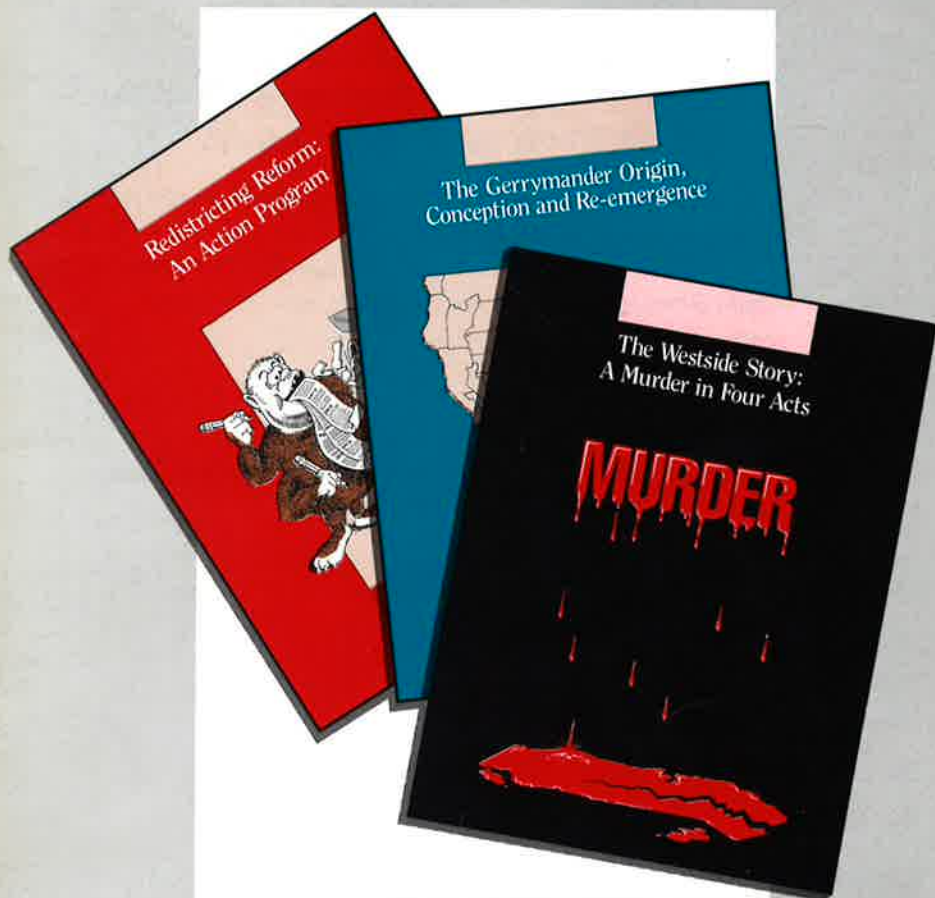


Who Guards The Guardians?

Monograph Series on Redistricting



O V E R V I E W

OVERVIEW

The pages that follow provide excerpts and summaries from three publications:

- ***Redistricting Reform: An A.C.T.I.O.N. Program***
- ***The Gerrymander: Origin, Conception and Re-emergence***
- ***The Westside Story: A Murder in Four Acts***

Published by the Rose Institute, these monographs trace and demonstrate the problem of partisan gerrymandering and offer solutions to it.

The cartoon and maps in this booklet are for free reproduction. Nor is there any copyright on any of the text re-printed herein. The purpose is to spread the word! Perhaps the "Gerrycrats" and "Datagogues" and those whom they serve will get the message: Enough is enough!

The Rose Institute is a research center at Claremont McKenna College, a non-profit 501 C 3 educational foundation.

*Cartoon Concept and Copy Writing,
Michael Mercier*

*Cartoon Illustrations,
Karl Nicholason*

*Text Layout and Map Illustration,
Karl Schultz*

*Production,
Cindy Ford*

*Printing and Bindery,
Mailing & Marketing, Inc.*

O V E R V I E W

Who Guards The Guardians?

Monograph Series on Redistricting

Leroy Hardy
Alan Heslop

The *Los Angeles Times* recently described the authors of these publications as follows:

Conservative Republican Alan Heslop and liberal Democrat Leroy Hardy are political opposites. But on one thing they agree: the California Legislature is a mess.

Heslop and Hardy have concluded that the state's many ills — from skyrocketing insurance rates to gridlocked roads — are the fault of a legislature paralyzed by partisan extremists elected from districts carefully drawn to maximize the power of incumbents and other insiders.

The purpose of this overview is to bring Hardy and Heslop's message to a wider audience than the political specialists, academics, and consultants who are using their three monographs. It is a message that incumbent politicians — of both parties — find deeply disturbing. Yet, it is a message that needs to be heard and acted on, if our representative institutions are to survive.

The present crisis in representative government with which Hardy and Heslop are concerned 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.

LOYAL AND POWERFUL SERVANTS,
DEVELOPMENTS HAVE BEEN BROUGHT
TO MY ATTENTION AND I NEED YOUR
HELP FOR I AM CONCERNED...

WHAT CAN WE DO TO EASE
YOUR GRIEF? RAPE A CITY
BOUNDARY, PILLAGE A
COUNTY LINE, IT'S ALL
DONE IN THE NAME OF
DEMOCRACY... SAY IT.
AND YOUR WISH IS OUR
COMMAND!



