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## Redistricting on Beacon Hill and Political Power on Capitol Hill: Ancient Legacies and Present-Day Perils

Richard A. Hogarty  
*University of Massachusetts Boston*

Garrison Nelson  
*University of Vermont*

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# Redistricting on Beacon Hill and Political Power on Capitol Hill

# Ancient Legacies and Present-Day Perils

*Richard A. Hogarty  
Garrison Nelson*

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*This article discusses legislative reapportionment and past efforts to manipulate district lines as far back as the legendary Elbridge Gerry in the early nineteenth century. Specifically, it deals with what political history has to tell us about the current furor over House Speaker Thomas Finneran's proposed congressional redistricting. More than any other state in the Union, the Massachusetts lawmakers in the U.S. House of Representatives have enjoyed disproportionate power as a result of a bipartisan strategy of incumbency protection dating back to the 1940s. That power may be in jeopardy if Speaker Finneran implements his plans to create a new 5th District in southeastern Massachusetts while merging districts represented by two incumbent Democratic congressmen, Marty Meehan of Lowell and John Tierney of Salem. The speaker broke with a tradition of deference to incumbency and collegial consensus building that normally prevails during the decennial redrawing of district lines and may have risked diminishing Massachusetts's political power for at least a decade.*

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They want me to solve everything. This is about creating opportunity, not a guaranteed result. If we just keep genuflecting at the altar of incumbency protection, we'll just stay with the same old white guys' club down in Congress.

— Thomas Finneran, House Speaker

**A**s originally adopted, Article 1, Section 2, of the U.S. Constitution was clear on how the seats within the newly created House of Representatives were to be determined. Simply stated:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, including those bound to Service for a Term of Years and excluding Indians not taxed, three-fifths of all other Persons. The actual Enumeration shall be made within three years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten years.

*Richard Hogarty is a senior fellow at the John W. McCormack Institute of Public Affairs, University of Massachusetts Boston. Garrison Nelson, a professor of political science, University of Vermont, is a past senior fellow at the McCormack Institute.*

While the suffrage was eventually expanded to empower the indentured servants, the Indians, and the three-fifths persons who were then in chattel slavery, the ten-year rule regarding apportionment between the states in the Constitution has remained constant.

So every ten years after the federal census figures come out, political uncertainty and chaos threatens the political establishment. Once Congress processes the census results, each state is allocated the number of seats, reflecting the inter-census population shifts, to be assigned in the House. States growing in excess of the national rate gain seats; states growing at less than the national average lose them, while states keeping pace with national growth rates retain their seats.

As straightforward as these seat allocation principles may be, it is when Congress turns over drawing the district lines to the states where the real mischief occurs. That the redrawing of 435 congressional district lines gives rise to political gamesmanship should surprise no one. The consequent reshuffling of voters can make or break political careers.

It all began following the first census of 1790, and House apportionment has occurred every decade since. Even during the national traumas of the Civil War and World War Two, Congress reapportioned itself. The only exception followed the post-World War thirteenth census of 1920, when a rural-dominated Congress decided that immigrant-filled cities had grown too rapidly and threatened rural control of the House that reapportionment was postponed for a full decade.<sup>1</sup> With reapportionment comes redistricting, and few states have been more fabled in the lore of political map making than Massachusetts, with its long and colorful history of redistricting or what is commonly known as gerrymandering. After all, the practice started locally and is alive and well today, for good reason. Traditionally, the objective of redistricting has been to exploit partisan advantage and to make congressional seats as safe as possible for incumbents.<sup>2</sup>

But in the modern era, the post-2000 redistricting of Massachusetts was supposed to be politically painless: for the first time since 1970, this year's reapportionment would not cost Massachusetts a seat in Congress. Therefore, there would be no need for a dramatic alteration of districts — and no need to pit incumbent against incumbent in an electoral game of musical chairs. Instead, we now have the spectacle of a five-term Democratic congressman, U.S. congressman Martin Meehan of Lowell, brought to his political knees by a single, if inordinately powerful, state lawmaker of his own party, House Speaker Thomas Finneran, by the simple act of drawing lines on a map — a map that, as of this writing, is no more than hypothetical.

For those who love the blood sport of politics, what could be more delicious? For those who love democracy more than politics, however, these Machiavellian machinations may be more bewildering — and disturbing — than diverting. And they raise an unavoidable question: Why does this fundamental act of representative government seem to carry with it such opportunities for political mischief?

Perhaps it's because no other act of democratic governance compares in its mix of high principle — “one man, one vote” — and sheer, unadulterated self-interest. Representative government is impossible without grouping citizens for the purpose of choosing their representatives. Yet how district lines are drawn may determine which representatives will be elected. What is known as “the art of political cartography” is at best an inexact science that lacks mathematical precision. As veteran reporter Brian Mooney has put it, “Redistricting is a balloon-squeezing exercise: Any pinch produces a bulge somewhere else.”<sup>3</sup>

Thus every attempt to redraw congressional boundaries, including Finneran's, both invokes lofty principles of fair representation and embodies the exercise of raw political power. A large proportion of the body politic doesn't give a hoot one way or the other. What and who it affects is the security of incumbent legislators and their political followers (party activists and lobbyists primarily). And it's been that way since the founding of the republic.

