of the political system, however, a very different story has unfolded. President Reagan carried the state by a landslide in 1984. Governor Deukmejian won an easy victory in 1986, the same year that Justice Bird and two of her "supremes" went down to humiliating defeat. And, in 1988, as Republicans chalked up yet another Presidential victory, it was reported that Democratic registration had fallen to its lowest level in decades.

Is there a lesson here for Democrats? Although the victors of 1981-82 retained their power, their claim to represent the people of California

rings hollow, and public faith in their ability to solve problems has ebbed. Democrats lose key state-wide elections and there are no longer comfortable Democratic majorities among registrants. Who benefitted, then, from the redistrictings? Was it the Democratic party as a whole, or was it solely the legislative leaders and their favored incumbents?

There are lessons to be learned by Republicans, also. The opposition party in the Legislature is no more representative than the governing majority. Sheltered from the tides of change in districts packed with loyalist voters, Republican incumbents drift away from the mainstream of public opinion and give their energies to internecine contests for the leadership of their impotent caucuses.

The accomplishments of California's legislators are no longer best measured in terms of public policy, for the initiative process has displaced legislative action in many fields. Their concerns focus instead on legislative salaries, pensions, perquisites and staff — or on the latest Sacramento scandal.

Both legislative parties are locked in position. In the course of one of the greatest demographic transformations in the State's history, the only institutions not experiencing or reflecting change are the state's major representative bodies — the Assembly, the State Senate and the Congressional Delegation. Except when indictment or death take their toll, even the faces remain the same, year in, year out.

The effects of current redistricting practices may be summarized as follows:

1. Districts have become sprawling in nature with numerous "necks" that fragment communities and limit citizens' ability to participate in politics.
2. The fragmentation of communities requires media campaigns that go to the highest bidder, while grass roots campaigns are thwarted.

3. Money follows incumbency.
4. Districts become non-competitive.
5. Non-competitive districts deter viable alternative candidates, either in the primary or the general election.
6. Safe districts become fiefdoms which make incumbents uninterested in statewide or national issues.
7. Ideological bias is created in districts with overwhelming majorities of either party. Moderates, with appeal across party lines, cannot compete in elections stacked with party activists.
8. Lack of interest and participation are the inevitable outcomes. Who wants to play a rigged game? Who watches a game when the victor is known in advance?

9. Non-competitive politics guarantees stalemate, indifference and disgust. Government has become a discredited bureaucracy made up of bureaucratic legislators who follow bureaucratic party leaders.

Los Angeles is becoming the Beirut of the Pacific Rim. The infrastructure is crumbling. Pot-holed freeways are in gridlock. Educational institutions, after decades of "critical thinking," are producing graduates who can neither read nor write. The air chokes people. And people are choked, too, by the self-serving, misleading rhetoric in press releases and computerized direct mail pieces that have now become their sole contacts with their political leaders.

Enough is enough. The time has come for A.C.T.I.O.N.

