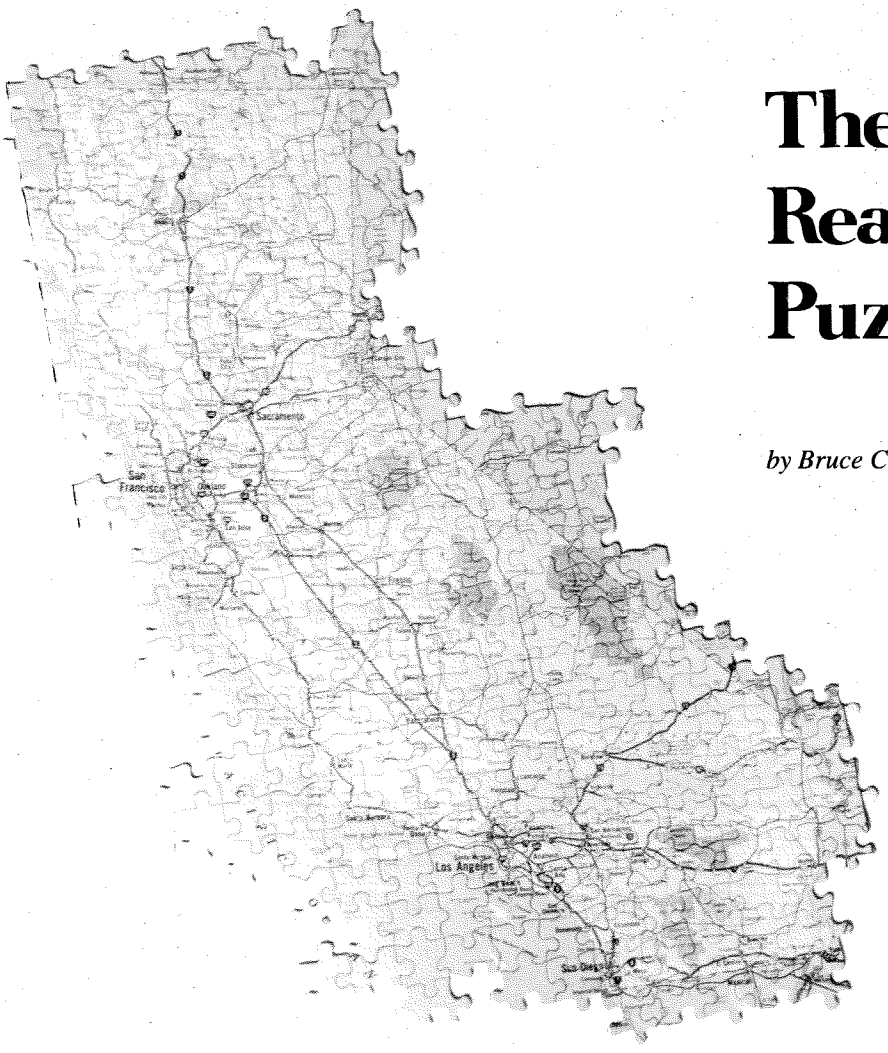


The Reapportionment Puzzle

by Bruce Cain

Every few years the population of the various legislative districts in this country changes sufficiently that they need to be reapportioned. On the face of it, that task seems a simple matter. All that needs to be done is to draw a specified number of districts so that each has the same number of people, or as close to the same number as is practical. The ideal electoral district population is the total state population divided by the number of seats in the legislature. So defined, the problem is technical, not political, since determining the ideal population is an arithmetic exercise and figuring the size of the districts requires knowledge of and skill in the use of census data. One would think that a problem of this sort should not provoke a great deal of controversy; either the districts have equal populations or they do not.

By contrast, the practice of redistricting is quite complicated. A great deal of time and money is spent on drawing and analyzing plans. Reapportionment staffs collect immense amounts of data and build or purchase sophisticated computer systems to aid them in their tasks. The legislators themselves sit through numerous meetings, arguing about various proposals and bargaining for a better seat. The legislative leadership too must devote time to putting together the votes for a bill, time which some would say could be better spent on more pressing policy matters. Even after a bill is passed, the reapportionment struggle continues. Aggrieved parties bring suit against the legislature to invalidate the plan, with the consequence that reapportionment can be fought in the courts for years to follow. In the end, both the participants and the public grow weary of this struggle, and quite naturally, people begin to question whether all of the bother was necessary. Is it not possible to reapportion a legislative body with less expense and trouble? My experience is that both the problem and the solution are more complex than we are likely to imagine.

