
by

John G. Schuiteman and John G. Selph

LEGAL BACKGROUND TO REAPPORTIONMENT

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Although the Court maintains very strict requirements for the population equality of congressional districts, it upheld a 1973 Virginia case with a "total population deviation" among newly created state legislative districts of 16.4 percent. Total population deviation is determined by adding the absolute value of the deviation (from the ideal population figure) in the most and least populous districts. For example, according to the 1980 census the ideal population of a single-member House of Delegates district is 53,463. If the smallest district contained 5 percent fewer people than the ideal figure, and the largest district contained 5 percent more than the ideal, then the total population deviation would be 10 percent. (The U.S. Supreme Court has indicated that a plan with a total population deviation under 10 percent is *prima facie* constitutional.)

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THE REAPPORTIONMENT PROCESS

During the reapportionment process in Virginia, each house of the General Assembly develops its own reapportionment plan. In turn, within each house the Committee on Privileges and Elections (P & E Committee) carries out the redistricting task. A reapportionment "plan" is actually a bill that describes the boundaries of each legislative district. The bill goes through the same legislative process as other bills, although the usual custom is for one house of the General Assembly simply to give "rubber stamp" approval to the other house's plan.1

1. This custom was not followed in the 1981/1982 reapportionment, however. About 25 percent of the Virginia Senate consistently voted against the House plans. Figures are available from the authors.

FORMAL AND INFORMAL PARTICIPANTS

The General Assembly, the governor, the Justice Department, and the federal and state courts were the formal participants in the 1981/1982 reapportionment; i.e., the participants who possessed legal responsibility for the development and approval of the new House reapportionment plan. The informal participants were those members of the General Assembly who lobbied before the House P & E Committee on their own behalf; local officials or groups who represented local governments; minority-interest-group lobbyists from the Virginia chapters of the National Association for the Advancement of Colored People (NAACP), the Southern Christian Leadership Conferences (SCLC), and the American Civil Liberties Union (ACLU); spokesmen for public-interest groups such as Common Cause and the Virginia Municipal League; and concerned individual citizens. All of these participants attempted to influence the placement of district boundaries in order to promote their own specific goals and objectives.

When final legislative and gubernatorial approval is secured, the plan must be submitted to the Civil Rights Division of the U.S. Department of Justice, as required by the 1965 Voting Rights Act. The Justice Department may reject all or part of a reapportionment plan if it concludes that the plan has the effect of discriminating against black voters. In addition, challenges to reapportionment plans may be brought before the federal courts if a plan is thought to violate constitutional and statutory prohibitions against racial discrimination as well as the "one person, one vote" guidelines used to enforce the Fourteenth Amendment's "equal protection" clause. Challenges may also be brought before state courts on the basis of the Virginia constitution's requirement that legislative districts be composed of "contiguous and compact territory" and equal in population "as nearly as is practicable . . . " (Article II, Section 6).

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Between March 1981 and April 1982, the Virginia House of Delegates devoted a major portion of its energy to the task of reapportionment. During this period, the General Assembly adopted six different reapportionment plans. The final plan, adopted on April 1, 1982, is radically different from the initial plan enacted in 1981, and also from the plan that was in effect during the 1970s. Most significantly, the final plan prescribes single-member districts for all delegates, thereby improving the chance for minority candidates to be elected.

Each of the six reapportionment plans considered during 1981 and 1982 can be viewed as an attempt by the delegates to satisfy a set of legal requirements and political goals. Over the course of the reapportionment process, various participants intervened and forced the delegates to place greater emphasis on the legal requirements and, consequently, to modify or to change the priority of their political goals. This News Letter will trace the evolution of the final House plan and explain why these changes were necessary.

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Court recognized the geographical uniqueness of the Virginia Eastern Shore peninsula by upholding the assignment of an entire district to the two counties there.

**USE OF SINGLE-MEMBER AND MULTI-MEMBER DISTRICTS**

The Virginia House of Delegates traditionally has used a mix of single-member, multi-member, and "floater" districts. The House reapportionment plan adopted in 1971 contained twenty single-member districts; twenty-eight multi-member districts (eighteen two-member districts, six three-member districts, three five-member districts, and one seven-member district); and four floater districts.

