

ACCESS TO POLITICAL REPRESENTATION: LEGISLATIVE REAPPORTIONMENT IN CALIFORNIA

May 1982

—A report of the California Advisory Committee to the United States Commission on Civil Rights prepared for the information of the Commission. This report will be considered by the Commission in formulating its recommendations to the President and Congress. In the meantime, the findings and recommendations of this report should not be attributed to the Commission but only to the California Advisory Committee.

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LETTER OF TRANSMITTAL

CALIFORNIA ADVISORY COMMITTEE TO THE
U.S. COMMISSION ON CIVIL RIGHTS

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The California Advisory Committee submits this report of its study of State legislative reapportionment as part of its responsibility to advise the Commission on civil rights issues within California.

The purpose of the study was to update and expand the Committee's 1971 report on political participation of Mexican Americans. That report contained a finding that Mexican Americans had been gerrymandered out of the opportunity to elect State and Federal political representatives from their communities. The Advisory Committee was interested in examining the 1981 redistricting process in order to determine what action the State Legislature was taking to preserve and enhance the voting power of Hispanics, Blacks and Asians.

In August 1981, before the Legislature presented its proposed reapportionment plans to the public, the Advisory Committee held a fact-finding meeting at which State Legislators, State Government executives, community organization and political party representatives, and concerned citizens were invited to discuss their perceptions and present information about redistricting. This report summarizes the comments received during the meeting along with data obtained from monitoring State reapportionment developments.

Speakers at the Committee's meeting emphasized the importance of redistricting to political representation of minorities. While community groups wanted districts created where minorities would have access to candidacy and election, their

primary concern was that the Legislature provide the opportunity for minority citizens to influence legislative performance.

The Advisory Committee found that the involvement of community organizations during the 1981 reapportionment process had increased the Legislature's awareness of political needs of minority groups in the State. The Committee concluded that extensive public input was needed to insure that redistricting was guided by public interest standards.

The report recommends that the Legislature take specific steps to guard against political abuse of the process and to protect minority voting rights. These steps include the adoption of rules providing for public review and comment of proposed plans, and the enactment of a State constitutional amendment adding racial/ethnic minority "communities of interest" as a redistricting standard.

Unlike its 1971 report, the Advisory Committee did not recommend that the power to reapportion be removed from the Legislature and placed in the hands of an independent commission. The Committee was unable to ascertain whether a commission would better serve the people of California. Individuals who appeared at the fact-finding meeting were convinced that the greatest potential for fair reapportionment existed at the legislative level because Legislators were more susceptible to public influence and pressure than an appointed body.

This report is offered in an effort to inform the public about a controversial, but little known and understood, process.

Respectfully,

Maurice B. Mitchell
Chairperson
California Advisory Committee

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This project was the staff assignment of Laurie Campbell and Thomas V. Pilla who provided research, investigation and editing assistance. Laurie Campbell was responsible for preparing the report for publication with help from Irene Garcia and Grace Diaz. All worked under the guidance of Philip Montez, regional director.

CONTENTS

I.	Introduction.....	1
II.	The Gerrymandering Tradition.....	6
III.	Community Expectations.....	24
IV.	The Legislative Process.....	63
V.	Political Parties.....	114
VI.	Legal Considerations.....	125
VII.	Reapportionment Issues and Developments.....	140
VIII.	Conclusions and Recommendations.....	151

Appendix

Statement of Tom Bradley.....	154
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Tables

I.	Ethnic/Racial Composition of California Assembly Districts, 1982.....	158
II.	Ethnic/Racial Composition of California Senate Districts, 1982.....	159
III.	Ethnic/Racial Composition of California Congressional Districts, 1982.....	160

I. INTRODUCTION

In January 1971, the California Advisory Committee to the United States Commission on Civil Rights conducted a public meeting on the political participation of Mexican Americans¹ in the State. At that time, one of the Committee's principal concerns was why only three out of approximately 160 elected State and Federal representatives were Mexican Americans. Although they numbered between 2 1/2 - 3 million people in California (12-15 percent), Mexican Americans held less than 2 percent of the State's elective offices in the Legislature and Congress.

A major topic of discussion at this meeting was the redrawing of California's Assembly, Senate and United States Congressional district lines. The Advisory Committee found that in past reapportionments Mexican Americans had been gerrymandered out of the opportunity to elect State and Federal representatives.

The Legislature's concern over self-preservation had resulted in the intentional splintering of Hispanic areas to generate support for incumbents and to increase party representation. Thus, Hispanics experienced dilution of their voting strength. The Committee was alarmed over the apparent lack of concern among Legislators to take necessary and immediate action to eliminate this form of discrimination.²

In 1981, the Advisory Committee decided to update and expand its 1971 study. Specifically, it was interested in examining the redistricting process in order to determine

what action the California Legislature was taking to preserve and enhance the voting power of Hispanics, Blacks and Asians³ in drawing the 1980-90 State Assembly and Senate district lines.⁴

California's population on April 1, 1980 totalled 23,668,562. Approximately eight million, or 33 percent, were Asian, Black, Hispanic, and Native American.⁵ Yet, in 1981, there were only 23 minorities, 14.1 percent, in the 163 State Legislature and Congressional offices: Eight Hispanics (one in Congress), twelve Blacks (four in Congress), and three Japanese Americans (Congress).⁶

In August 1981, before the Legislature presented its proposed plans to the public, the Advisory Committee held a fact-finding meeting in Sacramento on the relationship of reapportionment to the political representation of the State's ethnic/racial minorities. State Legislators, State Government executives, community organization and political party representatives, and concerned citizens were invited to discuss their perceptions and present information about redistricting.

While the majority of individuals contacted from the community appeared before the Committee, only one State Legislator out of four invited attended the meeting.⁷ Both the Governor and Lieutenant Governor declined the Committee's request for information.⁸ The Republican Party, also, did not send a representative.

Following this meeting, the Advisory Committee monitored reapportionment developments in California.

This report summarizes statements by participants at the 1981 public meeting and their responses to questions from Committee members.⁹ An assessment of issues and perceptions discussed at the meeting is presented together with a summary of events concerning the release of State redistricting plans for the 1980's.

¹The Advisory Committee focused on Mexican Americans because they were conspicuously absent from State governmental positions. In 1970, the Committee began receiving numerous complaints alleging that Mexican Americans were victims of deliberate discriminatory practices ranging from gerrymandering to unconstitutional election procedures.

In 1981, Hispanics, a large proportion of whom are Mexican Americans, are the largest minority group in California, constituting around one-fifth of the population. Occasionally, regional terms such as Chicano and Latino are used to designate Hispanics in this report.

²California Advisory Committee to the U.S. Commission on Civil Rights, Political Participation of Mexican Americans in California (August 1971), pp. 8-12, 23-34.

³The Advisory Committee limited its study to these minority groups because they had publicly presented concerns about reapportionment. The Committee is unaware of similar activities by other racial/ethnic minority groups, including American Indians.

⁴After the U.S. Census Bureau releases its decennial report on the U.S. population, each state is required to redraw its Congressional and legislative districts. While this work is done by special non-legislative commissions in some states, in most states, the power to redistrict is given to state legislatures. In California, the Legislature must reapportion Senatorial, Assembly, Congressional and Board of Equalization districts with the approval of the Governor. California Constitution Article IV, Section 6 divides the State into 40 Senatorial and 80 Assembly districts.

⁵1980 U.S. Census, Regional Census Data Center, Southern California Association of Governments, Los Angeles.

⁶The 1981 reapportionment will include 165 State voting districts, adding two Congressional seats (total 45 seats). The names of minority representatives in California are as follows:

Assembly

Willie Brown (B)
 Elihu Harris (B)
 Teresa Hughes (B)
 Gwen Moore (B)
 Curtis Tucker (B)
 Maxine Waters (B)
 Richard Alatorre (H)
 Peter Chacon (H)
 Matthew Martinez (H)
 Art Torres (H)

Senate

William Greene (B)
 Diane Watson (B)
 Rueben Ayala (H)
 Alex Garcia (H)
 Joe Montoya (H)

Congress

Sen. S.I. (Sam) Hayakawa (A)
 Rep. Robert T. Matsui (A)
 Rep. Norman Y. Mineta (A)
 Rep. Mervyn M. Dymally (B)
 Rep. Augustus F. Hawkins (B)
 Rep. Ronald V. Dellums (B)
 Rep. Julian C. Dixon (B)
 Rep. Edward R. Roybal (H)

⁷Legislators were invited who were involved in the reapportionment process. They included Assemblyman Richard Alatorre, chairman of the Assembly Elections and Reapportionment Committee, Senator Daniel Boatwright, chairman of the Senate Elections and Reapportionment Committee, Assembly Speaker Willie Brown, and President pro Tempore of the Senate David Roberti. Of these individuals, only Assemblyman Alatorre accepted the Committee's invitation to appear at the meeting.

⁸The Governor and Lieutenant Governor failed to respond to the Advisory Committee's request for written statements after declining to appear at the meeting. See the Appendix for a written statement from Thomas Bradley, mayor of Los Angeles, who was unable to attend the meeting due to a previous commitment. Mr. Bradley had presented information to the Committee during its 1971 public meeting.

⁹Excluded from this report are the remarks of William Durley, who represented March Fong Eu, California Secretary of State, at the meeting. Mr. Durley is Assistant Secretary of State for elections and political reform. Although invited to speak about the Secretary of State's role in reapportionment, his statements concerned voter education and registration, and are available from the Western Regional Office, U.S. Commission on Civil Rights.

SECRET

II. THE GERRYMANDERING TRADITION

Alan Heslop

Dr. Heslop is director of the Rose Institute of State and Local Government. The Rose Institute, located on the campus of Claremont McKenna College (formerly Claremont Men's College), Claremont, California, is an academic research center which studies state and local politics and policies. The Institute has developed a public education program in redistricting and public affairs. It has set up a computer system to ascertain the voter registration, voter history and population data of any district drawn for reapportionment in California, and the system is available to the public. The Institute released a model legislative reapportionment plan in June 1981.

I was asked to come today to present a slide show. To the extent possible in so controversial an area as redistricting, this is a noncontroversial, indeed educational, slide show.

I would suppose that none of the participants in the redistricting process would quarrel with the major themes of this slide show. However, redistricting is a subject that is traditionally conducted behind closed doors.

This is the beast about whom all of the trouble arises: The gerrymander, so-called because there was a governor of Massachusetts in 1812 by the name of Elbridge T. Gerry who, seeking to advantage the Federalist Party, drew this district. A newspaper of the day decided to add wings to the thing and refer to it as a salamander. A local wag said, "No, that is not a salamander; that is a gerrymander." The term has stuck ever since.

The first gerrymander failed. Not long after, the Federalists lost in this district. It was an ineffective, badly-drawn gerrymander.

To introduce modern gerrymandering, I have a couple of slides which may be of particular interest to this panel. Here is a gerrymander of Los Angeles County. It was drawn in the Rose Institute using computers. A student was asked to devise 28, exactly equal districts that would give maximum advantage to the Democratic Party. So, you are looking at an ideal Democratic gerrymander.

There are many features of this map I could point to, but I will draw your attention to only one. Here, in the center of the county, are the areas of heavy minority population. Note the treatment of those census tracts. Only one district is wholly concentrated in the area. Here is where the area has been chopped up. This is the way in which, typically, minorities have been treated by the Democratic Party. They have been split up, splintered and used to assure the re-election of Anglo, Democratic incumbents.

Now, when the student was through with this project, he thought he had finished his thesis, but he was wrong. I told him to draw another plan. You can imagine what the instructions were in this case: To develop the ideal Republican gerrymander or 28, exactly equal districts that would give maximum advantage to the Republican Party.

Again, let me draw your attention to the area of heavy minority concentration. What has happened now? Minorities are being crammed and packed into as few districts as possible. This is how Republicans deal with minorities. They put them in as few districts as possible so they can waste their votes.

Both Democrats and Republicans, when in power, have gerrymandered against minorities.¹

The purpose of these two model gerrymanders was to demonstrate something of very great importance. It is that there is huge political advantage in the redistricting process. This is why politicians struggle for control over the redistricting process. This is why it is all so bitter and hard-fought.

The Democratic gerrymander that we drew produced 21, entirely safe Democratic districts out of the 28; the Republican, 17 safe Republican districts out of 28. That is what the fuss is all about. It is about political control. Redistricting is about the effort to waste the votes of the opposition party so that you get more seats than you get votes.

I am sure that I do not need to dwell for very long on this next series of slides. It is well known that the 1960's saw a judicial revolution affecting reapportionment.

Up until the 1960's, redistricting as a process had been largely controlled by state constitutions and state statutes. Typically, states require that districts be compact, con-

tiguous or territorially-linked, or that they give good access to voters to different parts of the districts and that they follow county boundaries.

But then, beginning in 1962, that changed. This was the beginning of the one man, one vote revolution. Baker v. Carr² saw a judicial entry into the redistricting thicket. In 1964, Reynolds v. Simms³ saw the U.S. Supreme Court apply the new judicial doctrine of one man, one vote to both houses of state legislatures. This struck down the California Senate which was based on counties.

By the end of the decade of the 1960's, the Court was enforcing this new doctrine with extraordinary vigor.

There is absolutely no reason to doubt the sincerity of the Court in these one man, one vote cases. They believed correctly that malapportionment was a great evil and that only the new doctrine of one man, one vote could correct that evil. They also believed that equality of population would produce generally greater fairness in representation.

It has been shown in a number of studies that they were wrong. The fact of the matter is that the early 1970's, far from producing fairer districts, produced more gerrymanders than ever before. The doctrine of one man, one vote failed to produce fairer representation but, rather, gave a spur to gerrymandering.

The reason in part--and it was dramatically demonstrated in California in 1971--was that legislators saw the new doctrine of one man, one vote as their excuse to gerrymander as

never before. The new doctrine was used to shunt aside the traditional restraints on redistricting, to demote the older state constitutional criteria of compactness, contiguity, voter access, and county and other jurisdictional boundaries. The new paramount criterion of one man, one vote, or population equality, was used as an excuse to leap across rivers, to push across mountain boundaries, to ignore all of the older limitations on redistricting as a political process.

The other reason was that the 1960's saw another revolution. It was the revolution of computer technology as applied to the redistricting process.

Here is a line-drawing of one of the computer systems that sprang into being in the 1960's and early 1970's. Against the wall in the diagram is a piece of equipment that looks like a blackboard. It has an arm hanging down which contains a stylus. It is a digitizer, a device for in-putting geographic coordinates to a computer data base. When you use the stylus to draw around an area on the map, the computer knows what area has been circumscribed. In the corner, the desk-like looking piece of equipment there is a computer plotter, a device for outputting graphic display data.

You are now looking at a computer-drawn registration plot of the Bay Area. You see a great many dots on the map. Each of those dots is a precinct center, or more technically, a centroid, the population center of a precinct. You can see

there is a color scale, red through blue: Red, the high Democratic; blue, the high Republican registration; and the rainbow scale in between.

Imagine one had district lines to overlay such a spot; how easy it would be to fine-tune district lines to provide maximum political advantage.

Here is another plot, this time a blow-up of registration in Los Angeles and Orange County. Again, each of the symbols is a precinct center or centroid; again, a color scale, red through blue. In this case, the computer has drawn some district lines on the map, and you can see them here. We have chosen to highlight one of the districts.

This is a district that fits all the traditional criteria. It is compact, contiguous, gives good access by voters to its different parts, and fits into a county boundary. There was only one problem with this district. The incumbent, a Democrat, was not happy with it. You can see why he would not be too happy with the district: Too many blue, that is, high Republican, registration precincts within the district.

In 1971, the State was to be redistricted. This gave the incumbent an opportunity to redraw the district. This is the new district. It is a district that cuts across a county boundary in order to pick up those additional Democratic registration precincts. Not only does it cut across a county boundary, it splinters 13 cities without including any city in its entirety.

This is a district that no one in his right mind would call compact. It is contiguous only down those narrow fingers of territory. It gives very poor access to voters to its different parts. Yet, it was judged to be legal and was passed by both houses of the California Legislature, and would have become law but for a veto.⁴

It is very clear what is happening here. There is a reach for political advantage, more blatant and more sophisticated than ever before. This district is built on those two revolutions that I have described. It is a district possible only in the new age of one man, one vote when mathematical equality is the basic test against which districts are measured. This district was exactly equal in population with all of the other districts in the plan and, therefore, it was judged to be legal. This is a district that only could have been created in the new age of computer redistricting.

Here is another district in that same plan passed by both houses of the California Legislature and judged to be legal because it was equal in population. It is a district that has two parts. The lesser part is connected to the district by this narrow neck. What is that narrow neck? It is the center divider and one lane of a freeway.

Let me come up-to-date and talk about redistricting politics. Although these revolutions that I have described have taken place, some things have not changed. Redistricting is still a thoroughly political process that involves

some very important political stakes. The stakes have not changed much. It is still a process that can determine the fate of incumbents and the survival of their careers, still a process that mightily decides how many Democrats and Republicans will be elected to state legislatures and to Congress. It is also a process on which leadership careers rise and fall. As you all know, this is a process on which minority representation substantially hinges.

To probe a couple of these, I have a few slides that will help illustrate some of what goes on. Here is a slide that illustrates the partisan gerrymander.

It is surprising how many people do not understand that redistricting, when it involves gerrymandering, is a process of seeking to waste votes of the opposition party. That is to say, the majority party draws districts in such a way that it gets more seats than it gets votes. How is this done? There are two techniques of wasting votes.

On the left, this diagram illustrates the first technique: Dilution. The majority party takes the concentrations of voters of the opposition party and splits them among as many districts as possible, assuring that in none of those districts does the minority party candidate have a serious chance of winning the election.

The alternative technique is packing. In this case, you take the concentrations of voters of the opposition party and you put them in as few districts as possible so that the

incumbent of the majority party gains re-election with a huge surplus of votes or even runs unopposed.

Typically, in gerrymanders, both techniques are used: The technique of dilution and the technique of packing.

What about the ethnic gerrymander? Here is an attempt to demonstrate the problem that has confronted Hispanics in California and other Southwestern states.

On the left, you see the sort of district that Hispanics wish today to see created: A district that is 50, 55, 60 or 65 percent Hispanic in population. Why create such a district? So that a Hispanic can get elected.

The fact of the matter is that neither Republicans nor Democrats like this. Republicans like it better than Democrats, but they like to see the district, not 60 percent Hispanic, but 90 to 95 percent Hispanic. Democrats would like to see it 20 to 35 percent Hispanic.

What happened when Democrats controlled the process? Typically, a corridor was drawn through an area of heavy minority population sufficient to pick up the Democratic loyalist votes, to help use those votes to prop up an incumbent, but not to elect a minority. It broadened out to separate other areas. It is often referred to as a barbell district.

The redistrictings of the early 1970's created a reaction. People looked at the product of those redistrictings and said, "Something is wrong. The process needs reform." The indictment was made that redistricting had become a pro-

cess whereby politicians had too much power, power to stack themselves up, pack themselves in and remove themselves from public opinion.

The new-style redistricting, redistricting under cover of one man, one vote and with the aid of computer equipment, threatened very important values: Group participation in the process and effective two-party competition. While the minority party, in particular, is harmed by this process, both parties can be harmed by it because both lose the incentive to put up the best candidates. Competition falls off and competitive districts become fewer in number.

What is the answer? The answer, according to Common Cause⁵, is to take politics out of the process, to depoliticize redistricting to the extent possible by putting it in the hands of an independent, nonpartisan reapportionment commission. Common Cause may be right that this is the only way to cure the major abuses of the system, but I would not hold up too much hope for independent reapportionment commissions. Those that exist have acted generally in very political ways. They have not been nonpartisan. Quite often, their independence has been in serious question.

I believe that there is a better way to cure the problems of redistricting. It is a good dose of old-fashioned pluralism. It is the effort to open up redistricting, to insist that this is a process in which many groups have an important stake. This is a process where all of us have an interest in the outcome and, therefore, many groups have a

right to be heard. The process is properly a public one. It is one that can be opened up and, as a result of some sunlight shed on it, improved.

That is the belief that has guided the redistricting program that we have conducted at the Rose Institute for the last couple of years. It has been our effort through slide shows such as this to shed some light on the redistricting process.

Q: Do Hispanics in California want elected officials from their areas?

A: It is my understanding that the great majority of Hispanic groups today seek ethnic representation. That is to say, they wish to see more Hispanics in the Legislature and Congress.

Q: Do they see the drawing of districts that increase the population of Hispanics as a basis for doing that?

A: That is exactly right. Hispanic scholars are in agreement that it is only because of much ingenious racial gerrymandering that there are so few Hispanics now in the Legislature and Congress.

Q: In the comment that Hispanics need larger districts to elect Hispanics, are you saying that in districts where they are less than a majority Hispanics could not be elected?

A: Certainly, it would confront Hispanic candidates with more difficulties than in other districts.

Q: Why is that?

A: I am sure the answer is racism of the electorate.

Q: Is it your view that a Hispanic that is elected from a district where there is less than a majority of Hispanics could represent Hispanics in that district without fear of being defeated next time around because that person was too much of an advocate?

A: Obviously so. It depends on the sort of representation given the district by the candidate. There are many variables. In some districts, Hispanics would have much greater difficulty than others, depending not only on the extent of the Hispanic population but also on the attitudes of the district on issues that are raised by the district.