During 1981, I was on leave from Caltech to head the technical staff for the California State Assembly. I came to the job somewhat fortuitously. At the end of November 1980, I had been suggested to the newly appointed chairman of the Elections and Reapportionment Committee, Richard Alatorre, as someone who could direct

the Assembly's technical work. Since graduate school, I had concentrated my research on elections and parties and had had considerable experience in the application of computers and statistics to the study of elections. When the idea of becoming involved in the Assembly reapportionment was raised, it seemed to me that my background in quantitative approaches would be valuable to the Assembly, and that a year's exposure to what the ex-Speaker of the Assembly, Bob Moretti, has called "the most political, the most crass, the most selfish act that any legislator ever engages in" would be educational for me. What better way for a political scientist to get a taste of politics than to participate in this "most political" legislative duty?

I was able to hire a number of Caltech students over the summer and on a part-time basis to assist me in the technical work. In brief, there were three tasks. One was to build a data set that could be used to analyze the consequences of various proposals. This meant merging census and political data into a large computerized file. Since there is no easy conversion between the two sorts of information, it was a time-consuming and laborious job requiring several months of intensive work. The second task was to construct a graphic display that would show the outlines of proposed districts and update tabular information associated with them. The third task was to put together a plan reflecting the preferences of the legislators that would meet all the requisite constitutional and technical standards. Needless to say, this became the most illuminating part of my job.

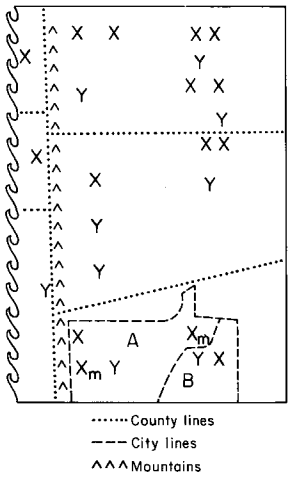
Perhaps the most valuable lesson that I learned from this experience is that the reason reapportionment has proven to be so controversial over the years is that the problem itself is political: that is, it is one that vitally affects the interests of the parties and various interest groups and for which there is no uncontroversial solution. The best way to see this is to examine a simple approach to reapportionment and discover what kinds of problems arise consequently. Then, we will look at some actual problems with drawing district lines in California and return to the issue of reform.

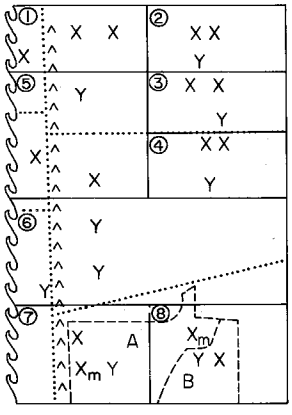
The simplest approach to reapportionment would be to start in some corner of the state and draw square-like districts with the required number of people in them. Many people believe that compactness is the key to fairness. If asked, they would say that they can tell a gerrymander when they see one. The term gerrymander itself derives from the salamander that a painter drew on the map of a contorted district in 1812. Fingers, slivers, jagged edges, noncontiguous census tracts, and abstract forms of all sorts are the images associated with unfairness. Compact forms such as circles and squares are associated with good government. Consequently, the press and the public tend to measure the worth of a reapportionment plan by its shape: A plan with compact forms is assumed to be in the public interest, and one with noncompact forms is assumed to be in the self-interest of the majority party or of incumbents in general.

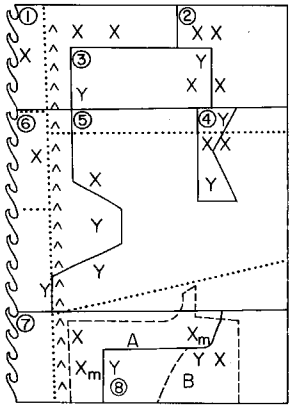
The popular concern for compactness has several sources. One is the legacy of earlier periods in history when communication and transportation were more difficult. Compactness guaranteed that representatives could meet their constituents with relative ease and, vice versa, that constituents could visit their representatives. With the improvement of modern communication and transportation, however, travel over large and sprawling areas is no longer a formidable task. Moreover, the inconvenience of representing a large area can be lessened in fairly simple ways. The representative can have several district offices, or can take cases in a mobile van, or can delegate much of the day-to-day dealings with constituents to district staff. Furthermore, various studies have shown that a great deal of contact between representatives and their constituents occurs over the phone and by mail. People do not have to visit the district office to get what they want.

