

Plan Type: Congressional

City by District Report

City	District	POP	%
La Mesa	53	57,065	100
El Cajon	53	47,426	47.7
Lemon Grove	53	25,320	100

STATE OF CALIFORNIA
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APPENDIX 5
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SD	AD	Population	% SD
Senate District 01	01 & 06	786,644	84.10%
	Other	148,692	15.90%
	Total	935,336	
Senate District 02	02 & 10	837,817	90.27%
	Other	90,260	9.73%
	Total	928,077	
Senate District 03	04 & 11	606,664	65.36%
	Other	321,503	34.64%
	Total	928,167	
Senate District 04	03 & 08	697,761	74.39%
	Other	240,201	25.61%
	Total	937,962	
Senate District 05	12 & 13	785,654	83.65%
	Other	153,509	16.35%
	Total	939,163	
Senate District 06	07 & 08	750,677	80.17%
	Other	185,624	19.83%
	Total	936,301	
Senate District 07	14 & 16	697,624	75.44%
	Other	227,084	24.56%
	Total	924,708	
Senate District 08	23 & 05	664,426	71.47%
	Other	265,286	28.53%
Senate District 09	15 & 18	931,235	99.00%
	Other	9,366	1.00%
	Total	940,601	
Senate District 10	20 & 25	896,006	97.00%
	Other	27,701	3.00%
	Total	923,707	
Senate District 11	17 & 19	930,853	100.00%
	Total	930,853	
Senate District 12	21 & 30	677,439	72.59%
	Other	255,783	27.41%
	Total	933,222	
Senate District 13	22 & 24	922,422	99.45%
	Other	5,058	0.55%
	Total	927,480	
Senate District 14	31 & 32	716,444	76.59%
	Other	218,932	23.41%
	Total	935,376	
Senate District 15	27 & 28	860,008	92.61%
	Other	68,576	7.39%
	Total	928,584	
Senate District 16	26 & 34	702,327	76.16%
	Other	219,796	23.84%
	Total	922,123	
Senate District 17	29 & 35	695,972	74.73%
	Other	235,369	25.27%
	Total	931,341	
Senate District 18	39 & 46	835,056	89.91%

SD	AD	Population	% SD
	Other	93,669	10.09%
	Total	928,725	
Senate District 19	37 & 44	731,153	78.72%
	Other	197,697	21.28%
Senate District 20	47 & 52	935,935	100.00%
	Total	935,935	
Senate District 21	33 & 36	732,438	78.73%
	Other	197,844	21.27%
	Total	930,282	
Senate District 22	48 & 49	830,864	89.41%
	Other	98,434	10.59%
	Total	929,298	
Senate District 23	40 & 42	700,948	75.06%
	Other	232,859	24.94%
	Total	933,807	
Senate District 24	51 & 53	832,858	89.22%
	Other	100,652	10.78%
	Total	933,510	
Senate District 25	41 & 43	779,295	84.07%
	Other	147,640	15.93%
	Total	926,935	
Senate District 26	50 & 66	693,823	74.78%
	Other	233,934	25.22%
	Total	927,757	
Senate District 27	38 & 45	661,103	70.66%
	Other	274,553	29.34%
	Total	935,656	
Senate District 28	56 & 67	615,858	66.22%
	Other	314,214	33.78%
	Total	930,072	
Senate District 29	55 & 65	860,630	92.99%
	Other	64,864	7.01%
	Total	925,494	
Senate District 30	54 & 59	746,789	80.95%
	Other	175,707	19.05%
	Total	922,496	
Senate District 31	60 & 61	940,612	100.00%
	Total	940,612	
Senate District 32	57 & 58	799,741	85.68%
	Other	133,665	14.32%
	Total	933,406	
Senate District 33	63 & 70	691,539	74.60%
	Other	235,433	25.40%
	Total	926,972	
Senate District 34	69 & 72	865,549	93.28%
	Other	62,344	6.72%
	Total	927,893	
Senate District 35	62 & 64	648,351	69.37%
	Other	286,264	30.63%
	Total	934,615	
Senate District 36	73 & 76	929,664	99.10%

SD	AD	Population	% SD
	Other	8,419	0.90%
	Total		
Senate District 37	68 & 74	933,149	99.48%
	Other	4,837	0.52%
	Total	937,986	
Senate District 38	71 & 75	711,498	76.52%
	Other	218,262	23.48%
	Total	929,760	
Senate District 39	77 & 78	756,686	81.54%
	Other	171,358	18.46%
	Total	928,044	
Senate District 40	79 & 80	677,330	72.44%
	Other	257,725	27.56%

BOE District	Senate District	Total Population	% BOE
1st Board of Equalization District	01, 04, 05, 06, 08, 12, 14, 16,	8,432,631	90.14%
	Other	922,690	9.86%
	Total	9,355,321	100.00%
2nd Board of Equalization District	02, 03, 07, 09, 10, 11, 13, 15,	8,778,555	95.21%
	Other	441,802	4.79%
	Total	9,220,357	100.00%
3rd Board of Equalization District	19, 22, 24, 25, 26, 27, 30, 32,	8,599,043	92.57%
	Other	690,160	7.43%
	Total	9,289,203	100.00%
4th Board of Equalization District	23, 28, 29, 31, 34, 36, 37, 38,	8,769,249	93.40%
	Other	619,826	6.60%
	Total	9,389,075	100.00%

STATE OF CALIFORNIA
CITIZENS REDISTRICTING COMMISSION
FINAL REPORT ON 2011 REDISTRICTING
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AUGUST 15, 2011

The Citizens Redistricting Commission's final certified maps for 2011 are submitted in the following electronic formats:

.SHP
.DBF
.CDF
.KMZ

Each set of files (Assembly, Senate, Congress, and Board of Equalization) has been compressed into a single zipped folder. This zipped folder has then been run through a hash generator using a SHA-1 algorithm to create a digital signature capable of confirming bit-level data accuracy. Files were compressed using the native tool available through the Microsoft Windows 7 (Service Pack 1) operating system. The SHA-1 digital signature was created using the freeware application WinHasher 1.0.

Hash Digest:

Assembly

crc_20110815_assembly_certified_statewide.zip

SHA-1: 323d2c56df6bf3ad6b3b4e58fd7c5d0338a476b8

Senate

crc_20110815_senate_certified_statewide.zip

SHA-1: 14cd4e126ddc5bdce946f67376574918f3082d6b

Congress

crc_20110815_congress_certified_statewide.zip

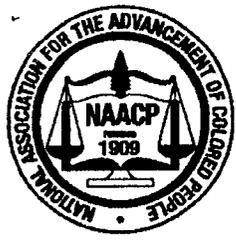
SHA-1: 1893c0695a42454a202f5b1ef433abff6b491db9

Board of Equalization

crc_20110815_boe_certified_statewide.zip

SHA-1: 3dd8d0f1325818b92429f987c03668ba036ece1d

EXHIBIT O



CALIFORNIA STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

ESQUIRE PLAZA, [REDACTED] SACRAMENTO, CA 95814 • [REDACTED] FAX [REDACTED]

Region 4: Los Angeles

National Association for the Advancement of Colored People

California Citizens Redistricting Commission

McGeorge School of Law

June 1, 2011

Alice A. Huffman
President

Gwen Moore
1st Vice President

Kenneth L. Nelson
2nd Vice President

Naomi Rainey
3rd Vice President

Ida M. Johnson
Secretary

Olivia Verrett
Assistant Secretary

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Ronald Hasson
Area Director Southwest

Delois Edwards
Area Director North

LaJuana Bivens
Area Director Central

Dan Daniels, Sr.
Area Director Coastal

Christopher Jackson
Area Director West

Madam Chair and members of the California Citizens Redistricting Commission, I am Alice Huffman, President of the California National Association for the Advancement of Colored People (NAACP). The NAACP submitted redistricting plans to the Commission on May 23, 2011 and I am concerned that you are discussing your plans without including the input we submitted.

The NAACP used the criteria established by the initiatives passed by the voters in preparing our plan. Your lawyer advised you to use the provisions of Section 2 of the Voting Rights Act as the principle guide in drawing the lines for districts in Los Angeles that centered around Compton, Carson, Inglewood and Gardena. Using Section 2 will result in the consolidation of four Assembly districts in two and two Senate Districts into one and three Congressional districts into two. We did not apply Section 2 because we have no evidence of polarized voting against African Americans and to apply this section would result in a dilution of African American voting strength. Your lawyer has further advised you that Section 2 of the Voting Rights Act is applicable only when the following preconditions exist:

1. A protected minority group is concentrated into an area where they could make up 50% or more of a district.
2. The minority group must be contiguous. And
3. There must be evidence of polarized voting against the specific minority group.

