

Judith Kelley:

At the end of September scholars, practitioners, and advocates gathered at Duke University to examine the topic of redistricting. That's the process of drawing congressional boundaries, and it's become popular for the political party that's in power when it's time for the district lines to be redrawn to draw the boundaries in their own favor. The conference included judges, mathematicians, investigative reporters, activists, researchers, and more. Students each contributed insights to try and untangle the complex web that redistricting has become. I'm Judith Kelley, dean of the Sanford School of Public Policy at Duke University. On today's episode of Policy 360, I'm joined by Deondra Rose, director of Polis, the Center for Politics here at the Sanford School to share insights from the conference. Welcome back to Policy 360, Deondra.

Deondra Rose:

Thank you so much for having me here today, Judith.

Judith Kelley:

It's my pleasure as always. So this is a pretty urgent/timely issue, right? It's time to draw the lines again.

Deondra Rose:

Exactly right. For me, the thing that stands out about this particular political moment is that the year 2020, just, I mean, talk about urgency. There was so much going on in the last year and a half, two years due to the pandemic. Listeners will recall that 2020 was also a census year. So in addition to, as you mentioned, Judith, drawing these congressional lines this is something that we've done every 10 years since 1790.

Judith Kelley:

Right.

Deondra Rose:

So we get these new data on where Americans live, and the constitution requires that we use these data to redraw congressional, and the legislative districts.

Judith Kelley:

So we only do that once every 10 years?

Deondra Rose:

Once every 10 years. Basically, those maps that are drawn every 10 years stand for that decade, unless the courts intervene, and say that lawmakers need to go back and start over for some reason. The other thing that's really interesting is that the constitution stops well short of telling states how to get this done, so it gives the states responsibility for handling redistricting, but the constitution doesn't give much else. And so for that reason we've got, of course, politics intervening. Right now, lawmakers around the country are in the process of drawing congressional, and state legislative maps. I don't think it's an overstatement to suggest that these maps will really shape not only what the politics, the political landscape looks like across the country for the next decade, but really what our democracy looks like over that period as well.

Judith Kelley:

So talk a little bit more about that, Deondra, because we have fire districts, we have school districts, right? We're not fighting that much over what the fire district looks like. There are certainly conversations about school districts. What is it about the electoral districts that is so important?

Deondra Rose:

Yeah. This basic constitutional principle where each person should have the capacity to have her, his, or their interest represented in the halls of power is really central to democracy, what we aspire to be as a democracy, and yet politics often gets in the way. So if we're entrusting politicians to write congressional districts to draw out these maps, there's really no guaranteeing that they won't factor in their own political interests when doing this important work. And so historically we've seen this use of gerrymandering, and for many of you who are listening, you'll recall that gerrymandering gets its name from, I want to say that it's Elbridge Gerry, who was a governor. Basically, it's related to the idea that districts have been drawn in ways that have these really wacky looking contours, something that looks like maybe a salamander, or a gerrymander in many cases. And you can look at certain political maps, like Maryland has maps that I think would shock the listeners.

Judith Kelley:

Right.

Deondra Rose:

North Carolina, Pennsylvania, across the country that really they're not especially we might imagine that it could be very easy if we're trying to make sure that we're drawing districts where there's a roughly equal number of people in each, and we can make them look pretty uniform, but instead we've got districts that stretch across states in really irregular forms and formations, and that's because lawmakers are really intentionally drawing these district lines to suit their electoral preferences, and, basically, the fortunes of their parties in office.

Judith Kelley:

So, Deondra, you are exactly right. I see here with the wonder of the internet that Elbridge Gerry, actually, was vice president of the United States, but when he was governor of Massachusetts, this is back in 1812, he created a district that was shaped like a mythological salamander. So this has been going on for a long time.

Deondra Rose:

Oh, yes. I mean, talk about political history. This is for me, it's just stunning the fact that we continue to grapple with challenges that we have been dealing with for generations, and we're still working to get it right.

Judith Kelley:

So trying to work to get it right, we had a conference here at the Sanford School to try to talk through some of these issues. And there was a keynote address on the first day of the conference that was delivered by Judge James Wynn. He's a judge on the U.S. Court of Appeals for the Fourth Circuit. And he authored a landmark decision in *Rucho versus Common Cause* in 2017. Can you remind us what that case was about?

