

Perspectives

John F. Nagle

Let's anti-gerrymander

Here's how redistricting can treat Pennsylvanians fairly

How should congressional districts be drawn? This is a timely question after the Pennsylvania Supreme Court this week threw out the state's congressional district map, ruling that it is so grossly gerrymandered and unfair as to violate the constitution.

Pennsylvanians became aware that something was amiss when Democrats received more than half of the state vote in 2012 for members of Congress yet Republicans won 13 seats and Democrats won only five.

Recent lawsuits have provided exhaustive evidence of extreme gerrymandering. The most conspicuous is the contorted shapes of congressional districts, which led many to believe that the remedy is to draw districts compactly and with minimal splitting of political subdivisions. These are called traditional redistricting criteria, to which the legal criteria of population equality, contiguity and minority voting rights are automatically added. These traditional criteria are written in the Pennsylvania Constitution for legislative districting but not for congressional seats.

Unfortunately, even using traditional criteria results in politically biased representation, which is aptly described as "viewpoint discrimination" in a Maryland gerrymandering lawsuit. The reason is well understood by political scientists — voters for Democrats are packed into cities like Philadelphia where their surplus votes are wasted relative to the smaller number of wasted surplus votes in districts won by Republicans.

When districts are drawn using traditional redistricting criteria, the effect of this political geography sometimes is called unintentional gerrymandering. I've examined maps drawn following traditional criteria. I estimate that, with the statewide vote splitting 50/50, they likely would seat 11 Republicans and seven Democrats, based on past election results at the precinct level.

A recent New York Times piece agrees. While fairer, traditional Pennsylvania districting still would produce results with half as much bias as today's map.

An expert witness for the



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League of Women Voters' successful lawsuit to overturn Pennsylvania's districting drew 500 maps by computer using traditional criteria. These maps have an average bias more than one-third as large as the current map. It is noteworthy, however, that a few of his maps have very little bias.

Another concern about the present map is that there has been no political-party change in any of the seats in this decade. Responsiveness to shifts in voter preferences is desirable. Providing safe seats for either party is not desirable because their extreme wings can then nominate polarizing candidates in their primaries, which are closed to independents, and then the elected representatives do not make the compromises necessary to govern.

As for bias, responsiveness (a.k.a. competitiveness) can be estimated. Maps drawn using traditional criteria are more responsive than the current Pennsylvania districts.

But I also have drawn maps focused primarily on creating responsive districts while also observing traditional redistricting criteria. These maps are even more responsive and have even less bias than those drawn exclusively using traditional criteria. In my examples, when responsiveness goes up, bias goes down. My fairest map likely would seat nine Democrats if they won 50 percent of the statewide vote — that is, half the seats for half the votes.

So, what should be done? Many reformers take a conservative stance that past election results should be banned from consideration during redistricting on the grounds that those data historically have been used perniciously for intentional

gerrymandering. Indeed, the flagship reform Senate Bill 22 that would set up an independent redistricting commission would ban the commission from using such data. This would leave a map-drawer with only the traditional redistricting criteria. And this would produce pretty maps that enshrine bias and suboptimal responsiveness.

Responsiveness to voters and fairness to voters of opposite political persuasions should matter more than pretty maps. These criteria should be placed ahead of, or at least at the same level as, the traditional criteria of compactness and not splitting political subdivisions.

Although tradition has value, it should not preclude innovations to solve problems. Fortunately, the Pennsylvania Constitution requires applying traditional criteria only for legislative maps, so it does not preclude taking more innovative approaches to congressional mapping. I propose using all the data at our disposal to anti-gerrymander for fair and responsive maps.

How could this paradigm shift be implemented? One way would start by drawing thousands of maps. This already has been done by computer. To those maps would be added citizen-drawn maps, like the ones I have assembled, and maps drawn by the parties. After evaluating all the maps for bias, responsiveness and traditional criteria, an independent redistricting commission would scrutinize the best ones in coming up with a final one. This would be democracy at work.

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Dan Simpson

Year One: Trump earns a D

The tax bill is OK; otherwise, the president made a mess

I planned to forgo a one-year-anniversary performance-rating column about Donald Trump's presidency, but the poetic fillip of a shutdown of the federal government on the occasion gave me no choice.

The failure of our elected officials to pass and sign into law in a timely fashion the legislation necessary to keep the government running is simply appalling. I will not attempt to allocate blame, although an absence of capable leadership certainly is one element.

