

A CASE STUDY IN REAPPORTIONMENT— CALIFORNIA 1951

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One of the important functions of a state legislature is periodic reapportionment of that state's congressional, assembly and state senate districts. Almost nothing, however, has been written about the methodology of the process. This article is an attempt to remedy in part the deficiency. It is concerned with the establishment of a useful body of materials on state redistricting problems and techniques.

Good studies of the history and methods of congressional action in distributing congressmen among the states are available.¹ On the state level, most work has been pointed toward the issue of population versus area in state plans of representation,² analyses of state constitutional requirements,³ and progress reports on whether state legislatures have met or failed to comply with constitutional mandates.⁴

The lack of case studies of reapportionment procedures in state legislatures could be due to several factors. The political nature of the process may seem to demand secrecy. Legislators in general display little interest in preparing or having prepared adequate historical records of the manner in which they do things. Some outside publics give so little evidence of sympathy toward the position of the legislator that he may feel there is little use in spending time and effort in an attempt to create better understanding.

The state legislator of this and past "reapportionment generations," therefore, has had to "blunder along," experimenting at each stage of the project. His advisors, if he had any, have been able to do little more than help play by ear. They have had an inadequate body of materials to use as a starting point for formulating opinions or from which to draw advice. The legislator has been fortunate if he has colleagues who participated in some previous reapportionment of the state and are still available to make suggestions based on their experience. Reapportionment in California in 1951, both in the types of research done and the manner of preparing the bills and working for their passage, was at best an empirical process.

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¹ Such as LAURENCE F. SCHMECKEBIER, *CONGRESSIONAL APPORTIONMENT* (1941).

² Such as McHenry, *Urban vs. Rural in California*, 35 *NAT. MUNIC. REV.* 350 (1949); and *Should State Senators Represent People or Space?*, *Frontier*, March 1, 1950, p. 4.

³ Such as those to be found in the Council of State Government's *Book of the States*.

⁴ Such as the article by Professor Hugh A. Bone in this symposium.

I. SOME FACTS ABOUT THE ASSEMBLY INTERIM COMMITTEE ON ELECTIONS AND REAPPORTIONMENT

State legislatures are not ordinarily called upon to redraw congressional and state legislative districts more often than every 10 years. The infrequency does not mean however, that it is not a major undertaking. The preparation of the bills should be preceded by careful planning and research. Work should be done by an interim committee, legislative council, or some other research agency prior to the start of the session in which reapportionment action is to be considered. In California, it was an interim committee that did the preliminary job.

The Assembly Interim Committee on Elections and Reapportionment was created by House Resolution No. 197 of the 1949 regular session of the California legislature.⁵ The resolution provided that the membership of the interim committee should be the same as that of the Assembly Standing Committee on Elections and Reapportionment.⁶ In addition to the committee's general authority to "ascertain, study and analyze all facts relating to elections and reapportionment," the following were the most significant powers granted: first, to contract with public or private agencies for services, facilities, studies, and reports; second, to secure the cooperation of local law enforcement agencies for investigations, and to issue subpoenas; third, "to conduct a preliminary survey of the 1950 Census and to ascertain any and all facts and make any needed studies concerning the best means of reapportioning the State in the light of that census"; and fourth, to spend up to the amount of \$10,000.

House Resolution No. 197 was not without its controversial aspects. The partisan alignment of the Standing Committee on Elections and Reapportionment was eight Republicans to five Democrats. An amendment to require the speaker to appoint the membership of the interim committee, and to maintain a balance of five Republican to four Democratic members, was offered by the Democratic floor leader. Other standing and interim committees, it was argued, were not constituted with as large Republican majorities, and neither should this one be. The amendment lost on a straight party vote, 39 to 35. The vote on final passage was 43 to 20, with all of the negative votes being cast by Democrats.⁷

Two distinct types of activity were undertaken by the interim committee. First, working in cooperation with the California County Clerk's Association, it attempted to settle as many proposals for change in election laws as possible prior to the 1951 regular session of the legislature. During that session, then, the Standing Committee on Elections and Reapportionment would be more free to give most of its attention to reapportionment matters. Two meetings of the full interim committee were held

⁵ Assembly Journal, June 29, 1949, p. 5215. Authorization to continue the interim committee during the 1951 regular session was granted in House Resolution No. 28, Assembly Journal, Jan. 10, 1951, p. 174.

⁶ Laughlin E. Waters (R), chairman; L. Stewart Hinckley (R), vice chairman; Glenn M. Anderson (D); William C. Berry (D); Montivel A. Burke (R); Arthur W. Coats, Jr. (D); George D. Collins, Jr. (D); Charles J. Conrad (R); Lester T. Davis (D); Gordon R. Hahn (R); Marvin Sherwin (R); Earl W. Stanley (R); and Stanley T. Tomlinson (R). During the interim period, Anderson and Berry resigned and were replaced by Augustus F. Hawkins (D) and Robert I. McCarthy (D).

⁷ Assembly Journal, June 29, 1949, p. 5212.

for disposing of election law business. Second, the committee authorized its chairman to seek assistance and to begin research on reapportionment.

At the suggestion of the chairman of the Department of Political Science at the University of California at Los Angeles, one of the co-authors of this article was made consultant to the interim committee. Three graduate students from the Department of Political Science were engaged on an hourly basis for specific research projects.⁸ Other facilities of the University of California at Los Angeles were put to use. A specialist in the geography of California was consulted about the geographical features of the state, particularly as they contributed to the establishment of regional-interest groupings of the counties. Graduate students from the Department of Mathematics were employed on statistical work.

Other government agencies made substantial contributions to the committee's research work. The Registrar of Voters of Los Angeles county furnished precinct maps, election results, and voter registration data. The County Surveyor provided maps and, as needed, the full-time services of a staff draftsman for map work and legal boundary line descriptions. The Los Angeles Regional Planning Commission offered population trend data. All three offices combined to develop a method of estimating Los Angeles county population by election precincts prior to the time preliminary figures of the 1950 census, by census tract, were available.

The counterparts of these county officers in the other metropolitan areas similarly assisted the committee. Such state of California agencies as the Department of Public Works (maps and photostat work), the Department of Employment (statistical services), and the State Printing Office provided special services while the legislature was in session in Sacramento.

When the volume of maps, resolutions, and other paraphernalia of the reapportionment project became so great that the private law office of the chairman of the committee could no longer hold them, committee office space was rented. This office, with its large map tables and privacy, was especially valuable for conferences with members of the legislature while the reapportionment bills were in the planning stage.

From time to time it was necessary for the chairman to have the full-time help of an executive secretary in arranging and conducting public hearings, supervising the committee's office, and in general assisting the chairman. Mr. Joseph Donovan served in this capacity.

Mr. Robert Hinshaw, Deputy Legislative Counsel, was assigned by the Office of the Legislative Counsel to serve as legal advisor to the interim committee. He sat with the committee at all its public hearings. As the reapportionment specialist in the Office of the Legislative Counsel, he prepared some three dozen legal opinions in response to requests of members of the legislature.

⁸ Mr. LeRoy Hardy, Miss Jenniellen Ferguson, and Miss Eva Zimble. Mr. Hardy plans to make reapportionment in California the subject of his Ph.D. thesis.

II. PRACTICAL APPLICATION OF HISTORICAL DATA⁹

One of the first assignments in a project of this type should be a study of the history of reapportionment. The objective of this first step, however, is the development of more than a mere historical account. What have been the sectional, political and other forces operating in previous reapportionments? If reapportionment has been easy, why? If difficult, why? What have been the factors that produced support for reapportionment bills? How could the historical data be related to the problem of 1951?

Much about the history of reapportionment in California will have a familiar ring to those who have studied the subject in the other 47 states and in Congress. Prior to 1910, when the different sections of California were growing at approximately the same rate, the legislature found it relatively easy to reapportion both congressional and state legislative districts on the basis of population.¹⁰ The balance of political power held by San Francisco, rural areas, and northern California was not seriously threatened.

After 1910, reapportionment became a highly controversial subject. For the first time, as a result of the 1910 census, the population of Los Angeles warranted more representation than that of San Francisco. The impact of another related population factor also became evident. The 1910 census showed Los Angeles, San Francisco, and Alameda counties with 49 per cent of the state's population. San Francisco and rural counties found themselves faced with a possible loss in representation.

The reapportionment alignments in the legislature in 1911 were formed with Los Angeles and San Francisco on one side and rural forces on the other. Los Angeles asked for certain harbor rights and more legislators; San Francisco, for no reduction in its representation. They made a deal. Rural delegations organized a counter-bloc. After winning over some votes from Los Angeles, the rural group succeeded in breaking a deadlock and secured its legislative victory.¹¹

⁹ Following are the principal sources of historical data. GEORGE W. BEMIS, SECTIONALISM AND REPRESENTATION IN THE CALIFORNIA STATE LEGISLATURE, 1911-1931 (unpublished Ph.D. thesis, University of California at Berkeley, 1934); FRANKLIN HITCHBORN, STORY OF THE CALIFORNIA LEGISLATURE OF 1911 (1911), and STORY OF THE CALIFORNIA LEGISLATURE OF 1921 (1921); Thomas S. Barclay, *Reapportionment in California*, 5 PACIFIC HIST. REV. 92 (1936), and *The Reapportionment Struggle in California in 1948*, 4 WESTERN POL. Q. 313 (1951); C. C. YOUNG, THE LEGISLATURE OF CALIFORNIA (1943); MARGARET GREENFIELD, LEGISLATIVE REAPPORTIONMENT (1951); SAN JULE AND STOFLE AND HAL DUNLEAVY AND ASSOCIATES, POPULATION AND POLITICS: A STUDY OF THE EXPECTED EFFECTS OF THE 1951 REAPPORTIONMENT ON THE UNITED STATES AND CALIFORNIA (1950); and the McHenry articles in note 2 *supra*.

¹⁰ Prior to 1926, both assembly and senate were based on population. CALIF. CONST. ART. IV, §§5 and 6 (1879).