Deondra Rose:

Yes. So it turned out that Common Cause and the North Carolina League of Women Voters filed a suit claiming that North Carolina's 2016 political maps reflected illegal partisan gerrymandering. The federal district court ruled in favor of the plaintiffs with Judge Wynn writing for the major. Interestingly, though, however, in 2019, there was an appeal to that case and it went up to the U.S. Supreme Court and the Supreme Court actually closed the door to partisan gerrymandering claims. And the Supreme Court ruled that those kinds of claims present political questions that actually to their mind fall outside of the jurisdiction of the federal courts.

Judith Kelley:

Hmm. So the decision was eventually overturned by the U.S. Supreme Court in 2019, and the Supreme Court's Chief Justice, John Roberts, he was joined by the other four Conservatives, and they wrote in his decision that the courts don't have power to address gerrymandering claims. John Roberts wrote, "Partisan gerrymandering claims present political questions beyond the reach of the federal courts. Federal judges have no license to reallocate political power between the two major political parties with no plausible grant of authority in the constitution, and no legal standards to limit and direct their decisions." So at the conference, Judge Wynn indicated that the Supreme Court's decision was not really a decision, but an example of something called judicial activism, and here's what he said.

Judge James Wynn:

I define judicial activism as occurring when a judge avoids the use of a decisional tool that has traditionally been used to adjudicate the type of case at hand, or one of the foundational decisional tools that judges must apply in a case, and always the rules of how it's done, and it's been done for years.

Deondra Rose:

Judge Wynn said in his opinion, by simply not engaging in the argument by saying the court had no power in this case, the Supreme Court was engaging in judicial activism.

Judge James Wynn:

When a Supreme Court opinion refuses to engage in actual claims presented by the parties, the factual findings made by the trial court, or the precedent set by the trial court, in my opinion, can only be interpreted as silently rejecting those well-established judicial tools, and thus engaging in judicial activism.

Judith Kelley:

Deondra, were you surprised that a sitting judge spoke out in this manner?

Deondra Rose:

It really impressed me greatly that he's speaking to the significance of this issue. And I think it really underscores just how pivotal these questions are to our democracy. Historically it's not unusual for federal judges to offer commentary on issues that they believe are really significant to the legal community, and to the institution to the courts. So I think in that regard, his decision to really help us to understand where he's coming from, where he was coming from in his opinion to offer some clarity to

his conviction, I think, is just really noteworthy, and, really, again, underscores how important this particular topic is for our democracy, and for the courts as an institution.

Judith Kelley:

As a matter of fact, he spoke directly to that. He said that he was concerned that judicial activism has major ramifications for democracy would suggest exactly what you're saying that this is why he chose to speak out about it. So listen to this.

Judge James Wynn:

Judicial activism is wrong because it improperly enhances the court's power relative to the political branches to past courts, and to future courts. The members of those political branches, of course, are elected by the people. And they are meant to be elected through a democratic process.

Gerrymandering, like that issue in *Rucho* can threaten that process, but so can judicial activism where judges aggrandize power at the expense of political branches, whose leaders are chosen by, and accountable to the people. And it also follows that it might do so at the expense of the democratic process.

Judith Kelley:

Judge Wynn observed that while gerrymandering threatens to upset the democratic balance, so, too, does judicial activism. What do you think about that argument, Deondra?

Deondra Rose:

I think it's really interesting. So my work focuses on U.S. higher ed policy. I'm an American politics scholar. I recall even from my early training in American politics in learning about the courts, this question of judicial activism versus judicial restraint was a major debate in that area of scholarship, and among practitioners in that area. So this is really one of to my mind, the critical debates throughout the courts, and for legal scholars, so I'm not surprised to hear him speak to this. And my sense is that this is a debate that will continue to be grappled with long after the current set of principles have left the ring, but it also reminds me of thinking through some of the debates that we see on the legislative side.

Deondra Rose:

One of my mentors in graduate schools was Ted Lowi, and he used to also sort of decry what he described as legicide, and this idea that members of Congress sometimes delegate so much to the courts, and so much to the president that they actually seed much of their institutional prerogative in their capacity to weigh in, and to maintain that sort of checks and balances in our political system. I think this is actually a similar argument that he's making.

Judith Kelley:

That ultimately it's something that's threatening the fundamental design of how our system was supposed to operate in a balanced way.

