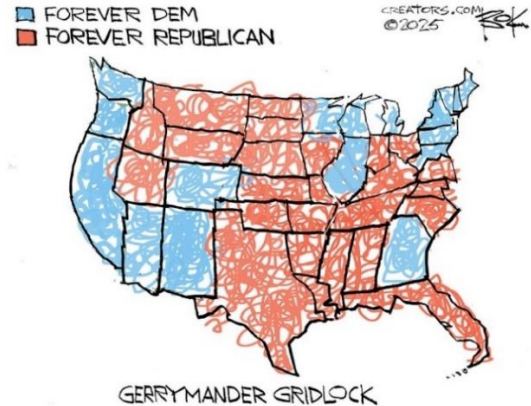


Gerrymandering weakens our representative republic

Steve Bakke  *September 5, 2025*



Apportionment is the process of allocating 435 seats in the House of Representatives to individual states. It's based on each state's relative population as reflected in the census taken each decade. This process, referred to as "gerrymandering," is governed by Article 1, Section 2 of our Constitution as amended by the 14th Amendment, and voters' rights legislation.

The goal of establishing districts is to "fairly" draw these districts while making sure the population in each district is as equal as possible, consistent with the constitutional concept of "one person, one vote." That's the official intent anyway.

But what is meant by "fair"? Very little guidance is given. It's difficult to challenge the process in court because, as Chief Justice Roberts wrote, "The Constitution supplies no objective measure for assessing whether a districting map treats a political party fairly." As a result, each state has almost "free reign" in establishing districts.

In many states, gerrymandering has become a partisan process of redrawing districts that favor a state's majority party. In other words, it operates contrary to the principles of our representative republic. It's a conscious attempt by the ruling party to undermine the constitutional intent that the House reflect as closely as possible the intentions of "We the People."

Nevertheless, there are a few mandates and constraints that govern the process, for example, the equal population requirement as already mentioned, and non-discrimination requirements governed by voters' rights legislation.

Additionally, President Trump has become involved by trying to accomplish some things that are restricted by law. As required by Section 2 of the 14th Amendment, the population totals used for apportionment and redistricting must include the "whole number" of population, including undocumented immigrants whom he wants to exclude. And while the President would like to use a mid-decade census to govern the redistricting, that's specifically prohibited by Public Law 94-0521.

Bottom line, while the President won't get everything he wants, aggressive gerrymandering in selected "red states" will likely proceed using the 2020 census as a basis. But democrat-run states will be trying to offset republican gains by doing their own gerrymandering.

Why is Trump trying to do this? Past gerrymandering efforts have given democrats an advantage. The last election had a worrisome number of states with either over-counting or under-counting of votes, the majority benefiting democrats. And the massive uncontrolled influx of undocumented aliens in recent years tended to settle in "sanctuary" states. That represents more democrat advantage.

The Center of the American Experiment published a study on the status of redistricting bias. The proportion of votes garnered by each party in 2024 was compared to their share of representatives for the 37 largest states. These results demonstrate the significant effects of partisan gerrymandering. If "fairness" adjustments were made, republicans could gain at least six seats.

If other "fairness" measures were employed, there'd be more changes. As mentioned earlier, our redistricting and related factors, have a predictable and undesirable effect on election results. This undermines an important ideal of our representative republic.

