

< Understanding Congressional Gerrymandering: 'It's Moneyball Applied To Politics'

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DAVE DAVIES, HOST:

This is FRESH AIR. I'm Dave Davies in for Terry Gross, who's off this week. Our guest today, Salon's editor-in-chief David Daley, has a new book that he says began with a simple question. When President Obama won re-election in 2012 and a Democratic tide gave the party a big majority in the Senate, why did the House of Representatives remain firmly in Republican hands? The result was even more striking since voters cast 1.3 million more ballots for Democratic House candidates than Republican ones.

The answer, Daley decided, was effective gerrymandering of House districts following the 2010 census. And it's state legislatures that draw most of the congressional boundaries across the country. The result of Daley's research is his new book, which details an effort by Republican strategists to put money and campaign resources into targeted state legislative races in key states in 2010, so Republicans could control the statehouses and control congressional redistricting. Daley's book has a title I can't say on the radio. It refers to a crude term for a political dirty deed done cheaply. I'll approximate the title as "Rat-bleeped: The True Story Behind The Secret Plan To Steal America's Democracy" [Actual book title is "Rat-F*****: The True Story Behind The Secret Plan To Steal America's Democracy."]

Well, David Daley, welcome to FRESH AIR. You know, it's interesting that Republican control of Congress kind of feels like an ironclad reality of politics these days. But, you know, you remind us that in the election of

2008, when Barack Obama took the White House, the congressional picture was very different. Remind us of that election and where the Republican Party stood not so long ago.

DAVID DALEY: If you go back and watch the tapes from election night, the smartest minds in the Republican Party are despairing on television. They are trying to understand where all the Republican voters went. The Republicans realized that they were staring down a demographic tidal wave, that the nature of the electorate was changing and the Democrats were talking about a coalition of the ascendant and looking at a decade of changing politics. The Democrats took a super majority in the Senate - we forget - and how quickly it all changed.

DAVIES: Right. The Democrats then had a 60-plus-seat majority in the House of Representatives. And you write about a Republican strategist named Chris Jankowski. Tell us about him and what he saw as a way back.

DALEY: Chris Jankowski is one of the brightest strategists in the Republican Party. And what he saw was how the Republicans could make their way back state-by-state. Jankowski runs something called the Republican State Leadership Committee. And he has a eureka moment in 2009 when he realizes that the following year is a year that ends in zero and that elections at the end of a decade reverberate across the course of the next decade because of the redistricting which follows every census.

And Jankowski has got connections in statehouses across the country. And he realizes that if they can raise enough money that they can go in state-by-state and do battle - not on the presidential level but in specific statehouse and state Senate districts around the country - redo the maps in the following year if they're able to win, and they've built themselves a firewall for the next 10 years.

DAVIES: And the critical link here, of course, is that in most states, it's the state legislature that draws the congressional boundaries. They do the

redistricting after each census. So he's getting at Congress by going to statehouse and state Senate seats often little-known to voters. This was called Operation RedMap. Explain the idea.

DALEY: The idea was that you could take a state like Ohio, for example. In 2008, the Democrats held a majority in the statehouse of 53-46. What RedMap does is they identify and target six specific statehouse seats. They spend \$1 million on these races, which is an unheard of amount of money coming into a statehouse race. Republicans win five of these. They take control of the Statehouse in Ohio - also, the state Senate that year. And it gives them, essentially, a veto-proof run of the entire re-districting in the state.

So in 2012, when Barack Obama wins again and he wins Ohio again, and Sherrod Brown is re-elected to the Senate by 325,000 votes, the Democrats get more votes in statehouse races than the Republicans. But the lines were drawn so perfectly that the Republicans held a 60-39 supermajority in the House of Representatives, despite having fewer votes.

DAVIES: That's a 60-39 majority in the Ohio Statehouse.

