

NO. _____

IN THE SUPREME COURT OF CALIFORNIA

JULIE VANDERMOST

Petitioner,

vs.

DEBRA BOWEN, SECRETARY OF STATE
OF CALIFORNIA

Respondent,

CITIZENS REDISTRICTING COMMISSION

Real Party in Interest.

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF VERIFIED
PETITION FOR EXTRAORDINARY RELIEF
IN THE FORM OF MANDAMUS OR PROHIBITION
EMERGENCY STAY REQUESTED; MEMORANDUM OF POINTS
AND AUTHORITERS IN SUPPORT THEREOF**

VOLUME 2

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REQUEST FOR JUDICIAL NOTICE, VOLUME 2

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|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| F | Submission of Dr. Arturo Vargas, National Association of Latino Elected Officials to the Citizens' Redistricting Commission dated August 10, 2011, with referenced NALEO July 21, 2011 submission to Citizens Redistricting Commission. | 275-328 |
| G | Mexican American Legal Defense Fund (MALDEF) Submission to Citizens' Redistricting Commission dated May 26, 2011. | 329-362 |
| H | California Republican Party Chairman Thomas Del Beccaro submission to Citizens' Redistricting Commission dated August 12, 2011. | 363-368 |
| I | State Senate 2001 District Maps, maintained by the Statewide Database, University of California Berkeley. | 369-372 |
| J | Letter of Thomas G. Del Beccaro to Citizens Redistricting Commission, dated July 21, 2011. | 373-377 |

CERTIFICATE OF SERVICE

I, Shannon Diaz, Declare:

I am a resident of the State of California and over the age of eighteen years and not a party to the within-entitled action; my business address is 455 Capitol Mall, Suite 600, Sacramento, California 95814. On September 15 2011, I served the following document(s) described as:

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF VERIFIED
PETITION FOR EXTRAORDINARY RELIEF
IN THE FORM OF MANDAMUS OR PROHIBITION
EMERGENCY STAY REQUESTED – VOLUME 2**

on the following party(ies) in said action:

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Attorney for Respondent
SECRETARY OF STATE

X **BY U.S. MAIL:** By placing said document(s) in a sealed envelope and depositing said envelope, with postage thereon fully prepaid, in the United States Postal Service mailbox in Sacramento, California, addressed to said party(ies), in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

X **BY ELECTRONIC MAIL:** By causing true copy(ies) of PDF versions of said document(s) to be sent to the e-mail address of each party listed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 15, 2011 at Sacramento, California.


SHANNON DIAZ

EXHIBIT F



NALEO Educational Fund

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Hon. Edward R. Roybal (Ret.) †

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August 10, 2011

Via Electronic Mail

California Citizens Redistricting Commission
1130 K Street, Suite 101
Sacramento, CA 95814

Dear Members of the California Citizens Redistricting Commission:

On behalf of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, I am writing to express our serious concerns about the detrimental impact of the Commission's State Senate preliminary final map on the political progress of California's Latino community, and I urge the Commission to vote against the map on August 15.

The mission of the NALEO Educational Fund is to facilitate full Latino participation in the American political process, and we have engaged in an on-going dialogue with the Commission on how to best ensure that California's new maps provide its Latino community with a fair opportunity to achieve fair representation. Attached is the testimony we submitted on July 21, 2011, which provides a detailed description of how the Commission's State Senate visualizations would severely diminish fair Latino electoral opportunities. The preliminary final map approved by the Commission does not address the significant issues we raised.

In summary, the preliminary final map reduces the number of Latino effective districts in California from six to five. In addition, the map significantly weakens the Latino presence in districts in the San Fernando Valley and Orange County, areas where Latinos have just started to obtain a stronger voice in California's democracy.

As discussed in the attached testimony, we also note that the Commission missed the opportunity to create an additional Latino effective district in the Central Valley in both its Congressional and Assembly preliminary final maps.

We appreciate the extraordinary commitment and long hours you have dedicated to the monumental task of drawing California's political boundaries, and we are extremely grateful for your service to the state. The maps you approve will determine the political destiny of California for the next ten years. During the last decade, Latinos accounted for 90% of the state's growth, and according to Census 2010 data, nearly two of five Californians are Latinos.

Citizens Redistricting Commission
August 10, 2011
Page 2

We urge you to ensure that your maps provide California's growing Latino community with a fair opportunity to achieve full representation in California's democracy. This can only be accomplished if you vote to reject the unfair preliminary final State Senate map on August 15.

Thank you for your consideration of our views on this important issue. Please do not hesitate to contact Astrid Garcia at [REDACTED] ext 4434 or by email at [REDACTED] should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arturo Vargas', with a long horizontal line extending to the right.

Arturo Vargas
Executive Director

Attachment



Founder
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Testimony

by

**Arturo Vargas, Executive Director
National Association of Latino Elected and Appointed
Officials (NALEO) Educational Fund**

before the

California Citizens Redistricting Commission

**Sacramento, California
June 28, 2011**

Members of the California Citizens Redistricting Commission:

I am Arturo Vargas, Executive Director of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund. Thank you for the opportunity to submit this testimony today on behalf of the NALEO Educational Fund to discuss our perspectives on the first draft redistricting maps for California released by the Commission on June 10, 2011.

The NALEO Educational Fund is a non-profit, non-partisan organization that facilitates full Latino participation in the American political process, from citizenship to public service. Our constituency includes the more than 6,000 Latino elected and appointed officials nationwide. Our Board members and constituency include Republicans, Democrats and Independents. We are one of the nation's leading organizations in the area of Latino civic engagement, and we are deeply committed to ensuring that California's 2011 redistricting provides the state's Latinos with a fair opportunity to choose their elected leaders.

The NALEO Educational Fund has been actively involved in California redistricting policy development and community outreach activities for over a decade, and Executive Director Arturo Vargas has worked on these issues since the early 1990's. As the Director of Outreach and Policy at the Mexican American Legal Defense and Educational Fund (MALDEF), Mr. Vargas coordinated the organization's 1991 redistricting efforts which led to an historic increase in the number state legislative districts that provided Latinos with a fair opportunity to choose their elected leaders. In 2002-2003, Mr. Vargas served on the Los Angeles City Council's Redistricting Commission, which drew the lines for the 15 council districts.

In 2009 and 2010, with the support of The James Irvine Foundation, the NALEO Educational Fund conducted an outreach and technical assistance initiative to mobilize Latino civic leaders to apply to serve on the Commission. We accompanied this initiative with advocacy efforts that focused on the development of the regulations and procedures governing the Commission application and selection process. We worked with the California State Auditor and the Applicant Review Panel (ARP) to ensure that the diversity of the applicant pool would reflect the diversity of California throughout the selection process. Our outreach and technical assistance

efforts reached 1,848 Latino applicants through phone calls, webinars, workshops and leveraging our network of organizational partners and Latino civic leaders. We also launched a website, www.latinosdrawthelines.org.

Building on the foundation of our work with Latino civic and community leaders during the Commission selection process, we launched an initiative in 2010 to mobilize Latinos to participate in the Commission's redistricting process which has several community education and technical assistance components. Before the release of the first draft maps, we conducted 19 community workshops in different regions of California to educate Latinos about the importance of redistricting for Latino political progress, redistricting criteria and the Commission's redistricting process. We provided technical assistance to community members on how to deliver testimony to the Commission in-person, and how to submit written testimony for those community members who were unable or unwilling to testify at a hearing. In order to provide technical assistance after the workshops, we instituted weekly webinars, and expanded our website. We also published a weekly newsletter with information about our activities and the Commission hearings.

Additionally, since the first draft maps were released we have traveled the state to help community members gain access to the Commission's maps for their regions, and provided them with assistance on submitting testimony, both in-person and in writing. In total, we conducted 12 workshops since the maps were released, and we have also continued to mobilize community members through webinars, e-mail blasts and individual phone calls.

We commend the Commission for conducting an open redistricting process with an extremely robust public input process, and we acknowledge the hard work that went into the development of the Commission's first draft maps. However, based on our own analysis and our extensive work with Latino community members during California's redistricting process, we have significant and serious concerns about the impact of the maps on the future political progress of California's Latino community. In our testimony, we will first address the impact of the proposed maps on the number of Latino effective districts in the state, and trends in Latino population growth since the last decade. We will then highlight the history of discrimination

against Latinos in the state, and the barriers to Latino political participation which we believe are relevant to the Commission's obligation to draw additional Latino effective districts. We have also attached an Appendix to this testimony which includes a compilation of specific recommendations from community members we have worked with regarding their communities of interest and how lines shown be drawn in their regions of the state.¹ We should emphasize that a common theme from community members we worked with was that the Commission maps overall should ensure fair Latino representation and strengthen or add Latino effective districts. In addition, in reviewing the Appendix, we urge the Commission to take into account that under the Voters First Act, compliance with the federal Voting Rights Act of 1965 (VRA) is the second highest criterion for the Commission's maps, and is a higher priority than preserving communities of interest.

I. The Stagnation and Reduction in the Number of Latino Effective Districts

Under the VRA, the Commission's maps must provide Latinos with a fair opportunity to elect the representatives of their choice. Under the Voters First Act, which created the Commission, compliance with the VRA is the second-highest ranked criterion for its maps. However, based on an analysis of the number of districts with at least 50% Latino citizen voting age population (CVAP),² the Commission's maps do not appear to create additional Latino effective districts, and may actually reduce the number of these districts or their effectiveness. The tables below compare the number and location of Latino effective districts in California's current maps and those proposed by the Commission.

(Table 1 appears on the next page)

¹ Most of the information in the Appendix has been provided to the Commission directly from community members through the public input process. We believe that some members of the Latino community felt reluctant to submit testimony directly to the Commission because of their immigration status or other similar issues. Thus, some of the information in the Appendix may not appear independently in other public input testimony.

² Hereinafter, districts with at least 50% Latino CVAP will be referred to as "Latino effective" districts.

Table 1
Latino Effective Districts – State Assembly

| Existing | | | |
|------------------------|------------|-------------|----------------------|
| Region | District # | Latino CVAP | Latino Share of CVAP |
| Central Valley | 31 | 115,165 | 53.0% |
| Los Angeles metro area | 39 | 111,447 | 62.4% |
| | 45 | 97,078 | 50.8% |
| | 46 | 99,026 | 67.8% |
| | 50 | 125,265 | 71.4% |
| | 57 | 132,426 | 57.4% |
| | 58 | 145,770 | 63.4% |
| Inland Empire | 61 | 118,306 | 49.8% |
| | 62 | 120,899 | 54.5% |
| Orange County | 69 | 79,376 | 52.0% |

| First Draft Maps | | | |
|------------------------|---------------|-------------|----------------------|
| Region | District Name | Latino CVAP | Latino Share of CVAP |
| Central Valley | FSEC 2 | 108,524 | 50.6% |
| Los Angeles metro area | LADNN | 131,284 | 64.4% |
| | LAPRW | 166,215 | 60.8% |
| | LASGL | 122,367 | 58.0% |
| | LACVN | 140,568 | 57.2% |
| | LAELA | 134,625 | 55.1% |
| | LASFE | 118,218 | 52.0% |
| Inland Empire | RLTFO | 113,788 | 52.6% |
| | POMVL | 125,095 | 50.6% |
| San Diego County | SSAND | 118,506 | 50.0% |

Source for district CVAP: MALDEF analysis based on the U.S. Department of Justice's Special Tabulation of the U.S. Census Bureau's American Community Survey 5-Year Estimate Data (2005-2009).

Table 1 reveals that the Commission's first draft Assembly map retains the same number of Latino effective districts as currently exist - ten. The Commission's map does create new Latino effective districts in the San Fernando Valley and San Diego areas (LASFE and SSAND). However, it eliminates a Latino effective district in the Los Angeles County area (around downtown Los Angeles), and reduces the Latino CVAP of a currently effective district in the Orange County area (SNANA has 46.5% Latino CVAP).

(Table 2 appears on the next page)

Table 2
Latino Effective Districts – State Senate

| Existing | | | |
|---------------------------------------|------------|-------------|----------------------|
| Region | District # | Latino CVAP | Latino Share of CVAP |
| Central Valley | 16 | 217,796 | 50.9% |
| Los Angeles metro area | 22 | 173,725 | 52.1% |
| | 24 | 247,758 | 56.1% |
| | 30 | 287,666 | 68.6% |
| Inland Empire | 32 | 234,220 | 51.8% |
| Imperial County/Riverside County area | 40 | 246,955 | 49.0% |

| First Draft Maps | | | |
|------------------------|---------------|-------------|----------------------|
| Region | District Name | Latino CVAP | Latino Share of CVAP |
| Central Valley | KINGS | 204,656 | 50.7% |
| Los Angeles metro area | LACVN | 291,828 | 57.1% |
| | LAWSG | 242,816 | 54.3% |
| Inland Empire | POMSB | 238,883 | 51.5% |

Source for district CVAP: MALDEF analysis based on the U.S. Department of Justice's Special Tabulation of the U.S. Census Bureau's American Community Survey 5-Year Estimate Data (2005-2009).

Table 2 reveals that the Commission's map reduces the number of Latino effective districts at the Senate level from six to four. The Commission eliminated one Latino effective district in the core Los Angeles County area (downtown Los Angeles area and area east of downtown). It also eliminated a Latino effective district in the Imperial/Riverside County area. Much of the area in this district has been split into two districts in the Commission's maps: ISAND (26.8% LCVAP) and CCHTM (25.6% Latino CVAP).

Table 3
Latino Effective Districts – Congress

| Existing | | | |
|------------------------|------------|-------------|----------------------|
| Region | District # | Latino CVAP | Latino Share of CVAP |
| Central Valley | 20 | 163,386 | 50.5% |
| Los Angeles metro area | 31 | 129,370 | 49.9% |
| | 32 | 181,126 | 53.6% |
| | 34 | 169,928 | 64.8% |
| | 38 | 216,568 | 65.3% |
| | 39 | 174,651 | 51.9% |
| Inland Empire | 43 | 180,251 | 51.7% |

| First Draft Maps | | | |
|---------------------------|---------------|-------------|----------------------|
| Region | District Name | Latino CVAP | Latino Share of CVAP |
| Central Valley | KINGS | 153,960 | 49.3% |
| Los Angeles metro area | DWWTR | 229,521 | 59.3% |
| | ELABH | 198,359 | 57.6% |
| | IGWSG | 148,011 | 53.3% |
| | COVNA | 197,055 | 50.8% |
| | SFVET | 155,000 | 49.6% |
| San Diego/Imperial County | IMSAN | 172,353 | 50.6% |

Source for district CVAP: MALDEF analysis based on the U.S. Department of Justice's Special Tabulation of the U.S. Census Bureau's American Community Survey 5-Year Estimate Data (2005-2009).

Table 3 reveals that Commission's first draft Congressional map appears to retain the same number of Congressional districts as currently exists – seven. However, one of the arguably effective districts – IGWSG – has a Latino CVAP of 53.3% and an African American CVAP of 39.9%. This district configuration unnecessarily wages Latinos and African Americans against each other, two underrepresented groups that have worked for decades to earn fair political representation for their respective communities.

The Commission added Latino effective districts in the Northeast San Fernando Valley and San Diego/Imperial County areas. However, the demographics of the state justified the creation of these districts ten years ago, and the state legislature failed to create these districts because of incumbency protection efforts – the kind of efforts that spurred public support for the ballot measures that created the Commission and determined its redistricting responsibilities.

Moreover, the Commission eliminated a Latino effective district in the core Los Angeles County area, and essentially reduced the effectiveness of an existing Inland Empire district by dropping its Latino citizen voting-age population below 50% - SBRIA, which covers a fair amount of the area in existing CD 43 has a Latino CVAP of 44.5%. We believe the Commission should have created the additional effective districts in the Northeast San Fernando Valley and the San Diego/Imperial County area, and maintained the same number of or increased Latino effective districts in the Los Angeles and Inland Empire areas.

In addition, there is an existing Congressional District in the Orange County area, CD 47, that is very close to becoming a Latino effective district (44.1% Latino CVAP). The Commission split the communities in this district into two districts, both which are far less effective (WESTG, 31.8% LCVAP and STHOC, 16.6% LCVAP). The Commission should create a district that is far more effective for Latinos in this area.

As noted above, the stagnation or reduction of Latino effective districts in Southern California is of particular concern, because of the dramatic growth of the Latino population in Southern California counties and cities over the last decade. Table 4 compares Latino and non-Latino growth in five major counties where we believe the Commission needs to prevent the stagnation or reduction of Latino effective districts, and for cities or regions that we believe need to be in Latino effective districts, in part because of their relatively high concentration of Latinos. (Section IIC below will provide demographic data that show that Latinos in these areas also

share common challenges in attaining fair access to equal opportunities in education, employment and health.)

Table 4
Latino and Non-Latino Population Trends: 2000 and 2010

| | Latino Population Growth 2000-2010 | Non-Latino Population Growth 2000-2010 | Latino Share of Population 2010 | Latino Share of Population Growth 2000-2010 |
|---------------------------|------------------------------------|----------------------------------------|---------------------------------|---------------------------------------------|
| California | 27.8% | 1.5% | 37.6% | 90.1% |
| Counties: | | | | |
| Los Angeles | 10.5% | -2.8% | 47.7% | 148.9%* |
| Orange | 15.7% | 1.3% | 33.7% | 83.8% |
| San Bernardino | 49.6% | -0.6% | 49.2% | 101.8%* |
| Riverside | 77.9% | 21.2% | 45.5% | 67.6% |
| Imperial | 36.4% | -13.4% | 80.4% | 116.4%* |
| Cities or Regions: | | | | |
| Los Angeles | 7.0% | -1.1% | 48.5% | 122.4%* |
| Anaheim | 15.7% | -9.1% | 52.8% | 292.0%* |
| Santa Ana | -1.2% | -12.7% | 78.2% | *** |
| Coachella Valley** | 50.3% | 21.0% | 62.5% | 76.3% |

Source: 2000 and 2010 Census decennial data.

* All of these jurisdictions owe their growth over the last decade to the Latino population. Without Latino population growth, these jurisdictions would have experienced a net loss in population. Thus, the figure for Latino share of population growth demonstrates by how much Latino population growth exceeded the overall growth of the jurisdiction's population.

**Because the Census does not provide data on the Coachella Valley as a specific region, all data in this testimony regarding the Coachella Valley is derived by combining data for the most prominent cities and Census designated places (CDP) in the region: Cathedral City, Coachella City, Desert Hot Springs, Indio, Mecca CDP and Palm Springs. We combine these areas for the purpose of demonstrating certain demographic characteristics of the Coachella Valley as a whole, and to support our contention that Latinos in the area share social and economic characteristics with those of Imperial County. However, we do not necessarily suggest that every city we have used to derive data for the region as a whole should be specifically combined with Imperial County for the Commission's maps. We use the data to urge the Commission to carefully examine where combining areas of Coachella Valley with districts that include Imperial County will ensure adherence to the Commission's mapping criteria, and we urge the Commission to pay close attention to Latino community testimony on this issue.

***Santa Ana is the only area on the table which saw a decline in both the Latino and non-Latino population during last decade. However, the decline in the Latino population was much smaller than that of the non-Latino population.

Table 4 indicates that in all of the areas shown (except for the city of Santa Ana), Latino population growth last decade outstripped non-Latino growth, and was largely responsible for the overall growth of the jurisdiction. In Los Angeles County, San Bernardino County, Imperial County, the City of Los Angeles and the City of Anaheim, there was a decrease in the non-Latino population, and without Latino population growth, the overall population would have declined. In Santa Ana, there was a decline in both the Latino and the non-Latino population, but the Latino decline was much smaller than the non-Latino decline.

The stagnation or reduction of Latino effective districts in the Commission map in areas where Latino population growth has increased dramatically, or at least remained relatively robust compared to non-Latino population growth, raises questions about the Commission's approach to creating Latino effective districts in its maps. On June 23, we joined a multi-ethnic collaboration of voting rights and civic organizations in a letter which raised concerns about the Commission's application of the Section 2 and Section 5 of the VRA. We highlight the major concerns and recommendations set forth in that letter. In summary, we believe:

- The Commission is taking an unnecessarily narrow view of Section 2 requirements regarding the geographical compactness of minority communities. As noted in the letter, one example appears to be the Commission's reluctance to combine non-contiguous communities such as Santa Ana and Anaheim in the same district, even though this would not violate the VRA's compactness requirement.
- The Commission appears to be elevating preserving communities of interest or respecting city or county boundaries over the requirement of compliance with the VRA. As noted in the letter, one example is the Commission's reluctance to cross county lines, and combine the communities of Coachella Valley (which are in Riverside County) and areas in the Imperial County to create Latino effective districts.
- In general, the Commission needs to more consciously and carefully examine what districts need to be drawn under Section 2 of the VRA, and use the identification of the full range of Latino effective districts as a starting point. While the Commission may not ultimately determine that the Section 2 compels the drawing of all such districts, it should at least identify them to assure itself that it has conducted a thorough and complete analysis of its VRA obligations.

In this connection, we also urge the Commission to carefully examine whether it has "packed" Latinos in its current maps by creating Latino effective districts with unnecessarily high Latino CVAP percentages, in contravention of the VRA. This is particularly the case in the Los Angeles metropolitan area, where there are districts at all levels with relatively high Latino CVAP percentages. The Commission should examine whether unpacking these districts may provide opportunities to create additional Latino effective districts in the area.

II. Barriers to Latino Participation and Representation in California

In addition to the concerns raised by the failure of the Commission's maps to reflect the growth of the Latino community in California, we are also concerned about the stagnation or reduction of Latino effective districts in the Commission's first draft maps because there are still significant barriers to Latino participation in California that prevent Latinos from having the effective ability to elect the candidates of choice. As a starting point for this discussion, we present a seminal analysis of the history of discrimination against Latinos in California, an expert witness report authored by Stanford University Professor of American History Alberto Camarillo submitted in connection with *Cano v. Davis*.³ This litigation involved a challenge alleging Latino vote dilution in the state legislature's drawing of certain districts during California's 2001 redistricting. Professor Camarillo's report, which is attached, provides a detailed description of historical patterns of bias, prejudice and discrimination directed against Latinos by Non-Hispanic Whites in California in general, and Los Angeles in particular. In summary, Professor Camarillo documents California's long history of denying Latinos fair representation in government. They encountered gerrymandering and vote dilution as early as the 1860's and 70's. In Santa Barbara, for instance, as soon as Anglos gained control of the city, they created a ward-based election system and concentrated Latinos in a single district, effectively limiting them to one of the five City Council seats. Similarly, in Los Angeles, where Mexican Americans were 20% of the population in 1880, Anglos initiated a ward system, split the vote of Latinos among several wards, and nullified their electoral impact. By the late 19th century, it was hard to find a Latino public official anywhere in the state.

For much of the 20th century, gerrymandering, vote dilution, and voter intimidation were primary factors in keeping Latinos underrepresented. As late as 1962, no Latino representatives sat in the State Senate or Assembly, and only two served between 1962 and 1967. The California Advisory Committee to the U.S. Commission on Civil Rights determined in 1966-67 that East Los Angeles, the largest Latino area in the nation, had been sliced into six Assembly districts, none with a Latino population of over 25%.

