

# **Golden Betrayal**

**The Erosion of Representation and the Loss of  
Legitimacy in California**

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## Acknowledgments

Seldom does one person owe so much to one foundation for support over so many decades of scholarship focused on various phases of a single topic. The John Randolph and Dora Haynes Foundation sponsored a young student's dissertation grant in 1952-1953, which allowed the completion of a Ph.D. on redistricting from UCLA in 1955. In the late 1980s and early 1990s, the same organization sponsored a series of monographs prior to the 1991 redistricting efforts. At the end of a career, in 1991-1993, the same foundation supported the completion of this book.

The writer likes to believe that the work is in the tradition of John Randolph Haynes. Dr. Haynes was at the forefront of the Progressive Movement in California and of municipal reform in Los Angeles. This book and the 1980s monographs have applied a similar spirit of reform and were based on the same kind of participation that underlay Dr. Haynes' work -- although more narrowly and in the arcane aspects of reapportionment/redistricting. Indicative of the changes in the subject matter over these four decades is the evolution of reapportionment into redistricting -- a recurring theme from the author's dissertation to this volume.

The list of others to whom the writer owes much is almost endless. The thanks here, therefore, must be general: to his students, to his supportive colleagues, and to his associates in both parties in redistricting battles (and, ultimately, in reform efforts). But the sense of gratitude is individual and deeply felt.

Though appreciative of the contributions of the Haynes Foundation and of the host of assistants in this endeavor, the opinions expressed are the author's, for which he bears sole responsibility.





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## PREFACE

California entered the union in 1850 and began a development that has typically been onward and upward. This study looks at one facet of its development -- representation and its institutional manifestations in terms of reapportionment and redistricting. This work offers a new look at reapportionment and redistricting: over a long period of time, in one state, and with new perspectives, new terminology and a breadth of experience.

The whole cannot be understood in its parts alone; but the parts sometimes reveal the internal workings and ills of the whole. Often flaws are assumed to be minor and dismissed as irrelevant. And so it has been with reapportionment and redistricting, a decennial manifestation of the internal conflict and illness in the body politic.

In the mid-1920s, it was noted:

Failure to adopt a just apportionment of representation is a standing disgrace....The failure will in the near future constitute an increasingly important cause of irritation, friction, and distrust. The situation is unfavorable for the accomplishment of any unified program of constructive legislation.<sup>1</sup>

Disputes over reapportionment engendered intense sectional political feelings between northern and southern California. Threats of secession by the south were renewed. Though not advocating drastic action, a southern newspaper captured the sense of frustration:

It [the current situation] is enough to begin yelling 'state division.' With the gasoline tax slipped over, the metropolitan water district knifed, the reapportionment killed for another two years at least, the man who looks at everything through the eyes of Southern California is very much out of sorts.<sup>2</sup>

Significantly, the anger was from an area peripheral to southern California's growth center, Los Angeles. Though it was experiencing the bulk of the changes in the 1920s, its hinterland also felt the pain caused by growth and development that the body politic was denying. In 1928, Francis Ahl could write that reapportionment remained California's "most perplexing problem."<sup>3</sup>

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<sup>1</sup> Victor J. West, "Our Legislative Mills--California," 12 *National Municipal Review* 372 (July 1923).

<sup>2</sup> *San Bernardino Daily Sun*, April 25, 1925; cited by Bemis, *op. cit.*, p. 198.

<sup>3</sup> Frances N. Ahl, "Reapportionment in California," 22 *American Political Science Review* (1928) at p. 977.

The record of the 1920s can now be read as ominous. A representative government requires a sense of authority coming from the electorate. California in its near 150 years as an American state has sampled the whole range of representative experience -- districts which are multi-member, single member, at-large, use of initiatives, referenda, vetoes, court cases and court redistricting. Are the recurring symptoms indicative of a basic problem in the body politic?

With regard to the 1991 redistricting, two active participants in the process came to these conclusions:<sup>4</sup>

- ⌚ Challengers are condemned to defeat. Women, minorities, younger candidates and those with new ideas have little better than a long-shot chance to defeat incumbents who are entrenched in carefully gerrymandered districts.
- ⌚ Our electoral campaigns are dominated by commercial themes and mail order techniques. The tortuously shaped districts of the contemporary gerrymander are resistant to grassroots or volunteer-style campaigns. Only computerized direct mail or TV advertising can cope with today's bizarrely contorted and elongated constituencies.
- ⌚ Our politics are stuck in a time warp. Society is changing all around us, but politicians of the 60s continue to rehearse the themes of that bygone era. Incumbents who never face serious challenge have no need to rethink their positions.
- ⌚ Partisan and ideological tensions escalate. Incumbents, facing their only serious prospect of opposition in primaries, respond most sensitively to pressures from their own party's activists and ideologues. Both parties thus tip to their extremes. Compromise and moderation give way to shrill partisan rhetoric.
- ⌚ Negative campaigns and other kinds of dirty politics become common. Next to death and retirement, just about the only way an incumbent leaves office today is in the wake of scandal. No wonder, then, that both political parties are forever grubbing in the gutter for their issues.
- ⌚ Invulnerable incumbents refuse to deal with pressing policy issues, and the people are forced to use initiatives or litigation to decide major public controversies.

In a word, abusive redistrictings are eroding the representative character of our legislatures. Did the failure of leaders to redistrict within the framework of democratic imperatives play a role in the decline of legitimacy? Were the events of the 1970s and 1980s signs of deep structural and psychological problems or even decay?

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<sup>4</sup> Hardy, Leroy C. and Alan Heslop, *Who Guards the Guardians?*, pp. 36-37.

Change is the prevailing theme of this volume. Whether a means to process change or a sign of inability to confront change, reapportionment has been relevant and crucial to California's problems. As David Ricci has noted:

Organizations tend to press us to accept whatever they certify is worthwhile, both in action and belief. We have seen, though, that what an institution calls true is shaped, over time, more by its own needs than those of society at large. It follows that we must constantly scrutinize what organizations say or offer to us, and we must judge their product by standards of common sense and good taste which can arise only outside the bureaucratic bounds of functional rationality.<sup>5</sup>

This volume is critical of two status quo establishments: the political establishment based on authority, and the academic establishment based on prestige. The writer argues for new perspectives and new terminology because a battle against a political or an academic bureaucracy cannot be joined or won by using their frameworks.

This commentary begins with a definition of new terms and a different interpretation of political events. It does not claim to conform to the norms of behavioral political science. What is sought is a substitute for that disastrous diversion from both scholarship and politics. The exploratory investigations are based on verifiable facts taken to logical conclusions. The writer's conclusions are shaped by a long sojourn in the redistricting world in close association with members of both parties. With the facts the reader will be able to arrive at his or her own conclusions.

Studies about reapportionment have suffered from two limitations: they focus on a part of the total, often on only one event; and they are written by political scientists removed from the actual experience. This review covers the full period of nearly 150 years. The author's deep involvement in the last forty years, the most active period, may provide some insights to correct the latter limitation.

Every effort has been made to review sources from every perspective, including written accounts, oral histories, legal articles and the more eye-catching journalistic columns and discussions with politicians and staff of both parties. Three previous overviews require special acknowledgment: Allen, Quinn and Wilkiming. Footnotes direct the reader to elaborations, especially from the aforementioned

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<sup>5</sup> Ricci, David M., *The Tragedy of Political Science: Politics, Scholarship and Democracy* (New Haven, CT: Yale University Press, 1984), p. 307; Ricci cites Kharasch, Robert N., *The Institutional Imperative: How to Understand the United States Government and Other Bulky Objects*, (New York, NY: Charterhouse, 1973), p. 209.

three, for additional facts and interpretations. Every effort had been made to objectively present the facts, and to correct erroneous information.

Interpretations are inevitably subjective. In the political arena the most difficult limitation on analysis is one's political inclinations, usually associated with a political party. Involvement in reform efforts affects political interpretation. Former political colleagues will reject interpretations as "sour grapes" or some other label connoting betrayal. No amount of effort can alter that interpretation. From a scholarly viewpoint the views of such critics are irrelevant. This interpretation is presented for what it is: factual information substantiated over time. One must judge the interpretation with Ricci's advice in mind: "Organizations tend to press us to accept whatever they certify is worthwhile, both in action and belief."

Assessment of responsibility in the political arena is plagued by subjective evaluations. The acts of the opposition tend to be automatically regarded as criminal: "they" won by using dirty tricks, pay-offs, glamour candidates, and so forth. The real question is the degree of criminality: is it a felony or a misdemeanor? Oddly the opposition always commits felonies. Your side commits misdemeanors. In the reapportionment/redistricting arena, the enemy gerrymanders, the friend redistricts.

The following new terms are introduced in this study as a means of understanding reapportionment and redistricting politics:

Opps (Occupants of Political Power): Opps is an original term applied to public officials. The none-too-subtle point is that people with the authority to act in the name of the public that elected them often do not act but are content to occupy a position with its perks, salary, pension and prestige, and without willingness to assume responsibility for their authority.

A recurring theme throughout this volume is that political movements for change quickly lapse into a bureaucratic pattern in which concerns for tenure progressively replace the sense of responsibility to the cause for which office was originally sought. This applies not only to the legislators, but also executives, administrators, and academics. Legislators ought to debate, process and resolve. Executives

and administrators ought to suggest, accommodate and act. Academics ought to teach and stimulate new ideas.

Opps are of both parties. Engaged in pseudo-conflicts, both are in fact concerned primarily with maintaining the status quo. In the current phase of political decline, redistricting becomes a more blatant device used by opps to perpetuate their positions.

Gerrycrats: Gerrycrat refers to a bureaucrat specializing in the creation of gerrymanders. Opps who have long since ceased to exercise their authority hire others to do their work. In the redistricting evolution recorded in this volume these experts are important because of the gerrymanders they create. Opps depend on such experts for their tenure.

Initially academics were hired for advice on redistricting but for limited periods; therefore they did not become bureaucrats. After the mid-1960s, more people with or without degrees but with computer expertise developed their own cottage industries with databases and state of the art capacities. Academics became expert witnesses for the highest bidder. Some political organizations acquired permanent academic staffers.

Map-prints: The writer suggests a new form of evidence -- the map-print. As originally proposed in the 1950s, the tracing of map movements was used as an analytical tool not only to indicate the political purposes of the redistricting and the degree of manipulation but also to demonstrate personal motivations. In the California context map-prints reveal the purposes and the perpetrators. When the crime is frustrated as in 1971 and 1991, evidence in the form of map-prints proves intent. On the other hand, when the crime is committed and then covered up, the evidence is conclusive and guilt is established beyond doubt.

Whether the actions of the politically correct were appropriate is the problem. Will map-print analysis give the courts the means to take jurisdiction? Yes. Will it provide the means for correction? No. The thrust of the analysis is to point up the need for a neutralization of the redistricting process by substituting objective grouping for subjective grouping. All the formulas, lists and criteria for creating



fair districts are meaningless in a court system made up of humans, unless objective standards are developed. Justice Frankfurter said it could not be done:

Judges are not equipped to adjudicate redistricting cases by legal training or experience or native wit. Apportionment battles are overwhelmingly party or intra-party contests. It will add a virulent source of friction and tension in federal-state relations to embroil the federal judiciary in them.<sup>6</sup>

The frequent fumbling of his successors would support this view.

The Politics of Fluke: In the later stages of the opp cycle the politics subtly shift from reality (facing factual changes) to denial, and the politics of fluke. When events do not correspond to expectations, the explanation is that the result was a fluke. The election was a fluke, therefore it should be disregarded in the political calculus.

This explanation was most manifest in the 1971 redistricting.<sup>7</sup> Each victory prompted an analysis based on a fluke rather than a realistic appraisal. The political discussion wandered from reality to diversions which did not clarify conditions or encourage negotiations based on facts.

Types of Gerrymanders: Based on the California experience in 1951, a five-fold classification system for gerrymanders was developed: silent, concentration, dispersal, shoe-string, and elimination gerrymanders. On the basis of a study of Congressional districts from 1870 to the present and participation in the creation of districts in several redistrictings, the following classification is suggested to clarify thinking about gerrymanders -- the major abuse of current redistricting.<sup>8</sup>

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<sup>6</sup> *Baker v. Carr*, 369 U.S. 186 (1962), pp. 323-24.

<sup>7</sup> Districts conceded by all to be Democratic instead elected Republicans in the initial stages. After the court imposed districts were implemented in 1973, Democrats won substantially. The explanation was the Watergate fluke.

<sup>8</sup> This classification was originally developed in the author's Ph.D. dissertation: L. Hardy, *The California Reapportionment of 1951*, at 391 (unpublished Ph.D. dissertation, University of California, 1955). The initial pattern was elaborated in a paper delivered at the 1961 American Political Science Association Convention: L. Hardy, "The Theory and Practice of Reapportionment," Sept. 1960. The present classification represents a development on the basis of five redistricting experiences since that time. Other similar classifications have been produced, the most frequently cited being: A. Hacker, *Congressional Districting, The Issue of Equal Representation*, 46 (1963). See also W. Keefe and M. Ogul, *The American Legislative Process: Congress and the States 80-82* (2nd ed. 1968).

- I. Silent Gerrymanders: Prehistoric Monsters of Twenty Years Ago
  - A. Inaction
  - B. Constitutional
- II. Current Species
  - A. Composition
    - 1. Concentration of them
    - 2. Concentration of us
    - 3. Dispersal of them
    - 4. Dispersal of us
  - B. Form -- Elongation of Shoestring
  - C. Purpose
    - 1. Elimination/Isolation
    - 2. Projection
- III. Breeding Grounds
  - A. Bipartisan environment
  - B. Partisan environment
  - C. Non-partisan environment

In each case, the terms describe the technique used to create political gain or advantage. Any effort to control gerrymanders, or to eliminate them, must consider their nature, their characteristics and their purposes. Of equal importance is the environment within which the species is spawned. As will be explained later, the current concern over affirmative action gerrymanders fits into the concentration gerrymander category, as well as the projection purpose.<sup>9</sup>

To simplify the presentation the following devices are used: "County" will not be repeated with each occurrence unless a distinction is necessary between a city and a county. Sonoma, Napa, Sacramento, San Joaquin, Merced, Fresno, Santa Cruz, Santa Clara, San Mateo, Monterey, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, Imperial San Diego and Tulare will refer to the respective counties unless otherwise noted.

Solutions: This volume argues the actions of gerrycrats have brought into question the legitimacy of the authority of current opps. The solution is to eliminate the gerrycrats -- a superfluous group of political bureaucrats whose actions will eventually sink the ship of state. Making the redistricting process a neutral

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<sup>9</sup>See chapters 8-10.

process will not necessarily save the ship, but at least rotating captains, who must listen to the winds of change, will have a better chance.

## CHAPTER I

### THE FIRST SIXTY YEARS--1850 TO 1910

#### Overview of Population Growth in California

California's first century of statehood has been characterized as an evolution "from wilderness to empire."<sup>1</sup> In 1850 California entered the union extensive in area, wealthy in gold, but small in population. For the first fifty years after statehood the population of California was concentrated in the northern areas of the state. In 1850, 94 percent of the state's population was in the territory to be occupied by its fifty northernmost counties. Approximately the same percentage prevailed until 1880.

At first the major portion of California's population was in the Sierra foothills, where the lure of mining brought the adventurous in search of quick riches. When gold diminished, people looked to other parts of California. What they saw was the great agricultural wealth of the state--her fertile valleys and extensive coastal areas. Agriculture became the chief industry. As a port city, the position of San Francisco was enhanced. Population followed the economic trends. Greater numbers settled in San Francisco and the coastal and valley areas rather than the foothills. When the transcontinental railroads arrived San Francisco was the terminus and the railroad moguls made her their headquarters.

Sacramento was San Francisco's only rival. Center of the gold rush, it captured capital status and became the source of political power. This was no federal system, in which the state government shares its authority with local governments. Every other part of California was dependent on Sacramento for its laws. When San Francisco sought to widen Kearney street into a boulevard, Sacramento's approval had to be obtained.

Nonetheless it was San Francisco which was the gateway and the Pacific port to the New World.

Robert Cleland characterized the situation in these words:

Within the state itself, at the turn of the century, the political, economic and cultural center of gravity seemed permanently fixed in San Francisco, and the supremacy in those fields which the northern city had enjoyed for fifty years promised to remain as unchallenged in the future as it had been in the past.<sup>2</sup>

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<sup>1</sup>Robert Class Cleland, From Wilderness to Empire (New York: Alfred A. Knopf, 1947).

<sup>2</sup>Robert Class Cleland, California in Our Time (1900-1940), New York, NY: Alfred A. Knopf, 1947, p. 7.

As the same writer noted, the northern city occupied a "seemingly impregnable position as the first city on the Pacific coast." Southern California's slow growth was watched "with a blend of indifference and tolerant superiority."<sup>3</sup>

In the 1880's, southern California began to emerge from under the shadows of the more heavily populated north. Shifts occurred from the pastoral, rancho style of economy to soil cultivation. Grapes, grain, and fruit were substituted for cattle and sheep. Spectacular land subdivision followed; and ranchos were converted into vast citrus groves as the citrus industry became profitable.

Completion of the transcontinental lines of the Santa Fe Railroad in 1885, together with extensive advertising, generated the first great southern California real estate boom.<sup>4</sup> The use of irrigation assisted agricultural development. People stayed despite the difficulties of adjusting to such a fast-growing area. Glenn Dumke analyzed the situation in the following manner:

Agricultural development brought prosperity, prosperity brought fame, and fame attracted new settlers. Of all the causes of the boom, agricultural expansion was the most substantial and constituted a foundation solid enough to withstand the blow of the collapse. Without the real agricultural prosperity upon which the boom was based, speculation would have shattered the region's economic structure and might permanently have stunted its growth.<sup>5</sup>

Within Los Angeles County, oil production began in the late 1880's to be followed by the discovery of the vast Los Angeles oil fields. In 1899, San Pedro Bay was declared a "free port" and construction began on the breakwater. In 1907, work on the Owens River aqueduct was commenced to allow greater population influx. The first commercial motion pictures were filmed at Edendale toward the end of the first decade of the twentieth century.

Southern California's population growth in turn reflected these developments. In 1890, 16.6 percent of the population was in the southern sections; in 1900 this had increased to 20.5 percent, and in

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<sup>3</sup>Ibid., pp. 111, 114.

<sup>4</sup>Ibid., passim., briefly touches upon these developments. The most definitive treatment is found in Glenn Dumke, The Boom of the Eighties in Southern California (San Marino, Ca: Huntington Library, 1944). Briefer surveys are found in John W. Caughey, California (New York: Prentice-Hall, Inc., 1940), chapter 26, and Richard Bigger and James D. Kitchen, How the Cities Grew (Los Angeles: Bureau of Governmental Research, 1952), pp. 1-17. Earlier studies include: James M. Guinn, "The Great Real Estate Boom of 1887," 1 Annual Publications of the Historical Society of Southern California (1890) 13-21; and Joseph Netz, "The Great Los Angeles Real Estate Boom of 1887," 10 Annual Publications of the Historical Society of Southern California, (1915), pp. 54-68.

<sup>5</sup>Dumke, op. cit., p. 16.

1910 to 31.1 percent. By 1920, southern California had 39.3 percent of the state's population. During the 1920's this figure edged toward the 50 percent mark. The southern counties surpassed the northern counties in population in 1930.

The north/south population shift was reflected in the tremendous growth of Los Angeles and the relative decline of San Francisco. Few people in 1850 thought the little pueblo of 1,610 people, which by 1880 had only grown to 11,183 people, would ever challenge the great port city of the north. Nevertheless, 50,395 people resided in the city of Los Angeles by 1890; in 1900 the population reached 102,479, and in 1910, 319,198. By 1920, Los Angeles' population had surpassed San Francisco's. In 1940 Los Angeles boasted a million and a half residents to San Francisco's 635,000. The era of gold, silver, and wheat--one that had given northern California and San Francisco predominance--had passed. A new era of "black gold"--citrus farming, automobiles, tourists, and motion pictures--had begun.

Another shift in population was also taking place within the state--the shift from rural to urban. Urban dwellers represented only 7.4 percent of the population in 1850; they accounted for 10.7 percent in 1860, 37.2 in 1870, 42.9 in 1880, 48.6 in 1890, and 52.3 percent in 1900. By 1910, the urban proportion of the population of California was 61.8 percent, or 1,468,419 urban residents in contrast with 909,130 rural residents. The decline in the percentage of rural dwellers continued in subsequent decades, dropping from 38.1 percent in 1910 to 32.1 percent in 1920, 27.6 percent in 1930, and leveling off at 27.5 percent in 1940. In subsequent decades the urban figures continually pushed upward and the rural downward.

By 1930 another type of population change was evident within the state. The population of the core areas within the large metropolitan areas of Los Angeles and San Francisco began to decline in proportion to the population of the suburbs. More and more people moved to the fringes of the cities. The day of the "bedroom" community had arrived. Though San Francisco was still the core area of the north, steadily growing influxes of people were swelling the population of Marin, San Mateo, Alameda, and Contra Costa counties. Likewise in the south, when in 1940 Los Angeles became the fifth largest city in the nation with a population of one and one-half million, the galaxy of satellite communities around it accounted for an almost equal number of residents.

The core/suburban dichotomy contained within it another demographic phenomenon. By 1960 ethnic composition became relevant. First to become significant were blacks in the fifties and sixties, then Latinos in the seventies and eighties, then Asian groups in the eighties and nineties.

Population changes--the tremendous growth of California in relation to that of the nation, the shift of population concentration from north to south, from San Francisco to Los Angeles, from rural to urban areas and from city core areas to suburban communities, and increasing ethnic populations--have found expression in the political life of California. Population shifts translated directly into reapportionment issues. California's reapportionment troubles began when the areas with sparse population grew faster than areas that had once held the largest proportion of the state's population. Groups whose political power was not commensurate with their growth and size were opposed, every step of the way, by the "vested interest" groups that wanted to retain the political power they possessed on the basis of previous population dominance. Demands for a proportionate share of representation conflicted with the interests of incumbent legislators and established pressure groups.

More and more, Senatorial and Assembly districts were located in the southern section of the state. Southern California, with four Assemblymen from 1850 to 1880, received 13 in 1890, 24 in 1911, and 32 in 1927. In 1931, 41 of the Assembly seats were allocated to southern California. Los Angeles County continued to gain representatives while San Francisco County lost legislators. Southern California also reaped a larger number of congressional districts with each decade. In 1890, Southern California's sparse population only entitled it to one of the state's seven congressional posts, in contrast to the even division of the congressional districts, ten for the north and ten for the south, in 1930.

Changes in political representation occurred only after great controversy. Once the State Senate's membership was set at 40 and the Assembly's membership at 80, every additional district for any county meant the loss of a district for another county. Consequently, the continuous relative decline in population of northern California, rural areas, San Francisco, and, ultimately, Anglo groups, brought citizens from those areas and groups into political conflict with citizens from southern California, urban and suburban areas, Los Angeles, and non-Anglo areas, respectively. In the first half of the twentieth

century rural groups demanded constitutional protection against urban dominance. By the end of the century ethnicity became the major issue in redistricting.

### Settlement and Statehood

California burst forth as a frontier outpost at the end of the Mexican War (1846-1848). It held incredible promise for those who found the true meaning of its slogan: Eureka (I have found it). Hordes of Americans and other adventurers flooded into the northern portions of California in quest of gold--the symbol of opportunity, success, power and authority. Overnight Mexican Californios became a minority in the pastoral southern coastal areas known as the "cow counties".

As settlers moved in, the natural inclination was to seek a government to establish law, order, justice and security. Newcomers sought not just opportunity but legalization of their peaceful conquest. Jacksonian democracy was without significant challenge. In a world in which a pauper could become the wealthiest person in town by tomorrow, any pretense of oligarchy was rejected. The Mexican culture with its aristocratic inclinations was simply unacceptable to the new Gringos. Political equality was the important principle and the dynamic environment merely fortified the general commitment to what has become known as "one person, one vote."

Major General Riley, acting largely on his own and faced with growing concerns about stability in his military jurisdiction, issued a call for a Constitutional Convention in 1849 in response to growing demands for a government in line with the spirit of Jacksonian democracy. The Convention did not produce a set of essays comparable to the Federalist papers, nor were the members of Founding Father stature, but a reading of the Constitutional debates leaves little doubt of their competence and commitment to the democratic goals of the era. In contrast to the founding of the American Republic, the newly arrived Californians needed no persuasive essays to tip the scales for statehood. Though some had reservations and favored a preliminary territorial stage, at least for the southern section of the state-to-be, the overwhelming sentiment in the Constitutional Convention, and the territory, was for statehood.



California's constitution-makers were pragmatic individuals desirous of shaping a political system to reflect their goals and aspirations. The main questions were: how big would the state be; what institutional form would the government take; what were the rights of the citizens; and, who could vote?

In general, other frontier provinces of the recently established Mexican Republic had followed the practices of colonial administrative units. California, however, became a state within the American federation. As such the constitutional principles were: separation of powers; checks and balances; political equality unfettered by monetary requirements; short terms and rotation of offices; an executive; and a bicameral legislature.

Step by step, with resolutions, motions, and frequent adjournments, the Convention members hammered out answers to questions of legislative size in the two Houses, the composition of each House, the timing and staggering of elections and the general basis for representation. Representation in both Houses was to be based on white male population as determined by state and national census. Article IV, section 28 provided for an enumeration of the inhabitants in the year 1852, and at the end of every ten years thereafter. Article IV, section 29, specified that the number of State Senators and Assemblymen was to be fixed by the first Legislature. The Assembly would be not less than 24 nor more than 36 until the state's population reached 100,000. After attaining that size, the Assembly would never be less than 30 nor more than 80.

The State Senate would not be less than one-half the size of the Assembly. Because State Senators were to be elected for two year terms the Senators would be divided into two classes. The first class would serve only a one year term so that one half of the Senate would be elected each year. Section 7 provided that as the number of Senators increased the positions would be apportioned by lot, to keep the two classes as nearly equal as possible.

Article IV, section 30 controlled the groupings of counties for Congressional, Senatorial and Assembly districts when two or more counties were grouped together. Counties could not be separated by any county belonging to another district. No county could be divided in forming a Congressional, Senatorial or Assembly district; thus counties with more than one representative would be multimember.

One of the Convention's last acts was to provide for interim representation until the first Legislature established counties to be grouped into electoral districts. The interim arrangements provided eight electoral units, allocated as follows (the first number refers to Senators and the second Assemblymen): Los Angeles and San Diego (2, 2), Santa Barbara and San Luis Obispo (1, 1), Monterey (1, 1), San Jose (1, 1), San Francisco (2, 5) Sonoma (2, 2), Sacramento (4, 9) San Joaquin (4, 9). The result was a Senate of 17 members and an Assembly of 30.

#### 1850 to 1860

The first order of business for the first Legislature was the creation of subdivisions within the state. This was not a federal system of equal parts forming a union--the Constitution created a unitary system in which the state government would determine its subordinate parts. Twenty-seven counties were created. The next item of business was the allocation of representation. Senator Thomas J. Green introduced a joint resolution to establish a joint select committee to implement the constitutional guidelines.<sup>6</sup>

There was division within the joint select committee as to how large the Houses should be. A figure of 90 (27 Senators and 63 Assemblymen) had been suggested. The select committee's majority argued that representation was necessary only because of the impracticality of a people meeting en masse to enact laws; therefore the smaller the ratio of Legislators to voters the nearer the Legislature was to the public and the more representative it would be. Legislation would be greatly facilitated by increasing the size of the Legislature. In particular, the majority noted members in the Senate were called upon to serve on too many committees. Legislation was being retarded in committee or left in the hands of one or two members. The legislative process would be slow and tedious without a larger membership. The minority asserted that increasing the size of the Legislature was unnecessary. The joint select committee eventually provided a 30 member Senate and a 68 member Assembly.

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<sup>6</sup>Journal of the California State Senate, 1850, p. 168.

The 1852 state census updated the 1850 national census and provided the basis for an 1853 reapportionment. Problems in obtaining accurate data were formidable in isolated parts of the state and in areas of great mobility.<sup>7</sup> To rectify missing figures the Legislature followed an elaborate formula for developing a population figure based on voting records.<sup>8</sup> Acting on the basis of the 1852 census figures the 1853 reapportionment allocated an 80 member Assembly and a 34 member State Senate.

The vote for the plan was 32 to 19. A review of the votes on the reapportionment legislation suggests it was not partisan--26 Democrats and 8 Whigs were in favor and 9 Democrats and 10 Whigs opposed.<sup>9</sup> Similar approval came in the overwhelmingly Democratic State Senate. Sixteen Democrats and one Whig voted for the legislation. Two Democrats, one Whig and one unaffiliated member voted no.

As new counties were created in 1856 and 1857, they were treated as part of the old districts. Fresno remained part of the Tulare district,<sup>10</sup> San Mateo part of the San Francisco district,<sup>11</sup> and Del Norte part of the Klamath district.<sup>12</sup> Also in 1857, four counties in the 12th district (Humboldt, Trinity, Klamath, and Siskiyou) were split. Humboldt and Trinity constituted one district, while Klamath, Del Norte and Siskiyou become another district.

The first twelve years of statehood were volatile in many respects. Population surged from 92,000 in 1850 to 379,994 in 1860. Demographic shifts were dramatic. Politics were unpredictable. Re-election, even bids for re-election, were rare.

During the first decade the Democrats dominated with the exception of the 1854 elections. 1858 brought the Democrats back into power, but with their own factional struggles complicating effective exercise of authority. There was a split in the Democratic Party between those who favored slavery and those who opposed it.

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<sup>7</sup>Journal of the California State Senate, 1853, p. 744.

<sup>8</sup>The total population of the mining counties was 83,257. By comparing the ratio of population to votes using the voting records in the last general election with the same ratio in the other counties, El Dorado County was determined to have an estimated white population of 24,271. Appendix of the Journal of the California State Senate, 1853, p. 582.

<sup>9</sup>Journal of the California State Senate, 1853, p. 582.

<sup>10</sup>Statutes of California, 1856, chapter 127, p. 185.

<sup>11</sup>Statutes of California, 1857, chapter 188, p.208.

<sup>12</sup>Statutes of California, 1857, chapter 52, p. 37.

The potential division of the state was also a major issue, one which became interlaced with larger national issues prior to the Civil War. Governor MacDougal called attention to the fact that although southern California paid 66% of the taxes it had very little representation. Such conditions so angered Assemblyman Pio Pico and others that a full scale effort was launched to divide the state. By 1859, the steps for division had reached the point of submission of documents to President Buchanan. California would have continued as a state consisting of the northern and central counties, while the new state of Southern California would have included territory now in the counties of Santa Barbara, Ventura, Los Angeles, Orange, San Bernardino, Riverside, Imperial and San Diego. The division was stalled by the Civil War.

Annual elections prevailed until 1862. With population fluctuating dramatically, periodical redistricting was essential in spite of the constitutional stipulation of one redistricting per decade.

#### 1861 to 1870

In 1861, Governor John Downey called the Legislature's attention to its apportionment responsibility. Downey's biennial address urged early action on the apportionment of districts among counties according to the white population as ascertained by the 1860 national census. The Governor also added:

I think the interest of the state would be served if the number of assemblymen and senators were reduced so as to approximate to the minimum number designated by the Constitution. Both bodies might thus be rendered more efficient and the cost to the State reduced materially.<sup>13</sup>

The Assembly's special Committee on Reapportionment noted its responsibility to apportion based on the number of white inhabitants. Actual total population figures were perplexing because Negroes, Mongolians and Indians were included. However, the Committee ultimately came forth with a reapportionment proposal.

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<sup>13</sup>Journal of the California State Senate, 1861, p.42.

The Governor's proposal to decrease the Legislature's size was rejected. The Special Committee Report recommended the size of the two Houses be fixed at the maximum allowed by the Constitution. The Committee took the position that the extended area of the state, its diversified interests, population growth and the development of industry justified the adoption of the full constitutional limit in the two Houses. Although admitting a smaller membership would reduce the public expense, the Committee felt the desire of each local area for a representative would naturally lead to a continual demand for a distribution of Senators and Assemblymen to the maximum allowable. The Committee reasoned that greater expenses would be incurred in considering these applications than would result from apportioning Members to the constitutional maximum.<sup>14</sup>

The 1861 reapportionment was presented as Assembly Bill 443. Analysis of the votes shows both partisan and regional overtones. All Republicans voted for the legislation while the Democrats were split in two camps, almost equally for and against. In the Assembly the vote was 37 for (15 Republicans and 22 Democrats) and 28 against (all Democrats). In the Senate the vote for the legislation was 21 to 9. The regional areas that lost seats were opposed. All the Legislators from El Dorado County, a mining county, voted against the bill.

The creation of new counties continued. In 1864, Alpine and Lassen were created. In 1866, Inyo was created from sections of Tuolumne and Mono.<sup>15</sup> Kern was created in the same year from Tulare and Los Angeles counties.<sup>16</sup>

#### 1871 to 1879

In 1871, in the waning days of his administration, Governor Henry Haight admonished the Legislature to take up its responsibility to reapportion and in particular to address the San Francisco inequalities, San Francisco now having one fourth of the state's population. The Governor advocated

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<sup>14</sup>Journal of the California State Assembly, 1861, pp. 709-11.

<sup>15</sup>Statutes of California, 1866, chapter 316, p. 357.

<sup>16</sup>Statutes of California, 1866, chapter 569, p. 797.

representation by districts. He believed districts would provide more just representation and "doubtless a higher grade of qualification" in the membership.

The Governor's advice was not taken and the old apportionment formula continued. In April 1872, the Sacramento Bee declared "It was wrong to continue this wrong...", referring to the failure to provide representation for the San Francisco and valley areas. The editorial termed the action a "foul blow" at the very vitals of government and found the actions of Legislators chosen by the electorate "because of their better qualities of head and heart" deplorable. The Legislator's task was to see such wrongs did not occur.

The best explanation was that the 1871 Legislature had not acted because more seats for San Francisco meant fewer for the rapidly declining mining areas. An 1871 Legislature made up of many Democrats from the areas destined to lose seats did not wish to liquidate its base. The 1873 Legislature, having more Republicans as well as 29 independents, was more amenable to adjustments. The new Republican Governor, Newton Booth, picked up the reapportionment issue which had been left by the previous Legislature. He declared the delay was "so manifestly unjust" it had the potential of "inviting a revolutionary remedy" if representation by population was not accomplished.

During the 1873-1874 session the Legislature responded to the gubernatorial request and made major shifts from the mining areas to Alameda, San Francisco and San Joaquin counties. Altogether the mining counties (Calaveras, El Dorado, Nevada, Placer, Sacramento, Sierra, Tuolumne and Yuba) lost 14 members in the Assembly and 8 in the State Senate. The halving of mining area representation allowed the transfer of legislative seats to Alameda (up one seat in both Houses), San Francisco (up seven seats in both Houses) and San Joaquin (gaining three seats in the Assembly and one in the Senate). Los Angeles and San Diego counties also gained seats.

Republicans, Independents and 7 Democrats carried the vote in the Assembly. Opposed were 18 Democrats, 3 Republicans and 3 Independents. More Democrats were against (18) than for (7) and the Republicans and Independents were the majority. Regional division is more pertinent. The no votes came primarily from Nevada and El Dorado--mining areas; losing counties in terms of relative population decline and therefore representation.

The large number of independents in favor of reapportionment change was a sign of a growing dissatisfaction with the Constitutional system. The Constitution of 1849 was no longer meeting the needs of a changing California. San Francisco was especially favorable to the idea of a new constitutional convention. The heyday of the gold rush was over and commercial and agricultural wealth were becoming more important. Dissatisfaction and agitation, especially in the Workingman Party of San Francisco, prompted the second Constitutional Convention of 1878-1879.

Naturally the issues included elections, size of the Legislature and voter qualifications. A move was made to give each county at least one representative. A proposal was made to increase the Assembly size to 120, while the Senate would remain at 40. Most critical from San Francisco's viewpoint as the dominant population center was a proposal to limit any county's representation to a fixed number of members. The latter proposal was soundly defeated.

After all the debate the most significant changes had to do with restrictions on the voting rights of Orientals and the inauguration of a single district system. The Constitution of 1879 included transitional provisions generally favorable to the Democrats.

#### 1880 to 1889

The transitional guidelines stipulated by the new 1879 Constitution ended up becoming the basis for representation for several elections. Elections in 1880 resulted in the election of 34 Republicans, 23 Democrats and Workingmen, and 23 new members. No successful reapportionment was accomplished in 1881. Districts remained in effect for another election though entitlements clearly required adjustments. The State Senate was another problem. The Constitution of 1879 provided for three-year terms for those elected in 1879. Thus, the whole State Senate came up for election in 1882. One-half of the Senators would vacate their seats in 1884. Subsequently the senatorial term would be four years. The Democrats won 32 of the 40 Senate seats and 61 of the 80 Assembly seats in the 1882 election. Despite the questionable legality of the non-reapportioned Legislature the incumbents intended to rule.

Small wonder that the redistricting adjustments required by the 1880 census were delayed until 1883. To give San Francisco 25% of both Houses, which population entitled it to, not only meant giving

up seats from the rural mining counties of the north but, even more important, giving authority to newcomers.

In 1883, Democratic Governor George Stoneman stated that reapportionment should be a major priority for the 1883 legislative session<sup>17</sup>. Calling attention to the last Legislature's failure to comply with its Constitutional mandate the Governor said, "that the people of the State have a right to, and do expect, a fair apportionment, cannot be denied." The Governor urged early action in "a fair and impartial manner." Stoneman, a former legislator himself, acknowledged the political realities of reapportionment:

Instances are not infrequent in which the party in power, anxious to perpetuate its authority, has enacted an apportionment law for purely partisan purposes. In these cases little or no regard has been had for local desires or the general welfare. The missing of opposition majorities, and study of how the vote of the party in power should be distributed so as best to submerge the party have generally been the only objects considered.<sup>18</sup>

The Governor went on to observe the inherent disadvantages of yielding to political expediency:

It is to be doubted whether any real and ultimate party advantage has ever been attained by such an unpatriotic procedure. Honest effort is the only unerring guide to lasting success. But apart from their political effort the methods which I have criticized are intrinsically wrong. The constitutional mandate is clear and positive.<sup>19</sup>

The 1883 reapportionment debates were not without their statesmen. Notably on the record was the author of Assembly bills 128 and 130, Democratic Assemblyman James Flynn of San Francisco. He proclaimed his task was to represent all the people. He sought justice for all, irrespective of political ends. Flynn declared, "no man who stands on this floor and says he votes and acts in the interest of the Democratic party properly represents his district and certainly cannot make a good legislator."

Assemblyman Archibald Yell joined Flynn in denouncing partisan politics. He declared himself astonished at the action of certain members of the Democratic Party. From his perspective such people came more to represent political interests than the entire interests of the state. While claiming party loyalty, he did not come to apportion the state for party interests. Yell declared himself a representative of the whole people. The Mendocino Democrat said:

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<sup>17</sup>Journals of California State Assembly, 1883, appendix, volume 1, section 3, p.6

<sup>18</sup>Ibid.

<sup>19</sup>Ibid.



I believe we should apportion this State as nearly as possible without regards to political grounds as the Constitution requires. I cannot see how any representative on this floor can vote to take from the Sacramento delegation one of her assemblymen. If you do not vote for my resolution [giving Sacramento three Assemblymen] you deprive 5000 people from Sacramento County from representation. I wash my hands of that. I should vote to apportion this State according to the dictates of the Constitution and the interests of the whole people. We cannot take a representative from Sacramento County simply from the fact that she is Republican in politics. I want to be fair and do equal justice to all people irrespective of party. If you only gave Sacramento County two Assemblymen, you deprive good people of representation and that will cast a stigma on the Democratic Party that will cut like a two-edged sword in the next campaign.

Both Assembly bill 128, the Assembly reapportionment bill and Assembly bill 130, the State Senate bill, passed with clear majorities. The Assembly bill was passed in the Senate with 28 Democrats and one Republican voting for it, while 3 Republicans voted against it. In the Assembly 41 Democrats voted for it, while 19 votes were cast against.

With regard to the Senate reapportionment bill, the votes in the Senate were 29 for (26 Democrats and 3 Republicans) and 3 against (all Republicans). In the Assembly a substantial majority made up of 48 Democrats and 1 Republican approved while 18 voted against it (14 Republicans and 4 Democrats).<sup>20</sup>

The Senate reapportionment bill contained a proviso that its provisions would not take effect until July 1, 1886. The *San Francisco Chronicle* stated that the railroad interests had a part to play in that provision because they were satisfied with the make-up of the Senate and feared that a new election would decrease the working Democratic majority.<sup>21</sup> The result of the 1883 reapportionment was that the Bay region's representation and dominance in the Assembly were increased at the expense of the mining areas. Representation of the southern counties increased slightly.

If the redistricting was conducted to enhance the Democratic Party's prospects, the plan failed miserably. Democrats were ousted in 1884, losing 39 Assembly seats.

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<sup>20</sup>Journal of the California State Assembly, 1883, pp. 328 and 447 (AB 128), and pp. 291 and 586 (AB 130).

<sup>21</sup>San Francisco Chronicle, March 6, 1893, p. 4.

## 1890-1899

The 1891 Legislature was greeted with the usual gubernatorial urging on reapportionment. Republican Governor Henry Markham observed in his 1891 inaugural address that the population increases throughout the state had distorted population equality between districts. Markham called upon the Legislature to act in the spirit of justice and fairness to all sections of the state. The statewide result should be equal and exact representation for each county relating its proportion of population to that of the whole state.<sup>22</sup>

Republicans were in control of the Legislature and in the 1891 session it was the Republican caucus which carefully considered and put forth a reapportionment plan. The Democratic minority did not offer amendments. Partly this was because the Republicans had carefully considered Democratic counties. An additional seat for Los Angeles was given to San Benito, a Democratic county, while its neighbor Santa Cruz, a Republican county, had only one Assemblyman for 19,000 people. In another concession to the opposition, Solano, a Republican county with a population equal to Colusa and Lake was denied an Assemblyman even though the Navy yard there would guarantee its Republicanism for the next 20 years. Republican Assemblyman Henry Dibble contended the question of politics was never raised in the caucus.

The votes in favor of the Assembly and Senate reapportionment bill, Assembly bill 734, were substantially Republican. In the Senate, 24 Republicans supported the bill, while 9 Democrats and 2 Republicans voted no. In the Assembly, 49 Republicans were joined by 2 Democrats and 1 American Party member, while 15 Democrats cast no votes.<sup>23</sup>

A result of the redistribution of legislative seats in 1891 was that after a heyday of endless growth San Francisco began to experience an erosion of its legislative strength. In the Assembly, northern counties (Butte, Nevada, Solano and Sonoma) declined. Central and southern counties gained. Similar changes occurred in the Senate. Northern counties (Butte and Nevada) lost and southern counties (Los

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<sup>22</sup>Appendix to the California State Senate and Assembly Journals, 1891, volume 1, p. 6.

<sup>23</sup>Journal of the California State Senate, 1891 and Journal of the California State Assembly, 1891.

Angeles and San Diego) gained. The mining counties continued to slip, going from 8 to 6 Senators and from 18 to 13 Assemblymen. In the south Los Angeles gained half of the increases.<sup>24</sup> Congressional gains were also registered, with one new district going to central California.

#### 1900 to 1911

The overwhelming Republican control of the Legislature in 1901(60 of 80 Assemblymen and 36 of 40 Senators) guaranteed that it would respond to Governor Henry Gage's biennial address. The Governor expressed confidence in the Legislature's integrity and fairness in enacting reapportionment legislation on the "basis of abstract right."<sup>25</sup>

A major point of contention was the representation of San Benito County and of the Sacramento districts, Republican areas. Under-populated for the representation they had, they effectively denied representation to other areas.

The result of the 1901 reapportionment was that districts in the San Joaquin Valley and the Bay region remained basically the same. Despite relative population decline San Francisco did not lose representation. Alameda County gained one Senator and one Assemblyman. Madera County, now separated from Fresno, was moved into the 12 State Senate district and the 25 Assembly district to join other San Joaquin Valley counties. The major losses occurred in the north coast, in Sacramento and in the foothill and mountain areas. Districts were consolidated by grouping adjacent counties. The benefactor of the northern and rural losses was southern California. But, significantly, all of the gains--two Senators and three Assemblymen--went to Los Angeles. Though the south gained, envy of Los Angeles emerged among southern counties.

The vote on the reapportionment bill (Senate bill 447) was 28 to 0 in the Senate and 48 to 19 in the Assembly, with two Republicans having voted against their party. Again regional vote analysis is

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<sup>24</sup>Statutes of California, 1891, chapter 81, pp. 71 to 83. During the decade two central counties were created, Madera and Kings.

<sup>25</sup>Journal of the California State Senate, 1901, p. 34.

more telling of the basis for reapportionment behavior.<sup>26</sup> Of interest was Assemblyman Fred Stewart's explanation of his reasons for voting for the bill:

I have voted for adoption of this report because I consider the joint action of the Republican members of the Legislature in caucus binding upon me, being a member of said caucus; but I believe the bill to be a denial of the rights of the people of the State of California to equal representation under the Constitution, and an unfair and unequal apportionment in so far as the giving of an Assemblyman to the County of San Benito is concerned.<sup>27</sup>

CHART I: ENTITLEMENTS BY DECADE--1850 to 1870

1850	Total State Population	approximately 116,000
	Ideal Assembly District Population	3,222
	Ideal State Senate District Population	7,250
	Ideal Congressional District Population	58,000
1852	Total State Population	approximately 255,000
	Ideal Assembly District Population (80)	3,188
	Ideal State Senate District Population (35)	7,286
	Ideal Congressional District Population (2)	127,500
1860	Total State Population	379,994
	Ideal Assembly District Population (80)	4,750
	Ideal State Senate District Population (40)	9,500
	Ideal Congressional District Population (3)	126,665
1870	Total State Population	560,247
	Ideal Assembly District Population (80)	7,003
	Ideal State Senate District Population (40)	14,006
	Ideal Congressional District Population (3)	140,062

Entitlement

Year	Population	Assembly	State Senate	Congress
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North Coast:<sup>28</sup>

1850	1,923	0.50	0.38	0.04
1852	9,045	2.84	1.23	0.34
1860	36,545	7.69	3.84	0.29
1870	54,247	7.75	3.87	0.39

<sup>26</sup>Journal of the California State Senate, 1901.

<sup>27</sup>Journal of the California State Assembly, 1901, p. 1175.

<sup>28</sup>The north coast consisted of the original 1850 counties of Marin, Mendocino, Napa, Sonoma, Trinity. Subsequently counties were created: Humboldt (1853), Del Norte (1857), Lake (1861); Klamath was given to Humboldt and Siskiyou in 1874.

### Bay Region<sup>29</sup>

1850	est. 24,000	07.46	03.32	0.42
1852	45,704	14.33	06.27	0.35
1860	86,183	18.15	09.07	0.68
1870	215,052	30.71	15.34	1.54

### Central Coast<sup>30</sup>

1850	4,038	1.25	0.56	0.07
1852	5,842	1.84	0.81	0.04
1860	15,008	3.17	1.58	0.12
1870	31,175	4.45	2.23	0.22

### Southern California<sup>31</sup>

1850	4,328	1.35	0.60	0.06
1852	11,146	3.49	1.53	0.09
1860	21,208	4.47	2.23	0.16
1870	24,248	3.47	1.72	0.18

### San Joaquin Valley<sup>32</sup>

1850	3,647	1.13	0.50	0.06
1852	13,611	4.27	1.87	0.11
1860	22,064	4.65	2.32	0.18
1870	44,150	6.31	3.14	0.32

### Sacramento Valley<sup>33</sup>

1850	1,343	0.20	0.42	0.03
1852	19,436	6.10	2.67	0.15
1860	42,926	9.03	4.53	0.36
1870	55,684	7.95	3.99	0.40

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<sup>29</sup>The Bay area consisted of the original 1850 counties of Contra Costa, San Francisco and Santa Clara. Subsequently counties were created: Alameda (1853) and San Mateo (1856).

<sup>30</sup>The central coast consisted of the original 1850 counties of Monterey, San Luis Obispo, Santa Barbara, and Santa Cruz. Subsequently San Benito (1874) and Ventura (1872) counties were created.

<sup>31</sup>Southern California consisted of the original 1850 counties of Los Angeles and San Diego. Subsequently counties were created: San Bernardino (1853), Orange (1889), Riverside (1893), and Imperial (1893).

<sup>32</sup>San Joaquin consisted of the original 1850 county of San Joaquin. Subsequently counties were created: Tulare (1852), Stanislaus (1854), Merced (1855), Fresno (1856), Kern (186), Madera (1893), and Kings (1893).

<sup>33</sup>Sacramento consisted of the original 1850 counties of Colusa, Sacramento, Solano, Sutter, and Yolo. Subsequently Glenn county was created (1891).

Foothills<sup>34</sup>

1850	53,006	16.43	7.34	0.93
1852	154,187	29.14	21.16	1.22
1860	141,503	32.47	16.23	1.08
1870	118,820	16.96	8.48	0.84

CHART 2: ENTITLEMENTS BY DECADE--1880 TO 1900

Year	Population	<u>Entitlement</u>		
		Assembly	State Senate	Congress
<b>North Coast</b>				
1880	106,452	9.85	4.92	0.76
1890	133,924	8.88	4.43	0.79
1900	150,770	8.12	4.05	0.81
<b>Bay Region</b>				
1880	353,168	32.67	16.33	2.45
1890	464,468	30.76	15.37	2.69
1900	563,335	30.34	15.18	3.04
<b>Central Coast</b>				
1880	53,416	4.95	2.46	0.38
1890	86,216	5.70	2.85	0.50
1900	97,463	5.25	2.63	0.53
<b>Southern California</b>				
1880	49,785	4.61	2.30	0.34
1890	175,527	11.63	5.81	1.02
1900	270,910	14.58	7.30	1.47
<b>San Joaquin Valley</b>				
1880	65,116	6.02	3.01	0.46
1890	113,162	7.50	3.74	0.67
1900	143,169	7.71	3.85	0.76
<b>Sacramento Valley</b>				
1880	85,232	7.70	3.85	0.58
1890	95,181	6.30	3.15	0.54
1900	106,247	5.72	2.88	0.57

<sup>34</sup>The Foothills consisted of the original 1850 counties of Butte, Calaveras, El Dorado, Shasta, Tuolumne, and Yuba. Subsequently counties were created: Nevada (1851), Placer (1851), Siskiyou (1852), Sierra (1852), Plumas (1854), Amador (1854), Tehama (1856), Mono (1861), Alpine (1864), Lassen (1864), Inyo (1866), and Modoc (1874).

Foothills

1880	193,036	17.86	8.93	1.33
1890	139,652	9.24	4.63	0.80
1900	153,159	8.24	4.14	0.83

CHAPTER 1

Charts:

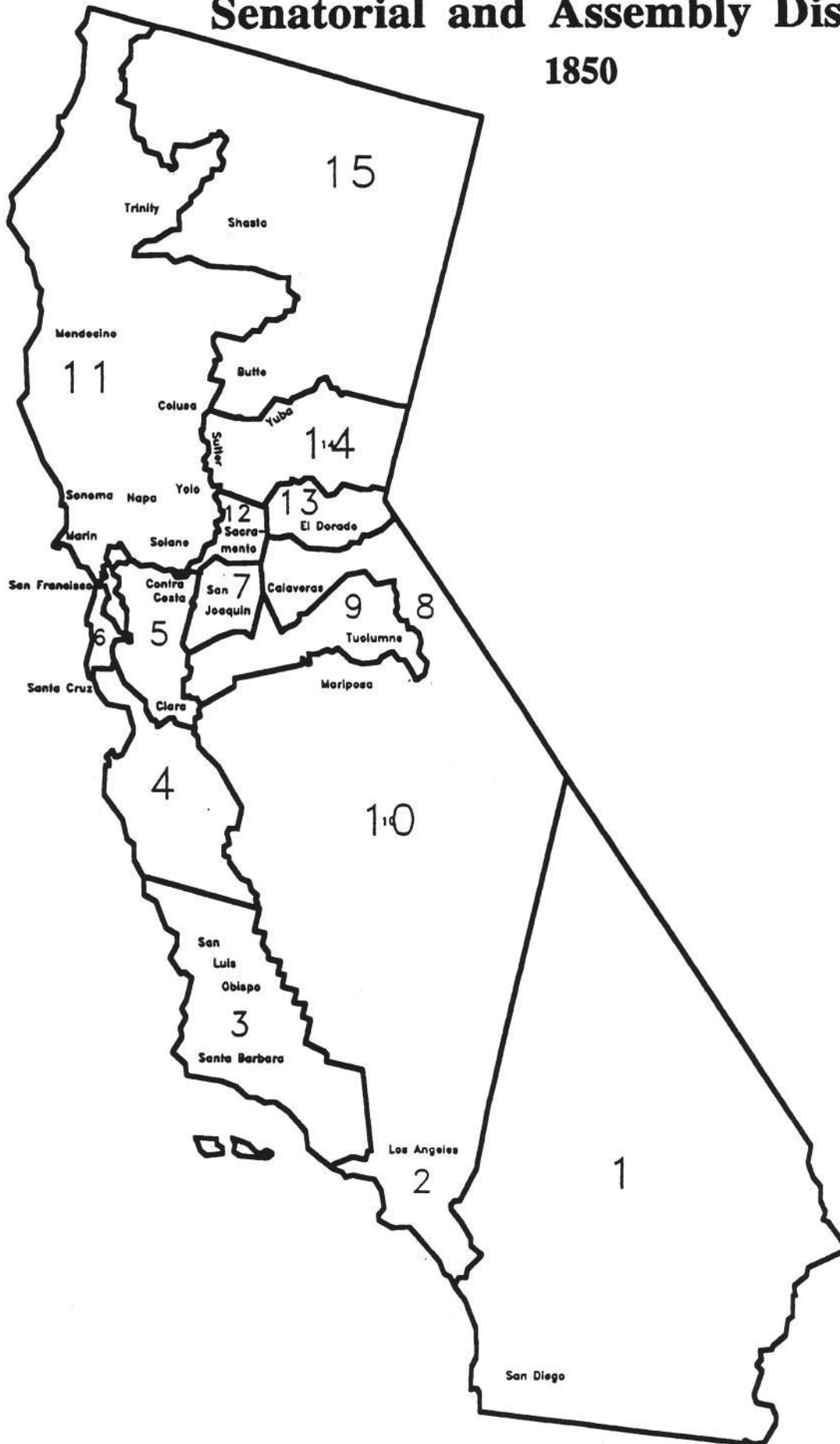
Population Distributions 1910-1920  
Population Distributions 1930 1940

Maps:

Assembly and Senatorial Districts -- 1850  
Assembly and Senatorial Districts -- 1857  
Assembly and Senatorial Districts -- 1863-1864  
Congressional Districts -- 1865  
Assembly and Senatorial Districts -- 1873  
Assembly and Senatorial Districts  
San Francisco -- 1873  
Congressional Districts -- 1873  
Assembly Districts -- 1883  
Congressional Districts -- 1885  
Senatorial Districts -- 1883  
Senatorial Districts -- San Francisco -- 1885  
Assembly Districts -- 1891  
Senatorial Districts -- 1891  
Assembly and Senatorial Districts  
San Francisco -- 1891  
Congressional Districts -- 1891  
Assembly Districts -- 1901  
Senatorial Districts -- 1901  
Assembly and Senatorial Districts  
San Francisco -- 1901  
Congressional Districts -- 1901



# Senatorial and Assembly Districts 1850



# Senatorial and Assembly Districts

1857



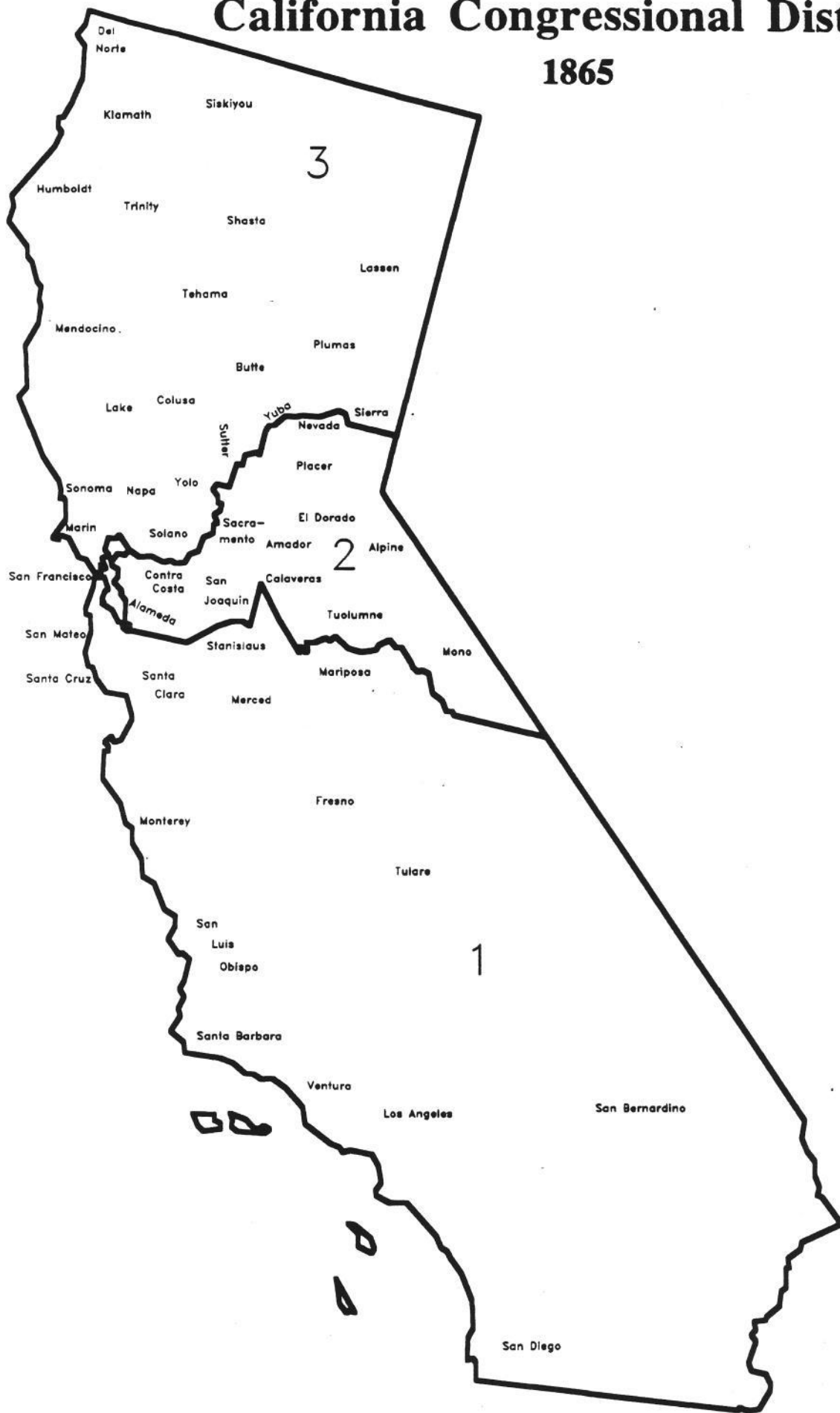
# Senatorial and Assembly Districts

1863-64



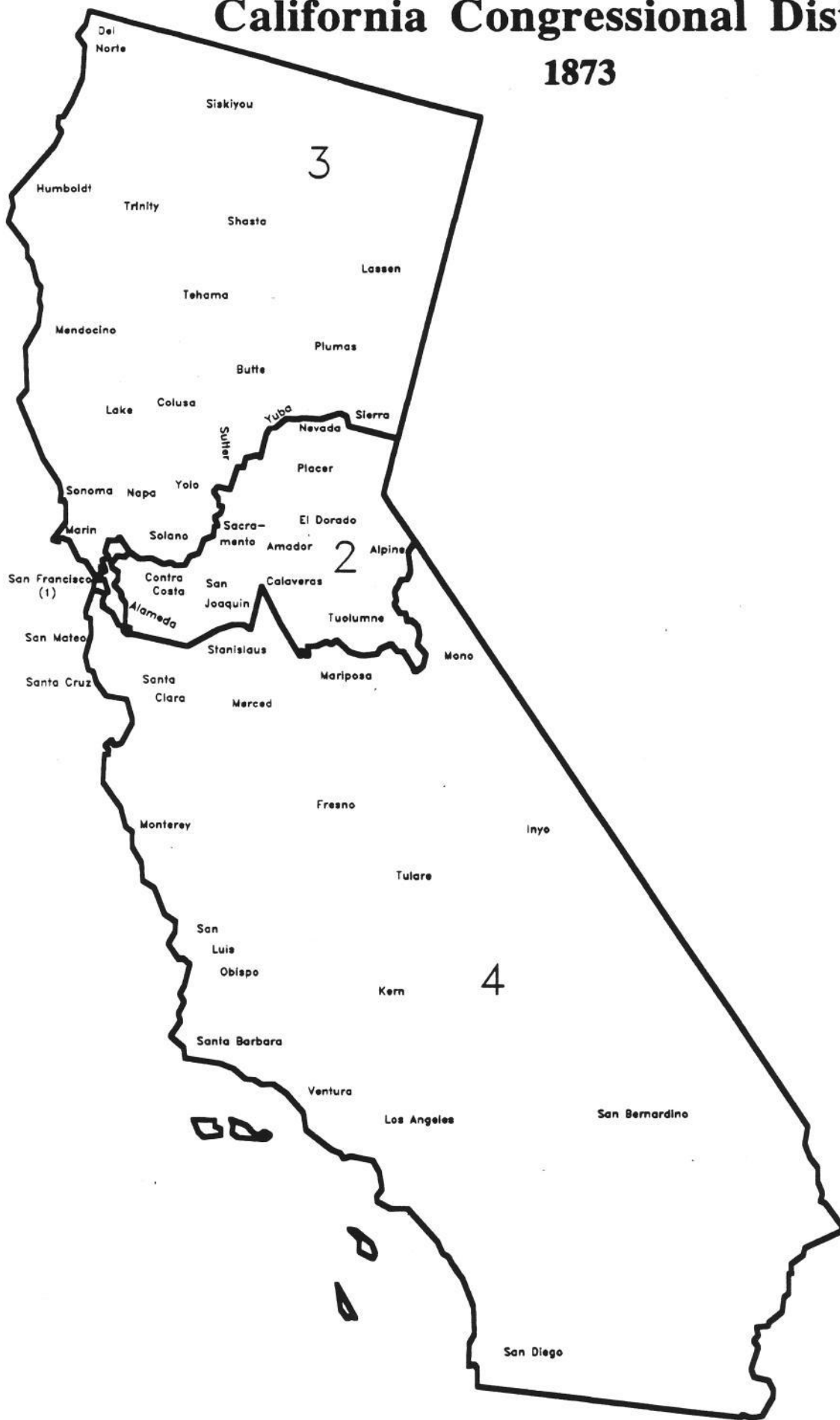
# California Congressional Districts

1865



# California Congressional Districts

1873



# California Assembly Districts

1883

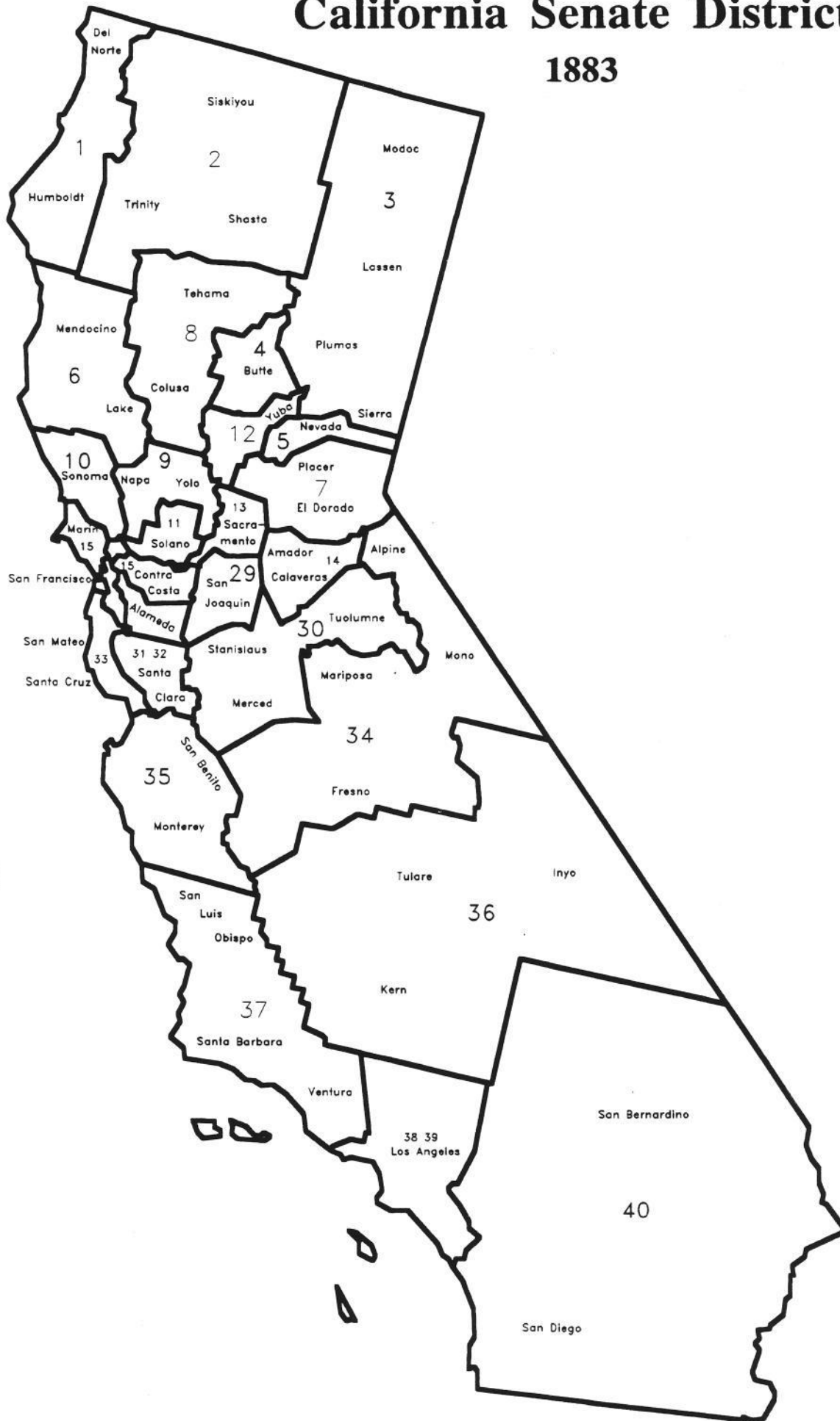


Alameda  
51 52 53  
54 55 56

San Francisco  
29 30 31 32 33  
34 35 36 37 38  
39 40 41 42 43  
44 45 46 47 48

# California Senate Districts

1883



Alameda  
16 17 18

San Francisco  
19 20 21 22 23  
24 25 26 27 28

# California Congressional Districts

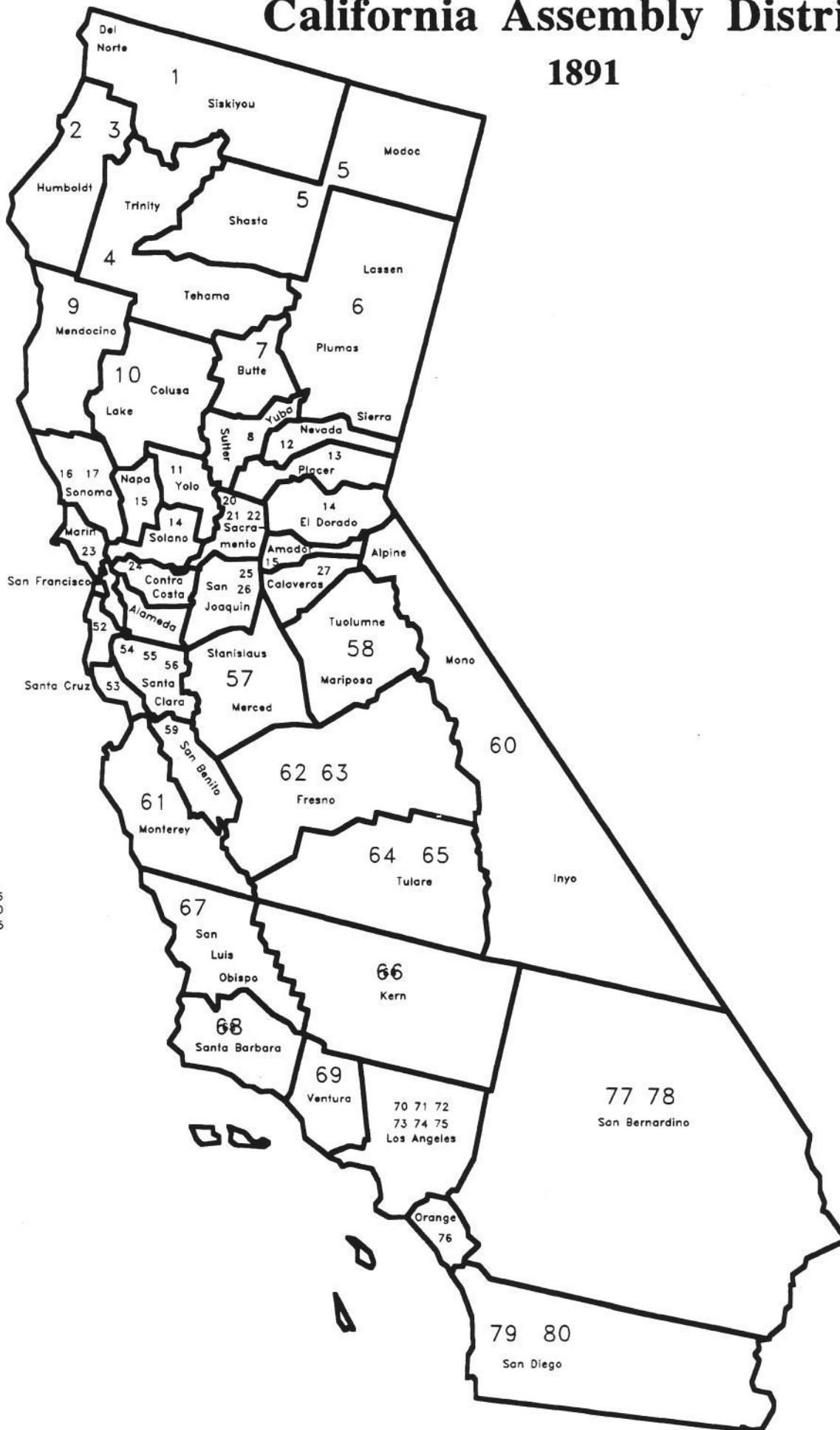
1885





# California Assembly Districts

1891

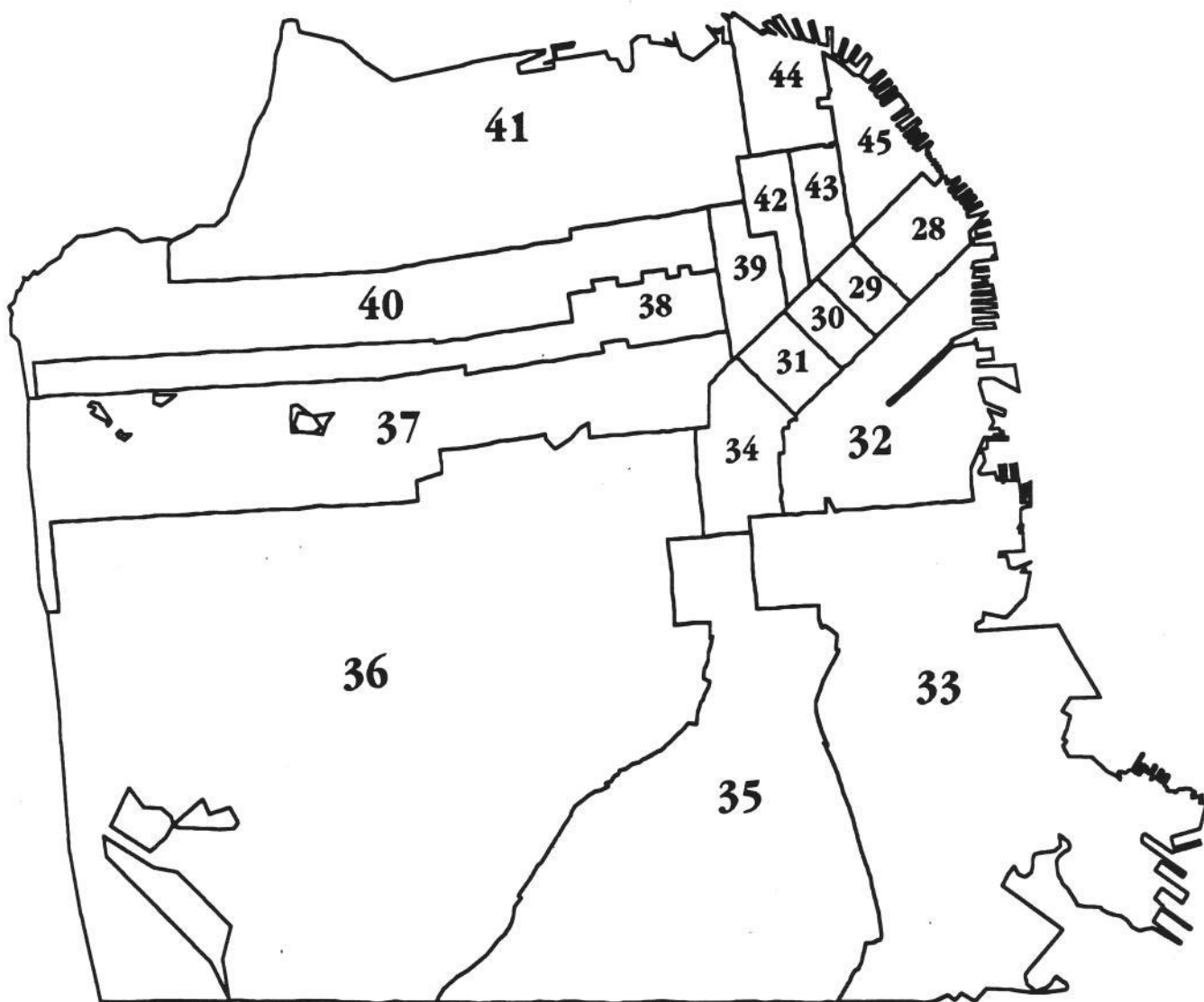


Alameda  
46 47 48  
49 50 51

San Francisco  
28 29 30  
31 32 33 34 35  
36 37 38 39 40  
41 42 43 44 45

# San Francisco Assembly Districts

1891



# California Senate Districts

1891



Alameda  
26 27 28

San Francisco  
17 18 19  
20 21 22  
23 24 25

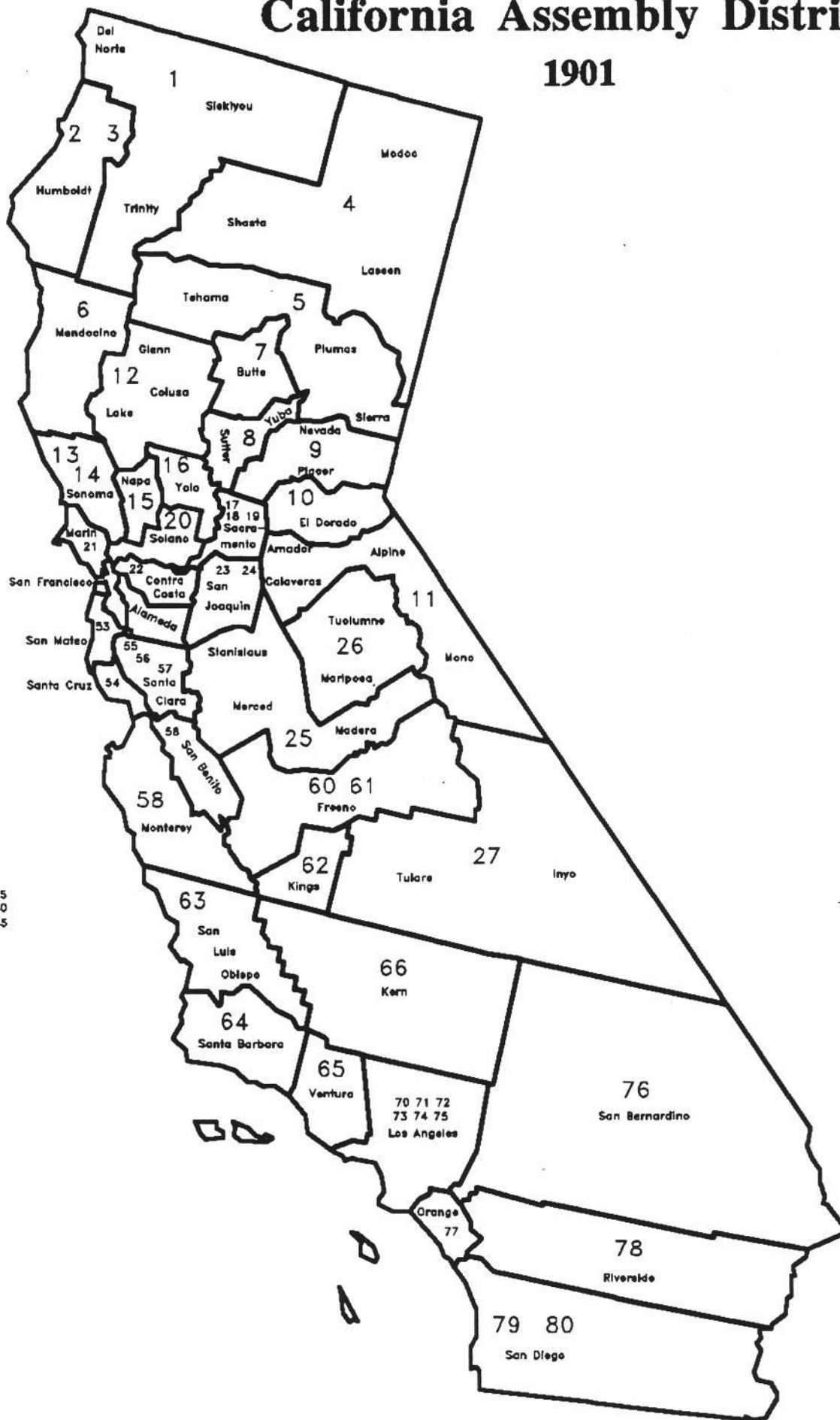
# California Congressional Districts

1891



# California Assembly Districts

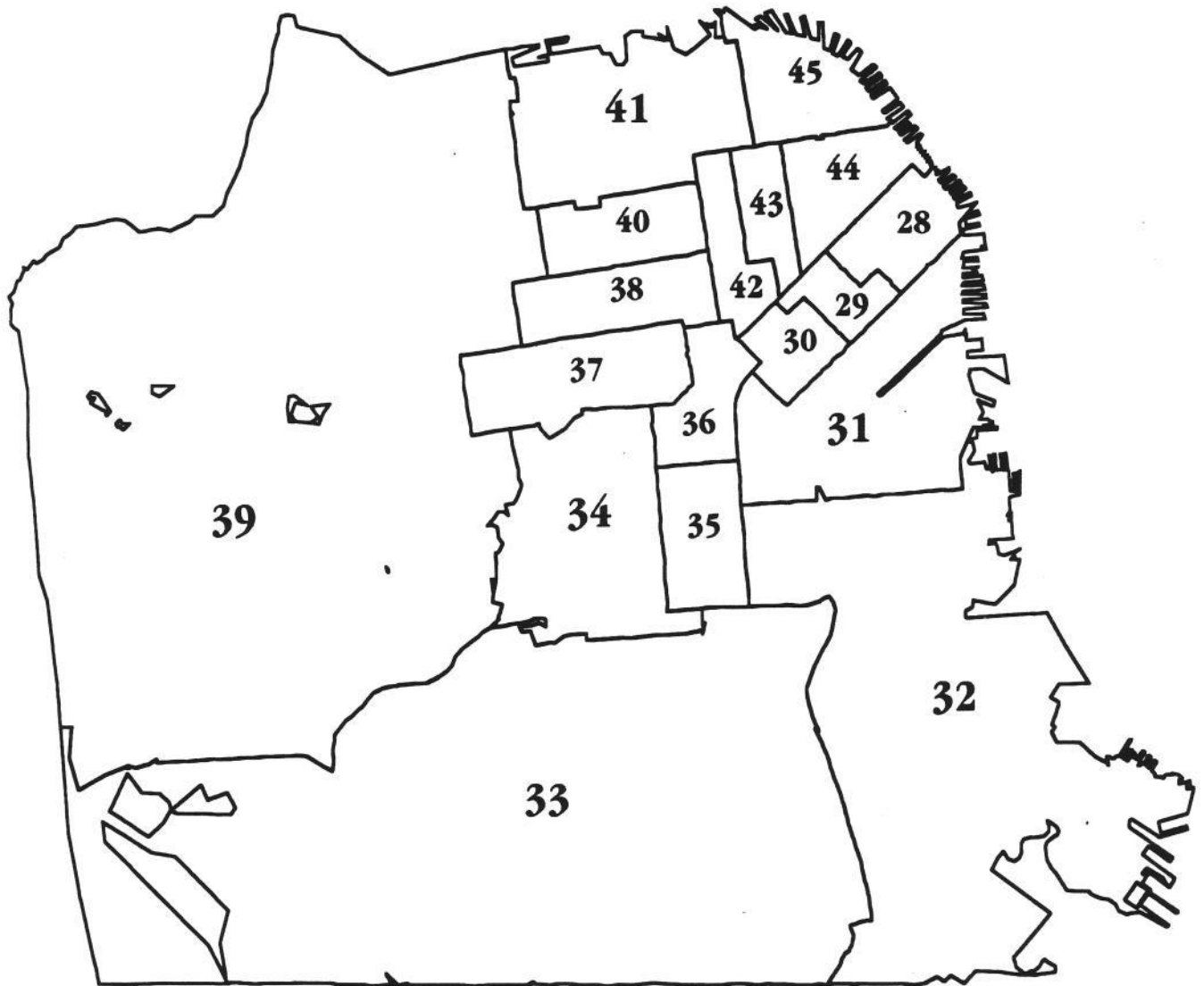
1901



Alameda  
46 47 48  
49 50 51 52

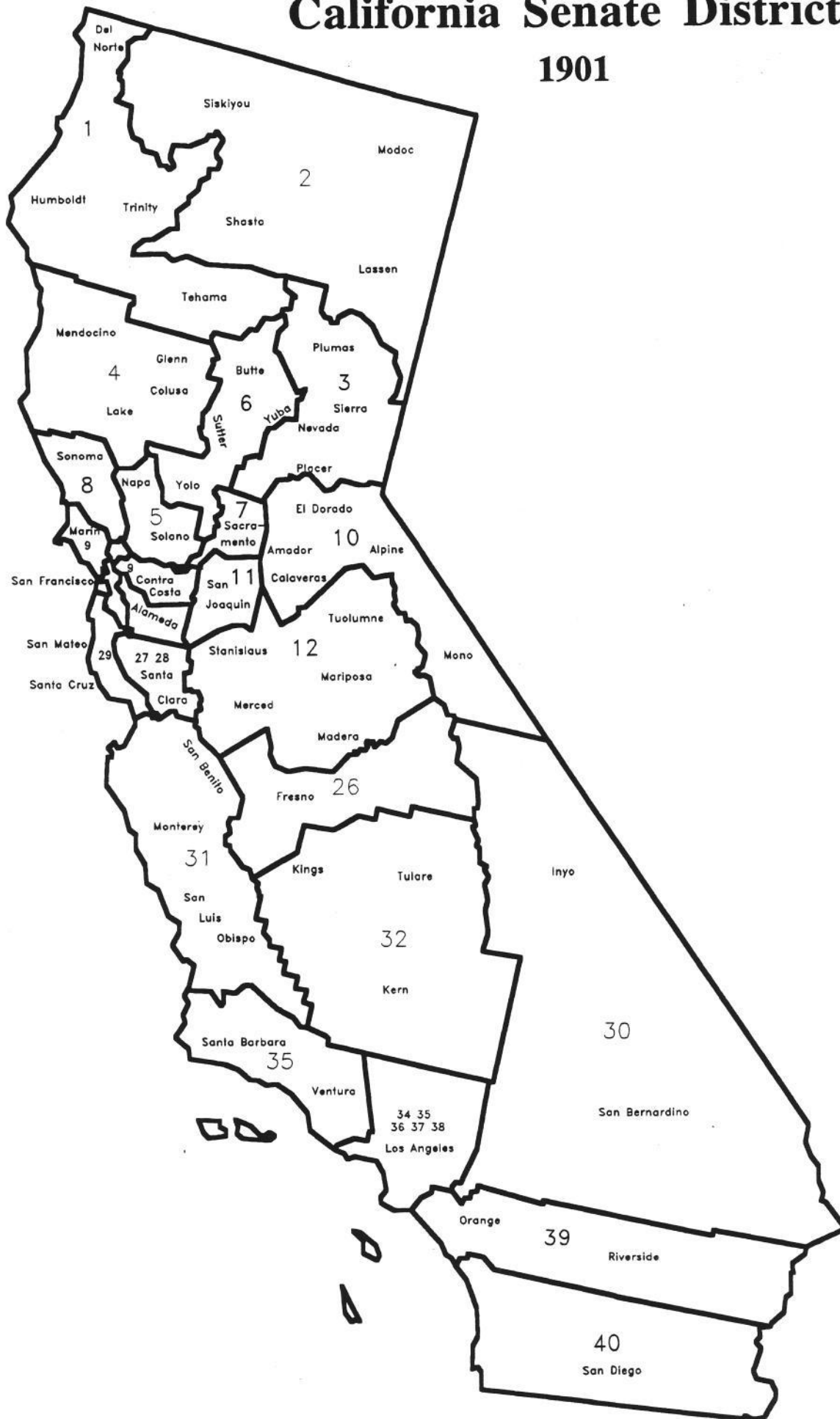
San Francisco  
28 29 30  
31 32 33 34 35  
36 37 38 39 40  
41 42 43 44 45

# San Francisco Assembly Districts 1903



# California Senate Districts

1901

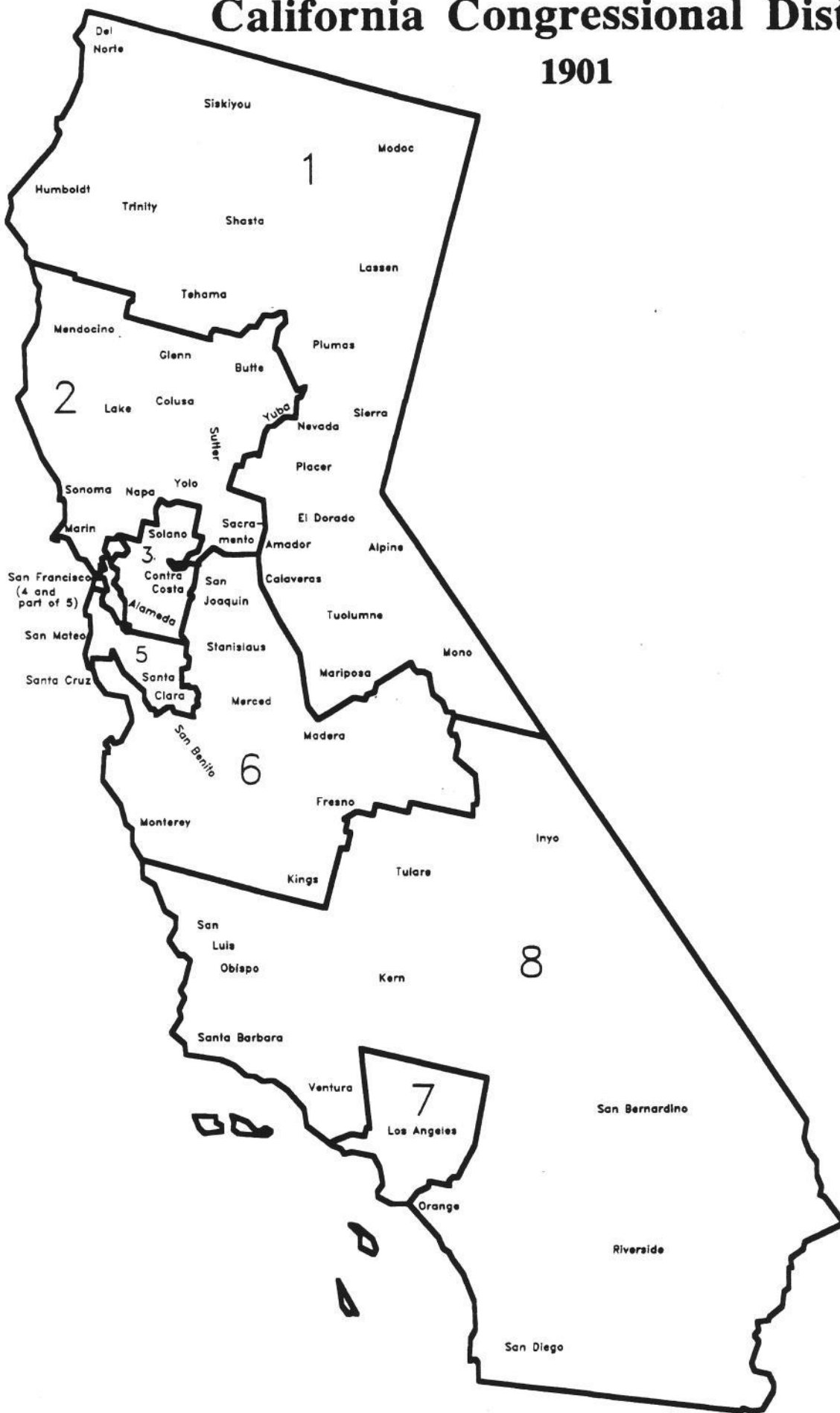


Alameda  
13 14 15 16

San Francisco  
17 18 19  
20 21 22  
23 24 25

# California Congressional Districts

1901





## CHAPTER 2

### THE GREAT TRANSITION: 1911 TO 1941

Republicans continued to be dominant in the 1911 Legislature. However, the Southern Pacific machine had been defeated. Large numbers of Republicans were progressives promising major electoral reforms. The Democrats were also generally reformists. Hiram Johnson narrowly won the Republican gubernatorial nomination and likewise the general election.

Shifts in population between the north and the south and between the rural and the urban areas continued to be at the heart of the reapportionment battle.

#### The Politics of Reapportionment in 1911--The Regular Session

Other political issues temporarily delayed the reapportionment of 1911. The 1910 gubernatorial campaign had been waged on a reform platform to eliminate the influence of the Southern Pacific machine and San Francisco bossism, as well as to promote social reform. Accordingly, reform programs took precedence, including electoral reform (primaries, cross-filing, and direct election of U.S. Senators), old age pensions, the abatement of vice, the improvement of penal institutions, labor laws, and internal development.

Attention to progressive reform in the 1911 regular session put the issue of reapportionment into the background. The population of Southern California was growing relative to other parts of the state. Democratic registration was falling in an increasingly Republican state. Los Angeles benefited from the southern growth phenomenon.

A second dimension of the reapportionment dilemma developed. Incoming hordes were flowing to the urban core areas. For example, though San Francisco lost representation, Alameda gained. Together the three major cities edged toward 50% control of both houses. If the urban forces united, dominance would be possible. The political implications of the demographic changes were not difficult to understand.

The population increased 38% in the 1910 census. 61.8% of the state's population lived in urban areas. 68.9% of the people resided in the north. If reapportionment occurred with anything approaching population equity, the south would gain. 1911 would mark the emergence of Los Angeles as a legislative power. On the other hand, the rural areas--rapidly approaching minority status--would lose, along with San Francisco.

Based on strict population equity the three urban counties would be entitled to the following:

	Assembly	Senate
	Seats	Seats
Los Angeles	16	8
San Francisco	14	7
Alameda	8	4

Alameda county would gain one Assembly seat and Los Angeles would gain eight Assembly seats along with three Senate seats.

Reapportionment indirectly became an issue in the regular session when the Tidelands bill was introduced. Los Angeles sought to have municipal title to submerged tidelands. In turn, harbor fees and wharf charges would be turned over to the municipality for harbor and commerce development. San Francisco commercial interests were not favorably disposed toward the development of a rival harbor, even one in "a region nature had designed for mud flats and sand dunes"<sup>3</sup>.

After some delay, San Francisco legislators acquiesced to passage of the Tidelands bill. Their support, however, came at a price. The northern city's interest groups, such as the Chamber of Commerce, accepted the Tidelands bill on an understanding with the Los Angeles delegation that San Francisco's representation losses would be held to a minimum. San Francisco legislators feared that all the additional seats southern California was entitled to might be taken from the San Francisco delegation as the result of a rural-southern coalition. The deal on the Tidelands bill with Los Angeles was an attempt by San Francisco to protect its legislative representation.

Of wider significance was the fact that the Tidelands agreement found city dwellers joining forces against the farmers. The fears of rural groups were aroused. If the metropolitan groups could

combine on one issue, why could they not work against the rural groups on other legislation? Since both houses of the legislature were based on population, the prospect of city domination presented a real threat to rural power, and the pattern of the previous forty years was ominous.

Legislators from 55 other counties began voicing opposition to the potential gains for Alameda and Los Angeles. Opponents expressed a fear of big cities: their unreliable residents, strange life-styles, and the danger of union control. Fundamentally the problem was "newcomers" against the "old timers," who often had themselves arrived only shortly before. Such views fanned the determination to protect farming, mining and lumbering interests.

Oddly the endangered counties found themselves a friend in the Los Angeles delegation, Republican Assemblyman Charles Randall. Randall feared voting dominance by urban centers because they could place the tax burden on the rural areas.

Introduction of AB 887 by Randall kicked off the reapportionment battle in the Regular Session of 1911. His plan gave counties with the major cities less representation than their population warranted while favoring continuing rural representation. Alameda County would be given eight Assembly seats and four Senate seats, Los Angeles 16 Assembly seats and eight Senate seats, and San Francisco 13 Assembly and six Senate seats.<sup>1</sup>

Randall stated to the committee reviewing his bill that the proposal was based upon the theory that no two large cities should be able to combine to dictate the state legislation for the next ten years. If districts were determined strictly by population, Los Angeles and San Francisco counties would have a membership of 31 in the Assembly, nine less than a majority of that body's entire membership. The Assemblyman believed a wide political distrust of cities would develop if population was used as a basis for reapportionment. Randall cited the case of Illinois. Based on population, Chicago was entitled to send 23 members to Illinois' lower house, but only 17 seats were granted to it. Despite cries of unconstitutionality, Randall noted that numerous Supreme Court decisions supported the view that the Legislature was entitled to use discretion. Mathematical exactness was not required. Though no county should be deprived of substantial representation, Randall believed it inconceivable that anyone could

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<sup>1</sup> Apportionment of Members, p. 13, State Library.

reasonably claim that 40 assemblymen were unable to properly represent 88 square miles in the City and County of San Francisco, while one assemblyman could represent 8,000 square miles in Modoc, Lassen, Plumas and Sierra counties no matter how great the population of the former.<sup>2</sup>

Challenging the Randall position was Assemblyman Schmidt, who declared such a view would demonstrate less a concern for the state as a whole than for the special interests of a few. Schmidt declared that with Randall's reapportionment proposal, Los Angeles had come out in the open in its hostile attitude toward San Francisco. Randall was asserted to have said that the people of the State of California did not trust the City of San Francisco; therefore, San Francisco should be robbed of substantial portions of its representation. Randall proposed to remove eight Assembly districts from San Francisco and take five of them to Los Angeles. Schmidt interpreted such a shift of representation as one more slap at San Francisco by the people from the City of Los Angeles who increasingly controlled state politics.

The San Francisco Assemblyman was especially angered by the breaking of the agreement on the Tidelands legislation. Schmidt observed that Los Angeles civic leaders came to San Francisco and requested it stand with Los Angeles in the attempt to acquire tidelands at San Pedro. San Francisco representatives had honored the request. Now "this occurs."<sup>3</sup>

Although approving the defrocking of San Francisco, Randall's allies were not pleased with the provisions of the bill relating to Los Angeles. Rural forces wanted an amendment to reduce Los Angeles' Assembly seats below what strict population would require. Randall amended the plan to give Los Angeles 14 Assembly and seven Senate seats; and San Francisco ten Assembly and six Senate seats. Alameda retained the same representation as in the original plan. Under the plan these three counties would have had a total of 17 of 40 senators and 32 of 80 assemblymen for an overall loss of one senator and five assemblymen.<sup>4</sup>

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<sup>2</sup> Sacramento Union, March 10, 1911, p. A3.

<sup>3</sup> Sacramento Union, March 10, 1911, p. A2.

<sup>4</sup> State Library, Apportionment of Members, p. 11

A *Sacramento Bee* cartoon captured the political reality. It pictured San Francisco as a missionary facing the rest of the state portrayed as cannibals, Los Angeles in the lead with a knife in hand prepared to carve up the former boss of the state.<sup>5</sup>

The San Francisco delegation justified their need for more representation by arguing the city's population would have been larger if the devastation of 1906 had not occurred. The earthquake and fire, and the lack of water and poor sanitation facilities had driven people to Alameda County.<sup>6</sup>

The amended Randall bill passed in the Assembly by a vote of 47 to 30, but the legislation died in the Senate Committee on Reapportionment and Representation.<sup>7</sup> Notably all San Francisco legislators voted no.<sup>8</sup>

Senator Richard J. Welch of San Francisco introduced a new bill in the Senate. It favored the cities of Los Angeles and San Francisco. Los Angeles and San Francisco would receive 16 Assembly and eight Senate seats; Alameda would receive four Senate and eight Assembly seats. Under Welch's proposal the legislature would have passed control to four counties (San Francisco, Los Angeles, Alameda and Santa Clara) having a total of 20 Senate and 40 Assembly seats.<sup>9</sup>

A proposal for a greater San Francisco was made. The constitutional amendment would have created a single municipality of the 32 communities around the San Francisco Bay. Alameda county resisted the idea of yielding any of her territory to the city across the bay. The dispute resulted in breaking up the San Francisco-Los Angeles-Alameda-Santa Clara bloc in the Senate which had been unified on reapportionment. Los Angeles sided with Alameda.

In a sense the break up of the urban bloc merely proved the weakness of the rural arguments. For the dire results of urban control to take place, the urban groups had to be unified. The Tidelands issue proved it could happen, but within weeks the coalition was in shambles.

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<sup>5</sup> Sacramento Bee, March 13, 1911, p. 1

<sup>6</sup> Sacramento Bee, March 21, 1911, p. 1

<sup>7</sup> Sacramento Union, March 22, 1911, p. 1

<sup>8</sup> Journal of the Assembly, 1911, Regular Session.

<sup>9</sup> Apportionment of Members, p. 11, State Library

The Special Session of 1911

Reapportionment still had to be faced despite inaction in the Regular Session. A Special Session for reapportionment was called by Governor Hiram Johnson in December of 1911. In the interim between the regular session and the special session on reapportionment, a "cow county" caucus was called to devise ways and means to oppose the metropolitan alliance. Rural groups knew that to preserve their legislative power, the constitutional basis of representation would have to be altered. Rural interests began to think in terms of a representative system which would combine population and area. At the conclusion of the conference, 42 rural legislators committed themselves:

Resolved that in no case shall any members of this caucus or meeting pledge himself to stand by or vote for any reapportionment bill not previously considered by the members present at this meeting or caucus. This shall apply to a regular or special session of the Legislature.

A seven man committee was created to develop a plan for state reapportionment, consisting of L.D. Bobnett from Santa Clara (Chairman of the Reapportionment Committee in the Assembly); W.F. Chandler from Fresno; Clyde Bishop from Orange; John H. Guill from Butte; Gustavos A Jasper from Humboldt; J.C. March from Sacramento and Frank M. Rutherford from Nevada.<sup>10</sup>

Six reapportionment bills were introduced in the 1911 Special Session. Populous counties were favored in two Assembly and two Senate bills. Two of the Assembly bills were favorable to rural sections. These two had the same allocations for the three big counties.

