

Statement of Hon. Tom Campbell, Representative from the State of California

BEFORE

The House Committee on the Judiciary Subcommittee on the Constitution
106th Congress

ON

The State's Choice of Voting Systems Act (H.R. 1173)
September 23, 1999*

Mr. CAMPBELL. Mr. Chairman, Mr. Watt, Mr. Jenkins, thank you for your courtesy and overly generous introduction. I came from a markup in International Relations, and I want to stay here for as long as I can until they summon me back for a quorum or a vote.

I applaud Mr. Watt for his leadership, and I think H.R. 1173 is a good piece of legislation. I wish to state why I think so, because it may be a tad controversial. I think it is beneficial to give the States greater freedom, and I heard Mr. Watt's remarks, and I know that was the burden of his advice as well. But I explicitly think that having multi-member districts allows the possibility of cumulative voting which to me is beneficial; and I would say, whereas this bill does not compel cumulative voting, I consider cumulative voting desirable——

Mr. Hutchison, hello, too. Pardon me if my peripheral vision was impaired——

Cumulative voting allows a self-defined minority to achieve representation. Without multi-member districts you can't do it. So this creates the opportunity for it, and then it would be left to State law with the option to adopt a multi-member district that could, as I read the legislation, also allow cumulative voting.

Now, I emphasize the word self-defined minority because that, to me, is essential. I think it is wrong for government to divide us according to race. I believe a color-blind government is the correct constitutional maxim as well as good public policy. And thus whereas the Supreme Court has struck down race conscious drawing of lines in order to create majority-minority districts, cumulative voting with multi-member districts allows a self-defined minority, whether it be racial or not.

Whether it be economic or political or social or of any particular variety, it is not defined by government. It is, rather, defined by the individuals; and thus it seems to me to escape any condemnation under the 5th or 14th amendments and yet account for something very valuable.

I will hopefully humorously and not for any offense purposes explain the plight of a modern Republican in a conservative Republican caucus.

I am routinely outvoted. It would be nice if, for example, of the nine elected leadership positions three of them were moderates. It cannot be so, however, whereas each one of them is

put up to a majority vote it will always go to a conservative. If, however, we were to elect those nine as we elect a board of directors, cumulative voting, I would have nine votes. So would every other member of my Republican conference, and I would cast all of my nine for three individuals, as opposed to one for each of nine individuals. I would cast three for each, and the three moderates would make it to what I call the board of directors of the Republican Congress of the House of Representatives.

The model is corporate law. That is how many corporations—in fact, all corporations following Delaware corporation law are constructed.

But the point is, I define the minority within the majority. And this particular example I used was moderate Republican. It is not done by government, and it is not necessarily done by race. It does strike me as a very farsighted solution, and for this I applaud Mr. Watt—not that it was my thought; I believe it was, rather, his—to a problem of race conscious action and, nevertheless, the reality that we do have questions of representation in our society to this day and the possible dilution by the tyranny of the majority.

So although the words cumulative voting are not in the bill, I conclude by saying they are because it is permitted by the bill. It is a constitutional way to get to the problem that has bedeviled us with race conscious district line drawing. I strongly support H.R. 1173.

Thank you, Mr. Chairman.

* The entire transcript of the House Subcommittee hearing may be found at http://commdocs.house.gov/committees/judiciary/hju62487.000/hju62487_0f.htm.