Thus, the historical reason for compact districts — to lessen transportation and communication costs — is less applicable in the modern era. The more common argument for compactness is for its indirect, rather than direct value. By indirect I mean the value that compactness has because it facilitates the observance of other good-government criteria. By direct, I mean the intrinsic value of compactness per se.

Compactness is commonly linked to other good-government criteria in several ways. It is said that compactness helps preserve communities of interest. Sprawling districts can tie together disparate communities for the sake of partisan advantage. Beach and desert, urban and rural, mountain and valley interests are mingled for political purposes. By requiring districts to be compact, you make it harder for reapportioners to reach across communities for whatever purposes they might have in mind. Compactness for the same reason serves as a preventive against political gerrymandering. Observing compact lines, it is sometimes alleged, ensures greater political fairness because it makes contortions for political advantage more difficult. Compactness also saves cities and counties from being split for political purposes and protects minorities from racial ger-







rymandering. In all these ways, then, compactness allegedly encourages compliance with other good-government criteria. But does it? Is there any logical connection between compactness and other criteria of fairness, and if not, is there at least some empirical connection between the two in California?

One way to explore the question of whether there is any logical connection between nice looking districts and good-government values is to examine a hypothetical example. The figure at the left is a hypothetical state with 6 counties, 2 cities (A and B), and a population of 24 people, of whom we assume that the X individuals belong to one party and that the Y individuals belong to the other. The Xm individuals are minorities. The state has regional variations: The ^ represent mountains, and we will assume that the left-hand edge of the figure is coastal. The dotted lines are county lines, the dashed lines are city lines, and — in the rest of the figures — the solid lines will be the district boundaries. There are eight seats in the legislature, and we will assume that districts must be equally populated with no deviations.

Using the tabula rasa (clean-slate) approach at the left, we will start in the upper left-hand corner and draw a series of compact districts from top to bottom. Each of these eight districts will be either square or rectangular with no jagged edges, slivers, or curvy forms. The compactness of the districts is of course facilitated in this example by the symmetry of the state shape — drawn as a rectangle — whereas in the real world, states themselves can be oddly shaped. Each of our eight model districts has three people in it so there is no population deviation.

The symmetry of the shapes in our model plan masks some disturbing features. To begin with, although the Y individuals constitute over one-third of the population (that is, 9 out of 24), they have only one seat. In short, their ratio of seats to population is highly skewed. In addition, the minorities are split so that they cannot control a seat although they have enough people to do so. The city and county lines are in several places violated where they are noncompact. Finally, the beach areas are linked with the valley and urban areas in several places, making it very hard for them to lobby effectively for their environmental concerns.

The Remedy for Partisan Skew. The first problem is how to redress the imbalance between the population of Y individuals and the number of seats they control. Given the dispersion of the Y population, compact districts do not accurately reflect their numbers. It is well known that the type of electoral system we use in this country is not as fair to dispersed minority parties as is a proportional representation system, common in European countries, which assigns seats to parties based on their proportion of the vote. It is always possible for a minority party to be so dispersed throughout the polity that it comes close to winning several seats but loses them all. In fact, some see this as a desirable feature of single-member, first-past-the-post systems. By exaggerating the strength of the majority party, the system ensures a large enough legislative majority to get bills passed. It is a hedge against legislative immobilism.

While acknowledging that our electoral system is inherently unfair to minorities when they are geographically dispersed, we also see that the way the lines are drawn can aid the bias in favor of the majority considerably. The compact option in our simple example exaggerates the strength of the majority X individuals and the weakness of the minority Y individuals. Such is the importance of the way lines are drawn that the ability of the minority party to achieve representation hinges crucially on which option you pursue.

For example, you can easily adjust the shapes of the districts to increase the strength of the minority; adjusting the shape can compensate, in effect, for the initial dispersion of the minority party population. The reason the Y individuals have so few seats in the first districting is that the Ys in seats 2 and 3 are cut off from each other, as are those in 4 and 5 and those in 7 and 8. In the one seat they hold — seat 6 — they are concentrated so that they have more than the simple majority needed to win the seat. To give the Y population control of four seats, you need to do the following (in the margin bottom left):

1. Put the Y from seat 3 with the Y from seat 4.
2. Put the Y from seat 2 with the Y from seat 5.
3. Put the X from seat 5 with the Ys from seat 6.
4. Put the Y from seat 7 with the Y from seat 8.

The shapes that result are by most definitions noncompact, or what is known in the trade as "ugly." We have gone from a situation of one seat for the Y individuals to a situation of four seats by making our districts as dispersed as the Y population. This indicates dramatically the potential effect of line drawing upon the partisan distribution of a state — it can change the Y population from a minority position to one of political equality, but not without some attendant costs.

