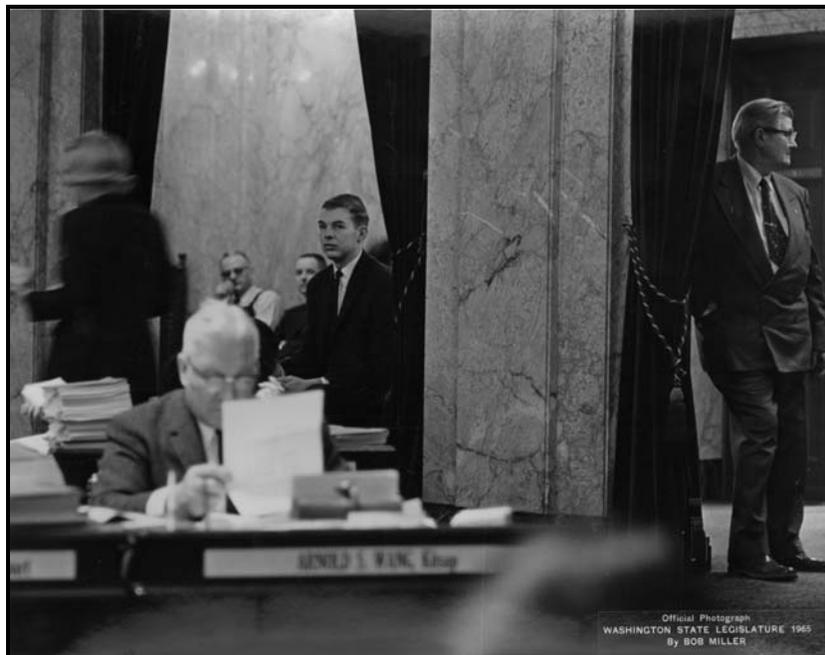


Howard E. McCurdy, a former aide to then-Representative Slade Gorton, has graciously given us permission to reprint his account of the redistricting battles of the 1960s, *A Majority of the People: Factional Politics and Redistricting in Washington State* (1970).

Scroll down to read excerpts related to 1964 or [read the entire manuscript](#).

### About the Author

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A young Howard McCurdy observes the legislative proceedings during the 1965 session.

# A Majority of the People

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## A Case Study in the Redistricting of Washington State

by Howard E. McCurdy



Syracuse, N.Y.: Inter-University Case Program, 1967  
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It would be submitted to the House with bipartisan sponsorship, with the full weight of the governor's prestige behind it.

Gorton optimistically predicted that he could even find the 11 Democratic votes necessary to win House approval. Ironically, the rules of the blitz still existed, and with those 11 Democrats Gorton could avoid the whole committee system and promptly put the bill to a final vote.

All these conditions might have produced a standoff, but Greive continued to extract progress from the talks. It was not substantive progress, although some agreements were made for a few rural districts. Rather, each side was educating the other about its own priorities and the alternative plans it favored. Slowly the two sides began to see the problems around which any bipartisan solution must pivot. This was no small accomplishment, for the scope of the changes wrought by the new redistricting would have to be more substantial than any yet considered by the legislature.

### The Governor Intervenes

The Republicans made their fist package proposal on Thursday night, February 4. It was a seven-point ultimatum, presented at the negotiations that night because the Governor would announce his bill the next day and Republicans hoped the Governor's move would pressure Greive into accepting the seven-point position.

Moos explained the proposal to Greive and the other negotiators. He began with minor points, to which Greive mildly objected. The Moos touched on an open sore. He insisted the Republicans retain the two districts they already controlled in Tacoma. Strangely enough, Greive accepted the Republican demand. It was strange because Republican solutions for Tacoma always eliminated one of the area's five Democratic senators, but Greive's acceptance was even odder. The one Tacoma senator whom Greive would gladly sacrifice was safely barricaded behind miles of solidly Democratic precincts. Greive, however, devised a weird gerrymander, making the senator swap his district with another Tacoma senator, most vulnerable and most powerful. Moos, gazing at the shapes of the districts, gasped, "Why, we couldn't show up on the floor with that."

Moos skipped on to the next trouble spot, Spokane. He insisted on no Democratic gains in the county, since Republicans wanted to retain the chance to unseat two vulnerable Democratic

senators. Unfortunately, the two were faithful to Greive, and Greive insisted that their districts be strengthened. When Moos insisted again, Greive retorted, “We might as well go to the court.” He would honor his promise to protect the two Senators. The court could break the promise, but he would not.

On Friday morning Governor Evans revealed his intention to submit the executive-request redistricting bill and began a search for representatives to sponsor it. The announcement caught the Democrats unprepared. Since no redistricting bill had come before either house since negotiations had begun one week ago, they criticized Evans for scuttling negotiations.

