The Partisan Consequences of *Baker v. Carr* and the One Person, One Vote Revolution

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In the United States when Baker v. Carr 369 U.S. 186 (1962) was decided, there were

dramatic inequalities in the sizes of congressional districts within many states. The nature of the

inequalities was far from random. Rural districts were overrepresented (under-populated); urban

districts underrepresented (over-populated).[1] These inequalities could be attributed to the repeated

failure of a number of states to reapportion their congressional districts in the light of new census

data and the growth in urban populations these censuses revealed, and/or the existence of states

which, when they did redistrict, systematically under-represented urban areas by creating rural

districts which were much smaller, on average than urban ones.[2] Many political scientists who

advocated reform of redistricting practices did so in the anticipation that, when rural

malapportionment was lessened – few at the time thought it would be entirely eliminated – the

interests of urban dwellers would be better represented.[3] Moreover, since urban districts were

overwhelmingly represented by Democrats, it was also thought that Democrats would gain House

seats.[4]

What actually transpired after one person, one vote cases such as Reynolds v. Sims, 377

U.S. 533 (1964) and Wesberry v. Sanders, 376 U.S. 1 (1964) were decided was considerably

more complicated. While the post-one person, one vote period was a period in which urban

interests gained in strength in the U.S. House, it was not a period in which Democrats made gains

in representation in Congress. To explain these seemingly counterintuitive findings, we must

examine both *compositional changes* (in district characteristics) and *changes in voter behavior*.

On the one hand, while Democrats had their greatest support in urban areas, Democratic

strength in rural areas was actually quite considerable at the time of Baker v. Carr.[5] It was in the

"in-between" districts, those that were neither heavily urban nor heavily rural, that Democrats did

least well. But post-World War II demographic shifts taking place in the U.S. involved increased suburbanization – and this population movement from the city to the suburbs countered gains for urbanites (and Democrats) that might otherwise have occurred. In fact, the reduction in rural districts actually hurt Democrats to the extent that gains in representation came in suburbs rather than cities.

On the other hand, Democratic success is not simply due to the relative composition of districts but to rates of Democratic success within units of each type of district. As we will see, the share of both rural and other non-urban districts won by Democrats has been trending downward since the 1960s, while in the House the Democrat's victory percentage in urban areas has changed little.

There can be no dispute that shifts in voter preferences have hurt Democrats, but there is dispute about the reasons for these changes. Virtually all of the reduction in Democratic success rates can be attributed to changes in the South, where the realigning trends have been strongly against the Democrats.   Some authors have blamed post 1970s Democratic losses in the South on the creation of majority-black districts that "bleached" surrounding districts by draining them of reliably Democratic black voters, thus allowing Republicans to gain victories. But this picture is far too simple.

First, as the Democratic party became increasingly identified with black interests, the willingness of southern whites to vote for Democrats declined. As we will see, it has taken increasingly high percentages of black Democratic voters to produce districts where the chances are substantial that (white) Democrats will be elected.[6] While the creation of black majority districts was not a maximizing strategy for Democrats in terms of seat share, its consequences for southern Democratic losses are dwarfed in magnitude by the long term realigning trend that was sweeping away the Democratic lock on the South.[7]

Second, even when the Democrats still by and large controlled congressional districting in the South, they did not do a good job in anticipating the changing political landscape. In effect

they were redistricting as if Republican gains in white vote would be rolled back, rather than projecting still further white losses as new voters replaced traditional cohorts with a history of past Democratic loyalties. This folly culminated in the 1990s round of congressional redistricting with what two of the present authors have referred to as Southern Democratic "dummymanders," that is, districting done by one party (the Democrats) that appears, at least with hindsight (ca. 1994 and after), to have been a partisan gerrymander designed to favor the other party (the Republicans).[8]

In the next section we provide the evidence for the statements above by looking at the changes in compositional base of House districts terms of a rural, mixed/suburban, and urban trichotomy. We also present comparisons to the demographic changes in the U.S. Senate over this same period as a way of getting a handle on the extent to which changes found in House districts could be attributed to post-one person, one vote redistricting changes.

Data on Demographic and Redistricting Changes after *Baker v. Carr*

We show in Figure 1 the changes in the proportions of urban, rural and mixed/suburban districts in the U.S. House from 1962 to 2004, using a coding scheme based on the density quartiles in 1962 so as to impose consistency in categorization. We see from this figure that there was a slow and steady increase in the number of urban districts over this time period, and a considerable decline in the number of rural districts. But we also see that there was an increase in the number of districts that were neither urban nor rural. Thus, though there were gains in urban representation, and losses in rural representation, the middle category also grew.

