

# REDISTRICTING: CASE LAW AND CONSEQUENCES

## REAPPORTIONMENT AND PARTY REALIGNMENT IN THE AMERICAN STATES

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*Malapportionment of state legislatures before the mid-1960s gave urban and suburban voters much less representation than they deserved. This Essay documents that suburban and urban voters had markedly different policy preferences, party identifications, and partisan voting behaviors than voters in rural areas, who were overrepresented. However, the patterns were not uniform. In the Northeast and North Central, the suburban and urban underrepresented areas were much more Democratic than rural areas. In the South and West, the rural voters leaned more Democratic than the urban and suburban voters. Policy preferences split differently in the Northeast and North Central than they did in the South and West. Urban and suburban voters were much more liberal on social welfare and economic policy than rural voters in these areas. In the South and West, few differences existed across locales. On only one issue did the urban and suburban areas have more liberal attitudes throughout the nation: racial politics. Court-ordered reapportionment thus increased the political weight of liberals and Democrats in the Northeast and North Central, but not in the South and West. Reapportionment moved the median voter in all regions to the left on issues of civil rights and racial policy.*

### INTRODUCTION

Reapportionment of state legislatures during the 1960s radically altered representation in the United States. Throughout the first half of the twentieth century, despite state constitutional requirements for population-based representation, most state legislatures either required representation of area as well as people or neglected to draw

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new district boundaries. As a result, representation in state legislatures failed to reflect much of the growth in urban and suburban areas that occurred during the late nineteenth and early twentieth centuries. By 1960, dramatic differences existed in at least one chamber of almost all state legislatures. In California, for example, Los Angeles county had one state senate seat for its six million people and the three smallest counties in the state, with a combined population of 14,000 people, shared a senator.<sup>1</sup> In Connecticut, Hartford had two state representatives for its 162,000 residents, while Union had two representatives for its 400 residents.<sup>2</sup> Through a series of significant court cases, beginning with *Baker v. Carr*,<sup>3</sup> the U.S. Supreme Court forced the states to eliminate these disparities by the end of the 1960s.<sup>4</sup>

The sudden decline in rural political power in state legislatures had broad effects on public policies. Equalization of representation altered the distribution of public spending across areas within the states. Overrepresented areas had long gained a disproportionate share of public expenditures because of their advantaged political positions. That vanished once representation was equalized.<sup>5</sup> It was natural to believe that the “liberal urban agenda” would succeed in other policy matters as well. Surprisingly, a broad shift in public policy in the states cannot be traced to reapportionment, and several scholars have, in fact, found little or no evidence that malapportionment affected the overall liberalness of state policy, including overall levels of expenditure and labor regulation.<sup>6</sup> The exception is civil

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<sup>1</sup> ROBERT B. MCKAY, REAPPORTIONMENT: THE LAW AND POLITICS OF EQUAL REPRESENTATION 46-47 tbl. (1965) (Comparative Data on the Composition of State Legislative Districts During [the] 1963 and/or 1964 Sessions).

<sup>2</sup> *Id.* at 48.

<sup>3</sup> 369 U.S. 186 (1962).

<sup>4</sup> For an excellent summary of these cases, their progression, and the legal and constitutional issues involved, see DANIEL HAYS LOWENSTEIN, ELECTION LAW: CASES AND MATERIALS 71-113 (1995).

<sup>5</sup> See Stephen Ansolabehere, Alan Gerber & James Snyder, *Equal Votes, Equal Money: Court-Ordered Redistricting and Public Expenditures in the American States*, 96 AM. POL. SCI. REV. 767, 776 (2002) (“Within 15 years of the *Baker* ruling, the doctrine of one-person, one-vote resulted in a substantial *equalization* of the distribution of public funds within states.”).

<sup>6</sup> See Thomas R. Dye, *Malapportionment and Public Policy in the States*, 27 J. POL. 586, 599-601 (1965) (“The impact of reapportionment on public policy, however, may be somewhat less sweeping than many expect.”); George H. Fredrickson & Yong Hyo Cho, *Legislative Apportionment and Fiscal Policy in the American States*, 27 W. POL. Q. 5, 32-37 (1974) (“Great changes in apportionment, it appears, slow the process of change in spending patterns.”); Herbert Jacob, *The Consequences of Malapportionment: A Note of*

rights legislation, which a pair of studies by Robert Erikson suggest may have enjoyed increased support in state legislatures outside the South as a result of reapportionment.<sup>7</sup>

In this Essay, we examine the effects of reapportionment on the political parties. At the time, it was conjectured that Democrats and liberals would see the greatest political gains because urban areas tend to be the most Democratic and usually had the least state legislative representation. Democratic, labor, and liberal political organizations provided much of the political activism in support of reapportionment.<sup>8</sup> Erikson has also examined the effects of malapportionment on party control of non-southern state legislatures that were substantially malapportioned.<sup>9</sup> In general, he concludes, Democrats tended to gain.<sup>10</sup> However, only half of the chambers analyzed showed substantively large effects, and some states saw significant Republican gains.<sup>11</sup> Subsequent studies have found similarly small net gains for the Democrats in the wake of reapportionment. Across the nation, Democrats seemed to have gained about three percent more state legislative seats.<sup>12</sup> This lack of party effects has been a cause of some debate, with partisan gerrymandering often blamed for the weak Democratic gains.<sup>13</sup>

*Caution*, 43 SOC. FORCES 256, 260-61 (1964) (“If malapportionment has a widespread effect on state politics, it is a good deal more subtle than we have hitherto thought.”).

<sup>7</sup> Erikson argues that outside the South, Democratic control led to a higher rate of passage of civil rights legislation. Robert S. Erikson, *The Relationship Between Party Control and Civil Rights Legislation in the American States*, 24 W. POL. Q. 178, 181 tbl.2 (1971). In a separate paper, he shows that reapportionment increased Democratic representation in the North and Midwest. Robert S. Erikson, *Malapportionment, Gerrymandering, and Party Fortunes in Congressional Elections*, 66 AM. POL. SCI. REV. 1234, 1244 (1972) (“The pre-1966 overrepresentation of northern Republicans in Congress resulted from a Republican ‘gerrymander.’”).

<sup>8</sup> See, e.g., WARD E.Y. ELLIOTT, *THE RISE OF GUARDIAN DEMOCRACY* 252 (1974) (“The reapportionment cases brought an unprecedented display of the Court’s constituencies in action . . . [and] everybody had some kind of spokesman except the general public . . .”).

<sup>9</sup> See Robert S. Erikson, *The Partisan Impact of State Legislative Reapportionment*, 15 MIDWEST J. POL. SCI. 57, 58 (1971) (detailing his study).

<sup>10</sup> *Id.* at 70.

<sup>11</sup> *Id.* at 65; see Bruce W. Robeck, *Legislative Partisanship, Constituency and Malapportionment: The Case of California*, 66 AM. POL. SCI. REV. 1246, 1250 (1972) (noting that “Republican districts became ‘safer’ politically after reapportionment, while districts controlled by Democrats were relatively less secure”).

<sup>12</sup> Erikson, *supra* note 9, at 64.

<sup>13</sup> See, e.g., GARY W. COX & JONATHAN N. KATZ, *ELBRIDGE GERRY’S SALAMANDER: THE ELECTORAL CONSEQUENCES OF THE REAPPORTIONMENT REVOLUTION* 213 (2002) (“[R]edrawn Republican-held districts tended to show a large variance in [Demo-

Two puzzles emerge from past research. First, why did the Democrats make only modest gains following *Baker*, given the enormous underrepresentation of cities in state legislatures? Second, why are the policy effects of reapportionment limited to civil rights and the distribution of public expenditures? Uneven policy changes and weak Democratic gains reflected, we believe, the nature of malapportionment throughout the country prior to *Baker*. While partisan gerrymandering and related monkey business probably contributed some, much of the pattern of policy shift and partisan shift can be understood in terms of three factors: who was underrepresented, where, and what they believed.

