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A Brookings Institution/Institute of
Governmental Studies Conference:

**"COMPETITION, PARTISANSHIP, AND
CONGRESSIONAL REDISTRICTING"**

Panel 1: Political Consequences
of Redistricting

William Frenzel and **Thomas E. Mann**, Co-Chairs

Bruce Cain, University of California-Berkeley
Michael McDonald, George Mason University
Sandy Maisel, Colby College
John Petrocik, University of Missouri

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P R O C E E D I N G S

MR. MANN: Good morning. Could I encourage you all to come forward and get a seat?

Welcome to Brookings on this Friday morning. I am Tom Mann, a senior fellow here at Brookings, and I am delighted to welcome you to our conference on "Competition, Partisanship, and Congressional Redistricting." This is a conference that Brookings is very pleased to co-sponsor with the Institute of Governmental Studies at the University of California-Berkeley and its director, Bruce Cain.

We have enjoyed working together in putting this conference together. It is part of a larger project underway at Brookings on congressional redistricting that will see eventually a number of publications, events, and--I hope--a national debate about the way in which legislative maps are drawn and the extent to which we ought to reconsider what that normal process is.

I would like to thank Geri Mannion from the Carnegie Corporation who is with us this morning and Mark Steinmeier from the Smith Richardson Foundation, who I believe is not, for giving us some support to launch this project.

As Nate points out in his paper, this is the fortieth anniversary of Reynolds v. Sims, and that alone

would be occasion to reflect back on four decades of jurisprudence on redistricting.

There is, of course, another reason. The 2002 election probably had something to do with it. One should never over-generalize from a single election, but certainly many people were surprised by the fact that we set a record in American history for the smallest number of incumbents facing challengers who were defeated--count them: four, folks--across the country. That is what is known as "incumbent safety."

We have seen declining competition in House elections. We have seen increasing ideological polarization between the parties, and we may be entering or we may find that we have never departed from an extended period of one-party control.

We had it with the Democrats lasting decades in which most Democrats came to believe it was their birthright to be in the majority party, and now we seem on track to have that repeated by the Republican Party, raising questions about the possibility of genuine responsiveness in the system if the electorate changes its minds about who should be in charge of the House of Representatives. To the extent they conceive of that as a question or a decision to be made, the question becomes: Does the system permit it.

Perhaps importantly for our conference today, the question is what, if at all, is the link between redistricting and these electoral patterns? There is not an obvious answer to that question, and I think one of the purposes of this conference is to try to get the empirical story straight on how much redistricting actually accounts for maladies in our electoral system.

Now, we know there are increased motivations and resources to engage in gerrymandering of all sorts. Certainly with the parties at parity, a handful of seats make the difference between being in the majority and minority in Washington, and now that the parties are so divided on policy, that means something that it didn't mean a generation ago. And as far as resources go, improving technology and increasing party-line voting make it possible to do things that didn't exist before.

After we establish the extent to which there is a link between redistricting and electoral performance and examine the ways in which we engage in redistricting, the question is: Are we stuck with what we have? That is, is the U.S. just an outlier in the world of democracies, and is that so inherent in our constitutional arrangements and political culture that any talk of changing that system is

fanciful, or indeed, are there alternatives and have there been alternatives from which we can learn some lessons?

I think that is what is on the plate today, as you know from the program. We have five panels. The first is looking at the political consequences of redistricting. We will then turn to the impact of technology. We are having a review analysis and reconceptualization of the jurisprudence of redistricting. We are going to look at alternatives to traditional redistricting practices, and then after having that discussion, we are going to have some people who have been steeped in the law and politics of redistricting reflect back on the day and on the possibility and desirability of change.

I want to thank all of my colleagues who have written papers and who have agreed to be discussants at this panel and to those of you who have planned to be with us today. I want to thank, in particular, Bruce, who I had mentioned, and Michael McDonald, one of his co-authors whose work on redistricting many of us have drawn on in the preparation of our papers.

I want to thank three people at Brookings who have worked very hard to pull this conference off: Alan Murphy, Jennifer Mattingley, and Rob Wooley.

Finally, I would like to introduce my colleague, Bill Frenzel, who will get our first panel off and running. Bill has been with us as a guest scholar since 1991. He has been for 13 years a "recovering Congressman," as he likes to put it; was the ranking Republican on the House Budget Committee; a senior member of the Ways and Means Committee; essentially a leader in his party on economic matters, on trade in particular. Before that, Bill was a state legislator and brings some very special perspectives on this topic to us.

He is also a wise, witty, and lovely man, and I am delighted that he has agreed to co-chair the conference.

Bill, let's get us rolling.

MR. FRENZEL: Thank you very much, Tom. I am delighted to be here, especially because I didn't have to write any papers, but Tom has already hinted that it is probably appropriate that I be here.

I am a child of the first redistricting of 1962, Baker v. Carr. Minnesota legislature being controlled, as many were, by its rural inmates decided to do a halfway redistricting in 1961 to avoid what was apparently coming down the track, and in 1962, I found my district unrepresented and I was silly enough to listen to some of my

friends and neighbors who set my feet on a path of crime that I have followed mostly thereafter, and I was elected.

Tony Corrado questions whether this is an endorsement for a redistricting or a savage criticism, and I am not going to answer that question, no matter how often he poses it.

Thanks to all of you for being here. Tom has reviewed what the program is going to be. You have the materials before you. So you know what they are.

As people take to the microphones here, we are going to keep the introductions really to the minimum of name and institution. The bios are in your folders, and you can check up on any of them and certify to yourself that they are, indeed, luminary celebrities and all kinds of wonderful people.

So let us begin with Panel 1. The first presenter is going to be Bruce Cain. He will be followed by Michael McDonald of George Mason. Their co-conspirator, Karin MacDonald, is not with them, but, Bruce, would you lead off?

We are looking, incidentally, for relatively short presentations by the panelists and hoping that we will be able to engage in some lively discussions with those of you who are attending the conference.

Thank you, Bruce.

MR. CAIN: Okay. With that, first of all, let me say along with Tom that I appreciate the fact that you have shown up today. Of course, a lot of the people in the audience know each other. The redistricting world is a very inbred world in many different ways.

Secondly, let me just correct one thing, and that is that Karin Mac Donald is here, but in an act of atypical modesty, she is sitting down there. We don't quite understand that other than it is early in the morning, but Karin is here and was a contributor.

I enjoy the fact that two of my co-authors on this paper are former students, both with the name "McDonald," but they are not related to one another.

I have been involved in redistricting since 1981. So this is the third round of redistrictings that I have been involved in. What I did in this paper--and I will sort of briefly talk about it, and you really need to look at the paper to get any detail on it--is set out what I think are three periods, in my view, of redistricting, and then as I get to the most recent period, which I characterize as the period of the non-federal criteria, I am going to hand it over to Mike who is going to talk about the problem of competition and some of the very interesting data that he has compiled on what I think is the frontier issue, and that

is: can there be something in the redistricting process that addresses the issue of fair competition? I think that is a theme that we will pick up throughout the day.

As I reflect back, trying to combine legal, political, and technical developments, I come up with three periods, and needless to say, people can argue about the boundaries of these or whether, in fact, they even exist, but I think for the purpose of trying to put some order on the evolution, to me it is helpful to think about it that way.

