



POPULATION AND POLITICS

Population And Politics: Virginia Legislative Redistricting And The Decline Of Political Power

The salient fact about this year's Virginia legislative redistricting, insofar as Hampton Roads is concerned, is it confirmed the recent decline in the political power of the region. For a variety of reasons, including lower than average regional population growth and the retirement or defeat of senior regional legislators, Hampton Roads' political power has been on the wane. The region will move from a situation in which 27 legislators had their districts wholly or partially in Hampton Roads to one next year when only 23 legislators will claim some portion of Hampton Roads in their district. One can sugarcoat this result in various ways, but it is undeniable that the region's political clout in the legislative halls of Richmond has declined significantly since the mid-1990s.

The Redistricting Process

Hampton Roads' representation in the General Assembly has been affected over the years by changing population trends and shifting political winds. While redistricting under current judicial standards is primarily about equalization of legislative districts based on population, experiences of the Hampton Roads region show that politics continues to influence the drawing of district lines.

The Virginia constitution requires that the General Assembly reapportion the Commonwealth every 10 years into electoral districts that "shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as practicable, representation in proportion to the population of the district." A number of court decisions have made it clear that the principle of "one man-one vote" is to be followed and that only a *de minimis* deviation in population equality is to be permitted.

Since the constitutionally established upper limits on the number of members of the House of Delegates (100) and the Senate (40) were reached long ago, redistricting in recent decades has consisted of moving district boundaries to reflect shifts in population. State legislative district boundaries are drawn to meet court-imposed standards of equal population and of access of minorities to the political system. In contrast to historical custom, district lines now are drawn irrespective of local jurisdictional boundaries.

The General Assembly approved new state legislative district lines in April 2001. Redistricting took place through the normal legislative process, although a special session was convened specifically for that purpose. Bills describing the new legislative districts were drafted by special subcommittees of the House and Senate Privileges and Elections Committees. Public hearings were held around the state, and the bills were heard in committee and on the floor in each house. Amendments were adopted to correct technical problems and to reflect changes desired by the majority party. Each house accepted the other's work, and the bills were signed by the governor. Maps of the old districts and the newly drawn ones are shown in Figures 1 and 2 for the House of Delegates and Figures 3 and 4 for the Senate.

The redistricting plan received approval from the U.S. Department of Justice in early June 2001, as required under the Voting Rights Act, but is the subject of a lawsuit challenging its constitutionality. Only minor changes, if any, are likely to result from these reviews.