# Endnotes

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1. In a letter to Mandell Creighton, Bishop of Peterborough and London, published in 1904 in *Life of Mandell Creighton*.
2. The writers are indebted to the careful review of the content by California State University Professor Robert Hayes. Vice President Don Henriksen and George Blair, head of the Rose Institute, also made valuable comments on the final presentation. Much of the monograph's substance was originally prepared as a paper for the American Political Science Association, Washington D.C., September 1986 under the title of "The Conception and Birth of Gerrymanders and Their Offspring." Revision and updating have been facilitated by a grant to the Rose Institute of Claremont McKenna College by the John Randolph and Dora Haynes Foundation. In a sense this paper is a continuation of "Considering the Gerrymander" *Pepperdine Law Review* pp. 243-284 (Spring 1977); hereafter cited as "Considering." That article and Monograph 2 in the Rose Institute Studies on Redistricting provide detailed definitions, origin of terms, and a classification system. Monograph 2 is entitled *Gerrymander: Origin, Conception and Re-emergence*; hereafter cited as *Rose Redistricting Monograph 2*.
3. Griffin, Henry F., "The Gerrymander," 97 *Outlook* 186-193 (1910).
4. See Hardy, "Considering;" and *Rose Redistricting Monograph 2*.
5. Tyler, Gus, and Wells, David I., "Camel Bites Dachshund," 146 *New Republic* 9-10 (November 27, 1961).
6. "Gerrycrat" was defined as a creature who has perfected the union of high technology and manipulative politics to gain control of the representative process in our *Who Guards the Guardians: A Preview of A.C.T.I.O.N. Guidelines for Redistricting*, p. 9. "Datagogues" are technicians who supervise advanced computerized geographical retrieval systems that operate vast political-demographic databases; *ibid*, p. 10.
7. Who were the principal actors is a matter of contention, especially among the participants. The writers' assertion is based on the following (unless otherwise indicated the legislator was from Los Angeles County):
  - 1931— State Senator J.W. McKinley and Assemblyman Walter J. Little;
  - 1941— Assemblyman Frederick F. Houser;
  - 1951— Assemblyman Laughlin E. Waters, Jr. and Charles Conrad;
  - 1961— Assemblyman Robert Crown (Alameda) and Jesse Unruh;
  - 1964— Assemblyman Don Allen, Sr., Unruh, and State Senators Stephen Teale (Calaveras) and Thomas Rees;
  - 1967— Assemblyman Jack Fenton (Unruh) and State Senator James Mills (San Diego);
  - 1971— Assemblyman Henry Waxman and State Senator Mervyn Dymally;
  - 1973— Assemblyman Kenneth Meade (Alameda) and State Senator Dymally;
  - 1981— Assemblyman Richard Alatorre and State Senator David Roberti;
  - 1982— Assemblywoman Maxine Waters and State Senator David Roberti;
8. Hardy, "Considering" and *Rose Redistricting Monograph 2*. For example, concentration gerrymanders lead to dispersal gerrymanders and vice versa, with the elongation variety being the common denominator.
9. Hardy was a participant with different responsibilities in the following redistrictings: research assistant (1951); Assembly consultant (1961); advisor (1964-65); congressional consultant and negotiator (1967, 1971, 1973); and "expert on ice" (1981 and 1982). Heslop was involved as chief consultant on the Republican side in 1970-73 and, through Rose Institute analysis programs, in 1980-83.
10. The division between West and East Los Angeles is problematical. For purposes of this monograph, the boundary is the Harbor Freeway and its continuation as



the Pasadena Freeway to the Golden State Freeway to its meeting with the San Diego Freeway.

11. Hardy, Leroy C., unpublished manuscript, "Bibliography on Reapportionment, Redistricting and Representation: Annotated." This bibliography (5,000 plus items) was originally prepared for publication in 1981. A version, to be published soon, will include several thousand additional items.

Though power is a pervasive phenomenon, it is also resented by many individuals because of its implications of control and subservience. Its practitioners (especially known politicians) must exercise power carefully (to not antagonize) and to keep "trade secrets" (which would complicate power's use, or seem to be boasting). The result is a mysterious aura about how gerrymanders come into existence.

12. Bell, Colin and Encel, S., "Introduction," in *Inside the Whale: Ten Personal Accounts of Social Research* (Australia: Pergamon Press, 1978), p. 1; the authors refer to George Orwell's essay *Inside the Whale* and his wise counsel on involvement in political and social issues.
13. If most political scientists do not get inside the political tent, it is legitimate to ask how this impressionist record can be drawn. Hardy's insights and views were made possible by long association with one of California's political masters — Philip Burton. Association with Jesse Unruh was also important. Heslop's experiences were comparable in the Republican party.

Once inside the political process, certain advantages accrue. The language of the "tribe" becomes familiar with its subtle connotations. More importantly, the mores of the "tribe" become apparent and meaningful.

The behavior of the participants is revealing and informative in their home surroundings (the organizational patterns) with the camaraderie of fellow-workers. A crucial element is the value of one's word. With participation, one gains a sense of loyalty to the "tribe," (which in normal circumstances might inhibit one's reporting).

In sum, the anthropological participant-observer technique is utilized to study the actions of political tribes over a period of time in the struggle for their territorial imperatives and the means of political survival.

14. The basic problem is demonstrated in David R. Mayhew's excellent article entitled: "Congressional Representation: Theory and Practice of Drawing the Districts" in Polsby, Nelson, ed., *Reapportionment in the 1970's* (Berkeley, CA: University of California Press, 1971) pp. 249- 284. Theory is given 25 pages, but practices only 10 pages, 2 of which are charts. With a sweeping analysis of the national picture little opportunity is available to analyze in depth the actual practices in any one situation. A similar observation could be made of the Hacker presentation, in Hacker, Andrew *Congressional Districting: The Issue of Equal Representation* (Washington, D.C.: Brookings Institution, 1st edition, 1973).
15. Although Los Angeles County, and especially the Congressional Districts (CDs) in the older sections and the westside are the primary focus, the study area is by no means small after 1931. Los Angeles County had