Q: Is not one of the other items that is raised not so much the election of Hispanics, but establishing a significant block of voting power so that, regardless of who the person is who is elected, he or she has to continually return to that home base and respond to the needs of that community?

A: The concept of political base is known to all politicians. It can take many forms. It can be a particular area of the district. It can center on a particular issue or set of issues. Certainly, the representation of Hispanics can be regarded as a political base.

Q: Is it your opinion that Hispanics have been gerrymandered because of racism or because of political party affiliation?

A: That is a hard question to answer. None of us knows what motives have led politicians to pattern particular districts. I would guess that it is primarily political advan-

tage. They have put a higher premium on the re-election of incumbents of their own party, who happen to be Anglo, than on the representation of minorities. Putting this higher premium on re-election of their colleagues and the maintenance of the status quo has resulted in massive discrimination against the Hispanic community.

Q: Could you give us a concise statement, based on your research, about the impact the reapportionment process in California has had on the political participation of all minorities, not just Hispanics?

A: Minorities have suffered from the redistricting process, not only here in California but nationwide, not only when Democrats control the process but when Republicans control the process. As I pointed out, there are anti-minority gerrymanders practiced by Republicans as well as by Democrats.

The story in this State has been that Blacks suffered as badly as Hispanics under the impact of ethnic gerrymandering. This is a process not of accident, but of deliberate contrivance. No one who looks at the map of Los Angeles and at the areas of minority population there can believe that those lines were drawn by accident. They were ingeniously contrived to secure political advantage at the expense of minorities.

Q: Could you tell us the criteria that the Rose Institute used to develop a model redistricting plan?

A: There are a number of plans that are being developed at the Rose Institute by scholars and various civic groups. The plans that the Rose Institute has circulated, and which we believe useful for public discussion of redistricting, are plans that make use of the criteria entered to the State Constitution by Propostion Six⁶, namely, respect for city and county lines, respect for regional integrity, compactness and contiguity. Additional criteria that we believe important are the proper representation of minorities, or the attempt to undo the failure in the past to properly respect minority representation.

It has not been the Institute's intention that these plans be accepted by the Legislature. Our purpose was to test a number of criteria and to show what good government criteria produce in the way of a scheme of representation.

Q: There have been allegations that the Institute has certain partisan leanings. What precautions or steps have you taken to secure the objectivity of your model plan?

A: Obviously, a plan guided by good government criteria will attract partisan attention and charges of bias. Redistricting is a controversial subject matter where scholars should tread with care, and, perhaps, only scholars with thick skins should enter. We have done what we can at the Institute to insure the objectivity of the program: First, by selecting highly qualified scholars of both political parties to participate and, second, by not trying to take the

process over from the Legislature, but simply providing information to it.

Q: How is the total voting population affected by gerrymandering?

A: There are deleterious effects on the whole electorate as a result of partisan and ethnic gerrymandering. What is the incentive on the voter to participate in a district that is stacked or packed for the candidate of only one party? Whether that voter's loyalty be to the party that benefits from the stacking or whether his loyalty be to the minority party, he loses incentive to participate in the political process. The outcome of the election in such a district is predetermined. Nothing that voter does can change it. So, it is an unhappy consequence for voter participation. In particular, I think that this is true in the case of minorities. It can lead to a sense of alienation from the political process and to their asking themselves, "Why bother when the outcome is already set and determined?"

Q: You were saying that one of the solutions to better redistricting would be to insure the participation of various groups that would benefit by this. What recommendations would you make to insure that such participation was meaningful and effective?

A: I believe the key steps may have been taken by Senator Boatwright and Assemblyman Alatorre in their public commitment to hold open hearings on the officially-proposed plan after it is drawn but before it has been voted on.⁷

This should give interested groups an unprecedented opportunity to express themselves. I believe that the process is more open in 1981 than it was in 1971 or at any point past, and these chairmen of the legislative elections and reapportionment committees are to be congratulated on taking that very important step.

I also believe there is a change in terms of the sophistication of group involvement in the redistricting process at this time. There are groups that have developed alternative plans. I think it is also particularly heartening to see the number of Hispanic scholars who have been attracted into redistricting as statisticians, demographers, political scientists and people with legal expertise in the area. This is substantially new, the number of well-qualified Hispanics who are assisting group involvement in the process.

I would like to see the Legislature make its process more open. I think it is unfortunate that so much of the process does take place behind closed doors. It would improve the process if the Legislature would make more explicit the criteria that it uses.

Q: Would the priority system that would be involved in coming up with good plans in other states be different than the priority system in the State of California?

A: No. My own view is that there are two groups of criteria. One group of criteria I see as essentially constraining legislators, stopping them from putting their own

and their party's interest as the paramount criteria. I call them constraining or crimping criteria such as compactness and contiguity. There are, in addition, some criteria which I believe generally serve the public interest. The respect for minority populations is clearly one of these.

¹Racial gerrymandering in California was evident as early as 1951 when the Republicans controlled the State Legislature.

²369 U.S. 186 (1962). In this case, the Court ruled that Federal courts have jurisdiction to determine the fairness of state legislative reapportionment plans in order to assure to each voter equal protection of the laws guaranteed by the 14th Amendment to the U.S. Constitution.

³377 U.S. 533 (1964). In Sims, the Court held that the equal protection guarantee of the 14th Amendment required construction of voting districts which were equal in population so that all citizens received fair representation.

⁴By 1972, the Democratic-controlled Legislature and Republican then-Governor, Ronald Reagan, were unable to agree on a redistricting plan, so State officials asked the California Supreme Court to take charge of the reapportionment process. The Court appointed three "special masters," all retired judges, to draw up a plan for California's Assembly, Senate and Congressional districts. In 1973, the State Supreme Court ordered the special masters' plan into effect, resulting in the first court-drawn plan in California's history.

The Court's plan was more equitable to minorities than any previous legislative plan. It created several new Black and Hispanic Senate and Assembly districts, and minority candidates have managed to win most of these seats. Yet, although minorities gained from the plan, it did not result in a significant increase of minority representation in the Legislature.

⁵Common Cause is a citizens' group in California. This group is working with the State Republican Party in attempting to obtain a constitutional amendment creating an independent commission which would draw State legislative and Congressional seats. According to Common Cause, it is impossible for legislators, who have a vested interest in redistricting, to draw district lines in the public's interest.

⁶Article XXI, which was voted on as Proposition 6, was added to the California Constitution in 1980. It specifies that the following standards, or criteria, be used to adjust boundary lines of legislative and Congressional districts:

- 1) All districts shall elect a single member,
- 2) The population of districts shall be reasonably equal
- 3) Every district shall be contiguous (not split up),
- 4) Districts shall be numbered consecutively beginning at the State's northern boundary, and
- 5) The geographical integrity of city and county boundaries, and of any geographical region shall be respected wherever possible.

⁷From February 1981 to August 1981, the Legislature conducted a series of public hearings in the State in order to solicit testimony on community reapportionment concerns. Eleven and six hearings were conducted by the Senate and Assembly Elections and Reapportionment Committees respectively in such areas as Los Angeles, San Diego, San Francisco, Sacramento, San Jose, Santa Ana, San Bernardino, Ventura, Fresno, and Redding. In addition, a joint Senate-Assembly hearing was held on Aug. 4, 1981 in Sacramento. The hearings, a new development in the State's reapportionment process, were conducted prior to the Legislature's public release of its 1981 Senate, Assembly and Congressional redistricting plans.

III. COMMUNITY EXPECTATIONS

Miguel Garcia

Mr. Garcia is statewide chairperson of Californios for Fair Representation, a coalition of Hispanic organizations in California concerned with monitoring State and local reapportionment. Californios developed a model legislative reapportionment plan and presented it to the State Legislature in July 1981. Mr. Garcia provided information on Hispanic issues in reapportionment.

I am very glad that your Committee has chosen to enter the thicket of the reapportionment process. It is a real necessity for us to have governmental bodies involved in this process other than the Legislature itself.

As we see the history of reapportionment in the State of California, we see that the process has contributed greatly to the present disenfranchised position that the Hispanic community finds itself in 1981. We truly do believe that the reapportionment process has been a major contributor in terms of causing the conditions in our community which very badly need solutions.

Our organization is rather new on the scene. We have only been together for a very short period of six months. But, when we came together in February of this year, we realized that history could not repeat itself in terms of what happened in 1971 as well as 1961. It was for that purpose that our organization came together in order to monitor the reapportionment process. We are very much concerned that what happened in the past will happen again. I say it very sincerely when I tell you that I do believe that there is a

clear and present danger that, again, the voting rights of the Chicano and Latino in the State of California will suffer at the hands of Legislators.

It is not an accident that our community has traditionally been carved up in many districts for the benefit of the Democratic Party or the Republican Party. We are aware that the policies presently being carried out have been to use the population within our communities to benefit incumbents or to benefit either of the major parties. That is totally unacceptable to us.

In terms of the activities of our organization, we have already developed an Assembly, a Senate, as well as a Congressional plan; and we submitted those plans in July 1981, giving the Legislature an opportunity to review those plans and consider the alternatives that we propose. We believe that those plans safeguard the interest of our community and, at the same time, follow all of the principles of law which reapportionment plans are supposed to follow: They are equal in population; they are compact; they are contiguous; and they respect the community of interest, especially, the community of interest of the Latino and Chicano, a community of interest which has not been respected in past reapportionment efforts.

We have also very intentionally in our plans retained the strength of all those individuals who represent communities that are underrepresented. I am speaking about Legislators who are Chicano and Latino. Their strength is retained as well as those Legislators who are Black.

We believe that our plans are fair to all citizens and all residents of the State of California, not just Latinos and Chicanos. It is not our purpose to create districts where only Hispanics can be elected. It has been our purpose to create districts where we will have a significant voice and influence upon anyone who is going to represent us, whatever color and creed he or she is.

In terms of what we expect from the Legislature, we know that there are definitely areas where new districts can be developed which will have a majority Latino population. In our legislative plans, we have created two new districts that are in the percentage of 40 plus. We have also created five districts above 30 percent Latino population. Altogether, we have under our Assembly plan 16 districts where Latinos would have a significant influence in those communities as far as being able to tell Legislators that their interests have to be respected.

In terms of the Congressional plan, we created one new [Hispanic] Congressional seat, also, in the county of Los Angeles.

We believe that these plans are very realistic and moderate. If we were to demand or request representation according to our population, then we would be entitled to much more. We are 20 percent of the population of the State of California, and a 92 percent increase that has been shown by the census is very telling in terms of the amount of people we have in the State.

Yet, there does exist a great disparity between the numbers in terms of our population and the numbers in terms of our representation. Hispanics are less than five percent of the political representatives in the State Legislature and the Congressional delegation.

They tell us that the reapportionment process in 1981 is more open than it has ever been. It is more open in the sense that these legislative committees have taken testimony from many individuals because we have testified at every hearing of the Senate as well as every hearing of the Assembly. But, we have been at a great disadvantage because at none of these hearings have we had the opportunity to review the Legislature's plans.¹

As far as the reapportionment issue is concerned, the Hispanic community has no division; we are united. There is not one Hispanic organization that is not participating with us in this process. Senator Boatwright is correct that we are speaking with one united voice, and he has told us that

it will make it easier for him to make decisions. We hope that his plan and the Assembly's will follow the united voice we have presented at all these hearings.

I would also express one other concern, and it is a very real concern. We do not want to gain in political representation at the expense of another minority group that is also underrepresented. I am speaking, specifically, of the Black community. It is my major concern, especially as far as the Senate plan is concerned, that they will create a new district, but that it is not going to be created in such a fashion where, in order for us to increase representation, we are going to have to be pitted against Black Legislators or individuals in the Black community. We do not agree with that concept; we do not agree with that approach.

We have coalitions here in Sacramento, San Francisco, San Diego, San Bernardino, Los Angeles; we have altogether 10 coalitions. Five counties in the San Joaquin Valley have organized themselves to work on the issue of reapportionment. All these coalitions will be represented in Sacramento in August to let the Legislators know that 1981 is different from 1971, that our community has grown in sophistication and in political power. We can meet that test in terms of turning out that vote, and we are going to be providing our communities with viable candidates who can speak in a strong voice in terms of our interests.

Gerrymandering has been a major contributor to the apathy which exists in our community, but it is an apathy which is not confined to the Latino community; it is an apathy which we see across society. We see that apathy because of the lack of responsiveness on the part of legislators. So, it is my request that this Advisory Committee stay involved in the reapportionment process and that you state a strong position in terms of the appropriateness, or lack thereof, of the plans that are going to be coming forth very soon.

Q: Mr. Garcia, what was the Legislature's response to your model plans?

A: The first response was a critical one. We had representatives in Sacramento no more than a week ago. I was not present, but I listened to the tape of the entire proceeding. It appears to me from the discussion that took place at that proceeding that the Legislators, at least some of them, focused very much on the shortcomings of our plans.² Our plans are not perfect, and we have never claimed them to be. We have operated with what can literally be called a shoestring budget. We cannot compete with the high finances of the Legislature which runs in the millions of dollars.

I do not believe that is a positive approach as far as the Legislature is concerned. Also, the Legislature has been very secretive in terms of what they are doing. I do

not believe that it is in the public's interest for the Legislature just to take the information without letting the public know what plans they are developing.

Q: What do you perceive as the Legislature's major criteria in reapportionment?

A: Based on history, it would be protection of incumbents.

Q: Have you seen the Legislature take any specific steps to safeguard minority representation?

A: I am really at a disadvantage to be able to give a definitive answer because I have not seen the Legislature's plans. The final test is going to be what they create, what their plans will look like. I am hopeful that there will be sufficient time after the Legislature surfaces those plans for us to be able to analyze those plans and to be able to give effective input to the process.

Q: You spoke of a concern for Black representation. What are your group's concerns for Asian representation?

A: We are also very concerned in terms of Asians being well protected under our plans and we have made an effort to identify all the pockets where people of Asian descent live and to make sure that their community of interest is protected.

Q: Have you worked with Black and Asian groups in monitoring reapportionment?

A: Our major emphasis has been within our own community. However, we are now also focusing on local reapportionment efforts throughout the State of California. In Los Angeles County, we have begun to work with representatives of the Black community, and we submitted a supervisorial plan where representatives of the Black community and our coalition were in agreement in terms of what that plan should look like.

Q: I keep hearing your discussions with respect to the Black community. Are you telling us that the Asian community is not organized enough to present any kind of reapportionment concern?

A: Without offense to any group, it appears that the only community that has organized itself in 1981 has been the Latino community, and that is unfortunate because we would welcome the support and participation of our brothers and sisters in the Asian community, as well as the support and participation of our brothers and sisters in the Black community. It has only been at the local supervisorial level in Los Angeles County that there were Blacks in the audience. It was then that they began to participate with us.

We have not made any efforts to actively reach out to any community other than our own because there is such a dire need for people within the Hispanic community to organize themselves.

Q: Has your main source of data been the Rose Institute?

A: Yes.

Q: Has anybody else made an offer to you of the availability of the same data base?

A: We have been in contact with the staffs of both the Senate Elections Committee as well as the Assembly Committee, but we have not had the same type of response and openness in terms of their data base as we had from the Rose Institute. The Rose Institute has been very gracious in allowing us to use the wealth of information that they possess.

We were concerned, because we are nonpartisan, that the use of the data base from the Rose Institute would open us to attacks that we were allying ourselves with the Republican Party. In fact, those attacks have been made by different people and different sources. We are very happy that now the Los Angeles County Board of Supervisors has voted to use that same data base. The data base, we continually state, is an objective data base. It has been our discretion that has gone into creating our reapportionment plans. Without the use of the computers, we would have been at a great disadvantage to compete in this process. The technological side of reapportionment is a key part.

Q: What was the extent of your organization's involvement in the legislative public hearings in regard to reapportionment?

A: Our organization was involved in all of the hearings before the Assembly and Senate Committees.

Q: After the reapportionment plan is presented by the Legislature, public hearings will be held so the Legislature can consider input at that time. Do you feel this process will give your group sufficient time to react and present your analysis of the plan?

A: I would think not, and I am really at a loss to understand why good-thinking minds would plan the reapportionment hearings the way that they have been planned. If there was good faith to make this process an open one, where the public could have effective input, the reapportionment plans should have been developed first, then hearings should have been held throughout the State.

I believe that the process was turned around. They took testimony first, and were even critical at times because we had to speak in generalities, but how else could we speak? What could we say to them except to give them our expectations? We could not give them concrete information in terms of, "This is what we want as far as your reapportionment plan is concerned."

Q: Could you give us an idea as to what kind of time was put in for the plan Californios developed?

A: We put in nearly 300 hours at the computer. We have an inside joke within our own organization that our research committee is in need of a marriage counselor because, literally, our committee had to report for duty, above and beyond the call of duty, at 11:00 p.m. or midnight, and we would be at the computers from that time until very early in the

morning. That was the time the computers were made available to us. Without it, we would not have been able to develop reapportionment plans. It would have taken us thousands and thousands of hours, months of work, had we had to do that through a manual process.

Q: What do you foresee as far as politics as usual?

A: We have been disappointed at the lack of response, especially from top-level Democrats in the State. We understand that reapportionment is a very important process as far as the political power of the respective parties. One of the criteria that we used in developing our plans was not to impact on the balance of power between the Republican Party and the Democratic Party.

We are exercising our discretion. We have made it known to all people that we are independent of the Democratic Party and of the Republican Party, and our first loyalty is to our community.

What I see that is very positive, which hopefully will be a change as far as politics as usual is concerned, is that no matter what happens in reapportionment, our community is coalesced. We are more united now than we have been for at least ten years. Our coalition is going to remain. It is an important development in our community because, even if there was not to be one new district in our community, our organization can make political representation accountable to Hispanics. We hope that the leadership of both parties realizes that we have a developing and dynamic constituency that

within the last five years has increased 35 percent in voter registration, that turned out 65 percent of its registered voters for the last general election. If it is politics as usual, it is not going to be politics as usual for our community in 1982. We are voting in great numbers now and that is going to increase.

Q: What is your perspective concerning the accomplishments of the Democratic Party with respect to minority interests?

A: I would say that the Democratic Party is closer to the sense of our community as far as a lot of issues that affect our people. On the question of reapportionment, it is just the opposite. The track record of the Democratic Party on reapportionment is a dismal record. It is a record that no Democrat should be proud of or should even voice anywhere within the Hispanic community.

Q: Could you point to a few specifics?

A: In the area of Santa Clara County and San Jose, we have a population that is divided into three Assembly districts. You can see that gerrymandering is very apparent. Hispanics are a community that could be put into one district there, but that is also not our approach. We do not want to fall into the policy of the Republican Party either. The Republican Party would want to put us all into as few districts as possible in order to increase their power. We do

not agree with the policy of the Democratic Party that we should be diluted and put into many districts. We want to strike a balance between those two.

Another example is East Los Angeles where a Hispanic population of 800,000 plus was divided into eight Assembly districts so that there was not any one district with more than 10 to 15 percent Latino population. That same population could have been divided into three districts where we could have elected people to represent our interests.

Virna M. Canson

Mrs. Canson is regional director of the West Coast Region, the National Association for the Advancement of Colored People (NAACP). She addressed concerns of the Black community regarding State redistricting. Daphne Macklin, a volunteer staff member of Mrs. Canson's office, appeared with her before the Advisory Committee.

Reapportionment is a current issue and we all have a major stake in it. The State Senate and Assembly have held hearings about reapportionment. Last week, a joint Senate and Assembly elections committee held a hearing at which the NAACP presented a statement.

It is my understanding that this Advisory Committee is concerned with the impact of reapportionment in California on the political participation of State citizens. You stated that some of your principal concerns are voter participation, access to candidacy and representation in the State Legislature.

We have carefully reviewed census tract maps and find there are Black population clusters in Alameda and Contra Costa Counties, and in Los Angeles, Pasadena and Altadena where Blacks can reasonably expect to elect representation. We do not believe that representation should be assured by huge percentages. In other words, we do not require 60 percent or more [Black-]populat[ed] districts to assure representation.

Access to candidacy cannot be discussed in a meaningful way if the subject of campaign financing is not addressed. Candidacy, at this time, is almost universally accessible. However, the high costs make candidacy among most people an unattainable goal.

Another dimension of access is the degree of meaningful participation of Blacks and other minorities in political party affairs. The glaring absence of minorities has a negative impact on access. We have witnessed party structures turn their backs on good minority candidates, thus, minorities are denied opportunities to compete.

The area of voter participation is no doubt the most critical. The disease of voter apathy is fast becoming malignant. The absence of adequate voter participation shifts the important business of accountability of public officials away from the people to vested interests. We are seeing public officials who are single-issue representatives. We see political leaders who have no more than 30 percent of

the eligible electorate proclaiming mandates from the people. Thirty percent of the eligible electorate diminishes to 15 percent or less of the eligible population.

The NAACP is deeply concerned about the apathy among youth. Many of us have fought hard to get voting rights for 18-year-olds. In an effort to do something positive about youth voter apathy, the NAACP has sought legislation in several states which would require registration of young people in high schools when they became eligible to vote, or when they reached 18 after graduation and before the next election. Hard-core resistance surfaced in some states, including California.

The most important form of voter participation is voting. The need for affirmative programs and creativity is great. In one of the NAACP's prison branches, a unique campaign was conducted. Families and friends who came to visit prisoners were challenged to become registered voters.