¹¹ The significance of 1911 and the 1920's in reapportionment in California is revealed in the following tabulation of assembly seats:

	<i>San Francisco</i>	<i>Los Angeles</i>	<i>North*</i>	<i>South*</i>
1891	18	6	65	15
1901	18	9	62	18
1911	13	15	54	26
1927	12	22	46½	33½
1931	9	30	37½	42½
1941	8	32	35½	44½
1951	6	31	35	45

* Southern California is defined as the 10 southernmost counties.

The continuously increasing relative population rank of the counties in southern California produced an impasse in the 1921, 1923, and 1925 sessions. When in 1925, the legislature refused to approve water and highway measures vital to the development of southern California, feeling between north and south became so bitter that division of the state was seriously discussed. The impasse was surmounted only by the adoption, in the 1926 general election, of a "federal plan" amendment to the California constitution. Under it the basis of representation in the assembly would continue to be population; that of the senate was changed from population to counties.¹²

Reapportionment in 1931 produced still another deadlock. This time southern California and San Joaquin Valley counties made up the winning alliance. As one result, the numerical balance of assembly power for the first time was shifted to the 10 southern counties (42 of the 80 assembly seats). Southern California also got one-half of the state's 20 congressmen. The numerical balance in the congressional delegation went to southern California for the first time in 1941 (12 of the 23 seats).

Several significant points could be drawn from the history of reapportionment in California. Each had some relation to the problem in 1951. First, nearly every reapportionment since 1910 had resulted in legislative battle and long deadlock before final compromise was achieved. Second, the trading of reapportionment votes for votes on other issues was a practice not entirely unheard of. Third, political party lines had taken a back seat to sectional and Los Angeles-San Francisco rivalries. Fourth, although southern California and urban areas held the balance of power in the assembly, no reapportionment plan could be worked out without regard to the sectional and group balances of power in the senate. Fifth, a reapportionment bill would become law only if it could muster 41 votes to pass the 80 member assembly, 21 votes to pass the 40 member senate, and obtain the signature of the governor.

III. FACTORS ON WHICH REAPPORTIONMENT DECISIONS ARE BASED

There are two schools of thought about the factors on which reapportionment decisions are based. One is typified by the advice in the following part of a letter sent to the chairman of the interim committee:

Put the political Science Professor which you have appointed into an office, put a "Do Not Disturb" sign on the door and disconnect the phone. Equip him with the 1950 Census results, a map and a pencil. Have him start by dividing the State's population by 30. Then let him figure out Congressional Districts which are as nearly equal in population as it is humanly possible. Then fight for this fair plan and to Hell with local politicians!

A second school of thought is evident in part of a decision handed down in 1932 by the Supreme Court of the state of Wisconsin when it sat in judgment on a reapportionment act passed by the Wisconsin legislature:¹³

¹² CALIF. CONST. Art. IV, §6. See also page 448 of this article.

¹³ State *ex rel.* Bowman v. Dammann, 209 Wis. 21, 31-32, 243 N. W. 481, 485 (1932), quoting People *ex rel.* Carter v. Rice, 135 N. Y. 473, 502, 31 N. E. 921, 929 (1892).

It can be stated at the outset that, although the fairest that has been passed upon the subject, the act is not an absolutely ideal one. There are some inequalities which any one individual entrusted with the power might at once remedy, but which might be very hard to alter when brought under the review of 128 assemblymen and 32 senators. Local pride, commercial jealousies, and rivalries, diverse interests among the people, together with a difference of views as to the true interests of the localities to be affected, all these things and many others might have weight among the representatives upon the question of apportionment, so that, in order to accomplish any result at all, compromise and conciliation would have to be exercised.

There is a difference between the letter to the interim committee and the decision of the Wisconsin supreme court. The former is grounded either in a lack of understanding of the reapportionment process or in wishful thinking. The latter is an informed opinion.

Regardless of the intentions of those entrusted with political power to make reapportionment decisions, population cannot be the *only* consideration in drawing legislative district lines. Should districts be squares? Circles? Rectangles? If rectangles, what should be the proportion of length to width? Egg-shaped? If so, how distended from a circle? Even squares and circles and their arrangement into districts would involve political decisions and have political consequences.

Assume, for example, that one started at the top of the state of California with the intention of setting up a pattern of districts based solely on a population factor. Should he count all the population down the whole width of the state until he had enough for one district? To do so would disregard the legal restrictions imposed by the California constitution as they apply to counties in making up assembly districts, and to counties and assembly districts in making up congressional districts. Both types of provisions force inequality of population in assembly and congressional districts.

To count population down the whole width of the state until there was enough for one district would overlook such political factors as the desires of state senators and assemblymen. It is their votes that will be needed to pass any reapportionment bill. No congressional redistricting bill can be drawn without consideration for the desires of the state's congressmen. They are naturally interested in congressional district boundaries, and they are in a position to exert political influence with state legislators. Neither can the desires of the political parties of the state be forgotten. To operate without reference to these groups is one way to insure no consideration or sudden death for a reapportionment bill on its first collision with a political power point in the legislature. To pretend that political influences of this nature should have no part in reapportionment is to obscure one of the first steps necessary to an understanding of the process as it exists, and not as one might wish it to be.

To count population down the whole width of the state until there was enough for one district would disregard the natural geographic and community-of-interest sections, and the desires of the people living in those different communities. In

some reapportionment situations only the factors of population and politics, in varying proportions, are taken into account. Is it not more desirable that decisions be made from a broader base? The geographical facts of coastal, valley and mountain areas are important in California. So are the community-of-interest (coastal, inland, farm, city, north, south) sections of the state. Instead of listening only to elected representatives, should not individual citizens and organization spokesmen be given a formal platform from which to make their suggestions and interpretations of the factors that ought to go into the redrawing of representative district boundaries?

All of the above items—population, constitutional restrictions, political desires of state legislators, congressmen, and political parties, geographical features, communities of interest, and desires of the people—should be considered. All, except constitutional restrictions, can legitimately operate within the framework of a “relatively-equal-in-population-districts” requirement. Nor need any of these elements place an obstacle in the way of contiguous and compact districts.

All the factors might conceivably have the same weight in one situation; in another, some might be much more important than others in making the final determination. The interim committee made an attempt to identify as many of the factors in a reapportionment decision as possible, to analyze them within the limits of budget and staff, and to hear from as many persons and organizations as would speak or write in the process of evaluating them.

IV. LEGAL DATA

Early in the planning stage of the 1951 California reapportionment, an attempt was made to anticipate the type of legal questions that might arise. The process would have been greatly simplified if there had been readily available summaries of the points at law raised in previous California reapportionments, or in reapportionments in other states. Such a summary for California in 1951 follows.

The first and most obvious service requested from the California Legislative Counsel was a general analysis of the United States and California constitutional and statutory provisions on reapportionment.¹⁴ Eight questions were concerned with the effect of reapportionment on the election process. Would the bills be subject to a referendum? When might such a measure be placed on the ballot? If the voters rejected the legislature's bills, could new ones be enacted in the following session? What would be the districts used in the 1952 election? In a special election prior to the 1952 elections? What would be the effect on the 1952 national conventions of the political parties? What the effect on state and county central committees of the political parties?¹⁵

Another group dealt with the manner in which incumbent state legislators and congressmen would be affected. This type of question is of special importance in California because it is the incumbent who gets the top position on the ballot in both

¹⁴ REPORT OF THE ASSEMBLY INTERIM COMMITTEE ON ELECTIONS AND REAPPORTIONMENT 81, 90 (June 21, 1951).

¹⁵ *Id.* at 93, 100-102, and 109-110.

primary and general elections.¹⁶ Six opinions were built around variations of the question of who would be eligible to run as incumbents in the new districts.¹⁷

Some 12 of the questions could be classified as involving the authority of the legislature to reapportion or the legality of steps in doing the job. Did Congress have the right to prescribe the manner in which states should reapportion congressional districts? What was the authority of the legislature to reapportion congressional districts? Was the legislature required to reapportion congressional districts in 1951? If it failed to act, what would happen? Could the legislature reapportion assembly and congressional districts more than once after each census? What should be the procedure in numbering new assembly and congressional districts? Was reapportionment subject to the same procedural requirements as other bills? What were the circumstances under which cities, counties, or assembly districts might be split in forming assembly or congressional districts?¹⁸

Two opinions were in direct response to questions raised about population requirements. Did the legislature have to wait for the 1950 final figures of the Census Bureau or could it reapportion on the basis of preliminary figures? What would be the legally permissible variation in population between assembly districts and between congressional districts?¹⁹ The remaining opinions either answered such special questions as whether or not a specific district was contiguous, or overlapped points previously covered.²⁰

No attempt is made in the short space of this article to discuss the California Legislative Counsel's opinions, or even to list briefly his answers to the questions cited above. Some of those answers could be stated in a word or phrase; to apply such summary treatment to others would risk dangerous oversimplification. In order to visualize the problem of reapportionment in California in 1951, however, it is necessary to outline the most important points of the legal frame of reference within which the legislature had to operate.

Following the procedures set down in the Federal Automatic Reapportionment Act of 1929, as amended in 1941,^{20a} President Truman on January 9, 1951, submitted a statement to Congress showing the 1950 population of each state and the number of congressmen to which each state was entitled on the basis of its new population total.^{20b} Congress took no action on the message, so on January 17, 1951, the Clerk of the United States House of Representatives notified the governor of California that California would be entitled to 30 congressmen in the Eighty-third Congress (an increase of 7 over its House delegation in the Eighty-second Congress).

¹⁶ CALIF. ELECTIONS CODE, §3802. Chapter 1409 of the 1951 Regular Session Laws made provision for the manner in which incumbents would be affected by the 1951 reapportionment.

¹⁷ REPORT OF THE ASSEMBLY INTERIM COMMITTEE, *op. cit. supra* note 14, at 84, 86, 99, and 105.

¹⁸ *Id.* at 87, 89-90, 93, 96-97, 99, and 102. ¹⁹ *Id.* at 102-103. ²⁰ *Id.* at 107-108.

^{20a} 46 STAT. 26 (1929), as amended, 54 STAT. 162 (1940), 55 STAT. 761 (1941), 2 U. S. C. §2a (1946).

^{20b} DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES IN CONGRESS (MESSAGE FROM THE PRESIDENT OF THE UNITED STATES), H. R. 36, 82nd Cong., 1st Sess. (Jan. 9, 1951); 97 Cong. Rec. 114 (1951).

