

## Redistricting

*By Bill Hobby*

Texas' new legislature has its plate more than full of the usual problems: schools, prisons, human services, and how to pay for them. In addition to the usual menu, this year there is the once-a-decade biggie: redistricting.

Quality of education, efficiency in criminal justice, and medical care for people who can't afford it make a lot of difference to the quality of our life.

Redistricting does not affect our lives much, but will consume thousands of hours of legislative time. It may not make much difference to most people, but it makes a lot of difference to those who will seek to represent the 211 congressional and legislative districts that will be drawn.

There is a slight chance that the regular Session of the 72nd Legislature not be able to redistrict because of legal challenges to the numbers.

A suit, to which Texas is a party, is underway in federal courts in New York that seeks to order the Census Bureau to adjust its numbers for a presumed undercount of minorities.

A board of population experts is now considering whether or not there has been a substantial undercount. The Secretary of Commerce, Robert Mosbacher, has until July 15, after the regular session is over.

Probably Mosbacher will decide that an undercount has not occurred and the courts, unwilling to delay redistricting, will agree. But who knows?

Redistricting will probably proceed on schedule, but will inevitably be challenged in court later on. The factors that the mapmakers will be looking at most carefully are geography, incumbency, and legality.

**GEOGRAPHY:** A look at a map of Texas shows that redistricting pretty well has to begin at the five corners of the state. They are: El Paso, the Panhandle, Northeast Texas, Southeast Texas, and the Lower Rio Grande Valley. Those Congressional and Senatorial districts are pretty well fixed by the boundaries of the State. Redistricters will add a county or take away one as the numbers dictate, but they do not really have a lot of discretion in those corners.

**INCUMBENCY:** Legislators have an ingrained sense of turf. With few exceptions the districts will recognize the value of incumbency. There will doubtless be fights about just whose incumbency will be preserved, but that's what the process is all about. Those fights will mostly be about State Senate seats, particularly those in West Texas. Those districts, sparsely populated as compared to the rest of the state, are already larger than many states.

The district represented by Senator Bill Sims of San Angelo stretches from El Paso to San Antonio and is larger than 30 states. The districts represented by Senator Steve Carriker of Roby and Senator Temple Dickson of Sweetwater are also very large. But Roby and Sweetwater are only about 30 miles apart. That accident of geography will make for an interesting problem.

Congressional redistricting presents less of a problem because three new ones will be created. Texas will henceforth have 30 Congressmen, rather than the current 27. **LEGALITY:** A series of court decisions since 1965 have greatly limited the discretion of redistricters. Some of these restrictions are foolish and contradictory. Some do just the opposite of what the judges thought they would do, but the restrictions are there.

Moreover, attempts to draw districts along party lines frequently do not work. Texas voters do just fine at picking the best candidate, regardless of party, thank you.

If the Legislature does not redistrict, or if courts set aside a redistricting bill, the job will be done by the Legislative Redistricting Board (LRB).

But the Legislature probably will do the job, although the three bills (Congress, State Senate, State House of Representatives) will obviously be passed late in the session. And the Legislature had better be careful not to pass them too late. A particularly nutty Federal court in Indiana actually threw out a redistricting bill partly because it was passed on the last day of the session.

The court apparently thought that bills are more constitutional the earlier they are passed. The Supreme Court of the United States, although itself likely to make strange decisions in this area of the law, at least reversed that foolish decision.

*Written in 1991.*