

September 26, 2013

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Dear Commissioners:

Please forgive me if you think these comments are inappropriate since they do not deal exclusively with redistricting.

Meeting on September 25th. Although many persons spoke at the meeting last night and were critical of the commission's unfinished map, I hope you will recall that virtually all of the speakers began their statements by complementing you for your effort. Your task is difficult. Ultimately it is impossible to please everyone. I am confident that you will remain focused on the task given you by the city charter.

Correspondence with Arnold Garcia and Sarah Coppola. My exchange of e-mails with Arnold and Sarah is included at the end of this letter. I believe Arnold and Sarah make a good point about always erring on the side of openness.

Media. The Statesman is not your enemy. It has a job to do – reporting what it sees and hears. Media attention is often upsetting as the person under the spotlight seldom sees events the same as the media reporter. The relationship between the newsmaker and the media is the key to accurate reporting. Accurate reporting, in turn, is in everyone's interest. You know far more than me about such matters, but I urge better communication with all of the media to assure the least chance of unnecessary misunderstandings.

District One. I am confident that each of you wants the strongest possible District One under the Voting Rights Act. Disputes over "ownership" of the district's boundaries (e.g. AGR v Commission) are inappropriate. The district configuration taking shape under the commission's auspices is already similar to the AGR plan. The commission was justified in not starting with the AGR plan, but there are still lessons to learn from the AGR plan and modifications to make to District One in the commission's plan.

Redistricting Experts. Experts are valuable. Please recall, however, that they are accustomed in the past to working with government politicians in executive session. The objective in the past has been to satisfy the politicians as the decision-makers, not to develop a plan in response to public testimony. Experts have been customarily used to put a "professional" imprimatur on a plan drawn behind closed doors. With very rare exception, even the commissions in other states have been driven by political considerations in closed meetings. The Austin charter envisions a very different process in which the plan is drawn in the public, without political influence and based on witness testimony. I repeat my

earlier comments that a mapping expert is a resource and tool for enabling the work of this commission, not a substitute for the judgement of this commission or the testimony of witnesses.

Thank you.

Steve Bickerstaff

Correspondence with Arnold Garcia and Sarah Coppola:

Dear Sarah and Arnold:

I was disappointed in today's editorial about the independent redistricting commission (ICRC).

Contrary to the editorial, the commission's process has been very transparent. In fact, I believe that it has been far more transparent than any prior redistricting process in the state of Texas. Certainly it has been far more transparent than any redistricting that I have seen in my 40 years of experience with government redistricting.

All decisions have been made in open meeting. There have been no executive sessions to draw districts. On the 21st, the commission did the unprecedented act of allocating each county election precinct one by one among the city districts. No governmental (e.g. city council) has ever proceeded in such a manner. Usually a governmental body just comes forth (or has its mapping expert come forth) with one or more alternative plans that have been developed behind closed doors.

Moreover, every commission meeting has been televised. Every decision has been public.

The meeting on the 21st was a long one and did not result in a completed map. Suggesting in the editorial that this incomplete map (which was developed in open meeting on television) should have been publicized is like saying a partially drafted contract (with only the boiler plate provisions) should be publicized. The incomplete map never was finished nor received any vote on September 21st. It remains a work in progress.

The charter requires that once the commission draws a preliminary plan, it must conduct at least four public hearings on that preliminary plan and allow at least 14 days for written comment. Even after approving a final plan, the commission must conduct two more public hearings and allow at least five days for written comments. The charter requires a very open and transparent process.

You may wonder why the editorial makes any difference now, even if it is mistaken. Unfortunately, persons in other cities and states watching this process will have ready access to the editorial and little knowledge of the truth.

As I said, I am disappointed that the statesman was not more thoughtful in its comments. The paper should be commending these commissioners who are serving long hours without pay and without any

individual future benefit (e.g. elective office). I have been amazed at how the commissioners are smart and conscientious, and care about their task. The Statesman should be commending their work; not criticizing them for an incorrect reason.

Steve

From Arnold Garcia

I'm sorry you were disappointed but you'll note that the tone of the editorial was very respectful and mentioned the hard work. I have been in contact with both the director and chair of the commission and noted that the map should have been turned over voluntarily. We had to prod them into it and that – like it or not – was perceived as a retreat from transparency. You're right that there are a lot of people watching the commission and not all those eyes are friendly. The editorial was not a shot, but a reminder that everything they do sets a precedent. As we noted in the edit, it's best to err on the side of openness. FYI: We're running an updated version of the editorial on line to reflect that the map was released and a clarification in tomorrow's print editions

From Sarah Coppola:

Thanks Steve. My work as a reporter is separate from the editorial board, and they did not let me know they were writing that editorial. So the perspective in the editorial is the position of the ed board.

That said, I think the ed board's main point is a good one – that the commission needs to release all of its draft maps quickly to the public and to reporters. On Sat., the commission decided it didn't want to release copies of its draft maps until it agrees on a more "final" preliminary map. That is a violation of open records laws because they had already begun discussing a draft map at a public meeting. We didn't get a copy of the commission's draft map until Tuesday, three days after the Sat. meeting – and only after I filed an open records request for it. That is not transparency at its best.

See you tonight,
Sarah

September 25, 2013
Sarah and Arnold:

Thank you. I do not know why the commission did not release the unfinished map to you and the public. I agree that it should have done so. As Arnold explained, it is always better to err on the side of openness.

However, the Statesman then bore a responsibility for making clear to the public that the map was not a "preliminary plan" but an unfinished work product. Otherwise, running the unfinished map (with totally

insufficient districts, vast areas of unassigned territory and only nine districts) in the newspaper was confusing to the public. I fault both the commission and the Statesman for not understanding what had occurred at the meeting on the 21st and the importance of communicating carefully the status of the work product.

I continue to believe that the Statesman's attack on the ICRC for not being transparent was totally inaccurate.

The commission is making a conscientious effort to do everything right and to be truly independent of the politics of all groups, even including AGR. I believe that any final map from the commission will achieve the goals of creating the best possible minority districts without leaving it open to a lawsuit that claims that the commission abrogated its role and adopted racial gerrymanders submitted by interest groups. The commission must act responsibly and carefully because it faces the possibility of a lawsuit from four sides. I believe it is doing so.

Thank you.

Steve