

Who Guards The Guardians?



A Preview
**A.C.T.I.O.N. Guidelines for
Redistricting**

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

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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 thru 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 1989-1991 Monograph series on redistricting and A.C.T.I.O.N. Guidelines.

IMPORTANT:

See Order form insert for additional Redistricting materials!

- Monograph 1: ***Redistricting Reform: An Action Program***
- Monograph 2: ***The Gerrymander Origin, Conception and Re-emergence***
- Monograph 3: ***The Westside Story: A Murder in Four Acts***



Alan Heslop, Ph. D.

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 or 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.

A message from the Authors of A.C.T.I.O.N. Guidelines

Congress and state legislatures are selected to represent constituents. Members are given the title “Honorable” not because they are a privileged class, an aristocracy, but because they hold their power from the American people. Thus, we expect incumbents to be responsive to the opinions of the people. If their campaign commitments and consciences prevent them from agreeing with public opinion, they are expected either to change that opinion in free, competitive elections, or lose to challengers.

Unfortunately, representative government no longer works in that manner in America. 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 which 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.

The plain fact is that the political game has been rigged: the electoral playing field has become the private preserve of incumbents. Ludicrous in shape, wandering across the map regardless of communities, cutting cities and counties, the districts are tailor-made for the big-money, mail order campaigns of incumbents.

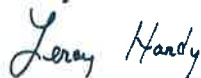
More and more thinking people of both political parties are convinced that incumbents’ monopoly control of congressional and legislative elections must be broken. The authors believe that the time has come to challenge and check the abuse of power, the fundamental conflict of interest, involved in incumbent 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 legislative barons, can be dismantled through use of the A.C.T.I.O.N. redistricting procedures previewed in the following pages. Electoral districts drawn under these procedures will serve the needs of a new, more open and competitive politics. The game will once again be worth playing for everyone.



Alan Heslop, Ph.D.



Leroy Hardy, Ph.D.

Introduction

by

The Honorable James Lloyd

The 1980s have cast a disturbing shadow over American Democracy. Representative government is threatened by a creature no more human than the space monster in the movie, “Aliens” — the Technocratic Gerrymander.

The lifeblood of this monster is manipulation and control. By definition, the technocrat uses available technology to accomplish his objectives, but without consideration of the people whom it purports to serve. The gerrymander is a manipulation of electoral district boundaries to achieve political control.

The union of technology and manipulative politics in redistricting is the basis of many of the problems in our representative process today. Declining voter participation, single issue politics, rancorous partisanship, non-competitive politics, the exclusion of women and minorities from our legislatures, the “behind the scenes” politics that have burrowed deeper and deeper into the fabric of American public policy — all have their roots in abusive redistricting. And in today’s world the words abusive and redistricting are not separable.

For our system of representative government to serve the people, WE MUST GUARD THE GUARDIANS. Otherwise, we may as well retreat back to the days of the Feudal System, allow our politicians to assume the role of nobles and hope that their technocratic servants will allow them to follow a policy of noblesse oblige. Just think! No elections or campaigns would be necessary, people would be born into office.

Sound crazy? Look at the statistics on tenure in your state delegation in Congress or in your state legislature. We allow our politicians to determine what areas they are going to represent. No wonder they are continuously reelected, regardless of outrageous behavior!

After years of extensive research and study, the authors of this booklet — Professors Leroy Hardy and Alan Heslop — have concluded that, if we do not re-think and reconstruct the way legislative districts are drawn, voter participation will continue to decline and “imperial legislators” will proliferate. There has only

been one other time in U.S. history when fair representation was in greater danger; and the citizens of that era responded by having a tea party in the Boston Harbor.

In the months ahead, many critics will come forward and challenge the authors' premises on redistricting. Few, however, will offer any real solutions to the problem. In fact, I predict that the standard responses from critics will be “trust us,” “we will take care of you,” or “the system has worked and cannot be changed,” or “you can’t take the politics out of redistricting,” or “our state needs its legislators with high seniority.” The authors will be labeled as unrealistic and naive. The reader should remember, however, that this is the customary fate of those who refuse to accept the status quo because it is not responsive to the needs of the people!