<< Figure 1 about here >>

We show in Figure 2, the Democratic share of the House for each of the redistricting periods, along with a breakdown of this data by South and non-South. In Figure 3 are the analogous time series for the Senate. As we see from these figures, the realignment in the South away from the Democrats is painfully evident. The proportion of seats held by Democrats in the former Confederate states plummets in both chambers albeit a bit more quickly in the Senate than the House. But there are not striking differences here between the two figures. The non-South share of seats in the House and the Senate starts out a bit below the overall proportion and more or less tracks the overall percentage until the 1990's when the Southern states really are more or less fully realigned.

<< Figures 2 & 3 about here >>

Now, we turn to the link between the compositional changes shown in Figure 1 and the changes in Democratic success in the House over the same period shown in Figure 2. To try to get a handle on the puzzle of why Democratic gains from one person, one vote were so muted, for each redistricting period, 1962-2002, for the House and Senate, respectively, we show in Tables 1 and 2 the percent of seats won by Democrats as a function of percent urban in the district/state (broken down by quartiles). The difference between the two tables is that Table 1 shows the quartile urban breakdown using categories that are specific to each chamber and specific to each redistricting period, while Table 2 uses a consistent coding, with the quartile groupings for the House from 1962 being used for all years and for both chambers. Figure 1 was based on Table 2.

<< Tables 1 and 2 about here >>

These tables, along with Figure 1, provide us considerable insight into our puzzle. The answer to that question is two-fold. First and foremost, while Democrats were strongest in urban areas, they were stronger in rural areas than they were in the intermediate category (the middle

half) of House districts. Thus, while they gained from the creation of more urban districts, they

actually lost some from the rise in the middle category. As we see from Figure 1, after 1968-70,

when the loss in rural districts did translate entirely into more urban seats, the continuing

reduction in the number of truly rural districts resulted in roughly comparable gains in both the

category of urban seats and the middle (suburban and mixed) category. Second, after 1968,

while Democrats continued to perform strongly in the urban districts, the Democrats did not do as

well in either rural or in-between districts. Thus, the Democrats did not benefit as much as was

once it was thought they would from the decline in rural seats in the House because, on the one

hand, the "new" seats created were only about half urban, with the other half "neither rural nor

urban," that partly offset Democratic gains in one area with losses in another.[9] On the other hand,

there was an overall reduction in the likelihood that non-urban districts would elect Democrats,

again creating losses for which there were no real compensating gains in the new urban seats.[10]

We might also note that Tables 1 and 2 show that the patterns of changes in Democratic support

across different types of constituencies also largely applied when we used states as our units,

except that the Democrats make more dramatic gains in winning senatorial seats in the most

urban states than they do in the most urban House districts.

Another way to get a handle on the extent to which Democrats were advantaged or

disadvantaged by redistricting is to decompose partisan bias into three components: population

bias, turnout bias, and distributional bias.[11] *Population bias* refers to the differential effects of

malapportionment on the two parties. Are the seats won by the Democrats lower in population

than those won by the Republicans (shown as a positive bias), or is it the other way around?

Turnout bias refers to whether the seats won by Democrats are lower in their turnout than those

won by Republicans, controlling for population in the district. This is a measure of the so-called

"cheap seats" effect.[12] Finally, we have *distributional bias*, which indicates the presence of

gerrymandering (intentional or unintentional) in terms of the ways in which voters are distributed

across districts.   We have defined each of the three forms of bias in a way that makes it

independent of the other two types. Thus, to find total bias in any given year we simply add the figures for the three types of bias. [13]

We show population and turnout bias for each chamber in Table 3, and distributional bias in Table 4. We show population bias for the usual 1962-2002 period but, for distributional bias we have extended the data series back to 1936 to see longer run shifts.

<< Tables 3 and 4 about here >>

As we see from Table 3, population bias is remarkably small, so small that its directionality hardly matters. Still, we do see some Democratic gains after 1964, although these are reversed in more recent period times. Thus, contrary to what was usually supposed, if we only look at population bias, the immediate pre-Baker v. Carr period really was not very unfair to Democrats. On the other hand, when we focus on turnout levels throughout the time period, the Democrats benefit from the "cheap seats" in the House. (In contrast, in the Senate, it is the Republicans who have benefited from the cheap seats more recently.)