CDs equal to or larger than 28 states in 1931, 33 in 1941, 41 in 1951, 43 in 1961, 42 in 1971, and 42 in 1981. The older sections of the County accounted for the bulk of its population throughout the period of our study: the two CDs of 1930, 5 in 1931, 6 in 1941, 7 in 1951, and 8 in the subsequent redistrictings. Put in different context, the study area had seats equal to, or larger than the delegations of 18 states in 1931, 24 in 1941, 32 in 1951, 33 in 1961, 34 in 1971, and 33 in 1981. In terms of state legislators' seats, Los Angeles has had the largest delegation since the 1930s (1932 — 31; 1942 — 32; 1952 — 32; 1962 — 31; 1972 — 26 and shared two others; and 1982 — 26 and shared three others).

Henceforth, abbreviations will be used for congressional districts (CDs), assembly districts (ADs) and state senatorial districts (SSDs). The reason will be apparent as the commentary develops. The above data were drawn from *Guide to U.S. Elections*, (Washington, D.C.: Congressional Quarterly, Inc., 1st edition, 1975) p. 531; hereafter cited as *Guide*. Only eleven times since 1789 (3 being California results) have states gained 6 or more seats in a decade; 6 for Massachusetts and 9 for Virginia between 1789 and 1790; New York 7 in 1800, 10 in 1810, 7 in 1820 and 6 in 1830 and 1910; Ohio 8 in 1820, and California 9 in 1930, 7 in 1950 and 8 in 1960.

16. They may be in sufficient numbers to meet the Durkheim sample for normal and pathological types.
17. A general overview of the 1920 delays are included in *Guide* pp. 530- 534 in the 1st edition. More substantial accounts include: Bemis, George W., "Sectionalism and Representation in the California State Legislature," unpublished PhD dissertation, University of California, Berkeley, 1935.
18. Allen, Don, Sr., *Legislative Sourcebook: The California Legislature and Reapportionment 1849-1865*, (Sacramento, CA: State Printer, 1965) p. 274; hereafter cited as *Sourcebook*.
19. *Guide*, 1st edition, p. 287; The 1930 change is analyzed in Hardy, Leroy C., unpublished manuscript "The Quantum Leap and the Stumble: National Power Squandered."
20. *Ibid.*, p. 400.
21. *Sourcebook*, p. 274.
22. Cross-filing was a Progressive reform that allowed candidates to file for the nomination of any party. If the candidate won the the Democratic and Republican nominations in the primary, he, in effect, ran against himself and had no opposition in the general election. This became the pattern in California between 1920-1954. See Pitchell, Robert J., "The Electoral System and Voting Behavior: The Case of California's Cross-Filing," 12 *Western Political Quarterly* 459-484 (June, 1959); and Reapportionment as a Control of Voting in California," 14 *Western Political Quarterly* 214- 235 (March, 1961).
23. McHenry, Dean E., "Urban vs. Rural in California," 35 *National Municipal Review* 350-54, 388 (July 1946); see also McHenry, Dean E., "The Pattern of California Politics," 1 *Western Political Quarterly* 44-53 (March 1948).