³*Cano v. Davis*, 211 F. Supp. 2d 1208 (2002). Although the plaintiffs did not prevail in their challenge, the appellate court decided the case on grounds unrelated to the history of discrimination detailed in Professor Camarillo's report, and his report was not discussed in the opinion.

In the 1940s, though 300,000 Spanish-speaking voters lived in Los Angeles County, it had no elected or appointed Latino officials. Edward R. Roybal became the first Latino elected to the Los Angeles City Council in the 20th century, but after he joined Congress in the early 1960s, no other Latino sat on the Council until the mid-1980s. The Los Angeles County Board of Supervisors had no Latinos until after 1990, when the federal courts ruled that it had violated the Voting Rights Act by fragmenting the Latino vote. Latinos could face hostility in the voting process itself, and during the 1950s and 1960s they made hundreds of claims of intimidation at the polls, such as harassment based on English language literacy. In 1988, unofficial guards patrolled Orange County polling places with signs warning non-citizens not to vote.

The report from Professor Camarillo generally covers history and data through 2001. Our testimony below will provide data and information about barriers to participation that Latinos have continued to face since the beginning of last decade.

A. Failure by jurisdictions to provide language assistance to Latino voters

In the last decade, the U.S. Department of Justice (DOJ) initiated actions against several Southern California jurisdictions to enforce compliance with Section 203 of the VRA, which requires the provision of language assistance to Latino voters and other language minority citizens. In the following actions, the DOJ filed complaints against California jurisdictions, alleging several types of discrimination, including failure to provide an adequate number of bilingual pollworkers, failure to provide translated polling site materials, and failure to disseminate translated pre-election materials (such as notices and announcements) in Spanish-language media outlets. These actions were settled by the jurisdictions through consent decrees or memoranda of agreement:⁴

- Riverside County, 2010
- City of Azusa, 2005
- City of Paramount, 2005.
- City of Rosemead, 2005
- San Diego County, 2004
- Ventura County, 2004

⁴<http://www.justice.gov/crt/about/vot/litigation/caselist.php#sec203cases>.

The foregoing DOJ actions indicate that there are still jurisdictions in California where Latinos do not have full access to the electoral process because of discriminatory failure to provide language assistance required under Section 203 of the VRA.

B. Discrimination Against Latinos in the Electoral Process

A 2006 survey conducted by the NALEO Educational Fund of Latino elected officials and civic leaders also indicates the existence of on-going discrimination in the electoral process.⁵ The survey was conducted to provide documentation for the Congressional record for the renewal of provisions of the VRA. The survey's respondents included 55 Californians, and respondents were asked about discrimination they either personally experienced or observed.

Over two-thirds (67%) of the respondents had personally experienced or observed discrimination in activities related to running for or holding public office. The most prevalent types of discrimination identified by these respondents were related to campaigning (73%); racial or ethnic appeals made during the election process (57%); and redistricting or district boundaries (51%). Respondents described incidents where their ethnicity prevented them from getting key endorsements, or where campaign opponents or local media made their ethnicity an issue in their contest.

Over half of the survey respondents (58%) had also personally experienced or observed discrimination in public election activities. The most prevalent types of discrimination identified by these respondents included problems with: voter assistance (59%); polling locations (56%); provisional ballots (56%); and unwarranted challenges to voters based on citizenship status or ID requirements (53%). Several respondents specifically mentioned the lack of bilingual pollworkers and other adequate language assistance at polling sites. The experience of one California respondent served as the basis for the title of the report – when she went to cast her ballot, she was asked if she was a citizen, and asked to show identification to prove it. Our survey findings show that California Latinos are still experiencing discrimination as candidates and voters in the state.

⁵Dr. James Thomas Tucker, *I Was Asked If I Was A Citizen: Latino Elected Officials Speak Out on the Voting Rights Act*, NALEO Educational Fund, Los Angeles, California, 2006. The data provided in this testimony is derived from a specific analysis of the responses from California Latino elected officials and civic leaders.

C. Discrimination Against Latinos in Education, Employment and Health

An analysis of recent data from the Census Bureau’s American Community Survey (ACS) and other sources reveals that Latino education and employment levels are significantly lower than non-Hispanic Whites, and that Latinos do not have equal access to health insurance coverage. We provide the data below for two purposes. First, we believe it will provide a demographic portrait of Latinos in Southern California which demonstrates the pervasive social and economic challenges that still face the Latino community. In addition, we believe it demonstrates the social and economic interests that Latinos share in certain cities and counties, and supports our contention that Latinos in these areas face barriers to participation that should compel the Commission to give serious consideration to placing them in Latino effective districts to provide them a fair opportunity to choose their elected representatives.

Educational Attainment

Statewide, there are significant differences between the educational achievement of California’s non-Hispanic White and Latino populations, and Latinos still face challenges obtaining access to equal educational opportunities. According to a U.S Department of Education study of results from the National Assessment of Educational Progress, there are still large gaps between the 2009 math and reading scores of 4th grade and 8th grade public school students in California.⁶ Table 5 presents the score gaps between Latino and non-Hispanic White students in each category.

**Table 5
Score Gaps between California White and Latino Students
2009 National Assessment of Educational Progress**

| | Math | | Reading | |
|-----------|-----------------------|-----------------------|-----------------------|-----------------------|
| | 4 th grade | 8 th grade | 4 th grade | 8 th grade |
| Score Gap | 28* | 33* | 31* | 28 |

*Score gap was significantly higher than the national average.

⁶F. Cadelle Hemphill, Alan Vanneman, and Taslima Rahman, *Achievement Gaps: How Hispanic and White Students in Public Schools Perform in Mathematics and Reading on the National Assessment of Educational Progress*, National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education, Washington, DC, 2011.

In addition, a comparison of 2009 ACS data on the education level of Latino and non-Hispanic White adults in California also reveals disparities in access to education. Table 6 reveals that both statewide, and in several Southern California counties and cities, at least four in ten Latinos have not completed high school. In contrast, the share of non-Hispanic Whites at this educational level generally ranges from 4%-9%, with the exception of Imperial County. Non-Hispanic Whites in this county have the lowest educational level of all of the counties shown – 19% have not completed high school. However, the education level of Imperial County’s Latinos is still significantly lower than that of non-Hispanic Whites – 45% have not completed high school.

Table 6
Share of Adult Population Which Has Not Completed High School

| | California | County | | | | |
|--------------------|------------|-------------|--------|----------------|-----------|----------|
| | | Los Angeles | Orange | San Bernardino | Riverside | Imperial |
| Latino | 43.3% | 46.0% | 44.5% | 40.5% | 42.4% | 44.7% |
| Non-Hispanic White | 6.6% | 6.8% | 4.2% | 9.3% | 8.0% | 19.0% |

| | City or region | | | |
|--------------------|----------------|-----------|---------|------------------|
| | Los Angeles | Santa Ana | Anaheim | Coachella Valley |
| Latino | 51.4% | 60.0% | 46.3% | 48.3% |
| Non-Hispanic White | 6.0% | 8.3% | 9.8% | 7.7% |

Source: U.S. Census Bureau's American Community Survey 5-Year Estimate Data (2005-2009)

Table 6 reveals the same education disparities between Latinos and non-Hispanic Whites at the city and regional level. The Latinos of Santa Ana and Anaheim share the same challenges with high school completion rates, compared to their Non-Hispanic White counterparts. Coachella Valley’s Latinos share similar challenges with those of Imperial County.

Another significant barrier to Latino participation in the electoral process is the high prevalence of limited English-language proficiency in the Latino community. Using ACS data, Table 7 compares the share of non-Hispanic Whites and Latino who are not yet fully proficient in English.

(Table 7 appears on the next page)

Table 7
Share of Population Not Fully Proficient in English

| | California | County | | | | |
|--------------------|------------|-------------|--------|----------------|-----------|----------|
| | | Los Angeles | Orange | San Bernardino | Riverside | Imperial |
| Latino | 37.6% | 40.8% | 42.2% | 31.9% | 32.1% | 40.0% |
| Non-Hispanic White | 3.4% | 7.8% | 2.6% | 2.0% | 1.8% | 1.6% |

| | City or region | | | |
|--------------------|----------------|-----------|---------|------------------|
| | Los Angeles | Santa Ana | Anaheim | Coachella Valley |
| Latino | 48.4% | 57.8% | 45.4% | 39.1% |
| Non-Hispanic White | 9.1% | 2.4% | 3.9% | 2.0% |

Source: U.S. Census Bureau's American Community Survey 1-Year Estimate Data (2009) for California and counties. For all other jurisdictions, U.S. Census Bureau's American Community Survey 5-Year Estimate Data (2005-2009)

These tables reveal that Latinos in California and five of the major Southern California counties are far more likely to lack full English proficiency than non-Hispanic Whites. Even in the county and city of Los Angeles, where 8-9% of the non-Hispanic White population lacks full English proficiency, Latinos still have far higher rates of limited English proficiency (41% and 48%, respectively).

Additionally, the Latinos of Anaheim and Santa Ana share the same relatively high level of limited English proficiency, compared to the non-Hispanic White population in those cities, which suggests that Latinos in both communities share a common barrier to electoral participation. The Latinos of Coachella Valley and Imperial County also have significantly higher levels of limited English proficiency than their non-Hispanic White counterparts.

Low levels of education and English-language proficiency are particularly salient barriers to Latino participation in California's electoral process because of the complexity of the state's ballots and voter information materials. In November 2010, Californians confronted nine statewide ballot propositions, addressing topics such as budget reform, redistricting, and business taxes. The state Voter Information Guide was 128 pages, with complicated language that would present difficulties for voters who speak English as their first language. For language minority voters, the language barrier doubles or triples this difficulty.

The challenges facing Latino adults with limited English proficiency are exacerbated by the backlog in California adult English Language Learner (ELL) instruction courses. A 2006 survey conducted by the NALEO Educational Fund revealed that some ELL programs in Los Angeles and Anaheim face a high demand for their services, and have long waiting lists for students.⁷

Employment and Economic Status

There are also significant economic disparities between California's Latinos and non-Hispanic Whites. First, 2009 ACS data reveals that Latinos tend to have somewhat higher unemployment rates than non-Hispanic Whites.

Table 8
Share of Civilian Labor Force Population Which is Unemployed*

| | California | County | | | | |
|--------------------|------------|-------------|--------|----------------|-----------|----------|
| | | Los Angeles | Orange | San Bernardino | Riverside | Imperial |
| Latino | 9.2% | 8.2% | 7.5% | 10.3% | 10.7% | 14.0% |
| Non-Hispanic White | 6.4% | 6.4% | 5.4% | 8.0% | 7.4% | 5.5% |

| | City or Region | | | |
|--------------------|----------------|-----------|---------|------------------|
| | Los Angeles | Santa Ana | Anaheim | Coachella Valley |
| Latino | 8.3% | 7.7% | 9.3% | 10.4% |
| Non-Hispanic White | 6.8% | 5.9% | 6.8% | 6.6% |

Source: U.S. Census Bureau's American Community Survey 5-Year Estimate Data (2005-2009).

*The ACS unemployment rate is derived by taking the percentage of the civilian labor force which is unemployed. The unemployment figures released by the Bureau of Labor Statistics (BLS) are based on a monthly survey of households that uses a different methodology than the ACS, which may account for differences between the ACS and BLS unemployment rates.

While in most California jurisdictions, there is a relatively modest gap between Latino and non-Hispanic White unemployment rates (Imperial and the Coachella Valley have the largest gaps), there are far greater disparities in the economic status of the two groups. While most Latinos have access to employment opportunities, they tend to work in jobs that have lower wages than non-Latinos, which contributes to the economic challenges faced by many Latino families. Table 9 sets forth comparative ACS data on the share of California Latino and non-Hispanic Whites living below the poverty level.

⁷ Dr. James Thomas Tucker, *The ESL Logjam: Waiting Times for Adult ESL Classes and the Impact on English Learners*, NALEO Educational Fund, Los Angeles, California, 2006, p. 17 and pp. 34-35.

Table 9
Share of Population Living Below Poverty Level

| | California | County | | | | |
|--------------------|------------|-------------|--------|----------------|-----------|----------|
| | | Los Angeles | Orange | San Bernardino | Riverside | Imperial |
| Latino | 20.6% | 21.1% | 17.3% | 20.4% | 18.5% | 25.5% |
| Non-Hispanic White | 8.7% | 9.3% | 5.8% | 12.0% | 8.5% | 9.2% |

| | City or region | | | |
|--------------------|----------------|-----------|---------|------------------|
| | Los Angeles | Santa Ana | Anaheim | Coachella Valley |
| Latino | 25.3% | 19.0% | 17.7% | 21.9% |
| Non-Hispanic White | 9.6% | 8.3% | 5.9% | 9.9% |

Source: U.S. Census Bureau's American Community Survey 1-Year Estimate Data (2009) for all regions except Coachella Valley. For Coachella Valley, U.S. Census Bureau's American Community Survey 5-Year Estimate Data (2005-2009).

Table 9 reveals that in California and in four of its major Southern California counties, the share of Latinos living below the poverty level is at least twice as high as the share of non-Hispanic Whites, and the same is true in the cities of Los Angeles, Santa Ana and Anaheim. The gap between Latinos and non-Latinos White is somewhat smaller in San Bernardino County, but the share of Latinos in poverty status still exceeds that of non-Latino Whites by 8 percentage points.

Health Insurance Coverage

The health insurance coverage rates of a population are an important indicator of access to health care. Table 10 reveals that throughout Southern California, a significantly higher share of Latinos are uninsured than non-Hispanic Whites.

Table 10
Share of Population Without Health Insurance Coverage

| | California | County | | | | |
|--------------------|------------|-------------|--------|----------------|-----------|----------|
| | | Los Angeles | Orange | San Bernardino | Riverside | Imperial |
| Latino | 28.9% | 31.9% | 32.2% | 27.2% | 29.1% | 24.7% |
| Non-Hispanic White | 10.1% | 11.0% | 8.2% | 13.2% | 12.3% | 12.9% |

| | City or region | | | |
|--------------------|----------------|-----------|---------|------------------|
| | Los Angeles | Santa Ana | Anaheim | Coachella Valley |
| Latino | 37.8% | 41.8% | 31.9% | NA |
| Non-Hispanic White | 12.0% | 15.2% | 11.4% | NA |

Source: U.S. Census Bureau's American Community Survey 1-Year Estimate Data (2009)

IV. Conclusion

California's Citizens Redistricting Commission has an unprecedented opportunity to ensure that all Californians have an opportunity for fair representation in the state's electoral process. The maps that the Commission draws will shape the political landscape for the next ten years, and will help determine whether Latinos and other underrepresented groups can continue to make political progress in the state. We urge the Commission to revise its first draft maps to ensure that the maps comply with the VRA and reflect the growth of the state's Latino population. To accomplish this goal, the Commission must thoughtfully examine the number of Latino effective districts that can be created, and pay careful attention to Latino community members' perspectives about how the proposed lines affect their communities and neighborhoods. We believe the Commission shares our vision for a redistricting process that will help ensure the future strength of California's democracy, and we look forward to continuing to work with the Commission to achieve this opportunity goal.

Thank you for your consideration of our views.

APPENDIX

NALEO Educational Fund Compilation of Input from Latino Community Members about Communities of Interest

The following represents a compilation of comments from Latino community members with whom the NALEO Educational Fund worked during its California redistricting initiative.

ASSEMBLY

San Jose

- The community would like San Jose and East San Jose to be kept together in a Latino effective district. These communities have been historically connected and share a strong Latino community of interest. The following boundaries are suggested for an assembly district because they unify communities with common social and economic characteristics:
 - Old Willow Glen Area (South West)
 - Monterrey Road Area (West)
 - Burbank Area (North West)
 - East Foot Hills (County Line)
 - Penitencia Creek Road (North)

Tri County Central Coast area (Monterey, San Benito and Santa Cruz counties)

- The community supports the creation of districts that cross the mountains in the region if this is done in a way that respects communities.
- Gilroy, Watsonville and its surrounding farmland, and Salinas should be kept together in the same district. These communities share common social and economic characteristics.

Central Valley

- The community understands that for population requirements Bakersfield may be split. If Bakersfield is divided, use the 99 Freeway as a dividing line. East of the 99 is a strong Latino community of interest that should be placed in a Latino effective district.
- There is a Latino community of interest among the communities of Bakersfield, Arvin, and Lamont. These cities share the Kern High School district, cultural events such as the Oaxacan Festival, and Good Neighbor Festival. They also share a transit system, and many community members have low income levels.

- The following communities share common social and economic characteristics and should be kept together: East Orosi, Goshen, Seville, Lemon Cove, Tulare, Woodville, Pixley, Terra Bella, Ducor, Rich Grove. These communities share agricultural interests, and there is a strong Latino presence in the area. Many community members are bilingual in English and Spanish, or are primarily Spanish-speaking.
- Arvin should be kept whole and placed in a Latino effective district. The district can include Arvin whole to Morning Drive then to the 58; north to Niles, west to Oswell and the 99 Freeway and north to Columbus.
- The areas south of Shaw and west of Marks share common social and economic characteristics and should be placed in a Latino effective district.
- Sanger should be placed in a Latino effective district.
- In the City of Fresno, there is a distinct divide between rural Fresno and urban Fresno - a loose boundary for this divide occurs along the Santa Fe railroad lines. The areas of urban Fresno should be added to Latino effective districts because these communities share common social and economic ties with urban areas of other regions.
- The community supports having to draw ‘fingers,’ or “funny shapes” in order to connect communities that have common social and economic characteristics.

Los Angeles County

- The heavily Latino neighborhoods directly west of or in downtown Los Angeles share common social and economic characteristics and should be kept in a Latino effective district.
- There is a community of interest that links South Los Angeles, West Lake, Pico Union, Koreatown, Echo Park, Silverlake, El Sereno and Eagle Rock. These communities share immigrant cultures, social and economic status (many members of the communities are working class), and cultural interests.
- The Northeast San Fernando Valley, includes heavily Latino neighborhoods (Sylmar, San Fernando, Pacoima, Mission Hills, North Hills, Arleta, Panorama City, Sun Valley, Van Nuys, and North Hollywood) that have worked to earn fair representation. The 2001 redistricting process divided the Latino community and isolated some regions. Among the commonalities in these communities are the same shopping corridors, and parks. Many community members are bilingual in English and Spanish and share common Latino ancestry.

- The Northeast San Fernando Valley communities of Sunland, Tujunga, Shadow Hills and La Tuna do not share many social and economic similarities with the Latino communities in this region.
- The neighborhoods to the west of the 405 Freeway (Northridge, Granada Hills) and/or South of Victory Blvd (North Hollywood, Van Nuys) have become more Latino in the last decade.
- La Puente, El Monte, South El Monte, Baldwin Park, Rosemead and Alhambra share common social and economic characteristics including education and income levels, culture and a strong Latino voting community.
- The communities of Covina and Corona that are south of the 210 Freeway share common social and economic characteristics, including concerns for public safety, access to municipal services, and common shopping centers.
- The communities of Azusa, Covina, Irwindale and Baldwin Park share common social and economic characteristics such as income and education levels, and Latino ancestry. These areas use common transportation routes.

Orange County

- The cities of Santa Ana and Anaheim have several heavily-Latino neighborhoods that share common social and economic characteristics.

San Bernardino

- The community opposes splitting of the City of San Bernardino.
- The community would like all assembly districts to be wholly in San Bernardino County and not cross county lines.
- The community would like the following areas to be kept together because of shared social and economic characteristics
 - Rancho Cucamonga
 - Claremont
 - Upland
 - Fontana

- In a different district, the community recommends using the Colton Unified School district boundaries and keeping the following areas to be kept together because of common social and economic characteristics:
 - Rialto
 - Colton
 - San Bernardino
 - Grand Terrace
 - Loma Linda
 - Highland
 - Muscoy
- Keep Colton and Grand Terrace together and keep them whole, these communities share a school district.

Riverside

- There is a Latino community of interest in east Riverside and Moreno Valley. These communities have large Latino immigrant population, they have similar social and economic characteristics and share common needs such as access to jobs. This region does not share commonalities with the high-desert area of Riverside (such as Palm Springs)
- Jurupa Valley and West Riverside are also a Latino community of interest because of common social and economic characteristics such as education and income levels. Many community members are primarily Spanish-speaking.

Imperial Valley

- The Imperial Valley and Coachella Valley should be kept together in the same assembly and senate districts. The area between Calexico and Coachella Valley is agricultural, and its residents share social and economic interests.

San Diego

- There is a Latino community of interest east of the 805 Freeway, including East Paradise Hills, East National City and East Chula Vista. These communities have common social and economic characteristics.
- The 805 Freeway is a dividing line for communities. East of the 805 Freeway contains newer communities characterized by recent development while west of the 805 Freeway are older neighborhoods. The two regions have different social and economic characteristics.
- The community of Logan Heights (Barrio Logan) should be kept whole, which includes the areas north and south of Coronado Bridge all the way to the Bay.
- Keep historic Latino neighborhoods together such as Logan Heights and Sherman Heights.

STATE SENATE:

Central Valley

- There is a Latino community of interest among the communities of Bakersfield, Arvin, and Lamont. These cities share the Kern High School district, cultural events such as the Oaxacan Festival, and Good Neighbor Festival. They also share a transit system, and many community members have low income levels.
- The following communities share common social and economic characteristics and should be placed within a Latino effective district: Ducor, Richgrove, Plainville, Porterville, Exeter, Terra Bella, Lemon Cove, and Tulare (west of the 99, north to Prosperity and East to Enterprise).
- The communities of Dos Palos, Firebaugh, Coalinga, and Hanford share common social and economic characteristics and are different from the lower income Latino communities in the region.
- Keep the urban areas of the City of Fresno in a Latino effective district which includes everything south of Gettysburg Avenue, except for the area known as “Fig Garden.”
- In the City of Fresno, there is a distinct divide between rural Fresno and urban Fresno - a loose boundary for this divide occurs along the Santa Fe railroad lines. The areas of urban Fresno should be added to Latino effective districts because these communities share common social and economic ties with urban areas of other regions.
- The community supports having to draw ‘fingers’, or “funny shapes” in order to connect communities that have common social and economic characteristics.

Los Angeles County

- The heavily Latino neighborhoods in downtown Los Angeles should be kept in a Latino effective district.
- There is a community of interest that links South Los Angeles, West Lake, Pico Union, Koreatown, Echo Park, Silverlake, El Sereno and Eagle Rock. These communities share immigrant cultures, social and economic status (many members of the communities are working class), and cultural interests.
- The Northeast San Fernando Valley, includes heavily Latino neighborhoods (Sylmar, San Fernando, Pacoima, Mission Hills, North Hills, Arleta, Panorama City, Sun Valley, Van Nuys, and North Hollywood) that have worked to earn fair representation. The 2001 redistricting process

divided the Latino community and isolated some regions. Among the commonalities in these communities are the same shopping corridors, and parks. Many community members are bilingual in English and Spanish and share common Latino ancestry.