Also, as I walk through these periods and the lessons of these periods, I think it has something to say about what does and does not work with respect to redistricting reform, which is fairly important to remember when we think about where the next phase of reform will go.

The first period I will call the "apportionment period," which starts with Baker v. Carr and works its way up through what I say is 1981. In that period, the question was a fairly simple one, at least seemingly simple, and that was: could you force jurisdictions to make districts as equal as possible?, and related to that was: could jurisdictions have modes of representation which were not based on one-person/one-vote?

What I basically argue is that these questions get resolved relatively quickly. Yes, there are still some cases where we find the court throwing out plans where lines seem to be within the conventional boundaries of population deviations, but for the most part, conventional wisdom about what the population deviations are and how you go about making lines as equal as possible got resolved relatively early.

Towards the end of this period, people in the reform community began to realize that making districts as equal as possible did not solve all the problems of redistricting. I point to the New Jersey plan in the Karcher case and the California congressional plan in the Badham v. Eu case as an example of the limitations of using apportionment criteria, one-person/one-vote criteria, to constrain the quest for what was called fair and effective representation or fairness between the parties or between groups.

The reality was that California, anticipating that the court might take any excuse to intervene--Phil Burton and Michael Berman [ph] were in on these conversations. I heard them. They explicitly wanted the population deviations to be zero because they knew they were up to some mischief, and they didn't want the court to intervene.

They knew they were going to draw a partisan plan and they didn't want the court to intervene, and it turned out that that was the smart strategy because, in New Jersey, even though the deviation was like .68, the court found enough deviation to intervene.

When they came to Badham v. Eu, here was a plan that, no doubt, was the quintessential plan that you might have thought was ripe for constitutional intervention, and the court couldn't do it using the one-person/one-vote criteria.

It was also in that period, a period of relatively low transparency and low technology, but I think as we discuss these things later on in the day, you will understand that.

I do want to mention this point about transparency, though, because there is a linkage between the new technology and transparency. The more people have computers and access to data, the more they are going to participate, the more they are going to understand what the legislature is doing.

Back in 1981, it was well known that if you had the informational advantage, it had tremendous importance in the redistricting negotiations.

Phil Burton used to walk around California visiting various members of a congressional delegation with his plan on a hand calculator, and nobody else had any data. He would tell them something was possible or not possible, and I was there on those conversations, and I knew a lot of times he was bluffing. It was possible to do things.

In 1982, I got a chance to show him it was possible because I had switched and I was working for Maxine Waters, and he was trying to tell Maxine that she couldn't do something. I was assigned the job of telling Maxine that she couldn't do it. I said, "Well, I think I will tell her the truth," and I did, and it caused a major fight and Maxine won. So people were playing informational games.

The second period, though, is a period of what I call aggressive vote dilution, and in the aggressive vote dilution, people were using, first, the Fourteenth Amendment, then the Voting Rights Act, to explore the questions of partisan racial gerrymandering.

Now, Nina has already been on me, did this end with Shaw? I don't mean to argue that voting rights litigation is done. I don't mean to say that we don't have obligations to draw majority or minority seats, but I do mean to say--and I will be interested in Nate's opinion--but I think the court put a rope around what the obligation of

jurisdictions were. In the period of the '80s, it was open-ended. You didn't know what your obligation was.

The basic obligation was if you could draw a majority-minority seat, you should draw a majority-minority seat. That no longer is the expectation, particularly if it is a very non-compact plan in which race is the predominant criteria. So there are more limitations.

We are in some sort of equilibrium in which there is leeway. We know that from some of the cases in North Carolina. We know that there is some leeway, that there is enough correlation with partisanship and other factors, so that you can still take race into consideration, but it still has been bounded.

Of course, the Davis v. Bandemer case basically has ended--unless Vieth shows us otherwise--has ended the quest of using the Fourteenth Amendment for partisanship.

So what I argue is that the end of the vote dilution period is the end of using the federal constitution for new ways to reform, and that leads us to the third period, which I am going to hand over to Mike, which is a period in which you have to look to state criteria or statutory criteria to try to fashion a plan to either increase competition or increase communities of interest or other kinds of what we used to call, 20 years ago, second-

or third-tier concerns, where the first-tier concerns are equal population and contiguity.

So, Mike, perhaps you will talk a little bit about competition and the quest in the third period.

MR. McDONALD: Thanks, Bruce.

I think like everyone else in this room, I have got redistricting war stories to tell, and some of mine come from working with the Arizona Independent Redistricting Commission. My role there was to judge the competitiveness of the districts that were drawn by the commission.

That made me look very carefully at the literature, academic literature on competitiveness and why we might favor this as a criterion that states would be interested in. There are two states that have the criterion: Washington and Arizona.

Academics have been much concerned about competitiveness as well. If you go back to the early 1970's, there are authors, Mayhew and Tufte among others, who were interested in the decline of the number of what they called "marginal districts."

There are many ways to measure this. You can look at the paper if you are interested in seeing that whole history, but why are they even interested in this as a topic? It has already been alluded to by Tom.

The concern was that there was not a lot of turnover among incumbents, and incumbents seem to have increased their electoral safety. What might be one cause of that could be redistricting. That was Tufte's argument in the early 1970's.

The concern was not just the electoral safety of the incumbents and some sort of safety that they would have from an electorate, but other negative effects that this might have on the electoral system and on policy-making in general.

Among them, we would want our legislators to be responsive to the voters, and without a responsive Member of Congress or state legislator, a Member does not need to reach across party lines and moderate their positions. So the outcome of that could be a polarization of ideology and legislatures.

Competition also fosters vigorous campaigns, which are necessary. To win, you have to pull the voters out and have them vote on Election Day. So it fosters increased voter turnout, increased awareness, maybe perhaps even some legitimacy into the system.

Since the 1970's, this has been revisited again in other guises, but the concern here are some very fundamental concerns about democracy and what you need to have, a

functioning democracy, and what we might want to do to ensure that we have a functioning democracy.

For my own research, I have looked at, recently, the decline in the number of competitive districts and trying to assign some causal explanations as to why that is going on. One explanation is that perhaps redistricting is responsible.

I have measured the number of competitive districts that are, hypothetically, if no incumbent was running and it is an open seat and it is contested and tried to forecast, predict the number of competitive districts that would be drawn in a given round of redistricting before and afterwards.

Looking at this, the data show that in the 1970s and 1980s rounds of redistricting, there was minimal change in the number of competitive districts, but when we start looking at the 1990s and the 2000 rounds of redistricting, we see that comparing before and after redistricting, there is a marked decline in the number of competitive districts after redistricting.

Since it is the only thing that has happened between these two elections--and this is a model that forecasts what would happen based on data that is available prior to the redistricting--it has nothing to do with the

election after the redistricting. It has everything to do with forecasting information before the redistricting.

Just on those forecasts that redistricters might make, which they often do--I, like Bruce, have been in the room when we are drawing these districts. We are forecasting the implication on election outcomes of these different districts. That is the information they are using. There were conscious decisions, it would appear, to be made during the 1990 and 2000 rounds of redistricting to decrease the number of competitive districts.

What could be some explanations to this are other things that we have looked at in the paper as well. One might be an increase of bipartisan gerrymanders.

One of the cures for redistricting mischief that has been proposed are commission systems, and we are going to talk about that later, but I will briefly just touch upon that.

