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The Commonwealth Club of California
Voices of Reform Roundtable #1: Redistricting

Making California Work: How state government can be more effective and responsive

March 17, 2005

Mr. Yarnold: All right. So we're ready to begin. Let me ask Phil Yost, our chief editorial writer, to ask the first question.

Mr. Yost: Thank you. The -- the presumption about redistricting, and, I think, the presumption in this conversation, is that the current system is a bad one, even though it's widely used in many states in ... the country. So I thought we might start by just hearing from people exactly what it is that's "bad" about the current system, and the bad outcomes it produces, and, of course, invite anyone who wants to argue that the current system is not in need of reform, to please speak up.

Mr. Stern: Well, I think the system is "bad" because, basically, the legislators are picking the voters, as opposed to the voters picking the legislators, and legislators -- When I was working for the state assembly, legislators would come into our office and plead with the chairman of the elections committee to change the lines so that the lines would be more favorable to them. The concern--the number-one concern--of all legislators: Protect my seat. Make sure I get re-elected. And that's



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not the number-one concern of the public.

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Mr. Yarnold: Other thoughts? Bruce?

Mr. Cain: ... I don't think the system currently is so horrible and evil, but I also think it's probably a good idea to move to a commission system, but for much more limited reasons than Bob does. I think there is a perception of conflict of interest, and so I think it marginally increases the legitimacy of the process, but, having worked the last round of redistricting with citizen commissions, I found all the same politics, all the same conflicts, pretty much all the considerations that Bob hates, basically [get] inserted into the process through the citizen groups and the interest groups, so the politics is really not that much different. Maybe some of the very, very idiosyncratic requests that incumbents make are eradicated.

But what I liked about the citizen initiatives, or citizen commissions that I've seen and worked with, is the greater transparency and openness that they have, and I think that that counts for a lot. So I would put that as the number-one thing, that I think we could have a more-transparent system; but, having said that, I think many of the proposals that are on the table currently - - the 11 or so propositions that are circulating around -- could be strengthened in terms of their transparency requirement. Basically, I would think something similar to the Brown Act is what you should expect of these ... commissions. Local governments have been operating, doing their redistricting, with something like Brown Act requirements, and, I think, have been able to draw lines on time, meet all the requirements that people expect, and encourage a great deal more public participation than we've seen so far in this state.

Mr. Yarnold: Would that actually change anything? Or

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Roundtable details:

A partnership of The Fresno Bee; The Sacramento Bee; The San Diego Union Tribune; The San Francisco Chronicle; The San Jose Mercury News; Vida en el Valle; and The Commonwealth Club of California's Voices of Reform Project.

Over the next several months, these papers will examine a range of key issues.

For more information, please contact the Union-Tribune Editorial Department (letters@uniontrib.com), or Zabrae Valentine at the Commonwealth Club (zvalentine@commonwealclub.org)

The participants:

The moderator:

David Yarnold	San Jose Mercury News
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The experts:

Dr. Bruce Cain	Institute Governmental Studies
Kathay Feng	California Common Cause
Douglas Johnson	The Rose Institute
Paul McKaskle	University of San Francisco School of Law
Robert Stern	Center for Governmental Studies

would it just ameliorate the concerns about [its] being a back-room deal?

The journalists:

Mr. Cain: It basically will put a damper on the most-outrageous ideas, that is, that my experience with citizen commissions, and, I think, would be true of judges, too, is that they are -- they're going to support the really, really outrageous ideas that we've seen in -- in California -- the really, really ugly districts that are --

James Boren	<i>The Fresno Bee</i>
Lois Kazakoff	<i>The San Francisco Chronicle</i>
Bob Kittle	<i>The San Diego Union Tribune</i>
Phil Yost	<i>San Jose Mercury News</i>

Ms. Feng: The finger that reaches --

Mr. Cain: Right.

Ms. Feng: -- across county lines --

Mr. Cain: Exactly.

Ms. Feng: -- in order to get somebody (unintelligible).

Mr. Yarnold: So we're still back on Phil's opening question, which is, is the system broken? And does it need to be fixed?

Mr. Johnson: Yeah, I would add --

Mr. Yarnold: Doug and then Kathay.

Mr. Johnson: -- Okay. It's not just, you know, it's not ?good graces?, completely. You agree with it, but the politicians are choosing their voters, instead of the other way around, but that has a real detrimental effect. I mean we've all read about--in your papers about--the "extreme-ism" that results, because you have the primary deciding who's going to get elected. In addition, these districts are impossible to organize at the grass roots, and the districts are stretched so long, and you don't know -- If you're in one district, and the person across the street is in another district, you can't organize. It becomes purely a money battle, and you see the results in Sacramento of whoever can raise the most money, and take the most extreme position, wins, instead of who can organize the people, who can involve the people of the district, and who can, you know, organize, from the school district to the city, and up to the state, and up to the Congressional level. That's all shattered by these extreme gerrymanders.

Mr. Yarnold: Interesting.

Male voice: Would the commission system be any less political, though?

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Mr. Johnson: Yes. In -B by degrees. I mean there's different types of commissions, and I'm sure we'll get into that, but I definitely agree with what Bruce is saying, is just some "sunshine" cuts off the most-extreme examples, and the most-extreme claims, you know, taking -B being sure my campaign treasurer is in the district, and these kind of weird nets that get strung out. That -- If you make them justify their requests in public, they cut down their requests. Depending on what type of commission [it is], you get various degrees of improvement.

Mr. Yarnold: So ... let's stay with this -- this umbrella question. Kathy?

Ms. Feng: I would definitely echo what Bob Stern and Bruce Cain and Douglas just raised. I think that the most-poignant example is that, as of August 15th, 2001, when the maps that were proposed went into closed-door discussions, the public no longer had an ability to speak to the changes that were going to be made in all of the back-room deals that went on between the speakers of both houses and each one of the legislators. It resulted in lack of ... transparency. It certainly resulted in a lot of extreme cases where communities were cut up behind the scenes, without any ability for the public to say anything about it, for the purpose of protecting an incumbent, creating a succession plan for a future incumbent, or cutting out somebody who had displeased the people who were making -- who were -- who were voting on it. I would add an additional element, which is that the Voting Rights Act, as interpreted by the Supreme Court, has, over the last decade, changed in its B in the ability for advocates to be able to use the Voting Rights Act in drawing maps.

By creating a redistricting commission, where we clearly state what the criteria will be, and placing, as one of the top-two criteria, the Voting Rights Act, we ensure that, as the demographics change for California, that important protections for minority groups also get enshrined in our laws.

Mr. Yarnold: And Paul?

Mr. McKaskle: I guess the bullet point I would add is that the current redistricting, which I've not studied in great detail, is -- but has been billed as a "perfect bipartisan gerrymander," makes any change in the legislature unlikely, and, certainly, any major change, unlikely; and I guess that -- that the concern, if things can end in -- in that particular position, is that at least, in a state like California, where there [are] initiatives, etc., it tends to put the law-making powers into a different place. It becomes a matter of public -- I ... think the example of Proposition 13 many years ago was almost a classic one. The legislature simply wasn't being responsive to the problems, and so -- but at the time was, and still is, in many ways, a very drastic change was set into place.

Mr. Yarnold: I want to be sure and clear on your point, when you call it, the legislature, the "perfect bipartisan gerrymander." Is that the -- the reason why this will need to be done by initiative? Is that what you're saying?

Mr. McKaskle: Well, whenever a legislature starts getting out of step with the populace as a whole, then the legislature isn't able, or is unwilling, to make changes in laws that might ... be more in favor at a particular time, Proposition 13 being an example, and that makes it much easier for, or more likely that, the legislature will be bypassed, and I think that's bad, because you lose the ability to compromise on important issues.

Mr. Yarnold: So maybe inherent in that answer is the primary reason that the governor cites as the justification for changing how districts are drawn, which may be implicit in some of what you said, but I'm curious [that] I didn't hear any of you say it as plainly as he did, which is that it's going to make districts more competitive, and change the mix in the legislature.

Mr. Stern: I think that's right, but let's not over-step. I mean Jim's question, is it still going to be political? Sure. It will still be somewhat political, but it won't be incumbent-oriented. The districts may still be non -- Most of the districts probably

will be non-competitive because of the way the geography is. Some of the districts may be ugly, because of "one person, one vote."

Mr. Yarnold: I'm sorry. Could you elaborate on that? "Because of the way the geography is?"

Mr. Stern: Well, because, for example, in Orange County, you might have a very heavily Republican area, or in San Bernardino, or Riverside County, heavily Republican. In the inner cities, you'll have heavily-Democratic. In San Francisco, you'll have a heavily-Democratic district. And unless you stretch the districts from, let's say, Santa Monica to San Bernardino, or you go across East-West, all the way through the state, because you have more Democrats on the coast, and more Republicans inland, if you ... do that, then you can make all the districts, probably, competitive, but [they] would be very, very strange districts. So ... it will be somewhat political, but it won't be incumbent-oriented.

Nobody wakes up every morning, I think, and says, "Oh! I have been placed in a gerrymandered district, and I am so upset about this." I mean people are much more concerned about traffic, about healthcare, about crime, about education; but if people will recognize that reapportioned districts have an impact on these issues, I think that they would pay much more attention to it.

Mr. Yarnold: Bob, do you want to get in?