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### **The Origins of Gerrymandering**

Manipulating district lines for partisan advantage goes back to the legendary Elbridge Gerry, who is credited with inventing the practice in 1812. The term "gerrymandering" bears his name today. A Harvard graduate and a man of great wealth and stature, Gerry belonged to the so-called codfish aristocracy of Marblehead, his father having made a fortune shipping dried cod to Spain and the West Indies. An ardent patriot who was independent by nature, he was a signer of the Declaration of Independence, but he refused to sign the U.S. Constitution because it lacked a Bill of Rights at the time. In the words of John Adams biographer David McCullough, "Gerry viewed mankind as capable of both great good and great evil."<sup>4</sup>

Defined by his hometown of Marblehead and the times in which he lived, Gerry twice served as governor of Massachusetts — first in 1811 and again in 1812 — before moving on to serve as vice president under James Madison. Earlier he had switched his party allegiance from Federalist to Jeffersonian Republican. He was known for his cunning and political craftiness. Led by Gerry, the Jeffersonians re-districted the General Court (the formal name for the state legislature) and consolidated Federalist strength in a few areas. This technique would later become known as "packing."

The Federalists cried bloody murder, and Gerry's map became the talk of the commonwealth. Elkanah Tisdale illustrated how the Jeffersonians carved up the Essex state Senate district in order to gain unfair advantage over the Federalists in a famous cartoon that appeared in the *Boston Gazette*. One observer remarked that the cartoon looked like a salamander, which gave rise to the term "gerrymander." It was an addition to the American political lexicon that has yet to outlive its usefulness.

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### **The Nineteenth-Century Legacy Extended**

Predominantly Protestant, most of the state's population lived in small towns and on scattered farms. In 1810, Massachusetts reached its peak representation in the House with a record-high number of twenty members.<sup>5</sup> With the 1820 passage of the Missouri Compromise mandating the near-simultaneous admittance of free states along with slave states, Maine was added to the Union along with Missouri, and with it went seven Massachusetts representatives. Thus was the extension of slavery permitted across the Mississippi River. Massachusetts was now reduced to thirteen seats. Each of the following reapportionments following the censuses of 1820 through 1840 dropped its House seats to ten — its present number. During those years from 1820 to the Civil War, Yankee politicians dominated Massachusetts politics. Sometimes allied with John Quincy Adams's National Republicans, later with the Whigs and the Free Soilers, Massachusetts was a leading anti-Jacksonian enclave. So prominent had the state become in that regard that Whig party leader Robert C. Winthrop of Boston was elected Speaker of the U.S. House in 1847.

The arrival of the Famine Irish in the late 1840s increased Massachusetts's population enough so that it gained an eleventh House seat in 1850. The traumatic decade of the 1850s saw the emergence of two new parties in the Bay State — the Republican Party and the anti-immigrant American Party, sometimes labeled the Know-Nothings. Waltham's Nathaniel P. Banks, an American Party member, was elected Speaker of the U.S. House on the 133rd ballot in 1855. A year later, across the Capitol in the Senate, a leader of the new Republicans, Boston Brahmin Charles Sumner, was nearly beaten to death on the floor of the U.S. Senate.

The new Republican Party wrested control of the State House from the American Party in 1856 and dominated State House politics for almost all of the next ninety-plus years, controlling both houses of the General Court for at least eighty-one years, extending from 1867 until 1948. Despite a large influx in the post-Civil War years of post-famine Irish Catholic immigrants, Italian Catholics from southern Europe, Jews from eastern Europe, and French-Canadians, the Yankee Republicans maintained their control of the General Court and the thirteen county commissions, which until 1930 controlled redistricting.

The new immigrants enabled Massachusetts to increase its number of House seats from ten, following the eighth Census of 1860, to sixteen seats, following the Census of 1910. While this increase of representatives was largely owing to the heavy surge of immigrants arriving from eastern and southern Europe, the House delegation continued to be dominated by Yankee Republicans. Only Boston elected Democrats to the House; the first Catholic among them was John F. "Honey Fitz" Fitzgerald, grandfather and namesake of President John F. Kennedy. Fitzgerald, who served from 1895 to 1901, held the more northerly of Boston's Democratic districts containing the North End, the West End, and East Boston. Later the district would be represented by Fitzie's grandson, John F. Kennedy, 1947–1953, and by his great-grandson, Joseph P. Kennedy II, 1987–1999. Fitzgerald was the first Irish Democrat to leave the House to run successfully for mayor of Boston. His archenemy James Michael Curley would follow suit in 1914 after two House terms, 1911–1914.<sup>6</sup>