No more than the rest of us, politicians should never be judges in their own interest. As James Madison states in the **The Federalist**, “If men were angels, no government would be necessary.” We need to control our little angels in government. We need to impose some laws on our lawmakers when they redistrict — otherwise our whole system of the rule of law will be jeopardized and democracy will diminish.

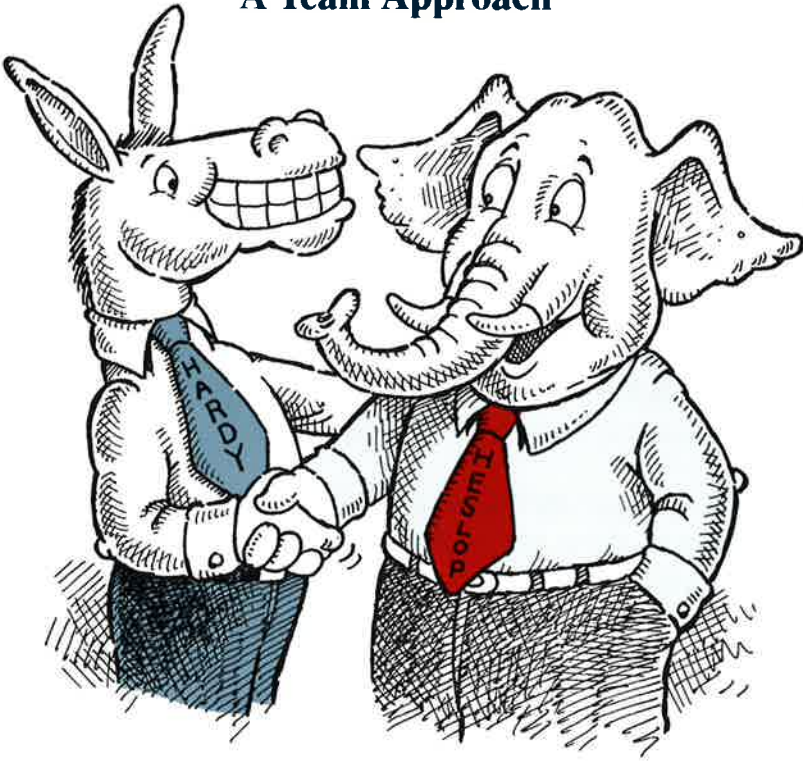
The authors have chosen to get to the root of the redistricting problem, and they offer a set of painless — and dramatically inexpensive — A.C.T.I.O.N. Guidelines on how legislative districts should be drawn.

“A.C.T.I.O.N. Guidelines” — an acronym for “A Constructive Technique in Organizing Neutralization” of redistricting — will put competition back into our system; they will assist in creating compact, contiguous, and community-oriented districts; and they will guarantee that women, minorities, and young candidates will have a chance to compete for office.

The text that follows provides an overview of how the monster of The Technocratic Gerrymander (Let’s call it “The Gerrycrat”!) came into being. Also previewed is how the authors propose to tame it — and how we can come to guard our guardians.

Of course...A.C.T.I.O.N. speaks louder than words.

A Team Approach



The writers' ideas for redistricting reform grew out of many years of practical political involvement and of shared revulsion over the results of the 1981-82 gerrymanders in California, Indiana and around the country.

Reminiscing in the Fall of 1988 about experiences in opposite political camps, the writers realized that they shared nearly identical conclusions about redistricting reform, despite different policy orientations and party affiliations.

As scholars who had occasionally left their ivory towers to engage in politics, they found a deplorable dichotomy between the realities of redistricting and the way the process is portrayed to the public. They became convinced, too, that gerrymanders are undermining the basic health of representative institutions. With the support of a Haynes Foundation grant, their intellectual exchange was furthered and the A.C.T.I.O.N. Guidelines were born.

The writers 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 be's."

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 are 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.

