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# REDRAWING THE LINES: 1951

A Study of the Redistricting Process in California

THE ROSE INSTITUTE of STATE and LOCAL GOVERNMENT

CLAREMONT MEN'S COLLEGE



INTO THE POLITICAL THICKET:  
CALIFORNIA'S 1951 REAPPORTIONMENT

by

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In one of the most poignant moments in the film of John Steinbeck's The Grapes of Wrath, the Joad family comes over a hill and gazes down upon a lush green valley. They have traveled a thousand miles from their home in the Oklahoma dust bowl, across mountains and desert, camping in Hoovervilles under the most dreadful conditions. Now, suddenly, before them lies their destination: acres of fragrant citrus groves, miles of vineyards, rolling green foothills and sparkling mountain streams. The Joads have come to California.

Steinbeck's fictional Joads symbolized one of the greatest movements of people in American history, the migrations westward to California that began in the mid-1930s and continued unabated for four decades. Before the migration slowed, California's population had increased from 5.5 million in 1930 to nearly twenty million in 1970. During these four decades wave after wave of people came to California. In the Depression years, many new arrivals were "Okies" and the dirt poor of the Plains states, whose worlds had blown away in the great dust storms. In the 1940s, thousands of GIs passed under the Golden Gate and through Los Angeles and San Diego on their way home from the war in the Pacific. In the brave new post-war world, paradise by the Pacific seemed more attractive than a return to Detroit or Cleveland or the farm in Kansas, so the vets sent for their wives or sweethearts to join them for a new life in the Golden State.

In the 1950s, thousands more abandoned the decaying cities and bitter winters of the east and moved westward to California.

In this decade alone, California's population increased by five million. A popular song of the period promised every newcomer a little white frame house in the San Fernando Valley. Poor blacks, despairing of segregated life in the states of the Old South, joined the great migration. Retired people, escaping harsh eastern winters, packed up and came west. New aerospace and electronics industries in California attracted upwardly mobile Americans. Communities that had been no more than crossroads in the orange groves, such as Santa Ana and Anaheim, became substantial cities overnight. Not until the Watts riots and the campus violence of the 1960s did the migration to California abate.

As they flooded in, these millions of immigrants fundamentally changed the character of the state. California's chain of freeways and its water project became wonders of the contemporary world. Some of the immigrants inevitably clashed with those who were already here. In the 1930s a frightened California legislature passed a law making it a crime to bring into the state "any indigent person who is not a resident, knowing him to be an indigent person." This law, popularly called the anti-Okie statute, was declared unconstitutional in a landmark ruling of the U.S. Supreme Court in 1941.<sup>1</sup>

The steady inflow which began in the 1930s posed a special

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<sup>1</sup>Edwards v. California, 314 U.S. 160 (1941).



problem for the California political establishment. Prior to the Depression California was essentially a one-party state. From 1900 until 1930, in fact, nearly all elected officials were Republicans: as late as 1928 all but eleven of the state's 120 legislators were Republicans, as were all but one of California's Congressmen. The "Okie" influx changed that. Whereas three-quarters of the state's voters identified with the Republican Party in 1920, by the middle 1930s California had a Democratic majority. As a result, in 1938 California elected its first Democratic governor and lieutenant governor in four decades.

The emergence of two-party politics in the 1930s did not, however, entirely wash away California's fundamentally Republican character. In the first post-war election, in 1946, Republicans swept all statewide offices, as well as two-thirds of the legislative seats and fourteen out of twenty-three Congressional contests. This was not by accident; the Republicans had a special weapon to assure themselves of an electoral majority despite the Democratic edge in voter registration. This was the complex election provision known as cross-filing.

Although cross-filing has been gone from California politics for more than two decades, there are some Republicans who recall it nostalgically as the key to the GOP's golden age and would like to see it revived. Actually, cross-filing did not assure a Republican electoral majority as such; what it assured was dominance by the established political order, and

until 1958 that establishment was Republican. Cross-filing was a deceptively simple practice. It meant that a candidate could run in the primaries of both parties. If he won his own primary, he could also win the primary of the other party, and then run unopposed in the general election. What was more important, however, was that the candidate did not have to indicate his own party membership when he ran. Thus many Republican politicians, who had already been in office when the migrations began in the 1930s, simply continued running in both primaries in election after election, and won double nominations even though their districts had changed from Republican to Democratic. Thousands of Democrats faithfully voted for their incumbent legislators in the Democratic primary, blind to the fact they were actually voting Republican incumbents back into office.

In these circumstances, Republican candidates in California continued to win elections on the basis of their personal appeal, while effectively concealing from many voters their party affiliation. The Democratic Party thus found it almost impossible to take advantage of its majority in voter registration, because it was difficult to appeal to party loyalty. A few Democratic office-holders did manage to win Republican nominations; in the main, however, it was the Republicans who were successful in winning Democratic votes, usually on the basis of non-partisan, personal appeals. As Carey McWilliams wrote of the cross-

filing system: "It made a shambles of party regularity and party discipline in California."<sup>2</sup>

Cross-filing was a tremendous boon to incumbents. In 1944, for instance, 90 percent of the State Senate seats and 80 percent of the Assembly seats were filled in the primary election through dual nominations.

Cross-filing protected incumbents from any general election challenge. Even in those years when the nation as a whole experienced a major anti-incumbent trend, California hardly felt it. In 1948, for example, the unexpected Truman recovery cost the Republican Party dozens of congressional districts; in California, however, only one Republican seat was lost, because otherwise vulnerable GOP candidates had already won re-election in the primary. One such beneficiary of cross-filing in 1948 was Richard Nixon, who won the nominations of both parties in the spring primary. Nixon, who ousted a long-time Democratic incumbent in a marginal district in 1946, might well have lost in the Dewey debacle of 1948, had he not already won re-election months before.

It would not be correct to say that the cross-filing system served California poorly. It may have protected the political establishment, but it also helped prevent the rise of political machines in the State, by so weakening the political party structure that machines

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<sup>2</sup>McWilliams, Carey, California: The Great Exception (Santa Barbara: Peregrine Smith and Co., 1976), p. 193.

were virtually impossible. Most of the corruption traditionally associated with eastern political organizations stems from the control of local and state government by partisan, big-city machines. California had none of this, because California had weak parties. And while it is true that the political vacuum resulting from that weakness may have contributed to a different form of corruption-- notably the great influence over the legislature of lobbyists like Artie Samish--on the whole the cross-filing system provided California with a less corrupt government than was present in many other large states.

The outstanding characteristic of cross-filing was nonpartisanship. Proponents of cross-filing justified it as a deterrent to the political corruption that might come with strong parties. California's unique one-party system, they said, was really a no-party system; it awarded political success to individuals based upon their own abilities, rather than their party labels. And, indeed, one could hardly argue but that the giants of the cross-filing era, Hiram Johnson, Earl Warren and William Knowland, were outstanding public servants. Yet non-partisan government does have its limits, and it was perhaps inevitable that partisanship would eventually become a strong force in California politics. The truly surprising development was that it was the Republicans, the historic beneficiaries of cross-filing and nonpartisan government, who struck the



first blow against the cross-filing system. That blow was the reapportionment of 1951, the first effort in California history to draw congressional and legislative district lines for the political benefit of one party. That reapportionment, an obvious gerrymandering of districts to favor the Republicans, led in 1952 to one of the greatest Republican landslides in history. But before the decade of the 1950s was over, the Republican legislative majorities were gone, and along with them both cross-filing and the aura of non-partisan state government.

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The 1951 redistricting is important not for any ultimate effect on contemporary legislative apportionment, but because it marks the dividing line between the years of nonpartisan government in California and the highly partisan political climate of today. The drift towards partisanship, now increasingly evident even in judicial and local government elections, had begun well before 1951, but 1951 marked the first time that partisan judgments were applied to the drawing of district lines. Legislative apportionment is fundamental to legislative activities. Leroy Hardy, who wrote his doctoral dissertation on the 1951 redistricting, said of the results of that process: "Voting strength facilitated by the 1951 reapportionment has bearing upon every piece of legislation

until the next reapportionment. The outcome may be determined for legislation in 1955, 1957, or 1961 by the 1951 reapportionment."<sup>3</sup>

No longer could one legitimately speak of a non-partisan legislature in California--cross-filing notwithstanding--when the legislators' own district lines were determined by partisan considerations. The long dormant Democratic majority, although denied many potential gains by the 1951 reapportionment, could not be restrained forever. The Republicans went into the 1952 elections holding 47 Assembly districts and came out holding 54, largely as a result of the Eisenhower landslide and their effective line drawing. But within six years Republican representation had been reduced to only 34 seats, and it has not climbed above 41 seats since that time. Despite the short-term advantage of the 1951 gerrymander, the long-term result of introducing partisanship into legislative districting has been a permanent minority status for the Republicans.

The Republicans' minority status in voter registration was the underlying cause of the Republican effort to gerrymander legislative and congressional districts in 1951. Of the 5.2 million registered voters in California in 1950, only 1.9 million

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<sup>3</sup>Hardy, Leroy, "The California Reapportionment of 1951" (unpublished Ph.D. dissertation, University of California at Los Angeles, 1955) chapter VIII, conclusions, p. 18.

were Republicans. This amounted to only 37 percent of the total, against 57 percent for the Democrats. The Republicans also realized that the dichotomy between their minority of registered voters and their majority in the legislature could not be expected to last forever, cross-filing notwithstanding. The imbalance in voter registration was, of course, a direct result of the great migrations of the thirties and forties, which had jammed the California voting rolls with Democrats from the South and the big cities of the East. Had small-town Republicans instead of dust-bowl Democrats come to California in these years, the registration statistics would have been very different. But as things stood, Republican leaders from Governor Earl Warren on down could read the numbers; without some positive action by Republicans, the days of GOP domination in California were numbered. Favorable district lines might just prove the needed lift, although there was also the danger that a partisan redistricting might spur the Democratic majority to greater electoral effort.

A second reason existed for a partisan redistricting, more related to the national party politics than to conditions within California. California state government might still be nonpartisan, but its relationship to national politics had a clear partisan flavor. The State had just witnessed the bitter partisan brawl between Richard Nixon and Helen Gahagan Douglas in the 1950 Senate race. California's premier Republican, Governor Warren, had been embarrassed

by the defeat in California of the Dewey-Warren ticket in 1948--a direct result of yeoman work by California labor on behalf of Truman and the Democratic ticket, in retribution for the Republican-backed Taft-Hartley Act. These developments might not have had much effect on the 1951 reapportionment were it not for the fact that California gained seven new congressional seats after the 1950 Census. Even if it were still possible to draw nonpartisan legislative district lines, it would be extremely difficult to keep partisan considerations from influencing the new congressional district lines.

