CONGRESSIONAL RE-APPORTIONMENT IN MICHIGAN: A STUDY IN PUBLIC POLICY

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Introduction

This paper advances a new approach to the problem of representation in modern representative government. It argues that traditional thinking on sound representation requires thorough revision if new challenges to political democracy are to be met. It presents a standard for the resolution of these problems and discusses the implementation of that standard in congressional re-apportionment in Michigan.

In order to understand the requirements of a sound congressional apportionment, we must first direct our attention to the operating principles at work in the political behavior of modern American society. Unless we know something about our constituencies and the bases for their behavior, we cannot pretend to design representative institutions which suit their needs and protect their rights.

Operating Principles

PRINCIPLE I: The organization potential of any given number of voters increases with the density of population.

Time spent by a political worker in interviews with his constituents varies considerably from domicile to domicile. Some people will talk politics for more than an hour; others have no interest at all. Our experience in the field indicates that a mean canvass time of approximately five minutes per domicile is necessary for a good initial contact with one's constituents.

Now let us apply this cost to three typical election precincts, each with 1,000 registered voters in 500 separate domiciles. If the first precinct consists of high-rise apartment dwellings in a densely populated urban community, the transportation time between domiciles is negligible. One can say with some confidence that adequate contact with these voters can be established in approximately 500 times 5 minutes -- roughly 42 man-hours.

If the second precinct consists of less densely populated single-family dwellings, at least two additional minutes will be required for the canvasser to walk between domiciles. In such a precinct -- typical of the suburban communities -- the manpower cost of a canvass rises to approximately 500 times 7 minutes, roughly 58 man-hours.

If the third precinct consists of widely separated farms which require an average motorized transportation time of five additional minutes between domiciles, the manpower cost of a canvass becomes double that of the initial urban precinct: 500 times 10 minutes or approximately 83 man-hours.

When one considers the additional costs of using motorized transport in the rural precincts or the problems involved when inclement weather makes travel between dwellings unpleasant, it is small wonder that the most densely populated areas are the most susceptible to political organization within any given span of time. It is no accident that "machine politics" in the United States has been associated closely with the big cities.

Of course, this proposition is not new. There is a long, honored, and familiar list of dissertations on the need for "checks and balances" to limit political authority in such a way that political organizations in densely populated areas could not establish firm and lasting holds on major government powers. What IS new is a gradual awareness that some of the old forms of "checks and balances" are no longer feasible in a United States characterized by rapid urbanization, growing population density, and an economic shift from rural to urban occupations.

PRINCIPLE II: Within densely populated areas political abuses need to be limited through the use of countervailing power.

In the past, efforts to limit political power have led to representation systems which skewed representation ratios away from the densely populated areas with a relatively low cost for political organization. Sparcely populated areas with a relatively high cost for political organization thus were used as leveling forces which made it easier for popular indignation to "throw the rascals out" whenever abuses of government power became evident. The modern problem lies in the fact that sparcely populated areas have well-nigh disappeared in some sections of the country, and where such areas remain their ratio of population to the total involved has dropped so low that it becomes increasingly more difficult to justify the over-representation accorded to them.

The problem remains, but the remedy passes on. Clearly what is needed are political institutions which make possible internal checks WITHIN the ever more prevalent and ever more extensive areas of high population density. Since the relatively low costs of political organization in these areas bias them toward a highly organized political situation, proper policy for such areas must foster effective competing organizations within them. If such is not the case, the individual independent voter becomes entirely submerged by the one dominant political machine, thus losing his freedom of choice and his ability to "throw the rascals out."

PRINCIPLE III: In normal times, without unusual

circumstances, the maximum expected deviation of partisan vote does not exceed ten per cent from election to election.