When we turn to *distributional bias*, at the national level, for the highly aggregated data shown in Table 4, we see that, after a period of pro-Republican bias in the House, partisan bias shifted in a pro-Democratic direction after 1964, although reversing itself more recently (after 1996). In the Senate the bias is also negative early on in the time series, indicating a pro-Republican bias and then around the same time of the sign reversal in the House, the bias starts to tail off as the estimates are still in the pro-Republican direction but not statistically distinguishable from zero. A test for a post-1964 dummy variable effect generated statistically significant results when we confine ourselves to the period plus or minus 30 years, while no such post-1964 variable effect was found in the Senate. Thus, it would seem that, for partisan bias, something is going on in the House that is not being mirrored in the Senate. These data conform

to prior research that showed that overall bias favors the Democrats in the House and the

Republicans in the Senate. [14]

Another possibility is that the control of state legislatures changed over time. Since most

states redraw electoral district boundaries by passing a law, who controls the governorship and

both chambers of the state legislature are going to be important in terms of the final map. Clearly,

if one party has unified control over the state government they are going to be able to enact a

more favorable map for themselves and their fellow co-partisans in the House of Representatives.

Figure 4 has the data indicating the number of states that both parties had unified control over

during the last five rounds of redistricting. In the 1960's round of redistricting the Democrats had

unified control of 22 states, while the Republicans only enjoyed similar control of eight states.

The Democrat control over state governments dips downward to the high teens for the next three

rounds and then falls again in 2002 to just eight states. The Republicans meanwhile go from

eight in 1962 to 13 in 2002.

<< Figure 4 about here>>

The last issue we deal with regarding partisan advantage is the claim that creating black

and Hispanic seats hurt Democrats. Here we will limit ourselves to the South and to the

distribution of African-Americans across congressional seats. Table 5, which parallels analyses in

Grofman, Griffin and Glazer (1992), is taken from Grofman and Brunell (2006, Table 2).

<< Table 5 about here >>

In one sense, Table 5 allows us to see that black population had not been ideally

distributed to the extent that the goal was electing the maximum number of Democrats, in that

had it been geographically possible in the South to transfer black population from districts that

were well over 50% black (or even well over 45% black) and redistributing it so as to increase the

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black population in seats that had few blacks, the number of seats won by Democratic could have been expected to go up.[15] But such effects are, to use an Old Testament analogy, as the smiting of Saul was to the smiting of David. Creating black majority seats may have cost a dozen seats at most, but southern realignment, i.e., white flight from the party, cost Democrats half of their seats in the South!   What we see as the main message of Tables 5 is the continuing decline in the ability of Democrats to win elections in seats that are not heavily black. In particular, we see from Table 5 that to get a two-thirds or more probability of electing a Democrat from the ten-state South, before 1970 we only needed a 0-10% black population; but in the 1970s that went up to 11-20%; in the 1980s it went up to 21-30%; in the 1990s it went up to 31-40%; while after the 2000 redistricting it was only in districts that were 41-45% black or more that the election chances of southern Democrats were above 50%! [16]

Discussion

        We have seen that there were both compositional shifts (in the number of constituencies of different types, especially those that were neither urban nor rural) and behavioral shifts (in the likelihood of Democratic success in districts of any given type) that operated to hurt Democrats in the post-Baker v. Carr period.   As a consequence, predicted Democratic gains from one person, one vote redistricting either did not materialize, or were swamped by other factors, notably realignment processes. We would also argue that claims that voting rights-related majority-minority districts were largely responsible for the loss of Democratic control of the House in 1994 and for a decade after are exaggerated. Similarly, in other work (Brunell and Grofman, 2007 forthcoming) we have been skeptical about claims made about the effects of redistricting on partisan polarization, although we recognize that, on many dimensions, House districts are more homogenous than they used to be.   But we do not wish this body of nay-saying work to be taken as support for a claim that Baker v. Carr and its progeny were unimportant.

Indeed, we believe that the emphasis the one person, one vote cases put on the idea of equality, had reverberations throughout the legal system and in the society, more broadly. In particular, we do not see the Voting Rights Act and subsequent case law about the unconstitutionality of minority vote dilution as having been possible without <u>Baker v. Carr's</u> repudiation of the political thicket doctrine in the context of voting and representation. <u>Baker v. Carr</u> was truly a revolutionary decision. But many of its longer run consequences were completely unanticipated. For example, now that the courts play an active role in reviewing redistricting plans, legislators' often avoid risk and produce plans that protect incumbents and severely diminish political competition.[17] On the other hand, given the U.S. Supreme Court's unwillingness thus far to intervene to overturn plans with egregious partisan bias, in some individual jurisdictions, the pretext of insuring strict compliance with one person, one vote, can act as a disguise for the most blatant of partisan gerrymanders and the creation of some really quite "ugly looking" districts.[18]

Table 1

**Percent of Seats Won by Democrats as a Function of Percent Urban:
House and Senate Breakdown by Quartiles Separately Defined for Each Chamber
for Each Redistricting Period, 1962-2002***

