

Redistricting Leads to Dramatic Shift in New Jersey Congressional Delegation: How We Got Here (Part II)

[By Donald Scarinci](#)

Dianne Carman, writing for the *Denver Post*, said “Getting the partisanship out of politics is like trying to take the sex out of porn.” If Congressional Redistricting were rated like a movie this year, it would have received an “X” rating, but it probably would have been called “soft porn.” None of the closed door politics was on public view and few people know what really happened that led to the ultimate result.

While [redistricting by commission](#) is supposed to be nonpartisan, equitable, open, and transparent, that is never the case. Instead, it is a highly politicized process decided by two political parties. The people who clamor for transparency when they create redistricting commissions always end up with a process shrouded in secrecy. New Jersey’s process is no different.

New Jersey is one of 13 states that use a commission to redraw district lines. In the majority of states, the state legislature has the task of drafting redistricting plans. While many will argue that redistricting by commission is the superior process because it is a little less political, the truth is that any redistricting process is subject to gerrymandering. This term was coined in 1812 after Massachusetts Governor Elbridge Gerry became the first politician to manipulate redistricting to benefit his party.

Since the Voting Rights Act was passed, gerrymandering has taken on a much more subtle form than in 1812, but what happens in most states during redistricting is still the same at its core. Each political party maneuvers to benefit itself.

In all of the states that redistrict by commission, the public is encouraged to believe that there is some independent voice for the voters. The statutory composition of the commission, however, all but ensures that it is not true. In New Jersey, the Congressional Redistricting Commission is comprised of six Democrats and six Republicans, each nominated by their parties’ leaders. These twelve members then appoint a thirteenth non-partisan person to serve as chair. If they fail to elect the thirteenth member by majority vote, the Supreme Court chooses the final member from the commission’s top two candidates. There is more about this in [Part I](#) published last week.

The chairperson’s primary job is to take the Republican and Democratic plans and guide them to a compromise that both sides can stomach. Alternatively, the chairperson can draw up his or her own map for consideration by the two parties. The practical result is that one person—the commission chair—largely decides redistricting.

When John Farmer, Jr. was selected this year as the chairperson, the advantage in redistricting shifted substantially to the Republicans. Notwithstanding the pretense otherwise, John Farmer Jr., the Dean of Rutgers Law School and the former New Jersey Attorney General, is a

Republican with long standing friendships with certain Republican members of Congress. His appointment was bad news for the Democrats and one big item on a long list of errors they made throughout the process.

Given that the state was losing a seat in the U.S. House of Representatives, it was logical to propose a map that created a competitive district for one Republican and one Democrat. The Republicans successfully framed the issue that the lost seat in Congress must come from the area of the state that lost population. For whatever reason, the Democrats failed to effectively contest that argument by demonstrating that the area where the population increases requires the greater changes in Congressional district lines.

As any good debater knows, he who frames the issue usually wins the debate. The Republicans framed this issue and convinced John Farmer that they were right. What happened next was predictable. Farmer focused his attention on the northeastern part of the state and caused the Democrats to negotiate against themselves. In the end, Farmer selected the plan endorsed by the Republicans.

For more on Congressional redistricting see, [*Who Were The People Responsible For NJ Congressional Redistricting in 2012?*](#) Also see my [*YouTube video about gerrymandering*](#).

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