

NO. \_\_\_\_\_

**IN THE SUPREME COURT OF CALIFORNIA**

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GEORGE RADANOVICH

Petitioner,

CHARLES PATRICK

Petitioner,

GWEN PATRICK

Petitioner,

OMAR NAVARRO

Petitioner

TRUNG PHAN

Petitioner

vs.

DEBRA BOWEN, SECRETARY OF STATE  
OF CALIFORNIA

Respondent,

CITIZENS REDISTRICTING COMMISSION

Real Party in Interest.

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**DECLARATION OF T. ANTHONY QUINN, PhD IN SUPPORT OF VERIFIED  
PETITION FOR EXTRAORDINARY RELIEF  
IN THE FORM OF MANDAMUS OR PROHIBITION  
EMERGENCY STAY REQUESTED; MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT THEREOF**

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I, T. ANTHONY QUINN, PhD, declare:

I am a resident of Sacramento County, and am currently retired.

I offer this testimony as an expert in California politics, California redistricting, and political demography. I was qualified as an expert in these subjects in the 2001 redistricting case, *Andal v. Davis, Kennedy v. Davis, Nadler v. Davis*, 2003.

My educational background includes: (a) Georgetown University, AB (Government) 1963; (b) University of Texas, MA (Communications), 1968; and (c) Claremont Graduate University, PhD (Political Science), 1979. My doctoral thesis was on the subject of California conflict of interest laws.

I am a military veteran, having served in the U.S. Army from 1965-1967, including service in Vietnam. I was honorably discharged.

I have published the following theses, reports, and articles:

- (1) California Public Administration (co-author) California Journal Press, 1978;
- (2) California's Political Geography, Rose Institute of State and Local Government, Claremont McKenna College, 1980;
- (3) Carving Up California: A History of California Reapportionment 1951-1984, Rose Institute of State and Local Government, Claremont McKenna College, 1984;
- (4) Redistricting in the 1980s: California, Rose Institute of State and Local Government, Claremont McKenna College, 1993;
- (5) Growth Issues in California, California Department of Commerce, 1989;
- (6) Analysis of the 1990 Census in California, Governor's Office of Planning and Research, 1991;
- (7) The Regions of California, Governor's Office of Planning and Research, 1992;
- (8) Reforming the California Initiative Process, California Chamber of Commerce, 1997.

I have been a frequent contributor of articles in the Los Angeles Times, the Sacramento Bee, and Comstocks Magazine on the subjects of California demographics, political trends, redistricting, ballot measures and political reform.

I have served in the following public and private positions since 1969:

- (1) I served from 1976-1981 as a Commissioner of the California Fair Political Practices Commission and from 1999- 2001 on the Bi-Partisan Commission on the Political Reform Act of 1974;
- (2) I was Director, Office of Economic Research, California Department of Commerce, 1985-1989;
- (3) I served as Director of Public Affairs, Braun and Company, 1989-1991;
- (4) I was Vice President of Braun Ketchum Public Relations, 1991-1996;
- (5) I served as Vice President, Goddard Claussen Porter Novelli, 1997-2001;
- (6) Prior to that, I served as Caucus Director, Assembly Republican Caucus, 1983-1984, Chief Consultant for Elections and Reapportionment, Assembly Republican Caucus, 1981-1983; Special Assistant, Attorney General Evelle Younger, 1973-1976; Policy and Reapportionment Consultant, Assembly Republican Caucus, 1971-1973; Special Assistant, Speaker Bob Monagan, California State Assembly, 1969-1971.

I have consulted on the following projects with respect to California redistricting, political reform and politics:

- (1) I served as a technical and demographic consultant on the 1980s California redistricting in the following cases:  
*Assembly v. Deukmejian, Senate v. Eu, Burton v. Eu,*

*Democratic Congressional Delegation v. Eu, and Badham v. Eu* (1980s reapportionment cases, technical and demographic consultant).

- (2) I served as an expert witness for the California Secretary of State in the case *California Democratic Party v. Jones*, 1997 (open primary case). I prepared an expert report and testified as an expert witness in the U.S. District Court for the Eastern District of California.
- (3) I prepared demographics research used in the case of *Folsom City Council v. State Board of Education*, 1996 in the Sacramento Superior Court.
- (4) I prepared an expert declaration on the history of California redistricting ballot measures in *Senate v. Jones*, 1999, in the California Supreme Court.
- (5) I prepared an expert report and testified as an expert witness in *Andal v. Davis, Kennedy v. Davis, Nadler v. Davis*, 2003, a constitutional challenge to the 2001 legislative redistricting, in the Superior Court of California, County of Sacramento; on appeal to the District Court of Appeal, Third Appellate District.
- (6) I prepared an expert declaration in *Citizens for California and Arnold Schwarzenegger*, 2005, on the role of California governors in the initiative process in California, in the Superior Court of California, County of Sacramento, on appeal to the District Court of Appeal, Third Appellate District.
- (7) Writing and research on surface mining and related issues, California Department of Conservation, 1993-1995.
- (8) Co-editor, the California Target Book: 1994, 1996, 1998, 2000, 2002, 2004, 2006, 2008 and 2010 election cycles (elections analysis subscription service).

- (9) Prepared model redistricting plans for the California Secretary of State, 2001.
- (10) Prepared model redistricting plans for the California Correctional Peace Officers Association, 2001.
- (11) Provided analysis on restoring California's open primary in 2002 and on legislative races in 2004 for the California Chamber of Commerce and the California Business Roundtable.
- (12) Co-author of the report, Primary Process Reform in California for California Forward, 2009.
- (13) Assisted in writing California's first redistricting commission ballot measure, Proposition 14, 1982; assisted with redistricting commission ballot measures on the 1990 ballot, Propositions 118 and 119; suggested language for the 2005 redistricting commission ballot measure, Proposition 77; and suggested language to the authors of Proposition 11, 2008.

I have thoroughly studied the product of the California Citizens Redistricting Commission's certified Congressional maps, and set forth herein my analysis of what the Commission's Congressional maps discussed herein purport to do, and facts relevant to the 2011 Redistricting process derived from the federal Voting Rights Act and the Constitutional criteria set forth in Article XXI, section 2 (d) of the California Constitution. The Commission was required to conform its districts to the Voting Rights Act in Los Angeles County. Further I provide analysis on the state constitutional criteria that should have governed the Commission's drawing of Congressional boundaries, the derivation of such criteria from this Court's prior decisions in which the criteria were enunciated, what the 1991 Special Masters in *Wilson v. Eu*, 1 Cal.4<sup>th</sup> 707 (1991) did in interpreting these criteria, and what the Commission should have done to follow the criteria in a constitutional and consistent fashion. I offer the

following statements as my expert opinion on California redistricting and on the basis of my thorough study of the Commission's Congressional maps that are challenged in this Petition for Writ of Mandate or Prohibition.

### **Introduction and Background**

1. This case relates to the establishment of three purportedly African American Congressional districts in Los Angeles County, thus retaining the three current Congressional districts. Retaining three African American districts was encouraged upon the Commission in numerous public hearings. However, the African American population of Los Angeles County is on the decline, and the three districts could only be retained by an awkward gerrymander of south and southwestern Los Angeles County. The effect was to fracture the representation of many cities and communities outside the African America population core. It was also to deny the creation of additional effective Latino Congressional districts, as was encouraged upon the Commission by Latino representatives.
2. The chart below shows the number and percentage of African American and Latino residents of Los Angeles County, as reported by the United States Census over the past four decades.

