

**Report on the Legal Standards Pertaining to
the Los Angeles County Redistricting Process**

Professor Justin Levitt
Updated: August 9, 2011

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Professor Justin Levitt

Report on the Legal Standards Pertaining to the Los Angeles County Redistricting Process

August 9, 2011 (updated)

This report includes a review of the legal standards pertaining to the redistricting process for the Los Angeles County Board of Supervisors ("Board of Supervisors"), with particular emphasis on the Voting Rights Act. It first provides an overview of the general legal standards applicable to Los Angeles County redistricting, and then offers a preliminary assessment of the application of the federal Voting Rights Act to that redistricting process. This report has been updated from a earlier version submitted to the County's Boundary Review Committee on June 13, 2011, and reflects the most complete data available to the author at this time.

For the reasons discussed below, I conclude that there is substantial evidence to suggest that the Voting Rights Act will require the drawing of two supervisorial districts designed to give Latino voters within the County of Los Angeles the effective opportunity to elect candidates of their choice. Moreover, I conclude that the "A2 Plan" recommended by the Boundary Review Committee does not provide two such supervisorial districts, and may therefore fail to comply with the legal obligations governing the County's redistricting process.

A current copy of the author's CV is attached as Exhibit A.

I. Legal Standards Pertaining to the County Redistricting Process

The members of the Board of Supervisors are empowered to adjust the boundaries of the County's five supervisorial districts following the release of data from the decennial federal census. Charter of the County of Los Angeles §§ 4-5; CAL. ELECTIONS CODE § 21500. The supervisors have significant discretion in many aspects of this adjustment. Significantly, however, that discretion is subject to several legal constraints.

A. U.S. Constitution: Equal Population

The most important constraint is the federal constitutional requirement of substantially equal population. The Fourteenth Amendment of the U.S. Constitution requires that districts for elected representative office have "substantial equality of population." *Reynolds v. Sims*, 377 U.S. 533, 579 (1964). This requirement, developed with respect to state legislative districts, applies to the boundaries of districts for general-purpose local government — including elected county office — as well. *Avery v. Midland County, Tex.*, 390 U.S. 474 (1968).

For state and local districts, the equal population principle requires substantial equality, but not absolute equality. The Constitution allows latitude for deviation from absolute equality, in order to facilitate "legitimate considerations incident to the effectuation of a rational state policy." *Reynolds, supra*, at 578-79. In general, a population disparity of more than 10% from largest to smallest district gives rise to a prima facie case of unconstitutional malapportionment. *Brown v. Thomson*, 462 U.S. 835, 842-43 (1983). In contrast, districts drawn with a population disparity of less than 10% are presumed to be constitutional, *if* the disparity exists to

accommodate a legitimate, nondiscriminatory, and consistently applied state policy. *Id.* at 843-44. Disparities that serve illegitimate purposes — for example, elevating particular geographic interests at the expense of others or protecting only certain incumbents, in partisan fashion — may not justify even minimal deviations. *Larios v. Cox*, 300 F.Supp.2d 1320 (N.D. Ga. 2004), *aff'd*, 542 U.S. 947.

B. U.S. Constitution: Race and Ethnicity

The other significant constraint imposed by the U.S. Constitution is that when race or ethnicity is the "predominant factor" motivating the decision to draw a district, that decision must withstand strict scrutiny. *Easley v. Cromartie* ("*Cromartie II*"), 532 U.S. 234, 241 (2001); *Miller v. Johnson*, 515 U.S. 900, 916 (1995). That is, strict scrutiny applies when other considerations have been entirely subordinated to racial considerations, with racial considerations "dominant and controlling," in the extreme case in which a district is "unexplainable on grounds other than race." *Cromartie II*, 532 U.S. at 241-42, 257; *Cano v. Davis*, 211 F.Supp.2d 1208, 1215-16 (C.D. Cal. 2002) (recognizing the exceptional nature of such cases), *aff'd*, 537 U.S. 1100 (2003).

There are two particularly notable aspects of this constitutional limitation. First, strict scrutiny is not used to review the drawing of district lines with the knowledge of a racial impact, if race or ethnicity is merely considered along with other factors and does not "predominate" in determining where the lines are to be drawn. *Miller*, 515 U.S. at 916; *id.* at 928-29 (O'Connor, concurring); *Cano*, 211 F.Supp.2d at 1220. That is, drawing districts while cognizant of the racial impact — indeed, even drawing districts *because of* the racial impact and also because of other factors, equally weighted — does not provoke strict scrutiny.

A fortiori, if race or ethnicity itself is not the predominant consideration in drawing a district, redistricting based on characteristics that may be highly correlated with race — for example, political allegiance or socioeconomic status — is entirely permissible. *Cromartie II*, 532 U.S. at 241-42, 243; *Hunt v. Cromartie*, 526 U.S. 541, 551-52 (1999).

Second, even if race or ethnicity is the "predominant factor" motivating the decision to draw a district, that does not render the districting decision unconstitutional. Instead, such decisions must be evaluated under strict scrutiny: the decision must be "narrowly tailored to achieve a compelling interest." *Miller*, 515 U.S. at 920. Though the Supreme Court has never ruled directly on the question, it has strongly suggested (and several Justices have outright stated) that drawing districts in order to comply with the Voting Rights Act is a constitutionally permissible — and therefore legally required — reason to draw districts based predominantly on race or ethnicity. *Cano*, 211 F.Supp.2d at 1215-16; *King v. Ill. Bd. of Elections*, 979 F.Supp. 619, 621-22 (N.D.Ill.1997), *aff'd*, 522 U.S. 1087 (1998); *Shaw v. Reno*, 509 U.S. at 653-54; *Bush v. Vera*, 517 U.S. 952, 990, 994 (O'Connor, J., concurring); *League of United Latin American Citizens (LULAC) v. Perry*, 548 U.S. 399, 475 (2006) (Stevens, J., concurring in part and dissenting in part). Moreover, federal courts — including the federal court reviewing Los Angeles County supervisorial redistricting in *Garza v. County of Los Angeles* — have themselves repeatedly undertaken the drawing of districts based predominantly on race when necessary to comply with the Voting Rights Act.

C. U.S. Statutes: The Voting Rights Act

After the federal constitution, the next most important constraint is the federal Voting Rights Act. As federal law, just as the U.S. Constitution takes precedence over any state's law, the Voting Rights Act takes precedence over any state's law. U.S. CONST. art. VI.

Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, is the section most applicable to redistricting in the County of Los Angeles. It prohibits any law or practice that results in a "denial or abridgement of the right . . . to vote on account of race or color," or because of membership in a language minority group. *Id.* § 1973, 1973b(f)(2). A redistricting plan will violate Section 2 if, in the totality of circumstances, the plan interacting with social and historical conditions provides the members of a protected class of racial or language minorities with "less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." *Id.* § 1973(b).

In *Thornburg v. Gingles*, 478 U.S. 30 (1986), the Supreme Court articulated a test refining the statutory standard above as applied to redistricting decisions. *See also Grove v. Emison*, 507 U.S. 25, 40-41 (1993). With some modifications, that test remains the governing standard today.

1. *Gingles* threshold condition 1

Gingles established three threshold preconditions for determining when a jurisdiction must draw districts specifically designed to ensure that a particular minority has the effective opportunity to elect representatives candidates of their choice. The first *Gingles* condition is that the minority group is "sufficiently large and geographically compact to constitute a majority in a single-member district." *Gingles*, 478 U.S. at 50.

A group is "sufficiently large" if the minority group constitutes at least 50 percent of the voting-age citizens in a district-sized population. *Bartlett v. Strickland*, 129 S. Ct. 1231, 1246 (2009); *LULAC v. Perry*, 548 U.S. at 428-29; *Romero v. Pomona*, 883 F.2d 1418, 1425 (9th Cir. 1989), *abrogated on other grounds by Townsend v. Holman Consulting Corp.*, 914 F.2d 1136, 1141 (9th Cir. 1990) (en banc); *Cano*, 211 F.Supp.2d at 1233-34. With the 2010 Census reporting a total county population of 9,818,605, and five supervisorial districts to draw, the mean population for a Los Angeles County supervisorial district is 1,963,721. Given a permissible population deviation of 10% from largest to smallest for legitimate reasons, the smallest possible district population (under any circumstances) to avoid prima facie unconstitutionality is 1,806,624; the largest possible district population (under any circumstances) to avoid prima facie unconstitutionality is 2,120,818. Therefore, if a geographically compact minority group within the County of Los Angeles constitutes at least half of the voting-age citizens in a group of people within the permissible district-sized population range, that group will be sufficiently large to satisfy the first *Gingles* condition.

As explained above, the first *Gingles* condition requires not only that the minority group be numerous, but that it be sufficiently "geographically compact" to exercise power in a reasonable single-member district. The Supreme Court has not offered a "precise rule" defining compactness, *LULAC*, 548 U.S. at 433, but state and federal law have provided further

refinement of the concept, which essentially measures whether a group's members live relatively close together, or whether they are relatively dispersed and far-flung. This is not an assessment based on Platonic geometry. The California Supreme Court has interpreted geographical compactness under the Voting Rights Act to have a strong "functional" component for electoral purposes: a minority community is more likely to be geographically compact when there is a potential sense of community made possible by open lines of access and communication. *Wilson v. Eu*, 1 Cal. 4th 707, 715, 749. It is perhaps easier to recognize the absence than the presence of compactness: "a district would not be sufficiently compact if it was so spread out that there was no sense of community . . . or if it was so convoluted that there was no sense of community . . ." *Id.* at 749 (quoting *Dillard v. Baldwin County Bd. of Educ.*, 686 F. Supp. 1459, 1466 (M.D. Ala. 1988)). The U.S. Supreme Court has echoed this interpretation: "a district that combines two farflung segments of a racial group with disparate interests" or one that "reaches out to grab small and apparently isolated minority communities" with little in common is not reasonably compact for Section 2 purposes. *LULAC*, 548 U.S. at 433.

It is important to emphasize that the compactness inquiry is meant to determine whether the community in question is *reasonably* compact. Minority groupings deemed noncompact for purposes of Section 2 have generally been extreme cases: populations involving members of the same minority group with "enormous geographical distance" — hundreds of miles — separating communities with "disparate needs and interests," profoundly different demographic characteristics, and no shared "political identity." *LULAC*, 548 U.S. at 424, 435; *see also Shaw v. Hunt*, 517 U.S. 899, 903, 916 (critiquing as noncompact a district approximately 160 miles long that "winds in snake-like fashion" through disparate communities "until it gobbles in enough enclaves of black neighborhoods") (quoting *Shaw v. Reno*, 509 U.S. 630, 635-36 (1993)).

It is also important to understand that though the assessment of compactness involves an assessment of shared political community, the appropriate analysis under the Voting Rights Act is not a search for the most powerful communities of interest in the abstract, or an inquiry into whether the members of the minority community share *all* of the same interests. Decisionmakers are not permitted to follow the most strongly perceived communities of the area at the expense of a legitimate, reasonably proximate minority community with some shared interests. *LULAC*, 548 U.S. at 435 ("[I]n some cases members of a racial group in different areas—for example, rural and urban communities—could share similar interests and therefore form a compact district if the areas are in reasonably close proximity.") Rather, the focus under the Voting Rights Act is on whether minority groups amounting to half of a district-sized population are so disparate, dispersed, and far-flung that they share virtually nothing in common other than race or ethnicity. If not, the *Gingles* threshold compactness condition has been satisfied.

2. *Gingles* threshold conditions 2 and 3

The second *Gingles* threshold condition is that the minority group is politically cohesive; the third is that the majority votes sufficiently as a bloc to enable it "usually to defeat the minority's preferred candidate." *Gingles*, 478 U.S. at 51. Together, these conditions are generally known as "racially polarized voting": the minority group generally prefers to vote as a bloc for one type of candidate, and the majority group generally prefers to vote as a bloc for a different type of candidate, and would generally defeat the minority's preference. In those circumstances, the

minority group would have little opportunity to elect representatives of its choice if the districts did not specifically protect minority political power.

Assessing the degree to which voting is racially polarized within a jurisdiction, and particularly in the area surrounding a sizable, reasonably compact minority population, is not a simple assessment of the partisan preferences of the majority and minority communities, nor is it based on majority and minority support in a few particularly prominent individual campaigns. Rather, courts have emphasized that the determination of polarization demands a "searching practical evaluation of the past and present reality and . . . a functional view of the political process" with respect to the real preferences of the minority community. *Wilson*, 1 Cal. 4th at 749 (quoting *Gingles*, 478 U.S. at 45 (itself quoting the Senate Report accompanying the Voting Rights Act)) (internal quotation marks omitted).

Because of the secret ballot, it is not possible to determine racial or ethnic voting patterns by examining ballots themselves. And it is improper to assess the degree of polarized voting based on the ethnicity of a candidate alone, or based on overall election returns by city or county, because such assessments require broad-based and unsupported assumptions about individuals' voting choices. Exit polling, if conducted reliably, may provide one indication of voting patterns based on voters' race or ethnicity. But more frequently, the courts have endorsed a finely-grained analytical method based on election results that are aggregated by precinct and connected to the demographic composition of the precincts in question. *Gingles*, 478 U.S. at 52-53. Sophisticated statistical techniques must be used to assess these trends over multiple elections and multiple jurisdictional levels, in order to determine whether overall voting practices reveal a legally significant pattern. See Bernard Grofman, *A Primer on Racial Bloc Voting Analysis*, in *THE REAL Y2K PROBLEM: CENSUS 2000 DATA AND REDISTRICTING TECHNOLOGY* 43 (Nathaniel Persily ed., 2000).

It is also important to understand that an assessment of polarization depends primarily on the preferences of majority and minority voters, rather than the racial or language minority background of particular candidates. Sometimes, the minority voting community may coalesce around a minority candidate, but sometimes it will coalesce around a candidate who is not a minority. The most important lodestar for purposes of the Voting Rights Act is the degree to which the minority community regularly coalesces around a candidate (and the degree to which the majority community regularly coalesces around someone different), and not the racial or ethnic background of the candidates in question. *Gingles*, 478 U.S. at 67-68 (plurality); *Ruiz v. City of Santa Maria*, 160 F.3d 543, 551 (9th Cir. 1998); see also *LULAC*, 548 U.S. at 423-24, 427, 439 (noting polarized Latino voting *against* a Latino candidate).

That said, a candidate's race is not irrelevant to a polarization analysis. In determining minority cohesiveness — and particularly majority cohesiveness around a *different* candidate than the candidate preferred by the minority — all elections are not created equal. If the minority population prefers minority candidates, and the majority population prefers non-minority candidates, then elections pitting a minority candidate against a non-minority candidate will offer more probative evidence of the degree of polarization. *Ruiz*, 160 F.3d at 552-53; *Cano*, 211 F.Supp.2d at 1236. In contrast, elections pitting non-minority candidates against each other, or elections evaluating ballot measures without substantial and widely understood racial

connotation, may offer the voters fewer opportunities to express their true preferences — and thus their impact on determining overall levels of polarization within the electorate are likely to be less significant. *Id.* "The Act's guarantee of equal opportunity is not met when . . . [c]andidates favored by [minorities] can win, but only if the candidates are white." *Id.* at 553 (quoting *Clarke v. City of Cincinnati*, 40 F.3d 807, 812 (6th Cir.1994) (quoting *Smith v. Clinton*, 687 F. Supp. 1310, 1318 (E.D. Ark. 1988)) (internal quotations and punctuation omitted).

Other factors may also render particular elections more or less probative when considering whether the relevant electorate is polarized in a manner usually leading to the minority-preferred candidate's defeat. For example, courts will generally discount strong support for incumbents, which often persists despite otherwise pervasive polarization, *Gingles*, 478 U.S. at 57, 60; *Ruiz*, 160 F.3d at 556. In contrast, strong minority support for a challenger against a non-minority incumbent, or strong non-minority voting against a minority incumbent, are more meaningful departures from the norm. In jurisdictions with a strong overall partisan preference, where the opportunity to elect candidates of choice is driven by success in a primary election, primary election results will be more probative than general election results, particularly when a candidate strongly preferred by the minority loses the primary election and a less-preferred candidate succeeds. *Ruiz*, 160 F.3d at 552; *NAACP v. City of Niagara Falls*, 65 F.3d 1002, 1016-19 (2d Cir. 1995). And more recent elections will usually be more probative than more distant ones. *Ruiz*, 160 F.3d at 555; *Cano*, 211 F.Supp.2d at 1239-40.

The degree of racial polarization that is sufficient to clear the *Gingles* threshold is not marked by a bright line, and will "vary from district to district," *Gingles*, 478 U.S. at 55-56. Minorities must vote mostly as a bloc, and the majority must vote mostly as a bloc, and the minority community must, as a result, generally be unable to elect its candidate of choice outside of a district specifically tailored to grant that opportunity. That standard permits some crossover support in most elections, and substantial crossover support in isolated, anomalous elections. The focus is the overall trend or pattern in the jurisdiction. "[I]n a district where elections are shown usually to be polarized, the fact that racially polarized voting is not present in one or a few individual elections does not necessarily negate the conclusion that the district experiences legally significant bloc voting. Furthermore, the success of a minority candidate in a particular election does not necessarily prove that the district did not experience polarized voting in that election." *Gingles*, 478 U.S. at 57, 75-76; *Ruiz*, 160 F.3d at 549-50; *see also Bartlett*, 129 S. Ct. at 1248 (expressing skepticism about a claim of legally significant polarization only with consistently substantial crossover voting). Similarly, the election of some minority-preferred candidates with crossover voting does not undermine a general finding that minority-preferred candidates are usually defeated by polarized voting in districts not specifically drawn to afford an effective opportunity to elect candidates of choice. *Cano*, 211 F.Supp.2d at 1237-38; *see also LULAC*, 548 U.S. at 427.

The inquiry into voting patterns must be thorough, nuanced, and broad-ranging, to assess whether minority and majority groups are politically cohesive as a general matter: whether the minority group usually supports candidates who are rarely supported by the majority, and whether the minority community would therefore usually lose absent concerted efforts to protect its political voice. The standard is satisfied if, in analyzing election data, it appears that "[Latinos] strongly supported [Latino] candidates, while, to the [Latino] candidates' usual detriment, [non-Latinos] rarely did." *Gingles*, 478 U.S. at 61.

3. "Totality of the circumstances"

If the three *Gingles* threshold conditions above have been established, the Voting Rights Act next requires an evaluation of the "totality of circumstances" to determine whether a redistricting plan, interacting with social and historical conditions, provides racial or language minorities with "less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." 42 U.S.C. § 1973(b); *Johnson v. De Grandy*, 512 U.S. 997, 1010-1013 (1994) ; *LULAC*, 548 U.S. at 425-26.

Courts have consistently examined the "totality of circumstances" through the lens of factors listed in the Senate Judiciary Committee Report on the 1982 amendments to the Voting Rights Act that clarified the Act's application to procedures with the effect of diluting minority voting power. These "Senate factors" are:

1. The extent of any history of official discrimination in the state or political subdivision that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process;
2. The extent to which voting in the elections of the state or political subdivision is racially polarized;
3. The extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group;
4. If there is a candidate slating process, whether the members of the minority group have been denied access to that process;
5. The extent to which members of the minority group in the state or political subdivision bear the effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process;
6. Whether political campaigns have been characterized by overt or subtle racial appeals; [and]
7. The extent to which members of the minority group have been elected to public office in the jurisdiction.

S. REP. NO. 97-417, 97th Cong., 2nd Sess. 1982, at 28-29; *Gingles*, 478 U.S. at 44-45; *De Grandy*, 512 U.S. at 1010-11. The Senate Report also specifically noted the probative value of evidence demonstrating that elected officials are unresponsive to the particularized needs of the members of the minority group, and of an assessment that the policy underlying the jurisdiction's use of the contested practice or structure is tenuous. *Id.*

The Senate factors above are helpful aids to determine whether, in the totality of circumstances, a minority group's right to vote is abridged. They are neither comprehensive nor exclusive. *Gingles*, 478 U.S. at 45. And they are also not to be applied mechanically: vote dilution may still be established without the presence of one or more enumerated factors, or even without a majority of enumerated factors, or with factors present to differing degrees. *Id.* They are meant merely as relevant considerations in conducting the searching practical and functional evaluation of equal access to the political process mentioned above. *Id.*

In addition to the factors above, the Supreme Court requires an inquiry into whether the percentage of districts in which the minority population has the effective opportunity to elect candidates of choice is substantially proportional to the minority population's share of the jurisdiction's voting-age population as a whole. *De Grandy*, 512 U.S. at 1014; *LULAC*, 548 U.S. at 426, 437. While, like the Senate factors above, the proportionality inquiry is never itself dispositive, it is relevant in determining whether the minority group has less opportunity to elect representatives of choice. A minority group that controls a substantially disproportionate share of the jurisdiction's districts is unlikely to have less opportunity than others to elect representatives of choice under the Voting Rights Act. *Id.* In contrast, the fact that a minority group controls substantially fewer districts than its share of the jurisdiction's eligible population would tend to bolster a finding of vote dilution.

4. Effective opportunity district

If, under the analysis described above, a jurisdiction has the obligation to draw one or more districts responsive to a minority community, any such district will comply with the Voting Rights Act only if it ensures that the minority group has an effective opportunity to elect candidates of choice. *See LULAC*, 548 U.S. at 428-29 (tying the existence of a violation to efforts that "prevented the immediate success of the emergent Latino majority"). This is measured not by a single election, but rather by the ability of the minority group to successfully control elections in the district in the usual course.

The proportion of minority voters within a district necessary to yield a consistent effective opportunity to elect candidates of choice is not a number to be assessed in the abstract. In some cases, based on turnout or other considerations, a district may have to comprise more than 50% minority voters to yield an effective opportunity district. In other cases, a district may be an effective opportunity district for the minority community with less than a majority of voters. Without a majority-minority district, however, the jurisdiction will have the responsibility to demonstrate that the district nevertheless provides the minority community with an effective pragmatic opportunity to elect candidates of choice. The courts have rejected reliance on rough generalizations about minority-voter percentages at which districts that are not majority-minority offer minority voters an effective opportunity to win elections. *Cano*, 211 F.Supp.2d at 1239-40. Instead, the same searching precinct-based statistical analysis described above, analyzing a series of elections to deduce the overall patterns within the particular district in question, will be necessary to demonstrate that a district without a majority of minority voters nevertheless reliably offers that minority an effective opportunity to elect candidates of choice.

D. State Statutes

After ensuring compliance with federal constitutional requirements and with the federal Voting Rights Act, a redistricting plan for the Board of Supervisors must comply with California state law. Indeed, state law itself reaffirms the primacy of federal constitutional requirements and of the Voting Rights Act: "[T]he board [of supervisors] shall adjust the boundaries of any or all of the supervisorial districts of the county so that the districts shall be as nearly equal in population as may be and shall comply with the applicable provisions of Section 1973 of Title 42 of the United States Code, as amended." CAL. ELECTIONS CODE § 21500.

After mandating compliance with federal law, the California state code grants supervisors discretion to consider additional factors in setting district lines: "In establishing the boundaries of the districts the board may give consideration to the following factors:

- (a) topography,
- (b) geography,
- (c) cohesiveness, contiguity, integrity, and compactness of territory, and
- (d) community of interests of the districts."

Id. The Board of Supervisors may, but need not, consider any, some, or all of these factors.

The statutory language does not expressly state that other factors, including incumbency protection or the advancement or deferral of voters, may be considered: the list enumerates four items, and does not state that boards of supervisors may give consideration to factors "including" the four items enumerated. It is not clear whether the express grant of authority to consider these enumerated factors suggests the intent to preclude consideration of other factors not enumerated, including other "traditional redistricting criteria" not included in the state statute's express list. *See Clark v. Burleigh*, 4 Cal. 4th 474, 488-89 (1992) (applying the "expressio unius est exclusio alterius" canon to a grant of permission in the California Elections Code pertaining to candidate statements in a jurisdiction's official voter's pamphlet).

The discretionary factors above need not conflict with federal requirements or with the Voting Rights Act; it may be entirely consistent, for example, to draw districts that comply with federal law and that also conform to local geography or local communities of interest. In the event of any conflict, however — if, for example, a minority group has a right under the Voting Rights Act to a district that affords the opportunity to elect a candidate of choice — then a discretionary state factor in conflict with that right must yield.

In particular, while it may be necessary to consider data concerning communities of interest in assessing whether a minority group is reasonably compact under the Voting Rights Act, if a board of supervisors wishes to consider data concerning communities of interest outside of the relevant racial or language minority group, that input must not be privileged above, or given effect that interferes with, obligations under the Voting Rights Act itself.

E. Local Guidelines

On November 16, 2010, the Board of Supervisors established a Boundary Review Committee to study the redistricting process, facilitate public input, and make recommendations to the supervisors, consistent with its authority under state law. CAL. ELECTIONS CODE § 21505. That Boundary Review Committee may adopt guidelines for its own consideration in recommending districts. However, those guidelines cannot constrain the Board of Supervisors, nor modify the required constraints or discretionary criteria provided by state law. Committee decisions do not have the force of law; as the applicable state statute clearly provides, "Recommendations of the committee are advisory only." *Id.*

II. Application of the Voting Rights Act to the Los Angeles County Latino Community

As discussed above, supervisors will need to assess the application of the Voting Rights Act to minority communities within Los Angeles County as part of the 2011 redistricting process. This report now examines the application of the Voting Rights Act to the Latino community of Los Angeles County. Conclusions herein are preliminary, and have been assembled in limited time. As there appears to be little analysis regarding the application of the Voting Rights Act to Los Angeles County available on the County's public redistricting webpage, and—more regrettably—little analysis regarding the application of the Voting Rights Act within the Report and Recommendation of the Los Angeles County Supervisorial District Boundary Review Committee beyond the materials of the Minority Report, the conclusions herein are based substantially on, and conditioned upon, the demographic, political, sociological, and historical analyses discussed in and attached to this report.

For the reasons discussed below, I conclude that there is substantial evidence to suggest that the Voting Rights Act will require the drawing of two supervisorial districts designed to give Latino voters within the County of Los Angeles the effective opportunity to elect candidates of their choice. Moreover, I conclude that the "A2 Plan" recommended by the Boundary Review Committee does not provide two such supervisorial districts.

A. *Gingles* threshold condition 1

The first *Gingles* condition is that the minority group is "sufficiently large and geographically compact to constitute a majority in a single-member district." *Gingles*, 478 U.S. at 50. As described above, if a reasonably compact minority group constitutes at least half of the voting-age citizens in a district-sized population within the County of Los Angeles, that group will be sufficiently large to satisfy the first *Gingles* condition.

Several draft plans submitted to the Boundary Review Committee demonstrate that there are at least two compact Latino communities within the County of Los Angeles that each constitute at least half of the voting-age citizens in a district-sized population. This report uses the "Proposed Amended S1" plan ("S1 Plan"), submitted to the Boundary Review Committee on July 11, 2011 and attached as Exhibit B, as an illustrative plan to demonstrate the size and compactness of two such Latino communities. At least six other plans submitted to the Boundary Review Committee are also built substantially around these two communities, with variations at the margins that do not meaningfully affect the overall conclusions herein.

The first community runs from Bell and its environs, and roughly follows the Los Angeles River and the 5, 101, and 170 freeways north and west, into the near San Fernando Valley. As demonstrated in the S1 Plan, District 1 is one illustrative district for this area. As shown in Exhibit B, according to data derived from the U.S. Census Bureau data in Los Angeles County's online redistricting software, 486,383 Latino voting-age citizens live in the illustrative district, which has a total population of 1,969,324 and a citizen voting-age population of 914,765. The mean population of a supervisorial district is 1,963,721; a district population of 1,969,324

represents a deviation of 0.3% from the mean, which is well within prima facie constitutional parameters, and in line with the overall deviation of the Los Angeles County redistricting plan ordered by the federal district court in 1990. *See Garza v. County of Los Angeles*, 918 F.2d 763, 773 (9th Cir. 1990).¹ Latinos represent 64.8% of the voting-age population (VAP) of the district and 53.2% of the citizen voting-age population (CVAP) of the district. Thus, Latinos represent a majority of the voting-age citizens within a district-sized population, in the community in question.

The second community runs from Downey and Bellflower and its environs, and roughly follows the San Gabriel River, Route 19, and the 605 freeway north and east, and to the eastern border of Los Angeles County along the 10, 60, and portions of the 210 freeways through the San Gabriel Valley. As demonstrated in the S1 Plan, District 4 is one illustrative district for this area. As shown in Exhibit B, according to the data from the county's redistricting software, 567,966 Latino voting-age citizens live in the illustrative district, which has a total population of 1,969,822 and a citizen-voting age population of 1,092,344. The total population of 1,969,822 also represents a deviation of 0.3% from the mean, which (as above) is well within prima facie constitutional parameters, and in line with the overall deviation ordered by the federal court in 1990. *Garza*, 918 F.2d at 773. Latinos represent 57.8% of the district's VAP, and 52.0% of the district's CVAP. Thus, Latinos represent a majority of the voting-age citizens within a district-sized population, in the community in question.

Because Latinos represent 53.2% and 52.0% of the voting-age citizens in these two areas, they constitute a majority in two potential supervisorial districts for purposes of *Gingles* threshold condition one.

The Latino population in both areas above is reasonably geographically compact for *Gingles* purposes. Illustrative District 1 is approximately 35 miles long as the crow flies, and approximately 43 miles long traveling along the major freeways within the community.² Illustrative District 4 is approximately 31 miles long as the crow flies, and approximately 39 miles long traveling along the major freeways within the community. These are not districts distended by hundreds of miles.

More important, the Latino population in the area also does not appear to be dispersed and far-flung in a few individual and isolated pockets connected by vast strands of non-Latino space, or contained in a ribbon with little in common other than a shared ethnic background, as in other districts that the courts have found to be noncompact. *LULAC*, 548 U.S. at 424, 435; *Hunt*, 517 U.S. at 916. Rather, the Latino population in these areas of Los Angeles is spread relatively continuously within each community, along the transportation corridors that now serve as each region's backbones.³ The communities roughly follow the region's substantial river valleys, and

¹ Indeed, this deviation is far below the 1.398% deviation of the Board's 2001 plan, which was rightly characterized as "very low" by the County's Chief Executive Officer. *See* Chief Executive Officer William T. Fujioka, Report on the 2011 Supervisorial Redistricting Process, October 4, 2010, available at file.lacounty.gov/bos/supdocs/56285.pdf.

² All distance measurements are approximate, and were estimated using Google Maps measurement tools.

³ Indeed, as explained in Professor Chávez's report, attached as Exhibit G, it is unsurprising that the Latino population lines the transportation corridors, as several of these freeways were built directly through traditional Latino neighborhoods. Exh. F at 11.

some of the area's most significant freeways. This indicates that the population likely has at least some shared needs and interests.

To my knowledge, no court with jurisdiction over Los Angeles County has ever intimated that a single mathematical calculation of a community's compactness is dispositive for purposes of the Voting Rights Act; indeed, experts have identified more than 30 different mathematical measures, without consensus as to the most appropriate measure or measures of compactness for redistricting purposes, and without consensus as to the legally significant point at which districts become noncompact for any given measure. *See generally, e.g.,* Richard G. Niemi *et al., Measuring Compactness and the Role of a Compactness Standard in a Test for Partisan and Racial Gerrymandering*, 52 J. POL. 1155 (1990). Nevertheless, as shown in the mathematical compactness reports of Exhibits B and C, given the mathematical measurements of compactness offered by Los Angeles County's redistricting software, illustrative District 1 and illustrative District 4 are both more compact than at least one of the current supervisorial districts on every available measure, and are both more compact than two or three of the current supervisorial districts on several measures.

For the above reasons, I conclude that the illustrative Districts demonstrate that there are likely at least two compact Latino communities within the County of Los Angeles that each constitute at least half of the voting-age citizens in a district-sized population. These communities would therefore satisfy *Gingles* threshold condition one.

B. *Gingles* threshold conditions 2 and 3

The second *Gingles* threshold condition is that the minority group is politically cohesive; the third is that the majority votes sufficiently as a bloc to enable it "usually to defeat the minority's preferred candidate." *Gingles*, 478 U.S. at 51. Together, these conditions constitute racially polarized voting.

1. Political cohesion in the Latino and non-Latino communities

The preliminary reports by Professor Matt A. Barreto and Loren Collingwood, attached as Exhibits D and D1, present significant evidence that voting in Los Angeles County—as a whole and within the supervisorial districts in question — has generally been, and is currently, substantially polarized along ethnic lines between Latino and non-Latino communities. On July 13, counsel retained by the California State Citizens Redistricting Commission came to a similar conclusion, in a report attached as Exhibit E:

We have concluded that racially polarized voting likely exists in Los Angeles County. The evidence we have reviewed indicates that a significant number of Latinos vote together for the same candidates, while non-Latinos vote in significant numbers for different candidates. Moreover, the evidence is sufficiently abundant that we believe it is reasonable to infer that a sophisticated plaintiff's expert could develop evidence to persuade a court that the second and third *Gingles* preconditions have been met in Los Angeles County.

Memorandum from George Brown, Gibson, Dunn & Crutcher LLP, July 13, 2011.

As discussed above, in assessing the racial polarization of the electorate and the opportunity for the Latino community to elect candidates of choice, elections are not equally probative. While the focus of the polarization prong is on the preferences of the Latino and non-Latino electorate rather than the ethnicity of the particular candidates, the contests that are the most probative are those in which the relevant communities have the strongest choices: those in which a Latino-preferred Latino candidate (or candidates) runs against a non-Latino-preferred non-Latino candidate (or candidates). Races in which there is strong Latino support for a challenger against an incumbent, or strong non-Latino opposition to a Latino-preferred incumbent, or races in which there is no incumbent at all, are more probative than races demonstrating strong support for an incumbent. Because Los Angeles County voters overwhelmingly prefer Democratic candidates in partisan elections, partisan primaries and nonpartisan primary and general elections will be the most probative in assessing both the degree of polarization and the opportunities that Latino voters have to elect candidates of choice. And more recent elections will be more probative than those that are further removed.

Dr. Barreto's reports appear to focus on the most probative recent elections. Because there have been no recent elections for supervisorial seats pitting a non-incumbent Latino candidate of choice against a non-incumbent non-Latino candidate, Dr. Barreto examines a sample of exogenous elections within Los Angeles County over the last 16 years, through the 2010 primary election. Of the 36 contests analyzed in the report and its addendum, 26 took place from 2000-2010. A summary of the analysis in these elections is attached at Exhibit D3.

As Dr. Barreto explains in his report, there are several statistical methodologies that courts generally use to help them assess the degree of racially polarized voting. Because of the desire to present the supervisors with relevant information in a timely fashion, the dearth of otherwise publicly available analysis of recent polarization within Los Angeles County, and the consequent need to act with speed (though not haste), Dr. Barreto chose to focus on a method—Goodman's ecological regression — which is both accepted within the scientific community and comparatively straightforward to apply. Any given methodology may produce minor anomalies for any given contest, but when deployed correctly, both Goodman's ecological regression and a competing (but more time-consuming) methodology, King's ecological inference, are considered to produce similar, accurate, conclusions — particularly when used, as in Voting Rights Act analysis, to assess general trends. *See* Bernard Grofman & Matt A. Barreto, *A Reply to Zax's (2002) Critique of Grofman and Migalski (1988): Double-Equation Approaches to Ecological Inference When the Independent Variable is Misspecified*, 37 *SOCIOLOGICAL METHODS & RES.* 599 (2009). The best practice will be to corroborate these findings for multiple probative elections, using multiple methodologies. *See, e.g., United States v. City of Euclid*, 580 F.Supp.2d 584, 597-98 (2008).

In the 36 elections that Dr. Barreto analyzes, there are 6 elections, all of which are multi-candidate primaries, in which it is not clear from the preliminary report whether the Latino

candidate or candidates were in fact the preferred choices of the Latino community.⁴ There are also three clearly anomalous races. First, in the 1998 partisan primary for Lieutenant Governor, 71% of the non-Latino partisan electorate voted against the Latino-preferred candidate, despite the fact that his ostensible opponents appear to have waged skeletal campaigns. In the 2006 partisan primary for state Insurance Commissioner, 42% of the non-Latino partisan electorate again voted against the Latino-preferred candidate, despite the fact that his ostensible opponent appears to have waged a skeletal campaign and does not appear to have filed a campaign finance report. And in the 1998 nonpartisan general election for county sheriff, 42% of the non-Latino electorate voted against the Latino-preferred candidate, despite the fact that his opponent passed away in the final days of the campaign. Each of these three examples indicates "special circumstances" that demonstrate strong opposition to the Latino-preferred candidate by the non-Latino community even given abnormal competition; still, because these elections do not reflect the usual course, they are not included in the analysis below.

In the remaining 27 races, the report indicates that between 50 and 100% of Latinos voted for Latino candidates; on average (i.e., the median rate), **71%** of Latinos in Los Angeles County voted for Latino candidates.

In contrast, the report indicates that in these 27 races, between 52 and 97% of non-Latinos voted against Latino candidates; On average, **70%** of non-Latinos voted against Latino candidates. While these levels of polarization are not as stark as some, they are nevertheless quite significant.

Moreover, the polarization reported above represents conservative estimates, particularly with respect to non-Latino opposition to Latino candidates. If the analysis includes the 6 elections above in which the existence of a Latino-preferred candidate is unclear, 76% of non-Latino voters oppose Latino candidates. If the 15 most recent elections (since 2006) are considered, 76% of non-Latino voters oppose Latino candidates. Considering just the 7 most recent (since 2006) county judicial elections, which are the lowest-profile elections and thereby the ones that may best measure underlying polarization along racial lines, 82% of non-Latino voters oppose Latino candidates.

2. Defeat of Latino-preferred candidates

Professor Barreto's report also explains that without districts drawn to give Latino voters the opportunity to elect candidates of choice, the majority in Los Angeles County is usually able to defeat the minority's preferred candidates. As expected, there are certainly races — such as the 2006 primary election for state Insurance Commissioner, mentioned above — in which the

⁴ These elections are the 1994 sheriff's primary, the 1998 attorney general and treasurer primaries, the 2008 primary for superior court judge position #84, and the 2010 primaries for superior court judge positions #107 and 117. It is possible that in each of these elections, the Latino candidate or candidates were in fact the preferred candidates of the Los Angeles Latino community, but Dr. Barreto's report does not reveal the Latino support for non-Latino candidates necessary to make such a determination. If the Latino candidate or candidates were in fact the preferred candidates of the Los Angeles Latino community in these elections, as described below, the showing of polarization against Latino-preferred candidates is strengthened; therefore, excluding these elections results in a more conservative measure.

preferred candidates of the Latino community were able to attract sufficient crossover support to win. Moreover, some of these anomalous wins — like the 1998 primary and then runoff victory of County Sheriff Lee Baca — are quite high-profile.

Overall, however, the trend shows substantially less success. Professor Barreto's report shows that of the 27 studied races above, Latino-preferred candidates were defeated in Los Angeles County 16 times. Moreover, of the 10 victories, three were in the City of Los Angeles and provide no representation for the Latino voters of Los Angeles County beyond City borders,⁵ and three featured bare Latino victories over significant splits of the non-Latino population in multi-candidate races.⁶ It is doubtful that these latter Latino candidates would have won in Los Angeles County in a two-person race.

The results above are also conservative representations of the relatively limited success that Latino candidates have had running countywide within the County of Los Angeles. The analysis above does not include the 6 races in which it is not clear whether the Latino candidates were the candidates of choice of the Latino community, *see supra* note 4; in each of those 6 races, the Latino candidates lost. And of the 15 most recent elections analyzed (since 2006), Latino-preferred candidates have won 4 but lost 11. The available evidence indicates that in the most probative elections, Latino-preferred candidates are usually defeated due to the polarized opposition of the non-Latino electorate.

These results are striking, even as preliminary assessments. Further analysis might test the conclusions with other measures of polarization mentioned in Professor Barreto's report; closely examine polarization within the Latino community of Los Angeles County outside of supervisorial district 1 (currently drawn specifically in order to ensure that a portion of the Latino community has the effective opportunity to elect candidates of choice); or examine polarization specifically within the precincts of the significant Latino communities described above (roughly, the area of illustrative Districts 1 and 4 of "Proposed Amended S1"). Nevertheless, given the information attached to this report (and absent other more probative public evidence regarding recent polarization in Los Angeles County), there appears to be substantial evidence that voting within Los Angeles County is significantly polarized along Latino and non-Latino lines, and, as a general matter, the cohesive non-Latino majority population is usually able to defeat Latino-preferred Latino candidates of choice.

⁵ These are the 2001 Los Angeles City Mayor's primary, the 2001 Los Angeles City Attorney's primary, and the 2005 Los Angeles City Mayor's general election. The Latino community's ability to elect candidates of choice within the City of Los Angeles, while more encouraging, is little solace for the Latino voters of Downey, Lynwood, Bellflower, Norwalk, Whittier, Burbank, and San Fernando, among other regions within the County of Los Angeles but outside of Los Angeles City limits.

⁶ In 2002, Thomas Calderon won the Insurance Commissioner's primary in Los Angeles with 32.97% of the vote, with non-Latino candidates finishing with 32.65% and 24.68%. In 2006, John Gutierrez achieved a runoff for Superior Court judge position #18 with 28.94% of the vote, with non-Latino candidates finishing with 36.39%, 12.35%, and 10.73%; Gutierrez lost the runoff in November 2006 to the non-Latino candidate. In 2010, Gloria Romero won the Superintendent of Public Instruction's primary in Los Angeles with 23.42% of the vote, with non-Latino-preferred candidates finishing with 19.34% and 14.64% (as well as 8 other candidates between 3 and 9%). These data are drawn from the County of Los Angeles Registrar-Recorder/County Clerk, Los Angeles County's Past Election Results, available at <http://rrcc.co.la.ca.us/elect/pastrslt.html-ssi>.

The three-judge court's conclusion in *Cano v. Davis*, 211 F.Supp.2d 1208 (C.D. Cal. 2002), does not undermine this assessment.⁷ That court examined polarization in the 2000 cycle within two relevant areas of Los Angeles County: the area comprising Senate District 27, and the area comprising Congressional District 28. In 2000, Senate District 27 contained 846,792 people (8.9% of the county's 9,519,338 people), and Congressional District 28 contained 639,087 people (6.7% of the county's population).

Senate District 27 runs north from Long Beach (which is south of the illustrative Latino communities assessed above, and with a substantially different socioeconomic composition), includes Cerritos and Bellflower (along the San Gabriel River and the 605 freeway), Lynwood (along the Los Angeles River and the 710 freeway), and Downey (which bridges both). The court found that Latino voters in this area vote cohesively; indeed, it found "overwhelming" evidence in the record that Latinos throughout Los Angeles County vote monolithically for Latino candidates. *Id.* at 1235. But under *Gingles* condition 3, it found that in significant relevant portions of Senate District 27 (Cerritos, Bellflower, Lynwood, and Bell), non-Latino voters in 2000 sufficiently supported Latino-favored candidates that the Latino community was not deprived of the effective opportunity to elect its candidates of choice. *Id.* at 1236-37. And the court noted that plaintiffs in that case had not identified for the record any Latino-preferred candidate defeated in the areas of that district. *Id.*

Congressional District 28 runs west along the Hollywood Hills (south of the illustrative Latino communities assessed above, and with a substantially different socioeconomic composition), up into some of the San Fernando Valley neighborhoods lining the 101 freeway and north along the 170 freeway into Panorama City, Pacoima, and San Fernando itself. The court found that Latino voters in this area also "unquestionably" vote cohesively. *Id.* at 1242. As with Senate District 27, however, the court found that under *Gingles* condition 3, non-Latino voters in 2001 and 2002 in the district showed sufficient support for Latino-preferred candidates that a single defeated Latino candidate in 1998 did not demonstrate that the Latino community in the district was usually deprived of the effective opportunity to elect its candidates of choice. *Id.* at 1243-44.

The *Cano* court specifically noted the importance of contemporary data relevant to the jurisdiction in assessing polarization under *Gingles* conditions 2 and 3. *Cano*, 211 F.Supp.2d at 1239, 1240. Just as the court there found assessments of polarization in 1990 for the County as a whole less probative in estimating polarization in 2000 for particular districts comprising starkly limited portions of the county, so too are its conclusions from 2000 with respect to starkly limited portions of the county less probative than present countywide evidence in estimating polarization in 2011 relevant to supervisorial districts. Professor Barreto's report evaluates 26

⁷ In addition to the polarization evidence reviewed below, Los Angeles County supervisorial redistricting is meaningfully distinguished from the statewide redistricting confronted in *Cano* by the nature of participation in the redistricting decision. The *Cano* court called special attention to the decisionmaker for the districts it considered: in a statewide legislative body in which Latinos were overrepresented compared to their share of the CVAP, Latino legislators overwhelmingly supported the district plan that had been challenged as dilutive of Latino voting power. *Cano*, 211 F.Supp.2d at 1239. In Los Angeles County, Latinos are currently underrepresented on the Board of Supervisors compared to their share of the CVAP, *see infra* section II.C.8. And the support of the sole Latina Supervisor for a districting plan with fewer than two districts in which Latino voters have an effective opportunity to elect candidates of choice is unclear.

elections more recent than the evidence submitted in *Cano*, and assesses the degree of polarization, inter alia, across the entire Los Angeles County population. Moreover, his report suggests an impact relevant to *Gingles* conditions 2 and 3 that was lacking in *Cano*. Not only does it provide evidence of cohesion among the Latino community, but it also shows cohesion among the non-Latino community that is sufficient, more often than not, to defeat the Latino candidates of choice.

For the above reasons, the evidence available at this time suggests that voting in Los Angeles County likely satisfies the second and third *Gingles* threshold conditions with respect to polarization between Latino and non-Latino communities that usually leads to the defeat of the Latino community's candidate of choice.

C. "Totality of the circumstances"

Given the conclusion that the *Gingles* threshold conditions are met with respect to the Latino communities described above, the Voting Rights Act next requires an evaluation of the "totality of circumstances" to determine whether a redistricting plan, interacting with social and historical conditions, provides racial or language minorities with "less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." 42 U.S.C. § 1973(b); *Johnson v. De Grandy*, 512 U.S. 997, 1010-1013 (1994); *LULAC*, 548 U.S. at 425-26. "Once the *Gingles* preconditions have been established, it is the 'rare case' in which the [] evidence will rebut the inference that the challenged practice is discriminatory." *City of Euclid*, 580 F.Supp.2d at 612.

The evaluation of the "totality of the circumstances" requires a review of, among other things, the enumerated "Senate factors" described above.

1. The extent of any history of official discrimination in the state or political subdivision that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process.

The most probative history of official discrimination is an unfortunate legacy of intentional racial and ethnic discrimination against Latinos specifically in the Los Angeles County Board of Supervisors redistricting process.

a) Discrimination in the redistricting process

In 1990, a federal court held a three-month trial to assess, inter alia, the Latino community's claims that the Los Angeles supervisorial redistricting process had violated the federal constitution and the Voting Rights Act. *Garza v. County of Los Angeles*, 756 F. Supp. 1298 (C.D. Cal. 1990). The court determined that there had been an extensive history of discrimination in the redistricting of the County's Board of Supervisors districts. In particular, the court found evidence of:

- Intentional discrimination against Latino voters and candidates in the 1959 redistricting, with districts crafted in order to increase an incumbent's chance to defeat the preferred candidate of the Latino community.
- Intentional discrimination against Latino voters and candidates in the 1965 redistricting, with districts crafted in order to avoid contributing to the electoral power of a growing Latino population.
- Intentional discrimination against Latino voters and candidates in the 1971 redistricting, with districts crafted in order to avoid contributing to the electoral power of a growing Latino population.
- Intentional discrimination in redistricting over the period 1959-1971, with action taken "at least in part to avoid enhancing Latino voting strength."
- Intentional discrimination against Latino voters and candidates in the 1981 redistricting, with districts crafted at least in part to perpetuate the "continued fragmentation of the Hispanic Core and the dilution of Hispanic voting strength."

Garza v. County of Los Angeles, 918 F.2d 763, 766-67 & n.1 (9th Cir. 1990).

Indeed, the trial court "noted that continued fragmentation of the Hispanic population had been at least one goal of each redistricting since 1959." *Id.* at 770. The trial court's findings were affirmed on appeal, with the Ninth Circuit specifically determining that "the detailed factual findings are more than amply supported by evidence in the record." *Id.* at 771; *see also id.* at 778 (Kozinski, J., concurring and dissenting in part) ("When the dust has settled and local passions have cooled, this case will be remembered for its lucid demonstration that elected officials engaged in the single-minded pursuit of incumbency can run roughshod over the rights of protected minorities. The careful findings of the district court graphically document the pattern—a continuing practice of splitting the Hispanic core into two or more districts to prevent the emergence of a strong Hispanic challenger who might provide meaningful competition to the incumbent supervisors. The record is littered with telltale signs that reapportionments going back at least as far as 1959 were motivated, to no small degree, by the desire to assure that no supervisorial district would include too much of the burgeoning Hispanic population.")

After invalidating the existing district plan, the *Garza* trial court offered the Board of Supervisors an opportunity to develop a remedial plan. Though the Board of Supervisors was not able to arrive at the required four-vote consensus for approving a lawful redistricting plan,⁸ three Supervisors submitted a proposed remedial plan to the court. The federal court rejected that plan, finding that it did not represent a good-faith remedial effort, in part because "it used unnatural configurations in order to place an Anglo incumbent in the new Hispanic district, and it fragmented some Hispanic communities in other districts *in the same manner* in which the Board had deliberately diluted Hispanic influence in the past." *Garza*, 918 F.2d at 776 (emphasis

⁸ Under the Los Angeles County Charter, four Supervisors must approve any lawful plan governing supervisorial districts. Charter of the County of Los Angeles § 7.

added). Though not a formal finding of intentional discrimination, the rejection of this proposed remedial plan presents indicia — at least relevant evidence — of continued intentional discrimination in 1990 against the Latino community in the redistricting process.

After rejecting the proffered plan described above, the *Garza* court imposed a plan offering the Latino community the effective opportunity to elect candidates of its choice. This plan was upheld on appeal. *Garza*, 918 F.2d at 777. This plan was used for 1991 supervisorial elections, codified by the Board of Supervisors, and remained in place for the rest of the decade.

Also in 1991, in connection with the *Garza* litigation, the Board of Supervisors entered into a binding stipulation (the "*Garza* Stipulation," attached as Exhibit F) to submit voting changes pertaining to the Board of Supervisors — including changes to supervisorial district boundaries — to the Department of Justice or the federal district court for the District of Columbia for "preclearance." Though the decision to enter the stipulation was voluntary, this preclearance involved the same process and the same substantive standards as are used to evaluate the redistricting decisions of many of the jurisdictions with the most sustained record of discrimination against racial and ethnic minorities in the country. The Stipulation committed the Board of Supervisors to preclearance review for revised districts in 1991, and for the 2001 supervisorial redistricting.

The *Garza* Stipulation expired on December 31, 2002. The 2011 redistricting cycle will be the first since the *Garza* litigation, the imposition of lawful districts by a federal court, and the expiration of the related preclearance regime.

b) Official discrimination beyond the redistricting process

The report of Professor Ernesto Chávez, attached as Exhibit G, also discusses the *Garza* litigation (the district court's complete published opinion, with extensive findings of fact, is included as Exhibit G2). However, it also reviews official discrimination in the County of Los Angeles and the Los Angeles County area, far beyond the redistricting process. Professor Chávez's report summarizes and samples discrimination against Latinos in the century before the first districting addressed in *Garza*, through the redistricting decades examined in *Garza* itself, and in the decades since the *Garza* decision was issued. Of particular relevance to Senate factor 1, Professor Chávez's report stresses the limited ability of the Los Angeles County Latino population, including in recent decades, to obtain satisfaction of their interests through the political process, and the repeated need for the Latino community to seek redress for even basic civil rights violations through the courts.

His findings are echoed by the findings of Professor Albert M. Camarillo, as set forth in his Expert Witness Report delivered in the *Cano v. Davis* case, attached as Exhibit G3. Professor Camarillo also catalogs official discrimination against the Latino community in southern California, including in matters like literacy tests and redistricting that are directly related to the franchise.

Furthermore, although perhaps less probative than the above evidence of countywide discrimination, it is nonetheless also relevant that the U.S. Department of Justice has filed suit

against four separate jurisdictions within Los Angeles County since 2000, for violations of the Voting Rights Act affecting the Latino population. The Department of Justice sued the Upper San Gabriel Valley Municipal Water District in 2000 for its dilutive redistricting practices, and sued the cities of Azusa, Paramount, and Rosemead in 2005 for their unlawful failure to translate election-related information into Spanish, among other languages. See *United States v. Upper San Gabriel Valley Municipal Water District*, Case No. 00-cv-07903 (C.D. Cal. 2000); *United States v. City of Azusa*, Case No. 05-cv-5147 (C.D. Cal. 2005); *United States v. City of Paramount*, Case No. 05-cv-5132 (C.D. Cal. 2005); *United States v. City of Rosemead*, Case No. 05-cv-5131 (C.D. Cal. 2005). The water district's boundaries were redrawn, and the cities entered into consent decrees — but in each case, judicial action was required to achieve compliance.

Based on the above history, the report of Professor Chavez, and its enclosed attachments, the evidence suggests that there is a significant history of official discrimination impacting the Los Angeles County Latino population's ability and capacity to participate in the democratic process, under Senate factor 1.

2. The extent to which voting in the elections of the state or political subdivision is racially polarized.

This Senate factor refers to the same racial polarization analysis now incorporated in the discussion of *Gingles* factors 2 and 3, above. As described above, the available evidence suggests that voting in Los Angeles County is substantially polarized along Latino and non-Latino lines, with a cohesive majority usually able to defeat Latino candidates of choice.

3. The extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group.

The report of Steven Reyes, attached as Exhibit H, discusses the extreme size of the supervisorial districts in Los Angeles County and the impact of that size on the Latino electorate. Larger districts tend to favor more established campaign organizations and may work to the disadvantage of minority communities with fewer resources. See also Exhibit J (discussing the comparative socioeconomic status of the Los Angeles County Latino community).

In 1992, a proposed amendment to the Los Angeles County Charter that would have expanded the Board of Supervisors to nine members, and decreased the size of each district accordingly, was placed on the ballot; that measure was defeated 65-35%. *Final Election Returns*, L.A. TIMES, Nov. 5, 1992. The districts remain among the largest for any elected representative body in the country. Indeed, according to the U.S. Census Bureau, the mean population of a single Los Angeles County supervisorial district is larger than the total population of each of fifteen U.S. states. U.S. Census Bureau, Resident Population of the 50

States, the District of Columbia, and Puerto Rico: 2010 Census, available at http://2010.census.gov/news/pdf/apport2010_table2.pdf.

Mr. Reyes' report also discusses the campaign finance regime in Los Angeles County, and its impact on the Latino electorate in supporting candidates of their choice. The extreme size of Los Angeles County districts makes it necessary to raise substantial sums for successful supervisorial campaigns. The combination of district size and campaign finance regime is likely to work to the disadvantage of a Los Angeles County Latino community with lower socioeconomic status.

Based on this report, it is plausible to believe that the size of Los Angeles County's districts and its campaign finance regime are likely to enhance the opportunity for discrimination against the Latino community, under Senate factor 3.

4. If there is a candidate slating process, whether the members of the minority group have been denied access to that process.

This report did not have the opportunity to consider the impact of the public or private slating processes on the Latino community of Los Angeles County.

5. The extent to which members of the minority group in the state or political subdivision bear the effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process.

The report of Professor Chávez, attached as Exhibit G, and the Expert Witness Report of Professor Camarillo, attached as Exhibit G3, both discuss extensive past discrimination against Latino communities in southern California, and particularly in Los Angeles County. These reports discuss discrimination not only in matters related directly to the franchise, but also in political appointments, employment, education, health care, housing, land use decisionmaking and zoning, transportation, criminal lawmaking, law enforcement, and even in the judicial system. These reports also suggest the impact of this discrimination on the Los Angeles County Latino community's lower socioeconomic status, its lower rates of voter registration and mobilization, and its lessened ability to participate effectively in the political process.

Their assessments are bolstered by the report of Professor Gary M. Segura, attached as Exhibit J. Professor Segura expressly links the voting-related discrimination and general societal discrimination discussed above to the lower socioeconomic status and political mobilization of the Latino community. Using 2008 general election data, which involved comparatively extensive minority mobilization and should therefore yield a conservative estimate of the gap between Latino and non-Latino turnout, he finds 68.9% Latino citizen voter registration within Los Angeles County, compared to 78.2% registration among non-Latino whites; in 2010, he finds 59.0% Latino citizen voter registration (consistent with overall diminished registration in midterm election years), compared to 65.8% registration among non-Latino whites. Similarly, he finds that 65% of the Latino electorate in Los Angeles County turned out to vote in 2008,

compared to 73% of non-Latino whites; in 2010, 41.6% of the Latino electorate turned out to vote, compared to 53.4% voting among non-Latino whites.

Based on these reports and their enclosed attachments, the evidence suggests that despite some success in political mobilization, discrimination in areas beyond voting has significantly hindered the opportunity of the Latino population of Los Angeles County to participate effectively in the political process, under Senate factor 5.

6. Whether political campaigns have been characterized by overt or subtle racial appeals.

In the limited time available, this report did not have the opportunity to consider the extent to which political campaigns for public office or with respect to measures and propositions have been characterized by overt or subtle racial appeals in Los Angeles County.

7. The extent to which members of the minority group have been elected to public office in the jurisdiction.

This factor reviews the extent to which members of the Latino community have been elected to public office within Los Angeles County. In the limited time available, this report did not have the opportunity to assemble a comprehensive assessment of Latino public officials within the county, and those who have run for but failed to gain public office.

Even without a full quantitative analysis, it is clear that Latino candidates have recently been successful in gaining election to a variety of public offices within the County, including quite prominent public officials like First District County Supervisor Gloria Molina (the first Latina ever elected to the Board of Supervisors) and Los Angeles City Mayor Antonio Villaraigosa (the first Latino mayor of the City of Los Angeles since the 19th century).

However, of the Latino candidates elected to office within the County, many — including Supervisor Molina — have been elected from districts in which the Latino community commands a majority of the electorate, whether by happenstance or by design under the obligations of the Voting Rights Act.

Though not a full quantitative analysis, current figures at the federal and state level within Los Angeles County may be indicative. Of the four current Latino members of Congress with districts wholly or partially in Los Angeles County, all are elected from districts with at least 50% Latino citizen voting-age population. No current Latino member of Congress from Los Angeles County is elected from a district with less than 50% Latino citizen voting-age population. Of the five current Latino state Senators from districts wholly or partially in Los Angeles County, four are elected from districts with at least 50% Latino citizen voting-age population; only one is elected from a district without a Latino CVAP majority. And of the eight Latino Assemblymembers from districts wholly or partially in Los Angeles County, seven are elected from districts with at least 50% Latino citizen voting-age population; only one is elected

from a district without a Latino CVAP majority. At least for federal and state office, the vast majority of current Latino public officials from Los Angeles County have been successfully elected from districts in which the Latino population has an effective opportunity to elect candidates of its choice. Outside of such districts, it is far from clear that Latino candidates enjoy the same opportunities for success in the jurisdiction.

Based on this report and its enclosed attachments, the evidence suggests that Latino candidates have enjoyed success in winning public office within Los Angeles County. However, before assessing the impact of this factor on the potential for vote dilution within Los Angeles County, it would be necessary to know the rate at which such candidates have been elected from districts drawn to ensure that the Latino community has the effective opportunity to elect candidates of its choice. Preliminary evidence indicates that most Latino candidates who have successfully gained office within Los Angeles County have done so from districts in which Latinos represent a majority of the electorate.

8. Proportionality.

As described above, in addition to the "Senate factors," the Supreme Court requires an inquiry into substantial proportionality, comparing the percentage of districts in which the minority population has the effective opportunity to elect candidates of choice to the community's share of the population as a whole.

In Los Angeles County, according to the data from the county's redistricting software, Latinos comprise 43.1% of the voting-age population, and 33.6% of the citizen voting-age population. If one supervisorial district is drawn to give the Latino population an effective opportunity to elect candidates of choice, that opportunity would amount to 20% of the five available districts; if two are drawn, it would amount to 40% of the available districts.

Even using the (lower) citizen voting-age population as a guide, two supervisorial districts would amount to 7% deviation from precise proportionality; one supervisorial district would amount to 14% deviation from precise proportionality. That is, establishing two supervisorial districts would be twice as close to proportionally representing the Latino share of the electorate than establishing one supervisorial district.

Based on the data above, the evidence suggests that two supervisorial districts would better achieve substantial proportionality for the Latino population of Los Angeles County.

III. Conclusion

Under both state and federal law, Los Angeles County must ensure compliance with the federal constitution and with the Voting Rights Act before giving effect to discretionary state factors in its supervisorial redistricting process.

Application of the Voting Rights Act, in particular, requires a "searching practical evaluation of the past and present reality and . . . a functional view of the political process." Based on the available data and the exhibits attached to this report, my preliminary conclusion is that two Latino communities within Los Angeles County satisfy the *Gingles* threshold conditions for protection under the Voting Rights Act. Moreover, based on the Senate factors studied above and the evaluation of substantial proportionality, I believe that on balance and in the totality of the circumstances, the Voting Rights Act is likely to require the drawing of two supervisorial districts within Los Angeles County in which Latino communities are able to have the effective opportunity to elect candidates of their choice.

Dr. Barreto's analysis indicates that neither the current supervisorial districts, nor the plan ultimately recommended by the Boundary Review Committee and before the Board as the "A2 Plan," provide two supervisorial districts in which the Latino communities have the effective opportunity to elect candidates of their choice. Dr. Barreto reviews past elections from 2006, 2008, and 2010 — the most recent available information — and aggregates voting results from the precincts involved in each district to determine whether the Latino-preferred candidate in countywide elections would have won in the existing supervisorial districts and in the supervisorial districts contemplated in the A2 Plan.

Dr. Barreto's results indicate that in *both* the existing districts and in the A2 Plan, only Supervisorial District 1 gives an effective opportunity to elect the candidates of choice of the Latino community. In District 1, Latino-preferred candidates reliably win a clear majority of the races that Dr. Barreto has analyzed. In contrast, Latino-preferred candidates reliably lose a clear majority of those races in each other supervisorial district.

Dr. Barreto also performed the same analysis with respect to the Proposed Amended S1 Plan. Under that plan, albeit admittedly working with a limited number of elections at this point, his analysis shows that Latino-preferred candidates win a majority of the races in two supervisorial districts. Latino-preferred candidates win 4 out of 5 reconstituted elections in Illustrative District 1, and 4 out of 5 reconstituted elections in Illustrative District 4. While Proposed Amended S1 is not the only means to provide an effective opportunity for Latino voters to elect candidates of their choice in two districts, Dr. Barreto's analysis shows that it is possible to draw two supervisorial districts within Los Angeles County that accomplish that goal.

Exhibit A

Professor Justin Levitt
Curriculum vitae

JUSTIN LEVITT

Associate Professor of Law
Loyola Law School
919 Albany St.
Los Angeles, CA 90015
(213) 736-7417
justin.levitt@lls.edu
<http://ssrn.com/author=698321>

EDUCATION

Harvard Law School / Harvard Kennedy School

J.D./M.P.A., *magna cum laude* (June 2002).
HARVARD LAW REVIEW, Articles Editor, vols. 114 and 115
Hewlett Law & Negotiation Fellowship
Jessup Int'l Law Competition, Northeast Regional Best Oralist

Harvard College

B.A. (Special Concentration), *magna cum laude* (June 1995).
Sally and Cresap Moore Prize
John Harvard Scholar
Harvard National Scholar

Fulbright Scholarship

Universität zu Köln, Germany (1997–98).
Research on organizational and employee loyalty.

TEACHING

Loyola Law School, Los Angeles, CA

Associate Professor of Law (2010–present).
Courses: Constitutional Law, Law of the Political Process, Criminal Procedure
Curriculum Committee

New York University School of Law, New York, NY

Assistant Adjunct Professor of Clinical Law (2006–07).
Course: Public Policy Advocacy Clinic

Harvard University, Cambridge, MA

Teaching Fellow (1999–2000).
Courses: The American Presidency, Globalization

ARTICLES

[*Fault and the Murkowski Voter: A Reply to Flanders*](#), 28 ALASKA L. REV. 41 (2011).

[*Weighing the Potential of Citizen Redistricting*](#), 44 LOYOLA L.A. L. REV. 101 (2011).

[*Confronting the Impact of Citizens United*](#), 29 YALE L. & POL'Y REV. 217 (2010).

[*Long Lines at the Courthouse: Pre-Election Litigation of Election Day Burdens*](#), 9 ELECTION L.J. 19 (2010) (peer-reviewed).

[*Seeing Double Voting: An Extension of the Birthday Problem*](#), 7 ELECTION L.J. 111 (2008) (co-authored with Michael P. McDonald) (peer-reviewed).

[*Taking the "Re" Out of Redistricting: State Constitutional Provisions on Redistricting Timing*](#), 95 GEO. L.J. 1247 (2007) (co-authored with Michael P. McDonald).

Developments in the Law—International Criminal Law (pt. 2): [*The Promises of International Prosecution*](#), 114 HARV. L. REV. 1957 (2001).

MONOGRAPHS AND CHAPTERS

[*A CITIZEN'S GUIDE TO REDISTRICTING*](#) (2d ed., Brennan Center for Justice 2010).

Guarantee Clause, in ENCYCLOPEDIA OF THE U.S. CONSTITUTION (David Schultz ed., 2009).

How Data is [sic] Used by Advocates, in [*DATA FOR DEMOCRACY*](#) (Paul Gronke & Michael Caudell-Feagan eds., 2008).

[*THE TRUTH ABOUT VOTER FRAUD*](#) (Brennan Center for Justice 2007).

Introduction, in [*MAKING EVERY VOTE COUNT: FEDERAL ELECTION LEGISLATION IN THE STATES*](#) (Andrew Rachlin ed., 2006).

[*MAKING THE LIST: DATABASE MATCHING AND VERIFICATION PROCESSES FOR VOTER REGISTRATION*](#) (Brennan Center for Justice 2006) (co-authored with Wendy R. Weiser and Ana Muñoz).

WORKS IN PROGRESS

[*The Dynamic Nature of Materiality and the Values of the Vote*](#)

[*The Legal Context for Scientific Redistricting Analysis*](#), in NEW TECHNOLOGY AND THE OLD PROBLEMS OF REDISTRICTING (forthcoming 2011).

TESTIMONY

U.S. Senate: *In Person Voter Fraud: Myth and Trigger for Disenfranchisement?: Hearing Before the S. Comm. on Rules & Admin.*, 110th Cong. (Mar. 12, 2008) ([transcript](#) and [statement](#)).

U.S. Senate: *Protecting Voters at Home and at the Polls: Limiting Abusive Robocalls and Vote Caging Practices: Hearing Before the S. Comm. on Rules & Admin.*, 110th Cong. (Feb. 27, 2008) ([statement](#)).

Fed. Court: *Democratic National Committee v. Republican National Committee*, No. 81-3876 (D.N.J. May 6, 2009) ([opinion](#)).

Ill. Senate: *Proposals for Changing the Current Redistricting Process in Illinois: Hearing Before the S. Redistricting Comm.*, 96th Leg. (Ill. Oct. 13, 2009) ([statement](#)).

Ind. Joint Comm.: *Hearing Before the Census Data Advisory Committee*, 116th Leg. (Ind. Sept. 29, 2009) ([statement](#)).

Mich. House: *Hearing on H.B. 5914 Before the H. Judiciary Comm.*, 95th Leg. (Mich. Apr. 13, 2010) (with Myrna Pérez) ([statement](#)).

Nev. Joint Comm.: *National Overview of Reapportionment and Redistricting: J. Meeting Assemb. Comm. Legis. Operations & Elections & S. Comm. Legis. Operations & Elections*, 76th Reg. Sess. (Nev. Mar. 10, 2011) ([presentation](#)).

N.Y. Assembly: *Redistricting: Hearing on A.624, A.2056, and A.6287-a Before Assemb. Standing Comm. on Gov't Operations* (N.Y. Oct. 17, 2006) (with Kahlil Williams) ([statement](#)).

Ore. Joint Comm.: *What is Redistricting? A Citizen's Guide to Redistricting: Hearing Before the S. Comm. on Redistricting & the H. Comm. on Redistricting* (Ore. Feb. 4, 2011) ([audio](#)).

Ore. Joint Comm.: *Communities of Interest: An Overview of the Law: Hearing Before the S. Comm. on Redistricting & the H. Comm. on Redistricting* (Ore. Feb. 25, 2011).

Tex. House: *Hearing on S.B. 14 Before the H. Select Comm. on Voter Identification and Voter Fraud*, 82d Leg. (Tex. Mar. 1, 2011).

Tex. House: *Hearing on S.B. 362 Before the H. Comm. on Elections*, 81st Leg. (Tex. Apr. 6, 2009) ([statement](#)).

Tex. House: *Hearing Before the H. Comm. on Elections*, 80th Leg. (Tex. Jan. 25, 2008) ([statement](#)).

Wis. Joint Comm.: *Hearing on A.B. 895 and 892, and S.B. 640 and 645, Before the Ass. Comm. on Elections & Campaign Reform & the S. Comm. on Labor, Elections & Urban Affairs* (Wis. Mar. 31, 2010) ([statement](#)).

PRESENTATIONS

- Panelist, *Redistricting Roundtable: Law and Politics in the New Decade*, 2011 American Political Science Association Annual Meeting, Seattle, WA (scheduled Sept. 2011).
- Participant, *The Constitution in 2020*, American Constitution Society, Washington, DC (June 2011).
- Presenter, *Election Errors and the Dynamic Nature of Materiality*, Spring 2011 Southern California Junior Faculty Forum, Loyola Law School, Los Angeles, CA (May 2011).
- Speaker, *Emerging/Unresolved Issues in Case Law, [Reapportionment and Redistricting in Idaho and the West](#)*, Boise State University, Boise, ID (Apr. 2011).
- Discussant, *[Eligibility to Vote: Bush v. Gore, 10 Years Later](#)*, University of California-Irvine, Laguna Beach, CA (Apr. 2011).
- Speaker, *[Redistricting 101: What You Need to Know to Get Involved](#)*, Arizona State University, Phoenix, AZ (Apr. 2011).
- Discussant, *[Citizen Competence in Direct Democracy](#)*, 2011 Midwest Political Science Association Annual Meeting, Chicago, IL (Mar. 2011).
- Panelist, *[Citizens United: One Year Later](#)*, American Constitution Society, UCLA Law School (Mar. 2011).
- Presenter, *[Getting a Seat at the Table: What Nonprofits Should Know about Redistricting](#)*, NonprofitVOTE Webinar, Los Angeles, CA (Mar. 2011).
- Panelist, *[Breaking Ground: The ABCs of Redistricting](#)*, Redistricting CA 2011 Conference, Los Angeles, CA (Jan. 2011).
- Panelist, *Partisan Gerrymandering: The Legal Limitations and Lack Thereof*, NCSL National Redistricting Seminar, National Harbor, MD (Jan. 2011).
- Kickoff Speaker, *[Redistricting Basics and Terminology](#)*, NCSL National Redistricting Seminar, National Harbor, MD (Jan. 2011).
- Speaker, *[Redistricting 101: Legal Concepts That Apply to the Work of California's Citizens Redistricting Commission](#)*, California State Auditor, Sacramento, CA (Dec. 2010).
- Moderator, *Legal Issues to Watch for in the 2010 Elections*, American Constitution Society, Loyola Law School, Los Angeles, CA (Oct. 2010).
- Panelist, *Protecting the Vote 2010*, New Organizing Institute Forum, National Call (Oct. 2010).
- Panelist, *Registration and Eligibility Issues*, Pew Pre-Election Journalists' Forum, San Francisco, CA (Oct. 2010).

PRESENTATIONS (continued)

Panelist, *Redistricting Decisions of the Last Decade*, NCSL National Redistricting Seminar, Providence, RI (Sept. 2010).

Symposium Participant, [*The Potential of Citizen Redistricting*](#), Rebooting California, Loyola Law School, Los Angeles, CA (Sept. 2010).

Panelist, *21st Century Voter Registration*, California Student Democracy Training, Los Angeles, CA (July 2010).

Speaker, *Redistricting — What You Need to Know to Be Effective in 2011*, League of Women Voters of the United States, 49th National Convention, Atlanta, GA (June 2010) (with Myrna Pérez).

Guest Lecture, *The Voting Rights Act and Election Administration*, University of Chicago School of Law (May 2010).

Panelist, *Symposium 2010 - Helping America Vote: The Past, Present, and Future of Election Administration*, NYU Journal of Legislation and Public Policy, NYU School of Law (Mar. 2010).

Speaker, [*Redistricting 101*](#), Midwest Democracy Network, Columbus, OH (Mar. 2010).

Speaker, [*Redistricting 101: Legal Concepts That Apply to the Work of California's Citizens Redistricting Commission*](#), California State Auditor, Applicant Review Panel, Sacramento, CA (Feb. 2010).

Speaker, [*Redistricting 101*](#), Midwest Democracy Network, Chicago, IL (Feb. 2010) (with Virginia Martinez).

Speaker, *Redistricting 101*, League of Women Voters of Illinois Annual Issues Briefing, Chicago, IL (Feb. 2010).

Panelist, [*The State Legislature and the State Constitution, Focus on the Legislature: Reform and Renewal*](#), New York State Bar Association, Comm. on Attorneys in Public Service, New York, NY (Jan. 2010).

Speaker, [*Redistricting: Embracing Lines in the Public Interest*](#), Women in Government, 16th Annual State Directors' Conference, Dana Point, CA (Jan. 2010).

Panelist, *Redistricting*, League of Women Voters of Indianapolis, Indianapolis, IN (Dec. 2009).

Panelist, *Redistricting in California*, Redistricting California conference, Los Angeles, CA (Dec. 2009).

Speaker, [*Hot Voting Rights Topics for Municipalities: Pre-litigation Use of Alternative Voting Systems and Redistricting Consequences of Incarceration*](#), International Municipal Lawyers Association, Columbia, SC (Dec. 2009).

PRESENTATIONS (continued)

Speaker, [*Redistricting 101—An Overview and a Timeline for Success*](#), National Conference of State Legislatures, Chicago, IL (Oct. 2009).

Speaker, [*Redistricting 101*](#), Midwest Democracy Network, Chicago, IL (Oct. 2009).

Speaker, [*Census 2010: Be Counted, Be Heard*](#), National Latino/a Law Students' Conference, Chicago, IL (Sept. 2009).

Panelist, *Repairing our Democracy: Voter Registration Modernization and other Solutions*, Netroots Nation, Pittsburgh, PA (Aug. 2009).

Plenary Speaker, [*Drawing the Lines: The 2010 Census and You*](#), Western States Center, Community Strategic Training Initiative, Portland, OR (Aug. 2009).

Speaker, [*Representation for the Next Decade: The 2010 Census and Redistricting*](#), Western States Center, Community Strategic Training Initiative, Portland, OR (Aug. 2009).

Speaker, [*Redistricting and the Census*](#), National Civic Summit, Minneapolis, MN (July 2009).

Panelist, *Communities of Interest*, National Conference of State Legislatures, Washington, DC (Apr. 2008).

Panelist, *The New Engines of Voter Mobilization*, American Democracy Institute, Washington, DC (Apr. 2008).

Speaker, *Political Participation: Problems and Promise*, American Constitution Society, UCLA School of Law, Los Angeles, CA (Feb. 2008).

Panelist, *Voter Engagement*, American Democracy Institute, Los Angeles, CA (Nov. 2007).

Paper Presentation, *Seeing Double Voting: An Extension of the Birthday Problem*, Conference on Empirical Legal Studies, NYU School of Law, New York, NY (Nov. 2007) (presentation by co-author).

Panelist, *Ensuring Every Vote Is Counted*, Yearly Kos, Chicago, IL (Aug. 2007).

Panelist, *The Future of Election Reform: The 110th Congress and Beyond*, American Constitution Society, Columbia Law School, New York, NY (Mar. 2007).

Panelist, *Voting Rights: In the South and the South Ward*, American Constitution Society, New Jersey lawyers' chapter, Newark, NJ (Mar. 2007).

Panelist, *Can Legislation Bring Democracy to America's Capital?*, American Constitution Society, Columbia Law School, New York, NY (Feb. 2007).

Speaker, *The 2006 Election: A Recap*, American Constitution Society, Hofstra University School of Law, Hempstead, NY (Nov. 2006).

PRESENTATIONS (continued)

Discussant, *Making Every Vote Count: Federal Election Legislation in the States*, Policy Research Institute for the Region, Princeton University, Princeton, NJ (Apr. 2006).

Speaker, *Youth Voter Mobilization and Civic Engagement*, American Democracy Institute, Philadelphia, PA (Feb. 2006).

Speaker, *What to Expect from the 2006 Election*, American Constitution Society, Benjamin N. Cardozo School of Law, New York, NY (Oct. 2006).

SELECTED MEDIA APPEARANCES

Commentator, [Voter ID Debate Ramping Up Again For 2012](#), Talk of the Nation, NPR (May 2011).

Commentator, Nevada redistricting, [State of Nevada](#), KNPR (Apr. 2011).

Commentator, [Electioneering at the polls](#), KPCC (Nov. 2010).

Commentator, [Georgia Allowed to Continue Voter Verification](#), NPR (Sept. 2010).

Commentator, [Gerrymandering: A New Documentary Film](#), Green Film Company (2010).

Commentator, [Address Unknown](#), Prison Policy Initiative Podcast (May 2010).

Commentator, [Investigative Feature: Meet Juan Crow](#), News21 Project (July 2008).

Commentator, [Crawford v. Marion County](#), CounterSpin (syndicated) (May 2008).

Commentator, [The Buying of the President 2008](#), Center for Public Integrity (Apr. 2008).

Commentator, Problems at the polls, WNYC (Feb. 2008).

Commentator, [Crawford v. Marion County](#), DemocracyNow! (syndicated) (Jan. 2008).

Commentator, [Press coverage of voter fraud](#), OpenSource (syndicated) (Apr. 2007).

Commentator, Problems at the polls, ABC News Radio (syndicated) (Nov. 2006).

Commentator, Voter registration databases and purges, NPR/PRI (Oct. 2006).

Commentator, *Washington Association of Churches v. Reed*, KUOW (May 2006).

Quoted as election law and redistricting expert by numerous newspapers and news services, including the Associated Press, New York Times, Wall St. Journal, Washington Post, USA Today, The Hill, Miami Herald, Kansas City Star, Houston Chronicle, Pittsburgh Post-Gazette, Palm Beach Post, Sacramento Bee, and St. Petersburg Times.

OPINION

[*The Real Victims of Election ID Laws*](#), POLITICO, June 14, 2011.

[*For Ohio Voter Rolls, A Birthday Surprise*](#), SUMMARY JUDGMENTS blog, May 2, 2011.

[*The Big Redistricting Story of 2011: 'We, the People'*](#), SUMMARY JUDGMENTS blog, Dec. 14, 2010.

[*Karl Rove Is Right About Importance of Local Elections*](#), ROLL CALL, Mar. 23, 2010.

[*The Voting Rights Act, Through the Looking Glass*](#), ACSBLOG, June 9, 2009.

[*The Hanging Chad of 2008*](#), HUFFINGTON POST, July 3, 2008.

[*Supreme Court Voter ID Decision More of a Whimper Than a Bang*](#), ACSBLOG, May 1, 2008.

[*The Most Important Elections Case Since Bush v. Gore*](#), ACSBLOG, Jan. 9, 2008.

[*Selling a Voter ID Law Is Like Selling Snake Oil*](#), MORNING CALL (Allentown, Pa.), Jan. 9, 2008.

[*Voter Fraud Fixation Needs a Good Airing*](#), ATL. J.-CONSTITUTION, June 13, 2007.

[*When Prosecutors Get Political*](#), THE NATION (web), June 6, 2007.

[*The Myth of Voter Fraud*](#), WASH. POST, Mar. 29, 2007 (with Michael Waldman).

[*Tuesday's Intrepid Voters*](#), TOMPAINE.COM, Nov. 10, 2006.

[*Raising the Dead Voter Hoax*](#), TOMPAINE.COM, Oct. 31, 2006.

*At Issue: [*Are Elections Nationwide Open to Systematic Voter Fraud*](#)*, in 16 CQ RESEARCHER: VOTING CONTROVERSIES 745, 761 (2006).

[*Re-drawing the Lines*](#), THE HILL, June 29, 2006 (with Lisa Sandoval).

*Hayden v. Pataki: [*Taking Race Out of the Voting Rights Act*](#)*, ACSBLOG, May 8, 2006.

Regular contributions to blog of [Brennan Center for Justice](#) and the [Election Law Blog](#).

OTHER PROFESSIONAL EXPERIENCE

Brennan Center for Justice at NYU School of Law, New York, NY (2005–08, 2009–10).

Counsel, Democracy Program. Offered legislative and administrative counsel and pursued litigation to promote equal access to an effective vote. Representative litigation included:

- *Crawford v. Marion County Election Board* (Supreme Court; counsel for amici)
- *Johnson v. Bush* (Supreme Court; petition for certiorari)
- *Florida State Conference of the NAACP v. Browning* (11th Circuit; lead counsel)
- *Boustani v. Blackwell* (N.D. Ohio)
- *United States v. Village of Port Chester* (S.D.N.Y.; counsel for amici)

Democratic National Committee, Washington, DC (2008).

National Voter Protection Counsel. Co-managed presidential campaign's national voter protection program, directed substantive approach to election administration concerns, and oversaw recruitment and deployment of volunteer attorneys.

America Coming Together, Washington, DC (2004–05).

In-House Counsel. Provided legal support for national voter mobilization operation, focusing on election administration, campaign finance compliance, and employment law.

Clark for President, Inc., Little Rock, AR (2003–04).

Director of Strategic Targeting. Conducted intensive analysis of voter files and directed targeting for voter contact programs; drafted and edited policy and political materials.

U.S. Court of Appeals for the Ninth Circuit, Los Angeles, CA (2002–03).

Law Clerk to the Honorable Stephen Reinhardt.

Altshuler, Berzon, Nussbaum, Rubin & Demain, San Francisco, CA (summer 2001).

Summer Associate. Drafted labor, environmental, and habeas case filings.

Department of State, Office of War Crimes Issues, Washington, DC (summer 2000).

Legal Intern. Supported ICC negotiations and ICTY prosecutions.

McKinsey & Company, Chicago, IL (1995–97).

Business Analyst. Developed quantitative and qualitative assessments of corporate performance and opportunities, and strategies for driving measurable improvement.