	Senate	Assembly
Alameda	4	8
San Francisco	6	12
Los Angeles	7	14

Differences occurred in regard to representation for medium-sized counties. AB 19, by James W. Hamilton of Sonoma County, provided three assemblymen each for Fresno, Sacramento, and Santa Clara. AB 35 by Los Angeles assemblyman Randall allowed only two each for the same counties.

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<sup>10</sup> Hichborn, Franklin, Story of the California Legislature -- 1911 (San Francisco, CA: Barry Co., 1911), p. 17.

Three of the four bills favorable to the three populous counties provided:

	Senate	Assembly
Alameda	4	8
San Francisco	7	14
Los Angeles	8	16

AB 66 became the vehicle for legislative action. It passed the Assembly and then reached the Senate. The Senate promptly amended it to conform to one of the Senate reapportionment plans. The Assembly in turn refused to concur with the Senate amendments and forced the bill into free conference.

The ultimate result was a compromise which provided representation as follows:

	Senate	Assembly
Alameda	4	8
San Francisco	7	13
Los Angeles	8	15

In effect in the Senate the three populous counties received full representation on the basis of the constitutional standard--population. In the Assembly the urban counties received two less than the mathematical quota. Los Angeles and San Francisco were given one member less than their entitlements.<sup>11</sup> Three senatorial districts were collapsed into two in the Foothills and Mountain and San Joaquin Valley areas. On the central coast two districts were realigned but two senatorial districts were retained.<sup>12</sup> Los Angeles County gained three senatorial seats while San Francisco lost one. Los Angeles gained six Assembly seats and Fresno, Alameda and San Bernardino gained one seat each. San Francisco lost five Assembly seats while Humboldt, Sacramento San Joaquin and Santa Clara lost one each. Imperial, Kings, and Merced-Madera benefited from the constitutional rule that no county be split if less than one. Counties less fortunate in entitlement figures were Nevada, which was joined with Placer, San Benito with Monterey, Lake with Napa and Yolo with Sutter and Yuba.<sup>13</sup>

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<sup>11</sup> State Library, Apportionment of Members, p. 11-13.

<sup>12</sup> San Benito County was shifted from Monterey County to Santa Cruz.

<sup>13</sup> Statutes of California, 1911, Chapter 37, pp. 140-164.

Deadlock over the two reapportionment proposals was only broken when Los Angeles abandoned its earlier pledge to San Francisco in the regular session. The Los Angeles delegation joined the rural legislators in passing the Senate plan. While all Los Angeles members supported AB 66, San Francisco voted no along with most of the Alameda delegation and the San Joaquin delegation.<sup>14</sup>

Although Los Angeles received one less than its entitlement based on population, the motive for approving the Senate plan is not incomprehensible. Failure to pass a reapportionment bill in 1911 would have meant retaining the provisions of the 1901 reapportionment law. The 1901 law provided representation for San Francisco on the basis of a higher percentage of the state's population than she had in 1910. A reapportionment deadlock would have deprived Los Angeles of six assemblymen and four state senators that were provided in the new bill; while San Francisco would have retained five assemblymen and two senators denied it by the 1911 reapportionment. Thus, in pressing for reapportionment on the basis of the Senate bill and abandoning its prior commitments, Los Angeles action was obviously motivated by self-interest.

The bitter rural versus urban legislative battles over reapportionment in 1911 which united rural and medium sized counties heralded a struggle that would dominate California politics for the next two decades.

Disagreement over the Congressional reapportionment provisions was less bitter primarily because state legislative districts more directly affected the legislators who voted for the measures. Regional versus population representation centering on the distribution of the new districts between the north and the south was the principal controversy. Two of the three new Congressional districts were allocated to southern California, and the other to the north. California's total Congressional representation increased to eleven. Los Angeles had a congressman of its own. As the population grew the state could look forward confidently to a further increase in 1921.

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<sup>14</sup> Journal of the California State Assembly, 1911 Extraordinary Session, p. 407.  
Journal of the California State Senate, 1911 Extraordinary Session, p. 500.



## The Twenties and the Federal Plan

California responded to the Progressive period in much the same fashion as the nation. Old guard Republicans yielded at least temporarily to progressives within the Republican ranks. The Republicans split in 1912 and barely won the state for the Bull-Moose (Progressive). A vice presidential candidate was from California. In 1916 California surprised the nation by voting for Wilson to give him his second term.

The tides of reform brought Progressives and Democrats into prominence, but as World War I and its disenchantment followed, the state quickly lapsed back into Republicanism. Its former governor, now a U.S. Senator, was a prominent Republican presidential hopeful in 1920.

When Johnson became a U.S. Senator in 1916 the governorship was yielded to Lieutenant Governor Stephen. Stephen's efforts to continue the progressive tradition failed and led to his ultimate defeat. On the legislative level the Republicans were dominant. In what had become a one party state, reapportionment was not a partisan issue. The plan of 1911 would not suffice and the inevitable power struggle would be fought in terms of rural/urban and north/south within the Republican Party.

Between 1910 and 1920 San Francisco and northern rural areas continued to grow less rapidly in relation to Los Angeles and southern California. The motivation increased for an alliance between the San Francisco and northern groups to prevent Los Angeles and southern California from gaining seats in proportion to its population gains.

The fact that both of California's legislative houses were based on population compounded the hostility to any loss of representation. A reapportionment victory--whether by northern counties, urban areas, or pressure groups--meant victory in both houses of the legislature. In the 1920's rural groups were especially determined to control at least one house in the legislature.<sup>15</sup>

During the 1921 session of the legislature an initial suggestion was made for reapportionment on the basis of the 1920 federal census. Legislation was proposed to reapportion the Senate and Assembly on a strict population basis. In light of the urban and southern population growth, rural groups countered by

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<sup>15</sup>The Bemis study is the basic reapportionment study. Other references meriting special comment are: Franklin Hichborn, Story of the California Legislature of 1921 (San Francisco, CA: James H. Barry Co., 1921); and Frances N. Ahl, "Reapportionment in California," 22 American Political Science Review 978 (1928).

introducing a maze of legislative bills, constitutional amendments, and individual proposals to protect "county" interests.<sup>16</sup> Deadlock in the 1921 and 1922 sessions was followed by renewed efforts in the 1923 session to reapportion strictly on the basis of population. Continual deadlock resulted.

Several mathematical formulae were introduced in the 1925 session, with the hope of resolving the legislative stalemate. The proposal that appeared most likely to break the deadlock was called the 3/8-5/8 Plan. The 3/8-5/8 Plan proposed that fifteen senators be allotted to the three urban counties, or three-eighths of the membership of the upper house, while twenty-five senators, or five-eighths of the membership, would be elected from the other fifty-five counties in the state.<sup>17</sup> Other proposals suggested a division of Senate representation on the basis of an 11 urban/29 rural or 13 urban/27 rural breakdown.<sup>18</sup>

Important farm groups were divided over the formula to be employed but they were united in support of rural supremacy in the state senate. The State Grange and the Farmer's Union favored a plan based on Senate representation by area and Assembly representation by population. The Farm Bureau favored the 3/8-5/8 Plan.<sup>19</sup>

Steadily the state's social, economic, and political interests, interlocked with population growth, diverged from the representative base created by the 1911 reapportionment. Pressure for change mounted. At the same time, resistance stiffened.

Dr. Victor J. West commented in 1923 on the legislature's inability to deal with the situation:

...Failure to adopt a just apportionment of representation is a standing disgrace....The failure will in the near future constitute an increasingly important cause of irritation, friction, and distrust. The situation is unfavorable for the accomplishment of any unified program of constructive legislation.<sup>20</sup>

Almost inevitably reapportionment became enmeshed with other issues. Failure of the legislature to authorize the incorporation and organization of the Metropolitan Water District was a source of grievance for Southern California which held such development vital to its future. Apportionment of state highway

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<sup>16</sup> The Boggs Bill (SB 1) was the principal reapportionment bill in the 1921 session; Bemis, *op. cit.*, Ch. VII. The confused maze of proposals and issues is admirably surveyed in Chapter VII of the Bemis study.

<sup>17</sup> California Legislature (1925) S.C.A. No. 9.

<sup>18</sup> Bemis, *op. cit.*, pp. 176-177.

<sup>19</sup> Bemis, *op. cit.*, pp. 180-182. In addition to the strict population, 3/8-5/8, 11-19, 13-27, and federal formulae, some other solutions were proposed. One plan called for a classification of counties into categories. A county in each category would be entitled to a specific quota of senators. This would have restricted the representation of metropolitan counties and some of the medium sized counties. Another proposal would have limited the number of districts assigned to metropolitan counties, but also would have provided that a certain portion of the districts come from rural sections within those counties.

<sup>20</sup> Victor J. West, "Our Legislative Mills--California," 12 *National Municipal Review* 372 (July 1923).

funds was another source of friction and grounds for distrust. From the viewpoint of Southern California, a "unified program of constructive legislation" was lacking. Intense political feelings were aroused. Threats of secession were renewed. Though not advocating drastic action, a southern newspaper observed:

Southern California however is mad. It [the current situation] is enough to begin yelling 'state division.' With the gasoline tax slipped over, the metropolitan water district knifed, the reapportionment killed for another two years at least, the man who looks at everything through the eyes of Southern California is very much out of sorts.<sup>21</sup>

Three years later Francis Ahl could still write that reapportionment remained California's "most perplexing problem".<sup>22</sup>

When it became apparent in 1926 that legislators were not going to take action, citizens took the reapportionment issue into their own hands. Two proposals were presented: 1) an All-Parties Reapportionment Committee supported an initiative measure to reapportion both houses of the Legislature on the basis of population; and 2) other groups backed an initiative measure that based Assembly representation on population and Senate representation on counties.

Los Angeles citizens sponsored the All-Parties Reapportionment Committee plan in the form of Proposition 20. It had provisions for automatic reapportionment with a reapportionment commission if the legislature failed to act.<sup>23</sup> Proposition 20 made population the essential determinant of representation for both houses of the legislature. The initiative implemented what the 1879 constitution required. Supporters of the All-Parties Committee argued that reapportionment by population was the only democratic method. Any qualification would distort the essence of the system. Equality of representation by population was said to be:

...the cornerstone of Republican government.... It assures each individual, no matter his race, creed, position in life, or geographical location, an equal voice in the government under which he lives.<sup>24</sup>

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21 San Bernardino Daily Sun, April 25, 1925; cited by Bemis, *op.cit.*, p. 198.

22 Ahl, *op. cit.*, p. 977.

23 Bemis, *op. cit.*, pp. 18-19.

24 California Secretary of State, Arguments on the Propositions on the Ballot, November 1, 1926 (Sacramento: State Printing Office, 1926).

Reference was made to the American Revolutionary dictum "no taxation without representation." The All-Parties Committee contended that "the populous counties pay the greater share of the taxes and should have the controlling voice in the expenditure of the state's funds".<sup>25</sup>

Opposition to the All-Parties Reapportionment program came from the Farm Bureau Federation, the State Grange, the Farmers' Union, the Agricultural Legislative Committee, and the San Francisco Chamber of Commerce. The rural groups presented an alternative proposal, Proposition 28, combining county representation in the Senate and population representation in the Assembly. In the upper house the forty seats would be apportioned among the fifty-eight counties with provision that no county would have more than one senatorial district nor would any senatorial district include more than three counties.

Farm groups said that their program was clearly in the American tradition. The United States Senate provided equal representation for all states, whether large or small, while the House of Representatives was based on population. The rural proposal would do basically the same thing for the California Legislature, hence the program was called the Federal Plan. Proponents pointed out that 29 of the 48 states included the principle of balance.

Proponents of the Federal Plan also argued a balance of power would be set up between urban and rural groups. Likewise, a check and balance system would be created for economic and social interests. Such a system would also make less likely the domination of the state by city "machine" politicians.<sup>26</sup>

Though supporters of the All-Parties measure and supporters of the Federal Plan disagreed on the fundamental issue of the appropriate basis for representation, other stipulations in the two initiatives were similar. The number of senators and assemblymen remained the same as in the 1879 Constitution, at 40 and 80 respectively. Picking an idea from the Campbell proposal of 1913, an ex officio commission was provided in both proposals to handle the reapportionment in the event the Legislature failed to act after each decennial census.

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Idem.

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Idem., Proposition Number 28. It is interesting to compare the 1927 arguments with similar arguments on the same subject in the 1948 referendum. Cf. Joseph A. Beek, The California Legislature (Sacramento, CA: State Printing Office, 1942), pp. 5-17.

"Irritation, friction and distrust" engendered by repeated reapportionment delays in the 1920's assured a vigorous election campaign in the fall of 1926. The citizen had two clear-cut proposals on reapportionment from which to choose:

- 1) support an allotment of representation in both legislative branches based strictly on population as was provided for in the 1879 Constitution, with provisions added to prevent stalemate; or
- 2) vote for the so-called balanced system with population the basis for representation in one house, and counties the basis in the other.

More than 800,000 voters went to the polls on November 2, 1926. The All-Parties initiative was defeated, with 319,456 votes cast in its favor and 492,923 opposed. The Federal Plan was enacted by a vote of 437,003 to 368,208. The people had approved a fundamental alteration of the basis of representation in the legislature; henceforth, the Senate would represent area and the Assembly population.

In effect of Article IV, section 6 of the Constitution, which had survived the Second Constitutional Convention, was now replaced. Article IV, section 6, now provided:

1. 40 Senatorial and 80 Assembly districts "composed of contiguous territory";
2. Assembly districts "as nearly equal in population as may be";
3. no county could have more than one senatorial district and no more than three counties could be in a senatorial district;
4. districts would be realigned after each decennial federal census at the first regular session;
5. if the Legislature failed to act on reapportionment in the first regular session after a decennial census a Reapportionment Commission would have the duty to apportion according to the constitutional stipulations;
6. the Reapportionment Commission would consist of the Lt. Governor, as Chairman, the Attorney General, the State Surveyor General, the Secretary of State and the State Superintendent of Public Instruction;

7. referendum action could be taken against either the legislative or commission enactments;
8. census figures would be adjusted to not count as part of the population of any district persons not eligible to become citizens; and
9. until redistricting had taken place legislators would be elected from districts under the prevailing law.<sup>27</sup>

### Implementation of New Districts

The legislature elected in the 1926 elections had as one of its first items of business the reapportionment of the state according to Proposition 28 approved in the same election.

Twenty-seven counties received the maximum senatorial representation of one senator per county. The other 13 seats were shared by eight 2-county districts and five 3-county districts. The northern and rural areas had gained a lock on the legislative process. This is highlighted by reference to comparable representation in the 1873 legislature, fifty years prior. The 1927 legislation gave the Foothills as much representation as they had had 50 years previously, even though their percentage of the population had dropped dramatically.

With such a concession to the northern and rural groups the rationale for any limitations on population as the basis of representation were eliminated. Assembly reapportionment shifted ten seats from north to south. Humboldt, Butte, Mendocino, Kings and Santa Cruz counties, which had one assemblyman each, were combined with other counties. The Nevada-Placer district was collapsed into a district with Lassen, Plumas and Sierra counties. The Alpine/Amador/Calaveras/El Dorado district was dissolved into the Inyo-Tuolumne-Mono district. Sonoma, San Francisco and San Bernardino counties each lost one assemblyman. Los Angeles received nine of the ten seats. San Diego won its second seat. After almost a decade of delay, the Legislature passed the bill with a vote of 65 to 0 in the Assembly and 34 to 1 in the Senate.<sup>28</sup>

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<sup>27</sup> This clause was used in the 1972 elections for Assembly and State Senate.

<sup>28</sup> The only dissenter was Senator Harry L. Chamberlain of Los Angeles County.

Despite nearly two decades of delay expressions of relief at passage of the bill were short in duration. Enactment of legislation in accordance with the 1926 decision, the first reapportionment since 1911, had hardly occurred before referendum petitions were circulated to postpone the reapportionment's effect. Despite the near unanimous passage of the reapportionment legislation, San Francisco and Alameda citizens launched a successful referendum drive challenging the 1927 reapportionment. By its decision in *Boggs v. Jordan*, the State Supreme Court delayed the 1927 reapportionment legislation until the people had an opportunity to vote on it in the general election of 1928. In that election the 1911 legislative districts were used.

Another election on the Federal Plan merely revived the arguments of the previous election. The only difference was the concrete examples the 1927 legislation brought into focus. Emphasis was placed on the injustice to metropolitan areas. Alameda, Los Angeles and San Francisco were to have one senator each, or less than 10% of the Senate representation despite the fact they paid 74% of government costs. A campaign presentation argued:

There is no logical reason why populated cities and counties containing almost the entire manufacturing, shipping and commercial interests of the State should be deprived of representation and their rights delegated and transferred to small counties and rural districts unacquainted with their necessities.

The referendum (Proposition 1) was defeated by a vote of 692,346 against to 570,120 for. San Francisco and Los Angeles counties were the only counties to give a majority vote in favor of the referendum. Whatever the explanation the rural groups were again triumphant; the upper house was theirs. The battle was over. A territorially based Senate had won twice and became a permanent feature of California government for nearly 35 years.

In the meantime, the 1927 session enacted legislation desired by southern California. Favorable legislative action was taken concerning state highway finance, organization of the metropolitan water district, additional water facilities, and submission of a million dollar bond issue to support the 1932 Olympic Games in Los Angeles.



In 1929, Republican Senator Henry E. Carter of Los Angeles revived a proposal he had originally introduced in 1927 when he was an assemblyman.<sup>29</sup> As a senator Carter was successful in getting the amendment to the floor only have it defeated 22 to 17. The vote only reemphasized the nature of the rural versus urban division. The San Francisco and Los Angeles delegations and two of the four Alameda senators voted in favor, while senators in other counties voted no.

Opportunities for new senatorial seats in the north were attractive but several assemblymen, notably in San Francisco, were without districts, such as Assemblymen James C. Flynn. The consolidation of Assembly districts in the north pitted former colleagues against one another -- sometimes Republican against Republicans, but also Democrat against Republicans. Republican Hulbert B. Scudder ran successfully against his Democratic colleague for the one remaining Sonoma seat. The consolidation of the Monterey district with San Luis Obispo districts pitted Democrat R.C. DeYoe of Monterey against Republican Charles Jespersen. Jespersen won.

Thus ended the reapportionment struggle of the 1920's. Legislative deadlock had blocked reapportionment of state legislative districts for almost a decade. Referendum action against the 1927 reapportionment delayed its effect until the voters approved the measure in the November 1928 elections. Finally, in the November 1930 election, electoral districts were used which embodied the Federal Plan and recognized the population changes of 1920.

While citizens of California used the initiative/referendum option to resolve their representation dilemmas, the problem of national representation was still to be settled in Washington, D.C. The arguments for delay were similar and centered around the rural/urban controversies of a changing society. Only in 1929 would the United States House of Representatives enact the Automatic Reapportionment Act which would guarantee California its due in 1931.

### The Thirties

Taken together the elections of 1930 and 1932 represented a political revolution. The Federal Plan opened up Senate positions in the rural and semi-urban counties of the state. The Assembly

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<sup>29</sup> In the 1927 session the Carter proposal was ACA 14 and died in committee.



reapportionment in 1930 (reflecting the 1920 census) created 10 new seats in the south, while wiping out an equal number in the north. In 1931, California's congressional delegation increased to 20 from 11, nearly doubling its representation.

New reapportionment problems arose. Though the Federal Plan achieved a balance of legislative power and solved in part the reapportionment difficulties within the state by giving rural groups control of the Senate, political problems remained in the distribution of Assembly and Congressional seats.

Clearly the Republicans were dominant in the state level.

Governor "Sunny Jim" Rolph urged a fair reapportionment without regard to party, regional or individual interests in his 1931 Biennial Address. The Governor asserted that one of the most important and difficult duties of the Legislature would be reapportionment. He called attention to the nine new Congressional seats in particular. The Governor also noted the "as nearly equal in population as may be" requirement and the availability of a Reapportionment Commission. Rolph was aware of the conflict which can arise between theory and practice. Popular government theory required that representation shall be fair and equal. But as he noted:

The political history of this country affords numerous instances of 'gerrymandering' by which tricky reapportionments have been made to give undue advantages to particular parties, politicians or localities.

The Governor hoped the legislature would approach:

the tasks without regard to sectional, individual or party interests and will make a reapportionment of both congressional and legislative districts in conformity with both the letter and the spirit of the federal and state constitutions and the traditional American idea of equal and local representation. Only such reapportionment will satisfy the people of California.

If the Governor thought his pleas for fair and honest reapportionment would be heard he was to be disappointed. From the beginning of the 1931 session the reapportionment struggle was renewed.

The 1931 reapportionment conflict began with the Speakership battle between Los Angeles and San Francisco. Republican Assemblyman Walter J. Little of Los Angeles favored a strict population formula. Republican Assemblyman Edgar Levey from San Francisco advocated a modification to the population rule. Levey's solution favored San Francisco at the expense of Los Angeles and San Joaquin Counties.

Levey was elected Speaker by a vote of 41 to 39. Levey's main support came from San Francisco, Alameda and other northern areas. Only six southerners supported Levey.<sup>30</sup> Little's support came predominantly from Southern California and the Southern San Joaquin Valley.

With nine new Congressional districts in the picture it is not surprising that the struggle over state legislative redistricting became closely tied to Congressional reapportionment. Two plans emerged for reapportionment, one from the Senate and one from the Assembly.

Senator J.W. McKinley of Los Angeles introduced SB 169 for Senate and Assembly reapportionment, but in actuality the proposals concerned only Assembly districts. The Senate had become virtually unredistrictable. In general the proposal favored Southern California. Los Angeles gained six seats and Orange one seat.<sup>31</sup> San Francisco lost three seats and Fresno and Alameda lost one seat each. The net result of the proposal was to give southern California 42 seats and the north 38 seats.<sup>32</sup>

The Assembly proposal, AB 301, was introduced by Republican Assemblyman Edward Craig of Orange, one of Levey's southern supporters. It was generally favorable to Bay Region interests. San Francisco would lose only two Assembly districts rather than three under the McKinley proposal. Alameda would lose no seats (rather than one). Los Angeles would gain eight seats rather than seven, and Orange would gain one (the same as under the McKinley proposal). San Joaquin as well as Fresno would have lost one seat (rather than no loss) because Stanislaus would have been consolidated with Merced and Madera. Kern County's one Assembly district would be absorbed into Mono and Inyo counties.

The major result of the 1931 reapportionment was the final recognition of the growth of Southern California. Forty-two Assembly districts were now in Southern California. The distribution of senatorial seats remained the same as in 1927.

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<sup>30</sup> Levey was supported by Orange County, Chester M. Kline of Riverside, Anthony B. Honnald of San Diego, and Frank Bonelli, Milton M. Golden and Ben Hill of Los Angeles.

<sup>31</sup> It is noteworthy that the gains went to Los Angeles county and not to other Southern California counties (except Orange, formerly part of Los Angeles). In other words, the southern battle was for Los Angeles. By the 1960s the gains of the south were going to outlying counties at Los Angeles' expense.

<sup>32</sup> Lake, Napa and Solano were consolidated into a district. San Joaquin retained its two seats.

Losing forces, composed largely of San Francisco and Alameda legislators, were not satisfied. However Governor Rolph refused to veto the Assembly reapportionment and referendum petitions failed to obtain sufficient signatures. The opposition movement collapsed quickly, if it really began. The reapportionment problem was solved for another decade.

In the Senate implementation on the new federal format was not completed until 1932. In 1930 elections were held only for the even-numbered districts. The last 20 Senate seats were elected in 1932. As a result, some counties were technically without representation between 1931 and 1933.

The effect of redistricting on the political parties is difficult to assess on either the Congressional or Legislative level. California was overwhelmingly Republican and had been for 40 years. To gerrymander for political advantage was unnecessary in a one-party state. One can only observe that the Democrats did well in 1932 compared to the past.

### The Forties

After the upheavals of the 1930s few of the 1931 redistricters were still present in the 1941 session. On the national level, Democratic U.S. Senator William McAdoo won in 1930 and 1932 but failed to win renomination in 1938. Sheridan Downey the Democratic primary victor won the U.S. Senator position to be California's Junior Senator for the remainder of Hiram Johnson's long service in the U.S. Senate (1916-1945).

Whatever dissatisfaction with reapportionment was present was mute, possibly from weariness but more likely because with the traumatic depression economic concerns were primary. The Republican dominance of the state of the first three decades was changing. Only in the State Senate had Democrats failed to gain a majority. Registration figures signaled a changing political world and the rise of Democratic members in the Assembly and the State Senate (more so in the lower house than the Senate, entrenched as a result of reapportionment in the 1920s) were indicative of this. As the Legislature met in 1941 the Democrats technically held a majority in the Assembly but the "economic bloc" of dissidents denied them control. Prizes, however, were few. Population growth brought three new congressmen to the state but internally the demographic changes were dispersed and did not result in major shifts

comparable to those of the past. Economic concerns, a Democratic New Deal and a pending war served to put redistricting on the back burner.

Still growth and the slight alterations of distribution necessitated some adjustments. The south continued to edge forward. Urban growth was not quite the same in that, in the later part of the 1930s, suburban development began to take hold as economic recovery occurred. Overall, however, only minor changes were warranted in 1941.

The Elections and Reapportionment Committee was made up of one assemblyman from each Congressional district. Veteran Republican Frederick Houser served as Chairman. Describing his procedures to his 1951 heir Houser said each assemblyman was brought into a room and a map of his district presented. The beginning point was Congressional districts, then Assembly districts were reshaped accordingly. Given chairman Houser's Congressional aspirations the emphasis is understandable.

In creating a "new" Democratic 19 Congressional district in 1941 significant Democratic strength was taken from the "old" 12 Congressional district occupied by the highly respected Democrat Jerry Voorhis. The new district potentially came within reach of Houser.

Even more quickly than in previous decades the topic of reapportionment then vanished for the rest of the decade. In the 1942 elections, Democrats Edward M. Gaffney and John D. Welch fought in the primary for their consolidated seats. Gaffney, a committee member, won. Democrat Ernest O. Voight lost a primary to Lester A. McMillan.<sup>33</sup>

The 1946 election would bring significant membership changes but redistricting did not play a major role. The legislative membership was stabilizing. Frustrated by lack of popular response, reformers thought seriously of court action as a solution. Their hopes were dashed in 1946 by the decision of the

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<sup>33</sup> A proposal for a state of Jefferson was made in 1941 with the counties of Del Norte, Siskiyou and Trinity threatening to join southern Oregon for a statehood bid, but December 7, 1941 tempered the movement. Two proposals were made to increase the size of the Senate. ACA 26 (Dills) called for one additional Los Angeles state senator and ACA 35 provided two senators each for Alameda, Los Angeles and San Francisco. Both died in the Committee on Constitutional Amendments.

Supreme Court in *Colegrove v. Green* that redistricting matters were political questions and therefore were non-justiciable.<sup>34</sup>

A serious effort was made to reapportion the State Senate in 1948. In early 1948, with impetus from the State Federation of Labor and the crusading fervor of Democratic San Francisco Assemblyman George Collins, petitions for an initiative were successfully completed. The initiative, Proposition 13, substituted population for geographic county units as the basis for Senate districts. Districts were to be contiguous and as nearly useful as may be but with the significant stipulation that no county could have more than ten senators.<sup>35</sup>

The campaign literature, emotional though it was, captured the essence of the renewed arguments of the 1920's. Proponents of the initiative deplored the federal analogy,<sup>36</sup> the monetary inequity<sup>37</sup> and the inequities of power<sup>38</sup> while raising theoretical arguments in favor of one man, one vote. The Democratic Party's platform included the plank:

The keystone of our whole system of government involves equality of men, equality of representation, equality of burden and equality of rights and benefits. To further these principles we advocate the adoption of Prop. 13.<sup>39</sup>

The Los Angeles Daily News editorialized:

In the early days of California, the motto and the plea was: "Bring me men to match my mountains." Now that the men are here there are a few people who seem to dread change and who feel that the mountains rather than the men should be represented.<sup>40</sup>

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<sup>34</sup> *Colegrove v. Green*, 328 US 549 (1946) involved a challenge to Illinois congressional districts which had not been reapportioned since 1901. The 1929 Congressional Act had not incorporated a stipulation requiring population equality. The political question doctrine asserted the judiciary should not interfere with the activities of other branches of government.

<sup>35</sup> The full text of Proposition 13 is found in Proposed Amendments to the Constitution, November 1948, issued by the Secretary of State, (Sacramento, CA: State Printers, 1948).

<sup>36</sup> The Los Angeles Daily News, April 6, 1948, maintained counties were not comparable to states. "Unlike the original 13 states, which prior to 1789 conducted themselves individually as members of the family of nations, counties have no history of independent status."

<sup>37</sup> Vote Yes on #13, a voter pamphlet from the Citizens' Committee for Equal Representation in the California State Senate (Los Angeles, 1948) asserted that for each tax dollar paid Alpine gets back \$10.26 while Los Angeles gets back \$.60.

<sup>38</sup> "13 Reasons Why You Should Vote Yes on #13" from the Citizens' Committee for Equal Representation in the California State Senate (Los Angeles, 1948) highlighted the fact that 14 senators representing less than 6% of the voters could veto the billion dollar budget of that era.

<sup>39</sup> "The Senator," from the Citizens' Committee for Equal Representation in the California State Senate (Los Angeles, 1948).

<sup>40</sup> Los Angeles Daily News, September 2, 1948.

Opponents of Proposition 13 made three arguments: the proposition was being pushed by urban political bosses, labor leaders and communists; the proposition was part of a conspiracy against the rural electorate, the embodiment of American virtue; and a balanced legislature was desirable. Slick politicians from the East Coast, labor and communist sympathizers, were in California's midst -- urban political bosses were in a conspiracy with unionists and Reds. The rural population was asserted to be more trustworthy. A balanced legislature was the essence of the American way. James Mussatti's statement captures the essence of the opposition themes:

The reason for labor's support and sponsorship of the measure is clear when you realize that the basic purpose is to smash the balanced system of representation which prevails in our state legislature by shifting senate control from rural to the urban areas of the state.<sup>41</sup>

Critics of the 1948 campaigns deplored its irrational nature. Carey McWilliams found it unbelievable that a people would disenfranchise itself.<sup>42</sup> Francis Carney deplored the negative aspects.<sup>43</sup>

Whatever the reason the electorate give Proposition 13 a rousing defeat, voting it down by two million to one million.

In the meantime, however, significant demographic changes were occurring and an easy prediction could be made: the 1951 redistricting would be more dramatic.

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<sup>41</sup> James Mussatti, "Here's the New Threat to Our Balanced Legislature," 38 California Magazine of the Pacific (February 1948).

<sup>42</sup> Carey McWilliam, *California: The Great Exception* (New York, NY, AA Wyn, 1949) p. 212.

<sup>43</sup> Francis M. Carney, "Concepts of Political Representation in the United States Today" (unpublished Ph.D. dissertation, UCLA, 1956), p. 25.

CHART 4: ENTITLEMENTS FOR THE 1911 AND 1927 REAPPORTIONMENT

Population of California--1910	2,377,549
Ideal State Senate District (40)	59,439
Ideal Assembly District (80)	29,719
Ideal Congressional District (11)	216,141
Population of California--1920	3,426,841
Ideal State Senate District (40) Changed to Area	
Ideal Assembly District (80)	42,836
Ideal Congressional District	Not Changed Until 1931

Entitlements

	<u>Census</u>	<u>Assbly</u>	<u>StSen</u>	<u>Congress</u>
<u>North Coast:</u>				
1910	186,546	6.30	3.12	0.87
1920	169,800	3.96	--	--*
<u>Bay Region:</u>				
1910	804,841	27.05	13.53	3.73
1920	1,042,199	24.33	--	--*
<u>Central Coast:</u>				
1910	123,795	4.16	2.10	0.57
1920	154,958	3.62	--	--*
<u>Southern California:</u>				
1910	705,225	23.73	11.86	3.26
1920	1,277,229	29.82	--	--*
<u>San Joaquin Valley:</u>				
1910	261,811	8.82	4.39	1.20
1920	457,681	10.68	--	--*

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\*The 1927 State Senate formula shifted to area rather than population but was not implemented until the 1930 elections. Congressional districts were not reapportioned until after the 1930 Census.

Sacramento Valley and Superior California:

1910	162,896	3.80	1.90	0.53
1920	324,994	7.59	--	--*

Foothills and Great Basin:

1910	124,653	4.19	2.10	0.93
1920	132,262	3.23	--	--**

CHART 5: ENTITLEMENTS FOR THE 1931 AND 1941 REAPPORTIONMENT

1931:

Population of California--1930	5,677,251
Ideal Assembly District Size (80)	70,966
Ideal Congressional District Size (20)	283,862
Ideal State Senate District Size	

1941:

Population of California--1940	6,907,387
Ideal Assembly District Size (80)	86,342
Ideal Congressional District Size (23)	300,321
Ideal State Senate District Size	

	<u>Entitlements</u>			
<u>Census</u>	<u>Assbly</u>	<u>StSen</u>	<u>Congress</u>	

North Coast:

1930	246,244	3.48	6.00	0.87
1940	286,080	3.30	6.00	0.95

Bay Region:

1930	1,410,408	19.87	5.00	4.96
1940	1,534,728	17.77	5.00	5.10

Central Coast:

1930	252,205	3.56	5.00	0.88
1940	302,967	3.52	5.00	1.00

Southern California:

1930	2,812,652	39.63	6.00	9.91
1940	3,487,123	40.37	6.00	11.62

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\*\*Population and Entitlements included in other categories. Data provided for comparative purposes.



San Joaquin Valley:

1930	578,431	8.14	9.65	2.02
1940	779,320	9.02	9.65	2.62

Sacramento Valley and Superior California:

1930	377,311	5.31	7.30	1.34
1940	472,118	5.48	7.30	1.74



CHAPTER 2

Charts:

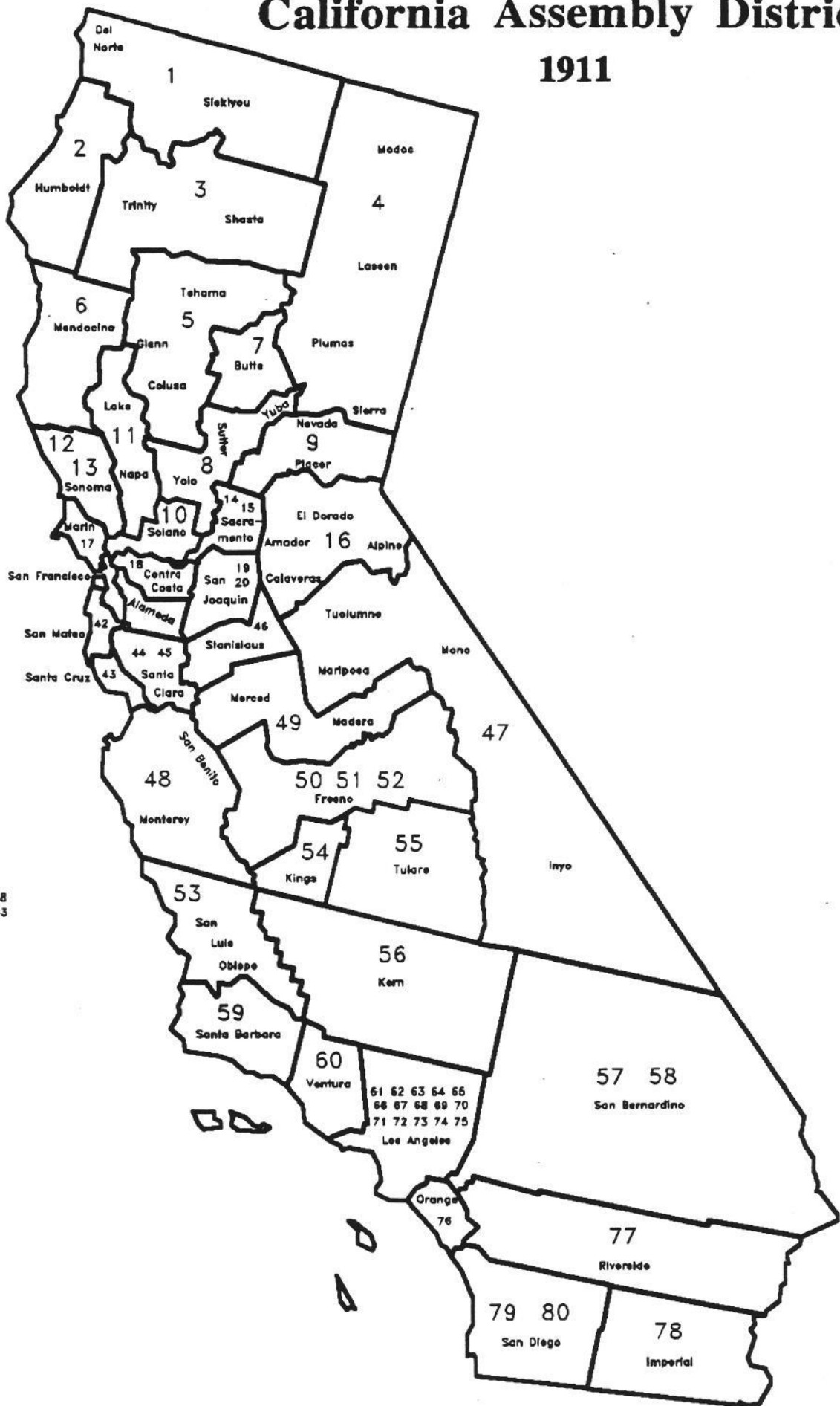
Population Distributions 1910-1920  
Population Distributions 1930-1940

Maps:

Assembly Districts	-- 1911
Senatorial Districts	-- 1911
Assembly Districts	-- 1927
San Francisco Assembly Districts	-- 1927
Senatorial Districts	1927, 1931 and 1941
San Francisco Assembly Districts	-- 1931
Congressional Districts	-- 1931
Assembly Districts	-- 1931
San Francisco Assembly Districts	-- 1931
Assembly Districts	-- 1941
San Francisco Assembly Districts	-- 1941
Assembly Districts -- San Fernando Valley and Northern Los Angeles County	-- 1941
Congressional Districts	-- 1941

# California Assembly Districts

1911



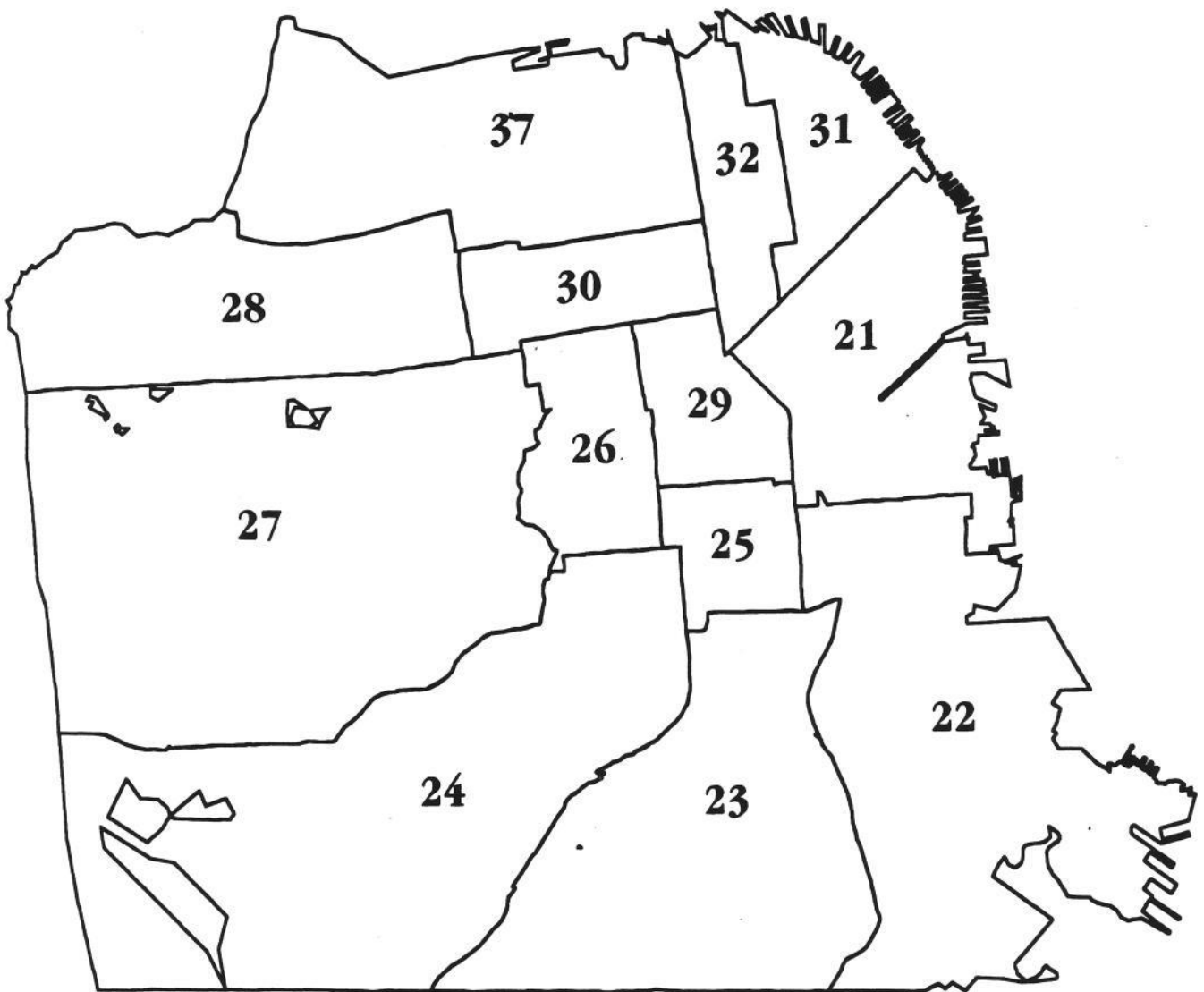
Alameda  
34 35 36 37  
38 39 40 41

San Francisco  
21 22 23  
24 25 26 27 28  
29 30 31 32 33

61 62 63 64 65  
66 67 68 69 70  
71 72 73 74 75  
Los Angeles

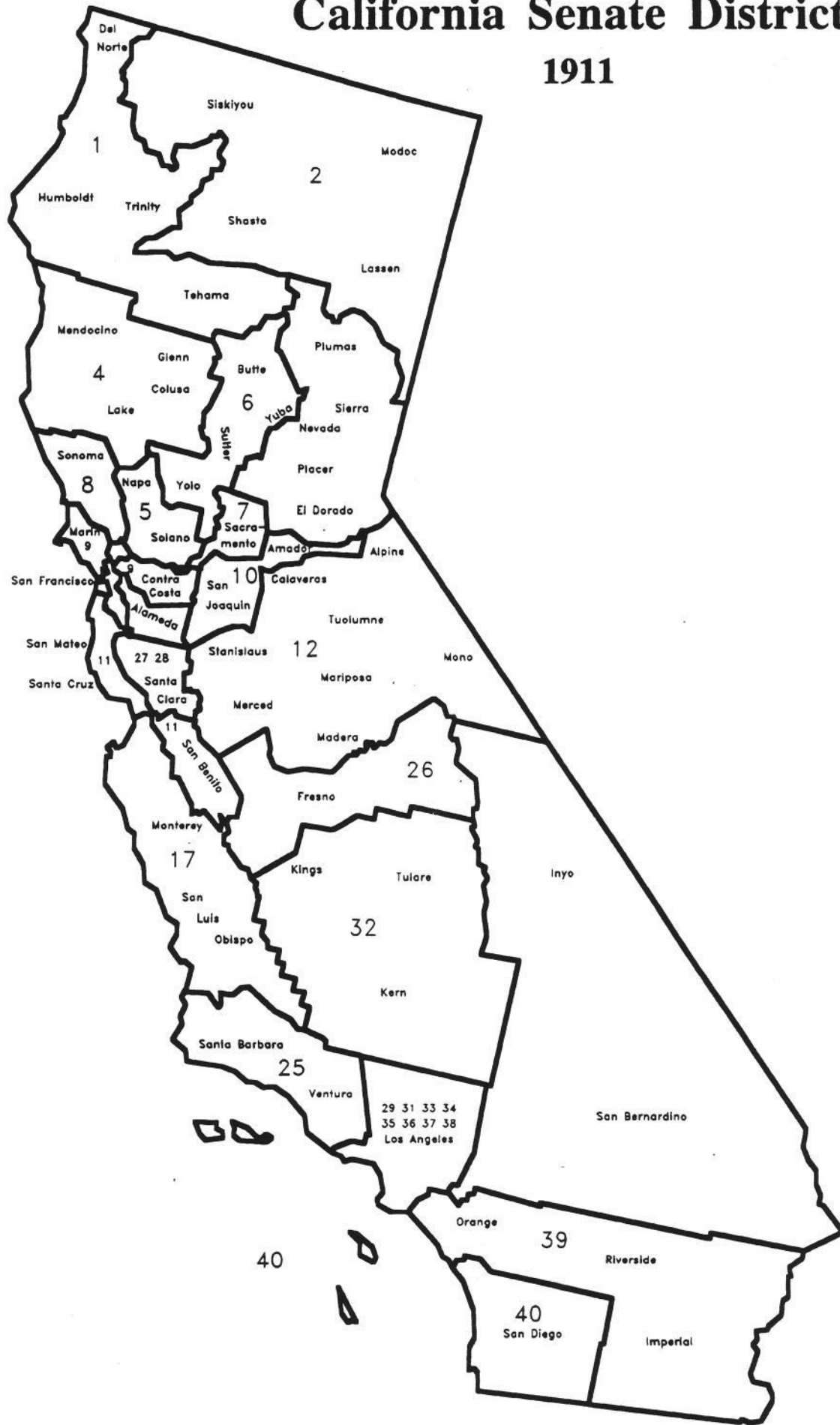
# San Francisco Assembly Districts

1912-1930



# California Senate Districts

1911



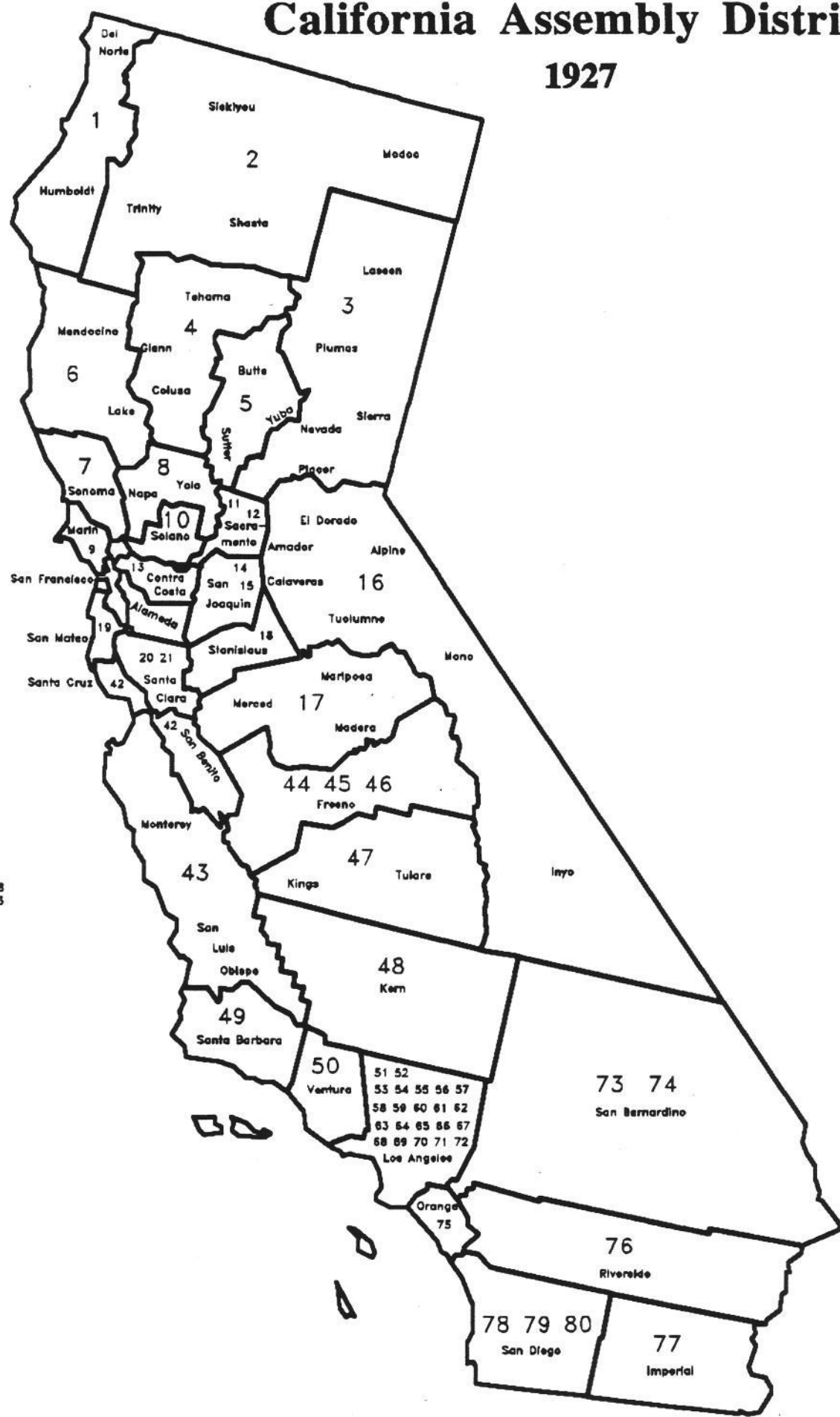
Alameda  
13 14 15 16

San Francisco  
18 19 20  
21 22 23 24

29 31 33 34  
35 36 37 38  
Los Angeles

# California Assembly Districts

1927



Alameda  
34 33 36 37  
38 39 40 41

San Francisco  
22 23  
24 25 26 27 28  
29 30 31 32 33

# California Senate Districts

1927, 1931, AND 1941





# California Assembly Districts

1931



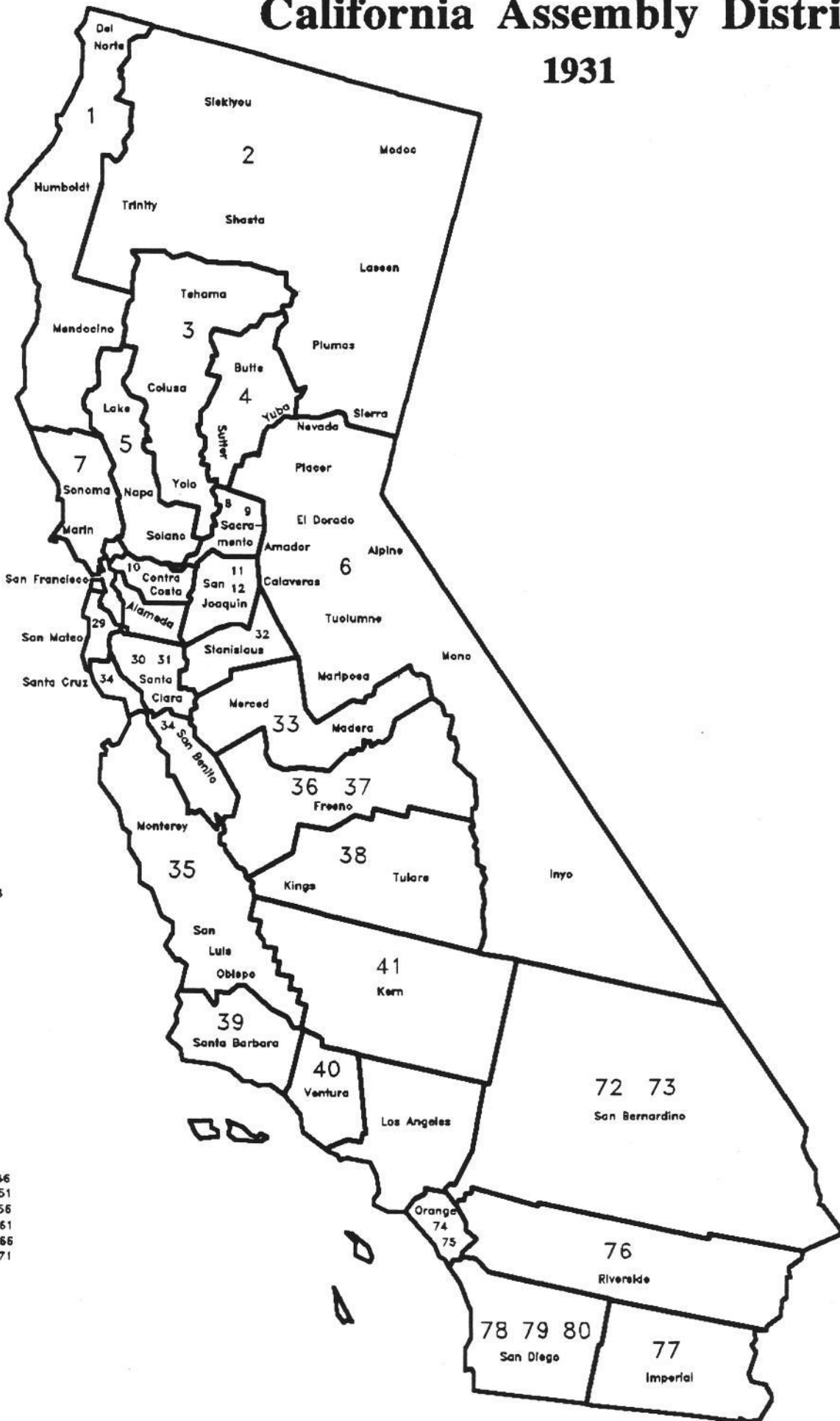
Alameda  
13 14 15  
16 17 18 19

San Francisco  
20 21 22 23  
24 25 26 27 28

Los Angeles  
42 43 44 45 46  
47 48 49 50 51  
52 53 54 55 56  
57 58 59 60 61  
62 63 64 65 66  
67 68 69 70 71

# California Assembly Districts

1931



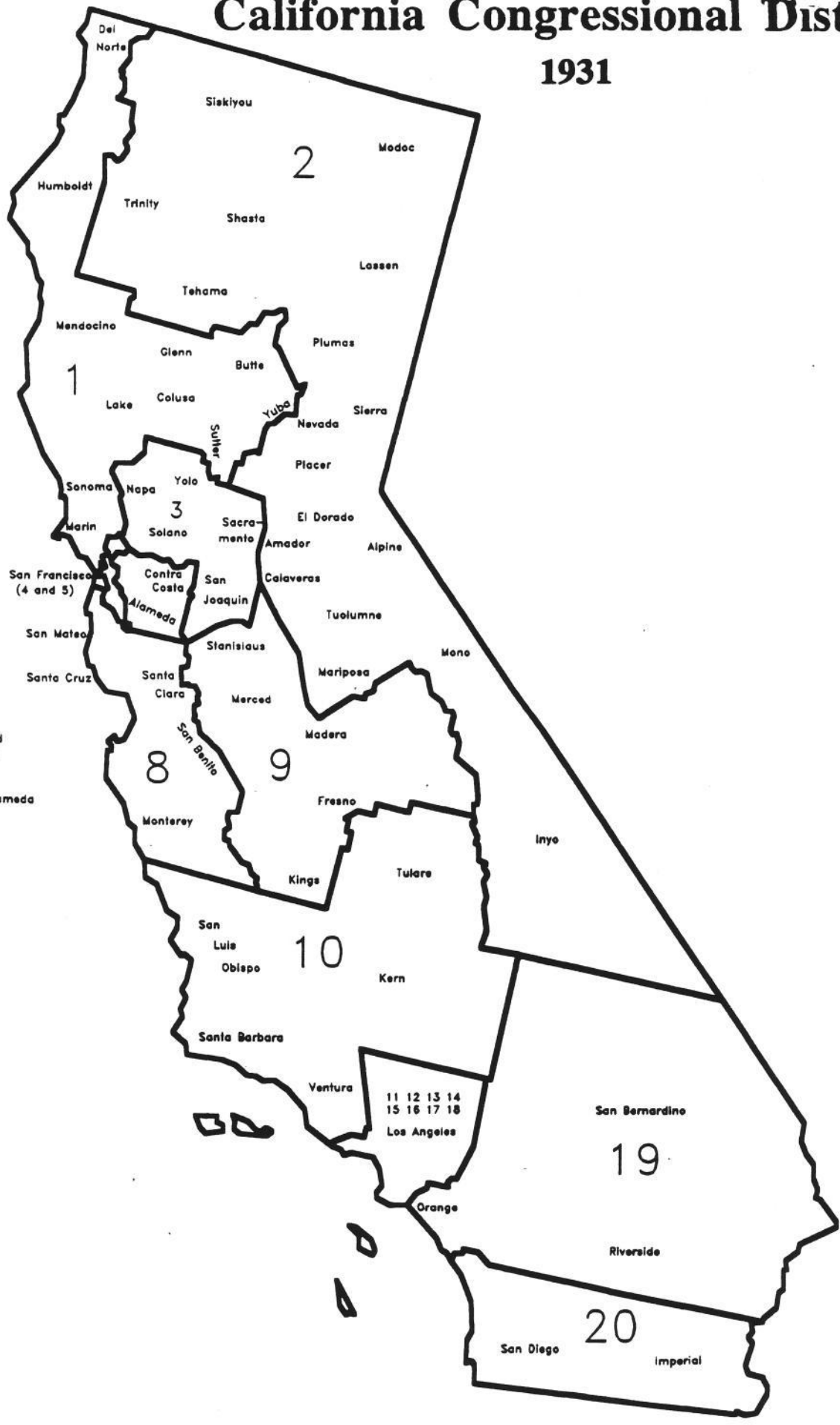
Alameda  
13 14 15  
16 17 18 19

San Francisco  
20 21 22 23  
24 25 26 27 28

Los Angeles  
42 43 44 45 46  
47 48 49 50 51  
52 53 54 55 56  
57 58 59 60 61  
62 63 64 65 66  
67 68 69 70 71

# California Congressional Districts

1931

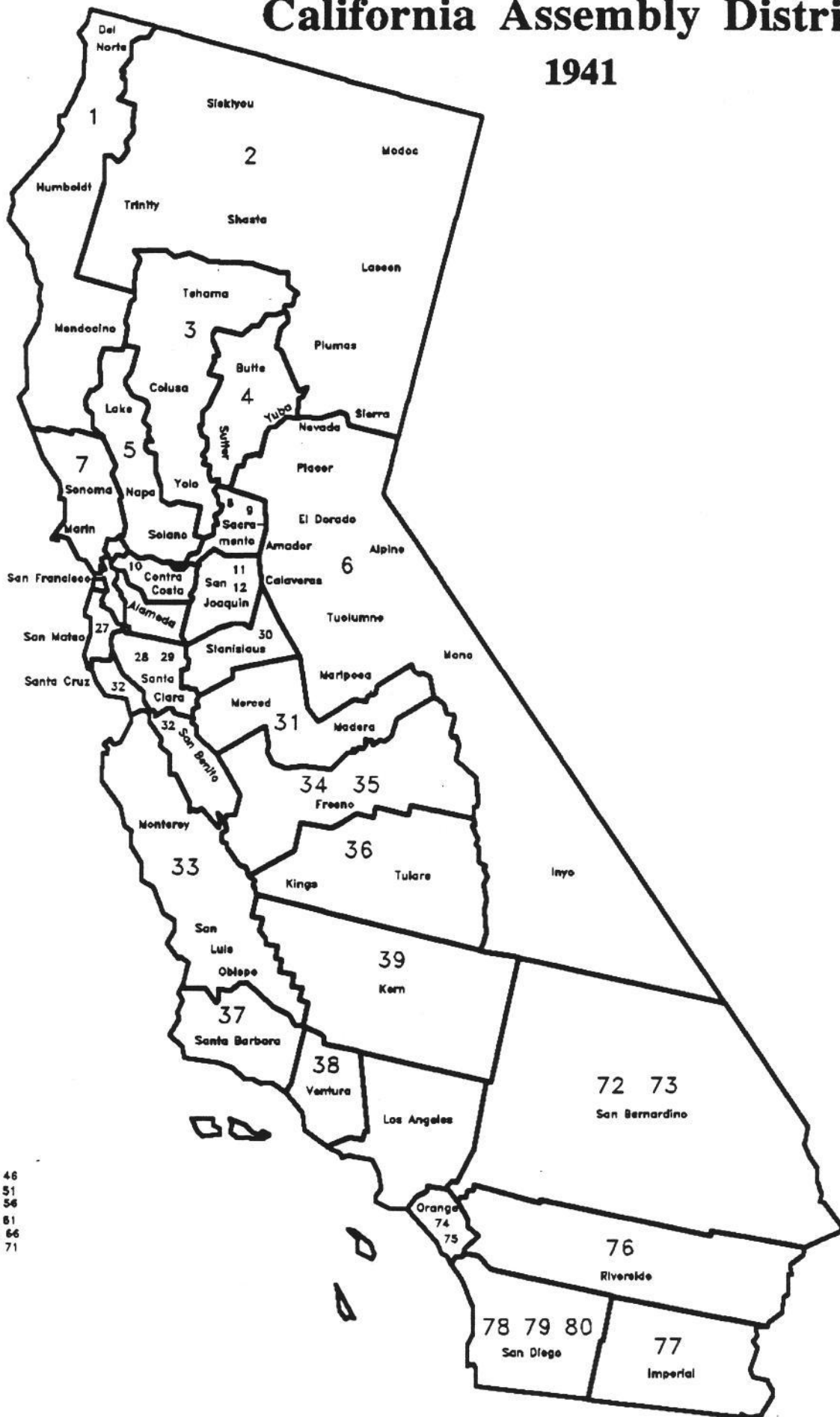


District 6:  
Contra Costa and  
part of Alameda

District 7:  
Remainder of Alameda

# California Assembly Districts

## 1941



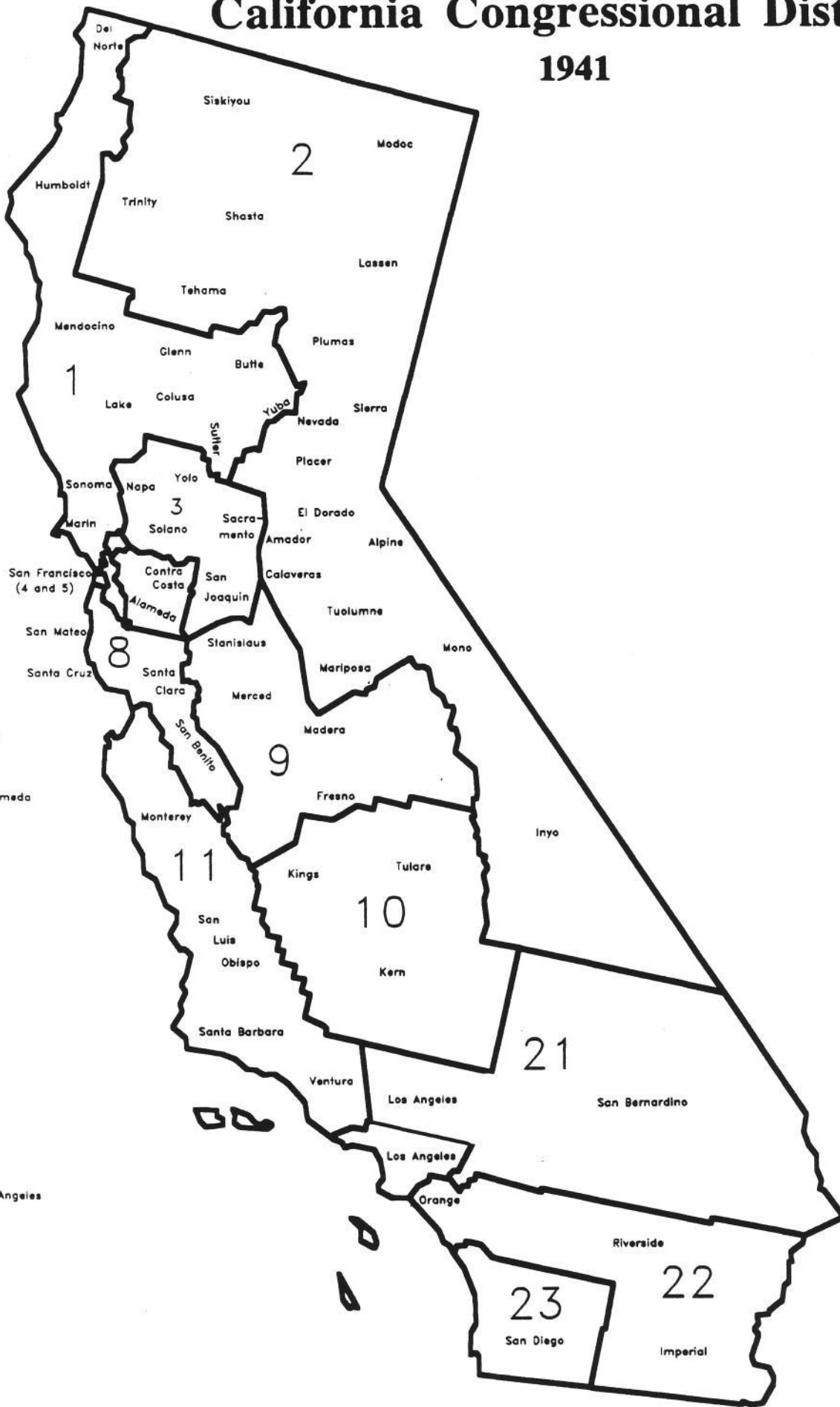
Alameda  
13 14 15  
16 17 18

San Francisco  
19 20 21 22  
23 24 25 26

Los Angeles  
40 41  
42 43 44 45 46  
47 48 49 50 51  
52 53 54 55 56  
57 58 59 60 61  
62 63 64 65 66  
67 68 69 70 71

# California Congressional Districts

1941



District 6:  
Contra Costa and  
part of Alameda

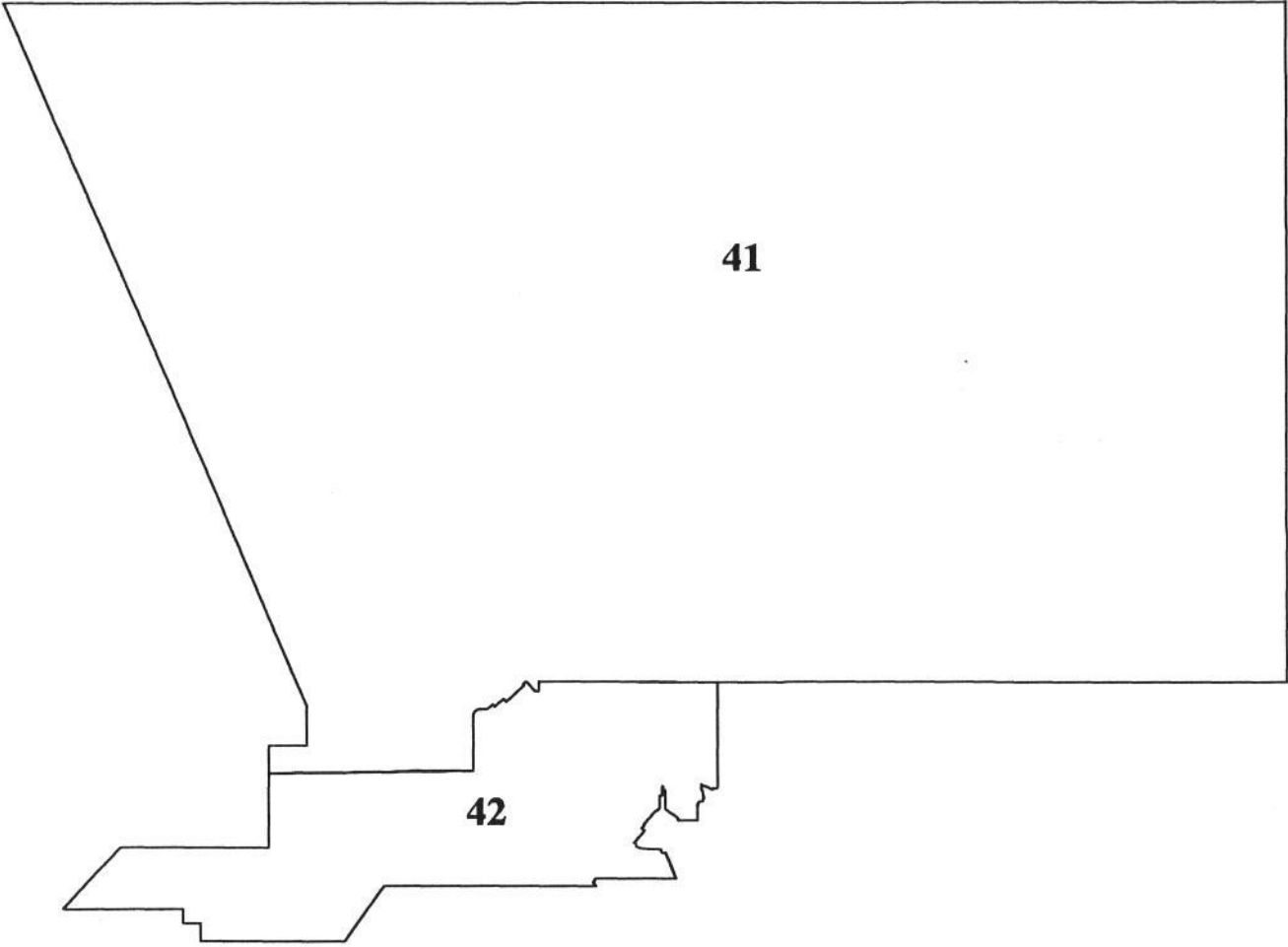
District 7:  
Remainder of Alameda

Los Angeles  
12 13 14 15  
16 17 18 19 20  
and part of 21

District 21:  
San Bernardino  
and part of Los Angeles

**SAN FERNANDO VALLEY**

**1941 ASSEMBLY DISTRICTS**



## CHAPTER 3

### THE 1951 REDISTRICTING

As the 1951 redistricting exercise approached, California was entering its gerrymander era. The easy adjustments of 1940 were not in the cards. As subsequently analyzed in the "demographic" section, the population nearly doubled, but not proportionately. On the political front, the Democratic Party was in a shambles and the Republican Party was building a stable of presidential prospects.

In 1942, California elected Republican Earl Warren as the replacement for the hapless Culbert Olsen, who would retain the title "California's only Democratic governor" into the late fifties. Warren's variety of progressivism was so widely accepted he won both party nominations in 1946 and an unprecedented third term in 1950.

Hiram Johnson, the aging patriarch of old progressivism, lived on until 1945, when his replacement, William Knowland, was appointed to the five year remainder of the senatorial term. By 1952 Knowland would be in a position to win both party nominations under cross-filing as his precursor had done.

On the legislative front the New Deal Democratic surge was stopped dead in its tracks in the Republican landslide year of 1946. Democratic Congressmen were defeated, as were Assemblymen and State Senators.<sup>1</sup> Both houses of the State Legislature were heavily Republican in the 1940s. Many believed, however, that the Legislature was insignificant because lobbyist Arty Samish called the tune. A compliant Legislature deeply involved in the Samish operation was reluctant to put Arty in his place. The Assembly and the State Senate rolled on with Samish men and a general commitment to big and small oil companies, liquor interests and generally status quo politics.

The Democrats for their part were big on names and short on votes. Warren had no serious challengers in 1946 or 1950 despite the arrival of James Roosevelt, son of the famous father. Sheridan Downey, former EPIC leader, went to the U.S. Senate in 1938 and won re-election in the Democratic war year of 1944. In 1946 another son of a famous father, Will Rogers, Jr., attempted to catapult himself from

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Among the victors was Richard M. Nixon, who in 1950 was in position to become U.S. Senator.

the U.S. House of Representatives into the U.S. Senate. His fruitless quest would be duplicated in 1950 by Helen Gallagher Douglas, stage and movie actress, wife of actor Melvin Douglas. In a pinch Democrats could always count on the stars to join their liberal crusades. Included in the star stable was Ronald Reagan.

The Democrats in the State Legislature were few in number, especially in the State Senate. Their leaders often suffered from the same disease as their Congressmen--ambition--which in the era of cross-filing was often hopeless. Only the Republicans had a primary filtering process which almost guaranteed one Republican against a flock of Democrats, who often represented the full spectrum of the Democratic Party and tended to factionalize its potential against a unified Republican Party. By 1950, the Democrats' U.S. senator was gone and only one statewide office was theirs -- the Attorney-Generalship of Edmund "Pat" Brown. In 1948, a labor sponsored reapportionment initiative had gone down to defeat.

Under the aforementioned conditions, the 1951 prospects were good for the Republicans. The statewide offices were almost completely in their hands. The State Senate was impenetrable under cross-filing. Incumbent majorities in the House of Representatives and the State Assembly could be protected by self-perpetuating votes on redistricting. In addition, the gift of seven new Congressional seats as a result of population gains represented a lure almost equal to the bounty of nine in 1931.

In sum, California's atmosphere at the end of the decade could be described as the Warren-Samish era, which was the product of a backlash against inexperienced politicians, the war, and the fear of "radicals" afterwards. Earl Warren would be the popular three-term Governor but Arthur "Arty" Samish was the dominant lobbyist, especially in relationship to legislation involving his clients. In this atmosphere California leaders stumbled into the redistricting of 1951 and the first generation of modern gerrymanders.<sup>2</sup>

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<sup>2</sup> The technical details of committee authorization, composition, etc., are surveyed in the article by Hinderaker, Ivan and Waters, Laughlin E., Jr., in "A Case Study in Apportionment--California, 1951," 17 *Law and Contemporary Problems* 440- 469 (Spring 1952) and Hardy 1951, Chapter 11, pp. 46- 80. Dr. Ivan Hinderaker served as consultant to the 1951 Reapportionment Committee. Leroy C. Hardy was a staff assistant. Chairman Waters and Dr. Hinderaker were instrumental in the apprentice training. See also Quinn, T. Anthony, *California's 1951 Reapportionment*, (Claremont, CA: Claremont Men's College, Rose Institute, 1980).



Redistricting in 1951 was trail-blazing in many respects. It was the first redistricting of the post-war period, first with partisanship to the fore, first with a professional staff, first with public hearings, first with national hearings, first with a modern gerrymander to replace the original gerrymanders described in textbooks, and first with a Ph.D. dissertation devoted to its results.<sup>3</sup> According to the principal author it was the first "scientific" approach.<sup>4</sup> At appropriate points these "firsts" will be reviewed as precedent setting and investigated for their impact on the redistricting process.

Redistricting in 1951 ushered in what Chairman Laughlin E. Waters would term "scientific" redistricting. The term was never precisely defined but some features became clear and subsequently added to the quandary of redistricting.

New procedures had to be implemented to facilitate new criteria, namely public hearings to sample the public desires, the desires of parties, and the desires of incumbents. The gathering of data and the distribution of information became a goal. Ultimately, a report with maps terminated the events.

The growing appeal to public opinion and development of public input led eventually to organized presentations and threats of retaliation. In turn the opposition, faced with what was regarded or interpreted as their liquidation, would threaten referenda, initiatives, and legal actions. As redistricting occurred the processes unfolded with varying degrees of success.

### Demographics

As California entered its second century demographic change had created new groupings. The emergence of southern California continued; but the dispersal of population within the two large metropolitan areas was creating new redistricting problems.

The regional groupings of the past still had validity--broad geographical regions do not change, but population density brought different lifestyles for the ex-urbanites who sought residence in areas one or two steps from the core areas of Los Angeles and San Francisco.

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<sup>3</sup> Waters was not impressed with the dissertation. In his oral history interview he termed the Hardy work a "junky," highly partisan, nonobjective exercise on Hardy's part. The interviewer agreed: "I didn't find it useful at all, to tell you the truth." See Laughlin E. Waters, Oral History Interview, conducted in 1987 by Carlos Vasquez, UCLA Oral History Program, for the California State Archives State Government Oral History Program, pp. 135 and 135-136, respectively.

<sup>4</sup> Ibid., pp. 122-123.

The old core settlements will be defined in the north as San Francisco and west Alameda County. The eastern part of Alameda and the northern portion of Los Angeles will be treated as parts of the surrounding areas called rings in relationship to the cores. Also, counties previously part of the North Coast and Central Coast regions which have come most directly within the orbit of the larger cores, are shifted into the larger metropolitan spheres, namely Marin, Napa, Solano and Sonoma into the northern Bay Area ring, while Santa Barbara and Ventura are grouped with northern Los Angeles County, including San Fernando Valley, to be the northern ring of the larger Los Angeles core. Bay counties previously part of the metropolitan unit are now grouped as the Central Bay ring (Contra Costa, Solano and eastern Alameda County), and the South Bay ring (San Mateo and Santa Clara). In Southern California in addition to its northern ring, the Inland Southern California ring (San Bernardino, Riverside and Imperial) and southern California ring (Orange and San Diego) are added.<sup>5</sup> These general categories will make more meaningful the redistricting aspects of demographic change.<sup>6</sup>

#### Assembly Strategy

The two Los Angeles legislators who had the opportunity to play with the puzzle of uncertainties, dilemmas, and numbers, were relative newcomers to the post-war political scene. Laughlin E. Waters and Charles Conrad had entered the Legislature in 1946. Both were regarded as part of the Warren, i.e., more moderate, wing of the Republican Party. Conrad was fascinated by political data, electoral trends, numbers and detail. Assemblyman Waters' forte was congeniality and negotiation.<sup>7</sup>

The California legislators were a joyful group in the still nominally non-partisan, part-time Legislature. A Republican Speaker would help out the Democrat living on \$100.00 per month salary and per diem. Republicans roomed with Democrats and vice versa, played cards and enjoyed the few months

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<sup>5</sup> In general the split of counties of Alameda and Los Angeles follows standard census units.

<sup>6</sup> The imprecise nature of the multitude of considerations is obvious but the general thrust of the interpretations are valid. Anyone who might attempt more precise figures is welcome to try.

<sup>7</sup> Laughing Boy was his nickname.

in Sacramento. And, of course, the lingering legacy of Samish was pervasive--the booze, broads, and baked potatoes.<sup>8</sup>

Before actual district changes are considered, two controlling factors must be re-emphasized:

1. the state constitutional redistricting provisions at that time; and
2. who votes on redistricting legislation.

Until 1964, congressional districts had to be created from compact assembly districts within a county, and from compact counties if the county had less than one assembly district. The former requirement was crucial for congressional districts in Los Angeles. Assembly districts had to be created first and then grouped. Assemblymen who voted on redistricting had to be pleased with their districts. Thus, assemblymen satisfaction had priority, unless the assemblymen aspired to Congress.<sup>9</sup> Presumably a favorable vote on the legislation indicated reasonable contentment.

In turn the constitutional provisions provided a numerical advantage. The constitutional provisions required that congressional districts be created by consolidation of whole assembly districts within a county. If the number of assembly districts was not equally divisible by the number of congressional districts, some would have more assembly districts than others. An inevitable distortion became the basis for a political advantage. Specifically, in 1951 Los Angeles County had 31 assembly districts and 12 congressional districts (three new ones). A simple division would produce the constitutional necessity of seven congressional districts with three assembly districts (henceforth, 3-AD CDs) and five with two assembly districts (2-AD CDs).<sup>10</sup>

Assuming hypothetically equal assembly districts of 125,000 people each, the 2-AD CDs would have 250,000 people, while the 3-AD CDs would have 375,000 people. The great disparity occurred

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<sup>8</sup> Velie, Lester, "The Secret Boss of California," 124 *Collier's* 11- 13, 71- 73 (August 13, 1949) and 12- 13, 60, 62- 63 (August 20, 1949); reprinted in Farrelly, David, and Hinderaker, Ivan, eds., *The Politics of California: A Book of Readings*, (New York: Ronald Press, 1951). The "baked potato" reference refers to Samish's boast that within two weeks he would know a legislator's wants, including what he wanted on his baked potato.

<sup>9</sup> Obviously the State Senate had to vote on the redistricting legislation, but after 1930 the general agreement allowed Assembly control over the shaping of redistricting legislation primarily affecting Assemblymen and Congressmen. State Senators with their rigid districts (no county could have more than one Senator (27 of the 40) and no more than three counties in one senatorial district) seldom faced alteration of their districts, and only with their approval (e.g. Alpine with 236 people and San Benito with 14,370 people was shifted in 1951). Only two State Senators between 1930 and 1960 ventured into the national realm.

<sup>10</sup> Of the nine 1941 congressional districts, four had been made up of four assembly districts and five of three.

because of the second numerical possibility. If the assembly districts were not equal in size, and they were not (the range was from 110,116 to 168,902), large districts could be grouped together in one congressional district, while lightly populated assembly districts made up another congressional district.<sup>11</sup> The range became from 228,712 to 451,322 people per district in Los Angeles County in 1951. Greater distortion became the pattern.

Assemblymen Waters and Conrad wrestled with constitutional and numerical problems that were inconsistent with equal population representation with which political scientists were obsessed. Both legislators recognized the wisdom of the Chinese saying: "Problems create opportunities."

The immediate goal was the approval of the redistricting bills with maximum legislative support. To secure support for the legislation, a legislator's satisfaction with his own district, or Congressional aspirations, had priority.

Assembly districts for which legislators would vote were the building blocks for the congressional districts. Satisfaction with their lines and their state careers inclined Assemblymen to allow the redistricting managers the freedom necessary to maximize party advantages in congressional districts. It is an important political lesson: redistricting can best achieve partisan goals removed from self-interested legislators, even of the same party.

A fundamental problem for the 1951 "godfathers" was how to satisfy core area Assemblymen whose districts had declined in relationship to population increase on the periphery. The solution was either to consolidate existing districts (with a no vote likely from those liquidated or disadvantaged),<sup>12</sup> or the elongation of districts into growth areas. Another possibility was to persuade an assemblyman to seek another office. An increase of Congressional seats would normally have been a lure, but cross-filing had been kind to Republican Congressional incumbents in the late 1940s and possibilities for Assembly Republican legislators were limited. The Congressional spots were occupied. In two cases in Los Angeles

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<sup>11</sup> The alternative would have been to group two large districts in the 2-AD CDs and three light districts in the 3-AD CDs, as the Beck Amendment proposed, see Hardy, *1951*, pp. 311-315.

<sup>12</sup> Two people would potentially be dissatisfied with a consolidation, but one might be advantaged by having the bulk of his old district, or his home, in the collapsed district. A classic inconvenience ploy occurred in San Francisco in 1951. Hardy, *1951*, pp. 136-142.

County, Republican Assemblymen demonstrated an interest in Congress (Charles Conrad and William Grant),<sup>13</sup> but even Congressional hopefuls hedged their bets. Their assembly districts had to be safe.

Democrats in the declining areas could not expect Congressional posts in a Republican controlled redistricting. As an alternative, a Democrat might be encouraged to run for another office. Veteran Democratic Assemblyman Vernon Kilpatrick ran for a county supervisory post, but lost his primary bid in April. The accommodators were back to square one. Ultimately Kilpatrick and Patrick McGee, a freshman Republican, would be offered new "relocated" seats, with incumbent privileges, in other areas. (In Kirkpatrick's case, it probably delayed a second black assembly district, but ethnic issues were not prominent in 1951.)

When the voting on the redistricting legislation is superimposed on the map the story is clear. If assembly districts were elongated, congressional districts made up of such assembly districts tended to be extended as well. The formerly square or rectangular districts began to wander and wriggle and to generally elongate in shape.

At bottom, however, was the desire to save "buddies," first of your own party, but also of the other party. If someone had to go, or be inconvenienced, the freshmen were most expendable; their desires were secondary. As an alternative, a political pariah could be the sacrificial lamb. The pariah could be of several types, but most often was an ideologist, or the smart, dangerous type.<sup>14</sup> Considering that members of the Assembly voted on redistricting, it is not surprising that few assemblymen were selected for elimination. Punishing the enemy was easier one step removed from the congenial state legislative environment.<sup>15</sup>

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<sup>13</sup> Reference is being made only to Los Angeles at this point. In other parts of the state, Democrats would plunge into congressional campaigns; See Hardy 1951, Chapter III. re: Condon, Coats, Hagan and Moss. Less clear was the interest of H. Allen Smith in the seat of Republican Carl Hinshaw and Glen Lipscomb's concern over Republican Norris Poulsen's district.

<sup>14</sup> The other freshman Republican, Charles Chapel, was sufficiently dissatisfied to be the only Los Angeles Republican to oppose his party's bills. Chapel said he didn't want an empire with its goats. He wanted "his" people back even though they split their infinitives (Hardy, 1951). In the liquidation process, Congressmen are even better game. They do not vote on legislation. The same pecking order prevails: freshman, then veterans, with ideology often the deciding factor. Problems only arise if the ideological position being purged is more in tune with the public than the manipulators.

<sup>15</sup> Senatorial districts were not factors in 1951 or 1961 because Los Angeles County could only have one state senator.

## The Congressional Agenda

From both a state and national perspective the seven new Congressional positions were valuable prizes. A Republican legislature and a Republican governor offered great hope for a national party out of power for 20 years, with the exception of the brief 1947-49 Congressional interlude. In addition to gaining seven new seats, redistricting offered the possibility of shoring-up the marginal districts. The initial assessment of the Los Angeles problem favored:

1. elimination of marginal Republican congressional districts, the 13 and 16;
2. improving Republican chances in congressional districts that occasionally went Democratic, such as the 12, 15, and 18;
3. solidifying the 20 congressional district with an aging incumbent, for the eventual bid by Assemblyman H. Allen Smith; and
4. accommodating Congressional desires of Conrad and Grant (18 and new 22).

The advantageous 2-AD CDs (with less population compared to the 3-AD CDs) were allotted the old 13, 16, and 20 Congressional districts occupied by Republicans while the old 18 was made safely Republican, as was the new 22.<sup>16</sup>

The broad parameters of the strategy are easy to delineate: opponents will pay. Implementation is more crucial, especially under an enforceable one person/one vote standard. If demographic shifts are required under seat limitations (that is, more seats cannot be created) even some of your own party must go. Controllers judging others in their own party will discover some fellow party members are more pure than others or are allies on special issues. Even when judging their opponents, some are better than others. In other words, sorting out the overall strategy is not difficult, but implementation considerations may create seeming inconsistencies and nuanced variations from the overall strategy may be even more difficult to fathom.

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<sup>16</sup> Conrad's bid was frustrated when the *Los Angeles Times* supported another candidate. Grant won the Democratic nomination under cross-filing, but lost his own; therefore, he lost both nominations. Four assemblyman stood to gain from the 2-AD CD advantage of the five available.

## Implementation

Chairman Laughlin Waters consulted Frederick F. Houser who had served as the Chairman of Reapportionment and Elections in 1941. That had been a simple operation between the chairman and the member. Regarding that exercise, Waters commented to his predecessor, Houser, "I can't find any report that was prepared." Houser said "Well, of course not."<sup>17</sup>

Waters, therefore, was on his own. He sought academic advice from his former instructor at the University of Southern California and eventually acquired a consultant in the person of Ivan Hinderaker, an assistant professor of political science at UCLA, who had been a state legislator in Minnesota in the early 1940s. The Committee budget was approximately \$10,000 which was only sufficient for minimum expenses. Joseph R. Donovan, a political ally of the Chairman, was appointed Executive Director.

With a limited budget the Chairman had to rely heavily on others for assistance. Much of the detail work was decentralized. Local Republican assemblymen had the opportunity to suggest changes in their areas. In the areas of significant loss (two Assemblymen in San Francisco) and gain (one Assembly position in San Diego) the local Republican organizations assumed responsibility for adjustments on the basis of their local expertise.

Los Angeles County, with 31 assembly districts, was the most formidable data gathering operation. Hinderaker found a group of graduate students and wives of assistant professors to help gather necessary information and to draw maps reflecting voting behavior. In later stages the late Professor Jenniellen Ferguson of CSU Northridge, then a UCLA graduate student, prepared more detailed voting maps.

Two obstacles emerged after printing up data forms: the lack of time and money. With sophisticated computer technology still 20 years in the future, the data could not have been processed even if it had been gathered. Thus a shortcut had to be found. The result was a series of maps to reflect the general political disposition of areas. The maps were similar to ones earlier prepared by Assemblyman

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<sup>17</sup> Waters Oral History, p. 122. Houser was on the 1931 committee and unsuccessfully sought election in the 12 Congressional district in 1934 and 1936. In 1942, Houser unsuccessfully sought election in the newly adjusted 12 whose Democratic sections were removed to form part of the new 19. He tried again unsuccessfully in 1944. In 1946, the district was won by Richard M. Nixon. Houser won the Lieutenant Governorship in 1946. He is often confused with the Howser elected Attorney-General at the same election.



Charles Conrad, the Committee's Vice Chairman. Staff travel throughout the state was minimal and primarily involved Hinderaker's travel to Sacramento.

Another sign of the primitive nature of this first modern redistricting was census data. Again largely due to inadequate processing equipment, census data was processed slowly. Tentative figures for the April 1950 census were not available until December, in hand-written format.<sup>18</sup> The redistricting legislation had to be ready in early 1951. With the assistance of the Los Angeles County Engineer's Office and the Registrar of Voters a formula was developed to estimate population by districts and precincts. A factor was used relating the estimated population to the number of voters in the area. The figure could then be multiplied by the registration in the area, community or precinct to estimate the population shifts. The estimates were indeed estimates in every sense.

The Legislative Counsel provided the Committee with numerous legal opinions in the course of the redistricting process. Armed with opinions of the nonpartisan counsel, the Chairman could defend many constitutional oddities (such as disparities because of whole counties, whole Assembly districts, and so forth).<sup>19</sup>

A citizen had written to the Chairman:

Put the political science professor which you have appointed, into an office, put a 'Do Not Disturb' sign on the door and disconnect the phone. Equip him with the 1950 census results, a map and a pencil. Have him start by dividing the State's population by 30. Then let him figure out Congressional Districts which are as nearly equal in population as is humanly possible. Then fight for this fair plan and to hell with local politicians!<sup>20</sup>

The *1951 Report* noted the oversimplification of such a view. Pointing to a pattern based solely on population, the Report asked the question: Would a map drawer count all the population down the whole width of the State until he had enough for one district? The report asserted:

To do so would disregard the geographic facts of coastal, valley and mountain counties. To do so would disregard such socioeconomic factors as the difference between the interests of coastal versus inland valley communities, farm versus metropolitan communities, north versus south, desert versus non-desert agriculture, etc. To do so would disregard the desires of the people living in the different communities as to what kind of a district they would prefer to be a part of. To do so would disregard the desires

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<sup>18</sup> Block data was not available at the time of the actual redistricting.

<sup>19</sup> The legislative opinions are reproduced in the *1951 Report of the Committee on Reapportionment and Elections* (Sacramento, Ca.: State Printers), 1951; hereafter cited as the *1951 Report*.

<sup>20</sup> *1951 Report*, p. 36.



of the elected Congressmen from those areas and the elected state senators and assemblymen who have to agree on and pass a reapportionment bill before it can become law. To do so would disregard political party desires, a factor that is always present in some degree in drawing of representative district lines. To do so would disregard the legal restrictions of the Constitution of California as they apply to counties in making up assembly districts and to counties and assembly districts in making up congressional districts.<sup>21</sup>

Over 37 pages of the *1951 Report* were devoted to Legislative Counsel opinions regarding constitutional interpretations that could influence redistricting actions. In summary, the *1951 Report* noted:

1. There are no provisions in the United States Constitution to tell the Legislature of California how it must reapportion congressional or legislative districts;
2. There are no standards in federal law to tell the Legislature of California how much it must reapportion congressional or legislative districts; and
3. The limitations imposed on the Legislature in the Constitution of California have already been summarized on pp. 29 (congressional districts) and 31 (assembly and state senate districts) of this report. Congressional districts are most affected by the requirement that within counties, no assembly district may be divided in forming a congressional district; assembly and senate districts, by the emphasis placed on observing county lines.<sup>22</sup>

Twenty pages were devoted to elaborating on other factors in redistricting. Hinderaker developed the Chairman's considerations for any reapportionment under seven headings:

1. Population factors;
2. Geographical factors;
3. Socioeconomic factors;
4. Desires of the people;
5. Desires of the elected representatives;
6. Political factors; and
7. Legal restrictions.<sup>23</sup>

With regard to geography, California, as the second largest state in 1950, spanning one half of the United States' lower 48 Pacific coast region, had a diversity of geographical land forms. Using the

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<sup>21</sup> *Ibid.*, p. 37.

<sup>22</sup> *Ibid.*, p. 53. Legislative Opinion 2241.

<sup>23</sup> *1951 Report*, pp. 33-53.

classification of his fellow UCLA faculty member, Ruth Baugh, Hinderaker delineated six regions.

Quoting directly from a Baugh article the *1951 Report* noted:

Certain major land forms create six distinctive regions in California. The Great Valley occupies one-half the length of the State. To the east rises the Sierra Nevada, and to the west lie the California Coast Ranges. The southern extension of the coast ranges together with coastal zones are known as Southern California, Northern California consists of the Klamath Mountains on the west and the Volcanic Plateau in the east. Eastern and southeastern California is the Desert Region.<sup>24</sup>

The *Report* concluded:

Although geographic factors can no more stand alone than population factors, the geographic view of the State is an essential supplement to the population and other data which go into reapportionment.<sup>25</sup>

The Redwood Empire cluster of counties was noted as a prime example of the geographical factor.

Advocates of the removal of valley counties from the "old" 1 Congressional district, which had existed since 1911, pointed out the difficulty a Congressman faced with valley counties seeking water from the coastal Redwood Empire. Water rights conflicted with water desires and the twain seldom met.

Chairman Waters made the socioeconomic factor a key feature of his approach to redistricting.

The *Report* captured the essence of his argument:

In addition to geographical differences between areas of the State, such other factors as cultural and economic differences are significant to the reapportionment process. In one section the influence of Spanish origins might be high; in another, negligible. In one section the population might be sparse and located in scattered and relatively small communities; in another, dense and concentrated in huge cities. In one section agriculture might be the principal economic activity; in another manufacturing, recreation, lumbering, fishing, mining, etc. These socioeconomic factors are a part of the pattern of population and geography. They need to be viewed as a part of that pattern. They are just examples of the many tangible and intangible things that hold a community together and make it identifiable.<sup>26</sup>

It would be one of the more controversial aspects of the new redistricting criteria. Critics charged ghettoization was the result of an ill-defined, functional concept of representation. In the *Report* the Redwood Empire district was elaborated on as a prime example of the socioeconomic concept:

These 7 counties comprise a natural geographic area--agriculturally, industrially, tourist wise; in terms of water and timber and other natural resources; in terms of integrated highway and transportation systems, in every other way.

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24 *Ibid.*, p. 38.

25 *Ibid.*, p. 37.

26 *Ibid.*, p. 45.

People of these counties are united; their interests are mutual; their internal solidarity is complete--as testified by resolutions and other documents to be submitted by witnesses representing these counties (and organizations therein), today.

People in these counties have been working together, for mutual benefit, in the public interest, for 30 years -- as participants in their non-profit Redwood Empire Association. They will continue to do so for many years to come.<sup>27</sup>

State Senator Nathan F. Coombs wrote: "This district is a natural if there ever was one."<sup>28</sup>

San Joaquin was used as an example of a county divided between rural/agricultural and urban/industrial groups. San Joaquin argued for retention of its two representatives on that basis. Its desires were not incorporated in the final legislation.

The application of similar concepts to a densely populated area such as Los Angeles was also noted with the caveat:

To say such information as provided by the sociologist and economist should be the only factor in reapportionment would be ridiculous. However, to say that socioeconomic factors should have no influence would be equally ridiculous. They need to be made a part of the population-geography pattern.<sup>29</sup>

The *Report* acknowledged:

It is still desirable to strive for homogeneous representative districts -- the kind of district of which a representative can be part, and of which he can have a real understanding. Presumably, however, there is a point beyond which this theory should not be carried. If a representative doesn't have to worry about satisfying some degree of differences within his district, he may tend to become so dogmatic and uncompromising that he would clog up the legislative process of give-and-take. An entire legislative body composed of such members would hardly be desirable. At the other extreme is a district that literally rips -- by violent and opposite pulls -- its representative apart, then defeats him after one term, repeats the process on the next incumbent, and the next, etc. Both extreme are equally undesirable. Some point in middle ground is desirable.<sup>30</sup>

Political parties were an important element in the political process and their interest should be factored into the process:

That is not strange, because the reapportionment process is, by its very nature, political. Political factors enter into every reapportionment whether in California or any of the 47 other states. They entered the process before Gerry's time, and they are part of it today. Politics is there when a legislature redistricts its own districts or the congressional districts of a state. It would be there if the California Reapportionment Commission

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27 *Ibid.*, p. 46.

28 *Ibid.*

29 *Ibid.*, p. 47.

30 *Ibid.*

acted instead of the Legislature. It would be there if the job were done by the Governor, or by the people voting on the subject in a popular election. There will be politics in reapportionment as long as a representative form of government exists and regardless of which political party is in power; the only question is the question of degree--how much politics? A corollary question must follow--to what extent have the political influences operated within the standards set down in the United States Constitution, Federal Statutes, and the California Constitution?<sup>31</sup>

Incumbents were the agents of parties. Their interests were valid. The *Report* acknowledged:

One school of thought would hold that the incumbent officeholders have no right to take an interest in what happens to their assembly, state senate, or congressional district. This is the "to hell with local politicians school."<sup>32</sup>

In response the *Report* commented:

The "anti-politician" school of thought may assume that the collective opinion of the legislature is basely motivated because of the personal interests of members, and, therefore, should not be allowed to contaminate a reapportionment bill. Yet, the United States has a representative plan of government. Political representatives are elected by the people. Incumbent representatives have been interested enough to run for office in the first place to overcome the inertia forces that continue to hold down the rest of the citizenry. Is it not, therefore, reasonable to assume that a legislator should be concerned about his district -- its location, its composition, and his possibilities of being returned to office from it?<sup>33</sup>

In sum, accepting past voting behavior as an indication of permanence and stability, the rallying point for that response, namely, political parties, should be recognized.

In effect, both academics and politicians formed a bureaucratic phalanx: accept our definitions, our rules, our explanations and most crucially our interpretations which are designed for one purpose-- maintenance of our dominance (the status quo)--with the important corollary: trust us, we know best. Any critic under such rules is automatically politically incorrect, and the status quo show goes on.

Although the "its politics" school neglected the basis for political change by responsible political legislation--redistricting in accordance with theoretical premises--the *1951 Report* provided a laudatory, democratic gesture. The popular desires had to be incorporated:

Only by checking with the persons who are a part of socioeconomic complex can one determine whether facets actually exist and what might be their effects. The persons who know a community, county or region best are the persons who live there. The interim committee, therefore, attempted to stimulate interests in reapportionment, and to learn the desires of people and their organizations.<sup>34</sup>

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31 *Ibid.*, p. 52.

32 *Ibid.*, p. 50. See also Hardy dissertation.

33 *Ibid.*, p. 51.

34 *Ibid.*, p. 48.

This acknowledgment of the electorate established a pattern which became mandatory for the rest of the century. Public hearings were essential in the process. If desires of the people were to be incorporated the people had to have an opportunity to express themselves. In 1951 the implementation not only allowed citizens to participate but legislators picked up per diem expenses to supplement their \$4,800 per year legislative salaries.

The Chairman's pronouncement of a "scientific" approach with criteria for redistricting also established an agenda for public discussion of redistricting. Waters announced his intention to shape districts on the basis of: geographic factors; socioeconomic factors; constitutional provisions; political party considerations; and incumbent considerations.<sup>35</sup> The pronouncement of the criteria in turn required public hearings to solicit the opinions deemed important to the process.

### Results

As was true in other decades, the dominant party took advantage of the constitutional requirements but also suffered the disadvantages. In 1951 the constitutional disparities were exemplified by the continual Sonoma-Marin problem and the inevitable Imperial problem after 1910. Despite the potential advantage of two Republicans in Sonoma and Marin if the counties were split and the liquidation of the Democratic occupied Imperial district if Imperial were grouped with Riverside, the constitutional stipulations prevented this from being done.

In 1951 Republicans found solace, however, in the San Joaquin and Kern options. In 1950 Democrats had won the two San Joaquin districts. Kern County's one district had elected a Republican. The Waters/Conrad legislation liquidated one San Joaquin seat and gave Kern two seats.<sup>36</sup>

San Francisco, with eight Assembly districts, now received six seats. The task of reallocation of seats not only pitted four Democrats against each other for two seats, but Democrat incumbents found their homes in alternative districts primarily made up of the territory of another incumbent. The detailed drawing of lines had been assigned to the San Francisco Republican organization and they did their job

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<sup>35</sup> After the completion of the redistricting, the Committee Report, written by Ivan Hinderacker, elaborated on these themes.