Mr. Kittle: Yes, I would like to know what any or all of you think of what I think is the obvious off-the-shelf model that works here, and that is, after 19 -- that's the 1990 census, it wound up in the hands of the Supreme Court, and a special masters team was appointed to draw boundaries. The Assembly changed hands a couple of times during the '90s. In San Diego County, we had competitive congressional races for the first time in some years. They are no longer competitive, I might add. It seemed to me that that did exact -- It didn't do what -- it didn't go to the extreme that Bob Stern is worrying about, of trying to put equal numbers of Republicans and Democrats in districts. It stuck to the right criteria for redistricting, you know, communities of interest, geologic -- I mean geographically-compact. That kind of thing. I mean isn't ... that -- What happened in 1991, isn't that the model that works?

Ms. Feng: I think we are agreeing with you. In creating the commission, we are looking to create a panel of people that would be taking all of these restricting criteria into consideration, that would be not prioritizing the interests of incumbents, or their special interests, and drawing lines based on that. I think what we're doing, though, is we're -- we're skipping a step. Instead of the special masters in the 1990 process only was formed because the legislature passed a map that was not agreed-upon by the governor. So instead of going through that entire process, we are saying, "Let's just get to the place where there is a commission." Now the composition of that commission, the size of that commission, the redistricting criteria that they have to draw the map on -- that's what's in the current bills, and what's up for discussion; and, certainly, I know that Bob Stern, California Common Cause, a lot of organizations, have been working around a model bill that would propose that a commission -- Right now they're talking about a commission panel of five, but we would propose something larger, like mine, that is diverse, representative of different geographic areas, gender, racial diversity, and that is picked by an independent body with some input from the legislature. In other words, we're giving the legislature the ability to peremptorily challenge people [whom] they find to be offensive, or that they don't want to be in the pool, but not allowing them to actually hand-pick the final panel of five, but that panel would ultimately be the arbiter of the map.

It's important for us to have a panel that is created by a body like the judicial council, because we really want to remove the possibility that the panelists are essentially proxies for legislators' interests, so it is important that that panel be made up of independent citizens. Our proposal would -- would suggest a blend between retired judges and non-retired judges in order to ensure diversity, and that that panel be prohibited from having ex-parte communication with elected (elected what?) or their representatives. So all communication has to happen

through the hearing process, or in some other way, a process where those communications are published.

Mr. Yarnold: And I'm sorry. I'm just not aware of this piece of legislation; but it is your intention to introduce this, and try to get it passed a way of heading off the initiative?

Mr. Stern: I think what we're doing is talking to various parties, and my hope would be that the legislature and the governor would come to an agreement, and not have to go through the initiative process. Now anything that they agree to will have to be on the ballot, because the voters do have to approve -- This is a constitutional amendment, so ... you have to change it by vote of the people; but if the legislature and the governor could come to a solution --

Mr. Yarnold: Right.

Mr. Stern: -- and present it together, then there will be no opposition. The last time, as I remember, that there was a re-apportionment initiative on the ballot, Jack Lemmon opposed it in ads, and he was this spokesperson against it, an actor against it. Now there can be an actor for it, and so I think you might have a chance of winning with the actor, with the governor, and with the legislature all getting together. Now that's a big hope, so the hope would be that they would work together, and come up with a -- Because right now, there are 11 initiatives being circulated. Those are locked in stone. There's not much you can do about that.

Mr. Yarnold: So just for my ... edification, in case I'm the only one that doesn't know, where -- where are you in that process?

Ms. Feng: There are ... two bills that have several of the elements of what we just talked about. One would be SBA 3, which is Senator Lowenthal's bill, and the other one is ACA X 13, which is a special-session bill proposed Assemblymember McCarthy. Neither of those is quite perfect. There are certainly pieces that we would vigorously oppose. At the same time, we've also shared with you this report, this wonderful report by the Center for Governmental Studies, and, in it, it has the basic elements of what we just talked about. We have also created a model bill, which has been shared with assembly leadership. So where that goes? Right now, there are discussions between the governor and assembly and senate leadership, and the hope is that there might be some type of agreement coming out of that for a redistricting commission that ... approaches what our model would be.

Mr. Yarnold: Okay. Phil?

Mr. Yost: We'd agree that redistricting done by the legislature on the [criterion] of, "What's good for me, my buddies, and my party," in that order, is probably not the ideal, so now we're talking about two different things, it seems to me: redistricting on a different set of criteria, and redistricting done by a different body. So maybe let's start with what the criteria ought to be. What -- what constitutes a -- a good set of guidelines by which districts should be drawn?

Male voice: It might make sense to start with Paul. He's the guy who wrote the ? bid? in '91, and so ?I? can comment on why -- why we might ?change this?.

Mr. McKaskle: Well, I -- I was working for -- Well, in 1991, the Supreme Court gave us marching instructions, although part of the marching instructions -- Well, part were from the California Constitution, part are from federal government requirements, through the Voting Rights Act and the requirement of equal population, and the remainder were the criteria which were propounded by the 1973 special masters, which the Supreme Court had approved, and they said we were to follow those. I think, in general, they were good government. Obviously, we had to adhere to a fairly-close population equality. We did not do as people are doing today -- use the theoretically, "every district has the same number of people, or plus or minus one," because you can't divide the population precisely -- which, I think, is illusory, I might add -- but we had a very close standard, and one which the Supreme Court--the US Supreme Court--upheld, in the

congressional districts; but, at the time, we were working with much-more primitive computers than are generally available today; but, secondly, we had to comply with the Voting Rights Act, which had been beefed up a great deal ... by 1991, and 1982 amendments, and I ... have to say the judges were very concerned about that, almost the over-riding concern, since the US Attorney General had to approve the plan, was, "We don't want to do anything that will cause them not to approve our plan."

Male voice: And that, briefly, the Voting Rights Act requires regarding redistricting --

Mr. McKaskle: Adherence to providing for meaningful representation for minority groups, at least when they were in areas where a compact district could be drawn. So those were two federal requirements. Beyond that, the state requirement speaks of somewhat loose terms, and I could get the language out, but, first, preserving geographical regions, which we used to criticize some plans that had been submitted to us, where, while from near Monterey Bay, there was one district that stretched all the way into the Mojave Desert. While it wasn't quite the same region of California under those circumstances, and that it was to keep districts contiguous, which had been explained in the ballot as basically not connecting them by unpopulated strips, which we interpreted to be something closer to compactness, and then to preserve the integrity of political subdivisions, and those were the things that -- that we tried to do, as much as we could.

Mr. Yarnold: Okay. Bruce?

Mr. Cain: I think the answer is that there's not much that's new that you can do, because of the constitutional constraints, and the real focus on criteria is really on this issue of competitiveness. That's what's new. But if you went back 20 years ago, this was not a [criterion] that was on our lips. It wasn't something that everybody was worried about; but redistricting goes through fashions; and, in the '80s, we were concerned about partisan gerrymandering, which is one party taking advantage of another. In the '90s, we were concerned about racial gerrymandering, which was trying to create as many majority/minority seats as possible, and now, the new fashionable concern is with competitiveness, and this, obviously, is because our governor is a moderate, and he thinks that if there are more competitive seats, then there would be more people like him in the legislature; but it's also, as we've said earlier, a function of the fact that, because we had our first official bipartisan gerrymandering in the state, we had the consequences of the bipartisan gerrymandering, which is safer Democratic and safer Republican seats. We've seen it, and apparently we don't like it, and so now the question is not whether you're going to re-jigger all the criteria, but whether you're going to add a new criterion, which is competitiveness, and how would you define "competitiveness" so that you knew it when you saw it? And that's not easy to do, because what's competitive in the Fresno area, in terms of registration, might be very different from what's competitive in Santa Clara or in Los Angeles. And so -- and speaking as a social scientist, our ability to predict whether an election is going to be close or not is somewhat limited. Yes, obviously, if the registration is 20 or 30 points different, we know that there is not going to be a competitive seat; but when you're getting down into the narrow ranges, sometimes a very popular incumbent can turn a seat into a non-competitive seat.

Mr. Yarnold: So let me press you a little bit on that. What might the markers of competitiveness be?

Mr. Cain: Well, there's a bunch of things that you would put in there. One would be registration. Second would be, what do the independents do? Do they break in a certain way in a given area? And, you know, thirdly, there would be things that would have nothing, that you couldn't possibly control, like the quality of the candidate, and how much money they bring in. There is no way redistricting can predict that, or -- or control for that. So what you would have to say is, "On average, assuming both parties field good candidates that are well-funded, what's the base that you can do in that seat to make it as competitive as possible?" And assume that, as soon as an incumbent gets in there, it's going to become less competitive overnight for a couple of elections. So you're really only talking about making a seat competitive for that open-seat election that happens every six or

every eight years in the state legislature. That's what you're really talking about, 'cause once somebody gets in there, the incumbency advantage in California is so great that it probably won't be competitive.

Mr. McKaskle: Well, Bruce, if I ... can illustrate that, and it's from something right here in Santa Clara county, in 1991, there was a congressional district which Norm Mineta won very handily -- 2:1 vote. He then left to go to the cabinet, and it was won equally handily by a liberal Republican by a 2:1 vote, and is the district competitive? Well, in that sense, yes; but it depended upon a very popular Democrat in the first instance, and then a very popular Republican. **Mr. Yarnold:** zSo your point is, Paul, is that it's a hard thing to quantify?

Mr. McKaskle: Yes. I think it's awfully hard to say, and I think the point -- Given how much [of a role] money plays today, I think the point that Bruce makes is that, not in Congress, because there are no term limits, but at least in the legislature, it's maybe every six years or eight years -- **Mr. Yarnold:** That's a good point.

Mr. McKaskle: -- that there might be some (unintelligible).