Consider the table appended to the end of this paper under the title, "Percentage Penetration of Party X in the Old 16th Congressional District of Michigan." This table presents the actual outer limits of partisan voting established in our constituency during the 1960 Presidential election year, the off-year election of 1962, and the odd-year spring election of 1963. By normalizing on a percentage basis and comparing the performance of the weakest candidates in each of the three elections, we can chart the trend of core Party X vote in each component of the constituency. Similar procedure comparing the performance of the strongest candidates gives us the upper limit of core Party X vote plus independent vote.

Observe that the spread between the strongest and weakest candidates -- that is, the independent vote -- is NOT large in any area. The largest percentage of net ticket-splitters recorded in any area was 12.2%, and net splitting in excess of 10% of the total vote occurred in only 7 of the 78 spread observations for the 27 components of the constituency. The independent voter exercises an influence only at the narrow margin of an election.

Now observe the changes in voting performance from election to election. It makes no difference whether one compares the weakest candidates or the strongest candidates, the conclusion is the same and is evident by inspection alone -- changes in community voting habits are VERY SMALL. The largest single change recorded for any one of the 104 change observations was 8.2%. Thus, at some limit where the performance of the strongest candidate is not too far away from 41% of the total vote, no one could win an election on the minority ticket.

PRINCIPLE IV: <u>A dominant political organiza-</u> tion tends to become increasingly more dominant.

Notice that the individual communities in our table have been arranged roughly in descending rank order of Party X voting penetration. In the intermediate range, which is bordered by rough limits of core vote somewhere in the neighborhood of 30% to 35% for each party, there is mixed change behavior. Eleven of these communities show the largest changes in favor of Party X, while seven others show their largest changes in favor of Party Y. The remaining community demonstrates equal maximum changes in both directions.

Outside of this intermediate range there is a terrifying uniformity of change behavior. At the top of the table, in the one or perhaps two communities where Party X predominates, Party X shows substantial and continuous growth in penetration. The converse is true at the bottom of the table, where Party Y dominates. There Party Y shows a substantial and continuous growth in the bottom six communities in this category.

Why should this be so? One might ask: "Isn't this simply an expression of the confidence of the people?" In dominated areas the answer is "No." The following direct canvass statements, taken by this writer from some of the householders in dominated areas of the old l6th Congressional District, illustrate the reasons:

"Well, I usually vote X, but there's no point in working for X. They're going to lose anyway. I have time to spend, but none to waste."

"I used to be an X, but I'm a Y now because that's the only way I can get anything."

"My husband's a fireman, so I have to be a Y." $\!\!\!\!$

Intimidation of the single individual is a powerful and conclusive weapon when exercised by the dominant political group. It is the main reason why so few citizens' reform movements are ever successful.

The New Approach

To sum up, we know that densely populated areas have a low cost of political organization, that the independent vote rarely exceeds 10% of the total, that the change of vote from election to election is not as great as 10%, and that progressive disequilibrium toward a one-party system sets in once the core vote of either one of the contenders slips any sizeable degree below 35%. Hence, a 35% to 40% minimum core vote is requisite to the maintenance of two party democracy in any densely populated area. If this condition is not met, the evidence is very strong that complete political dominance by one group can be the only end result for the constituency as a whole. Once competition in such areas is destroyed there are no internal checks to resurrect it. One party government becomes one faction government, and even the primaries of the dominant organization slip under the firm control of machine forces which endorse their preferred candidates. The ultimate step is dictatorship under the ruling bosses of the dominant group.

These developments already have taken place in large parts of several of our major cities. Their continuation presages the passing of political democracy as we now know it for the entire nation.

Application

With the 1960 Census of Population, Michigan became entitled to a nineteenth representative in the Congress of the United States. Where should the additional seat be located? What adjustments, if any, should be made in the boundaries of the eighteen existing districts? What principles should guide the work? The 1962 session of the Michigan State Legislature grappled with these problems but was unable to resolve them. In 1963 the legislative results were different. Three bills were introduced to resolve the problem, and after extensive discussion, negotiation, compromise, and amendment one of them -- Senate Bill 1334 -- became law.