The more southerly district, including South Boston, Dorchester, and Roxbury, had Irish-born Henry Naphen as its first Irish Democratic representative from 1899 to 1903. Naphen's daughter Mary was the maid of honor at the wedding of Miss Harriet Joyce and state senator John W. McCormack of South Boston. From this district, in 1910, Jim Curley challenged and defeated Joseph O'Connell, a two-term incumbent from Boston's Dorchester section. In April 1914, Curley decided to leave the House to run for mayor. James Gallivan, who held the seat for the next fourteen years, 1914–1928, followed Curley. John McCormack, who had lost a primary challenge to Gallivan in 1926, took the seat upon the latter's death, holding the position for more than four decades. Through his close working relationship with two Texans, Speaker John Nance Garner and Speaker Sam Rayburn, McCormack was able to forge the Austin-Boston connection and become Speaker himself in 1962, holding this position for almost a decade, 1962 to 1971.<sup>7</sup> Later, McCormack's protégé, Thomas P. "Tip" O'Neill of Cambridge, was also able to benefit from this alliance to become Speaker in 1977.<sup>8</sup>

After John McCormack retired, anti-school busing leader Louise Day Hicks held the seat for a brief one-term stint. In 1972, running as an Independent, John Joseph Moakley defeated Mrs. Hicks, retaining his seat for twenty-nine years until his death in 2001. Only six Democrats have held this seat for longer than ninety-four years.

The district's population has shifted over the years so that only a third of it is now in Boston, but all its occupants have been Bostonians. This pattern will continue with the special election victory of state senator Stephen Lynch of South Boston.

Two years after Joe Moakley was elected, his connections to John McCormack and Tip O'Neill helped propel him from the mid-level Banking and Currency Committee and the low-level Post Office and Civil Service Committee to the very powerful Rules Committee, which sets the agenda for debate on the House floor. His lengthy seniority earned Moakley the chairmanship of the committee in 1989. It remains to be seen if Congressman Lynch will be a similar beneficiary of thoughtful state lawmakers.

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### **Setting the Stage: Redistricting in 1930 and 1940**

A state constitutional amendment adopted in Massachusetts in 1930 took away the power to redistrict from the county commissioners and gave it to the state legislature.<sup>9</sup> The Bay State lost one seat as a result of the 1930 census. After a fierce floor fight in 1931, the Republicans pushed through a bill that redistricted the state into fifteen congressional districts. Another seat was lost in the 1940 census, reducing the number of congressmen to fourteen.

After maintaining the 1910 reapportionment for twenty years, Congress acted on the Census of 1930. Western states gained population and representatives, so the eastern state delegations had to be downsized. Massachusetts had to surrender its sixteenth seat. Fortunately, a Somerville Republican, six-term Charles L. Underhill and a Cambridge Republican, eight-term Frederick W. Dallinger, stepped down voluntarily, thereby avoiding an interdistrict battle.<sup>10</sup> The looming Democratic landslide of 1932 made their decisions easier.

The same circumstance occurred following the 1940 census, when the state lost its fifteenth seat. Difficulties were avoided when four seats opened up for the 1942 election. Democrats Arthur D. Healey of Somerville and Thomas A. Flaherty accepted appointments to the federal bench and the Boston Transit Commission, respectively. Boston's lone Republican, congressman George Tinkham, retired to resume his legal practice. Only Clinton's Joseph Casey, who lost to incumbent U.S. senator Henry Cabot Lodge, Jr., saw his congressional career ended by an electoral defeat.

The most notable feature of the 1942 House election was the return of James Michael Curley, who knocked off freshman representative — and Harvard professor — Thomas H. Eliot in that year's House primaries. Curley could not run in his old district because it was occupied by John McCormack, now the House majority leader, so he ran in the northerly Boston Democratic district, becoming the only man in Massachusetts history to be elected to both those seats.

Also in 1942, Republican Joseph W. Martin, Jr., of North Attleboro began his ninth House term as a member and his third term as House minority leader. With both the U.S. House's majority leader and minority leader in the state delegation, the protection of seniority and the enhancement of committee power trumped mere partisan concerns as both parties sought ways to guarantee longevity for the delegation and success for the Bay State's legislative interests. In 1947, Joe Martin was chosen Speaker of the U.S. House, the sixth Bay Stater and second Republican to be

so honored. Springfield Republican Frederick Gillett had held the Speaker's chair from 1919 to 1925. Joe Martin, who would also be chosen Speaker in President Dwight D. Eisenhower's first Congress (1953–1955), was the only Republican Speaker of the House between 1931 and 1995.

