

Through the years
forces have strived
for impartial redistricting,
usually the minority party

Gerrymander alive and well in Washington

by **Don Duncan**
Times staff reporter

In 1812 the Massachusetts Republican Party of Gov. Elbridge Gerry changed the boundaries of Essex County into a strange dragon shape to favor certain political candidates at the polls.

It gave rise to a new word in the language, "gerrymander," which is alive and well 169 years later in Olympia and statehouses across the country.

It is a word that came up again as Democrats, a minority in both houses of the Legislature, threatened court challenges to Republican plans to redistrict the state.

(An initiative was filed Thursday with the secretary of state that would allow voters to overturn the plan.)

Possibly C. Montgomery Johnson, former state Republican chairman and later top campaign aide to Democratic Gov. Dixy Lee

Ray, put it as succinctly as anyone back in 1969, when he was looking ahead to 1971 redistricting:

"Whoever draws the lines gets the votes. It is as simple as that."

In this state, legislators, the governor, the courts, a special redistricting master, the League of Women Voters and even the voters themselves have tried to set legislative and congressional boundaries.

The "outs" invariably have cried "foul."

When this state's first Legislature convened in 1891—with 70 House members and 35 senators—there is no record of arguments over redistricting.

But politicians have more than made up for that oversight in the intervening years, speaking and writing millions of words, expending millions of dollars and often tying up the business of the Legislature for days on end.



The original gerrymandering of a senatorial district in Massachusetts is caricatured in a dragon shape in this cartoon of the time.

Redistricting—that is, drawing legislative and congressional district boundaries to reflect the population—is mandated by the state Constitution in the legislative session immediately after each 10-year census.

Yet, from 1931 to 1956, legislators simply ignored it. They were members of a club, and a club was loyal to its members, even if they were of a different political faith.

Actually, the Legislature didn't redistrict itself in 1931, either. The courts stepped in and did it.

The League of Women Voters jumped into the picture in '56 with Initiative 199, which would add three legislative districts and rearrange district boundaries so each contained roughly 50,000 persons. At that time, districts had from 18,000 to 130,000 persons.

If the league needed any more ammunition, it got it from the

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Washington State Research Council, which reported that, barring Nevada, Washington State had “the least representative House of Representatives in the nine Western States.”

Predictably, legislators protested. Four of them, seriously affected by reapportionment, brought suit in Thurston County Superior Court to keep initiative 199 off the ballot. Judge Charles T. Wright agreed with them. But, on appeal, the State Supreme Court did not.

The voters approved Initiative 199. But when the 1957 Legislature convened, it immediately set out to amend the initiative. One thing it did, since the Democrats were in power, was to eliminate the at-large congressional seat held by United States Representative Don Magnuson of Seattle since 1953 and carve him a new district, the 7th out of the 4th and 5th Districts. The 7th, not surprisingly, included Magnuson’s home.

There also was some tinkering with the boundaries approved in Initiative 199. Gov. Albert D. Rosellini let the amendments become law without his signature, over cries by Republicans that they had been gerrymandered.

Out of that ‘57 session also came Senate Joint Resolutions 12, a proposed constitutional amendment that would set up a commission to reapportion the Legislature after each federal census—in the event the Legislature failed to do so. It was narrowly defeated at the polls.

In truth, the public cared little about those knock-down-drag-out-battles over redistricting that took place every two years in Olympia. That was ‘politics as usual.’ But in March, 1962, redistricting became a national issue when the United States Supreme Court issued a decision hardly less historic than its desegregation ruling in 1954.

By a 6-to-2 vote, and with cheers from President Kennedy, the court ruled, on a case from Tennessee, that federal courts have the right to rule on whether states fairly and equitably apportion membership in law-making bodies. It was followed, two years later, by Baker vs. Carr, which promulgated the famous “one-man, one-vote” ideal for redistricting.

This state got a test of the 1962 ruling almost immediately.

On June 22, 1962, James Thigpen, a Midway attorney, filed suit to keep state and county officials from holding elections without reapportionment. A 3-judge panel heard the case in July, ruling it should be continued until after the 1962 elections, because there was a reapportionment initiative (No. 211) on the ballot.

The initiative, sponsored by the League of Women Voters, failed at the ballot box. And the Legislature failed to meet the April 8, 1963, court-imposed deadline to reapportion itself.