#### **Los Angeles County Population, 1980 Census**

Total: 7,477,657; Black: 944,009 (12.6); Hispanic 2,065,727 (27.6%)

#### **Los Angeles County Population, 1990 Census**

Total: 8,863,164; Black: 934,776 (10.6); Hispanic 3,351,242 (37.8%)

#### **Los Angeles County Population, 2000 Census**

Total: 9,519,388; Black: 930,957 (9.8); Hispanic 4,242,213 (44.6%)

Los Angeles County Population, 2010 Census

Total: 9,818,605; Black: 856,874 (8.3); Hispanic 4,687,899 (47.7%)

3. As is evident, the African American population of Los Angeles County has fallen in absolute numbers and in percentage of the population over the past four decades, while the Latino population has grown dramatically.
  
4. The first African American member of congress in Los Angeles was Augustus Hawkins, elected in 1962, and who served until 1990. In 1990 he was replaced by current Congresswoman Maxine M. Waters, who is currently in office. The second African American member of congress was Yvonne Burke, elected in 1972. She was replaced in 1978 by Julian Dixon. He was replaced in 2001 by Diane Watson. She was replaced in 2010 by current Congresswoman Karen Bass. The third African American district came about in 1980 when Mervyn M. Dymally defeated a white incumbent in the Democratic primary. He was replaced in 1992 by Walter Tucker and in 1996 by Juanita Millender McDonald. Upon the death of Congresswoman Millender-McDonald in 2007, the district was won by current Congresswoman Laura Richardson, following a contentious special election primary.
  
5. These African American members of congress have been elected by overwhelming margins, even in their initial elections. Well known local politicians like Maxine Waters and Karen Bass were able to move to Congress with large margins in their initial elections, and have not received less than 75 to 85 percent of the vote since being elected. In 2010, the three African American Congresswomen received respectively 86.1 percent (Bass, 33<sup>rd</sup> CD), 79.1 percent (Waters, 35<sup>th</sup> CD) and 68.4 percent (Richardson, 37<sup>th</sup> CD).

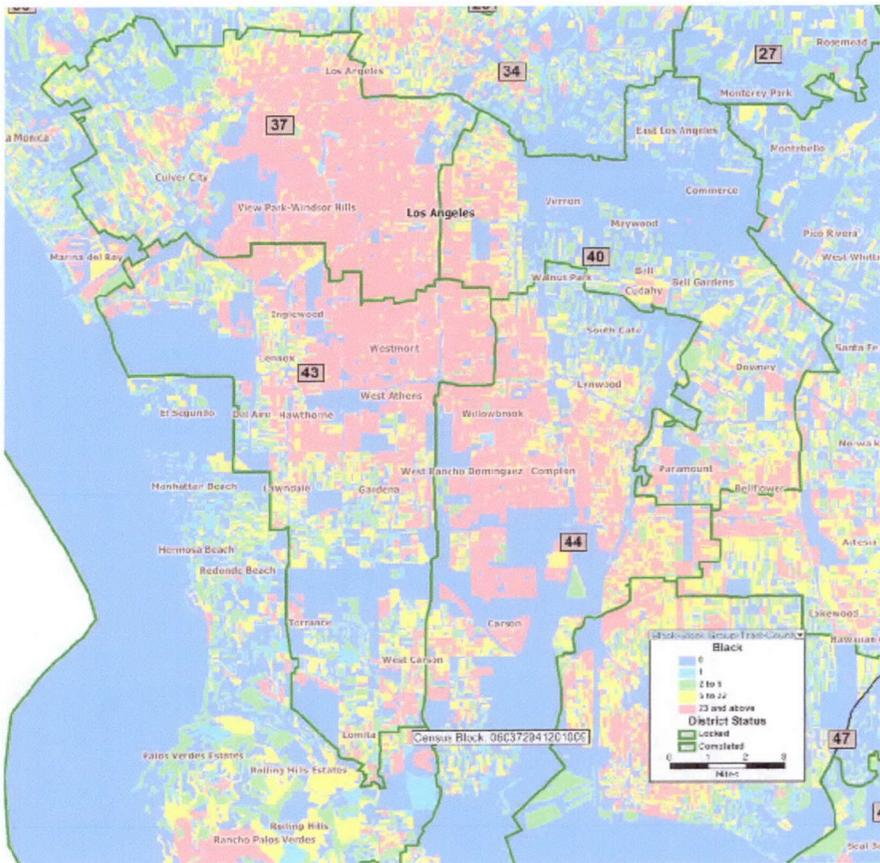
6. Congresswoman Richardson was nominated for Congress at a special primary in June 2007 with 37 percent of the vote. Her closest rival, State Sen. Jenny Oropeza, received 31 percent of the vote. The Almanac of American Politics wrote of this race: “The June 26 special primary election was viewed as a crucial test of black and Hispanic voting clout in a district where power is transitioning from African Americans to Hispanics. Richardson’s victory all but assured that the seat would remain under African American representation.” (The Almanac of American Politics, 2008 edition, page 261)

### **Voting Rights Act Violations**

7. The Commission received extensive testimony at its public hearing to retain the 37<sup>th</sup> CD as an African American district. They were told to spread out the black population between the three districts and not to apply the Voting Rights Act to the African American areas. Further they were told there was no racially polarized voting in this area. (Attachment A. Letter to the Commission from Alice Huffman, representing the NAACP, dated June 1, 2011.) They were further told that Section 2 of the Voting Rights Act should not apply to the three African American districts. (Huffman letter, *ibid*).
8. The three pronged test for application of Section 2 of the Voting Rights Act, known as the *Gingles* preconditions, *Thomberg v Gingles*, 478 U.S. 30 (1986), is met in all respects in Los Angeles County.
9. The ethnic/racial populations are very compact. Map A (Statewide Database, Census units colored by race, African American in red. The district lines and numbers are the final certified maps approved by the Commission on August 15, 2011) shows the concentration of African

American voters in south and southwest Los Angeles, and how they are divided into thirds by the Commission's Congressional districts.

### Map A African American Population Concentration by Color South and Southwest Los Angeles



10. The population concentration is in excess of the 50 percent Citizens Voting Age Population threshold. The combined African American Population of the three districts the Commission drew, CDs 37, 43 and 44, is 470,119 people, or about 55 percent of the total African American population in Los Angeles County. Additionally, 470,000 people are 67

percent of the population of a congressional district. The population over the age of 18 is 345,000. All African Americans over the age of 18 are eligible to vote, so the African American Citizens Voting Age Population of this area is well over 50 percent of a congressional district.

11. These voters have a long history of voting for and electing minority group candidates of choice, and most importantly, there is clear evidence of racially polarized voting in Los Angeles County.
  
12. The Commission engaged the services of Dr. Matt A. Barreto of the University of Washington to conduct a racially polarized voting study. He found the following evidence of racially polarized voting in Los Angeles County. "The result of the pent up demand for representation was very high rates of racial block voting in favor of co-ethnic candidates by African American, Latino, and Asian American voters throughout Los Angeles. When a co-ethnic candidate is on the ballot in a contested election, each minority group has shown a strong willingness to support their co-ethnic candidate first and foremost." (Attachment B. Barreto, A Summary of Voting Patterns in Los Angeles County, July 13, 2011).
  