DALEY: In the Ohio Statehouse that is drawing these lines. And the congressional delegation - Ohio has a 16-seat congressional delegation - 12-4 Republicans. So I began to unravel how this had happened - how the House stays in Republican hands after 2012 because all of these blue and purple states are sending delegations to Congress that are 12-4 Republican or in the case of Pennsylvania, 13-5 Republican, even though these are blue states that voted for Barack Obama and that often voted for more Democratic candidates in the aggregate than Republicans.

DAVIES: All right. Well, let's talk about the efforts in statehouse races. Now, the idea of representative democracy and state legislatures is that state representatives and state senators are chosen by local voters to represent their interest and generally funded by local interests or, in some cases, state

party interests. This is a little different, isn't it, in bringing lots of national money to statehouse races? Describe the impact of national money coming into a statehouse race.

DALEY: It is more money than these races usually see. It can be a hundred percent of the budget that these candidates thought they were going to have to spend or imagined that they would face from an opponent. What Jankowski and his team did is they spent almost two thirds of this money in the last six weeks of the 2010 campaign. So these candidates not only never saw it coming, they didn't have time to respond. Suddenly, every day in these small races in Wisconsin and Pennsylvania and Ohio, national Republican dollars are targeting state legislators. And they are pulling out four, six, eight-page, full-color mailers out of their mailboxes every day for the last three weeks of this campaign, and they couldn't believe what hit them and they had no means of responding to it.

DAVIES: Right, and these are mailers from a national Republican organization, and they're not making the case that, hey, we need to have a Republican legislature so we can have a Republican Congress. They are very localized attacks on the Democrats. And you write about - I think the first specific case you write about is a guy in Pennsylvania, 20-year Democratic legislator named Dave Levdansky. Tell us his story.

DALEY: He represents a district out of Elizabeth, Pa., which is a steel-working community not far outside of Pittsburgh, very small town. He grew up there. His family had been there for years. He'd been re-elected every year since 1984. Had risen to a pretty authoritative position in Harrisburg, the state capital on finance issues. And I went to meet him, and he pulled out his folder of all of these mailers. And he just looked at me and said, I wouldn't have voted for myself either if I was getting all of this stuff. And they were brutal attacks and misleading attacks. And they were deeply poll-tested and focus grouped in order to try to find the silver bullet that would take out these small-town guys.

What people don't understand is that control of the Pennsylvania House was very, very tight that year. The Democrats had it by a nose. So if you could go in and spend just enough money to take out four or five guys, which was the goal, you could flip this for a song. This isn't just brilliant politics. It's Moneyball applied to politics because they got a bargain here.

DAVIES: Do you recall some of the mailings that were aimed at Dave Levdansky and, you know, what they said about him?

DALEY: The silver bullet that they found - and when I sat down with Jankowski, he remembered it really well - was something called the Arlen Specter Library. Arlen Specter was a senator of Pennsylvania, a longtime senator who had been a Republican and in recent years had just - I believe right after the 2008 election, he switches parties, becomes a Democrat. He was not the most popular politician in the state of Pennsylvania at that point in time, especially in the western part of the state, as he was from the Philadelphia area.

So there was a capital budget of about \$600 million that the Pennsylvania House passes. What Jankowski and the RSLC did - and they - focus grouped and looked and looked trying to find the exact issue that would take out Levdansky. And when they told people that he had spent \$600 million on a library for Arlen Specter, it outraged voters. And this was a difficult economic year. The recovery had still not come back around entirely. The small towns around Pittsburgh were hard hit, and they didn't like the idea that their state legislator had authorized \$600 million for an Arlen Specter Library.

And these mailers made it out to be this big marble monstrosity. And in reality, about \$2 million of that entire capital budget was actually allocated for a Specter Library. And it was, you know, on a college campus to house his papers. And this was a significant, you know, player in the state's political history. This was an educational institution grant, but it was turned into something that when Levdansky would walk into homes, people who he

had known for years would say, I'm sorry, Dave, but I can't vote for you this year because of the Arlen Specter Library.

DAVIES: So this was a legislator's routine vote on a budget that included many, many, many, many things, and they pick out this one. Have to say, you see this a lot in political campaigns. But was...