One of the cures in the commission was to create a neutral commission, and this neutral commission would have an equal number of partisans on it. It was believed if these partisan groups could get together, they will draw a map that will be best for the voters and the state.

Well, checks and balances works great in the institutional framework of our national government, but it

is a recipe for bipartisan incumbent gerrymanders in a redistricting process because the incumbents of both parties have an incentive to exchange the partisans in order to increase their own electoral safety.

We have seen a rise in the number of bipartisan commission systems. I believe that they are working against the fostering of competitive districts.

Also, too, since 1971 we have seen an increase in the number of divided government situations in those states that use the legislative process for their redistricting. We have seen a leveling off of it since 1971, but that also would foster the institutional motivation to draw bipartisan gerrymanders.

Most notably, when we get to 2001, we saw that it was the larger states that had these bipartisan gerrymanders. So, even though the number remained consistent, the number of states that had to use a bipartisan compromise to create a map in 1991 to 2001, the number of districts that were at risk increased substantially by almost 100.

I believe we are probably running short on time. So, with that--

MR. CAIN: Let's just add one other factor that was in the paper that you didn't do. Can I just add one factor?

MR. FRENZEL: Absolutely.

MR. CAIN: That would be the ratio--the effects of drawing majority-minority seats also has an impact on competition.

Okay.

MR. FRENZEL: Thank you very much.

We will proceed to Sandy Maisel who with two co-authors has created the second paper, "Candidate Emergence in 2002: The Impact of Redistricting on Potential Candidates' Decisions."

Sandy is carrying the load of singing the solo today. So, Sandy, thank you very much.

MR. MAISEL: Thank you, Bill. I will try not to take the time of three people in only one.

I don't want to start with a disappointment. Unlike my two previous colleagues, I have not been redistricting for generation after generation. In fact, I came upon redistricting as an answer to another problem which we think is important.

This paper is part of a long series of papers that my colleagues and I have done under the general title of the

Candidate Emergence Study. The study started with twin goals: first, sort of an empirical political science goal to understand how potential candidates make decisions about whether or not they are going to run for Congress, the extension of ambition theory. That really drives my colleague, Walt Stone.

The second is a policy concern about the lack of competition and accountability and the role that the decisions potential candidates make in that lack of competition because the strong potential candidates decide not to run.

Like Tom, I also would like to thank Mark and the Smith Richardson Foundation, because they funded the second go-around of this study, and Geri and the Carnegie Corporation, which funded the third round of this study.

Some of you may be familiar with the fact that the first round of this study was funded by the National Science Foundation, and for reasons of my health, I decided not to go back to National Science Foundation for further support.

We pursued a number of different directions in this study looking at causes for potential candidates, strong potential candidates, deciding not to run, and they are very familiar to all of you in this room: incumbency. The chances that they are going to win are low for other

kinds of reasons: the difficulty in raising money or, as we actually found out, not actually the difficulty in raising money, but the distaste for the process of raising money; personal factors such as number of children at home, the distance they must travel to state capitals or factors of that nature; gender, very clear differences between men and women and the way in which they make decisions about their own potential candidacy.

One factor came up over and over again, and that was the perception of partisan imbalance in the district, emerging as a factor which seemed obvious in some ways as having an effect on candidate decision-making, but really struck us as one that one could deal with from a policy point of view.

In the 2002 round of our study, which I am going to talk about in a minute, two perceptions were clear. One was the perception that partisan imbalance was going to be the result of redistricting and, therefore, was dissuading some candidates from running, and the second was a perception that the process itself of redistricting was dissuading some candidates from running. It was clear to us from the start that those were separate.

The start of this paper, then, really deals with where the Cain/McDonald/Mac Donald paper leaves off, which

is a concern for competition. Ninety-nine percent of the incumbents who sought reelection won reelection. As Tom mentions, it is frightening. To me, even more frightening was the fact that 80 incumbents in the 2002 election ran without major party competition at all. We didn't understand how we weren't as a society concerned about accountability when one-fifth of the Congress knew at the filing deadline in their state that they would be there for the rest of that Congress and the 2 years after that without anybody having an opportunity to challenge them.

As all of us know, the question of the 99 percent winning isn't, in some ways, as much of a concern as the fact that, as Amy Walter and others have pointed out, that there are only 35 or 40 seats that were in play in the 2002 election, and most of those incumbents in the other seats knew well in advance that they would never lose.

By the way, there is no reason to suspect that this is going to change very much in 2004. If one looks at the 214 seats for which the filing deadline passed as of the end of March, there are 13 more seats in that group in which one party or the other has not filed a major party-- [inaudible].

The theory is that one aspect of competition is suffering, because we don't have good candidates running,

and particularly we don't have good candidates who are challenging incumbents.

My colleagues and I differ about how important that would be in terms of the outcome of elections, that is to say, if districts are that imbalanced, even if you had good candidates running, they very well may lose, but we don't differ about the fact that you would have what Mike was talking about before, a campaign discourse which is dealing with the issues at a higher level and, as Neal Key pointed out 50 years ago, if you are going to have a major shift in the election--[inaudible]--that major shift is not likely to lead to a change in party control, but if you do have a major candidate, a quality candidate running, a major shift on a set of particular issues can, in fact, lead to partisan change.

Like Mike, I am not going to go into the political science literature, but I will point out that it goes back 30 years, that a good portion of it was written by Bruce Cain, and that if you look at the papers for this conference, we are all singing the same tune. The literature is really very much the same that we are concerned about and raises the very important issues.

Mike and Bruce and Karin in their paper have really done a terrific job, I think, in sort of synthesizing

that literature and telling us the lessons that can be learned from it.

In terms of redistricting, I think we all have to look at Texas in 2004 to see the effect that it has on quality candidates. Again, the disclaimer has to be my source is Amy Walter from the Cook Political Report in the back of the room. So any complaint should be directed to her.

One of the things that one sees in Texas in 2004 is a series of fairly weak Republican first-year congressmen from the last time who do not face strong Democratic challenges this time because of the way the districts are drawn, and Democratic incumbents who are facing very strong Republican challengers this time, a number of them in the primaries, the average of three or four in the primaries, but with a clear idea that if those seats become Republican seats, once again, the Democrats are going to disappear from those districts because they have no chance to win.

That is essentially what the problem with redistricting for candidate emergence is. The candidates perceive what is happening in the redistricting process, good candidates, and they drop out for that reason.

Before I turn to the results, let me take just one second to talk about the Candidate Emergence Study because

how we get to this group of potential candidates seems to me important to how you evaluate it.

The 2002 study is the third of a series that we have done. We have started with a random sample of 200 congressional districts. We identified a group of people in each district, 10 Republicans and 10 Democrats, who we felt were likely to be political cognoscenti in those districts, knowing a great deal about what is going on in the district, but unlikely themselves to be candidates.

We asked them questions about the district, about the incumbent, and then asked them to name up to four potential candidates who would be strong candidates in either party, whether those people ever thought about running or not.

We then, after calling for bad addresses, had a fairly large group of potential candidates. We surveyed those in 1998. About 15 months out from their filing deadline was our goal.

We did a panel of our respondents in 2000, and in 2002, we went back to that panel, went back to our original potential candidates in those 200 districts and then supplemented with people who we thought were in districts 15 months out that might be competitive. Again, this was somewhat guessing, but we relied on the Cook Political

Report, the Rothenberg Political Report, and the Rhodes Cook Newsletter as our sources, and we came up with a group of districts that we thought might lead to competitive races and, therefore, might have more potential candidates.