Our public and private educational institutions can and must be a major force in revitalizing our electorate. While the issue of reapportionment is critical, it is unlikely to provide the indepth political education which is needed because the event takes place only every ten years. We can, however, take every possible step to maximize the opportunity to educate during the process.

We started quite some time ago trying to determine how best to approach the business of getting the necessary information to make a meaningful assessment of potential in this

reapportionment period. We visited the Rose Institute and found them willing to push the buttons and draw districts and this type of thing. We have tried to get information from other sources. The information that we received from the Senate came more easily and has been more helpful than that from the Assembly. We do not mean to be critical, but the material that we were able to obtain from the Assembly came from the office of the minority member of the Assembly Elections Committee.

We have worked extensively with the members of legislative staff. We felt it ill-advised to try to take the place of the Legislature and draw a plan. It is the responsibility of the Legislature to draw the reapportionment plan.

We hope there will be time for people to examine these plans as they are presented, whenever that will happen. Hopefully, the process will not drag on and the courts will not have to take on another highly sensitive, political, racially-overcast issue.

There are people who keep pushing the responsibility that ought to be attended to by the Legislature to the courts. It makes it very difficult because it erodes the administrative system. If that process continues, we will find ourselves having a large number of single-interest, highly subjective persons at the legislative level, and overworked and embattled judges. I think that would be a disastrous state of affairs.

Q: Ms. Canson, has your organization drawn up a reapportionment plan?

A: We have census tract maps which we secured from the Rose Institute and other information we secured from the Senate. We have drawn some lines around some places. We know where there are 90 percent Blacks living. We have some idea of the increasing population percentages of Blacks. We know where we have the best chance of electing a representative. We do not have something that we can hold out and say, "Here is the iron-clad plan," for the reason that we do feel that the fundamental responsibility for drawing a plan is with the Legislature.

Q: Can the Legislature adequately do reapportionment, or are you in favor of having it go to an independent body?

A: I do not know whether or not protecting both the public and the Legislature by having somebody else do it is the way we ought to go. Our system is a system of checks and balances. I question whether or not the public can be insulated and continually protected from their own responsibility.

The NAACP is in business to be advocates. Although we do not have the resources to have full-time people here in Sacramento, the system is open for advocacy and I think that is very important. Public officials have a responsibility to provide us with information, but we have a responsibility to get out and try to gather what is known.

[Macklin] Whenever you talk about setting up another body to do the work, that body is, itself, going to reflect whatever biases of power, interests and concerns are already reflected in the Legislature. It may even be worse. For example, you may have two or three people chosen by the Governor, so he could have political influence on those people. Then, you may have several people nominated by the courts. So, you would only be adding another layer of political influence in the political sphere. As long as the Legislature has already been elected, and this is one of their duties and obligations under the law, then they should not be permitted to escape by establishing a commission.

Q: We have listened to testimony from Hispanic groups in reference to reapportionment. They stated they would welcome any minority organization to join them in developing reapportionment plans. Have you been solicited to do this?

A: My office has not been solicited. The NAACP has a network of some 75 to 80 chapters of various degrees of activity in California. It may well be that participation has been down at a local chapter level of which I am not aware.

We understand and we support the push of the Chicano community to seek greater representation. Certainly, I see that there could well be a common interest in some areas. I think the most important point is that both Blacks and Chicanos rise above vulnerability and exploitation.

Q: Have you requested a copy of Californios' plan?

A: I have not requested it. As a matter of fact, I have not thought to request it. I have not felt the responsibility to request that plan since that is not the final product. The energies that we do have we want to use to focus on what the Legislature has put forth.

The NAACP staff in the West Coast Region is a very small one. We have the challenge to respond to what the KKK is doing here. We, perhaps, have made an error in not having a staff person at the Rose Institute in the same manner that the Chicano community apparently has. That was, perhaps, an oversight on our part. But, now, energies are directed at trying to mobilize the Black community, to move past what appears to be a sort of lethargy which I am not sure is the indigenous property of the Black community. Our goal is to fight on, to hold on to what Blacks have. Also, we have had to counter the attitude in some quarters that this is the year of the Chicano and all else, especially Blacks, steps back.

Q: What criteria will your organization use to determine the acceptability or non-acceptability of the Legislature's reapportionment plan?

A: [Macklin] Legislative reapportionment is a concern of the NAACP nationally. It is a concern particularly in California because we understand, from the census data, that the Black community in California is the second largest Black community in any state.

Our criteria are basically going to be the existing Federal and State laws, primarily the Voting Rights Act of 1965 and whatever laws the State of California has with respect to equitable representation. We would like to be sure that the Black community of voters and the Black community of interest is not compacted into a few legislative districts. It is not to our advantage to have three or four districts that are 90 percent Black. That cuts down on our ability to affect policies in terms of who is appointed to particular administrative positions. It narrows our interest and presents us as, "Those two over there." On the other hand, we do not want to see viable communities, where there would be a potential of 25 to 40 percent Black concentration in a particular district, narrowed down to 10 or 15 percent. This would make it very difficult for that community to ever express itself or even have the opportunity of electing a representative.

Our guidelines are basically to make sure that Black communities of interest are protected, that they are maximized to their best advantage, that they are not stuck with something that looks good in 1982 and 1983, but in 1988 is going to be impossible to win. So, we really have to wait and see what the Legislature finally provides before we can take an advocacy position, and we are going to measure it against the existing guidelines.

Q: What criteria do you see the Legislature using as it prepares to draw up its plan?

A: Survival.

[Macklin] I perceive not only survival, but they are going to have to think about their partisan interests, whether they are Democrats or Republicans, conservatives or liberals. They are going to have to take into account Proposition 6 as a bottom line. The Legislature's criteria is basically, unfortunately, very one-sided: Can I win the next time around? It is going to require a great deal of statesmanship and courage for Legislators to say, "I may not always be representing this district, so how am I going to further the interest of the people who live here?"

Q: Ms. Canson, did you want to respond?

A: Certainly, we are interested in having representation. But, we are also interested in influencing performance. If, in fact, we can represent a third force in a given situation, then we are looking at that from a broad perspective. I would hope that other groups are also looking at it in this way.

I feel that we are in serious difficulty in terms of voter apathy. If we have Legislators who are so comfortable --black, white, blue, green or grey--that they fail to do the kind of things that need to be done because they know they are going to get elected anyway, that is a disservice and an utterly disastrous situation. As we are approaching reapportionment, we are not only looking at getting seats, but also at improving the whole political situation.

Q: After the Legislature's plan is released and before the vote is taken by the Legislature, there will be public hearings in Sacramento. We have had concern expressed that this will not allow adequate time for analysis and review of the plan by various groups throughout the State. Will your organization be submitting recommendations to the Legislature showing how the process could be improved to increase the participation of minority groups?

A: As I recall, this is the first time hearings have been held throughout the State. I think that is some improvement. I think the Legislature did make an effort to get out. It would have been much more exciting to have had the final plan to comment on at the hearings. I feel that one hearing in the south and one in the north of California when both legislative plans are ready would be a good thing to have.

Q: How many Black Legislators are there currently in the State Legislature?

A: Six and two: We have Senators Watson and Greene, and Speaker Brown, Assemblyman Harris, Waters, Hughes, Tucker and Moore. We feel there should be a Senator representing the population in the north. To "guild the lily" or reinforce existing Black districts is not a gain. I think that every effort is going to be made to preserve seats. But, we do not find it acceptable to not look at the potential for additional [Black] districts.

Floyd Mori

Mr. Mori is director of the Office of International Trade, California Department of Economic and Business Development. He is a former State Assemblyman, serving in the Legislature for six years. Mr. Mori spoke about reapportionment issues concerning the State's Asian community.

I am very anxious that a segment of our California society become more involved in the political process.

The United States form of representative Democracy has always prided itself in the basic participatory nature of the system. We are always told that we have to stand up and be counted, and being counted means much in terms of fully participating in many of the government programs that are apportioned on the basis of head count. Likewise, the count at the ballot box impacts upon a policy maker's sensitivity to the needs of his constituency.

Unfortunately, much of that constituency in the State of California has been invisible, not heard or represented. The silent character of the Asian population is not only in culture but literally unheard of in the legislative halls of State and local government. This is not because they are not speaking, but because nobody is listening.

During the 1970's, we have seen a dramatic increase of Asian population in California. Immigration has been at an all-time high in Korean, Filipino and Indo-Chinese populations. In the case of Filipinos, much of the increase is due to the fact that they were designated as Filipinos or grouped under Spanish-surnamed.

These new Asian populations are faced with major language problems. When I came to the California Legislature in 1975 and was assigned to the Subcommittee on Bilingual Education, I found that bilingual education was solely aimed at Spanish-speaking people. When hearings were scheduled for that year, no one was invited from the Asian-speaking communities. Of course, that quickly changed because an Asian pointed out the omission. The majority community failed to see that invisible group of people.

With many Asians as new immigrants, citizenship will be forthcoming in the 1980's and 1990's. Hundreds of thousands of Asians will be added to the voting roles as naturalization occurs and as today's young Asian population matures.

Asians will maintain their political silence for two more decades if reapportionment does not maintain the integrity of major Asian population blocks. Since the Asian is politically-invisible today, the potential of dividing Asian populations to accommodate politically-motivated gerrymandering is a real threat. This comes to the heart of the concern of this Advisory Committee. When and if Asian populations are divided up, voter participation, accessibility to candidacy and electability of Asians will become nonexistent.

The 1980's and 1990's are extremely critical for the democratization of Asian Americans in California. Reapportionment is going to have a major, positive or retarding impact on this process.

I hope the impact is positive. Asian American communities must be kept intact in order that they may have the same opportunities afforded the majority community in this Democratic process. This advisory body should make strong recommendations toward this end.

Q: How has past redistricting affected the Asian community in California? Can you give me some specifics?

A: If we look at the major blocks of Asian population in the core of Los Angeles, the Asian population is divided by the districts that are there. I do not know if redistricting in 1970 was the major cause because a lot of that population came in the 1970's.

I think it is important in this decade that we recognize this increase so that those groups will have some integrity in terms of a political community and that there be some representation. The Korean, Filipino, Japanese and Chinese communities in Central Los Angeles are a major population block that have the potential to elect their own officials and to voice their own opinions, rather than have the majority population voice it for them. I think it is important that we recognize this in Los Angeles, parts of San Diego and, of course, San Francisco.

Q: Has there been any Asian representation at any of the Legislature's reapportionment hearings?

A: There has been some. But, much like the time when I entered the Legislature, there are no Asian Legislators now. There is no one there to advocate clearly the needs of the

Asian population. We do our best in the administrative part of government to advocate and to get others to do that. But, if there is not a legislative person, it is very difficult to get the kind of participation that one ought to have. To a large degree, Asians have been reluctant, in the past and present, to testify and appear before public bodies such as this and legislative bodies to let their feelings be known.

Q: What suggestions do you have for improving the situation?

A: I recommend to legislative bodies that they do a lot more outreach because that is what is going to be required. When I was in the Legislature, we had the ability to do a lot of outreach. It is a continual process, particularly, in the newer populations such as the Korean and Indo-Chinese populations. The language problem becomes a real barrier for them to even express their interests. The Korean population numbers over 200,000 in Los Angeles County now, but they have a very difficult time with English and some speak no English at all.

Q: I gather, Mr. Mori, that there is no unified community of Asians.

A: I think some cultural problems go way back. But, I sense a lot more willingness [in Asians] to cooperate with each other. I work very closely, for example, with the Korean community, and I sense in them a willingness to work with other Asian communities.

The newness of the Asian population creates some real problems. There is no solid unified leadership within those communities. Again, I point to the Korean community. There is a lot in the Los Angeles Times these days about the "Korea Town" mafia, and the attention we paid to it was to set up an Asian taskforce to crack down on crime in that community, rather than to look at the significant problems and needs that they have. If Koreans had some representation in city and county government in Los Angeles, some accessibility there, the kinds of problems they are facing really would not be as desperate.

Q: Has the Asian community been involved with other minorities in regard to reapportionment?

A: The Legislature began talking about reapportionment when I was retired from that body, and there were some initial attempts to coordinate efforts with other minority groups. Reapportionment, unfortunately, is an area where all groups are fighting for representation, an area that has the potential to draw minorities apart. But, in that process, I hope the opportunity is developed where, as we look to the 1980's and 1990's, representation is preserved and minorities are not carved up into little segments where there is going to be no voice at all.

Q: Is there any organization within the Asian community that has taken on the issue of reapportionment in terms of doing some homework to be ready when the Legislature's plan comes out?

A: I think you will find those who have shown interest are the activist-type of individuals more than a major organized effort. I think a lot of our organizations, right now, are just struggling for survival and that has been overshadowing what they need to be doing in terms of looking at the future.

Q: Mr. Mori, could you tell us what your involvement has been in the area of reapportionment?

A: I participated and gave some presentations at the Rose Institute Conference on Reapportionment at the Claremont Colleges in December 1980. I do not think any other Asians were involved in that conference. I think this came about because I was in the Legislature when I was invited. Since that time, being an initiate in the administration, it has been difficult to get into my new job and organize the community in terms of reapportionment. Again, it has been very difficult to get some cohesive organized effort.

While an Assemblyman, my office did some research to try and identify where the Asian population was concentrated in the State. This was done preliminarily to begin looking at what we could do in terms of reapportionment.

Q: You have been speaking about Asian communities and the need to keep them intact. Is the prevailing attitude that only minorities can represent minorities?

A: I do not think it is necessary. Certainly, other people are capable of representing Asians besides Asians. I represented a district that was not Asian, and I think I did very well representing Whites, Chicanos and Blacks. So, I do not think it takes an Asian to be sensitive to Asian needs.

I think the obvious situation is that there is a total void as far as Asians are concerned. Unless there is an Asian in an elective position, Asians will be shunted aside as a satisfied, fulfilled, successful minority group which they are not.

I would agree there are some Asians who do not represent Asian interests, and there are Blacks and Chicanos who do not represent the interests of those minorities. Just because your skin color is a certain hue, that does not mean you are going to represent persons with the same skin color. My concern is that minority communities have the opportunity to express their voice. They do not have that opportunity now.

Q: As a former Assemblyman, what is your perception of the Legislature's criteria for reapportionment?

A: I think there is some basic sensitivity to minority needs. We have a speaker who is a minority and the chairman of the Assembly Elections Committee is a minority. I have some feeling they are going to be sensitive to minority issues. But, I think it is incumbent upon other Legislators to assure that all minorities are considered when reapportionment lines are drawn.

Q: Do you think minority representation is a legislative criteria?

A: In this particular Legislature, it is going to be a major priority simply because of the leadership in the Legislature.

Q: Please give us some idea of the history of elected Asian officials in California. For instance, did being an Asian hinder you from being re-elected?

A: I think it had an impact. I represented a community that was maybe one-half of one percent Asian. During my tenure in the Legislature, I spent a great portion of my time on Asian issues.

I think Mr. Bannai was the first Japanese American elected to the State Legislature, Mr. Song a few years ago, March Fong Eu several years ago, and myself. That is the extent of Asian American representation in the State Legislature.³

In local levels, we see a little bit more involvement. You see a sprinkling of Asian representatives on school boards and city councils. As you look at these communities, they are areas where ethnic minorities are not large in population. I represented and was mayor of a city where there were not too many Asians. In these communities, the "electability" of Asians was not an issue.

Q: Do you agree with the perception that minority elected officials encounter trouble which the general group of elected officials do not?

A: Yes, I think that happens. Physically, minorities are more visible and do not blend in, so there is going to be a lot more scrutiny by the public. That is the price minorities have to pay and will pay for some time to come. Something that would be ignored by the majority population if the elected official were a non-minority will be magnified if the elected official is a minority.

David Quintana

Mr. Quintana is a student at Claremont McKenna College, Claremont, California. At the time of his presentation, he worked for the Republican Assembly Caucus, Elections and Reapportionment Committee and was involved in analyzing model redistricting plans submitted by various groups to the State Legislature.⁴

Legislative reapportionment is a process which requires great forethought because the results of reapportionment will influence the shape of policies in the Legislature for many years. Redistricting is a basic distributor of political power. The policy that governs the line-drawing process is influenced by many differing interests, including incumbent politicians, political parties, courts, academia and the general public. The weighty responsibility of producing fair reapportionment and, even, defining what constitutes fair reapportionment should be deliberated and evaluated with care. One of the factors to be considered in reapportionment in California during the 1980's is respect for ethnic groups.

I have explored the effects of reapportionment on ethnic politics with a focus on the Chicano community. I am currently writing my thesis on that subject. I began with an analysis of the shifting of ethnic groups within the major metropolitan areas in the State. I have produced a maximization plan for areas of high ethnic concentrations for the 1980 reapportionment. The ethnic groups included in this analysis are Blacks, Hispanics and Asians.

In addition to the demographic analysis, I have looked at some of the legal issues governing ethnic considerations in reapportionment. As a result, I have come to some conclusions about the proper way reapportionment should be done. I have also attended some of the legislative hearings, and I have some of my own conclusions and reactions to the things that were said there.

I am currently writing a letter to Assemblyman Alatorre, although it could be addressed just as easily to Senator Boatwright. The letter goes as follows:

Dear Assemblyman Alatorre:

I am writing this letter to you on my own behalf, not as an official function of the office in which I serve.

I wish to comment on the testimony given to the committee of the Assembly and Senate meeting jointly on reapportionment on August 4, 1981. The Californios for Fair Representation, which presented its plan to that committee, represents an unprecedented coalition of Hispanic leaders and community activists. Their concern for reapportionment is a legitimate attempt at participation in the political process in the State of California.

There is no other body but the State Legislature to which they can more effectively take their grievances for lack of political representation. Hispanics are a portion of the population in California which have been historically disenfranchised by previous Legislatures and only partly recognized by the California Supreme Court apportionment in 1973. The significance of their appearance at the August 4th hearing is great because they perceive the present course of action as the only way to pursue in order to improve their legislative representation in a politically-legitimate way. Their actions are not being directed by any Republican scheme. They are only attempting to achieve the representation that they deserve.

They have come to the Legislature for one reason: Any gains made by the Latino community will be legitimized only by an act of the Legislature itself. The Voting Rights Act cannot totally assure minority reapportionment maximization, nor can the California and U.S. Constitutions.

Hispanics are not interested in maintaining the status quo of Hispanic representation. They have formed a bipartisan coalition in order to impress the Legislature with the seriousness of their demands. If the Legislature fails to act, their only recourse is to seek court intervention. If the courts fail to act, they may seek other means to vent their political frustration, such as party splintering. Either of these actions will be considered as politically-legitimate as their present petition.

Chicanos are only beginning to realize their electoral potential. If their political aspirations are to be achieved, a proper stage must be set for their advancement. Your position of control over the Elections Committee gives you the ability to effect the changes which they desire. They do not mean to attack you personally or to defame the Democratic Party.

I realize that granting these changes will be no easy task. I know this because I am in the very fortunate position of having access to the equipment and data necessary to formulate a comprehensive reapportionment plan. I know the innumerable factors which must be taken into consideration, not the least of which includes incumbent protection, party impact and population trends. I can only wish you luck in all your proceedings. I believe that you are capable of drafting a reapportionment plan which will recognize the growing interest of

Chicanos in the legislative political process. As the young Chicano community begins to mature, the fruits from groundwork laid now by your Committee will be reaped well into the coming decade.

One of the main reasons for the U.S. Supreme Court's hesitation to enter the reapportionment jungle is that they felt the public ought to be more actively involved in the process. The Honorable Justice Frankfurter dissented in the landmark case of Baker v. Carr stating,

An appeal must be made to an informed, civicly-militant electorate. In a democratic society like ours, relief must come through an aroused popular conscience that sears through the conscience of the people's representatives.

We are now witnessing such an aroused electorate in the form of the Californios and the NAACP, among other groups.

It is the duty of the Legislature to recognize this appeal. The Legislature must prove its ability to be responsive to the interests of the communities it represents or face the possibility of court interference. I have confidence that this job can be done.

Q: Are you working on the reapportionment plan of the Republican Party?

A: The Republican Caucus of the Assembly is doing an analysis of other plans. We are not developing the Legislature's plan. What must be realized is that the Republicans will attempt to make input to the Legislature's plan. The Republicans and Democrats are each developing their own perspectives for reapportionment.

Q: What are the feelings of Republicans toward minorities in the State?

A: My perspective from the past and from my conversations with various members in the Republican Party shows that they are hoping for a broadening of their political base for the reason that they have been a minority party and they wish to become a majority party. The Republicans have spoken in press releases, to the press and on television, for the need for minority representation. They have not, to my knowledge, made what would be considered an official policy statement on this matter.

Q: Are there political advantages for the Party to try to swing more minorities to them?

A: Certainly.

Q: I would like your evaluation of what went on at last week's hearing by the joint legislative reapportionment committee and what the responses were.⁵

A: My impression of the actions of [Hispanics] who were giving testimony was that they should have stayed there and presented their plan, regardless of the nit-picking of the Committee, in order to clarify and to explain for the record their own petition for representation. Despite the defects of their own plan, they should have pointed out the strengths of it and elaborated as to where the Legislature could improve on reapportionment considerations for their communities.

I think, though, that their walk-out was symbolic because it evidenced their opinion that the Legislature has not been as responsive as it could be in considering minority

interests, and they wanted to make clear for the record that, because of past Legislatures, Hispanics' involvement in reapportionment has been minimal.

Q: What specific steps has the Republican Party taken to encourage minority participation in the reapportionment process?