Redistricting Reform: An Action Program



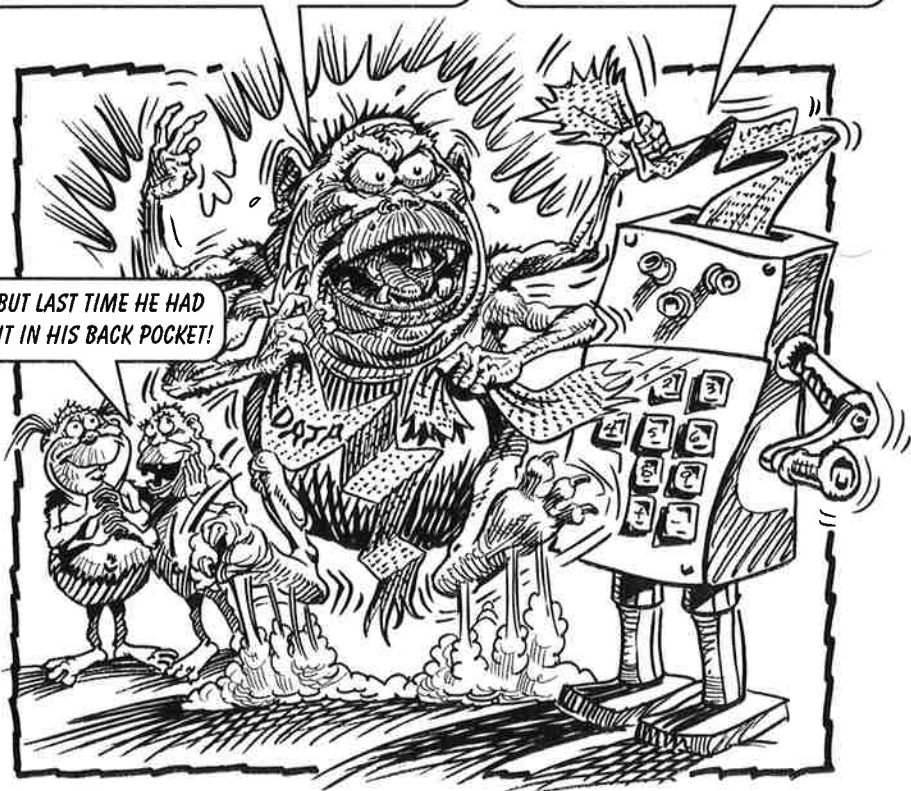
O V E R V I E W

A fate worse than the black plague has overtaken the land ... The GerryCrat. Abusive redistricting runs rampant, legislative action to solve the state's problems get bottlenecked or crushed by special interest groups. Unresponsive and irresponsible politicians rule the land unchecked. The situation certainly looks dim, but wait, look beyond the stacks of computer data and dead political challengers, is it? ... Yes! ... Sir ACTION.

ANOTHER REDISTRICTING... WHAT A RUSH! NOW I KNOW HOW ATILLA THE HUN FELT AS HE RAIDED VILLAGES. IT'S GREAT TO BE POWERFUL!

I HEAR LORD WILLY COMING! HURRY BACK TO NUMBER CRUNCHING AND GERRYMITES DON'T FORGET TO KISS HIS RING!

BUT LAST TIME HE HAD IT IN HIS BACK POCKET!



LOYAL AND POWERFUL SERVANTS,
DEVELOPMENTS HAVE BEEN BROUGHT
TO MY ATTENTION AND I NEED YOUR
HELP FOR I AM CONCERNED...

WHAT CAN WE DO TO EASE
YOUR GRIEF? RAPE A CITY
BOUNDARY, PILLAGE A
COUNTY LINE, IT'S ALL
DONE IN THE NAME OF
DEMOCRACY... SAY IT.
AND YOUR WISH IS OUR
COMMAND!



WE MUST DESTROY IT... USE ANY AND ALL FORCE TO KILL IT. LIE, CHEAT, STEAL AND MISINFORM THE PUBLIC, BUT WE CAN'T LET SIR ACTION AND HIS ACTION GUIDELINES BECOME THE LAW OF THE LAND. JUST THINK, RESPONDING TO THE WISHES OF THE PUBLIC, INTRODUCING RESPONSIBLE LEGISLATION, NO SPECIAL INTEREST, NO EXPENSE PAID TRIPS.



Redistricting Reform: An Action Program

Representatives and other legislators (at all levels of government) are elected to represent constituents. They are given the title, "Honorable," not because they are a privileged class, an aristocracy, but because they hold their power from the American people. If their campaign commitments and consciences prevent them from agreeing with public opinion, they are expected either to change that opinion, to lose to challengers in free, competitive elections, or to resign.

Unfortunately, representative government in America no longer works like that. Legislators today are more like bureaucrats or federal judges or college professors. They have effective tenure in their jobs, no matter how unresponsive they may be to the public that they are elected to serve. Year after year, more than 98 percent of all incumbents of both parties are returned to the U.S. House of Representatives; and state legislators in many areas of the country are enjoying the same levels of security.

The plain fact is that the political game has been rigged: the electoral playing field has become the private preserve of incumbents. They have not just stolen bases, they have stolen the public right to play free politics. Legislators draw safe districts in their self-interest assisted by irresponsible technicians, unseen but increasingly powerful staffers and consulting computer experts.

Today's congressional and legislative districts are stacked to frustrate challengers, packed to protect incumbents. Ludicrous in

shape, wandering across the map regardless of communities, cutting cities and counties, the districts are tailor-made for the big-money, direct mail campaigns of incumbents.

More and more thinking people of both political parties are convinced that incumbents' stranglehold over congressional, legislative, and local elections must be broken. The authors believe that the time has come to challenge and check the abuse of power, the fundamental conflict of interest, involved in incumbent gerrymanders of our electoral districts.

New groups must be brought onto the public playing field — women, minorities, and all the others whose ideas about our government and society are now excluded. But they can only win in new, honestly competitive districts.