24. Allen, *Sourcebook*, p. 274.
25. *Guide*, p. 771.
26. Hardy, Leroy C., "The California Reapportionment of 1951," (unpublished PhD dissertation, UCLA, 1955), p. 37- 38; hereafter cited as *Reapportionment of 1951*.
27. RE: reference to the 1941 redistricting chairman, Assemblyman Frederick F. Houser had tried for Congress in 1936 and 1938 and again in 1942 and 1944 in the improved district he helped create (an example of a planned projection gerrymander). The district was won by a Republican in 1946 — Richard Milhouse Nixon.
28. The technical details of committee authorization, composition, etc., are surveyed in the article by Hinderaker, Ivan and Waters, Laughlin E., Jr., in "A Case Study in Apportionment — California, 1951," 17 *Law and Contemporary Problems* 440- 469 (Spring 1952) and Hardy *Reapportionment of 1951*, Chapter 11, pp. 46-80. Dr. Ivan Hinderaker served as consultant to the 1951 Reapportionment Committee. Leroy C. Hardy was a staff assistant. Chairman Waters and Dr. Hinderaker were instrumental in the apprentice training. See also Quinn, T. Anthony, *California's 1951 Reapportionment*, (Claremont, CA: Claremont Men's College, Rose Institute, 1980). Arthur "Artie" Samish was a major lobbyist who dominated California politics in the forties with lobby largesse and control.
29. Velie, Lester, "The Secret Boss of California," 124 *Collier's* 11- 13, 71- 73 (August 13, 1949) and 12- 13, 60, 62- 63 (August 20, 1949); reprinted in Farrelly, David, and Hinderaker, Ivan, eds., *The Politics of California: A Book of Readings*, (New York, NY: Ronald Press, 1951). The "baked potato" reference refers to Samish's boast that within two weeks he would know a legislator's wants, including what he wanted on his baked potato.
30. Obviously, the State Senate had to vote on the redistricting legislation; but after 1930 the general agreement allowed Assembly control over the shaping of redistricting legislation primarily affecting Assemblymen and Congressmen. State Senators with their rigid districts (no county could have more than one senator — 27 of the 40 — and no more than three counties in one senatorial district) seldom faced alteration of their districts, and only with their approval (e.g. Alpine with 236 people was shifted in 1951). Only two state senators between 1930 and 1960 ventured into the national realm.
31. The alternative would have been to group two large districts in the 2-AD CDs and three light districts in the 3-AD CDs, as the Beck amendment proposed, see Hardy, *Reapportionment of 1951*, pp. 311- 315.
32. Two people would potentially be dissatisfied with a consolidation, but one might be advantaged by having the bulk of his old district, or his home, or his treasurer in the collapsed district. A classic inconvenience ploy occurred in San Francisco in 1951. Hardy, *Reapportionment of 1951*, pp. 136-142.
33. Reference is made only to Los Angeles. In other parts of the state, Democrats would plunge into congressional campaigns; See *Hardy Reapportionment of 1951*, Chapter III. Re: Condon, Coats, Hagan and Moss; only Coats was unsuccessful. The three Democratic victors represented above-average sized districts in terms of population.
34. The other freshman Republican, Charles Chapel, was sufficiently dissatisfied to be the only Los Angeles Republican to oppose his party's bills. Chapel said he didn't want an empire with its goats. He wanted "his" people back even though they split their infinitives; Hardy, *Reapportionment of 1951*. In the liquidation process, Congressman are even better game, in the nonpartisan atmosphere. They do not vote on legislation. The same pecking order prevails, freshman, then veterans, with ideological position often the deciding factor. The problem from the perspective of representation is if the ideological position being purged is more in tune with the public than the manipulators.
35. Senatorial districts were not factors in 1951 or 1961 because Los Angeles County could only have one state senator.
36. Conrad's bid was frustrated when the *Los Angeles Times* supported another candidate. Grant won the Democratic nomination under crossfiling, but lost his own; therefore, he lost both nominations. Four Assemblyman stood to gain from the 2-AD CD advantage of the five available.
37. IPP stood for the Independent Progressive Party that supported the candidacy of Henry Wallace in the 1948 election. The tips of the district included Jews in the 61st AD and Blacks in the 62nd AD. A special map was prepared designating precincts with high IPP proceivity. Its red dots (a double entendre) clustered in the diseased gerrymander that resulted. Congressman Samuel Yorty, whose administrative aides vigorously opposed the district, is reported to have been offered an extension to his home. It was reported that he declined.
38. That the Governor would call a special hearing in his office prior to the signing was an unusual step, but the furor was significant and he had to maintain the aura of Democratic support that had re-elected him in 1950. At the same time the political reality required him to sign the bills. As a popular third-term Governor, even the Vice-Presidential nominee on the ill-fated 1948 Republican ticket, he had reasonable expectation of a competitive bid for the 1952 Republican nomination. Such would have been unlikely if he vetoed his party's redistricting bill for the benefit of the Democrats. The Governor was Earl Warren of later reapportionment fame. Such is politics. See Hardy, *Reapportionment of 1951*, pp. 328- 335; and *Establishment of Congressional Districts, Hearings before the Special Subcommittee on Reapportionment*; hereafter cited as the *Cellar Hearings*. The hearings were held in 1951, but published in 1959 (Washington, D.C.: Government Printing Office, 1959).
- The first generation of modern gerrymanders was created. Not only would they become the ancestors for future Los Angeles districts, they were the forerunners of districts that would proliferate nationally as the reapportionment dam broke. The floodwaters nourished similar species everywhere.
- The 26th CD configuration should be studied carefully. It was a combination of initial AD elongations, to which assemblymen voting on the legislation did not object. It had narrow necks at the connecting points. What was linked was important. A wart on the left tentacle was

where Democrat Assemblyman Lester McMillan's new home was being built. The extended warts, or strange growths, are sometimes revealing, like the aging process on human necks. If time is running out for humans and for future political has-beens, they resort to any sort of surgery for one more chance.