DALEY: You do.

DAVIES: Yeah, but very effective in this case.

DALEY: Very effective.

DAVIES: So Dave Levdan - the - this national Republican group, the Republican State Leadership Committee, spends a couple-hundred thousand dollars, a dozen mailers or so and Levdansky loses by how much to a relatively unknown Republican?

DALEY: He loses by about 140 votes. It's that close. And those mailers and that money made the difference. The Republicans take control of the Pennsylvania House. They take control of the Senate. They elect a Republican governor in Corbett that year and they own all three legs of the redistricting process. So as a result, you come back in 2012 and Obama wins the state by 310,000. There are a hundred-thousand more votes for Democratic House candidates than there are for Republicans.

DAVIES: That's Congressional House candidates, yeah.

DALEY: Yes. Republicans take the delegation 13-5. And that means 51 percent of the vote turns out to 28 percent of the seats. That's a real problem for a participatory democracy.

DAVIES: Chris Jankowski did not dodge your phone calls. He was proud to talk about this, wasn't he?

DALEY: It's the greatest political achievement in modern times. It's the greatest political bargain, I think, that they are very proud of what they managed to do. I think if you're a Republican, you look at this and say, boy, this was effective, it was efficient and we won. We played by the rules. We changed the rules, but we still played by the law and the game. And if the Democrats weren't smart enough to figure this out themselves, well, see you in 2020, boys.

DAVIES: We're speaking with David Daley. He is editor-in-chief of Salon. He has a new book about Republican efforts in the 2010 election to target state legislative seats, giving the party an advantage in Congressional redistricting. We'll continue our conversation after a short break. This is FRESH AIR.

(SOUNDBITE OF MUSIC)

DAVIES: This is FRESH AIR, and we're speaking with David Daley. He is editor-in-chief of Salon. He has a new book about Republican efforts in the 2010 election to target state legislative seats and thereby gain a huge advantage in congressional redistricting, which he says made a big difference in Republican representation in Congress. So we've been talking about this effort by this group, the Republican State Leadership Committee, to put not huge amounts of money, but enough money to make a difference in a few dozen state legislative races, hoping that Republicans could then control statehouses, and after the 2010 census draw the new congressional lines. OK, so take us inside this. Pick a state and talk about the redistricting process and how this made a difference.

DALEY: There are two prongs of this effort. The first prong, of course, is winning these races in 2010. Then in 2011, you have to be ready to redraw the maps. And what the Republicans were able to do in states like Ohio and Pennsylvania and North Carolina, and Michigan and Florida and Wisconsin was move the redistricting process deep behind closed doors and use redistricting as a blunt force partisan weapon in a way that it had not been

all the way back to the first gerrymander in 1790.

So in Wisconsin, the operatives working on redistricting barricaded themselves into a law firm across the street from the Capitol and tried to claim attorney-client privilege for all of the negotiations and mapmaking that were going on. And they even made Republican members of the legislature there sign a nondisclosure agreement if they wanted access to the room. In North Carolina, they bring in a master mapmaker named Tom Hofeller, who is probably better at jiggering and rejiggering district lines than anybody. And they draw maps in North Carolina that give Republicans a 10-3 advantage on the congressional side.

And Hofeller has a presentation that he gives when he goes to talk to state legislatures, and it is all about secrecy and privacy. You do not fire the staff until you are completely sure that redistricting is done. You do not walk away from your computer and leave anything showing on it ever. You remember exactly what kind of legal hell one false email can put you in. It is as if he is training master spies in espionage and not, you know, drawing the lines that make up the fundamental building blocks of our democracy.

DAVIES: Right. And of course, we want to remind people the reason people are drawing congressional boundaries in hotel rooms and in secret is because typically, the lines are done by acts of state legislatures. And a lot of state legislation is drafted privately before it's voted on. So in the end, you know, lawmakers do cast a vote, the votes are recorded, it's signed by the governor. It's a bill that conforms to rules of legislative procedure. But the real stuff gets done privately?