In the 2002 round, we polled 4,562 potential candidates. We had a response rate of over a third, and the data I am reporting are from the 58 percent of those respondents who said that, in response to one of our questions, they, in fact, did harbor ambition to hold a seat in the House of Representatives. So these are people who were identified by knowledgeable people as strong political potential candidates for office who themselves said they, in fact, were interested in running for office.

Let me tell you what they said about redistricting. First of all, there is a great deal of variation. They didn't all say the same thing, and for some of the reasons that we have already pointed out, that is pretty clear. If you are in a one-district state, redistricting doesn't have much effect on you. If you are in a two-district state, as I am in Maine, it doesn't have much effect on you. So we are only talking even about a subset of these people who could have an effect.

Much of it is based on partisanship. If you have the paper in front of you on Table 1, which is page 10, it

basically shows the perception of whether the redistricting would favor the Republicans or the Democrats and how that was clearly biased by the partisan view of the respondent, Republican or Democrat.

It was also based in part on the type of process. We simply divided the process into two types, and we did this because we think that is what the perception of many of these potential candidates were.

The two types were legislative control and commission or court control of the process, knowing that there were going to be commissions and courts that control the process. Then we looked at states which had Republican legislatures and states which had Democratic legislatures.

If you look in Table 2 of who was favored in the states with legislative control in Republican legislatures, 61 percent said it would favor the Republicans, and in states with Democratic legislatures, 44 percent said it would favor the Democrats and only 25 percent of the Republicans. The variation was considerably less if you look at the states that didn't have legislative redistricting.

We did an ordinary least-squares table to show that if you controlled for other factors, the most important factor in terms of the perception of the effect of

redistricting was a combination of which party controlled the legislature and whether or not the legislature controlled the districting process. That is in Table 3.

Finally, in Table 4, we show very clearly that in states in which legislatures did the redistricting, if the GOP controlled the legislature, our respondents said the process was very likely to help the Republican incumbents and challengers, and when the Democrats controlled the legislature, the process was likely to help the Democrats and the challengers. Now, none of that is very surprising. In fact, it is exactly what we would expect.

What we feel is important is that these are the perceptions that are held by potential candidates 15 months out from an election or from their filing deadline which is precisely the time where they are going to have to make the decision, "Am I going to run, or am I not going to run? Am I going to start raising money, or am I not going to start raising money?"

To us, that decision is a very critical decision, and without in any way meaning to be critical of those who studied the effect of redistricting, the decisions by candidates are the decisions that are going to affect who is in that race and how they perceive what is happening, it seems to me, to be very important.

We then turn to the question of how that perception affected these very same candidates' perception of their likelihood of winning.

Table 5, which is on page 15, makes a point which we have made elsewhere, and it is such an obvious point, but it is one that political scientists skip over all the time and that candidates don't skip over all the time, which is it is a different effect on whether you are likely to win the nomination, or if you win the nomination, if you are likely to win the general election. Winning a seat in the House is a combination of the two of those.

If the redistricting favors your party, then you are less likely to win the nomination, more likely to win the general election, and that is the way these candidates have to look at this seat, at this redistricting and the effect on this seat. Can they get the nomination, first of all, and then if they can get the nomination, is it worth anything? Those are very different perceptions that they have.

Table 6, which is on page 16, shows, again, quite clearly that even if you control for a whole wide variety of other factors, redistricting itself, in and of itself, has a statistically significant impact on potential candidates' perceptions that they have a chance to win, that if they see

the redistricting as favoring their party, it increases in a statistically significant way their chance of winning.

Finally, when you combine these two topics in Table 7, those who think they have a better chance of winning, a big surprise, are more likely to run. It seems to me that sort of completes the circle, which is to say they look at redistricting, they look at the effect that redistricting is going to have. If it is going to have a positive effect on their party, it improves their chances of winning. If they have chances of winning that are better, they are likely to run.

We also showed specifically that the process itself has an effect, independent of anticipated results. Table 8 which appears on page 19 shows that uncertainty over what the district boundaries are going to look like discourages PCs from running. Again, this seems to me to be important.

We are talking about potential candidates making a decision sometime in advance of their filing deadline that they are going to run for office and begin to raise money, and if they don't know what that district boundary is going to look like or if they don't trust the people who are drawing that district boundary, they are discouraged from running.

Predictably--and it seems to me this sort of solidified our findings to us--if it is an open seat, it is not going to have as much of an effect because any strategic politician looks at an open seat and says that is the time I am going to have my chance. It still has an effect, an independent effect, but open seat has an equal effect.

The process is obvious. It is hard to decide what you are going to do, when you are going to run, if you don't know what that district is going to look like.

Just one brief caveat, we are still sorting through some of our data because we have 31 respondents--it is a fairly small percentage of respondents, so I am not worried about the results--but we have 31 respondents who said in answer to a question that they lived in a district in which we didn't poll.

Well, one of two things happened. Either when we got their address, they moved out of the district in which we had intended, their house was no longer in the district that we intended to be polling in, or--and I think in our preliminary analysis, there is some of each of these--they didn't know 15 months before what district their house was likely to be in and were answering about a district, in fact, which was not the one in which they were going to be seated.

If that is the case and if there is that much uncertainty, it seems to me very good candidates are going to say this is not the time that I am going to take this kind of opportunity.

Let me draw some quick conclusions, if I may, and remembering the caveat, again, that redistricting can only affect potential candidate decision-making in those states in which redistricting has an impact on their districts, some of which clearly are in our sample and some of which are not.

First of all, potential candidates understand the political nature of the process in most states that it favors incumbents, that it is not designed to encourage competition in most states, and competition is precisely what they need if they are going to have a chance to win.

Potential candidates generally see redistricting as favoring one party or the other by design, and that this discourages them from running either in their own party's primary or in the general election if they think they can get the nomination if their party is at a disadvantage; that is, they are never going to challenge an incumbent, they are less likely to go into open seats in their own party if it is a big advantage probably favoring another potential candidate, and they certainly are

not going to go into the other party to seek the nomination of the other party if that party is terribly disadvantaged by the process.

That the process itself hinders their chances of running because of the perceived goals of the political cartographers and because of the timing of the process which does not mesh well with decision-making timing by potential candidates.

Any view of reform depends on what the normative values of the reformer are. Our normative values favor competition and better candidates running for office, and it seems to me that this leads fairly directly to a call for an increased number of redistricting processes which are nonpartisan, non-legislative, with competition as one of the stated goals of the redistricting process.

MR. FRENZEL: Thank you very much, Sandy.

Now, as the [inaudible] all of these wonderful thoughts and ideas that we have, John Petrocik, the University of Missouri.

MR. PETROCIK: Thank you.

I think being a discussant is a lot harder than writing a paper. When you are writing a paper, at least you know what you want to say. When you are discussing, you have got to decide what is interesting about what people

have said or what points you would like to turn into a longer discussion about something.

The first observation I make is, for the people in this room, I think both of these papers are a great read, the Cain and McDonalds paper because it is as savvy a thematical review of the apportionment struggle as I have read in a very long time or maybe have ever read. It categorizes it nicely. It sort of organizes your thoughts about where we were, what we fought about, and maybe what some of the dimensions of the struggle are now.