A: The Republican Assembly Caucus Elections and Reapportionment Committee, on which I serve, has allowed members of Californios to present their plan to us, and we have done a complete analysis of their plan and attempted, where possible, to find out where we can incorporate parts of their plan. We have also asked representatives of various geographic areas, such as San Jose, to submit their own suggested lines for a plan.

At this point, there cannot be a structural guarantee of reapportionment considerations for minorities for the reason that the process is rather nebulous. The process is constantly changing. After consideration of any number of factors, you may change the lines the next day, and nobody really knows where the final lines will be until the bill is passed. However, a major influence on how those lines will end up is the public. The more public scrutiny there is on the process, the greater chance for fair reapportionment.

Q: You have had a chance to scrutinize Californios' plan. Have Californios had a chance to scrutinize the Republican's plan?

A: Yes, they have. In fact, we invited them a couple of times to our office to review it, and they have taken up our offer. They have also had access to our computer.

Q: Have you made similar offers to other groups like the NAACP?

A: We have not been approached by the NAACP, however, I would imagine that our office would be just as open with their group.

Q: Am I correct in saying that minorities have to initiate the contact?

A: The purpose of our office is to analyze plans. We have no public relations per se. As far as input from any minority group, it would be through the Legislators in their official capacity. Under their direction, we will seek public input if they so choose.

Q: As an impartial student, do you believe in the integrity and the ability of the Legislature to do what is just and right as they reapportion the State?

A: My purpose is not to point fingers at anyone. However, I have seen in my studies of the history of reapportionment that factors to be considered in drawing a plan do not lend themselves to considerations of minority interests. If you are only looking at data from the standpoint of which area is Democratic and which area is Republican, you cannot consider whether this area has a high minority population and this area does not. Partisan gerrymandering is very easy without public scrutiny.

Q: I take it that you are not that optimistic about the Legislature's ability to be fair?

A: Since minorities tend to vote heavily Democratic, it has been the history of the Democratic Party to split up their voting potential in order to support districts with Democratic incumbents. Many of these Democratic incumbents tend to be non-minorities.

On the other hand, by consolidating minorities into high minority districts, you can insure a minority becoming elected. However, it also tends to work against the ability to create Democratic districts for the reason that you automatically concentrate the Democratic vote if they are high Democratic-voting minorities.

It is possible to create districts which are representative of a community in the sense that a given minority group has the ability to influence the outcome of an election. That, I believe, is what the Hispanics and Blacks are ultimately trying to do. They do not want the high minority district because it will tend to consolidate them into a few districts. However, they do not wish to be dispersed as has been the policy of the Democratic Party in past reapportionments.

Q: What criteria is the Legislature using to draw up its reapportionment plans?

A: The Legislature, including both Democrats and Republicans, is going to attempt to protect its incumbents. This is obvious. The courts have not said that there is anything

wrong with incumbency considerations. However, the extent to which the Legislature will consider other factors, such as respect for city and county boundaries and respect for communities of interest, will be to the extent to which they are observed and influenced by the public.

¹See note 7, Section II of this report, p. 23.

²State of California, Legislature, Joint Senate-Assembly Committee on Elections and Reapportionment, Hearings (Aug. 4, 1981), pp. 52-77.

³In the 1981-82 session, there are no Asians in the California Legislature.

⁴Mr. Quintana appeared at the Advisory Committee's open session, following formally-scheduled presentations, at which interested individuals were invited to share information about reapportionment.

⁵At the joint Senate-Assembly reapportionment hearing on August 4, 1981, Californios for Fair Representation walked out of the proceedings, refusing to answer questions from Legislators after they were unable to receive answers to their own questions about the redistricting process. "Latino Walkout Climaxes Session on Redistricting," Los Angeles Times, Aug. 5, 1981.

IV. THE LEGISLATIVE PROCESS

Richard Alatorre

Mr. Alatorre, State Assembly member for the 55th District in Los Angeles, was first elected to office in 1972. He is presently chairman of the Assembly Elections and Reapportionment Committee.

I took over the job of chairman, Assembly Elections and Reapportionment Committee, at the beginning of this year. The job is obviously a very thankless task from the standpoint of having to come up with 80 Assembly districts and, ultimately, working in conjunction with the members of the Senate to come up with a Congressional reapportionment plan that would now number 45 and the plan that deals with how we apportion the members of the Board of Equalization.

We have attempted in the period of time that I have been chairman to make the process an open one. The process has been closed [to the public] in prior reapportionments. So, attempts have been made, not only by myself but also by the members of the Committee, to open the process to the people.

The Assembly has had a series of about seven hearings in different geographic regions in the State of California to listen to testimony. We have listened to representatives from a very diverse group of people, not only Californios for Fair Representation, but the National Association for the Advancement of Colored People and various city and county officials who are concerned with how the process is going to effect them at the local level.

We are in the process of negotiations with various members of the Legislature. We are going to try and come up with a plan that is fair and equitable to the citizens of the State of California with a clear recognition of the commitment I have to try to unify the Hispanic community wherever possible.

In the past, whether we talk about what the courts did, whether we talk about what the Democratic or Republican Party did, the whole question was of separating the Hispanic community to the point where it was in a politically impotent position here in the State.

Q: Has there been an arrangement between the Senate and Assembly to respect each other's plans?

A: Well, I think that is basically an unwritten aspect which I think took place before I came to the Legislature. There is respect for the Assembly plan, and I am sure there is respect for the Senate plan. Ultimately, as I mentioned earlier, there is cooperation in drafting a Congressional reapportionment plan and the plan for the Board of Equalization.

Q: I wonder if you could list for us, in the priorities as you see it, the considerations or the elements you considered in drafting the Assembly's plan?

A: Obviously, the number one consideration that restricts us is the concept of "one person, one vote." The

other [restriction] is trying to maintain the integrity of cities and counties as much as possible. Certainly, you have to include the aspect of incumbency.

Q: Would that not be the top priority?

A: I think, obviously, that is a consideration. I could come up with a plan that is the best plan from my perspective, but, if it is unrealistic from the standpoint of legislative members, I am going to get absolutely nowhere.

Q: To what extent does political party affiliation enter into redistricting?

A: I would be less than naive and I think you would be naive to believe that is not one of the other considerations.

Q: How many Hispanics are presently in the State Legislature?

A: There are four of us in the Assembly and three in the Senate for a total of seven.

Q: Do you recall how many there were in 1970?

A: I would say there were two in the Assembly and none in the Senate.

Q: How many Hispanics in the Congressional delegation in 1981?

A: One.

Q: How many in 1970?

A: I am sure there was one.

Q: Why are minorities underrepresented in the State Legislature?

A: I think there are several reasons. They were obviously underrepresented in the past, and I am not here to justify what has been done in the past because I cannot justify that, nor was I even around to be a part of that.

I think that, certainly, gerrymandering was a fact of life. In the 1960's, the Democrats did it. In the 1950's, the Republicans did it. The end result was absolutely the same. But, what has changed between then and now is there is obviously more public scrutiny. The fact that you have much greater public scrutiny over the process and you have certain constraints, population constraints and Proposition 6, means that it is a much more open and responsive process.

Q: In your opinion, Mr. Alatorre, has reapportionment adversely affected the political participation of minorities in the State?

A: I think it depends. From the standpoint of Anglo population, it has not adversely affected it. It is very interesting that when you speak to Anglos they have no problem in feeling that they can best represent the needs of all people. But, when you talk to Hispanics or minority politicians, they feel that only a minority can represent a minorities and that a minority cannot represent the majority.

Q: In your opinion, how much weight should be given to political criteria for reapportionment?

A: It is a consideration.

Q: What effect, if any, will the Voting Rights Act preclearance provision have on California's reapportionment process?¹

A: There are certain counties that are affected by the preclearance provision. If I am not mistaken, I think Madera County is one of them, and I can really not recite others.

Q: What percentage of Hispanics do you have in your district?

A: I think, at the present time, it is over 60 percent of the population.

Q: What percentage of registered voters are in your district?

A: It probably goes down to less than 50 percent, probably 40 percent or less.

Q: I take it that your district would be viewed as a Hispanic district?

A: Well, population-wise, certainly. Any district that is represented by Hispanics or any district that is represented by Blacks is perceived as being [a minority district]. When I got elected, my district was viewed as being a Hispanic district even though probably 18 percent of the people were Hispanic.

Q: In drawing on your experience as a Legislator for the last ten years and serving a Hispanic district, do you have an opinion as to type of districts that Hispanics can run in and be elected?

A: I think it takes a Hispanic district for a Hispanic to get elected. I think there are a lot of ingredients that enter into play. I will give you an example. When I first got elected, I represented 18 percent Hispanics, but I also represented a fairly liberal constituency. What made up for the lack of Hispanics was a fairly liberal constituency which did not view the election of a Hispanic to be the end of the world. If you, as a Hispanic, could go out and attract voters and could demonstrate to voters that, in fact, you were not only interested in one particular group but you were interested in representing all people, your chances of election, certainly, were there.

Q: I take it from that statement that you view a Hispanic candidate having to deal with racism?

A: Racism is a fact of life. It was much more subtle for Hispanics than it ever was for Blacks. Subtle racism is probably worse than overt racism. Hispanics, historically, have suffered from this subtle kind of racism. It is becoming a little bit more overt because of the trend in the growth of the Hispanic population in the State of California.

Q: Would you endorse the establishment of an independent commission?

A: No. There is no such thing as an independent commission. The fact is that somebody makes the appointment of people, and appointees are ultimately going to reflect the particular political or philosophical persuasion of the individual who makes the appointment.

There is no such thing as an objective body. If you talk about the courts, the courts are not objective. If you talk about elected representatives, they are not objective. If you talk about business or the private sector, they are not objective.

Q: You listed criteria for a redistricting plan. Would you rank them in order [of importance]?

A: I am not going to rank them.

Q: You say you have been talking with community groups. Could you tell us exactly how this rapport has helped or impacted on the reapportionment process?

A: Hopefully, it has been an educational process for legislative members. It has not been an educational process for me. What I listened to is what I was involved with in the early 1970`s. The problems are not new; the problems have been with us for a long period of time.

I think the importance of the hearings and public testimony was to try and sensitize other Legislators to the fact that there are other people in this State with the exception of those that they represent. Most legislators would tend to view the State of California from a very provincial point of view: Whoever they happen to represent. I think [the hearings have] been very educational and very beneficial to the process.

Richard Santillan

Dr. Santillan is assistant professor of Ethnic Studies at California State Polytechnic University, Pomona. He received his Ph.D. in political science from Claremont Graduate School, Claremont, California. He is currently director of the Chicano-Hispanic Reapportionment Project at the Rose Institute of State and Local Government, and has authored a book and several articles on the Chicano political movement in the United States.

In January 1971, I came to Sacramento on a bus with other students from California State University at Los Angeles to attend a hearing by this same Committee on the lack of Chicano political participation in the State of California. One of the issues discussed at that hearing was racial gerrymandering and its negative consequences on the social and economic well-being of the Chicano community.

When Jesse Unruh, former Speaker of the Assembly, came to testify before the Advisory Committee, the Chicano delegation, including myself, walked out of the hearing in protest of those past practices.

It is a tragedy that ten years later I am testifying before the same Committee on the same issue: The lack of political participation of Chicanos as a result of racial gerrymandering. In addition, last week, in this same building I appeared before a joint committee of the Senate-Assembly Elections and Reapportionment Committee. As a consequence of their lack of cooperation and evidence that the hearing was primarily to discredit the efforts of Californios for Fair Representation, our delegation walked out. In 1971 we walked out; in 1981 we walked out.

It is quite evident to us in the Chicano community that nothing has changed with the Legislature's attitudes and practices regarding redistricting and racial gerrymandering. Despite legislative rhetoric that this has been an open, fair process, in reality, it is still being done behind closed doors in order to protect the interests of incumbents at the expense of the minority community.

I have been involved with this redistricting process from the beginning. Aside from a series of token hearings throughout the State, there has been nothing else that has allowed the opportunity for Chicanos and other minorities to participate and have an impact on legislative plans for 1981.

During the last ten years, it would seem to us that, on the surface, nothing has changed. That may be true for the Legislature, but, in terms of the Chicano community, the last ten years since 1971 has seen a growing political sophistication of our people, and there is much evidence to prove this. I would like to share some examples with you.

In 1971, we witnessed the beginnings of La Raza Unida Party which emerged as a direct result of the insensitivity of both Republican and Democratic Parties. The party failed in terms of qualifying itself as an official party but demonstrated the historical frustration of Chicanos against both major parties.

While the party was not able to qualify as a legal party, I believe it did have a tremendous impact. It allowed myself and others to get involved in the political process

for the first time, and to develop certain leadership and organizational skills that would probably not have been possible in both major parties. I also believe the party was responsible for putting pressure on both Democrats and Republicans to run Mexican American candidates.

A second example was the attempted cityhood of East Los Angeles in 1974 in which Chicanos campaigned to incorporate the largest area of Chicanos in the United States. Example three, the inclusion of Hispanics in the 1975 Voting Rights Act, giving Chicanos Federal protection against illegal election practices for the first time. Example four, bilingual ballots, personnel and voting materials. Example five, in 1974, the election of two Mexican American governors: Jerry Apodaca of New Mexico and Raul Castro of Arizona. Example six, the presidential campaign of a Hispanic, Benjamin Fernandez in 1980. Example seven, a report by the Southwest Voter Registration Project of San Antonio, demonstrating the high turn-out of Chicanos in voter registration. Example eight, Chicano and Latino caucuses in the Democratic and Republican Parties, both at the state and national level: The development and growth of national organizations such as the National Association of Latino Elected and Appointed Officials, the National Council of La Raza and the Hispanic Congressional Caucus. Lastly, the recent election of Henry Cisneros as mayor of San Antonio, Texas, the ninth largest city in the United States. There is much more evidence, but I think you have the point.

Although there have been important changes in election laws and an increase of Chicano participation in the political process, the major obstacle of racial gerrymandering has not been eradicated.

My remarks today will focus on the role of the Chicano-Hispanic Reapportionment Project at the Rose Institute of State and Local Government and how I became involved with it. Two years ago, during the summer of 1979, the Rose Institute staff invited approximately 50 Chicanos from throughout the State, primarily from Southern California, for a luncheon. The program included a tour of their computer facilities and a discussion in the afternoon. At that time, the Rose Institute offered their facilities at our disposal if we desired.

Two weeks later, I was called by the Rose Institute staff and asked to direct a project that would inform the Chicano community on the importance of redistricting. After several discussions with the director, Alan Heslop, I agreed to consult with the Rose Institute, but there were certain conditions or guarantees that I had to have before I took the position: Number one, it would not be a token project; number two, there would be no interference from the Rose Institute staff regarding the activities of the project; number three, no editorial changes in our publications; four, the right for myself and others who work in the project to be critical of Republicans as well as Democrats; five, the ability for me to travel; and six, sufficient funds in order to have maps, pay consultants, hold seminars and conferences. I

can add, after two years, Dr. Heslop and the Rose Institute staff respected all my wishes.

The Chicano-Hispanic Reapportionment Project has two major functions. First, it is an educational outreach program. Under this category, it is involved in several activities. The first is its publication series. There will be ten publications when the project is completed. We have already published two reports on the history of racial gerrymandering against the Chicano community and, also, a report on reapportionment in the Southwest. In addition, we have two other publications in the process. One is a bibliography on redistricting from 1971 to 1973 and a second one, which is going to be extremely important, is the reapportionment of the city council of Los Angeles from 1971 to 1973. In terms of future publications, we are going to look at reapportionment in other states of the Southwest and, also, will be developing public policy recommendations for 1991 reapportionment.

Second, we have been involved in a series of seminars. We have sponsored four seminars at the Rose Institute and have invited the Chicano community. Three, we have allowed group tours by the Chicano community to look at the Institute's computer and see how it works. Lastly, we have been involved with conferences.

On January 31, 1981, the Chicano Reapportionment Project sponsored a statewide conference on redistricting in the Chicano community. Over 130 Chicanos and Latinos attended. As a result of the conference, Californios for Fair Repre-

sentation was formed. In addition, the Project hosted a statewide conference with Californios on April 25, 1981. The ability for me to travel and speak to various groups brought reapportionment to the attention of the entire Chicano community in two years.

The second function of the Chicano-Hispanic Reapportionment Project is to provide technical assistance and resources Californios' plan to develop an Assembly-Senate-Congressional plan was not designed to develop a complete or comprehensive statewide plan, but to demonstrate how districts could be drawn in certain areas of the State to increase Chicano political participation. The process of developing these plans took various steps.

The first step was that each area of the State was broken down into six regions. In each area, we provided technical assistance, census tract information, maps, and a number of other resources. In the second step, these areas were analyzed under the Rose Institute's computer. If [Californios] were not satisfied with the districting they had drawn, we then provided assistance by drawing a district that satisfied them. In the third step, press conferences were held to reveal regional plans for the Assembly, Senate and Congress.

Besides State plans, the Project provides the same service for supervisorial redistricting. Two weeks ago, we put together a plan for Los Angeles, Kern, Fresno, Kings, Merced and Monterey Counties.

Besides assisting in planning supervisorial and state plans, the Rose Institute computer has the capability to analyze plans that have already been adopted. We are in the process right now of looking at the supervisorial plans that have been passed in Ventura, Orange and San Bernardino Counties in order to detect any racial gerrymandering and pursue litigation. Later, next year, our efforts in reapportionment will begin to focus on city council and school board redistricting.

I should add that, in the process of developing these State and county plans, we have had no staff or technical assistance from the Rose Institute. In fact, the Institute has done everything not to get involved.

In terms of that, there has been a certain amount of racism on the whole issue of Chicanos in redistricting. The Democrats, for example, accused Californios of being nothing more than a front for the Republican Party and, specifically, for the Rose Institute. We feel that this idea borders on racism because it says that we, as Chicanos, do not have the intellect or talent to put together a redistricting plan on our own. On the other hand, some Republicans are trying to take credit for Californios. That also accents the issue of racism.

I would like to conclude with one other point. The Chicano-Hispanic Reapportionment Project is not an advocacy group. I informed Dr. Heslop initially, and he agreed, that

the Project was not going to get into the business of organizing the Chicano community. That would be left to Chicano groups.

Next month, the Project will analyze the Senate, Assembly and Congressional plans that are coming out. Once we detect any type of racial gerrymandering, it would be our responsibility to provide that information to the community.

In summary, reapportionment will be a key issue determining whether the Chicano community is truly to have political power and influence in the political decision-making process. The creation of legislative districts, which elect Chicanos to office, is not by any means the solution, but, certainly, a louder political voice for Chicanos is a factor which would be helpful in the gradual attainment of social and political equality. Unlike ten years ago, Chicanos in the 1980's are in a better political, legal and organizational position to confront the issue of racial gerrymandering.

Q: From your perspective, what are the important criteria that the Legislature will use to formulate its redistricting plans? Can you rank them?

A: The criteria the Legislature will use is quite obvious. The first one will be the protection of incumbents, and, second, the protection of all the members of the reapportionment and elections committees. The third is to pro-

tect the leadership, and the fourth, to protect all the Legislators that have some influence in the Legislature. Their primary concern will be to protect themselves.

I believe the second criteria will be to keep the political party who is in power in the same position for the next ten years. After that, they will look after their friends and then they will look after whatever is left, and that will be the Chicano community or the Black community or the Asian community. That is the reality of the political process of redistricting. I think anything else, in terms of Proposition 6 or helping minorities, is very naive coming from the Legislature.

In terms of what my priorities would be, I would look at the political and ethnic composition of this State and attempt to draw a plan that would reflect a diversity of political parties, racial and ethnic and religious groups, so that when we really talk about representative government, we really mean that.

If I could add my opinion about special commissions, I feel very strongly that the responsibility of redistricting should be in the hands of the Legislature. I do not think it should be in the hands of the courts or a commission, basically, because it is very difficult for these bodies to be accountable to the people. You have some type of accountability [with the Legislature] or some way that you can get back at some of the Legislators.

Q: Has your project worked with other minority groups in drawing up reapportionment plans?

A: We have not worked with other groups. The NAACP, for example, has utilized the Rose Institute computer. In terms of the Asian communities, the Rose Institute has had some workshops.

Q: What kinds of guarantees do [other] minority groups have that [Hispanics] will not infringe on some of their rights and concerns?

A: There were several major criteria that we used to develop our plans. Number one, that all Chicano and Black Legislators would be protected; either we would strengthen their districts or make their districts more accommodating for them. The second criteria is that our plans would not be at the expense of any other minority group. For example, we made sure that Black communities were well represented.

Q: In one of your articles, you point out that the Chicano community must take a position that is independent of both major parties. Now, you are saying that the Legislature should determine reapportionment in California. Is there a dichotomy between those two comments?

A: No. My point is that I feel there is a way in which we can reasonably draw a reapportionment plan that will protect incumbents, but will give a better chance for minorities to run for those offices. By having more competitive districts, Legislators are more accountable to minority communities, and, at the same time, minorities are given the aspi-

ration to run for political office and possibly win. If you had that situation, the best of both worlds, you would have a very healthy political system.

Q: Could you elaborate on the studies that have been done relating to the existence of undocumented persons and how that affects the Hispanic community?

A: Unfortunately, there have not been that many studies on the correlation between the Chicano population and the election of Hispanics to office. The whole question is: What is a Chicano district?