This bipartisan alliance continued in the post–1950 reapportionment, and the state's leaders chose not to redistrict the state. The 1952 election resulted in the departure of three representatives from the House for other offices: Boston's Back Bay 10th District Republican Christian A. Herter was elected governor, later to be appointed U.S. secretary of state; Democrat Jack Kennedy of the 11th District was elected U.S. senator, and later president; and the 2nd District's Foster Furcolo of East Longmeadow was elected state treasurer and later governor. With Joe Martin and John McCormack leading their respective parties on the U.S. House floor and alumni of the House delegation in the State House and in the U.S. Senate, the Massachusetts strategy of putting narrow partisanship aside in the interest of enhancing state power made extraordinary good sense.

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### **Redistricting in 1960**

The Democrats won majority control of the Massachusetts House of Representatives for the first time in 1948. A decade later, in 1958, they achieved a majority for the first time in the state Senate. Their political gains in the 1930s and 1940s had been slowed by skillful Republican gerrymanders. The year 1960 was therefore a consequential one. At the time, Massachusetts had not been redistricted since 1940. With states like California and Florida growing much faster than the Bay State, Massachusetts lost two of its fourteen seats, which were held by six Republicans and eight Democrats.

Democratic state senator Kevin Harrington of Salem was assigned the task of redistricting the state in 1962. A faithful party man, Harrington concocted a gerrymander that would have assured the Democrats nine of the twelve House seats. But Republican governor John Volpe threatened to veto any plan that was unfair to the GOP. Volpe insisted that the two major parties split the loss of the two congressional seats, which they did, but sharing the pain in a way that strengthened each party's hand.

That is exactly what happened. After negotiations between the governor and four members of the congressional delegation, a deal was cut and a bipartisan plan emerged. The Republicans gave up the Back Bay district of Laurence Curtis, who was then sixty-nine years old and had compiled only ten years of seniority. Larry Curtis had too little seniority and was too old to accumulate much more in the eyes of John McCormack and Joe Martin. Others felt that he was too liberal for GOP tastes. Curtis, the last Republican to represent a Boston-based district, lost to George Cabot Lodge in the 1962 Republican primary to fill the remainder of president John Kennedy's term. Thirty-year-old Edward M. Kennedy, the president's brother, won this election and has gone on to hold the Senate seat longer than all its previous occupants, including George Lodge's great-grandfather, Senate majority leader Henry Cabot Lodge of Beverly and Nahant. The Democrats sacrificed Thomas Lane of Lawrence, who had previously served time in federal prison for income tax evasion. No asset to his party, Lane lost to Lowell's F. Bradford Morse, a young and popular Republican incumbent, in the 1962 election.

The post-1960 redistricting episode showed how a national population shift played out in direct political horse trading between the major parties in the state, each one — quite deliberately — giving up a single congressional seat in the resulting bargain. This episode was an apt prelude to a pattern of divided state government that was characterized by a Democratic-controlled legislature and a Republican who sat in the governor's chair. The pattern of divided government would exist in four of the last five post-census House elections — 1962, 1972, 1992, and now 2002.

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### **One Man, One Vote**

Redistricting had never been pretty — or politically indifferent — but partisan maneuvering turned technocratic after two landmark U.S. Supreme Court decisions in the early 1960s. Up to that time, rural legislators exercised disproportionate influence in both Congress and state legislatures across the country. Though the cities were burgeoning with immigrants and domestic migrants, farmers and conservative interests based in the countryside dominated the legislative caucus rooms. Public policy outcomes were affected by that distribution of power.

In 1962, the Supreme Court challenged malapportionment in its landmark Tennessee Legislature decision of *Baker v. Carr* (369 U.S. 186) and confirmed the ruling in *Reynolds v. Sims* (377 U.S. 533) two years later. “As nearly as is practicable, one man’s vote in a congressional election is to be worth as much as another’s,” the Court declared. For all practical purposes, this meant that districts would henceforth have to be compact, contiguous, and of virtually equal population. Previously the Court had steadfastly refused to enter what it called a political thicket.

The Supreme Court went on to say, “No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined. Our constitution leaves no room for classification of people in a way that unnecessarily abridges that right.”

The Court’s rulings were maintained, and in 1964 the principle was extended to congressional districts in *Wesberry v. Sanders* (376 U.S. 1). But the Court’s additional requirement that districts be drawn with nearly identical populations has made the political mischief we have seen every decade since almost unavoidable — the kinds of “communities of interest” that might make a natural basis for electoral districts based on settlement patterns, ethnicity, history, and other social bonds; they do not form in equal sizes. But the requirement of equal numbers forces the drawing of districts based on populations that add up to the right number; common interests, however they are defined, are necessarily a secondary consideration. The equal-numbers mandate also forces states to readjust district lines every ten years to reflect the smallest movement in population, even if reapportionment does not alter the state’s total number of seats. The resulting jurisdictional shifts may have little impact on the voters at large, but contain tremendous implications for people in office and their prospective challengers.