There were no federal constitutional or statutory restrictions on the manner in which California should draw its congressional district lines.²¹ Although Congress once specified^{21a} that congressional districts be "composed of a contiguous and compact territory, and containing as nearly as practicable an equal number of inhabitants," those requirements were omitted from the 1929 act, and they have not since been reincorporated into law.

The California constitution contained no requirement that the population of congressional districts must be equal. Two items in Article IV, Section 27, moreover, made it mandatory for congressional districts to be unequal in population. First, in a county with more than one congressional district, congressional districts must be composed of whole assembly districts. The distortion of the population factor by this provision may be seen particularly in Los Angeles county. It has 31 assembly districts and 12 congressional districts. Obviously 31 is not divisible by 12. Some of the county's congressional districts, therefore, had to consist of two assembly districts and others of three. Assembly districts, however, are required to be as nearly equal in population as may be (Article IV, Section 6). Assuming each assembly district contained an ideal of 133,900 (population of California divided by 80), then the two-assembly-district congressional districts would contain 267,800 and the three's 401,700.

Second, no county may be divided to make a congressional district unless it has more than the ratio of population for one or more congressional districts.²² The problem of placing Kings county into a congressional district illustrates the relation between population and this requirement. One combination of three counties equaled 206,000 people; another, 246,000; a third, 357,000; and a fourth, 422,000. The ideal congressional district (population of California divided by 30) was slightly over 350,000. The fourth alternative, the one liked best by representatives of Kings and neighboring counties, was the one picked.

Article IV, Section 27, placed two more limitations on the legislature. Counties in a congressional district need be contiguous. Also, every congressional district must be composed of compact contiguous assembly districts.²³

Article IV, Section 6, of the California constitution requires assembly districts to be "as nearly equal in population as may be." Senatorial districts are not based on population. No county may contain more than one senatorial district; not more than three counties may be grouped in any one senatorial district. Other provisions of Section 6 may be summarized as follows: first, both senate and assembly districts must be composed of contiguous territory; second, no part of a county may be united

²¹ Neither was there a federal statute requiring California to reapportion its congressional districts. If the legislature failed to act prior to the 1952 election, the 7 new congressmen would have to be elected at large. 55 STAT. 761 (1941), 2 U. S. C. §2a (1946).

^{21a} 37 STAT. 14 (1911).

²² If it does have, it may be divided into as many congressional districts as it may be entitled to have. Any residue left after the formation of such congressional district or districts, must be attached by compact adjoining assembly districts, to a contiguous county or counties, to form another congressional district.

²³ Note that the "compact contiguous" adjectives apply to assembly and not congressional districts.

with another county to form either senate or assembly districts; third, no county may be divided to form assembly districts unless it contains enough population to form two or more districts within itself; and fourth, if the legislature at the first regular session following a federal decennial census fails to reapportion assembly and senate districts, a Reapportionment Commission shall forthwith apportion such districts.²⁴

V. POPULATION DATA

The purpose of reapportionment is to bring legislative districts into line with population trends since the last reapportionment. The United States Constitution, the federal act of 1929, and the California constitution clearly instruct the legislature to use the population data of the decennial federal census.²⁵ The California constitution, just as expressly, requires the legislature to reapportion assembly and senate districts during the 120 day regular session in the year after the federal census is taken.²⁶ If the legislature does not act within that period of time, the Reapportionment Commission is instructed to redistrict.

For several compelling reasons, legislators prefer to do their own redistricting rather than have it done for them by some outside agency. A first concern of the interim committee, therefore, was to secure as quickly and accurately as possible the population for California, its counties, and the smallest units for which population figures were available within counties having or being entitled to more than one assemblyman.

As early as September 28, 1949, the chairman of the interim committee asked the Census Bureau when and in what form preliminary and final figures for the 1950 census would be available. In its reply, the Census Bureau hoped final results would be ready for release soon after January 1, 1951.²⁷ On November 27, 1950, the earlier estimate was revised to sometime late in the spring of 1951.²⁸ Preliminary figures, however, would be released earlier, and the Census Bureau suggested that changes between preliminary and final figures would be very slight.

The final count of population by states was included in the President's January 9, 1951 message to the Congress. Those for counties in California were released on March 30, 1951.²⁹ Final data for census tracts and untraced incorporated and unincorporated places were not obtainable during the 1951 regular session of the California legislature.

On September 28, 1950, the preliminary release of California population by counties was issued.³⁰ Several types of tables showing county population and representa-

²⁴ A Reapportionment Commission would be composed of the Lieutenant Governor, Attorney General, State Controller, Secretary of State, and State Superintendent of Public Instruction.

²⁵ See opinion in the REPORT OF THE ASSEMBLY INTERIM COMMITTEE, *op. cit. supra* note 14, at 102.

²⁶ Article IV, section 6 imposed no such time limit prior to 1948. An amendment to the California constitution, Proposition No. 3 in the general election of that year, bracketed the limitation with an increase in legislator's pay.

²⁷ Letter of October 7, 1949 to the chairman of the interim committee.

²⁸ Letter to the chairman of the interim committee.

²⁹ Series PC-8, No. 4a.

³⁰ Series PC-2, No. 48.

tion entitlement figures by county were then prepared.³¹ To further enhance usefulness, the counties were arranged by metropolitan and rural, and by north, south and central sections of the state.

Assembly entitlement calculations, reflecting population trends since 1940, suggested three major re-allocations of seats from one county to another. The first was in the San Francisco Bay area. The city and county of San Francisco was entitled to 5.86 assembly seats. It had 8. Across the bay the fastest growing county in the state, Contra Costa, had only 1 assemblyman though it would now be entitled to 2.26.³² Contiguous to San Francisco on the south, San Mateo county, as the second most rapidly increasing county, was entitled to 1.78 seats instead of the 1 assemblyman it had.

The second shift revealed by population entitlement figures revolved around a Los Angeles-San Diego axis. Los Angeles county, though its 1940 population of 2,785,643 was raised to a 1950 level of 4,125,164, showed a percentage increase of only 48.1, or 3.8 per cent under the state-wide average. Its sister county to the south, San Diego, rose 85.2. Though it had 32 assemblymen, Los Angeles county was entitled to 31.37; San Diego, with its 3 seats, was entitled to 4.21. A third change appeared warranted in the Central Valley area. Kern county, which had deserved 2 assemblymen in the 1941 reapportionment but had been given only 1, now was entitled to 1.73. San Joaquin county, to the north, had 2 assemblymen and an entitlement of 1.52. Between the two counties, a possible movement of one seat from the less populous to the more populous might be considered.

Using these statistics, the chairman began discussions with members of the legislature about the number of assemblymen and congressmen³³ that should be allocated to the different counties, and in areas where it took several counties to make up a district, what counties should be grouped together. From this point on through the entire process, it was of particular importance to keep informed and to obtain evidences of substantial agreement from the leadership of both houses of the legislature.

Reapportionment planning for whole county units was relatively simple compared to the complex job presented by counties having or being entitled to more than one assemblyman. Especially was this true in the large metropolitan counties of Los Angeles, San Francisco, Alameda, and San Diego. The difficulties in Los Angeles with its 32 assembly districts (changed to 31 in 1951) were most acute.

To those who had watched what is called Los Angeles sprawl out into more and more decentralized units from 1940 to 1950, it was evident there had been a marked shift of population concentration from the center out into suburban areas. If the pattern of Los Angeles county assembly districts was to be changed on the basis of

³¹ See page 463 of this article.

³² See map of California on page 466 of this article.

³³ At this stage, allocation of assemblymen received primary attention. Congressional seat allocations would in large part depend on assembly districts.

the centrifugal movement, the interim committee needed more scientific population data than that which could only be supported by the observation powers of the naked eye.

Prior to the Census Bureau announcement on December 20, 1950 that "Unpublished Preliminary Counts of the Population of Census Tracts: 1950" could be obtained at the cost of having them prepared, it was necessary for the committee to attempt to develop some type of population estimates for subdivisions within the metropolitan areas.³⁴ For Los Angeles county, conferences began in September 1950 with the County Engineer, County Registrar of Voters, and Regional Planning Commissioner. Using total voter registration data published by the Registrar of Voters and population estimating factors developed by the Regional Planning Commission, the County Engineer prepared a map showing the ratio factor by which voter registration should be multiplied to arrive at an estimated population for each voting precinct. Staff assistants were then employed to develop a set of estimates, based on this method of computation, for Los Angeles county. The estimates were used in the preliminary planning of assembly district lines. Attempts were being made to prepare a similar set of estimates for the other metropolitan areas of the state when the December 20 announcement of the Census Bureau was made.³⁵

No more time or effort had to be spent on estimates of population. Local planning commissions, reapportionment committees, and others obtained official population data by census tracts, and used the information in planning their recommendations for assembly and congressional districts. For counties with untraced areas, preliminary figures were available for townships and incorporated places of less than 1,000 population.

With census tract data, population calculation procedure is simple. Copies of census tract maps can be obtained. The population can be written inside the boundaries of each census tract on the map. The tentative new assembly district lines can be placed on the map with removable masking tape. To obtain the population of each new assembly district, then, it is only necessary to add up the total population for all complete census tracts within the proposed district and make estimates of the percentage of population included for those tracts on the edge that are split by other assembly districts. As the tentative boundaries are changed, masking tape lines may be moved and a new estimated population total for the revised version of the district may be calculated.

While the assembly and congressional reapportionment bills were being considered during the 1951 regular session, one of the arguments advanced by some who sought

³⁴ The September 28, 1950 press release, in addition to county totals, contained the population of each incorporated place of 1,000 or more persons. Another release, November 5, 1950, gave population of congressional districts. Still another, November 21, 1950, gave population of cities of 100,000 or more by wards or assembly districts (including San Francisco's assembly districts). None of these helped enough to avoid the need for developing estimates.

