

# California Congressional Redistricting Plan

Supplement to  
**MALDEF-WCVI Congressional Redistricting Plan**  
*(Submitted July 17, 2001  
Los Angeles, California)*

Submitted July 31, 2001  
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Mexican American Legal Defense And Educational Fund

&

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## TABLE OF CONTENTS

Description of Addenda

Addendum 1: Statement of Compliance with Section 2 of the Voting Rights Act

Addendum 2: The Role of Cross-Over Districts in a Fair Redistricting:

Lessons From the 1990s, *Morgan Kousser, Ph.D*

Addendum 3: MALDEF-WCVI Congressional Plan Report

Latino Democrat Percentage of Total Democrat Registrants

Latino Republican Percentage of Total Republican Registrants

Addendum 4: Summary Table of Socioeconomic Assessment Charts

Addendum 5: City and County Division Explanations

Addendum 6: Congressional District Renumbering Key

Addendum 7: Community of Interest Report

## **ADDENDUM TO MALDEF-WCVI CONGRESSIONAL PLAN**

**SUBMITTED JULY 17, 2001**

The following documents are addenda to the MALDEF-WCVI Congressional Redistricting Plan submitted July 17, 2001 Senate Elections and Reapportionment Committee in Los Angeles, California. Addendum 1 provides a summary the Congressional Plan's compliance with Section 2 of the Voting Rights Act and includes a listing of the Section 2 districts created by this Plan. Addendum 2 is a report by Professor Morgan Kousser of California Technical Institute which analyzes factors that provide Latinos with an opportunity to elect candidates of their choice. Addendum 3 lists by congressional district, the percentage of Latino democrats and republicans that comprise the total number of democrats and republicans. Addendum 4 is a supplement to the *Summary of Methodological Approaches to Redistricting And Socioeconomic Considerations* report prepared by Professor Ali Moderras of the Pat Brown Institute at the California State University, Los Angeles and the socioeconomic assessment charts and tables submitted as part of MALDEF-WCVI's July 17, 2001 submission of the Congressional Redistricting Plan. Addendum 5 lists provide explanations for the city and county divisions contained in the MALDEF-WCVI Congressional Plan. Addendum 6 is a "renumbering key" that accounts for the new Tulare-based congressional district. Addendum 7 is a comprehensive community of interest report that is the result of MALDEF and WCVI's extensive community outreach efforts

# **ADDENDUM 1**

## STATEMENT OF SECTION 2 COMPLIANCE

The MALDEF-WCVI Congressional, Senate, and Assembly Redistricting plans contain several districts that contain legally protectable communities under Section 2 of the Voting Rights Act. Several of these were originally identified by the California Special Masters in 1991 and these have been maintained in our Congressional, Senate, and Assembly Redistricting Plans.

MALDEF and its experts have identified those districts that are protected by Section 2 of the Voting Rights Act based on a legal analysis that includes the evidentiary factors that would guide a federal court in making that determination. The evidence addresses the three prongs of *Thornbug v. Gingles*,<sup>1</sup> as well as historical and political factors that aid the courts in evaluating whether a plan illegally dilutes minority voting strength.

We set forth below a summary of the evidentiary basis for our conclusions in order to aid this Legislature in enforcing its compelling interest in enforcement of Section 2 of the Voting Rights Act.

The districts submitted by MALDEF-WCVI, which are protected as majority Latino districts under Section 2 of the Voting Rights Act, include:<sup>2</sup>

### Congressional Districts:

Congressional District 20  
Congressional District 26  
Congressional District 30  
Congressional District 31  
Congressional District 33  
Congressional District 34  
Congressional District 38

### Senate Districts:

Senate District 16  
Senate District 22  
Senate District 24  
Senate District 27  
Senate District 30  
Senate District 40

### Assembly Districts:

Assembly District 28  
Assembly District 30  
Assembly District 31  
Assembly District 36  
Assembly District 39  
Assembly District 45  
Assembly District 46  
Assembly District 50  
Assembly District 56  
Assembly District 57  
Assembly District 58  
Assembly District 61  
Assembly District 69  
Assembly District 79

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<sup>1</sup>473 U.S. 30 (1986).

<sup>2</sup>Note, all district numbers refer to those submitted in the MALDEF-WCVI plan and are *not* based on a renumbered scheme.

## **Latinos in These Districts Have An Opportunity to Elect Candidates of Their Choice.**

The districts listed above provide Latinos with an equal opportunity to participate in the political process. The districts do not fragment or over-concentrate Latino communities into districts that dilute their vote. The Latino population within these districts is geographically compact, and sufficiently large such that Latinos have an opportunity to elect a candidate of their choice. Furthermore, based on an in-depth analysis by Professor Morgan Kousser, Latinos in each of these districts will have an opportunity to elect candidates of their choice.<sup>3</sup> *See Appendix D*, “The Role of Cross-Over Districts in a Fair Redistricting: Lessons From the 1990s.” Kousser’s analysis indicates that in the Section 2 districts listed above, Latinos constitute a sufficient percentage of the registrants such that they can effectively elect a candidate of their choice.

## **Racially Polarized Voting Still Exists In California**

Unfortunately, racially polarized voting persists in California, thus demonstrating the continued need for and enforcement of the Voting Rights Act. MALDEF’s consultants have conducted preliminary racial polarization analysis of elections occurring during the decade and have found evidence of polarization, particularly in Southern California.

Several cases in California have resulted in findings of racially polarized voting in violation of Section 2 of the Voting Rights Act. In *Garza v. County of Los Angeles*, the Ninth Circuit Court of Appeals affirmed a district finding that county supervisors’ fragmentation of the Hispanic population by which to achieve self-preservation, constituted intentional discrimination in violation of the Fourteenth Amendment.<sup>4</sup> In *Garza*, racially polarized voting was found to be a feature of supervisorial elections in Los Angeles County – Latinos voted cohesively and Anglos voted as a bloc to defeat the Latino preferred candidate. In *Gomez v. City of Watsonville* the Ninth Circuit reversed a district court finding that Latinos did not vote cohesively.<sup>5</sup> There, the court found that racially polarized voting existed in Watsonville elections and held that its at-large system of electing mayors and city councilpersons was an “impermissible obstacle to the ability of Hispanics to participate effectively in the political process.”<sup>6</sup>

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<sup>3</sup>*See Appendix D*, “The Role of Cross-Over Districts in a Fair Redistricting: Lessons From the 1990s.”

<sup>4</sup>918 F.2d 763, 769-70 (1990).

<sup>5</sup>863 F.2d 1407, 1415-16 (9th Cir. 1988).

<sup>6</sup>*Id. at 1419.*

In addition, during the 1990's several racially polarizing statewide initiatives were introduced to the electorate. Propositions 187, 209, and 227, *see supra*, Senate Factor 6, provide dramatic examples of races that were not only racially divisive in the daily portrayals of Latinos, in political campaigns and news media, they also resulted in racially polarized voting.

**Latinos Face Unequal Opportunities Than Other Members of Electorate to Participate in the Electoral Process.**

A review of the “totality of the circumstances” indicates that Latinos continue to have less opportunity than other members of the electorate to participate in the electoral process and to elect representatives of their choice. In addition to the *Gingles* preconditions, the court must inquire into whether, under the totality of circumstances, vote dilution exists in the challenged jurisdiction. The Senate Factors, provided in the Senate Judiciary Committee Report to Section 2 and adopted by the Supreme Court in *Gingles*, are intended to assist the Court in determining whether the challenged practice or structure results in a lack of plaintiffs’ equal opportunity to participate in the political process and to elect candidates of their choice.<sup>7</sup>

There is no requirement that all seven factors be met or that “any particular number of factors be proved, or that a majority of them point one way or the other.”<sup>8</sup> “The courts ordinarily have not used these factors . . . as a mechanical ‘point counting’ device . . . . Rather, the provision requires the court’s overall judgment, based on the totality of circumstances and guided by those relevant factors in the particular case, of whether the voting strength of minority voters is, in the language of *Fortson* and *Burns*, ‘minimized or canceled out.’”<sup>9</sup>

The Court in *Gingles* emphasized that the Senate Factors should be applied with an eye toward a “practical evaluation of the ‘past and present reality’ and on a ‘functional’ view of the political process.”<sup>10</sup> Within this “totality of the circumstances inquiry,” factors other than the three *Gingles* prongs are supportive of, but not essential to a claim under Section 2.<sup>11</sup>

The Senate Judiciary Committee Report accompanying the 1982 amendments to Section

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<sup>7</sup>*Thornburg v. Gingles*, 473 U.S. at 36-37, 44-45 (1986).

<sup>8</sup>S. Rep. at 29.

<sup>9</sup>*Id.* at 29 n.118.

<sup>10</sup> 478 U.S. at 45, (quoting S. Rep. at 30 n.120).

<sup>11</sup>*Gomez*, 863 F.2d at 1419 (citing *Gingles*, 478 U.S. at 48 n.15).

2 of the Voting Rights Act listed these non-exclusive factors as relevant to the totality of the circumstances inquiry: (1) the history of official discrimination touching upon the right of the minority group to vote or otherwise participate in the political process; (2) the extent to which voting is racially polarized; (3) the extent to which voting practices or procedures have been used to discriminate against the minority group (including use of at-large election systems); (4) the extent to which minority candidates have been denied access to a candidate slating process; (5) the extent to which the minority group bears the effects of discrimination in areas such as education, employment and health which hinder their ability to participate in the political process; (6) whether political campaigns have been subject to racial appeals; (7) the extent to which members of the minority group have been elected to public office.<sup>12</sup>

### **Senate Factor One**

Latinos in California have been subjected to official discrimination that has affected their right to register, to vote, or otherwise participate in the democratic process. Since the United States' acquisition of Mexican territory in 1848, official discrimination and discreet forms of racism have obstructed Latinos from exercising their right to participate in the democratic process in California.

The 1848 Treaty of Guadalupe Hidalgo provided that all Mexicans living in the newly acquired territory would enjoy full rights as citizens of the United States. Article IX of the treaty provided that Mexicans remaining in the territories “shall be incorporated into the Union of the United States . . . to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution.”<sup>13</sup> Despite the Treaty, California lawmakers limited the franchise to white male citizens. Article II, Section 1 of the 1850 California Constitution granted the right to vote to white male citizens of Mexico and denied it to Mexicans of mixed Indian blood.<sup>14</sup>

During the 1850's Hispanics in Southern California were successful in securing positions such as “...tax assessors, election referees, surveyors, court clerks, and translators; as party delegates and national committeemen; as town constables, councilmen, and mayors; as assemblymen and senators; as trial jurors and coroner's jurors; and as justices of the peace, judges

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<sup>12</sup>See *Ruiz v. Santa Maria*, 160 F.3d 543, 550 n15; S. Rep. at 28-29; see also *Gingles*, 478 U.S. at 48 n15.

<sup>13</sup>Hunter Miller, ed., *Treaties and Other International Acts of the United States of America* 219 (Washington, D.C., Vol. V 1937).

<sup>14</sup>Walton Bean, *California: An Interpretive History* 130 (McGraw-Hill Book Co. 1968).

of the plains, and district judges.”<sup>15</sup> Hispanics were also successful in areas such as Santa Barbara as well. Since the Mexican American population constituted a majority of the voters, they elected Hispanic representatives. Racial bloc voting usually occurred when Anglos sought public office. As noted by a local prominent Anglo:

“The Americans have very little influence in the elections, but in a few years they will have all the power and they won't consult the Californians about anything ... The Californians have a majority of the votes. When they are united [which was usually the case when an Anglo and Mexican candidate vie for the same position] they can elect whomever they wish.”<sup>16</sup>

In Santa Barbara, a major turning point was the 1874 city elections which resulted in the first Anglo mayor and the demise of the Mexican voting bloc.<sup>17</sup> The Anglo political forces sought the reincorporation of the city. In an unusual twist, as part of the reincorporation effort, the method of election for the city council was changed from an at-large election scheme to a ward or single-member districting scheme. Under the at-large election scheme, the Mexican American community exercised greater control by selecting a greater number of city officials. However, under the new districting plan, the Hispanic community was relegated primarily to one district. Thus, the Hispanic community which previously had an impact on the selection of the entire city council was confined to the selection of one city council person:

“The new wardship system brought to an end the influence Chicanos once wielded in local general elections; now they were able to elect only one city councilman, whose

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<sup>15</sup>Leonard Pitt, *The Decline of the Californios, A Social History of the Spanish-Speaking Californians, 1846-1890* 147 (University of California Press 1966).

<sup>16</sup>Albert Camarillo, *Chicanos in a Changing Society, From Mexican Pueblos to American Barrios in Santa Barbara and Southern California, 1848-1930* 23 (Harvard University Press 1979):

“By 1855 Anglos began to contest the political power arrangements of Mexican Santa Barbara. Through the columns of the *Gazette* the editors and other Anglos directed attacks against 'bad city politics' and the Mexican practice of bloc voting. ... The 1855 city, county, and state elections are good examples of Mexican election control. ... Although Anglos were able to elect representatives to the Common Council in 1857, they remained a subordinate political force in the city and county throughout the 1850's and early 1860's.”

(footnote omitted).

<sup>17</sup>Camarillo, *supra* note 16, at 71-72.

voting power was negated by a four-to-one margin.”<sup>18</sup>

Although Article XI, Section 21 of California’s Constitution of 1849 reflected the Treaty of Guadalupe’s guarantee that Mexicans be allowed to maintain their Spanish language and participate fully as citizens through bilingual publications of laws, regulations and other official documents, this requirement was ignored by the state legislature and local governments, and it was officially rescinded from the Constitution in 1879. Thus, any documents relating to elections were not published in Spanish.<sup>19</sup>

In 1894, the political alienation of Hispanics was exacerbated by the adoption of an English literacy requirement to vote. This constitutional amendment denied the right of suffrage to any male person who was not able to read in English and write his name. This literacy amendment was initiated as a means of denying suffrage to Mexicans in California without directly and overtly violating the protections of the Treaty of Guadalupe Hidalgo. Article II, Section 1 of the California Constitution further limited suffrage to free White persons including members of the White or Caucasian race as distinct from the “black, red, yellow and brown races.”<sup>20</sup>

More recent analysis of the 1894 literacy requirement finds, “[t]here is every reason to suspect that the provision remained largely a dead letter: certainly it was not enforced among the Italians of San Francisco in the first decades of this century nor against Yiddish speaking Los Angeles Jews in the years after 1920, nor even against the newly naturalized Issei after 1952. The sole enforcement, and that largely sporadic, seems to have been against a group more native than the nativists themselves: the Spanish speaking Mexican-Americans whose recent increased political activity has resulted in the first significant use of the Gilded Age voting restriction.”<sup>21</sup>

The English literacy requirement remained law until as recently as 1970 when it was successfully challenged in state court. In *Castro v. State of California*, the court found that “fear and hatred played a significant role” in the legislature’s passage of the English literacy voting

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<sup>18</sup>*Id.* at 71. As part of the continuing campaign to limit Hispanic political participation in Santa Barbara, Chicanos were excluded from participation in the county’s Democratic Party convention in the early 1880’s. *See id.* at 75.

<sup>19</sup>Pitt, *supra* note 15, at 46.

<sup>20</sup>Paul Mason, ed., *Constitution of the State of California*, at 390 [Annotated] (California State Printing Office, 1946).

<sup>21</sup>Bruce C. Bollinger, *California Election Law During the Sixties and Seventies: Liberalization and Centralization* 55, 59-60 in *Annotated California Codes, Elections Code Sections 1 to 5999* (West Publishing 1968) (1977).

requirement.<sup>22</sup> However, the case only challenged the use of English for determining whether a potential voter met the literacy requirement and did not directly challenge the literacy requirement itself. Thus, literacy tests in Spanish were permissible under the *Castro* decision until 1970, when Congress amended the Voting Rights Act to require a nationwide five-year ban on the use of literacy tests as a prerequisite to voting.<sup>23</sup>

California's hostility to minority political participation was also apparent when California delegates to the 1869 Democratic state convention rejected the 15th Amendment to the U.S. Constitution: "that we are opposed to the adoption of the proposed Fifteenth Amendment of the United States Constitution believing the same to be designed, and if adopted, certain to degrade the right of suffrage; to ruin the laboring White man, by bringing untold hordes of Pagan slaves . . . into direct competition with his efforts to earn a livelihood. . . to give the Negro and Chinaman the right to vote and hold office . . ." The delegates also passed the following resolution: "That the democracy of California now and always confide in the intelligence, patriotism, and discriminating justice of the White people of the country to administer and control their government without the aid of either Negroes or Chinese."<sup>24</sup>

There anti-Black and anti-Chinese forces in California also held strong prejudices against Mexicans. The 1890s coalition supporting literacy voting restrictions had a very definite anti-Mexican position. Noting that "Mexico, a nation of 'mongrels and half-breeds' had [once] fallen to European imperial designs," it warned Americans "that if we go on mixing and mongrelizing the people of this nation, as we have been doing, and as sentimentalists would have us continue to do, a time will come when a foreign expeditionary force will put a European emperor in the White House and keep him there."<sup>25</sup>

Barriers to Latino electoral participation were also written into the California election law. [Former] Section 5567 of the California Elections Code, as adopted in 1941, required that elections be conducted in the English language and prohibited election officials from speaking any language other than English while on duty. This meant that election services were not available to limited English speaking and non-English speaking Mexican American citizens. The

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<sup>22</sup> 2 Cal.3d 223, 231, 85 Cal.Rptr. 20, 466 P.2d 244 (Cal. 1970). (California Constitutional provision requiring ability to read English as a prerequisite for voting declared unconstitutional as applied to those literate in another language).

<sup>23</sup> 42 U.S.C. § 1973aa. The nationwide ban on literacy tests became permanent in 1975. S. Rep. No. 94-295, 94<sup>th</sup> Cong., 1<sup>st</sup> Sess. 789 (1975), reprinted in 1975 U.S. Code Cong. and Adm. News, p. 774.

<sup>24</sup> Winfield Davis, *History of Political Conventions in California, 1849-1892* 289-291 (Publication of the California State Library No. 1, Sacramento, California 1983).

<sup>25</sup> *Id.* at 496.

Elections Code also provided that voters could be challenged at the polls to read in English one hundred words of the U.S. Constitution.<sup>26</sup>

Not only did Latinos find barriers to electoral participation written into California laws, but they also found them at the polling places where they were intimidated and physically prevented from exercising their right to vote. In the 1950s, when two Mexican Americans (Roybal and Lopez) ran for political office in California, “Republican Party workers blocked Mexicans trying to vote.”<sup>27</sup> In 1960, in Orange County there were mass challenges of Latino voters. “Harassment was such that many people who were legally entitled to vote were intimidated to the degree that they left the polls without voting.”<sup>28</sup> In 1962, the Attorney General reported that unauthorized signs at polls warning voters of the literacy requirement intimidated some Hispanics from voting.<sup>29</sup>

In Santa Barbara, Mexican Americans were politically disenfranchised in the late nineteenth century as Anglo Americans became the dominant population and created policies to remove native-born Spanish-speaking people from participation in local politics through gerrymandering and outright exclusion from Santa Barbara’s Democratic Party Central Committee. Mexican Americans in other towns in southern California suffered similar fates. The effects of this political disenfranchisement persisted for generations.

Another area of voting discrimination involved the redistricting of congressional and legislative districts. The redistricting efforts in the 1960's in California did affect the impact of Hispanic voting strength. Unfortunately, it was not a positive impact. There was a consistent pattern of fragmenting the Chicano communities in the Los Angeles area. For the 1961 redistricting, then council person Edward Roybal, testified before the Reapportionment and Elections Committees of the Senate and Assembly of the necessity to create Hispanic districts.<sup>30</sup> Interviews with Hispanic activists indicated “... that there was minimal participation of Chicanos in the 1961 redistricting process.”<sup>31</sup> Moreover, since there were no Hispanic representatives in

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<sup>26</sup>Bollinger, *supra* note 21, at 61.

<sup>27</sup>Ralph Guzman, “Politics and Policies of the Mexican American Community,” in *California Politics and Policies* 350, 367 (Eugene P. Dvorin & Arthur J. Misner, eds., 1966).

<sup>28</sup>Bollinger, *supra* note 21, at 60, n.7, (citing a letter from Hazel L. Lewis, Executive Secretary of the Orange County Democratic Central Committee to Joseph Wyatt, dated Dec. 14, 1960).

<sup>29</sup>*Id.* at 63.

<sup>30</sup>Richard Santillan, ed., *The Hispanic Community and Redistricting, Volume I* 43 (The Rose Institute, Claremont McKenna College 1981) [hereinafter *Redistricting Vol. I.*].

<sup>31</sup>*Id.* at 45. According to these activists, this absence of involvement in the 1961 redistricting process

the state legislature, there was no one who could at least monitor the proceedings for the Mexican American community.

The 1961 redistricting plan resulted in the blatant gerrymandering of the Latino community in the Los Angeles area. The community was divided into six assembly districts by the state Democrats. This fragmentation of the Latino community has been a persistent theme in redistrictings controlled by the Democratic Party. Since the Mexican American registered voters were primarily identified with the Democratic Party, state party officials used these Democratic voting blocs and distributed them among the various Democratic assembly and senate districts.<sup>32</sup> Perhaps the most significant impact of the 1961 redistricting process was the creation of a congressional district which made it possible for Edward Roybal to become the only Congress person from California in the 1962 elections.<sup>33</sup> Although the results of the 1962 elections resulted in the election of 2 Hispanics to the State Assembly, their assembly seats were marginally Hispanic. Thus both lost their seats in subsequent elections.<sup>34</sup>

The 1961 plan for the state senate was challenged in both state and federal courts after the United States Supreme Court's decision in *Baker v. Carr*, 369 U.S. 186, 82 S.Ct. 691 (1962).<sup>35</sup>

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was due to the "...Chicanos' lack of awareness of the reapportionment process; the focusing of Chicano interest on local rather than statewide issues; the absence of Chicanos in the Legislature who might have informed the Chicano community about the importance of redistricting; and more concern on the part of Chicano activist to register Chicanos to vote than to create Chicano districts."

<sup>32</sup> T. Anthony Quinn, *Redrawing the Lines: 1961, A Study of the Redistricting Process in California* 10 (The Rose Institute of State and Local Government, Claremont Men's College) (not dated):

"Spanish-speaking neighborhoods regularly returned huge Democratic majorities, but they exerted no political power of their own. Unruh and Crown saw such Hispanic neighborhoods as putty, to be shaped as necessary to maximize Democratic opportunities. The huge East Los Angeles barrio would be divided among six Assembly Districts, and in 1962 all but one of these would be captured by Anglo-Democrats."

<sup>33</sup>*Id.*, at 49 ("Under the 1961 plan, his [Congress person McDonough's] district was largely dismembered, and its declining Republican base was divided among three neighboring districts. The bulk of McDonough's district was shifted to East Los Angeles, and he was defeated handily in 1962 by Democratic City Councilman Edward Roybal, who became the first -- and only -- Hispanic Congressman from California.").

<sup>34</sup>*Redistricting Vol. I, supra* note 30, at 45-46.

<sup>35</sup>*Yorty v. Anderson*, 60 Cal.2d 312, 33 Cal.Rptr. 97, 384 P.2d 417 (cal. 1963) (state court challenge); *Silver v. Jordan*, 241 F.Supp. 576 (S.D. Cal. 1964), *aff'd*, 381 U.S. 415, 85 S.Ct. 1572, 14 L.Ed.2d 689 (1965) (federal court challenge).

The result of this initial court action was the declaration of the state senate districts as unconstitutional. However, the state legislature was permitted an opportunity to correct the population imbalances. Since the legislature adjourned without a new senatorial redistricting plan, another action was instituted. This action challenged both the state assembly districts as well as the state senate districts.<sup>36</sup> The subsequent action resulted in the implementation of a temporary court ordered plan for the 1966 party primary and general elections. As with the previous litigation, the temporary court ordered plan for the senate and assembly districts would be implemented only in the event the Legislature was not able to redistrict in time for the 1966 elections.

The California Legislature did act. The 1965 redistricting plan for the assembly and senate districts in California continued the fragmentation of the Hispanic community in the Los Angeles area.<sup>37</sup> Litigation also followed the adoption of the 1965 redistricting plans. In this subsequent litigation, the Court was requested by both the Governor and the Legislature to correct certain technical deficiencies of the 1965 plan. The Court agreed and adopted the necessary technical corrections; the plan was subsequently declared constitutional.

The Court also for the first time discussed the issue of whether minority voting rights had been diluted or impermissibly minimized as the result of the two at-large senatorial districts in counties of San Francisco and Alameda. The 1965 senate redistricting provided for two members to be elected at-large in each of the two counties. In discounting the claim of minority vote dilution, the Court stated:

"Although there are substantial racial, ethnic, and political minorities in the districts involved, no purpose to minimize or cancel their voting strength appears, and it is sheer speculation to assume that dividing the at-large districts into single-member districts would substantially affect the voting strength of any of the minorities involved. Indeed, even more suspect under the equal protection clause than at-large districting would be districting that concentrated minority voting strength in a single-member district for the purpose of minimizing

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<sup>36</sup>*Silver v. Brown*, 46 Cal.Rptr. 308, 405 P.2d 132 (Cal. 1965) (en banc).

<sup>37</sup>Redistricting Vol. I, *supra* note 30, at 46:

"The Assembly plan offers a good example of gerrymandering practices. Five Assembly districts -- the 40th, 45th, 48th, 50th, and 51st -- all dipped into East Los Angeles for 20-30 percent of their registered voters, while five other Assembly districts -- the 52nd, 53rd, 56th, 65th, and 66th --all dipped in for smaller percentages. As was the case in 1961, this gerrymandering by the Democratic party leadership was designed to re-elect non-Chicano Democratic incumbents from the districts in question."

such strength elsewhere."<sup>38</sup>

The Court's *dicta* suggests that the concept of minority districts was not one to be recognized in the state courts during the 1960's.

The 1965 redistrictings did not include the congressional districts. The 1961 congressional redistricting plan was challenged in a separate lawsuit filed in 1965.<sup>39</sup> However, due to the impending election schedule the state Supreme Court permitted the congressional redistricting plan to be used for the 1966 election even though the plan was declared unconstitutional. The Court permitted the Legislature an opportunity in 1967 to adopt a constitutional redistricting plan replacing the 1961 malapportioned plan. After a request for delaying the congressional redistricting until after the publication of the 1970 census data was denied by the Court,<sup>40</sup> the Legislature presented the 1967 congressional redistricting plan for judicial approval. The Court subsequently approved the plan.<sup>41</sup>

The 1966 and 1967 redistricting plans had a discriminatory impact on the voting strength of Hispanics in the east Los Angeles area. Nevertheless, representation by the Mexican American community improved. The 1967 congressional redistricting plan continued the fragmentation of the Hispanic community in the east Los Angeles area.<sup>42</sup> However, the redistricting plan also permitted the only Hispanic congress person to continue his representation. With respect to legislative representation, despite the gerrymanders, Hispanics were able to secure and increase their representation beginning with the 1968 party primary and general elections.<sup>43</sup>

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<sup>38</sup>*Silver v. Brown*, 63 Cal.2d 841, 847 (Cal. 1966).

<sup>39</sup>*Silver v. Brown*, 46 Cal.Rptr. 531, 405 P.2d 571 (Cal. 1965).

<sup>40</sup>*Silver v. Reagan*, 62 Cal.Rptr. 424, 432 P.2d 26 (Cal. 1967) (en banc).

<sup>41</sup>*Silver v. Reagan*, 64 Cal.Rptr. 325, 434 P.2d 621 (Cal. 1967).