The one-man-one-vote requirement forced Massachusetts to redistrict in 1967. Under the state constitution, districts had been previously established on the basis of the number of “legal voters,” not the entire citizenry, and the state had to comply with *Baker v. Carr*. The redistricting plan adopted by the General Court was more

than satisfactory to incumbent congressmen. All of them were reelected in 1968, with the party division remaining the same — five Republicans and seven Democrats. On the death of Republican congressman William Bates in 1969, Democrat Michael Harrington won a special election in the 6th District by defeating Republican state senator William Saltonstall. Heretofore, the GOP had held this seat almost continuously since the Civil War. Only once did the Republicans lose the district, an aberration that occurred in 1874.

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### **Redistricting in 1970**

The 1970 redistricting was required because of population changes within the congressional districts — a move that gave Democrats a chance to pick up a congressional seat. Republican congressman Hastings Keith decided not to seek reelection in the Cape Cod-based 12th Congressional District in 1972. His Democratic rival, Gerry Studds, who had nearly beaten Keith two years earlier, narrowly defeated Republican state senator William Weeks, thanks largely to the removal of seven towns that had voted Republican in the previous election. And it is especially fitting that Gerry Studds, a distant relative and namesake of Elbridge Gerry, the father of gerrymandering, would be the beneficiary of a newly designed congressional seat.

Another beneficiary of the 1970 redistricting was Joe Moakley, who was defeated by Louise Day Hicks in 1970 in John McCormack's old district, but ran against her as an Independent in 1972 and won in a reconfigured district. He then commenced his twenty-nine-year ascendancy in the House. Based on his accumulated seniority and the valuable assistance of House Speaker Tip O'Neill, Moakley eventually became chair of the powerful Rules Committee. Congressman Torbert Macdonald died in office in May of 1976. A thirty-year-old Democratic state representative, Edward Markey of Malden, won his vacant seat. In 1978, Brian Donnelly won James Burke's old Dorchester-based seat. Boston now had three Democrats representing parts of the city — Speaker O'Neill's 8th District, the Rules Committee's Moakley's 9th, and Donnelly's 11th.

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### **Redistricting in 1980 and 1990**

In many ways, the next two rounds of redistricting — 1980 and 1990 — were not only more bizarre, but also more politically disruptive, since each involved the loss of a Massachusetts seat in Congress. The 1980 redistricting gave us the spectacle of two incumbents — Democrat Barney Frank and Republican Margaret Heckler — facing off in the same reconfigured district in 1982. Approximately 70 percent of the redrawn 4th District came from Heckler's old territory.

At the time, a discouraged and disheartened Barney Frank quipped, "If you asked legislators to draw a map in which Barney Frank would never be a congressman again, this would be it."<sup>11</sup> Much to everyone's surprise, including his own, Frank proved to be the victor in what turned out to be a Democratic year. The point is that he won that election and every election since. In other words, just because a district gets carved out from under an incumbent representative, it doesn't necessarily mean that his or her political career is over. As a consolation prize, president Ronald Reagan appointed Heckler to his cabinet as secretary of Health and Human Services.

Speaker Tip O'Neill retired from Congress in 1986 after having served in the House for thirty-four years. Joseph P. Kennedy II, the eldest son of U.S. senator and

attorney general Robert F. Kennedy, succeeded O'Neill and was elected to the same seat held by his great-grandfather John F. Fitzgerald and his uncle John F. Kennedy. In 1988, Democrat Richard Neal of Springfield replaced the retiring Edward Boland, who had moved up to the second ranking slot on the very powerful Appropriations Committee.<sup>12</sup> By this time, the Massachusetts congressional delegation was comprised of ten Democrats and one Republican, Silvio Conte of Pittsfield. Conte, who, like Tip O'Neill, had graduated from Boston College and, like Eddie Boland, had his law degree from Boston College Law School, was a favorite among the state's Democrats. Like O'Neill and Boland, Conte had also served in the General Court and was rewarded with a district that enabled him to accrue enough seniority that he was the senior-most Republican on the Appropriations Committee from 1977 until his death in 1991.

In 1990, declining population forced a consolidation of districts in and around Boston. Seven-term incumbent Brian Donnelly deferred to fellow ten-term Democratic congressman Moakley, then chair of the Rules Committee, and Studds, the second ranking Democrat on the Merchant Marine and Fisheries Committee. Donnelly was far down the list in seventeenth place among Ways and Means Democrats and at least a generation from the chairmanship. Donnelly gave up his district and was rewarded with an ambassadorship to the Caribbean islands of Trinidad and Tobago under president Bill Clinton. The effort to accommodate the remaining ten incumbents also resulted in the snakelike districts in the southeastern part of the state that have, at least ostensibly, offended House Speaker Thomas Finneran so much that getting rid of them is reason enough to unseat a sitting congressman and fellow Democrat.