To answer these questions, we examine the contours of electoral behavior and citizens' policy attitudes across the regions and parties in the decades leading up to the implementation of the one person, one vote standard. We examine aggregate data on state election returns and the structure of legislative districts to measure the partisan effects of malapportionment. We examine the National Election Studies (NES) from 1952 to 1968 to map the policy preferences of urban, suburban, and rural voters living in different regions.<sup>14</sup>

These data show that there was one "realignment revolution," not many. Malapportionment in the state legislatures regularly followed the contours of population, with rural areas having disproportionately more state legislative representation. However, the partisanship and political orientations of rural, suburban, and urban communities varied across states and regions.

We discern four distinct regional patterns of partisan underrepresentation that are attributable to malapportionment. In the South,

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cratic] vote share relative to otherwise comparable but untouched districts.").

<sup>14</sup> NAT'L ELECTION STUDIES, 1952: PRE-/POST-ELECTION STUDY (dataset) (1999), available at <http://www.umich.edu/~nes/studyres/nes1952/nes1952.htm>; NAT'L ELECTION STUDIES, 1956: PRE-/POST-ELECTION STUDY (dataset) (1999), available at <http://www.umich.edu/~nes/studyres/nes1956/nes1956.htm>; NAT'L ELECTION STUDIES, 1958: PRE-/POST-ELECTION STUDY (dataset) (1999), available at <http://www.umich.edu/~nes/studyres/nes1958/nes1958.htm>; NAT'L ELECTION STUDIES, 1960: PRE-/POST-ELECTION STUDY (dataset) (1999), available at <http://www.umich.edu/~nes/studyres/nes1960/nes1960.htm>; NAT'L ELECTION STUDIES, 1962: POST-ELECTION STUDY (dataset) (1999), available at <http://www.umich.edu/~nes/studyres/nes1962/nes1962.htm>; NAT'L ELECTION STUDIES, 1964: PRE-/POST-ELECTION STUDY (dataset) (1999), available at <http://www.umich.edu/~nes/studyres/nes1964/nes1964.htm>; NAT'L ELECTION STUDIES, 1966: POST-ELECTION STUDY (dataset) (1999), available at <http://www.umich.edu/~nes/studyres/nes1966/nes1966.htm>; NAT'L ELECTION STUDIES, 1968: PRE-/POST-ELECTION STUDY (dataset) (1999), available at <http://www.umich.edu/~nes/studyres/nes1968/nes1968.htm>.

malapportionment advantaged the Democrats, because rural areas voted much more Democratic than urban areas. In the Northeast and North Central, malapportionment tended to advantage Republicans, because rural areas in these regions voted heavily Republican while urban areas voted Democratic. In the West, a more mixed picture emerges, and the differences between urban and rural are less pronounced than in other regions.

Political orientations and policy preferences also varied across regions and locales. Southern rural voters, who were overrepresented throughout the South, tended to be very conservative; northern urban voters, who were underrepresented in their regions, tended to be very liberal. The differences between northern and southern voters are well known, but not exactly relevant. The more meaningful comparison is within each region. How did these voters compare to other partisans across geographic locales within their respective regions? Were urban and suburban southerners, for example, more liberal than rural southerners? Such would have to be the case for reapportionment to affect public policy by realigning the electorate represented in the state legislatures.

Some important differences did exist. However, the patterns are such that the policy implications of reapportionment varied across regions and across areas of public policy. Both within the parties and in the electorate as a whole, different political geography correlated differently with ideological belief and policy liberalism across regions. In the Northeast and North Central, reapportionment had the greatest potential to shift policy to the left; in the West, there was no such potential.

The potential to shift policy, we document, came from two engines. First, reapportionment had the potential to shift the locus of the median voter in the state legislative electorate as a whole. The average voter in many regions was much more liberal than the overrepresented rural voter. Second, reapportionment had the potential to move the political parties. Urban and rural voters within the Democratic Party differed substantially on most issues of the day. The Republicans were not similarly split. Reapportionment in the mid-1960s likely fueled the divisions within the Democratic Party—divisions over race, labor relations, education, and economic policy—that events and organizations were pushing to the fore of the national political agenda.

In the pages that follow we document these patterns using a mix of aggregate and survey data. Our goal is less to estimate the effects

on specific policy changes and more to document the patterns of malapportionment as they relate to the representation of political preferences. Ultimately, we argue that reapportionment produced four different regional patterns of partisan realignment. In the Northeast and North Central, reapportionment shifted politics toward the Democrats and the Left. In the South, reapportionment shifted politics toward the Republicans, but not assuredly to the Right, and on issues of race the shift was in the liberal direction. In the West, reapportionment had little immediate partisan and ideological impact.

### I. REPRESENTATION AND PARTISANSHIP

In the first step of our study we attempt to demonstrate how inequalities of representation related to partisanship prior to *Baker*. Malapportionment produced partisan advantages to the extent that rural and urban areas within states and regions had differing party attachments. By far the most important factor explaining malapportionment was population distribution. Rapid urban population growth created a rural backlash in the early twentieth century that produced constitutional and legal measures designed to guarantee overrepresentation of rural interests.<sup>15</sup> Typically states adopted rules that gave each county at least one seat in each chamber.<sup>16</sup> Malapportionment, then, advantaged voters in rural areas, whatever their political leaning.<sup>17</sup> State legislatures and constitutional conventions sometimes magnified these advantages further through gerrymandering that gave the minority party especially few seats.

New York State is a case in point. In 1894, New York convened a constitutional convention to revise its constitution. The convention was dominated by Republicans, who wrote boundaries for the new legislative districts into the new constitution.<sup>18</sup> A coalition of Republicans

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<sup>15</sup> See ROBERT G. DIXON, JR., *DEMOCRATIC REPRESENTATION: REAPPORTIONMENT IN LAW AND POLITICS* 58-90 (1968) (providing a historical account of representational disparities in state legislatures).

<sup>16</sup> See *id.* at 83-85 (describing geographically based apportionment constraints in Ohio, Pennsylvania, New York, and Montana); *id.* at 86-87 chart 4 (summarizing apportionment formulas of state legislatures in 1961).

<sup>17</sup> See MCKAY, *supra* note 1, at 55 (describing the consequences of malapportionment); Stephen Ansolabehere, James M. Snyder, Jr. & Jonathan Woon, *Why Did a Majority of Californians Vote to Limit Their Own Power?* 5-6 (Aug. 1999) (unpublished manuscript) (explaining how California voters supported "one-county-one-vote" despite the disadvantages to populous counties), available at [http://web.mit.edu/polisci/research/representation/apsa\\_99\\_v2.pdf](http://web.mit.edu/polisci/research/representation/apsa_99_v2.pdf).

<sup>18</sup> See 5 PROCEEDINGS OF THE NEW YORK STATE CONSTITUTIONAL CONVENTION

from rural and urban areas (especially Buffalo) and rural Democrats allotted New York City far fewer seats than it deserved.<sup>19</sup> Republicans from New York City went along with the plan, which was approved in a straight party vote, because the plan strengthened the party in the state legislature.<sup>20</sup> The plan also gerrymandered the city to create additional Republican seats, one of which covered an area four city blocks wide and eighty long.<sup>21</sup>

One measure of the relationship between partisanship and malapportionment is the correlation between relative representation and the extent of the Democratic tendencies of counties within states. Paul T. David and Ralph Eisenberg constructed a measure of representation as a county's fraction of state legislative seats divided by that county's fraction of the total state population.<sup>22</sup> If a county's share of legislative seats equals its share of the state's population then the index equals 1.0. Ratios higher than 1.0 mean that the county has more representation than it deserves; ratios less than 1.0 mean that the county has less representation than it deserves. We call this measure the Relative Representation Index (RRI). We study 1960, the last year David and Eisenberg measured RRI prior to the *Baker* decision.

