

More precision than redistricting can provide

By Bill Hobby

Almost 30 years ago, the federal courts first set foot on the path through the partisan thicket of redistricting, a course against which Justice Felix Frankfurter warned for years. But the population differences among congressional and state legislative districts had grown so great that the courts had to act.

One legislative district had almost 1,000 times as many people as another in the same state. A congressional district in Dallas had five and one-half times as many people as one in upstate Michigan.

Legislatures had deliberately avoided redrawing districts to reflect the growing urbanization of the country. In fact, after the 1920 and 1930 federal censuses, frequently only those states who had gained or lost seats in Congress redistricted. Texas was once so eager to avoid redistricting that we had a congressman-at-large, elected statewide.

In those states whose representation had not changed, there was no recognition at all of shifting populations. Cities were deliberately underrepresented, often by specific provisions of state constitutions. Texas limited counties, regardless of population, to one state senator for many years, effectively limiting the number of urban legislators.

So, when the U.S. Supreme Court ruled (in *Baker vs. Carr*, 1962) that such flagrant discrimination is unconstitutional, it did the nation a great favor by righting a preposterous wrong. By the end of the 1970s, the nation's tens of thousands of political boundaries had been redrawn to reflect the more urban nation we had become.

But the courts, bless their innumerate souls, didn't know where to stop. So zealous did they become in rectifying previous injustices that they then started making ludicrous decisions. The previous indefensible differences in district populations led courts to insist that districts be more equal than in fact they can ever be.

For example, the Census Bureau agrees that its figures may be off by as much as **3** percent. So when the courts throw out a redistricting plan in which population among districts varies by only 0.5 percent, they are asking for more precision than the numbers can provide.

Not only must districts be more equal than they can in fact be made, say the courts, but they must be compact as well. Fine. Just which districts are supposed to be compact, your honor? West Texas congressional and senatorial districts are already larger than many states and will get even bigger.

But suppose that more-compact districts were drawn around Midland-Odessa and Temple-Waco-Belton, as they easily could be. The remaining rural West Texas, High Plains and Panhandle districts would then become even more Alaskan in size. All in the name of compactness, which presumably was meant to ensure that legislators would represent a community. (The El Paso district stays about the same.) Taken together with devotion to unattainable equality, "compactness" means that suburbanites of both El Paso and San Antonio are represented by a senator from San Angelo.

So much for community representation. Able though that representation is, wouldn't it make more sense for them to be represented by a senator from their own county?

Because of the system Thomas Jefferson designed and installed in the federal Constitution, congressional district sizes in various states will vary by as much as 59 percent. Rhode Island will have two congressional seats, each representing about 501,732 souls. Montana will have one representative in

Congress, who will have 799,065 constituents. The nationwide average district size is 574,316. The average congressional district in Texas, which is gaining three seats, is 566,217.

Texas senatorial districts will average 547,952; state House districts, 113,243; State Board of Education districts, 1,132,434.

An interesting quirk in this year's apportionment is that Congress, for only the second time in history, decided to count overseas personnel. That decision gave Washington, the home state of House Speaker Tom Foley, its ninth seat and deprived Massachusetts of what would have been its 11th seat. Might things have been different if Tip O'Neill were still speaker?

Overall, 18 seats from 19 states change hands. Of course, the figures may be revised in July to reflect a census undercount. If Texas then picks up another 100,000 or so population, it could gain a fourth seat, but who knows?

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