<sup>42</sup>Redistricting Vol. I, *supra* note 30, at 46.

<sup>43</sup>Redistricting Vol. I, *supra* note 30, at 89:

California Chicano Legislative Representation		
Year	House	Senate
1962	2	0
1964	1	0
1966	0	0
1968	1	0
1970	2	0

The discrimination against the Latino community continued in the redistrictings of the 1970's. A major difference between the redistrictings of the 60's and the 70's in California was the significant involvement by the Mexican American community. The Mexican American community participated in various fora, including hearings before the California State Advisory Committee to the United States Commission on Civil Rights.<sup>44</sup> As a result of this increased activity, various state senators and state assembly persons met with representatives of the Mexican American community. Moreover, elected state officials from the Republican Party began to take an interest in assisting Hispanic efforts to create minority districts since the creation of such districts would have a beneficial effect on Republican districts.<sup>45</sup> In addition, the Mexican American community was able to present alternative plans to the California Legislature which did not continue the fragmentation of the Hispanic community. Unfortunately, the legislative process ignored these requests.

In 1971, the California Legislature passed redistricting plans for Congressional, senatorial, and state representative districts. These plans did not improve upon Hispanic representation. The three plans were vetoed by then Governor Reagan. In the subsequent litigation, the State Supreme Court imposed a temporary court plan for the 1972 elections. In the litigation various civil rights organizations filed petitions with the state court requesting that the plans proposed by the vetoed 1971 legislation not be incorporated into a temporary court plan.<sup>46</sup> These organizations were not successful.

The Legislature and the Governor were not able to reach an agreement and formulate redistricting plans for the state senate, state representative, and congressional districts.<sup>47</sup> Unable to reach an accord, the State Supreme Court appointed a panel of Special Masters.<sup>48</sup> Prior to the adoption of the Special Master's plan there were 5 Latino Assembly persons and no State Senators; the 1974 election resulted in a decrease of a Latino Assembly person, but an increase in

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<sup>44</sup>*Redistricting Vol. I, supra*, at 49.

<sup>45</sup>*Id.* at 56 ("At first, the Republicans ignored the demands of Chicanos for more districts, but finally the GOP leadership came to realize that solid Chicano districts could help the cause of the Republican Party by concentrating Democratic voting strength and increasing GOP chances in a number of districts where Chicano votes had traditionally provided the margin of victory for Democratic candidates.").

<sup>46</sup>*Id.* at 62-63.

<sup>47</sup>*Id.* at 64-68.

<sup>48</sup>*Legislature of State of California v. Reinecke*, 110 Cal.Rptr. 718, 516 P.2d 6 (Cal. 1973 en banc).

two Latino Senators.<sup>49</sup> By 1980, there were 4 Latino Assembly persons and 3 Latino State Senators. Although in actual numbers the plan may not have significantly increased Hispanic representation, the Masters' plan did create Hispanic districts. These districts at a minimum increased the likelihood that there would be Hispanic representation in both the Assembly and the State Senate. Although the Master's plan was a definite improvement over the redistricting plans of the 1960's, the fragmentation of the Latino community continued.

Part of this fragmentation was eliminated in the 1980's redistricting process. However, redistricting plans having a discriminatory impact in many areas of California were adopted. In the 1980 redistricting process, an extensive grass roots effort was launched. An organization called Californios for Fair Representation organized chapters across the state. These chapters incorporated a broad cross-section of the Hispanic community. With census data and maps, they formulated redistricting plans for Congressional and legislative seats. These plans were presented to the legislature in various hearings held around the state.<sup>50</sup> Apart from this extensive community input, the Hispanic legislators also monitored the process. The Speaker of the House appointed an Hispanic to chair the Assembly Elections and Reapportionment Committee.

The Californios' efforts resulted in two additional Hispanic congressional seats, raising the state total from one to three. There was no increase in the number of Hispanic assembly or senate districts, although Assembly districts with a Hispanic population above 30% rose from 12 to 17.

Immediately after the passage of the congressional and state legislative plans, Republicans mounted a drive to place on the ballot a referendum on these redistricting statutes.<sup>51</sup> A court challenge was filed in an unsuccessful attempt to invalidate the referendum. The State Supreme Court declared that the referendum could proceed as scheduled, however the upcoming

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<sup>49</sup>Redistricting Vol. I, *supra* note 30, at 69 & 89:

Year	California Chicano Representation	
	House	Senate
1972	5	0
1974	4	2
1976	4	2
1978	3	3

<sup>50</sup>*See e.g.*, Hearings, California Legislature Senate Committee on Elections and Reapportionment, San Francisco, (May 1, 1981), San Bernardino (March 27, 1981), San Diego (February 20, 1981), Sacramento (September 11, 1981), Santa Ana (March 13, 1981).

<sup>51</sup>*Assembly of State of Cal. v. Deukmejian*, 30 Cal.3d 638, 180 Cal.Rptr. 297, 639 P.2d 939 (Cal. 1982).

1982 party primary and general elections would be based upon the Legislature's 1981 plan. The electorate disapproved the redistricting statutes in the referendum. As a result of the election, the Legislature adopted another set of redistricting plans during the latter part of 1982.

Prior to the adoption of the 1982 legislative redistricting plans, an initiative seeking to establish a redistricting commission qualified for the November, 1982, election. The initiative was opposed by Californios:

“Californios for Fair Representation was publicly opposed to the commission initiative. The Latino community felt that the commission measure did not provide strong enough language to insure that Hispanic political interests would be protected. Latinos also believed it was naive to expect that a truly nonpartisan reapportionment commission could be created; they were aware of the bitter political battles that had occurred in those states that already had redistricting commissioners. Lastly, CFR was unhappy that the commission issue had emerged just at a time when Hispanics were becoming more successful in state politics.”<sup>52</sup>  
The initiative was not successful.

The 1982 redistricting plans did not significantly diminish the congressional and assembly gains secured by the 1981 plans. However, the state senate plan fragmented the Hispanic community in the Los Angeles area. Challenges to the plan were undertaken by the Republican Party. One avenue was to place on the ballot as an initiative three sets of redistricting plans for voter approval. Although the initiative qualified, the California State

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<sup>52</sup>Richard Santillan, *The Hispanic Community and Redistricting, Vol. II*, 64 (The Rose Institute, Claremont McKenna Institute) [hereinafter cited as *Redistricting Vol. II*]. The California Advisory Committee to the U.S. Commission on Civil Rights also opposed the commission initiative. California Advisory Committee To The U.S. Commission on Civil Rights, Statement on the California Initiative to Establish A Reapportionment Commission, at 18-20:

"In 1981, the Advisory Committee found that minority group representatives were active participants during reapportionment. Political activity and population increases within minority communities signal a growing influence for minorities in politics and State Government in the 1980's. A commission system would jeopardize this development by giving control of the redistricting process to a handful of individuals."

California Advisory Committee To The U.S. Commission on Civil Rights, Statement on the California Initiative to Establish A Reapportionment Commission, at 18-20.

Supreme Court declared the initiative unconstitutional.<sup>53</sup> The other avenue was an unsuccessful challenge to the plan as a partisan gerrymander.<sup>54</sup>

The most dramatic impact of the 1981 and 1982 redistricting plans was the increase in the number of Hispanic congressional districts. For the redistricting plan of the early 60's utilized in the elections for the 88th Congress there were only two congressional districts having over a 20% Hispanic population: 29th (28.0% Hispanic pop.); 30th (22.2% Hispanic pop.).<sup>55</sup> Both of these districts were located in the Los Angeles area. The 1971 temporary court ordered plan although increasing the number of congressional districts containing 20% or more Spanish population, the plan continued the fragmentation of the Hispanic community: 9th (24.9% Hispanic population) 16th (24.5% Hispanic population), 18th (20.3% Hispanic population), 19th (35.3% Hispanic population), 21st (21.1% Hispanic population), 29th (39.4% Hispanic population), 30th (49.5% Hispanic population), 35th (20.2% Hispanic population), 38th (22.2% Hispanic population), 43rd (21.3% Hispanic population).<sup>56</sup>

During the next decade, the number of congressional districts containing a 20% or more Hispanic population significantly increased.<sup>57</sup> This increase was due to the dramatic increase in the Mexican American population during the 1970's. As a result of the pressures exerted by the Mexican American community, the Legislature in 1981 created two congressional districts having over a 50% Hispanic population and another congressional district having close to a 48% Hispanic population. As a result of this plan, Hispanic congressional representation went from one to three. The 1981 plan was later superseded by the 1982 plan. The 1982 plan did not appreciably alter the Hispanic percentages for the congressional districts. The following Hispanic percentages are based upon the 1981 plan: 10th (28.0% Hispanic population), 15th (26.8% Hispanic population), 16th (21.9% Hispanic population), 17th (28.3% Hispanic population), 18th (24.3% Hispanic population), 19th (25.2% Hispanic population), 24th (26.4%

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<sup>53</sup>*Legislature of the State of Cal. v. Deukmejian*, 34 Cal.3d 658 (Cal. 1983).

<sup>54</sup>*Badham v. Eu*, 694 F.Supp. 664 (N.D.Cal. 1988), *affirmed*, 488 U.S. 1024, 109 S.Ct. 829 (1989).

<sup>55</sup>U.S. Department of Commerce, *Bureau of the Census, Congressional District Data Book* (Districts of the 88th Congress), A Statistical Abstract Supplement, at 55.

<sup>56</sup>As previously mentioned, the State Supreme Court ordered the implementation of the 1971 redistricting plans enacted by the legislature as a temporary measure since the 1971 plans were unconstitutional. Congressional Quarterly, *Congressional Districts in the 1970's*, at 25-27, 30, 32-34 (hereinafter cited as *Congressional (1970's)*). No data on Hispanic percentages was secured for the 1967 congressional redistricting plan.

<sup>57</sup>No data is presented for the Hispanic population percentage for the congressional districts developed by the Special Masters in 1973.

Hispanic population), 25th (63.6%), 26th (25.3% Hispanic population), 28th (29.6% Hispanic population), 30th (54.2% Hispanic population), 31st (25.1% Hispanic population), 32nd (22.2% Hispanic population), 34th (47.6% Hispanic population), 36th (23.3% Hispanic population), 38th (26.2% Hispanic population), 44th (26.1% Hispanic population).<sup>58</sup>

With respect to the state legislative districts under the 1982 redistricting plans, Hispanics were able to preserve their Hispanic districts in the Assembly and unable to avoid a fragmentation of the community in the senate districts. In Los Angeles County, there were four Assembly districts having a 50% or more Hispanic population.<sup>59</sup> As to the state senate districts, there were only two districts containing a 50% or more Hispanic population: S.D. 24 (70.2% Hispanic population), S.D.26 (56.7% Hispanic population).<sup>60</sup> In other counties, the Legislature in some instances increased the percentage of Hispanics in excess of the percentage requested by Californios for certain districts.<sup>61</sup> However, in other districts, the Hispanic community did not fare well. In San Joaquin County, Californios included a 41.8% Hispanic population in A.D. 31. The Legislature reduced the Hispanic percentage to 30.7%.<sup>62</sup>

During the 1991 redistricting cycle provides more examples of redistricting plans that failed to respect the Voting Rights Act by diluting minority voting strength. A commission, appointed by Governor Pete Wilson submitted redistricting plans that “decimated districts then represented by members of minority groups, reducing the number of congressional seats winnable by blacks in Los Angeles from three to one and the number of probable Latino seats in

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<sup>58</sup>Congressional Quarterly Inc., Congressional Districts in the 1980's, at 42, 48-49, 51-52, 58, 60-61, 64, 66, 68-69, 72, 74, 77, 83. A review of selected congressional districts for the 1982 redistricting plans reveals that there are hardly any significant changes with respect to Hispanic population concentrations: 25th (63.2% Hispanic population); 26th (54.5% Hispanic population); 34th (47.4% Hispanic population). *Redistricting Vol. II, supra*, at 114-15.

<sup>59</sup>A.D. 55 (59.0% Hispanic population), A.D. 56 (78.1 Hispanic population), A.D. 59 (53.3% Hispanic population), A.D. 60 (53.9% Hispanic population.) In the category between 40% and 49% Hispanic population for Los Angeles County, there was one district: A.D. 47 (47.3% Hispanic population). In the range of 30%-39% Hispanic population there was one district: A.D. 48 (34.3% Hispanic population).

<sup>60</sup>Redistricting Vol. II, *supra* note 52, at 11-14.

<sup>61</sup> For example, in San Diego County for A.D. 80, Californios requested a percentage of 29.6% Hispanic population. The 1982 plan provided a 42.2% Hispanic Population. In Orange County, Californios requested a 28.3% Hispanic population for A.D. 72. the Legislature provided a 39% Hispanic population.

<sup>62</sup>Redistricting Vol. II, *supra* note 52, at 110.

all three bodies from 10 to 5.”<sup>63</sup> Democrats passed redistricting bills and on September 23, 1991, Governor Wilson vetoed them.<sup>64</sup> The Supreme Court assumed the task of redistricting which then appointed three retired judges, as Special Masters to develop the state’s redistricting plans. The Special Master’s plans drew significant fire from minority civil rights organizations. While MALDEF’s plan proposed to create six assembly and three senate districts where Latinos comprised 40% of the registered voters, the Special Master’s Plan created only four comparable Assembly seats and two senate seats.<sup>65</sup>

### **Senate Factor Two**

The existence of racially polarized voting is an unfortunate feature of California electoral politics. Several cases in California have resulted in findings of racially polarized voting in violation of Section 2 of the Voting Rights Act. In *Garza v. County of Los Angeles*, the Ninth Circuit Court of Appeals affirmed a district finding that county supervisors’ fragmentation of the Hispanic population by which to achieve self-preservation, constituted intentional discrimination in violation of the Fourteenth Amendment.<sup>66</sup> In *Garza*, racially polarized voting was found to be a feature of supervisorial elections in Los Angeles County – Latinos voted cohesively and Anglos voted as a bloc to defeat the Latino preferred candidate. In *Gomez v. City of Watsonville* the Ninth Circuit reversed a district court finding that Latinos did not vote cohesively.<sup>67</sup> There, the court found that racially polarized voting existed in Watsonville elections and held that its at-large system of electing mayors and city councilpersons was an “impermissible obstacle to the ability of Hispanics to participate effectively in the political process.”<sup>68</sup>

Furthermore, preliminary analysis has revealed evidence of racially polarized voting in southern California. MALDEF will submit evidence of racial polarization in California’s legislative elections upon completion of the on-going study by their experts.

### **Senate Factor Five**

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<sup>63</sup>Morgan Kousser, *Reapportionment Wars: Party, Race, and Redistricting in California, 1971-1992*, ed. Bernard Grofman, in “Race and Redistricting in the 1990s” 134 at 170 (New York: Agathon Press, 1998).

<sup>64</sup>*See Wilson v. Eu*, 1 Cal.4th 707, 711 (Cal. 1992).

<sup>65</sup>*Kousser*, supra at 172.

<sup>66</sup>918 F.2d at 769-70.

<sup>67</sup>863 F.2d at 1415-16.

<sup>68</sup>*Id.* at 1419.

Latinos in California have been subjected to pervasive societal and governmental discrimination in California that has hindered the ability of Latinos to participate in the political process.

Political and civil rights violations against Latinos were not only limited to voting restrictions. Other laws and official practices marked Latinos as a distinct, often inferior, race, burdened Latinos economically and socially, and served to separate Mexican Americans from mainstream civic life, including political life.

In *People v. Hall*, Chief Justice Murray, in an opinion for the California Court of Appeal, wrote that all non-white races were inferior and that “[t]he word ‘white’ has a distinct signification, which *ex vi termini*, excludes black, yellow, and all other colors . . . it will be found that not a little difficulty existed in selecting these precise words, which were finally agreed upon as the most comprehensive that could be suggested to exclude all inferior races.”<sup>69</sup> In *Hall*, the court broadened a state statute prohibiting Blacks, Mulattos, or Indians from giving evidence in favor of or against a White man to include Chinese and all other peoples not White.<sup>70</sup> The Chief Justice based his decision on public policy and noted that permitting Chinese people to testify would “admit them to all the equal rights of citizenship, and we might soon see them at the polls, in the jury box, upon the bench, and in our legislative halls.”<sup>71</sup>

Historically, the California state legislature enacted a number of statutes that prohibited Latinos from participating in the economic and social mainstream. In 1850, the newly formed California Legislature enacted a foreign miners tax in order to eliminate competition from Mexican miners.<sup>72</sup> This law charged foreigners mining in California a monthly fee for the privilege of mining. It was enforced primarily against Mexican Americans, who, although they had become naturalized citizens through the Treaty of Guadalupe Hidalgo, were still treated as foreigners. The Legislature also enacted a land tax which put the tax burden on landowners who were predominantly Mexican ranchers and exempted Mine owners from paying taxes:

“In 1852, six southern California cattle counties had a population of 6,000 (Mostly Mexican) and paid \$42,000 in property taxes and \$4,000 in poll taxes, whereas Northern

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<sup>69</sup>4 Cal. 399, 404 (1854).

<sup>70</sup>*Id.* at 399.

<sup>71</sup>*Id.* at 404.

<sup>72</sup>Carey McWilliams, *North From Mexico: The Spanish Speaking People of the United States* 127 (Greenwood Press 1968).

California, with 120,000 persons, paid only \$21,000 in property taxes and \$3,500 poll taxes. At the same time rancheros were obligated to pay county, road, poll, and other special taxes. Between 1850 and 1856 the tax rate doubled while mines were exempted; landowners felt the brunt of the load.”<sup>73</sup>

The Land Act enacted in 1851 allowed Anglos to homestead land owned by Mexicans, and contributed to Mexicans becoming landless by the 1870s.<sup>74</sup> In 1856, California legislators passed the “Greaser Act.” The California Assembly refused to translate laws into Spanish and enacted an antivagrancy law which specified, “all persons who are commonly known as ‘Greasers’ or the issue of Spanish or Indian blood.”<sup>75</sup> Local authorities used this “vagrancy” law to jail or impose fines on unemployed Mexican Americans.<sup>76</sup>

In the 1940s, anti-Mexican sentiment was documented in a report prepared by the Los Angeles Sheriff’s Department for a 1942 grand jury in the “Case of the Sleepy Lagoon” which convicted nine Mexican youth of second degree murder plus two counts of assault.<sup>77</sup> The report disclosed that discrimination against Mexicans was prevalent but attributed it to the violent nature of Mexicans.<sup>78</sup> The report stated, “all a Mexican youth knows and feels is a desire to use a knife or some lethal weapon. In other words, his desire is to kill, or at least let blood.”<sup>79</sup> What followed in the wake of this “Sleepy Lagoon Case” were the Zoot Suit riots where U.S. servicemen searched and hunted down Mexicans, Filipinos, and African-Americans wearing

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<sup>73</sup>Rodolfo Acuña, *Occupied America: A History of Chicanos, Third Edition* 116 (Harper & Row 1988).

<sup>74</sup>*Id.* at 116.

<sup>75</sup>*Id.* at 117.

<sup>76</sup>*Id.* at 117.

<sup>77</sup>McWilliams, *supra* note 71, at 231.

<sup>78</sup>*Id.* at 233-234. The report detailed widespread discrimination: “Mexicans as a whole in this county, are restricted...to certain kinds of labor, and that being the lowest paid. It must be admitted that they are discriminated against and have been heretofore practically barred from learning trades. . .discrimination and segregation, as evidenced by public signs and rules, such as appear in certain restaurants, public swimming plunges, public parks, theaters, and even in schools. . . .”

<sup>79</sup>*Id.* at 234.

baggy pants and oversize jackets better known as “zoot suits.”<sup>80</sup> In *Lopez v. Seccombe*,<sup>81</sup> the court enjoined city officials in San Bernardino from excluding persons of Mexican and Latin descent from using the public bath house, swimming pool, playgrounds, and park facilities.

In *Lopez v. Seccombe*, 71 F.Supp. 769, 770 (S.D. Cal. 1944), city officials in San Bernardino excluded persons of Mexican and Latin descent from using the public bath house, swimming pool, playgrounds, and park facilities and it was not until 1944 that the court enjoined city officials from excluding Hispanics.

In *Romero v. Weakly*, the court compiled a history of segregation laws in California in appendix III of the opinion entitled, “History of Legislation with Respect to Segregation in California.”<sup>82</sup> In *DeRonde v. Regents of University of California*,<sup>83</sup> the California Supreme Court recognized that the “societal discrimination against ethnic minorities is an unfortunate, but *demonstrable, historical fact* (emphasis added).”

Acts of race-motivated violence increased as California’s diverse immigrant population grew.<sup>84</sup> Moreover, prejudicial attitudes still persist as Latinos continued to be perceived according to negative stereotypes. In a December 1990 study by the National Opinion Research Center that measured six characteristics including wealth, work ethic, violence, intelligence, dependency, and patriotism, over 80% of respondents rated Latinos and African-Americans lower than Whites. Latinos were rated at the bottom on three characteristics and next to last on the remaining three characteristics.<sup>85</sup>

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<sup>80</sup>Acuña, *supra* note 72, at 256-259.

<sup>81</sup>71 F. Supp. 769, 770 (S.D. Cal. 1944).

<sup>82</sup>131 F. Supp. 818 (S.D. Cal.), *rev’d* 226 F.2d 399 (9th Cir. 1955).

<sup>83</sup>28 Cal. 3d 875, 886, 172 Cal. Rptr. 677, 683 (1981), *cert. denied*, 454 U.S. 832, 102 S.Ct. 130 (1981). *See also Price v. Civil Service Com.*, 26 Cal.3d 257, 286, 161 Cal. Rptr. 474, 493 (1980) (California Supreme Court notes “the pervasive discrimination long endured by minorities in our society”).

<sup>84</sup>J. Kennedy and A. Noel, *The Ralph and Bane Civil Rights Acts: A Manual for Attorneys*, (Department of Fair Employment and Housing and the Fair Employment and Housing Commission, January 1991).

<sup>85</sup>C. Gonzales and F. Lopez, *The Empty Promise: Civil Rights Enforcement and Hispanics, Summary Report 3* (National Council of La Raza, July 1991).

## *Education*

Official discrimination against Latinos in California in the area of education has also been well documented. Starting in the 1860s, there is evidence that in California the “government required Whites and non-Whites to attend separate schools.”<sup>86</sup> In 1849, the state legislature declared Mexican mestizos and Mexican Indians as lawfully non-White, during this time the “majority of the Mexican population of California was considered non-White and therefore subject to discriminatory school codes.”<sup>87</sup> In addition to discriminatory codes, schools could not use funds to educate non-white students. For instance, “[i]n 1855, the California state legislature passed an educational law prohibiting school boards from using funds to educate non-White students. If any public school district was found enrolling non-Whites, the legislators could legally withhold state school funds.”<sup>88</sup> Even when “public education was finally extended to non-White students in 1864,” they were still required to be “instructed in separate schools.”<sup>89</sup> In fact, parents of non-White children had to petition the government of their intent to fund minority public schools and obtain approval from the local school board.<sup>90</sup> If the state granted the petition, the “school board was authorized to fund the school on the basis of the property taxes collected from non-White residents.”<sup>91</sup> However, this was quite impossible due to earlier discriminatory tax laws wherein most Californian Mexicans lost their land.<sup>92</sup> In the city of Santa Paula, for example, only seven Mexican-Americans owned property in 1902.<sup>93</sup>

School segregation of Mexican-American students intensified and “was common in California during the 1920s and 1930s.”<sup>94</sup> By 1931, “85 percent of California schools surveyed

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<sup>86</sup>Martha Menchaca, *The Mexican Outsiders: A Community History of Marginalization and Discrimination in California* 60 (University of Texas Press 1995).

<sup>87</sup>*Id.* at 62.

<sup>88</sup>*Id.*

<sup>89</sup>*Id.*

<sup>90</sup>*Id.*

<sup>91</sup>*Id.*

<sup>92</sup>*Id.* at 63.

<sup>93</sup>*Id.*

<sup>94</sup>*Id.* at 77.

by the state government reported segregating Mexican students either in separate classroom or in separate schools.”<sup>95</sup>

California school districts validated segregation of Mexican students “by stating that Mexicans had language, hygiene and learning problems.”<sup>96</sup> For example, the cities of Santa Ana (in Orange County) and Santa Paula (in Ventura County) segregated their Mexican student population on the grounds that they had “special needs”—language and hygiene problems.<sup>97</sup> In another case, the school board of Carpinteria in 1927 “announced that Mexican students would be segregated in Carpinteria because they were Indian.”<sup>98</sup> In Oxnard, the school board segregated Mexican students in the early 1930s by “(1) building a ‘Mexican school’ in the largest Mexican neighborhood in Oxnard, (2) manipulating attendance zones and (3) staggering playground periods and end-of-school-day release times so as to not allow the Mexican and Anglo students to mix in the one school attended by both.”<sup>99</sup>

The segregated schools attended by Mexican students were inferior to the Anglo schools. For example, the Santa Paula school in the mid-1920s “had a much higher student per classroom ratio and inferior facilities.”<sup>100</sup> “The Mexican school enrolled nearly 1000 students in a schoolhouse with eight classrooms and contained two bathrooms and one administrative office. On the other hand, the Anglo school enrolled less than 700 students and contained twenty-one classrooms, a cafeteria, a training shop, and several administrative offices.”<sup>101</sup> A *Los Angeles*

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<sup>95</sup>R. Donato, M. Menchaca, and R. Valencia, “Segregation, Desegregation, and Integration of Chicano Students: Problems and Prospects,” in *Chicano School Failure and Success: Research and Policy Agendas for the 1900s* 35 (The Falmer Press 1991).

<sup>96</sup>Menchaca, *supra* note 85, at 73-74.

<sup>97</sup>*Id.* [See also Menchaca, *supra* note 85, at 69. Indeed, the “hygiene rationale” was “protected by law since California’s state government permitted school administrators to prohibit children from attending school or to segregate them if they were filthy or identified them as unhealthy (California School Code I.12, 1929, cited in California State Department of Education 1929).”].

<sup>98</sup>*Id.* at 75.

<sup>99</sup>*Id.* at 76. [See also Menchaca, *supra* note 85 at 77. In 1970, when a desegregation law suit was filed in Oxnard, the judge presiding over the case “ruled that the 1970 conditions of segregation in Oxnard were inextricably tied to a historical process—that is, the well-planned scheme of forced segregation pursued in the 1930s.”].

<sup>100</sup>Donato, et. al., *supra* note 94, at 29.

<sup>101</sup>*Id.*

*Times* article, reported about a 1970 desegregation trial in which several past Oxnard Superintendents testified about the “deplorable schooling conditions Chicano children experienced in the 1930s”.<sup>102</sup>

“One school was described as literally no more than a chicken coop. It had a dirt floor, single thickness walls, very run down, some stench from the toilet facility. Another school had a floor made from ‘just black asphalt of the type you would see placed on street pavement,’ a former superintendent said. ‘In the classroom, there was a single light bulb, not a large one. . .It may have been a 100-watt bulb, screwed into an outlet in the center of the ceiling.’ ”<sup>103</sup>

Segregated schools were legitimized by laws that the California judiciary did not begin to strike down until 1947. In *Mendez v. Westminster School District*, four school systems in Orange County sought to keep Mexican children in separate schools. The court found a violation of state law because “[in the] laws relating to the public educational system in the State of California [there was] a clear purpose to avoid and forbid distinctions among pupils based upon race or ancestry except in specific situations.”<sup>104</sup>

Even after *Mendez*, which ended *de jure* segregation in California, the segregation of California’s Latino students continued. Local school boards enacted policies that allowed them to continue to segregate students. These tactics included noncompliance with desegregation plans, site selection, optional attendance plans and neighborhood school policies.<sup>105</sup> In *Jackson v. Pasadena City School District*, the California Supreme Court held that a Pasadena junior high school was racially segregated and that an adjoining junior high school zone had been gerrymandered.<sup>106</sup> In *Spangler v. Pasadena City Board of Education*, the court found racial segregation at all levels including assignment and hiring of staff.<sup>107</sup> In *Johnson v. San Francisco Unified School District*, the court ordered the San Francisco School District to desegregate and

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<sup>102</sup>*Id.*

<sup>103</sup>*Id.* at 30.