13. "In a 2006 article published in the journal PS: Political Science and Politics, Barreto, Guerra, Marks, Nuño, and Woods found extremely strong support for Villaraigosa among Latinos once again. In a 2007 article published in the American Political Science Barreto Summary of Los Angeles County 2 Review, Barreto found very strong and statistically significant differences between Latino and African American voting patterns in Los Angeles elections, which was replicated in a 2010 book by Barreto published by the University of Michigan Press. More recent studies by Barreto and Woods, Barreto and Collingwood, and Barreto and Garcia have all demonstrated strong evidence of racially polarized voting for and against Latino candidates in the 2006, 2008, and 2010 primary

elections in Los Angeles. The findings have demonstrated that polarized voting exists countywide throughout Los Angeles, as well as in specific regions such as the city of Los Angeles, the eastern San Gabriel Valley area, northern L.A. County and central/southwest region of L.A. County. (Barreto, Ibid)

14. "Within Los Angeles County, almost no region has experienced more demographic change in the past 20 years than the central and southwest part of the county. From 1990 to 2009 cities like Compton and Inglewood both transitioned from majority-Black to now majority-Latino cities. Similar population changes emerged in the general region from Carson to Wilmington to Lynwood as well as through large segments of central Los Angeles city. With respect to Black and Latino voting interests, numerous studies have found racial bloc voting, especially during primary contests. In a comprehensive examination of voting patterns in the 2008 Democratic presidential primary election, Ryan Enos finds large differences in Black and Latino voting with Latinos voting overwhelmingly for Clinton and Blacks for Obama. In an on-going lawsuit against the electoral system in the city of Compton, Morgan Kousser analyzes citywide elections for city council and finds very strong evidence of Blacks voting against Latino candidates in every single election, while Latino voters side heavily with the Latino candidates for office. Most recently, a research article published in May 2011 by the Warren Institute found that during the 2010 Democratic contest for Attorney general, Latinos voted overwhelmingly for Delgadillo and Torrico, while Blacks voted overwhelmingly for Harris. (Barreto, Ibid)

15. "Perhaps one of the clearest examples of primary election differences between Blacks and Latinos took place in a 2007 special election for the 37th congressional district after incumbent Juanita Millender-McDonald passed away. Analysis of the election results shows very clear and

statistically significant evidence of racially polarized voting. Blacks voted almost unanimously for two African American candidates Laura Richardson and Valerie McDonald, and gave almost no votes at all to the Latino candidate Jenny Oropeza. In contrast, Latino voters in the district voted very heavily for Oropeza, and cast very few votes for the two major Black candidates in the contest.

Goodman's Ecological Regression

Vote estimates from 2007 CA-37 special election – primary

- Latino vote for Oropeza 82.6%
- Latino vote for Richardson 10.8%
- Latino vote for McDonald 4.3%
- Black vote for Richardson 75.4%
- Black vote for McDonald 17.2%
- Black vote for Oropeza 5.3%” (Barreto, Ibid)

16. On July 14, the Commission received a memo from its own Voting Rights Act attorney, Mr. George Brown, Esq. of the firm of Gibson Dunn. In his written comments he states: “We have concluded that Racially Polarized Voting likely exists in Los Angeles County. The evidence we have received indicates that a significant number of Latinos vote together for the same candidates, while non-Latinos vote in significant numbers for different candidates. Moreover the evidence is sufficiently abundant that we believe it is reasonable to infer that a sophisticated plaintiff’s expert could develop evidence to persuade a court that the second and third *Gingles* preconditions have been met in Los Angeles County.” (Attachment C. Memorandum of George H. Brown to the Commission, July 13, 2011)

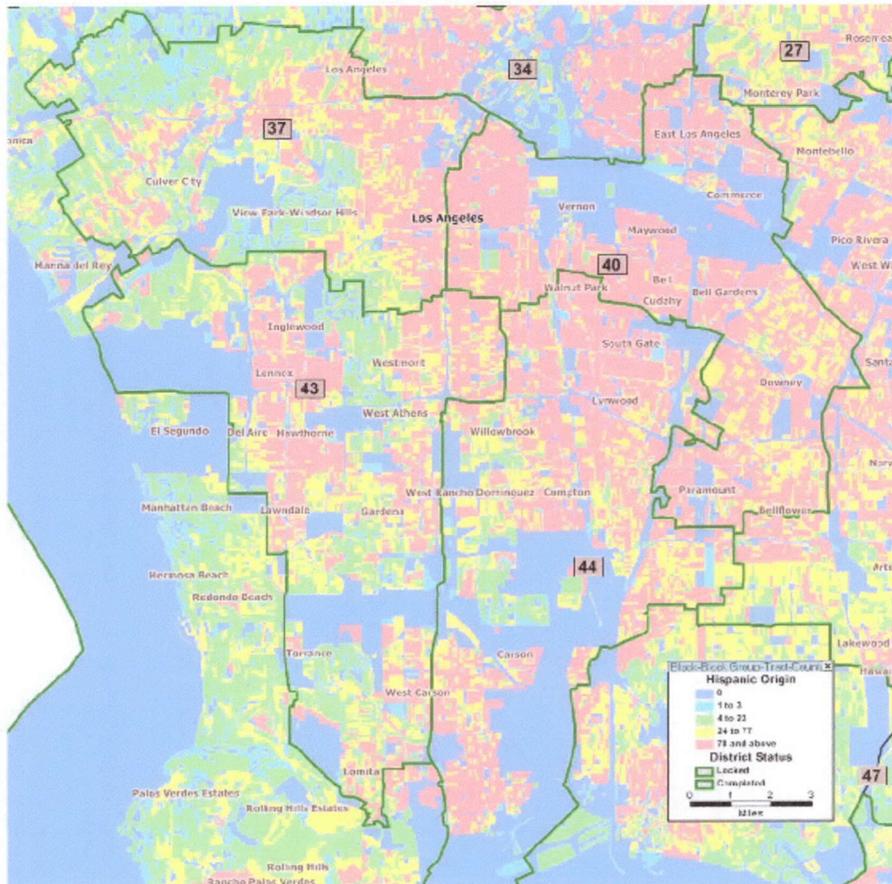
17. Mr. Brown goes onto further advised the Commission: “As requested by the Commission, with Sec 2 in mind, we have taken a look at the South

and Southwest portions of Los Angeles County in particular. The Latino community in these regions appears to satisfy the first *Gingles* precondition. There is sufficient Latino population in this area.” Mr Brown goes onto discuss Professor Barreto’s finding on racial polarized voting between Latinos and African Americans, and citing the strong evidence of racial polarized voting in south and southwest Los Angeles that the Commission “consider” drawing Latino majority districts in this area. (Brown Memorandum, Ibid)

18. The Commission received legally binding testimony from its racially polarized voting expert and its Voting Right Attorney to draw Section 2 districts in south and southwest Los Angeles, and chose not to do so.
19. Had Section 2 districts been drawn, the political protection afforded the three African American incumbents would not have been the case. The constitution specifically forbade the Commission from considering incumbents in its maps drawing, (Article XXI, Sec 2 (c): Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent.) But the Commission did exactly this; they drew three districts that were specifically intended to protect three African American incumbents, Congresswomen Bass, Waters and Richardson.
20. Were south and southwest Los Angeles to be redrawn as Section 2 districts, there would be at least one and possibly two African American Section 2 districts with 50 percent African American Voting Age Population, depending on how the lines were drawn.
21. There would be one and possibly two additional Section 2 Latino districts with 50 percent Latino Citizen Voting Age Population drawn in this area. The total Latino population of the three districts is 1,043,000 or roughly half the total population of the districts, certainly sufficient to create at least one Latino Section 2 district. Map B (Statewide Database, Census units

