filiation to Republican in 1995, Tauzin's party switch could not have had much
to do with electoral security, however, given that he was unsupported for reelection
in 1992 and won with 76.2 percent of the vote in 1994. Hayes was reelected in 1992 with 73.0 percent of the vote, but in 1994 (when he faced a former Republican congressman) he won with only 53.0 percent. It was not until the 1996 election, when the new voting rights district was dismantled completely and Louisiana was back to only one majority-African-American district, that the Republican Party, with Tauzin now running as a Republican incumbent, won a majority of the seats on election day (Engstrom and Kirksy 1998).

4. A study projecting the partisan strength of the new congressional districts adopted after the 1990 census provides additional evidence of Democratic incumbents' being protected in these gerrymandered states. Projecting partisan strength on the basis of the 1988 and 1996 House elections and the 1998 presidential election, it predicts partisan gains when all incumbents are running for reelection and when all the seats are open. These predictions, with and without incumbents running, were +6 Democrats versus +2 Republicans in Texas, +3 Democrats versus +1 Republican in Virginia, and +1 Republican versus +2 Republicans in North Carolina. (Louisiana was not included in the study.) For the four states not identified as gerrymandered by Lublin, these numbers are no change versus +2 Republicans in Alabama and South Carolina, +2 Republicans versus +1 Republican in Georgia, and +7 Republicans versus +2 Republicans in Florida (Swain, Borrelli, and Reed 1999, 534–55).

5. The perverse partisan effects thesis is typically expressed as concerning the districts that are "adjacent to," "surrounding," "bordering," or "neighboring" a new majority-African-American district (see, e.g., Bullock 1995a, 33, and 1995b, 33; Overby and Cosgrove 1996, 544; Knucey 2001, 258; Black and Black 2002, 197; McKee 2002, 124, 131, 137).

6. A study of the 1992 elections by Richard Niemi and Alan Abramowitz concluded that "Republicans did better, in the sense of gaining seats relative to votes, in states not required to obtain Justice Department approval" (1995, 814). This study does not provide a test of the perverse effects thesis, however, or a South versus non-South comparison. It does not concern the linkage between the majority-African-American districts and the election of Republicans, and it compares states covered even partially by Section 5 of the VRA (which include Arizona, California, and New York), as well as most of the southern states, with those that are not so covered, which include Arkansas and Tennessee.

7. It should be noted that one of these districts, the Georgia Fourth, does not appear to have been seriously bleached in McKee's table 6 (2002, 134). This district is listed as having an African American voting age population (VAP) of 11.0 percent in 1990, and one of 10.8 percent in 1992, a loss of only 0.2 percentage points. Hill, however, lists this district as having a total population that was 25 percent African American in 1980, which declined to 12 percent in 1992 (1995, 388). Lublin reports (1997, 111) the same figures as Hill. This discrepancy is due to McKee's reporting the 1980 VAP for this district (as reported in Barone and Ujifusa 1989, 304) and Hill's and Lublin's reporting the 1980 figure for total population (as reported in Barone and Ujifusa 1991, 311).
Americans to the House in the South (presumably defined as the eleven states of the Confederacy). They contended that African Americans had an equal opportunity, that is, a fifty-fifty probability, to elect a representative of their choice (operationalized as African American Democrat in a district in which African Americans constituted only 40.3 percent of the VAP, and they concluded that "black candidates seem to have a fair chance of winning, even in districts with a white majority (so called minority-minority districts)." (1996, 804). Their analysis, however, excluded the presence of Hispanics, which is critical to their estimate (see Lublin 1999). This is because the districts that no doubt had the greatest impact on the estimates (the three with the smallest African American VAP to elect an African American in 1992—the Eighteenth and Thirtieth in Texas and the Twenty-third in Florida) were 48.6, 47.1, and 45.7 percent African American in VAP. These were all majority-minority districts, however, when the Hispanic VAP within them was added to that of African Americans. There were only two districts in the South in which the VAP was in the 30 percentage point range (Mississippi’s Fourth at 36.5 percent and Virginia’s Fifth at 30.7 percent). In their response to Lublin’s analysis, Epstein and O’Halloran found the inclusion of Hispanics in their analysis still resulted in equal opportunity points of 48.6, 48.6, and 42.5 for the 1992, 1994, and 1996 elections (1999, 183). But these estimates concerned the probability of electing an African American or a Hispanic and did not address the issue that Lublin raised, which concerned what it takes to elect an African American. It also needs to be noted that the concept of an “equal opportunity to elect” in the analysis concerns the opportunity within a district within a plan, not within a plan itself, which is the relevant for equal opportunity in Section 2 of the VRA.

References