The RRI is highly skewed.<sup>23</sup> To reduce the skew we convert this index to the logarithmic scale, which implies that "fair" representation has a logarithm of RRI of 0.0. The logarithm of RRI has a mean of 0.31 and a variance of 0.58 for state representative elections, and a mean of 0.29 and a variance of 0.58 for state senate elections.

We construct a similar measure of the propensity of a county to vote Democratic. We calculate the Relative Democratic Vote (RDV) of the county as the average Democratic vote for President, U.S. Senator, and governor in the county over the last two elections, divided by the average Democratic vote in the state for the same period. RDV equals 1.0 when a county has vote share equal to the state average. Values above 1.0 mean that the county is more Democratic than the

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649-52, 713-19 (1894) (detailing the convention's composition); 3 *id.* at 997 *et seq.* (floor debates); 4 *id.* at 663 (same).

<sup>19</sup> 3 *id.* at 1067-77.

<sup>20</sup> 4 *id.* at 694.

<sup>21</sup> 4 *id.* at 49-50.

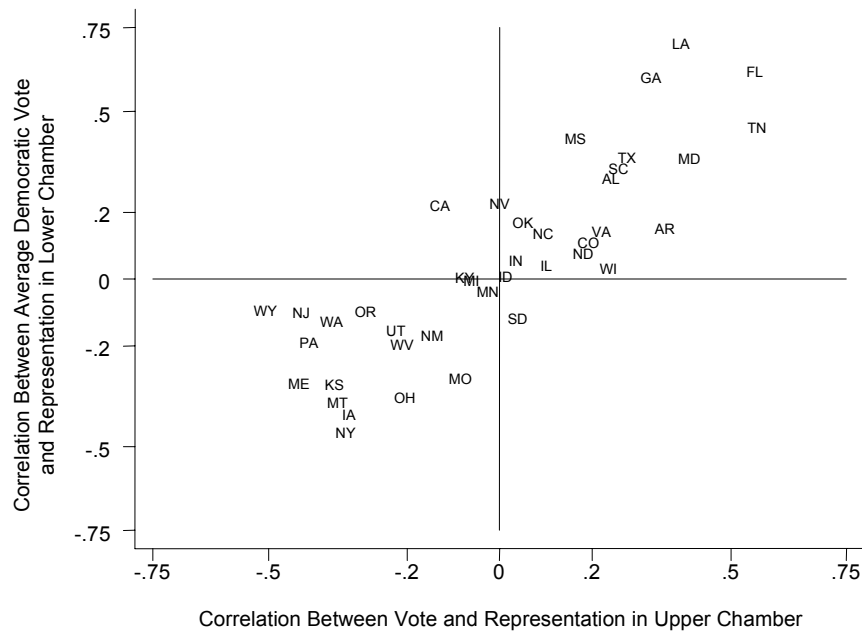
<sup>22</sup> PAUL T. DAVID & RALPH EISENBERG, DEVALUATION OF THE URBAN AND SUBURBAN VOTE 6 (1961).

<sup>23</sup> The skew of a variable is the extent to which the observations are distributed asymmetrically about the mean. A symmetric distribution, such as a bell-shaped curve, has no skew. The skew is measured as the average of the cubed deviation from the mean.

state; values below 1.0 mean that the county is more Republican than the state. This measure is centered at 1.0, with a variance of 0.02 and a symmetric distribution.

The correlation between RRI and RDV captures the extent to which malapportionment favored Democratic counties. We estimated the correlation between RDV and the log of RRI for the upper and lower chambers of each legislature. A handful of states, such as Connecticut, Delaware, and Rhode Island, have a small number of counties and have town-level representation. We omit these from the analysis, though town-level analysis yields a similar pattern. Figure 1 presents the correlations of representation and partisanship for the upper and lower chambers of each state’s legislature in 1960, immediately before *Baker*.

**Figure 1: Representation and Partisanship in State Legislatures**<sup>24</sup>



The correlation between representation and partisanship captures the partisan advantage created by malapportionment. Two patterns

<sup>24</sup> Figure 1 is based on our analysis of the data in DAVID & EISENBERG, *supra* note 22. Alaska and Hawaii are omitted from the data as they became states in 1959. Nebraska is omitted because it has a nonpartisan, unicameral legislature.



emerge. First, there is a strong positive relationship between the partisan advantage in one chamber and the partisan advantage in the other chamber. The more malapportionment advantages a party in the lower chamber, the more it advantages that party in the upper chamber. The only clear exception is California, where the state senate represented counties and the assembly represented population. The Democratic cities, especially Los Angeles, San Francisco, and Oakland, were badly underrepresented in the senate, creating a Republican bias. In the assembly, San Francisco was overrepresented, creating a Democratic bias in 1960.

Second, there are several distinctive regional patterns. The South exhibited strong positive correlations between RDV and representation, suggesting that malapportionment advantaged Democratic counties in the South. In the Northeast and much of the Midwest, malapportionment tended to favor Republican counties. The West and Upper Midwest (i.e., Minnesota, Illinois, Michigan, Indiana, and Wisconsin) showed weaker partisan effects overall.

Survey data provide further evidence of the regional flavor of the partisan nature of malapportionment. The NES measures the party identification and geographic location of respondents as far back as 1948.<sup>25</sup> Owing to small sample sizes, it is impossible to estimate the party identifications of people in different areas within the 50 states. However, pooling the data from 1952 to 1968, we can construct reasonably precise estimates of the partisanship of urban, suburban, and rural voters in each of the four census regions: the Northeast, the North Central, the South, and the West.<sup>26</sup>

To make the NES party identification measure comparable over time, we standardized the traditional 7-point measure by subtracting the mean of the variable in the survey in each year and dividing by the standard deviation of the variable in each year. In other words, we have subtracted out any trend in the variable and put each year on the same scale. Our measure has a mean of 0.0 and a standard deviation of 100. A partisanship score of 50, for example, means that the partisanship of an area is one-half of one standard deviation above the overall mean of the item (in a given year throughout the nation).

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<sup>25</sup> NAT'L ELECTION STUDIES, 1948-2002 CUMULATIVE DATA FILE (dataset) (2001), available at [http://www.umich.edu/~nes/studyres/nes48\\_02/nes48\\_02.htm](http://www.umich.edu/~nes/studyres/nes48_02/nes48_02.htm).

<sup>26</sup> The Northeast contains CT, ME, MA, NH, NJ, NY, PA, RI, and VT; the North Central contains IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI; the South contains AL, AR, DE, DC, FL, GA, KY, LA, MD, MS, NC, OK, SC, TN, TX, VA, and WV; and the West contains AK, AZ, CA, CO, HI, ID, MT, NV, NM, OR, UT, WA, and WY.

The standardized party identification measure for each type of locality and each region are shown in Table 1. Within each region party identifications differed significantly across locales.

**Table 1: Standardized Party Identification  
by Region and Locality, 1952-1968<sup>27</sup>**

	Northeast	North Central	South	West
Urban	13	14	32	-2
Suburban	-28	-20	21	-9
Rural	-49	-23	31	11

As with the aggregate data, the survey data show sharply different partisan alignments across locales in the different regions at the time of reapportionment.

The Northeast and the North Central regions exhibited similar partisan divisions. Rural residents of the Northeast and North Central, who tended to be overrepresented within their states, had strong Republican attachments. Indeed, these were the most Republican areas in the nation. Northern suburbanites tended to identify with the Republicans as well. Urban residents in the North, who were underrepresented, leaned Democratic. As with the aggregate data, survey responses from northern states showed a negative correlation between Democratic identification and representation (locale).

Southerners had the strongest allegiance to the Democratic Party relative to the rest of the nation at the time of reapportionment. The most Republican areas within the South—the suburban areas—were underrepresented. However, although reapportionment in the South would probably have shifted states in the Republican direction, even the underrepresented areas leaned Democratic.

Westerners showed the least partisan division across locales. In the West, rural voters were the most Democratic and suburban voters the most Republican. Reapportionment in the West, then, likely increased Republican representation somewhat.