	House			Senate		
	Lowest quartile	Middle half	Highest quartile	Lowest quartile	Middle half	Highest quartile
1962-64	64.4	56.1	77.4	76.9	80.0	65.2
1968-70	55.0	47.7	79.3	76.9	62.1	50.0
1972-80	56.5	56.8	76.9	62.8	45.0	53.7
1982-90	59.7	49.4	82.0	57.9	49.4	69.1
1992-00	39.2	41.9	76.4	48.7	41.0	66.0
2002	38.5	33.7	79.3	44.4	19.1	100

*Entries represent percent of seats in Congress won by the Democratic candidate for the specified years broken down by percent urban. For each time period and chamber we found the cutoffs for the lowest and highest quartile on the percent urban from the census data.

Table 2
Percent of Seats Won by Democrats as a Function of Percent Urban, 1962-2002:
House and Senate Breakdown by Consistent Quartile Coding Derived from 1962 House Data*

	House			Senate		
	Lowest quartile	Middle half	Highest quartile	Lowest quartile	Middle half	Highest quartile
	64.4	56.1	77.4	75.0	75.0	50.0
1962-64	(219)	(424)	(221)	(12)	(52)	(2)
	56.0	48.8	72.2	75.0	58.0	50.0
1968-70	(202)	(420)	(245)	(12)	(50)	(2)
	60.2	54.9	73.1	52.0	51.8	-
1972-80	(352)	(1104)	(688)	(25)	(139)	(0)
	59.4	50.0	77.5	58.9	56.1	-
1982-90	(362)	(1123)	(670)	(19)	(148)	(0)
	47.5	40.0	70.0	33.3	50.7	75.0
1992-00	(303)	(1174)	(690)	(15)	(148)	(4)
	47.5	30.25	73.3	50.0	32.3	100
2002	(40)	(238)	(157)	(2)	(31)	(1)

*Entries represent percent of seats in Congress won by the Democratic candidate for the specified years broken down by percent urban. Here we use the quartiles for the first period from the House for the entire time period.

Table 3

Turnout and Population Related Bias in House and Senate 1962-2002

Year	House Turnout Bias	Senate Turnout Bias	House Population Bias	Senate Population Bias
1962	0.0178	0.0326	0.0064	0.0200
1964	0.0092	0.0171	-0.0013	0.0135
1966	0.0147	0.0287	0.0000	0.0207
1968	0.0168	0.0206	0.0007	0.0199
1970	0.0151	0.0068	0.0010	0.0086
1972	0.0120	0.0204	0.0001	0.0159
1974	0.0142	0.0019	-0.0026	-0.0013
1976	0.0142	0.0032	-0.0021	0.0046
1978	0.0160	-0.0006	-0.0017	-0.0131
1980	0.0191	-0.0282	-0.0034	-0.0314
1982	0.0101	0.0135	-0.0007	0.0098
1984	0.0086	-0.0224	-0.0008	-0.0286
1986	0.0103	-0.0028	-0.0011	-0.0048
1988	0.0128	0.0021	-0.0009	-0.0012
1990	0.0144	-0.0130	-0.0006	-0.0113
1992	0.0098	-0.0080	-0.0001	-0.0093
1994	-0.0005	0.0017	-0.0001	-0.0064
1996	0.0148	-0.0177	-0.0003	-0.0165
1998	0.0134	-0.0149	-0.0008	-0.0158
2000	0.0170	-0.0093	-0.0003	-0.0119
2002	0.0144	-0.0235	0.0005	-0.0214