Mr. Yarnold: That's a good point. Bob?

Mr. Stern: ?But though? competitiveness has been important, and the reason, I think, that people are focusing on it, in this last election, not only did no incumbent lose an election in California out of the 153 seats, not one seat changed parties. We have term limits, of course, in California, so, you know, half the -- half the Senate is going to be turned out, and a third of the Assembly, and the remarkable thing was, incumbents won all their elections. That's not so remarkable, but the remarkable thing is, not one seat changed party hands, and that's why there's a focus on competitiveness, and I think both Bruce and Paul are absolutely right. You can't really put a marker, and say, "Okay. The districts have to be ... within 5 percent of each other in party registration, and that will make them competitive." That won't necessarily make them competitive. It ?may make? them all Republicans, as a matter of fact, because some people say the Democrats have to have 10 percent more registrations in order to be competitive with a -- with Republicans. And, of course, it depends on whether the incumbents are running, so I'm not sure there's any formula for competitiveness; all I can say is that any new commission would make districts much-more competitive than we have today, but not all districts will be competitive.

Mr. Cain: Let ... me just say one thing, if we're going to rush into how to think about competitiveness, and that's a good way to go; but we should just do one little philosophical pause on the value of competitiveness before we go head-long into this. Let me point out -- Let's assume for a second that we could make every seat in the state competitive, okay? There are a couple consequences that you ought to think about. Number one is, the expense of elections will go up exponentially, if you were to have competitive seats up and down the state, okay? And, in fact, we've been mapping the expense of elections, and it actually dipped a little bit, so they saved us a buck or two by not having competitive seats. (folks chuckle) I mean I'm just doing a philosophical pause. I'm not saying that I--you-- need to move off of your preference for competitiveness --

Male voice: Listen, I don't --

Mr. Cain: -- but let's stop for a second, okay? Number two, and I -- I say, and many people here have heard me say this -- but I have never been to a hearing where people in a district say, "Make my seat competitive," and there is a reason for that. You have to work harder. You don't want to be represented by the other person. So people in a district don't want their seat to be competitive; they want somebody [else's seat to be] competitive. The interesting irony, of course, is, in a 70:30 seat, 30 percent of the people are unhappy; in a 51:49 seat, 49 percent of the people are unhappy, okay? People don't actually care about the contest. They care about being represented by somebody that they like, okay?

And then there's a third irony, and the third irony is that if indeed you made

everybody ... competitive in this state, then, of course, you would, indeed, force political moderation on the representatives, and everybody would be a moderate, and you would not have people representing ?greeny? ... Democratic views or right-wing Christian [points] of [view], and it's not clear that everybody would be happy about that, because a lot of what representation is all about is having your guy up there in the legislature saying the things that need to be said for San Francisco, and need to be said for, you know, the North part of San Diego, so you're balancing a couple things off right now.

And then the last point is, let's say you made every seat in this state 51:49, or 50:50, even better. It's entirely possible that you could, if you had a 50:50 state, have a legislature which was 100 percent Republican or Democrat, okay? And we would say, if that happened, "Whoah! That's too much. That's too much competition," because you're really balancing off here are many different values, and one of the values that you're balancing off is fairness, that is fair representation to the political parties. The irony is, the current system is relatively fair. If you take the number of votes for the "Dems" and the "Reeps," and you look at the percent of seats that they get, it's relatively fair. It's not off the map. And if you did a redistricting, under any of these proposals, the odds are that you're not going to turn this blue state into a red state, okay? You're not going to give Arnold a Republican legislature without a massive gerrymander, so the fairness component actually doesn't completely go together with a competitiveness component, because a competitiveness component is designed to somehow exaggerate slight swings in the vote. So you're trading off a lot of values here. But, having said that, [I would say there are] those are four little reasons to pause about competitiveness. Should there be some competitiveness in the system? Yes. What will we do if we didn't really try very hard, and tried to, you know, ram it through all the other criteria? We would probably get back to what Paul did, which is somewhere in the ... realm, and I think Doug can talk about this a little bit more, of about 15 to 20 percent competitive seats. If you got rid of sort of some of the things that were done to make them non-competitive, the top-down things that were done to make the seats non-competitive, you would probably get back into the realm of 15 to 20 percent and, again, that would only be a one-time deal until you got an incumbent in there. But is that a good thing? Yes. Will that massively transform California politics? No. Will the politics in California be completely improved? Will Arnold get his way? Probably not. We'll still be fighting him [on a] lot of the same issues, but it's still a good thing to do; but you just have to put it in perspective, as to what you're going to accomplish (talkover).

Mr. Yarnold: So let me just ... line up this side of the table, because I know my colleagues wanted to get in.

Mr. Johnson: Right. I definitely had a comment.

Mr. Yarnold: We'll ... let you do that, absolutely. So we'll go Phil and then Bob and then Jim. So please, Doug.

Mr. Johnson: Okay. One -- I mean I think ?there will be a ton of things?. Bruce and I will probably disagree on quite a few things today. It's just part of the reason for this discussion, but you mentioned that the current split is fair for the parties. It's been very clear, it's fair for the parties; it's not fair for the voters. Also, if you look at Arizona, where the League of Women Voters pushed through a reform, there were actually hundreds of people who came out to public hearings, and said, "Please make my district more competitive. My legislator ignores me. My legislator -- Even in the same party, my legislator is never seen in the district. My legislature (does he mean "legislator"?) doesn't respond. We want competitive districts, because that will make the legislators responsive." And that's a key thing.

And you mentioned, you know, 15 to 20 percent. That's probably actually what the masters had, in terms of number of competitive districts, without using competitiveness as a [criterion]. If you include competitiveness with all the complexity we are going to go into today, you might kick that up a few percent; you're not going to kick it up a lot. So talking about a completely competitive

legislature is, you know, kind of talking in the clouds. The reality is, we're never going to have more than 25 percent, at the most, competitive districts drawn by a commission. ... But the trick to that is, yes, only 10 of the 50-some, 52 districts in the '90s were competitive, but what it does is, it makes all the legislators more pragmatic. Even the ones from "safe" districts are trying to keep their colleagues in those competitive districts in office, and, thus, they moderate the position either way, or the party [that] doesn't hold the competitive districts ... moderates their position, in an effort to win them. So you don't need every district to be competitive, to bring an overall moderating effect. People are going to compete for those competitive seats, and that will bring both parties closer to (talkover).

Mr. Yarnold: An interesting perspective. Okay. Phil?

Mr. Yost: You talked some about the difficulty of defining "competitiveness," and instituting it even if you desire to do that. I want to come back to one thing that ... Bob touched on originally, which is, if you start by saying, equal population, preserve communities of interest, try not to divide up political subdivisions, those all, just by virtue of where people have chosen to live, mitigate against creating competitive districts, and then you sort of have to cut back the other way, and start seeing how we can group all the Republicans in the hillsides in the Bay Area into one district, to make up -- to try to find a Republican district. So if you could just talk a little about how those goals are intention, and - - and how a redistricting plan might deal with them.

Mr. Stern: Well, you're right. The goals are intention, and the problem is, you have tradeoffs. They have to do "one person, one vote" within a certain percent. Congress has to be tighter. Legislature, not as tight. You have to take care of the Voting Rights Act. So those things are sort of -- You have to put those things aside, and say, "Those are the first things," when ... you draw a district. You can't have a district that is 20 percent different from another district in terms of population. They have to be pretty close together. So those two things are first.

Then the question is, what's next? Is it compact districts? Is that -- Is that your number-one goal? Is it ... keeping the cities together? Is that your goal? Is it communities of interest, where you have populations that maybe cross over in a few cities? Is that a goal? And then competitiveness. And so those are all the things that you have to look at, and, you know, it was interesting. I mean what Paul discussed, the '70s and the '90s, people took these into account, and they did make more competitive districts. And I think we're all agreeing, there won't be 100 percent competitive districts. There won't be 50 percent competitive districts; but if there were 20 percent competitive districts, that would be a much better situation.

Mr. Johnson: Bruce sure had an interesting experience in this area. I was on a project where, actually, I was staff to the commission, and ... Bruce was the special master over there, and the judge actually ordered the commission to draw the most-competitive map possible, using only equal population, and, in the state plan, they had 30 districts, and we drew 23 competitive districts. Now these districts were amazing. I mean if you know Arizona, Scottsdale was split in four pieces, and all four pieces connected to the Navajo Nation, you know. It was just - - You end up with these ridiculously-gerrymandered districts, 'cause all you're doing is picking Republicans and Democrats, and you only had one minority district in the resulting map, because those were the densest concentrations of ? Dems?, so you're pulling them out for everywhere. So I think that was kind of a real-world proof of what, I think, we've all been looking at and thinking for many years, competitiveness can't be first, you know. By federal law, ... you've got equal population. You've got the Voting Rights Act, and really, you really want to look at keeping communities first, and some degree of reasonable compactness before you start throwing competitiveness in there, 'cause competitiveness is just numbers. You can draw just as gerrymandered districts as if you're trying to protect your incumbent. It gets really ugly.

Mr. McKaskle: I might add, in 1991, the masters -- and it's in the report -- did not use any political data whatsoever. They did it on the other criteria, and they did not consider competitiveness. They didn't consider where legislators lived,

although, in fact, that's a non-issue, 'cause they can live wherever they want, and no one can challenge them, but -- so, in a way, it might have been happenstance that it ended up that there were competitive districts. It wouldn't necessarily follow under those criteria. I think it would be very difficult to try to put that in as anything other than maybe a third-order or a fourth-order consideration.