By 1990, only one Republican, Silvio Conte, remained in the House delegation. On Conte's death in 1991, Democrat John Olver replaced him in Congress. This gave the Democrats complete control of the delegation for the first time in the state's history. In 1992, Marty Meehan of Lowell dislodged Chester Atkins, a vulnerable three-term incumbent, and only the thirty-fourth Democrat on Appropriations in a Democratic primary. Political scandals contributed to the defeat of two other Democratic incumbents (Nicholas Mavroules of the 6th District and Joe Early of the 3rd District) and gave the GOP its largest share of House seats since the election of 1980. The two Republicans, Peter Torkildsen of Danvers and Peter Blute of Shrewsbury, were reelected in the Republican landslide year of 1994. But in President Clinton's reelection year of 1996, Democrats John Tierney of Salem and James McGovern of Worcester beat Torkildsen and Blute, respectively, and the delegation once again became exclusively Democratic.<sup>13</sup> Also in 1996, Democrat William Delahunt took Studds's place, and in 1998 former Somerville Democratic mayor Michael Capuano won the seat previously held by Joe Kennedy.

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### **The Political Legacy of Protection**

Over the years, Massachusetts has enjoyed disproportionate power in Congress because of its political clout. Massachusetts can claim eight Speakers of the U.S. House, more than any other state in the nation. All eight had previously served in the state legislature before going to Congress; four of them — Theodore Sedgwick, Robert Winthrop, Nathaniel Banks, and Tip O'Neill — presided as Speaker of the Massachusetts House and John McCormack served as state Senate minority leader.

Four served before the Civil War and represented four different political parties: Federalist Theodore Sedgwick of Great Barrington (1799–1801); Jeffersonian Republican Joseph B. Varnum of Dracut (1807–1811); Whig Robert C. Winthrop of Boston (1847–1849); and American Party Speaker Nathaniel P. Banks of Waltham (1855–1857).<sup>14</sup>

The four twentieth-century Speakers from Massachusetts who served after World War One were Republicans Frederick Gillett of Springfield (1919–1925) and Joseph W. Martin, Jr., of North Attleboro (1947–1949 and 1953–1955); the Democrats were John W. McCormack of Dorchester (1962–1971) and Tip O’Neill of Cambridge (1977–1987). O’Neill’s ten-year term and McCormack’s nine-year term are the two longest consecutive year speakerships in the 213-year history of the U.S. House of Representatives.

Between 1919 and 1987, Massachusetts held the speakership for a total of twenty-nine years — and for twenty-three of the forty years between 1947 and 1987. This was due mainly to the bipartisan seniority protection strategy implemented in the 1940s. Their protected seniority, added to the fact that Massachusetts sent representatives already skilled in the legislative process, gave the Bay State disproportionate power in the U.S. House of Representatives. They knew their way through the process, and transferring those skills from Boston to Washington turned out to be less difficult than imagined.

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### **Finneran’s Quake**

This brings us to the present. Redistricting, like politics itself, ain’t beanbag, to paraphrase Finley Peter Dunne’s Mr. Dooley. But Finneran’s redistricting foray, unveiled July 11, 2001, was breathtaking in its audacity. It was a unilateral strike, made with little consultation of his colleagues and in sharp departure from the traditional House-Senate collaboration on this politically sensitive process. Finneran later professed not to have realized that the redistricting committee was a joint body.<sup>15</sup>

Ambitious, energetic, sardonic, and often abrasive, Finneran is a political and cultural conservative who has often frustrated his more liberal Democratic colleagues. He justified this stealth attack on redistricting on the grounds of the elegance of its product: a new district map allegedly free of the usual gerrymandering shenanigans. Taking advantage of two districts lacking, in his eyes, an incumbent whose interests had to be protected — as a result of Joe Moakley’s recent death and Meehan’s apparent interest in running for governor instead of reelection — he could redraw Massachusetts’s congressional map nearly from scratch.

In contrast to the convoluted districts in place since 1992, Finneran proposed representation based on compact boundaries that, he argued, gathered together true communities of interest. These districts would include a new seat in Bristol County that unites the cities of Fall River, New Bedford, and Taunton — a region that has been sliced and diced among multiple districts since the early twentieth century — and a “majority-minority” district anchored in Boston — a goal of reformers for a generation. Furthermore, the Speaker insisted that his plan was dictated by demographics, not politics, and that he had no intention of harming Meehan. “We’re trying to rewrite history and give it a little more cohesion,” Finneran declared.<sup>16</sup>

No one was more surprised or more shell-shocked than Marty Meehan, whose 5th District was being wiped out to allow for a new Bristol County district. Finneran

claimed that his map was nothing more than a proposal that was based on the assumption that Meehan would run for governor in the year 2002 rather than seek reelection. Several politicians politely questioned that assumption.

Another interpretation as to why Finneran released his plan so prematurely and unilaterally was not so much to knee-cap Meehan in the middle of his federal campaign-finance push — though that may have been the icing on his cake — but rather to get it out prior to Meehan's previously announced plan to decide in August about the governor's race. It was only Meehan's presumed abandonment of his congressional seat in favor of a gubernatorial candidacy that gave Finneran the cover to propose a root-and-branch redrawing of the district lines. So Finneran needed to float his trial balloon before Meehan had the chance to pull the plug on a gubernatorial run.