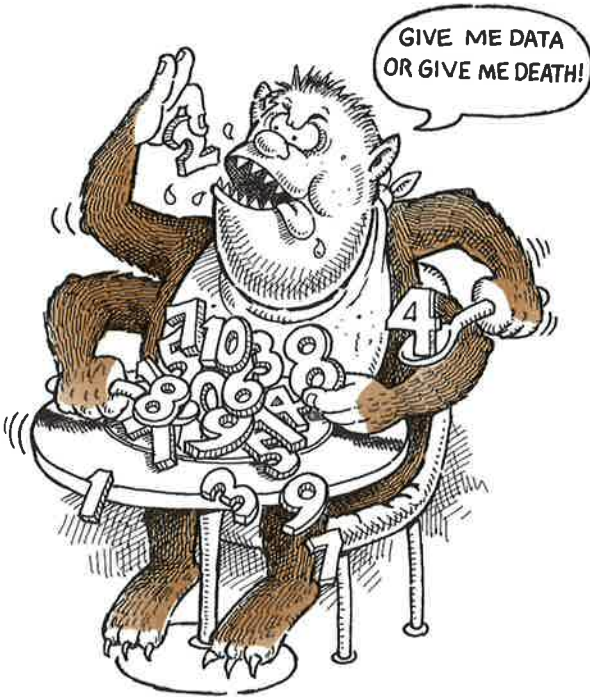
The results have been disastrous for the rest of us:

*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 torturously 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.

Controlling the GerryCrat*



Unguarded, our politicians are free to pursue their own personal interests 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.

* **Footnote:** *GerryCrat (definition). A creature who has perfected the union of high technology and manipulative politics to gain control of the representative process.*

As for the voters, many do not comprehend redistricting. But they understand the problems it creates, and they recognize 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.

Who, then, guards the Guardians? The answer is really only these new powerholders, the **GerryCrats**. 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.

A.C.T.I.O.N. Guidelines — The Cure



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

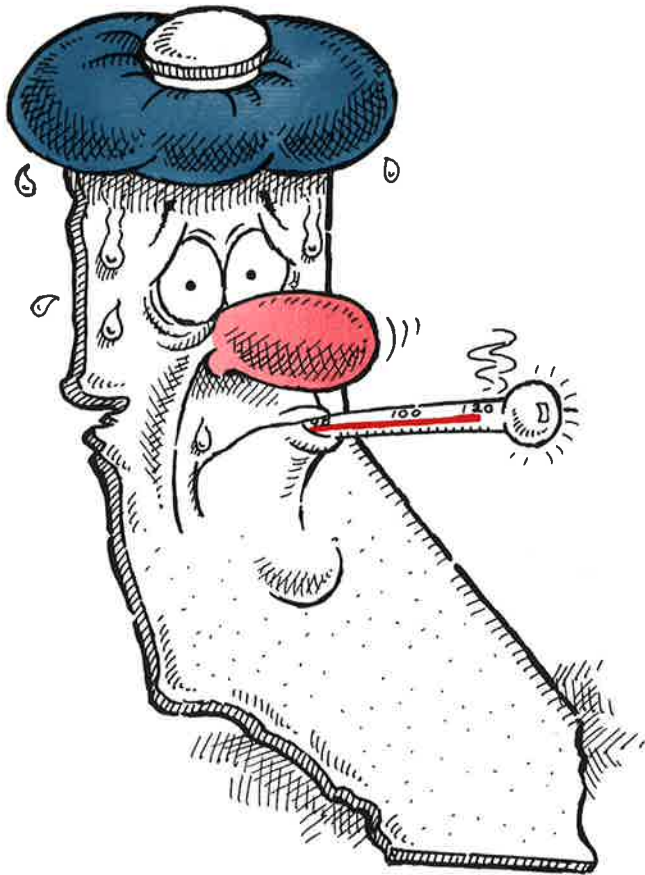
- *Establishment of binding **units of redistricting** (URs) to limit manipulation of districts. URs, defined by local government boundaries and by major freeways and arterial highways, help to guarantee city and community unification.*
- ***Systematic sequencing** of compact, contiguous, community-oriented 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.*

The A.C.T.I.O.N. Guidelines will establish the principle of 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, its multi-cultural development — as well as new tides of public opinion.*

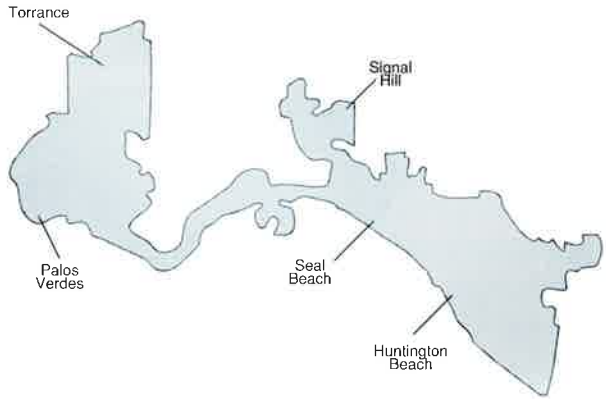
In a word, A.C.T.I.O.N. Guidelines will take the GerryCrat out of redistricting, the fox out of the chicken coop.