Nationally, the Republicans had come out of the 1950 elections with 199 House seats compared with 236 for the Democrats. It was thought that the GOP had a good opportunity to capture the House in 1952, and those seven new seats in California might prove crucial to the realization of GOP hopes. Most of the new California seats represented losses, due to population shifts, of Democratic-held seats in the Old South and the big cities of the East. If these were recreated as Republican seats in California, reapportionment might prove just enough to bring about a Republican Congress after the next election. Whatever restraints the nonpartisan tradition in California exerted on Republican map drawers in 1951, the desire for additional GOP congressional seats was stronger. Very early in the process, it became clear that a primary goal of the 1951 redistrict-



ting was the creation of additional Republican seats in California's congressional delegation.

A provision in the State Constitution tying congressional district lines to legislative lines meant that partisan line-drawing for Congress would necessitate similarly partisan lines for the Legislature. Article 4, section 27 of the California Constitution provided that, "In dividing a county or a city and county, into congressional districts no Assembly district shall be divided so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact, contiguous Assembly districts."<sup>4</sup> This meant that any attempt to draw congressional districts for partisan advantage would first require the creation of partisan Assembly districts. Those Assembly districts, once drawn, would then be combined to form congressional districts.

Ironically, this constitutional provision provided both a barrier and an aid to gerrymandering. In toto, Article 4, section 27, reads:

When a Congressional district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county, or city and county, shall be divided in forming a Congressional district so as to attach one portion of a county, or city and county, to another county, or city and county, except in cases where one county, or city and county, has more population than the ratio required for one or more Congressmen; but the Legislature may divide any county, or city and county, into as many Congressional districts as it may be entitled to by law. Any county, or city and county, containing a population greater than the

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<sup>4</sup>California Constitution, Article 4, section 27 (as in effect in 1951).

number required for one or more Congressional districts, according to the population thereof, and any residue, after forming such district or districts, shall be attached by compact adjoining Assembly district, to a contiguous county or counties, and form a Congressional district. In dividing a county, or city and county, into Congressional districts, no Assembly district shall be divided so as to form a part of more than one Congressional district, and every such Congressional district shall be composed of compact contiguous Assembly districts.

Despite the complexity of this language, the barrier to gerrymandering is obvious. Whole counties and whole Assembly districts must be used in forming congressional districts. County lines were long-fixed in California, and could hardly be revised for the sake of gerrymandering congressional districts. Drawing the congressional lines to partisan advantage meant affecting the fate of Assemblymen, since congressional and assembly districts must overlap. This added a complicating factor, with the result that the partisan advantage was expressed in terms of which Assembly districts were to be combined to form the congressional districts, rather than how the Assembly districts themselves were formed. Few Assemblymen had any fundamental interest in their overlapping congressional districts, but all had a personal interest in their own Assembly district lines.

But if the constitutional provision discouraged gerrymandering on the one hand, it facilitated gerrymandering on the other. The United States Constitution provides that congressional districts "shall be apportioned among the several States according to their respective numbers,

counting the whole number of persons in each state."<sup>5</sup>  
This meant, of course, that congressional districts were to be apportioned on the basis of population; it also implied that such districts should be roughly equal in population. In 1951, however, the federal requirement of approximate population equality conflicted with California's own constitutional requirement that congressional districts be composed of whole counties and whole Assembly districts. The California Constitution necessitated that congressional districts vary in population, since the geographical limits of counties have nothing to do with their population.

This provision of the California Constitution proved a useful tool for gerrymandering districts. The map drawers found it easy to unite oversized Assembly districts to form even more oversized congressional districts. Particularly in Los Angeles County, with 31 Assembly districts to be divided into 12 congressional districts, the opportunities for mischief were almost unlimited. Twelve, of course, does not readily divide into 31; therefore some congressional districts would have to include three Assembly districts, while others might consist of only two. Thus it was possible to combine three homogeneous Assembly districts into an extremely safe but oversized congressional district, while combining two other marginal Assembly districts into an undersized but politically advantageous

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<sup>5</sup>United States Constitution, Amendment 14, Section 2.

congressional seat. Republican map drawers found the temptation to create such districts too great to resist.

Constitutional influences on Republican gerrymandering efforts did not end with congressional districts. Article 4, Section 6 of the State Constitution provided that, "Assembly districts shall be as nearly equal in population as may be," but added that, "In the formation of Assembly districts, no county, or city and county, shall be divided, unless it contains sufficient population within itself to form two or more Assembly districts."<sup>6</sup> This article also specified that State Senate districts were to consist of full counties. The Senate requirement, known as the "federal Plan," effectively prohibited the political gerrymandering of State Senate seats. As was the case with congressional seats, however, the State constitutional provision was both a help and hindrance in the gerrymandering of Assembly districts.

Perhaps the whole county requirement made Assembly gerrymandering more difficult. Congressional districts could cross county lines, as long as the building blocks for the districts were whole Assembly districts. But the necessity that Assembly districts be completely contained within a county meant that, especially with the smaller counties, district lines would be based on the long-determined county boundaries, instead of wandering all over the map. The more constraints applied to the districting

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<sup>6</sup>California Constitution, Article 4, Section 6 (as in effect in 1951).



process, the more difficult it is to gerrymander. The Assembly district provision meant that Assembly districts would vary greatly in population, as county lines had no relation to population, but it also meant that gerrymandered districts were less likely.

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There is little evidence that state Republican leaders, in their first strategy sessions on redistricting late in 1950, gave much thought to the long-term consequences of the actions they were about to undertake. Clearly they recognized the constitutional restraints placed upon them. They were also well aware of the increasingly unfavorable registration figures and voting patterns in the state. However, it seems that they failed to recognize the long-term implications of dismantling California's nonpartisan tradition. Consequently, GOP strategists decided to use their muscle in the Assembly to accomplish their partisan aims. While neither legislative house displayed much partisan rivalry in these years, the Assembly had shown itself more attuned to partisan realities than the Senate. And besides, there could be no Senate reapportionment because of the county unit system, and Senate districts in any case did not relate to congressional districts. The 1951 redistricting

experience helped make the Assembly California's more partisan house, as it remains today.

The redistricting process began in the summer of 1950, shortly after the primaries in which, as was usually the case, most Assemblymen had won automatic re-election. Republican Assemblyman Laughlin Waters of Los Angeles was given the assignment of chairing the legislative committee that would draw up the redistricting plan. He had a broad mandate from the Republican leadership: satisfy all incumbent Republican Assemblymen and as many incumbent Democrats as possible, but maximize GOP opportunities for winning the seven new congressional seats. The 1950 elections gave the Republicans 47 of the 80 Assembly seats, and an even larger margin (28 to 12) in the Senate. Although Walters' original goal was to satisfy Democratic legislators as well as Republicans with his plan--in order to insure majority support in the Legislature--this was no longer necessary after the fall elections, since the Republican-dominated Legislature and the Republican governor sufficed to enact any redistricting plan GOP leaders wanted. Party strategists had no doubt Governor Warren would sign any bill they placed on his desk: the Earl Warren of one man, one vote was still years in the future.

Assemblyman Waters was given adequate tools to do his job. A special reapportionment committee was formed at the beginning of the 1951 session, consisting of eight

Republicans and only five Democrats. Waters made it clear that he would control the redistricting process; individual legislators would not be allowed to horse-trade on district lines. Indeed, the reapportionment bill would be prepared with minimal input from other legislators; Assemblyman Waters and his close allies would hire the staff and control the data. In the end, only one other Assemblyman besides Waters had significant influence on the plan; Charles Conrad of Hollywood, who had a technical interest in the field.

The Republican strategy in 1951 differed considerably from the methods used in past reapportionments. Throughout the 1920s, legislators had struggled over the redistricting issue, but the battle then had been between the north and the south and between the rural areas and the urban areas. The deadlock of the 1920s had been broken by creating a rural-dominated Senate controlled by northern Californians, and an urban-oriented Assembly with control in the south. Partisan factors had played no significant role in that decision, or in the 1931 redistricting, although it resulted in the election of 73 Republicans to the Assembly. In 1941, the governor was a Democrat and the Democrats narrowly controlled the Assembly. The Senate, however, was heavily Republican, and this required a nonpartisan redistricting plan. Accordingly, the 1941 redistricting was accomplished with minimal party squabbling.

The 1951 redistrictings, however, shaped up differently. Waters and his staff--the latter headed by UCLA professor Ivan Hinderaker--operated mostly in secret. Although five statewide hearings were conducted to gauge opinion in affected communities, public input was kept to a minimum. Potential districts were not made public while the committee conducted its work; and, other than in San Francisco, where a decline in Assembly representation seemed inevitable, there was little public or press discussion of the redistricting plan. The Waters committee did consult individual Assemblymen, but only as the plan affected their own personal districts. No Assembly members, and certainly no Democrats, were allowed to affect the overall state picture. While the Waters committee sought satisfaction among neighboring incumbents, any member-initiated line shifting was kept to a minimum.

Waters' strategy was to assure a firm majority of satisfied members, both Republicans and Democrats, who could be counted on, because they were satisfied with their own districts, to pass his plan without allowing floor amendments. Careful consideration was given to the need for making certain almost all individual Assemblymen were happy with their own districts. Waters' objective was two-fold: he wanted carte blanche to draw the congressional districts as he saw fit, and he also wanted an unchallenged majority which would support his plan throughout the legislative process. Although his plan



was carefully structured to favor the Republican Party, he wanted individual Democrats to support it. Democratic Assemblymen would be kept happy by drawing a few extremely favorable districts. As for Republicans, they would be kept in line by appeals to party loyalty, and if necessary by threats of reprisals from party leaders if individual Republicans did not cooperate.

Thus the Waters plan began to take shape with the creation of a handful of heavily Democratic Assembly districts, and corresponding congressional districts. The initial stages of the plan also featured a number of marginal districts with Republican incumbents. In creating these districts, Waters employed a classical reapportionment model. The minority party (Democratic) seats were concentrated in areas with large numbers of party loyalists, thus leaving the marginal seats for the majority party (Republicans). This meant concentrating the Democrats, and dispersing the Republicans, with the result that the Republicans had a far better opportunity than the Democrats for winning a majority of the legislative and congressional seats, even if their statewide vote dropped below 50 percent. Individual Republicans might complain that their own districts were not as advantageous as they might be; but they could not question the fact that the party as a whole was better off. The concentration of Democratic seats in a few extremely safe districts also tended to mitigate the impact of the recent population

inflow on the state's politics, and to compensate the Republicans for the unfavorable voter registration figures--all of this to the GOP's distinct advantage.