FIGURE 1
The Old 1990 House of Delegates Districts in Hampton Roads

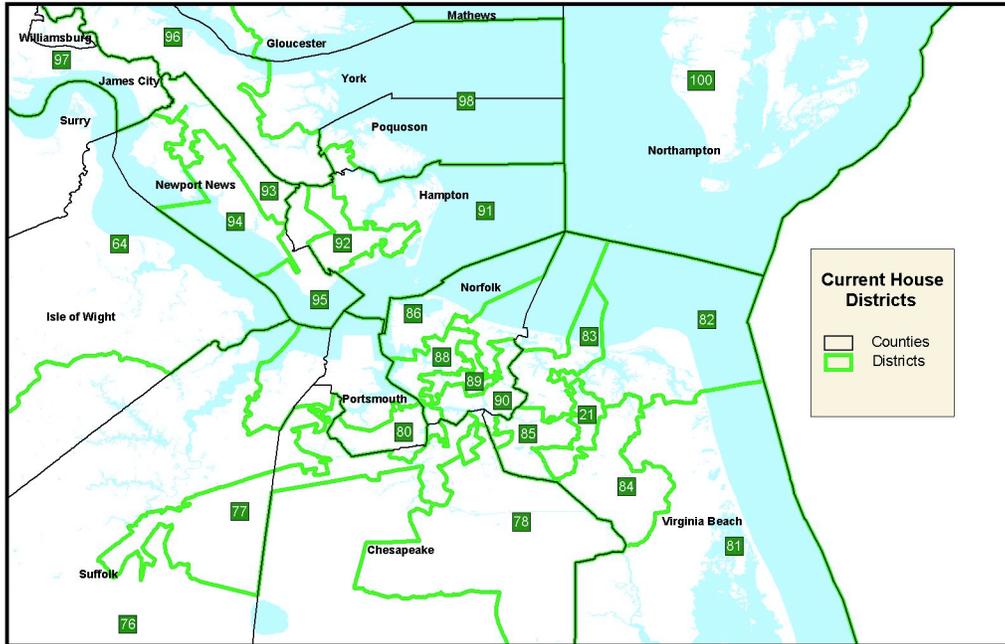


FIGURE 2
The New 2001 House of Delegates Districts in Hampton Roads

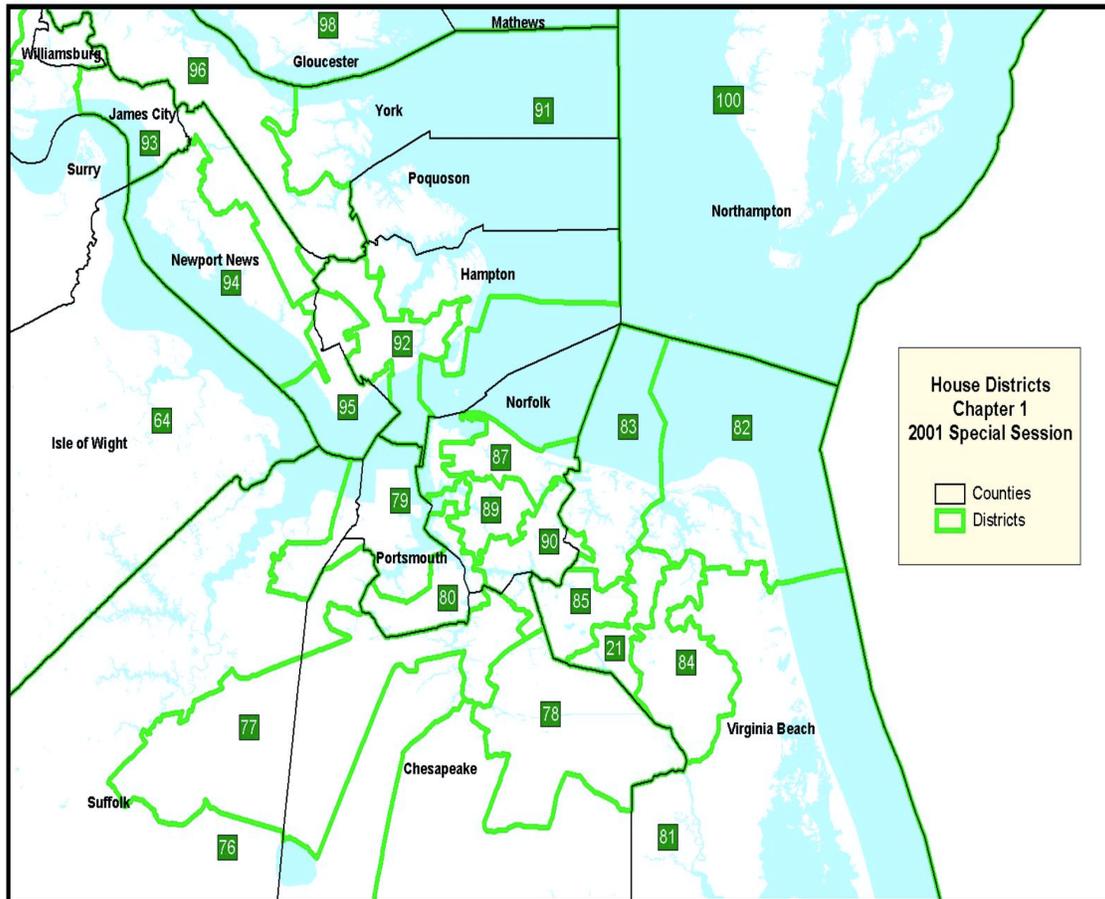


FIGURE 3
The Old 1990 Senate Districts in Hampton Roads