DALEY: Exactly.

DAVIES: Now, you know, gerrymandering isn't new. And I don't think politicians before 2010 were, like, totally benign in their use of...

DALEY: They certainly were not.

DAVIES: ...Of this subject. So why was it so much more effective or aggressive in 2010? Is part of it technology?

DALEY: I think technology is almost all of it. Citizens United and the money that comes into the system is a piece of it. The really ingenious plan that Jankowski devises is part of it. But it's the technology that makes these lines so precise and impregnable right now.

There's a program called Maptitude that is used by lawmakers and operatives in just about every state who are working on redistricting. And I had someone who was involved in the redistricting in Arizona show me how it works. And there is more information available through Maptitude that - when you look at a congressional map and you say, boy, the shape of that is very strange. There is a reason behind each and every one of those curves. Every little jut and turn that on a map you say, I don't know why that could possibly be there, a mapmaker knows why it's there.

With Maptitude, it is fully loaded with just about every census information, with economic information, with every precinct-by-precinct results of elections all the way down ballot going back for years. And you can draw these lines with complete knowledge of how they will respond now. And the difference, frankly, between 2000 and 2010 - I mean, think of the way we texted in 2000. We didn't have a keyboard on our phones. We used a number pad essentially to, you know, find a letter. Redistricting in 1990 and 2000, it was still horse and buggy. It becomes a rocket ship in 2010, thanks to computing power.

DAVIES: When this is done, when you look at some of these districts on a map, what do the shapes look like?

DALEY: They are incredibly strange. There's a district in Michigan that I went out and drove every turn of between Detroit and Pontiac. It's Michigan's 14th. And it goes about 135 miles, and it takes you all day to, you know, go turn by turn. What you see first is that this is a district designed to

connect the poorest neighborhoods in Detroit with the poorest neighborhoods in Pontiac so that you can put as many African-American voters into one district, make it a district that elects a Democrat with about 75 or 80 percent of the vote. And then all of the neighboring suburban districts as a result are more Republican. And as you take these turns, time and again over the course of the day, I would look at the map and say boy, there's an interesting turn right here. There's an interesting notch here. And every single time, there was a reason.

DAVIES: And the reason was to pack all the Democrats in that district so they wouldn't weaken Republicans in surrounding districts.

DALEY: Yes.

DAVIES: David Daley has a new book about the 2010 elections and redistricting. After a break, he'll assess the Democrats' efforts in that election. Also, Maureen Corrigan will tell us about Susan Faludi's new memoir. And jazz critic Kevin Whitehead reviews drummer Matt Wilson's new album. I'm Dave Davies, and this is FRESH AIR.

(SOUNDBITE OF MUSIC)

DAVIES: This is FRESH AIR. I'm Dave Davies in for Terry Gross, who's off this week. We are speaking with Salon's editor-in-chief David Daley. His new book focuses on Republican efforts to win key state legislative races in the 2010 elections so they could control statehouses that would redraw congressional boundaries. The result, Daley argues, was gerrymandering, which kept Republicans in control of the House of Representatives.

Now, Democrats aren't stupid, and they've been involved in redistricting for a long, long time. Where were the Democrats when all this was happening, when the Republicans were targeting these state legislative seats? Did they - were they just...

DALEY: They fell asleep at the wheel. This was a catastrophic strategic failure by the Democratic Party. Chris Jankowski tells me that throughout the fall of 2010, he's out in the field and he can't believe that the Democrats aren't out there spending any money. The Democrats never saw this coming, and it's political malpractice because the Republican Party announced their plans in big bright flashing neon lights.

In an op-ed piece in March 2010 in The Wall Street Journal, Karl Rove says we are going to use redistricting this year to take back the Congress. It was announced. It was not hidden. I don't know if the Democratic leadership simply doesn't read The Wall Street Journal, but it was right there. Steve Israel, who led the Democratic Congressional Campaign Committee after the debacle of 2010 for Democratic Party, tells me that the Democratic National Committee simply whistled past the graveyard.