A floater district encompasses either two adjoining districts or a district and an adjoining political subdivision. It is created either (a) when one district has excess population (i.e., more people than that implied by the number of delegates assigned to the district) and an adjoining district has too few residents to warrant a delegate of its own, or (b) when each of two adjoining districts possesses excess population. The floater delegate represents the people of both geographic areas.

Multi-member districts possess several properties that make their use particularly attractive to incumbent legislators. First, they allow incumbents to run as a team and thus offer the benefit of collective resources during a campaign. Second, they make it more difficult for challengers to unseat incumbents because the larger district makes it harder for a challenger to develop name familiarity among voters. Third, they often permit legislators to follow subdivision lines in constructing legislative districts and therefore produce districts recognizable by voters. Finally, the use of multi-member districts may be helpful in reducing population deviations in a reapportionment plan. For example, one county may contain 5 percent fewer people than the ideal population for a single-member district. A neighboring county may contain 5 percent more people than the same ideal population, producing a total population deviation of 10 percent. By combining the two localities into a two-member district, the population deviation would be reduced to zero.

On the other hand, the use of multi-member districts is thought to make it more difficult for minority populations to elect minority candidates than if single-member districts are used. Although this seems logical, it is interesting to note that the four black members of the 1981 House of Delegates all came from single-member districts (two from two-member districts, one from a five-member district, one from a three-member district, and one from a seven-member district).5

**CHRONOLOGY OF EVENTS**

The Democratic leadership of the House had hoped to receive preliminary census data by December 1980 in order that reapportionment could be completed during the January through March 1981 session of the General Assembly. Because the final data did not arrive until late February, however, Governor John N. Dalton was forced to call a special session of the General Assembly for March 30. By that time, the House P & E Committee had held statewide public hearings on the reapportionment issue and had devised a preliminary plan that, after further hearings in the first days of the special session, was sent to the full House. The plan was approved without amendment on April 8, 1981, by a vote of 87 to 11. The bill cleared the Senate the following day and was quickly approved by the governor. It was then sent to the Justice Department.

The Justice Department completed its review of the April 8, 1981 plan within the sixty-day period prescribed by the Voting Rights Act, and notified the General Assembly that it had rejected ten districts in the Southside area. These districts were judged to be discriminatory because their boundaries would have the effect of diluting black voting strength. An informal compromise regarding the Southside districts was worked out between the P & E Committee and the Justice Department and was taken up by the General Assembly on August 11, 1981. All attempted floor amendments were rejected, and the boundaries of the compromise agreement were adopted intact. The Justice Department approved the plan the next day.

In the meantime, the ACLU, NAACP, seven local governing bodies, and other citizens and local officials had filed suits against the House plan of April 8. These suits were not rendered moot by the August 11 revisions; they were consolidated and heard before a special three-judge federal court panel on August 13, and a decision was released twelve days later.6 The court found the plan unconstitutional because its total population deviation of 26.6 percent violated the "equal protection" clause of the Fourteenth Amendment. It ordered the November 1981 General Assembly elections to proceed as scheduled, using the August 11 plan, but with the proviso that the delegates be elected for only one year. A special election was ordered for November 1982 to elect delegates who would serve for the remainder of the 1982-1984 term.

The court also instructed the General Assembly to devise a new reapportionment plan prior to February 1, 1982. If the new plan was not acceptable, the Court then would impose its own plan, one in accordance with U.S. Supreme Court guidelines that required single-member districts for court-ordered plans.7

On September 29, 1981, P & E Committee Chairman John D. Gray (D, Hampton) appointed a special subcommittee of five Democrats and two Republicans, who were to work with other delegates representing the ten congressional districts to draft a new plan. A plan was devised, but formal action by both the full committee and the House was delayed until after the November 3 elections. On November 24, the House approved this new plan by a vote of 61 to 33. The new plan contained a primary plan that would go into effect upon the court's approval, as well as a "back-up" plan that would go into effect if the primary plan was declared unconstitutional.

