

Commission Meeting

of

NEW JERSEY REDISTRICTING COMMISSION

*"Testimony from the public on the establishment of congressional districts
in New Jersey that will be in effect for the next 10 years"*

LOCATION: Rutgers University
Camden Fine Arts Building
Camden, New Jersey

DATE: September 22, 2011
2:00 p.m.

MEMBERS OF COMMISSION PRESENT:

John J. Farmer Jr., Chair
Assemblyman Joseph Roberts Jr., Delegation Chair
Michael J. Baker, Delegation Vice Chair
Michael Duhaime, Delegation Chair
Assemblywoman Caroline Casagrande
Nilsa Cruz-Perez
Sherine El-Abd
Edward Farmer
Aubrey Fenton
Jeannine Frisby LaRue
Eric Jaso
M. Susan Sheppard
Philip Thigpen



ALSO PRESENT:

Frank J. Parisi
Raysa Martinez Kruger
*Office of Legislative Services
Commission Secretaries*

Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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JOHN F. FARMER JR. (Chair): Good afternoon, everybody.

It's my pleasure to convene this first public hearing of the New Jersey Redistricting Commission. I welcome everybody to Camden.

I want to thank the folks at Rutgers-Camden for hosting us today in this very capacious room.

The purpose of today's hearing is to really hear from you. You hear from us all the time in various venues. But the purpose of today is really to hear from the public and get your views on what the redistricting map should look like. So that's what we're here to do. And I will call you up as soon as we formally convene the meeting.

Frank, would you call the roll?

MR. PARISI (Commission Secretary): Certainly, Mr. Chairman.

Michael Baker.

MR. BAKER: Here.

MR. PARISI: Caroline Casagrande.

ASSEMBLYWOMAN CASAGRANDE: Here.

MR. PARISI: Nilsa Cruz-Perez.

MS. CRUZ-PEREZ: Here.

MR. PARISI: Michael Duhaime.

MICHAEL DUHAIME (Delegation Chair): Here.

MR. PARISI: Sherine El-Abd.

MS. EL-ABD: Here.

MR. PARISI: Edward Farmer.

MR. E. FARMER: Here.

MR. PARISI: Aubrey Fenton.

MR. FENTON: Here.

MR. PARISI: Jeannine Frisby LaRue.

MS. FRISBY LaRUE: Here.

MR. PARISI: Eric Jaso.

MR. JASO: Here.

MR. PARISI: Speaker Roberts.

JOSEPH ROBERTS JR. (Delegation Chair): Here.

MR. PARISI: Susan Sheppard.

MS. SHEPPARD: Here.

MR. PARISI: Phil Thigpen.

MR. THIGPEN: Present.

MR. PARISI: Dean Farmer.

MR. J. FARMER: Present.

MR. PARISI: You have a quorum.

MR. J. FARMER: Thank you, Frank.

I should note a few housekeeping items. We're going to have-- This is the first of three required public hearings. The next two hearings are going to be on October 11, in Newark and in New Brunswick, both at Rutgers campuses. We will be announcing the specific times and locations in the next few days.

I also want to note for the record that our website is up and running as of Tuesday.

Frank, do you want to give them the specific site?

MR. PARISI: Yes, the site -- the address of the site is, all in small letters, njredistrictingcommission.org. There were some issues about it coming up on some search engines. I think that that's because the search

engines have not refreshed. We just checked it a little while ago, and it does seem to be up. If there are any problems that anybody has, please contact me or just be patient, wait a couple of days, and it should be up and running. And on that site is information about where meetings -- future meetings will be, as well as transcripts of the meetings that have occurred so far.

MR. J. FARMER: Thank you.

As I said, we're here today to hear from you. But first I want to just put on the record, we lost a great lawyer this week, and a great friend and mentor to me, Michael Cole, who died last weekend. Mike was the embodiment, in my mind anyway, of fairness and bipartisanship in his approach to everything. And he's really been somebody I've tried to model my career after. And it's very sad news that he passed. And I just wanted to note that I want to pursue this assignment in the spirit of Mike Cole, because I think it's the right spirit for New Jersey.

Before I call the first witness, I'd invite anybody who would like to, to make some opening remarks. (no response)

First is Mayor Redd, City of Camden.