RELATED PROFESSIONAL SERVICE

Member, Advisory Committee, Los Angeles County Voting Systems Assessment Project

Exhibit B

Plan outline,
Demographic report,
Compactness report
for

"Proposed Amended S1" plan

Proposed Los Angeles County Supervisorial Redistricting Plan

Proposed by: Boundary Review Committee Member

Plan Title: Proposed Amended S1

Submitted on: July 11, 2011

User: jlevitt

Plan: LACo Proposed Amended S1

Date: Thu Aug 4 13:52:33 GMT-0700 2011

Plan No.: 34007

Demographic Summary Report

District No.	Total	Deviation	Total 18+	Hispanic 18+	Total Voting Age Citizens	Hispanic 18+ Citz
SD1	1,969,324	5,603 -0.3%	1,454,609	943,025 64.8%	914,765	486,383 53.2%
SD2	1,931,436	-32,285 1.6%	1,418,240	705,429 49.7%	933,943	314,739 33.7%
SD3	1,986,706	22,985 -1.2%	1,599,042	317,126 19.8%	1,355,635	205,737 15.2%
SD4	1,969,822	6,101 -0.3%	1,442,560	834,182 57.8%	1,092,344	567,966 52.0%
SD5	1,961,317	-2,404 0.1%	1,501,946	399,628 26.6%	1,254,945	291,808 23.3%
TOTALS	9,818,605	0	7,416,397	3,199,390 43.1%	5,551,632	1,866,633 33.6%

User: jlevitt

Plan: LACo Proposed Amended S1

Date: Thu Aug 4 13:58:37 GMT-0700 2011

Plan No.: 34007

District Compactness Report

District	Polygon Area (sq. mi)	Perimeter (mi)	Reock	Area/Convex Hull	Grofman	Schwartzberg	Polsby Popper	Holes
SD1	293.45	301664.85	0.17	0.48	10.94	3.09	0.1	0
SD2	225.86	179181.90	0.35	0.75	7.41	2.09	0.23	0
SD3	932.21	638267.49	0.08	0.21	12.99	3.66	0.07	0
SD4	461.16	316429.53	0.34	0.68	9.16	2.58	0.15	0
SD5	4130.53	637331.19	0.45	0.91	6.16	1.74	0.33	0

File Learn Create Review Share Submit

Districts Demographics Selection Menu

Active District: Unassigned

Identify

Selection Level: Community Automatic

Display Level: Community Reset

0 200K 500K 1M 2M 10M

Redistricting Geography

Display Lines Display Locks Display Names Shorten Names Show Totals

Basemap Theme Add Content

Statistics Redistricting Tools Districts Appearance Map



File 1 Learn 2 Create 3 Review 4 Share 5 Submit

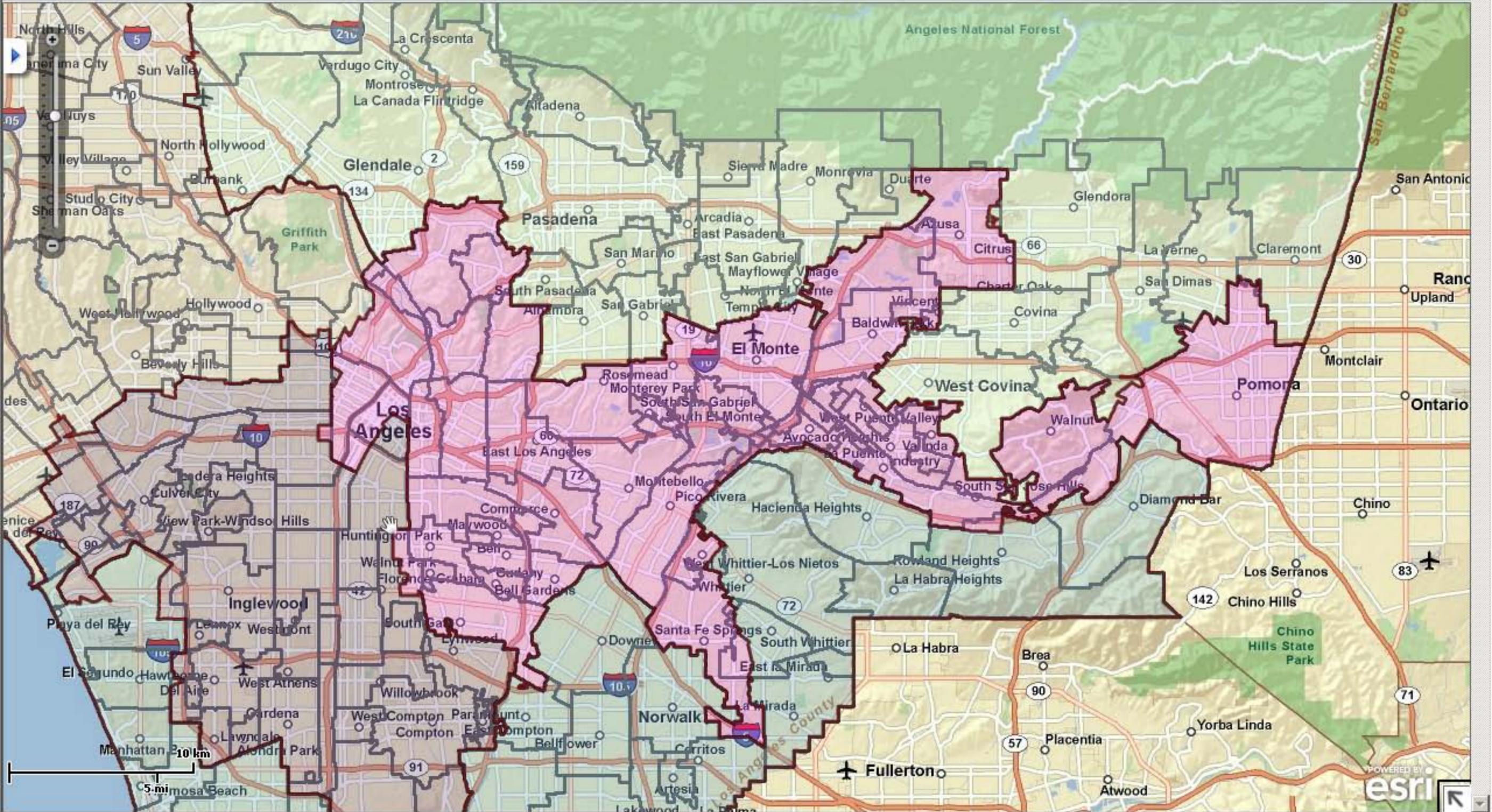
Plan Histogram Plan Distribution District Distribution Compactness Tests Check Integrity Reports

Charts Analysis Reports Markup

Active Plan Compared Plan Differences Refresh

Close Plan

Plan Comparison/Merge



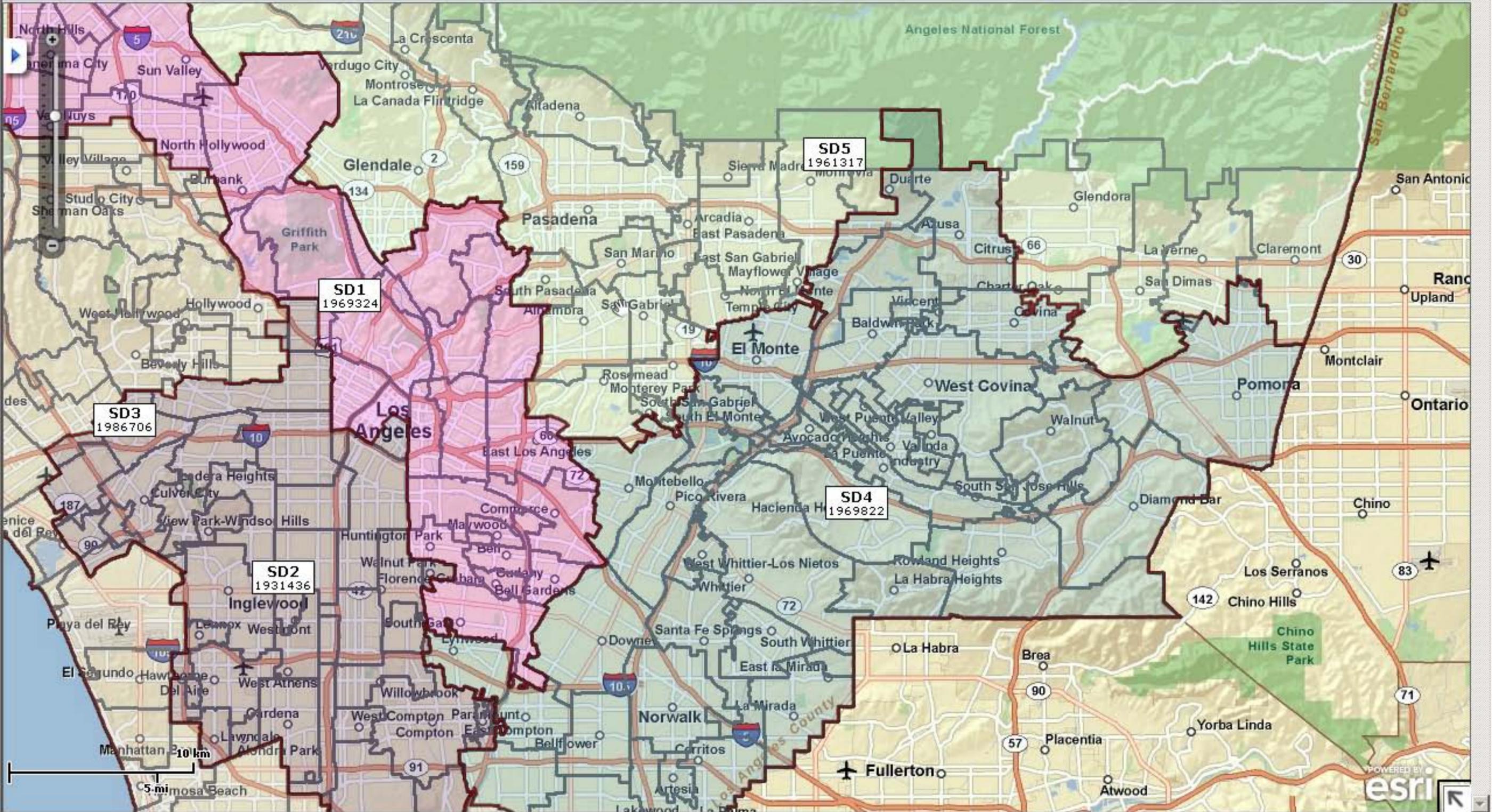
File 1 Learn 2 Create 3 Review 4 Share 5 Submit

Compared Plan: Current Sup Boundary Plan

Plan Histogram Plan Distribution District Distribution Compactness Tests Check Integrity Reports

Markup: Clear All

Plan Comparison/Merge: Active Plan, Compared Plan, Differences, Refresh



File 1 Learn 2 Create 3 Review 4 Share 5 Submit

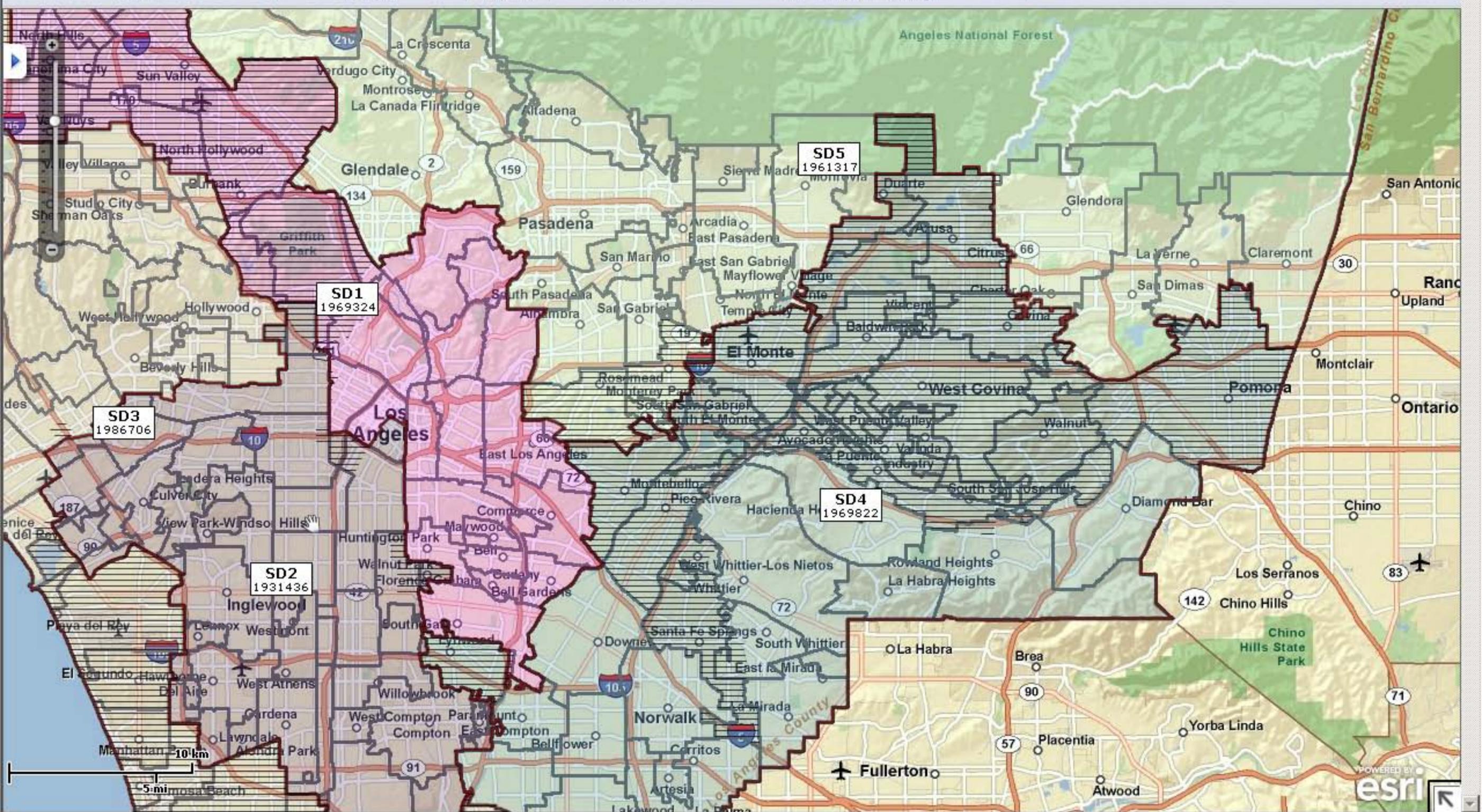
Plan Histogram Plan Distribution District Distribution Compactness Tests Check Integrity Reports

Charts Analysis Reports Markup

Active Plan Compared Plan Differences Refresh

Close Plan

Plan Comparison/Merge



File 1 Learn 2 Create 3 Review 4 Share 5 Submit

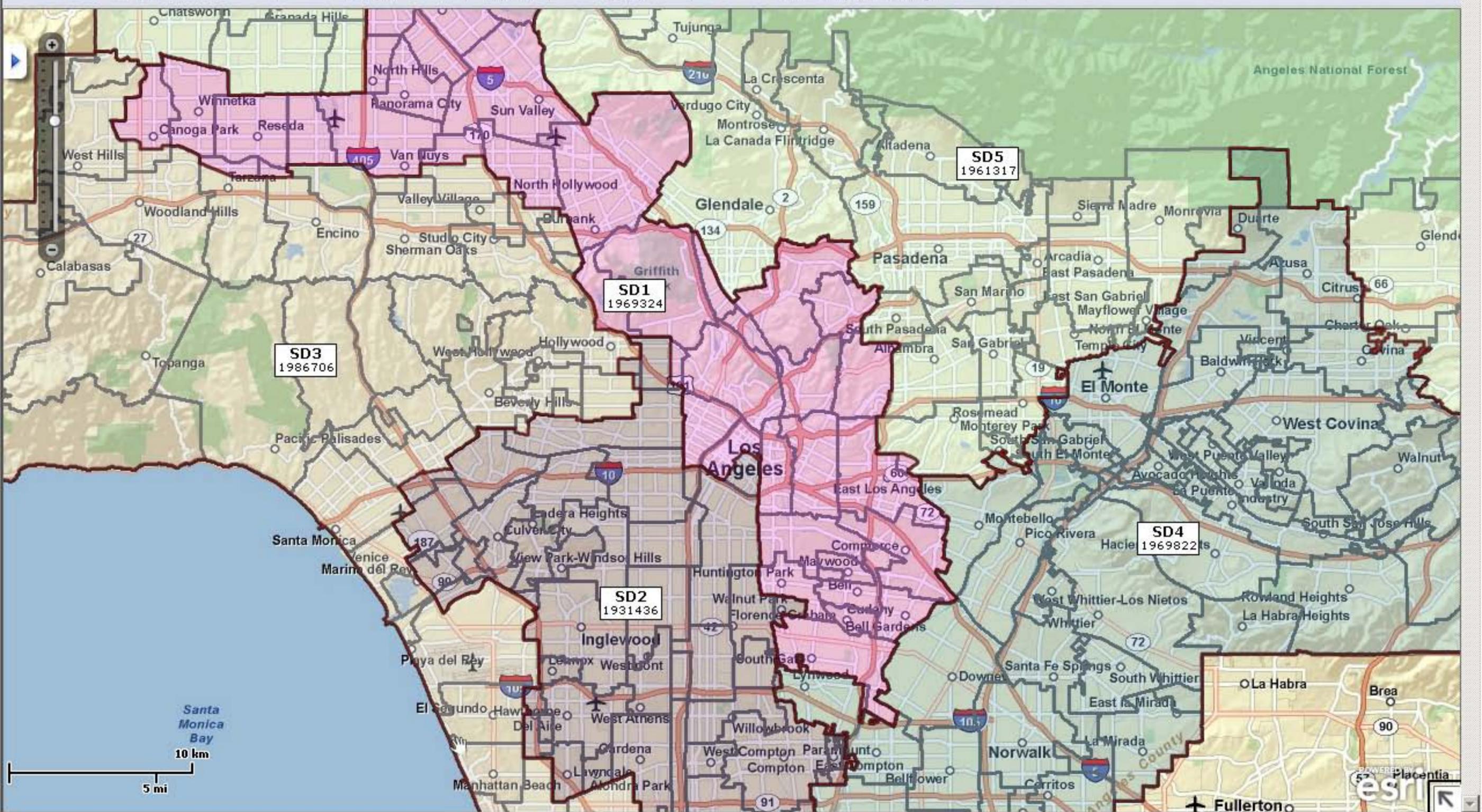
Plan Histogram Plan Distribution District Distribution Compactness Tests Check Integrity Reports

Charts Analysis Reports Markup

Active Plan Compared Plan Differences Refresh

Close Plan

Plan Comparison/Merge



File 1 Learn 2 Create 3 Review 4 Share 5 Submit

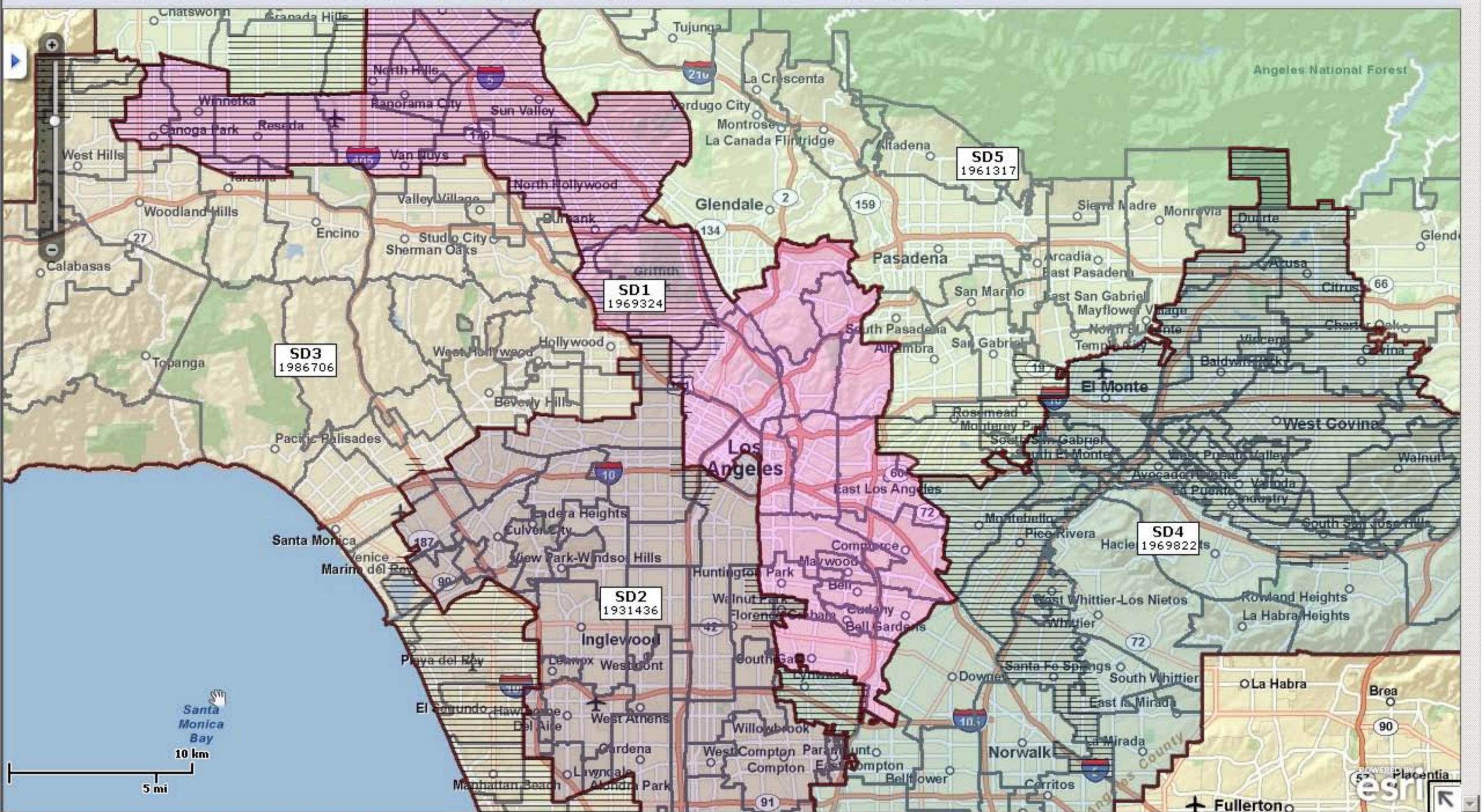
Plan Histogram Plan Distribution District Distribution Compactness Tests Check Integrity Reports

Charts Analysis Reports Markup

Active Plan Compared Plan Differences Refresh

Close Plan Clear All

Plan Comparison/Merge



File 1 Learn 2 Create 3 Review 4 Share 5 Submit

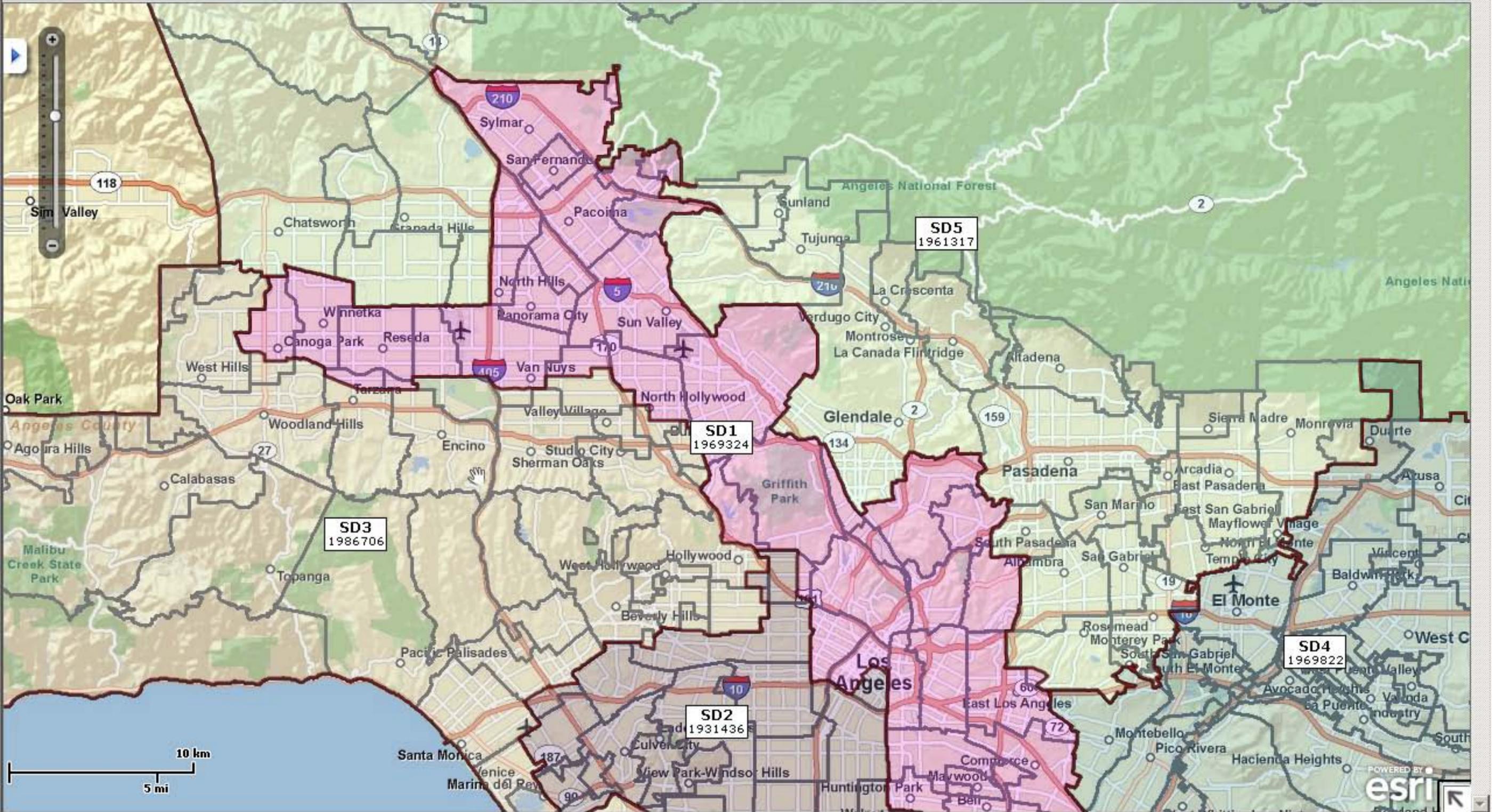
Plan Histogram Plan Distribution District Distribution Compactness Tests Check Integrity Reports

Charts Analysis Reports Markup

Active Plan Compared Plan Differences Refresh

Close Plan

Plan Comparison/Merge



File 1 Learn 2 Create 3 Review 4 Share 5 Submit

Plan Histogram Plan Distribution District Distribution Compactness Tests Check Integrity Reports

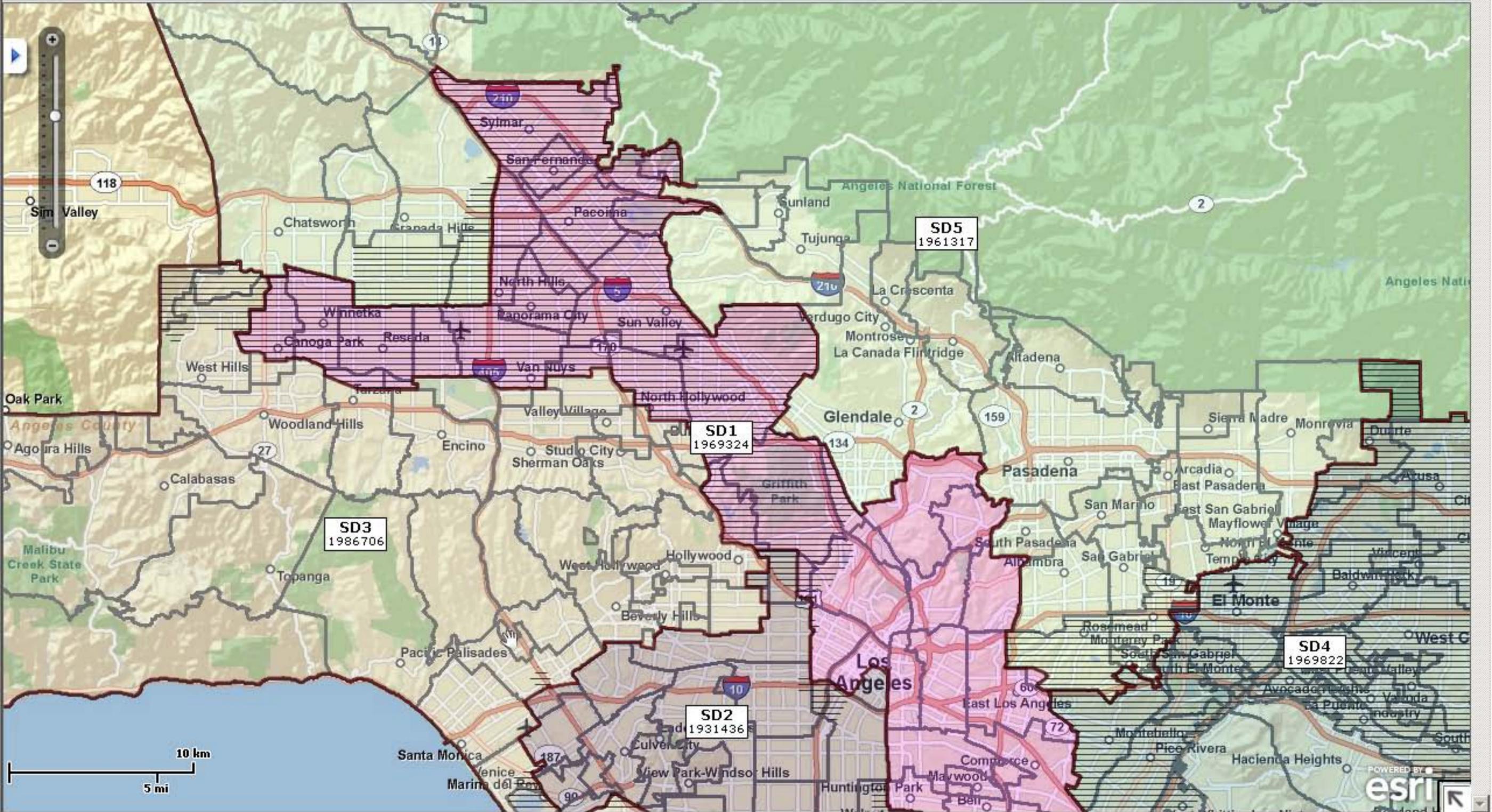
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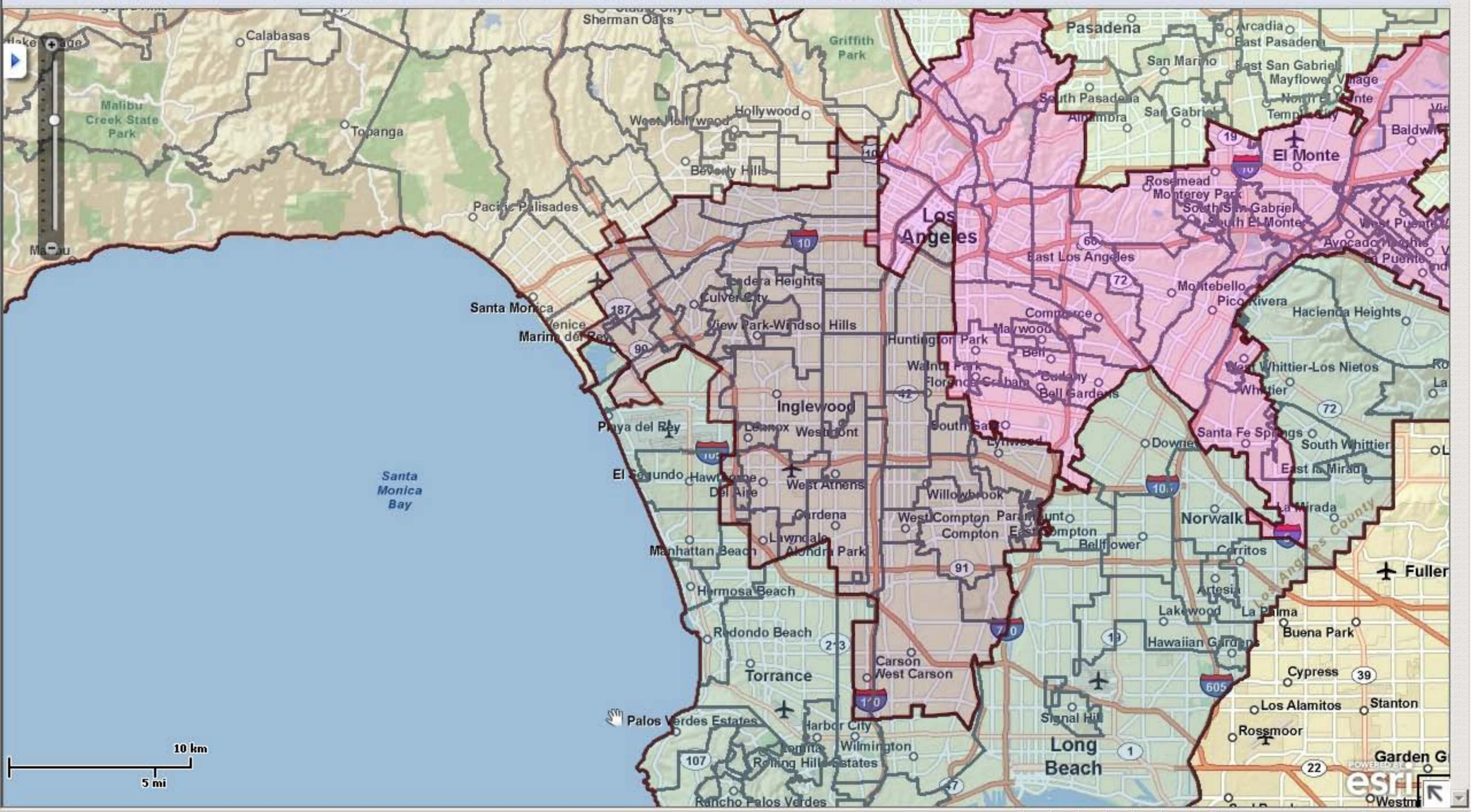


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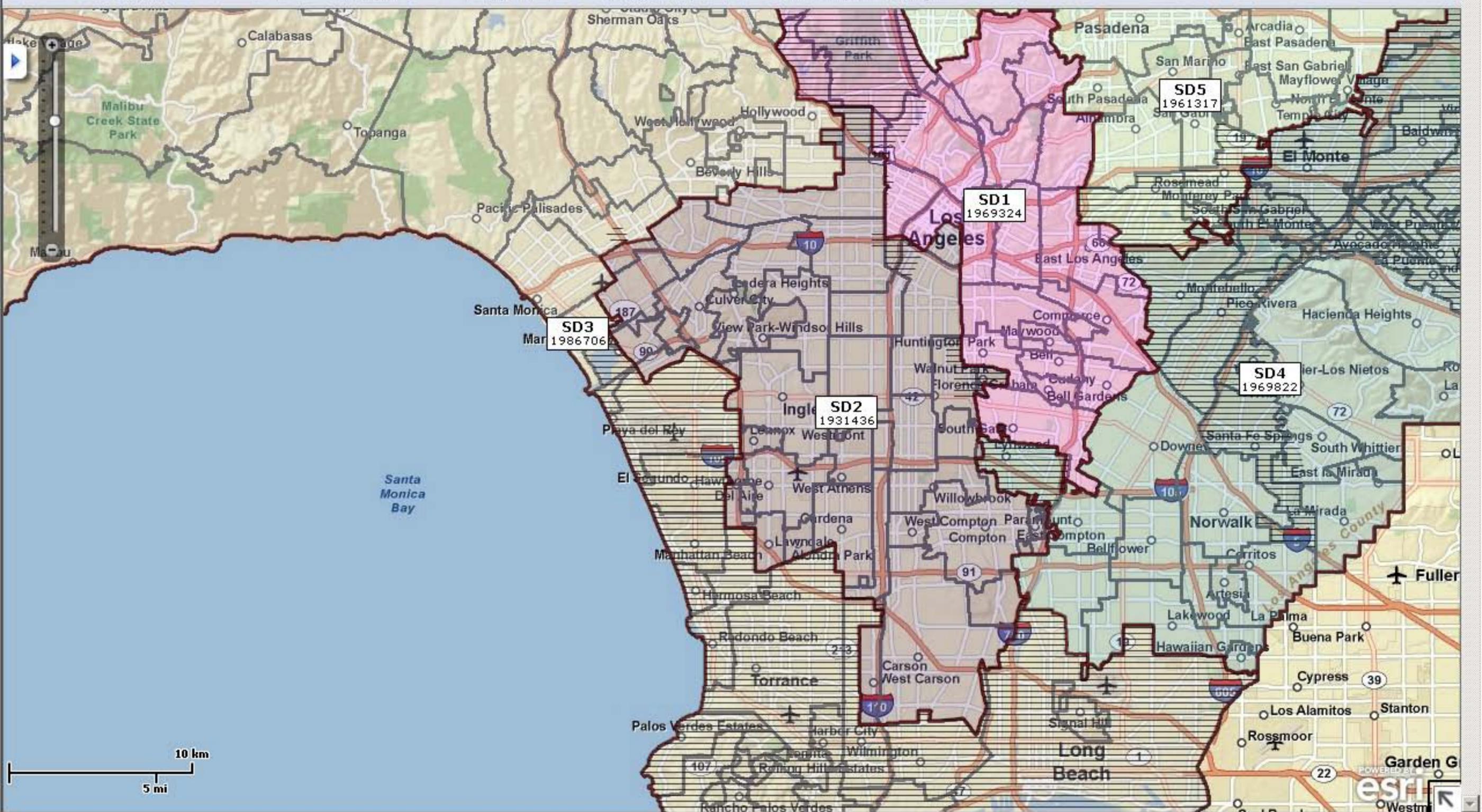
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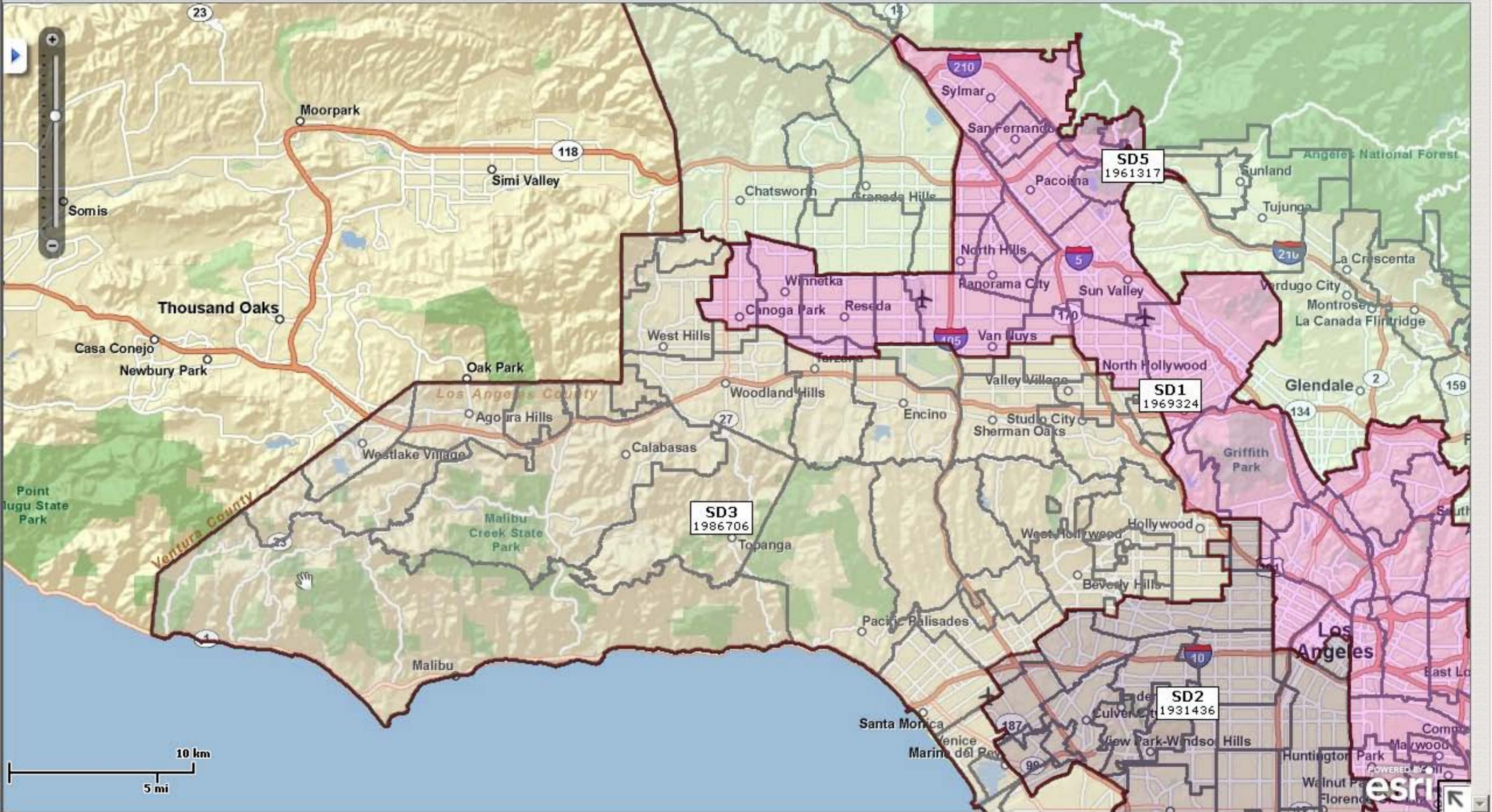
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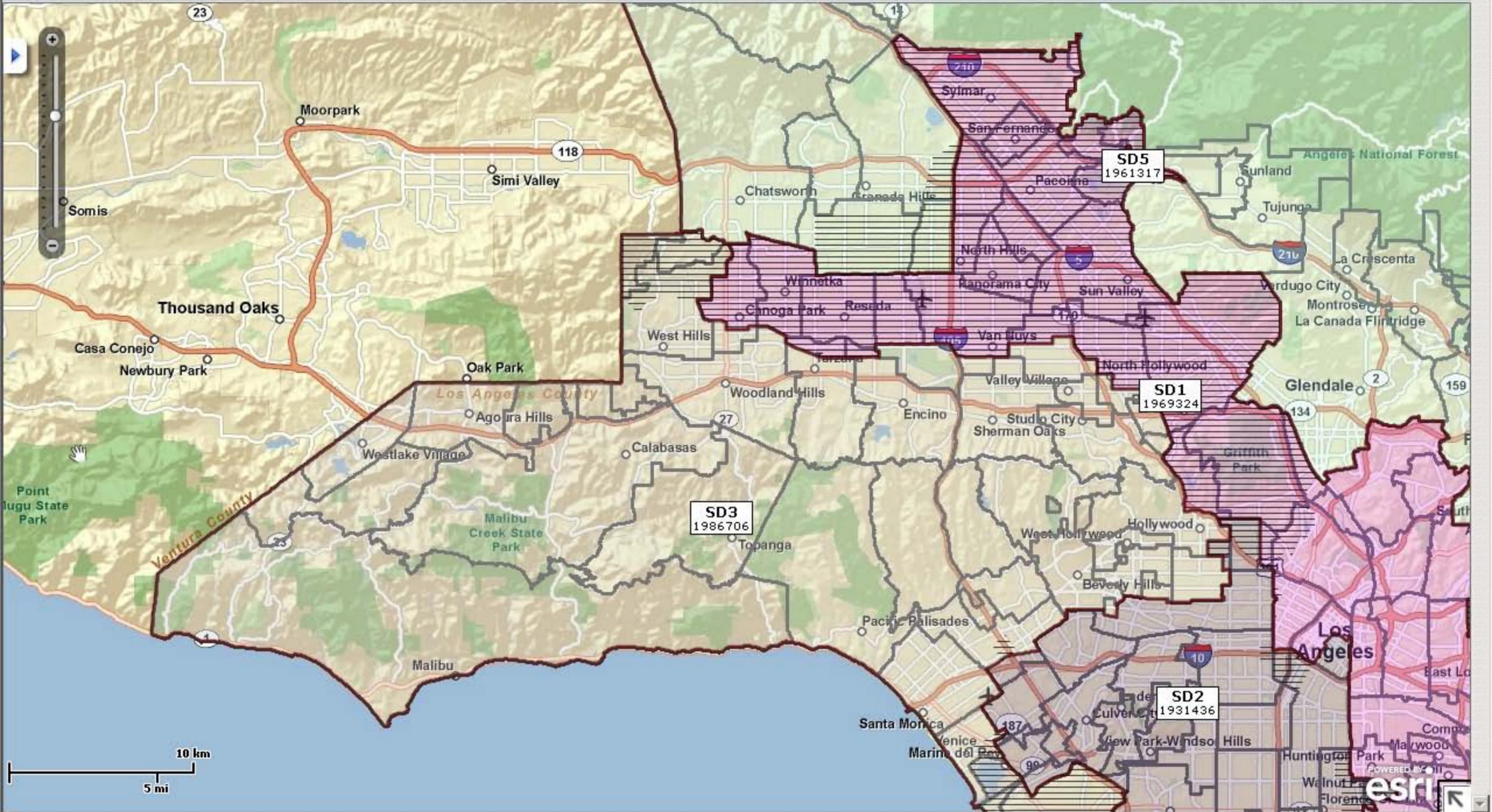
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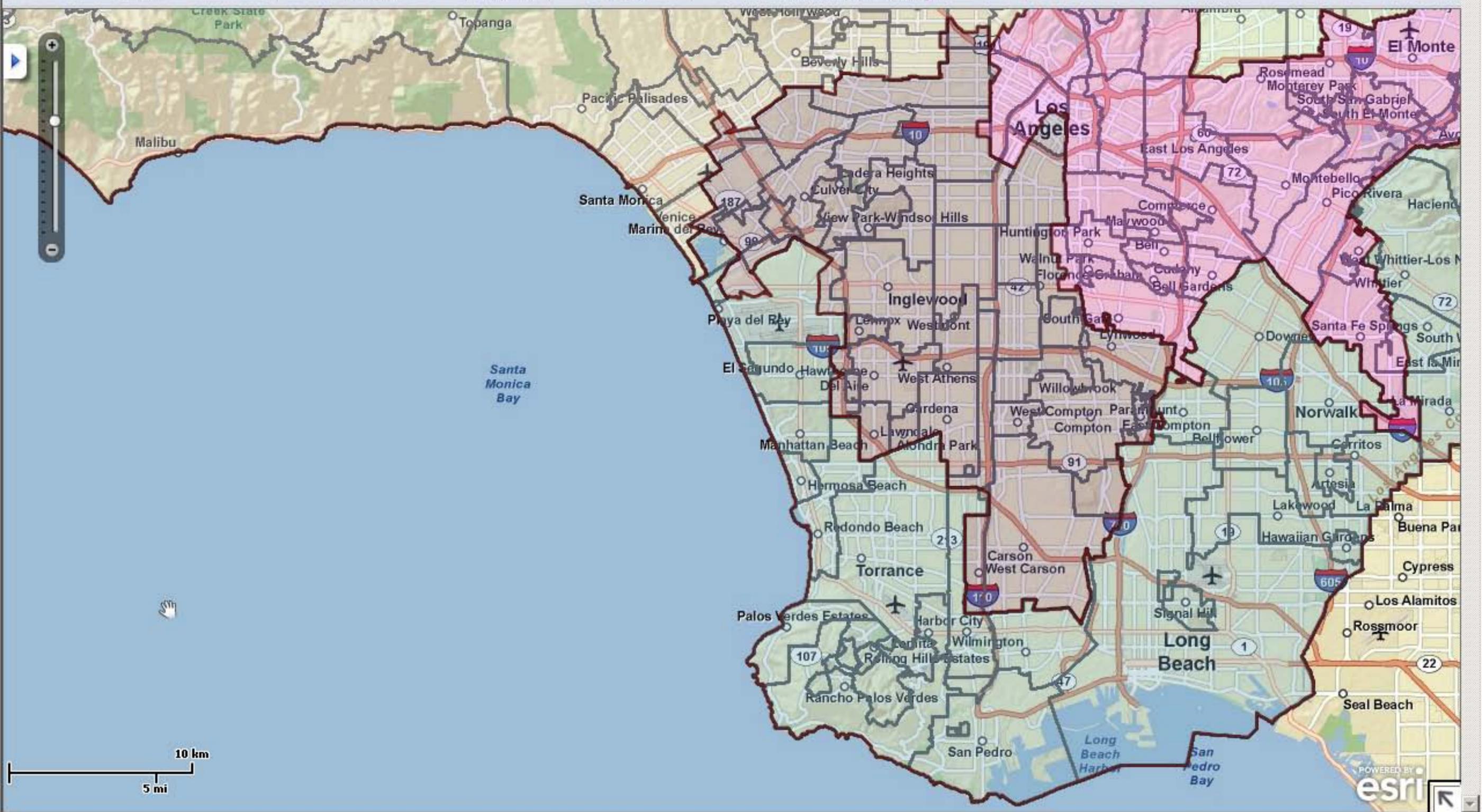
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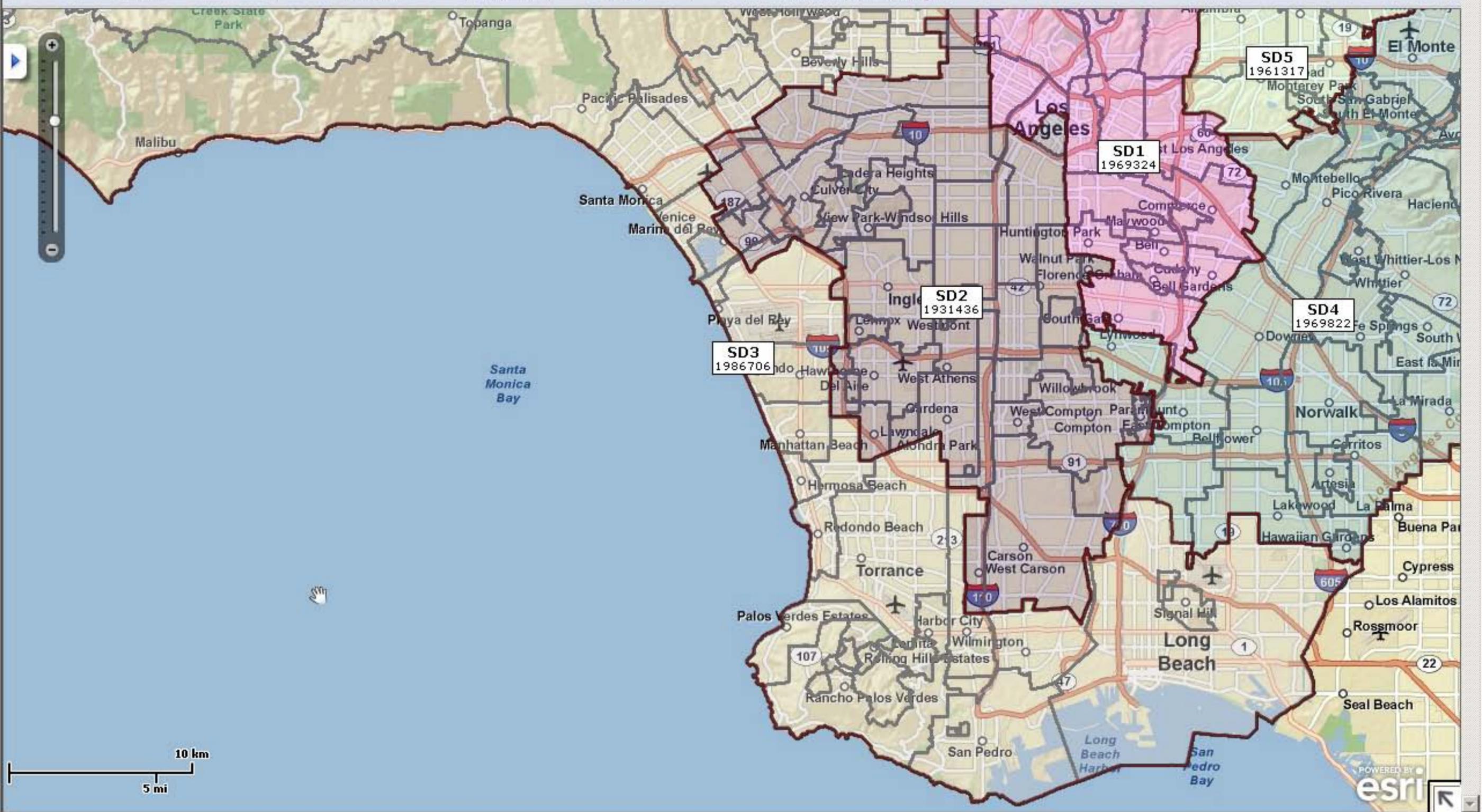
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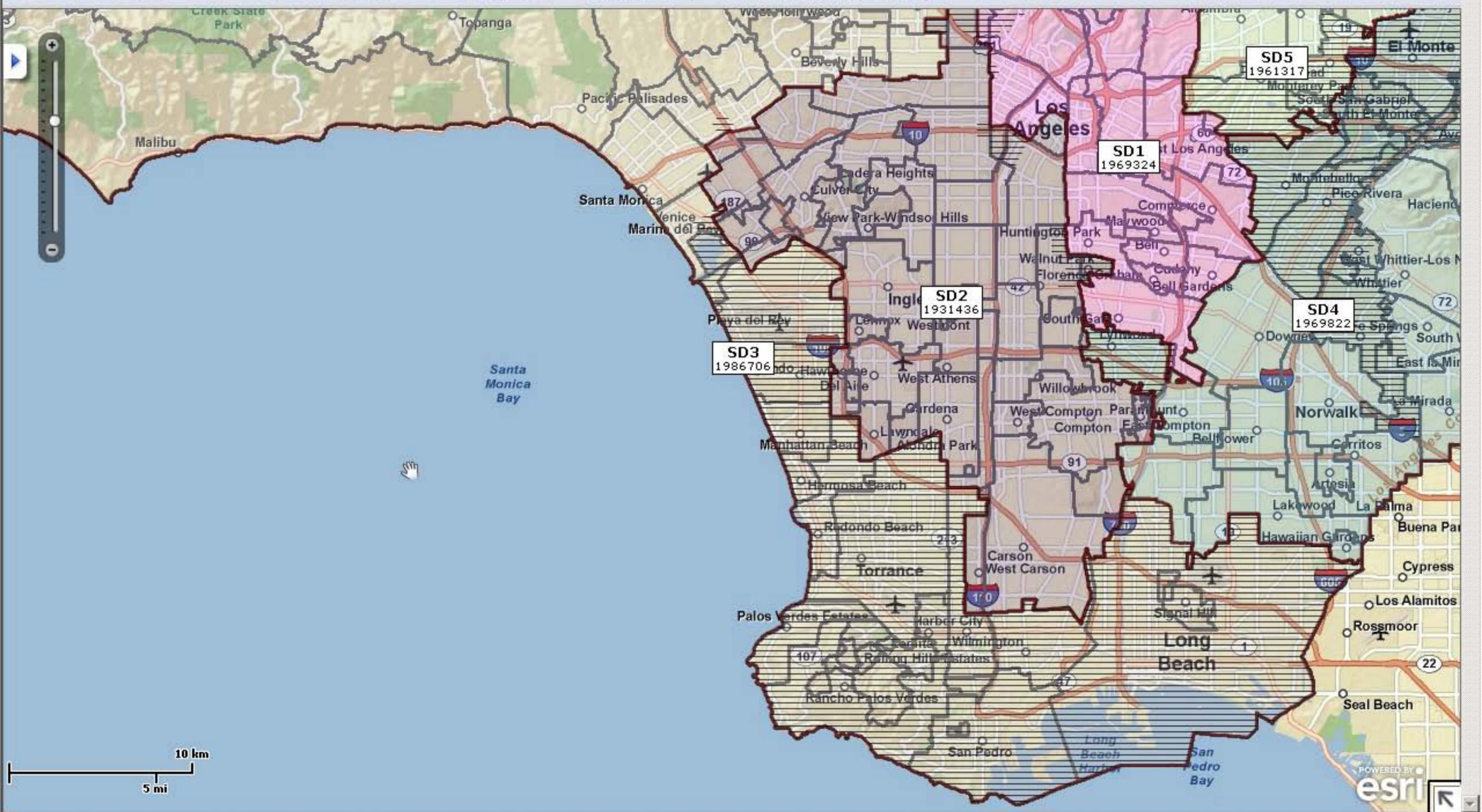
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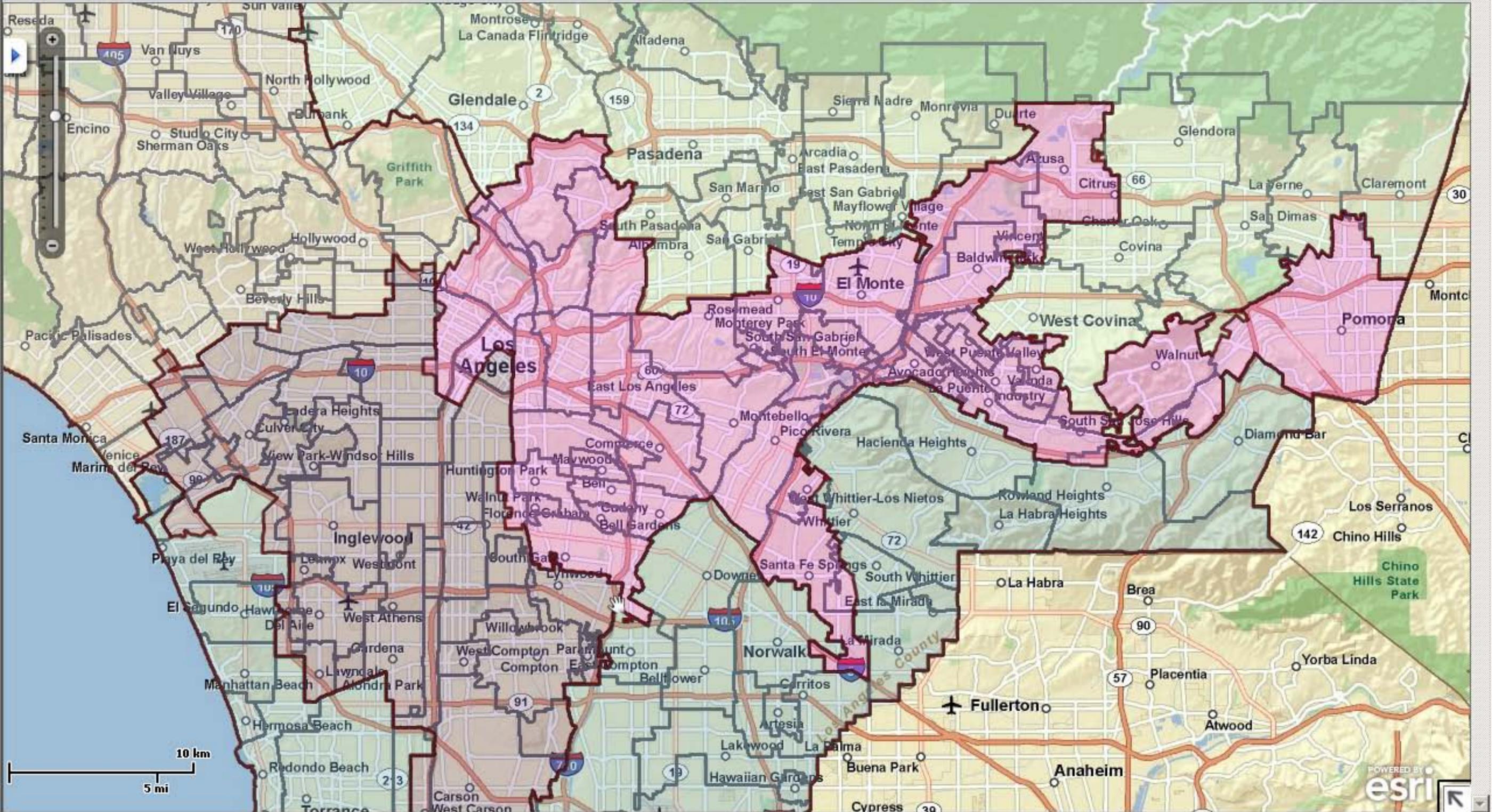
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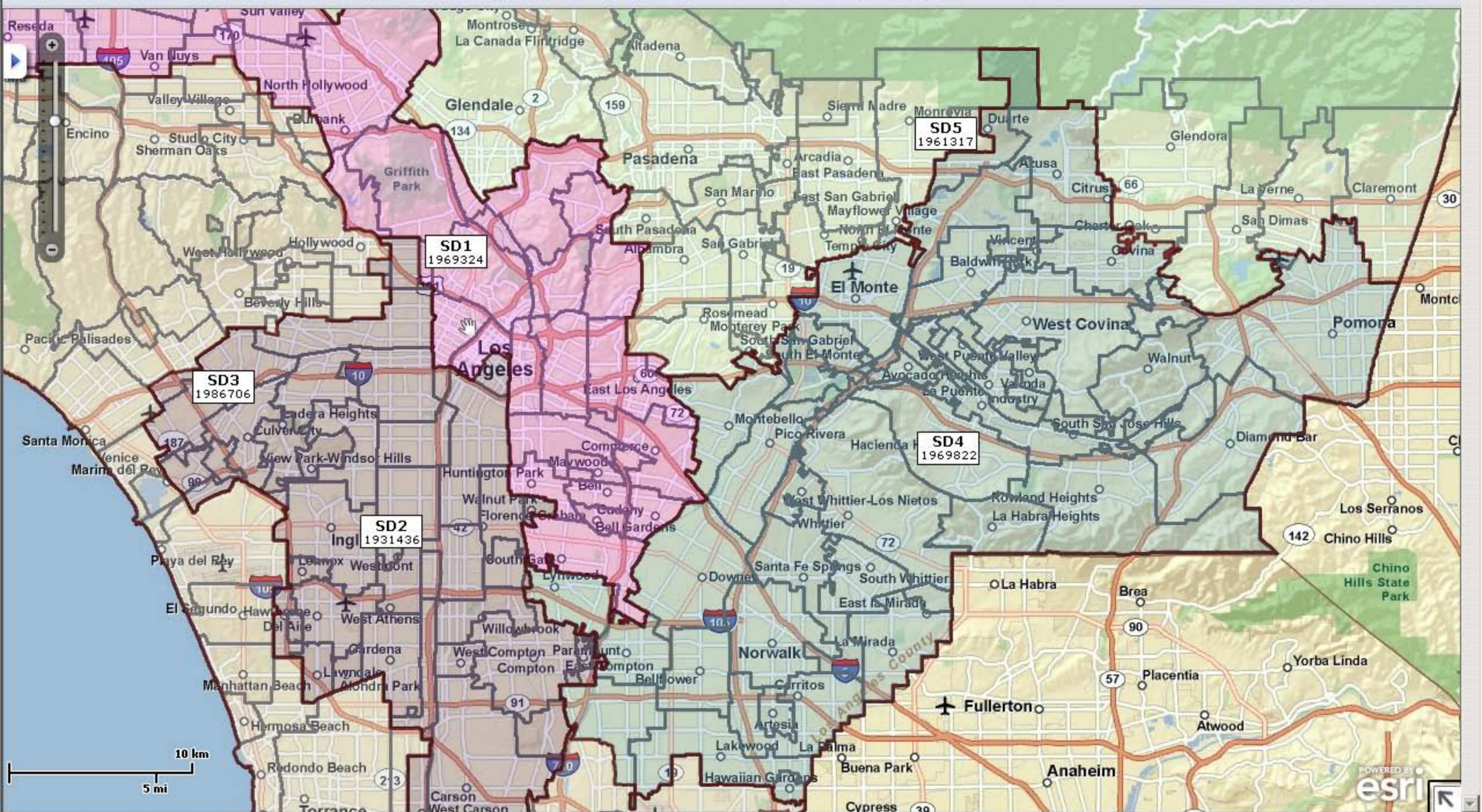


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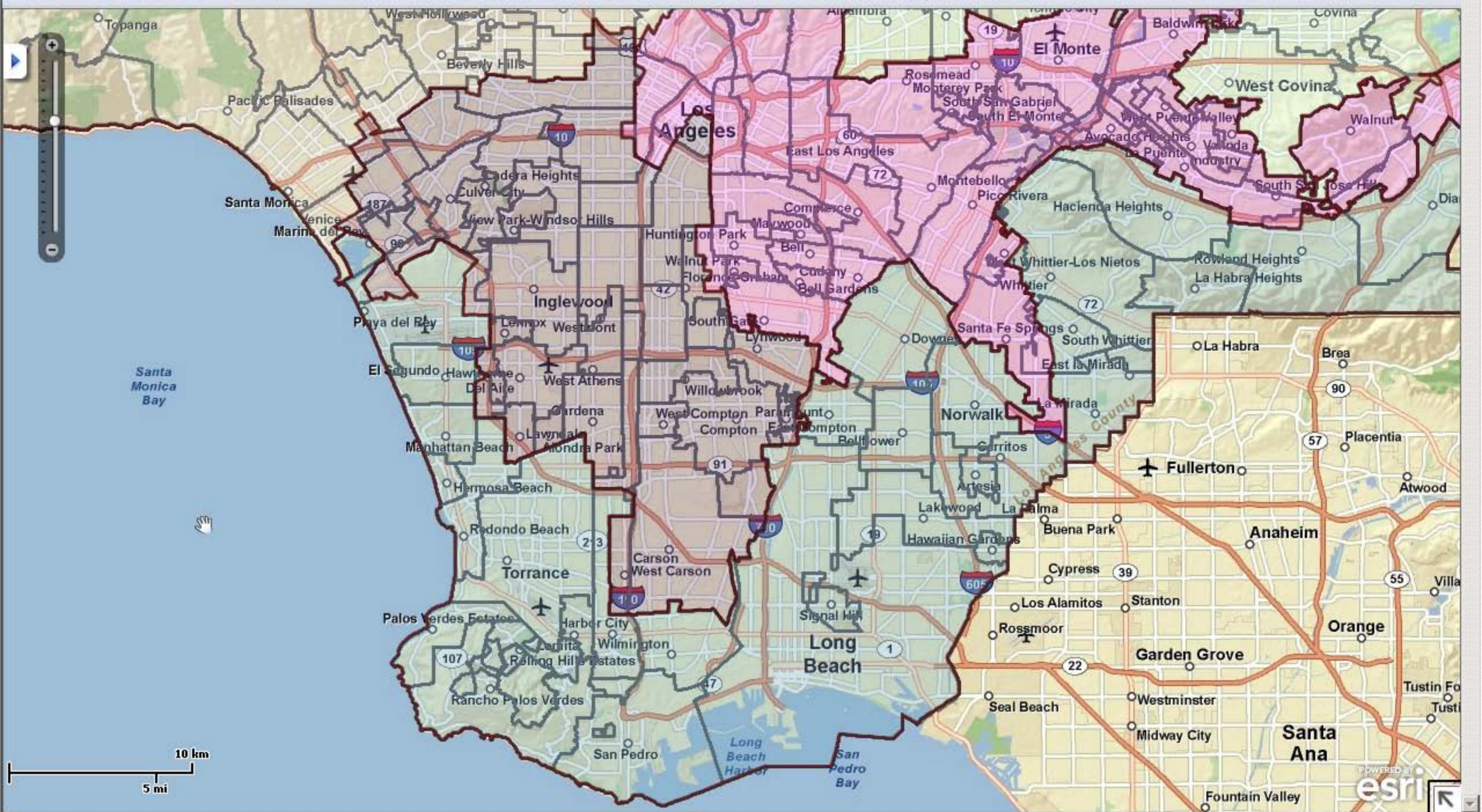
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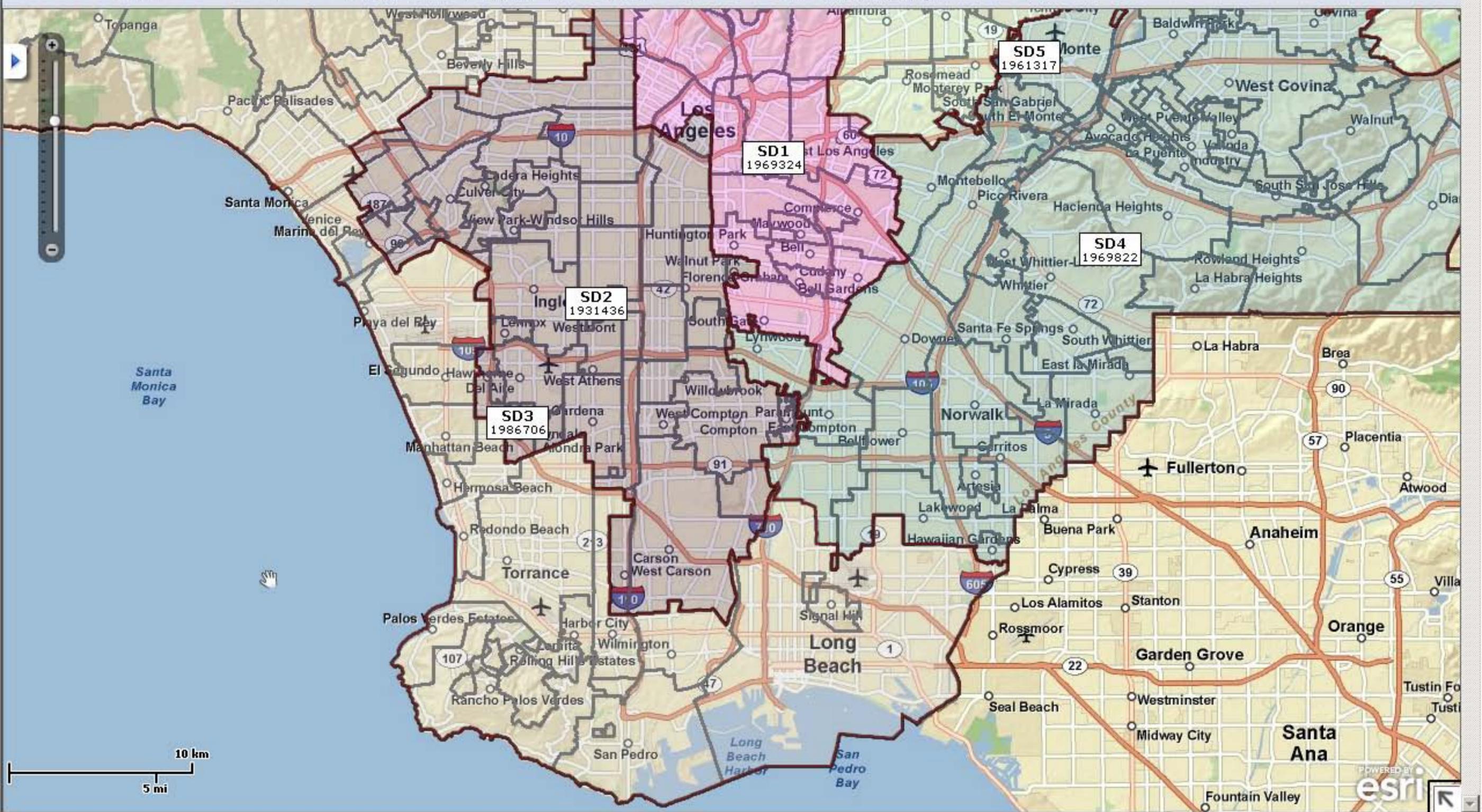
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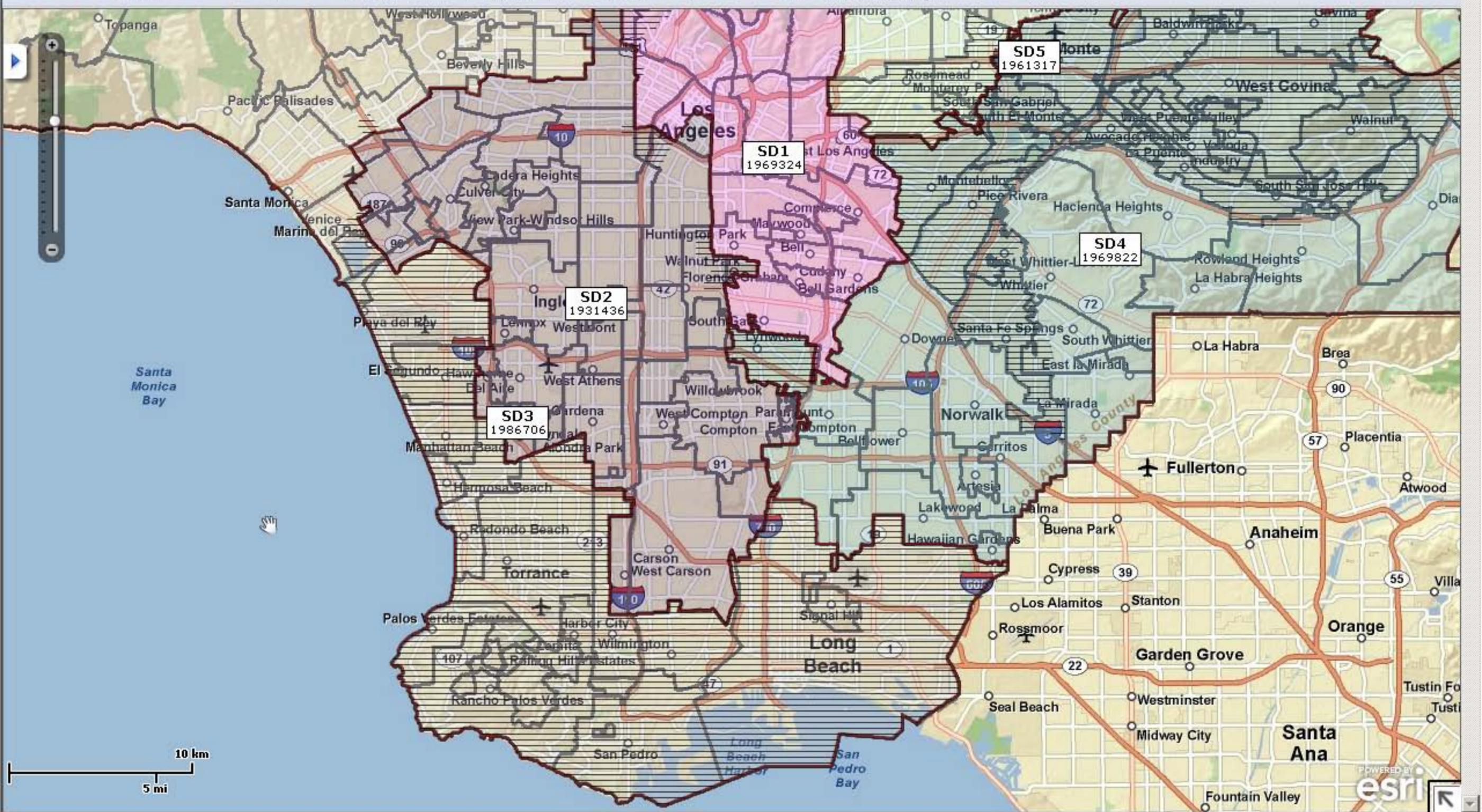
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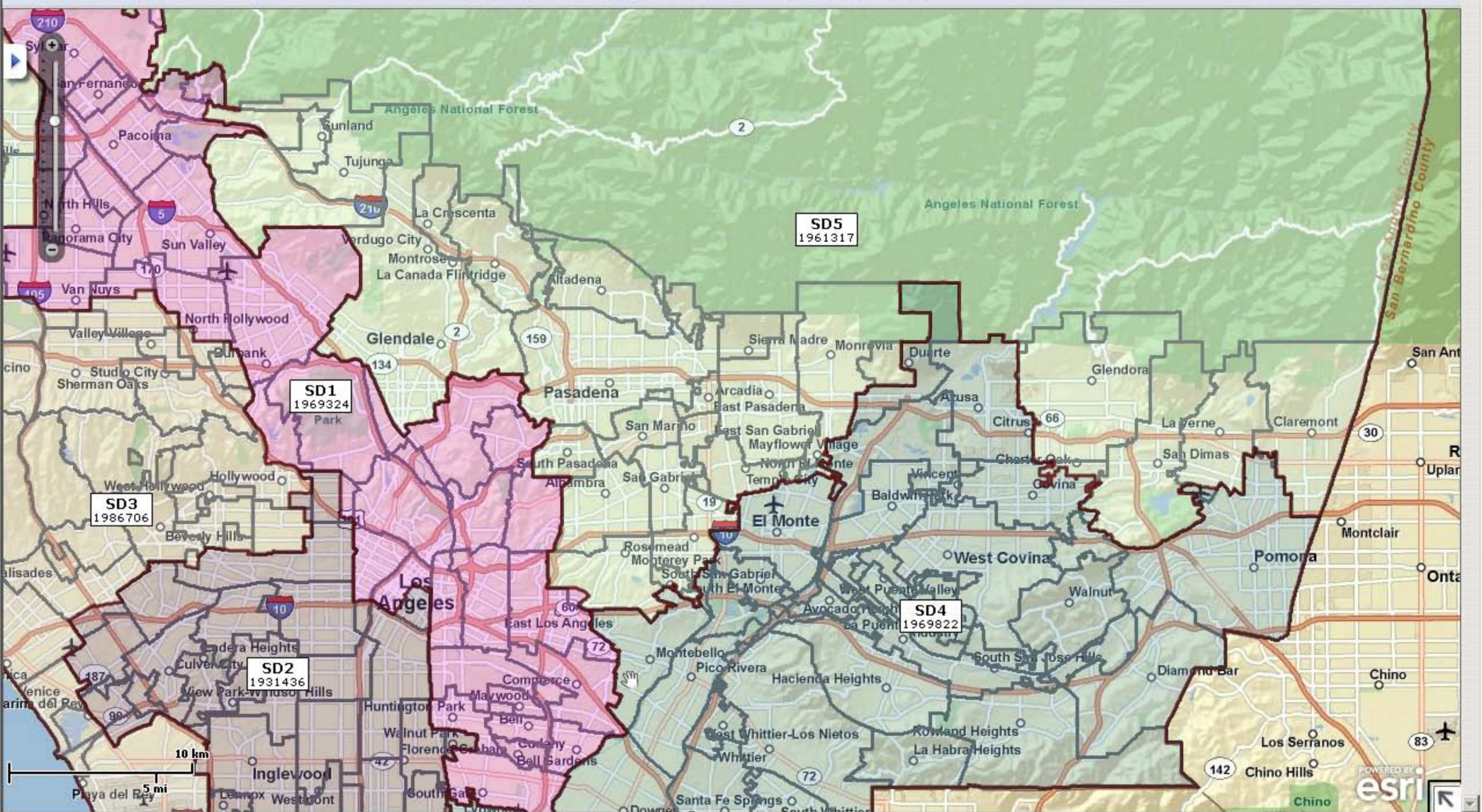
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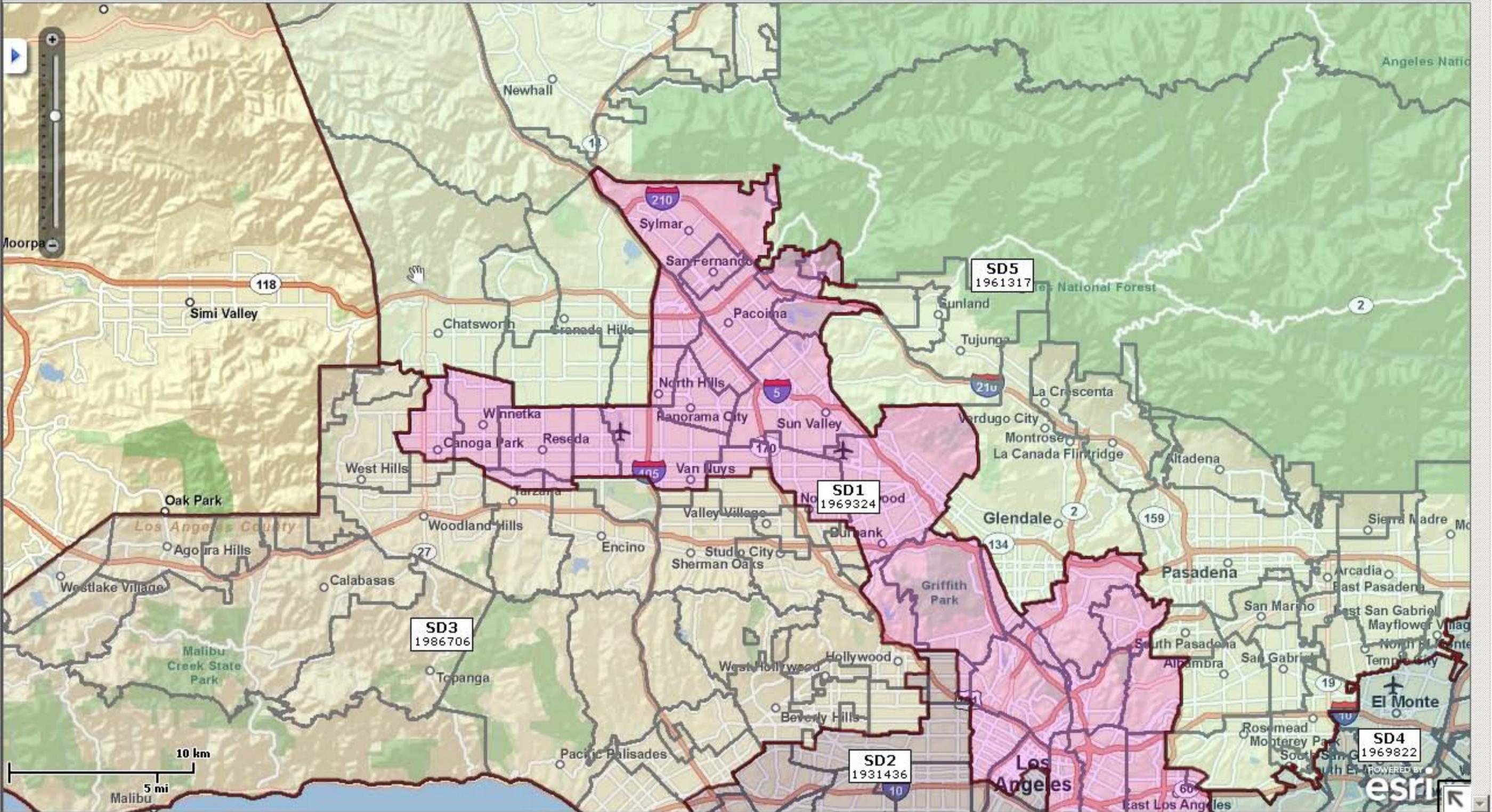
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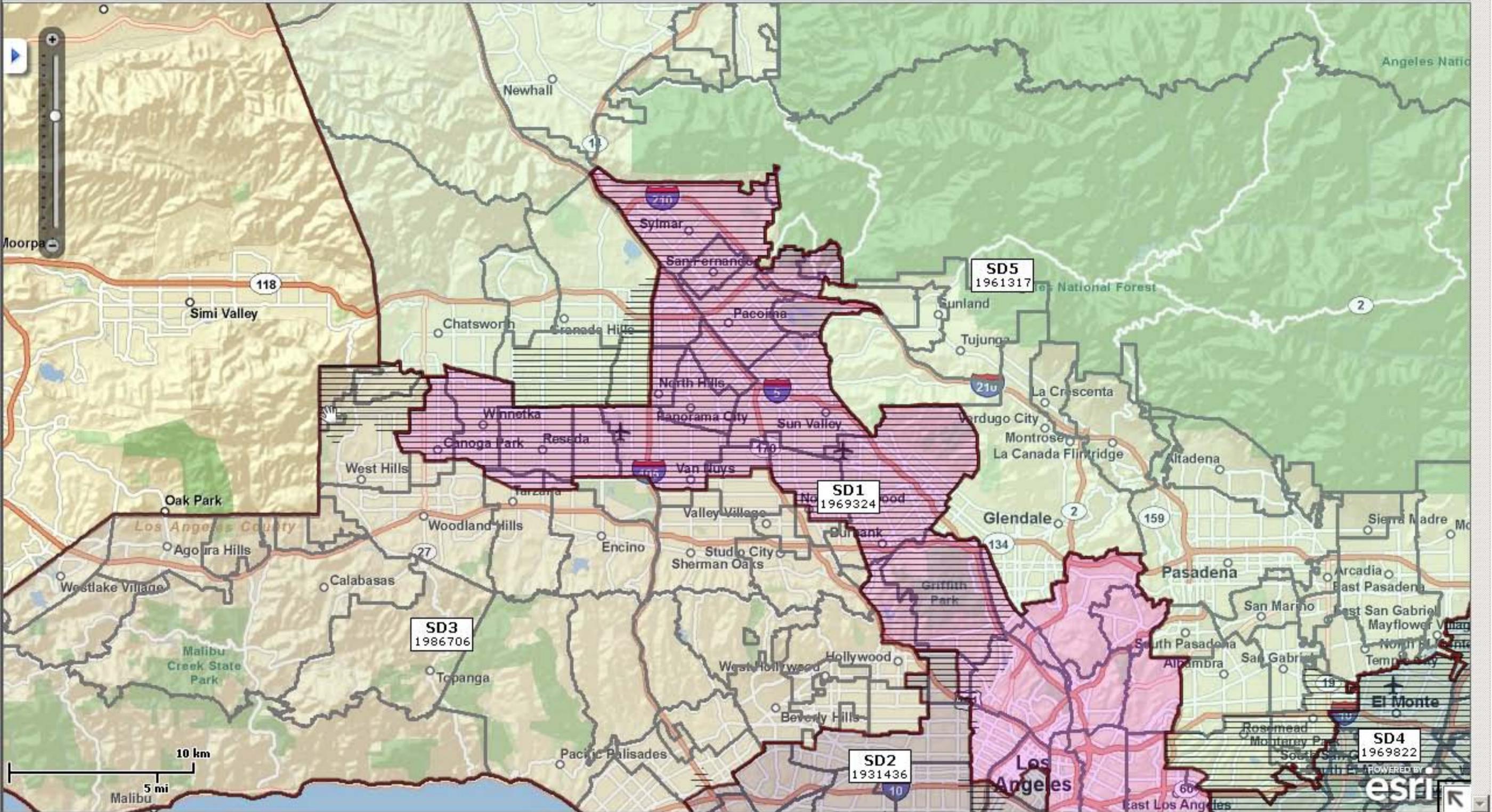


Exhibit C

Compactness report for
Current Supervisorial Plan

District Compactness Report

District	Polygon Area (sq. mi)	Perimeter (mi)	Reock	Area/Convex Hull	Grofman	Schwartzberg	Polsby Popper	Holes
SD1	333.06	413200.88	0.25	0.49	14.07	3.97	0.06	0
SD2	230.72	191850.46	0.38	0.73	7.85	2.21	0.2	0
SD3	633.12	285688.62	0.31	0.7	7.06	1.99	0.25	0
SD4	657.64	610762.86	0.06	0.19	14.8	4.17	0.06	0
SD5	4188.67	665119.03	0.44	0.89	6.39	1.8	0.31	0

Exhibit D

Professor Matt Barreto
and Loren Collingwood

A Review of Racially Polarized
Voting For and Against
Latino Candidates in Los
Angeles County 1994-2010:
Report 1 of 2

**A Review of Racially Polarized Voting For and Against Latino Candidates in
Los Angeles County 1994 – 2010**

Report 1 of 2

By:

Matt A. Barreto, Ph.D.
Loren Collingwood, M.A.
University of Washington, Seattle

July 29, 2011

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Introduction

In this report, we examine whether or not racially polarized voting patterns existed in portions of Los Angeles County that make it difficult for Latino candidates to win office, outside of majority-Latino jurisdictions. In this particular study, we look at the degree of racially polarized voting for Los Angeles countywide, as well as within the status quo defined supervisorial districts 3, 4, and 5 and examine the support received by different Latino candidates and propositions across 43 different elections, ranging from 1994 to 2010. The focus of this inquiry is the issue of whether or not Latinos vote differently from non-Latinos in Los Angeles County.

