Date: 2021-10-12
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Title: Remarks on Public Plan C2102
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Affirm public info: I agree

Regarding: Congressional

Message:
The framers of the Constitution knew the abuses of Old World despotism. They knew its history of torture and religious persecution, of vassalage and debt peonage, of capricious rulers and capricious justice. They read their Plato's Republic and their Machiavelli Discourses and their Montesquieu Spirit of the Laws. Mindful of those lessons, they tried to create a society ennobled by respect for the rights of all citizens. It was to prevent those excesses of Bad Government that they built safeguards into our society's foundational Constitution.

But the framers had no foreknowledge about the pitfalls of a democratic republic. They had no practical experience with representative democracy because they were inventing it from pure imagining. When they directed in Article 1 that there be a Census and a reapportioning of representation every ten years, they believed that men (always men) of good will, good faith, compassion and vision – or at the very least, men driven by the practical necessity of discourse, negotiation and compromise – would craft political maps that would be fair and just to all.

It took just two decades for clever persons to invent and implement the political gerrymander. A creature that the framers never imagined – because the drawing of representative maps was unknown to the Old World – made it possible for partisan winners to put a thumb on the scale of democracy; to disempower and even exclude opponents from governance; to create artificial majority by guile and gamesmanship instead of reason and suasion, contrary to what the framers envisioned.

For the next 200 years, we have lived with that creation and tolerated it, unable to define it properly or offer a meaningful prescription against it. For much of that time, gerrymandering remained a black art whose advantage was unknowable. But the last two decades have seen a transformation in public life driven by digital technology. The rise of fast and inexpensive computing, the advent of sophisticated mapping software and the availability of big demographic data have brought engineering precision and unprecedented force to the crafting of partisan gerrymanders. The next 20 years will probably see advances in artificial intelligence that could bring machine logic to a new assault on representative democracy.

In the last redistricting cycle, digital technology made it possible to design districts with elaborately gerrymandered contortions and minutely tailored demographics. But that technology has brought something new to the current cycle: the availability of free online mapping software that enables lay citizens to draw their own maps and to oversee the partisan craftiness of their leaders' handiwork. Those tools can have a newly democratizing effect on redistricting, bringing people more control over their own governance.

In that spirit, the grass roots organization Texas Redistricting, whose 900 Facebook members are advocates for

redistricting reform in Texas, submitted its own district plans to the Texas Legislative Council for consideration. Those plans for U.S. Congress (Plan C2102), Texas Senate (Plan S2172) and Texas House (Plan H2262) were all guided by the same design philosophy: that urban and rural communities should have their own spheres of representation; that compact districts can adequately represent the interests of communities bound by proximity of neighbor-to-neighbor; that residents of Texas can achieve proportional representation with respect to partisan leaning and ethnic minority interest without recourse to self-packing; that criteria based on population size and geography can prevent the pernicious effects of packing and cracking for unfair advantage.

The results speak to the rightness of that approach. In a state whose voting age population per the 2020 U.S. Census is 57% ethnic minority, the maps submitted by Texas Redistricting yielded the following results in proportion of the voting age population:

U.S. Congress Plan C2102: 23 Majority-Minority Districts (60% of the 38 Districts)
Texas Senate Plan S2172: 17 Majority-Minority Districts (55% of the 31 Districts)
Texas House Plan H2262: 84 Majority-Minority Districts (56% of the 150 Districts)

The Legislature's plans produce 18 Majority-Minority Districts in Congress (47%), 15 in the Senate (48%) and 77 in the House (51%).

Moreover, the Texas Redistricting plans yielded the following results for minority opportunity districts consisting of 60% or more of the voting age population:

U.S. Congress Plan C2102: 15 Minority Opportunity Districts (39% of the 38 Districts)
Texas Senate Plan S2172: 14 Minority Opportunity Districts (45% of the 31 Districts)
Texas House Plan H2262: 62 Minority Opportunity Districts (41% of the 150 Districts)

The Legislature's plans produce 13 Minority Opportunity Districts in Congress (34%), 11 in the Senate (34%) and 61 in the House (41%).

With respect to partisan leaning, the Texas Redistricting plans yielded districts that reflected trends of 52% Republican and 45% Democratic voting in a composite of the 2016 and 2020 Presidential Elections, 2018 and 2020 Senate Elections and 2018 Governor and Attorney General Elections. In the following results, districts reported as solidly Republican or Democratic had 55% or greater of the total vote and competitive districts fell in the 45-55% range:

U.S. Congress Plan C2102: 16 Republican Districts, 13 Democratic Districts, 9 Competitive Districts
Texas Senate Plan S2172: 11 Republican Districts, 10 Democratic Districts, 10 Competitive Districts
Texas House Plan H2262: 65 Republican Districts, 59 Democratic Districts, 26 Competitive Districts

The egalitarian outcomes of Texas Redistricting's maps were not an engineered outcome but simply the fortuitous result of purely objective map-making. Using online mapping software and 2020 Census data, these publicly submitted plans produced by Texas Redistricting offer a reset to the historically gerrymandered districts created by both parties in Texas, stretching back for decades. These districts weren't designed to protect incumbents, and in fact, the plans produced several districts where incumbents have been paired. That was to be expected in freshly constructed plans based on geographic compactness. These plans also created many open seats offering opportunities to both incumbents and new candidates. What these plans don't do is compound the distortions of past redistricting by adding new distortions driven by uneven population growth or by the imperative of incumbent protection. These plans yield rational, intuitively compacted districts intended to serve local community interests.

Texas Redistricting's Remarks on Public Plans C2102, S2172 and H2262

The framers of the Constitution knew the abuses of Old World despotism. They knew its history of torture and religious persecution, of vassalage and debt peonage, of capricious rulers and capricious justice. They read their Plato's *Republic* and their Machiavelli *Discourses* and their Montesquieu *Spirit of the Laws*. Mindful of those lessons, they tried to create a society ennobled by respect for the rights of all citizens. It was to prevent those excesses of Bad Government that they built safeguards into our society's foundational Constitution.

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It took just two decades for clever persons to invent and implement the political gerrymander. A creature that the framers never imagined – because the drawing of representative maps was unknown to the Old World – made it possible for partisan winners to put a thumb on the scale of democracy; to disempower and even exclude opponents from governance; to create artificial majority by guile and gamesmanship instead of reason and suasion, contrary to what the framers envisioned.

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