

Susan Ladd: Fair representation must be guaranteed by law

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Party politics does and should influence policy, if by party politics, you mean a general belief system about how government should function.

Americans have many different ideas about these issues and elect representatives to represent those points of view.

That's the whole idea behind having representative government.

The one area in which party politics should not intrude is the right to fair representation. Voting always should happen on a level playing field.

Gerrymandering — by either party — corrupts the basic right to fair representation. Both parties have engaged in it, and both have been wrong to do so.

Basically, gerrymandering is drawing districts to give one party an unfair advantage by diluting the voting strength of the other party.

In the past, gerrymandering has produced advantages for the party in power, but it did not guarantee complete party dominance. As computer mapping has become more sophisticated, the process of gerrymandering has taken on an oversized significance, so much so that a party — in this case, Republican — can win a majority of seats even when Democrats cast the majority of votes, as they did in 2012.

Three of the 10 most gerrymandered congressional districts in America are in North Carolina, according to an analysis by The Washington Post following the 2012 election.

A study by Duke University shows that the current, 10-3 congressional split favoring the Republican Party is a very unlikely occurrence on a level playing field. Democrats should hold as many as seven of the state's 13 seats in the U.S. House of Representatives.

In a project called "Quantifying Gerrymandering," Duke mathematicians and computer experts ran the 2012 voting results through 500 simulated elections to find that even with two districts designed with majority minority representation, the Democrats never ended up with only three of the 13 seats.

In the South, majority minority districts act as a way of making sure African American candidates have a shot at winning. But that has been used to achieve the opposite effect, packing African Americans into just a few districts to dilute their votes in other districts. Because the majority of African Americans vote for Democrats, that produces a pronounced advantage for Republicans.

"In a disingenuous way, you used a flawed interpretation of the Voting Rights Act for your own partisan political advantage," Congressman G.K. Butterfield wrote in a prepared statement for the redistricting public hearings on Monday. Butterfield is a Democrat who represents the 1st Congressional District, one of two that were thrown out

Feb. 5 by a panel of three federal judges. “My district is unconstitutional. You drew it that way.”

Democracy North Carolina, a voting rights group, called the maps created in 2011 “computerized Apartheid.”

Jonathan Mattingly, the professor of mathematics and statistical science who headed the research team at Duke, used computer modeling to create hundreds of different “sample” districts that met the basic federal requirements of equal population and relatively compact design.

In the test runs, Democrats took six seats 194 times, five seats 178 times and seven seats in 109 of those redistricting configurations.

Clearly, the outcome of elections with the gerrymandered maps do not reflect the ideal of fair representation.

The same process has played out in many other states, producing a Republican majority in the U.S. House.

And this runaway redistricting didn’t stop with the Congress. It also won both houses of the General Assembly for the GOP.

We now have endured two election cycles with these slanted maps, producing districts so rigged candidates run uncontested by the other party.

Forty-one of 120 state House districts and 13 out of 50 state Senate districts have only one major-party candidate on the ballot for this year’s election, according to the nonpartisan nonprofit N.C. Common Cause.

This matters, the Duke researchers point out, because lack of competitiveness in districts can lead to polarization in the legislature and affect a representative’s willingness to compromise with the other party.

You don’t have to look any further than the gridlock in Congress to see how this plays out in the real world.

But if this lack of competitiveness allows one party to dominate both houses, as it has in North Carolina’s legislature, you get worse than gridlock. You get a party dictatorship that pushes through policies that don’t represent the will of a majority of North Carolina voters.

And those state legislators have been working to push the Republican advantage to the local level by redistricting city and county elections, even making school board elections partisan.

This is not illegal unless it involves a racial component.

But it should be.

“The remedy is for the General Assembly to draw a congressional map that protects African-American communities from vote dilution, a map where each district is approximately the identical size in population, a map that recognizes the interests of the Democratic Party as well as the Republican Party; a map that does not unnecessarily

divide counties of voting districts; and a map that attempts to connect communities of interest,” Butterfield wrote.

But it’s far more likely that the architects of those 2011 maps are working to satisfy the racial component while accomplishing the same rigged outcomes for Republicans. If the Democrats were in power, they would probably do the same.

And therein lies the problem: Redistricting remains a partisan process.

In the redistricting lawsuit being reviewed this week in courts and legislative chambers, voters may win the battle but lose the war.

The only lasting remedy to ensure that neither party has an unfair advantage is to create a plan for nonpartisan redistricting. If the computer mapping is sophisticated enough to create unfair advantage, it can certainly be used to create maps that ensure fairness and voting equality.

If history has taught us anything, it’s that neither party can be trusted to provide fair and equal representation.

It must be guaranteed by law.