<sup>104</sup>64 F. Supp. 544, 546 (S.D. Cal. 1946), *aff’d*, 161 F.2d 774, 781 (9th Cir. 1947). (Distinctions based on race were permitted only against children of Indian, Chinese, and Japanese parentage).

<sup>105</sup>James A. Kushner, “Apartheid in America: An Historical and Legal Analysis of Contemporary Racial Residential Segregation in the United States,” 22 *Howard Law Jour.* 548, 573-524 (1979).

<sup>106</sup>59 Cal. 2d 876, 879, 31 Cal. Rptr. 606, 608 (1963).

<sup>107</sup>311 F. Supp 501 (C.D. Cal. 1970).

noted that, “for a long period of time there has been and there now is *de jure* segregation in the San Francisco public elementary schools.”<sup>108</sup>

The segregation of Latino students by academic ability groups has a long history in California. In the first half of the twentieth century, “Lewis Terman, Professor of Education at Stanford University, presented many findings from racial studies of intelligence testing research supporting the view that Blacks, Indians, and Mexican Americans were inferior to Whites.”<sup>109</sup> To further highlight the fact, in 1934, an official of the Orange County Health Department wrote that “the tendency among educators and psychologists is to assume that children of Mexican parentage are mentally inferior to white children.”<sup>110</sup>

There were California school districts during that time that tracked Mexican American students into vocational schools - schools which tend to have a curriculum for students perceived to have low levels of intelligence.<sup>111</sup> For instance in 1923, the principal of the San Fernando, Los Angeles elementary school “requested that the school, ‘attended entirely by Mexicans,’ and totaling 600 students, be officially transformed into a ‘Mexican Industrial School.’ The superintendent of schools and the Board of Education were favorably disposed to such a change, which they thought would ‘better fit the boys and girls to meet their problems of life in future years.’ ”<sup>112</sup> The training entailed that:

“The girls will have more extensive sewing, knitting, crocheting, drawn work, rug weaving, and pottery. They will be taught personal hygiene, homemaking, care of the sick. With the aid of a nursery they will learn the care of little children. The boys will be given more advanced agriculture and shop work of various kinds.”<sup>113</sup>

A principal from Montebello Elementary School, located in Southern California, “found vocational education as early as the fifth grade necessary in light of the educational problems

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<sup>108</sup>339 F. Supp. 1315, 1323 (N. D. Cal. 1971).

<sup>109</sup>Donato, et. al., *supra* note 94, at 36.

<sup>110</sup>Gilbert Gonzalez, *Chicano Education in the Era of Segregation* 68 (The Balch Institute Press 1990).

<sup>111</sup>*Id.* at 83-84.

<sup>112</sup>*Id.* at 85.

<sup>113</sup>*Id.* at 86.

affecting Mexican children.”<sup>114</sup>

Vocational training for California’s Mexican American students was also implemented at the junior high and high school levels. In the late 1940s, the principal of Los Angeles Roosevelt High School, a school overwhelmingly attended by Mexican Americans, sought to transform the school into a completely vocationalized school in order “to meet the needs of the student body. . .such as high drop-out rates, so that by the time he graduated from high school, his education might have consisted of twelve years of vocational training.”<sup>115</sup> Furthermore,

“The soon-to-be superintendent of the Chaffey School District in southern California, Merton Hill, strongly advocated vocational training for Mexican children since, he argued, Mexican children work at only about half the normal capacity of white children. ‘In communities where there is sufficient Mexican population,’ wrote Hill, ‘there should be developed industrial high schools for Mexican pupils. . . .’ He also proudly pointed out that the Chaffey Board of Education passed a resolution on February 6, 1927 that was ‘looking forward to the development of an industrial high school for Mexican pupils of the Chaffey district and other portions of San Bernardino County. . . .’”<sup>116</sup>

In the 1940s, the California State Department of Education “integrated the special occupational needs of minorities, apart from those of the majority, into its overall program guide.”<sup>117</sup> “Consequently, the highest levels of educational administration also segregated the vocational program, reinforcing the practice of allocating specific curriculum to Mexican students.”<sup>118</sup> The result of the new program guide further contributed to the “greater isolation, segregation, and socioeconomic distinctiveness of the Mexican from the Anglo communities.”<sup>119</sup>

The perception that Mexican students were inferior mentally persisted in the 1960s and 1970s among California’s public teachers. For example, the *United States Commission on Civil Rights Mexican American Education Study, Report Number 5 (Teachers and Students:*

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<sup>114</sup>*Id.* at 87.

<sup>115</sup>*Id.* at 86.

<sup>116</sup>*Id.* at 88.

<sup>117</sup>*Id.*

<sup>118</sup>*Id.*

<sup>119</sup>*Id.*

*Differences in Teacher Interaction with Mexican American and Anglo Students*) (1973), conducted a teacher- student interactions study in the Southwest (including California), and found that “Chicano students, compared to Whites, received significantly less praise and encouragement from teachers. Furthermore, teachers were found to spend less time in asking questions to Chicanos, and they provided more noncriticizing talk to White pupils than to Chicanos.”<sup>120</sup> These results led the Commission to conclude that the “disparities in teacher behavior toward Mexican Americans and Anglos are likely to hinder seriously the educational opportunities and achievement of Chicano pupils.”<sup>121</sup>

Finally, a “study of the Los Angeles Unified School District demonstrated that large differences were evident in the amount of money spent in elementary schools along racial/ethnic lines. Fairchild (1984) found that as the percentage of Chicano and other Latino students increased among the various schools, per-pupil expenditures decreased. In contrast, as the proportion of White students increased, school financing increased.”<sup>122</sup> In *Serrano v. Priest*,<sup>123</sup> the court held that California’s state public school financing system for elementary and secondary public schools violated the equal protection provisions of the state constitution.

### ***Housing***

California’s Latinos historically have also experienced housing discrimination and residential segregation resulting from official and unofficial racial restrictions and labor-related substandard housing practices.

In both Northern and Southern California, Latinos experienced residential segregation. In Northern California after 1850, “with the exception of Monterey and a few rural areas, Mexicans and Latin Americans formed ethnic enclaves or *barrios* within predominately Anglo-European cities, towns, and their surrounding countryside.”<sup>124</sup>

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<sup>120</sup>*Id.*

<sup>121</sup>*Id.*

<sup>122</sup>Richard R.Valencia, “The Plight of Chicano Students: An Overview of Schooling conditions and Outcomes,” in *Chicano School Failure and Success: Research and Policy Agendas for the 1990s* (The Falmer Press 1991).

<sup>123</sup>18 Cal.3d 728, 775-6, 135 Cal. Rptr. 345, 373-4 (Cal. 1976).

<sup>124</sup>Antonio Rios-Bustamante, “The Barrioization of Nineteenth-Century Mexican Californians: From Landowners to Laborers,” at 27, *Masterkey*, Volume 60-61, 26-35 (Summer/Fall 1986).

In Southern California Latinos fared no better. In city after city, Latinos were segregated from Anglos. Martha Menchaca finds that “a few decades after the Mexican American War, Anglo Americans were able to enforce discriminatory practices in Santa Paula and other Southwestern communities because Mexicans had been transformed into landless and politically powerless low-wage earners.”<sup>125</sup> Landless and dependent on the Anglo for employment, Mexican-Americans in Santa Paula were “forced to accept the residential boundaries drawn for them.”<sup>126</sup> By 1902,

“Mexicans were residentially segregated to the East Side, along Santa Paula Creek, regardless of their social class status. They were prohibited from buying property in the new sections of town, where the Anglo Americans resided.”<sup>127</sup>

Latinos in several other Southern California cities experienced discriminatory segregation after the Mexican-American war. For instance in San Bernardino, Chicanos had to accept the boundaries set for them by the Anglos because they were dependent on them for living wages. Mexican-Americans supplied the labor necessary to meet the demand of the railroad industry growing in San Bernardino at the end of the twentieth century.

Indeed, the first Mexican barrio in San Bernardino “originated as a railroad labor colony.”<sup>128</sup> By 1900, it “contained over half of the city’s Spanish-surnamed population.”<sup>129</sup> However in 1909, Anglo officials decided to move the barrio to “an area less conspicuous” because it had become an “‘eyesore, . . . marring the entrance of the city.’”<sup>130</sup> Another barrio was formed as “more and more [Mexican] workers were imported to meet the railroad’s needs.”<sup>131</sup> By the beginning of the 1920s, these two barrios “contained at least 60 to 70 percent of all Spanish surnamed families, and by 1928, 70 to 75 percent.”<sup>132</sup>

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<sup>125</sup>Menchaca, *supra* note 85, at 25.

<sup>126</sup>*Id.*

<sup>127</sup>*Id.* at 26.

<sup>128</sup>Camarillo, *supra* note 16, at 206.

<sup>129</sup>*Id.* at 206-207.

<sup>130</sup>*Id.* at 207.

<sup>131</sup>*Id.*

<sup>132</sup>*Id.*

In Los Angeles, social historian Del Castillo writes that “During the period 1850-1880, the poorest section of the city, measured in terms of rental and purchase of homes, was the core area.”<sup>133</sup> For example, “in 1861 the bulk of Mexican-American property owners were located in the core of the city, an area that corresponded to the heaviest concentration of the old Mexican pueblo.”<sup>134</sup> The second most populous area, in terms of Mexican-American property ownership, was the southern section of the city. This had traditionally been a small farming region.”<sup>135</sup> By 1880, more than 70 percent of Los Angeles’ Mexican Americans lived in the core and southern areas of the city.<sup>136</sup> Furthermore, of the Mexican immigrants traveling to the city, more than 83 percent of these immigrants lived in the core and southern sections of the city by 1880.<sup>137</sup>

In Los Angeles in the 1910s “Chicanos were not allowed to live in certain areas of East Los Angeles because of racially restrictive covenants that forbade the sale or rental of real estate to Mexicans.”<sup>138</sup>

In 1906, the Housing Commission took official notice of the slum conditions within Los Angeles’ barrios.<sup>139</sup> Although some non-Mexican populations also lived within the barrios, the Chicanos were “the poorest of all minorities.”<sup>140</sup> The Mexicans in these areas were residents, but were not the owners which intensified the substandard conditions. They “composed most of the inhabitants of tent and shack colonies and occupied many of the poorest house courts, often referred to as Cholo courts.”<sup>141</sup> About the Cholo courts, the Housing Commission reported,

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<sup>133</sup>Richard Griswold del Castillo, *The Los Angeles Barrio, 1850-1890: A Social History* 149 (University of California Press 1979).

<sup>134</sup>*Id.* at 141.

<sup>135</sup>*Id.*

<sup>136</sup>*Id.* at 145.

<sup>137</sup>*Id.* at 150.

<sup>138</sup>Camarillo, *supra* note 16, at 204-205.

<sup>139</sup>*Id.* at 203.

<sup>140</sup>*Id.*

<sup>141</sup>*Id.* (internal quotations omitted)

“Here we found filth and squalor on every hand. Miserably constructed houses, made of scrap sheet iron, old bagging and sections of dry goods boxes, were huddled together without any attempt at proper construction or order . . . The more Mexicans to the lot, the more money for the owner.”<sup>142</sup>

By 1920, close to a majority of Chicanos still resided in the central plaza barrio, but a growing number inhabited the East Los Angeles barrios.<sup>143</sup>

In San Diego, Chicanos were also segregated through restrictive covenants, as well as the flight of Anglos from Mexican-American neighborhoods. By 1914, because of these restrictive covenants southeast San Diego contained around twenty-five percent of the Mexican-American population.<sup>144</sup> Here, they were crowded into unsanitary “ ‘cottage and shacks,’ ”<sup>145</sup> and after World War I, the number and concentration of Mexican-Americans in the area significantly increased in San Diego.<sup>146</sup> Because of this,

“Anglo residents in the area, originally known as the Logan Heights, moved to newer subdivisions in the city and left the neighborhood to Mexicans and a small group of blacks. The addition of thousands of new residents into the Logan Heights barrio aggravated the existing overcrowded conditions as these workers helped fill labor needs in the nearby factories, fish canneries, laundries, and the construction industry in general. By the late 1920s and estimated 20,000 Mexicans were living in Logan Heights, the second largest such population in southern California.”<sup>147</sup>

Substandard housing in San Diego was at its worst in this new barrio.<sup>148</sup>

Latinos residential segregation was further institutionalized by the real estate industry. For example, the National Association of Real Estate Board’s 1943 brochure “Fundamental of

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<sup>142</sup>*Id.*

<sup>143</sup>*Id.* at 205.

<sup>144</sup>*Id.* at 209.

<sup>145</sup>*Id.*

<sup>146</sup>*Id.*

<sup>147</sup>*Id.*

<sup>148</sup>*Id.* at 210.

Real Estate Practice” explicitly stated that a real estate agent was prohibited from selling a house to a “colored” person if the sale would decrease the value of the surrounding homes. True to the national policy, in 1955, a real estate board in Los Angeles expelled members who had sold units to Latinos on the grounds that they had violated the brochure’s policy.<sup>149</sup> And in San Francisco, three out of five brokers interviewed who workers in the city said they would not offer their services to Mexican-Americans, or would do so only on a restrictive basis.<sup>150</sup>

Latino migrant workers received the worst treatment when it came to housing discrimination.

“Officials of the Farm Bureau Federation in Bakersfield admitted to the Housing Authority that the housing was kept miserable because they wanted the migrants to work then leave the area: good housing might encourage them to stay and become a burden on the schools and facilities of the community.”<sup>151</sup>

Indeed in 1963, the State of California officially noted that “agriculture workers suffer serious deficiencies in terms of both housing quality and quantity”<sup>152</sup> and that the majority of California’s agricultural workers are of Mexican origin.<sup>153</sup>

The migrant workers of Fresno also experienced substandard housing during the 1960s. In Fresno, “families engaged in farm labor [were required], at the peak of the harvest season, [to] secure non-labor camp housing. Often, they settled in the marginal areas of the city where rents [were] the cheapest”<sup>154</sup> and the housing was substandard.<sup>155</sup> In fact, this migration of Mexican

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<sup>149</sup>Davis McEntire, *Resident and Race* 241 (University of California Press 1960).

<sup>150</sup>*Id.* at 240.

<sup>151</sup>William Tim Dagodag, *Public Policy and the Housing Patterns of Urban Mexican-Americans in Selected Cities of the Central Valley*, at 143 (citing Peter Matthiessen’s study of the farmworker unionization movement, Dissertation presented at the University of Oregon, 1972).

<sup>152</sup>Oliver McMillan, “Housing Deficiencies of Agricultural Workers and other Low Income Groups in Rural and Urban Fringe Communities,” at 651 (*Report on Housing in California, Appendix Governor’s Advisory Commission on Housing Problems April 1963*).

<sup>153</sup>*Id.* at 676.

<sup>154</sup>Dagodag, *supra* note 150, at 161.

<sup>155</sup>*Id.* at 167, 170.

workers into the core of Fresno caused a housing shortage of 1600 units during the 1960s.<sup>156</sup>

In 1989, a team of researchers of the University of California system found that California Latinos continue to be “clustered in . . . perfectly identifiable communities . . . [that] are afflicted by a high incidence of poverty, unemployment and underemployment; they experience a rapid rate of population growth; they possess weak or deficient community infrastructure and resources; and they are generally neglected in the delivery of basic public services.”<sup>157</sup>

A 1999 report by the Greenlining Institute reveals the persistent effect of housing discrimination on Latinos and the institutional barriers Latinos face in acquiring loans to purchase homes.<sup>158</sup> The study indicated that in Los Angeles County, although Latinos comprise 46 percent of the population, only 1,038 home loans were made to Latinos earning \$35,000 or less. The report indicates that “Latinos in California received only 8.5 percent of all conventional home loans made. Since Latinos represent 30 percent of the population, this represents a dangerous three and a half to one difference.”<sup>159</sup> In Los Angeles County, “Latinos received only 11.4 percent of all conventional home loans. Since Latinos represent 46 percent of the Los Angeles County population, this represents a four to one differential that endangers Los Angeles’ dominant economic role.”<sup>160</sup> These disparities have exacerbated the effects of housing discrimination that Latinos have endured.

Historical housing discrimination played a major role in the creation of segregated Latino communities. This discrimination has adversely affected the ability of Latinos to participate effectively in the political process.

### **Discrimination in Employment**

Unemployment and inferior occupation distribution continues to disproportionately

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<sup>156</sup>*Id.* at 164.

<sup>157</sup>*The Challenge: Latinos in a Changing California*, The Report of the University of California SCR 43 Task Force at 130, (Introduced by Senator Robert Presley, 1989).

<sup>158</sup>*Latinos: A New Majority of Workers Without Homeownership*, The Greenlining Institute, (January 1999), available at: <http://www.greenlining.org> .

<sup>159</sup>*Id.* (emphasis in original).

<sup>160</sup>*Id.* (emphasis in original).

impact African-Americans and Hispanics. National data shows that African-Americans and Hispanics have higher unemployment levels than Whites. In 1987, the unemployment rate showed significant differences by race and ethnicity: the lowest employment rate was for Whites, at 5.3 percent; followed by Hispanics at 8.8 percent, followed by African-Americans at 13.0 percent.<sup>161</sup> African-Americans were more than twice as likely compared to Whites to be unemployed.<sup>162</sup> For Hispanics, to be in the workforce means that one is less likely to be employed, and if employed, will earn lower wages.<sup>163</sup> In California, the 1990 unemployment rate follows the national pattern: 9.6 % of African-American persons were unemployed, 8.1 % of Hispanics, and 5.4 % of Whites.<sup>164</sup>

Nationally, there is an inferior occupation distribution among African-Americans and Hispanics, who are far less likely to be employed in managerial and professional jobs.<sup>165</sup> African-American males are only half as likely as white males to be employed in the five top paying occupational categories. For example only 6.7 % of African-American employed male workers were employed in executive, administrative, and managerial jobs in 1989 compared to 14.7 of White male workers.<sup>166</sup> African-American males are overrepresented in the five lowest paying occupational categories.<sup>167</sup> The situation for African-American females is similar.<sup>168</sup> Hispanic men are also overrepresented in the lowest paying job categories and far less likely to be employed in managerial and professional jobs.<sup>169</sup> Hispanic males are most likely to be

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<sup>161</sup>U.S. Department of Health & Human Services, *Health Status of Minorities and Low-Income Groups: Third Edition* 13 (1991).

<sup>162</sup> *Id.* at 13.

<sup>163</sup> C. Gonzales and F. Lopez, *The Empty Promise: Civil Rights Enforcement and Hispanics* 6 (National Council of La Raza, July 1991).

<sup>164</sup>Bureau of Labor Statistics, U.S. Department of Labor, Bull. No. 2381, *Geographic Profile of Employment and Unemployment*, 1990 at 36 (1990).

<sup>165</sup> See National Urban League, *The State of Black America, 1990* at 62-65; National Council of La Raza, *Hispanic Education: A Statistical Portrait, 1990*, at 8-9.

<sup>166</sup> See National Urban League, *The State of Black America* 62-63 (1990).

<sup>167</sup> *Id.* at 63.

<sup>168</sup> *Id.* at 63.

<sup>169</sup> D. la Rosa and C. E. Maw, *Hispanic Education: A Statistical Portrait 1990* 9 (National Council of la Raza, October 1990).

employed as operator, fabricator and laborer.<sup>170</sup> Hispanic women are most likely to be employed in service occupations.<sup>171</sup>

Hispanic and African-American male incomes are considerably less than that of White males.<sup>172</sup> In 1989, Nationally African-American males earned \$12,609 or 60.4% of the White male median income of \$20,863.<sup>173</sup> According to a study by the National Council of La Raza, a significant portion of the earnings gap between Hispanics and Whites appears to be attributable to employment discrimination.<sup>174</sup> The study revealed that 14% of the earnings gap between White and Hispanic males and 29% of the gap between White males and Hispanic females was due to ethnicity alone.<sup>175</sup>

Governmentally sanctioned employment discrimination against African-Americans, Hispanics, and Asians has been well documented by California courts. In *U.S. v. San Francisco Firefighters*, the court approved the entry of a Consent Decree justified by a long history of discriminatory hiring and promotional practices within San Francisco's Fire Department and found that with respect to the treatment of minority members, the SFFD was "out of control."<sup>176</sup> In *Higgins v. City of Vallejo*, the court recognizes historical discrimination against minorities in Vallejo's municipal workforce and fire department.<sup>177</sup>

California courts found minority discrimination in Los Angeles' fire department<sup>178</sup> and in

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<sup>170</sup>*Id.* at 9.

<sup>171</sup> *Id.* at 9.

<sup>172</sup>Swinton, "Economic Status of African Americans: 'Permanent' Poverty and Inequality," 32 *The State of Black America, 1991* (National Urban League, Inc., 1991).

<sup>173</sup> *Id.* at 33.

<sup>174</sup>C. Gonzalez and F. Lopez, *The Empty Promise: Civil Rights Enforcement and Hispanics, Summary Report* 4-5 (National Council of La Raza, July 1991).

<sup>175</sup>*Id.* at 5.

<sup>176</sup>696 F.Supp 1287, 1289 (N.D. Cal. 1988); *aff'd, sub nom Davis v. City and County of San Francisco*, 890 F.2d 1438 (9th Cir. 1989); *cert denied*, 111 S.Ct 248 (1990).

<sup>177</sup>823 F.2d 351, 356 (9th Cir. 1987).

<sup>178</sup>*Davis v. County of Los Angeles*, 566 F.2d 1334, 1341 (9th Cir. 1977), *vacated as moot*, 440 U.S. 625 (1979) (Height requirement and written test for Los Angeles firemen have discriminatory effect on blacks and Mexican-Americans).

its sheriff's department.<sup>179</sup> An English-only workplace rule in Los Angeles' county court offices constituted a discriminatory condition of employment adversely impacting Hispanics and Asian-Americans.<sup>180</sup> *Gutierrez v. Municipal Ct. of the Southeast Judicial Dist., County of Los Angeles*, 838 F.2d 1031, 1039-40 (9th Cir. 1988) *vacated as moot*, 490 U.S. 1016 (1989). The court stated: "English-only rules generally have an adverse impact on protected groups and ordinarily constitute discriminatory conditions of employment."<sup>181</sup>

Discrimination based on ethnicity alone was recently documented using a new research technique, "Hiring Audits," which provides convincing evidence of continuing employment discrimination. The results of one study based on 360 audits conducted in San Diego and Chicago in 1989 found: "Anglo applicants received 33% more interviews and 52% more job offers than the Hispanic applicants; and 31% of the Hispanic applicants encountered unfavorable treatment in the hiring process, compared to only 11% of the Anglo applicants"<sup>182</sup>

Today, minorities continue to feel the effects of discrimination, suffering in far greater numbers from unemployment, inferior occupations, low educational achievement, and other inequality in socioeconomic conditions. The economic disparity between Anglos and Latinos in California indicated by the 1990 Census is still present today. In California, the average unemployment rate for Caucasians, based on the monthly unemployment rates from January 1992 to June 2001 reveals significant disparities. The average unemployment rate during this 114 month period is 6.9% for Anglos compared to 9.9% for Latinos.<sup>183</sup> The poverty rate in California is currently 15.35% based on a 3-year average from 1997-1999. According to the California Population survey 8.1% of Anglo and 23.6% of Latino are living below poverty level. Of those races polled Anglo population had the smallest percentage living below poverty while Latinos had the highest followed at a distance by Blacks at 19.5%.<sup>184</sup>

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<sup>179</sup>*Craig v. County of Los Angeles*, 626 F.2d 659, 661 (9th Cir. 1980), *cert. denied*, 450 U.S. 919 (1981) (Height requirement for sheriff's department had discriminatory effect on Mexican-Americans).

<sup>180</sup>*Gutierrez v. Municipal Ct. of the Southeast Judicial Dist., County of Los Angeles*, 838 F.2d 1031, 1039-40 (9th Cir. 1988) *vacated as moot*, 490 U.S. 1016 (1989).

<sup>181</sup>*Id.* at 1044.

<sup>182</sup>*Id.* at 6.

<sup>183</sup>*See California Economic Development Department*, "Labor Market Information, Figure 8: Unemployment Rates for Labor Force Groups in California By Race and Ethnicity Not Seasonally Adjusted (in Percent)," available at, <http://www.calmis.ca.gov/file/lfother/fig8.htm> (citing US Department of Labor, Bureau of Labor Statistics).

<sup>184</sup>*Id.*

In California, Latino households continue to occupy the lower rungs of the economic ladder. While the median income of white families is \$60, 200, for Latinos, the number is significantly lower: only \$31,200.<sup>185</sup> While only 57,000 Anglos family incomes are less than \$5,000 over 70,000 of Latinos families income is under \$5,000.<sup>186</sup> Latinos constitute the largest group living below the poverty line in California and constitute 53% of the total.<sup>187</sup>

### **Senate Factor Six**

Senate Factor six under *Gingles* is “whether political campaigns have been characterized by overt or subtle racial appeals.”<sup>188</sup> Like most of the other Senate Factors, this one is not essential to prove a Section 2 violation.<sup>189</sup> However, of the non-essential factors, this one is of particular importance because racial appeals, particularly those that are less subtle, come closest to constituting intentional discrimination in the jurisdiction’s political system.<sup>190</sup> Where a minority group is expressly targeted in successful campaigns for political office, racial appeals epitomize the continued presence of discrimination in the challenged electoral system.

Regrettably, in the last several years, some statewide elections in California, particularly surrounding initiative propositions, have been characterized by racial appeals and by consequent unprecedented divergence between the vote of the Latino electorate and the overall state vote on the initiatives.

Proposition 187 was enacted by a vote of 59 percent to 41 percent on election day, November 8, 1994. The enactment followed a campaign that has been nearly universally recognized as racially divisive.<sup>191</sup> Campaign commercials with grainy video of border crossings,

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<sup>185</sup> *California Current Population Survey Report: March 2000 Data*, “Table 46. Households by Household Income (1999) and Families by Family Income (1999) and Race/Ethnicity of Householder,” (March 2001).

<sup>186</sup> *Id.*

<sup>187</sup> *Id.* “Appendix A: Standard Errors (SE) and Confidence Intervals (CI) for Selected Measures.”

<sup>188</sup> S. Rep. at 29; *Gingles*, 478 U.S. at 37, 45.

<sup>189</sup> *Gingles*, 478 U.S. at 48 n.15.

<sup>190</sup> *Cf. LULAC v. Clements*, 999 F.2d 831, 876 (5th Cir. 1993) (en banc) (identifying racial appeals, non-responsiveness, and lack of success as most important of non-essential Senate Factors).