Table 4

Distributional Bias in the House and Senate, 1936-2004

Year	Senate Bias	SE	House Bias	SE
1936	**-0.0362**	0.0187	**-0.0196**	0.0046
1938	**-0.0148**	0.0215	**-0.016**	0.0049
1940	**-0.0589**	0.0195	**-0.0158**	0.0049
1942	**-0.0611**	0.019	**-0.0225**	0.0049
1944	**-0.0425**	0.0176	**-0.0383**	0.0045
1946	**-0.0674**	0.0243	**-0.0607**	0.004
1948	-0.0253	0.0166	**-0.0398**	0.0039
1950	**-0.0682**	0.0164	**-0.0273**	0.0043
1952	**-0.0537**	0.0211	**-0.0335**	0.0048
1954	**-0.0414**	0.0197	**-0.0323**	0.0032
1956	**-0.0713**	0.0174	**-0.038**	0.004
1958	**-0.0367**	0.0163	-0.0032	0.0034
1960	**-0.0568**	0.0206	**-0.0134**	0.0043
1962	-0.025	0.0167	-0.0005	0.0055
1964	-0.0014	0.0171	0.0026	0.0043
1966	**-0.0402**	0.016	**0.0254**	0.005
1968	-0.0261	0.0161	**0.0145**	0.0039
1970	-0.0125	0.0186	**0.0216**	0.0036
1972	0.0057	0.0154	**0.0163**	0.0046
1974	-0.0264	0.0209	**0.0151**	0.0033
1976	-0.0276	0.0171	**0.049**	0.0046
1978	-0.0273	0.0182	**0.0485**	0.0048
1980	-0.0168	0.016	**0.039**	0.0047
1982	0.0026	0.0141	**0.0187**	0.0046
1984	-0.0166	0.0158	**0.0527**	0.0039
1986	-0.0348	0.018	**0.0473**	0.003
1988	**0.0201**	0.018	**0.067**	0.0028
1990	-0.0095	0.012	**0.0544**	0.004
1992	0.0111	0.0151	**0.0243**	0.0047
1994	-0.0024	0.0136	**0.0126**	0.0044
1996	0.0075	0.0149	**-0.0317**	0.005
1998	-0.0008	0.0169	**-0.0221**	0.0039
2000	-0.0262	0.0182	**-0.011**	0.0038
2002	0.0059	0.0171	**-0.0157**	0.0037

* Bold entries are statistically significant at .05 or better.

Table 5

**Relationship between Percent Black in a Congressional District and
Likelihood of Electing a Democrat:
South Only, 1962-2002**

Year	Percent Black in District									
	0-10%	11-20%	21-30%	31-40%	41-45%	46-50%	51-55%	56-60%	61-70%	>71%
1962-1964	82.9% (35)	82.5 (40)	96.2 (52)	89.1 (46)	88.9 (9)	100 (10)	-	100 (2)	-	-
1966-1970	69.8 (63)	66.7 (57)	85.3 (75)	75.0 (60)	100 (24)	100 (9)	100 (3)	-	-	-
1972-1980	65.4 (104)	66.9 (151)	79.0 (99)	76.3 (110)	76.7 (30)	100 (5)	-	-	-	-
1982-1990	56.2 (130)	60.9 (174)	78.2 (101)	68.4 (95)	100 (20)	100 (1)	100 (1)	87.5 (8)	100 (5)	-
1992-2000	27.2 (235)	57.1 (140)	40.0 (105)	80.0 (15)	80.0 (5)	-	100 (20)	88.0 (25)	91.4 (35)	-
2002	24.4 (45)	34.5 (29)	38.1 (21)	44.4 (9)	80.0 (5)	100 (2)	100 (3)	100 (5)	100 (3)	-

* Entries are the percentage of districts won by the Democratic candidate with the total number of districts in that category in parentheses. 10 state south: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia. Source: Brunell and Grofman, 2007 forthcoming (Table 2)
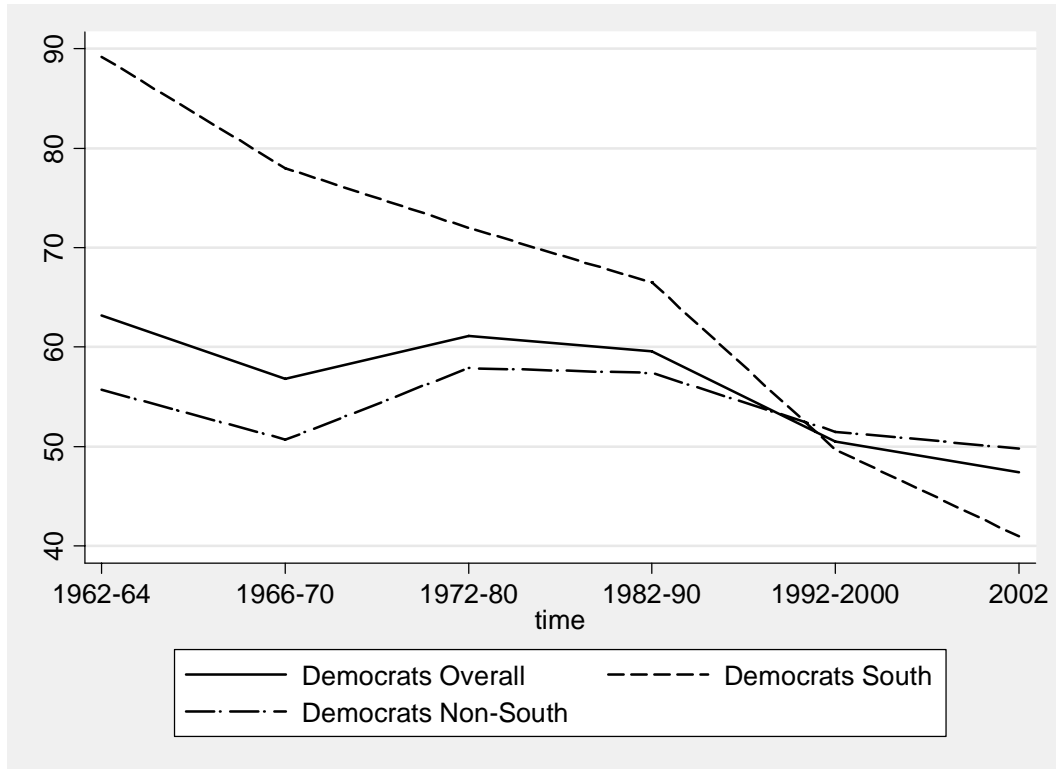
Figure 1.