Underlying enactment of this law was a general bi-partisan agreement that equality of population, plus or minus some fairly narrow deviation, should be the guiding factor in establishment of the new districts. Under the old apportionment three of the State's smallest congressional districts were in the City of Detroit, while three of the largest covered suburban communities elsewhere in the same county. This disparity ranged from one congressman for only 268,040 people in the old depopulated 13th Congressional District of Detroit and Highland Park to one congressman for all of 803,436 people in the largely suburban 16th Congressional District. Hence, a vote in some parts of Detroit actually was worth more than three times a vote in Wayne County's southern and western suburbs when it came to electing congressional representatives.

A similar problem existed in Outstate Michigan, where one congressman represented only 177,431 people in the sparcely populated 12th Congressional District of Michigan's Upper Penninsula. By contrast, the giant 6th, 7th, and 18th Congressional Districts all contained more than 600,000 people. (All figures come from the 1960 U. S. Census of Population.)

In order to approximate population equality, the geographic location of the new districts in the Detroit area had to shift toward the suburbs. The central city actually had lost population to those areas during the previous decennium. Elsewhere in the State, the geographic location of the new districts had to shift southward, away from the sparcely populated Upper Penninsula and northern Lower Penninsula.

At that time, a general consensus of legislative leaders agreed upon a 15% deviation from the mean congressional district population of 411,789. This was considered the preferable outer limit to individual district populations. However, deviations of 20% were considered satisfactory if special circumstances warranted the extra margin. Some of the considerations which were thought to justify some flexibility in the outer margins of the population range were the future direction of population growth and migration, efforts to avoid the disruption of established traditions, and preservation of adequate representation for minority groups.

As finally enacted, Senate Bill 133^4 established the extensive 350-mile Upper Penninsula as the new llth Congressional District, with the lowest population in the State. The 1960 Census reports that this sparcely populated area contained 305,984 people, 25.7% below the mean of Michigan congressional districts. Here, the homogeneity, traditions, and sheer expanse of the Upper Penninsula were important considerations in determining the final border. At the other end of the scale came the new 15th Congressional District, covering densely populated areas of Detroit and southern Wayne Conty. This area had a decade-long history of out-migration to other suburban areas. Its 1960 population was 490,310, 19.1% above the mean population of Michigan congressional districts.

Given the general agreement to aim for population equality, the next question was whether or not other considerations besides population were admissable guides in the drawing of district borders. Again there was general agreement that the gerrymandering of borders to create majority districts for partisan or personal advantage was reprehensible. There had been more than enough history on that score, both within and without the borders of the State. Michigan did not wish to repeat the errors of the past.

The sentiment on this account was so strong that some students of the subject concluded incorrectly in the complete inadmissability of any political motivations whatever. This school pushed aggressively for the use of unrelated districting concepts, such as "squareness," as the critical considerations second only to population equality.

Of course, we have suggested already that there is an important and well-defined distinction between efforts to assure the power of a given political group and efforts to provide a political framework in which the citizen maintains that freedom of choice so essential in representative government. Both efforts are 'political." But while the first is reprehensible, the second aims to create institutions which assure that changing conditions in society do not imperil the democratic way of life. Madison, Jay, and Hamilton went to great lengths in The Federalist -- to cite only one of the better known examples from American political tradition -- to outline the types of new political institutions, the "checks and balances" necessary in their day to prevent an undue concentration of political power in the hands of a few. That problem is no less significant today.

Wayne County contains all of the City of Detroit and its eastern, western and southern suburbs. It contains more than a third of the total population of Michigan. It has been and it continues to be the major area of the State which exhibits the central characteristics of concern in this paper -- high population density combined with serious political imbalance. In only one of the six old Wayne County congressional districts did the individual independent voter have a chance to express himself effectively at the polls. In all five of the remaining districts the core vote of one of the parties had slipped well below 40%, and that condition had spelled the end of independent voter control over election results. For all practical purposes the two party system was facing gradual but certain extinction.