MAYOR DANA L. REDD: Good afternoon, Chairman Farmer, Co-Chairmen Roberts and Duhaime, and to all of the members of the Redistricting Commission. Let me take this opportunity to welcome you to the great City of Camden, the city invincible, where we are experiencing a rebirth. And we want to thank you for your extraordinary support in our efforts to rebuild our city.

As you begin to consider public hearing and testimony for the congressional map, we ask that you would continue to be as transparent as

possible during the process. I formerly served as a member of the Congressional Redistricting Commission back in 2001, and I know of the enormous responsibility that is before you during the next several hearings that will be held. And we are grateful that you held your first hearing in South Jersey, in the City of Camden.

I would also ask that the Commission draft a new congressional map using the traditional redistricting criteria, such as the one-person-one-vote mandate, which ensures that congressional districts are divided according to population so that each person has an equal amount of representation in government; that the map also complies with the Federal mandate of the Voting Rights Act to ensure that it reflects also the diversity of our state and is not racially discriminatory; that our districts be compact; towns should be contiguous; and communities of interest should be preserved to the degree possible. Continuity of representation should also be a factor in your deliberation and your discussion. And I'm sure you will hear from the public as you move your hearings around the State of New Jersey. And there should also be political fairness which reflects the political complexion of the state and not be disproportionately biased to either party.

In closing, once again it is great to see all of you here in the City of Camden, and we thank you for your time and effort, which will be dedicated to redrawing the map for the next 10 years.

God bless you, God bless this Commission.

MR. J. FARMER: Thank you, Mayor Redd.

Our next witness is Mayor David Mayer, from Gloucester Township.

MAYOR DAVID R. MAYER: Thank you very much, Dean Farmer, Speaker Roberts -- always great to see you -- and members of the committee.

My name is David Mayer. I'm the Mayor of Gloucester Township, which is a community that is located in southern Camden County, a community of about 65,000 residents. And I want to thank you for hosting this first committee hearing here in South Jersey, an area of our state that is growing, and populations are growing here. And so I thank you for that, and I thank you for your commitment to moving this process forward. The time that you are going to take is certainly valuable and is important to our state. So I thank you for that.

Just to also say that I thank you for the transparency and the fact that you are so willing to allow our residents to come and participate in this process. I certainly thank you for that.

I also thank you and urge you to continue to consider the one-person-one-vote mandate. I think that is extremely important as you go through your deliberations; and certainly to comply with the Voting Rights Act to make sure that all residents of our community are appropriately represented.

I also, as a Mayor, want to talk to you about the importance of continuity as far as a municipality is concerned, and doing our best to ensure that a municipality is placed within one congressional district. It is-- Government is confusing to many people, especially when you start to draw lines where you divide a community. Whether you call it *home rule* or just pride in our community, we all certainly cherish the communities that we live in. And when you start dividing those communities, through political

lines through the redistricting process, it just adds to the confusion of our residents. And so I would ask this committee to please take into consideration the continuity of communities.

I have the good fortune of teaching a course in State and local government. And when I talk to our students about -- whether it's legislative, or State legislative lines, or it's our Federal redistricting lines, it is foreign to them. And when you then compound that with the fact that you are dividing neighbors -- neighbors who live across the street from one another-- I had the good fortune of being a congressional staffer. I was dealing with those phone calls that came into the office. Although we helped everybody, regardless of where they lived, it was still confusing to that resident. So I would ask you to keep into consideration the continuity of a community and its identity.

So, again, I appreciate the opportunity that you have afforded us here in South Jersey to host your first meeting. And we certainly thank you for the job that you are doing in this process.

Thank you.

MR. J. FARMER: Thank you.

The next witness is Robert Witterschein.

Welcome.

ROBERT WITTERSCHEIN: How are you doing?

Mostly, most of mine are really questions more than proposals. So I'm hoping you can, kind of, help me with that.

We all know that the congressmen -- technically they don't have to live in the district that they're in. We all know that they do, for obvious reasons, but technically they don't have to. In this redistricting

process, is it possible that we can have a congressman that is not in their district that they represent?

MR. J. FARMER: As I say, we're not really here to answer questions today. But you're here to put them on the record, and we'll get back to you on those.

MR. WITTERSCHEIN: Yes. That was one question.

Also, I'd like to know, during this process -- if you're going to have any proposed maps or outlines of maps while you're going through this, or we're just going to find out -- if we're just going to have one final map?