So, to the extent that anybody in this room has to get some intellectual leverage on the topic, it is a read that is well worth spending time on.

Sandy Maisel's paper—Maisel, Maestas, and Stone's paper--pulls out a particular piece of that, that I would recommend to you, at least one of the two pieces that are the major issues of contemporary redistricting and reapportionment discussions, and that has to do with, principally in this case, with competitiveness, but, of course, it is tied to a whole series of other issues that we talk about, issues of party polarization, issues of competitiveness, issues of entrenched incumbency and so on and so forth. So they both have a lot of material, and they certainly generate a series of ideas.

I always thought if a discussant has any role in all of this, it is to--independent from the authors of the paper who have one story they want to tell--point to a couple of themes that at least in these discussion are things that are worth talking about at some further length.

So I would like to do that, and I want to do it briefly because the papers, and not my comments, ought to be the center of this, although I certainly want to contribute to some of the discussion of the papers.

In Bruce's paper, the Cain/McDonalds paper, one of the periods that he talks about, the first period of reapportionment or redistricting is what he describes as the "apportionment period," but what precedes that is a quote that they have on page 5 that I call your attention to. I loved it because I thought it tells me everything that I-- and I am sort of a critic of a lot of the legal involvement in redistricting and reapportionment.

He has got two sentences in there, and I am editing them a bit. The sentences read as follows: "Chief Justice Warren became convinced that it was simply unfair," speaking of the facts of the Baker v. Carr case. The second sentence reads: "He was less focused on the likely outcomes and political consequences of judicial intervention." I

think that is the story of reapportionment and redistricting politics in the United States.

They remind me a lot of my students. When I tell them some of these stories, I get big eyes and kind of aghast looks, and they will say, "That is not fair." Maybe not, but that is the way a lot of politics goes, and [inaudible] serves a lot of different masters in this case.

So, with that as a kind of theme, I want to point to a few things that I think may be worth thinking about, or at least I thought were worth thinking about in these papers.

First, in the reapportionment period, on the one hand, it certainly gave the courts an intervention role. That is one way to think about it, but the other way I think about it when I think about Baker v. Carr and what the Cain/McDonald paper describes as the "apportionment period" is that the courts became tools in a political struggle. Struggles that are lost in other venues are moved to the courts, and the courts get involved in this and they make decisions along lines that it is not completely clear to me they are very well prepared to deal with because they have to do with the distribution of political outcomes, with the struggles that groups and individuals have with one another.

They are looking for fairness in some judicial sense or some legal sense, and that is not what reapportionment, that is not what redistricting is typically about.

The second observation I would make-- [audio break].

MR. PETROCIK: [In progress]--also call attention to this when they talk about the apportionment period is-- and it is something we don't talk about very much, and on the face of it, I am not sure it is very important, but the reapportionment decisions kind of defied a meaningful existence for bicameral legislatures in American states because the upper houses in all these states were all of a sudden turned into population-based institutions just as the lower houses were.

Why is that important? Well, on one level, it is probably not, but on another it is because the states model their legislatures after the national institutions, and everybody understood that the role of the House of Representatives was to represent people, however imperfectly, and the role of the Senate was to represent interests, states, interests that coincided with states, and the peculiarity of states and regions.

That is the way a lot of state legislatures were organized as well. I am not an expert on this, but as I remember what I did know and think I still know, it was counties that were oftentimes the basis of representation, and counties coincided with local economies. They coincided with particular population groups that were mail-distributed regionally.

When they did away with that, what they did away with is the other feature that exists and that both of these papers describe, and that is the role of reapportionment and redistricting and not just representing people, but the tension that sometimes exists between individual representation and the need to represent groups, because at the end of the day politics is about group struggles and group interests that need to get represented.

They aggregate individuals, but it is the groups that need to get represented, and I think that comes out in the first part of the paper. I was struck by it. I am also struck by the extent to which we oftentimes don't think about those.

The era of vote dilution that Bruce spoke about, I think of it as the era of group interest fairness, because what we are really talking about there more than anything

else is the adequate representation of minorities and the court decisions that occurred during that period of time.

I also think they can be thought of in two ways, one probably unexceptional, the other more problematic. The unexceptional one is that clearly what they did is undo a lot of palpable discrimination, typically against ethnic minorities, but not exclusively so. There was discrimination designed to minimize the voice that minorities--mostly African American--had in politics and in their parties.

But the other thing it did is involve the courts in the internal dynamics of the Democratic Party, because this is a story about the Democratic Party. The Republicans didn't have to deal with these issues in the same way, but the reason we talked about majority-minority districts, the reason there were so many lawsuits about redistricting, is that the Democratic Party, which is the political home of most minorities in the United States, has never worked out a very good formula for treating them as coequal partners.

The reality, I would submit to you, is that, by and large, minorities were apportioned for the greater good of the Democratic Party, not black Democrats, not Latino Democrats, but the Democratic Party. What that did over time is generate a lot of resentment, because, while it may

have been good for the Democratic Party, it wasn't necessarily good for the ambitions of a lot of minority elites who also wanted to represent a set of interests or stand in the sun in their own right, but it also captured a sense, I think, among a great many of the minority groups in the Democratic Party--I am speaking mostly here of ethnic minority groups, but you can generalize it to others--that their voices and their interests were not being articulated as fairly and as vigorously as they would be had they, rather than white Democrats, been representing the interests of the groups that the Democratic Party relied on so heavily.

That never got resolved, and the courts simply stepped into that and stepped all over the majority-minority districts. It seems to me that if you go back--and I have done some work on this, and many other people have as well--one of the things you discover is the original majority-minority districts were in part an attempt to redress some of these things, whether they were done obviously by courts or state legislatures.

We oftentimes think of this as some sort of plot the Republicans got involved in because they thought it was cute, sort of move these black Americans around and pack them in one place and make all of these other areas more

competitive and, therefore, more easily captured by the Republicans, but if you go back and look at most of this redistricting, most of the minorities were taken out of Republican districts, not Democratic districts. What they did is make the Republicans more secure when they did this.

Some things happened that I don't think were directly related, and I have written about this, directly related to the presence of majority-minority districts themselves that produced some of the losses the Democrats experienced in '92 and 1994, but what has happened as a result of this and what has happened as a result of the politicization of this and the failure of the political system to allow the parties to get to a real solution on this front is that it has created a whole series of other problems that, in fact, I think has probably generated some enduring tension in the Democratic Party about the role that black Americans have played in the creation of the Republican majority in Congress, for example, because, typically, the bony finger of accusation has been pointed at MMDs as the reason that the Gingrich revolution succeeded in producing a Republican majority.

I don't think that is true, and I don't think you can show me the data that says that is true, although a lot of people believe it as a convention because a set of

surface facts make it so plausible. These are also themes in the Cain/McDonald paper that I think are probably worth talking about.

The other piece of the paper that McDonald referenced in particular is this latter era that deals with competition and competitiveness, the degree of polarization and gridlock that we associate with districts and legislative institutions today.

This in particular is where Sandy's paper comes in because it deals with at least one of these phenomena extremely well, and that is that congressmen, most politicians in America, are professional politicians. They are pursuing careers, and defeats don't do much for your career. Maybe once, but contrary to what your mom said or the coach said, "Try, try again" is not a formula for success usually.