In fact, both Greive and Grant were preparing new plans too, with the primary aim of softening the Republicans. Both were considering a most radical strategy, first suggested by Representative William C. Klein (Dem., Vancouver). Klein had argued that legislative referendums, both in law and in practice, did not require the signature of the Governor. When Klein had suggested, two weeks earlier, that the Democrats pass S.B. 2 as a legislative referendum, most had laughed, but now the Democratic leadership was becoming intrigued with the strategy.

Meanwhile, negotiations, which had grown larger, quickened. Representative Copeland, now the House Minority Leader, had joined the talks. Friday morning Gorton had joined, then Democratic Senators Gissberg and McCutcheon, then “new breed” Senator Walter B. Williams (Rep., Seattle). Ostensibly, all came to work on the new proposals; in fact, most were there to keep an eye on their colleagues. Despite the expansion, there was still no representative of the new House Democrats attending the meetings.

On Friday and Saturday the negotiators moved closer to a general agreement. The biggest break came when Greive and Gorton, after much heated debate, agreed to divide the Seattle districts “seven-seven-two”—seven districts for the Democrats, seven for the Republicans, and two swing. The deadlock over Spokane was temporarily abated when Greive offered to protect one Republican representative in exchange for protection of those two vulnerable Democratic senators. And finally Gorton began to look seriously at the weird gerrymander for Tacoma.

This was progress, but very general and most elusive. Although the outline of a compromise was set, the more critical problem remained—where to draw district lines. The negotiators attacked

this problem on Sunday, February 7, and it collapsed the talks. The Republicans refused to meet with Greive until he modified his position.

Republican tenacity swung on their hopes for the Governor's bill, which Evans unveiled Monday. The bill received extensive coverage in the press and caught the attention of all legislators. The Democrats even refrained from the scathing attacks they had delivered on every previous Republican bill. Its sponsors were Moos and Democratic Representative Rogers, the blitz opponent who had continually implored both parties to cease their partisan outbursts and begin to compromise. Evans had also asked Representative Day to sponsor a bill, but Day had declined, thinking that the bill might adversely affect negotiations.

Gorton insisted openly that Republicans would compromise no further than the Governor's bill, and set out to shock the Democrats into submission by passing it through the House.

### Republican Unity Is Strained

Republican leadership almost immediately broke down. The Governor's bill, signaling as it did a return to a more uncompromising strategy, plus the seemingly deadlocked negotiations, strained the already uneasy relations between the "new breed" and Copeland, who had earlier outmaneuvered Moos to win the minority leadership. Copeland now demanded that Gorton conclude the negotiations with Greive, but Gorton feared that this would require him to surrender on vital positions.

When negotiations continued to flounder through Tuesday, Copeland exploded. Restless because his two opponents for the House leadership were managing the sole issue before the legislature, Copeland moved into negotiations. On Wednesday morning he told the House Republican caucus that he would achieve definite progress within 24 hours.

Greive pressed for a final settlement, hoping that Copeland's stand would destroy Gorton's leadership over redistricting. Renting a suite in a downtown hotel, he called Copeland, Neil and Day into a series of "secret" meetings.

The meetings were no secret. Even the press broadcast the news. Most legislators dismissed the hotel talks, but Gorton and Moos were furious. Both were working hard to win Democratic

voters for the Governor's bill, because he hoped that a compromise might emerge from the downtown hotel.

By Thursday night, February 11, Greive and Copeland were proclaiming that a redistricting settlement was imminent. This was too much for Gorton. He was convinced not only that Copeland had devastated the strategy for the Governor's bill, but that the minority leader, who had entered the negotiations with only an elementary knowledge of redistricting, had surrendered the Republican position.

Gorton asked Representative Pritchard to get Copeland out of the negotiations. Pritchard, Moos, and two other House Republicans sternly confronted Copeland with the choice of pulling out of the negotiations or facing a caucus revolt and a vote of no confidence.

Copeland made no definite reply, but his efforts to engineer a redistricting solution languished and died. Other events had diverted attention from the negotiations.

### Both Sides Move Alone

On Thursday, February 11, legislative activity on redistricting reached its highest level and its most disorganized. Everyone speculated that unhappy and impatient caucuses were ready to strip both Greive and Gorton of their redistricting leadership. The House Democrats had a new bill, the Senate Democrats had a new bill (the referendum), Gorton still had the Governor's bill, Greive had negotiations (although he wasn't sure with whom), and Copeland had the hotel talks. Fully half the legislators thought they had found the way to bring order to redistricting, and the significant was jumbled with the trivial.

In the House Grant was ready with a modified version of his earlier plans, scalped onto a Senate redistricting bill. Grant almost hoped it would precipitate a conference committee, which until this time he had rejected. Conference talks would put a House Democrat at the table and that would be an improvement on the informal talks, in which they had no man at all.