The November 24 plan never reached the court, however, because Republican Governor John Dalton vetoed the entire proposal and called for the exclusive use of single-member districts. On December 14, the House failed to override the governor's veto, voting 49 to 44 against the motion to override.

Then on December 21, 1981, the House P & E Committee presented a new proposal that again contained both primary and back-up plans. The primary plan proposed single-member districts for most of the Commonwealth, the exception being multi-member districts to be used in eight urban areas: the cities of Richmond, Roanoke, Alexandria, Chesapeake, Portsmouth, Norfolk, Hampton, and Newport News. The back-up plan was similar except that these eight urban areas were also apportioned into single-member districts. The General Assembly approved this proposal on December 23, but Governor Dalton returned it on December 30 with a number of recommendations for amendment.

By January 12, 1982, a compromise between the governor and the House Democratic leadership had been forged. While this compromise rejected several of the governor's amendments, it did impose single-member districts across the Commonwealth, with the exception that the five districts in the City of Norfolk would be consolidated and, for electoral purposes, would function as a five-seat multi-member district. The bill incorporating this agreement was written so that if the court ordered the five-member district, a back-up plan voiding the consolidation of the five districts would take effect.

On March 12, 1982, the eve of final adjournment of the 1982 regular session of the General Assembly, the Justice Department notified the General Assembly that its newest plan (the fifth major plan to be considered) was unacceptable. The Justice Department objected to the plan because it submerged black population concentrations in the Norfolk multi-member district, divided black population by vote of 61 to 33 in Portsmouth and Hampton, and overconcentrated black population in a Newport News district.8

Newly inaugurated Governor Charles S. Robb subsequently called a special session of the General Assembly for April 1, so that another plan—yet another compromise between the P & E Committee and the Justice

8 Parker, "The Virginia Legislative Reapportionment Case," p. 48.
only the City of Norfolk apportioned as a multi-member district. Some delegates commented that the five-member Norfolk district (home of Majority Leader Thomas W. Moss Jr.) "stuck out like a sore thumb." The compromise was approved on January 12, 1982, however, with the House adopting it by a vote of 68 to 25.

On March 12, the Justice Department rejected the January 12 plan because various Tidewater districts would have the effect of diluting black voting strength. The NAACP and ACLU exerted their power at this point, and the General Assembly yielded by agreeing to create a black-majority district in Hampton, and to abandon the multi-member district in Norfolk. Buoyed by Justice Department support, lobbyists for the ACLU and the NAACP forced a few other marginal, yet symbolic, boundary changes, making it possible for these organizations to accept the agreement. The new plan, passed on April 1, 1982, increased the number of black-majority districts from six to nine single-member districts.

As noted earlier, six localities filed suit against the April 1 plan in federal court. Augusta, Rockingham, Fauquier, and Tazewell counties were split among three districts, and the Town of Christiansburg was divided between two districts. These four counties and the town argued that their fragmentation diluted their clout in the House and denied each locality and its citizens equal protection under the law.13 They also claimed that the districts in which they were placed violated the Virginia constitution's mandate that districts be compact and contiguous. Middlesex County, the sixth party filing suit, made similar claims in objecting to the fact that it had been placed in a district with the Eastern Shore counties of Accomack and Northampton.

The court heard the Christiansburg suit in June and the other challenges in September 1982. It rejected all suits, implying that "equal protection" should be invoked in reapportionment cases only when racial discrimination or equal population is an issue. The court also declined to accept jurisdiction in matters involving interpretation of the state constitution. Thus, the constitutionality of the final plan was upheld.

LESSONS FROM THE SENATE'S REAPPORTIONMENT

The 1981/1982 House reapportionment experience can be understood fully only by contrasting it with that of the Virginia Senate. Except for conflict that arose when the Justice Department rejected two attempts to divide the black residents of Norfolk into two districts, each of which would have been 35 percent black, the Senate plan met little opposition and was approved by the governor on November 30, 1981. The Justice Department's approval followed on January 21, 1982.

The relative ease of Senate reapportionment—or, conversely, the relative controllability of the House reapportionment process—is largely the product of four differences between the two houses.