Congressional and legislative redistricting is a process crying out for new rules of the game. The fiefdoms drawn to their own advantage by our entrenched political barons can be dismantled through use of the A.C.T.I.O.N. redistricting procedures (detailed in *Redistricting Reform*). Electoral districts drawn under these procedures will serve the needs of a new, more open and competitive politics. The people's game will once again be worth playing for everyone.

A.C.T.I.O.N. Guidelines are rules for redistricting that sharply limit politicians' discretion in line-drawing. As a result of many empirical tests (using the Rose Institute's computerized REDIS system to work with California's complex political geography), the authors are convinced that they will work in any jurisdiction. That

is, they will restore community-based districts and promote honest competition among candidates and between parties.

Although A.C.T.I.O.N. Guidelines are a composite of many individual reforms, they depend upon three key concepts:

Establishment of binding units of redistricting (URs) to limit manipulation of districts. URs, originating with counties, and also partially defined by major freeways and arterial highways, help to guarantee city and community unification.

Systematic sequencing of the compact, contiguous, community-oriented URs to limit discretion in the creation of districts. Districts are built up using the URs, one by one in prescribed sequence, until the required population is reached.

Neutralization of political motivation by chance selection of a variable beginning point and of alternative directions for the sequencing of URs. District composition depends on which UR is used as the initial building block in a plan and in which direction the sequencing proceeds.

It will be clear, then, that what we are advocating are neutral procedures for preventing both the partisan gerrymander and the bipartisan (or "sweetheart") incumbent gerrymander.

We choose procedures, as opposed to tests and measures of gerrymandering, because we believe that prevention is preferable

to cure in a matter as important as the health of our representative institutions. (We are concerned, too, that the tendency of some measures of partisanship may be toward systems of proportional representation and away from the district system of our constitutional tradition.)

Thus, our approach is free from complex mathematical formulae to measure compactness; nor do we propose sophisticated political indices to assess partisan bias or minority group representation. We do not doubt that these approaches may have value in some circumstances; and they offer a clear prospect of improvement over status quo redistricting. Yet, we think that they lack the self-enforcing characteristic that we deem crucial to an effective program of prevention.

We are concerned, too, by questions of timeliness and controversy. One doubt about retrospective measures of gerrymandering, for example, is that by the time they swing into action, the horse may have bolted: often, the courts will hear arguments and decide on the application of such measures only after elections have been fought in the gerrymandered districts. Similarly, a doubt about prospective measures is that they are necessarily so complex (involving multiple factors and political effects measures) that they will provide occasion for lengthy disputes and litigation.

By contrast, A.C.T.I.O.N. Guidelines provide detailed procedures for composing districts of clearly identified geographic building blocks (URs). These procedures must be followed, and the districts must be properly composed of the appropriate building blocks, for redistricting to occur. Little controversy can develop over the meaning of A.C.T.I.O.N.'s simple procedures or the location of the URs.

The A.C.T.I.O.N. Guidelines will establish a principle of the rule of law for redistricting. The Guidelines will:

Guarantee unification of counties and cities (when procedurally possible within the one-person, one-vote principle.)

Create compact, contiguous, community-oriented districts that will restore grassroots and volunteer-style politics.

Lessen the role of money as the determinant of campaign success.

Put competition back into the political system by creating more marginal districts.

Provide for a major re-shuffling of representation every ten years, while permitting the best representatives to continue in office.

Create opportunities for new groups and their candidates to enter the political process.

Reflect and represent the ongoing changes in our society — for example, demographic change and multi-cultural development — as well as new tides of public opinion.

Not everyone who favors redistricting reform will be persuaded by our arguments. To those critics who say that A.C.T.I.O.N. Guidelines are “too complex,” we note that they are no more complex than the rules of baseball (and the game of politics is surely not less important than that national sport).

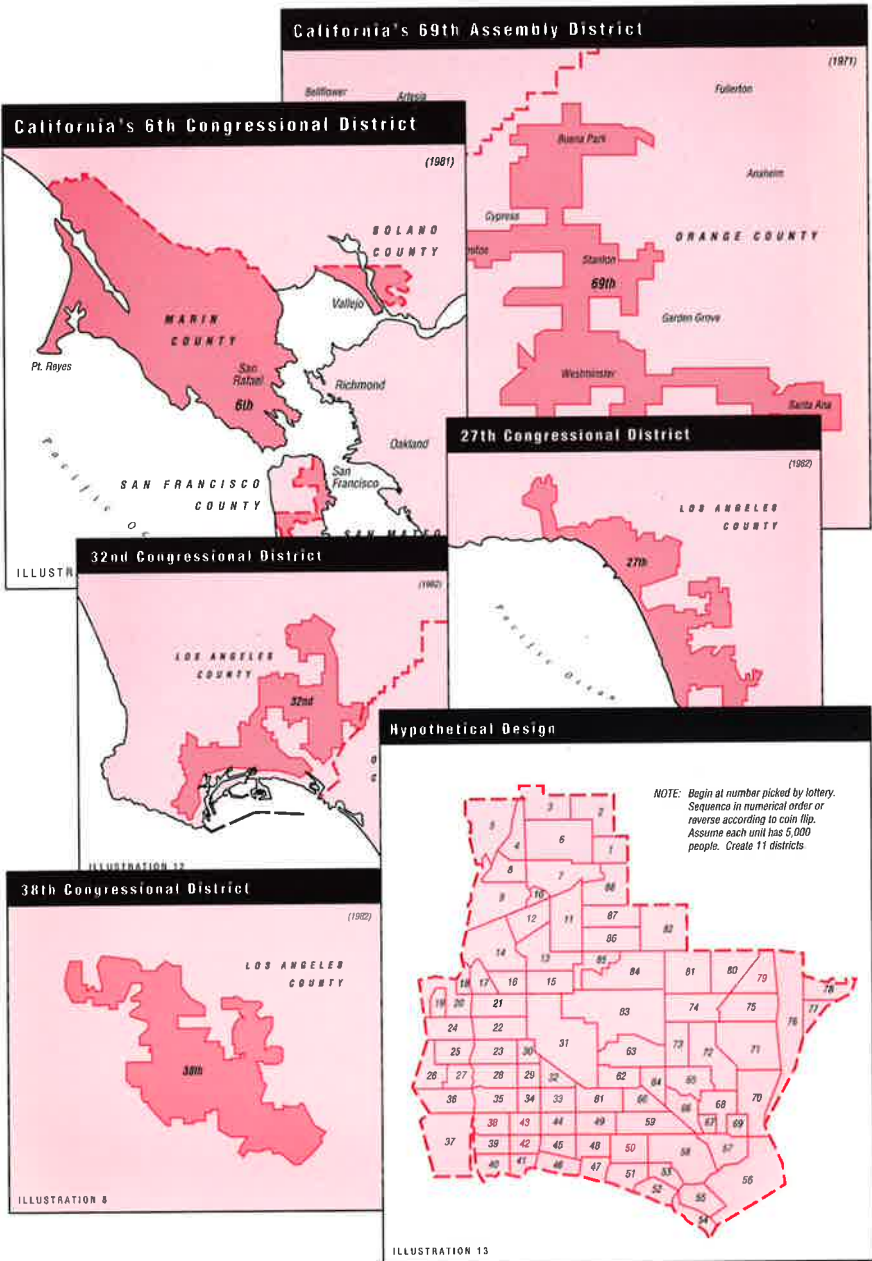
To those who are especially concerned by problems of minority representation, we can show that our Guidelines provide opportunities for more affirmative action districting than any other reform proposal that has been advanced.