Gerrymanders Reach Epidemic Levels — A Visual Perspective

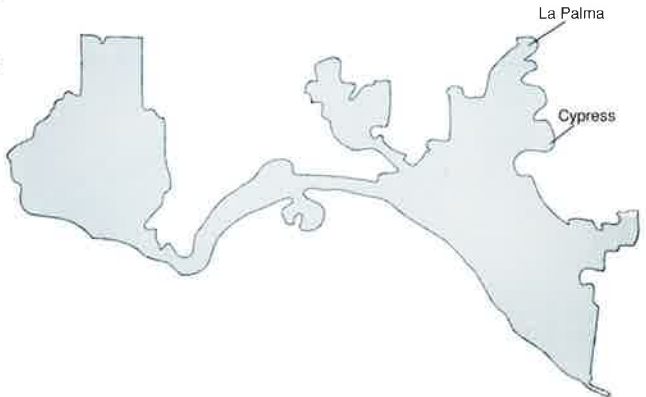


Even before the era of the **GerryCrat**, weird districts emerged, but they were the exceptions. A mere glance at the 1981-1982 California redistricting plans indicates that exceptions have become the rule.

The gerrymanders of the 1980s demonstrate the need for A.C.T.I.O.N. Guidelines. When our electoral representatives allow themselves to be manipulated by **GerryCrats**, we must take ACTION!



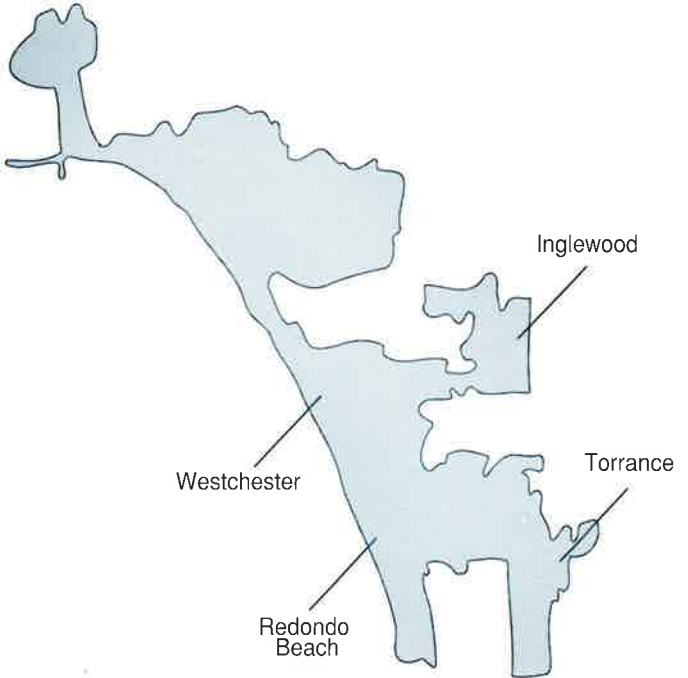
Democrats' redistricting in 1981 concentrated Republicans in the 42nd C.D. The district was rejected by voters in a 1982 referendum.



Democrats' redistricting in 1982 concentrated Republicans in the 42nd C.D. The district was "corrected" after voters rejected the early monstrosities. Compare the districts. Note the necks and the elongations.