Male voice: Actually not look at ... party registrations. We were blind to (unintelligible).

Mr. McKaskle: (talking at same time) No. We had no party --

Male voice: We were blind to party registrations.

Mr. McKaskle: Yes.

Ms. Feng: And there are some plans amongst the bills and propositions that have been proposed, that would ban the use of party information, or that would allow for the use of party ... representation, but at the back end. Actually bring in outside experts to evaluate whether or not competitiveness had been achieved.

Mr. Kittle: But isn't -- I mean isn't that really where we're headed with this whole discussion, or where the districting ought to be headed, which is the competitive - - is that competitiveness should be a byproduct of other criteria for drawing districts, and it shouldn't be -- We shouldn't try to engineer it into the map.

Ms. Feng: I think that's right. One of the things, though, that is important, is that, in the model bill, as well as McCarthy -- ?I'm real? involved, though -- they do state competitiveness as a criteria that is worth achieving as long as it doesn't conflict with the above criteria. So I think, generally, it falls as number five or six, and that's important, because what happens is, it still keeps it in the back of the minds of those folks who are drawing the maps, that they should not be preferencing partisan gerrymandering, and if, as a result of following all of the other criteria, they create a map that is more competitive, then they've achieved their goals.

Male voice: But they should refrain from anti-competitive drawing --

Ms. Feng: That's right.

Male voice: -- primarily.

Ms. Feng: That's right.

Mr. Johnson: And this, it will be an interesting thing. I mean using it as a final tweak. I mean, in '81, there were really two entities in the state drawing lines, that had the computers that could do it, and they were the state, and -- and our institute. In '91, there were probably six groups, you know, the Pacific Islanders Group, N double ACP (NAACP) got into it, and MALDEF (Mexican-American Legal Defense and Educational Fund) got into it. In ... 2001, there [are] probably going to be 150 or more groups with the full capability to be a part of this, so when the state comes out -- or whatever commission -- comes out with a plan that only splits 20 cities, there's going to be, probably, 40 people that sit down and say, "Can I make this plan more competitive, and still only split 20 cities?" So there will be much more opportunity for ... small tweaks, and much more input and ideas on that front, that we're going to get (unintelligible).

Ms. Feng: (talking at same time) We thought that was going to happen in 2001, that there would be 150 maps; and, in fact, the technology is still daunting. In fact, trying to build a statewide map, where you're --

Mr. Johnson: Right.

Ms. Feng: -- cognizant of how other communities would like to identify themselves, and not just the community that you come from, is -- is a pretty big challenge, and it -- And so I'm not sure that we would have 150, but -- but certainly, you might have more ability for people to present specific maps, and

one of our hopes is that, at the very beginning of the public-hearing process, that we would allow for groups to present either statewide maps, or portions of maps of districts that they'd like to propose that those maps actually be published for everybody to look at, so that, as we go into the first round of hearings, people can actually comment on them. People can say, "I hate the Bruce Cain map, but I love the, you know, the McKaskle map, because of this; but, on the other hand, in San Diego, this is what it does." And they can actually start to point at how it affects their particular community. One of the most difficult things about the 2001 hearing process -- which, I think was one of the most open processes, as I understand it -- but one of the most difficult things was that people were oftentimes talking in abstract terms, and so they would talk about their neighborhoods, but, because they didn't have a map to point to in the first round of hearings, they would be describing a neighborhood without giving streets as reference points. They certainly didn't know census tracts. They didn't have the ability to point to ... geographic markers that would give the people who were drawing the maps some ability to understand how to draw them, and having proposed maps, even if they're from outside groups, at the very outset of the process, gives people something to make a reference point to.

Mr. Johnson: Yeah. Arizona was great with their public process, 'cause, you know, at the end, you have to submit all the maps to DOJ, to say ... not just, "What did you adopt?" or "What are the other possibilities?" And California, I think, sent in four maps, and that's typical. You send in two options.

Arizona, with their public process, sent in 157. DOJ called up and said, "What are you doing to us? You know, can you point us to the four real big options?" But that's what happens when the people start getting involved in it, and feel like their suggestions make a difference.

Mr. Yarnold: Jim Boren?

Mr. Boren: If I ask a question about public policy, tell me how a new, more-competitive system, a fairer redistricting system, would result in better public policy that would--could--solve the healthcare crisis, and the legislature dealing with the budget, and fix our roads? Or would these new incumbents from these "competitive" districts just dodge 'em like the current legislature does?

Mr. Cain: Well, I mean, actually, I think the inclination -- Most of the empirical evidence, by the way, is that the more your seat is competitive, the less likely you are to do something which is bold, right? I mean you're -- you're less likely to take chances in a competitive seat. And if you look at where innovation comes in the political process, it usually comes from the people way, way out on the ends of the extreme. You know, you take the idea like social security reform, privatization; whether we like it or not, that idea came out from the -- the conservative wing of the party, and then eventually got acceptance in the middle, and it's very rare to find people in the middle of the process that are going to have truly original ideas.

What they bring to the process, which is valuable, is not originality; it's the -- the ability to sort of make compromises, and willingness to sort of break down partisan barriers, and talk to somebody on the other side, and that would be the part that you would hope ... might get strengthened, this sort of -- the sort of business-oriented Democratic caucus, and the more-moderate Republican caucus. If you could enlarge that somewhat, then maybe you can increase the dialogue somewhat across those two caucuses, and start to build up a little bit more of a bipartisan consensus; but, overnight, you're not going to find any more brilliant ideas, or any greater innovation, coming out of the legislature as a result of this.

Mr. Stern: And it's not going to be a panacea, clearly. So remember this. In California, it takes a two-thirds vote of the legislature to pass meaningful legislation; and, generally, you don't get a two-thirds vote on any initiative. The public does not -- There's not two-thirds-vote consensus even among the public on these major issues, and that -- so that's a big problem. But the difference is that, instead of the votes, instead of the elections' being decided in the primary, which they are right now, the primary election is the election for almost all the

racers in California, and what that means is, the Republicans appeal to the Republican base, which is more conservative. The Democrats appeal to the more liberal base. And so you have more liberal members, and more conservative members in the legislature, and they are less likely to come together. With more moderates, you probably will get more consensus, but you still have to get that two-thirds vote. You have a Republican governor now, a Democratic legislature. They did get a budget through last year. They did get a workers'-comp bill through last year, so there is some hope; but I think, with more moderates, you'd have more consensus.

Mr. Johnson: And, too, when -- when you're elected with 65 percent of the vote, you can alienate 10 or 15 percent of your supporters, no problem. You get re-elected. If you're elected with 53 percent of the vote, and you alienate, you know, one in ten of your supporters, you're out. So there is -- There -- there's not the bold ideas. I think I'd agree with Bruce on that. There's not the, you know, go-way-out-there-and-throw-the-long-ball innovation ideas, but there is much more pressure to deliver -- much more pressure to fulfill what you promise, because if one in ten of your supporters gets upset, you're out of office, and that's a big change from if one in -- you know, it had to be one in four more.

Mr. Yarnold: So I ... guess this is obvious, but I want to state it just ... for the purposes of the transcript, ... and see if you agree. As a matter of politics, the governor is selling redistricting reform as the path to increasing competitiveness, and it sounds like you all want our readers to know that the impact and the numbers are over-stated, as he has framed them. Is that right?

Mr. McKaskle: Well, they aren't the -- the complete panacea (unintelligible). Whether they're "over-stated," some more ... competitiveness might create some different dynamic in the legislature.

Mr. Yarnold: So ... there are benefits, but they're not the revolution that he describes.

Mr. Cain: (talking at same time) Yeah, but how do you sell reform in California without ?shoving? it? I mean, you know, that's the problem, and ... the honest answer is that he's over-selling it. He probably has to, in order to convince the public that redistricting is important.

Mr. Yarnold: Right.

Mr. Cain: But we shouldn't fool ourselves into thinking that redistricting by itself is going to do any of the things that he's suggested, you know, make it easier to pass a budget. Get any of his bold reforms passed, or to make the relationship between the Democrats and the Republicans, you know, more amicable. I mean that's not necessarily going to follow from this, either.

Mr. Stern: Well, let's not under-sell it, either. Let's not "under-sell it." ... If this passes (happens?), this will be a major reform for California, and I think it will spread throughout the country.

Mr. Cain: You're -- the "if" -- The "this," though, is not the competitiveness. The "this," for you, and for the reform groups, is the shift to the commission system. That's what they really want. The competitiveness is a minor footnote.

Ms. Feng: That's right.

Mr. Cain: What they really want is the commission system, to get it out of the hands of the legislature. They've been pushing for this agenda for 20, 30 years, and so Arnold is putting something forward that has been considered by this state for about two decades, and if he can deliver, that will be a major accomplishment.

Mr. Yarnold: But if it doesn't produce those results, why is it, in and of itself, ... an improvement?

Ms. Feng: I ?think there's? an analogy, if I could. It's not a -- it's not a great analogy, but I think the analogy is, the reason why you say that you want to go to

war in Iraq is because you're searching for weapons of mass destruction, even if that's not ultimately what the over-riding concern is, or even the ultimate impact. If you -- if you try to sell it as "creating democracy in the Middle East," it wouldn't be a motivating circumstance for people to go along with you. And so I think, similarly, with redistricting, as Bruce Cain has said, you kind of have to shout to the high hill--hills--about something dramatic, in terms of the change that you're seeking; when, in fact, I think, all of the reform groups would say, "It's -- it's a -- it's a noble goal," but the reasons why we should be going into it have to do with things like transparency of government, like responsiveness of your representatives, like making sure that communities, if, for the next 10 years, are not cut up into different districts, and forced to split their votes between representatives who -- who pay no heed to them because they have lost their ability to -- to elect a candidate of their choice.