Deondra Rose:

Exactly right.

Judith Kelley:

So let's turn to the idea of how we can fairly draw district lines because one of the things I really liked about the conference that we had was that it brought together so many different types of players, people from different parties, different professions, and one person we had at this conference was a mathematician, so that was great. That was Duke Professor, Jonathan Mattingly, who has actually served as an expert witness in redistricting litigation. So during the conference, he and his colleagues from several other universities discussed a way to sort of quantitatively map the impact of redistricting on election results. And today this technology has been used to understand the impact of past redistricting decisions, but Jonathan Mattingly observes that this is just scratching the surface as to the usefulness of these tools.

Jonathan Mattingly:

Right now we've been just analyzing here's the rules that's given to us what should we expect to see? Now is the question if we wanted to see something different how should we change the rules? And I think that's really interesting questions.

Judith Kelley:

So how could we change the rules, Deondra?

Deondra Rose:

I love this question because it really calls us to think very broadly about what our democracy looks like, but, also, maybe this is something that I don't think we get to do very often what it could look like if we were really to take our capacity to engage reforms seriously. So we might think about possibilities, like ranked choice voting, for example, which would give voters the opportunity to select more than one candidate, and to rank their choices, first choice, second choice, third choice, for example, and then the tallies basically go through all of the first choices that voters indicate, and see if someone makes it to a majority. If not we see a dropping, a winnowing of the slate, and maybe the person who gets the least votes in that first round moves out, and then there's this subsequent tallying. Oftentimes, this is described as instant runoff voting. That's one really innovative idea, and we're actually seeing some works and activism around the country, and efforts to actually adopt this particular approach to voting.

Judith Kelley:

I think it's used in Maine and Alaska.

Deondra Rose:

Exactly right.

Judith Kelley:

Yeah, and some in some cities as well use it in different states.

Deondra Rose:

Exactly right. I also think about, I recently read about approval voting where voters cast votes for as many candidates as they like. Basically, the person who gets the highest number, or the highest proportion of support in the end is victorious, but, again, there's an incentive for voters to not necessarily think about, okay, if I have to pick strategically, and maybe I really want this third party candidate, but I don't think that person really stands a chance, so I'm going to use my vote in this other

way. I think that's one of the big questions that our system has left unanswered. It's how do we create room for candidates, and for perspectives that fall outside of what the two major parties typically allow, and help carve out more inclusion in the capacity to have representation, true representation. Our single member district system by many accounts isn't cutting it. And so I think to think really broadly about some possibilities, maybe to look to our neighbors in other countries, to look to the global community for some ideas, I think, is something that we really ought to be doing.

Judith Kelley:

So one thing Mattingly talked about during the panel was breaking from proportional representation. So what is proportional representation? If you can just explain that, that would be really helpful. And then if we could think about can we move beyond proportional representation without falling into partisan lines?

Deondra Rose:

Absolutely. So proportional representation it's an electoral system where parties gain a percentage of seats, or a proportion of seats that aligns with the proportion of votes that they garner in an election. So it's different from our current system where you basically have a winner-take-all system. So you could, as long as you, if within a district, if you carry that race, you get all the representation. And, again, it really leaves very little space for third party candidates. In certain districts, for example, and this many would point to as a result of a lot of the gerrymandering that we've seen, many races are won in a primary. You could have a district that is drawn so safely where there's no real competition when you make it to the general because you pack all of the Republicans into one area, all of the Democrats into one area, and so the real question is if there might be anything that happens of interest in a primary race, so moving to proportional representation would actually shake that system up quite a bit in a way that I think would be a really interesting reform.

Judith Kelley:

We do some of this with just a few states do this with the Electoral College, right? Because there's sometimes when we're watching the Electoral College map, and not all the delegates automatically go to the one person who won.

Deondra Rose:

Exactly right.

Judith Kelley:

So that's the idea. How would that affect the partisanship that we have right now if we were to go more in that direction do you think?