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<sup>27</sup> Table 1 is based on our analysis of data available from the NES 1948-2002 CUMULATIVE DATA FILE, *supra* note 25.

Of note, we are not arguing that the underrepresentation of one party or another through malapportionment was intentional. At times, malapportionment was part of a partisan gerrymander, such as with the new districts created by New York State in its 1894 constitution.<sup>28</sup> More often, however, malapportionment was driven by other factors or was simply a historical accident. For example, the apportionment of the Connecticut legislature traced to that state's 1818 constitution, predating the Industrial Revolution.<sup>29</sup> Town populations at that time were roughly equal in New England, and town representation saved the state the complications of a census.<sup>30</sup> The partisan and ideological implications of such arrangements a century later could not be foreseen.<sup>31</sup>

In many states, however, malapportionment intentionally squelched the voices of some groups. The most infamous cases came from the South, where Black Belt counties were given less representation so as to limit their political influence.<sup>32</sup> Black voters also tended to be Republican.<sup>33</sup> In the northeastern and midwestern states, like New York and Michigan, malapportionment was intended to limit the vote of urban Democrats and liberals.<sup>34</sup> Finally, many states acted to restrain the growing influence of major cities rather than out of partisanship. In 1926, for example, California voters approved a one-county-one-vote plan for the state senate in order to contain the growing political influence of Los Angeles, which accounted for forty per-

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<sup>28</sup> See MCKAY, *supra* note 1, at 53 (concluding that "the New York Constitution of 1894 has long made it easier for Republicans to retain control of the legislature").

<sup>29</sup> See *id.* at app. 294-95 (locating the roots of Connecticut's apportionment plan, which limited the number of town representatives to two, in the Connecticut Constitution of 1818 and the Fundamental Orders of 1638-1639).

<sup>30</sup> See, e.g., ADVISORY COMM'N ON INTERGOVERNMENTAL RELATIONS, APPORTIONMENT OF STATE LEGISLATURES 8 (1962) (citing Rhode Island as an example of a state where town-based representation was acceptable due to small relative differences in town population across the state).

<sup>31</sup> See MCKAY, *supra* note 1, at 148 (stating that by the mid-twentieth century, "there was a differential of 424.5 to 1" between the number of voters represented by the representative from the least populous town to the most populous town).

<sup>32</sup> V.O. KEY, JR., SOUTHERN POLITICS 537-38 (1949) (listing several methods southern states used to disenfranchise blacks, such as residency requirements, poll taxes, literacy tests, registration deadlines, and other disqualification strategies).

<sup>33</sup> See *id.* at 540 (stating that black voters tended to vote in "racial solidarity" for the Republican Party).

<sup>34</sup> See generally Karl A. Lamb, *Michigan Legislative Apportionment: Key to Constitutional Change*, in THE POLITICS OF REAPPORTIONMENT 267 (Malcolm E. Jewell ed., 1962) (describing Michigan's apportionment scheme and the state constitutional convention of 1961-1962); text accompanying notes 18-21 (discussing the case of New York).

cent of the state's population by 1930.<sup>35</sup> As Los Angeles happened to be close to the median voter in the state in terms of partisanship in the 1920s, some have attributed the apportionment scheme to interest in "distributive concerns" and state budget expenditures.<sup>36</sup>

*Baker* and subsequent cases concerned the representation of population rather than the partisan effects of malapportionment. Both the survey and aggregate data reveal the varied implications for reapportionment across the country. Democrats stood to gain legislative representation in the Northeast and North Central but to lose it in the South. It is little wonder that the Democratic Party establishment in Tennessee, Florida, and other southern states fought attempts to reapportion their states throughout the 1950s and 1960s.<sup>37</sup> Only in the West did malapportionment have little regular relationship to representation of the parties.<sup>38</sup>

## II. DIVISIONS WITHIN THE PARTIES

### A. *Reapportionment Divided the Parties as Much as It Improved Their Electoral Positions Vis-a-Vis Their Opponents*

Tennessee provides a telling pattern of internal party division due to reapportionment. In 1962, when the Court decided *Baker*, Tennessee had not reapportioned its legislature for more than sixty years, since 1901.<sup>39</sup> Population growth in Memphis, Nashville, Knoxville, and Chattanooga meant that these cities had fewer legislative seats than they deserved.<sup>40</sup> In addition, the rural eastern parts of the state,

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<sup>35</sup> See MCKAY, *supra* note 1, at 190 (discussing how rural groups in California joined with groups from the northern part of the state to prevent a southern majority in the 1920s). As a result of the "one-county-one-vote" plan, Los Angeles had the same level of representation as towns that its population outnumbered by 500 to 1. *Id.*

<sup>36</sup> See Ansolabehere et al., *supra* note 17, at 3 ("A majority in California chose a senate apportionment in order to increase the likelihood that their representatives would be pivotal members of the winning coalitions that determined the distribution of public expenditures.").

<sup>37</sup> See, e.g., WILLIAM C. HAVARD & LOREN P. BETH, *THE POLITICS OF MISREPRESENTATION* 41-82 (1962) (finding that intense debate raged around reapportionment plans in 1950s Florida because Democrats had a great deal to lose if the rural areas' representation was reduced); see also MCKAY, *supra* note 1, at 51 (finding that many states refused to reapportion in spite of state requirements to do so).

<sup>38</sup> See *supra* p. 442 & tbl.1 (containing the authors' analysis of partisan alignment data and describing the relatively minimal effects of reapportionment in the West).

<sup>39</sup> MCKAY, *supra* note 1, at 71.

<sup>40</sup> See *id.* at 71-72 & n.44 (noting that the population shift from rural to urban areas, compounded with the quadrupling of eligible voters in Tennessee, resulted in

which had strong Republican allegiance since the Civil War, were also underrepresented.<sup>41</sup> Central and western rural counties held the majority of seats, though they did not have a majority of the population.<sup>42</sup> These counties voted overwhelmingly Democratic, and they dominated the state legislature.<sup>43</sup> While Republican areas picked up some seats from reapportionment in these areas, the Democratic cities—Nashville and Memphis—gained even more. By the 1970s, the cities came to represent a greater proportion of Democratic seats in Tennessee.<sup>44</sup>

This pattern varied across regions. In the South, the Border States, and the Mountain West, rural Democrats often dominated at the expense of urban Democrats: Tennessee is typical of southern stories. Northeastern and midwestern states had the obverse pattern: rural Republicans were overrepresented before the reapportionment revolution.<sup>45</sup> Connecticut, for example, prescribed in its 1818 constitution that each town have at least one representative and no town more than two.<sup>46</sup> The small towns of Connecticut, which tended to vote heavily Republican, were weighted more heavily than either of the Democratic bastions of Hartford and New Haven, or the wealthy Republican suburbs of New York City such as Stamford and Greenwich.

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thirty-seven percent of Tennessee voters electing twenty of the thirty-three state senators (citing *Baker v. Carr*, 369 U.S. 186, 253 (1962) (Clark, J., concurring)).

<sup>41</sup> See *Baker v. Carr*, 206 F. Supp. 341, 347 (M.D. Tenn. 1962) (per curiam) (three-judge panel) (finding, on remand from the Supreme Court, that “the senatorial districts in rural East Tennessee ha[d] on the average approximately double the voting populations of the rural districts of Middle and West Tennessee, yet they receive[d] no greater representation”).

<sup>42</sup> *Id.*

<sup>43</sup> See KEY, *supra* note 32, at 75 (describing the Tennessee political system as composed of two one-party systems where the Republicans dominated eastern Tennessee and the Democrats ruled the middle and western parts of the state).

<sup>44</sup> TENN. SEC’Y OF STATE, TENNESSEE BLUE BOOK 1973-1974, at 273-79 (Rita A. Whitfield ed., n.d.) (providing results for the 1972 Democratic primary for state legislature); *id.* at 284-85 (giving county population data).

