Throughout the history of the United States, redistricting has been a political lightning rod because line drawers often craft districts to further their partisan advantage. In this ambitious and provocative book, Anthony J. McGann, Charles Anthony Smith, Michael Latner, and Alex Keena contend that not only should partisan gerrymandering be justiciable, but because, in its most extreme form, voters of the disadvantaged party are essentially denied equal representation, politically manufactured partisan bias should be prohibited. McGann et al. construct an elaborate argument that begins with the empirical evidence and proceeds to build their normative case for overturning partisan gerrymanders. Starting with the data, and using a measure of partisan symmetry devised by Gelman and King (1994), McGann et al. demonstrate that partisan bias has increased about threefold in most states in the last redistricting round (in 2010) versus the congressional redistricting that occurred 10 years prior. Based on the partisan symmetry standard, partisan bias is present if at any level of the two-party vote, one party actually wins a higher and unequal share of the total seats. For instance, the North Carolina redistricting in 2012 exhibits a high degree of partisan bias in favor of the GOP because if the two-party share of the vote was split 50/50, then Republicans would win 20% more seats than would their Democratic opponents (p. 90). In contrast, if there was no partisan bias, then each party would win the same percentage of seats at any given share of the two-party vote, for example, 55% of the vote for Republicans yields them 70% of the seats and likewise for Democrats, if they were to win 55% of the vote.

The partisan symmetry measure is the standard McGann et al. rely upon for assessing the presence of partisan bias in congressional redistricting plans. This measure has garnered support among redistricting scholars and in legal circles, and is therefore rather noncontroversial. Instead, the controversy comes from the normative agenda of the authors who pursue an interesting and somewhat novel claim for justifying an unconstitutional pronouncement on politically engineered partisan gerrymanders. Before wading into this argument, it should be noted that the authors provide a useful legal review of redistricting case law in the second chapter and follow this in the next chapter with an empirical assessment of states’ congressional redistricting plans in the last two decennial districting rounds (2000 and 2010). In the interlude between these two redistricting cycles, the Supreme Court in the 2004 Pennsylvania case of Vieth v. Jubelirer ruled that there is no settled standard for striking down partisan gerrymanders, and furthermore, the Court did not favor one as at least four justices contended that partisan gerrymandering constituted a political question outside the bounds of legal intervention. McGann et al. lean heavily on this ruling to press their case that the Court’s hands-off approach to partisan gerrymanders served as the catalyst for states taking partisan gerrymandering to the extreme in the next districting round in 2010. Although most states with partisan control of redistricting in 2010 did indeed implement plans with considerably more partisan bias, it is not possible to pin this behavior on the Vieth decision (the authors concede this point), but the Court’s pronouncement certainly paved the way for mapmakers to seek maximum partisan advantage.

In the fourth and fifth chapters, McGann et al. show that partisan bias is principally due to politically motivated districting and not because of the geographic location of voters or because of the creation of majority–minority districts as per the requirements of the Voting Rights Act. Specifically, in Chapter 4, McGann et al. find that although it is true that Democratic voters are more geographically concentrated in urban areas and majority–minority districts concentrate Democratic voters into a smaller number of districts, it is still possible to draw districting plans that are unbiased despite these conditions that do make it easier for Republican mapmakers to seek maximum partisan advantage. McGann et al. then show in Chapter 5 that most of the partisan bias that manifests in recent redistricting plans is not due to the aforementioned factors but primarily because mapmakers intentionally draw districts that provide their party with a clear electoral advantage. But partisan advantage via redistricting does not occur simply because one party has control of the process. In addition to the opportunity to pursue a partisan gerrymander (control of line drawing), the party in charge also needs the motive to further this cause and that is present when the parties are politically competitive in federal elections (as denoted by a two-party presidential vote margin under 25
partisan gerrymandering often backfire on those who draw the lines because vastly altered constituencies undermine the incumbency advantage (Ansolabehere & Snyder, 2012), but aggressive partisan gerrymanders can favor the opposition when a partisan tide runs counter to the party of the mapmakers, as was true for Pennsylvania Republicans when Democrats won back a majority of districts in the 2006 midterm (see McKee, 2013). It strains credulity to chalk up decades-long partisan House majorities to highly effective partisan gerrymandering. Recall that a Republican national House majority in 2004 was overcome by a Democratic tide in 2006 that was then swamped by a 63-seat GOP House gain that netted a Republican majority in 2010. And at the time of this writing, Democrats need to turn 24 House seats to win a national majority in 2018—a possibility that looks very likely. Ironically, partisan gerrymanders, far from being electorally bulletproof, can result in more, not less, competition.