<sup>191</sup> *See, e.g., Johnson, Kevin R. (Professor of Law) Proposition 187: The Nativist Campaign, the Impact on the Latino Community, and the Future*, JSIR Research Report #15, The Julian Samora Research Institute, Michigan State University, East Lansing, Michigan, 1996 (reviewing racial undercurrent of campaign).

accompanied by ominous and thinly veiled warnings of an “invasion” of California by Mexico, became ubiquitous on television screens in the state. Proposition 187 claimed many parents; among those who claimed some form of at-least-partial authorship were a state legislator, former officials of the Immigration and Naturalization Service (INS), and anti-immigrant community activists. Some of the most prominent of these activist proponents of the initiative have, beginning with the notoriety they gained through the Proposition 187 campaign, consistently expressed beliefs that Mexico is attempting to reconquer California. The anti-Mexican nature of these public statements have earned some of their organizations classification as hate groups.<sup>192</sup> Others have been shocked to learn exactly how race-laced the rhetoric of some of these Proposition 187 proponents is and was.<sup>193</sup>

Despite the initiative’s many author/proponents, by election day in 1994, the most well-known proponent of Proposition 187 was plainly California Governor Pete Wilson, who rode the initiative to an unlikely and substantial re-election victory. “[B]ecause of his outspoken support for Proposition 187, Wilson consistently has been identified as the individual ‘spearheading’ and ‘trumpeting’ the initiative.”<sup>194</sup> By virtue of his position, Wilson could promote his views through the media relatively easily. His views shared an undeniable anti-Mexican tinge with other Proposition 187 proponents as he promoted the same view of undocumented immigration as an invasion from the south. The governor even went so far as to involve the state in a lawsuit, filed in 1994, claiming that the federal government had “violated its obligation under the Invasion Clause of Article IV, § 4 of the Constitution to protect the State from invasion” by not stemming undocumented immigration.<sup>195</sup> The unstated – and obvious to everyone -- source of this “invasion” was, of course, one country, Mexico.

In addition to the race-linked campaign rhetoric, Proposition 187, by mandating denial of government services on the basis of “reasonable suspicion” that an individual was undocumented, engendered strong concerns that it would result in service denials based on race, ethnicity, language, accent, or name alone, and that Latinos would be the primary victims of such stereotyping. Consistent with the civil rights concerns Proposition 187 engendered, statewide exit polling by the Los Angeles Times showed a racially divided electorate, with 63 percent of white voters casting a “Yes” vote, but majorities of African Americans and Asian Americans

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<sup>192</sup>See, e.g., Patrick J. McDonnell, “Brash Evangelist,” *L.A. Times Magazine*, July 15, 2001, at 14, 36 (regarding Glenn Spencer).

<sup>193</sup>See, e.g., R. Abcarian, “The Real Issue is the Color of Their Skin,” *L.A. Times*, June 19, 1996, at E1 (describing press conference involving organizations that had been proponents of Proposition 187).

<sup>194</sup>*League of United Latin American Citizens v. Wilson*, 131 F.3d 1297, 1305 (9th Cir. 1997).

<sup>195</sup>See *State of California v. United States*, 104 F.3d 1086, 1090 (9th Cir. 1997).

voting against Proposition 187, and an astounding 77 percent of Latino voters casting a “No” vote.<sup>196</sup> This dramatic difference between white and Latino voters was also reflected in the vote on Wilson’s re-election in 1994.

More recently, in the primary election of June 1998, California voters enacted Proposition 227 after a campaign that focused nearly exclusively on Latino children. First, the initiative itself addressed the education of limited-English-proficient children in public school. In so doing, the initiative targeted a student population that was at the time over 80 percent Latino and over 96 percent Latino or Asian.<sup>197</sup> Not surprisingly, having chosen to frame their initiative to focus on such a race-linked issue, the proponents cast their proposal as addressing a Latino problem. In both their opening argument and in rebuttal in the official California Ballot Pamphlet, backers of Proposition 227 portrayed the issue of LEP instruction as involving instruction of Spanish-speaking students alone.<sup>198</sup> Moreover, through its press releases, the “English for the Children” campaign often discussed the purported concerns of, and the campaign’s purported concerns for, Latino parents and Latino children.<sup>199</sup> Ron Unz, the main author and proponent of Proposition 227, also wrote numerous published opinion pieces during the campaign. These pieces often referred specifically and expressly to only one group – Latinos.<sup>200</sup> Finally, in campaign literature and letters, the “English for the Children” frequently hit the same tone and content.<sup>201</sup>

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<sup>196</sup>*Los Angeles Times* – California Exit Poll, Nov. 8, 1994.

<sup>197</sup>*See* Cal. Dep’t Educ., Number of LEP Students, By Grade Level and By Language, 1997.

<sup>198</sup>*See, e.g.*, Arg. in Favor of Prop. 227, Cal. Ballot Pamphlet, June 1998, at 34 (system of “SPANISH-ONLY education”; “Latino immigrant children” are victims of failed system; “Latino parents” support initiative; “Spanish-only bilingual education” harms Latino children); Rebuttal to Arg. Against Prop. 227, Cal. Ballot Pamphlet, June 1998, at 35 (“failed system of SPANISH-ONLY bilingual education”).

<sup>199</sup>*See, e.g.*, English for the Children, Press Release of Sept. 28, 1997, “Overcoming Leadership Opposition, California republican Party Endorses ‘English for the Children’ Initiative,” (“Republican Party leadership misunderstood the desires of ordinary Latinos”); English for the Children, Press Release of Jan. 6, 1997, “‘English for the Children’ Calls for Carmen Schroeder’s Resignation Over LAUSD ‘Three Hour Recess’ Scandal,” (Ron Unz “fully understands the outrage which Latino parents feel”).

<sup>200</sup>*See, e.g.*, Ron K. Unz, “Bilingualism Works -- But Bilingual Education Doesn’t,” *S.F. Chron.*, Jan. 30, 1998 (“system’s primary victims – Latino immigrants and their children”); Ron Unz, “Alpert-Firestone: Recipe for Chaos,” *L.A. Times*, Feb. 26, 1998 (“Spanish-only bilingual education”).

<sup>201</sup>*See, e.g.*, Yes on 227 English for the Children contribution solicitation letter (“Spanish-only activists . . . mobilize voters for SPANISH-ONLY programs”); English for the Children, Important Questions and Answers (“SPANISH-ONLY instruction”); English for the Children, signature collection letter (“**Spanish-only**”) (emphasis original).

Although the proponents of Proposition 227 attempted to portray their campaign focus on Latinos as benevolent, the outcome of the vote plainly indicates that Latinos, and many non-Latinos, understood that the intent and effect were otherwise. Like its predecessor, Proposition 227 was essentially imposed against the overwhelming wishes of the community likely to be most heavily affected. Again, statewide exit polling conducted by the Los Angeles Times showed a dramatic split between the votes of Latinos and those of the white majority. Proposition 227 passed by a vote of 61 percent to 39 percent, with 67 percent of white voters in favor; Latino voters cast ballots in a near mirror image of the overall electorate, with 63 percent against the initiative.<sup>202</sup>

Sandwiched between these two propositions, in 1996, was another racially divisive initiative, Proposition 209, which sought to eliminate affirmative action programs in public education, employment and contracting. While this initiative was less explicitly and exclusively targeted at Latinos than Proposition 187 or Proposition 227, it nonetheless inspired racial division. Moreover, in a state where Latinos are the largest minority group, representing now one third of the population, an initiative proposing to eliminate programs designed to benefit underrepresented minorities would be associated in many people's minds with Latinos. As this might suggest, then, there was again a remarkable split in the vote on Proposition 209. Although the initiative passed by a vote of 54 percent to 46 percent, 76 percent of Latinos voters cast a "no" vote, a higher percentage than any other racial/ethnic group; whites voted heavily in favor (63 percent), while African Americans (74 percent) and Asian Americans (61 percent) joined Latinos in voting heavily against the initiative.<sup>203</sup>

Proposition 63, an English-only initiative passed in 1986, generated numerous racial appeals that sought to increase fear of minority communities. Ex-Senator S.I. Hayakawa distributed pamphlets arguing that some "Chicano activists" wanted to establish a "Spanish-speaking state of Aztlan," and that this alleged movement had "national security implications."<sup>204</sup> At a legislative hearing in Los Angeles in October 1, Assemblyman Frank Hill charged that some Latino leaders want to control Latino communities by keeping people in "a language ghetto, a language barrio, where they're out of touch with the common language of this country."<sup>205</sup>

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<sup>202</sup>*Los Angeles Times* - California Exit Poll, June 2, 1998.

<sup>203</sup>*See Los Angeles Times* -- California Exit Poll, Nov. 5, 1996.

<sup>204</sup>*English-Only Proposition Kindles Minorities' Fears*, L.A. Times, October 12, 1986 at 1 (Part 1, Column 1, Metro Desk ).

<sup>205</sup>*Id.*

## Senate Factor Seven

Senate Factor seven is “the extent to which members of the minority group have been elected to public office in the jurisdiction.”<sup>206</sup> Despite significant gains throughout the 1990s, in 2001 Latinos comprise only 18.6% of the total number of state and federal legislators despite the fact that Latinos comprise 32.4% of the state’s total population. The number of Latino elected officials still lags far behind the percentage of the total Latino population in California. The analysis below utilizes the yearly roster compilation in the *National Directory of Latino Elected Officials*, produced by the National Association of Latino Elected Officials Educational Fund (NALEO). This publication lists the total number of Latino elected officials by state in particular jurisdictions.

In 1996, Latinos comprised 10.47% of the total number of state and federal elected officials in California (18/172).<sup>207</sup> Latinos accounted for 7.69% of the House of Representatives seats (4/52), 10% of senate seats (4/40), and 12.5% of assembly seats (10/80). Latinos comprised only 2.8% of the total number of county elected officials in California (58/2,013) and only 8.7% of all municipal elected officials (255/2,913).<sup>208</sup>

In 1997, Latinos comprised 13.37% of the total number of state and federal elected officials in California (23/172). Latinos accounted for 9.62% of the House of Representatives seats in California (5/52), 10% of senate seats (4/40) and 17.5% of assembly seats (14/80). Latinos comprised only 3.0% of the total number of county elected officials in California (62/2,013) and only 8.8% of all municipal elected officials (258/2,913).

In 1998, Latinos comprised 13.37% of the total number of state and federal elected officials in California (23/172). Latinos accounted for 9.62% of the House of Representatives seats in California (5/52), 10% of senate seats (4/40), and 17.5% of assembly seats (14/80). Latinos comprised only 3.5% of the total number of county elected officials in California (71/2,013) and only 10.6% of all municipal elected officials (309/2,913).

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<sup>206</sup>S. Rep. at 29; *Gingles*, 478 U.S. at 37, 45.

<sup>207</sup>Here, reference to state and federal elected officials includes only State Senators, State Assembly persons, and California Congressmembers.

<sup>208</sup>The total number of municipal elected seats (2,913), and the total number of county elected seats (2,013), are derived from *Popularly Elected Officials*, No. 2, Government Organization, Vol. 1, U.S. Department of Commerce, Economics and Statistics Administration; Bureau of Census (1992 Census of Governments) (listing the total number of elected officials by state). For purposes of this analysis, the number of county and municipal elected officials is assumed a constant throughout the decade. For county elected official seats, the corresponding NALEO categories are “county officials” and “judicial/law enforcement officials” For municipal elected official seats, the respective NALEO category is the same as the Census Bureau category.

In 1999, Latinos comprised 16.86% of the total number of state and federal elected officials in California (29/172). Latinos accounted for 9.62% of the House of Representatives seats in California (5/52), 17.5% of senate seats (7/40), and 21.25% of assembly seats (17/80). Latinos comprised only 3.3% of the total number of county elected officials in California (67/2,013) and only 10.1% of all municipal elected officials (296/2,913).

In 2000, Latinos comprised 16.86% of the total number of state and federal elected officials in California (29/172). Latinos accounted for 11.54% of the House of Representatives seats in California (6/52), 17.5% of senate seats (7/40) and 20% of assembly seats (16/80).

Latinos comprised only 2.8% of the total number of county elected officials in California (58/2,013) and only 10.5% of all municipal elected officials (308/2,913).

In 2001, Latinos comprise 18.60% of the total number of state and federal elected officials in California (32/172). Latinos accounted for 11.54% number of the House of Representatives seats in California (6/52), 17.5% of senate seats (7/40), and 23.75% assembly seats (19/80). Latinos comprised only 2.9% of the total number of county elected officials in California (59/2,013) and only 10.1% of all municipal elected officials (295/2,913).<sup>209</sup>

As these figures indicate, Latinos continue to be underrepresented in state and federal elected seats. At the municipal and county level, the levels of underrepresentation are extreme.

Latinos are also disproportionately represented by the number of districts containing Latino voting age population majorities. Furthermore, although Latinos comprise 28.1% of the total voting age population in California, Latinos suffer from a lack of representation in state legislative and congressional districts. In 2001, there are only 14 of 80 (17.5%) of assembly districts where Latinos comprise over 50% of the total voting age population. For senate districts, there are only 6 of 40 (15) that contained over a 50% Latino voting age population. In congress, there are 8 of 52 (15.38%) districts that have over a 50% Latino voting age population. These are well below the 28.1% Latino voting age population in California and a further indication of the unequal electoral opportunities for Latinos.

An examination of the totality of the circumstances reveals substantial evidence of “practical realities” that has impeded the ability of Latinos to participate as equals with the rest of

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<sup>209</sup>The total number of municipal elected seats (2,913), and the total number of county elected seats (2,013), are derived from *Popularly Elected Officials*, No. 2, Government Organization, Vol. 1, U.S. Department of Commerce, Economics and Statistics Administration; Bureau of Census (1992 Census of Governments) (listing the total number of elected officials by state).

the electorate. Historical discrimination against Latinos has left its imprint in a variety of ways, not the least of which has been the adverse impact on Latino participation in our democratic political process.

### **The 2000 Census Undercount**

Every decennial census since at least 1940 has undercounted the population of the United States. However, while the national undercount for the general population has been reduced progressively over this period, the undercount has remained consistently and substantially higher than the national undercount for African-Americans, Hispanics, other racial and ethnic minorities, persons who do not read and speak English well, and persons living in poverty or in high-crime areas. The United States Bureau of the Census refers to these groups collectively as the “chronically undercounted.”

The consequences of the undercount are many, not the least of which is the disproportionate effect it has on minorities in the allocation of state, local, and federal resources. The suit against the Census Bureau and Commerce Secretary Donald Evans by the City of Los Angeles and numerous other municipalities and counties underscores the problems the use of unadjusted data has on the equitable allocation of resources.

The use of unadjusted census data for redistricting has, during the 1990's adversely affected the ability of minorities to share in equal opportunities to elect candidates of their choice. A January 2001 study by Allan Lichtman for the U.S. Census Monitoring Board concludes that the use of corrected census data:

“had the potential to enhance minority voter opportunities in the plans drawn for the California State Senate and State Assembly, even though the number of seats in these plans would not have changed. In the State Senate, even without changing a single district line, the use of corrected data would have enhanced minority voter opportunities by increasing the baseline of majority-minority districts against which the next redistricting plan will be measured.”<sup>210</sup>

The use of corrected data in reapportionment of congressional seats might have also aided minorities in California. “If corrected data rather than uncorrected data had been used for the

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<sup>210</sup>Allan Lichtman, “Report On the Implications for Minority Voter Opportunities if Corrected Census Data Had Been Used For The Post-1990 Redistricting: States With The Largest Numerical Undercount, Presidential Members Report: Implications for Minority Voters in 2001 January, 2001” (U.S. Census Monitoring Board).

post-1990 apportionment of congressional districts among states, a congressional district would have shifted from Wisconsin to California, as a result of California's large minority percentage. The demographics of the undercount in California indicate that the additional district may well have included a majority of minority group members and thus have provided minority voters an enhanced opportunity to participate in the political process and elect candidates of their choice.”

In July 2001, the Census Bureau released the preliminary 2001 census population counts for California. In California, the net undercount rate for Los Angeles County was 1.81% which is above the 1.52% California undercount. Los Angeles County had the highest undercounted population in the state: 176,047.

Use of unadjusted data has potential legal consequences as well. Use of unadjusted data exposes the legislature to malapportionment actions as well as Section 2 liability for its potential effect of diluting minority voting strength.



# **ADDENDUM 2**

# The Role of Cross-Over Districts in a Fair Redistricting: Lessons from the 1990s

by J. Morgan Kousser  
July 28, 2001

Abstract: Assessing the fairness to California Latinos of redistricting plans for the state legislature and Congress inevitably involves a consideration of the question of what it takes to elect a Latino in contemporary California. Have the state's voters become so colorblind that Latino candidates are equally likely to be elected from districts with small, as with large proportions of Latino voters? Or on the contrary, is racial polarization so absolute that only packed, overwhelmingly Latino districts can possibly afford Latino voters an opportunity to elect candidates of their choice? What is the best index of Latino voting power? Combining election and registration statistics from the State Assembly, Senate, and Congress with facts about candidates' ethnic backgrounds for the 1994-2000 elections, this paper provides an empirical basis for evaluating redistricting plans. Its principal conclusions are:

- < Californians are not colorblind. In districts where Latinos comprise 30 percent or less of the registered Democrats, non-Latino candidates win almost 98 percent of the elections; in districts where Latinos make up a majority of Democrats, Latino candidates win 90 percent of the elections. More Latinos have won in recent elections because a Latino registration surge during the 1990s created more districts with sufficient concentrations of Latinos to win Democratic nominations, not because of a collapse in color consciousness among non-Latinos.
- < Latino candidates win nearly a fifth of the contests for seats in which Latinos amount to between 30 and 40 percent of Democrats and over two-fifths for seats in which Latinos are between 40 and 50 percent of Democrats. These are the critical "cross-over" seats. The fairness of a redistricting to Latinos must be judged largely on just how these seats are designed – that is, on who else is in them. Latinos can be elected where they form a large enough plurality over Democratic candidates from other ethnic backgrounds to win the Democratic nomination, but only where Democrats have a sufficient registration advantage to carry the general election.
- < Since Latino Republican seats cannot easily be distinguished from other Republican seats, there is no general method for increasing the proportion of Latino Republicans in office in California today. Thus, including Latino Republicans in a quantitative analysis will detract from, instead of add to, one's ability to assess the fairness of redistricting to Latinos.

## I. Introduction

What does it take to elect a Latino in contemporary California? Have we become so enlightened, so colorblind, that ethnicity no longer matters? Or, on the contrary, is the electorate still stuck in the same historic racial rut, so that “majority-minority” districts are absolutely necessary for Latino victory? These are crucial questions in evaluating the racial fairness of competing redistricting plans in 2001. What are the conditions that would enable Latinos to enjoy, in the words of the Voting Rights Act, “an equal opportunity to participate in elections and to elect a candidate of their choice”?

Combining information about candidate ethnicity drawn largely from biennial reports in the *California Journal* with data about the ethnic and partisan composition of legislative and congressional districts available from the UC Berkeley Statewide Data Base and the California Secretary of State’s office, some of which has been put into aggregate form by the MALDEF staff, this paper provides a snapshot of the changing political/ethnic realities of the nation’s largest and most sociologically complex state.

This analysis is nonpartisan, pointing up opportunities and problems for both political parties. If Democrats scatter too many Latinos in districts where they comprise less than a substantial plurality of the Democratic registrants, Republicans can offer Latinos plans that contain more plurality Latino Democratic districts, perhaps draining Latinos from nearby districts and making those districts more likely to vote Republican. If Republicans concentrate Latinos in too small a number of districts, Democrats can point out that Latinos could increase their total representation if their pluralities among Democrats were somewhat lower. Judges who assess the

ethnic fairness of redistricting in the lawsuits that seem invariably to follow every reapportionment can compute statistics similar to those presented in this paper for competing redistricting plans. Using these tools, the judges can then determine, on the basis of immediate past experience, what the likely consequences to Latinos of each plan would be, whether or not the plans were adopted by the legislature.

## **II. Choosing Indices of Electoral Power**

The essential task in such an inquiry is to find the best measure of Latino voting power and to compare that with the success of the candidates who are most strongly preferred by those voters. There are four currently available choices for a measure of Latino voting power: population, voting age population, overall registration, and registration within the Democratic party.<sup>1</sup> Although all are highly correlated,<sup>2</sup> only registrants can vote, and there is a good deal of variation across legislative districts in the proportions of the total population of all ages or of

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<sup>1</sup>The registration figures are estimates available on the website of the Statewide Data Base, and they are widely used. They were compiled by comparing the names of every registrant with a Spanish-surname dictionary. The website contains district-level estimates of ethnicity by party (e.g., of Latino Democrats) for the Assembly, Senate, and Congress for 1994 and 2000, and of ethnic registration for 1994, 1996, 1998, and 2000. I calculated the proportion of Latino registrants who were Democrats for each district for 1994 and 2000, interpolated those percentages for 1996 and 1998, and multiplied the overall proportion of registrants who were Latino in 1996 and 1998 by the interpolated figures.

<sup>2</sup>For example, for the 80 Assembly districts in the 2000 election, the correlation coefficients between the percentages Latino of the population, the voting-age population, all voter registrants, and Democratic registrants range from 0.93 to 0.98.

voting age who are registered to vote.<sup>3</sup> If measuring electoral influence is the goal, the population and voting-age percentages are, in this instance at least, rather crude indicators.

Should one, then, use Latino registration rates for all parties as the principal index of Latino strength in the electorate and the election of Republican, as well as Democratic Latino legislators as an index of the success with which Latino voters translate their franchises into power? Is it realistic to ignore partisanship in an analysis of Latino influence in California in 2001? Election data shows that it would not merely be unrealistic to ignore party labels -- it would be folly.

First, consider the electorate. An estimated 65.8% of Latinos in California in the year 1994 registered as Democrats, compared to 21.6% who registered as Republicans.<sup>4</sup> In a system of closed primaries or one in which few voters cross party lines in the blanket primaries that were used in California during most of the 1990s, Latino voters can realistically hope to have a major influence only on the nominations of Democratic candidates. Second, there is substantial variation from district to district in the proportion of Latinos who register as Democrats. In the 2000 Assembly, the mean (average) proportion of Latinos who are Democrats is 60%, but the standard deviation (a measure of dispersion about the mean) is 7.6%, and the range from district

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<sup>3</sup>For the 2000 Assembly districts, an average of 25% of the total population, young and old, citizen and non-citizen, is registered to vote, but this ranges from 11% in one district to 46% in another, with a standard deviation (a measure of the average dispersion about the mean of a variable) of 6.5%. An average of 39% of the Latinos of voting age registered to vote in the same districts, with a range of 19% to 61% from district to district and a standard deviation of 8.8%.

<sup>4</sup> The general California trend away from registering with the two major parties continued in the 1990s. In 1994, 49% of all California voters registered as Democrats, while 37.2% registered as Republicans. By the 2000 election, the Democratic registration percentage had slipped to 45.4% and the Republican, to 34.9%. Latinos followed the same pattern as other Californians, only 61.8% of them registering as Democrats and 19.8% as Republicans in 2000.

to district is from 41% to 73%. Using the overall Latino registration rate, rather than the Latino Democratic registration rate as an indicator of Latino voting power would underestimate the ability of Latinos to influence nominations in some districts and overestimate it in others.

If voting is the input, then candidates' election is the output of the electoral process. How should one gauge the success of minority voters? Since the beginning of minority ethnic politics in the United States, most famously with the massive Irish immigration to America in the 1840s and 50s, emerging minority ethnic groups have most preferred candidates from their own ethnic group. As Latino voting in the recent Los Angeles mayoral race once again demonstrates, the same behavioral law that governed Irish-American voting behavior in the 19<sup>th</sup> century holds for Latino Americans in California today. So although not every Latino voter prefers to vote for a Latino candidate in every instance, not every Latino candidate considers himself or herself a representative of the Latino community, and many non-Latino officeholders are quite responsive to Latino interests, the election of Latino candidates is still the most appropriate, least complicated, and least ambiguous measure of Latino political influence across districts and across time.

But should Republican, as well as Democratic Latino elected officials count in this index at this time in California? Again, let the data decide. Consider Table 1, which divides Assembly districts in the November, 2000 election into six groups, depending on the party and ethnicity of the winning candidate, and spells out some ethnic and partisan traits of the groups of districts.<sup>5</sup> Three contrasts and one similarity are especially notable. First, note that African-Americans

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<sup>5</sup>There were no African-American or Asian-American Republicans elected to the California Assembly in the 2000 election. For a discussion of the estimates of black and white registered voter percentages, see the Appendix.

comprise the majority of registered voters in the districts that elect black legislators, and Latinos comprise the plurality in districts that elect Latino Democrats. In all other types of districts, Anglos account for at least 63.6% of the voters, rising to 79% in Anglo Republican districts. That is why Latinos and African-Americans are called “under-represented” minorities: On average, they must control at least pluralities of the relevant electorates in districts that they seek to represent. Where whites control such pluralities, they elect Latinos in only one special case.

That special case -- Latino Republicans -- highlights the second contrast, that between districts that elected Latino Democrats and those that elected Latino Republicans. The Latino proportion of the registered voters is two and a half times as high in the 16 Democratic as in the 4 Republican districts, and a more conventional measure of voting strength, the proportion of the voting age population that is Latino, is 2.2 times as high. Latino registered voters comprise 42% of the district of the average Latino Democratic member of the Assembly, but less than half as high a percentage of the constituency of the legislators of any other ethnicity. They form the core of the electorate for Latino Democrats, but not for Latino Republicans.

The third contrast is between the partisan groups. As I have shown elsewhere, statistical models based only on partisan registration percentages predicted nearly 90% of the outcomes of California Assembly and congressional races from 1970 through 1996.<sup>6</sup> And the partisan registration percentages in the Democratic and Republican districts in Table I differ dramatically, regardless of the ethnicity of the successful candidates. In all of the Democratic groups of districts, Democrats outnumbered Republicans by an average of at least twenty percentage

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<sup>6</sup>Kousser, “Reapportionment Wars: Party, Race, and Redistricting in California, 1971-1992,” in Bernard Grofman, ed., *Race and Redistricting in the 1990s* (N.Y.: Agathon Press, 1998), 134-90.

points, while in districts that elected Latino, as well as Anglo Republicans, Republicans outnumbered Democrats by seven or more percentage points.

This third contrast accents, as well, the key similarity in Table 1: The districts that send Latino Republicans to Sacramento are much more similar to those that send Anglo Republicans than to those of any other group. Since Latinos comprise a much smaller proportion of Republicans than of Democrats in California today, they necessarily have much less power in the Republican than in the Democratic party, and the conditions of that power are much less predictable. Consider one more statistic. The average Latino percentage of the Republican registration in the four districts that elected Latino Republicans to the Assembly in 2000 was only 10.2%, which was below the Latino percentage of the Republican registration of 12.7% in the 76 other districts in the state. That is, the Latino Republicans were elected from districts in which Latino Republican voters have less voting power in the Republican party than in the average district in the state.

While knowledgeable political consultants might be able to draw districts that would be likely to elect particular Latino Republican politicians, it is much more difficult for political scientists to discover correlates of districts that would have a good chance of doing so. There is just no easy way to differentiate such districts from any other districts that are friendly to Republican candidates.

Three conclusions follow immediately: First, there is no general rule for designing Latino Republican districts. Second, including Latino Republicans in any predictive tables or equations will just decrease one's ability to generalize. Third, the index of Latino influence on election outcomes that will yield the broadest conclusions is the Latino percentage of registered

Democrats.

In brief, any rational assessment of the fairness of redistricting for Latinos in California in 2001 must be confined to the behavior of Latino Democratic voters and Latino Democratic politicians. As a redistricting strategy for Latinos, it makes sense to concentrate on winning Democratic nominations; as an evaluative strategy for political scientists, it makes sense to concentrate on measuring Latino power within the Democratic party.

