Foreword

In *Reynolds v. Sims*, 377 U.S. 533 (1964), the Supreme Court declared that one person, one vote was the requisite basis for equality in the voting process. In the long electoral history of the United States, severe population disparities in the electoral districts appear to be the norm, not the exception. The decision in *Reynolds* intended to ensure that majoritarian principles would be the primary factor in a state’s process of drawing electoral district lines. The decision in *Reynolds*, and in a series of cases exploring issues of voter representation (*see*, e.g., *Westbury v. Sanders*, 376 U.S. 1 (1964), and *Baker v. Carr*, 369 U.S. 186 (1962)), sought to determine what constituted “fair and effective representation.” Though in principle redistricting is intended to protect every citizen’s fundamental right to participate in democracy, it is procedurally subject to one of the most political and unpredictable components of our democracy—buffeted by prevailing partisan winds, caprices of state legislators, and a host of complex and evolving issues. This intersection of a fundamental right and political district drawing determines where political party candidates run, who gets to elect them, and thus, who controls state legislative and even congressional seats. Among one of the most controversial issues is to guarantee that historically disenfranchised groups have the right to an effective vote under the Voting Rights Act, 42 U.S.C. § 1971 (2009).

The redistricting process has been the grist of numerous Supreme Court cases addressing questions of population equality, constitutional limits to political gerrymandering, enforcement of Sections 2 and 5 of the Voting Rights Act, and the constitutional parameters to the creation of minority–majority districts. To say the least, the law of redistricting is complex, inconsistent and fact-intensive.

*The Realist’s Guide to Redistricting* is a practical handbook about the recondite world of redistricting written by seasoned experts in the field. It is a manual invaluable for practitioners, legislators and citizens who seek to understand the seemingly inscrutable mechanisms that de-
termine the composition of the districts that elect our representatives. The *Realist’s Guide* provides the fundamentals of redistricting law and identifies the internal conflicts which make the process so challenging.

The *Realist’s Guide* also shows the breadth of administrative law for which the American Bar Association’s Section of Administrative Law and Regulatory Practice plays a major role. Administrative law touches all parts of modern life. As Professor Duffy declared, it is about “power, politics, personalities and revolutions in legal thought.” (John F. Duffy, “Administrative Common Law in Judicial Review,” 77 Texas. L. Rev. 113, 213 (1998).) Redistricting involves everything Professor Duffy describes as administrative law. The Section is proud to be able to publish this second edition of the *Realist’s Guide* in time for the 2010 Census and associated redistricting cycle.

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