<sup>36</sup> In 1940, with Democrats nominally in control, the San Joaquin had obtained two and Kern one seat.

well. The two San Francisco Republicans survived and two Democrats were removed, although not as the Republicans proposed.

District lines in Contra Costa and San Mateo were shaped for Republican advantage while Sacramento districts were also slightly altered for Republican advantage. Incumbent Democrat Robert Condon said his Congressional bid in 1952 was prompted by the difficulty of reelection in his realigned district, which a Republican did, indeed, win in 1954.<sup>37</sup>

San Diego was the only other urban county to gain an additional seat in 1951. Again the new district was shaped in suburban areas largely on the basis of the San Diego County Republican organization's advice and with the expectation of Republican victory in 1952.

Alameda County retained its five assembly districts, with one predominantly black and Democratic. The Republican districts were elongated into suburban areas to somewhat balance population, but with notably larger populations in the Democratic and potentially Democratic districts.

The major Assembly district changes occurred in Los Angeles County where approximately 50% of all territory shifted between incumbents. The result was a general elongation of districts.

The most significantly altered districts were the products of relative population decline in the core areas of Los Angeles County. Several districts had to be elongated or collapsed to bring population equality within a reasonable range. Three assembly districts (44, 55 and 64) were designated for collapse with their numbers transferred to entirely new areas. The 55 Assembly district was represented by long term incumbent Vernon Kilpatrick, who was of a decidedly liberal bent. As discussed above, it was initially hoped that his elimination could be softened by a bid for a successful supervisorial bid. However, unfortunately for him and Waters, this was unsuccessful. To solve the problem a new district was created in suburban areas in South Central Los Angeles, which though having a significant black concentration, had with a white wing into which Kilpatrick moved. The Republican Speaker's friend was thus saved.

A freshman Republican, Patrick McGee, had won in 1950 in the marginal 64 Assembly district. The district was collapsed to the satisfaction of adjacent incumbents. A few Democratic sections were shifted to the 40 but the bulk of the district became part of Republican Lipscomb's 56 Assembly district.

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<sup>37</sup> Condon was successful in his 1954 bid using a campaign favored by McCarthy tactics.

The new 64 was relocated in the growth area of San Fernando Valley. McGee moved to the new area and became its long time incumbent.<sup>38</sup> The other assembly districts in areas of relative decline were realigned with Congressional considerations in mind.

In general the Los Angeles districts elongated to accomplish incumbent protection were the 44, 45, 51, 56 and 57 Assembly districts.

Most notable was the 57 Assembly district of Vice Chairman Charles Conrad. Democratic sections in the southern part of his district were removed (including the significant Jewish enclave, Fairfax). Republican motivations were obvious but the larger purpose (Congressional ambition or Assembly incumbency or both) was difficult to assess.

The adjacent 61 Assembly district was adjusted with a similar dual intent (Assembly protection and Congressional strategy not necessarily involving the assemblyman). It is interesting because long-term Democrat incumbent McMillan acquired Conrad's Jewish areas and though now in a Democratic district, McMillan also inherited Conrad's problems despite the affinity of the new section to McMillan's Democratic district.<sup>39</sup> At the last minute it was discovered McMillan's new home in a Republican area was not in the revised district. A slight bump on the tortuous extended district provided a solution for the incumbent and his vote for Republican proposals.

Though the previous arrangements were primarily concerned with protecting a Republican majority in the Assembly, some assemblymen had higher ambitions. More significant, however, was the national Republican Party's concern for Congressional seats. Seven new seats would come to California.

The Congressional entitlements favored three seats in the north and four in the south. San Mateo clearly had the justification for a separate seat in the overpopulated 10 district. Additional population in the overpopulated 1 and 3 districts in the Sacramento Valley and Bay Region favored an additional seat in the overlaying areas. Clearly one, but two were not out of the question. One reapportionment committee member for the valley was not only protective of his constituency but also his personal desires. Coats and county representatives from his home areas argued for their "floor of the valley" special needs. But

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38 Freshmen are low on the totem pole in the redistricting process.

39 McMillan would be defeated in a 1968 Democratic primary by Henry Waxman.



socioeconomic or regional communities arguments were secondary to the political goals in an area that was potentially Democratic, while the Redwood Empire concept was fashioned into objective redistricting for a Republican incumbent. In place of three lightly populated seats the redistricting leaders opted for two overpopulated districts -- the new 6 and 3 Congressional districts. Though Democratic in registration, neither would be impossible districts for Republicans. The rationale for the overpopulated districts could also be linked to constitutional requirements for grouping of whole counties.<sup>40</sup>

The realigned San Francisco Assembly districts were significantly shifted to make the east-west axis into a north-south break to the disadvantage of one of the two Democratic incumbents who had seen in and out of Congress in the previously marginal 4 district. It would be the source of much hearing testimony which led nowhere.

Orange and San Diego counties were areas of great growth and entitled to an additional seat. The new fish-hook Assembly district which virtually surrounded urban San Diego could be linked to Orange County. The result was to split Democratic territory between two Congressional districts which not only spelled difficulty for Democratic incumbent McKinnon but favored an additional Republican Congressman in the U.S. House of Representatives. McKinnon was making a U.S. Senate bid partly because of the likely redistricting results.

Los Angeles, of course, was the prize with the lure of three new seats. The existence of 31 Assembly districts and the allocation of 12 Congressional seats provided a rich prize. Congressional districts had to be formed from whole Assembly districts. Seven districts would have two Assembly districts and five would be made up of three. The results were obvious. Republicans, by line-drawing alone, had won the 1952 majority in the U.S. House of Representatives.

The statistical advantages were not only in the grouping of Assembly districts into Congressional districts. The *1951 Report* makes the point that the Southern California entitlement was to 16 seats according to the tables which defined Southern California as consisting of eight southern counties. But

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<sup>40</sup>Specifically, the populations of San Joaquin and Sacramento required their separation and adjacent counties also had to be treated as whole units. Hardy termed this the San Joaquin-Sacramento bottleneck. See Hardy dissertation, p. 260.



two of the counties, Santa Barbara and Ventura, were included in the list of northern districts. In other words, Southern California obtained 16 districts despite an entitlement to only 15.

### The Legislature Acts

With a carefully crafted package based on incumbent interests, rationalized by "scientific" considerations, Waters had created an unbeatable legislative phalanx. The Assembly passed legislation by substantial majorities beyond the two-third votes required to neutralize referenda. The State Senate vote was even more overwhelming.

### The Governor's Hearing

Before signing the redistricting legislation in 1951 Governor Earl Warren took the unusual step, probably not sought by the legislative leadership, of calling a public hearing on redistricting. Into his office trooped many of his long-time Democratic supporters to argue that he veto the pending legislation. The hearing was not required, but his Democratic supporters sought considerations for what they believed to be detrimental legislation.

When Waters was called on to explain the 26 Congressional district he said: "It was what was left over." After seven hours of hearings the Governor announced he would sign the bills, two hours before the deadline.

Many Democrats were disappointed that their popular Governor did not veto the legislation. Warren had been given the nomination in 1946 under cross-filing and in 1950 his one million plus majority included hundreds of thousands of Democrats. Such partisans failed to understand, or chose to ignore, the real politics of national Republican maneuvers.

Warren's California variety of Republicanism was suspect in national circles. He was more liberal than most Republicans. Support for his vice-presidential nomination in 1948 was lukewarm. By 1950, however, a reluctant Warren had become an interested Warren. The presidential nomination in 1952 was not beyond the realm of possibility, at least before Eisenhower declared. Even after the Eisenhower bid, a potential deadlock between Senator Robert Taft and the wartime hero offered

possibilities for Warren. This is not to say Warren's actions in the redistricting hearings were solely based on his presidential plans. At the same time, the implications for his national agenda could not be ignored.<sup>41</sup>

If Warren was serious about a Republican presidential bid, vetoing the redistricting was unthinkable given that the new California Congressional seats might potentially determine the majority in the House of Representatives.<sup>42</sup>

### National Hearings

Shortly after passage of the redistricting legislation, Chairman Celler of the Judiciary Committee of the House of Representatives announced plans for national hearings on redistricting practices. California was on the agenda. Why another hearing? First, it was the only means for the Democratic minority in California to get a hearing for their objections. The legislation had been greased with political benefits for Democrats who pledged to vote the line. As it had been passed with more than a 2/3 majority a referendum was ruled out. In typical fashion the media dropped coverage as soon as the guillotine fell.

Second, and more significantly, it would be the one opportunity after the bills were known and their implication assessed, for people to complain. And they did.

Before noting the individual attacks, the nature of the differences between the public hearings of 1951 and the Congressional hearings should be noted. Party and incumbent input had been evaluated with the traditional criterion of political equality and its codicils of compactness and contiguity. Implementation favored public hearings as a means to assess such considerations. Participants in these five hearings had no inkling of the actual proposals being considered; therefore, the participants talked in general and genteel terms. No one knew what the bills would include, including the legislators themselves, because Waters left little doubt the decision would be his within the confines of traditional legislative practices--consultation with one's peers.

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<sup>41</sup> It is interesting that none of the principal biographies of Warren deal with this redistricting hearing. This may be indicative of its minor significance in the overall picture. On the other hand, those who believe Warren was not serious about national politics should consider the event carefully. See Hardy Dissertation.

<sup>42</sup> The interlocking of state politics (Nixon v. Warren, Warren v. Knight, Wright v. Warren, etc.) and national politics (the national train to Chicago) and the subsequent nomination of Warren as Chief Justice is a separate story.

In other words the hearings could alert the interested public. The exercise was not without benefits. Participants proposed to the committee endless possibilities, many of which were incompatible. The committee chairman in turn gave the public an array of alternatives for consideration, with no priority. When the legislation appeared, the testimony could be culled for justification for what the leader decided was right--to expedite for the essential political good.

### Long-Term Results

Republicans had every reason to be elated by the results of the 1952 elections. The presidential vote was in their favor and their strength continued through the decade. The Party's senior incumbent, Senator Knowland, successfully cross-filed and would soon become Minority Leader following the death of Senator Robert Taft. The redistricting victories in 1952 demonstrated the G.O.P. was dominant at the state level as well. A critic of the 1961 redistricting might assert "brutal butchery" of the two party system, but the 1951 results would suggest an earlier massacre.

The hiatus was not long. In 1953 Governor Warren was named Chief Justice of the Supreme Court, fulfilling an Eisenhower campaign commitment. Lieutenant-Governor Goodwin "Goodie" Knight became Governor, achieving a long-sought goal. Much to the surprise of many who regarded him as a logical opponent to the moderate Warren, Knight veered to the left as Governor and emulated the successful Warren.

On the statewide level in 1954, the pending Republican reckoning did not seem serious. All statewide incumbents won reelection, even with the modified cross-filing system.

1956 was the golden era for the California G.O.P. It was "in clover" in the phraseology of Philips. Eisenhower with his California Vice President Richard Nixon was re-nominated in the San Francisco Cow Palace and won a second term with ease in November. Republican Senator Thomas Kuchel had won a full term in the U.S. Senate in 1956 for the Nixon seat to which he had been appointed in 1953.

The simmering ambitions boiled over in 1958. Senator Knowland announced his return to the State to run for Governor. On the national level, a storm was brewing with the 1960 Presidential

nomination the prize. As testimony to California's emergence as a national factor, at least two California Presidential hopefuls were acknowledged in the running, with another in the wings. Knight conceived himself, rightly or wrongly, in the presidential mode. After much dispute and ill-will, Knight ran for the Knowland senatorial seat and Knowland for the Knight gubernatorial position. Both would lose what many believed to be sure bets if they ran for re-election. Vice President Nixon stood helplessly by while aspiring rivals for the position he sought undermined the state party apparatus. Resentment of Washington plus the right to work initiative, along with the general shifts of economic circumstance, spelled doom for Republicans in 1958.

As the first generation of modern California gerrymanders, the 1951 redistricting provides an important lesson: redistricting alone cannot save a party. The Republicans lost control of the Legislature in 1958. It was a combination of cross-filing changes, complacency with safe districts which were not so safe, shifts in party leadership, demographic changes, the development of new organizational alternatives, and finally deaths (real and political, the latter being more devastating to the politician).

The Congressional gains for the Republicans held reasonably well, especially in Los Angeles County. Again, the remote prizes, controlled by party leadership, could be better isolated from the personal concerns of the voting members, most of whom were satisfied with their Sacramento world. The numerical advantages gained by combining or stuffing the districts, as exemplified by the notorious 26 Congressional district, were the recipe for political success on the national level. But in their small way they were distorting representation in the national Legislature.

In the presidential elections Republicans swept the field in 1952 and 1956. In the long run the modified cross-filing system after 1954 and its eventual elimination were probably the most significant political events in California during the 1950s, along with development of Democratic clubs to take advantage of the Party's growing registration figures.

The 1951 practices inspired another round of redistricting in 1961. This time the mood was strongly tinged with a desire for revenge after a decade of frustration.

## Case Studies for the 1951 Redistricting

With demography in dynamic movement and California growth providing additional Congressional seats, the 1951 redistricting offers numerous examples of gerrymandering. Detail can be overwhelming; therefore illustrations are used to demonstrate certain redistricting problems.

San Francisco was one of two counties whose entitlements foreshadowed losses in redistricting.<sup>43</sup> With Republicans in control but Democratic inclinations steadily increasing, the handwriting was on the wall. Only the form was unpredictable. Waters had delegated responsibility for the San Francisco districts to the Republican Central Committee which had the staff, records and means to do the job. A job they did. Two Democrats were without districts. While not unexpected, the internal shifts were surprising at least for some Democrats. The Republican assumption was that some Democrats would leave, but all incumbents competed in the 1952 Democratic primary.

Incumbents in the core areas of Los Angeles faced the same dilemmas as San Francisco and the Bay Area. Core populations were declining in relation to the rings, but in Los Angeles most areas of growth were in the same county. Declining areas could be elongated into areas of growth or a number lifted from one area and transferred to another area with potential incumbent privileges. The liquidation of three Assembly districts in the old 14 Congressional district is instructive. The Republican 64 Assembly district was relocated into the San Fernando Valley. The Democratic 55 Assembly district was moved southward. The Democratic 44 Assembly district was consolidated with the adjacent 40 district. This left the 62 district as the only remaining portion in the old 14 Congressional district. But incumbents (all of whom voted for the Republican legislation) were all saved, with the exception of one who was expected to retire.

To the north and east were three other lightly populated districts in need of population infusion. The liquidation of the adjacent 44 Assembly district solved the problem of the 40 district in a relatively compact manner. The 45 and 51 districts were not as simple. A sure Democratic vote from the 45 district incumbent could be obtained only by means of an elongation gerrymander.

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43 San Joaquin was the other.

The original core district in northeast part of the City of Los Angeles was extended by a narrow neck into growing suburbs to the east and south of the more affluent Republican suburbs to the north. Such rearrangements further depleted the population of the 51 district, whose freshman incumbent showed no signs of accommodation. The 51 district was elongated to the south into areas which were anticipated to grow during the decade.

CHART 4: ENTITLEMENTS FOR THE 1951 REAPPORTIONMENT

Population of California--1950	10,586,223
Ideal Assembly District Size (80)	132,328
Ideal Congressional District Size (30)	352,874

Entitlements

<u>Census</u>	Assbly	StSenate <sup>44</sup>	Congress	
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North Coast:

1950	129,654	0.98	2.50	0.37
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Bay Region:

1950 Core	1,515,672	11.45	2.00	4.30
1950 North	340,460	2.57	3.50	0.96
1950 Central	298,984	2.26	1.00	0.85
1950 South	526,206	3.98	2.00	1.49

1950 Bay Total	2,681,322	20.26	8.50	7.60
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Central Coast:

1950	262,819	1.99	3.00	0.75
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Southern California:

1950 Core	4,151,687	31.37	1.00	11.77
1950 North	212,867	1.61	2.00	0.60
1950 Inland	514,663	3.90	3.00	1.46
1950 South	773,032	5.84	2.00	2.19

1950 Total Southern California	5,652,249	42.72	8.00	16.02
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San Joaquin Valley, Foothills and East Basin:

1950	1,186,377	8.98	8.48	3.36
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Sacramento Valley and Superior California:

1950	673,802	5.09	8.47	1.91
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<sup>44</sup> The entitlements listed reflect the reapportionment of the 1927 allocation not based on population. If population had prevailed the Senate entitlements would be one-half of the Assembly entitlement, for example, Bay core Assembly entitlement of 11.45 would be 5.77 for the Senate.





CHAPTER 3

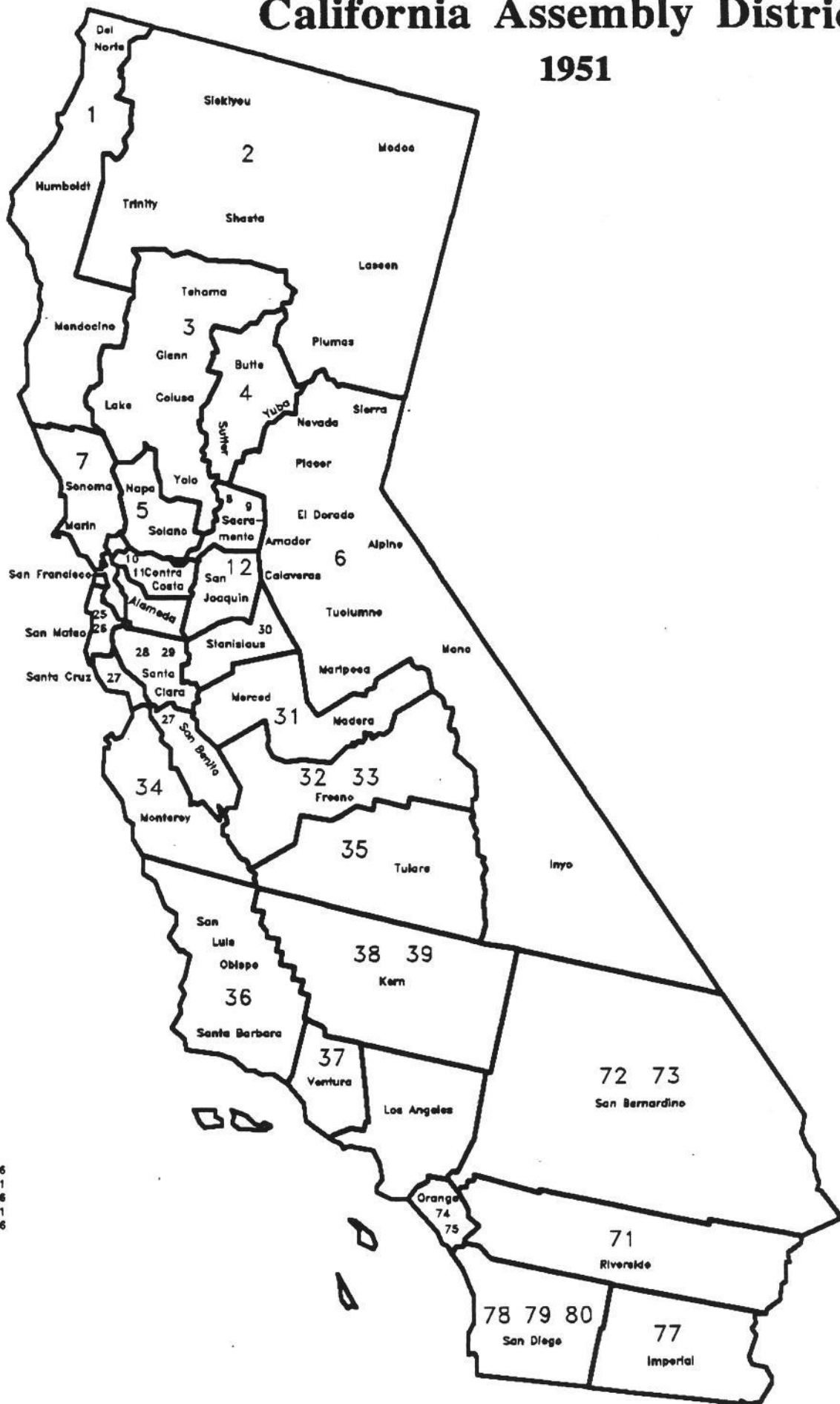
Charts:

Population Distributions 1951

Maps:

Assembly Districts	-- 1951
San Francisco Assembly Districts	-- 1951
Assembly Districts -- San Fernando Valley and Northern Los Angeles County	-- 1951
57th Assembly District	-- 1951
55th and 62nd Assembly Districts	-- 1951
Senatorial Districts	1951 and 1961
Congressional Districts	-- 1951
Liquidation of the 14th Congressional District	-- 1951
Creation of the 26th Congressional District	-- 1951

# California Assembly Districts 1951



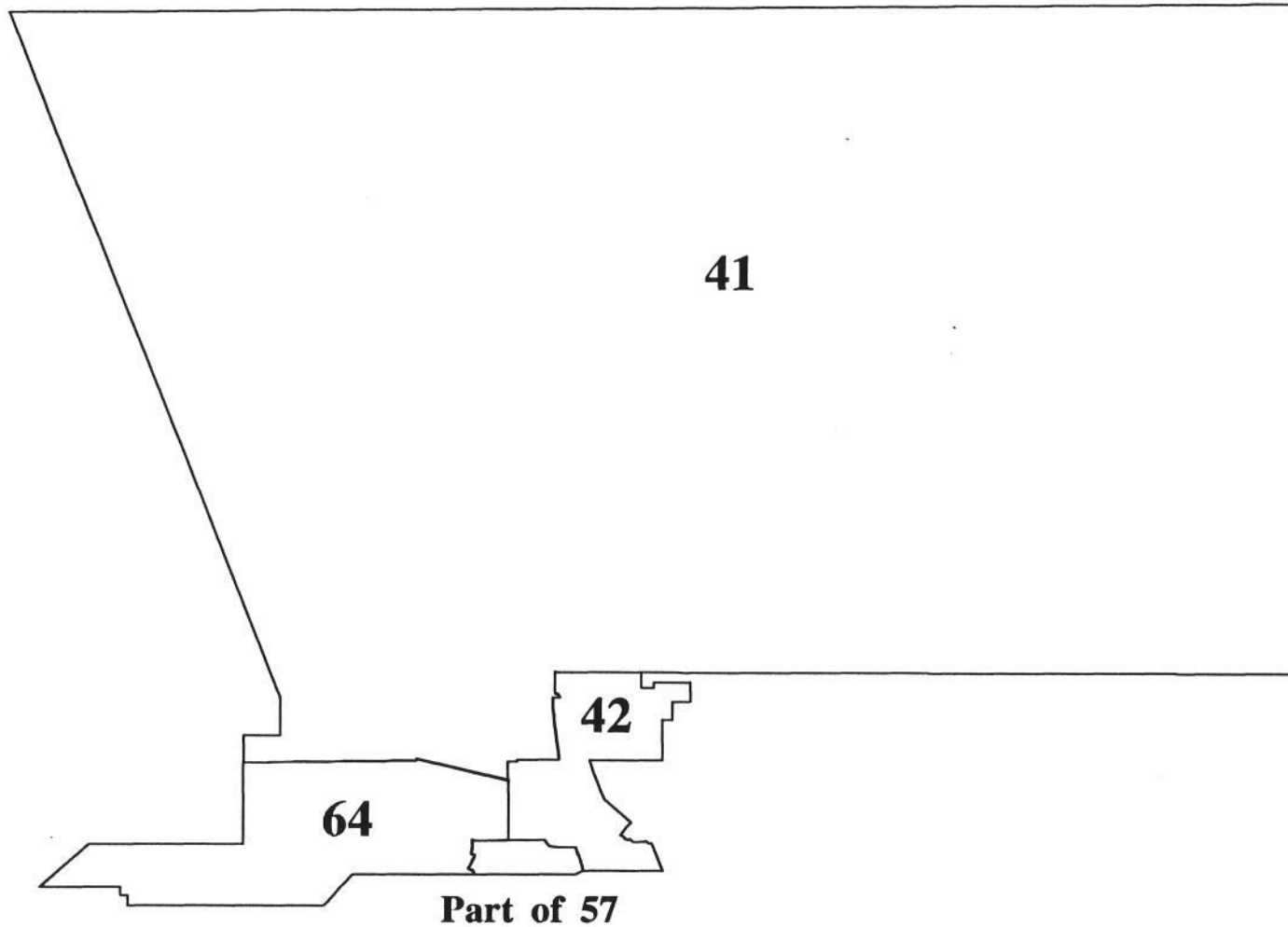
Alameda  
13 14 15  
16 17 18

San Francisco  
19 20 21  
22 23 24

Los Angeles  
40 41  
42 43 44 45 46  
47 48 49 50 51  
52 53 54 55 56  
57 58 59 60 61  
62 63 64 65 66  
67 68 69 70

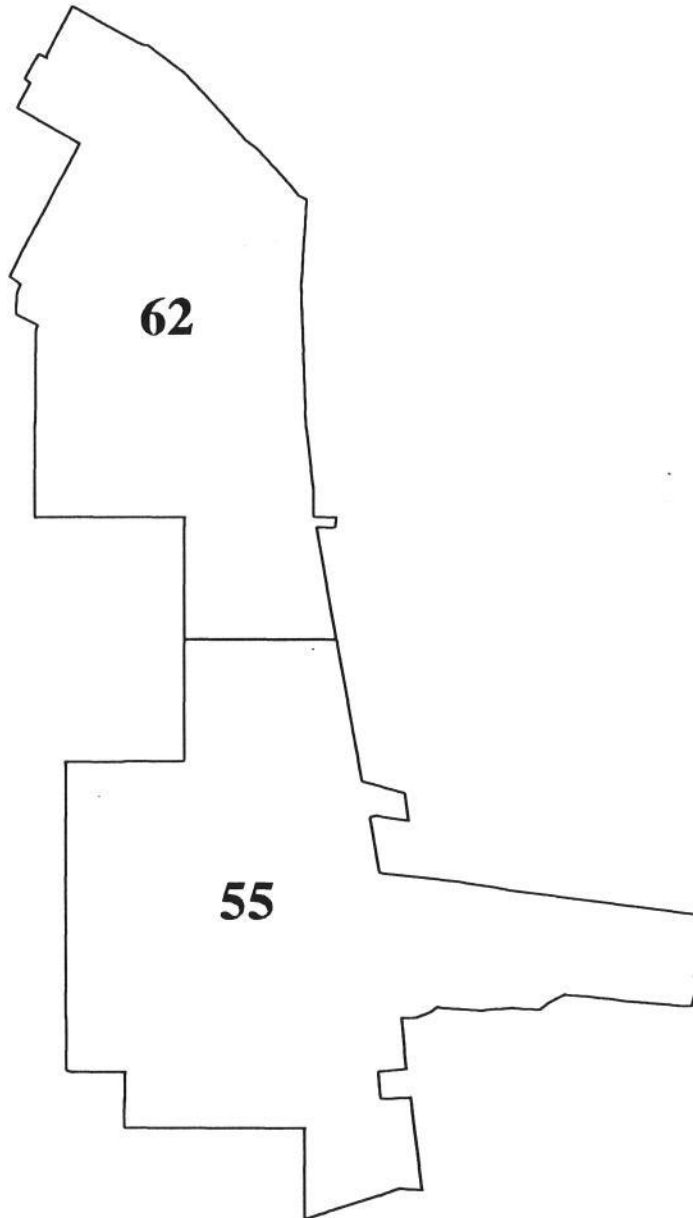
# SAN FERNANDO VALLEY

## 1951 ASSEMBLY DISTRICTS



**55th AND 62nd ASSEMBLY DISTRICTS**

**1951**



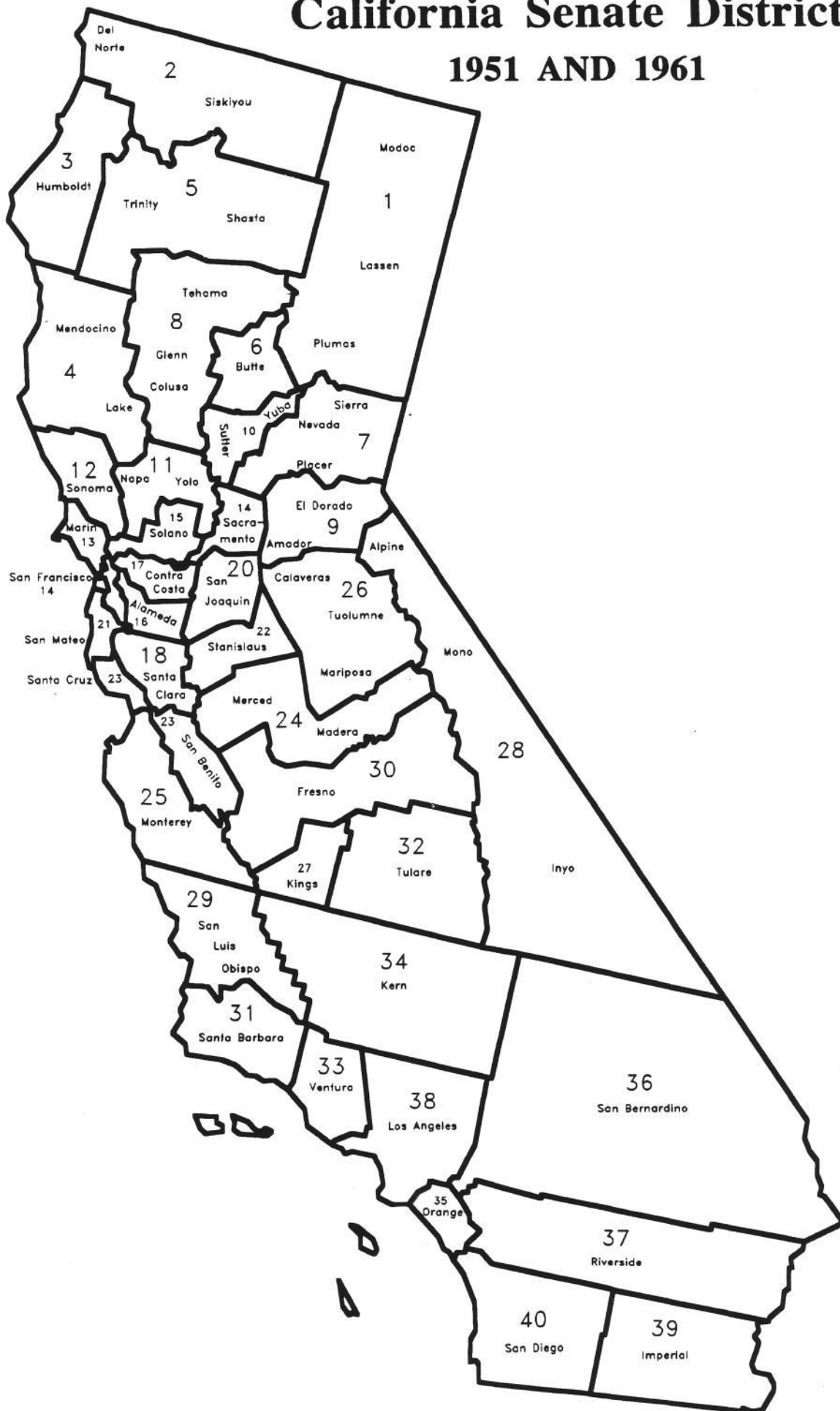
**57th ASSEMBLY DISTRICT**

**1951**



# California Senate Districts

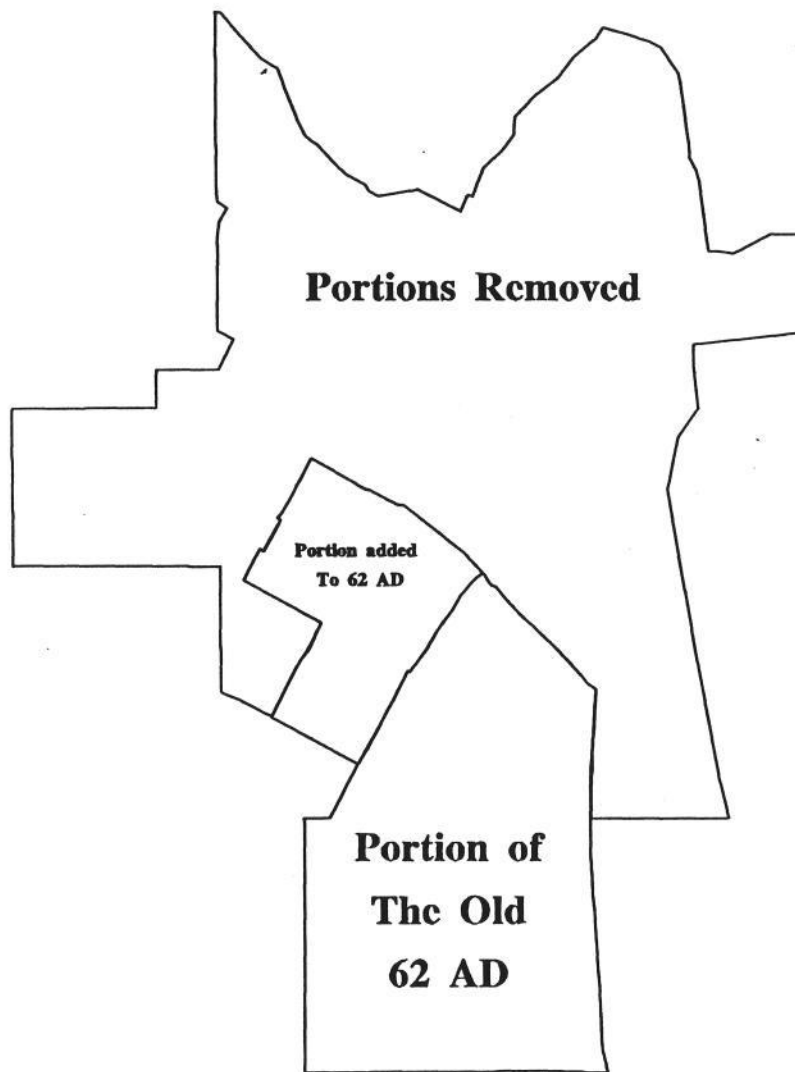
## 1951 AND 1961





# 14TH CONGRESSIONAL DISTRICT

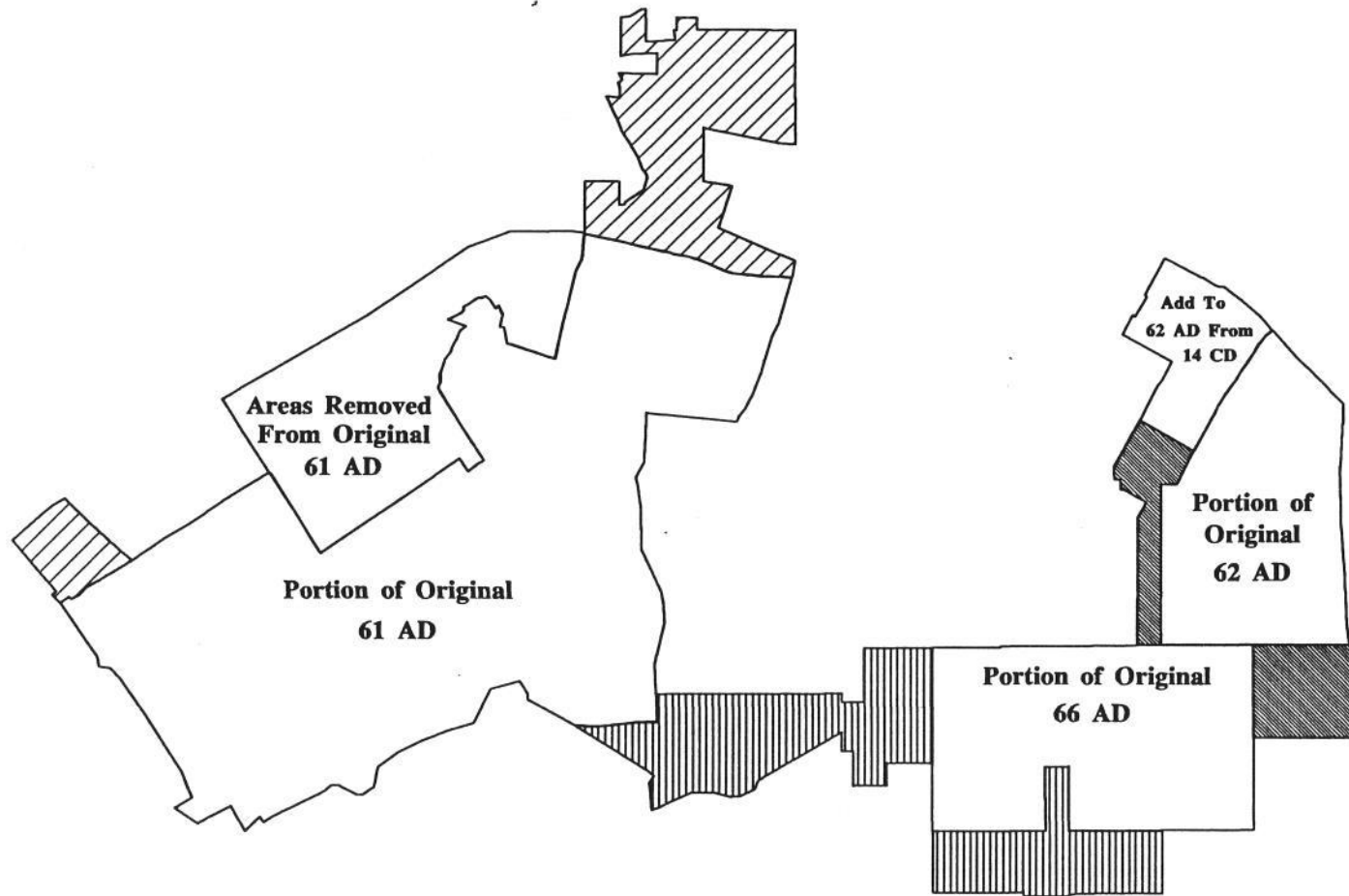
1951 ELIMINATION





# 26th CONGRESSIONAL DISTRICT

1951



**NOTE:** All Diagonal Lines Represent Adds To Original Assembly Districts

## CHAPTER 4

### THE 1961 REDISTRICTING

If 1950 to 1956 was a golden era of California Republicanism, 1958 to 1963 was a golden era for the Democrats. Attorney General Edmund "Pat" Brown won the governorship by a million votes in 1958 and with him came a number of statewide positions and the first Democratic U.S. Senate seat since 1944. The Democrats abolished cross-filing in 1959. Only write-ins gave Nixon the state in his losing 1960 presidential contest.

Before the anticipated decennial redistricting battle, another effort to reapportion the State Senate<sup>1</sup> came into the limelight due to a series of perceived affronts to urban California.

#### Senate Reapportionment Initiative in 1960

Joseph Beck, venerable secretary of the State Senate, in his defense of the California system of senatorial representation, had drawn attention to the rotten boroughs of England in the 19th century.

Beck cited Lord John Russell who, defending an 1832 reform Bill, had observed:

a ruined mound which sent two representatives to Parliament...a stone wall with three niches in it which sent two representatives to Parliament, and a green park with no sign of human habitation which sent two representatives to parliament...while populous towns...sent no representatives to Parliament...a monstrous system of represented ruins and unrepresented cities.<sup>2</sup>

Beck went on to rationalize the California area representation despite its similarities to the Russell observation. Other Californians did not accept the Beck justification for their disenfranchisement. Los Angeles Supervisor Frank Bonelli used the possessory interest tax issue as a platform to launch his 1960 campaign for Senate reapportionment. The Bonelli Plan proposed to replace the nearly 40 year old federal system. Bonelli proposed that a county or contiguous counties with populations of less than 250,000 could have no more than one senator, counties with populations between 250,000 and 900,000

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<sup>1</sup> An excellent overview of the period 1926-1962 is provided in Friedman, "Senate Reapportionment," (unpublished MA thesis, UCLA, 1965); hereafter cited as Friedman thesis. Also useful for an overview are the 1951 Report and the 1961 Report, the Hardy dissertation and the Report of the Study Commission on Senate Reapportionment, (Sacramento, CA: State Printer, 1962).

<sup>2</sup> Joseph A. Beck, The California Legislature, (Sacramento, CA: State Printer, 1960). p. 14

could have no more than two senators and counties with populations above 900,000 could have no less than three and no more than five senators.

Dividing the State at the Mayo/Breed line (a division used for highway funds), the south would have 20 seats and the north would have 20 seats. The net result would have been seven seats for Los Angeles County and an additional three seats for other populous southern counties. The San Francisco Bay area would have gained one seat but the rest of north would have lost seats.<sup>3</sup>

Two factors muddied the debate about the merits and demerits of the initiative. First, on the same ballot was a bond issue of \$1.75 billion for construction of the State Water Plan to bring northern water to the south. Second, many critics of the Senate--the usual supporters of reapportionment--including Governor Brown, were reluctant to join the Bonelli bandwagon for fear of offending northern voters on the water issue. Others who had been supporters of reapportionment in 1948 withdrew or were neutral, or in two cases opposed the Bonelli Plan. Labor, the backbone of the 1948 effort, and the state Democratic Party, also on the bandwagon in 1948, were both opposed to the Bonelli plan.<sup>4</sup>

Former critics of the Senate, notably labor leaders and the Democratic Party establishment, had come to look upon the Senate as the home of liberalism. Labor leader Pitts and other labor officials regarded the Senate as more sympathetic to labor's needs than the population-based Assembly. Among the Senators elected in the 1950's were some of the most distinguished liberals of the Democratic Party. Many were ex urbanites born and raised in San Francisco and Los Angeles with degrees from Harvard, Yale, Berkeley, and the like. The specter of losing them was frightening: southern California, which stood to gain seats, was the bastion of Republican conservatism.

Other combatants in the initiative battle included business groups and newspapers. The State Chamber of Commerce retained its commitment to the federal plan but the Los Angeles Chamber of Commerce reversed itself. Conservative papers came out for the Bonelli plan (*Pasadena Star News*, *Los Angeles Herald Express*, *Santa Monica Evening Outlook*). Newspapers generally characterized as liberal and Democratic (*San Francisco Chronicle*, *Sacramento Bee*) came out against the Bonelli Plan.

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<sup>3</sup> Gordon Baker in Malcolm Jewell, ed., *The Politics of Reapportionment* (New York, NY: Atherton Press, 1962) 54-55.

<sup>4</sup> Friedman thesis, pp. 51-58, discusses the interlocking of the water issue and the Bonelli Plan and speculates on Bonelli's plans for higher office.

Opponents of the plan, which went on the ballot as Proposition 15, won by a ratio of about three to two, actual voting being 3,408,900 to 1,876,185. Los Angeles County supported the plan, voting 1,155,308 for and 925,996 against it. It was the only county to do so.

Though the Bonelli Plan was defeated, the implications of the voting figures were obvious. For the first time since 1928, the largest county, Los Angeles, was supporting reapportionment. Even defeat was a victory. As one of Bonelli's supporters noted, "As we said after 15's defeat, the people's education was well worth it."<sup>5</sup> After the election the *Los Angeles Times* noted that something had to be done.

Soon after the 1960 elections, Governor Brown announced he would request authorization of a Blue Ribbon Committee to study reapportionment. The Legislature responded favorably and authorized \$25,000 for the task. Most of the monies went to pay for hearings held in various parts of the state.

The result of the Blue Ribbon Committee's work (aside from an excellent compilation of relevant materials and a thoughtful commentary on the general topic) was a recommendation to continue county-based reapportionment with the provision that when a county exceeded 1,500,000 in population a second seat would be provided, and additional seats would be allotted for each subsequent 1,500,000 increase in population. No county could hold more than 10% of the Senate's membership. Counties with more than one senator would be divided into districts of approximately equal population.<sup>6</sup>

If this recommendation had been put into effect the net result for Los Angeles would have been a gain of three seats. The total number of Senators would have been 43. Los Angeles would have more hands to do its work but the system would not have changed.

Reaction to the Commission Report was negative. Bonelli's fellow supervisor Ernest Debs was blunt: "Hell no, I don't favor this plan. It is like throwing a crumb to the hungry."<sup>7</sup> Mayor Samuel Yorty called the Commission a hoax to keep Los Angeles County, the most populous in the state, from gaining representation.<sup>8</sup>

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<sup>5</sup> Telegram of Richard English to Frank G. Bonelli, April 13, 1961, as cited in the Friedman thesis, p. 68.

<sup>6</sup> Commission Report, p. 44

<sup>7</sup> Los Angeles Times, February 25, 1962.

<sup>8</sup> Ibid., March 20, 1962.

The lengthy concurring opinions in the Commission report did not hide serious differences of opinion. The fact that the Speaker announced a proposal for eight additional Senators, almost three times the number recommended by the Commission of which he was a member, was an indication of the inadequacy of the Report. The provision of a 10% maximum for any county was desired by Senator Rattigan while Supervisor Bonelli found it unacceptable.

A 1962 decision in *Baker v. Carr*<sup>9</sup> offered hope for the defeated of 1960. It held that reapportionment questions could be justiciable. The Yorty-Bonelli legal efforts, rebuffed by the state courts, might have a second chance.

But Bonelli was not one to wait. In April 1962 he announced a new initiative. This time he proposed that the existing 40 senatorial districts be retained with an assurance that no more than three counties would be grouped together in a district. But ten additional seats would be created. The allocation formula was complex. Counties with 1,200,000 people were to have two senators. Another position would be given for each additional 1,000,000 people. No county could have more than six senators. The result would have given large urban counties more representation: Los Angeles would gain five seats, while Alameda, Orange, San Diego, San Francisco and Santa Clara Counties would gain one seat each.

By June 28, 1962, a week earlier than required, Bonelli had submitted 459,700 signatures (40,000 more than needed). Los Angeles' prominence in the effort was indicated by the fact that 354,000 signatures were from that county.<sup>10</sup>

Bonelli's theme was that the Senate demonstrated a "flagrant disregard for metropolitan area problems."<sup>11</sup> His fellow supervisor Debs was as blunt as in 1960: "The northern senators live with cows, chickens and jack-rabbits. They don't understand our problems and don't want to understand them."<sup>12</sup> Obviously Debs was not impressed with the usual rural virtue rhetoric of the opposition.

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<sup>9</sup> *Baker v. Carr*, 369 U.S. 186 (1962)

<sup>10</sup> Los Angeles Times, June 23, 1962.

<sup>11</sup> Los Angeles Times, April 12, 1962.

<sup>12</sup> Los Angeles Times, April 4, 1962.

Brown joined the Bonelli call for 10 additional senators, abandoning his Blue Ribbon Commission recommendation of three. Stranger yet was Richard Nixon's (Brown's gubernatorial opponent) agreement that reapportionment was "a matter of simple justice."<sup>13</sup>

The State Chamber of Commerce was opposed to Proposition 23 (the 1962 Bonelli Plan) while the Los Angeles Junior Chamber of Commerce joined the reformist ranks. The Statewide Labor Federation was challenged by the Los Angeles County Labor Federation (which represented 750,000 of the 1,400,000 statewide members). All county Boards of Supervisors opposed Proposition 23 except Los Angeles. In the labor hierarchy Thomas Pitts continued his opposition.<sup>14</sup>

Major newspapers were virtually mute about reapportionment, possibly distracted by the Brown/Nixon gubernatorial contest and the Cuban missile crisis in October. The *San Diego Union* observed the, "State Senate is an obsolete legislative instrument in California....Reapportionment is long overdue."<sup>15</sup> The support of the *Los Angeles Times* was a major surprise but its endorsement was hardly enthusiastic.

#### Assembly and Congressional Redistricting in 1961

For 10 years Democrats had blamed many of their woes, especially in the Congress, on redistricting. Now vengeance would be theirs.<sup>16</sup>

The State's phenomenal population growth had continued. California gained eight Congressmen, its largest gain since the gain of nine in 1931. The whole-county and whole-Assembly district requirements remained as obstacles to population equality but also provided opportunities. Los Angeles County, which now had 31 Assembly districts and 15 Congressional districts (three of the eight new districts were allotted to Los Angeles County), was the key. Thirty-one Assembly districts divided by 15 Congressional districts produced fourteen Congressional districts composed of two Assembly districts and

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<sup>13</sup> Los Angeles Times, October 31, 1962.

<sup>14</sup> Los Angeles Times, September 6, 1962 and KNX radio broadcast, Los Angeles, October 22, 1962.

<sup>15</sup> San Diego Union, November 3, 1962.

<sup>16</sup> The 1961 redistricting is reviewed in: Report of the Interim Committee on Elections and Reapportionment: 1959- 1961, (Sacramento, CA: State Printing Office, 1961), by Hardy and staff; Way, H. Frank, "California: 'Brutal Butchery of the Two Party System'?", in Jewell, Malcolm, The Politics of Reapportionment (New York, NY: Atherton Press, 1962), pp. 249- 264; and Quinn, T. Anthony, Power Unbridled: The 1961 Redistricting of California, (Claremont, CA: Claremont Men's College, Rose Institute, 1980).

one Congressional district with three. Naturally, the latter would be a Republican district. Another alternative was to group one Los Angeles County Assembly district with another county.<sup>17</sup>

Lucrative opportunities existed in the other fourteen Congressional districts. In 1951 the Republicans had created seven overpopulated Congressional districts each composed of three Assembly districts, indirectly providing the basis for future gerrymanders. Most of the seven large districts were heavily Democratic, or leaning that way. Any division of the larger districts would create a possibility for two Democratic districts. On the other hand, the light Congressional districts with two Assembly districts that had brought the Republicans so much influence in the 1950's invited consolidation, or expansion into Republican areas of the former Democratic districts. Major shifts were required. After a decade of frustration, Democrats were ready.

Opportunity for revenge for 1951 and the opening of new positions dominated the redistricting in 1961. At the same time some unique features emerged. Not the least was the emergence of two men who were to be the masters of California politics for the next 25 years.

Two pros of superb political acumen understood the dimensions of the 1961 redistricting process, both for their party and for themselves.<sup>18</sup> Jesse Unruh had state ambitions and Philip Burton had national goals. Although Robert Crown of Alameda County was the de facto chairman of the Assembly Elections and Reapportionment Committee, Unruh walked across the political maps and gained the expertise and detailed knowledge so essential for redistricting success. Unruh was chairman of the powerful Ways and Means Committee as well as a member of the Elections and Reapportionment Committee. He had a keen political eye and could instinctively sense the potential significance a Republican's suggestion of a slight shift in a remote section of Los Angeles might have.

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<sup>17</sup> The first Assembly bill dealing with redistricting proposed grouping the 57 AD with Ventura and Santa Barbara counties. Democrat Cunningham of Ventura objected and voted against the legislation. Crown announced the 57 AD would not be included with Ventura. Cunningham voted for the amended legislation and in due course for Unruh for Speaker.

<sup>18</sup> Hacker says of the 1961 action: "While the Democrats in California secured a disproportionate number of seats, the percentage they won was not as high as it might conceivably have been;" Hacker, Andrew, Congressional Districting: The Issue of Equal Representation (Washington, D.C.: The Brookings Institute, 1963, 1st edition) p. 59. This account gives the originators slightly more credit. The writer, by accident, became the consultant to the 1961 Assembly Reapportionment and Elections Committee, the same position that his doctoral chairman, Ivan Hinderaker, held in 1951.



Philip Burton, an active committee member with a keen interest in redistricting, would keep the conversation going until he learned the true political desires of his opponent and the bargaining chip; then he would proceed to wear down the participants to the point of agreement.

Political expertise had to be combined with electoral expertise. Individuals willing to sort through the political data and concentrate on detail had to join with members skilled in political negotiation. To approach the problem otherwise was to court disaster and to give decision power to technicians who may have no sense of institutional ethos.

Unruh's goals were national as well as state. One of the 'Young Turks' in the Democratic minority in the 1950's, he was an acknowledged comer, if not a leader. As a point-man in the Kennedy organization in California his reputation depended on delivering California's support. The loss of California in 1960 was not helpful, nor was the presidential primary fiasco. Unruh was on the right side even with less than victory, but a shrewd handling of redistricting would be a plus. The Speakership was probably also prominent in Unruh's thinking. Speaker Ralph Brown was rumored to be slated for a judgeship. The Speakership would become vacant. At the beginning of 1961, the possibility of Unruh being elevated to the Speakership seemed remote. Common agreement seemed to indicate Carlos Bee was the likely heir.

The redistricting got underway. Chairman Robert Crown was named Chairman of E. and R. He was another member of the Young Turks and a close ally of Unruh. Crown named the author as the Chief Consultant to the Committee. But the Assembly internship program under Unruh's supervision would play an important role in the actual operation of the committee. Louis Angelo, an intern of the previous year, was named Executive Director. Two interns were assigned to the Committee, Elmer Rusco and Bruce Bolinger. Also part of the operation were Larry Fisher and Stephen Smith, interns attached to other committees but close to Unruh.

It was made quite clear to the author that the Republican procedures would be followed. First, a Ph.D. had to head the staff. His responsibility would be to produce the Committee Report and give advice as sought. Actual drawing of lines would be the responsibility of legislative leaders and their immediate staffs and interns.



The 1951 planning maps were based on crude precinct analyses. In 1961, a major objective was the development of an alternative mapping system in the key Los Angeles area. The new units to be used were developed by two Unruh protégés, Charles Bell and Madel Watson.<sup>19</sup> The units for analysis were census tracts in Los Angeles County which in turn were grouped for their similar voting patterns: in general, solid Democratic or solid Republican, and leaning Democratic or leaning Republican. Registration figures were used to assess probable results from different combinations of tracts. Databases and computer processing techniques were not yet joined with mapping abilities. From the perspective of modern behavioral experts and in light of contemporary possibilities, the Bell-Watson units were crude but in 1961 they were state of the art. They were essential to Unruh's success.

As in 1951, much of the work in 1961 would be done by local politicians and organizations. In general the decentralization of responsibility for redistricting seems to have followed this pattern: San Francisco -- Assemblyman Burton; Alameda -- Assemblymen Crown and Angelo; San Diego -- Assemblyman Mills; Los Angeles -- Unruh; and San Fernando Valley and Northern Los Angeles -- Assemblyman Bane. In other areas local Assemblymen were consulted about their personal concerns. Usually the Assembly seat was the key interest, although several Assemblymen had Congressional seats in mind.

In many cases the decentralized operations had more detailed political information. Certainly in the case of San Francisco, the Burton operation had detailed data covering long time periods. In other cases the information may have been of a more "seat of the pants" variety. Sometimes this sort of information was more accurate. In some cases the Legislators voting on the legislation relied almost entirely on the staff of others (such as Crown's or Unruh's staff). In other cases the Legislators had their own staff developing alternatives or checking out the figures.<sup>20</sup>

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<sup>19</sup> The Los Angeles maps were based on the so-called "Bell-Watson" units. As is generally true, one operation did not control the entire process. In 1951, the San Francisco area was delegated out to the County Central Committee. San Mateo, Contra Costa, and San Diego were handled in similar fashion. In 1961, Burton supervised the San Francisco districts, Crown and his assistant, Louis Angelo, the Alameda districts, and James Mills the San Diego districts. Incumbents to varying degrees shaped their own districts. Jumping ahead of the story, the actions in 1971 and 1981 may have suffered seriously from the centralization that more technology permits, especially when the overall state program becomes subservient to the interests of one clique.

<sup>20</sup> The author, who was not in Sacramento continuously, found it strange how Legislators (dependent on others) miraculously sensed his presence in the Capitol. The first question was always: What's up doc? or How's my district coming? Often the consultant did not know. In one case a Legislator, on pins and needles about his district, joined the author at the work table late in the evening and

While the important delegated assignments were being worked out, the author was engaged in preparing a report of the interim committee's activities. To a large extent it merely updated the *1951 Report*. The *1961 Report* emphasized five criteria to be considered in formulating districts: legal provisions, population, geography, communities, and reapportionment problems (constitutional and political).<sup>21</sup> In contrast to the *1951 Report*, socio-economic factors, desires of the people and desires of elected representatives were not separately listed as factors. Legal provisions moved from the end to the head of the list. The *1961 Report* acknowledged socioeconomic factors within the context of geography. The report noted:

When possible, the geographical factors should be recognized in the creation of a legislative district. However, diversity of interpretation will occur and the acknowledgment of regional units should not be used to distort greatly the population factor. For purposes of geographical distinctions in this study consideration has been given to the north, central, and southern breakdowns used in the 1951 Report of the Interim Committee on Elections and Reapportionment, the State economic areas recognized by the United States Department of the Census in 1950, the 1960 changes made by the United States Department of the Census in the state economic areas of California, and the statistical units recognized by State Departments in California. From a review of such categorizations a composite regional consideration has been developed for purposes of electoral representation. These regional units do not necessarily correspond exactly with geographical barriers because county lines must be used in the creation of districts according to constitutional provisions. The regional groupings used in the 1961 reapportionment activities are reflected in Tables III and IV.

When regions are recognized in the reapportionment process the effect will be to acknowledge major geographical regions embody socioeconomic unity since the regional lines generally reflect major economic pursuits. Of course, exceptions in geographical unity and economic activities can be noted because existing county lines that must be used for reapportionment purposes do not, in all cases, reflect modern day geographical considerations or economic pursuits.<sup>22</sup>

The *1961 Report* accepted the wisdom of the *1951 Report's* observation that it is generally accepted that the "framers were men motivated by a combination of idealism and interest in their state, community, group or self. That is a premise upon which the representative government has to operate."<sup>23</sup>

Under the heading of "reapportionment problems -- constitutional and political" the *1961 Report* noted:

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in short order fell asleep. Two hours later he woke as the author prepared to rush to the airport. "I must have fallen asleep, it's been a busy day," he said. "See you next time."

21 1961 Report, pp. 20-24.

22 1961 Report, pp. 31.

23 1951 report, p. 51.

A final and perhaps the basic problem in the reapportionment process is the political factor. Though not a theoretical basis for reapportionment, any survey of past reapportionments indicates that the political factor is vital in the practical sense. The incumbent, his party, the opposition party, and potential candidates -- all have a concern in the reapportionment process. Certain advantages may be sought or may result from any reapportionment. However, the permanence of any reapportionment action may be questioned and the determination of whether political factors shaped the outcome is impossible. Many factors are involved in any decision and an objective decision in one section can create in other areas unusual results which do not have to be necessarily political.

To claim that every reapportionment action is political is just as inaccurate as to state that all reapportionment decisions are non-political. Any variation in population, any odd-shaped line, any local disgruntlement frequently prompts the employment of the term "gerrymander" which since the early 19th century has been used to describe election district distortions. Probably few words are more inaccurately used than the word gerrymander. The shape of a district does not determine its virtue or fairness. A district may be long and narrow but incorporate a series of communities of similar interest and be sound as a district. Another district may be hundreds of miles long and still be necessary because of constitutional stipulations, or because of special local requests. Another district in a metropolitan area may extend at length from the core area, and still be desirable if small communities or people with similar interests are grouped together. The judgement of districts from a registration point of view may not accurately reflect the real voting behavior situation.

Isolated examples, or contrasts, may be interpreted as crass political manipulation, but be inevitable when the over-all state or regional allotments are considered. A district may seem to be designed to aid the incumbent but the district may also be for the interest of the citizens in the district, or an improvement over the previous situation. Who is to determine the basic motivation?<sup>24</sup>

As the Republicans had in 1951, the 1961 committee held public meetings in Eureka, Sacramento, San Francisco, Los Angeles and San Diego.

The Democrats had the advantage of numbers in 1961. In contrast to the Republicans in 1951 Democrats could equalize districts and still have their cake. The Republicans had unintentionally set the stage for their own demise. Heavily populated Democratic Congressional districts could be divided into two districts and almost double the Democratic results.

One of the principal targets in the Assembly was Republican Louis Francis whose right-wing rhetoric continually irritated his liberal opponents. Other Republicans targeted were also conservative.

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<sup>24</sup> 1961 Report, pp. 40-41.

### Specific Redistricting Strategies<sup>25</sup>

In 1961 San Francisco County reaped an unexpected windfall when its allotment of Assembly seats was only reduced from six to five, rather than to four. Assemblyman Phil Burton put this down as being the result of an error of the staff. Burton's explanation was that the staff had prepared an Assembly program with only 79 districts rather than 80. This was discovered at the last minute and Burton had to pull an 80th district out of the hat--in San Francisco-- to save the day. Only one rather than two San Francisco Assemblymen would be forced to leave the 'city' delegation.

What actually happened is not known. One of the perennial ploys for explaining exposed political transgressions is to attribute the error to staff incompetence. A staff member learns blame comes with the territory. There was simply no way the bills could have been developed to their conclusion without someone noticing the omission of an 80th district. Anyone among the staff<sup>26</sup> who studied the entitlement figures carefully would have alerted Robert Crown or Jesse Unruh to the problem. However, it represented an opportunity. At some stage a political decision was made, by whom it is unknown. The person who had the most to gain was Burton.

Seventy-nine districts were clearly to be allocated. The 80th could have allocated in a number of ways. Any option created disparities which could be attributed to constitutional stipulations. Using political science quantification criteria could produce a hypothetical best result. On the other hand, the political reality (a majority seat and a vote for Speaker) required looking at options the typical political scientist would overlook. If the staff did not present the options in such a succinct fashion then Unruh and Crown counting votes for the bill and the Speakership did.

More pertinent, however were the Congressional changes in San Francisco County. Assembly districts within a county had to be grouped together to form Congressional districts. In 1951, Republicans had grouped three San Francisco Assembly districts together to defeat Democrat Havenner while grouping the other three to create an overwhelmingly Democratic Congressional district for Congressman Shelley.

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<sup>25</sup> The Quinn study (1951-1982) and the Wilmering thesis (1951-1973) give more detailed accounts of additional districts. Analytical maps for all districts are on file in the Rose Institute archives.

<sup>26</sup> Angelo, Bollinger, Hardy and Rusco.

By 1961 rumors were already circulating about a Shelley mayoral bid. If San Francisco had two Congressional districts and five Assembly districts, one Congressional district would have two Assembly districts and the other would have three. Burton's 20 Assembly district made up half of the Congressional district having two Assembly districts. In 1963 Shelley was elected Mayor of San Francisco. The same year Burton won the Congressional seat in a special primary election.<sup>27</sup> Burton became a Congressman who played an important part in subsequent redistricting politics in California. Burton left the Assembly in 1963 only to be succeeded by his brother John Burton.

The heavily overpopulated Congressional districts formed in 1951 were ripe for division in 1961. The Republicans had manipulated the figures in 1951 to their advantage, but what goes around comes around.

Demographics also favored a Democratic coup. Los Angeles areas continued to decline in population while suburban areas soared. But unlike what would happen in the future, many of the first concentric suburban rings were being filled by voters of Democratic political disposition. Assembly districts 53, 58, 62 and 66 were collapsed and moved to Democratically disposed areas. Three of the Assemblymen from the eliminated districts were off to Washington as Congressmen, and in 1962 all the new Assembly districts would be Democratic.

Three Republicans who had Congressional districts which were composed of three Assembly districts had their districts realigned to their disadvantage. Republican Hiestead found that in his district, the heavily Republican 48 Assembly district was removed and the heavily Democratic 42 Assembly district and the new 62 Assembly district (inclined to be Democratic) were added. Republican John Rousselot, who defeated a Democratic freshmen in 1960, found his district reorganized into a district which had only two Assembly districts, while the reshaped Republican 53 Assembly district (made into the new Democratic 58 Assembly district) was moved into the new 29 Congressional district. In veteran Gordon McDonough's 30 Congressional district, the 58 Assembly district was collapsed.

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<sup>27</sup> Indicative of the Burton organizational strength, Burton won the district by 5% in the primary.

The consolidation of the 63, 65, and 66 Assembly districts is indicative of the politics behind the process. By 1961, these three downtown districts, which had been Republican, were in Democratic hands. The population warranted only two Assembly districts. One Assemblyman would have to go.

The availability of new Congressional seats was a remedy for the painful consolidation. Assemblyman Charles Wilson of the 66 district was encouraged to run for Congress. One of the other Assemblymen in the new congressional district was none other than Unruh. Unruh's reshaped 65 Assembly district was linked with territory from the 63 and the collapsed 66 to form the new 31 Congressional district.<sup>28</sup> With the, "Charlie you go to Washington" strategy Unruh had solved three problems: he gained enough adjacent territory to make his own district safe and to allow his leadership qualities to be manifest without political worries on the home front; the adjacent territory brought his district up to population standard; and potential Assembly rivals were shipped off to Washington.

Another portion of the 26 Congressional district became the new 53 Assembly district made up largely of the collapsed 62 and joined with the 55 Assembly district. The new 53 Assembly district was created near the old 66, but it was black in composition, a problem that would plague Charlie throughout his Congressional career.

With two collapsed portions of the old 26 Congressional district used as the base for two new Congressional districts for Assemblymen without districts, the third portion (61 AD) was available for the base of the depleted 26 Congressional district. The solution was found by taking the Democratic 59 AD from the 16 Congressional district of Republican Alphonso Bell. The 26 Congressional district which had become overpopulated during the 1950's because of a 1951 gerrymander thus became the basis for three Democratic Congressional districts.

The remainder of the 16 Congressional district was to become vital to a 1961 gerrymander and a solution to two other Democratic problems.

Veteran Cecil King, Dean of the California delegation and second ranking member of the Ways and Means Committee, was the benefactor of the safe, overpopulated 17 Congressional district in 1951. This was a major problem in 1961. One of his Democratic Assembly districts (the 67 or 68) could have

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<sup>28</sup> Unruh's realigned Assembly district had an "alumni" extension to include his university.



been coupled with the old 18 Congressional district to create problems for Republican Craig Hosmer, but probably at the cost of press support in Long Beach. More crucial, however, would have been the grouping of the Republican 57 and 60 Assembly districts for a sure Republican district and the 46 and 68, or 46 and 67, for Democrat King. The 46 had been the Republican part of King's Congressional district for two decades. Despite the Washington office's view that the area had long been represented by the popular Congressman and they loved him, greater and greater numbers in the district had never heard of him. If they had heard of him, they did not think a liberal Democrat represented their views. The area was growing rapidly in population and Republicanism. Future population projections promised more of the same. A 46 and 67 or a 46 and 68 combination would be risky for the aging King. The Republican 46 AD had to go elsewhere. Republican Hosmer's district would remain Republican and Democrat King would have a Democratic bastion of the 67 and 68 as the new 17th Congressional district.

Thus was born a 1961 gerrymander -- the 28 Congressional district of Alphonso Bell. Numbers again played the key role. The fact that 31 Assembly districts had to be divided among 15 Congressional districts meant 14 Congressional districts had two Assembly districts and one had three. Bell's realigned district consisted of his original 60 AD with an extension to the south (the 46 AD) and a layer on the north (the 57 AD).

Democrats now faced the problem of how to make the connection between these three Assembly districts. The solution was a neck extending from the 60 to the 46 Assembly district. The infamous 26 Congressional district was being liquidated, but the second set of gerrymanders was born, with the same characteristics.

If Bell's deficit was solved by adding two Assembly districts to his remaining 60, and King's incumbency assured with the removal of the 46, Congressman James Corman's deficit was not solved. The 22 Congressional district, created as a Republican district in 1951 by Charles Conrad, had been won narrowly in 1960 by Corman. Corman would benefit if the Republican 57 Assembly district could be removed and linked with more Democratic sections to the north. With the removal of the 57, Corman was left with only the Republican 64 Assembly district that had been moved to the San Fernando Valley in 1951. A goal of Democratic redistricting would be to boost Corman's chances of survival. The over-

populated 21 Congressional district to the north was a natural for division but it had elected a Republican for a decade. In sum, the Republican 22 and 21 Congressional districts did not have an abundance of reliable Democratic strength.

The relatively easy solution would have been the inclusion of the heavily Democratic 42 Assembly district in Corman's Congressional district. But personal ambition of an assemblyman was the stumbling block. Assemblyman Thomas Bane of the 42 was a product of San Fernando Valley politics. In the decentralized organization of the redistricting program, Bane called the shots in the Valley.

The creation of another Assembly district from the surpluses of the old 41 and 42 districts had to be carefully tuned to protect Bane's 42 Assembly district and to make the new 62 leaning Democratic. At the same time the realigned 41 had to retain its Democratic character for incumbent Democrat Carroll. With four Assembly districts, two would constitute the realigned Corman district (22 Congressional district made up of the 41 and 64), and the new 27 Congressional district would be made up of the other two, the new 62 and Bane's 42.

It worked in 1962. Corman was re-elected. Everett Burkhalter, former veteran Assemblyman and previous Congressional sacrifice, was now a Congressman in the new 27 Congressional district. The 1962 elections gave the Democrats two seats, the 22 and 27 Congressional districts, but only for one election. When the aging Burkhalter decided not to run for re-election in 1964 (he discovered seniority counted in Washington), Bane sought his place. He was defeated. Corman barely survived even in the Democratic landslide of 1964.

The Republican 48 Assembly district had been removed from the over-populated 21 Congressional district, partly because of the numbers and partly because of the "Valley" considerations discussed above. At the same time two light Assembly districts had been consolidated to the benefit of Republican Assemblyman Bud Collier. To the west, Assemblymen from the 43 and 58 districts also found themselves in Collier's district. Congressmen H. Allen Smith of the 20 Congressional district and Glen Lipscomb of the 24 Congressional district, both with light populations, found themselves together in one district. Smith was a member of the powerful House Rules Committee. Lipscomb was a popular member on Appropriations. Both Congressmen were former Assemblymen.



What ensued was a frantic effort to achieve a compromise. Smith, Lipscomb and Monterey Assemblyman Glenn Coolidge, who himself sought one of the eight Congressional prizes, played key roles in the negotiations, negotiations that won sufficient Republican support to discourage a referendum and to gain Jesse Unruh the Speakership with Republican support.

Lipscomb's district was elongated into the east San Gabriel valley. Smith retained his Pasadena/Glendale base. By juggling the Assembly districts, only Wolfman and Shell were in the same district, with the tilt in Wolfman's favor.

Both Coolidge and Pattee voted for the Democratic program. Reagan, Shell and Bustred entered statewide contests in which Reagan and Bustred won their party's nominations but lost the general elections to incumbent Democrats Bert Betts and Alan Cranston.

The committee met and voted on the bill. Subsequently an amended bill was approved. A Senate Committee approved the amended legislation. Governor Brown approved the legislation. Republicans were prevented from a referendum by the extraordinary 2/3 vote. Threats of legal action did not materialize. The Assemblymen (Democrats and Republicans) who voted for the legislation were assured of electoral advantages for the decade. The link between the Speakership vote and redistricting is not established beyond doubt but the coincidences are notable.

#### The Ethnic Factor Emerges

In 1951 Blacks found themselves concentrated in working class districts. Their spokespersons declared themselves in favor of integration.

But by 1961, Blacks were clamoring for their own representatives. Veteran Assemblyman Augustus Hawkins, who had been denied a black Congressional district in 1951, was first in line as the senior Assembly Black. His district number (62) was transferred to a growth area in the San Fernando Valley and the areas of the liquidated 62 Assembly district became the nucleus for the new 53 Assembly district. The 53 was combined with the 55 district to form the 21 Congressional district, California's first black district.

The result after the 1962 elections was two black Assembly districts and one black Congressional district in Los Angeles, a significant gain from the one Assembly district prior to the 1961 redistricting. It was, however, only half of what Blacks had demanded.

#### The 1961 Results

The result was a resounding victory for the Democrats in 1962: the Speakership, nine new Democratic Congressmen, and a political future in one form or another for most participants. Jesse Unruh would assume the Speakership of the Assembly. Robert Crown would become the chairman of the Ways and Means Committee. Philip Burton would go to Washington shortly after Brown, Cameron, Hanna, Hawkins and Wilson. Thomas Rees would later join them.

From the Los Angeles area only five of the seven Republican Congressmen survived out of a delegation of fifteen. Statewide, three Republican incumbents fell. Off-year losses were minimal for the Kennedy administration in 1962. This could be attributed to California's 1961 redistricting, just as the 1951 Republican effort produced its House majority in 1952.

The godfathers of 1951 and 1961 were of different parties but they understood the political game and how to use redistricting power to create electoral advantages. The resulting districts defied geographical criteria, population criteria, community of interest, and any other redistricting guidelines, but in each case, their parties gained.

With the landslide of 1964 the numbers held with rare exception. Returns in 1966 were not as favorable for various reasons discussed later.

CHART 5: ENTITLEMENTS FOR THE 1961 REAPPORTIONMENT

Population of California--1960	15,717,204
Ideal Assembly District Size (80)	196,465
Ideal Congressional District Size (38)	413,611

	<u>1960 Entitlements</u> <sup>29</sup>			
	<u>Census</u>	<u>Assbly</u>	<u>StSen</u>	<u>Congress</u>
<u>North Coast:</u>				
Subtotal	187,508	0.98	2.50	0.37
<u>Bay Region:</u>				
Core Subtotal	1,648,525	8.39	2.00	3.99
North Subtotal	494,682	2.52	3.50	1.20
Central Subtotal	409,030	2.08	1.00	0.99
South Subtotal	1,086,702	5.53	2.00	2.62
Bay Subtotal	3,828,939	18.52	8.50	8.80
<u>Central Coast:</u>				
Subtotal	379,010	1.99	3.00	0.75
<u>Southern California:</u>				
Core Subtotal	6,038,771	30.74	1.00	14.60
North Subtotal	368,100	1.87	2.00	0.89
Inland Subtotal	881,887	4.49	3.00	2.13
South Subtotal	1,736,936	8.84	2.00	4.20
Southern California Subtotal	9,025,694	45.94	8.00	21.82
<u>San Joaquin Valley, Foothills and East Basin:</u>				
Subtotal	1,468,584	7.47	8.48	3.00
<u>Sacramento Valley and Superior California:</u>				
Subtotals	1,017,529	5.78	8.47	2.46

<sup>29</sup> Entitlements refers to the population of the county divided by total population on the basis of the 80 member Assembly and the 30 member Congressional delegation for the 1952 elections. Because the State Senate at that time was based on area representation, entitlements were constitutionally frozen in the upper house. On the basis of the one person/one vote criterion the entitlement for the upper house would have been one half of the Assembly entitlement.

CHART 6: POLITICAL GENETIC BLOCKS FOR 1961

CD	RESULTS	POLITICAL STATUS OF ADS			RESULTS
	1952-61	1952-61			1962-70
15	RRRRR	DDDDD (63)	DDDDD (65)	RRRRR* (58)	(31) DDDDD
16	RRRRR	RDDDD (59)**	RRRRR (60)		(28) RRRRR
17	DDDDD	DDDDD (67)	DDDDD (68)	RRRRR* (46)	DDDDD
18	RRRRR	RRRRR (70)	RRRDD (44)		(32) RRRRR
19	DDDDD	DDDDD (40)	DDDDD (51)	DD, D/R, D (45)	DDDDD
20	RRRRR	RRRRR (43)	RRRRR (47)		RRRRR
New					
21	RRRRR	DDDDD (41)**	RRRDD (42)	RRRRR* (48)	RRRRR
New					

22	RRRRD	RRRRR	RRRRR		DDDDD
		(57)	(64)		
New					
23	DDDDD	DDDDD	R/D, DDDD	DDDDD	DRRRR
		(69)	(52)	(55) **	
24	RRRRR	RRRRR	RRRRR		RRRRR
		(54)	(56) **		
25	RRRDR	RRRDD	RRRRR*	RRRRR	DRRRR
		(50)	(53)	(49) **	
26	DDDDD	DDDDD	DDDDD	RRDDD*	DDDDD
		(61)	(62) **	(66)	

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Note: The elections were 1952, 1954, 1956, 1958, and 1960. \* Indicates AD eliminated in original area and transferred to other parts of the county. \*\* Indicates AD shifted to another CD.

CHAPTER 4

Charts:

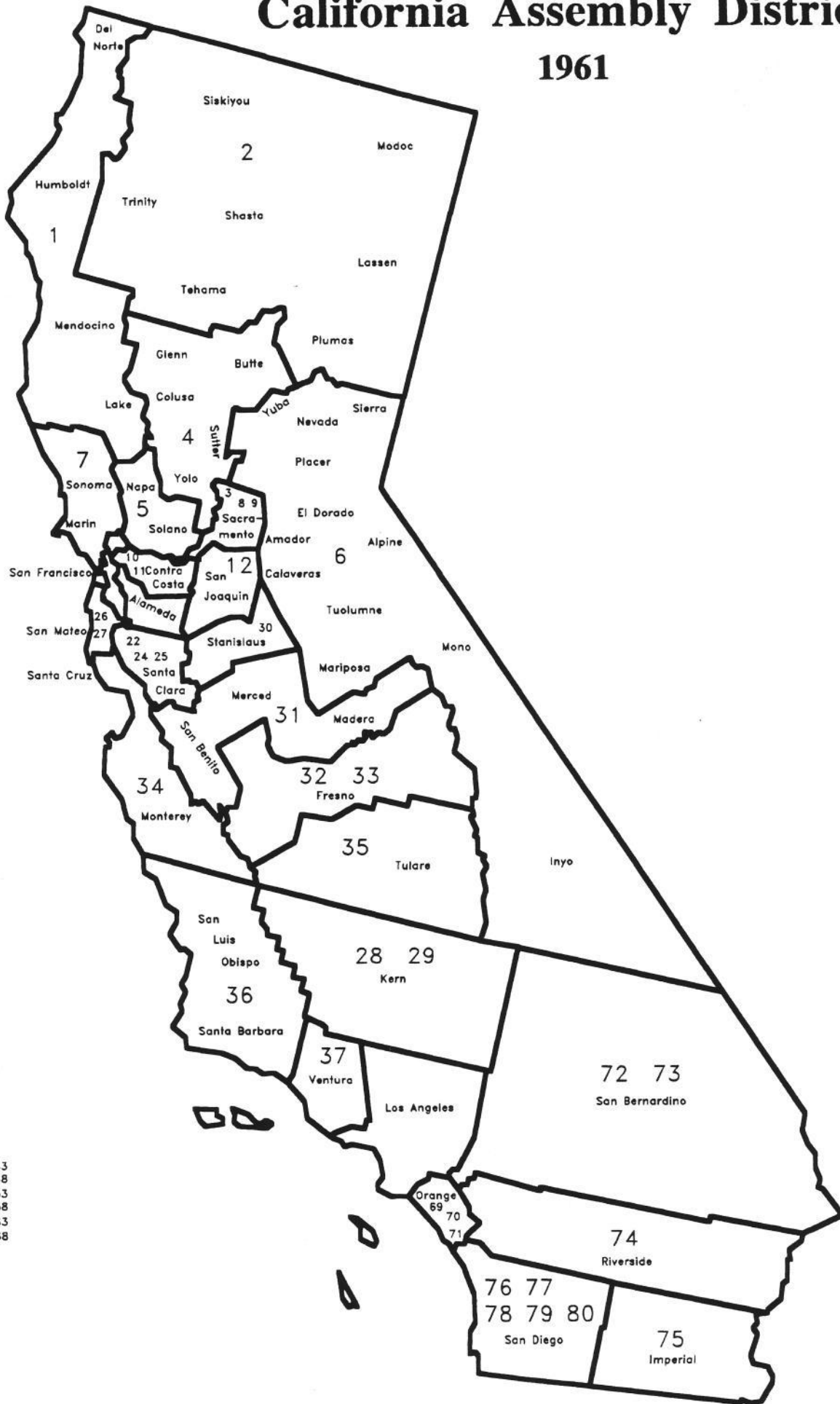
Population Distributions                      1960

Maps:

Assembly Districts	-- 1961
San Francisco Assembly Districts	-- 1961
Assembly Districts -- San Fernando Valley and Northern Los Angeles County	-- 1961
57th Assembly District	-- 1961
Congressional Districts	-- 1961
21st Congressional District [with 1967 changes]	-- 1961
25th Congressional District [An Elimination Gerrymander]	-- 1961

# California Assembly Districts

1961



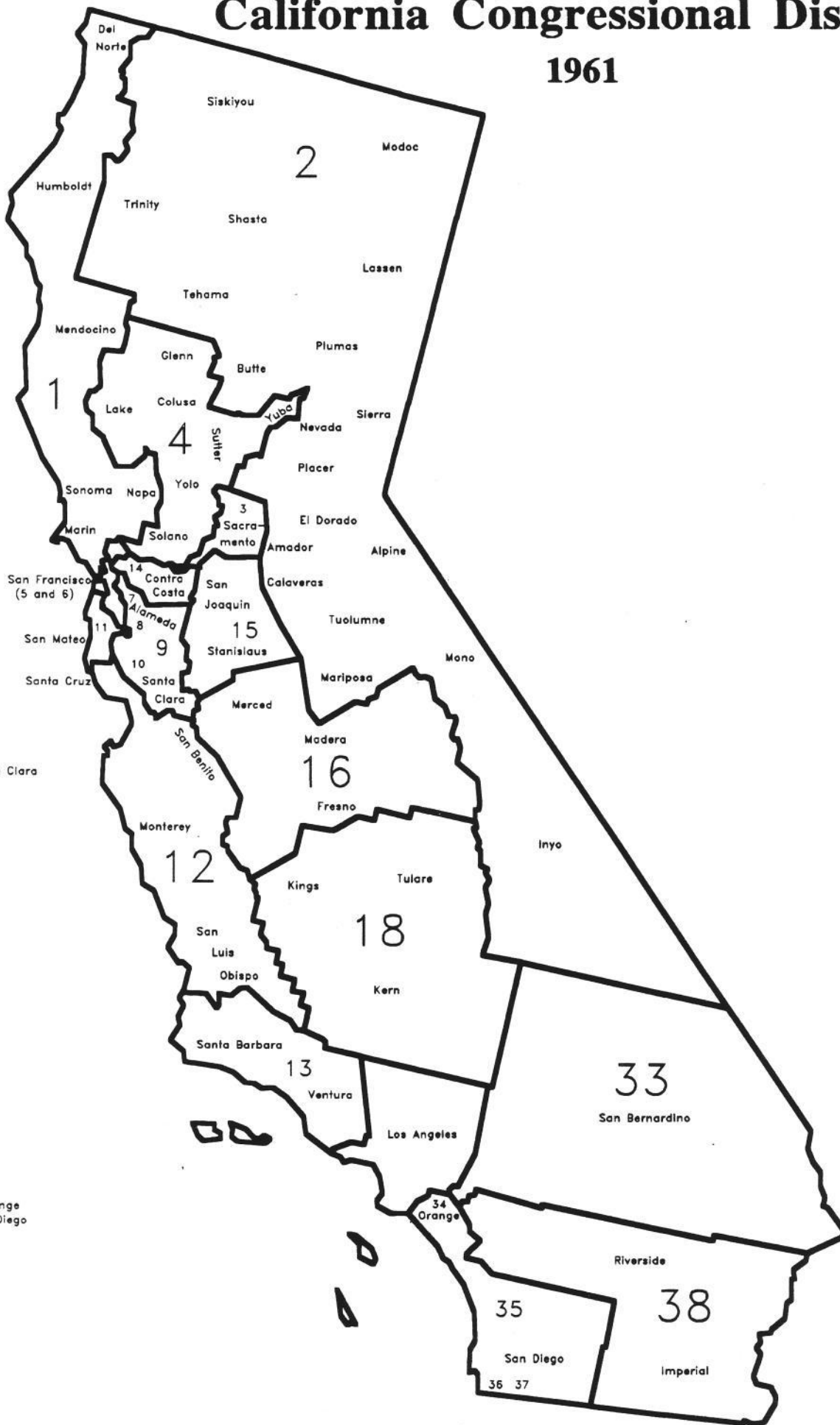
Alameda  
13 14 15  
16 17 18

San Francisco  
19 20  
21 22 23

Los Angeles  
38  
39 40 41 42 43  
44 45 46 47 48  
49 50 51 52 53  
54 55 56 57 58  
59 60 61 62 63  
64 65 66 67 68

# California Congressional Districts

1961



District 9:  
Part of Alameda  
and part of Santa Clara

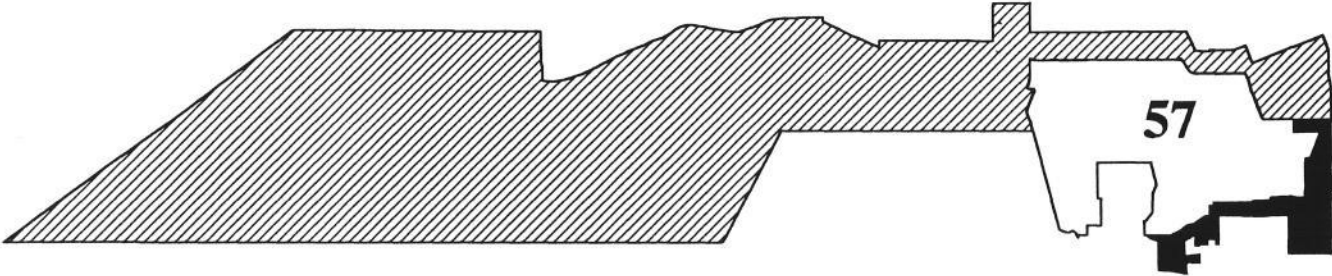
Los Angeles  
17 19 20 21 22  
23 24 25 26 27  
28 29 30 31 32

District 35:  
Remainder of Orange  
and part of San Diego



**57th ASSEMBLY DISTRICT**

**1961**



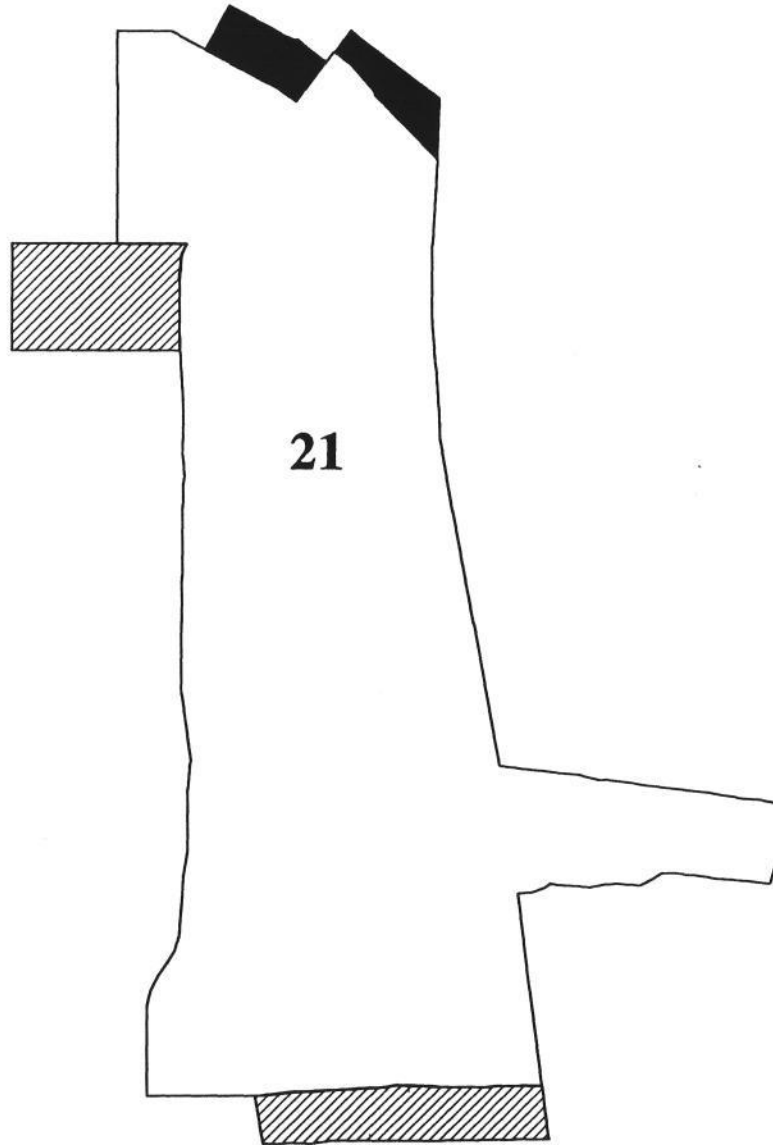
# 25th CONGRESSIONAL DISTRICT

1961



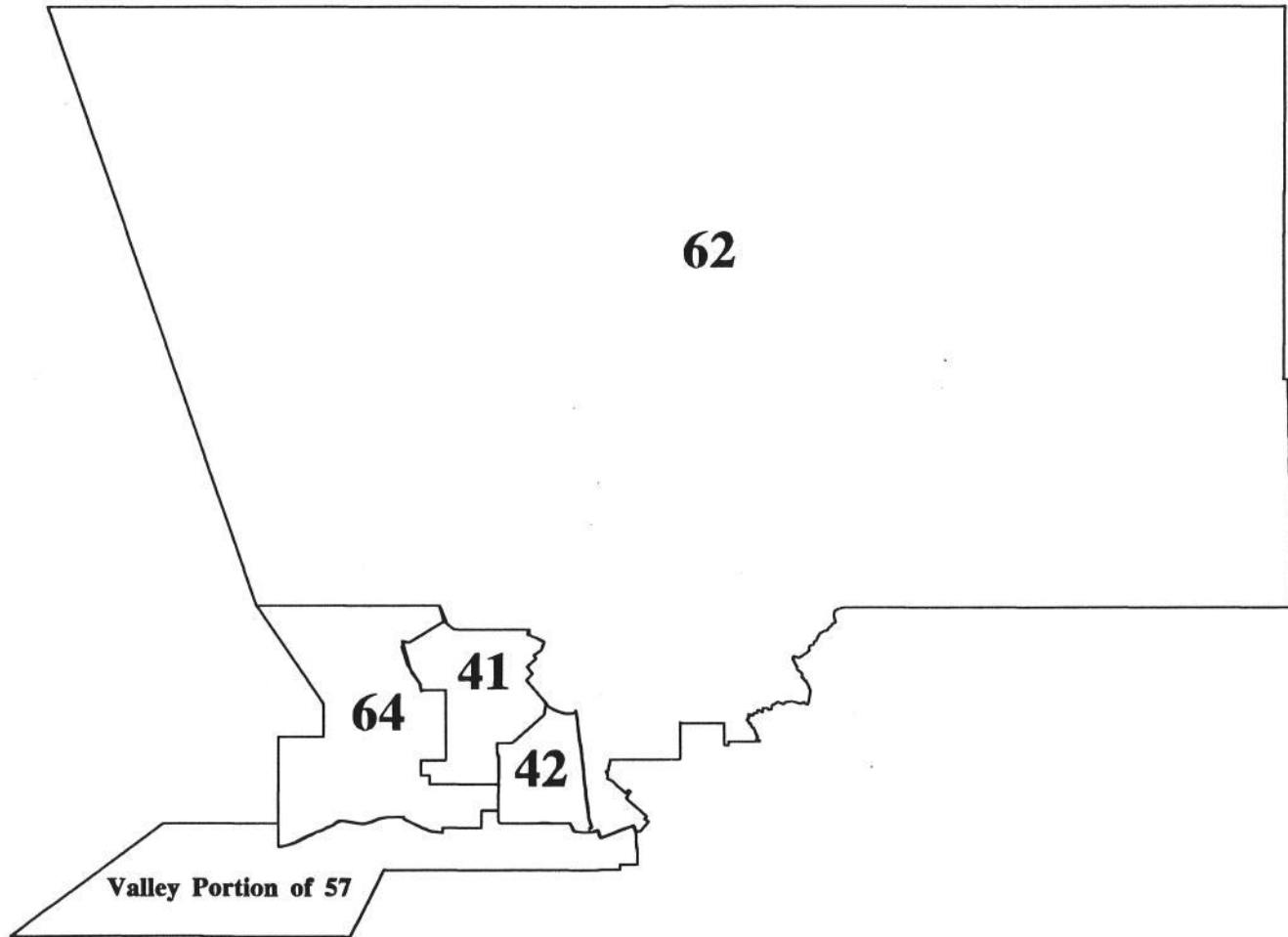
# 21st CONGRESSIONAL DISTRICT

1961 (1967 CHANGES)



# SAN FERNANDO VALLEY

## 1961 ASSEMBLY DISTRICTS



## CHAPTER 5

### REDISTRICTING IN THE MID 1960'S

As in most states, California's government and politics were to be drastically affected by the implications of the decisions in the cases *Baker v. Carr* (1962),<sup>1</sup> *Reynolds v. Sims* (1964),<sup>2</sup> and *Wesberry v. Sanders* (1964).<sup>3</sup> In particular, the judicial requirement of "one man, one vote" meant major changes for representation in California.<sup>4</sup> Responding to the Supreme Court's mandate, California's state legislative districts were revised in 1965, with revolutionary implications for the State Senate. The Congressional districts that had not been realigned in 1965, despite the Congressional delegation's desires, were altered in 1967. In 1971, with five new Congressional districts allotted to California, and with new census data, the reapportionment process began anew.

#### Summary of the 1965 Legislative Changes

Judicial intervention into the apportionment arena did not, at first, seem to jeopardize legislative representation in California. *Baker v. Carr* had direct relevance to only one chamber, the Assembly, and the California Assembly seemed to meet the equal population standard. But when the Supreme Court in *Reynolds v. Sims* ruled that both Houses had to be apportioned on a one-man, one-vote basis, no doubt should have remained that the California Senate would require a reapportionment of unprecedented proportions. In a related case subsumed in *Reynolds*, *Lucas v. Colorado*, Chief Justice Earl Warren wrote that a people cannot vote out of existence its democratic right to political equality. Possibly he wrote with his own state and his long experience as governor in mind.

The inevitable command came within six months, on December 3, 1964. It was then that a Federal court in Los Angeles instructed the Legislature to reapportion the upper house before July 1, 1965.

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<sup>1</sup> 369 U.S. 186 (1962).

<sup>2</sup> 377 U.S. 533 (1964).

<sup>3</sup> 376 U.S. 1 (1964).

<sup>4</sup> Much of the commentary in this chapter originally appeared in: Leroy C. Hardy and Charles Sohner, "Constitutional Challenge and Political Response: California Reapportionment, 1965" 23 Western Political Quarterly 733 (December 1970) and Leroy C. Hardy, "Congressional Redistricting in California, 1965-67: The Quilting Bee and Crazy Quilts," 10 San Diego Law Review 757-792.

The case of *Silver v. Jordan* was decided by a special three-judge panel headed by Judge Stanley Barnes of the North Circuit Court of Appeals<sup>5</sup>. It marked a significant milestone in the apportionment controversy that had begun nearly forty years earlier. In the opinion it was noted that:

the 28th Senatorial district, Inyo, Mono and Alpine Counties, had a population of 14,294 according to the 1960 Federal census contrasted with the 38th Senatorial District, Los Angeles County, with a population of 6,380,771. The disparity here is almost 450 to 1. It is invidious discrimination ... and is a debasement of the right to vote and deprives [Los Angeles County residents] of the equal protection of the laws guaranteed by the 14th Amendment.<sup>6</sup>

Of course other examples aside from this extreme one could have been cited: San Diego with 1,033,011 people had one senator while Calaveras, Mariposa and Tuolumne counties with 29,757 people also had one senator. On June 1, 1965, nearly six months after the *Silver* decision and exactly one month before the deadline imposed for Senate reapportionment, the United States Supreme Court affirmed the lower court's decree. Justice Harlan, the lone consistent foe of judicial intervention in apportionment matters, filed a concurring opinion, in which Justices Clark and Stewart joined. "I reluctantly acquiesce," Harlan wrote, only because there is not "the slightest basis for optimism" that the high court majority might modify the position enunciated in *Reynolds* and companion cases.<sup>7</sup>

On June 18, 1965, almost two weeks before the deadline set by court order, the Legislature adjourned, with Senate reapportionment still not settled, due to intransigent disagreement between the Houses.

Upon the failure of the Legislature to conform to the judicial decree, the three judge Federal Court panel set a hearing for August 16 to consider the appointment of a special master to draft a Senate reapportionment plan. This hearing was subsequently postponed when the State Supreme Court, in an unexpected and, as the following three months proved, decisive move, assumed jurisdiction over the apportionment controversy. On July 14, 1965, the highest tribunal of the State ordered the Governor and

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<sup>5</sup>No. 62-953 MC Pre Curiam Order. Reprinted in Assembly Interim Committee on Elections and Reapportionment, Final Report (Sacramento: California State Printing Office, 1965) Vol. 3, No. 8, pp. 304-15) along with the full texts of *Colegrove*, *Baker*, *Reynolds* and other major reapportionment cases. Perhaps the only surprising feature of the *Silver* decision was that it was reached with apparent reluctance and decided by a split vote. Barnes and District Judge Myron D. Crocker concurred in an opinion which labeled the *Reynolds* holding a "novel and revolutionary legal theory" (p. 307). District Judge Charles H. Carr dissented.

<sup>6</sup>*Ibid.*, p.309.

<sup>7</sup>The complete text of Harlan's opinion, with the court order, is reprinted in the *Los Angeles Times*, June 3, 1965, pp. 16-17.

the California Secretary of State to show cause why the 1966 elections should not be postponed pending reapportionment of both the Senate and the Assembly.<sup>8</sup>

State Supreme Court intervention, especially with respect to the Assembly, had a catalytic effect. On July 26, twelve members of the Assembly requested permission to intervene in the Court's deliberations. On the same day Senators met "in an unusual between session caucus" that resulted in a decision to ask the Court to return the reapportionment obligation to the Legislature.<sup>9</sup> Senate reapportionment leader Stephen P. Teale (D-West Point) explained that at the regular 1965 session the Senate "had a gun at its head. The Assembly sat there big, fat, dumb and happy and didn't have to worry about anything except getting Senate seats for its members. This time there will be a bona fide trading situation."<sup>10</sup>

On September 1, 1965, the State Supreme Court gave the Legislature a reprieve. It ordered the reapportionment of both Chambers by December 9, and announced that a sweeping redistricting plan of its own would take effect, for both Houses, if the Legislature again abdicated its responsibility. It did not. Governor Brown called a special session for September 20, the Legislature passed a bill reapportioning both Houses on October 21, it was signed October 27, and the California Supreme Court unanimously affirmed its constitutionality on January 11, 1966. The California Legislature, albeit with tumult and reluctance, had pleased the Court.

#### A Closer Look: The 1965 General Session

Of interest is the way in which personal factors contributed to the passage in late 1965 of a reapportionment bill that had been stymied earlier in that same year. An understanding of this must focus upon Los Angeles State Senator Thomas Rees and Assembly Speaker Jesse Unruh. It must be recognized,

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<sup>8</sup>The petition asking judicial cognizance of Assembly apportionment presented statistics indicating that although Assembly seats were apportioned primarily on an equal population basis, 24 of the 80 varied by more than 15 percent from the ideal average and the largest was over four times as populous as the smallest. Daryl E. Lembke, "Supreme Court Issues Orders," Los Angeles Times, July 15, 1965, pp. 3 and 9.

<sup>9</sup>Robert M. Blanchard, "Senators Seek Second Chance to Reapportion," Los Angeles Times, July 27, 1965, p. 3.