Time was running out for the Legislature to get its house in order. And, in 1965, the newly elected Democratic majority tried

desperately to whip through the Legislature a redistricting bill that could be signed by “lame duck” Governor Rosellini before the new governor, Dan Evans, took office.

The Republicans stalled, and the ploy failed. Thus began one of the longest, and most frustrating, periods of inactivity in the state’s legislative history—47 days of redistricting debate, during which some 1,200 bills piled up.

Legislators produced two redistricting bills, voting mostly along party lines. Evans promptly vetoed them both, earning the nickname Danny Veto.

Finally, Evans convinced everyone he could veto for four years, if necessary, and a compromise was hammered out that set new legislative-district boundaries. It pleased no one in particular, especially the so-called Eastern Washington “country cousins,” who long had enjoyed a disproportionate representation.

Thus, Washington State, although a bit bloodied, had become one of the first in the nation to enact redistricting without federal-court intervention.

The Democrats, still in control, then tried to push through a congressional redistricting bill. Evans balked. So they tried it as a referendum, to be vetoed on by the people. Evans would not sign it, saying it obviously was intended to guarantee one political party control of the state’s congressional delegation.

Several congressmen were boiling mad. Brock Adams,

Seattle Democrat, called the governor's action "strictly political," and his reasons "a lot of baloney." Lloyed Meeds, Everett Democrat, accused Evans of "thwarting the legislative process."

Even Tom Pelly, Seattle Republican, joined in, saying it was the governor's duty to sign it since the state's congressional delegation had approved the legislative-sponsored referendum on principle.

Evans rejoined that the Legislature could not make an end run around the governor whenever it couldn't get what it wanted.

More than a year later, the State Supreme Court ruled that the measure could be put on the ballot. It was approved by a narrow margin.

Meanwhile, redistricting fever gripped the highest and the lowest echelons of government across the country. There were proposals to amend United States Constitution to get around the one-man, one-vote decision. One measure, championed by the late Everett M. Dirksen, Senate Republican leader, would permit states, by a vote of the people, to elect one house of the Legislature on a basis other than population.

Peace, relatively speaking, reigned in Olympia until 1971. There had been another national census in 1970, and it was time to redistrict again.

The Legislature was split, with a Republican-controlled House and

a Democratic-controlled Senate. No agreement was reached.

In September, the federal court ordered the Legislature to quit stalling. It was given until February 25, 1972, to draw new legislative and congressional boundaries.

Again, the Legislature dragged its feet. And Dr. Richard L. Morrill, University of Washington geography professor, was named a special master for redistricting. He was told to avoid contact with any incumbent legislators or announced candidates.

Morrill went to work with diligence. He produced maps with lines drawn on them. Democrats said they were biased and appealed to the courts. A three-judge panel heard arguments and approved Morrill's redistricting.

Appeals followed. The matter went to the United States Supreme Court, where it was upheld. Republicans rubbed their hands with glee. It looked to them as if the redistricting plan would work in their favor. Democrats were gloomy.

Then came the November elections. The Republicans were trampled. The Democrats shook their heads with disbelief. Peace? Not quite.

In 1975, this state had 98 members of the House of Representatives and 49 senators. If redistricting didn't work to elect the right people and cut down on spending in Olympia, maybe a reduction in the number of legislators would.

First came King County Assessor Harley Hoppe with Initiative 286 which, he said, would trim the Legislature to its constitutional minimum—63 representatives and 21 senators.

When Hoppe failed to get enough signatures, a group called Coalition for a Reduced and Redistricted Legislature came forward with Initiative 294, which was similar to Hoppe's measure. It, too, failed to generate much optimism.

In 1979, the House Constitutions and Elections Committee, approved a bill to set up a five-member commission to redistrict the Legislature and congressional boundaries after the 1980 census.

A fight ensued. The House favored keeping the Legislature out of the redistricting role. The Senate was inclined to give the Legislature a voice. Stalemate.

Through the years, key legislators have said in one session that they wouldn't mind seeing redistricting done right now. In the next session, when their party is out of power, they take the opposite view.

In May, 1979, Senate Minority Leader Jim Matson, Selah Republican, said, "The history of the Legislature redistricting itself has been lousy."

Two years later, no longer in the minority, few Republicans took that view.