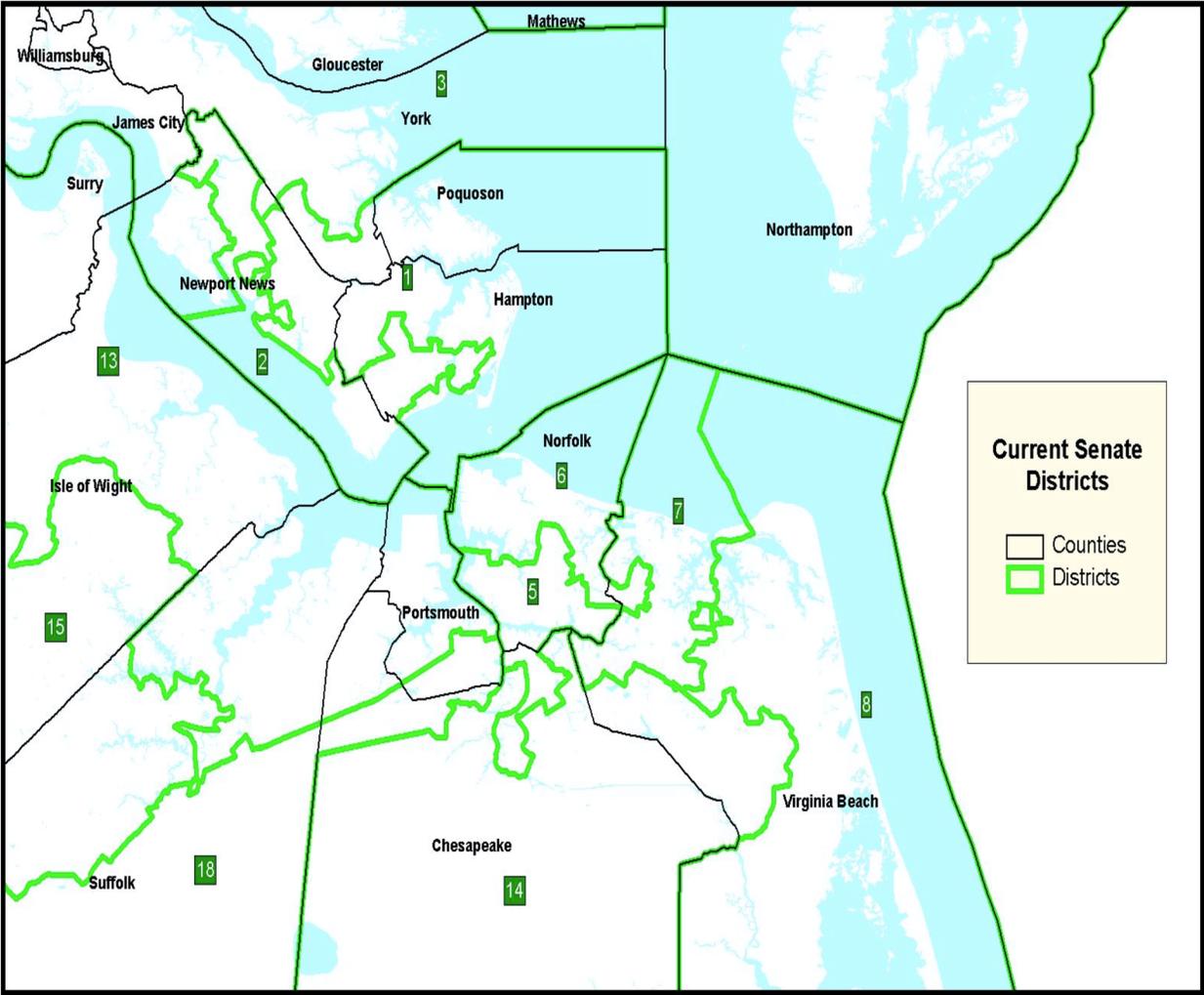


FIGURE 4
The New 2001 Senate Districts in Hampton Roads

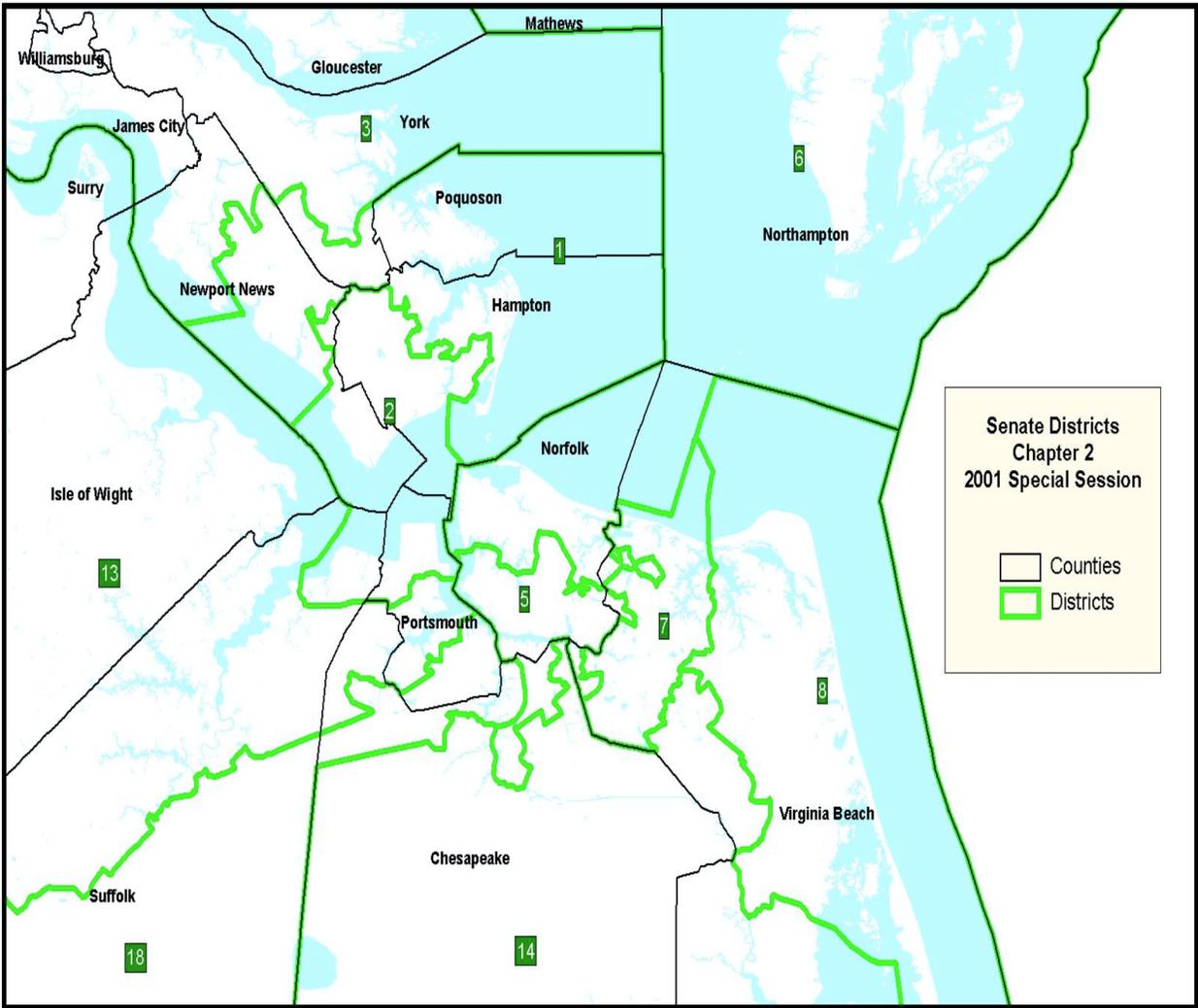


FIGURE 5

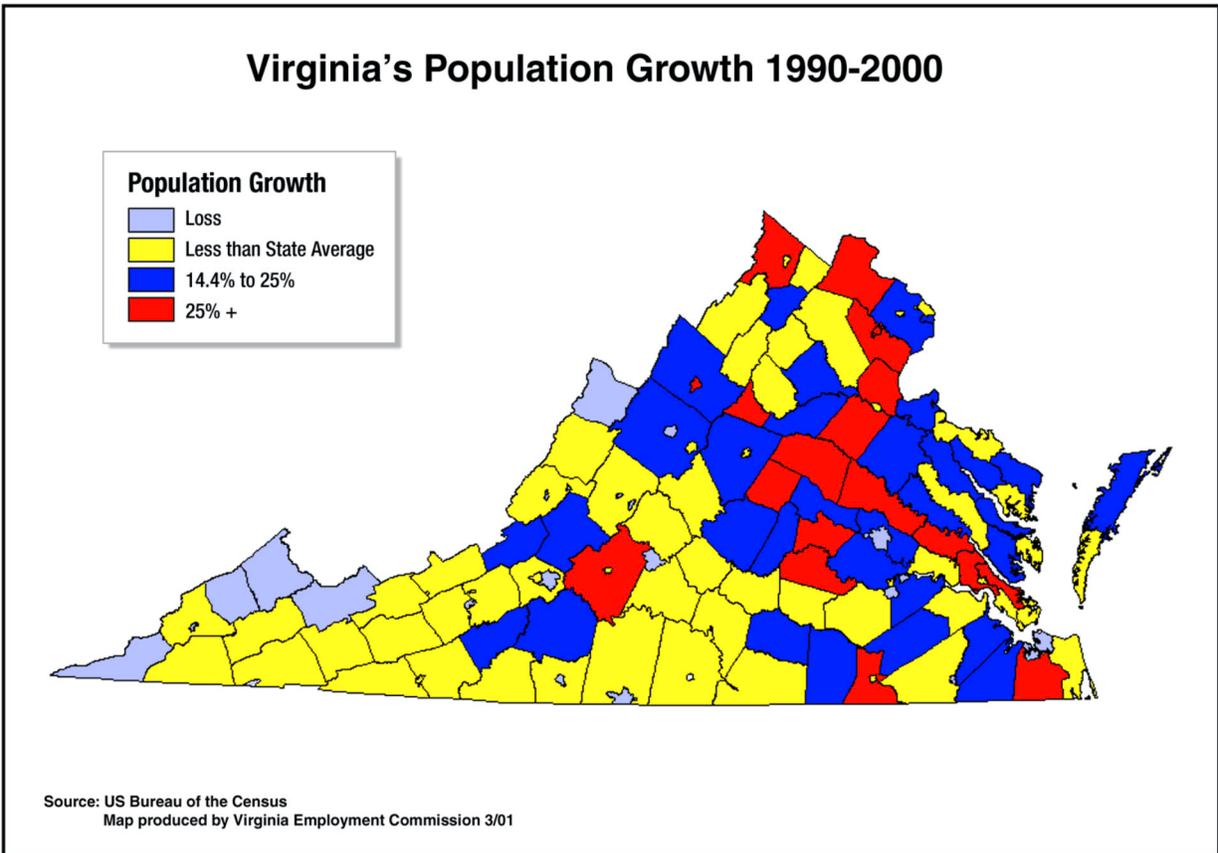
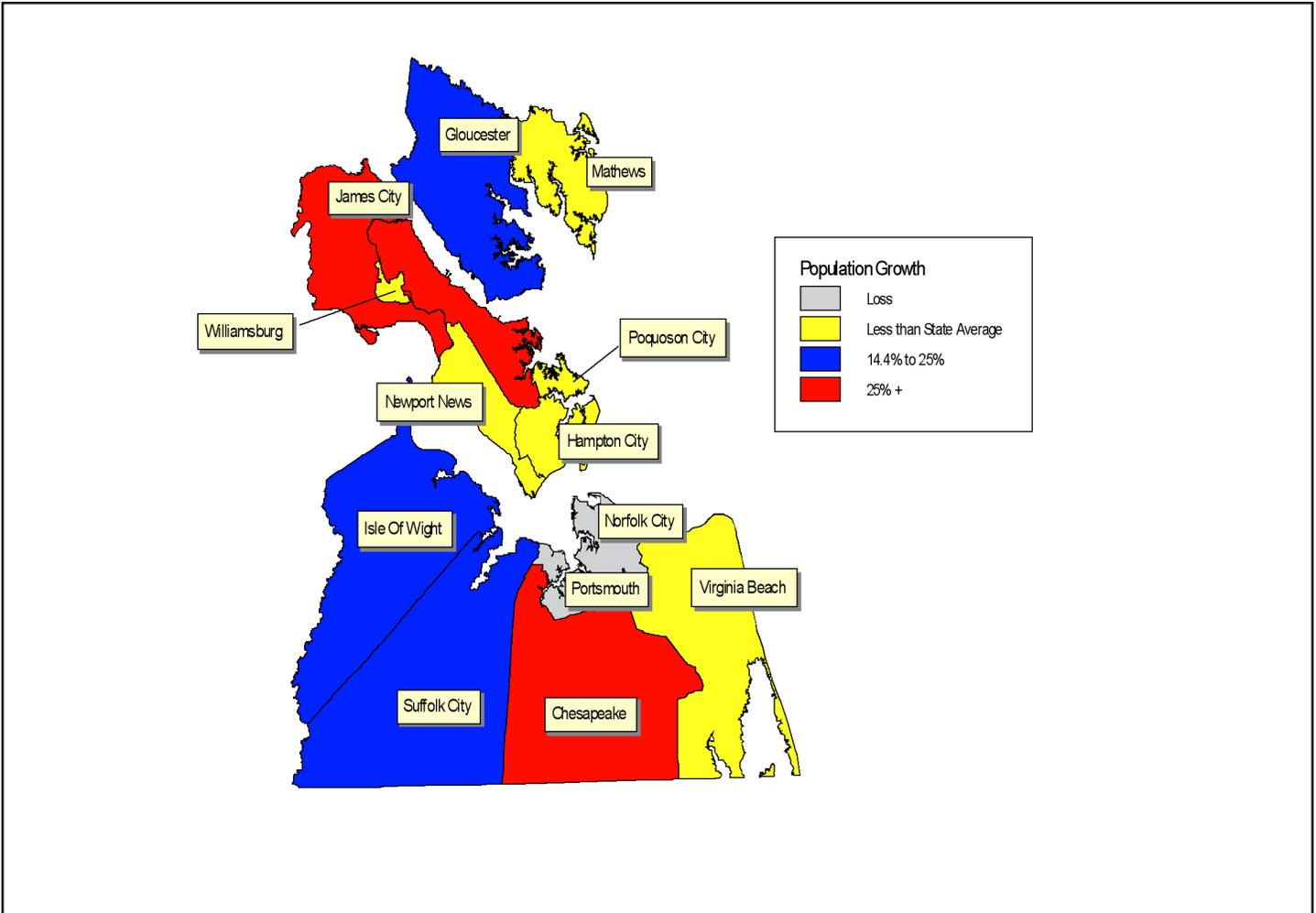