To those who insist that redistricting must be left in the hands of legislatures, or to those who want commissions or courts to redistrict, we note that A.C.T.I.O.N. Guidelines can be employed by any of these bodies.

The harshest critics, of course, will be incumbent politicians and their surrogates, who oppose any kind of redistricting reform, or who hope to blunt the drive for reform with cosmetic change while their bureaucratic boondoggle continues at public expense. To clear the way for fuller discussion of A.C.T.I.O.N. Guidelines, *Redistricting Reform* begins with their arguments, which are analyzed and rebutted on the basis of facts.

Redistricting Reform also includes a detailed Technical Appendix for creation of districts to control gross manipulation by neutralization methods. A hypothetical illustration of the A.C.T.I.O.N. Guidelines is applied to the state of Ohio. *Redistricting Reform* has 49 illustrations in its 94 pages.

If a picture tells a thousand words, then you could write a book on the stories of abuse these maps tell.



The Gerrymander Origin, Conception and Re-emergence



O V E R V I E W

In pre-historic times, cavemen used gerrymandering to secure their territory. Each staked out their own domain and ruled it with an iron fist. Occasionally, problems would arise, but normally hungry dinosaurs eliminated tremendous competition and population.

I NEED MORE LAND. LET'S SEE, IF I CROSS THE RIVER AND GO THRU THE VALLEY I CAN CONTROL ALL OF THE COUNTRYSIDE'S BERRIES.

BUT, THE VALLEY HAS MANY DINOSAURS. ISN'T THAT DANGEROUS?



IF I ONLY TRY TO TAKE PART OF THE VALLEY,
MAYBE I COULD AVOID THE DINOSAURS.

WOULDN'T IT BE GREAT IF THERE WEREN'T ANY
DINOSAURS AND WE COULD SEIZE CONTROL OVER ALL
THE LAND WE WANTED? MAYBE SOMEDAY...



I LOVE DRAWING DISTRICTS UNCHECKED, GERRYMITES I NEED MORE DEMOCRATS. PRINCESS MAXIE WON'T ALLOW MORE THAN 5 REPUBLICANS IN HER KINGDOM.



The Gerrymander: Origin, Conception and Re-emergence

This monograph suggests some steps toward clarification of the gerrymander dilemma. The coining of the term “gerrymander” is noted. A classification is developed and the problems of applying the taxonomy are reviewed. Over 40 illustrations are included. Documentation suggests other sources of information useful for further study of redistricting, and classifications provide a basis for analysis of gerrymanders in other states. The reader is exposed to visual proofs of gerrymandering and behind-the-scenes accounts of the politics of redistricting.

Part of the confusion about redistricting and gerrymanders stems from the loose, interchangeable use of terminology. The late Professor Robert Dixon, Jr. observed that any redistricting is a gerrymander because any line drawn on a political map represents an electoral advantage for someone. Similar observations could be made, and are being made, today.

But to say that all redistricting is gerrymandering merely confuses or camouflages the issue. A common political term is made meaningless as a device to refine political and legal thinking. Gerrymanders are a form of political manipulation similar to bribery, vote stuffing, and so forth. To say gerrymanders occur under any circumstances, or that everyone does it, is to claim gang rape is not rape because everyone is doing it. When investigating partisan gerrymanders, such as those in Indiana and California, the quest for eradication is not solved by concluding they are every-

where. A creature which jeopardizes the environment requires more precise anatomical dissection — or an investigation of the “crat tracks” of the Gerrycrat.

If gerrymandering practices are to be controlled, the species must be analyzed to delineate its variations. At the same time, more precise terminology in relation to the gerrymander technique will better distinguish it from other forms of electoral manipulation. Courts and citizens will be able to understand its worst features.