If partisan gerrymanders are deemed unconstitutional, then it would open a Pandora’s box of excessive litigation. To be sure, the partisan symmetry standard can detect partisan bias in districting plans, but it will always be a judgment call regarding where the line should be drawn for deciding what constitutes too much partisan bias. In other words, it is a subjective determination of what is deemed too much partisan bias. Given the acknowledged presence of partisan bias that stems naturally from the location of voters, it is not clear whether this bias should also be eliminated. If all partisan bias that attains statistical significance based on the partisan symmetry standard warrants removal, then this would appear to be grounds for taking redistricting entirely out of the hands of legislators and opting for nonpartisan redistricting commissions like the one instituted in California. Nonetheless, it is far from clear that there is widespread public support for taking the power to redistrict out of the hands of politicians. In the absence of clear legal parameters, we should expect politicians to further partisan gerrymanders, and in certain states (California aside), it may in fact be the case that voters are not concerned with partisan majorities taking advantage of redistricting as a by-product of being the preferred and dominant party. In sum, it is one thing to establish the presence of partisan gerrymandering and it is quite another to definitively set a standard for what to do about it, and this is the crux of the issue as there is nowhere close to a scholarly and legal consensus on what if anything should be done about the presence of politically engineered partisan bias.

McGann et al. have produced an important treatise on contemporary redistricting in U.S. House elections. It is highly informative and provocative. Their normative pronouncements warrant the attention of scholars and the legal community. It is not likely that the authors’ positions will be widely embraced by experts of redistricting, but they have sparked an important debate. Gerrymandering in America provides a thorough review of the legal precedent regarding partisan gerrymanders, an impressive empirical assessment of partisan bias in contemporary congressional
redistricting, and an interesting argument grounded in social science for contending that excessive partisan gerrymandering should be declared an unconstitutional violation of voting rights. For these reasons, the book is a must-read for redistricting scholars and, more broadly, students of campaigns and elections, party politics, and election administration.

References


Reviewed by: Kimberly L. Nelson, University of North Carolina, Chapel Hill, USA
DOI: 10.1177/0275074017724899

Beginning in 2007, the United States suffered its longest recession since World War II. As with the Great Depression, the federal government attempted to end the economic downturn through legislation. The key instrument was the American Recovery and Reinvestment Act (ARRA). Developed by the Obama administration and passed by Congress in 2009, ARRA was intended to ameliorate the effects of the Great Recession (Pub.L. 111-5). ARRA spending was divided into three categories: US$288 billion in tax cuts, US$224 billion in unemployment benefits, and US$275 billion in federal grants and loans. ARRA was the largest stimulus package passed since the 1930s totaling US$787 billion but has received limited attention from public administration scholars on lessons learned from the implementation of the act or the long-term effects of the programs created. Implementation of ARRA required the creation or adaptation of vast networks of governmental and nongovernmental actors, some with competing goals.

In an era of increasingly networked governance, achieving a better understanding of how collaborative programs work is imperative. Most government networks are local or regional established through a contract or set of contracts, such as a city and county shared service agreement for public safety services or a public–private partnership for an infrastructure resource. However, there exist issues and problems today that are intractable and nearly impossible to solve without complex collaborative networks that involve actors from the public and private sector and multiple layers of governments. Unfortunately, there is no established formula for success that guides participants in how to create and manage these systems. Network participants may differ in their motives for joining, leading to differences in the objectives of individual members. Questions of who is in charge often arise given that network members may have equal standing. Determining how to measure success and how to hold members of the network accountable for their responsibilities are equally challenging questions that must be answered when formulating the network. Existing research does not offer a great deal of guidance on these issues.

The ARRA created a series of large-scale vertical networks funded and overseen by the federal government. Given the scope and complexity of the networks needed to implement ARRA programs and the rigorous accountability requirements built into the act, ARRA constitutes a rich source of potential lessons about how to make complex networks work well. In Governing Under Stress, the editors, Timothy Conlan, Paul Posner, and Priscilla Regan, seek to fill the gap in the research of networked governance by exploring the role of government in a collaborative public–private system and how issues of accountability, transparency, and network complexity affected implementation. They, along with the contributing authors, provide an analysis of the economic, administrative, and political spheres of ARRA.

Due to the vast nature of the act, the editors limited the analysis to case studies of six of the grant/tax expenditure programs from the act. The chosen programs were promoted as policy priorities under the act, received significant increases in funding, and included a mix of indirect policy tools. Both new and established programs were selected for analysis. For each case study, three states were chosen (Virginia served as a control and was included in every case) for analysis. More than 200 interviews were conducted during the study, and interview data were supplemented through document analysis.

In the first two chapters of the book, the editors provide background information on ARRA, briefly summarize existing research on the act, and describe the research methods used in the case analyses. The next six chapters present ARRA program case studies. Although the case chapters do not have identical formats, each describes a program and discusses the findings from the document analysis and interviews. Themes used to frame the case study chapters include principal-agent relationships, accountability, and challenges in third-party governance. To help the reader bring the findings from the case studies together, the final two chapters contain an in-depth analysis of ARRA’s lessons on accountability and third-party governance.