In *Thornburg v. Gingles*, 478 US 30 (1986) the Supreme Court interpreted Section 2 of the recently amended Voting Rights Act (1965), making the existence of polarized voting one of three elements necessary to prove the dilution of minority voting. In *Gingles*, the now familiar definition of racially polarized voting was framed as occurring when there is a “consistent relationship between race of a voter and the way in which the voter votes.” Put simply, racially polarized voting occurs when minority and non-minority voters, considered separately, would have elected different candidates to office. A second element contained within the *Gingles* standard is, in a sense, implicit to this inquiry as well – whether or not the minority group in question constitutes a “politically cohesive unit.” If Latinos did not behave as a cohesive unit at the polls, evidence of racially polarized voting on the part of non-Latinos would be difficult to find.

In this report, we examine multiple elections and demonstrate the degree of polarized voting in different regions of Los Angeles County. In so doing, we can also assess the extent to which Latinos may be considered a politically cohesive unit in the district. The elections analyzed are listed in the table below:

Candidate	Office/Election	Date	Place
Nava	Attorney General State Democratic Primary	2010 primary	6/7
Torrico	Attorney General State Democratic Primary	2010 primary	5/7
Delgadillo	Attorney General State Democratic Primary	2010 primary	2/7
De la Torre	Insurance Commissioner State Democratic Primary	2010 primary	2/2
Garcia	Justice, Position No. 28 Superior Court Judge	2010 primary	4/8
Moreno	Justice, Position No. 28 Superior Court Judge	2010 primary	5/8
De los Reyes	Justice, Position No. 107 Superior Court Judge	2010 primary	2/3
Griego	Justice, Position No. 117 Superior Court Judge	2010 primary	2/4
Aceves	Superintendent Public Inst. Statewide Primary	2010 primary	2/12
Gutierrez	Superintendent Public Inst. Statewide Primary	2010 primary	4/12
Romero	Superintendent Public Inst. Statewide Primary	2010 primary	1/12

Chavez	County Assessor L.A. County Primary	2010 primary	7/13
Cornejo	County Assessor L.A. County Primary	2010 primary	10/13
Gomez	County Assessor L.A. County Primary	2010 primary	9/13
Salazar	County Assessor L.A. County Primary	2010 primary	4/13
Noguez	County Assessor L.A. County Primary	2010 primary	1/13
Robles	District Attorney L.A. County Primary	2008 primary	2/3
Murillo	Justice, Position No. 69 Superior Court Judge	2008 primary	2/2
Nieto	Justice, Position No. 95 Superior Court Judge	2008 primary	1/2
Gutierrez	Justice, Position No. 84 Superior Court Judge	2008 primary	4/4
Bruguera	Justice, Position No. 154 Superior Court Judge	2008 primary	3/3
Figueroa	Lieutenant Governor Democratic Primary	2006 primary	3/3
Ortiz	Secretary of State Democratic Primary	2006 primary	2/2
Delgadillo	Attorney General Democratic Primary	2006 primary	2/2
Bustamante	Insurance Commissioner Democratic Primary	2006 primary	1/2
Sanchez	Justice, Position No. 8 Superior Court Judge	2006 primary	1/3
Gutierrez	Justice, Position No. 18 Superior Court Judge	2006 primary	2/6
Rivas Hamar	Justice, Position No. 144 Superior Court Judge	2006 primary	3/7
Bustamante	Governor	2003 recall	2/50+
Calderon	Insurance Commissioner, Democratic Primary	2002 primary	1/4
Salazar	County Assessor	2000 primary	2/16
Robles	County Assessor	2000 primary	7/16
Garcia	County Assessor	2000 primary	5/16
Prop 227	Statewide proposition	1998 general	pass
Bustamante	Lieutenant Governor, Democratic Primary	1998 primary	1/3
Calderon	Attorney General, Democratic Primary	1998 primary	2/4
Martinez	Insurance Commissioner, Democratic Primary	1998 primary	1/2
Robles	Treasurer, Democratic Primary	1998 primary	2/3
Baca	County Sheriff	1998 primary	2/4
Gomez	County Sheriff	1998 primary	4/4
Prop 209	Statewide proposition	1996 general	pass
Carrillo	County Sheriff	1994 primary	3/6
Torres	Insurance Commissioner, Democratic Primary	1994 primary	1/3

Because we do not have information concerning the vote choice of individual voters, we undertake an analytical approach that allows us to reliably estimate racially polarized voting using aggregate data. Individual level data could only be obtained were race/ethnicity indicators to be included on a person's ballot (in California it is not), or if large sample survey data were readily available (in this case they are not). Without such information we employ a variety of statistical methods that make it possible for us to infer from aggregate level information how individuals within given political sub-units have voted, and how Latinos may have voted differently from non-Latinos.

A number of methods should be considered when examining the issue of racial polarization in the County which have been used in several previous cases¹, and, as such have passed Court muster in a variety settings. These methods produce both statistical estimates of the level of support for the 44 different elections, and a graphical representation as well. In this particular report we rely on two methods of a possible five that have been employed. The five methods include bivariate correlation; homogenous precinct analysis; Goodman's ecological regression; King's ecological inference; and XY scatterplots. For purposes of statistical rigor and ease of interpretation, here we rely Goodman's ecological regression and XY scatterplots to display results.

Which Elections Are Reasonable to Analyze?

Elections occur every year, at each year brings a different level of office from school board, water district, city council, district attorney, secretary of state, governor, U.S. House and U.S. Senate. Depending on what level of geography is under scrutiny, experts will want to purposely include or exclude certain types of elections. When the level of geography in question is the county – as is the case here – in no circumstances should we make inferences, or draw conclusions about the entire county, from elections taking place in smaller jurisdictions such as city council or school board. The reason is that each individual city or smaller jurisdiction has it's own unique context that may not be appropriate to infer to the larger county. A city council election in Santa Clarita and a school board election in Inglewood are likely to have extremely different candidates, contexts and circumstances. If we want to know what is happening in just a small jurisdiction those elections are fine, but we should not include such small jurisdiction elections when trying to draw conclusions about voting patterns in an entire county. Thus, the most appropriate elections to analyze are those for countywide office, statewide office, or jurisdictions that at least encompass the entire county in question (such as board of equalization which is a state level office, but divided into regions or districts). This is important so that every single voter in the county is facing the exact same context and exact same candidates for a specific level of office, and countywide inference or comparisons are scientifically valid.

A second important consideration is whether or not the election in question is reasonably competitive. The ideal election to analyze then is one that is expected to be very close, and ultimately ends up being very close, in the hypothetical 50.1 to 49.9. To this end, we often focus on primary elections in which the eventual winner is unknown and many candidates are in the

¹ These include, but are not limited to, *Thornburg v. Gingles*, 478 US 30 (1986), *Ruiz v. City of Santa Maria*, 160 F.3d 543 (9th Cir. 1998), *Gomez v. City of Watsonville* (9th Cir. 1988) 863 F.2d 1407.

race. Elections that are open, that is, no incumbent is running, and likewise considered ideal because voters get to weigh in on fresh faces and no previous favorability or baggage from one candidate or another. One of the best established truths in political science research is that elections with incumbents running for re-election are practically a foregone conclusion. The incumbent advantage is extremely difficult for challengers to overcome and incumbent re-election contests rarely produce a close or competitive election. If voters know well in advance that an incumbent is on their way to an easy re-election, it significantly changes their calculus, and does not produce their true voting intentions or patterns. When trying to assess the degree of racially polarized voting, and the probability that minority candidates will or will not be supported in a newly created district, we should attempt to limit our analysis to open and competitive elections, because we are concerned about what will happen in newly created districts, as opposed to what happened in a particularly uncompetitive election in the past.

Finally, we want to be sure that no special circumstances were at play that may not be generalizable to future elections in the jurisdiction. For example, if an incumbent candidate makes continuous mistakes, faces ethics violations, and goes back on campaign promises, that incumbent candidate is going to be extremely vulnerable and a wide range of voters will be eager to vote against him or her regardless of race or ethnicity.

If there are any exceptions to these principles, they should be extremely few, and they should be very well thought out and justified as to why we should examine these elections or give them weight in the totality of our analysis. Simply finding elections that suit our purposes, or help us make a case is not reasonable social science, nor does it actually prove anything other than we have a few atypical cases.

Voting Patterns in Los Angeles County

Los Angeles County is home to 9.8 million people, making it the most populated county in the entire United States. Not only is Los Angeles large, but it is extremely diverse, registering a population that is 48% Latino, 14% Asian American; 8% African American, and 28% White non-Hispanic according to the 2010 Census. From an electoral perspective, the diversity of the county has not always been mirrored in political representation, though term limits and majority-minority districts have helped open doors for under-represented groups in the past two decades.

Though Los Angeles is often celebrated for its diversity, it has also been the source of considerable social and political contestation, which became especially pronounced in the post-

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

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

As Los Angeles has changed over the years, it has become more complicated to analyze patterns of racial block voting. As a result of a growing minority population which has been reliably Democratic, and White flight, whereby more affluent and conservative Whites have moved from Los Angeles to neighboring counties, the population in Los Angeles transitioned from *mostly* to *solidly* Democratic in about 1990. Since 1990 a handful of Black, Latino, and Asian candidates have been elected to various city, county, state, and federal offices in Southern California, and some have pointed to the possibility of coalitions between minority groups, and between minorities and progressive Whites to elect minority candidates to office. Speaking anecdotally and without reviewing data, some have suggested racially polarized voting has subsided in Los Angeles County. However, a comprehensive review of the data suggests things are not quite as favorable to minority candidates as the anecdotal evidence leads us to believe.

First, virtually all Latinos continue to be elected in designated majority-minority districts, as opposed to White-majority areas. Thus, any evidence or argument that Latinos can readily win election in Los Angeles today is an argument in favor of majority-minority districts. Outside majority-minority jurisdictions, or in primary elections, Latino candidates continue to face very high rates of racially polarized voting.

If a Latino candidate wins a Democratic primary election, they are quite likely to receive majority support from White voters in Los Angeles, as well as from other minorities in a partisan November general election (such as for Governor, Legislature or Congress). The reason is the strong Democratic partisanship of most voters in Los Angeles, not racial harmony. When we rewind the election calendar and look at voting patterns in the primary election we see a very different pattern. In wide ranging statistical and expert analysis from 1994 to 2010, White voters in Democratic primaries in Los Angeles have consistently shown lower levels of support for Latino candidates they face off against a White Democrat. Thus, the true underlying preference of a majority of White Democratic voters in Los Angeles County has been to vote against Latino candidates for office. For White Republicans the preference for White candidates is even stronger, however far fewer Latinos have run in Republican primaries. Thus, general elections between a Democrat and a Republican candidate are almost never a good indicator of the degree of racial block voting in Los Angeles County because of the strong Democratic leanings of a majority of voters. Instead, analysis should focus on primary elections and non-partisan contests to most accurately assess the existence or absence of racially polarized voting.

Outside of partisan primaries we find the same general pattern exists in non-partisan city or county elections such as for Mayor, Sheriff, Assessor, Controller, District Attorney, or Superior Court Judge. Further, because these contests are non-partisan, racial block voting continues at high rates into the runoff elections in November. In a contested non-partisan primary election in which there are viable Latino, Black, Asian, and White candidates, we precinct analysis regularly finds each ethnic group showing a very strong preference for their co-ethnic candidate. That is, the most likely voting pattern to emerge is that White voters side with White candidates, Black voters side with Black candidates, Latino voters side with Latino candidates, and Asian voters side with Asian candidates. Of course the rates of vote support vary based on the context of the election, the stakes, and the viability of the candidates, however these voting patterns have consistently been found in rigorous statistical analysis from 1960 to 2010 in Los Angeles.

After the primary contest, in non-partisan elections, if the two final candidates are a minority versus a White, research has found minorities more like to support other minorities, and Whites continue to support Whites. However, even then, the data are mixed on the success rates of minority coalitions. For example in the 2001 Los Angeles Mayor's race Black voters sided overwhelmingly with the White candidate James Hahn instead of the Latino candidate Antonio Villaraigosa in the runoff election. Likewise, during the 2008 presidential primary, Latino voters sided overwhelmingly with the White candidate Hillary Clinton over the African American candidate Barack Obama, however in the general election Latinos voted at historic rates for

Obama, the Democrat. A similar pattern emerged with respect to the special election to fill the 37th congressional seat in 2007. The district is split almost evenly between Latinos and Blacks and during the primary, Latinos voted almost uniformly for Latina candidate Jenny Oropeza, while Blacks voted almost uniformly for African American candidates Laura Richardson or Valerie McDonald. Richardson was able to narrowly defeat Oropeza in the primary and in the general election when she squared off against a Republican opponent, Latinos voted overwhelmingly for Richardson. Thus, pointing out general election victories greatly masks the underlying presence and severity of racial bloc voting that continues in Los Angeles County today.

Due to rapidly changing population patterns in Los Angeles, and the absence of district elections or term limits for most city council elections, Latino have demonstrated considerably high vote cohesiveness in elections that have featured Latino candidates. As a percentage of the population, Latinos are a clear majority in most areas throughout central Los Angeles, the eastern San Fernando Valley, and into the San Gabriel Valley, however many city council or school districts have extremely limited, or no Latino representation whatsoever. The imbalance between share of the population and representation has lead to increased cohesiveness among Latinos in this region of Los Angeles County. A long standing finding in minority voting research is that a lack of representation is one of the biggest factors contributing to high group cohesiveness.

These overall patterns have lead most scholars and legal experts to conclude that Los Angeles County continues to face many section 2 challenges due to the history, and continued presence of racially polarized voting. While some exceptions exist here or there, when the totality of elections are considered, the data point overwhelmingly to the persistence of racial bloc voting in Los Angeles. It is very important to keep a lookout for outlier elections or single anecdotes. When assessing racially polarized voting the best strategy is to examine a wide swath of elections over a number of years and look for consistent patterns. If 15 years and 40 elections all point to a consistent pattern of racial bloc voting, evidence of one single election to the contrary tells us very little about actual trends. In a nation that holds literally thousands of elections every year, we can always find an instance or two of unusual voting patterns, however when looking for the objective and true voting patterns in any region or jurisdiction we should discount such outliers in favor of the more consistent and generalizable findings. In my opinion, and based on my own extensive review of elections and voting patterns in Los Angeles, redistricting bodies should draw CVAP-majority Latino districts, when they can be drawn, and when voting is polarized and Latino candidates of choice, would otherwise lose. If such a majority-CVAP

Latino district can be drawn, but is not, the redistricting body may risk charges of packing, cracking and vote dilution given the very strong, and continuing evidence of racially polarized voting for and against Latino candidates.

Summary of Results

We have compiled data on Latino voter registration, by precinct, from the UC Berkeley Statewide database for each specific year of our analysis, and merged that with precinct level vote choice, also found on the Statewide database. For county-level elections such as Assessor, we have obtained data from the L.A. County Registrar and merged that in with Latino voter registration data. All data used herein are publicly available data and can be reproduced upon request.

In the findings below, we detail the results of 43 different analyses of racially polarized voting in which a Latino candidate ran for office, or an ethnically-relevant statewide proposition was considered by voters. Across all cases we examine voting patterns throughout Los Angeles County, as well as within three specific regions of Los Angeles that account for current supervisorial districts². In 41 of the 43 scenarios analyzed we find strong, and statistically significant evidence of racially polarized voting. Whether we turn to a Democratic party primary or a non-partisan countywide election, voters demonstrate clear patterns of racial polarization. In each instance of polarization, Latino voters greatly prefer to vote for Latino candidates, and demonstrate a significantly higher vote for Latino candidates than do non-Latinos. The only two exceptions we find are instances in which the Latino candidate actually received less votes in the Latino community which suggests these candidates were not “candidates of choice” to the community, and should not be considered in any event. These exceptions are for Noguez, 2010 primary for LA County Assessor, and for Aceves, 2010 primary for Superintendent of Public Education. In both cases Noguez and Aceves were not candidates of choice of the Latino community, both finishing very low among Latino precincts. In contrast, in both elections for Assessor and Superintendent in 2010, there were other strong Latino candidates in which very significant racially polarized voting did occur, and were the Latino candidates of choice. Analysts should only be concerned with whether or not candidates of choice of the Latino community are being blocked from office by low vote totals from non-Latinos, and Latino candidates are able to get elected countywide without strong Latino support it only suggests those are very poor examples to consider.

² We do not examine district 1 or district 2 which are currently represented by minority elected officials already.

The data and election results make clear that when given a chance in a primary or non-partisan election, non-Latinos tend to vote against Latino candidates in all reaches of Los Angeles County, while Latinos vote strongly in favor. The data analyzed in this report point to a clear and consistent pattern of statistically significant racial bloc voting in Los Angeles, which is backed up by numerous published academic studies. For example, in a 2007 book published by the University of California Press, Warren Institute on Law and Social Policy, Abosch, Barreto and Woods document extensive evidence of racially polarized voting across 15 elections in Los Angeles County. Looking at the 2003 recall election in a book published in 2005, Barreto and Ramírez find that White voters in Los Angeles County voted against Cruz Bustamante at a far greater rate, than they voted against the recall of Gray Davis, while Latinos voted very heavily in favor of both Davis and Bustamante. Likewise Segura and Fraga, also examining the 2003 recall in an article published in the *American Journal of Political Science* write that “race and ethnicity persist as an important factor in vote choice, even in environments with a history of minority electoral success.” Looking at the Los Angeles Times exit poll, they found White voters, even White Democrats, voted against Bustamante and that anti-Latino bias was a strong contributing factor. In an article published in 2005 in the *Journal of Urban Affairs*, Barreto, Villarreal and Woods find very strong evidence of anti-Latino bloc voting against Villaraigosa in the 2001 mayoral election, and note that even though Villaraigosa had endorsements from then-popular Governor Gray Davis and the Los Angeles Times, racially polarized voting persisted at extremely high levels, and despite overwhelming preference among Latinos, was unable to win election for mayor – a finding which was replicated with further data analysis in a research article published by Barreto in the *American Political Science Review*. More recently, a research paper published by the Warren Institute for Law and Social Policy at the University of California found that racial bloc voting continues to exist in primary elections in Los Angeles in 2010, with Latinos voting overwhelmingly for one of three Latino candidates for Attorney General (Delgadillo, Torrico, Nava), while non-Latinos voted in favor of the Latino candidates at very low rates.

1 2010 Primary

1.1 Nava Attorney General State Democratic Primary

Table 1: Goodman’s Ecological Regression: Vote for AG_nava

	(1)	(2)	(3)	(4)
	County	District_3	District_4	District_5
Percent Latino	0.124*** (0.00293)	0.0742*** (0.00684)	0.141*** (0.00770)	0.154*** (0.0128)
Total Reg.	0.0000115*** (0.00000290)	-0.0000170** (0.00000656)	0.000000122 (0.00000622)	-6.22e-08 (0.00000639)
Constant	0.0431*** (0.00273)	0.0851*** (0.00651)	0.0466*** (0.00558)	0.0513*** (0.00616)
Observations	4934	831	960	993
Adjusted R^2	0.266	0.131	0.260	0.127

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 2: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	16.67	15.92	18.78	20.57
Non-Latino Vote	4.31	8.51	4.66	5.13

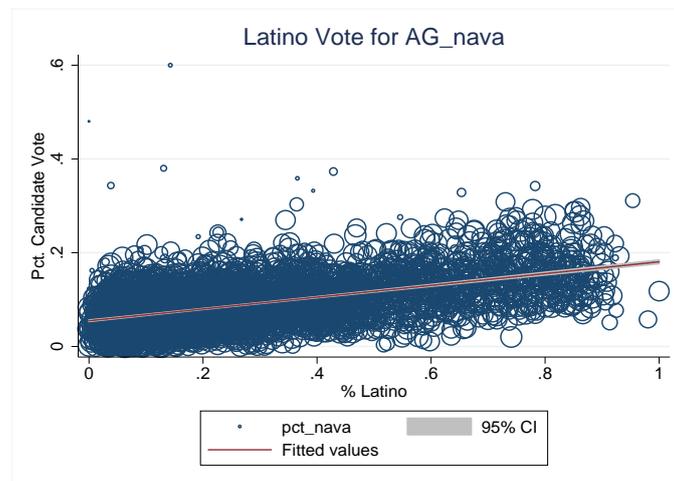


Figure 1: Scatterplot of precinct votes with regression line and 95% confidence interval

1.2 Torrico Attorney General State Democratic Primary

Table 3: Goodman’s Ecological Regression: Vote for AG_torrico

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.0957*** (0.00347)	0.0827*** (0.00808)	0.144*** (0.0100)	0.0989*** (0.0141)
Total Reg.	-0.00000429 (0.00000344)	0.0000172* (0.00000775)	-0.0000237** (0.00000807)	-0.0000114 (0.00000707)
Constant	0.0841*** (0.00324)	0.0649*** (0.00769)	0.0916*** (0.00725)	0.105*** (0.00682)
Observations	4934	831	960	993
Adjusted R^2	0.134	0.113	0.179	0.048

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 4: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	17.98	14.76	23.59	20.42
Non-Latino Vote	8.41	6.49	9.16	10.53

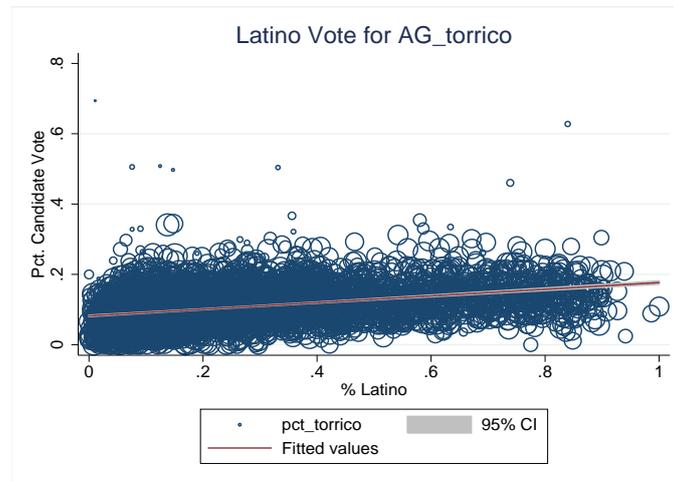


Figure 2: Scatterplot of precinct votes with regression line and 95% confidence interval

1.3 Delgadillo Attorney General State Democratic Primary

Table 5: Goodman’s Ecological Regression: Vote for AG_delgadillo

	(1)	(2)	(3)	(4)
	County	District_3	District_4	District_5
Percent Latino	0.303*** (0.00420)	0.358*** (0.00929)	0.317*** (0.0130)	0.264*** (0.0154)
Total Reg.	-0.00000127 (0.00000417)	0.0000120 (0.00000891)	-0.0000513*** (0.0000105)	0.0000231** (0.00000773)
Constant	0.107*** (0.00392)	0.0934*** (0.00884)	0.140*** (0.00941)	0.0959*** (0.00745)
Observations	4934	831	960	993
Adjusted R^2	0.513	0.641	0.386	0.232

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 6: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	41.03	45.17	45.76	36.03
Non-Latino Vote	10.75	9.34	14.04	9.59

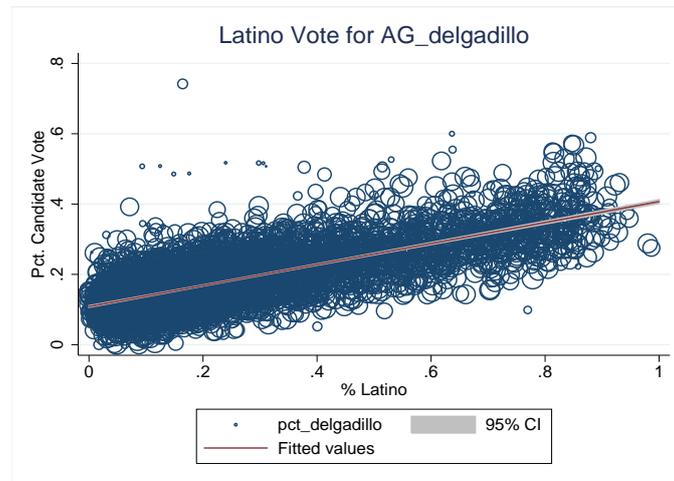


Figure 3: Scatterplot of precinct votes with regression line and 95% confidence interval

1.4 Combined Latino Candidates Attorney General State Democratic Primary

Table 7: Goodman’s Ecological Regression: Vote for AG_combined

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.522*** (0.00542)	0.515*** (0.0117)	0.603*** (0.0178)	0.518*** (0.0219)
Total Reg.	0.00000591 (0.00000538)	0.0000122 (0.0000112)	-0.0000749*** (0.0000144)	0.0000116 (0.0000110)
Constant	0.235*** (0.00506)	0.243*** (0.0111)	0.279*** (0.0129)	0.253*** (0.0106)
Observations	4934	831	960	993
Adjusted R^2	0.653	0.699	0.545	0.360

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 8: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	75.68	75.85	88.14	77.02
Non-Latino Vote	23.46	24.34	27.85	25.26

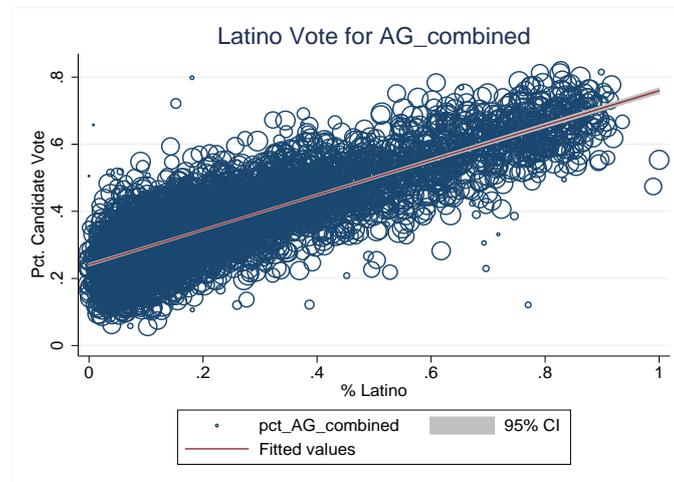


Figure 4: Scatterplot of precinct votes with regression line and 95% confidence interval

1.5 De la Torre Insurance Commissioner State Democratic Primary

Table 9: Goodman’s Ecological Regression: Vote for INS_delatorre

	(1)	(2)	(3)	(4)
	County	District_3	District_4	District_5
Percent Latino	0.403*** (0.00546)	0.342*** (0.0120)	0.450*** (0.0169)	0.454*** (0.0216)
Total Reg.	-0.00000439 (0.00000541)	-0.00000487 (0.0000115)	-0.0000202 (0.0000137)	0.0000394*** (0.0000108)
Constant	0.235*** (0.00509)	0.221*** (0.0114)	0.257*** (0.0123)	0.188*** (0.0104)
Observations	4934	831	960	993
Adjusted R^2	0.526	0.493	0.423	0.313

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 10: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	63.88	56.27	70.62	64.23
Non-Latino Vote	23.53	22.12	25.65	18.80

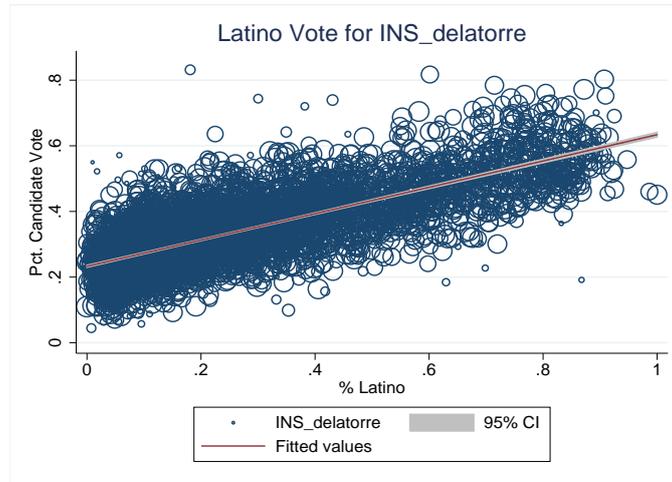


Figure 5: Scatterplot of precinct votes with regression line and 95% confidence interval

1.6 Garcia Justice, Position No. 28 Superior Court Judge

Table 11: Goodman’s Ecological Regression: Vote for J28_garcia

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.284*** (0.00421)	0.362*** (0.0104)	0.288*** (0.0118)	0.289*** (0.0160)
Total Reg.	0.0000289*** (0.00000411)	0.0000104 (0.00000995)	0.0000383*** (0.00000923)	0.00000349 (0.00000798)
Constant	0.0766*** (0.00387)	0.0817*** (0.00987)	0.0831*** (0.00829)	0.106*** (0.00768)
Observations	4945	831	963	994
Adjusted R^2	0.482	0.594	0.399	0.245

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 12: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	36.09	44.37	37.16	39.43
Non-Latino Vote	7.66	8.17	8.31	10.57

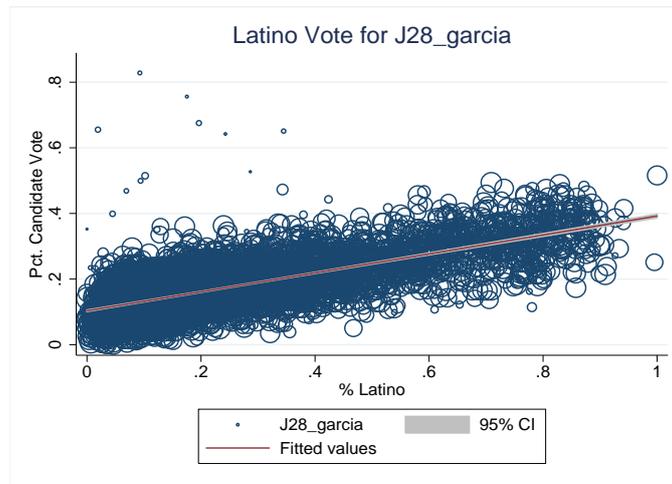


Figure 6: Scatterplot of precinct votes with regression line and 95% confidence interval

1.7 Moreno Justice, Position No. 28 Superior Court Judge

Table 13: Goodman’s Ecological Regression: Vote for J28_moreno

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.215*** (0.00433)	0.110*** (0.0116)	0.161*** (0.0101)	0.247*** (0.0164)
Total Reg.	0.0000213*** (0.00000423)	0.00000379 (0.0000111)	0.0000126 (0.00000796)	0.00000359 (0.00000816)
Constant	0.0990*** (0.00397)	0.161*** (0.0110)	0.109*** (0.00715)	0.102*** (0.00786)
Observations	4945	831	963	994
Adjusted R^2	0.333	0.095	0.212	0.185

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 14: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	31.35	27.10	26.99	34.93
Non-Latino Vote	9.90	16.12	10.88	10.18

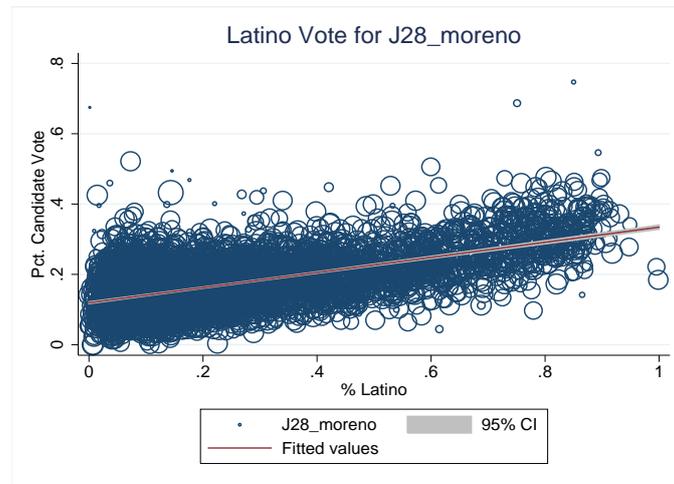


Figure 7: Scatterplot of precinct votes with regression line and 95% confidence interval

1.8 Latino Combined Justice, Position No. 28 Superior Court Judge

Table 15: Goodman’s Ecological Regression: Vote for J28_lat

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.499*** (0.00562)	0.472*** (0.0131)	0.450*** (0.0147)	0.536*** (0.0200)
Total Reg.	0.0000502*** (0.00000549)	0.0000142 (0.0000126)	0.0000509*** (0.0000115)	0.00000709 (0.00000996)
Constant	0.176*** (0.00516)	0.243*** (0.0125)	0.192*** (0.0103)	0.208*** (0.00959)
Observations	4945	831	963	994
Adjusted R^2	0.616	0.609	0.506	0.418

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 16: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	67.45	71.47	64.15	74.36
Non-Latino Vote	17.56	24.29	19.20	20.75

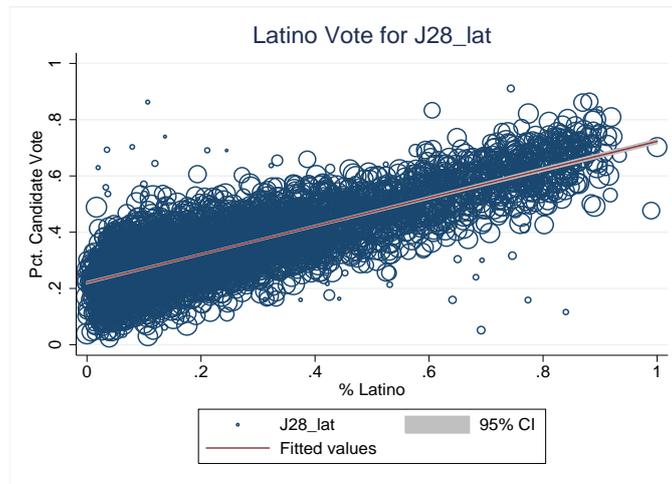


Figure 8: Scatterplot of precinct votes with regression line and 95% confidence interval

1.9 De los Reyes Justice, Position No. 107 Superior Court Judge

Table 17: Goodman’s Ecological Regression: Vote for pct_reyes

	(1)	(2)	(3)	(4)
	County	District_3	District_4	District_5
Percent Latino	0.242*** (0.00683)	0.265*** (0.0125)	0.220*** (0.0153)	0.187*** (0.0225)
Total Reg.	0.0000193** (0.00000654)	0.00000819 (0.0000120)	0.0000560*** (0.0000117)	-0.00000315 (0.0000117)
Constant	0.165*** (0.00614)	0.158*** (0.0120)	0.129*** (0.0105)	0.176*** (0.0112)
Observations	2671	456	523	536
Adjusted R^2	0.320	0.498	0.314	0.111

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 18: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	40.73	42.32	34.91	36.23
Non-Latino Vote	16.52	15.77	12.90	17.56

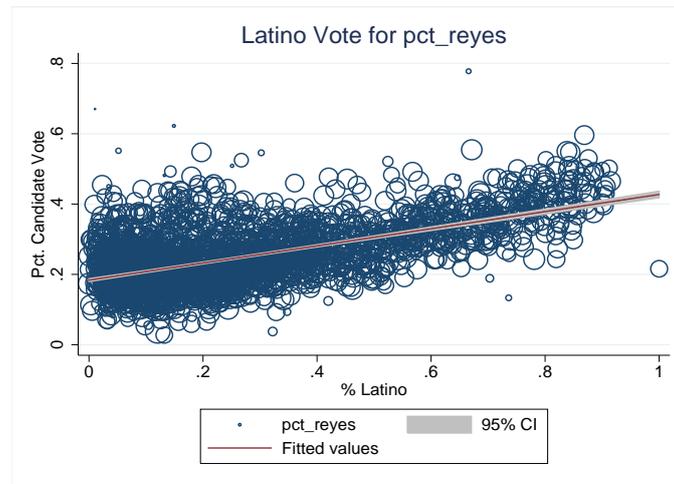


Figure 9: Scatterplot of precinct votes with regression line and 95% confidence interval

1.10 Griego Justice, Position No. 117 Superior Court Judge

Table 19: Goodman’s Ecological Regression: Vote for J117_griego

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.119*** (0.00501)	0.165*** (0.0103)	0.107*** (0.0141)	0.0651*** (0.0190)
Total Reg.	0.00000881 (0.00000485)	0.0000172 (0.00000986)	0.00000680 (0.0000110)	0.00000317 (0.00000945)
Constant	0.263*** (0.00457)	0.229*** (0.00978)	0.269*** (0.00990)	0.279*** (0.00910)
Observations	4952	831	963	994
Adjusted R^2	0.102	0.235	0.057	0.010

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 20: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	38.14	39.32	37.60	34.43
Non-Latino Vote	26.28	22.85	26.89	27.92

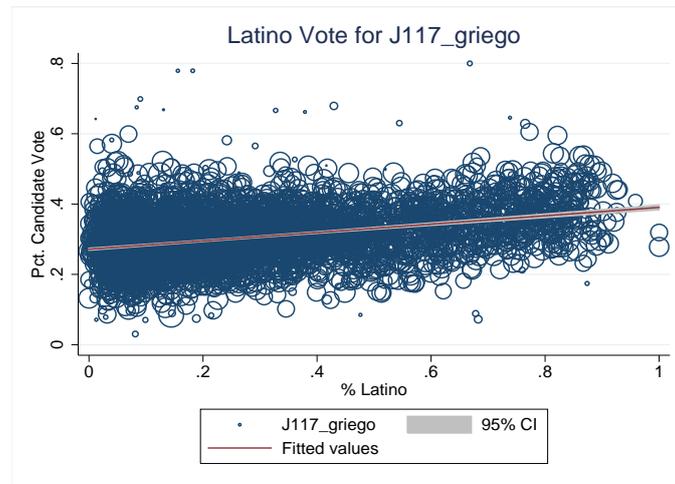


Figure 10: Scatterplot of precinct votes with regression line and 95% confidence interval

1.11 Aceves Superintendent Public Inst. LA County Primary

Table 21: Goodman’s Ecological Regression: Vote for SPI_aceves

	(1)	(2)	(3)	(4)
	County	District_3	District_4	District_5
Percent Latino	-0.177*** (0.00517)	-0.210*** (0.0113)	-0.282*** (0.0147)	-0.399*** (0.0169)
Total Reg.	-0.00000693 (0.00000499)	0.00000682 (0.0000108)	-0.00000320 (0.0000116)	0.00000792 (0.00000833)
Constant	0.223*** (0.00469)	0.228*** (0.0107)	0.279*** (0.0104)	0.269*** (0.00804)
Observations	4955	831	963	995
Adjusted R ²	0.191	0.295	0.277	0.360

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 22: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	4.53	1.75	-0.34	-12.95
Non-Latino Vote	22.25	22.80	27.89	26.93

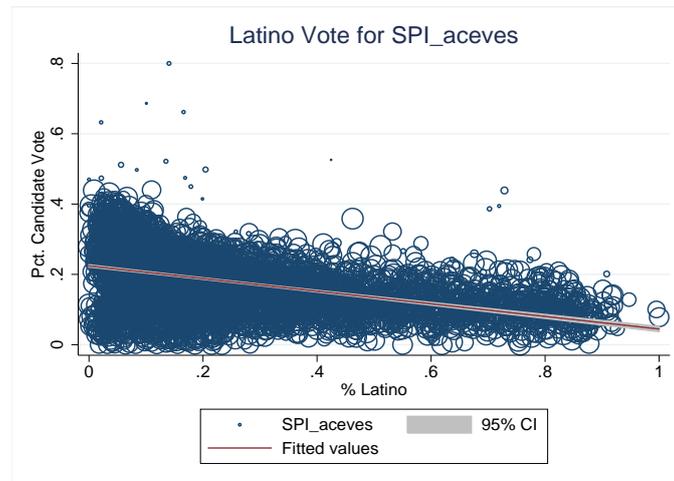


Figure 11: Scatterplot of precinct votes with regression line and 95% confidence interval

Table 23: Goodman's Ecological Regression: Vote for SPI_aceves

	(1)	(2)	(3)	(4)
	County	District_3	District_4	District_5
Percent Latino	-0.177*** (0.00517)	-0.210*** (0.0113)	-0.282*** (0.0147)	-0.399*** (0.0169)
Total Reg.	-0.000000693 (0.00000499)	0.00000682 (0.0000108)	-0.00000320 (0.0000116)	0.00000792 (0.00000833)
Constant	0.223*** (0.00469)	0.228*** (0.0107)	0.279*** (0.0104)	0.269*** (0.00804)
Observations	4955	831	963	995
Adjusted R^2	0.191	0.295	0.277	0.360

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

1.12 Gutierrez Superintendent Public Inst. LA County Primary

Table 24: Goodman's Ecological Regression: Vote for SPI_gutierrez

	(1)	(2)	(3)	(4)
	County	District_3	District_4	District_5
Percent Latino	0.136*** (0.00305)	0.162*** (0.00661)	0.147*** (0.00758)	0.193*** (0.0112)
Total Reg.	-0.000000949 (0.00000294)	-0.00000531 (0.00000634)	0.0000221*** (0.00000595)	-0.0000200*** (0.00000550)
Constant	0.0608*** (0.00277)	0.0533*** (0.00629)	0.0558*** (0.00534)	0.0745*** (0.00531)
Observations	4955	831	963	995
Adjusted R^2	0.286	0.419	0.295	0.239

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 25: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	19.68	21.49	20.28	26.74
Non-Latino Vote	6.08	5.33	5.58	7.45

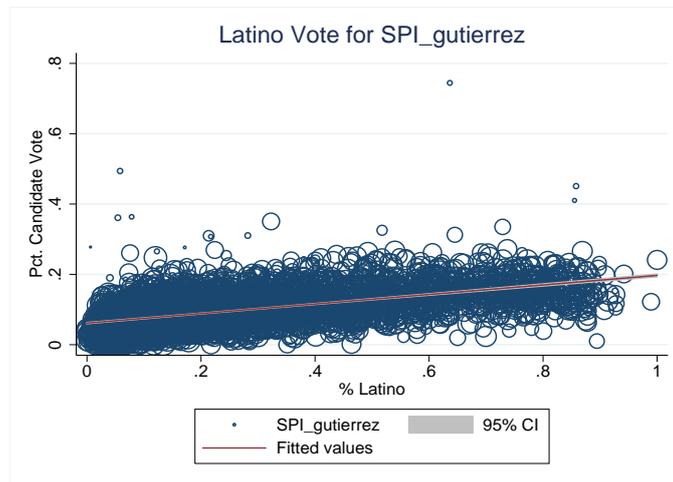


Figure 12: Scatterplot of precinct votes with regression line and 95% confidence interval

1.13 Romero Superintendent Public Inst. LA County Primary

Table 26: Goodman’s Ecological Regression: Vote for SPI_romero

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.299*** (0.00780)	0.283*** (0.0105)	0.322*** (0.0126)	0.400*** (0.0196)
Total Reg.	0.0000421*** (0.00000752)	-0.00000231 (0.0000101)	0.0000203* (0.00000991)	0.0000241* (0.00000965)
Constant	0.139*** (0.00708)	0.164*** (0.00999)	0.0957*** (0.00890)	0.0915*** (0.00933)
Observations	4955	831	963	995
Adjusted R^2	0.231	0.466	0.408	0.297

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 27: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	43.89	44.74	41.74	49.12
Non-Latino Vote	13.95	16.44	9.57	9.15

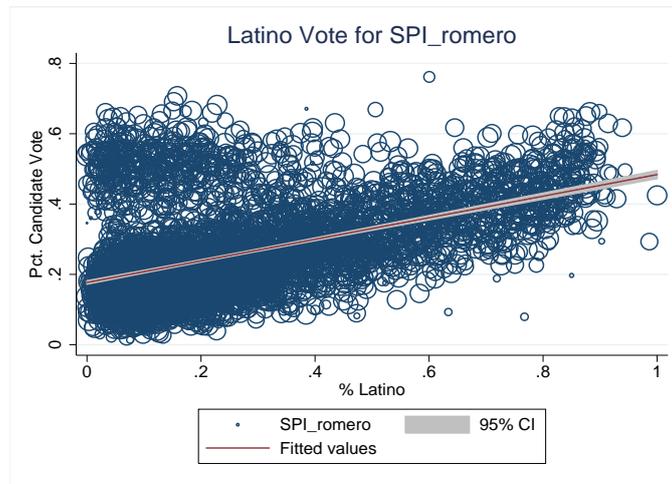


Figure 13: Scatterplot of precinct votes with regression line and 95% confidence interval

1.14 Latino Combined Superintendent Public Inst. LA County Primary

Table 28: Goodman’s Ecological Regression: Vote for SPI_lat

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.258*** (0.00644)	0.234*** (0.0141)	0.186*** (0.0163)	0.194*** (0.0249)
Total Reg.	0.0000404*** (0.00000621)	-0.00000801 (0.0000135)	0.0000392** (0.0000128)	0.0000120 (0.0000123)
Constant	0.423*** (0.00584)	0.446*** (0.0134)	0.430*** (0.0115)	0.435*** (0.0119)
Observations	4955	831	963	995
Adjusted R^2	0.248	0.249	0.131	0.056

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 29: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	68.09	67.98	61.67	62.91
Non-Latino Vote	42.27	44.58	43.05	43.53

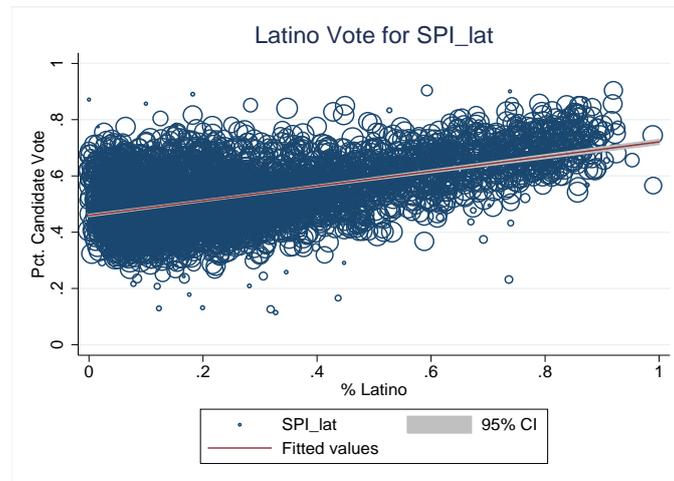


Figure 14: Scatterplot of precinct votes with regression line and 95% confidence interval

1.15 Chavez County Assessor LA County Primary

Table 30: Goodman’s Ecological Regression: Vote for pct_chavez

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.158*** (0.00356)	0.117*** (0.00551)	0.168*** (0.00693)	0.249*** (0.0108)
Total Reg.	-0.00000481 (0.00000341)	0.000000991 (0.00000530)	-0.00000311 (0.00000530)	-0.00000792 (0.00000559)
Constant	0.0128*** (0.00320)	0.0143** (0.00530)	0.00536 (0.00477)	0.00299 (0.00535)
Observations	2671	456	523	536
Adjusted R^2	0.425	0.496	0.528	0.500

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 31: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	17.08	13.09	17.30	25.18
Non-Latino Vote	1.28	1.43	0.54	0.30

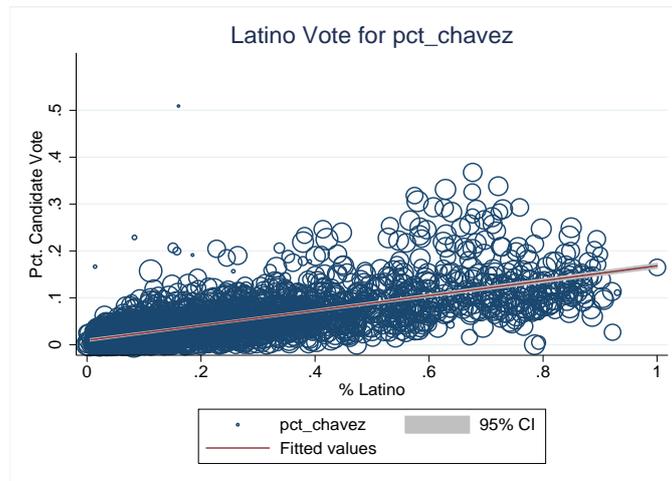


Figure 15: Scatterplot of precinct votes with regression line and 95% confidence interval

1.16 Cornejo County Assessor LA County Primary

Table 32: Goodman’s Ecological Regression: Vote for pct_cornejo

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.0906*** (0.00249)	0.0851*** (0.00441)	0.119*** (0.00774)	0.0756*** (0.00732)
Total Reg.	-0.00000176 (0.00000238)	0.00000397 (0.00000424)	-0.0000117* (0.00000592)	-0.00000414 (0.00000380)
Constant	0.00858*** (0.00223)	0.00456 (0.00425)	0.0114* (0.00533)	0.0108** (0.00363)
Observations	2671	456	523	536
Adjusted R^2	0.332	0.448	0.311	0.166

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 33: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	9.92	8.96	13.06	8.64
Non-Latino Vote	0.86	0.46	1.14	1.08

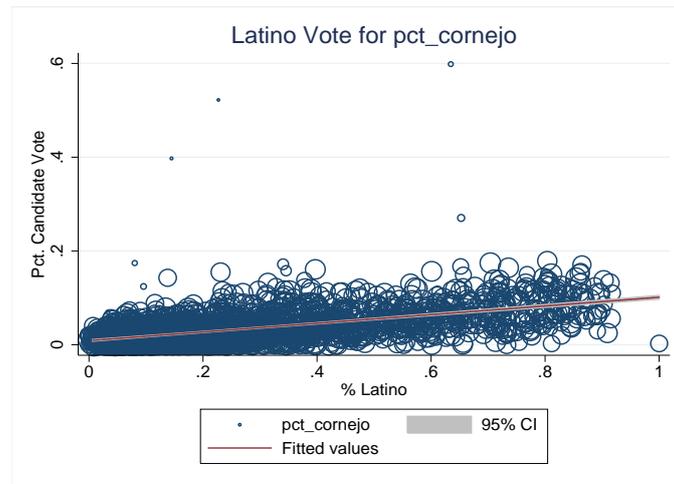


Figure 16: Scatterplot of precinct votes with regression line and 95% confidence interval

1.17 Gomez County Assessor LA County Primary

Table 34: Goodman’s Ecological Regression: Vote for pct_gomez

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.0657*** (0.00275)	0.130*** (0.00661)	0.0250*** (0.00628)	0.0667*** (0.00680)
Total Reg.	0.00000327 (0.00000263)	0.0000102 (0.00000635)	0.0000145** (0.00000480)	-0.00000134 (0.00000353)
Constant	0.0175*** (0.00248)	0.00563 (0.00636)	0.0198*** (0.00432)	0.0142*** (0.00338)
Observations	2671	456	523	536
Adjusted R^2	0.175	0.457	0.045	0.150

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 35: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	8.32	13.53	4.48	8.09
Non-Latino Vote	1.75	0.56	1.98	1.42

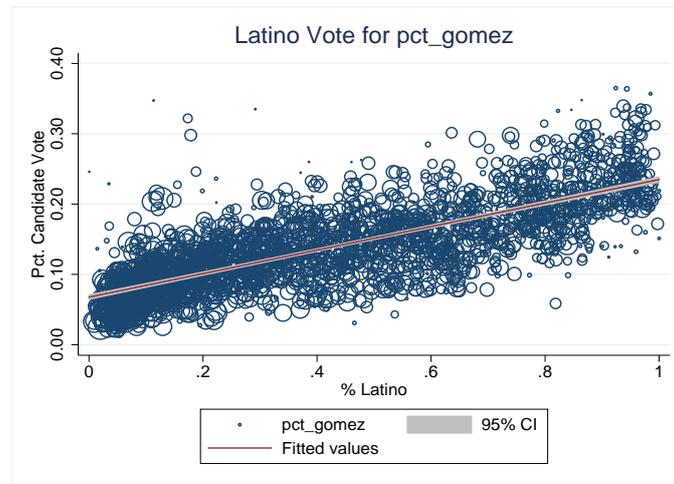


Figure 17: Scatterplot of precinct votes with regression line and 95% confidence interval

1.18 Salazar County Assessor LA County Primary

Table 36: Goodman’s Ecological Regression: Vote for pct_salazar

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.138*** (0.00378)	0.114*** (0.00745)	0.125*** (0.00971)	0.149*** (0.0119)
Total Reg.	0.00000161 (0.00000361)	-0.0000113 (0.00000716)	-0.0000160* (0.00000743)	0.00000859 (0.00000619)
Constant	0.0507*** (0.00340)	0.0670*** (0.00718)	0.0683*** (0.00669)	0.0416*** (0.00592)
Observations	2671	456	523	536
Adjusted R^2	0.332	0.345	0.239	0.224

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 37: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	43.73	49.03	43.72	45.29
Non-Latino Vote	10.27	8.67	12.97	7.57

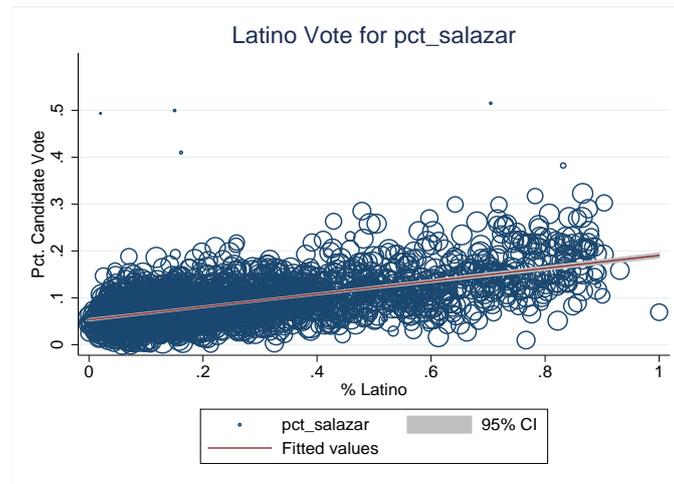


Figure 18: Scatterplot of precinct votes with regression line and 95% confidence interval

1.19 Noguez County Assessor LA County Primary

Table 38: Goodman’s Ecological Regression: Vote for pct_noguez

	(1)	(2)	(3)	(4)
	County	District_3	District_4	District_5
Percent Latino	-0.0700*** (0.00702)	0.00395 (0.0108)	-0.0881*** (0.0154)	-0.113*** (0.0193)
Total Reg.	0.00000391 (0.00000671)	0.00000815 (0.0000104)	0.00000841 (0.0000118)	0.0000125 (0.0000100)
Constant	0.222*** (0.00631)	0.171*** (0.0104)	0.204*** (0.0106)	0.214*** (0.00960)
Observations	2671	456	523	536
Adjusted R^2	0.035	-0.003	0.056	0.060

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 39: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	15.21	17.48	11.63	10.15
Non-Latino Vote	22.20	17.08	20.44	21.44

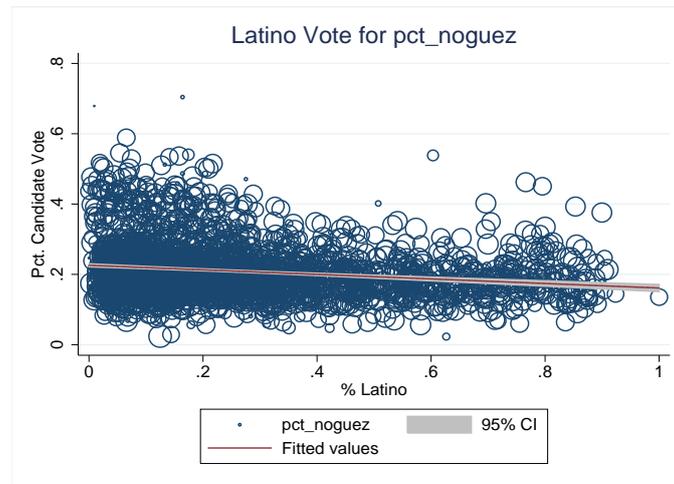


Figure 19: Scatterplot of precinct votes with regression line and 95% confidence interval

1.20 Latino Combined County Assessor LA County Primary

Table 40: Goodman’s Ecological Regression: Vote for pct_asr

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.382*** (0.00821)	0.449*** (0.0135)	0.348*** (0.0182)	0.427*** (0.0211)
Total Reg.	0.00000222 (0.00000786)	0.0000121 (0.0000130)	-0.00000778 (0.0000139)	0.00000771 (0.0000110)
Constant	0.312*** (0.00738)	0.262*** (0.0130)	0.309*** (0.0125)	0.284*** (0.0105)
Observations	2671	456	523	536
Adjusted R^2	0.447	0.708	0.412	0.432

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 41: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	50.33	43.75	50.32	43.43
Non-Latino Vote	10.89	12.06	13.57	10.57

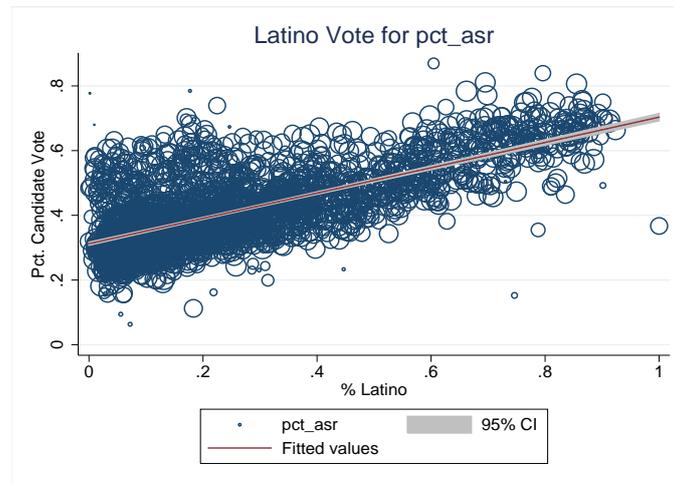


Figure 20: Scatterplot of precinct votes with regression line and 95% confidence interval

2 2008 Primary

2.1 Robles District Attorney LA County Primary

Table 42: Goodman’s Ecological Regression: Vote for robles_da

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.394*** (0.00535)	0.317*** (0.0126)	0.367*** (0.0134)	0.329*** (0.0207)
Total Reg.	0.00000301 (0.00000498)	0.0000322* (0.0000131)	-0.0000349** (0.0000111)	0.00000158 (0.00000957)
Constant	0.109*** (0.00476)	0.121*** (0.0122)	0.136*** (0.0108)	0.106*** (0.00957)
Observations	4566	797	872	952
Adjusted R^2	0.544	0.467	0.466	0.208

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 43: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	50.33	43.75	50.32	43.43
Non-Latino Vote	10.89	12.06	13.57	10.57

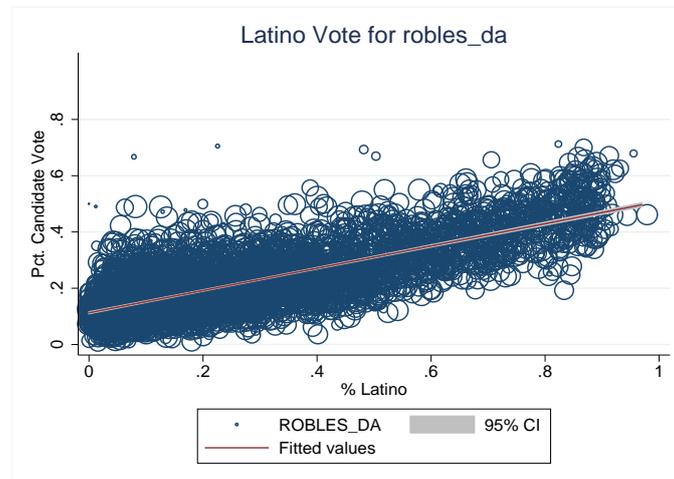


Figure 21: Scatterplot of precinct votes with regression line and 95% confidence interval

2.2 Murillo Justice, Position No. 69 Superior Court Judge

Table 44: Goodman’s Ecological Regression: Vote for murillo_69

	(1)	(2)	(3)	(4)
	County	District_3	District_4	District_5
Percent Latino	0.289*** (0.00634)	0.262*** (0.0140)	0.159*** (0.0149)	0.150*** (0.0214)
Total Reg.	-0.0000366*** (0.00000592)	-0.0000247 (0.0000145)	-0.00000882 (0.0000122)	-0.00000875 (0.00000997)
Constant	0.446*** (0.00566)	0.422*** (0.0136)	0.482*** (0.0119)	0.474*** (0.00997)
Observations	4563	797	873	950
Adjusted R^2	0.315	0.308	0.115	0.049

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 45: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	73.47	68.46	64.17	62.41
Non-Latino Vote	44.61	42.25	48.24	47.38

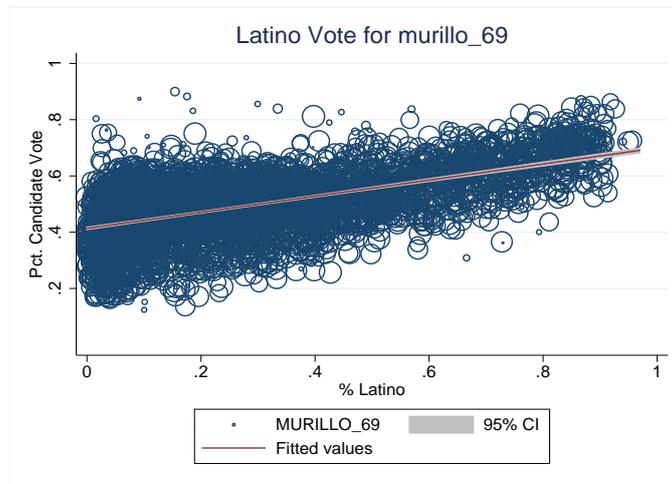


Figure 22: Scatterplot of precinct votes with regression line and 95% confidence interval

2.3 Nieto Justice, Position No. 95 Superior Court Judge

Table 46: Goodman’s Ecological Regression: Vote for nieto_95

	(1)	(2)	(3)	(4)
	County	District_3	District_4	District_5
Percent Latino	0.238*** (0.00749)	0.0907*** (0.0142)	0.260*** (0.0166)	0.252*** (0.0258)
Total Reg.	0.0000364*** (0.00000701)	0.00000867 (0.0000148)	-0.0000195 (0.0000136)	0.0000182 (0.0000120)
Constant	0.474*** (0.00670)	0.565*** (0.0138)	0.465*** (0.0133)	0.415*** (0.0120)
Observations	4560	797	872	950
Adjusted R^2	0.186	0.051	0.221	0.091

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 47: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	71.25	65.55	72.49	66.69
Non-Latino Vote	47.44	56.48	46.48	41.45

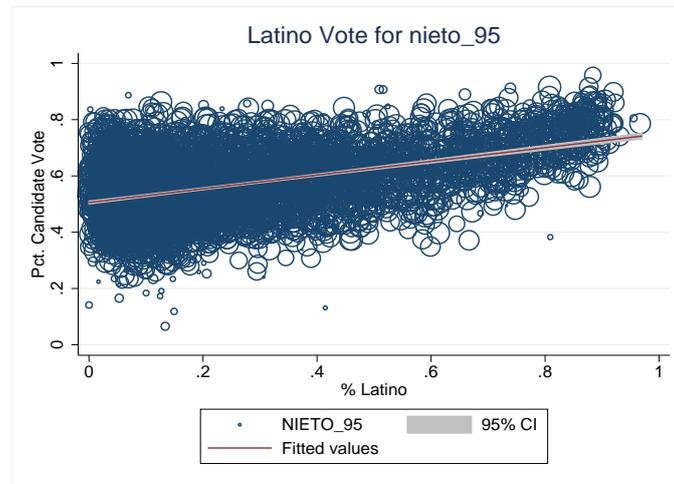


Figure 23: Scatterplot of precinct votes with regression line and 95% confidence interval

2.4 Gutierrez Justice, Position No. 85 Superior Court Judge

Table 48: Goodman’s Ecological Regression: Vote for gutierrez_94

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.424*** (0.00444)	0.423*** (0.00895)	0.381*** (0.0123)	0.340*** (0.0156)
Total Reg.	-0.00000270 (0.00000415)	-0.00000901 (0.00000929)	-0.0000462*** (0.0000101)	0.00000828 (0.00000728)
Constant	0.0551*** (0.00397)	0.0667*** (0.00867)	0.0922*** (0.00981)	0.0532*** (0.00729)
Observations	4561	797	873	950
Adjusted R^2	0.666	0.744	0.530	0.332

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 49: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	47.87	48.97	47.30	39.31
Non-Latino Vote	5.51	6.67	9.22	5.32

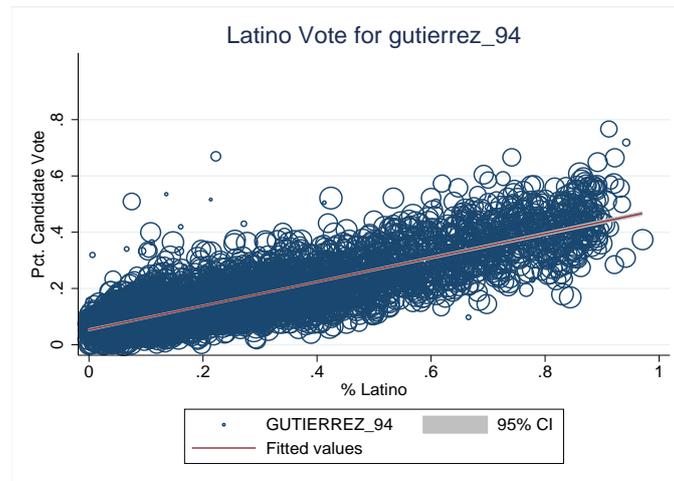


Figure 24: Scatterplot of precinct votes with regression line and 95% confidence interval

2.5 Bruguera Justice, Position No. 154 Superior Court Judge

Table 50: Goodman’s Ecological Regression: Vote for bruguera_154

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.407*** (0.00522)	0.336*** (0.0117)	0.370*** (0.0142)	0.407*** (0.0176)
Total Reg.	-0.00000711 (0.00000488)	-0.0000759 (0.0000122)	-0.0000424*** (0.0000116)	0.0000266** (0.00000821)
Constant	0.140*** (0.00467)	0.169*** (0.0113)	0.174*** (0.0113)	0.106*** (0.00822)
Observations	4562	797	873	950
Adjusted R^2	0.571	0.517	0.443	0.362

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 51: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	54.71	50.54	54.44	51.34
Non-Latino Vote	14.04	16.95	17.45	10.61

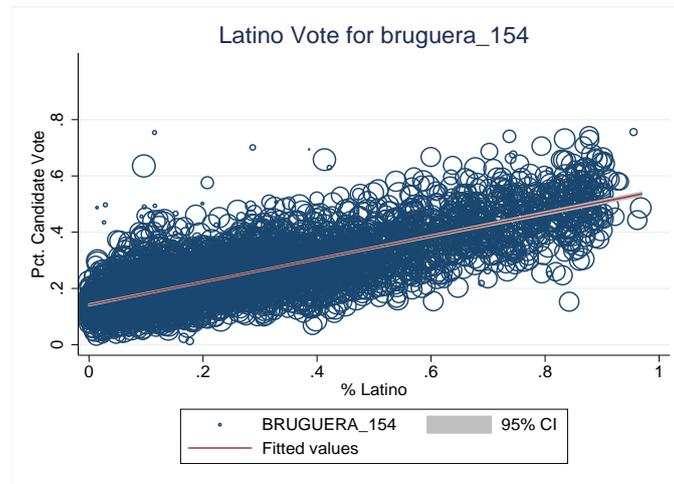


Figure 25: Scatterplot of precinct votes with regression line and 95% confidence interval

3 2006 Primary

3.1 Figueroa Lieutenant Governor Democratic Primary

Table 52: Goodman’s Ecological Regression: Vote for pct_fig

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.532*** (0.00592)	0.723*** (0.0127)	0.572*** (0.0182)	0.630*** (0.0233)
Total Reg.	0.000116*** (0.0000102)	-0.0000767** (0.0000258)	0.000149*** (0.0000303)	0.0000286 (0.0000278)
Constant	0.0552*** (0.00384)	0.0903*** (0.0103)	0.0365*** (0.00851)	0.0681*** (0.00766)
Observations	4355	918	1003	1043
Adjusted R^2	0.698	0.788	0.643	0.480

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 53: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	58.70	81.34	60.81	69.78
Non-Latino Vote	5.52	9.03	3.65	6.81

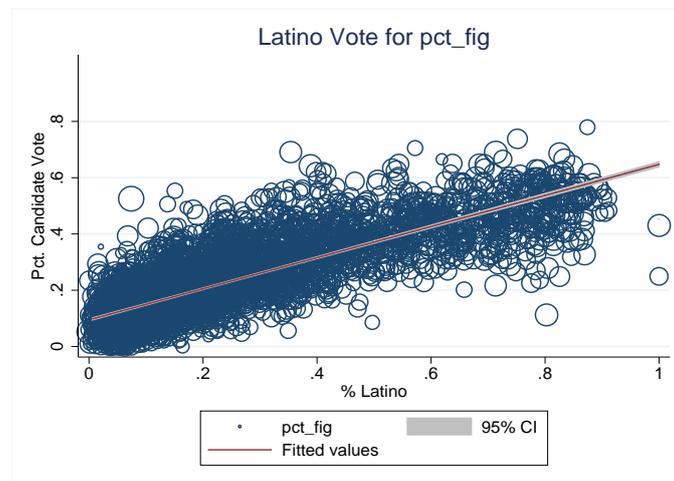


Figure 26: Scatterplot of precinct votes with regression line and 95% confidence interval

3.2 Ortiz Secretary of State Democratic Primary

Table 54: Goodman’s Ecological Regression: Vote for pct_ort

	(1)	(2)	(3)	(4)
	County	District_3	District_4	District_5
Percent Latino	0.751*** (0.00728)	0.880*** (0.0160)	0.857*** (0.0245)	0.817*** (0.0302)
Total Reg.	-0.000263*** (0.0000125)	-0.000137*** (0.0000319)	-0.0000937* (0.0000405)	-0.0000926** (0.0000357)
Constant	0.328*** (0.00470)	0.258*** (0.0127)	0.232*** (0.0114)	0.301*** (0.00979)
Observations	4370	924	1005	1049
Adjusted R^2	0.713	0.775	0.633	0.449

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 55: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	107.86	113.82	108.87	111.77
Non-Latino Vote	32.75	25.83	23.22	30.11

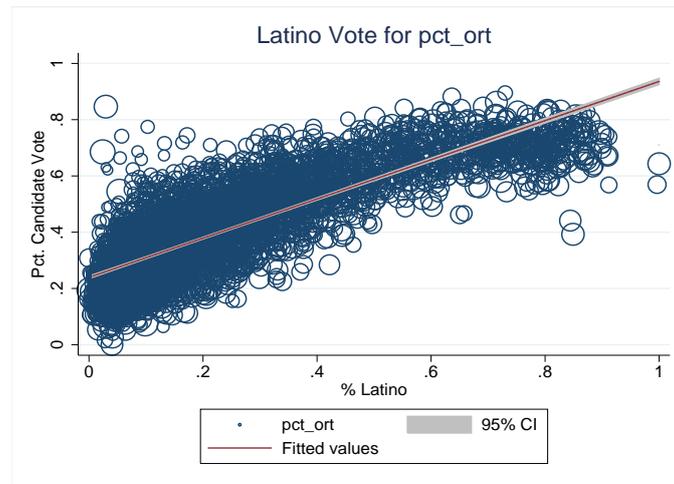


Figure 27: Scatterplot of precinct votes with regression line and 95% confidence interval

3.3 Delgadillo Attorney General Democratic Primary

Table 56: Goodman’s Ecological Regression: Vote for pct_roc

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.665*** (0.00823)	1.022*** (0.0194)	0.760*** (0.0229)	0.941*** (0.0341)
Total Reg.	0.000100*** (0.0000141)	-0.000176*** (0.0000387)	0.000114** (0.0000376)	-0.000250*** (0.0000403)
Constant	0.299*** (0.00531)	0.310*** (0.0154)	0.283*** (0.0106)	0.375*** (0.0110)
Observations	4371	924	1006	1049
Adjusted R^2	0.643	0.759	0.652	0.437

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 57: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	96.40	133.22	104.38	131.55
Non-Latino Vote	29.89	31.05	28.34	37.45

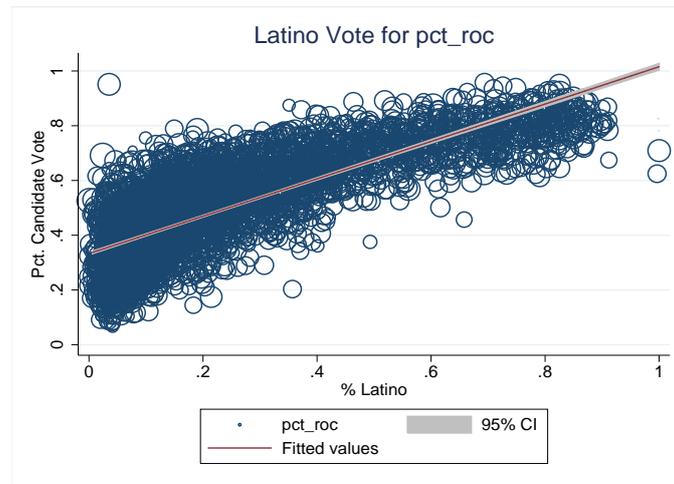


Figure 28: Scatterplot of precinct votes with regression line and 95% confidence interval

3.4 Bustamante Insurance Commissioner Democratic Primary

Table 58: Goodman’s Ecological Regression: Vote for pct_crz

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.216*** (0.00552)	0.246*** (0.0137)	0.269*** (0.0179)	0.266*** (0.0278)
Total Reg.	0.000273*** (0.00000944)	0.0000685* (0.0000274)	0.0000828** (0.0000295)	0.000162*** (0.0000329)
Constant	0.580*** (0.00356)	0.660*** (0.0109)	0.619*** (0.00828)	0.591*** (0.00901)
Observations	4370	924	1006	1049
Adjusted R^2	0.448	0.293	0.299	0.162

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 59: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	79.51	90.59	88.83	85.75
Non-Latino Vote	57.95	66.00	61.92	59.10

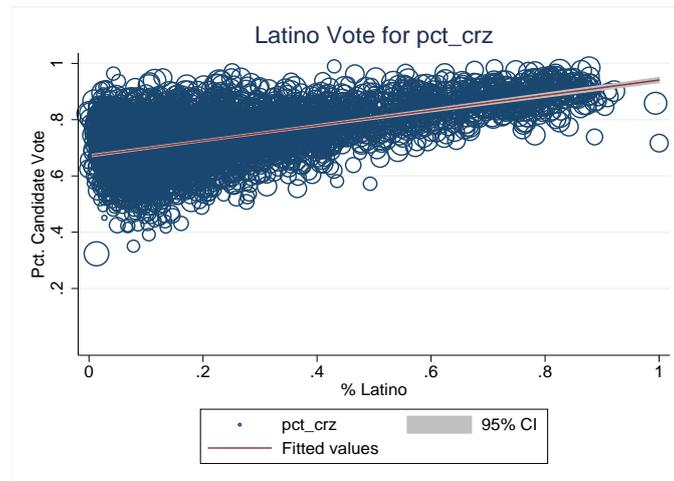


Figure 29: Scatterplot of precinct votes with regression line and 95% confidence interval

3.5 Sanchez Justice, Position No. 8 Superior Court Judge

Table 60: Goodman’s Ecological Regression: Vote for pct_san

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.693*** (0.00592)	0.735*** (0.0158)	0.621*** (0.0182)	0.630*** (0.0232)
Total Reg.	-0.000169*** (0.0000101)	-0.000118*** (0.0000316)	0.000161*** (0.0000301)	0.0000940*** (0.0000274)
Constant	0.316*** (0.00382)	0.276*** (0.0125)	0.242*** (0.00845)	0.256*** (0.00750)
Observations	4370	924	1005	1049
Adjusted R^2	0.767	0.711	0.682	0.505

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 61: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	100.98	101.13	86.29	88.61
Non-Latino Vote	31.65	27.59	24.21	25.63

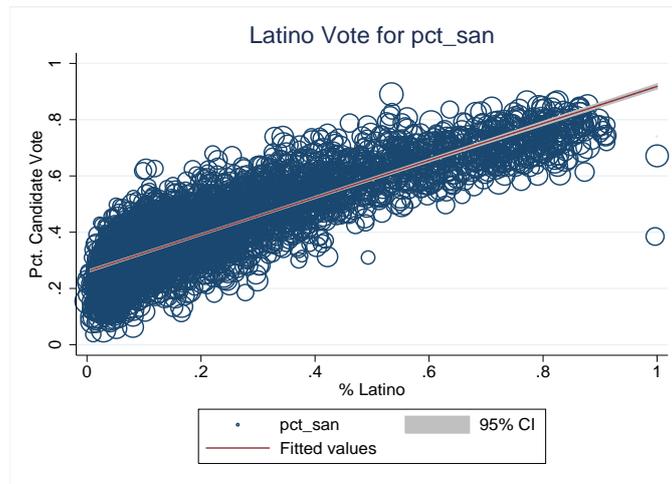


Figure 30: Scatterplot of precinct votes with regression line and 95% confidence interval

3.6 Gutierrez Justice, Position No. 18 Superior Court Judge

Table 62: Goodman’s Ecological Regression: Vote for pct_gut

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.645*** (0.00551)	0.691*** (0.0135)	0.643*** (0.0159)	0.691*** (0.0225)
Total Reg.	-0.0000440*** (0.00000941)	0.0000637* (0.0000283)	0.0000657* (0.0000263)	0.000163*** (0.0000266)
Constant	0.165*** (0.00357)	0.133*** (0.0114)	0.120*** (0.00744)	0.0987*** (0.00730)
Observations	4202	864	972	1027
Adjusted R^2	0.783	0.774	0.734	0.592

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 63: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	80.99	82.39	76.27	78.99
Non-Latino Vote	16.48	13.26	11.95	9.87

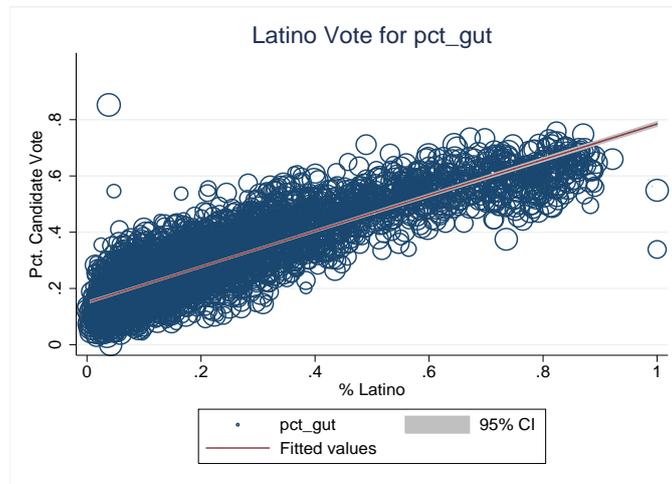


Figure 31: Scatterplot of precinct votes with regression line and 95% confidence interval