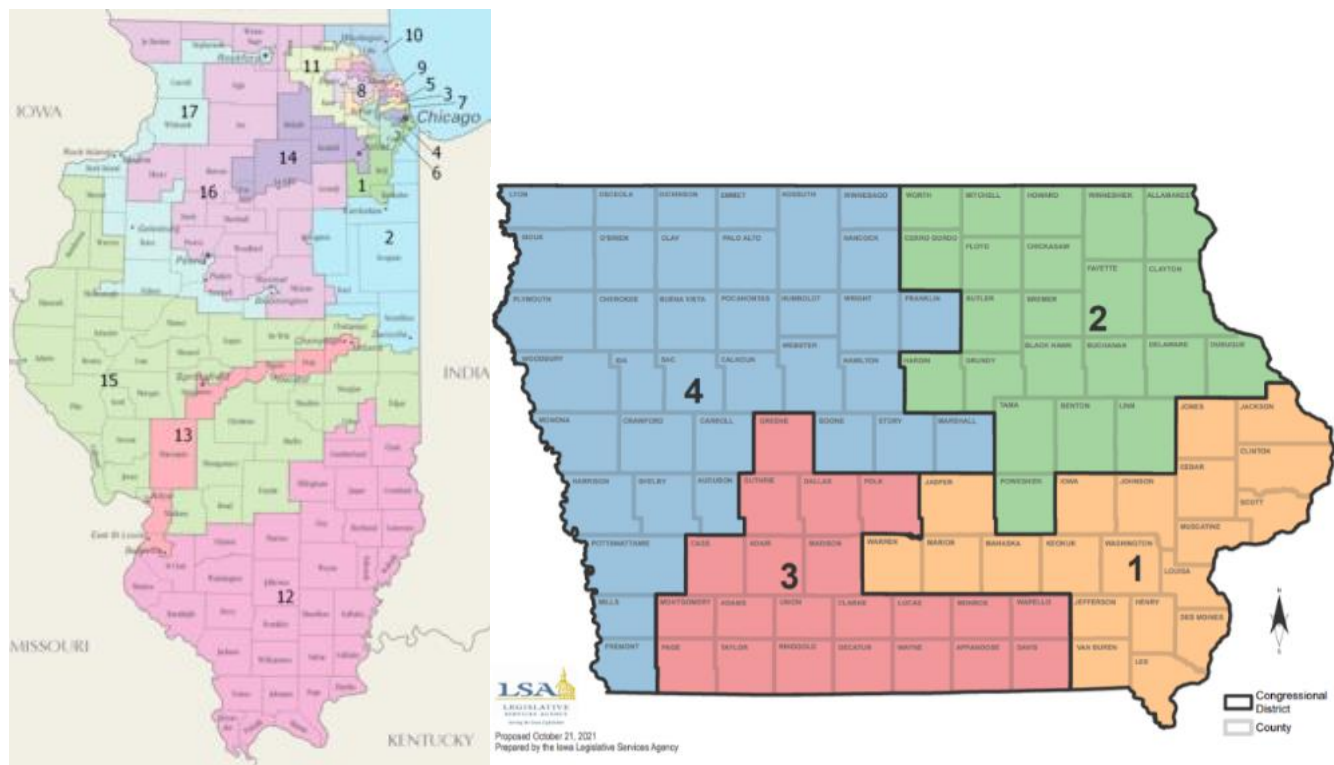
The democrats started aggressive gerrymandering earlier, but especially since the 2010 census, republicans have gained ground. And sadly, now in 2025, states are chasing each other in a flurry of partisan redistricting. But there will be no solutions, and the destructive practice of gerrymandering remains.

There are ways to discourage biased redistricting: Strong border security and immigration control removes the temptation to create the apportionment advantage they've achieved by "welcoming" undocumented immigrants; Election rules and security can reduce the frequency of counting errors. In 2020, errors occurred far too frequently; And if we increased the number of U.S. House districts, gerrymandering would be more difficult, less impactful for a single district, and less attractive as a tactic.

In addition to the requirement of having similar populations in each district, other rules now used in some states would be helpful. For example, districts lines should follow county borders, be compact, and contiguous, i.e. connected and not winding snake-like across the state. And an independent commission could draw the maps.

The very existence of partisan redistricting will eventually eliminate some special characteristics of our representative republic. Gerrymandering weakens our representative republic because it partially disenfranchises "We the People."

Exhibit



Here are two examples. The first map shows the Illinois districts. It appears that the process used didn't face many rules or constraints. The map displays numerous examples of not following county borders. In order to accomplish the political advantages desired, Illinois has drawn the district borders very creatively. Examine the 13th and 16th districts. Note the irregular boundaries and how they "snake" across the state. This is one example of a state's majority party employing gerrymandering gimmicks to its advantage.

In contrast, examine the adjacent Iowa map. This map was prepared by an advisory commission, with the Iowa legislature as the final authority. They are required to make the districts compact and must follow county borders. One might wonder why Iowa republicans dominate the House apportionment with all four House seats, even though democrats having 40% of the votes.

Iowa republicans ended up sweeping the election at least partially because the state's democrat voters tend to be distributed evenly across the state. But I'm betting all four districts are fairly competitive, so the republicans should prepare for more democrat competition in the future.