We took a look at Los Angeles and other cities where there are concentrations of African Americans and could not find any evidence of polarized voting. We

Additionally, we looked at Assembly, Senate and Congressional Districts where African Americans have been elected. Our review dated back to the 1990 redistricting. We found that the percentage of African Americans in each district ranged from 11.87 percent to 46 Percent. However, since the 2002 redistricting, which we believe was prepared by the courts, African have not comprised more than 36 percent of a district.

Table I

Assembly District	Percent of AA in District 1992	Percent of AA in District 2002
44	11.87	9.6
47	40.45	31.0
48	46.17	30.46
51	36.96	31.58
52	36.26	28.67
55	23.28	15.24
62	12.65	13.81

Table II

Senate District	Percent of AA in District 1992	Percent of AA in District 2002
25	36.6	33.3
26	43.0	29.7

Table III

Congressional District	Percent of AA in District 1992	Percent of AA in District 2002
33	40.0	26.4
35	43.0	29.40

We believe our review clearly demonstrates the absence of polarized voting. Therefore, we do not believe the Commission should apply Section 2 of the Voting Rights Act to the areas mentioned. If Section 2 is not applicable, then the Commission must use the criteria of Compactness, Contiguity, Preservation of Cities and Counties and Respect for Communities of interest.

We are opposed to the use of Section 2 in drawing the lines for the above communities in your first draft of the redistricting plan and urge the Commission to adopt the lines contained the NAACP plan.

EXHIBIT P

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CITIZENS REDISTRICTING COMMISSION

In the matter of
Citizens Redistricting Commission (CRC)
Applicant Review Panel (ARP)

California State University, Northridge
Kurland Lecture Hall, Performing Arts Center
18111 Nordoff Street
Northridge, CA 91330

SATURDAY, MAY 28, 2011
9:22 A.M.

Reported by:
Samantha Avenaim

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APPEARANCES:

Members Present:

- Commissioner Filkins Webber
- Commissioner Blanco
- Commissioner Miller
- Commissioner Forbes
- Commissioner Aguirre
- Commissioner Barabba
- Commissioner Dai
- Commissioner DiGuilio
- Commissioner Galambos Malloy
- Commissioner Ontai
- Commissioner Parvenu
- Commissioner Raya
- Commissioner Ward
- Commissioner Yao
- Commissioner Ancheta
- Commissioner Johnston

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APPEARANCES (Continued):

PUBLIC

George Brown, Esq.

Nicole Boyle

Karin MacDonald

Bonnie Glaser

Janeece Sargis

Alex Woods

(Unidentified members in audience)

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P R O C E E D I N G S

MAY 28, 2011 9:22 A.M.

COMMISSIONER BARABBA: Well, welcome to the Saturday meeting of the Citizens Redistricting Commission with our giving directions to our line drawers, and we got a really full day, and to make sure we spend most of it working, we're going to skip over all the introductions and things of that nature, because everything is being recorded and everybody knows who's here.

But we do have to take a roll call. And so would you do that, Janeece.

MS. SARGIS: Commissioner Aguirre?

COMMISSIONER AGUIRRE: Here.

MS. SARGIS: Ancheta?

COMMISSIONER ANCHETA: Here.

MS. SARGIS: Barabba?

COMMISSIONER BARABBA: Here.

MS. SARGIS: Blanco?

COMMISSIONER BLANCO: Here.

MS. SARGIS: Dai?

COMMISSIONER DAI: Here.

MS. SARGIS: DiGuilio?

COMMISSIONER DIGUILIO: Here.

1 MS. SARGIS: Filkins-Webber?
2 COMMISSIONER FILKINS-WEBBER: Here.
3 MS. SARGIS: Forbes?
4 COMMISSIONER FORBES: Here.
5 MS. SARGIS: Galambos-Malloy?
6 COMMISSIONER GALAMBOS-MALLOY:
7 Here.
8 MS. SARGIS: Ontai?
9 COMMISSIONER ONTAI: Here.
10 MS. SARGIS: Parvenu?
11 COMMISSIONER PARVENU: Here.
12 MS. SARGIS: Raya?
13 COMMISSIONER RAYA: Here.
14 MS. SARGIS; Ward?
15 COMMISSIONER WARD: Here.
16 MS. SARGIS: Yao?
17 COMMISSIONER YAO: Here.
18 MS. SARGIS: We have a quorum.
19 COMMISSIONER BARABBA: All right.
20 So are the line drawers ready for the discussion?
21 MS. MACDONALD: We are ready.
22 COMMISSIONER BARABBA: Oh. Okay.
23 So we should do a little overview of the agenda.
24 We'll let the vice chair do that.
25 COMMISSIONER GALAMBOS-MALLOY: This

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1 is mostly for the public watching at home. I know
2 many of the commissioners have a sense of what to
3 expect today. We are going to pick up where we
4 left off yesterday.

5 We have one additional Section 5
6 area that we need to address. Mr. Brown is here
7 with us from Gibson, Dunn & Crutcher, our V.R.A.
8 counsel.

9 Immediately following that, we
10 would like to focus our energies for the morning
11 on the L.A. area, looking at -- first at the
12 Section 2, potential Section 2 districts, and then
13 other outstanding issues related to the L.A. area.

14 We would like to get through L.A.
15 by the time we break for lunch. Lunch will be
16 delivered around 12:30. We'll take a break and
17 then we're going to come back and look at
18 geography for the rest of the state.

19 So the majority of today is going
20 to be mapping. If we have time towards the end of
21 the day, we have a handful of outstanding
22 discussion items. If we don't get to them today,
23 they will be on the agenda for our June 1st and
24 2nd meeting.

25 I think that's it.

7

1 MS. MACDONALD: Okay. Thank you
2 very much.

3 Good morning, commissioners. I
4 have one clarification on -- on the line-up for
5 today. The Section 5 area will actually be toward
6 the end of the day, because that's in Tamina's
7 mapping region, and Tamina is still working on the
8 directions that you gave her yesterday.

9 So we're going to talk about the
10 Bay Area region and the Monterey area, which of
11 course is a Section 5 county, toward the end of
12 the day.

13 So we're now here and very happy to
14 have Mr. Brown here, because we're going to move
15 into L.A. right away and, of course, there is a
16 lot of Section 2 -- there are a lot of Section 2
17 issues in -- in L.A.

18 And the way we thought this might
19 work is that Nicole is going to walk you through
20 the various districts and kind of explain how --
21 how they were drawn. These are districts that --
22 that were drawn and discussed and overseen by
23 Mr. Brown and his team.

24 And I guess we we'll just start
25 with the San Gabriel seat. So she's going to

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1 just -- just in -- in terms of what's on the
2 screen here right now, this is a dot density map,
3 and if this ever gets too busy or too confusing
4 for you, you can ask us to take that -- that
5 particular theme off.

6 Nicole thought it was -- it's --
7 it's a good way to look at L.A., because there is
8 such an incredible density and -- and there is,
9 you know, everybody's living very closely
10 together, but you also see concentrations of -- of
11 the -- the various races and ethnicities when you
12 have this.

13 So what you have here is the blue
14 dots are Latinos, the orange dots are whites,
15 green is blacks, and red is Asians.

16 So just -- so if you have any
17 questions about how to translate these colors,
18 please just ask us, because it's just --

19 COMMISSIONER BARABBA: I -- I would
20 just suggest that the distinction between the --
21 the Asian and the white might be kind of hard to
22 see.

23 MS. MACDONALD: Okay.

24 COMMISSIONER BARABBA: So at some
25 point you might want to think about a different --

1 MS. MACDONALD: Okay, we'll try to
2 fix it. It's -- it's kind of difficult because
3 all the -- all of these overhead systems are all
4 different, so you set them up on the -- you know,
5 on your computer and you always have to adjust
6 them and that can actually take a little time.

7 COMMISSIONER BARABBA: Commissioner
8 Forbes.

9 COMMISSIONER FORBES: My question
10 is: Are we able to display only a single color at
11 a time, so we can sort of see where the different
12 areas are? (Inaudible.)

13 No, no. I mean just as -- I mean,
14 the dots are fine.

15 COMMISSIONER BARABBA: Just show
16 the Asian as --

17 COMMISSIONER FORBES: Just the
18 Latino dot or just the Asian dot?

19 MS. MACDONALD: You could -- we
20 could do that as well, yes.

21 COMMISSIONER BARABBA: Okay. Thank
22 you.

23 MS. MACDONALD: So what we also
24 have on -- on this map is the city boundaries, and
25 we have the names of the cities. If anyone can't

10

1 read something, please just ask me, and I'll read
2 them off.

3 What we also have on is in the
4 black box in the center of this highlighted
5 district, which is the district we want to talk --
6 talk about first, is the -- so that's the total
7 deviation from an assembly district. So we're
8 starting with assembly districts.

9 So 818 there is basically the
10 deviation, so this means that that district is 818
11 people overpopulated. In terms of percent -- the
12 first one is deviation -- yeah, the first one is
13 deviation, so that's 0.18 percent.