FIGURE 6
A Closer Look at Population Growth in Hampton Roads



Population changes drive legislative redistricting. Figure 5 depicts population growth in Virginia between 1990 and 2000. It is apparent that except for several university towns and a few larger cities such as Lynchburg and Chesapeake, significant population growth in the Commonwealth occurred primarily in Richmond and Northern Virginia. As Figure 6 demonstrates, within Hampton Roads, James City County recorded an impressive rate of growth in population. Suffolk, along with Accomack, Isle of Wight and York counties, also recorded healthy growth rates. Norfolk, Portsmouth and Franklin lost population during the decade. Williamsburg, Newport News, Hampton and Virginia Beach grew during the decade, but at less than the Commonwealth average. Table 1 provides specifics. The region's population continues to be sensitive to U.S. Department of Defense spending.

Taking everything into account, population growth in Hampton Roads was modest. Table 2 demonstrates that Hampton Roads grew about half as fast as the Richmond metropolitan area and only about a quarter as fast as Northern Virginia.

Hampton Roads usually has been considered part of the “golden crescent” of economic growth and prosperity, running from Northern Virginia down the I-95 corridor to Richmond and east to Hampton Roads. However, measured by population changes in the past decade in the three metropolitan statistical areas that are in the crescent, Hampton Roads did not share the golden gleam of growth of the other regions. Figure 7 demonstrates this fact visually. Since the Reagan defense buildup of the 1980s, Hampton Roads’ population growth has trailed that of Richmond and Northern Virginia by substantial margins.

TABLE 1
Population Changes Inside Hampton Roads, 1900-2000

Locality	1990 Population	2000 Population	1990-2000 Change	Percentage Change
Cities				
Chesapeake	151,982	199,184	47,202	31.06%
Franklin	8,392	8,346	-46	-0.55%
Hampton	133,773	146,437	12,664	9.47%
Newport News	171,477	180,150	8,673	5.06%
Norfolk	261,250	234,403	-26,847	-10.28%
Poquoson	11,005	11,566	561	5.10%
Portsmouth	103,910	100,565	-3,345	-3.22%
Suffolk	52,143	63,677	11,534	22.12%
Virginia Beach	393,089	425,257	32,168	8.18%
Williamsburg	11,600	11,998	398	3.43%
Counties				
Accomack	31,703	38,305	6,602	20.82%
Isle of Wight	25,053	29,728	4,675	18.66%
Northampton	13,061	13,093	32	0.25%
Surry	6,145	6,829	684	11.13%
York	42,434	56,297	13,863	32.67%
Totals	1,417,017	1,525,835	108,818	7.68%
State				
Virginia	6,189,197	7,078,515	889,318	14.37%