<sup>45</sup> See Robert S. Erikson, *Reapportionment and Policy: A Further Look at Some Intervening Variables*, 219 ANNALS N.Y. ACAD. SCI. 280, 289 (1973) [hereinafter Erikson, *Reapportionment and Policy*] (concluding that “preapportionment legislatures had overrepresented rural and (in the North) Republican areas”); see also Erikson, *supra* note 9, at 58 (acknowledging that the Democratic Party was concentrated in urban areas in the North and stood to gain from reapportionment there).

<sup>46</sup> See MCKAY, *supra* note 1, at 294-95 (describing Connecticut’s apportionment scheme after 1818).

B. *How Did the Changing Geographic Composition of the State Legislatures Alter the Parties?*

We examined survey responses to the NES, which included a range of questions concerning ideology and public policy from 1952 to 1968.<sup>47</sup> The issues included social welfare, government guaranteed jobs, labor unions, healthcare, aid to schools, regulation of the economy, segregation, civil rights, and religion. As with the party identification measures, we standardized each measure (i.e., we subtracted the mean and divided by the standard error). The parties showed markedly different patterns.

Consider, first, the Democrats. Table 2 presents the attitudes expressed by self-identified Democrats within each of the four regions and across localities on a range of domestic policy issues as well as general ideology. We denote in bold any questions that differ significantly across localities within a region.

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<sup>47</sup> See *supra* note 14.

**Table 2: Attitudes by Region and Type of Locality from National Election Studies, 1952-1968, Democrats<sup>48</sup>**

Item	Northeast			North Central			South			West		
	U	S	R	U	S	R	U	S	R	U	S	R
Ideology	<b>36</b>	<b>22</b>	<b>25</b>	<b>44</b>	<b>26</b>	<b>18</b>	13	18	-2	27	36	26
Power of federal gov't	53	53	43	<b>42</b>	<b>54</b>	<b>24</b>	<b>23</b>	<b>23</b>	<b>-3</b>	<b>51</b>	<b>28</b>	<b>39</b>
Social welfare	48	30	26	<b>39</b>	<b>7</b>	<b>12</b>	-0	-3	-6	25	54	39
Healthcare	<b>54</b>	<b>28</b>	<b>44</b>	<b>30</b>	<b>21</b>	<b>4</b>	15	10	21	14	18	31
School aid I	<b>48</b>	<b>32</b>	<b>6</b>	<b>27</b>	<b>29</b>	<b>-1</b>	-1	-10	-5	23	22	19
School aid II	45	25	11	<b>49</b>	<b>29</b>	<b>-5</b>	<b>38</b>	<b>23</b>	<b>0</b>	22	41	19
Gov't and jobs	<b>49</b>	<b>4</b>	<b>2</b>	<b>36</b>	<b>14</b>	<b>-9</b>	<b>27</b>	<b>-5</b>	<b>17</b>	<b>24</b>	<b>16</b>	<b>20</b>
Regulation	25	24	7	23	27	24	11	-1	14	38	42	62
Labor influence	65	22	18	16	17	-18	32	-12	5	-9	14	16
Labor thermometer	<b>44</b>	<b>31</b>	<b>14</b>	<b>51</b>	<b>16</b>	<b>17</b>	15	13	0	30	35	16
School integration I	<b>43</b>	<b>35</b>	<b>4</b>	29	13	5	<b>-32</b>	<b>-46</b>	<b>-61</b>	49	36	27
School integration II	<b>54</b>	<b>31</b>	<b>36</b>	<b>28</b>	<b>13</b>	<b>-3</b>	<b>12</b>	<b>-7</b>	<b>-53</b>	36	34	24
Segregation I	<b>50</b>	<b>-0</b>	<b>3</b>	<b>23</b>	<b>-9</b>	<b>-25</b>	<b>26</b>	<b>-4</b>	<b>-54</b>	<b>53</b>	<b>13</b>	<b>25</b>
Segregation II	34	21	39	<b>22</b>	<b>-8</b>	<b>-9</b>	<b>-5</b>	<b>-12</b>	<b>-52</b>	<b>30</b>	<b>1</b>	<b>-1</b>
Civil rights I	<b>39</b>	<b>-7</b>	<b>-4</b>	<b>46</b>	<b>-1</b>	<b>-9</b>	<b>44</b>	<b>20</b>	<b>-18</b>	42	6	11
Civil rights II	<b>45</b>	<b>-0</b>	<b>24</b>	<b>34</b>	<b>5</b>	<b>-7</b>	<b>37</b>	<b>11</b>	<b>-8</b>	<b>49</b>	<b>12</b>	<b>11</b>
Religious schools	<b>28</b>	<b>41</b>	<b>86</b>	<b>59</b>	<b>1</b>	<b>5</b>	21	32	29	-8	-43	4
School prayer	<b>25</b>	<b>-13</b>	<b>-18</b>	<b>-3</b>	<b>4</b>	<b>25</b>	<b>-31</b>	<b>-18</b>	<b>-34</b>	<b>16</b>	<b>17</b>	<b>68</b>
Truth of Bible	<b>29</b>	<b>-13</b>	<b>-10</b>	-11	2	-17	<b>-45</b>	<b>-4</b>	<b>-46</b>	-9	31	19
Income	<b>-2</b>	<b>19</b>	<b>-2</b>	<b>10</b>	<b>25</b>	<b>-21</b>	<b>-9</b>	<b>2</b>	<b>-35</b>	-2	2	-7

The first row of Table 2 bears a familiar pattern. Northeastern and North Central urban Democrats were the left wing of their party in the 1950s and 1960s, and southern Democrats were the right wing. Indeed, rural southern Democrats were the most conservative group within their party. In the Northeast and North Central, reapportionment led to increased representation of liberals. However, in the West and South, there was no statistically significant difference on general ideology within the parties.

<sup>48</sup> Table 2 is based on our analysis of data provided by the NES 1948-2002 CUMULATIVE DATA FILE, *supra* note 25. The sample includes all respondents who identified themselves as strong or weak Democrats. The entries give the expected score on an item, where all items have been normalized to have a mean of 0.0 and standard deviation of 100, de-trended. For example, a score of 50 means one-half of one standard deviation above the overall mean on the item. Higher scores denote a more "liberal" position on the item. The bold items are for cases where the F-test of the hypothesis on no-difference between urban (*U*), suburban (*S*), and rural (*R*) respondents is rejection at the 0.05 level.

Looking at specific questions of domestic policy reveals a deep split between urban and rural Democrats throughout the country. On a range of economic and social welfare policies, urban Democrats were substantially more liberal than their rural and suburban counterparts *within* their own party. These differences were most pronounced in the Northeast and North Central. To the extent that the Democratic party reflected the preferences of its voters, reapportionment likely moved the Democrats to the left on social welfare and other domestic issues, especially in the Northeast and North Central. In the West, urban and rural Democrats showed no significant divisions or differences on social and economic policies.

The great divide within the Democratic party came over racial politics: school integration, desegregation, and civil rights. In all regions, urban Democrats were substantially more liberal than rural and suburban Democrats. The division was deepest in the South, where the difference between urban and rural Democrats on support for civil rights legislation, school integration, and general desegregation was greatest. Battles over these issues arose long before *Baker*, but, at least within the Democratic party, reapportionment shifted political weight in the liberal direction at the time that implementation of integrationist policies was truly taking hold.<sup>49</sup>

In stark contrast to the Democrats, urban, suburban, and rural Republicans within each of the regions were divided over few issues. Table 3 parallels Table 2, but the subset of respondents consists of Republican party identifiers. Very few issues produced statistically significant differences between the overrepresented rural areas and the underrepresented suburban and urban areas among Republican voters. In the West and North Central, only four out of thirty-eight questions showed statistically significant differences across locales. To the extent that geography correlated with policy preference, those differences appeared in the South and Northeast.

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<sup>49</sup> On the timing of integration, see GERALD N. ROSENBERG, *THE HOLLOW HOPE: CAN COURTS BRING ABOUT SOCIAL CHANGE?* 42-71 (1991).