First we observe that the lines still cross county and city lines. Second, they violate communities of interest by linking the coastal and noncoastal areas in the new seat 6. The urban areas of cities A and B are linked with nonurban areas in seats 7 and 8. Most important, however, allowing the Ys to have a fourth seat gives them more seats than they deserve. They have only 9 out of 24 individuals in the entire population, but the new plan gives them 50 percent of the seats. In short, the remedy was excessive.

A more moderate proposal for partisan distribution (although still ignoring the other criteria) would be the following:

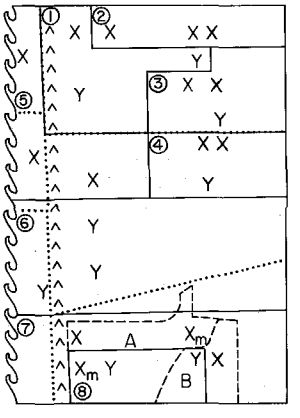
1. Put the Y from seat 2 with the Y from seat 5 and with an X from seat 1 rather than the X from seat 3 as before.
2. Put the remaining Xs from seat 2 with one X from seat 1, and put the remaining X from seat 1 with the Xs from seat 5.
3. Put the Ys from seats 7 and 8 together with an X from one of those seats.

As shown in the margin at top right, this gives the Y individuals three seats out of eight which is exactly proportionate to their population distribution. The ugliness of the lines is lessened somewhat although the new lines are not as compact as our original set.

A remedy for communities of interest. Our first observation about shapes, then, is that compact forms are not necessarily more fair in a partisan sense than noncompact forms. We must not overlook, however, a second characteristic of our electoral system, which is that our legislative districts are geographically based. In a proportional representation system, representatives are elected at large or in big multi-member districts. Typically, voters choose from alternative party lists. The number of specific candidates that are chosen in some order from those lists is commensurate with the party's share of the vote. The representative in such a system does not have sole responsibility for representing a particular geographic area, whereas the representative in the single-member system does, giving specific geographic areas — agricultural, urban, coastal, mountains and desert — a representative who can articulate and defend their interests. Geographically defined seats are thus a crucial component in the pluralist process, that is, a government in which decisions are made by coalitions of groups. The mandate to represent geographic interests is clearer when the districts are more homogeneous; for example, when beach communities are not thrown together with inland industrial areas, when agricultural interests are separated from urban, and so forth. This is the genesis of the idea of preserving communities of interest in reapportionment. While the Supreme Court has not accorded the principle of respect for communities of interest the same standing that it has given to the principle of equal population, the logic of our electoral system makes an argument for striving to preserve these communities of interest wherever possible.

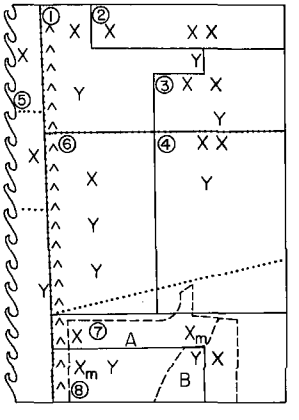
Here too an unhealthy passion for compactness can be an impediment. Consider the example of our hypothetical state. The coastal area in it has been very narrowly defined. Based on the experience of California, it is entirely conceivable that you would not have to travel very far inland before you encountered attitudes on issues such as the environment that were very different from those held by the beach people. In our example, a seat that was purely coastal — or even mostly coastal — would be very long and narrow in shape. Seats that cut across the mountains to take in coastal areas would be more compact but would dilute the voice of the coastal interests.

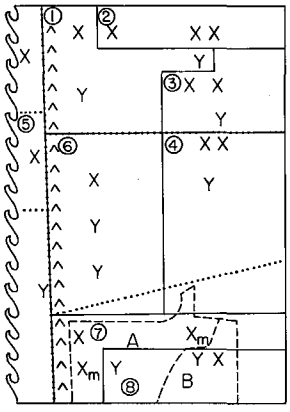
A second community-of-interest problem in our example is the urban/rural division. Our example has two cities (A and B) at the bottom of the state that were violated as urban districts both in the first plan and in the proposal that would have given the Y population four seats. Mixing urban and rural interests can create a situation in which the more populous urban areas swamp out the voices of the less populous rural areas. Preserving urban interests in a manner compatible with the compactness requirement is somewhat easier than preserving rural interests. This is because the very fact that urban areas are more densely populated means that they will need less area to achieve their required populations than will rural districts. Compact and homogeneous rural seats are harder to construct since by definition there will be fewer people per acre of area. To maximize compactness, the reapportioner will be sorely tempted to combine urban areas with rural areas since this will lessen the total area needed to construct a seat, but maximizing compactness in this sense diminishes homogeneity.