Deondra Rose:

That's such a great question. I mean, I do think that moving toward a proportional system would make our system of parties much more inclusive. I think that the two-party dominance that we see between the Democratic and Republican party could potentially be shaken up. One question that I did ask at some point during the conference was whether we can ever truly get rid of gerrymandering, or essentially if it's possible to completely remove the partisan politics from districting. At one point, someone said to me, I thought this was really interesting that as long as there's a process where humans are engaged in, and governing this process of drawing maps, the person said, "I don't know if it's possible to entirely eradicate gerrymandering, but we can hope to minimize it." So, I'm not sure if we

can ever be entirely nonpartisan, but I do think that there are ways that we can really work to make the process as fair as possible, and to really remove as much of that as we can.

Judith Kelley:

So how much is technology exacerbating our current predicament? We certainly see technology feeding into issues of polarization in general. And it seems that if technology is capable of giving us so much data about a district that makes gerrymandering an even more powerful tool, but we could also use them for good purposes. What do we say about tools like that, and their relationship to the democratic process?

Deondra Rose:

I think this is such a critical question because our capacity to operate as a democracy as you say, is so shaped by technology, whether it's in shaping the nature of our political discourse, broadly, the role that social media's playing in questions of how freely elected officials, or other members of our democracy feel in terms of even engaging, and participating, but then also to the use of technology in sort of this kind of really important, critical institutional work. So as you say, these new programs, we have these really sophisticated mapping programs that enable those who are drawing to use as they've described as surgical precision in shaping how maps look. And you're exactly right, that this type of technology can be marshaled in a way that is patently undemocratic if lawmakers are strategically drawing maps in ways that yield easy wins for certain candidates, or that edge particular candidates, or communities maybe splitting communities are edging them out of particular areas in order to achieve some particular political outcome.

Deondra Rose:

So my sense is that really making sure that we're implementing these new technologies with clear standards and safeguards, and working to be very clear-eyed about the risks of using these technologies, and the responsibilities of doing so, and that we do everything that we can to really engage nonpartisan neutral, insofar, as they can be actors to do this work of implementing the technologies. Maybe it's more Jonathan Mattingly's at the table, and helping to wield these technologies.

Judith Kelley:

I mean, one way to move towards more fair elections is to make sure we have more stakeholders around the table, and more members of the public around the table. That was one thing I liked about the conferences that we had different types of folks there, like, Tyler Dukes, who is an investigative journalist, and he's an adjunct member here at Sanford, too. He actually teaches people how to be redistricting watchdogs. What does it look like when somebody is a watchdog? How can they follow along? Where can I sign up?

Deondra Rose:

I know, I love that characterization. I was thinking to myself, I want to be a watchdog, too.

Judith Kelley:

Yeah.

Deondra Rose:

Here's how we do it. So my sense is that it means really being actively engaged in this process. So we have some watchdogs out there who take it upon themselves to find there's some publicly accessible mapping tools, and you, too, can participate in drawing maps, and share those maps that you're drawing with your elected officials, and with organizations that are working on this important issue, but you could also be actively engaged by participating in meetings where our representatives are talking about what's going on in this area by participating in the hearings, the public commentary periods, for example.

Deondra Rose:

One of the big areas where people can be especially engaged, and participate in a very vigilant way is taking part in these public commentary opportunities, and really sharing with our elected officials what your community looks like, why it's so important to you to have fair representation. That's the kind of engagement that really makes a difference that I think sometimes people are a little unsure about, and maybe are unsure how to figure out where to find information, or resources for doing that kind of work. Polis has been working to share out opportunities. I know we tweeted something out from Common Cause recently, for example, to provide information for those who are interested in participating in the public commentary.

Judith Kelley:

One thing that Tyler Dukes said, which harkens back to something you said earlier about it not being necessarily so black and white is that trying to determine what's, quote, unquote, fair in redistricting is actually not as easy as it might seem.

Tyler Dukes:

When I have conversations about this with people, I think one of the things that I try to point out is that gerrymandering is in the concept of fairness, it's not a binary, it's not zero and one, it's a spectrum, I think. And so the question is not, are we going to get fair maps? The question is not, are we going to have gerrymandered maps? The question is how extreme are those gerrymanders? How unfair are they? And trying to figure out what is acceptable to us in the balance of all these criteria.

Judith Kelley:

So, one way I think that we know that a district has been gerrymandered is when the shape of the district just isn't simple, right? Like when it's not a square, but looks something like long and thin like a snake, or a salamander, and we say, "Aha, that must be gerrymandered," but Tyler Dukes said some of these ugly, quote, unquote, ugly districts that doesn't always mean that a district has been gerrymandered.