On the House floor Grant argued that only his bill was constitutional, Gorton ridiculed it, Moos called it "a fraud," tempers flared, and the Speaker once had to gavel into silence a member of

his own party for attacking the party. It was exciting debate, although it doubtlessly changed no votes; the bill passed 53-43.

Senate Democrats, meanwhile, insisted that Greive bring out the referendum bill. Greive had resisted all attempts to put Democratic measures before either house, fearing this would upset the “secret” talks and his plan to knock out Gorton. But the Democrats wanted action and rebelled at the hopeless negotiations. Many senators really wanted to put the referendum before the voters in April; Greive saw it primarily as a device for worrying the Republicans into submission.

The referendum did worry the Republicans. Outwardly, to be sure, they argued confidently that Evans could veto the act, and that the constitutional prohibition against vetoes applied only to referendums already approved by the people.<sup>7</sup> And the Governor could always veto the bill for money for a special election, they added. But privately the Republicans knew the issue would have to be resolved in the courts, and this gnawed at the security they had found in Evans’ veto.

Thursday evening Greive presented the Senate with the referendum bill—a measure quite similar to S.B. 2, but with the added provision that it would be submitted to the people in two months as a legislative referendum. Greive frankly observed that the purpose of the referendum was circumvention of the Governor’s veto. Evans was not part of the federal court order requiring the legislature to redistrict itself, he said, commenting that, “It is the Governor’s duty that we are transferring to the people.”

Republican leader Moriarity, insisting that the voters be given a real choice, asked the Senate to put the Governor’s bill on the same ballot. His request was designed to demonstrate that the Democrats were interested in enacting their own bill. But Moriarity’s motion was defeated, 31-17.

Moriarity then challenged Lieutenant Governor Cherberg’s authority to allow the proceedings to continue. Cherberg and Speaker Schaefer had been enjoined by the court against allowing the legislature to enact any bills other than redistricting. Moriarity argued that Cherberg was placing himself in danger of contempt proceedings by the court:

The federal district court’s order is that the legislature ‘shall apportion itself. . .pass a bill. . .enact into law.’ This referendum is not legislation. The Lieutenant Governor is enjoined

from signing a referendum, and would be in contempt if he were a party to the passage of the referendum.

Considerable data followed. Finally Cherberg retired to his chambers to discuss the point with Democratic leaders. An hour later (it was past one a.m.) he emerged and announced that he did not believe that the court had intended to deny the people the right of referendum. In another hour the measure was put to final passage. It passed with a single vote to spare 26-22. Seven Democrats voted against it; the Republicans lost one of the senators who had supported Greive in 1963.

Senate Democrats kept up their “hard-line” strategy. On Friday they rejected conference negotiations and sent to Evans the bill Grant had passed through the House the day before. The senators didn’t particularly like Grant’s bill, but it was available grist for the Governor. During the debate on the floor Senator McCutcheon had remarked that the leadership “probably couldn’t carry it if we didn’t know he was going to veto it.” After the chuckles Republican Senator Woodall had observed that McCutcheon had “let the cat out of the bag.” The bill passed anyway, 26-19.

The Governor would veto that bill too, but by then other things would have happened.

### The Democrats Go To The Governor

The state Chambers of Commerce, in planning their usual visit to the legislature, had invited Greive and Gorton to address them on redistricting. Both had accepted, and at the lunch on Saturday, February 13, Greive satirized his and Gorton’s role. The touch of humor lightened relations between the two redistricting leaders. Together they walked back to the Capitol, reminiscing about their redistricting battles. The light talk continued for two hours in Greive’s office.

On Sunday Greive sent for Copeland and Neill for a continuation of the hotel talks. Gorton intercepted the message and went himself. The two discussed how to map the seven-seven-two arrangement for Seattle-King County. All earlier attempts to draw this required the destruction of one of the existing Democratic districts. Now Gorton proposed a weird bird-shaped district, with a major Republican stronghold in the beak and scattering of Democratic outposts in the body. By

wedging the bird into the Seattle district map, the seven-seven-two scheme could be achieved without disturbing the political complexion of surrounding districts. A few Democrat incumbents were jostled, notably Representative Grant, but this did not seem to bother either Greive or Gorton. Now that Gorton had proposed his own gerrymander, he could hardly be pious about Greive's district swap in Tacoma, so both ratified it.

On Monday, February 15, Governor Evans met with Greive and asked him where negotiations stood. Greive produced a map that he and his aide had drawn the night before. It reflected the general agreements already made, but the district lines were Greive's own, for the negotiations had not yet become that specific. Greive insisted that if the negotiators made no new progress by Tuesday he would write up his version of the agreement and pass it through the Senate.