First, the larger size of the Senate's forty districts (ideally, 133,657 people per district) made it less likely that charges of racial gerrymandering, violation of political subdivision boundaries, or failure to respect "communities of interest" would arise. Unlike the smaller House districts, racial minorities inevitably and allegedly are submerged within all but a few senatorial districts. The larger districts increased the probability that district boundaries would follow traditional subdivision boundaries. In contrast to the House, which ultimately represented an average of 53,463 persons per district, the Senate plan afforded fewer opportunities for challenges by racial groups or local officials. In addition, larger districts may increase the similarity of socioeconomic composition among districts and make it more likely that senators will share the same legislative goals. This also would reduce contentiousness during the process of reapportionment.

Second, the original 1971 Senate plan prescribed forty single-member districts, with this number being reduced to thirty-seven when a federal court ordered the consolidation of three Norfolk districts into a single, three-member district. Thus, the Senate did not face a transition to single-member districts, as did the more than eighty delegates from the House's traditional multi-member and floaterial districts.

Third, the Senate reapportionment process was less affected by electoral pressures. House elections were scheduled for November 1981. This meant that House districts had to be drawn and approved between the time the U.S. Census data arrived in late February 1981, and the date of the primary elections, scheduled for September 9. Delegates whose districts were altered would have but a few months to gain visibility and acceptance by their constituents. This increased the probability that senators will share the same legislative goals. This also would reduce contentiousness during the process of reapportionment.

Finally, the smaller number of senators also helps to explain why the Senate's reapportionment was a more manageable process. Few senators meant fewer opportunities for personal conflict and disagreement.

CONCLUSIONS AND IMPLICATIONS

The final reapportionment plan of April 1, 1982 is radically different from both the 1971 plan and those initially proposed by the House leadership. During the course of reapportionment, the goal of preserving political subdivision boundaries and, to a much lesser degree, the goal of incumbency protection were de-emphasized in order to satisfy the Court's "one person, one vote" guideline and the requirements of the 1965 Voting Rights Act. Partisan concerns emerged most clearly during the negotiations leading to the House adoption of the fifth plan in the process, on January 12, 1982. In this plan, the House Democratic leadership obtained protection for some of its most senior members, as well as the withdrawal of the governor's proposal to assist several Republican incumbents. The governor, in return, succeeded in forcing a plan that established single-member districts for all but five delegates.

The final plan substantially reduced the total population deviation, improved opportunities for the election of black candidates, and created better conditions for the development of democratic accountability in the legislature. These outcomes were largely the byproduct of the shift to single-member districts. With the court, the Justice Department, the governor, and the minority-into-majority groups using single-member districts, the House Democratic leaders simply had to yield. In doing so, however, they did not abandon their goal of incumbency protection.

In two cases, the House voted to accept the Senate plan and drain the House of all black members. One incumbent (in a district where he or she had to compete with another incumbent in order to gain renomination or re-election) was defeated in the primary election by a nonincumbent challenger, as were six others in the general election. Of the ninety incumbents attempting to win re-election, eighty-one (90 percent) were successful. The resulting 19 percent turnover rate for the entire House is exactly the same as the turnover rate that the House averaged in its previous four elections.14

The new plan may or may not be the blueprint for partisan or racial change in the House of Delegates. Although the Republican party fielded a record sixty-five candidates, the November 1982 elections did not produce the Republican gains that the leaders of both parties had anticipated. The defeat of a total of four Democratic incumbents was balanced by the loss of a newly created seat and the defeat of two Republican incumbents. This left the party ratio in the House of Delegates at sixty-five Democrats, thirty-four Republicans, and one independent, a net gain of one for the Republicans. The real test may be the 1983 elections, when the two parties will be seeking two-year terms and the elections will not be overshadowed by congressional campaigns.

Virginia's new reapportionment plan created nine black-majority single-member districts. Yet the number of black delegates was unchanged following the November election; all four black incumbents were re-elected without Republican party opposition. Four black nonincumbent candidates (one Democrat and three independents) were defeated. These eight black candidates represent an increase of one over the seven who ran in the 1981 election (under the August 11, 1981 plan), and an increase of four over the four incumbent black candidates who ran in 1979. While a small rise in black candidates for the House extended to the number of districts in which the new black-majority districts will stimulate political ambition within Virginia's black community remains to be seen.


