

Mr. Rosenbaum,

Thank you for patience while I gathered the recollections of our commission. Fortified by their input, I will attempt to address your inquiries in the form of a narrative. If I make an error in the retelling it is mine alone and not to be attributed to anyone else.

The apportionment commission was appointed by the Supreme Court of Missouri pursuant to article III, sections 2 and 7 of the Missouri Constitution. None of the members sought appointment. All of us knew when we accepted the appointment that it was a thankless job but when the Court calls there is really only one acceptable response and it is "Yes." All of the judges appointed were veterans, having served many years on the bench. I believe Judges Dowd and Richter may be the longest-serving judges in the state. All of us appreciated the gravity and the necessity of our task.

We met, elected Judge Hardwick as our presiding judge and mapped our way forward to have our work done on schedule. We had a briefing by the attorney general's staff as to the legal requirements of our task. We were briefed by a demographer from the office of administration as to the tools available to us through his office. Those tools allowed the commission to see the racial make-up of the population of a proposed district. While the demographer offered to provide some history of prior political party affiliation of the population, we chose not to have that information provided to us as we drew our maps, thereby removing any consideration of political affiliation from our analysis.

We received a considerable number of written submissions in the form of arguments and proposed maps from not only the political parties but also citizen groups of varying political and non-political affiliations. We conducted a public hearing in Jefferson City, where advocates explained many of these proposals to us and answered any questions we had. During this period, we agreed that if any person made an ex parte contact with any member of the commission, that member would report the contact to the commission along with a synopsis of the contact. The only thing remarkable about this is there were almost no ex parte contacts and when it did happen, it was an individual legislator who did not want his or her district changed at all. No outside contact of any kind was tolerated once we commenced deliberations.

Deliberations were exhaustingly complex. It would be inappropriate to comment in any detail on the intricacies of our deliberations, but as judges, we desired to address the legal requirements above all else. We wanted districts that were as nearly equal in population as possible. We wanted districts as compact and contiguous as possible while complying with federal voting rights laws. The only way we thought we could balance these requirements was to start with a clean map, then first address the urban areas of St. Louis and Kansas City and move out through the collar counties into the more rural areas. Many iterations were drawn and redrawn in this attempt. Sometimes the slightest change resulted in unintended consequences. It was

trial and error, repeat and retry, until the final result was acceptable to all of us. I do not believe any political considerations played any part in the drawing of the maps.

Once our task was complete, we determined – just as with our appellate opinions – we would let our work product speak for itself. We anticipated no legislators wanted their districts changed, so all would be disappointed. We were correct. But judges make hard decisions for a living, and sometimes those decisions are unpopular as well. Criticism, while never pleasant, is sometimes just part of the job.

We will express no opinion about any proposed redistricting plan.

I hope this history is helpful to you. If we can be of further assistance please advise.

James E. Welsh, senior judge, on behalf of the 2011 apportionment commission