What enrages me most is that the shutdown took place on the taxpayer's dime. We employ all these people, picking up their salaries, their health insurance, their pensions, all their lifetime benefits, and they just flat don't do their jobs. Just about the only way to get back at them is to vote against them, but they have constructed such barriers between us and them that turning them out of office at the polls or by recall or impeachment is so hard as to be almost impossible.

So, we pay, they don't do their jobs, and they close down the government that is supposed to serve us. It is in some ways a perfect end to the first year of Mr. Trump's term in office.

I don't buy the argument that it is entirely the Republicans' fault, controlling as they do the White House and both houses of Congress. We are told, for example, that scores of Democrats are already running for president in 2020, which does not incline them to peacemaking, otherwise known as problem-solving.

Mr. Trump at this point has to be rated a total, still-building disaster, at home, abroad and in terms of ethics.

He seems to top each of his daily indignities worked upon us with something new the next day. The only way to explain what he does in quasi-logical terms is to assume that he wants to dominate the public's attention with repeated outrages. We can be either serious, or absurd.

On the serious side, Mick Mulvaney, acting director of the Consumer Financial Protection Bureau and therefore responsible for protecting American consumers from being cheated, has, consis-

tent with the Trump administration's approach to regulation, asked for \$0 — ZERO — for the bureau's budget for the quarter. The bureau also asked the federal court in Kansas to dismiss a payday-loan suit it had filed last year against four companies accused of cheating borrowers by charging illegally high rates.

As far as Mr. Trump personally is concerned, one of his most outrageous acts continues to be his refusal to

where the \$130,000, not Trump change, came from. Was it Mr. Trump's money or the Republican National Committee's or someone else's? Maybe the coal miners took up a collection.

As for the Trump-Republican "tax reform" bill, it was certainly due and must be put on his first-year report card as a plus. I favored reducing the corporate income tax to give our companies a chance in competition with European and Asian concerns. Which Americans got helped and which got hosed by the bill's provisions may become clearer after this year's tax returns are filed and assessed. I am suspicious, but no one really knows yet.

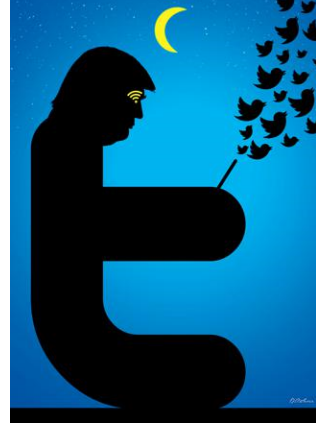
The confirmation to the Supreme Court of Justice Neil Gorsuch was a "wash" as far as I am concerned in terms of Mr. Trump's performance. It was predictable that the Republicans would seat a determined conservative. What was scummy on their part was not even considering President Barack Obama's nominee, leaving a long vacancy on the court so they could make the choice.

The Republicans' flailing, more or less unsuccessful bid to get rid of Obamacare, which would strip health insurance from many Americans, particularly poor Americans, was petty and just plain wrong. Who could possibly want to take health care away from children and poor, disabled and old Americans?

I have written before about Mr. Trump's pathetic, damaging record in foreign relations. He has destroyed deals and made no new ones that are any good. America's partners in the world are either appalled or frightened by his erratic, highly personal approach to foreign affairs. The rest of us are reduced to just hoping he won't start another war in hopes of either saving his presidency or winning a second term.

His grade for the year: D. But we will survive. We still have the states, the cities, the courts, some members of Congress and we, the pathetic media, to help put things right.

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let the American people see his tax returns. This is partly brazen blockage to protect himself from the investigation into Russian intervention in the 2016 election being conducted by special counsel Robert Mueller.

By the way, it's about time that the American public saw the fruits of the Mueller inquiry. Otherwise, there will be a growing suspicion on the part of us humble peasants that this investigation has become yet another part of the Washington slow-roll game of self-protection on the part of our ruling lords and masters. I smelled a rat when former presidential counselor Steve Bannon was spared a grand jury appearance last week.

On the more amusing side, there is the \$130,000 election payment to porn queen "Stormy Daniels," allegedly to keep her quiet about a fling she had with Mr. Trump. If President Bill Clinton had been tangled up in such a matter, the press would have gone crazy and it might have been the end of Mr. Clinton's presidency. But in Mr. Trump's case, his recorded comments about grabbing women by the private parts and his reputation for boorish behavior, Americans do not appear to be much shocked by the new tale. I would still like to know

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