Let us define “gerrymander” as simply as possible, as an electoral arrangement that degrades the influence of a particular group or groups of voters. The next step is to recognize that apportionment (and its abuse, “malapportionment”) is no longer the problem. Until quite recently, gerrymanders were indeed mostly produced by malapportionment — “silent” or “passive” gerrymanders that came into existence by inaction or by the design of special constitutional provisions to protect rural interests. In the 1960s, however, the United States Supreme Court exterminated this particular species of abuse in the so-called “trilogy” cases, *Baker v. Carr* (1962), *Reynolds v. Sims* (1964), and *Wesberry v. Sanders* (1964).²

Thus, the courts put an end to abusive reapportionment practices twenty years ago: one-person one-vote has been largely accepted as the basis for apportionment since the defeat of the Dirksen Amendment in 1968. Today, the problem has shifted to the implementation of apportionment, namely “redistricting.” Each decennial census now requires that districts be brought into population equality with one another. Such a requirement, of course, poses at once a threat and a temptation to incumbents, whose electoral advantage may be jeopardized or enhanced.

Increasingly, incumbents use the population findings of each new census as a cover for solidifying themselves in power. In this way, each adjustment becomes the decennial occasion for the proliferation of gerrymanders.

Current gerrymanders may be classified in terms of their composition, their forms, and their purposes. Gerrymanders may be composed of concentrated voters ("concentration gerrymanders") or dispersed voters ("dispersal gerrymanders"). The character of the voter mix varies depending on the spawning grounds within which the redistricting is conceived.

Gerrymanders can also be judged in terms of their form, either "elongated" or "shoestring," with the implicit contrast to compact and contiguous. Such gerrymanders have "necks," generally with sparse population in relationship to the density of the populated sections of the district.

If gerrymanders have the purpose to change the existing balance of power in the legislature or the system, the results will be "elimination" or "projection" gerrymanders.

Clarification of the redistricting problem, however, is facilitated when the nature of the species (composition, form and purpose) is separated from the strategy to pass a bill. By doing so the problem comes into better focus. From a reform perspective, the characteristics that sustain the species (narrow necks) must be severed; the breeding grounds that encourage such anatomical growth, whether bipartisan or partisan must be controlled.

In each case, the adjective describes techniques used to create a political gain or advantage. Any effort to control gerrymanders, or to eliminate them, must consider their nature, their characteristics and their purposes.

Analysis of redistricting after *Reynolds* and *Wesberry* has often overlooked the connection to gerrymandering of the requirement of population equality (especially its effect on county divisions) and technological developments.

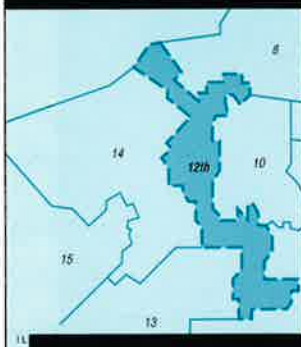
Prior to 1964, although the use of whole counties created major population inequalities, it served also to limit the reach for political advantage in redistricting. After the one-person, one-vote decisions, population equality frequently required the splitting of counties. Technological developments occurring at approximately the same time dovetailed with the political opportunities that demographic changes had unleashed. Not only could computers process population data quickly for population exactitude, the technology could process enormous amounts of political data as well. Thus, as the political aspects were given equal weight to the stipulated population criterion, the abuse of county splitting was compounded by the abuse of precision technology: their combination raised a new and deadly threat to democratic-republican redistricting.

In 1964, the courts entered the political thicket because the disparities between urban populations and rural control had become ever more threatening, and because legislators had refused to honor the premises upon which a democratic republic was based. After 1964, population equality required the breakup of

Bi-Partisan Proposals

(1971 and 1973)

New York's 12th Congressional District



"Corrected" 42nd California



ILLUSTRATION 10

California Elimination Redux

(1981)

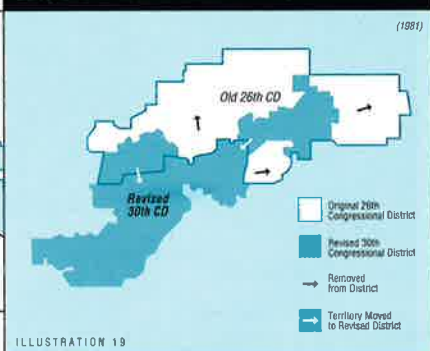


ILLUSTRATION 19

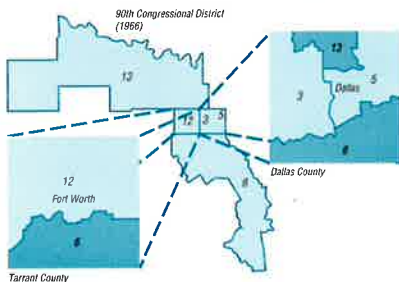


ILLUSTRATION 16

counties, normally with no limitations on fragmentation or configuration. Again, legislators were given the opportunity to recognize the premises upon which the system was based, namely one-person, one-vote. But, again, rather than honor the spirit of the representative system, legislators proved themselves politicians first and seldom leaders.

Redistricting in the 1980s can be characterized as the decade of the modern gerrymander. The species has proliferated beyond imagination and the original Gerrymonster has become a hydra-headed creature.

Thus, despite the great expectations fostered by landmark cases such as *Baker v. Carr*, *Reynolds v. Sims*, and *Wesberry v. Sanders*, the quest for representative government is still frustrated by political manipulation commonly known as gerrymandering.