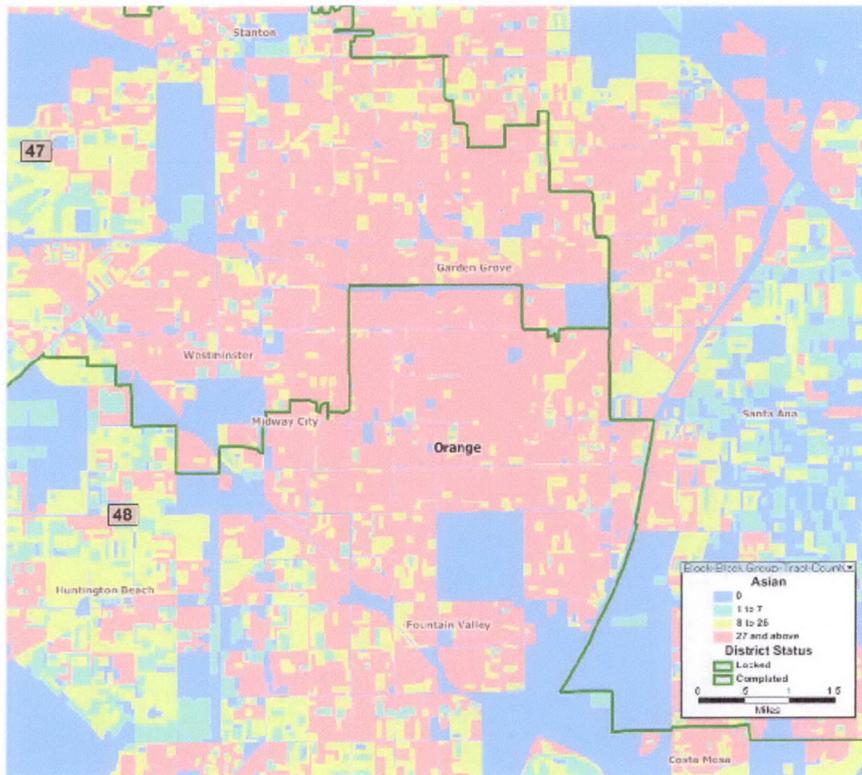
colored by race, Latino in red. The district lines and numbers are the final certified maps approved by the Commission on August 15, 2011.) shows how the Latino population was divided in south and southwest Los Angeles with portions in four districts, but only CD 40 has sufficient Latino Citizen Voting Age Population for a Section 2 Congressional district. There should have been an additional Latino Section 2 district created in the area that forms CDs 37, 43 and 44.

**Map B**  
**Latino Population Concentration by Color**  
**South and Southwest Los Angeles**



22. Los Angeles has a population that is 47.4 percent Latino and 8.3 percent African American, according to the 2010 US Census. Yet the Commission's map creates three non-Section 2 African American districts in Los Angeles and only five Section 2 Latino districts.
23. Latinos were not provided representation commensurate with their population grown in Los Angeles County and especially in south and southwest Los Angeles County by the Commission's decision to save the three African American districts. Additional Section 2 Latino districts could have been drawn and should have been drawn.
24. There is no other way to describe the manner in which the districts were drawn in violation of Section 2 of the Voting Rights Act but a racial gerrymander. That is what the Commission produced in south and southwest Los Angeles County. And the racial gerrymander extends into other counties.
25. Because of population ripples, a new district was drawn covering a portion of Long Beach and northern Orange County (CD 47). This district cuts in half the large Asian community in Orange County known as "Little Saigon", with heavily Asian Garden Grove within this district and heavily Asian Fountain Valley in an adjoining district. The heart of "Little Saigon", Westminster, is divided between the two districts. The Asian Citizen Voting Age Population for CD 47 is 19 percent. For adjoining CD 48 it is 16 percent. The colored map for Asian population in Orange County, Map C, (Statewide Database, census units colored by race, Asian population in red. The district lines and numbers are the final certified maps approved by the Commission on August 15, 2011) demonstrates that "Little Saigon" is very well defined and how it is divided between Congressional Districts 47 and 48.

**Map C**  
**Asian Population Concentration by Color**  
**"Little Saigon," Orange County**



26. These districts have the effect of denying Asian voters in Orange County an opportunity to elect a candidate of their choice by splitting their community. This would not be necessary were Section 2 districts properly drawn in Los Angeles County.

27. For all the Commission's efforts at retaining the three African American districts despite there being insufficient population, the Commission may

not succeed in the end. Newly elected white Congresswoman Janice Hahn has announced she plans to run for re-election in CD 44, one of the three African American districts, and the successor to the CD currently represented by Rep. Laura Richardson. ("Hahn Announces Re-election in New 44<sup>th</sup> Congressional District," The City Maven, July 29, 2011.)

28. The three African American districts have a Black Citizen Voting Age Population of 35 percent (CD 37), 33 percent (CD 43) and 28 percent (CD 44). The actual percentage of African American voters may be less. With declining African American population, it is conceivable that all three of these districts could be lost to a person of another race over the 10-year life of this plan.
29. One important reason why this is true relates to California's switch from partisan primaries to the "top-two runoff" (Proposition 14, 2010) beginning in 2012. These three districts are overwhelmingly Democratic. For 80 years the Democratic nomination has been tantamount to election. But there will be no more Democratic nomination beginning in 2012. This is likely to reduce the ability of African Americans to win these districts after the current incumbents are gone. Non-Democratic voters, previously excluded from the nomination process by the closed primary, are less African American than Democratic Party registrants (as they include minor party, Decline to State and Republican voters). They will now play a role in the winner of the top-two November runoff election.
30. Thus, as a result of the Commission's refusal to create African American Section 2 districts in south and southwest Los Angeles, it is very conceivable that there could be no African American members of Congress from Los Angeles by the end of the decade. This is especially true as popular current incumbents retire.

### **Violations of State Constitutional Criteria**

31. In addition to the violations of the federal Voting Rights Act, the Commission also violates state constitutional criteria in the manner it divided cities and joined together distant areas of population that have nothing in common. This is the result of their decision to attempt to retain three African American Congressional districts where the population did not provide for three districts, thus causing awkward gerrymandered districts elsewhere in Los Angeles County.

32. The establishment of state criteria for redistricting purposes dates from the 1973 ruling of the Supreme Court, *Legislature v. Reinecke*, 10 Cal 3<sup>rd</sup> 396, in which the court laid out seven criteria to be followed by the Court Masters appointed that year because of the failure of the legislature and governor to agree on a redistricting plan. The relevant "state constitutional criteria" that have come down over the years include the following:

- The territory included within a district should be contiguous and compact.
- Insofar as practical counties and cities should be maintained intact.
- Insofar as possible the integrity of the state's basic geographical regions should be preserved.
- The community of interests of the population of an area should be considered in determining whether the area should be included within or excluded from a proposed district so that all of the citizens of the district may be represented reasonably, fairly and effectively.

33. These criteria were used by the Masters in forming the 1973 districts. They were the basis for Article XXI of the constitution, adopted by the people in 1980. It read in part:

- The geographical integrity of any city, county, or city and county, or of any geographical region shall be respected to the extent

possible, without violating the requirements of any other subdivision of this section.

34. In 1991, the Court was again tasked with drawing legislative and congressional district lines. The 1991 Special Masters interpreted Article XXI in light of the 1973 *Reinecke* ruling, and it further refined the *Reinecke* criteria.

35. The Masters discussed in detail four interrelated state constitutional criteria that evolved from *Reinecke* and Article XXI: contiguity, compactness, geographic integrity and community of interest.