**Table 3: Attitudes by Region and Type of Locality from National Election Studies, 1952-1968, Republicans<sup>50</sup>**

Item	Northeast			North Central			South			West		
	U	S	R	U	S	R	U	S	R	U	S	R
Ideology	-35	-18	-30	-37	-31	-49	-59	-47	-39	-48	-57	-37
Power of federal gov't	-19	-12	-31	-54	-38	-41	<b>-88</b>	<b>-63</b>	<b>-54</b>	-73	-54	-50
Social welfare	-16	6	-20	<b>-17</b>	<b>-58</b>	<b>-71</b>	-17	-30	-3	-23	-26	-43
Healthcare	<b>3</b>	<b>-34</b>	<b>-23</b>	-46	-70	-49	<b>-70</b>	<b>-39</b>	<b>-11</b>	<b>-14</b>	<b>-52</b>	<b>-70</b>
School aid I	<b>39</b>	<b>-22</b>	<b>-28</b>	<b>-25</b>	<b>-50</b>	<b>-39</b>	-27	-17	7	<b>2</b>	<b>-41</b>	<b>-24</b>
School aid II	-14	-41	-54	-32	-34	-42	<b>1</b>	<b>-57</b>	<b>-19</b>	-51	-47	-53
Gov't and jobs	<b>2</b>	<b>-21</b>	<b>-29</b>	<b>-23</b>	<b>-38</b>	<b>-34</b>	<b>-53</b>	<b>-35</b>	<b>16</b>	<b>-20</b>	<b>-47</b>	<b>-32</b>
Regulation	-21	-36	-20	<b>-47</b>	<b>-42</b>	<b>-19</b>	<b>-87</b>	<b>-35</b>	<b>-13</b>	-17	-14	-38
Labor influence	10	-19	-8	-13	6	-27	6	-29	4	-28	-41	-46
Labor thermometer	-12	-23	-15	-22	-33	-35	-35	-31	-1	-50	-47	-67
School integration I	<b>26</b>	<b>26</b>	<b>1</b>	7	8	1	-10	-42	-34	53	17	49
School integration II	<b>11</b>	<b>11</b>	<b>18</b>	<b>-4</b>	<b>-11</b>	<b>-5</b>	-36	-33	-56	<b>2</b>	<b>-11</b>	<b>6</b>
Segregation I	20	13	10	3	-9	8	<b>-9</b>	<b>-27</b>	<b>-55</b>	14	30	32
Segregation II	<b>14</b>	<b>10</b>	<b>37</b>	12	7	-0	-32	-34	-69	28	19	24
Civil rights I	-17	-16	-17	1	5	-18	-32	-19	-31	1	-25	2
Civil rights II	-1	-20	-24	-42	-26	-27	<b>4</b>	<b>-54</b>	<b>-9</b>	<b>-14</b>	<b>-51</b>	<b>-41</b>
Religious schools	30	-35	-32	-43	-55	-32	<b>-71</b>	<b>-13</b>	<b>26</b>	-51	-32	-60
School prayer	-22	-21	-33	14	3	-8	-42	-18	-36	5	54	23
Truth of Bible	42	3	-6	<b>15</b>	<b>12</b>	<b>-18</b>	<b>38</b>	<b>18</b>	<b>-20</b>	40	59	33
Income	<b>12</b>	<b>37</b>	<b>11</b>	<b>26</b>	<b>35</b>	<b>-13</b>	<b>-6</b>	<b>22</b>	<b>-53</b>	<b>7</b>	<b>44</b>	<b>19</b>

Like their Democratic counterparts, urban and suburban Republicans in the Northeast were, on the whole, more liberal than rural Republicans in the Northeast. Urban Republicans in the Northeast gave relatively liberal answers to questions about health care, school aid, government guaranteed jobs, school integration, and religion. Indeed, these Republicans offered policy opinions that were more liberal than those of the nation as a whole, though they considered themselves to be conservative. Malapportionment effectively reduced the weight of these voters within the Republican party in the North-

<sup>50</sup> As with the other tables, the data in Table 3 are derived from the NES 1948-2002 CUMULATIVE DATA FILE, *supra* note 25. The sample includes all respondents who identified themselves as strong or weak Republicans. Entries give the expected score on each item, where all items have been normalized to have a mean of 0.0 and a standard deviation of 100, de-trended. For example, a score of 50 means one-half of one standard deviation above the overall mean on the item. Higher scores denote a more "liberal" position on the item. The bold items are for cases where the F-test of the hypothesis of no-difference between urban (U), suburban (S), and rural (R) respondents is rejected at the 0.05 level.

east, especially in states like Connecticut, New Jersey, New York, Pennsylvania, and Rhode Island, where there was substantial urban Republican strength.

Within the GOP, southern Republicans, though a rare breed, showed the greatest divisions among the four regions. Republicans were most numerous in Florida, Tennessee, and Virginia during the 1950s and 1960s. The issues that separated urban and rural Republicans in the South were not racial matters, but questions about domestic social and economic policy. The division runs counter to the more common pattern, in which urban voters are more liberal. Urban and suburban Republicans in the South expressed much more *conservative* attitudes than their rural counterparts on health care, school aid, government guaranteed jobs, economic regulation, and the power of the federal government. In their general ideological orientation, urban Republicans in the South had the most conservative identification of all groups.

In some southern states, reapportionment immediately benefited urban Republicans. Again, consider Tennessee. Shelby County held at-large elections for its eight lower house seats. Democrats nearly always won those seats in the 1950s, though not without clear Republican opposition.<sup>51</sup> The districts created by the Democratic state legislature following reapportionment returned equal numbers of Republicans and Democrats from Shelby County and Memphis.<sup>52</sup>

Comparing the two major parties, it is evident that malapportionment affected the composition of the two major parties differently. Underrepresentation of urban areas lessened the political weight of urban, more liberal Democrats in all regions of the country, except perhaps the West. Locale had less of a clear relationship to the policy preferences of Republican identifiers. There is almost no association between geography and ideology among western and midwestern Republicans. In the South, urban Republicans, who tended to be underrepresented, were more conservative than rural Republicans, and in the Northeast, urban Republicans tended to be somewhat more liberal than rural and suburban Republicans.

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<sup>51</sup> See TENN. SEC'Y OF STATE, TENNESSEE BLUE BOOK 196 (1960) (listing winners of the 1960 elections for state representative in Shelby County); TENN. SEC'Y OF STATE, TENNESSEE BLUE BOOK 302 (1958) (same for 1958); TENN. SEC'Y OF STATE, TENNESSEE BLUE BOOK 406 (1956) (same for 1956).

<sup>52</sup> TENN. SEC'Y OF STATE, *supra* note 44, at 31-62, 254.

## III. IDEOLOGICAL DIVISIONS

The internal party divisions provide part of the answer to one of the puzzles with which we began: why was there little policy change as a result of reapportionment? The parties are important in organizing legislatures. Because the parties were affected differently in the different regions, any ideological shift was, at best, uneven. How did these internal party divisions net out in the electorate as a whole? Table 4 parallels Tables 2 and 3, but presents the data for all respondents.