I don't know if you know-- I know you have meetings -- closed-door meetings between -- since when you had your first meeting and now. I don't know if you have any idea of who you have out at the moment and who they're up against -- what two congressmen are going to merge with each other, whether it's going to be a Democrat or Republican, or two Democrats, or two Republicans.

That was pretty much it.

MR. J. FARMER: Thank you. Those were all good questions. I appreciate your asking them.

Next we have Susan Michielli, who represents labor, from Barrington, New Jersey.

Welcome.

S U S A N M I C H I E L L I: Thank you.

Good afternoon, everyone.

MR. J. FARMER: Good afternoon.

MS. MICIELLI: My name is Susan Michielli. I am currently the Secretary-Treasurer of the Southern New Jersey Central Labor Council, representing 80,000 members. And in about a week, I will be taking over that Council as President. And I also am the Recording Secretary for the United Food and Commercial Workers, Local 1360, which represents about 10,000 members in private sector and public sector.

I'd like to thank you for holding the first meeting here in South Jersey, and request that you keep these hearings as open and as transparent as possible. Mostly, I'm requesting that the Commissioners draft new maps using traditional redistricting criteria, complying with one person, one vote and the Voting Rights Act. The map should not be racially discriminatory and should be compact with communities of interest being present. This process should be politically fair and reflect the political complexion of the state, and not be disproportionately biased to either party.

I thank you, and I thank you for giving me this opportunity.

MR. J. FARMER: Thank you very much for testifying.

The next witness is John Wisniewski, New Jersey Democratic Chairman.

Mr. Chairman, welcome.

ASSEMBLYMAN JOHN S. WISNIEWSKI: Good to see you again.

Ladies and gentlemen, Dean Farmer, Co-Chairs Duhaime and Speaker Roberts, and to members of the Commission, I recall that when we did our legislative redistricting hearings, our first hearing was also in the City of Camden. And I hope that you're able to get out of here quicker than we did with the testimony that we had on that day. (laughter)

First of all, let me thank you for your service. Having sat on a redistricting commission, this is the easy part of the task, sitting and listening to testimony, and thereafter digesting it and trying to get a sense of what people of the State of New Jersey are expecting of you. The hard work happens after this, when you actually have to apply the numbers to the geography. Having co-chaired the Commission in the past, I know that that's not an easy task, and there will be lots of demands placed upon you, lots of questions asked of you, and you will have to live up to a lot of expectations.

Looking back, I'm proud of the work that the Commission was able to do. We produced a new map that is fair, it's representative of New Jersey's changing demographics, and it was held up for judicial scrutiny and passed.

I'm encouraged by the selection of the representatives of the Commission and by your choice of Dean Farmer as the 13th, tie-breaking member. His credentials and reputation for fairness are well-known not only in New Jersey, but beyond. He provided great service to our country with his work on the 9/11 Commission.

And I'm confident, Dean, that you will provide a great service to our state in the work you do here.

It's my hope that the Dean's vote will not be needed in deciding a map for New Jersey; that the members of the Commission can come together and adopt a map that meets the expectations of both sides of the aisle based on established ground rules, and neutral data and criteria that everyone can agree on. As you are well aware, the final map will be the product -- will have to be the product of traditional redistricting criteria.

And you've heard this before from other speakers, but it bears repeating: districts must be compact; the towns should be contiguous; communities of interest must be preserved to the degree possible; there has to be strict adherence to the one-person-one-vote standard; and compliance with the Voting Rights Act.

I would encourage that, to the greatest extent possible, your work be done openly, and transparently, and fairly. Having a website where members of the public can not only submit their ideas to you, but understand the work you're undertaking, is a big step in that direction. I would also encourage you to take into account the continuity of representation. This is very important in this exercise of redistricting because New Jersey, once again, is going to lose a member of our House Delegation. And with the loss in the number of members of our Delegation, seniority is going to become an ever more important factor in deciding how New Jersey fares in Washington.

One final bit of advice: Conduct your work fully expecting that no matter how good a job you do, no matter how thorough your deliberations, there are going to be those who will be upset and who will second-guess the decisions you make. They'll likely turn to the courts to redress their grievances. How well you do your job will determine how likely it is that the court will uphold the work you do.

With that said, members of the Commission, I want to again give you my deepest respect for working on this. It is a time-consuming process that requires careful deliberation. The future of New Jersey's Congressional Delegation is in your hands. I wish you well. I offer myself

for any support, advice, and guidance you may need based on my prior experience.