14 The next number you have there is
15 Latino C.V.A.P., so it's Latino C.V.A.P. 26.2
16 percent, the next one is black C.V.A.P. 48.8
17 percent, and then Asian C.V.A.P. at 1.1 percent.

18 So that is the way that all of
19 these boxes are -- are arranged.

20 (Inaudible.)

21 MS. MACDONALD: Okay. My
22 apologies. Okay.

23 COMMISSIONER BARABBA: Excuse me.
24 We really cannot be talking to each other, because
25 it messes up the microphone, and so let's really

11

1 keep the mumbling to ourselves.

2 We're going to get a correction
3 here, I take it.

4 MS. MACDONALD: I'm sorry.
5 Different mappers, one brain. Okay. So it -- it
6 is -- so first is deviation and then it's Latino,
7 black -- Asian, black. Latino, Asian, black. My
8 apologies. I'm going to write this down.

9 Okay. So with that confusing
10 overview, I'm going to just hand this to Nicole,
11 who -- who will basically describe the -- the
12 process. In general you should know that the
13 mapping strategy here is to look at all of the
14 criteria that we have under Propositions 11 and --
15 as well as 20.

16 So we look -- when you're mapping,
17 you look really at everything at the same time.
18 You look to keep cities and counties whole as much
19 as you can. Of course, in L.A. that's a bit of a
20 problem to keep the county whole or the city whole
21 for that matter.

22 And -- and this, of course, is also
23 how city splits happen. You know, people think of
24 city splits as, you know, cities that don't really
25 have to be split, but sometimes a whole city has

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1 to be split within, and that, of course,
2 contributes to your city split numbers later when
3 you see a report.

4 But, you know, we look at city and
5 county splits, we -- we look at keeping, you know,
6 testimony in terms of communities of interest in
7 mind. Obviously, your directions of -- of what
8 you want us to -- which direction you want us to
9 take and the preferences that -- that you have
10 given us are all over this map.

11 And -- but also these are Section 2
12 areas, of course, so we were working with V.R.A.
13 counsel, and you recall that in the wrap-up for
14 L.A., you know, so my cautionary flag went up
15 every two minutes or so in talking about that
16 any -- any recommendation you just made or any
17 decision you made was really subject to evaluating
18 everything under the Voting Rights Act.

19 So let's start with -- with this
20 first district, and Nicole is just going to
21 describe it.

22 MS. BOYLE: This is the West San
23 Gabriel Valley Assembly District. It's mostly
24 based on the C.O.I. testimony that we received.
25 It keeps together South Pasadena, San Marino, San

13

1 Gabriel, the city under this label, which is
2 Alhambra, Temple City, East San Gabriel, Arcadia,
3 Mayflower Village, North El Monte. It splits
4 parts of El Monte and it only includes part of it.
5 I can show you how it's split.

6 Okay. It also includes Rosemead,
7 Monterey Park, South San Gabriel, and I -- and
8 South San Gabriel, for a district that is -- has a
9 .18 percent deviation, is 26 percent Latino
10 C.V.A.P., 49 percent Asian C.V.A.P., and 1 percent
11 black C.V.A.P.

12 MS. MACDONALD: So -- okay, so --
13 so -- so this is basically a seat that at this
14 point is very close to a Section 2 seat for
15 Asians. And Mr. Brown actually suggested that we
16 start with this particular -- with this particular
17 district.

18 We -- we have since this iteration
19 looked at this -- looked at this particular seat a
20 little bit more closely, and that can be turned
21 into a -- a 50 percent Asian C.V.A.P. seat, so
22 this can be turned into a -- a more solid seat.

23 (Inaudible.)

24 COMMISSIONER BARABBA: Yes, please.

25 MR. BROWN: So a brief comment on

14

1 this area. I -- I suggested that we start with
2 the Asian group first, because there's one area of
3 focus in L.A. County, and so decisions about that
4 matter.

5 So briefly reviewing what we
6 discussed yesterday, this is a geographically
7 compact minority group that's protected under the
8 federal Voting Rights Act that has a minimum
9 estimated C.V.A.P. of 48.8 percent.

10 In my view, the Commission should
11 strongly consider whether to draw this district as
12 a majority/minority district subject to some
13 additional analysis, and I think there are two
14 paths in the additional analysis.

15 One path is consider evidence on
16 racially polarized voting. And, you know, that
17 will be a few weeks at a minimum from now.

18 The other path that I think should
19 be considered for this and many of the other
20 districts is how successful were the mappers in
21 using the other criteria in drawing this district?
22 And I would ask, for example: Are there any city
23 splits in here? Was any community of interest
24 testimony used? And if so, what -- what is the
25 evidence of the community of interest?

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1 So in other words, if the district
2 consists wholly of whole cities, you might not
3 need to do a lot of additional work to get
4 comfortable with your bases for drawing that
5 district.

6 COMMISSIONER BARABBA: Commissioner
7 Yao and then Commissioner Filkins-Webber.

8 COMMISSIONER YAO: The question is
9 is did we split El Monte in this particular map,
10 the City of El Monte?

11 MS. MACDONALD: Pardon?

12 COMMISSIONER YAO: Did we split the
13 City of El Monte in this particular region --

14 MS. MACDONALD: Yes, it is --

15 COMMISSIONER YAO: -- district?

16 MS. MACDONALD: It is split.

17 COMMISSIONER YAO: And the
18 rationale for the split is?

19 MS. BOYLE: That was to -- for
20 population deviation reasons. It's too large to
21 fully go into the district.

22 MS. MACDONALD: And I should tell
23 you -- I should clarify something. The numbers
24 above the city labels are actually voting age
25 population, and we're going to change that to

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1 total population. So this is not -- so we're
2 going to put total pop on there on the -- right
3 above the city level so you see what the
4 population is actually of the cities.

5 COMMISSIONER BARABBA: Commissioner
6 Filkins-Webber.

7 COMMISSIONER FILKINS-WEBBER: In
8 looking at the numbers for El Monte, is the 64.15,
9 is that Latino? I'm sorry, Ms. MacDonald.

10 MS. MACDONALD: I'm really sorry.

11 COMMISSIONER FILKINS-WEBBER:
12 That's all right. On the numbers on El Monte
13 where it says 64.15, is that Latino?

14 MS. MACDONALD: Correct. That is
15 Latino and that's voting age population.

16 COMMISSIONER FILKINS-WEBBER: Okay.
17 So in light of what Mr. Brown had said about
18 consideration of the additional C.O.I. testimony
19 that we received, I do recall El Monte not wanting
20 to be split and -- and also some consideration of
21 being joined with the foothill mountain regions.

22 I'm wondering where your
23 consideration was for the possibility of this
24 possibly rising to a 50 percent major --
25 minority -- minority district for Asians, and then

17

1 my question for Mr. Brown is: Should we be
2 looking to do that?

3 And my concern is always when we're
4 looking for people to add to increase that, you
5 know, I'm always worried about whether or not
6 we're -- we're packing.

7 MR. BROWN: I think it's important
8 to remember that the minimum estimated C.V.A.P. is
9 48.8 percent, so one consideration is whether Q2
10 can look at that more closely and give a better
11 estimate for that number, because if it's over 50
12 percent based on the existing district as drawn,
13 then that's something to consider.

14 The reason I asked about city
15 splits is because to the extent you can draw
16 districts using the other criteria, you've lowered
17 your litigation risk.

18 COMMISSIONER BARABBA: Commissioner
19 Forbes, then Commissioner DiGuilio.

20 COMMISSIONER FORBES: Can you --
21 can you tell me how much of El Monte is cut out?

22 MS. BOYLE: Yes.

23 MS. MACDONALD: Yes. And also, may
24 I -- excuse me, Commissioner Filkins-Webber. The
25 reason for why El Monte is split, despite the fact

1 that there was C.O.I. testimony that they really
2 wanted to avoid that is that in order to draw the
3 Section 2 district, you basically have to -- you
4 have to split El Monte. So it's for population
5 reasons essentially.

6 COMMISSIONER FILKINS-WEBBER: And
7 that's the only city split; correct?

8 MS. MACDONALD: Yes, that is the
9 only city split.

10 COMMISSIONER FILKINS-WEBBER:
11 Because I was looking at all of the other cities
12 and trying to recall their C.O.I. testimony, and
13 looking at the numbers, I think you're right. I
14 can't see us splitting, you know, East Pasadena or
15 even taking a part of Pasadena in consideration of
16 the not deluding the vote here, and I'm looking at
17 all the surrounding cities and so in
18 consideration, this obviously is recognizing that
19 we have to balance that issue.