Tyler Dukes:

I think it's real easy to think that we can just draw sort of pretty shapes, and that that will solve of the problem, but there's going to be an argument on the other side that those shapes might split a community. They might cleave a university in half, or they might cleave a Hispanic neighborhood, or a farming community in half. And I think none of those arguments are right, or wrong, but they have to be had.

Judith Kelley:

I think, Deondra, that goes exactly to your point about talking about what it is that a district represents, what it means, who are the people inside it? It's not just about Republicans and Democrats.

Deondra Rose:

I think that's exactly right. And thinking through what should be prioritized when we are districting it's really that sort of broad numerical principle of equal representation, ensuring that our representatives are representing fairly equitable numbers, or equal numbers of constituents. And then like you say, that we're not intentionally surgically splitting up communities in order to be strategic, and achieve some particular political outcome. I think that's exactly right.

Judith Kelley:

Yeah. And the other thing, too, I guess, is it's about one person, one vote, but it's also about getting people out to vote in the first place, and feeling like they have a voice in the process, because if you live in a district where you know the outcome is already determined, what's your motivation to even go to the polls, and participate in the process? And then what's your motivation to be part of the conversation?

Deondra Rose:

Exactly right.

Judith Kelley:

So one takeaway from the panel was that asking the right questions is an important aspect of being a redistricting watchdog. Do you agree with that?

Deondra Rose:

I think that's right. The questions that come to mind for me, some of the most important are, as you said earlier, Judith, to what extent are we including a range of voices, and making sure that everyone has a seat at this table? Is the public involved? What are they saying? Is there a transparency in the entire process, or are we having maps that are drawn behind closed doors? To what extent do we maybe have some sort of neutral, or nonpartisan people, or organizations involved in the process, and maybe helping to monitor, or to provide some feedback? And to what extent are we seeing communities reflected in the maps that are being drawn, or divided? Are we seeing any big red flags?

Judith Kelley:

Some people might say that it's just impossible to have different political parties, Republicans, and Democrats together discussing these issues, but at the conference we actually had a panel. We had Tom Ross, and we had Art Pope, and they're on opposite sides of the political aisle. And Tom Ross is the former University of North Carolina president, and co-chair of North Carolinians for Redistricting Reform. Art Pope is a North Carolina Republican donor, and businessman, but they both actually came out in support of redistricting reform. So you moderated that panel, Deondra. Were you surprised to see so much overlap in their interests?

Deondra Rose:

I mean, honestly, I have to say it was really striking that as they said, they are absolutely on the same page on this issue. I mean, really, I think presented as quite a team, a formidable team on the necessity

of redistricting reform, and rooting out gerrymandering. Again, I think that what the big question for me going into that panel was whether there's hope for a bipartisan center on this. There's a place where Democrats and Republicans can come together to actually get something done that could reform the system that we're seeing with all of the gerrymandering that really is patently undemocratic. And I was really, it took a lot of heart for me, or it was very heartening to see them come together on this issue, despite the many differences in their political backgrounds.

Judith Kelley:

So let's hear their voices, their different voices. So first, Tom Ross, is the former UNC president said, "That having trust in who draws any redistricting map is critical." So listen to this.

Tom Ross:

I think where we have failed in the past is to figure out a solution for who draws the maps. And, again, I think the most important fact about who draws the maps is to have that be done by people that the public will have confidence in.

Judith Kelley:

And speaking of confidence, one way to do this is by establishing an independent commission, and Art Pope said that he's concerned about how such a commission could be fairly assembled. So listen to Art.

Art Pope:

Independent redistricting commissions themselves are not an assurance of no gerrymandering. We have states that have redistricting commissions that looking at the election results we argue that they were gerrymandered either inappropriately, or on purpose. There's a lot of devils in the details that need to be worked out on independent redistricting commissions, and how to choose the members is one of the hardest situations we've seen.

Judith Kelley:

So they're right on the same page there, right? Because Tom Ross is saying it's about who draws the map, and Art Pope is saying just having a commission by itself doesn't solve the problem if you are not paying attention to whose on that commission, and how they go about their work. So you asked them what the so-called gold standard of redistricting reform could be. What did they say?