### **III. Trends**

#### **A. The Assembly**

The simplest way to present our index of Latino voting power, on the one hand, and its effectiveness in electing Latino candidates, on the other, is in a series of tables, one for each legislative body in each election year from 1994 to 2000.<sup>7</sup> Table II. A., whose four parts depict Assembly election results from 1994 through 2000, shows the most change, because Assembly districts are smaller, campaigns are therefore easier to finance and organize, and the six-year term limits are shorter than for the Senate, causing more mandated turnover than in the other two bodies. (The U.S. Supreme Court ruled it unconstitutional for states to limit congressional

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<sup>7</sup>The lack of 1992 Latino registration data currently available on the Statewide Data Base precludes an analysis of that election at this time. Although the 1994 election was the high point of the decade for California Republicans, it does not seem to have had a major impact on Latino politicians' fortunes. No Latino incumbent lost, and the number of Latino Democratic nominees who were beaten in the general election was not out of line with the numbers from other elections during the decade.

terms.) Tables II. B. and II. C. are identical for each of the other legislative bodies, with cell entries being the number of districts in each category, by decile. Thus, the first cell of the first column of Table II. A. 1. shows that Latinos comprised fewer than ten percent of the registered Democrats in 29 Assembly districts in 1994. The first row of the second column shows that in such overwhelmingly non-Latino districts, no Latino Assembly candidates were elected, while the third row shows that none received the Democratic nomination, and the fourth, that in only two such districts were there even any Spanish-surnamed candidates.<sup>8</sup>

The trends are quite interesting. Two are most significant – the growth in Latino registration and the increase in the number of Latino members of the Assembly. The increase in the Latino proportion of the Democratic registrants grew much faster than the Latino proportion of the overall population did. From 1994 to 2000, the Latino proportion of the population in California rose from 28.7% to 32.4%, an increase of 13.2%. But the Latino proportion of Democratic registration jumped from 16.1% to 22.1%, a 37.3% rise. The Latino population did not just grow. It politicized dramatically during the 1990s, especially from 1994 to 1996, in the aftermath of the controversy over Proposition 187, which was viewed by many Latinos as a racial issue.

This increased registration changed the political calculus in many legislative districts. In 1994, there were 29 Assembly districts in which the Latino proportion of the Democratic registration was in single digits; by 2000, only 15 districts. In 1994, there were 9 Assembly

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<sup>8</sup>Candidates not in serious contention for nominations, or candidates for parties that are in hopeless minority positions within districts are often barely mentioned in the press or remembered for very long by outside observers. Thus, in a good many cases, I was forced to rely on surnames to determine ethnicity. Although I made special efforts to separate Basque and Portuguese surnames from Spanish ones, I undoubtedly made some errors.

districts in which Latinos amounted to forty percent or more of the Democratic registration; in 2000, there were 15. And registration led to election: the number of Latinos in the Assembly rose from 10 in 1994 to 16 in 2000, with districts in which Latinos comprised forty percent or more of the Democrats accounting for 5 of the 6 additional seats.

The two trends highlight two basic facts that are relevant to the evaluation of districts in 2001: First, the California electorate is not colorblind. In 1994, in the 64 Assembly districts in which Latinos amounted to thirty percent or less of the registered Democrats, only 4 Latino Democrats were nominated, and only 1 was elected. In 2000, there were still 61 districts in which Latinos made up thirty percent or less of the Democratic registration, and there were only 5 Latinos nominated and 3 elected. The likelihood of a Latino being elected to the Assembly in the year 2000 from a district in which the Democratic registration was seventy percent or more non-Latino was three out of 61 or 4.9%, while in districts where Latinos made up half or more of the Democrats, the probability was 88.8%. Second, an increasing proportion of Latino candidates can be elected from districts in which Latinos comprise between thirty and fifty percent of the Democratic registrants – 5 out of 12 in 1994, and 5 out of 10 in 2000. These districts might have been considered “influence districts” during the 1991-92 round of redistricting. Today, they should be considered Latino “opportunity” or “cross-over” districts. As the Latino population continues to diffuse within urban areas, such as the San Gabriel Valley and northern Orange County, it is these ethnically mixed areas where Latino percentages are likely to experience the most growth during the next decade.

It is also worth noting that the number of Latinos nominated, but not elected to the Assembly has hardly grown – from 5 to 6 from 1994 to 2000. Apparently, savvy Latino

politicians are not wasting their time running for largely empty nominations in overwhelmingly Republican districts, and Democratic electorates are not making symbolic ethnic nominations. But there are a lot more districts of every sort in which one or more Spanish-surnamed candidates are competing – a sign of an increasingly active political group of amateurs, as well as professionals. In 1994, there were Latino candidates for the Democratic nomination for the Assembly in 19 of the 80 districts; in 2000, in 29.

### **III.**

#### **B. The Senate**

Senate trends are somewhat more difficult to discern because in years divisible by four, 1996 and 2000, there were no districts up for election in which Latinos comprised a third or more of the Democratic registrants. In those years, there were only two and four Latinos, respectively, who won Democratic Senate nominations, and none who managed to be elected. The 1994 and 1998 elections were much more useful for tracking the Senate.

The trends are similar to those in the Assembly – rising percentages of registrants and rising numbers of Latino candidates elected. In 1994, including one special election, only 4 of 21 seats had more than forty percent Latino Democratic registrants; in 1998, 5 of 20. More spectacularly, in 1994, 4 Latinos were elected, with none from districts below thirty percent Latino; in 1998, 7 were elected, including 2 from districts in which the Latino percentage of Democratic registrants was less than twenty percent. In every district above thirty percent Latino

of the Democratic registration where there was a Latino candidate for the nomination in 1998, there was a Latino elected. As with the Assembly, it will instructive to pay special attention later in this report to the crossover districts.

### **III.**

#### **C. Congress**

Although it might have been expected that the Latino political upsurge would be muted in the congressional delegation, since members of Congress are not subject to term limits and the well-known incumbency advantage is quite potent, the pattern of congressional elections rather closely mirrors those in the term-limited Assembly and Senate. First, the number of congressional districts in which Latinos comprised less than ten percent of the Democratic registration fell from 18 to 8 from 1994 to 2000, while the number in which Latinos exceeded forty percent rose from 5 to 8. Second, the number of Latinos elected rose in the same years from 4 to 6, with one in the 2000 election coming from a district in which Latinos made up less than thirty-eight percent of the Democrats. The number of districts in which Latinos contested primaries jumped from 6 to 11, and the number in which they were nominated, but not elected rose from 0 to 3. In Congress, as well as in the state legislature, the picture is the same: greater registration, greater opportunity, more elected officials.

Since a third of the Latinos elected to Congress from California in 2000 came from districts in which Latino voters made up less than a majority of Democratic registrants, it would

be an egregious mistake for Latinos to insist on drawing only majority-Latino Democratic registration districts and unfair for any court truly interested in equal opportunity to establish such a percentage as a “bright-line” rule.<sup>9</sup>

### **III. D. Summary of the Trends and Conditions**

Table III, which simply adds up all the parts of Table II, is static, but still revealing. In the 482 Assembly, Senate, and congressional districts where Latinos comprised less than thirty percent of the Democratic registration, Latino candidates won only 10 times, or in only 2.1 percent of the contests. On the other hand, in districts where Latinos amounted to fifty percent or more of the Democratic registration, they won 49 of 54 times, or 90.1 percent. Thus, the outcomes in either overwhelmingly Latino or overwhelmingly non-Latino districts, which account for 87.9% of the districts in California from 1994 through 2000, are as close to being sure bets as anything gets in the politics of a democracy. The really interesting cases are in the other 12.1% of the districts, those in which Latino voters control between thirty and fifty percent of the Democratic registration. There, they were successful in electing Latino candidates nearly a third of the time – 18.9% of the time in districts between 30 and 40 percent Latino Democratic registration and 45.9% of the time in districts between 40 and 50 percent. Such districts are the key to Latino opportunity in the next decade. What explains the pattern of their victories and losses during the 1990s?

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<sup>9</sup>As Tables IV and V, below, show, nearly all of the districts in which between 30% and 50% of the Democrats are Latinos also contains a Latino majority of the voting age population, which would likely satisfy the U.S. Supreme Court’s criteria for districts under Section 2 of the Voting Rights Act, as set forth, at least implicitly in *Johnson v. De Grandy*.

#### **IV. What Happened in the Crossover Districts?**

Why did Latinos win in some districts in which their percentage of the Democratic registration was between thirty and fifty percent, but lose in others? If one were designing or evaluating the design of such districts, what other characteristics would encourage or discourage the success of Latino candidates? In particular, what difference does the partisan composition of the registrants, which has been shown to be an extremely potent predictor of electoral success in California, make to the prospects of Latino candidates in districts where they must seek support from non-Latino voters?

Table IV summarizes information given in much more detail in the parts of Table V. It divides all of the Assembly, Senate, and congressional districts in the state from the 1994 through 2000 elections in which Latinos comprised between thirty and fifty percent of the registered Democrats into four groups – those that elected Latino, Anglo, or Asian Democrats, and those that elected Anglo Republicans. (There were no Asian or Latino Republican candidates elected from such districts.) Since each district counts once for each election, a district that, for example, sent the same Anglo Republican to Congress four times is counted four times in the Anglo Republican totals.

Two contrasts are most significant. First, consider the Latino and Anglo percentages of registered Democrats in districts that elected Latino versus Anglo Democrats. In those that elected Latinos, the Latino Democratic percentage averaged 11 points higher than the Anglo Democratic percentage, while in those that elected Anglos, the Latino Democratic percentage averaged less than three points higher than the Anglo Democratic percentage. Apparently, in districts where Latinos had strong pluralities, enough African-Americans and Asian-Americans

supported the Latino candidate in the primary to nominate him or her. Or perhaps for some reason there were more white cross-overs in more strongly Latino plurality districts than in less strongly ones. In either case, the same conclusion follows straightforwardly: To nominate a Latino Democrat, create a district with a solid Latino plurality among Democrats.

But of course, nomination is not the same thing as election, and the second contrast defines the needle to be threaded. As in all 80 Assembly districts pictured in Table I, above, there is in the subset of districts studied in Table IV a stark contrast in the Democratic registration margin in districts won by Democrats of whatever ethnic group and Anglo Republicans. In districts won by Democratic candidates, the percentage of Democratic registrants exceeded that of Republican registrants by an average of 23 percent or more. In districts won by Republicans, the average difference was less than 6 percent. The vast majority of these Republicans are Anglos. In eight of the twenty-five contests in which Republicans won the general election, the Democrats that they beat were Latinos. But six of these nominations came in effectively overwhelmingly Republican districts, where no Democrat would have had much of a chance to win the general election. The second conclusion is therefore as obvious as the first: To elect any Democrat, make sure that the district has a fairly hefty Democratic registration margin.

Putting the two conclusions together defines the task: To draw Latino cross-over districts, one needs enough non-Latino Democrats to elect a Latino Democratic nominee, but not so many as to deny a Latino primary candidate the nomination.

## V. Cross-Over Districts and the “Racial Gerrymandering” Cases

The tables generated for this report and the analysis made of them should help to avoid the dilemmas posed for redistricters by *Shaw v. Reno* and its progeny. Because the Latino population has grown so much in the last generation, because there is still a substantial amount of housing segregation among Latinos, and because Latinos are concentrated in the Democratic party, it would take an almost unprecedented gerrymander to eliminate or even greatly reduce the number of legislative districts in which Latinos comprise a majority of the Democratic registrants. And as the figures in Table III show, those districts are extremely likely to elect Latino Democratic representatives. On the other hand, to increase the proportion of Latinos in such districts – to “pack” more Latinos into districts that Latinos can already easily win – would not only decrease the opportunity of Latino voters to elect more candidates of their choice, thus contravening Section Two of the Voting Rights Act, but it would also exacerbate the problems that Justice O’Connor decried in *Shaw v. Reno* as the “balkanization” or “segregation” of more voters by ethnicity.<sup>10</sup>

Emphasizing cross-over districts, on the other hand, obviates both difficulties. In districts in which Latinos are a plurality within the Democratic party, they must obviously reach out to voters from other groups in order to be elected. As Justice Souter put it in *Johnson v. De Grandy*, in such districts, minorities must “pull, haul, and trade to find common political ground.” Voters in cross-over districts are by definition not segregated or stereotyped, and the

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<sup>10</sup>Whatever the validity of Justice O’Connor’s assertions as matters of political sociology or psychology, the weighted phrases for ethnic concentration that she used in *Shaw v. Reno* will no doubt echo through litigation over the 2001 round of redistricting. It would be unwise for the shapers or assessors of redistricting plans to ignore her words.

nature of the electorate cannot possibly cue elected officials to pay attention only to the majority ethnic group, for there is, among registered voters, no majority ethnic group, even within one political party. No member of any ethnic group in such a district can be guaranteed a seat; they can only be provided with an opportunity. All of these concerns that the Supreme Court mentioned in *Shaw v. Reno* and subsequent related opinions cannot apply to districts in which there is no ethnic majority of voters. Yet at the same time, as the figures from Tables IV and V demonstrate, cross-over districts with certain traits in California in 2001 may avoid either over-concentration or dilution of Latino political strength, satisfying Section 2 of the Voting Rights Act by providing Latinos an opportunity to elect more of their most preferred candidates.

The best way to evaluate the ethnic fairness of the 2001 redistricting in California is to concentrate on and closely evaluate the number and nature of the districts in which the state's largest minority ethnic group constitutes between thirty and fifty percent of the registered Democrats.

## Appendix: Estimating the Ethnicity of Registered Democrats

The Statewide Database gives estimates, based on surname indices, for the number of Latinos and Asian-Americans registered, by party. The rest of those registered must be African-Americans and non-Latino whites. According to the 1994 Current Population Survey of the U.S. Bureau of the Census, the registration rates of African-American and Anglo adults in California are approximately equal. In fact, 60.0% of African-Americans and 58.4% of whites in the state reported that they were registered to vote.<sup>11</sup> There is no reason to believe that the registration rates of these two groups changed markedly over the decade. Let us therefore assume that whites and blacks registered in equal proportion to their proportion of the voting age population in each district. We then estimate the proportion of registered voters who are African-American in each district by the following formula:

$$1) B = (1 - L/T - A/T) * (BV / (BV + WV)) * T,$$

where B = number of blacks registered

L = number of Latinos registered

T = total registration of all groups

A = number of Asians registered

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<sup>11</sup>The CPS data is at <http://www.census.gov/population/socdemo/voting/work/tab04a.txt>. The CPS also found that 24.5% of those of Hispanic origin said that they were registered. The Statewide Database for 1994 gives a figure of 27.2%. Since Californians are quite mobile and the registration rolls are imperfectly purged or are purged with some lag when people move, one would expect any index based on registration lists to exaggerate the number of individuals who should actually count as registered. Therefore, the CPS and Statewide Database estimates are really quite close to each other.

BV = black voting age population,

WV = white voting age population, and

\* signifies multiplication.

Similarly,

$$2) W = (1 - L/T - A/T) * (WV / (BV + WV)) * T,$$

where W = number of whites registered.

We then estimate the proportion of registered blacks who are Democrats by performing the following weighted least-squares regression over the relevant districts (the 1994 Assembly districts for the 1994 Assembly estimate, the 1998 Senate districts for the 1998 Senate estimate, etc.):

$$3) D/T = \hat{\alpha}_0 + \hat{\alpha}_1 L/T + \hat{\alpha}_2 B/T + \hat{\alpha}_3 W/T + \hat{\alpha}_4$$

where D = number of Democrats registered.

We then calculate the number of black Democrats in each district (assuming that the proportion Democratic within the blacks registered is the same in every district) by:

$$4) BD = (\hat{\alpha}_0 + \hat{\alpha}_2) * B,$$

where BD = number of black Democrats.

And WD, the number of white Democrats, is simply the remainder:

$$5) WD = D - LD - AD - BD,$$

where LD = number of Latino Democrats, and

AD = number of Asian Democrats.

I use weighted least-squares regression, instead of King's "ecological inference" model, because EI does not seem to work well for more than two groups. The weight in each district is

the total registered, but unweighted estimates and estimates weighted by the voting age population differ only slightly. Since the Statewide Data Base gives estimates of Latino and Asian registration by party, and equation 3) above yields regression estimates of those quantities, we have a natural test of the adequacy of the regression estimates for blacks and whites – how well the regression estimates for Latinos matches the Statewide Data Base estimates.<sup>12</sup> Table A-1 compares the two sets of estimates. Regression more closely approximates the correct value when the number of districts on which it is based is highest – that is, when it is based on 80 Assembly districts, rather than 40 Senate or 52 congressional districts. But all of the estimates are fairly good, with the worst missing the mark by six percentage points and the best off by one-tenth of a percentage point. This suggests that the estimates of the black Democratic proportion are reasonably accurate.

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<sup>12</sup>As scholars have understood for some time, ecological regression estimates of the behavior of small groups whose proportions vary little from district to district are often very inaccurate. See Kousser, “Making Separate Equal: Integration of Black and White School Funds in Kentucky,” *Journal of Interdisciplinary History* 10 (1980), 427-28. This is the case with the estimate of Asian Democrats. In 1994, Asians accounted for only one percent of the registered voters, a figure that varied from 0.8 percent to only 15.9 percent across the 80 Assembly districts. By contrast, the Latino proportion of the registered voters, 11.5, is much closer to the estimated black proportion, 8, in that year, and the percentages of both groups vary a great deal more from district to district than those for Asian-Americans do. It is reasonable, therefore, to ignore the estimates of Asian Democrats.

**Table A-1: Testing the Accuracy of Regression Estimates of the Percentage Democratic among Latinos**

		% of Latinos who are Democratic, according to	
Year	Body	Statewide Database	Regression
1994	Assembly	65.8	67.7
1996	Assembly	64.2	62.9
1998	Assembly	63.1	63
2000	Assembly	61.8	59
1994	Senate	65.8	63.8
1998	Senate	63.1	59.8
1994	Congress	65.8	63.4
1996	Congress	64.3	58.8
1998	Congress	63.1	58.8
2000	Congress	61.8	55.7

It is also possible to perform a simple sensitivity test to determine how much difference it makes to the key estimates in Table IV just how accurate the regression estimates of the percentage of African-Americans who are Democratic are. Table A-2 shows that it does not affect any of the conclusions of this paper. The regression estimates of the percentage of blacks who register as Democrats range from 93.6% to 100%. What if one substituted 80% for  $\hat{a}_2$  in

equation 4) above, instead? The entries in Table A-2 compare the original estimates of the black and white percentages of the Democratic registration in districts that have between 30% and 50% Latino Democratic registration with estimates based on substituting 80% for  $\hat{a}_2$  in equation 4). Each changes by about three percentage points, but since the shifts are parallel for the two sets of candidates, the conclusions are not disturbed.

**Table A-2: How Sensitive are Estimates of the Proportion of Democrats Who are Black and White to Assumptions about the Proportion of Blacks Who are Democratic?**

Traits of Average District		Party and Ethnicity of Winning Candidates	
		Latino Dem.	Anglo Dem.
<i>Regression estimates (from Table IV) of % of Democrats</i>	<i>Black</i>	22.9	21.1
	<i>Anglo</i>	31	36.4
<i>Estimates of % of Democrats Assuming Blacks are 80% Dem.</i>	<i>Black</i>	19.3	17.8
	<i>Anglo</i>	34.5	39.7

## Tables

**Table I: We Are Not Colorblind or Nonpartisan Yet:**

**Ethnic and Partisan Differences in Assembly Districts in the 2000 Election**

Traits of Average District		Party and Ethnicity of Winning Candidates, Nov. 2000		
		Latino Repub.	Latino Dem.	Black Dem.
<i>Number of Districts</i>		4	16	4
<i>% of Registered Voters</i>	<i>Latino</i>	16.1	41.8	20.8
	<i>Black</i>	5.1	9.9	55.3
	<i>Asian</i>	5.9	8.8	4.0
	<i>Anglo</i>	72.9	39.4	19.9
<i>% Latino of Voting Age Population</i>		25.2	55.7	45.9
<i>Democratic Registration Margin (D-R)</i>		-7.4	29.1	60.5

Traits of Average District		Party and Ethnicity of Winning Candidates, Nov., 2000		
		Anglo Repub.	Anglo Dem.	Asian Dem.
<i>Number of Districts</i>		26	27	3
<i>% of Registered Voters</i>	<i>Latino</i>	12.3	13.3	10.1
	<i>Black</i>	4.4	7.6	17.7
	<i>Asian</i>	4.3	7.4	8.7
	<i>Anglo</i>	79	71.7	63.6
<i>% Latino of Voting Age Population</i>		20.7	20.7	17.4
<i>Democratic Registration Margin (D-R)</i>		-10.2	22.6	20.4

**Table II: The Conditions of Latino Electoral Success**

**A. 1: The State Assembly, 1994**

<b>Percent Latino of Registered Democrats</b>	<b>Number of Districts in Each Decile</b>	<b>Number of Districts in which a Latino Democrat was Elected</b>	<b>Number of Districts in which a Latino Democrat was Nominated, but not Elected</b>	<b>Number of Districts in which a Latino ran in the Democratic Primary</b>
<b>0-10</b>	29	0	0	2
<b>10-20</b>	29	1	3	4
<b>20-30</b>	6	0	1	1
<b>30-40</b>	7	2	1	3
<b>40-50</b>	5	3	0	5
<b>50-60</b>	3	3	0	3
<b>60-70</b>	1	1	0	1
<b>70-80</b>	0	0	0	0
<b>80-90</b>	0	0	0	0
<b>90-100</b>	0	0	0	0

## II. A. 2: 1996 Assembly

<b>Percent Latino of Registered Democrats</b>	<b>Number of Districts in Each Decile</b>	<b>Number of Districts in which a Latino Democrat was Elected</b>	<b>Number of Districts in which a Latino Democrat was Nominated, but not Elected</b>	<b>Number of Districts in which a Latino ran in the Democratic Primary</b>
<b>0-10</b>	16	0	0	0
<b>10-20</b>	30	2	0	2
<b>20-30</b>	16	1	0	3
<b>30-40</b>	3	1	2	3
<b>40-50</b>	6	1	2	4
<b>50-60</b>	5	4	1	5
<b>60-70</b>	3	3	0	3
<b>70-80</b>	0	0	0	0
<b>80-90</b>	1	1	0	1
<b>90-100</b>	0	0	0	0

### II. A. 3: 1998 Assembly

<b>Percent Latino of Registered Democrats</b>	<b>Number of Districts in Each Decile</b>	<b>Number of Districts in which a Latino Democrat was Elected</b>	<b>Number of Districts in which a Latino Democrat was Nominated, but not Elected</b>	<b>Number of Districts in which a Latino ran in the Democratic Primary</b>
<b>0-10</b>	17	0	0	1
<b>10-20</b>	29	0	3	3
<b>20-30</b>	16	1	0	1
<b>30-40</b>	2	0	0	0
<b>40-50</b>	7	3	1	6
<b>50-60</b>	5	5	0	5
<b>60-70</b>	3	3	0	3
<b>70-80</b>	0	0	0	0
<b>80-90</b>	1	1	0	1
<b>90-100</b>	0	0	0	0

## II. A. 4.: 2000 Assembly

<b>Percent Latino of Registered Democrats</b>	<b>Number of Districts in Each Decile</b>	<b>Number of Districts in which a Latino Democrat was Elected</b>	<b>Number of Districts in which a Latino Democrat was Nominated, but not Elected</b>	<b>Number of Districts in which a Latino ran in the Democratic Primary</b>
<b>0-10</b>	15	0	0	1
<b>10-20</b>	29	0	3	5
<b>20-30</b>	17	3	2	6
<b>30-40</b>	4	1	0	2
<b>40-50</b>	6	4	1	6
<b>50-60</b>	5	4	0	5
<b>60-70</b>	3	3	0	3
<b>70-80</b>	0	0	0	0
<b>80-90</b>	1	1	0	1
<b>90-100</b>	0	0	0	0

## II. B. The State Senate

### B. 1.: 1994

<b>Percent Latino of Registered Democrats</b>	<b>Number of Districts in Each Decile</b>	<b>Number of Districts in which a Latino Democrat was Elected</b>	<b>Number of Districts in which a Latino Democrat was Nominated, but not Elected</b>	<b>Number of Districts in which a Latino ran in the Democratic Primary</b>
<b>0-10</b>	4	0	0	1
<b>10-20</b>	7	0	1	1
<b>20-30</b>	5	0	0	1
<b>30-40</b>	1	1	0	1
<b>40-50</b>	2	1	0	1
<b>50-60</b>	1	1	0	1
<b>60-70</b>	1	1	0	1
<b>70-80</b>	0	0	0	0
<b>80-90</b>	0	0	0	0
<b>90-100</b>	0	0	0	0

**II. B. 2. : 1996 Senate**

<b>Percent Latino of Registered Democrats</b>	<b>Number of Districts in Each Decile</b>	<b>Number of Districts in which a Latino Democrat was Elected</b>	<b>Number of Districts in which a Latino Democrat was Nominated, but not Elected</b>	<b>Number of Districts in which a Latino ran in the Democratic Primary</b>
<b>0-10</b>	5	0	1	1
<b>10-20</b>	10	0	1	1
<b>20-30</b>	5	0	0	0
<b>30-40</b>	0	0	0	0
<b>40-50</b>	0	0	0	0
<b>50-60</b>	0	0	0	0
<b>60-70</b>	0	0	0	0
<b>70-80</b>	0	0	0	0
<b>80-90</b>	0	0	0	0
<b>90-100</b>	0	0	0	0

### II. B. 3.: 1998 Senate

<b>Percent Latino of Registered Democrats</b>	<b>Number of Districts in Each Decile</b>	<b>Number of Districts in which a Latino Democrat was Elected</b>	<b>Number of Districts in which a Latino Democrat was Nominated, but not Elected</b>	<b>Number of Districts in which a Latino ran in the Democratic Primary</b>
<b>0-10</b>	2	0	0	0
<b>10-20</b>	8	2	0	3
<b>20-30</b>	3	0	0	0
<b>30-40</b>	3	1	0	1
<b>40-50</b>	2	1	0	1
<b>50-60</b>	1	1	0	1
<b>60-70</b>	1	1	0	1
<b>70-80</b>	1	1	0	1
<b>80-90</b>	0	0	0	0
<b>90-100</b>	0	0	0	0

## II B. 4.: 2000 Senate

<b>Percent Latino of Registered Democrats</b>	<b>Number of Districts in Each Decile</b>	<b>Number of Districts in which a Latino Democrat was Elected</b>	<b>Number of Districts in which a Latino Democrat was Nominated, but not Elected</b>	<b>Number of Districts in which a Latino ran in the Democratic Primary</b>
<b>0-10</b>	5	0	1	1
<b>10-20</b>	7	0	0	1
<b>20-30</b>	7	0	2	2
<b>30-40</b>	1	0	1	1
<b>40-50</b>	0	0	0	0
<b>50-60</b>	0	0	0	0
<b>60-70</b>	0	0	0	0
<b>70-80</b>	0	0	0	0
<b>80-90</b>	0	0	0	0
<b>90-100</b>	0	0	0	0