**Changes in Proportion of Rural and Urban Districts in the U.S. House
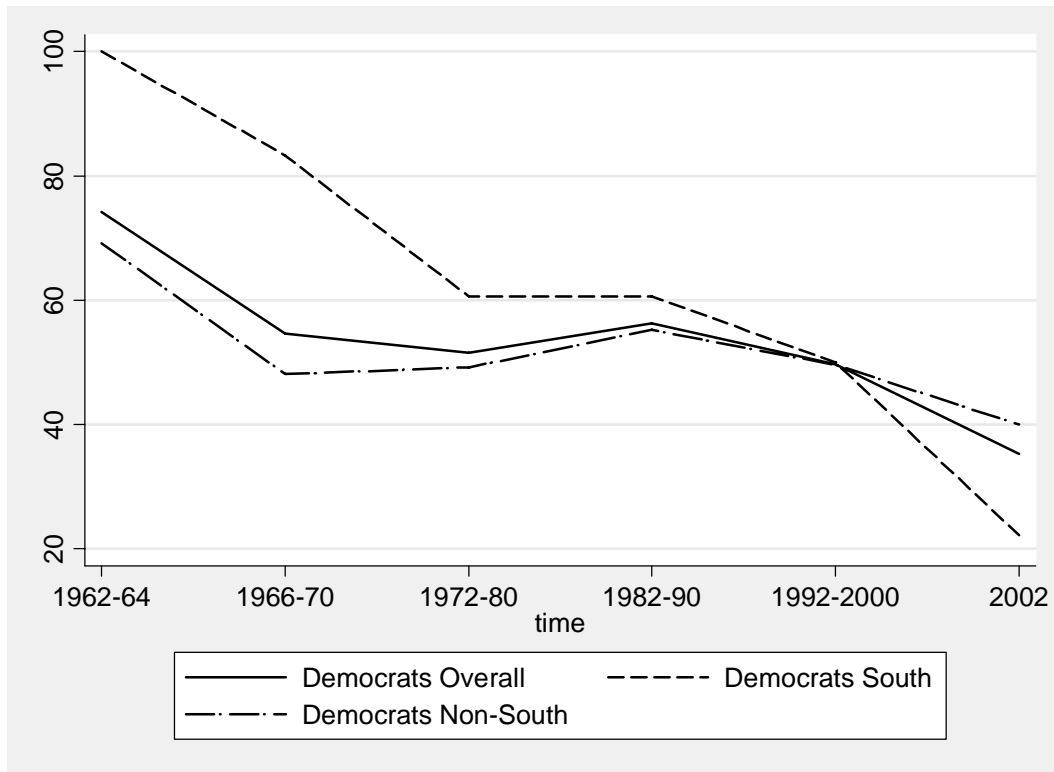by Redistricting Period, 1962-2002**
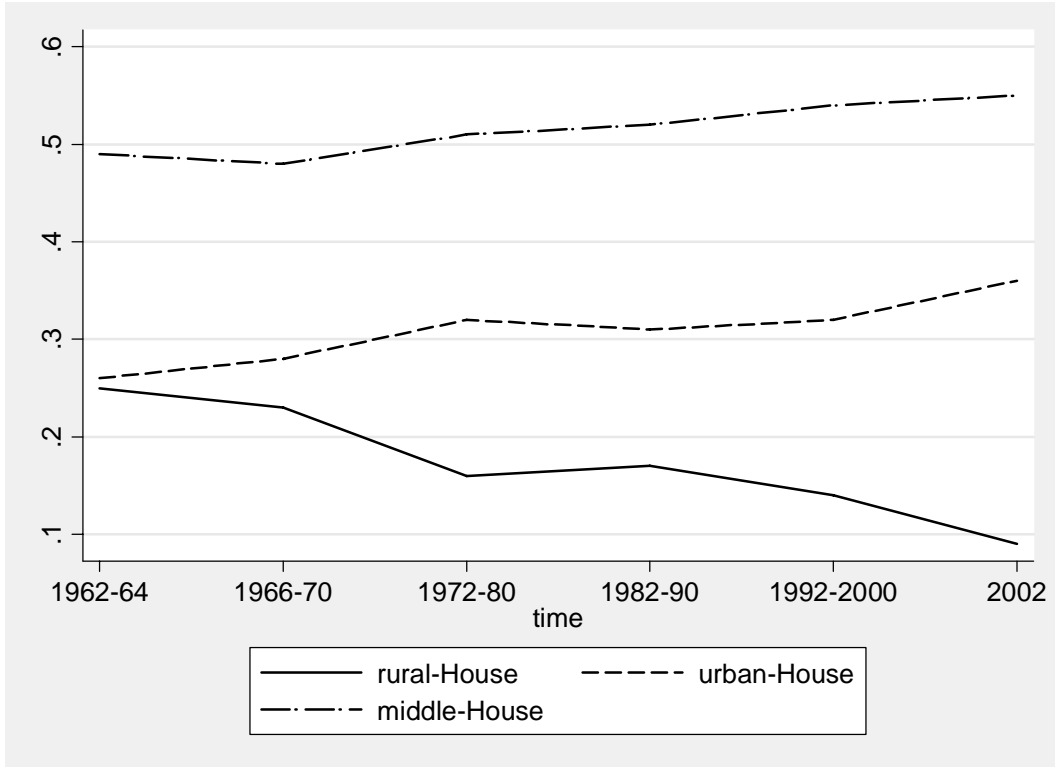
Figure 2