Of the seven Chicano State Legislators, only three would have what we call Chicano districts which are more than 50 [Chicano] percent voter registration. The other four do not have a majority of Chicanos or Spanish-surnamed voters registered in their districts.

How would I personally define a Chicano district? It would not be by population, but I would look at how many people come out and vote on election day. I think that really determines if a district is Chicano or not.

I am not saying that only Chicanos can represent Chicanos, only Blacks can represent Blacks, only Asians can represent Asians, and only Anglos can represent Anglos. I think that would put me in a very uncomfortable and weak position. There are many Anglos who represent the Chicano community in a very fine fashion, and I would also add that there are some Chicano Legislators I would not want representing me.

The whole question of a good public official in terms of ethnic background is not the sole criteria or the most important criteria. I think what is more important is the ability for minorities to wield some political influence. If we cannot elect someone, at least, we should have enough influence for them to listen to us.

We developed a supervisorial plan for Los Angeles County two weeks ago. In the plan, instead of electing a Chicano in the next two years by putting Chicanos in one district, we put Chicanos in two supervisorial districts in order that we could have two strong influences on two supervisors rather than just one. The importance here is not the election of Chicanos in the short run, but the political influence the Chicano community would have in the long run.

Q: Do you feel there is no conflict of interest with the Legislature having the power of reapportionment?

A: I do not think there has been any other viable alternative. The California Supreme Court in 1973 was helpful in creating some districts for the Chicano community. Even though it attempted to eradicate some of the racial gerrymandering under the legislative plan, after court redistricting, we had a net gain of one Chicano Legislator in the last four elections. I do not think we can continue on that kind of pattern for the next ten years.

Special commissions in the State of Colorado and other states where they have high minority populations have not led to an increase in minority elected officials. Again, their

lack of accountability to the people puts them in a position where they do not have to listen to the public. So, I guess we have to take the lesser of all the evils and leave it with the Legislature. Hopefully, if there is strong pressure from a number of groups, the Legislature will respond to those needs.

Q: Dr. Santillan, does the Chicano walk-out last week [from the joint Senate-Assembly hearing] indicate that Chicanos will not participate in any future legislative hearings?

A: No. It is my position that Chicanos would like very much to meet with Senator Boatwright and Assemblyman Alatorre. We would be more than willing to discuss their plans at any time. It is the position of Chicanos in this State that we would like to continue to operate in a very cooperative manner with the Legislature.

Irma Lopez

Ms. Lopez is employed with the California Department of Employment Development. She lives in Ventura, California, and has been working with Hispanic groups relative to reapportionment concerns of Santa Barbara and Ventura Counties. She focused her remarks on the legislative reapportionment hearings in Los Angeles and Ventura.

I am the spokesperson for Project VOTAR, a Hispanic organization from Santa Barbara and Ventura Counties. Project VOTAR is a network of 29 Hispanic organizations and

groups from both counties. Project VOTAR decided to become involved with the redrawing of local and State district boundaries because of the implications for voter education.

We have testified before the Assembly, Senate, college districts and supervisorial committees regarding redistricting. We are also active in the statewide organization, Californios for Fair Representation, which concerns itself exclusively with reapportionment.

Although we have provided input to the State and local redistricting processes, both State and local representatives are proving to be unresponsive to the chronic gerrymandering that befalls the minority populations of both counties.

The history of the two counties is one of a large and growing Latino population that has remained seriously unrepresented at all levels of elective office. Up to now, all efforts for Latino representation have been strongly resisted and undermined by leaders of both political parties.

According to the 1980 census, the total population for both counties is 828,559 with 529,899 in Ventura County and 298,660 in Santa Barbara County. Ventura County has 21.4 percent Hispanics and 26.5 percent total minority population. Santa Barbara County has 18.5 percent Hispanics and 24.8 percent total minority population.

Yet, in either county, there is not one elected Hispanic official for the following offices: In three Congressional districts, in three Senate districts, in five Assembly districts, ten supervisorial districts, and ten community col-

lege trustee board positions. Six of the nine city councils of Ventura County have no Latino representation and three cities have one councilperson each. The three cities with one Latino councilperson each have Hispanic populations of approximately 50 percent each. Of the five cities in Santa Barbara County, two have no Latino representation, although the Hispanic populations are 30 percent in Carpinteria and 45 percent in Santa Maria. There are seven Hispanic councilpersons for 27 seats. Of the 21 school district seats in Ventura County, nine are Hispanic. Santa Barbara County has 23 school districts with six Latino representatives.

The result of this woeful underrepresentation during this period of reduced budgets at all levels of government is that many decisions are made at the expense of minority populations. These decisions are further accentuating social and economic differences between the minority and dominant populations. Without changes in the pattern of representation, the situation will worsen.

It is for this reason that so much effort has gone into influencing reapportionment. We began six months ago to plan an organized proposal that would be beneficial to minority communities and the community at large. We have asked that the Congressional district be changed to increase the impact of the minority vote in two counties instead of diffusing the vote in three counties. Our Senate plan proposes to unite the two counties to provide Hispanic impact.

The State Senate Elections and Reapportionment Committee's response to our presentation was suspicious, rude and insulting. In the proposed 18th Senate District, the total population is 592,072, including a Hispanic population of 148,028 or 25 percent. The total minority population percentage would be 30.7 percent.

The plan presented to the Assembly Reapportionment Committee was well received. Again, the proposed plan provides an equitable redistricting which allows for Latino input. For the proposed Santa Barbara 35th Assembly District, the population equals 298,660, including 55,357 Hispanics, 18.5 percent; 7,762 Blacks, 2.1 percent; and 3.5 percent American Indians and Asians. For the proposed Ventura 36th Assembly District, the total population equals 293,412. Of that population, 92,497 is Hispanic [31.5 percent], 8,849 Black [3.0 percent], and 2.2 percent American Indian and Asian.

The Ventura Community College District's [plan] proposed by Project VOTAR was approved by the trustees. To date, the Ventura County Board of Supervisors [plan] enhances existing gerrymandered districts. If allowed to stand, this redistricting divides Oxnard, the largest Hispanic city in the County, three ways. In Santa Barbara County, Project VOTAR proposed corrective measures for the gerrymandered situation found in the north and south sections of the County.

The system utilized by the Santa Barbara Community College District to elect its board of trustees dilutes the minority vote and denies an equal opportunity for electing

ethnic representation. In the largest cities and school districts, area-wide elections have not allowed minorities a chance for representation. For example, the Santa Barbara School District has a 50 percent minority enrollment and only one Hispanic seat. The Oxnard Elementary School District with a Hispanic enrollment of 50 percent has no Latino representation. Hispanics have tried, but have been unable, to win at-large elections in both districts.

In conclusion, our efforts toward fair and equitable reapportionment are being met with strong resistance by almost all elected officials concerned. We have not received support from either the Democratic or Republican local structure. However, we will continue to propose plans and utilize all avenues available to us to bring about redistricting that will benefit Ventura and Santa Barbara Counties.

Q: Could you be more specific in regard to the response your proposed plans have received at the State level?

A: At the Senate hearing held on April 3rd in the City of Ventura, we were quite taken aback. Of course, we did not expect them to receive us with open arms. We went up with a proposal for our district, but we were quite taken aback with the rudeness of the Committee. We had gotten all our facts and statistics from the census. Some Committee members insinuated that we did not do this and that all this information was given to us by the Rose Institute.

We have been to the Institute and we have utilized their computers, but we have also gone to the County Clerk and to the Planning Department for assistance. We know everybody at those departments in person. One of our members spent hours there getting all the information. She even said she would be willing to go down and show them how she arrived at all the numbers through the census statistics. The Senate Committee members kept insisting otherwise. One of the Committee members stated that he would be very surprised if that was our plan, that he did not feel that it was our plan, and that we, as Chicanos, should be careful of the Rose Institute because it was Republican-backed; and that they were just taking advantage of us.

Q: Was this also true of officials at the local level?

A: No, at the local level we were very well received by the school district boards. As a matter of fact, they implemented one of our proposed plans.

The Board of Supervisors gave one week for people to look at the plan without clear information on how they arrived at that. They just had the map and said, "This is it. We will be voting on that next Tuesday." So, we made our presentation before them.

The Oxnard City Council heard all the testimony from everyone. They released a plan and did not have to vote on it until September 30th. We requested time for consideration

of the plan so that we might offer some input, but they denied it. They just voted and it was passed without any input whatsoever.

Q: At the Ventura meeting, did the [Senate] Committee treat you differently from any other organization making a presentation?

A: No, they ignored us all. They listened without comment. There were city council members and staff there to protest the plan. Just about everyone protested the plan: The City of Thousand Oaks because they were cut in half, the City of Camarillo because they were being moved into a different area. Project VOTAR protested because they were gerrymandering. They cut Oxnard, the largest city in Ventura County, into three districts, diluting the Hispanic vote.

Q: What would be your recommendations if you had the power to change the reapportionment process in the State?

A: I would hope from the Legislature down to the local level, that they have genuine input from the community, that commissions be established so communities can meet and be part of the decision-making, and that they consider the community of interest. There are a lot of Hispanics and it is time that we are represented. The only way we can [be represented] is if we have input. I do not feel they will give us that representation otherwise.

Q: Legislators are coming out, they are meeting in your county, they are soliciting opinions from you. Doesn't this allow for input?

A: Well, they met here in Ventura, but on everything that was presented to them they kept saying that it was Republican-backed. We kept telling them, "It is not Republican and it is not Democratic. It is Hispanic and what we feel we need is representation."

Q: Could you describe briefly the process involved in testifying before the legislative committee?

A: My husband is in local government in the City of Oxnard and he received a notice in the city council meeting that the Assembly Committee would be meeting in Los Angeles the following day to also consider the Ventura and Santa Barbara areas. At that time, they would be taking community input. On one-day notice, he cancelled all his [appointments] and we went down to Los Angeles. We did not present any testimony, we just listened. That was where we met other Hispanics whose presentations were impressive. At that hearing, we found out that the Senate Committee would be holding a meeting in Ventura. It was only by accident that we heard about these hearings.

Q: Was there anything published in the Spanish language paper about the hearings?

A: No, and we subscribe to them, but there was nothing there. I think maybe a couple of days before they had a little blurb in the English language paper.

Q: You stated that members of the Senate Committee were rude?

A: They were rude. In particular, one member who is Mexican American told us in Spanish during the testimony not to be stupid, that we were being used by the Republicans. I think a lot of non-Spanish speaking people know what the word is because it is one of the first words they learn in Spanish. We were very, very insulted that he would use that language with us. Initially, when we saw him up there, we felt better because there was a Hispanic on the Committee. It did not seem to help us because he was the one telling us this.

Q: Did he offer anything that helped you?

A: They informed us, as did our Senator, that they would help us with anything that we needed; but, I have not seen that help.

Q: Have you requested that help?

A: We have. In all fairness, one of the aides of our local Senator is Hispanic and he has been very helpful in providing information.

Our local Senator has been helpful in that way, but he is cautious. He was a lot nicer because he has to contend with us at home. But, he also cautioned us to be very careful of the Rose Institute. We were really taken aback because we knew where the Institute's funding came from and could care less. We wanted to use the computers. We were not that naive to think that we would go with whatever they gave us. As a matter of fact, we are not supportive of the

plan that the Rose Institute has come out with for our area. But, the Committee did not give us credit for having any brains.

Q: Could you briefly tell us why you are not supportive of the Institute's plan for your area and what you object to?

A: The Rose Institute's plan cuts off the City of Oxnard and puts it in the 37th [District]. Right now, it is in the 36th. They propose to cut it off and put it with the Camarillo-Thousand Oaks area which lacks commonality of interest. Their problems are different from the problems we have in our large community.

We want to be put with the cities of Santa Paula and Fillmore that have very high Hispanic populations and that are geographically next to us. We do have the same problems and same issues that we could work on. The Thousand Oaks area has a Hispanic population of 5.8 percent and their concerns are different.

Q: I do not understand the Committee's invitation process. Who showed up and was it by invitation?

A: I did not understand the process either. As far as the Senate hearing in Ventura, no one in the Hispanic community got invited specifically. If they wanted minority organizations, they could have contacted the Concilio² which has been in the county for years. We were not contacted. We attended the hearing in Los Angeles by a fluke. My husband found out about it through his city council paper.

Q: Were other groups invited?

A: At the Senate's Ventura hearing, the National Association for the Advancement of Colored People (NAACP) was not there. I spoke to the president of the local chapter of the NAACP, and they were not invited.

Q: Do you believe the Legislature is really out to get the facts and to obtain minority input on reapportionment?

A: They are there and in most cases, they will hear you very politely; in our case, not so politely. I do not feel that they are taking any of it into consideration. They are going to go ahead and do what they want to do. I am not very optimistic. I do not think the Legislature has a track record to go on. I do not see why they would change at this time.

Q: What criteria, in your perspective, is the Legislature using to put together its redistricting plan?

A: To hold onto their seats and to insure that the Democrats hold the majority and keep the seats that they have. They can really do whatever they want despite Proposition 6. They work with these laws, and I think they know how to work around them.

Q: I got the impression from other individuals that the [legislative] hearings were very beneficial and that the Legislature was trying to get the facts from Hispanic organizations and minorities. I sense now that is not the case in your opinion.

A: That is my opinion. I really do not see why anyone would say, "We are just listening to them, but we are not going to consider them." Legislators would not say that. But, I think when the plan comes out, it will be very evident that is what they have done.

Rita Nunez

Ms. Nunez is a legal assistant/office administrator in Orange County, California. She has been monitoring reapportionment interests of Hispanics in that county, and responded to questions about the legislative reapportionment hearing held there.

I have been working on reapportionment primarily because Orange County is the third largest Hispanic populated county in the State. As a legal assistant, 75 percent of my clientele is Hispanic. Many people complain to me that they are not getting fair representation in State and local [government] levels. It is getting to the point where Hispanics do not know where to turn.

I have seen the growth of Orange County's Hispanic community. As we enter the decade of the 1980's, Orange County is one of the State's three counties with the greatest increase in Hispanic population. The county population is 1,931,000, of which 286,331 are of Hispanic origin. Yet, very little is known about Hispanics in Orange County.

The challenge of the 1980's will be to recognize the economic, social and political consequences of government policies toward Hispanics and to seek remedies by understanding the potential resources of that community.

The redistricting of Orange County must adhere to the principle of Hispanic community of interest and its social and economic well-being, thus enabling the Hispanic community to play an active role in shaping its destiny. The integrity of the Hispanic population must be respected and not violated by diluting their communities as has been done in the past. The injustices of gerrymandering, which crippled our community in the past and limited our opportunities for political advancement, cannot be repeated.

As of 1979, there were 57,141 Hispanic youths in Orange County, representing 16 percent of Orange County's total Hispanic population. While 16 percent may not seem exceedingly large, a focus on cities with large Hispanic populations provides a clearer view of major demographic shifts of Orange County's youth population.

Santa Ana, for example, has a Hispanic student population that represents 31 percent of the city's total students. Within the Santa Ana City Unified School District, the Hispanic elementary student population is 61.7 percent. Additionally, elementary schools such as Lowell and Santa Ana, which had 73 percent minorities in 1973, including 67 percent

Hispanic, now have a 92 percent Hispanic enrollment. There are other cities in Orange County which have large Hispanic student populations.

The City of Santa Ana is the core of the 72nd Assembly District. It has a total population of 200,000, with 90,000 or 44 percent Hispanics. The Hispanic population is expanding to the outlying cities. In fact, this growth may provide future Hispanic Assembly seats in the 71st and 73rd Districts. This can also be said for the State Senate and Congressional seats.

Hispanic districts can be created in the 34th and 35th Senate Districts. On the Congressional side, the lines of the 38th Congressional District can be defined to create a Hispanic-majority seat. This keeps pace with the 92 percent increase in Hispanic population since 1970.

I feel that Orange County has a vast potential for having more Hispanic representation. We now see the potential for an Assembly seat in the area comprised of the cities of Santa Ana, Anaheim, Garden Grove and Orange. That particular area can provide a district which is 38 percent Hispanic.

I have found it very interesting to work on the redistricting of Orange County. It is a new area. I think it is a myth that Orange County is a Cadillac and Mercedes place. There are a lot of minorities and it is a fast-growing place.

Q: Were you in attendance at any of the Legislature's reapportionment hearings?

A: Yes, I was. I did not get notice of the hearing in Orange County until at least two days before it was held. I received a call from a city council member I know, and was told that there was going to be a hearing. I do not think it was publicized. While some organizations made presentations, the Mexican American Political Association and the Carpenters' Union, the hearing would have been packed if it had been publicized.

Q: Was there a concentrated Hispanic proposal for reapportionment, or did Hispanics come from different organizations?

A: There was a concentrated Hispanic presentation.

Q: What was the Legislature's response to this presentation?

A: They were willing to listen, but I do not think they are going to do anything.

One of the Senators on the Senate Committee asked us why we did not elect the Hispanic running in the last election if we wanted representation. He did not understand that we were not concerned about whether the candidate was Hispanic or not, as long as he was representing the people. The Senator kept harping on the fact that we did have somebody running who was a Latino and we did not elect him. Finally, we told him the candidate was not the person who was going to help our community.

Q: Did you propose any concrete boundaries to the Senate Committee?

A: I did not address that, but boundaries were proposed to the Committee by other persons. I do not think the Legislators were really concerned. They went through the testimony very quickly and did not seem concerned about Orange County. One of the things that was presented to them was that there was no commonality of interest between Orange County and Los Angeles County and that they should not [combine] these areas. Their only concern was that we had our chance to have Hispanic representation and we let it go.

Q: You said there has been an increase in Hispanic population in Orange County since 1970.

A: There has been a great increase in the Hispanic population, and the districts that are drawn now do not consider this new growth. We need districts that will take the Hispanic population into consideration.

Q: When the legislative hearing was held in Orange County, did other minority groups testify?

A: No.

Q: Are there any elected Hispanic officials in Orange County?

A: There are no Hispanic supervisors. We do have two councilmen in Santa Ana who are Hispanic.

Q: Are there any women on any of the city councils?

A: I am not sure about outlying areas, but there are not any women on the Santa Ana City Council.

Q: Is outreach for voter registration active and effective in Orange County?

A: That is something I have been working on in the past year. It was never pushed before. We have had effective registration recently. We have gone to colleges and high schools and have registered many of the 18-year-olds before they left school.

Alan Rosin

Mr. Rosin is staff director for the California Senate Elections and Reapportionment Committee.³

I am here today because there seems to be a lot of statements coming through to us about what the Senate Committee has or has not done, which implies to me some misinformation that is being circulated into the Advisory Committee's meeting transcript. I think there are some real problems with the testimony you are receiving.

Your regional director, Phil Montez, and I know each other back to the days when I held this same role in 1970. Mr. Montez, I hope, knows that I had a personal commitment to Hispanic representation then. I administered a reapportionment staff in the 1970's which created a reapportionment plan with the first proposed Hispanic Senate district, at a time when there were no Hispanics in the State Senate and when there was great resistance to the creation of a Hispanic Senate seat. I worked with many individuals, advising them on how to draft their own reapportionment plans in 1971 and 1972.

Since that time, I have spoken at conferences on ethnic representation as, for example, a conference convened by then-Lieutenant Governor of California, Mervyn Dymally, to consider the whole question of Hispanic and other ethnic group political representation in California. My approach then, as a private consultant, was to speak and work in ways to enhance ethnic representation within the political structure of this State.

I do not think my personal record is something that I want to dwell more upon, but I think I can stand on that record now, feeling as I do a commitment to Hispanic representation in this State. I would not be associated with the Senate Committee did I not feel a confidence in its commitment, also.

I do not know if the reports of the comments presented to your Committee are accurate. I will have to wait until I read your transcript. But, because of the report of those remarks, I would like to read into the record the following statement of Senator Daniel E. Boatwright, chairman of the Senate Elections and Reapportionment Committee.

I regret that, as the Legislature was in session, I was unable to appear before the Reapportionment Subcommittee of the California Advisory Committee to the U.S. Commission on Civil Rights. I also appreciate the efforts of the members of the Advisory Committee to insure and protect the rights of all Californians in regard to the 1980 reapportionment process.

There are several points that I would like to make to clarify the record to be sure that the people of the State of

California receive accurate, comprehensive information about the Legislature's redistricting procedure.

I understand that an Advisory Committee member asked Dr. Richard Santillan, director of the Chicano-Hispanic Reapportionment Project at the Rose Institute, about the walk-out of Californios for Fair Representation from the joint Senate-Assembly reapportionment hearing held on August 4, 1981. Dr. Santillan responded that because the Legislature's intention at that hearing was to discredit the plans of Californios, Californios decided to not participate in the hearing.

Let me state for the record that this is an absolute untruth. To clarify the issue, I will forward to the Advisory Committee the entire transcript prepared by a certified shorthand reporter of that joint legislative hearing.⁴

The joint Senate-Assembly hearing was held for the purpose of introducing to the Legislature and the public any state-wide reapportionment plans produced by non-legislative groups. By that hearing, we hoped to pose pertinent questions and gather evidence to be used in the development of the Senate and Assembly reapportionment plans.

Last week, however, before the plan of Californios for Fair Representation ever was formally introduced, much less analyzed, Californios staged their walk-out. I have since received information confirming the fact that the walk-out was planned in advance.⁵ Furthermore, at the joint hearing last week, I repeatedly asked Californios whether or not their plan had created Hispanic districts at the expense of any other minority groups. The question was repeatedly avoided. I understand that at this meeting, Dr. Santillan stated the plan of the Californios would not be drawn at the expense of any other minority group, that it made sure that the interests of Blacks were not injured. The Legislature, however,

was denied the opportunity to receive answers to the same question at its hearing.