3.7 Rivas Hamar Justice, Position No. 144 Superior Court Judge

Table 64: Goodman’s Ecological Regression: Vote for pct_riv

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.475*** (0.00487)	0.516*** (0.0118)	0.456*** (0.0160)	0.476*** (0.0193)
Total Reg.	0.0000732*** (0.00000827)	0.0000263 (0.0000240)	0.000156*** (0.0000269)	0.000190*** (0.0000238)
Constant	0.0344*** (0.00318)	0.0616*** (0.00955)	0.00566 (0.00742)	-0.00327 (0.00633)
Observations	3486	723	759	826
Adjusted R^2	0.764	0.743	0.686	0.579

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 65: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	50.98	57.80	46.18	47.30
Non-Latino Vote	3.44	6.16	0.57	-0.33

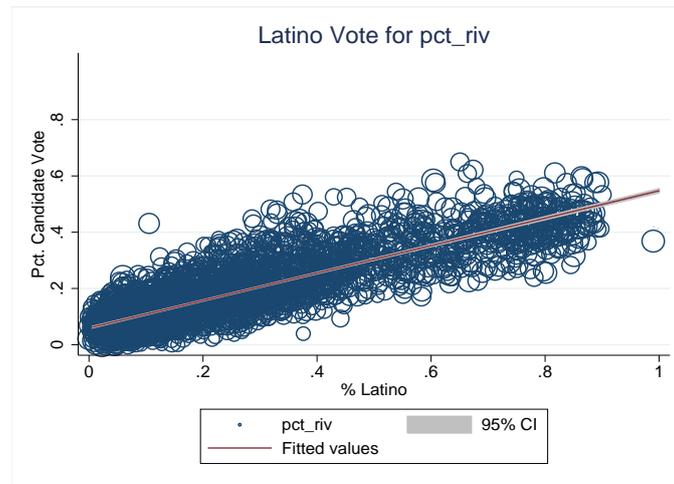


Figure 32: Scatterplot of precinct votes with regression line and 95% confidence interval

4 2003 Recall

4.1 Bustamante, Governor

Table 66: Goodman’s Ecological Regression: Vote for pct_bustamante

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.348*** (0.00978)	0.145*** (0.0201)	0.316*** (0.0150)	0.314*** (0.0259)
Total Reg.	0.00000276 (0.00000442)	-0.0000100 (0.00000824)	0.00000589 (0.00000638)	0.0000142* (0.00000648)
Constant	0.224*** (0.0110)	0.370*** (0.0196)	0.158*** (0.0162)	0.120*** (0.0162)
Observations	1781	390	377	431
Adjusted R^2	0.415	0.116	0.539	0.257

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 67: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	57.18	51.50	47.43	43.40
Non-Latino Vote	22.40	37.01	15.84	12.04

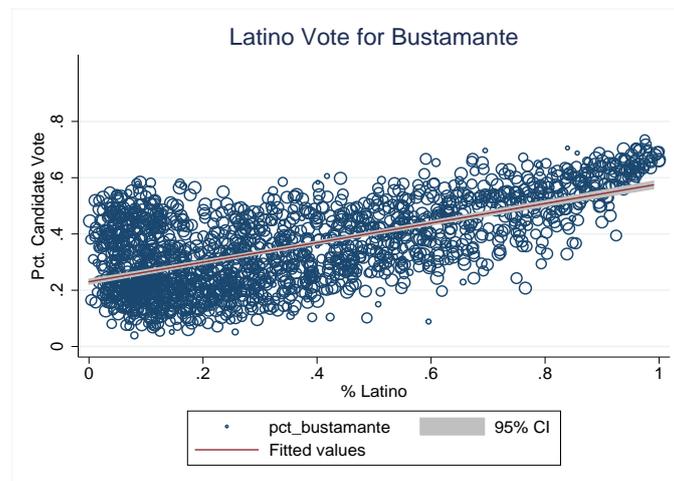


Figure 33: Scatterplot of precinct votes with regression line and 95% confidence interval

5 2002 Primary

5.1 Calderon, Insurance Commissioner Democratic Primary

Table 68: Goodman’s Ecological Regression: Vote for Calderon

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.422*** (0.00480)	0.402*** (0.00836)	0.443*** (0.0129)	0.357*** (0.0163)
Total Reg.	0.0000295*** (0.00000791)	0.0000264 (0.0000159)	-0.0000425* (0.0000214)	0.0000499* (0.0000199)
Constant	0.112*** (0.00340)	0.102*** (0.00745)	0.146*** (0.00726)	0.108*** (0.00652)
Observations	4876	1052	1088	1114
Adjusted R^2	0.674	0.708	0.593	0.381

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 69: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	53.45	50.39	58.87	46.47
Non-Latino Vote	11.23	10.21	14.59	10.78

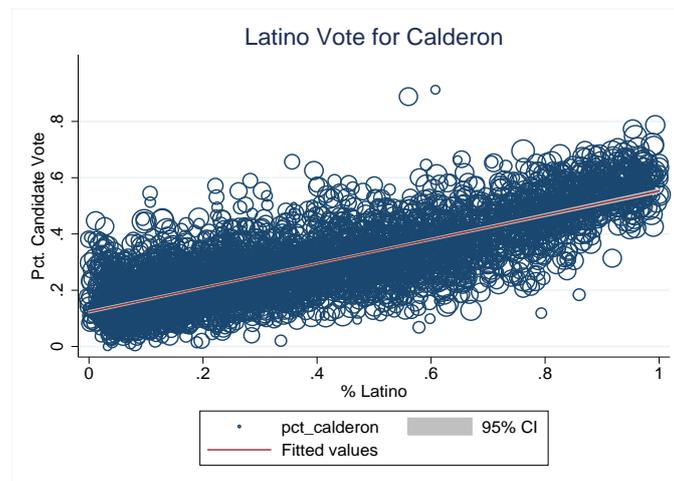


Figure 34: Scatterplot of precinct votes with regression line and 95% confidence interval

6 2000 General

6.1 Salazar, County Assessor

Table 70: Goodman’s Ecological Regression: Vote for pct_salazar00

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.335*** (0.00563)	0.404*** (0.00959)	0.308*** (0.0153)	0.377*** (0.0165)
Total Reg.	-0.00000427*** (0.00000125)	0.00000197 (0.00000180)	-0.00000871*** (0.00000251)	-0.000000509 (0.00000151)
Constant	0.103*** (0.00343)	0.0867*** (0.00518)	0.130*** (0.00786)	0.0757*** (0.00433)
Observations	2343	444	421	573
Adjusted R^2	0.643	0.829	0.548	0.479

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 71: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	43.73	49.03	43.72	45.29
Non-Latino Vote	10.27	8.67	12.97	7.57

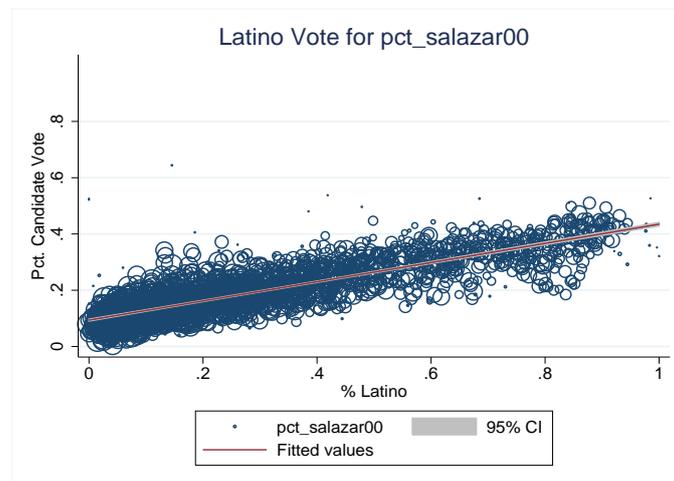


Figure 35: Scatterplot of precinct votes with regression line and 95% confidence interval

6.2 Robles, County Assessor

Table 72: Goodman’s Ecological Regression: Vote for pct_robles00

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.143*** (0.00245)	0.104*** (0.00517)	0.150*** (0.00665)	0.109*** (0.00401)
Total Reg.	0.00000234*** (0.000000544)	-0.00000130 (0.000000971)	0.000000703 (0.00000109)	0.000000755* (0.000000369)
Constant	0.00974*** (0.00149)	0.0313*** (0.00279)	0.0217*** (0.00342)	0.00870*** (0.00106)
Observations	2343	444	421	573
Adjusted R^2	0.615	0.549	0.568	0.564

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 73: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	15.29	13.58	17.15	11.79
Non-Latino Vote	0.97	3.13	2.17	0.87

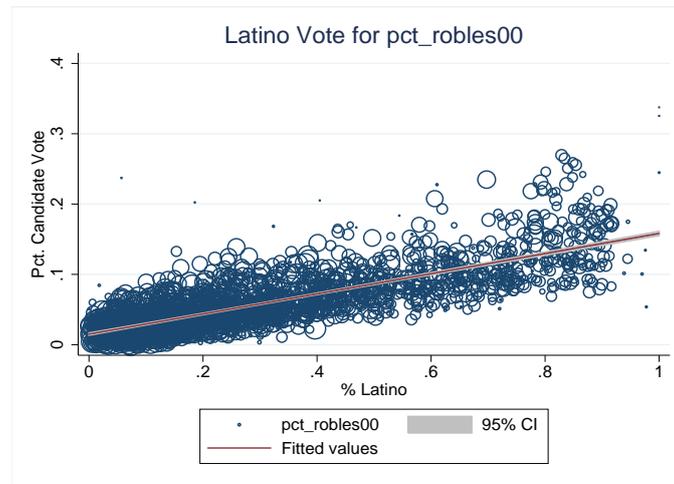


Figure 36: Scatterplot of precinct votes with regression line and 95% confidence interval

6.3 Garcia, County Assessor

Table 74: Goodman’s Ecological Regression: Vote for pct_garcia00

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.118*** (0.00222)	0.164*** (0.00401)	0.116*** (0.00628)	0.131*** (0.00889)
Total Reg.	-0.00000175*** (0.000000493)	-0.000000422 (0.000000753)	0.000000844 (0.00000103)	-0.00000200* (0.000000818)
Constant	0.0350*** (0.00135)	0.0196*** (0.00217)	0.0350*** (0.00323)	0.0362*** (0.00234)
Observations	2343	444	421	573
Adjusted R^2	0.594	0.826	0.466	0.283

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 75: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	15.33	18.32	15.09	16.75
Non-Latino Vote	3.50	1.96	3.50	3.62

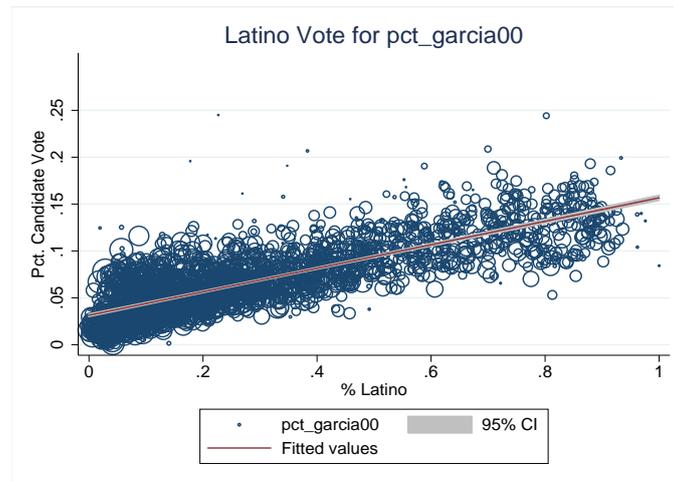


Figure 37: Scatterplot of precinct votes with regression line and 95% confidence interval

7 1998 Primary

7.1 Proposition 227

Table 76: Goodman’s Ecological Regression: Vote for pct_227yes

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	-0.412*** (0.00868)	-0.283*** (0.0178)	-0.329*** (0.0143)	-0.308*** (0.0236)
Total Reg.	-0.0000104*** (0.00000245)	-0.0000207*** (0.00000513)	0.0000119*** (0.00000339)	-0.0000201*** (0.00000326)
Constant	0.703*** (0.00686)	0.683*** (0.0144)	0.675*** (0.0105)	0.758*** (0.00919)
Observations	2352	440	421	583
Adjusted R^2	0.520	0.386	0.630	0.242

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 77: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	29.07	40.06	34.67	45.08
Non-Latino Vote	70.28	68.32	67.52	75.83

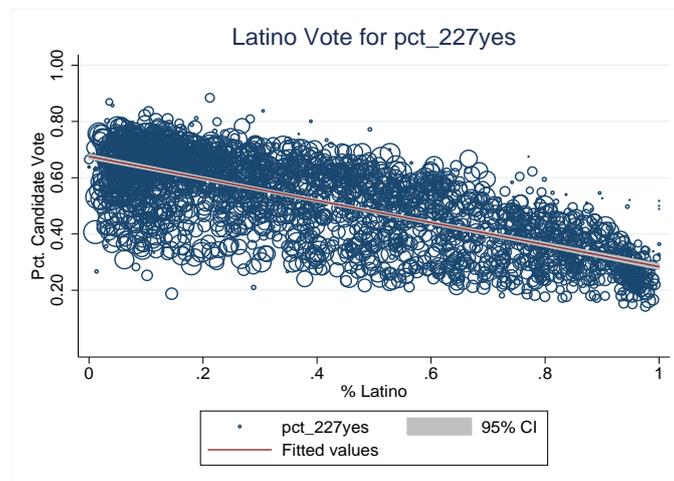


Figure 38: Scatterplot of precinct votes with regression line and 95% confidence interval

7.2 Bustamante, Lieutenant Governor Democratic Primary

Table 78: Goodman’s Ecological Regression: Vote for pct_bustamante98

	(1)	(2)	(3)	(4)
	County	District_3	District_4	District_5
Percent Latino	0.416*** (0.0102)	0.221*** (0.0148)	0.360*** (0.0181)	0.391*** (0.0270)
Total Reg.	0.00000666* (0.00000291)	0.0000162*** (0.00000425)	-0.0000155*** (0.00000431)	0.0000116** (0.00000375)
Constant	0.293*** (0.00815)	0.350*** (0.0119)	0.304*** (0.0133)	0.203*** (0.0106)
Observations	2340	440	421	572
Adjusted R^2	0.452	0.360	0.565	0.267

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 79: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	70.92	57.14	66.36	59.36
Non-Latino Vote	29.28	34.99	30.39	20.30

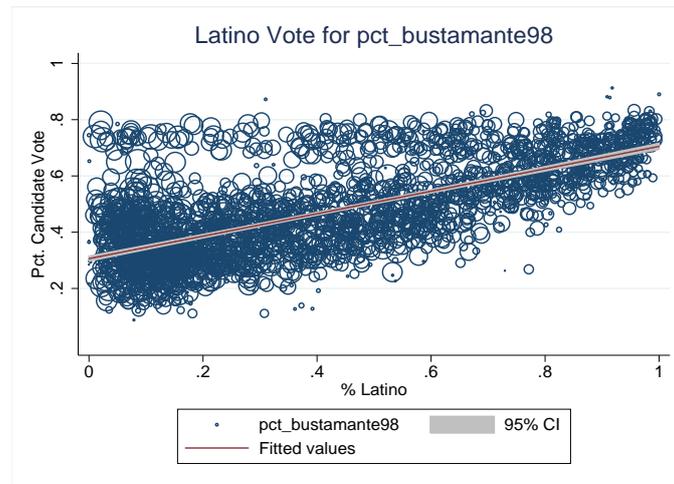


Figure 39: Scatterplot of precinct votes with regression line and 95% confidence interval

7.3 Calderon, Attorney General Democratic Primary

Table 80: Goodman’s Ecological Regression: Vote for pct_calderon98

	(1)	(2)	(3)	(4)
	County	District_3	District_4	District_5
Percent Latino	0.368*** (0.00632)	0.306*** (0.0111)	0.285*** (0.0103)	0.242*** (0.0162)
Total Reg.	0.00000342 (0.00000179)	0.00000623 (0.00000319)	-0.00000277 (0.00000245)	0.0000112*** (0.00000225)
Constant	0.0449*** (0.00502)	0.0742*** (0.00896)	0.0686*** (0.00759)	0.0458*** (0.00633)
Observations	2336	440	418	574
Adjusted R^2	0.632	0.692	0.693	0.285

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 81: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	41.28	37.97	35.38	28.73
Non-Latino Vote	4.49	7.42	6.86	4.58

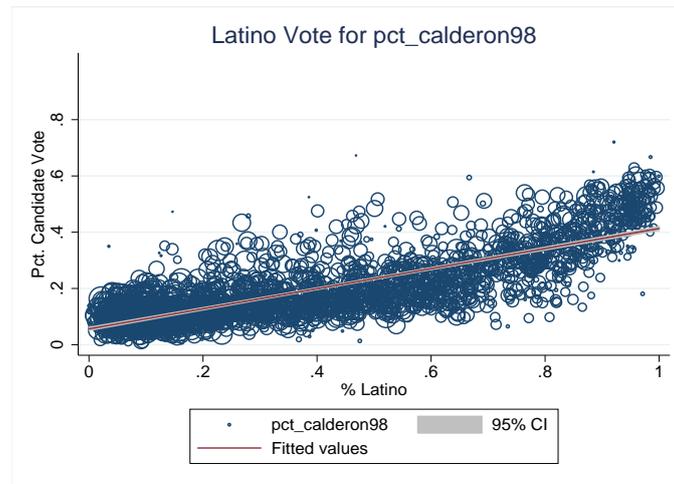


Figure 40: Scatterplot of precinct votes with regression line and 95% confidence interval

7.4 Martinez, Insurance Commissioner Democratic Primary

Table 82: Goodman’s Ecological Regression: Vote for pct_martinez

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.401*** (0.00708)	0.327*** (0.0112)	0.319*** (0.0162)	0.316*** (0.0221)
Total Reg.	0.00000564** (0.00000200)	0.00000794* (0.00000322)	-0.0000167*** (0.00000384)	0.0000162*** (0.00000306)
Constant	0.154*** (0.00560)	0.169*** (0.00904)	0.213*** (0.0119)	0.112*** (0.00860)
Observations	2347	440	420	580
Adjusted R^2	0.614	0.713	0.570	0.269

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 83: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	55.54	49.57	53.21	42.84
Non-Latino Vote	15.43	16.89	21.26	11.23

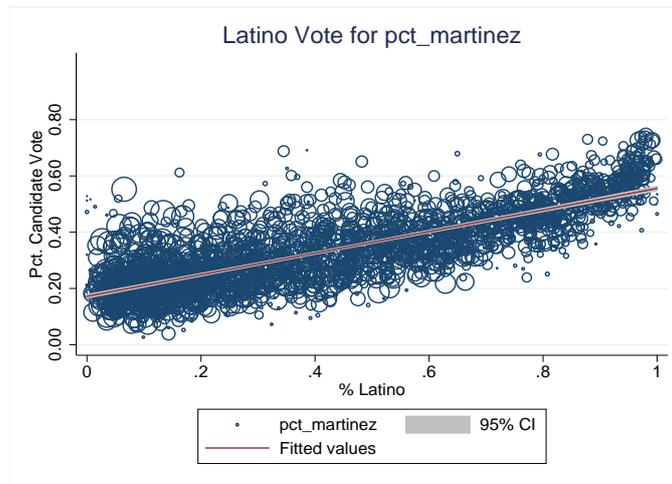


Figure 41: Scatterplot of precinct votes with regression line and 95% confidence interval

7.5 Robles, Treasurer Democratic Primary

Table 84: Goodman’s Ecological Regression: Vote for pct_robles98

	(1)	(2)	(3)	(4)
	County	District_3	District_4	District_5
Percent Latino	0.347*** (0.00573)	0.284*** (0.00938)	0.299*** (0.0108)	0.306*** (0.0167)
Total Reg.	0.00000411* (0.00000163)	0.00000581* (0.00000270)	-0.00000232 (0.00000256)	0.00000825*** (0.00000232)
Constant	0.106*** (0.00456)	0.134*** (0.00757)	0.123*** (0.00791)	0.0881*** (0.00652)
Observations	2336	440	419	573
Adjusted R^2	0.647	0.730	0.689	0.369

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 85: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	45.24	41.77	42.19	39.40
Non-Latino Vote	10.56	13.37	12.30	8.81

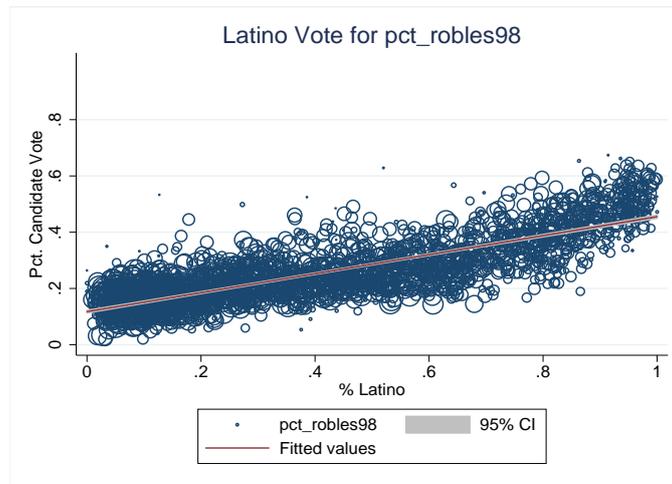


Figure 42: Scatterplot of precinct votes with regression line and 95% confidence interval

7.6 Baca, County Sheriff

Table 86: Goodman’s Ecological Regression: Vote for pct_baca

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.0680*** (0.00725)	0.0750*** (0.00914)	0.0768*** (0.0112)	0.0130 (0.0170)
Total Reg.	-0.00000437* (0.00000206)	0.00000304 (0.00000263)	0.00000136 (0.00000267)	-0.00000232 (0.00000236)
Constant	0.306*** (0.00576)	0.291*** (0.00738)	0.300*** (0.00822)	0.347*** (0.00663)
Observations	2339	440	418	576
Adjusted R^2	0.053	0.154	0.109	-0.000

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 87: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	37.40	36.61	37.66	35.96
Non-Latino Vote	30.60	29.11	29.98	34.66

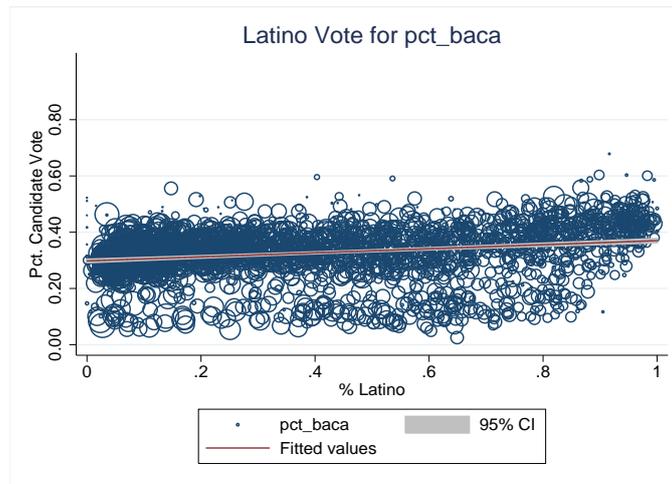


Figure 43: Scatterplot of precinct votes with regression line and 95% confidence interval

7.7 Gomez, County Sheriff

Table 88: Goodman’s Ecological Regression: Vote for pct_gomez

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.0657*** (0.00275)	0.130*** (0.00661)	0.0250*** (0.00628)	0.0667*** (0.00680)
Total Reg.	0.00000327 (0.00000263)	0.0000102 (0.00000635)	0.0000145** (0.00000480)	-0.00000134 (0.00000353)
Constant	0.0175*** (0.00248)	0.00563 (0.00636)	0.0198*** (0.00432)	0.0142*** (0.00338)
Observations	2671	456	523	536
Adjusted R^2	0.175	0.457	0.045	0.150

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 89: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	23.14	27.33	26.71	22.52
Non-Latino Vote	6.69	5.60	8.12	6.54

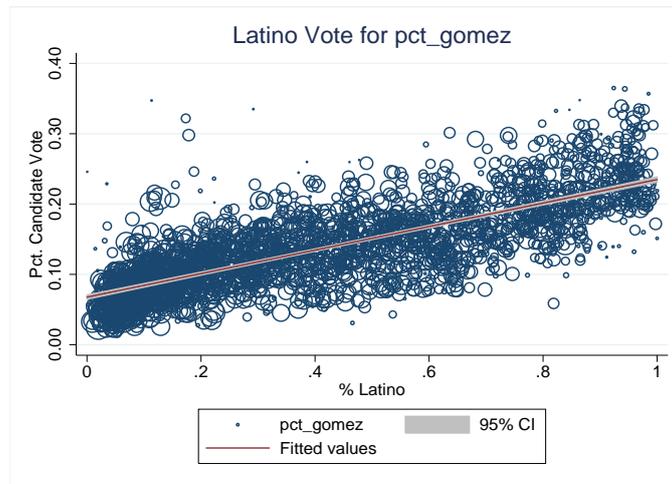


Figure 44: Scatterplot of precinct votes with regression line and 95% confidence interval

7.8 Latino Combined, County Sheriff

Table 90: Goodman’s Ecological Regression: Vote for pct_latsheriff

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.233*** (0.00842)	0.292*** (0.0123)	0.263*** (0.0117)	0.173*** (0.0189)
Total Reg.	-0.00000472* (0.00000239)	0.00000386 (0.00000354)	-0.00000425 (0.00000279)	1.47e-08 (0.00000262)
Constant	0.373*** (0.00668)	0.347*** (0.00993)	0.381*** (0.00861)	0.412*** (0.00736)
Observations	2339	440	418	576
Adjusted R^2	0.296	0.631	0.600	0.127

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 91: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	60.54	63.94	64.37	58.48
Non-Latino Vote	37.29	34.70	38.10	41.20

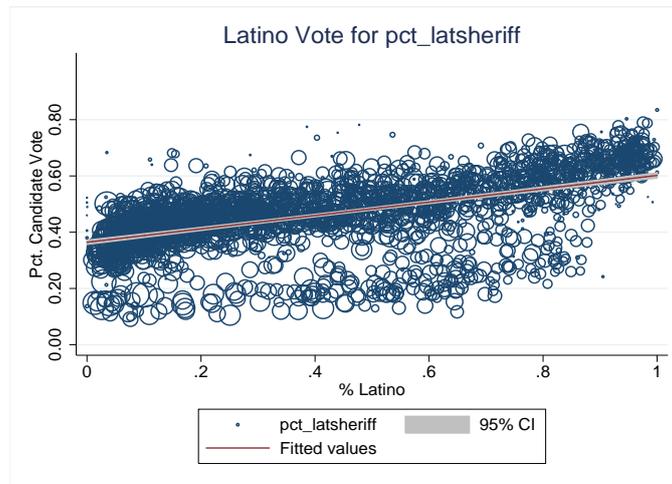


Figure 45: Scatterplot of precinct votes with regression line and 95% confidence interval

8 1996 General

8.1 Proposition 209

Table 92: Goodman’s Ecological Regression: Vote for Percent 209 Yes

	(1)	(2)	(3)	(4)
	County	District_3	District_4	District_5
Percent Latino	-0.472*** (0.0117)	-0.314*** (0.0204)	-0.401*** (0.0213)	-0.576*** (0.0299)
Total Reg.	-0.0000235*** (0.00000310)	-0.0000335*** (0.00000517)	0.0000169*** (0.00000443)	-0.0000285*** (0.00000349)
Constant	0.630*** (0.00886)	0.602*** (0.0152)	0.582*** (0.0142)	0.752*** (0.0102)
Observations	2315	435	417	563
Adjusted R^2	0.433	0.361	0.561	0.415

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 93: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	15.79	28.75	18.17	17.67
Non-Latino Vote	62.99	60.19	58.23	75.22

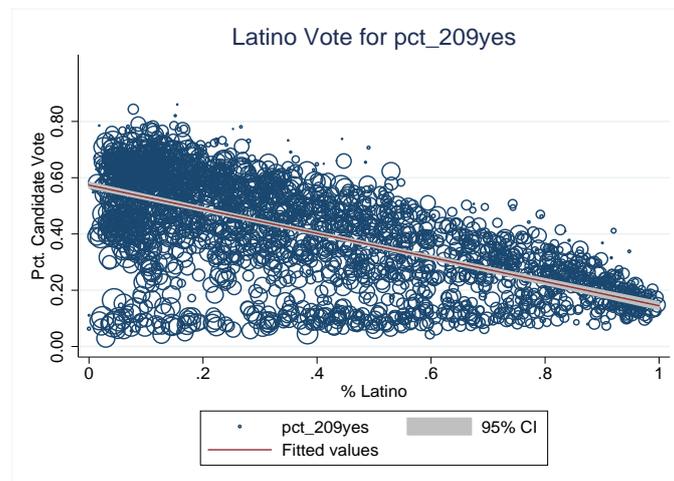


Figure 46: Scatterplot of precinct votes with regression line and 95% confidence interval

9 1994 Primary

9.1 Torres, Insurance Commissioner Democratic Primary

Table 94: Goodman’s Ecological Regression: Vote for pct_torres

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.327*** (0.00835)	0.334*** (0.0179)	0.232*** (0.0158)	0.252*** (0.0295)
Total Reg.	-0.00000516* (0.00000231)	-0.00000225 (0.00000461)	-0.00000720* (0.00000342)	0.00000192 (0.00000367)
Constant	0.372*** (0.00635)	0.276*** (0.0131)	0.423*** (0.0104)	0.389*** (0.0103)
Observations	2278	436	418	536
Adjusted R^2	0.488	0.562	0.431	0.118

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 95: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	69.91	61.03	65.45	64.08
Non-Latino Vote	37.21	27.60	42.25	38.90

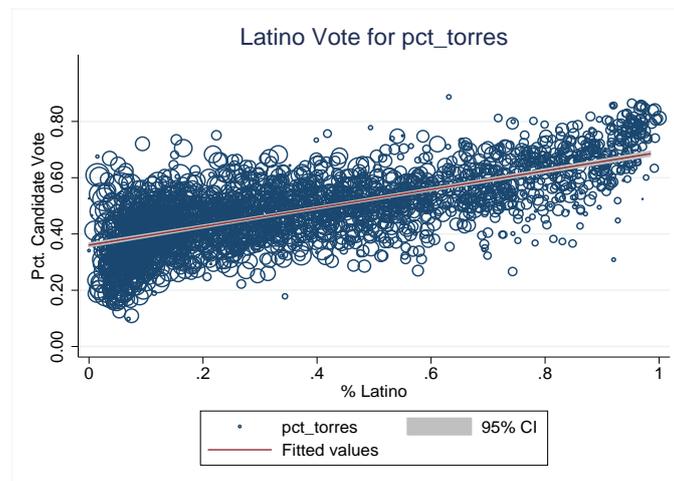


Figure 47: Scatterplot of precinct votes with regression line and 95% confidence interval

9.2 Carrillo, County Sheriff

Table 96: Goodman’s Ecological Regression: Vote for pct_carrillo

	(1) County	(2) District_3	(3) District_4	(4) District_5
Percent Latino	0.229*** (0.00637)	0.163*** (0.0102)	0.174*** (0.0132)	0.175*** (0.0153)
Total Reg.	0.00000367* (0.00000175)	0.00000146 (0.00000262)	-0.00000741** (0.00000284)	0.00000244 (0.00000190)
Constant	0.0755*** (0.00478)	0.0833*** (0.00744)	0.128*** (0.00864)	0.101*** (0.00531)
Observations	2299	436	420	552
Adjusted R^2	0.411	0.468	0.387	0.192

Standard errors in parentheses
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table 97: Aggregated Vote Estimates for Latino Candidate

	County	District 3	District 4	District 5
Latino Vote	30.43	24.64	30.16	27.59
Non-Latino Vote	7.55	8.33	12.77	10.06

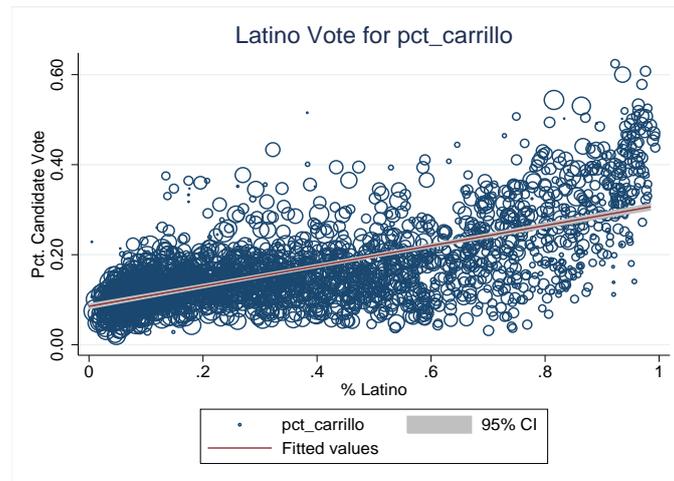


Figure 48: Scatterplot of precinct votes with regression line and 95% confidence interval

Exhibit D1

Professor Matt Barreto
and Loren Collingwood

A Review of Racially Polarized
Voting For and Against
Latino Candidates in Los
Angeles County 1994-2010:
An Addendum
Report 2 of 2

**A Review of Racially Polarized Voting For and Against Latino Candidates in
Los Angeles County: An Addendum**

Report 2 of 2

By:

Matt A. Barreto, Ph.D.
Loren Collingwood, M.A.
University of Washington, Seattle

August 4, 2011

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Introduction

In a previous report, we found a consistent pattern of racially polarized voting for/against Latino candidates in Los Angeles County from 1994 – 2010. Here, we take up some additional elections, not examined in the first report, and explain why or why not they are relevant, or appropriate for this analysis.

As a starting point, finding an instance of a successful Latino candidate in a large jurisdiction does not prove that the same Latino candidate would have been successfully elected in a sub-jurisdiction. For example, those who think racially polarized voting doesn't exist may point to the successful election of Antonio Villaraigosa as mayor of Los Angeles, or Rocky Delgadillo as City Attorney; or Lee Baca as LA County Sheriff. However, just as we can not take the results of a single school board election in Long Beach and infer to the entirety of Los Angeles County, we can not say that the county- or city-wide election of a Latino candidates proves that a Latino candidate would be elected in a specific supervisorial district – the level of jurisdiction in question in this case.

For example, a Latino candidate could win a countywide contest by a vote of 51% to 49%, but still lose in 4 of the 5 districts, or parts of the county.

	----- County District -----					
	A	B	C	D	E	TOTAL
Latino Candidate X	35%	40%	45%	45%	90%	51%
Opposing Candidate Y	65%	60%	55%	55%	10%	49%
Share of total county	20%	20%	20%	20%	20%	100%

Thus pointing to the successful election in a larger jurisdiction does nothing to mitigate dozens of unsuccessful elections in both the same larger jurisdiction as well as smaller ones, as well as the statistical analysis which all points to racial bloc voting. A real world example of such an election can be in the 2004 superior court judicial elections office 18 and 29 in Los Angeles County. In the November 2004 general election two Latino judicial candidates were successfully elected, Escobedo for office 18 and Gomez for office 29 – both defeating their opponents 51% to 49%. However, in both cases, non-Latinos demonstrated majority vote against these Latino candidates, while Latino voters demonstrated very strong majority vote in favor of the co-ethnic candidates. It was only because of strong Latino support that these judges were elected countywide. However this countywide result does not prove racial bloc voting did not exist, because the statistical analysis shows quite clearly that racially polarized voting did exist.

In the case of the more well known examples, Villaraigosa, Delgadillo and Baca, the exact same pattern emerges whereby each of these three candidates was initially elected in their first successful election by only winning a majority of the Latino vote; and in all three cases, a majority of non-Latinos voted against these Latino candidates.

Further, as interpreted by the courts, we should only consider elections in which a candidate of choice of the minority community can be identified. If a Spanish-surname candidate runs for office and wins, but that candidate does not garner clear majority support among Latinos, then by definition, this candidate is not a candidate of choice of the minority community, and in fact their successful election is just another example of an unsuccessful outcome for the minority group in question.

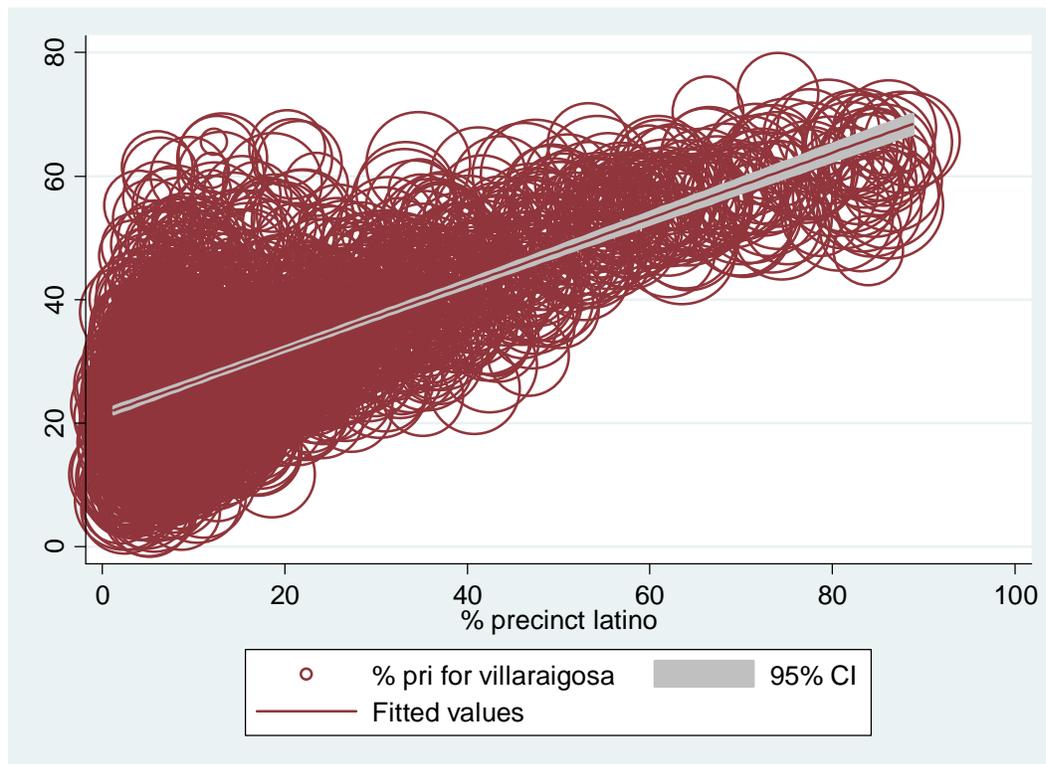
Finally, the case of Sheriff Lee Baca is perhaps the worst example ever of Latino “success.” Baca finished in second of 4th place in the 1998 primary election for Sheriff, winning an estimated 30% of the non-Latino vote. After the primary election, but just before the general, his opponent, Sherman Block, died and Baca stood essentially unopposed. He won the election, but still only managed to win 61% of the vote, while running against a dead opponent, leaving 39% of voters in Los Angeles County to prefer a dead candidate over a live Latino one. After winning office in 1998 Baca became a well known and well-liked incumbent, and running against him became very difficult for two reasons. First, any challenger would have to come from existing law enforcement officials who may work with, or directly for Sheriff Baca, making a challenge unlikely. Second, any challenger would need to win the support of the very powerful law enforcement unions, which were loyal to the incumbent Sheriff. Thus in 2002, Baca was easily re-elected with 72% of the vote, with an additional 12% going to a second Latino candidate Patrick Gomez; while just 15% voted for the non-Latino candidate John Stites. The same scenario replayed in 2006 when Baca’s nearest challenger won only 10% of the vote in the primary election. Baca became such a powerful incumbent that in 2010 he ran unopposed. None of the Lee Baca elections fit the boundaries of appropriate elections to analyze when considering racial bloc voting.

Los Angeles 2001 Mayoral Primary:

Estimated primary vote (Goodman's Ecological Regression)

Latino: 82% Villaraigosa

Non-Latino: 25% Villaraigosa

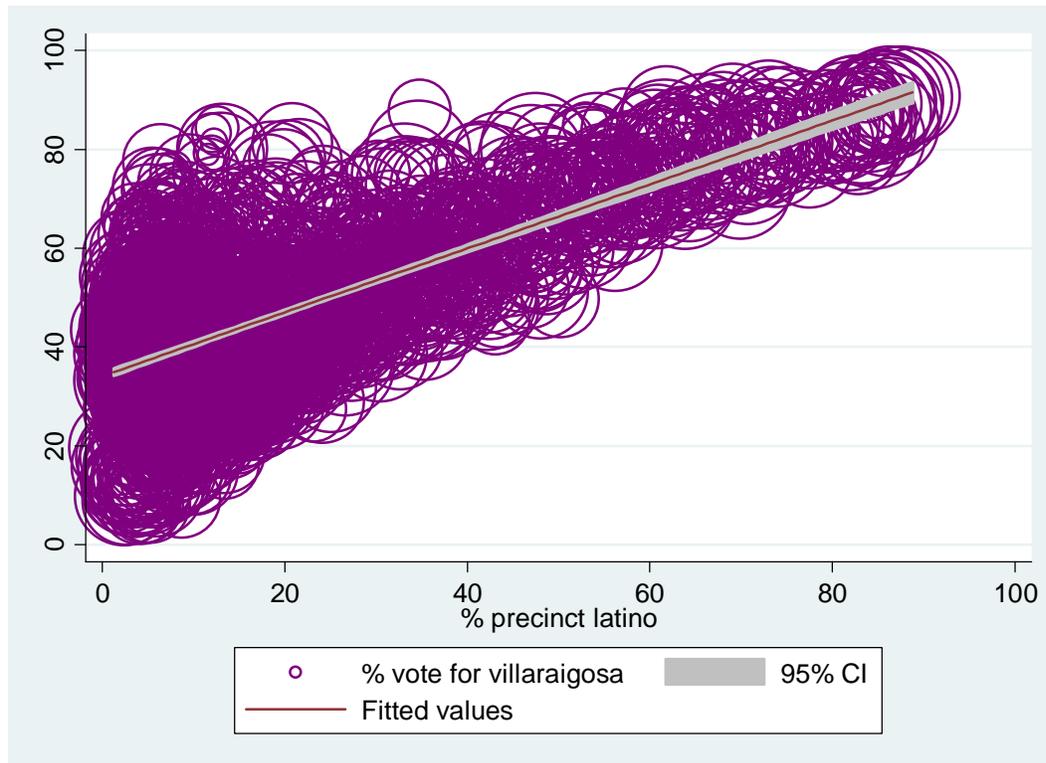


Los Angeles 2001 Mayoral General:

Estimated primary vote (Goodman's Ecological Regression)

Latino: 89% Villaraigosa

Non-Latino: 33% Villaraigosa

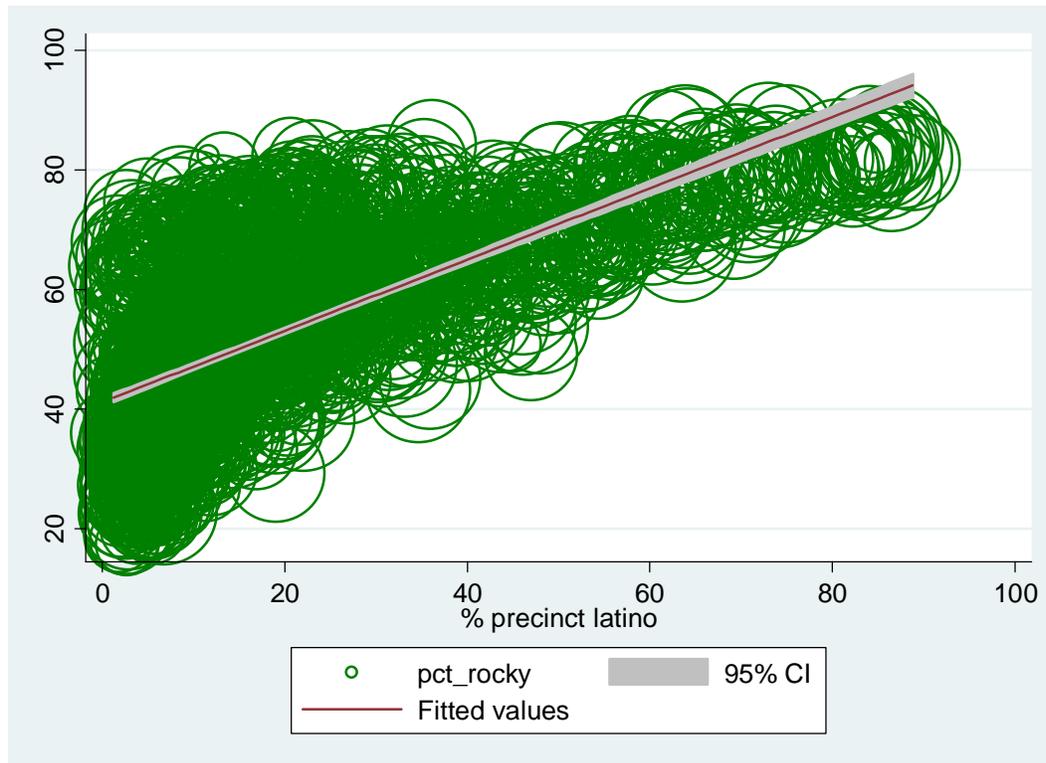


Los Angeles 2001 City Attorney General:

Estimated primary vote (Goodman's Ecological Regression)

Latino: 91% Delgadillo

Non-Latino: 43% Delgadillo

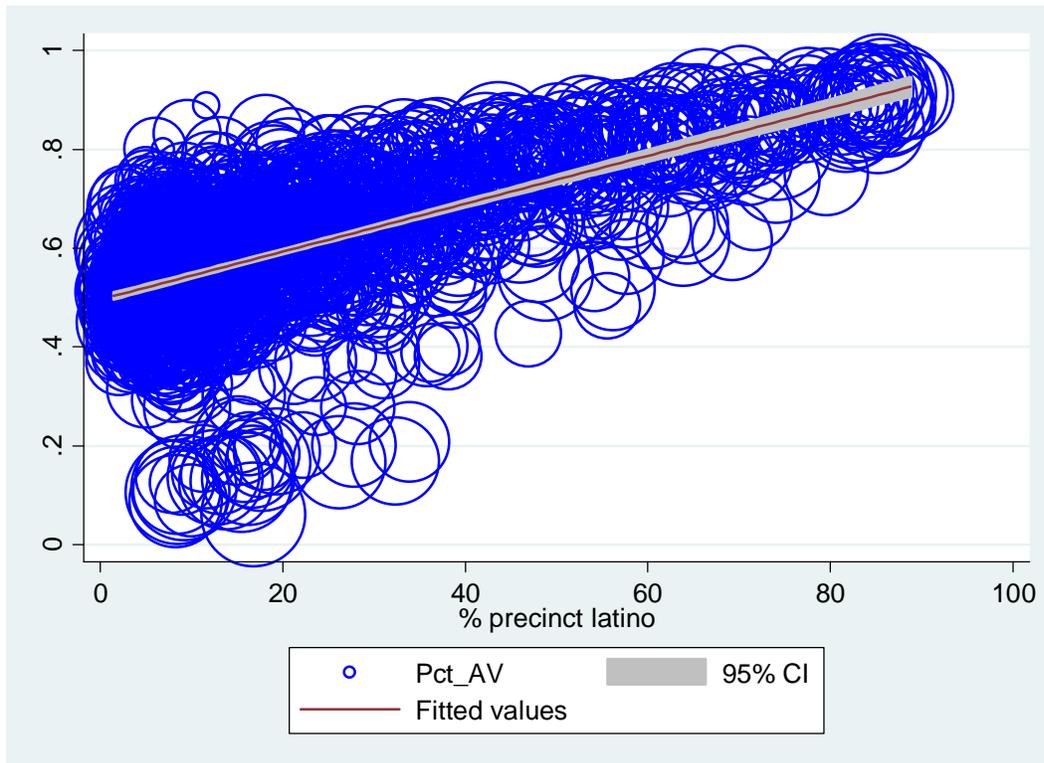


Los Angeles 2005 Mayoral General:

Estimated primary vote (Goodman's Ecological Regression)

Latino: 96% Villariagosa

Non-Latino: 48% Villaraigosa

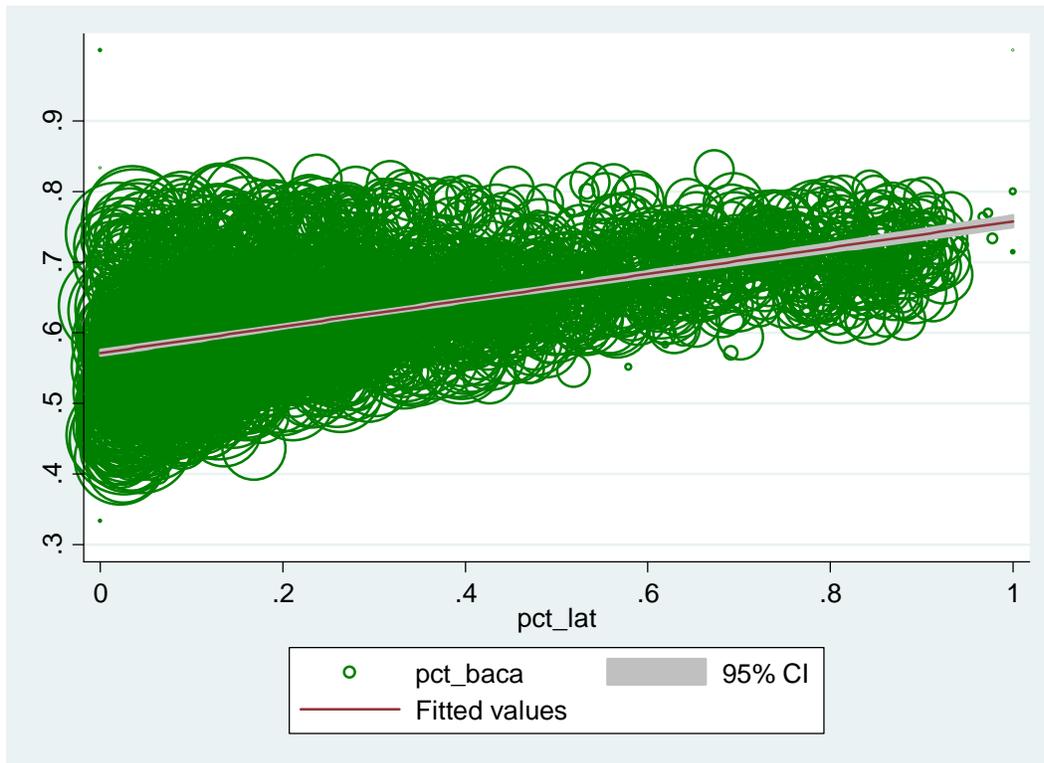


Los Angeles County Sheriff General Election 1998

Estimated general vote (Goodman's Ecological Regression)

Latino: 76% Baca

Non-Latino: 58% Baca



Compared Electability of Latino Candidates under A2 and S1 Plans**June 2010 Primary Election**

District	A2 Plan			S1 Plan		
	Harris	Lat comb'd	Others	Harris	Lat comb'd	Others
1	15.7%	61.9%	22.5%	19.6%	56.0%	24.4%
2	45.2%	34.2%	20.6%	45.4%	34.4%	20.2%
3	33.6%	38.2%	28.2%	32.4%	33.4%	34.2%
4	22.9%	38.6%	38.6%	18.7%	52.2%	29.1%
5	28.3%	39.5%	32.2%	28.3%	39.3%	32.3%

** Latino combined is total votes for Torrico, Delgadillo and Nava for Attorney General

District	A2 Plan		S1 Plan	
	Jones	de la Torre	Jones	de la Torre
1	35.7%	64.3%	42.8%	57.2%
2	54.4%	45.6%	54.3%	45.7%
3	57.6%	42.4%	58.1%	41.9%
4	50.3%	49.7%	41.6%	58.4%
5	57.3%	42.7%	56.9%	43.1%

June 2006 Primary Election

District	A2 Plan		S1 Plan	
	Bowen	Ortiz	Bowen	Ortiz
1	36.0%	64.0%	43.2%	56.8%
2	69.0%	31.0%	68.8%	31.2%
3	64.6%	35.4%	72.3%	27.7%
4	60.9%	39.1%	43.0%	57.0%
5	60.0%	40.0%	59.5%	40.5%

District	A2 Plan		S1 Plan	
	Brown	Delgadillo	Brown	Delgadillo
1	30.9%	69.1%	35.5%	64.5%
2	47.5%	52.5%	47.0%	53.0%
3	59.2%	40.8%	65.4%	34.6%
4	51.5%	48.5%	37.5%	62.5%
5	56.7%	43.3%	56.6%	43.4%

District	A2 Plan			S1 Plan		
	Garamendi	Figueroa	Speier	Garamendi	Figueroa	Speier
1	44.8%	39.0%	16.2%	43.6%	35.8%	20.7%
2	54.3%	24.6%	21.1%	54.2%	24.9%	20.9%
3	52.7%	18.0%	29.3%	57.3%	12.9%	29.8%
4	56.2%	21.2%	22.5%	51.6%	31.4%	17.1%
5	56.0%	17.3%	26.7%	56.1%	17.6%	26.3%

Electability Analysis of Latino Candidates in Current Supervisor Districts

1. 2010 Primary Election

Status Quo Supervisor District # 1

<u>Candidate</u>	<u>Office</u>	<u>% Won</u>
Nava	AG	15.0%
Torricono	AG	15.3%
Delgadillo	AG	32.3%
Latino comb'd	AG	62.6%
Harris	AG	15.4%
Kelly	AG	10.7%
Lieu	AG	7.9%
Schmier	AG	3.4%
De la Torre	INS	61.2%
Jones	INS	38.8%
Garcia	J-28	22.2%
Moreno	J-28	21.1%
Latino comb'd	J-28	43.3%
Hammock	J-28	15.9%
De los Reyes	J-107	40.6%
Salkin	J-107	42.9%
Bolinger	J-107	16.5%
Griego	J-117	34.8%
Schneider	J-117	33.8%
Aceves	SPI	12.8%
Romero	SPI	36.5%
Gutierrez	SPI	12.9%
Latino comb'd	SPI	62.2%
Torlakson	SPI	12.3%
Noguez	ASR	23.7%
Salazar	ASR	16.1%
Chavez	ASR	12.2%
Gomez	ASR	6.2%
Cornejo	ASR	6.2%
Latino Comb'd	ASR	64.3%
Wong	ASR	11.2%

AG – 7 total candidates

INS – 2 total candidates

J-28 – 8 total candidates

J-107 – 3 total candidates

J-117 – 4 total candidates

SPI – 12 total candidates

ASR – 13 total candidates

1. 2010 Primary Election

Status Quo Supervisor District # 2

<u>Candidate</u>	<u>Office</u>	<u>% Won</u>
Nava	AG	7.6%
Torricono	AG	8.4%
Delgadillo	AG	18.2%
Latino comb'd	AG	34.2%
Harris	AG	45.2%
Kelly	AG	9.9%
Lieu	AG	7.6%
Schmier	AG	3.2%
De la Torre	INS	45.6%
Jones	INS	54.4%
Garcia	J-28	11.0%
Moreno	J-28	11.7%
Latino comb'd	J-28	22.7%
Hammock	J-28	16.3%
De los Reyes	J-107	37.7%
Salkin	J-107	44.1%
Bolinger	J-107	18.2%
Griego	J-117	31.0%
Schneider	J-117	41.4%
Aceves	SPI	12.0%
Romero	SPI	37.9%
Gutierrez	SPI	7.4%
Latino comb'd	SPI	57.3%
Torlakson	SPI	13.0%
Noguez	ASR	35.1%
Salazar	ASR	10.4%
Chavez	ASR	4.7%
Gomez	ASR	4.2%
Cornejo	ASR	3.5%
Latino Comb'd	ASR	58.0%
Wong	ASR	12.2%

AG – 7 total candidates

INS – 2 total candidates

J-28 – 8 total candidates

J-107 – 3 total candidates

J-117 – 4 total candidates

SPI – 12 total candidates

ASR – 13 total candidates

1. 2010 Primary Election

Status Quo Supervisor District # 3

<u>Candidate</u>	<u>Office</u>	<u>% Won</u>
Nava	AG	9.4%
Torricono	AG	10.6%
Delgadillo	AG	18.1%
Latino comb'd	AG	38.2%
Harris	AG	33.7%
Kelly	AG	13.9%
Lieu	AG	10.4%
Schmier	AG	3.8%
De la Torre	INS	42.4%
Jones	INS	57.6%
Garcia	J-28	11.1%
Moreno	J-28	13.1%
Latino comb'd	J-28	24.2%
Hammock	J-28	26.2%
De los Reyes	J-107	29.2%
Salkin	J-107	53.6%
Bolinger	J-107	17.2%
Griego	J-117	27.1%
Schneider	J-117	47.2%
Aceves	SPI	20.9%
Romero	SPI	20.2%
Gutierrez	SPI	6.9%
Latino comb'd	SPI	47.9%
Torlakson	SPI	18.2%
Noguez	ASR	25.8%
Salazar	ASR	10.0%
Chavez	ASR	4.2%
Gomez	ASR	4.7%
Cornejo	ASR	2.8%
Latino Comb'd	ASR	47.5%
Wong	ASR	16.0%

AG – 7 total candidates

INS – 2 total candidates

J-28 – 8 total candidates

J-107 – 3 total candidates

J-117 – 4 total candidates

SPI – 12 total candidates

ASR – 13 total candidates

1. 2010 Primary Election

Status Quo Supervisor District # 4

<u>Candidate</u>	<u>Office</u>	<u>% Won</u>
Nava	AG	8.8%
Torricono	AG	11.3%
Delgadillo	AG	18.1%
Latino comb'd	AG	38.2%
Harris	AG	23.0%
Kelly	AG	14.8%
Lieu	AG	20.0%
Schmier	AG	4.0%
De la Torre	INS	49.4%
Jones	INS	50.6%
Garcia	J-28	13.4%
Moreno	J-28	11.5%
Latino comb'd	J-28	24.9%
Hammock	J-28	23.2%
De los Reyes	J-107	30.0%
Salkin	J-107	51.6%
Bolinger	J-107	18.4%
Griego	J-117	29.7%
Schneider	J-117	44.5%
Aceves	SPI	23.2%
Romero	SPI	17.1%
Gutierrez	SPI	10.3%
Latino comb'd	SPI	50.5%
Torlakson	SPI	13.2%
Noguez	ASR	26.5%
Salazar	ASR	9.8%
Chavez	ASR	4.1%
Gomez	ASR	4.8%
Cornejo	ASR	2.7%
Latino Comb'd	ASR	47.9%
Wong	ASR	11.3%

AG – 7 total candidates

INS – 2 total candidates

J-28 – 8 total candidates

J-107 – 3 total candidates

J-117 – 4 total candidates

SPI – 12 total candidates

ASR – 13 total candidates

1. 2010 Primary Election

Status Quo Supervisor District # 5

<u>Candidate</u>	<u>Office</u>	<u>% Won</u>
Nava	AG	8.8%
Torricono	AG	12.9%
Delgadillo	AG	18.3%
Latino comb'd	AG	40.0%
Harris	AG	27.9%
Kelly	AG	16.4%
Lieu	AG	10.9%
Schmier	AG	4.9%
De la Torre	INS	43.2%
Jones	INS	56.8%
Garcia	J-28	11.7%
Moreno	J-28	10.4%
Latino comb'd	J-28	22.1%
Hammock	J-28	23.7%
De los Reyes	J-107	27.4%
Salkin	J-107	55.4%
Bolinger	J-107	17.2%
Griego	J-117	29.1%
Schneider	J-117	46.9%
Aceves	SPI	22.1%
Romero	SPI	16.9%
Gutierrez	SPI	8.3%
Latino comb'd	SPI	42.7%
Torlakson	SPI	15.1%
Noguez	ASR	28.1%
Salazar	ASR	9.3%
Chavez	ASR	4.0%
Gomez	ASR	3.0%
Cornejo	ASR	2.2%
Latino Comb'd	ASR	46.6%
Wong	ASR	12.7%

AG – 7 total candidates
INS – 2 total candidates
J-28 – 8 total candidates
J-107 – 3 total candidates
J-117 – 4 total candidates
SPI – 12 total candidates
ASR – 13 total candidate

2. 2008 Primary Election

Status Quo Supervisor District # 1		
<u>Candidate</u>	<u>Office</u>	<u>% Won</u>
Gutierrez	84	31.7%
Connolly	84	32.1%
Jones	84	23.6%
Henry	84	12.4%
Murillo	69	61.1%
Silberman	69	38.8%
Nieto	95	66.4%
Winters	95	33.5%
Bruguera	154	39.8%
Jesic	154	35.2%
Crabb	154	25.0%
Robles	DA	37.2%
Cooley	DA	48.4%
Ipsen	DA	14.3%

Status Quo Supervisor District # 2		
<u>Candidate</u>	<u>Office</u>	<u>% Won</u>
Gutierrez	84	16.8%
Connolly	84	27.9%
Jones	84	27.8%
Henry	84	27.4%
Murillo	69	40.7%
Silberman	69	59.2%
Nieto	95	67.2%
Winters	95	32.7%
Bruguera	154	21.2%
Jesic	154	30.5%
Crabb	154	48.2%
Robles	DA	19.2%
Cooley	DA	70.2%
Ipsen	DA	10.5%

2. 2008 Primary Election

Status Quo Supervisor District # 3		
<u>Candidate</u>	<u>Office</u>	<u>% Won</u>
Gutierrez	84	12.8%
Connolly	84	41.2%
Jones	84	31.8%
Henry	84	14.1%
Murillo	69	44.2%
Silberman	69	55.7%
Nieto	95	58.8%
Winters	95	41.2%
Bruguera	154	20.7%
Jesic	154	44.9%
Crabb	154	34.4%
Robles	DA	20.2%
Cooley	DA	62.8%
Ipsen	DA	16.8%

Status Quo Supervisor District # 4		
<u>Candidate</u>	<u>Office</u>	<u>% Won</u>
Gutierrez	84	14.1%
Connolly	84	43.8%
Jones	84	25.2%
Henry	84	16.9%
Murillo	69	51.2%
Silberman	69	48.8%
Nieto	95	50.9%
Winters	95	49.1%
Bruguera	154	20.4%
Jesic	154	49.8%
Crabb	154	29.9%
Robles	DA	19.1%
Cooley	DA	64.2%
Ipsen	DA	16.5%

2. 2008 Primary Election

Status Quo Supervisor District # 5		
<u>Candidate</u>	<u>Office</u>	<u>% Won</u>
Gutierrez	84	12.3%
Connolly	84	44.9%
Jones	84	25.9%
Henry	84	16.8%
Murillo	69	49.4%
Silberman	69	50.5%
Nieto	95	47.7%
Winters	95	52.2%
Bruguera	154	19.6%
Jesic	154	49.3%
Crabb	154	31.1%
Robles	DA	16.8%
Cooley	DA	64.9%
Ipsen	DA	18.2%

3. 2006 Primary Election

Status Quo Supervisor District # 1		
<u>Election</u>	<u>Candidate</u>	<u>% Won</u>
Lt. Gov	Figueroa	39%
	Garamendi	46%
	Speier	16%
Sec. State	Ortiz	64%
	Bowen	36%
Att. Gen	Delgadillo	69%
	Brown	31%
Ins. Com.	Bustamante	83%
	Kraft	17%
Justice Pos. 8	Sanchez	62%
	Friedenthal	19%
	Henry	18%
Justice Pos. 18	Gutierrez	51%
	Crawford	7%
	Feldman	4%
	Loomis	7%
	Mitchell	9%
	Nixon	21%
Justice Pos. 144	Rivas Hamar	33%
	Barquist	13%
	Beecher	8%
	Hammock	10%
	Layton	4%
	Nison	13%
	Stuart	19%

3. 2006 Primary Election

Status Quo Supervisor District # 2		
<u>Election</u>	<u>Candidate</u>	<u>% Won</u>
Lt. Gov	Figueroa	25%
	Garamendi	54%
	Speier	21%
Sec. State	Ortiz	32%
	Bowen	68%
Att. Gen	Delgadillo	53%
	Brown	47%
Ins. Com.	Bustamante	78%
	Kraft	22%
Justice Pos. 8	Sanchez	36%
	Friedenthal	40%
	Henry	24%
Justice Pos. 18	Gutierrez	26%
	Crawford	8%
	Feldman	6%
	Loomis	6%
	Mitchell	9%
	Nixon	45%
Justice Pos. 144	Rivas Hamar	17%
	Barquist	11%
	Beecher	8%
	Hammock	7%
	Layton	5%
	Nison	16%
	Stuart	36%

3. 2006 Primary Election

Status Quo Supervisor District # 3		
<u>Election</u>	<u>Candidate</u>	<u>% Won</u>
Lt. Gov	Figueroa	17%
	Garamendi	53%
	Speier	30%
Sec. State	Ortiz	34%
	Bowen	66%
Att. Gen	Delgadillo	39%
	Brown	61%
Ins. Com.	Bustamante	73%
	Kraft	27%
Justice Pos. 8	Sanchez	34%
	Friedenthal	23%
	Henry	42%
Justice Pos. 18	Gutierrez	27%
	Crawford	12%
	Feldman	4%
	Loomis	6%
	Mitchell	17%
	Nixon	34%
Justice Pos. 144	Rivas Hamar	15%
	Barquist	11%
	Beecher	9%
	Hammock	9%
	Layton	5%
	Nison	25%
	Stuart	26%

3. 2006 Primary Election

Status Quo Supervisor District # 4		
<u>Election</u>	<u>Candidate</u>	<u>% Won</u>
Lt. Gov	Figueroa	20%
	Garamendi	57%
	Speier	23%
Sec. State	Ortiz	38%
	Bowen	62%
Att. Gen	Delgadillo	48%
	Brown	52%
Ins. Com.	Bustamante	70%
	Kraft	30%
Justice Pos. 8	Sanchez	42%
	Friedenthal	30%
	Henry	28%
Justice Pos. 18	Gutierrez	27%
	Crawford	15%
	Feldman	5%
	Loomis	8%
	Mitchell	9%
	Nixon	35%
Justice Pos. 144	Rivas Hamar	16%
	Barquist	11%
	Beecher	10%
	Hammock	12%
	Layton	5%
	Nison	19%
	Stuart	27%

3. 2006 Primary Election

Status Quo Supervisor District # 5		
<u>Election</u>	<u>Candidate</u>	<u>% Won</u>
Lt. Gov	Figueroa	18%
	Garamendi	57%
	Speier	25%
Sec. State	Ortiz	41%
	Bowen	59%
Att. Gen	Delgadillo	45%
	Brown	55%
Ins. Com.	Bustamante	68%
	Kraft	32%
Justice Pos. 8	Sanchez	39%
	Friedenthal	31%
	Henry	30%
Justice Pos. 18	Gutierrez	26%
	Crawford	14%
	Feldman	5%
	Loomis	8%
	Mitchell	9%
	Nixon	38%
Justice Pos. 144	Rivas Hamar	13%
	Barquist	13%
	Beecher	9%
	Hammock	11%
	Layton	4%
	Nison	21%
	Stuart	29%

Exhibit D2

Professor Matt Barreto

Curriculum vitae

MATT A. BARRETO – MBARRETO@UW.EDU
DEPT OF POLITICAL SCIENCE, BOX 353530, SEATTLE, WA 98195 / 909.489.2955

EMPLOYMENT: **Associate Professor**, Political Science, University of Washington (2009 - pres)
Director, Washington Institute for the Study of Ethnicity and Race (WISER)
Executive Committee, Center for Statistics and the Social Sciences at UW (CSSS)

Assistant Professor, Political Science, University of Washington (2005 – 2009)
Faculty Affiliate, Center for Statistics and the Social Sciences at UW (CSSS)

Teaching Assistant, Political Science, University of California Irvine (2002 – 2004)

PERSONAL: Born: June 6, 1976
San Juan, Puerto Rico

High School: 1994, Washburn Rural HS, Topeka, KS

EDUCATION: **Ph.D., Political Science, June 2005**
Sub Fields: American Politics & Voting / Race, Ethnicity and Politics / Methods
University of California – Irvine
Thesis: [Ethnic Cues: The Role of Shared Ethnicity in Latino Political Participation](#)
Thesis Committee: Bernard Grofman (chair), Louis DeSipio, Katherine Tate, Carole Uhlaner
• *Ford Foundation Dissertation Fellowship for Minorities, 2004 – 2005*
• *University of California President's Dissertation Fellowship, 2004 – 2005*
• *University of California UC-MEXUS Dissertation Research Grant, 2004 – 2005*

Master of Science, Social Science, March 2003

University of California – Irvine

Bachelor of Science, Political Science, May 1998

Minor: English. Cumulative GPA: 3.9, Summa Cum Laude

Eastern New Mexico University, Portales, NM

RESEARCH APPOINTMENTS:

- Board Member, American National Election Study, 2010 – present
- Research Scholar, Tomas Rivera Policy Institute (University of Southern California), 1999 - present
- Research Scholar, Center for the Study of Los Angeles (Loyola Marymount University), 2002 - present
- Member Advisory Council, Latino Policy Coalition, 2006 - present
- Board member, CASA Latina, Seattle WA, 2006 - 2009
- Co-founder, and Principal, Latino Decisions, 2007 – present
- Associate Editor, American Journal of Political Science, 2010 – present

CONSULTING EXPERT:

- State of California, Citizens Redistricting Commission, 2011, Consulting Expert, Racially Polarized Voting analysis throughout state of California [Referral: George Brown]
- Asian Pacific American Legal Center, 2011, Racially Polarized Voting analysis of Asian American candidates in Los Angeles for APALC redistricting brief [Referral: Eugene Lee]
- Lawyers' Committee for Civil Rights and Arnold & Porter, LLP, Racially Polarized Voting analysis of Latino and Asian candidates in San Mateo County, concerning San Mateo County Board of Supervisors redistricting [Referral: Robert Rubin]
- ACLU of Washington, 2010-11, preliminary analysis of Latino population patterns in Yakima, Washington, to assess ability to draw majority Latino council districts [Referral: Sarah A, Dunne]
- State of Washington, 2010-11, provided expert analysis and research for *State of Washington v. MacLean* in case regarding election misconduct and voting patterns [Referral: Todd Bowers]
- Los Angeles County Chicano Employees Association, 2008-10, Racially Polarized Voting analysis of Latino candidates in L.A. County for VRA case, concerning L.A. County Board of Supervisors redistricting (6 reports issued 08-10) [Referral: Alan Clayton]
- Brennan Center for Justice and Fried, Frank, Harris, Shriver & Jacobson LLP, 2009-10 Amicus Brief submitted to Indiana Supreme Court, *League of Women Voters v. Rokita*, regarding access to voter identification among minority and lower-resource citizens [Referral: Myrna Perez]
- State of New Mexico, consulting expert for state in *AAPD v. New Mexico*, 2008, [Referral: Director of Litigation, Scott Fuqua]
- District of Columbia Public Schools (DCPS), statistical consultant for survey methodology of opinion survey of parents in DCPS district (for pending suit), 2008, [Referral: Blanca Flor Guillen]
- Brennan Center for Justice, 2007-08, Amicus Brief submitted to U.S. Supreme Court, and cited in Supreme Court decision, *Crawford v. Marion County*, regarding access to voter identification among minority and lower-resource citizens [Referral: Justin Levitt]
- Los Angeles County Chicano Employees Association, 2002-07, Racially Polarized Voting analysis of Latino candidates in L.A. County for VRA case, concerning L.A. County Board of Supervisors redistricting (12 + reports issued during 5 years) [Referral: Diana Velasquez]
- Monterrey County School Board, 2007, demographic and population analysis for VRA case [Referral: Joaquin Avila]
- Sweetwater Union School District, 2007-08, Racially Polarized Voting analysis, and demographic and population analysis for VRA case [Referral: Bonnie Garcia or Nick Vaca]
- Mexican American Legal Defense Fund, 2007-08, Racially Polarized Voting analysis for Latino candidates, for City of Whittier city council races, for VRA case [Referral: Nicholas Espiritu]
- ACLU of Washington, 2008, preliminary analysis of voting patterns in Eastern Washington, related to electability of Latino candidates [Referral: Brian Sutherland]
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Christopher Parker and Matt Barreto. Will the Real Americans Please Stand Up? The Tea Party and Contemporary Right-Wing Extremism in the United States Under Contract, Princeton University Press, in print May 2012.

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8. Barreto, Matt, Ricardo Ramírez, Luis Fraga and Fernando Guerra. 2009. "Why California Matters: How California Latinos Influence the Presidential Election." In Rodolfo de la Garza, Louis DeSipio and David Leal (eds.) Beyond the Barrio: Latinos in the 2004 Elections. South Bend, ID: University of Notre Dame Press..
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RESEARCH GRANTS AND FELLOWSHIPS**Total Awarded 2001 – present = \$2,162,400**

Apr 2011	Social Science Research Council (SSRC) [With Karam Dana] Muslim and American? A national conference on the political and social incorporation of American Muslims	\$50,000 – 18 months
Jan 2011	impreMedia [With Gary Segura] Latino public opinion tracking poll of voter attitudes in 2011	\$30,000 – 6 months
Oct 2010	National Council of La Raza (NCLR) [With Gary Segura] Measuring Latino Influence in the 2010 Elections	\$128,000 – 6 months
Oct 2010	We Are America Alliance (WAAA) [With Gary Segura] Latino and Asian American Immigrant Community Voter Study	\$79,000 – 3 months
May 2010	National Council of La Raza (NCLR) [With Gary Segura] A Study of Latino Views Towards Arizona SB1070	\$25,000 – 3 months
Apr 2010	Social Science Research Council (SSRC) [With Karam Dana] Muslim and American? The influence of religiosity in Muslim political incorporation	\$50,000 – 18 months
Mar 2010	American Jewish Committee (AJC) [With Gary Segura] Probing Familiarity and Attitudes of Latinos toward Israel and Jewish Americans	\$110,000 – 9 months
Oct 2009	American Association of Retired Persons (AARP) [With Gary Segura] Health care reform and Latino public opinion	\$25,000 – 3 months
Nov 2008	impreMedia & National Association of Latino Elected Officials (NALEO) [With Gary Segura] 2008 National Latino Post-Election Survey, Presidential Election	\$46,000 – 3 months
July 2008	National Association of Latino Elected Officials (NALEO) [With Gary Segura] Latino voter outreach survey – an evaluation of Obama and McCain	\$72,000 – 3 months
June 2008	The Pew Charitable Trusts, Make Voting Work Project [with Karin MacDonald and Bonnie Glaser] Evaluating Online Voter Registration (OVR) Systems in Arizona and Washington	\$220,000 – 10 months
April 2008	National Association of Latino Elected Officials (NALEO) & National Council of La Raza (NCLR), 2008 Latino voter messaging survey	\$95,000 – 6 months
Dec. 2007	Research Royalty Fund, University of Washington 2008 Latino national post-election survey	\$39,000 – 12 months
Oct. 2007	Brenan Center for Justice, New York University [with Stephen Nuño and Gabriel Sanchez] Indiana Voter Identification Study	\$40,000 – 6 months
June 2007	National Science Foundation, Political Science Division [with Gary Segura] American National Election Study – Spanish translation and Latino oversample	\$750,000 – 24 months
Oct. 2006	University of Washington, Vice Provost for Undergraduate Education Absentee voter study during the November 2006 election in King County, WA	\$12,000 – 6 months
Mar. 2006	Latino Policy Coalition Public Opinion Research Grant [with Gary Segura] Awarded to the Washington Institute for the Study of Ethnicity and Race	\$40,000 – 18 months
2005 – 2006	University of Washington, Institute for Ethnic Studies, Research Grant	\$8,000 – 12 months

RESEARCH GRANTS AND FELLOWSHIPS CONTINUED...

Mar. 2005	Thomas and Dorothy Leavey Foundation Grant [with Fernando Guerra] Conduct Exit Poll during Los Angeles Mayoral Election, Mar. 8 & May 17, 2005 Awarded to the Center for the Study of Los Angeles	\$30,000 – 6 months
2004 – 2005	Ford Foundation Dissertation Fellowship for Minorities	\$21,000 – 12 months
2004 – 2005	University of California President’s Dissertation Fellowship	\$14,700 – 9 months
2004 – 2005	University of California Mexico-US (UC MEXUS) Dissertation Grant	\$12,000 – 9 months
Apr – 2004	UC Regents pre-dissertation fellowship, University of California, Irvine,	\$4,700 – 3 months
2003 – 2004	Thomas and Dorothy Leavey Foundation Grant [with Fernando Guerra] Awarded to the Center for the Study of Los Angeles	\$20,000 – 12 months
2002 – 2003	Ford Foundation Grant on Institutional Inequality [with Harry Pachon] Conducted longitudinal study of Prop 209 on Latino and Black college admittance Awarded to Tomás Rivera Policy Institute	\$150,000 – 12 months
2002 – 2003	Haynes Foundation Grant on Economic Development [with Louis Tornatzky] Knowledge Economy in the Inland Empire region of Southern California Awarded to Tomás Rivera Policy Institute	\$150,000 – 18 months
2001 – 2002	William F Podlich Graduate Fellowship, Center for the Study of Democracy, University of California, Irvine	\$24,000 – 9 months

**COURSES
TAUGHT:**

Dept. Political Science
University of Washington

Sept 2005 – Present

- Minority Political Behavior (Grad Seminar)
- Politics of Immigration in the U.S. (Grad Seminar)
- Introduction to Regression Analysis (Grad Seminar)
- Political Participation (Grad Seminar)
- U.S. Latino Politics
- Racial and Ethnic Politics in the U.S.
- Politics of Immigration in the U.S.
- Public Opinion Research
- Introduction to American Government
- Campaigns and Elections in the U.S.
- Presidential Primary Elections

Exhibit D3

Summary of elections
analyzed in Dr. Barreto's
report

Elections considered in Dr. Barreto's report:

Year	Position	Latino vote for	Non-Latino vote against	Outcome for Latino candidate	Note
2010	Attorney General primary	76	77	L	
2010	Insurance Commissioner primary	64	76	L	
2010	Superintend. of Pub. Inst. primary	68	58	W	N-L support for Aceves (not Romero)
2010	County Assessor primary	69	69	L	N-L support for Noguez (not Salazar)
2010	Superior Ct. Judge 28 primary	67	82	L	
2010	Superior Ct. Judge 107 primary	41	83	L	Unclear Latino candidate of choice
2010	Superior Ct. Judge 117 primary	38	74	L	Unclear Latino candidate of choice
2008	District Attorney primary	50	89	L	Incumbent in race
2008	Superior Ct. Judge 69 primary	73	55	L	
2008	Superior Ct. Judge 84 primary	48	94	L	Unclear Latino candidate of choice
2008	Superior Ct. Judge 95 primary	71	53	W	
2008	Superior Ct. Judge 154 primary	55	86	L	
2006	Lieutenant Governor primary	59	94	L	
2006	Secretary of State primary	100	67	L	
2006	Attorney General primary	96	70	L	
2006	Insurance Commissioner primary	80	42	W	Limited opposition campaign
2006	Superior Ct. Judge 8 primary	100	68	W	
2006	Superior Ct. Judge 18 primary	81	84	W	Non-Latino vote is split
2006	Superior Ct. Judge 144 primary	51	97	L	
2005	Los Angeles City Mayor general	96	52	W	Los Angeles City - portion of county
2003	Governor recall	57	78	L	Many, many candidates
2002	Insurance Commissioner primary	53	89	W	Non-Latino vote is split
2001	Los Angeles City Mayor general	89	67	L	Los Angeles City - portion of county
2001	Los Angeles City Mayor primary	82	75	W	Los Angeles City - portion of county
2001	Los Angeles City Attorney general	91	57	W	Los Angeles City - portion of county
2000	County Assessor primary	74	85	L	
1998	Proposition 227 general	71	70	L	
1998	County Sheriff general	76	42	W	Incumbent died just before election
1998	Attorney General primary	41	96	L	Unclear Latino candidate of choice
1998	Treasurer primary	45	91	L	Unclear Latino candidate of choice
1998	Insurance Commissioner primary	56	85	W	
1998	Lieutenant Governor primary	71	71	W	Limited opposition campaign
1998	County Sheriff primary	61	63	W	
1996	Proposition 209 general	84	63	L	
1994	County Sheriff primary	30	93	L	Unclear Latino candidate of choice
1994	Insurance Commissioner primary	70	63	W	

Exhibit E

Memorandum to
California Citizens'
Redistricting Commission

MEMORANDUM**July 13, 2011**

This memorandum sets forth our opinions and advice concerning Section 2 of the federal Voting Rights Act of 1965 (“Section 2”) and its implications for the Latino population in Los Angeles County. This memorandum further responds to issues raised concerning how Section 2 impacts the map-drawing process with respect to portions of Los Angeles County where Latino populations are adjacent to non-Latino populations, including in the South and Southwest areas of Los Angeles County in particular.

As explained further below, Section 2 likely requires that the Commission create several Latino-majority districts in Los Angeles County in order to avoid dilution of Latinos’ effective and equal participation in the electoral process. In other words, if the Commission does *not* create several Latino-majority districts in Los Angeles County, a court might find that the Commission’s maps have resulted in Latinos having less opportunity than other members of the electorate to participate in the political process and elect representatives of their choice, in violation of Section 2.¹ This is also particularly the case in the South and Southwest regions of Los Angeles County, as described in more detail below.

To the extent the Commission chooses, for whatever reason, not to draw certain Latino-majority districts in Los Angeles County (including in the South and Southwest regions), the Commission should nevertheless avoid placing a substantial Latino population in a district where racially polarized voting would usually operate to defeat the ability of Latinos to elect candidates of their choice, if an alternative configuration exists that would avoid that outcome.

**I. ANALYSIS OF LOS ANGELES COUNTY,
LATINOS, AND SECTION 2**

Pursuant to the Commission’s request, we analyzed whether Latinos in Los Angeles County may have a potential claim under Section 2 in the event certain Latino-majority districts are not drawn. We have determined that, if the Commission does not create several Latino-majority districts in Los Angeles County, Latinos may have a colorable claim that the Commission’s maps violate Section 2.

A. Legal Framework: Section 2 of the Voting Rights Act.

Congress enacted Section 2 in an effort to combat minority vote dilution. Section 2 provides that no “standard, practice, or procedure shall be imposed or applied ... in a manner which results in a denial or abridgement of the right ... to vote on account of race or color”

¹ The precise locations where these districts should be drawn is beyond the scope of this memorandum.

or membership in a language minority group. 42 U.S.C. §§ 1973(a), 1973b(f)(2). A violation of Section 2 “is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) of this section in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” 42 U.S.C. § 1973(b).

In 1982, Congress clarified that Section 2 plaintiffs need not prove that “a contested electoral mechanism was *intentionally* adopted or maintained by state officials for a discriminatory purpose.” *Thornburg v. Gingles*, 478 U.S. 30, 35 (1986) (emphasis added). Rather, a “violation [can] be proved by showing discriminatory *effect* alone.” *Id.* (emphasis added). In other words, following the 1982 amendments, a violation of Section 2 can be established where “a contested electoral practice or structure *results* in members of a protected group having less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” *Id.* at 44 (emphasis added).