The Westside Story:
A Murder in Four Acts

MURDER



O V E R V I E W

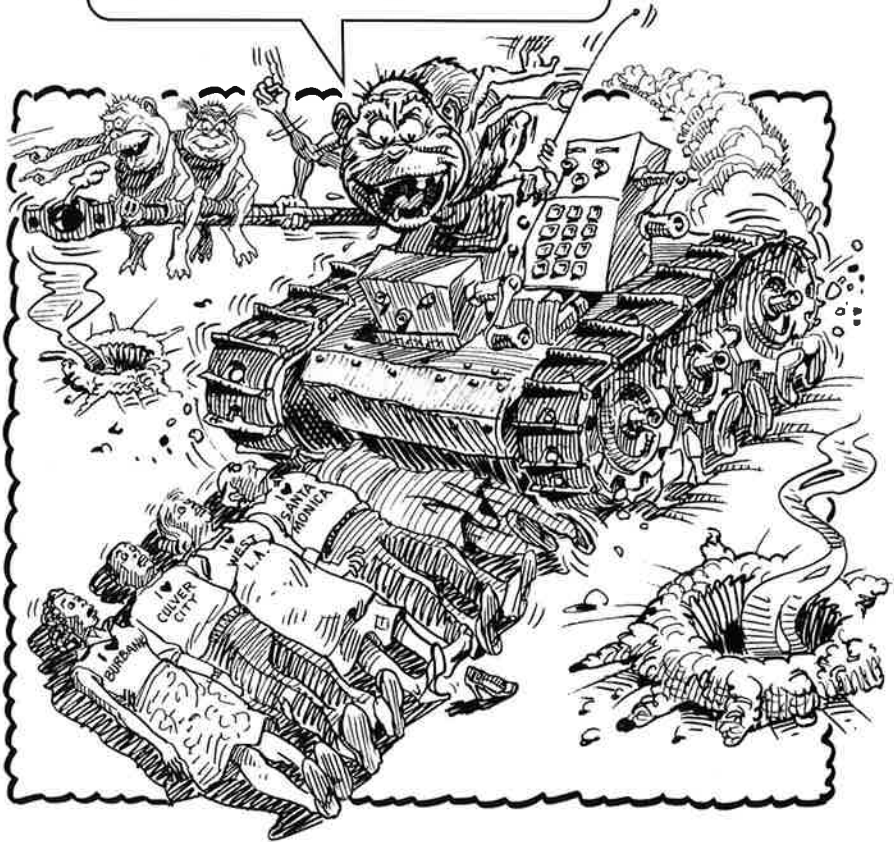
The war had brought about an uneasy tension in Sacramento and Washington ... no this wasn't the War on Drugs or the War on Poverty ... it was much more serious and far reaching.

The enemy, incumbent politicians and their technocratic henchmen, were poised, heavily financed and equipped with an arsenal of lies and distortions more powerful than the Star Wars defense system.

The underdog, Sir ACTION, could only call upon fairness, decency and ethics, of course he had a secret weapon ... the Guidelines!

Despite the odds against him, Sir ACTION knew that the only thing that stood between him and victory was an uninformed public. The truth, the public must understand the truth or all was lost.

*I LOVE TO RAPE AND PILLAGE CITIES AND COUNTIES.
ONWARD MEN WE MUST GET MORE LAND BY DAWN
OR LORD WILLY WILL HAVE OUR HEADS.*



WE HAVE WON. ALL OF OUR LOYAL SERVANTS ARE SECURE IN THEIR KINGDOMS FOR 10 YEARS. THE PUBLIC BELIEVES THAT WE ARE CONCERNED WITH DEMOCRACY, FAIRNESS, ETHICAL BEHAVIOR, BEING RESPONSIVE AND RESPONSIBLE. LITTLE DO THEY KNOW THAT ALL WE CARE ABOUT IS POWER... FAIRNESS, DEMOCRACY HA! IT'S GREAT TO LIE AND CHEAT... ANOTHER ROUND FOR EVERYONE AND GERRYMITES KILL THAT JERRYFLY BUZZING AROUND BOTHERING EVERYONE.



T
W
it
T
P
d
T
e
D
s
P

I DON'T KNOW WHY THEY WON. I TOLD THE TRUTH. I OFFERED SOLUTIONS. I FOUGHT FOR WHAT IS RIGHT. HOW MUCH LONGER CAN WE ENDURE THE IRON FISTED RULE OF THESE HEARTLESS LEADERS? WE CAN'T SIT AROUND AND WAIT FOR THE FBI TO PUT THEM ALL IN JAIL, THAT COULD TAKE YEARS. WHY WON'T THE PUBLIC JOIN THE FIGHT? WILL I EVER FIND A JOURNALIST WITH SOME GUTS OR AM I STUCK TRYING TO GET ON GERALDO? I MUST FIGHT ON... I WILL FIGHT ON!



TELL LORD WILLY I AM BRINGING HIM MY OWN PEOPLE TO BE SACRIFICED AND I EXPECT HIM TO KEEP HIS END OF THE BARGAIN... I AM TO BE THE SUPREME RULER OF THE ELEPHANT PEOPLE.



PRINCE PATRICK YOU WERE ONLY A PEON WHEN LORD WILLY TOOK YOU UNDER HIS WING—NOW YOU ARE ONE OF HIS GREATEST DISCIPLES... NO ONE SACRIFICES HIS OWN LIKE YOU, WELL, EXCEPT FOR SIR HENRY THE TERRIBLE. LORD WILLY WILL MAKE SURE YOU ARE REWARDED... NOW GO I NEED MORE ELEPHANTS.

The Westside Story: A Murder in Four Acts

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.

The Westside Story 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 limited both by law (the

whole county requirement) and by primitive technology. After the one-man, one-vote decisions, new computer technology was applied for the design of ever more bizarre (although equipopulous) 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 linedrawers 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 redistricting: 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.

In another monograph in this series — *Redistricting Reform: An A.C.T.I.O.N. 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.

The Westside Story analyzes a social and political drama that has dominated a half-century of California political life. It is a story of political dynamics of Los Angeles 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 sordid tale of political irresponsibility is for the reader to judge and analyze. Who is guilty? Has the final murder been committed? What will happen in 1991? Will a responsible governor demand democratic accountability, or will he/she say nothing can be done? Will responsible legislators rectify the irresponsibility of their predecessors?