The Speaker's words by no means insulated him or his map from political analysis and dissection, however. Editorialists in the Merrimack Valley screamed that Finneran did to their region what prior maps had done to southeastern Massachusetts — carve it up in a way that made true representation impossible. And some minority activists pointed out that Finneran's proposed 8th Congressional District was not majority-minority at all, when it came to the voting-age population, and that the white ethnics drawn into the district were less likely to support a black or Latino candidate than the Cambridge voters who had been removed. Indeed, the so-called majority-minority district seemed drawn as much to protect incumbent Michael Capuano of Somerville as to boost minority representation. Meanwhile, politicians in Lynn objected to being redistricted out of the North Shore. The strategy of packing people of color into one district bleaches the adjacent district and makes the adjacent districts demographically whiter.

But politically, these were mere quibbles compared to the impact on Marty Meehan, who learned that his district was on the chopping block the very day that his federal campaign-finance bill was moving to the floor of the U.S. House of Representatives. The timing, indeed, was lost on no one, as most observers saw Finneran's move as payback for Meehan's criticism of Finneran over construction of a new Patriots football stadium in South Boston and for refusing to fund the new Clean Elections law. Now Meehan the reformer has abandoned thoughts of a run for governor and is reduced to lobbying state Senate president Thomas Birmingham for the district-line status quo, to save his district — and his job.

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### **Jeopardizing the Incumbency Advantage**

Clearly, districts in Massachusetts have been created in such a way as to protect incumbents. In a pattern of divided state government, as we have seen, politicians tend to look for incumbent advantage, not party advantage. Under the present situation, acting governor Jane Swift can sit back and watch Finneran beat up on Meehan without having to do anything. There is little doubt that Meehan has been the target of his damage. Since Meehan has become a national figure in campaign finance reform, the present episode seems wasteful of both his ability and his seniority.<sup>17</sup>

However, apart from its unnecessarily provocative nature — increasingly Finneran's trademark — the Speaker's gambit falls solidly in the gerrymandering tradition. That is, it freely mixes high-minded concerns for representation with gritty political advantage.

After all, one can view Finneran's map as just another redrawing based on political self-interest wrapped in rhetorical window dressing about communities of interest, minority representation, and the like. Or one can embrace it as raising the goal of compact, contiguous districts that represent true communities of interest over the political self-interest of any individual incumbent congressman. Or it can be seen as a brilliant, if cynical, hybrid: Finneran draws from scratch sensible districts that represent authentic communities of interest (including long unrepresented minority communities) at the same time that he settles a political score with Meehan. This interpretation makes Finneran's move a combination of high principle and Machiavellian power-mongering that would make Elbridge Gerry proud.

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### **Coming Attractions**

The anticipated counterproposals to the Finneran map are likely to be marginal adjustments of the current (1990 redistricting) map, which is a mess — but at least we are used to it. Senate president Thomas Birmingham has already signaled that the Senate's approach will probably be more conventional. As Birmingham remarked, "We never contemplated blowing up any of the districts, and I'm not persuaded we should. Our approach will probably be more conventional."<sup>18</sup> He told the news media that the Senate will propose a plan that retains a separate 5th District in the Merrimack Valley, with Lowell and Lawrence at its center.

Acting Governor Jane Swift has also weighed in on the issue. She indicated that she would veto Finneran's plan because it splinters the Merrimack Valley into three congressional districts. "I agree with the folks in the Merrimack Valley," she said, "that Lowell and Lawrence and the Merrimack Valley should be kept intact as its own 5th Congressional District. Everybody recognizes that Lowell and Lawrence are the crucial communities in that district right now."<sup>19</sup> A bloc of senators from the North Shore and the Merrimack Valley has already come out strongly against the Speaker's plan. With the added votes of six GOP senators, a Swift veto stands a good chance of being upheld.

Despite all the lofty talk about representation and communities of interest, redistricting is always about political advantage — a subject that can always be looked at more than one way. Take Finneran's proposed reunification of the long-gerrymandered southern region of the state. Are the interests of Fall River better served by a first-term representative elected in a newly created Bristol County district or by having both Jim McGovern and Barney Frank fighting for the struggling mill town on Capitol Hill?

As redistricting winds its way to an end this fall, don't be surprised if more political scores are settled. And be prepared to hear from the losers that they are the victims of gerrymandering. It can be no other way. For in the final analysis, there are no idealized, perfectly representative districts from which any politically crafted map is a corrupt and self-serving departure. There are only conflicting versions of political self-interest — the self-interest of individual politicians, of political parties, of specific communities, and of the state as a whole. Stay tuned for coming attractions.