DAVIES: And in states where Democrats did control the statehouse - Maryland, Illinois - when redistricting occurred, did they do the same things? Did they gerrymander the lines so as to benefit their party?

DALEY: There are two examples of where Democrats did effectively gerrymander after 2010, and it is in Maryland and it's in Illinois. And what the Republicans were able to do which is a little bit different is they were able to take states that were blue or purple and make them bright red. And that to me seems to be the difference. You can look at Maryland and say that there's probably one or maybe two more seats that the Democrats control that they wouldn't have had if you apportion seats based on the popular vote. But it's certainly not as egregious as a state like Pennsylvania, where you have a majority of voters ending up with, you know, fewer than 30 percent of the seats.

DAVIES: You go around the country and look at what's happening on this issue, and it seems you find some encouraging developments, people taking another look at redistricting methods. What do you see?

DALEY: I think that members of both parties want our votes to counts, and we want the system to work. And we're aware that things aren't quite working. And when you look at the kind of referendums that have passed on redistricting in red states and in blue states - in Florida, in Arizona, in California, in Ohio - it's a sign that people understand that our democracy isn't working. When you put a referendum about nonpartisan redistricting on the ballot, it wins. People fundamentally understand questions of fairness.

DAVIES: And in those states where they have passed, how have things changed?

DALEY: Well, commissions sometimes work and sometimes don't work.

DAVIES: That is to say taking redistricting out of the legislature and putting it in the hands of an appointed commission, is that what that means?

DALEY: That's exactly right. You can look at Arizona, which is a case that went to the Supreme Court. And that commission was upheld, its constitutionality. But it's basic functioning - there's a lot of questions about whether the partisanship simply seeped back in a secret, hidden way and whether the politicians simply found another way to game that system. Once it was taken out of the legislators' hands, it stayed in the hands of the operatives.

In Florida, certainly, what you saw was an effort by Republican strategists in the state to conduct a shadow redistricting process in violation of the fair districts referendum. But the beauty of that was that because the referendum had been passed, good government groups in Florida were able to file a lawsuit, and in the discovery process unearthed a trove of emails showing exactly what had happened. And a number of those districts have had to be redrawn.

DAVIES: You know, the Supreme Court has pretty much ruled out

interveneing to reverse cases of partisan gerrymandering, where it's simply about benefiting a political party. It's been different for racial gerrymandering, and there are active cases. And I wonder if in effect the Voting Rights Act and other statutes that affect racial gerrymandering are the real arena for these fights. There are several active cases now, some in Virginia, I think, that deal with racial gerrymandering. What are we looking at?

DALEY: Well, I think that again is exactly right. Most of these cases really have their roots in what was called the unholy alliance between African-Americans in the South, Democrats who wanted to increase their representation and Republicans who wanted to turn the South into the solid South. And these efforts began in the late 1980s and the early 1990s. And that was the redistricting battle in those days. It was about a deal between African-Americans to increase their ranks in Congress and Republicans who wanted to increase their numbers as well. And it worked very well for both sides in that you grew the largest Congressional Black Caucus since the days of Reconstruction. But at the same time, Republicans took over all the rest of those states.

DAVIES: And the reason that alliance benefited both sides was that they drew the boundaries so that black voters were packed into a small number of districts, almost certain to elect black representatives.

DALEY: They could elect their own leaders. And if you are an African-American leader in the South, then you have been a key part of the Democratic constituency. But the constituency in Congress is all essentially white Democrats. It makes an awful lot of sense to try to find a way to increase representation. That came at a cost to the party.

DAVIES: And why would that be? Why would creating largely black districts cost the party congressional seats?

DALEY: Because it packed all of the Democrats into a handful of majority-

minority districts. So what you see in North Carolina, for example, is after these new districts went into play in the early 1990s, the delegation suddenly shifts from 8-4 Democrats to 8-4 Republicans. And that happened across the South, and it essentially led to the extinction of the white Democratic Congressman in the South. There's only a handful left these days.