- The Northeast San Fernando Valley communities of Sunland, Tujunga, Shadow Hills and La Tuna do not share many social and economic similarities with the Latino communities in this region.
- The neighborhoods to the west of the 405 Freeway (Northridge, Granada Hills) and/or South of Victory Blvd (North Hollywood, Van Nuys) have become more Latino in the last decade.
- La Puente, El Monte, South El Monte, Baldwin Park, Rosemead and Alhambra share common social and economic characteristics including education and income levels, culture and a strong Latino voting community.
- The communities of Covina and Corona that are south of the 210 Freeway share common social and economic characteristics including concerns for public safety, access to municipal services, and common shopping centers.
- The communities of Azusa, Covina, Irwindale and Baldwin Park share common social and economic characteristics such as income and education levels, and Latino ancestry. These areas use common transportation routes.

Imperial County/Riverside County

- The communities of Coachella Valley and Imperial County should be kept in the same districts because of their shared social and economic interests.

Riverside

- There is a Latino community of interest in east Riverside and Moreno Valley. These communities have large Latino immigrant population, they have similar social and economic characteristics and share common needs such as access to jobs. This region does not share commonalities with the high-desert area of Riverside (such as Palm Springs)
- Jurupa Valley and West Riverside are also a Latino community of because of common social and economic characteristics such as education and income levels. Many community members are primarily Spanish-speaking.

San Diego

- There is a Latino community of interest from Oceanside, Vista, San Marcos and Escondido along Interstate 78. These communities of interest run east to west along Interstate 78 and share common social and economic characteristics.

CONGRESS:

Central Valley

- There is a Latino community of interest among the communities of Bakersfield, Arvin, and Lamont. These cities share the Kern High School district, cultural events such as the Oaxacan Festival, and Good Neighbor Festival. They also share a transit system, and many community members have low income levels.
- The following regions that share many common social and economic characteristics: East Porterville, Orange Cove, East Orosi and the southwest part of the City of Fresno.
- The Commission should keep the following regions together in a Congressional district because they are relatively higher income communities that share social and economic characteristics: Hanford, Lemoore Station, Kettleman City, all of Clovis, and Southeast Fresno. These communities are very different economically and socially from the Latino areas in Fresno and Bakersfield, and should not be in the same district as these Latino areas.
- In the City of Fresno, there is a distinct divide between rural Fresno and urban Fresno - a loose boundary for this divide occurs along the Santa Fe railroad lines. The areas of urban Fresno should be added to Latino effective districts because these communities share common social and economic ties with urban areas of other regions.
- The community supports having to draw 'fingers', or "funny shapes" in order to connect communities that have common social and economic characteristics.

Tri County Central Coast area (Monterey, San Benito and Santa Cruz counties)

- The community supports the creation of districts that cross the mountains in the region if this is done in a way that respects communities.
- Gilroy, Watsonville and its surrounding farmland, and Salinas should be kept together in the same district. These communities share common social and economic characteristics.

Los Angeles County

- Latino neighborhoods in the area west of downtown Los Angeles area should be placed in a Latino effective district.
- There is a community of interest that links South Los Angeles, West Lake, Pico Union, Koreatown, Echo Park, Silverlake, El Sereno and Eagle Rock. These communities share immigrant cultures, social and economic status (many members of the communities are working class), and cultural interests.

- The Northeast San Fernando Valley, includes heavily Latino neighborhoods (Sylmar, San Fernando, Pacoima, Mission Hills, North Hills, Arleta, Panorama City, Sun Valley, Van Nuys, and North Hollywood) that have worked to earn fair representation. The 2001 redistricting process divided the Latino community and isolated some regions. These communities share the same language, ancestry, shopping corridors, and parks to name only a few commonalities.
- The communities of North Hollywood (including the East and West side of the 170 Freeway) and the area west of the 405 Freeway including parts of Granada Hills and North Hills have changed demographics in the last ten years and have larger Latino communities.
- The Northeast San Fernando Valley communities of Sunland, Tujunga, Shadow Hills and La Tuna do not share many social and economic similarities with the Latino communities in this region.
- The neighborhoods to the west of the 405 Freeway (Northridge, Granada Hills) and/or South of Victory Blvd (North Hollywood, Van Nuys) have become more Latino in the last decade.
- La Puente, El Monte, South El Monte, Baldwin Park, Rosemead and Alhambra share common social and economic characteristics economic characteristics including education and income levels, culture and a strong Latino voting community
- The communities of Covina and Corona that are south of the 210 Freeway share common social and economic characteristics including concerns for public safety, access to municipal services, and common shopping centers.
- The communities of Azusa, Covina, Irwindale and Baldwin Park share common social and economic characteristics such as income and education levels, and Latino ancestry. These areas use common transportation routes.

Orange County

- The heavily Latino areas in Santa Ana and Anaheim include neighborhoods that share common social and economic characteristics.
- The entertainment community in Buena Park and the people that work in these regions should be kept in the same district.
- Central Anaheim, East Garden Grove and Santa Ana have a history of working together to achieve shared community goals.
- The natural dividing lines of the community are along school district lines and the 91 Freeway.

San Bernardino

- The Commission should keep Redlands whole and move this community from “SBRIA” into “INMSB”.
- Include Upland, Rancho Cucamonga, Ontario, Montclair in the San Bernardino district “ONTPM”.
- The community requests that the Commission not cross San Bernardino county lines and keep congressional districts within San Bernardino County as much as possible.

Riverside

- There is a Latino community of interest in east Riverside and Moreno Valley. These communities have a large Latino immigrant population, they have similar social and economic characteristics and share common needs such as access to jobs. This region does not share commonalities with the high-desert area of Riverside (such as Palm Springs)
- Jurupa Valley and West Riverside are also a Latino community of interest because of common social and economic characteristics such as education and income levels. Many community members are primarily Spanish-speaking.

San Diego

- The communities east of Interstate 15 comprise a Latino community of interest, including: Escondido, San Marcos, Vista, Oceanside, Fallbrook, and Bonsall.
- If population is needed for a San Diego district, the community prefers to extend into Riverside County to capture Murrieta and Temecula, which share social and economic characteristics with the San Diego communities, rather than extend into Orange County.

Expert Witness Report of Albert M. Camarillo

Cano v. Davis
April 12, 2002

1) I am a faculty member in the Department of History at Stanford University. I have held this position since receiving my Ph.D. degree in United States history from the University of California, Los Angeles in 1975. I am currently Professor of History and Director of the Center for Comparative Studies in Race and Ethnicity at Stanford University. My research and teaching focuses on the history of Mexican Americans in California and other southwestern states. My most recent essay, part of a two volume study focusing on race in America published by the National Academy Press, deals with the contemporary status of Mexican Americans and other Hispanics in the U.S. I have authored, co-authored, and co-edited six books, over two dozen articles and essays, and three research bibliographies dealing with the experiences of Hispanics in American society. My books entitled *Chicanos in a Changing Society: From Mexican Pueblos to American Barrios in Santa Barbara and Southern California* and *Chicanos in California: A History of Mexican Americans* include much information relevant to this case. The latter is the only available scholarly overview of the history of Mexican Americans in California. Among other topics, this book documents the history of discrimination against Mexican Americans. A volume for which I was recently commissioned by Oxford University Press, the *Oxford Encyclopedia of Mexican American Culture*, includes a comprehensive compilation of information on Mexican American history and culture, a substantial part of which will address aspects of racial discrimination. I attach a copy of my curriculum vitae.

2) As an expert witness on several voting rights cases over the past ten years, I have familiarity with the provisions of the Voting Rights Act. I served as an expert witness for the U.S. Department of Justice on *Garza v. County of Los Angeles*; for the California Rural Legal

Assistance on *Aldoroso v. El Centro School District*; and the Mexican American Legal Defense and Education Fund on *Ruiz v. City of Santa Maria*. I have testified on the subject of historical discrimination against Mexican Americans. I reviewed materials involving this case that I requested from the Mexican American Legal Defense and Education Fund (MALDEF). I also reviewed a variety of documents submitted to me by MALDEF, including its Complaint for Injunctive and Declaration Relief, "Statement of Section 2 Compliance" report, newspaper articles, memorandum of complaints, and education-related data from California public schools. This report relies on many sources that document historical patterns of bias, prejudice, and discrimination directed by Anglos against Mexican Americans in California in general and in the Los Angeles area in particular.

3) As an historian and social scientist, I have consulted the principle library and archival collections throughout the state that contain materials related to the experiences of Mexican Americans over time. Much of my past and current work focuses on Mexican-origin people in southern California, especially in Los Angeles. The research for my books and articles, as well as for this report, is based on a variety of sources: government reports, published books and essays, archival collections, U.S. Census Bureau population reports and other quantitative sources, and newspapers. As an expert in Mexican American history, I have appeared in several historical documentary films on California history. I have lectured widely at many colleges and universities and public schools throughout California and across the nation. I have consulted on many public history projects and programs funded by the California Council for the Humanities (the state affiliate of the National Endowment for the Humanities).

4) The history of Hispanic people in California runs deep. Indeed, statehood for California in 1850 was achieved only two years after the United States annexed California and much of northern Mexico as part of the treaty that ended the war between the two nations. Though guaranteed full rights as American citizens, the former Mexican residents who opted to stay in their native California after 1848 soon came to understand how non-white people would be treated in the new American society after the Gold Rush forever changed the demographic profile of the state and reduced Mexican Americans to minority status. Mexican Americans in southern California, the region of the state where they have been concentrated over time, quickly fell victim to discriminatory policies and practices that defined them as a second class, racial minority group. In every sphere of life—from work to politics to neighborhoods—Mexican Americans were pushed to the margins of society in the half century after California was admitted to the Union.

5) Numerous historians, including myself, have thoroughly documented the processes of land loss, political exclusion, residential segregation, economic inequality, and social ostracism that befell two generations of Mexican Americans after 1848 (Griswold del Castillo, 1979; Camarillo, 1979; Almaguer, 1994; Monroy, 1990; Haas, 1995; Pitt, 1966; Menchaca, 1995). Despite U.S. guarantees of the rights of Mexican American property owners, Spanish-speaking landowners were forced to prove title to their lands granted during the period Mexico controlled California (1821-1848). Faced with a new legal system where only English was spoken and where American lawyers took advantage of their unfamiliarity with U.S. laws and practices, Mexican American property owners struggled to hold on to their lands. Although most Mexican American landowners eventually proved their right to the lands previously granted them, legal

fees and extra-legal practices, usurious taxes, harassment by American squatters, and periodic floods and drought destroyed the land tenure of the great majority of Mexican Americans. The loss of their lands precipitated a catastrophic decline into poverty for Mexican Americans and resulted in their being largely excluded from political participation by the 1870s.

6) Involvement in the new American political system was key for the Mexican Americans in Los Angeles County, Santa Barbara County and San Diego County, the areas of population concentration for the group in the second half of the nineteenth century. Unlike Spanish-speaking communities in northern California, which were quickly eclipsed as a result of the changes brought by the Gold Rush after 1849, Mexican Americans in southern California continued to hold on precariously to their way of life until the 1870s. During the 1850s and 1860s, Mexican Americans shared political office holding with an increasing number of Anglos who moved to the growing towns of the region. However, as soon as Anglo Americans reached majority status in southern California towns by the 1860s and 1870s, they systematically moved to exclude Spanish-speaking citizens from meaningful participation in local affairs. Fewer and fewer Spanish-surnamed candidates appeared in elections as Anglos secured the reigns of political power. With few exceptions, polarized racial voting patterns emerged as soon as Anglos achieved numerical superiority and as they moved to dilute Mexican Americans' political power. In the City of Santa Barbara, for example, Anglo politicians in the 1870s changed the system of at-large voting to a single-member ward system thereby concentrating Mexican American voters into a specified district that ensured that they would elect only one representative who would be totally powerless against four candidates elected from the Anglo slate. To make matters worse, Mexican Americans were denied participation in the Democratic Party Central Committee in the

county and later banned from the party's state convention, prompting a delegate to report that they were "deliberately kicked out of the party" in 1882 and "treated with utter contempt" (Camarillo, 1979:76). A similar pattern of exclusion manifested itself in the City of Los Angeles by the 1870s. For example, despite the fact that Mexican Americans constituted about twenty percent of the voters in the city, and that a few continued to be appointed to local political positions, Anglos instituted a wardship-based electoral system by 1880 that fragmented Mexican Americans voters into several wards thereby nullifying any impact they might have on city-wide elections. A historian who researched these developments concluded that "For practical purposes the mass of laborers in the *barrio* remained politically inarticulate and unrepresented..." (Griswold del Castillo 1979:160). By the last decade of the nineteenth century it was rare to find a Spanish-surname elected official anywhere in southern California towns and cities. Further reinforcing Spanish-speaking citizens' political powerlessness, the State Legislature approved an English language literacy amendment to the constitution in 1894. Any voter who could not read part of the State's Constitution in English could be denied the right to vote by the registrar. Though it is doubtful this provision of state law was used to deny the right to vote for other citizens who spoke a language other than English, it certainly sealed the fate of the Mexican American electorate in California (Bollinger, 1977). (Not until 1970 was this discriminatory provision ruled unconstitutional by the California State Supreme Court in *Castro v. State of California*.) By the turn of the century, Mexican Americans were a disenfranchised minority population whose right of suffrage and other civil rights as American citizens, guaranteed by the Treaty of Guadalupe Hidalgo, had been violated and abridged.

7) The exclusion of Mexican Americans from political participation in Los Angeles and in other areas of southern California largely reflected their social status as a segregated racial minority. Spanish-speaking citizens throughout the region were residentially isolated from their Anglo counterparts and suffered the consequences of decades of discriminatory practices and laws. For example, state laws enacted during the 1850s restricted some of their cultural practices, such as bear-bull fights, and the so-called "Greaser Law," an anti-vagrancy statute, banned assemblies of Mexican Americans on Sundays. Lynchings of Mexican Americans, "race wars" in Los Angeles, and other incidents in the decades following statehood gave Mexican Americans a clear message that they now lived under a different political and legal regime that required them to retreat to the confines of their emerging *barrios* where they could minimize contact with the Anglo majority (Camarillo, 1984; Griswold del Castillo, 1979). Mexican Americans in other towns and cities throughout southern California also experienced discrimination in various forms. For example, in the original *pueblo* of San Diego (now known as Old Town), the Spanish-speaking people became physically segregated by the early 1870s when white businessmen and boosters, hoping to create a "new" San Diego away from the old Mexican town, established San Diego by the bay. Left with few resources and commercial activity, Old Town San Diego withered away over time as residents relocated and as historic adobe structures fell into decay. Not until decades later, when city fathers and businessmen from nearby San Diego deemed the old ruins of the *pueblo* a potentially valuable tourist site, were many of the buildings of Old Town restored.

8) Early in the twentieth century, immigration on a mass scale greatly expanded the size and distribution of the Mexican-origin population in the United States. By the 1920s, Los

Angeles was home to the largest population of Mexican Americans and Mexican immigrants in the nation. The legacy of anti-Mexican attitudes from the previous century were carried over and reinforced in the new century. As Mexican numbers grew, so too did a Jim Crow-like system of segregation. By the mid-1900s, for example, the great majority of Mexican American children attended segregated public schools or were isolated in "Mexican-only" classrooms separate from their Anglo peers (Gonzalez, 1990; Menchaca, 1995). Restaurants, movie theaters, public swimming pools, and other establishments routinely restricted use of facilities to Mexican Americans, especially those clearly on the darker side of the color line (Penrod, 1948; Camarillo, 1984). Residential segregation was common place by the 1930s as most cities and towns where Mexican Americans resided in substantial numbers employed racially restrictive real estate covenants which forbade the sale or rental of property to particular minority groups. Indeed, in a statewide questionnaire sent to real estate agents up and down California, the great majority reported that restricted housing was the norm and that segregation of Mexicans, blacks, and Asians was the rule. For example, the president of the realty board in the City of Compton indicated in the survey in 1927 that "All subdivisions in Compton since 1921 have restrictions against any but the white race." He added that "We have only a few Mexicans and Japanese in the old part of the city." When asked how the problem of racial minorities could be best handled, he replied: "Advocate and push improvements and the Mexicans will move... Sell the undesirables' property to a desirable" and "never sell to an undesirable." In another example, the secretary of the Whittier Realty Board reported that "Race segregation is not a serious problem with us... Our realtors do not sell to Mexicans and Japanese outside certain sections where it is agreed by community custom they shall reside." (Survey of Race Relations, 1927). Yet another

example of the segregation of Mexican Americans and Mexican immigrants unfolded in San Diego in the early 1900s. Although a small community of Spanish-speaking people continued to live in Old Town during the early twentieth century, a much larger number of Mexican immigrants settled in an area of "new" San Diego, just southeast of downtown. Real estate covenants which forbade minorities from living in most areas of the city, in addition to affordable housing units left behind by whites who moved to the expanding suburbs, ushered in a large migration of Mexican immigrants after World War I. Mexican immigrants became a major source of labor in the fish canneries, nearby factories, and other businesses that formed an important part of San Diego's growing economy. Logan Heights, once the home to white families, rapidly became known as "Barrio Logan" to Mexican Americans who were estimated at about 20,000 in the late 1920s (Camarillo, 1979). By the Great Depression, Barrio Logan contained the second largest Mexican-origin population in the state. Here, according to an historian, a segregated style of life for Mexican Americans unfolded:

The substandard conditions of the San Diego Mexican community, as reflected by their occupational status, living environment, and health problems, were magnified by their segregation. Separate schools, churches, and businesses existed for the Mexican community. (Shelton, 1975: 71)

9) The practice of realtors restricting Mexican Americans from entering white neighborhoods resulted in an overtly segregated residential pattern that forced Mexican Americans into particular areas of cities and towns. The use of the ubiquitous real estate covenant was thoroughly effective in establishing and maintaining residential boundaries between whites and non-whites during the first half of the 1900s. For example, it was reported to the Los Angeles County Board of Supervisors in 1946 that the percentage of municipalities with

restricted housing covenants excluding Mexican Americans, blacks, and Asians increased from an estimated twenty percent in the 1920 to eighty percent by the mid-1940s (John Anson Ford Collection). Despite the decision of the U.S. Supreme Court in *Shelley v. Kramer*, which ruled that restrictive real estate clauses were not legally binding, the informal practices among realtors continued well into the 1960s. The problem of residential segregation and discriminatory practices among realtors attracted the attention of the U.S. Commission on Civil Rights when it issued a report in 1966 (Ernesto Galarza Collection):

The Commission investigators also heard charges that real estate brokers refused to sell houses to Mexican-Americans in areas where members of that group had not traditionally lived. Such charges were made by Mexican-American residents of Los Angeles. . . . In 1955, a Los Angeles real estate board expelled two members for selling homes to persons referred to as a "clear detriment to property values." One of the purchasers was a Mexican-American family.

The consequences of decades of discriminatory residential segregation against Mexican American profoundly impacted where Mexican Americans could and could not live in Los Angeles-area cities. A study that analyzed data from the 1960 U.S. Census revealed that Los Angeles' Mexican Americans had the third highest index of residential dissimilarity, or segregation, from Anglos among the thirty five largest cities in the Southwest (Grebler, et al., 1970). Regardless of fair housing laws passed by the federal and state government in the 1960s, the imprint of past discriminatory real estate practices is still clearly visible today in areas of Los Angeles County that continue to have large concentrations of Spanish-surnamed residents.

10) Discriminatory practices against Mexican Americans in the housing markets of Los Angeles in the decades after World War I were obviously reactions to the growing numbers of Mexican immigrants and their children in the region. By 1930, for example, Mexican-origin people in the City of Los Angeles numbered well over 100,000 while their total population

surpassed 368,000 in the state (Camarillo, 1984). As their population increased so too did various practices that excluded them from public places. During the 1930s and 1940s, for example, it was not uncommon to see signs posted at swimming pools, barber shops, and theaters that indicated "No Negroes or Mexicans Allowed" or "White Trade Only." Other establishments, such as restaurants and public parks, did not have to post signs for Mexicans to know that "customary" exclusion kept Mexican Americans away. Throughout the 1940s, 1950s, and into the 1960s, various reports by individuals and government agencies and non-profit organizations documented the social discrimination directed against the group. For example, in a report submitted to a Los Angeles grand jury investigation in 1942 regarding the status of Mexican American youth, the problem of discrimination was identified (Report of Special Committee on Problems of Mexican Youth of the 1942 Grand Jury of Los Angeles):

Discrimination and segregation as evidenced by public signs and rules, such as appear in certain restaurants, public swimming plunges, public parks, theatres and even schools, causes resentment among the Mexican people. There are certain parks in this state in which a Mexican may not appear, or else only on a certain day of the week, and it is made evident by signs reading to the effect – for instance, "Tuesdays reserved for Negroes and Mexicans."

Discriminatory treatment of this type was documented by Mexican American community-based organizations, by various writers, and by the U.S. Commission on Civil Rights in 1970 (Penrod, 1948; McWilliams, 1948; Report of the U.S. Commission on Civil Rights, 1970). Although laws were passed by Congress in the 1960s and 1970s that made illegal past discriminatory practices that had long excluded and segregated Mexican Americans and other racial minorities from public accommodations, legacies of exclusion continued into the current period.

11) Mexican American residents in cities also suffered from the discriminatory treatment that resulted from zoning policies and institutional neglect on the part of city hall. San Diego is a case in point. Barrio Logan continued to house the great majority of Mexican Americans in San Diego well into the second half of the twentieth century. As a result of World War II and the significant expansion of industry in the post-war decades, Barrio Logan residents were increasingly pushed out to make way for junk yards, scrap metal processing centers, and other industrial development. The city's re-zoning of the area from residential to mixed use (i.e., industrial use) had a huge impact on the lives of thousands of Mexican American residents. Hundreds more in the community were dislocated as their homes were bulldozed to make way for the interstate freeway and bridge-building projects. Commercial establishments upon which residents depended for many decades were also destroyed. By the early 1970s, frustrated by decades of physical dislocation, environmental degradation, and political powerlessness in halting the destruction of their community, Barrio Logan residents banded together to salvage a parcel of land under the Coronado Bridge they named "Chicano Park." The successful battle they waged for the establishment and expansion of Chicano Park during the 1970s and 1980s symbolized the aspirations of Barrio Logan residents to gain some semblance of control over their own lives as residents of an area of San Diego long ignored by City Hall and most residents of the city (Chicano Park, 1988; *San Diego Business Journal*, 12/7/92). Today, Barrio Logan residents continue to advocate for the cleaning up of environmental hazards that contaminate their neighborhoods as they struggle to rebuild the heart of San Diego's largest and oldest Mexican American community (*San Diego Business Journal*, 11/3/97 and 9/10/01).

12) Nowhere in the state were the effects of discrimination felt by Mexican Americans more severely in the twentieth century than in Los Angeles city and county. The history of pervasive social discrimination in Los Angeles in the areas of education, housing, and access to public accommodations all affected the ability of Mexican Americans to participate in the political process. In addition, policies and practices limiting or restricting Mexican Americans from exercising their right to vote and electing candidates of choice greatly hindered the inclusion of the state's largest ethnic group into the body politic.