**Table 4: Attitudes by Region and Type of Locality from National Election Studies, 1952-1968, All Respondents<sup>53</sup>**

Item	Northeast			North Central			South			West		
	U	S	R	U	S	R	U	S	R	U	S	R
Ideology	<b>23</b>	<b>-2</b>	<b>-6</b>	<b>24</b>	<b>1</b>	<b>-9</b>	<b>-2</b>	<b>-9</b>	<b>-13</b>	<b>5</b>	<b>3</b>	<b>5</b>
Power of federal gov't	<b>31</b>	<b>15</b>	<b>-2</b>	<b>7</b>	<b>8</b>	<b>-5</b>	<b>-7</b>	<b>-16</b>	<b>-19</b>	<b>15</b>	<b>-10</b>	<b>8</b>
Social welfare	17	23	-9	<b>19</b>	<b>-31</b>	<b>-22</b>	-1	-7	-6	10	1	16
Healthcare	<b>39</b>	<b>-4</b>	<b>-1</b>	<b>4</b>	<b>-17</b>	<b>-23</b>	<b>-4</b>	<b>-10</b>	<b>14</b>	<b>5</b>	<b>-8</b>	<b>-2</b>
School aid I	<b>41</b>	<b>0</b>	<b>-15</b>	<b>13</b>	<b>-12</b>	<b>-14</b>	<b>-4</b>	<b>-10</b>	<b>-1</b>	<b>10</b>	<b>-2</b>	<b>3</b>
School aid II	<b>25</b>	<b>-3</b>	<b>-18</b>	<b>12</b>	<b>6</b>	<b>-18</b>	<b>17</b>	<b>-11</b>	<b>-5</b>	<b>11</b>	<b>4</b>	<b>-7</b>
Gov't and jobs	<b>30</b>	<b>-9</b>	<b>-20</b>	<b>13</b>	<b>-11</b>	<b>-21</b>	<b>11</b>	<b>-16</b>	<b>16</b>	<b>5</b>	<b>-14</b>	<b>3</b>
Regulation	<b>8</b>	<b>-12</b>	<b>-14</b>	<b>1</b>	<b>-16</b>	<b>-1</b>	<b>-10</b>	<b>-13</b>	<b>5</b>	<b>16</b>	<b>21</b>	<b>33</b>
Labor influence	31	-1	6	<b>8</b>	<b>4</b>	<b>-19</b>	<b>22</b>	<b>-20</b>	<b>2</b>	<b>-19</b>	<b>-6</b>	<b>-4</b>
Labor thermometer	<b>26</b>	<b>0</b>	<b>2</b>	<b>21</b>	<b>-8</b>	<b>-11</b>	<b>2</b>	<b>-7</b>	<b>-6</b>	<b>-5</b>	<b>-6</b>	<b>1</b>
School integration I	<b>36</b>	<b>25</b>	<b>9</b>	<b>20</b>	<b>12</b>	<b>3</b>	<b>-19</b>	<b>-47</b>	<b>-50</b>	<b>48</b>	<b>30</b>	<b>34</b>
School integration II	<b>40</b>	<b>19</b>	<b>23</b>	<b>21</b>	<b>7</b>	<b>-0</b>	<b>-3</b>	<b>-20</b>	<b>-55</b>	<b>27</b>	<b>17</b>	<b>18</b>
Segregation I	<b>35</b>	<b>20</b>	<b>40</b>	<b>20</b>	<b>1</b>	<b>-1</b>	<b>-11</b>	<b>-20</b>	<b>-55</b>	<b>31</b>	<b>6</b>	<b>5</b>
Segregation II	<b>35</b>	<b>20</b>	<b>40</b>	<b>20</b>	<b>1</b>	<b>-1</b>	<b>-11</b>	<b>-20</b>	<b>-55</b>	<b>31</b>	<b>6</b>	<b>5</b>
Civil rights I	<b>22</b>	<b>-10</b>	<b>-7</b>	<b>26</b>	<b>0</b>	<b>-12</b>	<b>27</b>	<b>-7</b>	<b>-23</b>	<b>25</b>	<b>-6</b>	<b>9</b>
Civil rights II	<b>32</b>	<b>-5</b>	<b>4</b>	<b>6</b>	<b>-5</b>	<b>-12</b>	<b>15</b>	<b>-16</b>	<b>-9</b>	<b>26</b>	<b>-13</b>	<b>4</b>
Religious schools	<b>36</b>	<b>-5</b>	<b>-1</b>	<b>9</b>	<b>-18</b>	<b>-13</b>	<b>-3</b>	<b>2</b>	<b>28</b>	<b>-15</b>	<b>-38</b>	<b>-6</b>
School prayer	<b>20</b>	<b>-10</b>	<b>-21</b>	<b>6</b>	<b>10</b>	<b>11</b>	<b>-26</b>	<b>-15</b>	<b>-33</b>	<b>22</b>	<b>38</b>	<b>47</b>
Truth of Bible	<b>41</b>	<b>11</b>	<b>1</b>	<b>2</b>	<b>10</b>	<b>-19</b>	<b>-15</b>	<b>6</b>	<b>-38</b>	<b>17</b>	<b>48</b>	<b>19</b>
Income	<b>5</b>	<b>31</b>	<b>8</b>	<b>18</b>	<b>34</b>	<b>-15</b>	<b>-8</b>	<b>7</b>	<b>-40</b>	<b>1</b>	<b>18</b>	<b>-0</b>

<sup>53</sup> Table 4, like Tables 2 and 3, contains our analysis of the data provided by the NES 1948-2002 CUMULATIVE DATA FILE, *supra* note 25. The entries give the expected score on an item, where all items have been normalized to have a mean of 0.0 and standard deviation of 100, de-trended. For example, a score of 50 means one-half of one standard deviation above the overall mean on the item. Higher scores denote a more "liberal" position on the item. The bold items are for cases where the F-test of the hypothesis of no-difference between urban (U), suburban (S), and rural (R) respondents is rejected at the 0.05 level.

Urban voters in the Northeast and North Central were most liberal within those regions. In terms of their overall ideological identifications, the typical urban voter was significantly more liberal than the typical suburban or rural voter in those regions. Suburban voters were somewhat more liberal than urban voters. Reapportionment, then, shifted the voting weight in the liberal direction within the state legislatures in these regions.

The relative liberalness of urban voters in the Northeast and North Central was borne out consistently on other policy questions. Urban voters were consistently more liberal than suburban voters, who, in turn, were typically more liberal than rural voters. Increasing the representation of urban and suburban voters—e.g., of Stamford and New Haven—shifted the median voter within the state legislatures to the left during the 1960s. Within the North the shift was especially pronounced on questions of health care, school aid, government guaranteed jobs, and, in the Northeast, religion.

As with the internal politics of the parties, the urban and rural areas of the West differed little. The only consistent and significant differences within this region appeared on the issues of school segregation and civil rights. Urban voters in the West were much more liberal than suburban and rural voters on these issues.

The southern electorate showed a somewhat different pattern. On general ideology, the differences were slight, but rural southerners did tend to express a slightly more conservative overall identity. On moral and social issues, the South on the whole paralleled the Northeast and North Central. Though not as liberal as the nation as a whole, urban and suburban areas in the South were much more liberal than rural southern areas on issues of school integration, desegregation, and civil rights. Urban and suburban southerners also expressed more liberal opinions about religion in schools and the truth of the Bible than their rural counterparts. However, on domestic economic policies and social welfare, there was no consistent difference between urban and rural southerners. On some questions, such as health care and economic regulation, rural southerners expressed more liberal attitudes. On government guaranteed jobs, urban southerners were more liberal. And, suburban southerners often expressed the most conservative views within their region on social welfare and economic policy.

## IV. DISCUSSION

The answers to our two puzzles are, we hope, now evident. The expectation that Democrats would gain everywhere was based on the false premise that the Democrats resided in the cities and the Republicans in small towns and farms. In fact, the party splits varied across regions. In the South, rural areas were relatively more Democratic than urban areas; hence, malapportionment gave Democrats more representation than they deserved. In the Northeast and North Central, Republicans received greater weight than their numbers justified. Within regions the partisan differences across locales were massive, but averaged across the country the Democratic party's gains seem modest.

Did reapportionment lead to partisan realignments within the regions? The answer is clearly yes. Erikson's study of the relationship between seats and votes in state legislatures showed a distinctly Republican bias in the North and Midwest, which, in turn, produced a Democratic gain.<sup>54</sup> In the West, the pattern was uneven. His sample excluded the South. We replicated his analysis for the southern states where there was some party competition before 1964—Florida, North Carolina, Tennessee, and Virginia. In each, there was an enormous Democratic bias before 1966, which vanished after reapportionment.<sup>55</sup> Reapportionment, as Erikson correctly observed, led to more party competition throughout the country in state legislatures.