Democratic share of the House Seats for Each Redistricting Period, 1962-2002, also broken down by South and non-South
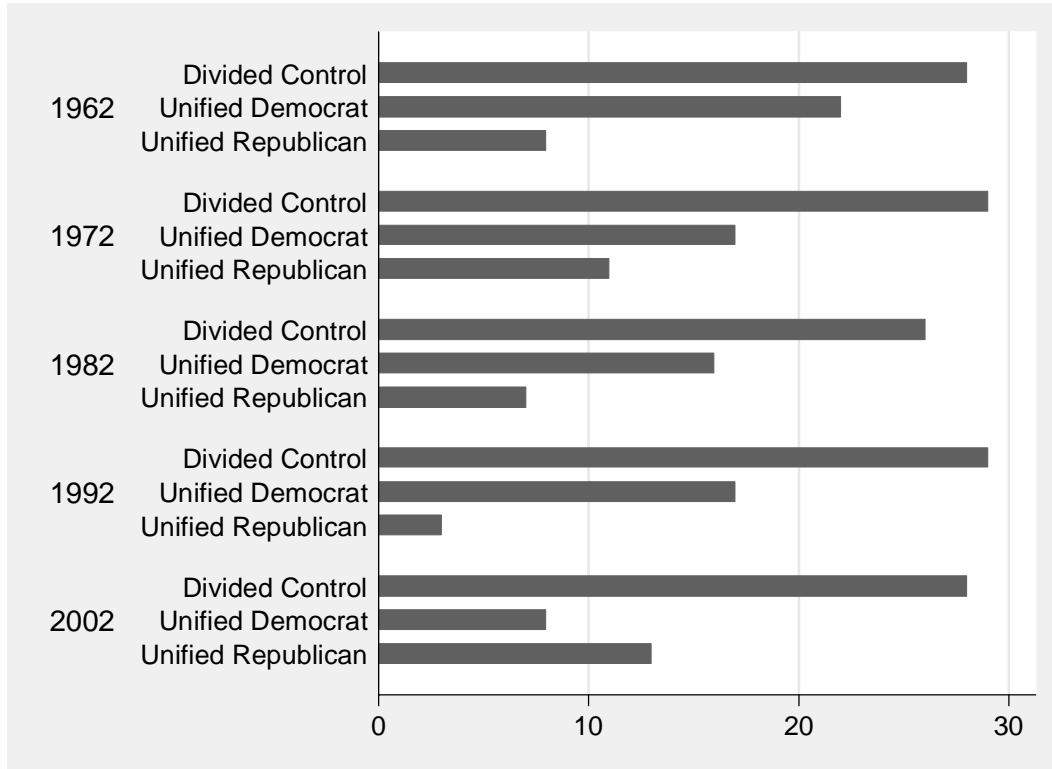
Figure 3

Democratic share of the Senate Seats for Each Redistricting Period, 1962-2002, also broken down by South and non-South

Figure 4

State Governmental Control by Redistricting Period

* Bars indicate the number of states that are either under partisan unified control (Governor and
    majorities in both state legislative chambers controlled by one party) or divided control.
    The data reflect the situation in each year prior to the scheduled election that year.
    Nebraska's unicameral, non-partisan legislature is not included in the data.