<sup>10</sup>Quoted loc. cit. Senate President Pro-Tempore Hugh M. Burns thought chances "excellent" for the passage of a reapportionment measure because, "we are now able to negotiate with the Assembly on a better basis than we could when only the Senate was confronted with the problem." Assemblyman Don A. Allen, Sr. (D, Los Angeles), Chairman of the Assembly Committee on Elections and Reapportionment, was in essential agreement. Jackson Doyle, "Senate's Hand is Stronger," San Francisco Chronicle, September 2, 1965, p.12. Assembly Speaker Jesse M. Unruh (D, Inglewood) remained pessimistic, however, that the Legislature could agree on a bill. Jack Walter, "Unruh is Doubtful on Redistricting," San Francisco Examiner, September 4, 1965, page 6.

moreover, that several Assemblymen wanted to be Senators. Only four days after the new Senate reapportionment had been signed by the Governor, the Los Angeles Times reported that five Assemblymen had already decided to seek newly created Senate seats in Los Angeles County and that nine more would probably do so.<sup>11</sup>

The Rees-Unruh conflict appears to be central to an understanding of the 1965 Senate reapportionment because each partisan claims that the other attempted to determine district boundaries in a way that would enhance the electoral prospects of his supporters. On May 10, 1965, the Senate passed a bill to reapportion itself (SB 6) which provided for twelve Senators for Los Angeles County. Originally these Senators were to be elected at large, but an amendment creating specific districts was submitted by Senator Rees, then the lone Senator from Los Angeles County, and adopted by the Senate before it was sent to the Assembly. Assemblyman Don A. Allen, Sr., Chairman of the Elections and Reapportionment Committee, viewed this as an attempt by Rees to get six or seven followers elected to the Senate "like Jess [Unruh] used to have in the Assembly," so that he might influence committee assignments and other crucial Senate decisions.<sup>12</sup>

The Assembly amended SB 6 by redrawing the boundaries of all twelve Los Angeles County Senate districts. While this was the work of Allen's reapportionment committee, it was widely regarded as a reflection of Speaker Unruh's influence, and the amendment was rejected by the Senate. Rees attributed the stalemate to "Unruh's arrogant attempt to draw new Senate lines."<sup>13</sup> A former Republican Assemblyman and State Central Committee chairman saw it as a sacrifice to Unruh's political ambitions.<sup>14</sup> It was commonly assumed that the Assembly version of the Los Angeles County Senate

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<sup>11</sup>Ray Zemen, "Five Assemblymen decide to Seek New Senate Seats," Los Angeles Times, October 31, 1965, page B. Political columnist Richard Bergholz asserted that, "there are zigs and zags in the [Senate and Assembly] lines for the sole purpose of accommodating office holders and/or office seekers." Los Angeles Times, December 12, 1965, section G, page 6. Later Bergholz was more concrete in speaking of specific Senate districts: Los Angeles Times, January 18, 1966, pt. II, page 4. Zemen, after the June 1966 primaries, saw the partial fruition of his earlier prediction when he was able to report that nine Los Angeles County Assemblymen had been nominated for new Senate seats. Moreover, only three of the 20 Assemblymen who ran for the Senate (one-fourth of the total lower house) failed to be nominated. "The Results of Redistricting", Los Angeles Times, June 23, 1966, pt. II, page 4.

<sup>12</sup>Personal interview by Charles Sohner, loc. cit. Specifically, Allen spoke of Los Angeles City Councilman Thomas Bradley as one for whom Rees had drawn senate district lines conducive to election.

<sup>13</sup>Los Angeles Times, August 5, 1965, page 13. Allen was generally believed to be Unruh's puppet in his role as committee chairman in charge of reapportionment. Allen, understandably sensitive about this conception, admits only that he accepted the committee chairmanship as a personal favor to Unruh who wanted him to take the job because only he had the guts and the experience, dating back to the 1941 reapportionment, to handle the problem. He is fond of Unruh, but insists he was given full authority and a free hand subject only to the Speaker's admonition that he "maintain harmony" with the Senate "at all costs." Personal interview by Charles Sohner, loc. cit.

<sup>14</sup>The speaker was charged with wanting "to reapportion the Senate in his own image." Caspar W. Weinberger, "One-man Rule Ruined Legislative Session" Los Angeles Times, June 25, 1965, part II, page 5.



boundaries was designed to elevate to the upper house Assemblymen Carrell, Dymally, Harvey Johnson, Cusanovich, and Unruh or the Assembly Reapportionment Committee staff chief Steven Smith. All were known to be friendly to Unruh and to have cooperated with him.<sup>15</sup>

In retrospect, a careful study of the varying boundaries of the twelve Los Angeles Senate districts as proposed in the Senate and Assembly gives some credence to the charges that both Rees and Unruh were attempting to enhance the possibility that their friends might win Senate seats. In any event, neither Chamber would accept the boundaries proposed by the other, and the bill went to its burial in a joint conference committee in the waning hours of the general session.

The conference committee was no more able to reach agreement than the entire Legislature had been. Each house blamed the other for obstructionist tactics. The *Los Angeles Times* choose to place the onus on the Assembly, charging that its leaders "decided to play games in carving up Senate districts."<sup>16</sup> The gauntlet was seized by Assemblyman Allen, who in a letter to the *Times* the next day angrily defended the House in which he had served for more than two decades. He insisted the Senate bill was one with which the Assembly could compromise no further because of three factors. First, it constituted a shortchange for Los Angeles County by giving it only 12 seats instead of the 15 1/2 which was its 'mathematical entitlement'. According to Allen, even Senator Teale, the author of the original Senate measure, admitted that this was unconstitutional. Second, the Los Angeles districts were "carelessly drawn," omitting the city of Bellflower from all districts, and providing for far greater population disparities than the Assembly amendment required. This, Allen implied, was Rees' fault. Third, and most damaging, Senate negotiators conceded that, "no form of SB 6 was going to be approved by the Senate and that such would have been the case whether or not we (the Assembly) had made any substantive changes in the bill".<sup>17</sup>

This last point is one to which considerable credence must be given. Even if the Assembly had passed SB 6 without any amendments of its own, it would have had to be returned to the Senate because of the passage of some "technical" amendments which the Assembly had adopted at Senator Teale's

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<sup>15</sup> Stanley Evans, loc. cit. Cusanovich is a Republican. All except Johnson were senatorial candidates in the 1966 primaries and all except Smith won nomination. Smith provides his view of the process in his Stephen Smith Oral History.

<sup>16</sup> Editorial, August 2, 1965, part II, page 4.

<sup>17</sup> Don A. Allen, Sr., Letter, Editors, *Los Angeles Times*, August 3, 1965.

request.<sup>18</sup> Whether this was an intentional ruse to force the return of the bill to a Senate determined to kill it is difficult to ascertain. Allen's claim that this was the case is bolstered by Assemblymen Bob Moretti, Leo Ryan and William T. Bagley who represented the lower House in the abortive conference committee deliberations on the eve of the general session adjournment. Moretti asserted:

In conference with the Senate we were told ... that the Senate was not interest in ... any reapportionment plan. The reasons given were the Dirksen Amendment and the fact that the California Senator had been leading the nationwide battle to overcome the Supreme court's decision.<sup>19</sup>

Ryan was more specific. He attributed to Senator George Miller the flat declaration that "if you (the Assembly) had sent SB 6 back to us in the same language we sent it to the Assembly, we would have killed it. Our only hope is Congress."<sup>20</sup>

Assemblyman William T. Bagley, the only Republican attending the conference committee meeting at which Miller allegedly made this statement, gave support to his lower house colleagues. Contending that the Assembly had done "as fair and square (a reapportionment job) as could be," he agreed that, "the Senate was certainly not interested in the passage of any ... bill."<sup>21</sup>

At the end of the 1965 general session, then, the Assembly seemed to view the districting impasse as the result of Senator Rees's personal ambition, the Senate's hope of federal constitutional relief through the Dirksen Amendment, and the technical and constitutional insufficiency of the Senate's proposed boundaries.

In the upper house, if Senator Rees is to be acknowledged as its spokesman on this matter, the issue was viewed in more exclusively personal terms. "If the Senate was to survive as an independent house," said Rees, "it couldn't take the Unruh lines."<sup>22</sup> It also appears that the Senate bill was defended on the grounds that it kept cities intact and preserved communities of interest.<sup>23</sup>

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<sup>18</sup>Transcript of Proceedings, Hearings on Senate Reapportionment, Assembly Committee on Elections and Reapportionment, May 17, 1965, page 16.

<sup>19</sup>Bob Moretti, letter to Don A. Allen, Sr., August 3, 1965. Duplicate in possession of the writer.

<sup>20</sup>Leo Ryan, telegram to Don A. Allen, Sr., August 3, 1965. Duplicate in possession of the writer. Miller has neither confirmed nor denied the validity of this quotation, it seems, but Stanley Evans, his chief Senate aide, contends that he did not make the statement and had given up hope of congressional approval of the Dirksen Amendment after a trip to Washington, D.C., in April 1965. Personal interview.

<sup>21</sup>Telegram to Don A. Allen, Sr., August 4, 1965.

<sup>22</sup>Los Angeles Times, August 5, 1965, page 13.

<sup>23</sup>Rees's Senate district lines split only six of Los Angeles County's 76 cities' boundaries whereas the Assembly version divided 25 and was "nothing more than a pure political gerrymander ... Speaker Unruh, then, in effect, told the Senate: You either take our lines or you won't get your bill. This type of ultimatum ... would have extended the Speaker's dominance to the Senate. The Senate naturally refused ... The

If Rees and Unruh were the leading protagonists in the conflict, some further elaboration of their antagonism, its basis of institutional support, and its broader ramifications appears to be desirable. The two men entered the Assembly together in 1954 and were once considered to be political allies. The rift between them might be attributed to Rees's resentment of Unruh's increasing influence, Unruh's disdain for the volunteer California Democratic Council (especially strong in Rees's district) and Rees's election to the Senate in 1962.

In the upper house, Rees proved to be quite popular, especially in contrast to Richard Richards, his Los Angeles County predecessor, whose personality conveyed the impression of remoteness.

Coinciding with the rift between Unruh and Rees was a growing disaffection between Unruh and Governor Brown. The Unruh-Brown conflict stems from several sources: the natural antagonism of rival power bases within the governmental system and within the party; strained relationships prompted by several years in power; rivalries between their respective aides; and more fundamentally the Unruh ambition for the governorship. During the 1964 and 1965 session Unruh created obstacles intended to persuade Brown that another gubernatorial term was not worth the hassle. Reapportionment was merely another means of discouraging the reelection bid.

To keep on top of the reapportionment scene the governor hired a special consultant who had assisted Unruh in 1961 to analyze the effects of reapportionment proposals and to propose solutions. Significantly, only Senator Rees took advantage of the expertise available on the Governor's staff. Because of Unruh's dominance as Speaker of the Assembly, the Senate gave the Governor more support than the lower House and Rees's election to the Senate consequently drew him further from the Speaker for this reason as well. In addition to his personal popularity and his relative affinity for the Governor, Rees had the Senate's whole support in his fight over specific Los Angeles Senate boundaries because he had supported the proposed amendment to the U.S. Constitution permitting one house of a state legislature to apportion its seats on a basis other than population.<sup>24</sup>

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majority of the Senate wanted a reapportionment bill. But they certainly would not take a bill which represented complete surrender."

Thomas M. Rees, letter to the editor, Los Angeles Times, July 17, 1965, part III, page 4.

<sup>24</sup>Los Angeles Times, February 8, 1965, page 4.

One other factor, intensely personal in nature, influenced the struggle. Unruh himself threatened to forsake the Assembly to run for a new Senate seat.<sup>25</sup> By implication, Unruh, a man ambitious for leadership and power, would seek, sooner or later, the post of President Pro-Tempore held by the popular and influential Senator Hugh Burns of Fresno.

Senate rejection of the Assembly reapportionment amendment thus meant a victory for Rees, implicit assistance for the Governor, deference to the possible passage of the Dirksen Amendment, an endorsement of city boundary integrity and a silent vote of confidence for Senator Burns. Conversely, the Assembly's refusal to accept Senate districts represented a triumph for Unruh, dedication to the equal population principle, and the desire of several Assemblymen to advance to the upper House.

#### The 1965 Special Session

The stalemate characterizing the 1965 general session was broken in the special session. The Dirksen Amendment had met defeat in the United States Senate, the California Supreme Court had devised an unpopular apportionment plan to be imposed on both Senate and Assembly if the Legislature refused to act, and, to return to the personal element, Senator Rees had announced his candidacy for the House of Representatives in a special election.

Governor Brown called the special session to meet on September 20. Although Speaker Unruh had predicted that the Assembly could reapportion its own seats within the first week, it took nearly three weeks to accomplish that objective.<sup>26</sup> The delay was attributable to incumbency protection.

One [Assemblyman] will tell me he'll vote for our plan, Unruh reported, if we'll make just one little change, to add a good area to his district...We'll do almost anything like that just to get one vote for a bill, but right away we have to tell the other assemblyman whose district would be affected ... He may be infuriated by the proposal and threaten to vote against the bill if we tamper with his district.<sup>27</sup>

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<sup>25</sup>Ray Zemen, Los Angeles Times, October 31, 1965, page B. He subsequently decided to seek reelection to the Assembly instead.

<sup>26</sup>Jack Welter, "Unruh is Doubtful on Redistricting," San Francisco Examiner, September 4, 1965, page 6.

<sup>27</sup>Quoted by Ray Zemen, "Burns Warns of Drastic Redistricting Action", Los Angeles Times, October 3, 1965, page 23. James M. Burns and Jack W. Peltason observed that, generally, no matter how safe an incumbent's seat may be, "he prefers it to be even safer. The resulting non-competitive seats are in many ways more significant than traditional gerrymandering." Government By the People, 5th edition, (Englewood Cliffs: Prentice Hall Inc., 1963), page 379.

On the Senate side, Stephen P. Teale, chairman of the Reapportionment Committee, reported the inability of his group to reach agreement on a bill after nearly two weeks of deliberation and President Pro Tempore Burns threatened to "ask the entire Senate to take over the reapportionment as a committee of the whole."<sup>28</sup>

The importance of keeping incumbents happy with proposed districts is explicable in several ways. Not only are their votes often necessary to the passage of the reapportionment bill, but minority members as well as majority members are more predictable and hence easier to work with than the unknown men who might replace them in altered districts. An incumbent's desires and inclinations are fairly well known. Observation reveals that at least eight Assembly Republicans could be counted on by Speaker Unruh to vote with him on most matters if the Speaker should need them to do so. In return, the Democrats found it advantageous to see to it that these districts remained safe for these men, most of whom were cooperative in part because of their lack of lucrative occupations outside the Legislature.

Finally, on October 5, Assemblyman Allen's Reapportionment Committee approved a bill designed to keep incumbents in office. The bill proposed changes in 58 of the 80 Assembly districts, including 19 of the 31 districts in Los Angeles County. But only 24 districts in the State (and none in Los Angeles County) had exceeded the 15 percent deviation from average population which the Supreme Court had set as a maximum permissible limit. This fact led to charges by Republican Assemblyman William Bagley that the bill was an "Allenmander" and that it provided more drastic changes than required by the Court. This allegation, as well as a similar one by Republican Assemblyman Houston I. Flournoy,<sup>29</sup> was answered by Steven E. Smith, staff director for the Allen Committee. Smith explained all Assemblymen had agreed earlier in the year to protect incumbents. He said he saw nothing "immoral or illegal" about that. Allen and Unruh both contended that the reapportionment would not alter the existing partisan balance in the Assembly. It is clear, however, that with 49 Democrats and 31

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<sup>28</sup>Welter, op. cit., p. B.

<sup>29</sup>One report asserts Unruh deliberately removed Claremont from a new senatorial district to frustrate Flournoy's ambitions. Urged on by Bagley and others, Flournoy entered a seemingly hopeless contest against Alan Cranston. In the Reagan landslide of 1966, Flournoy won, and narrowly missed the Governorship in 1974.

Republicans then in the Assembly, the Democrats, content with the status quo, stood to profit by its preservation. For them personal and political motivations seemed to operate in happy convergence.<sup>30</sup>

On October 7, two days after the bill had cleared the committee, it was approved by the entire Assembly, but it was not until two weeks later, on October 21, 1965 that the Senate approved its own reapportionment as an amendment to the Assembly Bill. The lower chamber promptly concurred, and the *Los Angeles Herald Examiner* proclaimed in a front page banner headline: 'State Capitol Won by L. A. South.'<sup>31</sup> The announcement was as accurate as it was flamboyant.

The passage of the bill by the Senate was an agonizing process because it assured the legislative retirement of at least 14 of its 40 members. Burns, a 23-year Senate veteran, said he introduced the bill "with the greatest reluctance I have ever presented any bill to this House."<sup>32</sup> Its major attribute from the point of view of most Senators was that it might reduce by four the number of incumbents doomed to political death by the Supreme Court plan which seemed its only alternative. By contrast, the Assembly reapportionment required the legislative demise of only one member, Republican Milton Marks of San Francisco, and he had been assured of a Municipal Court appointment by Governor Brown.<sup>33</sup>

As indicated earlier, passage of the reapportionment package in the special session was eased by an important factor not present earlier in the year. Because the Assembly was under court order for the first time, the older tradition that allowed each House to reapportion its own seats was, for the most part, tacitly reestablished. The only important exception -- and evidence here is inconclusive -- was that Unruh was permitted informally to determine Senate boundaries in Los Angeles County. Rees, then virtually assured of election to Congress, made an unsuccessful and apparently perfunctory attempt to make "minor changes" in three proposed senatorial districts in the central part of Los Angeles County.<sup>34</sup> He voted for final passage of the bill anyway. It is known that Unruh had approved the Senate districts at least three

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<sup>30</sup>Ray Zemen, "Reapportionment Bill Passed by Assembly Unit," *Los Angeles Times*, October 6, 1965, pp. 3 and 26. Zemen pointed out that the new districts served the purpose of incumbency protection infallibly well, at least through the primary. Of the 51 Assemblymen who ran for reelection, all were renominated. "The Results of Redistricting," *loc. cit.* Significantly, in the general election Democrats lost seven Assembly seats despite the 1965 reapportionment.

<sup>31</sup>October 21, 1965, p. 1.

<sup>32</sup>Ray Zemen, "Senate Unveils Redistricting Bill," *Los Angeles Times*, October 19, 1965, pp. 3 and 18.

<sup>33</sup>Ray Zemen, "Reapportion Bill Adopted by the Assembly," *Los Angeles Times*, October 8, 1965, page 3. The Governor had also appointed former Senator Edwin Regan to a judicial post and was considering several other "lame duck" Senators for other positions. Almost a year earlier, it was reported that five northern California Democratic Senators (Arnold, Rattigan, Christensen, Cobey and Farr) were being considered for judicial appointments. *Los Angeles Times*, Nov. 22, 1964, page 10.

<sup>34</sup>Ray Zemen, "Legislature to Vote Today on Apportionment," *Los Angeles Times*, October 21, 1965, page 28.



days prior to final Senate action<sup>35</sup> and the approved boundaries seem somewhat closer to those that had received Assembly approval during the general session than those proposed by Rees in SB 6.<sup>36</sup>

If there are any political constants, one of them is surely political ambition and if this manifests itself anywhere, it is certainly in the reapportionment process. Analysis of this phenomenon is particularly difficult, however, because there are at least as many variables as incumbent legislators. A few of the more important conditions that shaped the 1965 struggle in California were the relatively greater concentration of personal influence in the Assembly (in Unruh's hands) than in the Senate, the availability of a Congressional seat for Rees, one of the leading figures in the early stages of the redistricting battle, and the creation of an unprecedentedly large number of new Senate seats for aspiring Assemblymen.

#### Congressional Reapportionment from 1965 to 1967

After having passed the relatively easy response to *Baker v. Carr* and then the traumatic senatorial changes required by *Reynolds v. Sims*, California still faced *Wesberry v. Sanders*.<sup>37</sup> The Congressional districts that had not been realigned in 1965 despite the Congressional delegation's desires were altered in 1967.

The 1967 Congressional adjustments are important for two reasons: first, to trace the development of proposals for congressional change from inception to approval between 1965 to 1967; and second, to give some insight into the actual operation of a reapportionment process. Unfortunately the bulk of the articles about redistricting ignore or quickly pass over the reality of the process.<sup>38</sup> The Congressional story also has lasting relevance because it indicates the techniques that made possible a successful Congressional realignment in 1971. Approval of 32 of 38 incumbents was negotiated and, in

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<sup>35</sup>Ray Zemen, "Senate Unveils ...," op. cit., page 3.

<sup>36</sup>There were actually two Los Angeles County Senate district plans approved by the Assembly in the general session. One set, providing for 12 seats, was an amendment to SB 6 and was the subject of brief and futile conference committee deliberation. The other, encompassed in AB 178 introduced by Allen provided for 15 1/2 seats and was passed "as a slap at the upper House" less than an hour before the mandatory adjournment of the session. Robert M. Blanchard, "Legislature ends ...", op. cit. page 1. The plan was based chiefly on existing congressional district boundaries and was probably intended as a basis for an amicus curiae court brief requesting judicial apportionment. A map of Senate districts for Los Angeles County, as finally adopted, appears in the Los Angeles Times, October 24, 1965, p. B.

<sup>37</sup>376 U.S. 1 (1964).

<sup>38</sup>In contrast to the frequent legalistic and statistical surveys of redistricting practices this is a report of a participant-observer. This is possible because of the writer's deep involvement in the creation of the 1965 and 1967 proposals for realignment.

contrast to the rejected proposals for state legislative districts, the Congressional plan was adopted for the 1972 elections.

California has repeatedly reaped a bounty of new congressional seats, most notably in 1931 (9 seats), 1951 (7 seats), and 1961 (8 seats).<sup>39</sup> Resulting reapportionments have been characterized as gerrymandering. In 1951 the Republicans had their opportunity when they won six of the seven new districts. Another recently realigned district also went Republican. The effectiveness of Republican efforts is amply demonstrated by the election results in the 1950s in Los Angeles County. With 51 percent of the vote in 1954 the Republicans won 66.6 percent of the representation. In other parts of the state the election and representation percentages were closer, probably because required grouping of whole counties limited electoral manipulation.

In 1961 the Democrats had their opportunity with seven of the eight new districts, as well as two realigned districts, swinging their way . The subtlety of gerrymandering is revealed most graphically in Los Angeles County. In 1962, with 49.85 percent of the vote, the Democrats won 66.7 percent of the representation. Whereas the disparities in population between the ideal and actual number of people in a district ranged from 228,712 to 451,322 in Los Angeles County (the average should have been 352,874) gave the Republicans advantages in 1951, the disparities in 1961 (with three exceptions) were within five percent.<sup>40</sup>

Evaluation of the 1951 and 1961 reapportionments has often centered around the extreme disparities and reflects a certain naiveté. Specifically the disparities, often the extreme examples, were caused by peculiarities of constitutional provisions. In particular, whole counties had to be considered outside of the multidistrict counties, and within multimember counties whole Assembly districts had to be used in the creation of Congressional districts. To focus attention on disparities in the 28 Congressional District or the 71 and 76 Assembly districts offers little insight into the total picture, although there is little doubt that gerrymandering was involved in both the 1951 and 1961 reapportionment.

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<sup>39</sup>Leroy Hardy, California Government, 10 (2nd edition, 1962), hereinafter cited as Hardy.

<sup>40</sup>Report of the Assembly Interim Committee on Elections and Reapportionment 1961, 29 (State Printing Office 1961).



In 1965 and again in 1967 the State Legislature had an opportunity to rectify the disparities. Implicit in the quest for "one man, one vote" the cumbersome constitutional provisions would be set aside -- but would the unfettered political factors produce the desired legal effect? One is reminded of the observations made about the federal system:

Social structures and processes are relatively impervious to purposeful change. They also exhibit intricate interrelationships so that change induced at point A often produces unanticipated results at point Z ... Changes introduced into an imperfectly understood system are as likely to produce reverse consequences as the desired ones.<sup>41</sup>

### Congressional Changes in 1965

Five Assemblymen had moved up to the Congressional level in 1962 and in 1963 at a special election another joined them so that by 1965, thirteen of the thirty-eight man delegation had state legislative experience, most of them fully cognizant of what redistricting can do to a man's career.<sup>42</sup> It is not surprising that several Congressmen recognized that legal rules would upset the current situation.

Soon after the *Wesberry* case the implications for California's Congressional delegation were especially apparent.<sup>43</sup> In the heady atmosphere of the 1964 Democratic landslide Democrats did not hesitate to co-opt leadership for themselves.<sup>44</sup> A committee of Democratic members (chaired by Harlan Hagan, with Philip Burton being the most active participant) investigated the problems, the possible solutions, and the creation of a workable program. A consultant was hired, and negotiation was initiated among incumbents to achieve a package for presentation to the State Legislature which would have to pass any such proposal<sup>45</sup>.

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<sup>41</sup>Goals for Americans, Report of the President's Commission on National Goals 276 (Columbia University, 1960).

<sup>42</sup> Congressmen Harold T. Johnson, John F. Moss, Charles S. Gubser, John J. McFall, Cecil R. King, H. Allen Smith and G. P. Lipscomb had served in the State Legislature before 1962. With the exception of Johnson, their service had been in the Assembly, where redistricting battles were primarily fought after 1927. Five other state legislators joined them in 1962: Robert L. Leggett, Augustus F. Hawkins, George E. Brown, Jr., Charles H. Wilson, and Richard T. Hanna. The untimely death of Glenn Coolidge prevented the number from being six. At a special election in 1963, Assemblyman Phillip Burton joined the group.

<sup>43</sup> *Wesberry v. Sanders*, 376 U.S. 1 (1964).

<sup>44</sup> Ironically the only Republican freshmen elected in the 1964 elections was from California, location of the infamous 1961 Democratic slaughter. Congressman Ed Reinecke defeated Thomas Bane, a key designer of the 1961 districts in the San Fernando Valley and northern Los Angeles County.

<sup>45</sup> The author was the consultant.

At that time, the Congressmen who were most interested were not incumbents who felt comfortable with their majorities or whose districts were equitable. Naturally those congressmen whose districts were safe preferred to leave matters as they were. But those who had marginal districts or special problems (e.g. adverse ethnic or racial concentrations) or light or heavy populations requiring major shifts were sympathetic to the degree of their understanding of the problem to some realignment.

In 1965 the Democrats were still in their golden era in California. They held the Governorship as well as most statewide offices, and had comfortable legislative majorities. Twenty-four of the 38 Congressmen were Democrats. It is not surprising that impetus for action came from those Democrats anxious to solidify their positions, while Republican Congressmen at that juncture could only work out arrangements in cooperation with the Democratic majority.

However, the Democratic Party was far from unified. Jesse Unruh, Speaker of the Assembly, was focused upon rivalry with the Democratic Governor and on Assembly and State Senate reapportionment which vitally affected his power base. Unruh's apparent lack of concern for Congressional change was supported by the belief that Congressional redistricting might not be required and that the existing lines maximized Democratic strength. At the same time that he encouraged a no-change position, the Speaker's lieutenants were made available to Congressmen. They promised to provide data as a device that might short-circuit the gathering of alternative materials and might make the Congressmen dependent on the Speaker's resources.<sup>46</sup>

Eventually a Congressional plan emerged to bring Congressional districts within a 15 percent variation. In general this was a program that protected incumbents. The most notable changes occurred in San Bernardino, Sacramento and San Francisco Counties and in districts that absorbed surplus population in the 28 Congressional District. In these negotiations Philip Burton played an important role. His crusade-like furor to get a package and his expertise in redistricting were instrumental in consummating agreement among many reluctant actors, but not without later ramifications.

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<sup>46</sup> Unruh's staff techniques were key to his operation and success. By creating a bureaucracy assumed to be authoritative, he could call the tune and support his strategy with expertise. The only problem was that the staff of the bureaucracy developed an interest of its own--survival at all costs.

Congressmen Hagan and Burton went to Sacramento armed with a program that they hoped would persuade the State Legislature to adopt the Congressional proposal. The effort was fruitless. Without a court order and with a belief that the proposal was not to Democratic advantage (especially in the 28 district) and that it did not sufficiently help the Speaker's protégés in Congress, the state legislative leadership ignored the proposal.

The matter was complicated by the long-standing rivalry between Jesse Unruh and Burton. The older Burton in the Assembly and his brother who won the 20 Assembly District after Philip Burton's departure to Congress had long been Unruh's foes in the state legislative power structure. The Unruh hostility and suspicion of anything promoted by Burton, which was shared by many other legislators, did not help the 1965 Congressional program. Moreover, the Congressional delegation was far from united in its presentation. Many preferred to "let Jesse take care of the situation."

When the matter did reach the State Supreme Court in July 1965 in *Silver v. Brown*, the Court's opinion stated:

We are, therefore, of the opinion that the legislature should have an opportunity to consider the question of congressional districting in the light of the standards set forth in *Silver v. Brown*, ante, pages 270, 279-280 (46 Cal. Rptr. 308, 405 P. 2d. 132). Accordingly, the petition is denied without prejudice to the right to seek similar relief if the legislature has not enacted a new congressional districting measure by the close of its regular 1967 session.<sup>47</sup>

What did the Court mean? One group said it meant action or else. Another group equally believed that it meant that the Court would not interfere. The latter view was continually thrown up to the action group: "I know one of the Justices on the Court, and he says they don't want the problem." Although that view continued until the signing of the bill in December 1967, it ignored the prevalent trend of court decisions throughout the nation. In his testimony on May 12, 1967, Assistant Attorney General Charles Barrett said:

There is little doubt that if this session of the Legislature does not enact a congressional redistricting statute, Phil Silver, the petitioner in the above mentioned case, will seek relief from the California Supreme Court. It seems most probable that the Court, pursuant to such a petition, would take steps to insure that the 1968 elections were held under reapportioned districts. It could well be that the Court would draw suggested

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<sup>47</sup>*Silver v. Brown*, 63 Cal. 2d 316, 318; 46 Cal. Rptr. 531; 405 p.2d 571 (1965).

districts which the Secretary of State would be required to follow until the Legislature, prior to the time of election, redistricted in a constitutional manner.<sup>48</sup>

But politicians are seldom deterred by the facts.

In the summer of 1966 interest in redistricting was renewed and the Democratic delegation again engaged a consultant. The committee was again chaired by Congressman Hagan and the other members were Burton and the newly elected Thomas Rees. The latter was a new Congressman who had formerly been an Assemblyman and State Senator. In the senatorial reapportionment of 1965 (discussed above) when he was State Senator from Los Angeles his role had been important, and his interest in reapportionment was more than casual.

With the 1966 election pending, the consultant's work was primarily to collect registration figures for Los Angeles and Orange counties. Preliminary adjustments could be anticipated on the basis of previous plans and the expectation was that all incumbents would be reelected.

Nevertheless, and unfortunately for defeated incumbents, the 1966 election was disastrous for the Democratic Party. In the Reagan landslide that captured the Governorship, all statewide offices, with one exception, went to Republicans. A tenuous Democratic majority was maintained in the State Assembly and the State Senate, but primarily on the basis of malapportionment practices in their districts. The total Republican vote for the Assembly contests was 53.7 percent, the State Senate 50.1 percent and the Congressional contests 53.1 percent. The Republican party won 47.5 percent of the seats in the Assembly, 47.5 percent in the Senate, and 44.7 percent of the California delegation in the House of Representatives.

Specifically, three Democratic incumbents had been replaced by three Republicans. On the assumption that the previous proposals favored by Democrats, those districts would not be favorable to Republicans, the 1965 plans seemed undesirable from the Republican point of view. At the same time, the Unruh position was reinforced by the 1966 results, and any change in the three lost districts became less desirable to the Democrats. But Democrats who had survived the 1966 sweep took a second look at the 1965 proposals. Republicans began to speculate not only on how to protect their new members but also on how to prepare realignments to their Party's benefit. Some Republican Congressmen from safe districts were willing to keep several marginal districts as long as their own districts were perpetuated.

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<sup>48</sup>Statements made to the Senate Committee on Election and Reapportionment on May 12, 1967, author's files.

Fundamental to the political movement of a bill was the division of the executive and legislative branches in Sacramento. Obviously a Republican executive would not approve a Democratic proposal to the sole advantage of the Democrats; similarly, a Democratic legislature would not be expected to approve a Republican redistricting to the detriment of some Democratic Congressmen. Any proposal would have to be bipartisan and realistic enough to benefit incumbents. Despite this logic many of the Legislators, presumably astute politicians, ignored the reality until the very end.

#### Developing a 1967 Program

The initial reaction to the 1966 election and its aftermath was "Let's not do anything." The consultant was informed in January that his services would not be needed. In the Democratic delegation the word spread by Congressmen close to Unruh was that the Assembly leadership did not want the reapportionment issue to complicate what would, in any case, be an acrimonious session. Also implicit was the consolation that the Assembly and State Senate committees would be available in case of emergency. However, by the middle of February the consultant was engaged once more. Congressman John McFall had assumed the chairmanship of the Democratic reapportionment committee which had been expanded in numbers. Congressman H. Allen Smith assumed a similar position within the Republican delegation.

On May 12, 1967, George H. Murphy, Legislative Counsel, made a statement before the Senate Committee on Elections and Reapportionment, pointing out:

The Legislature has not been expressly directed by a court to reapportion Congressional districts. When the California Supreme Court, in *Silver v. Brown* was asked to consider this question, it refused to decide this matter, stating as it did in the case of the legislative districts, that the Legislature should first have an opportunity to consider the question. The Court stated that if the Legislature did not enact legislation to reapportion the Congressional districts by the end of its 1967 Regular Session, the Court would take jurisdiction and decide the matter itself.

In substance the Court thus told the Legislature that it must act at the current session if it wishes to avoid a redistricting by the courts.<sup>49</sup>

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<sup>49</sup>Statements made to the Senate Committee on Election and Reapportionment on May 12, 1967, author's files.

Thus a reapportionment was to be anticipated. Murphy went on to discuss guidelines, concluding that the Court would follow its 1965 recommendations, namely: (1) no district may depart from the ideal size by more than 15 percent; (2) a majority of the members must be elected by the voters of districts containing at least 48 percent of the population of the state, and (3) reapportionment should be based on the 1960 federal decennial census. After reviewing similar cases in other states, especially Texas, the Legislative Counsel opined that:

[T]he Legislature should set its sights at a maximum population variance of five percent in the formation of Congressional districts, with greater variance being tolerated only where necessary to maintain the integrity of the boundaries of a political subdivision. In no case do we have any basis for concluding that a variance in excess of 10 percent would be permitted.<sup>50</sup>

At first blush the adjustment of an additional 5 percent (involving approximately 20,500 people) might seem minor. However, 35 districts had to be adjusted to achieve a 10 percent shift. Like a stone thrown into a lake, the shifting of population to or from an adjacent "equitable" district (one initially within the range) may make that district overpopulated or under populated and that in turn makes the next district overpopulated or under populated and so on.

For example, the 7, 8, and 9 Congressional districts were underpopulated while the 10 and 11 Congressional districts were overpopulated. Given the county lines, geographical terrain and population concentrations, the 7 CD had to expand into the 8 CD (potentially endangering the incumbent registration percentage, as well as the racial balance). The removal of population from the 8 CD further underpopulated that district. Consequently it had to expand into the 9 CD which, in turn, had to expand into the 10 CD that was overpopulated. Since the 10 CD and 11 CD were heavily Republican, adjustments became political as well as statistical. If, because of under population, the 10 CD required expansion, this could be accomplished by addition of part of the 11 CD to the 10 CD. If the sections removed were Republican, the result would weaken the Republican hold in the 11 CD. If Republican areas were given to the 9 CD the Democratic position would be jeopardized in that district. The ultimate

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<sup>50</sup>Ibid.

result gave the 9 CD Democratic parts of the 11 CD (breaking county lines) and moved the 10 CD into the 12 CD that, in turn, had to move into the 19 CD. The ripple had traveled some two hundred miles.

In March a shift crucial both in the perspective of the participants and the methods of operation occurred. First, the Democratic desire to save the three lost districts became more remote. As one Democrat said:

Earlier in the year it was hard to think of undercutting the comeback chances of Democratic colleagues who'd gone down last November. But as the '66 elections got more distant and Democratic prospects for '68 kept looking worse, we all decided that the first of politics is survival.<sup>51</sup>

Specifically, whereas the 1965 proposals gave sections of San Bernardino County to a Republican, the 1967 proposals found Democratic sections being given to a Democrat, John Tunney, to improve the position of freshman Republican Jerry Pettis. The 1965 proposal of no adjustment in the Democratic 25 CD gave way to the massive shift of Republican sections in Orange County to protect freshman Republican Charles Wiggins. This aided Democrat Richard T. Hanna by removal of the Republican areas. The 18 CD was subject to many variations, the final action being the removal of Kings County from the district of Republican Robert Mathias.

Secondly, the role of the consultant underwent a significant change. In 1965 he was engaged to gather data and make nominal suggestions. He was supposed to provide an aura of respectability to what otherwise might have seemed an unscrupulous action. The negotiations were carried on by actively interested Congressmen, most notably Burton. After March of 1967, the consultant assumed an active role in assembling the diverse interests into a manageable package. From a staff position for the Democratic member his role had changed to that of synthesizer for the entire delegation. Virtually all Congressmen were dealt with individually. Some preferred not to become involved, especially where no changes in their districts were anticipated. A few Congressmen were not very communicative because they assumed the consultant was too close to Burton. Some Congressmen had to be interviewed several times. Some asked for detailed information. After untold hours and several trips to Washington, the

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<sup>51</sup>Wall Street Journal, November 9, 1967.



consultant emerged with a program within a 10 percent variation with three minor exceptions, each of which involved the grouping of whole counties.

By early June the State Legislators involved in reapportionment were invited to go to Washington for a discussion of the Congressional proposal. The first to arrive was Assemblyman John Fenton, Chairman of the Elections and Reapportionment Committee, with several of his fellow committee members. Fenton and his group fanned out to learn individual Congressional stands and to review the proposals. In contrast to Fenton's informational and exploratory trip, State Senator John Mills, Chairman of the State Senate Elections and Reapportionment Committee and Louis Sherman, Vice Chairman, arrived in June with semi-concrete proposals, notably insisting that the variations come within five percent.

As a result of the Mills visit, perspectives changed again. Mills indicated that he meant to submit a bill that would generally conform to the Congressional wishes. This expressed intention and the presentation of alternatives (frightening in some cases) served to break down resistance to action and caused several Congressmen, previously only remotely interested, to consider how a reapportionment could affect them. In particular, the alternative Mills proposals for the San Joaquin Valley (one of which gave rural Congressman B.R. Sisk an urban district made up predominantly of valley cities) and the central coastal area focused attention on the need to break county lines to achieve a five percent variation. In contrast to the Assembly's no-action or no-program stance, Mills indicated that this would be put on the books. This tactic was not in accordance with the ideas of the State Assembly leadership. Mills's initiation of a concrete proposal had considerable potential. Courts in some States had picked up a legislative proposal from one house as a solution to inaction by the whole legislature. The California court would have a ready-made solution with the Mills proposal on the books. It also put Mills, a close ally of the Speaker, in an independent role as a State Senator.

In cooperation with the Congressmen, the consultant set out to develop a five percent variation plan, again with some minor exceptions. There was not full agreement, but the consultant carried with him the Congressmen's proposals, which were in some cases incompatible. In Sacramento, he worked



closely with the State Senate staff in preparation of the Mills bill. The bill (Senate Bill 130) necessarily included a few variations from the Congressional plan involving the settling of incompatibilities.

As the Mills bill emerged it contained sufficient discrepancies to prompt a vigorous Republican attack. For instance, Congressman Charles S. Gubser challenged the inclusion of 25,000 people from San Mateo County in the 10 CD. The accepted Congressional proposal left San Mateo County (the 11 CD) intact, although it was overpopulated by 30,000. Mills's bill shifted approximately 25,000 of these people, predominantly Republicans, to the 10 CD. Not only did this break county lines, but the removal of Republican voters boosted the Democratic opportunity in San Mateo County. The recent death of Republican Arthur J. Younger, with a special election in the offing, added an emotional dimension to the controversy. Although the Santa Clara-San Mateo problem was the focal point of attack, other Republican Congressmen chimed in. Congressman Talcott, who had not expected changes, found the Mills lines unacceptable. Regarding alternative suggestions he later wrote: "The proposals get worse."

In the hectic two-hour Senate caucus on reapportionment, with about 30 of the 39 members attending, the dissatisfaction of Republicans became all too apparent.<sup>52</sup> Charges flew that the Congressional bill was a Burton bill. The mere name Burton was anathema to many conservatives and to legislators in general.

The State Senate scene was complicated by the death of State Senator Eugene McAteer, which left the voting balance 20 Democrats to 19 Republicans. The pending special election in San Francisco would decide whether the State Senate would remain in Democratic control or be tied, with Republican Lt. Governor Robert Finch able to cast the deciding vote. A further factor was the entrance into the race of Assemblyman John Burton, brother of the Congressman.

The dissatisfaction of Democrats also played a role. Congressman Harold T. Johnson, former State Senator, objected to the realignment in his district. His former colleague Hugh Burns, President Pro Tempore, and others echoed a desire to maintain the status quo.

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<sup>52</sup>San Francisco Chronicle, July 12, 1967.

State Senator Burns came forth with his own resolution that called for a delay of reapportionment until after the next federal census.<sup>53</sup> Burns quoted Congressman B.F. "Bernie" Sisk as saying that only a few Congressmen wanted action. He claimed that his resolution (SR 83) had bipartisan support. The caucus went in favor of the Burns resolution.<sup>54</sup> The resolution cited what was virtually the sole reason for no action -- the 1960 figures were inadequate. Added, of course, was the argument that the courts were overstepping their jurisdiction.

The result of wires, letters and other communications from Republican Congressmen was a stalemate. Mills who had tried to incorporate most of the Congressional proposals in his bill found the rug pulled out from under him. In a lengthy explanatory letter written to the Congressmen, Mills concluded:

The action by the Republican Congressmen, that of encouraging their State Senators to oppose Congressional reapportionment on philosophical grounds, had resulted in the Senate's declaring its opposition to any such action. This has delivered the question to the courts.<sup>55</sup>

Mills was especially annoyed that the challenge was put on philosophical grounds that created a no-retreat position, in contrast to mere objections that would have allowed normal legislative maneuvering.

To all intents and purposes the Mills bill was dead -- as well as the Congressional package. In defiance of the obvious trend of court decision, the State Senate took the ostrich position. State Senator Mills prophesied that the courts would act and that the Legislature would be back for a special session. Apparently few of his colleagues believed him. Others began to speculate that if the Legislature did not act the Court would pick up the Mills plan as its own, or possibly develop its own plan that might not be any worse than the current proposals. On the Assembly side, Fenton was still mulling over his data and delaying presentation of any bill. The Assembly leadership was also banking on inaction or taking the position that, if the Court pressed for action, the Speaker and his followers would be able to come to the rescue.

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<sup>53</sup>S. Res. 83, 1967 Regular Session

<sup>54</sup>Sacramento Bee, July 12, 1967. Senator Mills had prepared an alternative resolution that was not used in view of the caucus approval of the Burns statement.

<sup>55</sup>Letter from Senator Mills to all members of the California Congressional Delegation, July 18, 1967. Mills declared, "I cannot say that I am unhappy to be temporarily rid of it."

At the close of the legislative session, when the Legislature was clearly on record as doing nothing on Congressional redistricting, the court wheels began to move. As expected, Phil Silver, a Los Angeles attorney long active in California reapportionment matters, filed a petition to activate his previous appeal of 1965.<sup>56</sup> But also before the Court was another appeal by one Abe Vickter, a Los Angeles labor leader.<sup>57</sup> The two petitions basically requested the same thing - action -- but the Vickter approach varied by including a proposed realignment of Congressional districts within a one percent variation, with two exceptions (whole counties).

If the Court chose to act it would have difficulty developing a redistricting plan without a trained staff unless it called for at-large elections. Since, to get the 1968 elections underway, time was of the essence, this proposed plan could potentially become the court plan. The Vickter plan, being an indication of what might happen if legislative action were not forthcoming, may have encouraged more concern by some individuals. (It is not without significance that when the state legislative staff sought to check out by computer the implications of the Vickter plan its programming code was HAVOC.)

To the consternation of several Congressmen of both parties, the Vickter plan had been drawn up by their former consultant. One Republican Congressman wrote to the consultant inquiring whether the Vickter plan had indeed been prepared by him and he replied:

The sequence of events has fallen in this order. I assumed my responsibilities with the Congressional delegation ended in July when the state senate rejected the so-called "package" primarily on the basis of Republican objection which appeared in Sacramento to be unanimous. I can assure you that it was the agreed plan that I attempted to push in Sacramento, but apparently that was not the view of some Congressmen.

Soon after I began my vacation from reapportionment (with considerable relief) a lawyer (David Leveton) contacted me on behalf of his client (Mr. Vickter, whom I do not know). He asked if I could prepare a reapportionment plan without regard to incumbents or political factors, that would be within 1 percent variation, be compact and break counties or communities as little as possible. I said as a technician (my role in the previous process) I could. It is that plan which appears in the brief.

Quite naturally coming down from 5 percent to 1 percent would necessitate considerable change from previous plans, which were not considered. With two exceptions every Congressman of both parties will to varying degrees find a difference between the brief plan and the previous plan. The exceptions are McFall and Waldie, whose districts made up of whole counties did not

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<sup>56</sup>Sacramento Bee, August 18, 1967; *Silver v. Reagan*, 67 Cal. 2d 452; 62 Cal Rptr. 424; 432 P.2d 26 (1967).

<sup>57</sup>Vickter's appeal was consolidated with *Silver v. Reagan*.

have to be altered. If this plan were adopted by the Court I am sure almost every Congressman would hate my guts, again to varying degree. However, a court reapportionment was exactly what the "package" deal sought to avoid. Unfortunately, for various reasons many Congressmen of both parties did not support the legislative program. If the Court does not act then their gamble will pay off; if not then someone is going to do it.<sup>58</sup>

On October 6, 1967, the State Supreme Court met to hear petitions. The result called for legislative action by December 7, 1967.<sup>59</sup> If the Legislature did not act the Court indicated that it would. It invited interested parties to submit proposals. Specifically it said:

We believe that all interested parties should be afforded an opportunity to be heard as to what plan the court should adopt if the Legislature fails to adopt a valid plan. Since time is of the essence, any proposed plan should be presented to the court not later than November 10, 1967. Any such plan must include illustrative maps and the population of the proposed districts based on the 1960 census and set forth complete descriptions of the districts either by metes and bounds or by reference to whole counties, whole present or former assembly districts, or other political subdivisions or census tracts. Any plan submitted should be accompanied by a brief setting forth why the plan should be adopted. All proposed plans may be filed on or before November 27, 1967; the court will order into effect a plan it deems appropriate.

Though rejecting the Legislature's desire for no action, the Court indicated a willingness to accept moderate changes, up to potentially 15 percent, in view of the rapid changes in population. It allowed that some effort might be made to recognize population change within the 15 percent latitude. Almost immediately the Governor indicated that he would call a special session to handle the matter. Although Governor Reagan deemed the court action ill-timed and ill-founded, he stated that the Legislature should handle the matter. The call was made to begin a special session November 7th.

Democrats met with Democratic state senators and Republicans met with Republican state senators, individually and collectively. Then on October 31st the members of the Congressional delegation met as a group with the State Senators. As the delegation was getting down to final action the surprise of the day came with the presentation of an alternate Republican proposal by Assemblyman Charles Conrad, an expert on reapportionment from his days as co-architect of the 1951 Republican reapportionment. His plan was called the "minimum change" proposal. The effect was to create serious problems for Democratic Congressmen Corman and Tunney, as well as other subtle manipulations for party advantage. The Conrad proposal was given an airing but attracted little support.

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<sup>58</sup> Hardy, personal correspondence.

<sup>59</sup> Long Beach Press Telegram, October 6, 1967.

All congressmen were invited to indicate dissatisfaction with the altered Mills proposals. Congressman Gubser presented a summary of a carefully reasoned statement that he had previously distributed. Although several other dissents were expressed, possibly for home consumption, the general tone was "let's get it over with." Though points of dissatisfaction with the Mills proposal were strongly felt, most Congressmen believed it to be "probably the best we can hope for."

As the special session got underway in Sacramento an article in the *Wall Street Journal* created considerable furor. Entitled "Massive Gerrymander Mapped in California by 38 Congressmen," Joseph W. Sullivan's article implied that California incumbents were resorting to the worst of political deeds in what "may be the greatest bipartisan gerrymander in U.S. History." The facts recited were correct but quite obviously a good part of the article had been deleted in the newspaper office. The broad generalizations that remained and that constituted evaluations left much to be desired. The result was a brutal attack on the delegation.

The response was immediate. Democratic Congressman John McFall described the story as "unfair, unreasonable and untrue." He went on to say:

There was nothing secret about it. As a result of these meetings some changes were made. Now, there's general support in the delegation.

I suppose you can say we conspired not to hurt each other, if friends can conspire to do that.

Republican Congressman H. Allen Smith remarked:

We haven't drawn up any lines. We've drawn lines among ourselves in our minds but not on paper. I haven't seen a map, but it's my understanding the Mills bill is pretty much in accordance with what we all discussed.

The consultant said that the plan was:

[D]esirable from the point of view of the seniority the state could gain. Most incumbents will be protected, and the state will gain from their seniority. Anyone who recognizes the way Washington operates knows seniority is an important factor.

If the *Wall Street Journal* was indicative of typical press coverage one would have cause for reflection on politicians' adverse remarks about the press. The *Journal* quoted the consultant as saying, "They were a bunch of wallflowers at first, but once we got them dancing it was hard to get some of them

to stop." What the consultant had actually said was, "most Members had at first been reluctant to get involved in the reapportionment. The vast majority of Congressmen would just as soon have waited until 1972. However, once the writing was on the wall, they acted, and the results were sometimes startling."

Although unfortunate in respect to damaging to the Legislature's image, the article did benefit those interested in getting the Congressional bill passed. Several Congressmen who otherwise might have failed to comment were forced to make statements (if qualified statements) on its behalf. The point was made that the action was an interim measure and that the probable reelection of incumbents would increase their seniority in the House of Representatives which would be of utmost benefit to the State.

When the Legislature met on November 6, 1967, four proposals emerged: the Mills Bill (SB 1), McCarthy Bill (SB 2), Fenton Bill (AB 3), and Conrad Bill (AB 2).

The Conrad bill became the Republican bill. Known as a "minimum change" bill, its subtle Republicanism was a rallying point for internal political struggle over Republican Assembly leadership.

The McCarthy Bill made drastic alterations to enhance Republican opportunities in the 7 CD by dropping its Democratic registration from 58.8 to 53.7 percent and in the 17 CD by a more drastic drop in Democratic registration from 64.3 to 52.3 percent. Other changes would have been to the advantage of the Republicans, possibly more so than the Conrad Bill. However it was a last-minute effort and unrealistic from several viewpoints. Two examples of the apolitical nature of the McCarthy program may be noted. Without direct geographical proximity, Marin County was linked with the 7 CD, the home district of Senator Sherman, Vice Chairman of the Senate Elections and Reapportionment Committee. Although with Republican advantages, it could not have been popular with the Vice Chairman. The alteration in the 17 CD would probably have ended the political career of Congressman Cecil King, the Dean of the California Congressional delegation.

In the case of both the Conrad and McCarthy bills, the reapportionment exercises also represented the important internal political struggle for Republican leadership in the respective Houses. McCarthy was attempting to salvage his waning leadership in the Senate and to boost his image for a tough 1968 election battle. Conrad's program represented a challenge to liberal Republican leadership in the Assembly.

Actually only the Fenton and Mills bills received serious consideration. With the Republican Congressmen in general agreement in support of the Congressional program, it was virtually impossible to mobilize the Republican minority in the State Legislature for an all out fight that would have depended on wooing supporters from the Democratic majority. Party leaders outside the Legislature and their advisors tried, but without success. Their efforts were termed unrealistic.

The Fenton bill in effect was a "hi-jacked" Mills bill, with some modifications. It was proclaimed as a more democratic bill. It made enough changes to appear different from the earlier proposals that were worked out by others. Besides, it incorporated desires of individual Congressmen closely aligned with Speaker Unruh while creating sufficient disadvantages for others to require appeals and to make them respectful of power. The Mills bill had minor modifications to placate some Congressional dissatisfaction, notably alteration in the Santa Clara area.

Both Fenton and Mills conducted public hearings, with little response. Fenton's committee held three hearings in Los Angeles (October 16, 17 and 18) and others in San Bernardino (October 19), San Diego (October 23), Fresno (October 26), Sacramento (October 27) and San Francisco (October 30 and 31). Mills' committee held hearings in Los Angeles on October 27 and in San Francisco on November 3. There is no indication that public opinion reshaped the proposals in either case.

On November 13, 1967, the Fenton bill cleared the Assembly by a vote of 42 to 25. Virtually all the Legislators acknowledged that the details would be worked out in a conference committee. On the floor the bill was termed a monstrosity by Assemblyman Conrad, whose bill had been rejected in committee. Other comments focused on the Court. Assemblyman Conrad said, "the problem we face is the fault of the Court -- a Court that has been arrogant and incompetent."

Fenton defended his bill as a good workable plan. He added, "under the circumstances it is the best we can find." Nine Republicans and 33 Democrats supported the measure while 22 Republicans and 3 Democrats opposed it.

On the following day the Senate Elections and Reapportionment Committee took up its own Senate bills along with the Fenton bill. The Conrad plan was revived by Senator Bradley, who introduced it as a Senate bill. The committee chose to amend the Fenton bill by inserting the language of the Mills



bill. In turn the Senate on November 15 approved it by a 22 to 15 vote. Six Republicans and 16 Democrats supported the measure while 14 Republicans and 1 Democrat opposed it. The Assembly cleared the way for a joint conference by rejecting the amended Senate proposal on November 16.

The conference committee consisted of Assemblyman Leon Ralph (D-Los Angeles), Frank Murphy (R-Santa Cruz) and Jack Fenton (D-Montebello) and State Senators James R. Mills (D San Diego), Lewis F. Sherman (R-Berkeley) and John F. McCarthy (R-San Rafael). Some 34 specific discrepancies existed. The four key problem areas were the realignment of the 2 CD, the division of Sacramento County between the 3 and 4 CDs, the Long Beach-Orange County tie-ups involving the 32 CD and the 34 CD and the 25 CD that concerned linking Orange County with Los Angeles County.

After a conference of several hours, with emotional exchanges, the issues were resolved and the technicalities were left to staff members. On November 19, the Congressional consultant joined staff members of both Houses in an attempt to iron out discrepancies and improve descriptions. Though the Congressional consultant and State Senate consultant were doubtful of some arrangements, the assumption seemed to be that the package would move rapidly through the Legislature by Thanksgiving.

Those expectations were dashed on November 21. The Assembly leadership was faced with a solid Republican bloc that refused to move the Fenton bill, with its 52 amendments, the product of the conference committee. The conference committee had approved the report by a four to two vote, with McCarthy and Murphy dissenting. Outwardly, the controversy hinged on balancing figures, but with inexperience, ego, ignorance and a computer approach compounding the normal proclivities to err, the problem becomes impossible. Add to that a politician's desire for revenge, prestige and headlines and every triviality becomes an issue.

Again Assemblyman Conrad led the attack. Ten districts were said to be beyond the five percent figure claimed by Fenton. Again at the staff level (including the State Senate, Assembly, Congressional and Conrad staffs) the details were analyzed and re-analyzed endlessly. The Congressional reapportionment had actually become involved in issues beyond representation. The participants were arguing statistical trivia, wheeling and dealing without facts, treating census tracts as children might play with blocks, damning the courts and deploring the use of 1960 figures. But the essence of the debates



involved the internal Republican power struggle in the Assembly and intra-party issues of medical cuts, income tax deductions and judicial appointments for the Speaker. Judging from the press coverage, no one seemed greatly concerned about the great issues of representation, representative government and democracy.

After the preliminaries and the statements for party and home consumption, the Legislature moved toward getting it over with. The Court deadline was just around the corner. The Court had been reviewing several plans as a result of its October invitation. If the Legislature did not act, the Court would and it had the means. In general the participants' reaction was, "Let's get it over with -- whatever the result might be."

The previous bills were scrapped in favor of a new Fenton bill (AB 9) that embodied the conference committee work, including balancing all the district figures. On November 30, the Assembly went on record as approving AB 9.

On December 5th, the Senate supported the bill by a vote of 21 to 15, making only minor amendments that had been agreed upon. Six Republicans and 15 Democrats supported the plan. Fourteen Republicans and one Democrat opposed it. On the same day, the Assembly concurred in the amendments and approved the measure. Nine Republicans joined 33 Democrats in support, while 28 Republicans and 7 Democrats opposed the measure. On December 6, Lt. Governor Robert Finch, as Acting Governor, signed the Fenton bill. As he did so, he said: "Gentlemen, the deed is done." Thirty-eight Congressmen silently said their Amens.

## CASE STUDIES FROM 1965 AND 1967

### Assembly Districts

As discussed above, Assembly districts required little change in 1965 in response to the *Baker v. Carr* decision (*Silver v. Jordan* in California). What disparities there were were mainly due to constitutional stipulations regarding whole counties. Imperial County was consolidated with portions of

Riverside, while portions of Sonoma County were linked to Marin. Other changes were relatively minor ones to balance population.

The other significant variations were in San Francisco County, which was consolidated into four districts rather than five. The San Francisco changes were instructive in terms of gerrymandering. The area had one Republican seat and four Democratic seats. A classic dispersal gerrymander was the solution and it demonstrated why incumbents prefer concentrated districts. If the opposition is not dispersed widely, the slightest concentration of the foe's strength, especially an incumbent foe, can be a threat. Burton probably negotiated a superior judge appointment for his former Assembly colleague, Milton Marks (who understood San Francisco politics, was one of the Assembly's most liberal Republicans and who frequently joined Burton on policy matters).

#### Congressional Districts

As noted above the 1965 Congressional proposals were rejected by Unruh. When the 1967 proposals were made the Legislature was under court order to redistrict and did so closely following the Congressional proposals. The resulting districts are interesting as illustrations of the challenging nature of redistricting and the accommodations that had to be made between opps of both parties. Another classic gerrymander also emerged.

The problem of bringing population disparities between districts within an acceptable range was aggravated by two extreme districts: the lightly populated San Francisco 5 Congressional district of Democrat Phil Burton and the heavily overpopulated Los Angeles 28 Congressional district of Republican Alphonzo Bell. In 1961, the size of both districts had been rationalized by constitutional stipulations but each had political intent. The concern was now expressed in terms of a need to preserve the seniority of the Congressional delegation. This rationalization was a cover for a multitude of sins.

A strange reversal occurred. Alphonzo Bell, the moderate Republican incumbent who in 1965 was willing, if not anxious, to give up the southern extension of his district, found the more moderate, or liberal, "yuppie" elements in that area his strongest supporters in the vigorous 1966 primary battle. Now Bell wanted to shed certain northern portions, the base of his 1966 primary opponent. His home in the

Hollywood Hills, further east than Congressman Rees's was also a problem. Despite their party differences both Congressmen were partial to the wealthy hills that provided campaign money.

If Palos Verdes was to remain in the 28 CD, territory on the north had to be absorbed into other districts. The problem was what to do with the northern sections of the 28 CD. Congressman Corman had narrow victory in 1966 and could not afford to pick up any Republican territory. (In 1961 the 57 AD had been removed from his 22 CD for the exact reason that he did not now want to acquire the area -- too many Republicans.) The other option was to extend the Republican H. Allen Smith's district westward, but Smith, a member of the powerful Rules Committee and the Republican linchpin in the bipartisan plan, would have no part of the bargain.

The solution was to have Ed Reinecke, a junior member of the Republican delegation, take areas obviously to his benefit. The Republican areas would help Reinecke, while Democratic areas in his district were passed to Corman. The result brought the population in Bell's 28 CD within an acceptable range and still gave him a half-moon shaped Santa Monica Bay district that extended to his Hollywood Hills home. Reinecke's district came to virtually surround the Corman district and to stretch into Kern County.

The rearrangement created a monstrosity which rivaled gerrymander classics. In breadth the district stretched almost the length of the Los Angeles aqueduct, including the surrounding deserts and mountains, with the urban portions looping around to almost encircle the Democratic 22 CD. Court ordered political equality rationalized the action.

On the eastern side of Los Angeles County equally revealing accommodations were made. The problem was that core districts were in relative decline and the south ring was growing astronomically. Rather than collapse core districts of former Democrats (now occupied by Republicans) the Los Angeles districts were elongated into Republican Orange County. With no Democratic sections available in Orange County, its sole Democratic Congressman, Hanna, moved into Democratic sections of Los Angeles.

## Final Thoughts

The 1966 elections proceeded using the 1961 lines. Three Democrats fell in 1966. The changes proposed in 1965 would probably not have affected the outcome.

Democrats clearly dominated in the first part of the decade and generally prevailed in the Legislature throughout the decade. But winds of change were becoming obvious. Even in 1964 Republicans won the second U.S. senatorial position, having re-elected Kuchel in 1962. In the second half of the decade the statewide victors were Republicans. The Legislature was theirs after 1968.

Two fundamental changes were occurring. First, the dominance of southern California was ever more manifest. Both U.S. Senators were from the south. Gone was any idea of balancing statewide tickets with a northern Governor and a southern Lieutenant Governor. After 1965, with the new Senate, the southern dominance was complete. In election after election the south tipped the scales. The numbers were in the south.

Another second less definable phenomenon was also taking place. The older New Deal generation was declining. New political movements were emerging, notably the conservative ideologues.

CHAPTER 5

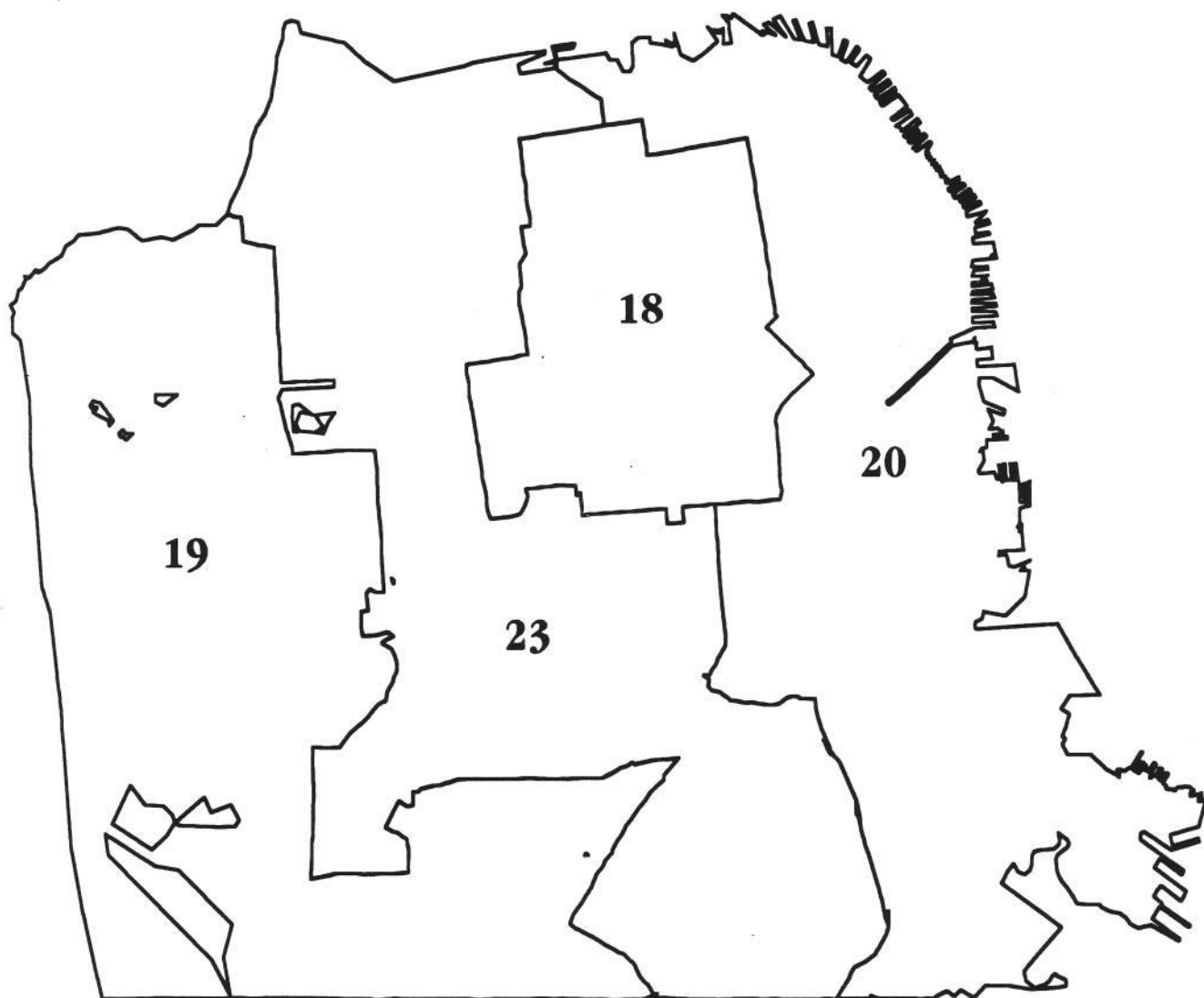
Charts:

Maps:

Senatorial Districts	-- 1965
21st Congressional District [with 1971 Changes]	-- 1967
22nd and 27th Congressional District Changes	-- 1967

# San Francisco Assembly Districts

1965



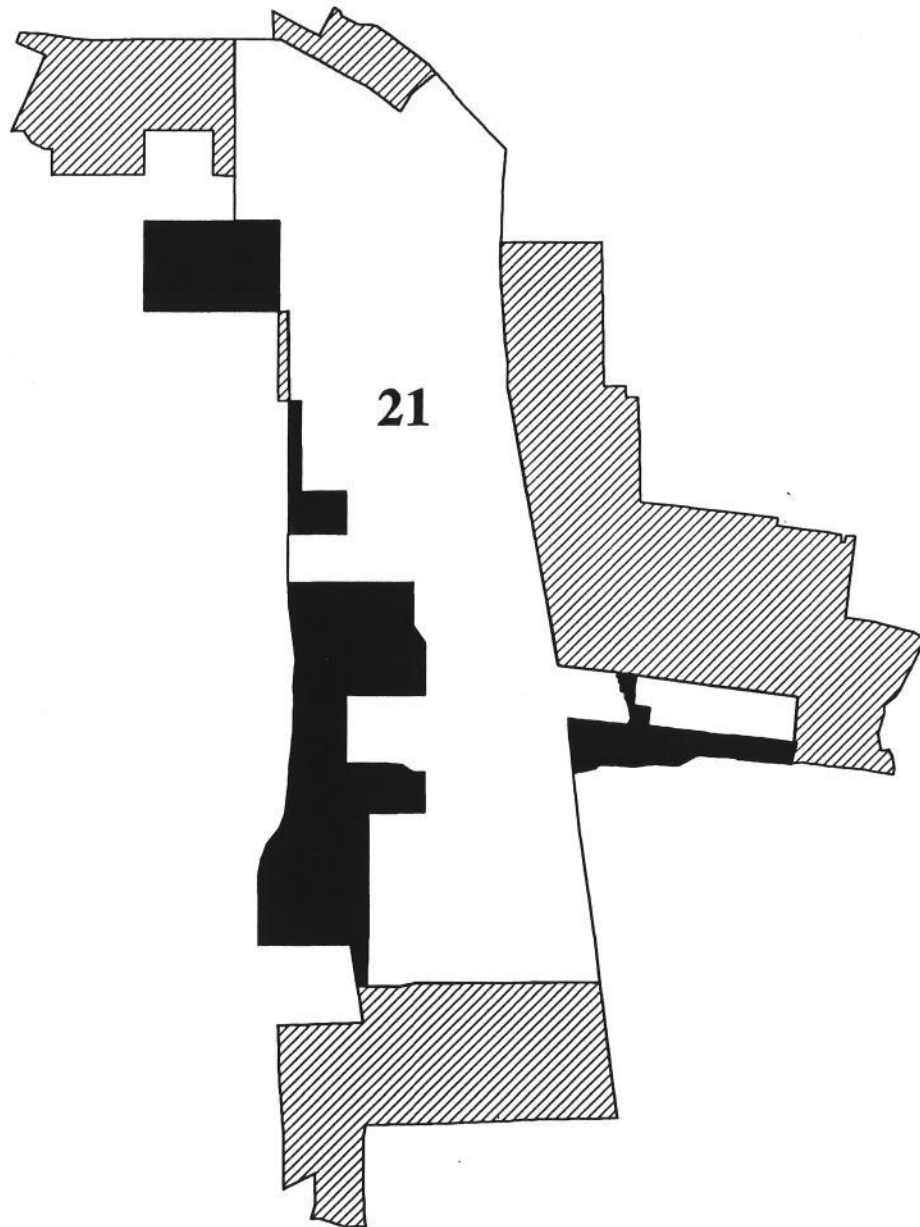
# California Senate Districts

1965



# 21st CONGRESSIONAL DISTRICT

1967 (1971 CHANGES)





# SAN FERNANDO VALLEY

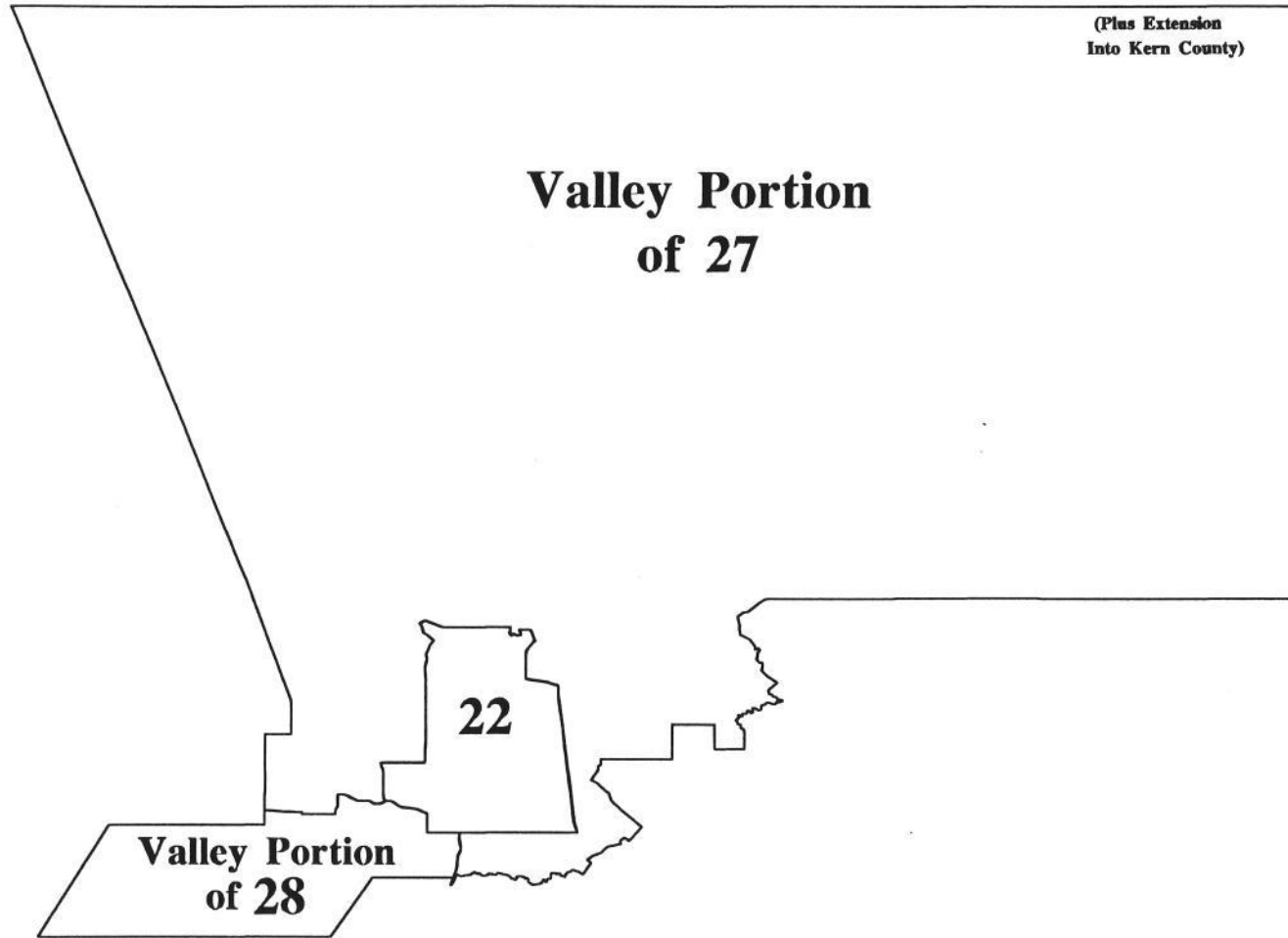
## 1967 CONGRESSIONAL DISTRICTS

(Plus Extension  
Into Kern County)

**Valley Portion  
of 27**

**22**

**Valley Portion  
of 28**



## CHAPTER 6

### IMPASSE OF THE EARLY SEVENTIES

California's redistricting practices in the 1970s are characterized by three features: redistricting "experts" emerge, often with academic backgrounds and computer expertise; irresponsible behavior rationalized by political correctness becomes characteristic of the participants, both experts and legislators, and the myriad of proposed solutions to redistricting dilemmas make the matter complex. This chapter focuses on the 1971 and 1973 experiences as the first manifestation of these three features.<sup>1</sup>

Because most proposals did not become law a detailed review of them would be fruitless. Focus is instead directed toward the key disagreements on legislation passed by at least one house of the Legislature, and in particular legislation passed by the Legislature when it was searching for gubernatorial approval.<sup>2</sup> The analysis deals with aspects of the redistricting process seldom noted in journalistic accounts or the scholarly literature. Often the only attempts to understand the process are based on press releases or interviews with participants or pundits whose own involvement implies a bias. Reporting only one or two steps removed from the decision-making is hardly adequate. Politicians, academics, and legislative staff played their roles as opponents on a conflict stage but the sham was apparent to the perceptive viewer. This chronicle records what one participant saw.

California with its bipartisan environment was an ideal ground for the new redistricting politics. Technological cliques replaced the traditional political formations. Politicians parroted the rhetoric of the past to give an appearance of rivalry which hid shared interests in the incumbency game.

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<sup>1</sup> One could rightly take the position that the 1960s adjustments were the first manifestation of new redistricting practices, but the broad ramifications of the 1971 and 1973 conflicts warrant designation of 1971-1973 as a beginning point to which academics, journalists and legislators should have responded.

<sup>2</sup> On the topic generally see: Goff, Thomas Jesse, Jr., "Republican Party: Cal Plan and Coexistence," 2 *California Journal* 140-141, 145 (May 1971); see also Hardy, Leroy C., *California Government* (San Francisco, CA: Canfield Press, 4th edition, 1973), pp. 164-171; during 1971 several *California Journal* articles followed the legislative redistricting process including: "Legislature Struggles with Reapportionment Problems Behind the Scenes," 168-169, 172-174 (June 1971); "Senators and Assemblymen Remain Divided on Reapportionment as Time Runs Out," 264-265, 268 (October 1971); "'Easy' Congressional Reapportionment Gets Crunched Between Rival Demands of Republicans and Democrats in the Legislature," 302-303 (November 1971); "Reapportionment Reels Toward the Court as Republicans Deadlock Democrats," 328-329, 347-348 (December 1971); and in 1972 "The Legislature Still Plans to Draw District Boundaries Despite Court's Refusal to Extend Deadline," 371-372 (December 1972). The 1971 redistricting efforts are ably reviewed by Pearl, Brian Jeffrey, "California Redistricting 1971," (unpublished MA, California State University, Long Beach, 1977).

The Brown and Waxman/Berman organizations gained dominance in the "opp"<sup>3</sup> drama. A captive press did not challenge the growing charade. This only served to perpetuate the illusion that Democratic dominance could not be stopped. The Republicans' technicians were discredited by institutional and personal character assassination funded by public largess. Matched against legislative staff stars and the University of California, the Republican staff faltered not because of a lack of expertise but because of a press unwilling to investigate what their inclinations told them was a plot. The press could have performed a real public service but that would have required more than rehashed incumbent press releases and the quick, glib interviews of individuals who had the most to hide.

### Demographics

The population increase from 1960 to 1970 was 110.2% in Orange County and 64.6% in Santa Clara County. The discrepancy between core and ring populations in the two metropolitan areas continued to grow. Politically the changing demographics meant five Democratic seats lost and at least an equal number of Republican gains. To bring Santa Clara County up to its new three Senator entitlement required inserting districts into that county from elsewhere.<sup>4</sup> Due to population increases, five new Congressional seats were created.

The population equality dicta of the trilogy cases set aside California's constitutional requirement of using whole Assembly districts and whole counties. Area representation in the State Senate was set aside. Basically the modern redistricting problem hinged on population decline of the core areas relative to areas of growth. If the "one person, one vote" dictum is controlling, and if the number of districts is limited, growing areas gain representation only by the liquidation of core districts. Representatives from such districts vote on redistricting, and no one willingly gives up a seat.

The relative population decline of Los Angeles County in relation to the rest of the state meant further reductions in Assembly districts in Los Angeles. The creation of State Senate districts in 1965 had provided an easy exit for many Assemblymen in the mid-sixties. But their replacements in the Assembly

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<sup>3</sup> Opp is a new word meaning, "occupants of political position." The implication of it is that current leaders do not lead but merely occupy political positions.

<sup>4</sup> By way of contrast, before the trilogy cases a whole county district would have been moved to Santa Clara, and consolidation of counties would have been necessary elsewhere.

still thought in terms of political careers and survival. 1971 brought the full demographic implications to the fore.

The relocation of territory became complex, controversial and creative. The Republican party lost Republican districts in the older core areas while gaining in Orange and San Diego Counties. To maintain existing Democratic majorities required the elongation of Los Angeles districts into areas to the east. Those areas were typically occupied by conservative Democrats. If the West side districts were carefully elongated, incumbents could be saved.

Some incumbent Republicans in Washington and Sacramento did not find the *status quo* unpleasant because they had benefited from the Democratic 1961 redistricting and had not been hurt in the 1964 presidential fiasco. Other party members, especially conservatives, took a less accommodating view. In fact the incumbent oriented districts did minimize the damage to Republican incumbents of the 1964 Democratic landslide, and left the Republicans in a competitive stance.

The Republican's had effectively employed the "Parkinson Plan," named for the state party chairman who promoted the concept in 1965. The basic approach was to target a limited number of Democratic districts in each election. Campaign funds would be concentrated in those few districts rather than using funds in every possible district, including those deemed hopeless. Step by step a few Democratic legislative seats would be won in each election to gain legislative majorities and control the 1971 redistricting process. The rifle technique of targeting funds, as opposed to the shotgun strategy of the past, was working. Ronald Reagan won the governorship in 1966 and the Republican legislative picture improved. Though losing one of their U.S. Senate positions in 1968, their state legislative numbers inched into razor thin majorities. Jesse Unruh was now minority leader rather than Speaker. Republicans looked forward to further victories in 1970.

In the 1969 session the Reapportionment and Elections Committee shifted into its reapportionment mode. Assemblyman Paul Priolo was named Chairman. Republicans had the necessary numerical advantage for a 1971 coup. Staff assistance was obtained from academic experts at Claremont Men's College<sup>5</sup>. Data gathering was initiated and the era of sophisticated computerization was born.

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<sup>5</sup> Claremont Men's College became Claremont McKenna College in 1976.

Then an unexpected event occurred. The Democrats won equally thin legislative majorities in the 1970 elections. Why? The explanations are diverse. Regardless, the fact was Democrats won, narrowly but with a majority which would hold in party matters, such as the Speakership with its chairmanships, staff and special perks. The party could be hopelessly divided in all other aspects but districts drawn in 1971 promised a decade of power for the entrenched and those willing to "go along to get along" and survive.

Demographic changes were reflected in political reality in some fashion in the division of power between the Republican executive and a Democratic Legislature. Congressional participants whose fate would be determined by Sacramento were well aware of the need to share caused by a divided government. The Congressional delegation had an advantage over the Legislature in that five new seats provided something to share. On the other hand bargaining for seats in the Assembly and State Senate was a zero-sum game. Each gain for someone meant a loss for someone else. The story of this chapter is one of failed negotiations.

Unlike the 1951 and 1961 committees, which put up an academic front,<sup>6</sup> Mr. Michael Berman, unable to complete a B.A., much less a Ph.D., was named Chief Consultant. Carl D'Agostino, a political hack on Assemblyman Cory's staff, was named assistant. William Below's firm, which had been capitalized by 1965 public contracts, was designated as the computer firm. It would be a political operation with only nominal supervision by a legislator, in striking contrast to 1951 and 1961.

Republicans continued their association with academics from Claremont Men's College. Among the key participants were Alan Heslop, a professor, Thomas Hofeller, a graduate student at Claremont Graduate School and Anthony Quinn, also a graduate student. The Senate staff was headed by Alan Rosin, a Ph.D. candidate at the State University of New York, Buffalo.

On the Congressional front, the author continued to be the main staff person for the Congressional program. Referred to in not necessarily a complimentary sense as "Burton's personal computer" by one of Burton's Democratic Congressional antagonists, the author would draw heavily on

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<sup>6</sup> Even the 1965 Committee hired Ph.D.'s to prepare an excellent but needless report. See *Reapportionment in California: Consultant's Report to the Assembly* (Sacramento, CA: State Printer, 1965) hereafter cited as *1965 Report*.

outside expertise from Congressional offices including the Republican staff provided by Republican Congressmen.

Republicans had started gathering data in 1969 and were nearly ready to produce all the data with the exception of the 1970 election results. By contrast the Democrats were starting from scratch. The Below operation had materials from the 1965 redistrictings, but updating was essential.

Computer data companies were used to develop and analyze the demographic data (social, ethnic and economic) and the political data (previous election results and current party registration in each district). Senate Democrats employed *System Development Corporation* of Santa Monica. Assembly Democrats hired *American Computer Resources, Inc.* of Los Angeles. Republicans used *Decision Making Information Inc.* of Santa Ana for their work.<sup>7</sup>

The Congressional operation assumed that whoever was in control, the database of the Legislature would be available to check out the general conceptualization to which the delegation had agreed. In other words, the Congressional leadership assumed the State Legislature would perfect the Congressional package. After the November 1970 election surprise, one of the first assignments of the Congressional consultant was to touch base with the new experts on the block and cooperate in every way possible in the development of their respective databases with an expectation of *quid pro quo* exchange. It was an experience with mixed results.

Because of delays in data gathering and an unwillingness to rely on the previous work of the Republican committee, redistricting was thrown off schedule. In 1951, the bills were presented in March. In 1961, legislation was handled in May. In 1971, no bills appeared before September. Delay could be attributed to the time necessary to undertake a new task, or to incompetence, but it may also have been part of a strategy. With a compelling deadline approaching, haste can be used to cover tracks or to limit opposition ability to discover plots or to mobilize resistance. Previously, when the House sat in 120 day sessions, redistrictings were controlled by legislators and were settled before the budget. Now annual sessions spanning virtually the entire year allowed more time but not without a serious political price -- a transfer of legislative power from the legislators to gerrycrats, particularly in the Assembly.

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<sup>7</sup> *California Journal*, June/July 1971, p. 168.

Despite all the talk about redistricting's importance in early 1971, the session produced little substance. Attention focused on welfare reform, withholding taxes, and the budget, particularly in terms of education. The only step achieved in early 1971 was agreement that each House would handle its own redistricting and the Congressional plan would be designed by the Congressional delegation for final approval by the Legislature.

Redistricting experts huddled in the basement of the State Archives, in rented offices in downtown Sacramento and in the cloistered halls of Claremont Men's College. The legislators simply waited for proposals which would shape their futures. Legislative power had shifted to experts, who manipulated data and machines in a way incomprehensible to the average person. Legislative opponents had yielded their legislative prerogatives to bureaucrats. Rival experts assumed the key roles in negotiations. Gone was the politicians' finesse associated with the Waters/Conrad or Crown/Unruh eras. The advice from the experts was: trust us; we know best. The most political of issues had passed from the amateur legislator to the expert bureaucrat. By September 1971 no bills had been submitted. Committee hearings had not been held. What was going on? The December 15th deadline approached. It was postponed to February 9.

#### Assembly Redistricting Proposals, September to November 1971

With prominent academic experts feeding information into or withholding information from the opp system, the potential for objective analysis became more remote. Shrewd insights were dismissed as self-serving, which they often were. The standard explanation for the lack of public oversight was that redistricting is too complex and people are not interested. The political press acquiesced in the game by accepting these explanations. The "experts" were unchecked.

The first reaction against this process came in early September 1971 and not from the Democratic leadership but from the Republicans. Actually, this was not surprising in view of the effort Republicans had devoted to the redistricting issue in previous years led by their astute academic, Alan Heslop.

When Assembly Republicans began to move on redistricting, they had an advantage over previous redistricting operatives. The Party leadership had obtained caucus agreement than no



Republican would vote for a districting plan unless two-thirds of the caucus members supported the proposal and that any vote for a veto override would require a majority caucus vote.

Republican Assemblyman Jerry Lewis of San Bernardino, Vice Chairman of the Assembly Elections and Reapportionment Committee, unveiled a bill on September 7, 1971. Under Lewis's proposal each district was within a one percent variation, representation followed growth patterns, communities of interest were recognized, the breaking of county and city boundaries was minimized and geographic factors were considered. Not as an afterthought, Lewis declared that the bill would implement equitable minority representation. In particular Republicans boasted that three districts in the plan were designed to favor election of Latinos. It was asserted the result in terms of seats in the Assembly would be a 42 to 38 break in favor of the Democrats. The only drawback was that many of the 42 Democrats would not be the Democrats currently in the Legislature.

Assemblymen Jack Fenton and Walter Karabian of Los Angeles, two top lieutenants of Speaker Moretti, could potentially lose their seats to Latino candidates. Democratic Assemblyman Larry Townsend of Los Angeles faced the prospect of losing a primary to a black candidate.<sup>8</sup> Some legislators were even left with no district, such as veteran Assemblymen Crown and Leo McCarthy of San Francisco.

Waxman said:

It is outrageous and incredible that the GOP which has blocked every piece of social and economic legislation directly benefiting blacks and Chicanos, now tries to conceal its partisan interest behind a banner of concern for minorities. The voting patterns of Negroes and Mexican Americans throughout the State show that these groups know full well which party has worked to reduce medical benefits, cut back spending on bilingual education and reduce state spending in the field of enforcing fair housing laws.<sup>9</sup>

Waxman asserted the bill would give the GOP an eight to ten seat margin in the Assembly for the decade.

Assemblyman Lewis responded:

First of all, any significant number of Democrats are threatened by our proposals, they are threatened in districts where they enjoy heavy majorities in registration. Any incumbent who cannot hold his seat in a district where a majority of the voters are members of his own party is obviously not representing that district and does not deserve re-election. And to Mr. Waxman's comments about additional representation, I think it will become abundantly clear to California minority citizens which party simply intends

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<sup>8</sup> *San Rafael Independent Journal*, September 10, 1971.

<sup>9</sup> *San Francisco Chronicle*, September 10, 1971, p. 10.



to give them representation they deserve and which party offers nothing more than the same old cynical rhetoric.<sup>10</sup>

Democratic alternatives were not forthcoming until early October and even then they were without specific lines. Part of the Democrats' delay stemmed from intra-party squabbles. Neither Assemblyman Knox of Contra Costa nor John Miller of Alameda wanted the City of Richmond in Contra Costa split. In San Francisco, McCarthy and Willie Brown argued over the reshuffling of territory in the city.<sup>11</sup> In Ventura, Democrat MacDonald was embarrassed by ludicrous proposals involving portions of his county. Even more complex were the shifts in Los Angeles made necessary by the relative population decline in the core areas and the emergence of significant suburban rings having minority components (Asian, Latino and black middle class).

A preliminary plan floated by the Democrats in early October indicated the general thrust of their thinking. Targeted for elimination were two legislative veterans and one ideologue. First on the hit list was Republican Charles Conrad who had entered the Assembly in 1946 and had been vice chairman of the 1951 Republican redistricting committee. His district in the Hollywood Hills and the southern San Fernando Valley was collapsed and transferred to the Venice and West Los Angeles areas of Los Angeles City. A northern Republican, Frank Belotti, who had entered the assembly in 1951, found his district elongated into Sonoma. These old veterans were deemed to have lost their effectiveness in the legislative process. The evidence: Conrad and Belotti did not vote the right way. The third scheduled to be terminated was Floyd Wakefield of suburban Los Angeles. Desire to remove him stemmed from Democratic embarrassment in not being able to defeat a person whose ideas were so antagonistic to the politically correct.

Appropriate replacements had been found: a friend of Waxman in place of Conrad, a friend of the Speaker for Belotti's seat, and a fellow legislator in place of Wakefield.

The Waxman program endangered not only veterans of earlier redistricting wars such as Conrad, Belotti, and Collier but also newer arrivals including MacGillivray, Maddy and Wakefield. To accomplish the full scenario elongation and shoestring gerrymanders were utilized. Elongation districts

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<sup>10</sup> Ibid.

<sup>11</sup> *California Journal*, October 1971, p. 264.

dominated in the Democrat plans. The principal purpose was to protect Democratic incumbents. Republicans were concentrated in the remaining districts.

Implicit in evaluations of who must go and who would come was the conviction that the second generation of the New Deal opposition must be replaced by a third generation of New Dealers of ideological purity. Anyone who questioned the Waxman/Berman liberalism was defined as a right-wing nut or a deviant of one form or another. If Republicans who were "too old" to serve or who had politically incorrect ideas could still win elections by "misleading" public opinion, the public would be corrected through redistricting. In the process the legitimacy of the Legislature would be seriously compromised. Ironically what was termed legislative compromise was really indicative of the inability of the Legislature to function as an effective agency of democracy. Ideologues were using the process for purposes which crippled the Legislature's ability to function as a representative body.

Assemblyman Waxman declared Assembly bill 659 would pass. Waxman said:

I know from extensive private discussions with assembly Republicans that most of them are satisfied with their own districts and have a generally favorable feeling about the plan as a whole. This bill is not an opening offer for extended negotiations. If some legitimate objections to the plan are raised at next week's hearing or elsewhere, we may make minor changes. But I do not expect many major changes in this bill.<sup>12</sup>

Though expressing confidence that Governor Reagan would sign the approved bill, Waxman hinted another recourse was available. If the Governor vetoed the plan, Waxman would request passage of legislative resolutions on redistricting on the premise that resolutions do not require the approval of the Governor, hence a veto would not be possible.

Republican reaction was not long in coming. The plan was denounced as unfair and inequitable. Republican caucus leaders said no natural or political boundaries were recognizable in the plan. Republicans took advantage of the ridiculous elongations of districts to proclaim their support for meaningful, compact, community districts. Republicans deplored the failure to give minority groups extra representation. Waxman responded that he found the creation of ethnic districts to be "offensive

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<sup>12</sup> *Riverside Press*, October 28, 1971, pp. A1-A2.

separation." Only if minorities were geographically grouped could he favor special representation for such groups.

Waxman presented an amended version of Assembly bill 659 on November 6th. In it Republican Assemblyman Maddy was given additional GOP precincts to enhance his chance of political survival. Having started with an inflated 45 seat demand, the Chairman could be generous. Democrats would settle for 44 favorable districts. The generosity did not impress Republicans.

Then on the 10th of November, Republican Bill Brophy won a special election in the overwhelmingly Democratic (a registration edge of two to one) and Latino 48 Assembly district.<sup>13</sup> Richard Alatorre, a Latino, had been the Democrats' designated successor.

The reasons for the upset were many. Brophy had previously run unsuccessfully in a senatorial contest against David Roberti. Though defeated Brophy had gained name recognition. The imposition of Alatorre, the Speaker's designee, was resented by other Latinos (some of whom had fought in the divisive primary). A sympathy vote may have been a factor -- Brophy was shot at on election eve.

It was an upset and it couldn't have come at a better time for the Republicans. The Republicans declared a new ball game with the Brophy victory. Republican Assembly caucus leader John Stull of San Diego demanded that Waxman change his 44 to 36 plan to a 43 to 37 plan. Republicans appeared in the capital with "43 is fair" buttons. The next day Democrats wore "See You In Court" buttons. Negotiations had degenerated to badges rather than debate.

When push came to shove and the final amendments had been made to Waxman's proposals, Republicans Conrad and Wakefield and Democrat Foran were without districts. Concessions were made for Republicans Schabarum and Collier. The expectation was that the results would give the Democrats a 44 to 36 edge in the Assembly.

#### State Senate Redistricting Proposals

Initial signs pointed toward agreement within the Senate for a fair and equitable reapportionment plan, but with time partisanship gained the upper hand. Republicans had superior computer capability and used the advanced preparations made during 1969 to 1971 to develop a plan. It provoked conflict by

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<sup>13</sup> The special election was necessary because of the election of Assemblyman Roberti to the Senate.

proposing that Senators Rodda and Teale, two powerful, respected northern Democratic Senators, be put in one district. San Francisco Senate districts would be extended into Alameda County.<sup>14</sup> The plan went nowhere.

A more serious proposal came from Senator Mervyn Dymally of Los Angeles, the Senate's lone black and Chairman of the Senate Elections and Reapportionment Committee. Dymally's Senate bill 18 was introduced on October 6, 1971.

The first premise of the Dymally approach was that Republicans must bear the brunt of the loss of one northern seat. The second premise was that the district thus made available would be transferred southward to provide a Latino seat in Los Angeles County. But this second step required a third. Because population growth elsewhere required transfer of at least three seats, one Los Angeles district had to be collapsed to make room for the Latino seat. The Latino district would be created out of a collapsed Democratic district, that of Dymally's conservative Anglo brethren, Senator Walsh.

In contrast to the Republican plan of joining the Rodda and Teale districts, Dymally proposed the collapse of Republican Senator Fred Marler's district. Marler was the Senate's Republican minority leader. Marler found his home put in the district of Senator Randolph Collier.

Dymally's initial plan included elongation gerrymanders in almost every direction. Much of Marler's collapsed valley district shifted to Republican Senator Peter Behr of Marin County. Republican Milton Marks of San Francisco would be given San Leandro in Alameda County. Santa Clara's entitlement of three full districts was shared with other three counties. Los Angeles County would share 17 districts. To accommodate future plans district numbers were changed in the Marks and Moscone districts to allow Moscone to run for Governor in 1974 without giving up his Senate seat.<sup>15</sup>

Despite Dymally's assertion that Marler had to go because the Governor would veto a bill without a Latino district, Marler declared: "If the plan passed the Legislature, I would ask the Governor to veto it. The Democrats have not worked out a plan for the people but one to satisfy political ends."<sup>16</sup>

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<sup>14</sup> *California Journal*, June/July 1971, p. 168.

<sup>15</sup> This is referred to as the "free ride" in politics. An incumbent whose term has not expired can run for another office. If not successful the defeated candidate retains his old position until the expiration of the original term.

<sup>16</sup> *San Francisco Chronicle*, Oct. 7, 1971, p1 and 12. *California Journal*, Oct. 1971, p. 264-265 and 268.

Senator Wedworth, a Democrat affected by the proposed Latino district said, "Because we are Democrats, we don't have to vote for a bill that is an unfair one and which does harm to some of us unnecessarily."<sup>17</sup> Democratic Senator Walsh was more direct, "I am a sacrificial goat, the next thing you'll need is an Italian district, then a Jewish district, then a black district." Walsh asserted his district was being gutted and it was racial discrimination in reverse. Such actions were un-American, the Senator declared.<sup>18</sup> Republican John Harmer of Glendale, the Senate Republican Caucus leader who would lead redistricting efforts against Dymally's array of proposals, declared that if the Legislature carved out ethnic districts the plan would raise a question of reverse discrimination.

Senator Dymally's first public showing of the Senate reapportionment plan (Senate bill 18) was held in Sacramento on October 7. Numerous groups suggested amendments. Most participants did not present plans. Self-proclaimed spokespersons for their "people", they took up the committee's time presenting opinions but not specific proposals for alternative districts, hardly constructive when the matter had to be resolved within a few weeks, indeed a few days.

Of all the groups, the Latino organizations dominated the presentation. Miguel Garcia representing the Mexican American Legal Defense and Education Fund promised a lawsuit against the Legislature if only one Latino district was established. Garcia said that if the hearings produced false promises and raised unfulfilled hopes for minorities, people would be forced underground in preparation for armed rebellion.<sup>19</sup> Supervisor Robert Gonzales of San Francisco declared Garcia's statement irresponsible, immature and inflammatory.

Initial dissatisfaction with redistricting was only exacerbated when activists began to talk of representation in proportion to the percentage of the minority population regardless of its dispersal. The Latino position was captured when a Latino spokeswoman brought a pumpkin pie into a Senate hearing

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<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> *San Francisco Chronicle*, October 9, 1971, p8.

and proceeded to cover it with whipped cream. She declared that this is what the incumbents had been doing to the Latino community.<sup>20</sup>

California Republicans had begun talking favorably of Latino representation in the late 1960s. The Republican position was blatantly political but Latinos looked at past Democratic actions and viewed Democratic promises with skepticism. Traditionally aligned with the Democrats, in recent times activists were deserting from the Democratic party, giving rise to the label "Uncle Jose". In 1961 Latino opinion about redistricting was expressed by one person, City Councilman Edward Roybal of Los Angeles. Latinos as a group did not demand representation, as blacks were doing. Surprisingly, without organized effort, they obtained two Assemblymen and a Congressman. Districts were not created for them, but they won. The 1971 experience galvanized many Latino activists into action which would influence the early 1980s.

Senators Harmer, Burgener, and Carpenter, Republican members of the Elections and Reapportionment Committee, introduced an alternative plan on October 12. Senator Marks' district would be collapsed while Senator Marler's district would be retained. Senator Behr's Marin County district would be extended into the western half of San Francisco County (Marks' former territory). Rather than a third district in Santa Clara County, its existing two districts would share surpluses with three other Senate Districts. Sacramento County's growth would be shared with Marler. In the south, Republicans would make the existing Democratic 27 Senate district into a 60% Latino populated district rather than creating a new district for Latinos.

Republicans asserted the proposal would retain ratio of 20 Democrats and 20 Republicans.<sup>21</sup> Democrats immediately questioned the extent to which the plan represented a "compromise" in view of the number of districts they perceived to be unfavorable.

One Republican shared Democratic distaste for the plan. Republican Senator Marks, whose collapsed district was the compromise, voiced opposition:

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<sup>20</sup> I believe the assertion is false. In 1961 areas were reviewed for their Democratic registration, but the ethnic make-up was not a factor. The rawest registration figures were used. In the 1965 Assembly redistricting more attention may have been paid to ethnic population but not so as to support a conspiracy theory.

<sup>21</sup> *California Journal*, October 1971, p. 268; *Sacramento Bee*, October 13, 1971, A1; *Monterey Peninsula Herald*, October 13, 1971, p. 3

As I understand it, the plan is designed to eliminate my seat. I think the unfortunate feature of the plan concerns the people of San Francisco who will have diminished strength in the Legislature. What they are trying to do is tempt me to dump my colleague (Peter Behr). They're not going to get that out of me. I'm not going to participate in an affront to our Senator.<sup>22</sup>

Conservative H.L. Richardson of Los Angeles, a supporter of the plan, acknowledged:

Sure its tough on Marks. Damn right it's tough on Marks. But what are we going to do? If we move districts around the Bay Area in such fashion, we will jeopardize all GOP seats in the South.<sup>23</sup>

Unsaid was the fact that conservative Republicans were willing to sacrifice Marks because he was a liberal who frequently voted with Democrats.<sup>24</sup>

To keep bargaining moving, Senator Dymally introduced an amended bill on October 14th which placed Senators Marks and Behr together in one district.<sup>25</sup> Other compromises were included to placate Republican objections.<sup>26</sup> Dymally's hope was that Republicans would accept the plan and persuade Governor Reagan to sign it.

At a press conference, Dymally acknowledged his reason for preserving Marler's district: "you have to face reality, Marler has strong support from the Governor's office and the Republican caucus".<sup>27</sup>

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<sup>22</sup> *Oakland Tribune*, October 13, 1971, pp. 1; 59 *San Francisco Chronicle*, October 13, 1971, p. 2.

<sup>23</sup> *San Jose Mercury*, October 13, 1971, pp. 1 and 9.

<sup>24</sup> Republican Marks' career indirectly illustrates the impact redistricting can have on a legislator's career. Adjustments in 1965 led to liquidation of his San Francisco assembly district. Democratic Governor Pat Brown appointed him to the Superior Court. Judge Marks joined a successful contest with Democrat John Burton to win a State Senate position, the district now being discussed. Surviving the court redistricting in 1973, as an incumbent Republican Senator he was again threatened by redistricting in 1981. In 1982 he challenged Democrat Philip Burton for Congress. He changed his party affiliation and in 1991 was Chairman of the Redistricting Committee.

<sup>25</sup> Such a move would have benefited Marler because his home territory would have been retained, while Behr's home would have been placed in the Marler district by a narrow new line protruding south into Marin County. Most elongation districts expand from core urban areas outward to suburban (or less urban areas). The proposed Marler district would have been a reversal of this. Marler's rural district would have been pushed into urban areas. Marler later objected the proposed district because he was too close to San Francisco. The rest of Marin County (Behr' home base) would go to Senator Marks of San Francisco. Marks's' district would have included all of Marin County, except the southernmost tip where Behr's home was located and which had been attached to Marler's northern Sacramento Valley district. Thus Marks' district would have spanned three counties, (parts of San Francisco, Marin and San Mateo counties) and cross the San Francisco Bay twice, once without bridge connections.