The consequent policy implications of reapportionment, also, differed between the North, the South, and the West. On economic and social welfare policy, reapportionment likely tilted the northeastern and North Central state legislatures to the left. In the West and South, geography bore little relationship to policy preferences on these issues. Past research has tested whether public expenditures and expenditures on social welfare programs grew throughout the country as a result of reapportionment.<sup>56</sup> The survey data suggest a nuance to these findings. We expect increases in social welfare spending and overall spending in the Northeast and North Central, but not in the South and West.

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<sup>54</sup> See Erikson, *supra* note 9, at 62-63 tbl.1 (providing data showing Democratic gains in selected state legislatures following reapportionment).

<sup>55</sup> Results are available from the authors upon request.

<sup>56</sup> See Ansolabehere et al., *supra* note 5, at 775 (showing that although reapportionment affected the distribution of funds, increases in state transfers to counties were not statistically significant overall).

On racial matters—civil rights, segregation, and school integration—the survey data show that urban and suburban voters expressed consistently more liberal attitudes than rural voters. Reapportionment in the mid-1960s, we believe, strengthened the political hand of those attempting to implement racial integration policies within the states. Likewise, malapportionment served as an obstacle to integration and the civil rights movement. The areas within states and within the parties that expressed the greatest opposition to expanding civil rights and integrating schools and other facilities had disproportionate voting strength in state legislative elections and in the legislatures themselves. Importantly, Erikson found noticeable effects of reapportionment on passage of civil rights legislation in the states.<sup>57</sup>

The long-term consequences of reapportionment are more difficult to divine. Shifting policies and party positions may have subsequently changed people's partisan attachments, leading to further shifts in the positions of the parties and the policies produced by state legislatures.

One dynamic to which reapportionment likely contributed was the leftward movement of the Democratic parties within the states and throughout the nation. This shift was foreshadowed in our survey data. Urban Democrats were badly underrepresented in state legislatures and, thus, within their party. The newly elected legislators from new urban seats in the late 1960s and early 1970s represented markedly different constituencies than the rural seats they supplanted. These new urban Democratic districts, the NES data reveal, were much more liberal than the rural Democratic seats on civil rights, school aid, government jobs, health care, labor relations, and, in the Northeast and North Central, religion.

This shift contributed to the party realignments occurring within the states, especially in the South. Democrats dominated all regions of the South from 1952 to 1968. But urban Democratic southerners were much more liberal, especially on racial issues, than rural Democratic southerners. Reapportionment shifted seats from rural areas to cities in most southern states. And as the urban centers emerged as the new core of the southern Democratic party, the party moved left and lost many of its conservative rural adherents. Over the long-term, those voters appear to have moved into the Republican party. Looking again at the survey data reported in Table 1, party identifications in the South changed as expected. In the 1950s, according to the

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<sup>57</sup> See *supra* note 7 and accompanying text (discussing Erikson's studies).

NES data, urban, suburban, and rural voters held equally strong attachments to the Democratic party. In the 1960s, suburban voters shifted toward the Republicans, but urban and rural southerners maintained the same level of Democratic support they had in the 1950s. In the 1970s, rural southerners began to leave the Democratic party, and from the 1970s on, the partisanship of rural southerners resembled that of suburban southerners, rather than urban southerners.<sup>58</sup>

The urban Democratic electorate in the Northeast and Midwest was also more liberal than the rural and suburban Democrats. In these regions, the new Democratic alignment in the state legislatures was more liberal. But the realignment in those regions differed from the South. The change worked not so much through the internal workings of one party, but through the shift of seats from one party to the other. In the Northeast and Midwest, rural areas were staunchly Republican, and those areas lost seats to the more Democratic suburban and urban areas. The differences among Republicans were less dramatic in these regions than the differences among Democrats in the South. If anything, reapportionment of the Northeast and Midwest moved Republicans in these states slightly to the right (except where religion was concerned). But the Democrats also moved left. Urban Democrats in the Northeast and Midwest experienced the most gain in representation, and they were more liberal than rural Democrats in these regions. As a result, moderate northern Republicans, who may have seen their party move right, were not more attracted to the Democratic party, which had moved left.

Of course, reapportionment was only one of the factors contributing to the dramatic changes in American politics in the 1960s. State and national leaders also sought to create new programs to combat poverty and improve public health and new legal guarantees of the rights of all citizens.<sup>59</sup> The Democratic Party, especially at the national

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<sup>58</sup> According to our analysis of the data provided by the NES 1948-2002 CUMULATIVE DATA FILE, *supra* note 25, all southern voters have a score of about 5.4 on a scale from 1.0 to 7.0 of strength of party, where 1.0 means strong Republican and 7.0 means strong Democrat. In the 1960s, urban and rural southerners had a score of 5.2 and suburban southerners had a score of 4.7. In the 1970s, urban southerners had a score of 5.2, but rural and suburban southerners had a score of 4.6. In the 1980s and 1990s, urban southerners had an average score of 5.0 (leaning Democratic), rural southerners averaged 4.6, and suburban southerners averaged 4.3. *See generally* EARLE BLACK & MERLE BLACK, *THE RISE OF SOUTHERN REPUBLICANS* (2002) (offering an extensive discussion of the shift in voting patterns and in the political elites in the South that led to the rise of the Republican Party in the region).

<sup>59</sup> *See, e.g.*, KEVIN P. PHILLIPS, *THE EMERGING REPUBLICAN MAJORITY* 35-38 (1969)

level, took the lead on these issues, and as the party made legislative gains, it moved public policy and its reputation to the left.<sup>60</sup>

It is difficult to isolate the singular contribution of *Baker* to these national changes. In many ways, the portfolio of liberal court decisions and legislation worked hand in hand to transform the Democratic Party. Blacks gained representation through the Voting Rights and Civil Rights Acts, and urban liberals gained representation through the reapportionment cases. But unlike the Great Society and the Voting Rights Act, *Baker* did not uniformly affect one group or redistribute income. Indeed, as with the party alignment within states, the consequences of reapportionment at times worked against the national policy changes sought by the Democratic Party. In many southern states, reapportionment may have worked against black representation. The density of blacks in the American South in the 1960s was highest in the rural counties of the Black Belt. Had rural representation remained disproportionately large in many southern state legislatures, the Voting Rights Act may have increased African American representation even more.

However it was viewed as a national issue, *Baker* had clear, but different, political effects on the four regions of the country. It pulled the state legislatures of the Northeast and Midwest toward the Democrats; it pulled the state legislatures of the South toward the Republicans.

We end with one unexpected, or ironic, consequence. The reapportionment revolution produced a similar change in representation in all state legislatures: it increased representation of wealthier areas at the expense of poorer areas. Rural counties were overrepresented in nearly every state at the expense of urban and suburban areas. *Baker* ended rural dominance of state legislatures and their dominance of state public finances.<sup>61</sup> And rural counties are by far the poorest in the United States. The last row of Table 4 displays the normalized income of the average survey respondent. The suburban areas in every state had higher income than rural areas; in the South and Midwest the urban areas also had significantly higher income

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(discussing the political effects of Lyndon Johnson's Great Society programs).

<sup>60</sup> See generally EDWARD G. CARMINES & JAMES A. STIMSON, *ISSUE EVOLUTION: RACE AND THE TRANSFORMATION OF AMERICAN POLITICS* (1989) (arguing that the parties' views on race represent the most significant difference between them); PHILLIPS, *supra* note 59 (charting more generally the sociopolitical realignment before Nixon's election in 1968).

<sup>61</sup> See generally Ansolabehere et al., *supra* note 5 (analyzing the effects of the Supreme Court's decision on the distribution of public expenditures).



than the rural areas. Reapportionment, then, lowered the political power of the poorest areas of the country at exactly the same time that the Great Society and the War on Poverty sought to increase the social and economic well-being of poor Americans.