13) Practices that were meant to exclude Mexican Americans and other minorities from participation in mainstream society had analogs in the political arena. By the 1930s and 1940s, when tens of thousands of the children of Mexican immigrants came of age, they realized that their rights as citizens, including their right to vote and elect candidates of choice, were hindered by various discriminatory policies and practices. . The lack of any elected and appointed political representatives from the large Mexican American community in Los Angeles in the 1940s prompted the chairman of the county's Coordinating Council for Latin American Youth to write Governor Earl Warren. "May we call your attention to the fact," the chairman of the Council, Manuel Ruiz, respectfully stated, "that although there are close to 300,000 Spanish speaking voters in Los Angeles County that there has never been appointed to the bench, or to any other important position, a person of Mexican or Spanish extraction whose status at the same time has been one of leadership among these people" (Manuel Ruiz Collection). The first Mexican American to win a city council seat in Los Angeles in the twentieth century was Edward Roybal, but after he was elected to Congress in 1960, it was not until the mid-1980s that another Mexican American joined the ranks of this political body. The Los Angeles County Board of Supervisors,

arguably the most powerful political entity in the region, did not seat a Mexican American until after the Ninth Circuit Court of Appeals affirmed a district court finding that the county supervisors had intentionally acted to fragment the Hispanic vote, a direct violation of the Voting Rights Act. Vote dilution, gerrymandering, and voter intimidation over many decades in Los Angeles were among the primary factors explaining why Mexican Americans remained outside the political arena through most of the twentieth century.

14) The problem of political gerrymandering and fragmentation of Mexican American voters, exacerbated by voting irregularities and other discriminatory practices, continued to perplex leaders and supporters of Los Angeles' largest minority group into the 1970s and after. In 1966-67, for example, the California Advisory Committee to the U.S. Commissions on Civil Rights concluded in its report a discussion of some of the problems that explained why Mexican Americans in Los Angeles remained largely politically unrepresented (Ernesto Galarza Collection):

East Los Angeles, the nation's largest Mexican-American community, has been effectively sliced up so that it would be difficult for a Mexican-American candidate to win a city, state, or federal election as a representative of the district. As an example, East Los Angeles is divided into six different State Assembly districts, none with more than 25% Mexican-American population. Elections for seats on the Los Angeles City board of education are districtwide, making it nearly impossible for a Mexican-American candidate to win. There is no Mexican-American in the California State Assembly or Senate. Edward Roybal is the lone Mexican-American from California in the U.S. House of Representatives.

In 1968, the Southwest Council of La Raza, an advocacy organization for Mexican Americans, reinforced this conclusion drawn by the California Advisory Committee. The Council stated that "Due to political gerrymandering, Mexican Americans in East Los Angeles have no expressions or resolutions of their problems" and that "The political disenfranchisement of Mexican

American...continues to be the root cause of the inability of the community to promote their own causes and get redress of their grievances” (Southwest Council of La Raza, Galarza Collection).

In a report released in 1971 by the California Advisory Committee to the U.S. Commission on Civil Rights, members again pointed to a history of racism and exclusion in explaining the relative omission of Mexican American elected officials in local and state government (*Political Participation of Mexican Americans in California*).

15) In addition to the problems brought about by gerrymandered political districts in which thousands of Mexican Americans resided, the group was also hindered in its political aspirations by various voting irregularities and illegal practices. For example, during the 1950s and 1960s, there were hundreds of claims made by Mexican American voters in Los Angeles that they had experienced intimidation at the polls from voting site registrars; some were harassed over English language literacy issues; and others received telephone calls indicating they could not vote unless they brought their registration stubs with them to the polls (American G.I. Forum, Citizens’ Committee for Fair Elections, 1958; Los Angeles *Herald Examiner* 10-29-64; Los Angeles *Times*, 11-2-64)

16) The Hispanic-origin population continues to grow in unprecedented fashion. In 1980, for example, Hispanics in California numbered about 4.5 million and constituted slightly less than twenty (20) percent of the state’s total population. Twenty years later, as Census 2000 figures revealed, the percentage of Hispanics as part of California’s total population rose to nearly thirty-three (33) percent; they now number about eleven million. Over 4.2 million Hispanics live in Los Angeles County alone, according to the Census Bureau, and they comprise forty seven (47) percent of the total population in the City of Los Angeles (Census 2000 Brief:

The Hispanic Population, May 2001): In the San Fernando Valley area of Los Angeles County, Hispanics constitute eighty-nine (89) percent of the population in the valley's oldest municipality, the City of San Fernando. Elsewhere in southern California, for example, Hispanics in San Diego County now account for twenty seven (27) percent of the total population and form twenty five (25) percent of the one and quarter million persons in the City of San Diego (U.S. Census 2000).

17) Hispanics are also a group that continues to exhibit indices of extreme social disadvantage. In a recent report published by the Public Policy Institute of California, entitled *A Portrait of Race and Ethnicity in California*, one can scan every major measurement of well being and quickly come to the conclusion that Hispanics as a group occupy the bottom rungs of the socioeconomic ladder. They are among the least educated and among the most likely not to complete high school (in 1997, for example, Hispanics had a high school completion rate of only fifty-five percent in comparison to whites, Asians, and African Americans whose rates were above ninety percent). These educational disparities persist to date and appear in scoring data from the state's STAR test. In 2001, in San Diego County, the mean scaled score for white test takers was higher than the mean scaled score for Latinos in every subject (4-5 subjects tested per grade level) at every grade level (grades 2-11). More telling, without exception (out of 43 combinations of grade and subject matter), the percentage of white test takers in San Diego County scoring above the 50th national percentile rank was at least 29 points higher than the equivalent percentage of Latino test takers. In 2001, in Los Angeles County, the mean scaled score for white test takers was, as in San Diego County, higher than the mean scaled score for Latinos in every subject at every grade level. And, without exception (out of 43 combinations of

grade and subject matter), the percentage of white test takers in Los Angeles County scoring above the 50th national percentile rank was at least 25 points higher than the equivalent percentage of Latino test takers. Hispanics have the lowest levels of median family income despite some of the highest labor market participation rates of any group (by 1998, Hispanic and African American family median income was only fifty-one and sixty percent, respectively, of family income for non-Hispanics whites in California). The poverty rate for Hispanics in 1995 was the highest of any group in the state at about twenty eight percent (by contrast, the rate for non-Hispanic whites was ten percent). They suffer from inadequate health care service and lack of health insurance coverage. They are, in short, a group that will become the majority population in the state within the next generation and a group that must be prepared to more fully access opportunities in education, employment, health care, and other areas of California society in order to improve its status over time. Current indices of social and economic disadvantage among Hispanics reflects a legacy of discrimination and exclusion many generations old. The laws enacted in the 1960s and 1970s to protect the rights and increase opportunities for Hispanics and other racial minorities have helped a great deal, but they have not leveled the playing field completely as the nation's largest minority groups continue to carry the weight of history on their backs.

18) Many old problems of economic and income equality and educational failure persist and are taking a heavy toll on large sectors of the Hispanic population in California. And despite political gains and a growing electoral influence in local and state-wide elections, Hispanic voters still face issues that hinder their maximum participation in the political process. In the 1990s, intimidation of Hispanic voters, a problem many decades old, took new twists. For

example, in 1996 Governor Pete Wilson, alarmed when it was reported that a few Mexican immigrants, who it turned out had past criminal records, were granted naturalized status as U.S. citizens, grossly exaggerated the problem and set off reactions in certain quarters that led to a proposed campaign to thwart "illegal" Hispanic voters when they went to the polls. An article in *Los Angeles Times* noted that "Wilson slurred many law-abiding new citizens by suggesting that perhaps thousands of criminals were naturalized" (*Times*, 10-22-96). The Los Angeles district director of the Immigration and Naturalization Service quickly denied Wilson's reckless allegations. Wilson's comments were reminiscent of a similar type of voter intimidation initiative that had been launched in Orange County in 1988 as unofficial guards patrolled voting sites with signs in English and Spanish warning non-citizens against voting (*Los Angeles Times*, 10-22-96 and 10-30-96; letter to U.S. Attorney General Janet Reno, 10-31-96, from leaders of several civil rights organizations). Adding fuel to apprehensions among Hispanics about what was perceived by many to be a growing anti-Hispanic climate in California, Propositions 187 and 209 contributed greatly to these fears. The proposition to restrict public services and education to illegal immigrants and their children won easily with a large majority vote in 1994. Though Proposition 187 was eventually ruled unconstitutional in a federal court, it served notice to hundreds of thousands of Hispanics that California was a state that did not value a large percentage of its Hispanic community. Proposition 209, an anti-affirmative initiative launched a few years later, provided another negative message that was not lost on Hispanic voters (*San Francisco Chronicle*, 11-28-96; *Los Angeles Times*, 10-29-98). Both of these propositions revealed how polarized issues resulted in an increasingly polarized electorate with Hispanics strongly against these propositions while Anglos were strongly in support (*Los Angeles Times*,

California Exit Poll, 11-8-94). Proposition 227 in 1998, an anti-bilingual education initiative, exacerbated the problem further. 63% of Hispanics voted against Proposition 227 while 67% of Anglos voted in support (Los Angeles *Times*, California Exit Poll, 6-2-98). These types of political campaigns, together with decades of discrimination against Hispanics, contributed to the development of a negative racial climate in California during the 1990s.

19) The consequences of the various propositions discussed above on the development of a negative racial political climate manifested itself in many cities and regions throughout California. The San Fernando Valley is a case in point. The annexation of much of the valley by the City of Los Angeles in 1915 set in motion patterns of residential development that also shaped the greater Los Angeles region. Early on in the development of the valley, minorities were largely restricted to two areas in the northeast, Pacoima and San Fernando. Mexican Americans began to settle in both locations in the pre-World War II decades and their communities greatly expanded in the post-war years. During and after the war, blacks were also attracted to these areas, the only neighborhoods in the valley where they were allowed to live in new housing tracts (*Times*, 8/28/2002) Over time, more and more Hispanics settled in the area and they now form the large majority of residents in this northeast section of the valley. Several ballot measures in the 1990s revealed the rifts between the Hispanics and their white counterparts in the valley. For example, Proposition 187, the "Save Our State" campaign, received a great boost from the valley when a group of local citizens organized to form "Voice of Citizens Together." Alarmed by what they believed was a growing crisis of illegal immigration, they played a key role in spearheading a movement that resulted in the passage of Proposition 187 in 1994. Exit polls conducted during the November 1994 elections revealed that valley residents felt

more strongly than most Californians that immigration was the primary issue that brought them to the polls (*Times*, 11/10/94, Valley Edition). This reaction against immigrants, which many Hispanics in the valley saw as an attack against all Hispanics, created a reaction that stirred the emotions. For example, angered by the growing public sentiment against Hispanic immigrants, over 2,000 Latino students at fourteen local valley schools walked out of their classes in a pre-election sign of protest against the measure. They were part of a group of 10,000 students who also participated in the peaceful protest throughout the Los Angeles metropolitan region (11/3/94, Valley Edition). Two years later, Proposition 209 also divided valley residents largely along racial lines. Valley residents approved the measure with a far higher percentage fifty-three (53) percent in comparison to other Los Angeles city and county voters (39% and 47% respectively supported the measure). Hispanic and African American voters in the Pacoima area, by contrast, voted the measure down by a two-to-one margin. (*Times*, 11/9/96, Valley Edition). Therefore, it was not surprising, given the climate of distrust and growing racial polarization among many residents in the valley over incendiary propositions, that a campaign that pitted a Latino candidate against a white candidate of Jewish background for the Democratic candidacy for the 20th Senate District ended up a contest that raised inter-ethnic tensions. According to a political commentator who observed the acerbic political contest, "Charges of 'race baiting' and 'racially offensive' tactics flew back and forth between the candidates and their campaigns" (*California Journal*, 9/1/98). This particular political campaign demonstrated how racial politics was affected by the climate of opinion during the 1990s in California inflamed by several key propositions which at heart involved racial issues. It is not surprising, therefore, to note that it

was not until the 1990s that the first Hispanic was elected to office despite the fact that a very large Latino population had long existed in the San Fernando Valley.

20) Another problem that persists into the twenty first century is the gap that currently exists between Hispanics and all other groups with regard to the percentage of eligible population who register to vote and who actually cast their votes on election day. For example, in 1996 Hispanics had the lowest percentage of eligible population that registered to vote (68%) and eligible population that voted (54%). By contrast, eighty-one (81) percent of the white population and seventy-seven (77) of the African American eligible population registered to vote and sixty-eight (68) percent and sixty-four (64) percent respectively of the eligible population voted in 1996 (*A Portrait of Race and Ethnicity in California*, 2001).

| | <u>California 1996</u> | | |
|----------------------------------|------------------------|--------|-------------------|
| | Hispanics | Whites | African-Americans |
| % of eligible registered to vote | 68% | 81% | 77% |
| % of eligible that voted | 54% | 68% | 64% |

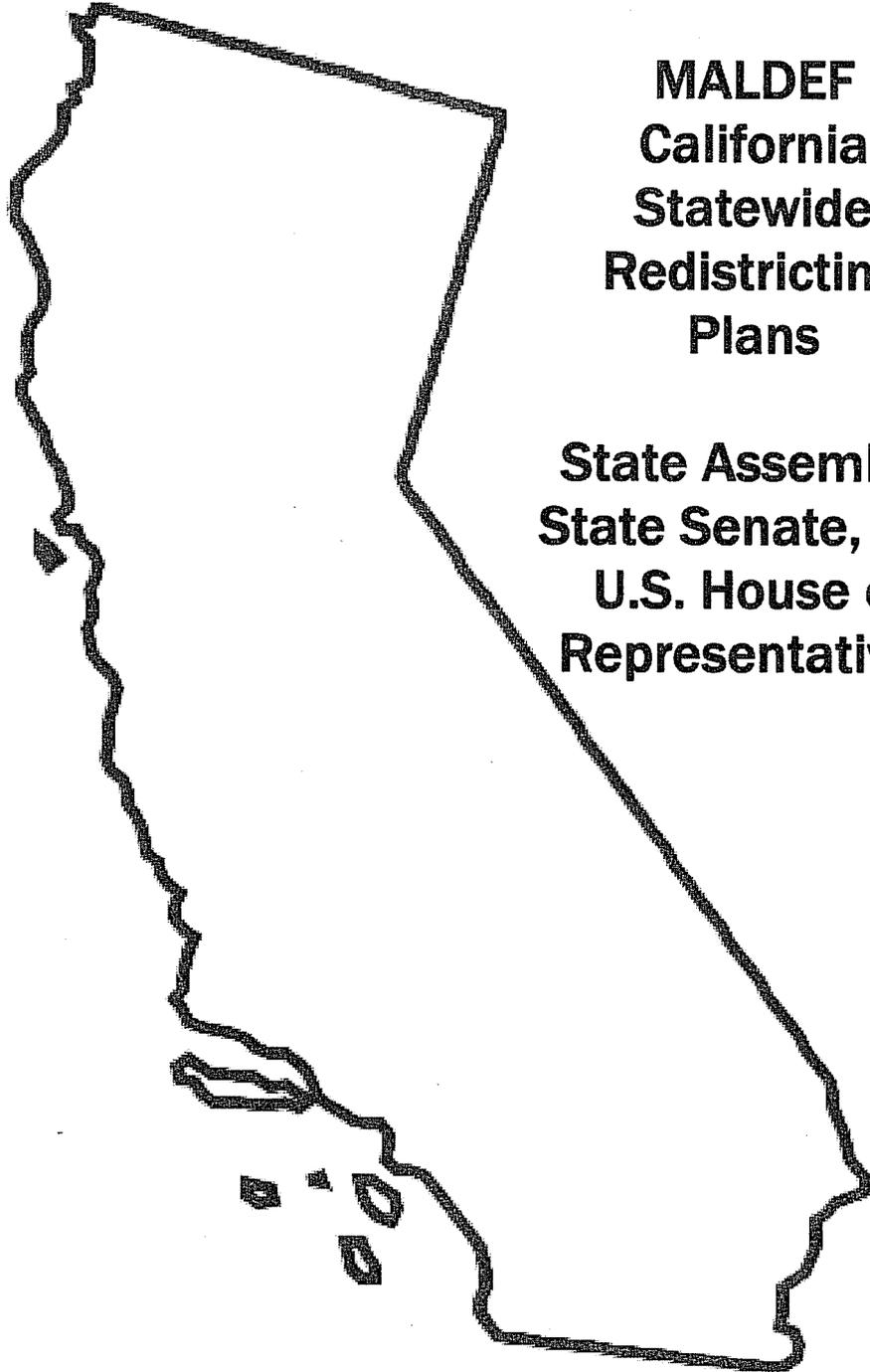
If Hispanics are to be incorporated into the fabric of American society as they emerge as the majority population in the state of California over the next twenty or thirty years, their full integration as participants in the political process will be critical to the preservation of our participatory democracy. The case under consideration --involving the recently approved redistricting plan in California that diminishes Hispanics' opportunity to elect candidates of choice in congressional and senatorial districts in Los Angeles County to achieve more electoral strength in a district in San Diego County --points to the fact that Hispanics have not yet overcome obstacles that prevent them from exercising their full potential as voters. This problem is particularly important as the voting age population of Hispanics continues to soar in California. It is also especially important for Hispanics to have equal opportunity to elect candidates of choice as recent research indicates that the effects of minority-majority districts and minority representation and political participation are intimately tied to one another. Voter participation among Latinos is particularly high in districts where they enjoy both majority status as well as descriptive representation (i.e., representation by legislators of the same race or ethnicity). (Gay, 2001:vii) Given the dramatic growth of the voting age and registered voters among Hispanics, political districts must be drawn or redrawn with these important

considerations in mind. Redistricting plans that maximize Hispanic voter influence will be one of the keys for narrowing the electoral participation rate for Hispanics.

References

- Almaguer, Tomas. *Racial Fault Lines: Historical Origins of White Supremacy in California* (Berkeley: University of California Press, 1994).
- American G.I. Forum, Citizen's Committee for Fair Elections, 1958.
- Bollinger, Bruce. *California Election Law During the Sixties and Seventies: Liberalization and Centralization* (Sacramento: California Assembly Committee on Elections and Reapportionment, 1979).
- California Department of Education. *California Standardized Testing and Reporting Program: 2001 STAR State Summary Report for ETHNICITY-1 WHITE - NOT HISPANIC ORIGIN*, available at, <http://www.eddataonline.com/star/> (2001)
- California Department of Education. *California Standardized Testing and Reporting Program: 2001 STAR State Summary Report for ETHNICITY-1 HISPANIC LATINO*, available at, <http://www.eddataonline.com/star/> (2001)
- California State Advisory Committee to the United States Commission on Civil Rights. *Political Participation of Mexican Americans in California* (1971).
- California State Advisory Committee to the United States Commission on Civil Rights Report, 1967 (Palo Alto: Ernesto Galarza Collection, Department of Special Collections, Stanford University).
- Camarillo, Albert. *Chicanos in a Changing Society: From Mexican Pueblos to American Barrios in Santa Barbara and Southern California, 1848-1930* (Cambridge: Harvard University Press, 1979).
- Camarillo, Albert. *Chicanos in California: A History of Mexican Americans* (San Francisco: Boyd and Fraser Publishers, 1984).
- Gay, Claudine. *The Effect of Minority Districts and Minority Representation on Political Participation in California* (San Francisco: Public Policy Institute of California, 2001).
- Gonzalez, Gilbert. *Chicano Education in the Era of Segregation* (Philadelphia: Balch Institute Press, 1990).
- Grebler, Leo, et al. *The Mexican American People: the nation's second largest minority* (New York: The Free Press, 1970).
- Griswold del Castillo, Richard. *The Los Angeles Barrio, 1850-1890, A Social History* (Berkeley: University of California Press, 1979).

- Haas, Lizbeth. *Conquests and Historical Identities in California, 1769-1936* (Berkeley: University of California Press, 1995).
- John Anson Ford Collection (San Marino, CA: Huntington Library Archives, Huntington Library).
- Los Angeles Times. *California Exit Poll*, November 8, 1994.
- Los Angeles Times, November 10, 1994, San Fernando Valley Edition.
- Mexican American Legal Defense and Education Fund, William C. Velazquez Institute, *Statement of Section 2 Compliance (2001)*, Addendum to Supplement to MALDEF-WCVI Congressional Redistricting Plan, (July 31, 2001).
- Monroy, Douglas. *Thrown Among Strangers: The Making of Mexican Culture in Frontier California* (Berkeley: University of California Press, 1990).
- Pitt, Leonard. *The Decline of the Californios: A Social History of the Spanish-Speaking Californians, 1846-1890* (Berkeley: University of California Press, 1966).
- Manuel Ruiz Collection (Palo Alto: Department of Special Collections, Stanford University).
- McWilliams, Carey. *North From Mexico* (New York: Greenwood Press, 1968; first edition 1948).
- Menchaca, Martha. *The Mexican Outsiders: A Community History of Marginalization and Discrimination in California* (Austin: University of Texas Press, 1995).
- Penrod, Vesta. *Civil Rights Problems of Mexican-Americans in Southern California*. (M.A. thesis, Claremont Graduate School, 1948).
- A Portrait of Race and Ethnicity in California*. (San Francisco: Public Policy Institute of California, 2001)
- Report of Special Committee on Problems of Mexican Youth of the 1942 Grand Jury of Los Angeles (Palo Alto: Manuel Ruiz Collection, Department of Special Collections, Stanford University).
- San Diego Business Journal, December 7, 1992.
- Survey of Race Relations, Box 2: Segregated Housing, 1927 (Palo Alto: Hoover Institution Archives, Stanford University).
- United States Commission on Civil Rights Reports, 1966 and 1970 (Palo Alto: Ernesto Galarza Collection, Department of Special Collections, Stanford University).



**MALDEF
California
Statewide
Redistricting
Plans**

**State Assembly,
State Senate, and
U.S. House of
Representatives**

*Mexican American Legal Defense and
Educational Fund*

*Submitted to the California Citizens
Redistricting Commission
Los Angeles, California
May 26 2011*



MALDEF

MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND

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Executive Summary

The statewide redistricting process that occurs after the decennial Census is an opportunity to examine questions of fair representation, inclusiveness, and political empowerment. Redistricting is an essential element of our democracy, a value that MALDEF works to promote. This will be MALDEF's 5th redistricting cycle.

California has a new opportunity to empower its residents given the element of the new California Citizens Redistricting Commission, as approved by Proposition 11 in November 2008 and Proposition 20 in 2010.

MALDEF submits three statewide redistricting plans for State Assembly, State Senate, and U.S. House of Representatives (or Congressional) for consideration by the California Citizens Redistricting Commission. These configurations work to satisfy the following criteria, in order of priority, compliance with the United States Constitution, the Federal Voting Rights Act of 1965, and the California Constitution, and focus on keeping communities of interest together to the greatest extent practicable.

MALDEF's community of interest choices were informed by three sources: MALDEF's community outreach and education efforts, collaboration with other civil rights and civic engagement groups, and public testimony submitted to the California Citizens Redistricting Commission (CCRC).

The attached plans are submitted as reasonable, fair, equitable, and legally defensible picture of electoral districts that fully comply with redistricting criteria mandated by Federal and State law. This assessment is based on MALDEF's over 40 years of redistricting experience, knowledge of the law, and information from the community. These redistricting plans comply with the following redistricting criteria as required by state and federal law:

- These redistricting plans contain the following deviations:
 - The Assembly redistricting plan contains a total overall deviation of 3.99% and an average deviation of 1.04%, in compliance with the equal population requirement of the United States Constitution.
 - The Senate redistricting plan contains a total overall deviation of 5.77% and an average deviation of 0.99%, in compliance with the equal population requirement of the United States Constitution.
 - The Congressional redistricting plan contains a total overall deviation of 1 person and an average deviation of 0.00%, in compliance with the equal population requirement of the United States Constitution.
- These plans fully comply with Section 2 of the Federal Voting Rights Act, as they do not dilute minority voting strength.