The United States Supreme Court has invoked Section 2 to strike down legislative redistricting plans that result in minority vote dilution as defined by Section 2. *See generally League of United Latin American Citizens v. Perry*, 548 U.S. 399 (2006) (“LULAC”).

The Supreme Court has established a number of elements that a plaintiff must prove to establish that a redistricting plan violates Section 2. Initially, a Section 2 plaintiff must satisfy the three so-called “*Gingles* preconditions” articulated by the Court in *Gingles*. *See Growe v. Emison*, 507 U.S. 25, 37-42 (1993). The *Gingles* preconditions are as follows:

“First, the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district.” *Gingles*, 478 U.S. at 50.²

² A minority group is sufficiently large only where “the minority population in the potential election district is greater than 50 percent.” *Bartlett v. Strickland*, 129 S. Ct. 1231, 1246 (2009). Although the Supreme Court has not expressly defined the proper measure of “minority population,” the Ninth Circuit Court of Appeals has endorsed the use of citizen voting age population (“CVAP”) statistics. *See Romero v. City of Pomona*, 883 F.2d 1418, 1426 (9th Cir. 1989) (“The district court was correct in holding that *eligible minority voter population*, rather than total minority population, is the appropriate measure of geographical compactness.” (emphasis added)), abrogated on other grounds, *Townsend v. Holman Consulting Corp.*, 914 F.2d 1136, 1141 (9th Cir. 1990) (en banc); *see also LULAC*, 548 U.S. at 429 (observing, in dicta, that CVAP “fits

“Second, the minority group must be able to show that it is politically cohesive.” *Id.* at 51.

“Third, the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it ... usually to defeat the minority’s preferred candidate.” *Id.*³

The second and third *Gingles* preconditions are often referred to collectively as “racially polarized voting” and considered together. Courts first assess whether a politically cohesive minority group exists, *i.e.*, “a significant number of minority group members vote for the same candidates.” *Id.* at 56. Then, courts look for legally significant majority bloc voting, *i.e.*, a pattern in which the majority’s “bloc vote ... normally will defeat the combined strength of minority support plus [majority] ‘crossover votes.’” *Id.* This analysis typically requires expert testimony. *See, e.g., id.* at 53-74 (considering expert testimony regarding minority group’s lack of success in past elections).

A plaintiff who establishes all three *Gingles* preconditions has not yet established that a challenged district violates Section 2. Instead, once the *Gingles* preconditions have been shown, a court must then consider whether, “based on the ‘totality of the circumstances,’ minorities have been denied an ‘equal opportunity’ to ‘participate in the political process and to elect representatives of their choice.’” *Abrams v. Johnson*, 521 U.S. 74, 90 (1997) (quoting 42 U.S.C. § 1973(b)).

The following is a non-exhaustive list of factors (the so-called “Senate Report Factors,” based on the Senate Report accompanying the 1982 amendments to Section 2) that courts use to determine whether, based on the totality of circumstances, a Section 2 violation exists:

the language of § 2 because only eligible voters affect a group’s opportunity to elect candidates”).

³ The “majority” does not actually have to be white (as opposed to some other racial group), or even comprised of a single racial group, in order to satisfy the third *Gingles* precondition. *See Gomez v. City of Watsonville*, 863 F.2d 1407, 1417 (9th Cir. 1988) (“Although the court did not separately find that Anglo bloc voting occurs, it is clear that the non-Hispanic majority in Watsonville usually votes sufficiently as a bloc to defeat the minority votes plus any crossover votes.”); *Meek v. Metropolitan Dade County, Fla.*, 805 F. Supp. 967, 976 & n.14 (S.D. Fla. 1992) (“In order to prove the third prong in *Gingles*, Black Plaintiffs must be able to demonstrate that the Non-Black majority votes sufficiently as a bloc Non-Blacks refer to Hispanics and Non-Hispanic Whites.”), affirmed in part, reversed in part on other grounds by *Meek v. Metropolitan Dade County, Fla.*, 985 F.2d 1471 (11th Cir. 1993).

1. “[W]hether the number of districts in which the minority group forms an effective majority is roughly proportional to its share of the population in the relevant area.” *LULAC*, 548 U.S. at 426. “[T]he proper geographic scope for assessing proportionality is ... statewide.” *Id.* at 437.

2. “[T]he extent of any history of official discrimination in the state or political subdivision that touched the right of the members of the minority group to register, to vote, or otherwise participate in the democratic process.” *Gingles*, 478 U.S. at 37 (quoting S. Rep. No. 97-417, 97th Cong., 2nd Sess. at 28-29 (1982), U.S. Code Cong. & Admin. News 1982, at 177, 206-07)).

3. “[T]he extent to which voting in the elections of the state or political subdivision is racially polarized.” *Id.* at 37.

4. “[T]he extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group.” *Id.*

5. “[I]f there is a candidate slating process, whether the members of the minority group have been denied access to the process.” *Id.*

6. “[W]hether political campaigns have been characterized by overt or subtle racial appeals.” *Id.*

7. “[T]he extent to which members of the minority group have been elected to public office in the jurisdiction.” *Id.*

8. “[W]hether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the minority group” *Id.*

9. “[W]hether the policy underlying the state or political subdivision’s use of such voting qualification, prerequisite to voting, or standard, practice or procedure is tenuous.” *Id.*

B. First *Gingles* Precondition: Latinos in Los Angeles County Are a Sufficiently Large and Geographically Compact Minority Group.

We have concluded that, as to a number of regions in Los Angeles County, Latinos comprise a sufficiently large and geographically compact group such that they could constitute a majority in a single-member district.

This was not a close call. With respect to the “sufficiently large” inquiry, the Latino CVAP population in Los Angeles County as a whole is approximately 1.8 million. The ideal size of an Assembly District is 465,674; the ideal size for a Senate District is 931,349; and the ideal size for a Congressional District is 702,905. Moreover, any suggestion that the Latino population in Los Angeles County is not “geographically compact,” especially in the South and Southwest regions of the county, would not be viable.⁴ Accordingly, several Assembly, Senate, and Congressional Districts may be formed in which Latinos constitute a majority of the CVAP in a geographically compact area.

C. Second and Third *Gingles* Preconditions: There is Significant Evidence of Racially Polarized Voting in Los Angeles County.

We have concluded that racially polarized voting likely exists in Los Angeles County. The evidence we have reviewed indicates that a significant number of Latinos vote together for the same candidates, while non-Latinos vote in significant numbers for different candidates. Moreover, the evidence is sufficiently abundant that we believe it is reasonable to infer that a sophisticated plaintiff’s expert could develop evidence to persuade a court that the second and third *Gingles* preconditions have been met in Los Angeles County.

The Commission retained an expert with experience evaluating whether racially polarized voting exists, Professor Matt A. Barreto, Ph.D., of the University of Washington. The Commission instructed Dr. Barreto to work with counsel and to analyze certain areas of Los Angeles County, at our direction and under our supervision, to make a preliminary determination of whether racially polarized voting exists in Los Angeles County. Dr. Barreto has considered available information and has concluded that (i) strong evidence of political cohesiveness exists among Latinos and (ii) there is strong and substantial evidence of racially polarized voting throughout Los Angeles County.

⁴ Courts take a flexible approach to evaluating *Gingles* compactness. See *Sanchez v. City of Colorado*, 97 F.3d 1303, 1311 (10th Cir. 1996). A minority population may be “geographically compact” for *Gingles* purposes even if it is not strictly contiguous. That is, two non-contiguous minority populations “in reasonably close proximity” could form a “geographically compact” minority group if they “share similar interests” with each other. *LULAC*, 548 U.S. at 435 (“We also accept that in some cases members of a racial group in different areas—for example, rural and urban communities—could share similar interests and therefore form a compact district if the areas are in reasonably close proximity.... We emphasize it is the enormous geographical distance [*i.e.*, 300 miles] separating the Austin and Mexican-border communities, coupled with the disparate needs and interests of these populations—not either factor alone—that renders District 25 noncompact for § 2 purposes.”).

A high-level summary of Dr. Barreto's analysis is attached to this memorandum as Attachment A. As the summary makes clear, Dr. Barreto has concluded that in Los Angeles County, "[w]ith almost no exceptions, when Latino candidates run for office, they have received strong and unified support from Latino voters." (Attachment A at 1-2.) He also determined that "analyses of voting patterns in Los Angeles [from 1997 through 2010] have demonstrated statistically significant differences in candidate choice, between Latinos and non-Latinos." (*Id.* at 2.) Dr. Barreto thus has preliminarily found "that polarized voting exists countywide throughout Los Angeles, as well as in specific regions such as the city of Los Angeles, the eastern San Gabriel Valley area, northern L.A. County and central/southwest region of L.A. County." (*Id.* at 3.)

D. The "Totality of the Circumstances" Supports Drawing Latino-Majority Districts in Los Angeles County.

Because the three *Gingles* preconditions likely are satisfied in certain regions of Los Angeles County, whether a Latino plaintiff could establish a Section 2 violation will depend on whether, based on the totality of the circumstances, Latinos have been denied an opportunity to participate in the political process and to elect representatives of their choice. The public testimony and organized group submissions provide ample evidence that the "totality of the circumstances" weigh in favor of a Section 2 claim in Los Angeles on behalf of Latinos, which can be avoided by the Commission drawing several majority Latino districts.

For example, the testimony of Arturo Vargas, Executive Director of NALEO, to the Commission, dated June 28, 2011, discusses "Barriers to Latino Participation and Representation in California." (Attachment B at 10.) Mr. Vargas explains that "[f]or much of the 20th century, gerrymandering, vote dilution, and voter intimidation were primary factors in keeping Latinos underrepresented." (*Id.*)

Mr. Vargas's testimony also discusses a survey that highlights the discrimination against Latinos in the electoral process: "The most prevalent types of discrimination identified by these respondents included problems with: voter assistance (59%); polling locations (56%); provisional ballots (56%); and unwarranted challenges to voters based on citizenship status or ID requirements (53%). Several respondents specifically mentioned the lack of bilingual pollworkers and other adequate language assistance at polling sites." (*Id.* at 12.)

Further, Mr. Vargas's testimony discusses the educational disparities between Latinos and non-Latino whites in Los Angeles County—46.6% of Latino adults in Los Angeles County have not completed high school, compared with just 6.8% of non-Latino white adults. (*Id.* at 14.)

Moreover, 40.8% of the Latino population in Los Angeles County is not fully proficient in English; the corresponding figure for non-Latino whites is only 7.8%. (*Id.* at 15.) The percent of Latinos in Los Angeles living below the poverty level is more than 10% *higher* than the percentage of non-Latino whites. (*Id.* at 17.) And nearly one-third of Latinos in Los Angeles have no health insurance, compared with around 10% of non-Latino whites who are uninsured. (*Id.*)

In addition to Mr. Vargas's testimony, we reviewed the 2002 expert witness report of Albert M. Camarillo, professor of history at Stanford University. (Attachment C.) Professor Camarillo's report provides abundant support for the conclusion that a history of discrimination exists against Latinos in California and Los Angeles in particular.

For example, Professor Camarillo discusses Propositions 187 (to restrict public services and education to illegal immigrants and their children) and 209 (an anti-affirmative-action initiative) contributing to an anti-Hispanic climate in California. "Both of these propositions revealed how polarized issues resulted in an increasingly polarized electorate with Hispanics strongly against these propositions while Anglos were strongly in support." (*Id.* at 17.)

Professor Camarillo also explains that there is a large gap between Hispanics and all other groups regarding the percentage of eligible population who register to vote and who actually cast their votes on election day. (*Id.* at 20.)

As far as we are aware, the discussions and evidence in Mr. Vargas's testimony and Professor Camarillo's report have not been contradicted by any testimony received by the Commission.

E. Conclusion: The Commission Should Draw Several Latino-Majority Districts in Los Angeles County.

In sum, Latinos in Los Angeles County likely represent a sufficiently large and geographically compact group that would constitute a majority in several single-member districts. In addition, there is strong evidence suggesting the existence of racially polarized voting affecting Latinos in areas of Los Angeles County. Finally, the totality of circumstances indicates that Latinos would be denied an equal opportunity to participate in the political process and elect candidates of their choice, if such majority districts are not drawn.

Accordingly, after reviewing and considering the available evidence, we have concluded that the Commission should create several Latino-majority districts in Los Angeles County. If the Commission does not create these districts, Latino plaintiffs in subsequent litigation challenging the Commission's maps may be successful in proving a violation of Section 2. While there may not be a specific maximum or minimum number of

districts that must be drawn, we will continue to evaluate the various iterations of draft visualizations that the Commission develops over the next few weeks and until the final maps are determined.

II. RECOMMENDATIONS FOR SOUTH AND SOUTHWEST PORTIONS OF LOS ANGELES COUNTY

As requested by the Commission, with Section 2 in mind, we have taken a closer look at the South and Southwest portions of Los Angeles County in particular.

The Latino community in these regions appears to satisfy the first *Gingles* precondition. There is a significant Latino population in this area. For instance, Latinos make up a majority of the CVAP in several prior visualizations for a potential Congressional district referred to as “COMP.” Latinos in these regions thus appear to constitute a sufficiently large and geographically compact group such that they could constitute a majority in a single-member district.

Dr. Barreto considered whether racially polarized voting exists in Los Angeles County, and also focused on the areas that include the South and Southwest regions of Los Angeles County. In those regions, Dr. Barreto preliminarily reported significant levels of racially polarized voting, including evidence of racially polarized voting between Latinos and non-Latinos.

Dr. Barreto’s summary includes a review of several studies reflecting polarized voting between Latinos and African Americans in Los Angeles County. In particular, he notes that there have been significant population shifts among cities that were formerly majority African American that are now majority Latino. (Attachment A at 3.) In one study, he observes that there were large differences in voting preferences between Latinos and African Americans in the 2008 Democratic primary presidential election. (*Id.*) He also refers to extensive analysis included in an expert report by Morgan Kousser, a noted historian and voting rights expert, finding strong differences in voting patterns between African Americans and Latinos in Compton city council elections. (*Id.*) In the recent Attorney General election, there was again strong evidence of racial bloc voting between Latinos and African Americans, with African American voters favoring Harris overwhelmingly and Latino voters favoring Delgadillo and Torrico. (*Id.*)

The summary by Dr. Barreto also considers data from a 2007 special election for the 37th Congressional district. (*Id.* at 3-4.) In the primary election, 82.6% of Latinos favored a Latino candidate while 92.6% of the black vote went to the African-American candidates. (*Id.* at 4.)

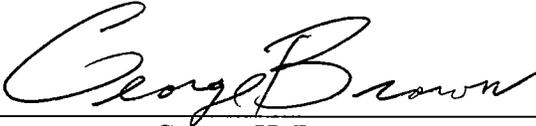
Consequently, in light of the fact that Section 2 likely requires the Commission to draw some number of Latino-majority districts in Los Angeles County (as discussed above in

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Section I(E)), and given the strong evidence of racially polarized voting in the South and Southwest regions of Los Angeles County, we recommend that the Commission consider drawing a Latino-majority district in areas adjacent to Latino populations in the South and Southwest regions of Los Angeles County—including the current visualization districts labeled “AD LAWBC” and “CD COMP.”

Alternatively, if the Commission chooses not to draw a Latino-majority district in the South or Southwest regions of Los Angeles County, or if the Commission determines it is not feasible to do so, the Commission should nevertheless avoid placing a substantial Latino population in a district where racially polarized voting would usually operate to defeat the ability of Latinos to elect candidates of their choice, if an alternative configuration exists that would avoid that outcome and that could be drawn in compliance with the U.S. and California Constitutions.



George H. Brown

GHB
cc: Kirk Miller

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Attachment A

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

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

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

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

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

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

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

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

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

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

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

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

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

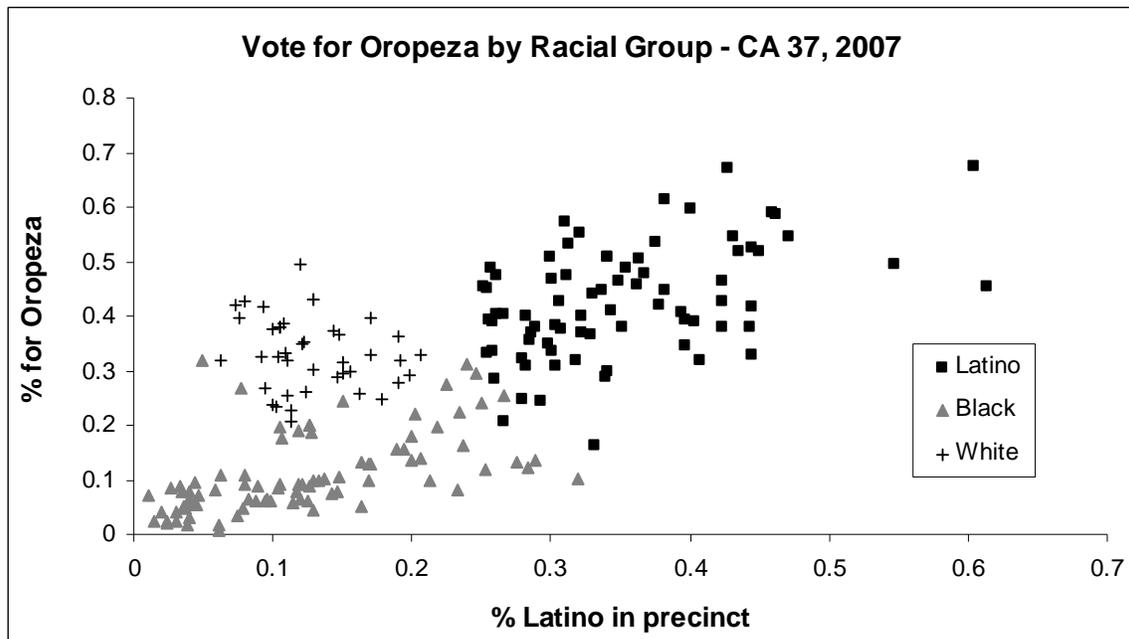
Perhaps one of the clearest examples of primary election differences between Blacks and Latinos took place in a 2007 special election for the 37th congressional district after incumbent Juanita Millender-McDonald passed away. Analysis of the election results shows very clear, and statistically significant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

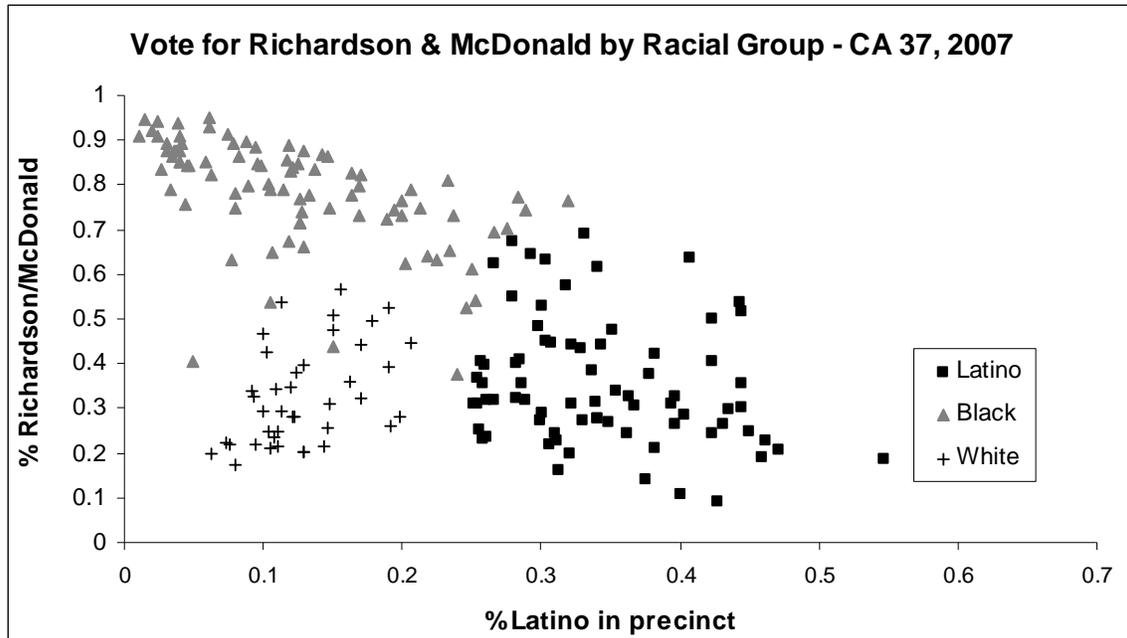
Richardson and Valerie McDonald, and gave almost no votes at all to the Latino candidate Jenny Oropeza. In contrast, Latino voters in the district voted very heavily for Oropeza, and cast very few votes for the two major Black candidates in the contest.

Goodman’s Ecological Regression

Vote estimates from 2007 CA-37 special election – primary

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





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

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

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

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

Attachment B



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Hon. Luz Urbáez Weinberg
Commissioner, City of Aventura, FL

Executive Director
Arturo Vargas

† Deceased

1122 W. Washington Blvd., Third Floor
Los Angeles, CA 90015
Tel: (213) 747-7606
Fax: (213) 747-7664

600 Pennsylvania Ave., SE Suite 230
Washington, DC 20003
Tel: (202) 546-2536
Fax: (202) 546-4121

1314 Texas Avenue, Suite 410
Houston, TX 77002
Tel: (713) 228-6400
Fax: (713) 228-0606

110 Wall Street, 16th Floor
New York, NY 10005
Tel: (212) 480-1918
Fax: (212) 480-1697

5950 Lakehurst Drive, Suite 169
Orlando, FL 32819
Tel: (321) 795-3757

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Testimony

by

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

before the

California Citizens Redistricting Commission

**Sacramento, California
June 28, 2011**

Members of the California Citizens Redistricting Commission:

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

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

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

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

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

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

In order to provide technical assistance after the workshops, we instituted weekly webinars, and expanded our website. We also published a weekly newsletter with information about our activities and the Commission hearings.

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

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

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

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

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

(Table 1 appears on the next page)

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

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

Table 1
Latino Effective Districts – State Assembly

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

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

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

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

(Table 2 appears on the next page)

Table 2
Latino Effective Districts – State Senate

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

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

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

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

Table 3
Latino Effective Districts – Congress

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

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

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

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

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

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

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

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

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

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

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

Source: 2000 and 2010 Census decennial data.

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

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

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

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

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

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

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

II. Barriers to Latino Participation and Representation in California

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

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

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

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

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

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

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

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

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

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

B. Discrimination Against Latinos in the Electoral Process

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

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

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

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

C. Discrimination Against Latinos in Education, Employment and Health

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

Educational Attainment

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

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

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

*Score gap was significantly higher than the national average.

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

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

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

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

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

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

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

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

(Table 7 appears on the next page)

Table 7
Share of Population Not Fully Proficient in English

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

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

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

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

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

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

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

Employment and Economic Status

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

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

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

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

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

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

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

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

Table 9
Share of Population Living Below Poverty Level

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

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

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

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

Health Insurance Coverage

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

Table 10
Share of Population Without Health Insurance Coverage

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

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

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

IV. Conclusion

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

Thank you for your consideration of our views.

Attachment C

Expert Witness Report of Albert M. Camarillo

Cano v. Davis
April 12, 2002

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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United States Department of Commerce, U.S. Census Bureau, Census 2000: Population
and Housing.

Exhibit F

Garza Stipulation

1 DICK THORNBURGH
Attorney General
2 JOHN R. DUNNE
Assistant Attorney General
3 GERALD W. JONES
STEVEN H. ROSENBAUM
4 SHEILA K. DELANEY
ROBERT S. BERMAN
5 ROBERT A. KENGLE
GAYE L. HUME
6 Attorneys, Voting Section
Civil Rights Division
7 U.S. Department of Justice
P.O. Box 66128
8 Washington, D.C. 20035-6128
Telephone: (202) 307-3143
9 LOURDES G. BAIRD
United States Attorney
10 RONALD K. SILVER
Assistant United States Attorney
11 Federal Building, Room 7514
300 North Los Angeles Street
12 Los Angeles, California 90012
Telephone: (213) 894-6168
13 Attorneys for the Plaintiff

14 UNITED STATES DISTRICT COURT
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA

16 YOLANDA GARZA, et al.,
17 Plaintiffs,
18 UNITED STATES OF AMERICA,
19 Plaintiff,
20 LAWRENCE K. IRVIN, et al.,
21 Plaintiff-Intervenors,
22 v.
23 COUNTY OF LOS ANGELES, et al.,
24 Defendants.

) No. CV 88-5143 KN (Ex)

) No. CV 88-5435 KN (Ex)

) STIPULATION AND ORDER
) DESIGNATING LOS ANGELES
) COUNTY FOR COVERAGE
) UNDER SECTION 3(c) OF
) THE VOTING RIGHTS ACT,
) 42 U.S.C. 1973a(c)

FILE

CLERK U.S.
CENTRAL DISTRICT

1 The Court has retained jurisdiction of this action "to
2 consider the request of plaintiffs for relief under Section 3(c)
3 of the Voting Rights Act," 42 U.S.C. 1973a(c). Order Re: Special
4 Election Schedule entered November 13, 1990, para. 16. The
5 parties to the litigation have conferred and agree that the issue
6 of Section 3(c) coverage should be settled without the necessity
7 for further litigation. Accordingly, the parties have consented
8 to the entry of the following stipulation and order regarding
9 coverage under Section 3(c). The Court finds that the entry of
10 this stipulation and order is lawful and justified in light of
11 the Court's findings and orders of June 4, 1990, August 3, 1990,
12 August 6, 1990, and November 13, 1990 regarding the liability and
13 remedy phases of this litigation.

14 THEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED that:

15 1. From the entry of this Order until December 31, 2002, as
16 related to the method of electing the Los Angeles County Board of
17 Supervisors, no voting qualification, or prerequisite to voting,
18 or standard, practice or procedure with respect to voting
19 different from that in force or effect on November 14, 1990,
20 shall be enforced, unless and until the Court finds that such
21 qualification, prerequisite, standard, practice, or procedure
22 does not have the purpose and will not have the effect of denying
23 or abridging the right to vote on account of race or color or
24 membership in a language minority group; provided that such
25 qualification, prerequisite, standard, practice, or procedure may
26 be enforced if the qualification, prerequisite, standard,

1 practice, or procedure has been submitted by the chief legal
2 officer or other appropriate official of the County to the
3 Attorney General of the United States and the Attorney General
4 has not interposed an objection within sixty days after such
5 submission, except that neither this Court's findings nor the
6 Attorney General's failure to object shall bar a subsequent
7 action to enjoin enforcement of such qualification, prerequisite,
8 standard, practice or procedure.

9 2. Changes affecting the method of electing the Los Angeles
10 County Board of Supervisors as contemplated by this Order would
11 include, by way of example, any of the following changes: a)
12 redistricting or other change in the boundaries of the
13 supervisorial districts or constituency of supervisors; b) change
14 in number of members of the board of supervisors; c) change in
15 method of determining the outcome of a supervisor election, e.g.,
16 by requiring a plurality vote; d) change in the eligibility of
17 persons to become or remain a candidate for supervisor; e) change
18 in the term of office of a supervisor, e.g., by shortening or
19 lengthening the term, by changing the numbering of the districts
20 so as to affect the election schedule, or by limiting the number
21 of terms a person can serve as supervisor; f) change in the
22 necessity of or methods for offering issues and propositions for
23 approval by referendum related to the method of electing the
24 board of supervisors; g) change in the method of filling
25 vacancies on the board of supervisors; and h) change in the rules
26
27
28

1 or procedures authorizing or governing the supervisorial
2 redistricting process.

3 3. Changes affecting voting precinct boundaries, polling
4 place locations, or the times and places for voter registration
5 are not affected by the terms of this Order.

6 4. In the event that the defendants submit a change
7 affecting the method of electing the board of supervisors to the
8 Attorney General of the United States for review pursuant to this
9 Order, the submission shall be governed by the Procedures for the
10 Administration of Section 5 of the Voting Rights Act of 1965, as
11 amended, 28 C.F.R. 51.1 et seq. (1990), and any successor
12 regulations.

13 5. As related to the method of electing the Los Angeles
14 County Board of Supervisors, this Order does not change any
15 voting qualification, prerequisite to voting or standard,
16 practice or procedure with respect to voting in force or effect
17 on November 14, 1990, except to the extent that paragraph 6 of
18 this Order may be considered a modification of state law or the
19 Charter of the County of Los Angeles.

20 6. For any redistricting plan covered by paragraph 1 of
21 this Order, the period of time involved in seeking and obtaining
22 a ruling on the merits of the plan pursuant to this Order from
23 the Attorney General of the United States or this Court,
24 whichever ruling occurs first, shall not be counted in
25 determining whether the deadline for the adjustment of boundaries
26 of supervisorial districts under state law, e.g., California
27
28

1 Elections Code §§35001-35002, or the Charter of the County of Los
2 Angeles, e.g., Article II, Section 7, has been satisfied.

3 7. Pursuant to Section 3(c), 42 U.S.C. 1973a(c), this Court
4 shall retain jurisdiction of this action until December 31, 2002.
5

6
7 The terms of the above stipulation are approved.

8 IT IS SO ORDERED

9 Done this 25 day of April, 1991 DAVID V. KENYON

10
11 DAVID V. KENYON
12 United States District Judge

13
14 DATED: April 17, 1991

15 LOURDES G. BAIRD
16 United States Attorney

17 Respectfully submitted,
18 JOHN R. DUNNE,
19 Assistant Attorney General
20 GERALD W. JONES
21 STEVEN H. ROSENBAUM
22 SHEILA K. DELANEY
23 ROBERT S. BERMAN
24 ROBERT A. KENGLE
25 GAYE L. HUME

26
27 DATED: April 18, 1991

28 By: Sheila K. Delaney
ATTORNEYS FOR THE UNITED STATES

RICHARD P. FAJARDO
JUDITH A. SANDERS-CASTRO
VIBIANA ANDRADE
ANTONIA HERNANDEZ

Mexican American Legal Defense
and Education Fund

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MARK D. ROSENBAUM
PAUL L. HOFFMAN
ACLU Foundation of Southern
California

DOUGLAS E. MIRELL
STEVEN I. BENSON
Loeb and Loeb

JOAQUIN G. AVILA
Of Counsel

By: [Signature]
ATTORNEYS FOR THE GARZA PLAINTIFFS

DATED: April 18, 1991

BILL LANN LEE
PATRICK O. PATTERSON

NYISHA SHAKUR

NAACP Legal Defense and
Education Fund, Inc.

NAACP Special Contribution Fund

By: [Signature]
ATTORNEYS FOR THE PLAINTIFF-
INTERVENORS

DATED: April 18, 1991

DE WITT W. CLINTON
County Counsel
MARY F. WAWRO
Senior Assistant County Counsel

JOHN E. MCDERMOTT
RICHARD C. FIELD
KENNETH L. HEISZ
Cadwalader, Wickersham & Taft

RICHARD K. SIMON
LEE L. BLACKMAN
McDermott, Will & Emery

By: [Signature]
ATTORNEYS FOR DEFENDANTS

Exhibit G

Professor Ernesto Chávez

Report

Report of Ernesto Chávez

I am a faculty member in the Department of History at the University of Texas at El Paso. I have held this position since receiving my Ph.D. degree in United States history from the University of California, Los Angeles in 1994. I am currently Associate Professor of History. My research and teaching focuses on the history of Mexican Americans in California and the nation. My most recent essay, to be published in the *Journal of the History of Sexuality* in fall 2011, focuses on the construction of silent film actor Ramón Novarro's star image. I have authored two books, three articles, five essays, and two review essays dealing with Latinos in U.S. society. My books entitled, *¡Mi Raza Primero! (My People First!): Nationalism, Identity, and Insurgency in the Chicano Movement in Los Angeles, 1966-1978* and *The U.S. War with Mexico: A Brief History with Document* include much information relevant to this case. Both of these books examine the history of discrimination against Mexican Americans. My current project, a biography of silent film star Ramón Novarro, is not only concerned with the life of this actor, but also with the discrimination that he and his fellow ethnic Mexicans faced in Los Angeles from the 1910s to the 1960s. I attach a copy of my curriculum vitae.

As a U.S. historian, I am familiar with the provisions of the Voting Rights Act. Although I currently reside in Texas, I am a native of Los Angeles, having been raised in the City Terrace neighborhood of East Los Angeles, an unincorporated section of Los Angeles County. My parents continue to live in this area and I spend my summers there. As a historian I have consulted the principle historical writings related to the experiences of Mexican Americans over time. My past and current work focuses on the ethnic Mexican community in the United States, particularly in the Los Angeles region. The

research for my books and article, as is this report, is based on a variety of sources: government documents, published books and essays, archival collections, U.S. Census population reports, and newspapers and other periodicals. As an expert in Mexican American history I have appeared in a historical documentary film on Westward Expansion and the U.S.–Mexico War. I have lectured at several universities across the nation.

The ruling in the 1990 *Garza v. Los Angeles County Board of Supervisors* made clear that the history of official and deliberate discrimination against ethnic Mexicans/Latinos in Los Angeles County is long and varied and stretched back to the 19th century when in the aftermath of the U.S.-Mexico War of 1846-48 the existing Mexican inhabitants of the area were incorporated into the United States. This report seeks to augment and amplify that argument by examining the history of official discrimination in Los Angeles County from the nineteenth century to the present. Although the *Garza* case facilitated the election of a Latina Los Angeles County Board of Supervisor’s member (Gloria Molina), the institutionalized racism of the past has “trickled down” to the present and ensures that that official discrimination against Latinos in Los Angeles County continues.

Beginning with the January 1847 Treaty of Cahuenga, which ended the U.S.-Mexico War in California in January 1847, and then through the Treaty of Guadalupe Hidalgo, Mexicans were granted U.S. citizenship. The granting of American citizenship, because of the stipulations of the 1790 U.S. Naturalization Act, which declared that only whites could be U.S. citizens, in effect made Mexicans legally, but not socially white. Given this distinction, Mexican Americans, as the 1954 U.S. Supreme Court case

Hernandez v. Texas would declare, were made into a class apart. Recent scholarship in Mexican American history argues that ethnic Mexicans (that is Mexican Americans and Mexican immigrants together) should be viewed as a race, rather than as an ethnic group. This distinction is important for it helps us understand that the ethnic Mexicans as a whole have not been allowed to assimilate into mainstream culture and instead are viewed as different, not white, not black, but simply different (Gómez, 2007). These notions of ethnic Mexicans as different, which is predicated on the notion that they constitute a race helps us understand the long history of discrimination waged against them. These historical conditions have guaranteed that in the present day racism has taken the guise of common sense. Scholars Michael Omi and Howard Winant, argue that racism occurs on the every-day level stemming from institutional circumstances that have caused the conditions that allow for the continued discrimination of a group and thus it appears that those conditions are “natural” and therefore to think in this manner is simply common sense (Omi and Winant, 1994).

Common sense racism’s roots vis-à-vis Latinos can be found in the mid-19th century. The first signs of ethnic Mexicans being treated as a race, and thus their unequal conditions being naturalized in Los Angeles County, stem from California’s achievement of statehood in 1850. California’s incorporation into the union stemmed from the rise in the white population of the territory following the discovery of gold in 1848 and the subsequent Gold Rush a year later. The Gold Rush set the foundation for California’s development and guaranteed that ethnic Mexicans would be marginalized, and suffer severe economic loss. Indeed, the era following the U.S.-Mexico War set the foundation for the social, political, and economic incorporation of ethnic Mexicans into the nation.

Given the importance of this era, historians, including myself, have documented this process of disenfranchisement in the era following the 1848 (Pitt, 1966; Griswold del Castillo, 1979; Camarillo, 1979; Monroy, 1990; Almaguer, 1994; Haas, 1995; Deverell, 2004; Chávez, 2007). Despite the Treaty of Guadalupe Hidalgo's guarantee to uphold ethnic Mexicans' property rights, Congress approved the California Land Act of 1851, which set up a commission to adjudicate land titles granted in the Spanish and Mexican eras in the state. Targeted in this process was land throughout present-day Los Angeles that is presently prime real estate. Spanish-Speaking landowners had to prove title to their property and deal with an unfamiliar U.S. legal system. Consequently they hired American attorneys and although 2/3s of the land titles were upheld, ethnic Mexican landowners were forced to sell their land to pay legal fees and comply with usurious taxes. They subsequently lost more land to American squatters and floods and droughts added to their woes. The loss of their land guaranteed that ethnic Mexicans would decline into poverty and become largely excluded from political participation in the following decades (Griswold del Castillo, 1979).

Although the loss of political power was a statewide phenomenon, in the City of Los Angeles Mexicans were disenfranchised despite the fact that they constituted 20% of the voters in the city. This political marginalization was the result of the 1880 Anglo instituted discriminatory ward-based electoral system that fragmented Mexican Americans into several wards and thus dissipated their power in citywide elections, putting the nail in the coffin of Mexican American political power in Los Angeles and ensuring that Cristóbal Aguilar became the last ethnic Mexican mayor until 2005. In the

same decade Julian Chávez would become the last Mexican American member of the Los Angeles County Board of Supervisors for 115 years (Griswold del Castillo, 1979).

The loss of political power was coupled with the criminalization of Mexican Americans. This was most evident in the beginning of the American period when in 1855 the California legislature passed several laws aimed at controlling ethnic Mexican customs and leisure activities. Among these was a “Sunday Law,” which imposed fines from ten to fifty dollars for engaging in “barbarous or noisy amusements” including bullfights, horse races, and cockfights. In 1860 the City of Los Angeles added to these regulations by passing a law restricting fiestas. California’s legislature also passed a thinly veiled anti-vagrancy statute, popularly known as the “Greaser Law,” which targeted unemployed Mexicans, who at the discretion of local law authorities could be called vagrants. These laws were a result of the ascendancy of the Know Nothing Party in Northern California and its ability to control state politics and in turn usher in a new era of discrimination against Mexican Americans and made clear to them that they did not have equal protection under the law (Griswold del Castillo, 1979).

The legal system was also stacked against ethnic Mexicans in this era. There was a lack of competent Spanish-Speaking lawyers and jurors in Los Angeles, which made true justice hard to come by for ethnic Mexicans. Although interpreters were appointed to remedy this situation, their interpretations were usually distorted and biased. Adding to this judicial unresponsiveness vis-à-vis ethnic Mexicans was the fact that from 1887 and 1900 out of the 194 men admitted to the state bar only 3 were Spanish-surnamed. This paucity of attorneys to serve the ethnic Mexican community resulted in a high conviction rate for this group. For example, in 1856 more than half of those sentenced for

major crimes in Los Angeles were Spanish surnamed. From 1887 to 1890, although ethnic Mexicans represented 19 percent of the Los Angeles's population, they comprised 22 percent of those convicted for federal crimes in the District Court for the city. Mexicans in Los Angeles County alone comprised almost 30 percent of those convicted of criminal offenses in 1887. In addition, between 1854 and 1870 thirty-seven lynchings, mostly of Mexicans and some African Americans, occurred in Los Angeles. These discriminatory practices are made clear when we compared the discrepancy in terms of sentencing. An 1887 edition of Spanish-language newspaper *El Echo de la Patria* reported that an Anglo who was convicted of murdering an ethnic Mexican was sentenced to one year in jail and eventually only served 70 days, while in the same year a Mexican-American convicted of disorderly conduct was given a 90-day jail term (Griswold del Castillo, 1979).

This discriminatory terrain would be in place in the early 20th century when the turmoil of the Mexican Revolution coupled with the growth of economic opportunities in transportation, manufacturing and agriculture ensured the massive migration of a Mexican-origin population to Los Angeles. By 1928 the city would hold the largest ethnic Mexican population outside of Mexico City (Sánchez, 1993). Yet there was a high turnover of Mexican laborers in Los Angeles due to low wages, high cost of living, discrimination, and excessive competition for jobs. Employment opportunities in the skilled trades and professions proved scarce for the first-second, and third generation of Mexican laborers in Los Angeles. There was little social mobility for this group. A 1920 study by USC Sociologist Emory Bogardus showed that in 1917-1918 nearly 90 percent of third-generation Mexican Americans were employed as blue-collar workers in Los

Angeles. This lack of social mobility was compounded by the presence of negative stereotypes and prejudice against ethnic Mexicans in this period. In the 1920s employers viewed Latinos as menial laborers incapable of doing work that required skill or intelligence (Romo, 1983).

Racial bigotry against ethnic Mexicans in Los Angeles was rampant and led to them being viewed as a “problem” to be solved through the use of discriminatory practices in all sectors of Los Angeles County. Historian George Sánchez argues that if one would measure the quality of life in Los Angeles for Mexicans in this era using housing conditions and health it would be poor. Most Mexicans lived as best they could given their poverty, single Mexican men rented a single bed in a larger house, while the most common dwelling place for families was the house court, dubbed the “cholo court” because of the high rate of Mexicans dwelling there, which ensured that they would become the target of investigation by the Los Angeles City Housing Commission. One observer likened these housing units to “stalls for cattle instead of homes for humans” (Sánchez, 1993).

One such housing court provides a telling example for the conditions there. Fifty-five people lived there, sharing three toilets each for men and women, along with hydrants that were used as sinks. Families composed of three to six members filled the nineteen occupied homes. The men who lived at this particular housing court at 742 New High Street, near the Los Angeles Plaza, earned \$1.50 to \$2.50 working manual labor jobs. The construction of the Civic Center and Union Station soon caused a rise in rents and more poor Mexicans sought dwellings beyond the city limits in unincorporated East Los Angeles. Most of the new immigrants moved to the Belvedere section of Los

Angeles County because it was planned for single family residences, yet given that it was situated outside of the city limits, developers were able to ignore city ordinances concerning sanitation and overcrowding, building three shacks on one single lot, and making for high population density. This ensured poor light, ventilation and plumbing. In addition to houses, gas works, soap factories, and meat packing plants soon were established there, adjacent to dwellings, guaranteeing noxious odors and pollution. Even if they could afford to live in other places restrictive housing covenants, which allowed only whites to live in some areas (including Compton, Whittier, and many other places) prevented Mexicans from living in other parts of Los Angeles County. These restrictions existed well into mid-century and increased over time. A 1946 report to the Los Angeles County Board of Supervisors informed it that municipalities with restrictive covenants excluding Mexicans, Africans Americans, and Asians had increased from twenty percent in 1920 to eighty percent by the mid 1940s (Sánchez, 1993).

With the start of the Great Depression in 1929, the era of massive migration to Los Angeles gave way to efforts to rid the area of ethnic Mexicans and engendered numerous discriminatory practices. Most employers looked upon Mexicans as cheap labor and the economic hard times caused jobs to dry up. In response to the economic crisis, the California state legislature passed the 1931 Alien Labor Act making it illegal for any company doing business with the government to employ “aliens” on public jobs. It was estimated that this law immediately excluded 900 Mexicans from work in Los Angeles, causing many of them to seek help from public and private charities. Aimed at non-citizens, the law opened the door for discrimination against American-born citizens of Mexican descent, as it was hard to distinguish between the two groups (this was in the

era before Social Security cards and other documents used to identify citizens).

Angelenos decided to solve the unemployment problem by implementing a repatriation/deportation program designed to send Mexicans back to their homeland (Sánchez, 1993).

Local officials, the business community, and federal authorities in the Labor Department worked together to initiate the program to rid the nation of ethnic Mexicans, promising to send 400,000 south of the border. Los Angeles officials were more than willing to help this effort. This led to a high-profile sweep of the Plaza district in February 1931, which resulted in the round up of four hundred people being detained and seventeen people being taken into custody. Although only 300 Mexican aliens were actually deported during the entire campaign, these actions scared the ethnic Mexican community and encouraged Mexicans of varying legal status and nationality (including American-born citizens of Mexican descent) to consider leaving Los Angeles (Sánchez, 1993).

In an effort to help things along Los Angeles County officials targeted those Mexicans on relief and initiated a program to pay their train passage to Mexico. The first train of Los Angeles County-sponsored repatriates left Los Angeles in March 1931. Despite news that the situation for repatriates was dire in their homeland and much worse than in the United States, county officials continued to promote the program and continued to send an average of 908 people in two month intervals to Mexico. Numbers declined in August 1933, with the train bound for Mexico that month only containing 453 people, and numbers dwindled after that, which led to the program's eventual end in May 1934 after fifteen shipments (Sánchez, 1993). Repatriation's major outcome was to

silence the Mexican immigrant generation in the city and with the construction of Union Station in downtown, the ethnic Mexican population was displaced from the city's center and moved into East Los Angeles, which in turn increased residential segregation and decreased inter-ethnic contact. Thus, local officials' discriminatory practices designed to rid Los Angeles of its ethnic Mexican population resulted in this group becoming an "invisible minority" (Sánchez, 1993).

During the Second World War this "invisible minority" would soon become quite visible in the eyes of mainstream Los Angeles as Mexican American youths, in an effort to forge their own cultural styles in the city, soon became the targets of violence. As a means of self-expression Mexican American males—as did African American and Filipino youngsters—donned the fabled zoot suit with its broad-brimmed hat, long jacket, and draped trousers tapered at the ankles. Given the War Production Board's March 1942 regulations for wartime manufacture of streamlined suits with minimal fabric, the zoot suit and those who wore it were soon viewed as un-American and became targets of discrimination (Sánchez, 1993).

Two interrelated events serve as examples of the intense racism against Mexicans in Los Angeles in this era, the murder of José Díaz and the subsequent Sleepy Lagoon Trial and the Zoot Suit Riots. Following Díaz's death the Los Angeles County Sheriff's Department rounded up members of the 38th Street Club and accused them of killing the young man despite not knowing for certain the cause or manner of this death. The only thing that linked Díaz and the club members was that they had both attended the same party at the Williams Ranch, site of the so-called Sleepy Lagoon, in present-day Bell, California. However, the fact that the accused youths were Mexican American, working-

class, and wore the zoot suit made them suspect. Law enforcement officials soon filed a report to the Grand Jury declaring that Mexicans were inherently criminal and biologically prone to violence. Following a trial full of irregularities, including not allowing the young defendants to cut their hair or change their clothes, despite months in jail, in January 1943 the 17 youths were found guilty of crimes ranging from assault to first-degree murder (Sánchez, 1993).

The conviction of the Sleepy Lagoon defendants ensured that all Mexican American youths would be viewed as a threat to the instability of Los Angeles. The *Los Angeles Times* and other newspapers featured lurid accounts of alleged Mexican American youth violence, replacing depictions of Japanese Americans as the enemy within. These actions heightened tensions in the city and in June 1943 led to ten days of violent clashes between Mexican American youths and Anglo servicemen, helped by civilians, in what has come to be known as the Los Angeles Zoot Suit Riots. Sailors grabbed one youth, Pedro García, out of his aisle seat at the RKO theater in downtown, he was taken out to the street, his clothes were then ripped off him and he was kicked, beaten and left unconscious all while nearby policemen witnessed the incident. The violence perpetrated against García was only one of the many that occurred during this time (Sanchez, 1993).

During the Postwar Era ethnic Mexicans in Los Angeles County faced continued discrimination. Developers in this era refused to sell homes to Mexican Americans, Japanese Americans, African Americans, and Jews in the City of Los Angeles. It was only through the intervention of Edward Roybal, the city's newly elected Mexican American councilman, who was denied a home despite being a veteran and elected

official, that the practice was ended within the city limits. It continued, however in other parts of the county, until the 1960s. The housing discrimination that Roybal sought to eliminate worsened, especially for the poor and minority groups during the postwar era because of the surge in population. Taking advantage of federal funds for public housing, the Los Angeles City Council authorized the City Housing Authority to build 10,000 low-rent slum-clearance units. Before construction could start the national real estate lobby derailed it and eventually through various legal maneuvers sanctioned by the city council, the housing was never built. This action ensured that 65,888 substandard dwellings, mostly occupied by the poor and members of minority groups, were left standing (Chávez, 2002).

The effort to rid Los Angeles of substandard dwellings led to notions of urban renewal that eventually displaced thousands of ethnic Mexicans and other poor people. Among the targeted areas were Boyle Heights and Chavez Ravine, two neighborhoods that had much in common: a poor ethnic Mexican population, substandard housing, and little to no political clout in the city. Chavez Ravine was prime real estate that had been targeted for public housing, but that fell through and the area reverted back to the City of Los Angeles with the provision that the property must be for public use. At the same time the Brooklyn Dodgers sought to move West and city council members decided to lure them to Los Angeles by offering them 315-acre Chavez Ravine in exchange for the team owned 9-acre Wrigley Field. The only obstacle remaining were the ethnic Mexicans that comprised a majority of the ravine's inhabitants. City officials decided that they would move them by using eminent domain and subsidized land improvements, mechanism that had been successfully used to remove the Bunker Hill inhabitants.

Residents responded by organizing and collecting enough signatures to place a referendum on the June 1958 ballot to revoke the contract with the Dodgers. Voters sided with the Dodgers by a narrow margin and in March 1959 ravine residents were given thirty days to vacate their dwellings. One elderly couple, the Arechigas, and their extended family refused to leave their home and eventually the Los Angeles Superior Court issued a writ of possession and Sheriff deputies evicted the family (Chávez, 2002).

Removal of ethnic Mexicans from their homes was a common occurrence in Los Angeles in the 1950s as the city and county sought to modernize by building freeways and in the process perpetrated environmental discrimination. The Golden State Freeway (the present-day Interstate 5), first proposed in 1953 and completed three years later, cut through the ethnic Mexican enclave of Boyle Heights with the Los Angeles City Council's endorsement despite residents and business leaders' protests. Later in the 1950s the Pomona Freeway (present-day California Highway 60) would dissect the ethnic Mexican community of Belvedere in East Los Angeles (Chávez, 2002), located in an unincorporated area of Los Angeles County, where residents had little access to elected officials. Eventually four freeways would cut through ethnic Mexican neighborhoods when the East Los Angeles Interchange, the busiest in the world, was completed in 1961.

Those ethnic Mexicans who were able to stay in their neighborhoods had to contend with violence at the hands of those who were supposed to protect them: the Los Angeles Police Department and the Los Angeles Sheriff's Department. Three prominent events of the early 1950s exemplify the kind of violence inflicted by law enforcement officials on ethnic Mexicans: the "Santo Niño 7," "Rios-Ulloa," and "Bloody Christmas" incidents. The first involved member of the Catholic Youth Organization (CYO)

sponsored basketball team who were suspected of stealing auto parts and who were beaten at the University Police Station in 1950. The CYO and the Community Service Organization (CSO) took legal action and eventually led to the charges being dropped. A more prominent incident concerned Antonio Rios, the chair of the CSO, and a friend of his, Alfred Ulloa. In January 1952, as Rios and Ulloa were emerging from a café in Boyle Heights, they witnessed a struggle in which two men were beating a third. Rios told the men to stop and then learned they were vice-squad plainclothesmen, F.J. Najera and G.W. Kellenberg. They were also obviously drunk and Rios accused them of drunkenness. When additional police arrived on the scene, Rios asked them to arrest Najera and Kellenberg, only to find himself and Ulloa taken to police headquarters at gunpoint. Ordered to strip to their underwear, the two men were then beaten by Najera and Kellenberg. Rios and Ulloa were eventually charged with interfering with officers. An internal investigation into the matter followed, while the two men filed a civil suit against the two officers and the city, which they eventually won (Chávez, 2002).

Still another infamous incident was the so-called “Bloody Christmas” episode in 1951. The case started out as a routine arrest on Christmas Eve 1951 of six men: Danny Rodela, Elias Rodela, Jack Wilson, William Wilson, Manuel Hernandez, and Raymond Marquez. Brought before a judge, they were charged with battery and disturbing the peace and convicted. However, during the course of the trial it was revealed that the police had beat the six (along with a seventh man, Eddie Nora, who was not arrested). Angered at the police abuse, which Judge Call described as “lawlessness” and “anarchy,” the court overturned the convictions and the judge initiated a grand jury investigation (Chávez, 2002).

The LAPD had no monopoly on brutality, as revealed in suits against Los Angeles County Sheriff Eugene W. Biscailuz and his department. In May 1953 Maximo Bustillos accused two deputy sheriffs of beating him en route to and in the East Los Angeles sheriff's substation. In September of the same year, David Hidalgo, a high student, filed a civil suit against two deputies for an unprovoked beating. Hidalgo's lawsuit resulted in the first instance of officers being found guilty of "police brutality." In a 1956 ruling, the judge also found the defendants financially liable for the beatings, fining them \$8 each as part of an overall \$1,016 settlement. The Hidalgo experience encouraged other Mexican immigrants and Mexican Americans to file suit when their civil rights were violated (Chávez, 2002).

In the 1950s, as one can see, the official discrimination that Los Angeles County's ethnic Mexican population experienced manifested itself in all aspects of life, this stemmed from their limited political power in this period. Throughout this era Edward Roybal, who was elected to the Los Angeles City Council in 1949 to represent the 9th District, and given that he was the sole elected official in Los Angeles of Mexican descent, by default he became the representative for all ethnic Mexicans in the city, if not the county, and in turn all Latinos were viewed as his constituents, and encompassed an "imagined constituency." These circumstances allowed his colleagues on the city council to wipe their hands clean of the concerns of Latinos and guaranteed that Roybal received correspondence from ethnic Mexicans asking for his help in a myriad of situations. His popularity ensured his nomination to California lieutenant governor in 1954, a post for which he ran unsuccessfully. In 1958 Roybal's liberal politics and his pro-community activism ensured his defeat when he vied for a seat on the Los Angeles County

Supervisors. Controversy surrounded the upset. Though ahead in the early stages of vote counting, he lost the election after four recounts and allegations of fraud. His opponent, Ernesto Debs, a pro-business Los Angeles city councilman, was elected and the following year, he and the other members of the Los Angeles County Board of Supervisors gerrymandered the supervisorial districts to dilute Mexican American political power (as the Garza case would later make clear). Mexican Americans remembered this election for decades. When Roybal was elected to Congress in 1962, his seat came up for grabs, and given the shifting demographics in the district that were by this time 50 percent African American, 35 percent Latino, and 15 percent Asian American, Gilbert Lindsay, a Black aide to Supervisor Kenneth Hahn was appointed to his seat and the following year was elected to the post. The council then reapportioned the districts, ensuring that the election of three African Americans to that body would be possible, but that of Mexican Americans impossible. Lindsay's victory left Los Angeles with no Mexican American in city government. Thus, by mid-1963 a power vacuum existed in Mexican-American political circles in the city. "Today," mourned the Mexican American newsletter *Carta Editorial*, "the city founded by our ancestors does not have one Mexican American in official capacity. La Reina de Los Angeles weeps" (Chávez, 2002).

By the early 1960s the ethnic Mexican population in Los Angeles County had grown dramatically. The total population of Los Angeles County increased by 2,023,084 persons (50.4%) between 1950 and 1960 while the County's Spanish-surnamed population increased by 289,102 persons (100.5%) between 1950 and 1960 (Garza v. County of Los Angeles, 1990). Although their numbers had grown, ethnic Mexicans still remained marginalized socially, economically, and politically. By the early 1960s, the

lack of representation on the Los Angeles City Council and the County Board of Supervisors ensured that Mexican American youths, calling themselves Chicanos, would wage battles to combat subpar educational conditions, continuing poverty, and police brutality in the 1960s and 1970s. Their efforts to dismantle official discrimination would be met by severe repression on the part of law enforcement officials, both the Los Angeles Police Department and the Los Angeles County Sheriff's Department, that in effect represented a rise in official discriminatory practices.

In March 1968 over 10,000 students at five East Los Angeles high schools walked out of their class rooms to protest discriminatory practices there. The high percentage (over 50 percent) of Mexican American high-school students forced to drop out of school either through expulsion and transfers to other schools or because they had not been taught to read and thus failed their classes led to this action. Overcrowding, dilapidated buildings were endemic at Chicano schools, where teachers, a majority of whom were Anglo (only 3 percent of the instructors and 1.3 percent of administrators had Spanish surnames, some of whom were white women married to Latino men), often discriminated against their Mexican-American students, calling them "dirty Mexicans" and encouraging them to join the workforce rather than attend college. Angered by this treatment, students demanded more Chicano teachers and administrators and better schools (Chávez, 2002). When the students walked out of their classrooms the Los Angeles police officers and Los Angeles County sheriff deputies overreacted, and brutally suppressed the uprising. Although law enforcement authorities' main target was the Brown Berets, a Chicano paramilitary organization, and other activists, the students got caught in the melee. This event led to the police and sheriff's department in Los Angeles, as historian Rodolfo

Acuña has said, to “abandon reason in harassing, intimidating, and persecuting the Brown Berets” and other Chicano activists (Acuña, 2011). Seven members of the Brown Berets and six other Mexican Americans were later indicted on conspiracy charges stemming from the walkouts. Eventually the charges the appellate court ruled the charges unconstitutional, but only after years of harassment by the authorities (Acuña, 2011).

Police brutality against Chicanos—especially by the Los Angeles County Sheriff’s Department-- emerged once again when Mexican Americans protested against the disproportionate number—3 to 1-- of Spanish-surnamed casualties in the Vietnam War during the Chicano Moratorium on August 29, 1970. The committee, bearing the name of the protest they organized, argued that there was a war at home and that young Chicano men needed to stay there to solve domestic problems rather than fight and die in Southeast Asia. Part of this war at home was against police brutality and the mistreatment of Mexican American inmates in city and county jails. A demonstration at the East Los Angeles County Sheriff’s substation to protest the death of six Mexican American men in the preceding five months, clashed with police. As the August 29 event approached tensions between police and the Mexican Americans community increased. On August 29, 30,000 people marched through the streets of East Los Angeles to protest the war in Vietnam and conditions at home. Demonstrators reached the end of the route at Laguna Park to begin a rally that included speakers and dance performances. Unbeknownst to them a minor incident occurred at a liquor store adjacent to the park when youths attempted to pilfer soft drinks, this occurrence caused the L.A. County Sheriff’s Department to go into the store and then into the park where 1,200 deputies broke up the rally by wielding clubs upon spectators, beating men, women, and children

and throwing tear gas into the crowd. Mass arrests followed and three deaths occurred. The most famous of those who died that day was Rubén Salazar, a reporter for the Los Angeles Times and the news director of the KMEX, the city's Spanish-language television station, who was killed when a tear gas projector hit his head as he sat in a bar to escape the melee. A Los Angeles County Coroner's inquest later concluded that he had died at the hands of another, but never officially charged anyone with his killing. Salazar's death became the ultimate symbol of police brutality and the Moratorium Committee emphasized that issue over the war and changed directions. It sponsored several other demonstrations against police actions throughout 1970 and into 1971; these efforts were also met with violence by legal authorities and eventually caused the demise of the group. The mantle of Chicano activism was taken on by other groups in the Los Angeles area, among them La Raza Unida Party, a Mexican American third party, which unsuccessfully sought to elect Latinos to office and, as a means to dodge the power of the Los Angeles County Board of Supervisors, incorporate East Los Angeles (Chávez, 2002). Violence inflicted upon the ethnic Mexican community in Los Angeles County during the early to mid 1970s ensured that it would become more insular and was a reflection of their powerlessness vis-à-vis the political process.

The lack of representation in the political process made ethnic Mexicans into a powerless group in Los Angeles County as we can see with the violence inflicted upon them by law enforcement authorities, but they also experienced civil rights violations in places designed to heal them like the county medical hospital. In 1975 attorneys filed a class-action suit (*Madrigal v. Quillin*) in the federal district court of Los Angeles naming USC-Los Angeles County Medical Center, twelve doctors, the State of California, and

the U.S. Department of Health, Education and Welfare as defendants as a result of their engagement in the sterilization of ethnic Mexican women without their formal consent, which constituted a violation of their civil rights. At the trial one doctor testified that the women were given consent forms to sign while in labor and some did not understand English and the motivating factor in the sterilizations was to limit population growth because Latinas had too many babies, which in turn would put a strain on society. It was clear that consent for the procedure was not freely given, nonetheless in 1978 the presiding judge ruled in favor of the defendants concluding that the doctors acted in good faith when they were performing the sterilization operation with the knowledge and consent of each patient and that there was simply a cultural difference in the manner in which Mexicans and Anglos viewed the size of families (this was clearly an instance of common sense racism in operation). Although the plaintiffs lost the case the attention brought greater attention to the matter and forced USC-Los Angeles County Medical Center to change the manner in which it informed patients of sterilizations and sought their consent (Gutiérrez, 2008). The Madrigal case is an instance of official discrimination by Los Angeles County officials where ethnic Mexicans, having little political power, relied on the legal system to remedy their circumstances and ultimately the legal system failed them and in effect sanctioned the discrimination.

This lack of political power continued for ethnic Mexicans even though the Latino population had grown. In 1980 it comprised 2 million of Los Angeles County's 7.5, yet the beginning of the decade there was still no Mexican American representation on the Los Angeles City Council. It was not until 1986 that Richard Alatorre gained a seat on the city council, yet this was a small victory. The year before the U.S. Department of

Justice maintained that the City of Los Angeles purposefully denied the expansion of Latino representation. After a lengthy process the city agreed to a reapportionment plan in 1989 that allowed for the possibility for a Latino to win another seat on the council. Yet the area that was reapportioned was only a small parcel of Los Angeles County as a whole and powerlessness for ethnic Mexicans still existed.

The rise of the Mothers of East Los Angeles (MELA), a grassroots organization, is evidence of ethnic Mexicans lack of power in Los Angeles County. The group first formed in 1986 in response to the California Department of Corrections', with the support of Governor George Deukmejian, plan to build a prison in East Los Angeles. Although not opposing the plan to build a prison in Los Angeles County, per se, the MELA resented the implication that ethnic Mexicans were inherently criminal and therefore a nearby prison in the area would facilitate families' ability to visit what was implied to be homegrown inmates. The MELA also argued that the prison should be built in a place that was less dense than their community and not as close to schools. With no support from the city or the county in their battle against the prison, they relied on their sole political ally, California State Assemblywoman Gloria Molina, and the Catholic Church. After a seven- year struggle, the Mothers of East Los Angeles were able to stop the prison from being built, and also a proposed toxic waste incinerator. Both proposals placed the burden of solving Los Angeles County's trash-disposal and prison problems on the Eastside community, and in effect, given the population, on ethnic Mexican residents (Pardo, 1998). The Mothers of East Los Angeles' actions, and their need to take matters into their own hands ultimately show us that the County of Los Angeles was unresponsive to the needs of ethnic Mexicans and poorly serving them.

The early 1990s witnessed a victory for ethnic Mexicans when the *Garza v. Supervisor of the County of Los Angeles* case made clear that the 1981 redistricting plan adopted by the Board of Supervisors violated Section 2 of the Voting Rights Act and the equal protection clause of the Fourteenth Amendment. *Garza's* outcome led to the redistricting of the supervisorial districts and facilitated the election of a Latina Board of Supervisors member, Gloria Molina. Her election, as the past twenty years have shown, was a milestone, but given the growing Latino demographics of the city Molina quickly emerged as the Edward Roybal of her time. Like the former Los Angeles City Councilman, Molina, as the only Latina member of the Board of Supervisors, by default became the representative for all Latinos in the county—beyond her actual district-- and the person held responsible for all the concerns of this “imagined constituency.”

Despite Molina's ascendancy to the Board of Supervisors, there still remained a large number of Latinos in Los Angeles County who remained untouched by electoral politics and for whom electoral victories meant little in the face of growing poverty. Of course the election of a Latina to the board did not mean that police brutality had ended in the city, as the LAPD showed in the infamous Rodney King beating. Less than a month after Molina became a supervisor, police officers stopped King after a high speed chase and proceeded to hit the 25-year old King with their batons a total of fifty-six times. Although King was African American and the looting and violence that occurred in the aftermath of the April 1992 verdict that acquitted his attackers, involved mostly Blacks, the incident showed the fracturing of Los Angeles and pointed to income inequality that existed in the county as a whole. Rather than taking place in East Los Angeles or Wilmington, established ethnic Mexican neighborhoods, the looting that

involved Latinos occurred in South Los Angeles and the Pico-Union district, which were primarily composed of recent immigrants (and a mix of Mexicans and Central Americans). Of the 15,000 arrested, 1,200 were undocumented. (George Ramos and Tracy Wilkonson, 1992). These incidents made clear the fact that some Latinos felt marginalized, to say the least, and public officials seemed unresponsive and oblivious to their needs.

That the County of Los Angeles responded to ethnic Mexicans and other Latinos in a negative manner became clear through the Kolts Commission (modeled after the Christopher Commission, which investigated the LAPD in the aftermath of the Los Angeles uprisings) investigation of the Sheriff's Department in 1992. The commission examined 124 civil suits and 800 internal investigations, in addition to training and disciplinary procedures, and described the department as a place where discipline and oversight had broken down. It also reported that supervisors routinely tolerated abuse of suspects and prisoners, particularly Latinos and Blacks. In addition, the report criticized the department for a lack of Latino and Spanish-speaking deputies and called for civilian participation in the review oversight of the Sheriff. As the report said, "We know of no major metropolitan police department in the nation that is not subject to some civilian oversight—except the Los Angeles County Sheriff's Department" (Acuña, 1999).

Ethnic Mexicans continued to face discrimination in the 1990s in Los Angeles County; perhaps the most potent symbols of this climate were the struggles surrounding Propositions 187 and 209. Although Proposition 187 was aimed at denying health and educational services to undocumented immigrants, most Latinos saw the potential threat to all of their brethren regardless of citizenship status. This fear prompted Latinos to take

to the streets in protests. Many Latinos were alarmed by the racist tone of the anti-immigrant rhetoric. Despite these concerns the measure passed, but most of the provisions were later declared unconstitutional, however the debate over the law made clear the unwelcomed climate of the era. In the meantime, in November 1994, in response to the proposition's passage Supervisor Molina suggested that the Los Angeles County Board of Supervisors direct the county counsel to prepare a notice for distribution to county employees and the public to identify which provisions of the proposition the county would delay in implementing until Governor Pete Wilson issued guidelines for its enactment (Board of Supervisors, 1994).

Two years later, Proposition 209, the so-called "California Civil Rights Initiative", which in reality was an anti-affirmative action measure, passed, making as historian Rodolfo Acuña has observed, "anti-discrimination laws moot" (Acuña, 2011). Prior to its passage, in July 1996 when the initiative was placed on the ballot, Supervisor Yvonne Brathwaite Burke suggested that the Board of Supervisors reaffirm its commitment to affirmative action and go on record opposing the proposed measure. The Board of Supervisors eventually voted 3 to 1 (with Supervisor Dean Dana abstaining from voting and Supervisor Mike Antonovich voting against the proposal) to oppose the initiative (Board of Supervisors, 1996). As the above makes clear, in both instances it was through the intervention of "minority" members that the Board of Supervisors was prompted to take action in response to the propositions that would most affect Los Angeles County's Latino and African American population, despite the opposition of two white supervisors. Without the presence of Supervisors Molina and Burke it is doubtful

that the board would have thought of being responsive to the needs of the majority of Los Angeles County.

Supervisor Molina's intervention was clearly seen during the building of the new Los Angeles County-University of Southern California Medical Center. Immediately after being sworn in to office Supervisor Molina requested a full report on the proposed replacement of the county facility. Once she received information on the prohibitive costs to refurbish the building to bring it into safety compliance and meet seismic standards, in Spring 1991 Supervisor Molina supported building a 946 bed facility near the site of the current 800-bed hospital in Boyle Heights and an additional medical center in the San Gabriel Valley (which had been previously proposed and was never built due to community opposition). In order to build the facility 77 families needed to be relocated and thus in the summer of 1991 Supervisor Molina walked door-to-door in the community adjacent to LAC-USC medical center in order to gauge how the community would respond. Her office also initiated a series of community meetings and negotiated with Los Angeles County to ensure that residents would be fairly relocated. As a result an overwhelming majority of residents agreed to be relocated. While plans continued for the facility, the 1994 Northridge earthquake exacerbated the need for a new hospital. However, planning for the medical center were put on hold the following year when Los Angeles County faced a billion dollar deficit (its largest ever), stemming from the state's financial problems. This crisis created a \$665 million shortfall in county health services and the closing of the LAC-USC Medical Center was proposed. In light of this financial disaster, Supervisor Molina once again intervened. She approached the Clinton Administration and was able to obtain \$364 million from the federal government through

the 1115 waiver. This action allowed for the LAC-USC Medical Center replacement facility to be reinstated and in 1996 Mark Finucane was appointed director of the Los Angeles County Department of Health Services and soon recommended that the new medical center be reduced from its original 946 to 750 beds. Following Finucane's recommendation and that of independent expert studies. Supervisor Molina supported this plan and she, along with federal elected officials, held community forums to inform the public on the need to replace LAC-USC Medical Center with a 750-bed facility. However when the Board of Supervisors met to consider options for the new hospital, the other four members, despite hearing comments from 80 speakers in support of a 750 facility, voted to build a 600-bed hospital, contingent on receiving California SB 1732 funding. If this funding was not available, the four supervisors voted to build a 500-bed facility (LAC-USC Replacement Project Chronology).

Despite enormous community support for the 750-bed facility, Supervisors Yaroslavsky, Antonovich, and Knabe continued to undermine its construction. In 1998 after Latino/a elected officials in the California legislature secured over \$250 million in state funding via SB1573 for a 750-bed medical center, Yaroslavsky, Antonovich, and Knabe passed a motion requesting that Governor Wilson veto SB 1573, which he promptly did. Consequently, the Board of Supervisors then once again approved a 600-bed facility, with a provision to build an additional 150-bed hospital, if the current medical center maintained a daily census of at least 770 patients for the next three years and it received more state or federal financial assistance (LAC-USC Replacement Project Chronology).

In the ensuing years Supervisor Molina attempted to make her colleagues more responsive to the needs of poor people in Los Angeles County, by proposing several motions that would in effect put funding for other county facilities on hold (most notably Disney Hall) until monies were secure for the 750-bed facility. However, Supervisor Molina was outvoted at each turn with the result being that when the facility was finally completed in November 2008, its 600 beds proved insufficient (USC-LAC Replacement Project Chronology). Although her election to the Board of Supervisors was hailed as a victory for Latinos as a whole and a new era in Los Angeles County politics, which indeed it was, the reality was that she was easily outvoted by the three white men on the board who in this matter actively worked to deny services to poor people, the majority of whom are black and Latino.

In the period since 2000 discrimination against Latinos in Los Angeles County has continued perhaps in less dramatic, yet potent ways. That Latinos remained alienated from the political process was made clear in a 2002 report by the Pew Hispanic Center. As it said, “The nation’s 35 million Hispanics comprise nearly 13 percent of the population. However, there are a far smaller number of Hispanic voters. In the November 2002 election, an estimated 5.9 million Latino voted, comprising 5 percent of the total vote” (Acuña, 2011). The discrimination against Latinos, especially ethnic Mexicans, was heightened in the wake of 9-11. With the creation of the Department of Homeland Security and the merger of the U.S. Customs Service and the Immigration and Naturalization Service to create Immigration, Customs and Enforcement (ICE), the federal government heightened its efforts to control the U.S.-Mexico border and in the process Latinos became further criminalized. These changes impacted Los Angeles

County immensely given that it has the largest population of Latinos, especially ethnic Mexicans, in the nation.

This new environment of heightened security impacted the Los Angeles County Sheriff's Department. In July 2004, Sheriff Lee Baca proposed the adoption of a Memorandum of Understanding (MOU), a written agreement between ICE and his department in an effort to streamline the process by which the latter could more easily put into operation section 287 (g) of the Immigration and Nationality Act of 1996, as amended by the Homeland Security Act of 2002. Specifically, 287 (g) authorizes the Secretary of Homeland Security to enter into written agreements with a state or other political subdivisions in order for qualified personnel to perform certain functions of an immigration officer. Primarily this entails local authorities identifying undocumented "aliens" who have committed crimes and report them to ICE. This proposed MOU would allow ICE to train six custody assistant personnel to conduct interviews of in custody inmates at the inmate reception center to determine if they were criminal "illegal aliens or deportable under federal statutes." Although at first glance the proposed MOU seemed to be aimed at speeding the process by which the Los Angeles County Sheriff's Department could partner with ICE in a pilot training program, upon further scrutiny it presented several problems including the fact that some of the undocumented detainees could be proven innocent of the accused crime and still face deportation. Citing this problem, at its January 2005 meeting to discuss the matter, Supervisor Yaroslavsky amended the MOU so that the interviewing of inmates could only occur after conviction, and only then would information be disseminated to federal authorities. However as meeting attendee Araceli Perez, representing the Mexican American Legal Defense and Educational Fund

(MALDEF), stated, the amended MOU still set the dangerous precedent of “mixing immigration law with local [law] enforcement of any sort.” Along with MALDEF many other members of the Latino community expressed their opposition to the MOU, especially because it blurred the line between federal and local jurisdictions, given that immigration control was solely the domain of the federal government. Also, as Supervisor Molina, once again speaking on behalf of the Latino community as its only voice on the Los Angeles County Board of Supervisors said, “I don’t know when it’s going to be convenient for them [ICE] to start asking our nurses to carry out the same work. I don’t when it’s going to be convenient to ask our mental health people to carry out that same work.” She continued, “But I worry when we start asking our mental health workers, our social workers, our teachers, or our medical personnel to become part of the federal government to ask those questions for a department that is fully and completely funded that should be carrying out that work every single day, but I think it fuzzes the line.” Ultimately Supervisor Molina objected to the MOU because she believed that it was wrong for the Los Angeles County government to carry out the duties of the federal government. However when the vote on the MOU was called she, along with Supervisor Burke, dissented and once again Supervisors Yaroslavsky, Kanabe, and Antonovich (the three white men on the board) voted in favor of the adoption of the MOU (BOS minutes, 2005).

Although the Board of Supervisors approved the MOU, Gloria Molina was able to intervene and initially one of her staffer was allowed to oversee the pilot training program (which was suspended for a bit when Molina’s office requested that a MALDEF representative be allowed to witness the training, at which time ICE objected). In a

February 2007 memo to the Board of Supervisors, Los Angeles County Chief Administrative Officer David E. Janssen stated that ultimately the goal of the program was to reduce costs “associated with recidivism by criminal illegal aliens and jail overcrowding,” but he never stated the actual amount of money that the program saved the county, just the potential cost savings (Janssen, 2007). The discussion of the MOU once again showed the continued insensitivity of the Los Angeles County Board of Supervisors vis-à-vis the Latino community and the limited power that Supervisor Molina has on that body.

The unresponsiveness of Los Angeles County to its Latino community, which constitutes over 47% of its population, 33% of which is of voting age, is evident in the continued destruction of neighborhoods in East Los Angeles. As shown above, in the 1950s the freeways went through ethnic Mexican neighborhoods and they still dissect those living spaces. Augmenting this fissure is the Metro Gold Line extension, which except for a short 1.7-mile underground portion is a light rail system that travels through First, Indiana, and Third Streets in Boyle Heights and unincorporated East Los Angeles. The fact that the Gold Line does not go underground stems from several factors. The first was the 1985 methane gas explosion in Hollywood, during the construction of the Red Line, and the appearance of a sinkhole ten years later while work was done on the same line, which made officials question the safety of tunneling to construct subways. This fear of greater dangers led U.S. Representative Henry Waxman to sponsor legislation banning the use of federal monies for subway construction. The second, and more direct reason why the Gold Line extension was built above ground, was the 1998 passage of Proposition A, sponsored by Supervisor Yaroslavsky. This initiative banned

the use of Los Angeles County tax revenue for subway tunneling. However, this climate of fear receded in the 2000s, and Westsiders pressed for a subway to ease the traffic congestion along Wilshire Boulevard. Seeing an opportunity to gain important support from Westside residents, in 2005 when Antonio Villaraigosa ran for mayor, his platform included the building of “a subway to the sea” (MacDonald, 2010). In that same year Congressman Waxman changed his position on the subway tunneling issue, declared that tunneling was now safe, and sponsored legislation to overturn the previous ban. Not only did Waxman have a change of heart on tunneling, but so too did Supervisor Yaroslavsky, who in 2008 sponsored a new sales tax measure, Measure R. Supervisor Molina on the other hand, viewed Measure R as inequitable and poorly conceived. At a Board of Supervisors meeting in October 2008 she called for that body to fund the construction of four-crossing quadrant gates at every place that the Gold Line would stop. Supervisor Yaroslavsky objected to this proposal citing the costs, prompting Molina to remind her colleague that the Gold Line should have been a subway, but because Yaroslavsky killed the project it was not. Supervisor Molina, acting once again as the voice of the Latino community in Los Angeles County, said, “I get tired of being shortchanged on the Eastside on some basic stuff.” She continued, “If this board can't move forward on ... safety, I'm shocked.” Yaroslavsky responded to Molina in a nasty and dismissive manner, saying, “Supervisor Molina, you and every other member of the Board voted for this line. You voted for it.” He continued, “Don't make this a holier than thou safety issue” (Hyman, 2008). Yaroslavsky’s comments were not only disrespectful to Molina, but to the entire Latino community of Los Angeles County and once again shows how the board is unresponsive to this population’s needs.

The proceedings over Measure R, and the Gold Line's disruption of East Los Angeles neighborhoods, is yet another example of the ongoing official discrimination against Latinos that exist in Los Angeles County and is waged by county officials. Yaroslavsky's comments can be read as an instance of common sense racism that is prevalent in the county. Thus, it may appear that there is no ongoing discrimination against Latinos in the present-day, but in reality there has been a "trickle down racism" that is part and parcel of our understanding of certain groups and given the history of Latinos in Los Angeles County it is present at every turn in this group's experience and makes its members view elected official with suspicion.

Rather than relying on elected officials to help them, poor Latinos have relied on grass-roots organization for aid. Key among these groups in the present has been the Bus Riders Union, formed in 1992, whose concern has been racial discrimination policies in the Los Angeles County Metropolitan Transportation Authority (LACMTA). In 1996 it filed a civil rights suit against the LACMTA arguing that the agency was using disproportionately more of its federal funds on the suburban-oriented rail service and its wealthier (and whiter) ridership, at the same time as it was spending disproportionately less on the bus system and its much larger, lower-income ridership, predominantly made up of minorities, including Latinos. This action resulted in a ten-year consent agreement that mandated federal oversight of the LACMTA. Once the agreement expired in 2006 the Bus Riders Union filed a complaint that instituted an investigation of the agency that is to begin in July 2011. In May 2006 the group launched its Great American Boycott demonstration. It also is advocating that there be less policing throughout the city because of past abuses by law enforcement officials. The persistence of discrimination and the

unresponsiveness of the political process in Los Angeles County are evident through the Bus Riders Union continued work that uses litigation to try to have its grievances addressed (Marks, Gerin, Armstrong, 2004; Mascaro, 2005). Currently (July 2011), the Bus Riders union is bringing to the forefront the discrimination against domestic workers, mostly Latinas, through the LACMTA's elimination of bus line 305, which goes from Watts to Westwood (Medina, 2011).

The 1990 *Garza v. County of Los Angeles Board of Supervisors* made clear that up to that time there had been a historically and continuous official discrimination in Los Angeles County stretching back to the establishment of the Los Angeles County Board of Supervisors in 1852. Although *Garza* resulted in the redistricting of Los Angeles County and facilitated the election of a Latina, Gloria Molina, to the Board of Supervisors, she is but one voice on this body and as the above shows she is continuously outvoted on key issues relating to Latinos. Thus, there continues to be official discrimination in Los Angeles County and unresponsiveness by the political process that has often forced ethnic Mexicans/Latinos to seek redress through grass-roots efforts, demonstrations, and the courts. The residue of this official discrimination continues to hinder the ability of Latinos to use the political process to resolve their unequal status in all aspects of life in Los Angeles County. This institutional discrimination, which is part of the historical memory of Latinos in Los Angeles County, and allows for common sense racism, has ensured that they remain a marginalized group whose large population has not guaranteed access to, or active participation, vis-à-vis the mechanisms of power in Los Angeles County. Only by addressing ethnic Mexicans/Latinos access to the political process and ensuring that representation on the Los Angeles County of Supervisors is present and

enhanced can this group be full participants in the life of Los Angeles County, reach its full potential as active and contributing members of society, and engage the democratic process that is guaranteed to them under the U.S. Constitution and has been secured through the Voting Rights Act of 1965.

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Exhibit G1

Professor Ernesto Chávez

Curriculum vitae

Ernesto Chávez
Associate Professor

Department of History
University of Texas at El Paso
El Paso, TX 79968
(915) 747-6591
Fax: (915) 747-5948
E-mail: echavez@utep.edu

2815 Wheeling Ave.
El Paso, TX 79930
(915) 565-7443/(213) 595-3445(mobile)

EDUCATION

Ph.D., 1994, U.S. History, UCLA
Dissertation Title: "Creating Aztlán: The Chicano Movement in Los Angeles, 1966-1978."
Directors: Norris C. Hundley and George J. Sánchez

M.A., 1988, U.S. History, UCLA
B.A., 1985, History, UCLA

BOOKS

“Mi Raza Primero!” (My People First!): Nationalism, Identity, and Insurgency in the Chicano Movement in Los Angeles, 1966-1978. (Berkeley: University of California Press, 2002)

The U.S. War with Mexico War: A Brief History with Documents. (Boston: Bedford/St. Martin’s Press, 2007)

WORK IN PROGRESS

“Crossing the Boundaries of Race, Religion, and Desire: The Life of Ramón Novarro.”
Book Manuscript.

FELLOWSHIPS AND HONORS

1997-1998 UC Santa Barbara Center for Chicano Studies, Visiting Research Fellowship
1993-1994 UC San Diego Chancellor's Postdoctoral Fellowship
1992-1993 UCLA Ortega Dissertation-Year Fellowship
1991-1992 Ford Foundation Dissertation Fellowship for Minorities
1991 Tomás Rivera Center-Pew Foundation Manuscript Completion Grant
1990-1991 UCLA Institute of American Cultures-Chicano Studies Research
Center Pre-doctoral Fellowship
1989-1990 UCLA Research Assistantship/Mentorship
Fellowship
1985-1989 UCLA Graduate Affirmative Affairs Fellowship

EMPLOYMENT HISTORY

Teaching Experience

- 2001 - Associate Professor, UTEP
- 1994-2001 Assistant Professor, UTEP
- 1989 Teaching Assistant, U.S. Social History,
UCLA Freshman Summer Program
- 1986 Teaching Assistant, U.S. Social History,
UCLA Freshman Summer Program
- 1984-1987 Tutor, U.S. and Latin American History,
UCLA Academic Advancement Program

Research Experience

- 1987-1989 Research Assistant for Norris C. Hundley, Borderlands Atlas Project
- 1989-1990 Research Assistant for George Sánchez for
"The Other Los Angeles: Boyle Heights"

Other Work Experience

- 1988-1991 Summer College Adviser, UCLA College of Letters & Science

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Not Room Enough: Mexicans, Anglos, and Socioeconomic Change in Texas, 1850-1900. By Kenneth L. Stewart and Arnoldo De León. (Albuquerque: University of New Mexico Press, 1993). In *New Mexico Historical Review* 7, no. 2 (April 1996): 193.

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“The Chicano Movement.” *Encyclopedia of Race and Racism*. (Farmington Hills, MI: Thomas Gale, 2007).

“Mutualistas” *Encyclopedia of Latinos and Latinas*. (New York: Oxford University Press, 2005).