<sup>26</sup> Dymally sacrificed his conservative Democratic colleague, Senator Walsh, for a future liberal Latino district in east Los Angeles. Walsh's district number was transferred to Orange County to a district with a large Republican registration. Unless Walsh changed his registration, his defeat was inevitable. Walsh had an incorrect voting pattern. To make the new package more appealing to Republicans, Republican Senators Coombs and Deukmejian returned to their home counties, San Bernardino and Los Angeles. *California Journal*, October 1971, pp. 264-65, 268; *Napa Register*, October 14, 1971, pp. 1A, 9A.

<sup>27</sup> *Fontana Herald News*, October 16, 1971, p. 1. *Long Beach Independent Press Telegram*, October 27, 1971.



Dymally called attention to the difficulties of his task and stated that no one wanted to preside over the termination of a colleague's career. He declared Senator Behr's anticipated departure was unfortunate.

Later Dymally amended his plan. In the revision, Behr and Marks were put together with enough territory friendly to each to be evenly matched in a primary election. Republican opposition did not abate.<sup>28</sup>

Legal questions were also raised about the Dymally plan. First there was contiguity question concerning the 10 Senate district which consisted of Marin and parts of San Francisco and San Mateo Counties. The San Mateo part was connected to San Francisco only by the waters of San Francisco Bay. Senator Harmer claimed he had the U.S. Census Bureau's assurance that it did not consider this water connection as an adjacency, which the law requires for legislative districts. (He did not mention that the Census Bureau was under Republican management.) Senator Dymally countered that the water connection was sufficient to make the district contiguous.<sup>29</sup>

A second legal question was raised about the ethnic emphasis of Dymally's plan. Harmer objected to the new Latino district on the basis the court had held that districts may not be drawn to enhance a particular ethnic group. Dymally countered that the East Los Angeles district was not designed to enhance but to prevent further gerrymandering of a particular ethnic group. Neither question reached a legal decision.

Bringing gubernatorial pressure to bear, Harmer warned the Republican Senate Caucus on November 4 that Governor Reagan would campaign against any GOP Senator who voted for the Dymally bill.<sup>30</sup> Harmer also indicated financial support would be denied party renegades.

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<sup>28</sup> Senator Marler was opposed inclusion of Fairfield in his district believing that his district was too close to the Bay area. Santa Clara's Senator Bradley wanted more Republicans in his district. Senator Coombs of San Bernardino objected to having Claremont's educational institutions in his district. Senator Lagomarsino, who represented Santa Barbara and Ventura, wanted to remain within Ventura rather than acquire new territory. Senator Harmer objected to having his Glendale district trek 200 miles northward to San Luis Obispo and then link along the Santa Barbara Coast to reach its terminal at the University of California's Isla Vista community. *Sacramento Bee*, November 4, 1971, P. A4, *Merced Sun Star*, November 4, 1971, p. 1 and 11.

<sup>29</sup> *San Francisco Chronicle*, November 4, 1971, p. 18.

<sup>30</sup> *San Francisco Chronicle*, November 4, 1971, p. 16.



On October 28, 1971, Harmer is reported to have said, "There is nothing to keep us from having an agreed on bill which can be voted on by the Senate by early next week."<sup>31</sup> But by the next week all was in shambles. The personality clashes between Dymally and Harmer had reached new heights.

November 5 found Harmer engaged in a two hour filibuster on the Senate floor against Dymally's bill. He complained the bill was harmful to him and to Senators Marler, Bradley, Coombs and Walsh. While some Democrats were out of town for the weekend, amendments were read into the bill which in effect substituted the Republican plan for the Dymally bill.<sup>32</sup> One amendment removed Dymally's name from the bill.<sup>33</sup> The removal was deemed ungentlemanly. Such lack of decency showed, the Chairman declared, a total lack of integrity.<sup>34</sup> Republican Senator Cusanovich of Los Angeles warned his colleagues on the floor against setting a terrible example by destroying a member's bill on the floor. The floor fight forced Dymally to place his bill on the inactive file.<sup>35</sup>

Between November 6 and 11 however both parties demonstrated what made the Senate different from the Lower House. Senate leaders of both parties did some hard negotiating and agreed upon a plan dubbed the Bipartisan Senate Reapportionment Plan. The essence of the agreement was that the ratio of 21 Democrats to 19 Republicans was retained, Senators Behr's and Marks's districts were collapsed into one district, Santa Clara retained its two full districts and shared its third with four other districts, largely based in other counties, incumbent GOP Senators lost college and university communities to incumbent Democrats, and Alameda was given two at-large districts. Numerous other special adjustments cemented the incumbent-inspired bipartisan plan.<sup>36</sup>

Before the Senate vote on November 11, 1971, a press conference was held featuring the two principal rivals in the Senate struggle (who in the future would be rivals for Lieutenant Governor).

Dymally said:

I am of course pleased that we have reached an agreement which satisfies most Senate members and which takes care of the most pressing political business in California,

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<sup>31</sup> *Los Angeles Times*, October 28, 1971.

<sup>32</sup> *Long Beach Press Telegram*, November 5, 1971.

<sup>33</sup> *San Francisco Chronicle*, November 5, 1971, p. 16.

<sup>34</sup> *Long Beach Press Telegram*, November 5, 1971.

<sup>35</sup> *Merced Sun Star*, November 6, 1971, p. 1 and 7; *Sacramento Bee*, November 6, 1971, p. A1 and A2.

<sup>36</sup> *San Francisco Chronicle*, November 12, 1971, p. 1 and 26; *Sacramento Bee*, November 11, 1971, p. A1.

increased representation for the Mexican-American community. Negotiations were long and hard, sometimes bitter. Nevertheless, what is gratifying is that we can sit together now, members of opposite parties with different views, and come to a compromise.<sup>37</sup>

Republican Harmer commented:

And I am pleased that we have been able to agree on the two vital issues that made this possible, the Northern California district to be moved to the southern part of the state, and the establishment of a district for the Mexican-American community of Los Angeles. By virtue of these two agreements between the parties, we were able to then build a plan for reapportionment that will assuredly be upheld by the courts and considered fair and equitable to all concerned. Sometimes it was not possible to give everyone exactly what they wanted, but a valiant effort was made to produce the most feasible and effective plan.<sup>38</sup>

As leader of the Republican caucus, Harmer made it clear he would urge the Governor to approve the legislation as soon as the Assembly had acted. Significantly the two spokespersons were from Los Angeles County. Southern California was the controlling force in the new legislature of California.

The Senate passed the Bipartisan Plan by a 33 to 2 vote. Republican Senator Bradley and Democratic Senator Walsh cast no votes. The vote was a typical California vote for an incumbent "sweetheart" bill.

#### Congressional Redistricting

While State legislators wrestled with how to redistribute a fixed number of seats (40 in the State Senate and 80 in the Assembly) the Congressmen had five new seats to play with.

Veteran Congressmen assumed leadership of the Congressional plan. Congressman McFall was co-chair for the Democrats and Smith was co-chair for the Republicans, with Philip Burton the dynamo who kept things moving. All had served in the State Legislature. McFall and Smith had served at the same time and had arrived in Washington together. Burton, who knew the importance of redistricting, shrewdly understood state leadership dynamics. Legislators who had played the game before in 1967 had learnt their lessons well. Their "go along to get along" attitude had been solidified by their Washington days.

The central problem was to adjust the 1967 interim districts to accommodate five new Congressional districts. The Congressional districts were no longer inhibited by the requirement for prior

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<sup>37</sup> *Sacramento Bee*, November 11, 1971, p. A1 and A4; News release, Senate Committee on Elections and Reapportionment, November 11, 1971.

<sup>38</sup> *Ibid.*

creation of Assembly districts and the restriction that districts be formed within whole counties. The key to agreement was mutual benefit. The best arrangement for dividing the five new seats was to create two Republican seats and two Democratic seats and leave one seat to be a toss up. A further element of a successful strategy was to give the chairmen of the respective Houses what they wanted. If the latter could be achieved, the Congressional program would be safely incorporated in the larger package. Another factor was that the State Legislators were so bogged down with their own problems that their attention was not focused on the Congressional package.

Unlike the State Legislative staffs, especially on the Assembly side, the Congressional consultant was given specific strategy objectives. His expertise was focused on the legislator's goals. The Congressional consultant used computer information, but computer programs were not drawing the districts. In contrast the legislators in both parties in the State Legislature more and more came to be under the control of the Assembly staff of experts.

The Congressional delegation and staff had no control over the resolution of data arguments. Democratic technicians contended that the data turned over by the previous Republican staff were not accurate, or were confused to mislead the Democrats.<sup>39</sup> This rationalized the expenditure of additional public money to build a duplicate data base. Not only did the development of alternative data cost money, it required time. Intentionally or otherwise, the process allowed party rigidity to set in and time for the executive to be persuaded to become an interested party.<sup>40</sup>

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<sup>39</sup> The Republicans had contracted out the development of redistricting data. What was misrepresented was the integrity of the database. No academic institute or database supplier would build a database and offer it at cost equally to all, on the basis of false information, nor could its reputation be established by false analyses. From the Democratic viewpoint, the data disputes could only be resolved by creating duplicate data. The result cost taxpayers hundreds of thousands of dollars (a far cry from the \$10,000 spent in 1951).

<sup>40</sup> In 1951 and 1961 the executive and legislative branches were united (with the executive yielding to the Legislature in its area of greatest concern), and agreement was reached early. The Assembly was the focal point for resolution of redistricting. The State Senate could not be altered and yielded to Assembly leadership, as did the executive. In 1971, with Senate redistricting added in the equation and opposite parties holding the executive/legislative positions, redistricting dragged on throughout the session (which now was yearly rather than confined to 120 days). Previous redistrictings were quickly compromised among legislators of both parties, with the minority incumbents not necessarily unhappy despite the overall effect on their party. With agreements made, the technicians could work out the details within a politically structured framework. Also in the redistrictings of 1951 and 1961 decision-making in select areas tended to be more decentralized to local representatives or local party organizations. As the system became more bureaucratic gerrymen expanded the work to occupy the time. Taxpayers would pick up the tab.

As the data gathering arguments increased, so did chairmanship egos. Different agendas came into conflict. Added to those dimensions were personality conflicts between party staffs, as well as between Democratic staff members on the Assembly, State Senate, and Congressional levels.

One major problem was State Senate Chairman Dymally's Congressional agenda. A black himself, Dymally was a chairman with considerable clout and was determined to be the ethnic hero. As he pressed for a Latino State Senate seat in Los Angeles, he also sought to create a second black Congressional district in the Los Angeles area. The basic problem was numbers. Population did not warrant the demands. Assembly Chairman Henry Waxman sought a new Jewish Assembly district. If black Assemblywoman Yvonne Burke could have a Congressional district, part of her Assembly district could be used to manipulate districts in areas of relative population decline, including an Assembly district for Howard Berman, the brother of the Assembly consultant.

The area encompassing the proposed new districts (a black Congressional district and a Jewish Assembly district) had only enough population to warrant the currently existing districts. That meant the existing districts had to expand outward, pushing into other districts. The process was not without advantages. As the Democratic Congressional districts pushed into Republican districts to absorb their older sections, which were typically Democratic, Republican incumbents found more comfortable territory in Orange County.

But all the carefully laid plans of the Congressional delegation depended on Sacramento for their implementation. Removed from the on scene rivalries, which could and did become intense, the limitations were understood. The State Legislature handled redistricting, including Congressional redistricting. The Congressional program was totally dependent on the ability of the state legislative leadership to negotiate a redistricting package which would win majorities on both sides and be formidable enough to override a Governor veto if necessary. A successful Congressional redistricting strategy required unified team play by the Congressmen in dealing with the State Legislators.

#### Voting in the Regular Session

As the regular session of the Legislature drew to an end, Speaker Moretti had his opportunity to demonstrate political clout. On the day of the debate on the long delayed bill Speaker Moretti exerted his

influence to incorporate the Senate Bipartisan Plan into the Assembly proposals (the Waxman plan). The Assembly proposals were amended to become a part of the Senate bipartisan bill.<sup>41</sup>

During the floor debate, Republican Assemblyman Lewis asserted the Waxman plan was nothing more than a partisan gerrymander. Lewis focused on Kenneth Cory's 69 Assembly district, originally in Orange County but now crossing into Los Angeles County to build its Democrat registration. To accomplish this feat the Berman-D'Agostino team had split twelve previously unified cities. It was a "Cory-dor" Lewis declared.

Assemblyman Lewis was forced to pause when a memorandum which he had written to the former chairman of the Elections and Reapportionment Committee, Republican Assemblyman Paul Priolo, was revealed. The memorandum reveals the Republican strategy as it was prior to the 1970 elections. Lewis wrote Priolo:

The number one priority in reapportionment should be to elect the highest possible number of Republicans to the Legislature and the House of Representatives. Democratic districts should be drawn to protect the least effective members of the minority party. The resulting GOP revamping program would be a balanced and representative plan which in reality is totally designed for partisan purposes.<sup>42</sup>

Priolo declared the Speaker had been quoted out of context.<sup>43</sup>

The amended bill was passed by the Assembly by a vote of 41 to 35. No Republicans supported the plan. One Democrat voted against it -- John Foran, whose district was to be eliminated.

The Senate refused to pass the bill however because of the tactics which had been used to amend the partisan Assembly bill into the bipartisan Senate bill.

Speaker Moretti's insistence on incorporation of the Senate bill into the Assembly package may have seemed a shrewd strategy. The theory was the Senate bipartisan package was so important to the Republican Senators that they would pressure Governor Reagan into signing it. The fundamental flaw in the strategy was the assumption that the Governor would acquiesce to playing a "go along to get along"

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<sup>41</sup> Speaker Moretti had the Waxman Assembly plan amended into the Senate bipartisan plan because he naively believed Senators would pressure the Governor to sign the bill for their own protection.

<sup>42</sup> *San Francisco Chronicle*, November 24, 1971, p. 18; *Sacramento Bee*, November 26, 1971, p. A4.

<sup>43</sup> *San Francisco Chronicle*, November 24, 1971, p. 18.

role. He refused. The standard explanation for Reagan's refusal to sign was: the old man doesn't understand politics. He certainly was not a detail man, but he did understand bully politics.

Republican Senators felt betrayed by the Governor. In a fit of anger, the Legislature overrode a bill, the first and only override in the Reagan governorship. The Democrats then refused to approve a tax increase to balance the budget.

The likelihood of resolution in the regular session was remote not only because it was so late in the session but because the Assembly bill had none of the legislative finesse of earlier redistrictings *controlled by legislators*. A partisan Assembly deal destroyed the political viability of the bipartisan Senate proposal. A conference committee designated to separate the legislation had little opportunity to act before the regular session adjourned.<sup>44</sup> So ended the regular session.

Pressured by the tax problem Reagan agreed to a special session which would include reapportionment. The Democrats foolishly interpreted this to mean that events were moving their way.

#### The 1971 Special Session

Governor Reagan called a special session of the Legislature on December 4, 1971. On December 6, the Legislature convened to consider the withholding tax issue. In a matter of hours the Legislature passed the withholding tax bill, which was to produce a half billion dollars in new revenues to balance the budget and to finance new construction. Immediately following the passage of the tax bill the Legislature adjourned for ten days to have additional time to work on the redistricting problem.

The long redistricting year session left legislators weary and exhausted in December. Normally frustration with an item of such personal importance produces a mood for compromise: let's get it over. But legislators no longer controlled the process. They were expected to ratify decisions of their experts. And they did for a multitude of reasons, none of which considered what their constituents might want.

The Legislature reconvened on the 17th of December. Consideration of Assembly bill 12, a plan for redistricting the Assembly, was first on the agenda. The bill gave Democrats 44 favorable Assembly

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<sup>44</sup> Journal of the California State Assembly, 1971, p. 11448. Final Calendar of Legislative Business, 1971 Regular Session, California Legislature, p. 16 of the Senate History section.

districts.<sup>45</sup> The most significant feature of the plan was the extent to which counties were divided: Cities were equally fragmented. The City of Long Beach was divided in three and 12 cities were split for Assemblyman Cory's assistant to demonstrate his new expertise.<sup>46</sup>

Assembly bill 12 was passed in the Assembly on December 18 by a vote of 41 to 27. The 41 votes in favor were all from Democrats. One Democrat voted against the legislation along with 26 Republicans.<sup>47</sup>

In the Senate, Republican Senate leader Harmer asked for votes against the plan. Harmer described the entire impasse as the result of blind leadership in the Assembly. Harmer observed when the blind lead the blind, they both fall into the ditch -- the ditch in this case being the courts.<sup>48</sup> Despite Harmer's advice, his fellow Senators passed the Assembly plan by a vote of 21 to 17 on December 20. It was a straight party vote -- all 21 Democrats voted for the legislation.<sup>49</sup>

Dymally's plan for Senate redistricting was next on the agenda. Although numerous technical changes were made, the ultimate legislation was not significantly different from earlier proposals:<sup>50</sup> The Senate plan passed the Senate by 21 to 17 votes, with all Democrats voting yes. In the Assembly, the vote was 41 to 26.<sup>51</sup> Again the yes votes were all Democratic.

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<sup>45</sup> Republican Assemblymen Ken Maddy and Ernest Mobley were in the same Fresno district. Assemblymen Wakefield and Foran lost their seats. Republican Assemblyman James Dent's district stretched from Concord to Stockton to a point 35 miles south of San Jose to take in the City of Gilroy and looped into the wealthy Republican precincts surrounding San Jose, with a 1/2 mile link.

<sup>46</sup> *Sacramento Bee*, December 19, 1971; *Long Beach Press Telegram*, December 19, 1971, p. A1 and A9; *Oakland Tribune*, December 20, 1971, p1. and p 20.

<sup>47</sup> *Journal of the California State Assembly*, 1971, First Extraordinary Session, p. 410.

<sup>48</sup> *Long Beach Press Telegram*, December 19, 1971, p. A1 and A10.

<sup>49</sup> *Journal of the California State Senate*, First Extraordinary Session, 1971, p. 328.

<sup>50</sup> In the north, Republican Senators Peter Behr and Milton Marks remained in one district. Senator John Nejedly's district was confined to Contra Costa rather than including part of Solano. Democratic registration was above 57%. UCSB and its Isla Vista area were returned to Republican Senator Robert Lagomarsino's district. At-large districts were retained in Alameda County. Republican Howard Way's district ran 100 miles down the coast from Pacific Grove to the Santa Barbara line. It was still largely based in the San Joaquin Valley but extended to the Pacific coast from Pacific Grove to the Santa Barbara line west, and the east through a narrow corridor to the Arizona and Nevada borders. In the south, conservative Republican John Harmer and H.L. Richardson were placed in the same district. Republican Senator Robert Stevens's district continued to encompass Santa Monica Bay from Palos Verdes to Malibu, and northward to Simi Valley and Camarillo in Ventura. A Latino district was created in East Los Angeles. To win the crucial 21st Democratic vote, Senator Lawrence Walsh's district reemerged in Los Angeles, with a higher Democratic registration. *Sacramento Bee*, December 20, 1971, p. A1 and A22; *Long Beach Press Telegram*, December 20, 1971, p. A1 and A8; *Oakland Tribune*, December 21, 1971, p. 17; SB 2X.

<sup>51</sup> *Journal of the California State Senate*, First Extraordinary Session, 1971, p. 333.



In fact a narrow Senate majority of 21 Democrats was mustered for all three redistricting proposals, Assembly, State Senate, and Congressional. The Assembly passed the Congressional plan by a vote of 41 to 27, the same split as the vote on the Assembly bill.

After the Legislature passed the redistricting plans, Speaker Moretti immediately focused on the executive branch's role in redistricting and the Governor's veto power. The Speaker said:

It is not for the Governor to tell us what we can and cannot do. What we are really fighting for now is the right to know whether the legislative branch of a government is a separate and equal branch.

Moretti was asserting a legislative prerogative that should not be interfered with by the Republican Governor. The Speaker indicated where the Democrats pinned their hopes: "I think there is a landmark [court] decision in the making. We're going to establish freedom for legislatures across this country."<sup>52</sup>

Putnam Livermore, Chairman of the Republican State Central Committee, naturally did not see the defense of legislative prerogative as the issue. The Democratic redistricting plans were highly partisan and a "travesty to good government" in the words of the Republican Party Chairman.<sup>53</sup>

Throughout the 1971 ordeal Republicans counted on their ace in the hole -- the Governor's veto power. Even after the 1970 election Republicans were still confident Democrats would yield their legislative majorities when faced with a popular Governor who could render a convincing speech for "good" government.

For their part, Democrats were equally convinced Republican legislators would break ranks when faced with their own legislative oblivion. To borrow from Senator Harmer, both sides were racing toward the ditch believing the other would stop first.

Democrats foresaw three possible courses of action in the event of a Governor's veto:

1. An attempt could be made to obtain a 2/3 vote to override the Governor's veto. With the Republicans solidly against the legislation, the likelihood of an override was slight;

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<sup>52</sup> *Escondido Daily Times Advocate*, December 20, 1971, p. 1.

<sup>53</sup> *Sacramento Daily Recorder*, December 22, 1971, p. 8



2. Court recognition of legislative resolutions could be sought. Democrats had passed legislative reapportionment resolutions during the special session. If the override failed, Democrats could petition the court to approve their resolutions.

3. If the court did not recognize the resolutions Democrats could request that the court accept the vetoed redistricting plans as the highest expression of legislative intent.<sup>54</sup>

Democrats did not have long to wait long. Governor Reagan vetoed the redistricting bills on January 3, 1972. He accused the Democrats of drawing "tortuous boundary lines" to produce representation beyond their current levels. Reagan praised the valiant job of Republican legislators in stopping the Democrats during the regular session and holding fast when Democrats sought enactment of a set of partisan bills in the special session.

Democrats had given the "great communicator" ample ammunition for a public relations campaign for good government. A press conference with full radio and TV coverage highlighted Governor Reagan's stance. Elaborate maps and audio visual materials were used to expose an arrogant Legislature whose proposed districts demonstrated beyond doubt a contempt for traditional representative government.

The Governor had saved his party from accepting the Democratic plans. But California still did not have redistricting legislation. What would happen to the five new Congressional districts granted California by the 1970 census? Governor Reagan held out another solution in his veto message -- a reapportionment commission.

#### The Reapportionment Commission and the Courts

The federal plan adopted by the 1926 reapportionment initiative amended the California Constitution to provide for a reapportionment commission in revised Article IV, section 6. A reapportionment commission would reapportion the State Legislative districts if the Legislature failed to establish districts during its first regular session after each decennial federal census. The amended

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<sup>54</sup> *Modesto Bee*, December 27, 1971, p. A1 and A3.

Constitution provided a commission made up of the Lieutenant Governor, the Attorney General, the State Controller, the Secretary of State and the State Superintendent of Public Instruction.<sup>55</sup>

On December 9, 1971, even before the special session had concluded its work, Lt. Governor Reinecke announced his intention to convene the reapportionment commission because the Legislature had failed to reapportion the legislative districts in the regular session. The Lt. Governor declared the Commission would create a fair and equitable redistricting which would at the same time be non-partisan. Reinecke stressed that none of the five members on the Commission would be personally affected by the outcome. Conveniently Reincke, a Reagan appointee, ignored the fact that three of the statewide officers were Republicans and four were prospective gubernatorial candidates.<sup>56</sup> Without public funds for Commission activities, Reinecke declared he would ask able, respected and qualified citizens to serve as volunteer staff members to the commission to draw districts.<sup>57</sup>

Reinecke stressed the urgency for action. County election officials had to be able to draw precinct lines on the basis of new redistricting legislation for the fall 1972 elections. He had been informed that redistricting plans had to be complete by January 15, 1972. The complicated and lengthy election process had already been stalled by the failure of the State Legislature to enact new redistricting legislation and without immediate action the entire 1972 primary and general election process might be jeopardized. Thus the Lt. Governor declared the Commission must begin its work immediately:

Californians are demanding a fair, honest, and non-partisan reapportionment of the Assembly, a reapportionment that is not captive of the incumbents to public office, and one which reflects the one-man, one-vote concept required by the Supreme Court as well as communities of interest.<sup>58</sup>

Republican Controller Houston Flournoy was in favor of the Lieutenant Governor's action. However, Attorney General Evelle Younger, the State's highest legal officer, advised against convening the Commission. Younger saw no reason for haste:

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<sup>55</sup> Originally the State Surveyor served rather than the Controller. This was changed in 1942.

<sup>56</sup> Lieutenant Governor Reinecke, Attorney General Evelle Younger, and Controller Houston Flournoy were Republicans. Secretary of State Jerry Brown was a Democrat. The Superintendent of Public Instruction was a non-partisan position although Wilson Riles was a registered Democrat. Although the Lieutenant Governor declared the Commission to be non-partisan it was clearly GOP dominated.

<sup>57</sup> *San Francisco Examiner*, December 15, 1971, p. 18.

<sup>58</sup> *Sacramento Bee*, December 14, 1971, pp. A1 and A4.

I would expect that if nothing had happened by January 3 there would be no question that the Reapportionment Commission would be called, and I would attend.<sup>59</sup>

Legislative Democrats were naturally critical of the commission's proposed entrance into what they still proclaimed as their legislative prerogative. Even a Republican, Senate minority leader Fred Marler, had said:

It is unwise and inappropriate for the Commission to step in at this point. The threat of the Commission acting could severely hamper the delicate negotiation between both parties in the Legislature.<sup>60</sup>

The Lieutenant Governor called the first ever meeting of the reapportionment commission. Democratic Secretary of State Edmund Brown, Jr. asked Reinecke to halt the meeting until the Court ruled on the validity of the commission. The proposal was voted down. Brown next proposed a resolution to require all matters be passed by a 2/3 vote. Such a procedure would require one of the two Democrats to vote with the three Republicans for the Commission to function. This resolution was voted down by a vote of three to two.<sup>61</sup>

On December 17, the Commission published a notice that it would hold public hearings in Los Angeles and in San Francisco. The members unanimously adopted criteria for redistricting. Districts should be drawn:

1. as equal in population as is practical;
2. as contiguous and as compact as is practical;
3. in a manner to provide representation to all the people of California without discrimination on the basis of race, creed or color;
4. without respect to partisan registration; and
5. to respect existing governmental subdivisions and communities within the constraints of population equality.<sup>62</sup>

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<sup>59</sup> *San Francisco Chronicle*, December 10, 1971, p. 25

<sup>60</sup> *San Francisco Chronicle*, December 9, 1971, p. 1 and 32.

<sup>61</sup> Brown and Wilson Riles cast the two votes in favor of the procedure. Wilson Riles, the Superintendent of Public Instruction, hoped that the court would rule against the Commission because he felt miscast in the role of map maker. *Sacramento Bee*, December 15, 1971, pp. A1 and A24.

<sup>62</sup> Press Releases of Lieutenant Governor Ed Reinecke, December 8 and 10, 1971.

On the same day, the State District Court was approached by Democrats to halt the Commission from drawing legislative districts. On December 20 the Court made its decision. The Commission was ordered to desist in drawing legislative districts but it could continue to collect redistricting information. To this end, the Commission held its first public hearing on December 20 in Los Angeles. Comments focused on criticism of the legislative actions.

The court actions of January 1972 resulted in the State Supreme Court ordering that the 1972 State Legislative elections be held on the basis of the 1965 laws. The districts shaped by Democrats in 1965 were to be used for one more election.

The five new Congressional districts posed a different problem. The Court, without time to draw its own lines, reluctantly accepted the legislative plans of December 1971, even though the Governor had not signed the legislation. Shrewd pros that they were, the Congressional delegation had recognized their dependence on the State Legislature and the Governor. Only in the latter stages of the special session did senior Congressmen Democrat Chet Holifield and Republican Craig Hosmer, the atomic twins,<sup>63</sup> appear to argue their case, especially with the Governor. Though unsuccessful with him, and with Congressmen as a whole, their package, with many practical compromises, survived the legislative process. Their handiwork would become the districts used in 1972. It was a graphic illustration of generational differences and effective leadership.

The Court ordered that if the Legislature failed to act by December 31, 1972 to break the deadlock, redistricting would be the first order of business for the 1973 legislative session. (The Court would become actively involved in the redistricting process in 1973 as the result of *Legislature of California v. Reinecke*.<sup>64</sup>)

If the Court actually expected action, it was to be disappointed. Once the districts for the 1972 elections were declared, State legislators had no incentive to act. From the Democrats point of view, the legislative districts were ones that in 1961 had largely been shaped to their advantage and had been

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<sup>63</sup> Both Holifield and Hosmer served on the Atomic Energy Commission and though of opposite parties became so close they were often referred to as the atomic twins.

<sup>64</sup> *Legislature of California v. Reinecke*, 10 Cal 3d 396, 516 P2d 6, 10-11, 110 Cal Rptr 718, 727 (1973)

improved in 1965 and Democrats had won in those districts in 1970. Congressional districts were probably as good as could be in a split government.

On the other hand, Republicans had won a majority of the same Legislative districts in 1968. More than that, the presidential contest was looking more and more like it would be a Republican landslide.

Elections were held in the fall of 1972. Nixon won the State. Republicans had guessed right about the presidential outcome but there were no coattails. In the Congressional contests all the Democratic incumbents won and Democrats won three of the five new seats. Maybe old fashioned bipartisan negotiations were not so bad.

#### Further Legislative Attempts

Although the December 31 deadline set by the Court had passed, the Legislature had not given up on redistricting.

On March 8, Republican Assemblyman Mike Antonovich of Glendale unveiled a new redistricting plan in the Assembly in the form of amendments to Assembly bill 8. Antonovich labeled his plan a "constitutional" plan because it came closer to meeting the mandate of the California Constitution than any other plan thus far offered. Antonovich was referring to the section in the Constitution which read:

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 districts.

The Antonovich proposals avoided dividing counties wherever possible. No county was divided whose population warranted less than two districts. Only in three instance were parts of one county attached to another: Yolo with Sacramento; Mono and Inyo with San Bernardino; and Imperial with San Diego. Every county with less than two seats was either a separate district or attached to other counties to form a district. The only cities which were divided by the plan were Oakland, San Jose, Los Angeles, Long Beach, San Diego, and Industry. The deviation from the smallest to the largest district would have been 22%. Minimal division was achieved by creating a number of at-large districts in homogeneous

areas. Under Antonovich's plan, eight incumbents would have been forced into confrontation with their peers.<sup>65</sup>

Chairman Ken Meade placed Assembly bill 8 on the inactive file, where it stayed until the end of the session. Meade said he made the move because Republicans who previously favored the bill withdrew their support. Assembly Republican Caucus Chairman Robert Beverly stated he was not aware of any promise given by Republican Assemblymen to support the Democratic proposals. Beverly asked how they could support the measure given that it would have cost Republicans three to four Assembly seats. Meade responded:

This bill was not a rape of the Republican Party. It was a good bill for the Republicans. It gave them three seats more than they have now. Their experienced members were all preserved, and their communities of interest were preserved and maintained.<sup>66</sup>

Meade used Assembly bill 164 as a device for another attempt to redistrict the Assembly. Meade asserted the new bill would provide Republicans a gain of two to three seats.<sup>67</sup> Again deviations did not vary more than 1% from the ideal average population of Assembly districts of 250,000. Meade's proposals made only two districts toss-ups so that the bulk of the opps of both parties had safe districts. Calls of gerrymandering and partisanship dominated the opposition's objections but it appeared that enough legislators in the Assembly might under the right circumstances vote to override a Governor's veto. On May 17, 1973 Assembly bill 164 passed the Assembly by a vote of 63 to 12.<sup>68</sup>

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<sup>65</sup> Democratic Assemblymen Bee of Alameda and Foran of San Francisco had their seats collapsed. Republican Assemblyman Ray Johnson and Democratic Assemblywoman Pauline Davis were combined in the rural north. An intra-party contest loomed between Republicans Frank Lanterman of Pasadena and John Collier of South Pasadena in a primary for the 43rd district. Likewise Democrats Jack Fenton of Montebello and Walter Karabian of Monterey Park might face a primary contest. Democratic Assemblyman Joseph Montoya of La Puente and Republican Bill Lancaster of Covina would face off in Los Angeles County

<sup>66</sup> *Sacramento Bee*, December 27, 1971, A8.

<sup>67</sup> In the Bay Area John Foran's San Francisco district would be collapsed. In Alameda, core districts would have been preserved at the expense of Carlos Bee. Los Angeles county Democrat Walter Karabian's Monterey Park district and Harvey Johnson's El Monte district were combined. Santa Clara, Orange and San Diego would have gained by these shifts.

<sup>68</sup> The twelve dissenters were 4 Democrats and 8 Republicans. Democrats Bee and Foran whose districts were collapsed voted no. Democrat Thurman of Stanislaus County dissented because San Joaquin County had been split three ways, along with the City of Stockton. His Stanislaus district would be extended into San Joaquin and Stockton. Edwin Z'berg of Sacramento was the fourth Democrat to vote against 164 apparently because his new district included new territory in Yolo County, West Sacramento County and parts of San Joaquin.

The Assembly redistricting was affected by the sudden deaths of two Assemblymen. Assemblyman Crown of Alameda was hit by a car while jogging and killed instantly on May 21. Only days after his death, Meade made a further amendment to the Assembly plan to save Carlos Bee's seat. Crown's district was collapsed and the territory was dispersed among March Fong, Ken Meade, John Miller and Carlos Bee. Because Crown's district had been collapsed, Bee's did not have to be.

Then the first agreement in over two years was threatened by the death of Democratic Assemblyman Carley Porter. A special election was held on May 29, 1973, in Porter's Paramount-Compton district in Los Angeles County and was won by Republican Robert M. McClennan. The 38 Assembly district had always been counted as a Democratic district in reapportionment analysis by both sides because of the late Assemblyman's long tenure and because of its substantial Democratic registration. On the basis of McClennan's victory, Republicans pressed to change proposed lines to increase Republican chances to retain the district.

Minor though it was the scenario highlighted the ridiculous game being played. Republicans had argued for months that Democratic districts rigged for partisan purposes would prevent a Republican take over. Both sides strongly supported the conclusion that the 38th district was a Democratic district. Then a Republican won. Politicians allowed their leaders to be the puppets of the gerrycrats in the back rooms. Opps retained their positions of authority and their prestige while decision making was seized by the so-called experts.

The Senate was also at work on redistricting. In late March, the two rival Senate redistricting plans faced a showdown. Chairman Dymally amended his bill on March 19, 1973. The main feature was a call for the collapse of Senator Moscone's district because the San Francisco Democrat planned to run for Governor in 1974. Combined with parts of San Mateo County and Marin County, San Francisco would have two at-large districts to obviate a primary confrontation between Republican Senators Behr and Marks. The collapsed Moscone district would provide the Latino district Dymally needed to balance his demand for an additional black district in Congress. Numerous other concessions, substantive in some



cases but mostly minor, were added in the hopes of achieving a consensus.<sup>69</sup> Dymally pointed out that most major cities were left intact and 45 of 58 counties were united (compared to 40 in the previous proposal).<sup>70</sup>

Two days later, on March 21, the Zenovich-Harmer plan which had provoked controversy in late 1971 had its committee hearing. Its provisions were significantly different from Dymally's. In contrast to Dymally's near 1% deviation in population between districts, the Zenovich-Harmer plan used a deviation factor of about 16%. Senator Short's San Joaquin district was sacrificed in the north. Unlike the earlier version a Latino district was created in Los Angeles by taking portions of the districts of Senators Walsh, Dymally and Roberti.<sup>71</sup> Twenty counties were split, as were cities such as Fresno, Merced, Stockton, Davis, Vallejo, Richmond, Livermore, Santa Barbara and Los Angeles.<sup>72</sup>

The Democrat's analysis of Senate bill 195 concluded that at least three Democratic Senators would be weakened: Stierns, Gregorio and Alquist. Democrats asserted the bill would have given the Republicans a 23 to 17 edge.<sup>73</sup>

Latinos preferred the previous Senate bill 62 over the districts embodied in 195. The Latino district in the later stretched from downtown Los Angeles to downtown San Bernardino in a thin line that would be difficult to make into a strong base. Even the author had reservations because of the Governor's criticism of elongated districts.<sup>74</sup>

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<sup>69</sup> Senator Coombs's district was confined to San Bernardino, his home, rather than including parts of Orange County. Senator Lagomarsino received all of Santa Barbara County (including UCSB) while losing Simi Valley in Ventura. Senator Way acquired 185,000 people in San Bernardino to stretch from Riverside County to Mono's northern boundary. Senator Deukmejian's district was shifted to Orange County. Senator Grunsky's Santa Cruz district extended from his Central coast base into Santa Clara. San Joaquin was attached to Stanislaus. Contra Costa was a single district. Alameda retained two at-large districts. Santa Clara again shared its population surplus with three other districts while the 14 district extended into Alameda.

<sup>70</sup> *Modesto Bee*, December 27, 1971, pp. A1 and A3.

<sup>71</sup> Senator Stiern's district took in San Luis Obispo and coastal Santa Barbara to pick up the UCSB campus, while losing Kings. Zenovich's Fresno district extended northward along the western side of the San Joaquin Valley including parts of Stanislaus, Merced, Fresno, Santa Clara and all of San Benito. Senator Short's San Joaquin district was collapsed and split into four parts to be shared by four Senators -- Zenovich, Berryhill, Alquist and Behr. Alameda and San Francisco were split to two district each rather than two at-large districts. Santa Clara and Orange both shared their surplus population with other districts rather than having whole or substantially whole new districts in their counties.

<sup>72</sup> *San Francisco Examiner*, January 3, 1972, p. 32.

<sup>73</sup> *California Journal*, December 1971, pp. 329 and 347-48.

<sup>74</sup> *Sacramento Bee*, December 14, 1971, pp. A1 and A4.



A large contingent of angry residents from nearby Stockton were led by their Senator Short who said he felt "like a darn fool" because he was the one who originally urged Zenovich to author a bill. Short said to Zenovich that he had buried a huge ax in the middle of his back by dividing up San Joaquin in such a way it would likely no longer would have a representative in the Senate. Short warned Zenovich, who was to acquire sections of the San Joaquin if the bill became law, not to expect many votes there.<sup>75</sup>

When the Elections and Reapportionment Committee voted on the bills, two 5 to 4 splits occurred, one in favor of Senate bill 62 and the other for Senate bill 195.<sup>76</sup>

<u>Senator</u>	<u>SB 62</u>	<u>SB 195</u>
Alquist	Yes	No
Carpenter	No	Yes
Coombs	No	Yes
Dymally	Yes	No
Harmer	No	Yes
Moscone	Yes	No
Nejedly	Yes	No
Petris	Yes	No
Zenovich	No	Yes
	5-4	4-5
	Adopted	Failed

Senate minority leader Marler claimed 195 was a bill that most of the Senators, including several Democrats, would support and the Governor would sign. The Committee was the stumbling block. There were three possible solutions according to the minority leader: change the existing personnel of the committee to assure passage; amend Senate bill 62 to make it correspond to 195; or make a motion to withdraw 195 from the committee to the floor of the Senate.

<sup>75</sup> *San Francisco Chronicle*, December 10, 1971, p. 25.

<sup>76</sup> Senator Nejedly did not support 195 because his county was split. 62 preserved the county as a unit. 195 carved up the cities of Hercules, Pinole, Richmond, and Rodeo in Contra Costa. *Sacramento Bee*, December 15, 1971, pp. A1 and A24.

On March 28 the Senate Rules Committee, pressured by the Harmer-Zenovich forces, voted three to two to increase by two the membership of the Elections and Reapportionment Committee. Senators Behr and Collier were appointed. This was clearly designed to get Senate bill 195 passed out of the committee.

Senator Dymally stated:

This is outrageous, its incredible. They didn't see fit to stack the committees last year when the coastline bill was bottled up. They didn't do anything when no-fault insurance was tied up. This destroys the integrity of the committee system. It is a power play of the GOP with the Governor's support. I believe it is a very bad precedent that will live to haunt them.<sup>77</sup>

Zenovich responded by expressing his frustration in trying to negotiate with Dymally. He was disturbed because Dymally had sent a mailer to 7,000 Democrats throughout the State attacking Senate bill 195.<sup>78</sup>

On March 29 the Senate Rules Committee rescinded its action of the previous day by a vote of three to two: Senator Stevens joined Senators Kennick and Mills leaving Senators Lagomarsino and Zenovich in the minority.

On May 3 Senator Dymally drastically amended his redistricting bill. Whole counties were emphasized.<sup>79</sup> The Dymally proposals gave Senator Walsh back his old number but in basically a new Latino district, while the Senator Wedworth was given a greater black population. The net effect was to split only 13 counties. The districts all came within a one to two percent deviation from the ideal

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<sup>77</sup> *San Francisco Examiner*, December 15, 1971, p. 18.

<sup>78</sup> *Ibid.*

<sup>79</sup> Senators Collier, Short and Marler were given districts made up of whole counties. Senator Behr was given all of Solano Marin and Napa counties and parts of northern Sacramento. Senator Rodda retained the bulk of Sacramento's population but had his district extended to take in U.C. Davis in Yolo, with Marler given the remainder of Yolo. Senator Grunsky was given all Monterey, Santa Cruz, San Benito, and San Luis Obispo counties rather than parts of Santa Clara. Senator Stiern retained the whole counties of Kern and Kings to which San Bernardino was added. San Francisco and Alameda County at-large district were split. Senator Moscone's district was made up of the bulk of San Francisco City and County. The remainder of San Francisco was given to Senator Marks along with parts of San Mateo County. Other changes centered around the San Joaquin Valley. Senator Way's district would have extended from El Dorado County to Inyo County and rural parts of Sacramento and Fresno counties. His fellow valley Senator, Zenovich, would have taken in the remained of Fresno County and Merced County.

population. Dymally attempted further amendments on May 16.<sup>80</sup> Though making the third reading, Dymally could not get enough votes for passage and the bill finally died on the inactive file.

Senator Zenovich also proposed amendments in May. Designed to satisfy as many incumbent Senators as possible, most of the amendments had surfaced in previous proposals.<sup>81</sup> The Zenovich/Harmer proposal had a 16.2% deviation factor.

The Senate Elections and Reapportionment Committee passed the Zenovich-Harmer proposals by a five to three vote. Senator Alquist was the swing vote on this occasion.

	<u>Vote</u>
Alquist (D)	Yes
Carpenter (R)	Yes
Coombs (R)	Yes
Moscone (D)	Not Voting
Nejedly (R)	No
Petris (D)	No
Zenovich (D)	Yes
Harmer (R)	Yes
Dymally (D)	No

The Senate voted on Senate bill 195 on May 23 and it was passed by a vote of 25 to 13

	Republicans	Democrats
YES	15	10
NO	4	9

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<sup>80</sup> San Francisco, part of San Mateo districts of Moscone and Marks became at-large districts. Calaveras County was moved from Senator Way's district to Senator Berryhill's.

<sup>81</sup> Senator Collier had the 1 Senate district. Senator Rodda's 5 district retained most of Sacramento County but now included the City of Roseville in Placer County, with its Democrat base that would have troubled Senator Marler. Senator Berryhill's district and Senator Zenovich shared the collapsed district of Senator Short. Senator Stiern retained his Kern and Kings counties but also acquired coastal Santa Barbara. Senator Bradley's Santa Clara district continued to extend into eastern Alameda including the Republican strongholds of Pleasanton and Livermore. A Latino district was created beginning in East Los Angeles and extending into western portions of San Bernardino as far as Fontana and Colton. Rearrangements for Republican Senators Stevens and Lagomarsino removed UCLA and UCSB, respectively, giving them to Democrats Stiern and Beilenson.

Once Assembly bill 164 was passed through the Assembly it was sent to the Senate Elections and Reapportionment Committee where the contents of Senate bill 195 and the Congressional plan were added to it. On June 5, Assembly bill 164 passed the full Senate by a vote of 21 to 15.

	Republicans	Democrats
YES	13	6
NO	8	7

However, Governor Reagan refused to sign the Legislation. Reagan's rationale for not compromising with the Democratic legislature was that nothing done by the Courts could be worse than plans passed by Democrats.

#### The Masters' Plan

On March 23, 1973, the Court had moved forward by announcing procedures to resolve the redistricting dilemma:

1. three special masters were to be appointed to conduct public hearings on redistricting;
2. the masters would present recommendations to the Court by August 31, 1973. Parties to the litigation would have 30 days thereafter to file briefs; and
3. the Court would hear oral arguments during its October or November session.

The Court announced two general guidelines:

1. the new districts would adhere to the one person, one vote doctrine; and
2. the court would not accept a plan with at-large districts.<sup>82</sup>

The Court indicated its reluctance to enter the political arena. Legislative plans passed and signed by the Governor before August 31st would be considered by the Court.

Reaction to the Court's decision varied. Lieutenant Governor Reinecke was hopeful and indicated his plans:

I'm delighted the State Supreme Court has finally accepted the task of reapportionment, and I will make a presentation before the court-appointed masters when they hold

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<sup>82</sup> The Court reversed its stance on this issue in May.

hearings. I'm confident the masters will redistrict in favor of the people and not in favor of politicians in the Democratic-controlled Legislature.

Democratic Senator George Moscone said:

This enhances the chances for a legislative reapportionment. It tells us we still have a chance to do the job and it gives us a specific date. It seems to me August 31 gives us more than sufficient time.

Republican Assemblyman Bob Beverly commented that the Court's action, "Gives us a green light in a way and a little more incentive". Senate Chairman Mervyn Dymally was confident of action:

I am convinced that if we are able to work under the same conditions which existed in 1971 -- with a spirit of bipartisanship free from partisan pressures from the Governor's office -- that we can come up with an acceptable plan.

Senator James Mills less optimistic:

I don't think this will change anything. I have been convinced for some time the Court will have to reapportion. The reason is the Governor will prevent the Legislature from doing it. This is the role he has consistently played.

Three retired judges were appointed as the masters on May 1, 1973: Associate Justice Martin J. Laughlin of the 4th Appellate District Court, Los Angeles Superior Court Judge Harold F. Collins and San Francisco Superior Court Judge Alvin E. Weinberger. Laughlin was a Republican and Collins and Weinberger were Democrats.<sup>83</sup> State legislative data were turned over to the Masters' staff and work began free from political considerations.

Public hearings were initiated by the Masters in June at Sacramento, Los Angeles, San Diego and San Francisco. Testimony given at the hearings was primarily critical of the Legislature's previous work. Witnesses charged that the creation of safe districts proved lawmakers were interested only in their own re-election without regard for community of interest among cities and counties. Specific criteria were urged upon the masters by individuals, groups, and city and county officials.

The range of suggestions was wide. One view advocated creating districts on the basis of strict numerical equality of population to the neglect of other considerations. Other ideas included increasing the size of the Legislature, eliminating single member districts in favor of a Legislature elected at-large, and rejecting systems deemed to be detrimental to the election of women and minority groups.

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<sup>83</sup> Weinberger is the cousin of Caspar Weinberger.

Governor Reagan was represented at the hearings in San Francisco by his executive assistant Edwin Meese, III. Meese declared the Governor would have signed the Senate bipartisan plan had the Assembly and Congressional plans not been amended to it. A statement on Reagan's behalf again emphasized that county and city boundaries should be followed when possible to group communities together which share common historical, geographical, cultural and other interests. The Governor also urged against the creation of a black or Latino district as such. However, Reagan was against splitting an ethnic or racial community to protect an incumbent:

District boundaries should not attempt to exclude or include particular ethnic or racial minorities, and when such minorities exist in large numbers, those communities should not be carved up among several districts in order to protect incumbents of another race or ethnic background.

Numerous plans for districts were presented by individuals and groups at the hearings. Lieutenant Governor Reinecke reintroduced the Hofeller plan. Assemblyman Antonovich presented an alternative at the Los Angeles hearing. The Assembly Republican caucus offered an Assembly redistricting plan at the July hearing in San Francisco. Hofeller was also the author of the caucus plan. The Republican program projected losses in 1974 as four Democrats and even one Republican.

Assemblyman Charles Warren and Beverly Hills attorney Herman Selvin took up the battle for Assembly Democrats contending protection of incumbency was not improper. The Assembly plan merely followed the *Gaffney v. Cummings* case which held that incumbency to be a legitimate factor in districting considerations. The plan would favor retention of a nucleus of experienced legislators, according to Warren.

Following a strategy suggested by Assembly Chairman Waxman, the Senate passed a resolution, Senate Resolution 51, which stated that the State Supreme Court should adopt the Senate redistricting plan.

The masters' reports and recommendations were submitted on August 31, 1973. Seven criteria for determining districts were given, an elaboration on their initial instructions. Equality of population was to be pursued with the goal of achieving a deviation of no more than about 2% from the ideal. Population was to be primary and above other considerations. In considering how compact and

contiguous a territory was, availability of transportation and communication should be considered. The goal should be close contact between the people in a proposed district, and between the people and their elected representatives. Counties and cities should be unified within districts as far as practicable. Basic geographical regions in California should be recognized when feasible. Common social and economic interests should be considered in including or excluding an area from a proposed district. Recognition of such communities of interest would promote fair, effective and reasonable representation.

Using these criteria the masters rejected the bills of the Legislature. The masters found that the legislative products needlessly departed from the criteria of compactness and maintenance of county line and city line integrity. They contended that the Senate plan raised "grave constitutional questions" because of its population disparity and dilution of the voting strength of black and Latino voters. The masters recommended rejection of protection of incumbents as an essential element in redistricting:

While protection of incumbents may be desirable to insure a core of experienced legislators, the objective of reapportionment should not be the political survival or comfort of those already in office. A plan that seriously jeopardizes most incumbents would not necessarily be in the public interest, but the advantage enjoyed by incumbents accruing from their former service and from name recognition makes it highly unlikely that most would be in serious jeopardy solely because of redistricting

The masters emphasized the retention of incumbency should be based on the incumbent's "effectiveness and responsiveness to constituents rather than upon the design of district boundaries." The masters acknowledged the natural inclination of incumbents to value stability and predictability but emphasized that the purpose of redistricting was to provide representation not incumbents.

The masters also drew up their own plan for districting, using the criteria recommended by their staff. The first step in preparing the plans was dividing the State geographically into five basic areas:

1. North Coastal and Interior counties: Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehema, Plumas, Mendocino, Glenn, Butte, Sierra, Lake, Colusa, Sutter, Yuba, Nevada, Napa, Sonoma, Yolo, Placer, Marin, Solano, Sacramento, El Dorado, Amador, San Joaquin, Calveras, Alpine, Stanislaus, Tuolumne, Mono, Merced, Mariposa, Madera, Fresno, Kings, Tulare, Inyo and Kern;
2. San Francisco Bay counties: San Francisco, San Mateo, Santa Clara, San Benito, Contra Costa and Alameda;
3. Central Coast counties: Santa Cruz, Monterey, and San Luis Obispo;
4. Central Metropolitan Area counties: Santa Barbara, Ventura and Los Angeles; and
5. Southern California counties: Orange, Riverside, San Bernardino, San Diego and Imperial.

The next step was to balance the regions so that each came as near as possible to the ideal Assembly size of 249,000 people. Similar regional allocations followed for Congressional districting. Only in the Los Angeles area, which had approximately 40% of the State's population, did the procedures differ.

The masters recommended that the residency requirement be waived for the next election.<sup>84</sup> Finally, the masters recommended that the 1974 election include only Senators from even numbered districts rather than being a full election of all 40 positions. (In 1965, the Court had ruled in *Silver v. Jordan* that a full election be held but with one-half of the Senate elected for only a two year term, while the other 20 seats would be elected for four year terms.) In effect the staggering of terms would be perpetuated.

#### The Court Acts, October and November 1973

As specified in its initial decision in March the State Supreme Court waited 30 days after submission of the Masters' Report to allow interested parties to express their views on the proposals. Five hours of oral testimony were presented to the Court on October 30, 1973.

Senate Rules Committee Attorney Daggett maintained the Court did not have constitutional grounds to engage in redistricting. The Court had gotten itself into a confounding situation, using its left hand to draft a plan while the right hand determines if it is constitutional or not. Daggett's answer was to adopt the Senate's plan, Senate bill 195, and get the Court out of it. Other witnesses complained about particular districts that were of interest to them or the communities that they represented. Witnesses generally wanted to reject the master's plans and substitute their own solutions.

The Senate made a final effort to salvage a redistricting plan. Two new plans were proposed by the Republican Caucus. Each included population shifts between districts and the renumbering of districts from odd to even. It was suggested that exchanges of single census tracts would solve some residence problems between adjacent Senate districts. In essence the revisions were said to provide for a more orderly election of Senators and to minimize the two year gap in representation resulting from the masters' numbering system.

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<sup>84</sup> The California Constitution required one year's residency prior to filing papers for office.



Under the first plan, population shifts would result in no additional splitting of counties or cities beyond that provided in the masters' plan.<sup>85</sup>

The Senate's second plan reduced the number of counties and cities divided. By reuniting Santa Barbara, Kern and Stanislaus counties, only 14 counties would have been split rather than 17 under the masters' proposal. Other shifts would have resulted in the division of only 15 cities rather than 22. The changes would have been at the expense of population deviations of up to 5%.<sup>86</sup>

Although presented as a way to alleviate the two year representation gap, the Senate proposals still left several areas unrepresented for two years. In that category were San Joaquin, Kings the southern portion of Sacramento County and many parts of Los Angeles and Orange Counties.

In an unanimous 7 to 0 decision the State Supreme Court on November 28, 1973 ordered the masters' plans into effect. The die was cast after nearly two years of wrangling.

Chief Justice Wright wrote the Court's opinion. He rejected arguments that incumbency should be a major factor. "Incumbent-neutral" districting was preferable. Redistricting which favored incumbents was detrimental to non-incumbent candidates and the electorate.

Faced with a myriad of appeals the Justices observed:

Any attempts that we might now make to redraw specific district lines to achieve possibly more reasonable results would run the serious risk of creating undesirable side effects which we could not foresee and which adversely affected parties could not call to our attention in time for corrections to be made.

Regarding the staggered election of Senators the Court ruled in favor of election of one-half of the membership every two years as required by the Constitution (Article IV, section 2). The Court reasoned that though some citizens would not vote for a State Senator in the 1974 election, the divided system should be perpetuated. Even numbered Senate seats would be up for election in 1974 and odd numbered seats in 1976, rather than an election of the entire Senate in 1974, with half elected for 2 year

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<sup>85</sup> Marin was removed from the new 2 Senate district and Yolo and Colusa and additional 40,000 people from Sonoma were substituted. In terms of renumbering, the Republican proposal would have changed SD 1 to SD 2; 8 to 9; 27 to 26; and 30 to 29. To facilitate an orderly numerical map progression district 26 would have been renumbered 28; 29 as 27; and 28 as 30. Exchanges of single census tracts between districts would alleviate residence problems for Democratic Senator Holmdahl by moving his residence into the 8 SD, while Senator Zenovich's residence would have been moved into 14 SD. Daggett's first plan would have favored Senator Marler at Senator Collier's expense.

<sup>86</sup> The second proposal was similar to the first but had more land exchanges especially in the Los Angeles area. Only Democratic Senators Short and Walsh were not saved in this second proposal.

and half for 4 year terms. Though their ruling meant that voters who were moved from an even numbered district to an odd numbered district were not able to vote until 1976, six years after their last Senate vote, and those who were moved from odd to even numbered districts were able to vote in 1974, after a two year interval, such inequalities did not constitute "invidious discrimination" in violation of the 14th Amendment (equal protection clause).<sup>87</sup> Rather the Court ruled such results were the "inevitable byproduct" of districting with staggered four year terms:

The resulting inequality among electors is limited to the two-year period following reapportionment and results in even less temporary disenfranchisement that may be imposed on residents who move into a senate district or who become of voting age shortly after an election. To obviate the inequality would substantially interfere with the orderly operation of the four-year staggered terms systems after every reapportionment.

In the remainder of the opinion, the Court discussed the minor technicalities necessary to facilitate orderly implementation of the redistricting. The Court ruled that vacancies in the odd numbered districts which occurred between 1974 and 1976 would be filled in special elections held using the 1965 districts.<sup>88</sup> The Court modified the masters' numbering system by reversing numbers in two Alameda districts (8 and 9) and two Los Angeles districts (27 and 30).<sup>89</sup>

Initially, the impact of the Court's acceptance of the masters' plan was felt by incumbents forced into contests with one or more of their peers. In the Assembly, Republicans were faced with primary challenges against Republicans, seven Democrats had to face primary struggles against other Democrats, and five contests between a Democrat and a Republican could be anticipated.<sup>90</sup>

Contests between incumbents in the Senate were also to be expected, although for a number of reasons, not all materialized. In one district, three Republicans were pitted against each other.<sup>91</sup>

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<sup>87</sup> Some citizens had two senators in 1974. For example, most of the district population of the 2 SD had voted for Senator Marler in 1970. Under the Court plan, Marler would not be able to run in the 1974 election because the new district including these same people had an odd-number. Thus, most of the old 2 SD was not represented for a two year period and would wait until 1976 to cast a senatorial ballot. In contrast the new 2 SD would be represented by Republican Senators Behr and Collier. With the even number (4 SD) Senator Behr was eligible to run in 1974. Senator Collier, elected in 1972 in the old district which included portions of the same territory (except for Marin county), could represent the area until 1976.

<sup>88</sup> Only two special elections occurred in the interim. Assemblyman Newton Russell won the 21st district and Assemblyman Bill Greene the 29th SD.

<sup>89</sup> The number reversal allowed Petris of Oakland and Stevens of Los Angeles to complete their four-year terms.

<sup>90</sup> David (D) vs. Johnson (R), Vasconcellos (D) vs. Hayden (R), Thurman (D) vs. Carter (R), Ralph (D) vs. Wakefield (R), and Collier (R) vs. Alatorre (D) or Garcia (D).

<sup>91</sup> Republican Senators Stull, Schrade and Biddee were all in the new 38 Senate district.

The overall result of the realignment of districts was to create districts with populations ranging from 495,245 (-1.02%) in the 18 Senate district to 508,903 (+1.92%) in the 1 district, the ideal Senate district size being 499,322. Assembly district populations ranged from 244,928 (-1.90%) in the 29 district to 254,507 (+1.94%) in the 1 district.

The immediate results? In the 1974 elections, the Democrats swept 28 of the 43 Congressional districts as designed by the Court, and had comparable state legislative results. Of course, the impact of Watergate on the 1974 elections cannot be ignored. By 1980 the Congressional ratio became 22 Democrats and 21 Republicans; hence, the contention that the court-ordered plan was objective and free of political bias. On the other hand, similar results had occurred after the implementation of the political plans of the Republicans in 1951 and the Democrats in 1961.

#### Evaluation of the Court Ordered Districts

Obviously other alternatives were available, but why were the specific choices made? Who made the decisions? Did the masters carefully weigh all the options? Were computer input techniques learnt by the masters or their staff members? Did the masters devise numerous alternatives before striking on the best plan?

As is true of any committee action, the idea that important individuals come to a table free of political bias is preposterous on the face of it. Committee members, whatever their background, rely on the advice of their staffs. Theoretically the staff members may be neutral, but any expert who is knowledgeable about redistricting will have political experience and be politically aware, just like legislators. The notable difference is that staff members are not responsible to anyone, unless the commissioners hold them accountable. The expectation is that the masters, who have already retired from their professional positions, will give diligent consideration to the alternatives.

The master's report gave a substantial number of criteria to be considered in redistricting.<sup>92</sup> But the criteria were not prioritized. Multiple criteria without priority becomes a grab bag of options and their

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<sup>92</sup> Report and Recommendations of Special Masters on Reapportionment (August 31, 1973) in *Legislature of California v. Reinecke*, 10 Cal 3d 396, 516 P2d 6, 10-11, 110 Cal Rptr 718, 727 (1973).

use becomes totally dependent on the integrity of the decision maker. The staff experts could shift from one criterion to another, much as the authors of the 1951 reapportionment plan had.<sup>93</sup>

The 80 Assembly districts were to be grouped into 40 Senate districts. The resulting districts were reasonably compact and equal in population and were certainly an improvement over the ludicrous districts of the 1971 proposals.

With respect to the Congressional districts, the infamous 28 district remained substantially intact despite more than a decade of derision, although cities and recognized communities were consolidated to give the stringy district more bulk.

Strange results occurred. The incumbent Congressman in the 31 Congressional district, who had a narrow victory in 1972, was given his wish, a push eastward to include Lynwood in the district. Rees's 26 district was pushed westward to form the open 24 district, to the delight of Assemblyman Waxman who did not have to challenge an incumbent. The 37 district, carved out of the Los Angeles core area at the insistence of Dymally, was kept intact. The only centers of Democratic strength in San Diego County, in the Inland Empire (Riverside and San Bernardino) and in Orange County were clustered. Burton's allies were granted their wishes, while the opponents fared less well.

Trying to make sense out of redistricting results is difficult due to the impact of Watergate. Three academic accounts have attempted to assess the impact of Watergate on the redistricting. Wilmering's thesis was written closest to the event and focuses on the immediate impact. Professor Baker was a participant in the formation of the masters' recommendation. Anthony Quinn brings an astute Republican participant's view. His account gives the insider perspective with a tinge of disdain for the opposite party, whose operatives he sees as being only ideologues on the loose.

This assessment does not substantially disagree with the facts, or even most of the interpretations, given by them. What is missing, however, is the common sense of politics. The 1971 and 1973 redistrictings were done by expert bureaucrats playing with new computers. Without guidance the print-

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<sup>93</sup> *Report of the Assembly Interim Committee on Elections and Reapportionment*, (Sacramento, CA: State Printing Office, 1951) by Hinderaker, Ivan; see also Hardy, Leroy C., "The Theory and Practice of Reapportionment," (paper delivered at the 1960 Annual meeting of the Am. Political Sci. Association, NYC), for a critique of the same.

outs became more and more ludicrous. Decision making moved further from the legitimate loci of power -- the Legislature. Of the new controllers of power it could be said: a little learning is a dangerous thing.

Redistricting in 1951 was described as a series of firsts. Redistricting in the 1970s brought two additional firsts, executive-legislative stalemate and court imposed redistricting. Much of the drama in the 1970s centered on the Legislative scenes. One group came out ahead, the old Congressional pros. Partly their success was due to lucky circumstances but their preparations and insights were crucial.

The Court and the masters had temporarily solved the redistricting problems of the 1970s. Initially the Republicans were dissatisfied because of the significant Democratic gains, but they were ignoring the Watergate distortions. With the gains after 1976 Republicans became more satisfied. In 1980 an initiative, Proposition 6, was sponsored by the Republicans to give constitutional sanction to the Masters' criteria. It was approved.

Democrats on the other hand had been elated in 1974. In their euphoria the Democrats quickly forgot what had got them in the dilemma and the dangers from which the Courts and Watergate saved them. Still in power in the late 1970s, their ignorance and arrogance knew no bounds. They would turn again to their experts who had triggered the fiasco in 1971 and 1973.

In the long run, the real questions for leaders of both parties should have focused on what the courts had accomplished. The significant result of the court action was to prove that fair redistricting could be done without significant discombobulation to incumbents. If districts could be created by masters which did not jeopardize an overwhelming number of incumbents why couldn't the legislators do the same thing? Why couldn't legislative leadership negotiate what the premises of the system required?

The writer suggests the illusion of the bond of partisanship blinded leaders to reality. In fact partisanship had evaporated. Parties were only vehicles for the self-advancement of opps, preferably of both parties. When the issues became ideological the bipartisan opps were incapable of negotiation. When the legislative leaders trusted their futures to staffers, the die was cast. The cry "trust us, we know best" relieved the legislators of responsibility. The only problem was that the actions of their staffers robbed the opps of their legitimacy. The gerrymanders finally alerted an apathetic public to the hypocrisy.

## Case Studies

Although the districts proposed in the 1971 and 1973 legislative bills did not become law, consideration of some of the proposals is worthwhile because of the lessons offered, most of which have gone unlearned. Whereas in 1951 and 1961 districts were lifted bodily from one county to another, and parts the Los Angeles basin were lifted from the core and moved to the periphery, in 1971 the Assembly gerrycrats elongated districts for survival purposes or to meet rising ethnic demands. The ethnic considerations discussed by the State Senators and Congressional delegates merely covered a more subtle agenda of power building.

### The 57 and 69 Assembly Districts: Non-Negotiable Districts

In an act of incredible arrogance, Chairman Waxman indicated to his peers that two districts were totally non-negotiable. One was for a friend outside the Legislature and another was for a friend who wanted a solid political base. The hours devoted by the consultants to the perfection of those two probably equaled the time spent on the 78 other districts. The other legislators tolerated the usurpation and abuse of their authority.

Chairman Waxman wanted Howard Berman, the brother of his chief consultant Michael Berman, in the Legislature -- regardless of who might be discombobulated. It was non-negotiable.

The target became Republican Assemblyman Charles Conrad, whose 57 Assembly district had gradually lost the compact shape it had in 1940. It had slinked its way westward over the Hollywood Hills into the San Fernando Valley and, in 1965, to the frontier areas of the county. Conrad, vice-chairman of the 1951 Reapportionment Committee and at one time considered a Congressional candidate, had settled into an Assembly career, rising to minority leader in the mid-1960s and then to Speaker pro-tempore with the Republican majority of 1969 to 1970. He rightly regarded himself as a redistricting expert and during the 1960s battles was often fighting a rearguard action.

Conrad's problems with new settlers in his district grew apace. In 1951 he had removed the Jewish sections from his 1941 district but the Jewish enclave seemed to have an affinity for Conrad and kept moving with him. As blacks moved into the older Los Angeles core areas occupied by Jews, the Jews made an exodus into the San Fernando Valley and into Conrad's district.

The election returns spelled increasing trouble for Conrad. In the gossip upon which the Waxman/Berman organization thrived, Conrad was labeled a "has been" who had lost touch with his district. Conrad was Republican and from their perspective was old-fashioned. The problem was that this politically incorrect legislator still won elections. But concepts of representation, responsibility and legitimacy were, of course, unimportant to the politically correct.

While other districts were elongated to protect incumbents, Conrad's district was lifted and placed miles from its home base, not into a growth area but into an area of stable population. Waxman's district was moved northward into Conrad's district, leaving other sections of Waxman's district to form the new Berman district.

The other non-negotiable item was revamping the Orange County district of Assemblyman Ken Cory. As Orange County's lone Democratic Assemblyman in an increasingly Republican area, Cory followed the pattern set by Orange County's lone Democratic Congressman Richard Hanna in 1967. At that time, while Republican Congressmen in southeastern Los Angeles County had solved the problem of increasingly marginal districts by elongating them into Republican rich Orange County, Hanna had found Democratic sections in Los Angeles County to his liking. Cory sought the same solution.

There was a basic difference however. In the case of Hanna's district, the whole of the City of Lakewood in Los Angeles County was linked with mainly unified cities in Orange County. In Cory's case, Mr. D'Agostino's computer and staff members hired and paid for by the State of California were used and endless hours were spent taking blocks from whole census tracts without regard for city integrity.

Though these districts were never passed into law, their design and the intent behind it spoke of an extreme arrogance. They were approved by both Houses of the Legislature and stopped only by a Governor Reagan's veto.

#### The 37 Congressional District

The political rationale for the new 37 Congressional district was that a middle-class, liberal, black woman (Assemblywoman Burke) could win both Republican and Democratic votes in the upper class "yuppie" neighborhoods of Palos Verdes peninsula, where residents could afford to be non-discriminatory. If the district were sufficiently black and Democratic for a black to win the primary, the



Democrat would, regardless of race, carry the district in November. The consultant was given the assignment and created a classic gerrymandered district. It met the political demands: black, Democratic, an Assemblywoman to Congress.

So why was it altered? First, Senate Chairman Dymally contended that the district was not black enough. But he was more concerned that the type of black likely to win the nomination was a middle-class black rather than an organizational black, such as Dymally. The second problem was the sole Los Angeles black incumbent, Hawkins. Although his district was heavily Democratic he was reluctant to give up any black territory, possibly in view of the Latino influx on the east side of his district. At the last moment another problem emerged. A white female primary opponent lived in the new district. Shifts had to be made.

The solution was to leave Hawkins his black areas, remove blacks from the Wilson district, and give Burke a Congressional district.

#### The New 36 Congressional District

The San Bernardino district's evolution encapsulates Democratic dilemmas in the politics of the future. The old 38 Congressional district was a marginal one, though it had been improved by an adjustment in 1967. Its popular Congressman Tunney had sought a U.S. Senate position in 1970 and won. Former Congressman George Brown had given up his seat to challenge Tunney for the U.S. Senate nomination and lost. What more fitting revenge for a liberal than to take the more moderate Tunney's old seat. Tunney's administrative assistant, David A. Tunno, had nearly won the district in 1970 and was waiting in the wings for another run in a more favorable new district made up of the urban sections of San Bernardino and Riverside. Such a district would have significant numbers of Latinos. This made the district tempting for recently elected State Senator Ayala. Added to the parade was the ambition of a fat cat's son, Terry Goggin.

The ultimate solution would find all of them -- Tunno, Brown, Ayala and Goggin -- in the district in the primary of 1972. Brown won and Goggin became his administrative assistant.



### Two Northern Assembly Districts

Two other proposed Assembly districts in northern California are worth exploring in detail even though they did not achieve legal status because of the Governor's veto. Both involved core versus ring areas in the Bay region.

The City of San Francisco had continued to decline in population relative to the State and to growing ring counties. One district had to go. In 1961, Democrats had liquidated the last Republican district and in 1965 had given up one of their own. Now conservative Democrat John Foran was scheduled to be the unlucky sacrificial lamb.<sup>94</sup> A dispute arose over how to disperse the remaining territories among the other Democrats. Two future speakers, Leo McCarthy and Willie Brown, were involved. The result was highly contorted districts, maps of which Reagan was able to use to advantage when he vetoed the legislation.

Contra Costa County had had two full districts since 1951. The districts were Democratic, as were five districts in Alameda County. The Central Bay area and its suburbs were growing at a rapid pace, more rapidly than the core areas. Among Democratic incumbents in the area were seniors like Crown and ethnics Miller and Fong. Alameda incumbents raided Contra Costa for population, carefully balancing the Republican registration in Contra Costa with the heavily Democratic registration in Alameda. After this Contra Costa still had a significant population but not sufficient for an Assembly district.

Similar raiding occurred in Santa Clara County. A San Francisco Democratic seat could be transplanted to Democratic areas of Santa Clara, but Santa Clara still had significant growth areas having an increasingly Republican inclination.

After Contra Costa and Santa Clara counties had been stripped of their Democratic areas to perpetuate Democratic incumbents, the remainders were solidly Republican. And to the south surplus Republicans were left after the strippings for Democratic districts there. The solution was obvious -- connect the leftovers. The result was a fish hook, to use the term of freshman Republican Dent. This

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<sup>94</sup> Foran got a reprieve in the court ordered plans of 1973. But the Court plan weakened Republican Maillard's Congressional district. Assemblyman John Burton made a successful bid for the seat in the Watergate landslide and Maillard decided not to seek reelection. Foran moved into the Burton Assembly district.

course could be justified because these people had socioeconomic communality, they were in the Bay region geographically, and being suburbanites they should be freed of core concerns. Only Interstate 610 connected them, but the district wasn't organized to be politically effective.

#### A Dumbbell In the South -- the 65 Assembly District

The one remaining Republican district in south Los Angeles County was the 52 Assembly district which contained the few white Republican areas left in that part of the county. Its Republican incumbent, Floyd Wakefield, was political incorrectness personified. Liquidation of Wakefield's Republican district could compensate for Orange County's new district. Republican sections in Wakefield's district could be dispersed sufficiently to do no harm to Democrats who inherited them.

The result was the elongation of the 65 Assembly district from Inglewood to Huntington Park. Some dubbed it the dumbbell district -- not for its creators, deserving though they were, but for the shape.

CHART 7: ENTITLEMENTS FOR THE 1971 REAPPORTIONMENT

Population of California--1970	19,953,134
Ideal Assembly District Size (80)	249,414
Ideal State Senate District Size (40 )	498,828
Ideal Congressional District Size (43)	464,026

<u>Census</u>	<u>Entitlements</u> <sup>95</sup>			
	<u>Assembly</u>	<u>StSen</u>	<u>Congress</u>	
<u>North Coast:</u>				
1970	184,921	0.94	0.35	0.39
<u>Bay Region:</u>				
1970 Core	1,788,858	7.17	3.58	3.85
1970 North	660,004	2.65	1.31	1.41
1970 Central	558,389	2.24	1.12	1.20
1970 South	1,620,948	6.50	3.24	3.48
1970 Total Bay	4,628,199	18.56	9.25	9.94
<u>Central Coast:</u>				
1970	497,777	1.99	0.98	1.04
<u>Southern California:</u>				
1970 Core	7,032,075	28.19	14.00	15.15
1970 North	640,754	2.57	1.27	1.37
1970 Inland	1,217,638	4.88	2.43	2.61
1970 South	2,778,240	11.13	5.56	5.98
1970 Total Southern California	11,668,707	46.77	23.26	25.11
<u>San Joaquin Valley, Foothills and East Basin:</u>				
1970	1,699,670	6.81	3.33	3.57
<u>Sacramento Valley and Superior California:</u>				
1970	1,273,860	5.11	2.46	2.65

<sup>95</sup> Entitlements refer to the population of the county divided by total population on the basis of the 40 member Senate, the 80 member assembly and the 43 member Congressional delegation for the 1972 elections.

CHAPTER 6

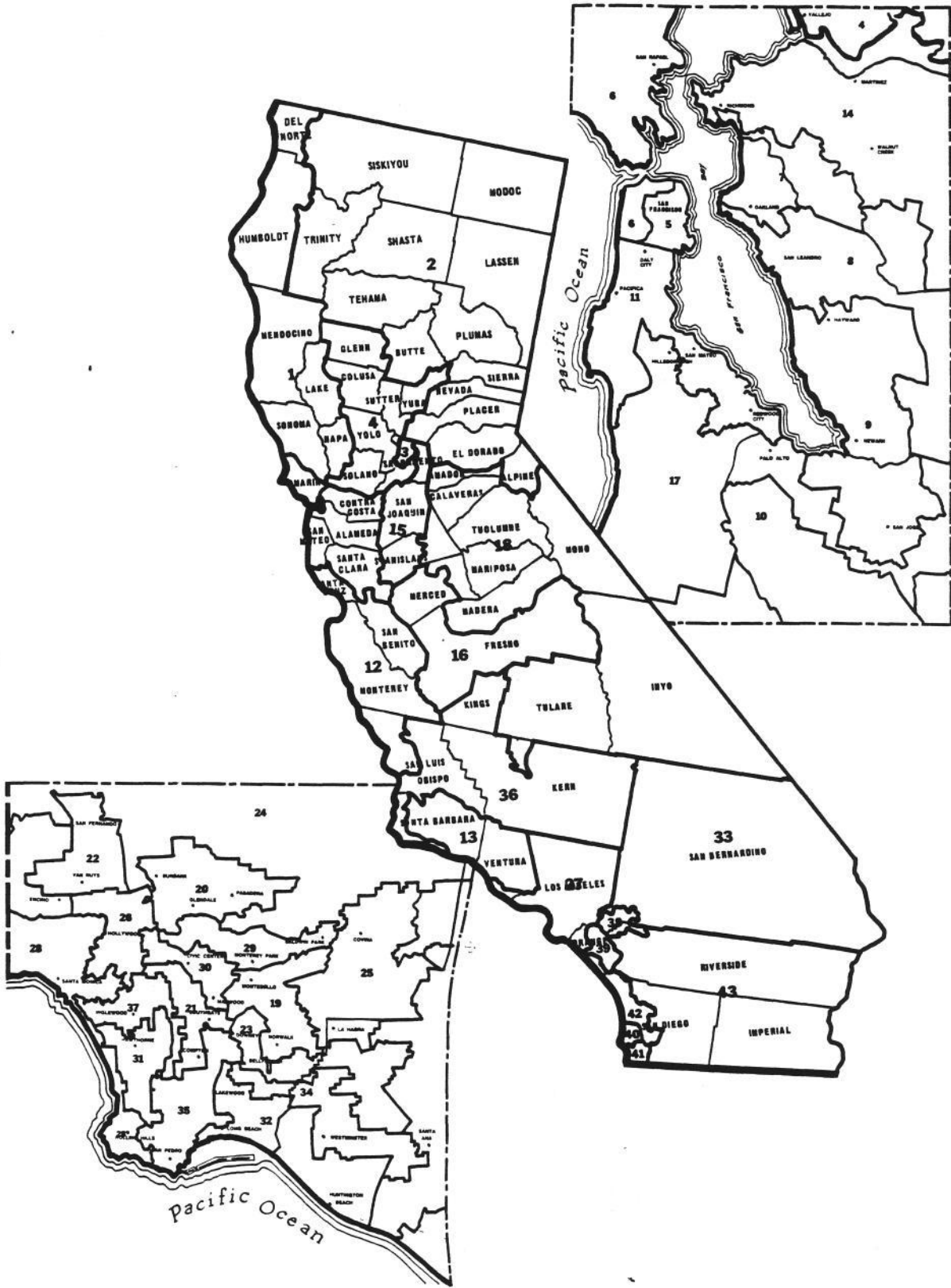
Charts:

Population Distributions -- 1970

Maps:

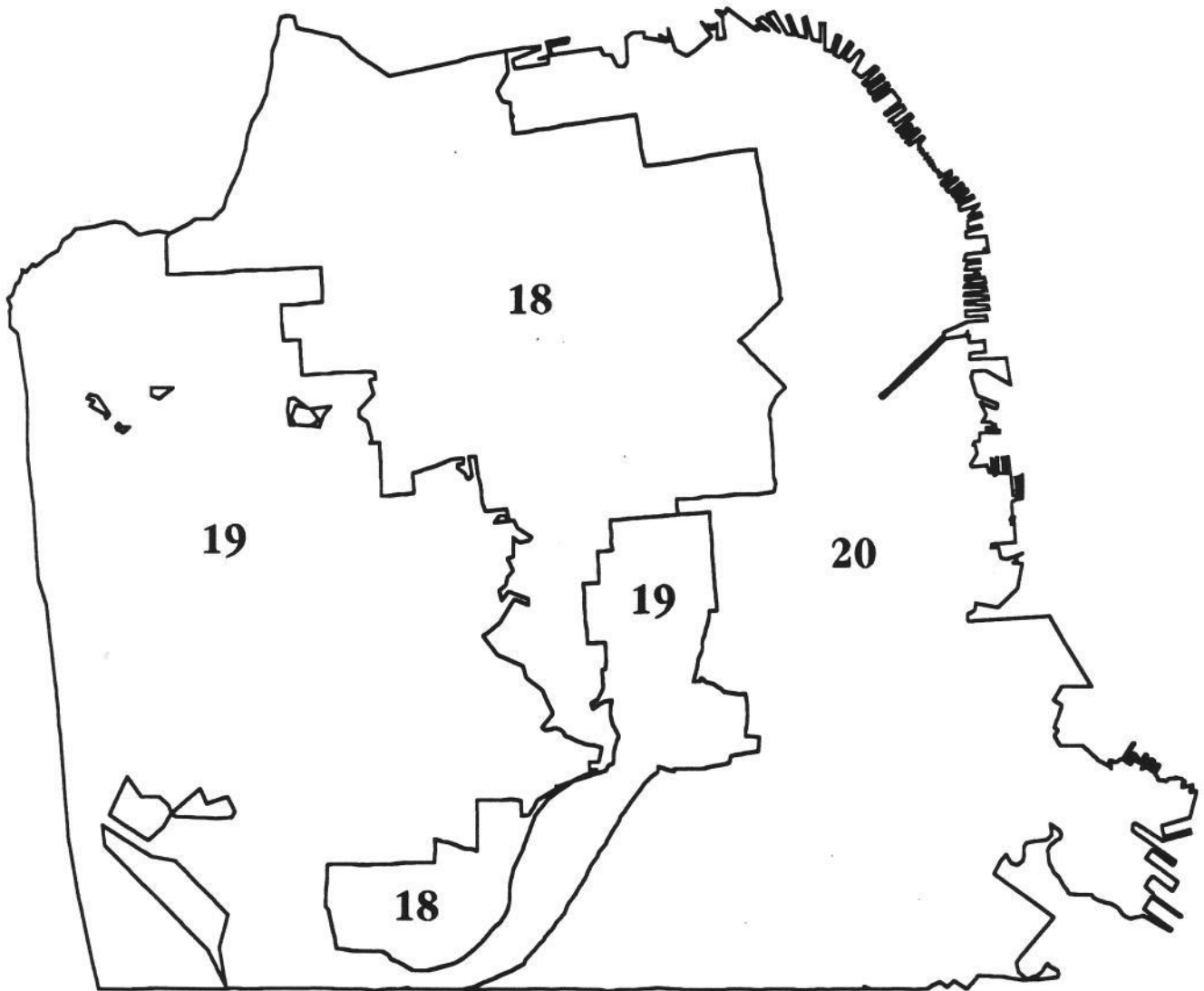
Assembly Districts	-- 1973
45th Assembly District [with 1981 changes]	-- 1973
San Francisco Assembly Districts	-- 1973
Assembly Districts -- San Fernando Valley and Northern Los Angeles County	-- 1973
Senatorial Districts	-- 1973
Los Angeles Assembly and Senatorial Districts	-- 1973
Congressional Districts	-- 1971
28th Congressional District [with 1981 changes]	-- 1973
28th Congressional District [with 1981 changes]	-- 1973
32nd Congressional District [with 1981 changes]	-- 1973
Evolution of the 39th Congressional District	-- 1971

# Congressional Districts 1972



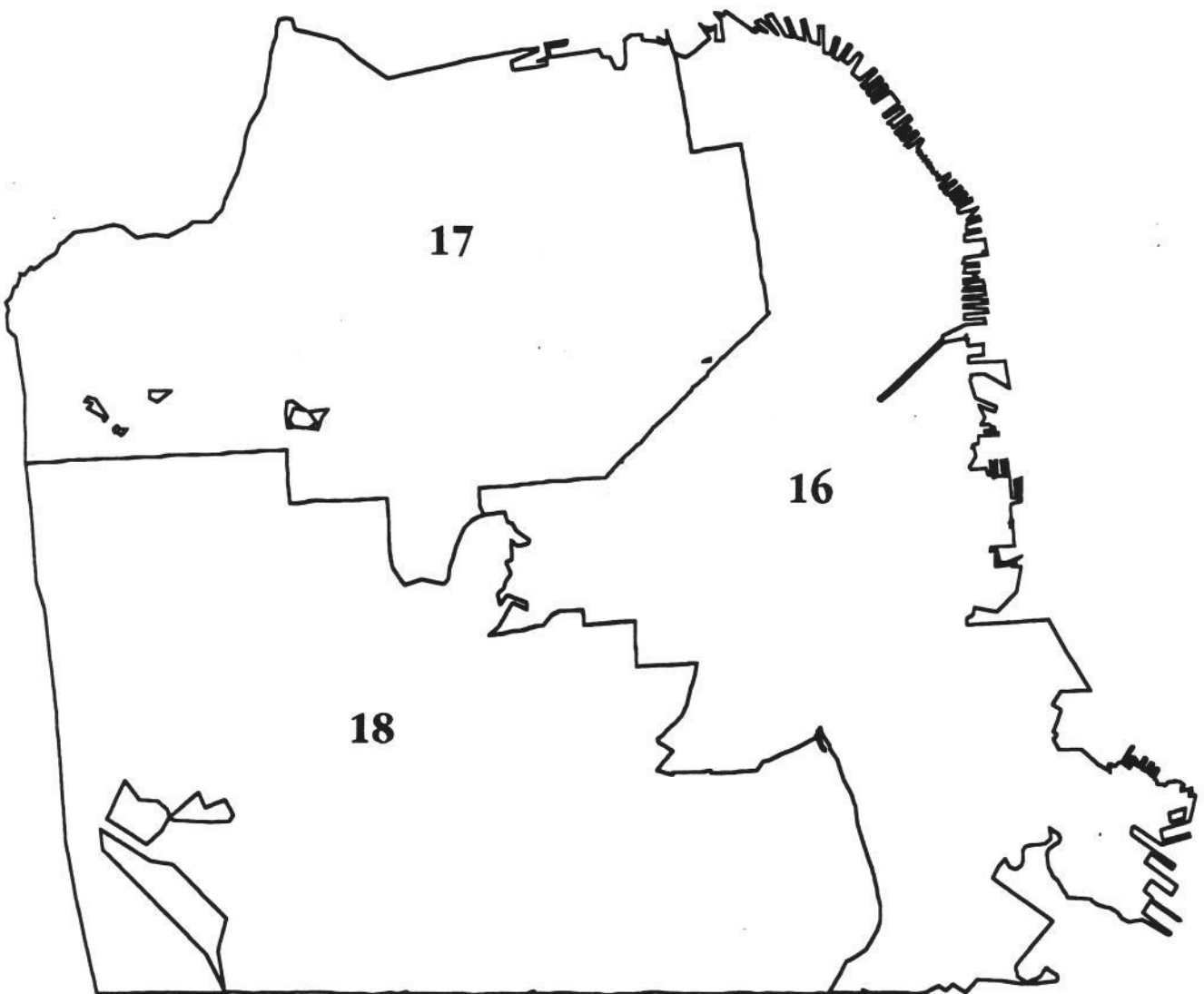
# San Francisco Assembly Districts

1971-73



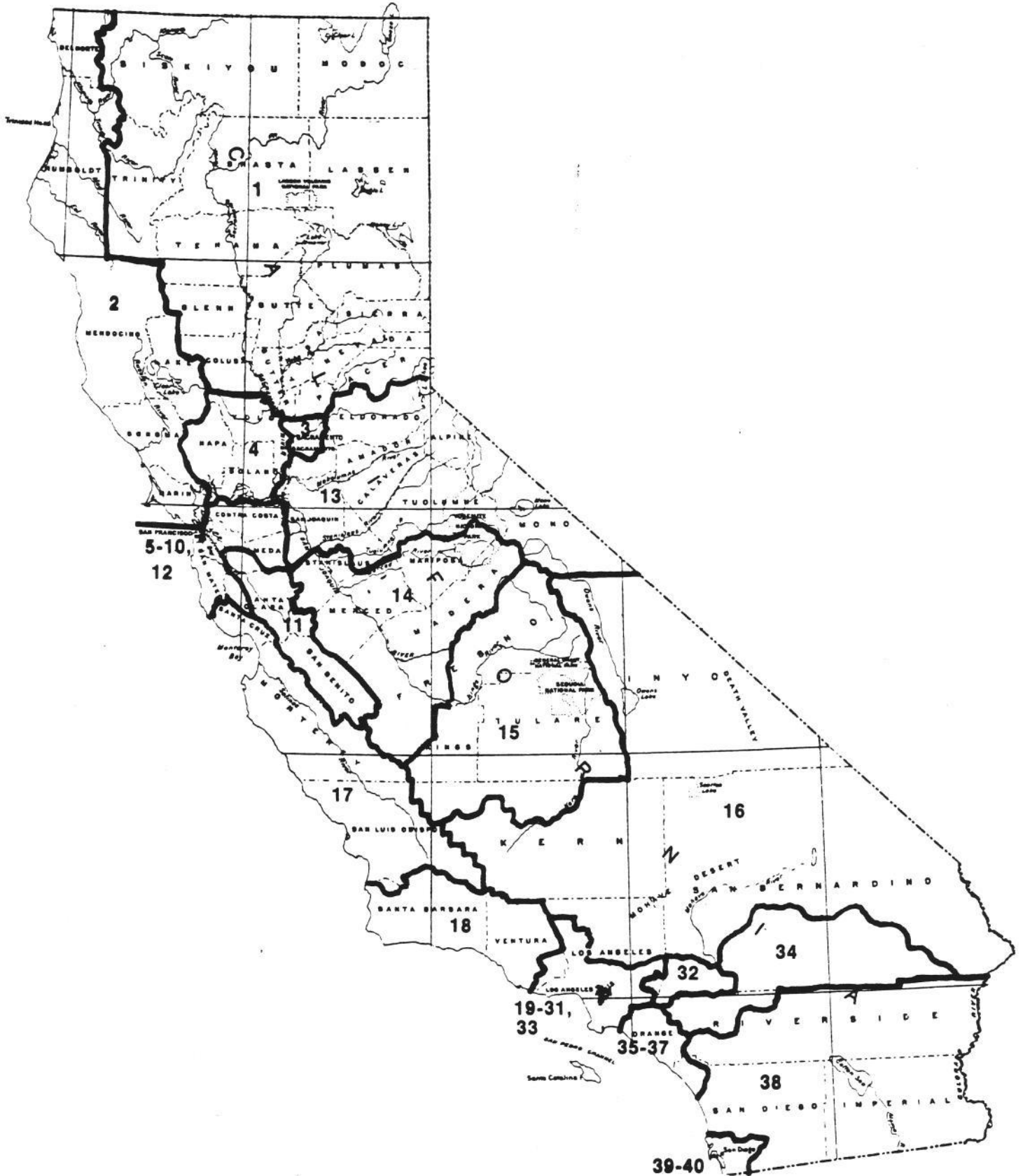


# San Francisco Assembly Districts 1973 (Court)

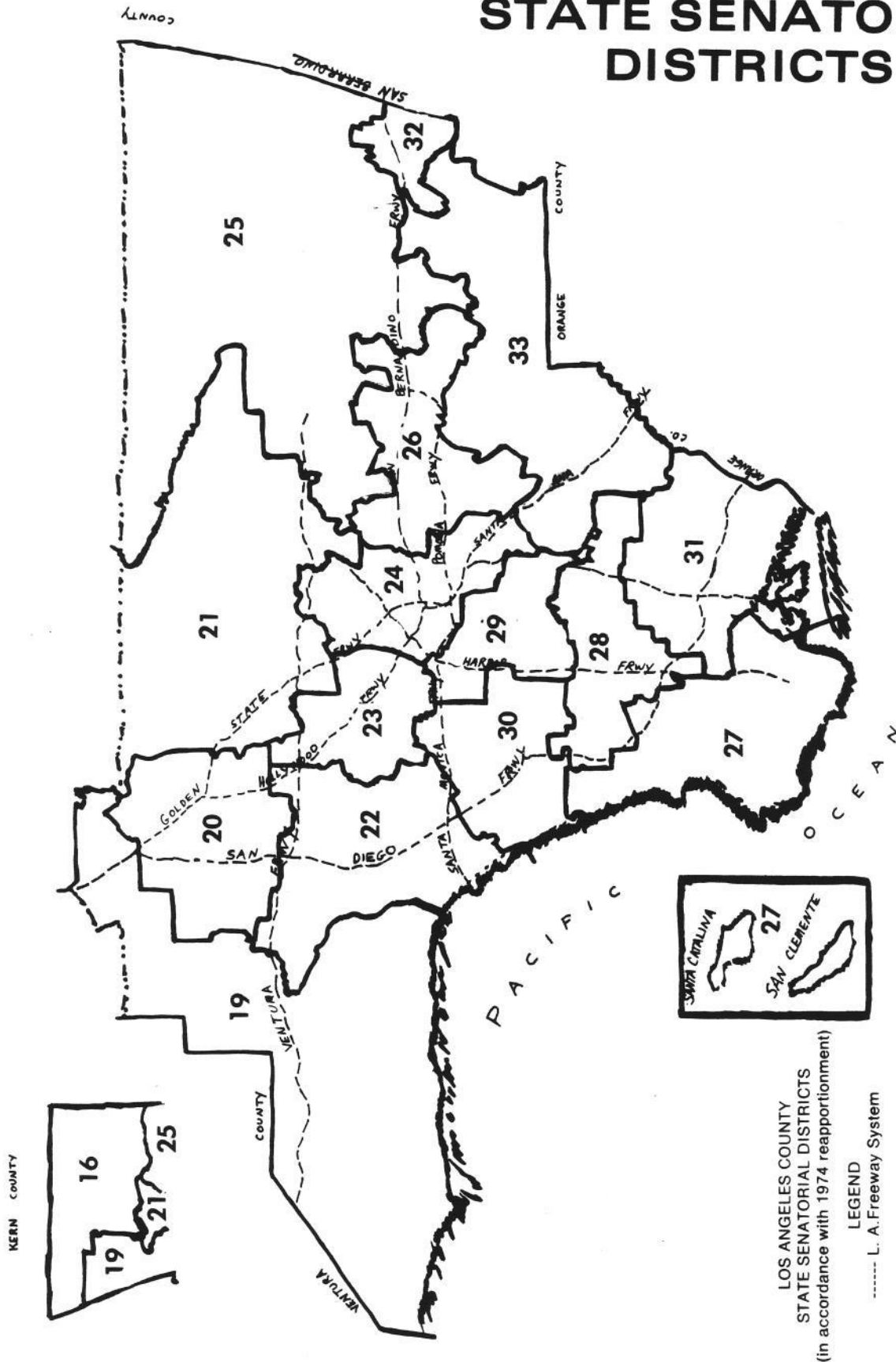




# CALIFORNIA STATE SENATE DISTRICTS



# LOS ANGELES COUNTY STATE SENATORIAL DISTRICTS

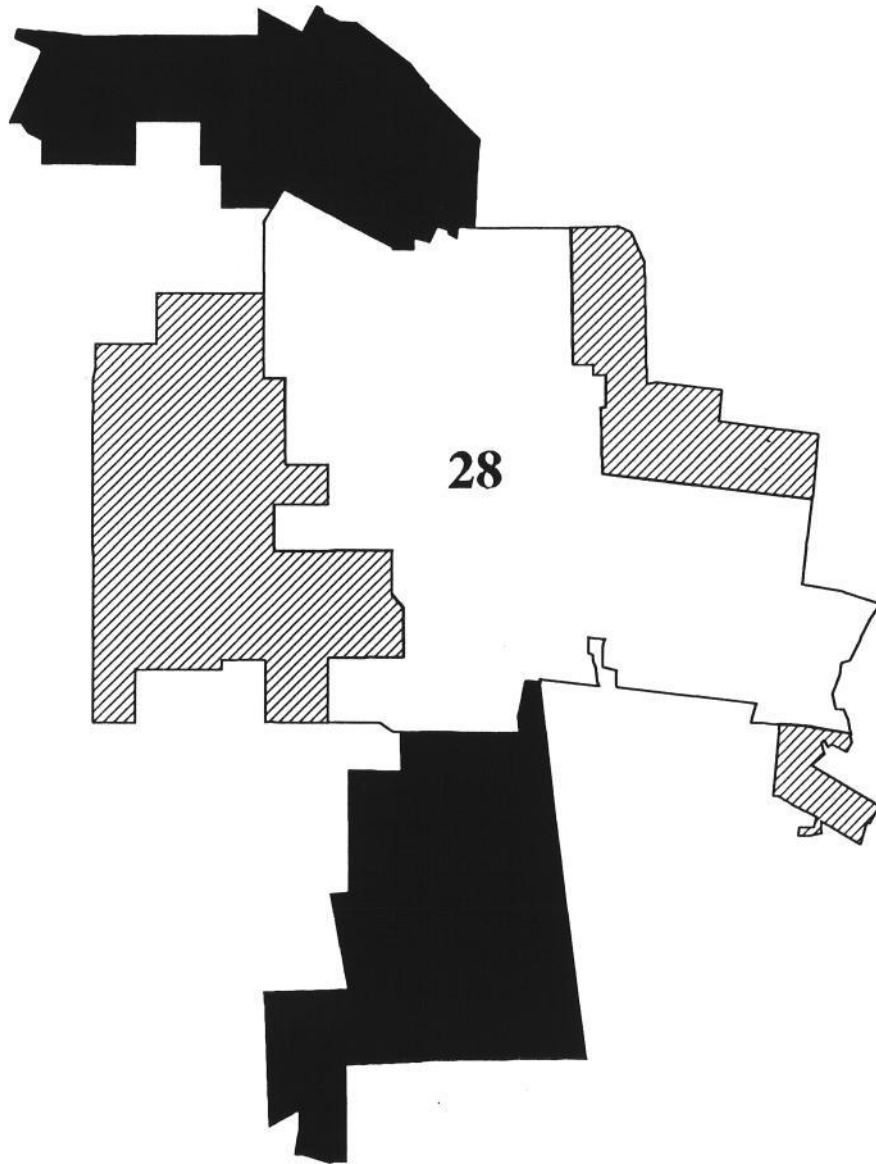


# CALIFORNIA CONGRESSIONAL DISTRICTS



# 28th CONGRESSIONAL DISTRICT

1971 (1973 CHANGES)



## LEGEND:

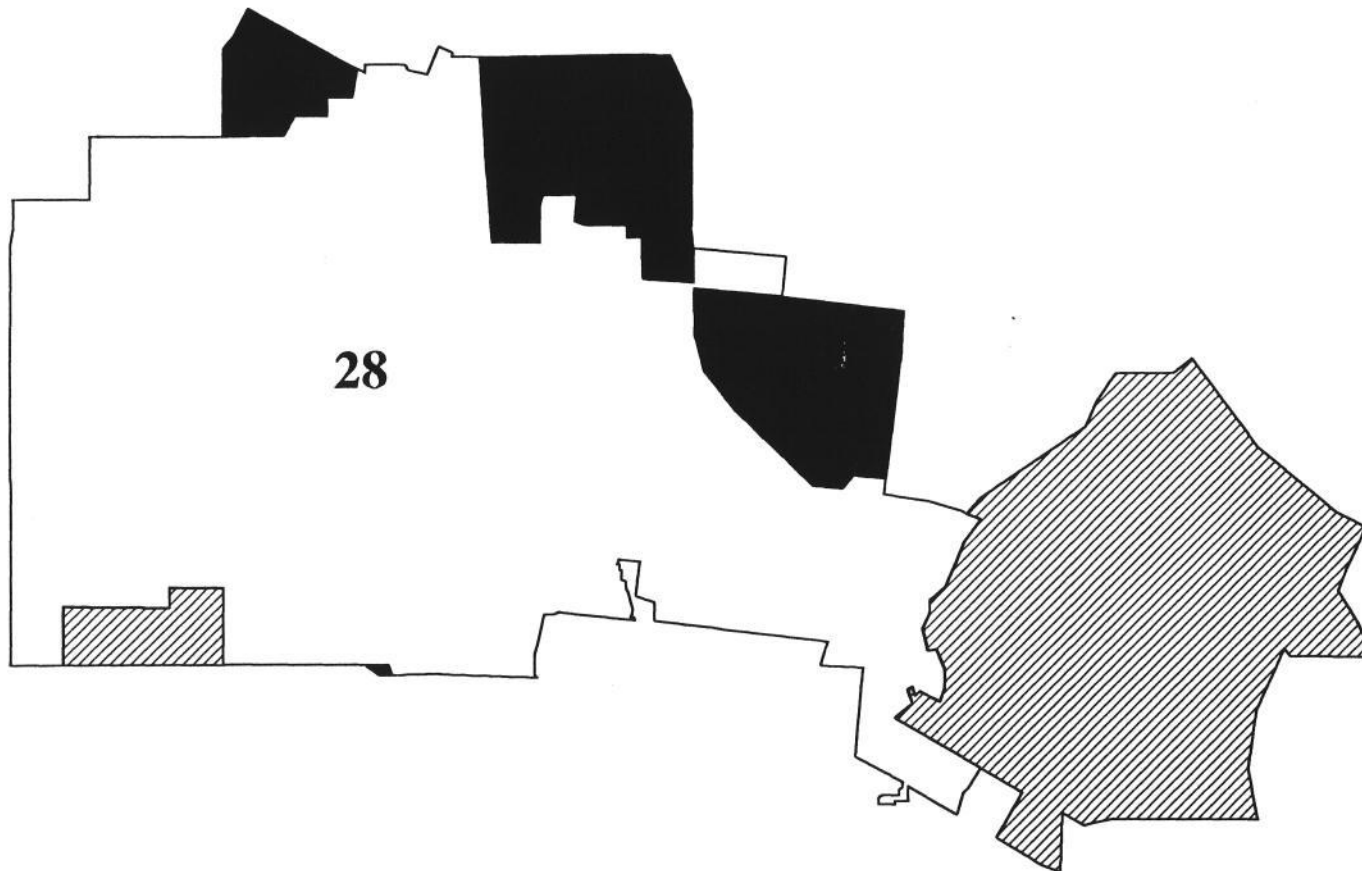
**BLACK** -- Areas Removed

**DIAGONAL** -- Areas Added

**WHITE** -- Areas In "Old" District

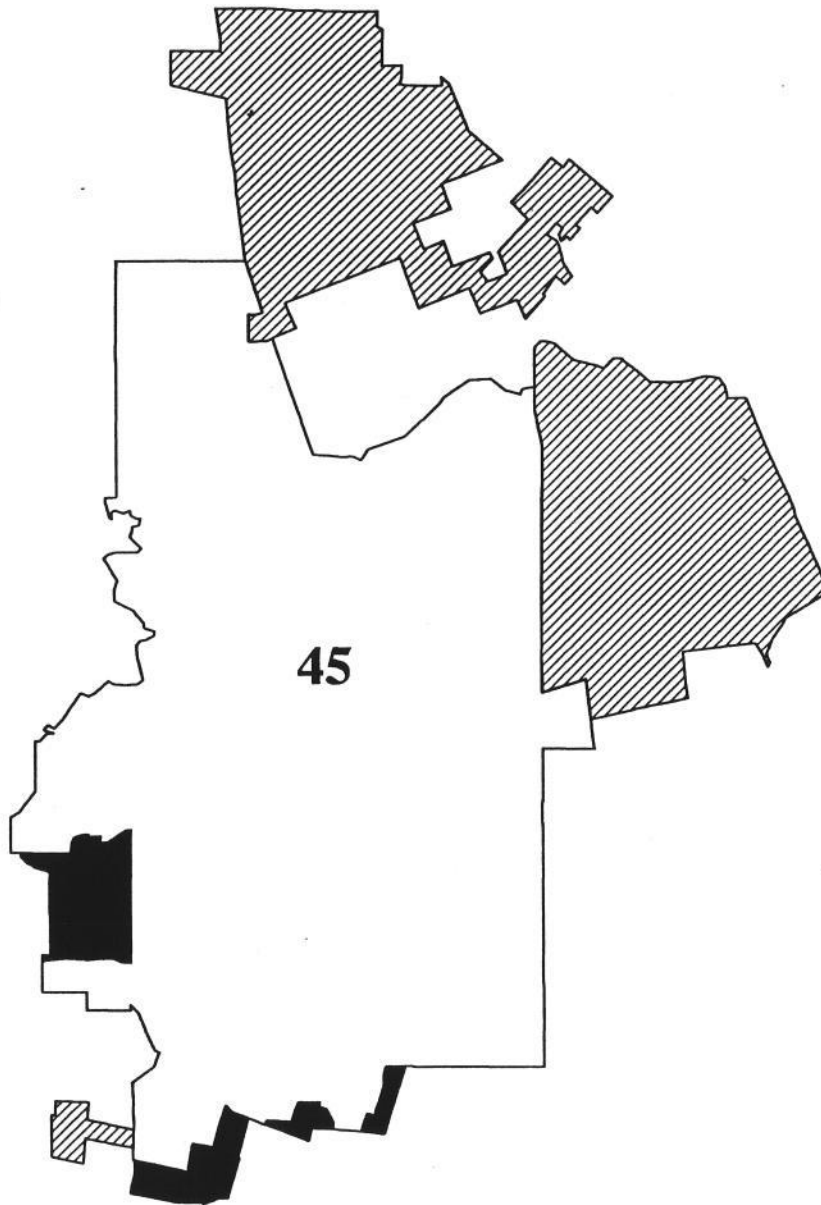
# 28th CONGRESSIONAL DISTRICT

1973 (1981 CHANGES)



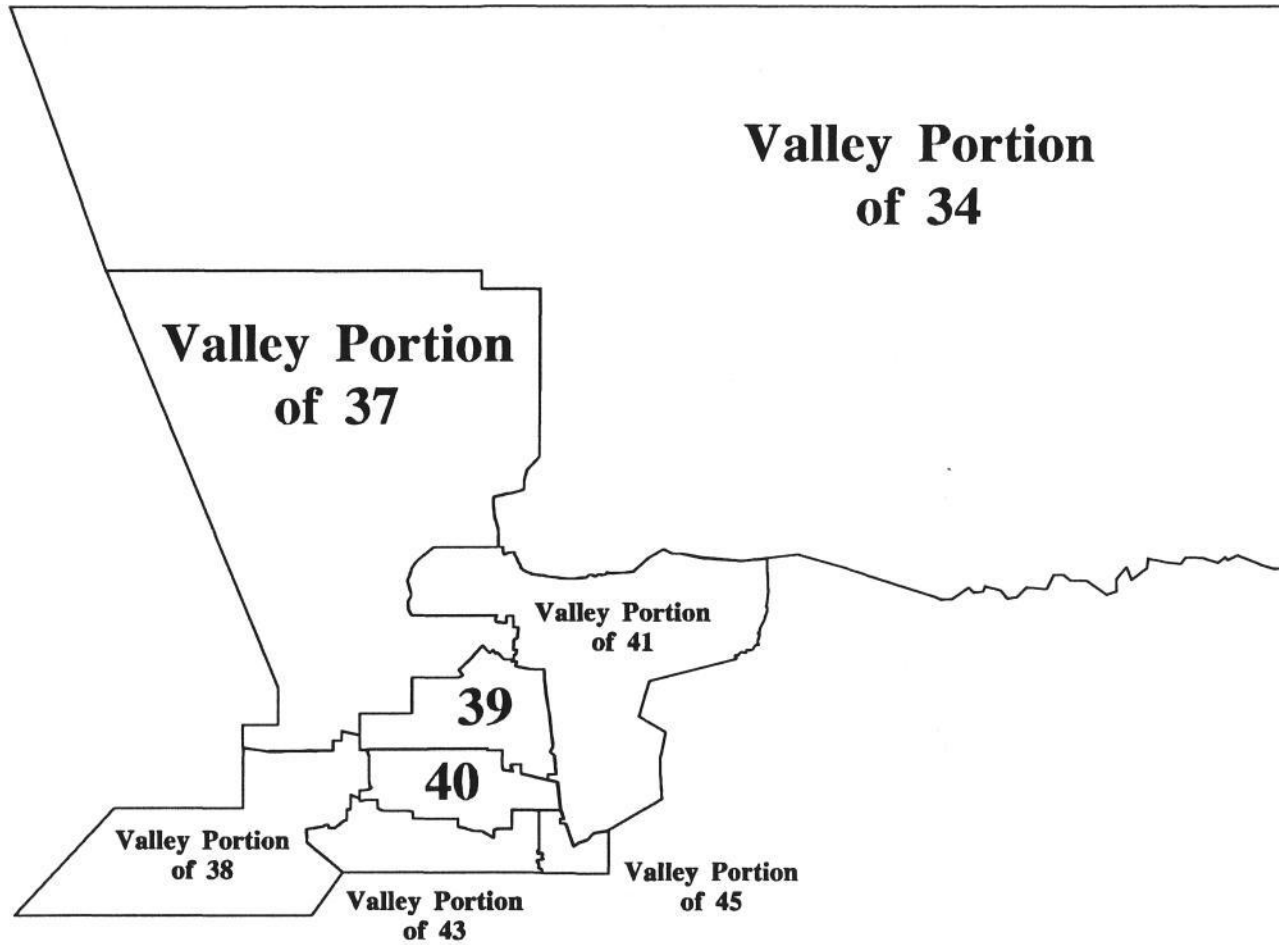
# 45th ASSEMBLY DISTRICT

1973 (1981 CHANGES)



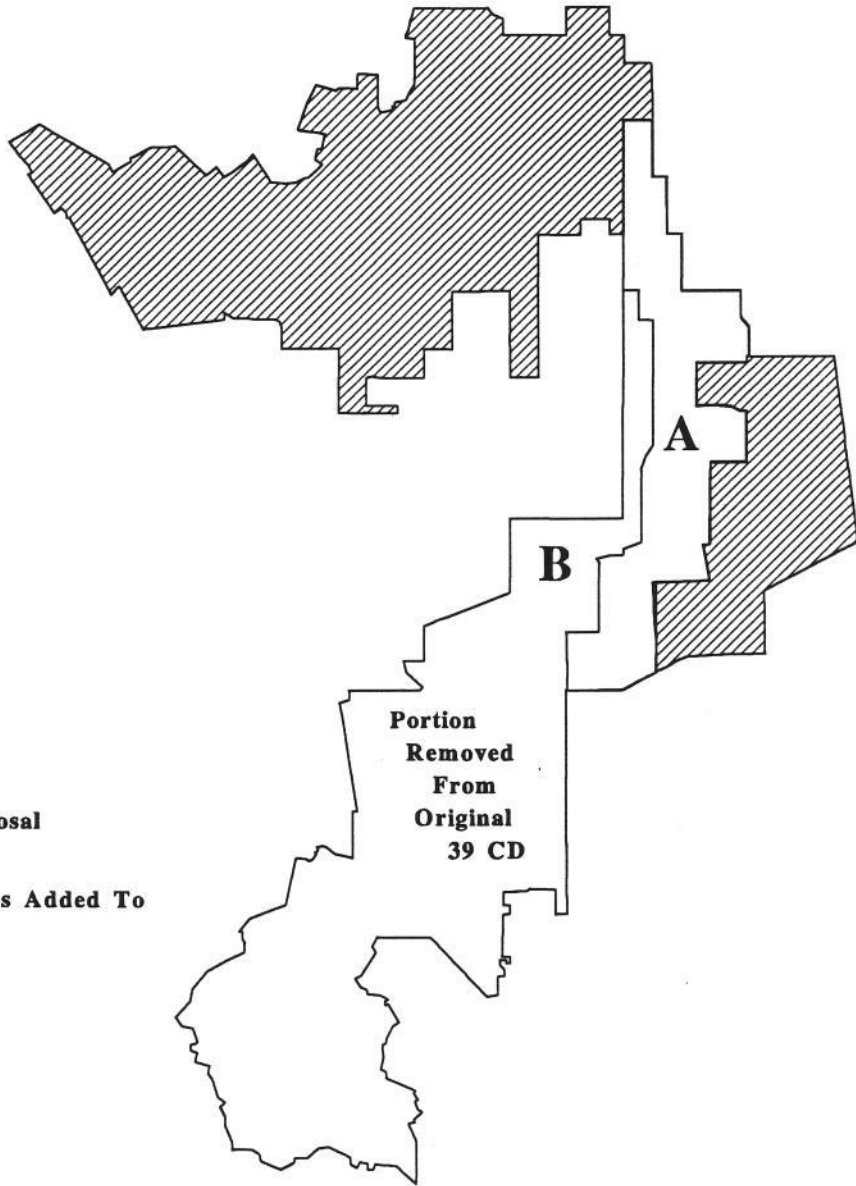
# SAN FERNANDO VALLEY

1973 ASSEMBLY DISTRICTS



# 39th CONGRESSIONAL DISTRICT

1971



## LEGEND:

A + B -- Original Proposal

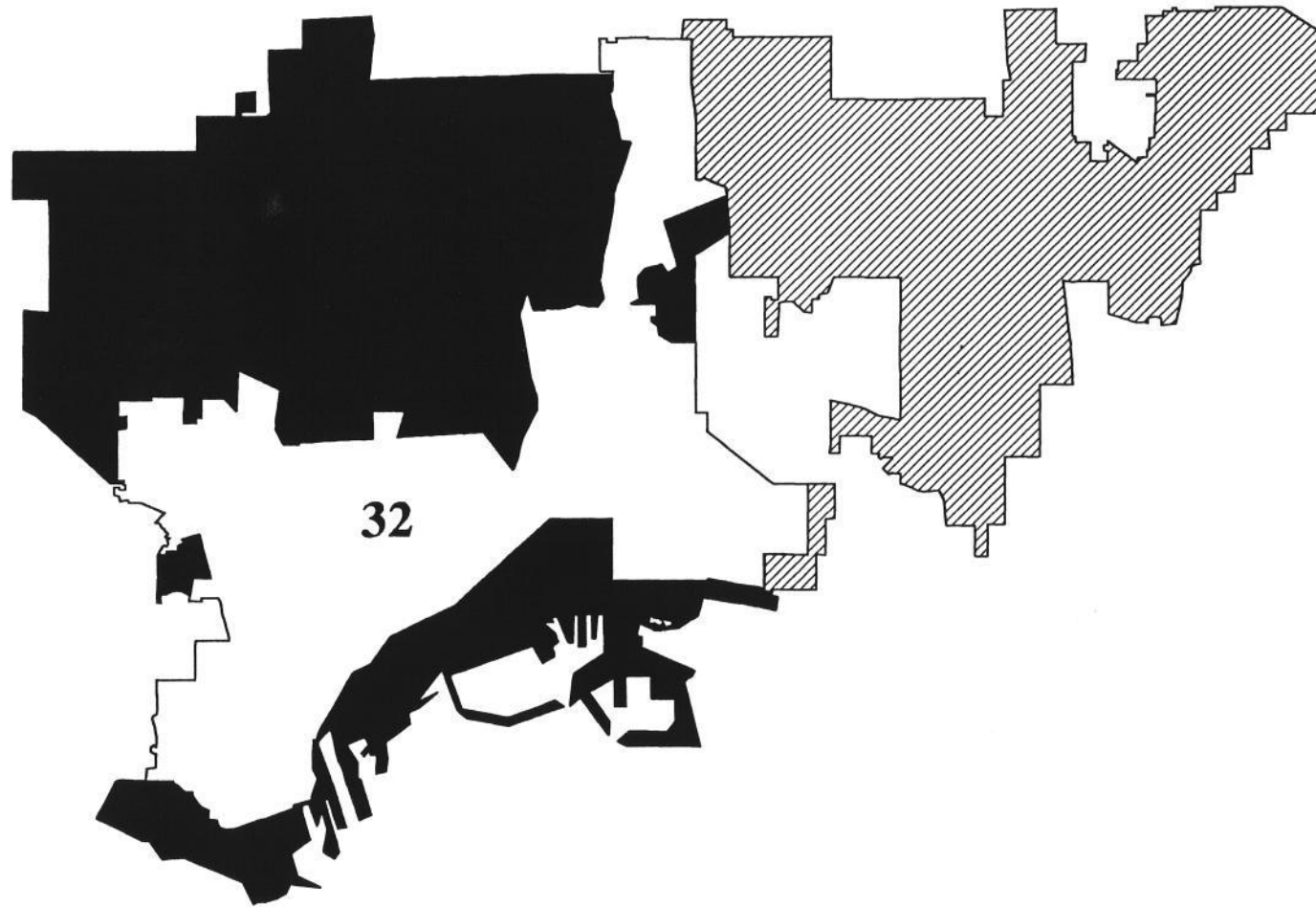
B -- Removed

DIAGONAL -- Portions Added To  
Original Proposal



# 32nd CONGRESSIONAL DISTRICT

1973 (1981 CHANGES)



## CHAPTER 7

### THE 1981 REDISTRICTING

The 1970s had been a rough and tumble decade for the Republicans although it had been a lucky one for the Democrats. Governor Reagan's veto of the Legislature's redistricting plans led to court formulated districts in 1973. The expectation was that the new districts would be competitive but Republicans enjoyed little success in 1974. Their President Nixon brought Watergate and electoral disaster. The Democrats' victories solidified liberals as the new status quo. A Democratic governor in 1974 heralded an era dominated by the liberal machine of the Los Angeles west side.