I thank you for the opportunity to appear before you today.

Thank you.

MR. J. FARMER: Thank you.

The next witness will be Patrick Murray, from Monmouth University.

PATRICK MURRAY: Thank you for the opportunity.

MR. J. FARMER: Good afternoon, and welcome.

MR. MURRAY: And I wish you all the best on behalf of the State of New Jersey for a good map that represents the needs of the State of New Jersey.

A few things that I would like to ask the Commission to consider quite seriously in its deliberations over this new map-- If you had followed my musings over the legislative mapping process, you may think that I'm going to sit here and argue that we need more competitive districts in this congressional map. That is not what I am arguing. In the legislative process, I felt that a certain number of competitive districts would make the Legislature, as a whole, more accountable, and that would serve the people of New Jersey much better than, quite frankly, I feel the current map will, without leading to too much volatility. And that was possible.

However, in the congressional map, you only control 12 out of 435 seats in the U.S. Congress. To push for more competitive districts for the sake of competitive districts would likely put New Jersey at a disadvantage as a whole, because we would have much more junior members of Congress. There would likely to be a lot of turnover. And as

we know, seniority begets influence. Now, I am not for incumbent protection for the sake of incumbent protection, but I do acknowledge that some degree of longevity is important for our members of Congress to establish relationships with the leadership in their parties in Congress, in order to have the type of influence that is necessary to effect change that is beneficial to the State of New Jersey -- a state which, as we all know, ranks lowest in terms of the amount it gets back in Federal spending for every tax dollar it sends to D.C.

So I'd like you to look at a number of standards, and actually establish standards and publicly publish those standards. I know in the past we've had standards -- and certainly in the legislative redistricting process, the tie-breaking member announced standards at the first public hearing that, in the end, I felt hamstrung him into having to choose one map over the other. I don't think that is necessary. But standards help us in terms of making this map publicly justifiable.

And there are a couple of standards that I'd like you to look at specifically. One is compactness. According to an independent analysis run by Azavea, which is a GIS software company in Philadelphia -- which had no interest in any particular state. It's done some work in Philadelphia. But it decided to run an analysis of the compactness of all the congressional districts across the country. It used four different measures, including one that was developed by Ernie Reock, who is known to all of us here, and three other measures as well. Two of the measures focus on dispersion, how long and narrow a district is. The other two measures focus on indentation, basically how many times the boundaries of a district zigzag back and forth.

But basically they all run on the premise of looking at a ratio between the land mass or the area of the district and the distance of its perimeter.

And what Azavea decided to do was just to look at all four of those measures -- there are many others, but these are the four best known -- and rank the districts, and also rank the states. On three of those four measures, New Jersey came out as the fourth or fifth least compact congressional map in the country. Among the individual districts, our current District 6 was in the top 10 on those three measures. Numbers 13 and 12 also did not fare very well in any of the four measures that these compactness measures calculated.

We have one of the least compact maps in the country, and that has consequences for how our members of Congress can represent their constituencies. If your constituency runs from Belmar, on the coast in Monmouth County, to Plainfield, you have a huge variety of views that you have to represent. The fact that these districts already need to be over 700,000 residents in and of itself presents a challenge for our members of Congress. To have them have to wind this snaky structure of a district makes it even more difficult, and more difficult for the voters. And so that is one place where I would like the Commission to set some standards. We don't have to say that we need an exact standard of how compact they're going to be, but to establish a range -- a range of improvement using mathematical compactness standards which are readily available. And I'm sure that there are those out there who would provide that consultation for a very nominal cost to the Commission.

The other standard that I think is very important to establish is community of interest. We hear a lot about community of interest, and

certainly 24 states have some reference to community of interest in their legislative guidelines. A few of those are constitutional, some are by statute, some are just simply listed in the guidelines that are given to the legislature or to the commission that designs those maps. In very few of those cases, though, is community of interest really defined. States like Alabama and California have very extensive definitions of what they entail community of interest to be. And, in fact, California says that you can't consider political inclinations of the voters or incumbents' residency, whereas the one in Alabama says that you can include that as a community of interest standard. But this Commission should develop some community of interest standards, and what they mean, and what will guide them in determining how a map should be compact to keep those communities together.