- The territory within a district should be contiguous and compact, taking into account the availability and facility of transportation and communication between the people in a proposed district, between the people and candidates in a proposed district, and between the people and their elected representatives.
- Counties and cities within a proposed district should be maintained intact, insofar as possible.
- The integrity of California's basic geographical regions (coastal, mountain, desert, central valley and intermediate valley regions) should be preserved insofar as possible.
- The social and economic interests common to the population of an area which are probable subjects of legislative action, generally termed a "community of interest" should be considered in determining whether an area should be included within or excluded from a proposed district in order that all of the citizens of the district might be represented reasonably, fairly and effectively. Examples of such interests, among others are those common to an urban area, a rural area, an industrial area or an agricultural area, and those common to areas in which people share similar living standards, use the same transportation

facilities, have similar work opportunities or have access to the same media of communication relevant to the election process.”

- These four criteria are all addressed to the same goal, the creation of legislative districts that are effective, both for the represented and the representative. *Wilson v. Eu*, 1 Cal. 4th 707, Report and Recommendations of Special Masters on Reapportionment.

36. In its opinion in *Wilson v. Eu*, the Supreme Court specifically endorsed the Masters interpretation of the state constitutional standards. “The Masters carefully factored into their plans the additional criteria of contiguity and compactness of districts and respect for geographic integrity and community interests.... We endorse the Masters’ thesis that in designing districts ‘compactness does not refer to geometric shape but to the ability of citizens to relate to each other and their representatives, and to the ability of representatives to relate effectively to their constituency.’” (1 Cal.4<sup>th</sup> at p. 714.)

37. The authors of Propositions 11 and 20 were well aware of the 1991 Masters’ criteria; in fact, they adopted the 1991 language almost verbatim.

- “(3) Districts shall be geographically contiguous.”
- “(4) The geographic integrity of any city, county, city and county, local neighborhood or local community of interest shall be respected in a manner that minimizes their division to the extent possible.... A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, a rural area, an industrial area or an agricultural area, and those common to areas in which people share similar living standards, use the same transportation facilities, have similar work opportunities or have

access to the same media of communication relevant to the election process.”

38. Because Propositions 11 and 20 incorporated the language used by the Masters in the drawing of the Masters districts, and specifically endorsed by the Supreme Court, the Commission was required to apply these criteria as the Masters applied them. This the Commission did not do, as I demonstrate below.

39. Further, the people in enacting Propositions 11 and 20 added a further criterion defining geographic compactness.

- (5) To the extent practicable, and where this does not conflict with the criteria above, districts shall be drawn to encourage geographic compactness such that nearby areas of population are not bypassed for more distant population.

40. This language is intended to prevent gerrymandering. Since Governor Gerry’s original “salamander,” gerrymandering has taken many forms. The most common is the reach for political advantage by combing far distant areas of population that share similar political characteristics. But gerrymandering can be racial, either “cracking” ethnic neighborhoods or “packing” them, both of which have to impact of diluting the influence of the targeted groups. And gerrymandering can consist of uniting a small distant area of population with a much larger area in order to reduce the political influence of the smaller area. The Commission performed a gerrymander in its Congressional districts in south and southwest Los Angeles County.

41. The anti-gerrymandering language means what it says. Districts must be built by combining nearby areas of population, and nearby areas must not be bypassed to pick up distant populations. The only reasons for not

applying the anti-gerrymandering rule are the need for equally population districts or to conform to the federal Voting Rights Act. But that Act envisions creation of majority minority districts from “compact populations.” As the 1991 Masters noted, “We find no conflict between the Voting Rights Act and the above state criteria.” (*Id.*, at pp. 715-716.)

42. Proposition 20 added the concept of respecting “local neighborhoods” and “local communities of interest.” The Oxford American Dictionary defines “local” as “belonging to a particular place, or a small area; of the neighborhood and not long distance.” In forming districts this means combining close-by areas, not distant populations that by their nature cannot be “local communities of interest.” (Oxford American English Dictionary, 1980, p. 388.)

43. The constitutional requirements that “nearby areas of population are not bypassed for more distant population” and that districts must “respect local communities of interest” complement each other. They provide context for the term “compactness” in that districts must contain “local” and “nearby” populations. This rule, first defined by the Masters and expanded upon by both Propositions 11 and 20, is mandatory upon the Commission.

### **Examples of Violations of State Constitutional Criteria**

44. Unnecessary Division of Cities: The Commission admits that it was required to split many cities in Los Angeles County and adjoining counties in order to create its required Section 2 districts (all Latino Section 2 districts). (Commission Final Report)

45. “CD 27: The cities of Glendora, Monrovia, Pasadena and Upland are split in this district to achieve population equality and in light of the adjacent

district that was drawn in consideration of Section 2 of the Voting Rights Act.” (Final Report, page 57)

46. “CD 28: The city of Burbank is split in this district.” (Final Report, page 57)

47. “CD 32: The cities of Glendora, Industry and Monrovia are split in this district to achieve population equality and in consideration of Section 2 of the Voting Rights Act.” (Final Report, page 58)

48. “CD 33: The cities of Torrance and Los Angeles were split to achieve population equality.” (Final Report, page 58)

49. “CD 37: The cities of Inglewood and Los Angeles were split to achieve population equality.” (Final Report page 59)

50. “CD 38: Divides the cities of Bellflower and Lakewood to comply with Section 2 of the Voting Rights Act and to achieve population equality.” (Final Report, page 59)

51. “CD 40: “Portions of Bellflower and Los Angeles are split to achieve population equality and in consideration n of Section 2 of the Voting Rights Act.” (Final Report, page 59)

52. “CD 43: The cities of Inglewood, Los Angeles and Torrance were split to achieve population equality.” (Final Report, page 60)

53. “CD 44: The cities of Long Beach and Los Angeles were split to achieve population equality.” (Final Report, page 60)

54. "CD 47: The cities of Buena Park, Garden Grove, Lakewood, Long Beach and Westminster were split to achieve population equality." (Final Report, page 61)

55. Many of these city splits were unnecessary and were caused by population ripples from the racial gerrymander that retains the three African American districts. The Commission was required to create the Latino Section 2 districts in eastern Los Angeles County, but was forced to awkwardly situate them due to the pressures of the racial gerrymander in south and southwest Los Angeles.

56. Violations of Compactness. As the Court in *Wilson* noted, compactness is not just a geographical concept but refers to the "ability of citizens to relate to each other and their representatives, and to the ability of representatives to relate effectively to their constituency." This is violated in a number of ways throughout Los Angeles County, but the three most dramatic violations involve CDs 27, 33, and 47.

57. Congressional District 33: (Final map certified by the Commission on August 15, 2011)

## District: 33



58. This district begins at Harbor City, winds around Lomita and then takes in all of Palos Verdes Peninsula. It then wanders north unnecessarily dividing the city of Torrance. At the Los Angeles Airport its contiguity is only retained by a narrow strip of land about five city blocks wide running for several miles along Dockweiler Beach. In 1961, the legislature created a similar district (Congressional District 28, 1961 redistricting) that was jokingly described as only contiguous at low tide.

59. After passing through its Dockweiler Beach strip it moves simultaneously west to Malibu and east to Beverly Hills and Hancock Park. Not even the 1961 CD 28 looked like this. This district bypasses numerous areas of

adjacent population to unite far distant populations in direct contravention of the constitutional criteria to draw compact districts assuring “the ability of citizens to relate to each other and their representatives, and to the ability of representatives to relate effectively to their constituency.” *Wilson v Eu*, (1 Cal.4<sup>th</sup> at p. 714.)

60. This unconstitutional district is the consequence of the creation of the neighboring racially gerrymandered districts, CDs 37 and 43. The creation of these two districts caused this elongated CD 33 that violates the state constitutional criteria.