Leroy Hardy, in his dissertation, identifies four types of districts found in the Waters plan, each of which seemed designed to benefit the Republican Party. Hardy defines these district-types as: (1) the concentration, (2) the shoe-string, (3) the elimination or isolation, and (4) the dispersal. In Hardy's words, these districts may be described as follows:

Concentration districts grouped an opponent's strength in as few districts as possible, which assured the election of political rivals in such districts but did not "contaminate" other districts; indeed, the concentration of one party's strength generally resulted in the concentration of the other party's voters.... A shoestring, elongated or rambling district was one which prevented compactness, or broke the community of interest in an area, usually for the purpose of concentration.... Dispersal districts divided an opponent's strength to weaken his position, or divided one's own voting strength to maximize electoral victories in several districts. A variation of the dispersal form was the elimination district, which stripped a candidate or incumbent's strong areas from his district for the purpose of defeating the individual.<sup>7</sup>

The Waters strategy worked so well that not a single incumbent Assemblyman of either party lost his seat in the 1952 general election, although Republicans picked up nearly all of the newly created districts. The Democratic districts were formed using the concentration,

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<sup>7</sup>Hardy, p. 4-5.

shoestring, and--in one case--the elimination model. Most Republican seats in marginal areas were carefully drawn to disperse GOP voting strength among as many districts as possible. The Waters lines were so effective in protecting incumbents that all but five of the 31 Assemblymen in Los Angeles County avoided general election races altogether, since the incumbents captured the nominations of both parties in the primary. Of the six seats that were contested in the general election, only one was decided by fewer than 5,000 votes, and that one was an open seat. Incumbent Democrats certainly had little to complain about as far as their own districts were concerned. That the Republicans could win more seats than was justified by their percentage of the vote hardly seemed important to those lucky few Democrats who occupied the safe Democratic districts. Overrepresentation of Republican areas, however, was the most obvious--and intended--consequence of the Waters plan. In 1954, as the state edged toward real two-party politics, the Democrats managed to win 49 percent of the statewide vote for the Assembly, but only 40 percent of the seats. In Los Angeles County, the GOP won a majority of the seats in 1954, even though Republicans received considerably less than 50 percent of the overall county vote.

The odd-shaped districts created by the Waters plan were nowhere more apparent than in some of the Los Angeles congressional constituencies. Hardy's "shoestring district"

model, for example, was best illustrated by Los Angeles' 26th Congressional District. This had been the district of Helen Gahagan Douglas until her unsuccessful 1950 Senate race, and it was probably the most liberal and most active Democratic district in the state. The incumbent in 1951 was maverick Democrat Sam Yorty. The 1941 lines had shaped a compact district, then numbered the 14th, in west-central Los Angeles; this 14th congressional district consisted of four Assembly districts. The 1951 redistricting planners, however, eliminated two of the old Assembly districts and added one new one. They then elongated the congressional district so that it began in the black Democratic precincts of Watts, wandered through the precincts of south central Los Angeles, and then struck westward to the coast to take in Culver City, Venice and a number of other Democratic strongholds. One arm of the district went north almost to Hollywood, causing the 26th district to envelop the Republican 15th congressional district on three sides like a huge pincer. Also, as the district was redrawn it gained more and more population, until it contained about 434,000 people-- 81,000 people more than the mean congressional district population of 353,000. (See Map #1--1941 and 1951, 14th and 26th CDs.)

The 26th congressional district was an example of an elongated district that concentrated Democratic voters; in so doing, it protected the neighboring 15th and 16th

districts, both of which were marginally Republican. Few other districts were such obvious gerrymanders, although one that came close involved the sole California public official who lost his seat directly as a result of the 1951 reapportionment. This was a small, mousey seven-term Democratic Congressman from San Francisco named Franck Havenner, and he was the occupant of the sole elimination district in the 1951 plan. It might be said that Havenner's fate was sealed by the 1951 district lines.

San Francisco was traditionally a Democratic town. For decades, its politics had been dominated by the Irish Democrats, who also supplied most of the city's police, firemen, and Roman Catholic clergy. The Democrats had won most of the city's legislative districts since the Depression, but the two major parties had usually split the two congressional districts. As drawn in 1951, these two districts offered partisan advantage to neither party; each contained large blocs of both liberal and conservative voters. By 1950, however, one of the districts, the 5th, was considered safe for popular Democrat John Shelley; the other district, the fourth, was slightly more conservative on paper, and was occupied by a much less entrenched congressman, Democrat Franck Havenner. He had first won the seat in 1936, but had barely retained it in recent elections. In 1948, Havenner was re-elected by only 5,000 votes. By 1951, Republicans had determined that they wanted one San Francisco congressional seat, and Havenner's was the obvious target.

Both San Francisco congressional districts contained four whole Assembly districts, and both were within the required population range for a congressional district-- 360,000 people in the 4th district and 400,000 in the 5th district, according to the 1950 Census. Although San Francisco would have to lose one, and probably two, of its Assembly districts, it was possible to leave the congressional lines undisturbed. Republicans, however, could see a potential congressional victory here, to be obtained by removing liberal and Democratic precincts from Havenner's district and adding conservative precincts. That is exactly what the map-makers did. The 1941 lines, which ran roughly east-west, were dramatically shifted so that the line dividing the two districts ran roughly north-south. The 4th district was rotated counterclockwise, and the populations of the two districts were made approximately equal. Perhaps the most interesting aspect of this gerrymander was its innocent appearance: it did not look like a gerrymander at all. (See map #2, 4th and 5th CDs, 1941 and 1951.)

The new San Francisco districts were compact, and one could argue that communities of interest in the city were enhanced rather than divided. The new lines united the heavily Republican Marina and Presidio precincts with the traditionally conservative Richmond and Sunset districts, and also encompassed the Republican areas in southwest San Francisco. All these went into the revised 4th



district. What remained--the minority areas and Chinatown, and all of the precincts south and east of Mission Street--went into the 5th District. The political effect was to assure reelection of the popular Democrat Shelley by even larger margins than he had enjoyed in the past; but the new lines placed nearly every conservative precinct in the city in Havenner's marginal district. While this may not have been a gerrymander in the classical sense, it was clearly an attempt to eliminate a Democratic congressman. It was also a case where compactness, and the uniting of communities of interest, worked to a partisan advantage. The net effect was to concentrate San Francisco's safe Democratic neighborhoods into the already safe Democratic 5th District, while making the marginal 4th District even more marginal. This was bound to cause a reaction from displeased Democrats, and such a reaction was not at all long in coming.

Congressman Havenner himself called the GOP reapportionment "a political monstrosity." Noting the population variations between districts, he accused the Republicans of "slashing up the state. They do not even make a pretense or semblance of establishing uniformity in population."<sup>8</sup> Havenner asked his Democratic colleagues in Washington for help, and Rep. Emmanuel Celler (D-N.Y.), chairman of the House Judiciary Committee, announced plans for a hearing to look into the California redistricting.

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<sup>8</sup>San Francisco Chronicle, April 17, 1951, p. 7.

Eventually a lawsuit was filed in an attempt to overturn the 1951 redistricting, but neither the lawsuit nor Cellar's hearings brought any changes in the plan. Most of the Democrats in the San Francisco Assembly delegation voted against the Waters reapportionment, which nonetheless passed by a vote of 49 to 20. Democratic leaders, however, took their case to the public, and denounced the Waters plan up and down the state.

Havenner's complaints did have something of a hollow ring, in that his political troubles, even in his old district, had been evident for a number of years. All the Republicans had done was to create a district where his existing problems were magnified. He would be 70 years old by the time of the 1952 election; and perhaps somewhat out of touch with his constituents. On the positive side, the GOP plan had created two homogeneous congressional districts in San Francisco. That this redistricting might result in the defeat of a senior congressman was, in the view of many Republicans, simply a reality of politics.

The redistricting in San Francisco bore fruit for the Republicans on election day. Although the new 4th District still contained more Democrats than Republicans, Democratic loyalty did not prevail. In 1948, Havenner had defeated his GOP opponent, William Mailliard, by 73,700 votes to 68,800. Mailliard had not run in 1950, and Havenner had increased his victory margin to 37,000 votes against a weaker Republican opponent. However, Mailliard was back for a rematch in 1952, and this time he prevailed

by a vote of 102,300 to 83,700. It may be true that the Eisenhower landslide and a strong GOP opponent would have cost Havenner his seat even in the old district; however, it was clear he had no chance at all in the 4th. Interestingly, a decade later, after the Democrats had won control of the Legislature, they revised the 4th Congressional District in an attempt to increase Democratic representation and unseat Mailliard in 1962. In this instance, Mailliard won handily. However, when eleven years later the State Supreme Court redrew the congressional district lines whether by chance or design, they somewhat restored the old division in San Francisco, Mailliard resigned from Congress rather than face certain defeat in 1974. His district has been Democratic ever since.

The 4th and 26th Congressional Districts were but two examples of the partisan considerations that went into the 1951 reapportionment. Assemblyman Waters and his allies rushed this plan through the Legislature with as little discussion or debate as possible. Assemblyman Julian Beck of San Fernando, the Democratic minority leader, said of the redistricting plan: "I consider this program to be one conceived by the vice chairman of the Republican State Central Committee (Laughlin Waters) for the political benefit of Republicans. It is one on which the California general public, regardless of Republican or Democratic affiliation, has not had an opportunity to express itself."<sup>9</sup> In this remark, Assemblyman Beck

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<sup>9</sup>Sacramento Bee, March 27, 1951, p. 8.

was absolutely correct--as was Waters when he replied that his party was doing no differently than the Democrats would do if they were in power.

The Republican objective in 1951 was clear. California had gained seven new congressional seats as a result of population growth. Although a majority of those who migrated to the state during the 1940s were registered Democrats, the areas experiencing the fastest population growth were the suburbs, particularly those in Southern California. The Republicans intended to draw the seven new congressional districts in such a way as to over-represent the suburbs (which probably would, after all, continue to experience the fastest population growth during the coming decade), and in so doing maximize the Republican opportunities to win the new seats. Targets of opportunity, such as Havenner's marginal district in San Francisco, might be adjusted to further advance Republican fortunes along the way.

The Republicans had a particular advantage in drawing the seven new congressional districts resulting from population growth. The fact that the state's population had grown so dramatically meant that the new districts could be carved out of oversized current districts, without unduly affecting any incumbent congressmen. There was, for instance, no need to combine the districts of any sitting congressmen. Most incumbents had little reason for personal involvement in the redistricting process,

since their own districts could be shaped to their liking without much trouble. Thus not only were Republican incumbents assured that no GOP congressman would be endangered by the reapportionment; but there was also the certain knowledge that oversized GOP districts would be divided, wherever possible, in such a way that the new seats, too, would have a Republican flavor.

Leroy Hardy has said that the constitutional restraints on redistricting--the requirements that county units be maintained and that congressional districts be built out of Assembly districts--aided the GOP gerrymander by requiring vast variations in district populations. An examination of the 1951 district map and the 1952 election results does not bear this out, however. Other than in San Francisco, there is little evidence of a Republican attempt to gerrymander seats, either Assembly or congressional, in Northern California. In the north, the county lines were a more demanding criterion, because of the small size of the counties; thus northern congressional districts were generally formed by combining counties rather than Assembly districts. Hardy wrote: "County lines should not be obstacles for the creation of equally populated electoral units. In 1951 the constitutional provision that counties could not be divided led to...inequalities."<sup>10</sup> Hardy is right, however, in only a few instances--such as the San Mateo County district, which turned out to

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<sup>10</sup> Hardy, p. 28.

be smaller than either of the two San Francisco districts. Contrary to Hardy's contention, it must be stated that in most parts of California the county requirement was actually a barrier to gerrymandering, and not a facilitating factor. Indeed, it was in the districts that lay wholly within Los Angeles County--where the county unity requirement was irrelevant--that the most flagrant gerrymandering occurred.