Mr. Johnson: If we had a competitive plan, you know, it -- ?took outs? (two counts?) is wrong, it's not -- The Republicans aren't out of power in California because of gerrymandering. We would still not have Republican majorities in the houses. So in that ... way, it's over-sold; but you certainly would have -- I think I disagree with Bruce. I think you would elect a lot more Tom Campbells, a lot more Norm Minetas, who are willing to talk to the other side. I mean how many legislators in Sacramento haven't had a serious discussion with someone from the other party ?in how? many years.

Mr. Cain: But, Doug, that's the real agenda. The real agenda here is to save the Republican party from the conservatives, and to create more moderate Republicans. That was ... Arnold's real agenda. Not the agenda of the reform groups, but the agenda of Arnold is to have more moderate Republicans, and -- and (talkover) by creating more competitive Republican seats, you will have slightly more moderate Republicans. I mean that's part of the agenda. And it's the same people that brought you the blanket primary. The same people that brought you the Louisiana primary, which is save the Republican Party through institutional change rather than doing the politics that the Democratic Party did in the '80s, over the death penalty. They didn't have to change the rules. They didn't have to change anything. They did a fight within the party. They decided that the death penalty was killing them, and boom! They changed. And the Republican Party can't do the same thing with its social issues, so the moderates -- and we all feel for them -- want to change the rules so that Democrats and Independents can save the moderate Republicans, and that's what, you know, all these changes do, is that they bring moderates and -- moderate Independents and Democrats -- in to help the Republican party, and the moderates on that side, and that's what Arnold's agenda truly is. I don't think he believes that the budget negotiations are going to be easier. I don't think he believes that he's going to have a Republican majority; but I think he believes that he needs more friends up there that are from the moderate wing of the Republican Party.

Mr. Johnson: I agree. It definitely will help the moderate wing of the Republican Party, and, as you mentioned before, it will also help the moderate wing of the Democratic Party, which is why Lowenthal --

Mr. Cain: But they're not asking for help. (folks chuckle)

Male voice: ?I'll ask the difference?.

Male voice: (talkover) Well, we already talked about -- we already talked about -

-

Mr. Yarnold: (unintelligible), we got to the real point.

Mr. Johnson: I was going to say, Al Lowenthal would disagree with that.

Mr. McKaskle: I don't think you can ever solve the problems of whether the legislature is, in some way, representing the people by whatever is done as far as how single-member districts are created, simply because the logistics and the demographics make it impossible to have any--a great deal of--effect except on the margin. I mean if -- if that truly is a goal, then some kind of proportional

representation, which creates a lot of other problems, might be something that should be explored, but that goes beyond what we're concerned with today.

Mr. Yarnold: All right.

Mr. Johnson: ... I think, though, that if you have districts that are drawn, as we're talking about, to keep cities together, to keep communities together, and that lead (need?) the people coming up through the school board and through community organizing, to run for these offices, those people owe their base, and you don't have a situation where Jim Brulte says to the Republican caucus, "None of you will vote for this budget, or you will lose." Because today, in the districts, it's a money game, and Jim Brulte, at the time, you know, ?whoever? the leaders are, control that money, and if you have four or six moderates on each side, then those guys can say, "Look, Jim, you don't--you didn't--elect me. You know, my community did. My city. My county. And that's who I have to respond to." And they have to be pragmatic, and they have to negotiate, to get things done.

Mr. Yarnold: So let me ... shift this conversation a little bit, and ask Phil to sort of guide us into the question of when might this be done, and what's "pragmatic," and ... what's not.

Mr. Yost: Well, in terms of timing, the various initiatives and proposals differ in whether we should attempt to have a new map drawn in time for the 2006 primary in June. I don't know whether anybody is aiming at 2008 elections, but, then, the ordinary course of events would be the next redistricting would be done after the ... 2010 census, in time for the 2012 (2012 what?). I'm sure, just--if I just--throw it open and ask what you think are the logistical possibilities of doing it in time for 2006. We'll get to some of the issues and some of the difficulties of - - of hurrying. There's no particular issues raised by waiting until 2012, except, if reform is a good thing, why don't we do it now? Why wait? But let's start by talking about what -- what could be impediments to doing it by '06?

Ms. Feng: I think it's close to logistically impossible because if the ballot initiative happens and ?passed? in November, you would have to have lines into the county registrars by mid-January at the latest. The registrars have already expressed [the opinion] that really, in order to do it, if there is no nesting, ?that all depends?. But if there was no nesting, they really need those lines by early January. So that leaves you with one month to have hearings in a state the size of California over the holiday season.

Just to give you an analogy, King County in Washington State attempted to do that in one month, and created such an uproar about the failure to have hearings that were adequately attended, where the public actually got to hear what was happening, where they got to provide input, and I think that it would essentially expose this whole process for the sham that it is. The second piece is that there is no current data that you could draw these lines on that would not be more than five years old.

Male voice: Just for the (unintelligible) population.

Ms. Feng: Population data.

Male voice: Population data. Now it's not where people would (unintelligible).

Ms. Feng: That's right. And because, for redistricting, you actually need to have data down to the level of the census blocs. You can't just rely on population estimates, because it doesn't get you there, and, given the fact that our -- our population has already grown by 3 million in the last four years, and that growth is uneven, depending on ethnic background, geographic background, etc., you can't just sort of run a ... mathematical formula to estimate where that growth has happened.

Now folks have said, "Well, we could look for estimates from the Department of Finance, or, possibly from school-enrollment information," and -- and that is true. We could reconstruct all of that, but we would be really working off of imperfect data for a gargantuan task that we're trying to do in a month. And then the -- the

final concern is that it really creates a Pandora's box that we're opening up, that, just because one side doesn't like the way that the redistrictings happen, they get to kick in through a process where they get to unwind the whole thing five years from now, and it's not even sure that whatever gets produced in 2006 will necessarily be the thing that sticks. So if, as much as we'll predict, the maps go into litigation, we could be litigating all the way up until 2008, 2009, by which time it's time to redistrict again. So there is -- From a practicality perspective, a lot of folks are saying, "Even if you thought that it was important to do this, you cannot, because of the logistical, the data, and the -- the political impracticalities, try to attempt something in 2006."

Mr. Stern: I think it could be done -- Paul, you did it in a very short period of time -- but the problems with what? Kathay is saying, is -- is that there would be such an uproar about no hearings, about not enough time to look at the maps, not enough input by people, that I think it would be counter-productive almost to have it, because people will say, "Wait a minute. You have this reform, and then you have these maps, and nobody gets to see the maps, and it will go into effect right away." Now Kathay mentioned nesting, and I think you should explain what nesting is, and Paul did that in the '70s and '90s. Basically, "nesting" would mean the two assembly districts would be -- One assembly district would consist of two assembly districts, and you'd have -- All the Board of Equalization districts would be -- would -- would be, as well, divided up in a similar way, so the people would have sort of set boundaries. They wouldn't this scatter-gun approach that we have now.

Ms. Feng: (unintelligible).

Mr. Stern: And it would make -- It would make it a lot easier for the counties, too. Now there are hundreds of thousands, if not millions, of combinations of ballots that the counties have to work on. So, while it's possible to do it, I think almost all the experts are now agreeing it would not be wise to do it for 2006.

Mr. Yarnold: Why not?

Mr. Stern: Well, because of the lack of public input. The --

Mr. Yarnold: I'm sorry. ... I thought you were saying that nesting would not be (unintelligible).

Mr. Stern: Well, no, I'm sorry. Nesting is -- I think -- I think most people think nesting is a good approach.

Mr. Yarnold: But it has its downsides, too.

Mr. Stern: It does have its downsides. It -- it -- it makes it -- It puts more of a strait jacket in terms of competitiveness, and -- and some of these other things we're talking about; but -- but it worked in the '70s, worked in the '90s, and, I think it was a good model.

Mr. Yarnold: All right. So let me follow up on Phil's question. Does anybody on that side of the table think this could be done by 2006?

Mr. McKaskle: I think it could be. I think it could be. I think there would be a lot -- I think a lot of the problems that Kathay outlined would be there. We did it in two months, and that was from scratch, using a 486 computer.

Mr. Yarnold: So let me [follow] -- All right. Let me ... rephrase.

Mr. McKaskle: And -- and we had --

Mr. Yarnold: Should it be?

Mr. McKaskle: I'm sorry?

Mr. Yarnold: Should it be?

Mr. McKaskle: Well, I'm not sure I would -- I think that involves more political judgment than I might be willing to venture, but we had hearings in four cities. I don't think under -- I think that they weren't necessarily as good as they should have been, but we were able to do it fairly fast. I (unintelligible) --

Male voice: ?Is there a way practical then? --

Male voice: I'm sorry.

Male voice: (unintelligible) There's ?LA from Newhall? has a problem?

Male voice: Let me personally ?up to that?.

Male voice: LA probably certainly would.

Male voice: Yeah.

Mr. McKaskle: Well, on the population, I agree that, certainly, there's a lot of "unrepresentativeness," but, in 1965, in ?Silva v. Brown?, which was the first California case, the California Supreme Court used 1960 figures for 1966 elections. I happened to represent the County of Ventura, and argued to the contrary, but unsuccessfully, and, in Georgia, it was about '74 or '75, that they redrew the--a three-judge court redrew the--Congressional districts, and the Supreme Court upheld them, and said there was a larger population variance, because they were using outdated census data, and did not have any problems with it. So I think it's not unconstitutional to use outdated figures. There are obviously a lot of policy reasons why one might not.

