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## DRAWING THE LINE

*How redistricting turned America from blue to red.*

**By Elizabeth Kolbert**

S ometime around October 20, 1788, Patrick Henry rode from his seventeen-

*David Daley's "Ratf\*cked" examines the legacy of the REDMAP initiative.*

hundred-acre farm in Prince Edward, Virginia, to a session of the General Assembly in Richmond. Henry is now famous for having declared, on the eve of the Revolution, “Give me liberty, or give me death!”—a phrase it’s doubtful that he ever uttered—but in the late seventeen-eighties he was best known as a leader of the Anti-Federalists. He and his faction had tried to sink the Constitution, only to be outmaneuvered by the likes of Alexander Hamilton and James Madison. When Henry arrived in the state capital, his adversaries assumed he would seek revenge. They just weren’t sure how.

“He appears to be involved in gloomy mystery,” one of them reported.

The Constitution had left it to state lawmakers to determine how elections should be held, and in Virginia the Anti-Federalists controlled the legislature. Knowing that his enemy Madison was planning a run for the House of Representatives, Henry set to work. First, he and his confederates resolved that Virginia’s congressmen would be elected from districts. (Several other states had chosen to elect their representatives on a statewide basis, a practice that persisted until Congress intervened, in 1842.) Next, they stipulated that each representative from Virginia would have to run from the district where he resided. Finally, they stuck in the shiv. They drew the Fifth District, around Madison’s home in the town of Orange, to include as many Anti-Federalists as possible.

An ally of Madison’s who attended the session in Richmond wrote to him that while it was unusual for the legislature to “bend its utmost efforts” against a single individual, this was, indeed, what had happened: “The object of the majority of today has been to prevent *yr.* Election in the house of Representatives.” Another friend reported, “The Counties annexed to yours are arranged so, as to render your Election, I fear, extremely doubtful.” George Washington, too, was pessimistic; Madison’s defeat seemed to him “not at all improbable.”

Henry's maneuver represents the first instance of congressional gerrymandering, which is impressive considering that Congress did not yet exist. (One of his biographers has observed that Henry was fortunate that "the wits of Virginia" weren't quick enough to invent the word "henrymandering.") Since then, every party out of power has railed against the tactic. Meanwhile, every party in power has deployed it. The Federalists, when they got their turn, gerrymandered just as energetically as the Anti-Federalists. So did the Whigs, the Democrats, and, once the Whigs collapsed, the Republicans. In the eighteen-thirties, the Anti-Masonic Party briefly came to power in Pennsylvania. The Party used its hour upon the stage to push through a round of gerrymandering.

In contrast to our union, gerrymandering actually has grown more perfect with time. Henry had only his gut to go on, and his gut, it turned out, wasn't that reliable. In spite of his machinations, the Fifth District elected Madison. Today, when party functionaries draw district lines, they have at their disposal detailed census results, precinct-level voter tallies, and a cloud's worth of consumer choices. The result, David Daley argues in "Ratf\*\*ked: The True Story Behind the Secret Plan to Steal America's Democracy" (Liveright), is a system so rigged that it hardly matters anymore who's running for office.

**M**uch of "Ratf\*\*ked" is devoted to a Republican scheme optimistically called REDMAP, for Redistricting Majority Project. REDMAP was created in early 2010, at a point when the country's electoral map was largely blue. In twenty-seven states, Democrats held the majority of seats in both houses of the legislature, and in six more they held a majority in one house. The Presidency, the U.S. Senate, and the House of Representatives were all in Democratic hands. To describe their own party, Republicans were using words like "wounded" and "adrift."

And, as bad as things looked at the time, the G.O.P.'s prospects down the road looked even worse. In 2011, new census figures were due to be released, and this would trigger a round of redistricting. Republicans, Daley writes, were facing “a looming demographic disaster.”

The idea behind REDMAP was to hit the Democrats at their weakest point. In several state legislatures, Democratic majorities were thin. If the Republicans commissioned polls, brought in high-powered consultants, and flooded out-of-the-way districts with ads, it might be possible to flip enough seats to take charge of them. Then, when it came time to draw the new lines, the G.O.P. would be in control.