39. Hacker says of the 1961 action: "While the Democrats in California secured a disproportionate number of seats, the percentage they won was not as high as it might conceivably have been;" Hacker, Andrew, *Congressional Districting: The Issue of Equal Representation* (Washington, D.C.: The Brookings Institute, 1963, 1st edition) p. 59 This account gives the originators slightly more credit. Hardy, by accident, became the consultant to the 1961 Assembly Reapportionment and Elections Committee, the same position that his doctoral chairman, Ivan Hinderaker, held in 1951.
40. The Los Angeles maps were based on the so-called "Bell-Watson" units developed by Charles Bell, later Doctor, and Madell Watson, an Unruh aide. As is generally true, one operation seldom controls the entire process. In 1951, the San Francisco area was delegated out to the County Central Committee. San Mateo, Contra Costa, and San Diego were handled in similar fashion. In 1961, Burton supervised the San Francisco districts, Crown and his assistant, Louis Angelo, the Alameda districts, and James Mills the San Diego districts. Incumbents, to varying degrees, shaped their own districts, see below, re: Bane. Jumping ahead of the story, the actions in 1971 and 1981 may have suffered seriously from the centralization that more technology permits, especially when the overall state program becomes subservient to the interests of one clique within a party.
41. Crown could infuriate Republicans by adjourning to the bathroom to brush his teeth, but Jesse was on the case. Crown also understood the limits of power. Loyalty was essential. In his concept the sense of loyalty extended to members of the minority who had demonstrated consideration for him when he was in the minority. Crown also understood the integrity of the political process.

The consultant was given an assignment to solve a political problem which required a proposal of unshapely design. Crown without hesitation said: "I can't possibly present that as a proposal." If presented with the 1981 and 1982 creations, he would roll over in his grave. When the political expert relies on the data experts, the results are less effective in the long-run.

42. The 1961 action is reviewed in: *Report of the Interim Committee on Elections and Reapportionment: 1959-1961*, (Sacramento, CA: State Printing Office, 1961), by Hardy and staff; Way, H. Frank, "California: 'Brutal Butchery of the Two Party System'?", in Jewell, Malcolm, *The Politics of Reapportionment* (New York, NY: Atherton Press, 1962), pp. 249-264; and Quinn, T. Anthony, *Power Unbridled: The 1961 Redistricting of California*, (Claremont, CA: Claremont Men's College, Rose Institute, 1980), hereafter cited as *1961*. Note the disparity between the Hacker evaluation (note 39) and the implications of the Quinn title.
43. Hardy, *Reapportionment of 1951*, p. 361-63 and 370.
44. *Sacramento Bee*, May 19, 1961. Democrats attributed the grouping of Smith-Lipscomb to a technical error

rather than intent. The staff must not have looked at the home location maps that were specially prepared.

45. This special Burton technique was to be repeated in 1981.
46. The "slink" district is a special form of gerrymander. See *Rose Institute Redistricting Monograph 2*. The district moves into a new area and then drops portions of its old district as it moves outward; see also 23rd CD and 25th CD. The movement of the 57th AD is classic. The writers are indebted to Loren Mark, former student at California State University at Long Beach, for this term.

The 22nd and 27th CD experience demonstrates first why politicians prefer the concentration gerrymander to the dispersal, see Hardy, "Considering." The California 1961 experience also points up the tenuous nature of the Bane projections. The Bane defeat and Corman's near-defeat in a Democratic year are the reversal of the anticipated dispersal technique. The failure of the Democrats to gain California seats in 1964 also points up the concentrated districts that Hacker concluded were part of an inefficient redistricting; see Hacker, op. cit., pp. 57-60. What is missing is the politics of even the minimal gain, which was not too bad in the 1962 off-year — nine new Democrats.

The AD rearrangements are to be analyzed in an unpublished manuscript, "Assembly District Conception and Progeny."