Mr. Yarnold: Bruce? Bruce and then Doug, please.

Mr. Cain: Yes, I mean the practical question, I think, has been pretty clearly answered, which is yes, you could probably physically draw the lines. It would cause an enormous amount of inconvenience to the registrars, but they would probably adjust. You could practically get it done. It would have some cost to the public input, which is too bad, because that was the whole point of changing the process, is to make it more transparent, so you would do it in a less-transparent way.

But there's another problem here, which is a dangerous precedent around the country towards mid-decade redistricting, and we had a sort of unwritten rule, and, in some states, it was in the constitution, but in most states, it was not -- An unwritten rule that you would do the redistricting at the beginning of the decade, and you would let it lie. Now, after Texas, Georgia, Colorado, various places, either have done or are considering mid-decade redistricting, a new rule arises, which is, when you get the power, consolidate it by doing a redistricting. And I can't think of a worse development, frankly, for redistricting, than to have that happen, not only because of the obvious manipulation that goes on, but because redistricting is sort of the black hole in the center of the political universe. It sucks all the life of anything around the outside, and it will suck the attention of a legislature. Even when they're not drawing lines, they're going to be obsessed with what's going on with the lines, and -- and then the redistricting politics vitiates the budget politics, which vitiates other kinds of politics, and I just think once a decade is about all you really want to have your system go through this for. You certainly don't want to set the precedent that, as soon as you go from a divided-government situation into a united situation, where you have complete control of all the branches, then you immediately launch into, you know, another redistricting. And, yes, there will be a few states that will switch to the commissions gradually over time, but you've got to remember, most states are not there. Most states are still doing it through the legislature, and so, if we're -- if we're going to condone mid-decade redistricting, we're just setting a precedent that I think we're all going to regret for, ... you know, the -- the time being.

Mr. Yarnold: And you feel that way on principle, obviously, even though the Census Bureau was promising that, beginning with the 2010 census, they're going to be able to do rolling updates on an annual basis.

Mr. Cain: Well, I --

Mr. Yarnold: So there's not going to be --

Mr. Cain: Well, I -- I would suppress that information, yes. (laughter) No, I mean, obviously -- Obviously, it would be good to have the data, but, yes, that -- that makes the temptation to do the mid-decade redistricting. All the technology [points] to doing this every time you can, because now we have computers that are faster. The data is available, and, as you say, if the Census Bureau starts rolling out updates, then we could do redistricting every session, and I'm just telling you that, with politicians who care about careers, they really do care about those districts. I mean it's -- I -- I don't know that there's any analogy in any other profession, but it -- it really matters to them, what's in their district, and -- and I just think that if you're -- if you're going to allow for this constant turmoil, you're -- and, given the already up -- upsurge in partisanship in legislatures, if you go across the country, and, in Congress, you see more and more partisanship in the legislature. You see incredible bitterness in the Congress, and in the California legislature right now. I just think adding the redistricting--the potential for redistricting--is -- is a step in the wrong direction. Mid-decade redistricting. So I believe that what we really ought to do is be putting an end to that, and say, "No. It's once per decade, and -- and we need to do it across the country."

Mr. Yarnold: Doug and then Bob.

Mr. Johnson: Let me just quickly here envision the legal precedents that Paul mentioned. There is also the sampling decision, so you can't use updated data for the Congressional redistricting. The data that Kathay was listing, it was a very good list of what's available. That's all mathematically, statistically calculated so that all the ban cydisk spin close? to the role on sampling for Congressional sampling, with the ?roll-on? (role on?) data from the Census Bureau, but it's all sample data.

Mr. Yarnold: But all census data is going to be based on samples starting in 2010.

Mr. Johnson: Well, the decennial census will still be the decennial census.

Mr. Yarnold: But it will still be based on sample. They're still going to extrapolate ?from sampling?. (talkover)

Male voice: Well, sampling is used to --

Male voice: Well, we could --

Male voice: -- to correct it. It's not -- I mean I don't believe that they're moving away from a household survey.

Mr. Johnson: Right. They're talking about -- What they do ... currently is, they do one survey afterwards, where they survey, and they say how accurate the census was. What they're saying is, they're going to do that survey every single year. They're not -- The decennial census will still be the decennial census. It has to be. That's what the Supreme Court has said, for Congressional lines. Now you could use the other data for legislative lines, but you get into everything that everyone has mentioned.

Ms. Fong: So you're promising that the data that you use for the Congressional lines will either be six years old, eight years old, if we do it in 2008, or older, and it's -- it's hard to see, even if -- if, in 2008, you could overcome the logistical questions, why that would be a good idea, to have data that's eight years old, given the growth of the population.

Mr. Johnson: And this is -- and this is probably where Kathay and I disagree a little bit, in that the -- the districts you would draw would be no more out of balance than the districts we have. We'd be using the same data that was used to draw the current districts, so, yes, it would be out-of-date data, but your districts

would be just as out-of-proportion as they now are? (talkover).

Mr. Yarnold: So you'd say, "Go for it! Enjoy?!"? Or --

Mr. Johnson: I mean we've been pushing for redistricting reform for 30 years. If it gets it past the year 2011, we'll take it, but there are definitely logistical questions that need to be answered, but I don't see any reason, other than logistical reasons, why we should continue to suffer under the bad districts that we have now, just because Tom DeLay ... gave mid-decade redistricting a really bad name, and justifiably so, in that case. But this is a reform approach of a commission.

Mr. Yarnold: So if there was the political will to do it in '08, you would say, "Let's get it done this time?"

Mr. Johnson: The other difference, too, is, in '06, we have incumbents who will not be running again in the same district in ... 2012, so you have incumbents who really don't have the personal interest that, in 2008, you will. Those guys will be, you know, people elected to the assembly (unintelligible -- talkover).

Mr. Cain: Doug, let me just say, though, as a practical matter, if these things go forward to the ballot, with mid-decade redistricting in, you decrease the probability of these reforms' passing by some amount, and I could only guess what it will be -- 20, 30 percent; but you definitely -- because you give a hook. You give the Tom DeLay hook. Now you may say that's an inappropriate hook, but there are -- You know, here you have a Republican governor saying, "I want to change the lines," and if, coming off an election where he was unsuccessfully able to campaign for -- for a Democrat, that's going to look, it's going to smell, it's going to feel, to a lot of Democrats, like this is ultimately about putting more Republicans in the legislature. And you can say, "That isn't it. We have purity in our hearts. It's all about the process, Bruce. It isn't about putting more Republicans in the legislature." But you're going to have a hard time making that case in an initiative campaign. You're handing them wonderful 30-second ads, where you don't have wonderful 30-second ads if it's about the process, per se; and, more likely, you are probably going to get a bipartisan coalition behind this reform proposal if you take the mid-decade redistricting out. You've already had the speaker of the assembly say that he's interested in it. You already have a bipartisan coalition of legislators that, two years ago, were working on coming up with a commission plan, okay? So the process change was already there. Arnold just grabbed in; but when you throw in the mid-decade redistricting, you may win. You may win. But I think you decrease the probability by some appreciable amount (talkover -- unintelligible).

Mr. Stern: I also find it quite ironic that a Republican governor is pushing something that the Republicans California congressmen are very much against. They are very concerned that they're going to lose two to five congressional seats to Democrats if this goes through, if it's a fair redistricting. And so the national Republicans are quite upset, saying, "Well, this may shift the whole balance of the house." So it is ... full of ironies here, I think, in terms of the Republican governor looking in California, but not looking nationally.

Mr. Johnson?: So this involves the Texas redistricting.

Mr. Cain: Well, that would (unintelligible). By the way, we should point out that a couple of these proposals mandate a mid-decade redistricting for the legislature --

Male voice: That's right.

Mr. Cain: -- but not for the Congress, precisely to alleviate the political pressure from the conservatives, who don't particularly want to have more moderates sent back to Congress when, of course, the mandate is to try to have a conservative agenda under Bush. Well, that's going to look cravenly political to the Democratic party, too, so is that -- (talkover)

Male voice: Well, however the impression? that's being circulated, that is being backed at this point, is the Costa? issue.

Mr. Stern: Well, it has it for all three. Now things can change, obviously, and I think Bruce raises a good point. I mean I think we've had a major sea shift in terms of the ... legislative leadership saying, "Yes, we're willing to give up our right to reapportionment." That is major. ... The problem, of course, is, will it be 2011? They will only agree to 2011. The governor says 2006. Is there a compromise? We don't know.

Male voice: Yes, I mean -- **Mr. Boren:** We talked a little bit about minority representation, and the impact of more-competitive seats. I would like to just put that question directly to you both? Will there be fewer minority representatives under a redistricting system done by a commission?

Ms. Feng: I would say the exact opposite. I think that if the redistricting commission has criteria that are clearly set out, that prioritize both the Minority Voting Rights Act and also communities of interest as criteria that the -- the commission has to look at, and preference as fairly high criteria, that it ensures that communities are held together, and they may or may not be a majority in a district, but they have to be taken into account, and I -- I guess I say that because I speak from having done redistricting on behalf of the Asian-Pacific American community, which, quite frankly, nowhere in the state, unless you drew very strange lines, could you create districts where there was a majority of Asian Americans in any one district. Possibly San Francisco, but -- but not to our liking. Not without doing things that we think contravene the basic notion of communities of interest.

