

OUR VIEW

Democracy is at stake in districts case

StarNews Editorial Board

Republicans in North Carolina's legislature are objecting to federal judges appointing a "special master" to redraw some of the state's skewed electoral districts.

Of course they do. As Frederick Douglass put it, power concedes nothing without a demand.

And right now, the GOP has the power. Using computer software, they have tailored legislative and congressional districts that guarantee Republican victory.

Politically, North Carolina is a closely divided, "purple" state. Yet gerrymandering has guaranteed Republicans veto-proof majorities in both houses of the legislature and 10 of the state's 13 U.S. House seats. (Notice such results don't happen in statewide races, which can't be gerrymandered.)

This is bad for democracy. Aside from the potential for corruption, skewed districts elect candidates who appeal to their parties' extreme bases, Democrat or Republican, rather than the middle-ground compromisers we need.

A three-judge federal panel ruled that nine of the legislative districts in the latest redistricting plan were still unconstitutional, and they are appointing an outside expert to redraw them.

Lawyers for the legislators argue that the Honorable should have been granted one more chance to get things right. Balderdash: They've been tinkering with the works since they managed to get a majority back in 2010, and they've shown no sign of changing their ways.

As a backup argument, legislators claim that the foremost candidate for the special master's job, Stanford University professor Nathaniel Persily, is biased against them.

How? Well, he's been in academic panel discussions with some of the lawyers representing the citizens whose lawsuit resulted in the court's order. He's also said bad things about gerrymandering. He doesn't seem to think it's fair.

Which is a little like arguing that non-shoplifters are biased and therefore shouldn't shoplifting laws. Persily has his faults. He is a confessed Ph.D. and has been known to hang around college campuses. He's worked on redistricting plans in four other states.

As a researcher for a presidential commission on electoral reform, he endorsed such wacky ideas as expanded early voting and online voter registration. Why, with that sort of craziness, too many people might vote.

We hope and pray the Honorable Court will let the professor do this job. The special master's work might be a model for permanently turning redistricting over to a non-partisan panel, as Great Britain and other countries do. Duke University's idea of calling together retired judges from both parties to draw district lines might just do the trick.

This is a federal case that the people cannot afford to lose.



A three-judge federal court panel appointed Stanford University law professor Nathaniel Persily to redo by Dec. 1 two N.C. Senate and seven N.C. House districts that the judges previously ruled were among 28 districts from six years ago tainted by racial bias. In U.S. federal law, a special master is appointed to make sure that judicial orders are actually followed, or in the alternative, to hear evidence on behalf of the judge and make recommendations to the judge as to the disposition of a matter. [STANFORD UNIVERSITY]