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- These plans fully comply with Section 5 of the Federal Voting Rights Act, as they do not retrogress the voting strength of minorities in California's four covered jurisdictions of Kings, Merced, Monterey and Yuba Counties.
- These plans do not elevate race above other traditional redistricting criteria.
- These plans create districts that are contiguous.
- These plans respect political subdivisions by avoiding, to the extent practicable the splitting of counties and cities except to comply with the rules of equal population and the Voting Rights Act.
- These plans respect communities of interest, based on information gathered by MALDEF community outreach and education meetings, collaborations with other civil rights and civic engagement groups, and testimony heard at CCRC public input meetings.¹
- These plans, in relation to each other, use many of the same principles to create districts and therefore feature many similar shapes that nest in many places where higher ranked California redistricting criteria do not take precedent. The Assembly and Senate plans fully nest in most areas.

¹ The partnerships with these organizations is limited to educational and outreach efforts and in no way indicates endorsement of the MALDEF redistricting proposals
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About MALDEF and Overview of Redistricting Program

Mission Statement

Founded in 1968, MALDEF is the nation's leading Latino legal civil rights organization. Often described as the "law firm of the Latino community", MALDEF promotes social change through advocacy, communications, community education, and litigation in the areas of education, employment, immigrant rights, and political access.

About MALDEF and Past Redistricting Work

In 1968, out of a national and multi-racial civil rights movement, Latino community leaders created an organization to protect the constitutional rights of the Latino community. With the support of the NAACP Legal Defense Fund, they founded the Mexican American Legal Defense and Educational Fund (MALDEF). MALDEF quickly gained recognition as the "law firm of the Latino community". Throughout our 43-year history, MALDEF has promoted social change through advocacy, communications, community education, and litigation in the areas of education, employment, immigrant rights, and political access.

MALDEF's expertise in advancing Latino redistricting equity is singular. In MALDEF's first redistricting decade, following the 1970 Census, MALDEF secured an historic ruling from the U.S. Supreme Court in *White v. Regester*, striking down a discriminatory multi-member districting plan for the Texas House of Representatives and leading to the creation of the first Latino-majority Texas House districts in Bexar County. Following the 1980 Census, MALDEF expanded its redistricting work beyond achieving greater political opportunity for Latinos in Texas; in *Valle v. State Board of Elections of the State of Illinois* and in *Velasco v. Byrne*, MALDEF successfully challenged the Chicago ward redistricting and the Illinois legislative redistricting plans. MALDEF's litigation led to the creation of the first Latino majority wards and state legislative districts in Illinois. Similarly, in 1989, in *Garza v. County of Los Angeles*, MALDEF successfully challenged Los Angeles County's supervisorial districts as intentionally discriminatory against Latinos and secured the first Latino-majority supervisor district in Los Angeles County. The U.S. Attorney General praised this litigation as "a victory against discrimination in the most important role citizens play in our democracy: the right to vote in free and fair elections in districts drawn without bias".

Following the 2000 Census, MALDEF brought highly-publicized litigation, *Cano v. Davis*, arguing Latino vote dilution in redistricting of congressional districts in California's San Fernando Valley and San Diego city. This was the only federal litigation challenging California's last redistricting exercise. Although the three-judge district court denied relief, impeding a re-drawing of the congressional district lines for

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that decade, MALDEF's educational outreach efforts and litigation deterred and will continue to deter similar attempts at Latino vote dilution in Los Angeles County and in redistricting elsewhere. In 2006, MALDEF secured its latest redistricting victory in the U.S. Supreme Court in *LULAC v. Perry*. In MALDEF's Latino vote-dilution challenge to the 2003 Texas congressional redistricting plan, the Supreme Court ruled for the first time that the rights of Latino voters under Section 2 of the Voting Rights Act of 1965 had been violated. The New York Times hailed MALDEF's litigation the most important voting rights case of the decade. (June 28, 2006).

MALDEF operates regional and program offices in Atlanta, Chicago, Los Angeles, Sacramento, San Antonio, and Washington, D.C., with headquarters in Los Angeles. Since August 2009, MALDEF has been led by President and General Counsel Thomas Saenz.

More information on MALDEF is available at www.maldef.org.

MALDEF's 2011 Redistricting Efforts

In 2011, MALDEF is conducting its largest redistricting effort in its over 40 year history. MALDEF is currently conducting redistricting efforts at either the statewide or local level in 12 states: California, Arizona, Nevada, Texas, New Mexico, Colorado, Illinois, Indiana, Wisconsin, Virginia, Georgia, and Florida. This national program is headed by MALDEF's Vice President of Litigation Nina Perales. MALDEF's California efforts were executed by National Redistricting Coordinator Steven Ochoa, and aided by Western Redistricting GIS Assistant Jorge Gonzalez and National Redistricting Program Assistant Elsa Carrillo.

MALDEF's California Redistricting program consists of two primary phases. The first phase is the community education and outreach conducted from February through April, and the second is advocacy efforts as presented through these redistricting plan proposals, which were informed by the outreach experience and are submitted today for consideration to the California Citizens Redistricting Commission.

Community Education and Outreach Description

From February through April 2011, MALDEF conducted 14 community education and outreach sessions throughout California, reaching nearly 200 participants. The objectives of MALDEF's redistricting workshops were to provide civic education and encourage Californians to participate in the redistricting process. Workshops were held in areas with large Latino communities. Workshops started in San Diego, continued north to the Inland Empire, Los Angeles County, the Central Valley, and the Central Coast in Watsonville.

MALDEF partnered with nonprofit organizations that were also working in areas with large Latino communities and providing education on the redistricting process. The National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund was a key partner and co-hosted 13 of the 14 workshops done by MALDEF. Other partners included the Coastal Alliance United for a Sustainable Economy (CAUSE) in the Tri County area and the Whittier Coalition in Whittier.²

The workshop curriculum included redistricting and fundamentals, such as equal population, the importance of the Voting Rights Act (VRA), and communities of interest. Workshop attendees also learned about California's new process, including the redistricting criteria and timeline of the California Citizens Redistricting Commission. At the conclusion of each presentation, participants were also given the opportunity to get into groups and discuss with other members of their community their communities of interest and define their respective boundaries.

MALDEF provided the groups with community map exercises to assist them in identifying their communities of interest. The exercises facilitated identification of different demographic statistics for their communities of interest, such as average income, educational achievement, language most commonly spoken in the community, and age demographics. It also allowed for extensive discussion of community history, and shared community experiences including hardships. By the end of the exercise, each group had identified a community of interest, established its boundaries, gathered demographic statistics for their respective community of interests, and established important community networks. The exercise and training provided community members a rough outline of their community of interest testimonies. Community members were encouraged to continue developing their testimonies and to provide their comments and input to the Redistricting Commission through the public hearing process or through written testimony.

² The partnerships with these organizations is limited to educational and outreach efforts and in no way indicates endorsement of the MALDEF redistricting proposals by NALEO Educational Fund, CAUSE, Whittier Coalition, or CHIRLA.

MALDEF and its key partner, NALEO Educational Fund, followed up with participants after the workshops. MALDEF compiled the various communities of interests from the maps and worksheets that participants marked up over the 14 workshops conducted February through April. NALEO Educational Fund, as part of its program did more personal follow up with participants, encouraging individuals to attend public hearings and provide testimony to the Commission and continued gathering more community of interest information. NALEO Educational Fund provided MALDEF with greater details on the community of interests that individuals were submitting to the Redistricting Commission and helped inform MALDEF's map drawing efforts.

In addition to providing education about redistricting, MALDEF and the NALEO Educational Fund provided additional support to workshop attendees as community members prepared to participate in the California's redistricting process. MALDEF and NALEO Educational Fund provided assistance on testimony structure, information on where to find the UC Berkeley resource centers, demographic data of their community of interest, and information on the California Citizens Redistricting Commission (CCRC) public input hearing calendar and meeting locations and how to submit testimony in writing.

Below is a complete list of MALDEF's co-sponsored community education and outreach workshops conducted for the 2011 California redistricting process, including list of sponsorship partners:

1. February 24, 2011 - San Diego
 - a. Region: San Diego County
 - b. Partner: NALEO Educational Fund
 - c. Location: Centro Cultural de la Raza, 2004 Park Blvd., San Diego, CA 92101

2. March 10, 2011 - Central L.A.
 - a. Region: Los Angeles County
 - b. Partner: NALEO Educational Fund
 - c. Location: NALEO Headquarters, 1122 W. Washington Blvd., Third Floor, Los Angeles, California 90015

3. March 12, 2011 - San Bernardino
 - a. Region: Inland Empire
 - b. Partner: NALEO Educational Fund
 - c. Location: Libreria del Pueblo, Inc., 972 N. Mt. Vernon Ave., San Bernardino, CA 92401

4. March 12, 2011 - Riverside
 - a. Region: Inland Empire
 - b. Partner: NALEO Educational Fund

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- c. Location: Nati Fuentes Centro de Niños, Community Room 2010, Martin Luther King Blvd., Riverside, CA 92507
5. March 26th, 2011 - Monterey, Santa Cruz & San Benito
 - a. Region: North Central Coast/ Tri-County
 - b. Partners: NALEO Educational Fund & CAUSE
 - c. Location: Civic Plaza Community Room, 4th Floor 275 Main St., Watsonville, CA
 6. March 30, 2011 - Southeast Cities
 - a. Region: Los Angeles County
 - b. Partner: NALEO Educational Fund
 - c. Location: Instituto Mexicano De Arte Y Cultura y Club Guadalajara USA 11441 Atlantic Ave., Lynwood, CA 90262
 7. April 2, 2011 - San Fernando Valley
 - a. Region: Los Angeles County
 - b. Partner: NALEO Educational Fund
 - c. Location: Lake View Terrace Branch Library, 12002 Osborne Street, Sylmar, CA 91342-7221
 8. April 2, 2011 - San Gabriel
 - a. Region: Los Angeles County
 - b. Partner: NALEO Educational Fund
 - c. Location: AZUSA SENIOR CENTER, 740 N. Dalton, Azusa, CA 91702
 9. April 9, 2011 - Bakersfield
 - a. Region: Central Valley
 - b. Partner: NALEO Educational Fund
 - c. Location: Kern County Superintendent of Schools CITY CENTRE, 1300 17th Street, Bakersfield, CA 93301-4533
 10. April 9, 2011 - Fresno
 - a. Region: Central Valley
 - b. Partner: NALEO Educational Fund
 - c. Location: Ted C. Wills Community Center, 770 N. San Pablo Ave., Fresno, CA 93728
 11. April, 10 2011 - Modesto
 - a. Region: Central Valley
 - b. Partner: NALEO Educational Fund
 - c. Location: El Concilio, 1314 H St, Modesto CA 95354
 12. April 14, 2011 - Whittier
 - a. Region: Los Angeles County

- b. Partner: Whittier Coalition
- c. Location: Whittier Union High School District, 9401 S. Painter Ave. Room B-221, Staff Development Room, Whittier, CA

13. April 19, 2011 – Los Angeles

- a. Region: Los Angeles County
- b. Partner: NALEO Educational Fund and the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
- c. Location: Coalition for Humane Immigrant Rights of Los Angeles 2533 W. Third Street, Suite 101 Los Angeles, CA 90057

14. April 30, 2011 – San Bernardino

- a. Region: Inland Empire
- b. Partner: NALEO Educational Fund
- c. Location: Norman Feldheym Central Library, 555 W. 6th Street, San Bernardino, CA 92401

Statement of Use of Redistricting Criteria

MALDEF ensured that each of the districts in the accompanying redistricting plan comply with the ranked redistricting criteria outlined by California Proposition 11 passed in November 2008 and California Proposition 20 passed in 2010.

- Compliance with the U.S. Constitution: One Person, One Vote
 - These plans are in compliance with the one-person, one vote rule in Article 1, Section 2 of the United States Constitution.
 - The Congressional districts presented contain an overall deviation range of 1 person, or 0% (-1 person to 0). The plan features an average deviation of 0%.
 - The Assembly districts presented contain an overall deviation range of 18,562 people, or 3.99% (+9,290 people to -9,272 people or (+1.99% to -1.99%). The plan features an average deviation of 1.04%.³ In this plan, deviations from the ideal district size are justifiable on the basis of non-discriminatory legitimate objectives.
 - The Senate districts presented contains an overall deviation range of 53,702 people, or 5.77% (+15,633 people to -38,069 people or +1.68% to -4.09%). The plan features an average deviation of 0.99%.⁴ In this plan, deviations from the ideal district size are justifiable on the basis of non-discriminatory legitimate objectives.
- Compliance with the Federal Voting Rights Act
 - The MALDEF Plan contains several districts that contain legally protectable communities under Section 2 of the Federal Voting Rights Act. MALDEF evaluated evidence as to these districts satisfaction of the three prongs of *Thornburg v Gingles*, as well as other factors that help the courts in evaluating whether a plan illegally dilutes minority voting strength. Please see the Section "*Statement of Voting Rights Act Compliance*" for a detailed, per district description of Voting Rights Act compliance.
 - The MALDEF Plan maintains or increases the voting strength of protectable communities in the four Section 5 covered jurisdictions of California to avoid retrogression. The four covered jurisdictions are Kings County, Merced County, Monterey County, and Yuba County. Please see the Section "*Statement of Voting Rights Act Compliance*" for a detailed, per district description of Voting Rights Act compliance.
- Contiguity
 - The districts in this plan are contiguous.
- Preservation of Communities of Interest, Cities, and Counties

³ Average Deviation = Average of the Absolute Value of all deviations.

⁴ Average Deviation = Average of the Absolute Value of all deviations.

- The MALDEF plan respects communities of interest and incorporates both quantitative and qualitative data in determining whether residents of a district might be fairly and effectively represented. MALDEF conducted over a dozen workshops where local residents shared their unique knowledge about their community and their similarities and differences with neighboring communities. In addition, demographic and socioeconomic information reported by U.S. Census Bureau, including information on income, linguistic isolation, housing, educational attainment, unemployment, were also used as guides to reasonably group communities within the newly shaped districts.⁵ MALDEF also received community of interest information from other civil rights and civic engagement groups working around California, such as NALEO Educational Fund, the Asian Pacific American Legal Center (APALC), the African-American Redistricting Collaborative (AARC), and the Coastal Alliance United for a Sustainable Economy (CAUSE). Finally, MALDEF staff observed CCRC public input hearings listening to additional testimony about different areas of California.⁶
- This plan also respects political subdivision boundaries to the extent possible after compliance with one person, one vote or the Federal Voting Rights Act.
- Broadly, the MALDEF plan also strives to respect the integrity of California's basic geographic regions (coastal, mountain, desert, central valley, and intermediate valley regions), to the extent possible after compliance with one person, one vote or the Federal Voting Rights Act.
- MALDEF did not use partisanship, relationships to elected officials or relationships to candidates for public office to identify communities of interest. Nor did it use partisan data as a basis for redistricting and only reviewed such information to examine proposed districts for compliance with the Federal Voting Rights Act.
- Compactness
 - The districts in these plans are as compact as higher ranked criteria allow. MALDEF also acknowledges that there is no standard measure of compactness.
- Nesting
 - Many areas within these three plans are based on the same information, as such; many districts in given regions follow similar patterns. Furthermore, the MALDEF Assembly plan was created first, and a nested configuration was created to use as Senate District benchmark and adjusted to comply with all the above ranked criteria, thus creating plans that are nested where possible.

⁵ U.S. Census Bureau's American Community Survey 5-year Estimate Data (2005-2009)

⁶ The partnerships with these organizations is limited to educational and outreach efforts and in no way indicates endorsement of the MALDEF redistricting proposals by NALEO Educational Fund, APALC, AARC, or CAUSE.

Statement of Voting Rights Act Compliance

Section 2 and Section 5 District Narratives

After the rule of equal population, the first rule of redistricting is constructing districts to comply with both Section 2 and Section 5 of the Federal Voting Rights Act.

The MALDEF State Assembly, State Senate, and U.S. Congressional Redistricting Plans contain several districts that contain legally protectable communities under Section 2 of the Voting Rights Act. The districts submitted by MALDEF which are protected as majority Latino districts under Section 2 of the Voting Rights Act include:

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Assembly Districts (17)</p> <ul style="list-style-type: none"> • Assembly District 31 (Central Valley) • Assembly District 34 (Central Valley) • Assembly District 39 (San Fernando Valley) • Assembly District 45 (Northwest Los Angeles) • Assembly District 46 (South Los Angeles) • Assembly District 50 (Southeast Los Angeles County) • Assembly District 53 (South Los Angeles) • Assembly District 55 (South Bay Los Angeles Co.) • Assembly District 56 (Whittier Region) • Assembly District 57 (Northeast San Gabriel Valley) • Assembly District 58 (Southwest San Gabriel Valley) • Assembly District 61 (Pomona/Ontario) • Assembly District 62 (Inland Empire) • Assembly District 64 (Inland Empire) • Assembly District 69 (Orange County) • Assembly District 79 (San Diego) • Assembly District 80 (Coachella/Imperial) | <p>Senate Districts (9)</p> <ul style="list-style-type: none"> • Senate District 4 (Monterey/Fresno) • Senate District 16 (Kings/Tulare/Bakersfield) • Senate District 22 (Northeast Los Angeles/West San Gabriel Valley) • Senate District 24 (East San Gabriel Valley/Pomona Valley) • Senate District 27 (Southeast/South Bay Los Angeles) • Senate District 28 (Central/South Los Angeles) • Senate District 30 (Whittier/South San Gabriel Valley) • Senate District 32 (San Bernardino/Riverside) • Senate District 40 (San Diego/Imperial/Coachella) <p>Congressional Districts (11)</p> <ul style="list-style-type: none"> • Congressional District 20 (Central Valley) • Congressional District 21 (Central Valley) • Congressional District 28 (San Fernando Valley) • Congressional District 31 (Northeast Los Angeles) • Congressional District 34 (South Los Angeles) • Congressional District 36 (East San Gabriel Valley) • Congressional District 38 (Whittier/South San Gabriel Valley) • Congressional District 39 (Southeast//South Bay Los Angeles) • Congressional District 43 (San Bernardino/Riverside) • Congressional District 44(Pomona/San Bernardino) • Congressional District 51 (San Diego/Imperial) |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

The districts listed above provide Latinos with an equal opportunity to participate in the political process. These redistricting plans do not fragment or over-concentrate Latino communities into districts that dilute their vote. The Latino population within these districts is geographically compact and sufficiently large enough that Latinos have an opportunity to elect a candidate of their choice. In keeping with the rules under the 9th Federal Court Circuit, all districts feature a standard of 50% or higher Latino Citizen Voting Age Population percentage as the definition of sufficiently large.⁷ Finally, MALDEF supplies votes cast for various statewide Latino candidates of choice to show the effectiveness of these Section 2 districts for the Latino community.

⁷ Note: Assembly District 49 is also a Section 2 Voting Rights Act district for the Asian Community which will also be described in this section.

The MALDEF State Assembly, State Senate, and, U.S. Congressional Redistricting Plans also comply with Section 5. The districts submitted by MALDEF which prevent protected minority voter retrogression under Section 5 of the Voting Rights Act include:

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Assembly Districts</p> <ul style="list-style-type: none"> • Assembly District 3 (Yuba County) • Assembly District 17 (Merced County) • Assembly District 27 (Monterey County) • Assembly District 28 (Monterey County) • Assembly District 30 (Kings County) | <p>Senate Districts</p> <ul style="list-style-type: none"> • Senate District 1 (Yuba County) • Senate District 4 (Monterey County) • Senate District 11 (Monterey County) • Senate District 12 (Merced County) • Senate District 16 (Kings County) <hr/> <p>Congressional Districts</p> <ul style="list-style-type: none"> • Congressional District 4 (Yuba County) • Congressional District 18 (Merced County) • Congressional District 17 (Monterey County) • Congressional District 20 (Kings County) • Congressional District 21 (Kings County) |
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Section 5 and Section 2 District Narratives

The regions within the state where Section 2 districts can be created are The Central Valley, Los Angeles County, Inland Empire, and the San Diego/Imperial Boarder area. In addition, the Monterey County and Yuba County are Section 5 jurisdictions outside these regions.

Please note that from this point forward, if a district is mentioned to be at "Section 2 strength," that it refers to the district have over 50% Latino Citizen Voting Age Population (LCVAP).

Central Valley - Assembly

- MALDEF Assembly District 30
 - MALDEF AD 30 was created by removing the excess population from Fresno and Kern Counties. Keeping Kings with northern Tulare County and some of rural Fresno allows AD 30 to maintain its current voter participation levels near the benchmark figures. The benchmark district featured 46.8% Latino CVAP and 48.2% Latino Registration. The MALDEF plan features a 45.6% Latino CVAP and 44.2% Latino Registration. Even though there is a slight drop in percentages, the Latino community's ability to elect a candidate of choice remains at the same effective level.
 - Counties: Kings, Tulare (Split for VRA Compliance)
 - Cities/Communities of Interest: Sanger, Parlier, Reedly, Dinuba, Orange Cove, Cutler, Orosi, Woodlake, Visalia (Split for VRA Compliance), Tulare (Split for VRA Compliance), Hanford, Corcoran
- MALDEF Assembly Districts 31 and 34
 - Another part of the reasoning in pairing Kings County with Tulare County, rather than Fresno City or Bakersfield, was that community members in both cities advocated for separation if possible. Pairing Kings with Tulare allows

Section 5 to be observed and affords the chance to create two Section 2 districts for Fresno City and Bakersfield Latinos.

- The excess population growth in the Central Valley allowed for an extra Section 2 district to be created. The Kern portion of the existing AD 30 paired with southwestern Tulare County allowed for a second effective Section 2 district to be added in the Central Valley, MALDEF AD 34.
 - Counties: Kern (Split for VRA Compliance), Tulare (Split for VRA Compliance)
 - Cities/Communities of Interest: Porterville (Split for VRA Compliance), Pixley, Earlimart, Delano, Bakersfield (Split for VRA Compliance), Weedpatch, Arvin, Lamont
- To maintain the existing Section 2 district (AD 31), there was enough population generally in Western Fresno County west Fresno City. To keep the district at 50% LCVAP, it was necessary to go north into part of Madera City.
 - Counties: Fresno (Split for VRA Compliance), Madera (Split for VRA Compliance)
 - Cities/Communities of Interest: Fresno (Split for VRA Compliance), Fowler, Selma, Kingsburg, Madera (Split for VRA Compliance),
- MALDEF Assembly District 17
 - Current AD 17 contains Section 5 jurisdiction Merced County. It also maintains bypasses the more immediate population pocket of Modesto for Stockton in San Joaquin County. MALDEF was able to better respect the community of interests and retain Section 5 standards by including parts of Modesto and Stanislaus County, rather than stretching to Stockton. The benchmark district contains a 35% LCVAP and 33.7% Latino Registration. The MALDEF AD 17 features a 34.9% LCVAP and 33.7% Latino Registration for no retrogression of Latino voter opportunity to elect candidates of choice.
 - Counties: Merced, Stanislaus (Split for VRA Compliance)
 - Cities/Communities of Interest: (Ceres), Dos Palos, Gustine, Los Banos, Livingston, Merced, (Modesto), Newman, Patterson, Turlock

Central Coast - Assembly

- MALDEF Assembly Districts 27 and 28
 - Current AD 27 and 28 contain Section 5 jurisdiction Monterey County. Monterey County is split at the Assembly level to protect the mostly Latino community inland compared to the non-Latino coastal community. The MALDEF AD 28 removes more non-Latino coastal communities with Monterey County, and the San Jose area, and adds the town of San Martin for population needs, which has a better relation to Gilroy than San Jose. The benchmark district AD 28 contains a 44.3% LCVAP and 44.9% Latino Registration. The MALDEF AD 28 features a 46.3% LCVAP and 46.9%

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Latino Registration for a slight increase in Latino voter opportunity to elect candidates of choice.