FIGURE 7

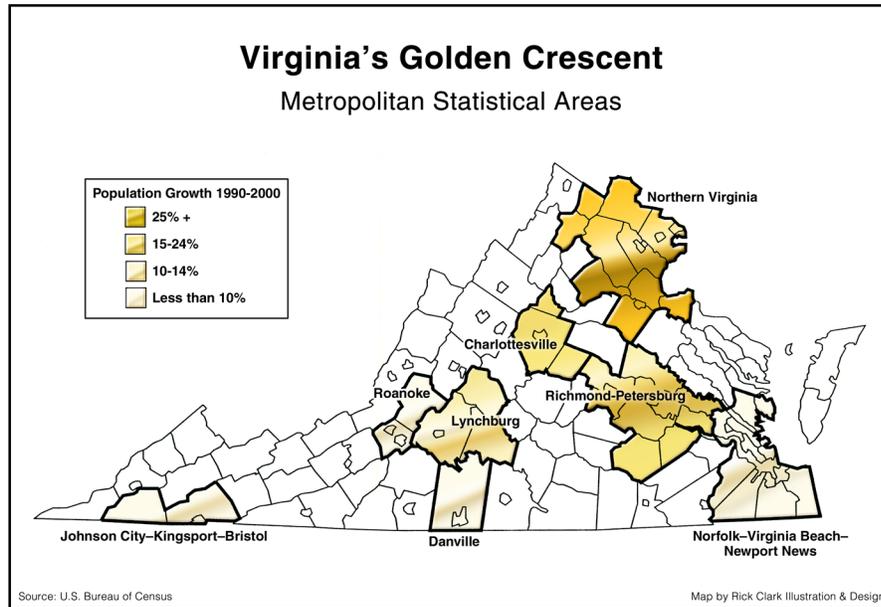


TABLE 2
MSA Population Growth, 1990-2000

Metropolitan Statistical Areas	1990 Population	2000 Population	1990-2000 Change	Percentage Change
Norfolk	1,430,974	1,551,351	120,377	8.41%
Richmond	865,640	996,512	130,872	15.12%
Northern Virginia	1,732,437	2,167,757	435,320	25.13%

Source: U.S. Bureau of Census

The Mechanics Of The Redistricting Process

Population losses and the slow growth of the region impacted the number of people living in each legislative district. According to the 2000 Census numbers, House of Delegate districts in whole or in part in Hampton Roads showed the highest regional deviations in the state for under-population from the reapportionment standard population of 70,785 people per district. The same was true of Senate districts, deviating from the ideal population of 176,963; the greatest amount of deviation for under-population was in Hampton Roads.

TABLE 3
Legislative Districts in Whole or in Part in Hampton Roads - 2000
(Before Redistricting)

Delegate Districts (Ideal District Population 70,785)				Senate Districts (Ideal District Population 176,963)			
District	Population	Deviation	Percent Deviation	District	Population	Deviation	Percent Deviation
21	67,070	-3,715	-5.2	1	189,763	12,800	7.2
64	71,068	283	0.4	2	149,888	-27,075	-15.3
75	65,717	-5,068	-7.2	3	181,082	4,119	2.3
76	74,724	3,939	5.6	5	143,643	-33,320	-18.8
77	67,258	-3,527	-5.0	6	136,556	-40,407	-22.8
78	91,663	20,878	29.5	7	152,111	-24,852	-14.0
79	71,380	595	0.8	8	167,639	-9,324	-5.3
80	51,524	-19,261	-27.2	13	176,293	-670	-0.4
81	63,697	-7,088	-10.0	14	220,607	43,644	24.7
82	64,139	-6,646	-9.4	15	170,373	-6,590	-3.7
83	67,380	-3,405	-4.8	18	159,437	-17,526	-9.9
84	79,958	9,173	13.0			-99,201	
85	64,196	-6,589	-9.3				
86	45,130	-25,655	-36.2				
87	49,877	-20,908	-29.5				
88	57,734	-13,051	-18.4				
89	55,887	-14,898	-21.0				
90	58,008	-12,777	-19.1				
91	64,799	-5,986	-8.5				
92	60,313	-10,472	-14.8				
93	74,347	3,562	5.0				
94	64,567	-6,218	-8.8				
95	61,021	-9,764	-13.8				
96	78,182	7,397	10.4				
97	80,843	10,058	14.2				
98	72,329	1,544	2.2				
100	68,247	-2,538	-3.6				
		-120,137					

Source: Division of Legislative Services, Virginia General Assembly

While the under-population of the districts in Hampton Roads relates to the lack of population growth in the region, the extent of the deviation also can be attributed to the fact that the legislative districts drawn in Hampton Roads in 1991 showed the greatest negative deviation from the ideal size of the district for any region of the state (see Appendix A). **In other words, the legislative districts drawn in 1991 had as few people in them as the legislators felt was possible to meet the court standard. In fact, in 1991, Hampton Roads legislators were able to delay the full negative impact of the region's slow population growth by clever redrawing of districts. The end product was a large number of districts that were "under-populated" as much as the courts would allow – 5 percent less population than the state average.**

In contrast, in 2001 there was a deliberate attempt to stay within a 2 percent deviation of the ideal standard statewide. The change in approach to redistricting between 1991 and 2001 cost Hampton Roads some legislative representation.

As Table 4 indicates, had the House of Delegate districts in Hampton Roads been drawn in 1991 with no deviation from the ideal standard, Hampton Roads would have qualified for 22.9 delegates. Since almost all the districts were drawn permitting a 4 percent deviation of under-population, Hampton Roads ended up with 23.41 delegates, or an approximate one-half position in additional representation. In 2001, however, Hampton Roads districts were drawn very close to the ideal population, or even were "slightly over-populated" (higher than the standard), which resulted in 21.38 districts (see Table 4). Had all districts been drawn exactly to the ideal standard, Hampton Roads would have had 21.56 seats (" .56 of a district" reflects the reality that one or more legislative districts within Hampton Roads overlap into areas outside of Hampton Roads).

The net loss for the region in 2001 was 2.03 delegates (23.41 minus 21.38). However, if the 2001 districts had not been over-populated slightly, the net loss would have been 1.85 (23.41 minus 21.56). Had the same population deviations from the ideal been followed in 2001 that were followed in 1991, the net loss would have been 1.35 (23.41 minus 22.06).

	1991	2001
House District Population Standard	61, 874	70,785
Hampton Roads Regional Population	1,417,017	1,525,825
House Districts With No Deviation	22.9	21.56
House Districts Legislated*	23.41	21.38
Difference	0.51	-0.18

***For House districts legislated, that part of a district partially in Hampton Roads is counted as a fractional part of the population in Hampton Roads.**

Of course, legislators do not come in fractional parts. If one assumes that a legislator who has some piece of his or her district in Hampton Roads has an interest in representing the region as much as someone whose district is fully within the region, the contrast between what happened in 1991 and 2001 is even greater. **As a result of the 1991 redistricting, 27 delegates had their districts wholly or partially within Hampton Roads. With the 2001 redistricting, that number has dropped to 23, a loss in representation of four delegates! There is no way one can sugarcoat this outcome, for it represents a very substantial loss in regional political power. When, in addition, one takes into account the ending of the legislative careers of prominent and powerful Hampton Roads legislators such as Thomas Moss, Alan Diamonstein, Stanley Walker and Hunter Andrews, the combined effect represents a blow to the political power of Hampton Roads of huge magnitude.** There has been a curious, though perhaps understandable, lack of recognition of this fact by the Hampton Roads citizenry, the regional power structure and the media. Yet, the impact of these changes upon the political power and clout of Hampton Roads has been tremendous.