A plan that observes the communities of interest in our model state is shown at the right. It would do the following:

1. Unite the coastal Xs from seat 5 with the coastal Y from seat 6, and put the remaining X from seat 5 with the two noncoastal Ys from seat 6.
2. Keep the two urban seats wholly contained so that they are not tied in with the coastal population.

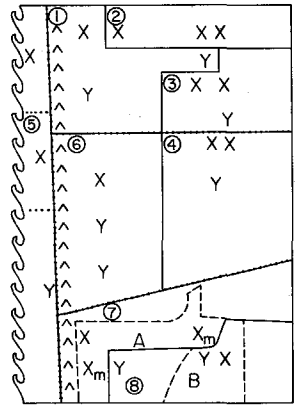




The remedy for minority dilution. The third flaw in the compact district plan we drew earlier is that it divided the minority community in a manner that deprived it of a seat. The principle of minority group strength under first-past-the-post electoral systems is identical to that of minority party strength. To the extent that support is efficiently concentrated, the minority group will not suffer under-representation, but to the extent that the minority group is dispersed, or overly concentrated, it will suffer under-representation.

The division of the minority population can be remedied as shown at the left by putting the Xm from seat 8 with the Xm from seat 7. In order to preserve our earlier move to give the Y party proportionate strength in the legislature, we would add this Xm population to the X individual in seat 7, thereby allowing the Ys to control one of the urban seats.

The remedy for city and county splits. Finally, the quest for compactness runs into yet another hurdle; city and county boundaries might not be compact themselves. Several states have adopted constitutional amendments that require reapportionment plans to respect city and county lines to the extent possible. One justification for these provisions is a version of the community-of-interest argument. Cities and counties are communities with special concerns, and dividing them makes it harder to articulate those concerns. Instead of having voting strength n/p in the seat where n is the number of voters in the city or county and p is the total number of voters in the district, the voting strength of the split city is n′/p where n′ is the share of the city or county that remains in the seat. Some have also argued that neatly interlocking local, state, and congressional lines lessen confusion in the minds of the voters and facilitates cooperation between officials at all levels.



Whatever the merits of constitutional provisions mandating respect for city and county lines, the relevant point is that they will sometimes cause districts to be noncompact. Recall that the dotted lines on our hypothetical state represent county lines and that the dashed lines represent city lines. Respecting county lines dictates that the new seats 4 and 6 be wholly contained in one county. The new form (left) is less compact but more consistent with city- and county-line criteria. The counties at the top are larger than one district in size, so it is necessary to divide them both to create the surplus seats. And it is possible to preserve the city and county lines in our urban area by drawing two seats that are wholly contained in the county. It is common, however, to find that cities annex in very peculiar — and often politically shady — ways, and this is reflected in the nonpopulated appendage of our hypothetical city line. If there were projected growth in that area, it is quite possible that the city would insist that we respect its border even though no one lives in the area at present.

A comparison of the new lines, with all the changes we have made so far, and the original set of lines is stark. The new lines are much less compact, and yet they better satisfy the other good-government criteria. As before, we still have eight seats with three voters in each, but the new lines have given the Y individuals control of three out of the eight seats, which is exactly proportional to their population. The minority group Xm also has gained control of a seat, and the new plan conforms better to county and city lines. Finally, the new lines preserve the beach, urban, and rural communities of interest to a greater extent than did the old.

The hypothetical case we have just examined demonstrates that it is fairly easy to construct a plausible example in which compactness conflicts with other good government norms. There is no necessary logical relation between compactness and other criteria. But it is possible that even though there is no logical relation between the two, there is nonetheless an empirical connection; there could be a happy coincidence between compact lines and proportionate outcomes for minority groups and parties, respect for city and county lines, and the preservation of communities of interest. From the point of view of salvaging the indirect value of compactness as defined earlier, it would not matter much whether the connection was logical or empirical. The relevant consideration is simply that it happens.

In order for this happy coincidence to occur, the following conditions would have to hold:

1. An efficient distribution of partisan support for both parties would have to be compact.
2. City and county lines would have to be compact.
3. Minority communities could not be dispersed.
4. Communities of interest would have to be compact or divisible into wholly contained compact forms.