“People call us a vast right-wing conspiracy,” Karl Rove told potential donors to the project at an early fund-raiser in Dallas. “But we’re really a half-assed right-wing conspiracy. Now it’s time to get serious.”

Daley conveys what happened next through the example of David Levdansky, a member of the Pennsylvania House of Representatives. Levdansky, a Democrat, had served in Harrisburg for thirteen terms. He was running for a fourteenth in a picnics-and-handshakes sort of way when flyers with out-of-state postmarks started landing in his constituents’ mailboxes.

“Stop David Levdansky from increasing taxes by a billion dollars again,” one declared.

“David Levdansky voted to waste \$600 million taxpayer dollars and build an Arlen Specter library,” a second announced.

“\$600 million down the toilet just to honor Arlen Specter,” a third flyer lamented. (Specter, then the state’s senior U.S. senator, had recently switched his party affiliation from Republican to Democratic.)

Between mid-October and early November, prospective voters in Levdansky's district, south of Pittsburgh, received something like two dozen pieces of negative mail. The mail campaign was reinforced by equally negative cable-TV ads.

Levdansky tried to explain that the information in the flyers was false. The appropriation he'd voted for was to help finance a new library at Philadelphia University, and it amounted to just two million dollars. But the truth was no match for REDMAP. Levdansky lost his seat by a hundred and fifty-one votes.

"The fucking Arlen Specter library," he tells Daley.

Others who found themselves in REDMAP's crosshairs met similar fates. Daley, a journalist who now edits the Web site Salon, goes to interview a second former Pennsylvania representative named David Kessler. The two meet in a pizza parlor near Reading.

"I could have been running against that saltshaker and I would have lost," Kessler says. "Because it all came down to those mailers." One flyer sent to Kessler's constituents likened the "\$600 million" Arlen Specter library to the Taj Mahal.

This pattern was repeated in normally sleepy legislative districts from North Carolina to Oregon. All told, in 2010 Republicans gained nearly seven hundred state legislative seats, which, as a report from REDMAP crowed, was a larger increase "than either party has seen in modern history." The wins were sufficient to push twenty chambers from a Democratic to a Republican majority. Most significantly, they gave the G.O.P. control over both houses of the legislature in twenty-five states. (One was Pennsylvania.) The blue map was now red.

**T**wo of the most common gerrymandering techniques are "packing"

and “cracking.” In the first, the party in charge of redistricting tries to “pack” voters from the rival party into as few districts as possible, to minimize the number of seats the opposition is likely to win. In the second, blocs of opposition voters are parcelled out among several districts, to achieve the same goal.

Both techniques were brought to bear in Pennsylvania. The new Republican majority “packed” blue-leaning voters into a handful of districts around Philadelphia and Pittsburgh. Then it “cracked” the rest into districts that tilted red.

The original gerrymander—named for Massachusetts’ ninth governor, Elbridge Gerry—was a sinuous blob that wound around Boston. (“The Gerry-Mander: A new species of Monster” read the headline over a cartoon of the district that ran in the March 26, 1812, edition of the *Boston Gazette*.) Among the misshapen districts to emerge from Pennsylvania’s 2011 redistricting plan is one Daley describes as looking “like a horned antelope barrelling down a hill on a sled.” Another has been compared to Donald Duck kicking Goofy in the groin. So skillfully were the lines drawn that in 2012—when President Obama carried Pennsylvania by three hundred thousand votes and the state’s Democratic congressional candidates collectively outpolled their G.O.P. rivals by nearly a hundred thousand votes—Republicans still won thirteen of Pennsylvania’s eighteen seats in the U.S. House of Representatives.

“Arguably the most distorted map in the country” is how one researcher described the Pennsylvania districts. “In Pennsylvania, the Gerrymander of the Decade?” the Web site Real Clear Politics asked.