Deondra Rose:

It's interesting they seemed very, I feel like there was a consensus that having clear rules right from the get-go was essential from both of their perspectives. So having a really clear, commonly recognized consistent set of criteria that everyone involved in the process would abide by. Making sure that political information related to districts isn't a central part of the information that's factored in during the process. Making sure that as we're drawing the districts, thinking back to those really irregular shapes, drawing districts that are contiguous meaning that they sort of hang together that you don't see these really strange jumps, or anything like that, that they're compact. Again, they pointed to that topic that we've discussed earlier, transparency, and including the public in the process. And, of course, as you mentioned, Judith, independent redistricting commissions as essential to really helping to remove the temptation to invoke politics in making those decisions.

Deondra Rose:

One of the things that I would say I was most impressed by in the course of that conversation was also the lesson that Art, and Tom gave us about the history of redistricting reform, and gerrymandering in North Carolina, that over the course of a long history when there's been that the parties have switched power over the years. And so at many points the ball has been in either the Republicans court, or the Democrats court, and for both parties, there has been just the strong force of political strategy and political favor that really stopped them from taking those important steps to creating reforms. And so I think there's this really strong recognition for both of them that this is something where we're all in this together, and there has to be a shared sense of responsibility. And the parties are going to have to engage in a way where they're not concerned about their likely majority in the coming session because this is something that really takes precedent over partisan wins.

Judith Kelley:

That's obviously tricky, right? I mean, it's almost like if we could go back to a Russian veil of ignorance where we could make up these rules, and even the commissions without the knowledge of how it was going to affect the next election, and the power of the current power holders, we would have a big advantage, but how are we going to ever find ourselves in that situation? How does any party ever have an incentive to forego the power to draw the districts in their favor, if they can't trust that the next time around the other party would turn around and do, or maintain the same objectivity, and the same fairness?

Deondra Rose:

Yeah, I mean, for me, it's a question of maybe even voter mobilization. And maybe if there might be a case where there's a heightened level of engagement that actually shakes up the electoral landscape so much that neither party really knows what to expect in the coming election. I mean, does that strike you, Judith, that something that might be the kind of situation that could leave both parties with enough question marks to say, okay, we're willing to do reform because we just don't know what's coming down the pipeline?

Judith Kelley:

Yeah. I mean, that could be one situation. And the other one is just a good old negotiation, and bargaining where maybe at the federal level, or that there are certain compromises struck where there is a balance of what favors whom, you know? That each party gets something in a broader process of negotiating around voting so that they're willing to compromise, but that's, of course, that's the art of politics, but it's so important that we keep talking about it because as you say, and as we started out saying the future of our democracy really rides on it. And so I just would just invite any final thoughts you have. And I just so appreciate that Polis put on this conference, and did it in a really nonpartisan way to open up a conversation at a really timely time.

Deondra Rose:

Well, thank you so much, Judith, for the opportunity to be a part of this amazing conversation, and the opportunity to bring this conference to Sanford, and to Duke, and for all of your support in making it possible. There were a number of participants who commented to me that this wasn't the first time they'd been at Duke for a redistricting conference. It's true. Duke has really been actively engaged, and Sanford in particular, in helping to shape these conversations over the years. I think this reflects all of our commitment to using knowledge in service to society, and our conviction that doing this important democracy work is just essential to the health of our democracy, to just our broader roles as citizens and

participants in this political landscape, and this democratic landscape. So it was a real pleasure. It was a real honor to be a part of it, and for Polis in particular, so thank you so much.

Judith Kelley:

You're so welcome. Let's hope for the best because it's actually best for our country if we can have diverse perspectives as we are trying to solve policies. And if we can have districts where the elected officials have to listen to their constituents, and have to listen to the majority. Not just to the majority, actually, but to all of their constituents. And so the aim is noble and we'll carry on, and meanwhile, ask all the public to make sure that you go out and vote whenever you have a chance, and participate in this conversation.

Judith Kelley:

So thank you so much for joining me today. My guest has been Deondra Rose. She's the director of Polis, the Center for Politics here at the Sanford School of Public Policy. Polis and Duke's Department of Mathematics recently presented the conference, Redistricting and American Democracy. A big thanks in this episode to Matthew Majsak. He's one of the producers of this podcast, and he's a Duke student who went through all of the recordings from the conference to prepare material for our conversation today, so thank you, Matt. I'll be back soon with another conversation. I'm Judith Kelley.