A slight erosion in Democratic strength began in 1976. In 1978, Proposition 13, a tax revolt, gave new impetus to the Republican party. It resulted in 12 new Republican Assemblymen (who came to be labeled the "cave men" for the positions they took against the prevalent status quo opps made up of liberal Democrats and "go along to get along" Republicans.) The emergence of the political right within the Republican party was a key factor. Besides the 12 new Assemblymen, the right included State Senator H. L. Richardson and newly elected Congressmen Dan Lundgren and Robert Dornan. Minority leader Paul Priolo was replaced by Carol Hallett.

The Democrats began the 1980s with majorities in the Assembly and the State Senate. The governorship was held by Jerry Brown. But by 1980, Republicans had moved toward balancing the ratio of Democrats to Republicans, supporting the boast of the staff to the court masters that the districts they had designed were fair and competitive.

Important though conservative Republicans were to be in the 1980s redistricting struggles, another phenomenon was taking shape, this one among the liberal Democrats of the 1960s. Liberals of one era became supporters of the status quo as their power waned -- they were still committed to the downtrodden and continued to screech in parrot-like fashion the fading liberal slogans for change but their essential aim was to survive politically. As the competitive new politics (itself a reaction to their inability to solve problems) became less responsive to the old rhetoric and the political juices were depleted with age, the temptations of engaging in political manipulations became more attractive. It is but

one jump to the rationalization that the people are being misled and we know best, and gerrymandering or any other device because the cause is just.

The phenomenon is compounded when many of the most vulnerable incumbents are among the weakest politicians who have become beholden to their staffs and who do not have the intellectual ability to challenge their experts. Such individuals are captives of those whose lives are totally absorbed in politics. Though they rant against government bureaucrats their existence is shaped by people of a similar mind-set. This phenomenon is clearly demonstrated by the events of 1979 in the contest between Leo McCarthy and Howard Berman for the Speakership.

Redistricting struggles never begin from a clean slate. Events of previous years and previous redistrictings lay the groundwork. Leaders in the redistricting wars are often appointed by former leaders. Everyone knows the importance of the outcome -- redistricting can influence every piece of legislation for the decade.

#### The Speakership Battle

The 1981 redistricting battle began unexpectedly. Members of the majority party did not designate a Waters or a Crown or a Fenton to handle the crucial redistricting legislation. Ridiculous though it seems in hindsight the group largely responsible for the fiasco in 1971 sought to renew its claim of expertise. It is a testimonial to how far removed the average legislator was from reality that so many were willing to jump in bed with their rapists of only six years before.

The leadership of the Assembly was shaken to its foundations by a blatant attempt to seize control of the Democratic party. Democratic Assemblyman Howard Berman, the friend of Leo McCarthy's for whom obtaining a district had been 'non-negotiable' in 1971 and who was now majority leader under Speaker McCarthy, announced his intention to challenge the Speaker in the Democratic Caucus. Speaker McCarthy was accused of being more interested in his career than the careers of his peers (he was already toying with the idea of statewide office). Faced with a growing conservative tide and the loss of seats, the asserted experts (who were a primary factor in the fiascoes of the early 1970s) announced the dangers to incumbents. Berman was seen as an individual with a keen sense of the incumbents' needs. Legislators whose seats were in core districts where the population was declining

relative to other areas supported the Berman-for-Speaker group. They were saying: make Howard Speaker, his brother, the consultant, will handle redistricting to protect those who cooperate, and Jerry, the Governor, will go along with the liberals. The claim was that Berman's brother, Michael Berman, could bring expertise, but no one stopped to ask who had caused the 1971 redistricting mess.

Ideological divisions within the Democratic party were rapidly manifest. Northern, more conservative Democrats supported Speaker McCarthy. The southern, more liberal, more labor-oriented Democrats supported Berman.

Berman won the support of the Democratic caucus but McCarthy refused to resign.<sup>1</sup> There ensued a vigorous primary struggle between supporters pledged to the respective opponents. Democrats were already locked in a 1980 primary struggle for the presidential nomination between incumbent President Carter and Senator Ted Kennedy, and now Californian Democrats would have their own counterpart. The battle was for the soul of the Democratic party. Incumbent Speaker McCarthy was being challenged by his right-hand man.

The first casualty of the battle came in June 1980. The shocking event was an upset. Veteran Assemblyman John Fenton, an east side Jew, confidant of former Speaker Moretti and redistricting chairman in 1967, was challenged in the June 1980 primary by Martinez, an unknown Latino closely tied to the Chavez union organization. Berman, a former labor union lawyer, threw his support behind Martinez against Fenton and orchestrated his campaign. Fenton was not only a potential redistricting opponent but also supported McCarthy rather than Berman in the Speakership contest.

Fenton lost. Berman the redistricting master was now proclaimed a campaign master. The writing was on the wall: you cannot beat city hall. Stay in line or be eliminated.

Berman was the heir apparent to the Speakership. Then suddenly the tables turned with decisive effect. The rivalries within the Latino contingent between the Ceaser Chavez labor-wing and the urban grassroots elements surfaced. Two Latinos in the Berman camp -- Richard Alatorre and Esteban Torres --

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<sup>1</sup> A speaker needed 41 votes to win. Berman did not have enough votes and could not topple McCarthy without a binding caucus vote or Republican support.

wavered and withdrew their support. It was an act long to be remembered and would result in the 1981 negotiations being complicated with desires for revenge.

As soon as it dawned on the Assembly that its existing Speaker did not control his party caucus, that Berman was without a majority in his own caucus, and that Republicans did not have a majority and the leadership of their own caucus was in doubt, the search for an alternative Speaker began. The turmoil gave the Republicans an opportunity for a strategy of their own.

The defeat of Fenton merely emphasized the threat Berman represented to traditional give and take politics, dear to incumbents of both parties. If Berman gained control of the caucus the Democrats would control the Assembly. The conservative Republicans of the class of 1978 and the Richardson core had gained in popularity, making bargaining with liberal Democrats unlikely. Though divided between conservative ideologues and moderates, on one thing Republicans could agree: any Democrat would be better than Berman. Common intelligence required the recognition that McCarthy Democrats had to be the base and a better candidate for Speaker would likely be found in their numbers.

The aspirant who emerged was Willie Brown, who had been defeated in 1974 by McCarthy in a battle to succeed Moretti to the Speakership. His minority status would appeal to the Latino bloc in the Berman group. His willingness to bargain and compromise was attractive to Republicans who feared Berman as much as did the "you could be Fenton" group of Democrats. The bargain between Democrats and Republicans to make Brown speaker was sealed with a deal on redistricting funds.

Willie Brown became the first black Speaker in California, with all the perks that made any speaker powerful. A long time supporter of Jesse Unruh, Brown would prove his apprenticeship had not been wasted.

After the brutal fight for the Speakership, redistricting had to be faced. Previous redistrictings did not guarantee the winners permanent status as opps. The preliminary 1981 battle had revealed the unrest that threatened the liberal status quo. Finely tuned electoral manipulation had supported a waning group of liberals, Vietnam crusaders who attempted to perpetuate their liberalism under the guise of the new politics of political correctness. Anyone who disagreed with the new ethnic, gender and multicultural politics was an old fogey. Oddly the symbol of such antiquated thinking in 1971 was now President in

1981 -- Ronald Reagan. Undeterred, the self-righteous supported their argument by asserting that big business was buying elections, even though the Democrats had the governorship and legislative majorities.

The complexity of the three redistrictings, Assembly, State Senate and Congress, favors separate discussions of them. Congressional redistricting will be treated first because of the false interpretations of it promulgated by the media and politicians of both parties. Congressman Philip Burton's role has been made legendary but the Assembly and State Senate battles were really more crucial.

### Congressional Redistricting

Gains in new Congressional seats were minimal in 1981, only two compared with nine in 1931, three in 1941, seven in 1951, eight in 1961 and five in 1971. Then why the hubbub in 1981? The answer is the presence of Philip Burton, who had been as Assemblyman from 1957 to 1963 and was now a veteran Congressman.

Democrats had just demonstrated the tenuous nature of their party unity. The internal party struggles over the Speakership had been highly personalized and were not easily forgotten. Within the Republican party the conflicts were equally personal. Often the divisions took on an ideological cast. In the caucus and in each primary battle Republicans were reminded of their obligations to ideological purity by the right, represented by the cavemen of 1978 and the gun control lobby of Senator Richardson.

Divisions of such intensity demobilized the ability of the Legislature to function and there was all the potential for a reenactment of the 1971 fiasco. As 1951, 1961 and 1965, someone had to pull together a package to which all members of the majority would subscribe, hopefully with the support of those members of the opposition who saw their own security in a sweetheart bill.

Into the breach stepped Philip Burton, with the intensity and political drive necessary to forge a consensus and a political success.

Burton was uniquely suited to the role of chief dynamo. His connections included both members of the Brown forces and Berman supporters. He was a liberal in every sense. He was the consummate politically correct politician with links to each segment of the multicultural crusade. He had been the mentor to Willie Brown in San Francisco politics. Sala, his wife, was Jewish. Philip was always on the

Israeli side of any issue -- the litmus test in the Waxman/Berman operation. His labor union credentials went back to Harry Bridges. His subcommittee chairmanship of the Interior Sub-Committee on Territories and National Parks appealed to environmentalists. His brother, John Burton, had joined him in Congress in 1976 and was particularly close to Richard Alatorre.

Burton's operation had a minimal staff. The author, who had been a consultant to the 1965, 1967, and 1971 redistrictings, was rehired for the 1981 exercise. Michael Berman, always close to Burton and once offered a Congressional staff position by him, argued vigorously against the re-employment. Actually the author was equally opposed to working with the Berman operation again. But the author's sense of loyalty to Burton was used to gain his acquiescence to be employed.

The author's main work was as the right-hand man to Burton in supervising the negotiating of legislative bargains to ensure the Congressional plan succeeded. The actual work was to be largely handled by legislative staffs in the Senate and the Assembly. The consultant met with the staff of the Assembly and the Senate to give advice on procedures and techniques, but the Congressional plan was the focus, which was more than enough for any one person.

Only two new Congressional seats meant there was not much leverage for bargaining. Population growth warranted distribution of one seat to the San Joaquin Valley and the other to the Orange/San Diego area. The latter was hardly liberal and the former was not too sympathetic either. To please minorities and the Bermanites more seats would have to be taken from Republicans, in particular in the Los Angeles basin.

At an early stage the author proposed a strategy which Philip Burton accepted, though Michael Berman was initially leery. After his brother Howard Berman decided to make a congressional bid the reluctance quickly vanished. The plan depended on decentralized efforts, the results of which would be brought together in a package to be submitted to both Houses of the Legislature for incorporation into their programs.

The author worked primarily on the peripheral areas while Carl D'Agostino took over the Orange County situation and Michael Berman worked on dealing with the San Fernando Valley, the west side



sections of Los Angeles and the Lehman district in the San Joaquin Valley. Philip Burton's staff dealt with the San Francisco Bay area, especially as it related to their boss and his brother, John Burton.

The plan centered on the Bay area, the 5 and 6 Congressional districts in the San Joaquin Valley, districts in the San Diego core area (where former Congressman Vandeerlin had been defeated in 1978), refinements to Democratic districts in the Inland Empire and Orange County, and a realignment of the Los Angeles districts.

The court redistricting in 1973 had made the 6 Congressional district more likely to go Democratic, which led to veteran Congressman Maillard's retirement. Assemblyman John Burton won the Democratic nomination and the district in 1974 with the Watergate landslide. Philip Burton was determined to protect his brother. Under the plan, the two Congressmen exchanged territories in the San Francisco Bay area making Phil's district more competitive but John's more secure. (Ironically, John Burton decided not to run for reelection and in 1982 Philip Burton, with a weak district, was forced into a difficult race. He won against Republican State Senator Milton Marks. The senior Burton died in April 1983.)

The San Joaquin Valley had in the 1950s and 1960s been a backbone of the Democratic party but in 1966 veteran Harlin Hagen was defeated, as was veteran John McFall in 1978. The Democratic areas of McFall's old 14 district were culled from San Joaquin and linked by a neck of lightly populated mountain counties to the sections in Fresno that Congressmen Coehlo and Pashayan were willing to release. The latter area included the home of Democrat Lehman, a Berman supporter.

The San Diego core areas had been the source of Democrat Vandeerlin's victories in the 1960s and 1970s and his defeat in 1978 left his successor, Hunter, with substantial Democratic areas. By taking Democratic areas from the San Diego Republican delegation a new Democratic 44 district was created. Republican incumbents were pushed northward and easterly.

The Orange district of Democrat Patterson and the San Bernardino/Riverside district of Democrat George Brown were solidified while Republican areas were pushed into existing Republican districts.



In Los Angeles County the three essentials for redistricting were a Latino seat and Congressional positions for Assemblymen Mel Levine and Howard Berman. An old Chinese proverb says that each obstacle is an opportunity. Core districts in the Los Angeles basin represented the most difficult obstacle for Democratic success in 1981. Ring areas were growing while the center declined. The obstacle could only be turned into opportunity by moving existing Republican districts outward. In effect Republican districts were collapsed and Democratic sections of them were transferred to Democratic districts to make up population deficiencies or to balance ethnic ratios.

The basic problem in Los Angeles County was that its population entitled it to only its current number of seats. Additional Democratic seats required the liquidation of an equal number of Republican seats. The pressure was somewhat eased when Congressman Barry Goldwater, Jr., decided to run for the U.S. Senate. Republican Bobby Fiedler scored an upset in 1980 by defeating veteran Democrat James Corman in the 21 district, to the east of Goldwater's district. However the district still remained Democratic in orientation, and could be made more so if Republican areas were removed. Republican sections of Fiedler's district, including her home, were transferred to Goldwater's 20 district.. The bulk of her 21 district was available. An open Democratic seat emerged, tailored made for Assemblyman Howard Berman.

Another opportunity existed in the 27 Congressional district which went along Santa Monica Bay stretching to the Palos Verdes peninsula. This much-gerrymandered area (the 28 district from 1961 to 1972 and the 27 district from 1974 to 1980) was now occupied by conservative Congressman Robert Dornan. It had formerly been the base of liberal Republican Alphonzo Bell. It was gradually becoming a more Democratic and liberal area. The 27 district would have had to be made sufficiently liberal for conservative Republican Robert Dornan to be defeated.<sup>2</sup> If its conservative Republican areas were removed and replaced by liberal Democratic ones the district would become Democratic. The solution proposed in the plan was the transfer of heavily Republican areas in the south to Republican Dan Lundgren's 42 district on the east. The resultant 27 district was a natural for Assemblyman Mel Levine,

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<sup>2</sup> If Republican incumbents had stayed in their districts, the rich Democratic harvest might not have occurred. Goldwater, Fiedler, Dornan, Zauchu and Hunter would have been formidable candidates for re-election. However, Goldwater, Dornan and Zauchu caught the senatorial bug and Fiedler and Hunter found other Congressional districts more alluring.

another Bermanite. (In the event the problem was avoided when Dornan instead ran (unsuccessfully) for the U.S. Senate and the 27 became an open seat.)

The fact that there were four black Congressional districts when blacks made up only 8% of the State's population while Latinos, with 21% of the population, had only one Latino representative, warranted some reflection. Some critics pointed to poor turnout, low registration, factionalism, and dispersal of population (due to conditions other than gerrymandering) to explain the situation.

The Republicans had made the Latino cause their cause in 1971 and they were repeating the theme in 1981: Latinos deserve more representation and were tired of waiting. Their cause was taken up by the Rose Institute of State and Local Government, established at Claremont Men's College (CMC) in 1973.<sup>3</sup> Alan Heslop, the former research director of the Republican Party, was the founding director. Supported by business groups including the major corporations of California, it was labeled a think tank for corporate California and more pointedly by Democrats as a Republican think tank. Pursuing diverse topics, its fame had largely been in the area of redistricting. In 1980 it received a substantial grant from the California Roundtable to support informational studies on redistricting.

While possessing vastly superior resources, the database compiled by the Rose Institute suffered from a lack of credibility because of its close association with the business community and Republicans. Democrats, the politically correct left, demanded an alternative database -- at the cost of hundreds of thousands of taxpayers' dollars. Taxpayers wound up paying for two databases (a third if the Berman operation is included) on the basis that because the Rose Institute was supported by business contributions, its database was erroneous and manipulated while a new one would be pure and value-free. The basic fact that data is data was lost. In addition, those associated with the Rose Institute found themselves the subjects of an institutional character assassination. The legislative leadership attempted to remove CMC's tax exemption. The Rose Institute's director was harassed by the IRS.<sup>4</sup>

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<sup>3</sup> Claremont Men's College became Claremont McKenna College in 1976.

<sup>4</sup> This tactic was used in 1971, 1981 and 1991. So much for the neutrality of the IRS.

In many respects the redistricting battles of 1981 were not different from those of the past. All the gerrymander techniques were the same, only the individuals differed. The unusual feature was the Latino "problem." Their efforts and the result warrant a more detailed account.

The assumption was that to take an existing Democratic district and remodel it into a Latino district would require adding to it Democratic sections from other districts or removing Republican sections from it and transferring them to other districts. The net result would be a Latino district formed at the expense of several surrounding districts in which Democrats were weakened to the advantage of the Republicans.

The creation of a Latino seat could be facilitated by the appointment of Congressman George Danielson to the Federal Court of Appeals, which was already in the works. Danielson's 30 Congressional district was a natural choice. For years Danielson's primary opposition had been Latino. When Danielson was appointed to the Court of Appeals in 1980, a special election was held. It was suggested Richard Alatorre should move into the district to run in the special election.<sup>5</sup> Alatorre briefly considered this but did not. Assemblyman Martinez had only recently entered the Assembly as the surprise victor in a primary battle with incumbent John Fenton, who had not played ball with the Waxman/Berman operation. Assemblyman Martinez, the Fenton giant killer, won the district.

The final part of the plan is probably the best kept secret of the history of redistricting, largely because it was the work of one person, the author. Another Latino district was created in the San Gabriel Valley. The former Danielson district lay between two other significant blocks of Latino strength, one in Congressman Rousselot's district and the other in Congressman Grisham's district. With these two blocks plus the Danielson district and a little help from Edward Roybal's district, the entitlement would produce two Latin districts in addition to Roybal's. The gift to Latinos was obtained by consolidating Rousselot's district with Moorhead's 22 district and Grisham's district with Dreier's. The new 34 and the 30 districts absorbed the Democratic sections of Rousselot's district. The result was not a weakened Democratic

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<sup>5</sup> Unlike state legislative positions, residency is not required in California to run for Congress. "Carpet bagging", moving into a district to run, is always risky and this may have been a factor in Alatorre's thinking. His long-term affiliation with the Roybal district was likely more of a factor. Roybal was expected to retire (but did not until 1992).

district but more concentrated Republican districts. Berman saw the creation of a third seat as an opportunity for his ally, long time union leader Esteban Torres.

With the district boundary line weaving tortuously in and out of communities in Long Beach, southern Los Angeles County and the west side of Orange County, the 42 district of Dan Lundgren was made a more concentrated Republican district.

The masterful planning of the congressional coup depended on close control, which Burton provided. As long as he took care of their needs Legislators were willing to let him control congressional redistricting.

### Assembly Redistricting<sup>6</sup>

Willie Brown had gained the Speakership in part as a result of the pending redistricting battle. His problem was to shore-up his power.<sup>7</sup> As Speaker, two options were feasible: continue cooperation with the Republicans who had elected him, by creating state legislative districts to their satisfaction; or achieve an accommodation with his fellow Democrats, the Berman supporters.

He chose to work with the Bermanites. The other approach would probably have further factionalized his party and made him continually beholden to the Republicans. His replacement would be assured as soon as the Republicans had the governorship, or when they decided to bargain elsewhere. Other factors favored and facilitated redistricting based on internal Democratic bargaining. Willie Brown was a product of San Francisco politics. Whether a Burton machine ever existed can be argued, but Willie was fathered politically by Philip Burton. The sense of political loyalty that Burton instilled could not be taken lightly. And Burton was also an expert on redistricting. Burton sought national political power. He had lost the post of Congressional majority leader by one vote in 1978. He needed more Democratic congressmen from California.

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<sup>6</sup> Bruce Cain, The Reapportionment Puzzle (Berkeley, CA: University of California Press, 1984). Though lacking 5/6 of the story, the Cain book provides useful insights.

<sup>7</sup> See also, "The Powder-Keg Speakership: How Long Can Brown Hold It?" 12 California Journal 5-9 (January 1981); and Blackburn, Daniel J., "How Willie Brown Solidified His Speakership," 13 California Journal 48-50 (February 1980).

A carefully constructed redistricting scenario could solve several problems. Burton could have more votes in the House of Representatives, Bermanites with national aspirations could go to Washington, those left behind would be protected, and Brown could have loyal replacements in the Assembly and a dependable Democratic majority for a decade. With the interests established, only implementation remained. Strategy would be crucial in a game with so many goals. And the Republicans were organized, had money, and were strongly motivated.

Another dimension to the redistricting problem was an outgrowth of the earlier McCarthy-Berman struggle. Two Latinos had played a key role in the resolution of the Speaker conflict -- Richard Alatorre and Esteban Torres. Both initially supported Berman but shifted to Brown. This betrayal of Berman was a continual problem. Alatorre, regarded as a traitor by the Caesar Chavez organization which strongly supported Berman, had to prove his commitment to the Latino cause. To add to the complexity, Alatorre was a close friend of Philip Burton's brother, then Congressman John Burton.

Pressure to demonstrate his allegiance also came from another source. The Republican party, desirous of breaking Latino ties to the Democrats, took up the Latino redistricting cause. The Rose Institute, with its largess from the California Roundtable, could fund Latino scholars, distribute grants and subsidized publications.

The emphasis on Burton's role in the redistricting process glosses over the fact that besides the congressional work, 120 state legislative seats had to be designed. It is ludicrous to assume that state legislators would acquiesce in the shaping of their district by a congressman, even an ex-assemblyman like Burton. The focus on Burton I and Burton II, the Republican phraseology for the Congressional plans in 1981 and 1982 neglects this.

The prize of Chairman for the powerful Elections and Reapportionment Committee went to Richard Alatorre, whose initial defeat in 1971 had triggered in part of the fiasco of that period. Ironically the Bermanites claimed the right to control redistricting on the basis of their expertise, the very expertise which had produced that same fiasco. Now Alatorre, the deserter, was Chairman of the committee so highly prized by the Bermanites. Alatorre immediately appointed Professor Bruce Cain of Caltech as

consultant and Tucker as his assistant. The Assembly indicated its currency by employing the computer expertise of behavioral political scientists.

The Assembly problems were the same as they had been a decade earlier. The population in core areas declined relatively and ring areas exploded. Again the solution was assumed to be concentration of Republican districts to compensate for Republican gains in the rings. Democratic core districts would expand into the ring areas.

Alatorre's appointment was due to two political facts: the debt Speaker Brown owed to Alatorre for breaking ranks to support him, and the currency of the Latino quest for empowerment. In supporting Brown, Alatorre and Torres had broken with the west side politicians who previously had both blacks and the Chavez union organization in their camp. As chairman, Alatorre would be influential in delivering for Latinos who were on the march for power and influence. If successful, he would be a leader in the notoriously factionalized Latino community, and perhaps even the first Latino statewide officeholder.

Could he deliver? As discussed above, the Danielson Congressional district was won by Martinez, supported by Berman. When Burton pulled off the creation of a third Latino district Alatorre was ecstatic and his ability to deliver half proven.

The Assembly was not as easy. Assembly districts for Latinos meant bon voyage for Anglo Democrats, and they voted on redistricting legislation.

The Rose Institute made Latino representation part of its "good government" crusade. Latinos benefited from the Rose Institute's conferences and scholarly publications as well as its databases, made available free to Latino volunteers. As a result of one conference, the *Californios for Representation* (CFR) was formed. The CFR played a crucial role in gaining media attention for Latino problems, and created problems for the Democratic majority. The CFR was asserted to be merely a front for the "evil" Rose Institute.

Oral history reports of Latino activists Armando Navarro and Professor Richard Santillan highlight the dilemma of an outside group challenging opps.<sup>8</sup> Santillan in particular describes case after

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<sup>8</sup> Armando Navarro, Oral History Interview, and Richard A. Santillan, Oral History Interview, conducted in 1989 by Carlos Vasquez, UCLA Oral History Program for the California State Archives, State Government Oral History Program.

case of officeholders and their staffs abusing the intent of activists who challenged the regular routine. Not only was a person's integrity called into question but guilt by association prevailed. The focal point of attack always seemed to be the Rose Institute. In the case of the CFR Latinos, their use of Rose Institute databases was defined as complicity in crime. No one dared to ask why the public databases which were being developed at the costs of tens of thousands of taxpayers dollars were not being used. The reason was that those operating them could not even get the computers up.

The CFR prepared its own redistricting plans. Though the rejecting the CFR solutions in Santa Clara and the Los Angeles areas (which would have jeopardized Democratic Assemblymen Vasconcellos and Vicentia, who strongly supported programs beneficial to Latinos in the final stages of 1981 redistricting), Alatorre focused the agenda on creating influential districts. Some districts were realigned to push their Latino percentages over 30%. Notable in that category was the Kern County district of Republican Rogers, which reached into San Bernardino and other counties to pick up every available Latino in the southern San Joaquin Valley.

The more basic problem of core district decline and suburban growth also had to be addressed. In San Francisco, Assemblyman McCarthy's decision to pursue a bid for statewide office released his district for the creation of a new Sacramento-San Joaquin-Contra Costa district (the "wishbone"). Sacramento's popular mayor Phil Isenberg, former aide to Speaker Brown, was the designated heir to this gerrymander.

The Los Angeles County problem was more challenging. Entitlements in Los Angeles required the liquidation of two seats to provide representation in the growing ring areas. By taking peripheral areas, usually Republican, districts could be elongated into surrounding counties. Examples include La Follette in Ventura, and the new Rommel desert district which included portions of northern Los Angeles County and vast desert areas in San Bernardino as well as Inyo.

The core areas needed consolidation to liquidate two Republican districts. The options were limited because few Republicans remained in Los Angeles County. Republicans Felando and Ivers were targeted. The Felando district was a natural because before 1978 it had been a Democratic district, a bastion for veteran Assemblyman Vincent Thomas. Ivers district, otherwise strongly Republican, did have



some lucrative minority areas which were attractive to Alatorre. By taking the heaviest Republican areas and placing them in adjacent Republican districts and dispersing the Democratic and marginal areas to adjacent Democratic districts, the collapse was accomplished.

In the late stages of negotiations, after Republicans had an inkling the pending departure of Democratic Assemblymen Berman and Levine for Congress, Republican minority leader Carol Hallett and her redistricting lieutenants Naylor and Johnson suggested that Felando and Ivers could be saved and the gerrymanders to eliminate them withdrawn. The answer was a firm no. To which the Republicans responded that a referendum was probably the only recourse.

The Speaker decided further bargaining was futile. The final touches were put the Assembly bill and the Assembly voted. Forty-four votes were cast in favor, sufficient to pass the bill. For Alatorre it was a triumph.

#### In the Senate

Senators had done things differently in 1971 and 1973 and did so again in 1981. The problems were similar. Core areas declined, suburban areas grew. Latinos, enlightened by the Rose Institute programs, were unhappy because of what many Latino activists believed to be neglect.

Senator Barry Keene was appointed as Chairman but his elevation to majority leader required his replacement by Senator Boatwright of Contra Costa. Alan Rosin, the 1971 consultant, was back. On his staff was Richard of CSU-Sonoma for data processing.

Democrats sought revenge for one of their displaced members. In 1980, the popular and admired Senator Rodda had been upset by Doolittle, a protégé of conservative Republican H.L. Richardson. Not only did Democrats dislike the politics of the right but the interference of Richardson in another Senator's district was frowned upon by the Senate establishment. Democratic Senator Mills's position as President pro tempore was terminated as a result of a believe he had not done enough to protect Rodda. His replacement, Senator Roberti, promised a more vigorous party stance Redistricting was one of the first opportunities.



One sign of desperation in political bureaucrats is the use of manipulative techniques, often on the edge of constitutionality. One such device is the changing of a district's number. At some point, someone realized that if a senator who was elected in 1980 for a four-year term (until 1984) had his district number changed from odd to even or even to odd, he would have to run in 1982. Doolittle had defeated Rodda and won a term until the 1984 election. If his district number was changed, he would have to run again in 1982, with two years remaining on his term. If defeated in 1982 he would serve out his term but in 1984 would have no district. Doolittle's district would also be made more Democratic. Rodda would not return but the next best thing was to eliminate his successor.

Before the Senate battles were over the new tactical device was employed frequently. The threat was, if you do not support the redistricting bill, your district number can be changed. Even if the resultant district did not jeopardize one's political survival, the idea of another election before the usual cycle was an annoyance, not to mention an expense. In the case of Senators Beverly and Craven the prospect of number changes may have influenced their ultimate support for the Democratic redistricting plan. One attempt to intimidate failed. Senator Nielsen, when reminded of the number change possibility, responded that he would move into Senator Keene's district when his term lapsed. In short time Senator Keene was in the redistricting headquarters, and the number change was canceled.

Redistricting would affect the Republican leadership. Minority leader Campbell was a moderate compared with the Richardson group. Richardson was constantly challenging Campbell's leadership. Opposed to Richardson's political positions and hating his actions against Rodda, Democrats naturally favored the Campbell faction. Campbell's declining Los Angeles district, which had especially declined in population after being stripped of its Democratic areas for the benefit of core districts, was extended into wealthy Republican areas in Orange County.

In contrast, Richardson found his compact San Gabriel Valley district extended into San Bernardino County desert areas and Inyo and Mono counties. Noted for his pro-gun rights stance, Democrats suggested Richardson could hunt jack rabbits.

Republican opposition to the Democrats' redistricting plans failed. Rather than focus on the long-term consequences for control of state government, the Republicans focused on Burton as the source

of evil. The press picked up the line and emphasized the Burton factor. It relieved them of reporting the activities of those upon whom they had to live. To attack the Speaker the Pro Tempore would risk ostracism from the club. Thus, the giving of legislative control to the Brown/Roberti operation was overlooked.

And so it came to pass that in September 1981 the Legislature passed and the Governor signed the redistricting bill. Those responsible claimed to have only adjusted the Court-designed district lines as population changes required. Embarrassed and weary, there was relief that at least redistricting was over for another ten years. Or was it?

If the victors in the 1981 redistrictings thought the games were over, the launching of referenda shattered an expectation of a ten year rest. Republicans had an opportunity for referenda denied to the opponents (Democrats) of the 1951 legislation and the opponents (Republican) of the 1961 legislation. The three referenda were successful in June 1982 and a series of events ensued as discussed in Chapter 8.

CHART 8: ENTITLEMENTS FOR THE 1981 REAPPORTIONMENT

Population of California--1980	23,667,902
Ideal Assembly District Size (80)	295,849
Ideal State Senate District Size (40)	591,698
Ideal Congressional District Size (30)	525,953

	<u>Entitlements</u>			
	<u>Census</u>	<u>Assbly</u>	<u>StSen</u>	<u>Congress</u>
<u>North Coast:</u>				
1980	229,835	0.78	0.38	0.44
<u>Bay Region:</u>				
1980 Core	1,784,353	6.04	3.01	3.02
1980 North	856,651	2.90	1.46	1.63
1980 Central	656,380	2.22	1.11	1.25
1980 South	1,882,400	6.37	3.18	3.58
1980 Bay Totals				
	5,179,784	17.53	8.76	9.48
<u>Central Coast:</u>				
1980	659,025	2.23	1.11	1.26
<u>Southern California:</u>				
1980 Core	7,477,503	25.27	12.64	14.22
1980 North	827,868	2.80	1.39	1.58
1980 Inland	1,650,292	5.58	2.79	3.14
1980 South	3,794,555	12.82	6.42	7.21
1980 Southern California Totals				
	13,750,218	46.47	23.24	26.15
<u>San Joaquin Valley, Foothills and East Basin:</u>				
1980	2,160,733	7.29	3.66	4.12
<u>Sacramento Valley and Superior California:</u>				
1980	1,688,307	5.73	2.87	3.20

CHAPTER 7

Charts:

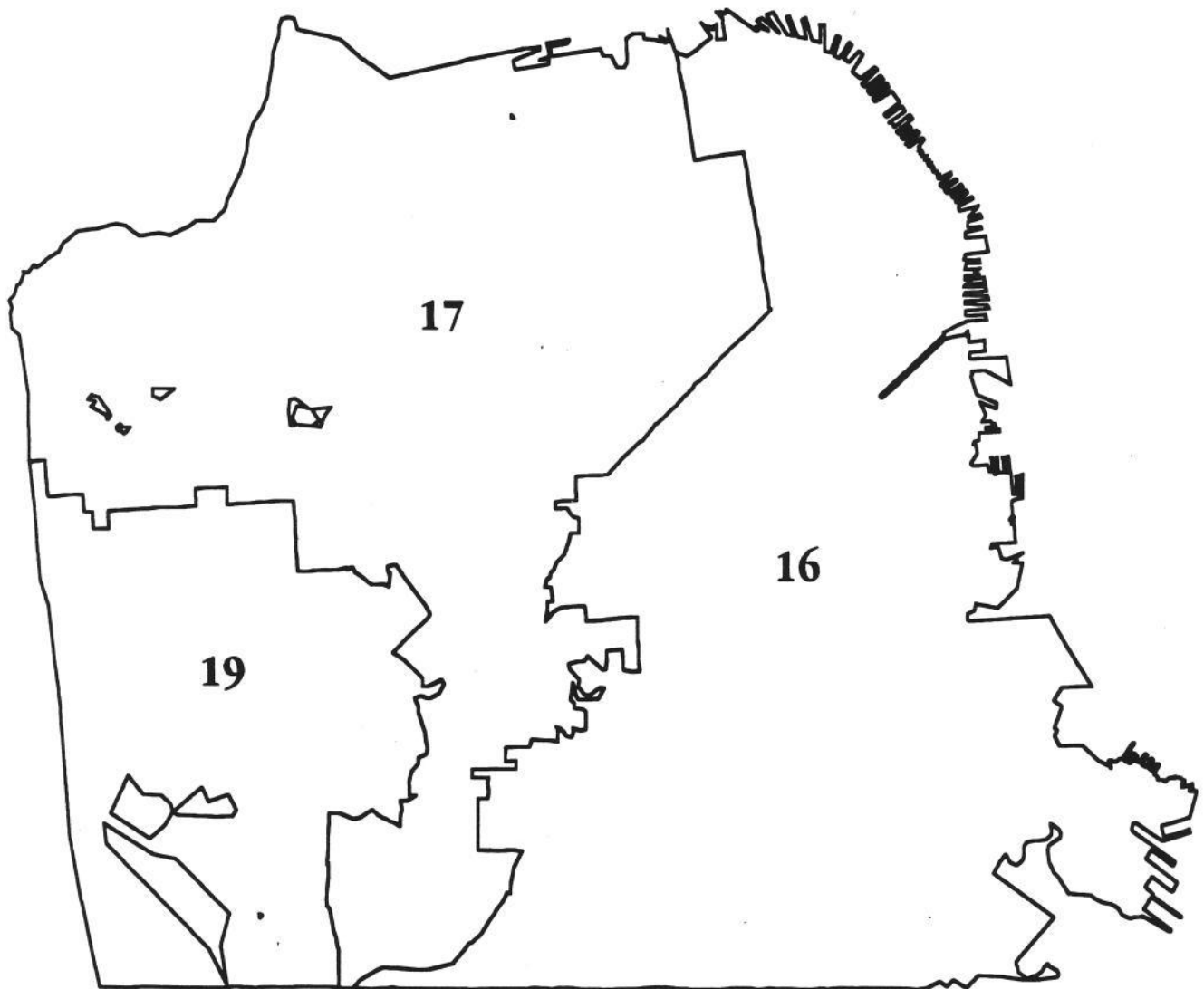
Population Distributions 1980

Maps:

Assembly Districts	--	1982
San Francisco Assembly Districts	--	1982
Assembly Districts -- San Fernando Valley and Northern Los Angeles County	--	1982
45th Assembly District	1981 and	1983
38th Assembly District		1981
38th Assembly District Changes [The Lobster]		1983
45th Assembly District [with 1981 changes]		1973
45th Assembly District [with 1983 changes] [The Figure]	--	1983
Senatorial Districts	--	1982
Congressional Districts	--	1882
Old 26th Congressional District [An Elimination Gerrymander]	--	1981
New 26th Congressional District [A Projection Gerrymander]	--	1981
29th Congressional District [with 1983 changes]	--	1981
32nd Congressional District [with 1983 changes]	--	1981
26th Congressional District [with 1983 changes]	--	1981
Congressional Districts [Bay Area]	--	1981
Congressional Districts [Valley Area]	--	1981
Congressional Districts [Central Coast]	--	1981
Congressional Districts [Los Angeles]	--	1981
Congressional Districts [Orange County]	--	1981

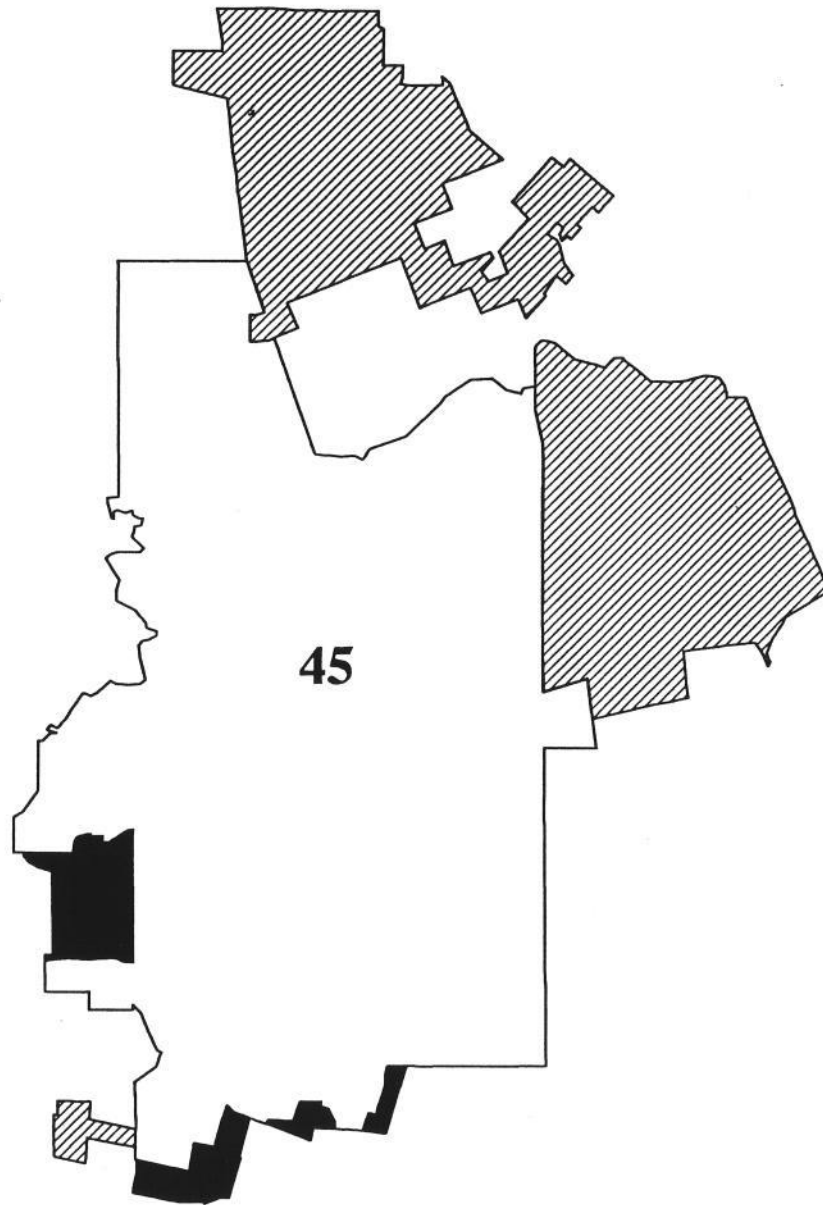
# San Francisco Assembly Districts

1983



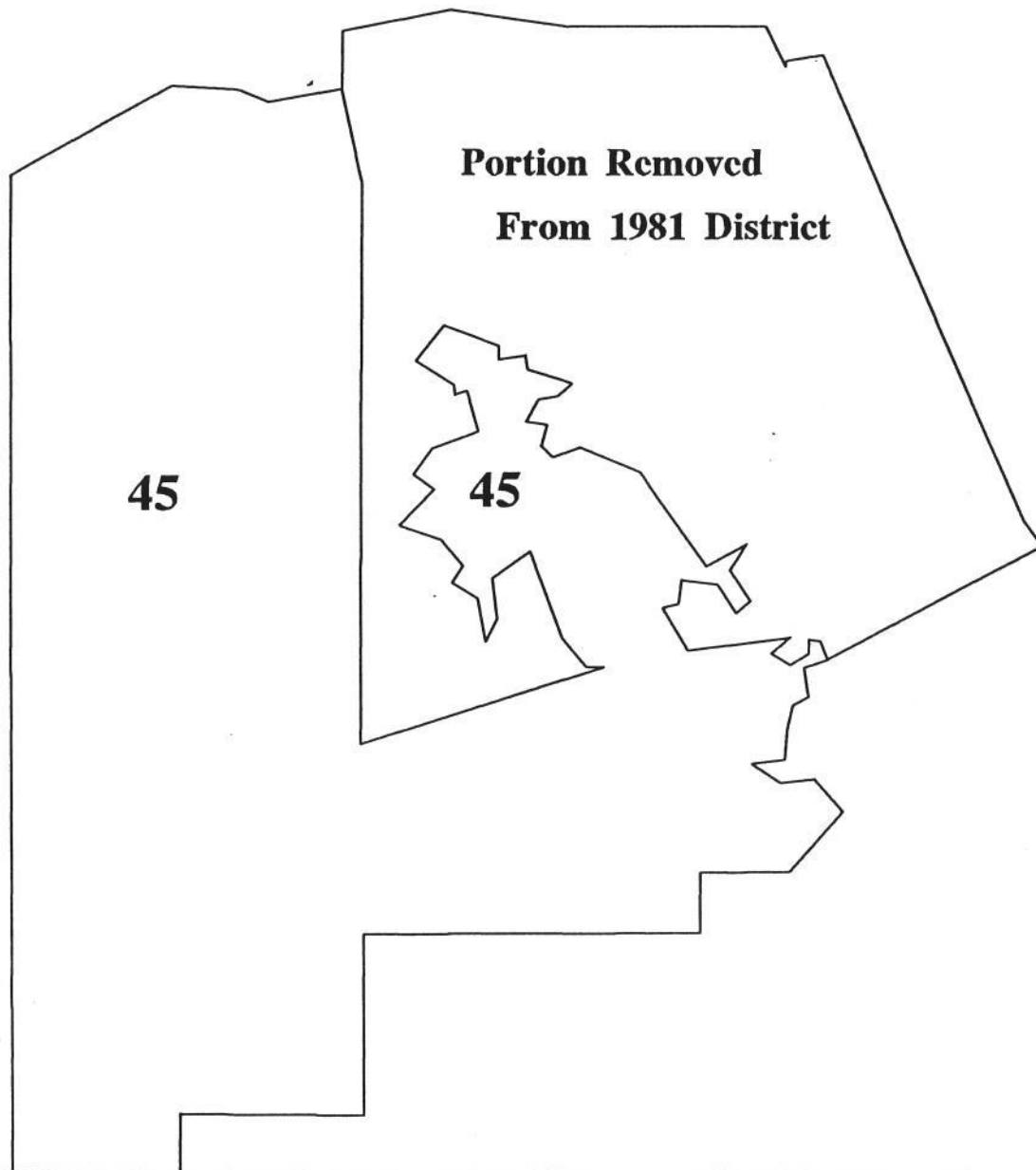
# 45th ASSEMBLY DISTRICT

1973 (1981 CHANGES)



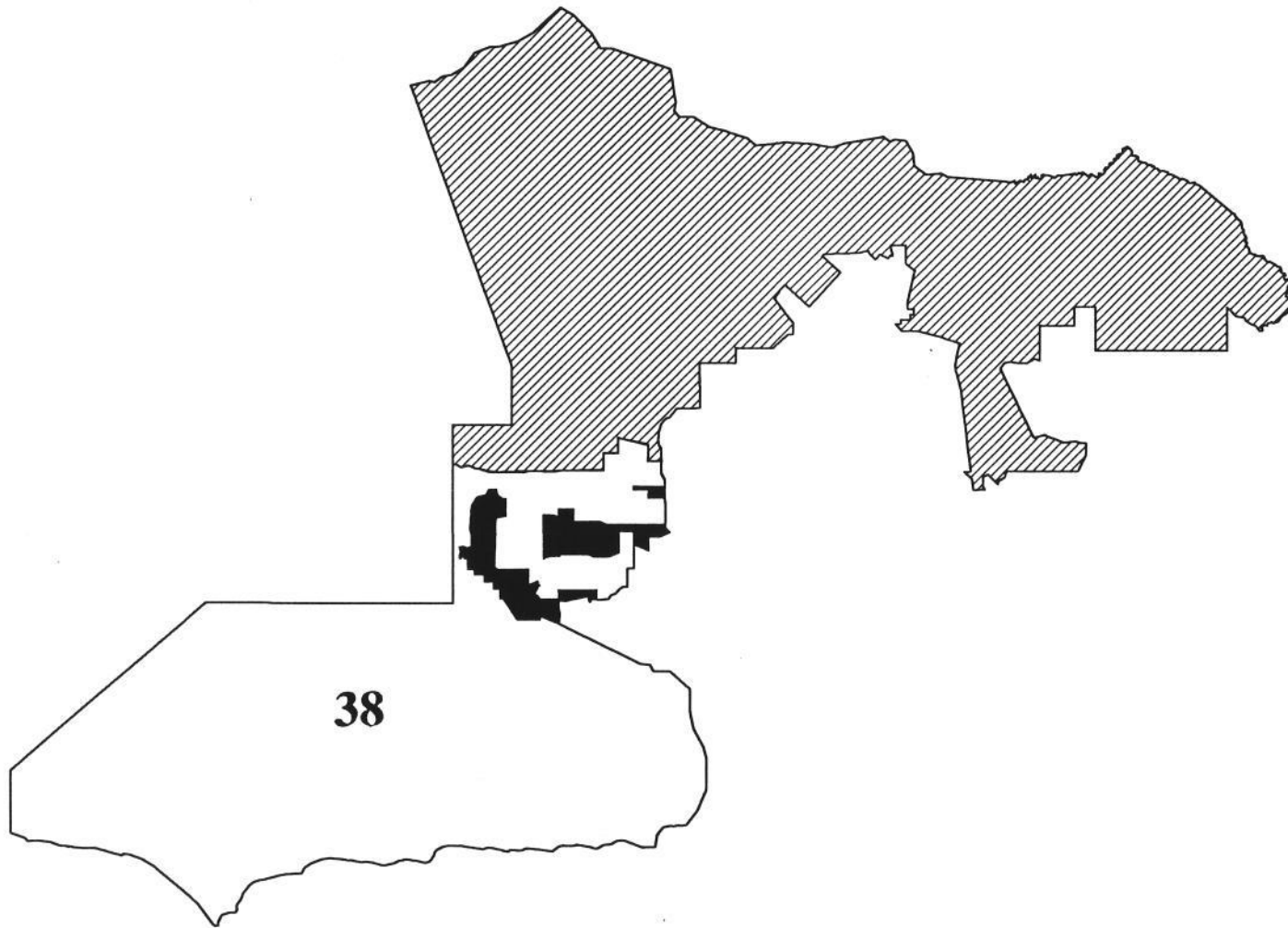
# 45th ASSEMBLY DISTRICT

1981 (1983 EAST SIDE CHANGES)



# 38th ASSEMBLY DISTRICT

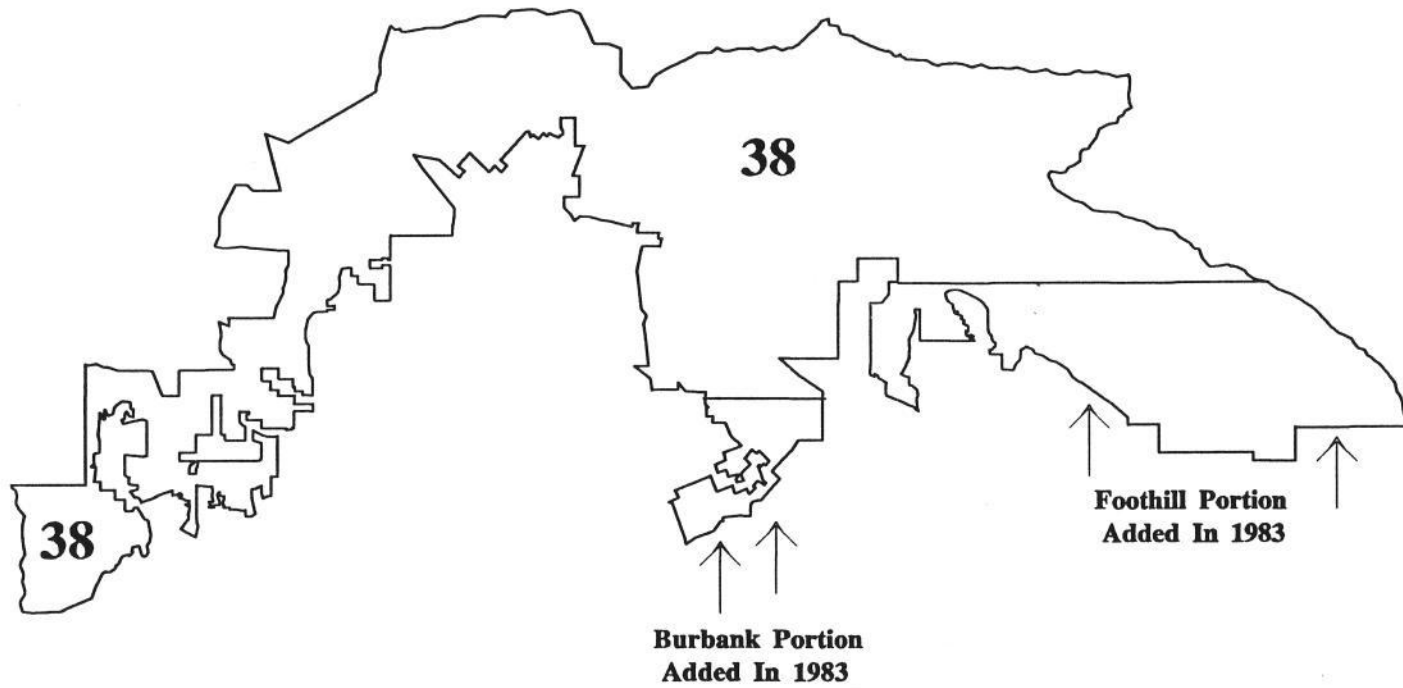
1981





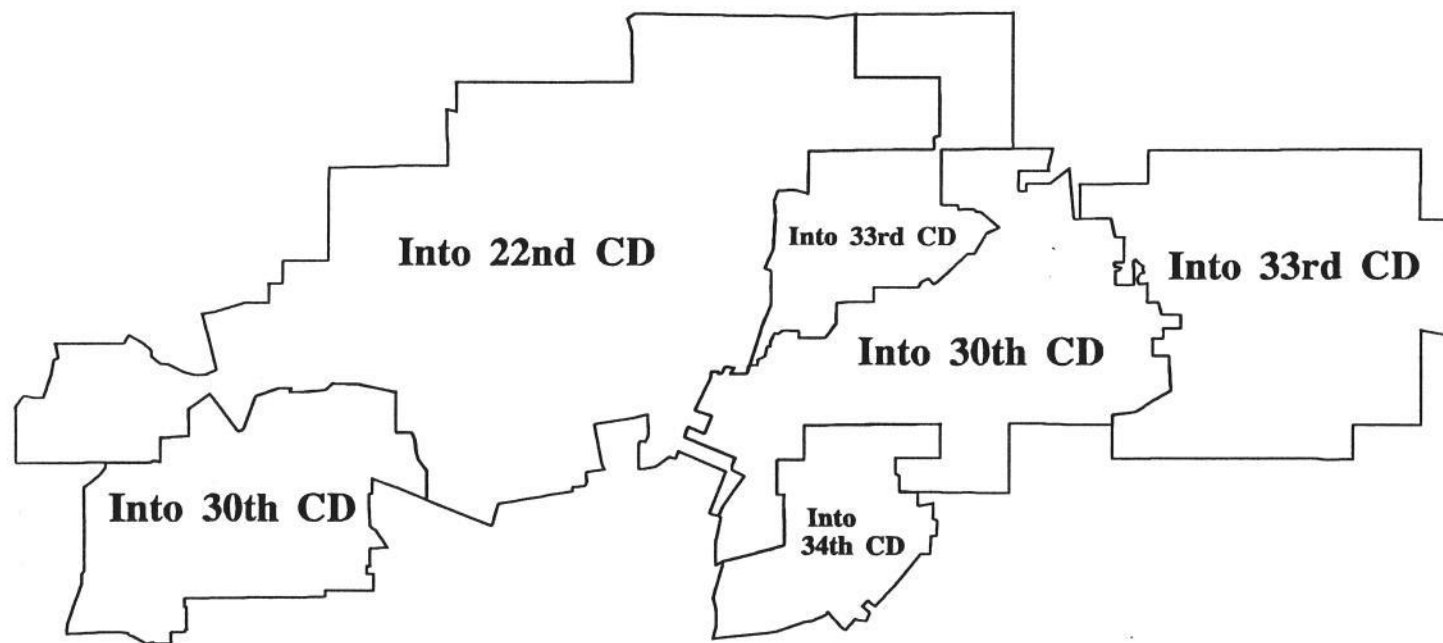
# 38th ASSEMBLY DISTRICT

1981 (1983 CHANGES)



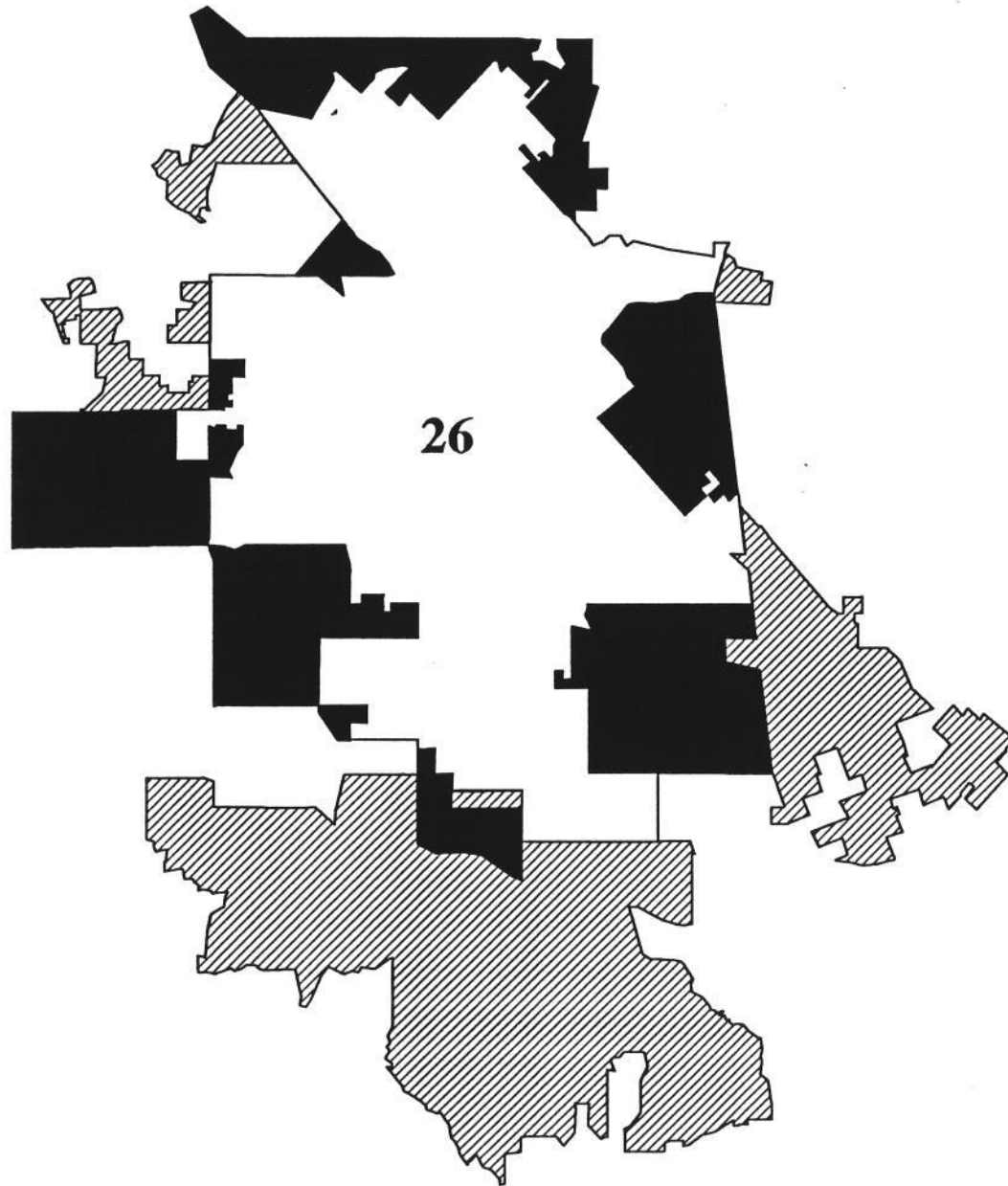
# 26th CONGRESSIONAL DISTRICT

1981 ELIMINATION



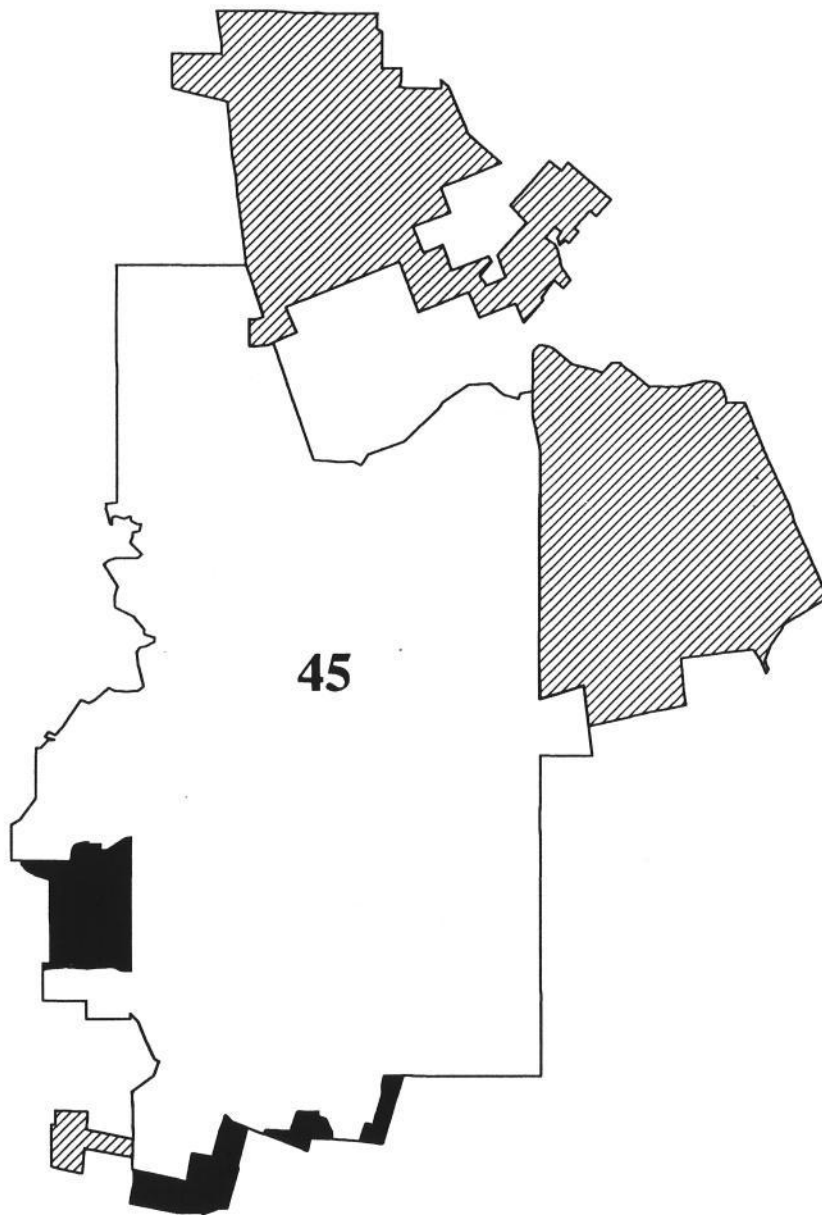
# 26th CONGRESSIONAL DISTRICT

1981



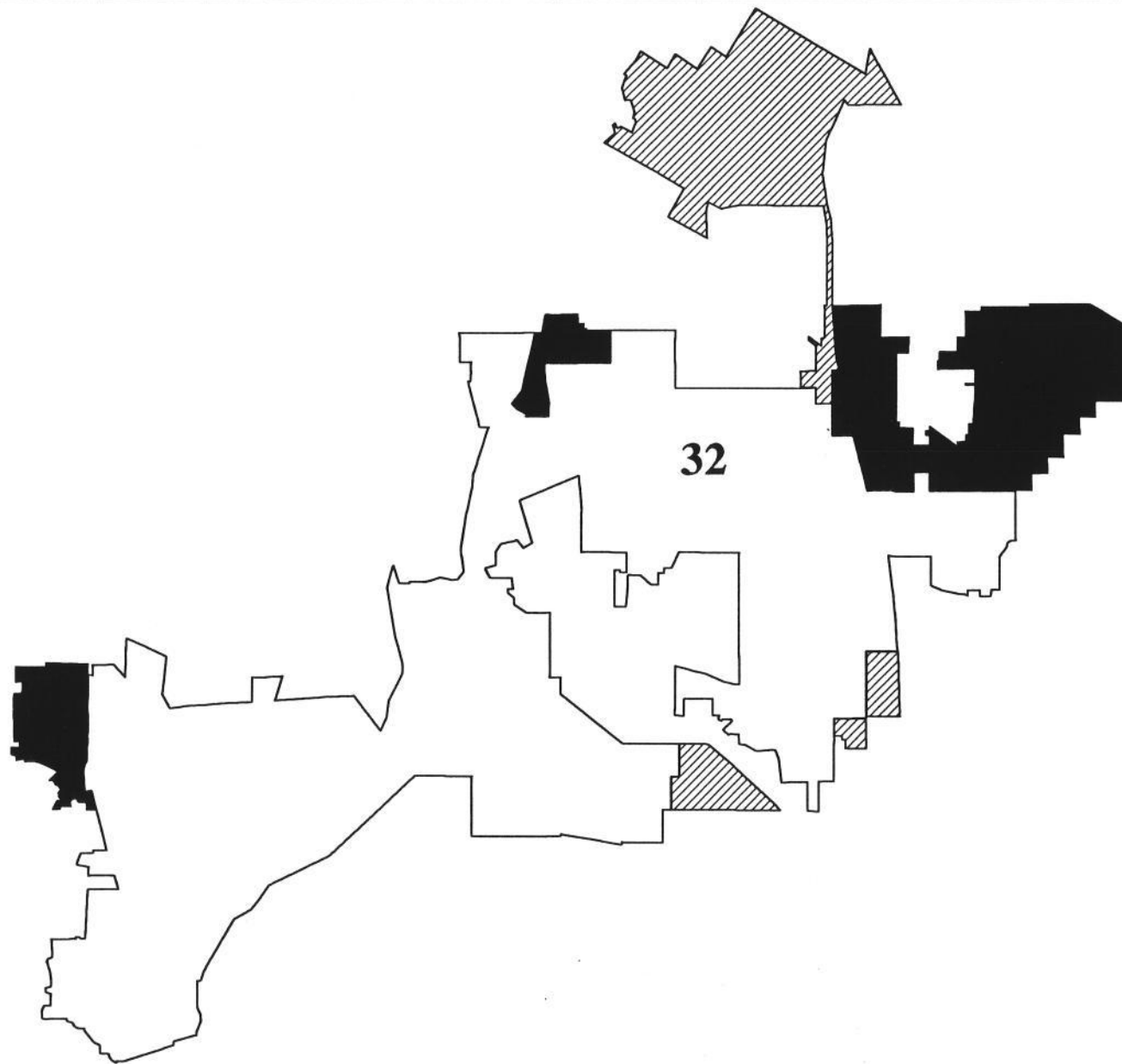
# 45th ASSEMBLY DISTRICT

1973 (1981 CHANGES)



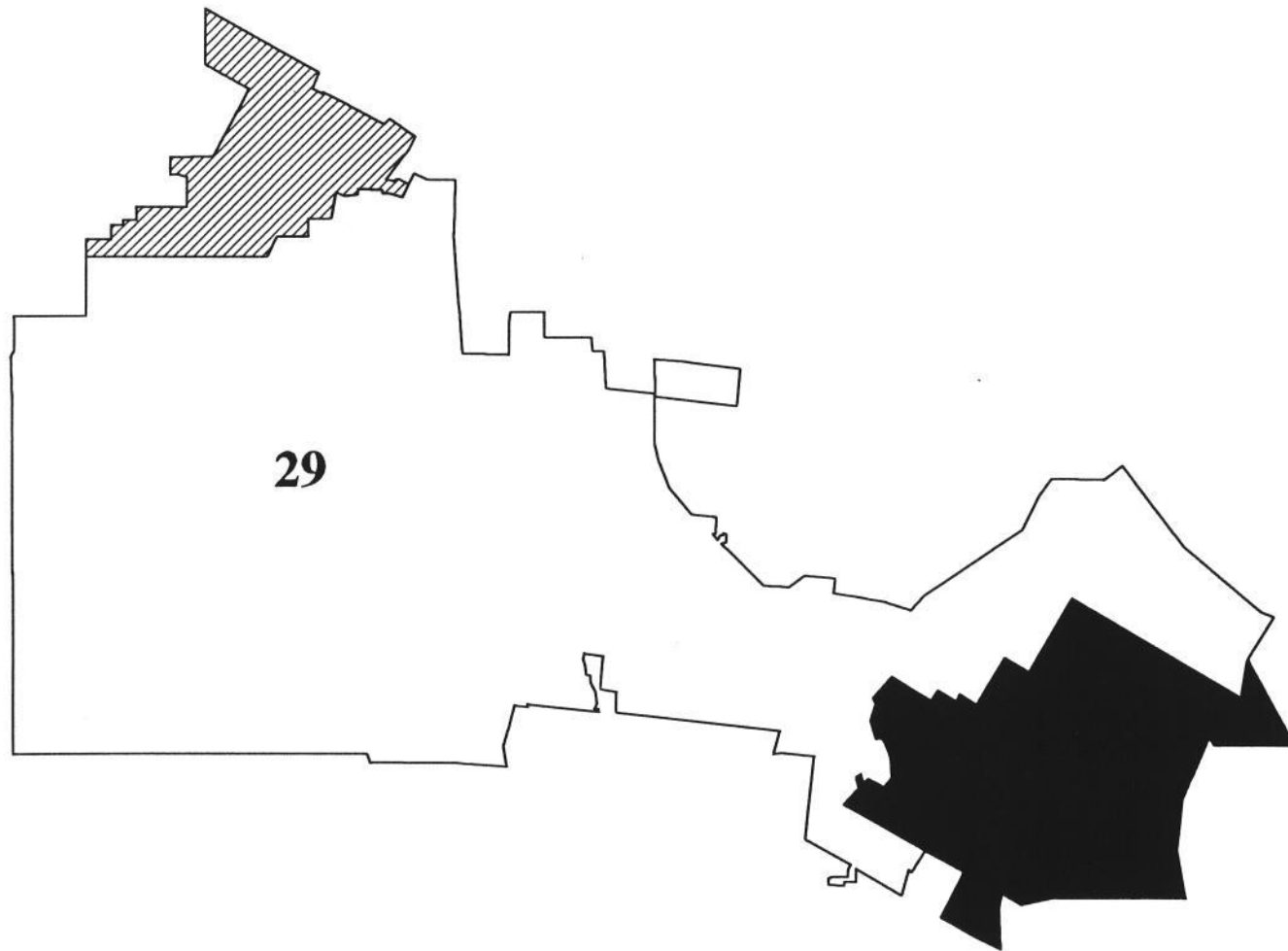
# 32nd CONGRESSIONAL DISTRICT

1981 (1983 CHANGES)



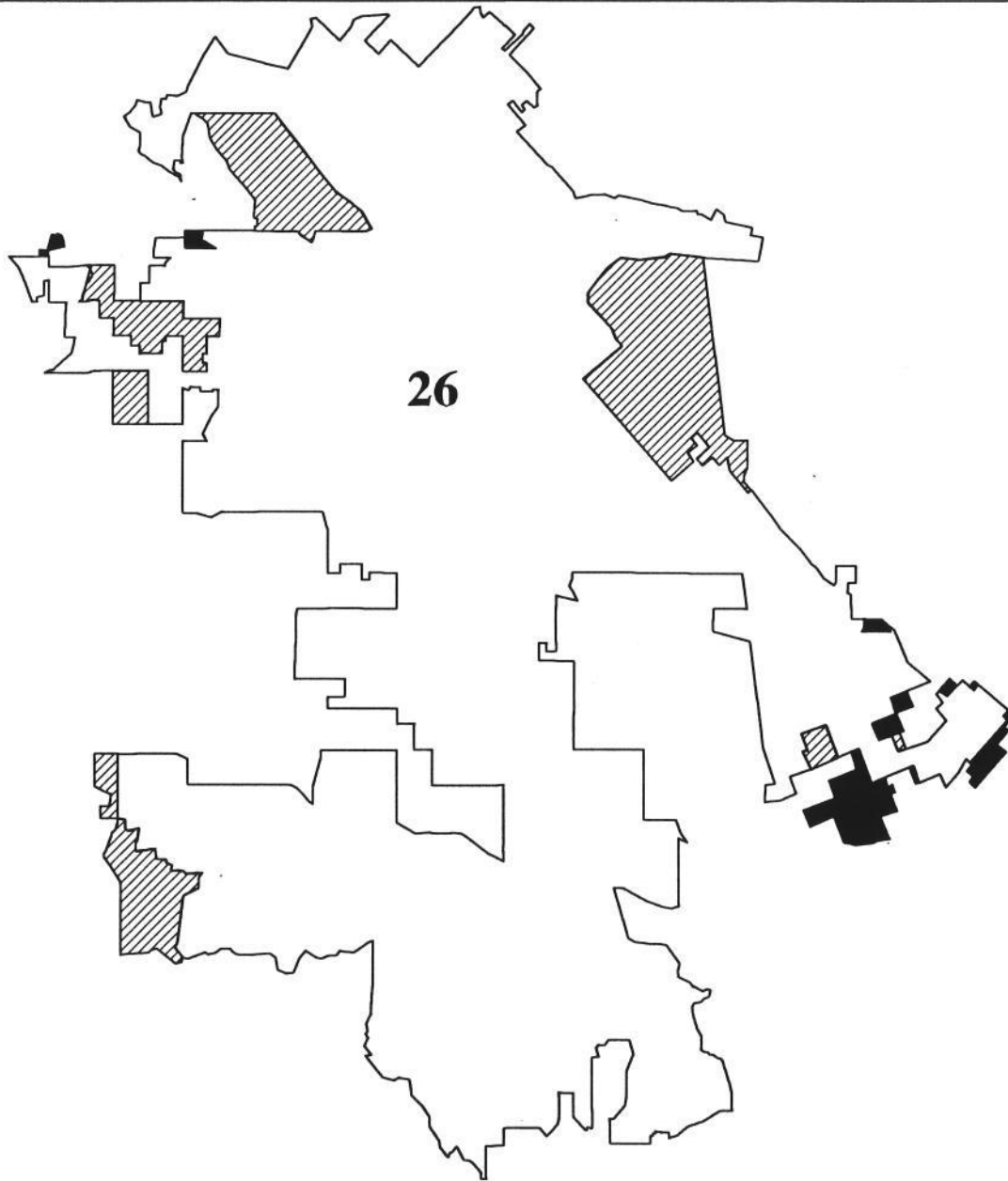
# 29th CONGRESSIONAL DISTRICT

1981 (1983 CHANGES)



# 26th CONGRESSIONAL DISTRICT

1981 (1983 CHANGES)



# 26th CONGRESSIONAL DISTRICT

1981





# CALIFORNIA STATE SENATE DISTRICTS



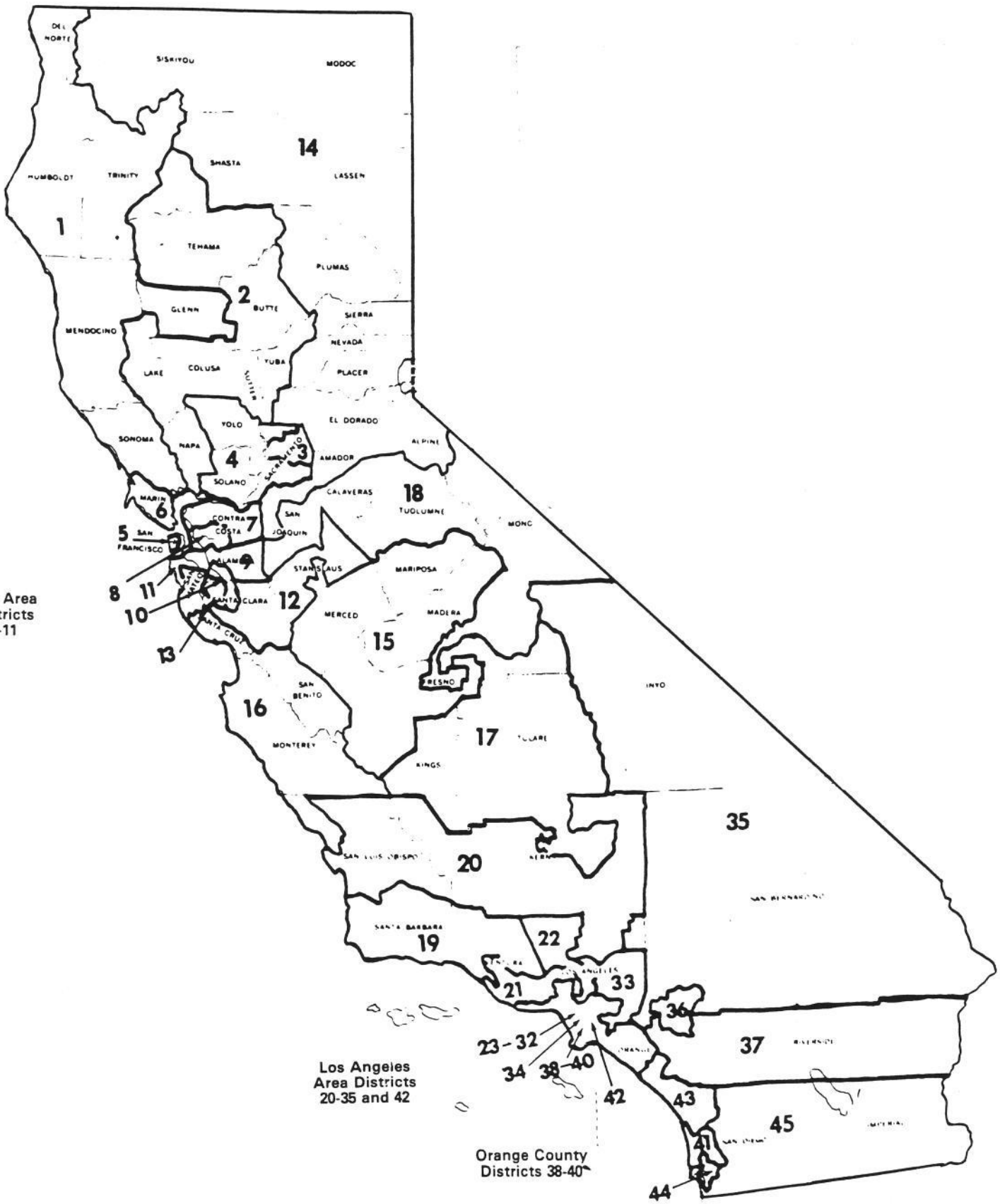
Bay Area  
Districts  
3, 7-11, 13

8-9  
11, 13

20-24  
26-33, 35

Los Angeles County Districts 20-24,  
26-30; shared with Orange County 31 and  
33; with other Counties 16, 18, 25, 34.  
Entirely Orange County, 32, 35; with  
other Counties 37. District 19 is shared  
with Ventura County.

