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JEFF JACOBY

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Power to the people

By Jeff Jacoby, Globe Columnist | February 20, 2005

THE DEEPEST divide in American politics is not the one that separates Republicans from Democrats or conservatives from liberals. It is the gulf between Insiders and Outsiders -- between the incumbents who treat public office as private property and the increasingly neutered electorate in whose name they claim to act. You may have learned in ninth-grade civics class that lawmakers are the people's servants, temporarily entrusted with power that the people can take back at any time. But ninth grade is light-years away from the reality of Congress and the statehouses today, where many legislators regard their positions as lifetime entitlements that voters must not be allowed to tamper with.

The incumbent-protection racket takes many forms, from high ballot-access hurdles to onerous campaign-finance rules. But nothing does more to turn elections into shams than gerrymandering -- mapping congressional and legislative districts so that they become wholly owned subsidiaries of one political party.

Gerrymanders aren't always used to suppress partisan minorities. Sometimes both parties collude, as California lawmakers did in 2001. The Los Angeles Times recalled last week that "Democrats and Republicans struck an agreement ensuring that whichever party represented a district at the time would get or keep a registration advantage. The sweetheart deal worked better than the drafters had expected. In 2002, only three legislative seats changed parties. Last November, not one of the 153 congressional and legislative seats on the ballot switched from 'R' to 'D' or vice versa."

This, says Alan Heslop, an expert on redistricting at Claremont McKenna College, was "surely the most complete and effective bipartisan gerrymander in American history."

The US Supreme Court declined last year to strike down a biased congressional redistricting plan in Pennsylvania, refusing to involve itself in a purely partisan dispute. Though he joined the 5-4 majority, Justice Anthony Kennedy was blunt. "It is unfortunate," he wrote, "that our legislators have reached the point of declaring that, when it comes to apportionment, 'We are in the business of rigging elections.' "

Arnold Schwarzenegger agrees. Unlike the Supreme Court, he intends to do something about it. The charismatic California governor has launched a full-scale attack on redistricting abuse, demanding that the power to draw election maps be taken from the Legislature and turned over to a committee of retired judges. Legislators hate the idea, but they know Schwarzenegger can go over their heads. People's Advocate, the organization that spearheaded the effort to recall former Governor Gray Davis in 2003, has already begun collecting the 600,000 names on petitions it would take to bypass the Legislature and submit a redistricting initiative directly to the voters.

Democrats were quick to blast Schwarzenegger. But Republicans are no happier -- 16 of California's 20 Republican congressmen oppose his plan. The beauty of redistricting reform is that there is nothing partisan about it. It doesn't empower R's at the expense of D's, or vice versa. It empowers voters at the expense of politicians.

Political trends often start in California, but this time the Golden State is joining a crusade already in progress. Several states, including Iowa, Idaho, Arizona, and Alaska, have done away with partisan gerrymandering. Campaigns to follow suit are heating up in half a dozen others.

Including Massachusetts. More than 190 years after the term "gerrymander" was coined here in 1812, the watchdog group Common Cause is proposing an amendment to the state constitution that would do away with gerrymandering forever. The measure would make redistricting the job of an independent commission, which would not be allowed to take party registration or voting history into account. When Common Cause tested its

proposal as a nonbinding ballot question in 15 state representative districts last fall, it passed handily in each one.

"Massachusetts elections are among the most uncompetitive anywhere," says Pam Wilmot, executive director of Common Cause Massachusetts. "Redistricting has always taken place behind closed doors, with zero public input." As a result, freewheeling elections are as rare in Massachusetts as they are in California. No member of the Bay State's congressional delegation has been defeated since 1996, for example. No member of the state Senate has lost a race since 1994.

An end to gerrymandering would be an extraordinary shot in the arm for American democracy, once again making legislative races exciting and responsive. This is the very best kind of government reform -- the kind that can unite conservatives and liberals, Republicans and Democrats. No, honest redistricting won't turn real-life politics into a ninth grade civics class. But it would make it a lot more interesting and democratic than the farce we're stuck with now.

Jeff Jacoby's e-mail address is jacoby@globe.com. ■

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