That ends the chairman's statement. I would like to add that the walk-out of the Californios' delegation looked like an attempt to make the Senate-Assembly Committee look bad.⁶ It made their actions seem rather hypocritical because there was no way they could have known in advance what their treatment by the Committee would be. They knew well in advance, from conversations with me, that we were not introducing our plans at that hearing.

Insofar as the Senate Committee's approaching the joint hearing with an idea of "discrediting plans" in order to make our own plan look good, I want to state that is an inaccuracy. We drew the plans that were presented to us on our own maps and attempted to analyze them. We could not make a plan look bad if it was already good or make a plan look good if, in substance, it was already bad.

In addition to the transcript of the joint hearing which Chairman Boatwright will submit to you, I have brought with me here today copies of 11 other transcripts of hearings which the Legislature has held throughout the State. Those transcripts will speak for themselves, and I think they demonstrate a sincere willingness to take and consider testimony from Californios and other Hispanics throughout the State. Moreover, we have spent staff time summarizing all these

transcripts and producing the testimony for ourselves in a small book so we know what the relevant features are and demands and interests of people who testified before us.

I understand that there was testimony today about our hearings not being publicized and being a sham because "we were not taking their testimony into consideration." It is incumbent upon me, as staff director of the Senate Reapportionment Committee, to make it clear that those statements are, at best, hearsay. They are based on no real evidence of conversations with me and no understanding of our state of mind or committee policy. I am concerned. I have worked on reapportionment now for 20 months. At no time have I not considered Hispanic representation to be terribly important.

Finally, and I think demonstrative of the possible misinformation presented to you, is the fact that in our Senate Committee hearing in East Los Angeles our Committee chairman, Senator Boatwright, made a public commitment reported in the Los Angeles Times to supply political reapportionment data to Hispanic communities prior to the introduction of our plan. That offer was made several months ago. No one ever contacted us to receive any of the data even though we were waiting for such a call.⁷ So, the statement that we have not cooperated is misleading and inaccurate, and I think your transcript should reflect that.

We want to be receptive and communicative with the Hispanic community, but we do not want to be made to look bad, particularly, as part of some attempt by some Hispanics in

conjunction with any political party or as an attempt to get publicity. We have not been uncooperative, quite the contrary.

The Civil Rights Commission and this Advisory Committee will retain their credibility and their reputation only insofar as their reports are accurate and do not become self-serving for any particular political party or any group of individuals masquerading under a banner of objective ethnic representation when they are possibly serving some more cynical publicity, partisan or political purposes.

Q: I am glad you are here because the Advisory Committee had problems trying to get State Legislators to come before this Committee. It is always the intention of this Committee, as well as the U.S. Commission on Civil Rights, to get all points of view. That is why we were somewhat frustrated when we had attempted [without success] for a couple of weeks to line up these diversified points of view.

A: Let me explain something. Senator Boatwright could not walk off the floor of the Senate to come into the corridor. There was "a call of the house" which means no member can leave the chamber when the call is out. During the end of sessions, calls are very frequent. So, no member of the Senate for a good part of the day was allowed to leave the chamber physically. You have to understand our process here. When we are ending a session and there are lots of bills on the floor, it is not easy for members to leave.

Q: When you spoke of redistricting, the only minority group you mentioned was Hispanics. Is this the Senate's policy, to speak only of Hispanics when they talk about minorities?

A: No, but I am responding to what seems to be the focus of the testimony here. We, of course, are concerned about the representation of any group in California, whether it be Black, Hispanic, Asian, American Indian. There are very difficult problems in doing reapportionment; there are never good solutions. No matter what we do, and we will be going contrary to some of the testimony we received in the legislative hearings, somebody will be angry with us.

Q: What guarantees do non-Hispanics have that their interests will be equally protected?

A: No better or worse than Hispanics. To guarantee and protect interests in reapportionment is an impossible task. We do the best we can. There were all kinds of outcries about the last reapportionment with most people forgetting that the last reapportionment was enacted into law by the California Supreme Court. No sooner had it been done than there were outcries all over the State about gerrymandering and about political partisanship.

Q: We have heard from individuals that community groups had no public notice of the legislative hearings conducted up and down the State. Could you tell us what your procedure was regarding notice?

A: We contacted every kind of entity that we could think of. But, when you do not know the names of groups that have just formed, it is difficult. If anybody wrote us a letter asking for any information, our policy was to send them a hearing notice. We widely circulated hearing notices to the press. We had one staff person who did nothing for the entire hearing period but work on sending out press notices. We sent out notices to public officials also, assuming that if people had interaction with elected officials, somehow they would learn about this.

All the people who said they did not receive adequate notice of the hearings somehow learned about them, but they did not consider it proper notice if they saw it on a city hall bulletin board or they heard about it from some local representative. We do not know how to reach groups because there is no registry of all groups in the State. We did the most thorough, complete job that we possibly could in circulating hearing notices. We had no reason to try to hide these hearings. In fact, the chairman of the Senate Committee was constantly commenting to the press about the low turn-out at the hearings.

Q: Do you recall any letter of invitation to any community group, or was it just done through the press?

A: If we had a name of an organization, I think we sent a letter out to them. I think when we got the name of Californios, we must have notified them, wherever their offices

were. We sent out not only a hearing notice in advance of each hearing, but we sent out an entire list of hearings for the entire hearing period.

Q: Was there any monitoring to see if the press picked up on all this?

A: Yes. We have a clipping service and we tried to see that it was covered, and we also phoned the press before the hearings. But, it is very hard. People are not interested in governmental hearings. Most people of all ethnic groups are not terribly interested in legislative hearings. Reapportionment, particularly, is a very obtuse subject.

Q: Over what period of time did the legislative hearings take place?

A: From February 1981 to May 1981. If anybody heard about one hearing somewhere, all they had to do was write us and we would have told them about the other hearings.

Q: You mentioned earlier that there were low turn-outs at the hearings. If you were having low turn-outs at the beginning, would not that automatically tell the Senate Committee that there was something wrong in the outreach that was being done?

A: Just look around the room here at your meeting and understand how difficult it is to get people out. We cannot mail door-to-door. You have a low turn-out, but that is not a reflection on your work. It is a reflection on the lack of public interest in governmental and political topics.

Q: In drawing a reapportionment plan, when you have a conflict between incumbent protection and minority protection, what do you do?

A: It depends on the incumbent. Some of the incumbent protection in this reapportionment process involves protection of minority incumbents. So, the concept of incumbent protection and minority interests are not incompatible in those cases.

Q: Those are only a few cases. In a practical sense, what do you do when this conflict arises?

A: In 1971, there was no incumbent Legislator in the Senate who had to retire, yet, we did create a new Hispanic seat. We did it by convincing the Democratic majority in the Senate that we were going to have to give up one of the incumbents.

Q: Do you think that it would be better to have some other method of reapportionment other than creating this obvious conflict of interest?

A: I thought that in 1972 when I finished working on the reapportionment plans. After two years of work, I felt very frustrated. I helped to draft a lot of legislation that was introduced that would have turned reapportionment over to a commission. Since then, I watched the State Supreme Court do reapportionment, and I have had some familiarity with reapportionment commissions in other states. I now return to the view that the best place to put reapportionment is in the hands of the State Legislature for one very simple reason:

They are accountable because they are able to be defeated at subsequent elections. The process, regardless of what people say about it, is an open process. There are transcripts, records, press reports, all kinds of things going on.

You have no more idea than I do as to how the California Supreme Court did reapportionment in 1973. You do not know what considerations were involved. There is no accountability because there is no removal of judges. That is true in many cases with commissions. I have seen very few commissions that do not become partisan instruments and which are also not accountable. So, I think the safest place [to put reapportionment] is in the Legislature.

Q: As you come up with facts and lines in your work, do you turn them over to the Senate for approval? How does the procedure work?

A: We interact not only with the public, but with members of the State Senate. At the end of last year and the early part of this year, the chairman of the Senate Reapportionment Committee and I drove around the State and talked with a number of incumbents in their districts. These men are elected from these constituencies and they know something about their areas. We receive a lot of input and the staff attempts to make judgments based on all the criteria, public input, input from the members of the Legislature, notwithstanding the comments that have been made. We are also watching Proposition 6 standards very carefully as we draw our plan.

Q: As a professional, do you get a feeling of pressure from the party which is in power as far as your work is concerned?

A: Strange as it may seem, I do not feel pressure to this point. The pressure is when people try to attempt to push you in a direction by inuendo and misstatement or threat. I think that is when the Legislature feels pressure, also.

Q: What accounts for the lack of Black and Asian group participation in reapportionment?

A: I, particularly, solicited Asian and Pacific Islander participation by calling one of my former students who runs a community project in an Asian area and asking him to go out and get witnesses for the South Central Los Angeles hearing. We made an attempt out of personal contacts, aside from all the other methods.

There was not a lack of Black involvement. In the South Central Los Angeles hearing, there was good participation and attendance from the Black community. It was a very well-attended hearing, as a matter of fact.

Q: We understand that in Orange County there were no other minorities present other than Hispanics.

A: Orange County is a pretty difficult situation right now. It is so fast-growing. I am not sure what communication media reach the Vietnamese and other Asian populations.

Q: Can you point to Asian outreach attempts? There are groups like Chinese for Affirmative Action who are very well-known in San Francisco, and the Japanese American Citizens League which purports to represent all Asians.

A: I cannot tell you who we, specifically, did contact or did not contact. If we did not, I cannot explain to you why we did not.

Q: Senator Boatwright has promised community groups that the Senate will hold public hearings once its plan is completed, is that correct?

A: We will try to the best of our ability. I do not want you to be misled about what kind of hearings are going to be held after the plan is introduced. The Legislature is not planning to leave Sacramento to conduct hearings in other parts of the State. It is not going to be able to do that. There is too much other legislation. They have a deadline as to when they have to finish reapportionment, and we will hold hearings with substantial media coverage and whatever witnesses want to testify in Sacramento. If you want to provide us with a list of groups, I can assure you categorically that we will send them a notice of the press conference about the release of the plan and the date of the hearings.

Q: Who makes the decision that post-release hearings will only be held in Sacramento and why won't they be held in other areas of the State?

A: The decision on that would be made by the leadership of the legislative chamber. They will make it on the basis of expediting the business of the chamber. Given the air controllers' strike and the fact that a great many members of the Legislature do not, as a matter of political philosophy, cross picket lines, many are not able to fly at this moment. There are all kinds of logistic reasons that exist for the judgment that there is probably not going to be time to travel to other parts of the State. The other question is: How many areas of the State do we travel to? If we go to Orange County, San Diego, Los Angeles, Ventura, Redding, San Francisco, Fresno, Bakersfield, each of those hearings requires one day.

Q: Would it be feasible to hold hearings after the plan is released so that people can respond to it, rather than holding hearings prior to a plan being released?

A: The hearings prior to the plan's release provided the opportunity for input. I heard a lot of comments this was a sham. But, if we had not conducted them, people would have said we were not interested.

Q: Won't holding post-release hearings in Sacramento cause a hardship on special interest groups, for instance, minority groups who would want to be present to respond to the plan?

A: It takes only one person from a group to testify. That is one ticket. For us, it requires transmitting anywhere from eight to ten Legislators and a sergeant at arms and court reporters and staff. All that logistic support has to be transported to cities.

Q: How much time is there going to be between the time you release a plan and the time of the actual voting on the plan? Will there be sufficient time for Legislators to take it back to their districts so that various groups can examine it?

A: Legislators will not have to go back to their district offices because our approach will be to get statewide media coverage so that the details of the plan will be available in any newspaper in the State. At the time we release the plan at a press conference, I would hope to have solidified a date for a hearing so that, if the story appears in newspapers, there will also be an indication where the hearing will take place.

Q: What is the Senators' input in this process?

A: It varies. Some Senators are very interested and want to know what is going on in every detail. Some wait until they get some kind of a proposed draft of a plan from us. It depends on the individual Senator, the area he represents, his own personal interest, the kind of pressures on him, and what his constituents want to know.

1Under Section 5 of the Voting Rights Act, certain jurisdictions must submit for preclearance any proposed changes in voting practices or procedures to the U.S. Attorney General. Four counties in California--Kings, Merced, Monterey and

Yuba--became subject to the Federal preclearance provision by the 1975 amendment to the act which deals with minority-language voters (42 U.S.C. Section 1973c (1976)). See Section VI of this report for a more detailed discussion of this provision.

²El Concilio de Ventura County is an umbrella group of Hispanic organizations from Santa Barbara and Ventura Counties.

³Mr. Rosin, representing Senator Daniel Boatwright, chair of the Senate Elections and Reapportionment Committee, appeared at the Advisory Committee's open session. Mr. Boatwright had originally declined the Advisory Committee's invitation to present information on redistricting.

⁴Dr. Santillan stated that Californios had received information from several sources close to the reapportionment process that the joint hearing would be used as a forum to discredit the plan. Interview with Richard Santillan, assistant professor of Ethnic Studies, California State Polytechnic University, Pomona, Nov. 12, 1981 (hereafter cited as Santillan Interview). See, State of California, Legislature, Joint Senate Assembly Committees on Elections and Reapportionment, Hearings (Aug. 4, 1981). A copy of this transcript is located at the Western Regional Office, U.S. Commission on Civil Rights.

⁵According to Richard Santillan, Californios planned the walk-out as an option should the joint legislative committee fail to respond to their general questions regarding minority redistricting concerns. Commenting that Californios had met every request for information from the Legislature up to that point, he stated that the group had been unable, prior to the joint legislative hearing, to obtain any information from the Legislature on its plans to create minority districts, nor had any feedback been received concerning the reapportionment plan submitted by Californios. Santillan Interview.

⁶Dr. Santillan pointed out that Californios' action was planned only as a final alternative since it had the serious possibility of injuring communication between the legislative committees and the Hispanic community. Santillan Interview.

⁷Dr. Santillan responded that Californios had contacted the Senate Committee at least once for information, although they had chosen to obtain the majority of their reapportionment data from non-legislative sources. Santillan Interview.

V. POLITICAL PARTIES

Jack Trujillo

Mr. Trujillo is northern State secretary for the California Democratic Party. He represented Nancy Pelosi, State chair of the Party, when he appeared before the Advisory Committee.

We are very pleased to have been invited to come and address you today.

The topic of reapportionment is the most important issue that the State Legislature will deal with, perhaps, the most important issue for the next ten years simply because it will recreate the political picture in the State. Any time you do that, you open up possibilities for both good and bad: Opening up processes or closing them down, opening up access or closing it down, and increasing participation or decreasing it.

The Democratic Party shares with you some concerns about reapportionment. We share concerns that the plan that comes out this Fall will be one that is equitable and one that maximizes representation and access on the part of minorities and poor people. We feel very fortunate as Democrats that we have three Legislators working on reapportionment who share those concerns with us and share historic commitments of the Democratic Party to find solutions to the problems that minorities have had in the political process. Congressman Phillip Burton, Senator Daniel Boatwright and Assemblyman Richard Alatorre, we feel, could not be a better-picked three to represent what we believe the Democratic Party believes in.

We have not had a formal structure in dealing with these three Legislators. We, instead, have served as a very informal funnel for concerns as they have come to us. We have very good rapport with our Legislators and, as concerns have been expressed to us by individual Democrats, whether large concerns or concerns about a specific district and a specific line, we have forwarded those concerns and have felt that what we received from them was open consideration of those concerns.

We have looked at [non-legislative] plans which will be presented to you. We have a great deal of sympathy with some of those plans, but have some questions as to whether they would stand up in court.

We find nothing in common with other plans. Those plans will be presented to you as models of equity, as models of even-handed treatment of everyone in the State. Yet, I think you will find, if you look beyond the surface, that, in fact, they are models of how to jiggle statistics to narrow ends. So when those plans come before you, we ask, as Democrats, that you look at those plans very, very carefully.

For example, one plan creates a system whereby approximately 35 percent of the Legislature's seats in this State are what are called "safe Democratic" seats, another 35 percent are "safe Republican" seats, and the others are marginal districts; they could go either way. That has the appearance of equity. It allows the party most active in dealing with their constituency to win those unaligned seats and control

the State Legislature. But, if you examine the fact that over 50 percent of the voters in this State are registered Democrats, then a plan that only creates 35 percent safe Democratic seats is, in fact, not equitable. Fifteen percent of registered Democrats are going to be cut out to create a balance on paper, though no balance exists in political reality.

As a party, we will stand through this entire process on the historic commitment that we have lived and worked for: Minority involvement. We think that the plan which will emerge from the Democratic Legislators will reflect that commitment.

I, personally, am especially pleased that Assemblyman Richard Alatorre is where he is because I think it is a mark of where the Democratic Party and its leadership view Latinos in this State; and we believe Assemblyman Alatorre has the concerns of Latinos foremost in his mind.

Q: Mr. Trujillo, I am a little unclear in my mind as to the role the Democratic Party plays in reapportionment. Will the Party present a plan to the Legislature?

A: No, we have had input through the process of expressing concerns to our Legislators, and we feel this input will result in a plan we can live with.

Q: In the input you have had, has the lack of Hispanic representation in the Legislature been one of the Democratic Party's concerns?

A: It is a major concern of the Party. Seventy percent of the Hispanics in this State voted for the Party's presidential candidate this year, and we are not about to abandon that nor are we about to abandon our long commitment to minority involvement.

Q: When you use the word "abandon", is there a feeling on your part, in the event that the Legislature does not recognize and respond to Hispanic needs, that there will be an abandonment of Hispanics from the Democratic Party?

A: There will not be an abandonment of Hispanics from the Party. We will continue to relay input and, after this plan is released, we will continue to say we are happy or unhappy with it. But, I am fully confident that the plan will reflect Hispanic needs.

Q: You now express and testify to the concern of the Democratic Party as it pertains to the representation of Hispanics. Does the Democratic Party structure have any power to prevent the Legislature from enacting a redistricting plan that would not take into consideration the Hispanic population?

A: It has only the power at the ballot box.

Q: Does the Party impose any monetary sanction against incumbents?

A: No, we do not.

Q: Should there be some controls or some lever that the Party should have over incumbents when it comes to redistricting?

A: We would like it, but that is a textbook situation. I do not think that it would be possible to implement that in a real life situation.

Q: In terms of alternatives, do you see the Party structure playing a greater role in redistricting than it presently plays?

A: We are not unhappy with the role that we are currently playing. One can always give more power here to this group by taking away from that group, but, in this case, it does not serve any purpose. We have had input and it has been listened to.

Q: There has been testimony this morning that the Hispanic population has been diluted in past redistrictings for the benefit of the Democratic Party and that they have formed a base of support which has been used to secure Democratic incumbency. What is the position of the Party as it pertains to incumbents versus minority representation? Do you have a priority in that area?

A: I am not sure that it is possible to say we have a priority. We, certainly, have a much longer history of supporting minorities than we do of supporting incumbents. Any of you who have ever been to a Democratic convention would know that. We have no problems with opposing incumbents within our Party structure, but we do not belittle incumbents either. Incumbents represent the areas from which they are elected, and we do not feel that factor can be discounted.

I do not think we are going to be given a choice between that and the premise that the Democratic Party or its Legislators would use Hispanics as cushions in various districts. I do not think that will result in the reapportionment plan. I think you are going to find several more districts that are "safe Hispanic districts".

Q: You made reference earlier to "model plans" that had been submitted in which 35 percent of the districts would be Democratic, 35 percent of the districts would be Republican, and the difference going either way, and you said that would not be equitable or fair because 50 percent of the persons are registered Democrats. Using that logic, there are approximately 20 percent Hispanics in the State. That would mean approximately 16 seats in the Assembly. Would you project that as a figure that would be fair and equitable?

A: The one problem I have with that use of statistics is that not all Latinos are clumped together in geographic areas. They are dispersed in a way that is more effective for creating 50 percent Democratic districts. The San Joaquin Valley, for example, is an area in which we need Hispanic representation, but drawing a Hispanic district there would be difficult because of the dispersal of Latino voters.

Q: In the event that the redistricting plan does not provide an adequate opportunity for Hispanics to participate in the political process because of gerrymandering, has there been any discussion in the Democratic Party structure that they would take the matter to court?

A: There has been no such discussion. I think there are alternative ways to change a plan before it becomes law without resorting to the courts.

Q: What would those alternatives be?

A: The input we now have, the rapport we share with our Legislators. Senator Boatwright has said that there will be hearings after those plans are released. I think there will be the opportunity to change things once those plans are released. I do not believe they are drawn in concrete for the next ten years.

Q: How will you be able to evaluate the plan?

A: I know where Latino neighborhoods are in this State. If I see one of those neighborhoods split up into five different districts, I am going to have problems with that, and I imagine many Democrats will. I do not expect we will see that.

Q: Where in your priorities does the Hispanic community sit?

A: The Hispanic community and all minority communities are highest on the priority list of the Democratic Party. Our commitment to minorities far out-distances any other priorities we have. We are very proud of that commitment,

very proud that we can say that; and we do not believe the other major party in the State can say that. But, we are also concerned about our incumbent Legislators who we believe are good.

Q: You have been speaking of your proud commitment to minority concerns. Would you cite me examples of the commitments you are most proud of?