**Table II. C.: Congress**

**C. 1.: 1994**

<b>Percent Latino of Registered Democrats</b>	<b>Number of Districts in Each Decile</b>	<b>Number of Districts in which a Latino Democrat was Elected</b>	<b>Number of Districts in which a Latino Democrat was Nominated, but not Elected</b>	<b>Number of Districts in which a Latino ran in the Democratic Primary</b>
<b>0-10</b>	18	0	0	0
<b>10-20</b>	19	0	0	0
<b>20-30</b>	8	0	0	1
<b>30-40</b>	2	0	0	1
<b>40-50</b>	2	1	0	1
<b>50-60</b>	3	3	0	3
<b>60-70</b>	0	0	0	0
<b>70-80</b>	0	0	0	0
<b>80-90</b>	0	0	0	0
<b>90-100</b>	0	0	0	0

## II. C. 2: 1996 Congress

<b>Percent Latino of Registered Democrats</b>	<b>Number of Districts in Each Decile</b>	<b>Number of Districts in which a Latino Democrat was Elected</b>	<b>Number of Districts in which a Latino Democrat was Nominated, but not Elected</b>	<b>Number of Districts in which a Latino ran in the Democratic Primary</b>
<b>0-10</b>	10	0	0	0
<b>10-20</b>	17	0	1	1
<b>20-30</b>	13	0	0	0
<b>30-40</b>	5	0	0	0
<b>40-50</b>	2	1	0	2
<b>50-60</b>	2	1	0	1
<b>60-70</b>	2	2	0	2
<b>70-80</b>	1	1	0	1
<b>80-90</b>	0	0	0	0
<b>90-100</b>	0	0	0	0

### II. C. 3.: 1998 Congress

<b>Percent Latino of Registered Democrats</b>	<b>Number of Districts in Each Decile</b>	<b>Number of Districts in which a Latino Democrat was Elected</b>	<b>Number of Districts in which a Latino Democrat was Nominated, but not Elected</b>	<b>Number of Districts in which a Latino ran in the Democratic Primary</b>
<b>0-10</b>	9	0	0	0
<b>10-20</b>	19	0	1	1
<b>20-30</b>	13	0	2	2
<b>30-40</b>	4	0	0	0
<b>40-50</b>	2	1	0	2
<b>50-60</b>	2	1	0	2
<b>60-70</b>	2	2	0	2
<b>70-80</b>	1	1	0	1
<b>80-90</b>	0	0	0	0
<b>90-100</b>	0	0	0	0

## II. C. 4.: 2000 Congress

<b>Percent Latino of Registered Democrats</b>	<b>Number of Districts in Each Decile</b>	<b>Number of Districts in which a Latino Democrat was Elected</b>	<b>Number of Districts in which a Latino Democrat was Nominated, but not Elected</b>	<b>Number of Districts in which a Latino ran in the Democratic Primary</b>
<b>0-10</b>	8	0	0	0
<b>10-20</b>	20	0	1	1
<b>20-30</b>	11	0	1	3
<b>30-40</b>	5	1	1	2
<b>40-50</b>	3	1	0	1
<b>50-60</b>	2	1	0	1
<b>60-70</b>	2	2	0	2
<b>70-80</b>	1	1	0	1
<b>80-90</b>	0	0	0	0
<b>90-100</b>	0	0	0	0

**Table III: Where Latinos Run, Where Latinos Win**  
(Summary of Table II)

<b>Percent Latino of Registered Democrats</b>	<b>Number of Districts in Each Decile</b>	<b>Number of Districts in which a Latino Democrat was Elected</b>	<b>Number of Districts in which a Latino Democrat was Nominated, but not Elected</b>	<b>Number of Districts in which a Latino ran in the Democratic Primary</b>
<b>0-10</b>	138	0	0	7
<b>10-20</b>	224	5	14	23
<b>20-30</b>	120	5	8	20
<b>30-40</b>	37	7	5	14
<b>40-50</b>	37	17	4	29
<b>50-60</b>	29	24	1	27
<b>60-70</b>	18	18	0	18
<b>70-80</b>	4	4	0	4
<b>80-90</b>	3	3	0	3
<b>90-100</b>	0	0	0	0

**Table IV: Ethnic and Partisan Traits of Cross-Over Districts, 1994-2000**  
 (Assembly, Senate, and Congressional Districts where  
 the Latino Percentage of the Democratic Registration  
 is between 30 and 50 Percent)

Traits of Average District		Party and Ethnicity of Winning Candidates			
		Latino Dem.	Anglo Dem.	Asian Dem.	Anglo Repub.
<i>Number of Districts</i>		24	22	2	25
<i>% of Democrats</i>	<i>Latino</i>	42.2	39.2	42.1	37.1
	<i>Asian</i>	3.9	3.2	25.4	3.1
	<i>Black</i>	22.9	21.1	14.8	12.9
	<i>Anglo</i>	31.0	36.4	37.8	46.9
<i>% Latino of</i>	<i>Reg. Voters</i>	33.2	30.5	31.3	24.9
	<i>Voting Age Population</i>	51.8	46.2	42.7	40.5
	<i>Population</i>	56.8	50.9	47	45.3
<i>% Anglo of Voting Age Population</i>		28	32.5	27	43.9
<i>Democratic Registration Margin (D-R)</i>		23.8	23.4	34.9	5.6

**Table V: Cross-Over Districts in Detail**  
**A. 1.: The Assembly, 1994**

Traits of Districts		Districts Represented by a			
		Latino Dem.	Anglo Dem.	Asian Dem.	Anglo Rep.
<i>Number of Districts</i>		5	2	0	5
<i>District Numbers</i>		31, 45, 46, 62, 79	23, 39		28, 30, 61, 69, 80
<i>% of Democrats</i>	<i>Latino</i>	39.4	36.4		37.2
	<i>Asian</i>	2.7	2.3		1.7
	<i>Black</i>	26.1	16.9		13.4
	<i>Anglo</i>	31.9	44.3		47.7
<i>% of Registered Voters Latino</i>		34.2	30.6		26.7
<i>% of Voting Age Population Latino</i>		53.9	51.9		48.6
<i>% of Population Latino</i>		58.6	56.6		53.8
<i>% of Voting Age Population Anglo</i>		24.8	27.3		39.8
<i>Democratic Registration Margin (D - R)</i>		35.1	36		14.4

## V. A. 2.: 1996 Assembly

Traits of Districts		Districts Represented by a			
		Latino Dem.	Anglo Dem.	Asian Dem.	Anglo Rep.
<i>Number of Districts</i>		2	0	1	6
<i>District Numbers</i>		62, 79		23	28, 30, 37, 60, 61, 80
<i>% of Democrats</i>	<i>Latino</i>	43.6		44	41.2
	<i>Asian</i>	1.2		4.9	2.4
	<i>Black</i>	39.3		15.1	14.6
	<i>Anglo</i>	15.9		36	41.8
<i>% of Registered Voters Latino</i>		33.4		31.7	26.6
<i>% of Voting Age Population Latino</i>		48.8		42.2	41.5
<i>% of Population Latino</i>		53.7		46.5	46.3
<i>% of Voting Age Population Anglo</i>		28.8		28.1	43.9
<i>Democratic Registration Margin (D - R)</i>		25.4		35.2	7.2

### V. A. 3.: 1998 Assembly

Traits of Districts		Districts Represented by a			
		Latino Dem.	Anglo Dem.	Asian Dem.	Anglo Rep.
<i>Number of Districts</i>		3	1	1	4
<i>District Numbers</i>		30, 61, 79	62	23	28, 37, 60, 80
<i>% of Democrats</i>	<i>Latino</i>	46.1	44.3	40.1	37.9
	<i>Asian</i>	1.2	1	5.8	2.8
	<i>Black</i>	29.2	34.7	14.4	9.8
	<i>Anglo</i>	23.5	19.9	39.6	49.6
<i>% of Registered Voters Latino</i>		35.2	32.6	30.8	25.7
<i>% of Voting Age Population Latino</i>		51.1	49.6	43.1	39.6
<i>% of Population Latino</i>		55.9	54.3	47.4	44.6
<i>% of Voting Age Population Anglo</i>		30.3	31.4	25.9	44.7
<i>Democratic Registration Margin (D - R)</i>		17.7	28.5	34.5	6.5

**V. A. 4.: 2000 Assembly**

Traits of Districts		Districts Represented by a			
		Latino Dem.	Anglo Dem.	Asian Dem.	Anglo Rep.
<i>Number of Districts</i>		5	2	0	3
<i>District Numbers</i>		23, 28, 30, 61, 79	26, 62		37, 60, 80
<i>% of Democrats</i>	<i>Latino</i>	45.2	37.2		37.9
	<i>Asian</i>	5.8	2.8		4.8
	<i>Black</i>	19	19.1		10.3
	<i>Anglo</i>	30	40.9		47
<i>% of Registered Voters Latino</i>		35.7	30.5		25.7
<i>% of Voting Age Population Latino</i>		50.3	45		38.2
<i>% of Population Latino</i>		55.2	49.8		43.3
<i>% of Voting Age Population Anglo</i>		29.1	39.2		44.4
<i>Democratic Registration Margin (D - R)</i>		20.2	19.3		2

**Table V. B.: The Senate**

**1.: 1994**

Traits of Districts		Districts Represented by a			
		Latino Dem.	Anglo Dem.	Asian Dem.	Anglo Rep.
<i>Number of Districts</i>		2	1	0	0
<i>District Numbers</i>		22, 32	16		
<i>% of Democrats</i>	<i>Latino</i>	37.3	44.4		
	<i>Asian</i>	3	1.2		
	<i>Black</i>	24.6	16.2		
	<i>Anglo</i>	35.1	38.2		
<i>% of Registered Voters Latino</i>		31.3	34.7		
<i>% of Voting Age Population Latino</i>		52.7	50.6		
<i>% of Population Latino</i>		57.3	55.2		
<i>% of Voting Age Population Anglo</i>		27	36.2		
<i>Democratic Registration Margin (D - R)</i>		29.8	25.6		

**V. B. 2.: 1998 Senate**

Traits of Districts		Districts Represented by a			
		Latino Dem.	Anglo Dem.	Asian Dem.	Anglo Rep.
<i>Number of Districts</i>		2	3	0	0
<i>District Numbers</i>		38, 32	30, 34, 40		
<i>% of Democrats</i>	<i>Latino</i>	39.2	40		
	<i>Asian</i>	1.7	3.5		
	<i>Black</i>	20.7	18.2		
	<i>Anglo</i>	38.4	38.3		
<i>% of Registered Voters Latino</i>		29.7	29.2		
<i>% of Voting Age Population Latino</i>		49.7	46		
<i>% of Population Latino</i>		55	51.1		
<i>% of Voting Age Population Anglo</i>		34	34.2		
<i>Democratic Registration Margin (D - R)</i>		24.7	11.5		

## Table V. C.: Congress

1.: 1994

Traits of Districts		Districts Represented by a			
		Latino Dem.	Anglo Dem.	Asian Dem.	Anglo Rep.
<i>Number of Districts</i>		1	2	0	1
<i>District Numbers</i>		30	16, 20		46
<i>% of Democrats</i>	<i>Latino</i>	43	40.3		31.2
	<i>Asian</i>	5.4	2.4		4.2
	<i>Black</i>	14	14.8		8.3
	<i>Anglo</i>	37.7	42.5		56.2
<i>% of Registered Voters Latino</i>		37.4	31.2		21.2
<i>% of Voting Age Population Latino</i>		58	44.5		50
<i>% of Population Latino</i>		62.6	48.7		55.3
<i>% of Voting Age Population Anglo</i>		16.5	34.7		33.2
<i>Democratic Registration Margin (D - R)</i>		40.5	26.3		8

V. C. 2.: 1996 Congress

Traits of Districts		Districts Represented by a			
		Latino Dem.	Anglo Dem.	Asian Dem.	Anglo Rep.
<i>Number of Districts</i>		1	4	0	2
<i>District Numbers</i>		46	16, 26, 42, 50		23, 41
<i>% of Democrats</i>	<i>Latino</i>	42.7	38.2		32.2
	<i>Asian</i>	7.1	2.7		2.7
	<i>Black</i>	8.9	26.3		14.8
	<i>Anglo</i>	41.3	32.9		50.3
<i>% of Registered Voters Latino</i>		25.5	28		19.3
<i>% of Voting Age Population Latino</i>		52.2	43.3		32.2
<i>% of Population Latino</i>		57.8	47.9		36.2
<i>% of Voting Age Population Anglo</i>		29.7	34.1		52.8
<i>Democratic Registration Margin (D - R)</i>		6.6	21.7		-4

### V. C. 3.: 1998 Congress

Traits of Districts		Districts Represented by a			
		Latino Dem.	Anglo Dem.	Asian Dem.	Anglo Rep.
<i>Number of Districts</i>		1	4	0	1
<i>District Numbers</i>		46	16, 26, 42, 50		41
<i>% of Democrats</i>	<i>Latino</i>	43.6	38.6		35.3
	<i>Asian</i>	8	2.7		4
	<i>Black</i>	8	23		20.9
	<i>Anglo</i>	40.3	35.8		39.7
<i>% of Registered Voters Latino</i>		29	32		23.5
<i>% of Voting Age Population Latino</i>		54.3	45.2		35.2
<i>% of Population Latino</i>		60.1	49.9		39.3
<i>% of Voting Age Population Anglo</i>		26.3	31.4		42.5
<i>Democratic Registration Margin (D - R)</i>		6.2	24		-6.1

### V. C. 4.: 2000 Congress

Traits of Districts		Districts Represented by a			
		Latino Dem.	Anglo Dem.	Asian Dem.	Anglo Rep.
<i>Number of Districts</i>		2	3	0	3
<i>District Numbers</i>		42, 46	16, 26, 50		23, 28, 41
<i>% of Democrats</i>	<i>Latino</i>	41.4	39.8		32.6
	<i>Asian</i>	7.6	7.3		5.5
	<i>Black</i>	18.6	20.1		13.3
	<i>Anglo</i>	32.4	32.7		48.7
<i>% of Registered Voters Latino</i>		31.4	33.1		22
<i>% of Voting Age Population Latino</i>		51.3	47.3		32.6
<i>% of Population Latino</i>		56.6	52		36.7
<i>% of Voting Age Population Anglo</i>		29.2	26.6		47.3
<i>Democratic Registration Margin (D - R)</i>		13.7	26.7		-.6

# **ADDENDUM 3**

**MALDEF - WCVI Congressional Redistricting Plan - July 31, 2001**

**Latino Democrat Percentage of Total Democrat Registrants  
 Latino Republican Percentage of Total Republican Registrants  
 Districts 1-25**

<b>District</b>	<b>Total Registration</b>	<b>Latino Registration</b>	<b>Latino Registered Democrats (Total Number of Registered Democrats)</b>	<b>Democrat Registration (Total Number)</b>	<b>Latino Registered Democrats (Percentage of Total Democrat Registration)</b>	<b>Latino Registered Republicans (Total Number of Registered Republicans)</b>	<b>Republican Registration (Total Number)</b>	<b>Latino Registered Republicans (Percentage of Total Registered Republicans)</b>
01	340,401	23,964	14,119	156,456	9.02%	4,358	107233	4.06%
02	350,481	14,659	7,337	127,378	5.76%	3,964	154035	2.57%
03	312,945	31,586	19,395	135,521	14.31%	6,010	117776	5.10%
04	370,018	18,175	9,074	126,703	7.16%	5,469	176364	3.10%
05	305,986	35,816	24,058	162,649	14.79%	5,200	85887	6.05%
06	357,470	17,310	10,613	180,708	5.87%	2,944	100127	2.94%
07	312,941	33,064	21,095	177,037	11.92%	5,332	76158	7.00%
08	401,077	38,614	25,357	229,114	11.07%	4,065	51456	7.90%
09	325,500	23,446	15,815	208,136	7.60%	1,957	37313	5.24%
10	346,296	27,253	16,747	147,325	11.37%	5,749	136528	4.21%
11	283,068	44,483	27,896	128,276	21.75%	11,820	119053	9.93%
12	323,699	36,683	22,620	167,182	13.53%	5,756	77479	7.43%
13	248,628	40,624	27,041	133,478	20.26%	5,671	60230	9.42%
14	332,040	22,831	14,111	149,761	9.42%	3,620	104251	3.47%
15	341,528	31,087	19,382	154,899	12.51%	5,470	112310	4.87%
16	240,157	63,845	42,956	120,387	35.68%	7,825	62363	12.55%
17	285,884	62,334	42,183	143,575	29.38%	9,141	81897	11.16%
18	264,755	54,728	34,103	123,590	27.59%	12,836	103293	12.43%
19	339,705	34,568	19,364	124,019	15.61%	9,722	164279	5.92%
20	179,658	75,460	48,690	90,463	53.82%	15,740	63808	24.67%
21	291,821	44,188	24,033	101,676	23.64%	12,661	142543	8.88%
22	358,746	43,167	25,991	140,690	18.47%	8,577	141243	6.07%
23	317,443	62,648	39,731	128,682	30.88%	11,240	127147	8.84%
24	330,667	33,525	19,219	150,324	12.79%	7,622	119293	6.39%
25	304,585	36,119	18,421	109,638	16.80%	10,791	140274	7.69%

**MALDEF - WCVI Congressional Redistricting Plan - July 31, 2001**  
**Latino Democrat Percentage of Total Democrat Registrants**  
**Latino Republican Percentage of Total Republican Registrants**  
**Districts 26-53**

<b>District</b>	<b>Total Registration</b>	<b>Latino Registration</b>	<b>Latino Registered Democrats (Total Number of Registered Democrats)</b>	<b>Democrat Registration (Total Number)</b>	<b>Latino Registered Democrats (Percentage of Total Democrat Registration)</b>	<b>Latino Registered Republicans (Total Number of Registered Republicans)</b>	<b>Republican Registration (Total Number)</b>	<b>Latino Registered Republicans (Percentage of Total Registered Republicans)</b>
26	189,194	76,214	51,735	111,770	46.29%	10,211	40969	24.92%
27	334,965	49,726	30,111	147,995	20.35%	11,320	123136	9.19%
28	292,280	66,620	39,073	121,620	32.13%	14,936	115241	12.96%
29	406,448	21,654	12,982	215,334	6.03%	3,827	100625	3.80%
30	226,600	100,428	70,939	135,215	52.46%	12,755	42641	29.91%
31	217,155	106,027	71,832	121,114	59.31%	15,758	52097	30.25%
32	292,055	39,620	27,312	203,448	13.42%	4,601	36993	12.44%
33	154,082	78,442	54,296	95,682	56.75%	10,320	30314	34.04%
34	259,170	128,934	89,778	147,671	60.80%	19,080	66948	28.50%
35	240,610	47,501	31,251	165,554	18.88%	6,644	34531	19.24%
36	390,083	36,810	20,395	160,179	12.73%	9,101	152514	5.97%
37	250,873	57,875	37,492	160,511	23.36%	8,227	45438	18.11%
38	201,115	83,809	57,701	125,874	45.84%	10,671	40969	26.05%
39	301,751	49,242	26,234	104,426	25.12%	14,106	145021	9.73%
40	311,747	39,975	21,090	108,264	19.48%	11,847	149480	7.93%
41	261,511	58,000	30,963	101,273	30.57%	17,069	115529	14.77%
42	208,689	72,741	46,859	115,823	40.46%	14,671	61365	23.91%
43	279,151	42,229	21,054	91,897	22.91%	13,828	142130	9.73%
44	238,072	63,069	38,947	101,765	38.27%	12,340	95975	12.86%
45	340,485	27,029	12,788	106,585	12.00%	8,852	166668	5.31%
46	178,488	60,965	39,732	83,528	47.57%	12,351	64928	19.02%
47	348,877	27,706	12,321	98,796	12.47%	9,855	184555	5.34%
48	322,507	26,889	11,358	84,695	13.41%	9,501	172864	5.50%
49	381,973	32,223	16,894	152,162	11.10%	7,718	136079	5.67%
50	234,141	84,939	47,283	112,289	42.11%	18,789	68454	27.45%
51	327,796	29,953	13,351	100,786	13.25%	9,326	151297	6.16%
52	349,228	27,861	12,475	109,580	11.38%	9,047	164539	5.50%
53	239,413	65,841	39,432	102,834	38.35%	16,178	101460	15.95%

# **ADDENDUM 4**

**Congressional Districts by 1997 Estimated Per Capita Income  
(calculated Block Groups)**

**(Includes Block Groups with Per Capital Income of Zero)**

Congressional District	Mean (\$)	Std. Deviation (\$)
1	17567	8849
2	14743	6012
3	16322	8159
4	20420	9282
5	18274	11129
6	28509	17070
7	20577	9256
8	26991	20336
9	20327	14382
10	28090	14201
11	16790	10888
12	27427	14144
13	20852	11991
14	37353	20465
15	27562	11334
16	19461	11414
17	20791	13369
18	14006	7600
19	18359	10217
20	9432	5071
21	15637	8220
22	21709	13196
23	21282	11385
24	29441	15264
25	23148	9652
26	14807	6807
27	26448	16874
28	20385	10959
29	49485	31104
30	13916	8850
31	13201	5615
32	21111	15522
33	11125	9743
34	15328	6667
35	14948	8604
36	33879	18772
37	13782	9038
38	12906	6727
39	22988	10528
40	19905	10173
41	17673	7749
42	12139	5863
43	17303	7306
44	16288	15176
45	28779	17901
46	15235	7794
47	34249	19300
48	28419	14327
49	25028	14121
50	12144	5859
51	24518	13951
52	22646	9573
53	13069	7545
<b>All Districts Combined</b>	<b>21124</b>	<b>15011</b>

**Congressional Districts by 1997 Estimated Per Capita Income  
(calculated Block Groups)**

**(Excludes Block Groups with Per Capital Income of Zero N=156)**

<b>Congressional District</b>	<b>Mean (\$)</b>	<b>Std. Deviation (\$)</b>
1	17699	8750
2	14848	5902
3	16484	8035
4	20639	9086
5	18320	11105
6	28638	17000
7	20767	9084
8	27439	20201
9	20587	14288
10	28177	14137
11	16868	10852
12	27617	14007
13	21148	11813
14	37587	20314
15	27951	10926
16	19786	11225
17	20961	13289
18	14205	7466
19	18666	10020
20	9548	4992
21	15727	8157
22	21805	13145
23	21542	11207
24	29601	15150
25	23148	9652
26	14807	6807
27	26612	16797
28	20385	10959
29	49485	31104
30	13984	8818
31	13278	5540
32	21154	15508
33	11385	9705
34	15559	6443
35	15088	8522
36	34155	18596
37	13966	8956
38	12906	6727
39	22988	10528
40	20024	10086
41	17744	7682
42	12250	5772
43	17477	7132
44	16338	15172
45	28846	17868
46	15282	7760
47	34820	18942
48	28606	14186
49	25074	14093
50	12177	5832
51	24600	13901
52	22646	9573
53	13099	7528
<b>All Districts Combined</b>	<b>21281</b>	<b>14955</b>

# **ADDENDUM 5**

## **MALDEF-WCVI Congressional Redistricting Plan City/County Split Explanation**

The following are justifications for the city and county splits contained in the MALDEF-WCVI Congressional Redistricting Plan submitted July 17, 2001. All city and county divisions are necessary and justified. The explanations fall into three major categories: 1.) to comply with the one-person, one-vote rule; 2.) to comply with Section 2 or Section 5 of the Voting Rights Act; and 3.) to maintain communities of interest.

Where the plan contains city and/or county divisions, every effort was made to ensure that those divisions respected communities of interest.

<b>City</b>	<b>Districts</b>	<b>Justification</b>
Anaheim	39, 46, 47	Because Anaheim's elongated city boundary is non-compact and irregularly shaped, precedence is given to drawing a compact congressional district.
Arcadia	28, 31	A small, non-contiguous portion of the city is placed in CD 31.
Bakersfield	20, 21	The city has sufficient population for multiple districts. Also, Bakersfield is not unified so as to comply with Section 5 of the Voting Rights Act.
Carpinteria	22, 23	The city is currently divided by CD 22 and CD 23 and a greater portion of the city is placed in CD 22. The city is divided to minimize further county divisions.
Chino	28, 41	Chino is divided to maintain equal population in CD 28, 41, and the neighboring CD 42.
Colton	40, 42	The eastern portion of the city is divided to place the city of Grand Terrace with similar communities of interest in CD 40.
Compton	37, 38	The city is divided to place unincorporated East Compton with similar communities of interest in CD 38.
Fairfield	1, 3	A small area in the western corner of the city is kept in CD 1 to divided to maintain equal population.
Fresno	19, 20, 53	The city has sufficient population for multiple districts. To unify Fresno would jeopardize compliance with Section 5 of the Voting Rights Act

Garden Grove	45, 46	The area of the city east of Euclid Ave. is kept with a similar community in Westminster in CD 45.
Glendale	25, 27	The northern portion of Glendale is kept together with similar communities to the north of the 210 Fwy.
Highland	40, 42	The city is divided along Palm Avenue to keep communities of interest united in CD 42.
Industry	28, 31, 34	Because Industry's elongated city boundary is non-compact and irregularly shaped, precedence is given to drawing a compact congressional district.
Inglewood	32, 35	A small, non-contiguous segment of the city is placed in CD 32.
Irvine	46, 47	The city has sufficient population for multiple districts.
La Mesa	49, 52	La Mesa is divided to maintain equal population among districts.
La Mirada	34, 39	The small segment of the city, east of Valley View Blvd., is kept with similar communities of interest in CD 34.
Lafayette	7, 10	Lafayette is divided to maintain equal population among districts and to keep smaller, surrounding cities undivided and together within CD 7.
Lakewood	34, 38	The eastern end of the district is divided in order to keep Hawaiian Gardens with Cerritos and Artesia in CD 34
Lathrop	11, 18	Lathrop is divided to maintain equal population among districts.
Long Beach	36, 37, 38	The city has sufficient population for multiple districts.
Los Angeles	24, 25, 26, 27, 29, 30, 32, 33, 35, 36, 37	The city has sufficient population for multiple districts.
Madera	19, 20	Madera is divided to comply with Section 5 of the Voting Rights Act.

Milpitas	13, 16	The city is divided to maintain equal population among districts in the South Bay Area.
Modesto	18, 19	The eastern segment of the city is placed in CD 19 to maintain equal population among districts.
Monrovia	28, 31	The city was divided to keep unincorporated areas, sharing similar communities of interest together within CD 31. The southern segment of the city is placed in CD 31 along with Mayflower Village.
Moreno Valley	41, 44	The city is divided to to maintain equal population in CD 44 and to respect communities of interest with Coachella Valley.
Newport Beach	45, 47	The city is divided between CD 45 and CD 47 to maintain equal population among districts. The city is currently divided by CD 45 and CD 47.
Ontario	28, 41, 42	The city has sufficient population for multiple districts
Orange	46, 47	A portion of Orange, east of the river is kept in CD 46 to respect geographical boundaries and to maintain communities of interest.
Rancho Cucamonga	40, 42	The city was divided to respect community of interest testimony that area south of Foothill Blvd. is a community of interest better aligned with CD 42. Current Assembly and Senate districts divided the city along Foothill Blvd.
Redwood City	12, 14	The city is divided to maintain equal population in CD 12 and CD 14.
Reedley	20, 53	A non-contiguous census block north of the city is placed in CD 53.
Riverside	41, 43	The city has sufficient population for multiple districts.
San Bernardino	40, 42	The current, northeastern district boundaries of CD 40 and CD 42 are maintained and respect communities of interest.
San Diego	49, 50, 51, 52	The city has sufficient population for multiple districts.
San Francisco	8, 12	The city has sufficient population for multiple districts.