47. It is interesting to note that the extreme variation in 1961 paralleled those of 1951 for the same reasons. Vice-Chairman Conrad supervised the creation of 2 AD CDs for Republicans in 1951, including one for himself, while 3 AD CDs were organized for Democrats. Vice Chairman Burton created his future CD from 2 small ADs while the Republicans found themselves with the 3 AD CDs in Los Angeles and San Francisco. The range in 1951 was from 228,712 (R) to 451,322 (D), in 1961 from 301,872 (D) to 588,933 (R). In both cases the constitution was blamed, but political license is the more truthful reason.
48. Frankfurter dissent in *Baker v. Carr*, 369 U.S. 186; 7 Lcd 2d 663, 82 SCt 691 (1962). Hardy, Leroy, C., undelivered paper for the 1981 Western Political Science Association: "Is it Criteria or Criterion: The Frankfurter Revenge."
49. Quinn, *1961*.
50. *Baker v. Carr* 369 U.S. 186 (1962); *Reynolds v. Sims*, 376 U.S. 1 (1964); and *Wesberry v. Sims* 377 U.S. 533 (1965).
51. *Silver v. Jordan*, 62 Cal. 2d 316, 46 Cal. Rptr. 531, 405 P. 2d 571 (1965).
52. The more basic alterations in the upper house were reviewed in: Hardy, Leroy C., and Sohner, Charles P., "Constitutional Challenge and Political Response — California Reapportionment, 1965," 23 *Western Political Quarterly* 733-751 (December 1970); Gallagher, John F., and Weschler, Louis F., "California," in Bushnell, Eleanore, ed., *Impact of Reapportionment on the Thirteen Western States* (Salt Lake City, Ut: University of Utah Press, 1970), pp. 71-90; Soklow, Alvin D., "Legislative Pluralism, Committee Pluralism, and

- Internal Norms; the Delayed Impact of Reapportionment in California," in Papayanopoulos, L., ed., *Democratic Representation and Apportionment*, 219 *Annals of the New York Academy of Sciences* 291-313 (November 9, 1973); Wilkening, David L., "Political History of California State Legislative Reapportionment 1848-1977," (unpublished MA thesis, California State University, Sacramento, 1977); conditions prior to the 1964 action are noted in Baker, Gordon E., "The California Senate: Sectional Conflict and Vox Populi," in Jewell, Malcolm E., *The Politics of Reapportionment*, (New York, NY: Atherton Press, 1962) pp. 51-63.
53. The 1965-1967 congressional adjustments are detailed in Hardy, Leroy C., "Congressional Redistricting in California, 1965-1967: The Quilting Bee and Crazy Quilts," 10 *San Diego Law Review* 757-792 (1973); hereafter cited as *Quilting Bee*.
  54. With some reluctance the legislature and the executive acquiesced in the arrangements, but not without the characterization of participants as "political prostitutes." Outsiders, apparently, failed to realize that, with equal protection of the laws, politicians are entitled to their privileges as well. Lack of principle may be the product of political passion or necessity. Benefits for incumbents of both parties were obvious from a short-term perspective. All incumbents would win re-election in 1968 and 1970 if they chose to run.
 