The Republicans, meanwhile, were trying to revive the Governor's bill. The key, Gorton knew, was the support of Day and the dissidents. He proposed wooing them with a more Democratic plan for Spokane. Since Gorton had convinced himself that Republicans could compromise no further than the lines in the Governor's bill, he insisted that the Democratic gains in Spokane be matched by Republican gains in Seattle. Day seemed interested when Gorton made the offer on Monday. Moos became the chief strategist for the measure and began to look very hard for the necessary 11 Democratic votes.

House Democratic leaders continued to become more dissatisfied with their minor role in redistricting. Ex-Speaker O'Brien, who had now stepped into the battle, and Speaker Schaefer both agreed that their fortunes rested in the formal conference committee. Tuesday morning Schaefer called all the Democratic leaders into his office and argued that conference negotiations should begin immediately. Greive did not object. The group called Evans and asked for a meeting, hoping to persuade him to support the formal talks.

### First Negotiations Begin

On Tuesday afternoon, February 16, an army of legislators descended upon the Governor's office. From the senate came Democrats Greive, Gissberg, Washington, and caucus chairman Robert

C. Bailey (Pacific County), and Republicans Moriarity, Neill, and John N. Ryder (Seattle). From the House came Democrats Schaefer, O'Brien, and Frank B. Brouillet (Puyallup), and Republicans Gorton, Copeland, and Robert F. Goldsworthy (Whitman County). Moos, busy selling the new Republican bill, did not attend, and Grant was not invited.

For two hours they talked. O'Brien insisted on a conference committee, but Gorton, Greive, and Evans talked district lines. District by district they ratified the progress that had been made earlier—the more definite agreements for the rural districts and Tacoma and the general plan for Seattle. Evans played the true mediator, proposing solutions, arbitrating, reconciling, interposing.

All this seemed to represent genuine progress. The negotiators broke for dinner, and Evans spoke to newsmen anxiously gathered outside his office. He told them that the parties were very close to agreement and claimed that only four major problem areas remained. Greive announced that redistricting bill was 92 percent complete.

The overly optimistic statements were designed to set the state for the final bloodletting. The last eight percent, the settling of district lines and remaining controversies would be as tough as the first 92. Some legislators would have their hopes crushed by the final compromises; if a solution seemed imminent, they might take the blow with less resistance. Furthermore, each side wanted the guilt to fall on the other.

The second mass meeting provided the crucial redistricting turning point. When the group reassembled that evening, Evans began making specific proposals for Seattle, presenting from memory plans that Gorton had briefed him on during dinner. Greive rejected the Governor's first two proposals—the standard Republican plan and a new bill designed to help Greive's opponents in the Senate. Then Evans laboriously drew out the general agreement as the Republicans saw it, Greive closely checking the movements of the pencil and Evan's explaining the reasons for each line. Greive studied the district lines on the map, and in less than five minutes agreed to accept them, although he hesitated over the 32<sup>nd</sup> district in North Seattle. O'Brien seemed reluctant, but Greive brushed those hesitations aside. Gorton and Greive initialed the map. This was the solution for Seattle.

Next the group turned its attention to the five Spokane districts. Greive continued to insist on “safer” districts for his two Democratic compatriots from Spokane, modified his position a bit, then insisted that the legislators involved be brought into the talks. After their arrival the two senators immediately objected to any departure from the lines in S.B. 2. Greive took them outside in the hall and insisted that they give a bit. One agreed, but the other remained adamant. Greive and Gorton then took the Spokane group into an adjoining room. Greive showed the two senators that their districts would be better than the old, but neither liked the way their new districts “looked.” Street by street the Spokane Democrats and Gorton haggled over district lines. Finally only about 450 voters, or one and one-half precincts, remained in dispute, but that was an interminable gap.

The other negotiators lounged in the Governor’s office, waiting on the Spokane talks. Most were pessimistic about the chances for finishing the compromise, for the differences remaining, although small, were intensely significant.

Only a few districts seemed to prevent a final compromise. Other differences would surely have appeared had the legislators taken time to scrutinize all their agreements, but in the haste of the negotiations only these five controversies stood out:

- 1) The 32<sup>nd</sup> district in North Seattle. The Republicans insisted on bolstering it to protect their valuable incumbent senator, while the Democrats insisted the district retain its old political complexion.
- 2) The new 21<sup>st</sup> district, to be carved out of the suburbs between Everett and Seattle. The area was inclined to be Republican, and the controversy was over how much the district would reflect this. And, yet to be discovered, the Republicans wanted to move one of the three Democratic incumbents in the Everett district into the new 21<sup>st</sup> district, thus protecting independent Dootson from a three-man race for two seats.
- 3) The 5<sup>th</sup> district in Spokane and its precinct and one-half.
- 4) The 12<sup>th</sup> district of Chelan and Douglas Counties. The problem was whether to split it into subdistricts for the representatives, more of a problem of personalities than of politics.