The first proposition simply reiterates the point that single-member, simple-plurality systems will produce especially disproportionate results if the minority party's support is not efficiently distributed. No doubt, there is a great deal of variation

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across states in this condition, but it seems unlikely that the minority parties in most states will not have wasted strength, that is, population that is too dispersed or too highly concentrated. In California, for instance, both the Democrats and the Republicans have areas where their strength is dispersed and other areas where their strength is overly concentrated. The coincidence of an equitable division of seats and compactness requires efficient levels of concentration — in our hypothetical example, clusters of two. California Democrats are too highly clustered in urban areas and too dispersed in rural and suburban areas. Conversely, Republicans are too highly concentrated in suburban areas and too dispersed in urban and certain rural areas. True efficiency for the Democratic party would require spoke-like appendages from inner city seats out into the suburbs, and even that would be next to impossible for some of the seats right in the middle of Los Angeles and San Francisco. Similarly, you would have to annex inner city areas to the suburban Republican seats to make them more efficient, and reaching the seats in Orange and San Diego counties would require some truly "creative cartography." Quite simply, there is no happy coincidence between efficient partisan strength and compactness in California.

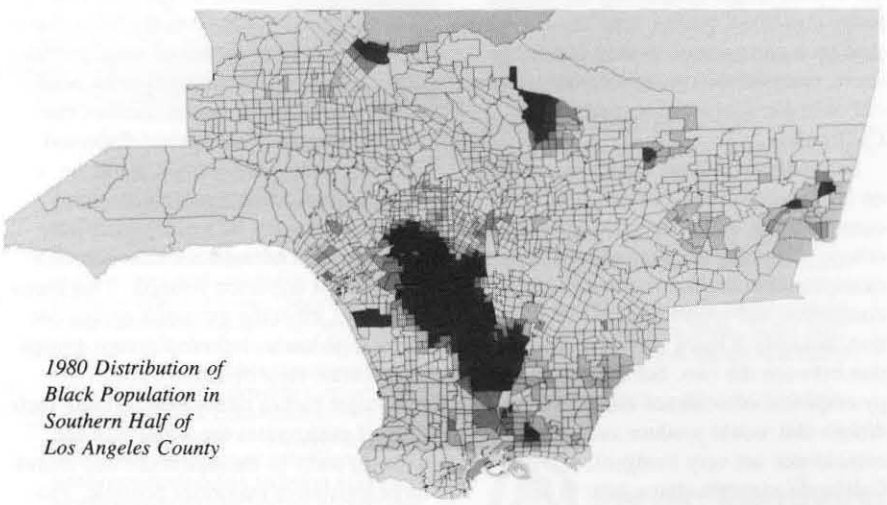
The second condition is that city and county lines would themselves have to be compact. While this may be true in some states, it is certainly not the case in others such as California. Many California cities and counties have noncompact lines. Recently incorporated California cities are particularly good examples of this problem. Gary Miller (formerly assistant professor of political science at Caltech, now at Michigan State), in his study of municipal incorporation of Los Angeles, found that city lines were determined by a variety of political motives. The City of Industry, for example, incorporated an industrial area so that it would not be annexed to nearby cities attempting to increase their tax bases. The effect is that Industry does not need to provide any services since it has practically no residents. Nearby cities — several of which have sizable poor populations and high service needs — are deprived of a potential industrial tax base. Miller concluded that this pattern of incorporation by rich communities to avoid annexation with — and hence taxation by — poor communities is quite prevalent in Los Angeles County.

These politically motivated incorporations have not been compact or symmetrical. The City of Industry looks like the hull of a boat. The city of Monrovia has a narrow appendage with fewer than 100 people in it that is connected to the main body of the city by a drainage ditch. The city of Los Angeles itself is connected to its port area in San Pedro by a narrow corridor that skirts the cities of Carson and Torrance. Pasadena has a stovepipe extension to the north that protrudes up through a reservoir area into unincorporated county land. Commerce, like the City of Industry, is a largely unpopulated industrial area with many jagged sides. The city of Riverside is a mosaic that rivals the most creative efforts of gerrymanderers over the years. The list of similar such examples is quite long.