20 MS. MACDONALD: Correct.

21 COMMISSIONER FILKINS-WEBBER: Thank
22 you.

23 COMMISSIONER BARABBA: Commissioner
24 DiGuilio and then Commissioner Raya.

25 COMMISSIONER DIGUILIO: I just had

1 a general question. I'm wondering if we wanted to
2 preserve El Monte more -- I just remember -- I
3 don't know what the future of -- this is the very
4 first map for a very long day, but there was some
5 testimony about some foothill communities, so if
6 we -- if we actually took the cut in Arcadia
7 and -- so move that line down so that the cut
8 happened in Arcadia instead of El Monte, I'm not
9 sure what that does with our numbers, but it might
10 be able to kind of kill two birds with one stone
11 in the sense that for our future considerations
12 there might be a foothill corridor. Maybe those
13 people that live in that area are more familiar
14 with it.

15 COMMISSIONER FORBES: This is
16 Commissioner Forbes. That was exactly the reason
17 what I was -- that's where I was going.

18 MS. MACDONALD: Sorry, I just
19 verified that if -- if you go that way, you still
20 have to split El Monte, which gets you to two city
21 splits.

22 COMMISSIONER DIGUILIO: I -- again,
23 I don't know if it's just a consideration as we go
24 forward if there was something that we wanted to
25 look at in terms of a foothill community, because

20

1 at least with Arcadia being so high up there, it
2 looks like there's no contiguity across.

3 COMMISSIONER BARABBA: Commissioner
4 Raya.

5 COMMISSIONER RAYA: Okay. I'm
6 looking -- I'm concerned, too, about the split of
7 the City of El Monte, and looking at the numbers,
8 the Latino numbers there and going east, what
9 impact we have -- and I don't know how far east to
10 go, but you know, just looking at whether -- do we
11 have another Section 2 area, because you have --
12 we have very high Latino numbers going -- going
13 east, those communities through Baldwin Park,
14 Covina, and so on in there.

15 The other -- the other thing I have
16 is that -- other question is I know that -- I -- I
17 believe that the testimony regarding El Monte
18 being part of a foothill district from the -- the
19 concept of users of the mountain areas, and other
20 than that use, I don't see a connection between
21 that area and the foothill communities of, you
22 know, going from Pasadena, Sierra Madre, Monrovia
23 and so on across -- directly across the foothills.

24 MS. MACDONALD: I think if you're
25 okay with having another split in there, we can

21

1 probably clean up some of the Arcadia area up
2 north, so take some of these -- take some of these
3 areas out. If you'd like to give us some general
4 direction on this and just give us some
5 preferences, then --

6 COMMISSIONER RAYA: And if I could
7 just follow up on that suggestion. By doing so,
8 you're -- you know, that portion of Arcadia is
9 still very much related to what -- you know, to
10 that area you're going to put them in, so I don't
11 think you're doing anything that really does them
12 harm in that respect.

13 COMMISSIONER BARABBA: Commissioner
14 Ancheta and then Commissioner Dai.

15 COMMISSIONER ANCHETA: So I -- I'm
16 also concerned about -- about El Monte, but I
17 think if -- if you are going to try to create a
18 majority Asian-American district, what would you
19 do? Because I was looking at the C.A.P.A.F.R.
20 plan, which does create a majority Asian district,
21 but they also have multiple city splits, including
22 South Pasadena and San Marino and a couple other
23 census places, like East Pasadena.

24 But what is your -- what is your
25 thought if you're going to try to go for a

1 50 percent?

2 MS. MACDONALD: Basically the --
3 the issue here is how many -- it's basically the
4 trade-off. I mean, based on counsel's advice, we
5 tried to keep as many, you know, cities and
6 counties whole.

7 But I think if the commission would
8 like to give direction to, you know, look at the
9 C.A.P.A.F.R. plan and try to replicate some of
10 that, Nicole is ready to do that. She can show
11 it.

12 Again, remember when I was talking
13 about just the general strategy that Nicole used
14 to draw these, she looks at all of these -- all of
15 the criteria, and what she's presented to you
16 is -- is basically a district that has very few
17 city splits, you know, and -- and almost gets
18 there.

19 So she has already improved upon
20 that seat and she can get to a Section 2 seat
21 without doing any more damage to the cities, so --

22 COMMISSIONER BARABBA: Commissioner
23 Dai.

24 MS. MACDONALD: Oh, I just had a
25 correction. She did -- she did say that she will

23

1 have to split some cities to get to the Section 2
2 seat.

3 COMMISSIONER ANCHETA: Okay. Okay,
4 that's fine. I figured that was an inevitable
5 consequence if you're going to get up to 50 --
6 50.1. Okay.

7 COMMISSIONER DAI: Yeah, I -- I
8 don't -- I'm trying to remember if there was
9 testimony about El Monte and South El Monte
10 wanting to be together. I -- I vaguely remember
11 that. I don't know if that's correct.

12 And I also agree that if you can
13 cut off the -- the top of Arcadia there, because
14 otherwise I think we have an issue with conti- --
15 contiguity, right, for -- to do -- to do the
16 Foothills District; is that correct? Or can you
17 go over with the open space? You can connect over
18 the top. Okay.

19 COMMISSIONER BARABBA: Commissioner
20 Filkins-Webber and then Commissioner Blanco.

21 COMMISSIONER FILKINS-WEBBER: Just
22 in a point, Commissioner Dai, if I recall, that
23 might have been a split, in other words Monrovia
24 to the east might have been the Foothill District,
25 because we haven't looked at that yet, so -- but I

24

1 agree that maybe that might be some consideration.

2 But I don't think we'll have a
3 problem if we come down or even if we had to leave
4 Arcadia that way, because I think that next
5 Foothill District would have started in Monrovia.

6 COMMISSIONER BARABBA: Commissioner
7 Blanco and then Forbes.

8 COMMISSIONER BLANCO: I just wanted
9 to agree. Our foundation has a community-based
10 initiative in El Monte, and it's a rather -- it's
11 a very cohesive community that's actually -- I'm
12 looking online. They have like a whole -- you
13 might want to look at that. They have a general
14 plan for the city of El Monte. It's -- it's not
15 at all Foothill. It's a very working-class
16 community with a lot of unemployment that's really
17 struggling to actually unify the city in other
18 ways by coming up with this master plan, so I am
19 concerned about that. I just wanted to weigh in
20 even if it's repetitive on that.

21 COMMISSIONER BARABBA: Okay. Let's
22 have Commissioner Forbes and then we got to start
23 making sure there are general directions given so
24 we can go to work on it, rather than getting too
25 specific.

25

1 COMMISSIONER FORBES: My thought
2 is -- and you didn't give me back the number of
3 what was left in El Monte.

4 MS. MACDONALD: Just a second.

5 In any event, I mean, just in
6 conferring with Nicole on this particular
7 district, there -- there really doesn't seem to be
8 a way to get around splitting El Monte.

9 COMMISSIONER FORBES: Well, I mean,
10 I -- what I was going to suggest is if El Monte
11 were made whole and you just come down -- down
12 from Arcadia as far as you needed to, and you
13 could even pick up Mayflower Village, which has
14 5500. So I think you could take Arcadia and you
15 could trade El Monte just -- and split Arcadia for
16 the reasons that have been mentioned before.

17 MS. MACDONALD: On this particular
18 visualization, there -- there are 56,452 residents
19 of El Monte that are not --

20 COMMISSIONER FORBES: Right, and
21 Arcadia happens to be 56 thousand even, roughly,
22 so it's almost a direct trade-off.

23 COMMISSIONER BARABBA:
24 Ms. MacDonald, rather than actually do that, I
25 think the direction from the Commission is is that

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1 if you could try to find a way to keep El Monte
2 whole and if that requires that you drop a couple
3 other places, that's the direction we'd like to
4 see you go.

5 MS. MACDONALD: Okay. And you --
6 and you would like to just get rid of the Arcadia
7 area --

8 COMMISSIONER BARABBA: Okay,
9 Commissioner Ancheta, then Commissioner Ward.

10 COMMISSIONER ANCHETA: Just for
11 clarification, if -- if the -- if that's the
12 direction, is that a direction that would conflict
13 with a V.R.A. district?

14 (Inaudible.)

15 Okay. I'm going to dissent from
16 that. I'd call for a vote, then. Well, that --
17 those are our rules, right? We were -- if there
18 was not consensus, we would call for a vote.

19 (Inaudible.)

20 COMMISSIONER BARABBA: Commissioner
21 Ancheta.

22 COMMISSIONER ANCHETA: Ancheta.

23 MS. MACDONALD: Would you repeat
24 the question?

25 COMMISSIONER BARABBA: Let's have

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1 Mr. Brown make a comment here.