ANOTHER REDMAP target was Michigan. In 2010, the project poured a million dollars into legislative campaigns in the state, an expenditure that helped elect Republican majorities in both chambers. When the

state's new congressional map was unveiled in 2011, one commentator likened it to a psychedelic confection, "with districts swirling around Southeast Michigan like colors in a Willy Wonka lollipop." *Roll Call* labelled Michigan's revamped Fourteenth District one of the "five ugliest" in the country. The Fourteenth, which starts in Detroit, snakes through eastern suburbs like Grosse Pointe, and then abruptly juts west and north to Pontiac, has an outline that resembles Bart Simpson holding a fishing pole. It became known as "the 8 Mile Mess," after a major thoroughfare that forms one of its boundaries. (Its rivals for the ugliest-district award included North Carolina's Fourth, nicknamed "the Hanging Claw," and Maryland's Third, dubbed "the Pinwheel of Death.")

REDMAP's strategists were so pleased with how the 8 Mile Mess and the lollipop swirls performed in November of 2012 that they boasted about it in an end-of-year analysis. "The 2012 election was a huge success for Democrats at the statewide level in Michigan," they wrote. "Voters elected a Democratic U.S. Senator by more than 20 points and reelected President Obama by almost 10 points." Still, Republicans ended up with the lion's share of the state's congressional seats—nine, to the Democrats' five.

Daley's account of REDMAP's craftiness is compelling—so compelling that it almost undoes itself. If gerrymandering is all-important, it's hard to explain how REDMAP ever got anywhere. In 2010, Republicans were dealing with lines that had, in several key states, been drawn by Democrats. Yet the G.O.P. managed to win control not only of state legislatures but of Congress.

Daley addresses this problem by presenting 2010 as an electoral outlier. First came the unanticipated frenzy of the Tea Party. Then came Citizens United. The Supreme Court's decision turned the usual torrent of campaign cash into Niagara Falls.

REDMAP was funded by a super-PAC-like group called the Republican State Leadership Committee. In the aftermath of Citizens United, the R.S.L.C. raised nearly thirty million dollars. (Altria, the parent company of Philip Morris, contributed \$1.4 million; Reynolds American, owner of R. J. Reynolds and the American Snuff Company, kicked in another \$1.3 million.) Many of the contributions—roughly eighteen million dollars' worth—were received just weeks before Election Day. To the extent that state lawmakers like Levdansky and Kessler even realized what was going on, they didn't have time to respond.

The blue equivalent of the R.S.L.C. is the Democratic Legislative Campaign Committee. By the logic of “Ratf\*\*ked,” it should have been fighting REDMAP tooth and nail. And yet it seems to have been caught napping. Daley has no real explanation for this, aside from the old Will Rogers joke, “I belong to no organized political party. I am a Democrat.” When Daley interviews Representative Steve Israel, of New York, who's in charge of the Democratic Congressional Campaign Committee, Israel tells him, “The Republicans have always been better than Democrats at playing the long game.”

Credit for coining the word “ratfuck” is often given to Donald Segretti, one of the dirty tricksters who worked on Richard Nixon's 1972 reelection campaign. (A typical Segretti “ratfuck” involved composing a letter on Senator Edmund Muskie's letterhead accusing one of Muskie's rivals for the Democratic Presidential nomination, Senator Henry Jackson, of having fathered an illegitimate child.) The term comes in so handy in politics that it could be—and probably is—used all the time. Only rarely, though, does it make it into print, and it's from one of these appearances that Daley draws his title.

As Daley tells it, the story begins in 1989. Lee Atwater, who, a year earlier, as manager of George H. W. Bush's Presidential campaign, had



said of Bush's opponent, Michael Dukakis, that he was going to "strip the bark off the little bastard," had just become chairman of the Republican National Committee. The map that confronted Atwater—much like the one that would later confront the R.S.L.C.—was awash in blue. Atwater decided Republicans needed to "do something about redistricting," and he assigned this task to the R.N.C.'s counsel, Ben Ginsberg. The "something" Ginsberg came up with was an appeal to the Congressional Black Caucus.

The caucus didn't have much reason to listen to the R.N.C. At the time, it had zero Republican members (and today it has just one). But Ginsberg argued that when it came to redistricting—or, from another perspective, gerrymandering—the two groups shared a common interest. How about if they collaborated?

