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Subject: 2011 VRA Counsel Selection

I would encourage you to read this transcript from ten years ago this week.

https://wedrawthelines.ca.gov/wp-content/uploads/sites/64/2011/04/transcripts_20110325_commission.pdf

CHIEF COUNSEL MILLER (p. 229): “When they met with us, they were reading the disclosure statute...that you were governed by when you jointed the Commission, rather more narrowly than we do. They understood its application to be the individuals who are doing the work and those four that you met, and with respect to those, none of them have had any lobbying activity, nor have they made political contributions that reach our threshold, which is \$2,000, to any individual candidate. However, the firm, independent of those, through a PAC, has made contributions. It appears that they’ve been very egalitarian in their distribution of monies, within a couple of thousand dollars as between Republicans and Democrats. It would have been better if we had that information disclosed when we were doing the contracting process, but I’m bringing it to you now and that’s how it falls out. And I believe those were all Federal races, as opposed to State Legislative Races.”

COMMISSIONER FILKINS WEBBER (p. 232): “...the other problem that I have, Mr. Miller, firms of this size – actually, firms of any size – given that I was a partner in a firm, and this firm most certainly should probably have a conflicts, you know, computer program. I find it a little odd that they hadn’t run anything through their conflicts program because it might have – now, conflicts in the sense of what we’re talking about are two different things, but be that as it may, there are conflicts that come up in the representational capacity, which I would think all of their lobbying people would be in there, which sounds like, to me, that most of their Congressional PAC money individual would be in there, unless they see that to be something different. But, I’m concerned on the lack of disclosure, I’m concerned about their failure to read 8252...”

COMMISSIONER GALAMBOS MALLOY (p. 235): “...it concerns me that you had to find out about this on the Internet and you had to go to the firm and bring it to their attention, because I think we’ve been clear with all of the consultants under whom we have been given – considering that it was not just about the people we saw in front of us to do the work, it was about their boards, it was about their donors, it was about the whole package...”

COMMISSION BLANCO (p. 237) : "...I am very troubled by the – and it doesn't matter to me that it's not intentional, I'm very troubled by the fact that we had to discover this ourselves and that a firm like that would not look at that – if you are following this Commission at all, which you would hope that the firm that is about to represent us doing Voting Rights work would be following the Commission, you would be reading the papers and hearing all the controversy about all the partisan sniping, and that we've done this and that we've favored so and so and that somebody didn't disclose, and therefore, you know, I mean, this has been – I know we're in it more than other people, but I do think it's been fairly public. And so, the fact that they didn't see this – that they didn't in light of that interpret that section of the Regs., you know, in the broader way, and not just to the four people that appeared before us, I don't know what that speaks to, but it bothers me... I guess I'm still a little stuck on the fact that they didn't look at that statute more carefully and that we had to go to them, instead of them saying, "Oh, you know, we've been reading all this stuff in the paper," they could have just said that – "We've been reading all this stuff in the paper and we realized, you know, we didn't disclose this, but there are – we do do political work, you know, and we do have people in our firm who contribute to races, or to PACs, or something."

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