A: We have a process that insures 50 percent women in all of our Democratic Party activities. We have two Latinos out of ten officers and one Black who is 24 years old. We have an affirmative action plan for disabled at the State Party. We do not meet in hotels that are not accessible to disabled people and, as often as we can, provide sign language interpreters at hearings and public events. We have caucuses that are strong and active. The Hispanic caucus is the largest and the best off monetarily.

We have consistently supported the issues that are of concern to minorities. Right now, we are doing an incredible amount of work within the Party structure in trying to extend the Voting Rights Act.

Q: What criteria are you going to use to judge the the Legislature's plan? Can you rank them in order of importance?

A: We have not put it in that fashion. Again, we trust that the Legislators will come up with a plan that we can live with. They are our Legislators, specifically, because they represent our concerns. We will look at that plan and,

using the political judgment that we have built up over years of being involved in the process, be able to say very clearly whether it is an unfair or extremely fair plan.

Q: But, you have no standards against which to judge whether it is fair or unfair, except a gut feeling?

A: We have not sat down and voted on the criteria. We have some clout at the ballot box if we are unhappy with what happens.

Q: Are there, in your opinion, some districts that would be Hispanic districts, but there is a Democratic incumbent who might be defeated if the lines were drawn to create the Hispanic district?

A: I am sure there are some districts like that in Los Angeles.

Q: Given that situation, where would the Democratic Party be on that issue?

A: Again, this is not something we have sat down and taken a vote on. My sense would be that we would try to find a way to make sure that Hispanics represented those areas without necessarily destroying the political career of a non-Hispanic Legislator incumbent. That balance will not always be possible, but that is what we are hoping to try and do.

Q: What methods do you see available to you to not destroy the political life of a Democrat?

A: If, in fact, a Democrat represents an area that is entirely Hispanic and is not Hispanic, then that person is not representative of that district. First and foremost, we want Legislators representative of their districts. In such an extreme example, there would be no way to save an incumbent like that because, if nothing else, that person's time was short in office. I do not know of an example quite that blatant.

Q: Do I hear you saying, as a matter of record, that the Democratic Party would give up an incumbent in that situation in exchange for a Hispanic district?

A: If there were an election, the Democratic Party will support the Democrat who wins in the primary.

Q: We are not at the primary stage. We are at the stage of drawing lines.

A: In terms of drawing lines, I do not think the Democratic Party will have the clout to wholesale redraw lines. When the plan comes out, we will have the ability to express the concerns of Democrats. The Party, itself, is not going to draw the map. What we want are districts drawn that are representative of some interests and concerns that we share.

Q: From the testimony we heard earlier this morning, the Democratic Party has abused the Hispanic population in the past by using them to buffer Democratic districts. When you have an incumbent, and it is the incumbent versus the

representation of or the creation of a Hispanic district, what position is the Party going to take as it pertains to that issue?

A: Again, I go back to my statement that the Party is not going to draw the lines. We are going to look at the plan as a whole when it emerges. What we have done to this point is express our strong belief that minority concerns should be strongly considered in drawing the plan.

Q: Is one of the Democratic Party's criteria to increase its numbers by way of redistricting?

A: As a partisan party, yes. We would like to see more Democrats in the State Legislature.

Q: Do you see doing that as running in conflict with the creation of Hispanic districts?

A: Absolutely not. For the large part, Hispanics elected to the Legislature will be Democrats.

VI. LEGAL CONSIDERATIONS

John E. Huerta

Mr. Huerta is director of the Southern California office of the Mexican American Legal Defense and Educational Fund (MALDEF). Prior to his present position, he was deputy assistant attorney general for the Civil Rights Division, U.S. Department of Justice. In that capacity, he oversaw administration of the Voting Rights Act.

As this Committee is well aware, reapportionment is the top item on the agenda of every major Hispanic organization, not only in the State but in the country. The purpose of my appearance before you today is to discuss the criteria for drawing districts and the legal framework for creating districts that may provide for increased Hispanic political influence. These two issues are closely intertwined.

The source and limit of the State's authority and obligation to redraw districts is the U.S. Constitution, the supreme law of the land. The dictates of the 14th and 15th Amendments to the Constitution are interpreted by the U.S. Supreme Court in Baker v. Carr¹ and White v. Regester². Baker and its progeny require states to draw districts respecting the one person, one vote principle. White requires states to draw districts that do not invidiously discriminate against minority interests. In White, the Supreme Court overthrew a reapportionment plan that discriminated against Blacks and Hispanics in Texas.³

Additionally, four counties in California--Kings, Merced, Monterey and Yuba--are covered by Section 5 of the Voting Rights Act.⁴ Under this provision, the Legislature

must submit its reapportionment plans to the U.S. Department of Justice for preclearance. The burden of proof is on the State to show that its plans do not have the purpose or effect of discriminating against minorities' voting rights. The Department will closely examine the submission and scrutinize the "ripple" effects of the plans to determine their impact on minorities in covered jurisdictions.⁵

If the Department of Justice determines that the reapportionment plans have the effect of diluting minority voting rights, it will object to the proposed plans, and they will be invalid unless a three-judge district court in Washington, D.C., after extensive litigation between the Justice Department and the State of California, determines otherwise.

If an objection is entered by the Justice Department, MALDEF will likely intervene in the litigation on behalf of the Chicano community.

Under State law, the Equal Protection Clause and Article XXI to the California Constitution, otherwise known as Proposition 6, place further restraints on the State. Proposition 6 mandates the creation of contiguous, consecutively-numbered, single-member districts throughout the State. Further, it suggests that the geographical integrity of political sub-entities be respected to the extent possible without violating the other mandated criteria of the article.

The Equal Protection Clause of the California Constitution demands much more. Any redistricting plan that has the purpose or effect of diluting minority voting strength

will be subject to strict scrutiny by the California Supreme Court to determine if there is a compelling governmental interest. If there is a less discriminatory alternative, that must be followed. This principle is drawn from the Court's decisions in the cases Calderon v. City of Los Angeles⁶, Gould v. Grubb⁷, Jackson v. Pasadena School Board of Education⁸ and Serrano v. Priest II⁹.

The California Supreme Court has consistently applied the effects test to determine if the Equal Protection Clause has been violated whenever there is a fundamental right involved such as voting or education, or where there is a protected class such as Blacks, Hispanics or Asians that are being discriminated against. MALDEF is well-armed with persuasive judicial precedent to insure that the Latino community will not be subjected to the same kind of treatment it received in prior legislative gerrymandering.

The State has a great amount of discretion in drawing legislative districts. The people have wisely entrusted to their elected representatives the foremost political task of the decade: Reapportionment of the State of California.

The courts are loathe to interfere and only do so when the one person, one vote principle is not followed as in Baker v. Carr, or when minority voting strength is diluted as in White v. Regester.

The Hispanic community in California is a large one. It is growing faster than any other ethnic group. As of April 1980, there were four and one-half million Hispanics in the

State; this represents 19.2 percent of the State population. Los Angeles County, with over two million Hispanics, represents the largest concentration [of Hispanics] in the U.S. There is another one million Hispanics in neighboring south-land counties.

While [Hispanics] have large numbers, [they] do not yet have adequate political influence.

We are not imputing blame on current members of the Legislature for events that occurred as far back as 1950. However, we are asking them to fashion a legislative remedy to correct the lingering effects of that prior discrimination against our community. I say "lingering effects" because many of our present-day problems are rooted in that prior gerrymandering activity at the State and local levels.

Why is it that [Hispanics] do not have more political influence in the community? The answer to that question is not an easy one. The answer lies intertwined with the history of gerrymandering and [Hispanics'] demographic profile and economic circumstances. When one's vote is diluted, as it has been in years past, there is less of an incentive to run for office, to vote and to conduct voter education and registration drives.

Once this initially happens, it creates a vicious circle that is difficult to break. The result is not only less political participation, but a growing gap between the have's and have not's. For example, in the area of education, the lack of political influence has translated itself into an

unresponsive educational system. Not only have [minorities] been subjected to de jure discrimination, but as the McCone Commission pointed out in the wake of the Watts riots, the minority community, Blacks and Hispanics, have been subject to a more subtle but, nonetheless, invidious discrimination for distribution of State funds for educational purposes.

The McCone Commission found, as one of the principle causes of the Watts riots, the fact that the Los Angeles School Board disproportionately expended more resources on the White community than it did on the minority community. Today, this problem still persists, and Latino youth are disproportionately subjected to inferior facilities in year-round schools. The hope for the future for not only Hispanic and Black communities, but for all Californians, lies in our providing a quality education for all our children regardless of national origin or income status.

The cumulative effect of this prior educational discrimination and continuing neglect is to handicap our children, pushing them out of the school system and into the streets, creating broad social problems for [the minority] community and society at large. This, in turn, affects unemployment, underemployment and social service dependency rates. When these factors are blended with existing racial prejudices against [the minority] community, the result is that [Hispanics] are drastically overrepresented, along with our Black brothers and sisters, in the poorest of the poor of this

country, or, as President Reagan would say, "the truly needy."

Redistricting and fair representation are directly related to our current social condition. There are other factors, however, that contribute to Hispanics' strengths and weaknesses as a community. These factors auger strongly for the State Legislature and/or the courts to recognize and keep intact [the Hispanic] community of interest.

Let me explore these factors with you. Hispanics, as a group, are young. Over one-half of our population is under 21 years of age. Forty-three percent of our population are under 18 and, therefore, not eligible to vote.

A large proportion of [Hispanics] is immigrants. It is estimated that between 15 and 20 percent of our population statewide are noncitizens. Under the U.S. Constitution, all persons are entitled to representation even if they are not able to vote because of citizenship or age.

The concept of representation is broader than the electorate. President Reagan is the president of all those in the United States, not just those who voted for him. A supervisor or a legislator must, as a matter of political theory at least, represent the interests of all those within the supervisorial or legislative district.

There is a very strong commonality of interest between the immigrant community and the Hispanic citizen community. The immigrant lives and works alongside the Hispanic citizen.

The immigrant is often indistinguishable from the citizen in physical appearance, dress or even language. The discrimination that is often encountered by the Hispanic on the street or in the workplace does not respect the legal niceties of citizenship. For the purpose of many in the outside world, we are all stereotyped as immigrants, even if one's particular family was in the Southwest before the Pilgrims landed at Plymouth Rock.

Language is an important element defining our community of interest. Many of us are bilingual but some of us, in spite of years of residency, indeed a lifetime of citizenship, have not mastered the English language. The California Supreme Court in Castro v. California¹⁰ recognized the right of Hispanic citizens to vote in their native tongue. Spanish is the most common means of communication in our barrios.

Throughout the State, we have numerous Spanish newspapers, magazines, radio and television stations. The quality of news reporting, especially as to events occurring in our community such as reapportionment, are often better covered by the Spanish language media than they are by the English language media. For us, our language, Spanish, is an integral part of community interest.

In terms of family size, Hispanic families tend to be significantly larger than Anglo families. Over 20 percent of our population has six or more persons in a family, while less than six percent of Anglo households have a family of

six or more. What this means is that certain issues, e.g., the quality of educational experience, are significant to our community, while other communities may not share those same concerns.

Significantly, one-quarter or 25 percent of [the Hispanic population] over 25 years of age have completed less than five years of grammar school. The comparable figure for the non-Hispanic community is less than 3 percent. Our rate is eight times greater than for Anglos. Barely one-third of the Mexican American population over 25 has completed four years of high school; close to 70 percent of the non-Hispanic community has completed high school, and 17 percent have completed college compared to four percent of our community.

Income statistics reflect similar disparities; likewise, housing statistics. In fact, demographers inform me that if one wants to predict internal migration and mobility patterns of Hispanics in Los Angeles County, one must only follow the statistics for the availability of inexpensive housing.

The point I am making by this discussion is that the Hispanic community has a very real and unique community of interest, the integrity of which ought to be respected in drawing district lines. One could easily justify this action based on nonracial criteria discussed above. As advisors to the U.S. Commission on Civil Rights, you are aware of and have recognized that Hispanics, as a group, have been disadvantaged in prior reapportionments, and have suffered insti-

tutional and societal discrimination which have continuing effects upon our ability to fully participate in the political process.

The Legislature, with those findings, could fashion a narrow legislative remedy to grant relief for that prior injury. This is the principle involved in Bakke¹¹ in which the Supreme Court approved affirmative action. The Legislature can mold affirmative minority districts relying upon this prior discrimination that they have admitted on the record that they participated in. They can do this without diluting the voting strength of Anglos, Blacks or Asians. They can often do this without upsetting incumbents.

[Hispanics] are not seeking ethnic or racial representation. We are seeking political influence. We want the ability to elect Legislators and to have palanca, political clout. When our numbers are diluted, as they have been in prior redistrictings, we do not have that palanca. Where we have the numbers, the Legislature should respect the integrity of our community of interest and put us in common legislative boundaries. If not, we will ask the courts to do so.

Q: Has MALDEF been involved in formulating specific recommendations, such as criteria for redistricting or authority in the reapportionment process, and have you presented any of those concerns to the Legislature?

A: Yes. On behalf of MALDEF, I have presented testimony on several occasions both to the Senate and the Assembly, and spelled out in more detail the history of prior discrimination as it has taken place by the Legislature. I have also been working on the Californios for Fair Representation Research Committee drawing the reapportionment plans that they submitted to the Legislature.

Q: Could you give us an idea of the criteria you used in drawing these plans?

A: The criteria we used were the criteria of good government, that is, trying to make districts contiguous, consolidated, respecting city and county boundaries and, at the same time, looking at the community of interest of Hispanics, Blacks and Asians. We had overlays with the Hispanic population, the Black population and the Asian population so we would know where these communities were. In drawing those lines, we made an effort to not cut up those communities and to retain them as much as possible so they would have as much political influence as possible.

We looked at other communities of interest. We did not cut up coastal communities, for example. We took geographic areas into consideration in drawing our plans. The one factor we did not consider that heavily, and were criticized by the Legislature for, was incumbency. We have not made that a high priority to protect every incumbent in the Legislature, but we have been fairly realistic. We presented them

with a politically-feasible plan that does not alter the balance of Democrats and Republicans in the Legislature.

Q: Mr. Huerta, in regard to the Voting Rights Act, could you describe for us what the process is for the State in terms of submitting the plans for approval and which entity in the State has the responsibility for submitting the plans?

A: I believe the Secretary of State's Office has that responsibility.

Before the plans become law, they must be submitted to the Justice Department. What the State has to do is submit not only the plans themselves, but supporting information justifying them as to minorities. Upon receipt of the original submission, the Justice Department has 60 days to review that data. The Civil Rights Division of the Department will review it, put the plans on their computers, and see what effect they have and what other alternatives the Legislature could have come up with. If the plans do not dilute minorities' interests, they will be approved.

Often, the Justice Department does not have sufficient information submitted to them and it takes additional time. They have another period of time for the State to submit additional data, and there is another 60-day approval period from the time that the new data arrives. The presumption, and this is very important to keep in mind, is that this is a discriminatory plan unless the State proves otherwise.

Q: Does the Voting Rights Act actually prescribe the criteria that guides the State in developing its plans?

A: No, it is more general. I think the exact wording is that they cannot have a plan which has the purpose or effect of limiting minority voting rights.

Q: You mentioned the State Equal Protection Clause. Does the State go through fulfilling the requirements of that law first?

A: The State equal protection laws would only be invoked upon a lawsuit being filed in State court. The California Supreme Court has developed what is known as the "effects test" for the Equal Protection Clause. They do not look into intent to discriminate as is done under Federal law; they just look at the State's actions. If these actions dilute minorities' voting strength, that is sufficient to violate the California Constitution.

Q: You mentioned that you were prepared to enter a lawsuit if necessary. What background does MALDEF have in this area?

A: I mentioned the White v. Regester case. MALDEF brought that case against the State of Texas and went all the way up to the U.S. Supreme Court. They won that case. I referred to the Calderon case which was against the Los Angeles City Council back in 1971. My office filed that suit.

MALDEF also participated in the California Supreme Court's redistricting plan. We submitted a plan to the special masters that resulted in the plan in which Senator Garcia and Assemblymen Alatorre and Torres represented districts.

This year, MALDEF successfully sued the State of Texas over a reapportionment plan, and they had to go back to the drawing boards and redo it. I would say that MALDEF has a lot of expertise in this area. I, personally, have many years of experience in voting rights.

Q: Do you feel that there are safeguards that will insure a fair representation in reapportionment?

A: I am confident the Justice Department will give a very critical review of the State plan, but I am also very confident that this Legislature is not going to want the California Supreme Court to draw the plan because they do not respect incumbents the way the Legislature does. I hope the Legislature has good legal counsel in this regard because I wonder whether they are putting their heads in the sand and disregarding that. We will just have to see the actual plan.

Q: Is this optimism based on the Legislature's response to your concerns and plans?

A: My optimism is based on the analysis of court decisions. I would rather see a plan being drawn by the Legislature. Californios showed [Legislators] that their plans were not radical. [Californios] protected every minority

incumbent in the Legislature and asked for just one additional Assembly seat. When [Californios] presented their plans to the Legislature, they were saying, "We are not asking you to draw the lines exactly where we are drawing them. We are showing you that you can draw a reasonably good plan with, for example, around 33 percent Hispanics in the San Pedro area, another 33 to 40 percent in the San Fernando Valley, another 60 percent Hispanic district in South Central Los Angeles, a 40 percent district in the Fresno area. We understand you have political realities to deal with. We want to be reasonable and negotiate with you."

Q: What is the procedure when the Legislature releases a plan?

A: Once they release it, [Californios] have a commitment from the Rose Institute that the computers will be available to them to do an analysis of the plan. It will take them anywhere from 24 to 48 hours if they work around the clock. They will have their analysis of it and how it shapes up compared to what they are asking for. If it is within the ballpark, they will probably call a press conference and support the plan, and will appear at hearings to testify on behalf of it. If it is not in the ballpark, they will oppose it and fight it in the legislative hearings. If that does not work, they will go to the courts.

Q: How will the Voting Rights Act affect the Legislature's plan?

A: It depends on what the plan is. You cannot prejudge a Justice Department preclearance until you have all the facts in terms of what was submitted. It depends on the effects on those four covered counties. To see the effects, you can look at surrounding counties because, often, a Congressional or State Senate district is comprised of more than just one covered jurisdiction.

¹369 U.S. 186 (1962).

²412 U.S. 755 (1973).

³In this case, multi-member districts were declared illegal because they diluted the voting power of Mexican Americans, thus denying them effective voting representation.

⁴42 U.S.C. Section 1973c (1975). Enforcement of Section 5 has been delegated by the U.S. Attorney General to the Voting Section of the Civil Rights Division of the Justice Department. According to a Justice Department representative, final decisions on proposed changes in voting practices or procedures by covered states and political jurisdictions are based on the Department's interpretation of Federal court decisions about discrimination in voting. Telephone interview with David Hunter, Voting Section, Civil Rights Division, July 27, 1981. Hereafter referred to as Hunter Interview.

⁵Although only a few counties in the State are covered by the act, California must submit its entire legislative and Congressional reapportionment plans for approval, including all political subdivisions within the covered jurisdictions (towns, cities, school districts, etc.). Hunter Interview.

⁶4 Cal.3d 251 (1971).

⁷14 Cal.3d 661 (1975).

⁸59 Cal.2d 876 (1963).

⁹18 Cal.3d 728 (1976).

¹⁰2 Cal.3d 223 (1970).

¹¹Regents of the University of California v. Bakke, 438 U.S. 265 (1978).

VII. REAPPORTIONMENT ISSUES AND DEVELOPMENTS

A. Community and Official Perceptions

Speakers at the California Advisory Committee's 1981 fact-finding meeting believed that redistricting was the most important factor insuring participation of State citizens in government and politics.¹ As the creator of voting districts, reapportionment can open up or close down access to candidacy and election, and the ability to exercise voter influence.

Past gerrymandering practices in California have had deleterious effects on the political participation of State citizens. The attempt to preserve elective offices of Legislators reduces the number of voting districts in which defeat of incumbents is possible. When the perception exists that there is little opportunity for victory over incumbents, the incentive to run for office is reduced. In turn, the potential for legislative indifference and voter apathy are increased.

For minorities, gerrymandering of their population areas has alienated them from the political process by diluting their voting strength.

Community representatives perceived that gerrymandering has also directly affected the social and economic status of minority groups. They believed that their lack of political influence has led to a governmental system which has been unresponsive to minority needs. This has widened the gap of

economic and educational differences between minority and majority populations, and threatened the fabric of American society.

State Assemblyman Richard Alatorre told the Advisory Committee that community concern over legislative gerrymandering belonged to the past. He and others connected with the reapportionment process said that greater public scrutiny of the Legislature, through public hearings on redistricting, and Federal and State legal constraints had led Legislators to an awareness of and respect for representation of state-wide constituencies.²

Representatives from the community agreed that public input in the redistricting process was needed. Besides giving all groups who have a stake in reapportionment the opportunity to express their concerns, they were convinced that this participation would insure that the Legislature served the public's interest.

Although the 1981 reapportionment process provided more opportunities for public review than past redistrictings, a primary complaint of many speakers was the limited community involvement in reapportionment planning.³

Persons who were interested in presenting information to the Legislature felt they had been placed at an unfair disadvantage. The majority of legislative hearings occurred before, instead of after, the Legislature released its pro-

posed plans. Public testimony was limited to discussing expectations about redistricting and presenting model plans without a basis of comparison.⁴

Other persons commented that notice of the hearings was insufficient, preventing many community organizations from appearing before legislative reapportionment committees. Alan Rosin of the Senate Elections and Reapportionment Committee contradicted this complaint, and stated that many persons were uninterested in government hearings. He said the Senate Committee had made every effort to inform citizens and local groups about the hearings.