So I think what Sandy Maisel's paper does is demonstrate the extent to which the creation of these new districts, the political response to what has been going on that has produced some pretty effective party gerrymandering, that, in fact, has eliminated a lot of competition or seems to have eliminated a lot of competition and, in fact, has become a principal explanation for why many candidates do or do not try to seek public office

because they realize that the districts in which they want to run are simply not promising for someone of their party persuasion.

I want to make a couple of points about that. Sandy and everybody here and I am sure most of you recognize this as well. That is only one of the things that goes into a decision to run.

I think it is probably true that the Republicans will do well in this election in the House, and part of the reason for that is that they now have a set of districts that are designed to elect either Democrats and Republicans and don't have room for people across the line, but we all know that there is another thing that goes on at these elections.

I am making these observations because I think we shouldn't take what may happen this time as a phenomenon set in stone that requires that we all do something about competition quickly so we can enhance the democratic process.

One of the reasons the Republicans may do well is that last November and December and earlier this year in January and February when everybody was gearing up to run, deciding that this is their chance to move up to Congress, a lot of Democrats were looking at what was going on in Iraq.

A very popular perception that only recently has begun to become unraveled is that George Bush was probably going to be reelected, the Republicans were probably going to do well, and whether the district maybe has some promise or not, this is not a good year for a Democrat to win because we are going to be hammered. Again, being hammered is not a recipe for a successful political career.

So, while the districts that we create through this process, the redistricting and the extent to which the politicians try to squeeze out competition, understandably, certainly is going to play a role in the outcome, and it plays a role in candidate decisions to run, there is a short-term force that determines whether candidates are going to run, and that is the political environment and the prospects that it presents to people.

In December and January, it looked like it may be a good Republican year. If some of those candidates in the past December or January had a chance to go back now, I am not so sure they wouldn't have decided, "Well, maybe I can risk my income as a lawyer or risk my seat in the state legislature and take a shot at this seat after all. It is not a great seat, but I think I can win," and they will think they can win because what they would have seen is an environment that right now at least looks more promising for

the Democrats than it did as few as 3 or 4 months ago. So keep that in mind.

There is a structure within which this occurs, but things can happen pretty quickly in a 3- or 4-month period that undoes a lot of structural determinants of outcomes. Bruce certainly knows as well as anybody--actually I am sure everybody in this room does--that there are lots of states and lots of redistricting plans that had surefire Republican majorities of 7 to 3 or Democratic majorities of 8 to 4, and 4 years later, all of a sudden the other party controlled most of the seats in the state. A little turn, a depression, a recession, a war, a Presidential candidate who represents a burden and everything turns upside-down.

Then you have got the incumbent there, and a different set of dynamics occur, although I don't want to overemphasize what it means to be an incumbent.

I think that is something we need to keep in mind before we run pell mell into reengineering something that may not be as rigid as we like to think it is.

Then I guess the last thought I have about this is on the extent that we are worried about competition on the one hand or polarization--when I think of polarization, I think back to all of the literature on political science 30,

40 years ago where we lamented the lack of party differentiation, and now we think there is too much.

Maybe life is a balance and we were too far on one side in the past and too far on the other side in the present, but we are getting what we always wanted. You want parties that represent something? They represent something. They don't like the other side because they represent the wrong thing, and they are not going to give them a chance.

Elections are supposed to sort that out, but there is no reason why Republicans should think Democrats have good ideas, and I can't imagine why Democrats would think Republicans have a lot of good ideas, so why even give them too much air to breathe when you run the show. That is a little tougher than we thought about in recent years, but that is the nature of party competition.

The last thought on this is kind of a mechanical one, and it goes back to this question of fairness and exactly what you are trying to represent.

Parties represent groups. They don't represent individuals. They represent interests. They always have politics about group conflicts. The people who want to draw districts, if we are not going to have a proportional representation system of one kind or another in the United States--and I can't imagine it, however desirable it might

be from some points of view--we are going to be drawing lines on the ground to not just induce competition, which I submit to you we care less about than we care about representing things that need to be represented. So we represent ethnic groups, we represent belief interests, the Christian conservatives down in the lower corner of the State, we represent economic interests.

We draw districts to do that in part because we have almost adapted the single-member, simple plurality district system to doing what the PR system does; that is, you recognize that districts have to be drawn to represent them. Otherwise, they aren't going to be represented.

The courts are pretty clunky about it. They only want to represent certain protected classes of groups or individuals, but anybody in politics and certainly in the parties knows that you have to represent a diverse set of interests that defy who are Democrats and who are Republicans.

So it is a little hard for me to understand how we are going to do this, and there may be some fine-tuning along the way, but it is not clear to me that the polarization is necessarily all that bad. We don't want to be shooting at each other, but short of that, I might be willing to see a lot of polarization.

As for competition, I guess my only thought about that is I go back to the last thought on this. I go back to the election of 1988 when everybody was talking about the Republican lock on the electoral college, all centered in California. By 1992, 4 years later, that discussion was ancient history.

It is hard to imagine how these things are going to evolve, because the things that we see as constants have a lot more malleability than I think we sometimes appreciate. It seems to me as we think about what needs to be done--therefore, my job is to be the naysayer in all of this--I think we ought to think about these problems rather than worry so greatly about whether democracy is becoming unhinged by a lack of competition within congressional districts.

MR. FRENZEL: Thank you very much, John.

Now we would like to proceed with the group discussion.

MR. MOORE: Thanks. My name is Jim Moore. I am with the Committee on Government Reform.

MR. FRENZEL: Could you speak up, please?

MR. MOORE: Yes. I'm sorry. Is that better? Can you hear me?

MR. FRENZEL: Yes.

MR. MOORE: My name is Jim Moore. I am with the Committee on Government Reform.

I just have a threshold question for the panel, because I think you have--I want to make sure I understand that you are comfortable with the definition of "competition" as only inter-party competition because I think that real competition is oftentimes intra-party as well. If the goal is to have responsiveness, if you see a member from a very safe district, you will still get a great deal of responsiveness, because that person expects and will almost always have a challenge within his own party in the primary system.

I just want to know how comfortable with and whether or not you have thought about and dismissed the idea that intra-party competition ought to be considered as well if the good in the long term is to make sure that members are responsive to populations.

MR. FRENZEL: Bill?

MR. CAIN: Do you want to start that, Mr. McDonald?

MR. McDONALD: Sandy knows the statistics on primaries, but there are very few primary defeats.

MR. MAISEL: As long as you keep yourself out of jail or at least not under house arrest and other similar

kinds of things, you don't lose a primary, the congressional primary in this country. One a year, two a year at the most, and most without any competition at all.

I looked at the 214 districts that are filed, and I don't want to quote an exact number, but there are fewer than 40 of them I think in which there is any challenge at all to incumbents who are running.

MR. FRENZEL: Do you want to take another shot?

MR. MANN: I think, though, there is a distinction between what the empirical record has been over the last 20 years, which is exactly as Mike and Sandy say, and a perception of a change underway in our politics in which some, if you will, moderate Republican members are now being, if not directly challenged, threatened with a challenge as a lever to make them more loyal members of the Republican conference in the Congress.

Steve Moore and the Club for Growth have been particularly outspoken about this strategy, and we have had individual members, like Marge Roukema, who faced these challenges.