³⁵ Some counties based estimates on school census data, others on building permits, electricity or natural gas accounts, etc.

to delay enactment was that only final Census Bureau population data were adequate. Two steps were taken to establish the validity of the preliminary releases. First, in response to a request from Congressman Cecil R. King of California, Dr. Roy V. Peel, Director of the Census Bureau, on February 12, 1951 certified that final figures for counties in California would be within 2 per cent of preliminary counts.³⁶ Second, in reply to a question asked by the chairman of the interim committee, the Legislative Counsel issued an opinion that the reapportionment could be based upon the official United States preliminary census figures available to the legislature at the time it acted.³⁷

VI. GEOGRAPHICAL DATA

The geographer's view is an essential supplement to population and other factors in reapportionment decisions. This is especially true of California with its many diverse geographical areas. Committee staff sought the assistance of Professor Ruth E. Baugh of the Department of Geography of the University of California at Los Angeles. Based on her advice and on a study published by Professor Baugh, "California: A Type Study of a State,"³⁸ a map of the major geographic regions was prepared.

This article is not the place to detail such local interest features as the coast ranges, the Sierra Nevada, the great valley, the desert, and northern and southern California. It is important, however, to note the manner in which such data can be used.

Throughout the history of reapportionment in California since 1910, sectionalism has been a major force. Not only would legislators want to see representation entitlement tables classified by county, but also by geographical section. Table I, in addition to arranging assembly and congressional seat entitlements by counties, sets them up on a north-south-central basis.³⁹ The north-south arrangement of counties became a critical point at issue during floor debate on the congressional reapportionment bill.

If southern California could be described as composed of only the 6 southernmost counties, its 1950 congressional entitlement total would have been 15.42 congressmen; northern California's, 14.58. If any one or all of 4 other counties generally included in a definition of southern California were added, the entitlement would not be 15-15, but rather 16 for the south and 14 for the north. The following tabulation illustrates the point:

³⁶ The certification revised the first set of preliminary population releases for 9 California counties, but the changes were very small.

³⁷ REPORT OF THE ASSEMBLY INTERIM COMMITTEE, *op. cit. supra* note 14, at 102.

³⁸ *Id.* at 38.

³⁹ See page 463 of this article.

<i>County</i>	<i>Southern California Entitlement</i>	<i>Northern California Entitlement</i>
San Diego.....	1.58	
Imperial.....	0.18	
Orange.....	0.61	
Riverside.....	0.48	
Los Angeles.....	11.77	
San Bernardino.....	0.80	
6 County Total.....	15.42	14.58
7 County Total.....	15.74	14.26
(add Ventura 0.32)		
8 County Total.....	16.02	13.98
(add Sta. Barbara 0.28)		
9 County Total.....	16.17	13.83
(add San Luis Obispo 0.15)		
10 County Total.....	16.82	13.18
(add Kern 0.65)		

Some northern California representatives insisted the 6-county definition should apply. Southern California representatives argued such a limitation would be artificial, and even the most narrow definition could not disregard the fact that Ventura and Santa Barbara counties lay almost entirely below the level of the northern boundary of Los Angeles county. A study was made of the southern California field districts employed for administrative purposes by the departments of the California State Government. Checks were also made of selected Federal Government southern California field districts, as well as definitions employed by private business organizations. Almost without exception, southern California was defined as larger than a 6 county grouping. The only California statute containing a description of southern California is the gas tax law; it includes 13 counties.⁴⁰

When geographical features are supplemented by the additional factor of communities of interest, an 8 to 10 county definition of southern California becomes even more obvious. The scope of economic and social influence of Los Angeles is not limited to 6 counties lying only to the south and east. Rather, it fans out to the north to include Kern county, and around to the west to add Santa Barbara and Ventura counties.

One of the best and most concise illustrations of an argument combining geography and communities of interest was presented to the interim committee by a representative of the Redwood Empire Association. Instead of a congressional district reaching inland and east across the north-coast mountain ranges, this organization wanted (and got) a long-narrow district composed of 7 counties situated along or near the Pacific ocean from the top of California down to San Francisco. The statement of the association read in part as follows:⁴¹

⁴⁰ The Collier-Burns Act of 1947. Chapter 46 of the 1947 First extra-ordinary Session of the California Legislature.

⁴¹ Statement by Mr. Lee McLeod, representing the Supervisors Unit of the Redwood Empire Association, to the subcommittee hearing in San Francisco on Feb. 26, 1951.

The following 7 Northbay Counties, by resolution of respective Boards of Supervisors, and supporting organizations and groups therein, respectfully request that said counties be established as a new Congressional District: Marin-Sonoma-Napa-Lake-Mendocino-Humboldt-Del Norte.

Population total for these 7 Counties qualifies the area for a Congressional District. . . .
Grand Total—361,048.

These 7 Counties comprise a natural geographic area—agriculturally, industrially, tourist-wise; in terms of water and timber and other natural resources; in terms of integrated highway and transportation systems in every other way.

People of these counties are united; their interests are mutual; their internal solidarity is complete—as testified by resolutions and other documents to be submitted by witnesses representing these counties (and organizations therein), today.

People in these counties have been working together, for mutual benefit, in the public interest, for over 30 years—as participants in their nonprofit Redwood Empire Association. They will continue to do so for many years to come.

In one section of the state, population might be sparse and located in scattered and relatively small rural communities; in another, dense and concentrated in huge urban areas. Urban-rural considerations have played determining roles in previous California reapportionments. In recognition of this fact, Table I included a metropolitan-rural classification in addition to its arrangement of assembly and congressional entitlement by county and by north-south-central sections.⁴² Economically, agriculture might be the principal activity in one section; in another, manufacturing, recreation, lumbering, fishing, mining, etc. Such factors are important and related enough to base in part reapportionment recommendations on them. They are certainly factors to be considered by the legislature when it is making its reapportionment decisions.

VII. POLITICAL DATA AND THE POLITICS OF REAPPORTIONMENT BILLS

There are those who hold that incumbent officeholders and political parties have no right to or should not take an interest in what happens to their districts. They seem to assume the reapportionment process operates in a vacuum with no pulling and pushing pressures affecting it, or that it stands still long enough for the artist drawing the districts to whisk his pen over first one part of a map, then another, and finally settle on a third line to which some fancy leads him. Neither situation occurs in real life. The pulling and pushing is constant, and to expect to set up a static situation is to invite an explosion.

It is impossible to draw a representative-district boundary line without that line's having some political significance. The reapportionment process is, by its very nature, political. That is true in California or any of the other states. It was true in Governor Elbridge Gerry's time and is today. It is true whether it is done by legislatures, reapportionment commissions, governors, judges, or by the people voting on the subject in a popular election. The significant question is not whether there

⁴² See page 463 of this article.

is politics in reapportionment, but rather, how much politics in relation to the other factors influencing the decision?

The interim committee took the position that the political desires of individuals and organizations, political parties, assemblymen, state senators, and congressmen were important. It set out to learn, as effectively as possible, what those opinions were. If suggestions were within the bounds of identifiable reapportionment standards and reasonable, an attempt was made to include them in the decisions made.

What should be general standards to guide the committee in its action? The legal instructions of the United States Constitution, Congress, and the California constitution would be followed. The populations of the new districts were to be as nearly equal as possible. Districts were to be compact. Communities should not unnecessarily be split, but rather incorporated in their entirety in either one district or another. Existing boundary lines were to be changed as little as possible. Substantial weight should be given to the recommendations of the persons who lived in the different sections of the state, provided they were in agreement on a plan. Wherever possible, an attempt would be made to honor the wishes of incumbent assemblymen, state senators, and congressmen. Assembly districts should receive first attention because many of the congressional districts would have to be based on whole assembly districts.

With operating procedures set, their application to specific situations follows. Second in importance only to the necessity of deciding on tentative allocations of assembly seats among counties and sections was the question of how to redistrict Los Angeles county. That county received a major share of attention throughout the reapportionment process because it represented the most complicated problem in the state. If it lost an assemblyman (from 32 to 31), at least one district would have to be abolished. If the concentration of population on the fringe areas was to be recognized, downtown Los Angeles districts would have to be dismantled and moved into outlying areas. Sizable readjustments would have to be made in most assembly and congressional districts. In quantity of work alone, Los Angeles had 25 more assembly districts than any other county. For these reasons, and because the chairman of the interim committee lived in Los Angeles, the reapportionment process in Los Angeles county will be used as the central theme around which step-by-step procedures in actually drawing district lines will be developed.

In Los Angeles county and throughout the state, the population factor pointed to the general areas where districts might be either abolished, dismantled, considerably changed, or left alone. The other standards were brought into consideration. But neither population nor other standards could operate without reference to the fact that there were inherent political elements in every problem.

Using Los Angeles as the example, incumbent assemblymen and congressmen from the downtown area were most concerned, as were persons and friends of persons who had planned in the future to run for office from districts in that

area. What was done downtown would have an effect like a stone dropped in smooth water—create waves of secondary effects that would be felt in other districts and by other incumbents and persons the entire way out to the boundaries of the county.

Political party officers in Los Angeles county and throughout the state had been asked to cooperate in reapportionment. Before research work began, the chairman of the interim committee suggested to the state chairmen of the Democratic, Independent Progressive, and Republican parties that they appoint reapportionment groups to work with the committee. The party chairmen were invited to sit with the committee and participate in discussions.

Other political or politically interested groups in Los Angeles county and throughout the state were asked to help. During the early fall of 1950, letters were sent to the mayor of every city in California, all the county boards of supervisors, the county chairmen of the political parties, all the elected representatives in the legislature and in the California delegation to Congress, labor organizations, chambers of commerce—a total mailing list of some 800 persons and organizations. The letters advised that the decennial reapportionment problem would be considered in the 1951 regular session of the California legislature, and suggested that if they were interested in the subject and in making recommendations thereon, they might well begin studying the problem. Included with each letter were copies of Sections 6 and 27 of the California constitution, which relate to reapportionment.

In Los Angeles county, the chairman of the interim committee began calling in both Democratic and Republican assemblymen to study the first rough tentative map of possible district changes. They had an opportunity to attempt to work out agreements with incumbent assemblymen from neighboring districts within the general standards guiding reapportionment. Both Democrats and Republicans could refer to colored maps of political data which showed the 1950 general election results for the offices of governor, United States senator, and attorney general. Also included were summaries of voter registration data by precinct.