“Communities Organized for Public Service (COPS)” *Encyclopedia of Latinos and Latinas*. (New York: Oxford University Press, 2005).

“High School Blowouts” *Encyclopedia of Latinos and Latinas*. (New York: Oxford University Press, 2005).

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“Octaviano Larrazola.” *New Handbook of Texas*. (Austin: Texas State Historical Association, 1996).

Other Publications

“Preparing a Successful Grant or Fellowship Application.” Miroslava Chávez-García and Luis Alvarez, Co-Authors. *Organization of American Historians Newsletter*. Vol. 37, no. 4 (2009).

PRESENTATIONS

“Ramon is Not One of These’: Race, Class, and Sexuality in the Construction of Silent Screen Actor Ramón Novarro’s Star Image.” Yale University, New Haven, Connecticut. February 22, 2010.

“Race, Class, Religion, and Sexuality in the Construction of Silent Film Actor Ramón Novarro’s Star Image.” Pomona College, April 17, 2009.

“Race, Class, Religion, and Sexuality in the Construction of Silent Film Actor Ramón Novarro’s Star Image.” Conference on the Intersections of Race and Sexuality. UC San Diego, January 17, 2009.

“Abraham Lincoln and Mexican Americans.” Paper presented at “New Thinking on Lincoln's Legacy: Hispanic Perspectives.” National Archives, Washington, D.C. September 18, 2007.

“Crossing the Boundaries of Race and Desire: Ramón Novarro and Hollywood Stardom.” Invited lecture. Mexican American Studies and Research Program. University of Arizona. April 20, 2007.

“Is Aztlán in the Borderlands?: The Relationship Between Borderlands History and Chicano History.” Paper presented at “New Western Histories: A Conference in Honor of Norris Hundley.” May 2000.

“The State of Chicano/a History.” Paper presented at the Organization of American Historians Conference, Toronto, Ontario, Canada, April 1998.

“The Imagined Mexican Immigrant Worker: The Centro de Acción Social Autónomo(CASA) and the Construction of Chicano (Inter) Nationalism.” Paper presented at the Organization of American Historians Conference, Chicago, Illinois, March 1996.

“Aliens and Dissenters: The View from Aztlán.” Paper presented at the Social Science History Association Conference, Chicago, Illinois, November 1995.

“‘The Pushers are Committing a Crime Against the People’: The Committee to Free Los Tres and the Chicano Movement.” Paper presented at the American Historical Association-Pacific Coast Branch Conference, Wailea, Maui, Hawaii, August 1995.

“A Vanguard for La Gente: CASA, Marxism-Leninism, and the Chicano Movement in Los Angeles.” Paper presented at the American Studies Association Conference, Boston, MA, November 1993.

“Birth of a New Symbol: the Brown Berets in the Chicano Movement.” Paper presented at the American Historical Association-Pacific Coast Branch, Los Angeles, CA, August 1993.

“Burn, Barrio, Burn?: The National Chicano Moratorium.” Paper presented at the American Historical Association-Pacific Coast Branch Conference, Kona, Hawaii, August 1991.

“The National Chicano Moratorium of 1970.” Paper presented at the National Association for Chicano Studies Conference, Boulder, CO, April 1988.

PROFESSIONAL MEMBERSHIPS AND ACTIVITIES

American Historical Association
 Organization of American Historians
 National Association for Chicano and Chicana Studies
 American Studies Association
 Western History Association

SERVICE

University

UTEP, Paso Al Norté Immigration History Museum Advisory Committee, 1998-2001
 Texas Western Press, Editorial Board Member, 1998-2004.
 UTEP Entering Students Program Advisory Committee, 2000-2001
 Participant, Entering Students Program, 1998-2006.
 Faculty Development Grant Review Committee, 1995-1996

College

UTEP College of Liberal Arts Tenure and Promotion Committee, 2002-2003

Department

UTEP Department of History, Undergraduate Advisor; Chair, Undergraduate Program Committee, 2000-present
 UTEP Department of History, Chair, Borders, Transnational Identities, and Migrations/Diasporas Search Committee, 2001-2002
 UTEP Department of History, Library Committee, 2000-present
 UTEP Department of History, member, Western History Search Committee
 UTEP Department of History, Graduate Program Committee, 1998-2000
 UTEP Department of History, Scholarship Committee, 1998-99
 UTEP Department of History, Chair, Chicano/a History Search Committee, 2003-2004.
 UTEP Department of History, member, U.S. and the World Search Committee, 2004-2005.

MA Thesis Committees

Third Reader, MFA Thesis Committee, Javier Octavio Huerta, 2005.
 Third Reader, MFA Thesis Committee, Mauricio Rodríguez, "El Paso Con Safos," 2003.
 Chair, MA Thesis Committee, James Barrera, "The Edcouch-Elsa High School Walkouts of 1968." 2000

Chair, MA Thesis Committee, Samuel Márquez, “Rudolfo Anaya and his Vision of Chicano Identity.” 1997.

Second Reader, MA Thesis Committee, Samuel Sisneros, “Los Primeros Repatriados: The Voluntary Repatriation of New Mexico Natives to Northern Chihuahua, Mexico, 1849-1859.” 2000

Second Reader, MA Thesis Committee, Raúl Reyes, “‘Gringos’ and ‘Greasers’ and the Rio Grande Border: Race Resentment in the Mexican Revolutionary Era in El Paso, 1914-1916.” 1997.

Second Reader, MA Thesis Committee, Reynolds Keifer, “Dissent in the Desert: The Vietnam Era Antiwar Movement in El Paso.” 1997.

Second Reader, MA Thesis Committee, Monica Perales, “Between the Burro and the Smelter: The Formation of Mexican American Community and Identity, Smelertown, TX, 1915-1945.” 1996.

Academic Community

U.S. Department of the Army History Advisory Committee, 2000-2002

Western History Association, Conference Program Committee, 1999

American Studies Association, Minority Scholars’ Committee, 1997-2000, Chair, 1999-2000

American Studies Association, Ethnic Studies Task Force, 1999-2002

Participant, “Shaping America”, Program #18: “Moving West”. Dallas County Community College District, Telecourse, 2000.

Organization of American Historians, Committee on African, Latino, Asian, and Native American (ALANA) History, 2003-2007. Chair, 2005-2006.

Organization of American Historian, Huggins-Quarles Award Committee, 2003-2007. Chair, 2004-2005.

American Studies Association, Minority Scholars’ Committee, 2006-2009, Chair 2006-2007

Manuscript Reader, Temple University Press.

Manuscript Reader, Western Historical Quarterly

Manuscript Reader, Latino Studies Journal.

Manuscript Reader, Aztlán: A Journal of Chicano Studies.

Manuscript Reader, University of California Press.

Manuscript Reader, University of North Carolina Press

Fellowship Application Reader, National Research Council/Ford Foundation, Ford

Diversity Dissertation and Postdoctoral Fellowships, 2005-2010.

Ford Conference of Fellows Planning Committee, 2009-2010.

Regional Liaison for Arizona, New Mexico, and West Texas, Ford Diversity Fellowship.

American Studies Association, National Council, 2009-2012.

Exhibit G2

Garza District Court opinion
756 F.Supp. 1298 (C.D. Cal. 1990)

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(Cite as: 756 F.Supp. 1298)



United States District Court,
C.D. California.

Yolanda GARZA, et al., Plaintiffs,
United States of America, Plaintiff,

v.

COUNTY OF LOS ANGELES, CALIFORNIA, Los Angeles Board of Supervisors, et al., Defendants,
Lawrence K. Irvin, et al., Plaintiffs–Intervenors.

Nos. CV 88–5143 KN(Ex), CV 88–5435 KN(Ex).

June 4, 1990.

As Corrected May 14, 1991.

Hispanic voters challenged redistricting plan adopted by county board of supervisors as in violation of Voting Rights Act and equal protection clause. The District Court, Kenyon, J., held that Hispanic voters established that redistricting plan violated Voting Rights Act and the equal protection clause because the evidence showed that, utilizing the existing five districts, was possible to draw a plan in which Hispanics comprised a majority of citizen voting age population in one of the districts, in light of the size and geographic compactness of the Hispanic community.

Ordered accordingly.

West Headnotes

[\[1\]](#) Counties 104 38

[104](#) Counties

[104II](#) Government

[104II\(C\)](#) County Board

[104k38](#) k. Nature and Constitution in General. [Most Cited Cases](#)

Redistricting plan adopted by county board of supervisors violated Voting Rights Act and equal protection clause by failing to draw plan so that Hispanics comprised majority of citizen voting age population in one of five districts. [U.S.C.A. Const.Amend. 14](#); Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[\[2\]](#) Counties 104 38

[104](#) Counties

[104II](#) Government

[104II\(C\)](#) County Board

[104k38](#) k. Nature and Constitution in General. [Most Cited Cases](#)

Hispanics in Los Angeles County were politically cohesive and voting behavior was polarized between Hispanics and

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non-Hispanics as necessary to show that failure to draw redistricting plan to create majority of citizen voting age population of Hispanics in district denied Hispanics equal opportunity to participate in political process. [U.S.C.A. Const.Amend. 14](#); Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[3] Counties 104 **38**

[104](#) Counties

[104II](#) Government

[104II\(C\)](#) County Board

[104k38](#) k. Nature and Constitution in General. [Most Cited Cases](#)

Evidence showed that county board of supervisors knew that redistricting plan would impair ability of Hispanics to gain representation on board and that supervisors acted with intent to maintain fragmentation of Hispanic vote, despite supervisors' contention that they acted only out of requirements of incumbency; where requirements of incumbency were so closely intertwined with need for racial dilution, intent to maintain primarily white district was virtually coterminous with purpose to practice racial discrimination. [U.S.C.A. Const.Amend. 14](#); Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[4] Constitutional Law 92 **3285**

[92](#) Constitutional Law

[92XXVI](#) Equal Protection

[92XXVI\(B\)](#) Particular Classes

[92XXVI\(B\)8](#) Race, National Origin, or Ethnicity

[92k3283](#) Elections, Voting, and Political Rights

[92k3285](#) k. Electoral Districts and Gerrymandering. [Most Cited Cases](#)

(Formerly 92k225.3(5))

Counties 104 **38**

[104](#) Counties

[104II](#) Government

[104II\(C\)](#) County Board

[104k38](#) k. Nature and Constitution in General. [Most Cited Cases](#)

Hispanic voters established that redistricting plan adopted by a county board of supervisors violated both § 2 of Voting Rights Act and equal protection clause; it was possible that plan could be drawn in which Hispanics comprised majority of voting age population in one of the districts, given size and geographic compactness of Hispanic community. [U.S.C.A. Const.Amend. 14](#); Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[5] Elections 144 **12(1)**

[144](#) Elections

[144I](#) Right of Suffrage and Regulation Thereof in General

[144k12](#) Denial or Abridgment on Account of Race

[144k12\(1\)](#) k. In General. [Most Cited Cases](#)

Impact of contested structure or practice on minority electoral opportunity is assessed based on objective factors, including history of discrimination in state or political subdivision, extent to which voting in elections is racially polarized, extent to which political subdivision has used voting requirements that might have enhanced opportunity for discrimination, whether

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members of minority group have been denied access to candidate slating process, whether minority groups bears effects of discrimination in areas of education, health and employment, whether political campaigns have been characterized by overt or subtle racial appeals, and extent to which members of minority group have been elected to public office. Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[6] Elections 144 12(1)

[144](#) Elections

[144I](#) Right of Suffrage and Regulation Thereof in General

[144k12](#) Denial or Abridgment on Account of Race

[144k12\(1\)](#) k. In General. [Most Cited Cases](#)

Determining whether violation of Voting Rights Act has occurred depends on whether political processes are “equally open” based on evaluation of past and present reality and on functional view of political process; essence of § 2 claim is that certain electoral process, practice, or structure interacts with social or historical condition to cause inequality in opportunities to elect preferred representatives. Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[7] Elections 144 12(3)

[144](#) Elections

[144I](#) Right of Suffrage and Regulation Thereof in General

[144k12](#) Denial or Abridgment on Account of Race

[144k12\(2\)](#) Discriminatory Practices Proscribed

[144k12\(3\)](#) k. Dilution of Voting Power. [Most Cited Cases](#)

Large elections and conjunction of allegedly diluted electoral mechanism with lack of proportional representation does not establish violation of Voting Rights Act, nor does results test assume existence of racial voting bloc; plaintiffs must prove it. Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[8] Elections 144 12(3)

[144](#) Elections

[144I](#) Right of Suffrage and Regulation Thereof in General

[144k12](#) Denial or Abridgment on Account of Race

[144k12\(2\)](#) Discriminatory Practices Proscribed

[144k12\(3\)](#) k. Dilution of Voting Power. [Most Cited Cases](#)

Multimember districts operate to impair minority voters' ability to elect representatives of their choice only if minority group is sufficiently large and geographically compact to constitute majority in single member district, minority group is politically cohesive, and white majority votes sufficiently as bloc to enable it, absent special circumstances, to defeat minority's preferred candidate. Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[9] Elections 144 12(3)

[144](#) Elections

[144I](#) Right of Suffrage and Regulation Thereof in General

[144k12](#) Denial or Abridgment on Account of Race

[144k12\(2\)](#) Discriminatory Practices Proscribed

[144k12\(3\)](#) k. Dilution of Voting Power. [Most Cited Cases](#)

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Unless minority voters have potential to elect representatives in absence of challenged structure or practice, they cannot claim to have been injured by structure or practice for purposes of proving violation of Voting Rights Act. Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[10] Elections 144 ☞ 12(1)

[144](#) Elections

[144I](#) Right of Suffrage and Regulation Thereof in General

[144k12](#) Denial or Abridgment on Account of Race

[144k12\(1\)](#) k. In General. [Most Cited Cases](#)

Geographical compactness, for purposes of proving violation of Voting Rights Act, is measured by eligible minority voter population and not by total population. Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[11] Elections 144 ☞ 12(9.1)

[144](#) Elections

[144I](#) Right of Suffrage and Regulation Thereof in General

[144k12](#) Denial or Abridgment on Account of Race

[144k12\(9\)](#) Judicial Review or Intervention; Injunction

[144k12\(9.1\)](#) k. In General. [Most Cited Cases](#)

(Formerly 144k12(9))

Current voting age population data are probative in action to prove violation of Voting Rights Act because data indicate electoral potential of minority community. Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[12] Census 72 ☞ 1.1

[72](#) Census

[72k1](#) United States Census

[72k1.1](#) k. In General. [Most Cited Cases](#)

(Formerly 72k1)

Census is presumed to be accurate unless proven otherwise by clear, cogent and convincing evidence.

[13] Census 72 ☞ 1.1

[72](#) Census

[72k1](#) United States Census

[72k1.1](#) k. In General. [Most Cited Cases](#)

(Formerly 72k1)

To prove that census is inaccurate, it is sufficient to show that significant demographic changes have occurred since last census and that postcensus population data more accurately reflects evidence of current demographic conditions.

[14] States 360 ☞ 27(5)

756 F.Supp. 1298
(Cite as: 756 F.Supp. 1298)

[360](#) States

[360II](#) Government and Officers

[360k24](#) Legislature

[360k27](#) Legislative Districts and Apportionment

[360k27\(4\)](#) Equality of Representation and Discrimination

[360k27\(5\)](#) k. Population as Basis and Deviation Therefrom. [Most Cited Cases](#)

Where shifts in population can be predicted with high degree of accuracy, predictions may be considered by states in process of redistricting.

[15] Elections [144](#)  [12\(1\)](#)

[144](#) Elections

[144I](#) Right of Suffrage and Regulation Thereof in General

[144k12](#) Denial or Abridgment on Account of Race

[144k12\(1\)](#) k. In General. [Most Cited Cases](#)

Inquiry whether minority group is political cohesive is not to be made before or apart from study of polarized voting for purposes of showing violation of Voting Rights Act; minority group which votes together can be deemed “politically cohesive.” Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[16] Elections [144](#)  [12\(1\)](#)

[144](#) Elections

[144I](#) Right of Suffrage and Regulation Thereof in General

[144k12](#) Denial or Abridgment on Account of Race

[144k12\(1\)](#) k. In General. [Most Cited Cases](#)

In determining political cohesiveness for purposes of showing violation of Voting Rights Act, inquiry is whether minority group has expressed clear political preferences which are distinct from those of majority; cohesiveness may be shown if significant number of minority group members usually vote for same candidates. Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[17] Elections [144](#)  [12\(1\)](#)

[144](#) Elections

[144I](#) Right of Suffrage and Regulation Thereof in General

[144k12](#) Denial or Abridgment on Account of Race

[144k12\(1\)](#) k. In General. [Most Cited Cases](#)

In determining political cohesiveness for purposes of showing violation of Voting Rights Act, court should only look to actual voting patterns rather than speculate on reasons why many minority members did not vote. Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[18] Counties [104](#)  [38](#)

[104](#) Counties

[104II](#) Government

[104II\(C\)](#) County Board

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[104k38](#) k. Nature and Constitution in General. [Most Cited Cases](#)

Elections 144  **12(9.1)**

[144](#) Elections

[144I](#) Right of Suffrage and Regulation Thereof in General
[144k12](#) Denial or Abridgment on Account of Race
[144k12\(9\)](#) Judicial Review or Intervention; Injunction
[144k12\(9.1\)](#) k. In General. [Most Cited Cases](#)
 (Formerly 144k12(9))

Socioeconomic disparities and differences of political opinion within Hispanic community were relevant in action charging that redistricting plan of county board of supervisors violated the Voting Rights Act only to extent that disparities reflected differences in voting behavior.

[19] **Elections 144**  **12(9.1)**

[144](#) Elections

[144I](#) Right of Suffrage and Regulation Thereof in General
[144k12](#) Denial or Abridgment on Account of Race
[144k12\(9\)](#) Judicial Review or Intervention; Injunction
[144k12\(9.1\)](#) k. In General. [Most Cited Cases](#)
 (Formerly 144k12(9))

Statistical analysis of voting data is highly relevant to issue of political cohesion for purposes of showing violation of Voting Rights Act. Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[20] **Elections 144**  **12(9.1)**

[144](#) Elections

[144I](#) Right of Suffrage and Regulation Thereof in General
[144k12](#) Denial or Abridgment on Account of Race
[144k12\(9\)](#) Judicial Review or Intervention; Injunction
[144k12\(9.1\)](#) k. In General. [Most Cited Cases](#)
 (Formerly 144k12(9))

Political cohesion, for purposes of showing violation of Voting Rights Act, can be established through ecological regression analysis and lay witness testimony. Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[21] **Elections 144**  **12(9.1)**

[144](#) Elections

[144I](#) Right of Suffrage and Regulation Thereof in General
[144k12](#) Denial or Abridgment on Account of Race
[144k12\(9\)](#) Judicial Review or Intervention; Injunction
[144k12\(9.1\)](#) k. In General. [Most Cited Cases](#)
 (Formerly 144k12(9))

If small number of minority candidacies prevent compilation of statistical evidence, court should rely on other totality of

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(Cite as: 756 F.Supp. 1298)

circumstances factors to determine if electoral system had discriminatory effect for purposes of showing violation of Voting Rights Act. Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[22] Elections 144 12(9.1)

144 Elections

[144I](#) Right of Suffrage and Regulation Thereof in General
[144k12](#) Denial or Abridgment on Account of Race
[144k12\(9\)](#) Judicial Review or Intervention; Injunction
[144k12\(9.1\)](#) k. In General. [Most Cited Cases](#)
 (Formerly 144k12(9))

In order to prove prima facie case of racial bloc voting, plaintiffs need not prove causation or intent.

[23] Elections 144 12(1)

144 Elections

[144I](#) Right of Suffrage and Regulation Thereof in General
[144k12](#) Denial or Abridgment on Account of Race
[144k12\(1\)](#) k. In General. [Most Cited Cases](#)

Fact that racially polarized voting was not present in some individual elections does not necessarily negate conclusion that district experiences legally significant bloc voting.

[24] Elections 144 12(9.1)

144 Elections

[144I](#) Right of Suffrage and Regulation Thereof in General
[144k12](#) Denial or Abridgment on Account of Race
[144k12\(9\)](#) Judicial Review or Intervention; Injunction
[144k12\(9.1\)](#) k. In General. [Most Cited Cases](#)
 (Formerly 144k12(9))

Unusually large election district is relevant factor in claim of violation of Voting Rights Act. Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[25] Elections 144 12(9.1)

144 Elections

[144I](#) Right of Suffrage and Regulation Thereof in General
[144k12](#) Denial or Abridgment on Account of Race
[144k12\(9\)](#) Judicial Review or Intervention; Injunction
[144k12\(9.1\)](#) k. In General. [Most Cited Cases](#)
 (Formerly 144k12(9))

Lingering effects of past discrimination are relevant to claim of violation of Voting Rights Act only if they continue to hinder minority group's ability to participate effectively in political process. Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

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[26] Elections 144  **12(9.1)**

144 Elections

144I Right of Suffrage and Regulation Thereof in General
144k12 Denial or Abridgment on Account of Race
144k12(9) Judicial Review or Intervention; Injunction
144k12(9.1) k. In General. [Most Cited Cases](#)

(Formerly 144k12(9))

Minority electoral failure is probative indication of vote dilution for purposes of showing violation of Voting Rights Act. Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[27] Elections 144  **12(1)**

144 Elections

144I Right of Suffrage and Regulation Thereof in General
144k12 Denial or Abridgment on Account of Race
144k12(1) k. In General. [Most Cited Cases](#)

Whether challenged electoral system or practice violates Voting Rights Act as result of discriminatory purpose can be determined independently of any analysis of preconditions of discrimination. Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[28] Elections 144  **12(9.1)**

144 Elections

144I Right of Suffrage and Regulation Thereof in General
144k12 Denial or Abridgment on Account of Race
144k12(9) Judicial Review or Intervention; Injunction
144k12(9.1) k. In General. [Most Cited Cases](#)

(Formerly 144k12(9))

Standard of proof required for determining intent or discriminatory purpose in order to show violation of Voting Rights Act is same as that used in resolving cases under equal protection clause. Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#); [U.S.C.A. Const.Amend. 14](#).

[29] Elections 144  **12(9.1)**

144 Elections

144I Right of Suffrage and Regulation Thereof in General
144k12 Denial or Abridgment on Account of Race
144k12(9) Judicial Review or Intervention; Injunction
144k12(9.1) k. In General. [Most Cited Cases](#)

(Formerly 144k12(9))

Discriminatory purpose in order to show violation of Voting Rights Act may be inferred from totality of relevant facts, including fact that law bears more heavily on one race than another. Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

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(Cite as: 756 F.Supp. 1298)

[30] Elections 144 12(9.1)

144 Elections

- [144I](#) Right of Suffrage and Regulation Thereof in General
 - [144k12](#) Denial or Abridgment on Account of Race
 - [144k12\(9\)](#) Judicial Review or Intervention; Injunction
 - [144k12\(9.1\)](#) k. In General. [Most Cited Cases](#)
- (Formerly 144k12(9))

Determining whether invidious discriminatory purpose was a motivating factor for purposes of showing violation of Voting Rights Act demands inquiry into circumstantial and direct evidence of intent.

[31] Elections 144 12(9.1)

144 Elections

- [144I](#) Right of Suffrage and Regulation Thereof in General
 - [144k12](#) Denial or Abridgment on Account of Race
 - [144k12\(9\)](#) Judicial Review or Intervention; Injunction
 - [144k12\(9.1\)](#) k. In General. [Most Cited Cases](#)
- (Formerly 144k12(9))

If there is proof that discriminatory purpose has been motivating factor in decision allegedly violating Voting Rights Act, review of decisions of legislators and administrators is warranted. Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[32] Elections 144 12(9.1)

144 Elections

- [144I](#) Right of Suffrage and Regulation Thereof in General
 - [144k12](#) Denial or Abridgment on Account of Race
 - [144k12\(9\)](#) Judicial Review or Intervention; Injunction
 - [144k12\(9.1\)](#) k. In General. [Most Cited Cases](#)
- (Formerly 144k12(9))

Factors which are probative of discriminatory purpose in order to show violation of Voting Rights Act include impact of official action, historical background of decision, specific sequence of events leading up to decision, departures from normal procedural sequences, and substantive departures.

[33] Constitutional Law 92 3657

92 Constitutional Law

- [92XXVI](#) Equal Protection
 - [92XXVI\(E\)](#) Particular Issues and Applications
 - [92XXVI\(E\)9](#) Elections, Voting, and Political Rights
 - [92k3656](#) Equality of Voting Power (One Person, One Vote)
 - [92k3657](#) k. In General. [Most Cited Cases](#)
- (Formerly 92k225.3(6))

States 360 27(4.1)

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[360](#) States
[360II](#) Government and Officers
[360k24](#) Legislature
[360k27](#) Legislative Districts and Apportionment
[360k27\(4\)](#) Equality of Representation and Discrimination
[360k27\(4.1\)](#) k. In General. [Most Cited Cases](#)
 (Formerly 360k27(4))

States are required to include aliens, transients, short-term or temporary residents, and persons denied vote for conviction of crime in apportionment base by which legislators are distributed and against which compliance with equal protection clause is measured. [U.S.C.A. Const.Amend. 14](#).

[34] States 360 ↪27(5)

[360](#) States
[360II](#) Government and Officers
[360k24](#) Legislature
[360k27](#) Legislative Districts and Apportionment
[360k27\(4\)](#) Equality of Representation and Discrimination
[360k27\(5\)](#) k. Population as Basis and Deviation Therefrom. [Most Cited Cases](#)

Overriding objective of legislative apportionment scheme is substantial equality of population among various districts, so that vote of any citizen is approximately equal in weight to that of any other citizen.

[35] Counties 104 ↪38

[104](#) Counties
[104II](#) Government
[104II\(C\)](#) County Board
[104k38](#) k. Nature and Constitution in General. [Most Cited Cases](#)

Right of citizens to participate fully and effectively in political processes of state legislative bodies applies equally to county bodies.

[36] Constitutional Law 92 ↪3658(6)

[92](#) Constitutional Law
[92XXVI](#) Equal Protection
[92XXVI\(E\)](#) Particular Issues and Applications
[92XXVI\(E\)9](#) Elections, Voting, and Political Rights
[92k3656](#) Equality of Voting Power (One Person, One Vote)
[92k3658](#) Electoral Districts
[92k3658\(6\)](#) k. Population Deviation. [Most Cited Cases](#)
 (Formerly 92k225.3(6))

States 360 ↪27(5)

[360](#) States

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[360II](#) Government and Officers
 [360k24](#) Legislature
 [360k27](#) Legislative Districts and Apportionment
 [360k27\(4\)](#) Equality of Representation and Discrimination
 [360k27\(5\)](#) k. Population as Basis and Deviation Therefrom. [Most Cited Cases](#)

Alternative election system, although it must comport with one person one vote standard, need not achieve absolute equality; leeway in equal protection requirement is afforded states in creating legislative apportionment plan and maximum deviation from population equality of under ten percent is permissible.

[37] Elections 144  **12(9.1)**

[144](#) Elections
 [144I](#) Right of Suffrage and Regulation Thereof in General
 [144k12](#) Denial or Abridgment on Account of Race
 [144k12\(9\)](#) Judicial Review or Intervention; Injunction
 [144k12\(9.1\)](#) k. In General. [Most Cited Cases](#)
 (Formerly 144k12(9))

Burden is on district court to elucidate reasons for necessitating departure from goal of population equality and to articulate clearly relationship between variance and state policy furthered in action alleging violation of Voting Rights Act. Voting Rights Act of 1965, § 2, as amended, [42 U.S.C.A. § 1973](#).

[38] Constitutional Law 92  **2529**

[92](#) Constitutional Law
 [92XX](#) Separation of Powers
 [92XX\(C\)](#) Judicial Powers and Functions
 [92XX\(C\)2](#) Encroachment on Legislature
 [92k2499](#) Particular Issues and Applications
 [92k2529](#) k. Zoning and Land Use. [Most Cited Cases](#)
 (Formerly 92k70.1(12))

States 360  **27(10)**

[360](#) States
 [360II](#) Government and Officers
 [360k24](#) Legislature
 [360k27](#) Legislative Districts and Apportionment
 [360k27\(10\)](#) k. Judicial Review and Control. [Most Cited Cases](#)

Task of reapportionment is properly legislative function so that, whenever practicable, legislature should be afforded reasonable opportunity to meet constitutional requirements by adopting substitute measure rather than for federal court to devise and order into effect its own plan.

***1302** [Douglas E. Mirell](#), [Richard S. Amador](#), Los Angeles, Cal., [Joaquin Avila](#), Milpitas, Cal., [Mark D. Rosenbaum](#), [Paul L. Hoffman](#), Robin Toma and [Richard P. Fajardo](#), Antonia Hernandez, [Judith Sanders-Castro](#), [E. Richard Larson](#), Mexican American Legal Defense and Educational Fund, Los Angeles, Cal., for plaintiffs.

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[Dewitt W. Clinton](#), County Counsel of Los Angeles, Mary Wawro, Senior Asst. County Counsel, [Richard K. Simon](#), Lee L. Blackman, [Erich R. Luschei](#), McDermott, Will & Emery, [John E. McDermott](#), [Richard C. Field](#), [Evan M. Eisland](#), Cadwalader Wickersham & Taft, Los Angeles, Cal., for defendants.

[Steven H. Rosenbaum](#), [Sheila K. Delaney](#), Robert S. Berman, [Robert A. Kengle](#), [Gaye L. Hume](#), Anthony Chavez, Dept. of Justice, Washington, D.C., for plaintiff U.S.

Nyisha Shakur, NAACP Special Contrib. Fund, [Bill Lann Lee](#), Theodore M. Shaw, [Patrick O. Patterson](#), NAACP Legal Defense Fund, Los Angeles, Cal., for Lawrence K. Irvin, et al.

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***1303 FINDINGS OF FACT AND CONCLUSIONS OF LAW**

KENYON, District Judge.

I. SUMMARY OF FINDINGS

The Court has spent the past several weeks since the conclusion of this trial on April 10, 1990, immersed in what the Supreme Court in *Thornburg v. Gingles* referred to as a “searching evaluation of ‘past and present reality’ ” and on a “ ‘functional’ view of the political process.” [478 U.S. 30, 45, 106 S.Ct. 2752, 2764, 92 L.Ed.2d 25 \(1986\)](#) citing S.Rep. at 30, n. 120, U.S. Code Cong. & Admin. News 1982, pp. 177, 208. The conclusion this Court reaches is that, on a fundamental level, the Hispanic community has sadly been denied an equal opportunity to participate in the political process and to elect candidates of their choice to the Board of Supervisors for this burgeoning County.

As the findings below set forth, plaintiffs have adequately demonstrated, based on ***1304** the totality of the circumstances, that the 1981 redistricting plan adopted by the Board of Supervisors violated Section 2 of the Voting Rights Act and the equal protection clause of the Fourteenth Amendment.

[1] Specifically, the Court finds that the Hispanic community is sufficiently large and geographically compact such that a five district plan can be drawn in which Hispanics comprise a majority of the citizen voting age population in one of the five districts. The post-1980 estimates of citizen voting age population, based upon PEPS data and the special tabulation of voting age citizens by the Census Bureau, are reliable as an alternative means of proof that under current conditions it is possible to create a supervisorial district with an Hispanic citizen voting age population majority.

Further, even if the Court were to use 1980 Census data, plaintiffs have established through illustrative plans that Hispanic voting age citizens had the potential to elect the candidate of their choice absent a clear citizen voting age majority. It would be myopic, on these facts and circumstances, for the Court to apply the bright line 50 percent requirement set forth by the Ninth Circuit in *Romero v. City of Pomona*, [883 F.2d 1418, 1426 \(9th Cir.1989\)](#), as an absolute measure of undiluted minority voting strength. While this Court can imagine a number of circumstances in which the 50 percent figure is dispositive, as Justice O'Connor stated in her concurring opinion in *Gingles*:

“[T]here is no indication that Congress intended to mandate a single, universally applicable standard for measuring undiluted minority voting strength, regardless of local conditions and regardless of the extent of past discrimination against minority

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voters in a particular State or political subdivision.”

[478 U.S. at 94–95, 106 S.Ct. at 2789](#) (O'Connor, J., concurring).

In this case, the explosive and continuous growth of the Los Angeles County Hispanic community was evident at the time of the adoption of the 1981 redistricting plan as was the steady decline of the County's non-Hispanic white population. These facts, coupled with a long and painful history of discrimination against Hispanics in this County weighs heavily in favor of the conclusion that even relying solely on the 1980 Census data, plaintiffs have met their burden under *Gingles*.

[2] The Court also finds that Hispanics are politically cohesive and that voting behavior is polarized between Hispanics and non-Hispanics. In particular, the Court concludes that Hispanic voters regularly provide overwhelming support for Hispanic candidates while the degree of non-Hispanic cross-over voting is minimal. Given the estimated levels of polarization, including the effects of non-Hispanic bloc voting, an Hispanic candidate is unable to be elected to the Board under the current configuration of supervisorial districts.

During the 1981 redistricting process, the Supervisors' primary objective was to protect their incumbencies and that of their allies. This objective, however, was inescapably linked to the continued fragmentation of the Hispanic population core. The Court believes that had the Board found it possible to protect their incumbencies while increasing Hispanic voting strength, they would have acted to satisfy both objectives. As defendants' counsel argued in opening statement:

“It was not, ... the case of a Republican protecting [his] incumbency against the Hispanic Republican. It was the Republican protecting himself or protecting his philosophical concerns and those of the ones who elected him from a change to a Democratic seat.... Now looking again to the motive of minority members on the Board of Supervisors. Again what you find is that it was not an effort by the Anglos to preclude Hispanics from getting elected.... It was not because of a desire on anyone's part to dilute or diffuse or to keep the Hispanic community powerless; it was because they could not find the way to do what everyone wanted to do. And that sometimes happens in politics.”

*1305 It is undeniable, however, that the Los Angeles County Board of Supervisors knew that by adopting the 1981 redistricting plan, they were further impairing the ability of Hispanics to gain representation on the Board. The Court finds no legal justification for this form of discrimination based on the protection of supervisorial incumbencies.

[3][4] As the court stated in [Rybicki v. State Board of Elections, 574 F.Supp. 1082, 1109 \(N.D.Ill.1982\)](#), where the requirements of incumbency “are so closely intertwined with the need for racial dilution ... an intent to maintain a safe, primarily white, district ... is virtually coterminous with a purpose to practice racial discrimination.” The Court finds, on the evidence presented, that the Supervisors acted with the intent to maintain the fragmentation of the Hispanic vote.

Throughout this trial, the Court heard extensive testimony regarding the size of the supervisorial districts. The Court strongly believes, as one Supervisor testified, that the districts are now too large for any one person to adequately represent. The Court believes that expansion may well be in the best interest of all concerned. However, the Court finds that while the size of the districts contributes significantly to the inability of Hispanics to elect a candidate of their choice, plaintiffs have failed to establish a valid legal claim based solely on the size of the supervisorial districts.

Since the task of reapportionment is properly a legislative function, it is appropriate, in this case, to allow the Board of Supervisors a reasonable opportunity to meet constitutional requirements by adopting a substitute measure. [Wise v. Lipscomb, 437 U.S. 535, 540, 98 S.Ct. 2493, 2497, 57 L.Ed.2d 411 \(1978\)](#). It is the sincere hope of this Court that in fashioning a suitable remedy, defendants will carefully reconsider the issue of expansion.

II. FINDINGS OF FACT

A. THE PARTIES

1. The United States of America is the plaintiff in the consolidated case, No. CV 88–5435 KN, *United States of America v.*

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County of Los Angeles, et al. The United States was represented by Steven H. Rosenbaum, of the Voting Section, Civil Rights Division of the Justice Department.

2. Hispanic [FNI](#) registered voters in Los Angeles County are the plaintiffs in this consolidated class action, No. CV 88–5143 KN, *Yolanda Garza, et al. v. County of Los Angeles, et al.* The class representatives include: plaintiff Yolanda Garza, a resident of Supervisorial District One; plaintiff Salvador H. Ledezma, a resident of Supervisorial District Two; plaintiff Raymond Palacios, a resident of Supervisorial District Three; plaintiff Guadalupe De La Garza, a resident of Supervisorial District Four; and plaintiff Monica Tovar, a resident of Supervisorial District Five. All are United States citizens of Spanish heritage and registered voters in Los Angeles County, California. (hereinafter the “Garza plaintiffs”). Richard P. Fajardo, of the Mexican American Legal Defense and Educational Fund (MALDEF), and Mark D. Rosenbaum of the American Civil Liberties Union (ACLU) represented the Garza plaintiffs.

[FNI](#). The term “Hispanic” refers to persons of Spanish heritage and persons of Spanish origin.

3. Defendant Los Angeles County is a political subdivision of the State of California established under the laws of the State and the Charter of the County of Los Angeles. Los Angeles County is subject to the requirements of the Voting Rights Act of 1965, as amended, [Pub.L. No. 97–205, § 3, 96 Stat. 134 \(1982\)](#), codified at [42 U.S.C. §§ 1973](#), *et seq.*

4. Defendants Edmund D. Edelman, Board Chairman; Peter F. Schabarum, Kenneth Hahn, Deane Dana, and Michael D. Antonovich, are duly elected members of the Board of Supervisors of the County. All are white non-Hispanic persons.

5. Defendant Charles Weissburd is the Registrar–Recorder of Los Angeles County responsible for the conduct of elections in the County, including elections for positions on the Board of Supervisors. Mr. *1306 Weissburd is a white non-Hispanic person sued in his official capacity.

6. Defendant Richard B. Dixon is the administrative officer of Los Angeles County and has primary responsibility for the conduct of day-to-day County affairs including oversight and implementation of County and State election laws. Mr. Dixon is a white non-Hispanic person sued in his official capacity.

7. Defendant Frank F. Zolin, named as a defendant by the Garza plaintiffs, is the Clerk/Executive Officer for the County responsible for conducting County elections.

8. Defendants were represented by John McDermott, Lee Blackman, and Richard Simon, of McDermott, Will & Emery.

B. THE CLAIMS

9. Both the United States and the Garza plaintiffs challenge the 1981 redistricting plan (hereinafter “the 1981 Plan”) under the authority of Section 2 of the Voting Rights Act, [42 U.S.C. § 1973](#) (hereinafter “the Act”).

10. The Garza plaintiffs bring this class action pursuant to [Federal Rule of Civil Procedure 23\(b\)\(2\)](#) on their own behalf and on behalf of all Hispanic citizens whose right to vote has been or will be abridged by the adoption and maintenance of the 1981 Plan.

11. The Garza plaintiffs also challenge the 1981 Plan on the grounds that it was adopted and/or maintained for the purpose of discriminating against Hispanic citizens in violation of Section 2 of the Act and the Fourteenth and Fifteenth Amendments to the United States Constitution.

12. The Garza plaintiffs allege that the presence of only five supervisorial districts results in the dilution of Hispanic voting rights in violation of Section 2 of the Act and the Fourteenth and Fifteenth Amendments.

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C. FACTUAL BACKGROUND

1. *History of the Governing Body*

13. Los Angeles County was one of the original 27 counties formed in 1850 by the California Legislature.

14. The first Board of Supervisors was elected in 1852.

15. Los Angeles County has been governed by a five-member Board of Supervisors at all times except for a two-year period between 1883 and 1885, when the Board consisted of seven members.

16. Under the provisions of a charter adopted in 1912, Los Angeles County was granted home rule power and was divided into five supervisorial districts. The charter became effective in 1913.

17. Since at least 1914, the Supervisors have been elected during even-numbered years in nonpartisan elections. If no candidate receives a majority of the votes cast in a June primary, the two candidates who receive the highest number of votes oppose each other in a general election in November of that year.

18. Supervisors are elected for four-year, staggered terms.

19. Elections for Supervisor in Districts 2, 4 and 5 were held in 1988. Elections for Supervisor in Districts 1 and 3 are scheduled to be conducted in 1990.

20. The Los Angeles County Board of Supervisors has legislative, executive and quasi-judicial powers.

21. The Board of Supervisors has authority pursuant to state law to alter, with voter approval, the size of the governing body.

22. Pursuant to the charter of the County of Los Angeles, the Board of Supervisors has authority, within one year after a general election, to redraw the boundaries of the supervisorial districts. Charter of the County of Los Angeles, Art. II, Sec. 7 (1985).

23. Los Angeles County is responsible for providing certain classes of governmental services to all County residents including health services, courts, elections and welfare.

24. Los Angeles County is also responsible for providing full municipal services to residents of the unincorporated areas of the County, including fire protection, law *1307 enforcement, planning, zoning and building inspection.

25. Supervisor Edelman agreed with the finding in "To Serve Seven Million," a 1976 report of the Public Commission on Los Angeles County Government, that "[n]o other local official in the United States is assigned responsibilities of the breadth and scale of those afforded a Los Angeles County Supervisor."

26. Los Angeles County has a contracting program to provide certain services to cities requesting these services. As a result of the contracting program, the County provides a significant portion of local governmental service to all County residents.

27. The Board of Supervisors has the authority to adopt the County's budget, appropriate funds pursuant to the budget and conduct elections in the County.

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28. Los Angeles County had a budget of \$9,111,147,132 for the fiscal year ending June 30, 1989.

2. *Demographics of Los Angeles County*

29. The demographic picture of Los Angeles County has changed dramatically since 1950.

30. The 1950 Census of Population, (hereinafter “Census”), reported that the total population of Los Angeles County was 4,015,687, of whom 287,614 (7.2%) were persons with Spanish surnames.

31. The 1960 Census reported that the total population of Los Angeles County was 6,038,771, of whom 576,716 (9.6%) were persons with Spanish surnames.

32. The total population of Los Angeles County increased by 2,023,084 persons (50.4%) between 1950 and 1960 while the County's Spanish-surnamed population increased by 289,102 persons (100.5%) between 1950 and 1960.

33. The 1960 Census data revealed a population concentration of Spanish surnamed persons in the area south and east of downtown Los Angeles.

34. The 1970 Census reported that the total population of Los Angeles County was 7,032,075 persons, of whom 1,289,311 (18.3%) were persons with Spanish surnames.

35. The total population of Los Angeles County increased by 993,304 persons (16.4%) between 1960 and 1970, while the County's Spanish-surnamed population increased by 712,595 persons (60.24%).

36. The 1970 Census revealed several discrete concentrations of Spanish surnamed persons in the center of the County.

37. The 1980 Census reported that the total population of the County of Los Angeles was 7,477,503 persons, of whom 2,066,103 (27.6%) were persons of Spanish origin, 926,361 (12.4%) were black persons and 434,850 (5.8%) were Asians and Pacific Islanders.

38. The total population of Los Angeles County increased by 445,428 persons (6.3%) between 1970 and 1980 while the number of persons of Spanish origin in the County increased by 776,792 persons (60.2%).

39. According to the 1980 Census, the population of Los Angeles County can be summarized as follows:

Los Angeles County—1980 Census²

	<u>Total</u>	<u>Hispanic</u>	<u>White</u>	<u>Black</u>	<u>Asian</u>	<u>Others</u>
POP	7,477,503	27.6%	52.9%	12.4%	5.8%	1.3%
VAP	5,446,115	23.3%	58.3%	11.4%	5.8%	1.2%
CVAP	4,515,239	14.6%	67.4%	13.5%	3.7%	0.8%

FN2. POP refers to the 1980 Census total population. VAP refers to the 1980 Census voting age population. CVAP refers to the 1980 Census citizen voting age population.

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*1308 40. The data from the previous three decennial censuses demonstrate that as Los Angeles County's total population has grown over the past few decades, the County's racial and ethnic composition has also changed. The group that has grown the fastest in recent years is comprised of persons of Spanish origin, as reported by the Census in 1980.

41. The number of persons reported as having Spanish surnames in the 1970 Census of Los Angeles County was 1,051,409.

42. By the time of the 1980 Census, more than 2 million people in Los Angeles County reported that they were of Spanish origin.

43. The County's Hispanic population is concentrated, to a significant extent, in a compact and contiguous area beginning in the eastern part of the City of Los Angeles and extending eastward into the San Gabriel Valley. (hereinafter "Hispanic Core")

44. This Hispanic Core includes Boyle Heights, Lincoln Heights and El Sereno in the City of Los Angeles, the unincorporated East Los Angeles community, and the cities of Rosemead, Pico Rivera, Montebello, La Puente, El Monte, Maywood, Vernon, Bell, Bell Gardens and other cities and unincorporated communities.

45. The Hispanic Core is contained within a set of 229 census tracts. These tracts are contiguous and persons of Spanish origin were the majority of the population in all but three of the tracts according to the full-count data from the 1980 Census.

46. According to the 1980 Census, the Hispanic Core had a total population of 1,204,279, of whom 877,478 (72.8%) were Hispanic and a voting age population that was 67.4 percent Hispanic.

47. Approximately 40 percent of the County's entire Hispanic population lived in one of the 229 core census tracts in 1980, and these tracts comprise 81 percent of all census tracts with Hispanic population majorities in 1980.

48. Data from the Los Angeles County Department of Health Services and Data Processing have been presented to the Court in the form of a series of small-area population estimates and projections known as the Population Estimates and Projections System (hereinafter "PEPS").

49. PEPS data contains estimates of 1985 and 1987 total population and population by race and ethnicity by various age levels for each populated census tract in Los Angeles County.

50. PEPS also generated projections of 1989 and 1990 total population and population by race and ethnicity by various age levels for each populated census tract in the County.

51. The County's population as a whole grew by 12.3 percent between 1980 and 1987. The County's Hispanic population grew by 42.7 percent between 1980 and 1987. By 1990, Hispanics are expected to constitute 35.8 percent of the total population of the County.

52. According to PEPS data, the number of non-Hispanic whites fell by 378,000 between 1980 and 1987. In 1980, non-Hispanic whites made up 53.2 percent of the County's total population. By 1987, non-Hispanics made up only 42.8 percent of the County's total population.

53. In 1990, non-Hispanic whites are projected to constitute 39.8 percent of the population.

54. In the Hispanic Core, the total population was estimated by PEPS to have grown from 1,204,279 persons to 1,519,630 persons between 1980 and 1987.

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3. *Campaign Financing*

55. Since 1960, only three incumbents running for a seat on the Board of Supervisors were defeated in their reelection bids. Supervisor Hahn has served since 1952; Supervisor Schabarum since 1972; Supervisor Edelman since 1974; and Supervisors Dana and Antonovich since 1980.

56. Incumbent Supervisors enjoy a strong campaign fund-raising advantage over their challengers for reelection.

57. In 1987, the combined campaign funds of the five incumbent Supervisors totaled \$3 million. Forty-nine percent of this amount belonged to Supervisors Schabarum and Edelman, who would not run *1309 for reelection until 1990. The largest amount, \$800,000 belonged to Supervisor Dana, the smallest, \$210,000, to Supervisor Hahn.

58. Incumbent Supervisors received 91 percent, \$8.2 million of \$9.1 million, of all campaign money raised from 1981 to 1986 and raised 74 percent of their contribution in non-election years.

59. During the 1982, 1984, 1986, and 1988 elections, each incumbent Supervisor had more campaign funds expended on his behalf than were expended on behalf of his combined opposition.

60. Potential candidates recognize that to be considered a serious candidate for the Board, a person must spend between one and two million dollars on a campaign.

61. Mr. George Pla, who has managed political campaigns for elections in Los Angeles County, testified that it would be difficult for any candidate to raise \$1–2 million, but that it would be even more difficult for an Hispanic candidate because of lack of a financial base. Pla also noted the adverse effect the inability to raise funds had on public perception of an Hispanic candidate's likelihood of success.

4. *Prior Redistrictings*

62. The 1981 Plan cannot be analyzed in a vacuum. As illustrated by the testimony of J. Morgan Kousser, a professor of History at the California Institute of Technology, if the Court examines the changes in District 3 in the context of the demographic changes in the County as a whole, as well as the place where Hispanics lived and moved to during that period of time, the pattern is persuasive evidence that the lines were drawn and maintained with a racially discriminatory design.

63. Dr. Kousser, in particular, concluded that there was ample evidence to be gleaned from the history of prior redistrictings to indicate that the Board kept the Hispanic Core split in order to secure their positions against challengers who would appeal to Hispanic voters.

(a) The 1959 Redistricting

64. Prior to 1959, District 3 included Western Rosemead and did not include any portion of the San Fernando Valley, Beverly Hills, West Hollywood, West Los Angeles, or Eagle Rock.

65. The 1959 redistricting occurred less than six months after the November 1958 general election for the open position of District 3 Supervisor. Ernest Debs, a non-Hispanic, defeated Hispanic candidate Edward Roybal, by a margin of 52.2 percent to 47.8 percent.

66. Debs received 141,011 votes. Roybal received 128,974 votes. There were four recounts before Debs was finally determined to be the winner.

67. In 1959, Debs reported in a Supervisorial hearing that he and District 4 Supervisor Burton Chace agreed to shift Beverly Hills, West Hollywood, and West Los Angeles from District 4 to District 3.

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68. The Board's action transferred between 50,000 to 100,000 voters from District 4 into District 3 and had the effect of substantially decreasing the proportion of Hispanic voters in District 3.

69. Dr. Kousser testified it was his opinion that Debs and Chace agreed to the transfer for two reasons. First, Chace was receptive to the agreement because it enabled him to eliminate Los Angeles City Councilwoman Rosalind Wyman as a possible opponent in his upcoming 1960 bid for reelection. Debs welcomed the change because the move west allowed him to make District 3 more easily winnable against Roybal or another candidate who might appeal to Hispanic voters in the next election.

70. Debs was a Democrat and Chace a Republican. The two were not allies on other issues.

71. At the time of this transfer, District 1, which borders on the east of District 3, was much larger than the other four districts.

72. If Debs had taken communities from District 1, the five districts would have been equipopulous. The lack of effective equal population requirements at the *1310 time made it possible for the District 3 to be moved deliberately west instead of east which avoided adding communities from the Roybal stronghold in East Los Angeles.

(b) The 1963 Redistricting

73. On December 19, 1961, the Board of Supervisors, acting in accordance with [Section 25009 of the California Government Code](#) enacted in 1961, adopted an order establishing the Supervisorial District Boundary Committee, (hereinafter "Boundary Committee"), to study and make recommendations concerning the need for changing Supervisorial district boundaries in Los Angeles County. Each Supervisor appointed one member to the committee.

74. In 1962, voters defeated a referendum to expand the Board of Supervisors from five to seven members.

75. Evidence suggests Debs wanted the referendum issue on the ballot in 1962 because he sought to move his district out of East Los Angeles and concentrate his district in the western area of the district, Beverly Hills, West Los Angeles and West Hollywood, communities with larger proportions of Non-Hispanic whites.

76. The Board of Supervisors adopted ordinance 8407 on May 14, 1963 which enacted the recommendations of the Boundary Committee and established new district boundaries.

77. The boundary changes involved a shift in the boundary between Districts 3 and 5, in which District 3 was extended north across the Santa Monica Mountains, for the first time, to the Ventura Freeway and into the San Fernando Valley. Eagle Rock was also added to District 3.

78. At the time of the 1963 boundary changes, a growing Hispanic population was beginning to emerge in the San Gabriel Valley, directly adjacent to the eastern boundary of District 3. Eagle Rock, in contrast, was about 4 percent Spanish surname and the portion of the San Fernando Valley annexed to District 2 was about 1 percent Spanish surname.

79. Since District 3 was underpopulated in 1963 and District 1 was overpopulated, population equality among the supervisorial districts could have been fostered by moving District 1's growing Hispanic areas in the San Gabriel Valley directly to District 3. This was not done.

(c) The 1965 Redistricting

80. In 1965, the California Supreme Court ruled that no Supervisorial district in California should have more than 23 percent or less than 17 percent of a County's total population. [Miller v. Board of Supervisors of Santa Clara County, 63 Cal.2d 343, 46 Cal.Rptr. 617, 405 P.2d 857 \(1965\)](#).

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81. In response to *Miller*, the Los Angeles County Board of Supervisors reactivated the Supervisorial District Boundary Committee on October 5, 1965.

82. The 1965 Boundary Committee considered a proposal by Russell Quisenberry, the appointee of District 5 Supervisor Warren Dorn, to move 90,000 people in Alhambra and San Gabriel, areas close to the Hispanic Core, from District 1 to Debs' District 3. Dorn proposed that these changes be implemented after the 1966 election, when Debs faced reelection.

83. The Boundary Committee did not follow the Dorn proposal. Instead, Alhambra and San Gabriel were assigned to Dorn's Fifth District and 87,000 predominantly Anglo residents of San Fernando Valley were moved to Debs' District 3 from Dorn's District 5.

84. The Boundary Committee reported that, based on estimates of population, the Supervisorial Districts if revised according to the committee's recommendations, would have the following populations:

District 1	1,492,000
District 2	1,258,000
District 3	1,398,000
District 4	1,253,000
District 5	1,484,000

85. The Boundary Committee plan provided for an average deviation from population equality of 7.06 percent and a maximum deviation of 17.35 percent.

86. On November 30, 1965, the Board of Supervisors, by a 4–1 vote with Supervisor Hahn dissenting, adopted Ordinance 8998, *1311 which enacted the plan proposed by the 1965 Boundary Committee.

87. The adoption of the 1965 plan involved such changes as: (1) The inclusion of the City of Long Beach, which previously was split between two districts, wholly in District 4; (2) The boundary between District 3 and District 5 was shifted from the Ventura Freeway to Oxnard Boulevard; (3) Monterey Park and unincorporated South San Gabriel were transferred from District 1 to District 3; and (4) District 5, as previously discussed, was allocated a portion of the eastern part of the County in the San Gabriel Valley which previously had been represented by Supervisor Bonelli from District 1.

88. The Boundary Committee rejected a proposal to move Alhambra and San Gabriel, areas adjacent to growing Hispanic population, from District 1 to District 3. Instead, the committee recommended a complicated two-stage change which moved Alhambra and San Gabriel from Supervisor Bonelli's District 1 to Supervisor Dorn's District 5, moved a section of the San Fernando Valley from District 5 to Supervisor Debs' District 3, and moved Monterey Park and unincorporated South San Gabriel from District 1 to District 3.

89. Dr. Kousser testified that, in his opinion, the Board avoided transferring Alhambra and San Gabriel directly to District 3 because those areas were adjacent to areas of Hispanic population concentration and were becoming more Hispanic. The more complicated two-stage adjustments permitted the addition of heavily Anglo areas from the San Fernando Valley and offset the much more limited addition of Hispanic population gained by moving Monterey Park and the unincorporated area of South San Gabriel to District 3.

90. None of the persons who served on the 1965 Boundary Committee were individuals with Spanish surnames.

(d) The 1971 Redistricting

91. A comparison of the 1960 Census data with 1970 Census data demonstrates the extent to which areas bordering on

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District 3 were gaining Hispanic population. Spanish surname population increased during that decade in Alhambra from 6 percent to 19 percent and in Monterey Park from 13 percent to 33 percent.

92. The Hispanic population in the County doubled from 1970 to 1980 and, in 1970, the Hispanic Core showed marked and continuous expansion outward and contiguously into the San Gabriel Valley.

93. Efforts were made during this time to expand the Board of Supervisors. Esteban Torres, who was president of the Congress of Mexican American Unity, testified before the Los Angeles County Economy and Efficiency Committee in April 1970, to urge that the Committee recommend expansion of the Board.

94. Concurrent efforts were also made to expand the Los Angeles City Council.

95. The Board failed to obtain the three votes necessary to place the issue on the ballot. The City Council expansion effort failed to pass at the polls.

96. The Board of Supervisors established the Los Angeles County Supervisorial District Boundary Committee on April 20, 1970. (hereinafter "Boundary Committee")

97. The members of the committee and the Supervisors who appointed them were as follows: John D. Lusk by Supervisor Bonelli; Dan Patacchia by Supervisor Hahn; Leslie G. Cramer by Supervisor Debs; LeRoy Center by Supervisor Chace; and Alfred E. Paonessa by Supervisor Dorn.

98. None of the individuals who served on the 1963, 1965 and 1971 Boundary Committees had a Spanish surname.

99. Richard Schoeni, a County employee, served as the secretary to the 1971 Boundary Committee. In this capacity, Mr. Schoeni provided staff support, gathered information, made suggestions, maintained the committee's records, and drafted the report and recommendations that the Committee submitted to the Board of Supervisors.

100. Pursuant to [Section 25001 of the California Government Code](#), the Board, in redistricting, may consider such factors as: ***1312** topography, geography, cohesiveness, contiguity, integrity, compactness of territory, and community of interests of the districts.

101. The Boundary Committee adopted the following guidelines in addition to the factors delineated in the California Government Code: (1) to preserve historical representation of certain areas closely identified with a particular district; (2) to avoid the division of cities by supervisorial boundaries whenever possible; and (3) to avoid the separation of cities or communities sharing common interests and problems peculiar to a section of the County.

102. Population statistics generated from the 1970 Census demonstrated that the 1965 supervisorial districts had the following populations:

<u>District</u>	<u>Population</u>	<u>Percentage of Total</u>
1	1,547,407	22.0
2	1,238,454	17.6
3	1,364,312	19.4
4	1,271,186	18.1
5	1,610,716	22.9

103. Among the proposals discussed during the meetings of the Boundary Committee was one presented by Leslie Cramer, representative of Ernest Debs, to extend District 3 further into the San Fernando Valley north of Oxnard Boulevard.

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104. The 1971 Boundary Committee never gave any consideration to moving District 3 east to include more of the San Gabriel Valley or moving Pico Rivera from District 1, which was overpopulated, to District 3. Nor did the committee consider adding such areas as San Gabriel, Rosemead or El Monte to District 3.

105. According to the testimony of Dr. Schoeni, moving District 3 east was not considered to avoid splitting the San Gabriel Valley. However, San Gabriel Valley was already split among District 5 which contains Alhambra, San Gabriel, and East San Gabriel; and District 3 which contains South San Gabriel and part of Rosemead.

106. The Los Angeles County Supervisorial District Boundary Committee Report and Recommendations, which included a detailed description of the supervisorial boundaries prepared by the County Engineer, was submitted to the Board of Supervisors on July 22, 1971. The Board adopted the plan proposed by the Boundary Committee.

107. The Boundary Committee recommended the following changes to the existing plan: (1) Artesia, Bellflower, Cerritos and Lakewood were transferred from District 1 to District 4; (2) Rosemead was transferred from District 3 to District 1; and (3) Van Nuys, Sepulveda, Panorama City and Sun Valley were transferred to District 3 from District 5.

108. As a result of the 1971 redistricting, District 3 gained over 205,000 people from other districts and lost more than 163,000 people to other districts.

109. In 1971, District 3 lost some areas with substantial Hispanic population on its eastern border. Western Rosemead was transferred from District 3 to District 1. A census tract in the City of San Gabriel was also transferred from District 3 to District 5.

110. George Marr, head of the Population Research Section of the Department of Regional Planning testified that he was surprised by the proposal to move a substantial portion of the San Fernando Valley from District 5 to District 3. Marr described the portion of the San Fernando Valley ultimately added to District 3 from District 5 as looking like “one of those Easter Island heads.” Marr developed the general feeling that Debs' representative on the Boundary Committee had requested the additional area in the San Fernando Valley because the residents of the area were regarded as “our kind of people.”

111. None of the persons who served on the 1971 Boundary Commission were individuals with Spanish surnames.

(1) Intent of Past Redistrictings

112. The Court finds that the Board has redrawn the supervisorial boundaries over the period 1959–1971, at least in part, to avoid enhancing Hispanic voting strength in District 3, the district that has historically had the highest proportion of Hispanics and to make it less likely that a viable, well financed Hispanic opponent would seek office***1313** in that district. This finding is based on both direct and circumstantial evidence, including the finding that, since the defeat of Edward Roybal in 1959, no well-financed Hispanic or Spanish-surname candidate has run for election in District 3.

113. While Hispanic population was added to District 3 during the 1959–1971 redistrictings, the Court finds that the proportion of Spanish-surname persons added to District 3 has been lower than the Hispanic population proportion in the County as a whole. No individual area added was greater than 15.1 percent Spanish-surname.

114. Dating from the adoption of the County's Charter in 1912 through the 1971 redistricting process, no Los Angeles County redistricting plan has created a supervisorial district in which Hispanic persons constituted a majority or a plurality of the total population.

(e) 1972 Los Angeles City Council Redistricting

115. In 1971, the California Supreme Court ruled that the 1968 voter-based reapportionment plan for the Los Angeles City

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Council was unconstitutional. [*Calderon v. City of Los Angeles*, 4 Cal.3d 251, 266, 93 Cal.Rptr. 361, 481 P.2d 489 \(1971\)](#).

116. In 1972, the Charter and Code Committee set out to devise a new redistricting plan.

117. As then Committee Chair Edmund Edelman stated in a 1971 press release: “It is my intention to urge my colleagues on the committee and on the council to create a district where it would be possible for a Mexican–American to be elected.”

118. Edelman proposed a plan which increased the Spanish surname proportion in District 14, held by Councilman Art Snyder, from approximately 40 percent to 68 percent Hispanic by unifying Hispanic communities previously split by Districts 13 and 14.

119. Citizenship and voting age data were not used for purposes of devising the city's 1972 redistricting plan.

120. In devising the 1972 plan, Edelman was assisted by Alma Fitch and Jeff Seymour, both of whom played a role in the 1981 supervisorial redistricting.

121. Chicanos for Fair Representation criticized Edelman's plan and questioned the accuracy of the 68 percent estimate of Spanish surname population, believing it to be 57 percent.

122. The City Council adopted the Edelman Plan and overrode the veto of Mayor Sam Yorty.

123. Despite the substantial increase in the Hispanic population in District 14, Councilman Snyder was able to defeat several Hispanic opponents.

124. In 1985, after Snyder's retirement, Richard Alatorre was elected to represent District 14 and became the first Hispanic to serve on the Los Angeles City Council since Edward Roybal.

(f) The 1981 Redistricting

125. The individuals involved in the 1981 redistricting had demographic information available of population changes and trends in Los Angeles County from 1950 to 1980. It was readily apparent in 1980 that the Hispanic population was on the rise and growing rapidly and that the white non-Hispanic population was declining.

126. According to the report of the 1981 Boundary Advisory Committee, the 1980 Census data showed that the districts under the 1971 boundaries had the following population characteristics:

District	Population	%	Black	%	Hispanic	%
1	1,522,347	20.4	47,772	3.1	550,819	36.2
2	1,423,015	19.0	635,751	44.7	354,314	24.9
3	1,577,877	21.1	44,868	2.8	669,246	42.4
4	1,445,286	19.3	140,585	9.7	236,518	16.4
5	1,509,132	20.2	75,003	5.0	254,830	16.9

*1314 127. From a political perspective, since Hispanic population growth was most significant in Districts 1 and 3, if the 1971 boundaries were changed in any measurable way to eliminate the existing fragmentation, the incumbency of either Supervisor Schabarum or Supervisor Edelman would be most affected by a potential Hispanic candidate.

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128. All of the plans considered by the participants in the redistricting were based on 1980 Census population data.

129. In 1981, citizenship or voting age data was not considered or requested by County staff, Boundary Committee members or the Supervisors and their aides.

130. No suggestion was made in 1981 that citizenship data or voter registration data be used as the apportionment base.

131. On February 27, 1981, Deane Dana sent a lettergram to Supervisors Schabarum and Antonovich recommending that both a public and a private redistricting committee be established. Dana suggested obtaining the services of Joseph Shumate to assist in the redistricting effort noting the experience Shumate had with the Republican reapportionment efforts in 1970, 1971 and 1972.

132. Mr. Shumate was hired to work in a private capacity on behalf of Supervisors Dana, Schabarum and Antonovich. The objective, according to Mr. Shumate's testimony, was "to assist in determining whether a plan would help or hurt the three Supervisors."

133. Allan Hoffenblum, a political advisor to Supervisor Antonovich, testified that the following statement attributed to him was what he believed at the time:

"We would be remiss if we did not have at least one district that was at least 50 percent Hispanic, otherwise it looks like we're sitting here trying to save five white Supervisors."

134. Supervisor Edelman and others involved in the 1981 redistricting effort were not aware of Mr. Shumate or the role he played on behalf of Supervisors Schabarum, Antonovich and Dana.

135. While these three Supervisors were pursuing their redistricting efforts, Supervisor Edelman asked Jeffrey Seymour to assist him in the redistricting process by examining maps produced and by preparing a political analysis of Supervisor Edelman's district.

136. An analysis of the 1978 Supervisor election in District 3 was conducted after the Boundary Committee recommended a plan with an Hispanic population majority in District 3. The actual results of the analysis were never produced. Mr. Seymour did not rule out the possibility that he requested such an analysis and Supervisor Edelman testified that he "most probably" discussed the results of the 1978 election analysis with Mr. Seymour.

137. Peter Bonardi, a programmer with the Urban Research Section of the Data Processing Department in 1981 and a participant in the data analysis requested by Supervisor Edelman, stated that he was directed not to talk about the analysis of voting patterns and that an "atmosphere of 'keep it quiet' " pervaded.

138. Supervisors Hahn and Edelman sought to maintain the existing lines. To this end, the Democratic minority agreed to a transfer of population from District 3 to District 2. Supervisor Edelman acknowledged that he and Supervisor Hahn had worked out a transfer of population from the heavily Hispanic Pico–Union area on the southern border of District 3 to the northern end of District 2.

139. Supervisor Edelman knew that if the 1971 boundary lines were kept intact, the Hispanic community was going to remain essentially the same in terms of its division among the districts.

140. The Board departed from its past redistricting practice in 1981 and approved a contract with The Rose Institute for State and Local Government, a private entity, to perform specialized services and produce redistricting data at a cost of

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\$30,000.

141. The facilities at The Rose Institute were used primarily by persons working privately on behalf of Supervisor Dana, *1315 Schabarum, and Antonovich, including Joseph Shumate, conducting private redistricting research and analysis.

142. The Board reactivated the Supervisorial District Boundary Committee and charged the Committee with the responsibility for recommending a redistricting plan in accordance with the provisions of [Sections 35000–35006 of the Elections Code](#) and one which would ensure that ethnic minorities are equitably represented, and that city boundaries were respected as much as possible.

143. The five initial appointees to the Boundary Committee, Blake Sanborn, Robert Bush, Ron Smith, Alma Fitch, and Allan Hoffenblum, were persons who had close political ties to the appointing Supervisors or were persons who had been trusted employees and advisors to the Supervisors. All five individuals were non-Hispanic.

144. On July 8, 1981, representatives of Californios for Fair Representation, (hereinafter “Californios” or “CFR”), a coalition of Hispanic organizations active in the redistricting process, criticized the all-Anglo composition of the Committee and requested that it be expanded to include minority representatives, including at least one Hispanic and one black.

145. On July 14, 1981, the Board of Supervisors appointed five additional members to the Boundary Committee, Lauro Neri and Jesus Melendez, both Hispanic; Davis Lear and Robert Perkins, both black; and Dr. Frederico Quevedo, a Filipino. These additional appointees played a minor role in the redistricting process. None of the minority representatives or persons appointed to the Boundary Committee on July 14, 1981 had any previous experience in demography or the redistricting of elective bodies.

146. The Los Angeles County Coalition of CFR worked on redistricting plans for state, county and local jurisdictions within Los Angeles County and was permitted to use the facilities of the Rose Institute for the purpose of preparing their proposals.

147. Leticia Quezada was the chair of the Los Angeles County CFR chapter.

148. In considering different redistricting strategies, CFR declined to create a plan which included one district with a substantial Hispanic majority because they did not think that four Supervisors would vote for such a plan. CFR viewed a plan which included an Hispanic district as very threatening to incumbents since it would involve drastic shifts in population.

149. CFR instead opted to propose a plan that reduced the splintering of the Hispanic community and provided for two Hispanic “influence” districts: one with a bare Hispanic population majority in District 3 and an Hispanic growth district in District 1 with 42 percent Hispanic population.

150. Through various conversations with the Supervisors or their representatives, members of CFR developed an understanding of the objectives of the Supervisors for the redistricting process. Supervisor Edelman indicated that he wanted the San Diego Freeway to be the western boundary of District 3 and the Santa Monica Freeway to be the district's southern boundary. Alma Fitch informed CFR that Supervisor Edelman was happy to represent the Hispanic community but that he did not believe that all the Hispanics should be in his district. Mike Lewis indicated in meetings with CFR that Supervisor Schabarum was willing to transfer Hispanic population from District 1 to District 3 to create an Hispanic district. Specifically, the Supervisor was willing to lose Pico Rivera and South Gate, two majority Hispanic cities.

151. Boundary Committee members Hoffenblum and Smith each introduced plans with identical 50.2 percent Hispanic populations in Supervisorial District 3. The plans differed with respect to District 1. While the Californios plan increased the District 1 Hispanic population from 32 percent Hispanic to 42 percent, both the Hoffenblum and Smith plans reduce the Hispanic population in District 1 to 31.3 percent and 31.7 percent Hispanic respectively.

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152. By a 5–4 vote, the Committee recommended that the Board adopt the Hoffenblum*1316 Plan. The Final Report of the Boundary Committee stated as to the Hoffenblum Plan:

This Plan increases the opportunity of Hispanics and Blacks by recognizing that a special community of interests exists for Hispanics and Blacks. Boundaries were developed to increase the electoral effectiveness of these two groups in the Second and Third Supervisorial districts.

153. Representatives of Supervisors Hahn and Edelman offered no proposals for plans during the course of the Committee's meetings, and opposed all plans enlarging the Hispanic population in District 3 beyond the then-current district lines.

154. Besides increasing the Hispanic population in District 3, the Hoffenblum Plan reduced the Hispanic population in the districts of Supervisors Dana, Schabarum and Antonovich, particularly in Schabarum's Supervisorial District 1, and the black populations in the districts of Dana and Antonovich. Black and Hispanic populations were added to Districts 3 and 2. The following tables show the changes in population statistics as illustrated by the Hoffenblum Plan from the then-existing boundaries.

Current (1981) Boundaries—Pre-Redistricting

Dist.	Population	%	Black	%	Hispanic	%
1	1,522,347	20.4	47,772	3.1	550,819	36.2
2	1,423,015	19.0	635,751	44.7	354,314	24.9
3	1,577,877	21.1	44,868	2.8	669,246	42.4
4	1,445,286	19.3	140,585	9.7	236,518	16.4
5	1,509,132	20.2	75,033	5.0	254,830	16.9

Hoffenblum Plan

Dist.	Population	%	Black	%	Hispanic	%
1	1,496,560	20.0	48,708	3.3	468,661	31.3
2	1,495,727	20.0	691,655	46.2	384,721	25.7
3	1,495,085	20.0	50,863	3.4	750,266	50.2
4	1,495,738	20.0	81,082	5.4	231,268	15.5
5	1,495,547	20.0	71,701	4.8	230,811	15.4

155. The Smith and Hoffenblum plans, while increasing District 3 to a bare majority, proposed a substantial decrease in the Hispanic population percentage in District 1.

156. The CFR plan, the Smith plan and the Hoffenblum plan all proposed shifting the City of Compton from District 4, the “coastal district,” to District 2, where most of the County's black population was concentrated.

157. Smith and Hoffenblum opposed the CFR plan because the plan proposed increasing the Hispanic proportion in District 1 from 36 to 42 percent. Both Boundary Committee members perceived the CFR effort as intended to jeopardize the status of Supervisor Schabarum as well as that of the conservative majority.

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158. Hoffenblum testified that one of the objectives of the Republican majority was to create an Hispanic seat without altering the ideological makeup of the Board. According to Hoffenblum, it was “self-evident” that if an Hispanic district was created in Supervisor Schabarum's district it would impact on the Republican majority.

159. The proponents of the Smith and Hoffenblum plans sought to gain areas of Republican strength such as La Mirada, Arcadia, Bradbury in Districts 4 and 5, *1317 while losing increasing Hispanic areas such as Alhambra or the predominantly black Compton and other liberal areas of Santa Monica and Venice.

160. The Boundary Committee met officially on eight occasions between July 8 and August 12, 1981.

161. No Board member ever publicly advocated any of the plans introduced by members of the Boundary Commission, including the recommended Hoffenblum Plan or the CFR Plan.

162. Supervisor Edelman would not rule out the possibility that ethnic considerations played at least some part in the rejection by the Board majority of the CFR Plan. Moreover, the fact that CFR proposed a plan in which District 1 had a 42 percent Hispanic population was a possible basis for the rejection of the plan by the majority. Supervisor Schabarum would not accept a 45 or 50 percent Hispanic proportion in his district in 1981.

163. The Supervisors proposed no plans raising Hispanic population in any district beyond where it already remained by virtue of the 1971 boundary lines. Although the feasibility of establishing even a 50 percent Hispanic district was never disputed, no Supervisor ever publicly discussed or endorsed the idea.

164. The Court finds that in 1981 a district could have been devised which more fairly and adequately recognized Hispanic voting strength while complying with standard redistricting criteria.

165. On September 24, 1981, prior to the Board's adoption of the challenged plan, Board members met, two at a time in a series of private meetings in the anteroom adjacent to the board room, where they tried to reach agreement on a plan.

166. On at least ten separate occasions, pairs of Supervisors entered the room and negotiated the final redistricting plan.

167. The Board rejected the Boundary Committee's report.

168. According to the deposition of Mr. Schoeni:

“The Boundary Committee report was received; the Board heard testimony; the Board set aside the Boundary Committee report and proceeded from a clean slate, if you will, with Supervisor Edelman mediating and trying to gain as much in terms of population equity as was possible.”

169. Using the map which was in the anteroom, Supervisor Schabarum and Antonovich discussed changes in the boundary between Districts 1 and 5, including the transfer of Sierra Madre. Schabarum and Antonovich did not discuss the Hoffenblum, Smith or CFR plans.

170. Mr. Schoeni drew proposed district boundaries on the map in the anteroom, and once a map was developed which purported to reflect a consensus of the Board, an immediate tabulation of the changes was performed and given to Board Chair, Supervisor Edelman.

171. On September 24, 1981, after Board members had reached an agreement on a plan, the Board met publicly and un-animously adopted this recent creation which had never been presented to the public.

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172. Supervisor Schabarum testified that he had described the 1981 plan as “ho-hum” because it “just juggled the boundaries around a little bit to get the job done within the law.”

173. Supervisor Schabarum also testified that he thinks it “fundamentally un-American and unsound” to fashion district lines with the intent of permitting ethnic groups to be represented.

174. The Court finds that the Supervisors and their aides understood the potential for increasing Hispanic voting strength and sought to avoid the consequences of a redistricting plan designed to eliminate the fragmentation of the Hispanic population.

(1) Intent of 1981 Redistricting

175. The plan adopted in 1981 retained the boundary between the First and the Third Supervisorial Districts, the districts that contain the largest proportions of Hispanics. In doing so, the 1981 Plan continued to split the Hispanic Core almost in half.

***1318** 176. The Board appeared to ignore the three proposed plans which provided for a bare Hispanic population majority.

177. The Court finds that the Board of Supervisors, in adopting the 1981 redistricting plan, acted primarily with the objective of protecting and preserving the incumbencies of the five Supervisors or their political allies.

178. The Court finds that in 1981 the five members of the Board of Supervisors were aware that the plan which they eventually adopted would continue to fragment the Hispanic population and further impair the ability of Hispanics to gain representation on the Board.

179. The continued fragmentation of the Hispanic vote was a reasonably foreseeable consequence of the adoption of the 1981 Plan.

180. The Court finds that during the 1981 redistricting process, the Supervisors knew that the protection of their five Anglo incumbencies was inextricably linked to the continued fragmentation of the Hispanic Core.

181. The Supervisors appear to have acted primarily on the political instinct of self-preservation. The Court finds, however, that the Supervisors also intended what they knew to be the likely result of their actions and a prerequisite to self-preservation—the continued fragmentation of the Hispanic Core and the dilution of Hispanic voting strength.

D. SIZE AND GEOGRAPHIC COMPACTNESS OF HISPANIC COMMUNITY

1. 1980 Census Data

182. As stated *supra*, in Part C, 2, the 1980 Census reported that the total population of the County of Los Angeles was 7,477,503 persons of whom 2,066,103 or 27.6 percent were persons of Spanish origin.

183. According to full-count data from the 1980 Census, persons of Spanish origin were the majority of the population in all but three of the 229 contiguous census tracts comprising the Hispanic Core.

184. Dr. William P. O'Hare, a sociologist and demographer who is director of policy studies for the Population Reference Bureau, a non-profit research and educational organization in Washington, D.C., compiled a demographic profile of the 229 Hispanic Core census tracts using full-count tract-level reports of total population and voting age, plus a special tabulation of voting age citizens provided by the Census Bureau. These core census tracts had the following aggregate characteristics:

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Hispanic Population Core—1980

	<u>Total</u>	<u>Hispanic</u>	<u>White</u>	<u>Black</u>	<u>Asian</u>
<u>POP</u> ³	1,204,279	73%	18%	4%	5%
<u>VAP</u>	783,677	67%	22%	4%	6%
<u>CVAP</u>	458,306	52%	36%	6%	4%

FN3. POP = Total Population. VAP = Voting Age Population. CVAP = Citizen Voting Age Population.

185. The Court finds that based on 1980 Census data, a supervisorial district can be drawn encompassing the Hispanic Core community so that the percentage of citizen voting age Hispanics in the districts would be such that Hispanics would have the *potential to elect* a candidate of their choice. While the Court agrees with defendants that plaintiffs' experts, Dr. Grofman and Dr. Estrada, could not devise a plan with a voting age citizen majority on the basis of 1980 Census data that comports with the one man one vote rule, the Court *1319 does find it persuasive that the illustrative districts were just shy of the 50 percent mark, in the 44 to 46 percent range.

186. Further, this case presents precisely the situation anticipated by Justice O'Connor, in her concurring opinion in [Gingles](#), 478 U.S. at 94–95, 106 S.Ct. at 2789, in which the unique demographic changes Los Angeles County has undergone and continues to undergo coupled with the lingering effects and history of discrimination in the County against Hispanics, preclude the application of “a single, universally applicable standard for measuring undiluted minority voting strength.” *Id.* The application of the bright line 50 percent requirement set forth by the Ninth Circuit in [Romero v. City of Pomona](#), 883 F.2d 1418, 1427 (9th Cir.1989), would be inappropriate under these facts and circumstances.

187. Therefore, even if this Court were to agree with defendants' contention that current population data is less reliable than the 1980 Census, the Court would still find that the 1981 Plan violated Section 2 of the Act based on the totality of the circumstances delineated in these findings.

188. The evidence shows that the Board of Supervisors knowingly chose to draw and adopt a plan that minimized the voting potential of the County's Hispanic population. This minimization of Hispanic voting strength was achieved by fragmenting the Hispanic Core.

189. The distribution of tracts among current supervisorial districts reflects this conscious minimization:

Districts	Tracts	TPOP	HPOP	%	VAP	HVAP ⁴	%
1	77	433,173	299,648	69%	277,169	174,664	63%
2	50	226,318	155,332	69%	153,645	97,516	63%
3	104	538,093	418,750	78%	348,257	253,564	73%
5	2	6,694	3,749	56%	4,606	2,278	49%
Total	233	1,204,279	877,478	73%	783,677	528,021	67.4%

Districts	Tracts	TCVAP	HCVAP	%
1	77	190,705	95,950	50%
2	50	68,954	22,925	33%

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3	104	195,445	117,077	60%
5	2	3,202	1,374	43%
Total	233	458,306	237,326	52%

FN4. TPOP = total population. HOPO = Hispanic population. TVAP = total voting age population. HVAP = Hispanic voting age population. TCVAP = total citizen voting age population. HCVAP = Hispanic citizen voting age population.

190. No citizenship data by the Census Bureau with respect to the 1980 decennial census was available in time for the 1981 redistricting process.

2. Growth in Hispanic Population Since 1980

191. The demographics of Los Angeles County have changed dramatically since 1980.

*1320 192. The population data for Los Angeles County can be summarized as follows:

	<u>1980 Census</u>				
	Total	Hispanic	White	Black	Asian/Other
County POP	7,477,503	27.6%	52.9%	12.4%	7.1%
Hispanic Core POP ⁵	1,204,279	73%	18%	4%	6%
	<u>1985 PEPS Population Estimates</u>				
County	8,018,210	30.4%	47.2%	12.0%	10.3%
Core	1,359,907	74.4%	13.4%	3.5%	8.8%
	<u>1987 PEPS Population Estimates</u>				
County	8,418,817	34.4%	42.8%	11.5%	11.3%
Core	1,519,630	77.2%	11.0%	3.0%	8.7%
	<u>1989 PEPS Population Projections</u>				
County	8,718,710	35.8%	40.8%	11.2%	12.2%
Core	1,602,484	78.2%	9.7%	2.9%	9.3%

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1990 PEPS Population Projections

County	8,880,109	36.6%	39.8 %	11.0 %	12.6%
Core	1,648,827	78.7%	9.0%	2.9%	9.5%

FN5. Hispanic population core is a geographic area represented by 229 census tracts, 226 of which had a total population that was 50 percent or more Hispanic in 1980.

193. According to PEPS data, the number of Hispanic persons in Los Angeles County increased by more than 850,000 between 1980 and 1987 and that the number of Hispanics in Los Angeles County is projected to increase by almost 350,000 more between 1987 and 1990.

194. The population of Los Angeles County grew by 12.3 percent between 1980 and 1987. The Hispanic population grew by 42.7 percent during this period.

195. By 1990, Hispanics are expected to constitute 35.8 percent of the County's total population.

196. Between 1980 and 1987, the number of non-Hispanic whites decreased by 378,000. In 1980, whites comprised 53.2 percent of the total population. In 1987, whites made up 42.8 percent of the population.

197. According to PEPS projections, non-Hispanic whites will constitute 39.8 percent of the County's population by 1990.

198. The Hispanic population growth in Los Angeles County during the 1980's has occurred primarily in areas where there was already a significant Hispanic presence in 1980. Almost two-thirds of the Hispanic population growth between 1980 and 1987 has occurred in census tracts where Hispanics made up more than 25 percent of total population in 1980.

199. As the Court stated in its findings on the 1981 Redistricting *supra*, the post-1980 growth in Los Angeles County's Hispanic population was foreseeable at the time of the 1981 redistricting because it reflects a series of long-term demographic trends that were evident by 1981. The County's Hispanic population had increased significantly in each of the last three decennial censuses and the County's white non-Hispanic population showed a sharp decline between 1970 and 1980.

200. Spanish-surnamed persons made up 55.6 percent of the registered voters in the Hispanic Core in November 1988.

***1321 3. Accuracy of Post-Census Data**

201. The Court finds that post-census data is a more accurate indicator than the 1980 Census of current demographic conditions in Los Angeles County. Specifically, the Court considers the PEPS estimates and projections to be a unique and reliable source of information for this purpose.

(a) Reliability of PEPS Data

202. PEPS had its genesis in a population research project begun at the University of California at Los Angeles and later transferred to the Los Angeles County government.

203. The process of producing a set of PEPS estimates and projections is referred to as an iteration. There have been two iterations of the PEPS process. The first iteration produced estimates for 1985 and projections for 1990. The second iteration produced estimates for 1987 and projections for 1989 and 1990.

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204. The PEPS population estimates are based upon a combination of information from the 1980 Census, the California Department of Finance, the United States Bureau of the Census Current Population Survey, and administrative and vital records.

205. Estimates are based on observations of what occurred in the past according to administrative records. Projections study past and present trends and estimate future situations.