The Westside Story details the systematic murder of representative government in California. Who is responsible? Look at the "Crat-tracks" in Los Angeles County. Look at the ventures outside the Los Angeles Basin. Are these preludes to the future? Can citizens stand up to an irresponsible elite?

In essence, the first gerrymander in 1971 was so blatant and its arrogance so appalling that the courts ordered cease and desist. The court plan controlled elections between 1974 and 1980. Like the redistricting of 1951 by Republicans (who lost by 1958) and the redistricting of 1961 by Democrats (who lost by 1968), the court plan provided the opportunity for change (e.g., 28 Democratic Representatives in a Delegation of 43 in 1974 became only 22 in 1980). In other words representation followed public opinion.

The 1981 events left no doubt of the lack of moral scruples and the ruthlessness of the intent. With these bold demonstrations of the arrogance of power, angry citizens launched referenda challenges. In June of 1982, the 1981 districts were rejected by a 60 percent majority in the referendum — a substantial majority of the people who said, “NO.” Although Republicans sponsored the referenda they constituted only 37 percent of the electorate: thus, the 60 percent majorities, must have included a substantial number of Democrats.

In December of 1982 the incumbents of both parties (i.e., those who had been elected from the districts voided by a popular vote) passed a “sweetheart” (a temporary romance between Republicans and Democrats for mutual pleasures) redistricting bill which the out-going Governor approved in the last hours of his authority. (Jerry Brown had been decisively defeated in 1982 as a U.S. Senatorial candidate the preceding November.)

[Note: Phil Burton had nothing to do with the state legislative districts, which are the basis for control of the

state. Actually he had little to do with the December 1982 congressional districts. He died in 1983. How was the story missed or covered-up? It is the makings of a Pulitzer for an alert, energetic, and inquiring reporter.]

California citizens have been saddled for ten years with a bipartisan gang of political larcenists who, with the help of an ex-governor usurped authority. The people's game of politics has been stolen. What legitimacy can these legislators claim to speak in the name of the people?

Although hundreds of thousands of citizens signed petitions (the Sebastiani plan) to indicate their moral revulsion against a blatant disregard of their 60 percent vote against the 1981 districts, the Rose Bird Supreme Court rejected the petitions. The rationale: no more than one redistricting could take place in a decade. The learned judges apparently forgot that the two redistrictings had taken place in the first two years of the decade because people had rejected the 1981 districts by a 60 percent vote. The court actions allowed the second redistricting to stand despite public protest.

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.

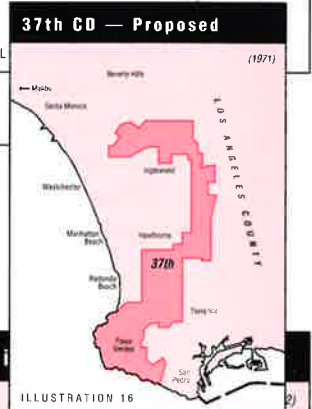
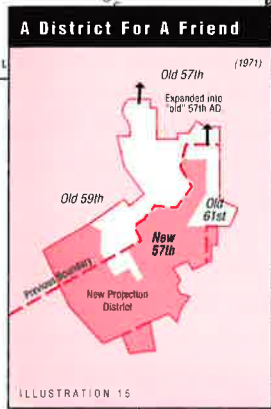
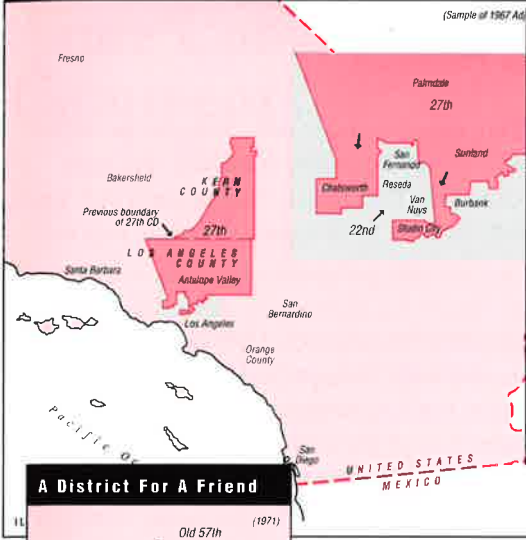
Is there a lesson here for Democrats? Although the victors of 1981-82 retained their power, their claim to represent the people of California rings hollow and public faith in their ability to solve problems has ebbed. Democrats lose key state-wide elections and there are no longer comfortable Democratic 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.

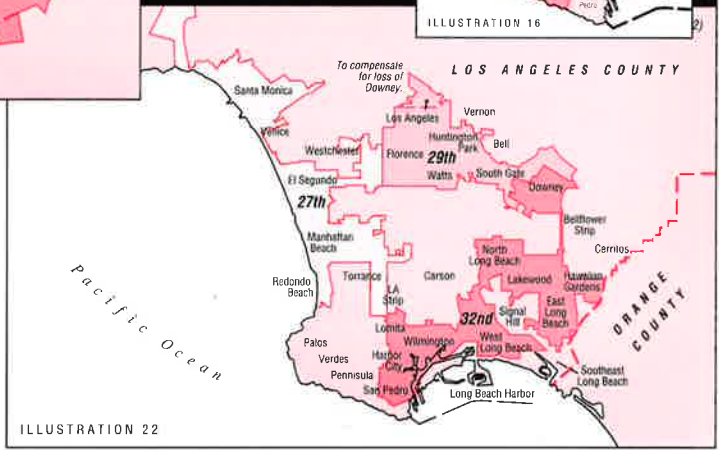
The accomplishments of California's legislators are no longer best measured in terms of public policy, for the initiative process has displaced legislative action in many fields. Their concerns focus instead on legislative salaries, pensions, perquisites and staff — or on the latest Sacramento scandal.