Similar procedures were followed in some of the other sections of the state. Communities, counties, and regional associations, in response to communications from the interim committee, set up reapportionment committees to make recommendations for assembly and congressional districts in their respective areas. One of the best examples of a city-wide reapportionment committee was the subcommittee on reapportionment of the San Diego City Chamber of Commerce. Five of the 24 members were attorneys; 6 had some connection with newspapers. Others were the chairman of the San Diego County Democratic committee, his Republican counterpart, the 4 members of the San Diego delegation to the legislature, 3 ex-assemblymen, an ex-state senator, the city assessor; other occupations listed (with some duplications) were bank manager, rancher, and resort manager. This committee held numerous meetings in an attempt to resolve several proposals into one

reapportionment plan. It submitted one of the best reports, with maps and arguments for its point of view, received by the interim committee.

In other areas, county-wide reapportionment committees were set up. One example was the Imperial County Reapportionment Committee composed of representatives of the Imperial County Associated Chambers of Commerce, Board of Supervisors, Irrigation District, Farm Bureau, and other interested groups and individuals. Both the San Diego and Imperial county organizations attempted to work together on the problem of what should be the relation of the two counties to a congressional district that might have been shared by them. In addition to county organizations, the drive to create a Redwood Empire congressional district, as noted, was sparked by a regional organization, the Redwood Empire Association.

A subcommittee of the interim committee held a public hearing in Los Angeles on February 21, 1951. In addition to the Los Angeles hearing, others were held in San Diego, Fresno, San Francisco, and Sacramento⁴³ during the constitutional recess of the 1951 regular session.⁴⁴

Prior to the series of hearings, the chairman of the interim committee again wrote to all mayors, boards of supervisors, city clerks, members of the assembly, state senate and congressional delegation, and local reapportionment committees announcing the meetings. The letter, in part, asked all who desired to appear to supply the following information:

. . . 1. A large map of your area showing assembly and congressional districts (the map to be large enough to be used for demonstration purposes at the hearing); 2. A map, accompanied by supporting data, which will show population distribution within the county down to the smallest units for which such data is available; 3. A brief supporting explanation of the population map by the county planning commissioner or such other person as may be designated.

A press release stating the purpose of the hearings was attached to each letter.

The five hearings were opened by the chairman of the interim committee with a statement of the background of reapportionment and special problems being encountered in 1951. Anyone who desired to testify, then, was given an opportunity to be heard. A total of 28 assemblymen and 16 senators participated. There were 15 representatives of county boards of supervisors, and the same number from chambers of commerce. Twenty-four persons identified themselves as belonging to or representing political parties: 11 Democrats, two Independent Progressives, and 11 Republicans. Eight were city council members or city officials; 5, labor organization representatives; 2, county attorneys; and 12, classifiable as general public. Many of these persons spoke for local committees specially created to make recommendations on reapportionment.

⁴³ Starting in San Diego, in the south, on February 19, 1951, and concluding in Sacramento, the most northerly hearing point, on February 27.

⁴⁴ California is one of two states in which the regular sessions of the legislature are bifurcated. The first half of the 1951 regular session met from January 8 to January 23. The constitutional recess lasted from the latter date until March 12. The 1951 regular session adjourned *sine die* on June 23.

State Senator Fred Weybret, chairman of the special Senate Elections and Reapportionment Committee, sat with the subcommittee of the interim committee and took part in all the hearings. Invitations were issued to other assemblymen, state senators, and congressmen to join the subcommittee at the hearings held in their section of the state. Many of the state legislators were able to accept. No congressmen, however, were present.

It was difficult to meet with many congressmen while Congress was in session. The chairman, therefore, made a trip to the national capital to discuss questions relating to congressional reapportionment. Talks were held with a majority of the delegation, and that majority was representative of both political parties. Congressman Cecil R. King, Democrat of Los Angeles, was the chairman of the California congressional delegation committee on reapportionment.

As more and more reapportionment items appeared in the newspapers, it became important to acquire pertinent clippings in a systematic manner. To tap effectively this source of information, the interim committee engaged Allen's Press Clipping Bureau for coverage of reapportionment news and editorials throughout the state.

To return specifically to Los Angeles county, the first rough outline map of tentative assembly districts went through a constant series of changes and refinements. Press clipping summaries and typed copies of transcriptions of the public hearings were made and evaluated.⁴⁵ More and more assemblymen were called in for a first or subsequent discussion. Boundary lines underwent frequent changes. Perhaps a preliminary boundary line did not include the home or office of an incumbent assemblyman, or a new home he may have been building. An incumbent might want his district drawn so that strong potential opposition would be placed in another district. Perhaps he had an active campaign organization in one area that he did not want to give up. Others might be interested in preparing a congressional district in which they would have a good opportunity to be promoted to congressman in 1952. Perhaps still others wanted to keep their best campaign contributors or their biggest clients in their districts.

Direct or indirect requests for considerations of this type were not only made by incumbents. Neither were they confined to any one political party. Several proposals submitted to the committee under the guise of "pure principle," when analyzed, became quite self-serving in nature.

Shortly before the legislature was to reconvene after the constitutional recess, the preliminary map of Los Angeles county's new assembly districts was temporarily frozen.⁴⁶ Personnel from the Los Angeles County Surveyor's office were called in to make a master map of the proposed districts and legal descriptions of their boundary lines. Steps similar to this one, but varying with the magnitude of the problem, were taken in the other counties having or being entitled to 2 or more assemblymen.

⁴⁵ Verbatim proceedings at the public hearings and newspaper clippings are in the committee's files. One copy of the hearings is also in the library of the University of California at Los Angeles.

⁴⁶ March 12, 1951 was the date the legislative reconvened.

Assembly Bill 41, "An act . . . relating to the division of the State into assembly districts," had been introduced in skeleton form on January 9, 1951.⁴⁷ The following day it had been referred to the Committee on Elections and Reapportionment. The intention had been to have an almost final state-wide assembly district plan ready for amendment into A.B. 41 by the committee as soon as the legislature reconvened on March 12.

Mechanical difficulties, however, made it impossible to move for action in such a short space of time. The task of integrating the plans from the different sections of the state and checking the legal language required for the amendment took longer than had been anticipated. Assemblymen were given an opportunity to hear the description of their districts and to follow the reading on the master map. Changes were still being made at this time. They, in turn, necessitated changing the master map and legal description, perhaps not only for one or two districts in question, but for varying numbers of others that might be affected as well. Those who had been avoiding compromise were asked to reach an agreement or have the decision made for them.

Legal descriptions for Los Angeles county were all sent to the Los Angeles County Surveyor for another final accuracy check. Similar attempts were made to verify the accuracy of the descriptions submitted from the other areas. Then, the second tentative freeze was imposed on amendments to A.B. 41 on March 20, the day before the Elections and Reapportionment Committee was scheduled to take action on the assembly, state senate, and congressional reapportionment bills.⁴⁸ The typed amendments were rushed to the California State Printer, printed up overnight and during the day of March 21, and presented to the committee that night.

Although there had been broad participation in the preparation of the assembly reapportionment bill's amendments, this was the first time the three bills in their entirety were available. From the start of this hearing until the bills were signed by the governor on May 11, the legislative process proceeded at a rather shrill pitch.

VIII. AN OBSERVATION ABOUT THE MANAGEMENT OF REAPPORTIONMENT BILLS

It is not the intention here to present a detailed case study of the manner in which the three reapportionment bills were negotiated through the 1951 regular session of the California legislature. However, it is necessary to summarize.

A.B. 41, relating to assembly districts; A.B. 42, relating to congressional districts; and A.B. 141, relating to state senate districts, were introduced in skeleton form by the chairman of the interim committee and Assemblyman Charles J. Conrad, Republican from Los Angeles, on January 9, 1951. The three bills were referred

⁴⁷ See Assembly Weekly History, June 23, 1951, for complete histories of the three reapportionment bills.

⁴⁸ Frozen also were A.B. 42 and 141. A.B. 41 presented the biggest problem, however. Its detailed legal descriptions were long and complicated. A.B. 42 was relatively simple to draft because language could be in terms of counties or whole assembly districts. A.B. 141 was most simple. It made only two shifts of counties from one senatorial district to another.

to the Committee on Elections and Reapportionment within the following two days. On March 21, the three bills were amended by the committee and recommended "do pass as amended." A.B. 41 and A.B. 141 passed the assembly on March 27; A.B. 42, the following day. All passed without amendment. In the state senate, amendments were added, but only those that had been agreed to by the chairman. All three bills passed the senate, as amended, April 26. They were signed by Governor Earl Warren on May 11.⁴⁹

The tight control maintained by the chairman over the reapportionment bills was based on the following reasoning. Long and bitterly fought decennial deadlocks had been characteristic of almost every California reapportionment since 1910. In 1951, it was hoped, deadlock could be averted. An attempt was made to muster enough solidly supporting votes for the bills to insure their passage throughout every stage of procedure, and in the face of any unapproved amendments offered.

If control had broken down on one issue, it could have produced a repetition of another historical feature of California reapportionments, the wholesale trading of reapportionment votes for votes on other measures. Such a trading situation, with as strong bargaining factors as reapportionment votes available, is hardly a desirable one.

To have a single legislator control the bills can result in better management, both in the drafting and floor stages. The one request made by the Los Angeles County Surveyor before assigning staff to work with the interim committee was that the chairman or some other person with political authority act as the only point through which boundary line changes could be made. He recalled a previous chaotic reapportionment situation, at least from a draftsman's viewpoint, when any assemblyman could change his boundaries or ask the draftsman to make such changes. After being subjected to some of the pressures without having the political authority to approve or reject, and after changes were made which involved members other than those doing the changing, the draftsman refused any longer to work for the reapportionment committee.

In the procedure on the floor, it is certain that some amendments will be offered for the record, but without any serious hope that they will be passed. It is necessary to maintain the lines against such amendments. The control function in reapportionment is one that cannot be delegated to a non-political officer, neither can it be delegated to one who does not have the power to make decisions.

On the roll call votes, the lines of those in favor of the bills held. An alliance of both Democrats and Republicans, and without any significant sectional characteristics, gave the bills ample margin in both houses.