61. Congressional District 47. (Final map certified by the Commission on August 15, 2011)

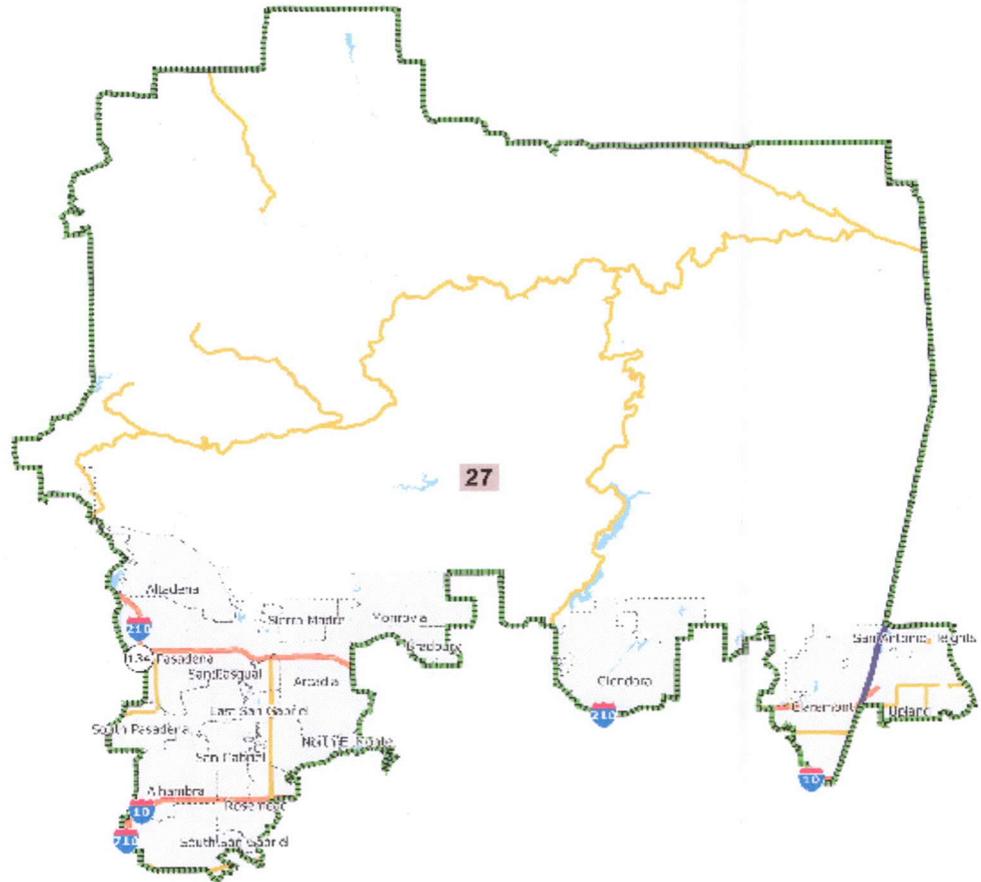
## District: 47



62. This district begins at the port of Long Beach and then wanders far into central Orange County to absorb portions of Garden Grove and Westminster. As pointed out above, this divides the Orange County Vietnamese community. This district's shape is caused by the racially gerrymandered CD 44 to its west. The Commission received extensive testimony that "Little Saigon" is a community of interest as defined by the constitution. "A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation." (California Constitution, Article XXI, Section 2 (d) (4)). Certainly the economically vibrant Vietnamese community in Orange County, formed largely following the fall of Saigon in 1975, meets every definition of a community of interest, but the Commission unconstitutionally and unnecessarily divided it nevertheless.

63. Congressional District 27. (Final map certified by the Commission on August 15, 2011)

## District: 27



64. This district consists of San Gabriel Valley communities including Alhambra and Monterey Park, but then wanders through the San Gabriel Mountains dropping down to pick up parts of Glendora and Monrovia, and then extends into San Bernardino County absorb a portion of the city of Upland. This district has the highest Asian Citizen Voting Age Population

(36 percent) of any district in Los Angeles County, but its Asian influence is diluted by the inclusion of Glendora and Upland. Much adjacent population is bypassed to pick up these isolated portions.

65. The Commission claims this is required by the creation of neighboring Section 2 Latino districts. However, the Section 2 districts could have been created without slicing up the representation of the foothill San Gabriel communities. This district violates state constitutional compactness criteria as enunciated by the Supreme Court in *Wilson v Eu*, as referenced above, in the name of creating adjacent Section 2 districts, but this would not be necessary if population ripples from the racial gerrymander did not cause unnecessarily awkward Section 2 districts throughout the county.

### **Necessary Remedies**

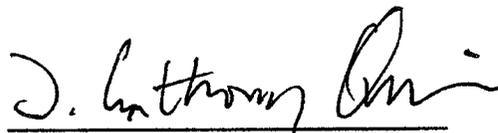
66. The creation of the three racial gerrymandered districts, CDs 37, 43, and 44, causes tremendous population ripples throughout all of southern California. This can only be remedied by a redrawing of the entire Southern California map. One Los Angeles County district, CD 25, includes a portion of Ventura County. Two Los Angeles County districts, CDs 27 and 35, include portions of San Bernardino County. Two Los Angeles County districts, CD 39 and 47, include parts of Orange County.

67. No less an expert than Redistricting Commissioner Vincent Barabba himself admitted that to change one district affects all districts in the state. "I think the thing that is really hard for people to comprehend is that if you make one change in one district, and particularly when you have four counties that you can't touch and, and... whenever they're in a district...the ripple effect it goes from one part of the state to the other. And when you start changing all of the districts, it's more than a two day

job.” (Commission Chairman Vincent Barabba, Capital Press Conference, Sacramento, California, August 15, 2011.

68. The rippling effects of properly drawing Los Angeles County districts will affect districts in neighboring Ventura, San Bernardino and Orange Counties. This will then cause further ripples into Riverside and San Diego Counties. This is especially important given that Congressional districts may have no population deviation whatsoever, thus the rippling effect is very great.
69. A Supreme Court Master should be appointed to properly draw the required Section 2 district in south and southwest Los Angeles County, to draw a sufficient number of Latino Section 2 districts elsewhere in the county, to redraw the suburban districts surrounding the urban Section 2 districts in a constitutional manner, and to the adjust for the rippling effects on districts in Ventura, San Bernardino, Orange, Riverside and San Diego Counties.
70. The foregoing statements of fact are true and correct and the foregoing opinions are mine offered as expert testimony in this matter. If called as a witness I could testify truthfully to the foregoing.

Executed under penalty of perjury under the laws of the State of California this 2<sup>d</sup> day of September 2011 at Sacramento, California.



T. ANTHONY QUINN, PhD



**CERTIFICATE OF SERVICE**

I, Elizabeth R. Toller, 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 2603 Main Street, Suite 1050, Irvine, California 92614. On September 27 2011, I served the following document(s) described as:

**DECLARATION OF T. ANTHONY QUINN, PhD IN SUPPORT OF VERIFIED PETITION FOR EXTRAORDINARY RELIEF IN THE FORM OF MANDAMUS OR PROHIBITION EMERGENCY STAY REQUESTED; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF**

on the following party(ies) in said action:

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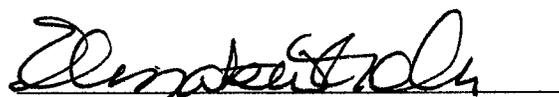
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*Attorney for Respondent*  
SECRETARY OF STATE

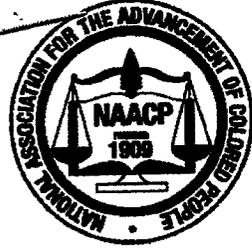
X **BY U.S. MAIL:** By placing said document(s) in a sealed envelope and depositing said envelope, with postage thereon fully prepaid, in the United States Postal Service mailbox in Sacramento, California, addressed to said party(ies), in the ordinary course of business. I am aware that on motion of 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 27, 2011 at Irvine, California.