2 MS. MACDONALD: Would you repeat
3 the question?

4 MR. BROWN: I'm not sure I
5 understood the question. The issue is -- and I
6 think we have an answer to the issue. The issue
7 is: Is there a geographically compact minority
8 group that could constitute a majority in this
9 area? If so, and if there's racially polarized
10 voting, then you -- a strong -- you would be
11 strongly urged to draw that district to avoid
12 litigation risk. How you draw it then you can
13 debate. But at the end of the day, that takes
14 priority over other criteria.

15 COMMISSIONER BARABBA: Commissioner
16 Ward -- okay. Commissioner Raya.

17 COMMISSIONER Raya: I just wanted
18 to be sure I understand what the suggested
19 direction was. Was it to -- or maybe this is
20 Commissioner Forbes -- deleting all of Arcadia and
21 Mayflower Village area?

22

23 COMMISSIONER FORBES: Well, no,
24 not -- my comment was that based upon the number
25 we were given was that El Monte is missing -- the

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1 red part there -- is missing something like, what,
2 56 thousand? It had 56 thousand, I guess,
3 C.V.A.P. folks in it. Whereas Arcadia also had 56
4 thousand.

5 And so if the goal was to have El
6 Monte be whole and we wanted to continue to try to
7 keep cities whole, you could trade out the rest of
8 El Monte for Arcadia and come up with a fairly
9 close number.

10 I mean, we don't know at this point
11 what the racial makeup of that potential district
12 to be.

13 COMMISSIONER: No, we do. We do.

14 COMMISSIONER FORBES: But, you
15 know, that would be the trade.

16 COMMISSIONER RAYA: Okay, then,
17 just to finish my -- now that I understand what
18 the suggestion is, I -- I just don't see how you
19 can do that. I could not agree with that either.

20 COMMISSIONER: So I want to agree
21 with Commissioner Raya. I mean, I think that's --
22 pretty clearly would, based on the dots, would
23 reduce the -- the C.V.A.P. dramatically. So I --
24 I couldn't support that.

25 And since city splits are well down

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1 on the list in terms of priority, I mean, here I
2 think we're so close to 50 percent C.V.A.P. and --
3 and C.A.P.A.F.R. was able to get to 50 percent
4 C.V.A.P., you know, understandably by doing a lot
5 of city splits, but there has been -- I know that
6 from public testimony, there has been several
7 incidents of racially polarized voting.

8 I think, was it Temple City, was
9 it? Do you remember?

10 UNKNOWN SPEAKER: There are a
11 number and --

12 UNKNOWN SPEAKER: Yeah, there were
13 a number of cases around here of racially
14 polarized voting, and we had public testimony
15 about that, so I think that would be -- that would
16 expose us to litigation risk if we did not try to
17 draw a Section 2 district here.

18 COMMISSIONER FORBES: This is
19 Commissioner Forbes again.

20 COMMISSIONER GALAMBOS-MALLOY:
21 Commissioner Forbes, we -- we have a stack. I
22 apologize. Commissioner Ancheta, then Yao, then
23 Filkins-Webber, then Forbes.

24 COMMISSIONER ANCHETA: Commissioner
25 Dai covered my point. Thank you.

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COMMISSIONER BARABBA:

Commissioner -- and by the way, if I misstated what the direction was, I -- I didn't put it in the form of a motion. It was just general direction so we don't have to go forward with that direction if that's against the will of the Commission.

Commissioner Yao.

COMMISSIONER YAO: Unless we can find a substitute, which I think the map drawers have already informed us that they have tried and have not been successful, I think deluding the C.V.A.P. number is not the right thing to do. So if we have to split El Monte, then in -- in the priority of the Section 2, I think -- I think keeping it the way it was proposed is probably a better option than to eliminate Arcadia and then adding the other party El Monte to it.

COMMISSIONER BARABBA: Commissioner Forbes.

COMMISSIONER FORBES: I just -- I'm not sure that I can make the calculation that doing that is going to result in wildly different numbers, and so I'd like -- I think it doesn't hurt us to find an option that -- that makes that

1 trade, because I -- I don't think you can tell
2 from the numbers just where you end up with how
3 much -- how much of a swing there is.

4 COMMISSIONER BARABBA: Commissioner
5 Aguirre.

6 COMMISSIONER AGUIRRE: Yes, it --
7 it looks like -- if you look at the 58 percent in
8 Arcadia and if you look at the 12 percent -- or
9 what is the percentage in El Monte?

10 (Inaudible.)

11 Yeah, when you exchange that, it
12 seems like you're going to lessen the C.V.A.P. for
13 Asians by taking Arcadia, so if we're already
14 going into El Monte, then perhaps we could pick up
15 the extra Asian Americans or the -- raise the
16 Asians C.V.A.P. by perhaps working in the El Monte
17 area and bringing it up to 50 plus.

18 COMMISSIONER BARABBA: Commissioner
19 Webber, did you want to -- okay.

20 Commissioner DiGuilio.

21 COMMISSIONER DIGUILIO: So just so
22 we're clear what the directions we're giving to
23 our line drawers, does it mean that we -- we'd
24 like to kind of stay with what we have or do we
25 want to look at other city splits to accommodate

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1 more of El Monte in terms of Arcadia, maybe South
2 Pasadena is what I heard them mention, to keep the
3 numbers where they're supposed to be for C.V.A.P.
4 or -- I guess my final question is: Where do we
5 leave it at in terms of what we're going to do
6 with El Monte?

7 COMMISSIONER BARABBA: I think the
8 sense I got was is that if it's necessary to split
9 El Monte, we could live with that for the purpose
10 of making sure we reached the C.V.A.P. and if they
11 could improve on the C.V.A.P., that's the
12 direction we'd like them to go.

13 Commissioner Raya.

14 COMMISSIONER RAYA: I have a
15 question with respect to -- to El Monte, and that
16 is whether you -- well, since it's hard to see the
17 dots or to distinguish the dots, I guess I'm kind
18 of curious about whether the area that you
19 initially -- oh, okay. So you'll have to tell me
20 what I'm looking at.

21 But -- but just -- just kind of to
22 get a sense of -- because that's -- that -- even
23 though that area is predominantly Latino, I mean,
24 just -- this is just anecdotal, but you know, when
25 you drive through, clearly there are a lot of

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1 Asians moving in, businesses and residents.

2 So I'm kind of curious, you know,
3 like whether you're picking a part of it that --
4 well, obviously, you can only pick a certain part
5 to remain contiguous, but you know, trying to get
6 a sense of whether that area has a concentration
7 of one or the other so that you can still address
8 my other previous concern about Latinos.

9 MS. MACDONALD: May I answer that?

10 COMMISSIONER BARABBA: Yes.

11 MS. MACDONALD: I -- I would say if
12 you give us general direction that includes what
13 you just mentioned, then we can go back and -- and
14 basically figure out how to do this. And just
15 preliminary, Nicole did not think that the area to
16 the east was going to be impacted by this
17 particular -- by this particular district.

18 COMMISSIONER BARABBA: Any other
19 comments? And Ms. MacDonald, you -- you feel you
20 have sufficient direction at this point to move
21 forward on this district?

22 MS. MACDONALD: Yes.

23 COMMISSIONER BARABBA: Okay.

24 Commissioner Ancheta.

25 COMMISSIONER ANCHETA: Just for --

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1 I'm not sure how clear on the directions we have
2 to be -- there's been some back and forth, and
3 I -- I don't know if for the purpose of keeping
4 the record clean or for Marian's keeping notes, we
5 need to be very -- this is for -- in -- in general
6 as we -- as we move forward, how specific we
7 should be and here's our direction, take it.

8 At this point I'm raising the
9 question as just clarity because, again, we've had
10 a number of sort of amendments or additional
11 points that were added to the initial set of
12 directions. It's more of a procedural point.

13 COMMISSIONER BARABBA: Yes.

14 MS. JOHNSTON: What I have as a
15 consensus is to work on the El Monte split --

16 THE REPORTER: Can you please say
17 your name?

18 MS. JOHNSTON: Marian Johnston.

19 To work on the El Monte split to
20 bring the Asian up to 50 percent or more.

21 COMMISSIONER DIGUILIO: And since
22 we're overpopulated, you will need to move other
23 lines in order to accommodate that, so are we
24 giving them direction that we'd like to take the
25 lines from the north down or past South Pasadena,

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1 I mean, someone else? In order to get a little of
2 a population, you're going to have to split
3 someone else, but I understand that, so it seems
4 like we should give one last direction.

5 COMMISSIONER BARABBA: Hold it. We
6 have to stop until we catch up here.

7 And let's really try to watch how
8 fast we are getting in and out of these
9 conversations to makes it possible for the
10 transcriber to pick them up. And make sure when
11 you talk that you talk into a microphone.

12 And excuse me, Commissioner
13 DiGuilio, I don't know if we finished here.

14 COMMISSIONER DIGUILIO: I didn't
15 know if we were just going to try and rotate the
16 lines in El Monte to get that number, but we're
17 already overpopulated 818, so if we're trying to
18 encompass more of El Monte, something else has to
19 give, which right now means some slight split of a
20 city somewhere else. So I didn't know if we
21 needed to give them direction on what to look for
22 or if we just want to leave it up to them.

