

SUPREME COURT
OF THE
STATE OF CONNECTICUT

S.C. 18907

**IN RE PETITION OF REAPPORTIONMENT COMMISSION, EX. REL.
PROCEEDINGS BEFORE SPECIAL MASTER**

**COMMENT OF THE COALITION FOR MINORITY REPRESENTATION
STATEWIDE, ET AL ON THE DRAFT REPORT AND PLAN OF THE
SPECIAL MASTER**

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COMMENT ON THE DRAFT REPORT AND PLAN OF THE SPECIAL MASTER

We have no objection to the Special Master's Draft Report and Plan, which strictly complies with the Supreme Court's Order of January 3, 2012. The Special Master has proposed a map that achieves perfect population equality while moving fewer people out of their current district than either the Democratic or Republican plan. At the same time, the Special Master's map slightly improves the districts' compactness compared with the existing map and splits one fewer town than do the current districts.

In evaluating the proposals submitted by the members of the Reapportionment Commission, the Special Master correctly concluded that the Republican proposal fails to comply with the Supreme Court's Order because it "shifts more population, land, and towns than is reasonably necessary to comply with one person, one vote." Draft Report 23. Moreover, the Special Master rightly rejected the premise of the Republican plan – that dramatic population shifts are necessary to ensure compliance with Section 2 of the Voting Rights Act. Finding that "it is not possible to draw a compact congressional district for Connecticut in which a racial or language minority group would comprise 50 percent of the voting age population," the Special Master concluded that the Voting Rights Act could not justify the sweeping changes proposed by the Republican members. *Id.* 11, 23.

Further, the Special Master's account of the hearing he conducted on January 9, 2012 highlights the wisdom of the Supreme Court in directing the Special Master "to modify the existing congressional districts only to the extent reasonably required to comply with" applicable legal requirements. S. Ct. Order ¶2. During the hearing, the Republican members attempted to justify their proposal by appealing to a variety of considerations, including community of interest, the residence of particular candidates, and minority

influence. Unsurprisingly, the arguments based on these considerations were subject to vigorous rebuttal. For example, the Special Master observed that the Republican “plan’s highlighted advantage of increasing minority influence in District 1 was challenged by several minority representatives at the hearing.” Draft Report 23. This observation is accurate, if somewhat understated. In fact, every minority representative at the hearing noted that the intent and effect of the Republican proposal would be to reduce minority influence in the Fifth without meaningfully enhancing minority influence in the First.

In response to the Republican members’ transparently political proposal, the Special Master did the only thing he could do: follow the Supreme Court’s order. As he explained,

All of these considerations – communities of interest, minority influence beyond that required by the Voting Rights Act, and political impact – can be legitimate considerations for a redistricting process. However, these are not factors sanctioned by the Court’s order for my consideration. A process that would evaluate such claims and balance among competing interests would require different criteria than those that have guided the development of the Special Master’s Plan.

Id. 24. Of course, the whole point of the Supreme Court’s order was to distance the Court from the inherently political process of balancing competing goals, interests, and redistricting criteria. The Special Master has honored the letter and spirit of the Court’s order by declining the Republican members’ invitation to draw the Court into the political thicket. Therefore, we hope and expect that the Supreme Court will adopt the Special Master’s recommendation.

Respectfully submitted,
COALITION FOR MINORITY REPRESENTATION
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CERTIFICATE OF SERVICE

I certify that this Brief complies with all the provision of Practice Book § 67-2.



David N. Rosen

Pursuant to Practice Book § 62-7, I hereby certify that a copy of the foregoing Brief of the Coalition of Minority Representation Statewide, et al has been emailed to the following:

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