14. Two additional vacancies occurred following the November 1982 elections; this increased the total turnover rate in the House of Delegates to 21 percent.
incorporated in the Group I plans, except that one new black-majority district was created by the revised plan of August 11. (Only two black-majority districts had existed under the 1971 reapportionment plan.)

The increased use of single-member districts was a goal of the minority and public-interest groups, and eventually of the Republican party. However, it was not a priority of the House Democratic leadership. In fact, the August 11 plan contained fewer single-member districts than the 1971 reapportionment plan.

The Group I plans pleased most localities because, with the exception of heavily populated Fairfax County, the plans did not split any city or county among more than one district. The objections that were raised came from those localities that had been placed in a district represented by a delegate with whom the voters were unfamiliar.

The August 11 plan was rejected because the 26.63 percent population deviation clearly exceeded the 16.4 percent guideline that most observers believed was the outer limit that the court would allow. Both Governor Dalton and House Speaker A. L. Philpott (D., Henry County) had expressed doubts about the constitutionality of the plan because of this discrepancy, yet they did little to prevent its passage. The governor pressed that reapportionment was a matter best left to the General Assembly. The delegates' willingness to support a prima facie unconstitutional plan underscores the importance that they accorded the goal of incumbency protection (even though, ironically, a plan likely to be declared unconstitutional would afford no protection). The preservation of existing districts was simply more important than the need to obtain reasonable equity among district populations. In fact, the initial plan of April 8, 1981 was approved by the House P & E Committee "without any statistical analysis to determine the population variances of the proposed districts."

The House leadership apparently thought that the court might tolerate a high deviation for the same reason it did in deciding Mahan v. Howell—namely, to maintain respect for subdivision boundaries and communities of interest. In any event, the delegates were willing to risk court rejection rather than to face up to the reality that real change must occur.

GROUP II PLAN

In response to the court ruling that the August 11 plan violated the "one person, one vote" principle, the delegates became much more concerned with population deviations. At the same time, they still gave highest priority to incumbency protection and the maintenance of political subdivision boundaries. Consequently, the total population deviation of the November 24, 1981 primary plan was 12.5 percent, and 9.8 percent for the back-up plan—both well under the 26.6 percent deviation of the Group I plans. This reduction was necessary to avoid a court-imposed plan that, in all likelihood, would not take incumbency protection into consideration.

The improvement made in population deviation was accomplished through the increased use of multi-member districts, a strategy that also furthered the goal of incumbency protection. Both the primary and the back-up plans contained a number of noticeably odd-looking and non-compact districts, few of which were the same as those in the 1971 plan. Furthermore, only ten single-member districts were created in the primary plan (twelve in the back-up plan), a reduction that continued the downward trend established by the August 11 plan. No attempt was made to increase the number of black-majority districts.

The Group II plan marks the point in the reapportionment process at which partisan concerns began to equal those of incumbency. Although the House adopted the P & E Committee's plan without amendment, the 61 to 33 vote broke strongly along partisan lines. Fifty-seven of the 72 Democrats present favored the plan, while 17 of 21 Republicans opposed it. More surprisingly, opponents of the plan garnered support within the Senate. Seven of 9 Republicans opposed the plan, as did 8 of 27 Democrats. The House Democratic vote on the yeaside of the 19 to 15 Senate vote.

Until his consideration of the Group II plan, Governor Dalton maintained that reapportionment was a matter whose resolution was best left to the General Assembly. The fact that the November 24, 1981 primary plan reduced the number of single-member districts, included obviously non-compact districts, and produced relatively high population deviations jeopardized the court's approval and invited the governor's veto. In vetoing the proposal, the governor pressured the House leadership, saying that the best interests of Virginians would be served by a plan that contained more single-member districts. Ostensibly, the governor and some of the Republican delegates favored single-member districts because they would make the Virginia legislature a more democratically responsive body. A stronger motivation, however, lay in the fact that the use of single-member districts might increase GOP representation in the House. Many longtime incumbent Democrats were shielded, in a sense, by multi-member districts in which Republican challengers had to enlist the support of a greater number of voters than would be required if single-member districts were used. These same multi-member districts also ensured that Republican enclaves would remain submerged within Democratic majorities.

