
<http://www.latimes.com/news/opinion/commentary/la-op-redistricting30oct30,0,6211410.story?coll=la-news-comment-opinions>

SPECIAL ELECTION

Lawmakers stole your vote

By James Q. Wilson

James Q. Wilson teaches at Pepperdine University and before that at UCLA. He is the author of "American Government."

October 30, 2005

For eight years last decade, California had democracy. Voters had a real say in who they wanted to represent them in Sacramento and Washington. Then state legislators stepped in and fixed the system to spare incumbents the inconvenience of having to worry much about challengers stepping in and taking their seats. Frustration with the rubber-stamp elections that have followed is no doubt one reason why only 27% of the state's voters told a Field Poll in September that they approved of the Legislature.

The machinery of these lawmakers' self-approved tenure system is very simple: The legislators get to draw, every 10 years, the lines around the districts they will represent. To no one's surprise, they draw lines that nearly ensure that they will be reelected. In the 2004 election, the average winning margin in Assembly districts was more than 32%.

When voters recalled Gov. Gray Davis and replaced him with Arnold Schwarzenegger, the Legislature didn't change at all. The successes and failures of ballot initiatives also suggest that the electorate's ideological views have changed dramatically over time. But if you look at the party balance in the Legislature, you'd think California's voters haven't rethought their beliefs in decades.

There has been an exception to this trend of incumbent protection. In 1991, the Democratic-controlled Legislature adopted a redistricting plan, and Republican Gov. Pete Wilson vetoed it. When the Legislature failed to override the veto, the state was left with no districting plan that would reflect the results of the 1990 census. As a result, the California Supreme Court appointed a group of "special masters" to draw district lines.

Within two months, the masters presented a plan that the Supreme Court endorsed. That plan governed every election from 1992 through 2000. The districts were of the same size, respected city and county boundaries and took into account the social and economic interests of the people in each area. The one thing the masters did not do was to draw lines that would make it easy for the incumbents to win.

During the five elections held under this plan, there was real competition for votes. Many districts changed parties. According to a detailed analysis by Douglas Johnson and his colleagues at the Rose Institute of State and Local Government of Claremont-McKenna College, 10 congressional seats, six state Senate seats and 14 Assembly seats changed at least once from one party to the other. In nearly half these cases, party control changed twice.

Democracy was at work. The district lines did not change, but which party won these districts did change as voters leaned one way or the other.

As a result, incumbent politicians were at risk. Though most won, there were several losses: nine times for members of Congress, two times for state senators and eight times for Assembly members.

After the 2000 census, the legislators from both parties put an end to democracy. Running and losing (gasp!) was unthinkable. In 2001, a bipartisan majority passed a redistricting bill designed to protect every incumbent. With one understandable exception, it worked. The exception was the Republican House seat held by Stephen Horn in Long Beach. The Democratic vote in his district had been increasing every year, so the Republicans made a deal: redraw the lines so that Horn (or almost any Republican) would lose in exchange for a new, safely Republican seat in the Central Valley.

In some of the new districts there were no incumbents, and so in two cases there were real contests in the 2002 campaign. But two years later, everything had settled down. Not a single member of the Legislature or Congress lost. No one can be certain, but my guess is that these incumbents will find their seats very safe until the next redistricting in 2011. And then, unless something dramatic happens, we will see another bipartisan incumbent-protection bill passed.

In next week's special election, voters will decide between two plans: Should we allow legislators to protect their districts by letting them draw the lines every 10 years? Or should we turn redistricting over to a panel of retired judges who would draw district lines, much as the special masters did in 1991, with voters given the right to approve or disapprove the results?

Based on the difference between the judicial plan in effect during the 1990s and the political plan in effect since 2001, it's clear that voters will have more influence if the new judicial plan is approved.

Some critics of this plan say that perhaps impartial judicial districting would be a good idea but that we should wait until after the next census. But in 2011 we may well have a governor who likes incumbent protection, and there would be no proposal to let voters decide whether they prefer real democracy. It is sensible to make the change now, while we have a chance.

If you want other stories on this topic, search the Archives at latimes.com/archives.

TMSReprints

Article licensing and reprint options

Copyright 2005 Los Angeles Times | [Privacy Policy](#) | [Terms of Service](#)
[Home Delivery](#) | [Advertise](#) | [Archives](#) | [Contact](#) | [Site Map](#) | [Help](#)