23 COMMISSIONER BARABBA:
24 Commissioner --

25 MS. MACDONALD: May I -- may I add

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1 to that? I think at this point you'll -- you'll
2 kind of just have to give us general direction to
3 draw -- actually, Mr. Brown would probably be best
4 to explain this, the kind of motion that we would
5 like from you.

6 MR. BROWN: A thought I had is
7 let's not forget sort of the basic level
8 instruction, and -- and I think that's all she
9 needs to today, plus any tweaks. For example,
10 should she draw an Asian majority/minority
11 district in this area at this point preliminarily?

12 COMMISSIONER BARABBA: Yes. And
13 that -- I think that would be the general
14 direction. The other thing to remember is we're
15 going to see this before we publish them again, so
16 we have a chance at this point to make any further
17 comments.

18 MS. MACDONALD: And then with --
19 with respect to the implications of that, I mean,
20 there may be other city splits involved, but we --
21 we have to look at that and then we will bring it
22 back to you next week, and then you can see what
23 the implications of that decision were and then
24 you can give us further guidance.

25 COMMISSIONER BARABBA: Commissioner

1 Yao and then Commissioner Blanco.

2 COMMISSIONER YAO: Just a point of
3 clarification, I don't believe there's a direction
4 given to split Arcadia. Is that the -- is that
5 the understanding?

6 COMMISSIONER BARABBA: I think what
7 we said was is it's okay to split El Monte, and
8 then if you have to fine-tune it around what you
9 already have up there, you have our permission to
10 consider that.

11 Commissioner Blanco.

12 COMMISSIONER BLANCO: This is a
13 question for Mr. Brown. So when we give you an --
14 give them an instruction like that, draw a section
15 to district, because we'll be doing this all day,
16 so it's a general question, how do we factor in
17 the racially polarized voting analysis at this
18 point?

19 This is the instruction not only
20 because it's a potential Section 2 Asian district,
21 but because we've got a lot of other testimony and
22 we haven't split cities, et cetera, so we -- when
23 we get to a point like this, we don't have to look
24 at racially polarized voting analysis?

25 MR. BROWN: The way I would look at

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1 it is that you're getting very preliminary
2 guidance so that she can get started drawing the
3 preliminary map so she can come back to you and
4 keep talking about it. So my suggestion in this
5 particular district is that we would also try to
6 see whether there's evidence of racially polarized
7 voting in this area.

8 COMMISSIONER BARABBA: And since we
9 can't possibly do that before we get somebody who
10 does that for us, then we're going to have to wait
11 for that.

12 Commissioner Dai.

13 COMMISSIONER DAI: Yeah, just a
14 clarification for Commissioner Yao on Arcadia.
15 I -- I think what our mappers told us is that we
16 would get contiguity anyway by going over, so if
17 it's not necessary to split them, then -- then --
18 I was concerned before that they would cause a
19 contiguity problem for the Foothills District, but
20 it sounds like it won't.

21 And I just looked through my notes,
22 there were at least two people who testified about
23 racially polarized voting and they said that they
24 would provide us with that information, so we
25 should probably solicit that.

1 COMMISSIONER BARABBA: Okay, any
2 other comments, and Ms. MacDonald, you feel you're
3 okay to get started so that we could see what your
4 results are at the next meeting?

5 MS. MACDONALD: I -- I think we're
6 fine.

7 COMMISSIONER BARABBA: Okay. Thank
8 you.

9 Commissioner Webber.

10 COMMISSIONER FILKINS-WEBBER: I
11 just have one question. Commissioner Ancheta and
12 I would like to do this today as a running list of
13 the areas that you and Mr. Brown might agree an
14 R.P.V. person should focus on. So what can we
15 call this that I could put in my notes so that
16 when we go back to our R.P.V. person -- should we
17 just call this -- is this San Gabriel Asian
18 Section 2?

19 MS. MACDONALD: West San Gabriel
20 Valley.

21 COMMISSIONER BARABBA: Okay. All
22 right. Next area.

23 MS. MACDONALD: We're now moving to
24 the South Bay. And you'll see here that Nicole
25 actually has the entire map of -- of L.A. up and

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1 you'll see a lot of visualizations of potential
2 districts, and that is because there are so many
3 heavily concentrated areas that, you know,
4 intersect with each other, this is really the only
5 way to look at L.A., because a change you make in
6 one district basically influences the next one and
7 the next one and the next one, so --

8 COMMISSIONER BARABBA: And the
9 background is the -- is the neighborhoods?

10 MS. MACDONALD: What do we have on
11 the map?

12 COMMISSIONER BARABBA: The -- the
13 little red lines, are those neighborhoods?

14 MS. BOYLE: They are census tracts.

15 MS. MACDONALD: So they're
16 census -- yeah, they're census tracts on there
17 right now and you have the freeways on there.

18 COMMISSIONER BARABBA: All right.

19 MS. MACDONALD: And now the census
20 tracts are (inaudible).

21 Okay, so -- so this particular
22 district -- would you like to describe it?

23 MS. BOYLE: Sure. So I'm calling
24 this the Compton/Carson District. It keeps
25 together Carson, Compton. It's based on the

1 visualization we did together in the regional
2 wrap-up except that I excluded Lynwood.

3 It's a black majority C.V.A.P.
4 district. It's 61 percent black C.V.A.P., 32
5 percent Latino C.V.A.P. and 2 percent Asian
6 C.V.A.P. It does not run down to the port, and
7 that's the only -- yeah, difference I would like
8 to see it at the port.

9 MS. MACDONALD: So there -- there
10 is another iteration here that brings that
11 particular district and -- and she could show
12 that.

13 You want to show that now?

14 That brings C.V.A.P. -- that lowers
15 the C.V.A.P., the black C.V.A.P., to 53 percent.

16 COMMISSIONER BARABBA: Commissioner
17 Filkins-Webber.

18 COMMISSIONER FILKINS-WEBBER: But
19 you said earlier that you couldn't bring it down
20 to the port. Can you explain in the microphone
21 why you can't bring it down to the port?

22 MS. BOYLE: I can't bring it down
23 to the port and keep it a black majority district.
24 I can investigate that further, but in this
25 iteration I had difficulty with that, so I went

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1 north into L.A., which your iteration I believe
2 stopped here. Your visualization. I can put that
3 up.

4 But I had wanted to draw this
5 downwards, but I ended up drawing it north, but
6 it's possible that I can investigate an iteration
7 that goes down. I'll show you the one I have now.

8 COMMISSIONER BARABBA: Commissioner
9 Malloy has question for Mr. Brown.

10 COMMISSIONER GALAMBOS-MALLOY: I
11 realize we've only given you about 24 hours
12 warning on this, but have you had any chance to
13 think about the issue of the 50 percent versus the
14 30 percent districts in South L.A. and our kind of
15 risk of litigation depending which option we
16 choose?

17 MR. BROWN: Yes. Let me try to be
18 clear about my current view of this. My current
19 view is that when we look at the district she just
20 showed you, I would probably have about the same
21 comment I just had on the Asian district, which
22 means that if you meet that first Gingles
23 precondition and the other criteria are present,
24 then you have a high litigation risk if you don't
25 draw a majority/minority district.

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1 And there -- based on what I've
2 seen from the mappers, there are probably two that
3 are African America. I'm not currently aware of a
4 legal basis for the theory that was advanced
5 yesterday, but I want to think about it some more.

6 COMMISSIONER BARABBA: Thank you.

7 Commissioner Ancheta.

8 COMMISSIONER ANCHETA: Just to
9 supp- -- and I may have raised this yesterday, but
10 I -- I believe in the testimony from the African
11 American Collaborative, Professor Creighton did --
12 I asked him this question, which was if you were
13 going to sort of assert African American C.V.A.P.s
14 in the range of 30 to 40 percent, whether there
15 might be a viable coalitional claim.

16 His reply, of course, is that
17 it's -- that claim is still a very fuzzy one in
18 terms of litigation or the ability to litigate.
19 It's been upheld by some circuits and not by
20 others, and the Supreme Court hasn't really gotten
21 to it squarely.

22 If I didn't raise it with you
23 yesterday, it did come up earlier in testimony as
24 one way to look at it, but if we are basically
25 trying to isolate individual racial groups for

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1 the -- for Gingles consideration, that's -- that's
2 one thing versus coalition.

3 Now, coalitional complicates things
4 tremendously, so we -- but anyway, that -- just to
5 raise the point, that -- that did come up in
6 testimony earlier in the week.