San Jose	14, 15, 16	The city has sufficient population for multiple districts.
San Leandro	9, 13	A small portion of the city, east of Hwy I-580 is in CD 9 to reach the unincorporated area of Ashland. CD 9 does not cross the Alameda-Contra Costa county line to the north.
San Marcos	48, 51	A small portion of the western boundary of the city is divided to reach the unincorporated area of Lake San Marcos. This area is needed to give CD 48 and CD 51 low population deviation.
Stockton	11, 18	The entire city is in CD 11 with the exception of a single non-contiguous block without population that is included in CD 18.
Thousand Oaks	23, 24	The city is divided to maintain equal population in CD 23 and CD 24.
Tustin	46, 47	Tustin is currently divided by CD 46 and CD 47 and is maintained to keep communities of interest together.
Vacaville	1, 3	The city is divided to ensure compliance with the one-person, one-vote rule.
Vallejo	3, 7	A non-contiguous block north of the city and without population is included in CD 3.
Walnut Creek	7, 10	The city is divided to maintain equal population among districts and to keep smaller surrounding cities undivided and together with similar cities.
Whittier	34, 39	The city is currently divided by CD 34 and CD 39 and the division is maintained along major streets.
Yorba Linda	39, 47	A small segment in the south-eastern area of the city is placed in CD 47 to maintain equal population among districts.

<b>County</b>	<b>Districts</b>	<b>Justification</b>
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Alameda	9, 10, 13	The county was previously divided between CD 9 and CD 10 and CD 13, and is divided to maintain equal population among districts.
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Butte	2, 3	The county was previously divided between CD 2 and CD 3, and is divided to maintain equal population among districts.
Contra Costa	7, 10	The county was previously divided between CD 7 and CD 10, and is divided to maintain equal population among districts.
Fresno	19, 20, 53	The county is divided into three districts because the Central Valley has sufficient population growth to accommodate the new additional congressional district based in Tulare County and the city of Fresno.
Kern	20, 21	The county was previously divided by two districts and continues to be divided by two districts to maintain equal population among districts.
Los Angeles	24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41	The county contains sufficient population for multiple districts. County divisions occurred as the result of the effort to comply with Section 2 of the Voting Rights Act. The county is also divided along the Ventura County boundary and remains divided between CD 24 and 29 to maintain equal population among districts. CD 39 continues to straddle the Orange County and Los Angeles County boundary. CD 41 was previously divided by three counties, and it continues to cross three boundaries into Los Angeles, San Bernardino, Riverside counties. CD 28 is required to cross into San Bernardino to maintain equal population among districts.
Madera	19, 20	The county is divided because CD 20 is subject to Section 5 of the Voting Rights Act and requires additional population to avoid retrogression.
Orange	39, 45, 46, 47, 48	CD 48 crosses the southern boundary of Orange County in order to maintain equal population among districts in San Diego County. CD 39 continues to cross the northern boundary with Los Angeles County in order to maintain communities of interest along the border.
Riverside	41, 43, 44	CD 44 crosses the southeast boundary into order to maintain communities of interest with Imperial County. CD 41 crosses into San Bernardino and Los Angeles to maintain equal population among districts.
Sacramento	3, 4, 5, 11	The county was previously divided between CD 3 and CD 4 and CD 11, and is divided to maintain equal population among districts.
San Bernardino	21, 28, 40, 41, 42	The northern boundary of the county is divided by CD 21 to ensure the one-person, one-vote rule. The eastern boundary of the county is crossed by CD 28 to maintain equal population among districts.
San Diego	48, 49, 50, 51, 42	Congressional District 48 crosses the county line to maintain equal population among districts.
San Francisco	8, 12	The county was previously divided between CD 8 and CD 12, and is divided to maintain equal population among districts.

San Joaquin	11, 18	The county was previously divided between CD 11 and CD 18, and is divided to maintain equal population among districts.
San Mateo	12, 14	The county was previously divided between CD 12 and CD 14, and is divided to maintain equal population among districts.
Santa Barbara	22, 23	The county was previously divided between CD 22 and CD 23, and is divided to maintain equal population among districts.
Santa Clara	13, 14, 15, 16	The county was previously divided between CD 13 and CD 14 and 15, and is divided to maintain equal population among districts.
Santa Cruz	14, 15, 17	The county was previously divided between CD 12 and CD 14, and is divided to maintain equal population among districts. The county boundary with Monterey County is divided to ensure communities of interest. Monterey County is subject to Section 5 of the Voting Rights Act.
Solano	1, 3	The county was previously divided between CD 1 and CD 3, and is divided to maintain equal population among districts.
Sonoma	1, 6	The county was previously divided between CD 1 and CD 6, and is divided to maintain equal population among districts.
Stanislaus	18, 19	CD 19 crosses the county line in order to avoid retrogression in CD 18, which must comply with Section 5 of the Voting Rights Act.
Tulare	20, 53	The county was previously divided by three districts, and is currently divided between on the northern end to maintain equal population among districts and it is divided on the southern boundary to avoid retrogression in CD 20 because CD 20 must comply with Section 5 of the Voting Rights Act.
Ventura	23, 24	The county was previously divided between CD 23 and CD 24, and is divided to maintain equal population among districts.

# **ADDENDUM 6**

**MALDEF-WCVI Congressional Redistricting Plan  
District Renumbering Key**

MALDEF - WCVI Proposed Congressional District	Renumbered Congressional District
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
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48	49
49	50
50	51
51	52
52	53
53	21

# **ADDENDUM 7**

## **MALDEF – WCVI COMMUNITY OF INTEREST REPORT**

The Assembly, Senate, and Congressional Redistricting Plans developed by MALDEF and WCVI feature extensive community outreach as its centerpiece. Together, MALDEF and WCVI visited thirty-five communities throughout California to educate and listen.

The MALDEF – WCVI redistricting project is premised on the belief that community members can and should influence how district lines are drawn. Redistricting provides community members with a direct access to a process that has traditionally closed to --- public input.

The outreach component was designed to tap into the expertise and unique knowledge that people bring to the redistricting table. Outreach efforts sought to give voice to traditionally underrepresented communities – to help provide them with gain a place within the redistricting process.

The concept of an inclusive democracy underscores the MALDEF - WCVI redistricting outreach component. It is through participation in these sessions, that community members reflected upon issues of fair representation and inclusiveness in our democratic society.

The MALDEF – WCVI community outreach workshops conducted contained several important goals:

First, workshops sought to educate the community about the importance of community involvement in the redistricting process. A point of discussion was the relationship between the way districts are drawn to the ability of a community to elect a representative of its choice or its ability to influence whether or not an elected official is responsive to a community's particular needs. Many times there were veterans of past redistrictings on the state and local levels aiding the dialog.

Second, an overview of the legal requirements governing redistricting was presented. While many people were generally familiar with the redistricting process and some of the basic legal concepts, there was uncertainty about the consequence of Supreme Court decisions during the past decade regarding the relationship between the Voting Rights Act and the Fourteenth Amendment. Presentations explained the current state of redistricting law and provided community members with a description of the legal framework and fundamentals that MALDEF and WCVI planned to use in the proposals submitted to the legislature. The discussion of communities of interest and the relationship to the redistricting process was an important part of the redistricting workshop.

Third, workshops were designed to demystify the redistricting process and provide community members with the knowledge to actively participate in the process on the state and local level. The basic goal was to provide community members with hands-on redistricting experience. Using exercises based on their own regions, they set about redrawing district lines. Provided to them were the legal requirements and basic principles governing redistricting, as well as census statistics and socioeconomic data. People were also instructed to use their unique and personal knowledge of their communities in order to create districts around communities that shared

common interests. During these interactive exercises, community members explored and discussed the issues that were of concern to their communities – from the lack of affordable, accessible health care to the lack of responsiveness by elected officials. Participants also explored the ways in which communities shared the same concerns and had the same types of representational interest when deciding whether to include certain other communities in their plan.

Fourth, strategies for participation in local and state redistricting efforts were recommended to the community. This included discussion about what type of information would be useful to provide redistricting commissions and how to organize community members to testify at public hearings. The goal was to facilitate the grassroots development of complete local redistricting plans.

The report that follows includes highlights of selected areas throughout the state. It is not intended to be an exhaustive study of all the communities visited. Instead, it highlights the issues and gives voice to the concerns of a segment of the population that has only recently achieved sufficient numbers relative to the general population to represent a significant sociopolitical force with the power to affect the decisions concerning their communities.

The countless hours of discussions had at these workshops contributed to the congressional, senate, and assembly plans submitted. Where necessary, third party reports and materials that further reinforce the community of interest considerations incorporated into MALDEF – WCVI plans will be made available.

## LOS ANGELES COUNTY

### **Southeastern Los Angeles: The Gateway Cities**

A focal point of the MALDEF - WCVI congressional, senate, and assembly redistricting plans are the southeastern cities of Los Angeles County.

This region is a study in duality. While it is increasingly becoming more and more important part of California's regional economy it also is an area afflicted by significant social challenges: low per capita income, low educational attainment levels, industrial pollution and health concerns, as well as high unemployment rates.

Over the past decade, southeastern Los Angeles has experienced significant demographic changes. The area has increasingly become the destination of immigrant communities. The growing need for services in the area are reflecting these changes. Several people at the Los Angeles Assembly and Senate Elections Committee hearings testified to the growing need for more bilingual services, including the hiring of bilingual law enforcement officers and personnel.

Recently, a consortium of business, labor, education, and public sector community members have joined together to address some of the pressing social concerns confronting southeastern Los Angeles. The Gateway Cities Partnership seeks to “[d]efine, develop and lead the collaborative efforts of business, education, labor, government and the expanded community in order to achieve regional economic revitalization and growth.” This includes the enhancement of educational opportunities, the diversification of the local economy, the elimination of air and water pollution, and the overall enhancement of the quality of life in the region, including the creation of housing and transportation alternatives, and the revitalization of local communities.

The Gateway Cities Partnership, Inc., published a comprehensive demographic report profiling various characteristics of the twenty-seven cities, individually and as a group, that comprise the “gateway cities.” The study identified several important trends that support the creation of districts that would provide desperately needed additional representation. These include:

- The gateway region contains a younger population, as a whole, than other parts of Los Angeles County and California.
- Household income is lower in the gateway region than in Los Angeles County and California.
- Nearly half of the gateway region residents hold blue-collar and service sector jobs.
- Higher unemployment rates, lower labor force participation rates, and low-income levels correlate with less education in gateway region residents.
- Los Angeles County and California have higher educational attainment scores than gateway region residents.
- Manufacturing and service sector jobs account for nearly half of all employment in the gateway region.
- Unemployment rates in some gateway cities are nearly double that of the Los Angeles County unemployment rate.

- Industrial land comprises a larger portion of the gateway region than in other areas of Southern California.
- Redevelopment of the large number of brownfields in the gateway region, areas that are abandoned, idle, or underused because of environmental contamination, is necessary for economic growth and revitalization.
- The gateway region is in short supply of housing options as revealed by high population density and high numbers of persons per household.
- The gateway region has experienced a significant increase in the student population that has far outpaced school construction.
- The gateway region has a high attrition rate that exacerbates the need for skilled labor.
- Diesel emissions and the resultant air pollution is a problem in the gateway region.
- Access to healthcare, including shortage of long-term healthcare, and lack of intra-agency cooperation has created problems for gateway residents.

This region of Los Angeles is the source of a sustained effort by the Gateway Cities Partnership, Inc. to improve the overall quality of life in the twenty-seven cities that comprise the core of the gateway cities. This alliance of business, labor, educational, and public sector community members seeks to confront and challenges facing these gateway cities, including the low per capita income levels, low educational attainment levels, high attrition rates, high unemployment, environmental pollution, and sustainable economic development.

### **The City of San Fernando and the San Fernando Valley**

Community members from San Fernando reaffirmed their desire to maintain the city and surrounding areas intact in one assembly, senate, and congressional districts. San Fernando, which has a population of 23,564, is completely surrounded by the City of Los Angeles. Members of the community stressed the importance of keeping communities intact and not grouping large portions of the northeastern San Fernando Valley with areas of Glendale and Burbank.

#### *Housing*

San Fernando has born the brunt of two major natural disasters that have left their effect on the economic vitality of the city. Both the 1971 Sylmar Earthquake and the 1994 Northridge Earthquake caused substantial damage to the housing stock and other building infrastructure, requiring a focus on redevelopment activities, including the rehabilitation and production of replacement housing. Over 70% of the housing units in San Fernando are single-family dwellings.

Half of the households in San Fernando earn less than 80% of the Los Angeles County median income. Twenty percent of households in San Fernando earn less than \$15,000, far below the \$32,128 San Fernando median, and the \$34,965 median for Los Angeles County. The major occupations of San Fernando residents are in the manufacturing and service fields that are characterized by lower incomes than managerial/professional employment. San Fernando has nearly a 2% higher unemployment rate than the rest of Los Angeles city.

Overcrowding is a predominant characteristic of San Fernando households and many families are forced to convert garages and patios into living quarters. These large households (five or more members) account for one-third of all households and have exacerbated the increased demand for housing in San Fernando.

In addition, the low income levels in San Fernando have resulted in many households overpaying for housing costs. Rental assistance programs have helped San Fernando residents address these community needs. Homelessness has become an increasing problem for San Fernando and only two organization in San Fernando, Loaves and Fishes, and the Salvation Army provide emergency services to homeless or at-risk persons.

In 2000, the City of San Fernando adopted Resolution #6753, the “2000-2005 Housing Element” for the city. This report described the housing challenges facing San Fernando in the context of the characteristics of population demographics, households, housing stock, market and governmental, environmental, and infrastructural constraints. The resolution also set forth specific goals and programs to resolve the housing issues facing San Fernando.

In June 1998, the City of San Fernando Community Development Department published a comprehensive revitalization plan that outlined strategies for enhancement of the city’s economic and market growth that emphasize the integration of the neighboring communities of Sylmar and Pacoima, as well as the Santa Clarita Valley.

### *The San Fernando Valley*

In light of the recent San Fernando succession movement, a significant amount of discussion by community members has been the relative lack of government services when compared to surrounding regions, most notably, Los Angeles city.

Advocates for succession argue that the San Fernando Valley receives an unequal share of police services when compared with Los Angeles, In the valley there are 1.1 police per1000 residents while in la they assigned 2.2 police per 1000 residents.

The number of former Mayor Riordan appointees to city commissions from the valley has slid from 33% to 25% even though the valley represents 34% of city’s population.

Transit decisions are made with little regard to where the transportation is really needed. Fewer than 6% of valley residents work downtown yet major transit networks such as Metrolink and metro rail serve the city center. Half of the residents who depend on public transportation live in the northeast valley yet few improvements are planned there. The non-Valley portion of Los Angeles has a Red line, Blue Line and Green Line all up and running. The movement toward a Valley Transit Authority must move forward. The City’s own analysis showed that if the Valley Transit Authority were created, the operating costs could be cut by 25%, more buses could be put on the streets to serve the transit dependent Valley residents and that bus fares could be cut from \$1.35 to \$1.00 per ride. This will benefit the transit dependent residents of the Valley.

The Sepulveda basin has become the city's dumping ground for sewage and septic tank disposal. Valley residents must continually fight off attacks to use Basin open space for public facility projects.

## **Pico-Union Area**

During several meetings with community members from the Pico-Union area of Los Angeles, residents expressed the overwhelming desire that their community no longer be divided among several assembly, senate, or congressional districts.

The demographics of the Pico/Union community reveal a vibrant and growing Latino community facing similar obstacles and concerns such as gang violence, language barriers, and government services.

For example, many who reside in the Pico/Union use the services of a non-profit community based clinic, La Clinica MSR. Oscar A. Romero. The majority of the patients are the working poor who have jobs in restaurants, garments, and other service industries that make up the backbone of the Los Angeles economy, but have no insurance for either themselves or their families.

Service organizations have developed in the Pico/Union community who support the community of Pico/Union. For Example, the Institute of Popular Education of Southern California (IDEPSCA), the Salvadoran-American Leadership and Educational Fund (SALEF), the Central American Resource Center (CARECEN), the St. Vincent Community Youth center along with many others help with the Pico/Union community concerns and obstacles.

The programs that the organizations offer vary from violence reduction and prevention to teaching technical skills. CARECEN works with teachers from Belmont High School and volunteers from Occidental College to provide tutoring, computer instruction, skills training, and art programs for students from Berendo Middle School in Pico/Union; the program also incorporates a family integration workshop for students and their parents. Half of the students that participate in CARECEN's Safe Heaven program are Mexican American; the rest are Central American. SALEF concentrates in civic participation and representation of the Salvadoran, Central American and other Latino immigrant communities, as well as to advocate for their economic, educational and political advancement and growth. IDEPSCA concentrates on Adult Spanish and English Literacy as a second language (ESL) programs, a large Day Laborer Project, a Computer Literacy Project and a Women's Project; all of the Literacy and ESL classes are volunteered taught. The St. Vincent Community Youth center concentrates on violence Reduction and Prevention, learning and school performance, development and family enrichment, development of community pride and health education.

### *Health*

Ninety-five (95) percent of the people who use the services at La Clinica MSR Oscar A. Romero (located in the Pico/Union community) have no public or private insurance coverage. La Clinica obtains its annual budget of \$2.8 million from individual donations, corporations, private foundations, City, County, State and Federal contributions. It provides services to very

linguistically diverse cultures and provides assistance in native language of Kanjobal, Quiché, Zapoteco, Mixteco and other languages from southern Mexico and Central America.

#### *Social/Youth Services:*

The service organizations such as IDEPSCA, SALEF, CARECEN, St. Vincent Community, La Clinica MSR. Oscar A. Romero have developed in the Pico/Union community to support the need for social services in the Pico/Union community.

The Institute of Popular Education of Southern California, or IDEPSCA, is a non-profit organization founded by a group of Chicano and Latino immigrant activists in 1991. In Los Angeles County 1,643,000 persons (30% adults) did not complete high school. Of these 61% are Latinos. The specific mission of IDEPSCA is to organize and educate low-income Latinos through leadership development and educational programs. IDEPSCA's programs include adult Spanish literacy, English as a second language, Day Laborer Project, Computer Literacy Project, and Women's Project.

In East Los Angeles IDEPSCA has 3 literacy classes and 2 English classes. IDEPSCA is also active with Union y Fuerza to address issues of affordable housing and transportation and also in working to stop the demolition of low income housing units. In Pasadena, IDEPSCA has La Escuelita de la Comunidad (the little community school) which is IDEPSCA's oldest project. The programs IDEPSCA has in Pasadena include, English as a second language classes, the Latino Neighborhood Association of Pasadena, Mujeres en Movimiento (Women in Action), the Pasadena Day Laborers Association and the Pasadena Job Center.

IDEPSCA's other programs include, Concilio de Mujeres, whose goal is to develop, with the Latina Immigrant Federation, the potential of Latina women in the Los Angeles area in order to impact critical socio-economic conditions. Volunteers for this programs work weekly in East Los Angeles and in Pasadena. In addition IDEPSCA currently operates 3 other day laborer sites in Hollywood, Downtown Los Angeles and West Los Angeles. IDEPSCA also has the Computer Literacy Project that provides access to new technology for low-income Latino workers.

#### **Wilmington and San Pedro**

Community residents the San Pedro and Wilmington areas of Los Angeles testified that their communities should be kept together as a cohesive community of interest within a single assembly, senate, and congressional district.

One person described the harbor communities as worlds unto themselves. The residents of these areas described the commonalities they share with each other. Both Wilmington and San Pedro have large Latino immigrant populations that began settling in the area during the late 1970's and early 1980. San Pedro and Wilmington share very few demographic similarities with the affluent neighborhoods located in the Palos Verdes peninsula to the west.

The cities were originally incorporated cities that were consolidated by the City of Los Angeles in 1909. Recently, there has been discussion about the possible succession of San Pedro and Wilmington from the City of Los Angeles. Activists in three harbor-area communities are trying to break away from the city of Los Angeles and form a new municipality of about 140,000 residents. San Pedro, Wilmington and part of Harbor City would make-up the new independent city.

Today about 90% of Wilmington's 60,000 residents are Latinos, many of them poor, living in a community dominated by industry and its byproducts, such as giant shipping containers and auto wrecking yards. In addition to five nearby refineries, Wilmington residents share their neighborhood with two major freeways and the Alameda Corridor, which all cause large amounts of air pollution. The community does not want any more large oil refineries in their backyard. There have been numerous complaints of explosions, intolerable smells, and respiratory problems that the community believes are linked to the health and environmental hazards present in this area.

The principle community college for residents of Wilmington and San Pedro area is the Los Angeles Harbor College. Both San Pedro and Wilmington are part of the Los Angeles Harbor Police Division. The residents share many concerns about rising crime rates. The area have higher numbers of calls for emergency service than the rest of Los Angeles and use of police services have been higher than average in the Harbor Division.

## **ORANGE COUNTY**

### **Santa Ana, Anaheim, Garden Grove**

Residents from Santa Ana expressed their desire to keep the city of Santa Ana in a single assembly, senate, and congressional district. They also described the commonalities they have with portions of neighboring eastern Garden Grove and central Anaheim, forming the core of a community with like interests. The community runs along the Interstate Highway 5 corridor, where housing values are more affordable. Residents also stated that the western portion of Garden Grove is home to a large Asian American- Pacific Islander community that relates closely with the neighboring community of Westminster.

The central and northern areas of Orange County is one of the most ethnically and diverse communities in the state. Many people mischaracterize Orange County as being entirely conservative and affluent, when in reality the demographic changes that are happening in north and central Orange County will eventually occur everywhere else in the county.

Members of the community reiterated the need to elect representatives that understand the diverse assets and contributions of the growing ethnic population. They described the disturbing and growing gap between Orange County's wealthy, predominately white areas, located largely but not exclusively in the southern and coastal regions, and a generally poorer, heavily immigrant core region centered around Santa Ana, Garden Grove, and Anaheim. Residents form a community of interest with common representational needs.

#### *Education*

Although the County has become a leading center for high-tech industries, the increasingly complex skills required for these industries will widen the disparity between the highly educated and those with relatively limited schooling.

Nearly half of all students in Orange County are Latino, roughly ten percent are Asian, and two percent are African-American. Latinos now account for nearly 44% of all kindergarten students, even in such affluent districts as Newport-Mesa. In Santa Ana, Garden Grove, and Anaheim, students suffer from average SAT scores as much as two hundred points below those in such areas in Irvine or Newport.

#### *Housing Concerns*

The context of the housing affordability crisis in Orange County is broad. The County population is growing rapidly, far outpacing growth in other counties. Much of the recent growth represents minority populations concentrated in northern areas of Santa Ana, Anaheim, and portions of Garden Grove. By 2020, the population of the County will reach 3.24 million, and population growth is outpacing the housing supply. The County's housing is increasingly overcrowded and rising housing prices have put homeownership out of the reach of most residents. The median price of a home in Orange County rose to \$289,000 in the last quarter of 2000. Additionally, rental housing is increasingly pricing lower income households out of the market, in particular senior citizens with limited incomes who face rising rents. The average two-bedroom apartment

rents \$900. There is also a lack of affordable housing - and almost non-existent public - is a tremendous hardship for Orange County's working poor, who frequently pay more than 30 percent of their incomes for rent. Many working people are forced to share quarters or live in garages or motels.

### *Crime*

Successful moves by community residents and local law enforcement to reduce crime throughout the county have been particularly shown some results. This widespread reduction in crime has included some county neighborhoods, such as the Flower Street Park zone of Santa Ana and the Buena Clinton area of Garden Grove. Orange County's inner city communities such as Anaheim, Fullerton, and Garden Grove have led the area's plunge in crime rates, which has outpaced the national average. Santa Ana has seen a 50% reduction in crime over the past five years and its homicide rate has dropped a remarkable 70% over the past two years. It now ranks among the nation's twenty-five safest of the nation's 202 largest cities.

## **SAN DIEGO COUNTY**

### **Barrio Logan**

During the 1990 legislative redistricting, the small and primarily Latino community of Barrio Logan was divided from the neighboring Logan Heights community by a district boundary running along Interstate Highway 5. The residents of Barrio Logan testified at the Assembly Committee hearing that their community must be reunited with Logan Heights in all assembly, senate, and congressional districts.

Residents from the Barrio Logan and Logan Heights community in San Diego have faced more than their share of issues that have literally, tried to divide their communities in half. During the 1970's, the Barrio Logan and Logan Heights community protested to create and preserve Chicano Park, a small but symbolic patch of green space, buried under Interstate 5 and the San Diego-Coronado Bay Bridge. Adorning the multitude of concrete supports are painted murals depicting scenes of activism, celebrations of Mexican culture, as well as commentaries on the effects of "urban renewal." Chicano park has become a focal point for the community. As such, Barrio Logan and Logan Heights have come to represent the heart and soul of this San Diego community.

Although Barrio Logan and Logan Heights are divided by highway overpasses, the communities remain tied to one another through its shared history, by virtue of the similarity of problems each community faces -- health, environmental, employment, etc, and through community organizations that provide services to both communities.

For example, Barrio Logan and other cities joined together in 1980 to form the Environmental Health Coalition (EHC) whose goal is the prevention and clean up of toxic pollution in the area. The proliferation of shipyards, junkyards, and sewage pumping stations has directly affected the Barrio Logan community. For example, the EHC alleges that a nearby sewage pumping station has illegally dumped chemicals resulting in the contamination of Perkins Elementary School. Five years of intense community organizing has resulted in the enactment of a policy banning the use of the toxic pesticides to fumigate imported perishables in areas adjacent to poor Latino communities.

### **City Heights**

Another area of concern raised at the San Diego community workshop is that the City Heights neighborhood of San Diego City remain within the current assembly, senate, and congressional districts. This area is reflective of San Diego's cultural crossroads because of its location in the middle of the city and high diversity index. Residents first moved into this area as a result of affordable housing. It has been termed the "virtual Ellis Island of San Diego County."

City Heights shares many of the economic and social concerns of Logan Heights and National City. Large portions of City Heights residents receive public assistance, and many of these are persons who may not have a permanent or even temporary residence who are receiving General Relief from the County.

Two thirds to over 80% of housing units in some neighborhoods are rentals with a high rate of absentee landlords. Much of these properties are one bedroom or smaller units. The Vacant Properties Program manages has targeted City Heights and Barrio Logan/Logan Heights for grant programs to rehabilitate vacant and boarded structures for low income level individuals.

Reports indicate that almost 50% of the children in the City Heights community live in poverty. Schools that were designed for 300 students have nearly 1,000 students enrolled on the average. Parents lack adequate employment. Many families are linguistically isolated. Few after school activities exist. This area of the City was overbuilt while it has been severely underserved by public services and facilities. Programs to address some of these problems are lacking in City Heights. Most of the residents of the area are very low income and are not employed or are not fully employed, and do not own their home. Two of the causes of high unemployment in City Heights is the lack of employment opportunities and inadequate training programs.

City Heights does not offer employment opportunities that are career centered. There is a lack of large employers (e.g., large department stores and manufacturers) and a majority of the businesses are family based businesses that employ only family members. Thus many of the residents who seek employment must take low-paying part-time jobs within the community or travel outside City Heights to seek full-employment.

In addition, there are no formal training programs located in City Heights other than the local Community College. The largest provider of job training funds in San Diego, the San Diego Consortium and Private Industry Council (which allocates \$40 million in job training funds), has no presence through contractors in City Heights.

Finally, there is a perception that residents of City Heights are "unemployable." Over \$200 million worth of public improvements are being currently constructed in City Heights. This includes the construction of two new schools, the completion of the SR-15 Freeway and the development of the City Heights Urban Village. In public meetings residents have strongly expressed their demand for local hiring on these projects. This has not occurred.

Residents of the City Heights believe that their representational interests are best served by being included in a district with communities facing similar social and economic issues.