  
Elizabeth R. Toller





**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**

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**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**

<b>Assembly District</b>	<b>Percent of AA in District 1992</b>	<b>Percent of AA in District 2002</b>
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**

<b>Senate District</b>	<b>Percent of AA in District 1992</b>	<b>Percent of AA in District 2002</b>
25	36.6	33.3
26	43.0	29.7

**Table III**

<b>Congressional District</b>	<b>Percent of AA in District 1992</b>	<b>Percent of AA in District 2002</b>
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.**



I have been asked to evaluate and comment on the existing empirical evidence of racial bloc voting in Los Angeles County. For the past twelve years I have closely researched and analyzed voting patterns in Los Angeles County, first as a researcher at the Tomás Rivera Policy Institute, then during my Ph.D. work at the University of California, Irvine, and most recently as a Political Science professor at the University of Washington. My recent book, *Ethnic Cues*, focuses specifically on the issue of racially polarized voting for and against Latino candidates, and I have published numerous scholarly articles in peer-reviewed journals on the topic of voting patterns in Los Angeles.

Though Los Angeles is often celebrated for its diversity, it has also been the source of considerable social and political contestation, which became especially pronounced in the post-World War II years as the population began changing more rapidly. As racial and ethnic groups settled into new neighborhoods and communities, challenges of equitable political representation soon followed. An overwhelming finding in the academic research, as well as in voting rights lawsuits was that from 1960 – 1990, Whites tended to vote against minority candidates, when given the choice to vote for a White candidate, for almost any political office in Los Angeles. African American and Latino candidates in particular had a very difficult time getting elected, outside majority-minority districts, throughout Los Angeles County.

As a result of being shut out of many contests, group cohesiveness grew among minority voters in Los Angeles. Further, churches and community-based groups in the Black, Latino, and Asian communities pushed hard for equal representation, and promoted the candidacies of fellow co-ethnic candidates. The result of the pent up demand for representation was very high rates of racial block voting in favor of co-ethnic candidates by African American, Latino, and Asian American voters throughout Los Angeles. When a co-ethnic candidate is on the ballot in a contested election, each minority group has shown a strong willingness to support their co-ethnic candidate first and foremost.

As the Latino population has grown throughout Southern California, more and more Latino candidates have run for a variety of local, state, and federal office and clear voting patterns have emerged throughout L.A. County, and specifically in the central and southwest portions of the county. With almost no exceptions, when Latino candidates run

for office, they have received strong and unified support from Latino voters in Los Angeles County. Previous analyses of voting patterns in Los Angeles have demonstrated statistically significant differences in candidate choice, between Latinos and non-Latinos. Based on the social science research I have reviewed and am familiar with, the evidence leads me to believe that Latinos vote as a cohesive political group, and non-Latinos regularly bloc vote against Latino candidates.

In 1997 Johnson, Farrell, Guinn published an article in the *International Migration Review* and found extensive evidence of anti-immigrant, and anti-Latino attitudes in Los Angeles that were in part driven by perceptions of growing Latino political influence and the tradeoff with Black and White political influence. Since Proposition 187 passed in 1994, many studies have documented an increase in anti-Latino discrimination in Los Angeles, resulting in an environment in which Latinos became more unified politically. Cervantes, Khokha, and Murray detail a significant increase in discrimination against Latinos in Los Angeles in the wake of Proposition 187. In a 2005 book published by the University of Virginia Press, Barreto and Woods find evidence that Latinos in Los Angeles County begin to behave more cohesively in the late 1990s following three statewide ballot initiatives that targeted minority and immigrant opportunity.

In a book published in 2007 by the University of California Press, under the direction of the Warren Institute, Abosch, Barreto and Woods review voting patterns across 15 elections from 1994-2003 and find evidence of racially polarized voting in all 15 contests with non-Latinos voting against Latino interests while Latinos vote consistently in favor of Latino candidates.

In a 2005 article published in the *Journal of Urban Affairs*, examining the 2001 Los Angeles mayoral election, Barreto, Villarreal and Woods find overwhelming evidence of racially polarized voting in the Villaraigosa-Hahn election. In a 2009 article in *Sociological Methods and Research* Grofman and Barreto, replicate and extend these findings with new, and cutting edge statistical methods specifically for examining racially polarized voting concerning Latinos. Grofman and Barreto conclude that Latinos vote very heavily in favor of Latino candidates in Los Angeles.

In a 2006 article published in the journal *PS: Political Science and Politics*, Barreto, Guerra, Marks, Nuño, and Woods found extremely strong support for Villaraigosa among Latinos once again. In a 2007 article published in the *American Political Science*

Review, Barreto found very strong and statistically significant differences between Latino and African American voting patterns in Los Angeles elections, which was replicated in a 2010 book by Barreto published by the University of Michigan Press. More recent studies by Barreto and Woods, Barreto and Collingwood, and Barreto and Garcia have all demonstrated strong evidence of racially polarized voting for and against Latino candidates in the 2006, 2008, and 2010 primary elections in Los Angeles. The findings have demonstrated that polarized voting exists countywide throughout Los Angeles, as well as in specific regions such as the city of Los Angeles, the eastern San Gabriel Valley area, northern L.A. County and central/southwest region of L.A. County.

Within Los Angeles County, almost no region has experienced more demographic change in the past 20 years than the central and southwest part of the county. From 1990 to 2009 cities like Compton and Inglewood both transitioned from majority-Black to now majority-Latino cities. Similar population changes emerged in the general region from Carson to Wilmington to Lynwood as well as through large segments of central Los Angeles city.

With respect to Black and Latino voting interests, numerous studies have found racial bloc voting, especially during primary contests. In a comprehensive examination of voting patterns in the 2008 Democratic presidential primary election, Ryan Enos finds large differences in Black and Latino voting with Latinos voting overwhelmingly for Clinton and Blacks for Obama. In an on-going lawsuit against the electoral system in the city of Compton, Morgan Kousser analyzes citywide elections for city council and finds very strong evidence of Blacks voting against Latino candidates in every single election, while Latino voters side heavily with the Latino candidates for office.

Most recently, a research article published in May 2011 by the Warren Institute found that during the 2010 Democratic contest for Attorney general, Latinos voted overwhelmingly for Delgadillo and Torrico, while Blacks voted overwhelmingly for Harris.