The vote in the assembly on final passage of A.B. 42 (the most controversial of the three bills) was 49 to 20. Of those in favor, 36 were Republicans and 13 Democrats; of those opposed, 17 were Democrats and 3 Republicans.⁵⁰ The final

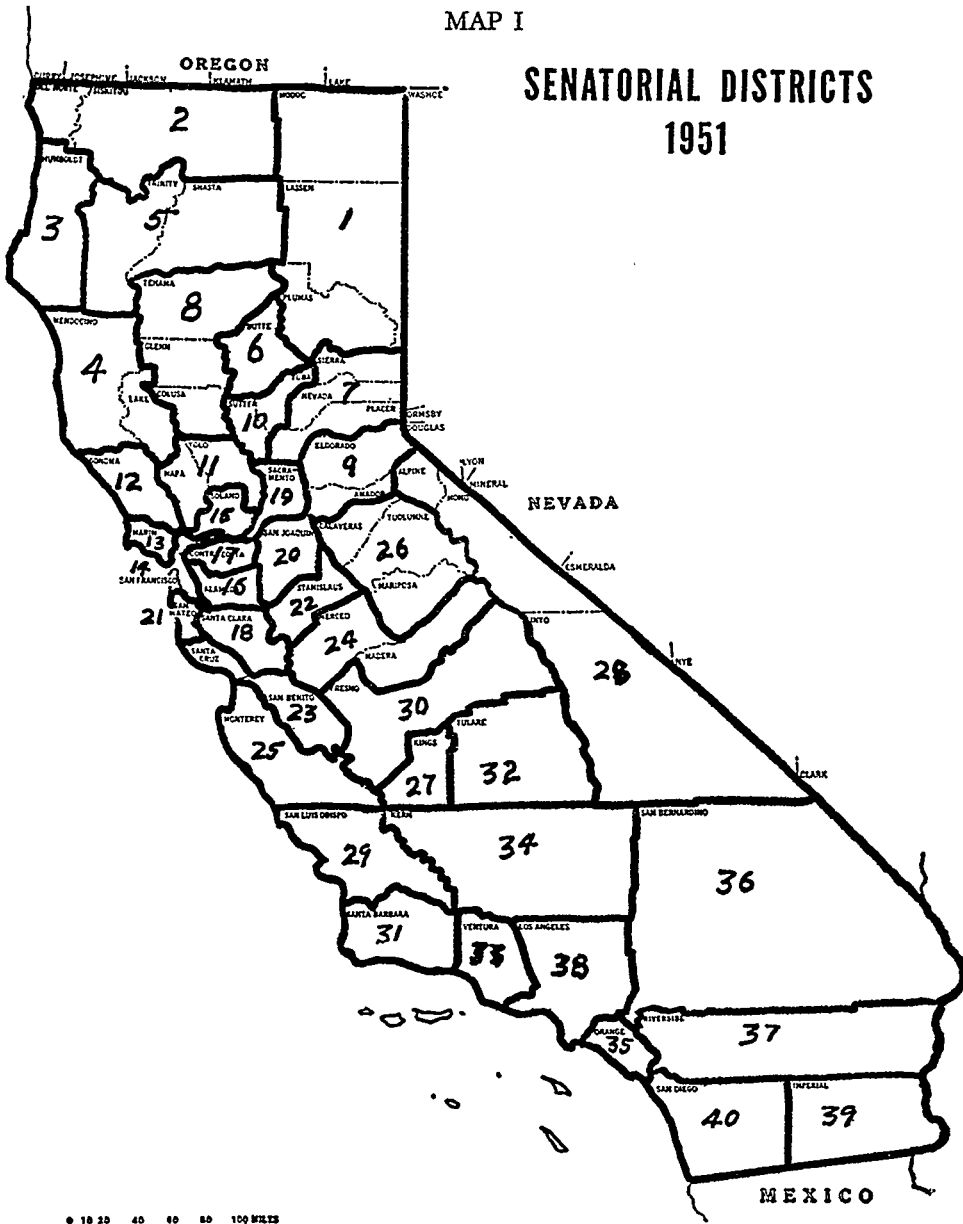
⁴⁹ A.B. became Chapter 395 of the 1951 Regular Session Laws; A.B. 42, 396; and A.B. 141, 397. See also footnote 47 *supra*.

⁵⁰ Assembly Journal, Mar. 28, 1951, p. 2150.

vote on A.B. 41 was 54 to 20.⁵¹ Through a series of test votes on amendments and procedural motions, the closest margin in the assembly on a matter relating to any of the bills was 40 to 32.⁵² On final passage of A.B. 42 in the senate, the vote was 31 to 2. Twenty-three Republicans and 8 Democrats voted for the bill. Two Democrats opposed.⁵³ On A.B. 41, the final vote was 30 to 4.⁵⁴ The closest of the entire series of senate votes on the reapportionment bills was a 23 to 11 count.⁵⁵

MAP I

SENATORIAL DISTRICTS
1951



⁵¹ *Id.*, Mar. 27, 1951, p. 2090.
⁵² *Id.* at 2089.
⁵³ Senate Journal, April 26, 1951, p. 1741.
⁵⁴ *Id.* at 1738.
⁵⁵ *Id.* at 1737.

IX. THE THREE REAPPORTIONMENT BILLS OF 1951—A BRIEF ANALYSIS

No changes in state senatorial districts were required by Article IV, Section 6 of the California constitution. Two minor shifts of counties were requested, however, by members of the senate. They were incorporated into A.B. 141. The bill was non-controversial. Alpine county was removed from the ninth district and placed in the twenty-eighth; San Benito county, from the twenty-fifth district to the twenty-third. The senatorial districts established in 1951 are shown on Map I.

The allocation of assemblymen and congressmen to counties and sections of the state was made on the basis of the representation entitlements included in Table I. The population statistics in the table are final 1950 census figures for counties in California. Table I also shows the number or share of assemblymen and congressmen received by each county under the 1951 acts.

A.B. 41 made the following shifts of assembly districts between counties: first, Los Angeles county (entitlement 31.37) lost 1 of its 32 assembly seats to San Diego county (4.21) to increase the latter's assembly delegation from 3 to 4 members; second, San Joaquin county (1.52) lost 1 of its 2 assembly seats to Kern county (1.73) to increase the total from Kern county from 1 to 2; and third, San Francisco (5.86) lost 2 of its 8 assembly seats with 1 going to Contra Costa county (2.26) and the other to San Mateo county (1.78) to increase the total of each from 1 to 2. Allocation of assembly seats to counties receiving one or more assemblymen was strictly on the basis of population entitlement, with the exception of Imperial county.⁵⁶

In addition to these major losses or gains, there were two shifts of counties from one district to another. Lake county was taken out of the fifth district (Napa-Solano) and placed in the third (Tehama-Glenn-Lake-Colusa-Yolo). San Luis Obispo county was taken out of the old thirty-third district (Monterey-San Luis Obispo) and placed in the new thirty-sixth (San Luis Obispo-Santa Barbara), and Monterey county got an assembly district of its own, the new thirty-fourth. These changes may be noted on Map II which shows the new assembly districts established in 1951.

Because population is the base reapportionment factor, the population of the assembly districts should be compared with the ideal average of 132,328. Table II shows the percentage deviation of the 80 assembly districts from that ideal.⁵⁷

Sixty-two of the 80 assembly districts are within the arbitrary figure of 15 per cent deviation from the ideal average. The deviations in 10 districts fall between 15 and

⁵⁶ Imperial county, according to the final figures of the 1950 census, has a population of 62,975. That population entitles it to only 0.48 of an assemblyman. San Diego county, to the west, is entitled to 4.21 assemblymen, yet under county-line restrictions in the California constitution (Article IV, Section 6) the 0.21 residue cannot be joined with Imperial county. Riverside county, to the north, is entitled to 1.29 assemblymen, yet neither can the 0.29 residue be applied to Imperial county's 0.48 plus San Diego's 0.21 residue. Arizona bounds Imperial county on the east, and Mexico on the south. The only alternatives for an assembly district for Imperial county are to join it to Riverside county to create a single district out of both counties, or to give it an assemblyman of its own. Riverside county could point to its 1.29 entitlement and suggest how grossly unfair it would be to combine with Imperial county's 0.48. Imperial county naturally preferred an assemblyman of its own.

⁵⁷ Population of California divided by 80.

TABLE I

Population of California (Final 1950).....10,586,223
 Average for Assembly Districts (80)..... 132,328
 Average for Congressional Districts (30)..... 352,874

A.D.	County	1950 Population	Assem. ² Entitle.	New A.D. ³ No. or Share	Cong. ⁴ Entitle.	New C.D. ⁵ No. or Share
<i>Metropolitan</i>						
40-71	Los Angeles (S) ¹	4,151,687	31.37	31	11.77	12
74-75	Orange (S).....	216,224	1.63	2	0.61	2/3
	Subtotal.....	4,367,911	33.01	33	12.38	12 2/3
78-80	San Diego (S).....	556,808	4.21	4	1.58	1 1/3
19-26	San Francisco (C).....	775,357	5.86	6	2.20	2
13-18	Alameda (C).....	740,315	5.59	6	2.10	2
10	Contra Costa (C).....	298,984	2.26	2	0.85	2/3
7	Marin (C).....	85,619	0.65	1/2	0.24	1/7
27	San Mateo (C).....	235,659	1.78	2	0.67	1
5	Solano (C).....	104,833	0.79	1/2	0.30	1/3
	Subtotal.....	2,240,767	16.93	17	6.35	6 1/7
	Total metropolitan....	7,165,486	54.15	54	20.31	20 (20.47)
<i>Rural</i>						
<i>(North Coast)</i>						
1	Del Norte (N).....	8,078	0.06	1/3	0.02	1/7
1	Humboldt (N).....	69,241	0.52	1/3	0.20	1/7
5	Lake (N).....	11,481	0.09	1/4	0.03	1/7
1	Mendocino (N).....	40,854	0.31	1/3	0.12	1/7
5	Napa (C).....	46,603	0.35	1/2	0.13	1/7
7	Sonoma (C).....	103,405	0.78	1/2	0.29	1/7
	Subtotal.....	279,662	2.11	2 1/4	0.79	6/7 (.86)
<i>(North Mountain)</i>						
6	Amador (N).....	9,151	0.07	1/10	0.03	1/19
6	El Dorado (N).....	16,207	0.12	1/10	0.05	1/19
2	Lassen (N).....	18,474	0.14	1/7	0.05	1/19
2	Modoc (N).....	9,678	0.07	1/7	0.03	1/19
6	Nevada (N).....	19,888	0.15	1/10	0.06	1/19
6	Placer (N).....	41,649	0.31	1/10	0.12	1/19
2	Plumas (N).....	13,519	0.10	1/7	0.04	1/19
2	Shasta (N).....	36,413	0.28	1/7	0.10	1/19
2	Sierra (N).....	2,410	0.02	1/7	0.01	1/19
2	Siskiyou (N).....	30,733	0.23	1/7	0.09	1/19
2	Trinity (N).....	5,087	0.04	1/7	0.01	1/19
	Subtotal.....	203,209	1.54	14/10 (1.40)	0.58	11/19 (.58)
<i>(Central Mountain)</i>						
6	Alpine (C).....	241	0.00	1/10	0.00	1/19
6	Calaveras (C).....	9,902	0.07	1/10	0.03	1/19
6	Inyo (C).....	11,658	0.09	1/10	0.03	1/19
6	Mariposa (C).....	5,145	0.04	1/10	0.01	1/19
6	Mono (C).....	2,115	0.02	1/10	0.01	1/19
6	Tuolumne (C).....	12,584	0.10	1/10	0.04	1/19
	Subtotal.....	41,645	0.31	6/10 (.60)	0.12	6/19 (.32)