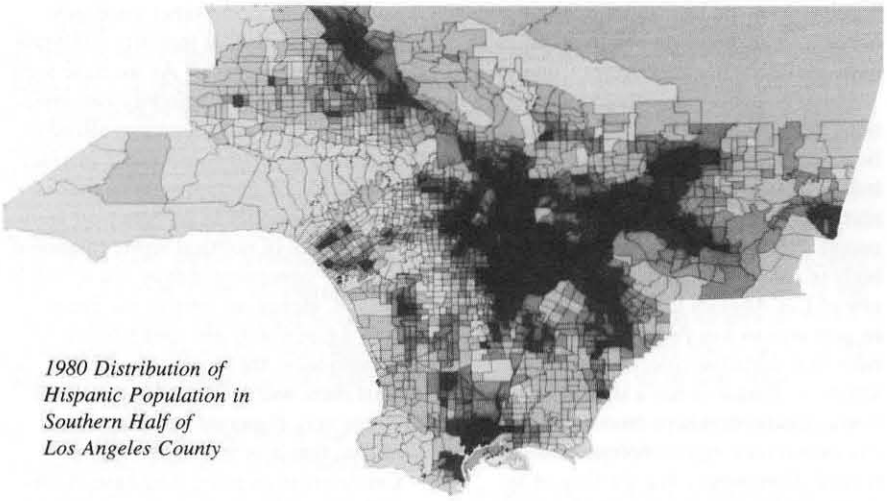
If cities and counties are not always, or even usually, compact, it will be harder to make districts look compact. The reapportioner will be forced to choose between straightening out lines at the expense of splitting parts of cities and counties and preserving the city and county lines at the expense of compactness. If the members of a particular polity decided that compactness was essential, it would probably necessitate a re-evaluation of what constitutes a city or county split. If the separation of even small amounts of territory from a governmental unit is defined as a split, it will be extremely difficult to improve districts aesthetically. A more tolerant definition of a split — more than a certain percentage of population or area — would make the reapportioner's task much simpler.

The third condition for a happy coincidence of aesthetic and other good-government criteria is that minority communities cannot be dispersed. As we have seen several times already, minority communities like minority parties cannot afford to be inefficiently distributed under our electoral system. Of the two sorts of maldistribution, a minority is far better off from the standpoint of political representation if it is overly concentrated than if it is overly dispersed. Hence, as long as the minorities in a given state are concentrated geographically, the representation bias against them will not be too great. If the state has very dispersed minority communities, that bias will be substantial.

California is an interesting case in this regard since it has both dispersed and concentrated minority communities. The Black community in California is concentrated in a few areas: south central LA, Pasadena, parts of San Francisco, Oakland, and Richmond. The Hispanic community, by contrast, is dispersed both within the urban areas and over the rural areas. The Los Angeles Hispanic community is centered in East LA but spills into a number of communities in the East San Gabriel Valley, downtown LA, and the San Fernando Valley. There are also large concentrations of Latinos in San Diego, parts of Orange County, the Imperial Valley, the Salinas Valley, San Jose, the central valley, and Ventura. Dealing with Black representation under a strict compactness constraint is not nearly the problem that dealing with Hispanic representation is. Not surprisingly, the court was able to remedy the underrepresentation of Blacks in 1973, but was less able to please the Hispanics. Affirmative gerrymandering for Hispanics would require a more lenient interpretation of compactness than the one the courts adopted.



1980 Distribution of Black Population in Southern Half of Los Angeles County



1980 Distribution of Hispanic Population in Southern Half of Los Angeles County

The last of the conditions that would have to hold is that communities of interest would have to be compact or at least divisible into compact seats. Obviously, the reapportioners are constrained by the shape of the terrain they have to work with. Valleys, coastal areas, deserts, and urban areas are going to be compact and symmetrically shaped only by fortuity. If the community of interest is sufficiently large, it may be possible to divide it into regular forms, but even so, a purely rural seat will always tend to be dispersed in area because of the low ratio of population to territory. Defining coastal areas will always be problematic, because it is difficult to say where coastal interests begin and end.

As to the plausibility of our example, those familiar with the geography of California will immediately see the resemblance. The desert and mountainous areas of California are so sparsely settled that any seats that contain only these areas will be very large. The coastal areas run down the side of the state and are hemmed in by the coastal range. Respecting the coastal range makes the coastal seats more narrow than pure compactness would dictate. In short, many of the considerations raised in our example apply to the situation in California.

Summing up, I have argued that there is no necessary relation between aesthetic considerations and other good-government criteria. It is easy to construct plausible examples of how the two are sometimes compatible and sometimes not. In addition, not only is there no logical connection between the two, but there is no happy empirical coincidence either. The conditions that would produce such a happy coincidence are very stringent, and the California example shows how in one major state, they certainly did not pertain. The conclusion one would have to draw is that there is not a great deal to be said for the indirect value of compactness; there is no reason to expect that it is a useful facilitator of other good-government criteria. If there is any reason to retain compactness as a reapportionment guideline, it would have to be its direct or intrinsic value.