Hardy makes a better point when he says that the Assembly district-congressional district overlap tended to make the 1951 gerrymander easier, since some congressional districts contained three Assembly districts while others contained only two. Such inequities were most apparent, again, in Los Angeles County, where districts ranged in population from 231,000 to 451,000 people. In 1941, Los Angeles County had been redistricted on the basis of rough population equality, and the excess population--one Assembly district--was combined with neighboring San Bernardino County. The same thing could have been done in 1951, but was not. On the other hand, it should be pointed out that the constitutional requirement concerning Assembly districts and Congressional districts was actually a deterrent to Congressional gerrymandering in many parts of the state. Assembly members resisted having their districts elongated or wrenched about, just to maximize the partisan advantage in a certain Congressional district. While the 1951 redistricting was certainly a gerrymander of the state's Congres-



sional representation, it was a gerrymander that was restrained by the constitutional requirements that district lines conform to pre-existing jurisdictional subdivisions. Later on, when the one man-one vote "reform" had obviated these constitutional provisions, congressional district gerrymanders of a far more exotic nature would become commonplace.

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The technical staff of the Assembly Elections and Reapportionment Committee began working on the redistricting plan very early in 1951. Technical work on the plan required careful examination of population and political trends, and Chairman Waters purposely kept most members of the Assembly in the dark as to the statewide picture, so that the technical staff could work with a minimum of interruption. The first thing the staff did was determine the populations of existing Congressional and Assembly districts. The Congressional populations broke down as follows:

| <u>1941 Districts and Incumbents</u> | <u>1950<br/>Populations</u> |
|--------------------------------------|-----------------------------|
| 1st District (Scudder - R)           | 458,000                     |
| 2nd District (Engle - D)             | 261,000                     |
| 3rd District (Johnson - R)           | 665,000                     |
| 4th District (Havenner - D)          | 361,000                     |
| 5th District (Shelley - D)           | 399,000                     |
| 6th District (Miller - D)            | 708,000                     |
| 7th District (Allen - R)             | 322,000                     |
| 8th District (Anderson - R)          | 603,000                     |
| 9th District (Hunter - R)            | 507,000                     |
| 10th District (Werdel - R)           | 422,000                     |
| 11th District (Bramlett - R)         | 392,000                     |
| 12th District (Hillings - R)         | 475,000                     |

| <u>1941 Districts and Incumbents (Continued)</u> | <u>1950<br/>Populations</u> |
|--|-----------------------------|
| 13th District (Poulson - R)                      | 253,000                     |
| 14th District (Yorty - D)                        | 327,000                     |
| 15th District (McDonough - R)                    | 332,000                     |
| 16th District (Jackson - R)                      | 478,000                     |
| 17th District (King - D)                         | 650,000                     |
| 18th District (Doyle - D)                        | 568,000                     |
| 19th District (Holifield - D)                    | 319,000                     |
| 20th District (Hinshaw - R)                      | 654,000                     |
| 21st District (Sheppard - D)                     | 345,000                     |
| 22nd District (Phillips - R)                     | 446,000                     |
| 23rd District (McKinnon - D)                     | 535,000                     |

The mean population for a congressional district was 352,000, which meant that some of these districts had more than twice the mean district population. The primary technical job, then, was to pare down the oversized districts, while creating seven new districts. The census figures indicated that those regions of the state most deserving of new congressmen were the San Fernando Valley, southern Los Angeles County, and the counties east of San Francisco. The existing north-south apportionment in 1950 gave Northern California eleven of the state's 23 congressional districts, and Southern California twelve districts. The 1950 census revealed that 54 percent of the state's population now lived in the south, and 46 percent in the north. The closeness of these figures led some Assemblymen from Northern California to argue in 1951 that the state's new apportionment of thirty congressional seats ought to be divided evenly between the north and the south. There were, however, clear indications that southern population

was growing faster than northern population; and reapportionment, besides, was primarily in the hands of Southern California Assemblymen. In the end, therefore, the Waters committee decided on a new division of the districts that awarded fourteen seats to northern California and sixteen to the south. Of the seven new seats, three were to be formed in the north and four in the south. More specifically, the Assembly committee determined that the new districts should be formed in the Bay Area suburbs, the Central Valley, the San Fernando Valley, the southern suburbs of Los Angeles, and in either Orange or San Diego County. Once this decision was made, the politicians and the technical staff immediately went to work drawing the state's thirty Congressional districts on the map. On March 21, 1951, the final plan was presented to the Assembly Elections and Reapportionment Committee.

#### THE 1951 CONGRESSIONAL DISTRICTS

##### Northern California.

Except for the San Francisco "elimination district" in the Waters plan, there was little evidence of gerrymandering in the apportionment of northern California's fourteen Congressional districts. In fact, it would have been difficult to do much gerrymandering in the north, given the constitutional requirement that districts respect county lines.

The plan began with California's two northern most districts, the 1st District of Republican Herbert Scudder and the 2nd District of Democrat Clair Engle. The oversized 1st District lost five counties in the Sacramento Valley, and thus was made into a homogeneous coastal district. The 2nd District picked up Butte County from the 1st District, and thus the plan created two districts that contained populations of 363,000 and 327,000. Neither incumbent, as it turned out, was affected by these shifts.

Republican Leroy Johnson's 3rd District, situated in the Sacramento Valley and including such cities as Stockton, Sacramento, Napa and Vallejo, had a population of 665,000 people. This meant that the district would have to lose at least a quarter of a million people to bring it into line. In the end, the 3rd District was largely dismantled. Solano County (Vallejo) was taken out and joined to a Bay Area district. Napa went into the coastal 1st District. San Joaquin County (Stockton) was combined with Stanislaus County (Modesto) to form what amounted to a new seat. This left only Sacramento and Yolo Counties in the new 3rd District.

Sacramento Valley legislators in 1951 noting the growth in Sacramento, Stockton, and other valley towns, were pushing for a new "floor of the Valley" Congressional district. The Waters committee was able to satisfy them because the counties taken from the 1st District were situated just north of Sacramento, and it made good sense

to shift them into a new 3rd District with a population of 393,000, consisting of Sacramento, Yolo, Sutter, Yuba, Colusa and Glenn Counties. Directly to the south of the new 3rd District was another new district, the 11th, consisting of San Joaquin (Stockton) and Stanislaus (Modesto) Counties. Its population was 271,000. Congressman Leroy Johnson, of the old 3rd District, opted to run in the new 11th District because he lived in Stockton. In 1952, he was easily reelected. One cannot question the "good government" aspects of this arrangement in northern California. The 1951 lines improved on the 1941 plan by creating districts that were essentially homogeneous. The old 3rd District had been a hodgepodge of towns running from Napa to Stockton; now the new 3rd district took in the communities of the northern Sacramento Valley, while Stockton and Modesto went into the new 11th District. Incidentally, the district lines featured in this part of the 1951 plan also resulted in the creation of marginal seats. Congressman Scudder's 1st District was captured by the Democrats in 1958, while GOP Congressman Johnson survived in his new seat for two elections before being ousted in 1956 by Democratic Assemblyman John McFall. As for the new 3rd district, the heart of which was the Democratic stronghold of Sacramento, it gave the Democrats one of the two new seats that they acquired in 1952. Democrat John Moss, bucking the Eisenhower landslide, won a narrow victory

over Sacramento County Supervisor Leslie Wood. Ever since that time the district has remained safely Democratic.

Thus the essentially nonpartisan redistricting of this part of California resulted in a net gain for the Democrats of one seat in 1952. As it turned out, too, the ripple effect from drawing these rural lines brought forth a second Democratic gain, this one something of a surprise. Contra Costa County, which had been part of the Oakland-Hayward based 6th District since the 1941 redistricting, was represented for many years by Democrat George Miller. Contra Costa County had experienced tremendous population growth, which meant that by 1950 the 6th District had a population of 708,000. It was, in fact, the largest Congressional district in the state at the time of the 1951 redistricting, and contained about twice the mean district population. In these circumstances, the sensible thing to do was to cut off Contra Costa County from the remainder of the district and reduce the old 6th to its Alameda County base. Contra Costa County, with its population of just under 300,000, could be combined with some neighboring county. As it so happened, adjacent Solano County was available, and so Contra Costa and Solano Counties were combined to form a new 6th District. And again, a logical combination worked in the end to the advantage of the Democrats. Solano County, with a heavy blue-collar population in the city of Vallejo, was a Democratic stronghold. Contra



Costa County also leaned toward the Democrats, since its major city, Richmond, was a working-class suburb. Contra Costa's Assemblyman, Democrat Robert Condon, ran for the new Congressional seat in 1952 and narrowly bested a strong Republican challenger, John Baldwin. Like John Moss, Condon bucked the strong Republican tide for Dwight Eisenhower in 1952 and--largely because of the Democratic nature of his district--managed to emerge victorious. Interestingly, Condon, who had once run for office on Henry Wallace's Progressive ticket, turned out to be too liberal for his working-class, blue-collar district. He served only one term, and was beaten by his former challenger, John Baldwin in 1954. Baldwin held the seat until his death eleven years later, but after that the Democratic nature of the 6th District strongly reasserted itself. The district has been in Democratic hands since the mid-Sixties.

Removing Contra Costa County from the Oakland-Hayward district made reapportionment in Alameda County very simple. Alameda County had been something of a Republican stronghold until the Second World War, and had produced both Republican Governor Earl Warren and the state's Republican Senator, William Knowland. The war years, however, saw a huge influx of blue-collar workers into Edgar Kaiser's Shipyards. Southern Alameda County, with its fast-growing working-class suburbs like Hayward, Fremont and Union City soon became safely Democratic,

even though two cross-filing Republican assemblymen continued to hold office. Northern Alameda County, consisting primarily of Berkeley and the Oakland hills, remained marginally Republican.

Today it sounds somewhat odd to speak of Berkeley and Oakland as Republican towns; but two Assembly districts wandering through the wealthy neighborhoods of the Berkeley and Oakland hills were safely Republican, and northern Alameda County also had a Republican Congressman, John Allen of Berkeley. The GOP reapportionment staff in 1951 decided to leave well enough alone, and divided Alameda County into its Republican and Democratic parts. They thus preserved the partisan balance that had existed in the county since the 1941 redistricting, leaving Congressman Miller with his safe Democratic seat and strengthening slightly the Republican seat of John Allen. Had the Republicans tried to reapportionment Alameda County for maximum partisan advantage, they might have taken the two GOP Assembly districts in the northern part of the county and merged them with a marginally Republican Assembly seat in the south end. Instead, they divided Alameda County into logical northern and southern Congressional districts. (See map #3, Alameda County CDs - ADs 1951.)

The redistricting pattern followed in Alameda County, of creating one safe Republican seat and one safe Democratic seat, was repeated in San Francisco; here, however,

the division of the county into Republican and Democratic districts was done for a frankly partisan purpose, since the intended Republican seat was then occupied by a Democrat, Franck Havenner. Having gerrymandered Havenner's district, the GOP planners then found themselves facing another opportunity for a Republican gain when they looked at the suburban counties south of San Francisco. In this instance, however, it was not necessary to gerrymander a Democrat out of his seat. San Mateo, Santa Clara, Santa Cruz, and San Benito Counties made up the 8th District, currently represented by long-time Republican Congressman Jack Z. Anderson. The 8th District had a population that exceeded the mean by nearly a quarter of a million people, and the easiest solution was just to cut it in two.