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### **Epilogue**

After this article was initially put to bed, the General Court produced a final version of its redistricting plan on December 3, just two days before the end of the legislative

session. Under pressure from a competing Senate plan and a promised gubernatorial veto, Speaker Finneran pulled back from his proposal, which would have reshaped the state's ten congressional districts radically. Instead of such revolutionary surgery, the legislators simply tinkered around the edges and maintained much of the status quo, thereby protecting incumbents.

House and Senate leaders unveiled a compromise plan that shifted some communities between districts but stopped far short of the sweeping proposal that Finneran had in mind. The final plan retained much of Marty Meehan's 5th District and added minority precincts in Boston to Michael Capuano's district, thereby creating the state's first-ever seat where a majority of the residents are nonwhite. Capuano lost Belmont and Watertown but picked up Boston's South End, North End, and Jamaica Plain. The plan also added more communities in Southeastern Massachusetts to Barney Frank's 4th District.

These changes would cause little discomfort for the ten incumbent Democrats, a fact that Republican leaders complained about vociferously. "These districts are gerrymandered for Democratic incumbents," said Republican state senator Richard Tisel of Wakefield.<sup>20</sup> When all was said and done, the sixty-year tradition of protecting incumbents and seniority remained intact. Thus, much of Finneran's political mischief amounted to a lot of sound and fury, signifying very little. Like any other actor in the political game, he had to concern himself with political realities in the end. All of this seems clear in retrospect, but because of the incendiary political smoke screens, it may not have been so clear during the heat of battle. Did we expect anything radically different? Not really. ❧

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## Notes

1. See Kenneth C. Martis, *The Historical Atlas of United States Congressional Districts, 1897–1983* (New York: Free Press, 1982), 2.
2. Portions of this article are a composite of two previous articles, Richard A. Hogarty, "Gerrymandering: A Historical Perspective," *Marblehead Reporter*, July 26, 2001, and "Mapmaker, Mapmaker," *CommonWealth Magazine*, October 2001.
3. Brian C. Mooney, "Redistricting Fight Renews House-Senate Rivalry," *Boston Globe*, August 10, 2001.
4. David McCullough, *John Adams* (New York: Simon & Schuster, 2001), 75.
5. Garrison Nelson, "Massachusetts," in Donald C. Bacon, Roger H. Davidson, and Morton Keller, *The Encyclopedia of the United States Congress* (New York: Simon & Schuster, 1995), 1358–1360.
6. Thomas H. O'Connor, *The Boston Irish: A Political History* (Boston: Northeastern University Press, 1995), remains the classic book on this topic.
7. Garrison Nelson, "In the Shadows of the House: The Private Speakership of John W. McCormack," chap. 9. Work in Progress.
8. Garrison Nelson, "The Austin-Boston Speakership, 1940-1989," a speech to the Institute of Politics, John F. Kennedy School of Government, Harvard University, March 4, 1997.
9. See Cornelius Dalton et al., *Leading the Way: A History of the Massachusetts General Court, 1629–1980* (Boston: Office of the Massachusetts Secretary of State, 1984), 247.
10. All the political career information on historic Massachusetts members of the House may be found in the Bicentennial Edition of the *Biographical Directory of*

*the United States Congress, 1774–1989* (Washington, D.C.: U.S. Government Printing Office, 1989). Political career information about contemporary members may be found in various issues of Michael Barone and Grant Ujifusa, eds., *The Almanac of American Politics* (Washington, D.C.: National Journal Inc., 1972–date); and in Congressional Quarterly, *Politics in America: Members of Congress in Washington and at Home* (Washington, D.C.: Congressional Quarterly, 1982–date).

11. Quoted in Jeff Jacoby, "Finneran's Map Passes the Test," *Boston Globe*, July 16, 2001.
12. Information on committee assignments and party ranking comes from Garrison Nelson with Mary E. Mitchell and Clark H. Bensen, *Committees in the U.S. Congress, 1947–1992: Volume 2: Committee Histories and Member Assignments* (Washington, D.C.: Congressional Quarterly, 1994).
13. Jerome M. Mileur, "Party Politics in the Bay State," in Mileur, ed., *Parties and Party Politics in the New England States* (Amherst, 1997), 80–81.
14. Valuable information on the Speakers may be found in Donald R. Kennon, *The Speakers of the U.S. House of Representatives: A Bibliography, 1789–1984* (Baltimore: Johns Hopkins University Press, 1986).
15. Mooney, "Redistricting Fight Renews House-Senate Rivalry."
16. Rick Klein, "Speaker Says Redistricting Plan Not Political," *Boston Globe*, July 12, 2001.
17. This is the point made by Thomas Oliphant in "Finneran's Proposal Is a Loser for the State," *Boston Sunday Globe*, July 20, 2001, D7.
18. Mooney, "Redistricting Fight Renews House-Senate Rivalry."
19. Frank Phillips, "Swift Would Veto Redistricting Plan," *Boston Globe*, August 23, 2001.
20. Frank Phillips, "Districting Map Leaves Much Intact," *Boston Globe*, December 4, 2001.