While political power has many sources, the primary roots of regional legislative power in Virginia are: (1) the number of legislators a region sends to Richmond; (2) the seniority of those legislators; (3) whether they are in the majority party; and (4) the availability of funds to support political activity. With respect to No. 1, the decline in Hampton Roads representatives (wholly or partially within Hampton Roads) from 27 to 23 speaks for itself. This constitutes almost a 15 percent decline in the number of delegates.

As far as No. 2 is concerned, legislative affairs in both the House of Delegates and the Senate are highly sensitive to the seniority of individual legislators. Seniority is the primary driver of membership on choice committees, especially the “money committees” (Appropriations and Finance in the House of Delegates and Finance in the Senate) and on other key panels such as General Laws, and Corporations, Insurance and Banking in the House of Delegates, and Commerce and Labor, Courts of Justice, and Rules in the Senate. The most senior legislators nearly always occupy seats on these powerful committees and it is they who hold leadership positions. They typically are appointed as budget conferees when the House of Delegates and the Senate work to resolve their differences (if they do!) and “divide up the pie” at the end of a legislative session. **The bottom line is Hampton Roads’ legislative seniority has declined precipitously in recent years and, as an example, the region did not have a legislator on the final budget conference committee in the 2001 legislative session.** Hampton Roads legislators were forced to look over the shoulders of other legislators and importune, entice and threaten them in an attempt to achieve regional goals. This is a dramatic change from the situation just a few years ago when Delegate Moss was Speaker of the House, Delegate Diamonstein was a powerful member of the Appropriations Committee as well as a final budget conferee, Sen. Walker was President Pro-Tem of the Senate and a final budget conferee, and Sen. Andrews chaired the Senate Finance Committee and was a final budget conferee.

With respect to No. 3, it is nearly always true that legislators in the party in power are able to exercise more power than legislators in the minority party because they control the agenda, have greater party representation on committees and usually attract much larger financial contributions from individuals, corporations, unions and pressure groups. For well more than a century, the Democratic Party dominated Virginia politics and hence Hampton Roads’ predominantly Democratic representation was advantageous. In 2001, though, the wheel has turned and Republicans control nearly everything in sight. However, the region’s core city (Norfolk) has but one Republican House member and one Republican Senate member, and both are relatively junior. Further, the sitting governor, James Gilmore, unfortunately has not been well attuned to Hampton Roads and hence the increasingly Republican cast of the region’s legislative representation has not paid off in the manner one might have anticipated.

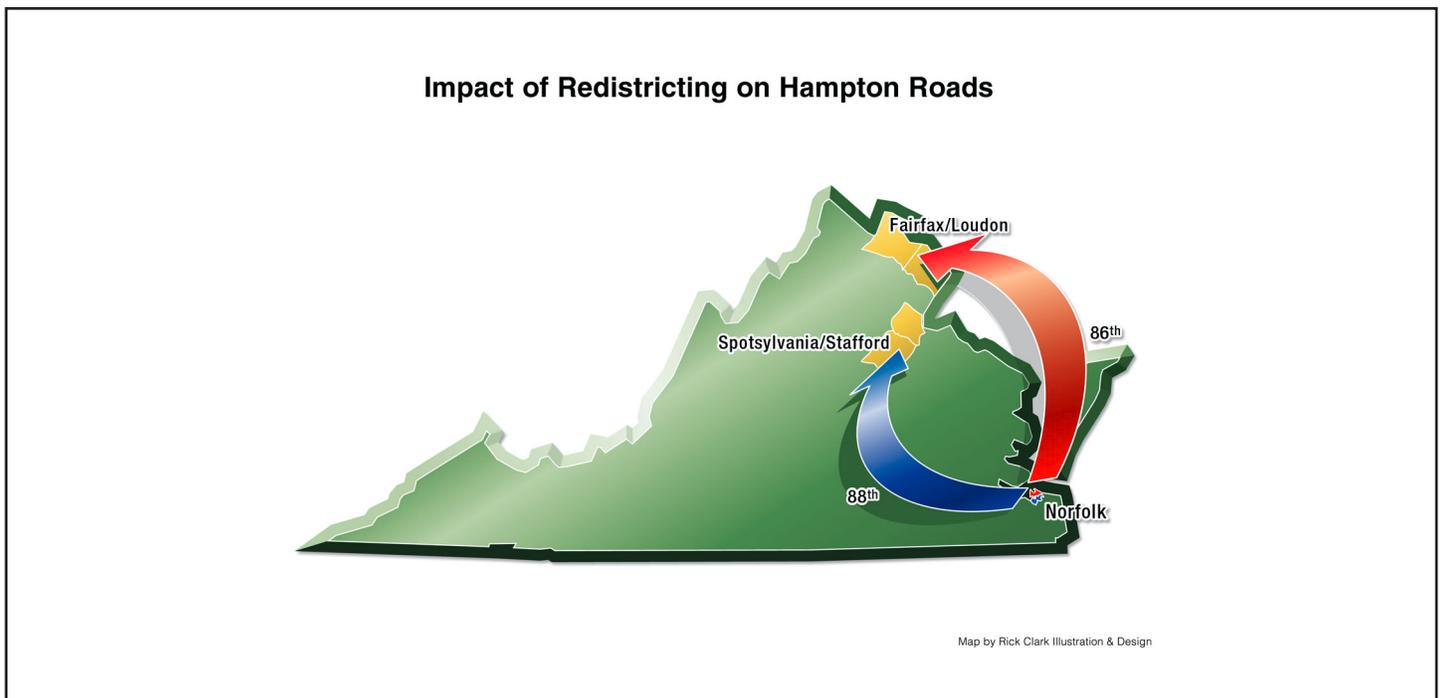
Also, cities such as Portsmouth and Hampton are represented primarily by Democrats. **Cities such as Virginia Beach and Portsmouth and the northern end of the Peninsula are represented by Republicans, but on the whole they have not served in the General Assembly for long periods of time and thus do not yet exercise the obvious power that the Moss-Diamonstein-Walker-Andrews quartet enjoyed in the days of yore. If these Republicans continue to be re-elected and accumulate seniority, and Republicans continue to be the majority party, then the long-term outlook for political power in Hampton Roads will be brighter.**

The fourth factor noted above, the availability of funds to support political activity, reflects economic power. Many large private business entities exercise considerable influence and have the potential, directly or indirectly, to provide valuable funds to support political activities. In this regard, Hampton Roads is disadvantaged relative to Richmond and Northern Virginia. Even broadly defined, Hampton Roads contains only two Fortune 500 headquarters, while Richmond and Northern Virginia together account for 10 times as many. Further, per capita income in Hampton Roads trails Richmond by almost 10 percent and Northern Virginia by nearly 20 percent. Simply put, even after accounting for cost-of-living differentials, there is less discretionary money available in Hampton Roads to support political candidates and causes.