And I think that what you end up doing is that you make the panel very cognizant of where those communities are, and very careful not to draw a line through them that cracks them in half. Cracking them into pieces would violate both the communities-of-interest principle, and, in some instances, would violate the Voting Rights Act, if that population was large enough.

Mr. Johnson: And the Voting Rights Act is absolute. It's federal law, so it doesn't matter what the initiative says. The Voting Rights Act must be followed. I think where I would tend to agree with Kathay is the community-of-interest debate? should also be strong. I mean Costa is weak on this, because the only communities he protects are counties and cities. He doesn't also look at the social and economic and other communities that need to be protected, as well, that may go into unincorporated areas, and may link to cities that should be defined as a "community." And with that? --

Mr. McKaskle: I think --

Mr. Johnson: -- we need to go a little bit beyond the Voting Rights Act in many of these cases, because the Voting Rights Act has been stepped back in the last year or two.

Mr. McKaskle: I would say, judging from my work with the judges on the two redistrictings, the second one, of course, which had a much-stronger Voting Rights Act, that any commission or other panel that's going to do it is going to pay a great deal of attention. Now in our report, for example, we said, in Los Angeles County, we first created minority districts, and then we worked with areas which were not minority after that. The legislature this last time created two Congressional districts in the San Fernando Valley which a three-judge court upheld in *Cano v. Davis*, which split a Latino population in the valley. The argument was, "Well, we want many Latinos and this other person, so this other person will be attentive to Latino interests." It may be true. I don't know. But of course it also protected another congressman who was -- would have had a heavily Latino district. It was already a majority Latino district, although probably not in terms of representation.

Mr. Stern: Well, his brother was drawing the districts, though.

Mr. McKaskle: Yeah, and his brother was drawing the districts, yeah, but --

Mr. Stern: We're talking about [Congressman] Howard Berman. Michael Berman

drew the districts.

Mr. McKaskle: Yeah. And the -- but something which is a minor point maybe, but I think it had an effect on the judges I worked with, is that California, for obscure reasons, has four counties that are under Section 5 (of the Voting Rights Act), including a couple in the Valley. Well, three of them are in the Valley.

Mr. Yarnold: And what is "Section 5," just for our readers' benefit?

Mr. McKaskle: Section 5 is a section which says that any changes have to be approved by the attorney general, and so nothing can go into effect, and the reason why most of them are in this is because they had large military bases where people didn't register, and there's a ratio of registration. Monterey County, for example, had Fort Ord, with 30,000 people going through basic training, and they counted for population, but they obviously -- These -- these new recruits didn't go register down at Salinas city hall, and so the ... ratio. And that, in (and?) the Valley, actually, I thought, an adverse on the ability to create a good Latino district, in that one of the four counties is Kings County, which is covered, but is probably one of the more conservative areas. It has a fairly --

Male voice: (talking at same time) Latinos never won there even though it's supposed to be a Latino district.

Mr. McKaskle: Huh?

Male voice: Latinos never won there, because -- but it's supposed to be a Latino district.

Mr. McKaskle: Yeah, yeah. We were able to create two assembly districts in that area, which the legislature hadn't been able to do, and the second one was eventually won by Cruz Bustamonte, which, I guess, got him on his -- on his way. So --

Mr. Johnson: This -- this is another weakness of ... putting in a competitiveness [criterion], as independent commissions respond both to their guidelines, and to the threat of a lawsuit. So, in Arizona and Washington, you see this very clearly. The Voting Rights Act is a huge cudgel, because the commissions are afraid of getting sued. If you put in a competitiveness [criterion], you've also given the parties a cudgel to -- to threaten the commission with, and (talkover).

Mr. Yarnold: So would you not put in any competitiveness criteria? Would you just assume that all of the other criteria will take care of that?

Mr. Johnson: I can see the advantages of competitiveness criteria, but I think, when you really go through it, and you look at how on earth would you do a competitiveness [criterion], you either have to just put it in, and punt in 2011, when the academics will sort it out a lot more, or you leave it out, because we do get a lot of (unintelligible -- talkover). Mr. Stern?: I -- I -- I would put it in, but not define it.

Mr. Johnson: That's really what you have to do, because, in 2011, we'll know a lot more; but yet, as Bruce was saying earlier, the academics are new to this field, and it was really when the academics defined "racial-bloc voting" in the Gingles (Gingles v. Edmisten) case, that we could really implement the Voting Rights Act, and the academics haven't figured out the math yet for competitiveness.

Male voice: They've already allocated a couple hundred thousand dollars to Berkeley to study (laughter, talkover).

Mr. Yarnold: We are ... on the last lap here, and I'm going to ask the folks on this side of the table in a minute if there are questions that have not been asked. I'm going to end this -- Just to give you a little bit of a preview, I'm going to end this by asking you what common threads have you heard here, going forward, that made their way around the table today; but before I ... do that, and we'll get there in about 15 or 20 minutes, ... let me ask you, are there issues around

reapportionment that we have not yet touched, that you think really need to be in the dialogue?

Mr. Stern: Well, ... there's one that I'd like to discuss, and that is that all of the proposals thus far, that are serious proposals, talk about retired judges doing it, and we think that retired judges should be involved, but not necessarily all--the commission should be all--retired judges. Our recommendation is four retired judges, five citizens, and we think it's important to get citizen input into this, and we -- In the past, if there's a controversy over this, the campaign will be, "Do you want judges who said the Pledge of Allegiance is unconstitutional doing the reapportionment? Do you want judges who -- who came out in favor of gay marriage doing it?" I mean I can just see the campaign, if it's retired judges, and I'm wondering now whether it should be any judges, given the campaign. Now if there's an agreement, if the Democrats and Republicans can agree on something, and ?there's not going to be? the opposition, ... then it has less of a problem; but if there's going to be a controversy, the controversy might be, "Don't let judges do it."

Mr. Yarnold: Interesting.

Ms. Feng: Bob, talk a little bit about what the (noise) represents the diversity of retired judges is.

Mr. Stern: Yes. I mean you can -- you can -- It's not (talkover) --

Ms. Feng: Go back and --

Mr. Stern: -- because it's always great if we -- (unintelligible -- loud talkover)

Mr. Yarnold: We can probably ... guess what that would look like it.

Ms. Feng: But I just want some numbers (unintelligible).

Mr. Stern: Well, I (unintelligible) knows really what the numbers are, because you can get a representative commission with retired judges. You have to stretch a little bit, and you have to go dig down a little bit. It can be done. But, clearly, ... the commission needs to be very diverse.

Mr. Johnson: Okay. I can throw some numbers at you, just 'cause we're in the process of doing this, but there's about 50 retired federal judges. Of them, 43 are white, and 44 are male, and then there's about 950 or so state judges. We've tracked down about 250 of them. They're quite a batch to try to track down. And --

Male voice: What if there aren't any? Statistical evidence (unintelligible)? (laughter)

Mr. Johnson: It's amazing. The judicial council gave us a list, and ... every fifth one has passed away, and the council doesn't know it yet. So, but about a quarter of them seem to be of some minority ethnic group, but it is a very small number. On that point, though, I guess, to follow up, that's why ?you should be listening? to a lot of -- I think I understand the idea of, "Let's get a diverse commission." I've never seen a proposal that could actually accomplish it. In California, I mean, the -- the talk in this report is, let the judicial council pick people. There's two incumbent legislators, both Democrats, on the judicial council. There's a weakness in the system. I think, while I understand that judges are not perfect, I do think they are the best. A random selection of -- retired judges is the best approach that we've seen, of all the proposals. It doesn't get you a diverse commission, but, as we've seen, the -- the special masters, made up of retired judges, has done a much-better job for minorities than the diverse legislature has.

Mr. Cain: The Arizona commission that you, I think, thought very highly of, and I did, was not--did not--consist of judges. The City of San Diego, not the County, but the City of San Diego, had a citizen commission that worked pretty well, I thought. No judges on that one.

Ms. Feng: The City of LA.

Mr. Cain: The City of Los Angeles. The County of San Francisco, which I was also a consultant to, had a citizen commission. And the most intemperate person on the commission, in my humble opinion, was a judge.

Mr. Yarnold: So does lead you to a conclusion, Bruce?

Mr. Cain: Yes. I actually think, let's just do a citizen commission, and if somebody happens to be a judge, fine; but I'm worried that we already, in a state -- in -- In a state which elects judges, and where, when you go to a fund raiser -- I don't know whether you ever have -- but if you go to a fund raiser, you will notice that a lot of the tables are populated by people who either are judges or want to be judges. That makes you a little bit suspicious about their independence from the political process. So I would be more inclined to say that citizen commissions have worked perfectly fine in Arizona, and I thought they were responsible. I thought they were, you know, they worked pretty hard at it. Why not a citizen commission? And judges could be eligible if they want to -- you know, if they want to put themselves in it. My guess is, most judges don't, because --

Ms. Feng: Professors could be eligible? (laughter)

Mr. Cain: Ah, yes. Not ones that have done it before, though. I think -- I think they should be left out, but --

Mr. Johnson: Let me say, though, that California's judicial council isn't the same as Arizona's. I mean ideally, we'd all have the Iowa model, where you have a nonpartisan group of -- I mean it's also the English model -- You have a nonpartisan group of civil servants.

Male voice: Well, speak for yourself. ...

Mr. Johnson: But the three city commissions that -- that Bruce mentioned, all were indeed great improvements over the legislators' doing it, but all three were directly controlled by the incumbents. There was one member on the commission per incumbent, and occasionally, a couple of extras from the mayor and the city attorney, but --

Mr. Cain: I don't think that was true in San Diego.