7 COMMISSIONER BARABBA: Commissioner
8 Parvenu.

9 COMMISSIONER PARVENU: And I
10 completely agree with Commissioner Ancheta. We
11 have -- there's a strong history of traditional
12 coalition building in terms of having an influence
13 district in that area where having a 50 percent or
14 high V.A.P. or C.V.A.P. doesn't really do the
15 African-American community any justice, really.

16 It's actually -- actually, it --
17 it -- looking at performance and past coalition
18 building or coalition activities in this region,
19 it actually benefits the African-American
20 community to not have those higher percentages.

21 MR. BROWN: Okay. So there are
22 multiple issues going on here; right? I think the
23 first threshold issue is does there appear to be a
24 geographically compact single minority group and
25 there are African Americans that could constitute

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1 more than 50 percent in this area, and we would
2 conclude based on looking at it that probably one
3 or two would exist.

4 Now, next question, and assume for
5 the time being that you could establish racially
6 polarized voting, so the next question is what
7 should be done about it. Okay. The -- the
8 solution that most people reach to is to draw
9 those -- draw a district that has that majority in
10 it to avoid the Section 2 claim.

11 Now, what is implicit in the
12 comments that you and Commissioner Ancheta made is
13 that perhaps there is another remedy that would be
14 effective, and if there is, I think what someone
15 has to do is put it together and present it.

16 What I was hearing yesterday, I
17 didn't hear a legal basis for whatever was being
18 suggested. In other words, that you -- I don't
19 think that on its face there's a legal basis for
20 saying just draw three districts with 30 percent
21 African-American voting strength in the same areas
22 that they're in now.

23 I don't understand the legal
24 argument for doing that. There might be a legal
25 argument for a coalition district that has -- I

1 don't know what percentages, but -- so I guess
2 what I would say is let's see it.

3 COMMISSIONER PARVENU: Well, yes,
4 exactly.

5 COMMISSIONER BARABBA: Commissioner
6 Parvenu, then Commissioner Raya.

7 COMMISSIONER PARVENU: Andre
8 Parvenu. Yes, that's precisely the point. That's
9 why we're at this gridlock here now, because there
10 is evidence. There's history of the African --
11 Los Angeles is very unique. If you go to elected
12 officials' offices, it looks like a miniature
13 United Nations.

14 I mean, you have different ethnic
15 groups in elected officials' offices. That's been
16 the history. It's a very unique history here in
17 Los Angeles. It comes from the Bradley tradition,
18 Julien Dixson, her family. I don't want to
19 mention names specifically.

20 But there's a strong tradition
21 of -- of outreaching to various ethnic groups in
22 this area of town that makes it distinct from
23 other situations across the nation and even --
24 even in the state of California.

25 And again, keeping the historical

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1 context of this being the -- where the Watts riots
2 occurred in 1965, it's where the Rodney King
3 incidents occurred, that there is a real threat of
4 disenfranchisement with this particular section of
5 Los Angeles that we have to be very careful with
6 in terms of minimizing the potential of elected --
7 of residents choosing an elected official of
8 choice.

9 And that's my major concern here
10 that this -- this model is -- this area is far
11 different from what the standard is.

12 COMMISSIONER BARABBA: Commissioner
13 Raya, Commissioner Ancheta, Commissioner Dai, and
14 then Commissioner Blanco.

15 COMMISSIONER RAYA: I don't know if
16 Mr. Brown had a response. Do you want him to go
17 first?

18 MR. BROWN: Just briefly so that
19 I'm clear, I -- I personally am not proposing any
20 districts, and I don't plan to. So I'm trying to
21 tell people what the law is and that I haven't
22 heard a legal argument yet for doing something
23 different. I have an open mind.

24 COMMISSIONER BARABBA: Commissioner
25 Raya.

1 COMMISSIONER RAYA: My question was
2 Mr. Brown's suggest -- or question, really: Is
3 there another remedy short of a majority/minority
4 district that would be effective? Is there -- can
5 you kind of give us an idea of what that possibly
6 might be, because I'm not quite clear on that.

7 MR. BROWN: My current thinking is
8 that if you don't draw a majority/minority
9 district, you have litigation risk in this area
10 from any African-American plaintiff who wanted to
11 assert it.

12 Now, you might choose to take that
13 risk with some thoughtful alternative district
14 that's based on other criteria and a legal
15 argument about why it's supported, but I still
16 think you'd have that litigation risk choosing the
17 path.

18 So once someone puts together what
19 the alternative would be and the legal basis for
20 it, it's an example of something where you
21 choose -- you're choosing among, you know, various
22 claims that might be asserted after the maps are
23 done.

24 COMMISSIONER BARABBA: Commissioner
25 Ancheta.

1 COMMISSIONER ANCHETA: Yeah, I
2 would agree with, you know, Mr. Brown that the --
3 a -- alternatives have not been specifically
4 advanced. Again, there have been sort of general
5 cautions that have come from testimony regarding,
6 again, the 30/40 percent number.

7 You know, just -- just to
8 articulate one potential theory, which I think is
9 distinct from Commissioner Parvenu's arguments,
10 which I think historically it's a different --
11 it's a different coalition that is often developed
12 and it's, you know, it's sort of -- the
13 quintessential example is Supervisor Hahn, who was
14 the supervisor for many years in -- in that area.

15 But it was sort of a black/white
16 and black/Jewish coalition. That's sort of
17 historically the -- the case.

18 But I think the legal theory, which
19 again, no has advanced specifically but is sort of
20 floating out there is perhaps a black/Latino or a
21 black/Latino/Asian coalitional district where the
22 sum total would be in excess of 50 percent and
23 you'd have to, of course, prove cohesive voting
24 among whichever groups are in there along with
25 polarized voting.

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1 Again, we haven't received a
2 specific map. Again, I -- I raised that the other
3 day. It was not fleshed out in any detail, but
4 that's I was thinking about as -- as a possible
5 thing, but again, we don't have any specifics at
6 this point.

7 COMMISSIONER BARABBA: Commissioner
8 Dai, then Commissioner Blanco, then Commissioner
9 Parvenu.

10 COMMISSIONER DAI: I just wanted to
11 comment on this option. Can you put the numbers
12 back up again?

13 So this I think was very consistent
14 with what we had asked our mappers to do in the
15 visualizations, which is that it keeps, based on
16 the testimony I think we got primarily in Long
17 Beach of keeping, you know, Compton has got parts
18 of Carson, Lynwood and Willowbrook together.

19 Also the transportation corridors
20 that were talked about between the 710 and the --
21 and the 110 and the kind of common issues about
22 pollution and -- and health issues around that.
23 So this also --

24 Okay. Oh, I was talking about the
25 new iteration. Wasn't it the black C.V.A.P. down

1 to 52 percent.

2 MS. BOYLE: We're doing iteration
3 one. I showed you options for the next iteration.

4 COMMISSIONER DAI: Microphone.

5 COMMISSIONER BARABBA: You need a
6 microphone, please.

7 MS. MACDONALD: We will go back to
8 the one you want to see.

9 COMMISSIONER DAI: Thank you. I
10 was going to say I like the other, second option
11 better because it reduces the C.V.A.P. down to --
12 down to closer to 50 percent so that it addresses
13 I think a concern about packing.

14 MS. MACDONALD: And I should also
15 tell you we're -- we're still working on -- on
16 those districts. She's been working on them
17 around the clock. But, you know, the guidance
18 that we really needed for that particular area
19 is -- is the one that you're discussing.

20 COMMISSIONER BARABBA: Commissioner
21 Blanco.

22 COMMISSIONER BLANCO: I'm also
23 concerned about the litigation risk. We have
24 heard from a lot of indi- -- you know,
25 organizations, but it -- I would agree with

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1 Mr. Brown that you never know when somebody else
2 might say, well, that's them, but this was a
3 possible district and you didn't draw it.

4 And -- and I think one of the
5 problems in terms of not only do we lack -- and --
6 and this isn't obviously the final map, but not
7 only do we not have a record for a coalition
8 district, everything from do people tend to vote
9 together, et cetera, but I think in some ways we
10 have a little bit of a conflict here, because
11 we've had people proposing lower numbers.

12 But in the Long Beach hearing and
13 in L.A., the testimony that we heard was this has
14 a history of black activism, this has a history of
15 civil rights, this -- you know, we heard a lot of
16 African American about sort of this being the
17 cradle in many ways of the -- and -- and the core
18 of the African-American community in L.A., and
19 that was not testimony about we are the core of a
20 coalitional L.A. It was a lot of emphasis on this
21 being African-American core of L.A.

22 And so I -- I do think we have to
23 be really cautious here and then figure out what
24 we do going forward if there is, in fact, interest
25 on coalitional. But we are really -- we did get a

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1 lot of testimony that was about African-American
2 culture and tradition in these areas.

3 COMMISSIONER BARABBA: Okay, let me
4 just -- before we go on, we have 11 of these
5 possible Section 5 districts -- excuse me, Section
6 2 districts, and -- and it's -- we have to be
7 careful we don't start repeating our principles
8 here, because otherwise we're not going to get
9 through the whole direction.