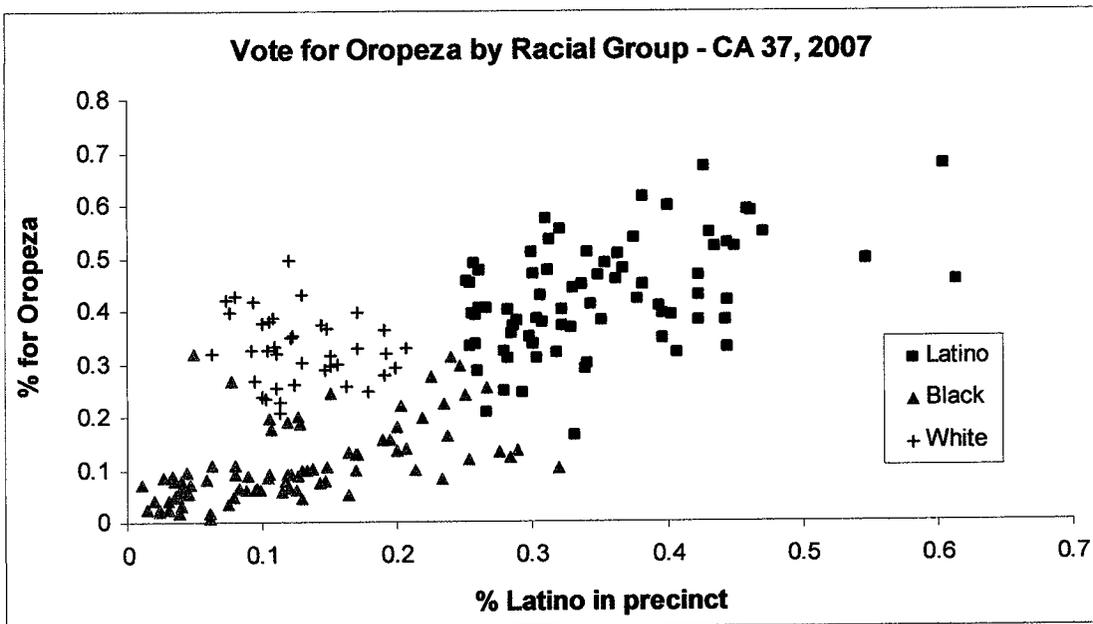
Perhaps one of the clearest examples of primary election differences between Blacks and Latinos took place in a 2007 special election for the 37<sup>th</sup> congressional district after incumbent Juanita Millender-McDonald passed away. Analysis of the election results shows very clear, and statistically significant evidence of racially polarized voting. Blacks voted almost unanimously for two African American candidates Laura

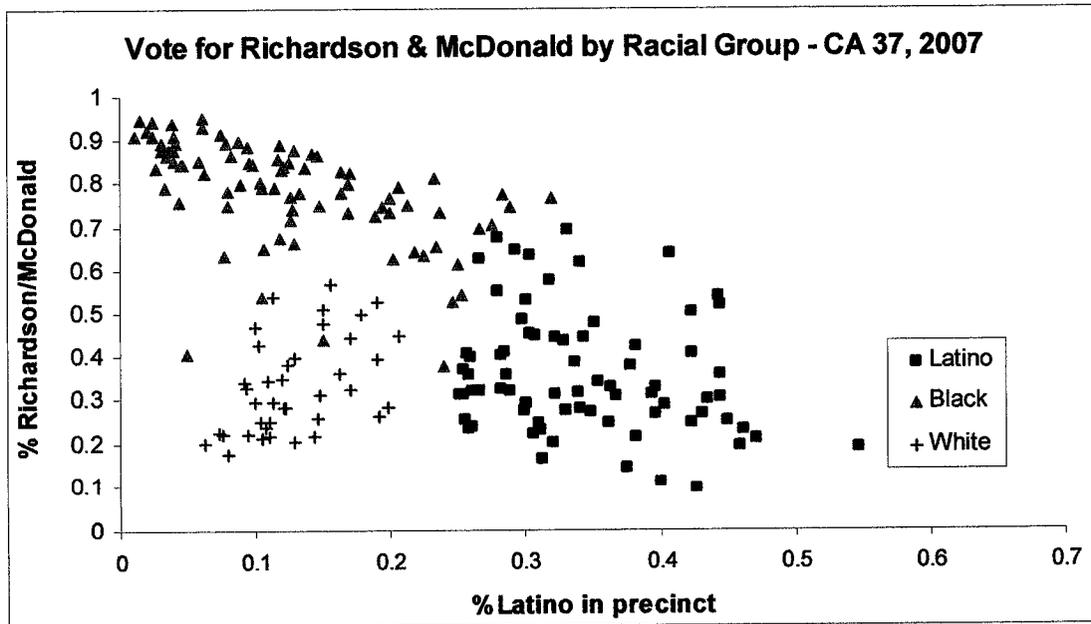
Richardson and Valerie McDonald, and gave almost no votes at all to the Latino candidate Jenny Oropeza. In contrast, Latino voters in the district voted very heavily for Oropeza, and cast very few votes for the two major Black candidates in the contest.

Goodman's Ecological Regression

Vote estimates from 2007 CA-37 special election – primary

Latino vote for Oropeza	82.6%
Latino vote for Richardson	10.8%
Latino vote for McDonald	4.3%
Black vote for Richardson	75.4%
Black vote for McDonald	17.2%
Black vote for Oropeza	5.3%





One important consideration is that elections analysts must consider primary elections, or non-partisan countywide or citywide contests where partisanship is effectively neutralized. Because of the strong Democratic partisan leanings of Black and Latino, and even most White voters in Los Angeles County, partisan general elections provide almost no clues as to whether or not racially polarized voting exists. The importance and relevance of primary elections is a longstanding and well known fact in studies of racially polarized voting, and even pre-dates the Voting Rights Act itself. In 1944 the Supreme Court ruled in *Smith v. Allright* that it was illegal for the Democratic Party in the South to hold “all-White primaries.” Prior to 1944, Blacks were prohibited from voting in primary elections, but allowed to vote in general elections, because Democratic candidates were assured to win in vast majority of the Democratic-leaning South, in the November general election. Thus, the Supreme Court held that the only contests in which voters could effectively influence the outcome, and vote for or against their preferred candidate was the primary.

In the case of Los Angeles, any districts drawn for the State Assembly, State Senate, or U.S. House of Representatives with large Latino or Black populations are certain to be Democratic in their partisanship. Thus, the election that will ultimately select the ultimate representative is the Democratic primary election, and for this reason primary elections provide the best and most reliable evidence to discern whether or not racially polarized voting exists, and why general elections provide almost no value at all.

Further, we should focus our attention on potentially competitive primary elections. In elections where a very well known incumbent barely draws a primary challenger, it is unrealistic to expect the unknown, unfunded challenger to draw any votes away from an established incumbent.

Finally, we should remember to keep a lookout for outlier elections or single anecdotes. When assessing racially polarized voting the best strategy is to examine a wide swath of elections over a number of years and look for consistent patterns. If 15 years and 40 elections all point to a consistent pattern of racial bloc voting, evidence of one single election to the contrary tells us very little about actual trends. In a nation that holds literally thousands of elections every year, we can always find an instance or two of unusual voting patterns, however when looking for the objective and true voting patterns in any region or jurisdiction we should discount such outliers in favor of the more consistent and generalizable findings.

# Attachment B



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The Walt Disney Company

**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**

† Deceased

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](http://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.<sup>1</sup> 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),<sup>2</sup> 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)

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<sup>1</sup> 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.

<sup>2</sup> 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%
<b>Counties:</b>				
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%*
<b>Cities or Regions:</b>				
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*.<sup>3</sup> 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%.

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<sup>3</sup>*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:<sup>4</sup>

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

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<sup>4</sup><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.<sup>5</sup> 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.

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<sup>5</sup> Dr. 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 4<sup>th</sup> grade and 8<sup>th</sup> grade public school students in California.<sup>6</sup> 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 <sup>th</sup> grade	8 <sup>th</sup> grade	4 <sup>th</sup> grade	8 <sup>th</sup> grade
Score Gap	28*	33*	31*	28

\*Score gap was significantly higher than the national average.

<sup>6</sup>F. 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.<sup>7</sup>

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.

<sup>7</sup> 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.

# Attachment C

**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