

The Tyranny of the Majority

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In a never before seen legislative maneuver, Democratic Texas state representatives left the state and went to Oklahoma for a few days to prevent a quorum and another redistricting that would have likely increased the Republican majority in the Texas congressional delegation. The resulting man-hunt reminiscent of the old West captured the nation's attention and apparently involved the new Department of Homeland Security.

If you want Republicans to increase their majority in Congress, you probably consider the legislators' actions as shameful. If you think the attempted power-grab orchestrated by Tom DeLay, House Republican Majority Leader, as being unfair, you might consider the Democrats' actions as clever. For sure, the episode makes clear the continued unfairness of the legislative redistricting process.

The 1964 Baker v. Carr decision along with subsequent Supreme Court decisions on legislative redistricting including Virginia were supposed to solve the problem. The principle of "one-man, one-vote" was simple and straight forward. No longer would the country boys be able to deny representation to the rapidly growing suburbs as had been done in Virginia and other states for decades. But the switch in the Commonwealth meant more than simply a movement of power from the rural to the suburban areas; it also meant a switch from Democratic dominance to growing Republican influence. The kick-back to that shift was the attempt on the part of legislatures to stay within the Supreme Court directives on population equality of districts but to draw lines such as to maximize their party's winning.

The drawing of legislative boundaries to maximize the majority party's strength is not new. Governor Elbridge Gerry of Massachusetts in 1812 signed a redistricting bill to protect his Republican colleagues. One district was so odd-shaped as to appear to be a salamander, hence the term "gerrymandering." But Republican Tom DeLay's proposed Congressional districts for Texas made Gerry's districts look compact and contiguous.

The unique thing about the Texas plan was that redistricting in the state had been completed more than a year ago under court direction. The latest attempt was clearly outside the once a decade mandate that redistricting was to take place after the federal census. It was purely and simply an attempted power grab.

My experience as a legislator participating in redistricting in Virginia after the 1980, 1990, and 2000 censuses as well as observing what has happened in other states convinces me that legislative bodies simply cannot be fair and objective in the process. With the 1990 census in Virginia it was clear that Democrats were losing power in a state they had dominated for almost a century. The redistricting plan proposed by the Democrats to try to hold onto power contained provisions so repulsive that I voted against some parts of it much to the consternation of my caucus.

And the Republicans learned from the Democrats in Virginia. The 2001 redistricting saw an assortment of odd-shaped districts that consolidated and protected the seats of Republicans and isolated Democrats in as few districts as possible. Communities are split helter-skelter, and commonalities of interests of local residents are not taken into account. Part of the result of drawing safe seats in Virginia and throughout the country is that fewer incumbents have opponents in general elections.

In my first term in the House of Delegates in 1978 I introduced a bill setting up an independent reapportionment commission. It was not accepted then or the two other times I introduced it. I will continue to introduce the bill because it is the right approach. It may be the only way legislatures can escape the tyranny of the majority, except of course by doing what the Democrats did in Texas and leave home for a few days!