Male voice: I think it was (talkover) --

Mr. Yarnold: All right. ... Let me suggest we're getting into a level of detail here that our readers will probably not appreciate.

Mr. Cain: ?Except for San Diego?. ...

Mr. Yarnold: Except for ?San Diego?, right. ... Let's go to this side, and finish up on this side.

Mr. Yost: Well, (unintelligible) about the political necessity of having the commission perceived to be fair, and that's clearly important. But I'd like to play devil's advocate for just a second. These will list a set of criteria that the commission has to follow. Kathay and a number of others of you have pointed out that at least a dozen organizations will have the ability to create their own plans, and we're going to have a discussion of these plans in public, and a discussion of the alternatives to them. How much latitude is the commission going to have in ... drawing a plan, and really, how much difference is it going to make, who is on that commission?

Mr. Stern: I guess my point was, if you have a campaign where one side is spending lots of money for it, and the other side is spending lots of money against it, I think judges are a lightning rod; but if you had an agreement with the legislators and the governor, I have no problem with retired judges doing it. I think I'd try and make a distinction between the perception of the public in voting

on something if there is a campaign against it, and an agreement with both sides saying, "Yes, let's -- let's put forward this -- this pool." We still think we'd be better not to have all retired judges, but certainly, in the case of the special masters, I mean having the -- the ultimate, the Supreme Court ultimately doing it, and judges doing it, it worked out very well.

Mr. McKaskle: I might say, on the issue of submitting plans, and how much a -- a -- a -- the--a--commission, whatever its composition might be, would be able, might be bound, there were a number of plans submitted to the masters both in '73 and in '91, which all of them were rejected by the judges, and, with maybe very minor exceptions, even--they didn't even--take parts of them, in terms of the plans that -- plans they ultimately drew up. Some of the plans were partial plans, and they talked about a particular area, and the practical problem that any commission would have under those circumstances is, you have to draw something for the entire state, and, while something may be ideal for a particular area, it may create serious problems in another area. So I think, as a practical matter, I ... recall a proposal that I think was on the ballot a decade or two ago where the commission would merely pick between plans submitted. They wouldn't do their own; but if the commission draws their own, my bet is, they will draw their own, and there won't be much taken from any of the plans submitted. There might be, but I doubt it.

Mr. Johnson: In line with your question, I think you raise a very good point, and Arizona was a ?key for? this. ... The commission would post a plan on the Web, and hold a meeting on that plan the next day, or two days later, and there were always two, and usually three, groups that had run their own analysis in that time, and Arizona's ... organizing, and the number of groups that are active, is much smaller than California. You'd probably have 10, 12, 15 that could turn that around in a day. So that's a real check, of knowing that, you know, no matter what you're talking about behind closed doors, there is going to be 10 people standing up there exposing you, is a real check on the latitude of -- of whoever is in charge.

Mr. Yarnold: So let me ask if, as a last question, just to sort of set this up for all of you, is there general agreement at this table that redistricting reform should go forward? It sounds to me like there is. And what --

Mr. Cain: Defined as? Defined as a commission system, but (unintelligible -- talkover).

Mr. Yarnold: But let me ... finish the question, because ... I'd like you to make those distinctions. What -- what common themes, if any, have you heard today? And what distinctions are most important to you, if -- if this is to go forward?

Mr. Cain: Yeah, my -- my sense is that there is a consensus, a bipartisan consensus, that a commission system with transparency, public submission, and adherence to the normal criteria plus or minus a competitiveness phrase, exhortation -- as opposed to a definition of "competitiveness," but an exhortation to be as competitive as possible -- probably enjoys majority support out of the legislature. Probably passes in this state reasonably easily.

Mr. Yarnold: Deserves citizen support?

Mr. Cain: "Deserves" it, yes. I think that more and more people have experience with the citizen commissions at the local government level in San Francisco and San Diego and Los Angeles, etc. They've discovered that the transparency is a good thing, that they get to say all the political things they need to say, that it -- it doesn't try to shove politics under the rug, which was a fear, I think, a lot of people had, including myself. It doesn't happen. I think where we probably--and we may disagree here--is on the urgency of a mid-decade, or the advisability of mid-decade, redistricting, given all the problems that we suggested. There, I think, is where the bipartisan consensus breaks down, and the probability of this thing getting through the legislature becomes zero, and the possibility of this passing, I think, becomes more marginal.

Mr. Yarnold: Okay. Kathay?

Ms. Feng: I'd agree with what Bruce Cain said. I -- I think that it's important to also think about some of the organizations that have been talking about what the commission should look like, and what some of the criteria should be, and I would just point out, for instance, the League of Women Voters has been very active in this discussion, along with ?CGS? ourselves, Asian and Pacific American Legal Center, MALDEF. I think, on the whole, our organizations do not think that mid-decade redistricting is a viable solution, but we would like to see some type of redistricting reform. And I think that most of our groups think that the independent redistricting commission is very important. I would point out that I think a lot of these pieces have to do with -- We've talked about in depth the selection of the panel. We talked a lot about the criteria. We didn't talk a whole lot about process, and I think that the pieces that are written into these bills that try to protect process, that try to prevent ex-parte communication, that try to exclude incumbency information, that try to make sure that the final maps that are presented are not ones that are created in the darkness of a back room, but really ones that have been "vetted" through a public-hearing process, that those are equally important for us to focus on in terms of evaluating what proposition or what bill folks should -- should push for. Just two things that we haven't really talked about, and they are interesting notions, and I would say that there's not a whole lot of consensus amongst our groups about what to do with them, except that I think an independent redistricting commission opens up the possibility of other types of reform, and some of those reforms include this question of increasing the number of seats so that you can have seats that are not gargantuan and representing 800,000 people, but could be brought back down to size. You could imagine that each decade, that the commission would be tasked with creating or following a formula where the number of seats could be scaled up or down, depending on the population growth or shrinkage. And then, additionally, proportional voting. It is impossible to imagine a situation where the existing legislature would -- would create a proportional voting system, because they would be writing themselves out of seats that could protect them, but an independent redistricting commission could consider ideas like that each decade, and think about whether or not ... those are viable options. Now I'm not saying that that's going to happen in 2012 or even 2022, but you open up the possibility that a different concept of redistricting could happen because the people who are drawing it are not directly self-interested in creating those districts.

Mr. Yarnold: Okay. Doug?

Mr. Johnson: I think we've covered a lot. I think it's pretty clear that, you know, redistricting reform will be bring very positive change to the state. I think it will bring more competition -- not total competition, but more competition. More representative government. It will increase the connections between the voters and their representatives. It will increase the desire to get things done in Sacramento, and Bruce used a great phrase that I think, if he doesn't mind, I'm going to use.

Mr. Cain: ?It's all yours?.

Mr. Johnson: You referred to, you know, in the purity of my heart, I would love to see this happen as soon as possible. But in terms of, we've been working on this for 30 years. I mean in '82, we did an amendment with the League of Women Voters, (unintelligible) in the league, and -- and we got beat 2:1 on this, actually, citizens-commission redistricting proposal. Waiting four more years? We'll take it, if we--if it--makes it a much more sure thing on the ballot. I think anything is better than the legislators' drawing it themselves.

Mr. Yarnold: ... Bob?

Mr. Johnson: (unintelligible) a lot of ideas out there.

Mr. Stern: Well, I think this is an historic opportunity to enact a major reform, and I have to give the governor lots of credit for raising this issue that most people don't really think about as a -- as a very important issue.

Mr. Yarnold: It is not the sexiest issue on the agenda, no.

Mr. Stern: No, it certainly isn't. I have to give the legislative leadership great credit for saying, "We're willing to give up our power to redistrict," and so you have agreement on a commission. The only real question is, when? And that is -- is the real cutting-edge question. Will -- Will they be able to get together and -- and agree on something that's either 2011. Probably not 2006, but maybe 2008 or so. So I'm hopeful that they will, and I -- I'd have to give both sides credit for really moving on this.

Mr. Yarnold: Okay. Paul?

Mr. McKaskle: Well, I, based on personal experience, think that a--some kind of a--citizen, judge, whatever it might be, commission, can work, and I think it can work effectively. I think what has been done in the past could be improved upon, and I guess, speaking -- I say that from a technical standpoint, because of my experience, but as a citizen, I guess I find myself somewhat offended by the idea that the election ultimately doesn't mean a thing --

Mr. Yarnold: Okay. So let me -- let me ask --

Mr. McKaskle: -- as it is right now.

Mr. Yarnold: Let me, as a last question, [and] this really will be the last question, let's come back to voters and readers and citizens. We've talked about the system and the process and the legislature. Tell our readers one reason why they should favor redistricting reform. What will it mean to them?

Mr. Stern: They get to pick their legislators, as opposed to the legislators' picking them.

Mr. Yarnold: Okay. Paul?

Mr. McKaskle: I think I would go along with that.

Mr. Yarnold: Doug?

Mr. Johnson: It will make their legislator more responsive to them.

Mr. Yarnold: Kathay?

Ms. Feng: Your neighborhood and your community interests that you really care about will be held intact.

Mr. Cain: I cannot tell a lie. It will not change their life very much. (laughter)

Mr. Yarnold: Okay. Let's end on that note. Let me thank you all for coming. We appreciate this, the first in the Voices of Reform panels. We appreciate your time and thanks so much. It was a really rich session. Thank you.

Male voice: That's a killjoy!

Ms. Feng: ... Why did we end on Bruce?

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