The most logical way to divide the 8th District was to combine San Mateo County with Santa Cruz County, and Santa Clara County with Benito County; the resulting two districts would have contained approximately 300,000 people each, and both districts--since Santa Cruz was then strong GOP country--would have been Republican. However, there was no real community of interest between the coastal resort town of Santa Cruz and such Bay Area suburbs as South San Francisco and Redwood City; accordingly, the reapportionment team decided to keep Santa Cruz in the same district with Santa Clara County, with which it had a closer community of interest. San Benito County

was combined with these two counties to form a district with a population of 370,000. San Mateo County then became a self-enclosed district, even though its population of only 235,000 was more than 100,000 persons short of the mean district population. These two districts in the suburban counties south of San Francisco were renumbered 9 and 10, and the number 8 was shifted to George Miller's seat in Alameda County.

Three other northern California districts, the 12th, 13th, and 14th, remained largely unchanged, although they were all renumbered. The 12th district--a marginal constituency then represented by Republican Oakley Hunter--lost Stanislaus County and was reduced to Merced, Madera, and Fresno Counties; Hunter lost his seat in 1954 to Democrat B. F. Sisk, and the Democrats have held the district ever since. The 13th District, a long coastal district running from Monterey through Ventura Counties, was unchanged in the 1951 redistricting; nevertheless, its incumbent congressman, a Republican named Ernest Bramblett, was nearly unseated in 1952. The 14th District, consisting of Kern, Tulare, and Kings Counties, also was untouched by the 1951 reapportionment. Its 1951 incumbent, the Republican Thomas Werdel, was upset by Democrat Harlan Hagan in 1952 after he alienated many GOP voters by running against favorite son Earl Warren in the Republican presidential primary. The seat has

since changed hands three times and is now held by a Republican.

The 1952 elections saw seven Republicans and seven Democrats elected in the fourteen northern California Congressional districts. Democrats won two of the three new congressional seats. This electoral result was in sharp contrast to the situation in southern California, where Democrats managed to win only four of the sixteen Congressional seats in 1952. Unfortunately for the Republicans, their success in the northern California districts in 1952 was the best they would do in that part of the state for the next quarter century. By 1959, the Democrats held nine of the fourteen northern California districts. (Map number 4, northern California, 1951.)

#### Southern California.

The constitutional requirement that Congressional districts generally follow county boundaries helped to prevent gerrymandering of the fourteen northern California districts. In the south, however, where there were twelve districts in Los Angeles County alone, county lines were generally useless in drawing the boundaries of Congressional constituencies. Here the building blocks were Assembly districts, and here the opportunities for mischief multiplied. Here also, the Republicans used the gerrymander to their best advantage.

Nowhere did the Republicans wield a sharper scalpel than in Los Angeles County. The population of Los Angeles had increased from 2.7 million people to 4.1 million during the decade of the 1940s, and this growth justified three more Congressional seats for Los Angeles County. The GOP plan was to create three new seats that would be safely Republican. To be sure this was not an easy task. Of the nine incumbent congressmen in the county, four were Democrats: Sam Yorty in the 14th District, Cecil King in the 17th, Clyde Doyle in the 18th and Chet Holifield in the 19th. All these men had safe districts, and all were likely to seek reelection. Even more disturbing to Republican planners, these four Democratic districts comprised some 1.9 million people, which meant that at least one new Democratic seat might be created from their excess. However, the Republican planners took a close look at these four districts and determined that while all four were now in the hands of strong Democrats, not all their territory was Democratic.

The four districts in question occupied most of the southern half of Los Angeles County (see map number 5, Los Angeles County, 1941 Districts). King's 17th and Doyle's 18th Districts, which had a combined population of 1.2 million people, included most of the growth areas in the southern part of the county. Within these two districts there was sufficient population for the creation of one additional district and part of another. Clyde



Doyle who represented Compton, Downey and Long Beach had been opposed for reelection in 1950 by a Long Beach Republican named Craig Hosmer, who ran a strong race for the seat. Republicans therefore decided to create a district for Hosmer by drawing one of the county's three new districts in Long Beach. Doyle's old number 18 was given to this seat, and Hosmer did win it in 1952. The seat was only Republican-leaning, however, and not safe; although Hosmer held it until his retirement in 1974, when the seat went to a Democrat.

Clyde Doyle's district was given the new number 23, and his constituency was reduced to the Democratic area of Compton. Chet Holifields' 19th District, although undergoing some population trade-offs, remained safely Democratic. Part of Cecil King's Democratic 17th District was added to Yorty's District, leaving both seats in largely Democratic areas. Yorty's seat, renumbered the 26th, became a wandering district that combined all the Democratic areas GOP line-drawers could find in south and west Los Angeles.

As it turned out, all four of the districts held by Democratic incumbents in 1951 were left oversized by the redistricting. The 17th had 409,000 people, the 19th had 451,000 people, the 23rd had 436,000 people, and the 26th had 434,000. Hosmer's new 18th District, by contrast, had only 270,000 people--and this was not by accident. Each of the four Democratic districts was

made up of three Assembly districts, most of them large Assembly districts. Hosmer's constituency, on the other hand, consisted of only two Assembly districts, one of them safely Republican and the other marginally Republican. Thus the GOP strategy was clear; most of the Democratic voters in central and southern Los Angeles were jammed into the four oversized districts already held by Democrats. (See map #6, Southern Los Angeles County, 1951.) That left the seven other Assembly districts in Los Angeles to be carefully combined with various Republican strongholds elsewhere in the county. This division was the heart of the 1951 Los Angeles gerrymander.

Five Republican Congressmen represented the rest of Los Angeles County, but two of them held seats that were only marginally Republican. Congressman Norris Poulson had won the 13th District from a Democrat in 1946. His district consisted of three Assembly districts lying just north of downtown Los Angeles, in the area of Eagle Rock, Highland Park, and Silver Lake. Lying immediately to the west of the 13th, and running southward from there, was Gordon McDonough's 15th District, which encompassed another three Assembly districts in Hollywood, Hancock Park, and Baldwin Hills. It is surprising today to find that two Republican Congressmen represented this area, since most of this part of Los Angeles is now overwhelmingly Democratic.. But in the 1940s these were the affluent Los Angeles suburbs, the "nice areas"

close to downtown Los Angeles. Not only did two Republican Congressmen represent the area, but six of the seven Assemblymen in the area--including the two reapportionment Assemblymen, Laughlin Waters and Charles Conrad--were also Republicans.

Despite their apparent strength in this part of Los Angeles County, Republicans knew in 1951 that in the near future they would face severe difficulties in these Congressional and Assembly districts. This was because, in the years after the war, three types of migration were gradually but steadily changing the character of north and west Los Angeles. A black migration from Watts toward the coast, across Vermont, Normandie, and Western Avenues, was slowly displacing the white families who had settled there in the 1920s and 1930s. Among the displaced whites were Los Angeles Jewish families, who were moving farther to the west, thus turning Protestant Republican neighborhoods into Jewish Democratic ones. North of the city's center, a movement of Hispanics had begun that would eventually transform places like Echo Park and Highland Park into Chicano political strongholds. Here, too, the Republican voters were moving away, leaving their Republican Assemblymen with a choice of either moving along with them or facing eventual defeat by the incoming Democratic tide.

Biographer Lou Cannon, describing the political transformation of Los Angeles, said 1951 was, "not yet

time for the Democratic Party in these neighborhoods,"<sup>11</sup> but the day of Democratic triumph could not be far off. Realizing this, the Republican planners decided to deal with the problem by extending their Congressional and Assembly districts as far from the Democratic migrations as possible. It was not an easy task to try to save two GOP Congressmen and six Assemblymen in an area of declining Republican strength; and certainly it could not be done without some tortuous lines. Nevertheless, the Republicans went about their work with energy and care.

The need to save so many endangered Republicans explains the oddly shaped lines of the heavily Democratic 26th District. Its predecessor, the old 14th District, was a neatly shaped downtown district. The new 26th, however, was intended to encompass both the black neighborhoods of south-central Los Angeles and the Jewish precincts in Culver City and Fairfax. All the Republican neighborhoods in the Wilshire district, and around MacArthur and Hancock Parks, were then jammed into the 15th District, which gave Congressman Gordon McDonough and the three incumbent Republican Assemblymen a much better chance at reelection.

Despite the careful gerrymander in this part of Los Angeles, the 15th District remained marginal throughout the 1950s. Gordon McDonough held his seat for the remainder

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<sup>11</sup>Cannon, Lou, Ronnie and Jesse, (New York: Doubleday, Inc., 1969, p. 65.

of the decade, but--except in 1952, when he successfully cross-filed--he never won reelection by more than a few thousand votes. As for the Assembly seats within McDonough's Congressional district, by 1960 two of the three belonged to Democrats.

Saving the Congressional seat of Norris Poulson in 1951 proved a somewhat easier task for the Republican redistricting staff, although here too they had to create a gerrymandered district. To the north of Poulson's 13th District lay the heavily Republican cities of Pasadena and South Pasadena. South Pasadena was added to Poulson's new district--renumbered the 24th--while the Democratic neighborhoods around Lincoln Park were detached from it. The district, with a population of just 265,000 (75,000 below the norm for a Congressional seat), was thus compacted to cover just South of Pasadena, Eagle Rock, Highland Park, and Silver Lake. Poulson's Democrats had been shifted into Chet Holifield's safe Democratic seat, which emerged with a population of 451,000 people. (See map #7, 19th, 24th, 15th and 26th CDs.) The creation of Poulson's new district provided a prime example of the Republican strategy of creating small GOP districts, encompassing just two Assembly districts, and large Democratic districts, consisting of three Assembly districts.

The GOP reapportionment strategists had a relatively easy time protecting the other three Republican Congressmen

in Los Angeles County. Immediately north of Poulson's district was the heavily Republican 20th District of Carl Hinshaw. It included the cities of Pasadena, Arcadia, Glendale, and Burbank, together with most of the north San Fernando Valley. This was an area of tremendous growth, its population having gone from 353,000 in 1941 to 650,000 in 1951. Almost all of the area was solidly Republican.

Just to the north of Hinshaw's district there was one Assembly district, the 41st, which since 1941 had been attached to the San Bernardino County Congressional seat. In 1941, Waters' map-makers decided to reunite this Assembly district, which included Lancaster, Palmdale, and the northern tip of the San Fernando Valley, with a Los Angeles Congressional seat. They then took the resulting area, which included a population of some 800,000 people, and divided it into two and half Congressional districts.