- Counties: Monterey (Split for VRA Compliance), Santa Cruz (Split for VRA Compliance), and Santa Clara (Split for VRA Compliance)
- Cities/Communities of Interest: Gilroy, Gonzales, Greenfield, Hollister, King City, Salinas, San Juan Bautista, Soledad, Watsonville
- Conversely, AD 27 was left the same, gaining more coastal areas in Monterey County and losing San Martin.
 - Counties: Monterey (Split for VRA Compliance), Santa Cruz (Split for VRA Compliance), and Santa Clara (Split for VRA Compliance)
 - Cities/Communities of Interest: Capitola, Carmel-by-the-Sea, Del Rey Oaks, Marina, Monterey, Morgan Hill, Pacific Grove, (San Jose), Sand City, Santa Cruz, Scotts Valley, Seaside.

Central Valley and Central Coast - Senate

- MALDEF Senate District 16
 - A nearly whole nesting of MALDEF AD 34 and 30, with minor changes, maintains an existing Section 2 district, and avoids Section 5 retrogression for Kings County. The benchmark district for Kings contains a 50.9% LCAVP and 51.5% Latino Registration. The MALDEF SD 16 maintains Latino voting strength levels by creating a district at 50% LCVAP and 49% Latino Registration, allowing Latinos to continue electing candidates of choice.
 - Counties: Kings, Tulare (Split for VRA Compliance), Fresno (Split for VRA Compliance).
 - Cities/Communities of Interest: Arvin, Avenal, (Bakersfield), Corcoran, Delano, Dinuba, (Farmersville), Hanford Kingsburg, Lemoore, Lindsay, McFarland, Orange Cove, Parlier, (Porterville), (Reedley) Sanger, (Shafter), (Tulare), (Visalia), (Wasco), Woodlake
 - MALDEF Senate District 4 and 12
 - The Central Valley and Central Coast present a unique Voting Rights Act compliance situation. First, Merced County and the Latino portion of Monterey County are currently placed in the same district together, creating benchmark figures of 37.6% LCVAP and 37.8% Latino Registration. . First, there is a pairing issue. From the MALDEF Assembly Plan, there are three Latino districts within the Central Valley, and with two nested, the third district (AD 31) in Fresno County is left without a regional partner for Section 2 strength within the Central Valley.
 - However, the non-regional pairing of MALDEF AD 28 and 30 *do* generate a Section 2 district for the Central Valley/Central Coast. MALDEF SD 4 is a new Section 2 mandated district that also avoids Section 5 retrogression for Latino voters in Monterey County. It features a 50% LCVAP and 48.5% Latino Registration, which are higher than current benchmark SD 12. Also note that this district was

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given an even number district relocated from Northern California, to keep these Senate District voters participating in the same election cycles to which they are accustomed, and avoids potential voter displacement.

- Counties: Monterey (Split for VRA Compliance), San Benito, Fresno (Split for VRA Compliance), Santa Cruz (Split for VRA Compliance), Santa Clara (Split for VRA Compliance)
- Cities/Communities of Interest: Coalinga, Firebaugh, Fowler, Fresno, Gilroy, Gonzales, Greenfield, Hollister, Huron, Kerman, King City, Madera, Mendota, Salinas, San Joaquin, San Juan Bautista, Selma Soledad, Watsonville
- Monterey County is moved from one non-functioning Section 5 district to a function Section 2 district. Therefore there is no retrogression in Monterey County.
- For community of interest reasons, Merced County, now placed with Stockton and Modesto to create MALDEF SD 4. While this results in some decrease in LCVAP % and Latino Registration %, there is no change in the Latino community's ability to elect.
 - Counties: Merced, Stanislaus (Split for VRA Compliance), San Joaquin (Split for VRA Compliance)
 - Cities/Communities of Interest: Merced, Modesto (Split for VRA Compliance), Turlock, Ceres, Stockton

Central Valley - Congress

- MALDEF Congressional Districts 20 and 21
 - MALDEF CDs 20 and 21, while complicated, are both Section 2 and Section 5 compliant districts. Current CD 20 is a Section 2 district, and like all other types of Central Valley Districts, over populated from ideal population, with benchmark figures of 50.1% LCVAP and 46.6% Latino Registration.
 - MALDEF CD 20 becomes a primarily Fresno County based district, separating it from the Bakersfield area. Compelled by the strict one person one vote standards for congressional districts and the need to satisfy the Section 2 and Section 5 Voting Rights Act mandates to keep the district at a specific Latino voter strength, several detailed cuts had to be implemented.
 - Counties: Fresno (Split for one person one vote and VRA compliance), Kings (Split for VRA compliance), Tulare (Split for VRA compliance), Madera (Split for VRA compliance).
 - Cities/Communities of Interest: Coalinga, Dinuba (Split for VRA compliance), Firebaugh, Fowler (Split for VRA compliance), Fresno, Hanford (Split for VRA compliance), Huron, Kerman, Kingsburg (Split for VRA compliance), Lemoore (Split for VRA compliance), Madera (Split for VRA compliance), Mendota, Orange Cove, Parlier (Split for VRA compliance), Reedley (Split for VRA compliance), San Joaquin, Sanger, Selma.

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- MALDEF CD 21 becomes a primarily Bakersfield and Tulare County based district, separating the regions from the Fresno area. Compelled by the strict one person one vote standards for congressional districts and the need to satisfy the Section 2 and Section 5 Voting Rights Act mandates to keep the district at a specific Latino voter strength, several detailed cuts had to be implemented.
 - Counties: Kings (Split for VRA compliance), Tulare (Split for VRA compliance), Kern (Split for VRA compliance).
 - Cities/Communities of Interest: Arvin, Avenal, Bakersfield (Split for VRA compliance), Corcoran, Delano, Exeter (Split for VRA compliance), Farmersville, Hanford (Split for VRA compliance), Lemoore, Lindsay, McFarland (Split for VRA compliance), Porterville (Split for VRA compliance), Shafter, Tulare (Split for VRA compliance), Visalia (Split for VRA compliance), Wasco (Split for VRA compliance), Woodlake
- Note on the Kings County split: MALDEF acknowledges that it split the Section 5 County of Kings. However, given that the minority residents were previously in a district with figures of figures of 50.1% LCVAP and 46.6% Latino Registration and that the residents would now reside in two districts of stronger or equal opportunity to elect candidates of choice, MALDEF feels no retrogression occurs.

Los Angeles County - Assembly

- MALDEF Assembly District 39
 - Current AD 39 is a protected Section 2 District contained in the East San Fernando Valley. It is also arguably a packed district. To also respect the growing Latino community which is trending west in the San Fernando Valley and to unpack the district, MALDEF AD 39 moves north to Sylmar, and west to include areas such as North Hills and Granada Hills, and uses southern boarders of the I-5 and 101 freeways, and rail lines.
 - Counties: Los Angeles (Split for One Person, One Vote Compliance)
 - Cities/Communities of Interest: Los Angeles City (Split for One Person, One Vote Compliance), San Fernando; Neighborhoods of Sylmar, Arleta, North Hills, Pacoima, Panorama City
- MALDEF Assembly Districts 45, 46, and 53 (Central Los Angeles County)
 - MALDEF AD's 45, 46, and 53 (a new district, moved from the Los Angeles County Coast) were drawn in ways that try to respect nearby communities of interest while trying to unpack two existing Section 2 districts.
 - MALDEF AD 45 is anchored out of East Los Angeles, which is kept mostly whole in this configuration compared to the benchmark plan. It is made up of the community of interest neighborhoods of El Sereno, Lincoln Heights, Highland Park, and Eagle Rock. Additional related neighborhoods of Silver Lake and Chinatown were also added for both relationships, one person one

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vote compliance, and to also unpack the district to allow other Section 2 districts to be drawn. South Pasadena was also added to help unpack the district, and shares a modest relationship with the Eagle Rock/Highland Park area. Current AD 45 is also a Section 2 district in the benchmark plan.

- Counties: Los Angeles (Split for One Person, One Vote Compliance)
- Cities/Communities of Interest: Los Angeles City (Split for One Person, One Vote Compliance), South Pasadena, East Los Angeles (Split for VRA Compliance), Boyle Heights (Split for VRA Compliance), El Sereno, Lincoln Heights, Highland Park, Silver Lake, and Chinatown.
- MALDEF AD 46 is anchored by most of the Southeast cities in Los Angeles County. It stretches north through most of Boyle Heights, Downtown Los Angeles, and follows the 101 Freeway to the Hollywood area. Current AD 46 is also a Section 2 district in the benchmark plan.
 - Counties: Los Angeles (Split for One Person, One Vote Compliance)
 - Cities/Communities of Interest: Los Angeles City (Split for One Person, One Vote Compliance), Vernon, Maywood, Huntington Park, Bell, Cudahy, Boyle Heights (Split for VRA Compliance), Downtown Los Angeles, Hollywood
- MALDEF AD 53 is a new Section 2 district mandated by the Voting Rights Act, based in South Los Angeles. It runs north-south with most of Florence-Graham to the south, bounded generally by the I-110 on the west and the borders of the Southeast cities/AD 46 on the east, goes through Pico Union, and ends with Koreatown in the North.
 - Counties: Los Angeles (Split for One Person, One Vote Compliance)
 - Cities/Communities of Interest: Los Angeles City (Split for One Person, One Vote Compliance), Florence-Graham, South Los Angeles, Pico Union, Koreatown
- MALDEF Assembly Districts 50, 55, and 56 (Southeast Los Angeles County)
 - MALDEF Assembly Districts 50, 55 (a new Section 2 district, reconfigured from an existing South Bay District), and 56 generally flow from the Southeast cities toward southeast Los Angeles County. They were drawn in ways that try to respect communities of interest while trying to unpack two existing Section 2 districts.
 - MALDEF AD 55 is a new Section 2 district mandated by the Voting Rights Act, generally following the 110 Freeway from Lynnwood to the San Pedro-Wilmington area. Starting with Lynnwood in the north, the district takes care to go through Paramount (around Compton), North Long Beach, the Eastern part of Carson, and the San Pedro/Wilmington area. Watts and parts of western Long Beach are also included for one person one vote needs and VRA Compliance issues to unpack the district to allow others to be maintained.
 - Counties: Los Angeles (Split for One Person, One Vote Compliance)
 - Cities/Communities of Interest: Los Angeles City (Split for One Person, One Vote Compliance), Watts, Lynnwood, Paramount, Long

- Beach (Split for VRA Compliance), Carson (Split for VRA Compliance), San Pedro, Wilmington.
 - MALDEF AD 50 is anchored in the north by South Gate, Bell Gardens, and Downey, going south for unpacking and existing Section 2 and community of interest purposes through Bellflower and stopping south in Lakewood. It picks up portions of Long Beach for one person, one vote considerations.
 - Counties: Los Angeles (Split for One Person, One Vote Compliance)
 - Cities/Communities of Interest: South Gate, Bell Gardens, Downey (Split for one person, one vote and VRA purposes), Bellflower, Lakewood, and Long Beach (Split for one person one vote purposes)
 - MALDEF AD 56 is anchored in the Pico Rivera area, and features strong related communities of interest of Whittier, Los Nietos, South Whittier, Santa Fe Springs, and Norwalk. It reasonably includes Cerritos/Artesia to the south, and La Habra Heights for unpacking purposes, and the eastern portion of La Mirada for one person one vote necessities.
 - Counties: Los Angeles (Split for One Person, One Vote Compliance)
 - Cities/Communities of Interest: Pico Rivera, Whittier, South Whittier, Los Nietos, Norwalk, Santa Fe Springs, Cerritos, Artesia, La Habra Heights, and La Mirada (split for one person one vote compliance).
- MALDEF Assembly Districts 49, 57, and 58 (San Gabriel Valley)
 - MALDEF AD 49 is not a Latino Section 2 district, but an Asian-American district based in the western San Gabriel Valley and listed here as it influences the shape of MALDEF AD 57 and 58. It unites a core of Alhambra, San Gabriel, Rosemead, and Temple City, along with San Marino, Arcadia, and Temple City. It modestly splits off an Asian portion of Montebello, and splits El Monte in a way that attempts to respect both the Asian Section 2 needs and the Latino Section 2 needs of MALDEF AD 57.
 - Counties: Los Angeles (Split for One Person, One Vote Compliance)
 - Cities/Communities of Interest: Alhambra, San Gabriel, Rosemead, and Temple City, San Marino, Arcadia, Temple City, Montebello (Split for VRA compliance), and El Monte (Split for VRA compliance)
 - MALDEF AD 57 is an existing Section 2 district based in the eastern San Gabriel Valley. It is anchored in Baldwin Park, Puente Valley, and West Covina, and includes reasonable neighboring cities of Duarte, and Azusa, and includes Monrovia, Walnut, and part of Covina for unpacking purposes.
 - Counties: Los Angeles (Split for One Person, One Vote Compliance)
 - Cities/Communities of Interest: Alhambra, San Gabriel, Rosemead, and Temple City, San Marino, Arcadia, Temple City, Montebello (Split for VRA compliance), and El Monte (Split for VRA compliance)
 - MALDEF AD 58 is anchored in part of East Los Angeles, Commerce, and Montebello, and stretches along the 60 Freeway, going through South El Monte, Acevedo Heights, Industry, and La Puente. In includes Hacienda Heights, Diamond Bar, and Rowland Heights as both their own communities

of interest, unpacking purposes, and being bound by Section 2 Districts AD 49 and 57 to the north, and AD 56 to the south. Finally, it includes the city of La Habra in Orange County whole also for Voting Rights Act compliance, the need to avoid splitting another city, and to stay within one person one vote compliance.

- Counties: Los Angeles (Split for One Person, One Vote Compliance), Orange (Split for One Person, One Vote Compliance)
- Cities/Communities of Interest: East Los Angeles (Split for VRA Compliance), Montebello (Split for VRA Compliance), Commerce, South El Monte, La Puente, Acevedo Heights, Industry, La Habra, Rowland Heights, Hacienda Heights, and Diamond Bar.

Los Angeles County - Senate

- MALDEF Senate District 28
 - MALDEF SD 22 is a new Section 2 district primarily constructed from a nest of Section 2 MALDEF districts AD 53 and 46, starting with a base of southeast Los Angeles, moving up south Los Angeles, downtown, and culminating in Koreatown and Hollywood.
 - County: Los Angeles (Split for one person, one vote compliance), Orange (Split for one person, one vote compliance and VRA Considerations)
 - Cities/Communities of Interest: Bell, Cudahy, Huntington Park, (Los Angeles), Maywood, Vernon
- MALDEF Senate District 27
 - MALDEF SD 27 is a new Section 2 district which is primarily constructed from a nest of Section 2 MALDEF districts AD 55 and 50, starting with a base of southeast Los Angeles, moving south through Downey, Paramount, Bellflower, Northwest Long Beach and culminating in the San Pedro-Wilmington region of South Bay.
 - County: Los Angeles (Split for one person, one vote compliance), Orange (Split for one person, one vote compliance and VRA Considerations)
 - Cities/Communities of Interest: Avalon, Bellflower, Carson (Split for VRA compliance), Compton (Split for VRA compliance), Downey (Split for VRA compliance), Hawaiian Gardens, Lakewood (Split for VRA compliance), Long Beach, (Split for one person one vote and for VRA compliance), Los Angeles (Split for one person one vote and VRA compliance), Lynwood, Paramount, Signal Hill, South Gate
- MALDEF Senate District 30
 - MALDEF SD 30 is a southeastern Los Angeles county and South San Gabriel Valley area district. With a base of Pico Rivera, El Monte, La Puente, Acevedo Heights, Whittier, and Norwalk. It also contains the areas of Monterey Park, Hacienda Heights, Rowland Heights, and Diamond Bar to maintain a community of interest area and Voting Rights Act considerations.
 - County: Los Angeles (Split for one person, one vote compliance), Orange (Split for one person, one vote compliance and VRA Considerations)
- MALDEF Senate District 22

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- MALDEF SD 22 features a base of East Los Angeles, Northeast Los Angeles City neighborhoods and the western San Gabriel Valley, short of stopping at El Monte.
- Counties: Los Angeles (Split for One Person, One Vote Compliance)

Los Angeles County - Congress

- MALDEF Congressional District 28
 - Current CD 28 was the focus of a minority vote dilution case as a result of the 2001 redistricting process. The region of the East San Fernando Valley was a large, cohesive community of interest that had achieved Section 2 strength, but was separated as a result of the 2001 redistricting process. MALDEF CD 28 features the tightly knit communities of Sylmar, Mission Hills, San Fernando City, Pacoima, Lake View Terrace, Sun Valley, North Hills, Van Nuys, Panorama City, Valley Glen and North Hollywood, generally bounded by the Los Angeles City boundary to the north, I-405 to the west, mountains to the east, and North Hollywood, Valley Glen, and Van Nuys to the south.
 - Counties: Los Angeles (Split for One Person, One Vote Compliance)
 - Cities/Communities of Interest: of Sylmar, Mission Hills, San Fernando City, Pacoima, Lake View Terrace, Sun Valley, North Hills, Van Nuys, Panorama City, Valley Glen and North Hollywood, generally bounded by the Los Angeles City boundary to the north, I-405 to the west, mountains to the east, and North Hollywood, Valley Glen, and Van Nuys
- MALDEF Congressional Districts 31 and 34 (Central Los Angeles County)
 - MALDEF CD 31 is anchored out of East Los Angeles, which is put whole in this configuration compared to the last few decades. It is made up of the community of interest neighborhoods of El Sereno, Lincoln Heights, Highland Park, Eagle Rock, and moving west along the 101 Freeway towards Elysian Park, Echo Park, Koreatown, and Hollywood.
 - Counties: Los Angeles (Split for One Person, One Vote Compliance)
 - MALDEF CD 34 is anchored by most of the Southeast cities in Los Angeles County. It stretches north through Boyle Heights and Downtown Los Angeles and South Los Angeles along the 110 Freeway, and ending at Pico Union.
 - Counties: Los Angeles (Split for One Person, One Vote Compliance)
 - Cities/Communities of Interest: Los Angeles City (Split for One Person, One Vote Compliance), Vernon, Maywood, Huntington Park, Bell, Cudahy.
- MALDEF Congressional District 38 and 39 (Southeast Los Angeles County)
 - Current CDs 38 and 39 were some of the districts most in need of respectful reorganization in the state, and they also needed to be maintained at their Section 2 voting strength.
 - MALDEF CD 39 follows a base in the Southeast Cities, generally following the 110 Freeway from South Gate, Lynnwood, Paramount, through Long Beach and Lakewood, to the San Pedro-Wilmington area
 - Counties: Los Angeles (Split for One Person, One Vote Compliance)

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- Cities/Communities of Interest: South Gate, Lynnwood, Paramount, through Long Beach and Lakewood, San Pedro-Wilmington
 - MALDEF CD 38 is anchored in the Montebello and Pico Rivera area, and flows naturally through the strongly related communities of interest of Downey, Whittier, Los Nietos, South Whittier, Santa Fe Springs, and Norwalk. It reasonably includes Cerritos/Artesia, Bellflower, Lakewood to the south and La Mirada to the east.
 - Counties: Los Angeles (Split for One Person, One Vote Compliance)
 - Cities/Communities of Interest: Downey, Whittier, Los Nietos, South Whittier, Santa Fe Springs, and Norwalk. Cerritos, Artesia, Bellflower, Lakewood. La Mirada
 -
- MALDEF Congressional District 36
 - MALDEF CD 36 is a Section 2 District in set efficiently in the eastern San Gabriel Valley. It features a base of El Monte, Baldwin Park, West Covina, La Puente, and Azusa, and completes its total population needs by reasonably taking in Glendora, Covina, and San Dimas.
 - Counties: Los Angeles (Split for One Person, One Vote Compliance)
 - Cities/Communities of Interest: El Monte, Baldwin Park, West Covina, La Puente, and Azusa, Glendora, Covina, and San Dimas.

Inland Empire - Assembly

- MALDEF AD 61 is an existing Section 2 district, and takes in the whole, related cities of Pomona, Montclair, Chino, Ontario, and part of Fontana for one-person one vote purposes.
 - Counties: Los Angeles (Split for One Person, One Vote Compliance), San Bernardino (Split for One Person, One Vote Compliance)
 - Cities/Communities of Interest: Pomona, Montclair, Chino, Ontario, and Fontana (Split for one person, one vote purposes)
- MALDEF AD 62 is an existing Section 2 district which is anchored in Fontana, north Rialto, and North San Bernardino City
 - Counties: San Bernardino (Split for one person, one vote compliance)
 - Cities/Communities of Interest: Fontana (Split for one person one vote compliance), Rialto (Split for VRA Compliance), San Bernardino (Split for one person one vote and VRA compliance), Colton (Split for VRA Compliance), Muscoy, and Highland (Split for one person one vote and VRA Compliance)
- MALDEF AD 64 is a new Section 2 as mandated by the Voting Rights Act. It is anchored by Latino community members in Riverside County, with a base in the Perris region, going north through western Moreno Valley, parts of eastern Riverside City, the areas of Sunnyslope, Rubidoux, Glen Avon, and taking in the cities of Bloomington, South Rialto, west Colton, and part of San Bernardino City to achieve VRA compliance.