With 1967 adjustments, the pattern was maintained for the decade, with the slight modification, partially attributed to the Republican landslide of 1966. Democrats briefly lost legislative control in 1968, but over-confident Republicans forgot that the 1970 election would establish the next spawning grounds. Democrats won narrowly in 1970, partially because of the 1961 godfathers and the mid-decade adjustments of 1964.
  55. The Republican plan was referred to as "The Parkinson Plan," named for the State chairman. Goff, Thomas Jesse, Jr., "Republican Party: Cal Plan and Coexistence," 2 *California Journal* 140-141, 145 (May 1971); see also Hardy, Leroy C., *California Government* (San Francisco, CA: Canfield Press, 4th edition, 1973), pp. 164-171; during 1971 several *California Journal* articles followed the legislative process on redistricting, including: "Legislature Struggles with Reapportionment Problems Behind the Scenes," 168-169, 172-174 (June 1971); "Senators and Assemblymen Remain Divided on Reapportionment as Time Runs Out," 264-265, 268 (October 1971); "'Easy' Congressional Reapportionment Gets Crunched Between Rival Demands of Republicans and Democrats in the Legislature," 302-303 (November 1971); "Reapportionment Reels Toward the Court as Republicans Deadlock Democrats," 328-329, 347-348 (December 1971); and in 1972 "The Legislature Still Plans to Draw District Boundaries Despite Court's Refusal to Extend Deadline," 371-372 (December 1972).
  56. Among the contemporary Congressmen who had served in the State Legislature were: Burton, Cameron, Gubser, Hagan, Hanna, Johnson, Leggett, Lipscomb, McFall, Rees, Smith, Utt, and Wilson.
  57. 369 U.S. 186 (1962), 377 U.S. 533 (1964), and 376 U.S. 1 (1964).
  58. It is worth noting that, taken together, California had now gained twenty seats from the 1951, 1961 and 1971 reapportionment — a total not far short of the 23 seats in the state's 1941 delegation. The 1971 redistricting efforts are ably reviewed by Pearl, Brian Jeffrey, "California Redistricting 1971," (unpublished MA, California State University, Long Beach, 1977).
  59. Professor Bruce Cain gives an excellent contemporary analysis of the ripple problem in *The Reapportionment Puzzle* (Berkeley, CA: University of California Press, 1982) pp. 17-27; hereafter cited as *Puzzle*.
  60. *Ibid.*
  61. *Legislature v. Reinecke* 100 Cal. Repr. 721-722 (1973).
  62. "The Courts and the Legislature Follow Separate Courses Toward Reapportionment," 4 *California Journal* 153-154 (May 1973); "Masters' Redistricting Outlook," 4 *California Journal* 333-338 (October 1973); "Final Reapportionment Plan—Or Is It?" 5 *California Journal* 15-21 (January 1974); Salzman, Ed, "Double Trouble for Republicans: Redistricting and Watergate," 5 *California Journal* 195-196 (June 1974).
  63. *Report and Recommendations of Special Masters on Reapportionment* (August 31, 1973) in *Legislature of California v. Reinecke*, 10 Cal 3d 396, 516 P2d 6, 10-11, 110 Cal Rptr 718, 727 (1973).
  64. *Report of the Assembly Interim Committee on Elections and Reapportionment*, (Sacramento, CA: State Printing Office, 1951) by Hinderaker, Ivan; see also Hardy, Leroy C., "The Theory and Practice of Reapportionment," (paper delivered at the 1960 Annual meeting of the Am. Political Sci. Association, NYC), for a critique of the same; and the *1961 Report*, note 42.
  65. Congressman Lloyd who had won the marginal relocated Veysey district in 1974, lost it in 1980. Veteran Corman also fell in the 1980 Presidential landslide. Salzman, Ed, "Reapportionment 1981" (Special Section) 12 *California Journal* (November 1981). Bruce Cain's *The Reapportionment Puzzle* uses the 1981 redistricting as a case study of redistricting practices. A fuller account of the entire 1981-82 actions up to 1984 is found in Quinn, Anthony, *Carving Up California* (Claremont, CA: Rose Institute, Claremont McKenna College, 1985).
  66. Among the Rose Institute publications of the period are: the two Quinn monographs previously cited and his study, *The Political Geography of California*; Santillan, Richard, *California Reapportionment and the Chicano Community*; *The Chicano Community and California Redistricting*; *California Redistricting*; and "Rose Institute Computer Capabilities". All of these were published by the Rose Institute of State and Local Government, Claremont Men's College, 1981. Also Hardy, Leroy C, Heslop, Alan and Anderson, Stuart, eds., *Reapportionment Politics: The History of Redistricting in the 50 States*, (Beverly Hills, CA: Sage Publications, 1981). A conference on redistricting was held in November 1980. The Roundtable activities are reviewed in *California Journal*, see especially Salzman, Ed, "Guide to Reapportionment: Winners and Losers in the Drawing of District Lines," 12 *California Journal* 93-95 (March 1981); and Greenburg, William, "Inside the GOP Think Tanks," 12 *California Journal* 255-257.
  67. *California Journal* and Weiss, Edward J., "The Waxman-Berman Organization," (Senior Honors Thesis, University of California, Berkeley, 1985).

68. Salzman, Ed, "The Speakership Struggle," 11 *California Journal* 48-50 (February 1980); Salzman, Ed, "And the Speaker is...Berman, McCarthy, Neither of the Above," 11 *California Journal* 315 (August 1980).
69. "The Powder-Keg Speakership: How Long Can Brown Hold It?" 12 *California Journal* 5-9 (January 1981); and Blackburn, Daniel J., "How Willie Brown Solidified His Speakership," 13 *California Journal* 48-50 (February 1980).
70. The Danielson appointment to the Federal Bench was similar to 1961 arrangements with Republicans.
71. Note that if Republican incumbents had stayed in place, the rich Democratic harvest might not have occurred. Fiedler, Dornan, Zschau and Hunter might have been formidable candidates for re-election. Goldwater, Dornan and Zschau, however, caught the senatorial bug; and Fiedler and Hunter found other congressional districts more alluring.
72. Hardy, "Considering."
73. *Sacramento Bee*, February 9th, 1984.
74. *Badham v. Eu* 694 F. Supp. 664 (N.D.Cal. 1989). An Indiana case also had implications for California issues, *Bandemer v. Davis*, 603 F. Supp. 1479, SDist Ind., (December 13, 1984); *Davis v. Bandemer* 105 S.Ct. 1164 (U.S. Feb 19, 1985, Mem. No. 84-1244).
75. In other states similar programs were being considered. In Indiana and Ohio contest programs were initiated.
76. Hardy, "Considering" and *Rose Redistricting Monograph* 2.
77. The best Republican calculations of 1951 were over-