First Hinshaw's district was formed, and his huge constituency was reduced just to the cities of Glendale, Pasadena and half of Burbank. Then a new 21st District was created, including the San Fernando Valley communities of Chatsworth, Northridge, Pacoima, Sun Valley and the rest of Burbank. This district then ran through the mountains, dipping down to absorb the foothill towns of Arcadia, Sierra Madre and Monrovia. Geographically the district was huge, but it only had 396,000 people. Although the new district contained three Assembly districts,



it was smaller than the three-Assembly district Congressional seats created in southern Los Angeles.

Although the district was not heavily Republican, it did include areas of Republican growth. In 1952 it was hotly contested between Democratic Assemblyman Everett Burkhalter and Republican businessman Edgar Hiestand. Republican Hiestand won, and held the seat for a decade. But in 1961, after the Democrats redrew the lines, Burkhalter returned for a rematch and ousted Hiestand. He served a term and then the seat went Republican again.

Hinshaw's old district still left room for at least part of another Congressional constituency, and GOP planners carefully drew another Republican-leaning district, this one entirely in the San Fernando Valley and western Los Angeles. Small portions of two other districts were added to this new seat, so that the resulting 22nd Congressional District included part of Hollywood as well as the Valley towns of Studio City, Sherman Oaks, Reseda, and Canoga Park. The district was marginal, but Republican candidate Joe Holt was strong enough to win the seat in 1952. Holt held the seat until his retirement in 1960; since then, however, the seat has been held by a Democrat.

The 22nd Congressional District was another undersized Republican district created in 1951. It was comprised of only two Assembly districts, with a combined population of only 229,000 people. The adjacent 16th Congressional District, held by Republican Donald Jackson, had

a population in 1950 of 478,000. In the reapportionment, one of its three Assembly districts was removed, and its population was reduced to 228,000. Formerly, the 16th District had extended out into the San Fernando Valley; now, the new district was confined to Beverly Hills and west Los Angeles. Congressman Jackson, an arch-conservative, held the seat until his retirement in 1960.

The final district needing adjustment in Los Angeles County was the 12th Congressional District, which lay in the San Gabriel and Pomona Valleys. This was thought in 1951 to be a safely Republican district, although prior to the GOP landslide of 1946 it had had a Democratic incumbent, Jerry Voorhis. Voorhis lost to Richard Nixon in 1946, and when Nixon went on to the Senate in 1950 he was succeeded by the Republican Patrick Hillings. To make sure that Hillings would have a safe district, the GOP planners in 1951 detached some Democratic territory in the Rosemead-El Monte Area. Although the district also lost the Republican city of South Pasadena, it retained the Republican strongholds of Alhambra, San Gabriel and Whittier.

Waters' map-makers had reduced the population of the 12th District from 475,000 to 378,000, but the district still contained three Assembly districts. The 12th covered a huge land area in eastern Los Angeles County, running in an arc from Alhambra to Whittier, and extending

to the south and east all the way to the Orange and San Bernardino county lines. This area mushroomed in population throughout the 1950s, so that by 1960 the Congressional district, now numbered the 25th, had one of the largest populations of any Congressional district in the nation. In the process of this rapid growth, the district had also lost something of its Republican character. When Patrick Hillings ran unsuccessfully for Attorney General in 1958, a Democrat narrowly won the seat, and held it for one term. The seat was recaptured by a Republican in 1960. (See map #8--16th, 20th, 21st, 22nd, and 25th CDs.

The Republican gerrymander of Los Angeles County was a masterful job of combining existing jurisdictions--in this case, Assembly districts--for maximum political effect. Much of the Republican success depended on the clever use of population disparities. Republican neighborhoods were spread about among smaller Congressional districts, thus giving maximum advantage to the county's minority of Republican voters. Moreover, as Leroy Hardy has pointed out, over-populated Democratic Assembly districts were generally grouped in threes, under-populated Republican districts in pairs.<sup>12</sup> This circumstance, Hardy says, helped bring about the anomalous situation of 1954, when Republicans received only 49 percent of the Congressional vote in Los Angeles County, but won 66 percent of the seats.

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<sup>12</sup> Hardy, p. 16.

Even more essential to the GOP success than the manipulation of population disparities, however, was the success of the redistricting staff at combining nearly all Democratic neighborhoods into heavily Democratic districts, while leaving most Republican seats marginal. This tactic worked well for the GOP for the remainder of the decade. In 1952, 1954, and again in 1956, Republicans won eight of the twelve Congressional seats in the county. Even when the Republicans suffered an electoral debacle in California in 1958, they still managed to win seven of the twelve Los Angeles County seats--a feat they repeated in 1960. And this was in a county that was heavily Democratic in registration.

The day of reckoning for Republicans in Los Angeles County finally arrived in 1962, after the Democratic redistricting of 1971. Of the fifteen districts allotted to Los Angeles after this redistricting, the Republicans won only four in 1962, while the Democrats walked away with eleven. Now, three reapportionments later, Republicans hold six Los Angeles Congressional districts, and the Democrats ten.

The differences between the Republican and Democratic districts in Los Angeles County under the 1951 reapportionment are dramatically underscored by an examination of the make-up and population of the respective Republican and Democratic districts. (See map #9, L.A. 1951 with dividing line highlighted.)

Democratic Congressional Districts, Los Angeles County

| <u>District</u>           | <u>Population</u> | <u>Assembly Districts</u> |
|---------------------------|-------------------|---------------------------|
| 17th District - King      | 409,334           | 46, 67, 68                |
| 19th District - Holifield | 451,332           | 40, 45, 51                |
| 23rd District - Doyle     | 436,250           | 52, 55, 69                |
| 26th District - Yorty     | 434,295           | 61, 62, 66                |
| Total                     | 1,731,221         | Assembly Districts: 12    |

Republican Congressional Districts, Los Angeles County

| <u>District</u>                                       | <u>Population</u>     | <u>Assembly Districts</u>              |
|---|-----------------------|--|
| <sup>37</sup> 15th District - McDonough <sup>41</sup> | 410,306 <sup>54</sup> | <sup>64</sup> 58, 63, 65 <sup>14</sup> |
| 16th District - Jackson                               | 288,712               | 59, 60                                 |
| 18th District - Hosmer                                | 270,185               | 44, 70                                 |
| 20th District - Hinshaw                               | 231,185               | 43, 47                                 |
| 21st District - Hiestand                              | 396,879               | 41, 42, 48                             |
| 22nd District - Holt                                  | 229,389               | 57, 64                                 |
| 24th District - Poulson                               | 274,811               | 54, 56                                 |
| 25th District - Hillings                              | 378,522               | 49, 50, 53                             |
| Total:  | 2,479,989             | Assembly Districts. 19                 |

After the 1952 elections, the Republicans held twice as many Los Angeles County Congressional seats as the Democrats, even though the eight Republican districts contained only about 700,000 more people than the four Democratic districts. It is little wonder, then, that the Democrats cried foul over the Republican redistricting plan. In 1958, Democratic Congressional candidates in Los Angeles County received a total of almost 1.2 million votes to only about 870,000 for

Republican candidates, yet the Democrats won only five seats to seven for the Republicans.

Laughlin Waters' reapportionment committee still had four Congressional seats to apportion once Los Angeles County was completed, and once again it found itself confronting the whole county restriction. The districting of one seat seemed obvious. Senior Democratic Congressman Harry Sheppard represented San Bernardino County and one Assembly district in Los Angeles County; his district was reduced to San Bernardino County alone, with a population of 280,000. The committee then dealt with the district of Republican John Phillips, whose present constituency of Orange, Riverside, and Imperial Counties had a total population of 446,000. The solution arrived at was the removal of Orange County which then had a population of only 216,000; Phillips was left with a district of 231,000 in Riverside and Imperial Counties. Orange County had a Republican voting tradition, and could now form the nucleus of a new district.

The one remaining untouched district in the state was that of Democrat Clinton McKinnon, whose present 23rd Congressional District consisted of all of San Diego County. With a population in 1950 of 535,000, San Diego County was well over the norm for a Congressional district. The obvious solution was to detach an Assembly district from San Diego County, which after redistricting had four, and to combine it with Orange County. In this



instance, the Republicans again wielded the gerrymander knife. It would have been logical to detach the northernmost San Diego Assembly district for the Orange County seat, but that would have created an overwhelmingly Republican seat in Orange County, while leaving San Diego County with a marginally Democratic seat. Since McKinnon was known to be considering a race for the U.S. Senate against William F. Knowland in 1952, the Waters' Committee decided to encourage him to vacate. Thus, the Assembly district used for the Orange-San Diego seat was the 77th District, located in southern San Diego County. This district was arched from Democratic neighborhoods in National City through the sparsely populated northern part of the county, and was attached to Orange County to form the new 28th Congressional District. True to Republican intentions, the seat was carried by Republican James Utt in 1952, and became more strongly Republican as the decade progressed. (See Map #10 San Diego County.)

Clinton McKinnon did indeed vacate his San Diego Congressional seat to run for the Senate in 1952, and Republican Bob Wilson succeeded him. Despite a number of close calls at the voting booths, Wilson remained in Congress until 1980 to become the last member of California's "class of 1952," and the dean of the California Congressional delegation.

The final Congressional redistricting plan of the Waters' Committee was approved by the Legislature in

March of 1951, and was signed into law by Governor Warren in May. It divided the state into thirty Congressional districts as follows: (See map #11, 1951 Congressional plan.)

| <u>District</u> | <u>Status</u> | <u>Population</u> | <u>1952 Winner</u> | <u>Change</u>   |
|-----------------|---------------|-------------------|--------------------|-----------------|
| 1st             |               | 362,935           | Scudder (R)        |                 |
| 2nd             |               | 326,906           | Engle (D)          |                 |
| 3rd             | New District  | 396,406           | Moss (D)           | Democratic gain |
| 4th             |               | 371,000           | Mailliard (R)      | Republican gain |
| 5th             |               | 389,000           | Shelley (D)        |                 |
| 6th             | New District  | 402,263           | Condon (D)         | Democratic gain |
| 7th             |               | 365,400           | Allen (R)          |                 |
| 8th             |               | 358,200           | Miller (D)         |                 |
| 9th             | New District  | 234,080           | Younger (R)        | Republican gain |
| 10th            |               | 369,188           | Gubser (R)         |                 |
| 11th            |               | 327,300           | Johnson (R)        |                 |
| 12th            |               | 380,385           | Hunter (R)         |                 |
| 13th            |               | 392,182           | Bramblett (R)      |                 |
| 14th            |               | 422,139           | Hagan (D)          | Democratic gain |
| 15th            |               | 410,306           | McDonough (R)      |                 |
| 16th            |               | 288,712           | Jackson (R)        |                 |
| 17th            |               | 409,334           | King (D)           |                 |
| 18th            | New District  | 270,185           | Hosmer (R)         | Republican gain |
| 19th            |               | 451,322           | Holifield (D)      |                 |

| <u>District</u> | <u>Status</u> | <u>Population</u> | <u>1952 Winner</u> | <u>Change</u>   |
|-----------------|---------------|-------------------|--------------------|-----------------|
| 20th            |               | 231,241           | Hinshaw (R)        |                 |
| 21st            | New District  | 396,879           | Hiestand (R)       | Republican gain |
| 22nd            | New District  | 229,389           | Holt (R)           | Republican gain |
| 23rd            |               | 436,250           | Doyle (D)          |                 |
| 24th            |               | 274,811           | Poulson (R)        |                 |
| 25th            |               | 378,522           | Hillings (R)       |                 |
| 26th            |               | 434,295           | Yorty (D)          |                 |
| 27th            |               | 280,252           | Sheppard (D)       |                 |
| 28th            | New District  | 339,625           | Utt (R)            | Republican gain |
| 29th            |               | 231,972           | Phillips (R)       |                 |
| 30th            |               | 410,403           | Wilson (R)         | Republican gain |

The 1951 redistricting as applied to the 1952 elections, resulted in a net gain of six Congressional seats for the Republicans, but only one additional seat for the Democrats. The key to the Republican gains was their success in winning the newly created seats. Of the seven new seats, Republicans won five; they also defeated one incumbent Democrat and took over one open Democratic seat. As for the Democrats, they won two of the new seats and defeated one Republican incumbent, but lost two of their own seats. The Republican advantage of thirteen to ten in the 1950 California Congressional delegation was expanded in 1952 to nineteen Republicans versus eleven Democrats.