- Counties: San Bernardino (Split for one person, one vote compliance), Riverside (Split for one person one vote compliance)
- Cities/Communities of Interest: Bloomington, Rialto (Split for VRA Compliance), San Bernardino (Split for one person one vote and VRA compliance), Colton (Split for VRA Compliance), Riverside (Split for VRA compliance), Glen Avon (Split for VRA Compliance), Rubidoux, Moreno Valley (Split for VRA compliance), Perris (Split for VRA Compliance), Good Hope (Split for VRA Compliance), Mead Valley (Split for VRA Compliance), and Meadowbrook (Split for VRA Compliance)

Inland Empire, East San Gabriel Valley, and Pomona Valley - Senate

- MALDEF Senate District 24
 - MALDEF SD 24 is an eastern San Gabriel Valley and Pomona Valley district, and is a pure nesting of MALDEF AD 57 and MALDEF AD 61.
 - County: Los Angeles (Split for one person, one vote compliance), San Bernardino (Split for one person, one vote compliance and VRA Considerations)
- MALDEF Senate District 32
 - MALDEF SD 32 is an Inland Empire Section 2 District, the result of pure nesting of MALDEF AD 62 and MALDEF AD 64.
 - County: Riverside (Split for one person, one vote compliance), San Bernardino (Split for one person, one vote compliance and VRA Considerations)
 - Cities/Communities of Interest: Fontana, San Bernardino (Split for one person one vote and VRA compliance), Colton, Muscoy, and Highland (Split for one person one vote and VRA Compliance), Bloomington, Rialto, San Bernardino (Split for one person one vote and VRA compliance), Colton (Split for VRA Compliance), Riverside (Split for VRA compliance), Glen Avon (Split for VRA Compliance), Rubidoux, Moreno Valley (Split for VRA compliance), Perris (Split for VRA Compliance), Good Hope (Split for VRA Compliance), Mead Valley (Split for VRA Compliance), and Meadowbrook (Split for VRA Compliance)

Inland Empire - Congress

- MALDEF Congressional District 43 was created by removing Fontana from MALDEF Senate District 32, and remains a Latino Section 2 district.
 - County: Riverside (Split for one person, one vote compliance), San Bernardino (Split for one person, one vote compliance and VRA Considerations)
 - Cities/Communities of Interest: Fontana, San Bernardino (Split for one person one vote and VRA compliance), Colton, Muscoy, and Highland

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(Split for one person one vote and VRA Compliance), Bloomington, Rialto, San Bernardino (Split for one person one vote and VRA compliance), Colton (Split for VRA Compliance), Riverside (Split for VRA compliance), Glen Avon (Split for VRA Compliance), Rubidoux, Moreno Valley (Split for VRA compliance), Perris (Split for VRA Compliance), Good Hope (Split for VRA Compliance), Mead Valley (Split for VRA Compliance), and Meadowbrook (Split for VRA Compliance)

- MALDEF Congressional District 44 naturally pairs the Pomona Valley community of interest to the central Inland Empire to become a new Latino Section 2 seat. In flows from Pomona, Montclair, Chino, Ontario, and Fontana.
 - County: San Bernardino (Split for one person, one vote compliance and VRA Considerations), Los Angeles (Split for one person one vote and VRA Compliance)
 - Cities/Communities of Interest: Pomona, Montclair, Chino, Ontario, and Fontana (Split for one person), Upland (Split for one person one vote and VRA Compliance), Rancho Cucamonga (Split for one person one vote and VRA Compliance)

San Diego - Assembly

- MALDEF Assembly District 79
 - Current AD 79 is an existing district near Section 2 strength. It contains south San Diego City, western Chula Vista mostly following the natural community dividing line of the I-8 Freeway, most of National City, Barrio Logan, Logan Heights, Lincoln Park, Encanto, and Mountain View. Part of National City was removed to respect a small Asian American community, and Lincoln Park/Encanto were included to avoid cutting a small African-American community.
 - Counties: San Diego (Split for one person one vote purposes)
 - Cities/Communities of Interest: San Diego (Split for one person one vote purposes), Chula Vista (Split for VRA compliance), National City (Split for a community of interest purpose), Barrio Logan, Logan Heights, Lincoln Park, Encanto, and Mountain View

Imperial/Coachella Valley - Assembly

- MALDEF Assembly District 80 is an existing district near Section 2 strength. It contains Imperial County whole, and pairs it with strong community of interest in the Coachella Valley to the north. Following the Route 111, it includes the population centers of Coachella, Indio, Thousand Palms, and stopping at Cathedral City.
 - Counties: Riverside (Split for one person one vote compliance), Imperial

- Cities/Communities of Interest: Imperial Valley and Coachella Valley. Cities of Whitewater, Desert Hot Springs, Cathedral City, Thousand Palms, Indo Hills, Desert Palms, Indio, La Quinta (Split for one person one vote and VRA compliance), Coachella, Vista Santa Rosa, Thermal, Mecca, Oasis, North Shore, and all of Imperial County.

San Diego and Imperial/Coachella Valley - Senate

- MALDEF Senate District 40
 - MALDEF SD 40 is a nearly pure nesting of MALDEF AD 79 and MALDEF AD 80, mirroring an existing, legally protected Section Senate District, current Senate District 40.
 - County: San Diego (Split for one person, one vote compliance) and Imperial

San Diego and Imperial Valley - Congress

- MALDEF Congressional District 51
 - Current CD 51 was the focus of an intentional minority vote dilution case as a result of the 2001 redistricting process. MALDEF CD 51, starting with the existing Congressional District made minor edits to the benchmark district to make it a new, legally mandated Section 2 district. The neighborhood of Barrio Logan, which was intentionally removed 10 years ago, was added back to the district. Mirroring the communities of interest that helped create MALDEF SD 40, Bonita was removed from the benchmark and part of National City was removed to preserve an Asian Community of interest.
 - County: San Diego (Split for one person, one vote compliance) and Imperial

Yuba County Districts

- MALDEF Assembly District 3
 - MALDEF AD 3 is comprised nearly of the whole counties of Lassen, Plumas, Butte, Sierra, Nevada, and Yuba, with a small part of Sutter cut for one person, one vote compliance. The district maintains an 8.6% LCVAP and 6.8% Latino Registration, which is comparable to the benchmark's 8.1% LCVAP and 6.3% Latino Registration.
- MALDEF Senate District 1
 - MALDEF SD 1 is the nesting of MALDEF AD 3 and 4, which adds most of Placer and El Dorado Counties to the Yuba County Assembly District. As a result, the Latino CVAP was moved to 7.86% and Latino Registration moved to 6.63%, a small drop from its benchmark SD 4, which held a 8.6% LCVAP and 7.3% Latino Registration.
- MALDEF Congressional District 4
 - After hearing some community of interest testimony for the northern California counties, MALDEF created a district generally running from east to west. As a result, Yuba County was placed in MALDEF CD 4 with Placer. The Latino CVAP was moved to 8.8% and Latino Registration moved to

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7.6%, a small drop from its benchmark CD 2, which held a 9.6% LCVAP and 8.4% Latino Registration.

Disclaimer: In crafting these Section 2 and Section 5 compliant districts for the Latino community, MALDEF was careful to preserve African-American voter influence and Asian-American voter influence in those districts where those communities have historically demonstrated significant electoral strength.

Community of Interest Report

MALDEF collected community of interest information from several sources including the CCRC's public hearings, public comment available on the CCRC's website, community of interest information collected by NALEO Educational Fund, and the community education and outreach sessions held by MALDEF and its partners from February through April 2011. This section focuses information collected outside of the CCRC's official process, through the outreach efforts of MALDEF and its partners, and includes community of interest testimony not yet received by the Commission.

Although MALDEF and NALEO Educational Fund worked to encourage the Latino community to provide testimony directly to the CCRC during the Commission's public hearings in April and May, many workshop participants felt too uncomfortable participating in the Commission process for a variety of reasons including time constraints, personal obligations to work and/or family, and feelings of intimidation. MALDEF's maps therefore include testimony of community members whose voice would otherwise be left unheard.

Below is a summary of key points made in input delivered to MALDEF via workshops, emails, or those received by NALEO Educational Fund. The sections are organized by the CCRC nine Public Input regions⁸.

Region 1 - San Diego and Imperial County

Chula Vista was identified as a community of interest. There is an east/west divide in Chula Vista by the 8 Freeway. East Chula Vista is characterized by having residents with a lower income, and a greater Spanish speaking community. Community members of East Chula Vista have lower educational attainment than West Chula Vista. West Chula Vista is a Latino community as well; however, this community is characterized by higher incomes and higher educational attainment. While there exists an East and West divide by economics and education, these communities are still tied through their cultural and social activities. Another shared resource is the Chula Vista Elementary school district which is highly Latino.

Community members also identified an African-American community of interest in National City and San Diego.

Region 2 - Inland Empire (Riverside County, San Bernardino County)

⁸ Note: Not all CCRC regions are list
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The communities of East Riverside and Moreno Valley are largely immigrant and are experiencing job shortages. Residents want this COI to remain intact. Residents told MALDEF that these communities also share common shopping areas, the same challenges to access quality healthcare, and quality schools. The urban areas of Riverside do not seem to share many commonalities or interests with the high-desert areas of Riverside (i.e. Palm Springs). The areas and communities that border the San Bernardino County lines and Riverside are considered a major corridor between the two cities.

Another Latino COI exists in Jurupa Valley and West Riverside. Residents in these two areas have similar levels of education and income. Jurupa Valley and West Riverside both experience language isolation, high unemployment, and low homeownership. In contrast, the communities of East Vale, Corona, and Norco are higher income communities, residents are mostly homeowners, and the area is part of a community college district. East and West areas of Central Corona also have high Latino populations and many residents who rent property. This area is low income with relatively low levels of educational attainment and high unemployment.

In **San Bernardino** community members identified similarities between Rialto, Fontana, and San Bernardino. Rialto is not similar to the West end, East Valley, or Victorville. **Rancho Cucamonga** was described as a community whose residents are mostly retirees, senior citizens, and low income. Chino, an area that has historically been divided by race and political parties, is very similar to Ontario, Pomona, and Fontana. It is uniquely different from Chino Hills and Diamond Bar. The San Bernardino community wants to be joined with the communities of Moreno Valley as well as with the Perris communities. San Bernardino residents also feel that Pomona, Montclair, Claremont, and Ontario should be kept together. Some residents also feel that San Bernardino should be kept in the same district as Rialto and Fontana. Their COI's were described as low income and linguistically isolated. The majority of the COI population seems to flow along the 10 and 210 freeways. Other residents feel that **mountain communities** should be kept together and can form their own COI. Finally, San Bernardino residents do not want to be in a district along with Norco, Corona, or Palm Springs. They feel that they share no interests with these areas. Residents of San Bernardino would rather be included with areas south of them such as Temecula.

Region 4 - Los Angeles County (San Fernando Valley, San Gabriel Valley, Los Angeles Metro, South East Cities)

San Fernando Valley

Several communities of interest were identified in the San Fernando Valley. One community of interest identified is **Pacoima**. Residents of Pacoima have shared commonalities such as schools and Spanish language.. Residents of Pacoima emphasized the size and importance of their annual Christmas Parade which unites their community. **Pacoima, San Fernando, and Sylmar** were described as a COI because of shared Mexican heritage, Spanish language speakers, similar income levels, access to Mission College, and a local shopping center. These areas also exhibit similar levels of education, shared schools, churches, and parks. **The Sun Valley, North Hollywood** areas form their own COI because of similarly low income levels and large Spanish speaking

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communities. The Southeast portion of North Hollywood is the area described as most similar to Sun Valley. Residents are mostly low income, working class and renters. This area is also very densely populated. Sun Valley residents share the same schools and have invested a lot of time and money into improving the quality of their schools. North Hollywood was also identified as a community of interest with Van Nuys. These communities also share common levels of income, Spanish language speakers, and a strong linkage with the transportation corridor that links Van Nuys to the subway in North Hollywood. Residents identified that the Van Nuys-North Hollywood COI was most similar to Panorama, North Hills and Pacoima. The **Panorama** community has, over the years, worked to unite the city's business interests. Community members ask that their district remain whole so that their business efforts do not go to waste. Panorama was also described as being a very densely populated city. **Arleta** was also described as a community of interest. Specifically, the city neighborhood boundaries of Arleta were defined as the preferred COI boundaries. The Arleta community is a strong knit community known for coming together to improve their neighborhood and their quality of life. The Arleta Neighborhood Council is working on getting a new sign to demarcate their neighborhood. The residents share a similar income, lifestyle, and community amenities such as parks and schools. Arleta was identified as most similar to Panorama City, Mission Hills, Pacoima, and North Hills.

North East San Fernando Valley has a strong group advocating that the region be kept whole. The community members have organized an official coalition and have identified the boundaries for the North East San Fernando Valley as encompassing many of the COIs identified above. The group has voiced their concern of having a district grouped with regions that are not similar to their communities of interest.

San Gabriel Valley

The cities of **La Puente, El Monte, South El Monte, and Baldwin Park** form a COI because of commonalities in education levels, income, their Latino CVAP, and culture. Communities here share a lifestyle preference including shopping areas and recreation areas. Another COI identified by community members were the cities of **Azusa, Covina, Irwindale, and Baldwin Park** because of similar income levels, education levels, ancestry, and transportation corridors. Other COIs in the San Gabriel Valley include the Southeast Glendora and Covina areas. These regions share relatively similar numbers of high school graduates, similar median income, linguistic isolation, and a large percentage of residents that rent property. Finally, residents of **San Gabriel Mountain foothill communities** asked that cities and unincorporated areas at the base of the San Gabriel Mountains be grouped together to form their own COI. This would allow federal lands to be in the same districts with the communities that recreate in them. In addition, speakers from San Gabriel expressed concerns regarding VRA districts and representation issues for the Asian American and Latino communities. In the San Gabriel Valley, the Asian American community is concentrated in the Western areas as the Eastern area of Walnut, Diamond Bar, and parts of San Bernardino County.

Los Angeles Metro

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The Boyle Heights neighborhood has identified themselves as a community of interest. Their children all attend the same schools, they frequent the same churches, and shopping centers. The residents of Boyle Heights also share a common language, Mexican American ancestry, and income level and community history. The community of Boyle Heights has worked to improve the region and today their community amenities include a farmers market, the historic Mariachi Plaza, a community center and public transit.

The Latino Redistricting Roundtable has identified a COI in the Pico Union/Salvadoran corridor. The community known as Pico Union has a strong Central American community. Annually it is host of the largest Central American festival. The growing Central American community now resides in neighboring Koreatown and South Los Angeles. The community shares a common language, income level, cultural celebrations, and has worked together for many years to establish a stronger community presence.

Finally, MALDEF also received Los Angeles County community of interest boundaries from the Asian Pacific American Legal Center (APALC) for Koreatown, Chinatown, Little Tokyo, Thai Town, and a Cambodian community in Long Beach/Signal Hill.

Region 6 - Central Valley

One community of interest links the cities of Bakersfield, Lamont, and Arvin. This community of interest is delimited by Columbus on the North, by Arvin and Lamont on the South end, by Freeway 99 on the West, and finally East by the mountains. The community members of this community of interest are largely Mexican-American, Oaxacan, and Puerto Rican. Agriculture is the main industry for this region and most people work for the three largest employers of the area—Greenhouse, Bolthouse, Gimara. Most of the residents' average income in this area is less than \$30,000 per capita. The residents in this community of interest have developed a strong network that has been developed through wide participation in cultural and sporting events like the Oaxacan festival and soccer leagues that combined allow for the participation of over 150 soccer teams. This community of interest also has a strong commercial core at the Mercado Latino, a highly popular and extremely large shopping complex within the Latino community located in Eastern Bakersfield. They recently have also been making big investments in the area as well. Additionally, this community is strongly tied by the Kern High School District. All students attend this school district. Another factor that ties this community together is that there is only one public transit line, the Kern Regional Transit. It is the only one that goes through all three cities.

Other community members also expressed an interest to keep Bakersfield, Arvin, and Lamont together, and included other small farming towns such as Weedpatch, Delano, McFarland and Wasco on the premise that they are all small farming towns, highly Spanish-speaking, Latino populated, immigrant communities. They expressed the need for these communities to be kept together with Bakersfield since they lack basic local community services and utilities. Being in a district with Bakersfield will allow these

communities to access to the social, educational, and health resources/ services that lack in their communities due to lack of representation.

Community members also mentioned their unhappiness with a portion of Bakersfield's current congressional district being paired with San Luis Obispo. They feel that San Luis Obispo is a coastal city that has very little in common with Bakersfield, an agriculture city.

Fresno

The Fresno community of interest identified was East of the 99, which would be its Western border extending east towards freeway 41. The Northern boundary is Clinton Ave. and the Southern boundary is Manning Ave. This community is heavily Latino, Spanish-speaking, and largely farm/ agriculture workers, and immigrants reside in this region. This community shops in the same big food chains Food 4 Less, El Super, Food Co. It encompasses Fulton Mall, which is a big Latino shopping center and Latino small commerce hub. Primary employment is in agriculture and farming, as well as in warehouses, and factories. This community shares community needs, such as jobs (most workers can only obtain seasonal jobs in the fields due to lack of job skills and legal residency status). The community would like access to better education in the schools. There is a lack of adequate funding and resources in the local schools.

Another community of interest is **Selma, Sanger, and Flower**. These cities are smaller agriculture towns. These towns are located east and along freeway 99. They are highly Latino populated (Mexican-American), and lacking in political representation.

Residents of the **Fresno Foothills** expressed they would like to be in their own district, since they feel they have no commonalities with other nearby communities.

MALDEF also received a Hmong community of interest boundary from the Asian Pacific Islander Legal Center (APALC).

Modesto

Community members identified the whole of Modesto as a community of interest. Their wish is to keep Modesto whole as one district without including Ceres. Southwest Modesto is a big farming area. A lot of field workers reside in the area, low wages, and high unemployment is abundant.

Region 7 - Santa Cruz/Monterey/San Benito

Community members expressed their desire to keep Santa Cruz, Monterey and San Benito counties together as their community of interest. These regions share strong agricultural communities. Additionally, residents in both areas share similar incomes, lifestyles, and desire to improve their communities. Elected officials in these three

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counties have established working relationships to troubleshoot cross county issues. There are also official professional associations that identify these three counties together.

Residents of Monterey County expressed a special concern that they should be kept with their neighbors San Benito and Santa Cruz. Community residents in Monterey are aware of their historical experience prior to Section 5 status being granted to their county. They would like to maintain a strong protection for their community members so that they can continue to elect candidates of their choice.

MALDEF also took into account the information presented by the Coastal Alliance United for a Sustainable Economy (CAUSE).

EXHIBIT H



August 14, 2011

BY EMAIL: [REDACTED]
& Commissioner Public Email Addresses

California Redistricting Commissioners
Citizens Redistricting Commission
901 P Street, Suite 154-A
Sacramento, CA 95814

Dear Commissioners:

The California Republican Party joins the National Association of Latino Elected Officials (NALEO) in asking the Commission to reject the State Senate preliminary final redistricting plan on August 15, 2011.

The substantive and procedural grounds for this request are set forth below and in previous letters to the Commission. Propositions 11 and 20 provide a procedure for Commissioners to employ if they conclude that a final redistricting plan is not fair and impartial, namely that a majority of Democrat, Republican or unaffiliated Commissioners can vote against a plan. This method requires a candid look at the plan, and when partisan, non-partisan and regional groups together agree that a plan has substantial defects, voting not to adopt is the proper course.

Substantive Problems With the State Senate Plan

1. The unnecessary splitting of Sacramento and San Bernardino Counties violates California Constitution, Article XXI, sec. 2(a)(4), by splitting each county among six Senate districts. While some county splits are necessary, these two counties that have enough to draw one full State Senate districts with some overage (Sacramento = 1.4 million – 900,000 for one Senate district; San Bernardino = 2.0 million – enough for more than 2 full districts.) The splits unduly divide the counties, reducing substantially their political power and adversely affecting members of the public.

2. The plan dilutes covered minority and ethnic voting rights in violation of Section 2 of the Voting Rights Act. MALDEF, NALEO, CIJEE and others either drew or requested the Commission to analyze and draw additional compact majority-minority districts in Los Angeles, San Diego, Fresno, Santa Clara, Monterey and Riverside counties. The Commission failed to analyze population data as requested. The Commission also declined to draw section 2 districts for Latinos in Los Angeles County (both in southwest Los

BY EMAIL: [REDACTED]
& Commissioner Public Email Addresses

California Redistricting Commissioners
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August 12, 2011
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Angeles County and in the San Fernando Valley). With respect to southwest Los Angeles County, instead of drawing a the Commission drew several influence districts that are likely to elect African Americans; in the San Fernando Valley, the CRC took Latino population away from the Padilla Senate seat and put that population in the EVENT (SD 27) district that is combined with Ventura County territory. The Commission failed to draw a potential section 2 district that would include southern portions of Santa Clara County (San Jose) and northern portions of Monterey County (Salinas area), comprising the current AD 23 (Campos) and AD 28 (Alejo) districts.

3. The Commission "retrogressed" Latino voting strength in violation of Section 5 of the Voting Rights Act. The Commission drew districts based on the 2001 bi-partisan gerrymander that marginally increased Latino VAP in section 5 districts, but in some instances failed to aggregate Latino population that would create stronger Latino influence if not majority-minority districts that would meet section 2 standards, as discussed in item 2 above.

4. The Commission's plan for SD 27 combines populations that lack a community of interest in violation of Article XXI, sec. 2(a)(4), drawing together the communities of Malibu and the western San Fernando Valley in Los Angeles County and portions of eastern Ventura county.

5. The Senate plan fails to maintain contiguity and compactness of districts in violation of Article XXI, sec. 2(a)(3) and (5). Some examples of this include SD 17 (from the Big Basin Redwoods in north Santa Cruz County to Morgan Hill in Santa Clara County to Guadalupe in northern Santa Barbara County), SD 8 (from Sacramento County to the outskirts of Las Vegas, Nevada).

SD 1 (MTCAP): This district runs from the Oregon border through lightly population mountain areas to take in Placer County except Roseville and the northeastern suburbs of Sacramento County. The district bypasses hundreds of thousands of people to unite these far distant areas.

SD 4 (YUBA): This district begins at Red Bluff, includes Roseville in Placer County and then extends to numerous suburban areas in Sacramento County. Red Bluff belongs with Redding to its north and the Sacramento suburbs in this district should be with the ones in SD 1.

SD 3 (WINE): This district contains Rohnert Park in Sonoma County, Martinez and Pleasant Hill in Contra Costa County and the Sacramento River Delta. These are small appendages that don't belong in the same district. This district is forced into these diverse

BY EMAIL: [REDACTED]
& Commissioner Public Email Addresses

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areas by the Commission's refusal to cross the Golden Gate Bridge. The territory north of the bridge simply does not fit into a single Senate district. So instead of the logical cross of the Golden Gate Bridge, the Commission crosses the Carquinez and Antioch bridges and brings the working class communities in northern Contra Costa County into a district that extends all the way to Calistoga in Napa County and the Sonoma County wine country.

SD 8 (FTHLL): This odd districts begins in the Sacramento suburbs, moves south through the mountains to pick up parts of Stanislaus County, much of Fresno County, and then wanders further south until it ends just a few miles from Las Vegas. It is based on a theory that the foothills are a community of interest, but in fact the Sacramento suburbs and urban Fresno County – well away from any foothills – have nothing in common with Death Valley.

SD 17 (WMONT): This district replicates the 2001 gerrymander by uniting southern Santa Clara County, including Morgan Hill and Gilroy, with San Luis Obispo County and northern Santa Barbara County hundreds of miles to the south. It bypasses hundreds of thousands of people in the Bay Area for San Luis Obispo County. The district includes southern Monterey County with San Luis Obispo County even though they are separated by an area of 100 miles of no population (Big Sur).

SD 26 (LAPVD), which joins West Hollywood with Rancho Palos Verdes in Los Angeles County through a narrow corridor of beach cities which substantial testimony before the Commission rejected that these areas represent a community of interests.

6. The Senate plan also fails to nest any Assembly districts within Senate districts, a non-mandatory criterion of Article XXI, sec. 2(a)(6) that would nonetheless give identified communities of interest more political power.

