

Amanda Holt's Testimony, 3/27/18

The legislation before you proposes to take the map drawing power away from the legislature and place it in the hands of citizens. But I ask you: how would this change improve the checks and balances in redistricting?

James Madison noted in 1788 how human nature leads to abuses in government:

“What is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.”

The founders acknowledged the need for controls in government by creating a system of checks and balances. These controls were not only through a separation of powers, but also through the laws they enacted. They referred to the absence of these checks and balances as tyranny, usurpation, and the end of free government.

So, when it comes to redistricting, how are the checks and balances working? Do those involved have a sufficient legal obligation to control their actions in the redistricting process?

Some are concerned the legislature overstepped its bounds in drawing the 2011 congressional map. Others are concerned that the Pennsylvania Supreme Court overstepped its bounds in finding the map unconstitutional and in how it provided for a remedy. All of these concerns point to the same missing piece in the redistricting process – the absence of a clear and measurable standard.

And this is a significant shortcoming in the legislation before you. Citizens, like politicians, are people too. So where is the obligation for the map drawers to control their actions?

Other states have proven a measurable standard is a win for both legislators and citizens. They protect map drawers who adhere to the standard from a court challenge. But the measurable rule also protects the people by allowing them to hold accountable map drawers who violate the standard.

I urge you to first address the underlying, more fundamental flaw exposed in redistricting in recent times before turning your attention to other reforms. If the same flawed redistricting process is handed off to another body, what has been gained?

It is up to each one of you to promote good governance. Will you take the advice of James Madison and other founders by inserting a redistricting control which map drawers will be obliged to follow? Or will you leave the redistricting process without adequate checks and balances, exposing the people to tyranny, usurpation, and the end of free government?

I ask you to set aside self-interest and personal ambition. I ask you to follow the example of the great founders of our nation and commonwealth. I ask you to choose to defend the people and their voice in your decision on this important topic.