



## Jewish Social Policy Action Network

*Progressive Voices For a Healthy Democracy*

### We Were Gerrymandered... Do We Care?

*by JSPAN Vice President Kenneth Myers*

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Gerrymandering is on our minds. The election this week allayed some of our worst fears, showing that an extremely unpopular ruling party can lose their majority in the U.S. Senate and House of Representatives when there is a major revolt at the polls.

But should we really be comforted? Let's look at some results from Pennsylvania, where we have been gerrymandered pretty effectively.

There were 19 races in which a Republican and a Democrat ran for the Pennsylvania State Senate on Tuesday (in six other races – five in Democratic districts, one in a Republican district - only one of the major parties ran a candidate). In total for all 19 races, Democrats polled 758,118 votes, and Republicans polled 742,363 votes.

With just over half of the vote, you would expect Democrats to take 10 out of the 19 contested seats. With just under half of the vote, you would expect Republicans to take the other 9 seats. But what actually happened? Democrats took just 5 seats, Republicans 14.

Those who cast 50.5% of the votes took home 26% of the prize. Those who cast 49.5% of the votes walked off with 74% of the Senate seats. Despite a big victory for Democrats in most other contests in Tuesday's election, the Pennsylvania Senate was unchanged: the Republicans went in with 14 of the contested seats and came out with the same 14 seats.

How can this be? By gerrymandering the district lines, the Republicans who controlled the legislature at the time of the redistricting created safe districts, where they had enough votes to win comfortably, even in a down year for their party, and even in the face of voter anger over the legislative pay raise scandal. The Democrats' votes are bunched up in ten districts with minimal Republican presence, and so they got only those ten seats. (See the box below for a further demonstration that gerrymandering is not hard at all.)

All 19 of these State Senators from both parties are well protected against the electorate!

An editorial in The New Republic this week says it all: "We're pining for elections that reflect public will. ... Take a look at recent opinion surveys ... Democrats have run up double-digit advantages on major issues from Iraq to the economy. When voters are presented with a generic congressional ballot, Democrats win 53-39. But there's simply no way that this will translate. Virginia, Missouri, and Tennessee, for instance, are hosting three of the nation's tightest Senate Races. But travel a step down the ballot, and you will find only one close contest in those states' combined 29 [House of Representatives] races. The entire state of California has only two somewhat tight contests – and it wouldn't even have those, except for [the scandal involving] Jack Abramoff." (More at [www.tnr.com](http://www.tnr.com))

The courts do not correct the political shaping of election districts, unless a racial minority's rights are trampled. The judicial abstinence draws from a number of roots: the idea that all election districts are political, and hence arguing that some district lines are "too political" is a non sequitur. There are judge-made guidelines for drawing election districts, such as the goals of "compact and contiguous." Yet there is no simple formula for drawing fair election district lines without imposing significant judgments, and the court that undertakes to redistrict a state will appear to be making political judgments (although judicial districting has happened before and will happen again: typically when the political forces are sufficiently balanced so that each can stymie the other's efforts to impose its map on the electorate, a court must take over).

There are other possible solutions. The usual way to redistrict - a chore that is done every ten years in every state, in response to each new federal census - is for the state legislature to work out a plan. If no plan is adopted before the next federal election, the federal court may be called in to draw the plan. But one state, Iowa, has come up with a different approach: a non-partisan legislative commission submits up to three plans among which the legislature may choose. There could be other ways to cure the problem.

We in Pennsylvania have about as much incentive as any Americans to come up with a solution to this problem! Send us your comments on the issue to [jspan@jspan.org](mailto:jspan@jspan.org).

*(Continued ...)*

How it works:

Suppose the electorate in your state has 2 million members of the Blue party and 2 million members of the Red party. You elect ten Representatives from ten voting districts. With the help of a computer, census data, registration “flat lists” and data from past elections, you develop the following districts:

<b>District No.</b>	<b>Blue Party Voters</b>	<b>Red Party Voters</b>
1	360,000	40,000
2	360,000	40,000
3	160,000	240,000
4	160,000	240,000
5	160,000	240,000
6	160,000	240,000
7	160,000	240,000
8	160,000	240,000
9	160,000	240,000
10	160,000	240,000
Total	2,000,000	2,000,000

Each district is equal (400,000 votes), each party turns out the same number of voters for the election, but the B party garners only 2 Representatives while the R party picks up 8! And each of the ten seats is as “safe” as any legislator could possibly wish.