## **INLAND EMPIRE**

### **Riverside County - Coachella Valley - Imperial County**

MALDEF and WCVI have traveled to Calexico several times over the past months to discuss the shape of assembly and congressional districts. The persistent theme during these meetings has been the desire by community members that districts have a north-south orientation. Community members in Calexico and El Centro more strongly identified with their neighbors to the north along the Hwy 86 into the Coachella Valley. Riverside County Coachella Valley residents also advocated for north-south-oriented districts. Residents from these areas have described these areas based on strong, cohesive, community of interest consideration and have provided us with detailed information at our numerous outreach workshops we have conducted as well as directly to the Senate and Assembly Elections Committees.

The communities in the Lower Desert area are mostly rural, desert areas, share a predominantly agriculturally- based economy and, especially in the Coachella Valley area, provide service workers supporting the tourist industry. Community members have observed that the Imperial County - Coachella Valley share the following characteristics:

- Income levels
- Job retention and employment rates
- Renter/Owner occupied housing patterns
- Per capita income
- Spanish as a native language

Community members also felt strongly that certain areas were economically, socially, and culturally dissimilar from the rest of the Coachella Valley and Imperial County. These included the most suburban areas of the Coachella, specifically, Indian Wells, Palm Desert, Rancho Mirage. Community members stated that the differences were reflected by:

- Drastically higher property values;
- Drastically lower average household size;
- Twice the percentage of registered voters per population;
- Significantly higher average age of population;
- About half the percentage of children under 18

Community members argue that the rest of the Coachella Valley should be kept together. This includes the communities of Desert Hot Springs and Palm Springs in the west, Cathedral City, Thousand Palms, La Quinta, Indio, Coachella, Mecca, Thermal, eastward thru Desert Center to Blythe on the far eastern boundary of Riverside County & all of Imperial County to the south including the Salton Sea, with the surrounding community of Salton City, Salton Sea Beach, and southward all the way to El Centro & Calexico in the Mexican border.

The areas proposed to be excluded from the district include the Idyllwild/Hemet area to the west and the Palm Desert/Indian Wells/Rancho Mirage on the southern edge of the Coachella Valley. These areas, community members argue, are more similar to portions of Central Riverside

County than with the other parts of the Coachella and Imperial Valleys, and thus were not included in proposals or discussions about potential assembly and congressional districts.

Diversity index analyses that measure the probability that two people chosen at random from a geographic area would be of different racial or ethnic backgrounds also reaffirm the division of cities that community members have outlined. The chart below was produced by community members outlining the justification for moving certain cities from their proposed Assembly district.

Groups of Cities/Areas	Diversity Index
Indian Wells, Rancho Mirage & Palm Desert	27.8%
Eastern San Diego County	37.7%
Cathedral City, Coachella, Desert Hot Springs, Indio, Bermuda Dunes, Palm Springs & La Quinta	52.8%
Unincorporated portions of Coachella Valley	52.4%

*Health Issues*

Bilingual clinics serve the entire Coachella Valley and Imperial County. Imperial County holds the unenviable distinction of having the highest poverty rates in California. Portions of eastern Coachella Valley also have extremely high poverty rates. This, combined with high rates of persons lacking insurance, has created a higher demand for city, county, and state medical assistance

Many residents of the Coachella Valley and Imperial County regions use physicians in Mexicali, Mexico, which is just across the U.S.-Mexico border near Calexico, as their primary health and dental providers. The Coachella Valley-Imperial County area is also characterized by high rates of teen pregnancy and respiratory illness.

Recently, the Heffernan Memorial Hospital District trustees unanimously voted to work with Clinicas de Salud del Pueblo Inc., in opening an “after-hours” urgent-care center at the long vacant Highway 98 hospital building. Clinicas de Salud del Pueblo, has provided services to the community since 1970 and has its headquarters in Brawley and currently operates five-health care centers in the Imperial Valley and two in Riverside. Clinicas seeks to provide both daytime and after-hours services. Daytime services could include mental-health counseling, child-care training and other services not dependent upon doctors. After-hours service would involve the presence of physicians. Aside from pediatric, dental, family planning, Clinicas provides a host of specialty medical services. In addition, Clinicas provides immigrations physicals and also assists individuals and families to enroll in medical and social service programs for which they are eligible.

*Education Issues*

Imperial County and most of the Coachella Valley have high rates of populations under the age of 18. Accordingly, school age population have increased dramatically over the past decade. These students face many similar educational and social service needs, including language assistance, counseling, family support, and social support structures. This is evidenced by the

large number of elementary schools in Palm Springs and Cathedral City having a majority Latino student population.

### *Economic Development*

The Mexican American Chamber of Commerce has a large membership that services Imperial County. The Board of Supervisors has recognized the need to work with local cities, chambers of commerce and private industry in the Imperial and Coachella valleys to find out how Imperial Irrigation District can help spark growth. To this end, the Board recently hired Tom Topuzes to spearhead the effort. Topuzes is tasked with analyzing economic development issues in Imperial County and determining how it can bring in new industry and growth.

### *Native American Cultures*

Community members also testified about the significant concentration of Native American cultures, reservations, and tribes extending across Riverside and Imperial County. The current and ancestral homelands of numerous Native American peoples follows the north-south orientation to Hwy 86 and along the east-west portion of the I-10 Hwy.

#### *In Riverside County these include:*

The Aqua Caliente reservation in, around & throughout the cities of Palm Springs, Cathedral City & Rancho;

The Cabazon reservation in & around Indio;

The 29 Palm Indians in & around the city of Coachella

The old Mission Creek reservation in & around Desert Hot Springs;

The St. Augustine reservation south & east of Coachella;

The Torres-Martinez reservation in the Mecca, Thermal area – which even extends under the Salton Sea & into parts of Imperial County

#### *In Imperial County these include:*

The southern portion of the Torres-Martinez reservation;

The Fort Yuma reservation that runs along eastern Imperial County all the way to the Mexican border next to an established Port of Entry. The historical, ancestral grounds of the Yuma Indians along with the related Quechan Indians extend north along the river all the way to Blythe & west into the interior of present day Imperial County.

The historical, ancestral grounds of the Kamia Indians are throughout central & extend towards the western part of Imperial County.

This concentration of Native American cultures, reservations & tribes also compels the drawing of district lines that will provide Native Americans with an opportunity for representation in the State Legislature.

Community members have drawn plans that encompass all of Imperial County, the desert areas of Riverside County as well as parts of the Coachella Valley that are most like Imperial County and the other desert areas of eastern Riverside County. This area is commonly known as the Lower Desert.

## **San Bernardino County and City of Pomona**

The Pomona – San Bernardino corridor was an identifiable community of interest. Many of the communities in this area are represented within one senate district, one congressional district, and two assembly districts. The community identified a cohesive community of interest along the Interstate Highway 10 corridor comprised of the cities of Pomona, Montclair, Ontario, Fontana, Rialto, and San Bernardino, as well as the unincorporated areas of Muscoy and Bloomington.

Latinos have formed small lower-middle-class enclaves fed by ongoing immigration from inner city areas. However, some minority communities are also depressed neighborhoods that are segregated from the rest of the community to the extent that they are frequently not even provided with basic public services. These are heavily populated by new undocumented immigrants who have settled near communities where low-wage, unskilled employment is available.

Poverty is rampant, with high concentrations of low-income, unemployed and underemployed workers that serve labor intensive service and manufacturing industries and informal labor markets. As a result, increasing problems relative to housing, health, education, and law enforcement are prevalent.

On the western end of the corridor, community members identified a strong community of interest between parts of Pomona, Chino, Claremont, and Ontario. These cities are characterized by a high degree of ethnic and cultural diversity. The high level of development in these cities over the past decade has attracted new residents to the affordable homes and transportation corridors.

Community members specifically identified the Pomona neighborhood of Phillip's Ranch and the city of Chino Hills as areas that do not share many of the same concerns regarding education, availability of affordable housing and unemployment.

They characterized Phillip's Ranch as a community of expensive homes that related more with the northern cities in Orange County and eastern cities of Los Angeles County. The housing stock in Chino and Pomona east of the Highway 91 is older and has lower median value than the housing stock in Phillip's Ranch and Chino Hills. Chino Hills was described as having economic, social and educational differences.

In the central areas of the corridor, residents described the cities of Upland and Rancho Cucamonga, particularly portions north of Foothill Boulevard, as an area that did not share the same interests or challenges of Pomona, Ontario and Fontana. Rancho Cucamonga boasts the highest median income in the San Bernardino and Riverside County areas and rivals that of Orange County. It is formed of planned communities of primarily single-families along with community parks. The Rancho Cucamonga area has undergone intense development over the past decade, and the majority of residents in Pomona, Ontario, and Fontana cannot afford to live in those areas.

On the eastern side of the corridor are the cities of Rialto and San Bernardino, as well as the unincorporated areas of Bloomington and Muscoy. These areas share common concerns about employment, government services, vacant housing, and language barriers. These areas also share concerns

Community members identified Grand Terrace and Loma Linda as areas more closely tied with Redlands and Riverside than with the city of San Bernardino and Rialto.

## **CENTRAL VALLEY**

MALDEF and WCVI conducted extensive outreach in Central Valley along the Highway 99 corridor. Community members who attended these workshops highlighted the common challenges that their communities faced in the areas of health, education, and poverty. Residents stated that their communities should remain together in state legislative and congressional districts so that they could have the equal opportunity to elect representatives who could address their concerns.

Agriculture remains the core industry of the Central Valley, but there are concerns about seasonal unemployment, and the environmental and water impacts of agriculture. Residents stated that the status quo is not acceptable: if current growth increases, the Central Valley is more likely to have a mix of poverty and prosperity that does not offer opportunities of upward mobility to all residents.

The population increase is driven by two major factors: immigration and spillover population growth from both the Bay Area and Los Angeles. Population growth is directly associated with poverty: Fresno and Bakersfield have some of the highest poverty levels in the country. About 30 percent of the adults in the San Joaquin Valley have not finished high school, and 25 percent of the children in the San Joaquin Valley live in families well below-poverty level incomes.

Community members advocated that their communities should be kept with the congressional, senate, and assembly districts that run along the Highway 99 corridor. For the most part, these districts grew with a faster rate than the state average, and needed to lose areas of population. An overriding concern of the residents is that new district boundaries continue to include common communities that share similar concerns throughout the Central Valley. The community of interest is identified as a population that needs common representation to address issues such as:

### *Health*

The Central Valley counties have fewer doctors and less access to hospitals and clinics, in comparison to California averages. The Central Valley also has higher rates of births to teenage mothers, and higher rates of inadequate prenatal care than the state as a whole.

### *Educational Attainment*

In general, Central Valley counties show lower educational attainment than does California as a whole. This is reflected by high school completion, possession of a bachelor's degree, rate of taking the Scholastic Aptitude Test (SAT), and enrollment of graduating high school seniors as college freshmen. Central Valley counties have a significantly lower rate of adult population without a high school education than the state as a whole.

### *Poverty and Unemployment*

Most Central Valley counties have higher rates of poverty than the California average. Median household income lags behind the state average and unemployment rates are unusually high. Almost all Central Valley counties exceed the state average, some by two or three times.

### **Kern County and Kings County**

Currently the western region of Kern County and the southeast side of the City of Bakersfield are within the same assembly, senate, and congressional district as Kings County. Community members reiterated that these areas should be kept together.

During the 1990 redistricting, the City of Bakersfield was divided into areas representing distinct communities of interest. Bakersfield has the 8th fastest growing population in California and is the 78th most populous city in the country. Bakersfield has 91 schools, of which 25 are high schools, one city college and one state university. The southeast side of Bakersfield is characterized as working class neighborhood that face challenges with regard to crime, education and affordable housing.

The community issues affecting southeast Bakersfield have strong commonalities with the communities of Delano, McFarland, Lamont, and Arvin. These cities have large farm-worker communities that face strong language barriers. The vast majority of the residents in these cities are working in service and agriculture related industries. The population is characterized by median low-income, and high unemployment. Arvin and Lamont are located in the southeast and Delano and McFarland are located in the northwest.

Residents stated that the cities of Taft and Maricopa share few commonalities with the agricultural dependent cities described above. This area of the county is heavily dependent on the oil industry and is described as a conservative community where the issue of gun control is of prime importance to these residents.

Likewise, the east side of the county is largely desert and mountainous, where the community is also considered conservative. There are two military bases on the east side of the county that contributes to the economy of the region. With recent downsizing of military bases, the area has seen population decreases over the past ten years and has experienced some economic downturns.

### **Tulare County**

Tulare county residents expressed their concern that legislative districts enable them to elect the representatives of their choice. Tulare County is currently divided into three assembly districts, three congressional districts, and two senate districts. Some residents expressed their desire to see Tulare County form a larger and more important part of a legislative district, as long as the districts formed in neighboring counties were not adversely affected.

At the congressional level, there is sufficient population growth in the greater Central Valley to warrant placing the new 53<sup>rd</sup> congressional district in Tulare and Fresno County. The residents

analyzed the population demographics of the Central Valley counties, and concluded it was not feasible to put an additional senate or assembly district in Tulare County with jeopardizing the residents of neighboring districts to elect the representatives of their choice.

Residents also concluded that it was acceptable to keep western Tulare County in one senate district, and realign the assembly districts so that they reflected more compact districts that comported with communities of interest. Southwestern Tulare County (Earlimart and Porterville) is placed in a same assembly district as Bakersfield and Kings County, and northwestern Tulare County (Dinuba, Visalia) is kept with the neighboring towns in central Fresno and western Fresno.

The residents of Tulare County form a community of interest with the residents of western Kern County, rural Fresno County, and portions of Kings County. Members of the community described some of the common issues they face with neighboring communities.

### *Economy*

The Tulare County economy is defined by the predominance of agricultural businesses. They are the source of employment for a significant portion of the county's labor force. The two major agriculture businesses are dairy and citrus. Tulare County is one of several central valley counties forming part of the "Citrus Belt".

Tulare County's heavy reliance on farming and agriculture has created a disparity in the economic fortunes of its residents. A majority of the agricultural employees in Tulare are either migrant or permanent farmworkers. Many of those employed in the agriculture industry have seasonal employment contracts. Most of the seasonal employees travel as far north as Selma, Kingsburg, Reedley, Parlier and Orange Cove in Fresno County and as far south as McFarland and Delano in Kern County.

Despite the robust work force of Tulare County, it has one of the highest unemployment rates in the state. To exacerbate the problem, there are no programs in the foreseeable future that will target or address the unemployment issue of Tulare County. The majority of the population of Tulare County lives outside of the three of cities Visalia, Tulare and Porterville.

### *Health Care*

Access to health services remains an elusive prospect. Health services are generally only available in Visalia, Tulare, and Porterville. The City of Lindsay had a medical facility that closed down two years ago. Tulare County receives less than 1% of what is made available to Fresno and Kern Counties for funding health care in the county

### *Education*

Tulare and Kings County, together, have a population of nearly half a million people yet only a small percent of the population attend a four year college institution. This exacerbates the chronic problems of a large unskilled workforce in Tulare County. Fresno and Bakersfield are the closest areas offering four-year institutions to the residents of Tulare County.

### *Transportation*

Tulare County receives a disproportionately low share of funding for road and highway improvements that would aid in moving products from the fields to storage to market. Tulare County officials as well as municipal elected officials have expressed the need for major road improvement for the southern part of the county. Given that the state allocates funds based on population instead of road miles, Tulare County receives less than 1% of the total state funds allocated for road improvements.

### **Madera, Merced, Stanislaus, and San Joaquin**

The counties of Madera, Merced, Stanislaus, and San Joaquin form another area of the Central Valley where residents expressed the need to keep communities of interest intact.

Community members in Madera voiced their concern that areas of Madera remain with communities that share common interest in either Merced County or Fresno.

Residents of Stanislaus County described the community of interest that primarily resides west of Highway 99. The large Latino community on the west side of the county has no representation on the Board of Supervisors, and only recently have they gained some representation in the city council of Modesto. The community on the southwest portion of the city face common economic and social problems with the neighboring cities of Merced and Stockton.

Stanislaus County has had faster job growth than the state over the past 40 years, but the unemployment rate in the county, which used to be the same as the state's unemployment rate, was two or three times higher than the state's rate in the 1990s. The agricultural practice of having workers rely on unemployment insurance benefits for part of their annual income has spread from farming to nonfarm sectors - nonfarm employers in farming areas often to lay-off workers, expecting them to collect unemployment insurance benefits, and then be ready to return to work when needed.

Community groups from Stockton also stated that their legislative districts contain communities with common interest. They were concerned that parts of San Joaquin County are increasingly becoming a bedroom community for the San Francisco Bay Area as a result of lower home values. There is already a worsening housing shortage for the farmworker community as a result of the increased number of farmworks in the region and the few housing units being built by farmers.

The four counties are heavily dependent on agricultural businesses that are serviced by seasonal and permanent farmworkers. Similar to the southern Central Valley, these counties face challenging issues with regard to health, education, housing, and employment. All community expressed their support for the construction of a new University of California campus in Merced County. It would offer a nearby transfer opportunity for low-income students who attend the community college system in the Central Valley.

Development is a major concern of the residents in these areas. There has been an increase in the number of community-based projects along the Highway 99 corridor that encourage and facilitate economic development throughout the cities serving the region. Residents shared the

concerns that these cities need to retain and expand existing businesses, attract new industries, increase local wages, create jobs and redevelop blighted areas.

Some residents also cited traffic is an important issue in the community. There has been an increase in the number of licensed drivers, however, because of new "proof of insurance" laws total vehicle registration has declined in most areas.

## **CENTRAL COAST**

### **Watsonville, Salinas, Gilroy**

Members of the community stated that they have started making representational gains in the state legislature and want to ensure that the current district lines continue to contain the diversity of the region. Specifically, they were concerned that the unincorporated city of Pajaro and surrounding areas were not included in the same assembly district as Salinas and Watsonville, even though they share many demographic and social commonalities.

Residents also stated that the city of Morgan Hill and surrounding neighborhoods have little in common with the predominantly agriculture based towns of Gilroy and Watsonville. They described Morgan Hill as an area of high home values that is rapidly becoming a distant suburb of San Jose.

Residents identified certain key issues pertaining to housing, education, healthcare, and employment. Residents also identified both social and demographic issues as well as environmental and land use issues. The following section summarizes the main points that emerged from the meetings with the community.

Residents highlighted several characteristics typical in the region. Residents pointed to the diversity and community pride among. They described the strong family values, “small town” feel, and community commitments as assets of the area. Community members also described the Valley's thriving and dominant agricultural industry and the economy that supports it as an important asset.

#### *Community Concerns*

One of the major challenges identified by numerous participants is the need for a better education system for the youth. The lack of adequate facilities, vocational training, bilingual programming and small class size are all challenges that workshop participants identified. Related issues concerning unemployment, economic development and social inequities were also discussed. Participants also cited the lack of affordable housing, minimal workforce development, and low agricultural wages as important issues that the residents must address.

The latest census indicates that the Central Coast region has seen a dramatic increase in the Latino population as a result of high immigration rates and high birthrates. The community faces special concerns, particularly in the area of healthcare and education. The teen pregnancy rate is one of the highest in the state. For example, in 1999, 66 percent of the births in Monterey County were to Latina mothers and 85% of teen mothers were Latinas.

#### *Affordable Housing*

Residents shared common concerns regarding strengthening neighborhoods and increasing housing opportunities. All available data indicate that the supply of housing for lower-income persons is extremely limited, and adequate affordable housing is not being constructed as growth

proceeds. No agency is responsible for tracking county wide affordable housing. For individuals who are low-income, housing is available through a variety of programs such as those offered by the Housing Authority of Monterey County. These programs generally help low-income individuals, the elderly, handicapped, and farm-labor families.

Residents stated that preservation of agricultural land while providing additional housing is one of the underlying crises the region needs to address. Several community members also described the issues associated with sustaining environmental resources while promoting economic opportunities. Protecting farmland and the quality of the environment while assuring a healthy economy was a challenge that residents faced.

## **SAN FRANCISCO BAY AREA**

### **Alameda County**

Alameda County contains many of the diverse communities reflected by the entire state. During the outreach meetings, residents identified the East Oakland region and the Fruitvale community in Oakland as a strong, cohesive community of interest that should be kept together and kept within the same state legislative and congressional districts. Community members also observed that East Oakland's population has more in common with communities of Fruitvale and San Leandro than the communities of Castro Valley and Dublin.

The demographic characteristics of Fruitvale reveal a vibrant multicultural community, especially along International Boulevard and Fruitvale Avenue. African American, Latino, Asian, and Anglo populations reside within the Fruitvale region and share common socioeconomic characteristics. An examination of socioeconomic data, particularly high school graduation attainment, per capita income, and renter/owner housing patterns, reveal a high degree of similarity in Fruitvale and East Oakland, between the estuary and MacArthur Blvd. Within the Fruitvale community resides a large immigrant population that share common representational issues with regard to language barriers, the lack of available, affordable housing, and access to government services.

The residents are the working poor and working class families of the greater Oakland area. Many people indicated that the communities in Oakland view each other not only as neighbors, but as friends and allies. As such, they expressed the desire to keep Fruitvale intact and united so that they can continue to work together towards their common goals of making the community healthier, stronger, and safer.

Over the past decade, the Fruitvale community has moved south into parts of San Leandro and Hayward. With the population migration, business, social, and community and grassroots organizational support systems have also followed and now service both the Fruitvale and San Leandro communities.

For example, in terms of provision of health services, 37% of the people who use the Services at La Clinica de la Raza, located in the Fruitvale community, come either from East Oakland or San Leandro. La Clinica receives about \$3 million dollars from Alameda County and is the only provider of mental health services in Spanish. San Leandro and East Oakland residents are receiving more and more Spanish services from La Clinica. La Clinica develops outreach and education campaigns for the Spanish-speaking community. Recently, La Clinica has focused its efforts on Fruitvale, East Oakland, and San Leandro to address the need for bilingual health-related programs.

Community members on local school boards have stated that due to the large shifts within East Oakland, Fruitvale, and San Leandro, students face similar problems, including the need for language assistance, counseling, family support, and social support structures. East Oakland youth use many services in Fruitvale including the Spanish Speaking Citizens Foundation and Clinica de la Raza.

The service organizations that developed in the Fruitvale community to support the Latino community of Fruitvale have expanded their services to a great percentage of people from East Oakland and San Leandro. These organizations include Clinica de la Raza, the Spanish Unity Council, Centro Legal de la Raza, and the Spanish Speaking Citizens Foundation.

A majority of the 350-member Alameda County Hispanic Chamber of Commerce is located in Oakland and San Leandro. The Asociacion de Comerciantes Profesionales de Oakland is a Chamber of small businesses located principally in the Fruitvale area and in East Oakland. The Hispanic merchant/commercial area extends from around 23rd Avenue to San Leandro along the International Boulevard corridor. The East Oakland Flea Market has become a hub for commerce and draws people from Fruitvale, East Oakland and San Leandro.

Of equal importance to the community members was the need to keep the City of Oakland wholly in one congressional district and senatorial district. In the smaller assembly jurisdiction, community members were concerned that the City of Oakland be kept intact as much as possible. Although the Fruitvale and East Oakland communities share many common interests with San Leandro and Hayward, community members were equally concerned that the City of San Leandro not be divided into multiple districts unnecessarily.

Additionally, there was support for uniting the diverse community in West Oakland that had previously been divided by the assembly district boundaries. The proposed plan would include more working class portions of West Oakland into the Oakland-based assembly district, and include more affluent areas in the Montclair region with the Claremont and Berkeley Hills areas of the neighboring assembly district to the north.

### **Contra Costa County**

During out outreach workshops in Contra Costa County, residents from the cities of Antioch, Pittsburg, and Brentwood stated that these cities, collectively referred as East Contra Costa, should remain within one congressional, senatorial, and assembly district based on the presence of a strong, cohesive community. These cities have grown more diverse over the past 10 years, with minority populations ranging from 20% to 40% of population. They share concerns with regard to language barriers, the lack of available and affordable housing, proximity to transportation, and access to employment.

The demographic profiles of East Contra Costa reveal a growing community of Latino families, many of whom are seeking lower rent values or are first time homeowners. The 2000 Census reports that the average household family size is above 3.0 for each of the cities in this area, whereas the Contra Costa County has an average size of 2.78 and Central Contra Costa County has significantly smaller family households. Additionally, the median age of the population is lower than the median age for the county and for the cities in Central Contra Costa County.

The East Contra Costa cities share common concerns regarding high unemployment levels in the area. The California Employment Development Department unemployment data for July of 2001 reveals that the East Contra Costa cities all have unemployment rates of 4.3% or higher, whereas

the Contra Costa median unemployment is 3.2% and cities in Central Contra Costa County have unemployment rates of below 3%. The high levels of unemployment can be attributed to the lack of major employers in the area. EDD reports that only one out of the top fifteen major employers is located in East Contra Costa County. A higher proportion of residents in East Contra Costa are participants in the CalWorks programs compared to other areas of the County.

In the past decade the Bay Area Rapid Transit system has been expanded to reach the Bay Point area of East Contra Costa, and residents can now use public transportation to commute to work in the larger job centers of Oakland or San Francisco.

## **San Francisco County**

Community members called for a redistricting proposal that presents a well-balanced approach towards establishing an equitable and competitive Assembly Districts for the diverse communities of interests that reside in the southern and eastern portions of the San Francisco. They stated that portions of northern Daly City mirror the demographic and economic characteristics of the geographically adjacent southern and eastern portions of the San Francisco, and constituted a community of interest.

They further described this community of interest as anchored along the Mission Street corridor. Mission Street runs the entire geographic length of the proposed assembly and senate districts. The demographic characteristics of the Mission Street Corridor reveals a vibrant multicultural community that includes strong representations from the Latino, Asian, Gay, Filipino and African American communities. From the San Francisco Civic Center through to Daly City, the Mission District Corridor links the Inner Mission, Outer Mission, Excelsior and Daly City. Those communities have substantial Latino and Filipino populations that have traditionally been divided by political boundaries. For example, the current boundaries of the 12<sup>th</sup> and 13<sup>th</sup> Assembly Districts divide the Latino communities residing in the Mission, Outer Mission and Excelsior Districts.

The issues concerning these communities include housing, economic development, transportation, education, health, and immigrant rights. The past decade has seen the working class population of San Francisco move southward as cost of living has increased. The neighborhoods along the Mission corridor share more in common both politically and economically with their neighbors in Daly City than with the Western half of San Francisco.

Residents of the Mission Street Corridor on both sides of the San Francisco and Daly City lines shop, worship, and participate in civic organizations within each others communities. The Mission Street Corridor is a commercial area that stretches from 16<sup>th</sup> Street in the North to Daly City in the South and is the commercial hub for Latinos, Filipinos and African Americans.

The southward migration of the Latino community is reflected in the increased demographic presence of Latinos in the Excelsior District and Daly City, many of whom are homeowners. The southern portion of San Francisco and Northern Daly City are pro-labor strongholds with the highest union memberships in the area. The existence of the Seramonte Mall, Costco, Target and

Kmart in Daly City have become shopping beacons for the residents of southern and eastern San Francisco who are economically compatible with the residents of Daly City

In terms of religious worship, residents throughout the Mission Street Corridor attend church together. The Latino, Filipino, Italian-American, and Irish-American predominantly Catholic constituencies of the region mix and congregate at St. Emydius, Ephantony, and Corpus Christi Catholic parishes at the southern edge of the border between Daly City and San Francisco.

Legislative districts with the Mission Street Corridor as their core are well-balanced approach to addressing the issues of San Francisco's diverse cultural communities.