Consequently, for most of this decade, Hampton Roads’ political power will be, at least comparatively speaking, at a low ebb. Once again, this reflects a larger than recognized decline in the number of legislators from Hampton Roads, as well as a significant reduction in the seniority of Hampton Roads’ legislators, the political affiliations of these legislators, and in raw economic power.

The loss of representation for the region was felt most dramatically in House Districts 86 and 88, both of which were in the City of Norfolk during the 1990s. With the 2001 redistricting, however, House District 86 is now in western Fairfax and eastern Loudoun counties, and House District 88 is now in Spotsylvania and Stafford counties. Figure 8 shows this.

FIGURE 8



Some Context On The Politics Of Redistricting

For most of the past century, Virginia apportioned legislative seats based on a combination of factors that included population, but always with an emphasis on keeping local units of government (cities and counties) intact. And, as has always been the case, protection of incumbents and the power of the majority party were primary considerations. Up until the 1950s, Virginia's legislative districts were considered reasonably apportioned in comparison to other states. Even then, however, the districts would not have been able to pass the stringent court standards of today. As a general rule, legislative districts in most states deviated substantially from population, though the Commonwealth was fairer than most.

The 1960 Census saw Virginia's population increase by a strong 19.5 percent, but growth was not uniform across the state. Cities and suburbs grew much more rapidly than did the rural areas. As a result, the House legislative districts varied in population from 20,071 to 142,597, and Senate district population ranged from 51,637 to 285,194. In one analysis that assumed that a fairly apportioned district would have a value of 1.00, the seven most heavily populated counties and cities of the state had a value of .73, while the most sparsely populated areas were over-represented with a value of 1.24. The City of Hampton had a vote value of .47 and Princess Anne County (which consolidated with Virginia Beach City in 1963) and Virginia Beach had a value of .47.

The challenge faced after the 1960 Census by the overwhelmingly dominant Byrd Machine and the Democratic Party was to protect incumbents – many of whom were from districts in the rural parts of the state – but still somehow respond to urban and suburban demands for a fair redistricting. The General Assembly made a stab at doing so, but the product of its efforts in the redistricting of 1962 was not well received.

Four legislators from Arlington and Fairfax counties filed suit on April 9, 1962, and were joined on May 25 by four plaintiffs from the City of Norfolk, challenging the redistricting plan. The suit charged that the redistricting, "by failing to give representation commensurate with the population of their areas, devalued their votes and deprived them of equal protection under the Fourteenth Amendment."

On November 28, 1962, a three-judge panel declared the redistricting plan invalid. The state appealed the case to the Supreme Court. On June 15, 1964, the U.S. Supreme Court found that the redistricting failed to meet population standards for

both houses of the General Assembly. Thus, Virginia and the Hampton Roads area, via the Supreme Court decision, played a part in setting the judicial standards for redistricting that continue to today.

The General Assembly in 1992 still was controlled by the Democratic Party and still faced the similarly difficult task of attempting to protect incumbents (many of whom represented primarily rural districts and some of whom were Republicans) and the majority status of the Democrats. However, historical trends did not favor the Democrats, for their majorities in both houses of the General Assembly were clearly eroding over time. In 1967, Democrats had 85 members in the House of Delegates; the balance was 14 Republicans and one Independent. In the Senate there were 34 Democrats and six Republicans. By 1991, the numbers had changed to 58 Democrats, 41 Republicans and one Independent in the House, and to 22 Democrats and 18 Republicans in the Senate (see Appendix B). The Democrats were desperate to maintain power by stopping the steady erosion of their numbers in both houses of the General Assembly. At the same time, there was recognition that this would be quite difficult, both because of the rising Republican tide and the strict judicial standards for redistricting that would have to be met.

Hampton Roads was a key region for the Democrats' 1991 attempt to hold to power. **With the high minority African American population in many of the Hampton Roads communities and the tendency of those communities to vote Democratic, the Democrats (as has been shown previously) drew the Hampton Roads legislative districts with the greatest possible deviation of under-population. While the short-term strategy saved the region some impact of the loss of population, it did not prevent the Republicans from continuing to gain strength.**

By 2001, Republicans controlled the House and Senate and the process for redistricting. The Republicans drew the Hampton Roads districts as close to the ideal size as possible in order to limit Democratic strength. It was no coincidence that District 88 eliminated in Norfolk was the legislative district of Delegate Tom Moss, former Democratic Speaker of the House of Delegates.

Final Words

While it is undeniable that the legislative power of Hampton Roads has been reduced significantly in recent years, this is hardly an "end of the world" scenario. **The region still claims 23 legislators of a total of 140. Twenty-three legislators, if they are united by an attractive agenda and are highly motivated, still can accomplish an enormous amount of good.** This number dwarfs southwestern Virginia's representation, for example, and is larger than that of Richmond.

What has been lacking in the Hampton Roads delegation in recent years has been unity of purpose. While there is a Hampton Roads legislative caucus, its meetings usually are poorly attended – more lobbyists are present than legislators, and it is worth noting that there are separate legislative caucuses for the Peninsula, the Southside and many individual Hampton Roads cities. In addition, the Legislative Black Caucus claims some portion of the loyalty of more than one-quarter of the region's legislators. Membership in these other caucuses does not preclude legislators from uniting behind a common Hampton Roads agenda. Indeed, it always has been the case that legislators from disparate parts of the Commonwealth have united behind common interests, for example, the revenue plight of the cities, or K-12 education. Yet, few would dispute the judgment that other regions (Northern Virginia and Richmond in particular) generally have exhibited more unity of purpose in the General Assembly than Hampton Roads. The payoff has been observable on several issues, such as the distribution of transportation funding, but also in other areas, including higher education funding.