[1] There were similar inequities in state legislative apportionments, but this essay will limit itself to redistricting in the U.S. House of Representatives.

[2] After the 1920 census no federal reapportionment took place for the House, largely as a response to the power of rural representatives. Moreover, even when reapportionment was resumed, many of the states which had not changed in the size of their House delegation failed to redistrict, while other states only redistricted their House delegations when they were compelled to do so by changes in the size of their congressional delegation

[3] Baker, Gordon E. 1955. Rural Versus Urban Political Power: The Nature and Consequences of Unbalanced Representation. Westport, Connecticut: Greenwood Press.

[4] It was also thought that gains for urban areas might benefit African-Americans, since there had been a post-WWII shift of black population from southern rural areas into Northern cities.

[5] Ansolabehere and Snyder (2004) make this point. Ansolabehere Stephen and James M Snyder. 2004. "Reapportionment and Party Realignment in the American States." University of Pennsylvania Law Review 153 (No. 1, November): 433-457.

[6] See additional discussion in Brunell and Grofman (2007 forthcoming). Brunell, Thomas and Bernard Grofman. "Evaluating the Impact of Redistricting on District Homogeneity, Political Competition, and Political Extremism in the U.S. House of Representatives, 1962-2002." In Levi, Margaret and James Johnson (Eds.), Mobilizing Democracy. New York: Russell Sage Foundation, forthcoming.

[7] Grofman, Bernard, and Lisa Handley. 1998. "Estimating the Impact of Voting-Rights-Act Related Districting on Democratic Strength in the U.S. House of Representatives." In Bernard Grofman (Ed.) Race and Redistricting in the 1990s. New York: Agathon Press, 51-67.

[8] Grofman, Bernard and Tom Brunell. 2005. "The Art of the Dummymander: The Impact of Recent Redistrictings on the Partisan Makeup of Southern House Seats." In Galderisi, Peter (Ed.) Redistricting in the New Millennium, New York: Lexington Books, pp. 183-199.

[9] We may this call a *composition effect.* Grofman and Handley, 1998,op.cit.

[10] This is what we may call a *behavioral effect.* Grofman and Handley, 1998, op.cit

[11] Grofman, Bernard, William Koetzle, Thomas Brunell. 1997. "An Integrated Perspective on the Three Potential Sources of Partisan Bias: Malapportionment, Turnout Differences, and the Geographic Distribution of Party Vote Shares." Electoral Studies, 16(4):457-470.

[12] Campbell, James E. 1996. Cheap Seats: Democratic Party Advantage in U.S. House Elections. Columbus, Ohio. Ohio State University Press.

[13] Grofman, Bernard, William Koetzle, Thomas Brunell. 1997. "An Integrated Perspective on theThree Potential Sources of Partisan Bias: Malapportionment, Turnout Differences, and the Geographic Distribution of Party Vote Shares." Electoral Studies, 16(4):457-470.

[14] Brunell, Thomas. 1999. "Partisan Bias in US Congressional Elections, 1952-1996 – Why the Senate is usually more Republican than the House of Representatives." American Politics Quarterly 27(3):316-337.

[15] Cf. Grofman, Griffin and Glazer (1992). Grofman, Bernard, Robert Griffin and Amihai Glazer. 1992. The effect of black population on electing Democrats and liberals to The House of Representatives. Legislative Studies Quarterly, 17(3):365-379.

[16] Now there is little possibility of turning back the clock. The fate of the Democrats in the South rests largely on their base of black support.

[17] Cox and Katz (2002) make the point that a court plan as a revision point changes legislative strategies. The threat (or actuality) of a court drawn plan can force recalcitrant legislators (or a governor) to reach accord across the aisle to avoid the imposition of a court-drawn plan that neither party wants. This has happened, for example, in each of the past three decades with respect to the state of New York's congressional plan. Cox G, Katz, J. 2002. Elbridge Gerry's Salamander: The Electoral Consequences of the Reapportionment Revolution. Cambridge University Press.

[18] Grofman, Bernard and Gary King. 2007. "Partisan Symmetry and the Test for Gerrymandering Claims after *LULAC v. Perry*: "Election Law Journal, 7(1):2-35.