taken by events by 1958. The Democratic maneuvers of 1961 suffered a similar fate. The assumed expertise of the 1971 action, which to some seemed political stupidity, prevented legislative resolution and only brought on court actions. And the results of the court plan also changed by the end of the decade.

Without the needed research into the politico-geographic realities of the redistricting process, political scientists often missed the significance of redistricting. The natural course of events is frequently upset by unpredictable events. After Republican victories in 1968 in Democratic-drawn districts, the Democrats surprisingly won the 1970 elections. In turn, Democrats proceeded to squander their victory. A lucky court action and Watergate saved the day, but by the end of the decade the Democrats were locked in a power play as foolish as the 1971 fiasco.

The longitudinal approach of our commentary has pointed up the nature of change, whether one calls it alignment, realignment, or dealignment, modernization, or political development. If redistricting has always been a key to power, it formerly rusted with time. To deplore the politicians' actions, to focus on one district, or on one redistricting was to miss the corrective forces which formerly operated within the system. In the past, redistricting manipulations were corrected by changes in voter's attitudes about who should represent them.

78. A recent study of part of the 1981 California redistricting confidently concluded that time would take care of the problem. What was missed? The 1982 sequel was not covered. Conclusions based on half the relevant evidence are generally misleading, intentionally or otherwise.
79. *Los Angeles Times*, August 1, 1989, Part I, page 3.

## ABOUT THE AUTHORS

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Dr. Hardy has been a professor of political science at California State University, Long Beach since 1953. As a transplanted "Okie" he obtained his education in California schools, with a Bachelor of Arts from the University of California, Santa Barbara and Ph.D. from U.C.L.A. in 1955.

Dr. Hardy's lifelong interest has been redistricting. He served on the research staff of the 1951 Republican Committee. He was consultant to the Democratic Committee in 1961. From 1965 through December 1982 he served as a consultant to the California congressional delegation in several redistrictings (1965, 1967, 1971-1973 and 1979-1981).

Dr. Hardy has written extensively about California politics and redistricting, including four editions of *California Government, Politics of California* (with Robert Morlan) and many law journal articles and professional papers. In 1981 he edited (with Heslop and Anderson) *Reapportionment Politics*.

Currently, he is a Senior Research Associate at Claremont McKenna College's Rose Institute and as a co-recipient of the Haynes Foundation grant he is co-director of the 1981-1991 Monograph series on redistricting and A.C.T.I.O.N. Guidelines.



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Dr. Heslop is the Director of the Rose Institute, a research center at Claremont McKenna College. The Rose Institute owns the California Data Base, the State's major source of political and demographic data, and publishes reports and analyses on key issues affecting the State of California, such as redistricting, welfare, and transportation. The Institute is capable of providing detailed demographic information on any part of California and projects future political, social and economic movements.

Born in England and educated at Oxford, Dr. Heslop came to this country after service in the Royal Air Force. A political scientist, he taught at the University of Texas and Texas A&M, as well as Claremont McKenna College. He is author and editor of books and articles on a variety of subjects, mainly in the area of electoral politics. In 1974 he was named the Don and Edessa Rose Professor of Politics at Claremont McKenna College.

Dr. Heslop also has extensive experience in practical politics. A former Congressional Fellow and legislative aide in the U.S. House and Senate, he was Executive Director of the California Republican Party and Executive Director of the Cal Plan. He has also served as the senior consultant to the Republican leadership in the California Legislature and as a consultant to Presidential, Statewide, Congressional and State Legislative campaigns.

In 1985, President Ronald Reagan named Dr. Heslop to the National Council on Education Research and Improvement and, after confirmation by the U.S. Senate, he was appointed Chairman of this body.