I heard the Mayor of Gloucester Township -- the town I grew up in -- talk about the splits in his town. The town that I live in right now -- Franklin Township, in Somerset County -- also experiences that. For the past 10 years, I lived in the -- for most of the past 10 years, I lived in the 6th Congressional District, which cuts into a small northeastern corner of Franklin Township, which in some cases makes sense. It's geared toward New Brunswick -- part of the 6th District; a lot of shared interest, certainly. But the way that that line was drawn really even divided up that northeastern part, so that I was in such a small part of Franklin Township that my zip code -- that I received franked mail from Congressman Rush Holt in the 12th District, but none from my own member of Congress. So I had no communication with my member of Congress for most of 10 years. Last year I moved less than a mile up the road. I am in the same ward, represented by the same ward councilman, but I now have a different

member of Congress. In fact, Eli Manning could stand in my front yard and toss a bomb to my neighbor and land it in a different congressional district.

These things need to change. Particularly the 12th Congressional District, which cuts into at least eight municipalities. There needs to be some minimization, or maximum number of towns -- of split towns that one particular district can represent. Another way to define *community of interest*, in terms of communications, is -- while we don't know at the end of this decade how many people are going to be reading the newspapers -- newspaper circulation in and of itself is one good measure of a shared interest -- a shared community interest. That's where you get your information from. So that newspaper can focus on that member of Congress, rather than having six different members of Congress, three different members of Congress, and that member of Congress also having to deal with five or six different media outlets.

As we've seen in the past, the 3rd Congressional District has -- if you wanted to run a campaign there, you had to advertise in both the Philadelphia and New York media markets. That should be a no-brainer. That should be part of the definition of *community of interest* -- is to minimize those types of splits.

So those are two standards that I ask the Commission to develop and actually publicly publish that will help guide them -- not hamstring the Commission, but guide you in your decision-making process.

The final thing that I would call the Commission to do is to make this process truly transparent and give the public a real level of input into what's going on here -- is to take the mapping software that you are

already using, to spend the extra \$5,000 to \$10,000 to license it as a public mapping software, and let the public draw legally defined maps. Let everybody have a hand at that. It's not difficult to do. That mapping software provides the guidelines. And many people who have come to testify, and I've seen testify at redistricting hearings, don't understand there are legal definitions. This would provide them with the opportunity to do that and to have a real level of input into what these maps should look like.

Thank you very much for your time.

MR. J. FARMER: We have a question from Chairman Duhaime.

MR. DUHAIME: Just a question.

Patrick, you mentioned seniority early on as an important factor, then you mentioned a number of others. I'm just curious on your take on where you would rank them. You named a number of things. There's always a (indiscernible) whether seniority should outrank shifts in population or any other factors. You named compactness and a number of factors. They all rub together. I would be curious in your ranking there.

MR. MURRAY: I would say I don't-- I would not rank seniority as a high priority in and of itself, because we found that seniority -- the number of years you serve in Congress -- does not necessarily mean influence. But by the same token, I would not use competitiveness as a way to ignore seniority altogether. But if you look at compactness and community of interest as the key priorities that you're looking at, and then seniority as secondary to those-- So if you have to decide, "Well, I have to draw-- Do I split this person's district or that person's district more?" I would argue that then seniority may come into play as one of the standards.

MR. J. FARMER: Any questions? (no response)

Thank you.

The next witness is Doug DeMeo, DeMeo for Congress.

Welcome

D O U G D e M E O: Welcome.

Good afternoon, and thank you. I appreciate the opportunity to be here.

Over a year ago I bought a house in South Trenton, and as I am preparing a candidacy for the 4th Congressional District, I certainly would appreciate knowing, if at all possible and as soon as possible, where South Trenton would lie in the 4th.

And to add a further comment, I actually welcome a very wide diversity of demographics. Interestingly, in the 4th, which covers Burlington County, and parts of Mercer County, across to the ocean and Jersey Shore-- With that wide demographic, it's very important, I think, to try to unite folks for the common good. I think it's a conversation our country urgently needs, so I welcome that challenge.

Thank you.

MR. J. FARMER: Thank you.

That's the last witness slip I have.

Has anybody else signed up, Mr. Secretary?

MR. PARISI: Not that I'm aware of.

MR. J. FARMER: Okay. Any new business on the part of anybody on the Commission? (no response)

Do I hear a motion to adjourn?

MR. ROBERTS: So moved.

MR. J. FARMER: Second? (affirmative response by unidentified member of Commission)

All those in favor say aye. (affirmative responses)

We are adjourned.

(MEETING CONCLUDED)