10 But Commissioner Parvenu and then
11 Commissioner Raya.

12 COMMISSIONER PARVENU: I'll be
13 brief. I just want to say this for the record.
14 It's very unlikely that there will be an
15 African-American plaintiff coming forward to -- to
16 litigate in terms of litigation risk.

17 COMMISSIONER BARABBA: That's --
18 I'm not we're in a position to know how --

19 COMMISSIONER PARVENU: Okay. I'm
20 saying because of the history, I -- I don't see
21 that, so if we're going to make a choice here, I
22 would choose or side with the lower percentages
23 historically and I think there's some ev -- I know
24 there's evidence of M.A.L.D.E.F. also.

25 If there's litigation from that

1 area in terms of -- I -- there has been
2 communication between organizations in this part
3 of it town to make me feel comfortable enough that
4 litigation risk in that area is unlikely.

5 COMMISSIONER BARABBA: Okay.
6 Commissioner Raya.

7 COMMISSIONER RAYA: I think we have
8 to proceed to look at the Section 2. One further
9 comment on the coalition idea is that we did hear
10 testimony, and I know we've seen some things about
11 the trends, the demographic trends in some of
12 these areas, but that a lot of the trending is
13 immigrants who are not voters.

14 COMMISSIONER BARABBA: Okay,
15 Commissioner Yao, Commissioner Ontai, Commissioner
16 DiGuilio, Commissioner Ward.

17 COMMISSIONER YAO: I just want to
18 see if anyone else is interested in seeing the
19 second African-American Section 2 before closing
20 on the -- on this final one, because I -- I think
21 it may be good to get a global picture as compared
22 to making it one at a time.

23 COMMISSIONER BARABBA: Commissioner
24 Ontai.

25 COMMISSIONER ONTAI: This is a

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1 question to Mr. Brown. So in your experience, in
2 your firm's experience, have you come across a
3 situation like this where an African-American
4 population has a 50 or more but they want to split
5 into three less than 50 C.V.A.P.?

6 MR. BROWN: Not specifically, but,
7 you know, we should be aware that there are trends
8 in the United States and in particular cities like
9 Los Angeles where this issue is going to come up
10 increasingly, and so it's not -- it's not
11 surprising and it's, you know, it's worth some
12 careful thought about what to do.

13 It's not -- there's no obvious
14 right answer. I did -- I mean, I did make the
15 point that I don't see the legal argument yet for
16 an alternative.

17 COMMISSIONER ONTAI: I see. Thank
18 you.

19 COMMISSIONER BARABBA: Commissioner
20 DiGuilio, did you want to --

21 COMMISSIONER DIGUILIO: I just had
22 a question. We haven't had a discussion
23 necessarily it seems like as a commission about
24 coalition districts and what we're going to do
25 with them. Is that something that we need to do

1 at some point?

2 If -- if particularly this issue is
3 going to come up in L.A. a lot, I'm wondering if
4 this is kind of a technical note if we need to put
5 that on our agenda to talk about coalition
6 districts. Because that will be bearing I'm
7 assuming on a lot of L.A.

8 COMMISSIONER BARABBA: Commissioner
9 Ward and then Commissioner Ancheta.

10 COMMISSIONER WARD: Thank you,
11 Chair. I was just curious as to how many city
12 splits are in this particular visualization, and I
13 was wondering if compared -- if this took into
14 account the California Institute for Jobs, Economy
15 and Education's plan of District 57. And you
16 can't really tell on the information they provided
17 how many city splits are on that, but C.V.A.P. is
18 very similar.

19 COMMISSIONER BARABBA:
20 Ms. MacDonald, we're having a question come up
21 here.

22 MS. MACDONALD: I'm sorry, would
23 you mind -- would you mind repeating the
24 question?.

25 COMMISSIONER WARD: Oh, sure.

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1 Yeah, I was curious, two things, if this
2 visualization took into account at all District 57
3 of the California Institute for Jobs, Economy and
4 Education's recommendations. I see that the
5 C.V.A.P. is very similar on the two and I'm just
6 wondering what the city county split difference is
7 between those two.

8 (Inaudible.)

9 COMMISSIONER WARD: I'm sorry, we
10 couldn't hear you.

11 MS. MACDONALD: Oh, I'm -- I'm
12 sorry. I thought it was on. I'm sorry. No --
13 no, we did not take that iteration into --

14 COMMISSIONER BARABBA: How about.

15 MS. MACDONALD: -- or that
16 submission into consideration.

17 COMMISSIONER BARABBA: -- the city
18 splits?

19 COMMISSIONER WARD: Do we have the
20 equivalency files for that plan?

21 MS. MACDONALD: I don't know. I
22 don't know that we have it, but we can research
23 it.

24 COMMISSIONER WARD: Thank you.

25 COMMISSIONER BARABBA: How about

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1 city splits on this --

2 MS. MACDONALD: Long Beach is split
3 right in this area where the hand is waiving.

4 MS. BOYLE: And Long Beach is too
5 large to go into one district --

6 COMMISSIONER BARABBA: You need to
7 talk into the mike.

8 MS. BOYLE: Okay. Long Beach is --
9 the population is greater than one assembly seat
10 once you include, I believe it's Signal Hill is
11 within Long Beach, so doing this allowed me to
12 create a district for Long Beach with just this
13 area here missing, and that's about 11 thousand
14 folks.

15 COMMISSIONER BARABBA: Answer you r
16 question? Thank you.

17 Commissioner Forbes.

18 COMMISSIONER FORBES: Yes, my --
19 I've -- I've been pondering this, and the legal
20 argument I would make would increase my -- or
21 lessen my risk aversion -- double negative
22 there -- to go into a lower percentage is because,
23 as I understand it, what we've heard that the --
24 the District 2 Gingles test requires the ability
25 of the plaintiff to show racially polarized

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1 voting.

2 I think that's going to be hard to
3 prove in this district given the outcome of the
4 elections. Now, you know, certainly they can make
5 the claim, but I -- but I -- that for me gives me
6 some comfort level that we can go to a less than
7 50 percent, because I don't -- I think it's
8 unlikely that they're going to be able to show the
9 racially polarized voting.

10 Now, our -- our expert that we're
11 going to hire to look at this stuff could
12 certainly prove to me differently, but I would be
13 inclined to have at least an option that would
14 allow for more than two districts.

15 COMMISSIONER BARABBA: Okay.

16 Commissioner Ancheta, excuse me for
17 skipping over you there.

18 COMMISSIONER ANCHETA: It's okay.
19 I hate to complicate things more, but just to note
20 that both the C.A.P.A.F.R. plan and the
21 M.A.L.D.E.F. plan look at this somewhat
22 differently, and they would use Watts and Lynwood
23 and other areas that are currently in this
24 district to create a majority Latino district
25 which goes in a -- to the -- to the east and

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1 south.

2 I mean, I've raised that. I don't
3 know what to do at this point, but it's -- that's
4 another consideration too.

5 COMMISSIONER BARABBA: Okay. It
6 just seems like this one's going to -- we ran into
7 a dilemma here because the -- we've heard such
8 diverse opinions and -- but it seems to me that if
9 we stayed with what we currently know about the
10 law, that we would have the option we have.

11 But recognize that we've been
12 informed that there's an alternative, and it seems
13 to me we need to have the ability to address that
14 alternative, and I just don't know how we would go
15 about doing that, because we've got to worry about
16 the ripple effect to all the other districts that
17 we're going to be dealing with here.

18 Mr. Brown.

19 MR. BROWN: Let me just add -- let
20 me lay out a possible legal path to the
21 alternative, which would be probably more -- more
22 complicated, but let me just key off of what
23 Commissioner Forbes said.

24 So if you -- if you don't establish
25 racially polarized voting in this area, then you

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1 don't have a basis for drawing Section 2. You
2 also don't have a basis for drawing a coalition
3 district, and you have no basis at all really for
4 using race to draw the districts.

5 So then where you are is other
6 criteria, and you could follow community of
7 interest, cities, neighborhoods and the like
8 carefully, but you'd be limited to that set of
9 criteria.

10 COMMISSIONER BARABBA: If -- if we
11 could maybe take this direction -- I didn't want
12 to cut you off. Excuse me. Go ahead.

13 MR. BROWN: The -- the other way is
14 that if there was racially polarized voting, you'd
15 still have the totality of the circumstances test.
16 And on a more full record, you could have a
17 discussion about whether under the totality of the
18 circumstances, forming the 50 percent majority was
19 required versus whatever the other choice would
20 be.

21 So -- but it requires -- it
22 requires more work than what seems to be in the
23 record so far.

24 COMMISSIONER BARABBA: Okay. So
25 if -- if I -- let me see if I interpreted you

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