

Redistricting: Getting it Right

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The Virginia Supreme Court recently decided it would review a circuit court decision that invalidated the 2001 General Assembly redrawing of legislative district lines. Circuit Court Judge Richard C. Pattisall found the new districts to be unconstitutional and ordered new elections to be held this year for the House of Delegates.

Redistricting is required every ten years after the federal census to ensure that legislative bodies at the federal, state, and local levels reflect constitutionally protected equal protection rights as first stated in 1964 in *Baker v. Carr* and in subsequent court decisions including a case from Virginia. The principal of "one-man, one-vote" as defined in these cases requires almost perfect equality in population among districts.

The challenge is to have incumbent legislators maintain objectivity in redrawing legislative boundary lines to reflect shifting populations when the changes in lines could advantage or disadvantage incumbents and their partisan interests. Redistricting efforts in Virginia over the past several decades have resulted in a jig-saw puzzle series of legislative districts that make sense only when viewed in terms of first the Democrats and then the Republicans seeking to gain partisan advantage through the process while meeting judicial requirements for equal population in the districts.

The practice of "gerrymandering," from a legislator in Massachusetts named Gerry who drew himself a safe district shaped like a salamander, has been rampant in Virginia for decades. Democrats first practiced it in Virginia with a chorus of Republican objections, but Republicans took up the practice shamelessly as soon as they gained a majority.

The Supreme Court of Virginia should review the current redistricting in Virginia as it has agreed to do and should find it unconstitutional. The problem is not that the districts are not equal in population; they are. The problem is the way that minority representation is repressed in the Republican drawn plan. There are a number of minority-majority districts that African Americans are sure to win, but because the African Americans are packed into these few districts, their impact on elections in other areas will be minimized.

One of the first bills I introduced in 1978 in my first term in office would have set up a non-partisan reapportionment advisory commission. The Democratic majority who controlled the process rejected the idea and the bill. When I introduced the bill again before the last redistricting, the Republican majority rejected it also.

Having a non-partisan reapportionment advisory commission is still a good idea that should be adopted to establish a fair redistricting that would keep the state out of costly court battles. If the Supreme Court upholds the circuit court decision and throws out the current redistricting plan, the Governor should appoint a commission under his own authority to draw a fair and equitable redistricting plan.

That way, maybe we can get redistricting done right.