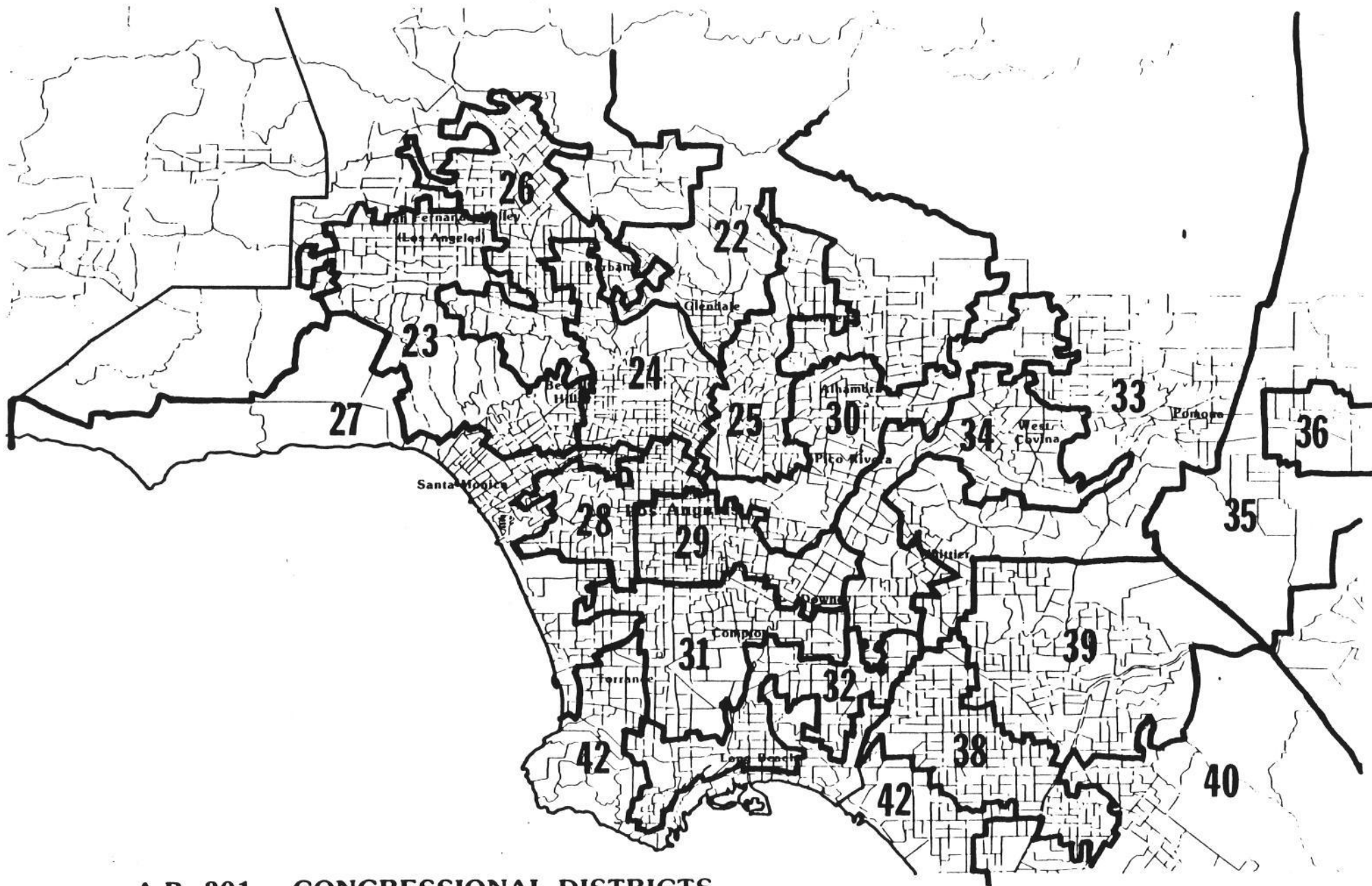
# CALIFORNIA CONGRESSIONAL DISTRICTS



Bay Area  
Districts  
5-11

Los Angeles  
Area Districts  
20-35 and 42

Orange County  
Districts 38-40

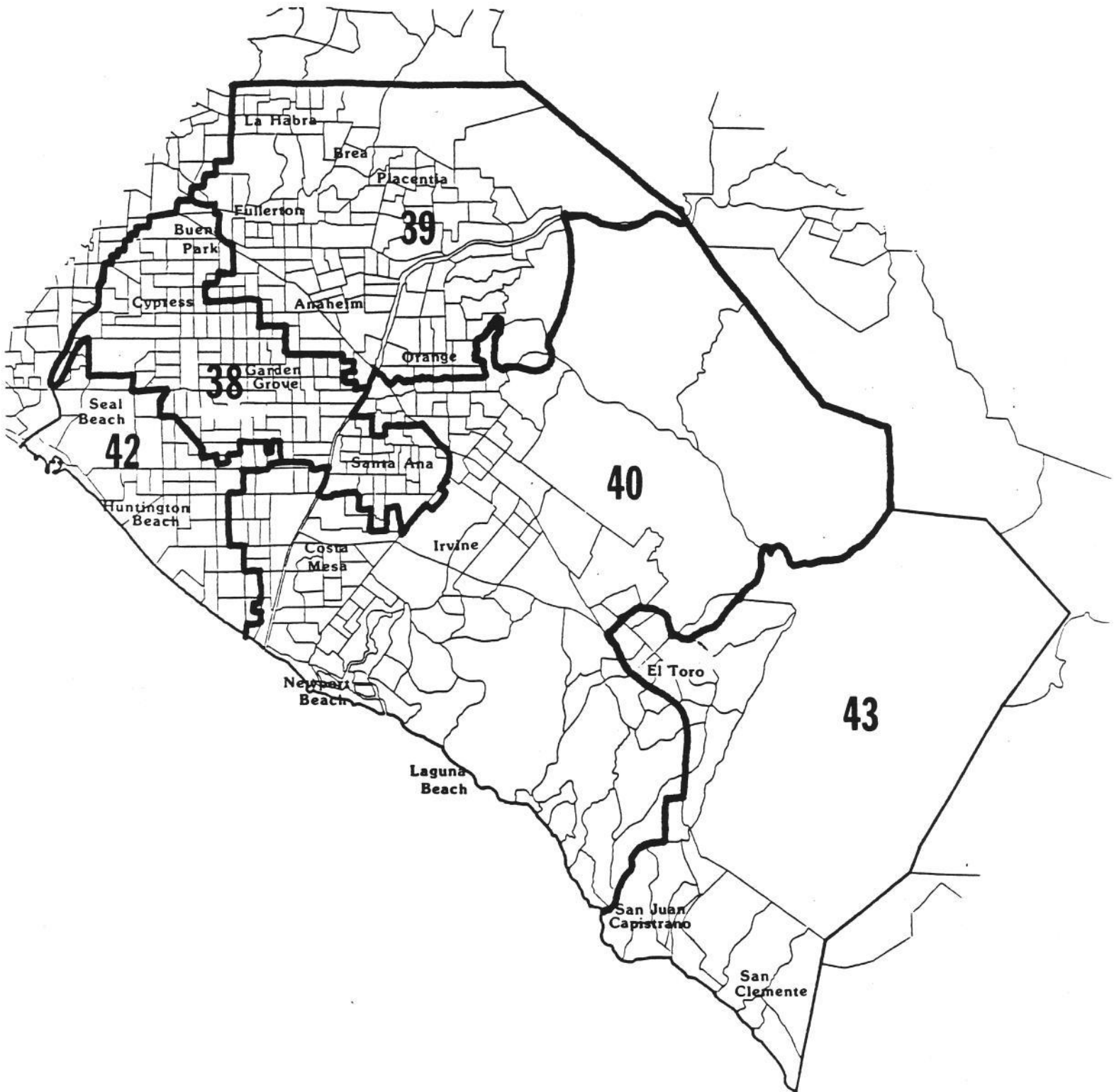


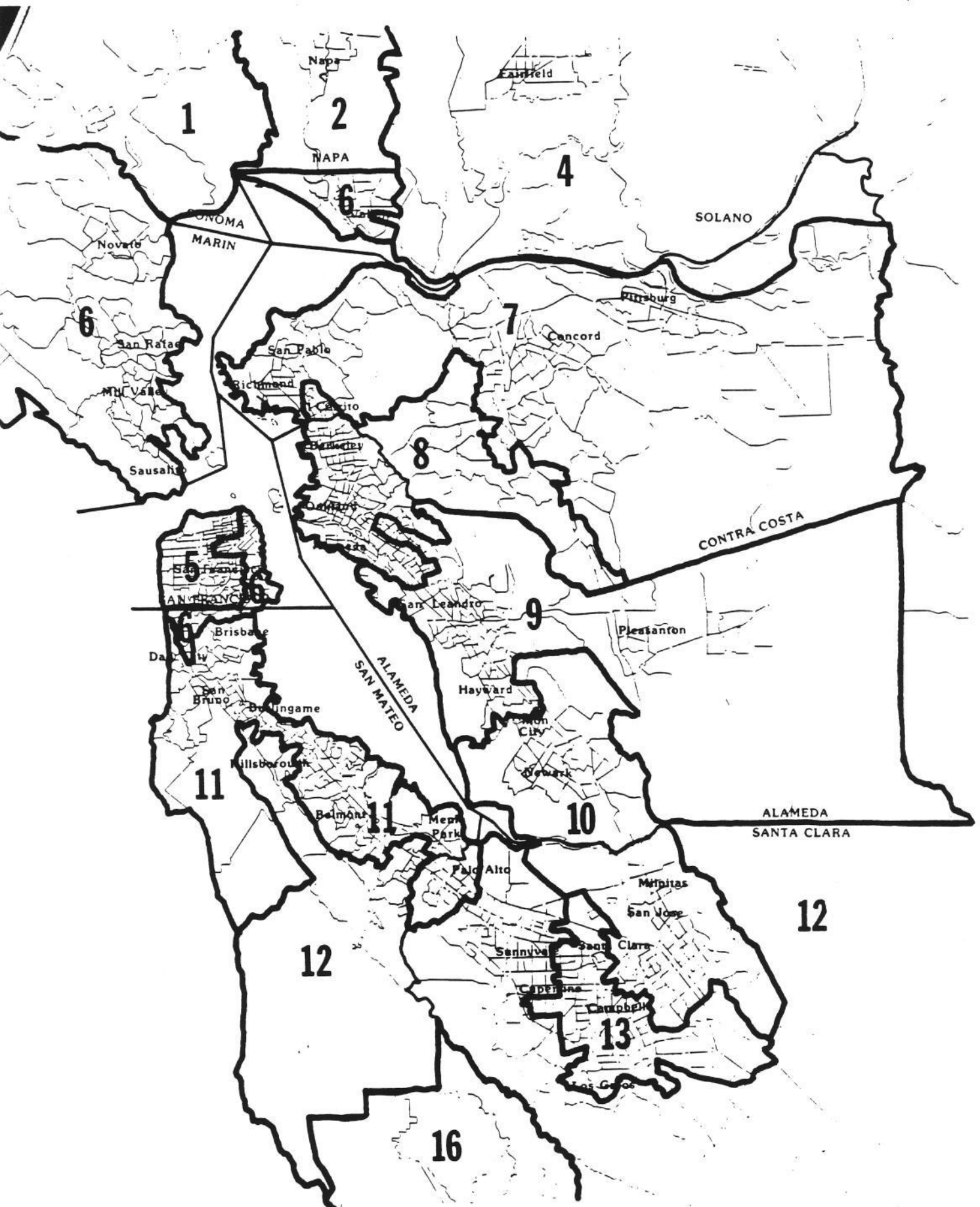
**A.B. 301: CONGRESSIONAL DISTRICTS**

**LOS ANGELES COUNTY**

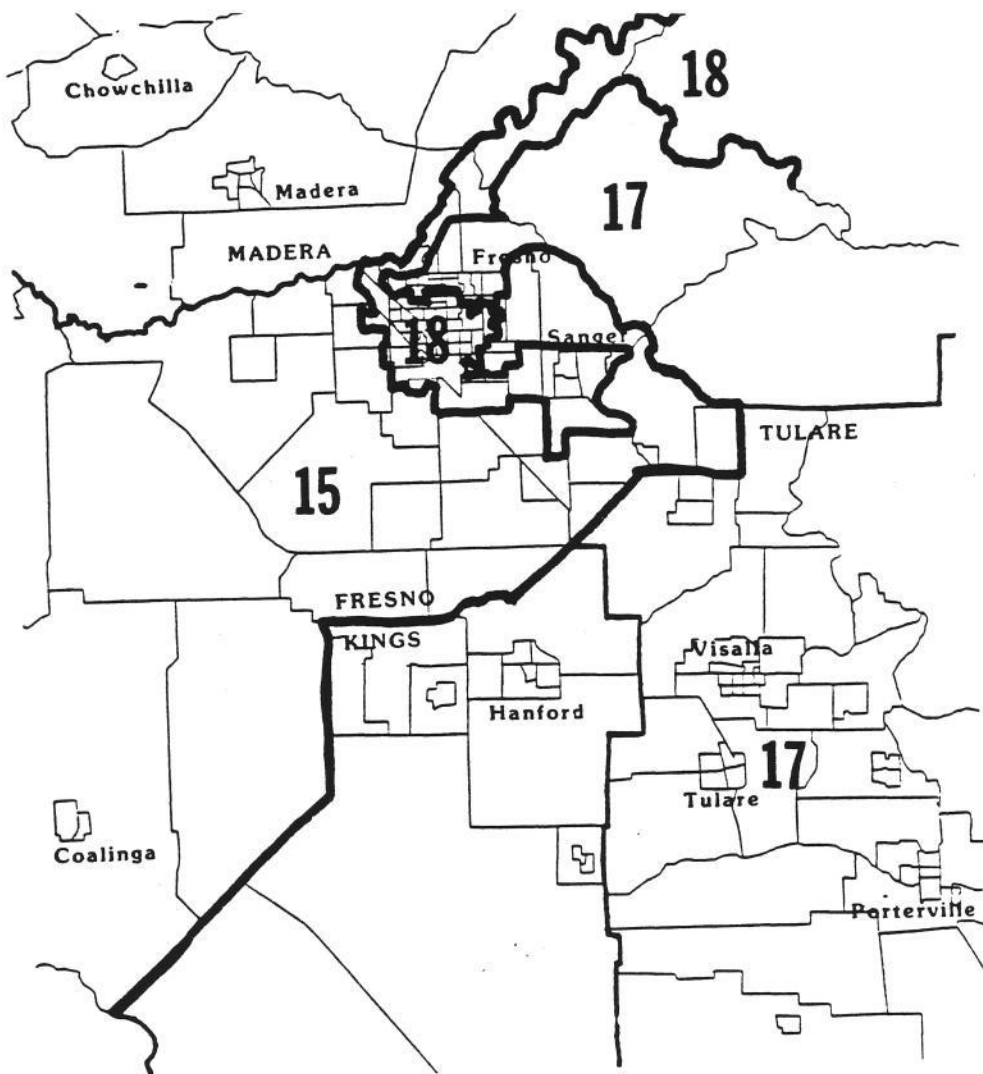
# A.B. 301: CONGRESSIONAL DISTRICTS

## ORANGE COUNTY



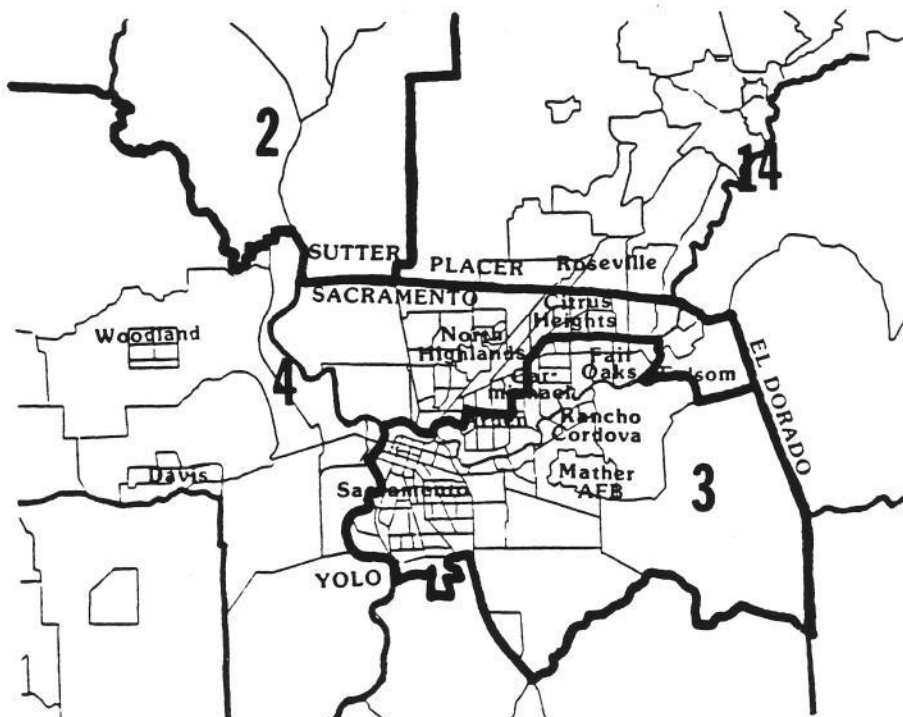


**A.B. 301: CONGRESSIONAL DISTRICTS  
THE BAY AREA**

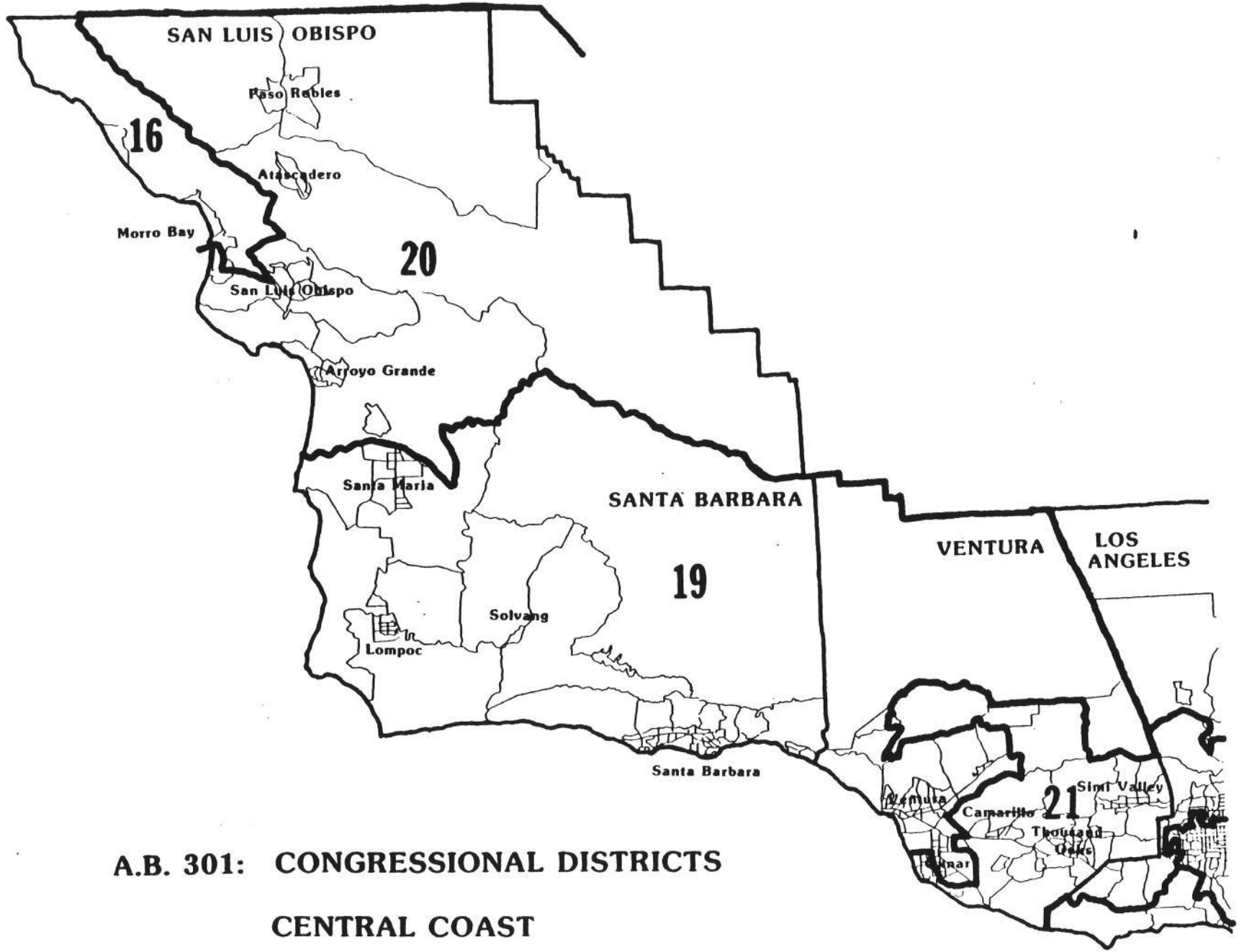


**FRESNO  
AREA**

**A.B. 301: CONGRESSIONAL DISTRICTS**



**SACRAMENTO  
AREA**



**A.B. 301: CONGRESSIONAL DISTRICTS  
CENTRAL COAST**



## CHAPTER 8

### THE MID EIGHTIES

Normally the 1981 redistricting story would have ended with the passage of the redistricting legislation. An academic would have written a profound dissertation to be lost in a university archive, and the political system would have returned to politics as usual.

However, the decade of the 1980s would be different. Attention to redistricting did not abate. In 1982 the referendum threatened by the Republicans was held and the results indicated clearly the public's view of their legislators' actions. The critics of the new districts won the referendum, not by one vote, or a percentage point, but by overwhelming margins. Yet in December 1982 a bipartisan group in the Legislature ignored the message, with muted cheers from many of their opponents. Again critics and the public had no alternative but the dubious initiative process and the courts. The first required an interested and enlightened public, which only tremendous amounts of money might secure. Court actions depended on an impartial judiciary.

This chapter analyzes events in the interim between the 1981 redistricting and the anticipated 1991 confrontation. Normally, redistricting legislation is passed after furious, abusive exchanges of rhetoric, then politics settles down to routine business with only occasional references to next time. As the decade wears on the interest increases, but usually only among a small esoteric elite of specialists. The 1980s would be different because of the events of 1982. For organizational purposes the chapter will be divided into the following parts:

1. the challenges of 1982, and the bipartisan coup of December 1982 to destroy representation in California government;
2. response to the coups in 1983 and 1984;
3. seeking other alternatives with a divided executive/legislative state government and a politicized court system;
4. preparing for 1991; and



5. the redistricting of 1991, a footnote to loss of legitimacy.

In the redistricting battles of the first part of the century, the yelling and screaming about redistricting and who would get what typically reached a climax in the first year of the decade following the decennial census. The fever quickly passed and the body politic settled into the exercise of the authority the elections bestowed. That authority was accepted as legitimate, certainly by the opps but also by the public. The next nine years were routine. The exception was the 1920s, in which public frustration produced a crisis and a compromise had to be made.

The exception of the first century, however, became the pattern in the 1960s, 1970s and the 1980s. Court decisions in the 1960s broke the reapportionment dam built by rural resistance to urban growth. The decade produced a series of initiatives and a series of legislative adjustments made under court threat.

The decade of the 1970s demonstrated the Legislature's inability to handle its own affairs and the necessity of outside agents to process legislative business. The decade was almost half over before the 1974 elections finally reflected the 1970 census. Technology, the emergence of gerrycrats and an ever increasing ideological obsession within both parties spelled doom to traditional politics and the legislative negotiations of the past. The demise of bipartisanship did not lead to the reemergence of parties as long recommended and expected by political scientists. Exactly the opposite occurred -- political bureaucrats, a new breed of experts--the gerrycrats and consultants--replaced political parties. Without a sense of the values implicit in the democratic creed, they absorbed the new wave political science which raised its banner in the name of a value-free science. Enraptured with the power of computers, technicians readily perfected districts based on past voting behavior, ignoring the on-going metamorphosis which was socializing the electorate to new political expression.

The architects of the 1971 to 1973 legislative failures could hardly wait until 1981 to launch their campaign for power, with the righteousness only the political correct can exude. Critics defeated in the Legislature in 1981 had no other recourse than to appeal to the public, the theoretical source of legislative authority.

Ironically, real events were explained away as "flukes" -- the politics of flukes. A reverse of party fortunes was a fluke, not a sign of public dissatisfaction. Opps of both parties dismissed factual arguments by engaging in character assassination of the critic, in the most cases using the most dastardly of methods. Political correctness relied on suppression of information and ideas as the way to a solution, oblivious to the disgust of the public.

#### THE 1982 REFERENDA

A call for a referendum had been a ploy in every redistricting since 1951, and had been used in the 1920s to delay the introduction of the federal system<sup>1</sup>. The threat of a referendum was the motivation for seeking a two-thirds majority, not only to override of a veto if necessary, but also to create emergency legislation not subject to referendum. In 1951, Republican Laughlin Waters sought and secured Democratic votes and prevented a referendum. In 1961, Crown and Unruh won overwhelmingly and detoured Republican efforts for a referendum 1962. The 1971 and 1973 battles focused on the veto question because for the first time in modern times a governor and the legislative majorities were of opposite parties. The veto saved the Republicans and made referenda unnecessary.

As the battle lines drew up in the latter days of the 1981 redistricting struggle the threat of referenda became more prominent. The Governor was a Democrat and the Legislature was Democratic. Their political correctness determined their rhetoric and action. In a crunch, neither branch would hesitate to stand for the true faith, liberalism, in its flimsy toga of multiculturalism. With legislative majorities and the governorship in the hands of Democrats, what other recourse was available to the Republicans?

The bipartisan coup which had seized the Speakership for Willie Brown was now in shambles. Slowly Republicans came to realize that the unwillingness to bargain on the part of the Speaker they had created was indicative of the power base they had been instrumental in shaping. The Democrats, divided over the Speakership, quickly coalesced when faced with the evil of an ideological opponent.

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<sup>1</sup> See chapter 2.

Republicans began considering of a referendum. The real issue was money. Soliciting referendum signatures costs hundreds of thousands of dollars, and that was only the beginning. Once on the ballot, contesting the issue would cost additional millions.

The record was not encouraging. Only one referendum had been successful, and reapportionment initiatives had been unsuccessful in 1948, 1960 and 1962, leading to the conclusion that redistricting is too complex an issue to attract public attention.

At an August 1981 summit held with Willie Brown and other legislative moguls to negotiate a compromise, Republican minority leader Hallett laid down the gauntlet, stating that a referendum was a real possibility. Apparently the Democrats were not impressed. They passed the bills and the Governor signed them. Following through with the Hallett threat required that the Republicans obtain the required signatures in 90 days. The deadline was met. The three redistricting bills would be subject to a referendum in June 1982.

The referendum created a major legal problem. What districts should be used for the June and November 1982 elections, the ones passed by the legislature in 1981, which were the subject of the referendum, or the current districts, which were the ones the courts had imposed in 1973? The matter had to be settled because the election process had to begin.

Lawyers of both parties sought a decision from the State Supreme Court. Republicans argued the 1981 districts should be put on hold until after the referendum and the 1973 districts, under which they continued to gain strength, should be used. The 1971 precedent supported this argument. The two "new" Congressional districts were problems and various alternatives were suggested. Democrats countered that the 1981 districts had been passed into law and ought to be used. The Democrats also questioned technical aspects of the way the referendum signatures had been gathered and the validity of the signatures.

The Court ruled that the petitions were valid and the referendum would proceed. The Court also ruled the districts formulated by the 1981 legislation would be used in the June and November elections.

In the campaign literature for the June primary Democrats argued that legislation legitimately passed and signed by the Governor should not be overturned by the largess of business groups which

owned the Republican Party and were in back of the referendum. Republicans flashed the 1981 district maps before the electorate on TV and in full page newspaper ads, reminding the citizens that these weirdly shaped districts were not Rorschach tests but the actual districts being foisted on the electorate.

The referenda asked whether the voters wished to reject each of the Congressional, State Senate and Assembly districts. The referenda passed by 64.2%, 62.6% and 62.4%. Citizens had strongly rejected the choices made by their representatives.

#### Proposition 14 and the December 1982 Coup

Democrats did well in the 1982 elections, which were held using the now rejected 1981 districts. Republicans had, however, won two of the big prizes. Pete Wilson won the U.S. Senate position and George Deukmejian would become Governor in 1983. The Governorship was a key position in the decade to follow. Deukmejian would be the symbol of resistance to political correctness, now solidified in the Legislature due to redistricting in defiance of the public will. Deukmejian was never able to effectively put the symbolism into meaningful action. Partly it was a question of personality or charisma.

More pertinently it was a problem of timing. The public mood changes slowly and dissatisfaction must grow to the point of disgust before it spills over into the polls. It would take years but gradually the public mood shifted.

Among the most bitter defeats for the redistricting reformers was Proposition 14, the Redistricting Commission Proposal. The initiative called for a Redistricting Commission to handle redistricting. The Commissions make up would include judges. After the overwhelming victory in June, passage of the initiative seem likely in November. People were dissatisfied with redistricting. Why not give it to a neutral body?

What constituted neutral was the stumbling block. The successful opposition to Proposition 14 was based upon the inclusion of judges. Of the retired judges, only a few were women, blacks or Latinos. It was argued that a rainbow coalition was necessary for political action to be legitimate in an era declared to be committed to political correctness.

Even more formidable was the unified opposition of the Democratic incumbents who characterized the attack on the current redistricting as a business plot to undermine the effectiveness of newly emerging groups in society -- the "minorities" who represented an array of multicultural groups excluded from political power. The strongest areas of opposition to the proposed commission came from areas heavily populated by blacks and Latinos, while strong support came from higher income areas.

Lack of financial support was also crucial. Republicans had spent over a million dollars for the successful referenda, but not enough could be raised for the Redistricting Commission campaign. Given the June results, overconfidence was a factor -- this would be an easy win and not much money would be needed. Also, in the general election, campaign money flowed to the "biggies" -- the gubernatorial and the U.S. Senate campaigns, especially the former which was thought and turned out to be close.

The suggestion that a Republican governor in 1983 would be able to tame the Legislature, or force the issue into the court to the Republicans' advantage, may have dampened enthusiasm for a commission. A redistricting commission might hobble political maneuvering. If such was the motivation of some Republican activists and political junkies their strategy backfired. Defeat of the redistricting commission initiative set up the basis for the December coup and a decade of frustration.

When the Legislature met in December 1982 it included, as a result of the earlier court ruling, 100 members elected from districts rejected in the referenda. The incumbent governor, Jerry Brown, who had allowed the action and who had shaped the membership of the court had been defeated in his bid for the U.S. Senate. A persuasive aura of illegitimacy and "has-been" was cast on the government.

In their more hopeful days Democrats had expected a Democratic governor for the 1983 to 1987 period beholden to the Waxman/Berman organization and a co-ethnic with the Speaker. Now Democratic technicians began a revision of the rejected districts. They rationalized that the whole affair had been a fluke in which the people had been misled by their moneyed suppressers, symbolized by the evil Rose Institute.

The Democrats had the Rose Institute to attack. The Republicans attacked the political machinations labeled Burton I and II which produced the contorted districts. Republicans maintained that square compact districts were good compared to the bad meandering districts. In turn the Democrats

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position was: it's politics, the Republicans are only crying because they are losers, it is a case of sour grapes.

The press was no help. Rather than doing any investigative reporting, journalists met deadlines with the latest quips and one-liners of the public relations bureaucracy. Reliance on "fluke" explanations covered up the reality. As the media and political rhetoric became more distant from reality the public began to sense hypocrisy. Indifference turned to disgust.

In December 1982 the Democratic majority was intact but its Governor would only be governor for a few more days. On January 3, 1983 Republican George Deukmejian would take office and a divided government would return to California, with serious implications for redistricting.

One might expect the Democrats to use their remaining days to try to make modifications to the 1981 redistricting bills, and save as much as possible. However, given that they could only muster a simple majority in favor of any new legislation, one might also expect Republicans to delay any action with threats of a veto until their Governor arrived on the job.

The latter did not come to pass. It is hard to conceive what the Republican strategy was. The Democratic proposal to enact a redistricting bill before Jerry Brown's exit was accepted. The Republicans gave away their best opportunity in two decades to play an instrumental role in redistricting. In the last frantic days three redistricting bills were formulated to solidify incumbents of both parties for the next decade. Put another way, the Republican incumbents agreed to remain a minority for a decade in exchange for incumbent privileges.

Incumbents of both parties were weary of the two year struggle over redistricting. And they were aware of the danger to their tenure if the districts from which their authority was based were altered. Democrats were apprehensive of a Republican Governor who naturally would be less amenable to their legislative plans. The experience with Reagan was still vivid. Republicans were equally uncertain of a new Governor who talked the "good government" rhetoric. Safe seats appealed to members of both parties. The easy answer was action before the new Governor was in place. In the waning days of the Jerry Brown crusade for "small people" government, politicians of both parties began to play with the districts rejected by those same people.



Major shifts occurred in the Congressional districts, especially in some of the most ridiculous districts. In that category were the 6, 14, 27 and 32 districts.

Agents for Orange County's only Democrat, Patterson, begged Czar Berman for additional Democratic areas. Republican majorities were becoming unmanageable. But after all Democratic bases had been consolidated in Orange County there was still not sufficient population for a Congressional district. Continuing a trend which began in 1967, Orange County Democrats had to reach into Los Angeles County to boast dwindling numbers. The only significant city adjacent to Orange County having even a moderate Democratic registration was Cerritos with a population of 52,756. The county line was ignored and Cerritos became part of the 38 Congressional district. In turn the elongated 42 Congressional district was further extended into Orange County to absorb the equivalent of the 52,756 people Patterson had given up to acquire Cerritos. Normally that might have been a simple exchange: Anderson would lose 52,756 (Cerritos) to Patterson, Patterson's 52,756 surplus (La Palma, Cypress, Los Alamitos, more of Huntington Beach, and Midway City) would go to Republican Dan Lundgren, and Anderson could absorb 52,756 (more of Long Beach or elsewhere) from Lundgren. (The last move was potentially risky from Anderson's viewpoint, as his 1982 opponent had been Lundgren's brother, but Anderson did not matter much in the Berman-Burton-Dymally axis anyway.)

The real problem was the new chairwoman of the Assembly Elections and Reapportionment Committee, Maxine Waters. Waters conceived herself to be the successor to the aging Congressman Hawkins. His district now included the moderately high-income white city of Downey, one of the few pockets left in the southeastern area. Significantly South Downey also had a growing Latino population. Waters declared she wanted no "m\_\_\_-f\_\_\_ honkies" in her black district. For Waters, minorities meant people of color, but only a special color. The existing district might produce a strong Latino primary threat in a future race.

The solution was a narrow four mile Bellflower corridor. Anderson's population deficit was solved by giving him South Downey. The deletion of South Downey from the Hawkins' district meant that district could expand on the west, where there were more blacks. The need to compensate for Lundgren's 52,756 surplus required someone (Mel Levine or Dymally) to move into Torrance, not a



Democratic stronghold. The complex exchanges required careful balancing. The incorporation of "whole" Cerritos was bought at the expense of dividing Bellflower, Downey and Torrance. In the 1982 referendum the cities involved had voted heavily against the districts and now their votes were totally ignored by greedy opps.

The other district cleaned up was Lehman's 14 Congressional district. The basic plan of the district could not be altered given the powerful incumbents. Filling out the "neck" was the best to be expected but it hardly covered up the effrontery to the public, which had voted strongly against the district.

In the Senate David Roberti controlled the operation and was greatly influenced by Berman's advice because a razor thin majority allowed the liberal moneybags to call the tune.

Chairman Waters supervised the realignment of Assembly districts. Faced with the problem of relative population decline in the core areas, the Democrats could only continue their elongation techniques. The leftovers from the Democratic pickings made for favorable districts from a Republican perspective. As in garage sales so in politics: someone's valuables are another's trash.

The Republican's work in realigning their territories is instructive. In return for acquiescing to caucus control in cases where a two-thirds vote was needed, some members demanded an equalization of the wealth. In other words, if one Republican district had a 32% Republican registration and another's was 42%, the resultant districts after realignment should each have a registration in the neighborhood of 37%. The balancing was the result of computer finesse.

The maps told the story. Meandering lines, bumps and unpopulated necks represented the betrayal of democratic government under the cloak of political correctness. The line between the 56 and the 45 Assembly districts was drawn so as to split the census tract. The portion added to the 45 had no people, at least no residents. The line could have only one meaning, its creator could not resist thumbing his nose at a system which would tolerate such shenanigans. The actions revealed hypocrisy and destroyed the legitimacy of authority.

On December 22, 1982, the bills passed by a two-thirds majority and were signed into law by Jerry Brown. The Republican caucus picked which of their members in the Assembly would vote for the "sell out"<sup>2</sup>.

January 1983 opened with the inauguration of a Republican governor who faced the prospect of at least two years with a Democratic legislature whose tenure for the decade was almost guaranteed regardless of performance. Before the Governor could get his act together he was faced with a scene stealer. These acts of political skullduggery went virtually unnoticed and unreported. Yet the very fiber of democracy was being ripped to shreds.

### The Sebastiani Initiative

Republican Sebastiani won an Assembly seat which had long been Democratic. Sebastiani quickly associated himself with the class of 1978, the tax reformers, in the Republican Party. Their message was clear: cut-back government; be tough on crime; control welfare and control taxes. Their demands for ideological purity on the right invited the label "cavemen" which the press quickly adopted. Although Sebastiani acquired the caveman label of the group, in his own way he was a renegade. His rhetoric on gender and ethnic issues made him an immediate press target. His remarks made good copy.

From the perspective of the politically correct left, Sebastiani's election was a fluke. Sebastiani and others had won because of the Reagan landslide or the dismal Carter campaign. His district had elected Democrats since the 1960s. It would again, no doubt, when the citizens discovered Sebastiani's real policies. Future star in the Democratic cadre Gray Davis called Sebastiani a loon and began a character assassination that did not cease.<sup>3</sup> It was the perfect Waxman/Berman operation. Fortunately for Sebastiani there was enough material in his expression of disgust for the status quo cadre, including members of his own party, to make the stories seem plausible. For the press it may good copy and required no analysis.

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<sup>2</sup> Republicans who were ordered by their caucus to cast the votes for the legislation were not from the most bizarre shaped districts.

<sup>3</sup> What is being described is not uncommon. The critic of the status quo is automatically labeled crazy by a colleague, who usually is paid to do whatever else is necessary to discredit the critic. Anonymous letters appear. Threats of libel suit are made. Files are rifled. Friends turn their backs. Those who help the critic are punished. The critic, however, is primarily motivated by the thought: enough is enough.

Fortunately for Sebastiani and unfortunately for Democrats, subsequent elections did not support the fluke theory.

Few analyzed what Sebastiani was saying, which was that the people had voted against the 1981 legislation, and yet the same legislation was being reenacted to avoid a Republican governor's involvement. He considered the incumbent coup of December 1982 unacceptable. Sebastiani was unforgiving of Republicans who bought into the package. His outspoken criticism of incumbents of both parties did not win friends.

The legislation could not be stopped by referenda. Sebastiani proposed what was the only alternative, the initiative process. People already exhausted from a grueling gubernatorial campaign would have to collect more signatures in only 90 days. The fat cats had been hopeful there would be no new fundraising at least for two years. To launch such an effort now was sheer lunacy. It proved in the minds of many that Sebastiani was crazy. Even some members of his own party agreed.

The ridicule was quickly compounded when Sebastiani sought assistance from the Rose Institute, hired political consultants associated with right-wing candidates, and used corporate money to support the signature seeking campaign. To the liberal camp it merely proved Sebastiani was part of a right wing plot by an institution they had been defaming for a decade.

What this analysis ignored was that the Rose Institute had the only database capable of the task. The public taxpayer databases were beholden to their owners -- Brown and Roberti. The Rose Institute had offered its services to all parties at cost in the 1981 battles. Few Democrats had availed themselves of the opportunity. (Ironically, one of the purchasers was Phillip Burton.) And without party organizations supporting it the only means to launch a successful initiative within 90 days was a massive campaign that only quickly available cash could provide.

The most basic fact ignored in the character assassination was that Sebastiani was right: incumbent politicians had ignored the public will.

Despite the formidable odds, Assemblyman Sebastiani moved forward with his initiative. If previous reapportionment plans had been complex the Sebastiani initiative was more complex. Three sets

of districts, Assembly, State Senate, and Congressional, had to be defined by census tracts (20 pages of text in small print).

Given the referendum's success in 1981, Sebastiani's initiative drive was ominous. Of course, the November 1982 rejection of the reapportionment commission was a sign that the public was not interested. At least that's what Democrats contended. But the rejection of the commission proposal came before the December 1982 legislation. If Sebastiani could shift the argument to its proper focus -- redistricting -- where the problem would not be abstract, he might have success. Already the slogan "enough is enough" was beginning to arouse the public. Government was not theirs. It belonged to opps whose ignoring of basic problems made the theme more real.

Despite all the obstacles sufficient initiative signatures were obtained. To the surprise of many, the lunatic had succeeded.

Election timing next became crucial. An initiative can be voted on at the next regular election (June 1984) or at a special election called by the Governor. Governor Deukmejian faced the redistricting issue very early in his term not as a result of the voters' rejection of the 1981 law in June of 1982 but because of the December coup designed to cut Deukmejian out of the picture. Now Sebastiani had put him back in, but not necessarily on his own terms.

Before he could act, court actions settled the issue for him, at least temporarily. Democrats brought a suit against the initiative. The Rose Bird Court, with the Chief Justice writing the major opinion, ruled that only one redistricting could occur in a decade. The Democrats had won.

Republicans already hostile to Bird were infuriated. Talk circulated about a recall election for Bird.<sup>4</sup>

What had Bird done? The Court had sanctioned the December coup which ignored the previous vote of the people. The first redistricting in the decade had been rejected by the people, their right according to the California Constitution. A second redistricting had been passed during the decade in December 1982. Now the court said no more.

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<sup>4</sup> A previous recall election was narrowly decided in Bird's favor.

The liberal Democrats had won but in the process the people's will as expressed by 60% plus votes in June 1982 had been ignored. In not allowing the initiative to proceed, the signatures of 900,000 people had been ignored. Only the politically correct caught up in their own self-righteousness could fail to see the implications.

Republican frustration was growing. The Court ruling only aggravated the dissatisfaction. The December 1982 coup had denied the Governor influence in changing the districts rejected by the people. The Bird Court denied citizens the right to vote on an initiative to correct what the Republicans thought was unjust.

#### Deukmejian Initiative of 1984 -- Proposition #39

After the defeat of Proposition 14 in the 1982 election Republicans had begun to discuss another attempt at a redistricting commission. The Sebastiani initiative's demise was the impetus for a new effort. Deukmejian was beginning to feel the pressure of the first stages of an eight year legislative/executive stalemate, and saw little prospect of change in a rigged legislative. He announced his intention to launch another push for a redistricting commission.

Deukmejian proposed a redistricting commission to be made up of retired judges from the state appellate courts. Retired judges were to have the responsibility of redistricting the existing districts for the 1986 elections (the immediate problem) and in subsequent years following the decennial censuses. As governor Deukmejian had little difficulty raising a war chest to qualify the initiative and to provide campaign funds for the November 1984 election. The only problem was that he did not raise enough.

Although normally the initiative/referendum strategy favored primary elections when the number of voters were fewer and more likely to be Republican, supporters of Proposition #39 were counting on the anticipated Reagan landslide in the November 1984 election. Again it was sound thinking except for the lack of coattails in initiative elections.

Indicative of their expectations, ex-Governor Reagan Republicans may have expected a walk because they believed a new political world was emerging. On the larger scene the Reagan revolution was challenging successfully the third generation of the New Deal. Possibly realizing that his initiative would

not capture the public imagination in California without charisma, the signature campaign was launched in Washington D.C. Ex-Governor Reagan, now President Reagan, was given the opportunity, with the publicity only a President can generate, to be the first signature on the initiative petition.

The ex-Governor made appropriate comments about his 1970s battles with a locked-in Democratic legislature. The message was clear to supporters of the Reagan revolution, be they Republicans, Democrats, or Independents: they should join the fight for "good government".

The challenge was to interest the public. Prior to the 1980s few people got involved in taking action once a redistricting had been completed. The organizers of referenda quickly found the electorate indifferent. Those who pursued legal action were typically from elite firms paying their party dues, or from firms doing keep-busy pro bono work. Only when an initiative reached the voting stage did a wider audience get into the act, and that only occurred in the 1960 and 1962 initiatives dealing with senatorial reapportionment. Few citizens followed the redistricting battles closely. Even the press, presumably most interested in revealing facts, ignored the reality. It was too complex and took time. And the politicians were focused on plans which depended on the story not being told. Yet gradually, over twenty some years, the maps brought the picture into focus. The accumulated evidence had an impact. The more ridiculous the districts became, the more the hypocrisy was sensed by the citizen. While the politicians and the courts ignored the real issue, the electorate, when confronted with a clear cut Yes or No proposition, responded. ()<sup>5</sup>

A campaign with the aura of the Rose Garden in the background did not count on the talented presentation of a current actor, Jack Lemon. In the serious tones of a concerned citizen the popular Lemmon reminded the electorate that judges were to be independent and not embroiled in sordid backroom politics. Minorities were alerted to the money bags represented by the business groups supporting the Deukmejian initiative who were attempting to undermine the minority gains of the 1960s and 1970s. In the more secretive confines of political gossip the pols were reminded that the Rose Garden also meant the Rose Institute, the captive Republican think tank.

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<sup>5</sup> The rudiments of logical rationality gave the electorate the sense that enough is enough, and November 1990 gave them several opportunities to express their feelings. They were to elect a new governor. One candidate associated himself with a term limits proposition.

The opposition campaign was handled by the BAD (their prideful acronym) political consulting firm of Michael Berman and Carl D'Agistino formed after their long-time public employment. Ironically, the people who drew the lines in 1981 and 1982 which created the fiasco on the Democratic side were now called upon to solve what they had been allowed to create. Previously, in 1971 and 1973, they had served their apprenticeships with similar results.

The campaign contributions could have predicted the results. Even an old actor on another stage winning accolades could not replace a current actor on the California TV. Deukmejian forces and the opposition spent millions. The no vote was 4,919,860. The yes vote was 3,995,762. The no vote in minority areas was substantial. An elated Speaker, after providing a substantial portion of the multi-million dollar campaign, commented: "The most extensive series of con jobs I have ever seen."

#### SEEKING ALTERNATIVES:

Opponents had to look elsewhere for opportunities to bring their objections to the fore after the defeat of the Deukmejian initiative. The powerful Speaker could boast of the greatest "con" job but the arrogance merely added fuel to the determination of some to resist further erosion of representative government.

Legal solutions were denied on the state level by a politicized court. The public was indifferent to endless harangues of distant politicians who had lost all touch with rigged districts that did not require their presence or concern. More fundamentally what the politicians said was related to the past in which the current, aging politicians lived while society moved forward. The media were indifferent to any issue that required analysis or investigation.

Possibly the most disheartening aspect of the educational dilemma was that the recognized intellectual leadership in the subject area would do nothing to jeopardize their expert witness fees for rationalizing the prevailing liberal status quo.

Challenges after November 1984 centered around legal cases on the national level, esoteric academic exchanges missed by the media and the public, and finally the initiatives of 1990.



Davis v Bandemer (1986):

From the viewpoint of reformers who hoped the courts would again rescue a political system in stalemate and whose opps grew further from public inclinations *Davis v Bandemer* was a potential nirvana. It also gave "scholars" the opportunity to pontificate again as they wandered in the thicket now enmeshed in affirmative action which was "in" with political correctness but led them further into a quagmire.

*Davis v. Bandemer* was an Indiana case. The original suit was initiated by the Democratic Party of Indiana following the 1982 election. Democrats complained that they had been excluded from the redistricting process. Republicans met in secret and planned a program with the assistance of a computer firm. The redistricting bills had been presented as a *fait accompli* in the last two days of the legislative session without any opportunity to present alternatives. Democrats contended they were deprived of an equal opportunity for representation under the new districts. The Federal District Court by a two to one decision agreed and ordered new redistricting. Republicans in turn appealed to the Supreme Court.

Two issues were central before the national court. One, was partisan gerrymandering justiciable? Two, did the legislation deprive the Democratic Party of equal representation? In a factionalized opinion the Supreme Court ruled that the matter was justiciable but that the Democrats had not been deprived of equal representation.

The Court split differently on each issue generating numerous scholarly interpretations which did not clarify the matter; indeed, the articles only compounded the confusion. In terms of the California redistricting story none of the legal or scholarly arguments are relevant except to set the stage for the California case of *Badham v. Eu*.

Badham v Eu (1989):

If the interlocking of California and Indiana experiences were joined in the Indiana case of *Bandemer* it was fitting that California would provide the next stage. Congressional Republicans from California found promise in *Bandemer*. Gerrymandering was justiciable.



Anyone familiar with the California districts and the sad commentary on state legislative irresponsibility indicated by the December coup of 1982 could not help but believe California was the case to test the meaning of *Bandemer*. Again the profound commentaries in law journals and academic journals could go on endlessly, and repetitiously, but the essence was a Republican assertion that gerrymandering was present and the Democratic rationale was that it was not.

The court said the case of gerrymandering had not been proven. If the California case was not gerrymandering, then *Bandemer* was dead. The court had bought the specious arguments of the Waxman/Berman legal gurus and the equally doubtful statistical analysis of the cottage industries at the University of California.

#### Academics Act Up:

Who represents the academic community on the subject of redistricting is as questionable as who represents the people in a rigged electoral system. Nonetheless California has produced a wide range of viewpoints and endless articles about reapportionment/redistricting. This is not the place to assess the value of the contributions, but in terms of the California story of reapportionment/redistricting the role of academics cannot be ignored.

As is true of most intellectual endeavors the conflict boils down to two perspectives. This is especially true in any topic dealing with politics which is a consideration of power and its manifestations. One group of academics argues: it's politics, you cannot do anything about it. Their opponents counter: politics can be changed and do change. If you do not challenge the system then you certainly cannot do anything about it.

It is not surprising that the academic camp divides along political lines, with a rare exception. Prominent reapportionment/redistricting scholars, notably from the University of California, tend to be Democrats and the source of most media statements. The opponents to existing practices have been predominantly Republican, with the exception of the author and minority spokespersons. Again, despite endless, lengthy and repetitious commentaries, the arguments can be simplified. Professor Bruce Cain of the University of California, Berkeley, says reform will jeopardize the political system. Professor Daniel

Lowenstein of the University of California, Los Angeles, says the gerrymander is exaggerated. Professor Gordon Baker, University of California, Santa Barbara, says the gerrymander takes care of itself. Professor Nelson Polsby says: it's politics. In the University of California system only Bernard Grofman of the Irvine campus advocates some form of reform. Along with Professor Niemi of the University of Rochester and Thomas Hoeffler of the RNC, Grofman recommends determination of compactness by simply stretching a rubber band around a polygon.

Impressive statistical analysis accompanies the Republican emphasis on compactness, but even an apolitical citizen could assess hypocrisy in a glance at the maps, without any knowledge of the procedures. Ridiculous and ludicrous shapes indicate the hypocrisy. Relying on such profound scholarship, it is not surprising the courts could not be unified in *Bandemer*, or apply reasoning to *Badham*.

Academic critics of redistricting practices and the principal advocates of redistricting reform have primarily been from one campus of the California State University system and Claremont McKenna College.

The Latino scholars had centered their criticisms around the denial of Latino representation and advocated various forms of affirmative action. Prior to 1991 most of the Latino critics without financial funds were connected with Claremont McKenna College. The Rose Institute offer the free use of the facilities during non-working hours. Typically the Latino scholars were Democrats but ultimately categorized as traitors to their party as analyzed below.

Three Anglo critics or reformers were: Michael Halliwell and Leroy Hardy of the California State University, Long Beach, and Alan Heslop of Claremont McKenna College. Halliwell, a life-long Republican, had been active in liberal groups within the party since the early 1970s, a candidate for office, a member of the Republican Central Committee, and ultimately a court case opponent in the 1980s. He had more than a tangential interest in redistricting. In 1981 he had presented alternative proposals to the Democratic plans. If that made him persona non-grata to the Democrats, his attacks on U.S. Supreme Court Justice Kennedy were equally repugnant to Republicans. His lengthy briefs plagued the courts on the state and national levels.

Alan Heslop began his California involvement in redistricting in the 1960s and was the Republican consultant in the 1970s. In 1973 he founded the Rose Institute at Claremont Men's College (Claremont McKenna College after 1976) which took an active role in the 1981 redistricting and subsequent events.

The Roundtable made up of corporate executives raised large sums of money to counter Democratic efforts supported by public funds in the early 1980s. Heslop and the Rose Institute came to symbolize the evil to Democrats that Burton represented to the Republicans. Heslop's involvement in Republican affairs was hard to ignore. Hardy had been a long-time advisor to Democrats, to the 1961 Assembly Elections and Reapportionment Committee, to Governor Edmund "Pat" Brown on State Senate reapportionment, and most significantly as the long-time associate to Philip Burton in 1965, 1967, 1971, and 1981. He terminated his consulting in December 1982 before the completion of the 1982 legislation, but that too was hard to ignore and from the Republican perspective his previous Democratic involvement was unforgivable.

The paths of the major dissenters crossed at many points during the redistricting struggles of the last twenty-five years. Usually Hardy was on one side and Heslop and Halliwell on the other until the late 1980s. Heslop and Hardy obtained a grant from the John Randolph and Dora Haynes Foundation to review redistricting practices and to make proposals for reform on the basis of actual academic experience in the redistricting process.

Unfortunately for the academic dissenters each one was susceptible to character assassination, usually confined to political stances but not necessarily so. Halliwell, Hardy and Heslop probably each fit into a "moderate" position on the political spectrum but political character and institutional assassination does not bother with nuances.

In politics if you are against us, you are unconscionable and any label to discredit an opponent is fair. Usually Democrat or Republican will suffice, but liberal and conservative can be added. In the current lingo of political correctness, fascist is popular since communism is no longer a threat, if it ever

was to the politically correct. If such standard labels don't work, racist, sexist, etc. will replace former labels of derision.

"Liberal" Halliwell was an anathema to "conservative" Republicans, while his Republicanism was unacceptable to Democrats. Heslop as a long-time Republican and Director of the Rose Institute was the ultimate symbol of evil to Democrats in a fashion not unlike the Republican labeling of liberal Burton. Heslop's Republican ties would cost him his nomination to be Census Bureau Director in the Bush administration. The IRS under Democratic control was constantly on his case, as were legislative investigations.

Hardy represented an unusual case. He had long been associated with Democratic redistricting, formally and informally, as well as political campaigns, which made him suspect among Republicans. Despite his yeoman's work on behalf of Republicans in the 1960s and 1970s to develop bipartisan plans which ultimately succeeded, his association with Burton was too much.

In 1982 he committed the worst of sins. He criticized the status quo elements in his own party and his profession. At a redistricting conference in 1989 Speaker Brown dealt the presumed death blow. He labeled Hardy "infamous." Shortly afterward, Brown's academic spokesperson publicly speculated about a trip to Damascus. It is the nature of character assassination, be it personal or institutional, not to be troubled with facts or precision. If the label is accepted, the credibility of the victim is cast in doubt. Statements are dismissed out of hand and the purpose of the attack accomplished.

Despite the problems and the risks, the critics of the Democratic actions, and Hardy's focus on the bipartisan coup of December 1982, continued. Probably most important was the Hardy/Heslop program of A.C.T.I.O.N. (A Constructive Technique In Organizing Neutralization of Redistricting).

#### ACTION Guidelines, 1989

Heslop and Hardy began with the assumption that the title "Honorable" is given by the American people not because legislators are a privileged class or an aristocracy. The essential premise is that representatives at every level of government are elected to represent people. An essential corollary is a willingness to compete with alternative candidates for the right to represent public opinion. If their

campaign commitments and consciences prevent them from agreeing with public opinion they are expected to change that opinion or risk defeat or resign.

Procedures had to be developed to control redistricting practices. Gerrycrats, including the authors, became critics of the status quo methods upon recognizing the validity of the arguments of their opponents. To break the endless rounds of bargaining for political advantage, an "ACTION Program" was developed in 1989 by the author and Alan Heslop of the Rose Institute.<sup>6</sup> It proposed guidelines to sharply limit the discretion permitted in drawing district boundaries. Three concepts were employed<sup>7</sup>:

1. the establishment of binding redistricting units to limit the ability of technicians to elongate districts;
2. a systematic sequencing of redistricting units to limit discretion in the creation of districts; and
3. a variable beginning point to start the sequencing to neutralize the political impact.

Guidelines were designed to:

Guarantee unification of counties and cities when procedurally possible within the one-person, one-vote principle;

Create compact, contiguous, community-oriented districts that will restore grassroots and volunteer-style politics;

Lessen the role of money as the determinant of campaign success;

Put competition back into the political system by creating more marginal districts;

Provide for a major re-shuffling of representation every ten years, while permitting the best representatives to continue in office;

Create opportunities for new groups and candidates to enter the political process;

Reflect and represent the ongoing changes in our society -- for example, demographic change and multicultural development -- as well as new tides of public opinion.

In the period 1989 through 1991, with support from the Haynes Foundation, three monographs were prepared to highlight the ACTION Program,<sup>8</sup> demonstrate the nature of gerrymandering<sup>9</sup> and

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<sup>6</sup> Heslop and Hardy, *Redistricting Reform, An ACTION Program* (Claremont, CA: Claremont McKenna College, Rose Institute of State and Local Government, 1989).

<sup>7</sup> *Ibid.*, page 9.

<sup>8</sup> CB Mono FN8.

<sup>9</sup> Leroy C. Hardy, *The Gerrymander, Conception, Origin and Re-emergence* (Claremont, CA: Rose Institute of State and Local Government, 1989).

provide a series of case studies in the Los Angeles area from 1951 to 1982.<sup>10</sup> Conferences, speeches, interviews and newspaper press coverage supplemented the monographs.

In criticizing the plan as too complex, the critics merely revealed they had not read the guidelines. Actually the rules were but slight variations from the State Court implemented standards, with procedures to prevent arbitrary shifts by staff members. The procedures guaranteed similar results regardless of the staff or the party implementing them. Constantly attacked as unrealistic, or worse a Republican plan, critics failed to note the actual impossibility of guaranteeing Republican or Democratic results due to the variable start point.

To judge the impact of the monographs is not possible at this time, but significantly the Governor's Commission and the Court Masters followed many of the procedures advocated by Hardy and Heslop. Likewise, although Brown's academic front said reapportionment and redistricting could be used interchangeably, the *Index of Legal Periodicals* has adopted "redistricting" as its heading for material formerly categorized as "reapportionment," which was a key point emphasized in one of the ACTION monographs.

#### Redistricting Initiatives in June 1990:

Heslop and Hardy were not alone in advocating reform procedures. As the redistricting of 1991 approached, two last desperate political attempts were made to forestall the anticipated Democratic juggernaut. As would prove true, bureaucrats don't change their techniques.

Critics saw two possibilities: 1. an initiative to regulate redistricting; and/or 2. the election of a Republican governor who would have veto power. In the fall of 1989 an array of initiative proposals were floated for consideration. Eventually two propositions qualified, to be known as Proposition #118 and Proposition #119.

Proposition #118 became primarily the Republican effort to stop the Willie Brown machine. A number of Republican legislators, often veterans of the ill-fated Deukmejian initiative of 1984, supported

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<sup>10</sup> Leroy C. Hardy and Heslop, D. Alan, *The Westside Story: A Murder in Four Acts* (Claremont, CA: Rose Institute of State and Local Government, 1989).

criteria-based reform. Yet believing redistricting too arcane to attract broad popular support and fearing another confusion of the electorate on the issue by what Willie termed a "con" job, Republicans sought to add "sizzle" to their proposal. In addition to a detailed criteria for line-drawing, including a complex mathematically-based formula for compactness, Republicans proposed a general political reform agenda of ethical reform and a two-thirds vote for redistricting plans, an absolute gubernatorial veto and an automatic referenda on any redistricting legislation.

Gary Flynn, a Marin businessman and long-time activist against the Burtons, headed the effort, first to qualify the initiative and then to pass it. A group of Republican leaders raised \$930,000 to qualify the initiative. Included in the group were State Senator Ken Maddy, Assemblyman Ross Johnson, former GOP chairman Bob Naylor, Los Angeles businessman David Murdock and Republican National Chairman Lee Atwater.

Proposition #119 emerged as the alternative redistricting initiative. This program built on earlier efforts of Common Cause and the California League of Women Voters. Basically the Proposition proposed an independent commission as the best means to accomplish fair redistricting. League President Ellen Elliott launched an extensive redistricting study and pressed League chapters for support. Joining her was Tom Huening, former Director of California Common Cause, then a prominent San Mateo County supervisor. Together they developed a compromise concept that would attract a broad coalition from conservative Republicans to liberal activists such as Paul Gannand.

Although the commission concept had been tainted by the ill-fated Deukmejian Commission Plan of 1984 (Proposition #39) the League/Huening initiative qualified as Proposition #119 in the June 1990 primary election. California citizens would again have opportunity to cast their votes on redistricting reform. Not insignificantly the initiatives were scheduled for a primary election.

During the development of the propositions that qualified, as well as other proposals, Heslop and Hardy participated as pro bono consultants. Their own Haynes monographs advanced the concept of "Units of Representation" (URs), which could have become a separate initiative proposal, or have been incorporated in other initiatives. In most cases the initiative proposals were too far advanced, with tenuous compromises already reached, to consider new ideas.



Heslop and Hardy confined their efforts to broad public education. Six public conferences were hosted which allowed free discussion of the qualified initiatives and other suggestions. Materials, including the Haynes monographs and summaries of alternative propositions, were mailed to all daily newspapers. Large numbers of groups were addressed, often in a joint presentation that emphasized Hardy's Democratic experience as a counterpoise to Heslop's Republicanism. A professional pamphlet, *Who Guards the Guardians?*, emphasized the joint effort of a former Democratic consultant and a former Republican consultant. The pamphlet summarized the main thrust of the three Haynes monographs.

Numerous interviews on the state and national levels were conducted. Informational materials were provided to all interested individuals and organizations. If the arduous qualification effort was not enough, and it terminated all other proposals, the two qualified propositions immediately ran into major campaign difficulties. First, the competition between the two proposals was a problem, even though both proposals had basically the same goals. Republican National Chairman Lee Atwater, recognizing the GOP stake in a potential gain of seven congressional seats, called a summit meeting of the leaders of the two campaigns. It was agreed to apply the 11th commandment (thou shalt not speak ill of other Republicans) to the two propositions. Criticism of the other plan would cease. Each campaign would receive \$250,000 as "seed money" in the early stages of the campaigns. Despite this agreement, neither campaign was able to raise sums sufficient to compete with the massive advertising campaign of Speaker Brown and Democratic officeholders.

Basic was the problem of lack of enthusiasm for either proposition by many Republicans. Only 65 Republican incumbents contributed an average of \$4,224 apiece to the initiatives for a total of \$274,356. In contrast 97 Democratic incumbents gave a \$28,201 apiece to the campaign against the initiatives for a total of \$2,735,450.<sup>11</sup>

Reform initiatives were overwhelmed by the superior fundraising capability of Speaker Brown and the Democratic caucus. The amounts attest the ability to call upon a vast array of Sacramento special interests to support the status quo. In addition to the Democratic incumbent contributions, Senate Pro

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<sup>11</sup> See Bob Naylor and Tom Huening, *Special Task Force to the California Republican Party*, November 14, 1990.



Tempore reported \$1,702,277 to the Californias Against Reapportionment Dishonesty (No on Propositions 118 & 119), while Speaker Brown reported \$2,252,527 to the Committee for a Fair Reapportionment and \$3,391,013 to the Willie Brown Initiative Campaign. In total, supporters of #118 and #119 raised \$2,553,000, only slightly less than Speaker Brown's one committee and significantly less than his second committee. The grand total spent against the propositions was \$6,153,000.

Where did the money go? The bulk of the fortune went to the BAD Campaigns organization (the advertising acronym proudly used by Michael Berman and Carl D'Agistino). This organization was an outgrowth of the original team play of the early 1970s, subsequently endowed with public monies in the early 1980s activities and including the "con" job in 1984 of which the Speaker was so proud.

Again Jack Lemmon contributed his wisdom to the airwaves as he had in 1984 raising the spectator of judicial entrapment in politics. To provide a fresh face, Jessica of *Murder She Wrote* fame was brought in to give thoughts on redistricting. Crime sleuth that she was, she probably was not aware of the political crimes she was bought to cover.

Spokesperson for environmentalists raised questions of environmental controls in jeopardy and the lack of coastal representation in non-partisan criteria to regulate gerrymandering. It was asserted coastal representation would be limited to areas on the coast. Presumably no one else in the state was interested in the coast.

Academic figures and long-time Democratic consultants (for example, Daniel Lowenstein and Bruce Cain) launched editorial initiatives against the initiatives. Ironically, Bruce Cain, now at the University of California, Berkeley, was in the same Institute with Jerry Lubenow, the campaign guru for Mr. Flynn, the leader of the #118 Proposition. The publicly financed Institute for Governmental Research did not play favorites. Appropriately, the databases created at the cost of millions of taxpayer's monies were transferred from CalTech to the University of California, Berkeley and named in honor of Speaker Brown.

Both initiatives went down to ignominious defeat. Proposition #118 lost with 1,615,173 yes and 3,281,178 no. Proposition #119 fairly slightly better: 1,761,460 yes and 3,105,502 no. Again confusion reigned, forces were divided, and the money for "con" jobs didn't dry up. For the defeated the only hope

was now the gubernatorial campaign in November, but also on the ballot was Proposition #140 (term-limits).

THE REDISTRICTING FOOTNOTE OF 1991:

Events of 1991 merely substantiate the book's theme that legitimate government has been replaced by an unresponsive bureaucratic system unable to process public demands. Previous chapters have reviewed the political bargaining and strategy as represented by decennial struggles in the legislature and with the executive. Politics was intense in the case of the 1971 and 1981 events. Politicians played roles in the process, but the signs were apparent even in 1971, clear in 1981, and unavoidable in 1991 that power was shifting elsewhere.

CHAPTER 8 as a transitional chapter has no  
charts or maps.



CHAPTER 9  
THE 1991 REDISTRICTING

For the first time in 60 years the gubernatorial election came the year before the redistricting struggle. In 1931, with a popular Republican candidate in an overwhelmingly Republican state, the Governor was a shoe-in. Before the 1930 election the Legislature consisted of 71 Republicans to 7 Democrats and 2 Independents in the Assembly, and 35 Republicans to 5 Democrats in the State Senate. After the election it would be 73 Republicans to 7 Democrats the Assembly and 35 Republicans to 4 Democrats in the State Senate, with one vacancy.<sup>1</sup>

But 1991 was no 1931. The gubernatorial election became crucial for Republican protection in the redistricting process. Given the rigged electoral system their own party had acquiesced to in December 1982, the chances of a Republican Legislature were virtually nil. The Republican experience in the 1980s with the coup, the defeated initiatives, and frustrated legal action left no alternative but reliance on a governor's protection.

Since 1958 the governorship had been held by Democrats and Republicans in rotations of two 4-year terms.<sup>2</sup> The governorship was up for grabs in 1990, and based on the precedent, it was a Democrat's turn.

The moderate Republican U.S. Senator Pete Wilson was encouraged, if not begged, to return to seek the governorship with its formidable veto weapon. Two years into his second 6-year term as Senator, Wilson agreed to return to run for governor on the condition there be no serious opposition in the primary. The reluctant acquiescence of conservative Republicans was obtained because of one imperative both elements of the party could agree on: a Republican governor was the only hope of stopping the Democratic juggernaut locked in by the bipartisan coup of 1982.

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<sup>1</sup> Allen, Sourcebook, p. 274.

<sup>2</sup> Democrat Edward "Pat" Brown was elected in 1958 and re-elected in 1962; Republican Ronald Reagan was elected in 1966 and re-elected in 1970, Democrat Jerry Brown, was elected in 1974 and re-elected in 1978, and Republican George Deukmejian was elected in 1982 and re-elected in 1986.

In November 1990 Pete Wilson defeated the Democrats' Diane Feinstein. Wilson won partly by supporting term limits, an anathema to legislators of both parties. But the 1991 Legislature would be controlled by Willie Brown.

The redistricting debate got underway. Democrats had won the 1981/82 redistricting game, albeit with Republican votes. The Republicans now looked back to the 1971 situation, when their governor had saved them. If Republicans were relying on the governor, Democrats were relying on the thought: we did it before and we can do it again. These assumptions minimized any legislative effort to compromise in the traditional way. Technocrats were even more firmly in control; thus this final chapter is a mere lengthy footnote to the betrayals of the 1980s. Opps were no longer in control of policy in the area of most vital interest to them -- their practical political survival.

The press focused primarily on the Republican versus Democratic contest and missed the essence of the 1991 battle, as it had in 1971, 1973, 1981 and December 1982. Redistricting is always multi-faceted but was especially so in 1991. The lesson of Fenton was long forgotten by the public and ignored by the press but it was a visual reality to legislators: conform or get out. Also on the horizon was the ethnic dimension within the Democratic party. A coalition built on fiefdoms could not provide unity without tyrannical impositions.

Analysis of the 1991 redistricting requires consideration of at least six strategic groups: conservative Assembly Republicans; moderate Republicans and the Governor; Democrats bound to Speaker Willie Brown; Blacks; Latinos; and Asian Americans.

The save our skins unity created in the Republican Party for the election of Pete Wilson was a tenuous unity at best. Conservatives' distrust of Wilson over issues like abortion and the environment was almost immediately exacerbated by the tax increases implemented to combat the monumental \$14 billion budget deficit left by the Deukmejian/Brown administration.

Throughout the 1991 session the potential of a conservative break off to form a veto-proof incumbent cabal was always in the background. The two wings of the Republican party had different goals. Both groups wanted more Republicans in the Legislature and in Congress but the type of Republican, conservative or liberal, was also important. Governor Wilson wanted moderates/liberals and

the Assembly Republicans wanted conservatives. This basic division was manifest in the eventual replacement (by one vote) of conservative minority leader Ross Johnson by a moderate, Bill Jones. Similar divisions existed within the Senate but were kept in check by the traditional senatorial agreements between bipartisan incumbents.<sup>3</sup>

The division within the Republicans became apparent in the struggles over the seven new Congressional seats which became available in 1991 and which all Republicans believed were rightfully theirs in view of the event of 1981 and 1982. Again the Governor wanted moderate Republicans while many Legislators desired more conservative seats.

Democratic difficulties centered around the desire to maintain legislative majorities and the Speakership. Willie Brown was caught between the demands for more ethnic representatives and for maintenance of the black districts. Brown promised both. The two were not compatible without the willingness of incumbents to seek positions elsewhere. Especially difficult were the members who had nowhere else to go.

### Minority Representation

The successes of Blacks in 1961, the mid-1960s, the 1970s and 1981/82 and the Latino victories in county supervisorial redistricting in the late 1980s encouraged both groups in 1991 and pointed up possibilities for Asian-Americans. The initial strategy was for minorities to present a united front for the mutual benefit of each group. The theory was sound but the implementation difficult. If the surface was probed, one discovered divisions between groups and within each group.

The previous black successes created problems when the demographic changes were juxtaposed with incumbency. Simply put, blacks had more representation than their numbers warranted if the proportionate scale which they previously espoused was followed. The demographic problem was compounded by the dispersal of middle-class blacks into integrated areas. Blacks were not as segregated as previously. The proximity to Latinos added to the difficulties. In a mixed district in which Latinos

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<sup>3</sup> Moderate Republican minority leader Maddy and Democratic majority leader President Pro Tempore Roberti were able to resolve problems more easily partly because Roberti had a Democratic majority of 25 (plus 2 independents who supported the Democratic majority) and could afford to give Republicans additional seats as well as accommodate additional Latino seats.

became active or acquired citizenship, the black advantage, based on high black participation, could be jeopardized. It was a factor that Maxine Waters understood well in 1981. Blacks were overwhelmingly united in their goal -- keep what we have.

Latinos entered the redistricting battle with a sense of betrayal from bitter past experiences. Latinos manifested a particularism often attributed to their culture -- factionalism centered around personalities. Older Latino groups came into conflict with new groups, the social welfare types opposed the new entrepreneurs, and academics and legal activists became involved, with subtle class conflict between the working class and immigrants versus the enlightened intelligentsia and entrepreneurs. Added to the personality and class differences were cultural differences. Earlier Latino activists were usually of Mexican descent, often born and raised in California. In the 1970s and 1980s the influx was from Central America and even Cubans and Puerto Ricans came, though more usually to Florida and New York. Another segment was the Filipinos who might claim a Latino or Asian identity. The new arrivals were more responsive to activists who talk in "politically correct" lingo.

In 1991 emerging Latino leadership had funds to support its own database and expertise. Latino leaders also recognized that bills would initially come through the Legislature. If adverse results were obtained from the Legislature or the governor the legal option was available.

In the late 1980s, Asian-Americans entered the political sphere. Already successful entrepreneurs, they quickly responded to the idea that redistricting was the key to political success. Three obstacles existed: lack of sufficient numbers, dispersal of population and cultural divisions. The rapid increase in Asian-American numbers often misled Asians and others. While the growth rate was phenomenal, the number of Asians as a percent of the total population was still not that great.<sup>4</sup> With the exception of certain enclaves in Los Angeles County (notably Monterey Park in the San Gabriel Valley), Asians were widely spread, rather than concentrated as were blacks and Latinos.

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<sup>4</sup> The Asian dilemma is illustrated by a comparison with groups entering the state in the 19th and early 20th centuries. The numbers were small but proportionately significant. The districts were small. Thus their presence was almost immediately reflected in representation. In the 1990s districts were much larger. To have an electoral impact among 30 million, the influx would have to be in the millions and concentrated and united.



Often ignored in the ethnic discussion was the Jewish bloc, controlled by the Waxman/Berman and labor/movie interests. An integral part of the Democratic establishment were the west side Jewish groups which had dominated Los Angeles politics for 20 years, especially under the Bradley administrations. Jewish influence was noticeable in representation, financial contributions and high participation rates. The close alliance between status quo elements among blacks, Latinos and Jews was a political fact but seldom mentioned. In terms of minority efforts for redistricting Jewish dominance had to be factored in.

Initially the various minority groups worked together. The strategy was to present a united front in terms of what minorities wanted: maintenance of black districts, an increase in Latino and Asian districts. In time the desires became incompatible because separate districts for each meant fewer districts for each and the combination of one group with another created rivalries. Ultimately the Latinos and Asians went their way and blacks relied on their existing footholds in politics.

Because of traditional allegiances to the Democratic party much of minority coalition building was directed toward the legislative leadership. Despite all the rhetoric about concern for minorities the reality involved liquidation of Anglo incumbents, often the same incumbents who were counted on for majorities in support of legislation for minority benefits.

The national Republican party still clung to the thesis that minority districts created by concentration gerrymanders would dilute surrounding Democratic districts. The result would be more Republican districts. The Governor's office was, of course, aware of minority demands and strategic possibilities.

The Rose Institute continued its redistricting reform efforts with conferences designed to inform the public, minorities and the press.

Press coverage found long time reporters Malcolm Smith, Dan Walters and Daniel Weintraub constantly on the job. Periodically other newspapers ran interviews and brought local stories into focus. There was no serious analysis of redistricting techniques or strategy; press releases and self-serving statements dominated the coverage.

### Redistricting Strategy -- Senate

Again the State Senate demonstrated why it is different from the Assembly. A country club atmosphere prevails in a smaller body, with its membership only gradually changing due to staggered terms. Closeness, stability and traditions serve to facilitate camaraderie and the expectation of negotiation as a way of life.

Senate redistricting was handled by its long time consultant, Dr. Tim Hodson.. The country club atmosphere coupled with astute moderate leadership by Democrat Roberti and Republican Maddy made the Senate operation a more open process. Maps and data were available in advance. Hearings were held extensively and there is even an indication that some hearing objections led to modification of legislative proposals.

The joint database was available to both parties. Senator Leonard, heir to H.L. Richardson's district, assumed the leadership of the Republicans on redistricting. One of his favorite themes was the creation of competitive districts. He wanted district registrations to be brought within a small variation. Consultation with political technicians quickly substantiated the impossibility of such a program without meandering lines which would destroy any community of interest, previously the backbone of Republican arguments.

Another Leonard theme, picked up from the national party, was the strategy of advocating minority districts. The Senate produced an expensive video emphasizing the need for minority representation. The only problem was the senatorial proposals did little to fulfill the expectations created. Analysis of the Senate proposal indicates it was clearly incumbent oriented.

### Redistricting Strategy -- Assembly

The contrast with the Assembly could hardly be more stark. Democratic strategy and decision-making rested with Willie Brown's operative, Calva. A veteran of redistricting battles of the past, his control was as ruthless as his infamous management of majority services. Built on the illusion that "we did it before, we can do it again," the Democrats' strategy floundered when up against reality.

Republicans raised money to develop their own database. Meanwhile the Democrats continued their relationship with Cal Tech, paid for with taxpayers' money.<sup>5</sup>

Bargaining began with the recognition that legislative proposals had to gain the governor's approval and so had to protect Republican incumbents and satisfy the governor's agenda. The seven new Congressional positions provided the bargaining chips. The problem was that each group envisioned the distribution of the spoils differently. The Governor was committed to the moderates and opposed by Republican conservatives whose numbers were rapidly increasing.

The legacy of the early 1980s remained a stumbling block to negotiation. The sell-out of 1982 was still a vivid memory of conservative Republicans. With basic disagreements over what was politically correct, dialogue ceased. Added to the impossibility of resolution within the Legislature was a conviction on the part of the Brown machine that Democrats and the small group of cooperators in the Republican party could come together with a two-thirds vote to override any Governor's veto.<sup>6</sup>

It did not come to pass.

#### Strategy -- Congressional

Obviously both parties were interested in control of California government in 1991 to reap the prize of seven new Members of Congress.

In contrast to their redistricting success in 1967 and 1971, the Congressional strategy lost any pretense of bipartisanship. Burton's 1981 agenda had required more seats at Republican expense. The result, especially the elimination of Dornan, Rousellot and Grisham, left divisions between the parties as well as internal divisions within the Republican party stemming from primary battles. As ideological politics increased in the 1980s the possibility of a rapprochement was inconceivable. Even if a Burton replacement had been found without his legacy the bitterness of a scorched earth policy made an armistice impossible.

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<sup>5</sup> In May 1993 the database built at public expense and used for private gain for years was deposited at the University of California, Berkeley, the location of Willie Brown's academic guru hired to analyze Propositions 118 and 119.

<sup>6</sup> Reliable political reporters and staff members report Brown was within one vote of his override vote.

Both sides shared a common interest in self preservation, rationalized by the advantages seniority brings in the House of Representatives. The Democrats saw their salvation in ensuring that the Legislature was captive to liberals and the Republicans saw theirs in protection by the Governor. Though united to elect Pete Wilson, his moderate stance on many issues and his appointment of a milquetoast moderate as his replacement made conservative Republicans leery. The Congressional struggle was complicated by the election in 1990 of freshman conservative Congressman Doolittle, a former State Senator. Early in the preliminaries moderate Congressman Thomas was replaced as the Republican redistricting spokesperson by Doolittle and San Diego Congressman Hunter. The Doolittle/Hunter group sought more conservative Republican Congressmen in contrast to the Governor's preference. Eventually this conflict reached to the White House and the Republican National Committee, with pressure being put on Doolittle to cease bargaining with the Democrats.

The Congressional delegation was now without Philip Burton. Democrats had the Berman/D'Agostino group (BAD was their boastful label). For \$50,000 per Democratic Congressman the BAD organization provided plans for the protection of Democrats and the gain of three or four of the seven new Congressional seats. Burton had handled it all with one staffer but by 1991 the boondoggle was in full swing. The Doolittle/Hunter group seized control of Republican congressional efforts. To the surprise of many Doolittle urged his fellow Republicans to employ a former Democratic consultant. He was available for a \$175,000 contract. The fact that both parties were willing to accept these sorts of financial arrangements indicates the extent to which they had come to depend on gerrycrats. (Notably absent from any of the staffs were Heslop, Hofeller and the author.)

In the Assembly, three sets of districts were passed by strict party votes. Set A was designed to appeal to the Governor's moderates, set B to the conservative Republicans and set C to the Democrats. The three sets of districts produced 156 Congressional possibilities and 240 Assembly arrangements -- a smorgasbord worthy of bureaucratic kings. The votes were far short of the two-thirds necessary for an override. The Senate followed suit with the same partisan voting results. Again as in 1971, the political bureaucrats had outfoxed themselves. Maps gave away the story of their chicanery. Districts were designed for incumbents.

It was now in the Governor's court. He delivered his veto message. He would not play. Instead he inaugurated a new redistricting gamut.

#### A Governor's Commission

Following his quick veto of the redistricting smorgasbord Governor Wilson announced his intention to form a neutral commission to formulate redistricting proposals. He overlooked the opportunity to publicly denounce the Democratic charade by factual analysis. Rather than employing the Rose Institute staff, as had long been speculated over by the Democratic rumor mill, the Governor appointed a non-political academic team from out of state. Professor Morrill, professor of geography at the University of Washington, had served as expert for the 1981 Roundtable proposal. A professor of mathematics from the University of Wooster who had long been active in redistricting reform in Ohio was assigned the task of devising redistricting plans. The outside academics relied on the expertise of Professor Gordon Baker of the University of California, Santa Barbara as an assistant advisor.

The results were presented. The Governor's staff required modification of the program to meet the demands for more minority representatives. This undermined the neutrality of the plan, and made it no less political than the proposal from the Legislature. The districts were compact, contiguous and equal but they became political.

#### The Court Intervenes

In response to *Wilson v. Eu* (1991), the Supreme Court took jurisdiction of the 1991 redistricting and announced the appointment of masters. The Court's stance was similar to and indeed guided by that of *Legislature v. Reinecke* in 1973. It is notable that this court action began early enough in 1991 to allow sufficient time to create districts for the 1992 election, whereas the delays in 1971 necessitated that the previous districts to be used for 1972.

Three retired judges were appointed, one Democrat and two Republicans. A staff was appointed headed by the same consultant as in the 1973 action, McCaskle. His assistant was Professor Eugene Lee, former head of the Institute of Governmental Research at the University of California, Berkeley. The

judges announced public hearings. Some participants came forward and others were asked to make presentations. Included in the latter category were Alan Heslop and the author who were asked to attend the San Diego hearing, outside the main media markets.

The Master's procedures followed the pattern of McCaskle's previous consulting almost twenty years before. The staff presented its recommendations to the Masters who in turn submitted them to the Supreme Court. The Court offered critics the opportunity to present alternatives. In only one case was an alteration accepted by the Supreme Court, one which modified the ethnic make up of two Assembly districts. With this slight modification the Court announced that these would be the districts to be used for the decade of the 1990s.

The fact that two plans were formulated, one by a neutral commission staffed with academics and the other by a court-appointed body staffed with three retired judges, both of which claimed to be using impartial procedures, invites an analysis of the similarities and differences between the two programs. The goals were the same: political equality, consideration of minority representation, recognition of communities of interest. How did the plans differ? The total map analysis cannot be presented but the composite results are clear. Both plans lowered the representation in the core areas.

Significantly while both claimed they tried to avoid splitting cities, both did so. The defense was that minor portions of cities in census tracts should be disregarded to simplify the operation. No better example of the bureaucratic mentality can be found. Anyone with knowledge of computer techniques would realize census tracts could be split so as to avoid city divisions, but that takes time, money and above all else energy. Bureaucrats and computer operators whose expertise is seldom challenged simply claim it cannot be done. Usually it can.

### The 1992 Election

As in 1974 when Watergate provided all sorts of explanations and excuses for the results, the 1992 election results could be explained away. Undoubtedly Perot and the Clinton sweep were factors. The dual candidacy of two women for the two U.S. Senate positions may have been a factor. More

competitive districts had emerged, making the margins of victory closer or resulting in pluralities. Such close losses fostered "if only" analyses. The problem is no behavioral research can give precise answers.

In San Diego County, Democrats won for the first time in a long time. Democrats won both U.S. Senate positions, and 47 Assembly positions.

Compared to other years the account of the 1991 redistricting has been briefer. Yet it is revealing of the debilitating practices which have become the norm. Caught in a quandary of their own creation, the only recourse was the judiciary. As it had in December of 1982, the Legislature had demonstrated total disregard for the public. Although the Governor could stop the Legislature, without an effective party apparatus and without an effective program to capture the winds of change he could not act himself.

The involvement of the court might not be desirable, but, in a system where incumbents acted at the expense of the public, there was no other alternative. The separation of powers system creates checks and balances to hold unresponsive powers responsible. An effective party system or political leadership could rectify the problem but California has neither. Twice in three decades the judiciary had to intervene. What will happen next time?

CHART 12: ENTITLEMENTS FOR THE 1991 REAPPORTIONMENT

Population of California--1990	29,760,021
Ideal State Senate District Size (40)	744,001f
Ideal Assembly District Size (80)	372,000f
Ideal Congressional District Size (52)	572,308f

	<u>Census</u>	<u>Entitlements</u>		
		<u>Assbly</u>	<u>StSen</u>	<u>Congress</u>
<u>North Coast:</u>				
1990	273,522	0.74	0.37	0.48
<u>Bay Region:</u>				
1990 Core	1,996,861	5.37	2.68	3.48
1990 North	1,069,139	2.87	1.44	1.86
1990 Central	802,605	2.16	1.08	1.40
1990 South	2,147,200	5.78	2.88	3.76
1990 Total Bay				
	6,015,805	16.18	8.08	10.50
<u>Central Coast:</u>				
1990	839,240	2.26	1.13	1.46
<u>Southern California:</u>				
1990 Core	8,856,178	23.81	11.90	15.47
1990 North	1,033,820	2.78	1.39	1.81
1990 Inland	2,698,096	7.25	3.63	4.72
1990 South	4,891,675	13.15	6.57	8.55
1990 South California Totals				
	17,479,769	46.99	23.49	30.55
<u>San Joaquin Valley, Foothills and East Basin:</u>				
1990	2,896,137	7.78	3.90	5.06
<u>Sacramento Valley and Superior California:</u>				
1990	2,191,967	5.90	2.95	3.84



CHAPTER 9

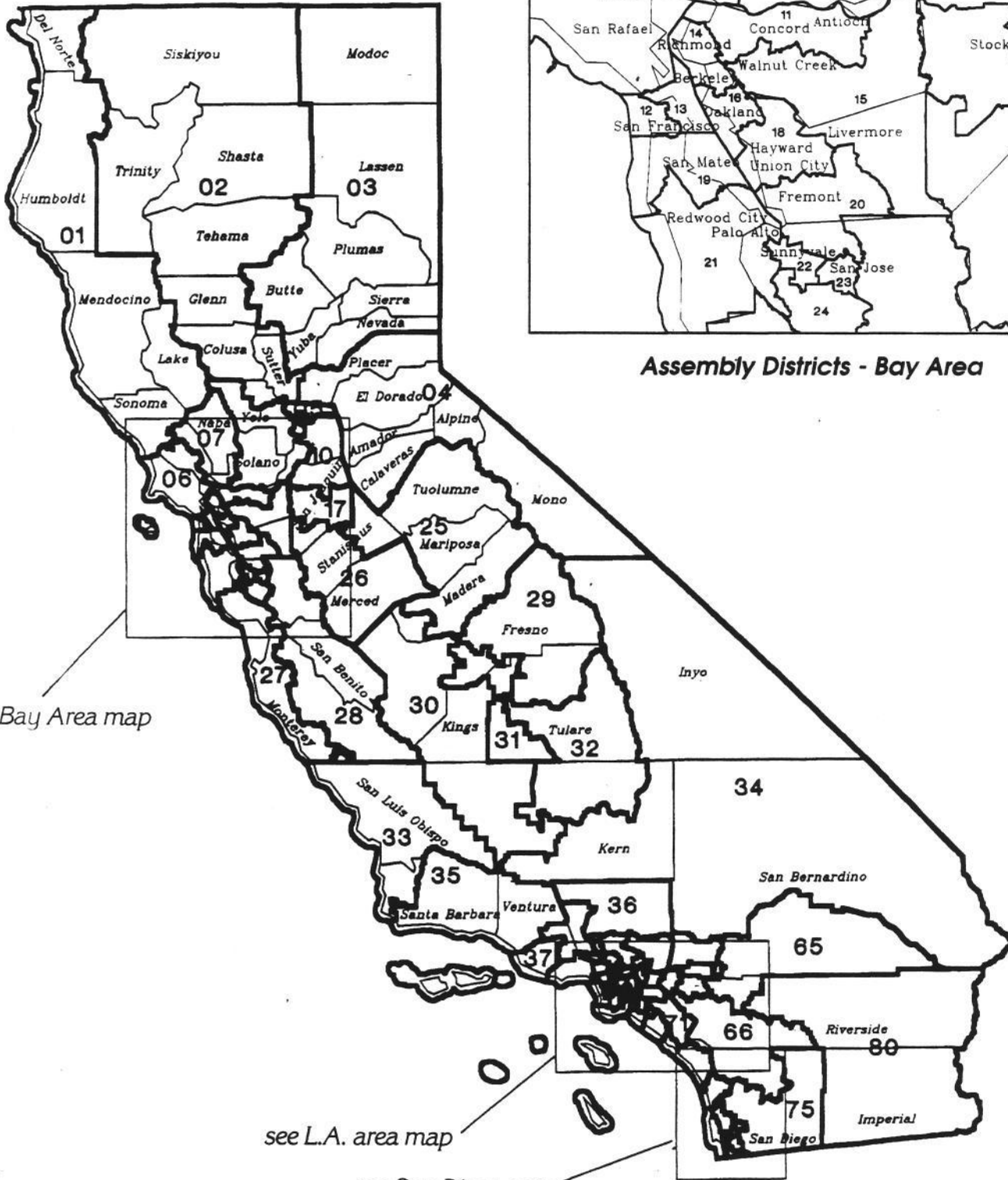
Charts:

Population Distributions 1990

Maps:

Assembly Districts	-- 1991
Senatorial Districts	-- 1991
Congressional Districts	-- 1991

# Assembly Districts

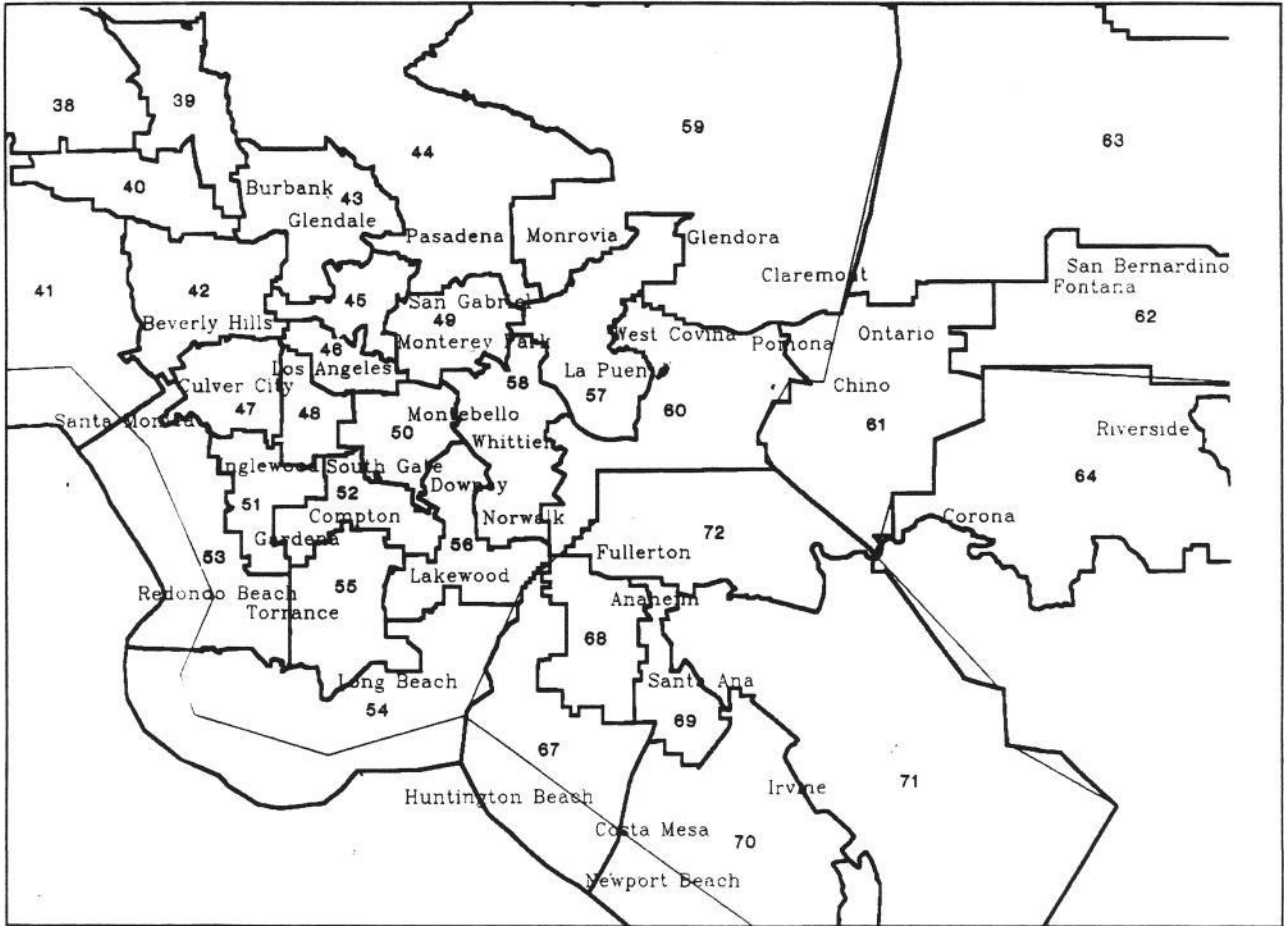


Assembly Districts - Bay Area

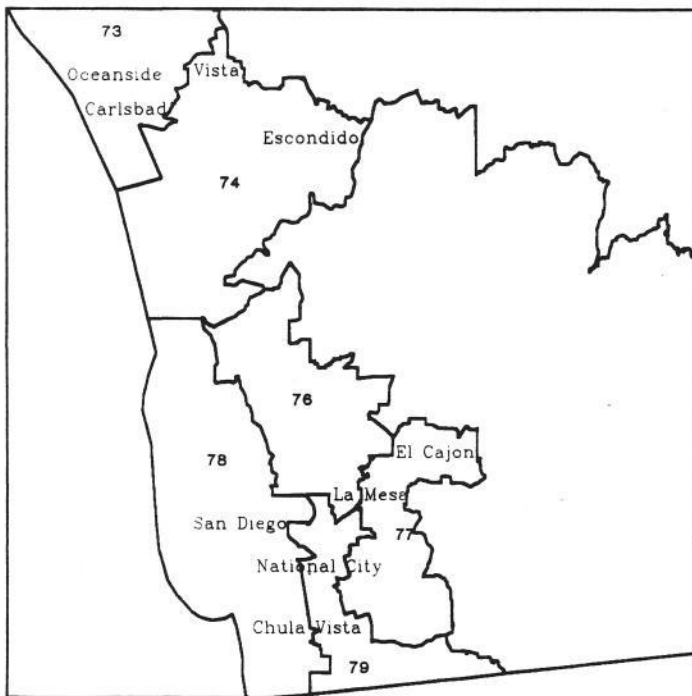
see Bay Area map

see L.A. area map

see San Diego map



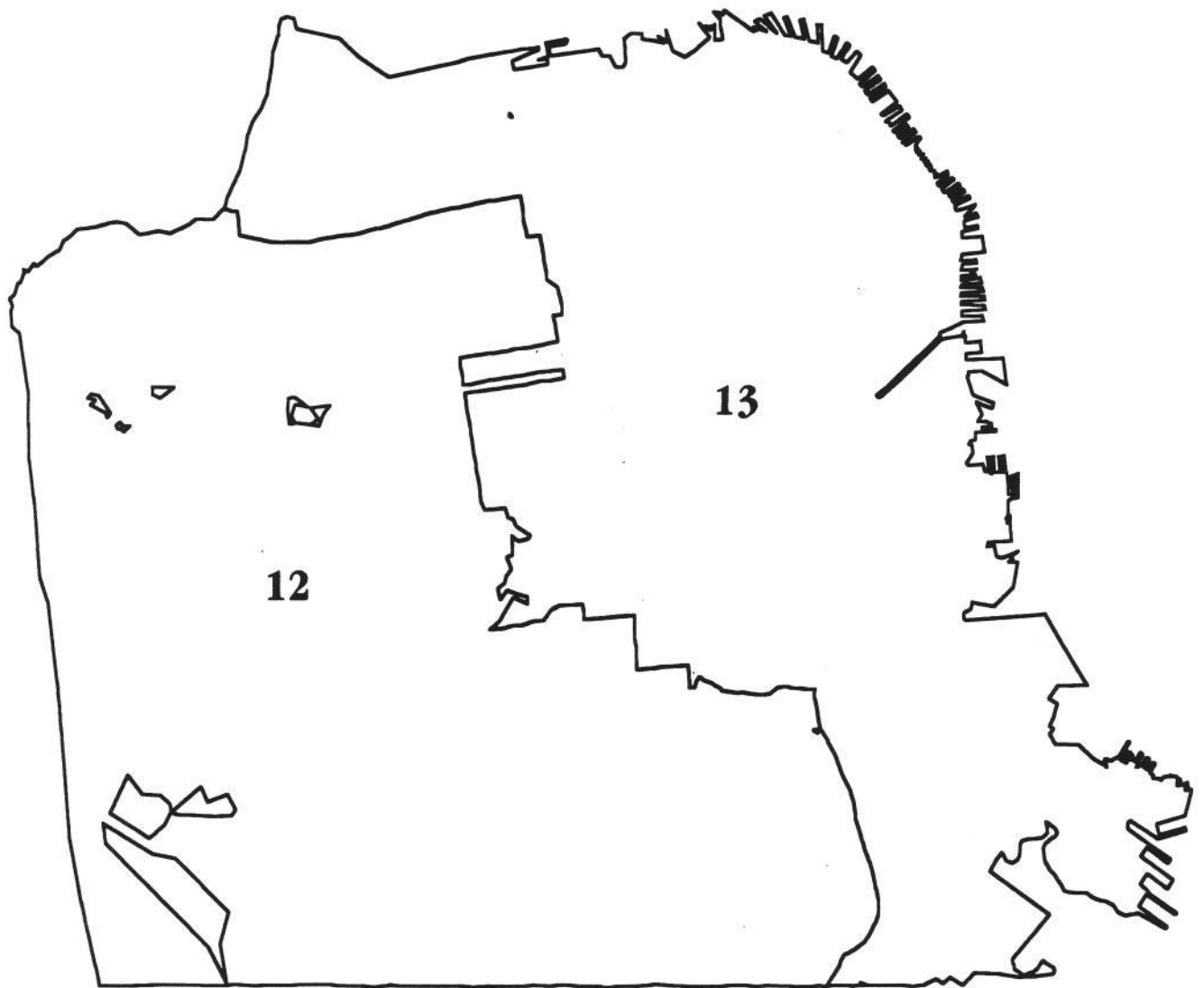
**Assembly Districts - L.A. area**



**Assembly Districts - San Diego area**

# San Francisco Assembly Districts

1991 (Court)



# San Francisco Residential Areas



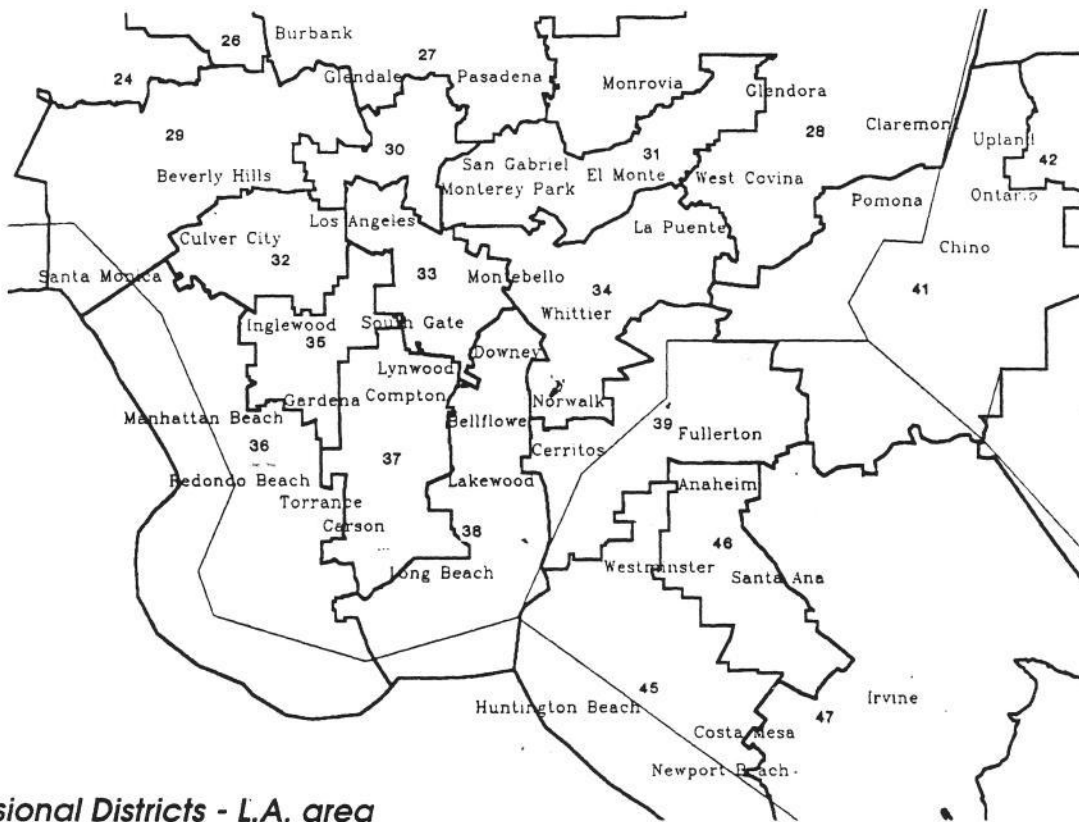
# Senate Districts



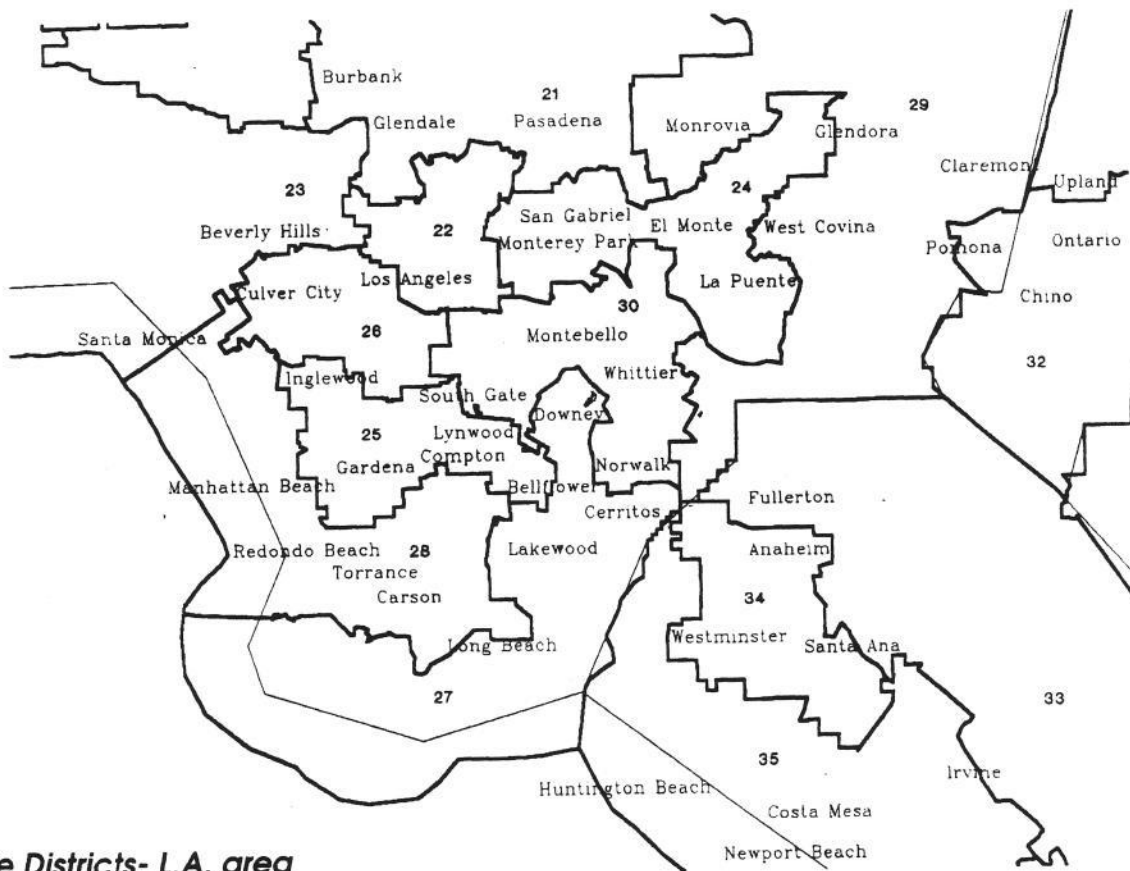
Senate Districts - Bay Area

see Bay Area map

see L.A. area map

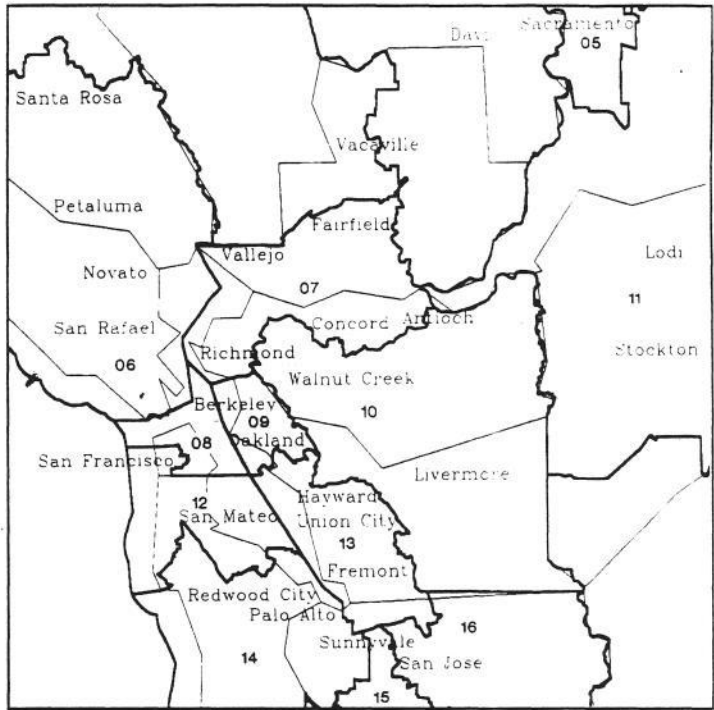
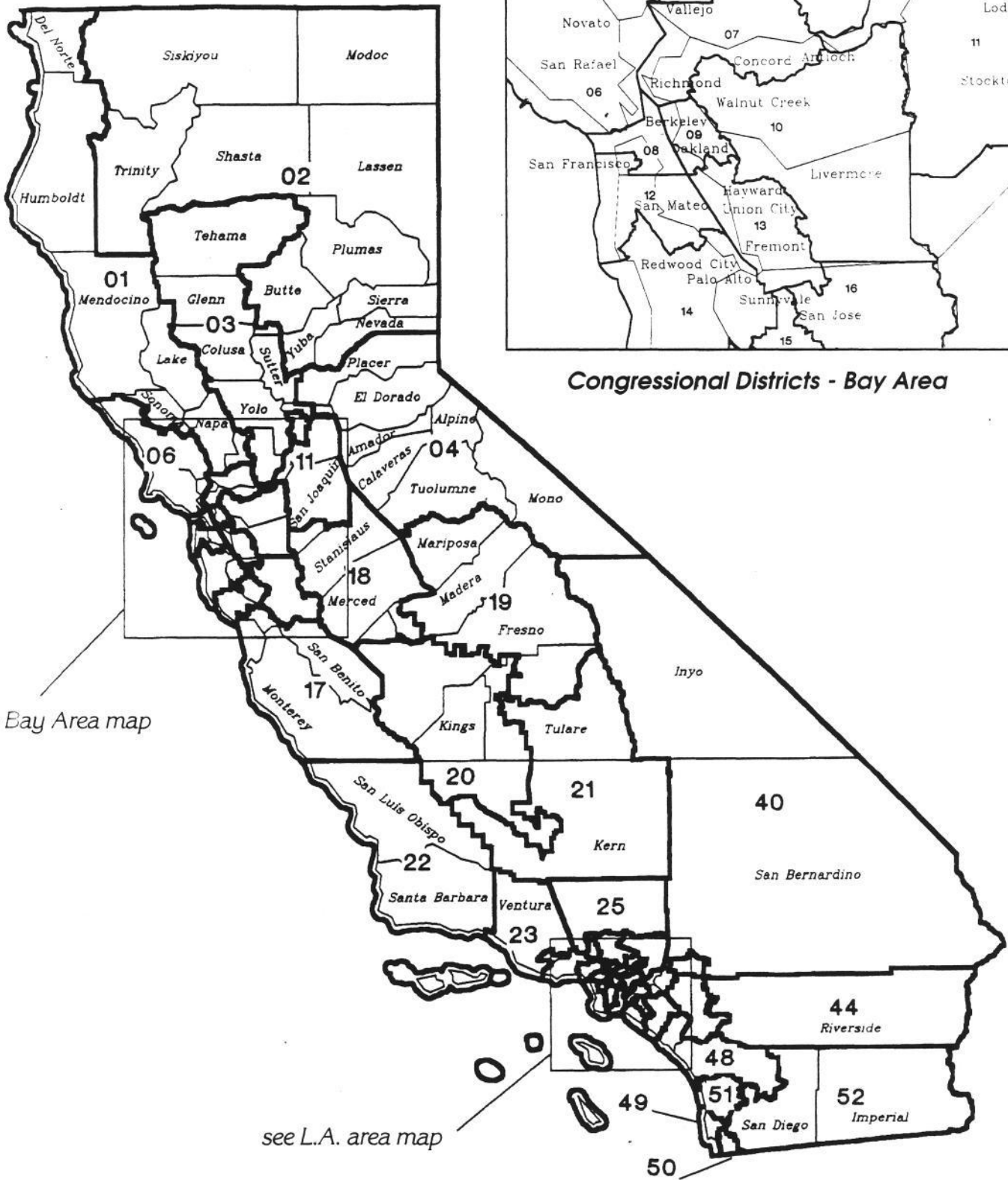


**Congressional Districts - L.A. area**



**Senate Districts- L.A. area**

# Congressional Districts



Congressional Districts - Bay Area

see Bay Area map

see L.A. area map



## EPILOGUE

California's political development has been a theme of this book, particularly in relationship to reapportionment/redistricting. And what is the result?

