

CALIFORNIA CITIZENS' REDISTRICTING COMMISSION
916-651-5711**7 Monterey**

The Commission's Code of Conduct requires commissioners to "disclose information that belongs in the public domain freely and completely." Article 21 of the state Constitution, provides in Section 2(a) that the commission shall "conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines." These goals and criteria will not be met if Commissioner Ward is muzzled. All Commissioners should be allowed to file a full and complete minority report to the public on the Commission website and to the media.

The Commission has been "dark" from the beginning. Reporting has been superficial, the column inches devoted to the CCRC's critical work rationed by editorial pinch fists. Yes, redistricting is maze-like and the Commission's work mind-bogglingly complex. But the decisions the CCRC makes will lead to earthquakes in 2012 and aftershocks for the next ten years.

With the cancelation of the second draft, there is an increasing likelihood the Commission will be a confused preamble to messy litigation. How much of the 11th hour chaos of canceled maps and disastrous timelines is a result of poorly drafted initiatives? How much is the result of the "alphabet groups" who dominate the Commission? How much the commission? How much the consultants?

Props 11 and 20 are initiatives straight out of the early 20th century Progressive Movement; Governor Hiram Johnson would have approved. The propositions are reactive, puritanical and highly experimental. Yes, the 2001 maps were corrupt; a state-wide gerrymander and gross incumbent protection plan. But reformist cures can be worse than the disease. What lead the drafters to believe a radically diverse state of 38 million could be redistricted by amateurs in a few short months?

Props 11 and 20 disdain parties and normal political processes. Unfortunately, banishing parties, politicians and their paid mapping consultants opened the door to the well funded "alphabet groups" of the institutional left. MALDEF, CAPAFR, AARC, CAUSE, NALEO, LULAC, APALC, NAACP, ACLU, etc. flowed into the vacuum created by the propositions, a unintended consequence that might have been anticipated by the smart people who wrote and funded the amendments.

If the "alphabet groups" dominate the final maps, Props 11 and 20 will go down in state history as political bait and switch on a colossal scale. No one elected the "alphabets"; voters barely realize they exist, much less what their agenda is. Had Californians known these groups would draw self serving maps through Commissioners who were former employees, fundraisers, collaborating litigators or ideological water carriers, the narrow margins would have flipped and the votes been overwhelmingly against passage.

The Commissioners, political amateurs (with important exceptions) have been rolled by the "alphabets." But the legislation did anticipate and fund consultants that could have brought the CCRC the knowledge and organization it lacked. Sadly, the Commission hired inexperienced consultants in mindless, partisan votes. The Commission mappers and the VRA attorneys have both been problematical.

The hue and cry about Q2's supposed leftward tilt is largely irrelevant. Absent solid evidence of bias, it is political red meat but a legal dead end. But there is the issue of experience. Q2 has gained experience as the CCRC consultant and now probably sailed past The Rose Institute in its capacity to undertake gargantuan redistricting projects; Karin Macdonald (Q2) may win the next national bid over Doug Johnson (Rose) with ease. But when the hiring decision was made, Rose had far more experience as the Arizona mappers than did tiny, academic Q2 with only San Francisco and San Diego redistricting on its resume. The Commission hired Q2 on the basis of partisanship.

Likewise, Gibson, Dunn & Crutcher was chosen over Nielsen, Merksamer on a partisan vote following the assassination of Nielsen's professional character. Gibson had no VRA experience, made negligent mistakes out of the gate on disclosure and is charging the commission roughly double what Nielsen bid. Gibson has made huge mistakes on VRA that have lead directly to the current timeline crisis. But lead attorney Mr. Brown was a personal friend of Commissioner Blanco, and Mr. Brown got the job. Some in the group are NOT abiding by the spirit of the peoples demand for fairness.

However, the story is more complicated. Hardball partisan politics over the hiring of the Voting Rights counsel and the line drawer has lead to cyclical (but not universal) animosity. But along with the cloaked partisanship there has been an ongoing attempt to operate by Marquis of Queensbury rules and to redistrict as wine-sipping bosom buddies. There is an incoherence to this Commission, a core identity crisis.

The Commission has voted unanimously at critical junctures and largely avoided sharp distinctions. There is little evidence of independent thinking and none of the kind of debate that identifies problems, sharpens focus and can then lead to intelligent compromise. Rather this has been a "go with the flow" body; Commissioners have self-selected as the spokesperson for a particular ethnic group or home area and not bothered to challenge each other on the turf each has carved out.

Far more troubling has been the lack of an intellectual structure, the total absence of a framework for the redistricting work. Tony Quinn weighed in recently on the early suggestion the Commission use the 1991 Special Masters lines as a starting point. To the best of my knowledge, the Commission never considered this excellent idea or any in a similar vein.

And finally, the Commission still doesn't seem to realize that redistricting is the grinding of political sausage, a messy and often brutal task that requires horse-trading. As easy and as smugly satisfying as it is to vilify the pols who drew the 2001 gerrymanders, at least they got the rough political balance right; so many Republicans and so many Democrats based on registration even if the districts are ribbons of shame or rabbit ears or have stiff fingers pointing in every direction.

Allen Barker

████████████████████
Salinas, CA. 93907