Thus far, it is more a threat than a reality. The question is: is that healthy?; is it producing the greater sort of internal party coherence and polarization that John sees reason to value in some respects?; or is it, in fact,

creating a legislature that is unable to deliberate, because it has become more like a parliamentary body, yet one stuck in a separation-of-powers system?

MR. FRENZEL: John?

MR. PETROCIK: I think Sandy and Tom said the right thing.

Very few people lose primaries. On the other hand, every incumbent worries that somebody might come after him or her in a primary. That is kind of Tom's point that while you may not lose, why do you want the trouble, and it is easy to produce a lot of pressure that ensures some kind of responsiveness on the part of office-holders simply because they don't want to be challenged in a primary.

All they need is a few examples of a primary challenge to make them more sensitive to the interests of constituencies, particularly in their party obviously, not in the district, but in their party.

The Senate business in Pennsylvania is a good example of that right now, and you can find it in a lot of other places as well.

PANELIST: If Specter were to lose, the world changes. If Specter wins, the world doesn't change.
the era of term limits.

MR.

The reality is that there is actually an inverse relationship between what happens in the primary and the general election. If you are in a seat which is hopelessly against you, you are going to have maybe one candidate who is going to be thrown into that district. If you are in a seat which is very safe for your party, you are going to see multiple candidates in that primary election. So you are right. You are really going to have your intense competition between different factions of the party in that case.

The interesting one is the third case, and there is not a lot of empirical evidence on this, but we have a student that has been doing some work on this. What happens in the open primary in a seat which is expected to be close and competitive?

There, the interesting thing is that, nominally, you will find a lot of candidates, but what you will find is that the smart money-givers and the interest groups will decide that it is best to have one person as the dominant person. Actually, it is a little curvilinear in terms of what happens, in terms of the responsiveness and the competition in the primary, but the general point that you are making, which is that you have to factor in both primary

and general competition, actually is a theme in Sandy's paper to some degree.

Given that the parties are not uniform, that they are coalitions between rural and urban, between minority and non-minority, between different kinds of clubs and groups within the party, there is a struggle in many districts in the primary which is meaningful, which is about, as you say, responsiveness.

I don't think as a political science community we are blind to that. I think it is just that we tend--and I suspect we are not alone in that--to worry more about the lack of responsiveness in November for reasons that I think have been already articulated.

MR. MCDONALD: Just to pick up, again, on what Bruce was saying, here we are looking at congressional redistricting, but what is going on in terms of competition at the state legislative level is magnified in many ways.

Congressional districts are very large. They have to be, relative to many state legislative districts, be more heterogeneous in terms of the population, but if you look at the state legislative districts, in Virginia in this last 2003 election, only a third of them were contested. So it is a real issue at the state legislative level.

Some of these intra-party disputes are starting to show themselves within the Republican Party in Virginia where there is no competition at the general election, but incumbents have been unseated. Moderate Republicans have been unseated by the more conservative wing of their party, and there are threats now with the budget. It hasn't been passed yet [inaudible] will be retaliation for defectors from the party.

Maybe what we are going to see in the long run is this intra-party competition that is happening at the state levels, state legislative level, is going to percolate itself up to Congress eventually.

MR. FRENZEL: Another comment? Rob, this guy right on the edge there. Well, maybe over by the edge.

MR. RICHIE: Thanks a lot. Rob Richie with the Center for Voting and Democracy.

My sound byte on the primary challenge is from '93 to 2001, more incumbents died in office than lost in primaries, but I do think, by the way, that BCRA and campaign finance changes are one to keep an eye on, because if money begins flowing more toward 527 kind of entities and they are not focused on the Presidential race, but on congressional races, they may jump into primaries in the way

that the parties didn't. The McKinney and Hilliar races in 2002 kind of point to that possibility.

I wanted to pick up on one thing that is in the paper that Bruce and Michael and Karin wrote: that the chart on page 25 that shows the changes of what would happen if all seats are open, about the balance between competition or the competitive nature of districts, from '92 to 2000 the number of districts in the 45-to-55-percent range decreased from 290 to 223, obviously with no redistricting going on.

What our findings have been--and we do this monopoly politics report using kind of an interesting measure of how to measure the competitiveness of districts, and we make projections on who will win or lose and with near-perfect accuracy--interestingly, the number of districts we can do that in is sharply rising. So something is going on that is not just redistricting, and that it is this partisan coherence that is clearly developing.

If you had behind you the congressional map of the country, the red-blue split between the House districts, you would see this geographic coherence very clearly defined, all West Coast districts held by Democrats, all interior districts in those same states held by Republicans and so on, that suggests that there are real limits to what any

kind of Iowa-style redistricting can do for competition. I wanted to see a comment on that.

Just picking up on John's comment, whether we could ever have a non-winner-take-all system in the U.S., I think Illinois had cumulative voting in three-seat districts. It did a lot of different things than what any single-member district system can do, and I think the question is not whether and how we can, but how we must if we are actually going to do some of the things that redistricting reform and minority voting rights advocates and others would like to see develop some of our politics.

MR. McDONALD: I think Rob has touched on one of the very interesting findings for future research that is in here, which is that something happened between '92 and 2000. What was it? The suspicion, that is what I would be looking for when I look at this, is the blue states are getting bluer and the red states are getting redder, and we are sorting ourselves out. This is happening regionally within states as well. Rural areas are becoming more Republican, urban areas more Democratic. It is resulting in fewer opportunities to draw competitive districts.

Even operating under that in 2000, they still manage to draw even fewer competitive districts afterwards. The choice is going to come down to--in any choices in

policy-making, there are going to be trade-offs. When we sort ourselves out in terms of partisanship, it would be possible to draw competitive districts. We could group a portion of a blue area and a portion of a red area together and draw a competitive district.

The winner of that battle, will they really represent the entire district, or are they only going to worry about their own particular support base?

If we think about this in terms of communities of interest, this natural tension then develops that these homogeneous communities of interest will be at odds with one another if we are going to draw a competitive district and we are going to combine these disparate interests together, is that a tradeoff we are willing to make in redistricting? I think that is one of the questions that we have to think about when we think about reform.

MR. FRENZEL: Bruce?

MR. CAIN: One other interesting thing about that table, it is a function of the fact that these are hypothetical results, but it is interesting that in the period between 1972 and 1980, which in political science literature was the period where we spent the most time worrying about incumbency effects, you will notice that in

terms of the underlying safeness of the seats, there is relatively little change.

Also, during '82 to '90, which is the period of most aggressive litigation, there wasn't much change in the safety of the seats. So it is clearly something about the more recent period.

I do know that in the redistricting--and maybe partly due to the technical features of it but also to the higher partisan consequences--as I look back on the last three decades of redistricting, there was a lot more--I say it in the paper, but you don't have to take my word for it--there was a lot more emphasis in the '80s in redistricting on the idiosyncratic concerns that incumbents have.

They would often hold onto territory that wasn't by any registration or partisan measure good territory for them because there was a good fund-raiser there or there was some other reason they wanted to--I mean really bizarre reasons. I had people that want to hold onto territory because their mother was buried in the cemetery. I mean all kinds of strange things.

You could do that to some degree in this period because the incumbency advantage was fairly strong, I suspect, and now in a more partisan period where the partisan consequences are greater, it seems to me the

emphasis on what I termed in my first book "partisan reconstruction," the actual changing of the underlying numbers in redistricting, has become a greater emphasis.