Both legislative parties are locked in position. In the course of one of the greatest demographic transformations in the State's history,

27th Congressional District



Los Angeles Congressional District



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.

Incumbent legislators retain their powers. Only one representative in Congress has been defeated. Only one state Senator has been defeated (which is equal to the number ousted for fraud). Only four assembly incumbents have been defeated. (Will the “quality experienced” legislators ousted for fraud soon equal that number?)

Some Concluding Comments

The brief excerpts in the foregoing pages provide some flavor of the three publications (see the order form following). It should be clear that Hardy and Heslop are not crusaders on white chargers with a holier-than-thou viewpoint. Once part of the problem, they now wish to use their insiders' experience to become part of the solution.

The writers' research on redistricting has been heavily dependent on an anthropological technique, namely participant observer analysis. Working in opposed "political tribes" for the last several decades, they have experienced both sides of the political power structure — "the haves" and "the wanna bes."

The development of these A.C.T.I.O.N. Guidelines, then, is a joint effort between a lifelong Democrat and a Republican. Despite their personal political preferences, they are united in an effort to promote a revolutionary concept in redistricting. The A.C.T.I.O.N. Guidelines are neither Democratic nor Republican, neither conservative nor liberal: but, they offer a means of ensuring the survival of our representative institutions.

Across most of the country, redistricting is in the hands of incumbent legislators or their appointees. Not unnaturally, they wish to be re-elected and they use their power over redistricting to protect themselves from challenges.

Since the mid-1960s, the only effective rule of law constraining the redistricting process has been the requirement of population equality. And even this rule has been perverted. Politicians have learned to use "one-person-one-vote" to their own advantage, claiming that it requires their districts to cut through communities to splinter counties and cities, and to ignore all other features of our civil geography.

The results have been splendid for incumbents. Annually, nearly all of our Representatives are safely re-elected, as also are increasing numbers of our state legislators.

The results have been disastrous for the rest of us:

- Challengers are condemned to defeat. Women, minorities, younger candidates and those with new ideas — few have better than a long-shot chance to defeat incumbents who are entrenched in carefully gerrymandered districts.
- Our electoral campaigns are dominated by commercial themes and mail order techniques. The tortuously shaped districts of the contemporary gerrymander are resistant to grassroots or volunteer-style campaigns. Only computerized direct mail or T.V. advertising can cope with today's bizarrely contorted and elongated constituencies.
- Our politics are stuck in a time warp. Society is changing all around us, but politicians of the '60s continue to rehearse the themes of that bygone era. Incumbents who never face serious challenge have no need to rethink their positions.

- Partisan and ideological tensions escalate. Incumbents, facing their only serious prospect of opposition in primaries, respond most sensitively to pressures from their own party's activists and ideologues. Both parties thus tip to their extremes. Compromise and moderation give way to shrill partisan rhetoric.
- Negative campaigns and other kinds of dirty politics become common. Next to death and retirement, just about the only way an incumbent leaves office today is in the wake of a scandal. No wonder, then, that both political parties are forever grubbing in the gutter for their issues.
- Invulnerable incumbents refuse to deal with pressing policy issues, and the people are forced to use initiatives or litigation to decide major public controversies.

In a word, abusive redistrictings are eroding the representative character of our legislatures.

The basic problem resulting from abusive redistricting is political deadlock. Unguarded, our politicians are free to pursue their own personal interest in redistricting — but, at the expense of the public interest. At this point one might ask, “What about the media? Don't they keep incumbents in check?” or “What about the voter? If the system is really so bad wouldn't these politicians be defeated?” The answer to both questions is NO.

The process of redistricting is complex and the media have never provided it with extensive coverage, focusing instead on hostilities

between the two parties or on individual personalities. Recurrent ethical purges by the media provide the public with an occasional glimpse of abuse or corruption in today's government, but they offer no solution to the redistricting crisis.

As for the voters, many do not comprehend redistricting. But they understand the problems it creates, and they recognize that the political game is rigged against solutions; hence the connection between the redistricting abuses of the last two decades and the drop-off in voter participation.

Is there, then, no check on incumbents' power in redistricting? The truth is that there is only one higher power to whom they must turn: The Gerrycrat.

Contemporary redistricting is an intensely technological affair. Hardware and software are linked in advanced computerized geographical retrieval systems that operate on vast political-demographic databases. Presiding over such systems are "political technologists" and "datagogues" — unelected and irresponsible, but wielding enormous power. Number crunchers, trained to think in terms of "demographic clusters" and "prioritized index precincts," they are the true authors of today's electoral districts.

Single-minded in the pursuit of the "ideal district" — ideal, that is, only in terms of their own party's leaders and incumbents — they cut ruthlessly through the fabric of local government and ethnic neighborhoods. Mindful only of partisan and incumbent advantage, they are the new High Guardians of our politics.

Until the Gerrycrats are controlled, the representative character of our democratic-republican government will remain more in form than substance.

The gerrymandering mess requires A.C.T.I.O.N. As our freedom-loving friends in Eastern Europe, China and South Africa are proving, freedom requires bold action. Today's non-competitive districts are the equivalent of Berlin Walls in America's democracy. It is time to tear down those walls. It is time to take A.C.T.I.O.N. Enough is enough!!

ABOUT THE AUTHORS

LEROY HARDY, Ph.D.

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.

ALAN HESLOP, Ph.D.

Dr. Heslop is a Senior Research Associate at the Rose Institute, a research center at Claremont McKenna College.

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.