This mostly Republican "class of 1952" was one of the largest freshman contingents ever to take its place in the California Congressional delegation, and might have been a simple footnote

in the history books were it not for one remarkable result of the 1951 California redistricting. Laughlin Waters' purposeful drawing of the new Congressional districts to maximize Republican opportunities provided just the margin necessary for the GOP to capture the House of Representatives in 1952. This was the last Republican controlled House in modern times.

Republicans had been eighteen seats short of majority control after the 1950 election. In the 1952 election, they gained twenty-two seats--most of them as a result of the Eisenhower landslide--and this gave them a majority of 221 Republicans to 215 Democrats. This was a margin of just three seats, however, and the margin almost certainly would not have existed were it not for the election results in California--which provided the GOP with seven of the twenty-two Congressional seats it gained in 1952.

In winning nineteen of California's thirty Congressional districts in 1952, Republicans came away with 63 percent of the state's seats in Congress. The GOP percentage of the total Congressional vote, however, was only 54 percent, to 46 percent for the Democrats. This was a pattern that was to continue throughout the decade of the fifties, as Republicans consistently won more seats than could be justified purely by their percentage of the total vote. The Congressional percentages and seats won were:

|                             |                       |
|-----------------------------|-----------------------|
| 1952 vote:                  | Seats won:            |
| Republican: 2,382,000 (54%) | Republicans. 19 (63%) |
| Democratic: 2,030,000 (46%) | Democrats: 11 (37%)   |
| 1954 vote:                  | Seats won:            |
| Republican. 1,876,000 (48%) | Republicans: 19 (63%) |
| Democratic: 1,991,000 (52%) | Democrats: 11 (37%)   |

|                             |                       |
|-----------------------------|-----------------------|
| 1956 vote:                  | Seats won:            |
| Republican: 2,466,000 (48%) | Republicans: 17 (57%) |
| Democratic: 2,664,000 (52%) | Democrats: 13 (43%)   |
| 1958 vote:                  | Seats won:            |
| Republican: 1,981,000 (40%) | Republicans: 14 (47%) |
| Democratic: 2,971,000 (60%) | Democrats: 16 (53%)   |
| 1960 vote:                  | Seats won:            |
| Republican: 2,855,000 (46%) | Republicans: 14 (47%) |
| Democratic: 3,336,000 (54%) | Democrats: 16 (53%)   |

A key method in determining if a state has been gerrymandered is to compare the percentages of the vote won by the two parties to the percentages of seats won. In California, only in 1960 did the percentages approximate one another during the life of the 1951 reapportionment. For added interest, one might compare the election results in 1962 to those obtained in the 1950's. In 1962, the Republicans managed to win 48 percent of the vote, but only 34 percent of the Congressional seats (thirteen of thirty-eight). Six years earlier, in 1956 they had won 48 percent of the vote and 56 percent of the seats. The difference, of course, was that the 1956 election was conducted under a Republican gerrymander, while the election in 1962 took place under a Democratic one. In the 1961 reapportionment, the Democrats had proven that they were as expert at the gerrymander as the Waters committee was in 1951.

\* \* \*

The gerrymander of California Congressional districts in 1951 overshadowed what Waters' districting committee was doing to the legislative districts. The Republicans for the most part avoided an obvious gerrymander of the state's eighty Assembly

districts, and, of course, there was no reapportionment at all of the forty Senate seats. However, the GOP did have some opportunities in the Assembly redistricting, and the Waters' Committee made the most of them.

The vast majority of Assemblymen regularly won reelection in the primary through cross-filing, so the committee made no attempt to defeat any incumbent Assemblyman by restructuring his district. The Republicans did see an opportunity to pick up seats, however, by shifting representation out of counties with declining populations and into growing counties. Under terms of Article 4, Section 6 of the State Constitution, Assembly districts could not cross county lines; this meant that districts could not be elongated from a county of declining population into a county that was increasing in population (a practice that became common later on). Counties could gain or lose only entire seats.

The shift of seats among the counties in 1951 was as follows:

San Francisco County: Loss of two Assembly districts, the districts going to San Mateo and Contra Costa Counties, which gained one seat each.

San Joaquin County: Loss of one of its two seats, with the gain going to Kern County, which went from one to two seats.

Los Angeles County: Loss of one seat to San Diego County, Los Angeles going from 32 to 31 seats, and San Diego from three to four seats.



The Republicans carefully chose the seats that were to be shifted, with the result that each of the Assemblymen whose district was shifted to another county was a Democrat. And, with one exception, every new seat created was won by a Republican in 1952. In Los Angeles County, the Waters committee also shifted two seats from the downtown area to the suburbs, where the Republicans ended up winning both districts. Once again, the gerrymander's scalpel had been wielded with precision.

#### The 1951 Assembly Districts

For most parts of the state, the reapportionment committee formulated an Assembly redistricting plan that was bound to please incumbents. As stated earlier, most incumbents won reelection in the primary anyway, and so would not be badly hurt by some moderate line shifting. Changes in the rural areas consisted of an occasional trade of a county from one district to another. The first nine Assembly districts comprised the rural northern part of California, together with Sacramento County; and few changes at all were made in these districts. The 10th District comprised all of Contra Costa County, and its population of 299,000 was nearly twice the mean population of 132,000 for an Assembly district. Contra Costa County was therefore divided into two districts, and these were renumbered 10 and 11. The Democratic incumbent in the county, Robert Condon, was assured of a safe

Democratic Assembly seat in the western part of the county, while the new, non-incumbent district in eastern Contra Costa County included several heavily Republican suburbs in addition to the Democratic towns of Pittsburg and Antioch. As was intended by the redistricting committee, a Republican won the new Contra Costa seat in 1952.

The 12th Assembly District included all of San Joaquin County, which lost to Kern County one of the two seats it previously held; this shift left two Democratic incumbents in a county that now had only one seat. The 13th through the 18th districts were in Alameda County, and no significant changes were made in any of these districts. The next six districts, however, were in San Francisco County, and here the changes were pronounced. San Francisco County had had eight districts under the 1941 reapportionment, but lost two of them in 1951. The Republican planners intended to make certain that the two losers were Democrats. And, since six of the eight San Francisco incumbents were Democrats, this was not a difficult task.

Today, it is hard to find any part of San Francisco that could be called strongly Republican; in 1951, however, there was still a significant population of established Republican families in the city. One Assembly district, the 21st, in the Marina and Richmond districts, was historically Republican, and actually had a GOP majority of registered voters. The second Republican-held Assembly district, the 20th, lay south of Market Street in heavily

Democratic wards, but had a fifteen-year, cross-filing Republican incumbent named Tom Maloney. The reapportionment committee made certain that both these districts were as safe as possible for the GOP incumbents. This left four districts in San Francisco for the six Democratic incumbents to fight over. The 19th district was shifted from the Sunset to the southwestern part of the city. The 22nd, 23rd, 24th, 25th, and 26th districts were shifted about as the area in question had its representation reduced from five seats to three. (See map #12, S.F. Assembly seats 1941, 1951.)

One of the two Democratic seats lost in San Francisco became a Republican seat in Contra Costa County, and the other a Republican seat in San Mateo County. San Mateo County, in 1951, had less than sufficient population for two seats, but acquired a second district apparently because it was a growing and a Republican County. The line dividing the county's two districts ran east-west between San Mateo and Belmont, creating one safe Republican seat in the south and one marginal seat in the north. This same basic pattern was followed in Santa Clara County, which also had two seats. The dividing line was east-west, cutting San Jose in half to create two Republican seats. The Democrats came close during the decade to winning each of these seats, but the GOP managed to hold both of them until 1962.

The four central coast Assembly seats and seven Central Valley seats remained basically unchanged. Kern County, which

had one Republican Assemblyman in 1950, was divided into two districts along a north-south line. The seats went to a Republican and a Democrat following reapportionment. The southern California seats, outside of Los Angeles and San Diego Counties, were changed hardly at all. Ventura, Riverside and Imperial Counties maintained their single seat each. San Bernardino County was traditionally divided into one Republican and one Democratic district, and that tradition was maintained. Orange County had two seats, both of which had been Republican since before the turn of the century. In 1951, the county was divided into a northern and a southern district along the Santa Ana River, and in a 1956 special election a Democrat, Richard Hanna, managed to win the northern seat. Although it was not apparent in 1951, the GOP reapportionment had actually created a marginal seat in Orange County, and after the Democrats won it in 1956, it remained in the Democratic column.

As was the case with the Congressional redistricting plan, the most unusual and irregular district lines in the Assembly plan were found among the thirty-one districts in Los Angeles County. And as with the Los Angeles County Congressional districts, the Democratic Assembly districts tended to be larger, the Republican ones smaller. Of the five largest Los Angeles districts created in the 1951 redistricting, all had Democratic incumbents; of the five smallest districts, four were held by Republicans, one by a Democrat. It was clear that the Republicans had

drawn oversized Democratic districts in order to reduce Democratic strength in the county's Assembly delegation.

Los Angeles County had to lose one seat as a result of the redistricting, and it was obvious that a number of other seats located in the City of Los Angeles would have to be moved into the suburbs to achieve rough population equality. "White flight" had begun already in the 1940s, although few people recognized it as such. Population requirements necessitated that the districts in downtown Los Angeles be reduced by two, and that the two seats be moved to the San Fernando Valley and to San Diego, respectively. The seat selected for removal to San Diego was a Democratic one while the seat intended for the Valley had a Republican incumbent. The Republican planners did not fear the loss of a Republican seat, however, since the new Valley seat would probably go Republican. All of the other Los Angeles County seats were rearranged in ways that satisfied the incumbents, Democrats as well as Republicans. However, this is not to say that partisan considerations did not play a part in the rearrangement. Assembly districts, after all, were used to build Congressional districts, and the Republicans wanted to maximize their Congressional opportunities. One consequence was that Republican Assembly districts were drawn to correspond with Congressional districts that leaned Republican, while the same went for Democratic districts. This phenomenon is indicated by the following chart:

incumbents; so he simply followed his number. The new 64th was a marginally Republican seat in the fast-growing San Fernando Valley. McGee moved to the Valley, announced that he was the incumbent in the 64th district, and ran for re-election in 1952. He won not only his own primary but the Democratic primary as well, and was returned to the office that he was to hold for several succeeding elections.