A.D. ¹	County	1950 Population	Assem. ² Entitle.	New A.D. ³ No. or Share	Cong. ⁴ Entitle.	New C.D. ⁵ No. or Share
(Sacramento Valley)						
4	Butte (N).....	64,930	0.49	1/3	0.18	1/10
3	Colusa (N).....	11,651	0.09	1/5	0.03	1/6
3	Glenn (N).....	15,448	0.12	1/5	0.04	1/6
8-9	Sacramento (N).....	277,140	2.09	2	0.79	1/6
4	Sutter (N).....	26,239	0.20	1/3	0.07	1/6
3	Tehama (N).....	19,276	0.15	1/5	0.05	1/19
3	Yolo (N).....	40,640	0.31	1/5	0.12	1/6
4	Yuba (N).....	24,420	0.18	1/3	0.07	1/6
Subtotal.....		479,744	3.63	3.80	1.36	1.105
(Central Coast)						
33	Monterey (C).....	130,498	0.99	1	0.37	1/4
32	San Benito (C).....	14,370	0.11	1/2	0.04	1/3
33	San Luis Qbispo (S).....	51,417	0.39	1/2	0.15	1/4
28-29	Santa Clara (C).....	290,547	2.20	2	0.82	1/3
32	Santa Cruz (C).....	66,534	0.50	1/2	0.19	1/3
Subtotal.....		553,366	4.18	4 1/2	1.57	1 1/2
(San Joaquin Valley)						
34-35	Fresno (C).....	276,515	2.09	2	0.78	1/3
39	Kern (C).....	228,309	1.73	2	0.65	1/3
36	Kings (C).....	46,768	0.35	1/2	0.13	1/3
31	Madera (C).....	36,964	0.28	1/2	0.10	1/3
31	Merced (C).....	69,780	0.53	1/2	0.20	1/3
11-12	San Joaquin (C).....	200,750	1.52	1	0.57	1/2
30	Stanislaus (C).....	127,231	0.96	1	0.36	1/2
36	Tulare (C).....	149,264	1.13	1/2	0.42	1/3
Subtotal.....		1,135,581	8.58	8	3.22	3
(Desert)						
77	Imperial (S).....	62,975	0.48	1	0.18	1/3
76	Riverside (S).....	170,046	1.29	1	0.48	1/3
72-73	San Bernardino (S).....	281,642	2.13	2	0.80	1
Subtotal.....		514,663	3.89	4	1.46	1.67
(South Central Coast)						
37	Santa Barbara (S).....	98,220	0.74	1/2	0.28	1/4
38	Ventura (S).....	114,647	0.87	1	0.32	1/4
Subtotal.....		212,867	1.61	1 1/2	0.60	1/2
Rural total.....		3,420,737	25.85	26.05	9.69	9.52
Metropolitan total.....		7,165,486	54.15	54	20.31	20.47
		10,586,223				

¹Note: N—North; S—South; C—Central.

²"Assem. Entitle." means Assembly entitlement.

³"New A.D. No. or share" means number of Assemblymen granted in A. B. 41.

⁴"Cong. Entitle." means congressional entitlement.

⁵"New C.D. No. or share" means number of congressmen granted in A. B. 42.

Note: Table I is reprinted from REPORT OF THE ASSEMBLY INTERIM COMMITTEE, pp. 43-5.

	Population Entitlement	Share in Proposed Districts
A. Assembly		
North.....	6.13	6.45
South.....	43.08	43.00
Central.....	30.81	30.60
B. Congressional		
North.....	2.30	2.25
South.....	16.01	16.50
Central.....	11.69	11.24