Particularly when you get to the state legislature with the term limits effect where nobody can really establish an incumbency advantage, when you are doing the redistricting there, you are really redistricting by the numbers to a much greater degree than you were in the '80s. You are not really paying attention to incumbents because they are not going to be there much longer. The incumbents really aren't even paying attention to districts very much because they are looking at their next seat. So I think there has probably been a shift, a subtle shift in the focus in the redistricting negotiations away from incumbency-specific concerns to these sort of underlying partisan concerns that may be also a factor that needs to be explored.

MR. FRENZEL: Thank you, Bruce.

MR. MANN: Just to follow up very briefly on that, I think Rob's questions raised a whole series of very important issues that oftentimes get ignored in contemporary discussions about redistricting and its consequences.

Many things are involved in the decline of competition, and we really have shifted from a period of, as

Bruce calls it, almost idiosyncratic incumbency concerns to strengthened partisanship which has allowed map-making to occur on a much more predictable fashion, but with that has come a geographical polarization of voters that would produce outcomes quite apart from redistricting procedures.

For those of you who haven't seen it--I have a cite to it in my paper near the end--a very interesting piece appeared in the Austin American Statesman, believe it or not, a week ago Sunday, which is called "The Great Divide." It is a series of articles, but this one does a county analysis of partisan voting patterns, and it sees a dramatic increase in the partisan divide by county that exists across the country and with some special investigation in the State of Texas, indicating that one way or another, through residential mobility or sort of social consensus, you are producing much more partisan geographical areas that make it especially difficult to foster competition.

MR. FRENZEL: John, did you want to comment?

MR. PETROCIK: No.

MR. FRENZEL: Okay. We have a question here. You are next, and the gentleman in the striped tie is after you.

MS. WALTER: All right. Person in striped tie, I will find you.

Amy Walter at the Cook Report. I just had a question, and I guess it relates both to what Rob had talked about and Michael and Sandy.

Michael, I am curious about your experience on the Arizona Redistricting Commission, because theoretically we have talked and Sandy ended his statement by saying, "Wow, it would be great if we had these independent commissions and we took it out of the hands of partisans," and yet, Arizona doesn't really have many more competitive congressional districts than it did before you put an independent commission together. There are only basically two competitive districts in the entire state.

I would love to hear your impression of that process and whether or not you think that actually going out and having these independent commissions or the Iowa process that Rob brought up would actually make these more competitive in the end.

MR. McDONALD: Maybe you should direct that question right across the aisle from you to the chairman of the Arizona Commission since he has helped create the coalition to draw those districts.

[Laughter.]

MR. McDONALD: Arizona was faced with a tough situation, to draw competitive districts. It is a

Republican-leaning state, and in addition to that, they had to draw minority-majority districts, two minority-majority districts. When you do that, once you have drawn those districts, you have reduced the chances of competition in the remainder of the state.

I think judging outcomes is not a good way of judging the success of what Arizona did compared to, say, Iowa. The Iowa process--it is in our paper--I am not a big fan of the Iowa system. It is convoluted.

In 1980, it actually was a partisan map that was produced. There is a way that it can be a partisan map. People favor the Iowa system because of the results based on it, but if you look at those districts that are competitive in Iowa, there are Republicans who are mismatched into Democratic districts. If a Democrat won those districts, those districts would no longer be competitive by the Cook Political Report analysis or many others. It is more of a virtue of circumstances that Iowa works so well.

Another thing to pick up is that Iowa, I would like to say it, is like white bread. It doesn't matter which way you cut it. You are going to get back Iowa. Redistricting in Iowa doesn't make as much difference as in a large heterogeneous state, say, a California and a New York, and could you really transfer that Iowa system of

having a nonpartisan legislative support staff draw districts to California where I worked for Willie Brown for a while? I know the partisan staff that is there, and they would be very sensitive to the sort of redistricting decisions that would be made, and would you really get a neutral map there?

I believe the Arizona model is the way to go. I believe we are going to talk about it more in here to get into its depth, but I don't think we are going to talk about Iowa. I am going to trash Iowa a little bit because I think we hold it up so high just because of the outcome.

MR. FRENZEL: Thank you.

Rob, you have the microphone.

Before you begin, let me suggest that after this question is finished and it has had its response, there will be a short break coming.

Thank you.

MR. HOFELLER: Oh, I am between everybody and their coffee and muffins here.

Tom Hofeller. I just wanted to observe a couple of things, and Michael actually brought this up. One of the great urban press myths in America in this redistricting was that Iowa was a commission state. It is not a commission state, and I hope all of you realize that.

As Michael said, the Iowa constitution mandates that congressional districts have to be made out of whole counties, and that was the only combination of reasonably-compacted, contiguous counties that would work under the one-person/one-vote rule.

Indeed, if Iowa had a legislature which was all of one party and the governor was all of one party, they would just reject the three tries of the legislature and draw their own map. So those people who hold up Iowa as the great hope just don't understand what is going on there.

The other thing I might just add with you, Bruce, I can at least tell you from my experience in the last round that incumbent idiosyncrasies are still alive and flourishing.

[Laughter.]

MR. HOFELLER: Maybe there were just a few more instances where the legislatures just decided that they would do what was best for them instead of what they wanted.

MR. CAIN: Well, that is my point, really.

MR. HOFELLER: Yes, but it wasn't always that way, and I have a whole stable of why I need this territory in my district [inaudible], too.

MR. CAIN: No. I didn't mean to say it was gone.

MR. HOFELLER: The other thing is you have to be careful about California, and I can say this because it is my home state. What is it, the Home of the Drive-by Speakership, they call it now? There are just so many peculiar things going on out there because of term limits and because of the nature of politics in the state that it is hard to use it as an example.

MR. CAIN: Well, remember, Tom, that there are 16 states with term limits, and we have a project with the NCSL looking at the experiences of those states that have term limits.

I have been struck, as I read the state reports, at how common the experiences of term-limited states are, including comparing relatively less-professionalized legislatures with the professionalized legislatures of California.

The point is well taken that certainly idiosyncrasies of incumbents are still alive, but my point is that I think there is a greater seriousness, particularly in the states that have the term limits, on drawing districts that survive whether or not you have the incumbent there.

Whereas, when we were doing it in the '80s, we could say that we had a popular incumbent. That incumbent

was likely to be there for the decade. We could leave the district in an underlying partisanship level that might not look like a very good bet for your party, but because that incumbent was there and not going anywhere, you could leave it that way. That kind of reasoning doesn't apply anymore, particularly in the term-limited states because you can't count on the incumbent being there.

That logic doesn't apply obviously to Congress, but I do think the greater seriousness about making sure you design the seat so that it is robust, the changes over the decade, I think that that awareness combined with the greater technical facility that people have is a difference between back in the '80s and the '70s when you and I were first starting out on the business.

I think there is more of an emphasis on the underlying construction of seats and the underlying safety of seats and a greater sophistication about what that means than there was 20 years ago.

MR. HOFELLER: You also have a lot of incumbents who are at the top of the food chain, because they have been there the longest, who really don't have any motivation to hang on, anyway. So you have maybe more opportunity to do that, too.

MR. FRENZEL: Thank you very much.

Any other comment from the panel on that last matter?

[No response.]

MR. FRENZEL: If not, we will recess for 5 or 6 minutes. The coffee pot is in the aisle out here to your right, and the plumbing is in the rear of the building.

[Break.]