The governor, sensing that the time was ripe, rallied the Republican delegates to the call for single-member districts. On December 14 the House leadership failed to obtain the two-thirds majority necessary to override the governor's veto. Only 44 delegates voted in favor of the motion to override. The Democrats split with 43 in favor and 27 opposed, while the Republicans were unified against the attempt by a margin of 21 to 1.

GROUP III PLANS

The governor's veto (and the subsequent failure of the House to override it) left the House leadership with little choice but to develop a plan containing significantly more single-member districts. The P & E Committee quickly formulated a plan that was a composite of single-member district plans that had been drafted and introduced separately by the late James S. Christian Jr. (D., Richmond), who acted on behalf of a coalition of minority-interest groups; Clinton Miller (R., Shenandoah County); and J. Samuel Glasscock (D., Suffolk). By making use of these proposals, the committee hoped to expedite legislative approval of a plan before the General Assembly convened, since that Assembly would include eight more Republicans than the Assembly of 1981.

On December 23, 1981, the House P & E Committee sent to the House floor the plan that assigned single-member districts to all but eight urban areas, with the back-up plan composed of 100 single-member districts.

This move to mostly single-member districts (a total of 77) had been almost unthinkable a few weeks before; it was now necessary, however, to gain the governor's approval and to retain a degree of incumbency protection. The House Democratic vote on the yeaside of the 19 to 15 Senate vote.

With the shift to single-member districts, the goal of preserving political subdivision boundaries largely was abandoned. Twenty-one of Virginia's 136 counties and cities are larger than the ideal district population of 53,463 and would of necessity have to be divided to form two or more districts. The primary plan of December 23 divided 37 counties and cities, while the back-up plan divided 43. The use of single-member districts also reduced the total population deviation to roughly 5 percent, leaving little doubt that the court would uphold the new plan.

Concern about the underrepresentation of blacks in the Virginia House was only marginally evident in the December 23 primary and back-up plans. While the primary plan increased the number of black-majority districts from two to three, the number of delegates elected from these multi-member districts remained at six. The back-up plan would have created eight black-majority, single-member districts, all located in urban areas.

Governor Dalton indicated his displeasure with the December 23 plan by returning it to the House with his recommendations for amendment. Two of his recommendations were designed to separate incumbent Republican delegates whose residences were placed in the same legislative district in both the primary and back-up plans. Two Republican incumbents from the Lynchburg area and two Republican incumbents from the Chesterfield County area were faced with this predicament. The governor also objected to the remaining multi-member districts and recommended that the primary plan be abandoned in favor of the back-up plan.

The House Democratic leadership struck a compromise with the governor that rejected his partisan recommendations but left
Table 1. Characteristics of the 1971 House Reapportionment Plan and Plans considered during the 1981/1982 Reapportionment

<table>
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<th>Date Plan adopted</th>
<th>Single-member Districts</th>
<th>Multi-member Districts</th>
<th>Floater Districts</th>
<th>No. of localities divided</th>
<th>District Population Deviations</th>
<th>Total</th>
<th>Districts that are largely black</th>
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<tr>
<td>Back-up</td>
<td>12</td>
<td>32</td>
<td>2</td>
<td>1</td>
<td>+4.9%</td>
<td>9.8%</td>
<td>2 (3)</td>
</tr>
<tr>
<td>Group III</td>
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<td></td>
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<tr>
<td>Dec. 23, 1981</td>
<td>77</td>
<td>8</td>
<td>0</td>
<td>37</td>
<td>+2.5%</td>
<td>5.0%</td>
<td>4 (5)</td>
</tr>
<tr>
<td>Primary</td>
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</tr>
<tr>
<td>Back-up</td>
<td>100</td>
<td>0</td>
<td>0</td>
<td>43</td>
<td>+2.7%</td>
<td>5.2%</td>
<td>3 (3)</td>
</tr>
<tr>
<td>Jan. 12, 1982</td>
<td>95</td>
<td>1</td>
<td>0</td>
<td>40</td>
<td>+2.7%</td>
<td>5.2%</td>
<td>3 (3)</td>
</tr>
<tr>
<td>Primary</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Back-up</td>
<td>100</td>
<td>0</td>
<td>0</td>
<td>41</td>
<td>+2.7%</td>
<td>5.2%</td>
<td>3 (3)</td>
</tr>
<tr>
<td>April 1, 1982</td>
<td>100</td>
<td>0</td>
<td>0</td>
<td>41</td>
<td>+2.7%</td>
<td>5.2%</td>
<td>3 (3)</td>
</tr>
</tbody>
</table>