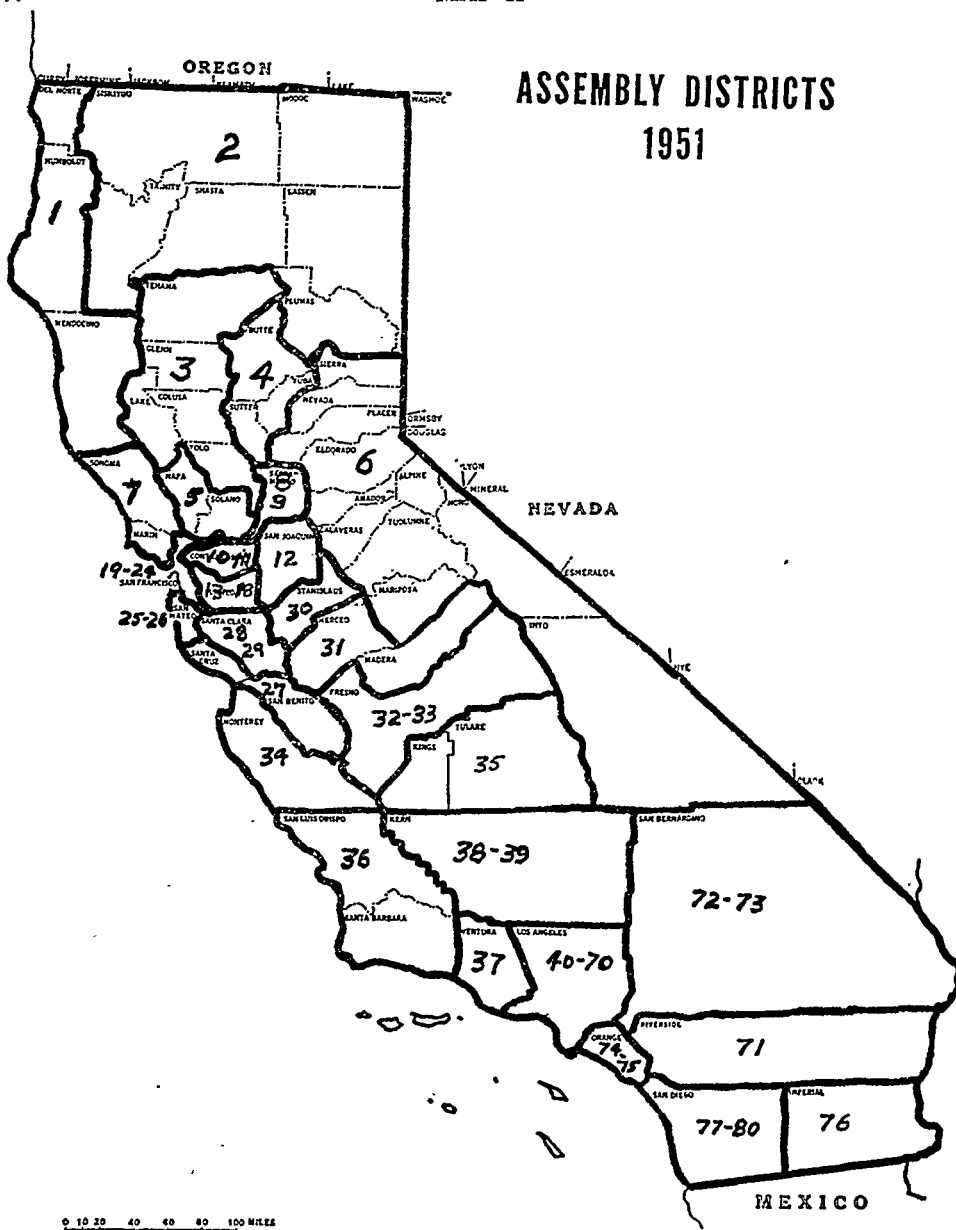
TABLE II

NEW ASSEMBLY DISTRICT POPULATION AND PERCENTAGE DEVIATION FROM IDEAL OF 132,328

District Number	Population	Deviation	District Number	Population	Deviation
1.....	117,171	-11.4	41.....	115,671	-12.6
2.....	115,478	-12.7	42.....	156,489	+18.2
3.....	97,190	-26.6	43.....	114,904	-13.2
4.....	114,760	-13.3	44.....	127,746	- 3.5
5.....	151,206	+14.3	45.....	149,265	+12.8
6.....	127,885	- 3.4	46.....	130,081	- 1.7
7.....	188,011	+42.0	47.....	116,337	-12.1
8.....	137,829	+ 4.2	48.....	124,719	- 5.8
9.....	137,830	+ 4.2	49.....	129,781	- 1.9
10.....	160,000	+20.9	50.....	122,397	- 7.5
11.....	137,430	+ 3.9	51.....	159,119	+20.2
12.....	200,535	+51.5	52.....	135,957	+ 2.7
13.....	131,400	- 7	53.....	126,344	- 4.5
14.....	115,200	-12.9	54.....	122,846	- 7.2
15.....	118,800	-10.2	55.....	131,391	- 7
16.....	106,200	-19.7	56.....	151,965	+14.8
17.....	117,000	-11.6	57.....	119,273	- 9.9
18.....	135,000	+ 2.	58.....	133,106	+ 6
19.....	121,000	- 8.6	59.....	114,073	-13.8
20.....	127,000	- 4.0	60.....	114,639	-13.4
21.....	123,000	- 7.0	61.....	158,013	+19.4
22.....	127,000	- 4.0	62.....	153,792	+16.2
23.....	133,000	+ 5	63.....	142,986	+ 8.1
24.....	129,000	- 2.5	64.....	110,116	-16.8
25.....	117,973	-10.8	65.....	134,214	+ 1.4
26.....	116,057	-12.3	66.....	122,490	- 7.4
27.....	80,250	-39.4	67.....	137,177	+ 3.7
28.....	144,469	+ 9.2	68.....	142,076	+ 7.4
29.....	138,400	+ 4.6	69.....	168,902	+27.6
30.....	126,765	- 4.2	70.....	142,439	+ 7.6
31.....	106,159	-19.8	71.....	169,392	+28.0
32.....	137,113	+ 3.6	72.....	137,655	+ 4.0
33.....	137,114	+ 3.6	73.....	142,587	+ 7.8
34.....	129,911	- 1.8	74.....	107,031	-19.1
35.....	194,976	+47.3	75.....	107,032	-19.1
36.....	148,856	+12.5	76.....	62,512	-52.8
37.....	113,415	-14.3	77.....	125,564	- 5.1
38.....	113,581	-14.1	78.....	153,119	+15.7
39.....	113,582	-14.1	79.....	153,110	+15.7
40.....	142,938	+ 8.0	80.....	104,174	-21.3

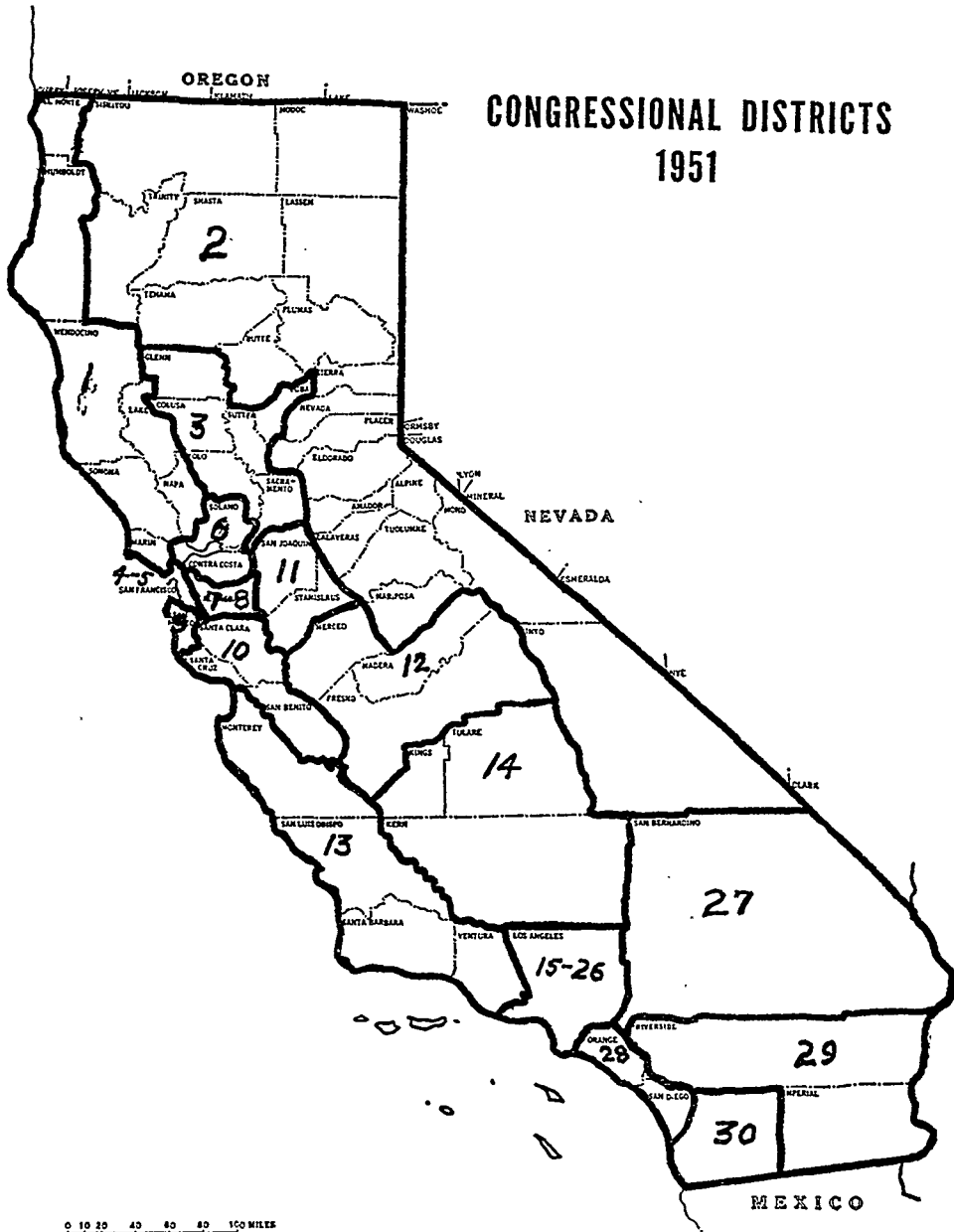
NOTE: Table II is reprinted from REPORT OF THE ASSEMBLY INTERIM COMMITTEE, p. 74.

MAP II



20 per cent; those in 8, over 20 per cent. The greatest deviation, -52.8 for the Seventy-sixth Imperial district, is caused by the county's location and the respect in which the California constitution requires reapportioners to hold county lines. The second greatest deviation, $+51.5$ for the Twelfth district, may be better understood by noting that San Joaquin county would have held its second assemblyman if there had been 81 instead of 80 seats to apportion.

MAP III



Sixteen of the 30 congressional districts were given to southern California; 14 to northern California. Los Angeles county, which had $9 \frac{1}{3}$ districts by the reapportionment of 1941, was increased to 12. An additional congressman was granted to the San Diego, Riverside, Orange and Imperial county area. San Mateo county was made a single district. The remaining 2 new seats were allocated to the

Sacramento Valley and the San Joaquin Valley areas. Numerous other minor changes were made, but they are impossible to describe in the space of this article. Map III shows the congressional districts established in 1951.

Table III includes actual or estimated population for each of the 30 congressional districts. It also shows the percentage deviation of the district populations from the theoretically ideal average of 352,874.⁵⁸

TABLE III
NEW CONGRESSIONAL DISTRICT POPULATION AND PERCENTAGE DEVIATION
FROM IDEAL OF 352,874

District Number	Population	Deviation
1.	362,935	+ 2.9
2.	326,906	- 7.4
3.	393,406	+11.5
4.	371,000 S. F. (19, 21, and 22) assembly districts . . .	+ 5.1
5.	389,000 S. F. (20, 23, and 24) assembly districts . . .	+10.2
6.	402,263	+14.0
7.	365,400 Alameda (16, 17, 18) assembly districts . . .	+ 3.5
8.	358,200 Alameda (13, 14, 15) assembly districts . . .	+ 1.5
9.	234,080	-33.7
10.	369,188	+ 4.7
11.	327,300	- 7.2
12.	380,385	+ 7.8
13.	392,182	+11.1
14.	422,139	+19.7
15.	410,306 L. A. (58, 63, 65) assembly districts . . .	+16.3
16.	228,712 L. A. (59, 60) assembly districts . . .	-35.2
17.	409,334 L. A. (46, 67, 68) assembly districts . . .	+16.0
18.	270,185 L. A. (44, 70) assembly districts . . .	-23.4
19.	451,322 L. A. (40, 45, 51) assembly districts . . .	+27.9
20.	231,241 L. A. (43, 47) assembly districts . . .	-34.5
21.	396,879 L. A. (41, 42, 48) assembly districts . . .	+12.5
22.	229,389 L. A. (57, 64) assembly districts . . .	-35.0
23.	436,250 L. A. (52, 55, 69) assembly districts . . .	+23.6
24.	274,811 L. A. (54, 56) assembly districts . . .	-22.1
25.	378,522 L. A. (49, 50, 53) assembly districts . . .	+ 7.3
26.	434,295 L. A. (61, 62, 66) assembly districts . . .	+23.1
27.	280,252	-20.6
28.	339,625 Orange and San Diego Seventy-seventh Assembly District . . .	- 3.7
29.	231,972	-34.3
30.	410,403 San Diego (78, 79, 80) Assembly District . . .	+16.3

NOTE: Table III is reprinted from REPORT OF THE ASSEMBLY INTERIM COMMITTEE, pp. 74-5.

Exactly half of the 30 congressional districts exceed the 15 per cent deviation, and of this group 10 are in Los Angeles county. One of the factors tending to produce this result is the requirement that, within counties, congressional districts be composed of whole assembly districts.⁵⁹

X. CONCLUSION

The primary concern in this article has been to discuss procedures and problems. Reasons have been given for some of the procedures followed, not to suggest that

⁵⁸ Population of California divided by 30.

⁵⁹ See page 448 of this article.

they are the only methods of operation, but rather to show some of the thinking that lay behind what was done. The concern has not been with justifying the substance of the 1951 reapportionment acts in California. Such an evaluation should come from someone outside the group that worked on the bills, and from one who has no political ax to grind.

Neither has it been the intention to imply that the bills were not subject to opposition. There was controversy in the legislature, and strong objections were made from a group in the Democratic party outside the legislature. Although it appeared for a time that representatives of the Democratic party might file a referendum petition, none was filed. Mr. Glenn M. Anderson, state chairman of the Democratic party, and eight other persons filed a petition for a writ of mandate in the California Supreme Court to stop the Secretary of State of California from putting the 1951 assembly and congressional reapportionment acts into effect.⁶⁰ The petition was denied by a six to one vote of the court.⁶¹

⁶⁰ Oct. 23, 1951.

⁶¹ Nov. 14, 1951.

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