Procedural Problems With the State Senate Plan

1. Conflicts of Interest

A. Dr. Gabino T. Aguirre

As set forth in the letter of CRP Chairman Thomas Del Beccaro to the Commission dated July 20, 2011, Dr. Gabino T. Aguirre's participation in the advocacy of, and drawing of the Senate plan, especially as it affected SD 17 and SD 27, constituted a conflict of interest that infected the Senate plan.

BY EMAIL: [REDACTED]
& Commissioner Public Email Addresses

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Commissioner Dr. Gabino T. Aguirre (a) failed to disclose political contributions to candidates for State Legislative office and (b) failed to disclose his current (as of July 14, 2011) advisory board membership in Central Coast Alliance United for a Sustainable Economy (CAUSE) in his application, supplemental application and oral interview in 2011 and then, actively participated in the Commission's preliminary decisions as part of a two-member task group to draw lines for Region 5 (the Ventura, Santa Barbara, San Luis Obispo Counties), the region for which CAUSE has been an active advocate before the Commission. Moreover, Commissioner Aguirre was an aggressive advocate for CAUSE's maps.

Dr. Aguirre's total failure to disclose his CAUSE advisory board position, shielded his potential bias from close scrutiny during the Commissioner selection process in 2010. Moreover, his aggressive advocacy of the districts proposed by CAUSE reflects a bias in violation of the Commissioners' duties to act "with integrity and fairness" under Proposition 11, California Constitution, Article XXI, section 2(c) and impartiality under Government Code section 8253, subdivs. (d) and (g).

These disclosure failures also constitute either "substantial neglect of duty" or "gross misconduct in office" as provided in Government Code section 8252.5, which warrants removal by the Governor. When potential vendors' disclosure of campaign contributions below the \$2,000 threshold for disqualification came before the Commission, Dr. Aguirre was silent about his own, undisclosed political contributions. Dr. Aguirre's silence and non-disclosures both at the time of his application to the Commission and during the period when vendors' campaign contributions were being discussed as potentially disqualifying or constituting potential bias, was deafening.

B. Professor Matt Barreto

The Commission's retention of Professor Matt Barreto of the University of Washington, to evaluate "racially polarized voting claims" placed Professor Barreto in a disqualifying common law conflict of interest under California law. (California Attorney General's *Noble v. City of Palo Alto* (1928) 89 Cal.App. 47, 51 (citations omitted).) He was disqualified from presenting or commenting upon "racially polarized voting" issues on behalf of the Commission. (92 Ops. Cal. Atty. Gen. 19 (2009).) Professor Barreto had prepared statistical and factual analysis to support the advocacy position of an interest group that submitted proposed redistricting plans to the Commission, and then was hired to evaluate whether "racially polarized voting" evidence exists or does not exist with respect to districts drawn by the Commission in violation of conflict of interest doctrine.

BY EMAIL: [REDACTED]
& Commissioner Public Email Addresses

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2. Persistent Violations of Bagley-Keene Open Meeting Act

The Commission persistently violated the Bagley-Keene Open Meeting Act by using documents, memoranda and other communications for decision-making purposes at critical meetings during May, June and July 2011 without having made such documents available for public inspection as part of its meeting agendas for those meetings in advance, as required by Government Code section 11125.1. These violations of law fundamentally taint the actions, since effective public comment opportunities were frustrated.

Other notable violations of open meeting laws include: (1) the process of interviewing and hiring staff and (2) the process of establishing standards for RFPs and RFIs for line drawing consultants and counsel.

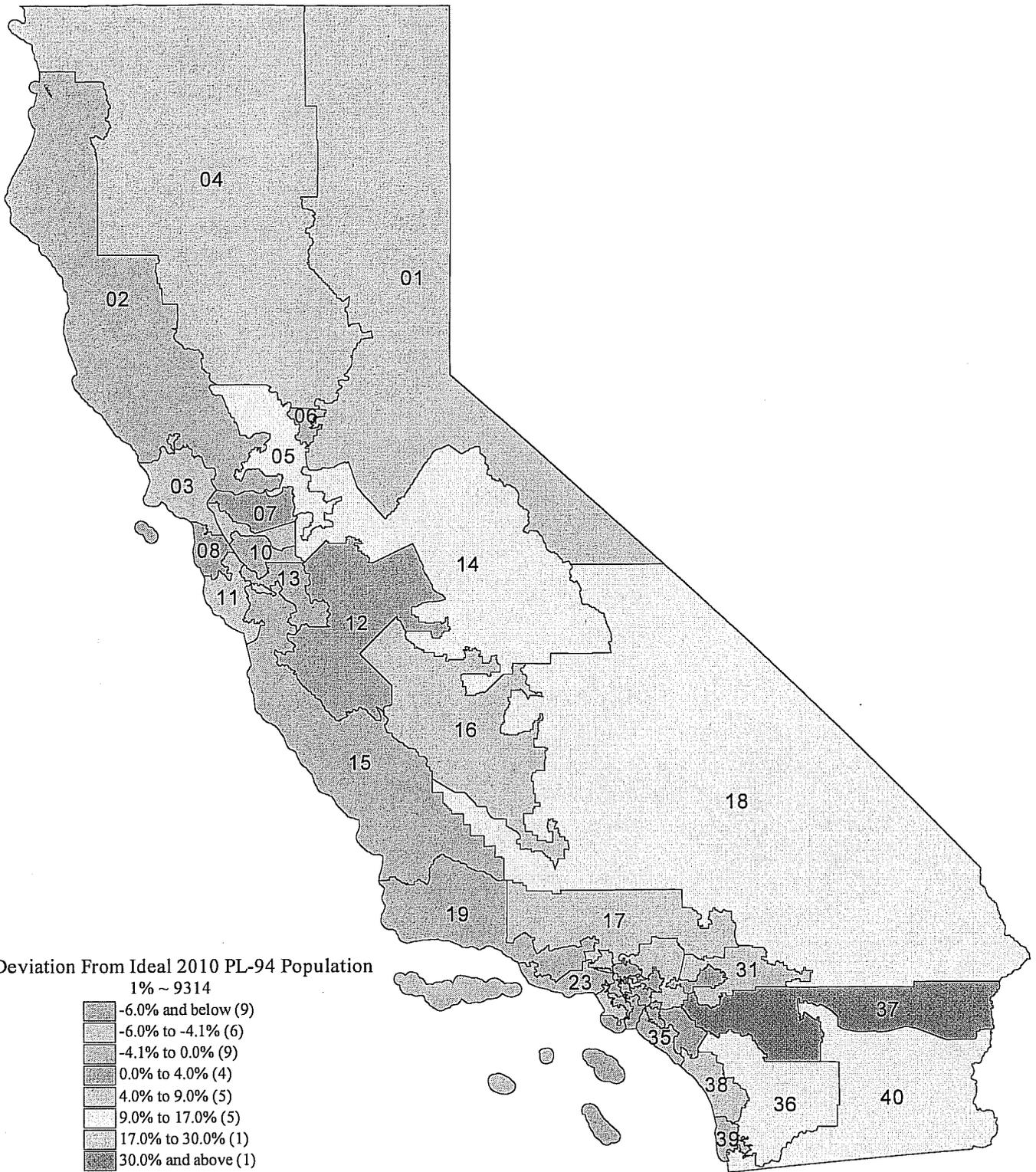
The Commission, despite its promise and its own boast, failed to comply with the law and failed to achieve full transparency in its actions. These failures, combined with the products of conflicts of interest as noted above, cast a procedural taint over the substantive legal problems contained in the proposed Senate redistricting plan. Thus, the California Republican Party joins NALEO and others in urging the Commissioners to reject the Senate preliminary final redistricting maps.

Very truly yours,



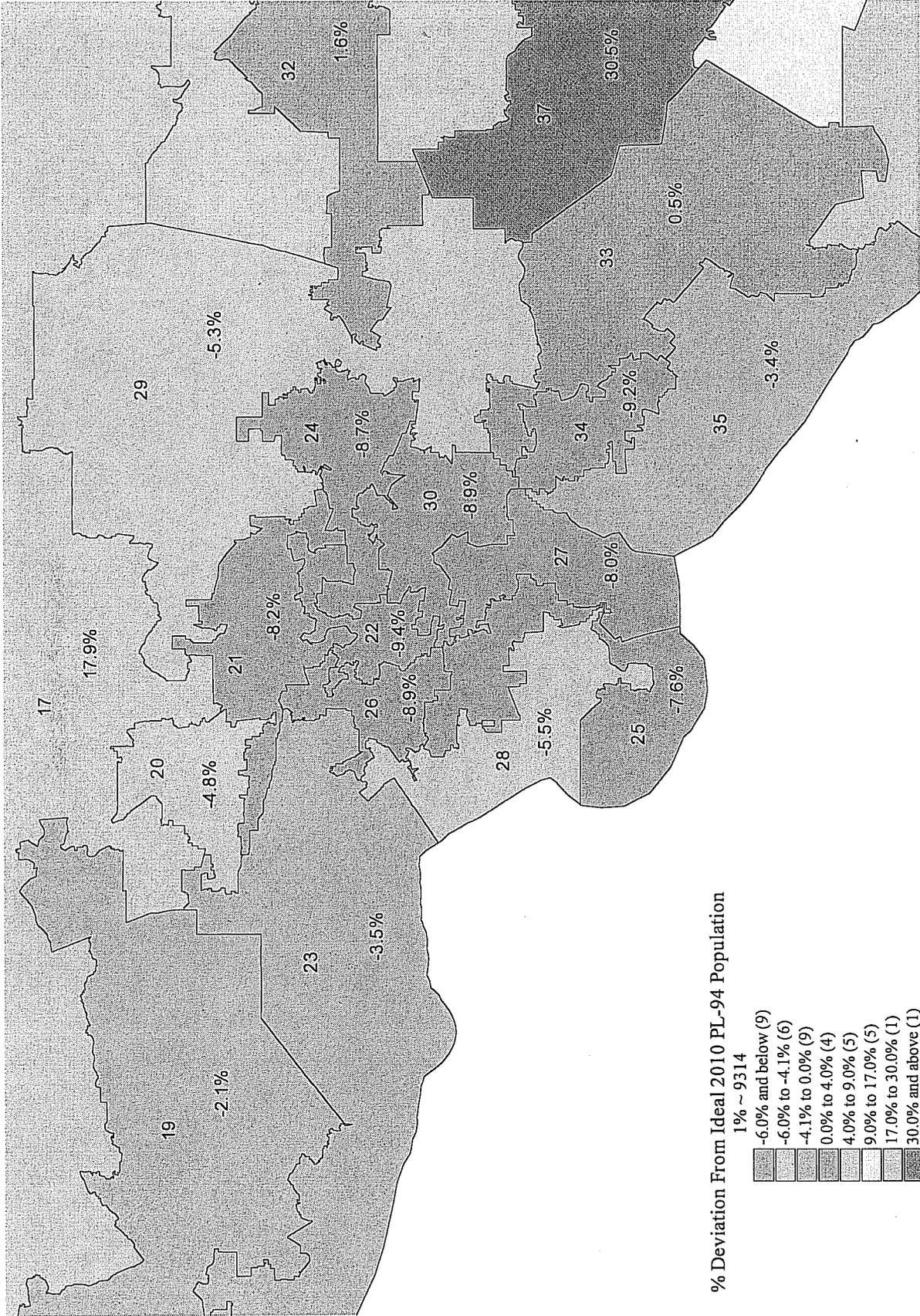
Thomas G. Del Beccaro
Chairman

2001 Senate Districts

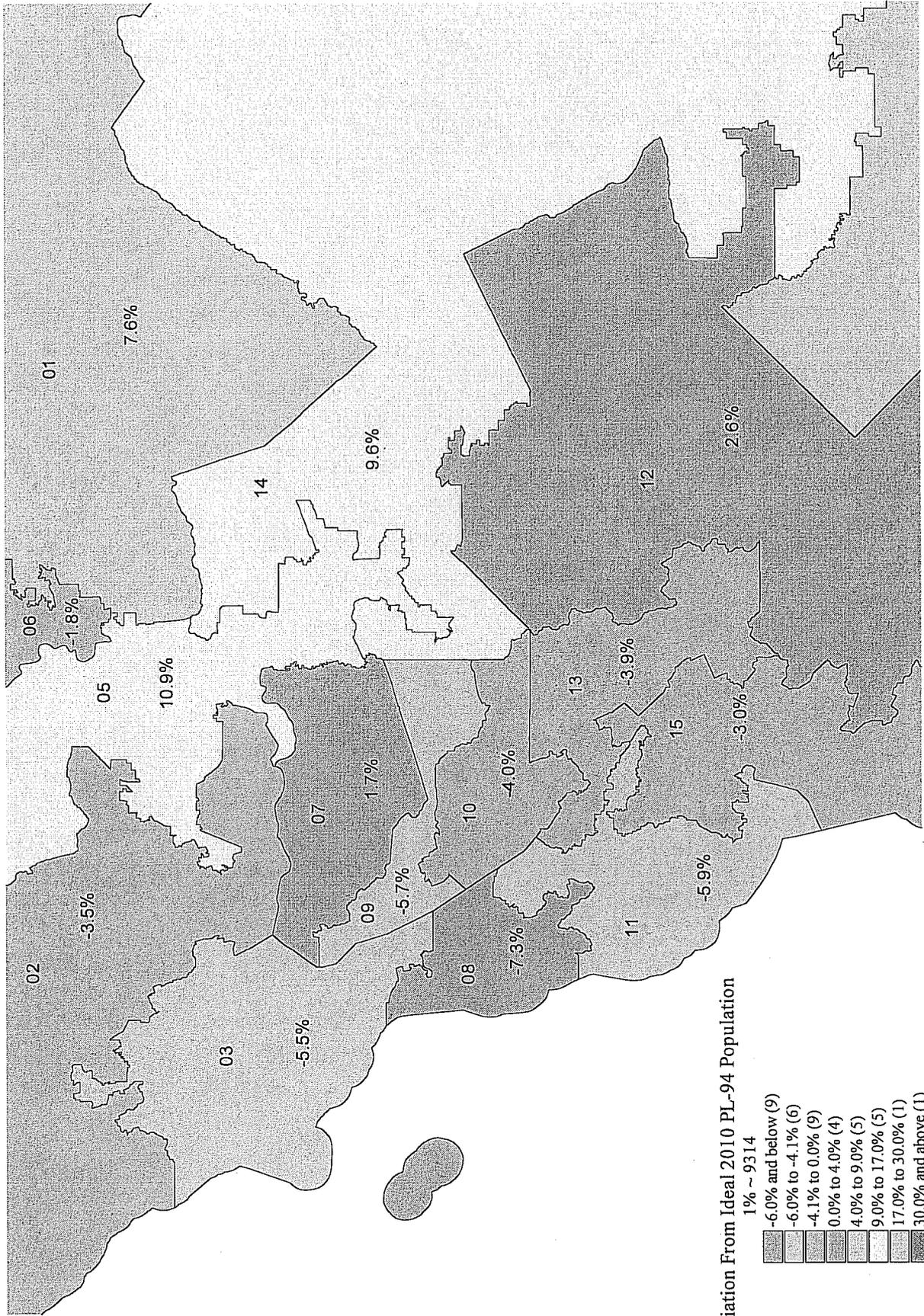


Data source Statewide Database (510) 642-9086

2001 Senate Districts: Los Angeles Area



2001 Senate Districts: San Francisco/Bay Area



Data source: Statewide Database (510) 642-9086



July 21, 2011

BY HAND DELIVERY

California Redistricting Commissioners
California Redistricting Commission
901 P Street, Suite 154-A
Sacramento, CA 95814

Honorable Edmund G. Brown, Jr.
Governor of California
State Capitol
Sacramento, CA 95814

Re: Commissioner Dr. Gabino T. Aguirre

Dear Members of the Redistricting Commission and Governor Brown:

This is a demand that Commissioner Dr. Gabino T. Aguirre resign his position as Commissioner or that the Governor remove him from the Commission for (a) his failure to disclose political contributions to candidates for State Legislative office and (b) his failure to disclose his current (as of July 14, 2011) advisory board membership in Central Coast Alliance United for a Sustainable Economy (CAUSE) in his application, supplemental application and oral interview in 2011. CAUSE has been an active advocate before the Commission for district maps in the Ventura, Santa Barbara, San Luis Obispo and Los Angeles Counties, and Commissioner Aguirre has been an aggressive advocate for CAUSE's maps.

The grounds for this demand are that although Dr. Aguirre's political contributions are below the \$2,000 threshold that would automatically disqualify him from holding office, his failure to disclose any political contributions, and his total failure to disclose his CAUSE advisory board position, shielded his potential bias from close scrutiny during the Commissioner selection process in 2010. Moreover, his aggressive advocacy of the districts proposed by CAUSE reflects a bias in violation of the Commissioners' duties to act "with integrity and

Letter to California Redistricting Commissioners
& Governor Edmund G. Brown, Jr.
July 20, 2011
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fairness” under Proposition 11, California Constitution, Article XXI, section 2(b)¹ and impartiality under Government Code section 8253, subdivs. (d) and (g).

These disclosure failures also constitute either “substantial neglect of duty” or “gross misconduct in office” as provided in Government Code section 8252.5, which warrants removal by the Governor.² When potential vendors’ disclosure of campaign contributions below the \$2,000 threshold for disqualification came before the Commission, Dr. Aguirre was silent about his own, undisclosed political contributions.³ Dr. Aguirre’s silence and non-disclosures both at the time of his application to the Commission and during the period when vendors’ campaign contributions were being discussed as potentially disqualifying or constituting potential bias, was deafening.

The underlying factual basis for this demand is set forth in an article by John Hrabe at the Cal Watchdog website, posted July 15, 2011. The Hrabe article states:

“An independent review of state campaign finance documents revealed what state auditors missed: three campaign donations to Democratic candidates for state office. In November 2008, Aguirre contributed \$100 to Ferial Masry, the Democratic nominee for the 37th State Assembly District. A year later, he doubled his political giving with a \$200

¹ Art. XXI, section 2(b) “The Citizens Redistricting Commission (hereinafter the “commission”) shall: (1) conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines; (2) draw district lines according to the redistricting criteria specified in this article; and (3) *conduct themselves with integrity and fairness.*” (Italics added.)

² Government Code section 8252.5 (b) provides: “In the event of substantial neglect of duty, gross misconduct in office or inability to discharge the duties of office, a member of the Commission may be removed by the Governor with the concurrence of two-thirds of the Members of the Senate after having been served written notice and provided with an opportunity for a response. A finding of substantial neglect of duty or gross misconduct in office may result in referral to the California Attorney General for criminal prosecution or the appropriate administrative agency for investigation.”

³ The application for Commissioner required applicants to disclose contributions of \$250 or more to political, religious and other organizations. This disclosure standard is higher than the \$100 contribution disclosure threshold for campaign contributions of the Political Reform Act ardently supported by groups like Common Cause. No provision of Proposition 11 supported this \$250 disclosure threshold, no Commission regulation justifies it, and the threshold is inimical to the transparency goals of Proposition 11.

contribution to Gloria Romero, a former Democratic State Senator and candidate for state superintendent of public instruction.

“It’s understandable why the state’s nonpartisan investigators missed Aguirre’s final political contribution: it posted on the California Secretary of State’s website *nine days after* the California Bureau of State Audits completed its background report. That final contribution was a \$100 to Das Williams, now the Democratic Assemblyman for the 35th district.

^^^

“Aguirre’s most questionable relationship that poses a potential conflict of interest for the redistricting process is his extensive connection to a special interest group, the Central Coast Alliance United for A Sustained Economy (CAUSE).

“CAUSE has organized workshops for its supporters to learn about the redistricting process, encouraged volunteers to testify before the commission and even proposed its own redistricting maps for the Central Coast. At the commission’s May hearing in Northridge, CAUSE was allotted 25 minutes to present its proposal to commissioners. CAUSE almost mobilized its activists to speak at the June 22 public hearing in Oxnard.

“The mobilization effort appears to have paid off.

““The current ‘final’ maps for Ventura are very close to those proposed by CAUSE at the first public hearing in San Luis Obispo last winter” [].

“As recently as July 14,[2011] Aguirre was listed as a member of CAUSE’s advisory board. However, CAUSE removed Aguirre’s name from its website sometime before this story was published. But it cannot eliminate one connection: a 2007 contribution from Aguirre to CAUSE. The Summer 2007 CAUSE newsletter lists “Dr. Gabino Aguirre” as the organization’s first Grassroots Supporter for having made a contribution of between \$1-\$499.”

A true and correct copy of the full article is attached or can be accessed at the CalWatchdog.org website at <<http://www.calwatchdog.com/2011/07/15/redistricting-commissioner-aguirres-secret-political-past/>>. Public records indicate Dr. Aguirre made the contribution to Assemblyman Das Williams on March 27, 2010, after submitting his initial application for Commissioner.

Dr. Aguirre has been an active advocate of the interests of CAUSE and its district plans in the Commission’s deliberations, and was part of a subgroup of two Commissioners specifically tasked with recommending district lines for the Ventura, Santa Barbara, San Luis Obispo and portions of western Los Angeles Counties. His recommendations went out of their way to draw two legislators, Senator Tony Strickland and Assemblyman and Afghan war veteran Jeff Gorell, districts in which they cannot compete and affirmatively assist the electoral prospects

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of one of the previous, undisclosed recipients of his campaign contributions (Assemblyman Das Williams). The districts Dr. Aguirre has advocated for also could substantially aid the other, undisclosed recipients of his contributions (including Ferial Masry – Strickland’s wife Audra Strickland’s 2008 election opponent and Kathy Long -- Mrs. Strickland’s 2010 election opponent; Ms. Long also recommended Aguirre to serve on the Commission) if they chose to run for state or federal office.

Clearly Dr. Aguirre’s “non-disclosure” of his political affiliation with CAUSE and his political contributions indicates bias and “substantial neglect of duty” or “gross misconduct in office.” The Commission required disclosure of campaign contribution activity by vendors regardless of the amount, to assess their potential bias. Article XXI, section 2(c) and Government Code section 8253, subdivs. (d) and (f) required no less. This failure to disclose pertinent bias information disqualifies Dr. Aguirre from participating in the Commission’s activities from now forward, and should warrant his removal from the Commission.

Furthermore, Dr. Aguirre’s non-disclosure and malfeasance should not be rewarded by the Commission. The Commissioners should disregard his recommendations for district lines in the Ventura, Santa Barbara, San Luis Obispo and Los Angeles County region, and should revisit the following draft Senate and Assembly districts affected by his decision:

Senate Districts: SBWVE, LAAVV & LASFE

Assembly Districts: SBWVE, EVENT & LASCV

The Commission and the Governor owe Californians the obligation to ensure that bias and unfairness do not taint the citizens’ redistricting process and experiment. The California Republican Party, which supported the citizens’ redistricting reforms, has watchdogged the Commission’s actions to ensure that the reform process not be tainted by stealth partisan and ideological agendas. Unfortunately, Dr. Aguirre’s disclosure failures, and promotion of the ideological agenda of a group which he served in a leadership role, is just the latest in a series of abuses of the Proposition 11 process about which I have written the Commission.

Very truly yours,



Thomas Del Beccaro
Chairman, California Republican Party