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The new apportionment could have included five Wayne County congressional districts which would have been completely secure for one political group and one congressional district which would have been completely secure for the other That apportionment was never seriously considered by anyone who worked on the Wayne County proposal, for it would have made a mockery of the representative process. Instead, the new apportionment created three congressional districts without overpowering domination by any political organization. These are districts where the individual independent voter is once again in control of election results. One hopes that this decision will provide the framework for active, aggressive, informative campaigns -- and for a resurrection of political democracy in areas where that institution was fast on the wane.

PERCENTAGE PENETRATION OF PARTY X OLD 16TH CONGRESSIONAL DISTRICT OF MICHIGAN

Area	Strongest Candidates			Weakest Candidates			Maximum	
	1960	1962	1963	1960	<u>1962</u>	<u> 1963</u>	Change	Spread
Grosse Ile Twp.	70.2	76.6	78.8	66.7	66.9	75.1	8.2	9.7
Belleville	65.5	65.9	71.4	62.0	60.7	65.2	5.5	6.2
West Dearborn	55.4	58.7	n.a.	49.1	47.4	n.a.	.3.3	11.3
Canton Twp.	55.2	55.9	56.1	50.1	49.1	49.7	(1.0)	6.8
Wayne	49.8	53.4	56.2	45.8	44.9	50.0	5.1	8.5
Trenton	51.0	56.5	55.0	47.4	44.5	48.1	5.5	12.0
Gibraltar	49.2	50.3	44.1	45.4	41.3	38.1	(6.2)	9.0
Van Buren Twp.	51.9	50.0	46.3	47.8	44.1	42.8	(3.7)	5.9
Allen Park	40.6	46.9	45.7	35.9	34.7	33.5	.6.3	12.2
Brownstown Twp.	43.9	45.3	39.7	39.5	37.0	35.8	(5.6)	8.3
Dearborn Twp.	39.2	44.8	40.2	33.5	34.4	35.8	5.6	10.4
Huron Twp.	41.1	44.6	41.5	38.2	38.3	38.5	3.5	6.3
Garden City	37.7	43.4	41.9	32.3	31.9	34.9	5.7	11.5
Nankin Twp.	38.4	43.2	37.2	34.3	34.6	33.2	(6.0)	8.6
Taylor Twp.	37.6	42.3	35.4	34.3	33.4	31.8	(1.9)	8.9
Romulus Twp.	37.3	37.8	38.8	34.2	32.9	35.7	2.8	4.9
Wyandotte	36.1	38.9	41.0	33.5	30.7	32.3	2.8 - (2.8)	8.7
Southgate	35.3	39.8	35.7	32.4	30.2	26.8	.4.5	9.6
Riverview	33.1	38.5	31.9	30.3	28.9	26.6	(6.6)	9.6
East Dearborn	31.2	36.8	n.a.	26.5	26.1	n.a.	5.6	10.7
Detroit Ward 18	29.4	31.6	31.6	26.1	24.8	26.9	3.2	6.8
Sumpter Twp.	36.1	33.8	26.3	33.3	29.2	23.4	(7.5)	4.6
Lincoln Park	31.2	35.1	30.8	28.8	26.9	24.2	(4.3)	8.2
Melvindale	32.3	31.2	27.7	28.0	24.4	23.9	(3.6)	6.8
Ecorse	20.8	22.2	20.7	18.7	16.7	15.6	(2.0)	5.5
River Rouge	21.2	21.2	23.6	19.5	17.1	18.4	2.4 - (2.4)	5.2
Detroit Ward 20	19.3	19.5	17.9	17.3	15.3	14.8	(2.0)	4.2
DISTRICT TOTAL	37.1	41.3	40.0	33.8	32.5	33.9	4.2	8.8