Does compactness per se have any intrinsic value? We have already considered one possibility — that compact districts lessen transportation and communication costs — and concluded that this was more important in previous periods of history. It might seem that there are no others. Surely, no one would argue that compact districts produce more conscientious, thoughtful representatives than noncompact districts. There is one feature of compactness, however, that is absolutely central to the working of Anglo-American electoral systems: It contributes to their stability.

One of the strongest arguments for a geographically based, simple-plurality system such as we have in the US is that it prevents the proliferation of small parties and exaggerates the strength of the winning party. In other words, the fact that the rules discriminate against dispersed minority parties and groups, it can be argued, is an advantage. Our electoral rules restrict entry by small parties into the legislature because the rules discriminate against dispersed strength. This keeps right- and left-wing extremist groups out of the legislature. It forces interest groups to articulate their demands through the two major parties rather than forming their own. It exaggerates the strength of the winning party in the legislature and makes large legislative majorities possible. Proportional representation systems, by contrast, give each group above a certain threshold size its share of seats. This tends to cause the number of parties in the political system to proliferate and to give extreme groups a public forum. Governments in proportional representation systems tend to be coalitional because no one party has enough seats to form a legislative majority by itself.

Of course, electoral rules are not the only factor that explains two-party stability, but they are a major contributing factor. The effect of making districts intentionally noncompact is to undermine the bias in the rules against dispersed minorities and by so doing weaken the stabilizing feature of single-member, simple-plurality systems (SMSP). Districts that are intentionally noncompact will concentrate a minority group or party when their residential patterns are electorally inefficient. By reaching out and uniting individuals of the same party, ethnic, or racial group, you attempt to give them representation in the legislature commensurate with their population. This would happen naturally in a proportional representation (PR) system, or in an SMSP system where the minority happened to reside in moderately concentrated areas. Without PR rules or a fortuitous geographical distribution, commensurability between voting strength and seats can only occur by some willful effort to make minority strength efficient. We are torn between the demands for representational equity and the nature of the electoral system.

By requiring compactness, you preserve the nonintentionality between shape and the efficiency of minority strength. If it so happens that a minority party or group is efficiently distributed, then they will not be discriminated against. If that group or party is not so fortunate, then the rules will be biased against them. Since most minority groups and parties are dispersed inefficiently in at least some part of the state, the stabilizing feature of the SMSP system is preserved. The key, however, is that the districts must be compact, and where they are not compact, they must be randomly noncompact. If districts are weirdly shaped to help a minority party or group, then they will weaken the system's bias.

What this means is that there may be a fundamental tension between aesthetic criteria and two good-government goals: fair representation for the minority party and fair representation for minority groups. Those who argue for the impor-

tance of compactness must be willing to accept limitations on the achievement of equity for minorities. This may be less of a problem for minority parties than for minority groups. It seems reasonable that minority parties should pay the price of a bias against them in return for two-party stability. The bias against minority groups is more troublesome, however, in the light of recent court efforts to ensure that minority communities are not carved up. From the perspective of the white, median voter in this country, compactness is desirable since it enhances the strength of the majority. From the perspective of the nonwhite population, compactness deprives them of equitable representation for the same reason. For the reapportioner, it presents the first of many conflicts between supposedly consistent good-government goals.

We have seen how conflicts can arise between supposedly consistent criteria. What this means is that reasonable people holding different values can disagree about the way districts are designed. Moreover, it is impossible to draw district lines without affecting the parties in some way, and it will matter little to them whether the effects were intentional or nonintentional. A public interest approach to reform, as advocated by Common Cause, would hand the task of reapportionment over to an apolitical commission with the mandate to draw lines that conform as closely as possible to formal criteria. The problem with this is that there is no simple uncontroversial solution to reapportionment, and the commission must ultimately make choices between competing claims. As the history of commission approaches shows, they too quickly become entangled in the politics of redistricting.

An alternative approach, which is more consistent with the way we normally handle political issues, is to assume there will be inevitable differences of opinion and try to set up an institution that would encourage the most amicable resolution of disagreements possible. This would mean either a politically constituted commission or legislative reapportionment with stricter guidelines about public disclosure. A pluralist approach cannot create unanimity where there is none to begin with. It cannot even build the comforting facade of agreement that a public interest approach offers. Rather, it promises a tolerant, open way for a polity to resolve its disagreements, which, as history demonstrates, is a considerable achievement in itself. □