SOURCE: Compiled by authors from information provided by the state Division of Legislative Services.

aThe word "divided" applies when the area of a single city or county is divided among two or more legislative districts. The 1971 figure does not include subsequent city or county boundary changes due to annexation.

Department—could be considered. This compromise also prescribed single-member districts for the entire state. After House and Senate approval of this compromise plan, Governor Robb signed the bill and sent it to Washington. The Justice Department's approval was granted on April 14, 1982.

The April 1 plan was accepted by the Virginia chapters of the NAACP and the ACLU, but it was challenged in federal court by five counties and by the Town of Christiansburg. The court rejected the Christiansburg challenge on June 23 and the other suits on September 28.9 No other challenges or appeals were made.

GOALS AND PRIORITIES OF THE HOUSE PLANS

Each plan or group of plans considered by the House involved an attempt to satisfy a mix of legal constraints and political goals. The main legal constraints were (1) state constitutional requirements of compactness, contiguity, and equal population; (2) federal court guidelines enforces the "one person, one vote" principle; and (3) provisions used by the Justice Department to enforce the 1965 Voting Rights Act. The major political goals sought during the process were (1) incumbency protection (promoted by incumbent delegates of both parties); (2) maintenance of political subdivision boundaries so that local jurisdictions would not be divided among legislative districts (promoted by incumbent delegates and local officials); 10 enhanced prospects for Republican gains in the House (promoted by Governor Dalton and the Republican party); (4) improved chances for the election of minority candidates (promoted by the NAACP, SCLC, and ACLU); and (5) increased use of single-member districts to promote delegate accountability (promoted by the Virginia Municipal League, Common Cause, and other good government groups). The priority given to these legal constraints and political goals changed as the situation facing the delegates changed.

For ease of discussion, the six major reapportionment plans adopted by the House have been divided into three groups (see Table 1). These groups correspond to three distinct phases of the reapportionment process. The Group I plans include (a) the initial plan of April 8, 1981 (rejected by the Justice Department) and (b) its revised edition of August 11 (rejected by the federal court). Both of the Group I plans were designed to achieve two goals: re-electing incumbents and preserving the boundaries of political subdivisions and existing districts.

The Group II plan consists of the primary and back-up plans of November 24, 1981 (vetoed by Governor Dalton). The primary and back-up plans of Group II mark an intermediate phase in the process, in which the delegates yielded on the issue of population deviation but remained adamant in their promotion of incumbency and boundary protection—even if this promotion required the creation of more multi-member districts.

The three Group III plans are (a) the December 23, 1981 primary and back-up plans (returned by Governor Dalton); (b) the compromise primary and back-up plans adopted January 12, 1982 (rejected by the Justice Department); and (c) the plan adopted on April 1, 1982, which finally gained the approval or acceptance of all participants. These Group III plans are radically different from those that came before. They mark the phase in which the House Democratic leadership was forced to reckon with the goals and power of both the governor and the minority-interest groups.