The first paragraph of the introduction used the words *onward* and *upward*. What the reapportionment/redistricting story reveals is the equally important presence of a *backward* and *downward* thrust. As the state's development occurred, one group was always trying to hold on to what had been won, while new groups were seeking to have their place in the sun.

Reapportionment/redistricting struggles graphically demonstrate the changes. My observations are here reviewed under five headings:

1. California has been many Californias;
2. changes in representation have reflected the results of struggles long forgotten;
3. California is in one of the traumatic changes which occur in the course of development;
4. adjustment to new circumstances will demand the best leadership and realistic programs to facilitate change; and
5. such change can only be effective with new ideas that stop the erosion of political representation and restore a sense of legitimacy to governing institutions. Enough is enough.

### California Has Been Many Californias:

Demographic analysis reveals not a California but at least four Californias:

California I (1850-1879) -- frontier settlement and population dispersal;

California II (1880-1929) -- development and progressive reaction;

California III (1930-1979) -- depression, World War II, post-war, wars in Asia and post-war;

California IV (1980- ) -- seizure of power by status quo liberalism and

California's emergence as a Third World state on the Pacific Rim.

California I covered the emergence of California as a modern political entity from the Mexican province of Alta California. Hordes of American foreigners flooded into the sparsely settled northern sections in quest of gold--the symbol of opportunity, success, power and authority. Overnight the Mexican Californians became a minuscule minority in the pastoral backlands of the cow counties in the southern coastal areas. The first Constitutional Convention called for in 1849 symbolized the shift of power.

At the same time, with new arrivals constantly surging into northern areas with other interests to achieve success and wealth, pressure built for a second Constitutional Convention. Its completion in 1879 brought San Francisco into prominence as the port of entrance and outflow, despite reapportionment delays in the early 1880s. California II initiated an era of corporate development and agriculture in the North and agro/tourism and corporate growth in Southern California as phenomenal numbers located in that part of the state.

California II became a one-party state which would experience vigorous internal struggles within the Republican party between its progressives and the corporate/political boss legacy of San Francisco. Population continued to flood into the western nirvana and it tended to be Republican in political disposition. The brief Progressive interlude brought reforms which promised new political panaceas with such institutions as primaries, non-partisan government, and the infamous cross-filing.

Despite the diminishment of political action, California III emerged. In the 1930s large numbers entered the state from the southern United States. New residents brought with them their Democratic dispositions. Such influx did not mean immediate change but represented future political potential once the newcomers settled in and began to participate. An oncoming tide could not be stopped by the calculated strategy of the 1951 redistricting. A second generation of New Dealers came to power in 1958 which in hindsight was the hiatus of California III.

Democratic majorities gave the Democrats their first opportunity to reshape the political system, including the redistricting of 1961. Hardly had the event occurred before the trilogy cases in the mid-1960s allowed the Democrats to cement the power of an already waning New Deal era. The redistricting upheavals of the 1960s brought a new generation to power, the third generation removed

from the New Deal but progressively dependent on technocrats and political activists motivated by fear that their careers would be upset by foreign wars. Such technocrats, activists, and academics would become the fourth generation removed from the New Deal.

Events of the 1960s and 1970s led politicians to assume the right to rule and to repeat the rhetoric of the past without traditional bargaining. Computerized redistricting did not need legislative bargaining. The gerrymen told their employers what they needed and what they wanted to hear. A legislator's lack of understanding leads to a shift of proposals before his very eyes, by his colleague and the gerrymen.<sup>1</sup>

Although desperate efforts at self-preservation were successful in the bipartisan coup of 1982, the erosion of representation was even more graphic than the 1971-1973 charades. What had been ridiculous became ludicrous. Each event of the 1980s exposed the hypocrisy. Only the opps removed from the electorate by self-perpetuating districts given by the gerrymen failed to understand the emergence of California IV.

Concurrently, the state was experiencing the largest influx of numbers in its history. The diverse origins of the immigrants easily fit into the multicultural rhetoric of the aging New Deal liberalism which had only political correctness as its linchpin to the past and its promise for the future. The terminal days of fourth generation New Dealism were made clear by the 1991 redistricting events. Ignoring the 1990 election results, the "boss" ordered his gerrymen to prepare another package of 1982 vintage. He failed to reckon with a governor of opposite persuasion. Yet the governor who could veto legislation could not create legislation.

Again in the course of less than twenty years the courts had to rescue a non-functioning system. Yet the courts did not do their work by law, but by computers on the basis of dubious political correctness which was the only guide status quo academics could provide and for which they were paid well and given illustrious, prestige positions.

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<sup>1</sup>See Meade's Oral History.

### Shifts in Representation in the Californias:

Each decade section in the previous text included a chart indicating population and representation entitlements by regions. In turn analysis was made of the strategy to implement reapportionment/redistricting legislation, including the immediate results and the long-term results.

Chart 13 summarizes the long-term results of Assembly shifts from 1850-1991. The larger number of positions [80] makes the changes more graphic, but appendixes provide similar information for the State Senate and the Congressional positions.

Chart 14 focuses attention on the results of Assembly shifts from 1951 to the present in terms of the new definitions developed in Chapter 3. Charts 15 and 16 provide a summary of the actual Assembly entitlements during the same periods. Appendixes provide similar information for the State Senate and the Congressional delegations.

Even in the early reapportionment/redistrictings, with little detailed material for analysis, the results are graphic. The four Californias exist, the dominance of a new galaxy becomes clear by numbers, and the decline of older elements is stark.

The mining areas dominated in California I. San Francisco and the north dominated in California II. The shift to Southern California was temporarily delayed by the adoption of the federal system in the 1920s, but after the mid-1960s trilogy cases, California III was solidified. Ironically the recognition of the California III came late. California IV was in the making. Redistrictings in the 1960s and 1970s were mere preludes to the incredible events of 1981-1982.

CHART 13--ASSEMBLY ENTITLEMENTS -- 1850-1991  
 [BASED ON ORIGINAL REGIONAL UNITS]

CENSUS	NC	BAY	CC	SC	SJ	SACR	MTS
1850	.50	7.46	1.25	1.35	1.13	.20	[16.40]
1852	2.84	14.33	1.84	3.49	4.27	6.10	[29.19]
1860	7.69	18.15	3.17	4.47	4.65	9.03	[32.37]
1870	7.75	30.71	4.45	3.47	6.31	7.95	[16.96]
1880	9.85	32.67	4.95	4.61	6.02	7.70	[17.86]
1890	8.88	30.76	5.70	11.63	7.50	6.30	[9.24]
1900	8.12	30.84	5.25	14.58	7.71	5.72	[8.24]
1910	6.30	27.05	4.16	23.73	8.82	3.80	[4.19]
1920	3.96	24.33	3.64	29.82	10.68	7.21	[3.21]
1930	3.48	19.87	3.56	39.63	8.14	5.31	[2.00]
1940	3.30	17.17	3.52	41.11	8.97	5.88	[2.00]
1950	2.76	17.69	3.59	41.11	8.50	6.00	[2.00]
1960	2.79	16.00	3.80	44.07	7.48	5.86	[2.00]
1970	2.71	15.91	4.56	44.22	6.81	5.79	[1.61]
1980	2.88	14.61	5.03	43.68	7.30	6.50	[2.10]
1990	2.70	13.32	5.05	44.27	7.79	6.88	[2.30]

=====

LEGEND: NC = North Coast      BAY = Bay Region  
 CC = Central Coast      SC = Southern California  
 SJ = San Joaquin Valley      SACR = Sacramento Valley  
 MTS = Mountain

Explanations of county groupings and the specific, unique conditions of individual reapportionment/redistricting actions are explained in previous chapters.

CHART 14--ASSEMBLY REDISTRICTING RESULTS -- 1850-1991  
 [BASED ON ORIGINAL REGIONAL UNITS]

ACTION	NC	BAY	CC	SC	SJ	SACR	MTS
1850 [36]	3.0	8.0	4.00	3.00	2.00	3.00	13.00
1852 [57]	6.0	11.0	2.00	3.00	4.00	9.00	22.00
1853 [80]	10.0	11.0	4.00	4.00	3.00	10.00	38.00
1857	5.0	12.0	4.00	4.00	3.00	13.00	39.00
1861	8.0	19.0	3.00	4.00	6.00	5.50	34.50
1863-64	8.0	19.0	3.00	4.00	6.00	5.50	34.50
1873-74	9.0	28.0	5.00	4.00	10.00	12.00	12.00
1883	9.5	31.0	5.50	5.00	12.50	18.50	8.50
1891	7.8	29.0	6.00	11.00	12.00	14.20	[10.50]
1901	7.6	30.0	6.00	14.00	10.00	12.40	[6.00]
1911	6.4	25.0	5.00	22.00	11.60	10.00	[5.60]
1927	4.5	24.0	4.00	30.00	9.70	7.80	[5.00]
1931	2.5	20.0	4.00	39.00	8.50	6.00	[2.00]
1941	2.5	18.0	4.00	41.00	8.50	6.00	[2.00]
1951	2.5	18.0	4.00	41.00	8.50	6.00	[2.00]
1961	2.5	17.0	3.20	43.00	8.10	6.20	[2.00]
1965	2.5	16.0	3.80	46.00	7.60	6.10	[1.80]
1971**	3.3	16.0	4.00	46.60	6.90	5.20	[1.40]
1973	1.0	18.0	4.00	46.80	6.20	6.00	[1.55]
1981	2.8	15.0	3.60	46.50	7.30	6.40	[1.90]
1983	2.8	15.0	3.60	46.50	7.30	6.40	[1.90]
1991	2.7	14.0	5.50	43.40	8.30	6.50	[2.10]

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LEGEND: NC = North Coast BAY = Bay Region CC = Central Coast SC = Southern California  
 SJ = San Joaquin Valley SACR = Sacramento Valley MTS = Mountain

\* No basic change. Reflected creation of new counties. \*\* Legislation vetoed.

Explanations of county groupings and the specific, unique conditions of individual reapportionment/redistricting actions are explained in previous chapters.

With the 1950 Census the regional categories were altered to reflect current demographic conditions. Again the Chart results are stark, but the key to understanding the problem of redistricting is to note the distortions created by gerrymanders which were approved by their presumed masters who presumably acted on behalf of their masters--the public in a representative democracy.

The opps of the late 1960s survived by minimizing the votes of their opponents by the usual gerrymander techniques with the sophistication of new technology. Even more detrimental to the system's survival was the "it's politics" mentality of behavioral political scientists coupled with the self-righteousness of political correctness that reached its fulfillment in the early 1990s.

It is impossible to chronicle the entirety of the changes and the techniques, but focus on two areas as illustrations is helpful: San Francisco and the San Fernando Valley in Los Angeles County. Maps at the back of the Epilogue will be helpful.

#### San Francisco Example

San Francisco maps not only epitomize the decline of the state's key city in the 19th Century and early 20th Century, but a careful review of the districts shows the full range of gerrymandering techniques as noted in previous chapters. Represented are all types of gerrymanders: elongation in 1901, 1971, 1973, 1981 and 1982; concentration in 1951, 1961, 1967, 1971, 1973; dispersal in 1951, 1971, 1981 and 1982; projection in 1951, 1961 and 1981; and elimination in 1951, 1971, 1981 and 1982. The endless non-enacted proposals [because of a governor's veto] only demonstrate further the gerrymander techniques.

Also worth comparison are the maps of 1873 and 1991. In the former, the number of districts in this small 46 square miles in a state of 156,299 square miles amounted to more than one-third of the political representation in the state. San Francisco was the undisputed dominant element. The map of 1991 leaves 2 districts in this minuscule area of the state.

San Fernando Valley and Northern Los Angeles County Example

By way of contrast San Fernando Valley and Northern Los Angeles County, as areas separated from the urban core, or from the areas of early settlement, represent areas which have experienced phenomenal growth.



CHART 15--ASSEMBLY ENTITLEMENTS -- 1951-1991  
 [BASED ON NEW REGIONAL CATEGORIES]

	1951	1961	1965	1973	1983	1991
NORTH COAST	1.00	1.00	.70	.80	.70	1.40
BAY	20.10	19.00	18.20	18.50	16.40	16.00
Core:	11.10	9.00	8.00	5.80	5.60	3.60
North:	1.50	1.50	1.80	1.90	2.40	1.60
Central:	3.50	3.50	3.40	4.30	2.80	4.40
South:	4.00	5.00	5.00	6.50	5.60	6.40
CENTRAL COAST	2.30	1.50	1.80	2.00	2.00	2.00
SOUTHERN CALIFORNIA	43.70	45.50	46.00	46.80	46.50	46.40
Core:	28.60	27.30	26.20	24.30	22.80	19.00
North:	5.10	6.20	6.80	6.40	6.20	6.80
Inland	4.00	4.00	4.50	5.10	4.70	7.60
South	6.00	8.00	8.50	11.00	12.80	13.00
SAN JOAQUIN VALLEY	8.50	8.10	7.60	6.70	7.30	8.80
SACRAMENTO VALLEY	5.50	5.70	5.70	5.20	3.60	5.40
ORIGINAL MINING AREAS	[2.00]	[2.00]	[1.80]	[1.55]	[1.90]	[2.20]

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LEGEND: The categorization of counties into the new regional formula is explained in detail in Chapter 3.

CHART 16--ASSEMBLY REDISTRICTING RESULTS -- 1951-1991  
 [BASED ON NEW REGIONAL CATEGORIES]

	1951	1961	1965	1973	1983	1991
NORTH COAST	1.00	1.00	.70	.80	.70	1.40
BAY	20.10	19.00	18.20	18.50	16.40	16.00
Core:	11.10	9.00	8.00	5.80	5.60	3.60
North:	1.50	1.50	1.80	1.90	2.40	1.60
Central:	3.50	3.50	3.40	4.30	2.80	4.40
South:	4.00	5.00	5.00	6.50	5.60	6.40
CENTRAL COAST	2.30	1.50	1.80	2.00	2.00	2.00
SOUTHERN CALIFORNIA	43.70	45.50	46.00	46.80	46.50	46.40
Core:	28.60	27.30	26.20	24.30	22.80	19.00
North:	5.10	6.20	6.80	6.40	6.20	6.80
Inland	4.00	4.00	4.50	5.10	4.70	7.60
South	6.00	8.00	8.50	11.00	12.80	13.00
SAN JOAQUIN VALLEY	5.50	5.70	5.70	5.20	3.60	5.40
ORIGINAL MINING AREAS	[2.00]	[2.00]	[1.80]	[1.55]	[1.90]	[2.20]

=====

LEGEND: The categorization of counties into the new regional formula is explained in detail in Chapter 3.

Beginning in the 1930s after the importing of water made the arid valley valuable property, first in agricultural and then in land development, the San Fernando Valley and adjacent areas gained representation. Prior to the 1920s the area was dispersed among numerous districts to the south with virtually no connections. 1931 redistricting brought its first Assembly district. 1961 brought two Assembly districts. 1991 brought three Congressional districts, etc.

Most significant, however, has been the continued division of the San Fernando Valley and North Los Angeles County to provide sufficient populations for districts outside the area. In other words, the area which might have its own districts on the basis of its population was divided among several districts for the benefit of incumbents and interests in the core areas.

Also significant is the denial of community representation by the extension of older core districts into the Valley. Ironically, even the much-praised Court plan of 1973 followed the 1971 and 1973 Waxman/Berman lines with minor exceptions and divided the Valley entitlement for the benefit of other areas. In 1981 other agencies did not have an opportunity because of the 1982 coup sanctioned by the Bird Court.

Of equal significance is what is hidden in the unknowns of politics which any investigative journalist could have uncovered. For example, though the politically correct are champions of gay rights, the dispersal of gays among several districts to minimize the opportunity for gay candidates was the practice. It was similar to the Latino experience in 1971. In 1981, it happened to be gays; in 1991, Asians.

The tragedy for representative government is that these seemingly isolated examples are fundamental to the operation of the gerrycrats in 1971, 1981, 1982 and 1991. This is not to say the Republicans offered neutral alternatives. As their chief strategist, Hoeffler often emphasized with pride: if ethnics are concentrated, Republicans will benefit. The politically self-righteous in both parties seek to be the spokespersons for the downtrodden as long as they know their place and stay there.

The true story of redistricting is found in the attempts of 1971 and 1991 and the enacted legislation of 1981 and 1982. It is a record of erosion of representation and responsibility. With the

toleration of such practices rationalized by the intellectual leadership of the University of California, the legitimacy of government and the title of "Honorable" vanished from the California scene.

### The Perennial Battle

Closer analysis of the redistricting battles over a near century and a half also reveals a continual reluctance of the status quo elements to yield power to new groups attempting to enter the political system. It is not an unusual phenomenon on any level, in any organization, or at any time. The significance of the common pattern in its reapportionment/redistricting context is that the results have an impact on the public view of the government's legitimacy.

The first transition [mining to San Francisco] culminated in the Second Constitutional Convention. The second transition [north to south] was temporarily resolved by the initiatives of 1926 and reaffirmed in the 1928 referendum in favor of the federal system. The third transition [rural to urban] ushered in by the trilogy cases brought to power a group of opps who succeeded in perpetuating themselves even within new rules.

Events since 1971 have been dominated not by legislators but by gerrycrats, or would-be gerrycrats. Even when the courts entered in 1974 the effects were minimized by other variables. In an amazing political feat the 1981 redistricting succeeded in maintaining control for the bipartisan opps. Incumbents seized control of a democracy in much the same fashion as in the Third World, despite the vote of the people in the referenda of 1982.

Events recorded in Chapter 8 demonstrated beyond doubt the betrayal of a democracy by its opps. In 1991 another attempt was made to delay the fourth transition. It failed. Yet the issues remain. The crisis grows. The court gave the electorate another chance in the form of more competitive districts. But the electorate had already acted in its own benefit before the court action. In 1990 term limits were enacted. If new districts do not remove the former opps, term limits will.<sup>2</sup>

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<sup>2</sup>Compare the bureaucratic arguments of the opponents of redistricting to the opponents of term limits. It shows the inadequacies of the new political science and its essential bureaucratic structure.

### California on the Cusp of the 21st Century and the Emergence of the New Liberalism

Opps may have thought their rule supreme but step by step the old was being undermined by a growing sense on the part of the public that the government was not theirs. Opps had been content to give governance to bureaucrats of many species, but the electorate recognized hypocrisy. In November 1990 the electorate acted. Term limits were enacted. Opps had been content with their ridiculous districts given by their bureaucratic masters but the gerrycrats and their campaign consultants had divorced the public servant from the public.

It was a convenient arrangement for aging politicians and their camp followers, but the public was outside the loop. As acts of arrogance piled upon each other and the rhetoric of political correctness brought its inevitable results, the public responded ENOUGH IS ENOUGH. It was not just a response to redistricting practices that denied them their role in a representative democracy. The public began to believe the title of "honorable" had lost meaning. The legitimacy of the government was in question. The inability of the government to function was beyond doubt.

### Catalysts and Conditions for Change

A growing sense of the need for change does not come overnight, nor does reform emerge from a vacuum. Political alterations are only addressed when unacceptable levels of misbehavior are reached and/or when government is failing to perform. Such conditions have been gradually building in California since the fraudulent violation of popular will occurred with the bipartisan seizure of power by opps in December 1982. Subsequent events have compounded the initial problem of an erosion of representation and the inherent loss of legitimacy.

Despite the ignoring of basic principles of representation, political scientists said little about the coup events. The press made virtually no comment on the implications of the seizure of authority in defiance of a popular vote. Had the event occurred in the Soviet Union, China, or a Third World nation, both the politically correct and the press would have been at the barricades. In California, a strange silence was maintained.

On the other hand, on its own the electorate came to sense the erosion of representation without the facts. The repetitious, meandering, ridiculous and ludicrous districts of 1971, 1973, 1981 and 1982 spoke a thousand words and two words summarized the impression--hypocrisy and arrogance. Most important in facilitating the mood for change was the disastrous policy of opps entrenched by a rigged electoral system unresponsive to public needs. In sum, the result of the self-perpetuation of political and academic bureaucracies is the general questioning of the legitimacy of those in authority.

Subsequent events have compounded the initial problem of an erosion of representation and the inherent loss of legitimacy. These include the politics of fluke described earlier (the inclination of political actors to attribute events to flukes rather than to recognize events as indications of changing public attitudes) and the disingenuousness of academics paid to be expert witnesses rather than to provide genuine analysis.

An insight into the nature of change which will eventually require institutional adjustments can be frustrated and delayed by the politics of fluke and other self-deluding exercises, but change is inevitable. The crass gerrymanders of 1971 and 1973 were unacceptable to a governor of the opposite party and produced a deadlock which brought about the first court-ordered redistricting. The 1974 elections produced overwhelming Democratic victories, but by 1980 the gap had narrowed. As related earlier, a desperate battle led to nothing less than a seizure of power by bipartisan opps in 1982. It was a debacle.

The electoral record indicated careful redistricting could give control of government--redistricting was the key to power, to politics. But was it? A presumably smart strategy could perpetuate opps, but could it give legitimacy? The 1990 election broke the Democratic phalanx. 1991 actors removed from popular control by redistricting had not read political reality correctly. People were disgusted with a non-functioning government. The rhetoric of the 1960s, 1970s and early 1980s remained the same, but the public mood was shifting. Victory by an opp coup in the 1980s conditioned opps to think and to explain in the comfort of the politics of fluke. They were oblivious to reality in their bureaucratic, tenured positions. Gerrycrats had denied the opps of the vitality and responsiveness necessary for successful governance.

Redistricting could be accomplished by using all the sophistication of the political behavioralists (or political hacks equally able to punch computer keys) to grind out endless print-outs of possibilities, as the smorgasbord of Assembly districts in 1991 demonstrated. Academics could go on endlessly with trivia. So what? Bought for their use as expert witnesses these camp followers had sold the integrity of their profession, usually at public expense. But what did it prove? The words of Malcolm X were prophetic: democracy is hypocrisy.

Politicians and their academic followers purported to explain the redistricting drama in 1987 to the public and their explanations prove the point. Assemblyman Louis Papan, then chairman of the powerful Rules Committee of the California Assembly, and right-hand man to Speaker Brown, asserted that the redistricting of 1981 involved only minor adjustments to the neutral court plan of 1973. Any participant in the first phase of the 1981-82 changes knew the statement was false.

Earlier Speaker Brown, whose career was made by the redistricting battles of 1979-82, declared (when the Bird Court first ventured into political correctness to deny citizens the right to vote on an initiative called for by 900,000 citizens): "Sister Rose and the Supremes took care of that [the Sebastiani Plan]." Rule of law was replaced by the rhetoric of fraud. Later, having defeated the Governor's initiative for a redistricting commission, the Speaker boasted that the campaign against the Governor's proposals was the greatest con game in history. Not to be culturally inferior to his mentor, Philip Burton, the Speaker declared he preferred Picasso to modern art.<sup>3</sup>

Any citizen would know from a glance at a map that Assemblyman Papan's statement was itself a con job. But his boss respected con jobs and modern art, and so do camp followers. Con jobs are "in" in the literature and books printed by formerly distinguished presses.

Academic camp followers were not to be outdone by legislators, the former makers of law. Professor Lowenstein of University of California, Los Angeles, Law School declared redistricting reforms were Trojan horses and that gerrymandering was exaggerated. The remedy was to work harder, which was as ludicrous as the original Frankfurter panacea.

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<sup>3</sup>Burton had said his redistricting designs were his form of modern art.

Professor Cain of the University of California at Berkeley asserted that grassroots politics would be jeopardized and experienced legislators would be eliminated with reform proposals. The near universal re-election of incumbents during the 1980s apparently symbolized grassroots politics that was color-blind and politically correct.

Professor Baker of the University of California at Santa Barbara said time would take care of everything. So why worry? Yet the natural evolution of gerrymandering did not take place in the 1980s.

Professor Grofman of the University of California at Irvine declared the solution was to put a rubber band around polygons. A chart was created to prove the 1981 and 1982 redistricting results were less compact than Professor Baker's court districts.

Data and the factual record suggest that political bureaucrats and their gerrycrats, including distinguished academics, have stolen the game of politics and substituted bureaucracy. As long as their rules, their explanations, and their self-serving actions are accepted, why play politics? In a bureaucracy the bureaucrats' rules guarantee the critic's defeat.

Use of a game analogy in politics was valid when the game consisted of quick shifts of a ball, such as in water polo and basketball. Skilled participants determined the uncertain outcome. But political bureaucrats have put the ball in one court, the incumbent court, in the name of grassroots politics. As a glance behind the illusion reveals, California's politics are controlled by the media and the hypocrisy of political correctness. Yet the results of their rule, the attempt to perpetuate California IV, are bearing fruit. Politicians and their academic camp followers have been exposed for all to see.

#### An Agenda for 2001

As California and the nation enter the waning days of the 20th century, the need for change becomes more and more apparent. Redistricting is not a panacea. Any one variable in the political process can only do so much. To expect the drawing of lines to solve complex social and economic problems is unrealistic. At the same time, the skullduggery of an unresponsive opp class in California indicated redistricting can be an important factor and hobble a democracy to the point that the legitimacy of the political institutions is questioned.



In the short span of 25 years the Legislature has demonstrated its inability to put its own house in order. Twice governors have stopped legislative action, and once a governor acquiesced in the seizure of power. In two cases the courts entered the thicket and resolved what the legislative leadership could not. In the third, the court bent to political expediency and its own form of political correctness. The court actions in 1973 and 1991 strongly suggest non-legislative redistricting is possible and is an improvement over legislative self-service.

In terms of redistricting two steps remain: (1) clarification of redistricting criteria; and (2) development of neutral redistricting procedures. The ACTION guidelines point the way. To separate out social criteria is essential to emphasize the essence of the trilogy cases: one person, one vote. Social divisions complicate the ability of political leadership to function. To incorporate divisive social representation into the political equation can only produce stalemate if the unifying purpose of political action is pushed aside.

Districts must be created to provide citizens a sense of community (the interest of communal survival) rather than to perpetuate opps dominated by their sense of their desire for their own political survival and their tribal interests. People may not join a political system with a sense of connection to political survival, but the effectiveness of the system is judged on its ability to solve divisive problems with a sense of legitimacy.

Essential to the reversal of political and academic evasion of leadership responsibilities is to recognize that the Frankfurter laundry list was part of the dissent, not the majority opinion.

#### New Institutions for the World's Most Developed Third World Frontier:

A 21st century agenda, however, cannot stop with reforming of the redistricting process. Districts with common social and economic problems must be made the focal point for political action. Creation of equally populated, compact and contiguous districts does not totally solve the representation problem.

Among the institutional and procedural changes necessary to restore legitimacy to government in California are rejection of old formulas and the establishment of new devices to stimulate solutions to political problems.

1. Establishment of ACTION guidelines (URs -- Units of Representation) to neutralize the potential political manipulation of what should be a routine matter.

2. Recognize the political function to process social and economic problems and not allow divisive forces to usurp the unifying functions of any political system.

3. Build mediating institutions (parties and social organizations) to channel actions into effective and responsible modes.

4. Recognizing current geographical, demographic and regional communities (UGs -- Units of Government) but not necessarily eliminating former units.

5. Increasing the size of representative bodies coupled with rotation in offices and public finance to make newly organized political units effective as instruments for responsive community action.

The natural inclination to be reluctant to create more legislative seats is understandable when public regard for the Legislature is so low. Yet population growth cannot be ignored, especially in relation to minority groups. When the Legislature reached its maximum constitutional size of 40 seats for the State Senate and 80 for the Assembly in 1860 the ratio of population per legislator was 4,750 in the Assembly and 9,500 in the State Senate. In 1990 it is 372,000 in the Assembly and 744,000 in the State Senate. Not only is the ability of one person to represent huge numbers to be questioned but the obstacles are great for minority representation. Success would only be guaranteed if such groups were concentrated. As the demand for participation rights increases, the goals grow more unrealistic. An increase in legislative size would not only make the achievement of the goals more feasible but at the same time would overcome one of the obstacles in the redistricting process. Legislatures composed of incumbents reluctant to give seats meant redistricting became a major device for self-preservation. If more seats were available not only would minorities have more seats for which to compete but incumbents would not necessarily be ousted.

The interests of smaller minorities are especially pertinent. The numbers of Asian Americans are growing phenomenally, as are Latinos. Yet each is far from reaching the threshold numbers of

342,000 or 744,000 in any one area. Size changes are essential for the accommodation of diversity so that each segment can sense they are part of the system. The large numbers necessary for shifts of representation also mean the system is very slow to respond to changes in the demographic distributions.

Provision of opportunities for better representation by the creation of equally populated, compact and contiguous districts will not, however, solve the participation problem. Political organizations must be created within the new districts. A compact and contiguous district is a natural basis for political action if the political organizations are restructured. Various alternatives are possible. One method would be changes in the nomination procedure to provide nomination by precinct delegates. Each precinct would elect a delegate to attend a convention to select the district nominees. Anyone obtaining a majority at the convention would be nominated. Districts would become units for effective participation. Groups unable to break the majority hold would still have recognizable ways to make their wishes known, or to organize alternative ways to influence the system.

Although the need to control spending is real, the suggestion of public campaign financing is based on a more important consideration. An essential corollary to party restructuring is that provision for public finance be tied to the organizational structure. Assume each registered voter was allowed to designate \$5.00 of campaign funds to his or her party. The party organization would have to contact voters to obtain their authorization for funds as well as support for precinct delegates. In the process the voter could indicate concerns and approval of policies or nominees. Party structure, campaign finance and district formations would thus be drawn together in an effective grassroots format.

#### FINAL CAVEAT

Redistricting is not the sole cause of governmental failure but is a sign of a government in deep trouble. It may be the most important sign. If people in authority fail to respond to change the results signal the inability of the political system to function. Government has, in the contemporary jargon, become dysfunctional. The problem becomes insurmountable if citizens believe their government is not representative as demonstrated by policies generated, or not generated, by the political process. If the ethos of the system is based on the concept that the people's authority is entrusted to public servants

whose tenure depends on their legitimacy as agents of the public will, a non-functioning, non-representative government is intolerable.

If the representatives do not trust the political system enough periodically to present their views to the electorate in competition with alternative viewpoints, how can citizens feel confident in the system? When the skullduggery of the opps is flashed before the public's eye, however briefly, the ludicrous symbols register on even the most naive and apolitical of beings. In a democracy the great danger is when such apolitical beings become active, which is their right, without leadership devoted to democratic values including competitive districts to encourage public exchanges and participation.

One does not have to read the pages of this volume to sense the presence of political skullduggery. One needs only to look at the map prints. This is the record of what leaders at different periods have enacted, what academics have tolerated and condoned, and upon which taxpayers' money has been spent. It is notable that the most egregious problems arose after the so-called reapportionment revolution, and reach their zenith in California with the bipartisan seizure of power in December 1982. One of the slogans in 1992 was "give us back our country." But the self-proclaimed leader was the same person who signed the death warrant to democracy in California.

The behavior of professional politicians is understandable. To secure tenure is the hope of every bureaucrat. But the survival of a system depends on the ability to leaders to accommodate change with may jeopardize tenure. The ludicrous nature of the situation is shown when academic professionals with lengthy resumes of publications conclude "it's politics," while seventh graders are able to come to a more valid conclusion, "it's nutty." Yet the same scholars tenured in the hall of illustrious institutions are the first to ridicule redistricting reformers as crazies.

The challenge for a political system is to change behavior on the basis of logical analysis of facts and the development of an effective message and a cadre of political leaders willing to take action at risk. To rely upon electoral subterfuge as a means to maintain authority after legitimacy has passed guarantees one thing: replacement when the hypocrisy is exposed.

Once people sense the reality and the press focuses on facts rather than press releases, fillers and one-liners, the winds of change blow. Likewise, when leaders lose their legitimacy, only the most

energetic efforts can reverse a pattern. Essential to change is the recognition, by the public and political leaders, of political reality. Normally one would turn to political science for ideas, but political science today is bound by the professional behavioralists' jargon. Their remoteness, in a rarefied value-free atmosphere of natural scientists who they attempt to emulate, becomes obvious.

Neutered by their own form of political correctness, it is not surprising that one must turn elsewhere for political insight. The words of a literary figure more succinctly capture the essence of the problem. Melville wrote that the attention paid to those on the quarterdeck is misplaced. It is the headwinds which move the ship. Captains must be able to catch the winds in the ship's sails.

The message for California opps should be clear. Redistricting must capture the winds of change. Folded sails, binding a people to the 1960s and 1970s rhetoric, the gridlock of the 1980s and the political correctness of the 1990s, direct the ship of state to the rocky shores of self-destruction.



## EPILOGUE

### Charts:

Assembly Entitlements 1850-1990  
Assembly Results 1850-1990  
Assembly Entitlements 1950-1990  
    New Regional Format  
Assembly Results 1950-1990  
    New Regional Format

### Maps:

#### Cross Reference to Maps in Earlier Chapters:

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## APPENDIX I -- CHARTS

NOTE: Appendix II includes an index to charts located in individual chapters and additional charts to provide additional text information and samples of analytical methods used in preparing the general charts.

### INDEX TO CHARTS INCLUDED IN CHAPTERS:

#### Chapter:

1	1850	Population Distributions
1	1860	Population Distributions
1	1870	Population Distributions
1	1880	Population Distributions
1	1890	Population Distributions
1	1900	Population Distributions
2	1910	Population Distributions
2	1920	Population Distributions
2	1930	Population Distributions
2	1940	Population Distributions
3	1950	Population Distributions
4	1960	Population Distributions
6	1970	Population Distributions
7	1980	Population Distributions
8	1990	Population Distributions



1850-1870:

ENTITLEMENTS BY DECADES

1850	Total State Population	approximately 116,000		
	Ideal Assembly District Population	3,222fn		
	Ideal State Senate District Population	7,250fn		
	Ideal Congressional District Population	58,000fn		
1852	Total State Population	approximately 255,000f		
	Ideal Assembly District Population (80)	3,188f		
	Ideal State Senate District Population (35)	7,286f		
	Ideal Congressional District Population (2)	127,500f		
1860	Total State Population	379,994		
	Ideal State Senate District Population (40)	9,500f		
	Ideal Assembly District Population (80)	4,750f		
	Ideal Congressional District Population (3)	126,665f		
1870	Total State Population	560,247		
	Ideal State Senate District Population (40)	14,006f		
	Ideal Assembly District Population (80)	7,003f		
	Ideal Congressional District Population (3)	140,062f		

NORTH COAST:

1850 total	1,923	0.50	0.38	0.04
1852 total	9,045	2.84	1.23	0.34
1860 total	36,545	7.69	3.84	0.29
1870 total	54,247	7.75	3.87	0.39

BAY REGION:

1850 total	est. 24,000	7.46	3.32	0.42
1852 total	45,704	14.33	6.27	0.35
1860 total	86,183	18.15	9.07	0.68
1870 total:	215,052	30.71	15.34	1.54

CENTRAL COAST:

1850 total	4,038	1.25	0.56	0.07
1852 total	5,842	1.84	0.81	0.04
1860 total	15,008	3.17	1.58	0.12
1870 total	31,175	4.45	2.23	0.22

SOUTHERN CALIFORNIA:

1850 total	4.328	1.35	0.60	0.06
1852 total	11,146	3.49	1.53	0.09
1860 total	21,208	4.47	2.23	0.16
1870 total	24,248	3.47	1.72	0.18

SAN JOAQUIN VALLEY, FOOTHILLS AND GREAT BASIN:

1850 total	3,647	1.13	0.50	0.06
1852 total	13,611	4.27	1.87	0.11
1860 total	22,064	4.65	2.32	0.18
1870 total	44,150	6.31	3.14	0.32

SACRAMENTO VALLEY, FOOTHILLS AND GREAT BASIN:

1850 total	1,343	0.20	0.42	0.03
1852 total	19,436	6.10	2.67	0.15
1860 total	42,926	9.03	4.53	0.36
1870 total	55,684	7.95	3.99	0.40

ORIGINAL MINING AREAS

1850 total	53,006	16.43	7.34	0.93
1852 total	154,187	29.14	21.16	1.22
1860 total	141,503	32.47	16.23	1.08
1870 total	118,820	16.96	8.48	0.84

ENTITLEMENTS THE 1883-1885 REAPPORTIONMENT

Total State Population	864,694
Ideal Assembly District Population	10,809
Ideal State Senate District Population	21,617
Ideal Congressional District Population	144,116

ENTITLEMENTS THE 1891 REAPPORTIONMENT

Total State Population	1,208,130
Ideal Assembly District Population	15,102
Ideal State Senate District Population	30,203
Ideal Congressional District Population	172,590fn

ENTITLEMENTS THE 1901 REAPPORTIONMENT

Total State Population	1,485,053
Ideal Assembly District Population	18,563
Ideal State Senate District Population	37,126
Ideal Congressional District Population	185,631

	<u>Census</u>	<u>Assbly</u>	<u>StSen</u>	<u>Congress</u>
<u>NORTH COAST:</u>				
1880 Totals:	106,452	9.85	4.92	0.76
1890 Totals:	133,924	8.88	4.43	0.79
1900 Totals:	150,770	8.12	4.05	0.81
<u>BAY REGION:</u>				
1880 Totals:	353,168	32.67	16.33	2.45
1890 Totals:	464,468	30.76	15.37	2.69
1900 Totals:	563,335	30.34	15.18	3.04
<u>CENTRAL COAST:</u>				
1880 Totals:	53,416	4.95	2.46	0.38
1890 Totals:	86,216	5.70	2.85	0.50
1900 Totals:	97,463	5.25	2.63	0.53
<u>SOUTHERN CALIFORNIA:</u>				
1880 Totals:	49,785	4.61	2.30	0.34
1890 Totals:	175,527	11.63	5.81	1.02
1900 Totals:	270,910	14.58	7.30	1.47
<u>SAN JOAQUIN VALLEY, FOOTHILLS AND GREAT BASIN:</u>				
1880 Totals:	65,116	6.02	3.01	0.46
1890 Totals:	113,162	7.50	3.74	0.67
1900 Totals	143,169	7.71	3.85	0.76

SACRAMENTO VALLEY, FOOTHILLS AND GREAT BASIN:

1880 Totals	85,232	7.70	3.85	0.58
1890 Totals	95,181	6.30	3.15	0.54
1900 Totals	106,247	5.72	2.88	0.57

ORIGINAL MINING AREAS:

1880 Totals	193,036	17.86	8.93	1.33
1890 Totals	139,652	9.24	4.63	0.80
1900 Totals	153,159	8.24	4.14	0.83

ENTITLEMENTS FOR THE 1911 AND 1927 REAPPORTIONMENTS

Population of California--1910	2,377,549
Ideal State Senate District (40)	59,439f
Ideal Assembly District (80)	29,719f
Ideal Congressional District (11)	216,141f

Population of California--1920	3,426,861
Ideal State Senate District (40)	85,672f
Ideal Assembly District (80)	42,836f
Ideal Congressional District (11)	311,533f

	<u>1910</u> <u>Census</u>	<u>Entitlements</u>		
		<u>Assbly</u>	<u>StSen</u>	<u>Congress</u>
<u>NORTH COAST:</u>				
1910	186,546	6.30	3.12	0.87
1920	169,800	3.96	1.98	.55
<u>BAY:</u>				
1910	804,841	27.05	13.53	3.73
1920	1,042,199	24.33	12.16	4.10
<u>CENTRAL COAST:</u>				
1910	123,795	4.16	2.10	0.57
1920	154,958	3.62	1.81	0.50
<u>SOUTHERN CALIFORNIA:</u>				
1910	705,225	23.73	11.86	3.26
1920	1,277,229	29.82	14.91	4.10
<u>SAN JOAQUIN VALLEY, FOOTHILLS AND EAST BASIN:</u>				
1910	261,811	8.82	4.39	1.20
1920	457,681	10.68	5.34	1.47
<u>SACRAMENTO VALLEY, FOOTHILLS AND EAST BASIN:</u>				
1910	162,896	3.80	1.90	0.53
1920	324,994	7.59	3.79	1.04
<u>ORIGINAL MINING AREAS:</u>				
1910	124,653	4.19	2.10	0.93
1920	132,262	3.23	1.54	0.42

ENTITLEMENTS FOR THE 1931 REDISTRICTING

Population of California--1930	5,677,251
Ideal Assembly District Size (80)	70,966f
Ideal Congressional District Size (20)	283,862f
fn re: State Senate	

ENTITLEMENTS FOR THE 1941 REDISTRICTING

Population of California--1940	6,907,387
Ideal Assembly District Size (80)	86,342f
Ideal Congressional District Size (23)	300,321f
fn re: State Senate	

	<u>Census</u>	<u>Entitlements</u>		
		<u>Assbly</u>	<u>StSen</u>	<u>Congress</u>
<u>NORTH COAST:</u>				
1930	246,244	3.48	6.00	0.87
1940	286,080	3.30	6.00	0.95
<u>BAY REGION:</u>				
1930	1,410,408	19.87	5.00	4.96
1940	1,534,728	17.77	5.00	5.10
<u>CENTRAL COAST:</u>				
1930	252,205	3.56	5.00	0.88
1940	302,967	3.52	5.00	1.00
<u>SOUTHERN CALIFORNIA:</u>				
1930	2,812,652	39.63	6.00	9.91
1940	3,487,123	40.37	6.00	11.62
<u>SAN JOAQUIN VALLEY:, <u>FOOTHILLS AND GREAT BASIN:</u></u>				
1930	578,431	8.14	9.65	2.02
1940	779,320	9.02	9.65	2.62
<u>SACRAMENTO VALLEY:, <u>FOOTHILLS AND GREAT BASIN:</u></u>				
1930	377,311	5.31	7.30	1.34
1940	472,118	5.48	7.30	1.74
<u>ORIGINAL MINING AREAS:</u>				
1930	165,593	2.33	6.81	0.58
1940	218,002	2.52	6.81	0.73

1950

<u>NORTH COAST:</u>	129,654	0.98	2.50	0.37
<u>BAY:</u>	2,681,322	20.26	8.50	7.60
Core Subtotal	1,384,272	10.46	2.00	3.93
North Subtotal	235,627	1.78	2.50	.66
Central Subtotal	535,217	4.04	1.00	1.52
South Subtotal	526,206	3.98	2.00	1.49
<u>CENTRAL COAST:</u>	262,819	1.99	3.00	0.75
<u>SOUTHERN CALIFORNIA:</u>				
	5,652,249	42.72	8.00	16.02
Core Subtotal	3,709,775	28.03	1.00	10.52
North Subtotal	654,779	4.95	2.00	1.85
Inland Subtotal	514,663	3.90	3.00	1.46
South Subtotal	773,032	5.84	2.00	2.19
<u>SAN JOAQUIN VALLEY, Foothills AND EAST BASIN:</u>				
	1,186,377	8.98	9.50	3.36
<u>Foothills Subtotal</u>	50,796	0.39	2.50	0.15
<u>SACRAMENTO VALLEY, Foothills AND EAST BASIN:</u>				
	673,802	5.09	8.50	1.91
<u>Foothills Subtotal</u>	213,334	1.61	4.31	0.61
<u>ORIGINAL MINING AREA:</u>				
	264,130	2.00	6.81	.76
Foothills:				
Sacramento	213,334	1.61	4.31	0.61
San Joaquin	50,796	0.39	2.50	0.15

1960

<u>NORTH COAST:</u>	187,508	0.95	2.50	0.44
<u>BAY:</u>	3,638,939	18.52	8.50	8.80
Core Subtotal	1,446,340	7.37	2.00	3.50
North Subtotal	360,085	1.84	2.50	.87
Central Subtotal	745,812	3.79	2.00	1.81
South Subtotal	1,086,702	5.53	2.00	2.62
<u>CENTRAL COAST:</u>	379,010	1.93	3.00	0.92
<u>SOUTHERN CALIFORNIA:</u>				
	9,025,694	45.93	8.00	21.82
Core Subtotal	5,293,287	26.94	1.00	12.80
North Subtotal	1,113,584	5.66	2.00	2.69
Inland Subtotal	881,887	4.49	3.00	2.13
South Subtotal	1,736,936	8.84	2.00	4.20
<u>SAN JOAQUIN VALLEY, FOOTHILLS AND EAST BASIN:</u>				
	1,468,584	7.47	9.50	3.54
<u>Foothills Subtotal</u>	54,041	0.27	2.50	0.12
<u>SACRAMENTO VALLEY, FOOTHILLS AND EAST BASIN:</u>				
	1,017,529	5.18	8.50	2.46
<u>Foothills Subtotal</u>	270,435	1.38	4.31	0.65
<u>ORIGINAL MINING AREA:</u>				
	324,476	1.65	6.81	0.77
Foothills:				
Sacramento	270,435	1.38	4.31	0.65
San Joaquin	54,041	0.27	2.50	0.12



1970

<u>NORTH COAST:</u>	184,921	0.94	0.35	0.39
<u>BAY:</u>	4,628,199	18.56	9.25	9.94
Core Subtotal	1,539,444	6.17	3.08	3.31
North Subtotal	490,063	1.97	.97	1.05
Central Subtotal	977,744	3.92	1.96	2.10
South Subtotal	1,620,948	6.50	3.24	3.48
<u>CENTRAL COAST:</u>	497,777	1.99	0.98	1.04
<u>SOUTHERN CALIFORNIA:</u>				
Total	11,668,707	46.77	23.26	25.11
Core Subtotal	5,859,829	23.48	11.65	12.62
North Subtotal	1,823,000	7.27	3.62	3.90
Inland Subtotal	1,217,638	4.88	2.43	2.61
South Subtotal	2,778,240	11.13	5.56	5.98
<u>SAN JOAQUIN VALLEY, FOOTHILLS AND EAST BASIN:</u>				
	1,699,670	6.81	3.40	3.57
<u>Foothills Subtotal</u>	73,661	0.28	0.14	0.12
<u>SACRAMENTO VALLEY, FOOTHILLS AND EAST BASIN:</u>				
	1,273,860	5.11	2.46	2.65
<u>Foothills Subtotal</u>	331.983	1.33	0.61	0.66
<u>ORIGINAL MINING AREAS</u>				
	405,644	1.61	.75	.78
Foothills:				
Sacramento	331.983	1.33	0.61	0.66
San Joaquin	73,661	0.28	0.14	0.12

1980

	<u>1980</u> <u>Census</u>	<u>Entitlements</u> <sup>1</sup>		
		<u>Assbly</u>	<u>StSen</u>	<u>Congress</u>
<u>NORTH COAST:</u>	229,835	0.78	0.38	0.44
<u>BAY:</u>	5,179,784	17.53	8.77	9.84
Core Subtotal	1,488,504	7.34	3.66	2.83
North Subtotal	621,448	2.10	1.06	1.18
Central Subtotal	1,187,432	4.02	2.01	2.26
South Subtotal	1,882,400	6.37	3.18	3.57
<u>CENTRAL COAST:</u>	659,025	2.23	1.11	1.26
<u>SOUTHERN CALIFORNIA:</u>	13,750,218	46.47	23.24	26.15
Core Subtotal	6,226,598	20.67	10.34	11.63
North Subtotal	2,188,773	7.40	3.69	4.17
Inland Subtotal	1,650,292	5.58	2.79	3.14
South Subtotal	3,794,555	12.82	6.42	7.21
<u>SAN JOAQUIN VALLEY, Foothills AND EAST BASIN:</u>	2,160,733	7.29	3.66	4.12
<u>Foothills Subtotal</u>	112,629	0.38	0.19	0.21
<u>SACRAMENTO VALLEY, Foothills AND EAST BASIN:</u>	1,688,307	5.70	2.86	3.20
<u>Foothills Subtotal</u>	511,581	1.72	0.88	0.97
<u>ORIGINAL MINING AREAS:</u>	624,210	2.10	1.07	1.18
Foothills:				
Sacramento	511,581	1.72	0.88	0.97
San Joaquin	112,629	0.38	0.19	0.21

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1. Entitlements refer to the population of the county divided by total population on the basis of the 80 member Assembly and the 30 member congressional delegation for the 1952 elections. Because the State Senate as that time was based on area representation, entitlements were constitutional froze in the upper house. On the basis of the one person/one vote criterion the entitlement for the upper house would have been one half of the Assembly entitlement. The implication of area representation is discussed at length in Chapter ....

1990

	<u>Census</u>	<u>Entitlements<sup>2</sup></u>		
		<u>Assbly</u>	<u>StSen</u>	<u>Congress</u>
<u>NORTH COAST:</u>	273,522	0.74	0.37	0.48
<u>BAY:</u>	6,023,577	16.19	8.10	10.53
Core Subtotal	1,631,141	4.38	2.19	2.85
North Subtotal	729,083	1.96	.98	1.27
Central Subtotal	1,516,153	4.08	2.04	2.65
South Subtotal	2,147,200	5.77	2.89	3.75
<u>CENTRAL COAST:</u>	839,263	2.26	1.13	1.47
<u>SOUTHERN CALIFORNIA:</u>				
	17,508,456	47.07	23.53	30.59
Core Subtotal	8,863,164	23.83	11.91	15.49
North Subtotal	3,010,224	8.09	4.05	5.26
Inland Subtotal	2,698,096	7.25	3.63	4.71
South Subtotal	4,908,572	13.20	6.60	8.58
<u>SAN JOAQUIN VALLEY, FOOTHILLS AND EAST BASIN:</u>				
	2,896,137	7.79	3.90	5.06
<u>Foothills Subtotal</u>	154,145	0.42	0.20	0.26
<u>SACRAMENTO VALLEY, FOOTHILLS AND EAST BASIN:</u>				
	2,219,036	5.97	2.98	3.88
<u>Foothills Total</u>	704,476	1.90	0.96	1.24
<u>ORIGINAL MINING AREAS:</u>				
	858,621	2.32	1.16	1.50
Foothills:				
Sacramento	704,476	1.90	0.96	1.24
San Joaquin	154,145	0.42	0.20	0.26

---

2. Entitlements refer to the population of the county divided by total population on the basis of the 80 member Assembly and the 30 member congressional delegation for the 1952 elections. Because the State Senate as that time was based on area representation, entitlements were constitutional froze in the upper house. On the basis of the one person/one vote criterion the entitlement for the upper house would have been one half of the Assembly entitlement. The implication of area representation is discussed at length in Chapter ....

APPENDIX I -- ADDITIONAL CHARTS

CHARTS OF ENTITLEMENTS AND REDISTRICTING RESULTS:

1850-1991 Assembly Redistricting Results  
[Based on Original Units]  
1950-1991 Assembly Redistricting Results  
[Based on New Regional Categories]  
1850-1991 State Senate Redistricting Results  
[Based on Original Units]  
1950-1991 State Senate Redistricting Results  
[Based on New Regional Categories]  
1850-1991 Congressional Redistricting Results  
[Based on Original Units]  
1950-1991 Congressional Redistricting Results  
[Based on New Regional Categories]  
1850-1991 Assembly Entitlements  
[Based on Original Units]  
1950-1991 Assembly Entitlements  
[Based on New Regional Categories]  
1850-1991 State Senate Entitlements  
[Based on Original Units]  
1950-1991 State Senate Entitlements  
[Based on New Regional Categories]  
1850-1991 Congressional Entitlements  
[Based on Original Units]  
1950-1991 Congressional Entitlements  
[Based on New Regional Categories]

ASSEMBLY ENTITLEMENTS -- 1850-1991  
[BASED ON ORIGINAL REGIONAL UNITS]

CENSUS	NC	BAY	CC	SC	SJ	SACR	MTS
1850	.50	7.46	1.25	1.35	1.13	.20	[16.40]
1852	2.84	14.33	1.84	3.49	4.27	6.10	[29.19]
1860	7.69	18.15	3.17	4.47	4.65	9.03	[32.27]
1870	7.75	30.71	4.45	3.47	6.31	7.95	[16.96]
1880	9.85	32.67	4.95	4.61	6.02	7.70	[17.86]
1890	8.88	30.76	5.70	11.63	7.50	6.30	[ 9.24]
1900	8.12	30.34	5.25	14.58	7.71	5.72	[ 8.24]
1910	6.30	27.05	4.16	23.73	8.82	3.80	[ 4.19]
1920	3.96	24.33	3.64	29.82	10.68	7.21	[ 3.21]
1930	3.48	19.87	3.56	39.63	8.14	5.31	[ 2.00]
1940	3.30	17.17	3.52	41.11	8.97	5.88	[ 2.00]
1950	2.76	17.69	3.59	41.11	8.50	6.00	[ 2.00]
1960	2.79	16.00	3.80	44.07	7.48	5.86	[ 2.00]
1970	2.71	15.91	4.56	44.22	6.81	5.79	[ 1.61]
1980	2.88	14.61	5.03	43.68	7.30	6.50	[ 2.10]
1990	2.70	13.32	5.05	44.27	7.79	6.88	[ 2.30]

=====

LEGEND:   NC = North Coast                    BAY = Bay Region  
          CC = Central Coast                SC = Southern California  
          SJ = San Joaquin Valley        SACR = Sacramento Valley  
          MTS = Mountain

Explanations of county groupings and the specific, unique conditions of individual reapportionment/redistricting actions are explained in previous chapters.

ASSEMBLY ENTITLEMENTS -- 1951-1991  
 [BASED ON NEW REGIONAL CATEGORIES]

	1950	1960	1970	1980	1990
NORTH COAST:	.98	.98	.94	.78	.74
BAY:	20.26	18.52	18.56	17.53	16.19
Core:	11.45	8.39	7.17	6.04	4.38
North:	2.57	2.52	2.65	2.90	1.96
Central:	2.26	2.08	2.24	2.22	4.08
South:	3.98	5.53	6.50	6.37	5.77
CENTRAL COAST:	1.99	1.99	1.99	2.23	2.26
SOUTHERN CALIFORNIA:	42.72	45.94	46.77	46.47	47.07
Core:	31.37	30.74	28.19	25.27	23.83
North:	1.61	1.87	2.57	2.80	2.78
Inland:	3.90	4.49	4.88	5.58	7.25
South:	5.84	8.84	11.13	12.82	13.20
SAN JOAQUIN VALLEY:	8.98	7.47	6.81	7.29	7.79
SACRAMENTO VALLEY:	5.09	5.78	5.11	5.73	5.97
ORIGINAL MINING AREAS:	[2.00]	[1.65]	[1.61]	[2.10]	[2.30]

=====

LEGEND: The categorization of counties into the new regional formula is explained in detail in Chapter 3.

ASSEMBLY REDISTRICTING RESULTS -- 1850-1991  
[BASED ON ORIGINAL REGIONAL UNITS]

ACTION	NC	BAY	CC	SC	SJ	SACR	MTS
1883	9.50	31.00	5.50	5.00	12.50	18.50	8.50
1850 [36]	3.00	8.00	4.00	3.00	2.00	3.00	13.00
1852 [57]	6.00	11.00	2.00	3.00	4.00	9.00	22.00
1853 [80]	10.00	11.00	4.00	4.00	3.00	10.00	38.00
1857	5.00	12.00	4.00	4.00	3.00	13.00	39.00
1861	8.00	19.00	3.00	4.00	6.00	5.50	34.50
1863-64*	8.00	19.00	3.00	4.00	6.00	5.50	34.50
1873-74	9.00	28.00	5.00	4.00	10.00	12.00	12.00
1883	9.50	31.00	5.50	5.00	12.50	18.50	8.50
1891	7.8	29.00	6.00	11.00	12.00	14.20	[10.50]
1901	7.6	30.00	6.00	14.00	10.00	12.40	[ 6.00]
1911	6.4	25.00	5.00	22.00	11.60	10.00	[ 5.60]
1927	4.5	24.00	4.00	30.00	9.70	7.80	[ 5.00]
1931	2.5	20.00	4.00	39.00	8.50	6.00	[ 2.00]
1941	2.5	18.00	4.00	41.00	8.50	6.00	[ 2.00]
1951	2.5	18.00	4.00	41.00	8.50	6.00	[ 2.00]
1961	2.5	17.00	3.20	43.00	8.10	6.20	[ 2.00]
1965	2.5	16.00	1.80	46.00	7.60	6.10	[ 1.80]
1971**	3.3	16.00	2.00	46.60	6.90	5.20	[ 1.40]
1973	1.0	18.00	2.00	46.80	6.20	6.00	[ 1.55]
1981	2.8	15.00	2.00	46.5	7.30	6.40	[ 1.90]
1983	2.8	15.00	2.00	46.5	7.30	6.40	[ 1.90]
1991	2.7	14.00	5.50	43.0	8.3	6.50	[ 2.10]

=====

LEGEND: NC = North Coast                      BAY = Bay Region  
          CC = Central Coast                    SC = Southern California  
          SJ = San Joaquin Valley        SACR = Sacramento Valley  
          MTS = Mountain

\* No basic change. Reflected creation of new counties.  
\*\* Legislation vetoed.

Explanations of county groupings and the specific, unique conditions of individual reapportionment/redistricting actions are explained in previous chapters.

ASSEMBLY REDISTRICTING RESULTS -- 1951-1991  
 [BASED ON NEW REGIONAL CATEGORIES]

	1951	1961	1965	1973	1983	1991
NORTH COAST:	1.00	1.00	.70	.80	.70	1.40
BAY:	20.10	19.00	18.20	18.50	16.40	16.00
Core:	11.10	9.00	8.00	5.80	5.60	3.60
North:	1.50	1.50	1.80	1.90	2.40	1.60
Central:	3.50	3.50	3.40	4.30	2.80	4.40
South:	4.00	5.00	5.00	6.50	5.60	6.40
CENTRAL COAST:	2.30	1.50	1.80	2.00	2.00	2.00
SOUTHERN CALIFORNIA:	43.70	45.50	46.00	46.80	46.50	46.40
Core:	28.60	27.30	26.20	24.30	22.80	19.00
North:	5.10	6.20	6.80	6.40	6.20	6.80
Inland:	4.00	4.00	4.50	5.10	4.70	7.60
South:	6.00	8.00	8.50	11.00	12.80	13.00
SAN JOAQUIN VALLEY:	8.50	8.10	7.60	6.70	7.30	8.80
SACRAMENTO VALLEY:	5.50	5.70	5.70	5.20	3.60	5.40
ORIGINAL MINING AREAS:	[2.00]	[2.00]	[1.80]	[1.55]	[1.90]	[2.20]

=====

LEGEND: The categorization of counties into the new regional formula is explained in detail in Chapter 3.



STATE SENATE ENTITLEMENTS -- 1850-1991  
[BASED ON ORIGINAL REGIONAL UNITS]

CENSUS	NC	BAY	CC	SC	SJ	SACR	MTS
1850	.38	3.32	.56	.60	.50	.42	7.34
1852	1.23	6.27	.81	1.53	1.87	2.67	21.16
1860	3.84	9.07	1.58	2.23	2.32	4.53	16.23
1870	3.87	15.34	2.23	1.72	3.14	3.99	8.48
1880	4.92	16.33	2.46	2.30	3.01	3.85	8.93
1890	4.43	15.37	2.85	5.81	3.74	3.15	4.63
1900	4.05	15.18	2.63	7.30	3.85	2.88	4.14
1910	3.12	13.53	2.10	11.86	4.39	1.90	[ 2.10]
1920	1.98	12.17	1.82	14.91	5.34	3.60	[ 1.60]
1930	2.50	5.00	5.00	6.00	9.30*	9.70*	[6.81]*
1940	2.50	5.00	5.00	6.00	9.30*	9.70*	[6.81]*
1950	2.50	5.00	5.00	6.00	9.30*	9.70*	[6.81]*
1960	2.50	5.00	5.00	6.00	9.30*	9.70*	[6.81]*
1970	1.35	7.96	2.28	22.11	3.41	2.89	[ .75]
1980	1.44	7.31	2.51	21.84	3.65	3.25	[ 1.07]
1990	1.35	6.66	2.52	22.14	3.89	3.44	[ 1.15]

=====

LEGEND: NC = North Coast                      BAY = Bay Region  
          CC = Central Coast                    SC = Southern California  
          SJ = San Joaquin Valley            SACR = Sacramento Valley  
          MTS = Mountain

Explanations of county groupings and the specific, unique conditions of individual reapportionment/redistricting actions are explained in previous chapters.

STATE SENATE ENTITLEMENTS -- 1951-1991  
 [BASED ON NEW REGIONAL CATEGORIES]

	1950	1960	1970	1980	1990
NORTH COAST:	2.50	2.50	.35	.38	.37
BAY:	7.50	7.50	9.25	8.77	8.58
Core:	2.00	2.00	3.08	3.66	2.68
North:	2.50	2.50	.97	1.06	.98
Central:	1.00	1.00	1.96	2.01	2.88
South:	2.00	2.00	3.24	3.18	2.88
CENTRAL COAST:	3.00	3.00	.98	1.11	1.13
SOUTHERN CALIFORNIA:	8.00	8.00	46.77	46.47	46.99
Core:	1.00	1.00	11.65	10.34	9.40
North:	2.00	2.00	3.62	3.69	3.89
Inland:	3.00	3.00	2.43	2.79	3.63
South:	2.00	2.00	5.56	6.42	6.57
SAN JOAQUIN VALLEY:	9.30	9.30	3.40	3.66	3.90
SACRAMENTO VALLEY:	9.70	9.70	2.46	2.86	2.95
ORIGINAL MINING AREAS:	[7.00]	[7.00]	[.75]	[1.07]	[1.16]

=====

LEGEND: The categorization of counties into the new regional formula is explained in detail in Chapter 3.

STATE SENATE REDISTRICTING RESULTS -- 1850-1991  
[BASED ON ORIGINAL REGIONAL UNITS]

ACTION	NC	BAY	CC	SC	SJ	SACR	MTS
1883	4.00	16.00	2.50	3.00	3.30	5.00	6.20
1850 [17]	1.00	3.00	2.00	3.00	1.00	2.00	5.00
1852 [27]	3.00	4.00	2.00	2.00	1.00	4.00	11.00
1853 [34]	3.00	5.00	2.00	2.00	1.00	5.00	16.00
1857 [33]	2.00	3.00	2.00	1.00	1.00	3.00	21.00
1861 [40]	3.50	7.50	2.00	2.00	3.00	4.00	18.00
1863-64*	3.50	7.50	2.00	2.00	3.00	4.00	18.00
1873	3.50	16.50	2.00	2.00	2.40	6.00	7.60
1883	4.00	16.00	2.50	3.00	3.30	5.00	6.20
1891	4.00	15.00	3.00	5.00	5.50	7.50	[3.90]
1901	4.00	17.00	1.50	7.80	3.70	6.00	[4.00]
1911	3.00	13.50	3.00	10.90	4.10	5.50	[4.00]
1927*	5.00	5.00	5.00	6.00	9.30	9.70	[7.00]
1931	5.00	5.00	5.00	6.00	9.30	9.70	[7.00]
1941	5.00	5.00	5.00	6.00	9.30	9.70	[7.00]
1951	5.00	5.00	5.00	6.00	9.30	9.70	[7.00]
1961	5.00	5.00	5.00	6.00	9.30	9.70	[7.00]
1965	1.50	8.00	2.00	21.00	4.10	3.40	[.90]
1973	1.50	7.90	2.30	22.4	3.10	3.00	[.80]
1981	1.50	7.90	2.30	22.4	3.10	3.00	[.80]
1983	1.50	7.90	2.30	22.4	3.10	3.00	[.80]
1991	1.50	6.80	1.70	22.50	4.40	3.10	[.90]

=====

LEGEND: NC = North Coast MTS = Mountain BAY = Bay Region  
 CC = Central Coast SC = Southern California  
 SJ = San Joaquin Valley SACR = Sacramento Valley

\* Basically no changes. Reflects creation of new counties.

Explanations of county groupings and the specific, unique conditions of individual reapportionment/redistricting actions are explained in previous chapters.

\* Area representation prevailed between 1930-1965.

STATE SENATE REDISTRICTING RESULTS -- 1951-1991  
 [BASED ON NEW REGIONAL CATEGORIES]

	1951	1961	1965	1973	1983	1991
NORTH COAST:	2.50	2.50	.90	.70	.80	.70
BAY:	7.50	7.50	9.00	9.25	8.20	8.00
Core:	1.50	1.50	4.00	2.90	2.80	1.80
North:	2.50	2.50	.60	.80	1.20	.80
Central:	1.50	1.50	1.60	2.15	1.40	2.20
South:	2.00	2.00	2.80	3.25	2.80	3.20
CENTRAL COAST:	3.00	3.00	1.00	1.00	1.00	1.00
SOUTHERN CALIFORNIA:	8.00	8.00	22.00	23.60	23.35	23.20
Core:	1.00	1.00	11.00	12.15	11.40	9.50
North:	2.00	2.00	4.30	3.40	3.20	3.40
Inland:	3.00	3.00	2.10	2.55	2.35	3.80
South:	2.00	2.00	4.60	5.50	6.40	6.50
SAN JOAQUIN VALLEY:	8.50	8.10	4.10	3.35	3.65	4.40
SACRAMENTO VALLEY:	5.50	5.70	3.00	2.60	1.80	2.70
ORIGINAL MINING AREAS:	[7.00]	[7.00]	[.90]	[.77]	[.95]	[1.10]

=====

LEGEND: The categorization of counties into the new regional formula is explained in detail in Chapter 3.

CONGRESSIONAL ENTITLEMENTS -- 1850-1991  
[BASED ON ORIGINAL REGIONAL UNITS]

CENSUS	NC	BAY	CC	SC	SJ	SACR	MTS
1850	At-Large Elections						
1852	At-Large Elections						
1860	At-Large Elections						
1870	0.39	1.54	0.22	0.18	0.32	0.40	0.84
1880	0.76	2.45	0.38	0.34	0.46	0.58	1.33
1890	0.79	2.69	0.50	1.02	0.67	0.54	0.80
1900	0.81	3.04	0.53	1.47	0.76	0.57	0.83
1910	0.87	3.73	0.57	3.26	1.20	0.53	[0.93]
1920	0.55	3.35	0.50	4.10	1.47	.99	[.44]
1930	0.87	4.96	0.88	9.91	2.02	1.34	..[
1940	0.95	5.10	1.00	11.62	2.62	1.74	[.00]
1950	1.04	6.63	1.35	15.41	3.36	2.21	[.??]1
1960	1.32	7.60	1.81	20.93	3.62	2.79	[.77]
1970	1.45	8.57	2.45	23.77	3.66	3.11	[.78]
1980	1.62	8.22	2.83	24.57	4.11	3.66	[1.18]
1990	1.75	8.66	3.28	28.78	5.06	4.47	[1.49]

=====

LEGEND: NC = North Coast                      BAY = Bay Region  
          CC = Central Coast                    SC = Southern California  
          SJ = San Joaquin Valley            SACR = Sacramento Valley  
          MTS = Mountain

Explanations of county groupings and the specific, unique conditions of individual reapportionment/redistricting actions are explained in previous chapters.

CONGRESSIONAL ENTITLEMENTS -- 1951-1991  
 [BASED ON NEW REGIONAL CATEGORIES]

	1950	1960	1970	1980	1990
NORTH COAST:	.37	.44	.39	.44	.48
BAY:	7.60	8.80	9.94	9.84	10.50
Core:	3.93	3.50	3.31	2.83	2.83
North:	.66	.87	1.05	1.18	1.27
Central:	1.52	1.81	2.10	2.26	2.64
South:	1.49	2.62	3.48	3.57	3.76
CENTRAL COAST:	0.75	.92	1.04	1.26	1.46
SOUTHERN CALIFORNIA:	16.02	21.82	25.11	26.15	30.55
Core:	10.52	12.80	12.62	11.63	12.22
North:	1.85	2.69	3.90	4.17	5.00
Inland:	1.46	2.13	2.61	3.14	4.72
South:	2.19	4.20	5.98	7.21	8.55
SAN JOAQUIN VALLEY:	3.36	3.54	3.57	4.12	5.06
SACRAMENTO VALLEY:	1.91	2.46	2.65	3.20	3.84
ORIGINAL MINING AREAS:	[.76]	[1.65]	[1.61]	[2.10]	[2.32]

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LEGEND: The categorization of counties into the new regional formula is explained in detail in Chapter 3.

CONGRESSIONAL REDISTRICTING RESULTS -- 1850-1991  
 [BASED ON ORIGINAL REGIONAL UNITS]

ACTION	NC	BAY	CC	SC	SJ	SACR	MTS
1850	At-large elections						
1853	At-large elections						
1857	At-large elections						
1865	.30	.75	.15	.15	.20	.30	1.15
1873	.50	1.50	.25	.20	.30	.40	.85
1885	.70	1.75	.40	.35	.50	1.10	1.10
1891	.50	2.50	.50	1.00	1.00	1.50	[ 1.00]
1901	.70	2.80	.80	1.30	1.10	1.30	[ .80]
1911	.80	3.30	.80	2.90	1.90	1.30	[ 1.10]
1931	.80	4.50	1.00	10.00	2.20	1.50	[ 1.00]
1941	.80	4.70	1.30	12.00	2.70	1.50	[ 1.00]
1951	1.00	6.70	.80	16.50	3.00	2.00	[ .80]
1961	1.00	8.30	2.00	21.00	3.30	2.40	[ .80]
1967	1.00	8.90	1.90	20.00	3.10	2.50	[ 1.00]
1973	1.00	10.00	2.00	24.00	3.60	2.80	[ 1.30]
1981	1.00	9.40	2.00	26.00	4.30	3.10	[ 1.00]
1983	1.00	9.40	2.00	26.00	4.30	3.10	[ 1.00]
1991	1.90	7.90	3.80	28.60	5.20	4.60	[ 1.90]

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LEGEND: NC = North Coast                      BAY = Bay Region  
 CC = Central Coast                      SC = Southern California  
 SJ = San Joaquin Valley              SACR = Sacramento Valley  
 MTS = Mountain

Explanations of county groupings and the specific, unique conditions of individual reapportionment/redistricting actions are explained in previous chapters.

CONGRESSIONAL REDISTRICTING RESULTS -- 1951-1991  
 [BASED ON NEW REGIONAL CATEGORIES]

	1951	1961	1967	1973	1983	1991
NORTH COAST:	.50	.50	.40	.50	.60	.60
BAY:	7.20	8.80	8.90	9.90	10.00	11.20
Core:	3.50	3.50	3.70	3.60	3.00	3.40
North:	.50	.50	.90	.90	1.80	1.40
Central:	1.50	2.30	1.60	2.00	1.80	3.00
South:	1.70	2.50	2.70	3.40	3.40	3.40
CENTRAL COAST:	.80	1.00	.90	1.10	1.20	1.80
SOUTHERN CALIFORNIA:	16.50	22.00	21.90	22.50	27.10	28.60
Core:	10.80	13.30	12.20	13.40	13.80	11.30
North:	1.70	2.70	2.90	3.10	2.40	5.70
Inland:	2.00	2.00	2.10	2.60	3.20	4.10
South:	2.00	4.00	4.70	3.40	7.70	7.50
SAN JOAQUIN VALLEY:	3.00	3.30	3.40	3.60	4.20	4.70
SACRAMENTO VALLEY:	2.00	2.40	2.50	2.80	3.60	3.40
ORIGINAL MINING AREAS:	[.80]	[.80]	[1.00]	[1.30]	[1.00]	[1.80]

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LEGEND: The categorization of counties into the new regional formula is explained in detail in Chapter 3.



APPENDIX I --  
1950 SAMPLES OF ANALYTICAL BASIS FOR CHARTS

1950 Population Distributions by Regional Units  
1950 Legislative Membership by Regional Units

ENTITLEMENTS FOR THE 1951 REDISTRICTING

Population of California--1950 10,586,223  
 Ideal Assembly District Size (80) 132,328  
 Ideal Congressional District Size (30) 352,874

	<u>1950</u> <u>Census</u>	<u>Entitlements</u>		
		<u>Assbly</u>	<u>StSenate</u>	<u>Congress</u>
<u>NORTH COAST:</u>	129,654	0.98	2.50	0.37
Del Norte	8,078	0.06	0.50*	0.02
Humboldt	69,241	0.52	1.00	0.20
Mendocino	40,854	0.31	0.50	0.12
Lake	11,481	0.09	0.50	0.03
<u>BAY REGION:</u>	2,681,322	20.26	8.50	7.60
Core Subtotal	1,384,272	10.46	2.00	3.93
North Subtotal	235,627	1.78	2.50	.66
Central Subtotal	535,217	4.04	1.00	1.52
South Subtotal	526,206	3.98	2.00	1.49
<u>Bay -- Core:</u>				
San Francisco	775,357	5.86	1.00	2.20
Alameda [minus 13 AD]	608,915	4.60	1.00	1.73
<u>Bay -- North:</u>				
Marin	85,619	0.65	1.00	0.24
Napa	46,603	0.35	0.50*	0.13
Sonoma	103,405	0.78	1.00	0.29
<u>Bay -- Central:</u>				
Contra Costa	298,984	2.26	1.00	0.85
East Alameda [13 AD]	131,400	.99		.37
Solano	104,833	0.79	1.00	0.30
<u>Bay -- South:</u>				
Santa Clara	290,547	2.20	1.00	0.82
San Mateo	235,659	1.78	1.00	0.67
<u>CENTRAL COAST:</u>	262,819	1.99	3.00	0.75
Santa Cruz	66,534	0.50	0.50	0.19
Monterey	130,498	0.99	1.00	0.37
San Benito	14,370	0.11	0.50	0.04
San Luis Obispo	51,417	0.39	1.00	0.15

SOUTHERN CALIFORNIA:

	5,652,249	42.72	8.00	16.02
Core Subtotal	3,709,775	28.03	1.00	10.52
North Subtotal	654,779	4.95	2.00	1.85
Inland Subtotal	514,663	3.90	3.00	1.46
South Subtotal	773,032	5.84	2.00	2.19

Southern California -- Core

Los Angeles	4,151,687	31.37	1.00	11.77
Minus 41 AD				
Minus 42 AD	- 441,912	3.34		1.25
Minus 64 AD				
Minus .5 57 AD				
	3,709,775	28.03	1.00	10.25

Southern California -- North

Santa Barbara	98,220	0.74	1.00	0.28
Ventura	114,647	0.87	1.00	0.32
Northern Los Angeles	441,912	3.34		1.25
[see above]				

Southern California -- Inland

Imperial	62,975	0.48	1.00	0.18
Riverside	170,046	1.29	1.00	0.48
San Bernardino	281,642	2.13	1.00	0.80

Southern California -- South

Orange	216,224	1.63	1.00	0.61
San Diego	556,808	4.21	1.00	1.58

SAN JOAQUIN VALLEY, FOOTHILLS, AND EAST BASIN:

	1,186,377	8.98	9.50	3.36
Alpine	241	0.00	0.33	0.00
Amador	9,151	0.07	0.50*	0.03
Calaveras	9,902	0.07	0.33	0.03
Inyo	11,658	0.09	0.33	0.03
Mariposa	5,145	0.04	0.33	0.01
Mono	2,115	0.02	0.33	0.01
Tuolumne	12,584	0.10	0.33	0.04
Foothills Subtotal	50,796	0.39	2.50	0.15

Fresno	276,515	2.09	1.00	0.78
Kern	228,309	1.73	1.00	0.65
Kings	46,768	0.35	1.00	0.13
Madera	36,964	0.28	0.50	0.10
Merced	69,780	0.53	0.50	0.20
San Joaquin	200,750	1.52	1.00	0.57
Stanislaus	127,231	0.96	1.00	0.36
Tulare	149,264	1.13	1.00	0.42

SACRAMENTO VALLEY, FOOTHILLS AND EAST BASIN:

	673,802	5.09	8.50	1.91
El Dorado	16,270	0.12	0.50*	0.05
Lassen	18,474	0.14	0.33	0.05
Modoc	9,678	0.07	0.33	0.03
Nevada	19,888	0.15	0.33	0.06
Placer	41,649	0.31	0.33	0.12
Plumas	13,519	0.10	0.33	0.04
Shasta	36,413	0.28	0.50	0.10
Sierra	2,410	0.02	0.33	0.01
Siskiyou	30,733	0.23	0.50*	0.09
Tehama	19,276	0.15	0.33	0.05
Trinity	5,087	0.04	0.50	0.01
Foothills Subtotal	213,334	1.61	4.31	0.61
Butte	64,930	0.49	1.00	0.18
Colusa	11,651	0.09	0.33	0.03
Glenn	15,448	0.12	0.33	0.04
Sacramento	277,140	2.09	1.00	0.79
Sutter	26,239	0.20	0.50	0.07
Yolo	40,640	0.31	0.50*	0.12
Yuba	24,420	0.18	0.50	0.07

ORIGINAL MINING AREAS:

	264,130	2.00	6.81	.76
Foothills:				
Sacramento	213,334	1.61	4.31	.61
San Joaquin	50,796	0.39	2.50	.15

SAMPLE OF ANALYTIC BASIS OF INCUMBENCY DATA

ASSEMBLY INCUMBENCY -- 1953-1961

1952                      1954                      1956                      1958                      1960

NORTH COAST:

1	Belotti R/D	Belotti R/D	Belotti R	Belotti R	Belotti R
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NORTH BAY:

7	McCollister R/D	McCollister R	McCollister R	McCollister R/D	Bagley R
5	Geddes D	Geddes D/R	Geddes D/R	Geddes D/R	Leggett D

BAY CORE:

19	Meyers D/R	Meyers D	Meyers D	Meyers D	Meyers D
20	Maloney R/D	Maloney R/D	Burton D	Burton D	Burton D
21	Weinberger R	Weinberger R/D	Weinberger R/D	Marks R	Marks R
22	Brady D/R	Brady D	Busterud R	Busterud R	Busterud R
23	Berry D/R	O'Connell D	O'Connell D/R	O'Connell D	O'Connell D
24	Collins D	Gaffney D	Gaffney D	Gaffney D	Gaffney D
14	Dickey R/D	Dickey R	Crown D	Crown D	Crown D
15	Lincoln R/D	Lincoln R	Lincoln R	Petris D	Petris D
16	Sherwin R/D	Dahl R	Dahl R	Dahl R	Dahl R
17	Rumford D/R	Rumford D/R	Rumford D	Rumford D/R	Rumford D/R
18	Caldecott R/D	Caldecott R	Caldecott R	Mulford R	Mulford R

BAY CENTRAL:

13	Dunn D/R	Bee D	Bee D/R ?	Bee D/R	Bee D
10	Doyle R	Doyle R	Doyle R	Waldie D	Waldie D
11	Masterson D	Masterson D	Masterson D/R	Masterson D	Knox D

1952                      1954                      1956                      1958                      1960

BAY SOUTH:

N25	Creedon R/D	Creedon R	Francis R	Francis R	Francis R
26	Dolwig R/D	Dolwig R	Britschgi R	Britschgi R	Britschgi R
28	Kirkwood R/D	Bradley R	Bradley R	Bradley R	Bradley R
29	Allen R	Allen R	Allen R	Allen R	Allen R

CENTRAL COAST:

27	Coolidge R/D	Coolidge R/D	Coolidge R/D	Coolidge R/D	Coolidge R/D
34	Silliman R	Pattee R	Pattee R/D	Pattee R	Pattee R

SOUTHERN CALIFORNIA CORE:

40	Elliott.. D/R	Elliott.. D	Elliott.. D	Elliott.. D	Elliott.. D
43	Smith R/D	Smith R	Thelin R	Thelin R	Thelin R
44	became 40; number transferred to old 71				
44	Klocksiam R/D	Klocksiam R	Klocksiam R	Kennick D	Kennick D
45	Doyle D/R	Doyle D	Doyle D	Brown D	Brown D
46	Chapel R/D	Chapel R	Chapel R	Chapel R	Chapel R
47	Stewart R	Stewart R	Stewart R	Reagan R	Reagan R
48	Lanter- man R/D	Lanter- man R	Lanter- man R	Lanter- man R	Lanter- man R
49	Geddes R/D	Geddes R	Geddes R	Geddes R	Flournoy R
50	Erwin R/D	Erwin R	Erwin R	Camero D	Cameron D
51	Munnell D/R	Munnell D/R	Munnell D	Munnell D	Munnell D
52	Hollibaugh R/D	Bonelli D	Bonelli D	Willson D	Willson D
53	Burke R/D	Burke R	Burke R	Burke R	Burke R
54	Collier R/D	Collier R	Collier R	Collier R	Collier R
55	Kilpatrick D/R	Kilpatrick D	Kilpatrick D	Kilpatrick D	Kilpatrick D

	1952	1954	1956	1958	1960
56	Lipscomb R	Johnson, S., R	Johnson R	Johnson R	Wolfrum R
57	Conrad R	Conrad R	Conrad R	Conrad R	Conrad R
58	Waters R/D	Shell R	Shell R	Shell R	Shell R
59	Lyon R/D	Rees..... D	Rees D	Rees D	Rees D
60	Levering R/D/Proh	Levering R/Proh	Levering R	Levering R	Levering R
61	McMillan D/I-Prog	McMillan D	McMillan D	McMillan D	McMillan D
62	Hawkins D/R	Hawkins D/R	Hawkins D/R	Hawkins D/R	Hawkins D
63	Morris R/D	Morris R	Allen D	Allen D	Allen D
65	Evans R/D	Unruh D	Unruh D	Unruh D	Unruh D
66	Hahn, G R/D	Wilson, C. D	Wilson D/R	Wilson D	Wilson D
67	Dills D	Dills D	Dills D	Dills D	Dills D
68	Thomas D/R	Thomas D	Thomas D	Thomas D/R	Thomas D
69	Porter D/R	Porter D/R	Porter D	Porter D/R	Porter D
70	Bradley R	Grant R/D	Grant R	Grant R	Grant R

SOUTHERN CALIFORNIA -- NORTHERN:

36	Tomlinson R/D	Holmes R	Holmes R	Holmes R	Holmes R
37	Cooke D/R	Cunningham D	Cunningham D/R	Cunningham D/R	Cunningham D/R
41	Beck D/R	Miller D	Miller D	Miller D	Carrell D
42	Marsh R	Marsh R	Marsh R	Bane D	Bane D
64	McGee R/D	McGee R	McGee R	Cusano- vich R	Cusano- vich R

SOUTHERN CALIFORNIA -- INLAND:

71	Backstrand R	Backstrand R/D	Backstrand R	Backstrand R	Cologne R
72	Shaw D/R	Nisbet D	Nisbet D	Nisbet D	Nisbet D
73	Hinckley R/D	Beaver R	Beaver R	Beaver R	Beaver R
76	Casey R	Casey R/D	House D	House D/R	House D

1952

1954

1956

1958

1960

SOUTHERN CALIFORNIA -- SOUTHERN:

74 Stanley R	Stanley R/D	Sumner R	Sumner R	Sumner R
75 Lyon R/D	Lyons R/D	Hanna D	Hanna D	Hanna D
77 Bulen R	Hegland D	Hegland D	Hegland D	Hegland D
78 Luckel R/D	Luckel R	Luckel R	Luckel R	Luckel R
79 Niehouse R	Sankary D	Crawford R ?	Crawford R	Mills D
80 Cloyed R/D	Schrade R	Schrade R	Schrade R	Schrade R

SAN JOAQUIN VALLEY AND FOOTHILLS:

6 Lindsay R/D	Lindsay R/D	Lindsay R	Lunardi D	Lunardi D
12 McFall D/R	McFall D/R	Biddick D	Biddick D/R	Monagan R
30 Brown D/R	Brown D/R	Brown D/R	Brown D/R	Brown D
31 Clarke R/D	Clarke R/D	Winton D	Winton D/R	Winton D
32 Henderson D	Henderson D/R	Henderson D/R	De Lotto D	De Lotto D/R
33 Hansen R/D	Hansen R/D	Hansen R	Garrigus D	Garrigus D
39 Kelly R/D	Kelly R/D	Kelly R	William- son D	William- son D
N38 Donahoe D	Donahoe D/R	Donahoe D/R	Donahoe D/R	Casey D

SACRAMENTO VALLEY AND FOOTHILLS:

2 Davis, P. D	Davis, P. D/R	Davis, P . D/R	Davis, P. D/R	Davis, P. D
3 Lowrey D/R	Lowrey D/R	Lowrey D/R	Lowrey D/R	Lowrey D/R
4 Hobbie R	Hobbie R/D	Sedgwick R	Sedgwick R	Sedgwick R



1952                      1954                      1956                      1958                      1960

STATE SENATE INCUMBENCY 1953-1961

NORTH COAST:

2	Collier R	Collier R	Collier R	Collier R	Collier R
3	Way R	Way R	Way R	Christensen D	Christensen D
4	Busch, B.W. R	Busch, JE R	Busch, JE R	Busch, JE R	? R

BAY -- Core

14	O'Gara D	McCarthy, RI D	McCarthy D	McAteer D	McAteer D
16	Breed..... R	Breed..... R	Breed R	Breed R	Breed R

BAY -- North

11	Coombs R	Coombs R	Coombs R	Coombs R	Dunlap D
12	Abshire R	Abshire R	Abshire R	Rattigan D	Rattigan D
13	McCarthy, JF R	McCarthy R	McCarthy R	McCarthy R	McCarthy R

BAY -- Central

15	Gibson D	Gibson D	Gibson D	Gibson D	Dunlap D
17	Miller D	Miller D	Miller D	Miller D	Miller D

BAY -- South

18	Thompson R	Thompson R	Thompson R	Thompson R	Thompson R
21	Parkman R	Parkman R	Dolwig R	Dolwig R	Dolwig R

CENTRAL COAST:

25	Weybret R	Weybret R	Farr D	Farr D	Farr D
23	Grunsky R	Grunsky R	Grunsky R	Grunsky R	Grunsky R
29	Erhart R	Erhart R	Erhart R	Erhart R	Sturgeon R

1952                      1954                      1956                      1958                      1960

SOUTHERN CALIFORNIA --Core

38	Tenney R	Richards D	Richards D	Richards D	Richards D
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SOUTHERN CALIFORNIA --North

31	Ward R	Ward R	Hollister D	Hollister D	Hollister D
33	McBribe D	McBribe D	McBribe D	McBribe D	Cunningham? D

SOUTHERN CALIFORNIA --Inland

36	Cunningham R	Cunningham R	Cunningham R	Gregory R	Shaw D
37	Dilworth R	Dilworth R	Dilworth R	Dilworth R	Colonge R
39	Hulse R	Hulse R	Beard D	Beard D	Beard D

SOUTHERN CALIFORNIA --South

35	Murdy R	Murdy R	Murdy R	Murdy R	Murdy R
40	Kraft R	Kraft R	Kraft R	Fisher D	Fisher D

SAN JOAQUIN VALLEY, FOOTHILLS AND EAST BASIN:

20	Hoffman R	Short D	Short D	Short D	Short D
22	Donnelly D	Donnelly D	Donnelly D	Donnelly D	Donnelly D
24	Hatfield R	Colby D	Colby D	Colby D	Colby D
26	Mayo R	Teale D	Teale D	Teale D	Teale D
27	Montgomery D	Montgomery D	Montgomery D	Montgomery D	Montgomery D
28	Brown D	Brown D	Brown D	Brown D	Brown D
32	Williams R	Williams R	Williams R	Williams R	Williams R
30	Burns D	Burns D	Burns D	Burns D	Burns D
34	Dorsey R	Dorsey R	Dorsey R	Stiern D	Stiern D

	1952	1954	1956	1958	1960
<u>SACRAMENTO VALLEY, FOOTHILLS AND EAST BASIN:</u>					
1	Powers R	Williams D	Williams D	Arnold D	Arnold D
5	Regan D	Regan D	Regan D	Regan D	Regan D
6	Byrne R	Byrne R	Byrne R	Byrne D	Byrne D
7	Johnson, HT D	Johnson D	Johnson D	Cameron D	Cameron D
8	Sutton R	Sutton R	Sutton R	O'Sullivan D	O'Sullivan D
9	Berry R	Berry R	Berry R	Berry R	Berry R
10	Johnson, EC R	Johnson R	Johnson R	Johnson R	Johnson R
19	Desmond D	Desmond D	Desmond D	Desmond D	Rodda D

CONGRESSIONAL DISTRICTS 1953-1963

	1952	1954	1956	1958	1960
<u>NORTH COAST:</u>					
1	Scudder, HB R/D 86.3	Scudder R 59.1	Scudder R 53.6	Miller, CW D 54.9	Miller D 51.6
<u>BAY--Core:</u>					
4=	4 Mailliard WS R 55.0	Mailliard R 61.2	Mailliard R 61.9	Mailliard R 60.0	Mailliard R 65.3
5=	5 Shelley, JF D/R 100.0	Shelley D/R 100.0	Shelley D/R 100.0	Shelley D/R 100.0	Shelley D 83.7
7=	7 Allen, JJ R/D 84.2	Allen R 53.0	Allen R 52.8	Cohelan, J D 50.9	Cohelan D 57.0

BAY--North:

Part of 1

1952                      1954                      1956                      1958                      1960

BAY--Central:

6= 8	Miller, GP	Miller	Miller	Miller	Miller
	D/R	D	D	D/R	D
	99.9	65.4	65.6	100.0	62.0
NEW 6	Condon, RL	Baldwin, JF	Baldwin	Baldwin	Baldwin
	D	R	R	R	R
	50.6	50.9	53.7	51.0	58.7

BAY--South:

10-10	Gubser, CS	Gubser	Gubser	Gubser	Gubser
	R	R	R	R	R
	59.2	61.2	60.7	54.6	58.9
NEW 9	Younger, JA	Younger	Younger	Younger	Younger
	R	R	R	R	R
	53.1	54.5	60.3	58.8	59.2

CENTRAL COAST:

13=11	Bramblett	Teague,	Teague	Teague	Teague
	EK	CM			
	R	R	R	R	R
	51.0	52.5	59.6	57.0	65.0

SOUTHERN CALIFORNIA--North:

Part of 11  
Part of 22  
Part of 21

SOUTHERN CALIFORNIA--Core:

12=25	Hillings	Hillings	Hillings	Kasem	Rousselott
	PJ			GA	JH
	R	R	R	D	R
	64.3	65.2	63.8	50.1	53.6
13=24	Poulson,	Lipscomb,	Lipscomb	Lipscomb	Lipscomb
	N	GP			
	R/D	R	R	R	R
	87.2	56.9	61.9	56.4	59.7
14=26	Yorty,	Roosevelt,	Roosevelt	Roosevelt	Roosevelt
	SW	J			
	D/R	D	D	D	D
	88.0	60.1	68.8	72.2	73.4
15=15	McDonough	McDonough	McDonough	McDonough	McDonough
	GL				
	R/D	R	R	R	R
	99.7	56.9	57.9	52.0	51.3
16=16	Jackson	Jackson	Jackson	Jackson	Bell, A
	R	R	R	R	R
	59.7	60.8	60.8	57.8	55.4

	1952	1954	1956	1958	1960
17=17	King, CR D 54.6	King D 60.1	King D 64.9	King D 75.3	King D 67.7
18=18	Hosmer, C R 55.5	Hosmer R 55.0	Hosmer R 59.3	Hosmer R 60.0	Hosmer R 70.0
19=19	Holifield C. D/R 87.0	Holifield D 74.8	Holifield D 73.8	Holifield D 83.4	Holifield D 78.2
20=20	Hinshaw, C R/D 99.7	Hinshaw R 71.2	Smith, HA R 70.8	Smith R 66.0	Smith R 70.1
NEW21	Hiestand R 53.6	Hiestand R 58.7	Hiestand R 62.6	Hiestand R 51.9	Hiestand R 58.4
NEW22	Holt, JF R 60.5	Holt R 58.2	Holt R 59.8	Holt R 55.4	Corman, D 51.1
NEW23	Doyle, C D/R 87.3	Doyle D 70.9	Doyle D/Proh? 70.9	Doyle D/R 100.0	Doyle D 74.2

SOUTHERN CALIFORNIA--Inland:

21=27	Sheppard, D HR 55.0	Sheppard D 64.8	Sheppard D/R 99.8	Sheppard D 72.3	Sheppard D 66.8
22=29	Phillips J. R/D 99.7	Phillips R 57.9	Saund, DS D 51.5	Saund D 62.4	Saund D 57.1

SOUTHERN CALIFORNIA--South:

NEW28	Utt, JB R 63.0	Utt R 66.2	Utt R 64.5	Utt R 58.2	Utt R 60.9
23=30	Wilson, B R 59.6	Wilson R 60.4	Wilson R 66.8	Wilson R 55.3	Wilson R 59.3

SAN JOAQUIN VALLEY AND FOOTHILLS:

9=12	Hunter, AO R/D 99.3	Sisk, BF D 53.8	Sisk D 73.0	Sisk D 81.1	Sisk D/R 99.9
10=14	Hagen, H D 51.0	Hagen D 65.1	Hagen D 63.0	Hagen D/R 99.9	Hagen D 56.5

1952

1954

1956

1958

1960

SACRAMENTO VALLEY AND FOOTHILLS:

	2= 2	Engle, C	Engle	Engle	Johnson, HT	Johnson
		D	D	D	D	D
		100.0	100.0	100.0	61.0	62.7
		1952	1954	1956	1958	1960
NEW	3	Moss, JE	Moss	Moss	Moss	Moss
		D	D	D	D/R	D
		50.8	65.3	68.6	100.0	100.0

## APPENDIX II: MAPS

NOTE: Maps are included in the chapter to which the maps have most relevance. This listing is an index to the maps included in the manuscript at this time.

### Chapter 1:

Assembly and Senatorial Districts	-- 1850
Assembly and Senatorial Districts	-- 1857
Assembly and Senatorial Districts	-- 1863-1864
Congressional Districts	-- 1865
Assembly and Senatorial Districts	-- 1873
Assembly and Senatorial Districts	
San Francisco	-- 1873
Congressional Districts	-- 1873
Assembly Districts	-- 1883
Congressional Districts	-- 1885
Senatorial Districts	-- 1883
Senatorial Districts -- San Francisco	-- 1885
Assembly Districts	-- 1891
Senatorial Districts	-- 1891
Assembly and Senatorial Districts	
San Francisco	-- 1891
Congressional Districts	-- 1891
Assembly Districts	-- 1901
Senatorial Districts	-- 1901
Assembly and Senatorial Districts	
San Francisco	-- 1901
Congressional Districts	-- 1901

### Chapter 2:

Assembly Districts	-- 1911
Senatorial Districts	-- 1911
Assembly Districts	-- 1927
San Francisco Assembly Districts	-- 1927
Senatorial Districts	1927, 1931 and 1941
San Francisco Assembly Districts	-- 1931
Congressional Districts	-- 1931
Assembly Districts	-- 1931
San Francisco Assembly Districts	-- 1931
Assembly Districts	-- 1941
San Francisco Assembly Districts	-- 1941
Assembly Districts -- San Fernando Valley and Northern Los Angeles County	-- 1941
Congressional Districts	-- 1941

Chapter 3:

Assembly Districts	-- 1951
San Francisco Assembly Districts	-- 1951
Assembly Districts -- San Fernando Valley and Northern Los Angeles County	-- 1951
57th Assembly District	-- 1951
55th and 62nd Assembly Districts	-- 1951
Senatorial Districts	1951 and 1961
Congressional Districts	-- 1951
Liquidation of the 14th Congressional District	-- 1951
Creation of the 26th Congressional District	-- 1951

Chapter 4:

Assembly Districts	-- 1961
San Francisco Assembly Districts	-- 1961
Assembly Districts -- San Fernando Valley and Northern Los Angeles County	-- 1961
57th Assembly District	-- 1961
Congressional Districts	-- 1961
21st Congressional District [with 1967 changes]	-- 1961
25th Congressional District [An Elimination Gerrymander]	-- 1961

Chapter 5:

Senatorial Districts	-- 1965
21st Congressional District [with 1971 Changes]	-- 1967
22nd and 27th Congressional District Changes	-- 1967

Chapter 6:

Assembly Districts	-- 1973
45th Assembly District [with 1981 changes]	-- 1973
San Francisco Assembly Districts	-- 1973
Assembly Districts -- San Fernando Valley and Northern Los Angeles County	-- 1973
Senatorial Districts	-- 1973
Los Angeles Assembly and Senatorial Districts	-- 1973
Congressional Districts	-- 1971
28th Congressional District [with 1981 changes]	-- 1973
28th Congressional District [with 1981 changes]	-- 1973
32nd Congressional District [with 1981 changes]	-- 1973



Evolution of the 39th  
Congressional District -- 1971

Chapter 7:

Assembly Districts -- 1982  
San Francisco Assembly Districts -- 1982  
Assembly Districts -- San Fernando Valley  
and Northern Los Angeles County -- 1982  
45th Assembly District 1981 and 1983  
38th Assembly District 1981  
38th Assembly District Changes  
[The Lobster] 1983  
45th Assembly District  
[with 1981 changes] 1973  
45th Assembly District  
[with 1983 changes] [The Figure] -- 1983  
Senatorial Districts -- 1982  
Congressional Districts -- 1882  
Old 26th Congressional District  
[An Elimination Gerrymander] -- 1981  
New 26th Congressional District  
[A Projection Gerrymander] -- 1981  
New 26th Congressional District  
Take a Rorschach Test  
What Does This Say to You? -- 1981  
29th Congressional District -- 1981  
[with 1983 changes]  
32nd Congressional District -- 1981  
[with 1983 changes]  
26th Congressional District -- 1981  
[with 1983 changes]  
Congressional Districts [Bay Area] -- 1981  
Congressional Districts [Valley Area] -- 1981  
Congressional Districts [Central Coast] -- 1981  
Congressional Districts [Los Angeles] -- 1981  
Congressional Districts [Orange County] -- 1981

Chapter 9:

Assembly Districts -- 1991  
Senatorial Districts -- 1991  
Congressional Districts -- 1991

Epilogue:

Cross Reference to Maps in Earlier Chapters:

San Francisco Chapter 1  
San Francisco Chapter 1  
San Francisco Chapter 2  
San Francisco Chapter 3  
San Francisco Chapter 4  
San Francisco Chapter 5

San Francisco	Chapter 6
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San Francisco	Chapter 8

San Fernando Valley and Northern Los Angeles County	Chapter 3
San Fernando Valley and Northern Los Angeles County	Chapter 4
San Fernando Valley and Northern Los Angeles County	Chapter 6
San Fernando Valley and Northern Los Angeles County	Chapter 7
San Fernando Valley and Northern Los Angeles County	Chapter 8
San Fernando Valley and Northern Los Angeles County	Chapter 9

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