

EXHIBIT 12

O'Malley's map easily wins House approval



Baltimore delegates (from left) Keiffer Mitchell, Mary Washington, Jill Carter and Keith Haynes study a copy of a proposed redistricting map on the House of Delegates floor during debate Wednesday. (Barbara Haddock Taylor / The Baltimore Sun)

By **Annie Linskey and John Fritze, The Baltimore Sun**

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A new political map aimed at adding a seventh Democrat to the state's congressional delegation is expected to be sent to Gov. **Martin O'Malley** Thursday for his signature.

The plan won approval in the **Maryland House of Delegates** on Wednesday after five hours of debate, overcoming unified opposition from **Republicans** and ire from suburban Washington **Democrats**. One final stamp of approval is expected from the **Senate** Thursday morning.

Despite two weeks of steady criticism from liberal and conservative groups, the bill passed 91 to 46, with only five Democrats joining the House GOP caucus to vote "no." House leaders easily fended off three Republican amendments and one from Montgomery County Democrats, who argued that the map denies them a minority voice in Congress.

"It is an emotional process," said House Speaker **Michael E. Busch** in a meeting with reporters shortly after the legislation passed. "If you were to say it is a gerrymandered map, you started with a gerrymandered map. There is not a perfect process."

The state's ruling Democrats drew the new congressional districts, a process required every decade to reflect population changes found by the Census. Unless altered in court, the map will govern Maryland's elections to the **U.S. House of Representatives** for the next 10 years, starting with the April 3 primary.

The map is sure to face a legal hurdle, however, a fact even Democratic lawmakers conceded on the House floor. "It will be challenged in court," said House Majority Leader Kumar Barve. "But every plan is challenged in court. It is part of the process."

Republicans pointed out that the mapmakers drew lines to pack suburban Washington Democrats into Western Maryland's conservative 6th District, currently represented by Republican Rep. **Roscoe G. Bartlett**. And critics including the Maryland **National Association for the Advancement of Colored People** said that in dividing Montgomery County into three districts, the map sliced up minority populations and weakens their voting strength.

State Republicans were among several groups that threatened to file a lawsuit.

"These districts are not compact. They split up communities of interest. They appear to dilute minority communities," said House Minority Leader Anthony O'Donnell. "And it is clearly an exercise in politicians picking their voters instead of doing what is in the best interest of the citizens."

The effort to squeeze an incumbent Republican member of Congress out of office comes as states across the country are engaged in their own redistricting — a process that could have significant implications for the balance of power in Washington after next year's presidential election. Democrats hope to capture the U.S. House of Representatives while the GOP is aiming to add to the gains made in 2010.

Maryland is one of only six states in which Democrats have direct control of the process — compared with 18 states in which the GOP oversees redistricting. The remaining states are either politically divided or have nonpartisan commissions in charge of the process.

That is sure to put Maryland's new 6th District in the national spotlight as Democratic groups endeavor to take advantage of the rare opportunity.

"It's one of a handful of states where Democrats come out of redistricting with a better map," said David Wasserman, an editor at the nonpartisan *Cook Political Report* who follows House races nationally. "Democrats will clearly prioritize every advantage they have."

Bartlett, the 10-term Republican from Western Maryland, issued a statement hours after the vote promising that he will seek re-election, even though his district would switch from a conservative, rural stronghold to a more left-leaning enclave anchored in Montgomery County.

The 85-year-old congressman, who raised \$1,000 over the past three months, will have to introduce himself for the first time to nearly half of his potential constituents. "I filed for re-election in June," Bartlett said in a statement. "Approval of this map hasn't changed my plans."

The Fannie Lou Hamer Political Action Committee, a Prince George's County group formed last year to increase the number of minority-controlled congressional districts, pledged to sue under the federal Voting Rights Act, arguing the plan dilutes minority voting power in Montgomery County.

Carletta Fellows, a spokeswoman for the group, said it will file its case as soon as O'Malley signs the bill and also will ask the Department of Justice to separately review the plan.

It is unclear if the group will be joined by the state's NAACP, which raised concerns about the map but is deferring to their national legal experts to determine whether they'll participate in a lawsuit, said Elbridge James, political director with the NAACP.

A spokesman for the organization's legal defense fund says the map is under review.

Del. Justin D. Ready, a Carroll County Republican and the interim executive director of the state GOP, said the party plans to put "resources toward working on a lawsuit" but noted "it costs a lot of money."

"It'll be a team effort," he said. "It'll be a point of emphasis for us as we raise funds, obviously."

Throughout the summer, Maryland Republicans and some members of the Legislative Black Caucus had hinted that they might join forces in opposing the governor's plan. Each of the three amendments offered by the GOP would have drawn three majority minority districts, a goal stated by some black leaders.

But none of the Black Caucus members voted with the GOP — including on a proposal drafted by the Fannie Lou Hamer group.

Ten Democrats, mostly from the Washington suburbs, supported a separate amendment that would have inched the new 4th District back into Montgomery County, a plan drafted by Rep. **Donna Edwards**. That plan failed 26-107.

In an unusual move, Edwards, a Prince George's County Democrat, spoke publicly against O'Malley's map on grounds that it would rob Montgomery, a majority minority county, of a black voice in Congress.

In a statement, Edwards acknowledged defeat, saying the state legislative process had "run its course." Still, she remains unhappy with the result, saying it "is not the best approach for minority voters or for all Marylanders."

O'Donnell offered the first of three GOP plans Wednesday — a proposal drafted this past summer by the state Republican Party that would keep congressional districts more compact. Democrats argued the GOP plan would force many voters into new districts.

Democrats, meanwhile, defended O'Malley's map, which they said would keep 70 percent of state residents in their current district. "There is no constitutional requirement that the map be pretty," said Del. Kathleen M. Dumais, a Montgomery County Democrat.

An alternate plan crafted by the Fannie Lou Hamer group initially appeared like it might gain some traction in the House, but it ultimately failed on a 40-97 vote.

The political action committee, named for the Mississippi-born civil rights leader in the 1950s and '60s, offered the map that would put Edwards' 4th District back into Montgomery County to ensure that minorities in that part of the state are represented by a black member of Congress.

It was introduced by Del. Neil C. Parrott, a freshman Republican best known for leading a successful effort to halt a law allowing some illegal immigrants to pay in-state tuition at Maryland colleges and universities.

But Baltimore County Del. **Emmett C. Burns Jr.**, the pastor of an African-American church, rose to say he knew Hamer personally and attended her funeral. He gave an impassioned speech on the House floor, saying that he was "conflicted" about how his vote would affect minorities, but in the end supported the governor and said he believed Hamer would have too.

"I don't think I voted against her wishes," Burns said. "I think she would have opted for the larger picture, and that is more Democrats in the House of Representatives."

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