The Advisory Committee heard complaints that an atmosphere of racism persisted at the reapportionment hearings. Hispanic group representatives said they were accused by members of the Senate Reapportionment Committee of being a front for Republican interests, a criticism which overlooked their awareness of Hispanic political needs and their efforts to increase Hispanic political participation. One individual said that a member of the Senate Elections and Reapportionment Committee at one hearing kept focusing on why Hispanics had not elected a Hispanic candidate in a prior local election, even though it was explained to him that the individual was not elected because he was not the best candidate.⁵

Although information presented to the Advisory Committee focused on legislative attitudes and procedures, most individuals advocated that the Legislature retain the power to reapportion.⁶ Other alternatives, such as giving the power

to the courts or to an independent commission, were considered unacceptable because no public accountability existed. Further, any appointed body would reflect political biases held by its appointing authority.⁷

To correct harms suffered by prior legislative gerrymandering, presentors urged the Legislature to prioritize criteria it uses to reapportion voting districts and to make these standards public. The validity of incumbency as a redistricting standard was not discounted,⁸ but it was argued that apportionment would serve State residents when incumbency was secondary to public interest criteria in the formulation of district lines.

Speakers asked the Legislature to adopt respect for minority populations, or minority "communities of interest," as a public interest standard.⁹ Particular demographic characteristics of minority groups were emphasized. It was pointed out that in order to insure State government policies and laws addressed the unique needs and problems of minority populations, the redistricting process must maintain the integrity of their communities of interest.¹⁰

Some participants stressed that racial/ethnic diversity in the Legislature was important in achieving political representation of State residents. For example, one individual commented that minority community issues often tended to be stereotyped and given a low priority by non-minorities.¹¹ Thus, districts must be created so that minorities have opportunities for candidacy and election.

The primary concern of community group representatives was that district structuring in the 1970's prevented minorities from forming a political base from which they could influence legislative performance. Political representation connoted more than ethnic representation; it signified the ability to exercise political clout.

B. Political Events

On September 2, 1981, about three weeks after the Advisory Committee's public meeting, the State Senate Elections and Reapportionment Committee unveiled its reapportionment plan for California's Senate districts. One week later, the Assembly's plan for California's Assembly districts was released, together with the Legislature's plan for the State's 45-member Congressional delegation.

These bills were adopted by the Legislature on September 15, 1981 and on September 16, 1981, Governor Edmund G. Brown, Jr. signed them into law.

State Republicans immediately challenged the new redistricting plans, contending that they unfairly favored Democrats to insure their political power for the next ten years and violated Federal and State reapportionment standards. By December 1981, Republicans had obtained enough signatures to qualify referendums for the June 1981 ballot in order to let State voters decide whether or not the 1981 Senate, Assembly and Congressional plans should remain in effect.

State Democrats, in opposition to this effort, asked the California Supreme Court to approve the plans and block the referendums, claiming the referendums would illegally interfere with the reapportionment and election processes and the signatures were collected improperly. They also pointed out that without the new districts, minorities would be deprived of voter representation, thereby violating the one-man, one-vote principle.¹²

On January 28, 1982, the California Supreme Court temporarily approved the 1981 Democratic reapportionment plan, holding that equal protection guarantees compelled use of the new districts for the 1982 primary and general elections. But, the court decided that the Republican-sponsored referendums should be allowed on the June 1982 ballot.¹³ If voters approve the referendums, the Legislature will be required to redraw Congressional and legislative lines for the 1984 elections. If voters reject the referendums, the 1981 plan will become the permanent plan for the 1980's.

The State Legislature has cleared another legal hurdle. The U.S. Justice Department, which must review all election changes in states covered by the Voting Rights Act, approved the Assembly reapportionment plan, stating it did not dilute votes of minorities in the four counties covered by the act. However, the State Senate bypassed the Justice Department review and went directly to the U.S. District Court in Washington, D.C. for clearance of its plan. Senate leaders claimed it was a conflict of interest for the Attorney Gen-

eral to review the plan because his boss, President Reagan, had publicly opposed it.¹⁴ In February 1982, the Justice Department filed documents with the Federal court indicating its approval of the Senate plan.¹⁵

Minority reaction to the Legislature's reapportionment plans was mixed. Representatives from the National Association for the Advancement of Colored People (NAACP) testified before the Senate reapportionment committee that Black voter representation had been preserved and, in some cases, enhanced by increasing Black voting strength.¹⁶

A coalition of Asian And Pacific organizations sent a written statement to the Senate, supporting its plan for keeping Asian populations intact so that Asian candidates would have chances for election.¹⁷

On September 4, 1981, Californios for Fair Representation (CFR), held a press conference and rejected the Senate's redistricting plan on the basis that it reflected a classic case of racial gerrymandering. CFR State Chair Miguel Garcia stated, "This plan offers no immediate or long-term solutions to providing fair representation for California's Hispanic community. It offers nothing but token representation."¹⁸

The Senate plan maintained the three seats currently held by Hispanics. It also created an approximately 30 percent Hispanic district in Orange County with no incumbent. However, Hispanics did not view the plan as creating any other districts where their numbers were great enough to offer a chance of electing a representative or influencing

legislative performance. Other disappointments were that large Hispanic communities were divided into several districts,¹⁹ and Hispanic and Black populations were equally represented in some Los Angeles districts, pitting minorities against each other for political advantage.²⁰

A representative of the Senate Committee on Elections and Reapportionment responded to Hispanic criticisms of the plan:

It is worth noting that the Senate has three Senators of Hispanic ancestry representing urban constituencies in Los Angeles County. The Committee hoped, I think, to enhance Hispanic representation in other areas, and attempted to do so in some of the State's rural areas as well as in Orange County [where] a Senate district was created that is over 28 percent Hispanic. Considering the fact that Senate districts are twice the size of Assembly districts, one must realize that the Senate made a serious and effective effort to locate and group Hispanics into one Senate district.²¹

Following the release of the Assembly's proposed plan, CFR, again, held a press conference. Miguel Garcia commented:

This [Assembly] plan adequately reflects Hispanic growth...It is reassuring to know that our efforts have not gone unheeded and that the system has been responsive to our needs.²²

The plan created 19 districts throughout the State with Hispanic populations of 25 percent or more, including 6 districts with over 40 percent Hispanics.²³ According to CFR, the plan strengthens the four districts now represented by

Hispanic Assemblymen and the new districts are in areas where Hispanic communities have grown significantly since the 1970 census.

A representative from Assemblyman Richard Alatorre's office stated that Black and Asian communities also reacted favorably to the Assembly plan.²⁴

¹All viewpoints and statements contained in this section are derived from the Advisory Committee's 1981 public meeting unless cited otherwise.

²See statements of Alan Rosin and Jack Trujillo in this report.

³In 1973, the California Supreme Court recommended to the Legislature that it attempt to receive public input in future redistrictings.

⁴Public hearings were held in Sacramento following the release of legislative plans, but they did not provide for extensive community input. The Senate and Assembly reapportionment bills were presented to the public in early September 1981 and were voted into law by the State Legislature mid-September 1981.

⁵See statement of Rita Nunez, pp. 96-97.

⁶In its 1971 report, the California Advisory Committee made the recommendation that the power to reapportion should be removed from the State Legislature and placed "in the hands of a body which is representative of all of the people in California." Political Participation of Mexican Americans in California (August 1971), p. 11.

⁷Speakers at the Advisory Committee's meeting said that there was no evidence that reapportionment commissions in other states had resulted in an appreciable increase of minority voting districts.

⁸The United States Supreme Court has acknowledged that political considerations are inseparable in apportionment plans. While states must make a good faith effort to construct voting districts which are equal in population, some deviations in size between districts are permissible to protect incumbents and political parties. *Gaffney v. Cummings*, 412 U.S. 735 (1973).

⁹While California and U.S. Constitutions prohibit discrimination against minority voting rights, there is no "affirmative" mandate that the State Legislature observe the integrity of minority populations in remapping districts. Proposition 6, or Article XXI of the State Constitution, requires the creation of contiguous, consecutive districts wherein geographical integrity of political sub-entities has been respected to the greatest extent possible.

¹⁰In practical terms, this means districts in which minority populations, or preferably minority voter registration, are more than 20 percent (no dilution) but less than 70 percent (no compacting) in areas where their populations are concentrated.

¹¹See Floyd Mori's statement, p. 52.

¹²Assembly v. Deukmejian, S.F. 24348 (filed Oct. 26, 1981). On Nov. 2, 1981, State Republicans filed their opposing brief in the California Supreme Court, contending that voters have a legitimate right to invalidate a legislative apportionment plan through the referendum process. On Jan. 11, 1982, lawyers for both parties argued before the Court over which right should prevail--the right of the people to overturn new laws by referendum, or the right of each voter to cast a vote equal to every other citizen's. Los Angeles Daily Journal, "GOP Answers Democratic Challenge to State Redistricting Referendum," Nov. 3, 1981; Los Angeles Times, "Court Views Choices in Districting Battle," Jan. 12, 1982.

¹³82 Daily Journal D.A.R. 345. On Feb. 8, 1982, another legal attack on the Legislature's Congressional and legislative redistricting plans was made by the State Republican Party. It filed suit in Los Angeles Federal court to either block the plans from being used in any elections, or at least to obtain renumbering of four senatorial districts which could give Republicans an additional two Senators for the 1983-84 session. Los Angeles Daily Journal, "GOP Mounts Federal Challenge to Remapping," Feb. 10, 1982. On Feb. 11, 1982, a Federal district judge rejected the Republican request for a temporary restraining order, whereupon Republicans immediately filed a petition for a preliminary injunction barring the plans' use in order to trigger the appointment of a three-judge panel to hear the case. Los Angeles Daily Journal, "GOP Loses Round in Redistricting Suit," Feb. 12, 1982.

¹⁴Los Angeles Times, "Redistricting Clears U.S. Legal Hurdle," Dec. 3, 1981.

¹⁵Los Angeles Herald Examiner, "A Federal OK for State's Reapportionment Plan," Feb. 18, 1982.

16State of California, Legislature, Senate, Committee on Elections and Reapportionment, Hearing (Sept. 2, 1981), pp. 46-47; State of California, Legislature, Senate, Committee on Elections and Reapportionment, Hearing (Sept. 9, 1981), pp. 1-7.

17State of California, Legislature, Joint Senate-Assembly Conference Committee on Elections and Reapportionment, Meeting in re: Senate Bill 7 (Sept. 15, 1981), pp. 1-4. See Tables I, II and III for the ethnic/racial composition of new California Congressional and legislative districts.

18Materials and notes from CFR press conferences on the State Senate and Assembly plans are contained in the reapportionment file, Western Regional Office, U.S. Commission on Civil Rights.

19For example, in the Senate's plan, Santa Clara County is divided among four districts. Hispanic populations in these districts are 7 percent, 15 percent, 22 percent and 24 percent respectively. In Fresno, 2 Senate districts were drawn with 28 percent and 24 percent Hispanics respectively, instead of drawing a district with a larger Hispanic component.

20CFR press conference materials.

21Letter from Alan Rosin, staff director, California Legislature Senate Committee on Elections and Reapportionment, to Thomas V. Pilla, research specialist, Western Regional Office, U.S. Commission on Civil Rights, Dec. 29, 1981.

22CFR press conference materials.

Californios, together with MALDEF, also support the new plan for the State's 45-member Congressional delegation. In testimony before the Assembly Committee, a MALDEF representative lauded the plan for protecting both Hispanic and Black representation. State of California, Legislature, Assembly, Conference Committee on Elections and Reapportionment, In the Matter of: AB 300 and AB 301 (Sept. 11, 1981), pp. 25-28.

23Under the old plan, there were 10 Assembly seats in the State with 30 percent or more Hispanic populations.

24Telephone interview with Jim Tucker, staff member, Jan. 18, 1982. He stated that the transcript of public testimony obtained in Sacramento following the release of the Assembly plan has not been completed, but will be forwarded to the Western Regional Office, U.S. Commission on Civil Rights when it becomes available.

VIII. CONCLUSIONS AND RECOMMENDATIONS

Since 1970, the California Legislature has experienced increasing opposition to its practice of gerrymandering for incumbent political interests. In this and future reapportionments, the Legislature will have to prove its ability to act in the public's interest in drawing State district lines, or face the possibility of court intervention or other consequences.

During the 1981 reapportionment, racial/ethnic minorities demonstrated a growing impact on redistricting, a process which, in the past, has adversely affected their political representation and influence.

The California Advisory Committee is encouraged by the development of Californios for Fair Representation (CFR). The Committee found that CFR's work had increased the Legislature's awareness of political needs of minority groups in the State.

Community representatives differed in their perceptions of how the new plans benefited or hindered minority constituencies. The predominant view was that the Legislature, particularly the Assembly, had made efforts to improve minority voting strength. A determination of the adequacy of these plans in relation to the political representation of State residents can only be made after the plans are implemented.

The Advisory Committee concurs with the viewpoint that the Legislature should "affirmatively" consider minority population boundaries in redrawing legislative and Congressional lines. Without such a standard, there is a strong potential for gerrymandering at the expense of minority communities. The Committee also concludes that extensive public input is needed to prevent political abuse of the process and insure that redistricting is guided by public interest standards.

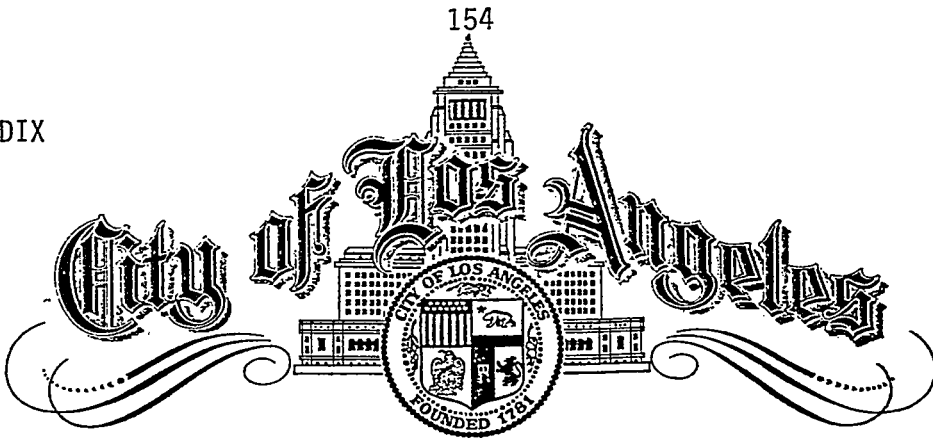
While major strides were taken by the Legislature in opening up the process to the public through statewide legislative hearings, the Advisory Committee sees no advantage in holding the majority of public hearings before the Legislature has proposed district boundaries.

On the basis of the foregoing, the Advisory Committee recommends that the California Legislature:

1. Enact joint legislative rules which outline formal procedures to be used in acquiring public review and comment of State reapportionment plans, including
 - a) A rule that public hearings be held throughout various regions of the State after redistricting plans are proposed to the public, but before the Legislature considers and votes on the plans, and

- b) A rule which sets forth requirements for public notice of the hearings;
2. Enact an amendment to California Constitution Article XXI, which mandates State standards for reapportionment, providing for racial/ethnic minority communities of interest as a redistricting criteria;
 3. Establish a citizens advisory committee to assist the Legislature in receiving and analyzing information from the community about reapportionment; and
 4. Implement immediate procedures to protect minority voting rights should the Legislature be required to redraw district lines for the 1980's.

APPENDIX



CITY HALL
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OFFICE OF THE MAYOR

TOM BRADLEY
MAYOR

August 12, 1981

Mr. Philip Montez
Regional Office Director
Western Regional Office
United States Commission on Civil Rights
3660 Wilshire Boulevard - Suite #810
Los Angeles, California 90010

Dear Mr. Montez:

Though I will not be attending the California Advisory Committee's open meeting on reapportionment in California, I am glad to send along with Mrs. Davis the enclosed written statement outlining perceptions, concerns and views about State legislative reapportionment. This is in accordance with the request in your letter of July 22, 1981, made on behalf of the California Advisory Committee.

Along with this letter I send my best wishes for a very highly successful meeting in Sacramento.

Sincerely,

Tom Bradley
TOM BRADLEY
MAYOR

TB:mta

Enclosures

TESTIMONY FOR U.S. CIVIL RIGHTS COMMISSION
August 13, 1981

Thank you for the opportunity to express my thoughts on the issue of reapportionment. I am glad the Commission on Civil Rights has seen fit to address this critical topic at this time.

The road to fair and equal representation has been a long and rough one. The right of each citizen to an equal voice in selection of their representatives has not always been assured. I have spoken out for fair and equal reapportionment as an extension of individual voting rights for many years.

Although the rallying cry in 1776 was no taxation without representation, fair and equal representation has not been recognized as a right until recent times. The Baker vs. Carr decision of the U.S. Supreme Court in 1962 made the case for reapportionment on the basis of population. The decision held that both houses of a state legislature must be apportioned on the basis of population, the Court concluded that economic, geographic or political factors could not be used to justify treating people unequally in the selection of their representatives. The decision in Baker vs. Carr built the legal framework for fair and equal representation through population.

It was two years later in 1964 that Chief Justice Warren Burger expanded upon the theories of both representative government and political equality when he said in Reynolds vs. Sims:

"Legislators are elected by voters, not farms, or cities or economic interests. As long as ours is a representative form of government, and our legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system...Representative government is in essence self-government through the medium of elected representatives of the people and each and every citizen has an inalienable right to full and effective participation in the political process of his state's legislative bodies"

It is critical to remember, however, that reapportionment by population is no justification to forget that each of those numbers represents a person with special needs and ideas. Reapportionment would be a simple task, indeed, if legislators could draw districts simply by the numbers. But there are other factors which must be considered.

Rarely does the voice of one individual make itself heard in our halls of government. It is when individuals join together to speak with one voice towards a common goal that governments are swayed. It is important for legislators involved in this process to listen to various ethnic organizations and citizens groups so that all citizens will have a voice in government affairs. Every ten years we are faced with the opportunity and the challenge of making our legislative bodies more responsive to the demographic composition of this country. The 1980 census provides the tools for positive change towards equal and fair representation for all citizens.

Although the goal is clear, the means to achieve fair and equal representation at all levels of government is much more difficult. Our legislators are currently grappling with the

reapportionment task. Not only must they insure that each citizen is fairly represented on the basis of population, they must take into account the diversity of ethnic, cultural and political variations. Political equality requires as the ideal that everyone be permitted to vote on an equal basis. Decisions concerning the boundaries of legislative districts have a profound effect upon the lives, hopes and aspirations of people living within those boundaries. The breadth and depth of representation in our legislative bodies is effected by where those lines are drawn.

As we approach reapportionment this year, it is my steadfast hope that the prime motivation of those with the responsibility of reapportionment is fairness. Care must be taken so that large minority populations do have the ability to make their influence felt. Opportunities for minorities to elect a person from their ethnic background must be enhanced through the reapportionment process. This will help ensure fair and equal representation in our legislative bodies.

I hope reapportionment this year is used to promote equal representation as defined by the law. But more importantly, in a way that truly gives all citizens an equal chance to be heard.

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TABLE I

ETHNIC/RACIAL COMPOSITION OF
CALIFORNIA ASSEMBLY DISTRICTS,
1982

<u>Percentages</u>	<u>Number of Districts</u>			
	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Asian</u>
0 to 25	0	74	61	80 ¹
25 to 40	4	2	12	0
40 to 65	10	4	6	0
65 and over	66	0	1	0
Total Districts	80	80	80	80

1. Seven districts are between ten and 15% Asian, and four districts are over 15% Asian (23.4%, 19.5%, 18.4% and 17.8%).

Source: Rose Institute of State and Local Government, District Deviation Report, Nov. 20, 1981.

TABLE II

ETHNIC/RACIAL COMPOSITION OF
CALIFORNIA SENATE DISTRICTS,
1982

<u>Percentages</u>	<u>Number of Districts</u>			
	<u>White</u> ¹	<u>Black</u>	<u>Hispanic</u>	<u>Asian</u>
0 to 25	---	36	30	40 ²
25 to 40	---	2	7	0
40 to 65	---	2	2	0
65 and over	---	0	1	0
Total Districts	40	40	40	40

1. White percentages were not provided.

2. One district is over 10% Asian (11.5%), and two districts are over 15% Asian (16.5% and 16.2%).

Source: Rose Institute of State and Local Government, District Deviation Report, August, 1981. These statistics are currently being updated by the Institute.

TABLE III

ETHNIC/RACIAL COMPOSITION OF
CALIFORNIA CONGRESSIONAL DISTRICTS,
1982

<u>Percentages</u>	<u>Number of Districts</u>			
	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Asian</u>
0 to 25	0	41	32	45 ¹
25 to 40	2	2	10	0
40 to 65	5	2	3	0
65 and over	38	0	0	0
Total Districts	45	45	45	45

1. Two districts are over 10% Asian (12.2% and 11.7%), and one district is over 20% Asian (22.3%).

Source: Rose Institute of State and Local Government, District Deviation Report, Nov. 25, 1981.

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