The pitch worked. The R.N.C. and the Congressional Black Caucus joined forces to press for the creation of more majority-black districts. These districts were drawn so as to concentrate, or "pack," African-American voters, a move that had a dramatic and possibly permanent effect. Consider the example of Georgia. In 1990, the state sent nine Democrats to Congress. Eight of them were white; the ninth was the civil-rights leader John Lewis. In 1994, the state sent three African-Americans to Congress. The trade-off was that only one white Democrat got elected (and he switched parties five months later). Perhaps not coincidentally, in 1994, Republicans took control of the House. In an interview with this magazine the following year, Ginsberg said he was convinced that the alliance with the Black Caucus had been crucial to the G.O.P.'s victory. Asked if the strategy had had a name, he said no, then jokingly suggested "Project Ratfuck."

Like revolutions, ratfucks often turn on their own. In the case of REDMAP, this may be karmic, or it may simply be mathematical. The science of gerrymandering is now so precise that most incumbents' main

fear is a primary challenge, and here the best defense is to play to the lunatic fringe. The net result, as many analysts have noted, is increasing polarization. Daley takes this analysis a half step further, arguing that the control Republicans exercised over the latest round of redistricting is the very reason the Party has lost control over its members. The representatives who make up the House Freedom Caucus—the group that last year forced House Speaker John Boehner to resign—hail from districts so red that the biggest danger they face is being branded insufficiently immoderate. Daley quotes James Huntwork, a Republican election-law expert, who describes a primary campaign in a typically lopsided district as a contest between one candidate who says, “I am completely crazy!” and one who says, “I am even crazier than you!”

**W**hat is to be done about all this? Over the past few decades, dozens of lawsuits have been filed to block redistricting plans on the ground that they disenfranchise one party’s voters or the other’s. A few of these challenges have made it all the way to the U.S. Supreme Court, without much success. (The Court has sometimes intervened in cases of racial gerrymandering, and it recently agreed to hear a challenge to the lines Republicans drew for Virginia’s House of Delegates. The suit alleges that the lines reduce the influence of minority voters by “packing” them into too few districts.)

In the meantime, several states, including Iowa and California, have tried to slay the Gerry-Mander by shifting responsibility for redistricting from their legislatures to independent boards. Perhaps the most disturbing chapters of “Ratf\*\*ked” deal with what happens when this sort of civic-minded effort bumps up against the realities of partisan politics. (Think of a small bunny bumping up against a ten-ton truck.)

Daley recounts how, in 2000, Arizona voters opted to turn redistricting over to a board made up of two Democrats, two Republicans, and one independent. The commission’s maiden effort, in 2001, was generally

regarded as an improvement over previous plans. But by 2011 both Democrats and Republicans had figured out how to game the system, and Arizona's experiment in bipartisanship devolved into ever more devious forms of ratfucking. One of the commissioners was accused of lying about contacts with Democratic Party officials. A group that claimed to be working for "fair" districts turned out to be funded by a Koch-brothers-linked conservative network. The Republican governor tried to oust the commission's chairwoman, charging her with "gross misconduct." The only basis for the charge seemed to be that the governor did not care for the way the new districts had been drawn.

"The closer one looks, the less independent the Arizona Independent Redistricting Commission appears," Daley writes. He finds the situation so disheartening that he proposes the whole election system be revamped. States, he suggests, should return to the multi-member districts that were popular back in Patrick Henry's day. There is no reason to expect this or any other reform to be enacted. Pretty much by definition, gerrymandering suits those in power.

As far as the upcoming election is concerned, a REDMAP victory seems almost guaranteed. In House races in 2012, 1.7 million more votes were cast for Democrats than for Republicans. And still, thanks to the way those votes were packed and cracked, Republicans came away with thirty-three more congressional seats. A Trumpocalypse, if such a thing is possible, could put seemingly safe districts in play. But few pundits see that as likely.

In preparation for the next census, Democrats have come up with a REDMAP-like plan of their own. They call it Advantage 2020, and say they hope to fund it to the tune of seventy million dollars. Republicans, for their part, have announced REDMAP 2020. Their spending goal? A hundred and twenty-five million dollars. ♦

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