Most of the remaining Los Angeles County districts were strengthened for the incumbent in 1951, either by trade-offs with neighboring districts, or by elongating the existing district into areas of party strength. For instance, the 46th district of Republican Charles Chapel, and the 68th district of Democrat Vincent Thomas, were both strengthened for the incumbents by the shifting of the Republican Palos Verdes peninsula from Thomas to Chapel. The 45th district, which had a Democratic incumbent, was elongated to take in two pockets of Democratic strength. The Democratic 61st district was stretched around the marginally Republican 63rd district, to help keep the latter in GOP hands. Although the Democratic party as a whole was damaged by these trades, most Democratic incumbents made definite gains. (See map #13, L.A. county ADs).

In the first election after the redistricting--with most incumbents winning both nominations through cross-filing--Republican won twenty-one Assembly seats in Los Angeles County, and the Democrats ten. In 1954, a year when far fewer Assemblymen were successful in cross-filing, the GOP advantage showed up even more strongly. Although Democrats received 59 percent of the



total Assembly vote, they won only fourteen of the thirty-one seats. Democrats won by enormous margins in oversized districts, while Republicans won by close margins in undersized districts. Unfortunately for the Democrats, this imbalance continued throughout most of the decade.

San Diego County is the remaining area in which there is some evidence that Assembly districts were drawn for political advantage in 1951. San Diego County picked up one seat lost by downtown Los Angeles, and the reapportionment committee wanted to insure that this would be a Republican seat. Therefore, it was placed in southeastern San Diego, but was extended to take in most of the desert areas as well as the northern part of the county; this made it a marginally Republican district. As for the other three Assembly seats in San Diego County, they were all held by Republican incumbents in 1951. The reapportionment committee wanted to reshape the lines to guarantee that they would stay that way, but this was not an easy task, given the large areas of Democratic strength in the southern part of the county. Eventually, the lines were drawn to create one safely Republican district in Point Loma, La Jolla, and Mission Valley, and three marginal seats. One of the marginal seats, the 77th, ran from south-central San Diego to the Orange County line. A second, the 79th, consisted of central San Diego. And the third, the 80th district, took in most of the southern part of the county, including Chula Vista and Coronado. Republicans did manage to hold all four Assembly seats in San Diego County in 1952, but later in the decade the Democrats won two of the four. (See map #14 state map of Assembly districts).

Republicans went into the 1952 elections holding forty-seven of California's eighty Assembly districts, and they emerged controlling fifty-four. (Unfortunately for the GOP, this was to prove a modern high for them; since 1952, they have never come close to winning fifty-four Assembly seats.) Most of these gains, however, came not from the redistricting, but came because of Democratic retirements. Two Democratic Assemblymen, for example, vacated their Assembly seats to run for the new Sacramento Valley Congressional seat, and the GOP picked up both districts. Two other Democrats, in Los Angeles and along the coast, retired and the GOP also won these two seats. Finally, three Democratic seats were won in 1952 as a result of counties losing districts in the reapportionment. Altogether, the Republicans won 67 percent of the Assembly seats in 1952.

It was remarkable, however, how quickly the overwhelming Republican advantage of 1952 was dissipated. The following chart shows the huge decline in the Republican Assembly vote during the decade, which brought about the decline in GOP seats from the 1952 high of fifty-four to just thirty-three after the 1960 election.

| 1952 vote:                  | Seats won:            |
|-----------------------------|-----------------------|
| Republican: 2,660,000 (67%) | Republicans: 54 (67%) |
| Democratic: 1,306,000 (33%) | Democrats: 26 (33%)   |
| 1954 vote:                  | Seats won:            |
| Republican: 1,831,000 (51%) | Republicans: 48 (60%) |
| Democratic: 1,793,000 (49%) | Democrats: 32 (40%)   |

1956 vote:

Republican. 2,331,000 (47%)

Democratic: 2,664,000 (53%)

Seats won:

Republicans: 42 (53%)

Democrats: 38 (47%)

1958 vote:

Republican: 1,972,000 (41%)

Democratic: 2,897,000 (59%)

Seats won:

Republicans: 34 (43%)

Democrats: 46 (57%)

1960 vote:

Republican: 2,754,000 (45%)

Democratic: 3,358,000 (55%)

Seats won:

Republicans: 33 (41%)

Democrats: 47 (59%)

By the end of the decade, the Republicans were actually winning a smaller percentage of Assembly seats than their percentage of the total Assembly vote. This was due in part to the fact that the 1951 Assembly plan was not an extreme partisan gerrymander, as the Congressional plan was. Also, by the decade's end the Republican suburban seats, which were generally underpopulated in 1952, had become greatly overpopulated. California gained five million additional residents during the 1950's, and most of them lived in the suburbs. And finally, it should be pointed out that since a majority of the new residents were Democrats, a number of Republican-leaning suburbs had taken on a Democratic flavor by the end of the decade.

There is another reason that helps explain the decline in GOP fortunes as the 1950's progressed: the end of cross-filing. Just as the Republicans had managed to undercut nonpartisanship in state politics by their 1951 gerrymander, they also undid their great advantage in cross-filing with a ballot measure that they themselves endorsed. In the 1952 election, Democrats, still smarting from the Waters gerrymander, decided to try to end the cross-filing system that generally gave a great advantage

to Republican incumbents. To that end, they circulated and qualifie for the ballot an initiative to do away with cross-filing. The GOP hierarchy, acutely aware of what it would mean to their party to end cross-filing in a state with a three-to-two Democratic edge in registration, responded by putting on the ballot their own initiative that was a milder form of the Democratic measure. The Republican initiative kept cross-filing alive, but provided for party designation of candidates--something that had not existed before. Of course, the Republican initiative was intended to head off the Democratic measure, since the one receiving the most votes would become law. Ultimately it was the Republican initiative that passed, in time to take effect for the 1954 elections. Unfortunately for the GOP, as Lou Cannon put it, the party's leadership had been "too clever by half":

The cross-filing repealer lost and the Republican counterplan became law. The result was that Democratic voters learned for the first time the political identity of Republican Congressmen and legislators that they had regularly been voting into office. The Republicans, underestimating the importance of party designations, had thoroughly outwitted themselves. The most important prop of Nonpartisanship had been removed.<sup>13</sup>

Putting party designations on the ballot, of course, did not prevent an incumbent from cross-filing, it did, however, make cross-filing largely irrelevant, because Republicans could no longer win Democratic primaries once their party designations became known. In Los Angeles County, for instance, twenty-five Assemblymen--mostly Republicans--had successfully cross-filed in 1952 when there were no party designations. But in 1954, with party symbols accompanying each candidate's name, only three Assemblymen successfully cross-filed--and all three were Democrats.

In the last years before formal repeal by the Legislature in 1959, cross-filing actually worked to the advantage of the Democrats. Partisan voting was on the rise in urban areas, but

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<sup>13</sup>Cannon, p. 56.

in rural California the norm was still a vote "for the man, not the party." As a result, Democrats in rural areas were able to use cross-filing in the 1950s to break the post-war Republican hold on rural seats, both legislative and Congressional. In 1958, for example, eight of the twenty state senators who were up for election successfully cross-filed, but five of the eight were rural Democrats. In the 1958 Assembly races, only two Republicans won Democratic nominations, while fourteen Democrats successfully cross-filed on the Republican side. After the Democrats won their landslide legislative majorities in 1958, the first thing the new Democratic legislature did in 1959 was to repeal cross-filing altogether. Constant reminders of the long history of "Republican nonpartisanship" were just too much to bear; so that even the evidence that cross-filing was now helping them did not keep the Democrats from finally bringing to an end this remnant of the nonpartisan era.

It should be pointed out that even without the advent of party designations, it is likely that the Democrats eventually would have triumphed over the cross-filing barrier. Cross-filing was not a sure-fire way to elect Republicans, as some Democrats claimed, but a method of insulating incumbents; and once the Democrats began winning large numbers of seats, cross-filing worked for them just as it had worked for decades for the Republicans.

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The 1951 reapportionment achieved the GOP's short-term goal of adding Republicans to the California Congressional delegation in 1952. Over the long term, however, the 1951 redistricting failed to halt the trend toward Democratic supremacy in California state politics. Political movement in the 1950s was simply toward the Democrats. Although the GOP gained some Assembly and Congressional seats in suburban communities as a result of population movements, many more Republican seats were eventually lost because of other population movements and a variety of contributing factors. During the 1950s, Republicans lost more Assembly districts in urban areas than they ever gained in the suburbs. In Los Angeles County, for example, the Republicans carried twenty-one of the thirty-one Assembly districts in 1952, but only thirteen districts in 1960. Of the districts that were lost to the Republicans in this period, four were located in west Los Angeles, one was an urban Long Beach district, one was a suburban Pomona Valley district, and one was located in suburban San Fernando Valley. (See map #15, L.A. Assembly districts 1952, 1960, partisan results.)

The 1951 reapportionment taught California politicians several important lessons that would be influential in future apportionments. The first was that it is possible to gerrymander effectively by concentrating loyalists of the opposing party in oversized districts. Even without substantial variations in district populations--a tool



no longer available after the one man, one vote Supreme Court decisions--the concentrating of the opponents' constituencies is still a useful tool. In this way, one can effectively disenfranchise thousands of opposite party voters, by causing them to "waste" their votes.

The 1951 redistricting also showed that external constraints, such as the necessity of following county or other jurisdictional lines, can be an impediment to gerrymandering. During the era of the one man, one vote judicial decisions, it became fashionable to dismiss jurisdictional requirements as archaic and inequitable. However, since states have experienced much more extreme gerrymandering of their various communities of interest in the years since the one man, one vote decisions, it is clear in retrospect that these external controls actually enhanced fair representation in many cases, because they hampered gerrymandering. One can imagine what extremes the Republicans might have gone to in 1951 in redistricting the Congressional and Assembly seats of northern California had it not been for the need to maintain county integrity.

The final lesson of the 1951 Republican Gerrymander--although it did not become apparent for several years--was that no districting in California could prevent a party from achieving an ultimate Congressional and legislative majority, if the political tide remained in its favor. Certainly the GOP leadership in 1951 did not expect that within four elections, the Democrats would control both houses of the



Legislature as well as the Congressional delegation. (Nor, it might be said, did the Democrats in 1961 foresee a Republican revival by 1969.) California has too many communities that are politically unstable, and too strong a tradition of independent voting, for one party's gerrymander of districts to control partisan fortunes forever. Of course, this does not mean that the politicians will not keep on trying: partisan as was the 1951 GOP redistricting under Laughlin Waters, it paled in comparison to the gerrymander engineered by triumphant Democrats when the time for reapportionment rolled around again ten years later.