206. The racial and ethnic groups reported by PEPS include total population, Latino ^{FN6} population, white non-Latino population, black population, and Asian/Other. The PEPS Latino category is designed to include persons whose origins are from Mexico, Central or South America. The PEPS black and Asian categories include persons who identify themselves as black and Spanish origin or Asian and Spanish origin.

^{FN6}. PEPS uses the term “Latino.” The Census uses the term “Hispanic.” Latinos are a subgroup of Hispanics. In Los Angeles County, the overwhelming majority of Hispanics are Latinos.

207. PEPS made no attempt to estimate or project the number of citizens in Los Angeles County.

208. PEPS data has been relied on for planning purposes by the Los Angeles County government, including the Department of Health Services, the Department of Mental Health, the Sheriff's Department, the Superior Court system, the Municipal Court system and the Public Library system.

209. Population figures for Hispanics from PEPS data are consistent with data from the Census Bureau estimating that by 1985, the number of Hispanics in Los Angeles County had climbed to 2,742,700, an increase of nearly 700,000 from 1980.

210. Dr. Nancy Minter, who supervised most of the work on the first and second iterations, testified that in her opinion, the 1985 PEPS estimates are a more accurate reflection of current population in Los Angeles County than the 1980 Census at the countywide level and when the tract data is aggregated, to the supervisorial district level.

211. The Court concludes that the “glitch” in the 1987 PEPS estimates and the 1989 projections which consisted of the omission of certain death records for the cities of Long Beach and Pasadena from the calculations for the second PEPS iteration did not affect the 1985 population estimates generated by the first iteration.

212. Dr. Minter testified that in the second PEPS iteration, the white non-Hispanic population Countywide may have been underestimated by approximately 100,000 persons, and that the Asian/Other population may have been overestimated by approximately 100,000 persons.

213. Mr. Jerry Lubin, the director of the PEPS project, testified that after having discovered this “glitch,” he never told PEPS users to use the 1985 rather than the 1987 estimates or to ignore the 1987 estimates.

214. Dr. O'Hare performed additional analyses of the 1985 estimates, the 1987 estimates and the 1989 projections after disclosure of the “glitch.”

215. The comparison of PEPS estimates and projections with the Department of ~~1322~~ Finance and Census Bureau city estimates revealed an extremely strong level of consistency among the three sets of data. While the PEPS estimates and projections for Long Beach and Pasadena did show a greater degree of difference from the other two data sets than did the other five cities for 1987 and 1989, the degree of difference was relatively small.

216. The Court concludes that the missing data referred to by Dr. Minter and Mr. Lubin does not appear to have had any significant impact on the reliability of the second PEPS iteration as to total population data or as to the reliability of those

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estimates for the Hispanic population.

217. The Court concurs with the conclusion reached by Dr. O'Hare, that the 1985, 1987 and 1989 PEPS data are reliable population estimates and projections, and that, even with the "glitch," each set of data provides a more accurate reflection of Los Angeles County's current population than does the 1980 Census.

218. The Court is unwilling, therefore, to reject Dr. Estrada's estimate of Hispanic citizenship proportions in Hispanic Opportunity Districts I and II in 1989 which utilize PEPS projections and the 1987 PEPS estimates. (*See* discussion of Estrada Plans *infra*)

219. As defendants' expert, Dr. W.A.V. Clark, testified, "the 1985, 1987, 1989 and 1990 [PEPS data] are all part of one project, to the extent that you can use the data and make comments about it.... So it is all part of one project, and I don't differentiate in my mind particularly between any one of those estimates or projections. I think of them all as having about the same reliability, recognizing that there [sic] all keyed back to a base line census point."

220. Dr. Clark testified that the reliability of PEPS data increases as it is aggregated, and agreed that when PEPS tract data is aggregated to the level of a Supervisorial district, "you would be on quite safe ground."

221. It is this Court's finding that the Los Angeles County's 1985 and 1987 PEPS tract-level estimates of total population and population by race and ethnicity; and the 1989 PEPS tract-level projections of total population and population by race and ethnicity are an acceptable and reliable basis under California law for the intercensal redistricting of Los Angeles County Supervisorial districts.

4. Citizen Voting Age Population

222. In measuring the citizen voting age population, the Court has considered 1980 Census sample data on citizenship, Hispanic voter registration from 1982 to 1988, and post-1980 estimates of citizen voting age population.

223. The Court finds that sample data from the 1980 Census on citizenship by age and ethnicity is the most reliable measure of the Hispanic citizen voting age population as it existed in 1980.

224. The Court, however, agrees with the contention of the United States and finds that, for practical reasons, decennial census counts of voting age citizen population cannot be an exclusive measure of geographic compactness. Total population data and voting age population data are available for redistricting purposes promptly after the decennial census is taken, while citizenship data is not released until several years later. For example, following the 1980 Census, the Bureau of the Census did not release citizenship data until 1983 and does not anticipate being prepared to do so after the 1990 Census until 1992-93.

225. No figures were published by the Census for the number of voting age citizens in major race/ethnicity groups in each census tract in Los Angeles County based upon the 1980 Census.

226. The Census Bureau prepared two special tabulations at the request of the Justice Department providing a breakdown of sample data concerning the number of voting age United States citizens, according to race and ethnicity and a cross-tabulation between self-identified Spanish-origin status and Spanish-surname status, among voting age citizens, by 1980 Census tract.

227. This special tract-level tabulation prepared by the Census found a total of 4,515,232 citizens of voting age in the County and a total of 659,368 Hispanic *1323 citizens of voting age in the County. With the sampling error, the number of Hispanic citizens of voting age in 1980 was between 649,172 and 669,564.

228. Many jurisdictions, including Los Angeles County, will be legally required to complete their redistrictings before

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citizenship data becomes available after the 1990 Census.

5. Voter Registration and Turnout

229. Between 1982 and 1988, Spanish-surname voter registration increased from 10.5 percent to 13.4 percent, and the estimated Hispanic voter registration from 12.3 percent to 14.6 percent in Los Angeles County.

230. Dr. Grofman reviewed data concerning voter registration and turnout and concluded that as a result of differential rates of voter registration and turnout between Hispanics and non-Hispanics in Los Angeles County, the proportion of Hispanic voting age citizens who are registered and who turnout to vote is considerably lower than non-Hispanics. Consequently, when Spanish-surnamed registered voters or Spanish-origin registered voters comprise more than 50 percent of the registered voters in a district, that translates into a situation in which the Hispanic citizen voting age population in the district will in fact be 50 percent or greater.

231. Statistics for Spanish-surnamed and estimated Spanish-origin registered voters were not available for Los Angeles County for any election prior to November 1982.

232. According to the Field Institute's California Opinion Index for January, 1988, among adult citizens eligible to vote in California, Hispanics were registered at lower rates than non-Hispanics in 1987. The official state registration figures were adjusted by the Field Institute to account for estimated "deadwood" and duplication in the voting rolls. The Field Institute also reported lower Hispanic turnout for the 1986 general election.

233. Dr. Minter, testified that voter registration is not used in PEPS because it is too volatile. The Court, however, finds the examination of Spanish-surname and estimated Spanish-origin registered voter data useful in determining a minimum rate for measuring Hispanic citizen voting age population.

6. Misreporting of Citizenship

234. There are no official Census Bureau adjustments to the 1980 data for misreporting of citizenship.

235. Dr. Jeffrey Passel asserts that, two million non-citizens nationwide falsely reported themselves as citizens in the 1980 Census. Passel's method for determining this misreporting was to compare the numbers of alien population based on the census count, which includes legal and undocumented aliens, with INS numbers of the legal resident population derived directly from the alien address registration system, or the I-53 data.

236. Dr. Passel's analysis concluded that census counts of naturalized citizens were higher than the estimate of naturalized citizens based on INS data.

237. Dr. Passel's studies are not considered corrections to the decennial census data as they were performed for research purposes. This research is based on national estimates with an unknown range of error. For example, Dr. Passel's national estimates of naturalization misreporting do not fully account for derived citizenship, that is, the acquisition of citizenship by a foreign-born child upon the naturalization of one or both parents. The greater the number of derived citizens, the more inaccurate are Dr. Passel's citizen corrections.

238. Defendants' experts, Dr. Clark and Professor Siegel testified that, in their opinions, the special tabulation of voting age citizen data from the 1980 Census is not accurate because a significant number of persons in Los Angeles County erroneously reported that they were United States citizens.

239. Dr. Clark did not rely upon the Census Bureau's special tabulation of voting age citizens for his analysis but instead developed a procedure to estimate citizen voting age population independently of the special tabulation. Dr. Clark testified that the adjustment factor was derived from the *1324 Warren/Passel methodology and applied to the Hispanic population in the County as a whole.

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240. It is inappropriate, in the Court's mind, to substitute the estimates of Dr. Clark in place of the official Census data special tabulation. The procedure utilized by Dr. Clark does not take advantage of census tract-level information for voting age population or other variables more detailed than total population.

241. Dr. Clark applied his citizenship misreporting estimates to 1980 Census Hispanic total population data; to post-1980 estimates of citizen voting age population; and to modify the procedure of Dr. O'Hare for estimating Hispanic voter registration.

242. The difficulty the Court has with the Clark application of the Passel methodology is that the estimates of misreporting of citizenship employed by Dr. Passel relied upon national correction factors applied to local data. These are referred to as synthetic assumptions. Because such a synthetic correction procedure applies a constant factor to all subareas, local variations in the underlying error will necessarily produce inaccurate results. The greater the local variation, the greater the inaccuracy.

243. Professor Siegel testified that he reviewed and approved of Dr. Clark's estimates of voting age citizens, yet he did not know basic facts about how those estimates were performed, the number of self-reported Hispanic voting age citizens in Los Angeles County in 1980, the adjusted number used by Dr. Clark, nor the number of voting age Hispanics who supposedly misreported their citizenship.

244. Professor Siegel, while working for the Bureau of the Census, testified in *Fair v. Klutznick*, that “we ... [the Bureau of Census] do not believe that an estimate of unlawful residents can be made which is of a quality sufficient for apportionment purposes.” In a later case, *Ridge v. Verity*, Professor Siegel submitted a declaration stating that there existed an entirely feasible method by which undocumented aliens from the 1990 census could be excluded for purposes of congressional apportionment.

245. As an employee of the Census Bureau, Professor Siegel testified that synthetic adjustments for population undercount often produced “garbage” at the local level. In this litigation, Professor Siegel has used synthetic adjustments to estimate undercount of the Hispanic population in Los Angeles County, and has endorsed Dr. Clark's use of synthetic adjustments for citizenship misreporting in Los Angeles County.

246. In addition, the Court finds the Passel methodology problematic in its estimate of Hispanic citizen voting age population. The adjusted alien population used by Passel was for persons born in “Spanish” countries, regardless of whether the aliens identified themselves as Hispanics. To subtract non-Hispanic aliens born in these countries from the Spanish-origin population erroneously reduces the Spanish-origin citizen population.

247. The Court finds it noteworthy that the Heer/Passel study and Dr. Passel's data reported in the national-level study, demonstrate that even with a control for period of entry, the Mexican-born population in Los Angeles County was on average only half as likely to report being naturalized than was the Mexican-born population in the balance of the United States. As the table below illustrates:

	Total Population Born in Mexico	Total Naturalized	Self-Reported Citizenship
Data			
<u>Entered Before 1970</u>			
Nationwide	988,000	385,000	39.0%
LA County	241,500	67,200	27.8%
Outside LA County	746,500	317,800	42.6%

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Entered 1970–74

Nationwide	569,000	103,000	18.1%
LA County	201,400	23,300	11.6%
Outside LA County	367,600	79,700	21.7%

Entered 1975–80

Nationwide	769,000	92,000	12.0%
LA County	254,900	17,000	6.7%
Outside LA County	514,100	75,000	14.6%

All Periods of Entry

Nationwide	2,326,000	580,000	24.9%
LA County	697,800	107,500	15.4%
Outside LA County	1,628,200	472,500	29.0%

*1325 248. Having considered the estimates of Dr. Clark and Professor Siegel as well as the methodology utilized to derive these citizen voting age population estimates, the Court is not convinced that these estimates will produce a more accurate measure of voting age citizens than will the special tabulation of the Census. Moreover, the Court is unable to determine the magnitude of citizenship misreporting in the 1980 Census special tabulation data for the County and finds that substituting Dr. Clark's and Professor Siegel's estimates of citizen voting age population for the official Census data would be inappropriate.

7. *Undercount of Hispanics*

249. There are no official Census Bureau adjustments to the 1980 data for the undercount of the minority population.

250. According to Census publications, Hispanics were undercounted in the 1980 Census by 2.2 percent to 7.6 percent, Blacks by 5.5 percent and Whites by .7 percent. The Court agrees with the Garza plaintiffs that to arrive at the most realistic figures for the population of Los Angeles County if adjustments are made for overreporting of citizenship then such adjustments must likewise be made for undercount.

8. *Spanish–Surname/Spanish–Origin*

251. The Census has published a list of Spanish surnames used to identify persons of Spanish surname during the 1980 Census. This Spanish-surname identifier was included in the Los Angeles County Public Use Microdata Sample (PUMS) file as well as the sample detail file for Los Angeles County from which the Census Bureau prepared special tabulations.

252. Individuals with Spanish-surnames are sometimes not of Spanish-origin, while some persons without Spanish-surnames are of Spanish-origin. According to the 1980 Census, in Los Angeles County there were 574,120 voting age citizens with a Spanish surname and 659,375 voting age citizens who identified themselves as being of Spanish origin. Of the voting age citizens with a Spanish-surname, 88.7 percent were of Spanish origin. Of the voting age citizens without a Spanish surname, 3.6 percent were of Spanish origin.

253. The four-step procedure followed by United States' experts is outlined as follows:

(1) The number of Spanish-surnamed registered voters were totalled within voter registration precincts and census tracts, by matching lists of registered voters from the Los Angeles County Registrar–Recorder and the 1980 Census List of Spanish Surnames.

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(2) Within the voting age citizen population for each census tract, the proportion of persons who were both Spanish surnamed and of Spanish origin among all persons with Spanish surnames was applied to the number of Spanish-surnamed registered *1326 voters whose residences lay within that tract. This produced an estimate of the number of Spanish-surnamed registered voters who were also of Spanish origin.

(3) Within the voting age citizen population for each census tract, the proportion of persons who did not have a Spanish surname but were of Spanish origin among all persons without a Spanish surname was applied to the number of registered voters without Spanish surnames. This produced an estimate of the number of registered voters who did not have Spanish surnames but were of Spanish origin.

(4) The two estimates of Spanish origin voters resulting from steps (2) and (3) were added together to derive the total number of registered voters of Spanish origin.

254. The estimates of Spanish-origin population derived by Dr. O'Hare are considered by this Court to be valid estimates of the number of registered voters of Spanish origin.

255. Dr. Clark modified Dr. O'Hare's methodology by reducing the number of voting age citizens in each census tract that were used to compute the estimation ratios in order to correct for misreporting of citizenship.

256. Since Dr. Clark's voter registration adjustments for misreporting of citizenship were predicated upon the proposed adjustments which the Court declined to adopt *supra*, the Court declines to adopt the adjustments to voter registration data proposed by Dr. Clark.

(a) Adjustments for "European Spanish"

257. The Court has great difficulty with the adjustments made for "European Spanish." The Court is not convinced that a clear determination can be made that Filipino, Cuban and "European" voters of Spanish origin in Los Angeles County vote differently from other voters of Spanish origin.

258. Moreover, in the 1980 Census, Spanish-origin status was determined from a separate question which asked "Is this person of Hispanic/Spanish Origin?" and then provided five choices: No (not Spanish Origin), Mexican, Puerto Rican, Cuban or Other Spanish Origin. For the ancestry question in the 1980 Census, respondents were required to fill in a blank in response to the question "What is this person's ancestry?" Ancestry Codes 1-99 reflected persons who reported Western European ancestry such as French or German. Codes 200-204 are identifiable with Spain (e.g. Spaniard, Catalonian). Codes 205 and 206 are "Spanish" and "Spanish-American."

259. Under Dr. Clark's definition of "European" Spanish population, anyone with a Spanish surname who was assigned an ancestry code from 1-99, or 200-206, was removed from the Spanish surname population, regardless of whether those persons had identified themselves as Spanish origin or not.

260. For purposes of this analysis, Dr. Clark reasoned that persons who identify themselves directly with Spain do not identify with the larger Hispanic community of persons of Mexican, Central or South American origin. The assumption is that persons who identified themselves as "Spanish" or of "Spanish-American" ancestry traced their decent directly to Spain and would not identify with the larger Hispanic community, which in Los Angeles County is predominantly of Mexican origin.

261. However, as the Census Bureau warns in its instructions regarding use of the Codes, ancestry is not a substitute for ethnicity.

262. An additional problem with Dr. Clark's analysis is that he factored out Spanish-surnamed persons with ancestry codes

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1–99 and 200–206 regardless of whether they had identified themselves as Mexican Spanish–Origin, Puerto Rican Spanish–Origin, Cuban Spanish–Origin (whom he also removed separately), Other Spanish Origin, or not Spanish–Origin at all. A sizeable number of voting age citizens with ancestry codes 205 and 206 were of Mexican Spanish Origin ethnicity (14,240). Dr. Clark factored out these individuals because they had Spanish surnames and wrote in the word “Spanish” or had designated “Spanish–American” ancestry.

***1327** 263. The Court adopts the counts of Spanish surname and estimated Spanish-origin voters presented by the United States, as reasonably and accurately reflecting Hispanic voter registration and turnout in Los Angeles County between 1982 and 1988.

9. *Deadwood*

264. Defendants contend that the registered voter statistics provided are flawed since they contain the names of many persons who no longer reside within their listed precinct or those who are deceased. Defendants further contend that this “deadwood” is exceedingly Democratic, containing a disproportionate number of Hispanics.

265. Pursuant to the laws of the State of California, the Los Angeles County Registrar–Recorder is responsible for conducting the Registration Confirmation and Outreach Program (“RCOP”) designed to identify and remove “deadwood.”

266. RCOP is conducted in January of every year and consists of sending a registration confirmation postcard to voters at the residence shown on the voting rolls.

267. In even-numbered years, the confirmation postcard is sent to all registered voters in the County while in odd-numbered years it is sent only to those persons who failed to vote in the general election in the preceding November.

268. The postcard requests that it not be forwarded to another address even if the voter has moved and left a forwarding address. Thus, if the United States Postal Service is unable to deliver the card at the address listed, the card is returned to the Registrar–Recorder's office with a notation as to why that card is undeliverable.

269. If the postcard indicates the voter has moved and left no forwarding address or if their forwarding address reflects that they moved out of the County, the Registrar–Recorder's office cancels the voter registration. If the postcard indicated the person has moved within the County, the voting rolls are changed to reflect the new address.

270. Defendants are correct in their assertion that the presence of “deadwood” on the voting rolls is a problem and the Court is not completely persuaded that RCOP is effective as the sole procedure for removing such “deadwood.” However, defendants have not demonstrated that the “deadwood,” even if improperly remaining on the voting rolls, is disproportionately Hispanic.

271. The proportion of persons identified as Democratic who were cancelled under the provisions of the RCOP for the years 1984 to 1990 did not constitute a disproportionate share of the total cancellations in those years.

272. In addition, voters' surnames, party identifications, registration precinct numbers and census tract numbers can be retrieved from the computerized lists of cancellations provided by the Registrar–Recorder. These computerized lists can be matched with the Census Bureau's 1980 list of Spanish surnames, to yield accurate counts of Spanish-surnamed voter cancellations.

Analysis by Spanish Surnamed Voters of Residency Confirmation and Outreach Program (RCOP)

Total

Spanish Surname

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November 1988 Registration	3,765,368	502,885 (13.4%)
January 1989 RCOP Cancellations	132,424	14,522 (11.0%)
January 1990 RCOP Cancellations	245,138	27,102 (11.1%)

273. The Court does not find that Hispanic persons constitute a differentially greater proportion of “deadwood.”

274. In addition to the registered voter data, plaintiff's expert Dr. Estrada and defendants' experts, Drs. Freeman, Minter and Clark, used differing methodologies to *1328 estimate post-1980 citizen voting age population in Los Angeles County based principally on special Census Bureau tabulations of the 1980 citizen voting age population and PEPS estimates and projections.

10. Plaintiffs' Illustrative Plans

(a) The Grofman Plans

275. Dr. Bernard Grofman, United States' expert, presented five illustrative supervisorial redistricting plans each containing five districts. Plan 1 used 1980 Census data and the 1985 and 1987 PEPS estimates. Plan 2 used 1987 PEPS estimates and 1989 and 1990 PEPS projections. Plan 3 used 1989 and 1990 PEPS projections. Plans 4 and 5 used 1985, 1987, 1989 and 1990 PEPS data.

276. In devising these plans, Dr. Grofman considered such standard criteria for redistricting as compliance with the one-person, one-vote rule and avoiding minority vote dilution.

277. In each of Dr. Grofman's five plans, the total population deviation is less than 10 percent, using a valid total population base.

278. In the Grofman Plans, the Hispanic total population percentage in the most heavily Hispanic district increased during the 1980's while the white population decreased. Likewise, in each of the Grofman plans, one district as of November 1988 had an estimated Spanish-origin registered voter proportion in excess of 50 percent.

279. In Grofman Plans 3, 4 and 5, one district as of November 1988 had an estimated Spanish-origin voter turnout proportion in excess of 50 percent.

(b) The Estrada Plans

280. Dr. Estrada proposed two illustrative supervisorial districts, Hispanic Opportunity Districts I and II (HOD I and HOD II). Neither HOD I nor HOD II had an Hispanic voting age citizenship population majority in 1980. In HOD I, there were 260,243 Hispanic citizens of voting age, which is 46.9 percent of the total citizen voting age population of HOD I. In HOD II, Hispanic voting age citizens comprise 282,676, or 46.9 percent of the total HOD II population. Dr. Estrada concluded that an Hispanic citizen voting age majority district could have been created in 1985.

281. In arriving at his conclusions and in devising his illustrative plans, Dr. Estrada considered such demographic factors as: Hispanic children ages 10–17 who would turn 18 over the course of the 1980's and the higher citizenship rate associated with this group; the possible effects of mortality, out-migration and in-migration of citizens upon the 1980 base citizen voting age populations; and, the likelihood that both Asian and Hispanic citizenship rates have diminished from the 1980 rates.

282. Based on 1985 PEPS data, Dr. Estrada's HOD I and HOD II, illustrated that an Hispanic majority citizen voting age district can be created in HOD I. Assuming that citizen voting age population rates remain equal to the 1980 rates for all race/ethnic groups, by 1985 51 percent of the citizen voting age population of the HOD I district was Hispanic. Assuming that 55 percent rather than 46 percent of the Asian/Other population were voting age citizens, an Hispanic citizen voting age majority could still be created in HOD I in 1985.

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283. The Garza plaintiffs demonstrated that an Hispanic majority citizen voting age district could be created in HOD I and HOD II using 1987 and 1989 PEPS data as well.

284. The Court finds that under a variety of reasonable demographic techniques, demonstrated by both plaintiffs' and defendants' experts, the demographic changes that have occurred since 1980 make it possible to draw a Supervisorial district in which Hispanics constitute a majority of the citizen voting age population.

E. POLITICAL COHESIVENESS

1. *Hispanic Candidacies in Los Angeles County 1978–1989*

(a) Contests for Los Angeles County Supervisor

285. Direct evidence of the voting patterns of Hispanics is unavailable for supervisorial or other countywide elections in *1329 Los Angeles County, because the ballot is secret and no exit polls exist for County elections.

286. Since 1978, Hispanic candidates have run in five supervisorial election contests: District 1 (1978 and 1982); District 3 (1978 and 1982); and District 5 (1988).

287. In the 1978 primary election in District 1, one Hispanic candidate, Alfonso Lavin, ran against three non-Hispanics, including incumbent Peter Schabarum. Lavin is not a recognizable Spanish surname. Lavin received 7.3 percent of the vote and Schabarum received 55.7 percent of the vote.

288. In the 1978 primary election in District 3, two Hispanic candidates, Rosalio Munoz and Gonzalo Molina, ran against the incumbent, Edmund Edelman. Munoz received 11.5 percent of the vote, Molina received 14.0 percent of the vote and Edelman received 74.5 percent of the vote.

289. In the 1982 primary election in District 1, Lavin again ran against incumbent Schabarum, as well as another non-Hispanic candidate. Schabarum received 64.5 percent and Lavin received 10.5 percent of the vote.

290. In the 1982 primary in District 3 Rosalio Munoz ran against incumbent, Edelman, and two other non-Hispanic candidates. Munoz received 11.8 percent of the vote and came in second behind Edelman who received 72.1 percent of the vote.

291. In the 1988 primary election for Supervisor in District 5, two Hispanic candidates, M. Enriquez–Marquez and Jose Galvan, ran against incumbent Antonovich, and seven other non-Hispanic candidates. At the time of the election, Spanish-surnamed voters comprised approximately 8 percent of the registered voters in District 5. Enriquez–Marquez placed fourth with 2.3 percent of the vote; Galvan placed last with 0.5 percent of the vote. Antonovich, who received 44.8 percent of the vote, was forced into a run-off with Baxter Ward, who received 22.4 percent of the vote in the primary.

292. All the Hispanic candidates in these supervisorial contests were minor candidates with relatively little campaign financing who had no realistic chance of mounting a serious challenge to the incumbent Supervisor.

293. Dr. Grofman analyzed three of the elections for Supervisor since 1978 which involved Hispanic candidates with Spanish surnames and one election in 1982 involving an Hispanic candidate without a Spanish surname. Dr. Grofman found that even with respect to these very minor candidates, there were substantial differences between the levels of support received from Hispanics and that received from non-Hispanics.

294. The Court further finds that analyses of Supervisorial elections are not dispositive of political cohesiveness. Rather, plaintiffs were entitled to attempt to establish political cohesion through the study and analysis of other elections within the

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County of Los Angeles.

295. No specific number of elections need be studied in order to determine whether voting is polarized in Los Angeles County along ethnic lines.

(b) Other Nonpartisan County Contests

296. Since 1978 there have been two election contests for Los Angeles County offices other than Supervisor in which Hispanic candidates have run: County Sheriff (1982) and County Assessor (1986).

297. In the 1982 primary election for County Sheriff, two Hispanic candidates, Alex Jacinto and Robert Feliciano, received 6 percent and approximately 20 percent of the total vote, respectively, against candidates Sherman Block, Charles Greene, and three other non-Hispanic candidates. The winner, incumbent Block, received 63 percent of the total vote.

298. In the 1986 primary election for County Assessor, the Hispanic candidate, Sid Delgado, received roughly 12 percent of the total vote against a field of eleven non-Hispanic candidates for an open seat. Delgado's share of the votes cast placed him in fourth place in the race, with the leading candidate, John Lynch, receiving 21 percent of the vote.

***1330** 299. Based upon the relative vote shares and campaign expenditures of the Hispanic candidates in the 1982 Sheriff's race and the 1986 Assessor's race, the Court agrees with Dr. Grofman's conclusion that these were relatively minor candidates.

300. Dr. Grofman conducted analyses of the 1982 primary race for Sheriff and the 1986 primary race for Assessor. Based upon his analysis, Dr. Grofman found a dramatic divergence between the support levels from Hispanics versus those from non-Hispanics for the two Hispanic candidates in the 1982 Sheriff primary. The Hispanic support level, based on Spanish-origin data, for Jacinto and Feliciano combined was estimated at 80 percent, while the support of non-Hispanic voters for these two candidates was estimated at only 20 percent. According to the estimates of Dr. Grofman, Feliciano was the plurality choice of the Hispanic voters. Similarly in the 1986 Assessor race, the Hispanic candidate, Delgado, was estimated to have been the plurality choice of Hispanic voters in a very crowded field of candidates with 35 percent support among Hispanics compared to only 10 percent support from non-Hispanics.

(c) Non-Countywide Elections

301. Since 1983 there have been seven elections for Los Angeles City Council in which Hispanics have run for office: District 1 (1987 and 1989); District 4 (1983); District 7 (1989); and District 14 (1983, 1985, and 1987).

302. In the 1983 primary election for District 14, two Hispanic candidates, David Sanchez and Steve Rodriguez, received 2.2 percent and 42.6 percent of the vote respectively in a field of six candidates, which included the Anglo incumbent, Art Snyder, and three other non-Hispanic candidates. Snyder won the election with 50.1 percent of the vote.

303. In a subsequent special election in District 14 in December 1985, six Hispanic candidates and one non-Hispanic candidate ran for an open seat created by the resignation of Councilman Snyder. One of the Hispanic candidates, Richard Alatorre, won the election with 59.58 percent of the vote and became only the second Hispanic elected to the Los Angeles City Council since at least 1900. Dorothy Andromidas, the sole non-Hispanic candidate, received about one percent of the votes cast.

304. As a result of the 1985 lawsuit filed against the City of Los Angeles to remedy the fragmentation of the Hispanic population concentrations in the eastern part of the city, *United States, et al. v. City of Los Angeles*, No. CV 85-7739 JMI (JRx) (C.D.Cal.1985), the City of Los Angeles chose to redraw the council districts so as to create a second Hispanic majority city council district, Council District 1.

305. As of the 1988 general election, persons of Spanish origin constituted approximately 46 percent of the registered voters in Council District 1.

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306. In the special election in Council District 1 on February 3, 1987, two Hispanic candidates ran against two non-Hispanic candidates for the vacant seat. The two Hispanic candidates received 82.5 percent of the vote. One of the Hispanic candidates, Gloria Molina, was elected with 57.0 percent of the vote.

307. The special elections for Los Angeles City Council District 14 in 1985 and Los Angeles City Council District 1 in 1987 both occurred in districts which contained a clear majority Hispanic population.

308. In April 1989, eight candidates, including two Hispanic candidates, Irene Tovar and Richard Yanez, ran in the primary election for Los Angeles City Council District 7. Tovar received 9.5 percent of the total vote; Yanez received 1.3 percent; and the incumbent, Ernai Bernardi, received 41.9 percent.

309. Dr. Grofman analyzed the 1983 primary contest in City Council District 14 and the 1989 primary in City Council District 7. The population of District 14, which is located essentially within the Hispanic Core, is greater than 60 percent Hispanic. In 1983, Spanish-surnamed persons constituted 49.9 percent of the registered voters in District 14. In contrast, District 7, which is located in the San Fernando *1331 Valley area, has a much smaller proportion of Hispanics among its population. As of the 1988 general election, only 25.49 percent of the registered voters in Council District 7 were of Spanish origin. Dr. Grofman's analysis found high levels of Hispanic political cohesion in both of these contests.

(d) Countywide Partisan Elections

310. According to the 1980 Census, three of the congressional districts in the County had Hispanic citizen voting age populations of at least 35 percent: Congressional District 25 (42.1 percent), Congressional District 30 (37.3 percent), and Congressional District 34 (35.2 percent).

311. As of the 1982 general election, Congressional Districts 25, 30 and 34 also contained the greatest proportions of Hispanic registered voters of all the congressional districts in the County.

312. In the 1982 Democratic primary elections, an Hispanic candidate prevailed in each of these three congressional districts: Edward Roybal in Congress District 25, Matthew Martinez in Congressional District 30, and Esteban Torres in Congressional District 34. The three nominees went on to victory in the general elections of 1982. Moreover, these Hispanic candidates continued to prevail in these three congressional districts for all subsequent Democratic primary and general elections.

313. These three congressional districts are located within the Hispanic Core area of Los Angeles County.

314. No Hispanic has been elected in any other congressional district wholly within Los Angeles County since at least 1982.

315. As of the 1982 general election, State Senate Districts 24 and 26 also contained the greatest proportions of Hispanic registered voters of all the state senate districts in Los Angeles County.

316. In the 1982 Democratic primary elections, an Hispanic candidate prevailed in both of these state senate districts: Art Torres in Senate District 24 and Joseph Montoya in Senate District 26. In turn these nominees went on to victory in the general elections of 1982. Moreover, these Hispanic candidates have prevailed in these state senate district for all subsequent Democratic primary and general elections.

317. Both of these senate districts are included within the Hispanic Core area of Los Angeles County.

318. No Hispanic has been elected in any other state senate district wholly within Los Angeles County since at least 1982.

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319. According to the 1980 Census, four of the state assembly districts in Los Angeles County had Hispanic citizen voting age populations of at least 35 percent. Assembly District 55 (41.4 percent), Assembly District 56 (57.6 percent), Assembly District 59 (43.5 percent) and Assembly District 60 (37.4 percent).

320. As of the 1982 general election, Assembly Districts 55, 56, 59 and 60 also contained the greatest proportions of Hispanic registered voters of all the state assembly districts in Los Angeles County.

321. In three of these four state assembly districts (Assembly District 55, Assembly District 56, and Assembly District 59), Hispanic candidates prevailed in both the Democratic primary and general elections of 1982. In turn, Hispanic candidates prevailed in these three districts in all subsequent Democratic primary and general elections through 1988. In only one of these assembly districts, District 60, did a non-Hispanic candidate prevail in the Democratic primary and general election contests of 1982 and subsequent years. No Hispanic candidate has run in the Democratic primary for Assembly District 60 since 1982.

322. Each of the three assembly districts in which Hispanic candidates have prevailed is located within the Hispanic Core area of Los Angeles County.

2. Analysis of Ethnically Polarized Voting

(a) Methodology

323. Dr. Allan Lichtman has been recognized as an expert witness in bloc voting, political systems, and quantitative and socioeconomic*1332 analysis, among other matters, in more than 15 federal court cases.

324. Dr. Grofman has been recognized as an expert witness in racial or ethnic vote dilution in numerous federal court cases. His testimony concerning racially polarized voting was adopted by both the District Court and the United States Supreme Court in [Gingles v. Edmisten](#), 590 F.Supp. 345 (E.D.N.C.1984), *aff'd in part, rev'd in part*, [Thornburg v. Gingles](#), 478 U.S. 30, 106 S.Ct. 2752, 92 L.Ed.2d 25 (1986). In addition, Dr. Grofman was the sole expert witness for the plaintiffs in [Cruz Gomez v. City of Watsonville](#), 863 F.2d 1407 (9th Cir.1988), *cert. denied*, 489 U.S. 1080, 109 S.Ct. 1534, 103 L.Ed.2d 839 (1989), in which his opinions were adopted by the Ninth Circuit Court of Appeals.

325. Drs. Lichtman and Grofman used standard methods in the analysis of electoral data to determine whether voting is ethnically polarized in Los Angeles County elections, considering Hispanics versus non-Hispanics, and whether the existing system of supervisorial districts impedes the ability of Hispanic citizens to elect representatives of their choice and fully participate in the political process. Their analyses of ethnically polarized voting follow procedures that are consistent with the standards prescribed by the Supreme Court in [Gingles](#), 478 U.S. at 52–59, 106 S.Ct. at 2767–2770.

326. Plaintiffs' experts determined the voting behavior of Hispanics and non-Hispanics in Los Angeles County by comparing the ethnic composition of precincts to the division of the vote among competing candidates at each precinct. Ecological regression, the standard method for inferring the behavior of population groups from data collected for aggregate units, was used to estimate the voting behavior of non-Hispanics and Hispanics. The regression methodology generates prediction equations that indicate how voting responds to variations in the proportions of Hispanics and non-Hispanics in each precinct. These equations can provide the information needed to estimate the average voting of non-Hispanics and Hispanics, respectively, in the election district under analysis.

327. Ecological regression, therefore, provides estimates of the average voting behavior of the groups in question. It does not purport to determine the voting behavior of individuals. Not does it purport to estimate exactly the voting behavior of non-Hispanics and Hispanics in each precinct.

328. Drs. Lichtman and Grofman also utilized a technique termed “extreme case analysis.” This technique examines the actual choices of voters in the most heavily non-Hispanic and the most heavily Hispanic precincts in a jurisdiction. If voting is polarized along ethnic lines, there should be differences in the percentages of votes going to the non-Hispanic and Hispanic candidates in the most heavily non-Hispanic and most heavily Hispanic precincts.

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329. Ecological regression and extreme case analysis were also supplemented by the examination of squared correlation coefficients, an indicator of the reliability of a finding of polarized voting. The possible value of the squared correlation coefficient (R^2) varies from 0 to 1.0, with values close to 1.0 indicating that the percentage of the vote cast for the Hispanic candidates can be nearly perfectly predicted from the Hispanic versus non-Hispanic composition of political units. Although no particular value of R^2 arbitrarily defines the distinction between “high” and “low”, social scientists often find values in excess of .25 to be indicative of a substantial relationship between variables and generally consider values of .5 or greater as indicative of a very strong relationship.

330. As indicated by the *Gingles* decision, plaintiffs' experts divided the analysis of polarized voting into two components: the degree to which the Hispanic electorate cohesively supports Hispanic candidates for public office and the degree to which the non-Hispanic electorate bloc votes for non-Hispanic candidates.

331. The analysis of Hispanic cohesion and non-Hispanic bloc voting provides an indication of whether Hispanic voters have an opportunity to elect candidates of their *1333 choice in the existing supervisorial districts. In particular, the issue is whether bloc voting by non-Hispanics will normally be sufficient to defeat Hispanic candidates in the existing Supervisorial districts with the greatest Hispanic concentration.

332. Dr. Grofman analyzed eight nonpartisan elections involving non-Hispanic versus Hispanic candidates in Los Angeles County from 1978 to 1989; four were for County Supervisor, one for sheriff, one for assessor and two for Los Angeles City Council. Of the eight contests analyzed, only the assessor's contest was an election for an open seat.

333. In addition, Dr. Lichtman analyzed 12 open-seat partisan elections involving Hispanic versus non-Hispanic candidates for U.S. Congress, state senate, and state assembly from 1982 to 1988. Of the 12 contests analyzed, five were primaries, four Democratic and one Republican, and several were general elections, including one special run-off election.

334. Dr. Lichtman focused on open-seat elections because generally they are the most hotly contested of all races and provide the clearest indication of whether or not Hispanics and non-Hispanics systematically differ in their choices of candidates.

335. There are no substantive differences in results of the ecological regression and extreme case analyses between the analyses based upon Spanish surname and the analyses based upon Spanish origin data.

336. There is no dispute that plaintiffs' experts accurately computed and reported the results of the application of the ecological regression methodology. Dr. Jerome Sacks, a statistician and one of the defendants' experts, replicated plaintiffs' analyses and produced results that were not substantively different.

(b) Results of Analysis

337. The analysis of polarized voting in this case centered on the exposition and critique of ecological regression as a technique for analyzing group voting behavior.

338. Defendants presented the testimony of three statisticians, Dr. Stephen Klein, Dr. Jerome Sacks, and Dr. David Freedman, who individually and collectively criticized the use of the ecological regression methodology to analyze group voting behavior.

339. Defendants' experts do not dispute that as a general matter in the elections analyzed by plaintiffs' experts the proportion of the vote for the Hispanic candidates increases as the proportion of Hispanics in the precinct increases.

340. The ecological regression methodology can produce physically impossible results.

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341. In the 20 elections analyzed by Drs. Grofman and Lichtman, physically impossible results were produced for only four of the 40 estimates of Hispanic and non-Hispanic voting. All involved estimates of Hispanic support for the Hispanic candidate that exceeded 100 percent.

342. All four physically impossible estimates were for general elections and three of four were just a few percentage points over the 100 percent mark.

343. Voting analysts often encounter estimates over 100 percent when voting is highly polarized and the slope of the ecological regression line is steeply pitched. Dr. Lichtman testified that in numerous jurisdictions where he encountered such estimates, he was able to verify the accuracy of the method of bounds through examination of nearly homogeneous precincts that included a majority of the population group in question.

344. Extreme case analysis also shows the accuracy of using the method of bounds for the one instance in which an estimate departs substantially from 100 percent, the estimate of the percent of Hispanics voting for the Hispanic candidate in the 1982 general election in Assembly District 52. Although there are no heavily Hispanic precincts in Assembly District 52, examination of Dr. Sacks' scattergram for this election shows that there are a large number of precincts in which the percentage of registrants with a Spanish origin is 10 percent or less. Dr. Lichtman's extreme case analysis shows that in precincts where *1334 Spanish-origin registrants are 10 percent or less, 25 percent of the vote was actually cast for the Hispanic candidate. This percentage conforms almost exactly to the 24 percent non-Hispanic crossover vote derived by the methods of bounds employed by Dr. Lichtman.

345. Defendants' experts also contend that ecological regression is unreliable because it depends on the unreasonable assumption that voting behavior is constant across precincts except for random variation. The regression equation assumes that Hispanics give the same level of support to Hispanic candidates in every precinct.

346. The Court agrees with plaintiffs that the so-called constancy assumption does not significantly undermine the reliability of the estimates gained through the ecological regression methodology in this case.

347. The ecological regression technique is designed to provide accurate estimates only of average group voting behavior in a particular jurisdiction. As a result, the technique can yield accurate estimates even in the presence of substantial random variations in voting behavior within the studied jurisdiction. The technique can also produce accurate estimates in the presence non-random variations, so long as such variations are not related to the percentage of Hispanics within a jurisdiction.

348. Defendants' experts testified that an omitted variable or a variable related both to voting behavior and to the percentage of Hispanic registrants in a precinct may be distorting the ecological regression analysis. The degree of bias will depend on the strength of the omitted variable's independent influence on voting behavior and on the strength of its relationship to the percentage of Hispanics in a precinct.

349. Defendants' experts advance the theory that such variables as Democratic affiliation and low socioeconomic status impact on voting behavior by overriding ethnic affiliation.

350. While in theory there exists a possibility that ecological regression could overestimate the results of ecological regression, experts for defendants have failed to demonstrate that there is in fact any substantial bias resulting from the omitted variable problem in Los Angeles County.

351. In a further attempt to discredit the reliability of the ecological regression technique, defendants' experts developed the "neighborhood model" to provide an alternative method of measuring ethnically polarized voting. The neighborhood model posits that all voters within a precinct vote alike irrespective of ethnic diversity within such a precinct.

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352. At its logical boundaries, the omitted or contextual variable theory blends into the neighborhood model: both theories posit that non-ethnic factors impact on voting behavior to the extent of overriding ethnic affiliation. Thus, the greater the number of asserted contextual variables related to the ecological composition of the precinct, the more the omitted variable theory begins to resemble the neighborhood model.

353. The Court concludes that the neighborhood model's emphasis on the ecological structure of a precinct as a determinant of voting behavior impedes it from detecting the presence of polarized voting. As such, it is not a reliable method of inferring group voting behavior.

354. Defendants' critique of plaintiffs' squared correlation coefficient (R^2) and extreme case analyses reiterates their constancy assumption objection to the ecological regression methodology.

355. The Court finds that the ecological regression and extreme case analysis performed by plaintiffs' experts, as supplemented by the analysis of correlation coefficients are sufficiently reliable to make the requisite determinations about polarized voting between Hispanics and non-Hispanics.

356. The results of ecological regression and extreme case analysis reveal that Hispanic and non-Hispanic voters in Los Angeles County are polarized along ethnic lines in their choices of candidates.

***1335** 3. *Cohesiveness of Hispanic Voters*

357. The results of the ecological regression analyses demonstrated that for all elections analyzed, Hispanic voters generally preferred Hispanic candidates over non-Hispanic candidates.^{FN7} In 15 of the 19 elections studied, ^{FN8} a majority of voters with Spanish surnames voted for Hispanic candidates. In 14 of these 15 contests, the Hispanic vote for the Hispanic candidates was much higher, equal to or greater than 32 percentage points, than the non-Hispanic vote for the Hispanic candidates. In 14 of the 19 elections, voters with Spanish surnames voted for Hispanic candidates at a level equal to or greater than the 60 percent that is generally considered to be a landslide victory in American political history.

^{FN7}. The ecological regression analysis showed that voting was ethnically polarized in the 1988 Republican primary contest with 60 percent of voters with a Spanish surname and 59 percent of voters with Spanish origin opting for the Hispanic candidate compared to 45 percent of voters without a Spanish surname and 44 percent of voters without a Spanish origin. But Dr. Lichtman testified that he did not rely on the results of the analysis because squared correlation coefficients were very low indicating a lack of reliability of the analysis. In addition, he noted that at least since 1982 all Hispanics elected to public office in Los Angeles County have run as Democrats.

^{FN8}. Hereafter, the reports of the analyses exclude the 1988 Republican primary for the reasons noted in the preceding footnote.

358. Among the 19 contests studied, Dr. Lichtman properly isolated for analysis the eight nonpartisan contests and the four partisan primary contests. The Supervisorial elections are nonpartisan contests in which candidates compete without explicit party identification. Similarly, in partisan primary contests candidates compete under the same label so that the influence of party identification is eliminated. Since a better than two-thirds majority of Hispanics in the County are Democrats, their behavior in general elections might be influenced by party affiliation in the sense that they may be more likely to vote for the Democratic nominee. Thus, as compared to general election contests, nonpartisan and primary races provide the most stringent test of Hispanic cohesion.

359. In eight of the 12 nonpartisan and partisan primary elections, a majority of voters with Spanish surnames voted for Hispanic candidates. In seven of the 12 contests, a 70 percent or greater majority of voters with Spanish surnames united behind Hispanic candidates. On average, about 64 percent of the Spanish-surnamed voters supported Hispanic candidates in these contests.

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360. There were special circumstances involved in the five nonpartisan contests in which the cohesion levels were lower than 60 percent. The five contests include the 1986 contest for assessor and the four Supervisorial contests.

361. In the assessor's contest, although the lone Hispanic candidate, Delgado, failed to gain majority support from Hispanic voters, he still finished in first place among Hispanic voters despite a crowded field that included 12 candidates. Delgado garnered the support of 38 percent of voters with a Spanish surname and 35 percent of voters with a Spanish origin. The second-place finisher among Hispanic voters garnered the support of 20 percent of the voters with either a Spanish surname or a Spanish origin. Overall, as a result of Delgado's support among Hispanics, he finished in fourth place among the 12 candidates. Similarly, in the 1988 Supervisorial race in District 5, Enriquez–Marquez, although a much weaker candidate overall than Delgado, finished first among Hispanic voters in a likewise crowded field of ten candidates. Enriquez–Marquez garnered the support of 36 percent of voters with a Spanish surname and 33 percent of voters with a Spanish origin. The second-place finisher among Hispanic voters garnered the support of 21 percent of voters with a Spanish surname.

362. In only one of four Supervisorial contests analyzed by Dr. Grofman did a majority of Spanish-surname or Spanish-origin voters support the Hispanic candidates. The remaining three Supervisorial contests, however, involved relatively marginal*1336 Hispanic candidates. In the 1982 primary contests in Supervisorial Districts 1 and 3, and in the 1988 primary contest in Supervisorial District 5, the Hispanic vote for the Hispanic candidates was much higher than their overall percentages. For these three Supervisorial contests, the Hispanic candidates received a mean vote of 37 percent from Spanish-surnamed voters and a mean vote of 34 percent from Spanish-origin voters compared to an overall mean vote of but 8 percent.

363. The 1982 primary contests provide a useful means of analyzing Hispanic cohesion since six of the 19 elections analyzed were held on primary election day in 1982. In contests for U.S. Congress in the 1982 primary in Congressional District 30 and Congressional District 34, the Hispanic candidates received 78 and 90 percent, respectively, of the vote of Spanish-surnamed voters and 78 and 88 percent, respectively, of the vote of Spanish-origin voters. In the contest for state assembly in the 1982 primary for Assembly District 59, the Hispanic candidates received 83 percent of the vote of Spanish-origin voters. In the 1982 primary contest for sheriff, the Hispanic candidates received 85 percent of the vote of Spanish-surnamed voters and 80 percent of the vote of Spanish-origin voters. Only the relatively marginal candidates for Supervisor in Districts 1 and 3 in the 1982 primary received less than majority support from Hispanics. In District 1, the Hispanic candidate received 21 percent of the vote of Spanish-surnamed voters and 19 percent of the vote of Spanish-origin voters. In District 3, the Hispanic candidate received 44 percent of the vote of Spanish-surnamed voters and 41 percent of the vote of Spanish-origin voters. For all six contests, Hispanic candidates garnered a mean vote of 67 percent from Spanish-origin voters.

364. Dr. Lichtman's analysis of partisan elections in Los Angeles County demonstrates strong political cohesion among Hispanics. In the four Democratic Party primary elections he analyzed, Spanish origin voters are estimated to have provided, on average, 85 percent of their vote for Hispanic candidates. Hispanic candidates received an average of 94 percent of the vote of Spanish-origin voters in the eight general elections Dr. Lichtman analyzed.

365. The Court finds that Hispanic political cohesiveness is strong when Hispanic candidates have a realistic chance of winning.

366. For all 19 elections analyzed, the reliability of the findings of polarized voting is corroborated by extremely high values of the squared correlation coefficient (R^2). Whether Spanish-surname or Spanish-origin data are used, in all but five contests, the value of the squared correlation coefficient is at least equal to 0.65. For all 19 elections, moreover, the finding of racial polarization attains a level of statistical significance equal to or greater than the conventional standards used in social science. Researchers generally accept as reliable results for which statistical significance equals or exceeds the conventional standards of either .05 (corresponding to a five in one-hundred probability of obtaining results from chance or random factors) or .01 (corresponding to a one in one-hundred probability). For all 19 elections studied, the statistical significance is better than .00001 (corresponding to one in one-hundred thousand probability of obtaining the results from chance or random factors). The

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likelihood of obtaining any of these given results under the random factors hypothesis is low and the likelihood of obtaining the consistent pattern of these results is virtually zero.

367. The results of ecological regression analysis are corroborated by the findings of extreme case analysis, a technique that examines the actual vote cast in precincts that are heavily Hispanic or heavily non-Hispanic in their ethnic composition. The results of the extreme case analyses in this case were consistent with, and bolstered the reliability of the results of ecological regression.

368. For all 11 partisan contests studied, the Hispanic candidates received a greater than landslide majority, 60 percent or more, of the votes actually cast in more than 80 percent Hispanic precincts, whether***1337** Spanish-surname or Spanish-origin data are used. In contrast, only in the 1982 general election for state assembly in Assembly District 56 and in the 1986 special run-off and general elections for state assembly in Assembly District 55, did the Hispanic candidate receive more than 50 percent of the votes actually cast in the more than 90 percent non-Hispanic precincts. For the eight nonpartisan elections studied, the Hispanic candidates received a majority of the vote cast in more than 80 percent or more than 90 percent Hispanic precincts in three elections. ^{FN9} In all eleven partisan elections, the Hispanic candidates received a much higher vote in the heavily Hispanic precincts than in the more than 90 percent non-Hispanic precincts.

^{FN9}. For some nonpartisan contests, it was possible to use more than 90 percent Hispanic precincts; for others it was possible only to use more than 80 percent Hispanic precincts.

F. NON-HISPANIC BLOC VOTING

369. Plaintiffs did not present evidence of white bloc voting. For most of their analyses, they combined Anglos, Blacks and Asians into a non-Hispanic bloc. The potential distorting effect of this construct is lessened by the fact that for most of the elections analyzed, the Black and Asian percentage of the electorate was not significant. Moreover, given the demographic reality of the Hispanic Core in Los Angeles County, if 40 percent of the registered voters in a given precinct are Hispanic, the precinct will likely be predominantly Hispanic in its overall population.

370. Where a racial or ethnic group is only a small component of the electorate, its voting behavior would not have a significant effect on the two-group ecological regression estimates of voting behavior.

371. Of the elections analyzed by plaintiffs' experts non-Hispanic voters provided majority support for the Hispanic candidates in only three elections, all partisan general election contests in which party affiliation often influences the behavior of voters (the 1982 general election contests in Senate District 24 and Assembly District 56 and the 1986 general election contest in Assembly District 55). Overall, for all 19 contests studied, the mean crossover vote for Hispanic candidates among non-Spanish-surnamed voters was 27 percent, compared to a bloc vote of 76 percent for non-Hispanic candidates.

372. In the 12 non-partisan or partisan primary elections non-Hispanic voters did not provide a crossover vote of greater than 34 percent for the Hispanic candidates, whether Spanish-surname or Spanish-origin data are used. Overall, for these 12 elections, the mean crossover vote for Hispanic candidates by non-Spanish-surnamed voters is 17 percent.

373. The results of extreme case analysis corroborate the findings of strong bloc voting by non-Hispanics. Of all 19 contests studied, only in the 1982 general election contest for state assembly in Assembly District 56 and in the 1986 special runoff and general election contests for state assembly in Assembly District 55, did Hispanic candidates receive a majority of the vote actually cast in the more than 90 percent non-Hispanic precincts, whether Spanish-surname or Spanish-origin data are used. Considering only the 12 nonpartisan and partisan primary contests, in no instance did Hispanic candidates receive more than 42 percent of the vote cast in the more than 90 percent non-Hispanic precincts. Overall, for these 12 elections, the mean vote for Hispanic candidates in the more than 90 percent non-Hispanic precincts, using Spanish-surname data, is 19 percent.

374. For several of the elections analyzed through ecological regression, extreme case analysis provides especially strong confirmation of the bloc voting results, because a majority or near-majority of non-Hispanic registrants reside in the more than

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90 percent non-Hispanic precincts. Dr. Jerome Sacks, an expert for the defendants, testified that if about 35 to 40 percent of a group reside within “homogeneous” precincts, which he defines as precincts in which the group comprises 90 percent or more of the defined population, then the ecological regression analysis will *1338 produce reliable results for that group because the homogeneous precincts anchor the regression line.

375. Specifically, Dr. Sacks testified that in Los Angeles County there are sufficient homogenous precincts Countywide and in Supervisorial Districts 3 and 5 to have confidence that the regression estimates for non-Hispanics voting behavior are reliable.

376. Dr. Sacks' analysis provided five test cases of the reliability of the regression analysis for non-Hispanics: the 1978 and 1982 primaries for Supervisor in District 3; the 1982 Countywide primary for sheriff, the 1986 Countywide primary for assessor; and the 1988 primary for Supervisor in District 5. For these contests, the following table compares ecological regression and extreme case results for non-Hispanics using Spanish-surname data.

Comparison of Ecological Regression and Extreme Case Analyses Non-Hispanic Registrants, Spanish-Surname Data Nonpartisan Elections Meeting Dr. Sacks Reliability Criteria Percentage of Non-Hispanics Voting for Hispanic Candidates

<u>Election</u>	<u>Ecological Regression</u>	<u>90%+ Non-Hispanic Precincts</u>
1978 Primary		
SD ¹⁰ 3	20	19
1982 Primary		
Sheriff	21	23
1982 Primary		
SD 3	5	6
1986 Primary		
Assessor	10	11
1988 Primary		
SD 5	1	2

FN10. SD = Supervisorial District.

377. These results show an extremely close correspondence between the estimates of non-Hispanic voting for the Hispanic candidate derived by ecological regression and the actual vote for the Hispanic candidate in precincts that are 90 percent or more non-Hispanic. This correspondence holds both for Spanish-surname and Spanish-origin data. In no instance is there a difference of more than two percentage points between the ecological regression results and the results from extreme case analysis. As would be expected from the fact that there are some Hispanics in the more than 90 percent non-Hispanic precincts, the support for the Hispanic candidate in these precincts is generally a point or two higher than the estimate drawn from ecological regression.

378. These results have implications for the estimates of Hispanic as well as non-Hispanic voting. The vote for the Hispanic candidate(s) is simply the sum of the votes cast for that candidate or candidates by non-Hispanic and by Hispanic voters. Thus, if non-Hispanics are *not* voting for the Hispanic candidate, then the votes for the Hispanic candidate must be coming from Hispanic voters. Therefore, the reliable ecological regression estimates of low non-Hispanic support for Hispanic candidates for each of the five elections studied also provides strong confirmation of the reliability of the ecological regression estimates

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for the Hispanic support for these candidates.

379. The analysis of both partisan and non-partisan elections also suggests that the degree of crossover voting by non-Hispanics for Hispanic candidates may decrease as the Hispanic component of a district decreases. Seven of the eight non-***1339** partisan elections were held in districts, or Countywide, with an Hispanic component among their registered voters equal to or less than that of the most heavily Hispanic of existing Supervisorial districts, District 1. For these seven elections, a mean of only 9 percent of voters without a Spanish surname crossed over to support an Hispanic candidate. Of the nonpartisan primary elections, only the election for City Council in District 14 was held in a district with a greater Hispanic component than that of existing Supervisorial District 1. According to 1983 data, 49.9 percent of the registrants in Council District 14 has a Spanish surname. In the 1983 primary in this district, 23 percent of voters without a Spanish surname crossed over to opt for the Hispanic candidates, a percentage that is 2.5 times greater than the mean crossover vote of 9 percent for the remaining seven non-partisan contests.

380. Given the current configuration of the supervisorial districts and the existence of non-Hispanic bloc voting, the Hispanic electorate, though politically cohesive, would not normally have an opportunity to elect a candidate of their choice in even the most Hispanic districts, District 1 and District 3.

381. If the estimated polarization levels are applied to plaintiffs' proposed District 3 of Grofman Plan 1, the election prospects of Hispanics improve substantially.

382. This fact is illustrated by the table below which applies the cohesion and crossover estimates from the three 1982 primary elections in Congressional Districts 30 and 34 and Assembly District 59 to a 50.2 percent Spanish-origin district.

Projected Vote for Hispanic Candidate in 50.2 Percent Spanish–Origin District Based on 1982 Spanish–Origin Primary Results (Assuming Equal Hispanic and Non–Hispanic Turnout)

I. CD ^{II} 30 (78% Hispanic Cohesion, 33% Non–Hispanic Crossover)			
1. Hisp. Vote for Hisp. Candidate	=	.78	x 50.2% = 39.2%
2. Non–Hisp. Vote for Hisp. Candidate	=	.33	x 49.8% = 16.4%
3. Total Vote for Hisp. Candidate	=	39.	+ 16.4% = 55.6%
		2%	
I CD 34 (88% Hispanic Cohesion, 26% Non–Hispanic Crossover)			
I.			
1. Hisp. Vote for Hisp. Candidate	=	.88	x 48.3% = 42.5%
2. Non–Hisp. Vote for Hisp. Candidate	=	.26	x 51.7% = 13.4%
3. Total Vote for Hisp. Candidate	=	42.	+ 13.4% = 55.9%
		5%	
I AD 59 (83% Hispanic Cohesion, 29% Non–Hispanic Crossover)			
II.			
1. Hisp. Vote for Hisp. Candidate	=	.83	x 48.3% = 40.1%
2. Non–Hisp. Vote for Hisp. Candidate	=	.29	x 51.7% = 15.0%
3. Total Vote for Hisp. Candidate	=	40.	+ 15.0% = 55.1%
		1%	

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FN11. CD = Congressional District. AD = Assembly District.

383. A similar analysis results in a projected vote of over 50 percent for an Hispanic-preferred candidate in District 3 of Grofman Plan 1 based on available 1982 Spanish-origin statistics (44.0 percent Spanish origin).

384. Under similar analyses, an Hispanic-preferred candidate would be the projected winner in a 44.0 percent Spanish-origin district under either the assumption of equal turnout rate or that of turnout differences between Hispanics and non-Hispanics.

G. OTHER SENATE FACTORS

1. *History of Official Discrimination*

385. The Hispanic community in Los Angeles County has borne the effects of a history of discrimination in the areas of *1340 education, housing, employment, and other socioeconomic areas.

386. In Southern California, restrictive real estate covenants have created limited housing opportunities for the Mexican-origin population. Dr. Camarillo testified that the current Hispanic population concentrations correspond to the historical process in which people were not allowed to live, or were restricted to particular areas of the County.

(a) Repatriation

387. From 1929 to 1939, in the aftermath of the Depression, some 200,000 to 300,000 Mexican-Americans returned to their “country of origin” as part of a program instituted by the Justice Department. While the program was theoretically voluntary, many legal resident aliens and American citizens of Mexican descent were forced or coerced out of the country.

(b) Education

388. In eight of the largest counties in California, in 1923, there were 64 schools with 90–100 percent Mexican-origin children. School officials required Mexican children to have separate graduation ceremonies from Anglos attending the same school. In one Los Angeles County school where officials were unable to provide separate buildings for the Mexican children, they were assigned to separate classrooms.

389. California maintained segregated schools for Hispanics in Los Angeles until 1947 when the California Supreme Court struck down such segregation. [*Mendez v. Westminster School District of Orange County*, 64 F.Supp. 544 \(S.D.Cal.1946\)](#), *aff'd*, [161 F.2d 774 \(9th Cir.1947\)](#). However, as the United States points out, school desegregation litigation involving districts contained within Los Angeles County continued until 1989.

390. The mean years of school completed by Hispanic voting age citizens in 1980 was only 10.9 years, compared to 13.1 years for white non-Hispanics. The Hispanic mean was lower than that of any other minority group.

391. According to the Census Bureau's Current Population Survey, only 5 percent of Hispanics had completed 16 or more years of school, compared to 29 percent of Anglos.

(c) Public Facilities

392. As examples of discrimination against Hispanics in the use of public facilities, Dr. Camarillo testified that it was common during the first decade of this century, for access to public swimming pools to be restricted for Mexican-Americans and blacks, usually to the day before the pool was to be cleaned. In movie theaters, Mexican-Americans could not sit in the

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center sections.

(d) Right to Vote

393. In 1962, California was one of only 19 states which made English language literacy a prerequisite for voting.

394. In 1970, the California Supreme Court held that [Article II, Section 1 of the Constitution of California](#) violated the equal protection clause of the Fourteenth Amendment by conditioning the right of persons otherwise qualified to vote upon the ability to read the English language. The court found no compelling state interest in “denying the vote to a group of ... citizens who already face similar problems of discrimination and exclusion in other areas and need a political voice if they are to have any realistic hope of ameliorating the conditions in which they live.” [Castro v. State of California, 2 Cal.3d 223, 240, 85 Cal.Rptr. 20, 466 P.2d 244 \(1970\)](#). The court noted that “fear and hatred played a significant role in the passage of the literacy requirement.” [Id. 85 Cal.Rptr. at 25, 466 P.2d at 249](#).

395. Pursuant to the 1975 amendments to the Voting Rights Act, the Census Bureau determined that Los Angeles County was covered by the bilingual ballot election requirements of Section 203, [42 U.S.C. § 1973aa-1a](#), because more than five percent of the County's citizens of voting age were persons of Spanish heritage, a protected language minority group under the Voting Rights Act, and that the illiteracy rate of such persons was higher than the national rate.

*1341 396. As initially enacted, the provisions of Section 203 were due to expire on August 6, 1985.

397. In 1982, Congress extended the protections of Section 203 until August 6, 1992, but devised a new formula for coverage. This extension applied only to those jurisdictions in which the Census Bureau determined that members of a single language minority do not speak or understand English adequately enough to participate in the electoral process.

398. In 1984, the pursuant to the 1982 amendments, the Census determined that Los Angeles County was no longer covered by Section 203 of the Act. Although 14.6 percent of the County's voting age citizens were “persons of Spanish heritage” according to the 1980 Census, the Bureau concluded that fewer than five percent could not speak or understand English adequately enough to participate in the electoral process.

399. On August 7, 1984, the Board of Supervisors voted to discontinue providing election materials in Spanish.

2. Racial Appeals

400. The Garza plaintiffs provided the Court with substantial evidence of racial appeals in elections at all levels within the County.

401. For example, Steven Rodriguez, an Hispanic, ran for Councilman in District 14 of the Los Angeles City Council. When Mr. Rodriguez campaigned in Eagle Rock in 1983, he had doors slammed in his face and had his campaign literature destroyed. During his campaign, Mr. Rodriguez encountered such reaction in excess of 100 times.

402. During his campaigns for United States Congress, Esteban Torres encountered racial appeals by his opponents in the form of statements that Mr. Torres catered only to Hispanics and in the use of his photograph in opponents' campaign literature.

403. In the 1971 runoff for the 49th Assembly District, Richard Alatorre ran against William Brophy. Mr. Brophy distributed mailers which included Mr. Alatorre's photograph and alluded that Alatorre was sympathetic to undocumented aliens.

404. The Court finds that Hispanic residents in Los Angeles County have suffered and continue to suffer from the lingering effects of discrimination.

3. Size of Election Districts

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405. While the population equality statistics for statewide electoral districts in California under the 1980 Census population figures range from 295,849 persons for state assembly districts to 525,953 persons for congressional districts, to 591,698 for state senate districts, population equality for a Los Angeles County Supervisorial district is 1,495,501 persons or approximately one sixteenth of the 1980 population of the State of California.

406. A Los Angeles County Supervisorial district equal to one-fifth of the County's population is over 2.5 times larger in population than either a congressional or state senatorial district which meet population equality standards and over 5 times as large as a California assembly district which satisfies the equal population standard.

407. The Los Angeles County Supervisorial districts have the largest population of any single-member district for electing a county governing body in the United States.

408. The 1980 population of each Los Angeles County Supervisorial district was larger than the population of 16 states.

409. Los Angeles County encompasses 4,083 square miles. In land area, the County is four times as large as the State of Rhode Island and twice as large as Delaware.

410. The five district structure clearly provides an advantage to incumbents and requires significant financial expenditures to run a successful campaign.

411. Between 1981 and 1986 incumbent Supervisors secured contributions of \$8.2 million.

***1342** 412. Candidates for the Board of Supervisors must raise more money than candidates for Governor in many states to be a serious challenger.

413. In 1962 and in 1976, the Board submitted the issue of revising the structure of County government to the voters. On both occasions, the voters rejected the proposed change.

414. The Garza plaintiffs contend that the size of the Board of Supervisors has a discriminatory impact upon Hispanic participation in the political process and that the size of the districts constitute a disfavored voting procedure that denies Hispanics equal access to the electoral process.

415. Supervisor Hahn testified that it was difficult for one Supervisor to represent more than a million people.

416. The Court finds that the enormous size and population of each supervisorial district and the fragmentation of the Hispanic population core under the 1981 redistricting plan have impeded the ability of Hispanic persons to participate in the political process, deterred viable Hispanic candidates from running for the Board, and impaired the ability of Hispanics to elect Supervisors of their choice.

To the extent that the preceding Findings of Fact may be deemed to be Conclusions of Law, they are hereby incorporated by reference into the Conclusions of Law.

III. CONCLUSIONS OF LAW

A. JURISDICTION

1. The Court has jurisdiction over this voting rights litigation pursuant to [42 U.S.C. § 1973](#) and [28 U.S.C. §§ 1331, 1343\(a\)\(3\) & \(4\)](#). Venue is proper in the Central District of California pursuant to [28 U.S.C. § 1391\(b\)](#).

B. THE VOTING RIGHTS ACT

2. Section 2 of the Voting Rights Act, [42 U.S.C. § 1973](#), as amended, 96 Stat. 134, provides that:

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(a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right ... to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), as provided in subsection (b).

(b) A violation of subsection (a) of this section is established if, based on the totality of the circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other political members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the state or political subdivision is [but] one circumstance which may be considered: *Provided*, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

3. Section 4(f)(2) of the Act provides

No voting qualification or prerequisite to voting, or standard, practice or procedure shall be imposed or applied by any State or political subdivision ... to deny or abridge the right of any citizen of the United States to vote because he is a member of a *language minority* group.^{[FN12](#)} (emphasis added)

[FN12.](#) The term language minorities or language minority group means persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage. [42 U.S.C. § 1973f \(c\)\(3\).](#)

1. *The Senate Factors*

4. The Senate Judiciary Committee majority report accompanying the bill that amended § 2, elaborates on the circumstances that might be probative of a § 2 violation, noting the following “typical factors” (hereinafter “Senate Factors”):

1. The extent of any history of official discrimination in the state or political subdivision that touched the right of the *1343 members of the minority group to register, to vote, or otherwise to participate in the democratic process;

2. The extent to which voting in the elections of the state or political subdivision is racially polarized;

3. The extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group;

4. If there is a candidate slating process, whether the members of the minority group have been denied access to that process;

5. The extent to which members of the minority group in the state or political subdivision bear the effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process;

6. Whether political campaigns have been characterized by overt or subtle racial appeals.

7. The extent to which members of the minority group have been elected to public office in the jurisdiction.

5. Additional factors considered probative of a violation included:

Whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the

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members of the minority group.

Whether the policy underlying the state or political subdivision's use of such voting qualification, prerequisite to voting, or standard, practice or procedure is tenuous.

[S.Rep.No. 97-417](#), 97th Cong.2d Sess. 28, 29 (1982), U.S.Code Cong. & Admin. News 1982, pp. 206-207 (hereinafter S.Rep.).

[5] 6. The impact of the contested structure or practice on minority electoral opportunities must be assessed based on “objective” factors which include but are not limited to the Senate Factors enumerated above. The Senate Committee noted in its report that there is no requirement that any particular number of factors be proved, or that a majority of them point one way or another. S.Rep. at 29, U.S.Code Cong. & Admin. News 1982, p. 207.

[6] 7. The Senate Committee set forth a flexible, fact-intensive test for determining § 2 violations. “The question whether the political processes are ‘equally open’ depends upon a searching practical evaluation of the ‘past and present reality’ ” and on a “functional” view of the political process. [Gingles, 478 U.S. at 45, 106 S.Ct. at 2763](#) citing S.Rep. at 30, n. 120, U.S.Code Cong. & Admin. News 1982, p. 208. As *Gingles* explained, “the essence of a § 2 claim is that a certain electoral law, practice or structure interacts with social or historical conditions to cause an inequality in opportunities enjoyed by black and white voters to elect their preferred representatives.” [Id. at 47, 106 S.Ct. at 2764](#). Rights afforded under Section 2 apply equally to Hispanics. [Gomez v. City of Watsonville, 863 F.2d 1407 \(9th Cir.1988\)](#), cert. denied, [489 U.S. 1080, 109 S.Ct. 1534, 103 L.Ed.2d 839 \(1989\)](#). The conclusion as to whether Hispanics have an equal opportunity to participate in the political process and to elect candidates of their choice is “peculiarly dependent upon the facts of each case.” [Id. 478 U.S. at 79, 106 S.Ct. at 2781](#).

[7] 8. The circumstances under which § 2 violations may be proved is limited in three ways:

First, electoral devices, such as at large elections, may not be considered *per se* violative of Section 2. Plaintiffs have the burden of demonstrating that, under the totality of the circumstances, the devices result in unequal access to the electoral process.

Second, the conjunction of an allegedly dilutive electoral mechanism and the lack of proportional representation does not establish a violation.

Third, the results test does not assume the existence of racial bloc voting; plaintiffs must prove it.

[Gingles, 478 U.S. at 46, 106 S.Ct. at 2764](#), quoting S.Rep. at 16, 33.

*1344 9. The Supreme Court in [Gingles, 478 U.S. at 46, 106 S.Ct. at 2764](#), addressed a claim that multimember districts diluted black voting strength. Plaintiffs alleged and attempted to prove that their ability to elect the representatives of their choice was impaired by the selection of a multimember electoral structure. [Id. at 46 n. 12, 106 S.Ct. at 2764 n. 12](#). The Supreme Court stated that it had no occasion to consider what standards should pertain to a claim brought by a minority group that is not sufficiently large and compact to constitute a majority in a single-member district, alleging that the use of a multimember district impairs its ability to influence elections. *Id.* (emphasis in the original).

10. The Court also stated that it had no occasion to consider whether the standards applied in *Gingles* are fully pertinent to other sorts of vote dilution claims, such as claims alleging that the splitting of a large and geographically cohesive minority between two or more multimember or singlemember districts resulted in the dilution of the minority vote. *Id.* at n. 12.

[8] 11. While many or all of the Senate Factors may be relevant to a plaintiff's § 2 claim, “unless there is a conjunction of the following circumstances, the use of multimember districts generally will not impede the ability of minority voters to elect

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representatives of their choice.” [Id. at 48, 106 S.Ct. at 2765](#). Specifically, the Court outlines three preconditions for multi-member districts to operate to impair minority voters' ability to elect representatives of their choice:

First, the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single member district. (hereinafter “geographical compactness”)

Second, the minority group must be able to show that it is politically cohesive. (hereinafter “political cohesiveness”)

Third, the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it, in the absence of special circumstances such as the minority candidate running unopposed, usually to defeat the minority's preferred candidate. (hereinafter “racial bloc voting”)

[Id. at 51, 106 S.Ct. at 2766](#). “[T]he bloc voting majority must *usually* be able to defeat candidates supported by a politically cohesive, geographically insular minority group.” [Id. at 49, 106 S.Ct. at 2766](#) (emphasis in original).

(a) Geographical Compactness

[9] 12. Unless minority voters possess the *potential* to elect representatives in the absence of the challenged structure or practice, they cannot claim to have been injured by the structure or practice. [Id. at 50 n. 17, 106 S.Ct. at 2766 n. 17](#) (emphasis in original). For this reason, the Supreme Court determined that a showing of geographic compactness is a threshold matter. *Id.*

13. Justice O'Connor, in a concurring opinion joined by Chief Justice Burger, Justice Powell, and Justice Rehnquist, preferred to leave open the broader question of whether § 2 *requires* a showing of maximum feasible minority voting strength:

In my view, we should refrain from deciding in this case whether a court must invariably posit as its measure of “undiluted” minority voting strength single-member districts in which minority group members constitute a majority. There is substantial doubt that Congress intended “undiluted minority voting strength” to mean “maximum feasible minority voting strength.” Even if that is the appropriate definition in some circumstances, there is no indication that Congress intended to mandate a single, universally applicable standard for measuring undiluted minority voting strength, regardless of local conditions and regardless of the extent of past discrimination against minority voters in a particular State or political subdivision.

[Gingles, 478 U.S. at 94–95, 106 S.Ct. at 2789](#) (O'Connor, J., concurring).

(1) Voting Age Population

[10] 14. The eligible minority voter population, rather than the total population *1345 is the appropriate measure of geographical compactness. [Romero, 883 F.2d at 1426; Gomez, 863 F.2d at 1414; Skorepa v. City of Chula Vista, 723 F.Supp. 1384, 1386 \(S.D.Cal.1989\)](#).

(2) Current Population Data

[11] 15. Current voting age population data are probative because they indicate the electoral potential of the minority community. [City of Rome v. United States, 446 U.S. 156, 186 n. 22, 100 S.Ct. 1548, 1566 n. 22, 64 L.Ed.2d 119 \(1980\)](#). See, e.g., [Gingles, 478 U.S. at 80, 106 S.Ct. at 2781](#) (results of elections for years 1978, 1980 and 1982 examined to determine if racially polarized voting existed); [Gomez, 863 F.2d at 1409–10 & n. 1](#) (election results from 1971 through 1987 considered); [Smith v. Clinton, 687 F.Supp. 1310, 1315–16 \(E.D. Ark.\)](#) (three-judge court), *aff'd*, [488 U.S. 988, 109 S.Ct. 548, 102 L.Ed.2d 576 \(1988\)](#) (election results analyzed include 1982, 1985, 1986 and 1988 contests).

[12] 16. The census is presumed to be accurate unless proven otherwise. [Latino Political Action Committee v. City of Boston, 568 F.Supp. 1012, 1018 \(D.Mass.1983\)](#), *aff'd*, [784 F.2d 409 \(1st Cir.1986\)](#). The evidence disproving the census must be clear, cogent and convincing. [Dixon v. Hassler, 412 F.Supp. 1036, 1040 \(W.D.Tenn.1976\)](#) (three judge panel), *aff'd sub nom. Republican Party v. Dixon, 429 U.S. 934, 97 S.Ct. 346, 50 L.Ed.2d 303 (1976) (applying standard that decennial census will be*

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controlling unless there is ‘clear, cogent and convincing evidence’ that such figures are no longer valid and that other figures are valid).

17. In order to overcome the presumption in favor of the 1980 census data, plaintiffs need not demonstrate that the census was inaccurate.

[13] 18. It is sufficient to conclude that there has been significant demographic changes since the decennial census and that there exists post-decennial population data that more accurately reflects evidence of the current demographic conditions. [Kirkpatrick v. Preisler](#), 394 U.S. 526, 535, 89 S.Ct. 1225, 1231, 22 L.Ed.2d 519 (1969); cf. [Gaffney v. Cummings](#), 412 U.S. 735, 746, 93 S.Ct. 2321, 2328, 37 L.Ed.2d 298 (1973) (describing federal census as “more of an event than a process” measuring population “at only a single instant in time”).

(3) Estimates and Projections

[14] 19. Where shifts in population can be predicted with a high degree of accuracy, such “predictions” may be considered by states that are redistricting. [Kirkpatrick](#), 394 U.S. at 534, 89 S.Ct. at 1230. These findings as to population trends must be thoroughly documented and applied throughout the state in a systematic manner. *Id. but Cf. McNeil v. Springfield Park District*, 851 F.2d 937, 947 (7th Cir.1988), cert. denied, 490 U.S. 1031, 109 S.Ct. 1769, 104 L.Ed.2d 204 (1989) (refusing to override presumption in favor of census based on meager evidence and noting that estimates based on past trends are generally not sufficient to override “hard” decennial census data); [Graves v. Barnes](#), 446 F.Supp. 560, 568 (W.D.Texas 1977), aff’d sub nom. [Briscoe v. Escalante](#), 435 U.S. 901, 98 S.Ct. 1444, 55 L.Ed.2d 492 (1978) (study’s projections did not offer high degree of accuracy required to supplant population figures of prior decennial census).

(b) Political Cohesiveness

[15] 20. The inquiry whether a minority group is politically cohesive is not to be made prior to and apart from a study of polarized voting because the central focus is upon voting patterns. [Campos v. City of Baytown](#), 840 F.2d 1240, 1244 (5th Cir.1988), cert. denied, 492 U.S. 905, 109 S.Ct. 3213, 106 L.Ed.2d 564 (1989). If a minority group votes together it can be deemed politically cohesive. *Id.*

[16] 21. In determining political cohesiveness, the inquiry is essentially whether the minority group has expressed clear political preferences that are distinct from those of the majority. [Gomez](#), 863 F.2d at 1415. Therefore, as the Court noted in [Gingles](#), one way to demonstrate cohesiveness is by showing that a significant number*1346 of minority group members usually vote for the same candidates. [Gingles](#), 478 U.S. at 56, 106 S.Ct. at 2769.

22. In [Gomez](#), the Ninth Circuit reversed the district court for applying an incorrect legal standard. The district court had determined that, “with respect to those Hispanics who have actually voted, the evidence favored a finding of political cohesiveness.” *Id.* at 1416 (emphasis in original). The court concluded, however, that because “no significant number of eligible Hispanics have voted in the elections under consideration,” the Hispanic community as a whole was too apathetic to be politically cohesive. *Id.*

[17] 23. Political cohesiveness is to be judged primarily on the basis of the voting preferences expressed in actual elections. [Gomez](#), 863 F.2d at 1416. “The district court erred by focusing on low minority voter registration and turnout as evidence that the minority community was not politically cohesive. The court should have looked only to *actual voting patterns* rather than speculating as to the reasons why many Hispanics were apathetic.” *Id.*

[18] 24. Socioeconomic disparities and differences of political opinion within the Hispanic community are “only relevant to the extent that they reflect differences in voting behavior among Hispanics.” *Id.*

[19] 25. Statistical analysis of voting data is highly relevant to the issue of political cohesion. [Sanchez v. Bond](#), 875 F.2d 1488, 1493 (10th Cir.1989).

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(1) Ecological Regression Analysis

[20] 26. Political cohesion may be established through ecological regression analysis and lay witness testimony. *Carrollton Branch of NAACP v. Stallings*, 829 F.2d 1547, 1558 (11th Cir.1987), cert. denied, 485 U.S. 936, 108 S.Ct. 1111, 99 L.Ed.2d 272 (1988). As the Ninth Circuit stated in *Romero*, 883 F.2d at 1423, “Both before and after *Thornburg*, plaintiffs, including plaintiffs in this case, utilized exit polls, ecological regression and homogeneous precinct analysis to show the existence of polarized voting.”

27. Bivariate ecological regression analysis has been frequently employed in Section 2 cases after *Gingles*. See, e.g., *Campos*, 840 F.2d at 1246–48; *Citizens for a Better Gretna v. Gretna*, 834 F.2d 496, 500–02 (5th Cir.1987).

28. Crucial to the validity of regression analysis are the values for “R” and “R2”, which measure the strength of the correlation and linear relationship of the variables being examined. *Overton v. Austin*, 871 F.2d 529, 539 (5th Cir.1989) (stating that “R2” value expresses the percentage of variance in the vote that is explained by the race of the voters).

(c) Racial Bloc Voting

29. “The number of elections that must be studied in order to determine whether voting is polarized will vary according to pertinent circumstances. One important circumstance is the number of elections in which the minority group has sponsored candidates.” *Campos*, 840 F.2d at 1245 (finding district court warranted in its focus on those races that had a minority member as a candidate).

[21] 30. If a small number of minority candidacies prevents the compilation of statistical evidence, a court should not deny relief, but should rely on other totality of circumstances factors to determine if the electoral system had a discriminatory effect. See *Solomon v. Liberty County*, 865 F.2d 1566, 1577–78 (11th Cir.1988) (holding that plaintiffs should be able to buttress their claims of white bloc voting by pointing to racial voting patterns in elections for offices they do not challenge in their section 2 suit and that district court erred in ignoring regression analyses considered probative of black political cohesiveness).

31. In a plurality portion of the *Gingles* opinion, the Court stated that “[u]nder § 2, it is the *status* of the candidate as the *chosen representative of a particular racial group*, not the race of the candidate, that is important.” *Gingles*, 478 U.S. at 68, 106 S.Ct. at 2775. The race of the voter, not of the candidate is relevant to vote dilution analysis. *Id.* However, the Court also recognized that since both minority*1347 and majority voters often select members of their own race as their preferred representatives, “it will frequently be the case that a black candidate is the choice of blacks, while a white candidate is the choice of whites.” *Id.*

32. The Fifth Circuit interpreted *Gingles* to hold that the race of the candidate is in general of less significance than the race of the voter—but only within the context of an election that offers voters the choice of supporting a viable minority candidate. *Better Gretna*, 834 F.2d at 503 (emphasis added).

33. The legal concept of racially polarized voting, as it relates to claims of vote dilution, refers only to the existence of a correlation between the race of the voters and the selection of certain candidates. *Id.* 478 U.S. at 74, 106 S.Ct. at 2778.

[22] 34. In order to prove a prima facie case of racial bloc voting, plaintiffs need not prove causation or intent. *Id.*

35. A definition of racially polarized voting which holds that racial bloc voting does not exist when voters of a certain race's choice of a certain candidate is most strongly influenced by the fact that the voters have low income and menial jobs—“when the reason most of those voters have menial jobs and low incomes is attributable to past or present racial discrimination—runs counter to the Senate Report's instruction to conduct a searching and practical evaluation of past and present reality.” *Id.* at 65, 106 S.Ct. at 2774 citing S.Rep. at 30. Such an approach, according to the Supreme Court, would interfere with the purpose of the Voting Rights Act to eliminate the negative effects of past discrimination on the electoral opportunities of minorities. *Id.*

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[23] 36. The fact that racially polarized voting is not present in one or a few individual elections does not necessarily negate the conclusion that the district experiences legally significant bloc voting. [Gingles, 478 U.S. at 51, 106 S.Ct. at 2766.](#)

(d) History of Discrimination

37. Congress intended that the Voting Rights Act eradicate inequalities in political opportunities that exist due to the vestigial effects of past purposeful discrimination. [Gingles, 478 U.S. at 69, 106 S.Ct. at 2776.](#) In [Solomon, 865 F.2d at 1579,](#) the Eleventh Circuit found that the trial court erred by failing to consider past and present reality as required by *Gingles* and by refusing to give any weight to the legislature's reason—to discriminate against blacks—for prescribing the at-large system as the method of electing school board members in Florida.