GROUP I PLANS

An analysis of the first two reapportionment plans shows that incumbency protection was the goal to which the delegates initially gave highest priority. Incumbency protection can be enhanced by either preserving existing legislative district boundaries or revising the boundaries to improve electoral chances for incumbents. With each delegate looking out for his own individual interests as well as those of his colleagues, the Group I plans look very similar to the 1971 reapportionment plan. More than half the districts remained exactly the same, and a number of others were altered only slightly. Common Cause determined that only 8 of the 100 incumbents would have been displaced by the April 8 plan, and at least 3 of these had announced that they were not seeking re-election.11 By preserving the 1971 district lines wherever possible, the relative political party strength was preserved in the House, with the Democrats easily retaining their majority status in the 1981 elections. Ninety percent of the incumbents running were re-elected (59 Democrats and 18 Republicans).

The goals of increasing black or Republican representation in the House were not
THE BICENTENNIAL OF THE CONSTITUTION

Announcement from the National Endowment for the Humanities

The 200th anniversary of the United States Constitution offers a singular occasion for encouraging renewed scholarly interest in and public reflection on the principles and foundations of constitutional government. Toward this end, the Endowment has initiated a number of new categories within each of its regular grant-making divisions to promote the study and public appreciation of the history and principles of the Constitution.

Accordingly, the Endowment welcomes proposals involving studies by scholars over the whole range of philosophical and historical questions raised by the constitution and the founding period. Moreover, the Endowment wishes to encourage the wide dissemination of the results of such studies as well as the best work now existing through conferences, public lectures and exhibitions, television, radio and movie productions, and through summaries and analyses for high school and college students, and for general audiences.

Proposals are solicited on the philosophical, literary, historical, and political origins of the Constitution, the relation of the structure of the Constitution to American political, social, and intellectual culture, and the connection between self-government and purposes of human life.

Topics of Special Interest

(The following is not meant to restrict the areas in which applications will be accepted, but is intended to indicate possible approaches to the study of the Constitution. Proposals are welcome from all fields of the humanities.)

1. History of the Period
   This includes the Constitutional Convention and relevant events and documents that preceded it (such as the Articles of Confederation and the Annapolis Convention) and followed it (such as the State ratification debates, Federalist and Anti-Federalist Papers, and political and legal debates concerning the scope and meaning of the Constitution).

2. Constitutional Principles
   Work in this area might include the theoretical antecedents—ancient, medieval, and modern—of the constitution; the founders' understanding of human nature and its relevance to Constitutional polities; the character of the novus ordo seclorum that the Constitution was intended to inaugurate; the relation of civil to natural rights; and the founders' views respecting the connection between the Constitution and national character and culture.

3. The United States Constitution and the World
   Under this heading, projects might explore similarities to and differences between the U.S. Constitution and the constitutions of other nations, as well as possible differences of principle and purpose among modern democratic countries that can be seen by a comparison of the U.S. Constitution with the constitutions and laws of other countries.

4. Individual Rights
   Work here could include the relation of the original structure of the Constitution to the preservation of natural and civil liberties; the connection between the rights enumerated in the Bill of Rights and elaborated by the Supreme Court and the broader principles of republican government contained in the preamble and body of the Constitution; and the pursuit of individual happiness and the national well-being.

5. The Character of Democracy
   This would include the relation of current American life and culture to the Constitution and the principles underlying it; the connection between democratic government and the cultivation of human excellence; and the American character as it is revealed through American art and literature, and as seen through the eyes of non-American observers.

6. American Federalism
   In this area, the Endowment would encourage exploration of the principles of compact and agreement underlying the Federal structure; the relation of state constitutions to the U.S. Constitution; and the intent and reality of federalism.

7. Political Institutions
   Study here would include the institutions of the Presidency, the Congress, and the Supreme Court as they are related to the whole of the Constitution and as seen through the disciplines of the humanities.

8. Constitutional Interpretation
   This could include projects which seek to examine the history of scholarly treatments and popular conceptions of the Constitution as well as projects that seek to understand the meaning of the text through legal, historical, and philosophical studies.

All divisions of the Endowment are participating in this special initiative for the Bicentennial of the U.S. Constitution. For additional information, guidelines for proposals, or other assistance, write to the Public Affairs Office or the Office of the Bicentennial. The address is:

(Division or Office)
National Endowment for the Humanities
Washington, D.C. 20506
or call the Public Affairs Office at (202) 786-0438.