DAVIES: And so then lawsuits now are aimed at re-crafting those boundaries.

DALEY: Exactly.

DAVIES: Let me play devil's advocate on the Operation RedMap argument here. This was about the 2010 elections. And you note that while Operation RedMap targeted, you know, a few dozen congressional seats in efforts to flip statehouses, it was a big Republican tide that year in that they gained almost 700 state legislative seats nationwide. And if you look specifically at Pennsylvania, for example, going into that election, the Democrats had a narrow majority in the statehouse - five or six seats - and that Operation RedMap, this national Republican effort, targeted three, put money in, won all three. And that would've been enough to flip the statehouse from Democrat to Republican.

But there was such a Republican tide that after that election, the Republicans ended up with a 21-seat majority in the Pennsylvania Statehouse. If those three seats targeted by the national Republican effort had stayed Democrat, it would still have been a 15-seat Republican majority. I guess what I'm wondering is however smart and effective Chris Jankowski and these national Republicans were, there was a Republican tide here, and a lot of this would've happened anyway, wouldn't it?

DALEY: There was a huge Republican wave election in 2010, and that is an important piece of this. But the other important piece of Redmap is what they did to lock in those lines the following year. And it's the mapping

efforts that were made and the precise strategies that were launched in 2011 to sustain those gains, even in Democratic years, which is what makes RedMap so effective and successful.

DAVIES: You know, when I looked at the book, it struck me that what Chris Jankowski and these national Republican strategists was sort of staring us in the face, right? I mean, everybody knew that congressional redistricting mattered. Everybody knew that they were largely done by state legislatures. It wasn't a big leap to figure out that it might be worth some national effort to win state legislative seats. Are the Democrats more focused on this now than they were before?

DALEY: The Democrats have finally realized that they need a plan. They are doing what seems to me to be all the wrong things. They're fighting the last war, and they're trying to replicate the plan that the Republicans had in 2010. The problem is they're going to have to win on Republican maps with less money and no elements of surprise. Seems to...

DAVIES: When you say Republican maps, you're talking about Republican state legislative maps, not congressional maps.

DALEY: Yes.

DAVIES: Right, right.

DALEY: This is what we need to understand - there are so many different locks on the system right now that undoing this is going to take years and really concentrated efforts state by state, chamber by chamber. There is no one simple solution to this. And it's going to take the Democratic Party a lot of time, possibly even a generation to undo what happened in 2010 and 2011.

DAVIES: What's interesting to me about that is in 2010 - you focus on how after the Republicans took control of statehouses, they redo congressional

maps so as to enormously strengthen the Republican's hold on Congress. But the state legislative maps, were they also gerrymandered so that they...

DALEY: They were, so that's what matters.

DAVIES: So in...

DALEY: Yes.

DAVIES: ...2020 when you're electing the legislatures that will do the next congressional redistricting, those races will occur in districts redone in 2010?

DALEY: There could be - there could be a huge Democratic wave nationally in 2020 that elects or reelects a Democratic president that year. However, if the Democrats can't make a difference and some headway in changing control of the Ohio House or the Michigan Senate or the Wisconsin House or the Florida House, they will still have Republicans drawing these lines in 2021. And they will be locked in for another decade.

DAVIES: Unless there are movements to take redistricting out of the hands of legislatures.

DALEY: That will take some time.

DAVIES: You don't think that's going to happen in a lot of places anytime soon.

DALEY: I do not think that this is a problem that can be solved quickly or easily. And it seems to me that we are going to have Republican control at this level for a long time.

DAVIES: David Daley, thanks so much for speaking with us.

DALEY: Thanks so much for having me.

DAVIES: Dave Daley is editor-in-chief of Salon. His book about the 2010 election and redistricting has a title we can't say on the radio. I'll approximate it as "Rat(Bleeped): The True Story Behind The Secret Plan To Steal America's Democracy." Coming up, Maureen Corrigan reviews Susan Faludi's new memoir. This is FRESH AIR.

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