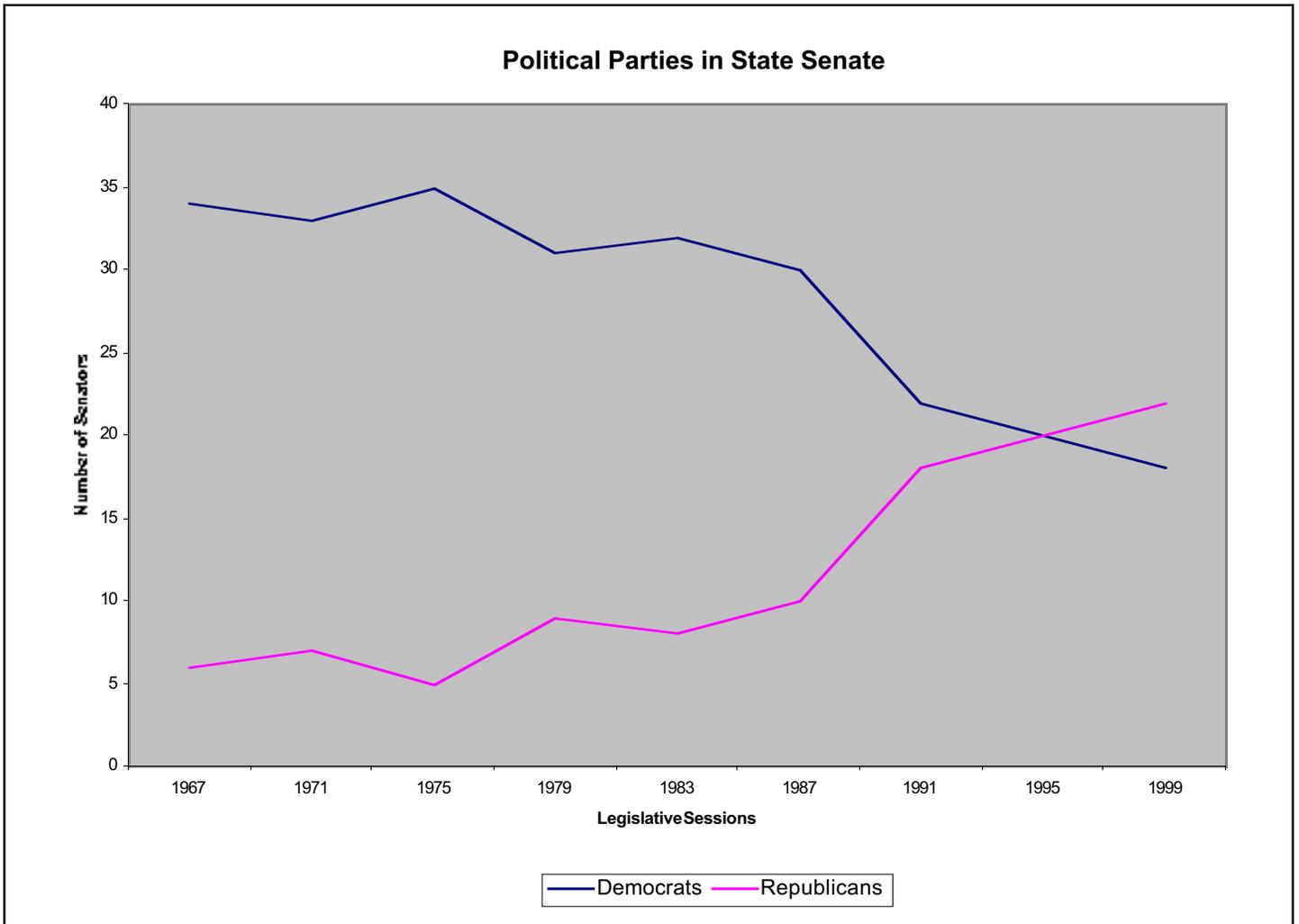
What we end up with, then, is yet another situation where the logical regional conclusion is: "We need to get our act together." Yes, Hampton Roads' legislative clout has declined, but there is plenty left. A unified, determined regional legislative delegation remains capable of achieving an impressive number of goals for Hampton Roads.

APPENDIX A
Delegate Districts In Hampton Roads
1991 and 2001 Redistricting

Delegate Districts	Delegates	Population 1991	Deviation	Percent Deviation	Delegates 2001	Population	Deviation	Percent Deviation
21	1	64,446	2,572	4	1	72,156	1,371	1.9
76	1	59,638	-2,236	-4	1	71,549	764	1
77	1	63,561	1,687	2.73	1	70,087	-698	-1
78	1	59,374	-2,500	-4.04	1	70,798	13	0
79	1	59,208	-2,666	-4.31	1	72,106	1,321	1.9
80	1	59,024	-2,850	-4.61	1	70,554	-231	-0.3
81	1	59,127	-2,747	-4.44	1	71,175	390	0.6
82	1	60,094	-1,780	-2.88	1	72,134	1,349	1.9
83	1	64,535	2,661	4.3	1	71,766	981	1.4
84	1	59,895	-1,979	-3.2	1	72,090	1,305	1.8
85	1	63,558	1,684	2.72	1	72,039	1,254	1.8
86	1	59,175	-2,699	-4.36				
87	1	58,851	-3,023	-4.89	1	72,174	1,389	2
88	1	58,836	-3,038	-4.91				
89	1	60,016	-1,850	-3	1	71,874	1,089	1.5
90	1	58,936	-2,938	-4.75	1	71,872	1,087	1.5
91	1	59,449	-2,425	-3.92	1	71,410	625	0.9
92	1	59,009	-2,865	-4.63	1	70,106	-679	-1
93	1	60,509	-1,365	-2.21				
94	1	59,150	-2,724	-4.4	1	71,484	699	1
95	1	59,969	-1,905	-3.08	1	70,646	-139	-0.2
100					1	72,110	1,325	1.9
Pt. Districts								
64	0.57	36,329	1,060	3	0.7	48,749	-588	-1.2
75	0.11	6,748	-319	-4.69	0.12	8,152	102	-1.2
93					0.96	68,153	-145	-0.2
96	0.51	31,847	480	1.52	0.6	42,651	494	1.2
97	0.18	11,530	208	2.76				
98	0.28	17,365	165	0.95				
100	0.76	44,764	-2,326	-4.95				
	23.41				21.38			

Note: For districts partially in Hampton Roads, a percentage of a delegate has been assigned to the region equal to the Hampton Roads population in the districts.

APPENDIX B



Political Parties in House of Delegates