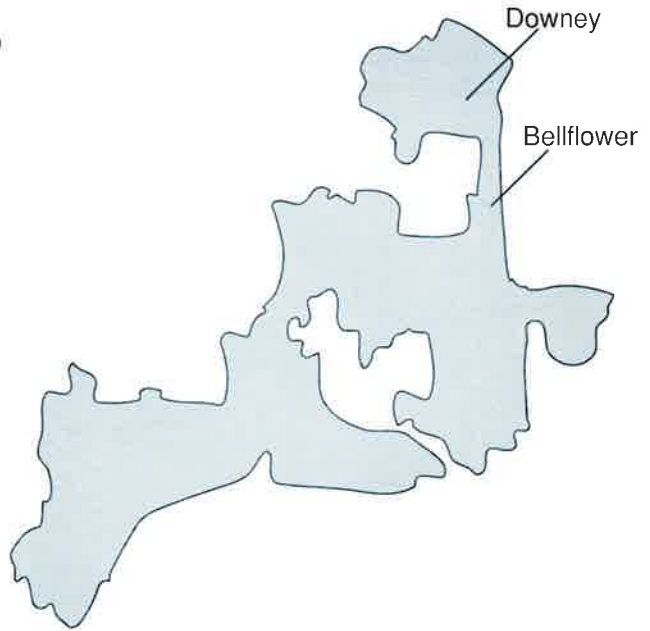
27th C.D. (1981) defeated by referendum. Note the necks.



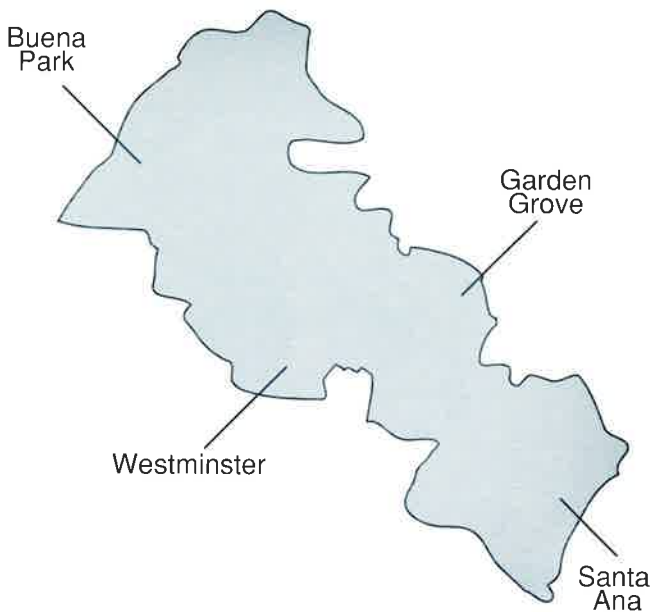
27th C.D. (1982) "corrected" to meet the public's objections.



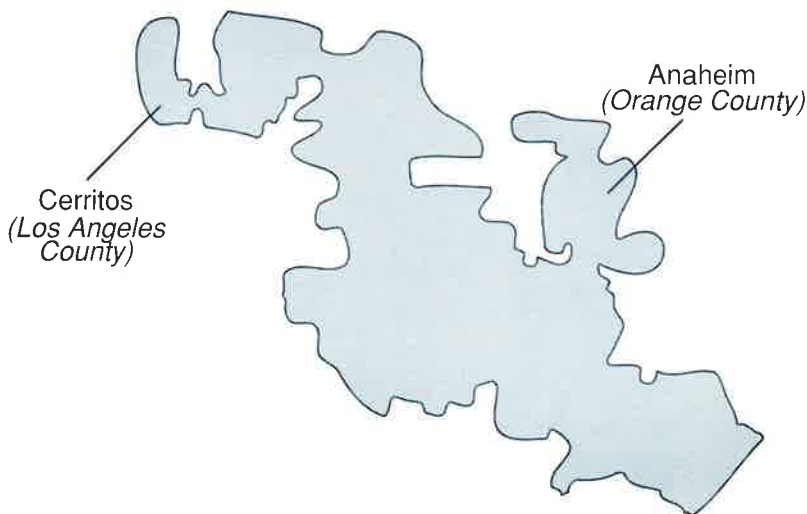
32nd C.D. (1981) defeated by referendum. Note the necks.



32nd C.D. (1982) "corrected". Compare the necks.



38th C.D. (1981) defeated by referendum. Note the necks. Incumbent re-elected by 52.4% in 1982.



38th C.D. (1982) to "correct" for the public's objections. Note the additional extensions, necks, and the crossing of a county line.

A.C.T.I.O.N. Guidelines at work:

The writers conclude that nation-wide redistricting abuse requires new rules of law — new guards on our Guardians. We call all those interested in the health of representative institutions to A.C.T.I.O.N.!



A.C.T.I.O.N. has helped us create compact, contiguous and community oriented districts.