38. Courts have historically recognized that political participation by minorities tends to be depressed where minority groups suffer effects of prior discrimination such as inferior education, poor employment opportunities and low incomes. [Gingles, 478 U.S. at 69, 106 S.Ct. at 2776;](#) *see, e.g., White v. Regester, 412 U.S. 755, 768–69, 93 S.Ct. 2332, 2340–41, 37 L.Ed.2d 314 (1973)* (holding that district court's order requiring disestablishment of multimembers districts in certain Texas counties was warranted in light of history of political discrimination against blacks and Mexican-Americans residing in those counties and the residual effects of such discrimination on those groups); [Kirksey v. Board of Supervisors of Hinds County, 554 F.2d 139, 145–46 \(5th Cir.\)](#) (en banc) *cert. denied 434 U.S. 968, 98 S.Ct. 512, 54 L.Ed.2d 454 (1977)* (finding that Supervisors' reapportionment plan, though racially neutral, would perpetuate the denial of black minority access to the democratic process).

39. In [Kirksey, 554 F.2d at 151,](#) the Fifth Circuit, in reversing the district court's reapportionment plan, concluded that plaintiffs had proved a long history of denial of access to the democratic process and that the structure and residual effects of the past had not been removed and replaced by current access. “By fragmenting a geographically concentrated but substantial black minority in a community where bloc voting has been a way of political life the plan [though racially neutral] will cancel or minimize the voting strength *1348 of the black minority and will tend to submerge the interests of the black community.” *Id.* The court concluded that the plan denies rights protected by the Fourteenth and Fifteenth Amendments.

(e) Other Discriminatory Voting Practices

40. A section 2 claim is enhanced by a showing of the existence of large districts, majority voting requirements, anti-single shot voting provisions and the lack of provision for at-large candidates running from particular geographic subdistricts. [Zimmer v. McKeithen, 485 F.2d 1297, 1305 \(5th Cir.1973\)](#) (en banc), *aff'd sub nom. East Carroll Parish School Board v. Marshall, 424 U.S. 636, 96 S.Ct. 1083, 47 L.Ed.2d 296 (1976).*

(f) Size of Election Districts

[24] 41. Unusually large election districts is a factor typically relevant to a Section 2 claim. [Gingles, 478 U.S. at 45, 106 S.Ct. at 2763.](#)

(g) Candidate Slating Process

42. A slating process is a procedure by which a political group determines what candidate they will sponsor for particular offices. The resulting candidacies comprise that group's “slate.” [Solomon, 865 F.2d at 1581 n. 31](#) (finding that on remand district court should consider whether white slating process is open to black candidates who seek to represent black interests). Slating could thus operate to control effective access of minorities to the ballot. [Overton, 871 F.2d at 534.](#)

(h) Lingering Effects of Past Discrimination

[25] 43. The lingering effects of past discrimination are relevant only if they continue to “hinder [the minority group's] ability to participate effectively in the political process.” S.Rep. at 29, U.S.Code Cong. & Admin.News 1982, p. 206.

(i) Election of Minorities

[26] 44. Minority electoral failure is one of the two most probative indications of vote dilution. [Solomon, 865 F.2d at 1583](#) citing [Gingles, 478 U.S. at 48 n. 15, 106 S.Ct. at 2765 n. 15.](#)

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C. DISCRIMINATORY RESULTS V. INTENT

45. In *Mobile v. Bolden*, 446 U.S. 55, 66, 100 S.Ct. 1490, 1499, 64 L.Ed.2d 47 (1980), the Supreme Court determined that minority voters, to establish that their votes have been diluted in violation of section 2 of the Voting Rights Act (hereinafter “the Act”), as well as violation of the Fourteenth and Fifteenth Amendments to the Constitution, must prove that the contested electoral practice was adopted or maintained by the governmental officials for a discriminatory purpose.

[27] 46. In 1982, section 2 of the Act was amended to add a “results” test to the intent test. As the Supreme Court stated in *Gingles*, 478 U.S. at 43, 106 S.Ct. at 2762, the intent test was repudiated because it asked the wrong question. The “right” question is whether “as a result of the challenged practice or structure plaintiffs do not have an equal opportunity to participate in the political processes and to elect candidates of their choice.” S.Rep. at 28, U.S.Code Cong. & Admin.News 1982, p. 206. The Report of the Senate Committee states in pertinent part:

The subsection [new subsection 2(a)] expresses the intent of Congress in amending Section 2 that plaintiffs do not need to prove discriminatory purpose or motive, by either direct or indirect evidence, in order to establish a violation. With this clarification, Section 2 explicitly codifies a standard different from the interpretation of the former language of Section 2 contained in the Supreme Court’s *Mobile* plurality opinion, i.e. the interpretation that the former language of Section 2 prohibits only purposeful discrimination.

Under Section 2, as amended plaintiffs would continue to have the option of establishing a Section 2 violation by proving a discriminatory purpose behind the challenged practice or method. However, if plaintiff chose to establish a violation under the alternative basis now codified in the statute as the “results” standard, then proof of the purpose behind*1349 the challenged practice is neither required or relevant.... The courts are to look at the totality of the circumstances in order to determine whether the result of the challenged practice is that the political processes are equally open; that is, whether, members of a protected class have the same opportunity as others to participate in the electoral process and to elect candidates of their choice. The courts are to conduct this analysis on the basis of a variety of objective factors concerning the impact of the challenged practice and the social and political context in which it occurs.

The motivation behind the challenged practice or method is not relevant to the determination. The [Senate] Committee expressly disavows any characterization of the results test codified in this statute as including an intent requirement, whether or not such a requirement might be met in a particular case by inferences drawn from the same objective factors offered to establish a discriminatory result. Nor is there any need to establish a purposeful design through inferences from the foreseeable consequences of adopting or maintaining the challenged practice.

S.Rep. at 67, 68, U.S.Code Cong. & Admin.News 1982, pp. 245–46. The Court finds that the claims that a challenged electoral system or practice violates Section 2 due to a discriminatory purpose may be determined independently of any analysis of the preconditions set forth in *Gingles*. See *Brown v. Board of Commissioners of City of Chattanooga*, 722 F.Supp. 380, 383 (E.D.Tenn.1989) (stating that in adding the “results” test to Section 2 of the Voting Rights Act, Congress left the “intent” test intact); cf. *Overton*, 871 F.2d at 540–41 (explaining that the factors pertinent to a determination of discriminatory intent of a regulation that continues to have disparate racial impact include the historical background of the regulation, specific sequence of events leading up to the regulation, departures from the normal procedural sequence, substantive departures, and legislative history, especially where there are contemporary statements by members of the decision-making body).

[28] 47. The standard of proof required for determining intent or discriminatory purpose is the same as that used in resolving cases under the Fourteenth Amendment’s Equal Protection Clause. *Rogers v. Lodge*, 458 U.S. 613, 617, 102 S.Ct. 3272, 3275, 73 L.Ed.2d 1012 (1982); *Arlington Heights v. Metropolitan Housing Corp.*, 429 U.S. 252, 265, 97 S.Ct. 555, 563, 50 L.Ed.2d 450 (1977).

[29] 48. Discriminatory purpose may be inferred from the totality of the relevant facts, including the fact that the law bears more heavily on one race than another. *Washington v. Davis*, 426 U.S. 229, 240, 96 S.Ct. 2040, 2047, 48 L.Ed.2d 597 (1976).

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[30] 49. Determining whether invidious discriminatory purpose was a motivating factor demands a sensitive inquiry into such circumstantial and direct evidence of intent as may be available. *Id.* at 242, 96 S.Ct. at 2048.

[31] 50. Courts traditionally refrain from reviewing the merits of the decisions of legislators and administrators on the grounds that these officials are properly concerned with balancing numerous competing considerations. However, racial discrimination is not just another competing consideration. *Arlington Heights*, 429 U.S. at 265, 97 S.Ct. at 563. When there is a proof that a discriminatory purpose has been a motivating factor in the decision, this judicial deference is no longer justified. *Id.*

51. Historical evidence is relevant to a determination of discriminatory purpose. *Rogers*, 458 U.S. at 625, 102 S.Ct. at 3279. See *Brown*, 722 F.Supp. at 385 (finding history of Chattanooga's city government and the black franchise "particularly revealing").

[32] 52. Factors that may be probative of a discriminatory purpose include: (1) impact of the official action; (2) historical background of the decision, "particularly if it reveals a series of official actions taken for invidious purposes"; (3) specific sequence*1350 of events leading up to the challenged decision; (4) departures from normal procedural sequences; (5) substantive departures ... "particularly if the factors usually considered important by the decision maker strongly favor a decision contrary to the one reached." *Arlington Heights*, 429 U.S. at 266–67, 97 S.Ct. at 564.

53. In *Rybicki v. State Board of Elections*, 574 F.Supp. 1082, 1109 (N.D.Ill.1982), the court found that where the requirements of incumbency "were so closely intertwined with the need for racial dilution that an intent to maintain a safe, primarily white, district for Senator Joyce is virtually coterminous with a purpose to practice racial discrimination," is indicative of an intent to discriminate.

D. INTER-DECENNIAL REDISTRICTING

54. The California Election Code states in pertinent part:

At any time between the decennial adjustments of district boundaries, the board may cause a census of the County to be taken as provided in [Section 26203 of the Government Code](#), and may adjust the boundaries of the Supervisorial districts on the basis of that census, or on the basis of population estimates prepared by the State Department of Finance or the County planning department or planning commission, pursuant to [section 35000](#).

[Cal.Elec.Code § 35003](#), added by Stats.1979, c. 546, p. 1747, § 1. Pursuant to [California Election Code § 35003](#) (West 1989), the County is authorized to conduct inter-decennial apportionments.

E. TOTAL POPULATION AS APPORTIONMENT BASE

55. The law of the State of California requires that the Board of Supervisors redistrict using total population figures validated by the California Department of Finance. [California Election Code § 35000](#) states in pertinent part:

Following each decennial federal census, and using population figures as validated by the Population Research Unit of the Department of Finance as a basis, the board shall adjust the boundaries of any or all of the Supervisorial districts of the County so that the districts shall be as nearly equal in population as may be.

[Cal.Elec.Code § 35000](#).

[33] 56. Neither the Constitution of the State of California nor the United States Constitution requires the use of citizens or citizens of voting age as the apportionment base. *Burns v. Richardson*, 384 U.S. 73, 92, 86 S.Ct. 1286, 1296, 16 L.Ed.2d 376 (1966). Nor are states required to include "aliens, transients, short-term or temporary residents, or persons denied the vote for conviction of crime, in the apportionment base by which their legislators are distributed and against which compliance with the Equal Protection Clause is to be measured." *Id.* at 92, 86 S.Ct. at 1296. As the Supreme Court explained, this decision on which groups to include or exclude "involves choices about the nature of representation with which we have been shown no consti-

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tionally founded reason to interfere.” *Id.*

57. In *Burns*, the Supreme Court found fault with the use of a registered voter or actual voter base since such a basis depends upon the extent of political activity of those eligible to register and vote as well as upon criteria governing state citizenship. *Id.* “Each is susceptible to improper influences by which those in political power might be able to perpetuate underrepresentation of groups constitutionally entitled to participate in the electoral process, or perpetuate a ‘ghost of prior malapportionment.’ ” *Id.* at 92–93, 86 S.Ct. at 1297, quoting *Buckley v. Hoff*, 243 F.Supp. 873, 876 (D.C.Vt.1965).

F. ONE PERSON ONE VOTE RULE

[34] 58. The overriding objective of a legislative apportionment scheme must be “substantial equality of population among the various districts, so that the vote of any citizen is approximately equal in weight to that of any other citizen in the State.” *Reynolds v. Sims*, 377 U.S. 533, 579, 84 S.Ct. 1362, 1390, 12 L.Ed.2d 506 (1964).

[35] *1351 59. The right of American citizens to participate fully and effectively in the political processes of state legislative bodies applies equally to County bodies. See *Avery v. Midland County*, 390 U.S. 474, 480, 88 S.Ct. 1114, 1118, 20 L.Ed.2d 45 (1968) (finding that city, town, or County may no more deny equal protection than it may abridge freedom of speech, establish an official religion, arrest without probable cause, or deny due process of law).

[36] 60. While an alternative election system must comport with the one person one vote standard, it need not achieve absolute equality. *Reynolds*, 377 U.S. at 578, 84 S.Ct. at 1390. The Supreme Court has acknowledged that some leeway in the equal protection requirement should be afforded states in devising their legislative apportionment plans. A maximum deviation from population equality of less than ten percent is permissible under the equal protection clause for purposes of apportioning state and local governing bodies. See, e.g., *Brown v. Thomson*, 462 U.S. 835, 852, 103 S.Ct. 2690, 2701, 77 L.Ed.2d 214 (1983) (stating that deviations below ten percent are ordinarily considered *de minimis*); *Connor v. Finch*, 431 U.S. 407, 418, 97 S.Ct. 1828, 1835, 52 L.Ed.2d 465 (1977) (noting that under–10 percent deviations are considered to be of prima facie constitutional validity in context of legislatively enacted apportionments); see also *White*, 412 U.S. at 765, 93 S.Ct. at 2339 (permitting variance of 9.9 percent); *Gaffney*, 412 U.S. at 745, 93 S.Ct. at 2327 (permitting deviation of 7.83 percent with no showing of invidious discrimination).

[37] 61. The burden is on the district court to “elucidate the reasons necessitating any departure from the goal of population equality, and to articulate clearly the relationship between the variance and the state policy furthered.” *Chapman v. Meier*, 420 U.S. 1, 24, 95 S.Ct. 751, 764, 42 L.Ed.2d 766 (finding that 20 percent variance in plan formulated by federal court is constitutionally impermissible absent significant state policies or other acceptable considerations that require adoption of a plan with so great a variance).

G. REAPPORTIONMENT

[38] 62. The task of reapportionment is properly a legislative function. Whenever practicable, the legislature should be afforded a reasonable opportunity to meet constitutional requirements by adopting a substitute measure rather than for the federal court to devise and order into effect its own plan. *Wise v. Lipscomb*, 437 U.S. 535, 540, 98 S.Ct. 2493, 2497, 57 L.Ed.2d 411 (1978). The County may also provide to this Court an appropriate schedule for the prompt implementation of the plan following the Court's review.

63. Should the County be unable or unwilling to devise and present a fair election plan to this Court, the Court will undertake the “unwelcome obligation” of ordering into effect a plan of its own design. *Connor*, 431 U.S. at 415, 97 S.Ct. at 1834.

To the extent that the preceding Conclusions of Law may be deemed to be Findings of Fact, they are hereby incorporated by reference into the Findings of Fact.

IT IS SO ORDERED.
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Exhibit G3

Expert Witness Report of
Professor Albert M. Camarillo

submitted in *Cano v. Davis*,
211 F.Supp.2d 1208 (C.D. Cal. 2002)

Expert Witness Report of Albert M. Camarillo

Cano v. Davis

April 12, 2002

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Exhibit H

Steven J. Reyes

Report Concerning
Senate Factor Three

SENATE FACTOR THREE:

Use of Enhancing Practices: At large Elections, Majority Vote Requirements

-Prepared by Steven J. Reyes

Senate Factor Three requires examination of the “extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group.” S. Rep. No. 97-417, p. 29 (1982). Los Angeles County’s unusually large districts, its campaign finance laws, and its very recent history of employing illegal and intentionally discriminatory supervisorial redistrictings, and use of discriminatory voting technology are clear examples of voting practices or procedures that enhance the opportunity for discrimination against Latinos.¹

Unusually Large Election Districts

Los Angeles County is the largest electoral jurisdiction in the country.² Based on the 2010 Census, Los Angeles County has a total population of 9,818,605.³ Given the Los Angeles County’s total population, for the 2011 supervisorial redistricting, the ideal size for each of the five supervisorial districts is 1,963,721 persons.

Each of these immense supervisorial districts, at nearly two million people apiece dwarfs the size of the largest California state districts. For example, for the 2011 redistricting, Los Angeles County Supervisorial districts will be:

- 2.79 times larger than the ideal population for Congressional Districts (702, 905 x 53)⁴
- 2.1 times larger than the ideal population for California State Senate Districts (931,349 x 40)
- 4.22 times larger than the ideal population for California Assembly Districts (465,674 x 80)

¹ Additional examples of Los Angeles County’s history of voter discrimination affecting Latinos are detailed in the attachments (specifically, Professor Albert Camarillo’s report) to Professor Chavez’ examination of Senate Factor 1.

² See Los Angeles County Registrar-Recorder/County Clerk Newsletter, (Spring 2001) available at http://www.lavote.net/general/PDFS/PRESS_RELEASES/02042011-054059.pdf.)

³ See United States Census Bureau, “State and County Quick Facts,” available at <http://quickfacts.census.gov/qfd/states/06/06037.html>.

⁴ Los Angeles County supervisorial districts are 2 times larger than the largest congressional district in the country. Montana’s single at-large district is comprised of 989,415 persons. (See United States Census Bureau, “State and County Quick Facts,” (available at <http://quickfacts.census.gov/qfd/states/30000.html>); see also, United States Census, “Apportionment Data,” (available at <http://2010.census.gov/2010census/data/apportionment-data-text.php>.)

Predictably, the two million person supervisorial districts are exponentially larger than the council districts in the largest California cities:

- Los Angeles City (Total Population: 3,849,378): 7.65 times larger than the ideal population of Los Angeles City Council Districts (256,625 x 15)
- City of San Diego: (Total Population: 1,307,402) 12.01 times larger than the ideal population of San Diego City Council Districts (163,425 x 8)
- City of San Jose: Two times larger than the entire population of the third largest city in California. (Total population: 945,942) 20.75 times larger than the ideal population of City of San Jose City Council Districts (94,594 x 10)
- City of Fresno: (Total Population: 494,665): 27.78 times larger than the ideal population of Fresno City Council Districts (70,666 x 7)

The results are similar for the largest California counties:

- San Diego County (Total Population: 3,095,313) – 3.17 times larger than the ideal population of a San Diego County Supervisorial District (619,062)
- Orange County (Total Population: 3,010,232) – 3.26 times larger than the ideal population of an Orange County Supervisorial District (602,046)
- Riverside County (Total Population: 2,189,641)– 4.48 times larger than the ideal population of a Riverside County Supervisorial District (437,928)
- San Bernardino County (Total Population 2,035,210) – 4.82 times larger than the ideal population of a San Bernardino County Supervisorial District (407,042)
- City/County of San Francisco (Total Population 805,235) -- 26.82 times larger than the ideal size of supervisorial districts in the City/County of San Francisco (73,203 x 11) (11 districts)

The *Garza* court made similar finding in 1990. (See *Garza v. County of Los Angeles*, 756 F. Supp. 1298, 13411342 (C.D. Cal. 1990):

The Court finds that the enormous size and population of each supervisorial district and the fragmentation of the Hispanic population core under the 1981 redistricting plan have impeded the ability of Hispanic persons to participate in the political process, deterred viable Hispanic candidates from running for the Board, and impaired the ability of Hispanics to elect Supervisors of their choice.

(*Id.*, at 1342.)

Furthermore, in the November 2000 election, Los Angeles County voters overwhelmingly rejected a measure to increase the number of members of the board of supervisors from five to nine.⁵ If Measure A had been approved by voters, based on 2010 census numbers, supervisorial districts would have been nearly half their current size at (1,090,956 persons) making them more on par with the largest state legislative districts in California, though still among the largest in the county. The *Garza* court also noted that in 1962 and 1976 voters also rejected similar attempts at revising the structure of County government. (*Garza*, 756 F. Supp at 1342.) Implicit in *Garza's* finding, which are as equally applicable today, is the conclusion that an increase in size would enhance minority electoral opportunities for the Board of Supervisors elections.

Campaign Finance Law and the Incumbency Effect

Los Angeles County's campaign finance system, in concert with the abnormally large supervisorial districts further exacerbates existing current structural and socioeconomic barriers to participation in the democratic process by minorities. (See e.g. attached reports by Chavez, Segura, and Barreto.)

The undeniable unusually large size of Los Angeles County Board of Supervisors districts has a dilutive effect on the ability of Latinos (and other underrepresented communities) to elect candidates of choice and, more broadly, to effectively participate in the political process. Large district sizes means, in practical terms, that candidates must raise and spend more money to communicate effectively with such a large population, and ultimately, to get elected. (*Garza*, 756 F. Supp at 1342 (stating, "The five district structure clearly provides an advantage to incumbents and requires significant financial expenditures to run a successful campaign."))

As found in *Garza v. County of Los Angeles*, 756 F. Supp. 1298 (C.D. Cal. 1990), it is axiomatic, that "Incumbent Supervisors enjoy a strong campaign fund-raising advantage over their challengers for reelection." (*Id.*, at 1308.) Incumbents currently enjoy a similar advantage today. Combined with the unusually large district sizes challengers must raise sufficient funds to overcome the incumbency effect.

The current inability of candidates to raise funds in an amount sufficient to challenge incumbents is a continuation of the patterns identified in *Garza*, which found that Latino supervisorial candidates faced additional structural hurdles in raising adequate funds. (*Id.*, at 1308-1309.)⁶

Intentional Discrimination

Los Angeles County's use of racially gerrymandered districts is compelling evidence, that by itself, satisfies Senate Factor Three. In *Garza v. County of Los Angeles*, the Court found that Los Angeles County had engaged in intentional discrimination to limit Latino electoral opportunities

⁵ The election results, available at the Los Angeles County Registrar's website establishes that Measure A was defeated by a margin of 35.86% (851,356) to 64.14% (1,522,794). (See Los Angeles County Registrar-Record/County Clerk, "Election Results," available at http://rccc.co.la.ca.us/elect_results/genov00.ets.) A change in the number of supervisorial districts is required, under the county's charter, to be approved by voters.

⁶ See Los Angeles County Registrar-Recorder Website, Campaign Finance Data, available at http://www.lavote.net/CAMP/_public_viewing.cfm.

and to protect incumbency. (*See generally, Garza*, 756 F. Supp. 1298.) The illegal practices identified in *Garza* are not remote in time from today such that would lessen the probative value of such references.

In addition, and as detailed in Exhibit F of this Report and as further documented in the findings of fact contained in the *Garza*, Los Angeles County has employed discriminatory election practices that had a direct and significant impact on the ability of Hispanics and other minorities to participate in the political process. The result of such practices was that they effectively eliminated electoral opportunities in the context of county supervisorial elections.

Discriminatory Voting System

In 2002, as part of the *Common Cause v. Jones* lawsuit, a federal district court issued an order requiring decertification of the Pollstar and Votomatic punch card voting system in use in various parts of California, including Los Angeles County. A central claim in the case was that the continued use of the system, in areas like Los Angeles County, violated Section 2 of the Voting Rights Act because minorities had a disproportionately higher error rate when using the punchcard system than when compared to non-minorities. The federal court's order required that those punchcard systems be replaced by March 1, 2004.⁷

⁷ See Dan Tokaji, "Testimony to the Voter Modernization Board" (June 17, 2002), available at http://www.sos.ca.gov/elections/vma/pdf/vmb/documents/test_vmb_tokaji.pdf.

Exhibit J

Professor Gary Segura

An Evaluation of Hispanic
Socio-Economic Conditions
and Voter Registration and Turnout

An Evaluation of Hispanic Socio-Economic Conditions and Voter Registration and Turnout

Gary M. Segura
Stanford University

In evaluation of jurisdictions with respect to vote dilution, one criteria often examined is referred to as “Senate factor five,” or the consideration of demographic and socio-economic circumstances of the minority population—including income, age, education, employment, home ownership and other factors—arising from a history of discrimination and/or social marginality, that serve collectively to reduce minority power at the voting booth by undermining both registration and turnout.

Decades of political science research has repeatedly confirmed significant between group differences in the likelihood of registering and voting. African Americans and Latinos have both historically been under-represented at the ballot box, as a consequence of intentional vote suppression, exclusion from many aspects of the political process, and the use of racial gerrymandering which minimized—if not eliminated altogether—the chance that voters of color could successfully propel first choice candidates into office (Barreto et al 2004; Bobo and Gilliam 1990; Grofman et al. 1992). Though recent elections have seen African Americans significantly close the gap with non-Hispanic whites, Asian Americans and Latinos/Hispanics continue to lag significantly in registration and turnout.

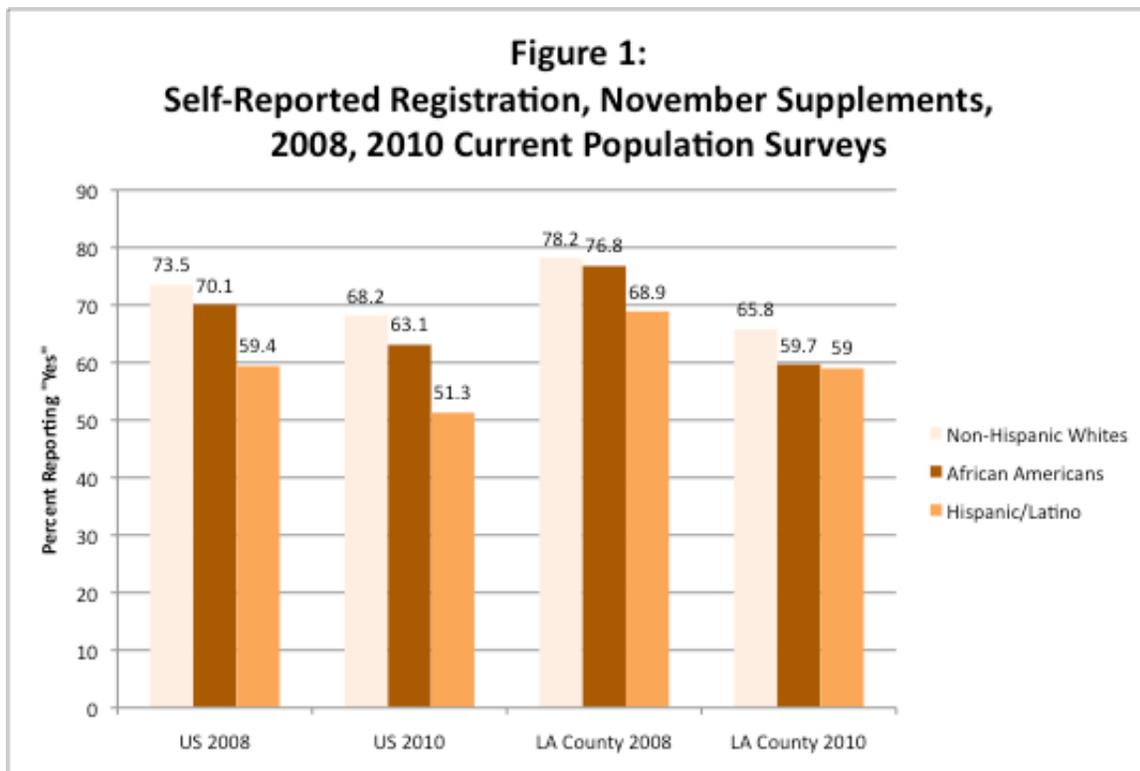
It is unquestionably the case that Hispanic citizens are less likely to report having registered or turned out as voters. Our official estimates of electoral participation come from the November supplement of the Current Population Surveys¹ conducted in national election years. I have examined the data from the November 2008 Supplement, the last presidential election year which yields the highest level of voter participation among all groups. I have also examined the data from the November 2010 Supplement, which offers a similar report for the midterm election year. Data from each will make clear the effects of registration and turnout disadvantages.

Examining rates of voter registration and self-reported voter turnout confirm the consensus in the scholarly literature: Hispanics are under-represented in the electorate relative even to their eligible populations. Figure 1 illustrates the self-reported registration rates for non-Hispanic whites, African Americans, and Hispanics from both the 2008 and 2010 CPS November supplements.

- Nationwide in 2008, 73.5% of all non-Hispanic whites, and 70.1% of African Americans, report being registered to vote. By comparison, among Hispanic citizens over the age of 18, the comparable rate is 59.4%.

¹ Bureau of the Census.

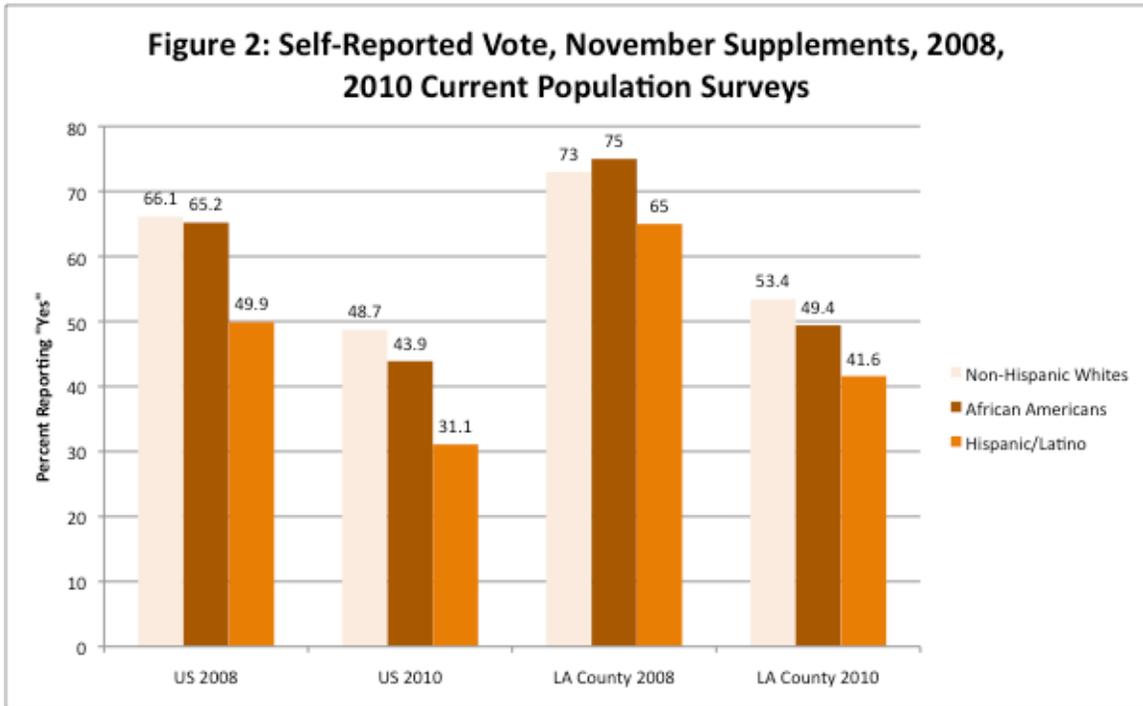
- Registration rates are slightly lower in midterm election years. Nationwide in 2010, 68.2% of non-Hispanic whites, and 63.1% of African Americans report being registered to vote. By comparison, among Hispanic citizens over the age of 18, the comparable rate is 51.3%.
- In Los Angeles County, the pattern is similar for voter registration. Among non-Hispanic whites, 78.2% report being registered while among African Americans the number is 76.8%. These numbers compare favorably to 68.9% for Hispanic citizen adults.
- Just as was the case nationwide, residents of LA County had lower registration rates for the midterm election year. Nevertheless, among non-Hispanic whites, 65.8% report being registered while among African Americans the number is 59.7%. These numbers compare favorably to 59.0% for Hispanic citizen adults. While the gap between Latinos and African Americans was narrowed for this off-year election, the registration rate for both lagged significantly behind non-Hispanic whites.



Both nationally and in Los Angeles County, registration rates for Hispanics are significantly lower than those for non-Hispanic whites and, generally, for African Americans as well.

The story with respect to actual voter turnout is much the same, as illustrated in Figure 2.

- Nationwide, 66.1% of non-Hispanic whites and 65.2% of African Americans in the CPS reported voting in the 2008 election. Among Hispanic citizen adults, 49.9% reported voting, a 16-17 percentage point deficit vis-à-vis the other large racial groups.
- Nationwide, 48.7% of non-Hispanic whites and 43.9% of African Americans in the CPS reported voting in the 2010 election. Among Hispanic citizen adults, 31.1% reported voting, a 17 percentage point deficit vis-à-vis non-Hispanic whites and almost 13 percentage points behind African Americans.
- Voting in Los Angeles County also reflects this disparity. While 73% of non-Hispanic whites and nearly 75% of African Americans reported voting in 2008, the comparable number for Hispanic citizen adults was 65%.
- In 2010, reported turnout in Los Angeles County was 53.4% for non-Hispanic whites in the CPS, 49.4% for African Americans, and 41.6% for Hispanic citizen eligibles.



A summary evaluation of Hispanic registration and voting in Los Angeles County is clear. Hispanics face a disadvantage in registration and voting of approximately 10 percentage points in Los Angeles County vis-à-vis African Americans and non-Hispanic whites.

The scientific literature in political science has long focused its attention on the bases for political action. The work of Verba and his colleagues offers three factors

as explanations for how people are driven to participate. These factors are that people have resources to participate, are recruited into politics or they have some psychological engagement with politics (Verba, Schlozman and Brady 1995, 15). That is, we should examine both the availability of resources as well as mobilization to politics.

Politics—requiring time, attention, cognitive resources, and money—is a luxury well below more basic needs in the hierarchy of concerns of those with scant resources to spare. As a consequence, the literature has long found (without regard to race) that those with fewer resources are less likely to participate—and be influential—in politics, *ceteris paribus* (Campbell et al 1960; Schattschneider 1963; Wolfinger and Rosenstone 1980). Working class whites vote less frequently than the well-to-do, higher educated individuals vote more than lower educated persons, etc.

The work on minority voters echoes this long-held finding, with a caveat. That is, most work on the political behavior of African Americans and Hispanics repeatedly identifies resource constraints as the principal individual-level factor in undermining minority electoral strength (though, clearly, aggregate level factors remain an important obstacle) (DeSipio 1996; McClain and Stewart among many others). To the extent that African Americans have closed the gap, this is primarily a function of the use of racial identity as an alternative resource (Dawson 1994). That is, African Americans are over-performing relative to their resources. Overall, however, the prevailing finding is that the relatively lower incomes and educational achievement levels—the product of generations of discrimination, unequal opportunity, and on-going manifestations of each—have significantly disadvantaged African Americans and Hispanics in the electoral arena.

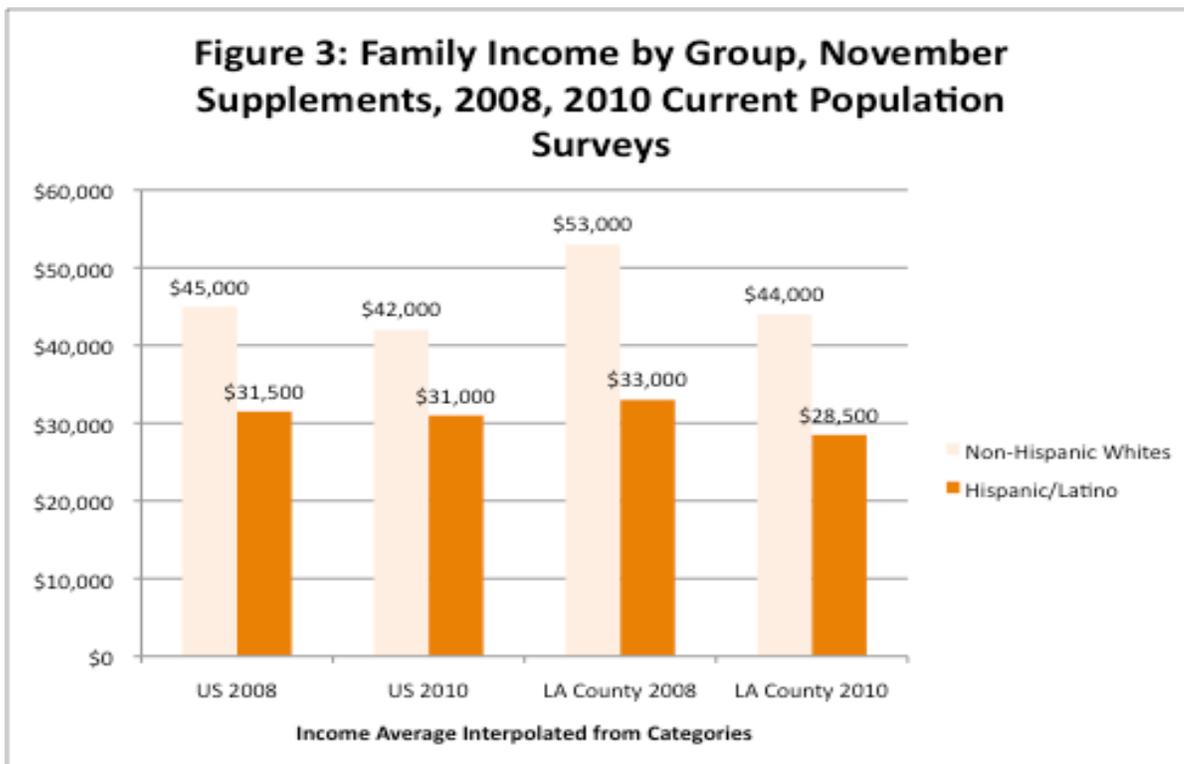
The second issue that we need to examine is mobilization. Specifically, if some element of turning out to vote is a reflection of efforts by candidates and parties to get them to the polls, what evidence can we bring to bear on the question regarding the mobilization of Hispanics? If candidates and parties devote relatively less attention to turning out Hispanic voters, another source of their systematic disadvantage at the polls is identified.

Such circumstances—demographic and in terms of mobilization—are unquestionably true with respect to Hispanic or Latino populations of the US at large, and Los Angeles County particularly. Specifically:

- 1) Hispanic median income is significantly below the national average and below that of non-Hispanic whites. Using the 2008 CPS, Hispanic household family income was just below \$31,500, while the comparable figure for non-Hispanic whites was above \$45,000.² For 2010, the figures are similar, with white families earning around \$42,000 and Hispanics around \$31,000.³

² Since the CPS reports income in ranges with the final range unbounded at the upper end, estimated means require extrapolating categorical means within ranges and, given the absence of an upper

- a. This disparity is somewhat larger in Los Angeles County, where the median income hovers around \$33,000 for Hispanic citizens, compared with about \$53,000 for non-Hispanic whites. In 2010, income for Hispanic families was approximately \$28,500, while for non-Hispanic whites, the comparable number was approximately \$44,000.

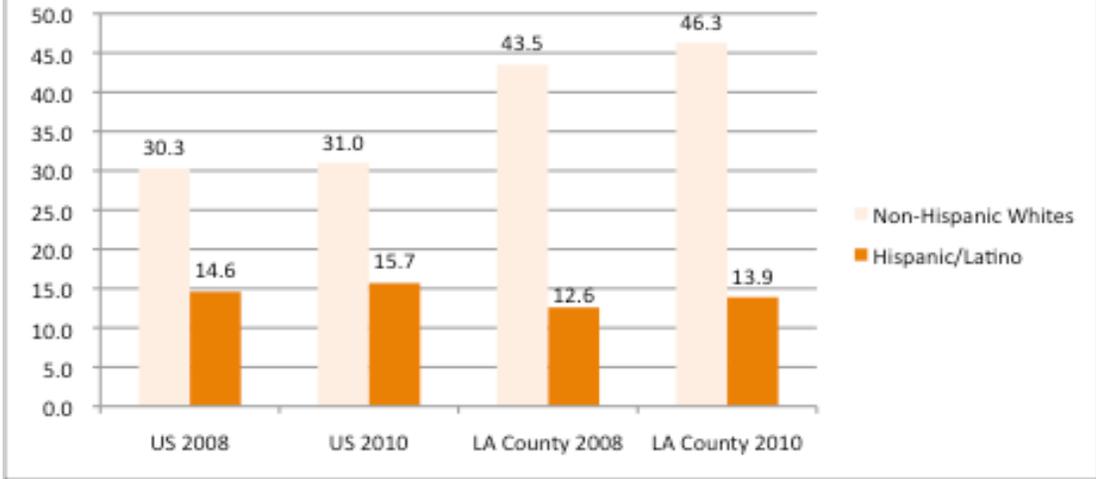


- 2) Hispanic educational attainment is significantly below the national average and below that of non-Hispanic whites. Using the 2008 CPS, only 14.6% of Hispanic adult citizens had a college degree or greater, compared with 30.3% of non-Hispanic whites. In 2010, the figures were 15.7% for Hispanics and 31% for non-Hispanic whites.
 - a. The disparity is greater in Los Angeles County. Among citizens 18 and over, 43.5% of non-Hispanic whites have completed a college education, compared with only 12.6% for Latinos in the 2008 Current Population Survey. In the 2010 study, 46.3% of whites and 13.9% of Hispanic citizens have completed a college education.

bound on the last category, likely underestimate (slightly) the actual medians. All data estimates use sample weights provided by the Census Bureau.

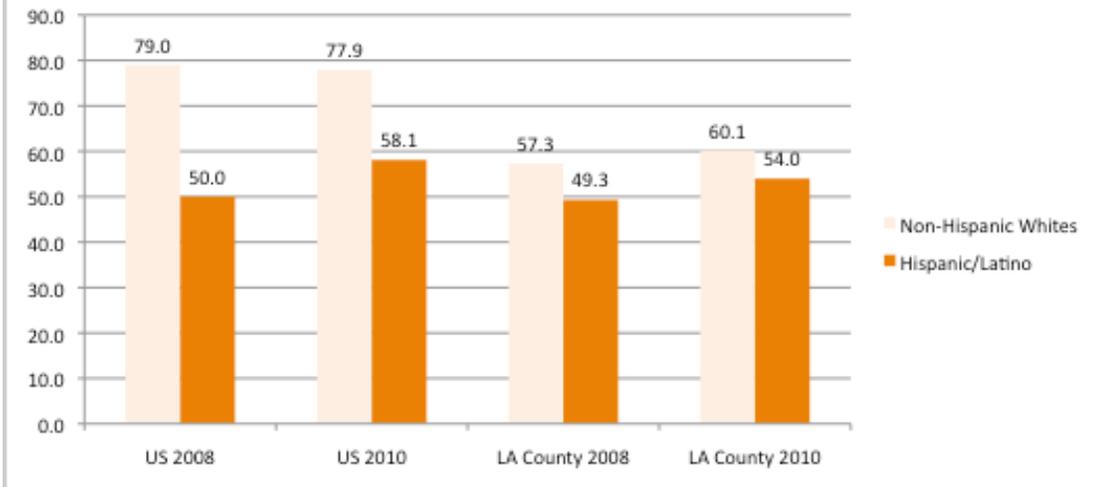
³ It is important to note that the decline in all CPS income numbers reflect a change in how the survey allocates household income beginning in 2010 and may not reflect real declines in income between 2008 and 2010. Nevertheless, since all groups are estimated using identical methods between group comparisons in any year are accurate.

Figure 4: Percent with College Degree, November Supplements, 2008, 2010 Current Population Surveys

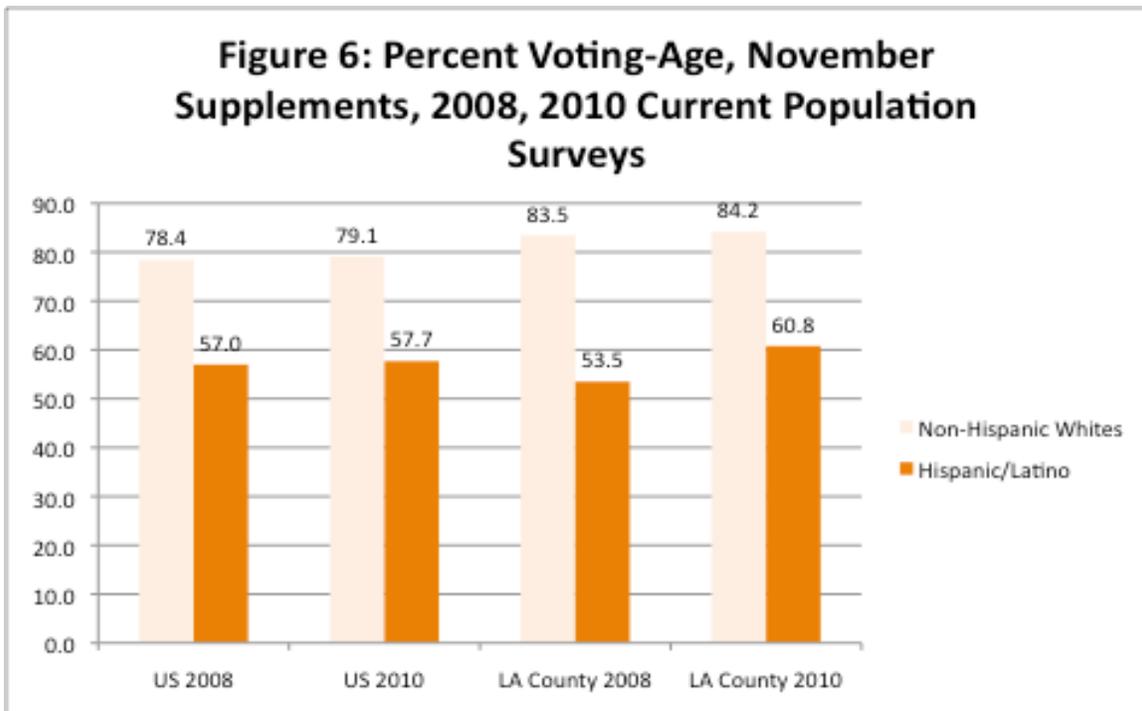


- 3) Hispanics are less likely to reside in homes they own. While approximately 79% of non-Hispanic whites reside in dwellings they own in the Current Population Survey, the comparable number for Hispanics is only around 50% overall. In 2010, 77.9% of non-Hispanic whites lived in homes they (or family) owned, whereas for Hispanics, the number was 58.1%.
- a. In Los Angeles County, the comparable numbers are 57.3% for whites and 49.3% for Hispanics in 2008. In 2010, the numbers were 60.1% for whites and 54% for Hispanics.

Figure 5: Percent Residing in Home Owned by Self or Family, November Supplements, 2008, 2010 Current Population Surveys



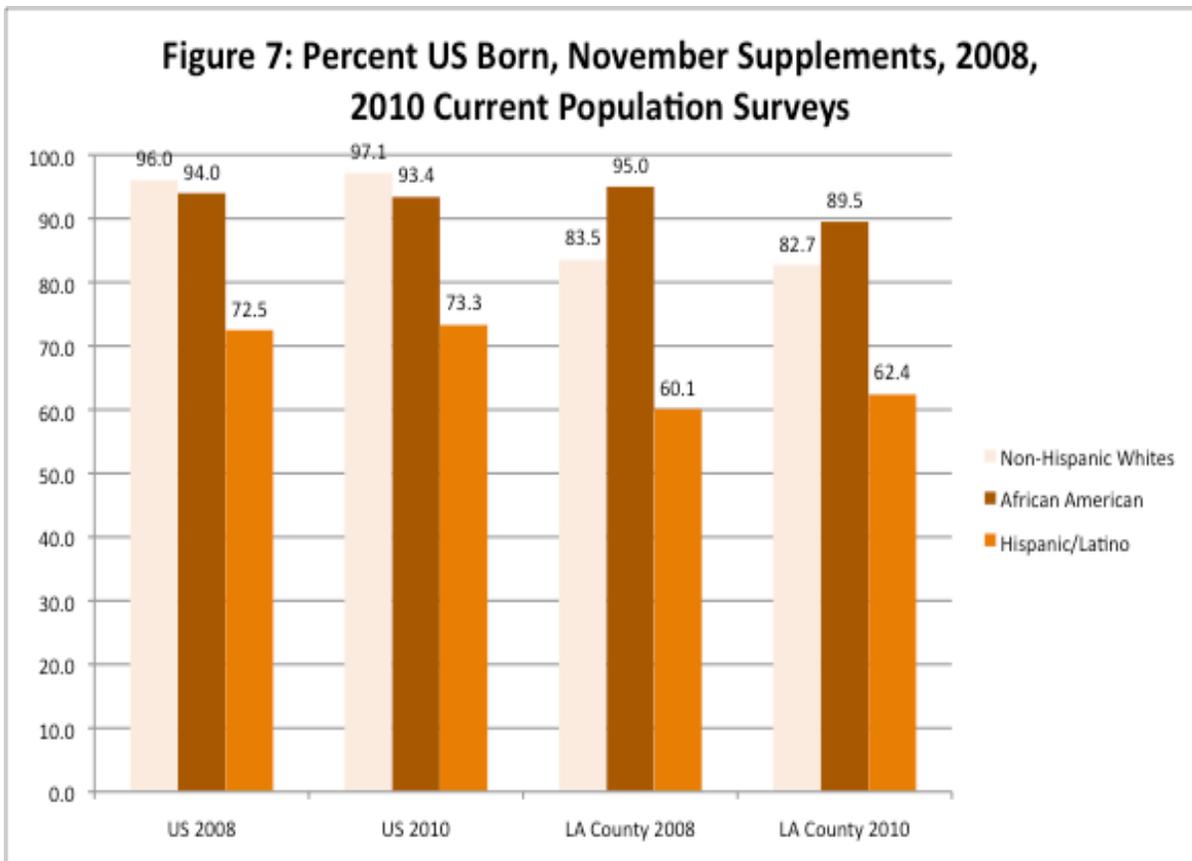
- 4) Hispanics are an unusually young population nationally. The share of the population who can vote is small. Looking just at citizens and accounting for age in 2008, over 78.4% of non-Hispanic whites are in the voter-eligible population, compared with only 57.0% of Hispanic citizens. In 2010, the comparable figures were 79.1% and 57.7%, respectively.
- a. In Los Angeles County, the disparities are greater. Among non-Hispanic whites, 83.5% of citizens are in the eligible voter pool, compared with only 53.5% among Hispanics. In 2010, the comparable figures were 84.2% and 60.8%, respectively.



- 5) Hispanics are far more likely to be foreign born than other Americans. While the effects have varied across cohorts (Pantoja, Ramirez and Segura 2001), the long-term findings have been that naturalized citizens vote less frequently than native-born citizens. This is so in part because of the relative lack of political socialization among foreign born adults as well as a weaker attachment to partisan labels (DeSipio 1996). This was certainly the case in 2008. Nationwide, 64.5% of native-born citizens over 18 reported voting, compared with 54.0% among naturalized citizens. In 2010, 46.4% of born citizens turned out, compared with only 36.8% of naturalized citizens. Turnout in both groups is lower for midterm election years.
- a. A much higher percentage of Hispanic citizens are naturalized. Nationwide, over 96% of whites and 94% of African Americans are native born. In the 2008 CPS, the comparable number for Hispanic

citizens over 18 was 72.5%, and this may actually overstate the rate of native birth.

- b. In 2010, the figures are similar. For non-Hispanic white, 97.1% of citizens were US born, compared with 93.4% for African Americans but only 73.3% of Hispanic citizen adults.
- c. In Los Angeles County, there is a greater share of the non-Hispanic white population that is foreign born. Nevertheless, in 2008, 83.5% of non-Hispanic whites in Los Angeles County are native born, as well as 95.0% of African Americans. By contrast, only 60.1% of Hispanic citizens in Los Angeles County are native born.
- d. In 2010, the figures were 82.7% and 89.5% for non-Hispanic whites and African Americans. Among Hispanics, though, only 62.4% were US born.



- 6) Hispanic citizens are less likely than similarly situated non-Hispanic whites and others to benefit from mobilization efforts by parties and candidates. Survey data on electoral participation and mobilization make clear that Hispanic citizens are less likely to receive turnout and other mobilization messages from both parties and candidates. A great deal of the failure of Americans to participate in politics could be laid at the doorstep of political

parties who simply failed to try and mobilize voters (Rosenstone and Hansen 2003:227). Such campaign contact can increase turnout by several percentage points, especially if the contact is personal in some way and does not appear to be part of a mass mailing.

- a. Almost 47% of non-Hispanic white citizens surveyed in the 2008 American National Election Studies report having been telephoned or visited by the parties. The comparable numbers are 38% for African Americans, 32.3% for Latinos and 21.2% for Asian Americans. This difference is statistically significant and obviously important.
- b. There is an almost 15 percentage point gap in the likelihood that a Latino citizen is contacted to vote compared to non-Hispanic whites.

SUMMARY

The scholarly examination of registration and turnout in the discipline of political science has repeatedly found a registration and turnout disadvantage for Hispanic Americans that significantly undermines their political—specifically electoral—strength (Bowler and Segura 2011). Two factors have often been identified as contributing to this disadvantage: the relative paucity of resources that can be brought to bear on politics and the relatively lower rates of contact and mobilization by candidates and parties. Multivariate estimations repeatedly confirm the importance of resources and demography to the likelihood of voting.

Examining the Current Population Survey 2008 and 2010 November Supplements, as well as the survey data contained in the American National Election Study, the evidence suggests that these well-established findings remain valid and determinative. Hispanic citizen adults—nationwide and in Los Angeles County—have significantly fewer resources and are far less likely to be mobilized to participation. The resource differences are pivotal in explaining why Hispanics underperform electorally when compared with non-Hispanic whites.

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Exhibit J1

Professor Gary Segura

Curriculum vitae

Department of Political Science, Stanford University
100 Encina Hall West
Stanford, CA 94305-6044
650-723-3583
E-mail: segura@stanford.edu

EDUCATIONAL AND PROFESSIONAL HISTORY

6/16/11

Education:

- 1985-1986 &
1988-1992 University of Illinois at Urbana-Champaign
Ph.D., Department of Political Science, 1992.
A.M., Department of Political Science, 1989.
- 1981-1985 Loyola University of the South, New Orleans, LA
B.A., Magna Cum Laude, Presidential Scholar
Department of Political Science, 1985.

Academic Experience:

- 2008-present Professor, Department of Political Science, and
Chair of Chicana/o Studies, Center for Comparative Studies in Race and
Ethnicity, Stanford University
- 2007-2008 Professor, Department of Political Science, and since 2006, Director,
University of Washington Institute for the Study of Ethnicity, Race and
Sexuality, University of Washington.
- 2005-2007 Associate Professor, Department of Political Science,
University of Washington.
- 2001-2005 Associate Professor, Department of Political Science,
University of Iowa.
- 1999-2001 Associate Professor, School Politics and Economics,
Claremont Graduate University.
- 1996-1999 Assistant Professor, School Politics and Economics,
Claremont Graduate University.
- 1992-1996 Assistant Professor, Department of Political Science,
University of California, Davis.
- 1991-1992 Acting Assistant Professor, Department of Political Science,
University of California, Davis.
-

Publications

Books:

Latinos in the New Millennium: An Almanac of Opinion, Behavior, and Policy Preferences. Under Contract and Forthcoming, 2012. Cambridge: Cambridge University Press. With Luis Fraga, John Garcia, Rodney Hero, Michael Jones-Correa and Valerie Martinez-Ebers.

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- “All Politics are Still Local: the Iraq War and the 2006 Midterm Election.” 2008. With Scott S. Gartner. *PS: Political Science and Politics*, 41(1): 95-100.
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“Democratic Accountability, the Separation of Powers, and Government Approval: How Party Government Shapes Approval of American National Institutions.” With Stephen P. Nicholson.

“Race Matters: Latino Racial Identities and Political Beliefs.” With Stephen P. Nicholson and Adrian Pantoja.

Awards:

2010 Elected Fellow, American Academy of Arts and Sciences

2007 Midwest Latino Caucus Best Paper Award for the Best Paper Presented at the Annual Meeting, Midwest Political Science Association

2005 Adaljiza Sosa-Riddell Award for Exemplary Mentoring of Latino/a Faculty, American Political Science Association, Committee on the Status of Latinos y Latinas.

2004 Charles Redd Award for Best Paper on the Politics of the American West presented at the 2003 Annual Meeting, Western Political Science Association.

External Grants and Fellowships:

- 2009 National Science Foundation. “American National Election Studies, 2009-2013.” \$10,000,000 with Simon Jackman and Vincent Hutchings (Jointly with the University of Michigan).
- 2007 National Science Foundation. “Spanish Translation and Hispanic Over-sample: American National Election Study.” \$722,657 with Matt A. Barreto.
- 2006 National Science Foundation. “Supplemental Grant: Contextual Variation and Latino Political Life.” \$33,754.
- 2006 Latino Policy Coalition. “Understanding Latino Policy Challenges in 21st Century America.” \$40,000 with Matt A. Barreto.
- 2005 National Science Foundation. “Contextual Variation in Latino Political Life.” \$173,600, With Michael Jones-Correa, on behalf of the *Latino National Survey* team. Divided between University of Washington and Cornell University.
- 2002-2005 Private Foundation Grants for the *Latino National Survey*.
The Latino National Survey is a collaborative project with Luis Fraga, John Garcia, Rodney Hero, Michael Jones-Correa and Valerie Martinez. The project combines a 40-minute survey of 8600 Latino residents of the United States with an extensive array of contextual and demographic data on place of residence.
- 2005 Wm. K. Kellogg Foundation. “Latino National Survey.” \$100,000
- 2005 Carnegie Corporation. “Latino Incorporation in a Changing America: The Latino National Survey.” \$100,000.
- 2004 Joyce Foundation. “Latino Survey in Illinois and Iowa.” \$100,000.
- 2004 Russell Sage Foundation. “Latinos Immigrants in New Receiving Areas.” \$150,000.
- 2004 Irvine Foundation. “Latinos in California Survey.” \$150,000.
- 2004 Ford Foundation. “Latino National Survey.” \$200,000.
- 2003 Ford Foundation. “Public Policy Advocate Outreach for the Latino National Survey.” \$30,000.
- 2002 William and Flora Hewlett Foundation. “Latino National Survey Planning Grant.” \$125,000.
- 2002 Annie E. Casey Foundation. “Latino National Survey Working Group,” under the auspices of the Inter-University Program in Latino Research. \$20,000.

- 2000 National Science Foundation, SES-0079056. “The Demographics of Pandora’s Box: An Empirical Investigation of the Determinants of Who Dies in War.” With Scott S. Gartner. Total Grant, \$215,750, divided between the two institutions.
- 2000 Haynes Foundation Faculty Fellowship. “The Blanket Primary and Latino Influence in California’s Republican Party.” \$10,000
- 1999 Haynes Foundation Faculty Fellowship. “Demography, Representation, and Institutions in Southern California Governments.” \$8000
- 1997 Public Policy Institute of California. “Latino Representation and Local Electoral Laws in California.” \$25,000
- 1996 Pew Charitable Trusts. “Social Capital, Civic Engagement and Political Participation in Latino Neighborhoods.” With Rodolfo de la Garza and Harry Pachon. \$165,000.
- 1995 National Science Foundation, SBR-9511527. “Casualties of War and Politics: American Electoral Politics and the Korean and Vietnam Wars.” With Scott S. Gartner. \$72,000.
- 1989 National Hispanic Scholar Fellowship
- 1988 National Hispanic Scholar Fellowship
- 1983 Harry S. Truman Foundation Fellowship

Recent Internal Grants and Fellowships:

- 2005 University of Washington’s President’s Diversity Appraisal Implementation Fund. Grant to establish the “Washington Institute for the Study of Ethnicity and Race,” on behalf of the Department of Political Science. March.
- 2003 Obermann Summer Interdisciplinary Research Grant. “Assimilation and Political Incorporation: An Examination of Mexicans, Puerto Ricans, and Cuban Americans.” With Wayne Santoro, Assistant Professor of Sociology, UI, Summer.
- 2002 UI Faculty Scholar Award.
- 2002 Obermann Interdisciplinary Research Semester, “Sex, Politics and Economics.” Fall.
- 2002 UI Career Development Award, awarded for Spring, 2003.
- 1994 Undergraduate Instructional Improvement Grant, “Politics and Homosexuality.”

Conference Presentations (10 years):

- “Minority Political Orientations, Policy Opinions, and American Values.” With Shaun Bowler. Presented at the Annual Meeting of the Western Political Science Association, San Antonio, TX, April 21-23, 2011.
- “Race Matters: Racial Identity and Party Identification among Latinos.” With Stephen P. Nicholson and Adrian Pantoja. Presented at the Annual Meeting of the Western Political Science Association, San Antonio, TX, April 21-23, 2011.
- “The Problem with Palo Alto: Partisan Deviation, Economic Self-Interest, and the Behavior of High Income Voters.” With Shaun Bowler. Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, March 31-April 3, 2011.
- “In-Group Identification and Out-Group Attitudes: Latinidad and Relations with Whites and African Americans.” Presented at the Annual Meeting of the Southern Political Science Association, New Orleans, LA, January 6-8, 2011.
- “Race and the Obama Presidency.” With Matt A. Barreto and Ali Valenzuela. Presented at the Annual Meeting of the American Political Science Association, Washington, DC, September 1-5, 2010.
- “Everything Jim Crow is New Again: Arizona, Racial Construction, and the Political Ramifications of Immigrant-Bashing for Short-Term Political Gain.” Presented at the Workshop on Inequality, United States Study Centre at the University of Sydney, Australia, June 2010.
- “Gender Attitudes, Race Differences and Gay Rights: Is Race Really a Key Predictor of Attitudes Towards Homosexuals.” Presented at the Annual Meeting of the Midwest Political Science Association, Chicago IL, April 21-25, 2010.
- “Do NES Models of Voting Apply to Blacks and Latinos? Results from the 2008 NES Oversamples.” Presented at the Annual Meeting of the Western Political Science Association, San Francisco, CA, March 30-April 3, 2010. With Matt A. Barreto.
- “Latino Identification in the American Polity: Characteristics and Consequences of Multiple Political Selves.” Presented at the National Conference on Latino Politics, Power, and Policy: Findings from the Latino National Survey. Brown University, Providence, RI, October 24, 2009.
- “The Black-Brown Divide that Wasn’t: Comparing Latino, Black, and White Voters in the 2008 Election.” With Matt A. Barreto. Presented at the Mershon Center, Ohio State Conference on the 2008 Election, Columbus, OH, October 2-3, 2009.
- “Identity Research in Latino Politics.” Presented as part of the APSA Short Course on Latino Politics at the Annual Meeting of the American Political Science Association, Toronto, ON, September 2-6, 2009.

- “Who’s the Party of the Working Class? Economic Populism and the Public’s Beliefs about American Political Parties.” With Stephen P. Nicholson. Presented at the Annual Meeting of the American Political Science Association, Boston, MA, August 28-31, 2008.
- “Revisiting the Politics of Economic Populism: Class, Faith, and Party Images in the United States.” With Stephen P. Nicholson. Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 3-6, 2008.
- “Evaluating a Cost-Driven Theory of Wartime Public Opinion.” With Scott S. Gartner. Presented at the Annual Meeting of the Western Political Science Association, San Diego, CA, March 20-22, 2008.
- “Calculated Support: Hawks, Doves, Evaluators, and the War in Iraq.” With Scott S. Gartner. Presented at the Annual Meeting of the American Political Science Association, Chicago, IL, Aug 30-Sep. 2, 2007.
- “Transnational Linkages, Generational Change, and Latino Political Engagement.” Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 12-15, 2007.
Winner of the Midwest Latino Caucus’ Best Paper Award for the Best Paper on Latino Politics presented at the Annual Meeting.
- “The Efficacy and Trust of Juan Q. Public: How the Immigration Marches Reflect Surprising Support for American Institutions of Governance.” With Shaun Bowler and Francisco Pedraza. Presented at the Annual Meeting of the Western Political Science Association, Las Vegas, NV, March 8-10, 2007.
- “LATINO NATIONAL SURVEY: Rollout Presentation: Coming to Grips with Latino Identity.” Presented at the Annual Meeting of the American Political Science Association, Philadelphia, PA, Aug 31- Sep 3, 2006.
- “Majority-Minority Districts, Co-ethnic Candidates, and Mobilization Effects.” With Nathan D. Woods. Presented at the University of California, Berkeley, Warren Institute on Civil Rights, Conference, February 9, 2006, Washington, DC.
- “Divided Government and Public Attitudes Towards Institutions.” With Stephen P. Nicholson. Paper presented at the Annual Meeting of the Southern Political Science Association, Atlanta, GA, January 5-7, 2006.
- “An Evaluation of the Electoral and Behavioral Impacts of Majority-Minority Districts.” With David I. Lublin. Presented at the Annual Meeting of the American Political Science Association, Washington, DC, August 31-September 4, 2005.
- “Race Matters: Latino Racial Identities and Political Beliefs.” With Stephen P. Nicholson and Adrian Pantoja. Presented at the Annual Meeting of the American Political Science Association, Washington, DC, August 31-September 4, 2005.

- “Approval of Governmental Institutions and Party Government.” With Stephen P. Nicholson. Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 7-10, 2005.
- “From Radical to Conservative: Civil Unions, Same-sex Marriage, and the Structure of Public Attitudes.” With Ken Cimino. Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 7-10, 2005.
- “A General Theory of War Casualties and Public Opinion.” With Scott S. Gartner. Presented at the Annual Meeting of the Western Political Science Association, Oakland, CA, March 16-19, 2005.
- “Hearing Footsteps: Latino Population Growth and Anticipated—but not Quite Present—Political Effects in Emerging Communities.” With Christina Bejarano, graduate student. Presented at the University of Texas conference on Latinos in the 2004 Election, February 11-12, 2005.
- “What Goes Around, Comes Around: Race, Blowback, and the Louisiana Elections of 2002 and 2003.” With Christina Bejarano, graduate student. Presented at the Annual Meeting of the Southern Political Science Association, New Orleans, LA, January 6-8, 2005.
- “Democratic Accountability, the Separation of Powers, and Divided Government: Explaining Presidential and Congressional Approval.” With Stephen P. Nicholson. Presented at the Annual Meeting of the Southern Political Science Association, New Orleans, LA, January 6-8, 2005.
- “Race and the Recall: The Role of Race in the California Recall Election.” With Luis R. Fraga. Presented at the Annual Meeting of the American Political Science Association, Chicago, IL, September 1-5, 2004.
- “A Place at the Lunch Counter: Latinos, African-Americans, and the Dynamics of American Race Politics.” With Helena A. Rodrigues. Presented at the conference “Latino Politics: The State of the Discipline,” Texas A&M University, College Station, TX, April 30-May1, 2004.
- “Assimilation, Incorporation, and Ethnic Identity in Understanding Latino Electoral and Non-Electoral Political Participation.” With Wayne Santoro. Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 15-18, 2004.
- “Partisan Gerrymandering and Its Influence on Voter Turnout.” With Matt Barreto and Nathan D. Woods. Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 15-18, 2004.
- “A New Generation of Latino Voices: Identity, Attitudes, and Participation.” With Luis Fraga, John Garcia, Rodney Hero, Michael Jones-Correa and Valerie Martinez. Presented at the Annual Meeting of the Western Political Science Association, Portland, OR, March 11-14, 2004.
- “Earthquakes and Aftershocks: Tracking the Macro-partisan Implications of California's Recent Political Environment.” With Stephen P. Nicholson and Shaun Bowler. Presented at the Annual Meeting of the Western Political Science Association, Portland, OR, March 11-14, 2004.

- “Environmental Racism and the ‘Action Gap’: Assessing White and Minority Commitment to Environmental Causes.” With Shaun Bowler and Matthew Whittaker. Presented at the Annual Meeting of the Southern Political Science Association, January 8-10, 2004.
- “Perceptions of Commonality and Shared Interests: Assessing Latino Support for Black-Brown Coalitions.” With Helena Alves Rodrigues. Presented at the Color Lines Conference, Harvard Civil Rights Project, Harvard University, Cambridge, MA, August 31-Sep. 2, 2003.
- “Attitudinal Underpinnings of Black-Brown Coalitions: Latino Perceptions of Commonality With African-Americans and Anglos,” with Helena Rodrigues. Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 3-6, 2003.
- “Racial/Ethnic Group Attitudes Toward Environmental Protection in California: Is ‘Environmentalism’ Still a White Phenomenon?” With Matthew Whittaker and Shaun Bowler, presented at the Annual Meeting of the Western Political Science Association, Denver, CO, March 27-30, 2003.
Winner of the 2003 Charles Redd Award for Best Paper on the Politics of the American West, Western Political Science Association, March 2004.
- “Ich bin ein Latino! Sophistication, Symbolism, Heuristics, and Latino Preferences in the 2000 Presidential Election,” with Stephen P. Nicholson and Adrian D. Pantoja, presented at the Annual Meeting of the American Political Science Association, Boston, MA, August 29 – September 1, 2002.
- “Looking Good...Feeling Good! Assessing Whether Dyadic and Collective Descriptive Representation Enhances Latino Efficacy,” with Stacy Burnett Gordon, prepared for presentation at the Annual Meeting of the American Political Science Association, Boston, MA, August 29 – September 1, 2002.
- “Descriptive Representation and Political Alienation Among Latino Citizens” with Adrian D. Pantoja, presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 25-27, 2002.
- “Rest Assured? Estimating the Potential Demobilization Effects of Overlapping Majority-Minority Districts,” with Matt Barreto and Nathan D. Woods, presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 25-27, 2002.
- “Estimating and Understanding Social Capital and its Political Effects Among Latinos in the United States,” with F. Chris Garcia and Harry Pachon, presented at the Annual Meeting of the Western Political Science Association, Long Beach, CA, March 22-24, 2002.
- “A Quasi-experimental Estimation of the Effects of Overlapping Majority-Minority Districts on Turnout,” with Matt Barreto and Nathan D. Woods, presented at the Annual Meeting of the Western Political Science Association, Long Beach, CA, March 22-24, 2002.

TEACHING ACTIVITIES

Graduate Courses Taught

Seminar in Political Behavior	Research Design in Political Science
Seminar in Congress	Seminar on Representation & Electoral Systems
Seminar in Interest Groups	Nature of Political Science Inquiry
Quantitative Methods I	Seminar on Racial, Ethnic, and Social Minorities
Core Seminar in American Politics	Seminar on Race and Racism in Contemporary American Politics

Undergraduate Courses Taught

Elections and Voting Behavior	Introduction to American Politics
Legislative Process	Introduction to Political Philosophy
Societal Responses to AIDS	Politics and Homosexuality
Quantitative Analysis	Minority Representation and the VRA
Latino Politics	Minority and Group Mobilization
Understanding Political Research	Seminar on Race and Racism
Inequality and American Democracy	Parties, Voting, Media, and Elections

Doctoral Students Supervised (Chair)

Christina Bejarano, Assistant Professor, Department of Political Science, University of Kansas, 2007.

Ken Cimino, Deceased, 2004.

Stacy B. Gordon, Associate Professor, Department of Political Science, University of Nevada, 1997.

Daryl Liskey, Senior Computational Social Scientist, Booz Allen Hamilton Corporation (Strategy and Technology Consulting), 2002.

Stephen P. Nicholson, Assistant Professor, School of Social and Behavioral Sciences, University of California, Merced, 1998. Recipient of the APSA's E.E. Schattschneider Award for the Best Dissertation in American Politics, 1999.

Adrian D. Pantoja, Associate Professor, Department of Politics, Pitzer College, 2001.

Francisco Pedraza, Assistant Professor, Department of Political Science, Texas A&M University 2010.

Helena Rodrigues, Direct, Project ADVANCE, University of Arizona, 2005.

Roger P. Rose, Associate Professor, Department of Political Science, University of Minnesota, Morris, 1997. (Co-directed)

Gregory Saxton, Assistant Professor, Department of Communication, University at Buffalo-SUNY, 2000. (Co-directed)

Ali Valenzuela, Assistant Professor, Department of Politics, Princeton University, 2011.

Jacqueline White, Deputy Chief Administrative Officer, County of Los Angeles, 2004.

Nathan D. Woods, Director, Welch Consulting, Washington, DC, 2004.

Doctoral Committee Memberships

Elizabeth Bergman, Assistant Professor, California State University East Bay, 2001.

Jeff Cummins, Assistant Professor, California State University, Fresno, 2003.

Elizabeth DeSouza, Visiting Assistant Professor, Claremont Graduate University, 1999.

Rose Ernst, Assistant Professor, Seattle University, 2004.

Scott Frisch, Associate Professor, Department of Political Science, California State University, Channel Islands, 1997.

Marcia Godwin, Assistant Professor, Public Administration, University of LaVerne, 2000.

Christopher Hoene, Director, Center for Policy and Research, National League of Cities, 1999.

William Julius, Visiting Assistant Professor, Department of Political Science, California State University, Fullerton, 2002.

George Monsavais, Executive Director, "Two Minute Briefing," Provo, Utah, 2001.

Deidre Sanders, Environmental Justice Program Manager, Pacific Gas and Electric, 2009.

Nancy Shulock, Associate Professor of Public Policy and Administration, California State University, Sacramento, 1996. Recipient of the APSA's Harold Lasswell Award for the Best Dissertation in Policy Studies, 1997.

Charles Turner, Associate Professor and Chair, Department of Political Science, California State University, Chico, 2000.

Whittaker, Matthew. Staff Researcher, College of Education, University of Iowa. June 2006.

Doctoral Dissertations in Progress

Gross, Wendy, Stanford University (Co-chair)

Stein, Rachel, Stanford University (Member)

SERVICE

Professional Service and Memberships:

- Vice-President-Elect and Program Chair-Elect, Western Political Science Association, 2011-2012.
- Member, International Academic Advisory Board, the United States Studies Centre at the University of Sydney, NSW, Australia, 2011-present.
- Academic and Research Program Review Subcommittee—2011-2012.
- Guest Co-Editor: *Annual Review of Political Science*, 2011.
- APSR Editorial Search Committee, American Political Science Association, 2010-2011.
- Nominations Committee, Class III Section 3, American Academy of Arts and Sciences.
- Executive Board, Consortium of Social Science Associations (COSSA), 2010.
- President, Midwest Political Science Association, 2009-2010.
- President-elect, Midwest Political Science Association, 2008-2009.
- Southern Political Science Association, Committee on the Status of Gays, Lesbians and Bisexuals, 2008-2009.
- Western Political Science Association *PRQ* Best Paper Award Committee, 2008-2009.
- NSF IGERT Panelist, 2007
- Vice-President, Midwest Political Science Association, 2006-2007.
- Member, APSA Pi Sigma Alpha Award Committee, 2006-2007.
- General Program Chair, 2006 Annual Meeting of the Midwest Political Science Association.
- Board of Overseers, American National Election Study, 2006-2009
- Member, WPSA Best Paper on Latino/a Politics Committee, 2005-2006.
- President, Latino Caucus of the American Political Science Association, 2004-2005.
- Member, Executive Council of the American Political Science Association, 2002-2004.
- Member of the Council's Administrative Committee, 2003-2004;
- Member of the Council's Sub-committee on Public Presence, 2003-2004.
- Member, Nominations Committee, American Political Science Association, 2005-2006.
- Section Program Co-Chair, Organized Section on Race, Ethnicity, and Politics, 2005 Annual Meeting of the American Political Science Association.
- Member, Executive Council of the Western Political Science Association, 2005-2008.
- Member, Executive Council of the Organized Section on Elections, Voting Behavior, and Public Opinion of the APSA, 2002-2004.
- Member, Editorial Board, *American Journal of Political Science*, January, 2002-2009.
- Member, Editorial Board, *Journal of Politics*, January, 2005-2007; 2009-present.
- Member, Editorial Board, *Political Research Quarterly*, June 2006-present.
- Member, Editorial Board, *PS: Political Science & Politics*, January, 2002-2004.
- Member, Executive Council of the Midwest Political Science Association, 2000-2003.
- Member, Latino Scholarship Fund Award Committee, American Political Science Association, 2003-2005.
- Member, Midwest Political Science Association Ad Hoc Committee on Short Courses.
- Chair, Western Political Science Association's Committee on the Status of Chicanos, 2001-2003.
- Member, American Political Science Association's Committee on the Status of Latinos y Latinas in the Profession, 1999-2001.
- Member, Western Political Science Association's Committee on the Status of Chicanos, 2000-2001.
- Member, Steering Committee, Latino Scholarship Fund, APSA Centennial Campaign

Invited Lecture, the Joseph Serna Center, California State University, Sacramento, October 2008.

Invited Presentation, University of Illinois at Urbana, La Casa Cultural Latina and Department of Political Science, November 2007

Invited Presentation, Immigrant Political Incorporation Workshop, Harvard, September 2007

Invited Presentation, Democratic Caucus of the House of Representatives, February 2007

Invited Presentation, Center for American Progress, Washington, DC, February 2007

Invited Presentation, Latino Issues Forum and San Francisco Foundation, February 2007

Invited Lecture, University of California, Davis, February, 2007

Invited Lecture, Texas Tech University, Lubbock, April 2006

Invited Lecture, Texas State University, San Marcos, April 2006

Invited Lecture, University of California, Berkeley, October 2005

Invited Panelist, American Anthropological Society Conference on Race and Human Variation, Arlington, VA, September 2004

Invited Lecture, Texas A&M University, College Station, November 2004

Invited Lecture, University of California, San Diego, May 2004

Invited Lecture, Washington University in St. Louis, February, 2004

Invited Lecture, University of Wisconsin, Madison, April, 2003

Invited Lecture, University of Washington, November, 2003

Invited Lecture, Hunter College-CUNY, October, 2002

Invited Lectures, Ralph Bunche Institute, 2000, 2004

Invited Discussant, Conference on Migration, UC-San Diego, Fall 2000

Invited Lecture, University of California, Irvine, April, 1999

Invited Panelist, Conference on the “New Californios” UC-Irvine, April 1997.

Invited Panelist, Conference on “The 1996 elections and the Latino Community,” School of Public Policy, University of California, Berkeley, November 1996.

Section Program Chair, Voting and Elections, 2001 Meeting of the WPSA

Manuscript Reviewer: APSR, AJPS, JOP, LSQ, PRQ, SSQ, JCR, Political Behavior, Political Psychology, El Centro, APR, NSF, PS, International Migration Review

University and College Service:

Stanford University

Faculty Senate, 2010-2013.

Editorial Board, Series in the Comparative Studies in Race and Ethnicity, Stanford University Press, 2010-present.

Leading Matters Lecturer, November 13, 2010.

IRiSS Executive Committee, 2009-present.

Chair, Program in Chicano/a Studies, Center for Comparative Studies in Race and Ethnicity. 2008-2011.

Founding Co-Director, Stanford Center for American Democracy, within the Institute for Research in the Social Sciences, 2008-present.

Founding Director, Institute on the Politics of Inequality, Race and Ethnicity at Stanford. 2009-present.

Member, Guiding Concilio, El Centro Chicano, 2009-2011.

Invited Speaker, Sophomore Seminar, Stanford University, 2008, 2009.

University of Washington

Departmental Review Committee, Department of Communication, 2007-8
Founder and Director, University of Washington Institute for the Study of Ethnicity, Race,
and Sexuality, 2006-present.

University of Iowa

Faculty Senate, 2003-2004.

Member, Faculty Senate Committee on Government Relations, 2002-2004.

Member, University of Iowa Council on the Status of Latinos, 2001 to present.

Member, Board in Control of Athletics, 2003-2004; Subcommittees on Academic
Achievement and Equity.

Member, Sexuality Studies Program Advisory Committee, 2003-2004.

Member, Obermann Center Advisory Committee, 2003-2005.

Member, Interdisciplinary Research Grant Review Committee, Obermann Center,
December 2003.

Faculty Host, Provost Candidate Forum, December 2003.

Member, Faculty Assembly Nominations Committee, April 2003.

Presentation to the Latino Youth Summit, Sponsored by Opportunity at Iowa, October 31,
2003.

Visiting Lecture, Hispanic Student Association, Cornell College, November, 2002.

Paper Presentation, "Changes in Latitudes, Changes in Attitudes: How Latino Immigration
and Political Incorporation are Changing the Face of American Politics," at the
public forum, "Latinos-Ignored No Longer," sponsored by the UI Council on the
Status of Latinos in Commemoration of Latino Heritage Month, October 15, 2002.

Key Note Speaker, UI Latino Commencement Celebration, May 2002.

Conference Presentation, Western Hemispheric Integration, Democracy and the Rule of
Law, organized by the UI College of Law and International Programs, April, 2002.

Claremont Graduate University

Member, Affirmative Action and Diversity Committee,

Serving on the Information Science Search Committee as part of these duties;

Member, Campus Master Planning Committee;

Member, Commencement Speaker Committee;

Member, Lambda Faculty and Staff Association, Curriculum sub-committee, 1997-2001;

Committee for an Undergraduate Major in Political Psychology, April 1999 to 2000;

Panel Speaker, Inauguration of Steadman Upham as President of the University;

Faculty Executive Committee, July 1, 1997 to June 30, 1999;

Space Allocation and Facilities Review Committee, March 1997-2001;

Diversity Task Force, January 1997 to May 1998;

Chair, Campus-wide Working Group on Financial Aid and Fellowship Allocation Policy,
Spring 1998;

Community Fellows Selection Committee, October, 1998;

UC-Davis

Member, Central Valley Initiative Planning Committee, Vice-Provost's Office, Spring 1994;

Member, Chancellor's Committee on Lesbian, Gay and Bisexual Issues, April 1994-1996;

Member, Institute of Governmental Affairs--SSDS Statistical Consultant Search Committee,
Summer 1994;

Chair, Institute of Governmental Affairs-ICPSR Committee and UCD Faculty ICPSR Liason,
1994-95;

Departmental Service:

Stanford University

Member, Omnibus Search Committee, 2011.
Member, Graduate Admissions, 2010-2011.
Member, African-American Politics Search Committee, 2009-2010.
American Politics Field Chair, 2008-09.
Member, Graduate Admissions, 2008-09.
Member, American Politics Search Committee, 2008-09.
Member, CCSRE Curriculum Committee, 2008-present.
Chair, Ernesto Galarza Memorial Lecture Committee, 2008-present.
Director, CCSRE Public Policy Institute, 2009-present.

University of Washington

Member, Lev Award Committee, 2007
Member, Third-year Review Committee for Matt Barreto, 2007
Member, Graduate Admissions Committee, 2006-08
Chair, Tenure and Promotion Review for Luis Ricardo Fraga, 2006
Chair, African-American Politics Target of Opportunity Search, 2005-06.
Member, Graduate Program Committee, 2005-07.
Member, Honors Program Interview Committee, 2005-06.

University of Iowa

Member, Department Executive Committee, 2003-04.
Member, Department Bose Speaker Series Committee, 2003-04.
Member, Tenure Review Committee for Sara M. Mitchell, December 2003.
Chair, American Politics Doctoral Examination Field Committee, November 2003.
Chair, Third-year Review Committee, Fred Boehmke, 2002-2003.
Chinese Politics Search Committee, 2002
Computer Committee, 2001-2002

Claremont Graduate University

Coordinator of the MA program in American Politics, 1999-2001;
American Politics Field Committee;
Admissions and Awards Committee, Chair: July 1997-June 1999;
Political Economy Search Committee 1996-1997;

UC-Davis

American Politics Search Committee, 1995-96;
MA Graduate Program Advisor (American, Public Law, and Theory), 1994-95;
Member, Graduate Affairs Committee, 1994-96;
Coordinator, Political Science Research Colloquium, 1992-1994;
Law and Politics Search Committee, 1993-94;
Director, Public Affairs Internship Program, 1993-94;
Co-Director, Public Affairs Internship Program, 1992-93;
Member, Undergraduate Affairs Committee 1991-92;